



PROPOSAL FOR A SOCIAL MEDIA AUDIT BOARD

SOCIAL MEDIA AUDITING BOARD (SMAB)

The principal mission of the newly-established Coalition for a Safer Web (CSW) advocates creating: 1) a private sector voluntary auditing organization to monitor compliance by social media companies of a new “code of conduct” (Code); and 2) serve as forum to incubate and promote new technologies to accelerate identification and management of extremist/hate social media content..

The entity shall be designated the Social Media Audit Board (SMAB).

The SMAB Code

A new SMAB Code -- to be drafted by the parties referenced below – shall:

- 1) Incorporate miscellaneous terms of service of major US social media companies (e.g., Twitter, Facebook, YouTube, Instagram, etc.) with respect to their obligations and pledges to expedite the identification and removal of hate and extremist content (white nationalist/neo-Nazi/radical Islamic/terrorist “how to” instructions).
- 2) Adopt guidelines drafted by concerned citizens groups AND major corporate digital advertisers to audit compliance by social media companies of the Code’s mandates;
and
- 3) Establish penalties to be imposed on social media companies for violations of the Code.

Social media companies shall be required by digital corporate advertisers via the GARM (see below) to accept the Code’s obligations or be charged with enumerated penalties imposed by the Code and potential revocation of Section 230 immunity by Congress.

Regulated social media companies (as defined) would enjoy a presumption of compliance if they are “certified” by the SMAB, but presumption would be overcome by showing of willful and knowing or grossly negligent compliance of the Code.



Code violations shall set out specifically enumerated penalties – both fines and revocation of digital corporate ad revenues. Depending on Congressional determination, regulated entities would forfeit protection under Section 230 if their certifications are revoked for sustained failure to comply with the Code.

CONGRESS & THE SMAB

Various members of Congress and Congressional committees are considering policy and legislative proposals to abolish (or severely limit) the immunity granted social media companies and other web search engines from “publication” liability under Section 230 of the Communications Decency Act.

The proposed SMAB is not a Congressionally mandated public regulatory institution. Rather, it is a private voluntary organization modeled after the Financial Accounting Standards Board (FASB) established in 1973, or similar private sector voluntary industry regulator.

Congress, however, would have an informal oversight role since it will receive all SMAB audit reports under the Code and determine whether sustained Code violations (e.g. loss of SMAB “certification) merits Section 230 abrogation or loss of partial immunity.

PROPOSED SMAB STRUCTURE

Compliance Board Qualifications (As set forth in more detail in the Code)

- No board member shall have any financial interest in a regulated entity, or have served as an employee, consultant, agent, or adviser for two years prior to service.
- Nine (9) Members:
 - a. 2 extremist/incitement content experts.
 - b. 2 technology innovation experts.
 - c. 2 representatives from regulated entities to be designated by a social media advisory committee made up of social media companies and web infrastructure management companies.
 - d. 2 representatives from the digital corporate advertising ecosystem (to be designated by the GARM (Global Alliance for Responsible Media) industry group.



- e. One representative from a citizen advocacy organization knowledgeable in Section 230 issues and extremist and hate speech/incitement.

STAFF

- The Compliance Board shall appoint such staff as may be required to undertake the auditing and prepare compliance reports under the direction of a SMAB Executive Director (ED) who shall report to the Compliance Board. The qualifications and requirements of the ED shall be approved by the Compliance Board.

APPLICABLE WEB CONTENT TO BE SUBJECT TO AUDIT

- The SMAB Compliance Board shall establish web content parameters to be subject to Code regulation and audit focused exclusively on content deemed in support of extremism, incitement, hate and instruction content in support thereof.

FUNDING

- An annual budget shall be derived from contributions from members of the “social media advisory committee” and the GARM pursuant to a budget proposed by the Board. Failure to timely meet required donations shall result in loss of certification.
- An initial annual budget shall be prepared by a CSW working group to be submitted to the Compliance Board for its approval.

FUNCTIONS

- Certification/Compliance/Monitoring/Enforcement
 - Certification issued bi-annually
 - Annual compliance reviews/audits
 - Interim special Code compliance reviews triggered by majority vote of Compliance Board.
 - Annual audit reports submitted to select Congressional committees having jurisdiction over Section 230.
 - Determination and issuance of fines and revocation of “certification.”
 - Code standard compliance monitored regularly by staff reporting to Compliance Board.
 - Certification (suspension or revocation) to be published by the SMAB AND prominently displayed by regulated entities.