

Opinion of the European Economic and Social Committee on the 'impact of social networking sites on citizens/consumers'

(own-initiative opinion)

(2010/C 128/12)

Rapporteur: **Mr PEGADO LIZ**

At the plenary session held on 26 February 2009, the European Economic and Social Committee, acting under Rule 29(2) of its Rules of Procedure, decided to draw up an opinion on

The impact of social networking sites on citizens/consumers.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 12 October 2009.

At its 457th plenary session, held on 4 and 5 November 2009 (meeting of 4 November 2009), the European Economic and Social Committee adopted the opinion by 108 votes to two with 10 abstentions:

1. Conclusions and recommendations

1.1. The EESC recognises the cultural, political and social importance of Internet-based social networking sites (SNS), as a means of communication and interaction between people exercising their fundamental right to freedom of expression.

1.2. The Committee also notes the economic benefits linked to the growth of SNS, specifically their potential for different types of commercial and marketing communications.

1.3. The EESC wishes to highlight the positive aspects of the growth in SNS, especially their contribution to guaranteeing and facilitating freedom of expression in certain political situations, creating and developing online communities, enabling people to meet or rediscover friends and family members, preventing situations that place minors at risk and providing minors with an opportunity to request help through SNS and to share information on health issues.

1.4. At the same time, however, the Committee wishes to add its voice to those civil society organisations and associations, families and individual members of the public who have expressed well-founded concerns as to the risks of the illegal and abusive use of SNS, which rides roughshod over a number of basic human rights.

1.5. The EESC wishes to draw attention in particular to the risks linked to the use of SNS by minors and other vulnerable members of the public, specifically people with poor digital literacy, who frequently fall victim to others who take advantage of them to engage in illegal activities that affront their personal dignity and endanger their physical and mental wellbeing and even their lives.

1.6. The Committee welcomes the European Commission's recent initiatives, in particular those undertaken by DG Information Society & Media and DG Justice, to facilitate agreements between providers of SNS in the form of Codes of Conduct and Good Practice.

1.7. The EESC considers, however, that the EU and the Member States must step up their action to ensure that the public is better informed about the risks associated with using SNS and about the good practices that should be adopted.

1.8. The Committee also considers that further efforts should be made to provide young people with a more comprehensive education on such matters from the earliest school years onwards, give better support for families, given the importance of parental monitoring and supervision of young people's Internet use, develop access-blocking or filtering tools, ensure better risk prevention and crack down more effectively on illegal or harmful practices in this area.

1.9. The EESC considers, in this regard, that young people should be directly involved in defining operating models and in moderating and settling SNS-related issues, because it is they who will probably be able to understand issues arising in this area most effectively and rapidly and propose appropriate solutions.

1.10. The Committee urges the Commission to continue work on its in-depth study of the SNS phenomenon, in order to obtain a thorough understanding of the situation, and specifically its cultural, social and economic implications and its potential use in promoting the broader debate on issues as important as climate change, or the 'Communicating Europe' initiative.

1.11. The EESC recommends that the Commission consider, in addition to good self-regulation practices, the possibility of establishing co-regulation mechanisms that would enable any good practice agreements signed to be properly monitored, in order to prevent breaches, stamp out abuses and effectively punish offenders. In the case of criminal activities committed simultaneously in all Member States using information technologies, the EU could now move towards a system of harmonised charges and penalties managed by the responsible national bodies acting in coordination with each other.

1.12. The Committee suggests, therefore, that the Commission, as a follow-up to the public consultation it carried out in July 2008, draft a Green Paper on SNS, setting out the main options for future work, in which the implications of these sites are analysed. The drafting process should also involve hearing the views of the different civil society organisations and associations concerned.

1.13. The EESC recommends that consideration be given to the possibility of extending and combining the powers of the existing Community bodies to appoint a Community-level Ombudsman responsible for all issues relating to the protection of human dignity, privacy and data protection in the electronic communications and audiovisual sectors, with specific responsibility for SNS.

1.14. The EESC recommends that the Member States improve coordination of their policies at national level, in order to establish a consistent legal framework to address these situations, granting powers to be exercised by existing national regulators acting in coordination or creating appropriate regulatory mechanisms.

1.15. In particular, the Committee calls on the Members of the European Parliament to place these new issues at the top of their political agendas so as to reflect the growing concerns of civil society.

2. Introduction

2.1. The subject of this own-initiative opinion is the impact on the public/consumer of SNS, which are essentially online services for setting up and linking communities of people who share common activities and interests or who simply wish to find out about other people's interests and activities, and which also provide a range of functions enabling users to interact with one another (http://www.saferinternet.org/ww/en/pub/insafe/safety_issues/faqs/social_networking.htm).

2.2. Social networking has grown rapidly: 211 million people, accounting for approximately three-quarters of all Internet-users — estimated to total 282,7 million — supposedly use these online services regularly. They are primarily used by young people aged 16 and above; despite the growth in the sector, some services have a relatively low loyalty rate. The European Commission ⁽¹⁾ estimates that SNS attract around 40 million regular users

in Europe, although it should be noted that last year usage rose by some 35 %, and it is predicted that by 2012 user numbers will more than double, rising to 107,4 million.

2.3. In tandem, multinational brands have bought in to the new phenomenon, advertising their products and services, sometimes in unfair ways. Judging by Barack Obama's campaign, political parties have also decided to use these new services, as demonstrated in the recent European Parliament elections. Even the Vatican itself has joined Facebook (Pope2you.net).

2.4. In short, the main features of SNS are generally free service, rapid and exponential growth of user numbers, astonishing financial value, ease of use and the availability of functions enabling interaction between service users.

2.5. This opinion examines the most recent Community initiatives, takes stock of the current legal framework, assesses the opportunities offered by SNS and the risks involved in using them and makes recommendations and proposals for measures to improve the safety of users and their confidence in such means of communication.

3. The impact of SNS and the associated risks

3.1. Internet-based SNS constitute a relatively new social phenomenon whose technology is constantly evolving, and they are widely recognised to be changing the way in which people relate and interact with one another across the Internet.

3.2. According to the ComScore study, and in order to fully comprehend the phenomenon's scale, Facebook alone — which is a social networking service and the sixth most-visited website in the world — receives around 275 million hits a month. In Europe, Facebook was accessed by some 100 million people in February 2009, accounting for around four minutes of every 100 minutes spent online and representing more than 30 % of all time spent on SNS, in contrast with only 12 % last year.

3.3. The positive aspects of social networks are undeniable, specifically their contribution to:

- i) guaranteeing freedom of expression in certain social and political situations;
- ii) developing and linking online communities;
- iii) finding and meeting friends and family members and providing them with the opportunity to communicate with one another;

⁽¹⁾ IP/09/232 Brussels, 10 February 2009.

- iv) preventing situations that entail risks for minors and enabling minors to ask for help through SNS, and
- v) promoting goods and services and boosting e-commerce.

3.4. Nevertheless, and notwithstanding the positive aspects referred to above, it is important to bear in mind the risks associated with the use of SNS for illegal or malicious purposes, specifically in relation to the development of minors ⁽²⁾, including:

- i) psychological trauma caused by insults communicated by means of such services;
- ii) the sexual harassment of children and young people;
- iii) the posting of photographs or videos of naked or semi-naked adolescents, either by themselves or by others;
- iv) explicit advertisements for prostitution and 'escort' services;
- v) frequent breaches of privacy, reputation and personal dignity;
- vi) attacks on the physical and mental wellbeing of site users;
- vii) incitement to violence, racism and xenophobia;
- viii) dissemination of totalitarian ideologies which are fascist in nature or advocate Nazism; and
- ix) suicides by young people, allegedly as a result of certain intimate details being made public through these networks.

3.5. Account should also be taken of the new generation of technologies used on SNS, specifically applications enabling users of such networks to be 'geotagged', applications that use facial recognition technologies enabling them to be linked to SNS accounts and the new opportunities for interaction provided by the latest generation of mobile phones.

3.6. There is also the fact that this type of network is easily used for spreading viruses, such as the virus that affected Twitter on the weekend of 11/12 April 2009, which automatically posted more than 100 000 messages, damaging an unknown number of user accounts.

⁽²⁾ On this point, see in particular the report published by ENISA (the European Network and Information Security Agency), entitled 'Security Issues and Recommendations for Online Social Networks' at www.enisa.europa.eu/doc/pdf/deliverables/enisa_pp_social_networks.pdf.

3.7. As part of the 2008 Safer Internet Forum ⁽³⁾, the European Commission submitted a questionnaire addressing the issue of SNS for public consultation ⁽⁴⁾, and the answers received ⁽⁵⁾ reveal that 'cyberbullying', invasion of privacy and 'grooming' are perceived to be the main and most common dangers faced by minors when using SNS.

3.8. Where cyberbullying is concerned ⁽⁶⁾, 54 % of European parents are concerned that their children might fall victim to this practice. More than 80 % of parents in France, Greece and Portugal are worried that their children might be bullied when using the Internet or mobile telephones. In certain countries that have a strong tradition of protecting children's rights and valuing education, such as Denmark, Sweden and Finland, parents demonstrate greater confidence in their children using the Internet safely, with 69 % not being concerned about potential cyberbullying.

3.9. In the United Kingdom, according to the conclusions reached in a recent survey targeting 2 000 young people aged between 11 and 18, one in three young people has been the victim of cyberbullying through SNS and text messaging, with girls being four times more likely than boys to suffer this type of abuse.

3.10. Protecting privacy is one of the other major problems associated with the use of SNS. At the 30th international conference of data protection and privacy authorities held in Strasbourg between 15 and 17 October 2008, a resolution was adopted on the protection of privacy in social networking services ⁽⁷⁾, whose recommendations warrant special consideration.

3.11. The agreement between the operators of Europe's main SNS on self-regulation, entitled 'Safer Social Networking principles for the EU' and signed on 10 February 2009 ⁽⁸⁾, now has 20 signatories; it also clearly identified the potential risks to which under-18s using these sites are exposed: harassment (the harassment of children on Internet sites or via text messaging), psychological manipulation (an adult gaining a child's friendship with the intention of abusing that child sexually) and risky behaviour, such as divulging personal information for illicit purposes.

⁽³⁾ http://ec.europa.eu/information_society/activities/sip/events/forum/forum_sepet_2008/index_en.htm.

⁽⁴⁾ http://ec.europa.eu/information_society/activities/sip/policy/consultations/ageverif_sns/index_en.htm.

⁽⁵⁾ http://ec.europa.eu/information_society/activities/sip/docs/pub_consult_age_rating_sns/summaryreport.pdf.

⁽⁶⁾ Flash Eurobarometer survey 2008: Towards a Safer Use of the Internet for children in the EU - a parents' perspective, http://ec.europa.eu/public_opinion/flash/fl_248_en.pdf.

⁽⁷⁾ Resolution on Privacy Protection in Social Network Services, http://www.privacyconference2008.org/adopted_resolutions/STRASBOURG2008/resolution_social_networks_en.pdf.

⁽⁸⁾ 'Safer Social Networking principles for the EU', available at http://ec.europa.eu/information_society/activities/social_networking/docs/sn_principles.pdf.

4. The hearing promoted by the EESC

4.1. The very nature of the social phenomenon in question and its rapid development suggested that a hearing should be held, as part of the process of drawing up this opinion. This hearing took place at the EESC and was attended by some of the most representative stakeholders in the operation and use of SNS – NGOs and consumers, as well as representatives of the Council, the Commission, ENISA, the European Data Protection Supervisor and the relevant national authorities.

4.2. The written responses to the questionnaire that had been sent out beforehand, the different opinions expressed and the lively meeting of ideas and proposals (a summary of which can be found on the EESC Website at: http://www.eesc.europa.eu/sections/ten/index_en.asp?id=7000tenen) all made a decisive and extremely useful contribution to the drafting of this opinion and clearly demonstrated the importance of this type of event, based on the direct consultation of the relevant civil society stakeholders when making suggestions and recommendations to political decision-makers and also to operators and users themselves, where SNS are concerned.

4.3. It is worth highlighting the agreement expressed by the representatives of the Commission and the European Data Protection Supervisor with most of the suggestions made in this opinion, in addition to the considerable progress already made by the Commission on defining some of the objectives more clearly and putting others into practice, with regard to initiatives currently under way and others still at the planning stage, which bodes well for highly productive cooperation between the institutions in future.

5. The measures needed and results that can be expected

5.1. The EESC acknowledges and welcomes the European Commission's work in the field of protecting children using the Internet, and reiterates the thrust of its 2008 opinion on the proposal then under consideration for a Multiannual Community programme to protect children using the Internet and other communication technologies ⁽⁹⁾.

5.2. The Committee also notes the timeliness and value of the initiative for self-regulation referred to above, especially the set of measures it contains to minimise the main risks.

5.3. With regard to the process of implementing the Safer Internet Programme (2009-2013), the EESC would highlight the need to step up dialogue with the main protagonists involved in SNS, namely, young people, encouraging them to be involved in discussing, designing and producing solutions to ensure safer Internet use.

5.4. The EESC considers that young people should be directly involved in setting operational models and in moderating and settling SNS-related issues, because they are probably better placed than anyone to understand quickly and effectively the difficult situations that arise in this area.

5.5. The Committee also proposes studying the possibility of setting up an international or European course to train specialist counsellors and therapists in providing online victims with assistance, especially in situations of bullying or grooming. The EESC suggests that the Safer Internet Programme include initiatives for counselling in general, especially online counselling, and programmes aimed at children and adolescents to help prevent such situations from occurring in the first place.

5.6. Also as part of implementing the Safer Internet Programme (2009-2013), the Committee would emphasise the importance of launching initiatives to improve digital literacy, specifically as regards the safe use of SNS, targeting not only children and adolescents but also the wider population, especially parents, who are responsible for their children's education, and also elderly users.

5.7. Furthermore, the EESC considers that social network operators should practise self-regulation, in particular to protect minors, with the requirement however that their compliance be independently monitored, alongside the possibility of minimum protection standards being imposed by law.

5.8. The Committee is in favour of self-regulation schemes being developed with a view to ensuring co-regulation at both Community and national levels, involving the regulatory authorities so as to ensure full compliance with any agreements concluded, prevent abuses, sanction infringements and have rule-breakers punished by their peers.

5.9. The EESC notes and accepts most of the recommendations made in the Resolution on Privacy Protection in Social Network Services, adopted at the 30th International Conference of Data Protection and Privacy Authorities ⁽¹⁰⁾ on 17 October 2008, in the recent Article 29 Working Party opinion on online social networks ⁽¹¹⁾ and urges the Commission to take these recommendations on board and ensure that operators adopt them.

5.10. The Committee also considers that further efforts are needed to enhance information and education, from the earliest school years onwards, to improve not only risk prevention but also the way in which these SNS are used. To this end, awareness-raising campaigns should be mounted at the Community level and in the different Member States. In this regard, and to complement the initiatives to be carried out under the 'Safer Internet Programme', it would be useful to produce an 'eYouGuide' specifically aimed at social SNS users: a type of portal for the rights of social network users, providing a possibility to report abuses and settle disputes at the pan-European level – in other words, a single site where it is possible to 'manage' users' rights, assess Community coordination, discuss forms of action and policies and evaluate cooperation between national authorities.

⁽¹⁰⁾ The text of the recommendations is available at http://www.privacyconference2008.org/adopted_resolutions/STRASBOURG2008/resolution_social_networks_en.pdf.

⁽¹¹⁾ Opinion (2009 on online SNS; adopted on 12 June 2009).

⁽⁹⁾ OJ C 224, 30.8.2008, p. 61.

5.11. The EESC also takes the view that national and Community research and development programmes and the operators themselves, should invest further in developing and fine-tuning technical tools to filter and block access, enabling families to apply the precautionary principle prudently but consistently.

5.12. Aware of the ever-changing, dynamic nature of this phenomenon, the EESC would welcome a Commission Green Paper which, taking on board the results of the public consultation carried out in July 2008, set out the main options for future developments, analysing their impact and holding extensive consultation of the different businesses, professionals, academics and civil society organisations and associations concerned.

5.13. In this regard, it would be worth considering the option of establishing a legal framework that is consistent throughout the EU, on the basis of closer cooperation and coordination of national policies. One aspect warranting special attention concerns the contractual terms for joining such networks, in which abusive clauses are the rule, specifically as regards the applicable law and the competent authority.

5.14. Because this is essentially an international phenomenon, where the main SNS are subject to jurisdictions beyond the EU's borders, the Committee considers it crucial for the following measures to be properly promoted:

5.14.1. Setting principles and rules of conduct for SNS at international level, especially for services targeting minors;

5.14.2. Institutionalising mechanisms for monitoring compliance with such rules; given the nature of these services, this must inevitably be done on a cross-border basis;

5.14.3. Boosting and streamlining EU cooperation with third countries, both European and non-European, at political and operational levels, to identify the risks and problems associated with the use of SNS, to find the best solutions to address such situations and, as long as the international legal framework allows, to effectively eliminate situations where people's/consumers' rights could be infringed.

5.15. The Committee also wishes to highlight the need for proper international cooperation and coordination between the different parties concerned, in order to maximise the effect of the measures needed to ensure safer Internet use ⁽¹²⁾. This will require a more pro-active international approach to ensure that knowledge is disseminated and exchanged, drafting and implementation of legislation is coordinated and that the necessary funding is obtained to implement the required measures, both within the EU and beyond its borders.

5.16. The EESC also points out the need for Member States to ratify the Conventions of the Council of Europe on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse ⁽¹³⁾, which would represent a major step towards the European Union being able to present a united front on the international stage.

5.17. Lastly, the EESC wonders whether, in tandem with the initiatives described above, it might be worth considering the option of extending and combining the powers that are today dispersed across different bodies, to appoint a Community-level ombudsman to address all issues in the audiovisual field, such as privacy, data protection, human dignity, the right of reply, freedom of expression, etc., also covering social networks, along the same lines, in terms of comparative law, as the Canadian model of the 'Privacy Commissioner', whose action — demonstrating her extensive powers — against Facebook for allegedly improperly retaining personal data recently made the news ⁽¹⁴⁾.

Brussels, 4 November 2009.

*The president
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⁽¹²⁾ The stance advocated by Janos Tóth, president of the EESC's TEN section, in an EESC initiative entitled 'Public Presentation on Protecting children using the internet', presented on 5 May 2009 (information available at http://www.eesc.europa.eu/sections/ten/index_en.asp?id=4300003tenen).

⁽¹³⁾ <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=201&CL=ENG>.

⁽¹⁴⁾ See http://www.priv.gc.ca/aboutUs/mm_e.cfm#contenttop, on the Office of the Privacy Commissioner of Canada (OPC). For her recent action on Facebook see http://www.priv.gc.ca/media/nr/-c/2009/nr-c_090716_e.cfm.