

## **The ACCESS Act of 2022**

The Augmenting Compatibility and Competition by Enabling Service Switching Act

*Sponsored by Senators Warner, Blumenthal, Graham, Hawley, & Klobuchar*

The negative consequences of the dominance of a handful of large platforms have been on stark display in recent years. Consumers face a marketplace with just a few major players and little in the way of real competition. Individuals that want to switch to a different platform often feel tethered to their current service, not wanting to lose access to years of accumulated photos and messages or lose the ability to contact family and friends.

By making it easier for social media users to easily move their data or to continue to communicate with their friends after switching platforms, startups will be able to compete on equal terms with the biggest social media companies. And empowering trusted custodial companies to step in on behalf of users to better manage their accounts across different platforms will help balance the playing field between consumers and companies. In other words, by enabling portability, interoperability, and delegatability, this bill will help put consumers in the driver's seat when it comes to how and where they use social media.

### **Summary**

The ACCESS Act is a bipartisan bill that will encourage market-based competition to dominant social media platforms by requiring the largest companies – those with over 100 million monthly active users in the United States – to make user data portable, enable their services to interoperate with other platforms, and allow users to designate a trusted third-party service to manage their privacy and account settings, if they so choose. The ACCESS Act requires large platforms to maintain transparent, third-party-accessible interfaces that enable:

- Portability – or the secure transfer of user data to a user, or to a competing platform acting at the direction of a user, in a structured, commonly used, and machine-readable format;
- Interoperability – or the ability to communicate with a user of a competing platform; and
- Delegatability – or the ability of a user to delegate to a custodial third-party agent the ability to manage the user's online interactions, content, and account settings on a platform, subject to a duty of care.

### **Endorsements**

The ACCESS Act has been endorsed by Public Knowledge, Union Square Ventures, Beeper, and Paul Romer, New York University Professor of Economics and Nobel Prize laureate in Economics.

**“We must get back to the conditions that make markets work: when consumers know what they give a firm and what they get in return; and if they don't like the deal, they can take their business elsewhere.”**

*Paul Romer, Nobel Prize laureate in Economics*

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