

DSA: We need radical transparency in data access. Romania's democracy is at risk

Attn. of: The National Authority for Management and Regulation in Communications (ANCOM) & European Commission

- + [ANNEX - EFOR analysis on access to VLOPS data in Romania - https://expertforum.ro/en/data-access-election-integrity-lessons-from-online-disruptions/](https://expertforum.ro/en/data-access-election-integrity-lessons-from-online-disruptions/)

Romania stands at a critical juncture, grappling with one of the most challenging moments in its recent history. [The annulment of the November 2024 elections, following allegations of Russian interference through massive campaign manipulation](#), has underscored the urgent need to understand, map, and collect evidence of systemic risks that threaten our democracy and elections in particular.

We, as members of civil society, write to express our deep concerns regarding the current limitations we face in accessing data from social media platforms, particularly in light of the Digital Services Act (DSA). **The ability to analyze online discourse, political advertising, and algorithmic amplification is fundamental to ensuring transparency, accountability, and the safeguarding of democratic processes in Romania and across the European Union.**

The lack of robust data access and transparency mechanisms severely undermines democratic accountability, particularly in the context of elections. The closure of Crowdtangle and the limited vetting of researchers for the Meta Content Library highlight a concerning trend of reducing oversight into online disinformation. Meanwhile, TikTok's lack of an effective research API and opaque political ad policies further exacerbate the challenges.

The Delegated Act on access to online platform data for vetted researchers under Article 40 of the DSA is due to be published by the EU Commission in the first quarter of 2025.

However, given the clear evidence that the outcome of the Romanian elections was influenced by social media campaigns that we have previously written about (see research and investigations done by [Expert Forum](#), [BROD -EDMO](#), [Check First](#), [G4Media](#), [Context](#) or [Viginum\(FR\)](#)), **we urge the Romanian DSC and the European Commission to act swiftly and petition for data access for researchers, especially on the data already retained by TikTok concerning the Romanian elections, as requested by the European Commission in [its retention order from December 5, 2024](#).**

Vetted researchers must be understood in broad terms, including not only academics and staff employed by research institutes, but also members of NGOs, think tanks and media working on research projects, like the ones mentioned above.

Without first knowing what data VLOPs will make available, it will be difficult for researchers to formulate requests to access data. Therefore, we urge that this is addressed by creating a catalog of data sorted into categories. In addition, researchers should be allowed to request

data outside of these fixed categories, if they believe that such data falls under the scope of Article 40.

Challenges in Data Access and Regulatory Oversight

Platforms such as Meta (Facebook, Instagram) and TikTok continue to raise significant barriers to researchers. Despite the provisions of Article 40.12 of the DSA, which mandates that Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) provide academic and civil society researchers with data that is publicly accessible in their online interfaces, compliance remains inadequate. Additionally, the existing APIs provide significantly less data than what can be obtained via scraping, limiting the scope of meaningful investigations into systemic risks, disinformation, and election integrity. (see *detailed analysis in [EFOR's report](#)*)

The upcoming Delegated Act, expected in mid-2025, is a step toward regulating access for vetted researchers to non-public platform data. However, we strongly advocate for an expedited and country-specific approach, particularly in Romania, where election-related misinformation and amplification of political actors' content through coordinated inauthentic campaigns has proven to be a persistent challenge.

Actions needed

1. Enhanced Transparency in Data Access

- Platforms must provide comprehensive access to data through dedicated APIs and other tools, ensuring researchers can systematically obtain information that is already available via scraping.
- Clarify that scraping of publicly available data aligns with Article 40(12) to eliminate legal uncertainties for researchers.
- Ensure that data formats and content removal policies are properly documented for transparency.
- Ensure access for researchers from NGOs, media, and independent experts, not just to researchers from academic institutions.

2. Transparent Political Content Moderation

We need to open the dialogue with platforms such as Google, in regard to political content and systemic risks, and see if the TTPA - Transparency in Targeting of Political Advertising can be implemented realistically in the EU from October 2025. Many questions still need to be resolved regarding the practical feasibility of this regulation and ensuring that a reasonable mechanism is established for its enforcement. For example, the TikTok model of just banning political ads is not functional. TikTok's Ad Library is dysfunctional and lacks clear verification of advertiser identities or spending.

Platforms should establish clear guidelines for:

- A. Paid Ads

Platforms should establish clear and enforceable guidelines for verifying political actors and tracking their spending, ensuring transparency and accountability, particularly ahead of elections. This includes implementing an identity verification mechanism using official registration documents and ensuring transparency about the ultimate beneficiary. There is also a need to strengthen the enforcement of Article 39 of the DSA, which requires VLOPs/VLOSEs to maintain a public repository of advertisements. The current repositories seem incomplete and delete/ anonymise relevant information, once an advertisement is taken down/revoked.

- B. Separating organic support from coordinated influence operations

Additionally, platforms must enhance their proactive monitoring of the information space before elections in order to detect and prevent coordinated inauthentic influence operations that seek to manipulate political discourse in favor of political actors. This requires improved enforcement mechanisms and greater cooperation from platforms with national authorities.

3. Independent Advisory Boards for DSCs

National Digital Services Coordinators (DSCs), including ANCOM, should establish independent advisory boards comprising civil society organizations (CSOs) and digital governance experts. These boards should meet regularly with regulators to build capacity in digital regulation, disinformation monitoring, and emerging threats to online integrity, but also to provide real feedback on how access to data from VLOPS is working in practice.

4. Public Access to Retained Data

Either TikTok or the European Commission should set up an instance where vetted researchers can access the public data covered by the retention order. Researchers should be able to browse the data that was public in the interval covered by the retention order and should be allowed to also browse a snapshot of data in the TikTok Ad Library, for that specific period.

5. Exploratory Research Beyond APIs

While APIs provide valuable data, they remain insufficient for studying algorithmic influence on user experiences and content amplification. Investigations into TikTok's recommender system, including the "heating system" that allows employees to boost content virality manually, must be accessible. Ideally, the DSA should facilitate exploratory research methodologies, including controlled experiments with algorithmic interventions and systematic data collection.

We urge you to prioritize these issues and collaborate with civil society to establish effective mechanisms for data transparency. The integrity of our democratic processes depends on it.

Signatories:

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