

From: [REDACTED]
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From: [REDACTED]
Sent: Monday, September 20, 2021 8:27 PM
To: PERIGNON Isabelle (CAB-REYNDERS)
[REDACTED]; BUSA Lucrezia (CAB-REYNDERS)
[REDACTED]; [REDACTED]
[REDACTED]
Cc: [REDACTED]
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Subject: Meeting with [REDACTED] - TIKTOK -
20 September 2021 - FLASH REPORT

COM: Isabelle Perignon, Lucrezia Busa, [REDACTED]
[REDACTED]
[REDACTED]

TikTok:

The discussion covered: (i) the on-going action /investigation of the CPC network to address the company's practices related to children and hidden advertising; (ii) current commitments to fight hate speech; (iii) on-going investigations in the data protection area.

The company

explained that TikTok's Chinese parent company has been active for 10 years in smartphone and mobile computing technology. In 2016 it launched the first video application in China and then as of 2017 gradually released the international version which became TikTok, now receiving a lot of positive attention from users around the globe.

TikTok does not see itself as a "social media" but rather as an "entertainment" platform. Social media users would nowadays log on e.g. to Facebook to liaise with relative and friends and then watch videos on TikTok like they do with Netflix. TikTok has been active only for 3 to 4 years in EU but it has been growing very rapidly. Its number of employees is increasing in BE, France, Ireland, Italy and Spain. Ireland is the main hub (headquarters) for data protection, trust and safety and this is where the company is planning to migrate all data once the infrastructure is ready.

CPC Coordinated Action

TikTok's legal team is very pleased by the results achieved until now and it is taking this process very seriously. They appreciate the constructive cooperation and find the role of the Commission in coordinating CPC authorities very helpful in ensuring consistency of the outcome. It is particularly important for TikTok to be able to solve all problems in a "one stop shop" given that they had been targeted by various investigations and information requests across the EU. Some solutions have already been found and the company is planning to apply the changes to their practices demanded by DG JUST/ CPC Network at global level. This is particularly interesting as it would elevate EU standards as a global benchmark.

COM also expressed appreciation for the constructive cooperation with TikTok in the CPC action. It also recalled that final commitments are expected by the end of September and that DG JUST's team is available for any technical clarification which is still needed. There are positive expectation that children and other users will be able to enjoy the platform safely if the remaining issues are solved.

Hate Speech

TikTok stressed that they are taking the fight against hate speech very seriously and they are happy with the results achieved (in terms of content removed). They also appreciate the support from DG JUST in this process.

COM stressed that the results of the monitoring exercise (concerning the effectiveness of the notice and action mechanism of the code of conduct) will soon be published and the results point in the right direction. Now there is a need to brainstorm about how to improve the code of conduct. Discussions have begun with the platforms involved, including TikTok. Co-regulation could be a possible model with a close cooperation between the industry and the Commission.

TikTok signalled a few areas for improvement /extension of the code of conduct:

- It should not be restricted to large players (subscribed also by smaller platforms, NGOs and discussion fora);
- A repository dealing with examples, case studies, jurisprudence should be made available etc...
- Other analogues areas (e.g. child injury areas and vulnerabilities) where the entities responsible for legal obligation need to coordinate could inspire what can be done in law enforcement for hate speech.

TikTok welcomes the study on transparency/ statistics by independent third parties and stressed that their corporate policy could not be clearer on their firm commitment to fight hate speech. While they do not tolerate hate speech – the see subtle messages which are more difficult to detect as the challenge in this area. For this reason they have set up an European Safety Advisory Council which will advise on content moderation policy to keep up to date in new trends and ways things evolve. In this connection, they are happy to work with COM and push other companies to do the same.

COM said that these points could be explored in the coming months and found the idea of the repository of case studies interesting.

Data Protection

COM asked for an update from TikTok on how they are managing the investigations by the Irish and the Italian DPAs.

TikTok explained that the current Irish investigation reconfirms the grounds of other investigations (privacy by design for children and data transfer) in the NL, FR, DK and IT. Only recently, in December last year, the company's EU establishment (in Ireland) for data protection purposes was confirmed. For many of the issues at stake extensive responses had already been provided e.g. to authorities in FR. TikTok is also very engaged with Italian Authorities and made extensive commitments to them. However, they believe the IT DPA should pass their investigation on to the Irish Data Protection Commission.

The company claims that their approach aligns with EU data sovereignty. They are working hard with the Irish DPA to solve issues relating to children, in particular age verification e.g. AI mechanism to detect whether users are older than 13. In this connection, TikTok observed that the demographic of their users is changing. While in the beginning it was predominantly young people, now there is a growing group of older users.

COM underlined that it is important to cooperate with DPAs, provide the data and solve the outstanding problems as soon as possible.