

Facebook Submission to the Broadcasting and Telecommunications Legislative Review Panel

Madame Chair and Members of the Broadcasting and Telecommunications Legislative Review Panel,

On behalf of Facebook, I am pleased to make this written submission as part of your Review of the Broadcasting and Telecommunications Legislative Framework.

Overview

The Terms of Reference of the Review and the Panel's consultation paper include topics that are of importance to Facebook, including the economic and social benefits of providing access to connectivity, supporting the creation and discoverability of Canadian content, fighting against misinformation online, and supporting the future of news. That said, given that Facebook has had few interactions with the *Telecommunications Act* or the *Broadcasting Act*, our perspective on the full Review will be somewhat limited.

We have also taken note of the Panel's recommendation to Facebook that we provide a written submission in order to contribute to the diversity of input into the Review process, as well as to provide a global perspective given the borderless nature of the digital economy and society.

For the above reasons, we are making this submission in the hope that it will be of some help to the Panel as it conducts its Review.

In particular, Facebook respectfully draws the Panel to the following considerations and observations:

Reducing barriers to access by all Canadians to advanced telecommunications networks

- We strongly agree with the Panel's view that it is particularly important to enable improved Internet access for Canadians in rural and remote areas, Indigenous communities, and Canadians with disabilities;
- We take note of the Panel's reference to the challenge of insufficient digital literacy, and encourage the Panel to consider new ways to further tackle this important public policy issue;
- In terms of other principles worth considering as key elements of Canada's legislative and regulatory frameworks, the Panel may wish to give consideration to the principle of intermediary liability protection;

Supporting creation, production and discoverability of Canadian content

- Quantifying the economic and social benefits that online platforms enable in the Canadian cultural sector is an important area of emerging research that the Panel may wish to consider further;
- The Panel may also wish to consider the state of Canadian content through the broader lens of all content created by Canadians, including user-generated content, as it looks to a future communications landscape that is increasingly digital in nature;

Improving the rights of the digital consumer

- The Panel should be mindful of the challenges of having governmental entities play a role in regulating opinions, views and speech online;
- The actual impact of misinformation online on people remains a topic of debate among researchers. More empirical research is required, and may be something that the Panel may wish to consider undertaking;
- The Panel may wish to consider research showing that the economic value of data does not come from the data itself, but rather how it is processed and used, parts of the digital economy value chain that are not necessarily linked to access to large amounts of data; and
- The Panel may wish to consider that the proper legislative instrument for the balancing between the protection of personal information and innovation is the *Personal Information Protection and Electronic Documents Act*, and not seek to duplicate this authority through other legislative frameworks.

The remainder of this submission considers these points in broader context and detail.

A. Reducing barriers to access by all Canadians to advanced telecommunications networks

Access for Rural, Remote and Indigenous Communities, and Canadians with Disabilities

Facebook strongly agrees with the Panel that, “it is particularly important to enable improved access for Canadians in rural and remote areas, Indigenous communities, and Canadians with disabilities.”¹ Through our public policy work in Canada, we have come to learn the degree to which our services are being used in innovative ways to build community, foster meaningful social interactions, and help connect the country.

Our work with Indigenous communities have taken us to the Fisher River Cree Nation in Manitoba, where we learned how Facebook Groups are being used to connect entire First Nations communities. Through our consultations on Indigenous culture and content

¹ See Panel consultation paper: <https://www.ic.gc.ca/eic/site/110.nsf/eng/00003.html>

online², we have learned about the importance of enabling Indigenous peoples to interface on Facebook in their own languages, and are pleased to be partnering on a pilot with institutions in Nunavut to translate the Facebook platform into Inuktitut.³ And we are very proud of our partnership with We Matter, an Indigenous organization focused on youth empowerment and suicide prevention, leveraging user-generated online videos to promote Indigenous self-care.⁴

In order to better understand how rural and remote communities are using Facebook to empower local economies and connect local communities, we recently launched a Connecting Canada's Rural Communities tour, which has thus far taken us to the Carcross Tagish First Nation in the Yukon, and Port Rowan and Kapuskasing⁵ in Ontario.⁶ We have been invited by rural Canadians to more than 100 communities across Canada, and hope to engage with many of them in 2019.

While reducing barriers to access by all Canadians to advanced telecommunications networks is an important objective, Facebook is also doing its part to constantly find innovative ways to reduce the amount of data required to operate our family of apps. This is an important consideration not only in rural and remote communities in Canada, but also in the many countries where we operate that are still primarily using 2.5G technology.

A good example of this commitment is Facebook Lite, made available in Canada in 2018.⁷ This app is less than 1MB, so it is fast to install and quick to load. We wanted to give people a lightweight option with familiar features, so they can make use of the app, regardless of where they connect. We also provide a similar lightweight experience in Messenger and are constantly trying to improve performance on all devices and networks.

Access to our products by people with disabilities is fundamental to achieving our mission of bringing the world closer together, and Facebook takes seriously our commitment to accessibility. Our award-winning investments in artificial intelligence and video captioning are significant steps in improving access on the platform. Our automatic alt text (AAT) photo captioning tool describes objects in photos to people with vision loss on Facebook and Instagram. New face recognition features launched on Facebook in 2017 help people with vision loss to know more about who is in their photos. We also have several closed captioning features to help people who are hearing impaired: closed captions for videos on Facebook via text file upload, and real-

² <http://facebookcanadahardquestionsroundtables.com/roundtables/indigenous-culture.html>

³ <https://www.newswire.ca/news-releases/facebook-canada-opens-inuktitut-for-translation-on-nunavut-day-687632471.html>

⁴ <https://www.cbc.ca/radio/thecurrent/the-current-for-monday-january-22-2018-1.4495693/we-matter-indigenous-youth-raise-their-voices-in-the-fight-against-suicide-1.4495702>

⁵ [https://ici.radio-canada.ca/nouvelle/1130862/compagnie-internet-presentation-entrepreneurs-technologie-reseaux-](https://ici.radio-canada.ca/nouvelle/1130862/compagnie-internet-presentation-entrepreneurs-technologie-reseaux-sociaux?fbclid=IwAR1lDYRNZAjGgaKPBj5ko0DVHVCGh3F69pBOZIMlpFdBBbMGbYpcR0BlqkY)

[sociaux?fbclid=IwAR1lDYRNZAjGgaKPBj5ko0DVHVCGh3F69pBOZIMlpFdBBbMGbYpcR0BlqkY](https://ici.radio-canada.ca/nouvelle/1130862/compagnie-internet-presentation-entrepreneurs-technologie-reseaux-sociaux?fbclid=IwAR1lDYRNZAjGgaKPBj5ko0DVHVCGh3F69pBOZIMlpFdBBbMGbYpcR0BlqkY)

⁶ <https://aptnnews.ca/2018/07/12/facebook-travelling-the-north-to-see-how-people-get-connected/>

⁷ <https://mobilesyrup.com/2018/03/15/facebook-lite-canada-android/>

time captioning in Facebook Live broadcasts.

These and other accessibility efforts are centrally managed by Facebook's Accessibility Team, but accessibility is embedded into many different departments that touch the product lifecycle at Facebook, including research, design, engineering, legal and public policy. We also recognize that to build products that are accessible to everyone, we need to have employees with diverse abilities. At Facebook, hiring persons with disabilities is a priority, and we have dedicated resources supporting candidates and employees with disabilities. We're proud that Facebook was named as one of the 2018 Best Places to Work for Disability Inclusion in the joint American Association of People with Disabilities (AAPD) and Disability:IN Disability Equality Index (DEI) survey, receiving the DEI top score of 100%.⁸

Digital Literacy

Facebook takes note of the Panel's reference to the challenge of insufficient digital literacy, and encourages the Panel to consider ways to further tackle this important public policy issue. Digital literacy is a crucial life-skill that empowers people to benefit the fullest from all that the Internet has to offer, helps foster and promote positive digital norms and etiquette, and guards against the spread of misinformation online.

The *Personal Information Protection and Electronic Documents Act* (PIPEDA) provides the Privacy Commissioner of Canada with a public education mandate for privacy that includes a Contributions Program, and the Panel may wish to consider the merits of a similar provision for digital literacy in its review of the telecommunications and broadcasting framework.

Intermediary Liability Protections

Finally, the Panel identified openness and net neutrality as key elements of Canada's legislative and regulatory frameworks, and asks whether there are other principles worth considering. We would respectfully submit that the idea of individuals being able to communicate and share freely online — and the necessary pre-condition of safe harbour protections for online platforms — is a cornerstone of good Internet policy, ranking alongside these two elements. As Michael Geist, the Canada Research Chair in Internet and E-Commerce Law has noted, many experts believe that intermediary liability protections may be “the single most important legal protection for free speech on the Internet.”⁹ The Oxford scholar Timothy Garton Ash, in his recent book *Free Speech: 10 Principles for a Connected World*, called this policy “crucial to global internet freedom.”¹⁰

Some commentators in Canada have likened online platforms to a digital variation of a traditional newspaper or broadcaster, and thus have called for them to be legally liable

⁸ <https://disabilityin.org/what-we-do/disability-equality-index/2018-dei-top-companies/>

⁹ <https://www.theglobeandmail.com/report-on-business/rob-commentary/nafta-offers-the-chance-to-establish-long-overdue-online-speech-safeguards/article37144488/>

¹⁰ *Free Speech: 10 Principles for a Connected World*, page 23, Yale University Press

for content on their platforms, requiring vetting by editors in the same way as traditional media.¹¹ Given that the vast majority of content on Facebook (and many other social media) are communications from individual to individual, online platforms are actually more akin to virtual extensions of real-world communications and speech between people, than traditional newspapers or broadcasters. Treating online platforms as a digital variant of news publishers requiring oversight by editors means that all content should be reviewed and approved by these editors before anything gets posted. Aside from the practical challenge that this would entail, it would also represent a serious erosion of free speech online.

We are pleased that the recently concluded Canada-United States-Mexico Agreement (CUSMA) includes strong intermediary liability protections for online platforms.

B. Supporting creation, production and discoverability of Canadian content

Encouraging Creativity on Facebook

At Facebook, we encourage creativity and culture online. We believe that Facebook empowers content creators of all types – whether artists and musicians, sport leagues, publishers, or TV and movie studios – with new avenues for sharing their content, driving off-line viewership, and publicizing their creativity.

Many artists and creators have Facebook Pages and use our tools to promote and expand the reach of their content. At Facebook Canada, we have a Partnerships team whose mandate is to work with publishers, artists and creators to help them maximize the value of the Facebook platform by reaching new audiences, engaging directly with fans, and promoting their work here in Canada and around the world.

For the last two years, this team has led a partnership with the National Arts Centre, helping it fulfill its mandate of being an arts centre for all Canadians across the country. For the recent Canada 150 celebrations, Facebook was proud to have been the NAC's digital partner as its musicians and artists travelled across the country connecting with Canadians, both physically and online. To give just one example, with respect to the NAC English Theatre's recent *Tartuffe* Tour to Newfoundland, the sharing of some of the tour's content on Facebook allowed the NAC to greatly expand its footprint in the province, reaching over 395,000 Newfoundlanders online, or 75% of the province's population.

We're also focused on supporting emerging creators, helping them engage and grow their community, manage their presence, and build a business on Facebook. For three years, we have supported emerging Canadian music artists through the Canadian Academy of Recording Arts and Sciences Master Class program, participating as mentors on how to reach new audiences on Facebook.

¹¹ <https://www.thestar.com/opinion/contributors/2018/08/27/we-wont-save-democracy-by-cannibalizing-the-internet.html>

The Economic and Social Value of Online Platforms

Much of the value that artists and creators derive from Facebook is similar to the value that institutions, organizations and public figures place on the platform. A 2014 study by Deloitte found that the total economic impact of the Facebook platform in Canada was \$5 billion and the creation of 82,000 jobs.¹² Looking just at small and medium-sized enterprises (SMEs), a recent survey conducted by Ipsos found that more than half (51%) of the SMEs surveyed agreed that their business is stronger today because of Instagram.¹³ When the Canadian Federation of Independent Businesses (CFIB) surveyed its members on “how important digital technology is to the overall success of their business, the vast majority (79%) of SMEs recognized that it is very important (39%) or somewhat important (40%).” When asked what types of digital technologies SMEs were using, 52.5% cited social media, placing this use category third only behind wireless Internet (80.2%) and websites (79.3%).¹⁴

Online video distribution has a transformative effect on the economics of the video marketplace, fueling growth in locally-produced, culturally relevant content. Digital platforms are able to connect viewers with the content of their choice, increasing audiences for independent content creators and thereby preserving and showcasing local culture. Quantifying the economic and social benefits that online platforms enable in the Canadian cultural sector is an important area of emerging research that the Panel may wish to consider further. We will also be exploring ways to better understand this phenomenon.

User-Generated Content as Canadian Content

The Panel notes in its consultation paper that, “In a world of almost limitless choice, with customized offerings and an exponential growth of user-generated content, the discoverability of Canadian content...is more difficult than in the past.” Online platforms do much to counteract this phenomenon, by matching users with the content they value most, which is influenced by the content their friends, family and community members watch and share. Even if we accept the premise that it is more difficult for viewers to find traditional Canadian broadcast content online, if we broaden the scope of Canadian content to include all content created by Canadians and shared online, we may actually draw the opposite conclusion. Online platforms reduce barriers to entry and make it possible for small, independent content creators of both user-generated and professionally-produced videos to reach larger audiences.

To take just the examples of Facebook and Instagram, with over 24 million Canadians on Facebook and 8.5 million Canadians on Instagram, each connected to, or following, many other Canadians, the amount of user-generated Canadian content that each

¹² <https://www2.deloitte.com/content/dam/Deloitte/tr/Documents/technology-media-telecommunications/global-economic-impact-of-facebook.pdf>

¹³ https://www.ipsos.com/sites/default/files/ct/publication/documents/2018-07/instagrams_impact_on_canadian_businesses_jul_18.pdf

¹⁴ https://www.cfib-fcei.ca/sites/default/files/article/documents/5641%20%281%29_1.pdf

Canadian sees likely represents a majority of content in their respective feeds. In this regard, the online environment has actually increased the “room for linguistic duality, Indigenous cultural expression, and gender equality”, a consideration that the Government has asked the Panel to explore.¹⁵

As noted above, through our consultations on Indigenous culture and content online, we have learned about the importance of enabling Indigenous peoples to interface on Facebook in their own languages, and are partnering on a pilot with institutions in Nunavut to translate the Facebook platform into Inuktitut. It is the hope of all partners that this effort will further increase the space online for Indigenous cultural expression.

The Panel may wish to consider the state of Canadian content through this broader user-generated lens as it looks to a future communications landscape that is increasingly digital in nature.

C. Improving the rights of the digital consumer

Misinformation Online

Misinformation online is not a new phenomenon, but rather an extension of existing and longstanding challenges with information integrity into the online environment. As Professors Florian Sauvageau of *l'Université de Laval* and Simon Thibault of *l'Université de Montréal* note in their new book *Les Fausses Nouvelles, Nouveaux Visages, Nouveaux Défis*, “*Les fausses nouvelles, au-delà de leur popularité et de leurs mutations récentes sur internet, restent un vieux phénomène.*”¹⁶ While this does not obviate the need to take the challenges of online misinformation seriously, it is important to nonetheless acknowledge this challenge in historical context.

At Facebook, we think about misinformation online as coming in at least three flavours: (1) Misinformation that is financially motivated — largely scammers and spammers who are seeking to drive traffic to their websites through the use of clickbait and misleading headlines in order to monetize advertising impressions; (2) Misinformation that is strategically motivated and designed to achieve a particular outcome (for example the foreign interference we saw in the 2016 U.S. presidential election); and (3) Misinformation that is shared between individuals that are in fact better classified as real opinions or beliefs.

With respect to the first two categories of misinformation online, while the challenge is obviously much larger than Facebook, we are cautiously optimistic that we are moving in the right direction with respect to our platform. We are investing heavily in people, technology and partnerships. We have doubled our personnel investment and now have 20,000 people on our safety and security teams reviewing content against our

¹⁵ See Panel’s Terms of Reference: <https://www.ic.gc.ca/eic/site/110.nsf/eng/00001.html>

¹⁶ See Introduction here: <https://www.pulaval.com/produit/les-fausses-nouvelles-nouveaux-visages-nouveaux-defis-comment-determiner-la-valeur-de-l-information-dans-les-societes-democratiques>

Community Standards, many of whom review reports of bad content and bad actors in over 50 languages, 24 hours a day, 7 days a week.

A good example of the technological investments we are making is our effort to scale up automated detection and removal of fake accounts using artificial intelligence. We have seen repeatedly that bad actors rely heavily on fake accounts, and so we are strongly enforcing against their ability to use them. In the second and third quarters of 2018, we disabled approximately 1.55 billion fake accounts globally, the vast majority of which were removed within minutes of registration and before a human could report them.¹⁷ In the fall of 2018 in Canada, we deactivated two fake accounts involved in the Vancouver municipal election, a development that was featured on the front page of the *Globe and Mail*.¹⁸ Automated systems also enable us to better identify spam, click-bait and other low quality content that can be downranked or removed from the platform.

In terms of partnerships to address misinformation online, we launched in June 2018 a third-party fact-checking partnership¹⁹ with *Agence France-Presse* (AFP),²⁰ to engage Canadian fact-checkers to review news stories on Facebook in French and English in order to rate their accuracy. We do not believe that Facebook should be the arbiter of truth, which is why we are partnering with independent fact checkers to ascertain the facts on any given issue. Stories that the AFP rate as false have their distribution reduced in News Feed, dropping future views on average by more than 80%. Facebook will also send notifications to anyone who has shared, and anyone who is about to share, the false story advising them that the story has been fact-checked. Since our launch in June, we have also enabled our third-party fact-checkers around the world to fact-check images, videos and text posts on Facebook from publishers and Pages.

Through our partnership with Media Smarts, Canada's media and digital literacy organization, we are also working to help people spot misinformation in order to make more informed decisions, including what they share. Our joint program, called "Reality Check", currently includes videos, tip sheets and interactive games in French and English.²¹ As noted earlier, digital literacy is a crucial life-skill that empowers people to benefit the fullest from all that the Internet has to offer, helps foster and promote positive digital norms and etiquette, and guards against the spread of misinformation online. The Panel may wish to consider ways to further promote this crucial life-skill through its Review.

In 2018, there have been four major Canadian elections – provincially in Ontario, Quebec and New Brunswick, and at the municipal level in British Columbia. In each of these elections, we have deployed the full arsenal of tools mentioned above, and have

¹⁷ <https://transparency.facebook.com/community-standards-enforcement#fake-accounts>

¹⁸ <https://www.theglobeandmail.com/canada/british-columbia/article-bc-candidates-targeted-by-anonymous-social-media-posts/>

¹⁹ <https://www.facebook.com/help/1952307158131536>

²⁰ <https://www.newswire.ca/news-releases/facebook-launches-third-party-fact-checking-program-in-canada-686662231.html>

²¹ <http://mediasmarts.ca/digital-media-literacy/digital-issues/authenticating-information/reality-check>

had open channels of communication and collaboration with the respective provincial election commissions. We believe that we have been able to respond and resolve areas of concern to all parties' satisfaction. With every subsequent election, we are learning and refining our techniques, and we feel we are moving in the right direction.

While Facebook has enacted significant measures to combat the first two categories of misinformation, we do not believe that the opinions, views and speech of authentic people on Facebook, however in the minority, should be subject to some form of editorial control. We take note that our position is very similar to what appears to be the Government's own position in this matter. According to a Canadian Press article following an Access to Information request, "The government's inability to decide for Canadians what should and shouldn't be considered fake news is one reason it can't take direct action, according to the briefing notes, prepared in November by deputy Heritage minister Graham Flack."²² We are of the view that the Panel should be equally wary of having governmental entities play a role in regulating opinions, views and speech online.

Finally, it is worth noting that the actual impact of misinformation online on people remains a topic of debate among researchers. More empirical research is required, and may be something that the Panel may wish to consider undertaking.

Whether Data is Valuable In and Of Itself

The Panel notes in its consultation paper that, "the collection of large amounts of personal information – big data – has become tremendously valuable...." While the use of data has certainly created significant economic and social benefits for people, organizations and businesses, it is unclear to what extent the simple amassing of data is in and of itself valuable.

A recent paper by Catherine Tucker, the Sloan Distinguished Professor of Management Science and professor of marketing at MIT, explores "whether big data is rare, whether big data is inimitable, whether big data is independently valuable, and whether big data is sufficient and necessary to ensure success in digital advertising markets."²³ For each of these criteria, she concludes that, "there are reasons to doubt that data itself is satisfying any of these key criteria for being a source of enduring competitive advantage or market power for digital advertising platforms." In short, access to large amounts of data does not necessarily confer an enduring competitive advantage.

As the Panel continues its review of the telecommunications and broadcasting legislation framework, it may wish to bear in mind research showing that the economic value of data does not come from the data itself, but how it is processed and used, parts of the digital economy value chain that are not necessarily linked to access to large amounts of data.

²² <https://globalnews.ca/news/4039886/canada-stem-fake-news-government/>

²³ <https://www.accc.gov.au/system/files/Facebook%20Australia%20-%20expert%20report%20from%20Professor%20Catherine%20Tucker%20%28Nove....pdf>

We also take note of the Panel's references to consumer privacy in its consultation paper. Given the important role that privacy and data protection plays in the broader innovation economy, we would respectfully submit that the proper legislative instrument for the balancing between the protection of personal information and innovation remain the *Personal Information Protection and Electronic Documents Act*. We do not believe that this authority should be duplicated through other legislative frameworks.

The Future of News

Many Canadians get at least some of their news from Facebook, and we are committed to help build products and partnerships that will help support the future of news publishing and build a more informed community on our platform.

In addition to the third-party fact-checking partnership with AFP referenced above, we also introduced a new Context Button in Canada that appears next to every article shared on Facebook.²⁴ This feature provides people with more background information about the publishers and articles they see in News Feed so that they can better decide what to read, trust and share. With respect to local news, we updated News Feed in Canada so that Canadians will see more news on Facebook from local sources covering their current city and other cities they care about.²⁵

In terms of partnerships, we are very proud of our collaboration with Ryerson University's Journalism School and its Digital Media Zone to create the Digital News Innovation Challenge, a 5-month accelerator program for 5 digital news start-ups. Each participant received from Facebook \$100,000 in seed capital and a \$50,000 Facebook marketing budget, and access to robust expertise in both entrepreneurship and journalism from Ryerson faculty.²⁶ Our five winners focused on areas of news innovation as diverse as hyper-local news, crowd-sourced verification, and feminist-empowered sports journalism. This initiative was the first of its kind for Facebook anywhere in the world, and we hope that it will become a model for similar initiatives elsewhere.

Facebook has also partnered with the Canadian Journalism Foundation to create the CJF-Facebook Journalism Project Award for News Literacy.²⁷ This new award celebrates efforts to encourage Canadians to understand and critically assess the quality of news in their community as well as the practices that underpin factual reporting as key contributions to Canadian democracy. We are delighted that Marie-Ève Tremblay became the first recipient of this award in Spring 2018, for her initiative on misinformation on the Radio-Canada radio show, *Corde sensible*.

²⁴ <https://www.theglobeandmail.com/business/technology/article-facebook-rolls-out-new-features-in-canada-as-it-tries-to-stem-spread/>

²⁵ <https://techvibes.com/2018/03/26/facebook-updated-focus-on-local-news-is-now-live-in-canada?fbclid=IwAR3IKwGLOS-M6GnUYdVdLKQZ03pyYNgzqNiXgoeZENYnjfMttPo5Vd9iZZ0>

²⁶ www.digitalnewsinnovation.ca

²⁷ <http://cjf-fjc.ca/awards/cjf-facebook-journalism-project-news-literacy-award>

We look forward to future partnerships to support the future of news in Canada.

Conclusion

It is our hope that this submission will be of value to the Panel as it conducts its Review. We remain open and available to engage on any matters that the Panel may wish to explore further.

Sincerely submitted,

A handwritten signature in blue ink, appearing to read 'K Chan', with a stylized flourish extending to the right.

Kevin Chan, M.S.M.
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Facebook Canada