

Access Now’s public comment to Facebook’s Oversight Board case consultation

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Access Now submits the comments below to the Facebook Oversight Board pursuant to policy advisory opinion 2021-01 regarding the sharing of private residential information, also referred to as “doxing.”¹ Doxing represents a serious threat to the privacy and security of people at risk around the world. Below, we discuss what doxing is and its consequences and how it harms marginalized populations including women and the LGBTQ+ community. We then argue that Facebook should create a doxing policy that is clear and enforceable and a reporting mechanism that is simple and frictionless for people to use. Last, we urge the Facebook Oversight Board to issue a set of policy recommendations that include concrete steps to achieve meaningful transparency and enforcement mechanisms for Facebook to implement.

Doxing is a practice to harass, intimidate, and blackmail people

The term doxing derives from the word “docs” or “documents” and the hacker culture slang of “dropping dox,” meaning to publish documents.² Doxers seek out their targets’ personal information, particularly but not exclusively residential information, usually for malicious purposes like harassment, intimidation, revenge, or harming the target’s reputation.³ Doxers will then publish, or threaten to publish, that private information online, and the person often has no choice but to accede to the doxer’s demands.⁴

Those seeking to expose information about others often go far beyond mere residential information. All kinds of private information can be shared about a person online, including email addresses, intimate images or videos, Social Security numbers, phone numbers, or details

¹ *Oversight Board accepts policy advisory opinion request on the sharing of private residential information*, Facebook Oversight Board (Jun. 2021), <https://oversightboard.com/news/328618915420536-oversight-board-accepts-policy-advisory-opinion-request-on-the-sharing-of-private-residential-information/>.

² Megan Garber, *Doxing, an Etymology*, Atlantic (Mar. 6, 2014), <https://www.theatlantic.com/technology/archive/2014/03/doxing-an-etymology/284283/>; Mat Honan, *What Is Doxing?*, Wired (Mar. 6, 2014), <https://www.wired.com/2014/03/doxing/>; Briony Anderson & Mark A. Wood, *Doxing: A Scoping Review and Typology*, The Emerald International Handbook of Technology Facilitated Violence and Abuse (Jun. 4, 2021), pp. 205-226, <https://doi.org/10.1108/978-1-83982-848-520211015>.

³ *The Dangers of Doxing*, Reporters Committee for Freedom of the Press (May 19, 2015), <https://www.rcfp.org/journals/news-media-and-law-spring-2015/dangers-doxing/>; Jasmine McNealy, *What Is Doxing, and Why Is It So Scary?*, Chicago Tribune (May 21, 2018), <https://www.chicagotribune.com/opinion/commentary/ct-perspec-doxing-web-site-internet-facebook-private-information-emails-comments-private-data-0521-story.html>.

⁴ Stine Eckert & Jade Metzger-Riftkin, *Doxing*, Wiley Online Library (Mar. 3, 2020), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/9781119429128.iegmc009>.

like where a target's children go to school.⁵ With such a variety of private information subject to doxing, the harms and resulting privacy violations are enormous.

Doxing harms people, particularly women and the LGBTQ+ Community

Doxing violates people's right to privacy, prevents them from using Facebook's platform (and all other platforms) safely and freely, and prevents them from fully exercising rights such as freedom of expression, association, and assembly online. It also has serious real-world consequences that people experience, including emotional distress, harassment, intimidation, social stigma, self-censorship, physical harm or death, or loss of employment, family, or friends.

As an initial matter, Access Now has unique experience with doxing. We run the Digital Security Helpline, a 24/7 computer security incident response team that provides assistance to civil society at risk.⁶ Through that Helpline, we have identified doxing as a severe problem affecting groups and individuals from civil society, including activists, journalists, and non-profit organizations.⁷ We also developed the Self-Doxing Guide, which informs people how to determine whether their personal information has been shared online and instructs people on how they might remedy that situation.⁸

While both women and men experience online harassment, women and the LGBTQ+ population are more likely to experience a wider variety of online abuse, including more serious doxing-related violations including being the targets of revenge porn and nude leaked messages.⁹ In Lebanon, doxing is among the most troubling online privacy threats that women and the LGBTQ+ community face.¹⁰ Recently, for instance, Palestinian women protestors and journalists were targeted in a doxing slander campaign to intimidate them into silence amidst national mass protests.¹¹ Private photos and screenshots of their personal communications circulated on

⁵ Felix Tam, *Where Doxxing Came From and Why It Keeps Popping Up: QuickTake*, Wash. Post (Aug. 11, 2020), https://www.washingtonpost.com/business/where-doxxing-came-from-and-why-it-keeps-popping-up-quicktake/2020/07/30/18812784-d2b0-11ea-826b-cc394d824e35_story.html.

⁶ *Digital Security Helpline*, Access Now, <https://www.accessnow.org/help/>.

⁷ Daniel Bedoya, Michael Carbone, & Sage Cheng, *Strengthening Civil Society's Defenses: What Access Now's Digital Security Helpline Has Learned From Its First 10,000 Cases*, Access Now (Jun 7, 2021), <https://www.accessnow.org/cms/assets/uploads/2021/06/Helpline-10000-cases-report.pdf> at 24.

⁸ Self-Doxing Guide, Access Now, <https://guides.accessnow.org/self-doxing.html>.

⁹ See, e.g., Stine Eckert & Jade Metzger-Riftkin, *Doxing, Privacy and Gendered Harassment: The Shock and Normalization of Veillance Cultures*, Nomos eLibrary (Jul. 7, 2021), <https://doi.org/10.5771/1615-634X-2020-3-273>; Michelle Lau-Burke & Callie Strickland, *A gender lens is critical to resolving tech-enabled abuse*, Open Global Rights (Jun 27, 2018), <https://www.openglobalrights.org/a-gender-lens-is-critical-to-resolving-tech-enabled-abuse/>; Amanda Lenhart, et.al, *Online Harassment, Digital Abuse, and Cyberstalking In America*, Data & Society (Nov. 21, 2016), https://www.datasociety.net/pubs/oh/Online_Harassment_2016.pdf; Maeve Duggan, *Online Harassment 2017*, Pew Research Center (Jul. 11, 2017) <https://www.pewresearch.org/internet/2017/07/11/online-harassment-2017/>.

¹⁰ *Online Privacy Threats To Women And LGBTIQ Communities In Lebanon*, SMEX (Nov. 30, 2018), <https://smex.org/online-privacy-threats-to-women-and-the-lgbtqi-communities-in-lebanon/>.

¹¹ *The Palestinian Digital Rights Coalition denounces the violation of the privacy of the demonstrators in Ramallah*, 7amleh (June 29, 2021), <https://7amleh.org/2021/06/29/aetlaf-alhqwq-alrqmyh-ystnkr-anthakat-alhqwq-alrqmyh-ma-tsaad-alahdath-alakhyrh-ala-alardh>.

pro-government Facebook and Instagram pages and accounts after Palestinian Authority security forces forcefully confiscated their phones during a protest.¹²

Harms sharply increase in countries where homosexuality is illegal and when there is no legal or social protection for targets to seek redress. For instance, a 23-year old gay student from Morocco was kicked out of his brother's house and was forced to sleep on the streets, during the COVID-19 pandemic, after others outed his sexual orientation online.¹³ Similarly, in Tunisia this year, police unions used Facebook to single out women, lesbian, gay, bisexual, transgender, and intersex activists at protests.¹⁴ Tunisian police unions posted phone numbers, pictures, and home addresses of those activists in retaliation for participating in the protests. Those actions ultimately led to protestors receiving threatening phone calls, and threats of rape and death.

The Facebook platform makes doxing particularly easy and rewarding for doxers. With information easily shared to many people at once either through a profile or group post, the platform reduces barriers to doxing, ensuring that a single post could be used to ruin someone's life. Even information that is publicly available (such as information that is part of a lawsuit or a voter registration) is not necessarily easily accessible until that information is posted by a doxer on Facebook. Thus, even if information is available to the public somewhere, the doxing-related harm is caused by the Facebook post itself. Ultimately, Facebook should take action against doxing even if that information is purportedly available elsewhere.

Facebook should create a doxing policy that is clear and enforceable and a reporting mechanism that is simple and frictionless for people to use

Given the potentially severe harms caused by doxing, Facebook should create a general policy on doxing that, by default, disallows sharing a private person's identifying information for purposes of doxing.¹⁵ Once Facebook establishes that policy, it should make reporting doxing easy and frictionless and take enforcement action quickly. Without clear and efficient policies in place, people who use Facebook will continue to experience doxing-related harms.

Currently, doxing is addressed through a combination of policies on the Facebook site, including the Community Standards on Privacy Violations and Image Privacy Rights and the Community Standards on Harassment and Bullying.¹⁶ Combined, the policies reach some of the doxing-

¹² Mariam Barghouti (@MariamBarghouti), Twitter (Jun. 28, 2021, 1:04 PM), <https://twitter.com/MariamBarghouti/status/1409558388762202112>.

¹³ *Morocco: Online Attacks Over Same-Sex Relations*, Human Rights Watch (Apr. 27, 2020), <https://www.hrw.org/news/2020/04/27/morocco-online-attacks-over-same-sex-relations>.

¹⁴ Layli Foroudi, *They went out to protest. Then the police attacked them on Facebook*, Wired (Apr. 15, 2021), <https://www.wired.co.uk/article/tunisia-police-facebook>; Francesca Ebel, *Tunisian police are using drones and Facebook to doxx LGBTQ protesters*, Coda (Apr. 22, 2021), <https://www.codastory.com/authoritarian-tech/anti-lgbt-crackdown-in-tunisia/>.

¹⁵ Exceptions could apply, as cases present themselves, for situations where the public interest principles outweigh other harms. Note, however, the discussion above regarding publicly-available information.

¹⁶ *Community Standards: Bullying and Harassment*, Facebook, <https://www.facebook.com/communitystandards/bullying>; *Community Standards: Privacy Violations*

related practices that cause the harm we have identified above. For instance, sharing contact information for a Facebook subscriber is covered by both policies, and attacking someone based on sexual activity is covered by the harassment and bullying policy. But even if the policies exist, violations should be easy to report and the policy should be enforced vigorously.

People's experience with Facebook's reporting system has been mixed. Numerous targets of doxing have reached out to Facebook in the past three years.¹⁷ Many people used the terms dox, doxed, or doxing to describe the malicious attacks.¹⁸ When subscribers seek help on the "Help Community" Facebook forums about how to report doxing, many of them received different answers—at times Facebook directed users to the Help Center, or else Facebook suggested the person block the doxer or delete the offending message, or the person was directed to report the comment or report a privacy violation, even though that is not the right place to report doxing.¹⁹

Unfortunately, the reporting mechanisms and other suggestions from Facebook are unsatisfying. The reporting mechanisms often do not allow the person to explain why the content should be removed.²⁰ Some cases may be obvious but some may not be. The person may need to explain language used in the post, or could elaborate on the post by showing that they have already experienced harm from the doxing, signaling extreme urgency in the need to remove the content.

The suggestions to block a profile or delete posts are also insufficient.²¹ Those options may stop a person from *knowing* they are being doxed, but they do not prevent doxing. Blocking another profile may make the problem worse, as the targeted person may no longer be able to report further doxing content. A profile that is known to dox others should not be allowed to continue to engage in that behavior, and blocking does little to prevent the harm. Deleting posts on a person's profile is also insufficient if the person is being spammed or otherwise has a difficult

and Image Privacy Rights, Facebook,
https://www.facebook.com/communitystandards/privacy_violations_image_rights.

¹⁷ "Doxxing" Search Results, Facebook Help Community,
<https://web.facebook.com/help/community/search?query=doxxing>.

¹⁸ *I'm getting threatened and Doxxed by someone and have no way to report it*, Facebook Help Community (2019),
https://www.facebook.com/help/community/question/?id=10156789785395272&search_session_id=05ba0of6012df7ba2e0e46d9de0fdfe0&rdrhc; *Friend is being doxxed. What are the steps to remove this user?*, Facebook Help Community (2019),

https://www.facebook.com/help/community/question/?id=10216007398049307&search_session_id=05ba0of6012df7ba2e0e46d9de0fdfe0&rdrhc; *This guy using a fake name is harassing and doxxing me. What can I do?*, Facebook Help Community (2020),

https://www.facebook.com/help/community/question/?id=2519657915017363&search_session_id=05ba0of6012df7ba2e0e46d9de0fdfe0&rdrhc.

¹⁹ *Comments*, Facebook Help Center, <https://web.facebook.com/help/795528213825310/?ref=u2u>;
Report a Privacy Violation, Facebook Help Center,
<https://web.facebook.com/help/contact/144059062408922>.

²⁰ *How to Report Things*, Facebook Help Center,
https://web.facebook.com/help/reportlinks?_rdc=1&_rdr.

²¹ *Report a Comment*, Facebook Help Center,
https://www.facebook.com/help/795528213825310/?ref=u2u&_rdc=1&_rdr.

time deleting every doxing post, like those posts were made while the person was asleep or otherwise not checking their Facebook profile.

Given the severe and lived harm of doxing targets, Facebook should have a centralized doxing policy. The term has been used for many years, and allowing people to report content for “doxing” would provide a clear path to seek relief from Facebook. Reporting doxing should also be easy, straightforward, and empower the target, which currently it is not.

Facebook’s heavy reliance on data collection and processing encourages people to share information

Facebook's data harvesting practices and reliance on personal information as part of its business model both creates a risk of doxing from unauthorized disclosure of that information and creates a general incentive for subscribers to disclose and display information on their profiles that may then be used for abuse, including doxing.

The platform collects and stores extensive location-related information that is ripe for abuse. Based on its privacy policy, Facebook collects information on the location of photos, device GPS, nearby Wi-Fi access points, IP address, and information about nearby devices.²² Facebook uses a variety of location information, “such as current location, where you live, the places you like to go, and the businesses and people you’re near,” for product improvement and to serve ads.²³ It should be no surprise that most people spend a vast majority of their time in two places: work and home. Facebook very likely knows those locations for its 2+ billion subscribers, making any leak or breach of Facebook’s data a key target for doxers.

Facebook should protect its subscribers’ information from misuse. First, it should make efforts to better inform people about the data it collects, and by default set sharing and privacy settings to the most privacy-protective option. However, the most fool-proof way to protect its subscribers’ information is simply not to collect it in the first place. “Data not collected cannot be used to harm people.”²⁴ Thus, Facebook should implement a strict data minimization policy across its platform as well as privacy by design and by default that respects the harms caused by doxing, particularly with a strict data retention limit for any data collected or inferred primarily for an advertising purpose.²⁵ Such measures may involve rethinking the company’s business model, which directly or indirectly creates harm for its users, including doxing.²⁶

²² Facebook Data Policy, <https://www.facebook.com/about/privacy>.

²³ *Id.* (“How do we use this information?” - “Location-related information”).

²⁴ Eric Null, Isedua Oribhabor, & Willmary Escoto, *Data Minimization: Key To Protecting Privacy And Reducing Harm*, Access Now (May 2021), <https://www.accessnow.org/cms/assets/uploads/2021/05/Data-Minimization-Report.pdf>, at 14.

²⁵ *Id.* at 10-12.

²⁶ *Surveillance Giants: How the Business Model of Google and Facebook Threatens Human Rights*, Amnesty International (Nov 2018), https://www.amnesty.ch/de/themen/ueberwachung/dok/2019/ueberwachung-durch-facebook-und-google/191121_rapport_fb_google_surveillance-docx.pdf.

Recommendations:

The Facebook Oversight Board should issue a decision instructing Facebook to adopt the following practices:

- Establish a general policy on doxing, ensure it is consistent across the company's various policies, and take into account that even publicly-available information posted to Facebook for doxing purposes can be very harmful,
- Make it easy for someone to report doxing, with additional context if necessary, and ensure that profiles known as repeat abusers are addressed,
- Provide clear timelines for Facebook to respond to doxing complaints,
- Better inform people about the risks of sharing information on social media profiles and set sharing settings to the highest privacy standards by default, and
- Implement data minimization practices, especially related to information collected primarily for an advertising purpose, across the platform.

Respectfully submitted,

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