The Markup

Organization Information

1. Name of organization: The Markup

2. Discuss the founding and history of the organization.

The Markup challenges technology to serve the public good. Internet privacy has been a significant focus because it is a public good that is not always well-represented by market forces. Our journalism combines data-driven investigations and our technological expertise to reveal the hidden impact of technology across our society and its systems.

The Markup began publishing in February 2020 with tremendous results. We've been cited 21 times by Congressional leaders, helping legislators and government agencies like the Federal Trade Commission and The Department of Health and Human Services push forward in their work to protect consumers and their data. Blacklight, our real-time privacy inspector, has been used 11.7 million times in our short tenure. Our work has resulted in 9.7 million data breach notifications and 35 class action lawsuits to hold leaky companies to account. Multiple industry leaders have told us that our work has inspired much more rigorous inspection of the internal use of tracking technologies.

We are honored to have been recognized for our commitment to user privacy by The Electronic Privacy Information Center (EPIC), which presented The Markup the Champion of Freedom Award in 2021. The annual award recognizes individuals and organizations that have helped safeguard the right of privacy, promote open government, and protect democratic values with courage and integrity. Our number one most-viewed story in 2022, Facebook is Receiving Sensitive Medical Information from Hospital Websites, was awarded Digiday's Best Story of the year.

Not only *should* those that design and deploy tech solutions do better from a privacy and security standpoint, our technical expertise guides our work because we know that they *can* do better. We know that because we operate our organization according to our Privacy Promise: "The Markup will collect as little personal information about you as possible when you visit our site, and we will never monetize this data." There are trade-offs to working this way, since audience-building often depends on tools like cookies that we don't employ and vendors that

align with our values of transparency and privacy can be difficult to find, but we find it as important to live by those values as it is to report based on them.

3. Describe the organization's current goals.

In 2023, The Markup's goals are:

- Create work that is actionable and drives real-world impact, launching major evidence- and people-driven investigations that hold technologies and their decision-makers to account
- Tell investigative, journalistic stories, in a distinct way that instills the feeling of agency in our readers, and not helplessness
- Create and improve our own tools and resources that give readers superpowers, such as adding more features to people's ability to scan any website for how it tracks them through our Blacklight tool, or creating tools like our twitter throttling detector, that lets readers check what websites twitter is throttling *right now*
- Grow the editorial team to 19, including 5 editors, 8 reporters, and 5 journalism engineers and data reporters
- Continue to build sustainable fundraising strategy, deepen relationships with existing and potential donors, and explore other potential revenue streams

4. Provide a brief description of the organization's current programs.

Our work is organized into investigations, tools, and blueprints. Examples of work that has previously fallen into these categories are listed below, and are illustrative of what may continue to be generated during the grant period.

- [Investigations](#): Our investigations use data-driven journalism and our own engineering expertise to reveal the hidden impacts of how tech is used. Investigations have found that telehealth providers were [leaking sensitive customer data](#) to the world's largest advertising platforms, that [tax filing companies were shuttling personal financial data](#) to Facebook, and that [political campaigns are using your movements to target you](#) with ads (part of a [massive market for customer location data](#) that impacts nearly everyone).

- **Tools**: Our tools hold institutions accountable for the way they use technology, pulling back the curtain so readers can see for themselves how technology affects them. This includes Blacklight, a real-time website privacy inspector (used over 11 million times, and recently updated with new features) and a research partnership that allowed us to hunt the Meta Pixel and what information it shared with Facebook across the internet. These tools and partnerships led to investigations on how nonprofit websites are riddled with ad trackers and how organizations from hospitals to the Department of Education have sent users' information to Facebook. Blacklight in particular has proven a powerful tool for reporters, researchers, and advocates.

- **Blueprints**: We show our work so communities, journalists, and researchers can build on our reporting—crucial for our commitment to capacity building. This includes:

  - Methodologies that set the standard on how to measure algorithmic harm
  - Citizen Science initiatives to explain how to measure harm from the front lines
  - Transparent datasets that encourage skeptics to test our work for themselves
  - Privacy-forward software to make it easy for others to do the right thing
  - Products that help researchers, policymakers, and technologists measure harms

5. Has your organization ever received a prior cy pres award?

No

6. Has your organization been reviewed or rated by Charity Navigator or similar entity? If yes, what are the organization's ratings?

Candid.org, Platinum Transparency

The Markup

Grant Proposal

7. Identify the organization's principal investigator or project director.

- **Nabiha Syed** is the CEO of The Markup. Under her leadership, The Markup's unique approach has been referenced by Congress 21 times, inspired dozens of class action lawsuits, won a national Murrow Award and a Loeb Award, and been recognized as "Most Innovative" by FastCompany in 2022.

  Before launching The Markup in 2020, Nabiha spent a decade as an acclaimed media lawyer focused on the intersection of frontier technology and newsgathering, including advising on publication issues with the Snowden revelations and the Steele Dossier, access litigation around police disciplinary records, as well as privacy and free speech issues globally. Described by Forbes as "one of the best emerging free speech lawyers", she has briefed two presidents on free speech in the digital age, delivered the Salant Lecture at Harvard, headlined SXSW to discuss data privacy after Roe v. Wade, and was awarded the [NAACP/Archewell Digital Civil Rights award](#) in 2023 for her work.

  A California native and daughter of Pakistani immigrants, Nabiha holds a J.D. from Yale Law School, where she co-founded one of the nation's first media law clinics, a B.A. from Johns Hopkins University, and a law degree from Oxford, which she attended as a Marshall Scholar. She serves on the boards of the New York Civil Liberties Union, The New Press, and the Scott Trust, among others.

- **Sisi Wei** is the editor-in-chief at The Markup. Before joining The Markup, she was co-executive director of OpenNews, where she envisioned and executed transformative initiatives for journalism. As part of her work, Sisi founded the DEI Coalition, a journalism community dedicated to sharing knowledge and taking concrete action in service of a more anti-racist, equitable, and just journalism industry.

  She was assistant managing editor at ProPublica from 2018 to 2020, where she oversaw three editorial teams focused on news apps, interactive storytelling, and visual investigations. She also managed large, interdisciplinary investigations across the newsroom, one of which won the Pulitzer Prize for National Reporting in 2020. Sisi

worked at ProPublica for seven years, investigating abuses of power and betrayals of the public trust across a range of topics, including health care, higher education, government, and immigration.

In 2021, IWFM awarded Sisi the Gwen Ifill Award, which recognizes an outstanding woman journalist of color whose work carries forward Gwen's legacy, especially by serving as a role model and mentor for young journalists. In 2019, Sisi and her fellow Journalists of Color Slack admin team won the ONA Community Award, which recognizes a person or small team in online journalism that has made outsized contributions to creating tools or work environments that allow digital journalists to do their best work. Sisi also serves on the board of News Revenue Hub.

8. Provide a summary of the plan for the program or project request. Include the issue and/or opportunity addressed, goals and objectives, activities, and timeline.

At The Markup, we use our expertise in tech to investigate tech and internet privacy—whether that's by digging into code to challenge a company's claims or by building new tools that restore people's agency over the technology in their lives—especially in a time of rapid, unchecked innovation, with money pouring into the development of high-stakes technologies to an unprecedented degree. As we craft a vision for justice and equity in an algorithmically-mediated world, one thing is certain: everyone deserves high-quality, independent information to guide their choices. And when it comes to privacy on the internet, the news can feel bleak.

To date, our work has revealed how your family safety app, your grocery store, and your car are all collecting massive amounts of personal data as a consequence of your use. Some of our most impactful work arises from our Pixel Hunt series, the first large-scale crowdsourced study of the Meta Pixel, a snippet of computer code embedded in a website and used for tracking you around the web. It's not just about serving you ads for shoes you might like; even websites processing highly sensitive information can have the Pixel installed.

But beyond reporting on disturbing breaches of privacy, we go one step further and equip our readers with the tools they need right now to address our findings. We published a resource specifically for employees who want to audit their own company's pixel usage, we help readers comb through the fine print of privacy policies and we give concrete steps to protect your

The Markup

privacy. There have been tremendous [legal consequences](#) for the companies we've reported about. But we have merely scratched the surface.

Now, the frenzy to invest in and deploy both industry-guiding and consumer-facing technologies like ChatGPT leaves dangerously ample room for unforeseen privacy consequences, similar to those we've been uncovering, but potentially even more sinister. We need our work to not only continue, but to evolve and keep up alongside those developing new technologies with seemingly unlimited resources.

We will remember 2023 as the year where frontier technology burst into our collective consciousness, and The Markup is primed to help the public—laypeople, policymakers, and industry—make sense of the rapid change.

To do so, we will accomplish the following:

- Goals and objectives:

    - Continue to maintain and iterate upon successful tools like Blacklight and partnerships like Pixel Hunt for further return on investment
    - Empower data journalists and journalism engineers to create new methods, tools, or partnerships for investigating privacy breaches and empowering the public
    - Publish original investigations that reveal new information about privacy in the context of the development or deployment of technologies, especially emerging ones, with actionable insights
    - Track impact in three categories: legislative, industry, and community

- Activities:
    - Data-driven investigative journalism
    - Development and maintenance of tools for gathering investigative data in a non-exploitative way
    - Creation of resources: Publicly available datasets, methodologies, story recipes, and processes for the continuation and replication of our work

- Timeline: Ongoing

9. Explain why the organization is approaching the issue and/or opportunity in this way.

Journalism is a node in a social change ecosystem—but not the one you might think it is.

You might think of journalism as a literal amplifier—a machine that you plug other peoples' work into that shouts it as loudly and as far as possible.

But at The Markup, we enter the ecosystem one important step before that, using our engineering and investigative skills to reveal and quantify harms, handing changemakers the knowledge they need to stop harmful systems in their tracks today.

There are things that we may intuitively know, feel, or assume to be true—"My phone is listening to me and serving me ads"—but nothing changes until local leaders that get quality, independent, bulletproofed information to back that claim from an organization that has a birds-eye view of the tech landscape and how it trickles down to the daily citizen experience.

There is simply no other institution that produces knowledge on a timeline that changes the harm that is happening *right now*. Supporting journalism is supporting local organizations with information that opens up how they understand their own work and that they use, literally, to implement more change.

Untangling society's complex, systemic problems is like putting together an enormous puzzle without having a full picture of what pieces are missing. The Markup has a track record of finding the right puzzle piece at the right time in a variety of industries. Our theory of change sits at the intersection of rigorous data analysis and powerful storytelling, in a way that both measures what needs to be fixed and connects with the subjects of those harms in a deeply personal way.

10. Identify and explain the range of funds required to effectuate the program or project request, on an aggregate and annual basis (if applicable), including how the money will be used.

In 2023, The Markup had a $6 million annual budget, with over 75% of our funding going toward staff compensation.

The Markup

Past annual budgets:

2022: $6 million
2021: $5.5 million
2020: $4.5 million

We respectfully request an award of $6 million in order to accomplish our goals and objectives around internet privacy, to be apportioned as follows:

- **2024: $3 million (50% overall projected operating budget)**
- **2025: $3 million (50% overall projected operating budget)**

The resources from this award will specifically be used to investigate, report on, and create tools to address issues of internet privacy and security, and what the public can do to protect itself.

11. Will the money be used to continue an existing project or create a new project?

The money will be used to continue our work (investigations, tools, and resources) on internet privacy, building on existing work and supporting newly pitched stories and projects as well.

12. What target population will your organization's project benefit?

Our work is for a national audience and intends to provide information and surface knowledge in three categories:

1. Laws and regulations: Technology is used to make crucial life decisions and is unavoidable for work, education, and most core needs. When our bulletproofed investigations reveal exploitative or dangerous tracking technology, lawmakers have the data they need to push for lasting, systemic change.

2. Organizational leadership: Innovations that help companies optimize their own work may be harmful or exploitative in unintended ways. But we've found that when leaders know better, they do better (like removing tracking pixels that leak customer data).

3. People and communities: We know that communities know best how to advocate for themselves. Our work raises awareness and agency, arming people with the practical, actionable information they need to make change, such as teaching a parent how to protect their child's location data in an app.

Evaluation

13. Will your organization agree to provide a report to the Court and the parties every six months informing the Court and the parties of how any portion of the Settlement Fund allocated to it has been used and how remaining funds will be used?

Yes

14. Describe how your organization will evaluate the success of the grant on enhancing or promoting the protection of internet privacy.

Each of our three impact areas sees distinctly important outcomes from The Markup's work. We measure success through the work's concrete impacts. Past examples in the privacy space include the following:

1. Impact in Government
   a. **We've been referenced by Congress 21 times across multiple investigations**, like this summer when our [investigation](#) into tax prep companies directly fueled a [bombshell Congressional report](#) by Elizabeth Warren. In the report citing The Markup, Warren said "Big Tax Prep companies have recklessly shared personal and financial data of millions of taxpayers with Big Tech for years. Regulators need to fully investigate and prosecute those who violated the law."
   b. Citing our Meta Pixel story on healthcare data breaches, the Department of Health and Human Services confirmed that "tracking technologies" on patient portals are covered by HIPAA privacy rules.

The Markup

2. Industry Action:
   a. 9.7M data breach notifications have been issued in response to issues uncovered by our work.
   b. 35 data breach class action lawsuits (and counting!) have been filed (including one from law firm Wisner Baum just last month, the first RICO class action case naming tax prep firm H&R Block, Meta, and Google in a conspiracy to defraud consumers).
   c. At least 19 companies made real changes—like removing the Meta Pixel from their website—soon after being contacted by The Markup. These companies include major hospital network patient portals.
   d. Multiple industry insiders have told The Markup that internal industry trainings inside the healthcare industry now include instructions on how to skip or limit the use of the Meta Pixel.

3. Community Impact:
   a. Our digital trainings, like "Who's Got My Data? How students can protect their personal information at school" (feat. Todd Feathers), empowered people to take on big tech issues through both their personal choices and community advocacy.
   b. Jon Keegan and Jesse Woo's reporting shares [exactly how you can quickly get to the important truth inside any privacy policy](#).

15. Does your organization intend to use the results of the project in any publications, conference papers, and presentations?

Yes. We publish about four articles per week for our national audience, from investigations to explainers to newsletters, all of which will result from support provided by this award. Our editorial staff is often asked to present at professional conferences, run workshops, or teach classes for students ranging from high school to graduate school.