

# MAPPING INTERNATIONAL ENQUIRIES INTO THE POWER OF DIGITAL PLATFORMS

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## Abstract

There has been a resurgence of interest across multiple jurisdictions in greater regulation by nation-states of aspects of the structure, conduct and performance of digital platforms. This has been driven by: growing concerns about the economic and other forms of power exercised by the largest platform companies in the digital economy; a series of 'public shocks' related to the misuse of such power and digital reach; pervasive community concerns about privacy, security, the misuse of personal data, and the erosion of rights in a digital age; and a policy shift from a 'rights' discourse that dominated early debates about internet governance towards one focused upon potential risks and online harms.

While there are similar factors across nations promoting questions about *why* greater regulation of digital platforms should occur, there is less consensus about *how* it should be undertaken. This report seeks to map the issues raised and policies recommended, identifying the issues as arising across the fields of competition policy, content policy and digital rights. Undertaking an initial environmental scan of 65 public enquiries, the authors undertook a textual and thematic analysis of a subset of 20 public inquiries, across seven countries, the European Union, and the United Nations. The approach taken parallels that of Kretschmer, Furgal and Schlesinger in their mapping of the emergence of a new regulatory field of platform governance in the United Kingdom (Kretschmer et al., 2021).

In terms of policy recommendations, it was found that with regards to *competition*, access to data, competition in digital markets, the future of the news industry, and platform regulation were common themes across the enquiries. The main drive for *content* regulation has been perceived online harms, and the main themes identified include the role of digital platforms, in disseminating or restricting access to harmful content, support for civil society organisations monitoring misinformation and online harms, development of multi-stakeholder codes of practice, and an expanded role of public authorities. In the more diffuse field of rights, the main

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drivers of policy reform are online targeting of consumers, transparency on political advertising, data portability, privacy laws, and regulations on third-party uses of data along the lines of the European Union's GDPR. There is also an emerging literature on regulatory issues raised by artificial intelligence.

The report concludes with a discussion of issues raised by national policy regulations, including jurisdictional authority over global platforms headquartered in other countries, the question of who regulates, and the appropriate balance between nation-state regulation, industry self-regulation, and multi-stakeholder governance. It finds some support for the proposition that such issues are seeing the rise of hybrid regulatory entities that operate across industry and policy silos, as part of what Philip Schlesinger has termed neo-regulation (Schlesinger, 2021).

### **Keywords**

Digital platforms, policy turn, regulatory field, neo-regulation, competition policy, online harms, digital rights, nation-states, jurisdictional authority, multi-stakeholder governance.

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## Introduction: The 'Policy Turn' with Digital Platforms

There has been a resurgence of interest in recent years in setting policies for the operations of digital platforms. Amidst arguments that we are now in an era of the platform economy (Parker et al., 2016) and platform society (van Dijck et al., 2018), legislators, policy-makers, regulators, activists and other companies (particularly traditional media companies) began to clamour for investigations into the power of digital platforms and their economic, social, political and cultural impacts.

After a long period where the largest tech companies tended to ignore demands for greater accountability to national lawmakers, there has been a proliferation in the late 2010s and 2000s of public hearings, reports, discussion papers and new laws dealing in particular with the largest digital communications platforms, or what had come to be referred to as the 'GAMFA' or the 'FAANG'<sup>1</sup>. It was estimated that, as of mid-2021, there were over 100 such public inquiries taking place across different nation-states, as well as by supranational entities such as the United Nations and the European Union (Haggart, Tusikov, et al., 2021; Puppis & Winseck, 2021).

One can date various formative moments and 'public shocks' (Ananny & Gillespie, 2017) behind these developments, leading to what *The Economist* termed the 'global techlash' (Economist, 2017). Among the events of note have been including:

- The election of Donald Trump as U.S. President in 2016, the proliferation of online 'fake news' associated with the Trump campaign, and the question of Russian electoral interference (R. Mueller, 2018);
- The Cambridge Analytica data scandal revealed to *The Guardian* by whistleblower Christopher Wylie in 2018;
- The livestreaming of the Christchurch mosque shootings in 2019 on Facebook; and
- The de-platforming of Trump on Twitter and other social media platforms following the occupation of the U.S. Congress by his supporters in January 2021.

The policy turn has been a global phenomenon, but one with distinct national policy drivers and motivations. While such policies often involve *ad hoc* responses to particular incidents,<sup>2</sup> the suite of policy measures being adopted is becoming less reactive and more focused on shaping the digital communications landscape. The rationales for new public policies for digital platforms increasingly go to the heart of questions surrounding the economic, political and

communications power of data-driven digital platforms, and the size and scale of the technology giants involved with their development and rapid expansion into ever-wider domains.

The result has been the emergence of a sprawling 'new regulatory field' (Schlesinger, 2020; Schlesinger & Kretschmer, 2020), as disparate national policies emerge to regulate global digital platforms. While there is some dialogue and cooperation between the different national regulatory agencies responsible for the oversight of such policies, the drivers are typically national rather than transnational in nature. They are often linked to the electoral cycle in liberal democracies, as proposals to address the power of digital platforms tend to be popular to voters – often the same voters who use the platforms involved – and that the support for such measures often cuts across party-political divides (Flew, 2022).<sup>3</sup>

The push for greater nation-state regulation of digital platforms has occurred in the context of the *platformisation of the internet* (Flew, 2019, 2021; Helmond, 2015; Napoli, 2019a), and the concentration of control over key functions of the digital economy by a relatively small number of global technology corporations. The rise of a small number of digital platforms as the *de facto* gatekeepers of much of the world's online content has had paradoxical consequences. On the one hand, it has concentrated immense power in the hands of these tech giants, in the forms of economic, political and communicative power, as discussed below. At the same time, by making such decision-making power more visible, and being able to tie it to particular high-profile individuals (such as the tech CEOs who now routinely front the US Congress and other legislatures around the world), it renders such governance practices more visible, and more capable of being impacted upon, than the open internet.

These developments are often erroneously described as marking a shift from an unregulated internet to a regulated one, or as 'taming the Wild Web' (Roose, 2020). The reality is that policy decisions have always shaped the development of the internet and the evolution of digital platforms. What we today refer to as the internet was largely built upon a communications infrastructure put in place by the United States government to facilitate scientific cooperation through decentralised networks, in the context of the 'Cold War' with the former Soviet Union (Berners-Lee & Fischetti, 1999; Hafner & Lyon, 1998). Policy decisions such as the restrictions upon the liability of digital intermediaries for content hosted on their sites, under Section 230 of the Clinton Administration's 1996 *Communications Decency Act*, have continued to have global significance, long after other provisions associated with such legislation have disappeared from policy purview.

U.S. leadership in matters relating to the internet was associated with policy ideas about internet governance, that were first articulated in the 1990s (Carr, 2016; Gore, 1994; Mathiason, 2009), and have continued to be hegemonic internationally (Haggart, 2020). Such ideas have included:

- The principles of the open internet as a kind of ‘soft power’ or ‘smart power’ that the U.S. can exert globally as a beacon of personal freedom (Guerlain, 2014; Nye, 2011);
- The principle of multi-stakeholder governance, and the idea that corporations and civil society actors should have equivalent status to nation-state governments in global internet governance (Bray & Cerf, 2020; M. Mueller, 2017; Scholte, 2017);
- A limited role for governments in the regulation of online speech, derived from the First Amendment principles of the U.S. Constitution.

In many countries around the world, ‘the main expansion of the global internet ... unfolded with governments mostly as spectators’ (Haggart, Scholte, et al., 2021). This was particularly the case for liberal democracies, where democratic freedoms and an open internet were largely taken to be synonymous, and any attempts to regulate the online environment could raise the rhetorical spectre of a creeping political authoritarianism.<sup>4</sup> What has been notable about the current policy turn, or the push for greater regulation of digital platform giants, is the extent to which it has been coming from within liberal democracies, from political parties of both the right and the left (although there are parallel developments in countries such as China, such as the enforcement of anti-monopoly laws towards tech giants).

This has been most notable with the states of the European Union, where a more activist approach to regulating the power of major platform companies had been flagged since 2014, with major fines issued to companies such as Google and Apple for breaches of EU competition laws. Enactment of the General Data Protection Regulation (GDPR) in 2018 set new rules about how digital platforms and other online entities could make use of material provided by online ‘data subjects’, and this tradition of regulatory activism by the EU has continued with the *Digital Services Act* and *Digital Markets Act*, both first circulated for public comment in late 2020. The biggest change, however, has been in the United States. Long the global champion of a ‘hands off’ approach to the internet, the period since 2016 saw accelerated attention being given to the power of ‘Big Tech’, leading to landmark reports such as the U.S. House of Representatives Investigation of Competition in Digital Markets (U.S. House of Representatives, 2020), and the antitrust cases taken against Facebook by the Federal Trade Commission (FTC) and 48 State Attorneys-General in December 2020.

## **Regulating Platform Power: Three Stages of the Internet**

The rise of the digital economy, which includes sharing services as well as digital platforms, presents a series of new regulatory challenges. Some relate to whether new digital services are sufficiently similar to those they compete with to warrant the same degree of regulation. To take some examples:

- Are ride-sharing services such as Uber, Lyft and DiDi similar to taxi services?
- Should AirBnB listings be regulated in the same ways as hotel chains?
- Should existing financial regulations be applied to new online 'fintech' services such as AfterPay?

Others relate to the new consumer protection challenges that such services present e.g. if a platform mediates the relationship between someone offering a product or service (a car, accommodation etc.), and individuals who choose to make their assets available in such ways, who is liable in cases where something goes wrong? There are also the challenges associated with new ways of working, often referred to as the 'gig economy'. As most people involved in services such as ride-sharing, food delivery etc. are not employees of the companies they are working with, what workplace protections do they have that prevent exploitation, secure access to other services (e.g. healthcare, pension funds), or minimise risks associated with delivery of the product or service? In these and many other ways, the rise of platform businesses has required a revamp of regulatory frameworks to account for very new ways of doing what are nonetheless recognisable economic activities.

The major digital platforms raise some of these general issues around consumer protection, the rights of workers and platform users, and their relationship to comparable service providers. Examples include:

- Whether social media users should be permitted to post anonymously on platforms, and legal liability for comments posted?
- Responsibility for social harms arising from online interactions hosted on digital platforms, and
- Whether platform companies are increasingly coming to resemble traditional news media publishers and entertainment providers, rather than neutral intermediaries that exclusively disseminate content produced by others (Napoli & Caplan, 2017; Noble, 2018; Roberts, 2016).

At the same time, these concerns sit atop a wider set of issues surrounding the power of digital platforms. Questions are increasingly being asked as to whether the largest global digital



platforms have increasingly usurped the legitimate authority of national governments, or the capacity of competitive markets to regulate behaviour and restrain anti-competitive practices.

In particular, a variety of critics have drawn attention to the intersections between three forms of power:

1. *Economic power*: The leading U.S.-based digital platform companies hold dominant global positions – with the notable exception of China – in key digital markets, including the markets for online search, social networking, online commerce, mobile app stores, computer operating systems, and cloud computing (Moore & Tambini, 2018; Popiel, 2020; Stigler Center for the Study of the Economy and the State, 2019). Moreover, this is not simply dominance in single markets: as the U.S. House of Representatives Sub-Committee on Antitrust, Commercial and Administrative Law observed in its Majority Report, it constitutes ‘gatekeeper’ power over the distribution of digital content and services by others, meaning that ‘by controlling access to markets, these giants can pick winners and losers throughout [the] economy’ (U.S. House of Representatives, 2020, p. 7).
2. *Political power*: The largest tech companies have come to be among the biggest spending and most influential lobbyists in the U.S. (Popiel, 2018; Teachout, 2020). Moreover, large digital platform companies have been prepared to act against other national governments in order to protect their interests, with examples including Google’s downgrading of Spanish newspaper articles from its search engine after Spain’s government introduced a ‘link tax’ in 2014, and Facebook’s withdrawal of Australian news sites from the newsfeeds of its users in February 2021, to pressure the Federal government to withdraw a controversial News Media Bargaining Code. But beyond explicit and deliberate exercises of power, there is also substantial ‘gatekeeper’ power over flows of political information and communication, including the capacity to amplify or downgrade particular voices, which can be as much a consequence of algorithmic sorting as conscious design.
3. *Communications power*: The sheer volume of online activity that occurs through a small number of digital platforms, and the relatively opaque manner in which such content is managed, curated and distributed to multiple users on such sites, means that there has been a *de facto* outsourcing of the monitoring of speech in online environments. Jack Balkin has argued that this transforms traditional speech rights debates (freedom of expression versus public order concerns, administered by state agencies and the courts) by ‘introducing a third group of players: a privately owned infrastructure of digital

communications composed of firms that support and govern the digital public sphere that people use to communicate' (Balkin, 2018, p. 2012). Legal scholars such as Balkin and Kyle Langvardt (Langvardt, 2019) have reflected on whether this may be the worst of all possible worlds: dilution of free speech rights without the forms of transparency or legal accountability that were fought for with regards to content restrictions and censorship by state agencies?

The challenges of these forms of power are both familiar and new. The concentration of ownership among a small number of tech giants has clear parallels in the 'trust-busting' era of the early 20<sup>th</sup> century, and revised antitrust debates often make reference to those earlier policy measures (Popiel, 2020; Shapiro, 2018). At the same time, the largest platform businesses do not sit stably within particular industries or markets; their data-driven business models encourage diversification into seemingly unrelated fields in order to capture new consumer information.

Technology companies are clearly not the only corporate lobbyists, and they may well join media moguls such as Rupert Murdoch and Silvio Berlusconi in seeking to use their control over communications to influence political outcomes. But, again, what is new is the extent to which digital platforms can sort and filter information to users based on behavioural data and predictive analytics, which can reinforce self-selection of information through 'echo chambers' and 'filter bubbles' (Boyle, 2019; Napoli, 2019b).

Content regulation and moderation also has a long history, but the scale on which it occurs through digital platforms is without precedent. Moreover, and in contrast to state censorship and media classification regimes in liberal democracies, there have not as yet been countervailing processes (e.g. the legal right to appeal censorship decisions in the courts) put in place to prevent over-blocking and what Balkin terms 'collateral censorship' (Balkin, 2018, p. 2017), that goes beyond measures ostensibly designed to safeguard the public interest.

We can understand the changing nature of debates surrounding the internet and public policy in terms of three stages:

1. The first stage was that of the *open internet*, from the 1990s to the late 2000s. The focus at this time was primarily upon allowing a global decentralised network to emerge with minimal government interference. Associated with this infrastructural focus was an emphasis upon the freedoms of users and entrepreneurs to develop new products and services for the emerging global communications infrastructure. This necessitated an approach on the part of governments that was 'hands off' to the greatest degree

possible, or what Ithiel de Sola Pool described as a 'policy of freedom' that would enable the new 'technologies of freedom' to thrive (de Sola Pool, 1983).

2. The second stage, which increasingly shaped the 2010s, was that of the *platformised internet*. In this period, online access was increasingly mediated through digital platforms, which built the world's leading businesses around the combination of data-driven decision-making, algorithmic sorting and machine learning, and whose 'raw materials' were the myriad communications practices and interactions involving users around the world. This is the period that critics have come to label as platform capitalism (Langley & Leyshon, 2017; Srnicek, 2017), digital capitalism (Pace, 2018), data colonialism (Couldry & Mejias, 2019), and surveillance capitalism (Zuboff, 2019).
3. Many of the adverse consequences of this period, alongside the apparent concentrations of economic, political and communications power which had emerged, have set the scene for a *third stage* of the *regulated internet*. This involves increasingly involved national governments, in the liberal democracies as well as authoritarian and one-party states, legislating in ways intended to rein in digital platform power through a series of *ad hoc* measures applied around areas that include economic competition, content regulation, access to user data, online harms, and privacy and security concerns. As discussed below, such responses have involved a mix of proposed new laws and extensions of existing laws, and the development of new regulatory agencies and extension of the remit of existing agencies, including those involved with media and communications policy.

### **Developing a Methodology for Reviewing Regulatory Reports**

While the range of regulatory activities towards digital platforms has been noted, there have been relatively few attempts to map these policies in a systematic way. In his recent overview of the state of the field in media and communications policy research, Robert Picard concludes that 'Multiple issues involving the internet policy remain open and in need of policy making. Most governance has focused on operability concerns, but significant questions of who, how and at what level the internet should be governed remain open' (Picard, 2020, p. 218).

Tracking of policy initiatives at the level of individual nation-states has tended thus far to be highly informal. For example, Puppis and Winseck have used a Google Doc that invites contributions from those with whom it is shared (Puppis & Winseck, 2020). Where more systematic tools have been developed, such as the Stanford World Intermediary Liability Map developed at the Stanford University Center for Internet & Society (<https://wilmap.stanford.edu/map>), the focus has been more on legislation and court decisions

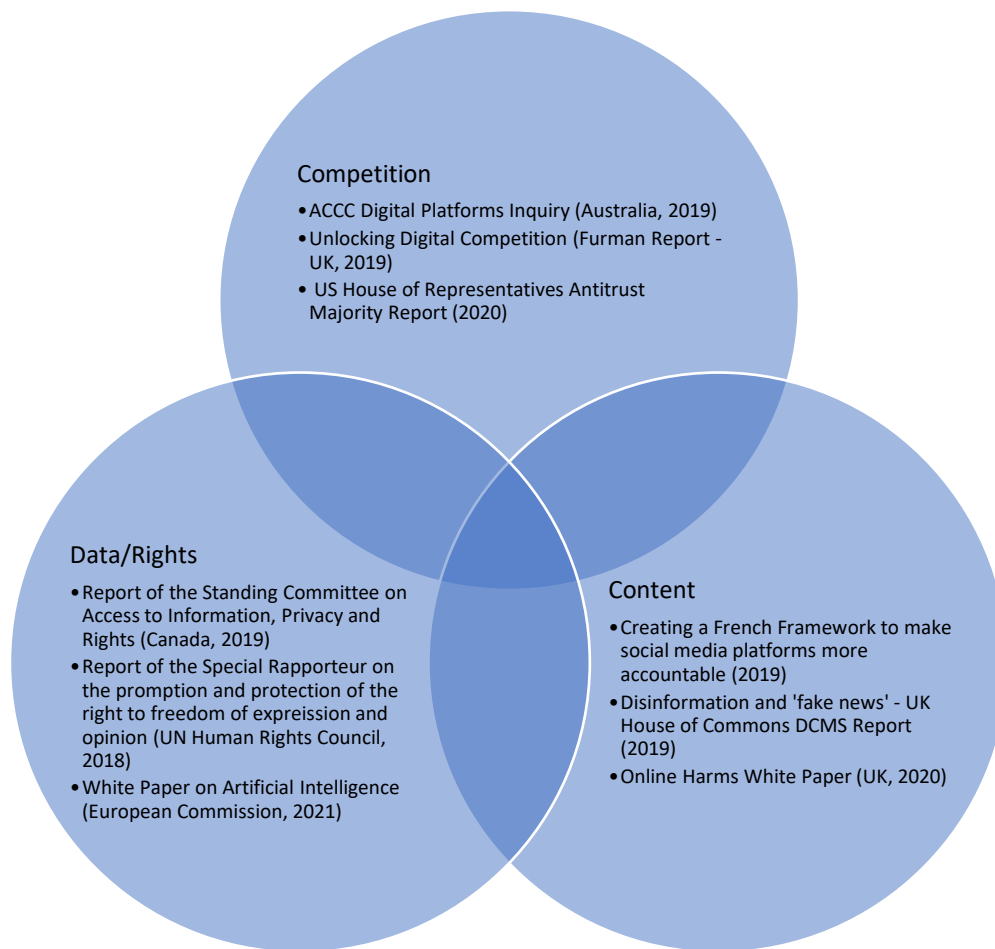
that impact upon the liabilities of digital intermediaries than on the policy debates and processes that relate to digital platforms and their apparent power.

An important contribution has been made by Kretschmer, Furgal and Schlesinger in their textual and content analysis of eight policy reviews undertaken in the United Kingdom relation to aspects of platform regulation (Kretschmer et al., 2021). Observing that the impetus for such reviews came from the prominence of issues relating to digital platforms in the issue-attention cycle in UK politics in the late 2010s and early 2020s, they observed that such reports range across eight areas of law and potentially engage at least nine UK regulatory and policy agencies. Noting that the regulatory tools sought range across these legal areas and policy domains, it was noted that hybrid regulatory entities are emerging that bring together agencies and powers from different fields, a trend which Schlesinger has elsewhere referred to as the rise of neo-regulation (Schlesinger, 2021).

This study makes a contribution to such debates through a two-stage process. First, we undertook an initial environmental scan of public enquiries related to the power and responsibilities of digital platforms during the period from 2017 to 2020. In order to ensure that we were comparing like with like, we focused attention upon those enquiries taking place within a select range of liberal democracies.

This initial environmental scan identified 65 public enquiries of relevance to our work. From this initial environmental scan, we identified three broad themes around which public enquiries tended to focus (see Figure 1):

- **Competition** - the economic and market impact of digital platforms and their conduct within particular markets (e.g., advertising, news);
- **Content** - issues arising from what forms of speech, information and audiovisual material is hosted on digital platform sites, and how it may impact upon others;
- **Rights** - a general category for a range of issues associated with personal privacy, data protection and security, data ownership and uses of data, and other forms of digital rights.



**Figure 1 Typology of Reports focusing on Competition, Content and Data/Rights**

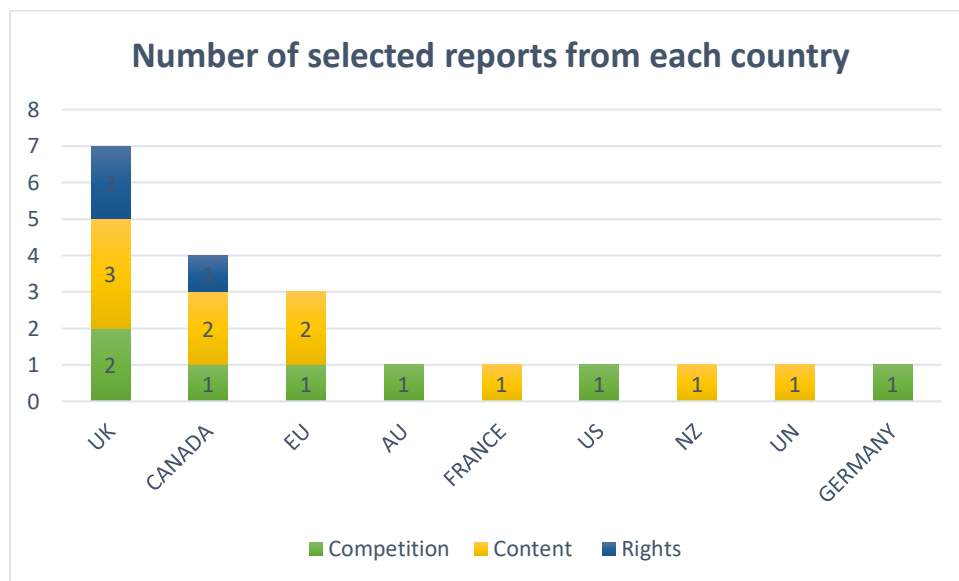
From this list, we undertook a textual and thematic analysis of a subset of 20 public inquiries. We chose to focus upon those enquiries with a primary focus on one or two of these common themes, or the ones touching bases across all the three fields are being selected for further analysis. We also considered the proposed regulatory approach, timeliness of findings, and country of origin into consideration when identifying those reports that have been given closer scrutiny.

We have adopted a mixed methods approach to report analysis, combining quantitative methods for environmental scanning of regulatory reports, and qualitative methods for content analysis. We used NVivo for coding the reports, through which patterns have been identified, and content analysis generated based on available nodes.

In order to map the regulatory landscape of digital platforms around the world, these reports are selected from United States, United Nations, United Kingdom, European Union, New Zealand, Australia, Canada, Germany and France. Aside from ensuring the breadth of coverage of selected

reports, this project has focused on accessibility and availability of these inquiries, which also signifies the significance and influence of the selected documents.

The 20 reports evaluated are from nine countries/organizations, with seven inquiries from United Kingdom, four inquiries from Canada, three inquiries from European Union, and one each from Australia, New Zealand, the United Nations, France, Germany and the United States (see Figure 2 below). This result, however, did not mean to overlook legislative proceedings or regulatory developments that are happening in other areas, but rather, emphasises common themes across various inquiries conducted in different regions. The majority of these reports have focused either upon content (ten reports) or competition (seven reports), with three reports focused primarily upon rights issues. A full list of the reports considered is provided in Appendix 1.



**Figure 2** Number of selected reports from each country. Source: Authors.

These 20 reports were then analysed using NVivo software, which involves three steps in content/textual analysis: (1) annotating; (2) coding and (3) integrating. *Annotating* refers to brief summaries of each report, where key themes and concerns are being highlighted and annotated, to assist with identification of relevant nodes; *coding* refers to the process of creating nodes, and making notes on recommendations, executive summaries and terms of references; and *integrating* refers to the integration of nodes, i.e. combining similar nodes, and removing insignificant ones.

In order to ensure that the nodes capture or coincide with the themes of those inquiries, a Word Cloud is generated on the annotations/summaries, to single out key words of debates and discourses. The Word Cloud for these reports is shown in Figure 3.



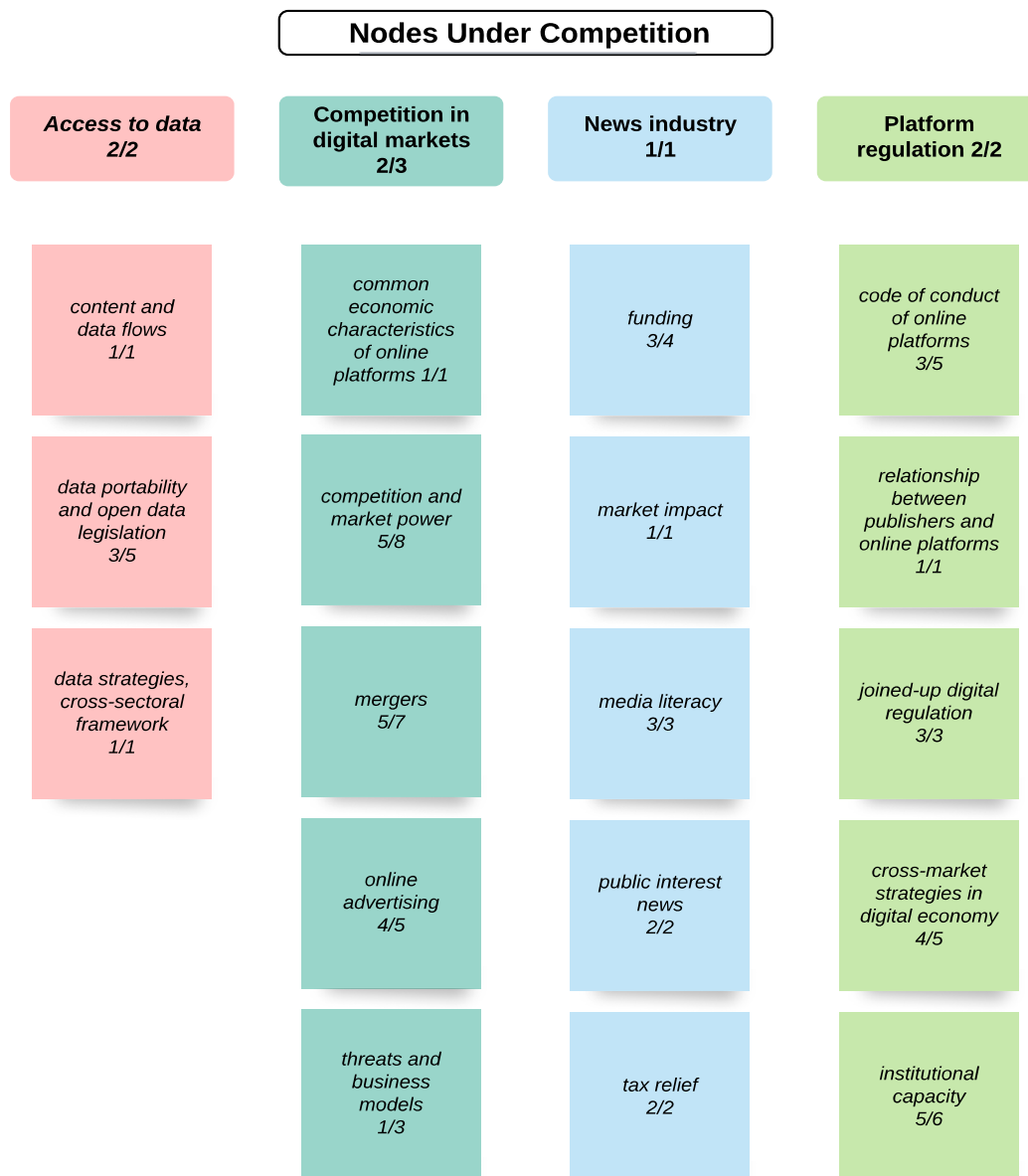
**Figure 3 Word Cloud based on summaries of all selected inquiries. Source: Authors.**

As shown in Figure 3 above, topics like competition law, human rights, and content (either violent extremist content, terrorist content or harmful content) are common themes across selected inquiries, which align with categories mentioned earlier: competition, content and rights. Other themes like regulatory framework, civil society, regulatory approach, online safety, freedom of expression or code of practice also emerged from this exercise.

Based on this result, a list of nodes is created under each category, with two columns – Main Drivers and Recommendations. Main Drivers refer to primary concerns under each theme, for example, the drivers for competition policies are summarised in two sections: overall state of the market, and user’s data privacy. This suggested that most of the recommendations proposed in the inquiries are centred around issues related to these topics. The main driver for content policies has been online harms, with the principal drivers for rights-based policies being are targeting and transparency in political advertising.

## **Analysis**

Under the category of competition, most recommendations can be coded into four categories: (1) access to data; (2) competition in digital markets; (3) future of the news industry; and (4) platform regulation. These categories, however, are a result of coding process, and should be considered as part of the research findings. A list of nodes has been provided in Figure 4 below.



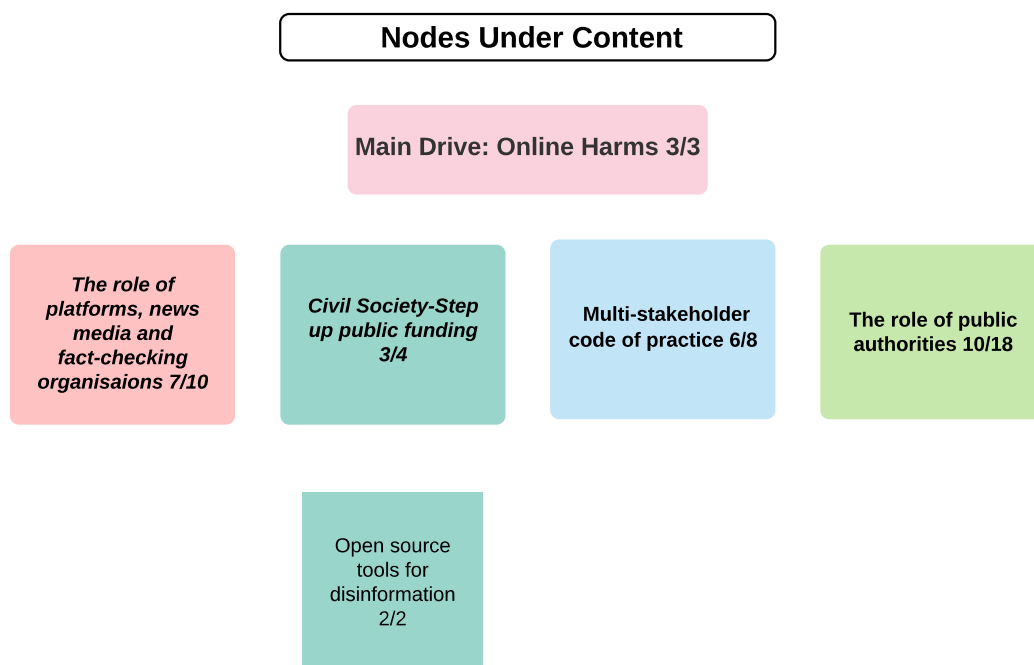
**Figure 4 NVivo nodes under the category of Competition. Source: Authors**

Within each node, the number of inquiries that have addressed the issue have been indicated, as well as the number of times similar recommendations have been made. For example, under the category of ‘competition in digital markets’, the code of ‘competition and market power’ indicates a result of 5/8, meaning, five inquiries have addressed platform competition and market power, and it has been mentioned eight times in total across all relevant recommendations.



Based on the coding result, it is evident that areas such as data portability and open data legislation (3/5), competition and market power (5/8), mergers (5/7), online advertising (4/5), funding (3/4), media literacy (3/3), code of conduct of online platforms (3/5), joined-up digital regulation (3/3), cross-market strategies in digital economy (4/5), and institutional capacity (5/6) have been the most prominent recommendations from these seven reports.

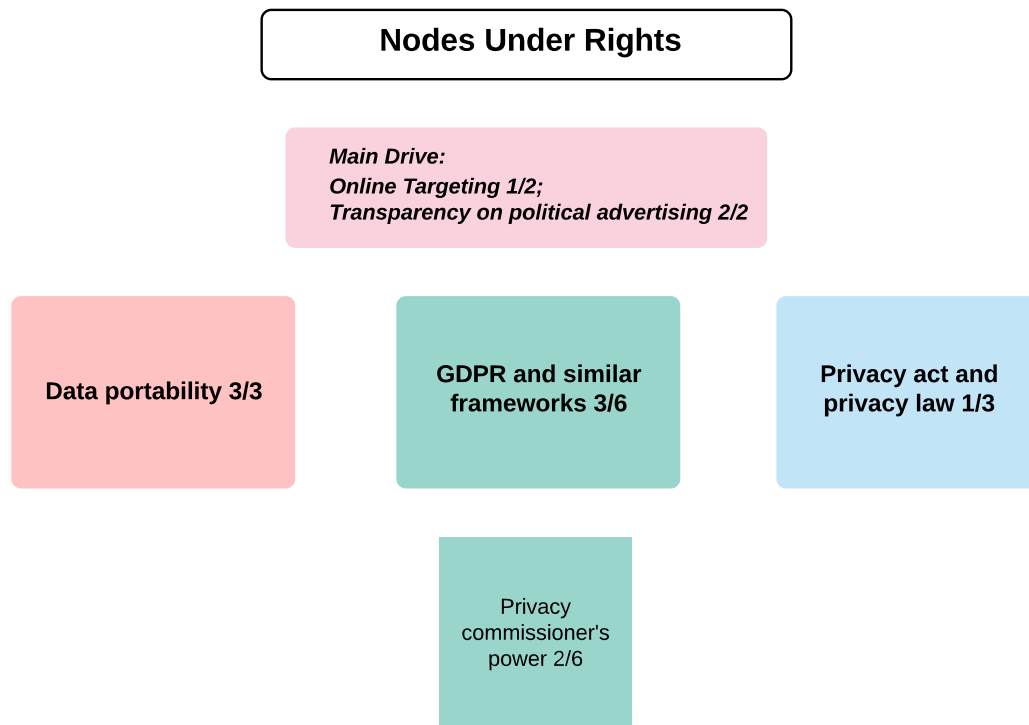
With regards to content and rights, we noted that the main driver for content regulation has been online harms, and most recommendations have focused on the roles and responsibilities of different stakeholders with regards to mitigating online harms (see Figure 5). For instance, some recommendations focus upon the importance of funding civil society organisations to address the issues, under which open-source tools for disinformation are deemed imperative and useful. In addition, multi-stakeholder-based codes of practice has been frequently mentioned across most inquiries (6/8); the role of platforms, news media and fact-checking organisations (7/10); and finally, the need for a changing role for public authorities was discussed across all 10 reports dealing with content issues, with a total of 18 recommendations across these reports.



**Figure 5 NVivo nodes under the category of Content. Source: Authors.**

By comparison, numbers of selected inquiries under the category of rights (Figure 6) fell short to those listed in competition and content, which contains 4 reports only, and this result has

affected the gross number of codes. Over the selected inquiries, most recommendations have focused on online targeting and transparency on political advertising, which are deemed as the main drive to advance regulations in rights. The main focus of recommendations has exerted upon data portability, with a result of 3/3, GDPR and similar frameworks (3/6), privacy act and privacy law (1/3), and privacy commissioner’s power (2/6).



**Figure 6 NVivo nodes under the category of Rights. Source: Authors.**

## Findings

The coding process powered by NVivo identified key themes under each category.

With regards to *competition*, access to data, competition in digital markets, the future of the news industry, and platform regulation were identified as be the main themes across the reports analysed and their relevant recommendations. Descriptions and meanings under each node are summarized as below:

### *Access to data*

- **Content and data flows:** how publication has been circulated and distributed and issues associated with data ownership.

- **Data portability and open data legislation:** issues of data ownership and calls for data sharing across digital platforms.
- **Data strategies, cross-sectoral framework:** development of a cross-sectoral framework on the collection, use and provision of the data.

#### *Competition in digital markets*

- **Common economic characteristics of online platforms:** features arising from the economic structure and conduct of digital platforms, such as network effects and first-mover advantage, and how these can generate forms of monopoly economic power.
- **Competition and market power:** the power of digital platforms to engage in anti-competitive practices, and associated calls for strong competitive markets, including provisions to scrutinise acquisitions and mergers, and stricter penalties for anti-competitive practices.
- **Mergers:** acquisitions and mergers between digital platforms that attempt to eliminate potential market rival, and the capacity for competition policy and antitrust laws to respond to such challenges.
- **Online advertising:** calls for investigation of online advertising market to ensure fair competition e.g. advertiser-funded platforms directing users towards products and services promoted on their own sites.
- **Threats/business models:** the threats to financial sustainability of traditional business models (e.g. advertiser-financed media) and the search for alternative business models.

#### *News industry*

- **Funding:** all possible funding schemes, both public and private, aimed at ensuring and promoting public interest as well as quality journalism.
- **Market impact:** the market performance of established news outlets, and their role in promoting local as well as public interest news.
- **Media literacy:** calls for actions to support media and information literacy for all citizens, particularly young people.
- **Public interest news:** calls for the establishment of public interest news agencies, public funding of journalism, and independent research on public interest concerns.
- **Tax relief:** tax settings to encourage philanthropic support for journalism.

#### *Platform regulation*

- **Codes of conduct for online platforms:** industry or institutional codes to regulate the conduct of digital platforms.

- **Joined-up digital regulation:** calls for integrated and institutional regulation that can be either state-led or multi-stakeholder in nature.
- **Cross-market strategies in digital economy:** global efforts to set cross-market and cross-border rules for digital platforms.
- **Institutional capacity:** strengthening the governance capabilities of public agencies in order to develop more holistic approaches to platform regulation.

The main drive for *content* regulation has been perceived online harms. The main themes identified under content include: the role of digital platforms, news media and fact checking organisations in disseminating or restricting access to harmful content; support for civil society organisations through public funding; multi-stakeholder code of practices; and the role of public authorities. Detailed descriptions under each node are provided as below:

#### *Content Regulation*

- **The role of platforms, news media and fact-checking organisations:** responsibilities for matters such as algorithmic transparency, strategies for taking down illegal content by social media platforms, data portability and system interoperability.
- **Civil Society support through public funding:** the role of public funding in supporting civil society and NGOs, and the necessity for stable and ongoing public funding for public broadcasters. It also includes the development of open-source tools to tackle disinformation on an everyday basis.
- **Multi-stakeholder codes of practice:** the roles and responsibilities of different entities in both setting and enforcing concrete rules of conduct and guidelines for ethical practice.
- **Role of public authorities:** the appropriate role of nation-states, regulatory frameworks, and other public institutions in regulating online content.

The main drive for *rights* is considered to be online targeting, as well as transparency on political advertising. The main themes identified under content include data portability; GDPR and similar frameworks as well as Privacy Act and Privacy Law. Detailed descriptions under each node are provided as below:

#### *Data and Rights*

- **Data portability** involving calls for rules and guidelines regarding data ownership and data portability with the objective of putting a stop to the non-consented collection and use of citizens' personal information.

- **GDPR and similar frameworks** referred to countries where they are emulating and implementing measures similar to General Data Protection Regulation (GDPR).
- **Privacy Acts and Privacy Laws:** proposals for reforms to Privacy Acts and Privacy Laws in various jurisdictions, with a particular focus upon the powers of Privacy Commissioners.

We now discuss the narratives embedded across these 20 reports in more detail, noting areas of commonality and difference between them.

### Competition in digital markets

Reports that studied competition policy issues in digital markets generally had to navigate the tension between recognising the powerful economic gains that arise from the capacity to use data to improve products and services and the benefits of network effects, with the propensity for the same forces to generate economic power within digital markets and enable anti-competitive practices on the part of digital platform giants.

An important distinction needs to be made between the core digital platforms and the process of platformization. As the OECD has noted, common economic characteristics such as network effects, platform-based apps and data optimization in order to optimize services have become ubiquitous in the digital economy, and are not unique to online platform businesses (OECD, 2019). At the same time, the most powerful digital platform businesses have been able to combine and magnify each of them so as to grow to become the world's biggest companies and to possess enormous market power.

The enormous size of digital platforms, and their market power gave considerable scope for anti-competitive conduct, which undermines the benefits of competition, such as product and service innovation.<sup>5</sup> This common issue has been identified across various markets, and regulators are advocating an updated enforcement tools to combat anti-competitive conduct. The European Commission observed that:

When applying the SIEC test<sup>6</sup> to capture the threats to competition associated with the takeover of young, innovative start-ups by dominant digital companies, particular importance must be attached to ensuring the contestability of entrenched positions of power. The Commission 'Competition Law 4.0' recommends the development of corresponding guidelines that specify relevant theories of harm. Particular account must be taken of data-based, innovation-based and conglomerate theories of harm. (Commission 'Competition Law 4.0,' 2019, p.7).

Similarly, the U.S. House of Representatives pointed to 'strengthening antitrust laws' (U.S. House of Representatives, 2020).

To strengthen the law relating to potential rivals and nascent competitors, Subcommittee staff recommends strengthening the Clayton Act to prohibit acquisitions of potential rivals and nascent competitors. This could be achieved by clarifying that proving harm on potential competition or nascent competition grounds does not require proving that the potential or nascent competitor would have been a successful entrant in a but-for world. Given the patchwork of cases that are unfavorable to potential and nascent competition-based theories of harm, this amendment should also make clear that Congress intends to override this case law.

Since startups can be an important source of potential and nascent competition, the antitrust laws should also look unfavorably upon incumbents purchasing innovative startups. One way that Congress could do so is by codifying a presumption against acquisitions of startups by dominant firms, particularly those that serve as direct competitors, as well as those operating in adjacent or related markets (U.S. House of Representatives, 2020, p. 394).

The Subcommittee also found that, in its review of relevant documents produced by the Federal Trade Commission and Justice Department, that the antitrust agencies consistently underestimated the degree to which an acquisition would undermine competition and impede entry. They therefore recommended that Congress amend the Clayton Act so as to prohibit acquisitions that may lessen competition or tend to increase market power.

There has also been considerable attention given to mergers and acquisitions, such as Facebook's 2011 acquisition of Instagram and 2014 acquisition of WhatsApp: The European Commission noted the potentially adverse effects on competition of such mergers:

A reinforcement of European merger control in this regard is all the more relevant because it relates to the preventive and structural arm of European competition policy. Where network effects and strong economies of scale and scope lead to a growing degree of concentration, competition law must be careful to ensure that strong and entrenched positions remain exposed to competitive challenges. The test proposed here would imply a heightened degree of control of acquisitions of small start-ups by dominant platforms and/or ecosystems, as they would be analysed as a possible defensive strategy against partial user defection from the ecosystem as a whole. Where an acquisition plausibly is part of such a strategy, the burden of proof is on the notifying parties to show that the adverse effects on competition are offset by merger-specific efficiencies. (Crémer et al., 2019, p.124).

The Australian Competition and Consumer Commission called for changes to merger laws that would require advance notice of acquisitions so as to be reviewed under Australian competition and consumer protection laws:

Large digital platforms to agree to a notification protocol, to provide advance notice to the ACCC of any proposed acquisitions potentially impacting competition in Australia. The details of the notification protocol will be agreed between the ACCC and each large digital platform, and would specify:

the types of acquisitions requiring notification (including any applicable minimum transaction value), and

the minimum advance notification period prior to completion of the proposed transaction to enable the ACCC to assess the proposed acquisition. (ACCC, 2019, p.30).

The significance of online advertising market, and the changing nature of the digital advertising supply chain have also been a source of concern. It has been argued that the aggregation of advertising income to the digital platforms has contributed to the funding crisis of news industry, and a decline in quality journalism, local reporting and public interest news (Australian Competition and Consumer Commission, 2019; Cairncross, 2019). Misinformation, disinformation and fake news has also been identified a prominent and yet tricky problem arising from processes of algorithmic sorting that characterise news flows on digital platforms, contributing to a wider crisis of trust in news (Flew et al., 2020). Additionally, tax relief and innovative or government funding should be placed to better support quality journalism (Department for Digital, Culture, Media and Sport, 2019; ACCC, 2019). Additionally, data portability or open data legislation are proposed as one of the ways to address issues of market powers and competitive entry (ACCC, 2019), meaning that 'all public institutions must provide structured data via standardised platforms and in open and interoperable data formats' (Commission 'Competition Law 4.0,' 2019, p.44).

Joined-up regulation and the code of conduct of online platforms are presumed to be the most well-recognized solutions to solve the conundrum of digital regulation. This framework tends to bring in different actors at play, acknowledges global occurrences of local issues, encourages cross-border co-operation (Digital Competition Expert Panel, 2019), and proposes institutional capacity – an ability to 'regulation rather than a regulation specifically applicable to current problems' (French Government, 2019, p.3). New codes of conduct have been put forward to deal with the 'relationship between digital platforms and publishers' (Department for Digital, Culture, Media and Sport, 2019, p.10), impose regulations on platforms (Commission 'Competition Law 4.0,' 2019), to 'counter disinformation' and to 'comply with internal dispute resolution requirements' (ACCC, 2019, p.27).

## Content

The main drivers in recent years for content regulation have been concerns about online harms, such as hate speech, cyberbullying, and cyber-racism. Proposals for new measures to address such 'harms' sit alongside already existing legislation that identifies clearly illegal activities, such as the promotion of terrorism (European Commission, 2018). Recommendations to address online harms, as distinct from already illegal content, have focused on four fronts:

1. Strengthening the role of civil society organisations e.g. setting up public funding to 'improve the sustainability of pluralistic news media landscape' (Directorate-General for Communications Networks & Content and Technology, 2018);
2. Establishing multi-stakeholder codes of practice;

3. The relative roles of digital platforms and traditional news media; and
4. The need to establish a revised role of public authorities in light of the rise of digital platforms as being central to the contemporary information ecology, going beyond media-specific laws and regulations.

The appeal for civil society entails public funding for news media, broadcasters, education and digital literacy (Zimmer, 2018b), all of which are aimed at establishing a better environment for the news industry, to address funding crisis generated by digital monopolies.

There is also an increasing awareness of platform responsibilities, emphasizing 'algorithm transparency', and 'on the taking down of illegal content by social media platforms' (Zimmer, 2018b, p.42), as well as the role of platforms against disinformation:

Establishment of a Coalition representing online platforms, news media organisations (including press and broadcasters) and civil society organisations with expertise in fact-checking, which will strive to involve all willing stakeholders from the relevant sectors during the process. Its main task will be to ensure the elaboration of the proposed multi-stakeholders Code of Practices and accompany its implementation and continuous monitoring. (Directorate-General for Communications Networks & Content and Technology, 2018, p.36).

User empowerment is a growing concept that ties in with digital media literacy, and user control. For example, the Centre for Data Ethics and Innovation proposed that 'regulation should encourage platforms to provide people with more information and control' through the following measures:

- Support for 'Fairness by Design' principles with online platforms;
- Labels on online electoral advertisements to make paid-for content easy to identify;
- Greater coordination of their digital literacy campaigns;
- Support for new 'data intermediaries' that could improve data governance and rebalance power towards users (Centre for Data Ethics and Innovation, 2020, p.6).

Advocations on data portability and system interoperability<sup>7</sup> attempts to power users via data control and information flow:

In light of the preceding, the Committee believes that in addition to the recommendation it made in its interim report to amend PIPEDA (Personal Information Protection and Electronic Documents Act) in order to include an obligation to allow data portability, there should also be a recommendation to amend PIPEDA to add the obligation to make systems interoperable so that data could be transferred from one platform to another. (Zimmer, 2018b, p.57).

The recognition of platform and government power falls into the conventional comprehension of platform regulation, however, similar to recommendations made in the first sector-competition in the digital markets, a more constructive framework would be 'multi-stakeholder



code of practice', which is articulating a coordinated regulatory process in content regulation, that is similar to previously mentioned - 'joined-up regulation'. By definition:

A multi-stakeholder Code of Practice setting out the concrete rules of conduct in function of the role which platforms, news media and fact-checking organisations have to play in order to protect an enabling environment for freedom of expression while fostering the transparency and intelligibility of different types of digital information channels. The Code should be built on the Key Principles set out in Section 4.e of this Report and provide for a binding Roadmap for implementation, including an initial Progress Assessment to be carried out by an independent expert entity by October/November 2018. (Directorate-General for Communications Networks & Content and Technology, 2018, p.36).

## Rights

The main drivers under rights are online targeting, and transparency on political advertising, which is mainly focused on data portability, GDPR and similar frameworks, the Privacy Act and Privacy Law. This section contains overlaps with some of the findings discussed in 'competition', such as 'content and data flows', 'open data legislation' and 'data strategies'. The government of Canada for example, is recommended to:

establish rules and guidelines regarding data ownership and data portability with the objective of putting a stop to the non-contestable collection and use of citizen's personal information. These rules and guidelines should address the challenges presented by cloud computing. (Zimmer, 2018b, p.73).

In this section, the major concern is about the use of personal data, especially during election campaigns, an aftermath of the famous US election scandal - 'Cambridge Analytica' (Cadwalladr, 2020). It has been demonstrated that:

Online platforms are used by people all over the world to connect with others, and create and access a wide range of content. The content each user is shown on the platform is personalised to them by online targeting systems. The content they see may be provided alongside private messaging services, blurring the lines between private and public spaces.

In the analogue world, ideas travel through public debate and personal networks (families, friends and colleagues), and through institutions (the media, the state and religious institutions). Unlike online platforms, these institutions select the information they share on the basis of its expected level of public interest and its fit with their agenda. The role online platforms play in society, and their use of online targeting systems, translates to significant social and political power. This power can be exerted by the platforms themselves. It can also be harnessed by others who use platforms, from bloggers and activists, to charities and political parties, to terrorist groups and hostile state actors. (Centre for Data Ethics and Innovation, 2020, p.17).

The General Data Protection Regulation (GDPR) is a wide-ranging European Union (EU) regulation designed to protect the privacy of individuals in the EU. This framework regulates every company that processes personal data within the region, and deals with issues such as data portability, data portability, and data usage. GDPR protects and gives users the control over how their personal data is processed, including how it's collected, stored and used.

The framework of GDPR has been introduced in Canada to address issues relate to privacy and political activities (Zimmer, 2018a); similarly in UK, parties were ‘asked to provide information about how they obtain and use personal data, and the steps they take to comply with open data legislation’:

Our investigators interviewed representatives and reviewed the practices of the main political parties in the UK. Parties were asked to provide information about how they obtain and use personal data, and the steps they take to comply with data protection legislation.

We concluded that there are risks in relation to the processing of personal data by all the major parties. We have issued letters to the parties with formal warnings about their practices. Of particular concern are:

- the purchasing of marketing lists and lifestyle information from data brokers without sufficient due diligence around those brokers and the degree to which the data has been properly gathered and consented to;
- a lack of fair processing information;
- the use of third-party data analytics companies with insufficient checks that those companies have obtained correct consents for use of data for that purpose;
- assuming ethnicity and/or age and combining this with electoral data sets they hold, raising concerns about data accuracy;
- the provision of contact lists of members to social media companies without appropriate fair processing information and collation of social media with membership lists without adequate privacy assessments. (Information Commissioner’s Office, 2018, p.23).

## **Policy Challenges of Platform Regulation**

At one level, the question of whether digital communications platforms should be regulated by governments is a normative question. It is connected to the extent to which freedom of speech and public expression is valued as an end in and of itself, and the extent to which it is seen as needing to be tempered by other societal expectations. With the rise of political polarisation, misinformation and online hate speech, traditional ideas associated with the open internet, such as the proposition that the answer to bad speech is more speech, rather than speech regulation or restriction, have been increasingly challenged (Caplan et al., 2018; Napoli, 2019b).

An important moment in such debates was the 2018 Opening Address to the Internet Governance Forum in Paris by French President Emmanuel Macron. In the speech, Macron argued that there needed to be a ‘Third Way’ between self-regulating platforms that lack accountability and transparency, and a ‘strong state’ that may present a risk to democratic values and civic freedoms. Macron proposed that ‘we need to move away from the false possibilities we are currently offered, whereby only two models would exist: that, on the one hand, of complete self-management, without governance, and that of a compartmented internet, entirely monitored by

strong and authoritarian states' (Macron, 2018). In order to build what Macron termed a new 'Internet of Trust', he proposed that there was an urgent need to establish 'growing responsibility of platforms and regulation of the Internet' (Macron, 2018). In some respects, this 'Third Way' has been adopted by the European Union, around the idea that strong platform regulation will ratchet up standards with regards to data, privacy and content moderation, and that the size of the European market enables its regulators to have substantive influence over the conduct of global digital platforms (Karnitschnig, 2019; Mason, 2020; O'Hara & Hall, 2018).

At the same time, the normative dimensions of digital platform regulation sit alongside a series of technical questions as to how it is to be done. The question of which *agencies* should be involved, for instance, hinges upon how the primary problems are diagnosed. If the concerns are seen as being primarily economic in nature – the big corporate players have become too big, and are stifling competition and innovation – then policy change should be led by economic agencies focused upon competition policy and consumer protection. If the concerns are primarily related to content (e.g. hate speech on online sites), then those agencies that have typically been most concerned with protecting the rights of vulnerable sections of the community should play a major role, such as anti-discrimination agencies and human rights advocacy groups. If the concerns go beyond the sector-specific, relating to wider issues surrounding a data-driven economy and society, or what Shoshana Zuboff termed 'surveillance capitalism' (Zuboff, 2019), then perhaps new agencies are required that can explicitly engage with 'a radical overhaul of Big Tech's surveillance-based model' (Prettner, 2021). The question of whether new agencies are required also connects with the issue of whether platforms are to be seen as publishers, with more legal and moral responsibility for the content on their sites, which challenges the Section 230 'Safe Harbor' provisions. The U.K. House of Commons Digital, Culture, Media and Sport Committee, in its *Disinformation and 'Fake News': Final Report*, proposed that a new category of tech company should be formulated, which is not necessarily either a 'platform' or a 'publisher', but could see the tech companies assume legal liability for content identified as harmful after it has been posted by users (House of Commons et al., 2019).

A recurring debate is the relationship of digital platforms to communications and media policy, and to government agencies with primary responsibilities in these areas. In their manifesto for 21<sup>st</sup> century media and communications policy, Robert Picard and Victor Pickard noted that any statement about the normative principles that should underpin such policies inevitably raises the complex question of what is a media company, and whether digital platform companies are in fact media companies:

Our contemporary digital environment, which includes Internet and related activities, raises the question of what, exactly, is a media company. This question has direct implications for assumptions about the social responsibilities of powerful platforms such as Google and Facebook... We acknowledge that platform responsibilities might differ from those of traditional publishers, yet they nonetheless may be implicated in the increasing concerns about so-called fake news and other social problems. It should be noted that these firms are increasingly monitoring, regulating and deleting content, and restricting and blocking some users, functions that are very akin to editorial choices (Picard & Pickard, 2017, p. 6).

If one understands such platforms as being primarily in the communication business, then there is little question that effective policy action around communication requires that social media platforms such as Facebook, Twitter and YouTube, as well as streaming video services such as Netflix, need to be brought into the remit of communications and media policy in order that it remains relevant and effective (Flew et al., 2019). For example, regulations on political advertising that only apply to print and broadcast media become increasingly redundant as political campaigning has increasingly shifted to social media.

A number of other substantive issues arise with digital platform regulation. One is that of proportionality: should more rules and regulations apply to larger platforms? The European Union's *Digital Services Act* proposes such a sliding scale of regulation, with 'asymmetric due diligence obligations on different types of digital service providers depending on the nature of their services and their size ... Certain substantive obligations are limited only to very large online platforms (VLOPs), which due to their reach have acquired a central, systemic role in facilitating the public debate and economic transactions' (European Commission, 2020b, p. 6).

Another threshold issue concerns the types of regulation that should apply, and whether they are based upon state legislation overseen by government regulatory agencies ('command-and-control' regulation), or whether forms of industry self-regulation and co-regulation are envisaged, possibly involving behavioural regulation and incentives ('nudges') rather than direct regulation (Freiberg, 2010). The latter may also involve civil society organisations and non-government organisations (NGOs) as partners in and overseers of regulation, along the lines of multi-stakeholder governance models developed for international internet governance (Bray & Cerf, 2020; Scholte, 2017).

A final point to note is that while the tools and frameworks for regulating digital platforms may be distinctive, the principles underpinning them are in many ways familiar. In particular, mechanisms for platform regulation that do not explicitly involve nation-state agencies are variants of what is known as 'soft law' (van der Sluijs, 2013). At the core of soft law is the principle that regulation based upon rules, instruments, rulings, guidelines, codes and standards can be

more responsive, flexible and easier to apply than that based upon formal legislation and the rulings of courts and government agencies.

But the 'soft' element of such law also reflects the lack of explicit legal sanctions attached to non-compliance, and its dependence upon the goodwill of non-state actors. As legal theorist Arie Freiberg has observed 'where it is produced by non-state actors and where it is only enforced by non-state actors, it is truly "soft"' (Freiberg, 2010, p. 186). Whatever the concerns are about regulatory overreach and infringements upon speech rights that may arise from government regulation, they sit alongside the real prospect that schemes for platform self-regulation may come to resemble 'Potemkin villages' (Halpern, 2020) that give the appearance of substantive oversight, but without real regulatory 'teeth' and the capacity to meaningfully penalise companies that are in breach of such rules. In that respect, the role of nation-states in the regulation of digital platforms is likely to both become more prominent but also to be highly contested.

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<sup>1</sup> GAMFA is an acronym used to refer to Google, Apple, Microsoft, Facebook and Amazon. FAANG was a term used by The New York Times journalist Farhad Manjoo to describe Facebook, Amazon, Apple, Netflix and Google (Manjoo, 2016). There is now general agreement that Netflix operates on a quite different business model to the other tech companies described here, and many would also exclude Microsoft from this grouping. The U.S. House of Representatives Subcommittee on Antitrust, in its investigation of competition and monopoly in digital markets (U.S. House of Representatives, 2020) focused upon Google, Apple, Facebook and Amazon, or 'GAFA' or the 'Big Four'.

<sup>2</sup> An example of such reactive policy making was the Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019. This law was quickly enacted by the Australian parliament in the wake of the Christchurch mosque shootings, which were undertaken by an Australian while in New Zealand. Critics observed that the vagueness of the wording of such legislation could promote over-blocking of content, and had the paradoxical context of making decisions by platform companies even less publicly accountable, on the pretext of rendering them more accountable to the elected government and public opinion (Douek, 2020)

<sup>3</sup> This was very much apparent in the 2020 U.S. Presidential election primaries, where the campaigns of Senators Elizabeth Warren and Amy Klobuchar focused strongly upon measures to rein in the power of 'Big Tech' (Klobuchar, 2021; Warren, 2019). While neither campaign was ultimately successful, they did shift the dominant position of the Democratic Party from being broadly pro-Big Tech as it was during the Clinton and Obama Administrations, to a more critical position. Comparable shifts occurred in the Republican Party, although it can be hard to discern the extent to which this is framed around policy, as distinct from the personal agenda of former U.S. President Donald Trump (Napoli, 2021).

<sup>4</sup> This is largely the manner in which the highly influential Freedom House Freedom on the Net annual reports have been constructed since they were first published in 2009 (Shahbaz & Funk, 2020).

<sup>5</sup> A major challenge for traditional antitrust and competition laws is that many online services are free, so monopolistic behaviour does not manifest itself in higher prices for consumers. This is the nature of the antitrust paradox as discussed by Lina Khan (Khan, 2016).

<sup>6</sup> The term "SIEC test" describes the substantive and procedural standard for the approval or prohibition of mergers in Art. 2(2) and (3) Merger Control Regulation: the key consideration is whether a merger constitutes a "significant impediment to effective competition" = SIEC

<sup>7</sup> Interoperability is "the ability of a computer system, software or interface to work with others, existing or future, without restriction of access or implementation, regardless of the language, location or software involved." See; Laurence Bich-Carrière, "Propriété intellectuelle et émojis : 😊😊 ou 🤖🤖?", in *Développements récents en droit de la propriété intellectuelle*, vol. 449, Éditions Yvon Blais, Montréal, 2018, pp. 314-315 [TRANSLATION].

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## Appendix

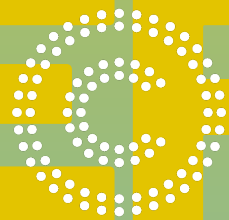
Table 1 Full list of selected reports. **Yellow** highlights refer to inquiries that cover both the area of content and competition. **Blue** highlights refer to inquiries that cover all three areas of competition, content and rights.

Regulatory focus	Title	Country	Department/ Panel/Organization	Focus	Year
<b>Competition</b>					
<b>Inquiries, reviews, &amp; reports</b>	Unlocking digital competition: Report of the digital competition expert panel	United Kingdom	Digital Competition Expert Panel	Competition	March 1, 2019
<b>Inquiries, reviews, &amp; reports</b>	The ACCC Digital Platforms Inquiry (Final report)	Australia	Australian Competition and Consumer Commission	Competition	2019
<b>Inquiries, reviews, &amp; reports</b>	Investigation of Competition in the Digital Marketplace: Majority Staff Report and Recommendations	United States	U.S. House Committee On The Judiciary	Competition	October 6, 2020
<b>Inquiries, reviews, &amp; reports</b>	The Cairncross Review: A Sustainable Future for Journalism	United Kingdom	The Department for Digital, Culture, Media and Sport	Sustainable journalism	2019
<b>Inquiries, reviews, &amp; reports</b>	A New Competition Framework for the Digital Economy	Germany	The Commission 'Competition Law 4.0'	Competition	Sept 9, 2019
<b>Inquiries, reviews, &amp; reports</b>	Competition Policy for the Digital Era	European Union	European Commission	Competition	2019
<b>Inquiries, reviews, &amp; reports</b>	Canada's Communications Future: Time to Act	Canada	Broadcasting and Telecommunications Legislative Review	Competition	Jan, 2020
<b>Content</b>					
<b>Non-binding State pressure/s oft law</b>	The Christchurch Call to Action: To Eliminate Terrorist and Violent Extremist Content Online	New Zealand		Online terrorist content	2019
<b>Inquiries, reviews, &amp; reports</b>	Creating a French framework to make social media platforms more accountable: Acting in France with a European vision	France	Submitted to the French Secretary of State for Digital Affairs	Content moderation	May 1, 2019
<b>Inquiries, reviews, &amp; reports</b>	A multi-dimensional approach to disinformation	European Union	European Commission	Fake news and disinformation	2018

<b>Inquiries, reviews, &amp; reports</b>	Democracy Under Threat: Risks and Solutions in the Era of Disinformation and Data Monopoly- Report of the Standing Committee on Access to Information, Privacy and Ethics	Canada	House of Commons, Chamber Des Communes	Disinformation, privacy and cybersecurity	Dec, 2018
<b>Inquiries, reviews, &amp; reports</b>	Disinformation and 'fake news': Final Report	United Kingdom	House of Commons Digital, Culture, Media and Sport Committee	Online harms and data privacy	Feb, 2019
<b>Inquiries, reviews, &amp; reports</b>	Internet Safety Strategy - Green paper	United Kingdom	House of Commons Digital, Culture, Media and Sport Committee	Online harms	Oct, 2017
<b>Inquiries, reviews, &amp; reports</b>	Online Harms White Paper - Initial consultation response	United Kingdom	UK Government	Online harms	Feb, 2020
<b>Inquiries, reviews, &amp; reports</b>	Proposal for a Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online	European Union	European Commission	Disinformation and online terrorist content	Sept, 2018
<b><i>Rights</i></b>					
<b>Inquiries, reviews, &amp; reports</b>	Poisoning Democracy: How Canada Can Address Harmful Speech Online	Canada	The Public Policy Forum	Harmful speech online	August 11, 2018
<b>Inquiries, reviews, &amp; reports</b>	Investigation into the use of data analytics in political campaigns	United Kingdom	Information Commissioner's Office	Data privacy	Nov, 2018
<b>Inquiries, reviews, &amp; reports</b>	Online targeting: Final report and recommendations	United Kingdom	UK Government	Online targeting	Feb, 2019
<b>Inquiries, reviews, &amp; reports</b>	Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	United Nations	Human Rights Council	Content regulation	Apr, 2018
<b>Inquiries, reviews, &amp; reports</b>	Addressing Digital Privacy Vulnerabilities and Potential Threats to	Canada	House of Commons	Online targeting	2018

	Canada's Democractical Electoral Process - Report of the Standing Committee on Access to Information, Privacy and Ethics				
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