Google

Cybersecurity: Hacking, Social Media, and Fake news

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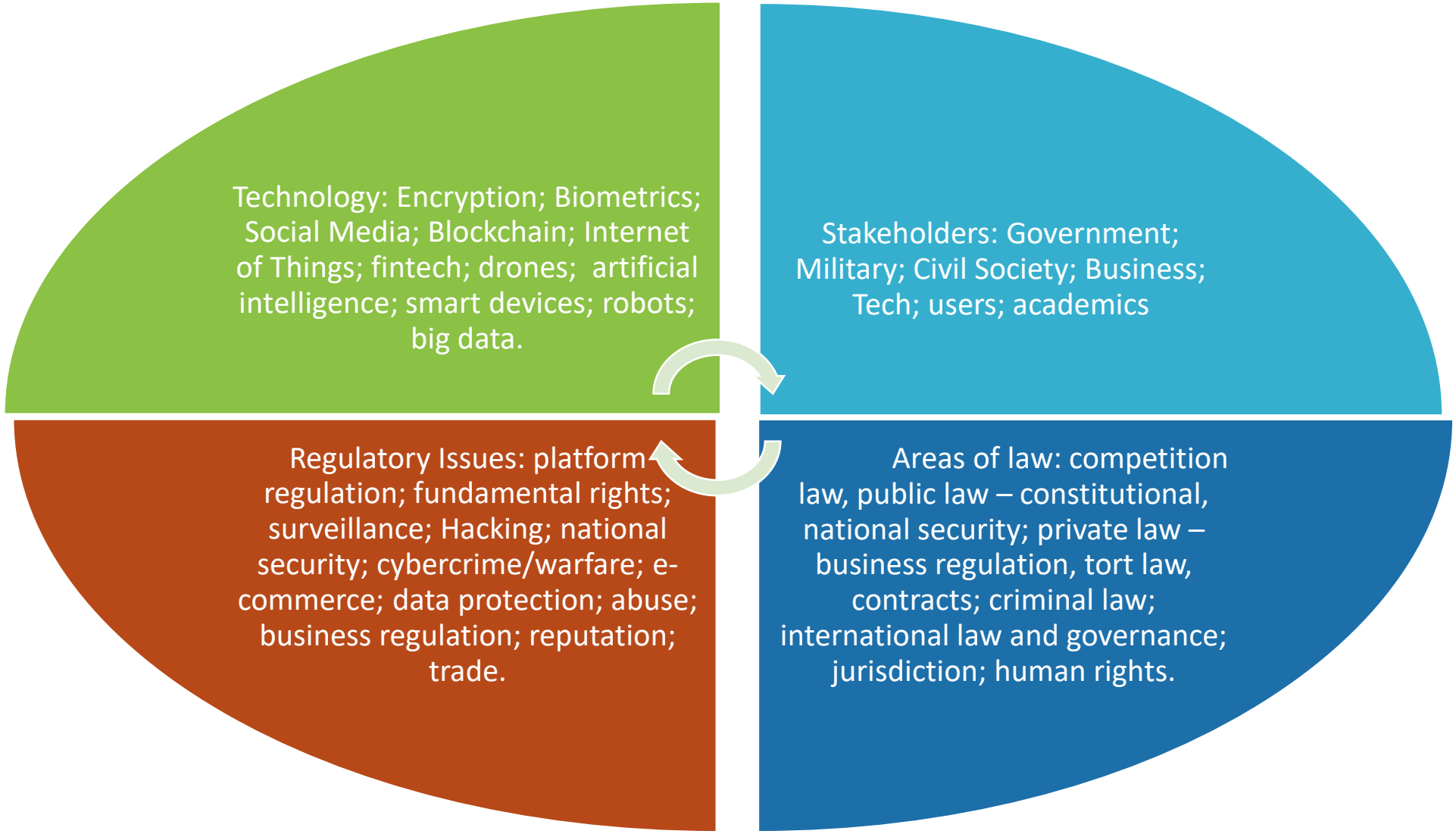
Overview

Overview	Overview of Cybersecurity
Contextualize	Locate within the legal landscape
Case Study	Case study: Platforms/Big Tech

What is cybersecurity?



Cybersecurity

Two key features of cybersecurity regulation

Cybersecurity is about technology regulation (how it regulates us and we regulate it).

Cybersecurity is about people.

Public/Private Forms of Governance

- A defining feature of modern cybersecurity strategy is public and private partnerships.
  - Soft partnerships between businesses and state;
  - The Canadian Centre for Cybersecurity

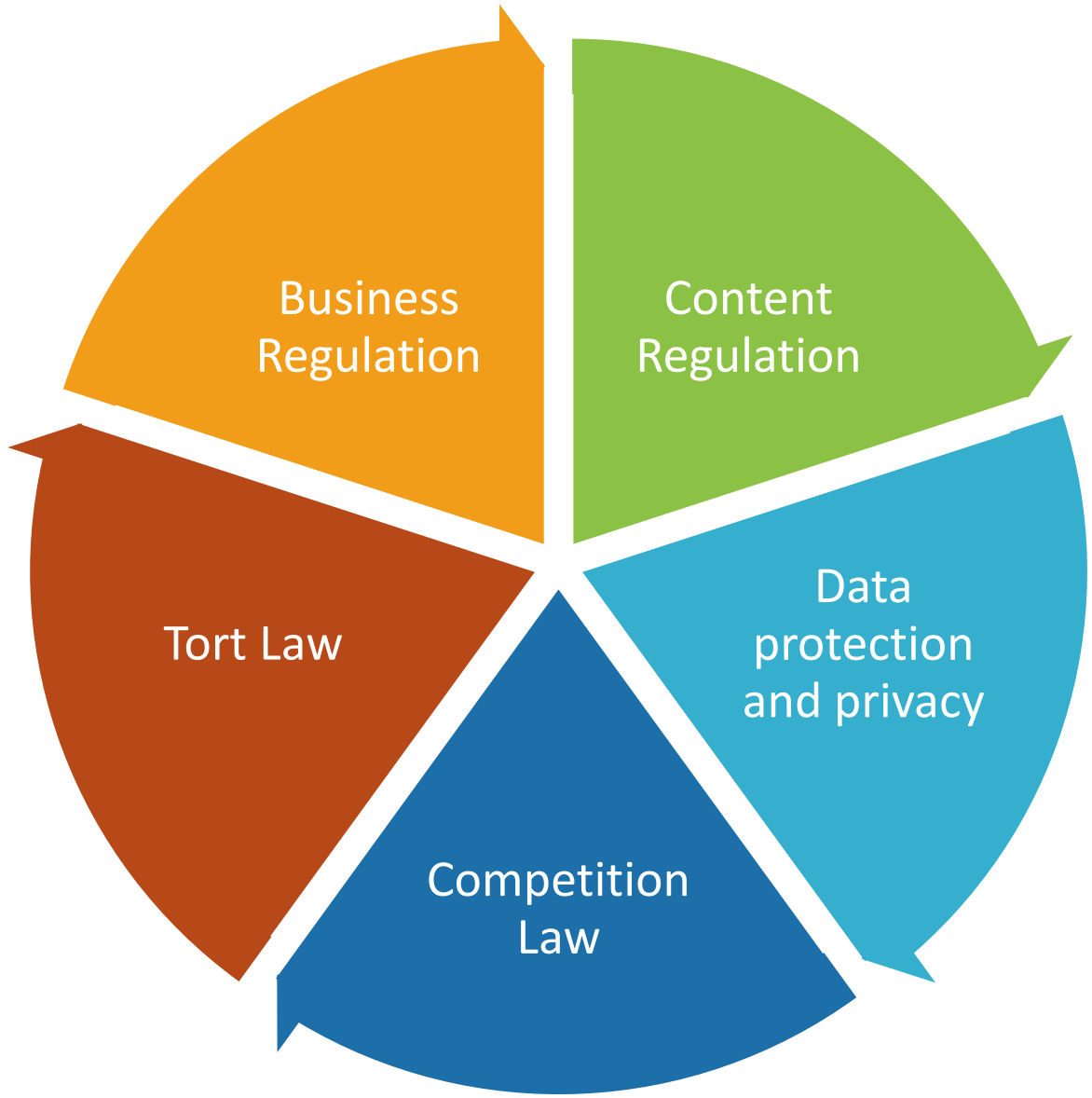
Extrexism

Cambridge Analytica

Platforms and Security

Altered Videos and Deepfakes

Law and Platforms



Definition

Intermediaries are those that ““Bring together or facilitate transactions between third parties on the internet.” OECD

Internet Information Gatekeeper: “facilitates or hinders deliberation and participation in the forms of meaning making in democratic culture.” Laidlaw

Platforms: social, cultural and market power. Many are “attention merchants” (Tim Wu, 2016).

Intermediaries

- Internet Access Providers (e.g. Internet Service Providers (ISPs), mobile phone companies, wifi networks ;
- Search Engines (e.g. Google, Bing, Duck Duck Go)
- Social networking providers (e.g. Facebook, Twitter, Reddit)
- Content hosting (e.g. Wikipedia)
- Audio-visual platforms (e.g. YouTube, TikTok, Instagram)
- Music Platforms (e.g. Spotify)
- E-Commerce intermediaries (e.g. eBay, Amazon)
- Payment systems (e.g. PayPal)
- Domain name registrars (e.g. CIRA, GoDaddy)
- Application intermediaries (e.g. Apple's App store, Google Play)
- Publishing services (e.g. Blogger)
- Cloud services (e.g. Dropbox)
- Shared Economy platforms (e.g. AirBnB, Taskrabbit, Uber)
- Advertising intermediaries (e.g. Google, Facebook)
- Content aggregators (e.g. Netflix, Feedly)
- Location services (Yelp, Tripadvisor
- Crowdsourcing intermediaries (Change.org, GoFundMe)

Models of Liability

Strict Liability

Broad immunity

- USA s. 230 *Communications Decency Act*

Safe Harbour (conditional immunity)

- USA *Digital Millennium Copyright Act*
- Europe E-Commerce Directive
- Canada common law defamation

Notice-and-notice

- Canada *Copyright Act*

What is Section 230 and why does Donald Trump want to change it?

The Fight Over Section 230—and the Internet as We Know It

Beto O'Rourke seeks new limits on Section 230 as part of gun violence proposal

Platform Power and Policy

Intermediary liability…

is central to innovation policy.

is central to free speech policy.

Is all about data.

exposes a tension between the freedom to conduct business and and their public functions.

is about regulatory design.

Current Trends: Techlash

Canada

USMCA - import s. 230?

House of Commons report – removal of manifestly illegal content etc.

Europe

Germany - NetzDG

Europe – Terrorism content; copyright content

UK – Duty of Care model

UK – new Digital Authority

Regulating for the Future: Challenges

Careful about Unintended Consequences

Hate Speech

- Germany's NetzDG in disarray.
- Black Lives Matters Movement content takedown.
- Gab – pushed to dark net.

Prompting Corporate Responsibility at a Price

Content Moderation

- As a system of privatized governance.
- Who are the ”deciders”?

Effective Regulation

Disinformation

Recommendation 10, House of Commons, Democracy Under Threat

"That the Government of Canada enact legislation imposing a duty on social media platforms to remove manifestly illegal content in a timely fashion, including hate speech, harassment and disinformation, or risk monetary sanctions commensurate with the dominance and significance of the social platform, and allowing for judicial oversight of takedown decisions and a right of appeal."

- Intermediary liability is an important part of innovation policy.
- Techno-legal solutions eg flagging content.
- The problem of irrational people and entrenched beliefs.

The role of Technology in Regulatory Design

Artificial Intelligence, Algorithms and Design

Recommendation 9, House of Commons, Democracy Under Threat

"That the Government of Canada enact transparency requirements with respect to algorithms and provide to an existing or a new regulatory body the mandate and the authority to audit algorithms."

- Not yet sophisticated enough assess context.
- Designed by Humans.
- "Black Box Society" (Frank Pasquale)

Where we are at and where we are going

- We don’t know what we don’t know.
- Artificial intelligence and algorithms
- Power and Influence
- Nimble regulation

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