Talk To Facebook

Report, November 2020
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The Kenya ICT Action Network (KICTANet) is a multi-stakeholder platform for people and institutions interested and involved in ICT policy and regulation. The Network is a thought leader and is dedicated to bringing evidence, expertise, and more voices into ICT policy decision-making. KICTANet promotes public interest and rights based approach in ICT policy making.

www.kictanet.or.ke

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Introduction

Background

The Kenya ICT Action Network (KICTANet) a multi-stakeholder platform for people and institutions interested and involved in ICT policy and regulation was selected to lead and moderate the online discussions. The network aims to act as a catalyst for reform in the ICT sector in support of the national aim of ICT enabled growth and development.

Facebook is a leading platform provider that is a major and important global player in the digital economy. KICTANET and Facebook are collaborated in a session where members fielded questions to Facebook representatives on different topics and themes that included:

- Content moderation
- Data protection & Privacy
- Transparency
- Human rights
- Connectivity

Aim: To provide an opportunity for FB and the stakeholders to have an honest exchange of ideas, challenges and suggested solutions.

Objectives

- To provoke and surface User concerns and challenges with respect to the FB Platform
- To provoke and surface User and Regulatory concerns and challenges with respect to FB Platform
- To discuss and build consensus around proposed solutions to the concerns.
- To receive feedback from FB on the user issues raised.

Main Outcomes/Deliverables

a) A vibrant mailing list discussion on the topic "Talk2Facebook" that encouraged KICTANet colleagues, members, stakeholders to contribute views and comments.

b) A daily summary of proceedings was shared on the KICTANet's list and blog.

c) Presentation of the Final report to KICTANet members and FB.

Program Setting & Description:

The e-discussions were undertaken over a period of 4 days (September 16 -19, 2020) and covered the outlined thematic areas as highlighted in background above. Stakeholders were invited on a daily basis to respond to the thematic issues introduced by the moderator. To crown it all, a Webinar was conducted where the findings were shared and validated.

Program Design (Data Collection, Data Processing)

Data Collection:
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Data Collection:
The online debate was structured along the following themes:

| Content Moderation | Data Protection | Transparency | Human Rights | Connectivity |

Days 1 – Content Moderation Issues

Guiding questions: Content Moderation is a delicate balance between freedom of speech and censorship. Share your comments, experiences, and challenges with regard to Facebook Services along the following themes:

a) Should FB be moderating digital content on their platform or should it be open and liberal?

b) If FB can moderate content on its platform, how can it balance out different cultural expectations where a single post in one jurisdiction is considered acceptable while it becomes unacceptable in another?

c) How can FB moderate content without being considered a gatekeeper or violating freedom of speech?

d) Has your content posted on FB ever been flagged as un-acceptable and what was your reaction/experience? Is there a process of appeal?

Day 2 - Data Protection Issues

Guiding questions: Kenya enacted its Data Protection & Privacy Act in 2019 where the rights of individuals (data subjects) have been enhanced. Share your comments, experiences, and challenges with regard to Facebook Services along the following themes:

a) Have you managed to exercise your right to access and port (move) all your data that you ever posted on FB?

b) Have you managed to exercise your right to be forgotten, where you demand FB deletes all the digital footprint they have about?

c) Have you managed to exercise your right to modify or restrict the consent your previously granted to FB?

Day 3 - Human Rights & Transparency Issues

Guiding questions: Some of the basic human rights include freedom of expression, association, opinion amongst others. Transparency of FB with regard to how it handles user data is paramount to achieving these human rights. . Share your comments, experiences, and challenges with regard to Facebook Services along the following themes:

a) Do you feel Facebook may share your posts with state actors under the various surveillance regimes in a way that threatens your ability to express yourself online?

b) Do you get regular Transparency reports on how many times FB has legally shared user data with State Agencies?

c) Some Terrorists have broadcasted their heinous crimes on FBLive. Do you think FB has acted swiftly to address these and other types of crimes?

Day 4 -Connectivity & Wrap Up.

Guiding questions: Some of the basic human rights include freedom of expression, association, opinion amongst others. Transparency of FB with regard to how it handles user data is paramount to achieving these human rights. Share your comments, experiences, and challenges with regard to Facebook Services along the following themes:

a) Have you ever experienced or used the FB High Altitude Connectivity Infrastructure?

b) Have you ever experienced or used the FB FreeBasic Product which allows users to connect to FB without incurring data costs?

c) Do you think these two initiatives bring regulatory concerns that touch on completion, customer lock-in and others?

Data Collection:

Data Collection: The various contributions from the participants were analyzed and collated into a report. The report findings then formed part of the deliberations during the Webinar which took place on September 30, 2020.

Tools

Mainly the KICTAnet List server, with references made to Internet sources.
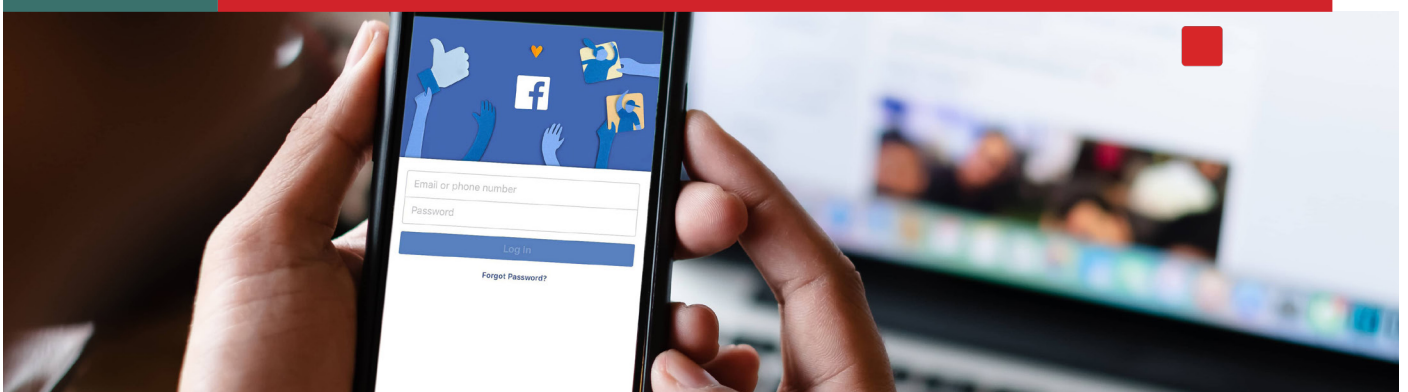
Resources

Moderator (J. Walubengo & K. Kariuki)
Participants (KICTAnet)
Responder (Facebook)
Web Resources

Proceedings of the Online Deliberations

Topic 1: Content Moderation

Participants Concerns

Some of the key concerns raised by participants with regards to how content is moderated by Facebook revolved around: selective moderation either based on location or audience, content boundary with regard to particular community standards, curbing misinformation and hate speech on Facebook, and lastly how algorithms are used to help in content moderation.

Specifically, participants wanted to know whether content is moderated differently in different jurisdictions or by the author of the post. A case in point was how Facebook had worked with the Ethiopian government to contain hate speech and misinformation during their election. In this election, civil society had reported that Facebook took down content that should have stayed up or should have blocked genuine dissenters.

Participants needed to know how transparent and available, to the general public, Facebook's content moderation policy is, and if it is applied strictly and fairly across all the domains.

Participants also raised the issue of what is right or wrong in different communities, an example raised was that some African communities allow their women to walk bare chest, so would Facebook flag such a photo as nudity which is against their policy? Further, they needed to know then if Facebook can "hide" such content to people that are outside that community while allowing those whose norm is this to view it.

A lister shared a link to an article by "Vice News" titled "*Hate Speech on Facebook is Pushing Ethiopia Dangerously Close to a Genocide*", which put into perspective how hate speech and incitements which were shared widely on the platform led to ethnic

violence after the assassination of a popular singer from the marginalized Oromo ethnic group.

One of the bubbling issues raised was the role algorithms play in content moderation, specifically how they are used for us and/or against us. A lister posted; "Undoubtedly it's not girls that run the world anymore (sorry Beyoncé) it's algorithms!". Another lister was concerned about the over-supply of specific content based on your clicks, location and other individualized digital behavior. Participants needed to know the principles that guide the creation of these algorithms and how open and transparent Facebook is about them.

Facebook Response

On content moderation, Emilar Vushe responded by first giving an overview of the content moderation approach at Facebook which involves three pillars:

Content Policy who develop the community standards

Engineering and Product who build build the tools to help enforce the community standards

Community operations team who enforce the community standards

Vushe went to reiterate that in order to maintain a safe and respectful environment for everyone who uses Facebook, the *Community Standards* outline what is allowed, and what is not on the platform. "Anyone in this meeting can report content to us if they think it violates these standards, and our teams review these reports and will remove material if there is a violation. We know we have a lot of work to do to continue raising awareness of the Community Standards". She also maintained that the goal of Facebook's *Community Standards* is to create a place for expression and give people a voice to share diverse views, experiences, ideas and information. Facebook's *Community Standards* apply to everyone around the world, and to all types of content. They are designed to be comprehensive – for example, content that might not be considered hateful may still be removed for violating a different policy.

Regarding how the Community Standards are developed, Emilar (delete) Vushe said the Community Standards are the product of the Content Policy Development. This is an ongoing and collaborative process led by Facebook's Content Policy team and includes four essential elements:

a) **Collaboration** - with various internal partners and external experts. The Content Policy stakeholder engagement team is always looking for diverse input into Facebook's content policies.
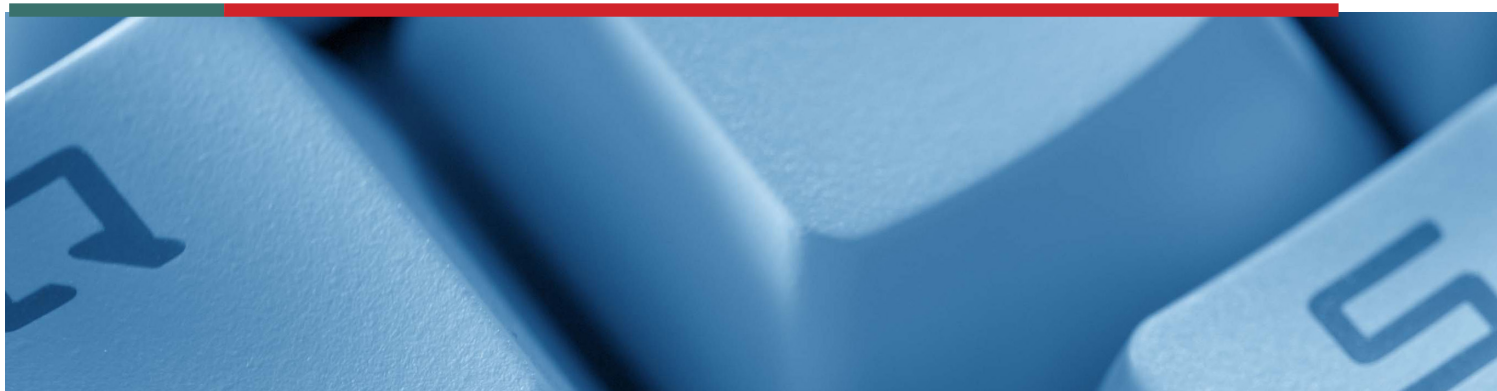
b) **Feedback:** Recommendations from all stakeholders on how to best refine current policies and develop new policies.

c) **Tools:** Creation and testing of tools to ensure implementation of adopted policies.

d) **Training:** Training and informing staff to ensure new and updated policies are accurately and effectively enforced.

On the issue of language, Facebook recognises that words mean different things or affect people differently depending on their local community, language or background. Facebook puts in effort to account for these nuances, while also applying its policies consistently and fairly to people and their expression.

With regard to whether it is possible to 'hide' a post from users in jurisdictions where the post goes against their community standards, it was clarified that users are able to see different content depending on their location. Users also have the liberty to change their preference on what posts to view.

As a strategy to fight misinformation and hate speech, Facebook actively tries to fight hate speech through the AI system that detects hate speech, which is then pulled down. The greatest challenge that the Facebook team faces in fighting hate speech, is teaching the AI system to detect hate speech because of the different contexts which makes the process complicated.

Facebook promotes free speech and wishes for its users to express themselves without being censored. Facebook also works with third party fact checking organizations to fight fake news especially on content that is likely to cause harm. Such posts are thereby stamped as "FAKE". Additionally, Facebook conducts human review exercises.

Topic 2: Data Protection

Participants Concerns

Participants pointed out that the internet never forgets, and they may have posted content in the past that may now be deemed offensive or unwise, or could come back to haunt them citing the example of 'Facebook follies' documentary.

There was also the issue of fake accounts whereby a user's photo is used to operate another account maliciously, hence ruining that user's life offline. One of the participants pointed out that as a person who speaks truth to power and who uses Facebook as one of the platforms for this, she uses a VPN to safeguard her connections and data. One of the mobile VPNs is Orbort, a TOR Project App. Tor works by switching to different servers across the world which means device IPs keep changing. This results in Facebook occasionally asking her to verify logins from a different country, which she does through two factor authentication. Her question was on why Facebook requires her to change her password every time this happens, despite verification of identity using two factor authentication.

One participant observed that Kenya enacted its Data Protection Act late last year, and had anticipated that the Data Protection theme would have elicited more responses than was the case. He felt that despite Facebook having made commendable steps towards complying with Data Protection matters particularly following the EU GDPR enactment in 2018, (https://www.facebook.com/ privacy/explanation) the problems still persist. He gave the example of the Irish Data Protection Commissioner who ruled that EU Citizens data would no longer be sent to US servers since the US Government is able to access it.

One lister raised the issue whereby Safaricom revoked his line and registered it under a new owner. This new owner then attempted to change his Facebook password using the same. He hoped Facebook would take some action in light of this development to protect users data in cases where they lose the phone lines they used to open their Facebook accounts.

The participants pointed out that the Kenyan government has yet to put in place proper legal channels when demanding information about private Kenyan users from Facebook. One lister raised the issue whereby his revoked Safaricom line was registered under a new owner and the person attempted to change his Facebook

password using the same. He hoped Facebook would take some action in light of this development to protect user data in cases where they lose the lines they used to open their Facebook account.

Facebook Response

On why Facebook requires its user to change their password every time a user uses VPN Browser like TOR which switches them to a different server in the world, even after verification of identity using two factor authentication, **Ololade Shyllon** of Facebook admitted that their team was yet to understand why . The Facebook team has informed their internal team on the issue and an investigation is underway. **Shyllon** promised that they will provide feedback on this once the reason for the requirement to change passwords has been detected.

On the role and extent of government surveillance on Facebook user data and its transparency, case in point "recently Irish Data Protection Commissioner ruled that EU Citizens would no longer be sent data to US servers since the US Government can have access to it."**Ololade Shyllon** sought to clarify that the outcome of the Schrems II decision was not a Facebook issue, rather, it's about US regulations on surveillance. However, Facebook notifies its users whenever the government requests for user information, and generates transparency reports every 6 months.

On whether Facebook views itself as a data controller, data processor or both, **Ololade Shyllon** clarified that Facebook is a data controller and data processor in some situations. Facebook works with businesses, where they share their data with Facebook with an aim of finding clients in the Facebook network through better targeted marketing.

In cases where a Facebook user has lost the mobile number they used to create a Facebook account, Facebook protects user data by enabling the user to use their email address to reset their login credentials or to recover their account. Additionally, a user can remotely logout of their accounts from all their devices, by using their account in one of their devices they had previously logged in.

Ololade Shyllon clarified that Facebook shares user data upon requests. However Facebook notifies its users. Some of the guiding principle that Facebook employs in user data sharing include: the request must be backed up by a legal process like a court order, except in case of an emergency like harm to child, risk of death (will be carefully reviewed), preservation request, like if they want to close their account, pending the legal process (preserved for 90 days).

On whether Facebook considers National Identification verification from the National Government Database during Account Creation, **Ololade Shyllon** said that Facebook avoids collecting such identification data due to the politics surrounding it. Additionally, this would exclude people without IDs like refugees. Ensuring data security would also be problematic, not to mention the complexity of storing such a huge data.

Topic 3: Human Rights & Transparency

Participants Concerns

A lister pointed out that Facebook and all other data handling institutions across the board share user data with state agents within and without the country. This brings out the issue of internet governance to the fore, to strike a balance between personal privacy and the general good of the Global citizenry. Many a time the call for general good is abused at the detriment of a person's privacy.

Furthermore it was noted that many users were unaware that Facebook generates transparency reports. Participants urged Facebook to take steps toward changing the situation through awareness programs. The issue of the fine print in Facebook's terms and conditions granting it plausible deniability in case of legal trouble.
A lister pointed that Facebook has not been swift in taking down posts that endorse terrorist acts and other crimes.

Facebook Response

On the issue of whether Facebook needs to moderate people's conversations online, yet it is not done offline, **Jeanne Elone** responded that governments are increasingly working on legislating online moderation lines. Facebook CEO has appealed to governments to assist social media companies in handling content moderation. Facebook published a whitepaper on how to go about content moderation, though further consultations on the matter is needed. Facebook content moderation is highly anchored on International Human Rights Laws.

Elone clarified that Facebook maintains the balance between moderation and freedom of speech. Further, that many users do not know how to get certain important reports from Facebook like the transparency reports. Consequently there is a need for users to be enlightened about these reports and how to retrieve them from Facebook.

Topic: Elections

On Election Integrity Akua Gyekye responded that Facebook since 2016 has tripled the size of the teams working on safety and security to more than 35,000 people. The company has hired more systems engineers, security experts and content reviewers, including native language speakers in Swahili, Amharic, Zulu, Somali, Oromo and Hausa, to name a few examples. More information about the work can be found in the recent newsroom post on "Supporting Elections Across Africa".

Akua explained that the election team that she is a part of leads on the risk identification and mitigation work with other teams from around the world to support the 4 pillars of the election integrity work:

Preventing Interference	**Increasing Transparency**	**Partnership and Collaboration**	**Promoting Civic Engagement**

The company has specific policies to combat coordinated efforts to corrupt public debate that rely on fake accounts and other deceptive practices. This could be foreign interference, but also domestic coordinated inauthentic behavior (or CIB). "A key element of our work in this space is our efforts to find and block fake accounts. We know bad actors use fake accounts as a way to mask their identity and inflict harm on our platforms. That is why we have built automated systems to find and remove these fake accounts -- and we do so at a rate of millions per day, the vast majority of which are removed at the point of creation."

In fact 99.7% of all fake accounts we remove from Facebook we detect using AI technology BEFORE people report them to us.

In addition to focusing on fighting election interference, stopping misinformation and removing hate speech, the company also promotes ads transparency.

In regards to partnerships with civil society organizations, the company continues to work on-the-ground with NGOs and civil society across many African countries, including Kenya, to enable them to better understand challenges and how FB can tackle them more effectively.

"Helping to build informed and civically engaged communities is also central to our work around elections. Part of how we promote Civic Engagement is through launching various products and features on Facebook & Instagram that encourage people to go vote".

From the lessons learnt in the many elections since 2016, Facebook has refined its policies, launched more products, and has employed more people to work on safety and security. As Facebook continues to play a larger role in civic discussions around the world, the company is working hard to prevent any abuse of our platforms, especially during elections. "We have made massive investments to help protect the integrity of elections and will continue to do so to better anticipate and respond to potential future threats".

Topic 4: Connectivity

Participants Concerns

Participants inquired whether Facebook had put in place Altitude connectivity Infrastructure (its equivalent version of Google Balloons) in Kenya. A lister pointed out that Google resolved the regulatory challenge by partnering with an existing licensed operator (Telkom Kenya).

Another lister said that Freebasics was quite active in Kenya through partnerships with Safaricom and Airtel. Many low income groups are able to access FB content without incurring data charges.

The question of whether giving free access to one content provider disadvantages the others in the same space, sort of a positive discrimination effect, was also raised. Participants wanted to know if Facebook was getting undue advantage through this product.

One of the participants pointed out that through a partnership with Safaricom, Facebook has hotspots in Ongata Rongai, Kajiado County, Kisumu City, Kondele, Manyatta areas and the main bus Stop. He asked how this partnership has impacted the local community and whether it had resulted in the uptake of the products and services offered through the partnership.

Facebook Response

Fargani Tambeayuk clarified that Facebook believes that maintaining core net neutrality principles is critical for supporting an internet that is open for everyone.

Facebook does not have high altitude connectivity infrastructure active in Kenya, or anywhere else in the world. Facebook believes that bringing connectivity to all will require a mix of technical solutions including high altitude platforms. And that is why, up till 2019, Facebook invested in R&D to help prove out this technology and drive ecosystem development. Facebook also advocated at the World Radio Conference 2019 (WRC19) for more spectrum to be made available for this technology. Facebook was successful in its efforts as it proved that the technology works and succeeded in ensuring that more spectrum was made available for this technology at the WRC19. It is now up to operators to deploy these connectivity infrastructure

Fargani Tambeayuk responded that Facebook does not get undue advantage from Free Basics. Free Basics is rolled out in partnership with several operators and allows people to experience the relevance and benefits of being online for free. Free Basics is non-exclusive as any mobile operator can take part. It is completely free to take part in the programme as no payment is required from operators and developers to take part in the programme, and no operator receives any payment from Facebook to take part in the programme. Facebook does not sell ads on the programme.
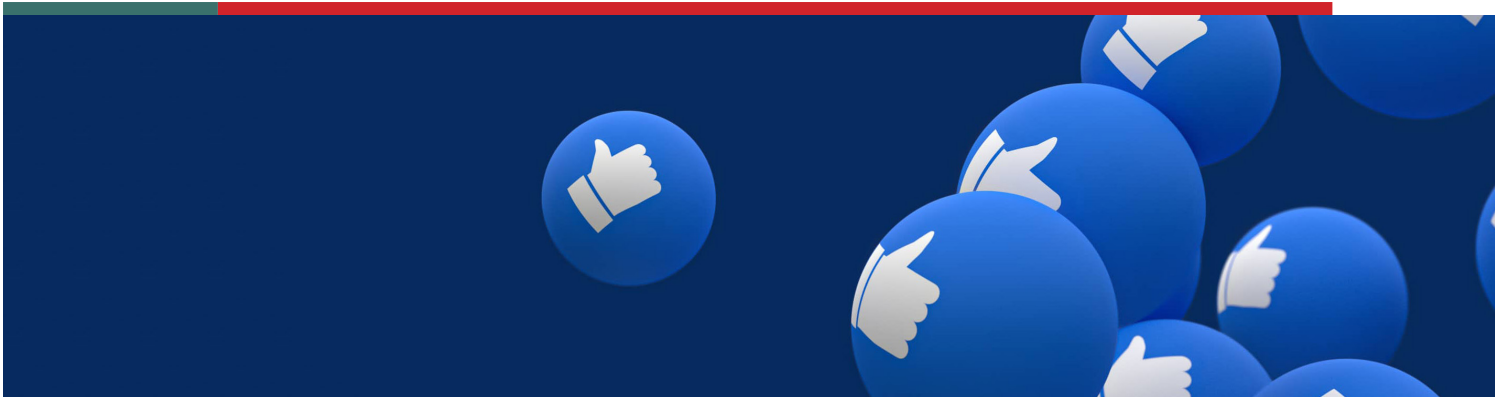
Fargani further added that Facebook is working hard to connect over 800 million Africans to the internet. To this end, Facebook has invested in communications infrastructure and in developing new technologies to make Internet connectivity more accessible, reliable, and affordable, particularly in sub-Saharan African countries like Kenya. Facebook works with network operators, equipment manufacturers, and other ecosystem partners to introduce new initiatives and develop technologies that help bring people online to a faster and internet. BRCK, Safaricom and Airtel are some of the Kenyan partners that have worked with Facebook in the past. Facebook is keen to partner with even more Kenyan companies, and welcome these companies reaching out to explore partnership opportunities.

Topic 5: Miscellaneous

Participants Concerns
How can we align current laws to go after the culprits who misuse platforms like these?

Facebook Response
Elan DiMaio said that Facebook's Community Standards are global but can be aligned or overlapped with local laws. However not all posts that violate Facebook policy are necessarily illegal, and so Facebook applies different measures to different posts.

Concern:
There is a recent accusation that facebook watches Instagram users through their cameras, according to a report by Bloomberg https://www.bloomberg.com/news/articles/2020-09-18/facebook-accused-of-watching-instagram-users-through-camera

Concern:
There was a concern about the Facebook procedure for reporting terrorism activities and the internal decision making process when Facebook decides to shut down the activity.

George Owuor said that Facebook has taken a lead in disrupting hate based or violent groups i.e terrorist, human trafficking e.t.c. Furthermore Facebook looks at international lists, and it goes above and beyond on the matter, and does not allow terrorist leaders to have Facebook accounts.

Concern:
There was a concern on the extent that users can influence the design of Facebook algorithms so that they also work in their favor and not just the advertiser's favor.

Response:
Desmond Mushi stated that any tweaks and changes to Facebook's algorithms call for utmost transparency and a proper feedback system because after all they affect real people.
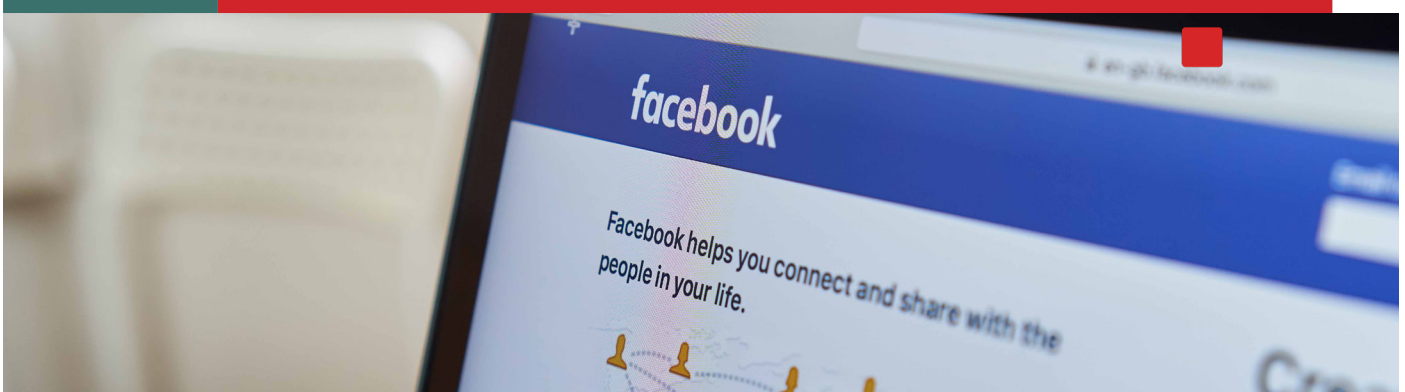
Appendix

Appendix I: Thematic Questions Per Days

Days 1 – Content Moderation Issues
Guiding question: Content Moderation is a delicate balance between freedom of speech and censorship. Share your comments, experiences, and challenges with regard to Facebook Services along the following themes:

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Day 2 - Data Protection Issues
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Guiding question: Some of the basic human rights include freedom of expression, association, opinion amongst others. Transparency of FB with regard to how it handles user data is paramount to achieving these human rights. Share your comments, experiences, and challenges with regard to Facebook Services along the following themes:

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b) Do you get regular Transparency reports on how many times FB has legally shared user data with State Agencies?

c) Some Terrorists have broadcasted their heinous crimes on FBLive. Do you think FB has acted swiftly to address these and other types of crimes?

Day 4 - Connectivity & Wrap Up

Guiding question: FB is involved in infrastructure projects that goes beyond digital content and potentially competes with traditional Telco providers licensed to provide telco infrastructure. Share your comments, experiences, and challenges with regard to Facebook Services along the following themes:

a) Have you ever experienced or used the FB High Altitude Connectivity Infrastructure?

b) Have you ever experienced or used the FB FreeBasic Product which allows users to connect to FB without incurring data costs?

c) Do you think these two initiatives bring regulatory concerns that touch on completion, customer lock-in and others?

Appendix II: Evaluation and Feedback

Technical

The daily online discussions were successfully conducted on the list server without a single technical hitch. The webinar was conducted over zoom and also ran successfully without any technical disruptions.

E-Participants

Around fifteen participants actively contributed to the daily online discussions on the list server. The webinar was attended by forty five participants.

Moderation

The online discussions were conducted and moderated by Mr. Kelvin Kariuki. The webinar was moderated by Mr. John Walubengo while Ms. Mercy Ndegwa had organized the Facebook team which was to respond to the different topical issues that had been raised by participants during the online discussions.