Researcher access to platform data: a strategic challenge

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Executive summary

In May 2022, Arcom launched a public consultation on access to online platforms' data for research purposes. This initiative aimed at understanding the needs of researchers and contributing to the implementation of the Digital Services Act (DSA). Indeed, the social consequences of online usage are now part of the prerogatives of national and European regulators, as the **self-regulatory model** of online platforms had shown **evident limitations.**

The DSA profoundly redefines the duties of the largest platforms and search engines. In article 40, the text creates an innovative mechanism anchoring researchers' access to data necessary to better understand these services. In practice, the success and sustainability of the DSA will depend to some extent on the **work carried out by researchers**, which will contribute in **informing the public debate** and will **feed into regulation**.

Arcom called on a wide range of stakeholders from the research field, civil society, and private sector to share their views on this complex issue. The consultation was structured around five themes, namely **(1) experience feedback on data access, (2) governance of data access, (3) construction of scientific projects, (4) data protection and technical matters, and (5) feasibility of access and incentives.**

The aim of our subsequent analysis of contributions was to identify the main difficulties encountered by researchers and to envision how national and European regulators could facilitate the appropriate implementation of the new regulation and build on the works produced by researchers to strengthen their approach.

Main takeaways of our public consultation

Four main points of consensus on the current situation regarding researcher access to data emerged from the interviews conducted and the responses received as part of the consultation. These findings (which have already been largely integrated in the recent regulatory overhaul) serve a set of proposals from Arcom. These proposals are aimed not only at facilitating the implementation of new access mechanisms but also at fostering the dynamism of the research ecosystem.

#1: Researcher access to data was largely sub-optimal prior to the DSA
In the absence of a dedicated legal framework, access was primarily granted by platforms on a voluntary basis, leading to a concentration of research on the services most committed to data access. These inconsistencies in access granted by platforms also influenced research questions as well as the methodologies employed, resulting in large asymmetries in terms of the analysis that could be conducted across different services.

#2: The modalities of data access must be adapted to the sensitivity of the data concerned.
Data deemed sensitive must be protected. Access to such data must take place in a secure and proportional manner, as to offer high guarantees of confidentiality protection, while complying with the General Data Protection Regulation (GDPR). Conversely, public or aggregated data should be made as accessible to the general public as possible, notably by following the principles of open data, thus enabling civil society to freely set up relevant initiatives.

#3: Researchers are calling for clear, effective and transparent data access protocols
Researchers are advocating for standardised, transparent and clear processes when requesting access to data. A majority of respondents emphasized the importance of

establishing an intermediary entity between researchers and platforms, who would be able to draw on its technical expertise. However, ensuring the transparency and independence of such an intermediary will be crucial.

#4: It is important to draw upon existing expertise in order to contribute to the vitality of the research ecosystem

Drawing upon existing expertise in data sharing and processing will be of paramount importance in the successful implementation of new access mechanisms and in driving up their adoption among researchers. France is home to cutting-edge research laboratories studying online platform studies, whose role in knowledge and techniques dissemination must be sustained and reinforced as to benefit other researchers. The French data protection authority, CNIL will also have a pivotal role in supporting the expansion of data access alongside Arcom, by drawing up on its extensive expertise in personal data protection.

Arcom's proposals following the consultation

The knowledge produced by the research community has a strategic role in informing regulation and public debate. This document puts forward a number of proposals from Arcom aiming to facilitate a fruitful collaboration between regulators and researchers. Our regular exchanges with the research community have already provided a foundation for Arcom's input into the European Commission's work on the delegated act[1], which will provide additional specifications for data access under Article 40 of the DSA.

(1) Contributing to the vitality of France's research ecosystem

   a) Maximising synergies within the ecosystem

   ➢ Facilitating the sharing of experience between researchers
   ➢ Optimising the reusability of datasets
   ➢ Promoting the involvement of young researchers
   ➢ Promoting the deployment of public computational tools
   ➢ Supporting multidisciplinary and transnational approaches
   ➢ Supporting the deployment of secure technical solutions
   ➢ Encouraging an open data approach for less sensitive data

   b) Regulating by drawing on the work of researchers

   ➢ Contributing to the visibility of researchers' work in the public debate
   ➢ Identifying emerging research topics
   ➢ Developing capacities for agile analysis
   ➢ Facilitating the prioritisation of researchers' demand for accessing new types of data and for API updates
   ➢ Maintaining existing data access channels and encouraging the implementation of APIs
   ➢ Defending access to public data for media organisation, fact-checkers and civil society associations
   ➢ Initiating exploratory exchanges with the community about data donation and scraping

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[1] Arcom's contribution to the European Commissions's call for contribution regarding the delegated act completing article 40 of the DSA : Feedback from: Arcom (europa.eu)

(2)

    a) <u>Ensuring the proper circulation of information at the French level</u>

       ➢ Explaining and promoting new data access mechanisms
       ➢ Providing support for specific projects on an exceptional basis
       ➢ Working towards the transparency of data access processes

    b) <u>Operating as part of a "network of regulators"</u>

       ➢ Facilitating the vetting tasks of the DSC of establishment of VLOPSEs
       ➢ Liaising between the national and European levels
       ➢ Following the creation of an independent third-party body