

Collaborative on **Digital Discourse for a Thriving Democracy and Resilient Communities**

Working Group on Online Communities – Policy Opportunities

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Background

The Problem

Online communities and social media platforms are integral to modern life, providing spaces for connection, expression, and information sharing. However, these platforms face critical challenges that threaten their health and functionality. Users lack agency – individuals often feel disempowered by opaque algorithms, biased content curation, and limited control over their digital experience. Society is negatively impacted – digital technologies are being leveraged to foment outrage and division, rather than build trust and foster dialogue and collaboration. Lastly, there is the perennial problem of disinformation and misinformation – manipulated media spreads faster and further, undermining trust in public discourse, institutions, and each other.

Tackling these interconnected problems requires holistic and content-agnostic solutions that amplify user agency and encourage thriving digital discourse.

The Policy Opportunities

The policy opportunities presented below stem from the collective knowledge of participants of the [Convergence Collaborative on Digital Discourse](#). We brought together a diverse and influential group of 20 participants representing academia, the tech platforms, policy, health, media, community-based and bridge-building organizations, alternative social networks, those personally impacted, and more. For just over a year, from fall 2022 through fall 2023, the multistakeholder collaborative met regularly to tackle deep challenges around digital discourse.

The participants landed on a [set of consensus recommendations and solutions](#) that advance a positive vision for the internet – one that would mitigate digital harms and improve digital discourse by enhancing agency and constructive interaction, building cognitive resilience, and supporting a trustworthy information environment, while supporting free speech and the positive benefits of network connectivity. The multifaceted solutions set encompasses multiple pathways to impact. One of the recommendations recognizes that, in the absence of

meaningful voluntary action by the tech platforms, there are policy opportunities the government can pursue:

Recommendation: *Explore and support the adoption of content-neutral policies that promote transparency, interoperability, and user choice while respecting free speech.*

Our policy proposals stay within certain parameters – they are content-neutral, they respect free speech, and they apply equally to all platforms. At the same time, we must be wary of how any coercive recommendations could be overly burdensome to smaller platforms.

Framing

In the absence of meaningful voluntary action by industry and to move away from extensive and unresolved debates on reforming Section 230, this document instead identifies policy opportunities that we believe have a higher chance of receiving broad-based support. We intend for this document to **encourage policymakers' consideration of user empowerment in their policies**. If government, at both the federal and state levels, already have proposed legislation or lawsuits in place, we encourage policymakers to **frame them in terms of incentivizing platform design that enables user choice**, as opposed to top-down restrictions on speech or content that can have unintended consequences.

Policy Opportunity One: Increase Transparency

Transparency in the digital realm refers to making algorithms and their training data, data collection practices, and content moderation policies more visible and understandable to researchers and the public. It is a first-order step for improving platform design and management, and user behavior. Transparency empowers users to make informed decisions about the platforms they use, the content they consume, and the digital interactions they have, without undue influence or manipulation. It also offers researchers access to data they can use to study and support the platforms' by identifying harms, providing informed guidance, and devising effective solutions.

Potential Blockers

Potential hurdles to implementation include resistance to forced transparency that undermines the current revenue model of social media companies, which are grounded in, among other things, collecting user data, micro-targeting, and driving engagement through algorithms. There are also valid concerns around privacy – platforms collect immense amounts of sensitive data on users and have an obligation to protect it from exploitation.

Opportunities

This group encourages proposals for **research safe harbors** that would give legal protection to research focused on the platforms. Any research safe harbor should be tailored to protect user privacy and platform integrity. The [Knight First Amendment Institute at Columbia University](#) put forth a proposal for a legislative safe harbor for certain newsgathering and research focused on the platforms, and it is included in the [Platform Accountability and Transparency Act \(PATA\)](#), which was reintroduced before the Senate in summer 2023.

The group also encourages platforms to publish the results of their **internal product experimentation results**. Doing so would give the public insight into platform design decisions and how they impact user experience, and it would empower users to make more informed decisions. Policymakers would benefit from a greater understanding of questions, methods, and results platforms use in product experiments to differentiate between correlation and causation when linking social media design to societal harms. The [Lawfare Institute and Brookings](#) published an article making this case.

There is a window of opportunity and urgency to move meaningfully on platform transparency – it already enjoys bipartisan and cross-ideological support, and with recent developments in the field of artificial intelligence (AI) that introduce new benefits but also risks to users and society, visibility is only becoming more important.

Policy Opportunity Two: Promote Interoperability

Interoperability refers to the capability of different digital platforms and services to work together seamlessly. In this context, it means ensuring that users have more autonomy to easily move their data or content from one platform to another without restrictions, or that middleware providers can interoperate with platforms to provide additional functionalities. It enables user choice by fostering competition and innovation in the digital landscape, allowing new entrants to compete with dominant platforms and better cater to users.

Potential Blockers

Potential blockers to interoperability legislation have included concerns that it could bolster mass scraping operations for nefarious purposes, such as the [Cambridge Analytica scandal](#). Proposals around interoperability should anticipate and account for vulnerabilities so they do not inadvertently endanger user privacy or expand harassing and brigading campaigns across platforms. There is also policy critique of what makes an interoperability solution “good” – [Columbia Law Review](#) published an analysis of the [American Innovation and Choice Online Act](#) argues that interoperability mandates should apply only where competition, rather than collaboration, would produce better results.

Opportunities

However, there are opportunities for governments to enact laws that ensure platforms facilitate interoperability to expand user choice. One way to do this is by enabling platform and middleware collaboration to flourish, such as the injection of harm-mitigation tools like Intel’s [Bleep](#). Policymakers can consider **amending the [Computer Fraud and Abuse Act \(CFAA\)](#) and [Digital Millennium Copyright Act \(DMCA\)](#) to limit platform statutory liability** for the use of middleware, third-party applications, or extensions. Middleware refers to software that acts as an intermediary between applications and the underlying platform, enabling seamless integration and data exchange. While not completely fulfilling the principles of interoperability, removing impediments to middleware can promote user choice and autonomy across platforms. Current legal constraints under the CFAA and DMCA often deter platform providers from allowing the use of middleware on their platforms due to concerns over potential liability.

- Amending the **CFAA** would involve creating an exception to liability for users and middleware providers, so they are not held liable for accessing a platform's servers without authorization or in excess of authorization.

- Revising the **DMCA** would involve clarifying and strengthening fair use provisions to safeguard middleware developers from unwarranted copyright claims when their software interacts with copyrighted content on the platform. This promotes creativity and innovation, while respecting intellectual property rights. Creating a safe harbor provision for platforms hosting middleware can shield them from liability for copyright infringement arising from the actions of middleware users. This encourages platforms to welcome third-party solutions without the fear of legal consequences.

Policymakers can also focus on **incentivizing interoperability** via light-touch mechanisms. This includes **tax breaks** for platforms that voluntarily embrace more openness and connection with other platforms, offsetting compliance costs. Governments can offer **research and development grants**, promoting platform effort to advance interoperability, and those using shared and open protocols.

Policy Opportunity Three: Support Design Codes

Design codes are standards and steps that can be taken to architect social media systems that better serve the user and society. Content-neutral designs do not favor or bias any specific content, ideology, or viewpoint, and they aim to provide users with a diverse and plural online experience. For example, the App Store, an app marketplace development and maintained by Apple, requires mobile apps to [adhere to certain design guidelines](#). On the government side, the state of California enacted the [California Age-Appropriate Design Code](#), prioritizing the privacy and protection of children by regulating the collection, storage, processing, and transfer of their data.

Potential Blockers

There are a few potential blockers to be wary of when regulating the design of social media. Overbearing codes might harm competition or chill free speech. Enforcing design codes across platforms can be complex and costly and overwhelm smaller platforms. Also, if implemented at the state level, it could result in the unintended but harmful consequence of platforms refusing to service certain regions.

Opportunities

Design codes that are most ripe for regulation include stipulating **default privacy settings** for digital platforms to maximize user privacy, data protection, and content control. Policies can also ensure informed consent but give users the **choice to opt into data collection and sharing**, rather than having to opt out. Legislators can also establish standards that require digital platforms to adopt **user-centric interface designs**, that prioritize clarity, accessibility and user control over content and data.

Government can also non-coercively incentivize and support better designed products, for example by:

- Supporting voluntary research into, experimentation with, and adoption of content-neutral designs and tools that increase user agency, constructive online interactions, and pluralistic and diverse dialogue

- Coordinating multi-disciplinary alliances to foster an industry shift that recognizes the potential of design choices and user tools to influence the market and society
- Raising awareness among users about choices they can make and tools they can use to better curate their online experiences and foster a cultural shift that recognizes the potential of informed user actions to influence the market and society.

To bolster these recommendations, the group has proposed a design code for social media that serves as a menu of features we encourage product designers, managers, and developers to implement when creating digital platforms and services; the Collaborative has also proposed a coalition that catalyzes first movers, designers, funders, experts, consumer advocacy organizations and users themselves to understand, demand and pursue content-neutral design choices.

Policy Opportunity Four: Invest in Public Digital Spaces

Complementary to policy efforts that try to improve existing internet infrastructures, such as Facebook, Twitter, or Google, are pathways that imagine new digital spaces constructed for the public good from the get-go. Digital public infrastructure encompasses the idea of providing essential digital services and utilities as public goods. This could include elements like open APIs, public data repositories, or digital access initiatives. It overlaps with the principles of interoperability, but additionally centers on local development and control, with a focus on communities. Building intentionally public online spaces, with economies and governance driven by the values of users and communities rather than corporations and investors, contributes to a more resilient internet for the public good. Digital public spaces provide alternatives to more established platforms, like how public television and radio complemented the commercial broadcasting market. There are academic and practitioner efforts that have dedicated extensive expertise and time to progressing thinking and experimentation on digital public infrastructure, especially the [Initiative for Digital Public Infrastructure](#) at the University of Massachusetts Amherst.

Opportunities

Governments can disburse public funding, grants, and technological support for the development and maintenance of public digital spaces. This funding should emphasize creativity and experimentation, rather than dictating the shape of these platforms in a top-down manner.