

**Submission to the Joint Committee on Enterprise, Trade and Employment on the pre-legislative scrutiny of the General Scheme of the Digital Services Bill 2023.**

**Ref: ETE-i-496**

**Dr Kirsty Park on behalf of DCU's Institute of Future Media, Democracy and Society and EDMO Ireland**

**10 May 2023**



The Institute for Future Media, Democracy and Society (FuJo) is a research centre located in DCU's School of Communications. FuJo's multidisciplinary research investigates how to counter digital pathologies including disinformation and digital hate; how to enhance public participation through democratic innovations; and how to secure the sustainability of high-quality journalism. [www.fujomedia.eu](http://www.fujomedia.eu)



EDMO Ireland is one of fourteen hubs established as part of the European Digital Media Observatory (EDMO). The EDMO Ireland consortium includes the DCU Institute for Future Media, Democracy and Society (FuJo), TheJournal FactCheck, NewsWhip, and the University of Sheffield. It is part-financed by the European Union to monitor and analyse disinformation; conduct factchecks and investigations; develop media literacy resources; assess and inform policy; advance tools to detect and analyse disinformation; conduct research; and increase capacity among the community of Irish stakeholders. <https://edmohub.ie>

# Introduction

DCU FuJo, with its broad expertise in digital media, has been a key player in researching and understanding online harms such as hate speech and disinformation. It has worked closely with regulators and policymakers in Ireland and Europe to deliver an independent and research-informed understanding of complex issues. Additionally, the EDMO Ireland hub, which is coordinated by DCU, participates in the research and digital policy work conducted by the EDMO network across the EU. Based on this expertise, the majority of this submission will focus on 'HEAD 9 – Procedures to vet researchers and request data on behalf of vetted researchers'.

It is essential to highlight the critical role of research and data in the implementation of the Digital Services Act (DSA) at a member state level. Digital Service Coordinators are tasked with obtaining data from Very Large Online Platforms (VLOPs) and managing the vetting process for researcher access to that data. Additionally, they provide national evidence and expertise to support the European Commission's work, monitor DSA violations, and process trusted flagger applications. These tasks require specialised regulatory expertise in systemic platform risks and governance, as well as analytical skills to evaluate their oversight and ensure that data requests and denials are justified.

As a risk-based, principle-based regulatory framework, the DSA promotes increased regulation and supervision of the largest digital service providers. This is based on the understanding that the societal and individual risks posed by these companies are commensurate with their size. The DSA identifies numerous areas of systemic risk, such as threats to democratic processes, public health, and physical and mental wellbeing, which may arise from algorithmic processes, platform design, and moderation and enforcement decisions made by service providers.

The DSA not only imposes greater obligations on the largest digital service providers but also acknowledges that the most significant systemic risks in society warrant and necessitate third-party research to comprehend and devise solutions for addressing them. Consequently, the DSA acknowledges the vital role of research by granting vetted researchers access to the required data and information to perform an in-depth examination of systemic risks.

A recent policy paper from the Hertie School regarding the DSA<sup>1</sup> emphasises the need for a strong exchange between DSCs and civil society and academia in order to fulfil the DSC's envisioned research functions. The paper specifically calls for Ireland to build a strong DSC capacity due to its status as the country of establishment for numerous large intermediary services providers.

---

<sup>1</sup>[https://hertieschool-f4e6.kxcdn.com/fileadmin/2\\_Research/2\\_Research\\_directory/Research\\_Centres/Centre\\_for\\_Digital\\_Governance/5\\_Papers/Implementing\\_Data\\_Access\\_Darius\\_Stockmann\\_2023.pdf](https://hertieschool-f4e6.kxcdn.com/fileadmin/2_Research/2_Research_directory/Research_Centres/Centre_for_Digital_Governance/5_Papers/Implementing_Data_Access_Darius_Stockmann_2023.pdf)

Under the DSA, research requests can be submitted to either the DSC of establishment (which in most cases will be Ireland) or the DSC in the applying researcher's institution's country. In the latter case, the DSC conducts an initial assessment and sends its opinion on the application to the DSC of establishment, which then makes the approval decision. This implies that Ireland's DSC will likely be responsible for processing the majority of research requests under the DSA.

Additionally, once research applications have been granted, the DSC of establishment must request the data from the service provider. If the provider claims that they cannot provide such data, due to an exemption such as trade secrets, they must request an amendment, which the DSC of establishment must also approve. This process demands considerable expertise, resources, and capacity from the DSC.

Currently, access to platform data is extremely limited and there is an expectation among the research community that if it functions properly, the implementation of the DSA could significantly improve the scope and quality of research that can be conducted. It is very likely that researchers will immediately begin requesting data once this mechanism opens up and the Irish DSC will need to be prepared to deal with these requests.

## Recommendations

Given the extent of Ireland's role, it is crucial that its DSC fosters an independent, knowledgeable, and fair process for vetting research to uphold the DSA's principles. This entails the following requirements:

1. Applications and approval for vetting must be managed transparently and free from interference or commercial concerns related to the Irish-based operations of companies who would be affected by approved research requests.
2. The Irish DSC must possess relevant expertise and understanding to evaluate the quality, importance, and appropriateness of research requests. This requires the DSC to have knowledge of systemic risk, platform governance, data science, and internet regulation, and to continually update this knowledge to maintain relevance and adaptability to the rapidly evolving landscape of digital services and associated risks.
3. The Irish DSC will need substantial capacity to handle the processing of requests and vetting of researchers, potentially on a large scale.

While the focus of this discussion has primarily been on researcher access to data, establishing a research unit would also aid in fulfilling other DSC responsibilities, such as approving trusted flagger status, processing service provider reporting requirements, and initiating investigations.

In light of the significant responsibility Ireland will bear in managing the vetting and research approval process across the EU, we recommend that the Committee consider including a provision in the Digital Services Bill for the creation of a research unit. This unit would be responsible for facilitating research access, conducting data analysis, and managing

external collaborations for these tasks. Crucially, it would emphasise maintaining up-to-date expertise and knowledge, either in-house or through partnerships with researchers and civil society groups. This addition would ensure the availability of necessary expertise to support the effective implementation of the DSA at both national and international levels.

Alternatively, the bill should explicitly state that the DSC research process must be independent, guided by relevant experience, and adequately staffed to fulfil its responsibilities.