

Section 1. Short Title; Table of Contents.

This section enumerates the provisions of the bill.

Section 2. Definitions.

This section defines key terms. Platforms are limited to those social media platforms with at least 25 million unique monthly users for a majority of months over a 12-month period. Qualified researchers must be university-affiliated and submit applications to NSF for their specific research proposal.

Section 3. Platform Accountability and Transparency Office.

This section establishes the titular office within the FTC. The office is authorized to require privacy and cybersecurity standards to carry out the responsibilities of facilitating researcher access.

Section 4. Qualified research protections, qualified researchers, and qualified data and information.

This section requires that within 180 days of enactment, NSF is to establish a process to solicit research applications from researchers and prescribe guidelines and criteria to determine how NSF will evaluate the applications. After a project is approved, NSF will identify the data and information that the platform will be required to make available to the qualified researchers. After the data is identified, the NSF will refer the research application to the Platform Accountability and Transparency Office (PATO) at the FTC. The PATO will then notify the platform of this research request, and establish privacy and cybersecurity safeguards for the use of the data in question. This could involve encryption of the data in transit and when not in use, requirements that researchers physically go to the secure rooms in order to use the data, and the anonymizing of data to protect the privacy of individual users. The platform will then have time to comment on the proposal and provide recommendations on the privacy and cybersecurity safeguards, before a final determination is made by the PATO.

Section 5. Publication of research under qualified research proposal.

This section covers the publication of research after a project is completed. Before a qualified researcher submits their research for publication, they must first submit their pre-published content to the relevant platforms and the FTC for evaluation to ensure that the research paper (or other final product) does not divulge personal information, trade secrets, or other confidential business information.

If a platform believes the final research product would divulge personal information or expose confidential business information, the platform can object to publication to the PATO. In the event of an objection, the researchers shall have time to modify their final product to address the platform's concerns. Ultimately, the PATO will make a decision about whether the modifications are sufficient to address the original concerns. Both researchers and platforms can appeal that decision to the Federal Circuit.

Section 6. Obligations and immunity for platforms.

This section immunizes platforms from certain causes of action as a reward for granting researcher access. No cause of action under State or Federal law arising solely from the release

of qualified data and information to qualified researchers in furtherance of a qualified research project may be brought against any platform that complies with the privacy and cybersecurity provisions prescribed by the PATO.

Section 7. Obligations and immunity for qualified researchers.

This section outlines additional privacy rules for researchers and grants a safe harbor from legal liability for researchers complying with the Act, as well as immunity from any violations of platform's terms of service that arises solely from the researchers' access and use of data pursuant to the act.

Section 8. Reporting.

This section requires annual reporting to Congress of the operation of the researcher access process established by the PATO.

Section 9. Enforcement.

This section outlines the FTC's ability to enforce the requirements of this act. It deems a platform's failure to comply with data sharing an unfair or deceptive act or practice. It also gives the FTC authority to commence a civil action in U.S. district court for an injunction against a platform. Remedies in an injunctive action brought by the Commission are limited to an order enjoining, restraining, or preventing any act or practice that constitutes a violation of this Act and imposing a civil penalty of up to \$10,000 for each violation.

Section 10. Amendment to the Communications Decency Act.

This section amends Section 230 to add an exception to its immunity relevant to this act. When a civil claim is made against a platform determined by the FTC to have failed to provide data to carry out the Act's research access requirements and this failure to comply would have significantly contributed to the harm alleged by the claimant, the platform cannot claim Section 230 immunity.

Section 11. Establishing a safe harbor for journalism and research on social media platforms.

This section provides a limited legal safe harbor for researchers seeking to scrape social media platforms for research data under specific conditions. The safe harbor would prevent social media platforms from taking legal action against researchers who obtain information consensually and with other certain privacy protections in place. Nothing in this section prevents a platform from taking technical measures to prevent scraping, such as shutting down accounts or implementing other protections.

Section 12. Rulemaking authority.

This section authorizes the FTC to establish by rulemaking categories of data or information that platforms must make available to qualified researchers or the public. Such requirements may not infringe upon reasonable expectations of personal privacy or expose trade secrets or confidential business information. The section further requires the FTC to exercise this authority as to certain kinds of information that are already known to be of significant interest to researchers, including an ad library, information about widely disseminated content, information about content moderation decisions, and information about algorithms.

Section 13. Authorization of appropriations.

This section authorizes appropriations to the FTC to create the PATO and execute the Act.