PERMISSIBILITY OF NEWS PERSONALISATION
IN VIEW OF
THE FREEDOMS OF THOUGHT AND OPINION

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news personalisation

permissibility in view of the freedoms of thought and opinion
NEW YORK TIMES PLANS TO INVEST HEAVILY IN AI TO IMPROVE PERSONALIZATION

Company intends to create personalized feeds to improve user engagement

How does the BBC use cookies?

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We use different types of cookies for different things, such as:

- Analysing how you use the BBC
- Giving you a better, more personalised experience
- Recognising when you’ve signed in
- Giving people outside the UK the international version of the BBC website (which has adverts).

VRT Enhance your experience through cookies

Functional and statistical cookies
These cookies are a minimal need for the website to work well. They are anonymous and chart your use for analysis and research.

Info on VRT Privacy and cookie policy

Additional cookies:

- **Recommendations**
  Receive recommendations based on what you like to read, see and/or hear.

- **Tailored advertising**
  Optimise adverts based on your surfing behaviour.

- **Social media links**
  Ensure optimal synergy with social media such as Youtube, Twitter, Facebook and Instagram.
European Convention on Human Rights

Charter of Fundamental Rights of the European Union

American Convention on Human Rights

International Covenant on Civil and Political Rights

Universal Declaration of Human Rights
“Everyone has the right to freedom of thought, conscience and religion”
“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions”

Charter of Fundamental Rights of the European Union

“Everyone has the right to freedom of thought and expression”

“Everyone shall have the right to freedom of thought, conscience and religion”
“Everyone shall have the right to hold opinions without interference”

Universal Declaration of Human Rights
“thought”
anything one might think of
denotes the exercise of human reason
development, holding, refinement, change

“opinion”
political, scientific, historic, moral or religious
result of a thought process
form and develop by way of reasoning, hold, change
“Freedom of thought contributes to the freedom of opinion in that opinions usually represent the result of thought process.”

“Both rights have the same scope. The concepts of “thought” and “opinion” have a general meaning. They should be interpreted in an extensive manner.”

“Everyone has the right to freedom of thought and expression”

“very close in meaning”

“not mutually exclusive but complementary to each other”

“freedom to hold any opinions without interference is a truism and therefore superfluous”

“freedom of opinion should be distinguished from, yet at the same time is closely linked to, the freedom of thought [...] the expression of an opinion relates to secular and political matters rather than religious ones and the expression of a thought relates to religious matters rather than secular ones”
influencing performed by way of coercion, threat, the use of force, or other unlawful means

threshold of influencing: intention

coercion through AI
- lack of knowledge of direct or indirect interaction with such systems;
- lack of knowledge of how they work;
- no right to opt out or withdrawal.

interference (first approach)

lack of knowledge of direct or indirect interaction with such systems;

lack of knowledge of how they work;

no right to opt out or withdrawal.

absolute interference

scope

overlap

interference (first approach)
no interference

interference (first approach)

daily influencing:
propaganda;
private advertising;
personal conversations or other impressions;
information disseminated by the mass media in our digitalised society.

news personalisation

indoctrination;
brainwashing;
influencing of the (sub)conscious mind with psychoactive drugs/other means of manipulation;
re-education;
ideology conversion system.
content curation incompatible with the right to receive information

duty to inform incumbent on the press

right to consume available information

news personalization impacts thought process

content curation incompatible with the freedoms of thought and opinion
influencing performed by way of coercion, threat, the use of force, or other unlawful means

threshold of influencing: impact on thought process (through the way in which people receive information)

coercion through AI
- lack of knowledge of direct or indirect interaction with such systems;
- lack of knowledge of how they work;
- no right to opt out or withdrawal.
no interference

interference (second approach)

daily influencing:
  - propaganda;
  - private advertising;
  - personal conversations or other impressions;
  - information disseminated by the mass media in our digitalised society.

news personalisation

interference (first approach)

indoctrination;
brainwashing;
influencing of the (sub)conscious mind with psychoactive drugs/other means of manipulation;
re-education;
ideology conversion system.
compatible personalisation

- indication by user
- news items lacking public interest value (assessment by editorial board)
- general page (“the bundle”) + personalised page (“my news”)
- tailor-made newsletter
- payable alternative
takeaways …

… two approaches to interference

… news personalisation impacts thought processes

… deployment by news media requires due care
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