Ethical Considerations for Archiving Social Media Content Generated by Contemporary Social Movements: Challenges, Opportunities, and Recommendations

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Introduction

The dramatic rise in the public's use of social media platforms to document events of historical significance presents archivists and others who build primary source research collections with a unique opportunity to apply traditional archival practices, such as appraisal and content selection, in new ways to these non-traditional materials. The personal nature of documenting participation in historical events on social media also presents researchers with new opportunities to engage with the data generated by individual users of services such as Twitter, which itself has emerged as one of the most important tools used in social activism to build support, share information and remain engaged with issues. Twitter users document activities or events through the text, images,

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videos and audio embedded into or linked from their tweets. This translates to vast amounts of digital content being generated, shared and re-shared using Twitter as an access point for other social media applications such as YouTube, Instagram, Flickr and the Web at large. While such digital content adds a new layer of documentary evidence that is immensely valuable to those interested in documenting, researching and interpreting contemporary events, it also presents significant archiving, data management and ethical challenges for archivists and other historical documenters.

Through the Andrew W. Mellon Foundation-funded project, *Documenting the Now: Supporting Scholarly Use and Preservation of Social Media Content*, the authors and project team members have had the opportunity to explore these issues and challenges. The recently-completed *Documenting the Now* project entailed the creation of new digital tools to facilitate the collection, analysis and preservation of tweets and associated web content, as well as engagement with a broad range of stakeholders around the myriad issues involved in working with this content. *Documenting the Now* had a particular focus on social media content created by participants in the recent wave of African-American activism in response to police shootings. This White Paper reflects our many conversations on these issues over the past two years and provides background and discussion of the ethical considerations for archiving social media content generated by contemporary social movements, including the challenges and opportunities for archivists, and initial recommendations for moving forward.

Background
The original impetus for this project was an effort to collect social media content related to the aftermath of the killing of Michael Brown on August 9th, 2014 by Ferguson, Missouri police officer Darren Wilson. That event captured national attention and inspired significant activism and social justice organizing efforts across the United States and internationally related to police abuse of African Americans. Social media, and Twitter in particular, where most of the information about Ferguson was shared, was a vital avenue for disseminating information about the case, the social activism it spurred, and the opposition to the protests that followed. Twitter was also the dominant platform for sharing information about subsequent high-profile police shootings of unarmed African Americans and the protests that followed those incidents, including the deaths of Sandra Bland, Eric Garner, Freddie Gray and Philando Castile, among others.

The most powerful stories shared via Twitter during those protests included images, videos and audio documenting the activity on the ground by independent observers, protesters, police and journalists. Individuals not present in Ferguson or in the other communities where killings occurred were also active participants in directing attention to the protests through retweeting and commenting on the events from their perspectives while using hashtags such as #Ferguson, #MikeBrown, #FreddieGray, #SandraBland, and #BlackLivesMatter. The Twitter digital content from the Ferguson protests, for example, represented an authentic depiction of the significance of the events, the activity surrounding them, the diversity of the actors, and the nature of the protests' support and opposition. The level of participation in these movements as they play out on social media makes them rich scholarly resources deserving of collection, preservation and study.

For archivists and scholars interested in archiving or research that involves social media content, the internet affords the luxury of a certain amount of distance to be able to observe people, consume information generated by and about them, and collect their data without having to participate in equitable engagement as a way to understand their lives, communities, or concerns. At the same time, the public's use of these social media platforms to document events of historical significance, engage in political conversations, or share and explore personal and cultural experiences, continues to grow even as that same public remains unaware of how their data is being used.

While the benefits of social media to the democratization of information access are clear, the abundance of and access to social media content and data by countless third parties also presents opportunities for some to "weaponize" the platforms and the data they generate in ways that can cause harm to marginalized and already vulnerable communities. This plays out in several ways, including how police use social media platforms to target activists[4], and in the most recent U.S. Presidential election, how the Russian government engaged in data manipulation and automated propaganda and influence campaigns[5] through Facebook, Twitter and other social media platforms. Because of the significant role social media currently plays in how citizens participate in democratic activity, there is an important opportunity to consider how ethics can play a role in how history's documenters engage with this type of content for preservation and interpretation.

Ethical Challenges
Preserving web and social media content in ethical ways that protect already marginalized people presents several challenges:

- Lack of user awareness – or informed consent – about how social media platforms use their data or how it can be collected and accessed by third parties;
- Potential for fraudulent use and manipulation of social media content.
- Reality of the heightened potential of harm for members of marginalized communities using the web and social media, especially when those individuals participate in activities such as protests and other forms of civil disobedience that are traditionally heavily monitored by law enforcement; and
- Difficulty of applying traditional archival practices to social media content given the sheer volume of data and complicated logistics of interacting with content creators.

Users of social media platforms are largely unaware of all the ways their data are being collected and used by social media platforms themselves, by entities the platforms share data with, and by organizations that access available data, such as commercial firms, law enforcement, libraries and archives, among others. If users of social media platforms better understood the terms of service of Twitter or Facebook, for example, how might that change their behavior on the platforms? How would user behavior change if they knew all the ways their data are being collected and for what purposes? As archivists continue to

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[4]https://medium.com/@ACLU_NorCal/police-use-of-social-media-surveillance-software-is-escalating-and-activists-are-in-the-digital-d29d8f89c48#.fowkro6dy
[5]https://www.justice.gov/file/1035477/download

build collections of social media content, what is their responsibility to not only be aware of these issues but, at the very least, to help educate social media users who might eventually become collection donors about some of the details of terms of service and third party use and to incorporate this knowledge in the decision making process for how we accession social media content into our collections.

In a recent paper, *"Participant" Perceptions of Twitter Research Ethics[6]*, authors Casey Fiesler and Nicholas Proferes surveyed Twitter users to gauge their awareness of how researchers use their data. They found that a significant number of respondents were previously unaware that their tweets could even be used in research and a majority of the respondents felt that researchers should not be able to use their tweets without consent. Interestingly though, Fiesler and Proferes also found that Twitter users' attitudes toward how they viewed consent was contextual and depended on several factors, including who was doing the research, how, and what the research was about, indicating that users might be open to a level of engagement with researchers about use of their data if they were aware of the research taking place. These findings hold some important lessons for those interested in archiving social media content.

A vivid example of the potential harm that can arise from third party access to social media content is the scandal around Cambridge Analytica's[7] use of massive amounts of Facebook data on behalf of Donald Trump's campaign to attempt to influence the 2016 Presidential election. Even more alarming is the Russian social media manipulation preceding the 2016 election reflected in Special Counsel Robert Mueller's 37-page indictment[8] of thirteen Russian nationals. It gave a glimpse of how data manipulation for propaganda and misinformation can play out on social media. The indictment describes how user accounts created on Facebook, Instagram and Twitter by Russian intelligence agents not only sent messages in support of Donald Trump, but were also sending messages encouraging African Americans to vote against Hillary Clinton, to vote for Bernie Sanders, or to not vote at all in the 2016 Presidential election.

One Twitter account in particular, @Blacktivist, had been identified by Twitter several weeks earlier during testimony to Congress as having been created by Russian intelligence agents. This was one of the accounts that tweeted in support of the Black Lives Matter movement[9] and it was prolific: Twitter announced that over 677,000 people had either retweeted or liked tweets sent from the account. This case has direct bearing on the *Documenting the Now* project as authors Ed Summers and Bergis Jules' initially-collected Twitter dataset of 13,732,829 tweets that used the #blacklivesmatter hashtag between January 2016 and March 2017 included ninety tweets[10] sent by the @Blacktivist account!

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[6] http://journals.sagepub.com/doi/pdf/10.1177/2056305118763366
[7] https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html
[8] https://www.justice.gov/file/1035477/download
[9] https://blacklivesmatter.com/
[10] https://news.docnow.io/blacktivists-in-the-archive-71c807aa247e

Even if @Blacktivist tweets by themselves might be an important research case, it would be highly problematic if they were to be included, without context, in a social media archive claiming to document the Black Lives Matter movement. This is an example where engagement with communities, in this case activist groups, as a way to raise one's own awareness and to educate oneself about a movement and its actors, can play an important role in how archivists can better document social movements from an ethical perspective. These incidents are striking illustrations of why it is important to be able to determine and verify authenticity of tweets in a publicly available social media archival collection or dataset.

Activists of color can face a disproportionate level of harm from surveillance and data collection by law enforcement. Evidence of this has surfaced in several instances of protests over the past four years where large parts of the organizing activity, including messaging and mobilization, played out on social media platforms. How should archivists consider these communities and the vulnerabilities inherent to the activities they participate in, as they build publicly available collections of social media data?

In fact, Ed Summers was confronted with a decision in September 2014 that bears on this question. He was contacted by a representative from a social media data mining company asking him to share some of the Ferguson Twitter dataset he had collected during the first two weeks of the protests[11] to fill a gap in data collection they had missed. A quick search of this company revealed that one of their business models was providing services based on social media data mining, namely "situational awareness" tools, to law enforcement and security services. Ed determined that he would not provide the data to the company. This was an example of how easy it could be for the collections we build to be used against marginalized communities and also a reminder that we must not let our fear of content ephemerality drive our thinking and cause us to potentially abandon ethical practices.

Ed,

I came across your blog site during a web search on Ferguson tweet datasets. We've been doing research on the spread of memes in social media and, like you, thought that the events in Ferguson might make an interesting case study. Unfortunately, during our Twitter data collection (using the Search API) something happened and we missed a few days - from the graph below I'm guessing that we missed tweets on August 15 and 18, and almost all tweets on August 16-17. From your blog post, it looks like you are considering posting the tweet ID dataset that you collected. If so, that would be incredibly useful for our research. Have you posted it somewhere? Would it be possible to get a copy of your dataset?

Thanks for your time,

Cheers,

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[11]Email to Ed Summers from social media data mining company representative, dated September 10th, 2014.

Engaging with the Issues
Managing all the complexities around archiving social media content can be overwhelming, sometimes causing archivists to bypass ethics altogether. Through the *Documenting the Now* project we've tried to understand some of the reasons why archivists want to build social media collections and also where they find the most difficulty in trying to accomplish that task. Managing issues around the volume of social media content, developing strategies for gaining donor consent, better understanding context, and verifying authenticity are all high priority areas for archivists and areas where they believe more knowledge, guidelines and tools are needed. While these are not issues the archival community will solve overnight, and the complex nature of how social media content and data is produced and shared makes it more challenging, archivists can employ processes and tools they have already developed for more traditional materials and apply them to social media content. These include the deed of gift[12], appraisal[13], content selection[14], and engagement with donors[15], among others. Through our engagement with a community of practitioners, we have determined that consideration of these long-established archival practices is vital to ethical collecting of social media content.

Over the past two years the *Documenting the Now* project has led the conversation in the U.S. archival community about the ethical implications of archiving social media, and in particular, content and data that document the activities of activists, social movements, and protests around issues of social justice. These conversations have taken place at project advisory board meetings and live-streamed panel discussions, public symposiums, sessions at professional conferences and workshops, discussions on the DocNow Twitter account, and in the DocNow Slack. We have actively engaged a diverse and inclusive group of participants in terms of people, professions, and perspectives and feel the project has truly created an opportunity for archivists to engage on a deep level with issues around ethics and web/social media archiving.

It is important to clarify that when describing the practice of archiving, we are specifically referring to the professional definition of the term, where individuals appraise, select, collect, arrange, describe, provide access to, and preserve, historical content. We are also specifically referring to the work of a professional archivist, defined by the Society of American Archivists as "an individual responsible for appraising, acquiring, arranging, describing, preserving, and providing access to records of enduring value, according to the principles of provenance, original order, and collective control to protect the materials' authenticity and context."[16] While the *Documenting the Now* project engaged with a wide range of people interested in archiving the web and social media, a main focus for the project was to develop tools and provide a space for conversation for professional archivists.

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[12]https://www2.archivists.org/glossary/terms/d/deed-of-gift
[13]https://www2.archivists.org/glossary/terms/a/appraisal
[14]https://www2.archivists.org/glossary/terms/s/selection
[15]https://www2.archivists.org/glossary/terms/d/donor
[16]https://www2.archivists.org/glossary/terms/a/archivist

Following are some highlights from recent programs hosted by the *Documenting the Now* project to generate discussion around issues of ethics in archiving social media content.

Digital Blackness in the Archive

Digital Blackness in the Archive was the second *Documenting the Now* symposium held in conjunction with the DocNow advisory board meeting on December 11th and 12th, 2017. The first day of the program was held at the Ferguson Public Library in Ferguson, Missouri with the second day's program held at Washington University in St. Louis. The symposium was focused on issues at the intersection of archival practice and the participation and representation of Black people on the web and social media. Invited speakers discussed their research on the Black experience in online spaces, including research on joy and creativity expressed by Black people on the web, cultural and social expression, activism and other acts of resistance, the Black experience with state-sponsored online surveillance, and racism and bias in algorithm and social media platform design. Interactive sessions provided the opportunity for activists, archivists, scholars, library and museum professionals, technologists and interested members of the public to learn and share together in conversations about digital culture and digital archives that centered on blackness. An intentional goal of the program was to broaden knowledge around the realities faced by Black people participating in online spaces, in hopes that this knowledge would impact how archivists and other cultural documenters do their work around appraisal, collection, access, preservation, and use of social media and other web-based content that document Black lives. Panels and talks from the symposium were livestreamed and are available for viewing[17].

Throughout the *Documenting the Now* project, we have been reminded many times that knowledge of how marginalized communities exist on the web is one of the most important ethical considerations and a powerful check against causing harm to those communities through archiving practices. At *Digital Blackness in the Archive* we wanted to put activists and scholars who study people of color on the web in direct conversations with archivists and documenters. Ferguson activists Brittany Ferrell, Alexis Templeton, Kayla Reed, along with panel chair Aleia Brown, discussed their lives after Ferguson and how the protests had impacted all of their lives in major ways including attending college, dealing with the trauma, financial and professional stress of facing criminal charges for protesting, and coming to terms with not being able to control the narrative of Ferguson and what it meant for social justice movements in the United States. Strikingly, the activists spoke of each of their evolutions and how they had emerged from the Ferguson protests in the following years as different people, including some making the decision to no longer take part in activism. Alexis Templeton had perhaps the most powerful statement about the limits of focusing on social media and web alone when documenting social movements. In her response to a panel chair Aleia Brown's question about what people missed about the Ferguson protests if they were only following via social media and web, she responded:

> *"I mean I think you missed what we just talked about. I think you missed the humanness and the growth. I think you miss the mistakes. I think you miss the failures.*

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[17] https://www.docnow.io/meetings/stl-2017/

I think you miss the successes and how those were celebrated. I think you missed the hard conversation and the conversations that don't get had. I think you miss the fights and 'well pull up at the Ferguson library then'. That's a reality and it's real and we hide it because we don't want it to look bad but it is what it is. Liberation is messy and if it a mess to get there, we gon' be a mess getting there. That's just what it is, it's about unlearning and undoing and I think that's missed online because we have to elevate ourselves to be these perfect people and these perfect leaders and these perfect voices for black liberation and it's just not that. Honestly, for lack of a better term, we just some average niggas out here, who just like want some different shit. We want things to look different, we want to be accepted, we wanna be able to exist bro, you know, and we wanna be able to talk just like that and it be ok. And I think that's what social media misses. I think they miss people, they miss the interaction, and I think that's super, super important because I'm not just a bunch of retweets and favorites. I'm a whole ass human and Twitter misses that."

In addition to the activist panel, Marisa Parham delivered an excellent keynote on the first day of the program in which she placed black participation on the web in the context of cultural amplification, recovery, and reuse. She called for us to both honor and expand the work of activists and others doing social justice work by relying on ethical practices in our own professional activities as archivists and scholars.

The second day's panels put archivists and scholars in conversation with each other about several topics, including approaches to collecting digital black culture on the web and social media and the ethical considerations around that work, the needs of scholars in terms of tools and resources to better conduct research where they engage with the web and social media, and who decides how and what to collect from the web and social media about Black culture and how the concept of radical inclusion in the historical record plays into those notions. Catherine Knight-Steele, during the panel on supporting research, made perhaps one of the more poignant statements that demonstrated the ethical dilemmas that researchers face as they do their work around documenting the lives of people of color on the web and social media. The comment also highlights the different considerations archivists and researchers must make in order to address ethics when one profession primarily thinks about record keeping for the long term and the other is about interpretation and sense making. She said:

"Can I just say something, can I just add that I think what's interesting when I listen to Melissa talk about her work, and I listen to Sarah or Meredith, and many other folks talk about their work, is that, the question is still supposed to guide us right, and I think that that gets lost sometimes in what we have the capacity to do, is that the question, what we teach our graduate students right, the question is still supposed to guide your method. It's still supposed to guide what you're doing. And so there are occasions upon which I am not actually interested in delving into the backstory of why a person posted a tweet at a particular moment, because that's not the question that that work necessitates, right, like so when I am dealing in public discourse and what is put out into the ethos, for people to, like, have a conversation about, there are approaches to research that sometimes necessitate getting into the moment of when

that person posted, and where they were, and how they were feeling about it, and what they meant by it and all of those things, and there are moments that don't call for that based on the questions that we're asking. And so I really am happy about the conversation that we have about ethics in our work and about respecting the folks that we're engaged with, but I don't want that conversation to supersede what I think is good research across the board which is, here is my guiding question, here is the method that then propels me to be able to answer that , and then here are the ethics I carry no matter what kind of research I'm doing, with whomever I'm doing it, that allow me to know how to approach whatever new research project I embark in right. So when I was studying the blogosphere I didn't go to the bloggers and say, hey I am archiving your blog right now and I'm going to be writing about it, because that's not the game there, right, because I was not trying to make myself a known entity. I was a part of those communities already. I was a commenter in those spaces. I was an accepted part of those spaces, and I was going to write about them in ways that was not going to say, look at this terrible thing that is happening, let me draw attention to something that is going to make those folks lives miserable, and say that they're doing something wrong. What I was interested in was how Black folks did marvelous and miraculous things in these spaces, and making that apparent in some ways that allowed us to better theorize and better understand, how digital media could function at its best right, and this is the best possible thing you can do with this tool is being done in these Black spaces. But yeah I just always think about that as we delve into these conversations about like getting back to the people and what they're posting, what their intention is with what they're posting and making sure we honor that. Yes, but that does not necessarily change or shouldn't necessarily dictate the method. It dictates your ethical approach to your research. It dictates how you see people, and that should be an across the board no matter what method you're embarking on for that particular study."

The two days of the Digital Blackness Conference were a powerful demonstration of the broad spectrum of issues present when it comes to research and archiving around content documenting the lives of marginalized people, in this case, Black people. While the panels called for a level of care when it came to dealing with content, there were also varying ideas on how ethics can be addressed, admitting there was no "one size fits all" approach. For some, engagement with the community you are documenting as a way to learn of their needs and to make sure they are aware of your work, was of paramount concern. For others, established methods such as institutional review boards were useful and could be seen as a protection for you and your research subjects. And still some felt that there were instances in which neither of those considerations was necessary; for example if you are already part of a community and your work is about highlighting that community's accomplishments and humanity. It was a fascinating two days that further illuminated why the ethical conversation is not an easy one to have but also why we need to keep having it.

Ethics and Archiving the Web

On March 22nd-24th, 2018, the *Documenting the Now* project in partnership with Rhizome, home of the Webrecorder[18] application, hosted a national forum on *Ethics and Archiving the Web*[19]. The forum was funded primarily by a grant from the Institute for Museum and Library Services with some support from the Knight Foundation. The forum was a testament to the impact of the *Documenting the Now* project as an advocate, provider of resources, and safe environment for discussions around issues of ethics in web and social media archiving. The forum was also a powerful statement on the benefits of collaboration in the web and social media archiving space as we all try to address ethics. Rhizome's participation and the diverse and inclusive nature of the panelists was a model for how these discussions should be designed moving forward. Part of the grant abstract[20] quoted below convincingly makes the case for why the forum was necessary and why it should involve an intersectional group of people and professions.

> *"Over the past twenty years, web archiving technology has improved extensively. From the early 1990s with the pioneering Internet Archive and their Wayback Machine, to newer tools such as Rhizome's Webrecorder system, web archiving and the technical expertise around developing and improving tools have allowed for better high-fidelity archives of the personalized, dynamic web. While the promise of web data collections is enormous for archives, the scholarly community, and the public at large, the privacy and safety risks to public users of these platforms are significant. Individual organizations have made relatively isolated efforts to address these issues, but they have not been given adequate attention in the libraries, archives, and museums field. Ethical issues in web archiving are exacerbated by gaps in web and social media platform literacy; rapid changes in technology; widespread use of the web for public shaming and other kinds of abuse; and increased opportunities for surveillance, especially for individuals taking part in public displays of civil disobedience."*

Socio-Technical Challenges to Addressing Ethics

In parallel with public conversations around ethics, the project's software development team has embedded ethical considerations into design and development of a suite of digital tools to enable collection, analysis and preservation of tweets and related social media content. In particular we have incorporated Twitter's Terms of Service rules into the tools while at the same time attempting to apply archival processes such as appraisal. With the DocNow Social Media Appraisal Tool[21], the DocNow Catalog[22], and the DocNow Hydrator[23], we've tried to ensure that the tools we created are informed from a community perspective with consideration for respecting the content creator or potential donor, and respecting the power of the content itself.

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[18]https://webrecorder.io/
[19]https://eaw.rhizome.org/
[20]https://www.imls.gov/sites/default/files/grants/lg-73-17-0119-17/proposals/lg-73-17-0119-17-full-proposal-documents.pdf
[21]https://demo.docnow.io/
[22]http://www.docnow.io/catalog/
[23]https://github.com/docnow/hydrator#readme

As the @Blacktivist and other case studies illustrate, the motivations for creating collections of social media content cannot always fully anticipate the research questions and uses to which the content will be put. Twitter's Terms of Service currently preclude the distribution of social media content retrieved from their API to third parties, and expressly prohibit the sharing of content that has been deleted. Our technical development has centered the rights of researchers to share their collections for reproducibility, while respecting the rights of content creators to protect or delete their content from public view. The Twitter-sanctioned process of sharing of tweet identifier datasets has been a pivot point from which we've tried to simultaneously address these two goals.

The social media datasets that *Documenting the Now* has created to document the BlackLivesMatter movement have been transferred and accessioned by the Washington University in St Louis Libraries. This collection was created for scholars and researchers who are seeking to understand how the protests in Ferguson led to increased public attention to the issues of police violence against African Americans in the United States.

In the case of @Blacktivist we did not expect that some of these tweets would be deleted by Twitter themselves, because of the way the content was allegedly being used by agents of a foreign state. DeRay Mckesson and other BlackLivesMatter activists and people of color were unable to evaluate what the @Blacktivist account had said to them because the tweets were deleted. Since our project had spent significant time establishing our own core values and a documentation strategy, it was clear to us that we needed to break with Twitter's Terms of Service in this particular instance and share the deleted tweets because of the valuable information this would provide to the community of activists that we were helping to document.

These situations underscore that what is legal is not always ethical, and what is ethical is not always legal. Twitter's Terms of Service, like all terms of service, serve a legal function, but do not in themselves constitute the law. An April 2, 2018 ruling by a federal court in Sandvig vs Sessions has upheld the First Amendment rights of individuals to break the terms of service of companies when researching racial, gender, or other illegal discrimination in areas such as employment and housing[24]. Since 1986 the Computer Fraud and Abuse Act has been used to punish individuals who have broken these Terms of Service as was the case in the watershed moment of United States vs. Aaron Swartz.

The tools and practices that we have been developing in *Documenting the Now* have highlighted the need to embody our project's values, with the understanding that the tools themselves make possible particular behaviors, and that we have responsibilities as digital preservationists, archivists and activists to put those tools to particular uses. We have learned through the process of doing social media archiving that there are no purely technical solutions to this work, and that it is fundamentally a socio-technical problem. The affordances of software, algorithms and platforms are entangled with the social contexts in

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[24] https://www.aclu.org/news/judge-allows-aclu-case-challenging-law-preventing-studies-big-data-discrimination-proceed

which they are used. It has only been through the centering of our own values as a project that we have been able to navigate the process.

Recommendations

Coming out of the discussions and deliberations described in this paper, the authors offer the following recommendations for archivists in working with social media and related web content documenting contemporary activism:

1. Archivists should engage and work with the communities they wish to document.
2. Documentation efforts must go beyond what can be collected without permission from the web and social media.
3. Archivists should follow social media platforms' terms of service where they are congruent with the values of the communities they are attempting to document.
4. When possible, archivists should apply traditional archival practices such as appraisal, collection development, and donor relations to social media and web materials.