



SB-1018 Platform Accountability and Transparency Act. (2021-2022)

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ENROLLED SEPTEMBER 01, 2022

PASSED IN SENATE AUGUST 30, 2022

PASSED IN ASSEMBLY AUGUST 30, 2022

AMENDED IN ASSEMBLY AUGUST 24, 2022

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AMENDED IN SENATE MARCH 10, 2022

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 1018

Introduced by Senator Pan

February 14, 2022

An act to add Chapter 5.9 (commencing with Section 11549.65) to Part 1 of Division 3 of Title 2 of the Government Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

SB 1018, Pan. Platform Accountability and Transparency Act.

Existing law requires an operator of a commercial internet website or online service that collects personally identifiable information through the internet about individual consumers residing in California who use or visit its commercial internet website or online service to conspicuously post its privacy policy on its internet website, as prescribed.

This bill would require a social media platform to disclose to the public, on or before October 1, 2024, and annually thereafter, statistics regarding the extent to which, in the 3rd and 4th quarters of the preceding calendar year and first and 2nd quarters of

the current calendar year, items of content that the platform determined violated its policies were recommended or otherwise amplified by platform algorithms, disaggregated by category of policy violated. The bill would define “social media platform” for its purposes to mean a public or semipublic internet-based service or application, a substantial function of which is to connect users, as defined, in order to allow users to interact socially with each other within the service or application, and that meets certain other criteria, including having users in California. The bill would only apply to platforms having at least 1,000,000 discrete monthly users. The bill would also define “content” for its purposes to mean statements or comments made by users and media that are created, posted, shared, or otherwise interacted with by users on an internet-based service or application.

This bill would subject a violator of its provisions to a civil penalty of up to \$100,000 for each violation that may be recovered only in a civil action brought by, among other specified public attorneys, the Attorney General.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 5.9 (commencing with Section 11549.65) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 5.9. Platform Accountability and Transparency Act

11549.65. This chapter shall be known as the “Platform Accountability and Transparency Act.”

11549.66. As used in this chapter:

(a) (1) “Content” means statements or comments made by users and media that are created, posted, shared, or otherwise interacted with by users on an internet-based service or application.

(2) “Content” does not include media put on a service or application exclusively for the purpose of cloud storage, transmitting files, or file collaboration.

(b) “Social media platform” means a public or semipublic internet-based service or application that has users in California and that meets both of the following criteria:

(1) (A) A substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application.

(B) A service or application that provides email or direct messaging services shall not be considered to meet this criterion on the basis of that function alone.

(2) The service or application allows users to do all of the following:

(A) Construct a public or semipublic profile for purposes of signing into and using the service or application.

(B) Populate a list of other users with whom an individual shares a social connection within the system.

(C) Create or post content viewable by other users, including, but not limited to, on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users.

(c) “Public or semipublic internet-based service or application” excludes a service or application used to facilitate communication within a business or enterprise among employees or affiliates of the business or enterprise, provided that access to the service or application is restricted to employees or affiliates of the business or enterprise using the service or application.

(d) “User” means a person with an account on a social media platform.

11549.67. (a) A social media platform shall disclose to the public, on or before October 1, 2024, and annually thereafter, statistics regarding the extent to which, in the third and fourth quarters of the preceding calendar year and first and second quarters of the current calendar year, items of content that the platform determined violated its policies were recommended or otherwise amplified by platform algorithms before and after those items were identified as in violation of the platform’s policies, disaggregated by category of policy violated.

(b) This section does not require the dissemination of confidential business information or trade secrets.

11549.68. A violation of this chapter shall subject the violator to a civil penalty of up to one hundred thousand dollars (\$100,000) for each violation that may be recovered only in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, by any city attorney of a city having a population in excess of 750,000, by a county

counsel of any county within which a city has a population in excess of 750,000, by any city attorney of any city and county, or, with the consent of the district attorney, by a city prosecutor in any city having a full-time city prosecutor, in any court of competent jurisdiction.

11549.69. This chapter does not apply to a social media platform with fewer than 1,000,000 discrete monthly users.