

**Submission to the Department of
Business, Enterprise and Innovation
on proposed changes to the
Digital Services Act**

24 July 2020

Delivered via email to dsaconsultation@dbei.gov.ie

About Uplift

Uplift is a people powered campaigning community of more than 270,000 people who take coordinated action together for a more progressive, equal, socially just and democratic Ireland. Uplift members come from all over Ireland and have many different experiences and backgrounds. Read more at <https://www.uplift.ie>

About this Submission

Uplift members have campaigned on digital rights and privacy for many years. Member-driven campaigns have focused on better policies in relation to holding online platforms accountable to the people who use their platforms on issues like data protection, online advertising and disinformation.

The Digital Services Act is a fundamental instrument in online regulation and we note that the purpose of the proposed revision should set out a common set of responsibilities for online platforms to keep people safe from illegal content and protect their rights online, as well as ensure increased transparency and regulation over platforms. As a digital campaigning community who regularly use internet tools to highlight important issues facing people in Ireland, Uplift members are well-placed to speak to their experiences online and put forward calls for regulation.

Uplift members were invited to participate in this submission via email survey in July 2020. The survey was based on the public consultation questionnaire provided by the European Commission on the Digital Services Act proposal. [1]

Section 1 covers usage and online experiences of digital services by Uplift members. Sections 2 focuses on misinformation and disinformation, while Section 3 outlines members views on regulation of online platforms.

763 Uplift members in total contributed to this submission from all across Ireland.

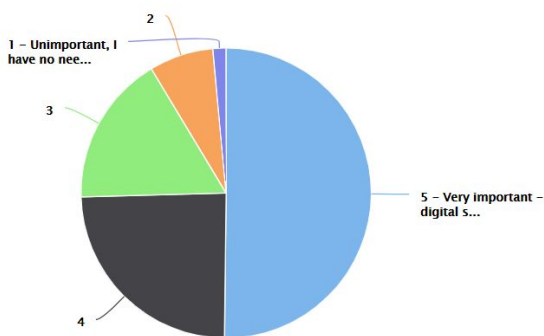
1) Use of Digital Services

Technology has become fundamental to our day to day lives. The majority of Uplift members reported that digital services are absolutely essential or very important to their way of life. However, this has also increased exposure to illegal and harmful content.

74% of Uplift members responded that digital services are absolutely essential or very important to their work and personal life, with only 1% saying that it was unimportant. This is backed up by survey data from the Central Statistics Office which shows an increasingly connected Ireland and 89% of households having an internet connection. [2]

Graph 1: Importance of Digital Services

How important are digital services for your work or personal life?



Answer	# Respondents	% of respondents
5 - Very important - digital services are essential for my work or personal life	379	50
4	184	24
3	127	17
2	54	7
1 - Unimportant, I have no need for digital services	11	1

Particularly during the Covid-19 pandemic, we have become more reliant on digital services to be able to perform essential tasks. The monopoly and dominance of large online companies directly impact users in the ways they work, study, get information and shop online.

The increasing ubiquity of online services in our day to day lives also increases exposure to content that is illegal and/or harmful. Almost all respondents reported coming across harmful content online. This varied from content that is directly illegal such as underage pornography, fraud, discrimination and threats, as well as content that whilst not illegal, can violate people’s rights and safety. Such content was reported largely on social media platforms, online advertising, via email and various websites.

Table 1: Encountering Illegal Content Online

Content	Number Respondents	Respondents %
Online Scams	515	67%
Discrimination & hate speech	387	51%
Defamation	197	26%
Violence and threats	183	24%
Illegal pornography	123	16%
Sale of illegal goods	117	15%
Terrorist propaganda	92	12%
Other	57	7%

A high number of respondents also reported coming across content that is harmful, but not necessarily illegal. 58% came across misleading sales, 47% experienced bullying and threats and 38% received unwanted sexual content.

Members reported experiencing the following:

- Harmful allegations against other people because of race or religion
- Email scams masquerading as legitimate companies like banks and utilities
- Sexual pictures and commentary in relation to children

- Fake TV licence payments
- Unsolicited porn on Twitter and other social media sites
- Websites offering 'free' services that are misleading and lead to charges
- Social media posts by companies and individuals that spread divisive and untrue material
- Targeted advertising that contained false information or propaganda
- Targeted advertising for Bitcoin and phishing scams

Overall, there is a declining trust in the ability of digital services to protect users from illegal and harmful content.

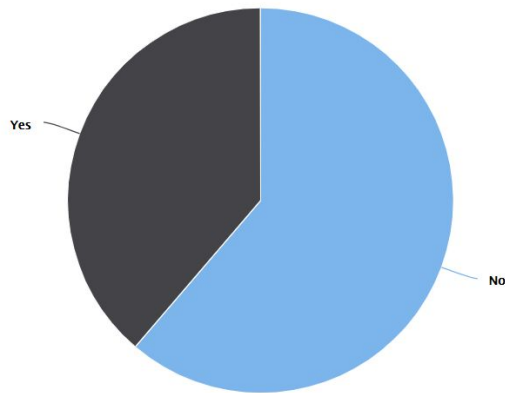
"News misinformation and spreading lies, windows scams, bullying in online games, credit card fraud from online shopping, racist videos, violence and brutality caught on camera, unwanted sexual commercials, its just sad ☹️ to constantly filtering through this"

39% of people feel like their rights are being violated online, particularly when it comes to privacy and had concerns about data collection, confidentiality and facial recognition software as well. Members reported tracking on phone despite disabling GPS permissions, hidden third party contents in data agreements on websites and data breaches, as well as companies selling data.

Second to privacy, many people felt that their rights to be free from discrimination was violated: reports of racial hate, sexism, homophobia and transphobia were real problems, including and threats of violence in relation to identity.

Graph 2: Rights at risk

Have you ever noticed an online company putting your rights at risk?



Answer	# Respondents	% of respondents
No	432	61
Yes	273	39

Children are at particular risk. 76% of respondents felt that children were not safe online.

Parents report bullying and ‘trolling’ of their children, inappropriate advertising content being delivered through Google and mobile games, and unsolicited sexual content. Even with careful monitoring at home and on devices, parents describe difficulty in filtering content, especially as inappropriate material can be found in ‘safe’ platforms such as Youtube for Kids. Advertising targeted to children is also a stress factor for parents, as is protecting the privacy and data of their children online.

“Children are being bombarded with targeted content whether it's about toys or junk food. It's too much work for the parents to do alone to fight back the bombardment of digital reality on their kids lives. Parents need help.”

“Apps online that harvest children's details by posing as games. Came across bestiefy.com the other day. Attractive to children who can't tell and don't care about what's happening in the background”

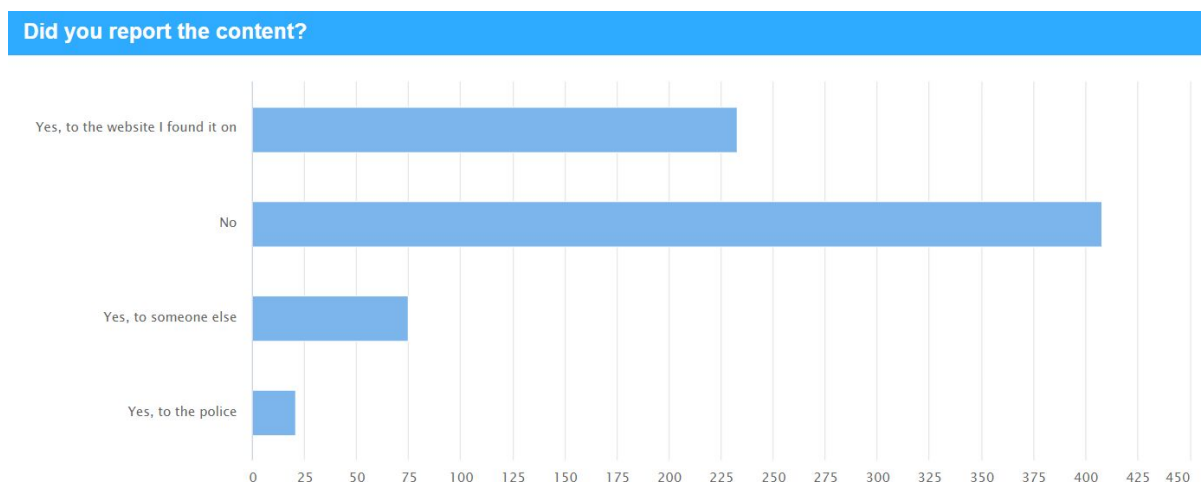
“On a kids game [there was] a free advert to get bonus points to view another game for 30 seconds and the game my daughter viewed had violence toward women in it.”

Content that was illegal, harmful or false was largely not reported to the platform, website or service by members. Where it was, it was rare that action was taken or a satisfactory outcome reached.

Many people (just over 50%) did not report the content they encountered as they either felt that it was not serious enough to merit a report, or felt that no action would be taken.

“From what I have seen I’m wasting my time, [the] police don’t seem to care and social media companies only worry about advertising revenue and the free publicity. It takes so long to take it down.”

Graph 3: Reporting of illegal or harmful content



47% of members did report the illegal or harmful content to various sources. Most reported directly to the website it was found on, including social media platforms, while a small number of people (21 people in total) reported the matter to the Gardaí.

“My eldest daughter was bullied online while still in school, when it escalated to telling her to kill herself we reported it to the Garda.”

A variety of reporting mechanisms were used, including using 'flagging' or 'reporting' functions provided by services, contacting services directly and reporting to independent parties.

Other avenues for reporting included:

- Banks and credit unions
- PayPal
- Independent bodies for consumer protection
- University research centres
- IT departments at workplaces and other institutions
- Animal protection organisations

However, most members that reported content directly to the website or platform did not have a satisfactory outcome.

"In most cases nothing, occasionally content taken down."

"On a few occasions the platform shut the account where the offending content was posted but mostly nothing."

"Sometimes I get a response to say it will be looked into."

"Some posts got taken down, but in general they just say it didn't violate any of the guidelines."

"Plenty of people/bots piling on other users, death threats, assault/rape threats; nothing was done about them when they were reported."

"So many fake scammer profiles, when flagged FB doesn't take them down. Hate speech, particularly against women that doesn't get taken down. "

Reports to third parties did sometimes have the desired effect, particularly where a report was made to a financial institution - members were then able to obtain refunds and/or prevent further fraud. Other bodies were also responsive, if not necessarily

effective. In one case, Gardaí were able to issue an official warning, however no action was taken by the online service.

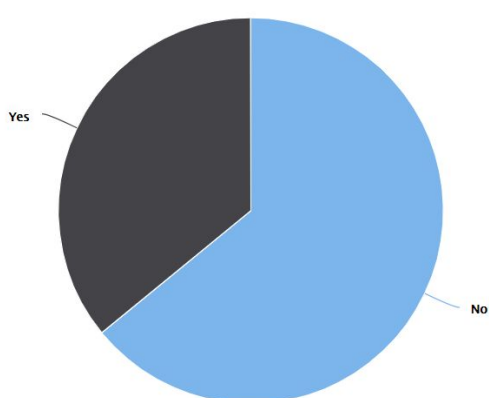
2) Misinformation and Disinformation

Since the start of the Covid-19 pandemic, users have reported an increase in illegal and harmful content including hate speech, misinformation and conspiracy theories across various platforms.

36% of people reported an increase in illegal or harmful content since the start of the Covid-19 pandemic. This has largely taken the form of false information about the pandemic spread through social media platforms like Whatsapp, Facebook, Twitter and Youtube, including conspiracy theories, fake cures and misinformation about government actions in relation to the pandemic. This has come from companies and organisations set up on social media platforms, direct messages from social networks like family and friends, news blogs as well as targeted advertisements.

Graph 4: Increase in illegal or harmful content since Covid-19

Has the amount of illegal or harmful content you've come across changed since Covid-19?



Answer	# Respondents	% of respondents
No	434	64
Yes	243	36

“It has been evident for a long time that fake news is always in circulation online. However, since the onset of Covid, it has ramped up exponentially and it has got to the point that I don’t believe anything I read on Facebook or other social media, no matter how true it seems because online content is so wide[ly] open to manipulation.”

“I’ve noticed a lot more emails and texts sent from scammers trying to obtain bank and credit card details.”

While some measures have been taken by various platforms to stop the spread of misinformation and disinformation, Uplift members have reported an increase in phenomena like fake duplicate ‘news’ websites, conspiracy theories and fake accounts on social media and an increase in dangerous advice in relation to health.

In accounting for harmful content online, most members reported encountering the following forms of misinformation and disinformation.

Table 2: Misinformation online

Content	Number Respondents	Respondents %
False news	524	68%
Conspiracy theories	403	52%
Fake accounts	389	51%

While it is difficult to pinpoint the origin of a lot of misinformation and disinformation, members reported a variety of content being facilitated through large online platforms such as Whatsapp, Google Facebook and Twitter - both through peer networks and online advertising.

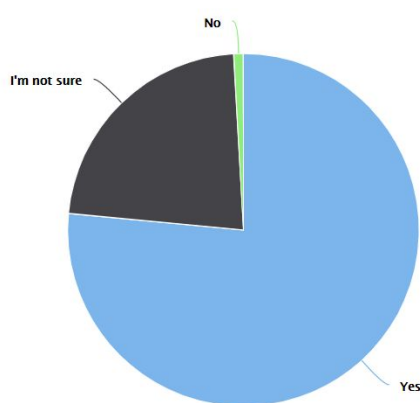
- *“A proliferation of conspiracy theories targeting George Soros, Bill Gates and the World Health Organisation in particular.”*
- *“Fake news mocked up to look like a reputable news organisation eg Hilary Clinton or alleged environmental campaigner.”*

- *“Conspiracy theory videos about coronavirus being used by Governments as an excuse to lockdown society or conspiracies about how the virus can be cured.”*
- *“Fake accounts used to spout false information. Actively dangerous medical "advice" with zero regulation. Clearly ill intended political and corporate propaganda.”*
- *“An investment company using a facsimile of the Journal to report that famous people(e.g. Pat Kenny) has bought their bitcoins & made a fortune. This starts out as ‘What people born before 1970 need to know’ or similar. It’s a scam.”*

77% of members believe that online platforms are being manipulated by malicious actors, including online groups and government propaganda, to spread divisive and harmful messages. Some members named specific groups in their local areas, set up and facilitated through social media while others talked about larger organisations and institutions using online platforms to further their own agendas.

Graph 5: Manipulation of online platforms to spread harmful and divisive messages

Do you think online platforms are manipulated by online groups and governments to spread divisive and harmful messages?



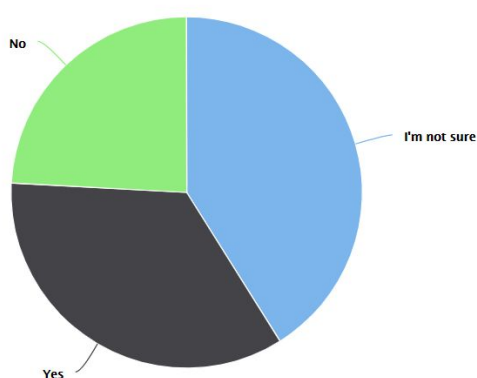
Answer	# Respondents	% of respondents
Yes	521	77
I'm not sure	154	23
No	6	1

In relation to the divisive and harmful messages, members stated receiving targeted content from large lobby groups during political referenda, predatory selling of Covid-19 cures such as hydroxychloroquine, adverts masquerading as legitimate companies and hate speech in online advertising targeted at racialised and LGBTQIA+ communities.

35% of members responded that they had been specifically targeted by an algorithm, advertising or online platform with false news or harmful content, while 41% were unsure.

Graph 6: Targeting of individuals by algorithm, advertising or online platform

Have you ever noticed that you were targeted by an algorithm, advertising or online platform with false news or harmful content?



Answer	# Respondents	% of respondents
I'm not sure	279	41
Yes	236	35
No	164	24

These advertisements can result in real and material impacts for end users. As one member states:

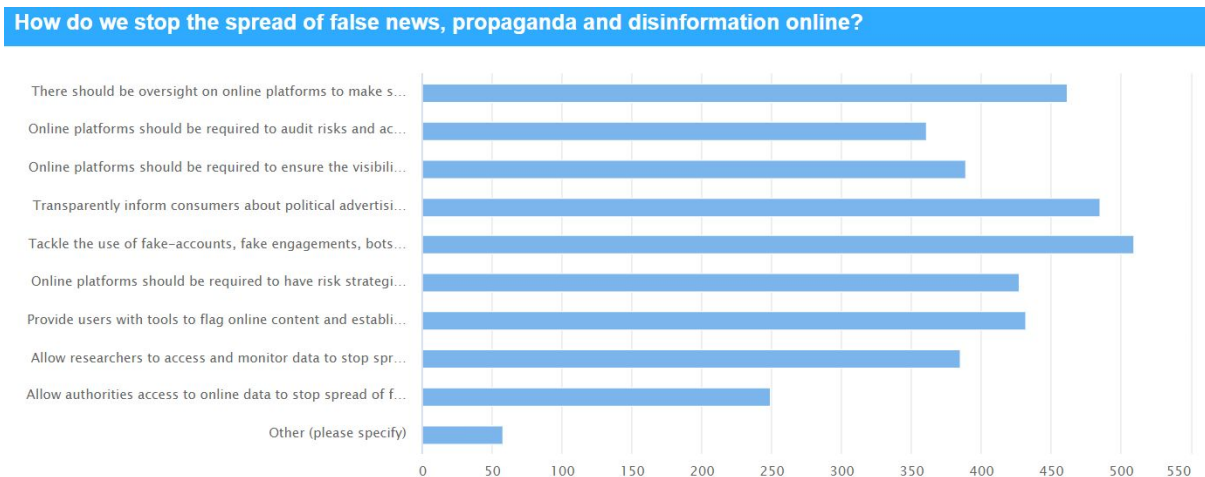
“Anti-psychotherapy pages using quite exaggerated and extreme images to convince people psychiatric intervention is harmful, for example medications and electroconvulsive therapy. For someone in a vulnerable mental state this imagery could be harmful to their treatment and recovery. I was absolutely disgusted when I saw it, it was a sponsored ad from the Church of Scientology with blatant misinformation.”

Uplift members strongly expressed a need for greater external regulation of online platforms, as well as internal and external mechanisms to tackle misinformation and disinformation.

A lack of consistent rules and regulations across digital services - particularly considering the dominance and monopoly of large online platforms - pose a serious threat to public health and safety and violate user rights online. While a holistic

approach is necessary, increased transparency and accountability for online platforms is a key pillar in creating safe digital spaces. [3]

Graph 7: Mechanisms to stop the spread of false news, propaganda and disinformation



Proposed mechanisms contained in the EU Commission questionnaire in relation to misinformation were considered by members. Almost all the measures outlined had support from over 50% of members, who ranked them in the following order of priority:

1. Tackle the use of fake-accounts, fake engagements, bots and inauthentic users behaviour aimed at amplifying false or misleading narratives.
2. Transparently inform consumers about political advertising and sponsored content, in particular during election periods.
3. There should be oversight on online platforms to make sure audits are done, actions are appropriate, staff and resources are appropriate and measurements are done on fake accounts.
4. Provide users with tools to flag online content and establish transparent procedures for dealing with user complaints.

5. Online platforms should be required to have risk strategies in place to stop the spread of false and misleading content.
6. Online platforms should be required to ensure the visibility of many professional news sources.
7. Allow researchers to access and monitor data to stop the spread of false and misleading content online.
8. Online platforms should be required to audit risks and actions.

The only mechanism that had little support (only 32%) was data sharing between platforms and authorities.

9. Allow authorities access to online data to stop the spread of false and misleading content online.

Members also flagged other potential mechanisms for platform regulation, including steps to break up online monopolies, treating online platforms as publishers and establishing external regulators.

“Break up the bigger tech companies, they have a monopoly and are more powerful than most governments at this stage.”

“Classify them as publishers and make them subject to the laws in this regard.”

“Mechanism to report online harm to a state regulator/authority as current reporting mechanisms offered by companies are minimal and perfunctory, designed to give the impression they care about users wellbeing. They only care about profits.”

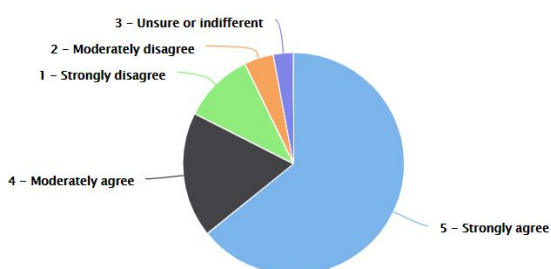
Overall, members strongly expressed a need to move away from platform self-regulation to have robust rules to protect online rights and safety, regulate advertising and ensure privacy and data protection.

3) Regulation of Digital Services

Regulation of digital services should focus on protection of online rights, including privacy and the restriction of harmful and illegal content. While freedom of expression is important, 82% of respondents strongly or moderately agreed that online platforms should regulate content to stop the spread of harm.

Graph 8: Views on Freedom of Expression

How much do you agree with this statement: Freedom of expression is important, but online platforms should regulate content to stop the spread of harm.



Answer	# Respondents	% of respondents
5 - Strongly agree	479	64
4 - Moderately agree	136	18
1 - Strongly disagree	77	10
2 - Moderately disagree	32	4
3 - Unsure or indifferent	22	3

As discussed above, harmful and illegal content includes scams, discrimination and hate speech, illegal pornography, misinformation and disinformation among other things. Members note that there is connection between content and delivery, and risks include data protection and privacy. Many members have noticed being specifically targeted by advertising or algorithms that contained inappropriate, illegal or harmful content, and are concerned about the level of information collected.

“Processing my profile outside EU is a major risk.”

“I think the right to privacy is regularly undermined particularly in the area of private conversations being exploited.”

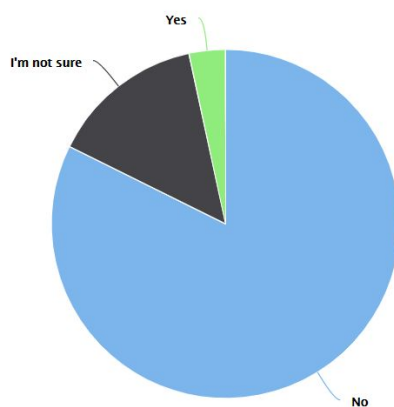
“I don't notice it when internet giants manipulate the information they glean from my interactions online but I know it happens.”

“The amount and type of data collected is unnecessary for sales. It is a potential security risk FOR ME, not the company, to have it out there.”

Members overwhelmingly agreed (82%) that the current model of self-regulation has not been effective in stemming the tide of misinformation and disinformation.

Graph 9: Self-regulation and Misinformation

Companies like Facebook set and enforce their own rules about stopping the spread of false news. Do you think that online platforms have been successful in self-regulation?



Answer	# Respondents	% of respondents
No	559	82
I'm not sure	97	14
Yes	23	3

Inconsistencies in transparency of information in advertising, data collection practices and internal regulation of content have led to increasingly unsafe user experiences:

“There are massive inconsistencies in their self regulation. Numerous times, I and people I know have reported hate-speech and other content that is supposedly banned on facebook only to be told that it hasn't breached any of their guidelines, whereas things that break no guidelines (e.g. queer content) have been banned or taken down for no discernable reason.”

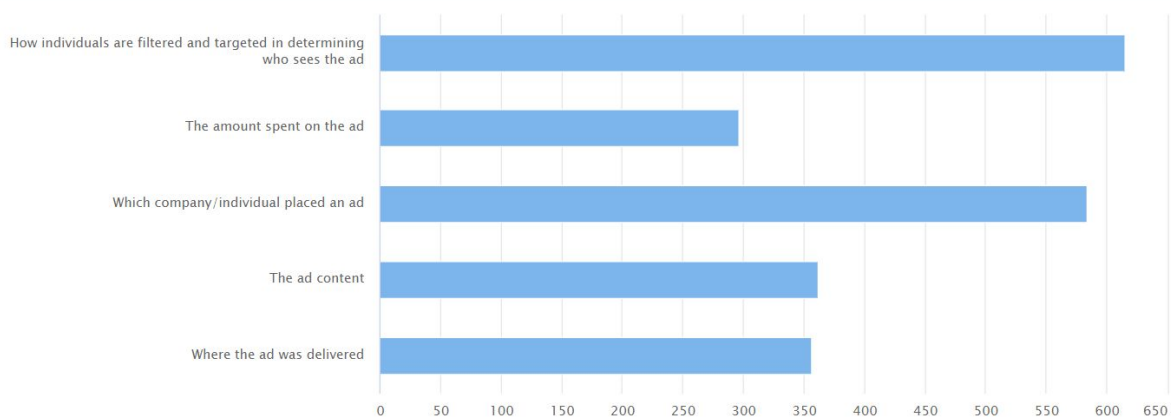
“They can't, they simply have no incentive to crack down as much as they need to because viral posts and clickable content, however false, generates revenue for them. Even if they

wanted to crack down more, it's too easy for bad actors to set up fake accounts, bot networks, multiple profiles etc.”

The regulation of online advertising is an essential component to resolving some of these issues, including clear rules across platforms about how advertising is placed and delivered. 81% of respondents felt that at a minimum, information should be publicly available about how an advertisement is delivered.

Graph 10: Information about Online Advertising

What information about online advertising should be made publicly available?

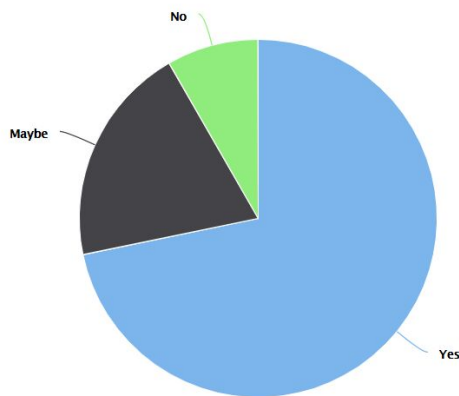


Members were also very much in favour of seeing who placed the advertisement (77%). There is also support for public information on where the advertisement was delivered, the content and amount spent.

72% of members felt that political advertising needs to be subject to a separate set of rules and regulations, including public disclosure of amount spent and content of all political advertising, placing limits on the amount able to be spent on online political advertising and restricting where political adverts can be delivered.

Graph 11: Views on Political Advertising

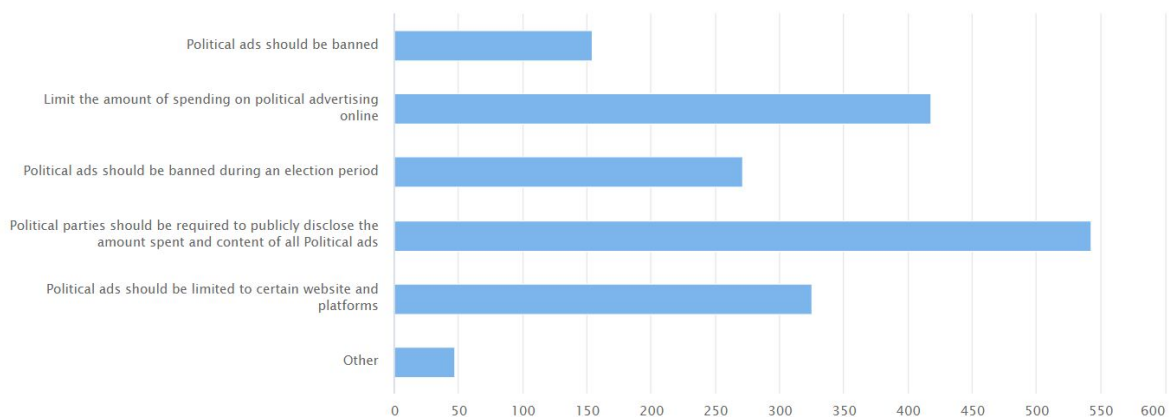
Political advertising can be quite different to other advertising. Do you think political advertising needs a different set of rules?



Answer	# Respondents	% of respondents
Yes	493	72
Maybe	137	20
No	57	8

Graph 12: Regulation of Political Advertising

How do you think we should regulate political advertising?



There was less but still significant support (35%) for banning political advertising online during election periods, and much less (19%) for banning political advertising altogether.

Advertising was also largely seen as the membership as a driver in unfair practices due to the revenue generated:

“The model of financing social media conglomerates through online advertising needs to be reviewed, revised and regulated.”

“The profit motive means that more sensational and divisive content is spread in a model based on clicks and ad revenue.”

“I think that an outside body should determine that because they depend on advertising for their revenue.”

The following legal responsibilities for online companies as outlined by the EU Commission consultation had support from most members:

- Cooperate with trusted organisations with proven expertise that can report illegal activities for fast analysis ('trusted flaggers')
- Cooperate with other online platforms for exchanging best practices, sharing information or tools to tackle illegal activities

The following legal responsibilities had slightly less support from an average 40% of members:

- Be transparent about their content policies, measures and their effects
- Have content moderation teams, appropriately trained and resourced
- Have an effective 'notice and action' system for reporting illegal goods or content
- Have a system for assessing the risk of exposure to illegal goods or content
- Detect illegal content, goods or services
- Inform consumers when they become aware of product recalls or sales of illegal goods

Members outlined the importance of bringing large online platforms in line with regulation of other industries, including traditional media and financial services.

Members wrote in strong support for subjecting online platforms to the same rules and regulations as broadcasters and publishers.

“The exact same principles of editorial oversight and legal responsibility must be applied to all websites, just as it is to traditional broadcast media with advertisements clearly labelled.”

*“I’m using the net since 1997. So it’s hard to quantify. I should also note I work in FinTech where identifying, hindering, working with law enforcement authorities to hold to account and plain stopping bad actors online is a ***VERY ACHIEVABLE*** and ***CORE PART*** of the work in that industry. If financial services can use algorithms to accurately identify high risk transactions involving bad actors then so too can Facebook, Twitter, Instagram, Google, Amazon, eBay, Etsy, etc etc.”*

Member attitudes are unmistakable on the need for enforceable and consistent rules and regulations across all platforms, that includes increased data protection and privacy, regulation and limits on advertising and legal responsibilities on companies to ensure that illegal and harmful content is dealt with appropriately.

Most importantly, Uplift members strongly felt that large online platforms - particularly social networks - need to be regulated in the interests of the public good, with user focus central to operation.

This includes rules in place to ensure that:

- users have access to appropriate reporting mechanisms;
- content can be flagged, moderated and removed in a consistent and timely manner;
- advertising is restricted and regulated in accordance with both data protection and existing rules on traditional media publication;
- there is increased transparency on platform operations, particularly where monopolies exist;
- platforms are accountable and liable to an outside authority on key areas; and
- active steps are taken to stem the rising tides of misinformation and disinformation.

As one member eloquently sums up-

“In the absence of publicly owned networks, laws requiring that networks are transparent, accountable and interoperable will allow for new, safer, community owned networks to emerge and grow.”

Conclusion

This submission provides a brief insight into the views of 763 Uplift members in relation to the consultation process by the Department of Business, Enterprise and Innovation on proposed changes to the Digital Services Act. The submission was based on a survey of Uplift members [4] and summarised under experiences of using digital services, the increasing problem of misinformation and disinformation, and measures for increased regulation of online platforms.

When examining what measures the Government can take to combat the increasing risks of disinformation and misinformation, there are a range of options at both national and EU level for regulatory instruments to be put in place. It's clear from Uplift members that there is a general consensus that the needs and interests of end users should be core to any decisions made.

It's also necessary to note that members have had a wide variety of experiences with digital services but consistently report exposure to illegal and/or harmful content, issues with online advertising and a sense that their rights are being violated online. In short, members expressed a desire for increased regulation to limit these harms.

Finally, it's clear that members favoured more oversight and transparency over online platforms to ensure that their rights are protected. This particularly applies to social media platforms and hosting services that are being used to drive misinformation and disinformation efforts.

On behalf of Uplift members, I would like to thank the Department of Business, Enterprise and Innovation for this opportunity to participate in this consultation and wish you the best in your review and planning.

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NOTES

[1] [EUSurvey - Survey](#) & <https://action.uplift.ie/surveys/113>

[2] [Information Society Statistics - Households 2018](#)

[3] [“From pandemic to infodemic”](#) & [New report highlights inconsistencies across digital platforms in tackling disinformation](#)

[4] <https://action.uplift.ie/surveys/113>