

Draft Charter: An Oversight Board for Content Decisions

Every day, teams at Facebook make difficult decisions about what content should stay up and what should come down.

As our community has grown to more than 2 billion people, we have come to believe that Facebook should not make so many of those decisions on its own — that people should be able to request an appeal of our content decisions to an independent body.

To do that, we are creating an external board. The board will be a body of independent experts who will review Facebook's most challenging content decisions - focusing on important and disputed cases. It will share its decisions transparently and give reasons for them.

The board will be able to reverse Facebook's decisions about whether to allow or remove certain posts on the platform. Facebook will accept and implement the board's decisions.

Facebook takes responsibility for our content decisions, policies and the values we use to make them. The purpose of the board is to provide oversight of how we exercise that responsibility and to make Facebook more accountable.

The following draft raises questions and considerations, while providing a suggested approach that constitutes a model for the board's structure, scope and authority. It is a starting point for discussion on how the board should be designed and formed. What the draft does not do is answer every proposed question completely or finally.

We are actively seeking contributions, opinions and perspectives from around the world on each of the questions outlined below.

Membership

The board will be made of experts with experience in content, privacy, free expression, human rights, journalism, civil rights, safety and other relevant disciplines. The list of members will always be public. The board will be supported by a full-time staff, which will serve the board and ensure that its decisions are implemented. The staff will not form part of the board itself.

1 QUESTION
What is the right number of members to balance the ability to work as a group with the need to maximize diversity in expertise and background?

CONSIDERATIONS
A smaller cohort (e.g. 20) would keep membership focused and enhance camaraderie and identity, while a larger cohort (e.g. 100) would allow for greater diversity of perspectives.

SUGGESTED APPROACH
The board will be made up of a diverse set of up to 40 global experts.

2 QUESTION

How can the first members of the board be chosen in a way that is transparent and reasonable?

CONSIDERATIONS

Initial appointments could be made by a chair or selection committee commissioned by Facebook (rather than by Facebook directly); however, determining that person or committee would also create its own selection challenges.

SUGGESTED APPROACH

Facebook will select the first cohort based on a review of qualifications that will be made public. Special consideration will be given to geographic and cultural balance as well as a diversity of backgrounds and perspectives.

3 QUESTION

How should future selection be made to ensure continued diversity, expertise and independence?

CONSIDERATIONS

Future selection should balance the need for the board’s independence with the need for a membership that reflects the diversity of the Facebook community. Facebook could nominate members for confirmation by the board by majority vote, the board could recommend candidates to Facebook, or the process could be some combination of practices.

SUGGESTED APPROACH

Once launched, the board will be responsible for the future selection of members. Facebook can propose members, but the board must approve them. No board member may be removed by Facebook except if the member has violated the terms of his or her appointment.

4 QUESTION

What is the optimal term length for members?

CONSIDERATIONS

Longer terms would allow members to develop more experience in making decisions on Facebook content, familiarity with Facebook content review and time to contribute to the board. On the other hand, shorter terms would ensure that the board has fresh perspectives in its membership.

SUGGESTED APPROACH

Members will serve part-time, for a fixed term of three years. Their terms will be automatically renewable once.

Independent Review of Content Decisions

The primary function of the board is to review specific decisions we make when enforcing our Community Standards. It will base its decisions on these standards as well as a set of values, which will include concepts like voice, safety, equity, dignity, equality and privacy. Board decisions are binding on the specific content brought for review and could potentially set policy moving forward. The board will not decide cases where reversing Facebook’s decision would violate the law. Facebook can incorporate the board’s decisions in the policy development process. In addition, Facebook may request policy guidance from the board.

5 QUESTION
How should requests to the board be surfaced?

CONSIDERATIONS

Facebook makes millions of decisions every week on what content can or cannot be on the platform. The board can’t realistically review every decision that someone disagrees with. Facebook could, for example, institute a public petition mechanism to filter requests for board consideration. Facebook could also surface difficult cases to the board.

SUGGESTED APPROACH

Questions will be referred to the board by Facebook users who disagree with a decision, as well as by Facebook itself. Facebook will also refer content decisions to the board for consideration when: it considers specific cases that are especially difficult to resolve; it finds that recurring issues have occasioned significant public debate and discussion; or when existing policy and enforcement practices seems to lead to many decisions inconsistent with Facebook’s values.

6 QUESTION
How should the board select specific cases for consideration from the requests it receives?

CONSIDERATIONS

Separating the members that choose and decide cases may help ensure decisions are not predetermined while still allowing the board to select its own cases. Another approach is to convene the full board periodically to select a docket (or a set of cases to be reviewed within a given time period).

SUGGESTED APPROACH

Cases will be heard by panels formed from a rotating set of an odd number of members. Panels that have convened to decide cases could, at the conclusion of their session, choose a slate of eligible cases for subsequent panels to decide. A majority of that panel must agree to select a case.

7 QUESTION

How can the board ensure cultural sensitivity while also issuing decisions that will affect 2.3 billion people around the globe?

CONSIDERATIONS

The board cannot realistically include people from every country, language group and culture. Supplementing member expertise through consultation with geographic and cultural experts would help ensure decisions are fully informed. This is not a perfect solution, and additional approaches to enhance specific expertise may be needed.

SUGGESTED APPROACH

Like Facebook itself, the board will be able to call upon experts to ensure it has all supplementary linguistic, cultural and sociopolitical expertise necessary to make a decision. Facebook, aided by board staff, will ensure the board has before it all the relevant material that Facebook had when it made its decision. Facebook users and pertinent stakeholders may also submit arguments and material to the panel.

8 QUESTION

How can Facebook ensure the board's independent judgment?

CONSIDERATIONS

Facebook is committed to protecting the board members so that they can exercise their independent judgment without inappropriate or undue influence from Facebook or any other external sources when reviewing Facebook decisions. Members need to feel both safe and independent from any outside influences — including monetary ones. Facebook will provide resources to fund the board, but it could do so through a separate entity to preserve the members' independence.

SUGGESTED APPROACH

Because impartiality is paramount, the board will not include current or former employees or contingent workers of Facebook or government officials. Board members' compensation will be standardized, fixed in advance of the term and unchangeable during their time on the board. Board members may not be lobbied or given other incentives to favor anyone whose case is before the board and members must recuse themselves when they have a conflict of interest. While membership of the board will be public to assure transparency, individual members' names will not be associated with particular decisions. Members will commit themselves not to reveal private deliberations except as expressed in official board explanations and decisions.

9 QUESTION

What will ensure the board's commitment to its purpose and values?

CONSIDERATIONS

Exercising independent judgement while also upholding a set of principles is both possible and necessary. Values would encompass concepts like voice, safety, equity, dignity, equality and privacy. The public legitimacy of the board will grow from the transparent, independent decisions that the board makes.

SUGGESTED APPROACH

Facebook will publish a final charter, including a set of values, that will serve as the basis for board governance. The charter will specify Facebook's commitments to the board and the board's authority. Board members will agree to the values outlined in the charter and state the board's commitment to the people who use Facebook.

10 QUESTION

What's the right level of transparency to give the public insight into the Board's thinking while still protecting the safety and privacy of users and board members?

CONSIDERATIONS

The outcome of any board decision needs to be public, while protecting user privacy. However, the content that the board decides should not be on Facebook should not receive wider distribution. Separately, some decisions, which may be contentious or controversial, could involve security concerns for board members, and their privacy and security must also be considered.

SUGGESTED APPROACH

The panel's decisions will be made public with all appropriate privacy protections for users. The board will have two weeks to issue an explanation for each decision. Explanations will be issued on behalf of the board and will not be attributed to individual panel members. Should a panel decision not be unanimous, a member who is in the minority may include his or her perspective as part of the explanation shared.

11 QUESTION

How should the board ensure coherence, as decisions from different cases and panels could result in inconsistent conclusions?

CONSIDERATIONS

Facebook is ultimately responsible for making decisions related to policy, operations and enforcement. At the same time, some mechanism may be developed whereby the full board or a dedicated panel convenes to review case decisions that implicate different policies to ensure consistency of enforcement.

SUGGESTED APPROACH

Each panel that decides cases will ensure consistency with other issued opinions before finalizing their decision. Other board members will also have the opportunity to review the panel's decision to ensure consistency and coherence.

We look forward to feedback on the questions raised, so we can incorporate the most promising ideas into the final charter.