

# Core Tasks and Principles for an Independent Intermediary Body that Will Facilitate Researchers’ Access to Platform Data

## Introduction

In May 2023, the European Digital Media Observatory (EDMO) [launched a Working Group for the Creation of an Independent Intermediary Body to Support Research on Digital Platforms](#) (“IIB Working Group”, or “Working Group”). This multi-stakeholder Working Group is laying the groundwork for the establishment of a new organisation that will assist independent researchers, digital platforms, and appropriate third parties (e.g., regulators) in carrying out functions that improve access to platform data for independent research purposes.

With improved access to digital platform data—including data from social media platforms, online search engines, and generative AI companies—independent researchers will be able to produce more insightful findings regarding the impact of these platforms and technologies on society, in turn enhancing public knowledge and offering a more sound basis for evidence-informed policymaking.

However, there are a number of hurdles to achieving improved data access for researchers. For one, guidance on how to responsibly and legally access this data has been underdeveloped. Recognizing this, an earlier multi-stakeholder EDMO working group set out to develop a [Code of Conduct](#) that guides both platforms and researchers on how to best comply with data protection requirements under the EU’s General Data Protection Regulation (GDPR). However, under the status quo, a number of the key tasks laid out in the Code of Conduct would have to be undertaken, at least in part, by the platforms—including review of researchers and their research proposals. This undermines research independence. It also likely increases platforms’ legal liability under the GDPR. As a result, the members of the earlier working group unanimously agreed that an Independent Intermediary Body should be created to take on these review functions and to otherwise help facilitate data access under the Code of Conduct.

Such an Independent Intermediary Body could function and provide support under both voluntary and mandated data access regimes. Under one such voluntary scheme, the [EU Code of Practice on Disinformation](#), a number of companies—Google Search, YouTube, TikTok,

Microsoft Bing, LinkedIn, Meta, and Instagram—have committed to proactively share data with researchers. In Commitment 27 of the Code of Practice, these companies promise to provide “vetted researchers” with access to data and to “cooperate with [an] independent third-party body...in accordance with protocols to be defined by the independent third-party body”.

The EU’s Digital Services Act (DSA), on the other hand, compels data access for research. Specifically, Article 40 of the DSA requires that Very Large Online Platforms and Search Engines provide data to a “vetted researcher” upon the request of a Digital Services Coordinator. Under the DSA, data must be used to research the systemic risks that digital platforms may pose or the efficacy of measures implemented to mitigate those risks. Article 40.13 of the DSA also notes that relevant parties may draw on “*independent advisory mechanisms* in support of data sharing” [emphasis added].

Within both regimes, an independent intermediary such as the IIB can assist participants in a number of key ways, including by setting common standards, facilitating the peer review of data requests submitted by researchers, and accrediting other organisations to provide similar reviews. Under voluntary regimes, such as the Code of Practice on Disinformation, the IIB could help develop and host or “own” the rules and guidance that both platforms and researchers follow, as well as review and certify that each has complied with those rules. For example, for researchers to develop appropriate data requests and, ultimately, conduct sound analyses of any data received, they must have adequate information about what data are available and any limitations of those data. Thus, the IIB might establish processes for review of platforms’ data codebooks, assessing whether they provide adequate information to enable sound research proposals and data analysis. Similarly, the IIB might identify and empanel peer reviewers to assess the data requests and proposals researchers submit, ultimately certifying for the platforms that researchers have met their legal and ethical obligations and avoiding the need (again, currently required under the status quo) for platforms to conduct these reviews directly.

Under a compulsory regime such as the DSA, an IIB could help streamline the “researcher vetting” processes required under the Act by empaneling expert peer reviews of the researchers’ requests and providing advisory opinions to regulators regarding the legal, ethical, and methodological appropriateness of a given data request. The IIB could not replace the lawful judgement of regulators on these matters, but it could help reduce resource and capacity constraints inherent in the review process.

Whether considering a voluntary or mandatory data access regime, expanding reviewing capacity will prove crucial. And if an Independent Intermediary, such as the one envisioned here, not only directly facilitates researcher vetting and proposal review, but also accredits other organisation to

do so as well, it will help ensure that no single institution becomes a barrier to researcher data access. Many universities, for example, have robust systems in place for ethical and data protection reviews. If those review processes align with standards set by the IIB, many, if not all, review procedures might be carried out by a researchers' home institution. At the same time, many researchers are affiliated with organisations—including some universities and civil society organisations—that lack such review systems. An IIB could therefore help level the playing field for these researchers by providing a mechanism for undergoing the required reviews without taking on the additional expense of developing those systems internally.

These are just a few of the functions that an Independent Intermediary Body might undertake to support research on digital platforms. While many important discussions are still underway, this brief report outlines what the working group agrees should be the organisation's core functions and guiding principles. Over the coming weeks, the Working Group will detail the IIB's organisational structure, lay out key processes for its development, and offer recommendations for governance and financing. These will be shared in a final public report.

## Core Functions

The Independent Intermediary Body's core mission will be to facilitate *responsible, ethical, and effective data access and use for research that examines the impacts of digital platforms on society*. In order to fulfil that mission, the Working Group has identified six core functions for the IIB. These are not the only activities that the IIB might undertake over time, but the Working Group believes that these functions should be taken up in relatively short order if the greatest obstacles to research are to be overcome.

**Establish a system for vetting researchers and reviewing research plans.** As described in the Introduction, the IIB should develop common standards and processes for vetting researchers who seek access to platform data—particularly data that include personally identifiable information—as well as for reviewing and evaluating their research proposals. The IIB itself will be equipped to conduct these reviews, but it should also provide accreditation to additional organisations (e.g., universities) competent to apply these reviewing standards directly. Review processes should include (but would not be limited to) assessment of researchers' data protection plans, the appropriateness of their proposed methodologies, relevant ethical considerations, and the qualifications of the researchers to manage the data and undertake the proposed research.

Taking a modular approach to these review procedures, review under any of these areas might be adapted to meet the needs of specific jurisdictions or regimes. For example, under the Digital

Services Act, researchers requesting data must commit to making their results public. Thus, an additional question regarding how researchers will share the results of their work could be added to the standard review procedures for proposals submitted under the auspices of the DSA.

Upon completion of any successful review process, the IIB can certify to all relevant parties (e.g., platforms, regulators) that the researchers and their proposals were vetted and found to meet the shared standards.

*Why this function is essential:*

- To date, common standards for research into digital platforms remain significantly underdeveloped and, where they do exist, are applied inconsistently.
- By (a) facilitating review of research proposals and researchers' qualifications and (b) certifying that the research and researchers meet common standards, it will no longer be necessary for platforms to conduct these reviews, which, in turn, enhances research independence.
- Researchers who otherwise do not have access to needed review processes via their home institutions may rely on the IIB, helping to level the playing field for researchers from under-resourced organisations.

**Establish a system for reviewing codebooks and data provided by platforms.** The IIB should develop common standards for the information that platforms provide in their data codebooks. This includes standards for describing the characteristics of data points (variables), as well as the contextual information needed to interpret the data and identify and address potential biases inherent in that data. The IIB should also review these codebooks and provide feedback to the platforms where changes and improvements are needed. In addition, the IIB may develop and implement processes for conducting data and data pipeline audits to assess whether the data provided are fit-for-purpose, comprehensible, representative, and complete.

*Why this function is essential:*

- When platforms make data available to researchers, they often provide relatively sparse information about the origins and contours of the data, in turn making it difficult for researchers to know how to properly contextualise and interpret the data. This can lead to errant conclusions in research.
- Errant conclusions may also result when the data are incomplete, unreliable, or otherwise low quality. By developing processes for evaluating whether the data provided are as intended and described, the IIB can help improve research and increase trust between all actors involved in data access regimes (e.g., researchers, platforms, and regulators).

- Incomplete information about the data may also constrain researchers' ability to properly assess and make plans to mitigate data protection risks, as required under GDPR. Setting and overseeing standards for assessing codebooks and data will help all parties comply with data protection law.

**Convening the research community.** The IIB should develop processes for regularly convening the research community to assess data needs and provide recommendations to platforms, regulators, and other relevant stakeholders about data prioritisation.

*Why this function is essential:*

- There are many important questions that can be examined with improved access to platform data. However, not all relevant data can be made available easily, and certainly not all at once. Under mandatory data access schemes, regulators will need mechanisms for determining how to prioritise data needs. Under voluntary schemes, platforms will need the same. In both cases, researchers can and should have a clear voice in defining those needs and priorities. The IIB should therefore provide a mechanism for helping ensure that a greater number of researchers—from diverse disciplines, locales, and backgrounds—can provide input, increasing both the legitimacy and efficacy of various data access regimes.

**Mediating disputes between researchers and platforms.** The IIB should develop processes to mediate disputes that arise between researchers and platforms, establish processes for receiving complaints, and communicate with parties to resolve disagreements short of initiating government legal enforcement procedures.

*Why this function is essential:*

- To date, when platforms make decisions negatively impacting a researcher's access to data, researchers have had little avenue for recourse. The IIB should provide processes for researchers to appeal decisions taken by platforms and an independent venue in which those appeals may be considered. Similarly, when platforms feel that researchers have potentially violated policies, they have had no independent venue to ask to consider the issue at hand. The IIB should offer independent review of potential violations, as well as consideration for possible recourse, when applicable.
- Disagreements may also arise regarding what data can and should be made available and to whom. The IIB should establish processes to help both platforms and researchers navigate these disputes.

**Ensuring the robust implementation and continuous monitoring of the Code of Conduct on Platform-to-Researcher Data Access.** Acting as the owner of this Code, the IIB will work with appropriate regulators to enact and implement the Code. Following guidance provided by the European Data Protection Board and appropriate Member State authorities, the IIB will also need to undertake monitoring functions and/or identify and appoint one or more external monitoring bodies to assess whether parties are qualified to apply the Code and monitor whether parties adhere to the requirements and procedures enshrined in the Code.

*Why this function is essential:*

- Codes of conduct established under the GDPR must have both a code “owner” and a “monitoring body”. Under typical circumstances, codes are intended to cover a single industry and the code is then “owned” and “monitored” by an umbrella industry association. However, because the EDMO draft Code of Conduct covers both platforms and researchers, and no single association currently represents both, a new body is needed. Given its key roles in facilitating data access and mediating between researchers and platforms, the IIB will be ideally suited to serve as owner and monitoring body for the Code of Conduct on Platform-to-Researcher Data Access.

**Advising Digital Services Coordinators (DSCs) and other regulators.** The IIB may assist and advise DSCs and other regulators in tasks such as reviewing data access requests, vetting researchers’ qualifications, monitoring research plan compliance, and evaluating platforms’ codebooks and data. The IIB may also provide advice and insights to regulators based on the knowledge gained from any of the activities listed above.

*Why this function is essential:*

- Whether under the DSA or other data access regime, regulators are likely to face constraints on time and resources. By developing common standards and providing advisory opinions on any number of relevant considerations, the IIB will be able to increase overall capacity within various data access regimes.
- The IIB may also facilitate access to peer review processes that allow regulators to draw on issue-specific expertise.

## Guiding Principles and Commitments

With a mission to facilitate responsible, ethical, and effective data access and use for research that examines the impacts of digital platforms on society, the Independent Intermediary Body will place *concern for ethical data use, data protection, and the rights of data subjects at the foundation of all of its work.*

Building from this foundation, the Working Group has adopted a set of nine additional principles and commitments that guide its work. These principles and commitments are grouped under three broad categories that the Working Group believes should characterise the IIB and all of its work. That is, the Independent Intermediary Body should be: legitimate, effective, and trusted.

**Legitimacy** - A legitimate independent intermediary must be transparent, participatory, representative, and accountable for its actions.

- **Transparency** must be considered an institutional priority when creating the IIB. As such, the IIB will adopt and use best practices for public access to key financial and long-term planning documents, as well as the development of records that document both the input and the analysis that underlies decisions.
- **Participatory** decision-making is a core element of legitimate governance, and the perceived legitimacy of participatory processes can have significant impacts on stakeholders' trust and engagement. The IIB will benefit not only from establishing mechanisms to engage platforms, researchers, and other stakeholders in decision-making, but also create the types of feedback loops and communication efforts that can help to assure these actors that the IIB is responsive to their input. This also means that the IIB will engage with diverse communities in diverse languages. Though certain participatory mechanisms will take time to develop and implement, participatory engagement will be given priority wherever possible from the outset.
- **Representative** governance will be reflected in all elements of the IIB's organisational structures. The IIB's coordination and research activities will affect a large number of stakeholders. The IIB's activities will also affect the public at-large. Due to this widespread impact, it is essential that the IIB's activities, including its governance processes, are undertaken with the input of a wide variety of groups. In addition, trustees should not be positioned as representing any one geographical region or particular group, but rather, the interests of the public at-large.
- **Accountable** governance requires that trustees, board members, and all IIB staff are held accountable for their actions. The IIB will develop, implement, and enforce mechanisms



for independent review and, where needed, sanction from the outset, enshrining such accountability mechanisms in its bylaws.

**Efficacy** - An effective IIB requires focus, collaboration, sound development, and iteration.

- **Focus** - An effective IIB must be bounded, with its various functions and structures tied to a clearly-defined mission. It cannot be all things to everyone at all times. A clearly defined written charter and set of bylaws will provide clarity in expectations and guard against governing bodies inappropriately engaging in activities beyond their intended scope, mission, and functions. The IIB's governing documents will articulate the minimum necessary standards and policies to achieve the IIB's mission in a financially sustainable and commercially viable manner, allowing the IIB to move quickly and efficiently in order to meet the requirements of its stakeholders.
- **Collaboration** - With a mission to *facilitate* data access, the IIB must operate collaborative. It need not seek to build everything from scratch. Nor should it seek to crowd others out. Instead it should build on complementary standards, policies, and processes that work hand-in-hand with various governments, research communities, civil society representatives, and private sector actors.
- **Sound development** - The IIB must have adequate support and resources, growing and expanding its functions over time in a manner that ensures the organisation's future.
- **Iteration** - The IIB will adopt an iterative approach in its development and design. Iterative development allows for flexibility, stakeholder engagement, continuous improvement, risk mitigation, and learning opportunities. This approach ensures that the IIB can adapt to changing needs, involve stakeholders throughout the process, make ongoing improvements, and deliver value effectively.

**Trust** - A trusted IIB must be independent, accessible, and ethical

- **Independence** - Independence ensures impartiality, builds public trust, and allows for responsible oversight of research and data access. It prevents capture by specific groups, enables balanced representation, avoids conflicts of interest, and enhances the credibility of the IIB's assessments and decisions. Overall, independence is essential for ensuring integrity, fairness, and credibility in the IIB's functions and promoting public trust in the data access ecosystem. Though the IIB will prioritise multi-stakeholder participation, its governance structure and processes will ensure that powerful external institutions and actors cannot exercise undue influence or power over the procedures and decisions of the IIB. This includes developing financing structures that prevent contributors or clients



from exerting control over the IIB. Priority will be placed on minimizing and mitigating individual and organisational conflicts of interest.

- ***Accessibility*** - Given the risks and potential sensitivities of some platform datasets, the IIB must ensure that stakeholders have the technical capacity, ethical grounding, and technical readiness to protect shared platform data, without at the same time creating new divides. The IIB will be committed to capacity-building for under-resourced and under-represented stakeholders. And equity will be central to the assessment of potential research topics, questions, and data priorities.
- ***Ethics*** - The IIB must begin and end with its core concern for ethical data use, data protection, and the rights of data subjects. In addition, the IIB will seek to minimise harmful impacts on individuals, communities, organisations, and the environment from its inception and will develop mechanisms to both identify and mitigate potential risks in consultation with diverse communities and stakeholders.