GATEKEEPING TIKTOK: THE SPECULATED BAN OF TIKTOK IN THE USA.

INTRODUCTION

Gatekeeping refers to the act of access control and/or the flow of information to a community (Murray, 2019: 72). The main focus of this critical research report is the political aspects of gatekeeping creative industries, and how implicit cultural policy has a potential significant impact on creative practice and the creative industries. To do this, I have examined America's speculated ban on TikTok as a case study by researching into governmental policies and U.S regulators of the app. This ban draws on the 1977 International Emergency Economic Powers Act (IEEPA) to create new policy through an intended purpose or as an unintentional result of the regulation. Throughout the report, questions emerge debating whether this case is fundamentally trying to protect personal data or if there is an underlying reason for their actions that are heavily politicised rather than security motivated. The main body of the report will investigate culture, hegemonic power, and cybersecurity, whilst also suggesting resolutions.

WHAT IS TIKTOK?

TikTok is a social media platform that was globally launched in 2018, it was created by Chinese producers, ByteDance, and promotes creativity. Users produce innovative, engaging videos that vary between 15 and 60 seconds in length and then share them privately or on a global scale (Hayes et al, 2020: 3858). Throughout the pandemic, the app has supported the creative industry by collaborating with the creative platform *It's Nice That*, through a series called

Creative Canvas that includes 12 designers (TikTok.com, 2021). The platform is considered to be revolutionary to the creative industries, providing a diverse platform for minorities on a global scale (E.Sobande, 2020: 65). The app is available in 154 countries, however, there have been instances whereby the social media app has been banned temporarily or permanently. At this moment in time, India has been the only country to completely ban TikTok, but many others have temporarily banned it, including Indonesia, Bangladesh, and Pakistan. The reasoning for this was due to user made content, which will be further explored within this report (Axios.com, 2020; BBC.co.uk, 2020; Bdnews24.com, 2020).

CASE STUDY

Whilst under Donald Trump's presidency, the United States of America (USA) have also tried to impose a ban, but this is now under review by Joe Biden after his presidency in January 2021. The order banning was based on the 1977 International Emergency Economic Powers Act (IEEPA) which authorises the US president to regulate economic transactions after declaring a national emergency in response to an unusual, extraordinary threat to the country (Reed, 2020). A presidential document by the Executive Office of the President captures the concerns about the Chinese communist party having access to personal and proprietary information (Federal Register, 2020).

CULTURAL ASPECTS

However, it is unclear where these accusations derived from and whether they were politically motivated by other motives. The countries that temporarily banned TikTok expressed concerns about user made content, such as Indonesia and Pakistan. The reason for temporarily banning TikTok was due to the immoral content that was on the app (Axios.com, 2020). This conveys

the cultural barrier between countries based on their religion, morals, and other beliefs. In these same countries, other apps are banned for the same reason, for instance, Indonesia has banned Tumblr, for explicit content. This expresses the cultural gatekeeping in these countries and how they are highly regulated through religious and ethnic morals. The citizens of the United States of America on the other hand, are able to view such content on TikTok and many other platforms, including Twitter, Facebook, and Instagram. Whilst these apps still have regulations, America allows this type of content to be made and viewed unless it imposes harm on particular groups of people, such as children based on the Children's Online Privacy Protection Act (COPPA) (FTC.gov, 1998). For this reason, banning TikTok due to user made content would not be a justifiable reason, instead Trump imposed a ban due to privacy issues. However, again, this is not considered a reasonable rationale by regulators and social media experts as, "TikTok uses the same data mining practices as many other companies" (Faison, 2021: 116) which includes games such as Fortnite. Michael Beckerman (2020), a vice president and head of US public policy at TikTok states that some of the world's leading security and analysts have said that TikTok, as a platform, collects less information than other U.S based platforms (Beckerman, 2020). Nevertheless, this was the reason, which was authorised by the Executive Office of the President on the 8th of November 2020.

Similar to the other countries that banned TikTok due to immoral content, this ban addressed by Trump could reshape how cultures and communities are represented in the U.S through implicit cultural policy. Ahearne (2009) describes implicit (effective) cultural policy as a system that "shape[s] cultural attitudes and habits over given territories" (Ahearne 2009: 141). This can be a concealed intention or an unintended side effect of an explicit cultural policy, which "deals directly with culture, whether culture is defined functionally (as the arts) or in a constituent sense (as traditions, values and ways of living together)" (Throsby 2009: 179). As

a result, this evokes the question of, who is able to present U.S culture? Whilst this question may be unanswerable in this report, it could be suggested that the authorities of the country get to present the culture, through ownership. By banning TikTok, communities who congregate on the app are restricted in terms of representing their culture, creativity and their individual lifestyle (Herrick et al, 2020: 524). Whilst there are other apps for communities to use, TikTok has become one the most successful apps to date and allows users to find content easily based on the unique algorithm that uses artificial intelligence (AI) (Rangaiah, 2020). This enables individuals within communities to find one another based on videos, likes, shares and comments, which emphasises the sociocultural approaches to online platforms and the relationships between the individual and the creative collaborative (Bilton 2015; Tangney 2019: 124). Therefore, by banning TikTok, it can constrain creativity and innovation online impacting an individual's career, opportunities, and personal life (Sybert, 2018: 4). However, TikTok is not the only Chinese owned company that has been targeted by Trump. Others include the halt of Chinese development of 5G networks in the U.S; not allowing a Chinese company to buy the dating app Grindr and issuing an executive order to ban the messaging app WeChat on the same day as TikTok. This could therefore signify other motives such as power and/or other democratic related issues.

HEGEMONIC POWER AND GATEKEEPING

Subsequently, based on other Chinese app's being targeted, it can be suggested that the U.S have a symbiotic relationship between policy making and political issues with the country. Therefore, could indicate that the ban was based on a political motive to form a sense of strong hegemonic power that is present to establish dominance globally to create a political hierarchy between other countries (Molchanoy, 2012: 787). This can be reinforced by Trump informing

TikTok that they would be able to continue to operate in the U.S if China's ByteDance sells the app to a U.S company along with a profit from the transaction. Here it is evident that Trump's notion signifies that companies need to be U.S owned in order to represent the U.S culture. This is reinforced by Higson's (1989) ideology of the foreign cinema becoming more successful creating a 'threat' and fear posed to other nations state's economy and power (Higson, 1989: 36). Furthermore, this suggests that the U.S are operating based on economic profit and global dominance, especially as TikTok has become one of the most successful Chinese apps globally. The U.S "continues to restrict the 'geoeconomic space' available to Chinese owned internet companies […] and expanded its […] 'Clean Network' programme" (Cartwright, 2020). It is suggested that this was to inhibit Chinese Communist parties from gaining international market dominance and to extend Chinese state to internationalise its power. Linking back to Higson's (1989) ideology, this emphasises the fear that TikTok and other Chinese apps will do better than U.S owned ones. Therefore, by limiting access suggests that the U.S are able to internalise state power as a form of national competition. Additionally, after arresting pro-democracy activists in Hong Kong, China, Trump responded by stating, "Hong Kong was making a lot of money, which we could [have] been making" (Dale, 2020). This would emphasise how economically driven Trump is for wanting to obtain all transactions, stocks, and political dominance.

As a result, it can be considered that Trump's motives were deceptive, especially after TikTok was blamed for other matters. One of the most recent, was the turnout at Trump's Tulsa Rally, that was blamed (fairly or unfairly) on an anti-Trump troll campaign originating on TikTok (BBC, 2020). Not only this, but Trump stated that there was a widespread fraud in the 2020 elections that China was involved in. TikTok's creator, Leo Scheck believes that this demonstrates the act of control based on controlling people in attempt to silence dissent on an

app that is not U.S based reinforcing notions of implicit policy (Koleson, 2020: 4). This could result in dangerous, anti-democratic examples whereby governments control internet restrictions and other interferences on a global scale without clear and extensive justification (Koleson, 2020: 5). Consequently, this is representative of a post-truth political environment whereby governmental leaders lose the trust of their citizens because of misinformation and/or deception (Belfiore, 2009: 346) On a similar spectrum, India's motives seemed to be heavily politicised as the country banned several Chinese apps amid boarder conflicts with China (Wang, 2020). Meanwhile, China has also blocked overseas social media platforms, including Facebook and Twitter. This shows that democratic disagreements can be involved in policy making and can be an implicitly implemented into policies.

CYBERSECURITY

On the other hand, it is vital to recognise that the Chinese government still have a level of access to TikTok and that there is always a level of uncertainty surrounding third parties and any type of data collection. In general, national governments should have a level of concern over data being controlled by foreign companies and should take action to ensure the safety of data. Sensitive data that is leaked or possessed by fraudulent users or parties can result in identity theft, hackers, cyberattacks and more (Hinde, 2005). Therefore, many countries have tried to prevent this by adopting certain security approaches or reassessing their technology and devices. For instance, Apple iCloud data in China is operated by GCBD, which ensures that only certain officials in China have access to this data (Support.apple.com, 2020). A similar proposal was offered to the U.S by TikTok to sell the U.S business to Oracle, Walmart, which would become TikTok's 'trusted technological provider' ensuring that user's data was stored and managed by Oracle iCloud (Craig et al, 2021: 161). On TikTok's privacy policy they

specify the type of information they collect, most of which are information that the user chooses to disclose or in app usage (TikTok.com, 2020). However, these apps should always be monitored in general, and third parties should be specified explicitly. Not only this, but "some mistakes cannot be mitigated by even the best cybersecurity [experts]" (Beckerman, 2020), therefore there will always be a risk, especially if the data is exposed to foreign infrastructures.

However, it is vital to note that TikTok is not available in China, and the ownership, leadership and decision-making structure is such that TikTok's data does not flow into China. This means that U.S TikTok data does not get shared with the Chinese government and would be hard to obtain as the board of directors, have prominent global investors, including U.S investors, that oversee the company and the way they operate. This ensures that U.S data is protected from security breaches and is safe to use (Beckerman, 2020).

TIKTOK'S RESPONSE AND MEASURES THAT HAVE BEEN PUT IN PLACE

TikTok responded to these accusations and argued that the app "has never shared user data with the Chinese government nor censored content at its request" (Faison, 2021:116). They also stated that the app uses the "same data mining practices as many other companies" (Faison, 2021: 116) yet these have never been banned in the USA. The Central Intelligence Agency (CIA) have reinforced this as they have concluded that there is no evidence to show security breaches (Wang, 2020: 4). Michael Beckerman (2020) has also explained how their global board directors have "some of the most prominent global investors, including U.S investors" (Beckerman, 2020) who oversee how the company operates and ensures that user data is stored in the U.S, with a back-up in Singapore (Wang, 2020: 4). As a result of this, TikTok, its creators, and new administrators have recently challenged executive orders in court to keep the

app running in the US. Both CEO Beckerman (2020) and TikTok asserts that this was not a threat that required the IEEPA and that governmental authorities should pay attention to much greater threats posed to America instead of taking an 'aggressive action' to gain control (Beckerman, 2020; Koleson, 2020: 7). The platform has hereby won some legal victories that resulted in a pause on the ban and to question the legality of Trump's executive orders. Additionally, TikTok claims that Trump violated the Fifth Amendment by banning TikTok without any notice or opportunity to contest (Koleson, 2020: 6). The company has continued to ensure safety of personal data and legitimacy of the app by signing deals with major labels, including Warner Music Group and Sony Music Entertainment. Overall, there is still an uncertainty of the company's future in the U.S, whereby advertisers have been cautious to invest into the app and new hires were worried about their employment status.

MEASURES THAT COULD BE IMPLEMENTED

The two main rationales for regulation that have been highlighted in this report are morality issues and cybersecurity threats. In terms of morality, social media platforms in general are urged to be better gatekeepers of their apps, this would include demonetising certain user made content, which would ensure that there is a reduction of immoral and offensive content on their apps (Fortner and Fackler, 2017: 85). Other apps, such as Facebook and YouTube, have already taken action to remove content, which goes against guidelines, including spam, adult nudity, sexual activity, child safety, violence, and graphic content. Facebook also cover sensitive content with a warning, and TikTok has safety alerts and a notice for content that may include misleading information. However, due to this urgency to maintain a safe online environment, "platforms may over-censor content or be over-cautious regarding innovations to avoid […]

fines" (Wang, 2020: 7). This means that there may be less freedom for users to be innovative, having an impact on education and those who earn a profit from the app.

On the other hand, it has been suggested that these platforms do this already but do not enforce their rules consistently. This can be due to the creative industries wanting more profit from verified accounts and star users. This has been seen on platforms that prioritise content posted by user's friends and/or subscribed accounts. Consequently, those accounts with larger followers are able to reach mass audiences, which provides more profit for the platform. However, TikTok operates differently to other apps, whereby TikTok's AI-powered algorithm has been labelled the reason for its success in contrast to other platforms. Therefore, TikTok has created a more equal online space for users and 'little-known audiences' and does not seem too lenient to certain users (Wang, 2020: 4). Hence, it could be advised that platforms, need to ensure that they enforce the same rules consistently.

However, it is important to recognise that the reason that Trump claimed to want to ban TikTok was due to security concerns. In the report there were concerns about the Chinese communist party using the data from authority's software and devices, and while it seems unlikely that this was his intent, one cannot rule this out completely. Therefore, it is crucial to investigate how to improve cybersecurity of social media apps to prevent threats from other countries. In the U.S, Obama introduced the Cyber National Action Plan (CNAP) to improve security efforts. This included creating the 'Commission on Enhancing National Cybersecurity'; helping U.S citizens to secure online accounts; modernising government IT, which would require $3.1billion from the Information Technology Modernisation Fund (ITMF) and finally to invest $19 billion for the 2017 fiscal year. However, there were still security threats present according

to Trump and the CNAP was not adequate enough to protect the U.S data from the Chinese communist party (Obamawhitehouse.achives.gov, 2016). Not only this, but in the U.S the Federal Trade Commission (FTC) regulates privacy laws. However, the Federal Government allows each state to decide the details of these laws, which can be problematic as the law differs across the country (FTC.gov, 2019). Therefore, it could be suggested that the U.S can adopt a similar arrangement to the EU whereby the General Data Protection Regulation (GDPR) provides a framework for cross-border data transfers and personal data protection. If TikTok, or any other platform breaches the GDPR then the platform/s will be fined up to €20 million or 4% of its global turnover (DMA, 2018: 8). This approach is considered a better solution than an outright ban, as it provides a stable environment for users, advertisers and platforms as the company understands what is expected regarding data protection (Wang, 2020: 5).

CONCLUSION

To conclude, gatekeeping social media in general has a means of regulating the culture of a country. This allows authorities to determine whether certain content and apps are suitable for the country, based on the country's religion, morals, and values. However, it can be argued that they use their power to deceive the public and/or other countries for other means rather than just the safety of the country although this could also be a factor. Here we see factors of implicit cultural policy, whereby Trump's motives for banning TikTok oppose his reasoning. Arguably it seems as though Trump's intentions were highly politicised in terms of power and economic profits. Hence the reason Trump wanted ByteDance to sell the platform to a U.S based company even though U.S data is stored in the U.S and Singapore. It is also clear that the U.S is not the only country to do this, India's motives also seemed politicised. Overall, gatekeeping is evident for most countries in terms of social media, this could be for morality reasons or for

underlying justifications. It has a means of 'protecting' citizens as well as deceiving them for corrupt purposes.

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