

AMENDED Exhibit 187

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Case No.: 4:22-md-03047-YGR

MDL No. 3047

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

From: [REDACTED] [/O=THEFACEBOOK/OU=EXTERNAL
(FYDIBOHF25SPDLT)/CN=RECIPIENTS/CN=[REDACTED]]

Sent: Wed 11/18/2020 4:55:48 AM (UTC)

To: Vaishnavi J [REDACTED]
[REDACTED]
[REDACTED] Antigone Davis [REDACTED]

Cc: [REDACTED]

Subject: Re: NRK follow up story out. / Meeting with the Norwegian Minister of Children and Minister of Justice

Adding [REDACTED] here as well for the full picture

Hent [Outlook til iOS](#)

Exhibit 34 1.30.25 mlr

Fra: Vaishnavi J [REDACTED]
Sent: Wednesday, November 18, 2020 2:43:41 AM
Til: [REDACTED]

[REDACTED] Antigone Davis [REDACTED]

Cc: [REDACTED]
Emne: Re: NRK follow up story out. / Meeting with the Norwegian Minister of Children and Minister of Justice

+ Antigone and [REDACTED] who've been working on a broader newsroom update around how we're handling child safety issues during COVID

Thanks for sharing this, [REDACTED] - I agree with you that we need to address the balance between how much we delegate to automated decision-making, and how much we rely on human capacity review. In case it's useful, here's where we stand on human review capacity going into 2021:

- The CO human review capacity for CEI is at [REDACTED]; CO Safety suspects this will continue to be true for many more months to come for large pools of queues with [REDACTED] projected supply for the near future.

• [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

It'd be great to work together on how much of this story we can tell externally, while also pointing to all the mitigations we've put in place to reduce the impact of not having human reviewers. Some of the reporting improvements we've added have given us better signals to triage these reports (e.g. adding a profile-level reporting option for IG has been great at getting more accounts accurately prioritised for review), but definitely agree that we need to improve our automated detection if we're going to continue leaning on it well into 2021.

From: [REDACTED]
Sent: 16 November 2020 9:39 PM

To: Vaishnavi J <[REDACTED]>

Cc: [REDACTED]

Subject: Re: NRK follow up story out. / Meeting with the Norwegian Minister of Children and Minister of Justice

Hi Vaishnavi

On the point of our reviewer capacity, I've been struggling to get my head around this for a while.

Here's what Mark said about sending our reviewers home on [a press call back in March](#) (Q from Shannon Bond, NPR):

We have moved, or are in the process of moving, the most sensitive types of content that need to get extra attention over to full-time employees for the time being. So that's the work on suicide and self-injury prevention, it's the work on child exploitation, counter-terrorism, those are kind of the types of examples.

We're actually surging the number of people who are working on those things. I'm personally quite worried that the isolation from people being at home could potentially lead to more depression or mental health issues and we want to make sure that we are ahead of that in supporting our community by having more people during this time work on things that are on suicide and self-injury prevention, not less.

So, we're -- so we basically shifted out work, so that it's more full-time work force, and we're surging some of that, which inherently is going to create a trade-off against some other types of contents that may not have as imminent physical risks for people.

I've heard us say this consistently: While our capacity is currently low, we continue to prioritise CEI for review at the expense of less harmful content.

I think you are right that the story raises fair criticism, and I believe this is one of those points. Marianne said she had the same experience reporting some of that content – in just seconds, our message comes back claiming “no violation”, even in cases where it's obvious to us that there is one. Disregarding the obvious fix to the perception problem (introducing an artificial 1-hour delay), I think the reporters point to a real issue in our review system that mirrors the sentiment we've been getting from press across several media stories: Clearly, we've handed over too much decision power to a technology that's not ready for that yet, and it's beginning to erode people's trust in our systems.

Best,

[REDACTED]

FACEBOOK

Head of Communications

Nordics

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facebook.com/petermunster

From: Vaishnavi J <[REDACTED]>

Date: Monday, 16 November 2020 at 17:45

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: NRK follow up story out. / Meeting with the Norwegian Minister of Children and Minister of Justice

Hi [REDACTED]

Thanks for sharing this story and highlighting the parts most relevant to us. Definitely a tough story with some fair criticism.

These two lines in particular stood out to me:

"The accounts NRK reported were moderated quickly - so quickly that it was apparently done by machines."

"Instagram has too few moderators to take care of the job of removing the accounts, he believes. Brandtzaeg says it is worrying that the company does not share information about how moderation takes place."

This seems like a great opportunity to flag how significantly our reviewing capacity is limited by COVID-19 constraints. In a non-COVID climate, we would have many, many more human reviewers to look through this content. To mitigate this, we've leaned more heavily on technology and automated actions, which will not be as accurate as human reviewers going through this content. Given that these limitations will continue well into 2021, continuing to managing expectations would be really helpful.

I'll also feed into the Ministers briefing doc today; defer to PP and Comms on the strategic value of the op-ed but if you do decide to go down that route, I'm happy to help in any way I can. Separately, we'll continue to follow up on the accounts themselves.

Thank you again for managing this so carefully given the sensitivity of the issue.

Vaishnavi

From: [REDACTED]

Sent: 16 November 2020 2:47 AM

To: [REDACTED] Vaishnavi J <[REDACTED]>

Cc: [REDACTED]

Subject: Re: NRK follow up story out. / Meeting with the Norwegian Minister of Children and Minister of Justice

+ [REDACTED] for visibility

From: [REDACTED]

Date: Monday 16 November 2020 at 10:43

To: [REDACTED] Vaishnavi J <[REDACTED]>

Cc: [REDACTED]

Subject: Re: NRK follow up story out. / Meeting with the Norwegian Minister of Children and Minister of

Justice

Hi,

2. perfect, [REDACTED]

4. I'm very mindful if we publish an op-ed that seems defensive, it will highly likely put us in a worse spot. I think the best way forward is to enter the meeting with the Ministers being humble – that we share their interest in keeping our platforms safe - and use the opportunity to explain the complexity of this issue, and that we're working to improve with the implicit sexualization policy change (and would be great to have more TPs on transparency in reporting). We should be prepared that the meeting will be covered by the media (NRK), and that the ministers will give statements after. We should also have a statement prepared.

On transparency and reporting: NRK and the private activists have stated that they have reported both violating accounts and all violating pieces of content and comments they found.

Best,

From: [REDACTED]

Date: Monday, 16 November 2020 at 11:22

To: [REDACTED] Vaishnavi J [REDACTED]

Cc: [REDACTED]

Subject: Re: NRK follow up story out. / Meeting with the Norwegian Minister of Children and Minister of Justice

+ [REDACTED] – bringing us all together on one thread.

Thanks [REDACTED] for flagging. A really tough story. The main criticism here is our reporting flows and enforcement, which hopefully will improve after a) we introduce our implicit sexualisation of minors policy; and b) we can be more transparent with users about what happens when they report entire accounts v content [[@Vaishnavi J](#) I know there's a team working on that, let's pick up separately!].

In terms of immediate next steps:

1. Making sure the violating accounts are down by the meeting with Ministers.
2. I'll feed into the Ministers meeting briefing doc today.
3. Suggest we proactively brief NRK when we launch our implicit sexualisation of minors policy
4. [REDACTED], do you still think an op-ed on Wednesday is the best approach? I defer to you; I think it depends on whether we will be saying anything new, and whether it will be compelling rather than defensive, especially as the reporting element is still hard to argue.

From: [REDACTED]

Date: Monday, 16 November 2020 at 06:58

To: Vaishnavi J <[REDACTED]>

Cc: [REDACTED]

Subject: NRK follow up story out. / Meeting with the Norwegian Minister of Children and Minister of Justice

Good morning!

The NRK follow up story is out now. As expected it's bad. Here's the [link](#) to the story (top story on NRK now). I've highlighted in red some key lines and quotes.

NRK reported 100 accounts with CEI - only ten were removed

NRK reported 100 accounts to Instagram that spread and sell CEI material. In one week, only ten of them have been removed, despite the fact that the accounts violate the company's own rules.

NRK recently [revealed](#) that there is open buying and selling of CEI on Instagram (*first story published 5th Nov*). Hundreds of accounts contain nude photos and highly sexualized material of children as young as 5 years old. The photos and videos are distributed, exchanged or sold to other users on the platform, despite the fact that it violates Instagram's own rules.

NRK has, via Instagram's own system, reported 100 of these accounts to the company. But in a week, only ten of them have been removed. Still, open to all, there are highly sexualized images of children, which in many cases are openly sold or exchanged.

Not only that: The accounts Instagram has not removed have in one week gained over 10,000 new followers.

More, not fewer photos

The accounts NRK reported were moderated quickly - so quickly that it was apparently done by machines. A number of auto-generated responses were returned, stating that the accounts did not violate the company's guidelines. Almost all the accounts reported were allowed to stay on the platform, despite the fact that they contain highly sexualized images, comments and icons about children as young as 5 years old.

Specific posts on the accounts also do not appear to have been moderated. Most accounts contain more and not fewer sexualized images after they were reported.

The children are either half-naked or lightly dressed and often pose in commercial studios. Or they have been secretly photographed, for example on the beach. Another, large proportion of the material on the cyber -'s profiles appears to be private family photos astray.

10,000 new followers

Since this was brought to Instagram's attention, the accounts have gained over 10,000 new followers.

Several of these profiles are clearly marked that they sell or exchange the material and where this happens. Users usually refer to the encrypted file sharing service Megalink, where photos and videos can be exchanged.

The accounts are also often marked with a pizza icon, to signal what they are spreading, selling or exchanging. The pizza piece or "cheesepizza" is the code language for "child pornography" or abusive images as it really is.

Think they're hiding something

Petter Bae Brandtzæg, professor of media and communication at the University of Oslo, is shocked by NRK's findings and that the reported accounts have not been removed.

- This is a cynical industry I really thought Instagram had better control over, he says.

Instagram told NRK last week that they are doing everything they can to remove images of abuse and that reports of sexual exploitation of children are a priority. Brandtzæg, who researches the use of social media, has little confidence that Instagram does as they promise.

- This is just about priorities and what Facebook, which owns Instagram, spends resources on. We are talking here about one of the richest companies in the world, which benefits wildly from the users' content. They make billions every day.

The professor believes the reporting system is going too slowly. Instagram has too few moderators to take care of the job of removing the accounts, he believes. Brandtzæg says it is worrying that the company does not share information about how moderation takes place.

- So little transparency about how the processes take place, shows that the company is trying to hide something. There is probably a lack of actionability for moderation on the platform.

- No technology is perfect

So why are so few exploitative material accounts removed? Instagram reiterates that the technology that will capture and remove this type of content is constantly being developed and improved, among other things to find more content that can end up in a "gray zone" when evaluated by machines.

- No technology is perfect. Technology and human moderators who work together are most effective, says Marianne Neraal who is head of guidelines at Facebook Norway.

Marianne Neraal, head of guidelines at Facebook Norway, maintains that the company is doing everything they can to remove abusive material from the platform.

Instagram again asks NRK to hand out the 100 account names, despite the fact that they have already been reported into the system the company itself offers. The accounts are reported in the same way as all users are encouraged to use if they want to notify about harmful content on the platform.

- If we got the names of the accounts, we could have investigated, removed potentially harmful content and reported further to the authorities, Neraal says.

- Not good enough

After NRK's revelation, Minister for Children and Families Kjell Ingolf Ropstad (KrF) called Facebook on the carpet. He demanded that the company remove the abusive material immediately.

Now the Minister for Children says that it does not help to have good guidelines, if they are not followed up.

- I react strongly to the fact that it takes so long to remove content that is obviously both illegal and harmful to children. This is not good enough. A serious, large and international company like Facebook should be able to solve this quickly, says Ropstad.

From: Vaishnavi J [REDACTED]

Date: Friday, 13 November 2020 at 20:30

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: Meeting with the Norwegian Minister of Children and Minister of Justice

That's really great news; thank you Marianne! And happy to share any IG child safety TPs that will help - we've got a good amount of progress to show in this space this year 😊

From: [REDACTED]

Sent: 13 November 2020 11:27 AM

To: [REDACTED]
[REDACTED] > Vaishnavi J
Cc: [REDACTED]
Subject: Re: Meeting with the Norwegian Minister of Children and Minister of Justice

You have until Wed morning to learn the language, [REDACTED] 😊

Major breakthrough now: The activists have shared with me the **full list of accounts they have reported to us !**

I'm sending to CO now.

From: [REDACTED]
Date: Friday, 13 November 2020 at 19:02
To: [REDACTED]
[REDACTED], Vaishnavi J
Cc: [REDACTED]
Subject: Re: Meeting with the Norwegian Minister of Children and Minister of Justice

The Norwegian Police SPOC is intent on teaching me one word every time we communicate. Tenacious if nothing else.

[REDACTED]
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mobile: +44 7547 935049

Women@
FACEBOOK LONDON

Resources for Law Enforcement

If you are a law enforcement authority, visit our [Guidelines for Law Enforcement](#)

From: [REDACTED]
Date: Friday, November 13, 2020 at 5:51 PM
To: [REDACTED]
[REDACTED] Vaishnavi J
Cc: [REDACTED]
Subject: Re: Meeting with the Norwegian Minister of Children and Minister of Justice

Hi Marianne, we will get you TP's on IG safety approach more broadly.
I wish I spoke Norwegian so we could support in person!

From: [REDACTED]
Date: Friday, November 13, 2020 at 4:42 PM
To: [REDACTED] Vaishnavi J
Cc: [REDACTED]

