[NL] New Dutch regulatory collaboration involving Dutch Media Authority opens first joint-investigation

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On 3 March 2022, the *Commissariaat voor de Media* (Dutch Media Authority) announced that the recently-established Digital Regulation Cooperation Platform (SDT) has opened its first investigation into effective online transparency and the use of internet users' data. The SDT is a first-ever regulatory collaboration between the Dutch Media Authority, Netherlands Authority for Consumers & Markets, the Dutch Data Protection Authority, and the Netherlands Authority for the Financial Markets. The SDT was established to strengthen the supervision of digital activities, and strengthen enforcement processes, in the Netherlands. Notably, the SDT will also coordinate how to enforce compliance with new European rules with regard to digitalisation, including upcoming rules for online platforms, data and the platform economy, such as the proposals for a Digital Services Act (DSA) (see IRIS 2021-2/13), Digital Markets Act (DMA) (see IRIS 2021-2/2), and an Artificial Intelligence (AI) Act (see IRIS 2021-6/21).

In terms of the SDT's online transparency investigation, the regulators first note that the "different ways in which people can be influenced online" have been increasing rapidly, as "more and more data about their behavior can be collected". According to the SDT regulators, people "must know what happens to their data behind the scenes", and if internet users are aware that their data is used, such as for an algorithm as a result of which they only get to see certain products or information, they will understand that, as a result, they may be influenced.

Importantly, the SDT states that that businesses, organisations, and governments must "clearly" inform people about how they use their data online. The SDT will investigate how people, when using the internet, can be protected as much as possible against "online deception or abuse of personal data". On the basis of the investigation, the SDT regulators will together draw up basic principles for "effective, online transparency". Further, the SDT will also point out to the Dutch legislature any instances where "no rules or regulatory framework exist yet for certain types of harmful practices".

Finally, in terms of broader regulatory coordination, the SDT regulators also announced that upcoming EU legislation, such as the DSA, DMA and AI Act, contain "elements over which different regulators have oversight". As such, the SDT will now identify areas of overlap or what elements cannot be clearly

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assigned to one or more members, and the SDT will make a “collective, coordinated contribution to the Netherlands’ position on rules and regulations (Dutch and European)”.

Commissariaat voor de Media, Toezichthouders pleiten voor betere voorlichting over online gebruik van gegevens van internetgebruikers, 3 maart 2022

https://www.cvdm.nl/actueel/toezichthouders-pleiten-voor-betere-voorlichting-over-online-gebruik-van-gegevens-van

Dutch Media Authority, Regulators call for better information about the online use of internet users' data, 3 March 2022

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