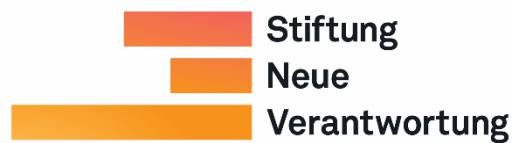


Response to the European Commission's
Consultation on Digital Services Act (DSA) transparency database

July 2023



Stiftung Neue Verantwortung (SNV) is a not-for-profit think tank working on current political and societal challenges posed by new technologies. We not only invite government officials but everyone seeking information to engage with our work whether through giving us feedback on publications, participating in our events or seeking direct advice. Our experts work independently from partisan interests or political affiliations.

For questions and comments, please contact the authors [Dr. Martin Degeling](#), [Dr. Anna-Katharina Meßmer](#) and [Dr. Julian Jaurisch](#). The response to the consultation includes input from colleagues from SNV as well as other European academic and civil society experts, whose work we gratefully acknowledge. We thank the European Commission for the opportunity to provide feedback and look forward to engaging further with the Commission as well as other interested stakeholders.

Responses provided on the European Commission's survey website

1. As an interested party in this consultation, please identify yourself under the following categories:

A platform with obligations under the DSA with more than 45 million users

A platform with obligations under the DSA with less than 45 million users

Potential vetted researcher under DSA

Interested non-governmental organisation (not covered under a or b)

Government agency or government funded

Law or legal company

Journalist / media influencer (e.g., high profile on social media)

Political organisation

General Public

Other

[Note: Not all questions were available for all respondents, which explains the following jump to question 18.]

I. General Views on Submission Methods

18. What methods would you suggest for the Commission to receive the statements of reasons?

WebForm

API (sending statements of reasons individually)

API (sending statements of reasons in batches)

File upload in a specified format

Other

19. Please explain your suggestion.

Sending data through an API will enable platforms to integrate the submission into their content moderation workflows. Individual submissions will also allow those monitoring the transparency database to observe, among other things, when platforms become more or less active.

Sending each decision statement individually would enable platforms to send each decision immediately when it is made. Sending in batches will likely introduce a delay, allowing platforms to hold back decisions or alter them without public notice.

II. Statements of Reason

Article 24(5) requires providers of online platforms to submit statements of reasons without undue delay.

20. What should the delay be in your opinion (choose the nearest option)?

No delay (immediately as it occurs)

twice per day

once per day

every 2 days

twice per week

once a week

less than once a week

III. Public Access to the DSA Transparency Database

The DSA Transparency Database is the one holding all the submitted statement of reasons from various platforms. In accordance with the DSA, it is publicly accessible, standardised and machine readable.

21. What other tools should be at the disposal of the users of the database to facilitate research and public scrutiny?

Reports

Data extraction

Other

Please specify.

For reports, platforms could also be given a chance to submit explanations and contextualization in a standardized form, for instance, to explain how a specific type of decision is interpreted. The reports will enable comparability of individual decisions.

22. Should there be any type of access limitation/restriction to any part of the database?

Yes

No

IV. Data Protection

Article 24 of the DSA regulation requires online platforms to send the statements of reasons to the Commission without any personal data.

23. How will you prevent personal information from being included in the Statement of Reasons submissions? What safeguards should be in place to ensure this?

n/a

V. Content and Structure of the Statements of Reason

The content and structure of the database is available at <https://github.com/digital-services-act/transparency-database>.

24. Do you think that the content and/or structure of the database needs any change?

Yes

No

What changes would you propose?

It's important that the data schema is stable, as schema migrations make long-term observations difficult. Therefore, we argue for an extended and extendable schema that anticipates and includes the possibility of upcoming developments (e.g., platforms changing functionality and new platforms entering the realm of VLOPs).

Using an "OTHER" category for decisions that don't fit the existing schema can ensure long-term stability, but it may lead to difficulties in analyzing the database if too many decisions are categorized this way, e.g., when platform specifications or decision structures no longer match the given categories.

The transparency database overseers should monitor the "OTHER" category usage and update the schema. A clear process for maintenance and updates should be established, following open-source software development guidelines. This could include a fixed update cycle with a public consultation process involving practitioners who work with the database.

For now, we can infer the following categories from publicly available data about platform content moderation decisions like community guidelines and public reports.

Visibility

Right now, the documentation only lists "REMOVED", "DISABLED", or "DEMOTED". We suggest adding the following:

DECISION_VISIBILITY_CONTENT_PROMOTION_DISABLED: Some platforms allow paid promotion of content. If a post is "banned from promotion", it may have reduced visibility. At Instagram, the restriction can be set for individual posts and accounts.

DECISION_VISIBILITY_CONTENT_AGE_RESTRICTION: Restricting content to viewers older than 18 years is one of the pillars of content moderation (e.g., TikTok).

DECISION_VISIBILITY_CONTENT_INTERACTION_DISABLED: Content can be "banned from interacting with" (comments or likes by other users are disabled). This is another form of implicit demotion.

Monetary

The categorization currently only lists suspension and termination.

Platforms offer creators various ways to monetize their content. The statements should therefore cover how different forms of monetization can be restricted or terminated. Examples of monetization include:

- YouTube: Ads, Subscriptions, Super Chat/Stickers, Shops
- TikTok: Paid Content (Series), Being a member of the Creator Marketplace, Special Funds, Tipps and Gifts

Additional details could therefore be:

DECISION_MONETARY_SHARE_DISABLED: Platforms can offer users a share of the income (e.g., of ads shown or when participants pay for content).

DECISION_MONETARY_RECURRINGPAYMENTS_DISABLED: Platforms allow users to give recurring payments to creators through subscriptions or accessing special services like chat.

DECISION_MONETARY_NONRECURRINGPAYMENTS_DISABLED: Users can pay creators directly with non-recurring gifts and tipping.

DECISION_MONETARY_CREATORFUNDING_TERMINATE: Creators can be part of special programs through which they get paid for creating content or are listed in special marketplaces so advertisers can approach them.

Service provisioning

Platforms may limit functionality as a penalty for misbehavior. An open field called DECISION_PROVISION_PARTIAL_SUSPENSION could be added for platforms to list the features that are turned off. TikTok, for example, bans people from posting content, starting Live-Streams, commenting, and editing profiles separately.

Account

DECISION_ACCOUNT_STRIKES: Multiple platforms maintain a database of previous decisions on accounts (e.g., Twitter). The database could list how often the account was already temporarily disabled or banned from certain actions.

Content Type

It needs to be clarified what the specific purpose of this content classification is. If this is a listing of media modalities, **“AUDIO” is missing, but the whole classification might be misleading.** If the decision is made on content where text is displayed in a video should this be **categorized as “TEXT” or “VIDEO”?** On platforms like TikTok, where the underlying music is **important, should that be categorized as “OTHER” or as “VIDEO”**, even if the video is a black screen? Violations can also span multiple content types. Therefore, the restriction to selecting only one might not allow an appropriate representation.

Suppose the European Commission determines the content type to be part of the database. In that case, we suggest adding a **“please specify” field for CONTENT_TYPE_OTHER**, as it is present for other elements in this schema and should therefore be requested here. This info would help improve the schema in the future.

A content classification we did not see reflected in the schema but might be interesting to study is whether the decision was based on a public posting/comment/stream or content sent in direct interaction with another user (for example, a direct message).

Category

The list contains the STATEMENT_CATEGORY_UNCATEGORISED. To better understand what categories **of statements can't be categorized in the existing schema, we suggest adding a "please specify" option here, too.**