European Commission

Commissioner Ylva Johansson

CALL WITH ERICH ANDERSEN, GENERAL COUNSEL AND HEAD OF CORPORATE AFFAIRS AT BYTEDANCE/TIKTOK

21 September 2021, [12:00 pm]
VTC Meeting

Table of contents

SCENE SETTER

You are meeting Eric Andersen, General Counsel and Head of Corporate Affairs at Bytedance/TikTok on 21 September in a VTC call between 12:00 and 12:30 pm.

He requested the meeting to continue the discussion on TikTok's work on Child Sexual Abuse material and terrorist content online.

As TikTok requested to be part of the EU Internet Forum, meeting high level representatives will be useful to better explore the companies' key principles and actions against Child Sexual Abuse-related material and terrorist and violent extremist content, as well as its intention and capacity to comply with the EU Internet Forum's membership requirements. Membership will be confirmed or not confirmed on 16 November, during a dedicated EUIF Senior Official meeting.

With this meeting, the Commission should continue the discussion already held between CAB representative Monika Maglione and TikTok representatives Caroline Greer, Director, Public Policy & Government Relations, and Alexandra Evans, Head of Child safety Europe, in which important information about transparency, content moderation and online safety was shared by the company.

The key topic that should be discussed in the meeting are: violent extremist and terrorist content online, combating child sexual abuse, EUIF membership. This serves as an opportunity to recognise and learn more about the work TikTok is doing to ensure their services prioritise children's safety and reiterate the importance of working together to address key legal and technical challenges, including in the context of the upcoming legislative proposal on preventing and combating child sexual abuse.

Contact(s) – briefing coordination: Monika MAGLIONE (CAB), ▮▮▮▮▮▮
Contact(s) – briefing contribution: ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮

MAIN MESSAGES

- Welcome TikTok's interest in establishing a cooperation with the EU on prevention of Child Sexual Abuse and terrorist content online. Welcome its interest in becoming member of the **EU Internet Forum**.

- TikTok's membership will be discussed in a EU Internet Forum's dedicated Senior Official Meeting on 16 November

- Welcome TikTok's cooperation with Europol on better content moderation of Child Sexual Abuse, terrorist and violent extremist material

- Express gratitude/appreciation for the information provided by TikTok so far on preventive actions taken, transparency reporting and for offering a virtual visit of its to its European Transparency Centre in Dublin

- The EU Internet Forum's Ministerial meeting is taking place on 8 December. You hope TikTok's membership will be approved by the members of the EUIF and that TikTok's high level representatives will be able to join.

Terrorist and violent extremist content

- The tech industry has shown willingness to explore solutions to combatting violent extremist content, including borderline content, such as hate speech and disinformation online. But more needs to be done.

- The **EU Internet Forum** aims at cooperating with tech companies on a voluntary basis to address upcoming challenges.

- Algorithmic amplification was one of the main topics debated at the second anniversary summit of the **Christchurch Call for Action**, hosted by Emmanuel Macron and Jacinda Ardern. We want to achieve a better understanding of the impact of recommender algorithms on the user journey towards radicalisation online.

- I welcome TikTok participation in the EU Internet Forum dedicated **workshop** on **algorithmic amplification** as a sign of good will to look into this important subject at a multi-stakeholder level with the objective of finding common preventive and response actions.

- As **young internet users** are increasingly involved in the dissemination of violent extremist propaganda online, especially within violent right wing extremist environments, the cooperation with platforms hosting a high number of young users like TikTok is essential

- More also needs to be done to combat different types of violent extremism, including in different geographical and language regions. The EU Internet Forum is developing a **list of violent right-wing extremist groups, symbols and manifestoes** to help companies address the growing threat posed by violent right wing extremist content online. It is important that the needs of all language groups and regions are reflected in such an exercise.

- To respond to the proliferation of **racist and xenophobic hate speech on the internet**, the Commission will also present an initiative in 2021 to extend the list of EU-level crimes to hate crime and hate speech, whether based on race, ethnicity, religion, gender or sexuality.

Child sexual abuse

The technology industry is a key partner in the fight against child sexual abuse. We welcome your efforts in this space and, count on you to continue developing new approaches and tools to deal with existing a new challenges and threats, to effectively combat child sexual abuse.

- We must make sure any new technical developments do not hinder companies' ability to detect and report child sexual abuse and grooming effectively. Any new services must take into consideration in their design, specific requirements to ensure that children are kept safe online.

- Apple's announcement of new child safety features, including detection of child sexual abuse material using on-device matching, shows that some of those technical solutions are ready to be deployed at scale. However, it also shows how carefully the deployment process needs to be managed.

- Prevention is a high priority. TikTok's efforts to create barriers that decrease the possibilities of predators making contact with children on your services such as making direct messaging unavailable for users younger than 16, removing the possibility to share videos and images in instant messages and stepping up efforts to set out effective age verification methods are good efforts.

- Artificial intelligence has great potential to prevent child sexual abuse online. TikTok has been developing AI tools to support identification of underage children who may be using their platform. We would be interested in hearing more about this and their suit of age verification mechanisms.

- We are committed to support industry efforts by providing a clear framework that will incentivize better protection of children. The EU Strategy for a more effective fight against child sexual abuse, and its implementation is a key priority for us.

- A political agreement was reached between the co-legislators on the interim derogation from the ePrivacy Directive to allow companies to continue their voluntary activities to detect child sexual abuse for the purpose of combating child sexual abuse.

- We plan to put forward a long-term proposal which will replace the interim measure adopted on 14 July 2020. In the forthcoming proposal, we may oblige providers to detect known child sexual abuse material. We are also considering the establishment of a European centre to prevent and combat child sexual abuse.

- My services have been in touch with TikToK to get your input and hear your ideas for this more comprehensive proposal. We thank TikTok for their engagement so far and continue to look to you for support and constructive feedback as we move forward with this process.

- Finally, let me reiterate the need for close cooperation between industry and public authorities, through the EU Internet Forum and the We Protect Global Alliance.

TERRORIST CONTENT ONLINE

TERRORIST CONTENT ONLINE

LTT

- As of 7 June 2022, the EU Terrorist Content Online Regulation will be fully applicable.
- The Commission is providing **support to EU Member States and companies** in the implementation of the regulation.
- Companies, including TikTok, will be invited to participate to a **workshop in November** where the Commission and Europol will provide guidance on the implementation
- At the same time, the Commission will continue its fruitful voluntary cooperation with companies within the EU Internet Forum and other key international fora

Background information

The TCO Regulation was taken into force on 7 June 2021 and will be fully applicable as of 7 June 2022. The Regulation will ensure that Member States can require hosting service providers (HSPs) established in the European Union to address the misuse of their platforms by terrorists by removing content within one hour and by taking specific measures in a proactive manner.

The Regulation covers terrorist content, including material inciting or advocating terrorist offences, such as by the glorification of terrorist acts, soliciting a person or a group of persons to participate in the activities of a terrorist group, and providing instructions on how to conduct attacks, including instructions on the making of explosives.

Likely and sensitive Q&A concerning the Terrorist Content Online Regulation

Will the TCO Regulation represent a risk as regards the protection of fundamental rights, such as freedom of expression?

The Regulation includes multiple and strong safeguards to strengthen accountability and transparency about measures taken to remove terrorist content, and against erroneous removals of legitimate speech online. Material disseminated for educational, journalistic, artistic or research purposes or for awareness-raising purposes against terrorist activity is protected under the proposed Regulation. Removal orders must contain justifications as to why the material is considered to be terrorist content, including detailed information on how to challenge the removal order. Complaint mechanisms for users must be in place and content removed erroneously must be reinstated as soon as possible

Smaller companies will not be as well equipped as big ones to comply with the regulation and avoid sanctions.

Sanctions of non-compliance will depend on the nature and size of the platforms to ensure penalties for small, medium and micro enterprises are proportionate

Is the regulation forcing the use of automated tools?

There is no obligation for online platforms to use automated tools to identify or remove terrorist content, and the Regulation includes the need to ensure human oversight and for companies to publicly report on the functioning of automated tools.

Combating Child Sexual Abuse

Child sexual abuse

Proposal on detection, reporting and removal of child sexual abuse online

In the EU Strategy for a more effective fight against child sexual abuse adopted on 24 July 2021, the Commission undertook the commitments to

- propose the necessary legislation to tackle child sexual abuse online effectively including by requiring relevant online services providers to detect known child sexual abuse material and require them to report that material to public authorities; and
- start working towards the possible creation of a European centre to prevent and counter child sexual abuse, based on a thorough study and impact assessment. The centre would provide holistic support to Member States in the fight against child sexual abuse, online and offline, ensuring coordination to maximise the efficient use of resources and avoiding duplication of efforts.

The initiative aims to build on and complement the existing policy instruments in the fight against child sexual abuse, addressing the gaps in the current framework. The horizontal instruments (such as the eCommerce Directive or the Digital Services Act proposal) address some of the problems and challenges of keeping children safe online but provide only limited and partial solutions and do not offer the possibility to put in place comprehensive and targeted measures. The sectoral instruments (the CSA Directive, the Europol Regulation, the interim Regulation or the ePrivacy Directive) are not able to provide a comprehensive EU-level solution to combat online child sexual abuse and sexual exploitation as they focus on particular aspects of the problem, such as harmonisation of criminal laws, improving police investigations, exchanging or processing of personal data and the protection of privacy. None of these instruments define the role of the service providers specifically enough to provide them with legal certainty on their powers and do not foresee effective obligations for the providers relevant in the fight against child sexual abuse.

The new proposal will likely include obligations for companies to detect and report known child sexual abuse material to public authorities. This step is necessary, as voluntary action has been proven insufficient: willingness to engage in the fight against child sexual abuse and the effectiveness of such efforts varies greatly from company to company, and current action lacks harmonised safeguards, including transparency. This may interfere with users' rights, including those to privacy and data protection.

The upcoming proposal will define the role of the EU Centre to prevent and combat child sexual abuse. The centre will be a fundamental component of the proposal, bringing together all aspects of fight against child sexual abuse: prevention, investigations and assistance to victims. It will also function as an important safeguard, as a source of information on what is defined as child sexual abuse according to EU rules, and ensuring visibility on the effectiveness of detection measures, and transparency and accountability of the process.

The Commission launched on 11 February 2021 an open public consultation on this imitative. The consultation closed on 15 April 2021. Between February 2021 and June 2021 The Commission conducted a series of roundtables and meetings with relevant stakeholders,

including law enforcement, industry, NGOs, practitioners, academia. A meeting with EP staffers was organised on 10 March 2021 to discuss the key concepts of the initiative.

The impact assessment report will be re-submitted to the Regulatory Scrutiny Board this month. The opinion of the Board is expected in October. Following this, DG HOME will launch an inter-service consultation on the proposal, with a view to adoption by the end of 2021.

Apple's announcement on new child safety features

The new safety features announced on 5 August 2021 (and put on hold on 3 September 2021) include:

- **New mechanisms to detect known CSAM -** on-device hashing and matching performed before upload to iCloud Photos.

Photos uploaded to Apple's iCloud storage are checked against databases maintained by the National Center for Missing or Exploited Children (NCMEC) and other child safety organisations. If a user uploads **30 or more images** that match known CSAM, the photos will be decrypted and will undergo human review before sending a report to NCMEC.

- **Detection of sexually explicit photos sent to or by children** – minimising risk of grooming

If a child received or attempts to send sexually explicit photos, they will receive pop-ups offering them to opt-out from viewing or sending the explicit photos. If a child is under 13, parents will **receive a notification** if the child decides to view and/or send sensitive content. Machine learning is used to determine whether a photo is sexually explicit. This feature concerns only **shared iCloud family accounts**, and it is up to parents to enable it.

- **Updates to Siri and Search** to provide parents and children with better information and to intervene when users search for CSAM-related topics.

Pop-ups will inform users searching for CSAM that their behaviour is harmful and problematic and provide links to helpful resources to counter the issue.

TikTok's child safety features

TikTok have made children's safety on their platform a top priority, and developed a comprehensive toolkit to support this. Caregivers and parents have access to a 'guardian's guide', designed to provide an overview of TikTok and the tools and controls built onto their products to keep children safe. Apart from robust community guidelines, TikTOk also has a 'Youth Portal' to help children learn and be mindful of their digital safety and managing their online presence and engagement both on TikTok and beyond.

TikTok allows parents to link their TikTok account to their teens' to enable content and privacy settings such as monitoring comments on videos and direct messages, searches, screen time and use of restricted mode.

In August 2021 TikTok announced new child safety features. Direct messaging features will be switched off by default on accounts belonging to 16-17 year olds as part of a set of new security measures. These users must actively switch to a different sharing option to regain access to direct messaging. All accounts belonging to under-16s will be switched to 'private' by default and will not have access to direct messaging.

BACKGROUND

Tik Tok has expressed interest in becoming member of the EU Internet Forum. The EU Internet Forum Senior Official Meeting in November will discuss whether to accept the company as members. During the meeting, TikTok will give a 30 minutes presentation on the actions it has taken as regards content moderation of violent extremist, terrorist and child sexual abuse-related content, as well as its actions to enhance transparency.

TikTok is owned by ByteDance a Chinese Internet technology company operating several platforms. It was launched in 2017 for the international market, and as of October 2020, TikTok surpassed over 2 billion mobile downloads worldwide.

The Headquarter of the company is in Los Angeles and the CEO since May 2021 is Shou Zi Chew, who was previously at Goldman Sachs' Investment Banking Division. Vanessa Pappas (US, LA area) is chief operating officer. Before joining TikTok she was the Global Head of Creative insights at YouTube.

TikTok's European Headquarters are in Dublin and many of the staff working there have previously been with Facebook, Google or Twitter in Ireland.

███████████████████ is TikTok's head of safety and trust in EMEA. Before he was at Facebook and Google as head of community operations.

TikTok has established its first European data centre in Ireland in 2020.

In April 2021, TikTok announced that they will open the first European Transparency Centre in Ireland. See press release: Establishing our European Transparency and Accountability Centre | TikTok Newsroom. The centre will enable visiting experts to get an insight into how technology is used to keep the app's users safe and how content moderation takes place involving both human reviewers and machine learning.

Tik Tok's European Trust and Safety Team started off last year with 20 people with now over 1000 staff.

The company prioritises child safety and have zero tolerance on CSAM. They are part of the Tech Coalition, and the We Protect Global Alliance and signatory to the voluntary principles on child sexual exploitation. Their community guidelines include not showing minors smoking or drinking and forbid sexual images of children. TikTok reports chid sexual abuse images to NecMEC (around 22,000 reports last year). AI technology can review imagery and take snap shots before they are uploaded. Some images are removed automatically, others are identified for further review. If a video has a certain view rate it will be sent back for another review.

They use a combination of automated technology and human verification to remove harmful content. In the last half of 2021, Tik Tok removed 89 million videos worldwide, which represents less than 1% of the content. On minor safety, 97.1% removed proactively, and 98% of that removed within 24 hours.

They also advocate safety by design, for example by designing direct messaging (no end-to-end encryption) to limit its use – it is impossible to send any video or image privately on TikTok, both parties have to mutually follow each other even if they are over 16. When

sharing the content under 16s users cannot create the option for everyone to comment on their videos, only those that follow them can comment.

Tik Tok is already a signatory to the EU Code of Practice on Disinformation and the EU Code of Conduct on Illegal hate speech online.

On the detection of terrorist content, TikTok also reached out to Europol and have done some work with the Internet Referral Unit and Pharos. Additionally, they develop a policy on far-right extremism, which looks among others at neighbouring ideologies, trigger signs and contextual incidents. This will fit in well with the work of the EU IF reference list.

On 28 June, a call between Monika Maglione (CAB Johansson) and Tik Tok representatives ███████████████████████████████ took place to discuss Tik Tok's approach to security and safety and their willingness to become members of the EU Internet Forum.

During the call, TikTok offered to organise a virtual visit to its European Transparency Centre in Dublin, which is open to regulators, to look at data flows, algorithms in a dynamic and secure setting and to learn about how TikTok handles content and what challenges they face.

TikTok also informed extensively about its child safety policies and showed support for the Commission's plans to set up an EU Centre for the prevention and combating of child sexual abuse.

They are also interested in being involved in workshops on the implementation of the TCO Regulation.

CONTROVERSIAL ISSUES

In August 2021, a paper released by the Institute for Strategic Dialogue (ISD) provided an in-depth analysis on the state of extremism and hate on TikTok. The study is the result of three months of research on a sample of 1,030 videos, equivalent to just over eight hours of content, posted on the social media platform. These videos were used to promote hatred, as well as glorify extremism and terrorism.

In 2019 TikTok has been accused of censoring content that was sensitive to the Chinese government. Additionally, it has a history of being abused by right-wing extremist, such as the US-based Boogaloo Movement, and far-right influencers, experiencing a high after the January 6 Capitol Hill riots. The company had struggled to effectively take down content. The media monitoring group Media Matters for America reports that TikTok's user recommendation algorithm is pushing its users toward accounts that are supposedly prohibited on the platform and promote content from QAnon, the far-right Patriot Party, and the militias Oath Keepers and Three Percenters. Additionally, media outlets reported that Jewish TikTok users believe that they are unfairly silenced on the platform through bans and video censoring. However, TikToks community guidelines are extensive and have zero tolerance for violent extremism and child sexual abuse online. The guidelines are developed through consultation with stakeholders, including minority groups.

In early 2021 TikTok was ordered by Italy's Data protection Authority to re-check the age of all Italian users and block access to any users under the age of 13, following concerns that the network was being used by underage users. Between February- April 2021 over 12.5

million Italian users were asked to confirm they were old than 13 years. TikTok removed over 500,000 users because they were "likely" to be under age 16, 400,000 who declared they were under 13, and 140,000 through a combination of moderation and reporting tools implemented by the app.

ANNEXES

Meeting between Monika Maglione (CAB Johansson) and Tik Tok representatives Caroline Greer

REPORT: Meeting with Tik-Tok 28 June 2021 - Ares(2021)4256813

On 28 June, a call between **Monika Maglione** (CAB Johansson) and Tik Tok representatives ███████████████████████████████ took place to discuss Tik Tok's approach to security and safety and their willingness to become members of the EU Internet Forum.

<u>Key points</u>:

- Tik Tok is already a signatory to the EU's Disinformation Action Plan and the Code of Conduct on Illegal hate speech online. They would like to become members of the EU Internet Forum and would be ready to present their activities to the next Senior Officials Meeting in November 2021.
- Tik Tok offered to organise a virtual visit to its European Transparency Centre in Dublin, which is open to regulators, to look at data flows, algorithms in a dynamic and secure setting and to learn about how Tik Tok handles content and what challenges they face.
- Tik Tok also informed extensively about its child safety policies and showed support for the Commission's plans to having a NECMEC style operation.
- They are also interested in being involved in workshops on the implementation of the TCO Regulation.

<u>Details</u>:

- Tik Tok informed they have passed the 100 million user mark in Europe. The platform is a content sharing entertainment based platform. While its reputation is that it is predominantly for younger users, the demographic is wider.
- The European Trust and Safety Team started off last year with 20 people with now over 1000 staff.
- They prioritise child safety and have zero tolerance on CSAM. They are part of the Tech Coalition, and the We Protect Global Alliance and signatory to the voluntary principles on child sexual exploitation. Their community guidelines include not showing minors smoking or drinking and forbid sexual images of children.
- They use a combination of automated technology and human verification to remove harmful content. In the last half of 2021, Tik Tok removed 89 million videos worldwide, which represents less than 1% of the content. On minor safety, 97.1% removed proactively, and 98% of that removed within 24 hours.
- They also advocate safety by design, for example by designing direct messaging (no end-to-end encryption) to limit its use – it is impossible to send any video or image privately on TikTok, both parties have to mutually follow each other even if they are over 16. When sharing the content under 16s users cannot create the option for everyone to comment on their videos, only those that follow them can comment.

- Tik Tok reports chid sexual abuse images to NecMEC (around 22,000 reports last year). AI technology can review imagery and take snap shots before they are uploaded. Some images are removed automatically, others are identified for further review. If a video has a certain view rate it will be sent back for another review.

They informed about recent blog posts on:

- recommender systems: https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you
- hateful ideologies: https://newsroom.tiktok.com/en-gb/countering-hate-on-tiktok-gb
- The European Transparency Centre: https://newsroom.tiktok.com/en-gb/tiktok-launches-eu-transparency-and-accountability-centre

CV

Erich Andersen is General Counsel and Head of Corporate Affairs at Bytedance/TikTok (US NY area). He was previously in Microsoft, where he spent over 20 years most recently serving as Corporate Vice President and Chief IP Counsel.

Quotes: "I look forward to tackling the various and ever-evolving issues that TikTok and the entire industry face. Together with Alex and TikTok's broader leadership team, I will work to place this fast-growing company at the forefront of global efforts to **promote and balance user and community safety, alongside creative expression**."