



Digital Services Act (DSA): EU

For Prelims: European Parliament and European Union (EU), Digital Services Act (DSA)

For Mains: Digital Services Act, Information Technology Rules 2021, freedom of speech and expression, Issues Arising Out of Design & Implementation of Policies, Government Policies & Interventions

Why in News?

The [European Union \(EU\)](#) has given **final approval to online safety-focused legislation called Digital Services Act (DSA)**, which is an overhaul of the region's social media and e-commerce rules.

What is the Digital Services Act?

- **About:**
 - As defined by the EU Commission, the DSA is “a set of common rules on intermediaries’ obligations and accountability across the single market”, and ensures higher protection to all EU users, irrespective of their country.
- **Objective:**
 - The DSA will tightly regulate the way intermediaries, especially large platforms such as Google, Facebook, and YouTube, function when it comes to moderating user content.

What are the Features of the Digital Services Act?

- **Faster Removals and Provisions to Challenge:**
 - As part of the overhaul, social media companies will have to add “**new procedures for faster removal**” of content deemed illegal or harmful.
 - They will also **have to explain to users how their content takedown policy works**.
 - The DSA also **allows users to challenge takedown decisions** taken by platforms and seek out-of-court settlements.
- **Bigger Platforms have Greater Responsibility:**
 - The law **avoids a one-size fits all approach** and places increased accountability on the Big Tech companies.
 - Under the DSA, ‘**Very Large Online Platforms**’ (VLOPs) and ‘**Very Large Online Search Engines**’ (VLOSEs), that is platforms, having more than 45 million users in the EU, will have more stringent requirements.
- **Direct Supervision by the European Commission:**
 - The **European Commission will be responsible for centrally supervising** these requirements and their enforcement.
- **More Transparency on how Algorithms Work:**
 - VLOPs and VLOSEs will **face transparency measures and scrutiny of how their algorithms work**.
 - These platforms will be **required to conduct systemic risk analysis** and reduction to drive accountability about the society impacts of their products.
 - VLOPs **must allow regulators to access their data to assess compliance** and let

researchers access their data to identify systemic risks of illegal or harmful content.

▪ **Clearer Identifiers for ads and who's Paying for them:**

- **Online platforms must ensure that users can easily identify advertisements** and understand who presents or pays for the advertisement.
- They **must not display personalised advertising** directed towards minors or based on sensitive personal data.

How does the EU's DSA compare with India's Online Laws?

▪ **Information Technology Rules, 2021 (IT Rules):**

◦ **About:**

- In February 2021, India had notified extensive changes to its social media regulations in the form of the [Information Technology Rules, 2021 \(IT Rules\)](#) which placed significant due diligence requirements on large social media platforms such as Meta and Twitter.
- These included **appointing key personnel to handle law enforcement requests and user grievances**, enabling identification of the first originator of the information on its platform under certain conditions, and deploying technology-based measures on a best-effort basis to identify certain types of content.
- One of the **most contentious proposals is the creation of government-backed grievance appellate committees** which would have the authority to review and revoke content moderation decisions taken by platforms.

◦ **Objection to the Law:**

- Social media companies have **objected to some of the provisions in the IT Rules**, and WhatsApp has filed a case against a requirement which mandates it to trace the first originator of a message.
- One of the reasons that the platform may be required to trace the originator is if a user has shared child sexual abuse material on its platform.
- WhatsApp has, however, alleged that the requirement will dilute the encryption security on its platform and could compromise personal messages of millions of Indians.

▪ **IT Act, 2000:**

- India is **also working on a complete overhaul of its technology policies** and is expected to soon come out with a replacement of its [IT Act, 2000](#).
 - It is expected to look at ensuring net neutrality and algorithmic accountability of social media platforms among other things.

[Source: IE](#)

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