

Deutscher Rat für Public Relations

DRPR Procedure 05/2023: Complaints Board
Enterprise and Market 1 Case: Twitter /
BioNTech SEOffice of the German Council for
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DPRG GPRA BdKom*Berlin, 07.07.2023***On the merits of the case:**

A complaint was submitted to the German Council for Public Relations regarding the communication behavior of BioNTech SE and Twitter. The background is the alleged attempt by BioNTech SE to evade a public debate in the context of "vaccination patents". The DRPR has received information according to which BioNTech SE attempted on December 12, 2020 to use its own Twitter account in the context of a "Online campaign against vaccine manufacturers" to be "hidden" by Twitter for two days so that "comments etc. are no longer possible". In her function as Director External Communications of BioNTech SE, Jasmina Alatovic justifies her request by referring to an "online campaign against vaccine manufacturers" by the BSI.

to have received. In the course of this campaign, "calls are being made, for example, to contact BioNTech and our managing directors via social media".

The contact to Twitter was made directly by BioNTech's head of communications Jasmina Alatovic to "Twitter lobbyist" Nina Morschhäuser, who at the time was working for Twitter in Berlin as "Head of Public Policy, Government and Philanthropy."

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For her part, Morschhäuser contacted the "Twitter content moderation team" on Dec. 13, 2020, based on this request, with the additional request to monitor the hashtags #JoinCTAP and #peoplesvaccine, among others, as well as the Twitter accounts of BioNTech SE, Pfizer, Moderna and Astra Zeneca. In her email, Morschhäuser refers to a warning from the German Federal Office for Information Security (BSI) regarding "serious consequences" with regard to cybersecurity risks in the context of "People's Vaccine Day" on Dec. 14, 2020.

The DRPR's research confirmed the facts beyond doubt. It was only not possible to provide evidence of the specific implementation in the course of the research.

Despite a written request from the DRPR and the opportunity to comment, neither the German Federal Office for Information Security (BSI) nor Twitter considered it appropriate to comment on the facts of the case and contribute to clarification. BioNTech SE commented in detail on the facts of the case and justified the deactivation of the account with ongoing concrete security concerns and as a measure within the framework of cyber security.

Decision:

The DRPR issues a warning against Twitter and BioNTech SE for violating the transparency requirement of the German Communications Code.

Substantiation:

In the DRPR's view, BioNTech SE's request, submitted by e-mail to the "Twitter lobbyist" Nina Morschhäuser, is an attempt to make critical public discourse more difficult by "hiding" the BioNTech Twitter account and thus avoiding it.

It is not clear to what extent there were further agreements between BioNTech SE and Twitter outside of the e-mails. However, in her e-mail to various contacts and "site integrity" teams at Twitter, Morschhäuser specifies the initially vague reference by the Federal Office for Information Security to a possible cyber security risk. Accordingly, the BSI warns of "serious consequences" of an online campaign orchestrated via the online portal globaljustice.co.uk, among others, which could lead to a "flood of comments," "takeover of Twitter accounts" and creation of fake accounts.

In the absence of a statement from the German Federal Office for Information Security (BSI), it is not clear whether and on what basis the authority actually warned of "serious consequences" in the context of "People's Vaccine Day" - or whether a tense (cyber) security situation existed in principle.

The DRPR also has information that Morschhäuser's request was discussed controversially within the Twitter organization and to what extent individual Twitter accounts and hashtags from the thematic environment of the "People's Vaccine Day" should be monitored more closely. Among the hashtags mentioned is #JoinCTAP - a reference to the World Health Organization's Covid-19 Technology Access Pool, a project initiated by

Developing countries funded program to accelerate vaccine development through equitable sharing of research and production capacity. In the course of the discussions, a member of Twitter's "safety team" noted that a quick review of the activist campaign did not reveal anything that might violate the company's terms of service and asked for more information to "get a better sense of what content might violate our policies."

In the Council's view, the extent to which Twitter responded to BioNTech SE's request or discussed steps on its own authority that cannot be traced back to agreements with BioNTech SE cannot be traced in detail, even in the absence of a statement by Twitter. However, according to information available to the Council, accounts, tweets and hashtags related to the activist campaign for the release of vaccine patents were apparently closely monitored by Twitter during the relevant period and in some cases marked as "misleading information" or "downgraded" with reference to Twitter's terms of use.

Even if cause and effect as well as the specific implementation cannot be proven, in the DRPR's view, the present agreements between BioNTech and Twitter as well as between the Twitter teams involved alone constitute a violation of the transparency requirement. This and the fact that neither Twitter nor the BSI wanted to contribute to a clarification prompted the DRPR to issue a warning.

In particular in the context of "People's Vaccine Day" on December 14, the DRPR also believes that, based on the mail histories available, the following will arise

and information the impression that BioNTech SE has made an attempt to impede public discussion by hiding its own Twitter account and preventing comments and messages to the BioNTech Twitter account.

With the admonition, the Council indicates to those admonished and to the industry that it recognizes behavior here that tends to be harmful to public communication and the free formation of opinion by actors in the profession and calls for such behavior to be refrained from in the future.

Normative foundations:

Communication Code

Transparency

Public relations professionals represent organizations and individuals and are, in this respect, a party. In doing so, they legitimize themselves not only by invoking the freedom of opinion guaranteed by Article 5 of the German Basic Law, but also in communicative terms by means of explicit sender transparency, which enables the addressed public to classify and weigh up information. The procedure in specific areas is described in more detailed DRPR guidelines (DRPR guideline on online PR; DRPR guideline on contact management in the political arena).

(1) PR and communications professionals shall ensure that the sender of their messages is clearly identifiable. They shall make their work open and transparent to the extent permitted by legal provisions and confidentiality obligations vis-à-vis the respective work or client.