

# A PATH FORWARD FOR DEMOCRACY

WE CAN DO  
BETTER



## OUR MISSION

The Center for Democracy & Technology (CDT) is the leading nonpartisan, nonprofit organization fighting to advance civil rights and civil liberties in the digital age.

We shape technology policy, governance, and design with a focus on equity and democratic values. Established in 1994, CDT has been a trusted advocate for digital rights since the earliest days of the internet.

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# LETTER FROM OUR CEO



**Alexandra Reeve Givens**  
President & CEO

When Russia invaded Ukraine in early 2022, it underscored technology's importance for democracy and human rights. As Russia pursued its aggressive ground attack, it brought down a digital Iron Curtain, criminalizing dissent and limiting its citizens' access to foreign websites. CDT reminded governments worldwide that, even as countries impose sanctions on Russia, they should not shut down internet services that could help Russian people access information from the outside world.

The Biden Administration's inaugural Summit for Democracy created a symbolic moment for nations to come together in the face of growing authoritarianism in many regions. At the Summit, CDT called for tech issues to be central to the agenda, and for global leaders to set forth a rights-respecting, democracy-enhancing vision for technology governance in the modern world. Efforts to curtail the sale and use of spyware, support affordable communications services, and condemn internet shutdowns are essential. But we also urged democratic governments to lead by example, ensuring that their domestic tech policies protect people's privacy, support free expression, combat inequality, and foster a vibrant civic space.

There were many such policy conversations during a busy 2022. In Europe, policymakers finalized the Digital Services Act (DSA), landmark legislation that reimagines regulation of online platforms and will likely reverberate around the world. CDT Europe engaged in detailed advocacy towards the EU institutions, aligned civil society voices, and fought to

improve protections for human rights and democracy in the final law. Meanwhile, in the U.S., CDT was at the forefront as Congress made progress on long-overdue bipartisan privacy legislation and ramped up discussions on AI.

Recognizing AI's transformative impact on society, CDT called for the White House and federal agencies to issue guidance on high-risk uses that impact civil rights, civil liberties, and economic opportunity. We were pleased when the Administration released its *Blueprint for an AI Bill of Rights* and the *NIST AI Risk Management Framework*, each with roadmaps for future work. CDT was also deeply engaged in other policy efforts on both sides of the Atlantic, from competition to children's safety to defending encryption and more, promoting solutions that protect people's rights to freedom of expression and privacy.

Unfortunately, the U.S. Supreme Court dealt a major blow to Americans' right to privacy when it overturned *Roe v. Wade* in June. New state laws criminalizing abortion and authorizing

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“bounty hunter” lawsuits create unprecedented incentives for law enforcement and civilians to seek out people’s private health information. CDT responded quickly: we launched a Task Force on Reproductive Health Information that brings together reproductive rights groups, healthcare providers, data privacy experts, and major technology companies to share information and best practices on ways to protect reproductive privacy and access to reliable information. We developed guidance and in-depth resources, emerging as a leading voice urging policymakers and companies to act.

Throughout the year, CDT established and deepened the partnerships and collaborations that fuel our work. One of our core priorities is to ensure that “tech policy” conversations center the communities and issues directly impacted by technology. We were grateful to partner with a wide range of organizations, from workers’ rights groups and unions, to civil rights and racial justice organizations, LGBTQ+ groups, disability rights groups, reproductive rights groups, educators and families to bring more voices into urgent policy debates about technology governance and design.

We were also proud to continue CDT’s legacy working in diverse fora. We work closely with policymakers and regulators, but also engage directly with companies – working to understand real-world complexities and support better practices. In 2022, we held press briefings and participated in countless events to increase public engagement in questions of how technology impacts people’s lives. We grew our research work, filed briefs in state and federal courts, and represented the public interest in multistakeholder processes around the world.

CDT’s Global and European Boards, Advisory Council, Research Fellows, Collaborating Attorneys Network, coalition partners, and staff make up a rich and diverse community. We’re grateful to the funders large and small who make our work possible, and to the many expert voices who help us strengthen the path forward for democracy.

Alexandra Reeve Givens,  
President & CEO



CDT’s Alex Givens joins reporter Kashmir Hill, FTC Commissioner Alvaro Bedoya, and N.J. Attorney General Matthew Platkin on stage for a panel discussion at Aspen Digital in fall 2022.



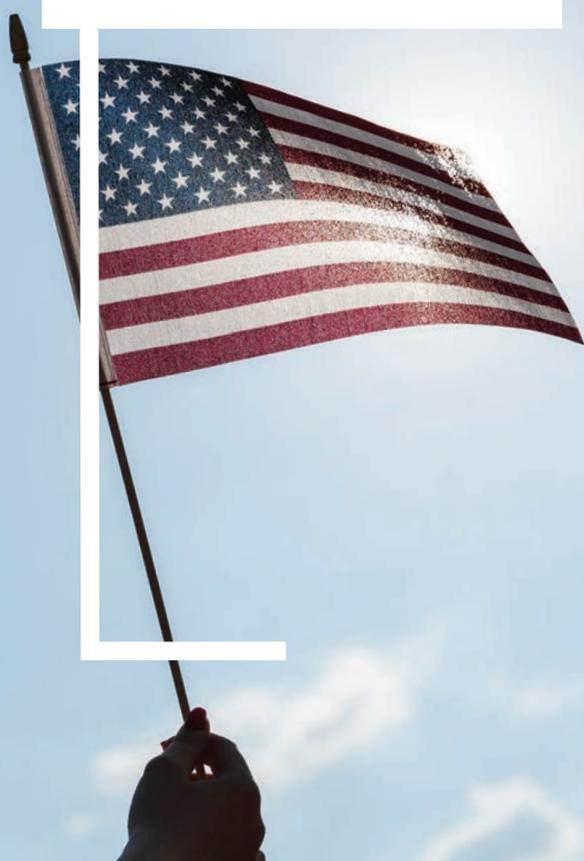
## CHAMPIONING AN AI BILL OF RIGHTS

In October 2022, the White House unveiled its **Blueprint for an AI Bill of Rights** — a step CDT warmly welcomed, after urging the Biden Administration to lead on the use of artificial intelligence in high-risk settings.

At a time when AI and automated systems are increasingly being used in decisions that impact people’s lives — from assessing job applicants and screening tenants for housing, to detecting fraud and determining eligibility in public benefits programs — it’s essential to safeguard against biased and ineffective designs. CDT praised the Blueprint for considering the diverse ways in which discrimination can occur in AI tools, for challenging inappropriate and irrelevant data uses, and for sharing practical steps that companies and agencies can take to reduce harm.

Later in the year, CDT welcomed the National Institute for Standards & Technology’s (NIST) **AI Risk Management Framework**, which guides private and public sector decision-makers in how to map, measure, and manage risks. Speaking with NIST Director Dr. Laurie Locascio at the Framework’s unveiling, our CEO called it an important step that should be followed by sector-specific guidance, transparency and auditing mandates, and rules for AI procurement and use across the federal government.

## SAFEGUARDING AND STRENGTHENING THE U.S. MIDTERM ELECTIONS



The 2022 U.S. midterm elections featured hotly contested races and increasing political attacks on the administration of elections. Building on our years of work on election security, CDT released a **major report on “de-weaponizing and standardizing” post-election audits**. We explained that a post-election audit is one of the strongest ways to earn public confidence in election systems, but that audits can be misused to sow distrust in an outcome advocates dislike. CDT called for robust election audit standards and a credentialing system for auditors, and explained how observers can distinguish good post-election audits from sham reviews.

CDT also took on other key issues in election security. We partnered with Georgetown University on original research revealing that **only 1 in 4 election websites use the .gov domain**, which creates an opportunity for bad actors to create fake but legitimate-seeming election websites that spread disinformation. We shared our findings with election officials and federal cybersecurity leaders to increase resources for election officials to migrate to the government-only .gov domain. We also issued an important **primer on ballot-marking devices (BMDs)**, helping election officials distinguish between legitimate security considerations and exaggerated claims that undermine trust in an important tool that helps disabled people vote independently.

With the 2024 U.S. presidential election on the horizon, CDT is leading **new research to increase security and public trust in elections**, and partnering with election officials, lawmakers, civil society groups, and others who share our commitment to free and fair elections.

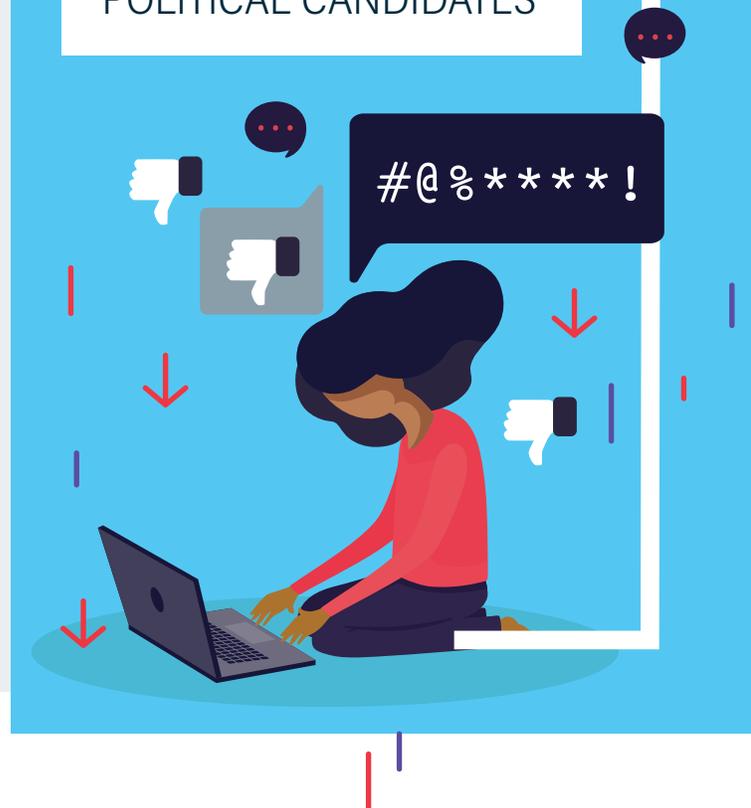
## UNCOVERING ONLINE HATE & ABUSE OF WOMEN OF COLOR POLITICAL CANDIDATES

In a landmark study, CDT's elections and research teams revealed that **women of color candidates in the 2020 U.S. elections were more than four times as likely as white candidates to be the targets of violent online abuse**. Based on a large sample of Twitter data, the research also found that women of color candidates were twice as likely as other candidates to be targeted with or be the subject of mis- and disinformation.

The findings of the study – called “An Unrepresentative Democracy,” and underwritten by the Knight Foundation – are worrying because a healthy democracy requires political participation and representation from all segments of society.

CDT's study is one of the first to examine the problem of mis- and disinformation and abuse using a representative sample of all women of color candidates that ran in 2020. It contributes an evidence base for concerns that advocates, particularly those from communities of color, have raised for some time.

Along with our quantitative analysis, CDT researchers interviewed candidates who shared disturbing firsthand accounts of online hate and abuse. **We built on our findings with recommendations for social media companies** to more directly focus on these issues; for political parties to increase their resources around online abuse; and for further research work ahead.



## PUSHING FOR A HISTORIC FEDERAL PRIVACY LAW

A bipartisan bill in the U.S. House of Representatives marked the most significant progress to date toward a long-awaited and much-needed comprehensive federal privacy law. CDT was at the forefront as the **American Data Privacy and Protection Act (ADPPA)** was negotiated and passed through the House Energy & Commerce Committee, fighting for **a strong bill that will establish privacy protections for consumers across America**.

ADPPA didn't make it across the finish line in 2022, but the bill's bipartisan momentum marked an important milestone. Committee members reached a compromise on hard issues like preemption and a private right of action, and – crucially – embraced a **privacy framework that is grounded in baseline rules companies must follow**, rather than relying on user notice and consent. As individuals and companies alike call for clearer rules governing commercial data practices, CDT will keep urging Congress to act.

Meanwhile, the FTC launched a proceeding to explore **rules to address harmful online commercial data and security practices**. CDT welcomed the inquiry and filed detailed comments to inform the Commission's actions, describing the impact of current data practices, recommending privacy-protective measures the FTC could adopt, noting competition issues the FTC might consider, and addressing harmful data practices in the education and government services sectors.

## ADVANCING PLATFORM TRANSPARENCY



Transparency is essential to empower users and increase accountability in online services, but it can be hard for policymakers to know what “transparency” really means. In 2022, CDT released a **conceptual framework for transparency** about practices that affect users’ speech, access to information, and protection from government surveillance. It maps and describes platforms’ current and past transparency efforts, and offers recommendations for policymakers and companies. Our Research team bolstered this work with a **report analyzing what forms of transparency are most useful to users**, placing particular focus on recommendation algorithms that play such a large role in users’ online social media experiences.

CDT also sought to **expand researchers’ access to data from online services** — a key way for academics, journalists, and civil society to analyze trends and provide an independent check on company practices. As legislators and companies alike considered researcher access proposals, we convened researchers to articulate what forms of access and vetting methods are most effective. We published a **report studying how other industries have balanced the benefits of researcher access against privacy** and other risks, and how those lessons might apply to social media companies. Then, as legislative discussions gained momentum, we engaged with policymakers on both sides of the Atlantic, analyzing competing proposals — and ultimately welcoming the **passage of a first-of-its-kind researcher access mandate** in the EU’s Digital Services Act.

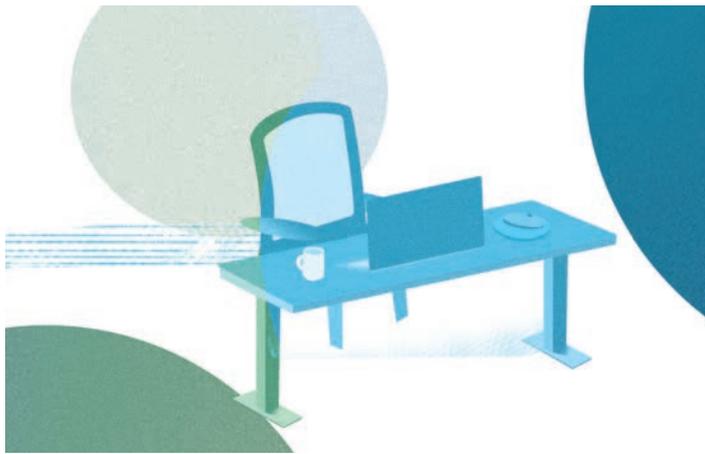
## RALLYING 100 HUMAN RIGHTS & LGBTQ GROUPS TO PROTECT KIDS ONLINE



When the Senate drafted the well-intentioned but fatally flawed **Kids Online Safety Act (KOSA)**, CDT recognized that the bill risked making kids less safe — and could also be weaponized to attack LGBTQ+ people and individuals who seek information about reproductive or gender-affirming care. In response, **CDT rallied 100 human rights and LGBTQ+ organizations** in a letter to Congress sharing these concerns.

One of CDT’s core fears is that KOSA could be used by state Attorneys General to censor online resources and information for queer and trans youth, people seeking reproductive healthcare, and other young people. The bill creates a vague “duty of care” to prevent harm to minors at a time of increasing politicization of these issues. It also risks jeopardizing the safety and privacy of vulnerable youth by presuming that parental surveillance of teens’ internet use is universally a good thing — an assumption that sadly does not match real-world experience.

CDT made clear that, rather than rushing KOSA through, the **best way to protect kids online is to pass bipartisan federal privacy legislation** that safeguards all Americans. As an increasing number of states consider legislation focused on children’s online safety, we need to make sure those approaches consider the interests of all children, and don’t create inadvertent harms that will put more kids at risk.



## TAKING AIM AT HIRING DISCRIMINATION AND WORKER SURVEILLANCE

In 2022, CDT's Workers' Rights & Technology Project focused on ways workplace technologies impact people's access to jobs, their ability to organize, and the quality of their daily lives.

We celebrated when the Equal Employment Opportunity Commission and Department of Justice published guidance warning that automated hiring systems can cause discrimination – specifically focusing on **the risk of discrimination against disabled people**, a concern CDT had urged action on for years. Building on this work, CDT partnered with leading civil rights organizations to release the **Civil Rights Principles for Hiring Assessment Technologies**. The principles are designed to inform policymakers, provide a baseline for company best practices, and empower workers to fight for their rights.

We also honed in on the risks created by **surveillance and AI-driven task management systems in the workplace**, which can force people to work at an unsafe pace and face disciplinary actions for even minor deviations. Late in the year, we were proud to see the National Labor Relations Board take action, releasing guidance on the harms that intrusive electronic surveillance and management systems can inflict.

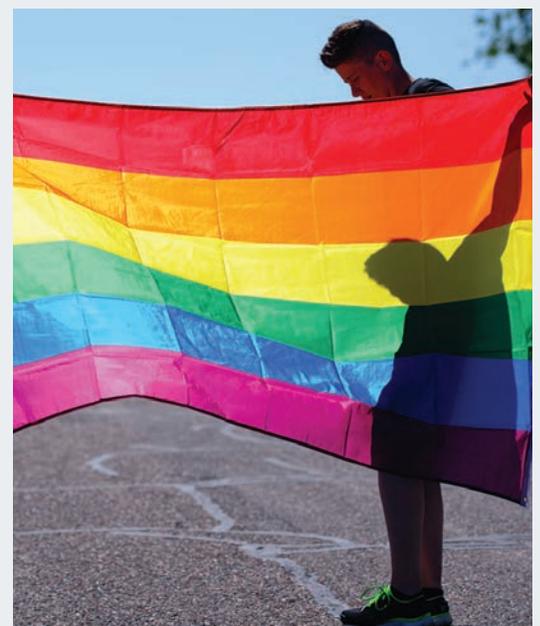
CDT also fought for workers' privacy. We championed bills like California's AB 1651, which aims to **extend privacy protections to workers** through a legal framework geared to the unique dynamics of workplace technology and data use. While the law did not ultimately pass, California workers gained the protections of the California Consumer Privacy Act (CCPA), representing **one of the most significant shifts in workplace privacy laws in U.S. history** – a change CDT will be watching closely as CCPA goes into force next year.

## STARTING A NATIONAL CONVERSATION ON STUDENT ACTIVITY MONITORING

When students returned to schools following extended periods of remote learning, activity monitoring technologies originally aimed at keeping students safe followed them, both during the school day and at home.

A 2022 CDT survey revealed that **software that tracks and flags students' online activity can significantly harm the students it's meant to protect** — with students facing increased disciplinary action and contact with law enforcement, LGBTQ+ students being outed, and students reporting a chilling effect on their speech and how they access information. Certain groups of students, including students who rely on school-provided devices and students with disabilities, were at demonstrably greater risk of experiencing these harms, as were Black students, Hispanic students, and students from low-income families.

Motivated by these findings, CDT mobilized a coalition of civil rights organizations to **urge action by the U.S. Department of Education**, which should warn schools and vendors that student monitoring technologies may violate civil rights laws. Our research was picked up in news outlets around the country, including in-depth discussions on NPR and their local affiliates, a feature story in Wired, and award-winning coverage in The 74 Million.



## CHALLENGING LEGAL THREATS TO ONLINE FREE SPEECH

The legal landscape for online speech is shifting rapidly in the U.S., with activity in state legislatures and in the courts. CDT was on the front lines, **filing briefs in the Supreme Court cases *Google vs. Gonzalez* and *Twitter v. Taamneh*, and in cases out of Texas and Florida.**

At the heart of the Supreme Court cases is whether the bedrock intermediary liability law Section 230 shields online service providers from liability for third-party content they “recommend” – and, if Section 230 does not provide protection, whether providers’ failure to remove terrorist content confers liability under the Anti-Terrorism Act (ATA).

In ***Gonzalez***, CDT and a half-dozen leading technologists argued that recommending content online is inextricable from publishing it, and therefore deserves protection under Section 230. In ***Taamneh***, we argued that a provider should only be liable under the ATA if it has knowledge that a specific piece of user-generated content on its platform provides substantial assistance to a terrorist act. If the Court were to decide otherwise in these cases, online services would be incentivized to restrict speech by barring discussion of controversial topics, aggressively removing content, or shutting down content moderation systems originally adopted to improve user experience.

In the Texas and Florida cases, we emphasized the importance of online services’ First Amendment right to moderate content without government interference. We warned that **Texas social media law HB 20**, which requires social media platforms to moderate content in a “viewpoint neutral” way, would chill services from moderating hate speech, disinformation, and violent threats. In ***Twitter v. Paxton***, we explained that when the government pressures an online service in retaliation for content moderation practices that officials disagree with, it will inevitably result in those services self-censoring in a way that harms users and the public.

At CDT’s **sixth annual Future of Speech Online event**, *The Supreme Court’s Pivotal Term*, we brought together top legal experts, company leads, advocates fighting against online hate and disinformation, and other experts to discuss the issues at stake in these cases and deliberate strategies for protecting online speech.



## WELCOMING NEW PRIVACY, SURVEILLANCE, AND COMPETITION EXPERTS TO CDT



ERIC NULL



NATHALIE MARÉCHAL



GEORGE SLOVER



JAKE LAPERRUQUE

**CDT** brought on board several new policy experts in 2022.

**Eric Null** and **Nathalie Maréchal** joined as Co-Directors of CDT’s Privacy & Data Project, where they lead efforts to protect the privacy rights of technology users and fight harmful and discriminatory uses of data online and offline.

Joining CDT as General Counsel and Senior Counsel for Competition Policy was **George Slover**, who brings his competition policy experience to bear on enabling much-needed competition in the online marketplace, and all the benefits that will make it possible, while also ensuring that privacy, security, and other fundamental online protections can be preserved and strengthened.

**Jake Laperruque** joined CDT’s Security and Surveillance Project as Deputy Director, where he works on reforming intelligence surveillance laws, preserving encryption worldwide, and resisting discriminatory surveillance of marginalized communities.



## SPEAKING OUT FOR STRONG ENCRYPTION

**A**s a founder of the **Global Encryption Coalition**, CDT continued to fight for the protections granted by encryption — protections that helped ensure access to secure communications for human rights defenders in many countries in 2022, including protesters in Iran and fighters in Ukraine.

We **spoke out in favor of encryption** when several countries, including India and Turkey, advanced legislation that would authorize their governments to demand data about services' users and the contents of their communications. Demands that communication service providers disclose content are fundamentally out of step with end-to-end encryption, which ensures that only a sender and recipient can access the content of messages, and ensures their privacy, security, and authenticity.

Given the profound importance of encryption to secure communications around the world, CDT was proud to see the **United Nations Office of the High Commissioner for Human Rights (OHCHR) issue its strongest-ever endorsement of the importance of end-to-end encryption** in the protection of democracy and human rights worldwide. Echoing CDT's long-held positions and recent advocacy, the OHCHR highlighted that certain government mandates for technology design are fundamentally incompatible with



## Global Encryption Coalition

end-to-end encryption, and called out the **European Commission's proposed Regulation on Child Sexual Abuse, the UK's Online Safety Bill, the U.S. EARN IT Act, and India's new Intermediary Guidelines** as governmental attacks on encryption that pose threats to human rights.

The second annual **Global Encryption Day**, on October 21, saw over 5.9 million people participate in online and offline events to raise awareness about the value of encryption. Voices ranging from the World Economic Forum to representatives from the Women's March joined policymakers and advocates in highlighting their support of strong encryption and Global Encryption Day.

## LEADING THE WAY IN WEB STANDARDS

**I**n 2022, CDT's Internet Architecture team filled **leadership roles across the organizations that debate and set internet standards**, co-chairing the World Wide Web Consortium (W3C)'s Privacy Interest Group and the Internet Research Task Force's Human Rights Protocol Consideration Group, and joining the Internet Architecture Board. CDT also served on the U.S. delegation to the 2022 meeting of the International Telecommunication Union, a specialized United Nations agency, and convened civil society leaders to **improve public interest engagement within internet governance spaces**.

CDT serves in these standards-setting bodies as a **watchdog for the protection of human rights**. We help ensure that the privacy, security, and human rights effects of any policy or technical proposal are reviewed and discussed. In 2022, we helped drive conversations about how to move towards a more privacy-protective internet, how end-to-end encrypted messaging might interoperate between different providers, and how to collaboratively build the protocols that allow augmented and virtual reality worlds to function across different web browsers and other internet-connected software.

Crucially, we also help our civil society colleagues navigate processes for contributing to standards-setting processes to expand civil society participation and impact.

## BRINGING TOGETHER TECH POLICY EXPERTS ACROSS SECTORS

**A**s CDT does each year, we regularly convened our **Working Groups** — which comprise experts from civil society, industry, academia, the legal field, and other professions — to explore pragmatic solutions to the latest and most pressing challenges in tech policy.

In 2022, CDT's Working Groups covered topics including the sale of personal data from data brokers to law enforcement; the key questions and tradeoffs around researcher access to data from online platforms; international standards for privacy in online advertising; the road ahead for the European Union's Digital Services Act; and the role of technology companies in defending democracy.

Through this private forum, in which participants are free to converse, learn, and contribute ideas without staking out public positions, we work to find common ground on tough issues.



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## AFTER *DOBBS*, CDT TAKES THE LEAD TO PROTECT PRIVATE HEALTH DATA

**T**he U.S. Supreme Court's decision to overturn *Roe v. Wade* was a devastating blow for the privacy and personal freedom of people seeking reproductive care. CDT responded swiftly to the moment, providing high-profile leadership on the need to protect health data privacy, and helping policymakers and companies take action to protect people's rights.

In the immediate aftermath of the *Dobbs v. Jackson's Women's Health Organization* decision, **CDT launched a task force** with representatives from tech companies, reproductive rights groups, healthcare

providers and other experts in data privacy and civil liberties to share information on protecting the privacy and access to information of people seeking reproductive care. ▶





We're working directly with companies large and small, urging **changes to protect data that can reveal information about users' health status and medical choices**. From location data to browsing history, from health apps to the content of personal messages, users share vast amounts of private data in the course of their daily lives. Reports have shown how recklessly this information can be shared and sold, from a *Vice* reporter who bought a week's worth of data showing where people who visited a Planned Parenthood clinic had come from and gone next (information that can easily reveal a clinic-goer's identity), to healthcare providers who were inadvertently leaking patient information through marketing pixels on their sites. Whether the concern is reproductive privacy or *any* type of health-related information, it's time for companies to rethink how much sensitive data about their users they gather, store, and share, and take quick steps to act.

CDT is also working to ensure that **law enforcement access to people's private data** complies with human rights and constitutional requirements. We're urging companies to play their part in pushing back on investigative fishing expeditions, and helping them navigate laws designed to protect sensitive user data. CDT is providing input to the growing number of **states passing or considering laws to shield people's sensitive data** from out-of-state investigations, and urging the U.S. Department of Health and Human Services to issue **new rules to better protect patient health records**. CDT has also taken a leading role in pressing the Biden Administration to **ensure that federal aid to state law enforcement agencies is not co-opted** for abortion investigations.

In addition to protecting people's private health information, CDT is working to support access to **reliable, safe information about reproductive care**. Some states are considering laws that would outlaw websites that provide

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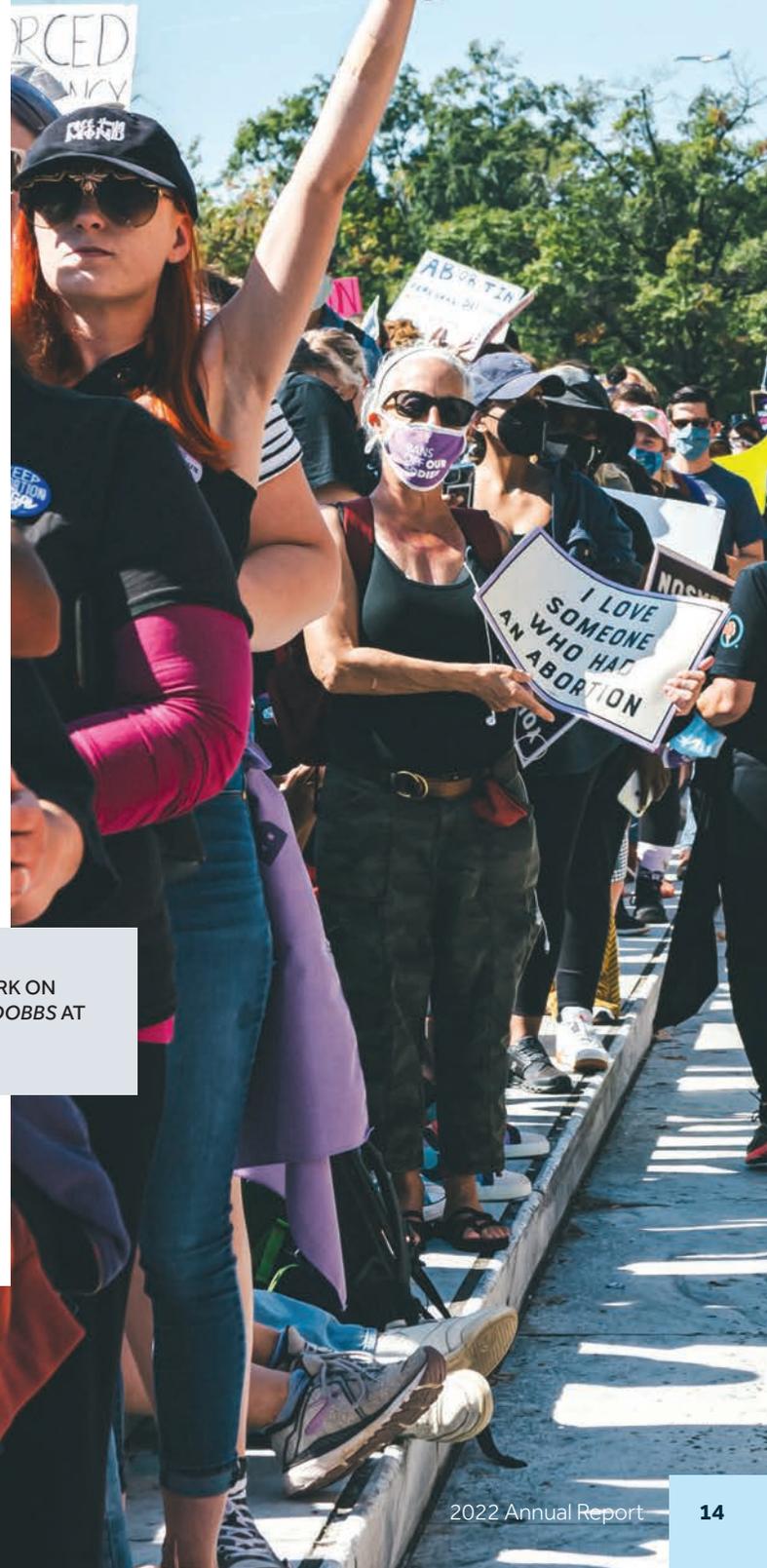
information about abortion services, and there are concerns of other websites being used to identify and entrap people seeking abortion-related information. In response, CDT is advocating for social media services and other tech companies to **stand firm in moderating abortion-related mis- and disinformation**, and in amplifying verified sources.

Unfortunately, the conditions for them to do this are only getting harder: In addition to pressure from anti-abortion policymakers, Texas passed a social media law in 2022 that exposes social media companies to lawsuits if they block content “based on a user's viewpoint”, which will make it harder for companies to moderate mis- or disinformation about



reproductive care. CDT filed **amicus briefs in the Fifth Circuit and at the U.S. Supreme Court** to stop the law from going into effect, but the issue is widely expected to return to the Court next year.

As the national fight over reproductive rights continues, CDT is playing our part to defend users' rights. We're leveraging our years of experience advocating for strong data privacy protections, and guardrails on law enforcement's access to data, and fighting for people's right to access reliable, trustworthy information in this unprecedented time. ■



LEARN MORE ABOUT CDT'S WORK ON REPRODUCTIVE RIGHTS POST-DOBBS AT [CDT.ORG/REPROPRIVACY](https://CDT.ORG/REPROPRIVACY) ►



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## CDT EUROPE FIGHTS TO PUT HUMAN RIGHTS AT THE CENTER OF HISTORIC EU LEGISLATION

**T**he landmark Digital Services Act (DSA) – legislation that has been referred to as the new constitution of the internet – was enacted in Brussels in 2022. To ensure that international human rights standards were kept central to the law, CDT Europe testified before the European Parliament; held press briefings and published op-eds; and served as a key convener to help civil society voices engage directly with decision-makers.

CDT Europe established a roundtable series designed to **facilitate civil society dialogue with leaders on the DSA**. In March and November, we brought together the French and Czech EU Presidencies, experts from national, regional, and international organizations, EU decision-makers, and civil society groups for in-depth debate. We discussed the gaps in fundamental rights protections and due diligence obligations that existed

throughout the draft DSA proposal, how to ensure an effective enforcement regime, and how to improve civil society participation in the development and implementation of the DSA.

This year also saw CDT Europe ramp up its work on spyware: in October, CDT Europe Director Iverna McGowan **testified before the European Parliament’s Inquiry on PEGASUS** with an intervention focused on the



implications of unlawful surveillance for democracy, human rights, and civic space. A new research project on the effectiveness of the EU's Dual Use Regulation was also launched.

Our Europe team worked to put equity and equality at the heart of efforts to regulate artificial intelligence in the EU, advocating for the Council of Europe and European Union to adopt a rights-based approach to AI and help mitigate and prevent discriminatory outcomes from algorithmic systems. We **coordinated with like-minded civil society groups to monitor and give input on the AI Act**, and advocated for meaningful remedies for people who are harmed by AI tools. We also participated in the Council of Europe's process to examine the feasibility and potential elements of a legal framework for AI. Finally, we launched a **monthly bulletin that covers AI-related laws and policies**, and their implications for Europe, fundamental rights, and democracy.

In 2022, European policymakers also tackled the challenging issue of combating online child sexual abuse materials (CSAM). We urged them to do so while protecting fundamental rights — the respect for private life, the right to free expression and association, and

data protection. We explained that **breaking end-to-end encryption is not the answer to online harms**, as it cedes far too much power to governments to surveil citizens, and risks unleashing other violations of human rights. Rather, we urged leaders to understand that the abhorrent crime of CSAM demands a robust and holistic response that still respects and preserves the full spectrum of children's rights.

CDT Europe also weighed in on efforts to **preserve trans-Atlantic data transfers**. When President Biden issued an Executive Order seeking to satisfy requirements set out by the Court of Justice of the European Union in the *Schrems II* decision, CDT concluded that the EO marked a significant step forward, but more work remained. Throughout the year, CDT convened and participated in a number of closed-door expert consultations about ways to support the privacy of data flowing between the U.S. and EU.

A whirlwind year of growth for CDT Europe was supported by **five new foundation grants**, which bolstered our policy and communications capacity. With several new members, the team made a major contribution to nearly every tech-related piece of legislation in the European Union. ■



LEARN MORE ABOUT THE **WORK OF CDT EUROPE** AT [CDT.ORG/EU](https://cdt.org/eu). ►

europarl.eu

*CDT Europe Director Iverna McGowan testifies before the European Parliament in October.*

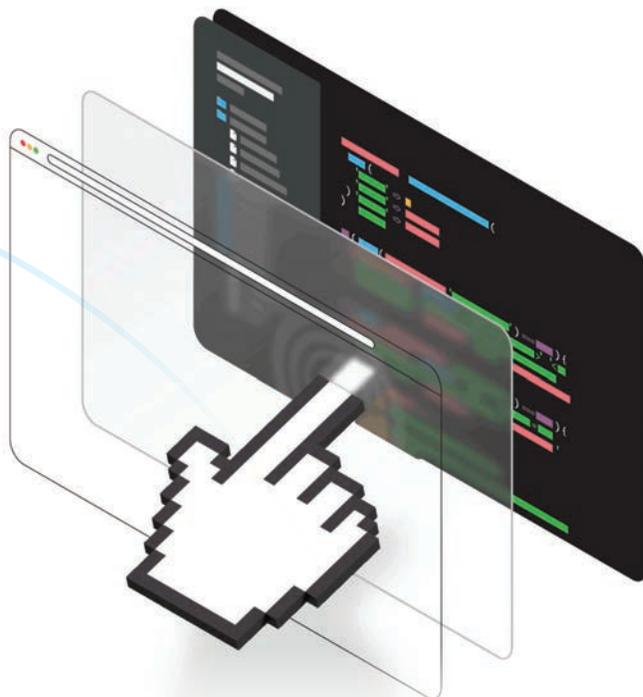
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PROTECTING INTERNET USERS IS CORE TO CDT'S MISSION. IN 2022, WE WERE A CONSISTENT, TRUSTED, AND OUTSPOKEN VOICE AS THE YEAR PRESENTED NUMEROUS HIGH-STAKES CHALLENGES TO USERS' RIGHTS.

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## PROMOTING PLATFORM GOVERNANCE TO SUPPORT USERS' RIGHTS

**AS** governments around the world dial up scrutiny, the legal and ethical responsibilities tech companies bear are increasing. As a core part of our work, CDT pushes the companies that own and govern online platforms to implement policies that protect democratic values. We urge them to assess the significant impacts their decisions may have on human rights, to put transparent and rights-respecting processes in place, and to more meaningfully engage with communities affected by their services. Before policymakers and the courts, we advocate for legal frameworks that respect users' rights and enable them to access a wide variety of platforms for their speech.

To promote this **vision of equitable platform governance**, we engage directly with companies, offer information on best practices, share

our research on trends across platforms, and suggest the best ways to address varying online harms. ▶



In 2022, CDT produced **original research on how platforms work in practice**. On the opaque content moderation practices known as “**shadowbanning**,” we found that they significantly color users’ perceptions of fair participation in online forums. Our nationally-representative survey indicated that 1 in 10 social media users reported being shadowbanned. We **called on platforms to be transparent** about the circumstances in which they use shadowbanning, and provide researchers with data to help understand user experiences and identify any harms that arise from the practice.

Our research team also worked with social media users to examine what aspects of algorithmically recommended content would benefit from greater transparency and how platforms could address those priorities. Turning research into action, we developed several design prototypes that platforms could use to make key social media experiences more transparent to users.

CDT is especially focused on ensuring equitable participation in online platforms, and fighting online harassment and abuse. Our **original research examining the online abuse of women of color political candidates** found that they were at least *four times* as likely as white candidates to be targeted with violent online abuse. We also began **new research on how automated content moderation systems fall short** in languages other than English — an issue that carries significant consequences both in the U.S. and abroad.

Because research is key to understanding how platforms’ design and governance

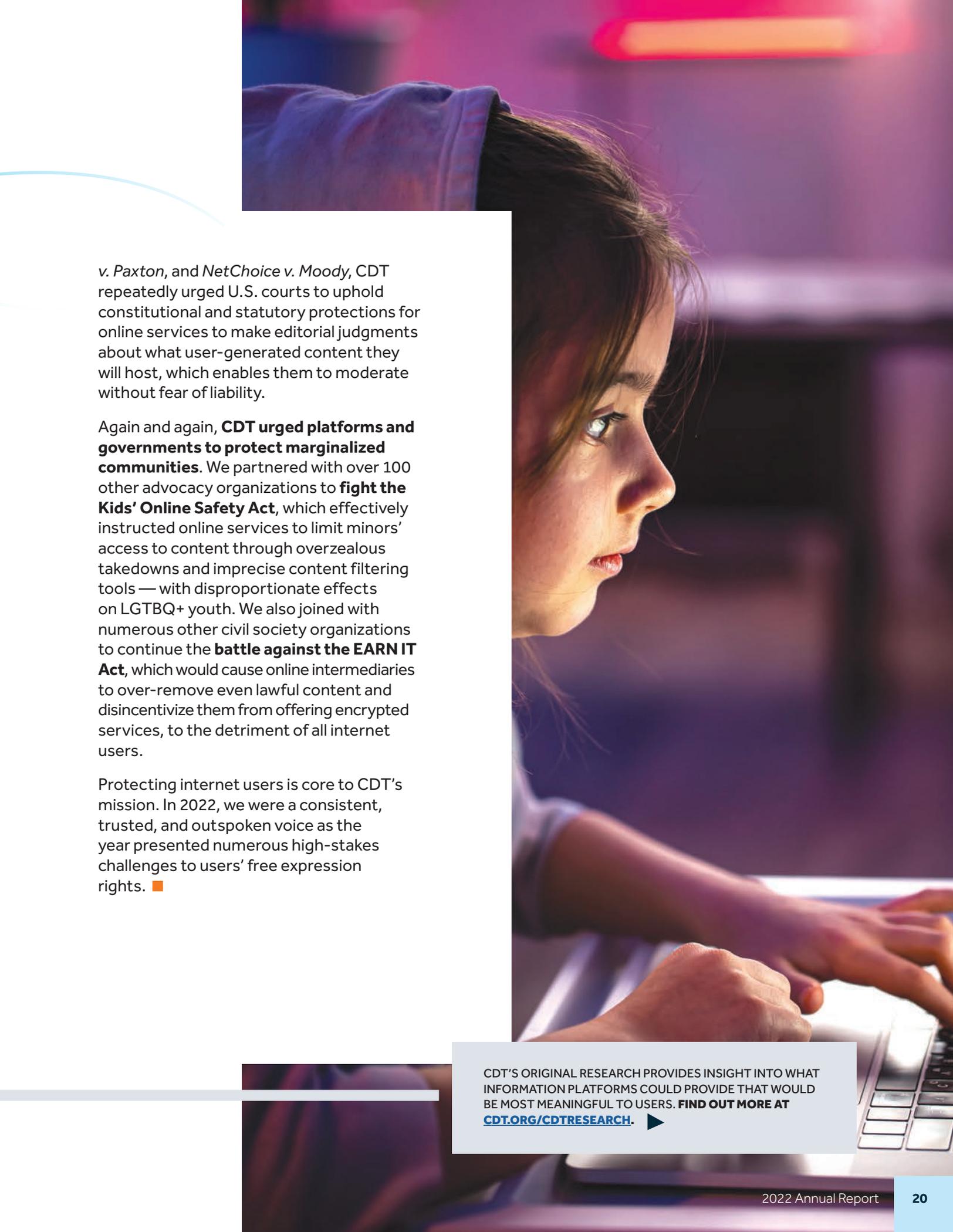
choices affect society, CDT advocates strongly for platforms to **make data more readily available to outside researchers**. We have been at the forefront of discussions on how to achieve this goal while also protecting user privacy — helping policy-makers to understand researchers’ needs, engaging directly with companies about their efforts to increase transparency and researcher access, and analyzing how effectively legislative proposals in the U.S. and EU address the issue. As the EU implements new requirements for providing researchers with data access under its Digital Services Act, and the U.S. considers legislation, CDT will continue to help guide governments and companies.

“

**CDT ADVOCATES STRONGLY FOR PLATFORMS TO MAKE DATA MORE READILY AVAILABLE TO RESEARCHERS. WE HAVE BEEN AT THE FOREFRONT OF DISCUSSIONS ON HOW TO ACHIEVE THIS GOAL WHILE ALSO PROTECTING USER PRIVACY.**

”

In 2022, **several court cases threatened to upend years of work by CDT** and other advocates to improve social media companies’ responses to harassment, disinformation, and other undesirable content on their services. In *Gonzalez v. Google*, *Twitter v. Taamneh*, *NetChoice*



*v. Paxton*, and *NetChoice v. Moody*, CDT repeatedly urged U.S. courts to uphold constitutional and statutory protections for online services to make editorial judgments about what user-generated content they will host, which enables them to moderate without fear of liability.

Again and again, **CDT urged platforms and governments to protect marginalized communities**. We partnered with over 100 other advocacy organizations to **fight the Kids' Online Safety Act**, which effectively instructed online services to limit minors' access to content through overzealous takedowns and imprecise content filtering tools — with disproportionate effects on LGBTQ+ youth. We also joined with numerous other civil society organizations to continue the **battle against the EARN IT Act**, which would cause online intermediaries to over-remove even lawful content and disincentivize them from offering encrypted services, to the detriment of all internet users.

Protecting internet users is core to CDT's mission. In 2022, we were a consistent, trusted, and outspoken voice as the year presented numerous high-stakes challenges to users' free expression rights. ■

CDT'S ORIGINAL RESEARCH PROVIDES INSIGHT INTO WHAT INFORMATION PLATFORMS COULD PROVIDE THAT WOULD BE MOST MEANINGFUL TO USERS. **FIND OUT MORE AT [CDT.ORG/CDTRESEARCH](https://www.cdt.org/cdtresearch)**. ▶



4



## DEFENDING DEMOCRACY IN A DIGITAL WORLD

**I**N 2022, technology provided the world a front-row seat to Russia's invasion of Ukraine. As Ukrainians posted social media updates, coordinated critical supplies online, and sought reliable and safe web connections, the Kremlin used blocking, content filtering, internet shutdowns, and disinformation — the tools of modern authoritarians — to skew perceptions of the war in Russia and abroad.

CDT quickly recognized the importance of **protecting democratic values amidst the chaos**, and called on governments around the world to ensure that sanctions did not create a so-called “splinternet” severing Russians from alternative information sources. As the war continued, we also took the fight for democracy to the private sector, collaborating on guidelines for how social media companies should govern their platforms and moderate content

to effectively protect human rights before, during, and after armed conflicts and other crises.

CDT focused on **preserving free and secure internet access** for people worldwide. In testimony to the U.S. Senate, CDT's Emma Llanso called on the U.S. to **counter models of authoritarian internet regulation both at home and abroad**, particularly as it pursues closer trade relations in the



Indo-Pacific — a region home to more than half of the world’s internet users, where laws cementing state control of online speech and internet networks are proliferating. When the Indian government put new restrictions on virtual private network (VPN) providers that would limit the privacy protections of those services and subject users to increased surveillance, we sounded the alarm, and did the same when Iran moved to pass legislation that would further curtail human rights by making internet shutdowns easier and less transparent.

We also **stepped up to defend private communications**, maintaining our role as a leader of the **Global Encryption Coalition**. We were especially pleased to see the **United Nations High Commissioner for Human Rights** defend the importance of end-to-end encryption in the protection of democracy and human rights. The UN report echoed our concerns about the EU’s proposal to establish broad monitoring obligations for many digital communications platforms, as well as various legislative efforts in the UK, U.S., India, and other countries that pose a direct threat to encryption.

CDT continued our calls for **action to combat the widespread use of spyware**, like the NSO Group’s **Pegasus**, which is exploited to monitor the activities and communications

of journalists and human rights defenders around the world. As CDT Europe Director Iverna McGowan **testified before a European Parliament committee**, such spyware and other forms of unlawful surveillance pose an existential threat to the right to communicate securely, and thereby to civic space, free and fair elections, and democracy itself. We called for an immediate moratorium on the sale, acquisition, transfer, and use of spyware, a recommendation that we were pleased to see the Parliament Committee’s rapporteur take on board.

The fight for digital democracy must also take place at home. As regulators and advocates around the world grapple with complex questions raised by new technologies, democracies must lead by finding ways to mitigate potential harms while preserving values that are fundamental to democracy. At the **2022 Summit for Democracy**, and throughout our work, CDT makes clear that **the democratic values we fight for in foreign policy must also be reflected in U.S. and EU domestic policy** on surveillance, privacy, platform governance, encryption, and more.

From the Freedom Online Coalition, to the U.S.-EU Trade & Technology Council, to internet standards bodies such as the IETF and W3C; from sit-downs with governments to conversations with companies; CDT is working to **define what it means to implement internet policy with human rights and democracy first in mind** — and to push leaders to act. ■

“

AT THE 2022 SUMMIT FOR DEMOCRACY, AND THROUGHOUT OUR WORK, CDT MAKES CLEAR THAT THE DEMOCRATIC VALUES WE FIGHT FOR IN FOREIGN POLICY MUST ALSO BE REFLECTED IN U.S. AND EU DOMESTIC POLICY ON SURVEILLANCE, PRIVACY, PLATFORM GOVERNANCE, ENCRYPTION, AND MORE.

”

# 2022 Financials

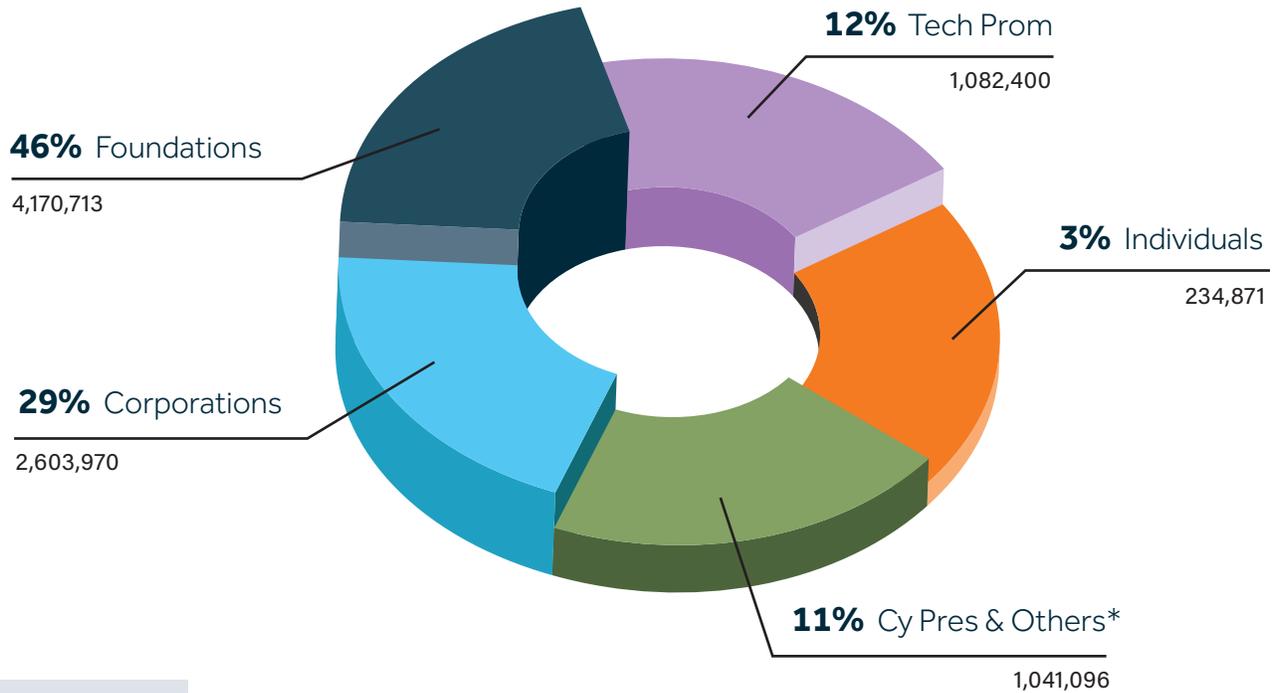
These numbers reflect CDT's 2022 audited financial statements.

CDT is committed to sound financial stewardship and transparency. We have received clean audits each year from an independent auditing firm and have high ratings from nonprofit watchdogs GuideStar, Charity Navigator, and GreatNonprofits.

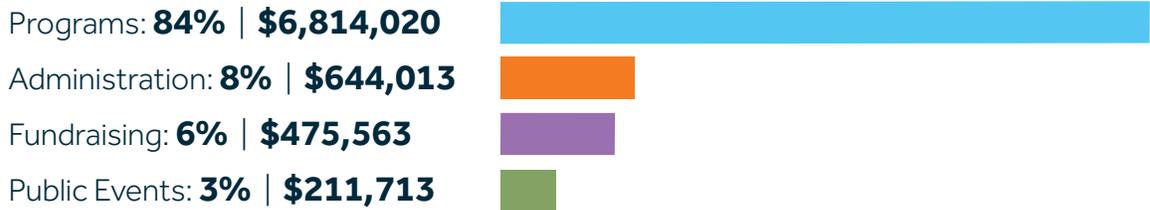
View our financials online at [cdt.org/financials](https://cdt.org/financials) ►

## INCOME

Total Income 2022: **\$9,133,050**



## EXPENSES



Total Expenses 2022: **\$8,145,309**

\*This includes \$754,411 of in-kind donations of pro bono legal services.

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\* Represents total support, including value of pro bono services.

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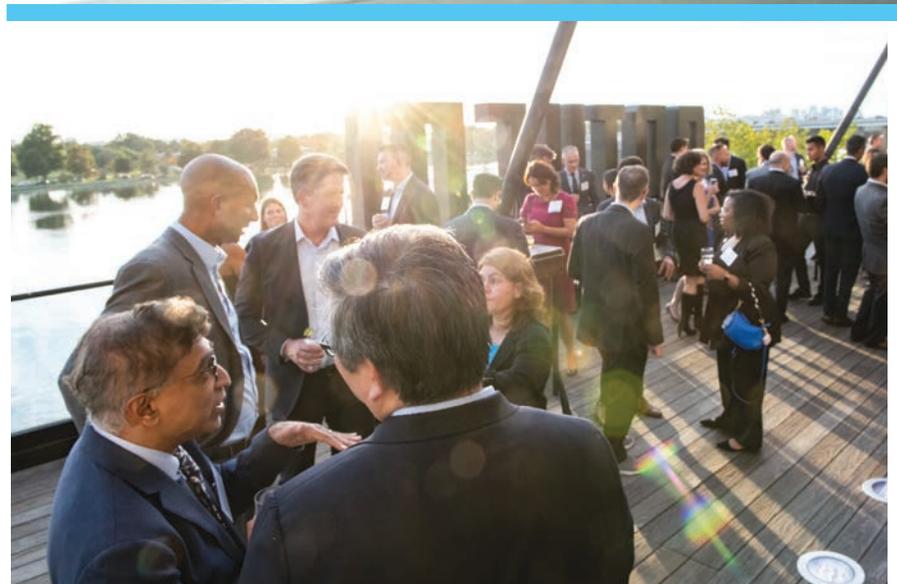
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# TECH PROM RETURNS!

After two years of alternate plans, CDT's Tech Prom was back and better than ever for the most popular annual tech gathering in the Beltway. Tech Prom 2022 drew nearly 1,000 guests from government, tech companies, think tanks, and academia to The Anthem, complete with art installations and entertainment from DC-based White Ford Bronco.

Our President & CEO, Alexandra Reeve Givens, shined a spotlight on the current and future challenges — and opportunities — shaping technology policy, and CDT's commitment to solutions that advance equity, civil liberties, and democratic values.

Thanks to our sponsors and guests, the fun-filled evening brought in over \$1 million to support CDT's advocacy work, and reunited the tech policy community after far too long.



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Our work has never been more important.  
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To learn more about engagement opportunities — from our Working Groups to the Collaborating Attorney Network — please email [development@cdt.org](mailto:development@cdt.org). ►

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