2023 Annual Report

OUR MISSION

The Center for Democracy & Technology (CDT) is the leading nonpartisan, nonprofit organization fighting to advance civil rights and civil liberties in the digital age.

We shape technology policy, governance, and design with a focus on equity and democratic values. Established in 1994, CDT has been a trusted advocate for digital rights since the earliest days of the internet.

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LETTER FROM OUR CEO

Alexandra Reeve Givens
CDT President & CEO

ur future selves will look back on 2023 as a year of AI transformation, as foundation models entered widespread use and drove new public attention to the opportunities and risks of AI.

At CDT, we responded to new questions — like how generative AI will transform our information environment, and how highly-capable foundation models should be governed — while continuing our long-standing work on the many ways AI is already shaping people's lives and our society: in hiring decisions, the administration of public benefits, heightened law enforcement capabilities, online content moderation, and more.

The governance challenges raised by AI weave together threads that CDT has pursued throughout our history: how to embrace the power of innovation for social good, while protecting against harmful uses. Generative AI raises, in new form, ongoing questions about acceptable expressive uses of technology, and the impact of mis- and disinformation. Al exacerbates age-old concerns about the power of governments and companies to make inferences about people in ways that can invade their privacy and threaten their freedoms, harm marginalized groups, and deepen social inequality. Calls for government programs to embrace AI in the name of efficiency raise familiar questions about privacy and due process, equitable design, and transparent and accountable oversight.

For these reasons, when someone asks me, "Who at CDT works on AI?," my answer is, "Everyone." We believe in grounding conversations about AI in concrete use cases that engage existing communities of expertise—from government surveillance, to commercial uses, to civic technology and the education sector, to elections, and online expression. In 2023, CDT shaped AI policy in each of these areas, seeing important wins in the Biden Administration's cross-cutting AI Executive Order and the EU's groundbreaking AI Act. With CDT's signature combination of technical, legal, and research expertise, we also launched a new Al Governance Lab that directly focuses on developing, analyzing, and amplifying best practices for Al governance.

This "Al moment" underscores the importance of CDT's approach working with communities most impacted by new technologies. In our Al work and elsewhere, we continued our collaborations with groups representing consumer interests, civil rights, workers' rights, housing equity, immigrants' rights, and more to highlight how technology impacts different people across society —and to support those groups' engagement in shaping tech policy. Meanwhile, CDT's Research team conducted

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THE GOVERNANCE CHALLENGES
RAISED BY AI WEAVE TOGETHER
THREADS THAT CDT HAS PURSUED
THROUGHOUT OUR HISTORY: HOW TO
EMBRACE THE POWER OF INNOVATION
FOR SOCIAL GOOD, WHILE PROTECTING
AGAINST HARMFUL USES.

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high-impact studies to understand how users are experiencing certain technologies—and what *users* want. We engaged directly with companies and policymakers to share these views, bridging communities to drive more informed and participatory decision-making.

Policy priorities other than AI also loomed large. We began the year with CDT's legal brief being cited by name during U.S. Supreme Court oral arguments for *Gonzalez v. Google*, one of five major cases involving online speech taken up by the Court in 2023. CDT filed amicus briefs in all of those cases, as well as several others involving government surveillance and online speech.

We also pursued an active policy agenda on surveillance reform, privacy legislation, and children's online safety, including a significant rise in state-level activity in the U.S. In the run-up to a seismic global election year, we championed nonpartisan election auditing, defended researchers who study mis- and disinformation, and urged social media companies to maintain robust election integrity programs.

CDT Europe continued to grow, adding two new Programme Directors and playing a leading role

convening civil society input on the EU AI Act, implementation of the Digital Services Act, and proposed regulations around political advertising, online gender-based violence, and more. Globally, CDT grew to a staff of almost 50 people, joined by a flourishing community of Visiting and Non-Resident Fellows, externs, and interns.

This growth would not be possible without the support of the foundations, companies, and individuals who believe in CDT's work—our sincere gratitude to each and every one of you.

As we move into a major global election year, our commitment to ensuring technology advances human rights and democratic values will matter more than ever. We're deeply grateful to our Global and Europe Boards, our Advisory Council, the newly launched CDT Alumni Network, and the many partners and allies who join us in this work every day. We can't do it without you.

Alexandra Reeve Givens, CDT President & CEO



DEFENDING AGAINST DATA HARMS

CDT's Alexandra Givens testifies before the House Energy & Commerce Committee about federal privacy legislation, March 1, 2023.

rom an individual's personal health data, to their private financial information, CDT remained committed to limiting harms that result from the use of people's sensitive information — particularly for marginalized communities. When the Federal Trade Commission (FTC) launched a sweeping public comment process on commercial data practices, CDT highlighted how marginalized communities are disproportionately impacted by numerous data collection and processing practices, and urged the FTC to develop specific protections against discrimination as part of its rulemaking on commercial surveillance and data security.

We kept up the fight for a comprehensive privacy law throughout 2023, emphasizing its importance to protecting civil rights, including in response to a National Telecommunications and Information Administration inquiry about how data practices can harm marginalized communities. In Congress, CDT CEO Alexandra Reeve Givens testified before the House Energy & Commerce Committee on the importance of comprehensive U.S. federal privacy legislation. Emphasizing the long-overdue need for such a law, Givens observed that this was Congress's 31st hearing on privacy protections in five years.

In 2023, we shined a light on how data management practices affect tenant screening and people's access to public housing, urging the FTC and Consumer

Financial Protection Bureau (CFPB) to take action while continuing our efforts on privacy and data use issues for workers, students, people with disabilities, and more. We also provided guidance to the CFPB on the intricacies of the data broker ecosystem, and on how CFPB could use its authority to protect consumers against harms.



CDT's Samir Jain is interviewed by Cox Media on data privacy concerns of in-home devices.

LAUNCHING CDT'S AI GOVERNANCE LAB

2023, as policymakers and people around the world grappled with rapid developments in AI, CDT launched its new AI Governance Lab. Helmed by leading experts Miranda Bogen and Kevin Bankston, the Lab provides a strong public interest voice in advancing solutions for the responsible governance of AI systems. The Lab engages directly with AI companies and multistakeholder initiatives to advocate for best practices, supports public interest advocates with technical expertise, and guides policymakers on effective standards and regulatory approaches. Its Advisory Committee includes noted experts Rumman Chowdhury, Irene Solaiman, Deb Raji, and Dave Willner.

The AI Governance Lab was created thanks to supporters including The David and Lucile Packard Foundation, Ford Foundation, Open Society Foundations, the Patrick J. McGovern Foundation, and the Siegel Family Endowment.





COMBATTING STALKING & GENDER-BASED VIOLENCE IN THE DIGITAL AGE

while people are increasingly using popular Bluetooth location-tracking devices to locate lost items, stalkers and abusers can also misuse these devices to surreptitiously track people. This year, CDT partnered with the National Network to End Domestic Violence (NNEDV) to develop best practices for tracking-device manufacturers and smartphone companies that can help detect the presence of unwanted trackers, calling for collaborative work on a universal standard.

In May, Google, Apple, and other companies released a first-of-its-kind joint specification to make location tracking devices more discoverable, and began work with CDT and NNEDV to move the specification into the Internet Engineering Task Force, a leading standards body. As we helped drive

this effort, CDT worked to ensure that the proposed protections extend to people with disabilities, recommending that trackers' alerts include visual, auditory, and haptic aspects so that people who are Blind, Deaf, or hard of hearing can also locate unwanted devices.

In 2023, CDT also continued our work to address online gender-based violence. We weighed in on the EU's efforts to draft a directive, sharing recommendations to ensure it aligns with international human rights law. We urged social media platforms to take concerns of gender-based violence seriously, and to improve transparency practices and engagement with civil society and academic researchers to better understand trends and forms of abuse. As the Digital Services Act went into effect,



we underscored how its mandatory due diligence obligations create an opportunity to address "legal but harmful" gender-based violence online.



SHAPING THE EU'S IMPLEMENTATION OF THE DIGITAL SERVICES ACT

hile the Digital Services Act (DSA) — the EU's flagship online platform regulation — entered into law in late 2022, regulators worked throughout 2023 on drafting extensive secondary legislation and preparing for enforcement. CDT Europe was a leading voice in the process, coordinating civil society voices with a particular focus on shaping the auditing provisions, advocating for meaningful researchers' access to data from very large online platforms, and ensuring strong protections for users' expression rights.

Early in the DSA's implementation, CDT Europe expressed concern about the ways the regulation empowers law enforcement agencies as "'trusted flaggers" of online content while retaining the power to seek information on users — providing an avenue for potential subversion of the rule of law. We urged regulators to put strong safeguards in place to protect against human rights violations, noting civil society's crucial role in holding platforms and government agencies to account.

Later in 2023, following the announcement of which online platforms would qualify as "Very Large Online Platforms" and "Very Large Online Search Engines" under the DSA, CDT Europe urged the Commission and online platforms to ground those assessments in human rights and regularly consult with civil society.



PUSHING BACK ON OVERBROAD SURVEILLANCE AUTHORITIES

his past year saw a renewed push to corral U.S. surveillance laws like Section 702 of the Foreign Intelligence Surveillance Act (FISA). CDT has long pointed out that Section 702 can be misused for domestic surveillance, a clear abuse of civil liberties.

In July 2023, we saw more evidence of exactly this type of harm when it was revealed that the FBI used its authority under FISA to view the communications of Black Lives Matter protesters, lawmakers, journalists, and a batch of 19,000 campaign donors. Given that these abuses have continued despite reassurances from federal law enforcement, we continued urging Congress to make key reforms before reauthorizing Section 702.

CDT supports adding a warrant requirement for gathering information about any U.S.

persons, reforming the FISA Court, and preventing law enforcement and intelligence agencies from purchasing data historically obtained through a warrant or court approval. Our advocacy on these issues was featured in national news outlets like The Washington Post, Time Magazine, and Gizmodo.

Our efforts to combat unchecked government surveillance extended beyond Section 702. We advocated for the Fourth Amendment Is Not For Sale Act, which passed unanimously out of the House Judiciary Committee. We also filed an amicus brief in *U.S. v Hay*, calling out law enforcement's use of warrantless, pervasive video surveillance of a home, and publicly opposed legislation giving law enforcement unchecked power and risking improper grounding of drones used by journalists and protesters.

LEADING CIVIL SOCIETY INVOLVEMENT IN EU AI ACT NEGOTIATIONS

AS 2023 came to a close, EU lawmakers agreed upon the final text of the AI Act. CDT Europe led coordination of civil society organizations through the Act's long negotiations, helping a broad range of public interest groups follow and engage on the issues. In October, we hosted a civil society roundtable with the Spanish Presidency of the Council of the European Union and high-level representatives from

15 member states to discuss how the regulation should safeguard human rights.

Ultimately, the final text of the AI Act reflected a number of priorities championed by CDT and civil society, including provisions requiring fundamental rights impact assessments. However, limitations on remote biometric surveillance, predictive policing, and the use of AI in the biometrics

and migration fields did not go far enough. Throughout 2024, we will be working to ensure that the AI Act secures access to remedy for harms caused by AI systems, particularly for marginalized groups, and helping regulators and impacted groups alike navigate how the AI Act interacts with European equality law and the new Digital Services Act.



CDT Europe's October 11, 2023 roundtable on the EU AI Act brings together civil society groups and high-level representatives from 15 EU member states.



PRESERVING WORKERS' RIGHTS AND AUTONOMY

ncreasingly, companies are using intrusive automated tools to hire and monitor their workers, with strong implications for workers' rights. CDT's Workers' Rights & Technology Project works to address this trend, focusing on preserving workers' health, safety, and privacy, and preventing technology from facilitating discrimination in the labor market.

CDT encouraged the Biden Administration's efforts in this space, mobilizing a coalition of civil rights and workers' rights organizations to urge leadership from the White House and the Department of Labor. We also called for more concrete agency actions to mitigate the harms that workers are already experiencing. We celebrated the Biden Administration's AI Executive Order's directive for the Department of Labor to address the risk that electronic surveillance and automated management pose to workers, and the Equal Employment Opportunity Commission's announcement that it would prioritize enforcement of guidelines that help prevent discriminatory tech practices.

As legislators also considered how to protect workers, CDT advised on bills like a proposal to prevent extreme information disadvantages that workers and consumers face when companies use AI to make decisions about their lives. We also welcomed the Stop Spying Bosses Act, the first bill of its kind to appear on Capitol Hill, which would target the risks associated with software used to electronically surveil or algorithmically manage workers.

KEEPING UP THE FIGHT TO PROTECT REPRODUCTIVE PRIVACY

The wake of the U.S. Supreme Court's 2022 Dobbs decision, CDT sprang into action to protect the privacy of data about people's reproductive decisions. In 2023, we continued to speak up.

CDT identified and pushed for adoption of more comprehensive reproductive health data protections, including publishing a Consumer Privacy Framework for Health Data. The Framework urges companies to place meaningful limits on their collection, sharing, and use of health data, increasing users' privacy and reducing the chance of companies becoming embroiled in law enforcement demands for their users' private health information.

CDT also engaged in a number of regulatory efforts. We welcomed the Department of Health & Human Services's proposed rule protecting patients' medical records from law enforcement access when the procedure is lawful under the circumstances in which it was provided. We celebrated when the Federal Trade Commission (FTC) cracked down on data brokers selling people's sensitive location data, and when both HHS and the FTC cautioned medical providers to ensure that their websites are not improperly leaking information about the patients visiting their sites.

In the states, we analyzed and provided technical advice on the use of "shield laws" to protect the information of patients in a given state from out-of-state abortion investigations. In a significant win for reproductive rights and data protection, Washington and New York became the second and third U.S. states to enact such laws.



CDT's Alexandra Givens speaks at SXSW about data privacy after the Dobbs decision with The Markup's Nabiha Syed and Cecile Richards, formerly of Planned Parenthood, March 10, 2023.



a year where lawmakers focused intensely on children's safety online, CDT sought to address the risks that various proposals pose to children's rights and the rights of all internet users. Engaging on the Kids Online Safety Act (KOSA), CDT underscored that the original bill's provisions empowering state Attorneys General to sue social media platforms for loosely-defined harms created dangerous threats to free expression — jeopardizing users' ability to speak freely and access information about important topics like reproductive care, racial justice, and LGBTQ+ issues.

A significant number of state and federal bills proposed new age verification requirements for online services. CDT warned that these

requirements could force online services to collect increased amounts of data on their users — adults and children alike — and reiterated our call for strong federal privacy protections.

Throughout our work, we urged regulators not to jeopardize the safety and well-being of the youth they're seeking to protect. For this reason, we opposed legislative proposals that threaten encryption in the name of child safety, such as the Senate's STOP CSAM Act. (A 2023 Child Rights International Network report supported our concerns, concluding that any effective ban on encryption in the services children use would do more harm than good to children.) We also underscored schools'

legal obligations to support cybersecurity, and commended the Federal Communications Commission when it acted on CDT's recommendations to enhance cybersecurity protections for schools.

In original CDT research, we used diary studies and interviews with young people to learn about which protections *they* want to see online. Our report surfaced key recommendations to improve users' agency and online safety, such as the ability to delete, block, and report unwanted content; default private settings; the introduction of friction in interactions with unknown profiles; and the ability for users to track the outcome of their reports of unwanted content or interactions.



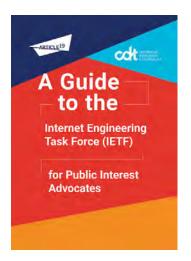
EMPOWERING PARENTS, TEACHERS, & STUDENTS IN THE DEBATE OVER TECH IN SCHOOLS AS the role of technology in K-12 education grows, so does the use of monitoring technologies to track students' online activity. CDT conducted in-depth interviews with parents to hear their views: Parents told us that schools' student monitoring programs are having a chilling effect on students' speech, and how those programs can undermine students' relationships with teachers and administrators.

Amid increasing levels of parental concern about school data practices, a CDT survey found that schools' use of online monitoring technology is increasing students' encounters with law enforcement and other disciplinary actions — with the effects disproportionately experienced by LGBTQ+ students and students with disabilities.

CDT turned our research insights into action, urging the Department of Education

to reiterate that existing civil rights laws prohibit using technologies in a manner that discriminates against students and infringes their rights. We also published recommendations to help schools and districts procure technology that will help them meet students' needs, rather than inadvertently place students at risk of further harm.

When the public release of ChatGPT forced schools to quickly reckon with generative AI, CDT stepped up to provide support and analyze how educators are navigating this new landscape. We celebrated when the Biden Administration's AI Executive Order directed the Department of Education to develop resources, policies, and guidance regarding the use of AI in education, a step CDT had urged as evolving technology increasingly impacts students' rights.



DRIVING CIVIL SOCIETY PARTICIPATION IN INTERNET STANDARDS

AS part of CDT's work to promote human rights in technology development, we continued to engage in international standards bodies on questions around interoperability, privacy, encrypted messaging, and web advertising.

CDT served as a member of the Internet Architecture Board (IAB), cochaired the Human Rights Protocol Considerations research group at the Internet Engineering Task Force (IETF), and co-chaired the Privacy Interest Group at the World Wide Web Consortium (W3C). We use these roles to advance public interest priorities and support fellow advocates to engage in internet standards work, including convening side meetings at major standards gatherings and partnering with Article 19 on a Civil Society Advocate's Guide to the IETF.

One area of focus was privacy in web advertising, where proposals like Google's Privacy Sandbox will see further design discussions and broader deployment over the next few years. CDT is especially engaged in conversations to advance privacy-preserving methods for measuring ad effectiveness, which would reduce one business justification for collecting and sharing users' personal data. More broadly, we worked to develop principles for privacy-supportive standards for the Web which, once adopted, could be referenced in many open standards and open-source software projects going forward.

In an important step, the UN Office of the High Commissioner for Human Rights (OHCHR) issued a report calling for technical standard-setting processes to effectively integrate human rights considerations. CDT provided input as OHCHR developed the report, presenting to the UN Human Rights Council about the challenges civil society faces in participating in technical standards bodies, and helping coordinate submissions from across industry and civil society that the report cited heavily. Building on the UN's endorsement, we encouraged the IETF, W3C, and other standards bodies to lead more inclusive processes and ensure human rights impact assessments as a critical step of standards work.

SPEAKING OUT FOR NON-ENGLISH LANGUAGES

or years, tech companies have struggled to moderate the high volume of content on their services, particularly when that content is shared across many languages. To date, the vast majority of efforts to expand automated and human-led moderation services have been directed toward Englishlanguage content: this year, CDT worked to highlight this asymmetrical allocation of resources and the need for change.

In an original paper, CDT's Research team examined new "multilingual language models," which companies claim make it easier to train Al-based systems to moderate content in low-resource languages for which little online training data is available. While those tools show promise, we found that they also carry inherent limits that are particularly dangerous in high-risk contexts. CDT's Equity in Civic Technology Project highlighted how tools aiming to detect students' use of generative Al are disproportionately likely to wrongly flag writing by non-native English speakers, putting them at greater risk of discipline. With our findings in mind, we pushed for greater investment by the National Science Foundation to strengthen the capabilities of AI systems in non-English languages, and ultimately drive more equitable automated moderation and processing of online content.

Throughout our efforts, we prioritized collaboration with experts from language communities around the world. To build on this work, we launched a new two-year project that will carry into 2025, examining the resourcing and effectiveness of content moderation in non-English languages from the perspective of communities in the Global South.

Lost in Translation

Large Language Models in Non-English Content Analysis



Former CDT staff including (starting at third from left) Ari Schwartz, Lusan Chua, Jerry Berman, Daniel Weitzner, Deirdre Mulligan, Alan Davidson, and James Dempsey are pictured at the U.S. Supreme Court, on the occasion of the Court's landmark 1997 decision in Reno v. ACLU.

LAUNCHING CDT'S ALUMNI NETWORK!

S ince CDT's founding in late 1994, scores of talented people have taken part in our work to protect human rights and democratic values in the digital age. In 2023, we happily launched the CDT Alumni Network to bring together this wonderful community.

We had a great turnout for our inaugural Alumni Happy Hour in July, with former CDT staff, Board members, Advisory Council members, fellows, and interns joining our current staff and interns for a fun evening on the D.C. office patio. Alumni also enjoyed a dedicated lounge area at Tech Prom in November. We're planning more regular opportunities to bring our alumni together: if you're not on the alumni mailing list, forgive our oversight and let us know so we can add you!

Next year will mark CDT's 30th Anniversary. In addition to strengthening our alumni ties, we recently kicked off a CDT History & Archive Project. CDT's history is the history of the early commercial internet, and we're excited to organize our archive, gather stories, and help capture this extraordinary time for future generations. We welcome advice, volunteers, and contributions for this project, and look forward to sharing more about it in the months ahead.

WELCOMING NEW CDT TEAM MEMBERS

any fresh faces joined CDT in 2023, from board members to new staff. We welcomed Katherine Maher, former CEO and Executive Director of the Wikimedia Foundation, to our Board of Directors. Katherine has since joined NPR as CEO.

CDT also added the following staff to our growing team:

- Kate Ruane, Director, Free Expression
- Miranda Bogen, Director, AI Governance Lab
- Sarah Zolad, Director, Finance and Staff Operations
- Kevin Bankston, Senior Advisor on Al Governance
- Elizabeth Dickson, Associate Director, Development & External Affairs
- Jacob Kauffman, System Administrator and Web Technician
- Ariana Aboulafia, Policy Counsel, Disability Rights in Technology Policy
- Maddy Dwyer, Policy Analyst, Equity in Civic Technology
- Kristin Woelfel, Policy Counsel, Equity in Civic Technology
- Tim Harper, Senior Policy Analyst, Democracy and Elections
- Amy Winecoff, AI Governance Fellow
- Isabella Hillebrand, Operations Associate



Members of CDT's staff and Board gather in our D.C. office.

DEFENDING ENCRYPTION AROUND THE WORLD

2023 saw important wins for encryption on the global stage. At RightsCon, the leading global summit on human rights in the digital age, CEOs from prominent secure messaging services Signal, Element, WhatsApp, and OpenMLS affirmed their commitment to protecting end-to-end encryption during a panel convened by CDT Chief Technology Officer Mallory Knodel. CDT welcomed Meta's later announcement that it had begun rolling out default end-to-end encryption (E2EE) on Facebook Messenger, and Signal's important rollout of privacy-protecting usernames.

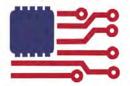
Changes like these are one reason CDT helped form the Global Encryption Coalition (GEC), which grew to over 400 members in 2023. The Coalition

fought to defend encryption in the U.S., Australia, Turkey, the United Kingdom, and more. In an important decision, the European Court of Human Rights ruled that backdoors to weaken encrypted communications violate the right to private life, stating that "confidentiality of communications is an essential element of the right to respect for private life and correspondence."

Going into 2024, as a growing number of governments consider online safety laws that threaten encryption, CDT will continue working to expand the size and influence of the GEC, emphasizing the essential need to protect private and secure communications.



At RightsCon 2023 in Costa Rica, CDT Chief Technologist Mallory Knodel leads a panel on encryption with the CEOs of messaging apps Signal, WhatsApp, OpenMLS and Element.



PARTNERING WITH DEMOCRACY JOURNAL TO ENVISION A DEMOCRATIC DIGITAL AGE

a unique collaboration, CDT partnered with *Democracy: A Journal of Ideas* on a volume featuring leading scholars addressing the challenges presented to democracy by technology in the 21st century.

In the first essay, A Democratic Digital Age?, CDT President and CEO Alexandra Reeve Givens examined the complexity of governing emerging technologies in a democratic society, while sharing several emerging areas of consensus for effective regulation. "This is a

critical moment for digital governance and democracy", she wrote. "There is an opportunity to rise to the occasion and articulate a human rights-centered, democratic vision for the new digital age. Doing so will matter not only for our own democracy, but as a model for those fighting for human rights and democracy around the world."

The special edition was supported by the John S. and James L. Knight Foundation.

PROMOTING SOUND COMPETITION POLICY

a marketplace where only a handful of telecommunications service providers dominate, and digital platforms continue to exert strong influence over both modern communications and commerce, CDT spoke up in favor of pro-competition policy interventions that address both the structural makeup of the market and functions of the services themselves.

As market concentration in the economy continued to be a significant concern, we supported and helped guide efforts by the Justice Department and Federal Trade Commission to update their merger enforcement guidelines. We also highlighted that privacy concerns cannot be effectively addressed solely through antitrust enforcement, and that a strong federal privacy law is urgently needed.

As the AI debate surged in 2023, CDT called attention to the potential for AI to be employed as a powerful tool for coordinating and enforcing anti-competitive collusion in pricing, and the challenges it poses for detection and enforcement. CDT called for greater transparency on companies' algorithmic use and building greater technological expertise in the enforcement agencies.

CDT supported state and federal efforts to better ensure that the "right to repair" - the historically recognized right of consumers to choose where to get their products fixed – is preserved for consumers in the digital age. CDT wrote to the New York Governor urging her to sign the Digital Fair Repair Act (the first enacted law of its kind) and, following enactment of "right to repair" laws in Minnesota and California, published an article in the CPI Antitrust Chronicle saying that the time has come to recognize the right in national law. We also voiced support for federal legislation to require auto manufacturers to give car owners and their designated repair shops access to vehicle-generated data needed for repairs.



SUPPORTING A VIBRANT DIGITAL PUBLIC SQUARE

a time when the landscape for online trust and safety is rapidly shifting, civil society organizations, scholars, policymakers, businesses, and members of the public are more loudly voicing concerns about various aspects of online life — including the prevalence of hate speech and harassment, the effects of mis- and disinformation, the impact of social media on kids and teens, and the ability of governments and companies to track so many aspects of our digital lives. As regulators respond, CDT is working to protect people's rights to express themselves, access information, and find community, while increasing users' privacy and sense of safety, agency, and control.

2023 was a blockbuster year for online speech in the U.S. courts, and CDT weighed in with friend-of-the-court briefs to articulate the public interests at stake. During oral argument at the Supreme Court in the *Google v. Gonzalez* case, CDT's brief was cited by name, referencing the detailed history CDT had provided of "recommendation algorithms" in content moderation. In that case,

CDT argued that the Court should avoid a broad ruling making social media companies responsible for all "recommendations," since online service providers that receive, sort, and display millions of uploads in a single day inevitably must sort information in a way that could be swept into such a rule.



CDT Research Director Dhanaraj Thakur (center) speaks onstage at a UNESCO event on effective responses to online gendered disinformation, January 25, 2023.

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CDT IS WORKING TO PROTECT PEOPLE'S RIGHTS TO EXPRESS THEMSELVES, ACCESS INFORMATION, AND FIND COMMUNITY, WHILE INCREASING USERS' PRIVACY AND SENSE OF SAFETY, AGENCY, AND CONTROL.

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CDT and Mozilla host "Talking Tech Transparency," on April 26, 2023, with (right to left) CDT's Emma Llansó, Free Press' Nora Benividez, Aaron Stanislowski with the office of U.S. Senator Chris Coons, and CNN's Brian Fung.

Later in the year, the Supreme Court took up Moody v. NetChoice and NetChoice v. Paxton cases challenging state laws out of Florida and Texas, respectively, that would require companies to host content they otherwise would not, potentially including hate speech, election disinformation, and more. As we had in the lower courts, CDT advised the Court to find that Florida's and Texas' laws impermissibly infringed on platforms' First Amendment right to exercise editorial judgment in content moderation. We were clear about the stakes: if these laws were allowed to take effect, platforms would likely scale back their voluntary moderation of content like racist invective or misinformation about public health, and might possibly ban discussion of some controversial topics entirely to avoid their moderation choices becoming the subject of litigation. In our view, platforms need flexibility to moderate content so that users have a choice in online environments that work for them.

The Supreme Court took up a further major speech case in *Murthy v. Missouri*, where CDT argued that government actors should be able to share information about online threats with social media companies to support a healthier and more reliable information environment – but that the Court should provide clear guidance to the government to ensure its information-sharing does not cross the line to unconstitutional coercion of social media services to censor protected speech.

A key issue in 2023 centered on **children's online safety**. Regulators proposed numerous laws, including the U.S. Senate's Kids Online Safety Act (KOSA), Protecting Kids on Social Media Act, and the STOP CSAM Act. We flagged that these bills could limit young people's agency and prevent them from participating in important, nuanced discussions about what information and venues

are appropriate for them. With that priority in mind, we fought government efforts to exert undue — and likely unconstitutional — influence that could limit youth engagement with important topics like reproductive care, racial justice, and LGBTQ+ issues. We also fought to ensure that efforts to protect kids from unwanted content did not undermine other essential online protections, such as everybody's ability to use encrypted messaging services that protect users' privacy and security.

One major takeaway from CDT research in 2023 was that, rather than face content restrictions or open up their private messages to greater surveillance, young people want to be empowered with better tools to protect themselves. Drawing on diary studies and interviews with U.S. teenagers and young adults, an original CDT research report, *More Tools, More Control,* described several tools platforms should offer for their users to better assess and address unwanted interactions.

In other CDT research and advocacy, we focused on the growing use of student activity monitoring and content filtering in K-12 schools. In a nationwide survey, we found that 50% of teachers think content filtering and blocking software is stifling students' growth, and 66% knew students who got in trouble as a result of Al-powered student activity monitoring. A shocking 38% of teachers reported that they knew a student who had been contacted by law enforcement because of monitoring of their online activities. Much as we encouraged regulators to consider the full spectrum of rights and needs of the young people they intend to protect, we urged schools to approach procurement and implementation of safety technologies with students' privacy, civil rights, and civil liberties as top priorities.



New CDT Director of Free Expression, Kate Ruane, speaks at the Family Online Safety Institute's Annual Conference, November 16, 2023

> In the online advertising ecosystem, too, users children and adults alike — face ubiquitous tracking and surveillance. Regulatory and public pressure in the U.S. and EU, combined with emerging privacy-protective changes to advertising's technical infrastructure, create a ripe moment to imagine a new system. CDT has a vision and a plan for this new era: in 2023, we launched our Future of Online Advertising Project, through which we'll work towards a competitive online advertising ecosystem that respects human rights, supports independent media, and enables content creation and availability. Going into 2024, we look forward to engaging with civil society, academia, and the ad industry on diagnosing the friction points that have slowed privacy-forward

solutions for online advertising, evaluating new proposals, and charting a proactive agenda for advertising solutions that advance human rights and democracy.

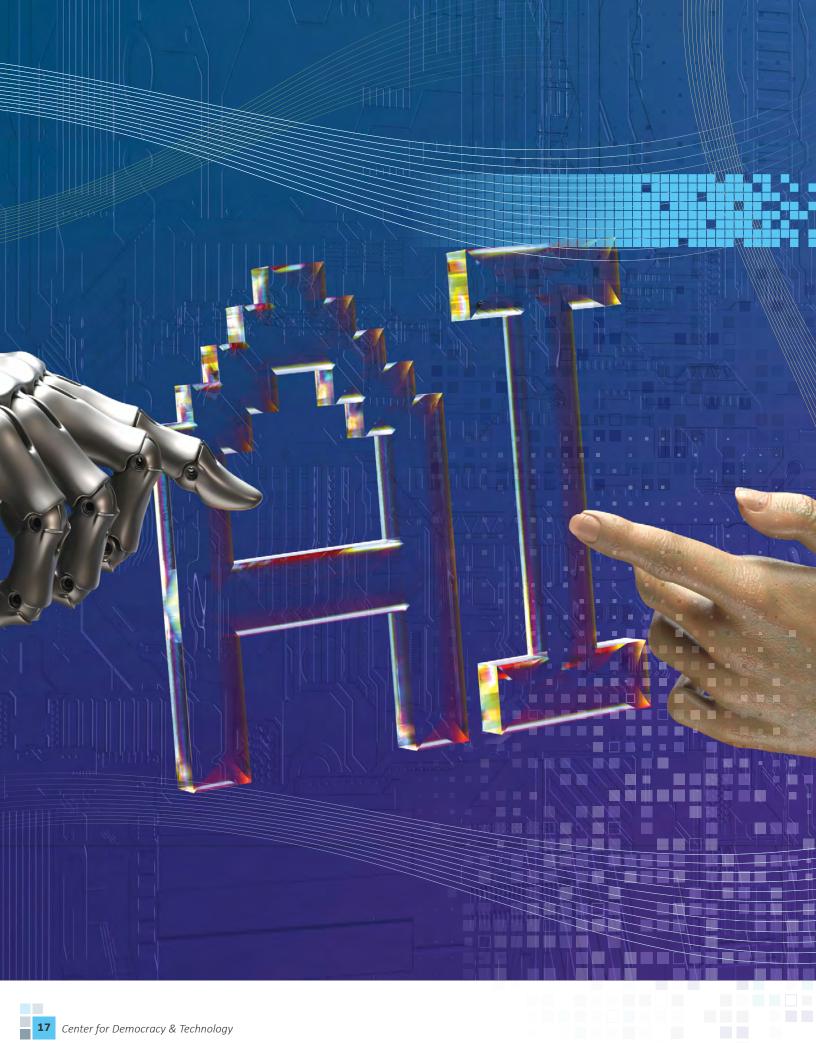


In October 2023, CDT's Nathalie Maréchal delivers a keynote address on what investors should know about the human rights implications of AI at the Interfaith Center on Corporate Responsibility's fall conference.





More Tools, More Control: Lessons from Young Users on Handling Unwanted Messages Online.



A VISION FOR RESPONSIBLE, RIGHTS-RESPECTING AI

2023, no topic in technology was hotter than artificial intelligence. Generative AI products like ChatGPT, Bard, Midjourney, and a suite of tools powered by large language models entered widespread public use, prompting speculation about how AI technologies would shape every aspect of society.

Teams across CDT weighed in on how AI is already impacting people's rights and our democracy, and how highly capable foundation models will cause further change – in areas as wide-ranging as employment; housing and lending; government surveillance; elections; the administration of government programs; the use of AI in schools; and more. We **testified in Congress four times**, including in hearings before the Senate Judiciary

Committee (on AI and human rights), Senate
Committee on Homeland Security & Government
Affairs (on government use of AI), and two of
the Senate's bipartisan AI Insight Forums. We
served as a civil society delegate to the United
Kingdom's AI Safety Summit, the U.S.-EU Trade
& Technology Council meeting in Lulea, Sweden,
and the 2023 Summit for Democracy.

IN THE U.S., WE LED A COALITION OF OVER 50 ORGANIZATIONS CALLING ON THE BIDEN ADMINISTRATION TO ENSURE THE FEDERAL GOVERNMENT'S USE OF AI IS SAFE, EFFECTIVE, AND FREE FROM DISCRIMINATION.

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Onstage at the March 2023 Summit for Democracy, CDT's Alexandra Givens (left) moderates a panel with EU Vice President Margrethe Vestager, Anthropic CEO Dario Amodei, Global Partners Digital's Maria Paz Canales, and U.S. Office of Science & Technology Policy head Dr. Arati Prabhakar.



On June 12, 2023, CDT President and CEO Alexandra Reeve Givens testifies before the U.S. Senate Committee on the Judiciary Subcommittee on Human Rights and the Law, in a hearing entitled "Artificial Intelligence and Human Rights."

Meanwhile, on both sides of the Atlantic, we brought together civil society organizations to ensure that regulatory efforts focus on Al's effects on people's rights, social inequality, and our democracy. In the U.S., we led a coalition of over 50 organizations calling on the Biden Administration to ensure the federal government's use of AI is safe, effective, and free from discrimination. Over 85 civil society groups joined our call for Congress to prioritize civil rights, consumer protection, and other public interest considerations in U.S. AI legislation. In Europe, we convened a high-level roundtable for the Spanish Presidency of the EU and senior representatives from 15 Member States to meet with civil society advocates on the EU's AI Act. We followed these high-level engagements with action, sharing detailed plans for how policymakers could address AI harms while advancing responsible innovation.

66

WE FOLLOWED THESE HIGH-LEVEL ENGAGEMENTS WITH ACTION, SHARING DETAILED PLANS FOR HOW POLICYMAKERS COULD ADDRESS AI HARMS WHILE ADVANCING RESPONSIBLE INNOVATION.

"

We were pleased to see the **Biden Administration's AI Executive Order** address many of CDT's priorities. The EO launched efforts by the Department of Education, Department of Labor, Department of Housing and Urban Development, Department of Health and Human Services, and other agencies to address algorithmic discrimination and other

harms within their respective sectors. The Administration also took significant action on the federal government's own use of AI, including in guidance from the Office of Management & Budget. CDT commended the Administration for addressing high-risk uses of AI by government agencies in a range of areas, while urging OMB to issue more detailed guidance for agencies to mitigate risks, and to strengthen transparency requirements to help the public better understand how agencies are using AI and addressing areas of concern.

In the EU, a final agreement was reached by the European Parliament and the European Council on the AI Act in the waning days of 2023. Civil society on the whole faced challenges getting regulators to hear their concerns, but CDT Europe fought for the regulation to account for harms and human rights considerations, particularly for AI systems that process biometric data or intersect with EU laws on equality such as laws that prevent discrimination in hiring.

As generative AI broke into mainstream use, CDT devoted particular attention to the technology. At CDT's seventh annual Future of Speech Online event, we explored how to build a rights-respecting future where people benefit from generative AI. Our Elections & Democracy team rapidly launched work on how generative AI companies, social media companies, and election officials should address deep fakes and election-related misand disinformation. Another sector that faced particular shockwaves was education, and our Civic Technology team quickly issued guidance on how schools could support teachers and students, while avoiding risks of over-disciplining students for AI use amidst unclear policies.

As AI continues to transform sectors across the economy, it's more important than ever to



On July 12, 2023, CDT President and CEO Alexandra Reeve Givens joins Vice President Harris' roundtable on consumer protection, civil rights, and AI.

develop effective ways to evaluate and govern the technology. In October, CDT was proud to launch our AI Governance Lab, which develops and promotes adoption of robust, technically-informed solutions for the effective regulation and governance of AI systems. Led by experts experienced in guiding the responsible development of AI products, the Lab provides a strong public interest voice to engage with AI companies and multistakeholder initiatives around best practices. It also provides expertise for policymakers and civil society.

By the end of 2023, CDT had partnered with the National Telecommunications & Information Administration to launch its work around the benefits and risks of open foundation models, and helped the National Institute of Standards and Technology kick off its AI Safety Institute Consortium, which convenes over 200 organizations to develop guidelines and standards for AI policy. As AI and the policies to help govern it continue to evolve, we're poised to help policymakers, practitioners, and public interest partners push strong ideas over the finish line and make sure policies are implemented effectively.



CDT Research Fellow Michal Luria presents research on algorithmic transparency reporting at the June 2023 ACM FAccT conference.

FIND OUT MORE:









PREPARING FOR A SEISMIC ELECTION YEAR

2024, more than 4 billion people are eligible to vote, with major elections in over 76 countries around the world. In 2023 — a crucial year of preparation — CDT focused not only on secure elections infrastructure, but also on how to ensure voters can access reliable information about when and how to vote, and the candidates and issues at stake.

Drawing on the lessons of the 2020 U.S. general elections, CDT focused on ways to **strengthen public confidence in the integrity of an election.** Our 2022 report, *De-Weaponizing and Standardizing the Post-Election Audit*, advocated for a standardized methodology, independent

credentialing system, and state-provided funding in order to depoliticize election audits. In February 2023, we convened leading elections experts to build consensus for such an approach and chart a path forward.



CDT's Will Adler leads a CDT roundtable for election experts in February 2023.

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AS RECENT ELECTION YEARS HAVE SHOWN ALL TOO CLEARLY, SOCIAL MEDIA COMPANIES CAN PLAY AN OUTSIZED ROLE IN THE SPREAD OF MIS- AND DISINFORMATION ABOUT ELECTIONS.

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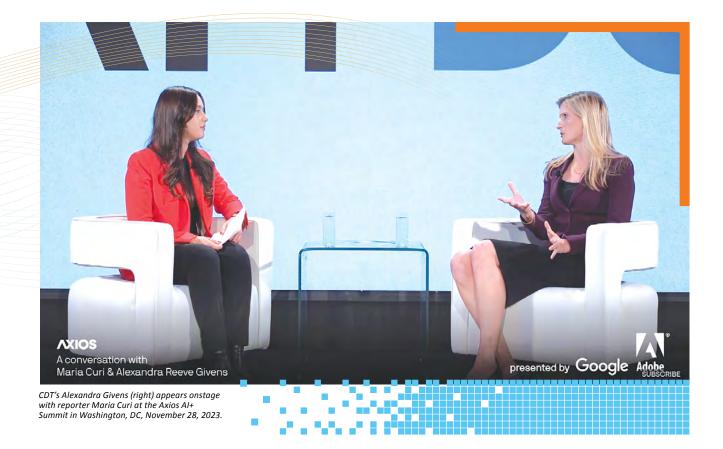
As recent election years have shown all too clearly, social media companies can play an outsized role in the spread of mis- and disinformation about elections. CDT believes social media companies have a social responsibility to address this dynamic, including by helping their users find authoritative information about when, where, and how to vote; by maintaining transparent and accountable content moderation programs; by placing clear safeguards on political ads; and by combatting coordinated inauthentic activity on their services. In 2023, we continued urging social media companies to responsibly staff and resource such efforts - and, crucially, to do so in non-English languages and with contextually aware teams in different regions around the globe.

In the effort to support more transparent and accountable governance by social media companies, a key component is **independent research by academics and nonprofit organizations** who analyze our modern information environments. In 2023, these efforts came under increasing political attack in the U.S., with numerous research institutions facing lawsuits or subpoenas from a Congressional oversight committee. CDT spoke out to defend the method and mode of working, arguing that independent academic and civil society researchers play a vital role in holding social media companies and governments

accountable, by researching and shining a public light on how information travels on platforms and how companies respond.

In a report, Seismic Shifts: How Economic, Technological, and Political Trends are Challenging Independent Counter-Election-Disinformation Initiatives, we made the case that immediate steps must be taken to protect counter-disinformation research, and recommended new approaches for researchers to carry out their work.

The **rise of generative AI** added new urgency to efforts to address mis- and disinformation about elections, especially as early examples emerged of political deepfakes misleading public opinion about political candidates. In June, CDT President and CEO Alexandra Reeve Givens highlighted this issue in a hearing held by the Senate Judiciary **Committee**. While cautioning that legislative interventions must be approached with care to protect free expression and civil rights and liberties, Givens offered several concrete steps that would increase transparency and accountability in the design, development, and use of generative AI tools. She also underscored the need for elections officials to boost their presence as authoritative sources of information, including through basic steps such as hosting election-related information on trusted ".gov" web domains.



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IN 2023, WE CONTINUED URGING SOCIAL MEDIA COMPANIES TO RESPONSIBLY STAFF AND RESOURCE SUCH EFFORTS – AND, CRUCIALLY, TO DO SO IN NON-ENGLISH LANGUAGES AND WITH CONTEXTUALLY AWARE TEAMS IN DIFFERENT REGIONS AROUND THE GLOBE.

"

In October, CDT celebrated when the **Biden Administration's AI Executive Order** contained a provision encouraging government officials to develop authentication techniques to increase public trust in their communications. CDT also filed comments urging the **Federal Elections Commission** to take up a proposal around the use of misleading deepfake images by political campaigns.

As the world prepares itself for a seismic election year, the online platforms and tech tools that play such an outsized role in our information environment will be put to the test. CDT will be working to help ensure technology supports empowered, free, and informed democracies.

FIND OUT MORE:





Seismic Shifts: How Economic, Technological, and Political Trends are Challenging Independent Counter-Election-Disinformation Initiatives in the United States

CDT EUROPE: A LEADING VOICE FOR HUMAN RIGHTS IN EU TECH REGULATION

since 2013, CDT Europe has worked in Brussels to advocate for the promotion and protection of democracy and human rights in EU tech law and policy. In 2023, the CDT Europe team welcomed **two new Programme**Directors and other staff, allowing us to deepen our work on online expression, privacy, AI, and surveillance.

As regulatory debates on topics like platform responsibility and AI governance took center stage, CDT Europe worked to advance public interest priorities. We brought together civil society and government representatives to give input as key proposals moved forward, including on the EU's AI Act and implementation of the Digital Services Act (DSA). Under the leadership of the CDT-convened DSA Civil Society Coordination Group, calls to establish a formal way for civil society to monitor, advise on, and engage with DSA implementation and enforcement mechanisms were increasingly received and acknowledged by the European institutions.

We also built forums for civil society to engage with regulators on other topics. In collaboration with the Open Government Partnership, and supported by the rotating presidencies of the Council of the European Union, we continued our series of civil society roundtable discussions with key EU officials on major files. Other 2023 collaborators included the UN Office of the High Commissioner for Human Rights, the UN B-Tech Team, and the Geneva Academy.

In many forums, including an October seminar hosted by the European Data Protection Supervisor and a report published by Child Rights International



CDT Europe Director Iverna McGowan and CDT VP of Policy Samir Jain visit the White House for meetings, November 2023.



CDT Europe's Iverna McGowan moderates an event on "Encryption in the age of surveillance," organized by European Digital Rights (EDRI)

??

A KEY ELEMENT OF CDT
EUROPE'S ADVOCACY WAS
PUSHING FOR GENDER JUSTICE
AS PART OF OUR ONGOING WORK
TO DEFEND THE ONLINE FREE
EXPRESSION OF HISTORICALLY
MARGINALIZED GROUPS.

"



Members of the CDT Europe team gather in our Brussels office.



CDT Europe's Asha Allen speaks with France24 about online gender-based violence, April 28, 2023.



On April 12, 2023, CDT Europe's Asha Allen (pictured at right) joins a roundtable discussion on the EU Directive on online gender-based violence organized by Bumble and MEP Karen Melchior.

Network and Defend Digital Me, CDT Europe outlined how the **EU's Proposal on Child Sexual Abuse** (CSA) empowered law enforcement entities to conduct warrantless mass surveillance without necessary checks and balances – creating risks particularly for marginalized children who are more likely to have negative experiences with policing. Throughout, we sought to ensure essential online child protections while respecting the European and international right to privacy and data protection. In a win for children and all users, the European Parliament's LIBE committee voted in November in favor of introducing important rights-protecting safeguards to the CSA proposal, including changes protective of end-to-end encryption.

A key element of CDT Europe's advocacy was pushing for gender justice as part of our ongoing work to defend the online free expression of historically marginalized groups. At a forum hosted by the Organization for Security & Co-operation in Europe (OCSE), CDT Europe's Asha Allen highlighted how online gender-based violence and gendered mis- and disinformation are specifically intended to prevent politically engaged women from contributing to public debates. We continually worked to shape the **EU Directive on online gender-based violence** (GBV) — noting the significant step towards a European-level legal framework for addressing GBV, while raising concerns about the risk of disproportionate, discriminatory enforcement.

As 2023 came to a close, CDT Europe's talented director, Iverna McGowan, stepped down to take a leading role working on technology and human rights at the U.N. As CDT Europe welcomes its new Director and continues to grow in Brussels, we look forward to advancing human rights in EU policymaking, with impact not only in Europe, but around the world.

2023 Financials

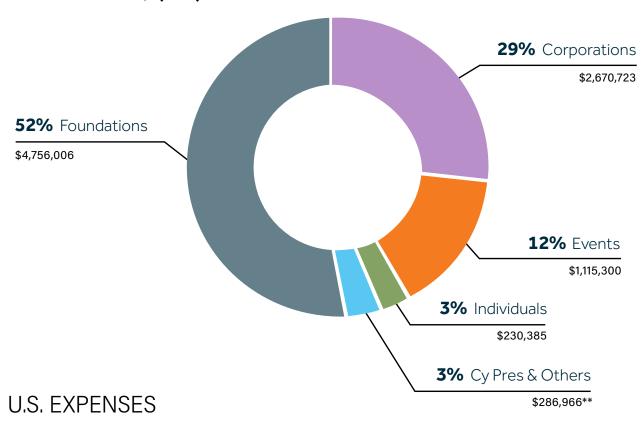
- * These numbers reflect CDT's unaudited 2023 financial statements.
- ** This includes \$164,290 of in-kind donations of pro bono legal services.

CDT is committed to sound financial stewardship and transparency. We have received clean audits each year from an independent auditing firm and have high ratings from nonprofit watchdogs GuideStar, Charity Navigator, and GreatNonprofits.

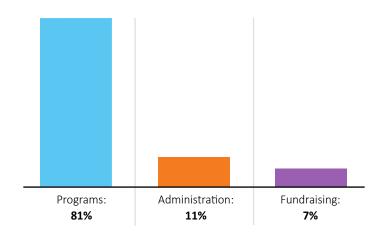
View our financials online at cdt.org/financials

U.S. REVENUE AND SUPPORT

Total 2023 Income: \$9,059,381*



Total 2023 Expenses: **\$7,984,374**



THANK YOU TO OUR 2023 SUPPORTERS

* Represents total support, including value of pro bono services.

500k+

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Andrew Klinger Kountoupes Denham Martin Lacavo-Emery Brian Lalonde

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Bruce Lerner

LGBT Technology Partnership

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TECH PROM

AT CDT's 2023 annual benefit, Tech Prom, art collided with science. CDT debuted a one-night-only group exhibit showcasing talented artists' work, centered on the complexity of algorithmic systems and the intricate relationship between technology and society. We were pleased to feature artists Chris Combs, Billy Friebele, and Curry J. Hackett.

CDT CEO Alexandra Reeve Givens highlighted Al's breakthrough year, and emphasized the need for industry, policymakers, and civil society to work together in developing standards, norms, and regulatory protections for a future we can trust.

At CDT, we're committed to driving that collaborative engagement – not only in AI, but across our work on commercial privacy practices, platform governance, civic technology, elections, government surveillance, and more.

Tech Prom 2023 drew nearly 950 guests from government, tech companies, civil society, and academia to The Anthem. We greatly appreciate our sponsors and guests, who brought in over \$1 million in support of this event and CDT's advocacy work.

Mark your calendars for CDT's next Tech Prom on **Thursday, November 14, 2024**, and join our community in supporting civil rights and civil liberties in the digital age.





















SPRING FLING











2023, CDT hosted our inaugural Spring Fling—an evening celebration during the International Association of Privacy Professionals' (IAPP) annual Global Privacy Summit.

Spring Fling brought together almost 500 privacy and AI leaders from industry, civil society, and government on a warm evening at Dirty Habit at the Hotel Monaco. We were especially glad to welcome international and out-of-town guests who were visiting D.C. for the IAPP Summit, and to build bridges between Summit attendees and the D.C.-based privacy and AI policy community. We appreciated all who joined this inaugural event, and look forward to making Spring Fling an annual tradition!



CDT's Alexandra Givens interviews comedian and author Trevor Noah during IAPP's Global Privacy Summit on April 2, 2023, before CDT's Spring Fling.

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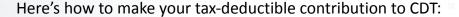
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We invite you to join us for all that lies ahead. Together, we can advance human rights and democratic values in the digital age.

> Our work has never been more important. Support CDT at cdt.org/donate.



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- To give by mail, please send a check payable to the Center for Democracy and Technology to:

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To learn more about engagement opportunities — from our Working Groups to the Collaborating Attorney Network — please email development@cdt.org.

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