



Section-by-Section: Social Media DATA Act of 2021

Section 1

This section provides that the bill may be cited as the “Social Media Disclosure and Transparency of Advertisements Act of 2021”.

Section 2 (a)

This section outlines the digital advertising library requirements.

Covered platforms are to grant academic researchers and the Commission access to an ad library that contains in a searchable, machine-readable format and that is collected by the covered platform in the ordinary course of business the following information:

- The legal name and unique identification number for each advertiser.
- A digital copy of the ad content.
- Ad targeting method.
- The optimization objective.
- A description of the targeted audience for each advertisement.
- A description of the audience of the advertisement determined by a count of advertiser viewership.
- The number of views generated from the advertisement.
- Ad conversion (How often an ad was shared, liked or clicked-through).
- The date and time that the advertisement was first displayed and last displayed.
- The amount an advertiser budgeted for the purchase of the advertisement on the platform and the amount paid for the purchase of the advertisement on the platform.
- The category of an ad as defined by the covered platform.
- Each language contained within the ad.
- The advertising policies of the covered platform that is made available to advertising customers on the covered platform.

This section also directs the FTC to create guidelines for:

- The treatment of advertisements that are deleted by the advertiser or by the terms of service of the covered platform.
- The time allotted between when an ad is posted on a covered platform and when the information about the ad needs to be made available in the ad library.
- How long an ad is required to remain available in the ad library.

Section 2 (b)

This section describes how Section 2(a) is enforced.

- Provides the Federal Trade Commission (FTC) with enforcement authority under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.
- Nothing in this Act shall limit the FTC's authority under other provisions of law.
- State Attorneys General can bring an action in State court under its consumer protection laws.

Section 2 (c)

This section establishes a Working Group for Social Media Research Access and directs the working group to contribute to two reports.

This section directs the FTC to hire two or three employees who are privacy and technology experts to lead a series of stakeholder engagements, including round tables, public workshops, and open comment periods.

The Working Group is made up of stakeholders including (but not limited to) social media researchers, information science researchers, privacy and civil rights advocates, technologists, representatives from social media companies, representatives from standards organizations, and representatives from international data governance bodies.

The working group is tasked with two assignments:

- Offer input into a *Best Practices and Code of Conduct Report*, which will be published by the FTC and includes:
 - A description of the best practices regarding what type of information from an interactive computer service should be made available, and under what circumstances, to academic researchers.
 - A recommended code of conduct for academic researchers working with such information.
- Provide *Policy Recommendations* to Congress:
 - The types of information and under what circumstances interactive computer services should be required to grant access to academic researchers.
 - Circumstances in which additional legal protections for interactive computer services may be needed related to the sharing of data with researchers.
 - Recommendation for penalties for academic researchers who misuse or seek to inappropriately reidentify information provided to them by interactive computer services for research purposes.

This section also outlines a list of considerations for the working group to make while drafting the reports.

- The type of information considered, including (but not limited to) the following:
 - Information related to content moderation decisions.
 - Information related to engagement.
 - Information related to exposure.
 - Classification of public information sources.
 - Archives of formerly public accounts that were removed.
 - Archives of fake or bot accounts that have been removed.
 - Archives of coordinated influence operation accounts that have been removed.
 - Internal research conducted by an interactive computer service.
 - The most popular content on a platform.
- Storage of information and treatment for each type of information considered, including (but not limited to) the following:
 - Limits on time and amount of information stored broken down by the type of information.
 - Under what circumstances privacy preserving techniques such as differential privacy and statistical noise could be used.
 - Required level of aggregation for demographic information.
 - Standardized variable names across platforms for specific types of information.
 - Under what circumstances erasure policies (related to who and how an individual can request to be removed from a dataset) may be needed, specifically for individuals who are less than 18 years old.
 - Adherence to data security best practices.
- A consideration of access for each type of information considered, including (but not limited to) the following:
 - Designation of secure facilities and computers to analyze information.
 - Set criteria for researcher access.
 - Any limit on the type of research that specific datasets can be used for.
 - An analysis of how any of the recommendations might interact with international law and jurisdiction.
 - Policies for assuring that open science principles of reproducibility of results and replication of analyses can be respected.
 - Recommendations for the size and type of interactive computer service, which may vary.

Section 2 (d)

This section defines terminology used in this legislation, including:

- The term “academic researcher” means an individual that conducts research— in collaboration with an institution of higher education (as defined in section 101(a) of the

Higher Education Act of 1965 (20 U.S.C. 1001(a)); and that is not for commercial purposes.

- The term “Commission” means the Federal Trade Commission.
- The term “covered platform” means any website, desktop application, or mobile application that is consumer-facing, sells digital advertising space, and has more than 100,000,000 monthly active users for a majority of months during the preceding 12 months.
- The term “interactive computer service” has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

The Commission may update the definition for academic researcher and covered platform as necessary.

Section 2 (e)

This section authorizes appropriations.