

Complaint details

Identification number: 367682319221-26

Organisation name: Center for Data Innovation

Clause(s) allegedly breached: a) always identify themselves by name and, by registration number, if applicable, and by the entity or entities they work for or represent; declare the interests, objectives or aims they promote and, where applicable, specify the clients or members whom they represent;

d) ensure that, to the best of their knowledge, information, which they provide upon registration, and subsequently in the framework of their activities covered by the register, is complete, up-to-date and not misleading; accept that all information provided is subject to review and agree to co-operate with administrative requests for complementary information and updates;

Attachments: Email exchange between CEO and CDI.pdf; Email exchange between CDI and MEP.pdf; List of US tax exempt organisations that have declared funding Information Technology and Innovation Foundation since 2010.pdf;

Information: There are strong indications that the Center for Data Innovation has a close relationship with tech firms and their lobby groups, at times described as members others as supporters, but it actively chooses to hide it.

By not disclosing this relationship, CDI fails to "declare the interests, objectives or aims they promote and, where applicable, specify the clients or members whom they represent" , as required by article a) and ensuring that its entry is not misleading, article d).

CDI describes itself as an independent think tank aiming at promoting specific public policies. Their activities clearly include directly lobbying EU policy-makers: public logs show CDI had at least one meeting with a Commission senior official and three with MEPs. CDI also participates in public consultations and debates with the EU institutions. For 2017-2018, CDI declared a budget of over 4 million euros, of which less than 99,000 euros were spent lobbying the EU. About 89% of its budget is made up of contributions and grants yet the CDI provides no information about their source.

CDI's entry lists only a connection to the Information Technology and Innovation Foundation (ITIF - ID 923915716105-08). As far as can be seen, CDI and ITIF share resources, funding and structure. A separate complaint on ITIF will be submitted.

Neither CDI or ITIF list the names of members or funders in their EUTR entries or websites. However, there are strong indications that they are affiliated with tech firms and their lobby groups – from being founded, funded and overseen by them. In concrete:

- Two companies state they are members/affiliated with either CDI or ITIF - Google (03181945560-59) and VMware (ID 922046321682-57)

- CDI has told MEP Alexandra Geese: "Our membership includes a diverse range of corporations from various industries, government agencies, charitable foundations, and individual contributors. Our staff, board of directors, and honorary co-chairs come from a range of political backgrounds and represent varying points of view. If you check our board of directors (<https://itif.org/people/board>), it could give you a good idea of the type of supporters. " (email attached)

- ITIF's board is made up mostly of representatives of public relations/lobbying teams for Big Tech firms such as Google, Microsoft, Apple, Amazon, lobby group ITI and lobby firms like Burson-Marsteller and Arent Fox (chair of the Board) <https://itif.org/people/board>

- The tech lobby group Information Technology Industry Council (ITI – 061601915428-87) says in its website that in 2006 several of its member companies got together to launch ITIF https://www.itic.org/about/our-history?host_id=f31e7e98-8ff7-4ee5-a4b9-6ca62662ce62

- Press reports stated that ITIF's launch was a part of Big IT Vendors' lobbying strategy, mostly backed by lobby group ITI <https://www.informationweek.com/desktop/big-it-takes-step-to-influence-tech-policy-in-us/d/d-id/1041773?>

- According to their websites and tax forms, ITIF and lobby group ITI share the same US address

- While not all funders are known, US tax forms show ITIF receives yearly contributions from industry lobby groups like ITIC (see list attached)

To CEO, CDI told it did not have members but does mention supporters (see attached). CEO believes that the above points to a close relationship where corporate lobbies play an integral role in the running of the think tank. As per Article a) and the implementation guidelines, registered actors should disclose member or affiliated groups. If the above links are correct, according to the implementation guidelines, it should be assessed whether the CDI should be remain registered as a think tank or if their activities are more in line with the category Trade and Business Associations "Organisations (either profit or non-profit making themselves) representing profit-making companies or mixed groups and platforms".

Was any harm caused to the complainant?

Yes

Comments:

It is difficult to quantify harm in these terms but it seems clear that CDI has held several interactions with EU officials and policy-makers that were likely not aware of its relationship with corporate interests.

CDI and ITIF have been able to contribute to tech policy debates and consultations plus lobby EU officials and policy-makers without ever disclosing their relationship with the tech industry.

This gives the think-tank a veneer of independence that seems to not reflect reality. MEP Geese, for instance, has raised concerns that CDI does not disclose

"corporate members or its financial sources" and "in the past year, Commission representatives – from Cabinet members to Heads of Units to policy staff – have participated frequently in lobbying events organised by the Center."

In response, the European Commission told MEP Geese that "The Commission is not aware of any corporate members that the Center may have but has not disclosed. If the Honourable Member possesses such information, and passes it on to the Joint Transparency Register Secretariat, the Secretariat would be ready to examine it in light of the Transparency Register's Code of Conduct(2)." https://www.europarl.europa.eu/doceo/document/E-9-2020-001512_EN.html

The Transparency Register appropriately requires that organisations always disclose their members and whose members they represent as this information is crucial for citizens, journalists and policy-makers. Policy discussions surrounding tech firms have been particularly targeted by hidden or secretive interests so it is especially important to ensure these organisations are at the very least transparent.

Was the non-compliance intentional?

Yes

Comments:

CDI has been asked multiple times to reveal their funders and links with corporations, including by MEPs, and have simply rejected doing so.

Confidentiality:

I authorise the Commission to divulge my identity as part of the administrative procedures necessary to verify the complaint.