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Unlocking Digitized Public Spheres: Research Opportunities and Legal Challenges in the Use of Text Mining for Content Analysis

Abstract

Analyzing communication processes on social media platforms requires new methods, e.g. text mining, to gain insights. However, in text mining research projects, various legal areas must be taken into account when collecting, storing, processing, and analyzing the selected text corpora. For instance, contract law might be relevant when agreeing to terms and conditions. If text corpora contain pictures, newspaper articles, or parts of a database, the Copyright and the Database Directive might be applicable. In this article, we use examples of text mining research projects to illustrate the current legal uncertainty. As there is a new proposal of the EU Copyright Directive which includes an exception for text and data mining, we look at this exception, before we discuss further problems of data access and data dependency. The aim of the article is to illustrate the current European reform processes as a unique moment for researchers to indicate legal challenges of research projects.

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