

STATE OF THE ART RESEARCH ON CONVERGENCE AND SOCIAL MEDIA RESEARCH AGENDAS AND ROADMAPS

POLICY RECOMMENDATIONS

This set of policy recommendations is based on COMPACT project findings.

Impacts of convergence of specific social media should be researched **within particular national contexts**.

Convergence of social media is primarily the outcome of **technology** (software and hardware) development. However, wider use of social media may be influenced by **business decisions**, further **shaped by cultural factors** as well as **political decisions**. For example, personal data protection findings suggest that ICTs have the tendency to launch their own practices rather than to "follow" the regulatory (pre) choices of the legislator. **Yet technical solutions cannot substitute the law.**

Any planned regulatory policies targeting the consequences of converged social media should pay heed to these **national specifics in social media usage**. For example, it seems extremely challenging to regulate Snapchat, Telegram and Instagram via traditional regulatory mechanisms.

Using **notice-and-notice for intellectual property rights' infringement, notice-wait-and-takedown for defamation and notice-and-takedown combined with occasional notice-and-suspension for hate speech is highly recommended**. As an added possibility, *notice-and-judicial-takedown* should be available in all cases. Obviously, other combinations covering additional areas of law can be envisioned.

There is a **three-layered approach to online privacy policies which provides a simple framework for businesses to use**. The seven possible privacy policies that could be generated from the questions posed. An icon, a capital P with a number from one to six, designates each option.

Table 1: The Seven Possible Privacy Policies

No information collected	Information is collected	Information is encrypted	Information is secured
PO	Information is not passed to others	P1	P2
	Information passed for expected purpose	P3	P4
	Information passed for any purpose	P5	P6

Source: Margaret Jackson, Jonathan O'Donnell, and Joann Cattlin (2016), Simple online privacy for Australia, *First Monday*, Volume 21, Number 7 - 4 July 2016
<https://firstmonday.org/ojs/index.php/fm/article/view/6645/5528>

The most relevant regulatory solutions for social media seem to be suggestions by the European Regulators Group for Audiovisual Media Services (ERGA). ERGA suggests reviewing the regulatory distinction made between linear and non-linear

content. Moreover, it suggests **to have different severity of control mechanisms for content access ('might seriously impair' versus "is likely to impair" "**. In fact, ERGA suggests to consider setting default restrictions for content that 'might seriously impair' across all services. As far as regulatory mechanisms are concerned, ERGA prefers **maintaining the role of state regulation to ensure that content that 'might seriously impair' is restricted to minors on linear and non-linear audio-visual content**. However, ERGA is also encouraging effective co-regulation (backed by statute) where appropriate.

Social scientists and especially lawyers should focus at some specific regulatory issues such as blockchain, similarly to those a few already lightly tackles such as banking sector secrets, revision of AVMSD, right to free assembly, cyber surveillance at workplace, pre-employment background checks on social networking sites, cyber-bullying, emergency communication, violence on social networks and digital policy.

Since individuals and technology companies have become much more important curators of information and news than they were before, the current attention to policies regarding platforms in general, and social media in particular, seem to be socially and politically justified.

Rather than anonymous treatment, **social media users call for a person-centered approach**.

Considering that parents, especially mothers do not often express concern regarding privacy of their children and they usually use social media to underline their role as parent, a **specific public education campaign should target mothers in this respect**.

More attention among EU and national governments should be paid to **Twitter** as a tool in communicating via, and in monitoring, national and international reporting.

More attention among EU and national governments should be paid to **integrating social media as tools into learning processes in schools**.

Employment policies and protection at work needs to include measures against negative sides of social media use, such as escalating engagement, pervasive interruptions or social overload.

Compiled by SCM (2019)
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