

Supplementary Material: Methods

This is supplementary material to the article:

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The material contains information on Interviews (I) and Discursive Network Analysis

(II)

I. Interviews

We conducted five in-depth interviews with Members of the new Digital Agenda Committee on April 27th, 2016. Two MPs were members of the Christian Democratic party. Two MPs came from the Social Democratic Party. One MP was member of the Greens.

The following tableau was presented to all MPs. They were asked to comment on what they tick and explain why.

The interviews were between 30 and 60 minutes per person. They were recorded. All tapes were transcribed and evaluated according to the research questions of the project.

Template of Questionnaire for Interviews

Question	Response Options					
1. What are the tasks of the Committee?	control of the digital agenda	legislation /preliminary work for other (lead) committees	own agenda setting and self-determined assignment	networking with other MPs (e.g. of other parliaments)	communication (with government, stakeholders, etc.)	
2. What is your capacity in the Committee?	regular (substitute) member	formal function	informal role upon agreement	other		
3. Why are you a member of this Committee?	at own request	assignment by the fraction	other			

4. Where does your interest for the Committee's topics stem from?	personal affinity for the topic	previous professional occupation	work in Enquete Commission	electoral constituency	other			
5. Since when does it exist?	>10 years	5-10 years	<5 years	this legislative period				
6. Who are your most important consultative partners and contacts for the committee work (names)?								
7. What is your understanding of Internet policy? What is, in your opinion, specific to Internet policy compared to other policies?								
8. Who cooperates with whom?	MPs with each other	ministries	employee level	factions	Committee bureaucracy	other committees (which?)	stakeholders /journalists	other
9. What is the modus of cooperation?	loose and erratic	regular and formalised	for selected occasions	other				
10. Where are the lines of division regarding the issue of Internet policy within parliament?	between coalition and opposition	among working groups	among committees	among factions /political parties	between older and younger MPs	between new and longtime MPs	between internet experts and laypeople	
11. Where are the lines of division regarding the issue of Internet policy outside parliament?	with government	with journalist/media representatives/bloggers	with representatives of interest groups / organisations	with others				
12. Do you consider yourself as an expert for Internet policy in the German Bundestag?	yes	no	don't know/indifferent					

II. Discourse Network Analysis

The integration of content analysis and social network analysis to a discourse network analysis allows not only to draw comprehensive pictures of complex political phenomena, but also to overcome the lack of objectified and standardised measuring in qualitative methods. There are a couple of established methods for analysing discourses like Critical discourse analysis or Frame mapping. Yet, these methods mainly focus on content of discourses but neglect actors and how these are related to contents.¹ Since we are interested not only in potential changes in policy images but also in who attempts to produce those, a method is needed that allows to analyse relations between contents and actors in discourses. The software tool Discursive Network Analyzer² allows to combine category-based content analysis and social network analysis and computes different kinds of networks (Leifeld 2016: 291–321). We use affiliation networks that represent positive or negative relations of individual or collective actors to concepts.³

The data set of the discourse network analysis consists of the protocols of the plenary sessions of all three readings of both the data retention bills of 2007 and of 2015. The protocols were split up by speaker (producing 37 documents), read, and manually encoded. We arrived at our codes by inductive content analysis (see Leifeld 2016, 40) and used the following process to ensure intercoder reliability. During first readings of the protocols we independently created lists of general claims that cover arguments made for and against the bills and data retention respectively. The lists were compared, merged and reduced to a final list of 29 general claims that were then grouped by policy domains (legal, security, and internet, see appendix). We sorted claims regarding profiles (of movement etc.) as security claims and one could argue those should be seen as internet claims. Either way, that what not change our results. We grouped data protection and anti-surveillance arguments that predate the internet for a long time as legal claims. For internet claims we followed the argument in our article and grouped those claims that are rather technical and relate to data storage for example. Notes were finally added to create our codebook which can be accessed under https://policyreview.info/sites/default/files/assets/documents/node-1509/codebook_dna_IPR.xls.

The protocols were then encoded by two coders independently. Coding results were compared, discussed, and –if necessary–harmonised. Whenever an actor made a statement covered by our codes, this was coded as a claim, adding information about the actor, the organisation (see appendix), the date, and whether she or he agreed to the claim. All claims were phrased from the direction of the bills, i.e. in agreement with data retention to make the binary variable agreement/disagreement unambiguous. This way we encoded 432 statements of 32 individual actors and seven organisations respectively. In three instances, speakers made positive and negative references to the same general claim. These self-contradictions were “neutralized” by the way of subtraction, leaving 424 statements in the calculation of the networks.

¹ For a discussion of content-oriented approaches, their advantages and limitations see Leifeld (2016: 37–51).

² Find the software tool online: <https://github.com/leifeld/dna>

³ See Leifeld (2016: 62–64) on how affiliation networks are computed.

For the figures of the discourse networks, we exported our data as two-mode networks, concept as variable 1 and organization as variable 2, agreement as qualifier, substract as qualifier aggregation and no normalization for each time period respectively. Visualisation was then done with the software visone (see <https://visone.info>). Circular nodes represent collective actors (parties and party-affiliated parts of the government) and square nodes represent general claims in the debate. The sizes of the nodes represent degree centralities. Collective actors that make more statements (i.e., outdegree centrality) are represented by bigger nodes. Claims that get more references (i.e., indegree centrality) are represented by bigger nodes. Green links between actors and claims represent agreement with the claim, and red links represent disagreement. The numbers at the links are the sum of references (i.e., link weights) to the claim, where positive numbers indicate agreement and negative numbers indicate disagreement. The length of the links and the rest of the layout are optimised for readability and include no further information about the network. To produce the barplots of the claims we used the package rDAN in R. See the appendix for the respective R-script.

Literature

Leifeld, Philip. (2016). Policy debates as dynamic networks: German pension politics and pri-vatization discourse. Frankfurt/New York: Campus.

APPENDIX

Codebook for discursive network analysis

Overview of the data set

BT PlPr 14/192 First reading

BT PlPr 14/227 Second and third reading

BT PlPr 16/109 First reading Data Retention Act of 2007

BT PlPr 16/124 Second and third reading Data Retention Act of 2007

BT PlPr 18/110 First reading Data Retention Act of 2015

BT PlPr 18/131 Second and third reading Data Retention Act of 2015

List of codes

Statements.

– Legal claims

There is no inappropriate interference in private lives

There is no inappropriate interference in the fundamental right of privacy

Interference in fundamental rights is legitimate because it needs judicial approval

Preventive DR⁴ does not constitute an Orwellian State

DR has to be preventive

Private actors are the real danger for privacy

DR conforms to constitutional law (national)

DR conforms to constitutional law (EU)

DRA improves protection of (fundamental) rights

EU directive demands DRA

DRA (just) implements EU directive

DR is restrictive compared to regulations in other countries

⁴ DR=data retention

DRA still permits Whistleblowing

– Security claims

DR is necessary to combat severe crimes

DR is conducive to combat severe crimes

DR is effective in combating severe crimes (as seen in countries with DR)

DR is effective in combating severe crimes (as seen in single cases)

DR is effective in combating severe crimes (as shown by studies)

Profiles of movements are justified to combat severe crimes

Profiles of behaviour are justified to combat severe crimes

Profiles of personal character are justified to combat severe crimes

DR can provide exculpatory evidence

DR can prevent acts of terror

Regulations are minimal, i.e. apply only to severe crimes

Government has a duty to protect security

– Internet policy claims

Amount of stored data can still be processed

Data can be protected against hacking and abuse

Provider retains data anyway

Only traffic data is retained

– Residual category

Increase in bureaucratic burden is appropriate

Organisation.

CDU/CSU

SPD

BÜNDNIS 90/DIE GRÜNEN

FDP

Die LINKE

Government CDU/CSU

Government SPD

R-script to reproduce barplots

Please note that you have to use the specific path to connect to the database on your computer once you have downloaded our database netzpolitikbt_IPR.dna under:

https://policyreview.info/sites/default/files/assets/documents/node-1509/netzpolitikbt_IPR.dna.

```
----begin script-----  
#load rDNA  
library("rDNA")  
  
#ensure that results can be reproduced exactly  
set.seed(12345)  
  
#intitalize DNA  
dna_init()  
  
#connect to database netzpolitik_IPE.dna and write into conn  
conn <- dna_connection("[PATH]/netzpolitikbt_IPR.dna")  
  
#produce barplots for concepts  
#for debate 2007  
dna_barplot(conn, of = "concept", fontSize = 10,  
            start.date = "06.07.2007",  
            stop.date = "09.11.2007")  
#Export Plot, Save as image, width = 750  
  
#for debate 2015  
dna_barplot(conn, of = "concept", fontSize = 10,  
            start.date = "12.06.2015",  
            stop.date = "16.10.2015")  
#Export Plot, Save as image, width = 750  
  
-----end script-----
```


Timeline of Data Retention in Germany and on EU level

Date	Event	Level of decision making
2002		
12.07	Verarbeitung personenbezogener Daten und Schutz der Privatsphäre in der elektronischen Kommunikation Richtlinie 2002/58/EG. (A)	national and EU
01.08.	Denmark suggests a Data Retention Act on the EU level as part of its Council presidency with a retention period of 12 months. This suggestion was votes down. (Datum nicht überprüfbar, Alternativvorschlag: On 14th August the Danish Presidency put out to all EU governments a „Questionnaire on traffic data retention“ .(B)	national and EU
2004		
28.04.	A number of national governments (France, Ireland, Sweden, UK) submit the proposal of a framework decision to the council of ministers. (C)	national and EU
2005		
17.02.	The members of the German Bundestag declare themselves against any kind of data retention and ask the German government to also be against data retention law on the EU-level. (D)	national
08.09.	EU 25 ministers of Justice and Home Affairs decided to adopt a Framework Decision on data retention which would oblige telecommunications operators to record telephone and internet communications. (E)	EU
21.09.	The EU-Commission and the Council of the European Union propose a directive for data retention. (F)	EU
2006		
03.02.	The final proposal for a EU-directive on data retention is layed before the house. (G)	EU
15.03.	The European Parliament votes for the EU directive on data retention (2006/24/EG). (H)	EU
13.04.	The EU directive on data retention is released to the public. (I)	EU
03.05.	The EU directive on data retention takes effect. (?)	EU
01.06.	Ireland and Slovakia brought the EU directive on data retention before the European Court of Justice (ECJ). (J)	national and EU
26.10.	The German Federal Constitutional Court prohibits the retention of T-Online customers' connection data. (K)	national
2007		
18.04.	The German government brings up the data retention act proposal.	national
27.06.	Gesetzentwurf zur Neuregelung der Telekommunikationsüberwachung (BT-Drs. 16/5846). (L)	
15.09.	The deadline of the EU directive on data retention ends up for Telecommunication. (s. (2006/24/EG, Art.15 Absatz 1) (M)	EU
21.09.	The standing committee of justice (of the German Bundestag) holds a public hearing on data retention. (Datum korrekt, nachprüfbar Zeitungsartikel) (N)	national
09.11.	The German Bundestag votes for the reform of the telecommunication data retention, namely the data retention act. (O)	national
30.11.	The Bundesrat votes for the data retention act.	national
26.12.	The data retention act will be signed by the German Federal President Horst Köhler. (P)	national
31.12.	A collective constitutional complaint will be filed with the German Federal Constitutional Court in Karlsruhe against the data retention act. (Q)	national
2008		
01.01.	The data retention act is taken into force in Germany.	national
11.03.	Einstweilige Anordnung des BVerfG zur teilweisen Aussetzung der Regelungen zur Vorratsdatenspeicherung. (R)	
01.07.	The ECJ deliberates the directive on data retention. (S)	EU
03.09.	The German government presents first results and data on the usage of Telecommunication data retention. (T)	national

28.10.	Einstweilige Anordnung zur weiteren Einschränkung des Gesetzes zur Vorratsdatenspeicherung durch das Bundesverfassungsgericht. (U)	
06.11.	The German Federal Constitutional Court curtails the data retention act until the main hearings.	national
	2009	
15.03.	The deadline of the EU directive on data retention ends up for Internet access, Internet phone connections and Emails. (V)	EU
15.10.	After the general election of 2009 in Germany the conservative-liberal-coalition agrees on the issue to hold on the data retention act.	national
	2010	
02.03.	The German Federal Constitutional Court declares the data retention act from 2007 as being unconstitutional. (W)	national
	2011	
19.01	Veröffentlichung eines Eckpunktepapiers zur Vorratsdatenspeicherung durch das Bundesjustizministerium. Darin wird vorgeschlagen, dass die bei den Telekommunikationsanbietern aus geschäftlichen Gründen bereits vorhandenen Verkehrsdaten anlassbezogen gesichert („eingefroren“) werden sollen, soweit sie für die Erforschung des Sachverhalts oder die Ermittlung des Aufenthaltsortes des Beschuldigten erforderlich sind.	national
10.06.	Sabine Leutheusser-Schnarrenberger (Bundesjustizministerin) legt einen Diskussionsentwurf zum sogenannten „Quick Freeze“-Verfahren vor.	national
18.04.	Die EU-Kommission veröffentlicht ihren Bewertungsbericht zur Richtlinie über die Vorratsdatenspeicherung. (1)	EU
08.08.	In ihrer Antwort auf eine kleine Anfrage der SPD-Fraktion erklärt die Bundesregierung, sie prüfe derzeit eine gesetzliche Regelung zur Vorratsdatenspeicherung. (2)	national
14.09.	An electronic petition submitted to the German Bundestag reaches the quorum of 50.000 signatures to force a public hearing with the petitioner in the committee. (3)	national
04.11.	Antwort der Bundesregierung auf die kleine Anfrage der Fraktion DIE LINKE. die „bisher unbekanntem Vorratsdatenspeicherung der Mobilfunkanbieter“ betreffend. (4)	national
27.10.	Die Europäische Kommission fordert Deutschland im Rahmen des Vertragsverletzungsverfahrens förmlich dazu auf die Vorratsdatenspeicherungsrichtlinie 2006/24/EG vollständig umzusetzen. (5)	national and EU
	2012	
27.01	Das Bundesjustizministerium legt den Abschlussbericht der Datenerhebung des Bundeskriminalamts zu den Auswirkungen des Urteils des Bundesverfassungsgerichts zu „Mindestspeicherfristen“ vor. Der Bericht bestätige die Notwendigkeit der Speicherung von Telekommunikationsverkehrsdaten für die Strafverfolgung und Gefahrenabwehr. (6)	national
22.03.	Das Bundesjustizministerium kündigt an, die Kabinettsbefassung zu seinem Vorschlag einer anlassbezogenen Sicherung von Nutzerdaten (Quick Freeze) einzuleiten. Die EU-Kommission verlange von Deutschland die Umsetzung der Richtlinie 2006/24/EG.	national
09.05.	Der Innenausschuss des Bundestags debattiert kontrovers über den Streit um die Umsetzung der EU-Richtlinie zur Vorratsdatenspeicherung. Der Bundesrepublik droht ein Vertragsverletzungsverfahren vor dem Europäischen Gerichtshof, wenn sie die Richtlinie nicht zügig umsetzt.	national and EU
29.05.	Die EU-Kommission leitet gegen Deutschland ein Vertragsverletzungsverfahren ein, weil die Richtlinie über die Vorratsspeicherung von Daten noch nicht vollständig in deutsches Recht umgesetzt worden sei.	national and EU
15.10	Der Petitionsausschuss des Bundestags hält eine öffentliche Sitzung zur Vorratsdatenspeicherung ab. Im Bundesjustizministerium halte man die Vorratsdatenspeicherung für grundrechtswidrig und habe ein "grundrechtsschonenderes Verfahren" vorgeschlagen. Allerdings sei der Abstimmungsprozess innerhalb der Bundesregierung in dieser Frage noch nicht abgeschlossen. (7)	national
02.11.	Die Bundesregierung leitet ihren Gesetzentwurf zur Änderung des Telekommunikationsgesetzes und zur Neuregelung der Bestandsdatenauskunft dem Bundesrat zu. (BR-Drs. 664/12) (8)	national
03.12.	Die Ausschüsse des Bundesrats geben ihre Empfehlung ab. (BR-Drs. 664/1/12) (9)	national
14.12.	Stellungnahme des Bundesrats. (BR-Drs. 664/12 Beschluss) (10)	national
	2013	
31.01.	Erste Lesung im Bundestag und Überweisung in die Ausschüsse (Innenausschuss, Ausschuss für Kultur und Medien, Ausschuss für Wirtschaft und Technologie, Rechtsausschuss)	national

20.03.	Der Innenausschuss gibt seine Beschlussempfehlung und seinen Bericht ab. (11)	national
21.03.	Der Bundestag nimmt das Gesetz zur Änderung des Telekommunikationsgesetzes und zur Neuregelung der Bestandsdatenauskunft an. (12)	national
12.04.	Der Bundestag überweist den Entwurf eines Gesetzes zur Änderung des Telekommunikationsgesetzes und zur Neuregelung der Bestandsdatenauskunft an den Bundesrat. (13)	national
03.05.	Der Bundesrat stimmt dem Entwurf eines Gesetzes zur Änderung des Telekommunikationsgesetzes und zur Neuregelung der Bestandsdatenauskunft zu. (14)	national
26.06.	Das Gesetz zur Änderung des Telekommunikationsgesetzes und zur Neuregelung der Bestandsdatenauskunft wird im Bundesgesetzblatt verkündet und tritt am 01.07.2013 in Kraft. (Bundesanzeiger nicht abrufbar, Fundstelle: BGBl. 2013 Teil 1 Nr. 30, S. 1602)	national
	2014	
12.01.	Bundesinnenminister Thomas de Maizière (CDU) und Bundesjustizminister Heiko Maas (SPD) verständigen sich darauf, dass die Entscheidung des Europäischen Gerichtshofes zur Rechtmäßigkeit der Vorratsdatenspeicherung abgewartet werden soll, bevor die Bundesregierung einen Gesetzentwurf zur Umsetzung der Richtlinie 2006/24/EG vorlegt.	national
03.02.	Die Fraktion Bündnis 90/die Grünen stellt einen Antrag auf Verhinderung der Vorratsdatenspeicherung. (15)	national
08.04.	Der Europäische Gerichtshof erklärt die Richtlinie über die Vorratsspeicherung von Daten für ungültig. (16)	EU
09.05.	Der Deutsche Bundestag beschließt gemäß der Empfehlung des Ausschusses für Recht und Verbraucherschutz den Antrag der Fraktion DIE LINKE und BÜNDNIS 90/DIE GRÜNEN auf Verzicht und Verhinderung der Vorratsdatenspeicherung nicht anzunehmen. (17)	national
	2015	
18.03.	Der Deutsche Bundestag hält eine aktuelle Stunde zur Vorratsdatenspeicherung ab. (18)	national
15.05.	Das Bundesministerium der Justiz und für Verbraucherschutz übermittelt den Verbänden einen Referentenentwurf für ein Gesetz zur Einführung einer Speicherfrist und einer Höchstspeicherfrist für Verkehrsdaten zur Stellungnahme.	national
20.05.	Die Fraktion DIE LINKE stellt einen Antrag auf Verzicht auf die Vorratsdatenspeicherung. (19)	national
09.06.	Die Fraktionen von CDU/CSU und SPD legen ihren Gesetzentwurf vor. (20)	national
12.06.	Der Bundesrat beschließt, keine Stellungnahme zu dem Gesetzentwurf abzugeben. (21)	national
17.06.	Die Bundesregierung leitet ihren Gesetzentwurf dem Deutschen Bundestag zu. (22)	national
18.06.	Der Deutsche Bundestag berät den Gesetzentwurf in erster Lesung und überweist ihn in die Ausschüsse. (23)	national
21.09.	Vor dem Rechtsausschuss des Deutschen Bundestags findet eine öffentliche Anhörung statt. (24)	national
14.10.	Der Rechtsausschuss des Deutschen Bundestags gibt seinen Bericht mit Beschlussempfehlung ab. (25)	national
16.10.	Der Deutsche Bundestag berät den Gesetzentwurf in zweiter und dritter Lesung und beschließt ihn in Ausschussfassung. (26)	national
06.11.	Der Bundesrat beschließt, den Vermittlungsausschuss nicht anzurufen. (27)	national
17.12.	Das Gesetz zur Einführung einer Speicherfrist und einer Höchstspeicherfrist für Verkehrsdaten wird im Bundesgesetzblatt verkündet. (28)	national