



NEW ZEALAND
FOREIGN AFFAIRS & TRADE



New Zealand Ministry of
Foreign Affairs and Trade
Manatū Aorere

6 May 2020

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Dear Beau Murrah

I refer to your email of 20 February 2020 in which you request the following under the Official Information Act 1982 (OIA):

"I request documents relating to Facebook and specifically algorithms from March 1 2019 onwards.

Including but not limited to:

- 1. Facebook and the Christchurch Call agreement in relation to algorithms*
- 2. The March 15 2019 terror attacks and algorithms and Facebook*
- 3. Efforts taken to enhance algorithmic transparency (per 68. from 27 September 2019: Cabinet paper: Countering Violent Extremist Content Online)."*

On 28 February 2020, you advised us:

"...I am available to clarify anything that is unclear about the scope of the request. I made a similar OIA request to Officer of the Privacy Commissioner and spoke with a policy advisor there and helped clarify my request over the phone and it was a useful exercise.

I have made this request to MFAT principally because it is/was the host of the 'negotiating team' around the Christchurch Call and likely to hold documents or correspondence outlined in my initial request.

The purpose of this OIA is to help inform a select committee submission on upcoming legislation. Anything I can do to clarify to help keep the request in the timeframe I would happily do."

On 19 March 2020, we advised you that, due to the necessity for further review and consultation, we needed to extend the time limit for responding to 20 April 2020. We also advised you that many Ministry staff were currently working on issues relating to the impact of COVID-19, which was putting pressure on business as usual work, however we were doing our best to process all of our requests as quickly as possible.

On 20 April 2020, we advised you that we had made a decision on your request. We would provide you with the information you have requested in a narrative response that answers each part of your request once we have notified relevant parties. We are now in a position to respond to your request, as set out below. Thank you for your patience.

Part 1

The information you are seeking in part 1 of your request is readily available online via the Christchurch Call to Action website.¹ The voluntary commitments agreed to by supporting online service providers (OSPs) and governments are listed in their entirety.

I am advised that the Christchurch Call to Action (referred to hereafter as the 'Christchurch Call' or the 'Call') is not an agreement as such, but a set of voluntary, non-binding commitments. There are two, related commitments pertaining to 'algorithms': the first for all OSP supporters of the Call including Facebook (the full list of supporting OSPs can be found on the Christchurch Call website), and the second made jointly by governments and OSPs. They are as follows:

"To that end, we, the online service providers, commit to:

Review the operation of algorithms and other processes that may drive users towards and/or amplify terrorist and violent extremist content to better understand possible intervention points and to implement changes where this occurs. This may include using algorithms and other processes to redirect users from such content or the promotion of credible, positive alternatives or counter-narratives. This may include building appropriate mechanisms for reporting, designed in a multi-stakeholder process and without compromising trade secrets or the effectiveness of service providers' practices through unnecessary disclosure.

To that end, we, Governments and online service providers, commit to work collectively to:

Develop effective interventions, based on trusted information sharing about the effects of algorithmic and other processes, to redirect users from terrorist and violent extremist content."

Prime Minister Ardern's opening statement on the Christchurch Call, delivered at a meeting between founding governments and OSPs to launch the Call in Paris on 16 May 2019² makes clear what was being asked of the supporting OSPs (including Facebook), with respect to the operation of their algorithms: "We ask that you assess how your algorithms funnel people to extremist content and make transparent that work." In other words, the text of the Call is not about algorithmic transparency per se, but about better understanding the outcomes different platforms' algorithms may have for users.

¹ www.christchurchcall.com

² <https://www.beehive.govt.nz/speech/jacinda-ardern%E2%80%99s-christchurch-call-opening-statement>

As a result, please note that our response refers largely to improving “understanding of algorithmic outcomes” rather than “algorithmic transparency” and that, throughout this response, references to algorithmic outcomes have the meaning reflected above and in the first commitment of the Christchurch Call reproduced on page 2 of this letter.

Part 2 and Part 3

The commitments in the Christchurch Call are focused on reviewing the operation of algorithms and other processes that may drive users towards and/or amplify terrorist and violent extremist content (TVEC), encouraging better understanding of possible intervention points and implementing related changes that go to the wider approach in the Christchurch Call. The Call recognises that the livestream of the Christchurch attacks did not happen in a vacuum and that a range of measures is required to reduce the harm from TVEC online – including where this content may play a role in pathways to radicalisation.

As you will have seen in the Cabinet papers proactively released by the Department of Internal Affairs, one of Prime Minister Ardern’s four early priorities under the Christchurch Call was to work with OSPs to better understand how algorithms and/or other recommendation engines might drive users to more extreme content over time, with the goal of using that understanding to inform our abilities to work in a multistakeholder way to build appropriate intervention points. New Zealand agencies are accordingly focused on understanding how the OSPs intend to take this commitment forward and how we might support this work.

To help take forward the full range of commitments in the Call, where possible, the New Zealand Government has been working with OSP and government supporters of the Call, and engaging closely with the Christchurch Call civil society Advisory Network. Many of the commitments cannot be delivered by governments alone. One vehicle for engagement with OSPs on the commitments is the Global Internet Forum to Counter Terrorism (GIFCT), where a small number of major tech companies have worked together to pursue collaborative efforts to identify and remove TVEC from their individual platforms.

The GIFCT was formed by Facebook, Microsoft, Twitter and YouTube in June 2017 with the goal of *disrupting terrorist abuse of members’ digital platforms*. For more information please visit the GIFCT’s website here: <https://www.gifct.org/>. We expect the GIFCT, which is currently being restructured into an independent organisation, will be well placed to take up some work on algorithmic outcomes. A key multi-stakeholder working group within the GIFCT will focus on better understanding algorithmic outcomes. You can find more information about the proposed restructure and the working groups announced by GIFCT 2019 Chair (Facebook) during a public event at the United Nations Leaders’ Week in New York, September 2019 here: <https://gifct.org/about/>.

As well as collaborative work through the GIFCT, individual platforms have also taken a number of actions in response to the Christchurch Call. Individual companies, including

Facebook, are also working internally to improve management of their terms and conditions and content-sharing policies pertaining to TVEC.

For further information on action that Facebook has implemented on its platforms since 15 March 2019, we refer you to Facebook's Transparency Reporting page here: <https://transparency.facebook.com/>. You may wish to contact Facebook directly with your queries. We also refer you to the '9 Step Plan' developed by tech industry to address the abuse of technology to spread TVEC. The '9 Step Plan' was collectively developed and published by Amazon, Facebook, Google, Twitter and Microsoft here: <https://blogs.microsoft.com/wp-content/uploads/prod/sites/5/2019/05/Christchurch-Call-and-Nine-Steps.pdf>.

To further answer parts 2 and 3 of your request, we have provided summaries (see **Annex 1** and **Annex 2** attached) of correspondence and documents within scope that reflect engagement among Ministry of Foreign Affairs and Trade (MFAT) and the Department of Prime Minister and Cabinet (DPMC) officials, supporting OSPs, and civil society representatives. The original documentation is withheld in full as large portions are out of scope and/or unable to be released under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 6(b): to protect the passing of information from another government on a confidential basis;
- 9(2)(a): to protect individuals' privacy;
- 9(2)(ba): to protect the supply of confidential information by a third party;
- 9(2)(b)(ii): to avoid prejudice to the commercial position of another party; and
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments.

The summaries are provided in accordance with section 16 of the OIA and page 42 of the Ombudsman's guidance titled "The OIA for Ministers and agencies: a guide to processing official information requests" which is available online.³ This is in order to provide the information to you in an accessible form, as it is drawn from documents that contain significant amounts of information that is irrelevant to your request, but sensitive (as outlined above). We consider the conditions in sections 16(2)(a) and (c) of the OIA are met.

We consider the summaries provided to you meet the essence of your request in accordance with section 16 of the OIA. As noted above, many Ministry staff are currently working on issues relating to the impact of COVID-19, which has been putting pressure on business as usual work, however we have been doing our best to process all of our requests as quickly as possible. We consider that the summary approach was also necessary to expedite our response to you in the circumstances.

³http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/2457/original/the_oia_for_agencies.pdf?1516146865

Where the information has been withheld under section 9 of the OIA, no public interest in releasing the information has been identified that would be sufficient to override the reasons for withholding it.

Please note that this letter (with your personal details redacted) may be published on the Ministry's website.

You have the right under section 28(3) of the OIA to seek a review of this response by the Ombudsman.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'W' followed by a long, horizontal, slightly wavy line that tapers to the right.

Wendy Adams
for Secretary of Foreign Affairs and Trade

Annex 1: Summary of key material relevant to part 2 of your request

ENGAGEMENT WITH FACEBOOK SINCE 1 MARCH 2019 ON ALGORITHMIC OUTCOMES

Since 1 March 2019, officials from MFAT and the DPMC have communicated with Facebook executives on a number of occasions. Themes and discussion points relevant to your request have included:

- Developing collaborative efforts between governments and OSPs in order to address a wide range of issues around TVEC online.
- Negotiations, alongside other OSPs and governments, on the text of the Christchurch Call.
- Changes Facebook has implemented / was implementing to its family of products, including amending policies relating to accessing live-streaming services in certain circumstances.
- Key information Facebook has gathered on the 15 March 2019 Christchurch terror attacks, including:
 - The platform's removal of 1.5 million uploads of the attacker's livestreamed video footage – 1.2 million of those proactively;
 - That, because the attacker's video of the Christchurch attacks was unique, in part due to its virality and cross-platform distribution, it continued to be reinserted onto the Facebook platform in varied formats;
 - That around 200 people initially engaged with the Christchurch attacker's video, but there was a coordinated effort from supporters of the attacker to promote the video and associated content to go as viral as possible. This included some supporters of the attacker rapidly producing varied versions of the video in order to avoid automated hash driven detection.
- Officials and Facebook have discussed shared support for the consolidation of the GIFCT, recognising the commitment that the four founding member companies have to this institution.
- Discussions on the future shape of the GIFCT and on developing a shared understanding that a reformed GIFCT is a vehicle which could help take forward some Christchurch Call commitments, including on algorithmic outcomes.
- The need for the new GIFCT model to include mechanisms for collaborative, multistakeholder approaches to a range of issues, including algorithmic outcomes.
- Acknowledgement there has been an improvement over time in communication between Facebook and the New Zealand Government.
- The importance of continued industry engagement in taking forward the Christchurch Call.

Annex 2. Summary of key material relating to part 3 of your request

ENGAGEMENT WITH OSPs ON ALGORITHMIC OUTCOMES

Since March 2019, officials from MFAT and the DPMC have engaged with OSPs on a number of occasions, to discuss a wide range of issues, including better understanding algorithmic outcomes. Themes and discussion points relevant to your request have included:

- The need to develop a shared understanding of what is meant by 'algorithmic outcomes' to help provide greater clarity on the problem the Christchurch Call is trying to solve. This includes acknowledging the broad range of algorithms that are used and their different purposes.
- The need for 'guard rails' around any work, including to protect freedom of expression and human rights and to protect commercial secrets.
- The expectation that the New Zealand Government would foster and encourage engagement on the commitments on algorithmic outcomes in the Christchurch Call, which has been a priority for Prime Minister Ardern.
- The opinion from some OSPs was that they were not the key to finding the source of extremism, but that their platforms could contribute to its spread.
- A shared view among OSPs that establishing rigid standards and response frameworks around algorithms would not succeed. Flexibility was required to best target the elimination of TVEC online, as each platform served different purposes and audiences and relied on different technologies.
- Given its broader mandate, abilities and resources, the reformed GIFCT was considered a logical vehicle to take forward shared work to better understand algorithmic outcomes. GIFCT work in this space should be developed in a multistakeholder way – and the New Zealand Government was keen to engage on this process.

Released under the Official Information Act

ENGAGEMENT WITH CIVIL SOCIETY REPRESENTATIVES ON ALGORITHMIC OUTCOMES

Since March 2019, officials from MFAT and the DPMC have met with civil society and other non-government representatives, including members of the Christchurch Call Advisory Network⁴, on a number of occasions to discuss a wide range of issues, including better understanding algorithmic outcomes. Themes and discussion points relevant to your request have included:

- Distinguishing between algorithmic transparency and the Call's commitments that relate to algorithmic outcomes.
- Some civil society representatives have expressed concern about the limited information available to contribute to independent research on algorithmic outcomes.
- Some civil society representatives noted that OSPs have cited the European Union General Data Protection Regulation (GDPR) as a barrier to sharing their data – for instance, by requiring platforms to delete any content removed within a certain period of time for privacy reasons.
- Concerns that algorithmic tools deployed to moderate content at upload could erroneously erase journalistic content or evidence of human rights abuses.
- Interest from the NGO and academic community in exploring how the Christchurch Call could positively build our collective understanding of algorithmic outcomes.
- There is a strong perception among civil society, especially academics, that creating trusted relationships and structures for OSPs to allow third parties access to data to assist research on algorithmic outcomes should be possible without compromising trade secrets.
- Differing perspectives exist among civil society on the need to understand the outputs of algorithmic outcomes rather than the inner workings of algorithmic processes.

⁴ <https://www.christchurchcall.com/advisory-network.html>