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Australian Media Laws Suck the Fun Out of Media

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Abstract
The Australian media landscape is populated with, among others, journalists and comedians. While the island nation has a democratic political structure, there are no constitutional guarantees to freedom of speech and no bill of rights on the horizon.

What happens when media activity collides with the law? This paper argues that Australia's media laws have a chilling effect on freedom of speech. Comedians and journalists, at the lower end of aggravation, are served with cease and desist notices and, at the other extreme, dragged out of their home by counter-terrorism police. Media actors have been charged with defamation; stalking; their homes raided by federal police; and, posting online gagged. As a result, some news organisations closed their Australian Facebook presence; others, closed comments sections. This presentation explores the boundaries and restrictions on freedom of speech, and the impact on the Australian media's ability to perform the role of an effective fourth estate, essential force and check on our democracy.

Theoretical framework and method(s) used

This research uses a qualitative approach relying on legislation, cases and articles. The methods used include critical, legal, interdisciplinary and comparative approaches.

Summarise the findings and their policy relevance

The research findings demonstrate that Australia's judiciary construes the law narrowly against journalists and comedians. This has led to increasing numbers of Australian politicians pursuing legal proceedings against media actors. Recent changes to defamation laws in some Australian states adopted a 'serious harm' test to the person's reputation. It remains to be seen what effect this will have on freedom of speech, notably with regard to government critics and airing allegations of federal political corruption. This is important, given that there is no body invested with the power to investigate corruption at the federal level. Therefore, legislation should be amended to allow journalists and comedians freedom to speak by including the defences of satire and parody and strengthening the defence of public interest – comparable to other common law liberal democracies. Strong freedom of speech protections will reinforce the robustness of Australia's democracy thus rendering its media laws fit to resist a global trend towards increasing restrictions on freedom of speech.

Submission ID
338

COVID, SINOPHOBIA AND FAKE NEWS IN BRAZIL: HOW MISINFORMATION AND HATE SPEECH GROW TOGETHER IN BRAZILIAN SOCIAL MEDIA

Authors
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Abstract
COVID-19 has affected lives all around the world. To avoid exposure and maintain the social distancing, works, schools and lives have gradually moved online. In Brazil, the arrival of the coronavirus was accompanied by disinformation and denial regarding the disease (even now with 630,000 dead as of January 2022), fueled by social media. As in other countries around the world, Brazil has witnessed an increase in Sinophobia. Following Donald Trump's rhetoric, the far-right Brazilian President Jair Bolsonaro started to call COVID-19 the "Chinese virus". Bolsonaro's rhetoric had already dominated social media during the 2018 presidential election focused in weakening left-wing candidate Fernando Haddad of the Workers' Party. At that moment, Bolsonarist politicians accused China of funding the Workers' Party for the implantation of communism in Brazil. With COVID-19, the far right has returned to attack China, using social media to spread lies, such Wuhan laboratory created COVID-19 as a biological weapon to control the world. In Brazil, where 40% of the population is functionally illiterate, that is, unable to interpret a text, simple messages are quickly assimilated and passed on by social media, especially by Telegram. To avoid the problem with disinformation, platforms such as Facebook, WhatsApp and TikTok have collaborated with Brazilian Electoral Justice to exercise control over Fake News. North American WhatsApp, for example, limited groups to 256 participants. Therefore, Russian Telegram has no limit for forwarding messages and the number of people present in groups can reach 200 thousand. As Telegram has no physical representation in Brazil, Brazilian legislation simply cannot restrict misinformation and disinformation activity on this platform. Fake News says that China bribes Brazilian deputies, senators, judges and generals and even blackmails them with alleged videos that would prove their involvement in orgies with children. Besides that, they say that left-wing governors are selling Brazilian lands to China. Sinophobia has become commonplace among far-right politicians and even among government ministers. In a post on social media, the former Minister of Education satirized the Chinese accent in Portuguese language. Fake News thus helps to fuel hate speech among President Bolsonaro's electorate, with groups using terms such as "sewer rats, dangerous race, genocidal", generating fear in the readers of the messages and creating the idea of a common enemy. The offenses against China went beyond the limits of the virtual world in September 2021, when an unknown person threw a homemade bomb against the Chinese

consulate in Rio. The fiery speeches against China, with proven origins among groups supporting President Bolsonaro, mask a double reality: the ideological dispute between leftists and rightists in Brazil and a global one, the economic dispute between China and United States. The biggest recent dispute was the Brazilian auction of 5G technology in November 2021. Even under strong pressure from the United States, Brazil did not prohibited Chinese Huawei from participating in the next phases of the process.

Submission ID
552

Book Banning in the United States: An Old Practice with New(ish) Intentions

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Abstract
In the United States, the practice of book banning has ebbed and flowed throughout the country's history. Today, the pendulum has swung back toward attempts to restrict particularly types of content in public schools and libraries. In the current world, despite all of the various forms of mediated communication available, book banning continues to be a way for people in positions of authority to attempt to squelch the spread of ideas that they don't agree with.

According to the American Library association, it received 303 reports of book banning challenges from September 1 to December 1 in 2021, "a serious acceleration compared with 307 in all of 2019." (Beekman, 2021) In addition, in the past year several states have introduced legislation that would ban the teaching and/or use of books on specific topics. To date, 36 states have introduced or adopted policies that would restrict how schools can talk about race or racism (Stout, 2022) For example, in Tennessee, lawmakers have introduced a bill that would call for the removal of materials deemed "obscene or harmful to minors." (Tennessee, 2022) A bill has been introduced in Oklahoma that would allow parents to seek up to $10,000 for each day a banned book is not removed from the library. (Klawans, 2021) In Texas, a state representative has asked the Texas Education Agency to investigate whether schools had any books from a list he compiled of 850 books that he believed might cause students to" feel discomfort, guilt, anguish or any other form of psychological stress because of their race or sex." (Chappell, 2021)

This presentation seeks to review the current legal landscape surrounding book banning in the U.S. First, I discuss First Amendment rulings concerning book banning, paying particular attention to the ruling *in Island Trees v. Pico*, the 1982 Supreme Court case that found that “the special characteristics of the school *library* make that environment especially appropriate” for the protection of First Amendment rights. (p. 868) I then review current proposed and adopted regulation to offer a comprehensive view of what topics are under attack and how states are attempting to remove certain political and cultural perspectives from the public school systems. Finally, this presentation offers some thoughts on the legal and social remedies available to protect the books and the groups who are currently being silenced in school libraries.

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Submission ID
1457

El “ciclo vital” de los casos de desinformación en el ámbito político: análisis reflexivo a partir del proceso constituyente para redactar una nueva Constitución Política en Chile

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Abstract

Durante la mitad del siglo XX hasta nuestra fecha, las nuevas tecnologías de la información y comunicación han permitido la masificación y redistribución de la información, que históricamente fue centralizada y controlada por y para un grupo específico de personas (Rodríguez Andrés, 2018). Debido a todas las nuevas herramientas y aparatos tecnológicos con los que nos encontramos hoy en día, se modificaron para “democratizar” la información. Podemos informarnos y comunicarnos de una manera nunca antes vista, rompiendo la barrera del espacio-tiempo gracia a la instantaneidad y ubicuidad que servicios como Internet y plataformas como redes sociales nos permiten (Casero-Ripollés, 2018).

El problema de este fenómeno y su auge en los últimos años se ha convertido a la desinformación en una palabra de uso común en nuestro lenguaje habitual. Cada vez es de más relevancia debido a que ha entrado de lleno y con fuerza en la vida política, económica y social (Olmo y Romero, 2019).

Es en la política en donde más importancia y más impacto tiene este fenómeno. Tras salir a la luz pública los casos como el plebiscito del Brexit en Reino Unido y las elecciones presidenciales de Estados Unidos, ambos en 2016, pusieron en la esfera pública el gran poder y relevancia que la desinformación tiene para manipular a la opinión pública en los diferentes procesos electorales, mostrando su poder de manipulación y engaño que posee sobre la política (Rodríguez-Fernández, 2019).

En función de lo antes descrito, el problema principal al que apunta esta investigación se debe a que el fenómeno de la desinformación logra permear en todos los aspectos de la sociedad, y particularmente en el ámbito político. No hay temática de más relevancia y en donde diferentes grupos de interés busquen distorsionar y manipular la realidad, como es el plano político. Porque puede -y suele- haber interés por desinformar a la audiencia con multas políticas electorales.

El artículo pretende entregar una referencia en el estudio del fenómeno de la desinformación desde una visión panorámica respecto a los casos de desinformación que se dan en los procesos políticos. Estudiar al fenómeno desde una perspectiva de “procesos” y “ciclos” es una problemática aún no resuelta y necesaria, ya que el estudio de todo el proceso que conllevan los casos de desinformación en sí, desde su surgimiento, expansión y término (Caspi, Esteve y Vidal, 2019), aún es una tarea pendiente.

Submission ID

1470

Probing Power Asymmetries and Regulatory Approaches for the Platformized Public Sphere

Authors
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Abstract
Platforms are critical digital infrastructures shaping multisided interactions through algorithmic governance, monetization, and circulation of data. The early development of platforms observed optimism and techno-utopianism that platforms could facilitate a democratic public sphere with greater access to information, more robust discussion about common issues, and more engaging grassroots activities. However, as platforms keep penetrating our political, civic, and cultural life, the platformization of the public sphere ends up with a few privately-owned for-profit corporations in control of networked communication that enables a surveillance system and distorts voices we can create and hear.

Platforms' socio-economic structures and techno-cultural constructs make new norms that individual users and complementors (e.g., third-party publishers and professional content creators) have to follow in the asymmetric power relations with platform corporations. Focusing on intermediary platforms that host, organize, and circulate content shared by users and complementors and social interactions among them, this paper probes the asymmetric power relations in the platformization of the public sphere and examines regulation and governance approaches to alleviate the power asymmetries.

The essay first demonstrates characteristics of the power asymmetries between platforms and their users and between platforms and complementors and discusses the effects of each power asymmetry on the public sphere. The asymmetric power relations manifest in platforms' monopoly market power in a neoliberal context promoting a free market with deregulation and in the fetish of computational authority to govern and modify economic behaviors through predictive analytics. In power asymmetries, individuals' connections are computed and monetized, and complementors become dispensable with contingent production dependent on platforms. We argue that the power asymmetries gave rise to reinforced oppression and surveillance capitalism and an online public space that distorts what we learn about each other and ourselves and normalizes this distortion. Platform corporations mediate the range of publicness, set rules of engagement encouraging provocative content while muting moderate voices, and directly shape political campaigns during elections. Such an online space can be weaponized to manipulate public opinions, fuel polarization, and attack democratic processes.

Various regulation and governance approaches have been proposed to alleviate the power asymmetries in the US context. The essay evaluates three major approaches' main benefits and drawbacks based on the goals they aim to achieve in specific historical

contexts and the potential enforcement effects. They include changes to Section 230 of the Communications Decency Act to broaden platforms' liability for online content, modifications to antitrust laws to accommodate characteristics of platforms' monopoly market power, and principal-based governance that encourages researching alternative platforms. We also discuss how the above approaches could complement each other and produce an integrated agenda to constrain existing dominant platforms' power and develop alternative platform models and regulatory frameworks to serve different democratic goals. We argue that we need to interrogate essential questions about what productive role we want digital platforms to play in the changing media environment and democratic societies. The essay contributes to the ongoing discussion of platform governance and appeals for joint efforts from various parties to facilitate a comprehensive understanding of the topic.

Submission ID
1558

The Right to Truthfulness: Counteracting Fake News in Post-Soviet Russia

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Abstract
The proliferation of disinformation, rumours and conspiracy theories online has given rise to a spate of special national laws intended to counter various types of lies, including disinformation, misinformation or so-called fake news, particularly amidst the COVID-19 pandemic. National legal approaches often vary significantly, producing diverse meanings and outcomes with respect to the fundamental right to freedom of expression (Helm & Nasu, 2021). Research interest in these approaches and their effects has grown exponentially during the pandemic.

Notwithstanding this growth, however, there is a lack of studies on post-Soviet Russia, which has formulated several laws that penalise lying—or fake news laws—including two separate statutes adopted during the global outbreak to limit the dissemination of "erroneous information of public importance." Existing research has also largely overlooked the meaning and role of the Soviet perspective on speech regulation in the construction and implementation of Russian fake news laws, although the word *disinformation* originated from Soviet Russia, as Richter (2019) notes.

This study seeks to fill the abovementioned gaps. Looking beyond the perspective of communication law, it examines Russian fake news legislation in light of the Soviet viewpoint on free speech shaped by Marxist–Leninist ideology. It combines an empirical legal study with discourse analysis to investigate how and why Russia has established and enacted fake news laws and what the general implications of this construction and application are for implementing the right to freedom of expression guaranteed by the 1993 Russian Constitution. Apart from comprising statutory laws, other clarifications and political documents, the dataset also includes 42 Russian court decisions, among which 25 concern COVID-19.

The study argues that the fight against fake news amidst the pandemic has become a pretext for Russia to instrumentalise a modern indefinite notion of fake news, framing it in law primarily as a threat to national security rather than a non-weaponised societal issue or rumour. The research also suggests that such a vision reflects the Soviet principles of speech regulation and Marxist–Leninist ideology, including the principle of *truthfulness* studied by Elst (2005) and McNair (1991). It shows how Russian law accelerates the Soviet approach to re-constructing *truthfulness* as a new government right, thereby producing systemic legal changes and other outcomes for implementing the right to freedom of expression in both domestic and global contexts, particularly on digital media platforms.

Submission ID
1849

The balance and governance of digital privacy rights from the information leakage incidents of COVID-19 in China

Authors
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Abstract
Following the outbreak of the COVID-19, China quickly developed health QR codes and implemented it nationwide to enable efficient information registration by which the spread of the COVID-19 is well-controlled. The Chinese government uses data on the flow of information from some citizens to track and identify close contacts. However, due to the complexity of the statistical process of the flow survey information and the large number of participants, the risk of leakage of personal privacy is increasing.

Leakage of personal information, such as flow survey information, often leads to public judgement and stigmatisation of the individual, and even lead to a new wave of "cyber-violence". It can have an negative impact on the lives and mental well-being of the individual and their family.

Privacy is often seen as a necessary condition for keeping personal and public lives separate, for individuals being treated fairly by governments and in the marketplace, and for guaranteeing spaces where individuals can think and discuss their views without interference or censure. (James Waldo, Herbert S. Lin, Lynette I. Millett, 2007) Exploring Chinese model of digital privacy governance during the epidemic can better explore the balance between citizens' legitimate right to privacy during special times and the state's need to cede some of their power for security reasons. It provides a reference for other countries' digital governance.

Based on 13,852 relevant news in the Huike news database from January 1, 2020 to December 30, 2021, this study uses content analysis to analyse 27 information leakage incidents. The characteristics and responses to the information leakage incidents are explored, including the links to the information leakage, the platforms on which the information was disseminated, the content of the information leaked and the means and outcomes of punishment. This work focuses on the relationship between power and influence in the privacy leakage process, the role of social platforms in privacy dissemination, and the protection of citizens' privacy rights.

The results show that Chinese epidemic prevention initiatives have performer well. Although there are problems with information leaks, the laws improving and penalties being enforced in recent years.

Hospital and government staff were the main sources of information leaked about the COVID-19, and information is mostly spread through private groups. Afterwards, netizens conducted Human Flesh Searches to obtain the privacy of the parties concerned.

Public security organs in cities across China take such incidents seriously. Administrative detention is the main punishment method, and fines are added. The offender shall be investigated for criminal responsibility according to law.

The government needs to recognize that the transfer of power is temporary. They must improve the law and define the boundaries of power for digital platforms and office workers. Clarify the difference between normal and abnormal periods, and data abuse and leakage should be strictly controlled in advance and after the event to ensure the privacy of citizens.

Submission ID

1940

CYBERPUNK AND THE FUTURE OF INTRUSION

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Abstract
Intrusion upon solitude, the much-litigated tort of privacy invasion in the United States, occurs either physically or electronically. Most U.S. states regulate intrusion regardless of whether any information was actually communicated to others. Intrusion law, which balances the rights of privacy and newsgathering, has found conceptual and ontological challenges unique to the virtual utopia of cyberpunk culture. Futuristic jurisprudence of intrusion, the paper anticipates, will develop in a foreground of four critical questions: whether bots and cyborgs have a right of privacy, whether cyberpunk coalesces content with the process of gathering the content, whether legal positivism is moot, and whether artificial intelligence is more ideology than technology. Pursuing these questions, as this paper does, can reorient privacy research toward an "era of neo-globalization," the conference theme of IAMCR 2022.

The theoretical framework consists in reviewing the premises of cyberpunk within evolving legal meanings of intrusion. One stream of U.S. privacy law implicates the constitutional right in issues of the Fourth and Fourteenth Amendments, such as "search and seizure" and "fundamental liberties," concerning how governments, and corporations, might fail to keep information confidential. The other stream, which exists in four torts, including intrusion, concerns particular relationships between media and individuals. Intrusion law presumes the process of gathering information is distinct from the content of what was gathered. Cyberpunk challenges this basic presumption, however, for, among other transformations, it appears to coalesce content with the process of gathering the content. Predicted with eerie accuracy by sci-fi doyen William Gibson in the 1980s, cyberpunk is the culture enabled by embodied technologies that rule a dark metaverse of cyborgs, who are evolutionary humans hardwired with software. The cyborgs are beings who have little *being*, having willingly shed aspects of their humanity in order to coalesce with the lovable machines that control them. They are conjoined with not only artificial intelligence, but also artificial consciousness.

Applying a method of legal analysis, the paper examines three consequential state cases of intrusion for their consistency with, and applicability within, the premises of cyberpunk. While traditional legal research relies on trickle-down analysis to update law for newly evident situations, cyberpunk demands a "trickle-up" analysis to update law for metaverse scenarios that are neither emerging nor known, but only imagined in, say, the 2040s. Traditional legal scholarship tends to look backward, as in examining case law, or near-term forward, as in updating law for contemporary and emerging issues. Too little legal scholarship seems to look into the medium- or far-term future, as in the imaginary or fantastic 2040s or 2100s. Additionally, futuristic scholarship can challenge positivism, the

legal theory that privileges the existence of law over its merits even in situations rife with unknown sources, facts and motivations. For it to inform any orderly development of law, futuristic scholarship, consequently, ought to emphasize not a conjoining of law with its dystopian bodings, but, rather, reforming and restoring the rule of law to even such a dark world. The purpose of the paper is to reorient intrusion law toward cyberpunk.

Submission ID
2220

Access to Information Law – a door not always open for journalists

Authors
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Abstract
The paper presents research results on the use of the Access to Information Law (LAI) by journalists in Brazil. It seeks to verify how professionals have adopted the legal provision and it is adopted as a research problem to verify whether the access law has expanded the possibilities of access to information for journalists.

With ten years of validity, the LAI was incorporated into the routine of investigation of journalists with indications that its frequent adoption remains restricted to groups of investigative journalists. In recent years, there have been reports of attempts to restrict access from initiatives by President Bolsonaro to modify the law or impose secrecy without plausible justification or expansion of restrictions on access to information hitherto considered public.

Based on the reference that studies the professional routine, the so-called newsmaking (TRAQUINA, 2001), the research considers the access law as an instrument of journalistic investigation. Legislation is also understood from the perspective of having the potential to exercise a communicative function, when the State can make its acts visible, communicating to the citizen how it made decisions that affect the governed.

The applied methodology consisted of documental research, quantitative analysis of requests for information submitted by journalists to the Brazilian federal government and

also qualitative analysis of interviews with professionals who make intense use of LAI to obtain information.

From May 2012 to July 2021, 4,728 journalists submitted 29,539 requests to the federal government. The professional category has the highest average of requests: 6.2 requests per author. However, a small group of journalists concentrates a high number of requests, with a single professional submitting more than 500 requests in the period. The survey indicated that the professional category received responses to requests in a longer period of time than to requests from citizens in general. In recent years, journalists have become the professional category with the longest average response time to requests they submit: 20 days. The average response time for the general public is 16 days.

Eight journalists with intense use of the access law were interviewed and they reported strategies adopted to prevent requests from being denied. These professionals are aware that identifying themselves as journalists can affect the way requests for information are processed. They recognize that the access law created a new way of assuring the right of access to information, regardless of the interaction with press office structures. They point out that government sectors that deal with sensitive information appear more refractory to the release of documents. It is concluded that the Access Law has expanded the possibilities of guaranteeing the right to information for journalists, but there are still government sectors associated with the culture of secrecy with risks to greater government transparency.

Submission ID
2317

Right to Information and Communication for Transparency under the Conditions of Covid-19 Pandemic Process: Possibilities and Challenges in Turkey’s Case

Authors
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Mr. Mehmet Keskin - AHBV University

Abstract
Right to information is one of the cornerstones in the formation of the modern constitutional state. In the report *Global Network and Local Values*, it is stated that the right of information has two dimensions: In one sense, it is a “right” regulated and applied by

law, “it is an individual right”, in the other sense, it is a “right” with political and social implications. In other words, “in the social and political sense, it is a measure of the openness of the society” (Kenneth et. all, 2001:156-157), i.e. right of information favors openness and transparency of governmental acts and actions to secrecy.

Nowadays, the right to information comes to the fore as one of the important rights establishing new forms of interaction between citizens and state worldwide as well as in the European region. It has close ties with the principles of European governance, like openness, transparency which were lately stated by the European Commission in *White Paper on European Governance* (European Commission, 2022). In the context of the USA and the world, *The Freedom of Information Act* enacted in the late 1960s, and *Government in the Sunshine Act* enacted in 1976, are referred to as pioneering and important documents within the scope of the right to information. In Turkey, the practices related to right to information came to the agenda on the eve of the 2000s, became part of the national legislation, and was enforced in 2004.

Within this framework, this presentation aims to analyze certain practices of right to information during the Covid-19 pandemic process in Turkey. To this end, the practices of three leading ministries in this process, the Ministry of Health, the Ministry of Internal Affairs, and the Ministry of Family and Social Services are elaborated to detect how and which information on the Covid-19 pandemic was/is open to the public in Turkey. Passive transparency (governmental responses to citizen requests for information) and active transparency (website-based governmental disclosure) are taken into account in the analysis. Among the applications to access information that were/will be made to these ministries between September 2021 (the date of full opening in Turkey) and May 2022, the applications related to the Covid-19 pandemic process will be examined for the analysis of passive transparency. And, the time period we have determined for the examination of active transparency is February 10-May 10, 2022. For this examination, the main points to be considered are as follows: Up-to-date status of the information on Covid-19, whether a sub-portal has been created within the website for Covid-19, whether current statistical and legislative information are included; how often the information about Covid-19 is updated. In sum, the presentation stands out for diagnosing the current situation of passive and active transparency in the examples of the practices of three leading ministries of Turkey under the conditions of the Covid-19 pandemic process.

Submission ID

2442

DATA PROCESSING VIA SMART PHONE APPLICATIONS DURING THE PANDEMIC WITHIN DATA PROTECTION REGULATIONS IN DIFFERENT COUNTRIES

Authors
Prof. Seldag Günes Peschke - AYBU

Abstract
Since 2020, many countries have been struggling with the corona virus in various ways. Undoubtedly, one of the most important features of this period is the penetration of digitalization into every branch of life. During this period, many mobile applications were developed that traces the movements of people in order to keep the spread of the virus under control, to minimize the risk for all social areas and to offer a safe social life to citizens in public such as workplaces, restaurants, public transportations, collective events like weddings, conferences etc.

Each application has a different characteristic. Most of these applications are implemented and controlled by the State institutions. Some of these applications are compulsory to use. In these applications, the data of the users are collected in a central place and sometimes shared with other state institutions. The most secure applications, in favor of data protection are the ones which are decentralized and storing anonymized data with a voluntary use. So, these applications are developed and designed, as a result of multi-disciplinary study.

These applications provide services not only to its users, but also to the authorities responsible for observing and protecting public health. Owing to the artificial intelligence and smart algorithms used in the applications, the users can know whether they are at risk or they come into contact with risky people. The processing and sharing of data in these applications which belong to individuals are protected in each country by the basic laws, special data protection acts, besides international data protection regulations. In the technical view of all these explanations, personal data, including sensitive data in these applications, are mostly anonymised, but sometimes located in certain centers and are kept confidential. However, it is still controversial whether these applications violate people's privacy or not.

Data protection authorities should ensure that in these applications, personal data is processed lawfully, respecting the fundamental rights of the individuals, in accordance with legal regulations on data protection. Location tracking of the users should not be required and the movements of individuals should not be followed by the contact tracing apps. Their aim is to enforce only prescriptions. Recording a person's movements in the context of contact tracing applications violates the principle of the data minimisation and brings significant security and data protection risks.

HES Application (Hayat Eve Sığar – Life Fits Into Home) is one of the latest mobile applications which was created by the Turkish Ministry of Health for the use of the public to minimize the risks of Corona virus in social life and work a day life. Since all data in the application coming from data owners are kept in the database of the Ministry of Health and its use is mandatory in a way, it contains some contradictions inside.In this paper HES Code from Turkey is examined with some other mobile applications from different European countries in under national data protection rules and General Data Protection Regulation.

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Submission ID
2444

Identifying an Actionable Algorithmic Transparency Framework: A Comparative Analysis of Initiatives to Enhance Accountability of Social Media Algorithms

Authors
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Abstract
Social media platforms depend on user interaction and data collection to grow their advertising-driven business. Data collected from users enable advertisers to target ads to each individual consumer based on their interactions on platforms. Platforms use Artificial Intelligence (AI) to optimise these two aspects. Specifically, they use Machine Learning (ML), a subset of AI that learns to identify patterns and create linkages autonomously. This could lead to severe harms, if left unchecked.

First, the reliance on user data to support advertising raises privacy concerns. Second, the use of ML to amplify media fits users within filter bubbles. Daphne Keller argues that ML-based recommender algorithms exist in a continuum, with search results trying to predict user needs and feed results trying to predict and rank results based on preferences. This could also lead to the proliferation of misinformation at a fast pace. Third, platforms use AI/ML for automated filtering and content takedowns. Algorithms do not understand context

and adopt a literal and objective view for content takedowns which have severe implications on freedom of speech and expression.

Regulatory or policy initiatives to address the harms that stem or magnify from algorithms are recent. The main obstacle to regulating algorithms is that ML algorithms are ‘black boxes’ or opaque algorithms that produce visible outputs, but the process behind the output is indiscernible. Governments, research organisations and inter-governmental bodies have developed principles on the use and design of AI but translating these principles into actionable regulatory frameworks is at a nascent stage. Algorithmic transparency is one such design principle recognised as an imperative ethical principle under most AI Ethics frames.

Transparency explains the decisions taken by autonomous decision-making systems and enables informed grievance redressal. It also helps trace design flaws in AI/ML decision-making process and identify interventions. Incorporating transparency in algorithms used by social media companies would help unpack the design features that amplify content, bias and other harms. The European Union, the United States and India classify some platforms or algorithms as ‘large’ or ‘high risk’, and stipulate added transparency requirements from them. Research institutes such as the AI Now Institute and Datakind UK suggest voluntary impact assessments and audits of algorithms. There are also attempts to enhance transparency through technical standards.

This paper will look at the different regulatory approaches to enhance transparency of algorithms used by social media platforms. The author will also analyse the efficacy of these methods in addressing the harms mentioned above. The paper will identify concerns with current approaches and propose a method to solve them, drawing from existing literature on media accountability and best practices followed by countries or recommended by expert bodies.

With social media emerging as an important source for media distribution and consumption, it is imperative to address harms that may arise from their underlying infrastructure. The transnational nature of these platforms necessitates a comparative analysis of regulatory interventions and the challenges faced by this new form of globalised media in meeting local legal requirements.

Submission ID

2486

From a Distant Metropolis Facebook and the Failure of Universal Rules for Content Moderation Online

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Abstract
Social media platforms have expanded through a process similar to colonialism in several aspects. While traditional colonialism describes states that sought to expand their territories to increase access to natural resources and physical markets through industrialization and physical domination, digital colonizers are private companies seeking permanent expansion through market dominance both in their original market and as many foreign markets as possible. They measure the size of this global market through the sheer number of users of their platforms -the size of their audience- and the time those users spend using them -user engagement. They also measure their size not only through the market share of the ad market, but through the amount of data from the users they can collect, process, and turn into revenues. Constant user surveillance and the extraction of personal data from their users fuels their enterprise and drives their profit-making, just as natural resource extraction and the exploitation of labor fueled colonialist enterprises of the past.

Facebook exhibits the same impulses of a colonialist enterprise, attempting to make freedom of expression a simple standard that can serve as a tool for effective moderation of speech inside their products. Time has proven that Facebook's content moderation choices are mostly business driven. Claiming that they are advancing freedom of expression through both action and inaction in moderating content, and through both claiming that they use automated means to moderate and/or fallible humans to do it, they justify what are essentially business decisions that fuel their aspirations for infinite imperialist expansion, in which users are nothing more than cogs in the profit-making machine.

This work argues that community standards result in a homogenization of freedom of expression rules is detrimental for the right itself and for the citizens it seeks to protect, particularly in countries where Facebook devote significant less attention and resources. Self-serving interpretations of rules for expression -their devaluation through community standards- allow Social Media Platforms to justify that they can act -or refrain from acting- on content- depending on what is more convenient for their interests. It also allows them to justify design choices in their algorithms that help dictate how content is distributed online, or the exploitation of precarious low-wage workers in third countries that carry out moderation efforts.

Homogenized rules for expression applied globally are a system for the preservation of a status quo that allow social media platforms to retain their positions of power. Such an

approach, rather than ensuring that most people can speak their minds freely online, or solidifying universal access to the means of digital expression in was that allow for the free flow of ideas and opinions, creates a system of winners and losers in which the platforms are always positioned to be the ones that win, while the most vulnerable of users suffer the brunt of moderation activity (and inactivity) particularly when their identities, political views and other characteristics pose challenges to the social and political norms of those digital colonialists that wield all the power.

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2659

The ethical and legal implications of using AI to moderate harmful media content

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Abstract
The popularity of social media resulted in an enormous amount of user-generated content being shared online every day. Several genres of user-generated content exist, ranging from travel vlogs to explicitly sexual material. Some of these content are fun and completely harmless, while others are detrimental to certain individuals and to society (such as hate speech, cyberbullying, the distribution of non-consensual pornography etc.). While generally there is a lack of consensus between the EU Member States on the content types that shall be banned or restricted, online platforms such as Facebook and YouTube adopt their private sets of rules to govern the behaviour of their users and moderate content that infringes their terms of services.

The aim of this paper is to explore how the contemporary issues related to harmful user-generated content are being tackled on the EU level, focusing specifically on regulatory initiatives that aim to govern the application of AI-powered tools in content moderation. The paper will explore how the EU foresees the role of AI in Europe and will give a brief overview of the ongoing legislation that affect this field, focusing on the AI Act proposal. In this context, one of the main aims of the article is to discuss the future obligations and liability of those online platforms that rely heavily on automated content filtering, while these tools are not yet developed to operate with low error rates.

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