

# Media Accountability

## Holding online social platforms accountable

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Master Thesis.

June 25<sup>st</sup>, 2018.

## Abstract

The purpose of this research is to establish whether or not traditional accountability mechanisms, such as ombudsman, NGO's, citizen activism, code of conduct, industry codes and similar mechanisms, could be applied to online social platforms in their assumed gatekeeping position, between users and content. The research is especially concerned with the threats that come with the use of 'personalisation' by means of algorithmic selection and filtering. This is done by online platforms such as Facebook and Google and the majority of their peers, to ensure that content as displayed on their platforms suits the user's individual preferences, in order to maximize the height of the user experience on their platform. However, there are side-effects of personalisation, often put under the umbrella term of 'the filter bubble', which are undesirable in (democratic) societies. A filter bubble occurs when a user is no longer confronted with views that are contrasting or new. The user now simply has his own views re-affirmed over and over. Whereas democracies thrive on information plurality and diversity for citizens to base their opinions upon. Traditionally, in content-distributing companies, such problems were battled by means of accountability mechanisms, to minimize government interference, which is more a facet of totalitarian regimes. This debate largely follows Habermas' idea of the public sphere, applied to the online world. But for platforms, these mechanisms are scarce. Thus, expert interviews were conducted to analyse whether or not these mechanisms were applicable. It became clear that, while the risks as posed by the filter bubble theory need more empirical research, there is a perceived need for more accountability mechanisms. Although the industry of platforms is difficult to define, it appears that at least a basis of legislation is required. This should take an affirmative approach, encouraging and prescribing actions to be taken by the platforms themselves as well as governments. For the platforms, codes of conduct, transparency in communication towards users and responsiveness are found to be important elements of accountability. Issues of algorithmic transparency appear still a complex subject where the opinions are divided thoroughly. Meanwhile, governments should try to stimulate independent actors such as NGO's and citizens to get engaged in the 'holding accountable'. This can be done through increasing media literacy, rerouting taxes into accountability initiatives, supporting independent research and the likes. Summarizing, the urgency of legislation is low. Thus, independent research must be done to find support (or not) for the perceived risks of personalisation and algorithmic filtering and selection. Meanwhile, platforms should be

encouraged to behave responsibly. Governments should try to keep their involvement to affirmative actions towards stimulation desired behaviour and other indirect measures, at to keep involvement in content related issues at a distance.

<Key Words: Media Accountability, Online Social Platforms, Algorithmic Filtering and Selection, Filter Bubbles, Transparency>

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# 1. Introduction

In an interview addressing some of the controversies that the online social platform Facebook encountered in 2018, Mark Zuckerberg, the company's CEO, compared his organisation to a government, 'governing' over a democratic society of world-wide users (Klein, 2018). While he continued this statement that like a government, the company should answer to an independent body that had the user's interest at heart, the idea itself raises a rather complicated dilemma in terms of the role online social platforms play in contemporary society. Especially when combined with another recent announcement. A few months prior, Facebook announced a change in policy: it would give information from your 'real' social network a more prominent place in your newsfeed, preferring one specific type of content over advertisers or businesses, most of whom pay Facebook to get their content to its users (Zuckerberg, 2018). This example is just the tip of the iceberg of how online platforms such as Facebook, Google and Apple can influence which content their users receive. While both of these examples relate to the same platform, the transformative power of many of the prominent online social platforms and their algorithms in society can hardly be ignored. From writing music and haikus to making editorial decisions, from intricate stock trading to filtering our newsfeeds, the end is not even remotely near for the powerful combination of convenience and technological prowess (Steiner, 2012; Van Dalen, 2012).

As with many developments in technology that affect user lifestyle, while most of their advancements make daily lives more comfortable, there is an increasing amount of concern about possible negative effects of the increasing usage of algorithms (Wilson, 2017). To what extent do users wish to trade control for convenience and speed? Moreover, where does the control lie when allowing algorithms to decide what news we read, what route to take to work, what music to listen to? While some argue that online social platforms as a part of the Web 2.0 have given rise to a more social, connected world (Benkler, 2010), these questions form the basis for a broad range of valid concerns surrounding usage of algorithms by online social platforms and what David Beer calls 'the social power' of algorithms (2017). This thesis will examine the risks surrounding the use of algorithms by online social platforms in their role as 'new information intermediaries for access to and consumption of media content' (Helberger, Klein-

von Könislöw & van der Noll, 2016, p.51), with a special focus on news content in its relevance to the proper functioning of democratic society.

Currently, online social platforms continue to grow in their role as source of (news) content for citizens, even for content created by traditional media. Newspapers, magazines and public broadcasters are increasingly reliant upon platforms for the distribution of their content (Kietzmann, Hermkens, McCarthy & Silvestre, 2011). This type of content is of vital importance for citizens of a democratic society, who need it to take informed (voting) decisions. As Hauser (1998) has put it '[d]emocratic governance rests on the capacity of and opportunity for citizens to engage in enlightened debate (p. 83). His discussion of the concerns that citizens' face serious challenges in forming their opinion due to the vast amount of information available and the lack of capability to properly judge the factuality, relevancy, context and other important aspects of this information still rings true today. For any debate to be 'enlightened', its participants require as much information diversity as possible. In theory, online platforms provide a space for public debate that might nurture the dialogue surround public opinion. They offer a place for citizens to formulate and share their opinions with a much broader part of society. Advocates this 'social' view of online platforms often celebrate this characteristic of platforms, viewing them as an opportunity for each citizen to voice their opinion. However, what citizens practice on platforms is not limited to public opinion formation. Furthermore, platforms are currently not subjected to accountability mechanisms to ensure that they will remain a neutral space that nurtures these dialogues between citizens and allow for full information diversity. There are risks to the influence platforms have on what content reaches the user, especially risks of diminishing variety and lessening of information diversity. This is mainly caused by what the platforms call 'personalisation'. While companies such as Facebook and Google have so far communicated their ideals to 'do good' (Van Dijck, 2013), the choice to do so is voluntary and thus dependent on the company's own goodwill (Caffy & Clarck, 2014).

Online social platforms use algorithms to sort and filter content that is available on the Internet. These algorithms then calculate what seems to be the most useful, relevant or beneficial to this particular user and present it to the user. This is what personalisation entails. It is done through algorithmic selection, defined as '[...] the automated assignment of relevance to certain pieces of selected information (Just & Latzer, 2016, p. 239)'. The algorithms make

decisions based on large amounts of (user)-generated data (Wilson, 2017). In practice, this means that the way the algorithms are built decides what the users get to see in the end. They have become a powerful tool for companies to aid in deciding which information is available to specific users and, equally important, which information is not. While the apparent aim of these algorithms -providing receivers with only relevant information- is in itself harmless, there is a potential for less favourable effects, especially in democracies that depend upon independent media to provide the public with a broad range of information or information diversity (Sunstein, 2017). This puts online platforms in a position between users and content, which can be related to what is called a 'gatekeeping position' or 'gatekeeper role'.

Traditional media scholarship used the concept of 'gatekeeper' indicate by two types of agents who occupied a position between content and information that was available, and the users who could consume that content. The first type of gatekeeper was one that controlled access to information. For example, newspaper editors who decided what was worth publishing. The second type played an intermediate, facilitation role linking together users and content because they had the power over technology or resources that allowed this linking. This category comprises internet-service providers (ISP's) or other types of network operators for example. For both of these types of gatekeepers a multitude of regulatory tools and accountability mechanisms have been created over time, to prevent negative effects on media and information diversity (Helberger et al., 2016). However, since the rapid development of Web 2.0 and the rise of the online social platforms such as Facebook, YouTube and Instagram, consumers have changed their habits. They have started to consume their news content via platforms, increasingly preferring them to more traditional media outlets such as newspapers and television. Unfortunately, the regulatory tools and accountability mechanisms have not followed this shift and are still mainly suitable for holding traditional media. Yet platforms differ from traditional media in a manifold of ways. Although they are careful not to accept their 'gatekeeping' role, and generally deny any responsibility over the content displayed, it becoming evident that platforms occupy a position between users and content. It is therefore important to see which aspects of the gatekeeper role can be found in the how platforms act in this position.

Van Dijck (2012) describes online social platforms as technological constructs that play an active role in society by exploiting connectivity as a resource. Connectivity entails how



platforms monetize their access to the data and content created by their users. This active role in society puts platforms close to the traditional concept of gatekeepers. This thesis will argue that platforms are more than simply ‘displayers’ of content and that they occupy an active position between content and users. With this position comes a responsibility towards society that platforms need to be held accountable. When comparing online social platforms to the traditional types of gatekeepers, it becomes clear that online social platforms incorporate aspects of both types of gatekeepers and thus require a new approach to hold them accountable in this role.

The need to hold platforms accountable is clearly demonstrated by what is called the ‘filter bubble effect’ (Pariser, 2011). Personalisation is done based on the data a user has generated in the past: past searches, likes, following, sites previously visited, attention spent on certain items. This also has a number of consequences for the amount of diversity of information each user receives. The more personalised the information becomes, the less opportunities the user has to interact with new or opposing views. While filter bubbles can be countered and escaped, they are difficult to recognize and since they cause no directly observable harm, there is no incentive for users to try to counter their filter bubbles actively. However, being exposed to contrasting views is essential for those living in a democratic society (Pariser, 2011). Unless governments, users or platforms take action to counter filter bubbles, what follows is the echo chamber effect (Colleoni, Rozza and Arvidson, 2014). This effect occurs when users are only exposed to views that correspond to their current views. Combined with the absence of contrasting views, their current view is constantly reinforced. This is not problematic in all circumstances, but in a society such as the Netherlands’ which has a culturally diverse background (Centraal Bureau voor Statistiek [CBS], 2017), it is important that citizens are comfortable and knowledgeable to opinions that differ from their own. In summary, online platforms distributing media content have an important effect on information diversity in societies where they are popular, such as the Netherlands.

Traditionally, companies that created information content, such as newspapers and television broadcasters are subject to certain accountability mechanisms that would ensure their proper conduct. Currently, there are no such mechanisms for online platforms in place. The need for governments to find a suitable manner of governance to hold these platforms accountable for their gatekeeping role in society is thus quite evident (Just & Latzer, 2017). Yet, it is challenging

to interfere with media companies such as these that function as gatekeepers to information. Such a governance approach should consider at least the following aspects of this topic.

First, the regulation of online services is a complicated matter due to technical complications (Nair, 2010). Algorithms are often still largely considered to have ‘Black Boxes’, or parts in the journey from input to output which are untraceable and impossible to understand (Diakopoulos, 2015). Saurwein, Just & Latzer (2015) discuss a broad range of options available for the regulation of algorithms, ranging from pure-market solutions (i.e. competition) to state intervention (laws and regulations). However, these options are all quite broad, and they acknowledge that due to the complexity of the subject matter, further research is needed to discover truly applicable solutions. Some argue that the only manner in which algorithms can be truly used responsibly, is to provide users with full access to the inner workings and mechanisms, in other words be fully transparent. Nevertheless, there are several important objections to full transparency such as that it might harm business interests and more (De Laat, 2017).

In addition to this technical complexity, any regulation or holding accountable of sources of (news) content can best be done through accountability mechanisms that maintain the fragile balance between freedom and accountability (McQuail, 1997). This fragility is caused by what Just calls the ‘value conflict’ (2009) within any policy where media is concerned, which comes forth from the dual function of media in society. On the one hand, media products and services are economic goods, meant to be sold and bought and part of the market of a country. On the other hand, media products contribute to society by being ‘commodities and constitutive elements of public-opinion formation’ (Just, 2009, p. 98). This makes media products and services related to them, such as the online social platforms where they are increasingly distributed, difficult to regulate, as governments will wish to be careful in avoiding any sense of censorship while protecting society from harmful content and ensure diverse supplies of information.

Thus, there is not a single clear path forward for governments that wish to deal with the possible harmful effects caused by online social platforms and their usage of algorithms (Napoli, 2015). In spite of these challenges, it is vital to a democratic society such as the Netherlands to create an environment in which media and information diversity are cultivated and respected.

Personalisation of search results and news-feeds should not have a negative effect on essential elements of a democratic society such as information diversity. Many researchers have addressed the role of platforms (Gillespie, 2010; Steiner, 2012; Van Dalen, 2012; Van Dijck, 2012; Van Dijck, 2013) as well as the effects of algorithms in society (Beer, 2009, 2017; De Laat 2017; Helberger et al.2015; Just & Latzer, 2017; Napoli, 2015; Saurwein, Just & Latzer 2015; Wilson, 2017). While these studies provide valuable input, none of them brings together the specific challenges in approaching the role of online platforms in information diversity for a democratic society. This thesis will use existing research as well as expert interviews to explore the options the Dutch government has for ensuring media diversity through these platforms by answering the following research question:

*'How can online platforms that use algorithmic selection and filtering to distribute media content be held accountable for their gatekeeping activity in a democratic society?'*

The thesis will examine traditional media accountability frameworks in order to see which of these frameworks provides an optimal solution for the problems concerning information diversity for users on online platforms, attempting to take into account as broad a range of costs and benefits as possible. First, it will explore what platforms are and what their role as gatekeepers to information access entails. This entails addressing the sub-questions of which aspects of platforms and their activities contribute to their gatekeeping position. Second, we will explore the risks inherent in this gatekeeping position, as well as which options are available in countering these risks and who should be the governing body. Options explored were governments, the public and the industry and finally, media accountability instruments. Furthermore, it will analyse traditional frameworks of media accountability and the accountability instruments included, seeking to find which of these mechanisms can be used as-is or adapted to suit algorithmic filtering and selection. The results will be used to conduct expert interviews, which will provide a broad perspective of the costs and benefits of the available options for governing social platforms. The following sub questions will be addressed:

*Sub-question 1: How do platforms act in their gatekeeping position between users and (news) content?*

*Sub-question 2: Which risks to information diversity are posed by online platforms in this gatekeeping position, specifically in their use of algorithmic filtering and selection?*

*Sub-question 3: How can traditional media frameworks and accountability instruments be applied to processes of algorithmic filtering and selection?*

Finally, it will propose a roadmap of the available options to stimulate or regulate platforms to behave in a responsible manner in this function. This roadmap will lay out the different elements that can be applied and linked in order to ensure proper functioning of the platforms in society without detrimental effects to the public sphere and maintaining balance with their business interests.

## 2. Theoretical Framework

This theoretical framework will identify and clarify the concepts that have to be scrutinized before an approach to counter possible risks to information diversity as posed by the gatekeeping position of online platforms can be created. It will consider the exact definition of online social platforms and their information-distributing role in society, as well as their usage of algorithms in this respect. Moreover, it will discuss concepts and usages that have traditionally been applied to hold media accountable in this role. These elements will form the foundation for the following methodological set up.

### 2.1 Online Platforms

Throughout this thesis, the term ‘platforms’ is used to refer to online (social) platforms which distribute content to users. We are aware that there are platforms who do not exactly perform this specific role, such as online market places or messaging services. Since these platforms do not perform the content distribution role as one of their main activities, their influence on the level of information diversity is still under debate and puts them outside of the scope of this thesis. The term ‘content’ is meant to indicate news content, unless specifically indicated otherwise.

#### 2.1.1 Defining platforms

Online social platforms come in a multitude of forms. In order to realize a working definition, researchers have dissected individual platforms and sought out overlapping elements. Van Dijck describes platforms as exemplified by two dimensions. First, platforms are technological constructs that apply coding to social activities via formatted protocols and present these processes through user-friendly interfaces. Second, platforms play certain roles in society, by exploiting connectivity as a resource (2017). As an example of the first dimension, Facebook has transformed the act of ‘being friends’ into an online activity. The friendship can now be executed online as well as in real life. Google has created an online information environment where answers to queries can be sought. In order to do so, platforms make use of hardware or software but might also provide a service that applies both. Van Dijck calls this the enabling of ‘connectivity’ between two actors: the transport of content (in the form of data) from one endpoint to another. This is concept the foundation upon which practical all platforms are built

(2012, p. 17). The second dimension focuses more on the role platforms play in society. In this sense, platforms are part of a constantly evolving dynamic where different types of agents (human / non-human; material / immaterial) of varied sizes such as individual, groups, collectives, societies, build a connective space for communication and information (Van Dijck, 2012). In his discussion of platforms, Gillespie (2010) portrays that platforms as online spaces upon which content can be displayed, shared and distributed. The word itself suggests that it elevates things, displays them. Many of the prominent online platforms fit this description accurately: YouTube displays video graphic content, Facebook social content, Google provides users access to content from all over the internet. A final important aspect is the fact that platforms are generally parts of businesses. They have become corporations with a business model, strategic plans, alliances and more. This has been a transition moving away from Web 1.0, where the Internet was a free and open community and focussed on sharing and collaboration (Benkler, 2012). Viewing platforms from this perspective means identifying them as player in a market, where strategic (monetary goals) may conflict with interests of the general society in which the platform operates.

In summary, platforms are thus services provided by businesses, which give users access to specific applied uses of online resources and abilities. Through these platforms, data is increasingly being gathered and transported. In that sense, platforms are a way of monetizing connectivity, working the balance between empowerment of individuals via connectivity and exploitation of the (data) resources these users provide.

Although there is an increasing interest in the technological workings of platforms, users in general are not well aware of the technology and decision making behind the interfaces they use to access the platform (Beer, 2017, p.4). They see the platform more as an online extension of the offline (social) life than as part of a business with an often profit-oriented vision, gathering and exploiting their data. Yet the architecture of a platforms (interface design, code, algorithms) is always the temporary outcome of its owners attempt to steer user's activities in a certain direction (Van Dijck, 2012). This is what Beer calls 'technological unconsciousness': users are not aware of the fact that their preferences, actions and behaviour are always at least being measured, but more often used as input for research or steered towards certain parts of the platform (Beer, 2009, 987-990) . Platforms thus do not only have a facilitation role in which they

simply transfer data, but have adapted and transformed into a steering role. This is a double steering role: on one side, the platforms stimulate certain user activities. On the other hand, they play the role of gatekeeper in making decisions on what content reaches the users. Platforms regulate the link between users and content. This gives them power over the level of information diversity each user is exposed to. In this power lies potential for abuse. The ongoing investigation of the Russian interference with the U.S. election through Facebook is an example of how manipulation of the information stream on platforms has potential for abuse. While this example is an external party using the platform, there is currently very little that prevents platforms from using their access to users for their own purposes.

Fortunately, it seems that the platforms are currently not in abuse of this position. Research by Zuiderveen-Borgesius et al. (2016) showed that there is currently no empirical evidence that personalised communication leads to filter bubbles or diminishing variety of information. Even still, they conclude that ‘[...] if personalisation technology improves, and personalised news content becomes people’s main information source, problems for our democracy could indeed arise, as our review of empirical studies of media *effects* has shown.’ (p.10). They emphasize the need to continuously review the behaviour of platforms in their gatekeeping position, which will be attempted in the following section.

### 2.1.2 Platforms in their gatekeeping position

The term ‘gatekeeper’ was invented to describe two types of agents that could be situated in between content and users, thereby influencing the access to both. Helberger et al. (2016) describe the first type as ‘the gatekeeper as controller of access to information’ and the second type as ‘the gatekeeper who has a facilitation role through its control of critical intermediary resources or services that are necessary to link users and content [...] (p.3)’. Online (social) platforms incorporate aspects of both types of gatekeepers. They control the online infrastructure as a critical resource that provides access to users. Innumerable amounts of small parties depend on this infrastructure to gain access to users, such as apps with an API based in the platform infrastructure. They are also controllers of access to information, in the sense that their algorithms play an important role in which content reaches the user. This affects both the users as well as the original content distributor. Their algorithms, built to ensure personalisation, ease of access and filtering of seemingly endless amounts of available information, influence users’

daily lives in many ways (Wilson, 2017). As said earlier, it is this (potential for further) influence on information diversity in society that leads to the need for scrutinizing how these platforms operate. They do also differ from traditional gatekeepers. Platforms are based much more on interactions with their users. Their current monopolistic position is where they draw most of their advantage from, as it provides them with the data that other companies cannot access. If they wish to keep this monopolistic position, they must serve an audience that is so broad, it is necessary to cater to all preferences. This provides them with an incentive to maintain a more neutral position in society. However, this is all still founded upon the good intentions of the corporations that own the platforms. This in itself cannot be sufficient to fully prevent any abuse of the gatekeeping positions. The following section will consider the possible approaches of regulating the gatekeeping position.

Laidlaw proposes that the two different types of gatekeepers each require a different approach when it comes to regulating them, ensuring their positive influence in society and maintaining the balance between freedom and accountability. The gatekeeper as controller of access is traditionally associated with media law requirements that ensure the editorial function is executed in a manner that does not conflict with laws protecting public policy objectives. Such gatekeepers often make use of self-regulation in the form of ethical principles, editorial statutes, certification etc. Such measures can be implemented industry wide or by individual companies, or even be outsourced to independent bodies to which companies voluntarily submit for inspection. The second type of gatekeepers, those that control critical intermediary resources typically are subjected to competition law, which is usually industrywide. Competition law is not concerned with information or media diversity as such, but rather with preventing market monopoly (Laidlaw, 2010). The aim of such legislation is to prevent one or two players from owning such a large market share that they can be said to dominate the market. Such market domination is generally assumed to have negative consequences for consumers, as they cannot exert their power to walk away and take their business elsewhere. Nevertheless, by preventing monopolization in the platform industry, such regulation has an indirect effect on content diversity, as more competition forces companies to consider consumer preferences more as well as restores the power of consumers as mentioned above (Helberger, 2005; Laidlaw, 2010).



In practice, content diversity is mostly regulated (in a positive, negative or neutral manner) by the algorithms used by the platforms. The following section will shed some light on the way the platforms use these algorithms for personalisation through the process of filtering and selection, the risks inherent in this usage and provide some option for regulating algorithms.

## 2.2 Algorithms

### 2.2.1 Defining algorithms

Wilson (2017) explores the role that algorithms play in shaping users' everyday lives. Her research shows how algorithms are technological constructs that aid us in the translation of everyday activities into actions performed in online environments by delegating them to algorithms that filter, sort and predict information. This information in its sorted form is then used to inform users, entertain them, and to help them make decisions. In this sense, algorithms replace human actors in many processes, thereby gaining a sense of agency. While not yet fully defined, this agency can be problematic, since the working of algorithms are opaque and most users do not possess the technical capacities to comprehend their workings.

Deciding on the exact definition of what constitutes an algorithm has been an ongoing mathematical quest (Blass & Gurevic, 2003) that surpasses the scope of this thesis. The most relevant usage of algorithms for this research is called 'algorithmic filtering and selection'. According to Just & Latzer (2016) for this usage, algorithms are '[p]roblem-solving mechanisms [...] defined by the automated assignment of relevance to certain pieces of selected information (p. 239)'. These algorithms act out their goal of algorithmic selection by following the 'input-throughput-output model'. This is '[...] a process that assigns relevance to information elements of a data set by an automated, statistical assessment of de-centrally generated data signal (Just & Latzer, 2017, p. 241)'. An example is the algorithm used for a Facebook users' NewsFeed. This algorithm uses 96 data points such as liked pages, previously liked posts, likes by close friends, attended events etc., to personalise content that appears on users' news feeds (Facebook, 2018). Algorithmic selection application thus shape daily lives and realities, affect perceptions of the world, and influence behaviour.

### 2.2.2 Potential risks of algorithmic selection

Algorithmic selection processes provide a multitude of benefits for both the companies that apply them as well as the users they affect. Personalisation of search results for example can lead to increased user satisfaction (Arora et al., 2008). The process ensures that search queries result in answers that lie close to previous online behaviour or highlight people or topics important to you. Seeing the increasing amount of available information and ‘des-information’ that resides online, without personalisation, especially search engines would resort to providing people with long lists of links on the internet that contained the terms in their query.

Nevertheless, the negative effects are numerous. Saurwein, Just & Latzer (2015) describe nine risks of algorithmic selection. The risks this thesis is concerned with are described as manipulation, diminishing variety and bias, censorship (by intelligent filtering) and abuse of market power. They further name data protection and privacy threats, social discrimination, violation of intellectual property rights, negative effects of cognitive capabilities and finally, loss of human sovereignty and controllability of technology, which fall outside the scope of this thesis. ‘Manipulation’ is defined as the (purposeful) alteration of information provided to guide the receivers to a certain opinion possibly to serve a certain purpose. ‘Bias’ is the favouring of a certain type of content over another, creating an imbalance in the diversity of information that reaches the user, which in turn leads to diminishing variety. ‘Censorship by intelligent’ filtering is the process done by algorithmic formulas to decide which content is appropriate for which users. ‘Abuse of market power’ relates to the inability of other parties to access the vast of amounts of resources, mainly data, available to the larger players in the platform market which gives them an unfair advantage of other players. This allows players that possess such power to act in a way that can negatively affect their stakeholders.

### 2.2.3 Algorithmic transparency

Some authors have argued that in order to solve accountability issues with algorithms, transparency is key. Providing users access to the inner workings of the algorithms should allow them to comprehend how their data is being used. This insight in usage will allow users to protest specific aspects that they do not want to be subjected to. Diakopoulos and Koliska (2017) argue that companies should disclose at least parts of their algorithms. They see the

accountability issues that come with the content distribution position of platforms as bearing enough weight to force platforms to provide access to their algorithms.

However, this idea of algorithmic transparency is not desirable per se. De Laat (2017) shows that there are certain objections to the ideal of full transparency, which have to be taken into consideration. First, it can be problematic in terms of privacy. Algorithmic models are often built upon data generated by individual users. Without the data, it is more difficult to truly comprehend the workings of the algorithm, especially those using machine learning, where decisions follow from the data as much as from the rules of the algorithm. Full transparency would imply providing access to this data as well since without the data upon which the algorithm is built and trained, it is even more challenging to pick apart the workings of the algorithm. Furthermore, full transparency might lead to perverse effects such as gaming the system. This happens when users would abuse their knowledge of the workings of the algorithms by providing input that steers towards a deliberate outcome, instead of ‘true’ input. Since such input is the foundation of the algorithmic process, such practices could devalue the algorithms significantly. Linked to this problem is the fact that most algorithms are fundamental for a platforms’ business model. Providing general access to its workings could have negative consequences for its competitive advantage and profitability. Legislation on intellectual property is currently underdeveloped to properly protect algorithms should they become publicly available. Finally, the benefit of full transparency is inherently limited due to the complicated nature of the subject matter. Increasingly, algorithms apply artificial intelligence and machine learning, which is difficult to control and follow fully once put in motion. Overall, his arguments clearly show which issues advocates of full transparency will likely encounter. Ananny and Crawford (2016) support this final element of his position, writing that transparency is only of use to those with the power to fully understand the insights that come with it. If the subject is too complicated for the everyday user to properly understand, accountability models should search for ways to hold (algorithmic) systems accountable in manners that accepts and use these limitations, by examining which knowledge other than the inside workings of that system, can bring accountability.

Taking together the working definition of platforms and the use of algorithms in their gatekeeping position, it has become clear that holding the platforms accountable for their

gatekeeping position will require a holistic approach, in which all of these aspects need to be taken in to consideration. The next part of this chapter will focus on how concepts found in traditional media accountability discussions can be applied to platforms in this position.

## 2.3 Media Accountability

### 2.3.1 Defining media accountability

Before further examining how online social platforms should be held accountable in their role as gatekeepers, it is essential to explore the existing concepts of accountability in order to reuse or reformat useful current practices. The field of media accountability in general deals with the role of the media in society and its contribution to certain aspects of society. There is a long scholarly tradition of exploring the balance between holding the media accountable for their role as information and content provider or distributor and censorship (Bowles, Hamilton & Levy, 2014; Bardoel & D'Haenens, 2004; Bertrand, 2003; McQuail 1997). When considering a policy for media in respect of these roles, it is essential for governments to ensure this policy to be enabling, not restricting or censoring. The aim of any media policy should be to provide guidelines on how to conduct business, not on what the content of the product should be. This is why government usually prefer to let market solutions ensure proper conduct in the media market. Classic economic theory states that competition-driven innovation should lead to product differentiation or improvement, since buyers will be inclined to buy product that fulfil a certain standard of quality (Schumpeter, 2010). The idea of 'creative destruction' for example, refers to a cyclical process where producers must continuously improve their product or else their market share will be devoured by someone who can deliver the same results, but in a cheaper, more effective and more innovative manner (p.73-74). Media markets however, often gravitate towards market concentration, which implies lower competition. Some scholars have argued that this media concentration can affect cultural and information diversity, since less competition means less imperative to innovate and differentiate (Horwitz, 2005; Freedman, 2014). However, Fu (2003) argues that there is no substantial evidence for a causal relationship between content diversity and media structure in such. He argues that even in a concentrated market, media will seek to diversify content, in order to serve a broader range of customers. His argument goes to show that there is no evidence that market structure directly influences performance in the sense

of diversity of content, and should thus not be hailed as an all-round solution for market failure in terms of social performance. For this reason, governments must find other manner in which they can ensure proper social functioning of media. This is where the concept of accountability comes forward.

The term 'accountability' refers to 'being held accountable' or 'being able to explain or defend any action undertaken'. In the broadest sense, accountability is simply an aspect of taking responsibility. Looking closer at media accountability, there are many authors who have tried to define the concept. Plaisance (2000) specifies media accountability as '[...] a dynamic of interaction between a given medium and the value sets of individuals or groups receiving media messages (p. 257)'. Although it clarifies accountability to involve a dynamic interaction, what this entails in practice remains relatively vague. A more practical definition comes from McQuail (1997), who states that '[a]ccountability refers to the processes by which media are called to account for meeting their obligations (p.515)'. Contrary to Plaisance's values, McQuail's obligations place the focus on the responsibilities that the media has towards society. These responsibilities can be either assigned, contracted, self-imposed or denied responsibilities. He does however concede that, especially when it comes to cultural values, the media are expected to act in alignment with dominant values in society. Furthermore, McQuail divides media accountability into two categories. The first category deals with issues regarding the rights of individuals such as copyright infringement. The second category, which this research deals with primarily, focuses on the expectations that come from the public sphere towards the media. In this category, McQuail describes certain responsibilities of the media that are essential for the functioning of a democratic society, stating that:

These [issues] particularly relate to media contributions to the working of political and other social institutions. This is achieved through publishing full, fair and reliable information, assisting in the expression of diverse and relevant opinions including criticisms of government, giving access to significant voices in society, facilitating the participation of citizens in social life and abstaining from harmful propaganda (p. 514). These expectations and responsibilities are closely intertwined with the function of media in society. As Sawant (2003) puts it, there is a crucial part that media has to play in any democratic society. He argues that media must be allowed to question, criticize and comment on all parts of society. Since freedom of speech is

incorporated in each individual's basic right, there is very little legitimization for regulating or restraining media actors in this role. He emphasizes that regulatory actions are often counterproductive. He writes how unfortunately, media freedom inherently comes with the option of abuse, by actions such as providing false information, misrepresentation, purposeful manipulation and more. Therefore, he states, putting in place a mechanism for accountability is the logical way to prevent or counter such abuse. If we put together these author's, we can summarize that media accountability thus deals with a certain, dynamic type of interaction in which the media is said to have certain obligations and can be called to account for its actions or conduct by groups, individuals or society. These obligations arise from varying types of responsibilities, several of which are essential for the proper functioning of a democratic society. Since full regulation interferes with media's responsibility towards society, accountability mechanisms provide a more pragmatic option to ensure proper functioning for media as well as avoiding the risk of censorship as a government.

The concept of accountability does not immediately provide a solution, since it comes with a degree of freedom. The European Commission for example, has linked the ideas of media freedom and responsibility into the Charter of Fundamental Rights, article 11. The first part of this article states that '[e]veryone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers (European Commission [EC], 2010)'. The second part of the article adds that '[t]he freedom and pluralism of the media shall be respected (EC, 2010)'. In practice however, freedom of [media] expression and freedom of media are difficult to reconcile in a balanced manner. Although accountability does not necessarily entail being subjected to laws or regulation, it will inherently place certain boundaries on what is possible and 'allowed'. For example, in most countries media freedom is restricted by the illegality of certain types of content, such as child pornography. While most would agree that this type of content is unquestionably illegal, the fact that it exists suggest that there is a market for it. If media were to have complete freedom, all types of content should be allowed. Thus, there is an apparent need for restrictions to media freedom in its purest form. This need arises from what Just (2009) describes as the 'value conflict (p.98). This conflict springs from the dual function that media play in society. Media products and services are simultaneously economic goods, which are

meant to be bought and sold, as well as products that contribute to society as ‘constitutive elements of public-opinion formation (p. 98)’.

This leads to competing objectives: a need to both promote diversity as well as allow competition, not governments, rule the market. The idea of a liberal media market seems to make perfect sense. Profit oriented media producers and distributors, such as online platforms, must simply divide their resources between achieving commercial success and contributing to public opinion properly. Unfortunately, these two goals are often found to be in stark contrast with each other. Bardoel and D’Haenens (2004) explain this phenomenon as part of structural changes in the media market such as the increasing competition amongst players, the rise of commercialization and globalization. They show that combined with the liberalization of the public media in Europe and a governance shift to EU level, this has caused uncertainty for many public broadcasters and a renewed sense of urgency to clarify what media accountability means for new media actors such as online platforms.

Furthermore, where platforms are concerned, market competition has not led to ‘perfect competition’. Rather, it appears that several large players each have a monopoly in their section of the ‘platform market’. Facebook remains the absolute leader with over 2 billion active users each month, followed by YouTube where 1.5 billion users pay a monthly visit to the platform (Statista, 2018). Instagram, which is a part of Facebook, had over 700 million users in 2017 and Twitter with 328 million users<sup>1</sup>. If we take the total market to be all those who use Internet worldwide (~4 billion), this market is an oligopoly, partly dominated by two players. Although it has not been proven that such a high market concentration necessarily leads to loss of cultural values or content diversity, the risks of abuse are high when market power is distributed over a small number of players.

### 2.3.2 Frames of Accountability

Traditionally, the options for holding the media accountable were divided into four frameworks, based upon the work of McQuail: the legal/regulatory framework, the public/fiduciary

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<sup>1</sup> I have chosen to leave out chat-applications such as WhatsApp (1.2 billion users), Messenger (1.2 billion users) and WeChat, a platform that is mostly used in Asia and had 963 million users in 2017. These applications might be considered platforms, yet they function primarily as messaging-services and thus do not perform a gatekeeping function as such.

framework, the market framework and the professional framework (as cited in Bardoel & D'Haenens, 2004). Each frame is traditionally associated with certain types of media accountability instruments, although overlap between frames can exist. For this research, the legal/regulatory frame and the public/fiduciary frame are the most relevant.

First, the legal-regulatory frame is based upon set rules for operations put in place by regulatory bodies. In the Netherlands, media companies are subjects to the Dutch Media Law (2008) or competition law. The latter is also an important operation area for the European Commission, who strive for sustainable competition in the (digital) single market of the European Union. Distinctive for this frame are agreements, often in written form, which form the basis for a contracted or assigned responsibilities. While this is the most clearly defined frame, it is also the most rigid and freedom diminishing. This makes it a more difficult option to put into practice (Nair, 2010; Sawant 2003). The creation of legislation demands both time and resources. Although there have been successful attempts to regulate online platforms according to existing legislation (European Commission, 2017), due to the international operations of most online social platforms governments are having a difficult time controlling increasing monopolies such as Facebook has over online social interactions or Google of our online search activities (Helberger, 2005). It is also problematic to apply current legislation, as most of this has been created for purposes that do not tailor to the exact activities of platforms.

Second, the financial or market frame is focused on the principles of competition in the marketplace. This frame assumes that media actors that do not function properly will be outperformed and eventually eliminated by their competition. For the platforms, this implies that their users could stop using the platforms if it did not act in a responsible manner, or that income from advertising would decrease if companies felt the platform was not the proper way to reach their customers anymore. While this can be true for certain aspect of the media, it is difficult for the public to hold media directly accountable for the accuracy of content. At the same time, most media actors also provide entertainment as part of their product. Here, factual accuracy plays a smaller role. It is thus entirely possible for media actors to produce non-factual content, yet maintaining a good position on the market. The practical instruments used within this frame are limited, as they depend on the market and cannot be forced as much. However, governments can stimulate market workings by subsidizing new entrants to the market or strictly enforcing



competition law. The type of responsibility that comes with this frame can be assigned, self-imposed or denied. For example, most companies would rather defy or outsmart the workings of supply and demand mechanism. Furthermore, as discussed earlier, competition in media markets is not a prerequisite for an increase in content or information diversity.

Third, the public service/ fiduciary frame finds echoes the responsibilities a platform or media organisation has regarding its users and the public space. It finds its origins in the definition of accountability as outline above, assessing which responsibilities the media has towards the society they operate in and how to hold them accountable. The type of responsibility that comes from this frame is mostly self-assigned and in some cases, denied. Industries or single companies can for example provide their own code of ethics.

Finally, the professional frame is concerned with accountability of journalists and content creators in a broader sense. This frame deals with measures taken by professionals in the media industry to ensure their fulfilment of the responsibility they carry towards society. Within this frame, each type of responsibility can occur. Most journalists work with an ethical code, which can be self-assigned by a single company, assigned by a government or contracted by a watchdog organisation. Companies can also deny any of these types of responsibilities.

### 2.3.3 Media Accountability Instruments and Processes

With the development of any media outlet, instruments of accountability have been developed. Although it is not likely that any of these instruments can –in their current composition- be used for holding online social platforms accountable, valuable insights can be gained from reviewing not only the instruments in practice, but the philosophic foundation upon which they were developed. Bichler et al.’s research on best practices in media accountability provides an overview of the most common accountability instruments for traditional media. While their research is mostly focussed on journalism and news media, it is nevertheless useful to consider each of these instruments and relate them to aspects of ‘new’ media accountability. They separate accountability instruments into two groups. One group of the instruments is considered journalism-external. For these types of instruments, the ‘holding accountable’ is practiced by actors outside of the newsroom. These can be for example NGOs, researchers, citizen blogs,

online comments, media criticism, letters to the editor, independent journalistic trainings. The second group, the journalism-internal, is more closely intertwined with actors within the newsroom or organizations. This group consists of actors such as press councils, ombudsmen, journalist blogs or practitioners of media journalism (p.5).

The common ground on which these groups operate is the aim to create more transparency in the process of news and/or content creation. Heikkilä and Domingo (2012) distinguish between three forms of transparency: actor transparency, production transparency and responsiveness. Put together, these form what they title ‘three phases in the media accountability processes. Actor transparency is relevant in the first phase of the process, before the publication of content. In this phase, transparency can be enhanced by for example the publications of media ownership and journalist profiles. During the publication process –the second phase-, clarity of authorship and sources play an important role. In the final phase, after the publication, responsiveness is key for transparency. This can be executed by properly responding to comments or criticism and providing an open platform for this criticism to be delivered.

Applying the concept of transparency to online (social) platforms in their role of gatekeepers and content distributors several problems can be identified. Transparency of ownership is often quite transparent for online social platforms. Author transparency is difficult due to the Internet’s broad range of options for anonymous production, but for news content, most organisations are quite transparent. However, the platforms are the final step in the process of news distribution: bringing it to the audience. For this role, platforms depend upon algorithms to sort, filter and select content that is to be distributed to the user. The following section will discuss algorithmic transparency in more detail as well as the concept of algorithmic accountability.

#### 2.4 Holding platforms accountable.

Combining insights from the previous section led to a model for holding content distributing online platforms accountable for their gatekeeping role in society and the essential link they occupy between content in users. This model will be built upon the foundations of McQuail’s

model for media accountability, the four accountability frameworks. It will consider the algorithmic selection functions that platforms employ to sort, filter, select and distribute information as the starting point for accountability in this sense.

#### 2.4.1 The market framework

Although market solutions are often the preferred option (Saurwein, Just & Latzer, 2015, p.37), the market framework has so far not been applied successfully in the case of online social platforms. The top three platforms are so large, that there is little imperative to work towards non-monetary goals. Although both Facebook and Google have implemented promises of working towards the greater good in their mission statements, this is no substantial guarantee for the future. Market solutions can be provided from the demand side as well as the supply side (Saurwein, Just & Latzer, 2016). So far, users (the demand side), have shown little inclination for switching from the current dominant platforms to another. Generally, switching barriers are high (European Commission, 2016), due to the number of third party application that platforms have connected to. Facebook allows its users to log in to a multitude of third party apps with their Facebook account, such as for example the popular streaming application Spotify. Google allows users to back up many of their personal files and documents to Google Drive, use Gmail as their email address and even links usernames and passwords for other applications to users' Google accounts. However, it remains an option for governments to promote diversity by providing users with alternative services or platforms, similar to public TV broadcasters.

#### 2.4.2 The legal/regulatory framework

The legal/regulatory framework is concerned with what actions governments or regulatory bodies such as the European Union can put in place. It provides both restrictive as well affirmative options. Currently, media law in the Netherlands has a section devoted to the stimulation of diversity in the press. There is a government-based commission responsible for diversity and plurality in media markets, which provide options to oversee platforms in this respect. Such overview instruments are best served by an affirmative approach, stimulating desirable practices instead of restricting undesirable activities. Such stimulation is very suitable for maintaining the balance between governance and censorship and promoting public interest (Napoli, 2015, p. 755).

In terms of more restrictive approaches, the European Commission has already taken steps against abuse of market dominance by applying anti-trust regulations to the companies behind the platforms. One example is the European Commission vs. Google Inc. case (European Commission, 2017), where the Commission fined Google over €2.42 billion dollar for breaching anti-trust regulations. If these steps prove to be successful in curbing unfair practices by dominant forces in the market, this could also provide opportunities for other platforms to obtain market share. However, such restrictions are not to be made in terms of content production and distribution to preserve media freedom as much as possible.

Another regulatory option is for governments to demand full transparency of algorithmic processes that affect everyday users. However, there are some objections to full transparency that cannot be resolved without undermining the positive effects. De Laat (2017) proposes that instead of full transparency, it is the decisions upon which the algorithms are designed should be more properly explained to users. If full transparency is necessary, it should be independent authorities that have access to the inner workings of the algorithms only, since they can guarantee the privacy of those whose data collected, ensure the competitive advantage of the algorithm's owner and have the technological knowledge to understand the algorithm. Napoli (2015) remarks that governance of online platforms should focus on affirmative models, where desirable behaviour is stimulated and possibly even rewarded, as opposed to restrictive models that punish or censor undesirable behaviours. Diakopoulos (2005) adds to this that a possibility to enhance accountability is to introduce a standard transparency policy for algorithms. Such a policy might include '[...] (1) the criteria used to prioritize, rank, emphasize or editorialize things in the algorithm, including their definitions, operationalization, and possibly even alternatives; (2) what data acts as input to the algorithm; [...] (4) descriptions of training data and its potential bias [...]' (p.411). Such a standard transparency model could then be acted out by an independent oversight body, ensuring the privacy of both the user as well as the platforms competitive advantage.

#### 2.4.3 The professional framework

Currently, the professional framework of media accountability is mostly applied to newsrooms, journalists and media professionals: those who create, edit and distribute content. These professionals tend to adhere to certain standards, which are often published in the shape of a

statute or code of conduct. Since platforms do not usually produce content themselves, a one-on-one comparison might seem irrelevant. However, the professional framework could be applied to the creators of the driving forces behind the platforms: the engineers creating the algorithms. One option could be to create a ‘code of conduct’ for software engineers that incorporate responsibilities to the public interest, as are currently used by journalistic organisations for example. Furthermore, platforms might apply such standards or code to their decision making processes through which the algorithms come into existence.

Professional accountability can also be ensured by incorporating practices of ‘answerability’ or ‘responsiveness’ into an organisation. The main activity for such practices is to create a dialogue between users and owners, such as appointing an ombudsman or council who answers to queries by the public, (online) feedback options or regular updates by professionals within the organisation. Incentives for implementing such instruments can be the aim to increase public trust in the organisation, being able to advertise it as a unique selling point, and to increase audience loyalty (Bichler et al., 2012).

#### 2.4.4 The public/fiduciary framework

The public or in this case ‘users’ of online platforms can also hold the platforms accountable, by enforcing platforms to live up to certain expectations or responsibilities. According to McQuail (2010), this enforcement happens when citizens form mechanisms which can be used to hold media accountable. Examples of such public actions are found in activist groups, independent councils that fulfil advisory roles, independent (academic) research and non-governmental organisations. These mechanisms are considered an important way in which citizens can ensure their voice is heard in society. While the Web 2.0 has opened up a myriad of opportunities to bring these voices to the public, the increase in editorial activity of the platforms counter many of these possibilities. For example, YouTube technically has the possibility to filter out videos that contain criticism on the platform.

There are also other, less institutional manners in which the public can voice its commentary such as citizen journalism and users taking to social media to comment or criticize. Such instruments are difficult to propose to hold platforms accountable, since platforms often are

the vehicle through which such voices are transported to the public. However, it is of course possible for citizens to take platform A in order to criticize or comment on platform B.

## 3. Methodology

### 3.1. Research Design

A qualitative approach was chosen to explore accountability options and possible policy implications. Yanow (2011) explains policy research as [...] designed to supply information about complex social and economic problems and to assess the procedures by which a policy or program is formulated and implemented' (p. 2). While parts of the information collected for the research, such as surveys about news usage, were quantitative, these were used to support arguments gathered from the qualitative data. Since there was no theory as of yet focussing specifically on the gatekeeping role in democratic societies by platforms, there was a further need to first explore the options and possibilities that were available (Kvale, 2017). Properly executed interviews were a reliable way to explore a topic such as this one, which has a specific practical implication. As Babbie (2014) states, '[interviewing is] a theory generating activity [...] to make sense out of an ongoing process that cannot be predicted in advance' (p. 371). Due to the complexity of the subject, it was necessary to interview subjects that had knowledge of one or more aspects of the topic. Bogner, Littig & Menz (2018) note that expert interviews are especially suitable in the exploratory stage of research. They describe that expert interviews allow for a time-efficient way of gathering in-depth knowledge and ideas that might not come forward in more superficial, quantitative research methods or in randomly sampled subjects (p. 3-4). However, it is a complex matter to establish what entails an expert on a certain subject. They stress the importance of maintaining a careful selection procedure for the interviewed experts, guided by selection criteria that reflect the content and purpose of the research, as well as ensuring a balanced sample.

Due to the broad nature of possibilities and subjects that related to the topic, the technique of semi-structured expert interviews was chosen. This meant that to guide the interviews, the concepts discussed in the previous section served as a foundation for a framework to discuss aspects of governance and policy options. This top-down approach allowed the research to be guided by relevant ideas (traditional accountability mechanisms, the definitions and workings of online social platforms as information diversity gatekeepers and the specific concerns on

algorithmic selection and filtering) without excluding other possibilities. This allowed the research to draw from each expert's specific supply of knowledge as well as allowing new perspectives to be brought in. Such a method ensured that the experts could also describe their own views and experiences that fell outside of the topics that had been decided on by the research (Kvale, 2017).

### 3.2 Sampling

As a certain amount of pre-existing knowledge in the interviewee was desirable to ensure the relevance and validity of the collected information, purposeful sampling was used to ensure that subjects had some prior knowledge and/or experience in the field of policymaking and media accountability. This type of sampling is appropriate when a certain type of knowledge is sought after (Patton, 2002). Professionals from the field and policy makers from different (European) nationalities were approached, to provide a broad, international perspective on the issue at hand. Although the aim was to provide overview that was as inclusive as possible of the global nature of the issue, restraints of time and resources lead to a majority in the number of Dutch experts, seven out of ten. All experts were from within the European Union. The following list shows the experts interviewed, their current position and a brief summary of their expertise as related to the topic of this research.

To ensure the consistency and validity of the data gathered selection criteria were set up to guide the sampling. First, all experts were required to have some knowledge of the workings of online platforms in their position between users and content. This knowledge could be obtained via either academic pursuits or professional experience. Second, the expert was required to have demonstrable prior experience in the field of either media accountability, media accountability policy, algorithmic accountability or platform economy. Data saturation was reached by ensuring that each of the topics from the theoretical framework was addressed by at least two experts. What follows is a list of the experts interviewed, including their connection to the topic. All views expressed by the experts were based on personal opinions and do not reflect the official policy or position of any other agency, organization, employer or company in any way.



## List of experts interviewed

<b>Name</b>	<b>Position / expertise</b>
<u>B. Voermans</u>	Policy employee at Ministry of Education, Culture and Sciences in the Netherlands, department of media affairs.
<u>P. van Koetsveld</u>	Policy employee at Ministry of Education, Culture and Sciences in the Netherlands, department of media affairs.
<u>M. Smit</u>	Ombudsman for the Dutch Public Broadcaster (NPO) since January 2017. Worked as ombudsman for a Dutch Broadcaster (NOS) before that and has a long career as an independent (research) journalist and teaching journalism in Dutch Universities.
<u>W. Stengg</u>	Head of Unit in Directorate-General Communication, Networks, Content and Technology, responsible for 'E-Commerce and Platforms'.
<u>N. van Gorp</u>	Consultant, specialised in the digital transformation of markets, strategies and policies who has worked for both the European Commission and Dutch Ministry of Economic Affairs. Author of several leading papers on the subject of competition in the digital economy.
<u>V. Frissen</u>	Professor of the endowed chair for 'ICT and social change' at the Faculty of Philosophy at Erasmus University Rotterdam. She is also managing director of the SIDN Fund.
<u>M. de Azevedo Cunha</u>	Research Associate at the Centre of Media Plurality and Media Freedom, with experience in the legal aspects of internet governance and privacy regulation.
<u>T. Brunning</u>	Founder of 'Stichting Persvrijheidsfonds' (Foundation for Press Freedom) and working for the Dutch Society for Journalists (Nederlandse Vereniging van Journalisten).
<u>Q. Kik</u>	Researcher and author for the Dutch Foundation for Journalism Stimulation (Stimuleringsfonds voor de Journalistiek).

J. Grenn

Cabinet Expert for the European Commission, responsible for copyright, content industry, content creators, data economy (free flow of data) and platforms.

### 3.3 Operationalization

To provide the interviews with structure and guidance, the theoretical framework was used to create a topic list, see table 1. Together, these were used to perform thematic analysis and coding of transcribed interviews. This ensured that the data analysis was rooted in a theoretical foundation. The interviews covered three main topics: 1) the gatekeeping role of online social platforms in society and 2) the suitability of (traditional) media accountability mechanisms can play in their governance and/or regulation and 3) the role of algorithmic selection and filtering in information diversity.

The start of each interview saw the researcher explaining the research topic briefly, by addressing how statistics pointed towards users increasingly obtaining their news content via online platforms. The first topic brought up would be whether the expert considered the platforms to act as gatekeepers or not. From that point on, the structure of the topic list was not followed rigidly. Rather, experts were allowed to freely share their thoughts. The interviewer used the topic list to ensure that the interview did not stray from the intended topics, asking question and using nudges where deemed necessary.

For the first topic, the ideas of online platforms as gatekeepers was explained if necessary. Furthermore, the role of online platforms in content and information diversity and the double role of an online platform as social influence and a business or corporation. The four frames of accountability as proposed by McQuail served as the guiding line for the second topic. Experts were first asked to indicate their general views on which instrument or frame they thought to be most effective and which type of responsibility they considered the platforms to carry. Furthermore, each of the frames was addressed separately. If necessary, the ideas behind the frames and options for media accountability instruments were explained to the experts in a neutral manner. This provided the expert with information that could help answer the question, but aimed at preventing any colouring of the information given that might influence the answer.

The final topic was addressed by first asking the expert for their own ideas and concerns on algorithmic usage and their effects in society. If not enough come up, the interviewer nudged by covering at least four of the nine risks of algorithms as described by Saurwein, Just & Latzer: manipulation, bias, censorship and social discrimination. Finally, the topic of algorithmic transparency was addressed as well. As is natural, each expert had its own field of expertise or experience. Therefore, not all topics could be covered equally in each separate interview. This imbalance of knowledge was accounted for as much as possible during the sampling, ensuring that an equal number of experts or voices from different specialities were heard.

Table 1: Topic list for expert interviews.

Concept	Topic	Question
Online Social Platforms	Gatekeeping role	Some research shows that online platforms such as Facebook, Google etc. have a sort of ‘gatekeeper’s’ role, where they decide what content reaches users. This gives them a lot of power over which content reaches the user. Do you agree with such a statement? (Why/why not).
	Effects of gatekeeping power	How do you think platforms can use this power in getting content to the user?
	Risks of gatekeeping power	Do you think are risks to them having this power?
	Responsibility of gatekeeping power	What kind of responsibility comes with the power to decide which content and information reaches the user?
Algorithms	Filtering and selection	Platforms often use of algorithms to sort filter through content and to decide what reaches a user. What do you think of such

		use of algorithms?
	Potential risks	What kinds of effects can such use of algorithms have? [Try to have the 4 risks as identified by Just & Latzer at discussed at least]
	Accountability	Who do you feel is responsible for what the algorithms does in terms of content distribution? When something happens because of an algorithmic decision, who should be held accountable?
	Transparency	There have been calls for transparency, to let the public know what the algorithms look and work like. What do you think of such a requirement? (Discuss downsides of transparency)
Accountability Mechanisms	Need for accountability mechanisms	Looking at the position that platforms have in between content and users and the way they use algorithms to help them, is there a need to hold these platforms accountable to the responsibility that comes with this powerful position? (Why)
	Traditional accountability mechanisms for	Do you think one could use traditional accountability mechanisms for this aspect of online platforms? (Name examples of

	platforms	mechanisms if necessary).
Legal/ regulatory Framework	Dutch government	Do you think the Dutch Media Las could be useful to ensure platforms' behaving responsibly towards the public?
	European Union	Is there a role for the European Union in holding the platforms accountable? (Optional: address white paper from the EU).
	Regulatory vs. Affirmative	How can governments stimulate platforms to behave responsibly? (Laws and regulations, funding, tax breaks, etc.)  What kind of restrictions can governments implement that you feel are justified and effective in this area? (Watchdog organisations, require companies to have a code of ethics, GDPR)
Market Framework	Effects of competition on diversity	Do you think more platforms would lead to more diverse content? If not, would you say there is a sort of market failure in the sense of content diversity in the platform market?
	Is competition realistic?	What would a new player on the market need to succeed in competing against the current platforms? What could the government do to stimulate more competition in this industry?
Public / Fiduciary	Role of the user	What can users to hold platforms accountable?

Framework	Role of government	Should the government be more active in educating citizens about the workings of platforms and their algorithms?
Professional Framework	Role of professionals	In journalism, it is customary for professionals to keep to their own ‘code of ethics’ or such things. Could there be such a ‘professional sense of responsibility’ in this area? If so, who are the professionals?

### 3.4 Data Collection

The interviews took place between the May 1st 2018 and June 14th 2018. Four interviews were conducted via online video calling applications, one by phone and five interviews were done face to face. Data collection was finalised by recording and transcribing the interviews. A denaturalized manner of transcription was chosen for converting the interview into textual formats, meaning ‘idiosyncratic elements of speech (e.g. stutters, pauses, involuntary vocalisations)’ [...] (Oliver, Serovich & Mason, 2005) were removed for as far as these did not provide informational aspects relevant to the research. In practice, this meant that repetitions and pauses in the speech were not included in the transcription. Nor are gestures or other bodily actions represented in the transcriptions. Denaturalization of transcripts is not without risks, as sometimes non-verbal elements of the conversation can contribute to the meaning or specify the context. However, in this case, the topics discussed were concerned with practical matters in which such meanings or context were less relevant, since it was the ‘named’ or ‘outspoken’ topic that contributed to the analysis. Therefore, the choice was made not to include these. A denaturalized manner of transcription is useful for research such as this thesis, where the interest lies mostly with the topical information that can be drawn from the conversation and not so much the conversation itself or the interaction between the participants. The accuracy of the transcript rests upon the content of the interview (MacLean, 2004). Finally, denaturalizing a transcription adds greatly to the readability of the text, making thematic analysis clearer and less cluttered.

### 3.5 Data Analysis

All interviews were transcribed into textual format and numbered in order to anonymize them. Initially, the transcripts were coded according to the concepts discussed in the theoretical framework. This method of using theory to set up a code framework is known as using ‘constructed codes’ or ‘theoretical concepts’ (Boeijen, 2010). The transcripts were read, passages that contained sayings relating to one of the pre-established concepts were marked with the appropriate concept. If part of the interview contained relevant information which did not yet occur in the concepts, it was first marked ‘miscellaneous’. Once this initial coding was done, a thematic analysis was done to identify accountability options for online social platforms in terms of information diversity. This led to the first set of themes. After this, the miscellaneous codes were re-visited to see if they fit any of the themes so far. They were then either rejected, or placed into a new category. This process was repeated until there were no more codes labelled ‘miscellaneous’.

## 4. Results

The following chapter will discuss the themes that were constructed from the data. Quotes taken from the interviews are accompanied by a number, linking them to a transcript. All transcripts can be found in appendix A.

Overall, there was a general agreement on the essential position platforms occupied between users and content and how especially the larger platforms played a role in the diversity of information that end users received. In order to simplify the discussion Facebook, Google and their subsidiaries were discussed to represent platforms playing a role in the distribution of content, and the type of content referred to was news content, unless specifically indicated otherwise. All experts expressed their agreement that there was a need to hold platforms accountable for their actions concerning this position between users and content. There were different opinions on what this role entailed exactly, mostly in accordance with the level of urgency of amount of risk the expert saw in the occupied position. This led to an overview of steps to take that could lead to a balance between the interests of all stakeholders: both consumer and business users of platforms, governments and the platforms themselves. From these steps, a roadmap was sketched which led towards ensuring platforms' occupation of the essential link between users and content was held in a responsible manner, aiming at avoiding automated processes which lead to diminishing variety of information.

### 4.1 Theme 1: The gatekeeping position

The first step was to establish how gatekeeper acted in this position. All 10 experts supported the premise that online (social) platforms had the power or potential to influence content diversity and that this power was executed through the algorithms which personalised content supplies using filtering and selection processes. The most prominent examples that were named were Google and Facebook. Even so, opinions differed on how platforms acted in this position. Two main threads of arguments could be discerned. The first thread focussed mostly on the detrimental effects and risks of this power, arguing that the platforms were unquestionably gatekeepers of information diversity and were likely already in abuse of this position (1, 2, 4, 7, 10). Supporting arguments came mostly from a recent scandal in which one of the larger



platforms found itself at the time of the interviews<sup>2</sup> and from statistical evidence that suggested users were getting their news content mostly via online platforms these days. One expert (4) described that:

There are people who seek out their news online, and there are people who accidentally stumble upon news in their [*Facebook*] News Feed. The latter category is really big and what is offered there is in no way as diverse as what is offered by a newspaper for example. So yes, I do think they play an important role in that, if only because that group of people does not see anything else in terms of content.

The second thread acknowledged that the platforms occupied a position between users and content. However, the experts (3, 5, 6, 7, 8, 9) following it pointed out that there was currently no empirical evidence which suggested abuse of this power. One expert contended that while platforms occupied this position, it was essential to prevent them from becoming ‘true’ gatekeepers (5). The occurrence of scandals was suggested to be inevitable and incidental, rather than evidence of platforms’ malicious intentions (3). One expert (9) stated that algorithmic selection and filtering was inevitable due to the endless amount of available content on the internet. While several of the experts (3, 6, 8, 9) pointed out that platform users also greatly benefited from personalisation and that it was important to remember the benefits of the technology as well. They explained that the platforms, especially the search engines but the social platforms as well, had also greatly expanded the amount of information that users could access, and had a larger potential for diversity than traditional news media. Google for example, allowed users to conveniently access information on any topic within the boundaries of the law. However, without personalisation, the platforms would lose most of their use and attraction, as certain key functions such as ‘answering search queries’ would no longer function. They considered personalisation an essential part of the business model of platforms. Two experts (8,9), when asked if they considered platforms gatekeepers, responded that while the platforms appeared to be holding the position, there was still a multitude of other sources of (news) content that was available to the Dutch public at least:

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<sup>2</sup> Known as the ‘Cambridge Analytica Scandal’, where a large data breach was discovered involving one of the mayor platforms.

I don't know that. What I see is that there are all kinds of reasons to assume that they play that role, but I could not go as far as saying "yes that is definitely the case". I think that we do need more research on that. Simply because of the fact that, at least in the Netherlands, it is not the case that, you are not forced to do it and it is not made impossible for you to, talking about news, to get information elsewhere(9).

This expert also mentioned that this was largely due to the diversity of the Dutch media landscape, whereas in the United States a much more dualistic media landscape was in place, the risk for negative consequences was increasingly higher. A final interesting position came from expert 7, who explained that:

Filter bubbles and fake news are not new. I mean, these are just now, with proliferation and going viral on the internet, getting in a different dimension. But, people have lived in filter bubbles and spread fake news, since mankind started to speak probably. And if people always read the same newspaper, [...] they probably never came out of their filter bubble.

He emphasized how this is how people work. That they enjoyed this and that as a government or any governing body, you should always ask yourself, what is the necessity of going against the common behaviour or people? Experts 9 and 1 expressed similar views that seeking out similar views was a very common behaviour. And that it was questionable how much any government should interfere with this.

In summary, most experts in this group agreed that while there were risks to the gatekeeping position, there was currently no urgent need for 'hard' regulation, but preferred either soft regulation by the government or a countermovement from society and news professionals. Although agreement was thus reached on the fact that platforms occupied a gatekeeping position, whether or not they currently abused this position or were likely to do so remained contested. Consequently, the urgency of holding platforms accountable for this position varied between experts. Considering these diverging opinions of whether or not platforms are in abuse of their gatekeeping power, while appeared that there were clear signals of

the potential for abuse of the position, this had not been empirically proven. Thus, while a need to carefully monitor the way platforms were acting and to examine their inner workings remained, the risks associated with platforms were still primarily hypothetical. While they could be predicted, it was too early to make a final statement on them. Thus, when it came to seeking ways to holding platforms accountable in this role, parties involved were better off trying to stimulate positive behaviour as opposed to creating consequences for potential undesirable outcomes. It was also useful to note the media landscape in which platforms operated, as this would influence the height of the risks.

In terms of risks posed, it proved to be important to remain aware of the current lack of empirical evidence and the circumstances of the Dutch media landscape. Nonetheless, the potential for abuse was acknowledged by all experts. Furthermore, one expert pointed out that a complication to filling this gap, was that there was no legal structure in which the platforms fit properly (1). Rather, platforms were said to touch upon several aspects of society such as the public sphere, the market, privacy discussions and even transport in the case of Google and Uber (3, 5, 6). This made identifying specific risks a complex matter, as they would be either too vague or too specific to be effectively countered. The following section on the risks should thus be read with the explicit mentioning that all risks are acknowledged to be potential but nevertheless useful to in order to pre-actively counter them while a certain cautiousness should be warranted concerning the broadness and/or narrowness of the risks.

The main risk, identified by half of the experts, (1, 2, 4, 5, 7, 10), was the potential for platforms to manipulate the stream of information towards users, leading to bias or diminishing variety of information. Most experts argued that personalisation would indeed lead to people entering a filter bubble, which would have detrimental effects of their functioning in a democratic society, as they would not be exposed to a diverse supply of views and opinions, leading to isolation and segregation. Several experts (5, 7, 1) discussed the possibility of platforms shedding their current goodwill and using their gatekeeping position to better their own position or even harm other actors. Expert 1 discussed worded his concerns as follows:

I really believe that, platforms have a dangerous power over both their users and the makers, the people that create content. What if Facebook's CEO suddenly decides that he

no longer wants vegetarianism to be mentioned on Facebook? I mean, this is harmless, but what if it's that Mark [*Zuckerberg*] suddenly decided to become a climate change denier?

Combined with the increasing amount of people who consumed their news content mostly via platforms, such a decision could lead to a gap in information supply those consumers had access to. As a counterargument, four experts (3,5, 6, 9) mentioned that these platforms were still commercial parties and that they had the right to place or ban anything in their platform that did not comply with their company standards, as long as they remained within the boundaries of their legal requirement. They did indicate that platforms were not likely to be inclined to abuse their gatekeeping position, as it was in their best interest to keep their users content.

One expert (7) contemplated that the risks were more in the uncontrollability of the algorithms and their lack of a certain 'human element' that allowed them to distinguish illegal content from similar content but with a clear social purpose. The example brought up was how one platform had censored the 1972 World Press Photo, commonly known as 'The Napalm Girl'.<sup>3</sup> This picture depicts a girl without clothing, fleeing from a napalm bomb dropped in the Vietnam War. The picture was filtered out by the algorithms due to its resemblance to child pornography. However, it is hard to imagine any human actor not recognizing this picture contriving a clear social message, as a portrayal of the inevitable cruelty of war. Thus, whereas human actors were capable of distinguishing between illegal and legal content, algorithms have not proven themselves able to do so.

When asked which responsibilities platforms had in ensuring information diversity towards its end users, all experts agreed that platforms should take an active role in maintaining a balance supply of information and that the platforms did have a responsibility towards the public to at least keep them informed about decision making on information diversity and diversity of supply. In practice, this meant clear communication with end-users about the processes and choices made about algorithmic filtering and selection.

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<sup>3</sup> <https://www.worldpressphoto.org/gallery/themes/36311/6>

Two experts indicated they felt that platforms had a responsibility towards the public that came with the gatekeeping role, but pointed to occasions where the platforms had denied this responsibility (2, 5). For example, during a recent lawsuit, YouTube denied having to explain their choices in what they would or would not allow on their platforms, denied any editorial responsibility. The company did not have to answer to anyone about why it had chosen to restrict user access to content created by a conservative U.S. based radio host. In this suit, the company claimed that it was a private entity which could make decisions regarding which content to display on its subsidiary platform, YouTube (Stempel, 2018). YouTube thus acknowledged that they played an editorial role and made informed decisions about which content to display, while simultaneously denying any responsibility towards others than themselves in this role

Summarizing, we could say that all experts agreed platforms were becoming a more important source of information for users and that their algorithms influence what content reached users. This carried a risk of negatively influencing the diversity of information that reached users even though no empirical foundation for current negative influences was known to any of the experts. The minimal responsibility the platforms had was to adhere to legal requirements, yet many experts also felt the platforms also had a responsibility towards the public to actively battle diminishing variety. The need to monitor this position was also unanimously agreed upon, from which the opinions spread out on a broad spectrum. One the one side were the experts who felt there was an urgent need to guide or regulate platforms in this position. Opposite of this side were the experts who felt that while it was necessary to monitor the activities of the platform in this area, there was currently no need for concrete actions. All experts agreed that there was a need for platforms themselves to take a more pre-active role in acting out their role in a responsible manner.

#### 4.2 Theme 2: Algorithms

As mentioned earlier, algorithms were seen as the spill in the web of the problem of diminishing variety of information. The dilemma faced was that algorithms, through personalisation, were and integral part of the platforms' user experience and thus of their business model. On the other hand, personalisation was recognized to carry a number of risks. From the discussions held on

this topic, two themes could be constructed: ‘transparency’ and ‘creating an algorithmic code of conduct’.

The option of full transparency was recognized by most experts to be unattainable in practice. Business interests were considered to be an impediment. Expert 6 stressed the view that platforms were operated by commercial parties and that users were in no way obliged to submit themselves to personalisation. And since to demand full transparency would inherently harm the business model and bring complicated matters of trade secrecy with it, it would not be worth the effort, especially as the subject matter of algorithms was too complex for most users to understand either way (expert 6). This view also included the second objection to full transparency that many experts brought up: technical complexity. Technical complexity was also considered to be an issue in terms of transparency in terms of both the practical implications, ‘how can it be done’ and ‘what would people get out of transparency’. Expert 5 mentioned that:

[...] seen from a technical and scientific perspective, algorithmic transparency is not a simple question. I spoke to an A.I. [*artificial intelligence*] expert recently [...] who said that from the current developments in artificial intelligence we can imply that we really don’t know anything from what is called the ‘explainability of algorithms’. It is a complete ‘Black Box’ and requires fundamental research.

Instead of full transparency, one expert expressed that personalisation should be handled in the same ways as privacy issues such as data collection. While most companies are currently focussed on data collection and privacy issues that are regulated in the GDPR, they must not lose sight of communicating with their user what the outcome is once this data has been processed by the algorithms:

I think it's much more trying to make them be transparent, in terms of not only what they collect but I think they should inform better their consumers, their users, [...] be more specific like, 'that’s the data collected from you, I collect this data from you for this and this [...]. So I think they should be much more clear and concise and, using a more, let's say, easy understandable language and so on. Instead of just, let's say, break the algorithm and see what they have inside (10).

Another alternative was a post-facto approach of the algorithms, to test their outcomes, since it was difficult to decide up-front which outcomes would be punishable or undesirable:

And to decide on, the people that make the algorithms, hold them responsible, but for what situations sort of? How do you define, outcomes that would lead to punishment if you get them wrong? It's all very complicated. I don't know whether it's about, probably *[it]* would be the outcomes that they would be looking at so you could test algorithms if you want, what outcome they produce you know, so that you don't have to understand it necessarily but you can test them (6).

It seems sensible to replace the idea of full transparency with clearer communication such as required in data collection, as these two processes are linked in the creation of platforms' user experience. This can be combined with post-facto testing, to make sure that the communication is reflective in practices. If consumers have the right to know how their data is collected and to what use, the next step is to inform them on what processes have come into existence once their data has been fed to the algorithms.

As a second theme, the idea of creating a code of conduct for algorithms resonated with many experts (3, 10). Expert 10 saw this code as establishing some basic guidance, for example that algorithms should be built in a way that they would prevent bias. Expert 3 spoke of a basic format, written in actual code, to be a foundation for all algorithms that used personalisation and filtering:

There is something to say for some sort of code of conduct. But then we should make it a real code. Simply state that the algorithm has to comply with certain requirements.

Others (6, 7) mentioned that this idea would never work, again related technical complexity and lack of a 'human element' in algorithms. He reasoned that algorithms were unfit to take be submitted to a code of conduct, as such a code was based on human perception of 'right' and 'wrong', something no algorithm has so far been able to do:

But in the end, [...] you have the smartest people in the world working for these companies, yet they haven't managed to make it happen. [...] Despite the wonderful

algorithms, it leaks on all sides, they cannot come up with an algorithm that can tackle accountability, they have to put tens of thousands of actual people on it (7).

### 4.3 Theme 3: Applying Traditional Accountability Frames

This section will provide an overview of the thoughts expressed on each of the traditional media accountability frames: the legal /regulatory framework, the public fiduciary framework, the market framework and the professional framework.

#### 4.3.1 The legal or regulatory frame

All experts agreed that there was currently no legal framework that addressed the issue of the gatekeeping role of platforms. A small majority (1, 4, 5, 7, 10) agreed that there was a need for a basic legal framework, mostly in the context of the European Union, which could guide states in how to regulate platforms. Two experts (8,9) brought forward the argument that although there was a need for legislation to also include platforms, governments should be careful not to create laws that focussed specifically at platforms or a current role played by the platforms. They pointed out that the velocity with which platforms had risen up, meant that a replacement could easily rise equally fast, making any legislation that was too specific a waste of effort. One expert put it as follows:

The company has so much cash and power, it will take a while longer before that falls apart. But the platform, it's possible, it's certain that we are going to switch [*platforms*] again. It is good to keep that in mind when considering which instruments you apply to deal with them and the level of law and regulation that you apply. (9)

Keeping this warning for cautiousness in mind, two sub-themes could be constructed from the data: 'international cooperation' and 'inclusion in current legislation'.

All experts agreed that in order for accountability to be practiced successfully, it was crucial to cooperate internationally. The main reason for this was that many experts believed that single countries would not have enough 'leverage' to enforce regulation on the larger,



internationally operating platforms. Four experts mentioned that the ideal situation would global cooperation, including working with the United States [US] (3, 4, 5, 10). One expert immediately added that it appeared as though the current US administration could not be trusted to keep international agreements because of the current protectionist political environment (4). One expert proposed the United Nations [UN] as an option, using the example of the recent renewal of the mandates for the ‘special rapporteur on the right to privacy<sup>4</sup> (10)’. This is an independent expert appointed by the United Nations Council on Human rights, mandated by the Human Rights Council based on article 19 of the Universal Declaration of Human Rights [UDHR]. This article states that ‘[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers’ (United Nations General Assembly, 1948). Such a rapporteur could act independently of any government, would be part of the UN’s team of special procedures, or independent advisors on human rights.

Three experts named the European Union as the body that had the proper resources and authority to address this issue (4, 6, 5). Expert six discussed a multitude of examples where the EU had already been providing communications and projects that focussed on aspects of this topic. The EU was also considered the most suitable vehicle, since it had experience in uniting the different media landscapes of its member states. The media landscape of the possible participants in this cooperation was also considered by three experts. They mentioned that while the platforms were global, media landscape differed per country, which meant that a legal framework operating globally would not be sensible, since it would become too broad to be applicable and thus useless (1, 2, 5).

On the subject of including platforms in the current legislation, one expert proposed that the Dutch Media law could be expanded to include platforms. This would mean that platforms would bear a responsibility for the content they presented, even if they did not create the content (7). The comparison was drawn between television broadcasting companies and platforms. These broadcasting companies are not always directly involved in the creation of content. They buy movies or programmes from directors or production companies. In doing so, they make a selection of what is presented to the user. In this sense, platforms were said to ‘programme’ a

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<sup>4</sup> <http://www.ohchr.org/EN/Issues/Privacy/SR/Pages/SRPrivacyIndex.aspx>

news feed and should be bound to rules that ensure public interests to be represented. In the Netherlands for example, traditional broadcasting companies, even commercial entities, are subject to for article 3.5 which requires broadcasters to create a statute to ensure journalistic rights and duties. Especially these duties are important, since these generally include ethical principles for content creators and programming experts. Platforms could be held responsible for the diversity of the content presented by users, and held to rules that indicated fair division of public and commercially produced content. This type of regulation is called ‘affirmative regulation’, where regulation requires subjects to undertake certain actions that will stimulate the desired outcome, instead of restricting undesirable outcomes. Expert 10 felt that governments and the European Commission already appeared to be moving in this direction:

So they are working much more in the prevention instead of just waiting for a flaw and then applying huge fines and so on. I think there is this, possibility of governments promoting the idea of prevention, monitoring, previews, compliance and so on. A kind of try and see procedure[...].

Another expert (5) said that since platforms touched upon so many aspects, legal requirements should be ‘borrowed’ from a number of existing fields as to properly address each of those aspects:

Actually, it all belongs together and should be combined in a clever way. [...] It was mentioned that for example competition law and privacy law should not be – these are currently very separate trajectories with separated legal councils. It would be much more interesting to relate them or merge them together. And the same goes for media law of course.

Three experts (4, 6, 10) mentioned the idea of including or expanding a section on personalisation, including filtering and selecting in the current General Data Protection Regulation (GDPR) regulation. This regulation currently only provides the users the option not to be subjected to automated decision-making if this ‘produces legal effects concerning him or her or similarly significantly affects him or her (article 22, GDPR, 2018)’. One expert proposed

expanding the section on profiling to include rules on what can be summarized as ‘transparency of decision making’, where platforms would be required to be more clear on which decisions lead to the content users got to see, and the option to see which filters were applied (10) . Another pointed out that GDPR already included a section on personalisation which allowed users to protest against being subjected to automated decision making (8).

Three experts (5, 8, 9) mentioned that although government regulation could seem desirable in theory, there were practical considerations that posed some barriers and that any approach to this subject should keep in mind such constraints. Four experts (2, 4, 6, 10) discussed the idea of taxing platforms more heavily. Two experts put this in the context of data, meaning that companies would be required to pay taxes for being allowed to collect data from citizens (6, 10). The other two did not specify which taxes. All agreed that the taxes could be used in order to support initiatives for accountability mechanisms such as a market authority or an ombudsman.

Putting together the ideas of ‘international cooperation’ and ‘inclusion in current legislation’, we can conclude that in order to hold platforms accountable, it could be useful to have a basic framework embedded in new legislation, which would ensure accountability practices had a foundation in law. This would provide clarity and structure. It should not however, prescribe the exact manners or requisites in which accountability bodies execute this accountability, but be constructed in an affirmative manner which would stimulate platforms to act responsibly instead of placing censoring or restrictive directives in place. The legal framework would need to be put together and acknowledged by as many countries as possible in order to have a successful chance at ensuring the cooperation of especially the large platforms with global operations. Vehicles for such supranational cooperation could be the European Union or the United Nations, governing bodies with experiences in projects of this scale. Finally, all ten experts agreed that any legal framework should not hinder the free flow of information between content creators and end-users. Therefore, the legal requirements would be the bare minimum to support non-regulatory alternatives addressed in the other three frameworks of accountability: market, public and professional.

#### 4.3.2 Market frame

When questioned about the possibilities of market mechanisms to ensure information diversity, a majority of experts (1, 2, 4, 5, 7) agreed that market mechanisms were currently not ensuring a diverse supply of information towards consumers. When asked if they considered this a sense of market failure, three experts agreed (2, 5, 7). Four experts (3, 6, 7, 8) indicated that they did not consider diverse supplies of information as an outcome which was usually provided by a market mechanism, which meant this could not be seen as a market failure. One expert indicated that one of the problems with holding platforms accountable via this framework, was that it was difficult to define what the market was. The resulting codes could be divided into two sub-themes: enforcement of competition law and market pressure from non-governmental players.

One expert (7) explicitly stated that forcing the platforms to break up their companies in to separate entities was a plausible solution to counter the negative effects of the gatekeeping position.

A second thing is, indeed, that you should take close look at, yes, if we want to organise some sort of information diversity, if it would not be a good idea to see if you can break up these kind of large organisation.

Expert 5 agreed, remarking that the current direction platforms were heading was towards a monopoly in the market of 'providing information to users', which could be considered a kind of market-failure. The answer for this was governments enforcing competition or anti-trust regulations more severely, which was most likely to be successful if executed on the level of the European Union. One expert (7) even expressed the idea of forcing platforms into a role similar to telecom providers, a market which is heavily regulated due to its monopolistic potential. This included forcing platforms to share the underlying, technological infrastructure with third parties, creating a more level playing field. Expert 6 considered the option of creating a more level playing field by look at the heavily regulated broadcasting market, offering the idea to alleviate regulation burdens while at the same time giving more responsibilities to platforms, in order to allow more traditional companies to compete in a more equal manner with the platforms in the distribution of content:

So the question was, should there be some level playing field of the one hand? So the over-regulated broadcasting industry should probably be some burden be removed from them? But some more responsibility given to the on-demand and other video services that you find on the internet?

However, this expert also warned against thinking too lightly of putting platforms in such a position:

These are still private companies, yes? So it is a very far-reaching decision to sort of, claim them to, almost essential facilities, you know as we know it from the network industry, you know telecoms and energy and what have you. And they are, in spite of the fact that you are a private company, we force you to this side or the other. I mean, it's a major, you can take that decision politically and you may be able to justify it. What I am saying is, it is a very far-reaching measure.

Expert 5 also subscribed to this view, emphasizing that it was preferable to keep platforms away from such responsibilities, as they would either need more regulation, or would not be able to handle the responsibilities. There were a number of experts (3, 6, 8, 9) who considered market pressure a good tool to ensure platforms acted responsibly in their gatekeeping position. They pointed out that the platforms were depended on pleasing their users in order to survive, supporting a neo-liberal idea of laissez-faire. They claimed that platforms had to act responsibly less they wanted their users to walk away. One expert (3) pointed to what he saw as the 'war for users' which platforms were currently engaged in as proof that none of the platforms had acquired a monopoly over all users yet:

En so, in this way you actually see that these parties are constantly competing against each other. And they really have to fight and keep innovating to hold on to their customers. And to keep making that money.

However, several of the experts expressed concerns that due to the high switching barriers faced by consumers, the consumer side of the market would not be able to put pressure on the companies to perform responsibly. Two experts (4, 7) mentioned that consumers were currently

‘locked-in’ by the platforms, meaning there were no equally well-functioning alternatives where consumers could turn to when dissatisfied with the current supply. Frequently mentioned examples were the acquisition of WhatsApp and Instagram by Facebook and the all-round social platform of WeChat in Asia. However, there were also a number of experts who felt that, at least in the Netherlands, users had a very diverse media offering to choose from.

Overall, it seemed that the market was currently not exerting enough power ensure platforms’ responsible behaviours. Especially consumers were said not to stand fully in their power, due to lack of true alternatives and other switching barriers. While there was trust in the power of the market, this tended to be by those who considered the market to include all large platforms thus social networks, search engines, ride sharing. However, when looking at smaller groups within, it became more difficult to argue that there was a true alternative to Facebook as a social network. For search engines, alternatives such as Bing! And Yahoo were mentioned, although the mentioning expert expressed his personal explicit preference for Google. While Blendle was also considered a potential alternative for consumers to get their news content (3, 4, 7), Blendle is currently struggling with their pay-per-article business model. Expert three explained that it might be time for consumers to accept that although news items are more and more appearing to be free, quality is something that will require payment in some way.

#### 4.3.3 Public or fiduciary frame

All experts agreed that forces from the public frame were essential in holding platforms accountable in their gatekeeping role. One expert expressed explicit concern that the scale of such non-governmental bodies or organisations was not realizable in practice, due to the international operations of the platforms (2). However, the other nine felt very positive about the options offered by the public framework and stated that it would be difficult yet possible. For example, four (1, 3, 8, 9) of the experts indicated that they felt that independent research on the possible detrimental effects that personalisation and the user of filtering and selection have or could have on information diversity was the key to holding these platforms accountable and the option was mentioned by five more experts if not in such a central manner (2, 4, 5, 6, 7). From this frame, two sub-themes were constructed: ‘non-governmental organisations’ and ‘media literacy’.

All experts agreed that from the traditional media accountability instruments, non-governmental organisations [NGOs] were the best option to play an active role in holding platforms accountable for their gatekeeping position. Such organisations could be non-biased representation of the public interests. Three experts indicated that governments should not be involved with these organisations in order to guarantee their neutrality. They argued that business interests and the public interest could not be fairly represented otherwise. They said the responsibility for these this lay with the users, and that any government involvement would destabilize the authority and representativeness of the organisations (3, 4, 6). Another three experts reasoned that governments should be allowed to at least provide funding for such organisations and that there were numerous example of independent organisations that received government funding without losing authority (2, 5, 7). Two experts indicated that governments might impose taxes upon the platforms themselves, which could be used to fund such organisations. In this manner, the government would not have any direct financial loss from funding the organisation which would lessen the need to get involved (2, 6). These experts also considered it an option to have the platforms organise funding for these organisations as part of their self-regulation. This could be shaped as what they called a ‘social contract’ between governments, business and users, whereas platforms show their good will in contributing to the public interest. However, expert 5 pointed out that while such an organisation based on self-regulation was a good idea, there were usually some difficulties in establishing authority for it:

You know, difficulties of self-regulation are, on what does it base its authority? Who is behind it and what are the consequences if something happens that was not agreed upon?

This authority relationship has to be acknowledged and the companies really have to do something with it.

In summary, while independent organisations were one of the few options that were considered realisable in practice, there were still some barriers that had to be taken down. Capacities for the organisation had to be found for both financial and human resources. Furthermore, the platforms had to be willing to accept its authority and the consequences of going outside any agreement. Nevertheless, despite the existence of these barriers, experts were overall positive of the idea of creating an independent watchdog organisation. Expert 10 added to this discussion that there was

currently no proper representation of citizens for this issue, which was crucial. Expert 7 named ‘Bits of Freedom’ as a potential representative organisation for this issue, as they are concerned with issues of net neutrality and internet freedom.<sup>5</sup> Experts 2, 4 and 10 pointed out that such an organisation could also work with a form of certification. This meant that companies who received the ‘certification’ could be recognized by consumers as complying with certain standards. This empowered consumers in their choice for platforms and would contribute to their better understanding of the organisation behind the platform:

It is important that consumers can properly tell what the quality is and how things come to be. In that sense, you do really need some sort of code of conduct as well, so that you can tell companies ‘these are the rules you have to follow, or else you can not have our certification.

Following this idea of empowerment, media literacy was often named as an ‘antidote’ to the possible detrimental effects of the gatekeeping positions. Six experts considered that it was not enough to regulate or stimulate platforms into behaving in a responsible manner, and therefore it would be necessary to also form a counter-movement against the information supply over which the platforms had control (2, 4, 6, 7, 8, 9 ). A large part of this, some of them argued, could be based in empowering citizens in their user-role. One option offered was to start educating citizens on the effects of technology in general, implementing this in the educational systems of countries. This could be done by the government, but a role for the mentioned NGO’s was also taking in to consideration. Governments could make it an official requirement in student’s curricula, or NGO’s could start actively campaigning to create awareness. Another was that such education should not be limited to the school going period of citizens, but should be a life-long tradition stimulated by the government, since technology changes so rapidly that information is outdated quickly.

#### 4.3.4 The professional frame

It was also brought up that it was up to current media professionals, such as journalists, newspapers and television makers, to strengthen themselves against the powerful position of the

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<sup>5</sup> <https://www.bof.nl/missie/>



platforms and look for new, innovative way in which they could ensure their content reached users (4, 5, 7):

What I would much rather see is that journalists, publishers and especially broadcasters, realize that they should play the role of curator, and put their weight behind it (4).

Media professional, they argued, should organise themselves and work together with governments and other organisations to form a solid ‘countermovement’ against harmful effects of personalisation. They should actively seek out and support initiatives that helped individual users realise the benefits of informing themselves broadly. Three experts (1, 2, 4, 7) indicated that they felt that traditional media including journalists, newspapers and broadcasters should take a more active part in educating users. They pointed to events, articles and clips where the Dutch public broadcaster (NPO) explained technologies and platform workings to citizens (1). They indicated this could be done on a much larger scale. As owners of the content that platforms partially depended upon for attracting users, content creators should try and negotiate better terms with platforms to strengthen their position as well as work together on supplying users with qualitative and relevant content. However, experts 2 and 5 pointed out that at least in the Netherlands, media companies were in heavy engaged in struggles to maintain their audience.

## 5. Conclusion

From the results, it shows that platforms do occupy a gatekeeping position and that there is a perceived need to hold online platforms accountable to a gatekeeping role in society due to their potential for influencing information diversity, the risk of diminishing variety of information and filter bubbles. However, there is an evident lack of empirical evidence for the occurrence of any of these risks. Thus, whereas the risk can be seen and appear likely to occur, the lack of an empirical foundation results in a low level of urgency for accountability initiatives and the hesitation to employ or create hard, legal mechanisms. However, due to the mentioned potential, researching, monitoring and stimulation desired behaviour are essential in preventing these risks from developing into concrete consequences. Putting together all the themes, a road map was discerned, showing where the complex relationship between the public interest and the platforms is heading, at least for the topic of information diversity including the prevention of filter bubble and echo chamber effects, and their gatekeeping role. This roadmap will lead the way from establishing a legal foundation for the responsibilities appointed to platforms, how this legal framework can be executed in practice and what (adapted) role traditional media accountability instruments can play in holding the platforms accountable to these responsibilities.

A legal framework could provide a basis from which the responsibilities of platforms could be established. This legal foundation should take into consideration several aspects. First, it should be wary of overestimating the impact of the platforms on society. Especially in the Dutch society, there is not enough empirical evidence of any abuse of the gatekeeping position occupied by platforms. Should further research establish that the way platforms perform their gatekeeping role has a detrimental effect on society, it appeared best to maintain a suited pace. Second, it should acknowledge that different societies have different expectations in terms of information diversity, different media landscapes with different tradition require different approaches. In practice, it means that crafting a legal framework on a global level, although desirable due to the global operations of the platforms, was not likely to be possible in reality. No organization appeared to have either the capacity, the financial means or the power to enforce such a framework. However, organizing such a legal foundation on the level of the European Union or perhaps the United Nations was considered an effective option. Third, the legal

framework was suggested to aim for affirmative approach, setting up guidelines for practices that should be incorporated instead of restricting activities. This helps governing bodies to steer clear of the risk of censorship while at the same time providing clear guidance to the platforms. European directives, which set goals that should be achieved but allow member states their own implementation could be used or serve as a model. Furthermore, creating and enforcing restrictive legislation was considered costly and slow, a more affirmative approach was considered to be more appropriate and resource effective

The platforms could be stimulated to organise self-regulation instruments such as codes of conduct and to start a dialogue with end-users to make the decision making process more transparent and understandable. Non-governmental organisations were considered the most practical instrument through which the established responsibilities would be monitored and called to account if necessary. This meant holding platforms accountable for responsibilities they agreed to through their self-regulation mechanisms and any further responsibilities, including those which might not be legally required, if these responsibilities would still be deemed essential to information diversity and preventing bias. Options for funding such an independent organisation included taxation or finding a way of cooperating with the platforms to share the monetary burden. Monitoring included conducting independent research into the effects of personalisation and other automated decision-making processes which was crucial to examine whether this assumed lack of abuse is in fact true. If proven true, it is still necessary to take steps to make sure it remains absent.

Other traditional media accountability instruments were often found to be difficult to realize on a scale that would be large enough to realistically hold the platforms accountable. From the journalism-internal instruments, many of the instruments focus upon the content creating, which is not relevant for platforms. However, the option to apply an instruments such as a code of conduct to the creators of the algorithms was perceived to be a plausible solution or to create an actual code containing certain ethical restraints to filtering and selection. This could also be done in a certification format, where companies using either one of these codes would be certified and thus identifiable to users.

Furthermore, increasing media literacy amongst citizens should help citizens understand the relevant technical workings behind the platforms and to make informed decisions about

whether or not they wished to still make use of a platform its services. Empowering citizens to be able to understand the risks of filter bubbles

This would counter the risk of depending too much upon the platforms' goodwill. As the issue of algorithmic transparency was considered to be too complex to realize and the business interests of platforms predicted to shield the algorithms from demands of transparency, other ways had to be found to empower the position of users. However, the implementation of guidelines for creating algorithms in a responsible manner received broad support. Such guideline would both help protect users from possible harm and give the platforms clarity of the limitations of their technology.

Overall, it became clear that holding online platforms that occupied a gatekeeping position in information diversity was far from straightforward and that there was still quite a way to go. However, as no urgent action was found to be required, there is still time for further research into the possibilities above. Meanwhile, affirmative legislation and more options of stimulation desirable practices by platforms can still be set up to prevent detrimental effects to democratic societies. This thesis has aimed to provide some starting points for further policy research, which will hopefully inspire other researchers to follow and examine aspects of the gatekeeping position of platforms which fell outside of the scope of this project.

As with any research, there were certain limitations to the scope of this project. Although inevitable, a short reflection on such limitations that can be acknowledged at this point was conducted to give insight to the choices made in these limitations, which might be starting points of further discussion on this topic in their own right.

First of all, there are lines of argumentation that view interviews as mostly unreliable sources of information for theory generating research. Alvesson discusses several of them such as interpretivism, which roughly submits to the view that interviews do not provide facts, but only interpretations and language constructivism, which argues that language does not mirror but construct reality (2012). While these limitations to interviews as a way of data gathering include valid points, this research was concerned with exploring options and possibilities. It was thus useful to explore a broad range of views, even if these views were representations or constructs. The views were analysed and arranged, not taken as absolute truths. Their value lay in the opening up of possibilities. Later stages of actual policy will have to consider more qualitative

effects of these recommendations before full conclusions on policy options can be made. As Alvesson (2012) argues, data gathered from interviews is not a fully indicator of reality. Rather, they include a broad range of interpretative possibilities that allow certain types of research to assess options and create pictures that represent options which can become reality. For this project, discussing of the possible options from different perspectives provided a varied assembly of options that would not have captured easily through other, more quantitatively oriented types of research. In-depth interviews allowed the topics to be discussed in the freedom and detail that proved necessary to capture the complexities of the issue. That being said, it is regrettable that there was no possibility to conduct an interview with a representative of any of the larger platform, which would have added a unique perspective from that side. Although the conclusions of this research were drawn in full awareness of this lack of perspective and have tried to take possible platform perspectives in to account, this can never replace information gathered directly from the stakeholder.

A second limitation was that the data gathered came exclusively from European and within that context primarily Dutch sources and that all of the experts came from countries with a rather liberal media landscape with established media accountability practices already in place. While this made sense for the scope of the project, further research must take into account the international operations of online platforms as well. It is essential to be aware of the fact that the issues discussed in this thesis do not apply simply to the Dutch society but they are also not generalizable to the whole world. Many experts recommended creating worldwide or international cooperation in order to govern online platforms effectively, which was not fully addressed in this research. Nevertheless, the concepts and options discussed in this research might be applicable on a larger, international scale. Furthermore, as indicated above, due to the differing media landscapes between countries, local options are still a practical alternative to the creating of a full scale, inoperable international organisation. Further research could vastly expand the field to include both more of the similar (Western) societies, or look into platforms and their role in societies with different media traditions such as for example China, Russia or India.

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