Subject: Consultation on Digital Services Act (DSA) transparency database - Additional Information

Monday, 17th July 2023

Dear Madam/Sir,

We have carefully reviewed the statement of reasons database proposed by the EU Commission within the frame of the DSA implementation. We have provided feedback to the fields in the survey. In addition, we would like to point out some other elements that could not be addressed in the survey but which seem of importance to us:

- **Anonymization of the statements of reasons before submission**: despite the effort to omit any personal data included in the statement of reason before submission to the database, we believe that if providers of online platforms are requested to indicate the exact date of the decision and the territorial scope of the decision (EU member state), sometimes this information in combination with the category of illegal content and the name of the provider of an online platform might be sufficient to identify the individual. Thus, it should be only necessary to indicate the approximate date (month and year) of the decision.

- **Structure of the database**: as a general comment, the structure proposed by the EU Commission presumes a unified format for the way platforms store their content moderation decisions. It does not take into account the likely significant variations in how platforms’ structure their internal statements of reasons’ repositories. Some information that is required for the database may or may not be stored in the systems managed internally by online platforms. This means that the volume of data required for this database may entail a considerable amount of work on the platforms’ side to adapt and find solutions to store that data and create the necessary metadata to each statement of reason. Also, the type of structure proposed may lead to very different interpretations, specially by small platforms, because platforms may...
decide to report their decisions differently according to their internal processes. This concerns for example the Grounds for Decisions, the Category, or the Decision Provision/Account reporting options (see below for more detail).

- **Database filters in advanced search**: we believe some of the filters available in the advanced search ([https://transparency.dsa.ec.europa.eu/statement-search](https://transparency.dsa.ec.europa.eu/statement-search)) on the statements are not relevant for the DSA Regulation. For other filters we also suggest possible improvements:
  - **General remark**: The filters proposed sometimes make it difficult to assign a correct category to statements of reasons that address illegal behaviors of recipients of information (such as harassment or insult), as in some cases there is not one, but several applicable options to choose. The structure of this database seems to be targeting the listings type of content rather than behavior related content.
  - **Category filter**: within this filter it is possible to select ‘Scams, frauds, subscription traps or other illegal commercial practices’. These practices, albeit illegal, are arguably not the focus of content moderation as established in art. 3 of DSA and the relevant statement of reasons sent to the recipient of information should not be included in the submission to the database. These practices are also more focused on behavioral than on specific content related information and would be difficult to categorise by Content Type. They could also give away confidential information about internal procedures and security exposures that should not be disclosed (see below).
  - **Source type filter**: we do not consider this filter as adding particular value in the search, because any statement of reasons that is not sent upon receipt of a notice in accordance with Art. 16 DSA will be sent following the platform’s own initiative.

- **Public access**: we would recommend setting up access limitations/restrictions to the database, so only registered and verified users can access the information stored therein and for valid purposes. Having the database fully accessible may give malicious actors a way to reverse engineer and learn more about online platforms’ internal policies in fighting abuse of their system. This may result in them finding new ways to overcome our moderation process and even envisage new scam patterns, thus undermining not only the effort made by online platforms, but also the safety of good users. If a full restriction is not possible it would be good to allow public access only to certain data and allow other data only to regulators.

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In light of the above, here are our propositions to improve the searchability and function of the database:

- We assume that the transmission of statements of reasons will require only the transmission of relevant metadata in regular batches and not necessitate sending a copy of each statement of reasons. This would be the easiest way to prevent the accidental transmission of personal data as metadata sets can be more easily anonymised by removing personal identifiers. In addition the amount of information to store in the EU database would be much less as well allowing for a smoother data transmission process. In any case, given the high amount of interaction with the database by numerous platforms, some of them with considerable amounts of data to be transmitted, it is essential that this database as well as the interfaces provided are safe, robust and easily scalable from a technical point of view.
- Narrow the amount of data required or displayed to searchers of the database, especially the date (report month) and/or location, to avoid traceability of statements of reasons to specific users/submitters.
- To narrow the access to the database and/or condition this access to certain criteria.
- To broaden the choices available in the database, as the current choices are not sufficient to reflect the diversity of statements of reasons sent through online platforms (e.g. category, automated decision, platform type - as the current only take into account certain types of online platforms).
- Adapting internal statement of reasons databases to the transparency database may require substantial work and require time. We encourage the Commission to finalise the database in due time so that especially smaller platforms have enough time to adapt their systems in time for DSA compliance in February 2024.

We remain available anytime in case you would like to discuss these points in more detail.

We request not to be identified as a company if you choose to publish these comments.

Respectfully,

Vinted Legal team