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Democracy and Digital Technologies

Report of Session 2019–21

Digital Technology and the Resurrection of Trust

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Select Committee on Democracy and Digital Technologies

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Membership

The Members of the Select Committee on Democracy and Digital Technologies were:

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<u>Lord Dobbs</u> (resigned 15 July 2019)	<u>Lord Lucas</u>
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Declaration of interests

See Appendix 1.

A full list of Members’ interests can be found in the Register of Lords’ Interests:

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Evidence is published online at <https://committees.parliament.uk/committee/407/democracy-and-digital-technologies-committee/> and available for inspection at the Parliamentary Archives (020 7129 3074).

Q in footnotes refers to a question in oral evidence.

The prefixes ZDA and DAD refer to items of written evidence. The prefixes are interchangeable and the same evidence will be found under each number in both series.

FOREWORD BY THE CHAIR

Our Committee is delivering this Report to Parliament in the middle of an unprecedented health and consequential economic crisis. But our Report focuses on a different form of crisis, one with roots that extend far deeper, and are likely to last far longer than COVID-19. This is a virus that affects all of us in the UK - a pandemic of 'misinformation' and 'disinformation'. If allowed to flourish these counterfeit truths will result in the collapse of public trust, and without trust democracy as we know it will simply decline into irrelevance.

The situation is that serious.

In the digital world, our belief in what we see, hear and read is being distorted to the point at which we no longer know who or what to trust. The prospects for building a harmonious and sustainable society on that basis are, to all intents and purposes, non-existent.

Our Report addresses a number of concerns, including the urgent case for reform of electoral law and our overwhelming need to become a digitally literate society. We must all become better equipped to understand the means by which we can be exploited, and the motives of those doing so. Misinformation can pervert common sense to the point at which it is easy to forget the fragile foundations upon which so many of our freedoms are built - until they become threatened. With so many of those freedoms curtailed in lockdown it seems possible that as we regain them, we may wish to contribute more fully towards reimagining and reshaping our future.

In our Report we make forty-five recommendations which, taken together, we believe could serve as a useful response to a whole series of concerns.

We urge the Government to implement them.

Our Committee met against a backdrop of troubling realities; the first being the power that has been ceded to a few unelected and unaccountable digital corporations; companies which between them control the flow of information that has such a profound influence on our daily lives. The second is an increasing abandonment of the seven Principles of Public Life adopted by a Parliament in crisis just twenty-five years ago. As a Committee we have tested our recommendations against these principles in the hope that those holding positions of power and influence in the public and private sectors might similarly respond.

Trust, be it in Government, the media, the giant digital platforms, or civil society generally, must be resurrected, and then reinforced every day.

I will forever be grateful to the Committee who, along with our extraordinarily committed officials, remained undistracted by a seemingly endless stream of breaking stories, each of which threatened at times to derail our considerations - from the proroguing of Parliament to the public arguments between the President of the United States and social media platforms.

The unanimous views of our Committee were recently summed up by Shoshana Zuboff, author of the 2018 book ‘The Age of Surveillance Capitalism’:

“It’s down to lawmakers to protect democracy in an age of surveillance, whether it’s market driven or authoritarian driven. The sleeping giant of democracy is finally stirring, lawmakers are waking up, but they need to feel the public at their backs. We need a web that will offer the vision of a digital future that is compatible with democracy. That is the work of the next decade.”¹

We sincerely hope our Report will be a useful contribution to what is clearly an urgent epoch-shaping debate.

Lord Puttnam

Chair of the Select Committee on Democracy and Digital Technologies

1 ‘Inside China’s controversial mission to reinvent the internet’ *Financial Times* (27 March 2020): <https://www.ft.com/content/ba94c2bc-6e27-11ea-9bca-bf503995cd6f> [accessed 8 June 2020]

SUMMARY

Democracy faces a daunting new challenge. The age where electoral activity was conducted through traditional print media, canvassing and door knocking, is rapidly vanishing. Instead it is dominated by digital and social media. They are now the source from which voters get most of their information and political messaging.

The digital and social media landscape is dominated by two behemoths—Facebook and Google. They largely pass under the radar, operating outside the rules that govern electoral politics. This has become acutely obvious in the current COVID-19 pandemic where online misinformation poses not only a real and present danger to our democracy but also to our lives. Governments have been dilatory in adjusting regulatory regimes to capture these new realities. The result is a crisis of trust.

Yet our profound belief is that this can change. Technology is not a force of nature. Online platforms are not inherently ungovernable. They can and should be bound by the same restraints that we apply to the rest of society. If this is done well, in the ways we spell out in this Report, technology can become a servant of democracy rather than its enemy. There is a need for Government leadership and regulatory capacity to match the scale and pace of challenges and opportunities that the online world presents.

The Government's Online Harms programme presents a significant first step towards this goal. It needs to happen; it needs to happen fast; and the necessary draft legislation must be laid before Parliament for scrutiny without delay. The Government must not flinch in the face of the inevitable and powerful lobbying of Big Tech and others that benefit from the current situation.

Well drafted Online Harms legislation can do much to protect our democracy. Issues such as misinformation and disinformation must be included in the Bill. The Government must make sure that online platforms bear ultimate responsibility for the content that their algorithms promote. Where harmful content spreads virally on their service or where it is posted by users with a large audience, they should face sanctions over their output as other broadcasters do.

Individual users need greater protection. They must have redress against large platforms through an ombudsman tasked with safeguarding the rights of citizens.

Transparency of online platforms is essential if democracy is to flourish. Platforms like Facebook and Google seek to hide behind 'black box' algorithms which choose what content users are shown. They take the position that their decisions are not responsible for harms that may result from online activity. This is plain wrong. The decisions platforms make in designing and training these algorithmic systems shape the conversations that happen online. For this reason, we recommend that platforms be mandated to conduct audits to show how in creating these algorithms they have ensured, for example, that they are not discriminating against certain groups. Regulators must have the powers to oversee these decisions, with the right to acquire the information from platforms they need to exercise those powers.

Platforms' decisions about what content they remove or stop promoting through their algorithms set the de facto limits of free expression online. As it currently

stands the rules behind these decisions are poorly defined. Their practical operation should reflect what the public needs. In order to protect free and open debate online, platforms should be obliged to publish their content decisions making clear what the actual rules of online debate are.

Alongside establishing rules in the online world, we must also empower citizens, young and old, to take part as critical users of information. We need to create a programme of lifelong education that will equip people with the skills they need to be active citizens. People need to be taught from a very young age about the ways in which platforms shape their online experience.

The public needs to have access to high quality public interest journalism to help inform them about current events. This requires fair funding to support such journalism.

Platforms must also be forced to ensure that their services empower users to exercise their rights online. The public need to understand how their data is being used. We propose that this obligation of fairness by design should be a core element in ensuring platforms meet their duty of care to their users.

Parliament and government at all levels need to invest in technology to engage better with the public.

Electoral law must be completely updated for an online age. There have been no major changes to electoral law since the invention of social media and the rise of online political advertising. As the Law Commission recently pointed out, a wholesale revision of the relevant law is now needed. This should include rules that set standards for online imprints on political advertisements so that people can see who they come from and advert libraries that enable researchers and the public to see what campaigns are saying. The Electoral Commission needs the powers to obtain the information necessary to understand when individuals are breaking the rules and to be able to set fines that act as a real deterrent against flagrant breaches. We also need to ensure that there is greater clarity around the use of personal data in political campaigns; the Information Commissioner's guidance should be put on statutory footing.

We take the Nolan Principles of Public Life as our guide in this Report, and as the standard to which individuals in public life should be held. In turn, platforms and political parties should aspire to the same high standards.

We believe this Report sets out a way whereby digital technology is no longer in danger of undermining democracy but rather where the wonders of technology can support democracy and restore public trust.

Digital Technology and the Resurrection of Trust

CHAPTER 1: INTRODUCTION

1. This Committee was asked by the House of Lords Liaison Committee to consider Democracy and Digital Technologies. To do so, we have taken a broad view of democracy. We do not believe that democracy is a single event that happens every few years.² Whilst elections are a vital part of a modern, representative democracy, they are insufficient in themselves; a democracy is defined by its shared institutions and shared values.³ The shape of these institutions and values change over time and as the context in which we operate shifts. This is perhaps never more the case than at moments like the current COVID-19 pandemic. Of course, technology too changes over time, often rapidly, and this has an impact on our democracy.
2. Democracy is an enduring feature of British society, but it can be eroded unless it is upheld and protected by citizens, civil society, companies and elected representatives. It is vital for us to continually invest time and focus in defining and protecting democratic ideals. We must resist the emergence of undemocratic practices and institutions and strengthen public trust and confidence in democratic processes.
3. In effect these technologies are reshaping not only our private lives but also our public life and our democracy. People now have a printing press, a broadcast station and a place of assembly in their pockets.⁴ This gives them the opportunity to express themselves and challenge ideas in a way that was not possible even a decade ago. This has encroached on existing power structures in increasingly evident ways. Social media allows people to take part through tiny acts of participation that were never before possible.⁵ Previously, taking part in politics was the preserve of an active few who had the resources of time or money to lobby, join a political party or knock on doors during an election. Now more of the public can take part simply by liking a post, following a campaigner or sharing a video of a news item. More people now encounter political debate through social media than would have done so in the past.⁶ People who would not have previously engaged in the everyday discussion of democracy are now taking an active part. This increased participation, although it has empowered many, has, paradoxically, shifted power toward a very small group of new gatekeepers; the individuals who determine the ways in which the technology platforms operate. These individuals can, purposefully or not, change whose voice is heard. It has also introduced new opportunities for individuals and organisations with malign intentions to manipulate the flow of political debate.

2 Jean-Jacques Rousseau, *The Social Contract* (Penguin, translation published 1968) p 141

3 Bernard Crick, *Democracy: A Very Short Introduction* (Oxford: Oxford University Press, 2003)

4 [Q 32](#) (Caroline Elsom)

5 [Q 46](#) (Professor Helen Margetts)

6 [Q 46](#) (Professor Cristian Vaccari)

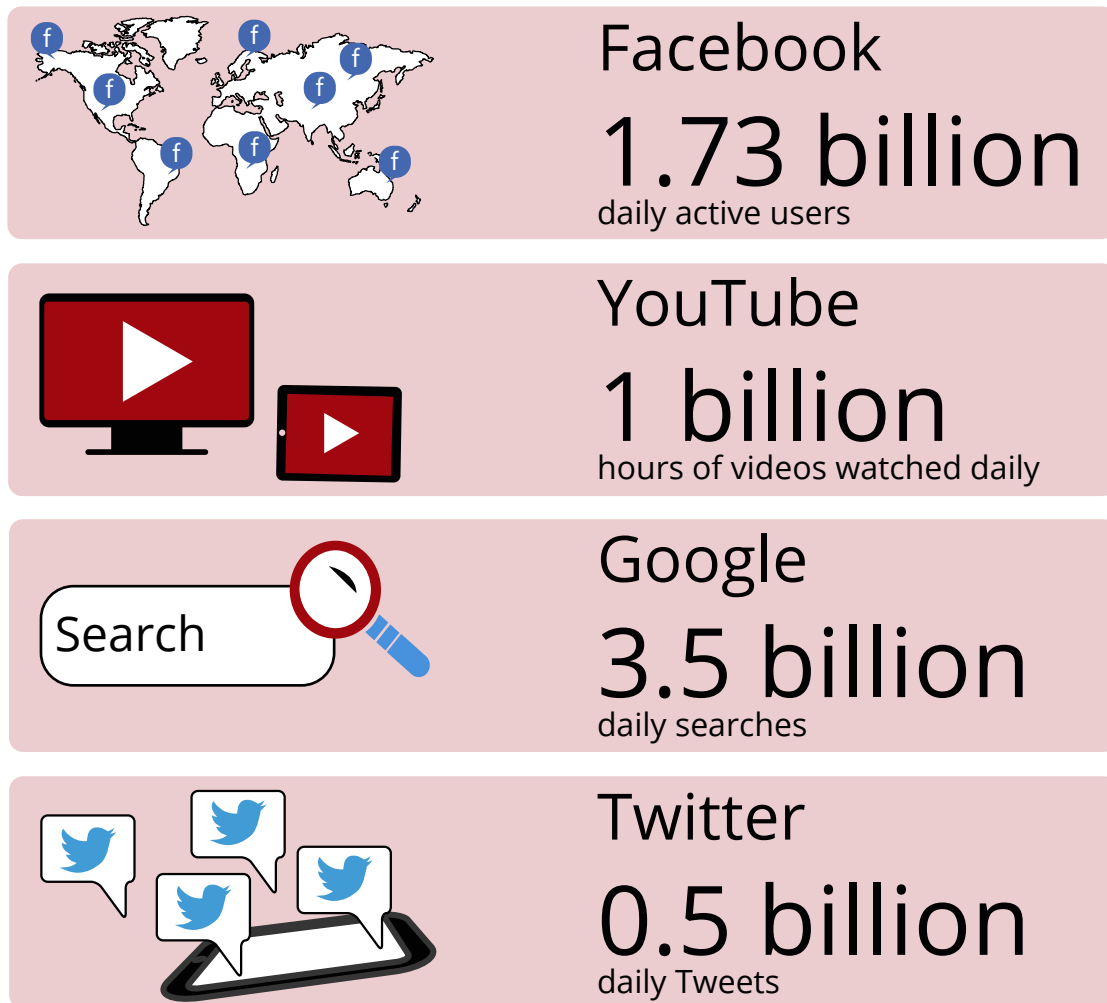
Box 1: Definition of platforms

The defining feature of platforms, as used in this Report, in the context of democracy and digital technology is that they intermediate between their customers and content that they do not create (and that they do not usually pay for either). This is achieved through indexing content that exists elsewhere on the internet, such as Google, or through user submitted content, such as Facebook, Twitter or YouTube. As a result, they often offer harmful content that can have a detrimental effect on individuals and society. This can be compounded by the business models of these platforms. The largest platforms in this space are all funded by advertising and are incentivised to increase user attention. Many of these platforms harvest users' personal data to effectively algorithmically rank and recommend content to maintain user attention. This can incentivise an increased spread of harmful content as we discuss throughout this Report. Algorithmic ranking and recommending of content mean these platforms are making de facto editorial decisions and we consider them as such in this Report.

Neither advertising, nor algorithmic recommendation is a necessary condition for spreading harmful content. For example, WhatsApp features neither but still has been used to spread concerning content. Throughout this Report we refer to platforms, online platforms or technology platforms as ways to describe these intermediary services. These intermediaries are not necessarily bad. If platforms were to effectively abide by the norms of a democratic society through tackling harmful content rather than spreading it then they could play a powerful, constructive role in supporting democracy.

4. The rise of these platforms has not occurred in a vacuum. Even before the rise of social media our society was reshaping itself and what democracy means in our daily lives. There has been a long-term decline of social, cultural and political institutions which would have at one point been core arenas for democratic activity. The fall in membership in churches, trade unions, sporting associations, and local community organisations means that our democracy would look very different to how it looked 50 years ago with or without the internet. Power has dramatically shifted from civil society organisations to privately owned companies.
5. Focusing on democracy is particularly important given rapid changes in society brought about by technology. Developments in the communications environment have had a significant impact on the democratic landscape, including public debate, political learning and participation. Public debate has changed from being the reserve of a relatively small number of newspapers, television channels and radio stations, to a situation whereby millions of people across the UK are able to broadcast their thoughts to their fellow citizens. Within this landscape, private companies such as Facebook and Twitter have become major sites of public debate where we share news and opinions. In addition, Google has become a basic tool to find answers to all manner of questions and acquire new information. There are also new platforms for democratic engagement and activism online, and specialist tools have been crafted to help people shape the environments in which they live. The role these technologies play in our lives has been dramatically accelerated over the past decade and even more so by the COVID-19 crisis. As many of us have been forced to withdraw into our homes we have increasingly come to rely on these technology platforms to connect us with the rest of society.

Figure 1: Examples of daily activity across social media platforms globally



Source: (1) Facebook, Facebook Reports First Quarter 2020 Results (April 2020): <https://investor.fb.com/investor-news/press-release-details/2020/Facebook-Reports-First-Quarter-2020-Results/default.aspx>, (2) Alexa, Site info for youtube.com (June 2020): <https://www.alexa.com/siteinfo/youtube.com>, (3) internetlivestats, Google Search Statistics (June 2020): <https://www.internetlivestats.com/google-search-statistics/>, (4) Mention, 2018 Twitter Report, <https://info.mention.com/hubfs/Twitter%20Engagement%20Report%202018%20%7C%20Mention.pdf>, [accessed 2 June 2020]

6. During the COVID-19 crisis, technology has become our means of accessing health advice, the way we conduct business and the medium through which we organise politically. In this environment the spread of misinformation has become an even more critical issue as the wrong information could topple a government, bankrupt a business and is literally a matter of life and death. The effects of COVID-19 have shown the sharp end of this underlying societal shift.
7. This change in the way that politics happens and where power lies requires us to think deeply about how our parliamentary form of democracy works and how it can be improved. There is an urgent need to establish a vision of how technology platforms should function in our society. This is vital, because whilst it is easy to assume that we all share the same understanding of what democracy means and how technology should be used to promote these ideas, there are actually competing conceptions of what good practice looks

like. Indeed, there are already signs that Moscow, Beijing and Silicon Valley have very different ideas for what should be done which are not compatible with how we would view democracy.⁷ To ensure we have the democracy we desire, we need to create a vision of how technology can support rather than undermine representative parliamentary democracy. This should help us push back against efforts from those in Moscow and Beijing who see an opportunity to shape debate and undermine democracy and against an indifferent Silicon Valley where support for parliamentary democracy is not a feature of their business plan.

8. Before that can happen though, there must be public trust in the democratic process and those who make decisions. The problem, put starkly, is that the public do not trust politicians. This is not new; according to the Ipsos Mori Veracity Index, at no point since 1983 have even a quarter of the public trusted politicians to tell the truth.⁸ Instead, the most trusted professions are people who have worked to understand their field and have professional standards that require them to act in the public's interests. Nurses, doctors and teachers are the most trusted professions. They are more trusted now than when Ipsos Mori first began asking the question, with nine out of ten people trusting nurses to tell them the truth. This lack of trust in politicians leads to cynicism, with 56 per cent of the public saying that they tend to ignore what parties and politicians say because they know they cannot trust them.⁹ We are concerned that such distrust of politicians may extend to distrust of the democratic process itself.
9. This trust in authoritative sources is reflected in who people trust in a crisis. Research from the Reuters Institute found that the most trusted sources of news on the COVID-19 crisis were scientists, doctors and health experts, with 87 per cent saying they trusted them.¹⁰ Far fewer people trusted technology platforms to bring them accurate news. Only 31 per cent trusted search engines, 14 per cent trusted social media, 12 per cent trusted messaging apps and 11 per cent trusted video sites. This compares to 60 per cent who trusted established news organisations to give them accurate information.
10. There have been many attempts over the years to improve public trust in those who work on their behalf. In this Report, we sought to learn from the Nolan Principles of Public Life, which have, in the decades since they were established, set out non-partisan criteria for what we expect from individuals working in public life.¹¹ We have looked at these principles and expanded them to help define what our democracy requires. For our democracy to flourish, we need informed citizens, accountability, transparency, inclusive public debate, free and fair elections, and an active citizenry. We have built our Report around these six principles and the role of technology in enabling

7 [Q 36](#) (Alex Krasodomski-Jones)

8 Ipsos Mori, 'Ipsos Mori Veracity Index 2019' (November 2019): <https://www.ipsos.com/sites/default/files/ct/news/documents/2019-11/trust-in-professions-veracity-index-2019-slides.pdf> [accessed 13 May 2020]

9 Full Fact, *Research into public views on truth and untruth in the 2019 General Election: Final Report* (December 2019): https://fullfact.org/media/uploads/ff_election_research_report_final_version_16.12.19.pdf [accessed 13 May 2020]

10 Reuters Institute, 'Navigating the 'infodemic': how people in six countries access and rate news and information about coronavirus' (April 2020): <https://reutersinstitute.politics.ox.ac.uk/infodemic-how-people-six-countries-access-and-rate-news-and-information-about-coronavirus> [accessed 13 May 2020]

11 Committee on Standards in Public Life, 'The 7 principles of public life' (May 1995): <https://www.gov.uk/government/publications/the-7-principles-of-public-life> [accessed 13 May 2020]

them. There are further questions about the relative size and power of technology companies that have strong implications for democracy but have been beyond the scope we could cover in a year-long inquiry. We commend the work of the Von der Leyen administration at the European Commission which has been leading on this question.

11. Public debate should be between informed citizens. In Chapter 2, we discuss how we can ensure citizens are well informed by tackling misinformation and boosting the reach of good information, including the question of how to regulate political advertising, the role of fact checkers, how our public institutions can better inform the public and the importance of supporting public interest journalism.
12. Democracy requires that those who hold power must be accountable for that power. Currently online platforms have built up an alarming amount of power with very few means by which they can be held to account for the way they influence public debate. Digital technology will not deserve a future in our democratic society unless it can win people's trust and acceptance.¹² As a result, in Chapter 3 we look at what technology platforms' responsibilities should be and how they can be better held to account for what they do. This includes the role of the Government's Online Harms work and how we believe it can help to protect our democracy. We also look at ways for individuals to seek redress when something goes wrong online.
13. For the public to trust individuals with power there must be transparency. People must understand how platforms function in order to have faith that they are fair arbiters of democratic discussion. In Chapter 4 we consider the information which platforms should share with researchers, what platforms should share about the algorithms that govern them, and how open companies should be about the decision-making process regarding what can stay on their platforms.
14. We can also further improve our democracy by using technology specially designed to foster an inclusive debate. In Chapter 5, we therefore discuss the importance of using technology to enhance democracy in a responsible manner and the ways the Government can support this innovative sector.
15. The ultimate accountability mechanisms in a democracy are free and fair elections. We need our electoral law to be able to cope with digital campaigning, which has become one of the most important elements of our elections. In Chapter 6, we discuss the need for updating electoral law, the powers of the Electoral Commission, the case for greater transparency in political advertising through imprints and archives, and the need for digital campaigning to respect people's data rights.
16. Democracy is enhanced through active citizens seeking to improve the society in which they live. In Chapter 7, we look at how education can empower citizens to make a difference to their lives in a digital world. We discuss how to create world class digital media literacy in the UK, the ways in which we can improve digital understanding right across the curriculum, and how online platforms can be designed to empower citizens to make decisions for themselves.

12 Margrethe Vestager, Shaping a digital future for Europe (February 2020): https://ec.europa.eu/commission/commissioners/2019-2024/vestager/announcements/shaping-digital-future-europe_en [accessed 26 May 2020]

The Committee's work and acknowledgements

17. We were appointed on 13 June 2019 with the broad remit “to consider democracy and digital technologies”. We experienced numerous disruptions to our inquiry throughout its lifetime. On 28 August 2019, the Prime Minister announced that Parliament would be prorogued in September. Parliament was suspended on 10 September and was due to return on 14 October 2019. On 24 September, the prorogation was deemed null and of no legal effect by the Supreme Court and Parliament resumed the next day. Nevertheless, the impact was that we lost valuable weeks in which we could have continued our inquiry. Then, on 31 October, Royal Assent was given to the Early Parliamentary General Election Act 2019 and a General Election was held on 12 December. Parliament, and therefore this Committee, was dissolved on 6 November. Our Committee and its membership had to be re-established in the new Parliament. We are grateful to the Senior Deputy Speaker for extending our reporting deadline from 31 March to 23 June 2020, but again we lost some momentum and weeks in which we could have taken evidence. Finally, the COVID-19 pandemic presented some disruption as Parliament went into recess early and we were instructed to work from home. Our evidence session with Ministers took place virtually, and this Report was similarly agreed virtually. Despite these interruptions, we are confident that the quality of our work has not been adversely affected. COVID-19 has in fact brought the importance of the issues raised in our Report to prominence in ways that we could not have possibly foreseen.
18. Another disruption that we feel it necessary to mention was that the two biggest political parties refused to give evidence to us in person. We approached the Conservative, Labour and Liberal Democrat parties to give evidence to us on 25 February to discuss their use of digital technologies in campaigning, amongst other issues. The Conservative Party refused to give evidence in person but offered to give written evidence. The Labour Party initially offered to send a representative, but pulled out the day before the evidence session, meaning it had to be cancelled. Only the Liberal Democrats were willing to send a representative. We then asked the parties for written evidence in response to the questions we were due to ask them. This was duly provided. We were disappointed that we could not hear from the parties in person, as we heard numerous times that political parties must be more transparent to increase public trust in the democratic system. We hope that the parties share our goal of resurrecting public trust in democracy; their conduct would imply otherwise.
19. In reply to our call for written evidence, we received 83 submissions. We heard oral evidence from 66 witnesses, and from some of them we received supplementary written evidence. The witnesses are listed in Appendix 2. We are most grateful to all of those who sent us their ideas or spoke to us in person. Their evidence was invaluable and forms the basis of our work. We are likewise deeply grateful to the pupils from Oasis Media Academy in Salford and Queen Elizabeth's School in Devon, and the six teachers who participated in our digital surgeries, who described their experience of both teaching and learning about digital media literacy. We are especially grateful to Harriet Andrews from The Politics Project for coordinating these sessions. We tender our thanks to Ravi Naik, Legal Director at AWO and Visiting Fellow at the Oxford Internet Institute, who provided legal advice to the Committee and diligently reviewed drafts of this Report. Throughout the course of our inquiry, we have been extremely fortunate to have had

Dr Kate Dommett, Senior Lecturer in the Public Understanding of Politics and Director of the Crick Centre at the University of Sheffield, as our specialist adviser. We offer her our thanks for her invaluable expert advice and thoughtful input.

CHAPTER 2: INFORMED CITIZENS

20. One of our key concerns in this inquiry is the effect of inaccurate or malicious information on our democracy. Will Moy, Chief Executive of Full Fact, explained the effects of misinformation:

“Bad information can ruin lives. It damages people’s health. It promotes hate and it hurts democracy. We now see people suffering from curable diseases because they have been misled by false information about vaccines. There is false information about public health issues related, for example, to the rollout of 5G mobile communications technology. We see terrorist attacks sometimes promoted by people who have been radicalised by false information online.”¹³

Box 2: Definition of misinformation and disinformation

Baroness O’Neill of Bengarve neatly explained the difference between misinformation and disinformation:

“... if I make a mistake and tell you that the moon is made of blue cheese, but I honestly believe it, that is misinformation. If I know perfectly well that it is not made of blue cheese but tell you so, that is disinformation.”¹⁴

Whether or not information is purposefully false does not change whether it is harmful. In our Report we use ‘misinformation’ where it is unclear if there was purposeful intent to misinform and only label something ‘disinformation’ if that intent is clear.

21. Research from Full Fact during the 2019 General Election showed that misinformation reduces faith in democracy, trust in politicians and people’s drive to participate.¹⁵ It found that 17 per cent of the public said that they were less likely to vote because of the level of false and misleading claims in that election campaign. Focus group participants reported that political misinformation made them lose trust in the political process and even made them angry.
22. We have heard suggestions that the rise in misinformation and disinformation is a consequence of digital change. Alex Krasodonski-Jones Director of the Centre for the Analysis of Social Media at Demos told us that a breakdown in a common reality and the sense of an agreed set of facts on which democracy rests is a key symptom of digital change.¹⁶ However, this may be taking too rosy a view of the pre-digital world. The Kofi Annan Commission on Elections and Democracy in the Digital Age explained:

“... just as fake news and hate speech have been around for centuries, there has never been a time when citizens in democracies all shared the same facts or agreed on what constitutes a fact. Democratic citizens often disagree on fundamental facts and certainly do not vote on the

13 [Q 85](#) (Will Moy)

14 [Q 9](#) (Baroness O’Neill of Bengarve)

15 Full Fact, *Research into public views on truth and untruth in the 2019 General Election* (December 2019) p 17: https://fullfact.org/media/uploads/ff_election_research_report_final_version_16.12.19.pdf [accessed 13 May 2020]

16 [Q 32](#) (Alex Krasodonski-Jones)

basis of shared truths. Democracy is needed precisely because citizens do not agree on fundamental facts.”¹⁷

Misinformation and the media

23. Offline media has also had an active role in circulating misinformation. In recent months there have been shocking examples of broadcast media actively promoting dangerous conspiracy theories in the context of the COVID-19 pandemic.¹⁸ London Live, a local TV station, hosted known conspiracy theorist David Icke for an 80-minute interview in which he went largely unchallenged. During this interview Mr Icke spread false information about the pandemic. In its defence to Ofcom, the station argued that whilst Mr Icke’s views were absurd it was playing an important role in holding power to account and acting in a responsible manner. The station’s acknowledgment of the absurd nature of Mr Icke’s view shows that it was well aware that it was not acting in a responsible manner. Whilst Ofcom have enforced a correction to be shown on the station, at time of writing it has kept its broadcasting licence.
24. On ITV’s This Morning show, presenter Eamonn Holmes suggested that people were right to be concerned about links between 5G and COVID-19. He criticised individuals who correctly identified this as dangerous misinformation suggesting that they were simply fitting in with ‘the state narrative’. These irresponsible and dangerous comments were made at a time when Ofcom identified the most common piece of misinformation that individuals encountered online about COVID-19 was linking its origin or causes to 5G technology. There have also been a number of attacks on communications workers and infrastructure.¹⁹ Misinformation has appeared in many newspapers. The Daily Mail, The Daily Express, The Sun and The Metro all published misinformation about mass cremations occurring in China during the early days of COVID-19.²⁰
25. It is not clear that online misinformation is particularly worse than offline misinformation or should be viewed as separate from it. A study from the Reuters Institute found that whilst 38 per cent of social media users reported seeing large amounts of false or misleading information about COVID-19, it found no link between using social media as a source of information and having a lack of knowledge about the virus.²¹ A further study looked at online misinformation about COVID-19 which had been fact checked. It found that although claims made by prominent public figures like celebrities and

17 Kofi Annan Foundation, ‘Protecting Electoral Integrity in the Digital Age’ (January 2020) p 29: https://www.kofiannanfoundation.org/app/uploads/2020/01/f035dd8e-kaf_kacedda_report_2019_web.pdf [accessed 13 May 2020]

18 Ofcom, ‘Ofcom decisions in recent programmes featuring David Icke and Eamonn Holmes’ (20 April 2020): <https://www.ofcom.org.uk/about-ofcom/latest/features-and-news/david-icke-and-eamonn-holmes-decision> [accessed 13 May 2020]

19 Ofcom, ‘Covid-19 news and information: consumption and attitudes’ (April 2020) p 1: https://www.ofcom.org.uk/_data/assets/pdf_file/0031/194377/covid-19-news-consumption-weeks-one-to-three-findings.pdf [accessed 13 May 2020] and Wired, ‘The 5G coronavirus conspiracy theory just took a really dark turn’ (7 May 2020): <https://www.wired.co.uk/article/5g-coronavirus-conspiracy-theory-attacks> [accessed 27 May 2020]

20 Full Fact, ‘These aren’t satellite images and they don’t show evidence of mass cremations in Wuhan’ (February 2020): <https://fullfact.org/health/satellites-wuhan-sulphur-dioxide-coronavirus/> [accessed 13 May 2020]

21 Reuters Institute, ‘Navigating the ‘infodemic’: How people in six countries access and rate news and information about coronavirus’ (April 2020): <https://reutersinstitute.politics.ox.ac.uk/infodemic-how-people-six-countries-access-and-rate-news-and-information-about-coronavirus> [accessed 13 May 2020]

politicians were responsible for just 20 per cent of claims in their sample, these claims accounted for 69 per cent of the total social media engagement with misinformation.²² This suggests that online misinformation often comes through platforms broadcasting powerful individuals as well as through private individuals sharing within their own networks.

26. A particular example of online disinformation coming from powerful individuals and organisations is disinformation originating from foreign governments. Investigations from the US Senate have found that foreign states such as Russia use information warfare to sow societal chaos and discord.²³ In the context of COVID-19, Russian state-funded sources have promoted disinformation that washing hands does not help fight the spread of the virus and that 5G can kill you.²⁴ Meanwhile, Chinese state representatives have tried to spread the false suggestion that the virus did not originate in China but was spread to China by the US army.²⁵
27. The 2019 General Election provides a good case study of how traditional media can play a key role in promoting online misinformation and its effects on democracy. During the election campaign period the Conservative Party and the Labour Party both published analysis of the effects of their own and each other's policies. These consisted of largely meaningless numbers that were not based upon credible assumptions.²⁶ Despite this fact, both received largely uncritical coverage from sympathetic newspapers.²⁷ The same analysis was publicised through social media accounts for both parties.²⁸ Similarly online advertising by both parties repeated claims made in news coverage.²⁹ There has also been criticism of the Liberal Democrats for circulating bar charts that overstate their chances of winning an election both in paper

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- 22 Reuters Institute, 'Types, sources, and claims of COVID-19 misinformation' (April 2020): <https://reutersinstitute.politics.ox.ac.uk/types-sources-and-claims-covid-19-misinformation> [accessed 13 May 2020]
 - 23 Richard Burr, 'Senate Intel Releases New Report on Intel Community Assessment of Russian Interference' (April 2020): <https://www.burr.senate.gov/press/releases/senate-intel-releases-new-report-on-intel-community-assessment-of-russian-interference> [accessed 13 May 2020]
 - 24 EU vs Dinsinfo, 'EEAS Special Report Update: Short assessment of narratives and disinformation around the Covid-19 pandemic' (April 2020): <https://euvsdisinfo.eu/eeas-special-report-update-short-assessment-of-narratives-and-disinformation-around-the-covid-19-pandemic/> and The Verge, 'Why the 5G coronavirus conspiracy theories don't make sense' (April 2020): <https://www.theverge.com/2020/4/9/21214750/5g-coronavirus-conspiracy-theories-radio-waves-virus-internet> [accessed 13 May 2020]
 - 25 Stanford Cyber Policy Center, 'Coronavirus Conspiracy Claims: What's Behind a Chinese Diplomat's Covid-19 Misdirection' (March 2020): <https://cyber.fsi.stanford.edu/news/china-covid19-origin-narrative> [accessed 13 May 2020]
 - 26 Full Fact, 'Another flawed "cost of Corbyn" figure from the Conservatives' (November 2019): <https://fullfact.org/news/cost-of-corbyn-figure-flawed/> and Full Fact, 'Labour claims about savings under their policies are not credible' (December 2019): <https://fullfact.org/election-2019/labour-claims-about-savings-under-their-policies-are-not-credible/> [accessed 13 May 2020]
 - 27 'The true 'cost of Corbyn': £2,400 a year for every British worker, claim Tories', *The Telegraph* (12 November 2019): <https://www.telegraph.co.uk/politics/2019/11/12/true-cost-corbyn-2400-year-every-british-worker-claim-tories/> and 'Labour will put £6,716 in your pocket with savings on bills and higher minimum wage', *Mirror UK* (3 December 2019): <https://www.mirror.co.uk/news/politics/labour-put-6716-your-pocket-21019899> [accessed 13 May 2020]
 - 28 @Conservatives, tweet on 12 November 2019: <https://twitter.com/Conservatives/status/1194268864269312000> and @UKLabour, tweet on 5 December 2019: <https://twitter.com/UKLabour/status/1202679030777962501>
 - 29 Full Fact, 'The facts behind Labour and Conservative Facebook ads in this election' (December 2019): <https://fullfact.org/election-2019/ads/> [accessed 13 May 2020]

leaflets and over social media.³⁰ In the context of this misinformation being spread across platforms it is not surprising that the public became deeply cynical about politicians; 76 per cent of the public agreed that voters were being misled by false and dishonest claims and 56 per cent stated that they tend to ignore what parties and politicians say because they know they cannot trust them.³¹

Political advertising

28. One of the important tools that political parties use to reach out to voters online is advertising. Political advertising is regulated differently to other advertising. Commercial advertising online is the responsibility of the Advertising Standards Authority (ASA) according to a self-regulated system. The advertising industry has a Committee of Advertising Practice (CAP) which writes Advertising Codes that advertisers are expected to adhere to.³² The non-broadcast code explicitly rules out political advertisements from being covered by the code.³³ The ASA acts as the regulator for the code, ensuring that advertising adheres to its standards. If advertisers persistently break the code and do not work with the ASA, then they can be referred to Trading Standards who take enforcement activity using their legal powers.³⁴ Until 1999 political advertising was subject to some clauses of the code such as rules on offensiveness.³⁵ However, the decision was made to exclude political advertising due to concerns over the ability of the ASA to act quickly enough, concerns around the 1998 Human Rights Act and a lack of consensus among the main political parties.³⁶ These decisions were made in an era before online political advertising was a pressing concern but apply both to online and offline adverts.
29. We heard concerns about the regulation of political advertising. Matthew d’Ancona of Tortoise Media warned against creating a Ministry of Truth that attempted to regulate falsity.³⁷ The Conservative Party told us that rather than regulate advertising it should be the role of the Government to ensure that there is an independent free press to facilitate robust political debate and scrutinise claims.³⁸ The Labour Party argued that political adverts were more restricted by the disclosure requirements of platforms and the Electoral Commission than any commercial advertising is.³⁹

30 First Draft, ‘The main parties embrace a local digital strategy to win over voters’, (November 2019): <https://firstdraftnews.org/latest/uk-election-the-main-parties-embrace-a-local-digital-strategy-to-win-over-voters/> and Full Fact, ‘Lowering the Bar’ (November 2019) <https://fullfact.org/electionlive/2019/nov/28/lowering-the-bar/> [accessed 13 May 2020]

31 Full Fact, *Research into public views on truth and untruth in the 2019 General Election* (December 2019): https://fullfact.org/media/uploads/ff_election_research_report_final_version_16.12.19.pdf [accessed 13 May 2020]

32 ASA, ‘About the ASA and CAP’: <https://www.asa.org.uk/about-asa-and-cap/about-regulation/about-the-asa-and-cap.html> [accessed 13 May 2020]

33 ASA, ‘Scope of the CAP Code’: https://www.asa.org.uk/type/non_broadcast/code_folder/scope-of-the-code.html [accessed 13 May 2020]

34 ASA, ‘Self-regulation and co-regulation’: <https://www.asa.org.uk/about-asa-and-cap/about-regulation/self-regulation-and-co-regulation.html> [accessed 13 May 2020]

35 Ravi Naik, Political Campaigning: The law, the gaps and the way forward (October 2019) p 37: <https://oxtec.oii.ox.ac.uk/wp-content/uploads/sites/115/2019/10/OxTEC-The-Law-The-Gaps-and-The-Way-Forward.pdf> [accessed 13 May 2020]

36 Written evidence from the ASA (DAD0029)

37 Q 102 (Matthew D’Ancona)

38 Written evidence from the Conservative Party (DAD0095)

39 Written evidence from the Labour Party (DAD0096)

30. Whilst these are legitimate concerns, the exemption of political advertising undermines confidence in the quality of public debate. Keith Weed, President of the Advertising Association, told us that in order for the public to have confidence in the quality of debate, political advertising needs to be held to the same standards of being legal, decent, honest and truthful as commercial advertising.⁴⁰ The LSE Truth, Trust and Technology (T3) Commission told us that the current arrangement was not sustainable as paid advertising on social media becomes a more important element of political communication in the UK.⁴¹ It called for a mandatory code for political advertising. The Coalition for Reform of Political Advertising stated that 84 per cent of the public support a legal requirement that factual claims in political adverts must be accurate.⁴² It recommends regulation covering political advertising in all formats including all types of media directly under the advertiser's control like social media accounts and websites and all types of publicity that is earned by the campaign, for example coverage earned by editorial influence. This is the same scope that the ASA has for commercial advertising.
31. The Coalition for Reform of Political Advertising argued that if campaigns made what seem to be objective and quantifiable claims then those claims should be accurate and stand up to independent scrutiny.⁴³ However, Guy Parker, CEO of the ASA, cautioned that this approach would be difficult.⁴⁴ He told us that the vast majority of claims that would be contested in political advertising would not fall into the category of outright lies but would instead be statements where there could be arguments for and arguments against. Mr Parker highlighted that this was of particular concern because any regulatory judgement on this area is highly likely to be challenged by way of judicial review. If that were to happen, he suggested that courts would give a large amount of discretion to those speaking.
32. Given the lack of support from the two largest political parties, it is clear that a self-regulatory model could struggle. Lord Currie, Chair of the ASA, told us that being a collective self-regulatory system was crucial to the ASA's success.⁴⁵ He told us that as there was no buy-in from political parties it was not clear that their system could work in this area. However, Guy Parker pointed out that if regulation was introduced to create such a system it would de-facto have received political support in order to pass through Parliament, as Parliament is made up of political parties.⁴⁶ Lord Currie expressed a concern that the contentious nature of regulating this area could undermine trust in the ASA more broadly.⁴⁷ He also stressed that a regulator would need substantial resources in order to adjudicate on claims at the speed required by political campaigns. Guy Parker proffered the suggestion that regulation could work if it focused on outright lies rather than misleading statements. Both Guy Parker and Lord Currie told us that their personal opinion was that political advertising should be regulated. Since giving evidence to us the ASA has publicly stated that political advertising should be regulated.⁴⁸

40 Q 77 (Keith Weed)

41 Written evidence from the LSE T3 Commission (DAD0078)

42 Written evidence from the Coalition for Reform in Political Advertising (DAD0071)

43 Written evidence from the Coalition for Reform in Political Advertising (DAD0071)

44 Q 61 (Guy Parker)

45 Q 61 (Lord Currie of Marylebone)

46 Q 61 (Guy Parker)

47 Q 61 (Lord Currie of Marylebone)

48 'British political advertising must be regulated. How to do it is a harder question', *The Guardian* (3 June 2020): <https://www.theguardian.com/commentisfree/2020/jun/03/british-political-advertising-regulated-parties-support> [accessed 3 June 2020]

33. The ASA's reluctance to be the sole regulator of this area is part of a general reluctance from regulators to be given this role. Professor Helen Margetts, Professor of the Internet and Society at the University of Oxford and Director of the Public Policy Programme at The Alan Turing Institute, told us that the ASA, the Electoral Commission, Ofcom, and the Information Commissioner's Office (ICO) all expressed a preference that a different regulator be responsible.⁴⁹ Keith Weed, the LSE T3 Commission and the Coalition for the Reform of Political Advertising all suggested that the ASA and the Electoral Commission should work together on this area.⁵⁰ Guy Parker suggested that one way to mitigate the reputational risk to any one regulator would be to create a temporary body during a campaign period which drew on expertise from a range of different regulators.⁵¹
34. The suggestion put forward by Guy Parker of a joint approach with expertise from different regulators that focused on removing outright lies from the political conversation is a sensible way forward. However, his suggestion that it would be temporary is untenable as important political activity takes place outside of campaign periods and time would be needed for relevant bodies to develop productive ways of working together. The ASA's experience regulating advertising could be useful in developing this scheme, as could the experience of the Office for Statistics Regulation from their efforts to correct public figures who misuse national statistics, as well as the experience of the Electoral Commission of the processes of political parties. Investigations should be expedited to ensure they reach a conclusion in time to have an effect before the relevant election. This may involve creating fast-track procedures that differ from existing ASA practice.
35. This process would unquestionably be more effective if it had the support of political parties from across the political spectrum and across the UK. It is incumbent on them to engage with this process to help restore public trust in political debate. As individuals in public life, politicians from all parties should abide by the Nolan Principles, which include being accountable, open and honest. In order to achieve this there must be regulation of political advertising.
36. *The relevant experts in the ASA, the Electoral Commission, Ofcom and the UK Statistics Authority should co-operate through a regulatory committee on political advertising. Political parties should work with these regulators to develop a code of practice for political advertising, along with appropriate sanctions, that restricts fundamentally inaccurate advertising during a parliamentary or mayoral election, or referendum. This regulatory committee should adjudicate breaches of this code.*

Tackling misinformation and disinformation online

37. The regulated approach suggested above would help tackle inaccurate formal activity during political campaigns. However, this will not solve the broader problem of the prevalence of misinformation and disinformation online. The Online Harms White Paper recognises that hostile actors could use disinformation to undermine our democratic values and includes

49 [Q 54](#) (Professor Helen Margetts)

50 [Q 78](#) (Keith Weed), written evidence from the LSE T3 Commission ([DAD0078](#)), written evidence from the Coalition for Reform in Political Advertising ([DAD0071](#))

51 [Q 63](#) (Guy Parker)

disinformation as a harm within its scope. However, there has been concern that it may not be included in the final Bill. The Government's response to its consultation on the White Paper only mentioned disinformation in noting that some civil society groups had concerns about its inclusion and the effect this would have on freedom of expression.⁵² Kevin Bakhurst, Group Director of Content and Media Policy at Ofcom, suggested that it was not yet decided if disinformation should be in their remit.⁵³

38. As outlined at the beginning of this Chapter, misinformation is harmful, which the Government knows. Caroline Dinenage MP, the Minister for Digital and Culture, told us that misinformation online about coronavirus is a mixture of already illegal content such as calls to attack 5G infrastructure and harmful content such as fake nurses suggesting false cures.⁵⁴ We know that misinformation online is reducing trust in vaccines which may play a crucial role in combatting the novel coronavirus.⁵⁵ Government must act to reduce its spread. We believe that, on balance, this would not be too much of a restriction on free expression if it focuses on preventing misinformation from being recommended rather than whether it is hosted on the platform. We discuss this in greater detail and present our recommendations for the Online Harms White Paper in Chapter 3 on accountability. Intent is irrelevant to whether bad information is harmful and therefore both misinformation and disinformation should be covered.
39. Chloe Smith MP, Minister for the Constitution and Devolution, told us that she believed that our elections were not less secure and robust due to the fact that the Government had yet to implement its Online Harms work.⁵⁶ She added that “there should be no need to think that we are in some way vulnerable to interference right now.” That is a worryingly complacent attitude given the evidence of our systemic vulnerability to misinformation. As the evidence stated above shows, individuals are being put off taking part in democracy due to the prevalence of misinformation. There is also reason to believe that foreign states are actively pushing disinformation to undermine faith in the democratic process. The next generation of voters spend ever greater amounts of their time online and have their political views shaped by this. In the context of the COVID-19 crisis it is not difficult to imagine future misinformation campaigns either deterring people from voting in an election or undermining the legitimacy of an election outcome. This makes misinformation and disinformation existential issues for the future of our democracy. The Government should wake up and understand this.
40. ***The Online Harms Bill should make clear that misinformation and disinformation are within its scope.***

52 Department for Digital, Culture, Media & Sport (DCMS), Home Office, ‘Online Harms White Paper – Initial consultation response’ (February 2020): <https://www.gov.uk/government/consultations/online-harms-white-paper/public-feedback/online-harms-white-paper-initial-consultation-response> [accessed 13 May 2020]

53 [Q 282](#) (Kevin Bakhurst)

54 [Q 331](#) (Caroline Dinenage MP)

55 Centre for Infectious Disease Research and Policy, ‘Facebook studies reveal mistrust winning on vaccine messaging’, 14 May 2020: <https://www.cidrap.umn.edu/news-perspective/2020/05/facebook-studies-reveal-science-mistrust-winning-vaccine-messaging> [accessed 3 June 2020]

56 [Q 344](#) (Chloe Smith MP)

The role of fact checkers

41. One of the more recent tools to fight misinformation are dedicated fact checking teams. These take the form of teams within news organisations, such as the BBC’s Reality Check Team⁵⁷ and Channel 4’s FactCheck team,⁵⁸ or dedicated organisations like Full Fact and FactCheckNI. Matthew d’Ancona of Tortoise Media told us that the development of fact checkers was an exciting development but also an indictment of modern journalism as this used to be a part of journalists’ role.⁵⁹
42. Avaaz has suggested that the role of fact checkers should be built into the processes of technology platforms.⁶⁰ It argues that platforms should feed potential misinformation to fact checkers, reduce the spread of misinformation once it has been identified as such by fact checkers and show those who have seen the misinformation the fact checkers’ verdict. Some elements of this exist in Facebook’s third-party fact checking initiative. Under this initiative, Facebook presents to its fact checking partners a queue of content that could potentially be misinformation.⁶¹ Fact checkers choose what content to check (including content outside of this queue) and are paid by Facebook for each article they write. Content that has been marked as misleading or false is then down weighted in Facebook’s recommendation algorithm. Facebook told the House of Commons Digital, Culture, Media and Sport (DCMS) Select Committee that during the month of April 2020 it displayed warning labels on approximately 50 million pieces of content related to COVID-19 based on around 7,500 articles, although it is unclear what proportion of total number of misleading articles this represents.⁶² Karim Palant, UK Public Policy Manager at Facebook told us that this reduces the content’s spread by 80 per cent of what it otherwise would have been.⁶³ This shows the power of Facebook’s algorithms in recommending content to users and the impact of choosing to no longer recommend harmful content. Full Fact have described this as the high watermark of internet companies supporting fact checkers.⁶⁴
43. Other platforms have partnerships with fact checkers, but these are much less transparent, and it is difficult to determine their efficacy. Google’s programme inserts articles written by fact checkers that Google’s algorithm determines to be a reliable source into a privileged position in search results.⁶⁵ This happens where fact checking organisations identify individual pages as containing fact checks to Google using the meta-data of a page (parts of a webpage read by machines but not by visitors).⁶⁶ Google’s algorithm then

57 Written evidence from the BBC ([DAD0062](#))

58 Written evidence from Channel 4 ([DAD0055](#))

59 [Q 105](#) (Matthew D’Ancona)

60 Written evidence from Avaaz ([DAD0073](#))

61 Full Fact, *Report on the Facebook Third-Party Fact Checking programme Jan-June 2019* (July 2019): <https://fullfact.org/media/uploads/tpfc-q1q2-2019.pdf> [accessed 13 May 2020]

62 Correspondence between Facebook and the Digital, Culture, Media and Support Select Committee, 14 May 2020 (Session 19–21): <https://committees.parliament.uk/publications/1173/documents/10106/default/> [accessed 27 May 2020]

63 [Q 306](#) (Karim Palant)

64 Full Fact, *The Full Fact Report 2020: Fighting the causes and consequences of bad information* (April 2020) p 97: <https://fullfact.org/media/uploads/fullfactreport2020.pdf> [accessed 13 May 2020]

65 Google The Keyword blog, ‘Fact Check now available in Google Search and News around the world’ (7 April 2017): <https://blog.google/products/search/fact-check-now-available-google-search-and-news-around-world/> [accessed 13 May 2020]

66 Google Search Help, ‘See fact checks in search results’: <https://support.google.com/websearch/answer/7315336> [accessed 13 May 2020]

decides which search results to put these fact checks in and where to put them.

44. As with many of the topics identified in Chapter 4 on transparency, Google does not explain these processes to the outside world. However, we do note that on occasion this approach has gone badly wrong. In late 2019 if an individual asked Google the question “Do Muslims pay Council Tax?”, Google would return an answer drawn from Full Fact’s fact check on this question.⁶⁷ This incorrectly repeated the claim that Full Fact was checking and attributing that to Full Fact rather than Full Fact’s verdict. As a result, Google’s top search result stated that Full Fact said that Muslims did not pay council tax. This was also the case if someone asked the question of Google’s voice assistant.⁶⁸ In turn, video clips of Google assistant stating that Full Fact said that Muslims do not pay council tax spread online. This is despite the fact that the relevant page of Full Fact’s website’s meta-data was correctly formatted to be registered as a fact check by Google.⁶⁹ It is not clear how often Google has been spreading dangerous misinformation in this manner. When we raised this specific issue with Google, Vint Cerf told us that machine learning systems can be brittle and break easily for unknown reasons.⁷⁰ This type of intellectually remote response is deeply concerning given the real effects this type of misinformation can have. Misinformation about Muslims contributes to other false narratives that are used against groups who suffer discrimination and hate based violence. It is unclear that platforms accept the gravity of the consequences of their decisions.
45. During the COVID-19 crisis, YouTube began adding fact checks to certain search results in the United States following a previous trial in Brazil and India.⁷¹ YouTube’s description suggests that this works in a similar way to Google’s fact checking initiative.⁷² As this work is in its early stages and YouTube is not transparent about its processes it is unclear to what extent the fact checks are being correctly matched with relevant search results and are not being presented in a misleading manner.
46. A significant difference between Avaaz’s correct the record proposal and the Facebook third-party fact checking initiative is that Facebook does not automatically show individuals who have seen misinformation a fact checker’s correction. One concern is that doing this may cause a backfire effect, where it further embeds the misinformation rather than reducing the individual’s belief. Avaaz studied this effect by creating a fake version of Facebook (called Fakebook) that mimicked the way that Facebook functioned. It found in this test that corrections reduced belief in misinformation by 50 per cent.⁷³ Avaaz’s review of the literature supports its suggestion that the primary effect

67 Full Fact, *The Full Fact Report 2020: Fighting the causes and consequences of bad information* (April 2020) p 95: <https://fullfact.org/media/uploads/fullfactreport2020.pdf> [accessed 13 May 2020]

68 ‘Are Muslims paying Council Tax’ (25 November 2019) YouTube video, added by Police Abusing Powers: <https://youtu.be/SdHhK349iCE?t=34> [accessed 13 May 2020]

69 Full Fact ‘New Google News “Fact Check” label’ (October 2016): <https://fullfact.org/blog/2016/oct/full-fact-factchecks-google-news/> [accessed 13 May 2020]

70 [Q 243](#) (Vint Cerf)

71 YouTube Official Blog, ‘Expanding fact checks on YouTube to the United States’ (April 2020): <https://youtube.googleblog.com/2020/04/expanding-fact-checks-on-youtube-to-united-states.html> [accessed 13 May 2020]

72 YouTube Help, ‘See fact checks in YouTube search results’: <https://support.google.com/youtube/answer/9229632?hl=en> [accessed 13 May 2020]

73 Avaaz, ‘White Paper: Correcting the Record’ (April 2020): https://secure.avaaz.org/campaign/en/correct_the_record_study/ [accessed 13 May 2020]

is to reduce rather than increase belief in misinformation. To date, Facebook has not tested this at scale on their own website. Karim Palant told us that they had tested it during the 2019 election on certain misinformation but were unsure of its effect.⁷⁴ In response to the COVID-19 crisis Facebook began the process of testing showing correct information to people who had previously posted misinformation.⁷⁵ This included testing different language on what this might look like including in some cases an explicit correction of the misinformation.⁷⁶ Facebook have not committed to publishing the results of these tests.

47. Will Moy of Full Fact told us that whilst he viewed Facebook's scheme as positive and recommended it be spread to other platforms, he believed there was need for greater transparency.⁷⁷ Mr Moy called for an independent assessment of the programme. Karim Palant of Facebook argued that this independent assessment was already possible on the basis of the data that Facebook had recently released for academic research.⁷⁸ However, this is not the case. Independent researchers have not been granted access to the queue of potential disinformation that Facebook sent to fact checkers and so cannot audit this mechanism. Facebook have stated that this queue is populated with content flagged by both human reviewers and algorithmic selection.⁷⁹ However, not even the fact checkers know whether a specific piece of content was referred by a human reviewer or an algorithm.⁸⁰ Without Facebook sharing this information with an external reviewer it is impossible to independently determine whether this process works properly or how it could be improved. This would be a good area for public interest research commissioned through Ofcom in line with the recommendations in Chapter 4 on transparency.
48. Facebook have purposefully hobbled their third-party fact checking initiative by exempting all elected politicians and candidates for office from being fact checked. Allan Leonard of FactCheckNI told us that this harmed his organisation's reputation as it made the public believe that fact checkers did not check politicians when in reality this is the majority of their work.⁸¹ Karim Palant of Facebook indicated to us that Facebook did not want to be seen as the referee of all political disputes whose role is to mark which contributions are true or false.⁸² He told us that attaching a fact check to politicians' statements on the platform would mark a sharp departure for political debate. Mr Palant argued that it would be quite extreme for an elected politician's communication to the public to be overlaid with whether it was true or not. He stated that this policy only applied to posts originating from politicians and that if a politician posted content from elsewhere that contained misinformation it would be fact checked. Facebook's definition of a politician is essentially arbitrary, not fact checking candidates for elected

74 [Q 306](#) (Karim Palant)

75 Facebook, 'An Update on Our Work to Keep People Informed and Limit Misinformation About Covid-19' (April 2020): <https://about.fb.com/news/2020/04/covid-19-misinfo-update/> [accessed 13 May 2020]

76 @guyro, tweet on 16 April 2020: <https://twitter.com/guyro/status/1250787062770327552>

77 [Q 95](#) (Will Moy)

78 [Q 306](#) (Karim Palant)

79 Written evidence from Facebook ([DAD0081](#))

80 Full Fact, 'Report on the Facebook Third-Party Fact Checking programme: Jan-Jun 2019' (July 2019) p 8: <https://fullfact.org/media/uploads/tpfc-q1q2-2019.pdf> [accessed 13 May 2020]

81 [Q 95](#) (Allan Leonard)

82 [Q 307](#) (Karim Palant)

office but allowing proxies who play a similar role in public debate to be fact checked.

49. Facebook has been inconsistent in its preference for staying out of political debate or allowing fact checkers to operate on politically sensitive content not posted by politicians. For example, Facebook removed a fact check from a video containing misinformation about abortion after US lawmakers complained about the existence of the fact check.⁸³ There were no material concerns with the accuracy of the fact check and it was supported by an independent secondary review.⁸⁴ This suggests that Facebook's position is more about avoiding political pressure than any particular concern about preserving democratic debate.
50. There are legitimate questions about the way in which platforms have responded to misinformation about the COVID-19 crisis. Platforms have removed content posted by the heads of state of Brazil and Venezuela advocating for hydroxychloroquine as a cure for COVID-19.⁸⁵ On the other hand, they have allowed the US President to advocate for the same drug.⁸⁶ Facebook removed groups that were created to organise protests against social distancing measures.⁸⁷ Mark Zuckerberg stated that this was due to these groups posting misinformation suggesting that social distancing was not effective.⁸⁸ Another Facebook spokesperson clarified that this was consistent with Facebook's policy of not allowing groups to organise events that break the law as these protests were.⁸⁹ However, civil liberties groups including the UN special rapporteur on freedom of expression criticised this decision. It is not clear how much misinformation an item of content can contain before it is viewed as misinformation and is removed from the platform. Platforms have not clearly explained their thinking or released fact checks of each individual case explaining why each piece of content is inaccurate.
51. Tackling misinformation online requires transparency in order to be effective as well as to ensure a thriving democratic debate. The International Fact Checking Network (IFCN) is a global alliance of fact checkers which seeks to promote best practice in the field.⁹⁰ The IFCN has a code of principles requiring that all fact checkers who sign up publish the sources for all of the information in their fact checks and have an open and honest corrections

83 BuzzFeed News, 'Facebook Took Down A Fact-Check of an Anti-Abortion Video After Republicans Complained' (11 September 2019): <https://www.buzzfeednews.com/article/claudiakoerner/facebook-fact-check-abortion-video-doctors-medical> [accessed 13 May 2020]

84 Poynter, 'IFCN concludes its investigation into Science Feedback complaint' (27 September 2019): <https://www.poynter.org/fact-checking/2019/the-ifcn-concludes-investigation-about-science-feedback/> [accessed 13 May 2020]

85 The Verge, 'Twitter removes tweets by Brazil, Venezuela presidents for violating Covid-19 content rules' (30 March 2020): <https://www.theverge.com/2020/3/30/21199845/twitter-tweets-brazil-venezuela-presidents-covid-19-coronavirus-jair-bolsonaro-maduro> [accessed 13 May 2020]

86 @realDonaldTrump, tweet on 21 March 2020: <https://twitter.com/realDonaldTrump/status/1241367239900778501>

87 David Pierce, 'Facebook Takes Sides on Covid-19 Protests', Protocol, (21 April 2020): <https://www.protocol.com/Newsletters/SourceCode/facebook-takes-sides-on-covid-19-protests?rebellitem=4#rebellitem4> [accessed 13 May 2020]

88 David Pierce, 'Facebook Takes Sides on Covid-19 Protests', Protocol (21 April 2020): <https://www.goodmorningamerica.com/news/video/mark-zuckerberg-facebooks-plan-fight-coronavirus-full-interview-70238772> [accessed 13 May 2020]

89 Good Morning America, 'Mark Zuckerberg on Facebook's plan to fight coronavirus: Full interview' (Video), (20 April 2020): <https://www.theguardian.com/technology/2020/apr/20/facebook-anti-lockdown-protests-bans> [accessed 13 May 2020]

90 Poynter, 'The International Fact Checking Network': <https://www.poynter.org/ifcn/> [accessed 13 May 2020]

policy.⁹¹ This ensures that fact checks can be disputed and corrected as part of a democratic debate within civil society based on facts. Paddy McGuinness, former Deputy National Security Adviser, told us that to ensure a healthy democratic debate we must rely on civil society to establish whether something is true or not rather than relying on the state or private companies.⁹²

52. It is not clear that the fact checking eco-system that currently exists in the UK is able to handle the suggested role in improving online debate. Facebook's third-party fact checking initiative only partners with signatories to the IFCN's code of principles.⁹³ During our evidence taking process only Full Fact and FactCheckNI were UK based signatories.⁹⁴ Reuters were added as a third UK partner in late March 2020.⁹⁵ Will Moy of Full Fact told us he was concerned about how to scale up Facebook's initiative to the scale required by the internet.⁹⁶ FactCheckNI is focused solely on Northern Ireland, leaving only Full Fact and Reuters to monitor misleading information for the rest of the UK. The programme would cease to function in most of the UK if anything happened to Full Fact and Reuters or their relationship with Facebook. In the Netherlands Facebook's only fact checking partner dropped out from the programme because it disagreed with Facebook's policy not to fact check politicians, effectively discontinuing the programme there.⁹⁷ Jenni Sargent, Managing Director at First Draft, warned that the financial incentives in the programme could draw new entrants into the fact checking market in order to receive this compensation and that this could cause an erosion of trust.⁹⁸ Sir Julian King, former EU Security Commissioner, told us that support for independent fact checkers is one thing that the UK could do to increase societal resilience against external disinformation threats.⁹⁹ Given the public concern in this area there is a case for regulatory involvement to promote a diverse range of fact checking organisations which have incentives that are clearly aligned with the public interest.
53. There are also legitimate concerns about the scale of the fact checking response compared to the vast amount of misinformation that is propagated on online platforms. Whilst fact checking has a role to play in reducing the spread of misinformation it is not currently sufficient to tackle the scale of the problem as it exists on these platforms.
54. ***Ofcom should produce a code of practice on misinformation. This code should include a requirement that if a piece or pattern of content is identified as misinformation by an accredited fact checker then it***

91 Poynter, 'International Fact Checking Network: The commitments of the code of principles': <https://ifcncodeofprinciples.poynter.org/know-more/the-commitments-of-the-code-of-principles> [accessed 13 May 2020]

92 Q 113 (Paddy McGuinness)

93 Poynter, 'The International Fact Checking Network: The code and the platforms': <https://ifcncodeofprinciples.poynter.org/know-more/the-code-and-the-platforms> [accessed 13 May 2020]

94 Poynter, 'Verified signatories of the IFCN code of principles': <https://ifcncodeofprinciples.poynter.org/signatories> [accessed 13 May 2020]

95 Reuters, 'Reuters expands efforts to combat misinformation with extension of fact-checking partnership with Facebook in the United Kingdom' (March 2020): <https://uk.reuters.com/article/rpb-facebookuk/reuters-expands-efforts-to-combat-misinformation-with-extension-of-fact-checking-partnership-with-facebook-in-the-united-kingdom-idUKKBN21C14M> [accessed 13 May 2020]

96 Q 95 (Will Moy)

97 The Verge, 'Facebook's only fact-checking service in the Netherlands just quit' (26 November 2019): <https://www.theverge.com/platform/amp/2019/11/26/20984097/facebook-fact-checking-netherlands-quitpolitical-ads-lies-news-policy> [accessed 13 May 2020]

98 Q 95 (Jenni Sargent)

99 Q 234 (Sir Julian King)

should be flagged as misinformation on all platforms. The content should then no longer be recommended to new audiences. Ofcom should work with platforms to experiment and determine how this should be presented to users and whether audiences that had previously engaged with the content should be shown the fact check.

55. *Ofcom should work with online platforms to agree a common means of accreditation (initially based on the International Fact Checking Network), a system of funding that keeps fact checkers independent both from Government and from platforms, and the development of an open database of what content has been fact checked across platforms and providers.*

Promoting good information

Communicating statistics

56. Alongside tackling bad information, it is important to promote good information in order to encourage and support citizens in an informed democratic debate. Jenni Sargent of First Draft told us that there was a risk of damaging public debate if too much focus is put on fact checkers publishing what is not true rather than also focusing on publishing and promoting accurate reporting.¹⁰⁰ Caroline Dinenage MP, Minister for Digital and Culture, told us that one of the things she would like to see continue after the COVID-19 crisis would be platforms' efforts to promote good information.¹⁰¹ Ed Humpherson, Director General for Regulation at the Office for Statistics Regulation (OSR), told us that he worries more about the failure of good information to be properly communicated in a way that is useful to the public than he does about misinformation.¹⁰² He argued that we should spend as much time thinking about what it means to inform as to misinform.¹⁰³ A United Nations Educational, Scientific and Cultural Organisation (UNESCO) report on misinformation and COVID-19 stated that it was vital for governments to release public data about the spread of the disease and the Government's response to COVID-19 was crucial to informing public debate.¹⁰⁴ Oliver Dowden MP, the Secretary of State for Digital, Culture, Media and Sport told the DCMS Select Committee that he viewed his primary focus as promoting good news sources in response to COVID-19 and that dealing with misinformation was a secondary focus.¹⁰⁵
57. Ed Humpherson told us that too many statistics were presented and communicated in a dry and mechanical way which meant that good information is not getting to the public where it was needed.¹⁰⁶ Allan Leonard of FactCheckNI gave an example from Northern Ireland where data was being misused as it had not been communicated in the right context and how in response the Northern Ireland Statistics and Research Agency (NISRA) created a tool called NI: IN PROFILE which helps to combine different data

100 [Q 95](#) (Jenni Sargent)

101 [Q 332](#) (Caroline Dinenage MP)

102 [Q 93](#) (Ed Humpherson)

103 [Q 96](#) (Ed Humpherson)

104 UNESCO, 'Disinfodemic: Dissecting responses to Covid-19 disinformation: Policy brief 2' (April 2020): https://en.unesco.org/sites/default/files/disinfodemic_dissecting_responses_covid19_disinformation.pdf [accessed 13 May 2020]

105 Oral evidence taken before the House of Commons DCMS Select Committee, 22 April 2020 (Session 2019–21), [Q 21](#) (Oliver Dowden MP)

106 [Q 93](#) (Ed Humpherson)

products in a way that are easy to understand and can be better communicated to the public.¹⁰⁷ Ed Humpherson agreed that NI: IN PROFILE was a positive development. He told us that to answer important policy questions many different statistics from different data sets are required and that better integrating and communicating existing data would be a useful service.¹⁰⁸

58. Will Moy of Full Fact praised the Office for National Statistics (ONS) as an important institution that can help democracy but highlighted the difference between it and an organisation like the BBC.¹⁰⁹ He noted that the BBC's mission is to educate, entertain and inform and that entertainment is part of their role to get people's attention. Mr Moy argued that good journalism gets people's attention and does something useful with that attention. Statisticians are not journalists. They do not necessarily possess the skills needed to get the public's attention and nor should we expect them to.
59. In response to the COVID-19 crisis there have been great efforts put into informing public debate. In a remarkably short time, government statisticians have ensured that there are high quality statistics available to help others scrutinise government policy.¹¹⁰ However, there are still concerns about how to communicate these statistics to the public.¹¹¹
60. The issue of how best to communicate statistics has been explored many times before, from a report by the Statistics Commission in 2007 to an inquiry by the House of Commons Public Administration Select Committee in 2013.¹¹² These inquiries noted some of the same issues we encountered including a difficulty in communicating statistics to the broader public. The lack of understanding of exactly who the users of statistics are was also noted in a 2019 Public Administration and Constitutional Affairs Committee inquiry into the UK Statistics Authority as a whole.¹¹³ That report recommended a user engagement strategy. However, these inquiries did not focus on the ways that official statistics can be used in an online world dominated by large social media platforms. We suggest a more specific approach than previous reviews, looking at the role of official statistics in informing online debate.
61. ***The House of Lords Communications and Digital Select Committee should consider conducting an inquiry to examine the communication of official statistics in an online world.***

Making use of parliamentary expertise

62. Alongside the Office for National Statistics (ONS), the UK has other institutions that can help inform public debate. Several witnesses praised

107 Q 86 (Allan Leonard)

108 Q 86 (Ed Humpherson)

109 Q 86 (Will Moy)

110 UK Statistics Authority, 'Statement from the Office for Statistics Regulation – Covid-19 Update' (April 2020): <https://www.statisticsauthority.gov.uk/news/statement-from-the-office-for-statistics-regulation-covid-19-update/> [accessed 13 May 2020]

111 Pamela Duncan and Niamh McIntyre, 'Why No 10's Covid-19 death tolls slides don't tell the whole story', The Guardian, (5 May 2020): <https://www.theguardian.com/uk-news/2020/may/05/why-no-10s-covid-19-death-toll-slides-dont-tell-the-whole-story> [accessed 13 May 2020]

112 Statistics Commission, Report No.34 Data on Demand – Access to Official Statistics, (June 2007): <https://www.statisticsauthority.gov.uk/wp-content/uploads/tempdocs/report-34--data-on-demand--access-to-official-statistics--june-2007-.pdf> and Public Administration Committee, *Communicating statistics: Not just true but also fair* (First Report, Session 2013–14, HC 190)

113 Public Administration and Constitutional Affairs Committee, *Governance of official statistics: redefining the dual role of the UK Statistics Authority; and re-evaluating the Statistics and Registration Service Act 2007* (Eighth Report, Session 2017–19, HC 1820)

the Libraries of both Houses of Parliament. Will Moy of Full Fact described them as building blocks that can help tackle the harms that come from bad information.¹¹⁴ However, he noted that they are focused on a specific audience and, like the ONS, are not journalists who are skilled at garnering public attention.¹¹⁵ Dr Alan Renwick from the UCL Constitution Unit told us that the Libraries produce great, impartial information but that more could be done for them to feed into wider democratic processes.¹¹⁶ Liz Moorse, Chief Executive of the Association for Citizenship Teaching, expressed her frustration that while the House of Commons Library normally produces high-quality information to inform the public debate, during an election it has to stop its work. She told us: “That seems crazy. We desperately need good-quality information for citizens during election periods.”¹¹⁷

63. Parliament is dissolved 25 days before a General Election.¹¹⁸ This means that Members of both Houses are not able to make requests of either Library. There are also no Select Committees. The substantial number of researchers and policy specialists working across committees and Libraries cease to inform public debate at a critical time. For scale, there are over 100 policy professionals employed by both Houses whilst there are just seven fact checkers at Full Fact and three fact checkers at Channel 4.¹¹⁹ Currently the election period is used for ad hoc secondments for professional development but this could be an opportunity to use Parliament’s resources to improve public debate at what for many people is the most critical time.¹²⁰
64. Parliament cannot speak for itself whilst it is dissolved so parliamentary resources should be used in partnership with another organisation that could communicate with the public. These partnerships would need to be with organisations that are impartial in order to maintain the neutrality of parliamentary staff. Broadcasters play a key role in informing the public during an election period and are regulated to ensure their impartiality. This could make them a key partner and a channel to use parliamentary expertise to better inform the public.
65. ***Parliament should establish formal partnerships with broadcasters during election periods to make optimal use of its research expertise to help better inform election coverage.***

Public interest journalism

66. A further means of better informing the public is to provide greater support to public interest journalism. James Mitchinson, Editor of the Yorkshire Post, told us that the best way to inform the public was to use legislative and technological solutions to draw people’s attention to and increase the prominence of trusted sources of news from trained journalists.¹²¹ He argued that, to date, technology platforms have had a dramatic negative

114 [Q 85](#) (Will Moy)

115 [Q 86](#) (Will Moy)

116 [Q 259](#) (Alan Renwick)

117 [Q 151](#) (Liz Moorse)

118 UK Parliament, ‘Dissolution of Parliament’: <https://www.parliament.uk/about/how/elections-and-voting/general/dissolution/>

119 Google, ‘Using AI to Fight Misinformation’ (13 March 2020): https://www.youtube.com/watch?v=XyZNEnrtdjk&feature=emb_logo [accessed 13 May 2020] and Written evidence from Channel 4 ([DAD0055](#))

120 Disclosure: This Committee’s Policy Analyst was seconded to Full Fact as a fact checker for the 2019 General Election.

121 [Q 102](#) (James Mitchinson)

effect on local journalism. One analysis suggests that spending from small to medium sized businesses on advertising has risen between 2009 and 2019 from £2.1 billion to £5.1 billion for Google and from £25 million to £1.3 billion for Facebook whilst falling from £1.5 billion to £5.9 million for the local press.¹²² Mr Mitchinson stated that due to changes in the business model necessitated by platforms over the last decade, the output generated by local newspapers and websites has fallen by half.¹²³ He suggested that there was an urgent need for technology platforms to more fairly distribute their revenue with news providers. Mr Mitchinson stated that much of the wealth generated through platforms came from the work done by regional news companies.¹²⁴ He argued that this would not be a handout but instead was a structural redistribution of the amount of revenue that comes from their content.

67. This is further exacerbated by the COVID-19 crisis. News publishers are seeing declining advertising revenue and reduced subscriptions as a result of the economic downturn. They are also experiencing increasing difficulty in reporting stories due to restrictions on movement.¹²⁵ Research from Enders Analysis suggests that without intervention, over £1 billion of revenue could fall out of the publishing industry in 2020.¹²⁶ This includes an annual advertising decline of 50 per cent in print and 25 per cent for online publishers. UNESCO argues that there is a vital window for making an impact through timely stimulus or rescue packages for independent journalism and news outlets. It states that support for journalism is essential to ensure its sustainability as a public good whilst the pandemic takes a further toll on media institutions.¹²⁷
68. The need for reform to protect the future of journalism is not a new issue and was the subject of a recent review by Dame Frances Cairncross. She told us that many of our concerns about democracy and digital technologies overlapped with the concerns addressed in her review.¹²⁸ The Cairncross Review into sustainable high-quality journalism in the UK is a substantial piece of work and should form the basis of future work to ensure the future of public interest journalism.
69. While the Government has understandable concerns that it is not seen to be interfering with the work of the free press there are many areas where it agrees with the Cairncross Review. The Government has agreed to work on the Review's recommendation of codes of conduct to formalise the relationship between publishers and online platforms and in working with

122 Enders Analysis, 'Journalism on the precipice' (15 May 2020) p 11: https://mcusercontent.com/e582e02c78012221c8698a563/files/bc6c1580-9ef7-4c5b-8850-d108011408cf/Journalism_on_the_precipice_Rescue_required_as_financial_pressures_on_media_grow_2020_048_.03.pdf [accessed 26 May 2020]

123 Q 108 (James Mitchinson)

124 Q 108 (James Mitchinson)

125 Politico, 'Coronavirus reignites feud between publishers and platforms' (23 April 2020): (<https://www.politico.eu/article/coronavirus-covid19-publishers-google-facebook-copyright/>) [accessed 13 May 2020]

126 Enders Analysis, 'Journalism on the precipice' (15 May 2020): https://mcusercontent.com/e582e02c78012221c8698a563/files/bc6c1580-9ef7-4c5b-8850-d108011408cf/Journalism_on_the_precipice_Rescue_required_as_financial_pressures_on_media_grow_2020_048_.03.pdf [accessed on 26 May 2020]

127 UNESCO, 'Disinfodemic: Dissecting responses to Covid-19 disinformation: Policy brief 2' (April 2020): https://en.unesco.org/sites/default/files/disinfodemic_dissecting_responses_covid19_disinformation.pdf [accessed 13 May 2020]

128 Written evidence from Dame Frances Cairncross (DAD0068)

interested parties to develop this further is supported by the Competition and Market Authority's (CMA) provisional recommendation that there is a strong case for a code of conduct.¹²⁹ There is also agreement on the need for platforms to do more to prioritise reliable and trustworthy sources of information and this may form part of the Online Harms programme of work. The Government also agreed with the review that there is a need for additional funding of public interest news. It suggests that this be done by expanding the Local Democracy Reporting Service. The BBC has indicated its intention to set up a new body to take over the running of the scheme and is seeking additional funding to expand it further. Jessica Cecil, Director of the BBC Online Project at the BBC, told us that this scheme helps them reach 8 to 10 million people a week. She told us that the BBC was keen to expand the scheme and that technology platforms among others help fund the expansion in the programme.¹³⁰

70. There is a need for a fundamental rebalancing of power away from technology platforms which have abused their position to siphon revenue away from public interest journalism. Other democratic countries across the globe are slowly concluding that this is necessary.¹³¹ Countries must ask difficult questions about the power of online platforms and their control over the advertising market. In the UK this should mean the CMA moving from their initial review into a full market investigation.
71. The House of Lords Communications and Digital Committee is also currently conducting an inquiry into the future of journalism and this should enable further informed discussion in this area.
72. ***A new settlement is needed to protect the role of local and public interest news. The Government should work urgently to implement those recommendations of the Cairncross review which it accepts, as well as providing support for news organisations in dealing with the impact of COVID-19.***
73. ***The Competition and Markets Authority should conduct a full market investigation into online platforms' control over digital advertising.***

129 DCMS, 'Government response to the Cairncross Review: a sustainable future for journalism' (January 2020): <https://www.gov.uk/government/publications/the-cairncross-review-a-sustainable-future-for-journalism/government-response-to-the-cairncross-review-a-sustainable-future-for-journalism> [accessed 13 May 2020]

130 **Q 109** (Jessica Cecil)

131 Australian Competition & Consumer Commission, 'Mandatory news media bargaining code: Concepts paper' (19 May 2020): <https://www.accc.gov.au/system/files/ACCC%20-%20Mandatory%20news%20media%20bargaining%20code%20-%20concepts%20paper%20-%202019%20May%202020.pdf> [accessed 28 May 2020]

CHAPTER 3: ACCOUNTABILITY

Accountability and the technology platforms

74. One of the defining aspects of a developed democracy is the multitude of ways that power is held accountable for its actions. Citizens expect that, when they grant a person or organisation power to act on their behalf, there will be mechanisms to hold them to account for the manner in which that power is used.¹³² This is why accountability is one of the seven principles of public life that we expect all individuals elected or appointed to public office to uphold.¹³³ In this Chapter we set out the case that platforms have become so dominant that they must be accountable for the power they hold and consider possible accountability mechanisms.
75. It may not always be understood how much power technology platforms hold over our democratic discussion. As those discussions move online it becomes increasingly important to look at how platforms mediate that debate. Much of this is determined by the way in which we are categorised and profiled for advertising purposes. The algorithms that companies use and regularly change for the purposes of advertising have a profound effect on the amount, quality and variety of the news each individual sees. Dr Ana Langer of the University of Glasgow and Dr Luke Temple of the University of Sheffield told us that as large platforms like Facebook and Google control a dominant share of the advertising market, minor changes in their algorithms can have a massive impact on how much news people consume, what news is seen, and whether a news organisation's business model is commercially viable.¹³⁴
76. According to eMarketer, in 2019, Facebook and Google made up 68.5 per cent of the UK digital advertising market.¹³⁵ This increase in platforms' revenue has been accompanied by a loss of advertising revenue to traditional publishers, which has affected their ability to create original journalism. James Mitchinson, Editor of the Yorkshire Post, argued that social media has shifted the business model to one that is increasingly homogenised and centred around what generates the most 'clicks', rather than focused on that which is most in the public interest.¹³⁶
77. Platforms have achieved a dominant market position. Dr Martin Moore, Director of the Centre for the Study of Media, Communication and Power at King's College London, has drawn parallels between technology companies and the large monopolies that existed in the US in the late 19th and early 20th centuries. He notes that some of the technology platforms that exist today are in many respects bigger and more dominant than the commercial monopolies of the late nineteenth centuries.¹³⁷

132 Overseas Development Institute, 'Accountability: the core concept and its subtypes' (April 2009) p 1: <https://assets.publishing.service.gov.uk/media/57a08b4740f0b652dd000bd6/APP- WP1.pdf> [accessed 13 May 2020]

133 Committee on Standards in Public Life, 'The 7 principles of public life', (May 1995) <https://www.gov.uk/government/publications/the-7-principles-of-public-life> [accessed 13 May 2020]

134 Written Evidence from Dr Ana Langer and Dr Luke Temple (DAD0048)

135 eMarketer, 'Facebook and Google Maintain Grip in UK Digital Ad Market' (October 2019) <https://www.emarketer.com/content/facebook-and-google-maintain-grip-in-uk-digital-ad-market> [accessed 3 June 2020]

136 Q 108 (James Mitchinson)

137 Dr Martin Moore, 'Tech Giants and Civic Power' (April 2016) p 3: <https://www.kcl.ac.uk/policy-institute/assets/cmcp/tech-giants-and-civic-power.pdf#page=7> [accessed 13 May 2020]

78. For organisations this powerful to be trusted there must be clear methods of accountability, as Microsoft explained:

“Just as today when consulting a doctor over a medical issue, or a lawyer over a legal challenge, we can seek a second opinion or redress when something goes wrong, in the world of algorithms knowing who is accountable when something goes wrong is equally important. Maintaining public trust will require clear line of sight over who is accountable ... in the real world.”¹³⁸

79. Vint Cerf, Vice-President and Chief Internet Evangelist at Google, told us that one force that holds platforms like his in check is competition. He argued that people can go to other search engines if they want to, and that Google did not force people to use their search engine.¹³⁹ Whilst this argument is theoretically plausible in relation to Google Search, it fails to cover YouTube (which is owned by Google) or Facebook. YouTube has over two billion users with one billion hours of video watched daily.¹⁴⁰ It is used by 92 per cent of the online population in the UK, and Facebook is used by 89 per cent.¹⁴¹ People use Facebook partially because it is where their friends are. People upload videos to YouTube partially because that is where the viewers are; and viewers go to YouTube because it holds the content they are looking for. Whilst there are undoubtedly ways in which these platforms offer positive experiences to users, if a user did wish to use another platform, they are limited in their ability to do so. The Centre for Data Ethics and Innovation (CDEI) found that the public felt that there was not a real choice between online platforms or services, and that it was difficult to avoid the use of Google or Facebook without having a negative online experience.¹⁴² Polling from Doteveryone showed that many of the public feel they have no choice but to sign up to services despite their concerns.¹⁴³ The CMA, which is conducting an investigation into the Digital Advertising Market, has expressed its concern that Google and Facebook are both now so large, and have such extensive access to data, that potential rivals can no longer compete on equal terms.¹⁴⁴ This dominance is an important reason why greater accountability is needed to preserve our democracy. It would be wholly insufficient to rely just on competition to keep platforms in check.
80. The public believe that there is a greater role for Government in ensuring accountability for these large companies. The CDEI found that 61 per cent of the public supported Government regulation of online targeting (another term used to describe the algorithmic recommendation of content) compared

138 Written Evidence from Microsoft ([DAD0050](#))

139 [Q 252](#) (Vint Cerf)

140 YouTube, ‘YouTube for Press’, <https://www.youtube.com/intl/en-GB/about/press/> [accessed 13 May 2020]

141 Ofcom, ‘Online Nation’ (29 May 2019) <https://www.ofcom.org.uk/research-and-data/internet-and-on-demand-research/online-nation> [accessed 13 May 2020]

142 Centre for Data Ethics and Innovation, ‘Public Attitudes Towards Online Targeting’ – A report by Ipsos MORI (February 2020) p 38: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863025/1901705901_Attitudes_to_Online_Targeting_Report_FINAL_PUBLIC_030220.pdf#page=39 [accessed 13 May 2020]

143 Doteveryone, *People, Power and Technology: The 2020 Digital Attitudes Report* (May 2020) https://www.doteveryone.org.uk/wp-content/uploads/2020/05/PPT-2020_Soft-Copy.pdf [accessed 13 May 2020]

144 Competition & Markets Authority, *Online platforms and digital advertising* (December 2019) https://assets.publishing.service.gov.uk/media/5dfa0580ed915d0933009761/Interim_report.pdf [accessed 13 May 2020]

with only 17 per cent who favoured self-regulation for these companies.¹⁴⁵ Christoph Schott, Campaign Director at Avaaz, told us that 81 per cent of the public think that platforms should be held accountable if they recommend fake news to millions of people.¹⁴⁶ Doteveryone told us that two thirds of the public think the Government should be helping ensure technology companies treat their customers, staff and society fairly.¹⁴⁷ Its polling found that 55 per cent of the public would like more places to seek help online and 52 per cent want a more straightforward procedure for reporting technology companies.¹⁴⁸

81. There are a number of smaller platforms which, although they do not currently have the same market dominance, could raise issues for democracy in the future. For example, TikTok is used by approximately one in seven older children and may well become a dominant platform.¹⁴⁹ There should be regulation to ensure that, as smaller platforms grow, they come to embody the values the public requires of them.

The Online Harms agenda

82. The Government set out its proposals for making technology platforms more accountable in the Online Harms White Paper.¹⁵⁰ The White Paper suggested a statutory duty of care to make companies more responsible for the safety of their users, and to tackle harm caused as a result of content or activity on their services. The proposed regulator for this area would set out how to fulfil this legal duty through mandatory codes of practice. Failure to comply with codes of practice or to provide evidence of how the platform is going beyond the requirements of the code of practice would lead to sanctions for failing in their legal duty of care. The Government has stated that it is minded to appoint Ofcom to regulate this area and in our Report we assume this will be the case.¹⁵¹ The duty of care is proposed to only apply to services that include user generated content and that is also the focus of this Report.¹⁵²
83. Regulation has failed to keep up with technological innovation. MySociety, a civic technology social enterprise, told us that democratic institutions will struggle to move fast enough to hold social media platforms to account, and that constant innovation would be required just to maintain the status quo.¹⁵³ A practical example of this can be seen in the Government's proposals to regulate user generated content. The Government published an Internet

145 Centre for Data Ethics and Innovation, 'Review of online targeting: Final report and recommendations' (February 2020) p 56: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864167/CDEJ7836-Review-of-Online-Targeting-05022020.pdf#page=56 [accessed 13 May 2020]

146 Q 163 (Christoph Schott), conducted online on a sample of 2030 adults weighted to be representative of all GB adults.

147 Written Evidence from Doteveryone (DAD0037)

148 Doteveryone, *People, Power and Technology: The 2020 Digital Attitudes Report* (May 2020): https://www.doteveryone.org.uk/wp-content/uploads/2020/05/PPT-2020_Soft-Copy.pdf [accessed 13 May 2020]

149 Ofcom, 'Parents more concerned about their children online' (4 February 2020): <https://www.ofcom.org.uk/about-ofcom/latest/features-and-news/parents-more-concerned-about-their-children-online> [accessed 04 June 2020]

150 DCMS and Home Office, Online Harms White Paper, CP 57, (April 2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793360/Online_Harms_White_Paper.pdf [accessed 13 May 2020]

151 DCMS and Home Office, 'Online Harms White Paper – Initial consultation response', (February 2020): <https://www.gov.uk/government/consultations/online-harms-white-paper/public-feedback/online-harms-white-paper-initial-consultation-response> [accessed 13 May 2020]

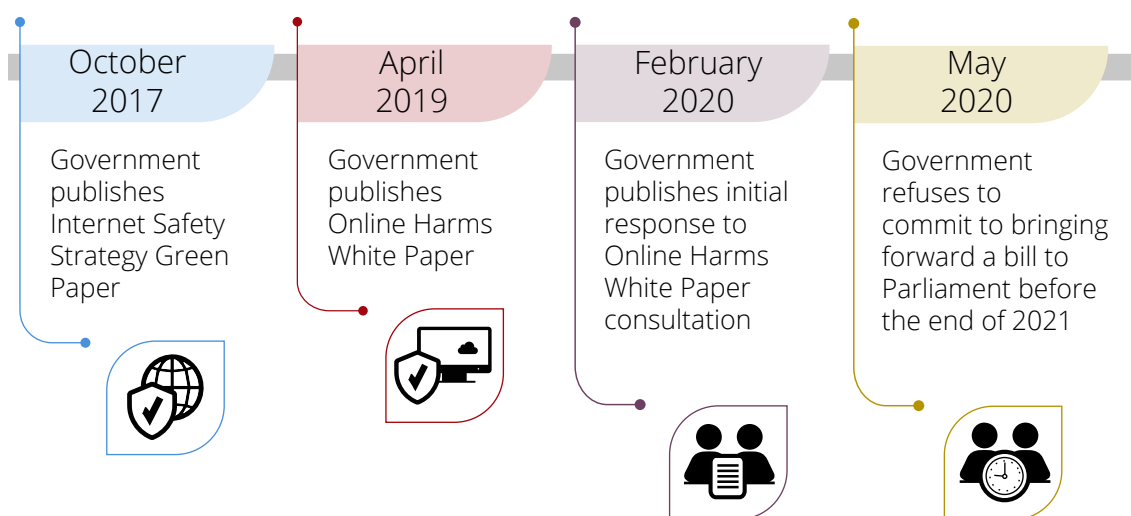
152 *Ibid.*

153 Written evidence from MySociety (DAD0024)

Safety Strategy Green Paper in October 2017.¹⁵⁴ This in itself would not be regarded as a rapid response to online threats, coming thirteen years after the founding of Facebook and five years after Facebook filed its Initial Public Offering valued at \$104 billion with 845 million active users.¹⁵⁵ It also came seven years after Dr Tarleton Gillespie first raised concerns about the politics of online platforms which shape the contours of online political discussion.¹⁵⁶ There was an eighteen month wait between the green paper and the publishing of the Online Harms White Paper in April 2019. In February 2020 the Government published its initial response to the consultation. Caroline Dinenage MP, Minister for Digital and Culture, told us that it would not publish its full response over the summer as they had previously planned but would publish it before the end of the year. She was unable to confirm that the Government would bring a draft bill to Parliament for scrutiny before the end of 2021.¹⁵⁷ This is unacceptable and could mean that the bill may not come into effect until late 2023 or 2024. The Government and the wider policy making process have evidentially failed to get to grips with the pace of change, the urgent challenges and the opportunities of the digital age.

84. ***The Government should introduce Online Harms legislation within a year of this Report's publication.***

Figure 2: Timeline of progress on the Online Harms White Paper



Source: DCMS and Home Office, *Online Harms White Paper*, CP 57, (April 2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793360/Online_Harms_White_Paper.pdf [accessed 13 May 2020]

85. The Online Harms framework, once implemented, is partly designed with this issue in mind. Sarah Connolly, a civil servant at the Department for Digital, Culture, Media and Sport (DCMS), told us that Ministers supported

154 HM Government, *Internet Safety Strategy – Green paper* (October 2017): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/650949/Internet_Safety_Strategy_green_paper.pdf [accessed 27 May 2020]

155 ‘Stakes are high on Facebook’s first day of trading’ *The Los Angeles Times* (17 May 2012): <https://web.archive.org/web/20120518023059/http://www.latimes.com/business/la-fi-facebook-pricing-20120518%2C0%2C3426310.story> [accessed 28 May 2020]

156 Dr Tarleton Gillespie, *The politics of ‘platforms’*, *New Media & Society*, vol. 12 (2010), pp 347–364: <https://doi.org/10.1177/1461444809342738>

157 [Q 337](#) (Caroline Dinenage MP)

the concept of a duty of care because it allows for flexibility.¹⁵⁸ The codes of practice produced by the regulator can be more easily changed than primary legislation.

86. We heard from Sarah Connolly that the Government was taking a three-pronged, risk-based approach. The regulation would look at the size of the company, expecting more from larger companies; the kind of harm, anticipating more serious action to tackle the more serious harms; and the type of company, with companies that promise a restricted safe environment expected to do more than platforms that advertise themselves as a robust conversation.¹⁵⁹ This is a sensible approach and our recommendations should be seen as fitting within this framework and the Online Harms work more broadly.
87. The Government has suggested that the Online Harms framework should be focused on harms to individuals. Sarah Connolly told us that Ministers were very keen that it should be narrow in scope and focused on individual harms. However, she stated that tackling individual harms will have a net benefit for the wider public.¹⁶⁰ Tony Close, then Director of Content Standards, Licensing and Enforcement at Ofcom, told us that there is a difference between individual harms and societal harms but that it is a spectrum rather than a bright line.¹⁶¹ He cited the harms that come from misinformation about the coronavirus as an example of this. This misinformation might harm the individual but could also have a detrimental impact on society as a whole.
88. Societal harms reflect real damage to the rights of individuals and these are addressed within the White Paper. The White Paper includes cyberbullying and trolling, intimidation and disinformation, as harms within its scope. The regulator is also proposed to have a specific commitment to the protection of freedom of expression.¹⁶² A broader interpretation of individual harms that includes the real harm that individuals experience when they are deprived of their democratic rights such as free expression easily fits within this framework and would seem to cover the area we are concerned about.
89. ***The Online Harms work should make clear that platforms' duty of care extends to actions which undermine democracy. This means that the duty of care extends to preventing generic harm to our democracy as well as against specific harm to an individual.***
90. This Report works within the framework suggested by the Online Harms White Paper. Caroline Dinenage MP, Minister for Digital and Culture, told us that the Online Harms work is an urgent piece of work that should make radical changes to the online world.¹⁶³ We agree. However, if for some reason the Online Harms work were to cease or if Ofcom were not appointed to oversee this work the recommendations in this Report should be seen as free standing and should be given to an appropriate regulator as soon as is practicable.

158 [Q 15](#) (Sarah Connolly)

159 [Q 17](#) (Sarah Connolly)

160 [Q 14](#) (Sarah Connolly)

161 [Q 285](#) (Tony Close)

162 DCMS and Home Office, '[Online Harms White Paper – Initial consultation response](#)'

163 [Q 338](#) (Caroline Dinenage MP)

Freedom of expression in the online world

91. However, there are concerns over whether the Online Harms framework can bolster rather than undermine democratic activity. Index on Censorship has warned that the Online Harms framework proposes restrictions on speech, between individuals, using criteria that is far broader than current law and so could risk capturing speech that is fundamental to effective democratic functions.¹⁶⁴ The Government has suggested that the Online Harms bill will include an obligation on Ofcom to protect freedom of expression but it is important to consider what this actually entails.¹⁶⁵
92. Baroness O’Neill of Bengarve told us that protecting freedom of expression is not the only relevant standard that should be used and that we should also look at ethical and epistemic standards including whether it promotes accuracy and honesty.¹⁶⁶ She noted that the generic call to protect freedom of expression has been inflated beyond the original argument advanced by John Stuart Mill and others to prioritise the rights of the speaker while ignoring the rights of the listener. Baroness O’Neill of Bengarve explained that Mill’s argument was that that regulation of individuals should only be done when an action causes harm to others.¹⁶⁷ Mill famously gave the example that the opinion that “corn dealers are starvers of the poor” should be allowed to circulate through the press but could be justly punished when told to an excited mob outside the house of a corn dealer.¹⁶⁸ It is not clear that content on social media platforms should be seen as being more analogous to circulating through the press rather than a speech in front of a mob. It is increasingly apparent that whilst social media can be a site for open discussion it can also be used to incite groups of people to harass and cause harm to others.
93. Professor Cristian Vaccari, Professor of Political Communication at Loughborough University, told us that it was important to distinguish between free speech and free reach. He argued that whilst people should be allowed to circulate things that are distasteful and violate certain norms on social media, it is much more questionable whether that content should be allowed to spread as virally as content that does not violate these norms.¹⁶⁹
94. Misinformation, abuse and bullying are the legal but harmful elements that are within the scope of the White Paper and were also identified in our evidence as posing a threat to representative democracy. Misinformation undermines the ability of citizens to have a meaningful conversation about the future shape of society and for this reason we recommend at the outset of this Report that misinformation and disinformation should be within scope.
95. Abuse and hate speech can deter people from taking part in public life. This affects both figures on the national stage and the everyday lives of ordinary members of the public. We heard from Dr Rosalynd Southern and her colleagues at the University of Liverpool that a majority of MPs received abuse online.¹⁷⁰ This abuse was often misogynistic or racist in nature and

164 Index on Censorship, Index on Censorship submission to Online Harms White Paper consultation, (June 2019): <https://www.indexoncensorship.org/wp-content/uploads/2019/07/Online-Harms-Consultation-Response-Index-on-Censorship.pdf> [accessed 13 May 2020]

165 DCMS and Home Office, [Online Harms White Paper – Initial consultation response](#)

166 [Q 3](#) (Baroness O’Neill of Bengarve)

167 [Q 2](#) (Baroness O’Neill of Bengarve)

168 JS Mill, *On Liberty* (London: Penguin, 1974), p 119

169 [Q 52](#) (Professor Cristian Vaccari)

170 Written evidence from the University of Liverpool ([DAD0022](#))

attempted to silence or dismiss the target. As the Joint Committee on Human Rights found in 2019, abuse of MPs is a serious problem and more action is needed to tackle abuse found on social media.¹⁷¹

96. Similar abuse can also deter young people from taking part in democratic discussion online. Professor Peter Hopkins and his colleagues told us about his research with young Muslims in the UK, which showed that young people engaged with democracy through social media also received racist and Islamophobic abuse.¹⁷² This had the effect of making them feel more marginalised and less inclined to participate. As discussed above the societal harm to democracy is closely linked to the harm these children experience as individuals.
97. The difficulty with acting on harmful but legal content without unduly affecting freedom of expression has been recognised by Ministers working on Online Harms legislation. They have stated that this work will not prevent adults from accessing or posting legal content, nor will it require companies to remove specific pieces of legal content.¹⁷³
98. Dr Jennifer Cobbe from the University of Cambridge told us that the content by itself is not the problem.¹⁷⁴ She argued that a conspiracy theory video that is only seen by 10 people is not a public policy issue and only becomes a problem when it is disseminated to a large audience and is presented alongside a lot of similar content. Dr Cobbe explained that the problem occurs because of the platforms' recommendation systems. These are the algorithmically determined processes that platforms use to decide what content to show to users and in what order. She argued that although regulating this algorithmic recommendation would have some freedom of expression effects in deciding that certain communications should not be disseminated as widely as others, the content would remain on the website and could still be found by those who searched for it or if it were shared directly by other people.¹⁷⁵ This would be less detrimental to free expression than removing the content. This view was summarised by Alaphia Zoyab, Senior Campaigner at Avaaz who argued that everyone should be free to share whatever they want on social media, but there is a need for intervention where it spreads virally through algorithmic recommendation.¹⁷⁶

Platforms' ultimate responsibility under a duty of care

99. Technology platforms have expressed a preference that regulation should focus on process rather than looking at the impact of their platforms. Facebook's white paper on regulating online content suggests that regulation which targets specific metrics rather than focusing on getting platforms to improve their processes risks creating perverse incentives.¹⁷⁷ Katy Minshall, Head of UK Government, Public Policy and Philanthropy at Twitter told us they thought that Facebook made a compelling point, and that regulators should consider a more holistic picture by looking at systems and processes.

171 Joint Committee on Human Rights, *Democracy, freedom of expression and freedom of association: Threats to MPs* (First Report of Session 2019, HC 37, HL Paper 5)

172 Written evidence from Professor Peter Hopkins ([DAD0053](#)) and ([DAD0056](#))

173 DCMS and Home Office, *'Online Harms White Paper – Initial consultation response'*

174 [Q 163](#) (Dr Jennifer Cobbe)

175 [Q 164](#) (Dr Jennifer Cobbe)

176 [Q 164](#) (Alaphia Zoyab)

177 Facebook, 'Charting a Way Forward – Online Content Regulation' (February 2020): <https://about.fb.com/news/2020/02/online-content-regulation/> [accessed 13 May 2020]

100. However, there is a strong case for platforms being required to take greater responsibility to protect their users from harm. It might not be the case that simply setting out good practice on dealing with certain harms is sufficient to reduce the harms platforms cause. We heard from several witnesses that it is the fundamental business models of technology platforms that directly lead to the harm. Alaphia Zoyab from Avaaz argued that as platforms want to retain your attention for as long as possible there is an incentive to promote triggering and the more outrageous forms of content.¹⁷⁸ Dr Jennifer Cobbe told us that platforms prioritise engagement and that in practice means they promote content that is shocking, controversial or extreme.¹⁷⁹
101. These concerns about platforms incentivising extreme content are evidenced by the fact that some of the most popular creators on social media have promoted hate speech and misinformation. Felix Kjellberg (known as PewDiePie) operates one of the largest channels on YouTube and has 105 million subscribers, many of whom are children.¹⁸⁰ His channel has previously featured him paying people to perform Nazi salutes and hold a sign saying “Death to all Jews” in an attempt at humour.¹⁸¹ Logan Paul, another successful creator on YouTube, invited onto his video podcast Alex Jones, a far-right conspiracy theorist who suggested that a school shooting in the US was orchestrated by the US government, and who has also been banned from YouTube.¹⁸² Most recently, the professional boxer Amir Khan and actor Woody Harrelson both posted to their Instagram profiles, to 1.3 and two million followers respectively, material about the fundamentally false conspiracy theory that COVID-19 was caused or amplified by the implementation of 5G.¹⁸³ A similar effect can be seen with the ‘Plandemic’ COVID-19 conspiracy video; its reach was greatly expanded by being shared by individuals with large numbers of followers including a doctor who had appeared on The Oprah Winfrey show and a Mixed Martial Arts Fighter.¹⁸⁴
102. Mark Zuckerberg, the CEO of Facebook, has stated that one of the biggest issues social networks face is that, when left unchecked, people will engage disproportionately with more sensationalist and provocative content.¹⁸⁵ However, he suggests that this is a feature of human nature seen just as much in cable news and tabloids as it is on social media. Mr Zuckerberg argues that Facebook is working to minimise sensationalist content and we have heard

178 Q164 (Alaphia Zoyab)

179 Written evidence from Dr Jennifer Cobbe (DAD0074)

180 YouTube, PewDiePie, https://www.youtube.com/channel/UC-IHJZR3Gqxm24_Vd_AJ5Yw [accessed 22 June 2020]

181 Vox, ‘YouTube’s most popular user amplified anti-Semitic rhetoric. Again.’ (13 December 2018): <https://www.vox.com/2018/12/13/18136253/pewdiepie-vs-tseries-links-to-white-supremacist-alt-right-redpill> [accessed 13 May 2020]

182 BBC, ‘Logan Paul ‘unwise’ to do Alex Jones YouTube interview’ (11 April 2019): <https://www.bbc.co.uk/news/technology-47852628> [accessed 13 May 2020] and ‘Facebook, Apple, YouTube and Spotify ban Infowars’ Alex Jones’, *The Guardian* (5 August 2018): <https://www.theguardian.com/technology/2018/aug/06/apple-removes-podcasts-infowars-alex-jones> [accessed 13 May 2020]

183 New Statesman, ‘How celebrities became the biggest peddlers of 5G coronavirus conspiracy theories’ (6 April 2020): <https://www.newstatesman.com/science-tech/social-media/2020/04/how-celebrities-became-biggest-peddlers-5g-conspiracy-theory-coronavirus-covid-19> [accessed 13 May 2020]

184 ‘How the ‘Plandemic’ Movie and Its Falsehoods Spread Widely Online’, *New York Times* (20 May 2020): <https://www.nytimes.com/2020/05/20/technology/plandemic-movie-youtube-facebook-coronavirus.html?referringSource=articleShare> [accessed 27 May 2020]

185 Mark Zuckerberg, ‘A Blueprint for Content Governance and Enforcement’, (November 2018): <https://www.facebook.com/notes/mark-zuckerberg/a-blueprint-for-content-governance-and-enforcement/10156443129621634/> [accessed 13 May 2020]

from Google that it is also trying to do the same with YouTube.¹⁸⁶ However, as we explain in Chapter 4 on transparency, platforms have not been clear about what exactly they are doing to minimise such content and the effect of these efforts. There are credible accounts of the internal decisions made inside of these platforms that suggest that despite being aware of the problems platforms have been reluctant to make all the changes necessary to reduce the spread of this type of content.¹⁸⁷ Platforms have further undermined this work by exempting elected representatives from many of these policies, as discussed in more detail in the second Chapter on informed citizens.

103. As discussed in the previous chapter, when we asked Vint Cerf why Google was promoting misinformation on its platforms, he told us that algorithmic systems can be brittle.¹⁸⁸ Mr Cerf told us that machine learning can make mistakes when small changes that would be imperceptible to humans cause the system to think it is looking at something entirely different. Whilst this is an understandable technical limitation that all platforms face, it is unclear why the responsibility should lie with a regulator to suggest improvements in the processes behind these systems, rather than on the platforms themselves.
104. Karim Palant, UK Public Policy Manager at Facebook, told us that he hoped there would be iterative conversations between platforms and regulators about their expectations and what is proportionate to prevent the spread of harms before fines were given out.¹⁸⁹ This may well be the right way forward, but ultimately the responsibility should lie with the platforms to uphold their duty of care to prevent harms even in the absence of a relevant code of practice that advises them on how this must be done.
105. As discussed above, the issue is not that platforms must be responsible for all content on their platforms but rather that they are responsible for content that they spread at scale. This means that platforms should have a greater responsibility to ensure that content that is being widely shared is not harmful before it can do further damage. This is one of the lessons being learned from the COVID-19 pandemic. As well as shouldering greater responsibility for content that they spread peer to peer across a network, platforms must take particular responsibility for users with large audiences on their platforms.
106. Platforms that have content creators with audiences in the tens of millions clearly have a greater responsibility for this content than for content which is produced by creators with audiences in the single digits. These large creators are effectively in business relationships with the platforms they post. In some cases, creators are being paid millions of pounds per year in advertising revenue or tens of millions to create content exclusively for a specific platform.¹⁹⁰ However, it is not clear that platforms are taking additional action to ensure that those with larger audiences are not posting content that can be shown to be harmful.

186 Supplementary written evidence from Google ([DAD0101](#))

187 'Facebook Executives Shut Down Efforts to Make the Site Less Divisive', *Wall Street Journal* (May 2020): <https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499?mod=searchresults&page=1&pos=1> [accessed 3 June 2020]

188 [Q 243](#) (Vint Cerf)

189 [Q 300](#) (Karim Palant)

190 Socialblade, PewDiePie: <https://socialblade.com/youtube/user/pewdiepie> [accessed 13 May 2020] and Business Insider, 'Ninja reportedly got paid between \$20 million and \$30 million by Microsoft to leave Amazon's Twitch streaming service' (27 January 2020): <https://www.businessinsider.com/how-much-did-ninja-make-for-leaving-twitch-2020-1?r=US&IR=T> [accessed 13 May 2020]

107. What ‘virality’ and large audience mean will differ according to the three-prongs described by Sarah Connolly. Large platforms should be expected to be able to devote more resources to reviewing content and face larger fines for failing to do so. Platforms should have a greater responsibility for more impactful harms and should need to act at lower levels of virality than creators with smaller audiences. Platforms like YouTube that have partnership programmes to pay creators directly should accept a far greater responsibility for the output of those creators.
108. *For harmful but legal content, Ofcom’s codes of practice should focus on the principle that platforms should be liable for the content they rank, recommend or target to users.*
109. *The Government should include as a provision in the Online Harms Bill that Ofcom will hold platforms accountable for content that they recommend to large audiences. Platforms should be held responsible for content that they recommend once it has reached a specific level of virality or is produced by users with large audiences.*
110. *The Government should empower Ofcom to sanction platforms that fail to comply with their duty of care in the Online Harms Bill. These sanctions should include fines of up to four per cent of global turnover and powers to enforce ISP blocking of serially non-compliant platforms.*

Content moderation oversight

111. Dr Tarleton Gillespie, a Senior Principal Researcher at Microsoft Research, explains in his book on the subject that content moderation is the process by which platforms decide what content is or is not allowed on their platform. He argues that although platforms like to suggest that this a peripheral part of their activities, it defines what the platform is and the conversation it allows to take place on it.¹⁹¹
112. Katie O’Donovan, Head of UK Government Affairs and Public Policy at Google, told us that most of their content review is done by machine learning. She stated that humans set the community guidelines and then machine learning is used to identify the content that breaches those guidelines.¹⁹² Google told us that 90.7 per cent of the videos it removed from YouTube were first flagged by machines and, of those, 64.7 per cent were removed before the videos had any views.¹⁹³ Karim Palant from Facebook told us that at Facebook human moderators look at user reports that have been flagged to them, although much of this flagging is done by automated processes. It is unclear to what extent this represents a difference in the way moderation is practiced by the two platforms or merely a difference in emphasis, with Facebook emphasising the human element and Google emphasising the quality of its machine learning.
113. These processes are what determines the de facto boundaries of free expression that users have on these platforms. There is very little transparency and accountability to the public over what they are or are not allowed to say on these platforms. This falls directly within the scope of the proposed Online

191 Tarleton Gillespie, *Custodians of the Internet: platforms, content moderation, and the hidden decisions that shape social media* (New Haven: Yale University Press, 2018)

192 [Q 253](#) (Katie O’Donovan)

193 Supplementary written evidence from Google ([DAD0101](#))

Harms framework that suggests that platforms should prevent harm whilst protecting free expression online.

114. The evidence we have received suggests that ensuring free expression online is not the priority for content moderation processes. Professor Sarah Roberts, Co-Director of the Centre for Critical Internet Inquiry at UCLA, told us that the main concern behind platforms' content moderation activities was brand management.¹⁹⁴ A member of Facebook's content policy team told Dr Tarleton Gillespie that Facebook's moderation process was built around repeated operations at high scale. The employee explained the need for decisions to work at scale rather than focus on being thorough by stating that "it's not a courtroom. It's UPS"¹⁹⁵.¹⁹⁶
115. We heard that the focus of platforms was on moderating inexpensively rather than accurately and that this is reflected in the working conditions of some of the human moderators. Professor Sarah Roberts told us that platforms were constantly seeking sites that will provide labour at the lowest cost. Her research with moderators in the Philippines found that moderators were given approximately half a minute to decide whether certain types of content should be removed.¹⁹⁷ Furthermore, Professor Roberts told us that moderators frequently deal with disturbing content including sexual exploitation or abuse of children. As a result, moderators either cease to be good at their job because they are traumatised by what they have seen, or through repetition they become desensitised to these types of extreme content.¹⁹⁸
116. It is not clear that automated content moderation makes better decisions than human moderators. The Electronic Frontier Foundation, an American non-profit organisation that seeks to defend civil liberties in a digital world, argues that replacing human moderators with automation creates a more secretive process in which people's content is removed inaccurately.¹⁹⁹ Sarah Connolly from DCMS told us that for subjects like hate speech where there is not a clear line between a slur and the re-appropriation of language by an affected community, human eyes are needed to understand the wider context.²⁰⁰ This is particularly concerning in the context of COVID-19. During this public health crisis where moderators could not attend a physical workplace, platforms decided that rather than allow moderators to access private information from home, they would primarily rely on automation to remove misinformation about the virus.²⁰¹
117. Even before the pandemic, platforms like Facebook did not empower their moderators to make the best decision possible. Karim Palant from Facebook told us that they reduce the contextual information that is available

194 [Q 170](#) (Professor Sarah Roberts)

195 United Parcel Service, an international logistics company.

196 Dr Tarleton Gillespie, *Custodians of the Internet: platforms, content moderation, and the hidden decisions that shape social media* (New Haven: Yale University Press, 2018) p 111

197 [Q 172](#) (Professor Sarah Roberts)

198 [Q 174](#) (Professor Sarah Roberts)

199 Electronic Frontier Foundation, 'Content Moderation is Broken. Let us Count the Ways' (April 2019): <https://www.eff.org/deeplinks/2019/04/content-moderation-broken-let-us-count-ways> [accessed 13 May 2020]

200 [Q 16](#) (Sarah Connolly)

201 The Verge, 'The coronavirus is forcing tech giants to make a risky bet on AI' (18 March 2020): <https://www.theverge.com/interface/2020/3/18/21183549/coronavirus-content-moderators-facebook-google-twitter> [accessed 13 May 2020]

to moderators in order to protect users' privacy and to ensure against bias. This approach was criticised by the Reuters Institute which argued that moderators should have greater access to contextual information.²⁰² They gave the example of an image from the holocaust which has a very different significance when posted by a Holocaust survivor or by a Neo-Nazi. A report from Yale Law School commissioned by Facebook to audit its transparency process suggests that Facebook does sometimes use this context for moderation decisions.²⁰³ It notes that Facebook routinely reviews moderation decisions using a reviewing panel and that this panel is given more information about the context of the post, including some additional details about the history of the user who posted the content and the user who reported the content.

Appealing platforms' decisions

118. The Online Harms White Paper states that users should have the right to appeal moderation decisions.²⁰⁴ However, it is unclear what mechanism would be used to ensure the quality of this appeal process. The White Paper makes clear that the regulator's role would not be to monitor individual decisions and instead only to regulate companies' policy and processes.
119. Many individuals' experience of something going wrong online has been mishandled. Polling from Doteveryone found that approximately a quarter of the public say they have reported something and nothing happened as a result.²⁰⁵
120. Facebook is in the process of creating an independent Oversight Board which would act as a final appeals body that could overrule moderation decisions made by Facebook. This could be an effective part of corporate governance. However, this should not be seen as anything beyond that. The Oversight Board provides Facebook advice on content moderation decisions. This helps create an externally visible avenue of appeal. However, the platform is under no legal obligation to take its advice and has only made a commitment to accept its decisions on individual pieces of content. The board is not, as the name might suggest, providing broader oversight of Facebook and does not provide an independent accountability mechanism. Facebook recently announced the international membership of the Oversight Board, but the process is global and seeks to make decisions across cultures,²⁰⁶ which may also prevent it from being effective.
121. A global body will not necessarily be well placed to determine what content should be removed in the UK. We heard from Professor Safiya Noble, Co-Director of the Centre for Critical Internet Inquiry at UCLA, that

202 Reuters Institute, 'GLASNOST! Nine ways Facebook can make itself a better forum for free speech and democracy', (December 2018): https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2019-01/Garton_Ash_et_al_Facebook_report_FINAL_0.pdf [accessed 13 May 2020]

203 Facebook Data Transparency Advisory Group, Report of the Facebook Data Transparency Advisory Group, (April 2019) p 13: https://law.yale.edu/sites/default/files/area/center/justice/document/dtag_report_5.22.2019.pdf#page=13 [accessed 13 May 2020]

204 DCMS and Home Office, Online Harms White Paper, CP 57, (April 2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793360/Online_Harms_White_Paper.pdf [accessed 13 May 2020]

205 Doteveryone, People, Power and Technology: The 2020 Digital Attitudes Report, (May 2020): https://www.doteveryone.org.uk/wp-content/uploads/2020/05/PPT-2020_Soft-Copy.pdf [accessed 13 May 2020]

206 Oversight Board, 'Meet the Board': <https://www.oversightboard.com/meet-the-board/> [accessed 13 May 2020]

moderators can fail to understand the social context in which remarks are made. She highlighted the fact that something that might be blatantly racist in one culture could be imperceptible for a person from another culture.²⁰⁷ Dr Ysabel Gerrard from the University of Sheffield told us that platforms should be aiming to moderate at a local, not global level.²⁰⁸

122. Will Moy, the Chief Executive of Full Fact, told us that the idea that technology platforms were best placed to say where the balance lies between harm and free expression in all the different countries in which they operate was laughable. He argued that there should be an open, democratic, transparent process defining where that balance lies in the UK.²⁰⁹ Doteveryone told us that that the UK should develop an ombudsman-style body to adjudicate on content takedown decisions if cases are of sufficient importance, for example if they relate to the abuse of a political figure or have been broadcast to a minimum threshold of users. They argued that content standards must ultimately be defined according to the public's values founded on rigorous democratic debate.²¹⁰ In their submission to the Online Harms White Paper consultation, the ICO suggested that in addition to a regulator to oversee policy there should be an ombudsman to deal with complaints that have not been satisfactorily dealt with between the user and the platform.²¹¹
123. One of the concerns with improving moderation is the volume of material that could have to be considered. Sarah Connolly from DCMS told us that the sheer number of uploads and amount of material that needs to be looked at makes moderation difficult.²¹² Karim Palant from Facebook stated that Facebook's rules are designed and written to be enforced at scale based on millions of reports.²¹³ Caroline Dinenage MP, Minister for Digital and Culture, told us that the size and scale of the online world would mean that the volume of traffic sent to an ombudsman would be massive and could overwhelm an organisation.²¹⁴ The size of a problem does not remove the necessity of it being tackled. Whilst there would undoubtedly be a large number of potential cases for the ombudsman, this does not mean that there should not be one. Facebook's Oversight Board will face an even greater challenge in dealing with complaints from Facebook's users across the globe. Like the Oversight Board this ombudsman should prioritise cases on the basis of where its decisions can have the most impact. In addition, other parts of the Online Harms work should improve moderation processes and reduce the number of cases that would need an ombudsman. However, an ombudsman that only had the power to overturn a single issue would struggle to make a meaningful impact on users' experience of a platform.

207 [Q 172](#) (Professor Safiya Noble)

208 Written evidence from Dr Ysabel Gerrard ([DAD0093](#))

209 [Q 93](#) (Will Moy)

210 Written evidence from Doteveryone ([DAD0037](#))

211 Information Commissioner's Office, 'The Information Commissioner's response to the Department for Digital, Culture, Media & Sport consultation on the Online Harms White Paper' (July 2019) <https://ico.org.uk/media/about-the-ico/consultation-responses/2019/2615232/ico-response-online-harms-20190701.pdf> [accessed 13 May 2020]

212 [Q 16](#) (Sarah Connolly)

213 [Q 307](#) (Karim Palant)

214 [Q 340](#) (Caroline Dinenage MP)

124. Mackenzie Common, a researcher at LSE, has argued that content moderation procedures could be improved by establishing a system of precedent.²¹⁵ This could be problematic if each case were unique and difficult to judge. However, that is not how it is described by platforms. A content policy manager at Facebook described this to Dr Tarleton Gillespie:

“The huge scale of the problem has robbed anyone who is at all acquainted with the torrent of reports coming in of the illusion that there was any such thing as a unique case. ... On any sufficiently large social network everything you could possibly imagine happens every week, right? So there are no hypothetical situations, and there are no cases that are different or really edge. There’s no such thing as a true edge case. There’s just more and less frequent cases, all of which happen all the time.”²¹⁶

125. There is a case for a greater transparency in content moderation and holding platforms to account for inconsistency in their practice which we discuss in Chapter 2. In this case, establishing clear standards would allow for the decisions of an independent ombudsman to help improve the quality of content moderation. Caroline Dinenage MP told us that Ofcom could use a super complaints system, where there are many complaints about a single issue, to feed into their horizon scanning approach in determining what ‘good’ looks like.²¹⁷ The ombudsman’s decisions could feed directly into this process. There are important decisions to be made about how widely the ombudsman’s rulings bind future content moderation.²¹⁸ The platform will need to work with Ofcom and the ombudsman to determine this and the best way for the platform to implement this.
126. This ombudsman should not have an absolute say over what must be included on a platform. It is not desirable that an ombudsman should be able to overrule the rights of a platform owner if they do not wish to host content that they find objectionable as set out in their terms and conditions or community standards.
127. ***The Government should establish an independent ombudsman for content moderation decisions to whom the public can appeal should they feel they have been let down by a platform’s decisions. This ombudsman’s decisions should be binding on the platform and in turn create clear standards to be expected for future decisions for UK users. These standards should be adjudicated by Ofcom, with platforms able to make representations on how they are applied within their moderation processes. The ombudsman should not prevent platforms removing content which they have due cause to remove.***

215 Mackenzie Common, ‘Fear the Reaper: How Content Moderation Rules are Enforced on Social Media’ (January 2019): https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3405337 [accessed 13 May 2020]

216 Dr Tarleton Gillespie, *Custodians of the Internet: platforms, content moderation, and the hidden decisions that shape social media*, (New Haven: Yale University Press 2018) p 77

217 [Q 340](#) (Caroline Dinenage MP)

218 ‘In Lieu of Fun, Episode 43: Nicole Wong and Alex MacGillivray’ (6 May 2020) YouTube video, added by In Lieu of Fun: <https://youtu.be/oYRMd-X77w0?t=2135> [accessed 13 May 2020]

Parliamentary oversight

128. Appointing a regulator and an ombudsman to counteract online harms only achieves part of the goal of bringing democratic accountability to technology platforms. There must also be democratic oversight for these bodies. The decisions that Ofcom and the ombudsman will make may at times be deeply political and as such their decisions should flow from a parliamentary mandate. Will Moy of Full Fact suggested that social media companies were currently setting the rules because Parliament had failed to act.²¹⁹
129. The Online Harms White Paper suggested there should be a role for Parliament in overseeing the regulator through the process of laying an annual report and accounts before Parliament, and responding to requests for information.²²⁰ The White Paper's consultation asked about what Parliament's role should be.²²¹ Respondents strongly supported Parliament having a defined oversight role over the regulator. This included several bodies suggesting establishing a dedicated body to review codes of practice to ensure consistency with existing civil liberties.
130. We agree that Parliament should have a strong role in overseeing the regulator. Yet merely laying an annual report and accounts before Parliament would not be sufficient. The Electoral Commission and its oversight by the Speaker's Committee provides a better model and one that would ensure greater parliamentary oversight and independence, and engagement with the regulator from Government.²²² The Speaker's Committee sets the budget of the Electoral Commission and thereby better protects it from political interference. Just as the Electoral Commission's role in elections requires neutrality and independence so this work which judges free expression online requires that same level of independence.
131. This need for independence from Government can be seen from other countries' attempts to tackle disinformation. In Singapore, the Government has the ability to remove all online information that it deems to be incorrect and not in the public interest.²²³ This power vested in the Government inevitably led to the first uses of the law being to take down posts critical of the Government.²²⁴ The way the UK acts in creating independent oversight for a regulator with powers so closely related to free expression will be closely watched by other countries. Caroline Dinenage MP, Minister for Digital and Culture, told us that many countries are watching how the UK delivers its Online Harms regulation.²²⁵ We should be careful not to provide an example that helps legitimise the actions of authoritarian regimes. To ensure this, any committee established to oversee this area of activity should be constituted in a way that ensured there was no inbuilt government majority.

219 [Q 93](#) (Will Moy)

220 DCMS and Home Office, Online Harms White Paper, CP 57, April 2019: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793360/Online_Harms_White_Paper.pdf [accessed 13 May 2020]

221 DCMS and Home Office, '[Online Harms White Paper – Initial consultation response](#)'

222 UK Parliament, 'Speaker's Committee on the Electoral Commission': <https://committees.parliament.uk/committee/144/speakers-committee-on-the-electoral-commission> [accessed 13 May 2020]

223 Parliament of Singapore, *Protection from Online Falsehoods and Manipulation Bill* (April 2019): <https://www.parliament.gov.sg/docs/default-source/default-document-library/protection-from-online-falsehoods-and-manipulation-bill10-2019.pdf> [accessed 13 May 2020]

224 The Verge, 'Singapore's fake news law should be a warning to American lawmakers' (3 December 2019): https://www.theverge.com/interface/2019/12/3/20991422/singapore-fake-news-law-censorship-politics-usa?mc_cid=e1af9c8950&mc_eid=81d7bde7ce [accessed 13 May 2020]

225 [Q 337](#) (Caroline Dinenage MP)

The committee's independence could be further underpinned by taking its membership from both Houses of Parliament.

132. The proposed committee's role should be to ensure transparency and accountability in the work of the regulator and the ombudsman. This committee would represent the public and ensure that platforms are being held accountable for their decisions by the regulator and the ombudsman. This includes representing citizens who are not in a position to take action on their own behalf, including children who make up a third of internet users.²²⁶ However, both the regulator and the ombudsman should be independent and empowered to make decisions on the policy and practice of technology platforms. The proposed committee should not be a court of appeal for cases that are overseen by the regulator and the ombudsman.
133. The proposed committee should play a key role in selecting the ombudsman's chief executive in order to ensure independence from the Government. This would follow the example of the House of Commons Treasury Select Committee having the power to veto the Government's choice of the Chair of the Office for Budget Responsibility. There should also be parliamentary oversight for Ofcom's leadership. However, Ofcom's work is broader than this Online Harms work. The DCMS Select Committee have requested a role in the appointment process and we would support that with the ability of this new joint committee to feed into that process.²²⁷
134. ***Parliament should set up a joint committee of both Houses to oversee Ofcom's Online Harms work and that of the proposed ombudsman. This committee should be constituted so that there can be no Government majority amongst its Members. The committee should ensure an adequate budget for this portion of Ofcom's work. Ofcom should be obliged to submit all codes of practice to the Committee for scrutiny.***
135. ***The joint committee should set the budget for the content moderation ombudsman. The committee should hold an appointment hearing with the ombudsman's proposed chief executive and hold the power of veto over their appointment.***

Regulatory capacity

136. In order for these measures to provide effective accountability for the technology platforms, the relevant regulators must be able to keep pace with technological change. Alongside Ofcom, who have been the focus of much of this Chapter, there are several other regulators that have a role to play in ensuring that democracy can flourish in a digital society. This includes the ICO, the ASA, the CMA, and the Electoral Commission.

226 Written evidence from 5Rights Foundation ([DAD0082](#))

227 DCMS Committee, [The Online Harms White Paper](#) (Twelfth Report, Session 2017–19, HC 2431) p 7

Box 3: The Regulators

Advertising Standards Authority (ASA)

In the UK, general advertising and direct marketing across all media is regulated by the ASA, under the principle that adverts must be “legal, decent, honest and truthful.”

Advertisements made by companies and third sector bodies (such as voluntary and community organisations) must adhere to ASA rules. However, non-broadcast political advertising which principally aims to influence voters in local, regional, national or international elections or referendums is exempt under Rule 7 of the CAP Code and is not regulated by the ASA.

Competition and Markets Authority (CMA)

The CMA is an independent non-ministerial department which leads the Government’s Digital Markets Taskforce, and seeks to regulate the digital sphere by: enabling disruptors to challenge incumbents; empowering consumers through choice and control; supporting quality services and content online and providing industry, especially SMEs, with fair access to digital markets to be able grow their businesses.

Electoral Commission

The Electoral Commission is an independent body which regulates the funding of political parties, individual party members, and candidates, as well as organisations campaigning in referenda. It is distinct from other regulators for being answerable to Parliament. It also enforces inclusion of imprints of printed election material under the Political Parties, Elections and Referendums Act 2000.

Information Commissioner’s Office (ICO)

The ICO is the independent regulatory office in charge of upholding information rights in the interest of the public. The organisation covers the Data Protection Act 2018 (DPA), Freedom of Information Act and the Privacy and Electronic Communications Regulations.

Under the DPA, all organisations that process personal information must register with the ICO, who publish the names and addresses of the data controllers. They also include a description of the type of processing each organisation performs.

Ofcom

Ofcom oversees telecommunications, post, broadcast TV and radio (including the BBC’s output), has duties in relation to broadcast advertising and regulates certain online video services. It has a statutory duty to promote media literacy, under which it carries out research into people’s use of online services such as social media and video sharing platforms. In February 2020 the Government announced it was “minded” to grant new powers to Ofcom as the regulator for online harms.

137. In January, we hosted an informal workshop with representatives from relevant regulators, technology companies and external experts to discuss regulatory capacity and innovation in this area.²²⁸ This focused on the challenges that regulators face in adapting to the digital environment. Issues raised included a need for greater collaboration between regulators and the industry, the importance of regulators having a wide skill base and being able to attract talent from industry, and the growing resource constraint that regulators face.
138. In taking evidence, we heard particular concern voiced about the digital capacity of the Electoral Commission. Democracy Club, a civic technology company, told us that the Electoral Commission does not have an in-house digital team and has not been given the tools necessary to pursue its aims in a digital age.²²⁹ Full Fact argued that the Electoral Commission needs better funding and a strong technology team to develop the tools necessary to monitor spending as it happens, so that fraud or misuse is caught before it can have affected the outcome of elections or referendums.²³⁰ Doteveryone similarly stated that the Electoral Commission was hamstrung by limited resources and that it was vital that it build the digital capabilities needed to anticipate and respond to future developments in digital campaigning. It recommended that the Electoral Commission should work with the CDEI and the Better Regulation Executive to develop the horizon scanning capacities needed to identify emerging challenges. Louise Edwards, Director of Regulation at the Electoral Commission, told us that the Commission felt it had the resources to enforce the current framework and that the issue was that the existing legal framework prevented the Commission from regulating elections properly in a digital age.²³¹ We will return to the regulation of elections in Chapter 6, however, it is not clear that the digital expertise and resources are currently available to the Commission to oversee its desired level of digital innovation.
139. We also heard other concerns about the under resourcing of other regulators. Alex Krasodonski-Jones, from Demos, suggested that the ICO was woefully under-resourced. Elizabeth Denham, the Information Commissioner, told us that although a regulator could always make a case for additional resources, she believed that the lack of resources at the Electoral Commission was of greater concern.²³²
140. Beyond the lack of resources, additional concerns were raised about the difficulty caused by the number of regulators with varying remits. Baroness O’Neill of Bengarve felt that even with the variety of existing regulators, it was difficult to be confident that all concerns about democracy online were covered by any regulator or which regulator that might be.²³³ Caroline Elsom, Senior Researcher at the Centre for Policy Studies, argued that there were at least five regulators working in this space which in turn brought a real risk of overregulating the technology industry in the UK.²³⁴

228 For more information on the regulatory innovation workshop, please see Appendix 5.

229 Written evidence from Democracy Club CIC ([DAD0045](#))

230 Written evidence from Full Fact ([DAD0042](#))

231 [Q 212](#) (Louise Edwards)

232 [Q 290](#) (Elizabeth Denham)

233 [Q 6](#) (Baroness O’Neill)

234 [Q 34](#) (Caroline Elsom)

141. A number of different models for encouraging better co-operation between regulators have been suggested. Many of these arrangements focus on the existence or creation of formal structures through which regulators meet. The House of Lords Communications Committee in its report on regulating in a digital world suggested the creation of a digital authority to oversee regulators operating in this space.²³⁵ This suggestion was made before the Online Harms White Paper was published and Ofcom was designated as its regulator. The report suggested that this digital authority should have a pool of staff resources that could support the activity of any of the relevant regulators. The Information Commissioner told us that her office had proposed a joint board of regulators to co-ordinate regulatory activity to ensure that all the relevant regulators were not pursuing the same technology company at the same time but from slightly different angles.²³⁶ She suggested that this should be done in a way that did not create a large and cumbersome layer of bureaucracy but which allowed for greater co-ordination and the sharing of expert resources. The ICO's proposal is modelled on the Regulatory Reform (Collaboration etc. between Ombudsmen) Order 2007 which allows the Local Government and Social Care Ombudsman, and the Parliamentary and Health Service Ombudsman to work together on a joint investigation if a complaint covers both jurisdictions.²³⁷ In addition to these formal structures, there are also examples of regulators developing more informal networks and means of collaboration. The Artificial Intelligence (AI) Regulator Group, for example, was created by the ICO in early 2019 and brings together over 20 regulators including the ASA, the National Institute for Health and Care Excellence, the Civil Aviation Authority, Bank of England, Environment Agency, Ofsted and others to discuss best practice in the use of AI by regulators, and the possible focus of future AI regulation. This network adopts an agile approach to creating and dissolving working groups on specific issues of common interest, such as data sharing and facilitating collaboration between regulators. Ofcom and the ICO are also both members of the UK Regulators Network which is a partnership between regulators in the financial and transport sectors to share knowledge and explore cross-cutting issues.²³⁸
142. Kevin Bakhurst, Group Director of Content and Media Policy at Ofcom, stated that there is an important role in looking for areas of overlap between regulators to ensure that people do not feel as if they are being regulated twice. His then-colleague, Tony Close, Director of Content, Standards Licencing and Enforcement, told us that whilst they already had a very structured relationship with the ASA, a more formal relationship with all regulators in this area is likely to be beneficial.²³⁹ Louise Edwards of the Electoral Commission told us that she could see some advantage to more cross-cutting investigations, but stressed the need to share sufficient information with other regulators for this to be effective.²⁴⁰

235 Communications Committee, *Regulating in a digital world* (2nd Report, Session 2017–19, HL Paper 299)

236 [Q 292](#) (Elizabeth Denham)

237 Information Commissioner's Office, 'The Information Commissioner's response to the Department for Digital, Culture, Media & Sport consultation on the Online Harms White Paper' (July 2019) p 11: <https://ico.org.uk/media/about-the-ico/consultation-responses/2019/2615232/ico-response-online-harms-20190701.pdf> [accessed 13 May 2020]

238 The UK Regulators Network, 'About': <https://www.ukrn.org.uk/about/> [accessed 13 May 2020]

239 [Q 283](#) (Tony Close)

240 [Q 211](#) (Louise Edwards)

143. The ICO's proposal is founded on the idea of regulators in this space still maintaining clear independence from each other. Their respective remits would define the limits of the proposed cooperation. The Commissioner told us that as creatures of statute they need to remain independent and to carry out their own intended statutory role.²⁴¹ However, in light of the economic damage caused by the COVID-19 pandemic, there will be increased pressure on public sector spending including the funding of regulators. The newly created digital levy could provide some of the funding to support online regulation, along with additional funding from fines proposed in this Chapter and in Chapter 6 on reforming electoral law, but there will be an overwhelming need for resources to be used efficiently.
144. Ofcom have relied on a model of being funded by the industries they regulate. This may struggle to translate to the digital world. The ASA, for example, has seen its funding fall as advertising moves online. This is because Google and Facebook are unwilling to levy advertisers in the same way traditional media owners do. Traditional media owners levy a fee on advertising to fund the ASA allowing advertisers to opt out where they wish to whilst Google allows advertisers to opt in. In practice few chose to opt out from traditional media and few now choose to opt in online.²⁴² Online platforms have preferred to fund and participate in industry bodies such as the Internet Advertising Bureau UK which sets voluntary minimum standards for its members. A lack of funding is a particular concern as the ASA's workload has increased as it covers online content. Since 2011 the ASA has regulated claims made on brand owners' websites and social media and as of 2019 this made up just over a third of the ASA's workload.²⁴³
145. One particular issue we heard about was the need to attract people with digital expertise to work for regulators. Rachel Coldicutt, then CEO of Doteveryone, told us that many of the people who have this expertise were currently working in the industry and more needed to be done to make it attractive for them to move into regulatory roles.²⁴⁴ The Institute for Government has previously found similar issues across Government in trying to attract people with the requisite digital skills.²⁴⁵ Kevin Bakhurst of Ofcom told us that previous experience suggested that when their work had expanded to cover new areas they were able to attract new talent as individuals were interested in adding a regulatory role to their CV. Individuals came to work for Ofcom for a couple of years and Ofcom benefited as a result.²⁴⁶ Tony Close told us that there was merit in people from the private sector going into the regulator and people from the regulator moving into the private sector. Since we heard from Mr Close, he has moved to work for Facebook.²⁴⁷ There may be a case for creating a central pool of digital expertise from which this talent can be drawn which could support the work of the different digital regulators, for

241 [Q 292](#) (Elizabeth Denham)

242 Mediatel, 'Apple TV's luvvie hell; and the ASA funding crisis' (1 April 2019): <https://mediatel.co.uk/news/2019/04/01/apple-tvs-luvvie-hell-and-the-asa-funding-crisis/> [accessed on 26 May 2020]

243 Advertising Standards Authority, *Annual report 2019* (3 June 2020): <https://www.asa.org.uk/resource/asa-and-cap-2019-annual-report.html> [accessed 15 June 2020]

244 [Q 35](#) (Rachel Coldicutt)

245 Institute for Government, 'Making a success of digital government' (October 2016) p 23: https://www.instituteforgovernment.org.uk/sites/default/files/publications/IFGJ4942_Digital_Government_Report_10_16%20WEB%20%28a%29.pdf [accessed 13 May 2020]

246 [Q 282](#) (Kevin Bakhurst)

247 'Facebook poaches social media regulator Tony Close from Ofcom', *The Times* (29 April 2020): <https://www.thetimes.co.uk/article/facebook-poaches-tony-close-from-ofcom-mdrkv7t2w> [accessed 13 May 2020]

example, supporting the Electoral Commission to develop tools to be used in a General Election.

146. The CDEI acts as an advisory body to Government situated within the DCMS, although it also has its own independent board.²⁴⁸ Its role in bringing together policymakers, industry and civil society to help develop the right governance regime for data-drive technologies makes it well placed to look into the question of how regulators should oversee this area.
147. *The Government should introduce legislation to enact the ICO's proposal for a committee of regulators that would allow for joint investigations between regulators in the model of the Regulatory Reform (Collaboration etc between Ombudsmen) Order 2007. This committee should also act as a forum to encourage the sharing of best practice between regulators and support horizon scanning activity.*
148. *The CDEI should conduct a review of regulatory digital capacity across the CMA, ICO, Electoral Commission, ASA and Ofcom to determine their levels of digital expertise. This review should be completed with urgency, to inform the Online Harms Bill before it becomes law. The CDEI should work with Ofcom to help determine its role in online regulation. The review should consider:*
 - (a) *What relative levels of digital expertise exist within regulators, and where skills gaps are becoming evident;*
 - (b) *How these regulators currently draw on external expertise, and what shared system might be devised for seeking advice and support;*
 - (c) *What changes in legislation governing regulators would be needed to allow for a shared pool of digital expertise and staffing resource that could work between and across regulators;*
 - (d) *How this joint pool of staffing resource could be prioritised and funded between regulators.*

248 Department for Digital, Culture, Media & Sport and Department for Business, Energy & Industrial Strategy, 'Stellar new board appointed to lead world-first Centre for Data Ethics and Innovation' (November 2018): <https://www.gov.uk/government/news/stellar-new-board-appointed-to-lead-world-first-centre-for-data-ethics-and-innovation> [accessed 2 June 2020]

CHAPTER 4: TRANSPARENCY

149. In the previous Chapter we made proposals for how technology platforms should be held to account. This requires greater transparency. Transparency helps effective regulation by enabling regulators to understand what they are trying to regulate and empowering civil society to spot deficiencies. At the same time transparency cannot be thought of by itself and must come with measures to secure redress and accountability.
150. Transparency lies at the heart of trust in a democratic society. For the public to be able to believe that individuals and organisations with power are not abusing their position the public must be able to understand how power is being used. For this same reason, openness and honesty are two of the tenets in the Nolan principles of public life.²⁴⁹ Technology platforms wield enormous power over our public conversation and transparency should be a condition for permitting that to continue.
151. We are under no illusions about transparency being a panacea, and we acknowledge its efficacy depends on accountability mechanisms outlined in the previous Chapter. Baroness O’Neill of Bengarve warned us that transparency was not always effective and can result in data confusing those individuals who cannot understand it.²⁵⁰ This frames our general approach to this issue. Alex Krasodomski-Jones from Demos told us that it was important to establish who transparency is for. As well as transparency for the public, maximum transparency must be given to researchers in academia, civil society and news media, as well as to Government.²⁵¹
152. Transparency should look different for different audiences. The act of publishing information, by itself, will not solve all problems for all audiences. Platforms should tailor the information they release to fit the needs of the audience it is intended for. We believe that transparency for the public should be based on empowering them to act by providing them with the information they need at the time it is most useful to them. We address the public’s needs in Chapter 7 on active digital citizens.
153. In this Chapter we focus on the transparency of the processes undertaken by technology platforms. It is not realistic to expect individual members of the public to read detailed disclosure documents or conduct data analysis. The primary audience for this will be independent researchers, civil society, regulators and Government. However, these recommendations will empower civil society and regulators to interrogate platforms’ activities and provide independent explanations to the public. This is vital to ensure public trust in digital platforms.
154. Tony Close, then Director of Content Standards, Licensing and Enforcement at Ofcom, told us that part of creating effective codes of practice lies in having a comprehensive evidence base.²⁵² Too often, a high-quality evidence base about online platforms does not exist. As Professor Rasmus Kleis Nielsen, Director of the Reuters Institute, told us, this area is filled with nuggets of information that have developed a life of their own and are treated as an

249 Committee on Standards in Public Life, ‘The 7 principles of public life’ (May 1995): <https://www.gov.uk/government/publications/the-7-principles-of-public-life> [accessed 13 May 2020]

250 Q 8 (Baroness O’Neill of Bengarve)

251 Q 37 (Alex Krasodomski-Jones)

252 Q 285 (Tony Close)

independent fact, separate from the anecdotal or poor-quality research from which they originate.²⁵³

155. A more informed public debate is in the long-term interests of all parties as it encourages sensible well-evidenced regulation and helps enrich democracy. By failing to co-operate with researchers to develop a better understanding of how they work platforms foster mistrust and risk incentivising low quality regulation focused on the wrong issues. In this Chapter we look at some of the areas where evidence is lacking and outline practical ways to improve platform transparency.

Do platforms cause polarisation and degrade democratic discourse?

156. One of the key questions our inquiry has looked at is the extent to which platforms have structural features which contribute to political polarisation and damage political discourse by promoting discord and disharmony. Whilst we have heard indications that this might be the case, the evidence base at present is far from strong enough to support effective regulation in this area. Below we explore possible mechanisms and establish the need for more research in each area.

Targeted advertising

157. One of the most commonly suggested mechanisms through which platforms could dramatically alter democratic discourse is in facilitating the micro-targeting of political advertising. Dr Martin Moore of King's College London told us Facebook allows political campaigners to use an extraordinary amount of personal data to target political messages at small groups of people. He stated that it also gives campaigners the opportunity to engage in A/B testing of adverts, where two different versions are tested to see which performs better, which can be achieved at a remarkable scale with campaigns putting out 50,000 to 100,000 adverts per day.²⁵⁴
158. It is not clear whether advertising on such a scale is persuasive and changes the course of democratic events. Dr Moore highlighted the fact that social media can elicit a strong behavioural response, influencing people to action rather than necessarily having strong persuasive results.²⁵⁵ Paul Bainsfair, Director General at the Institute of Practitioners in Advertising, told us that from a commercial perspective this behavioural activation was the advantage of online advertising. He suggested that online advertising was effective to book a holiday if you had already searched online for one but that other forms of advertising like TV were better at creating a long-lasting impression about a brand.²⁵⁶ Dr Luke Temple and Dr Ana Lager told us that the evidence is not clear on the effect of online political advertising as to whether it has any persuasive effect or if it simply reminds people to vote for the candidate they already preferred.²⁵⁷ Eric Salama, then Chief Executive at Kantar, argued that the strength of online targeting was in reinforcing perceptions.²⁵⁸ This could mean that weaker opinions that are loosely held are transformed into

253 [Q 143](#) (Professor Rasmus Kleis Nielsen)

254 [Q 49](#) (Dr Martin Moore)

255 [Q 48](#) (Dr Martin Moore)

256 [Q 71](#) (Paul Bainsfair)

257 Written evidence from Dr Ana Lager and Dr Luke Temple ([DAD0048](#))

258 [Q 71](#) (Eric Salama)

more strongly held beliefs. He made it clear that the types of data available to political parties were similar to those available to commercial advertisers.²⁵⁹

159. Eric Salama also stressed the difficulty of evaluating the efficacy of political advertising. He noted that whilst commercial advertisers can look at sales, ultimately political adverts aim to influence votes, which happen infrequently, and there is no way to verify how someone voted.²⁶⁰
160. Paddy McGuinness, former Deputy National Security Adviser, told us that there was a conspiracy of silence around the lack of effect that it was possible to have through networks like Facebook. He suggested that this was because it was not in the advertising industry's interest to admit how little effect online advertising has.²⁶¹
161. Ben Scott, Director of Policy and Advocacy at Luminate, presented a different picture. He noted that it was a long-term mystery of communication studies that research could not find a specific effect of advertising, but they did know that if brands stopped advertising their market share declined.²⁶² He suggested that the effects of advertising should be thought of as systemic rather than having a simple causal relationship. Mr Scott also stated that AI researchers believed that targeted messaging combined with AI could be used to persuade people and alter their behaviours.
162. In all this evidence it is hard to identify the effect that online microtargeting is thought to have, and in what way it could be harmful. Microtargeting happens in political campaigns offline as well as online. Parties use large datasets of personal information to target leaflets in a similar manner to which they target online adverts.²⁶³ Consultancies like Cambridge Analytica made bold claims suggesting a quasi-magical power to control voters, but they have produced no robust evidence of their impact.²⁶⁴ Despite the lack of research showing the extraordinary effects claimed by these practitioners there are legitimate concerns about their malign impact on democracy. Whistle-blowers and independent journalists have highlighted the unethical nature of this activity. The work of Cambridge Analytica and others has increased the perception of technology as a tool to subvert democracy. In this way micro-targeted advertising has undermined trust in our democratic system.
163. The Institute of Practitioners in Advertising felt there could be regulation to suggest minimum audience thresholds for targeting in order to protect open, collective debate.²⁶⁵ In a similar vein, during the course of our inquiry, Google changed their policy to ban advertising from being targeted at any more granular level than age, gender and postcode.²⁶⁶ At this stage, there is insufficient evidence as to whether this sort of change would have

259 [Q 75](#) (Eric Salama)

260 [Q 74](#) (Eric Salama)

261 [Q 116](#) (Paddy McGuinness)

262 [Q 116](#) (Ben Scott)

263 International Institute for Democracy and Electoral Assistance, Digital Microtargeting: Political Party Innovation Primer 1, (June 2018): <https://www.idea.int/sites/default/files/publications/digital-microtargeting.pdf> [accessed 13 May 2020]

264 Felix Simon, "'We power democracy": Exploring the promises of the political data analytics industry', The Information Society, vol 35, (2019): <https://www.tandfonline.com/eprint/eipY4qK62HUBDTwDhHPd/full?target=10.1080/01972243.2019.1582570> [accessed 13 May 2020]

265 Written evidence from the Institute for Practitioners in Advertising ([DAD0026](#))

266 Google The Keyword, 'An update on our political ads policy' (November 2019): <https://www.blog.google/technology/ads/update-our-political-ads-policy/> [accessed 13 May 2020]

a meaningful effect or whether AI and A/B testing could have the same suggested persuasive effect at the proposed adjusted scale. Nor is the evidence currently sufficient to justify a different approach for online microtargeted advertising to that of offline microtargeted leaflets.

164. Keith Weed, President of the Advertising Association, argued that from a commercial perspective microtargeting was beneficial to the user as they were not forced to see irrelevant advertising. The same argument could be made about political advertising. Facebook also made the point that, whilst less targeted advertising is cheaper per person reached, microtargeted advertising allows smaller campaigns to get their message out to specific audiences where they would struggle to afford other types of advertising.²⁶⁷
165. There is a need for immediate safeguards that should be in place to prevent political campaigns from misusing this technology. We look at these in detail in Chapter 6 on free and fair elections. Beyond these immediate safeguards, before we can craft effective wider regulation, greater co-operation from platforms is needed in order for research to establish the extent to which looser targeting criteria changes the persuasive effects of advertising or whether there are other elements, specific to online targeted advertising, that are a cause for particular concern. This will facilitate future regulation in this area.

Foreign interference

166. A more specific worry that we heard was that platforms offer a new frontier for hostile governments to interfere with our democratic process. The Government told us that there has not been any successful interference in UK elections.²⁶⁸ However, whether this statement is true or not depends on how success is defined. Presumably the Government's criteria for success is changing the outcome of the election. Yet this is not the only potential criteria to consider. Foreign actors could affect the margin of an election result or merely be perceived as having done so and in doing so undermine trust in democracy. Elisabeth Braw, Director of the Modern Deterrence Project at the Royal United Services Institute (RUSI), used the example of the US 2016 presidential elections to show the problems with the Government's statement. She told us that whilst it was hotly debated to what extent Russia influenced that election, the important fact was that a large proportion of the American population thought that Russia had.²⁶⁹ Lisa-Maria Neudert, Commission Secretary at the Oxford Technology and Elections Commission, stated that interference was not aimed at spreading a specific message but was instead focused on sowing mistrust in the political system in general.²⁷⁰ We heard from Siim Kumpas, Adviser to the Government Office of Estonia, that no politician in Estonia doubts the importance of tackling foreign interference from Russia. However, it is unclear what level of threat it presents in the UK.
167. Ben Scott of Luminate argued that while it was difficult to determine the effect of foreign interference, it was having an effect. He explained that misinformation already exists and circulates online, and foreign states such as Russia only have to use their online networks to nudge the conversation

267 Written evidence from Facebook ([DAD0081](#))

268 Written evidence HM Government ([DAD0034](#))

269 [Q 116](#) (Elisabeth Braw)

270 [Q 116](#) (Lisa-Maria Neudert)

in one direction or another.²⁷¹ Mr Scott told us that we currently lack the information we would need to know to what extent this action is decisive, or to what extent it represents a small part of an already large misinformation system. Paddy McGuinness disagreed about the level of threat foreign interference presents but agreed on the same basic fact that foreign states were attempting to influence UK democracy using social media.²⁷² He argued that the criteria for success for states like Russia were very low as they just have to add a little instability at a time when a country is vulnerable. Mr McGuinness stated that we do the job of hostile governments for them by talking up the threat they pose.

168. There is a need for greater research into the scale of misinformation put out by foreign governments. Sir Julian King, former EU Security Commissioner told us that there was a need for independent research scrutiny of alleged pieces of disinformation in order to map patterns of activity and better prepare for dealing with such activity in the future.²⁷³
169. For now, addressing this interference should be done through ensuring platforms can better tackle misinformation as we examine in Chapter 2, and by better preparing our citizens to understand the information we see online as discussed in Chapter 7.

Filter bubbles

170. Another way it has been suggested that technology platforms undermine democratic discourse is through the creation of filter bubbles. The Government told us, and stated in its Online Harms White Paper, that social media platforms use algorithms which can lead to filter bubbles where a user is presented with only one type of content instead of seeing a range of voices or opinions.²⁷⁴ Given the Government's prominent endorsement of this theory in this major policy programme, it could be thought that there was strong evidence to suggest that this is a widespread phenomenon and represents a particular problem on online platforms. However, this does not appear to be the case.
171. Professor Helen Margetts, Professor of the Internet and Society at the University of Oxford and Director of the Public Policy Programme at The Alan Turing Institute, told us that human beings naturally prefer echo chambers.²⁷⁵ Echo chambers can be a naturally occurring phenomenon where people speak to others who have similar opinions as opposed to the idea of filter bubbles which are driven by platforms' algorithms. She said that the most perfect echo chamber would be to rely on a single news source like CNN, Fox News or the Daily Express. Professor Margetts told us that the research on the subject suggested the idea of online echo chambers has been exaggerated, with most social media users seeing a wider variety of news sources than non-users. Professor Cristian Vaccari from Loughborough University stated that his research from across the globe found that social media users were more likely to encounter views they disagreed with online and that echo chambers were more likely to exist in face to face conversation where people are likely to talk with those with whom they already agree.²⁷⁶

271 [Q 115](#) (Ben Scott)

272 [Q 115](#) (Paddy McGuinness)

273 [Q 234](#) (Sir Julian King)

274 Written evidence from HM Government ([DAD0034](#))

275 [Q 47](#) (Professor Helen Margetts)

276 [Q 47](#) (Professor Cristian Vaccari)

Previous research that suggested the existence of echo chambers has been criticised for not acknowledging the breadth of different media individuals use, and the amount of media choice available online.²⁷⁷

172. Dr Martin Moore told us that whilst there has never been a single public sphere, previously it was more constrained, and online platforms, particularly smaller platforms, allowed for a more atomised public sphere.²⁷⁸ This leads to a situation where some elements become more and more extreme. Professor Helen Margetts stated that what evidence there was of filter bubbles developing was in groups of older people and parts of the American right.²⁷⁹ The Oxford Internet Institute suggested that only a small portion of the population online were likely to find themselves in political echo chambers.²⁸⁰
173. The Online Harms White Paper suggests there might be a need to ensure that social media platforms increase the range of views that individuals encounter to counter the rise of echo chambers.²⁸¹ Given the evidence suggests that social media users already encounter a more diverse variety of news than non-users, this does not appear to be the right approach. What appears to be significant is the design decisions taken by social media platforms in determining the content that users see. This suggests that the Online Harms White Paper should focus not on a specific action designed to counter a problem for which evidence is contested but should instead explore how design decisions taken by platforms influence user experiences. More research is needed on the relationship between the media people consume, social media recommendation systems and polarisation.
174. There is also a need for a greater understanding of the risk factors for the minority of users who could end up in echo chambers and ways in which these echo chambers can be better identified. Furthermore, research is needed to understand whether these echo chambers can normalise extremist views for those within them and the behaviours this may create.

Algorithmic design and outrage factories

175. A more general version of this concern is that the structure of platforms incentivises divisive content and that they effectively act as ‘outrage factories’. However, it is not clear that platforms are unique in functioning this way. Dr Ysabel Gerrard told us that the defining feature of social media platforms was showing people what they wanted to see, favouring extremism and powerful emotion over measured rational expression.²⁸² As discussed in the previous Chapter, Mark Zuckerberg argues that people have an innate tendency toward more shocking and outrageous content which applies just as much to cable news and tabloids as it does to social media platforms.²⁸³ Professor Cristian Vaccari told us that we should think of social media’s

277 Elizabeth Dubois and Grant Blank, ‘The echo chamber is overstated: the moderating effect of political interest and diverse media’, *Information, Communication & Society*, vol 21 (2018): <https://www.tandfonline.com/doi/full/10.1080/1369118X.2018.1428656> [accessed 13 May 2020]

278 Q 47 (Dr Martin Moore)

279 Q 47 (Professor Helen Margetts)

280 Written evidence from the Oxford Internet Institute (DAD0060)

281 DCMS and Home Office, Online Harms White Paper, CP57, April 2019, p 71: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793360/Online_Harms_White_Paper.pdf [accessed 27 May 2020]

282 Written evidence from Dr Ysabel Gerrard (DAD0093)

283 Mark Zuckerberg, ‘A Blueprint for Content Governance and Enforcement’, (November 2018): <https://www.facebook.com/notes/mark-zuckerberg/a-blueprint-for-content-governance-and-enforcement/10156443129621634/> [accessed 13 May 2020]

connection with traditional media.²⁸⁴ He argued that the biggest outrage factory in the US was Fox News and that there was a connection with Facebook in that Fox News was the most shared news source on Facebook. Professor Vaccari also highlighted the fact that tabloids are outrage factories and that they are shared widely on social media. He noted that people who shared tabloid stories were also more likely to share misinformation. Professor Rasmus Kleis Nielsen of the Reuters Institute told us that high media literacy was associated with reading more upmarket newspapers and being less likely to share disinformation. This suggests that the amount of outrageous content on social media partly represents people's pre-existing media habits being shared online.

176. The alternative argument is that social media companies' business models are based on promoting outrageous content. Professor Safiya Noble of UCLA told us that we should think of these platforms primarily as advertising platforms which are designed to optimise performance for those advertisers who pay for them.²⁸⁵ Dr Jennifer Cobbe from the University of Cambridge argued that this meant that platforms are designed around keeping people on the platform longer so that they can be served more advertising.²⁸⁶ Christoph Schott of Avaaz also told us that the goal of platforms is to keep users for as long as possible, which might make them draw on more simple emotions such as outrage and hatred as these are what is popular.²⁸⁷ However, both Dr Cobbe and Mr Schott stressed that this ends up with advertisers appearing alongside content that they would not wish to be associated with, and when informed about it, removing their advertising from that content.²⁸⁸ We also heard from advertisers that they would not want to advertise next to dangerous content.²⁸⁹ Facebook has made the argument that it is not in its business interest to encourage this type of contentious content as an ugly, emotional atmosphere does not make people click adverts.²⁹⁰
177. Targeted advertising, foreign interference and echo chambers can contribute to platforms' role in polarisation. Targeted advertising can spread further if it includes outrageous content and is shared organically. Foreign interference also uses outrageous content to further its spread. Similarly, extreme content created in echo chambers can spread widely and become normalised.
178. Given that advertisers would not wish to be adjacent to outrageous content, it is therefore not in the ultimate business interest of social media platforms to create or spread outrageous content, the priority is to study the causes and prevalence of such content. This could include looking more closely at user behaviour to see when and why people share this type of content; and what elements of platforms' design increases or decreases the spread of such content, and how the most negative aspects of this situation can be improved.

Access for independent researchers

179. In each of the cases identified above, more research is needed, which requires independent researchers to have greater access to data from technology

284 Q 47 (Professor Cristian Vaccari)

285 Q 170 (Professor Safiya Noble)

286 Q 163 (Dr Jennifer Cobbe)

287 Q 163 (Christoph Schott)

288 Q 166 (Dr Jennifer Cobbe, Christoph Schott)

289 Q 80 (Keith Weed, Paul Bainsfair)

290 Hertie School of Governance, 'How to regulate the internet? Nick Clegg speech', (June 2019): <https://soundcloud.com/thehertieschool/how-to-regulate-the-internet> [accessed 13 May 2020]

platforms. Whilst on occasion the experts we heard from disagreed, their clear consensus was that there was not enough data because platforms did not allow independent research to audit their performance. Ben Scott from Luminate told us that the anecdotal data he had seen suggested targeted advertising and foreign interference were platform problems but that we are forced to rely on incident reports rather than comprehensive data due to platforms not sharing their data.²⁹¹ He suggested that we need an independent review of the effects of platforms to ensure we understand exactly what is going on. Paddy McGuinness disagreed about what he thought the anecdotal data showed but agreed that it was essential for independent non-state organisations to look at the data and explain to the public what was happening.²⁹² Both stressed that in order to trust technology platforms we must be able to verify their activities and effects.

180. Researchers told us that it was very difficult to study the effects of the large platforms. Alex Krasodonski-Jones from Demos told us that over the past five or six years many of the tools that he used to monitor these spaces have stopped functioning, meaning that is harder to understand what is happening on these platforms.²⁹³ Professor Helen Margetts told us that no one had the types of data needed to do the necessary research.²⁹⁴ A recent review of the data sharing policies across the major platforms found major issues on each platform with the exception of Reddit.²⁹⁵ Professor Margetts stated that it was very difficult to measure the effects of echo chambers, misinformation or hate speech without access to this data.²⁹⁶ Professor Cristian Vaccari similarly told us that in many areas there were legitimate concerns but no data, and without that one cannot determine the size of the effect or the number of people it applies to.²⁹⁷ Professor Vaccari told us that initiatives he had worked with had failed to secure voluntary collaboration from Facebook to release more data and that in order for there to be progress it would be necessary for countries to mandate that platforms release data to researchers as a condition of operating in that country.²⁹⁸
181. In the period between us hearing from academic researchers and taking evidence from the technology platforms, there was a breakthrough in data sharing with Facebook. In February, Facebook gave Social Science One, a collaboration between Facebook and researchers like Professor Vaccari, a dataset including more than a billion gigabytes of data about URLs²⁹⁹ that had been shared on Facebook.³⁰⁰ This will be a useful dataset that will help researchers better understand some of the issues we have identified. Whilst revealing the potential for collaboration between platforms and researchers, improvements are needed as access remains limited to only select researchers and progress in granting access to data has been slow.

291 [Q 115](#) (Ben Scott)

292 [Q 115](#) (Paddy McGuinness)

293 [Q 37](#) (Alex Krasodonski-Jones)

294 [Q 48](#) (Professor Helen Margetts)

295 Lynge Asbjørn Møller and Anja Bechmann, Research Data Exchange Solution (2019): <https://www.disinfoobservatory.org/download/26541>, [accessed 13 May 2020]

296 [Q 51](#) (Professor Helen Margetts)

297 [Q 54](#) (Professor Cristian Vaccari)

298 [Q 54](#) (Professor Cristian Vaccari)

299 Uniform Resource Locator, a unique web address for online content.

300 Gary King and Nathaniel Persily, 'Unprecedented Facebook URLs Dataset now Available for Academic Research through Social Science One', Social Science One, Harvard University, (February 2020): <https://socialscience.one/blog/unprecedented-facebook-urls-dataset-now-available-research-through-social-science-one> [accessed 13 May 2020]

182. We heard that Social Science One have found Facebook’s interpretation of the General Data Protection Regulations (GDPR) to be quite restrictive, making data sharing difficult. Overcoming this barrier has proven especially difficult as Facebook has so far refused to release its legal analysis. We asked Karim Palant from Facebook if they would consider publishing this legal analysis and he stated that their legal assessments are subject to legal privilege and remain confidential.³⁰¹ It is worth noting that it appears that Facebook do not have such a restrictive interpretation of GDPR when it comes sharing data with their commercial partners. Facebook’s commercial partners have greater data access in some areas than external researchers.³⁰²
183. The Centre for Data Ethics and Innovation (CDEI) have suggested that the best way forward would be for the Online Harms regulator to consult with the ICO to develop a model that ensures all access to data is provided in full compliance with the GDPR with the ICO producing a statutory code of practice for researcher access to platform data. The GDPR allows for data sharing for research purposes under Article 89 and allows states to create codes of conduct under Article 40 and this is reflected in Section 128 of the Data Protection Act 2018.³⁰³
184. There are some quick wins that can be achieved without requiring additional innovation in establishing users’ privacy.³⁰⁴ Platforms have Application Programming Interfaces (APIs) that allow commercial partners to access data from their platforms. Access to these APIs would help researchers. Beyond this there is a need for deep partnership between platforms and independent researchers to collaborate and publish research into matters of public interest. There is also a need for innovation from platforms to provide researchers with access to sensitive data in controlled environments. The practice of research ‘clean rooms’ allows researchers to access and manipulate data with an environment controlled by the data provider. Facebook has previously established similar protocols for advertisers.³⁰⁵ There is a need to develop and more widely facilitate this clean rooms model to enable future high-quality research.
185. Ben Scott told us that the best empirical analysis of what is happening on digital disinformation lies within research universities across the world but that they need resources and more data to pursue this work. This should be a priority.³⁰⁶
186. Vint Cerf from Google told us that Google works with and funds researchers that have gone through their internal peer review process.³⁰⁷ However, this cannot be the extent of research access to these important platforms. For this research to be trustworthy it must be truly independent of these platforms and the research topic must selected by be the regulator and the academic rather than the platforms themselves. In practice, this means that Ofcom should have the power to compel companies to facilitate research on topics that are in the public interest. This could be done by instructing Ofcom to work

301 [Q 298](#) (Karim Palant), supplementary written evidence from Facebook ([DAD0108](#))

302 Written evidence from Dr Rebekah Tromble ([DAD0104](#))

303 Data Protection Act 2018, [section 128](#)

304 Written evidence from Dr Rebekah Tromble ([DAD0104](#))

305 ad exchanger, ‘Facebook Shares More audience Data Via Carefully Controlled ‘Clean Rooms’ (18 July 2017): <https://www.adexchanger.com/platforms/facebook-shares-audience-data-via-carefully-controlled-clean-rooms/> [accessed 13 May 2020]

306 [Q 121](#) (Ben Scott)

307 [Q 251](#) (Vint Cerf)

with UKRI and the research councils to run a rolling funding call whereby researchers could propose projects that require currently unavailable data access. Ofcom would form part of the assessment panel, and act to facilitate successful research calls. In line with established research requirements, this publicly funded research would then need to be published on an open access platform to ensure its use for the public good. If platforms fail to comply then they should be seen to be failing to fulfil their duty of care and be sanctioned for it.

187. *Ofcom should be given the power to compel companies to facilitate research on topics that are in the public interest. The ICO should, in consultation with Ofcom, prepare statutory guidance under Section 128 of the Data Protection Act 2018 on data sharing between researchers and the technology platforms. Once this guidance is completed, Ofcom should require platforms to:*
- (a) *Provide at least equivalent access for researchers to APIs as that provided to commercial partners;*
 - (b) *Establish direct partnerships with researchers to undertake user surveys and experiments with user informed consent on matters of substantial public interest;*
 - (c) *Develop, for sensitive personal information, physical or virtual ‘clean rooms’ where researchers can analyse data.*

Algorithmic transparency

188. Alongside this call for data transparency, we heard of the need for additional transparency about how platforms use algorithmic recommendation systems. Caroline Elsom of the Centre for Policy Studies told us that there was a need to compel social media platforms to be more transparent about how their algorithms work.³⁰⁸ Matthew d’Ancona, Editor and Partner at Tortoise Media, told us that platforms’ algorithms are black boxes that they do not want to open but that are used to reinforce prejudice and to shut down debate.³⁰⁹
189. Platforms have been very reluctant to provide additional transparency. Vint Cerf argued that additional transparency was not necessarily due to the fact that its ranking criteria and properties are public, so researchers can do experiments to determine if Google’s intent in its criteria are being realised.³¹⁰ However, this does not accurately describe the reality of how YouTube works.

308 [Q 38](#) (Caroline Elsom)

309 [Q 110](#) (Matthew D’Ancona)

310 [Q 246](#) (Vint Cerf)

Box 4: How Google's algorithms work

Vint Cerf provided a short explanation of how Google Search weights different pages using its algorithm:

“The amount of information on the world wide web is extraordinarily large. There are billions of pages. We have no ability to manually evaluate all that content, but we have about 10,000 people, as part of our Google family, who evaluate websites. We have perhaps as many as nine opinions of selected pages. In the case of search, we have a 168page document given over to how you determine the quality of a website.

... Once we have samples of webpages that have been evaluated by those evaluators, we can take what they have done and the webpages their evaluations apply to, and make a machinelearning neural network that reflects the quality they have been able to assert for the webpages. Those webpages become the training set for a machinelearning system. The machinelearning system is then applied to all the webpages we index in the world wide web. Once that application has been done, we use that information and other indicators to rankorder the responses that come back from a web search.

There is a twostep process. There is a manual process to establish criteria and a goodquality training set, and then a machinelearning system to scale up to the size of the world wide web, which we index.”³¹¹

190. It is not possible to assess how Google produces the training datasets for YouTube. Google has published the evaluation criteria that it uses to assess Google Search results and claims that these are the same used to evaluate YouTube results.³¹² However, the document published solely uses examples from Google Search to explain what quality looks like and does not indicate what quality looks like in a YouTube video. This document is used to rate web pages from high to low quality to determine search weightings for Google Search. YouTube's borderline content programme does not rely on a rating from high to low quality but instead produces a binary decision of whether to include a YouTube video within its recommendation system or not. This would strongly suggest a quite different document exists for evaluating YouTube content. When we asked Google how it determines borderline content on YouTube, we were directed to its community guidelines.³¹³ These do not explain this process. Despite repeated questioning of Google on this important point we failed to achieve greater transparency on how this programme works.
191. Google have sought to contrast its algorithmic ratings with subjective determinations by humans of the truth.³¹⁴ However, these ratings ultimately boil down to the subjective ratings of the humans who evaluate web pages. This is presumably why Google collects up to nine reviews of each page it ranks.³¹⁵ Katie O'Donovan, Head of UK Government Affairs and Public Policy at Google, told us that Google works with external experts to ensure

311 [Q 241](#) (Vint Cerf)

312 YouTube Help, 'External evaluators and recommendations': <https://support.google.com/youtube/answer/9230586> [accessed 13 May 2020]

313 [Q 255](#) (Vint Cerf)

314 Written evidence from Google ([DAD0086](#))

315 [Q 241](#) (Vint Cerf)

their machine learning tools correctly determine what is an authoritative response, but Google has not told us who these experts are.³¹⁶

192. At the other end of the algorithm, it is not possible to determine what YouTube is recommending to users of its website. YouTube recommends videos to people based on the content that they have seen before. Its recommendation system is personalised. This means that external attempts to study YouTube's algorithm are limited either to using anonymous recommendations (based on a person with no viewing history) or creating artificial profiles. The lack of data available here has led to disputes in the research community about whether or not YouTube's algorithm can have a radicalising effect.³¹⁷ Researchers on both side of the dispute agree that all studies are limited by the lack of access to data on what personalised recommendations YouTube is making.³¹⁸
193. Katie O'Donovan told us that Google's reticence to be more transparent was based on negative previous experience. She explained that in Google's early days it published a paper on its search algorithm and quite quickly and systematically websites began paying to game the system.³¹⁹ Whilst this is an argument against publishing additional details it does not apply to providing regulators with additional access. Dr Jennifer Cobbe told us that transparency to oversight bodies provided less risk of people using that information to game the system as they would not have access to it.³²⁰ She explained that it was reasonable for platforms to have concerns around commercial secrecy but they can be confident that regulators will not pass on the information. Alaphia Zoyab from Avaaz reiterated the fact that regulators routinely see commercially sensitive information and social media companies should not be exempt from that degree of scrutiny.³²¹

Algorithmic bias

194. One particular problem with algorithmic recommendation systems is that they can have biases against certain groups. Roger Taylor, Chair of the CDEI, told us that there was clear evidence of bias in these systems although it is often unintentional. He cited the example of the fact that in many scenarios it is cheaper to target advertising online toward men than towards women.³²² Dr Jennifer Cobbe told us that it is exceptionally difficult, if not impossible, to fully remove bias from machine-learning systems.³²³ This can be due to the fact that the dataset the model is trained on is not large enough and that it will de-prioritise things that it has not been trained on. Dr Cobbe also stated that this can be due to the system being trained on historical datasets that encode into the algorithm the structural issues that existed in society when that dataset was collected. She explained that if the designer has not tested or audited the system widely enough then potential biases will materialise.

316 [Q 241](#) (Katie O'Donovan)

317 FFWD, 'YouTube's Deradicalisation Argument is Really a Fight about Transparency' (December 2019): <https://ffwd.medium.com/youtubes-deradicalization-argument-is-really-a-fight-about-transparency-fe27af2f3963> [accessed 13 May 2020]

318 @mark_ledwich, tweet on 29 December 2019: https://twitter.com/mark_ledwich/status/1211097618920591360 and @random_walker, tweet on 29 December 2019: https://twitter.com/random_walker/status/1211263398383624193

319 [Q 246](#) (Katie O'Donovan)

320 [Q 166](#) (Dr Jennifer Cobbe)

321 [Q 166](#) (Alaphia Zoyab)

322 [Q 192](#) (Roger Taylor)

323 [Q 167](#) (Dr Jennifer Cobbe)

195. One real life disputed example of this phenomena comes from YouTube. A number of LGBT+ YouTube creators are suing YouTube in the US because they claim that YouTube is disproportionately removing advertising from LGBT+ creators' videos.³²⁴ This removes their ability to make money from their videos and reduces the viability of LGBT+ media outlets using YouTube as a platform. One study of YouTube's algorithm found that an otherwise identical video would be demonetised if it used words related to LGBT+ people.³²⁵ Conversely, when words like "gay" and "lesbian" were changed to random words like "happy" the status of the video changed to being advertiser friendly. When we asked representatives from Google about this phenomenon we were told that it could not comment on live cases.³²⁶ Whilst it is understandable that Google did not wish to comment on something subject to current litigation, lack of transparency here makes it difficult to know what went wrong in this situation and how it could be stopped in the future.
196. One informed guess for why this might have happened is that the data that YouTube used to train its algorithm included more LGBT+ content in its non-advertiser friendly example data (for example LGBT+ sex education videos are not advertiser friendly) than in its advertiser friendly example data.³²⁷ This may be because content on YouTube that explicitly states it is LGBT+ in its title is more likely to be 'non-advertiser friendly' than content that does not. However, this does not justify removing the ability of all LGBT+ content to receive income from advertisers.
197. Dr Jennifer Cobbe told us that platforms could prevent their algorithms from discriminating against specific groups by auditing and testing these algorithms as broadly as possible and making sure that the datasets used to train the algorithms were as representative as possible.³²⁸ However, she warned that there would need to be legal and regulatory incentives in order to persuade companies to undergo this testing.³²⁹ In other areas this sort of testing is being done by regulators. Guy Parker, CEO of the ASA, told us that they were conducting avatar monitoring where they were creating online profiles to resemble those of different aged children and testing whether they were receiving adverts which were inappropriate for their age group.³³⁰ If YouTube undertook this sort of auditing it is unlikely that it would have discriminated against LGBT+ creators in the way that is alleged.
198. There is already law in this area that is relevant. The Equality Act 2010 prevents direct discrimination against people with certain protected characteristics (including sexual orientation and gender reassignment). It also prevents indirect discrimination. Indirect discrimination occurs when a provision, criterion or practice which applies in the same way for everybody has an effect which disadvantages people with a protected characteristic. Where a particular group is disadvantaged in this way, a person in that group

324 FFWD, 'Creators are forcing YouTube's LGBTQ problem out into the open' (14 August 2019): <https://ffwd.medium.com/creators-are-forcing-youtubes-lgbtq-problem-out-into-the-open-efb0a51f343e> [accessed 13 May 2020]

325 Beurling, 'Demonetization report', https://docs.google.com/document/d/18B-X77K72PUCNIV3tGonzeNKNkegFLWuLxQ_evhF3AY/edit [accessed 13 May 2020]

326 Q 245 (Katie O'Donovan)

327 'There is no Algorithm for Truth – with Tom Scott' (24 October 2019), YouTube video, added by The Royal Institution, <https://youtu.be/leX541Dr2rU?t=578> [accessed 13 May 2020]

328 Q 167 (Dr Jennifer Cobbe)

329 Q 164 (Dr Jennifer Cobbe)

330 Q 58 (Guy Parker)

is indirectly discriminated against if he or she is put at that disadvantage, unless the person applying the policy can justify it as a proportionate means of achieving a legitimate aim. In the absence of further evidence, it is unclear whether the alleged algorithmic demonetisation is direct or indirect discrimination and to what extent it is a proportionate means of achieving a legitimate aim. There is a case that could be made however that in order to comply with existing equality law, platforms should already be engaged in algorithmic audits to ensure against discrimination on the basis of characteristics protected in the Act. This may be an area that the Equality and Human Rights Commission should investigate.

199. The Equality Act 2010 includes the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.³³¹ There may be a case for platforms to audit their algorithms for characteristics beyond this. One potential area is political bias. However, we acknowledge that there are clear challenges to auditing for this. There are political opinions that are banned on online platforms. Facebook has an explicit ban on praising, supporting and representing white nationalism and white separatism.³³² Policy aiming to reduce political bias in algorithms should not seek to reverse this. It would therefore be difficult to establish a spectrum of acceptable political viewpoints on which platforms should be audited, especially at the global scale that these platforms operate. Another possible area would be auditing to ensure against bias on the basis of socio-economic class. This would be less straightforward than auditing for characteristics under the Equality Act which have more established practices partly due to having existed in legislation for a decade. However, it is possible that methods could be developed.
200. *Ofcom should issue a code of practice on algorithmic recommending. This should require platforms to conduct audits on all substantial changes to their algorithmic recommending facilities for their effects on users with characteristics protected under the Equality Act 2010. Ofcom should work with platforms to establish audits on other relevant and appropriate characteristics. Platforms should be required to share the results of these audits with Ofcom and the Equalities and Human Rights Commission if requested.*
201. *Ofcom should be given the powers and be properly resourced in order to undertake periodic audits of the algorithmic recommending systems used by technology platforms, including accessing the training data used to train the systems and comprehensive information from the platforms on what content is being recommended.*
202. *There is a common thread between the need for transparency of algorithmic processes and researchers' access to platforms. Platforms must be entirely open to the regulators to ensure proper oversight. Ofcom can only ensure that platforms are meeting their duty of care if it has access to all data from these platforms and the ability to use additional research expertise to better understand what that data means. The exact details of what data Ofcom will need will change as technology develops therefore these powers must be suitably broad.*

331 Equality Act 2010, [section 4](#)

332 Facebook, 'Standing against hate' (27 March 2019): <https://about.fb.com/news/2019/03/standing-against-hate/> [accessed 13 May 2020]

203. *Ofcom should have the power to request any data relevant to ensure that platforms are acting in accordance with their duty of care.*

Transparency in content moderation

204. In the previous Chapter we recommended accountability measures to improve content moderation; however, in order for these to be effective there must be more transparency in the moderation processes they seek to improve. Professor Daniel Kriess, Associate Professor at the University of North Carolina, argued that accountable moderation decisions require a clear justification framework. This would need to include a moral argument for the democratic case for removing content and providing evidence of how this is done in practice.³³³ He told us that, in practice, platforms have been highly reactive to negative press coverage and public pressure and have changed to ameliorate bad news coverage. This has resulted in an ongoing and confusing set of changes in the content moderation approaches of the major platforms. Professor Kriess explained that it was difficult to find clear explanations of changes in policies, rationales for content takedowns, or even to confirm if changes in policy took place. He also told us that individual incidences of content moderation often required external pressure to ensure platforms honour and enforce their own policies.
205. Katie O'Donovan from Google suggested that Google and YouTube were transparent in their moderation policy and practice. She told us that they made it clear to their creator community when they changed community guidelines and that these guidelines set out in detail and plain English what their policy was. However, it is unclear how this statement can be reconciled with reality. For example, last summer, Steven Crowder, a comedian with 3.8 million subscribers, was reported to YouTube for repeated racist and homophobic abuse of Carlos Maza, a gay Cuban-American journalist.³³⁴ This was followed by large quantities of abusive messages across social media platforms and phone messages on Mr Maza's personal mobile from Mr Crowder's supporters. YouTube decided that Mr Crowder's videos should not be removed from their platform due to the fact that it was not the primary purpose of the video to incite hatred.³³⁵ However, until YouTube published this blog post, the company's community guidelines did not mention whether incitement was the primary purpose of the video, only stating that incitement was against the guidelines.³³⁶ It has since been updated but it is unclear if this was a change in policy or a change in how YouTube's previous policy was explained to the public.³³⁷ YouTube employees have anonymously spoken to the press to indicate that they are prevented

333 Written evidence from Professor Daniel Kreiss ([DAD0098](#))

334 'A right-wing YouTuber hurled racist, homophobic taunts at a gay reporter. The company did nothing', *The Washington Post* (5 June 2019): https://www.washingtonpost.com/technology/2019/06/05/right-wing-youtuber-hurled-racist-homophobic-taunts-gay-reporter-company-did-nothing/?utm_term=.19bb34313bb9 [accessed 13 May 2020]

335 YouTube Official Blog, 'Taking a harder look at harassment' (5 June 2019): <https://youtube.googleblog.com/2019/06/taking-harder-look-at-harassment.html> [accessed 13 May 2020]

336 YouTube Help Center, 'Harassment and cyberbullying policy': https://web.archive.org/web/20190617094024/https://support.google.com/youtube/answer/2802268?visit_id=1-636215053151010017-1930197662&rd=1&hl=en [accessed 13 May 2020]

337 *Ibid.*

from enforcing the rules consistently and that more senior employees stop sanctions from being applied to high profile creators.³³⁸

206. This lack of clarity and consistency in moderation policies and practices has consequences for public trust in those systems. Professor Sarah Roberts told us that research with users who had had their content removed by platforms found that almost everyone surveyed believed that they were being personally targeted and persecuted due to their political beliefs.³³⁹ It is unlikely that platforms are persecuting all of the different political beliefs of those covered in the study but a lack of clarity over platforms' moderation activity helps create this perception.
207. Additional transparency could improve this. Caroline Elsom of the Centre for Policy Studies told us that it is important for content that has been taken down to be kept somewhere and be publicly available so that independent researchers can examine platforms' moderation practices.³⁴⁰ Researchers and concerned civil society organisations have asked platforms to keep a database of misinformation they have removed about COVID-19 to help individuals working in public health and human rights to understand the effect of online information on health outcomes.³⁴¹
208. There is a model for more transparent content moderation in Facebook's Third-Party Fact Checking Network. Fact checkers in this programme publish an article explaining which parts of the content that they moderate are misinformation and why this is the case.³⁴² This means that it is possible to go to the fact checkers' websites and find out what misinformation they have marked. However, this programme does not mandate fact checkers to include a copy of the misinformation itself and as a result is only of limited use for this purpose. We discuss this programme in more detail in Chapter 2 which focuses on misinformation.
209. The need for additional transparency in this area has been highlighted by the actions of platforms in response to the COVID-19 crisis. Multiple platforms have removed content posted by Jair Bolsonaro, the current president of Brazil.³⁴³ This content broke platforms' policy by promoting misinformation about a possible cure for COVID-19. However, platforms have not published a prominent fact check with detailed reasoning for why they have removed this content. Instead they have given statements to the press indicating that the content broke their terms of service. There are worrying questions about transparency and accountability when a platform removes the content of a nation's leader without explaining in detail why they have done so.

338 'YouTube's arbitrary standards mean stars keep making money even after breaking the rules', The Washington Post (9 August 2019): <https://www.washingtonpost.com/technology/2019/08/09/youtubes-arbitrary-standards-stars-keep-making-money-even-after-breaking-rules/?noredirect=on> [accessed 13 May 2020]

339 Q 172 (Professor Sarah Roberts)

340 Q 43 (Caroline Elsom)

341 Centre for Democratic Technology, 'Covid-19 Content Moderation Research Letter' (April 2020): <https://cdt.org/insights/covid-19-content-moderation-research-letter/> [accessed 11 June 2020]

342 Full Fact, Report on the Facebook Third-Party Fact Checking Programme Jan-June 2019 (July 2019): <https://fullfact.org/media/uploads/tpfc-q1q2-2019.pdf> [accessed 13 May 2020]

343 The Verge, 'Twitter removes tweets by Brazil, Venezuela presidents for violating Covid-19 content rules' (30 March 2020): <https://www.theverge.com/2020/3/30/21199845/twitter-tweets-brazil-venezuela-presidents-covid-19-coronavirus-jair-bolsonaro-maduro> [accessed 13 May 2020]

Box 5: President Trump and content moderation study

On 26 May 2020 Twitter took the decision to add a link giving additional context to a Tweet from President Trump on the subject of postal voting. President Trump in his Tweet asserted that postal voting forms would be sent to all individuals living in California and that it was an attempt to rig the 2020 presidential election through fraud. This was untrue. The proposal in California was to send them to individuals who were registered to vote in the state. Twitter's response gave accurate details of the scheme alongside citing political journalists stating that evidence does not suggest that postal voting will be used for fraud. Twitter did this as its civic integrity policy states that it will take action against misleading claims about electoral processes.³⁴⁴

The response from Twitter was not a clear fact check and did not fully meet the standards set by the IFCN. The IFCN's code of principles requires that fact checkers use the best available primary source or if that is not available, that they explain the use of a secondary source. By quoting from political journalists rather than citing the actual research on postal voting, Twitter failed to live up to this standard. Twitter's response is also not transparent about its methodology nor does it have a clear corrections policy, both of which are required by the IFCN.

President Trump responded to Twitter by criticising it for relying on "Fake News CNN and the Amazon Washington Post" and argued that Twitter was stifling his free speech. As we set out in Chapter 3 on accountability, freedom of expression is not unjustly infringed by reducing the spread of harmful speech and as we argue in Chapter 2, fact checking, when done to a high standard and transparently, only adds to the quality of public debate.

On 29 May 2020 Twitter took action again against President Trump for a Tweet about protests in the US that they believed broke their rules on glorifying violence. Twitter placed the Tweet behind a warning stating it broke the rules for glorifying violence but that it was in the public interest for the Tweet to stay on their service.³⁴⁵ This is an effective approach in keeping with the principles we have set out.

President Trump posted the same content on mail fraud and US protests to his Facebook page however, Facebook chose to not take action against either post because they believed that it did not breach their relevant policies. It treats threats of state use of force differently from non-state force and only removes threats from non-state actors. Facebook also have different policies on electoral misinformation to Twitter. It excludes elected officials from its third-party-fact-checking initiative but will still remove content that they view as voter suppression. In response to criticism from inside and outside of the organisation Facebook has committed to reviewing its policies on voter suppression and state use of force.³⁴⁶

344 Twitter, 'Trump makes unsubstantiated claim that mail-in ballots will lead to voter fraud' (26 May 2020): <https://twitter.com/i/events/1265330601034256384> [accessed 3 June 2020]

345 @realDonaldTrump, tweet on 29 May 2020: <https://twitter.com/realDonaldTrump/status/1266231100780744704> [accessed 10 June 2020]

346 Mark Zuckerberg, Facebook post on 5 June 2020: <https://www.facebook.com/zuck/posts/10111985969467901> [accessed 10 June 2020]

Facebook’s response encapsulates the failures that we have outlined in the previous three Chapters. Their restriction of their fact checking programme to not include elected individuals creates the impression of unequal treatment. Although both have been discussed publicly by Facebook neither their voter suppression policy nor their state force policy are clearly articulated within the community standards including examples of what would and would not count.³⁴⁷ This has led to individuals inside and outside of the company believing that President Trump broke these rules whilst Facebook’s official judgement is that he did not. The overall effect of this is that a critical decision about public debate is made by unaccountable individuals on the basis of rules that are not transparent.

210. Mackenzie Common, an academic at LSE, has suggested that content moderation systems could be improved by platforms publishing a collection of decisions that act as precedent.³⁴⁸ Terms and conditions would be given shape by expanding on the various categories of prohibited content and indicating how borderline cases are decided. Those examples could be anonymised and could include a short explanation of why each decision was made. Crucially, the database of previous decisions could be used to ensure consistency in content moderation decisions and improve accountability for these decisions. Users or civil society organisations could identify problematic individual decisions or trends in decisions and challenge them.
211. Such a database would fit well with the ombudsman system recommended in the previous Chapter. Civil society groups could raise specific cases that they believe pose a problem with the content ombudsman either because that case does not resemble previously published examples or because the published examples are problematic. If there were a broader issue identified with moderation policy, then civil society groups could raise it with Ofcom. The system would be more meaningful and effective with more representative example decisions and if platforms included high profile decisions without anonymisation.
212. The proposed database should not include all types of content moderation decisions. Karim Palant of Facebook told us that Facebook contributed to shared databases of inappropriate child abuse and terrorism material and that these were rightly only used by law enforcement agencies and other platforms.³⁴⁹ As discussed in the previous Chapter, the key decisions that should be publicly available for democratic discussion are those taken around impersonation, misinformation, hate speech and abuse and these are the decisions that any database should focus on.
213. Katy Minshall of Twitter told us that their rules already contained hypothetical examples of Tweets that would not be allowed on their platform.³⁵⁰ An example of this is their hateful content policy, which forbids conduct that promotes violence against, directly attacks, or threatens another person on the basis of race, ethnicity, national origin, caste, sexual orientation, gender, gender identity, religious affiliation, age, disability or serious disease.

347 Facebook ‘Community Standards’: <https://en-gb.facebook.com/communitystandards/> [accessed 10 June 2020]

348 Mackenzie Common, ‘Fear the Reaper: How Content Moderation Rules are Enforced on Social Media’, (January 2019): https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3405337 [accessed 13 May 2020]

349 [Q 306](#) (Karim Palant)

350 [Q 314](#) (Katy Minshall)

Their policy includes the case of “ Hoping that someone dies as a result of a serious disease, for example, ‘I hope you get cancer and die.’”³⁵¹ Whilst this is more helpful than a vague statement forbidding hateful content, it does not provide the detail needed for civil society to understand what is ‘hateful’ to the point that it breaks their community rules and would be taken down. This prevents an informed debate on whether this line is in the right place to preserve freedom of expression whilst also ensuring that violence is not incited against people with protected characteristics. Critically, no platforms provided an example of the types of content which would not be removed. This means that it is difficult to understand when something has not been taken down whether this is due to it not breaking the rules of the platform or if it has simply not been seen by a content moderator. In turn, it is difficult to assess the quality or consistency of decision making.

214. When questioned on this subject, representatives from Facebook, Twitter and Google did not comment on the feasibility of this approach. However, previous research on the subject has suggested that solutions being scalable is key to improving moderation policies and processes. An anonymous Facebook employee explained to Dr Tarleton Gillespie that unless policy is repeatable at scale then it is not really a policy and all that remains are good aspirations and chaos.³⁵² However, the model of a database of previous examples guiding future decisions can fit with existing processes at these platforms. As explained in Box 4, platforms train the content moderation algorithms based on a sample dataset of moderation decisions. The sample dataset could form the basis of a public database of decisions. Similarly, leaked slides from internal human moderators show extensive use of examples in training their training.³⁵³ Twitter told us that they use anonymised example Tweets to train their content moderators.³⁵⁴ From reporting, we know that Facebook moderators make their decisions on the basis of a known questions document and a mixture of constantly changing pieces of contradictory advice.³⁵⁵ Facebook views its moderators as making simple binary decisions based on policy. A senior lawyer at Facebook explained it to the Harvard Law Review as moderators being asked to tell the difference between red or blue rather than deciding between beautiful and ugly.³⁵⁶ A searchable database of previous decisions, showing what content should be removed, no longer recommended or kept as is, could be an improvement for internal procedures, and scale better than existing workflows, as well as having the benefits for democracy we have outlined.
215. Throughout this section we have referred to content as singular, however not all moderation decisions are based on a single piece of content. Some of the examples used could include a pattern of content showing abuse or

351 Twitter Help Centre, ‘Hateful conduct policy’: <https://help.twitter.com/en/rules-and-policies/hateful-conduct-policy> [accessed 13 May 2020]

352 Dr Tarleton Gillespie, *Custodians of the Internet: platforms, content moderation, and the hidden decisions that shape social media*, (New Haven: Yale University Press 2018) p 138

353 ‘Hate speech and anti-migrant posts: Facebook’s rules’, The Guardian (24 May 2017) <https://www.theguardian.com/news/gallery/2017/may/24/hate-speech-and-anti-migrant-posts-facebooks-rules> [accessed 13 May 2020]

354 Supplementary Written Evidence from Twitter (DAD0103)

355 The Verge, ‘The Trauma Floor: The secret lives of Facebook moderators in America’ (25 February 2019): <https://www.theverge.com/2019/2/25/18229714/cognizant-facebook-content-moderator-inter-views-trauma-working-conditions-arizona> [accessed 13 May 2020]

356 Marvin Ammori, ‘The ‘New’ New York Times: Free speech lawyering in the age of Google and Twitter’, Harvard Law Review, vol 127:2259 p 2278: https://harvardlawreview.org/wp-content/uploads/2014/06/vol127_Ammori.pdf [accessed 13 May 2020]

other misuse of the platform rather than solely focusing on a single piece of content.

216. *Ofcom should issue a code of practice on content moderation. This should require companies to clearly state what they do not allow on their platforms and give useful examples of how this applies in practice. These policies should also make clear how individual decisions can be appealed. Platforms should be obligated to ensure that their content moderation decisions are consistent with their published terms and conditions, community standards and privacy rules.*
217. *The code of practice on content moderation should also include the requirement that all technology platforms publish an anonymised database of archetypes of content moderation decisions on impersonation, misinformation, hate speech and abuse. Where decisions differ from existing published examples the platform should be obliged to explain the decision to the individuals affected and to create a new anonymised decision. Failure to ensure consistency between content moderation practices and published examples should be seen as a failure in the duty of care and result in sanctions against the platforms. An archive of removed content should be made available to researchers for analysis.*

CHAPTER 5: INCLUSIVE DEBATE ACROSS SOCIETY

218. As a Committee, we were keen to explore the full effects of digital technologies on democracy, including the positive effects. In our evidence, we have detected a tension between technology as a democratising force that has enabled citizens to contribute to democratic debate, and as a threat to democracy. We have seen, in recent years, optimism towards technology’s potential for enabling democracy in the wake of events, such as the Arab Spring in 2011, giving way to pessimism and distrust.³⁵⁷
219. This Chapter will set out how technology can better support democracy by encouraging inclusive debate across society. We begin by discussing how technology can support democracy and aid in tackling some of the challenges it faces now and into the future. We then go onto consider how Parliament and government at all levels could better use technology to enhance democracy. The potential exists to build on the Nolan principle of accountability—digital technologies can greatly aid the process of holding authorities accountable regarding the decisions and actions they take. We are optimistic, but realistic, about the positive effect technology can have on democracy in this country, and caution that technology should not be seen as a panacea, nor a cheap and easy way of tackling the structural issues that have in recent years undermined support for representative democracy.
220. Our evidence on this was taken before the COVID-19 pandemic resulted in lockdown measures across the UK and forced most people to rely on digital technologies far more than usual. This has demonstrated why it is so important that we use digital innovation to enhance democracy at all levels.

The role of technology in tackling the challenges facing democracy

Supporting technological innovation in democracy

221. The argument that democratic processes have not kept up with societal expectations brought about by digital technology has been raised with us repeatedly. This is important because there is a danger that democracy may be considered increasingly outmoded and irrelevant in a digital era.
222. The democratising potential of technology was made clear to us by leading academics. Professor Helen Margetts from the University of Oxford told us that social media “allows new tiny acts of political participation that were not possible before. Politics used to be very lumpy; it was the preserve of an activist elite” and that “we should not lose sight of the fact that social media allows anybody with a mobile phone to fight injustice or campaign for policy change.”³⁵⁸ Dr Martin Moore from King’s College London warned against being either utopian or dystopian about technology, but agreed that we were undergoing a period of “radical transformation” and that the hurdles to participation have reduced, whereby “the gatekeepers, particularly the mainstream media and the main political parties, have essentially lost their monopoly and dominance of the [democratic] process.”³⁵⁹ Research conducted by Professor Cristian Vaccari from Loughborough University has found that social media both deepens and broadens political participation:

357 Hans Kundnani, *The Future of Democracy in Europe: Technology and the Evolution of Representation* (March 2020) p 11: <https://www.chathamhouse.org/sites/default/files/CHHJ7131-Democracy-Technology-RP-INTS-200228.pdf> [accessed 18 April 2020]

358 Q 46 (Professor Helen Margetts)

359 Q 46 (Dr Martin Moore)

it deepens participation by increasing the range of activities one can do; and broadens it by bringing in citizens who were previously less likely to participate.³⁶⁰

223. We also heard that UK democracy has not kept pace with advancements in technology. Efforts to aggregate basic information about local elections, candidates and results were being made by small civic technology organisations such as Democracy Club and MySociety, many of whom rely on volunteer efforts to support a small core of paid staff. Democracy Club suggested that people were using technology to find out basic information about the UK's democratic process. They stated that the most searched for questions on Google around elections include 'where do I vote' and 'who are my candidates'. There is no central source of information about candidates, polling locations and results. Democracy Club run a volunteer scheme to collect and supply this information to the Electoral Commission and several news organisations. However, they were clear that they are not a sustainable long-term source for citizens to get this sort of information which they rely upon.³⁶¹
224. Joe Mitchell from Democracy Club used the comparator of the way in which technology had transformed transport information. He explained that transport apps on people's phones that help people travel are made possible by public bodies publishing open data. Mr Mitchell explained that an equivalent app to help engagement with democratic processes is not possible because there is not the same amount of open data.³⁶²
225. One of the most widely touted benefits of digital technology for democracy is the democratisation of information. Dr Alan Renwick, Deputy Director of the UCL Constitution Unit, has argued for a wide array of information to be available for the public to use.³⁶³ He has suggested that this should include basic procedural information, on when, where and how to vote; factual information, about candidates including their biographies; positional information to help voters find out where parties and candidates stand on specific policy issues; and analytical information, assessing the likely effect of manifesto policies from each party. The provision of this information is also important to counter against the misleading alternative sources of information which arise around election time.³⁶⁴
226. Tim Hughes, Director of Involve, a public participation charity, told us that some of the best uses of digital technology so far have made some of the processes of representative democracy easier for people to engage with. He pointed to MySociety's work on this and to platforms such as TheyWorkForYou, a parliamentary monitoring site, and WhatDoTheyKnow, a site designed to help people make Freedom of Information requests, both of which make it a lot easier for citizens to engage with representative institutions.³⁶⁵ Around

360 Q 46 (Professor Cristian Vaccari)

361 Written evidence from Democracy Club ([DAD0045](#))

362 Q 259 (Joe Mitchell)

363 Dr Alan Renwick and Michela Palese, 'Doing Democracy Better: How can information and discourse in election and referendum campaigns in the UK be improved?', March 2019: https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/184_-_doing_democracy_better_0.pdf [accessed 18 April 2020]

364 'Tactical voting website criticised for 'bogus' advice' *The Guardian* (30 October 2019) <https://www.theguardian.com/politics/2019/oct/30/tactical-voting-could-deliver-remain-victory-in-election-study> [accessed 24 April 2020]

365 Q 268 (Tim Hughes)

elections, projects are set up by small civic technology organisations that enable people to engage with manifestos, with quizzes encouraging people to see which political party best fits their view, with polling station finders and much more.³⁶⁶

227. The COVID-19 pandemic will be the subject of analysis of all types for many years to come. However, it has brought the arguments made by Mr Hughes and Dr Renwick into a new context. Digital tools can be used to expand participation and access to information in situations where both the knowledge and impact are local. Council processes could be opened up for general observation and participation, easing access for both local residents and local journalists. We advocate government support of innovative uses of digital technologies in local government.
228. There are 650 Westminster parliamentary constituencies in the UK. This essentially means that at a General Election there are 650 local campaigns happening at once. On top of this, at defined points, there are local government elections, elections to the devolved institutions, mayoral elections, and Police and Crime Commissioner elections. However, factual data about elections is not aggregated online by an official institution. The Electoral Commission's website shows upcoming elections based on a given postcode, but this is far from a comprehensive list of how to vote, where to vote and who the candidates are.
229. We currently lean far too heavily on tiny civic organisations, who aggregate information and do a lot of work out of goodwill and a genuine desire to open up the democratic process. Democracy Club suggested that if local authorities were to publish data to certain standards then it could be easily aggregated and shown to people more widely. We agree that local authorities are well placed to publish this information, but local authority capacity is already stretched. Many local authorities already do put out information on their web pages on which elections are taking place. However, this should be comprehensive, machine-readable and uniformly available across all local authorities.
230. The House of Lords Select Committee on Citizenship and Civic Engagement recommended in 2018 that local authorities should improve the way they notify the public about electoral information using open and machine readable formats and that the Government should ensure that across all levels of Government, data for democratic engagement is available in an open digital format. On the former point, the Government responded that it was for local authorities to determine how best to notify citizens. On the latter, the Government pointed towards their 'Atlas of Democratic Variation', which consists of visual maps displaying data and trends in democratic engagement across different areas.³⁶⁷ This is a pdf document that was last updated in January 2019.³⁶⁸ It is not sufficiently informative, it is difficult to find, not

366 Newspeak House, 'GE2019 Election Tech Handbook': <https://electiontechhandbook.uk/projects> [accessed 13 May 2020]

367 Housing, Communities and Local Government, Response to the Lords Select Committee on Citizenship and Civic Engagement, Cm 9629, June 2018, p 24: https://www.parliament.uk/documents/lords-committees/Citizenship-civic-engagement/180628%20CCS207_CCS0618952710-001_Government%20Response%20to%20House%20of%20Lords%20Select%20Committee%20on%20Citizenship_Text_PRINT.pdf

368 Cabinet Office, The Atlas of Democratic Variation (January 2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/773336/AtlasOfDemocraticVariation.pdf [accessed 5 June 2020]

widely known about and is not kept up to date. It is an underwhelming resource and does not show a particularly engaged commitment to digitising and aggregating democratic information.

231. If debate is to be truly inclusive, it is important that any information published about elections is comprehensive and accessible to people of different education levels; all eligible members of society must be able to access information designed to ease participation, rather than raising the barriers of understanding further.
232. *Local authorities should be required to publish open, machine-readable information on elections, including what elections are taking place, who the candidates are and where polling stations are located.*
233. *Any information about democratic processes published by government at any level should be available in accessible language.*

Online voting

234. One of the topics that is often raised when democracy and digital technologies are discussed is the issue of online voting. We heard from Siim Kumpas, an Adviser to the Government Office of Estonia, about Estonia's extremely popular internet voting system. He said that this worked because "basically everything" was online and so people had become accustomed to digital public services.³⁶⁹ We also note that the COVID-19 pandemic has brought the question of online voting to greater prominence; an example would be the 2020 Democratic Wisconsin primary, which took place in the midst of the pandemic, which contributed to the record number of people who voted 'absentee' (not in person).³⁷⁰ It is likely that the pandemic will affect how political campaigning, and perhaps even voting itself, is conducted in the coming months and years. We received a small amount of evidence that was in favour of online voting.³⁷¹ In the round, however, opinion was overwhelmingly against introducing voting online.
235. We heard that online voting might cause people to question the trustworthiness of election results and create fertile ground for conspiracy theories. On the day that we heard from experts on foreign interference and democratic resilience, the news was dominated by the 2020 Iowa Democratic caucuses, where a three-day delay in reporting results was due, in part, to problems with an app used to report voting totals. Elisabeth Braw from RUSI told us that the perception of interference, rather than proven fact, was a crucial factor. She suggested that the Iowa Democratic caucus was the perfect example of electoral interference—without knowing what happened to the apps, everybody's assumption would be that they were hacked and while "It could be just that an inept IT company developed it ... now we are already worrying about the legitimacy of the outcome of the Democratic nomination in Iowa."³⁷² Ben Scott added that this type of event provided fertile ground for conspiracy theories, which could easily be spread on social media, and

369 [Q 181](#) (Siim Kumpas)

370 FiveThirtyEight, 'What Went Down in the Wisconsin Primary' (13 April 2020): <https://fivethirtyeight.com/features/what-went-down-in-the-wisconsin-primary/> [accessed 26 May 2020]

371 Written evidence from Scytel Secure Electronic Voting ([DAD0030](#)) and Sparkster Labs Ltd ([DAD0064](#))

372 [Q 113](#) (Elisabeth Braw)

amplified by hostile actors aiming to undermine the democratic process.³⁷³ The public need to fundamentally trust the electoral process if they are to have faith in democracy; the electoral process is more difficult to safeguard and vulnerable to attack when it is online.

236. Joe Mitchell from Democracy Club rejected the idea that people do not vote because it is not made available on an app and referred to polling Democracy Club had conducted at the 2019 Election. They found that the people they polled did not vote because they did not have enough information. He also cited security reasons as an argument not to introduce online voting.³⁷⁴ MySociety suggested that online voting posed a security risk and increased barriers to participation.³⁷⁵ Privacy International stated that electronic voting processes were often implemented without sufficient consideration for their privacy and security implications.³⁷⁶ The Open Rights Group pointed to the examples of the Netherlands, who stopped using online voting several years ago, citing security concerns, and Norway, who curtailed trials of online voting after finding that it did not increase turnout amongst under-represented groups.³⁷⁷ We strongly warn against using technology simply for its own sake.
237. Exercising your democratic vote is an important act that should have some ceremony about it; visiting a polling station, for those for whom this is possible, is an important part of this. We should not seek to substitute or undermine this significant and important act with an online process.

Technology as a tool, but not a panacea for problems facing democracy

238. We heard about the important role that technology can play in engaging people with the democratic process. Academics have been debating democratic decline and deconsolidation in the West for decades; some have posited that harnessing technology might be a solution to confronting that decline. However, we note Dr Martin Moore's warning against the adoption of extremes, whether uber positive or negative, when discussing ways in which technology may or may not be a useful tool for enhancing democracy.³⁷⁸
239. We were warned about the dangers of using technology badly. MySociety cautioned that in order for engagement to be effective, there should be a closed feedback loop, otherwise the experience "can be likened to shouting into a great void: it may be cathartic, but it is unlikely to achieve anything."³⁷⁹ In its 2017 Digital Democracy report, NESTA warned against digital engagement for its own sake, explaining that it is important to demonstrate to citizens how their contributions have been considered and to offer tangible outcomes.³⁸⁰ Dr Rebecca Rumbul, Head of Research at MySociety, told us that while people were willing to engage once, there was a danger that if that interaction were negative, it would turn people off from engaging with democracy.³⁸¹ Tim Hughes from Involve reinforced this view, stating, "Our

373 [Q 115](#) (Ben Scott)

374 [Q 262](#) (Joe Mitchell)

375 Written evidence from MySociety ([DAD0051](#))

376 Written evidence from Privacy International ([DAD0041](#))

377 Written evidence from Open Rights Group ([DAD0079](#))

378 [Q 46](#) (Dr Martin Moore)

379 Written evidence from MySociety ([DAD0051](#))

380 NESTA, *Digital Democracy: The tools transforming political engagement* (February 2017): https://media.nesta.org.uk/documents/digital_democracy.pdf [accessed 18 April 2020]

381 [Q 275](#) (Dr Rebecca Rumbul)

mantra has always been that bad engagement is worse than no engagement at all.”³⁸²

240. The scale and reach benefits of technology were highlighted by Peter Baeck, Co-Head of the Centre for Collective Intelligence Design at NESTA.³⁸³ Indeed, technology is often cited as a cheaper way of reaching people at scale in a timely manner. However, Dr Rebecca Rumbul warned against seeing technology as a way of doing deliberative activity “on the cheap” and suggested that using digital tools was not just a solution to a budgeting issue. She stated that: “an awful lot of the time, doing digital democracy seems like a really lazy way of trying to solve a very institutional problem with the education levels of general society in terms of how Parliament and Government work.” She continued:

“Working for a digital organisation, I find myself saying, more often than not, ‘No, don’t do that digitally’ because I want to see only really good-quality digital components being used. A lot of the time, these kinds of digital activities are used as an excuse to do it on the cheap. Doing it digitally is not just a solution to a budgeting issue. If it is not high quality on a digital level, it is not going to be high-quality engagement for anyone.”³⁸⁴

241. Using technology to cut costs is tempting where resources are scarce, as they may often be across all levels of government (but particularly at local level). However, we advise that any use of technology to enhance democratic participation must be thought through rigorously, be appropriate, and not simply a cost-reducing exercise. Such uses should be purpose-led, not technology-led. We have seen, due to the COVID-19 pandemic, a raft of new digital possibilities emerge as options for communication. It is important to consider and embrace the new possibilities this crisis has facilitated for digital technologies, but equally vital to consider whether technology is always the best solution and recognise that it is one among a number of tools in our hands.
242. ***Technology can play an important role in engaging people with democratic processes. Parliament and government, at all levels, should not seek to use technology simply to reduce costs, and must ensure that appropriate technology is used to enhance and enrich democratic engagement.***
243. There is a risk that policymakers may become overzealous towards technology’s ability to transform democracy. It is reductive, and at worst plain lazy, to regard the use of technology as the only tool for engagement. We do not believe that technology can replace entirely face-to-face engagement, both between representatives and the public, and amongst policymakers. We have seen this in attempts to conduct an entirely virtual Parliament which, although facilitating some processes, has resulted in less in-depth scrutiny of Government.
244. Peter Baeck and Dr Rebecca Rumbul both warned against a mentality of digital exceptionalism. Mr Baeck stated that technology fails when people apply it without thinking about the parallel offline engagement that needs to

382 [Q 275](#) (Tim Hughes)

383 [Q 259](#) (Peter Baeck)

384 [Q 269](#) (Dr Rebecca Rumbul)

happen. He gave the examples of positive work undertaken in Paris, Madrid and Taiwan that combined online with offline engagement.³⁸⁵

245. Professor Graham Smith, Professor of Politics and the University of Westminster, told us that designing public engagement should be problem-led rather than technology-led. He cautioned against digital solutionism, stating, “The number of people who come to me each year with the app that is going to solve everything is frightening”, and suggested that what policymakers are likely to find is that a blended approach is required.³⁸⁶
246. We note that the COVID-19 pandemic throws these comments into a different light and has made engaging digitally just about the only way to engage, however Professor Smith’s argument that designing public engagement should be led by the problem and not technology stands. We must learn lessons in engagement from the pandemic, but these should not be simply that technology should replace in-person engagement.
247. A positive, UK-based example of engagement blending digital and face-to-face participation are the various citizens’ assemblies that have taken place in recent years. The Government’s Innovation in Democracy programme was a one-year programme that aimed to trial models of deliberative democracy and involve citizens in local decision-making. Three citizens assemblies were set up at borough council-level to tackle issues such as regenerating the town centre, reducing congestion and improving public transport. Tim Hughes of Involve, who helped to run the assemblies, told us that the programme’s use of digital allowed residents and other stakeholders to feed into a more traditional offline citizens’ assembly process.³⁸⁷ Professor Graham Smith explained that digital citizens’ assembly participants had to be much more focused than their offline equivalents as people would not stay in front of a screen for five days.³⁸⁸ Dr Rebecca Rumbul from MySociety told us that it was possible to build appropriate platforms for engagement on specific issues, but that this required considerable thought and planning.³⁸⁹ There was unanimous agreement that citizens’ assemblies and similar deliberative initiatives required a face-to-face element, but that these experiments with participatory democracy should be actively encouraged.
248. A notable development in response to the COVID-19 pandemic was that the Climate Assembly UK moved online at the end of March 2020. Climate Assembly UK is the first UK-wide citizens’ assembly on climate change. It was commissioned by six House of Commons committees to look at how the UK should meet its target of net-zero emissions. This was the first UK citizens’ assembly to take place entirely online. At the end of the process, when assembly members had experienced the assembly in person and online, 51 per cent of respondents said that a mixture of in-person and online was ideal for a citizens’ assembly; 46 per cent said that entirely in-person was ideal and only three per cent said that entirely online was preferred.³⁹⁰
249. The opportunities for scale and reach that digital provides should be harnessed to enable a greater number of citizens to engage with democratic

385 [Q 259](#) (Peter Baeck)

386 [Q 269](#) (Professor Graham Smith)

387 [Q 271](#) (Tim Hughes)

388 [Q 272](#) (Professor Graham Smith)

389 [Q 273](#) (Dr Rebecca Rumbul)

390 Involve Blog, ‘Online or offline? A view from assembly members’ (20 May 2020): <https://www.involve.org.uk/resources/blog/opinion/online-or-offline-view-assembly-members> [accessed 26 May 2020]

processes but must not be used as an excuse to abandon non-digital engagement. When asked what his one recommendation would be to Government, Professor Graham Smith chose to recommend a programme to look at blending face to face and digital engagement which focused on solving problems rather than using tools for their own sake.³⁹¹

250. Technology is a tool to aid, rather than replace, democratic decision making. Technological democratic engagement may be appropriate for some forms of engagement, but not for others, and it is often most effective when it is combined with offline engagement. Online and offline engagement are not mutually exclusive.
251. It is imperative that voters have access to unbiased and trusted sources of information. Dr Alan Renwick told us about his findings on the different types of information that it is important for voters to have access to in order to participate fully in democracy. Dr Renwick found that high-quality information has multiple features, but there are four primary characteristics: accuracy; relevance; accessibility and balance.³⁹² Voters need to be able to trust the information that they are searching for, something which is more difficult to achieve when information arises from multiple sources.
252. Peter Baeck from NESTA called for more research in this area and suggested that there was a need for a national evidence centre that captures knowledge on what works in this sphere, in order to better understand how technology affects different kinds of conversations.³⁹³ This could be used to advise local government regarding the sort of tools they could be using and what the evidence base is for different types of intervention. Mr Baeck also cautioned that attempts to promote democratic engagement can fail when they are aligned with a political agenda, rather than simply part of a public service reform agenda. Such efforts needed to be institutionalised, rather than made into a political project for a particular party.
253. Joe Mitchell further suggested that there was a gap in democratic digital services that cannot be filled by an existing institution. He pointed out that democracy goes beyond merely what happens in Parliament and is therefore not just the responsibility of the Parliamentary Digital Service and the parliamentary authorities. Moreover, local authorities may not have the resources to design democratic digital services. Rachel Coldicutt, then from Doteveryone, told us that the BBC was underused and underpowered and might have a role to play.³⁹⁴ However, in further evidence submitted to us, Joe Mitchell, Dr Alan Renwick and Michela Palese suggested that the BBC may not be suitable because the content needed is not ‘journalistic’. They also pointed out that the Electoral Commission would not be suitable because it is primarily a regulatory body not designed to take on a large, innovative role in information provision; the Electoral Commission has also repeatedly stated its opposition to an expanded remit in this area.³⁹⁵ We leave open the question of who should fill the gap in democratic digital services,

391 [Q 279](#) (Professor Graham Smith)

392 [Q 260](#) (Dr Alan Renwick) and Dr Alan Renwick and Michela Palese, *Doing Democracy Better: How can information and discourse in election and referendum campaigns in the UK be improved?*, (March 2019): https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/184_-_doing_democracy_better_0.pdf [accessed 18 April 2020]

393 [Q 262](#) (Peter Baeck)

394 [Q 41](#) (Rachel Coldicutt)

395 Written evidence from Dr Alan Renwick, Joe Mitchell and Michaela Palese ([DAD0099](#))

but note than the value of public service broadcasters to inform has been shown through their coverage of the COVID-19 pandemic.

A democratic information hub

254. To tackle this deficiency, Dr Alan Renwick, Joe Mitchell and Michela Palese recommended the establishment of a ‘democratic information hub’. The hub would establish a coordinated brand that voters could trust, with ready pathways to different forms of information so that they can easily find what they need. The hub’s work would be overseen by a board of directors and a representative panel of citizens. It would be publicly funded and, the authors suggest, cost-neutral, as it could divert funding from the delivery of polling station addresses. The authors made the point that public funding to support information is widespread in other democracies, including Ireland, Germany and Canada.³⁹⁶ The hub would coordinate the aggregation and creation of information content that voters require. This could include making information produced by others more accessible, with information published by the Institute for Fiscal Studies and the Office for Budget Responsibility cited as examples.
255. The Cairncross Review of the future of journalism proposed establishing an Institute for Public Interest News to coordinate efforts between publishers, broadcasters and online platforms to ensure a future for quality reporting. While this proposal was meant to amplify efforts to ensure the future sustainability of public-interest news, the set up would not be too dissimilar to the proposed democratic information hub. The Review proposed that this Institute would become a centre of excellence and good practice, carrying out or commissioning research, building partnerships with universities and developing the intellectual basis for measures to improve the accessibility and readership of quality news online.³⁹⁷ The Government rejected this proposal on the grounds that it was not its place to lead on this issue, or decide what qualifies as ‘public interest’ news and that “even an arm’s length relationship risks perceptions of inappropriate government interference with the press.”³⁹⁸ We acknowledge the difficulties any Government faces in deciding what qualifies as public interest news. However, we hope that the Government recognises that there is a need to inform the public better about the core aspects of UK democracy and that investing in democracy is essential to its wellbeing.
256. We consider the proposal for a democratic information hub to be thoroughly sensible and believe that a new source is required to centralise and make information about democracy available to voters. This source must be independent and politically neutral.
257. The hub would have two purposes: the first and most important would be to inform the public. The hub could provide ‘basic’ information about democracy, including how to vote, where to vote and who the local candidates are for all levels of elections. It could then build its services up gradually

396 Written evidence from Dr Alan Renwick, Joe Mitchell and Michela Palese (DAD0099)

397 The Cairncross Review, A Sustainable Future for Journalism (February 2019) p 11: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779882/021919_DCMS_Cairncross_Review_.pdf [accessed 9 April 2020]

398 DCMS, Government response to the Cairncross Review: a sustainable future for journalism (January 2020): <https://www.gov.uk/government/publications/the-cairncross-review-a-sustainable-future-for-journalism/government-response-to-the-cairncross-review-a-sustainable-future-for-journalism> [accessed 13 May 2020]

once it had gained some brand recognition and achieved a trusted status. The second purpose would be to bring together and inform policymakers, government of all levels and civil society organisations. For this audience, the hub would act as a centre for innovation, research and promotion for what works in digital engagement. The hub could connect policymakers to access and better understand the successful digital innovations taking place in civil society.

258. *The Government should establish an independent democratic information hub. This would be both a public-facing hub that provides information about democracy, starting with basic information about democratic procedures, and a means of sharing best practice in digital democracy between policymakers and civil society organisations.*

How Government and Parliament could better use digital tools

259. To a large extent, Government, and especially Parliament, use analogue systems. The COVID-19 pandemic has caused both to innovate at great speed. Parliament's proceedings usually rely on Members being physically present in debates and passing through division lobbies in person. The COVID-19 pandemic and attempts at a 'virtual parliament' have revealed areas where greater use of digital technologies could enhance and improve parliamentary work.
260. Professor Cristina Leston-Bandeira from the University of Leeds told us that there was not a systematic, integrated approach to the use of technology by Parliament.³⁹⁹ Professor Leston-Bandeira and Joe Mitchell both raised the issue that public representatives in institutions such as Parliament should be thinking about how technology can help them to listen better to the public.⁴⁰⁰ Peter Baeck told us that it was important for technological expertise to be embedded into existing institutions as another tool to enable them to do their job well.⁴⁰¹
261. We were told that how Parliament communicates and the ways in which it presents information could also be improved. Dr Rebecca Rumbul argued that much of what MySociety does on the TheyWorkForYou website should be done by Parliament itself.⁴⁰²
262. Parliament and Government have in the past been perceived as slow-moving when it comes to adopting digital. We heard from Professor Leston-Bandeira that public institutions are not as developed in the use of digital as the private sector and that there was a need for these institutions to bring in more skills to make improvements in this area. This problem could perhaps be explained by issues in resourcing. Tony Close, then from Ofcom; albeit a regulator, not a governmental body, told us that while they struggle to compete with the private sector because they could not attract people with generous salary packages, they could attract people whose values align with Ofcom's.⁴⁰³
263. There has been some innovation undertaken by the devolved institutions and a greater willingness to adopt digital practices. Professor Leston-Bandeira

399 [Q 259](#) (Professor Cristina Leston-Bandeira)

400 [Q 259](#) (Professor Cristina Leston-Bandeira and Joe Mitchell)

401 [Q 266](#) (Peter Baeck)

402 [Q 277](#) (Dr Rebecca Rumbul)

403 [Q 282](#) (Tony Close)

told us that the Scottish and Welsh Parliaments have many good examples of how to use technology for engagement purposes. We are also aware that some local authorities have experimented with tools such as participatory budgeting. However, we do believe that more could be done, particularly after the COVID-19 pandemic, which showed that business could be conducted virtually for many public bodies.

264. This is not to say that Parliament or Government could fulfil the functions performed by actors operating in the civic technology space. Firstly, Parliament, like all large and historic institutions, is inherently bureaucratic and change is cumbersome. For example, Professor Graham Smith argued that MySociety is a nimbler organisation and that Parliament and local authorities can be a dead hand on creativity and innovation.⁴⁰⁴ Many of the civic tech organisations are staffed by small numbers of highly-skilled volunteers; the start-up nature of these organisations is perhaps precisely what allows them to build projects so quickly in response to perceived need.
265. Professor Smith suggested that there should be a mix, with institutions acting for themselves as well as paying for services from others who are in a better position to innovate. We concur. It is necessary for Parliament and Government both to show that they are adapting to the digital world, and to support organisations that can do this better, faster and in a more sophisticated manner. These civic technology organisations do need financial help, which could be provided by Government. Such partnerships would be mutually beneficial to both the institutions and civic technology organisations. A proposed source of funding could be the money raised by the incoming Digital Services Tax, which will be levied on a group's businesses that provide a social media, search engine or online marketplace to UK users. Those businesses will be liable to the tax when the group's worldwide revenues from those digital activities are more than £500 million and more than £25 million of these revenues are derived from UK users. This should not be confused with the traditional form of outsourcing.
266. The COVID-19 pandemic has necessitated a rapid response from parliaments across the world, including those in the UK. We argue for a sensible optimisation of the use of digital technologies based on the lessons learned during the pandemic.
267. ***Parliament, and national, devolved and local government must acquire and develop greater digital capacity and skills to facilitate digital democratic engagement. This should be a mix of inhouse development and the funding of specialist external organisations as appropriate.***

404 [Q 277](#) (Professor Graham Smith)

CHAPTER 6: FREE AND FAIR ELECTIONS

268. It is the responsibility of all of us to ensure that representative democracy is supported, rather than undermined in the digital era, and that, above all, elections remain free, fair and trusted. The inability of our electoral law to reflect the rise in digital campaigning places that trust at risk.
269. Digital campaign tools can make it easier and cheaper for campaigners to communicate with voters. This in itself is no bad thing. Electoral Commission statistics show that the proportion of money spent on digital political advertising has steadily increased.⁴⁰⁵ It is also possible, given the currently unknown impact of COVID-19 that digital campaigning will become ever more important.
270. However, there is growing uncertainty about the way in which digital campaigning is regulated and how much online electoral processes can be trusted. The Nolan Principles of honesty, leadership and openness are of particular relevance here. Holders of public office, and those who seek it, should act in an open and transparent manner; they should be truthful, and they should actively promote these principles and be willing to challenge poor behaviour wherever and whenever it occurs. We cannot be certain that our leaders are adopting these behaviours when it comes to online electioneering, which creates fertile ground for trust in democracy to be undermined. The Committee on Standards in Public Life launched a review of electoral regulation in June. We look forward to reading their conclusions and hope that this Chapter will inform that review.⁴⁰⁶
271. The LSE Truth, Trust and Technology (T3) Commission expressed the urgency of the situation neatly:
- “If the policy framework is not updated, the ability of ‘rules of the game’ to ensure that elections are free, fair and legitimate will increasingly be called into question. The UK should not find itself having to go to the polls again before the legislative framework is modernised.”⁴⁰⁷
272. There is no clear definition of a ‘campaigner’ in law. We formulate a definition in the box below.

405 Electoral Commission, *Report: Digital campaigning – increasing transparency for voters* (August 2019): <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/changing-electoral-law/transparent-digital-campaigning/report-digital-campaigning-increasing-transparency-voters> [accessed 2 June 2020]

406 Committee on Standards in Public Life ‘Review of electoral regulation – public consultation’ (8 June 2020): <https://www.gov.uk/government/publications/review-of-electoral-regulation-public-consultation> [accessed 9 June 2020]

407 Written evidence from the LSE T3 Commission ([DAD0078](#))

Box 6: Definition of campaigner

There is no single definition of campaigning in law that can be readily used to define what a campaigner is. The Political Parties, Elections and Referendums Act 2000 (PPERA) has separate definitions of campaign spending for registered parties, third parties and referendum campaigners. The Representation of the People Act 1983 has another definition for election spending by candidates.

Advancements in digital technologies also bring the question of what a campaigner is into focus. The PERA, drafted 20 years ago, does not account for the present situation.

In their 2018 ‘Democracy Disrupted’ report, the Electoral Commission used the term ‘campaigner’ loosely as an umbrella term for political parties, third parties, permitted participants, unregistered referendum campaigners and candidates.

We define a ‘campaign’ as coordinated activity that promotes electoral success or promoting a referendum outcome. This applies to political parties, registered and unregistered third parties and candidates in local and national elections.

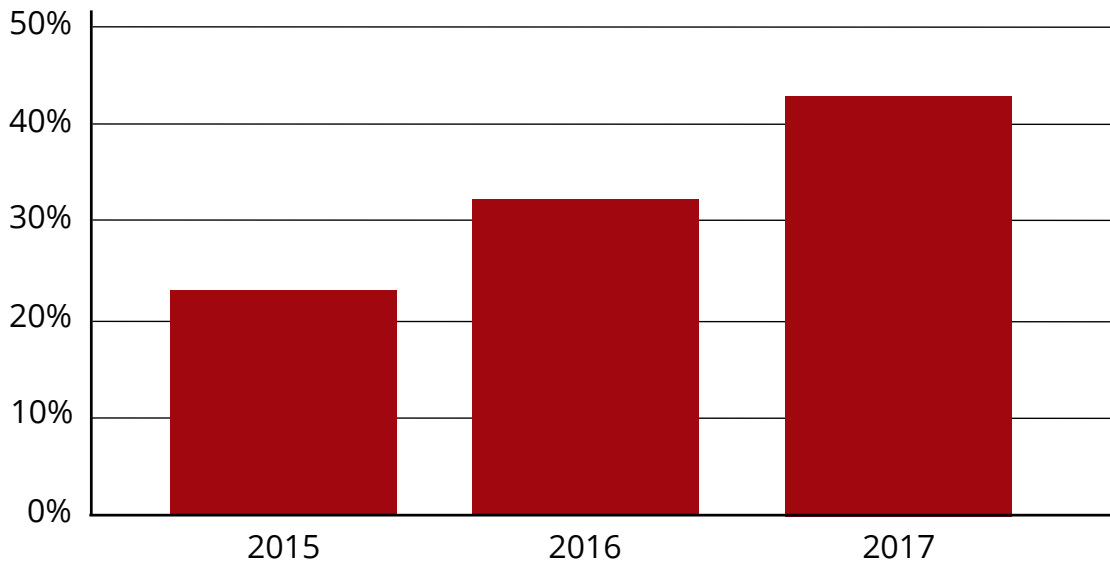
273. We add our voices to those calling for reform of UK electoral law. We detail what should be included in this piece of legislation and what the Government should urgently consider as part of this reform.

Electoral law

274. In the most fundamental sense, the voters have to trust the electoral process in order for them to accept its results. Elections are the mechanism through which we decide our representatives; that they are trusted, and their results accepted, are the keystones upon which democracy rests.
275. Electoral law has not kept pace with changes to digital campaigning and as such it fails to regulate modern electoral campaigns effectively. In recent years a succession of public bodies have called for the significant reform of electoral law. In March 2020, the Law Commission published the final report of its nine-year review of electoral law. It concluded that our electoral laws are outdated, confusing and no longer fit for purpose. Its main recommendation was that reforms were needed to bring electoral law into a single, consistent legislative framework.⁴⁰⁸
276. As has been put to us many times, developments in digital technology far outpace the response rate of legislation. Spending on digital campaigning has increased at each General Election in recent years, as Figure 3 below illustrates. The graph below shows spend by political parties and permitted participants and only looks at spending on a small selection of digital platforms which were reported as ‘spending on advertising’. Given that this chart does not reflect third-party spending and the full range of digital platforms, it is likely that the true picture of digital spend is much greater than is shown.

408 The Law Commission, *Electoral Law: A joint final report* (March 2020) pp 17: https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/03/6.6339_LC_Electoral-Law_Report_FINAL_120320_WEB.pdf [accessed 27 April 2020]

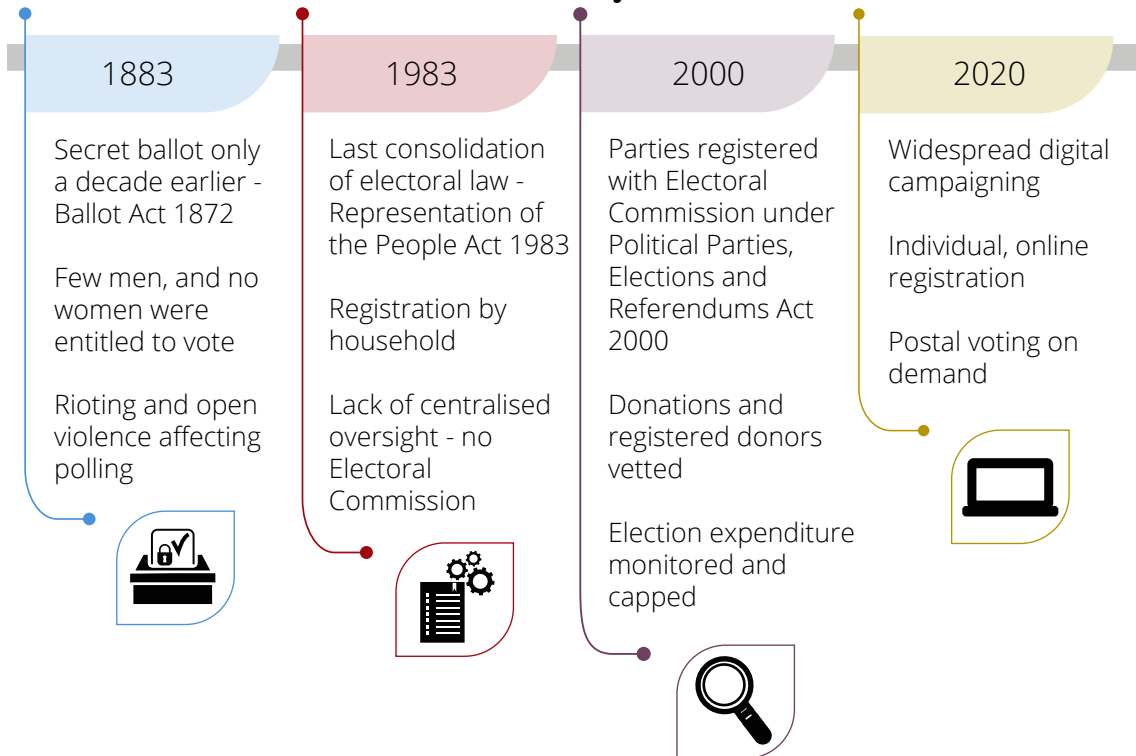
Figure 3: Reported spending by campaigners on digital advertising as a percentage of total advertising spend



Source: Electoral Commission Report: Digital campaigning—increasing transparency for voters (August 2019): <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/changing-electoral-law/transparent-digital-campaigning/report-digital-campaigning-increasing-transparency-voters> [accessed 2 June 2020]

277. And yet, the main Acts governing our electoral law date from 1983 (Representation of the People Act) and 2000 (PPERA) respectively. The Law Commission pointed out that the 1983 Act has its origins in the Corrupt and Illegal Practices Act 1883 and that much of it had not been updated since. The Figure below illustrates the absurdity of this.

Figure 4: Timeline of electoral developments throughout modern British history



Source: The Law Commission, *Electoral Law: A joint final report*, p 3

278. The Law Commission suggested that modernising the framework of electoral law would mean that making changes to the law would be less complicated, allowing the law to respond faster to societal and technological developments. The Electoral Commission told us that wholesale reform of electoral law would be their main request to Government.⁴⁰⁹
279. Furthermore, the Electoral Commission suggested that not only were these Acts outdated, there is a deficiency in how they interrelate. This means that the party and candidate regulatory frameworks are not always well-aligned. This lack of alignment has led to several deficiencies in compliance with, and enforcement of, the regime. Louise Edwards, Director of Regulation at the Electoral Commission, suggested that the public were probably confused about the current state of electoral law, explaining that the current legal framework does not work for some of the techniques that people use online.⁴¹⁰

Devolution

280. Devolution will have a significant impact on reforming electoral law. Some electoral law is devolved to the Scottish and Welsh Parliaments. The Scottish and Welsh governments have the power to make rules for parliamentary and local government elections in those jurisdictions. However, as the Law Commission explained, there are some rules for those elections that remain the responsibility of the UK Parliament. These include the rules regulating the registration of parties and donations to registered political parties.⁴¹¹
281. The Law Commission recommended what it calls ‘rationalisation’—a single, consistent framework that applies to all elections and referendums, with a consistency of approach across all the UK legislatures. The devolved administrations would maintain their current devolved legislative competence; rationalisation of electoral law here would not mean repatriation of devolved powers.
282. When we asked the Government about their response to the Law Commission’s report, Chloe Smith MP, Minister of State at the Cabinet Office, told us that consolidation was not her priority, and that her focus spanned “operations, resilience and security”.⁴¹² Whilst we would not dispute these goals are important, the two are not mutually exclusive: the rationalisation of electoral law to make it fit for the digital age should improve operations, security and most importantly, public trust in democracy. It is also long overdue.
283. Electoral law should be modernised, rationalised and brought into the 21st century. Whilst we focus in this Chapter on how this should be done in relation to digital technologies, we urge the Government to consider seriously the Law Commission’s proposals in their final report on reform of electoral law. In this report we focus on modernising electoral law to make it fit for the digital age, without altering the devolution settlement, in line with our remit; however, the Law Commission’s report goes much further than this and focusses on simplifying and clarifying the law.

409 [Q 225](#) (Craig Westwood)

410 [Q 207](#) (Louise Edwards)

411 The Law Commission, *Electoral Law: A joint final report*, p 14

412 [Q 345](#) (Chloe Smith MP)

284. *The Government should bring forward a Bill based on the proposals set out by the Law Commission that comprehensively modernises electoral law. This should be completed in all its stages before the next General Election.*

Imprints

285. The issue of digital imprints is unavoidable when considering how to make electoral law fit for the modern era.

Box 7: Imprints

Election material is published material that can reasonably be regarded as intended to influence voters to vote for or against a political party or a category of candidates at certain elections.

Whenever (offline) election material is produced, it must contain certain details, which are referred to as an ‘imprint’, to show who is responsible for the production of the material. This helps to ensure there is transparency about who is campaigning.

286. Imprints are an important consideration because they mark a key difference, and a gap in transparency, between the regulation of offline and online election material. The PPERA requires printed campaign materials to carry an imprint, but, dating from 2000, it makes no equivalent requirement for digital campaign materials.
287. The Electoral Commission has been calling for digital imprints since 2003. They argue that the gap in transparency is affecting voter confidence and the Commission’s ability to enforce the rules.⁴¹³ The Electoral Commission’s 2019 Election Report found that nearly one in five people were not confident that the election was well run.⁴¹⁴ Many of these people selected reasons related to concerns about campaigning or the media to explain their lack of confidence. The Electoral Commission stated that it is often too unclear who is behind digital election campaign material, and significant public concerns about the transparency of digital election campaigns risk overshadowing their benefits. Extending imprints to digital campaigning would go some way towards reducing this confusion. The Electoral Commission currently advises campaigners to include an imprint even though it is not required under law, however, it is unclear if there has been widespread, consistent application of this advice.
288. In our evidence, there was overwhelming support for introducing digital imprints. The Network for Media and Persuasive Communication at Bangor University, for instance, told us that imprints were important for transparency, and that it was important to make clear who was behind an advert.⁴¹⁵ The recommendation to introduce digital imprints was endorsed by

413 The Electoral Commission, ‘Response to UK Government policy consultation: Protecting the debate’ (August 2019): (<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/changing-electoral-law/transparent-digital-campaigning/response-uk-government-policy-consultation-protecting-debate> [accessed 27 April 2020])

414 The Electoral Commission, ‘UK Parliamentary General Election 2019’ (April 2020) p 10: <https://www.electoralcommission.org.uk/sites/default/files/2020-04/UKPGE%20election%20report%202020.pdf> [accessed 27 April 2020]

415 Written evidence from the Network for Media and Persuasive Communication at Bangor University (DAD0019)

academics and many different organisations.⁴¹⁶ The Royal Statistical Society noted that extending imprints to include online political campaigning had been recommended no less than eight times in the last two years by other committees and inquiries.⁴¹⁷ MySociety suggested that introducing transparency through measures such as imprints would not automatically resolve actual or perceived issues in campaign finance, but it would enable greater potential for examining and discovering wrongdoing sooner.⁴¹⁸ The Conservative Party told us that they support and advocate the extension of imprints to electronic campaigning material, and that the imprint would provide a check and balance against inappropriate content, as the publisher or promoter could be held to account publicly for the content.⁴¹⁹ Many other pieces of evidence advocated the introduction of imprints on digital campaign material.⁴²⁰

289. In calling for digital imprints, we add our voice to a strong chorus of bodies and organisations who have consistently recommended this measure. The Law Commission recommended extending imprints to online material, to reflect the growth of online campaigning and the use of social media in recent years.⁴²¹ The House of Commons DCMS Select Committee’s inquiry into fake news suggested a similar reform to the law. The Committee suggested that there was a need for additional clarity and new definitions of what constitutes online political advertising and that there should be “absolute transparency of online political campaigning, including clear, persistent banners on all paid-for political adverts and videos, indicating the source and the advertiser.”⁴²² The Committee on Standards in Public Life has endorsed the Electoral Commission’s recommendation.⁴²³ The Oxford Internet Institute’s Technology and Elections Commission final report recommended that imprints should be provided on all digital ads and sponsored content as one of their immediate proposals for action.⁴²⁴
290. The Government consulted on introducing digital imprints in late 2018, and in May 2019 committed to bringing forward the technical proposal for imprints by the end of 2019. No such proposal has emerged, and an election has taken place since that commitment. In their evidence to us dated April 2020, the Government provided no further indication of when imprint legislation, or even legislative proposals, will be introduced, saying that further details would be announced “in due course.”⁴²⁵ It is extraordinary that with such overwhelming support for this proposal, to which the Government has repeatedly stated its commitment, no progress has been

416 Written evidence from the Institute for Practitioners in Advertising ([DAD0026](#)), Doteveryone ([DAD0037](#)), Full Fact ([DAD0042](#)), the Coalition for Reform in Political Advertising ([DAD0071](#))

417 Written evidence from the Royal Statistical Society ([DAD0084](#))

418 Written evidence from MySociety ([DAD0024](#))

419 Written evidence from the Conservative Party ([DAD0095](#))

420 Written evidence from Mr Roy Jakes ([DAD0010](#)), Dr Ana Langer and Dr Luke Temple ([DAD0048](#)), Avaaz ([DAD0073](#))

421 The Law Commission, *Electoral Law: A joint final report*, p 157

422 DCMS Committee, *Disinformation and ‘fake news’: Final Report* (Eighth report, Session 2017–19, HC 1791)

423 The Committee on Standards in Public Life, ‘Intimidation in Public Life: A Review by the Committee on Standards in Public Life’ (December 2017) p 61: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1_2.pdf [accessed 28 April]

424 Oxford Technology and Elections Commission, ‘Ready to vote: Elections, Technology & Political Campaigning in the United Kingdom’ (October 2019) p 9: <https://oxtec.oii.ox.ac.uk/wp-content/uploads/sites/115/2019/10/OxTEC-Ready-to-Vote.pdf> [accessed 27 April 2020]

425 Supplementary written evidence from HM Government ([DAD0102](#))

made. This delay is unacceptable; “in due course” provides no clarity and we question how many more election campaigns will be run, and how much further public trust will be eroded, before this proposal is put into law. We draw the Government’s attention to the substantial number elections that were due to take place in May 2020 which have been postponed until May 2021 due to the COVID-19 pandemic, including English local councils, 13 directly elected mayors in England and 40 police and crime commissioners in England and Wales. These elections will take place on the same day as the Welsh and Scottish Parliament elections which are due to take place in 2021.

291. We note that there is a digital imprint requirement to show the name and address of the person responsible for the online campaign material contained in the Referendums (Scotland) Act 2020, passed by the Scottish Parliament on 19 December 2019. Digital imprints were also in place for the Scottish Independence Referendum in 2014.⁴²⁶ This is notable because it provides an example of a poll conducted in the UK that took place with digital imprint legislation enacted and therefore simply proves it can be done. Each of the devolved administrations must decide for themselves, but we advocate consistency across the UK in line with the rationalisation aim of the Law Commission’s proposals.
292. Whilst we add our voices to those who have been calling for digital imprints to be enshrined in primary legislation, we also wish to draw the Government’s attention to the fact that the PPERA contains a specific power for the Secretary of State to use regulations to extend the imprint rules to non-printed material, which would include digital and online materials. As the Law Commission’s report makes clear, electoral law in the UK is fragmented and complex. There are various pieces of legislation that cover rules relating to parties or candidates and separate pieces of legislation covering UK-wide elections, and elections in England and the devolved administrations. There are imprint rules in all those pieces of legislation, which could be extended via secondary legislation. This secondary legislation power means that the Government has more flexibility to change this part of electoral law compared to other aspects of law which can only be changed via primary legislation, and therefore progress can be made whenever the Government decides it would like to prioritise this.⁴²⁷
293. Whilst we urge the Government to undertake a holistic reform of electoral law, we are mindful that the Government has committed to action on the issue of imprints and that developments in technology move fast. Clarity about the Government’s intention is desperately needed, and the use of secondary legislation could provide a remedy in the short-term. We note that recent advert labelling initiatives by the technology companies, albeit in a patchy and inconsistent fashion, show that digital imprints would be workable. We encourage the Government to introduce this as an urgent first step in reforming electoral law to make it fit for the digital age.

426 The Electoral Commission, *Overview of referendum campaigning - referendum on independence for Scotland* (2014) p 8: https://www.electoralcommission.org.uk/sites/default/files/pdf_file/to-ris-ref-campaigning.pdf [accessed 18 June 2020]

427 The Electoral Commission, ‘Response to UK Government policy consultation: Protecting the debate’ (August 2019): <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/changing-electoral-law/transparent-digital-campaigning/response-uk-government-policy-consultation-protecting-debate> [accessed 27 April 2020]

294. *The Government should legislate immediately to introduce imprints on online political material. This could be done through secondary legislation.*

Electoral Commission powers

295. Campaign spending is regulated by the Electoral Commission, which derives its powers from the PPERA, and reports to Parliament. On numerous occasions we heard that the Electoral Commission's powers were insufficient to properly regulate electoral conduct in a digital age. Their budget is determined by the Speaker's Committee on the Electoral Commission. Baroness O'Neill of Bengarve told us that the one thing she would impress upon the Government to enact in the short term would be, "sorting out the powers of the Electoral Commission."⁴²⁸

Outside the formal investigation period

296. The Electoral Commission has extensive powers once it has declared a formal investigation into an alleged breach or breaches of electoral law, but limited powers beyond this. One of the rules of the PPERA is that political parties, campaigners, members associations and elected officials must report spending, donations and loans above £500 to the Electoral Commission. If these rules are broken, the Commission will investigate.
297. Louise Edwards from the Electoral Commission told us that the resourcing of the Commission was not the problem, but that the present legal framework does not allow them to regulate elections in a digital age. For example, they do not currently have the power to go to a social media company outside of an investigation to find out who is behind a particular online campaign.⁴²⁹ The Commission requested further powers to obtain information from others, beyond those they regulate, where it is in the public interest to do so. They argued that this would allow them to deal with compliance issues in real time, and compel organisations, for example social media companies, to give them information about the source of an online campaign.⁴³⁰ In their 2018 report, they asked for the power to request relevant information and explanation from outside parties who may hold relevant material outside of formal investigations. They argue that this would bring the Electoral Commission's powers in line with those of the ICO. Craig Westwood told us that the most important thing was to "move quickly and reassure the public in what is a live campaigning period, when people are trying to influence people every day and people are already starting to put in postal votes."⁴³¹
298. Our concern here is trust. Voters must be able to trust what they believe they are being told and who is trying to influence them. In the context of increasing voter concerns about the conduct of online campaigning,⁴³² people need to be assured that the regulatory system is working in an effective way, and that those who breach it will be dealt with adequately and in a timely manner. To do this, the Electoral Commission must be able to acquire information from third parties such as social networks. We note that the ICO also have the power to issue assessment and enforcement notices in addition to information notices. We limit our recommendation to information notices for

428 [Q 11](#) (Baroness O'Neill of Bengarve)

429 [Q 212](#) (Louise Edwards)

430 Written evidence from the Electoral Commission ([DAD0058](#))

431 [Q 221](#) (Craig Westwood)

432 [Q 207](#) (Louise Edwards)

the Electoral Commission, on account of a lack of evidence that assessment and enforcement notice powers are desirable for the Electoral Commission.

299. ***The reform of electoral law should grant the Electoral Commission the power to acquire information from external parties such as social networks about campaigners' activities outside of a formal investigation.***

Campaigners' receipts

300. The rise of digital campaigning has arguably confused the public. The Electoral Commission's 2019 General Election Public Opinion Survey found that public perceptions of political information online were that it is unclear and untrustworthy.⁴³³ 46 per cent of respondents were concerned about why and how political ads were targeted at them; only 29 per cent agreed that they could find out who had produced the political information they saw online, such as who had paid for it and who produced it; more than half (52 per cent) of respondents felt that 'inadequate control of political activity on social media is a problem' and almost two-thirds (60 per cent) of respondents thought that information available online about politics is not trustworthy.
301. Members of the public expressed concern to us about the lack of clarity as to how much was being spent online during campaigns. Christina Eager suggested that there must be rigorous checks and the ability to impose punitive sanctions on organisations and individuals who break the rules.⁴³⁴ John Brace told us that he routinely inspects candidate election expense returns in the local government area and has observed that candidate expenses do not always reflect the true cost of digital campaigning. He stated that some costs that should be declared are sometimes left out or other basic errors are made on returns.⁴³⁵
302. The Electoral Commission recommended in their 2018 report that campaigners should be required to submit detailed and meaningful receipts from their digital suppliers and that parties should have to break down their spending returns into additional sub-categories.⁴³⁶ As it currently stands, national regulations in each of the UK's legal jurisdictions do not require sufficient detail in campaigners' submissions for observers to have a meaningful understanding of parties' online activities. Spending on campaign activity is declared under broad categories such as 'advertising'; there is no specific legal category for digital campaigning. This is unhelpful and provides no real insight into how campaigners are spending money on digital technologies and online. The information must be meaningful for everyone who uses it, so that the public can better understand how online campaigns are being conducted.
303. However, Dr Luke Temple from the University of Sheffield and Dr Ana Langer from the University of Glasgow raised the issue of additional rules on transparency possibly having a detrimental effect on small civil society organisations' ability to take part in democratic debate. They stated that these organisations do not have access to the lawyers and accountants

433 The Electoral Commission, *UK Parliamentary General Election 2019*, pp 12–3:

434 Written evidence from Christina Eager ([DAD0002](#))

435 Written evidence from John Brace ([DAD0009](#))

436 The Electoral Commission, *Digital campaigning: Increasing transparency for voters* (June 2018) p 12: https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Digital-campaigning-imp-oving-transparency-for-voters.pdf [accessed 28 April 2020]

needed to navigate these rules. They suggested that transparency rules should be accompanied by well-resourced providers of free advice on how these rules apply.⁴³⁷ We agree that the barriers to entry to democratic debate should not be raised unnecessarily, yet current spending categories are insufficient and do not provide any meaningful or practical insight into how campaign money is spent online. The Electoral Commission should therefore be encouraged to provide clear and accessible guidance about the level of detail that campaigners should include in their spending returns.

304. Electoral law needs to change to ensure parties must submit detailed returns and provide a meaningful account of their online spending. A possible further reform for the Electoral Commission to consider would be to link digital imprints to spending returns, so that the full information and context is available to the public.
305. ***The reform of electoral law should support the Electoral Commission in creating statutory guidance on the level of detail campaigners set out in receipts concerning digital spending and in their spending returns to the Commission, to provide the public with a greater understanding of the breadth and nature of online campaigns.***

Sanctions

306. Since 2010, the Electoral Commission has had powers to investigate potential breaches of the rules set out in the PPERA, and to issue sanctions if breaches are found to have occurred, including variable fines up to a maximum of £20,000.
307. Looking at national spending, in the 2017 election the Conservative Party spent more than £18.5 million. The Labour Party spent £11 million and the Liberal Democrats spent £6.8 million. Taken together, there was a total spend at the 2017 election of £41.6 million by a combination of 75 parties and 17 non-party campaigners.⁴³⁸ In this context, the Electoral Commission's maximum financial sanction of £20,000 is a grossly insufficient sum indicating that the regulator lacks the power to drive proportionate compliance. In the Electoral Commission's 2018 report and evidence to this Committee, it suggested that the current £20,000 maximum fine could be considered the cost of doing business for some campaigns and does not act as an effective deterrent to stop campaigners from committing offences.⁴³⁹
308. Dr Robert Dover from the University of Leicester also argued that fines must be levied at a significant rate to avoid the conclusion being drawn that investigations and fines associated with breaches of electoral rules are now transaction costs in the process.⁴⁴⁰ The principle of the application of bigger fines by the Electoral Commission was also endorsed by the LSE T3 Commission.⁴⁴¹ The APPG on Electoral Campaigning Transparency in its report on Democracy in a Digital Age suggested removing the cap on the fines the Commission could levy.

437 Written evidence from Dr Luke Temple and Dr Ana Langer (DAD0048)

438 'Tories spent £18.5m on election that cost them majority', *The Guardian* (19 March 2018): <https://www.theguardian.com/politics/2018/mar/19/electoral-commission-conservatives-spent-lost-majority-2017-election> [accessed 13 May 2020]

439 The Electoral Commission, 'Digital campaigning: Increasing transparency for voters', p 22

440 Written evidence from Dr Robert Dover (DAD0027)

441 Written evidence from the LSE T3 Commission (DAD0078)

309. By way of comparison with the Electoral Commission, the ICO can levy fines of up to €20 million or in the case of an undertaking, up to four per cent of the total worldwide annual turnover of the preceding financial year, whichever is higher.⁴⁴² Even before the introduction of the large fines available under the General Data Protection Regulation (GDPR), the Information Commissioner was able to fine up to £500,000 under the Data Protection Act 1998.⁴⁴³ The Electoral Commission noted that this is an uneven benchmark with the ICO able to levy substantially higher fines than themselves.⁴⁴⁴ The Information Commissioner herself advocated an update in the Electoral Commission’s powers, resources and compliance tools. She stated that the maximum fine the ICO were able to levy was a significant power to drive compliance.⁴⁴⁵
310. We note that many fines are caused by local volunteers not accurately reporting the donation received. It is important that the fines levied are proportionate to the offence; many of the fines currently given out by the Commission are in the £200-600 range. However, proportionality works both ways: the Electoral Commission must be given effective deterrent powers in an age where millions of pounds are spent at UK wide elections and referendums, especially on digital campaign activities. Campaign spend here uses the definition of campaign expenditure as set out in the PPERA, “expenses incurred on or on behalf of the party... for election purposes.”⁴⁴⁶
311. *As part of the reform of electoral law, the maximum fine the Electoral Commission can levy should be raised to £500,000 or four per cent of a campaign’s total spend, whichever is greater.*

Oversight powers

312. A concern repeatedly raised with us was the ability of digital campaigning techniques to blur the boundaries between local candidate and national spending. The emergence of micro-targeting techniques, particularly targeting based on location, means there is greater uncertainty about whether an advert falls under local or national-level spending limits. The Open Rights Group suggested that the targeting abilities of social media platforms does indeed blur the line between differentiated spending limits traditionally placed on actors by candidate, party or national designations to the point where these are essentially cosmetic.⁴⁴⁷ Dr Martin Moore also suggested that parties were using digital technology to circumvent limits on local spending.⁴⁴⁸ Bethany Shiner told us that the regulation of the different caps in spending for local and national elections must be strengthened to avoid the funnelling of money into swing seats which should fall under local spending, but might be paid for out of the national budget.⁴⁴⁹ Dr Luke Temple and Dr Ana Langer suggested that increased transparency would mean

442 ICO, ‘Penalties’: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-law-enforcement-processing/penalties/> [accessed 28 May 2020]

443 ICO, ‘Data Protection Act 1998’: <https://ico.org.uk/media/for-organisations/documents/1043720/ico-guidance-on-monetary-penalties.pdf> [accessed 28 May 2020]

444 Written evidence from the Electoral Commission (DAD0058)

445 Q 290 (Elizabeth Denham)

446 Political Parties, Elections and Referendums Act 2000, [section 72\(2\)](#)

447 Written evidence from the Open Rights Group (DAD0079)

448 Q 50 (Dr Martin Moore)

449 Written evidence by Dr Bethany Shiner (DAD0011)

rethinking the distinction between constituency and national spending, as digital technologies have made them increasingly hard to distinguish.⁴⁵⁰

313. The LSE T3 Commission pointed out the discrepancy whereby targeting voters online in particular constituencies is defined as national spending, for which limits are set far higher than for constituency spending. They argued that this undermines the principle of a level playing field at a local level.⁴⁵¹ The Law Commission in their electoral law report also noted concerns about blurring the line between national and constituency expenditure.⁴⁵²
314. The distinction between national and local spending is somewhat murky: the criteria is whether a particular advert is trying to promote the election of a candidate or encourage people to vote for that party. Louise Edwards from the Electoral Commission told us that, “In practice, even if an advert is targeted at a single constituency, it comes down to whether the content of that advert is about the candidate or the party’s national policies. If it is about the party’s national policies, it is still party spending.”⁴⁵³
315. However, Ms Edwards told us that there was no evidence that the distinction between national and local spending was not working. After the 2015 Election, the Electoral Commission fined a party a significant amount of money for reporting some candidate spending as party spending, but Ms Edwards told us this was an anomaly.⁴⁵⁴
316. Nevertheless, the APPG on Electoral Campaigning Transparency recommended that the Electoral Commission should oversee local candidate spending in addition to national spending, which they currently regulate.⁴⁵⁵ The Electoral Commission told us that they had wished to oversee local candidate spending for a long time and that there were obvious benefits to the same regulator overseeing national and local spending declarations.⁴⁵⁶ Currently, the Electoral Commission cannot take further action themselves if they find inaccuracies in candidate spending; it is the responsibility of the police to deal with any allegations that a return is inaccurate.
317. The Law Commission stated that it excluded national spending regulations from its review as the issue was too political for a neutral body to consider but did state that any holistic reform of electoral law should include both areas. The Law Commission’s report suggested merging as many of the different rules governing elections into simple single codes that are easier to understand. On this proposal specifically, the Law Commission concluded that there are a number of practical barriers to overcome because the Electoral Commission does not have a register of candidates and so would not be able to determine if a candidate had failed to submit a spending return. In its interim report, it recommended that should spending returns go digital in the future they should be overseen by the Electoral Commission. The

450 Written evidence from Dr Luke Temple and Dr Ana Langer ([DAD0048](#))

451 Written evidence from the LSE T3 Commission ([DAD0078](#))

452 The Law Commission, *Electoral Law: A joint final report*, p 156

453 [Q 216](#) (Louise Edwards)

454 [Q 216](#) (Louise Edwards)

455 APPG on Electoral Campaigning Transparency, *Defending our Democracy in the Digital Age* (January 2020): <https://1u5lpf242yxl2669iu2mp449-wpengine.netdna-ssl.com/wp-content/uploads/2020/01/Defending-our-Democracy-in-the-Digital-Age-APPG-ECT-Report-Jan-2020.pdf> [accessed 28 April 2020]

456 [Q 216](#) (Louise Edwards)

Law Commission also concluded that it could be an area of future work for itself.⁴⁵⁷

318. ***The Electoral Commission should be given oversight of local candidate spending as well as national spending and should review what types of spending are included in each category.***

Small donations and spending

319. Under the PPERA, any contribution of goods, property or services given to a political party with a value of less than £500 is not considered a donation and therefore does not have to be registered.⁴⁵⁸ Actors who spend below the £500 limit therefore avoid scrutiny.
320. In its report, *Defending Democracy in the Digital Age*, the APPG on Electoral Campaigning Transparency's first recommendation was to regulate all donations by reducing permissibility check requirements from £500 to 1p for all non-cash donations, and £500 to £20 for cash donations. The APPG made the point that the £500 limit on donations was conceived at the time when tracking such sums of money was relatively simple; today £500 can be transferred from anywhere in the world instantaneously.⁴⁵⁹ Dr Bethany Shiner told us that foreign and automated donations made through PayPal make it possible to escape the prohibition on the £500 limit.⁴⁶⁰
321. The Open Rights Group suggested that digital technology had allowed for a proliferation of 'astroturf' campaigns, that claim grassroots status but are coordinated and funded by larger established commercial lobbying organisations or pre-existing political campaigns. Most organisations do not have to register as a non-party campaigner unless they are spending £20,000 in England or £10,000 in Scotland. The Open Rights Group stated that it is relatively easy under present circumstances for political campaigners to obscure the sources of their funding.⁴⁶¹
322. The Electoral Commission told us that lowering the current spending limits would impose a regulatory burden on small campaign groups and would require a large amount of resources from the Electoral Commission. They contrasted the US system where campaigners are required to register with the Federal Election Commission (FEC) with the UK's system which has no such comprehensive register. The FEC register allows online imprints through Facebook to connect directly to the organisation's registration with the FEC. MySociety told us that stronger requirements for parties to know the identity of donors would help address concerns that funding limits can be circumvented through multiple donations below the £500 limit, before stronger disclosure standards come into effect. It cited the example of the US FEC site as a good model.⁴⁶²
323. We propose that the Electoral Commission should look into the feasibility of a secondary registration scheme for campaigners that fall below the £20,000

457 The Law Commission, *Electoral Law: A joint final report*, p 159

458 The Electoral Commission, 'Overview of donations to political parties', p 3: https://www.electoralcommission.org.uk/sites/default/files/pdf_file/to-donations-rp.pdf [accessed 28 April 2020]

459 APPG, *Electoral Campaigning Transparency Democracy in the Digital Age* (January 2020) p 11: <https://fairvote.uk/wp-content/uploads/2020/01/Defending-our-Democracy-in-the-Digital-Age-APPG-ECT-Report-Jan-2020.pdf> [accessed 28 April 2020]

460 Written evidence by Dr Bethany Shiner (DAD0011)

461 Written evidence from Open Rights Group (DAD0079)

462 Written evidence from MySociety (DAD0024)

threshold at which they have to register as non-party campaigners with the Electoral Commission. This is with the aim of transparency, which here refers to an understanding of linked business interests; it is not our intention to make onerous demands on small campaigners, and hence we recommend that only the identity of a small campaign's trustees if they are incorporated or legally responsible persons if they are not, and the identity of their five largest funders. This should go some way in restoring the public's trust that democracy is protected from automated donations.

324. *The Electoral Commission should explore whether it would be feasible to create a secondary registration scheme for campaigners who would otherwise fall below current spending limits. These campaigners would only be required to register the identity of their trustees or legally responsible persons and the identity of their five largest funders. They would not be required to disclose spending. This information could then be used to improve the transparency of online imprints.*
325. *The Government should then consider whether this secondary registration scheme should form part of the reform of electoral law.*

Advert databases

326. We received copious evidence calling for the creation of a database for political adverts. The Electoral Commission's 2018 report called for social media platforms to keep online databases of adverts that followed the UK's rules for elections and referendums.⁴⁶³
327. Facebook and Google both highlighted their current attempts at advertising transparency. Facebook told us that they launched a public advert library that contains a comprehensive, searchable collection of all adverts that are active and running on Facebook and Instagram.⁴⁶⁴ Google highlighted their transparency report that includes a searchable election advert library.⁴⁶⁵ Louise Edwards from the Electoral Commission acknowledged that social media companies have stepped in and taken voluntary action in this area, which she welcomed.⁴⁶⁶
328. However, both Google and Facebook's advert libraries have been criticised as incomplete and Google's has been criticised for containing inaccurate information. Ms Edwards told us that the current advert libraries do not capture everything that falls within the legal definition of election material. For example, she explained that the Electoral Commission wanted to see better and more reliable data on spending; some of the advert libraries have large spend brackets, which makes it difficult to understand exactly how much a particular campaign has spent.⁴⁶⁷ During the 2019 General Election, Google published a weekly transparency report including updates on how much money had been spent by political parties on adverts on their platform. Major inaccuracies were recorded weekly. For example, in the week the election was called Labour had a recorded spend of just £50 on adverts and nothing at all in the following week. However, Labour was advertising heavily in that period, spending tens of thousands of pounds on adverts on

463 The Electoral Commission, '[Digital campaigning: Increasing transparency for voters](#)', p 13

464 Written evidence from Facebook ([DAD0081](#))

465 Written evidence from Google ([DAD0086](#)), [Q 256](#) (Vint Cerf)

466 [Q 202](#) (Louise Edwards)

467 [Q 205](#) (Louise Edwards)

Google Search. Google told us that occurred because of human error,⁴⁶⁸ but they have not yet stated what types of quality control they conduct on their spending transparency report or why they were initially reluctant to correct the record about a party's spending during a contested election campaign.⁴⁶⁹ Furthermore, the reliability of these advert libraries has been called into question. Less than 48 hours before the 2019 General Election, tens of thousands of political ads went missing from Facebook's archive.⁴⁷⁰

329. Chloe Smith MP, Minister of State at the Cabinet Office, told us that the efforts of tech companies have shown that the sector is capable of creating transparency to voters itself, and that she was not persuaded the Electoral Commission needed more powers in this area.⁴⁷¹
330. Whilst we welcome voluntary efforts made on the part of technology companies, unlike the Government we do not believe it appropriate that these companies should be setting the criteria for transparency. Alex Krasodonski-Jones from Demos told us, "we do not know what we do not know, and that is not acceptable. I cannot accept the idea that Facebook, Google and Twitter can tell us what an advert library or transparency looks like."⁴⁷² Leaving the companies to establish transparency for elections is at best naïve, and at worst complacent; the examples above establish why we cannot rely on technology companies to correctly design, update and police these advert libraries.
331. Mozilla have suggested that platforms should create a database of all adverts on their platforms. This would ensure that the public does not have to rely on the platform's definition of what a political advert is and reduces the ways in which bad actors can exploit the system. Mozilla have also provided a list of criteria that these databases should adhere to. We endorse this list and encourage future regulation of online advertising databases to use these principles as a basis.

468 Supplementary written evidence from Google ([DAD0101](#))

469 'Google admits major underreporting of election and spend' *The Guardian* (19 November 2019): <https://www.theguardian.com/technology/2019/nov/19/google-admits-major-underreporting-of-election-ad-spend> [accessed 29 April 2020]

470 'Facebook under fire as political ads vanish from archive' *The Financial Times* (10 December 2019): <https://www.ft.com/content/e6fb805e-1b78-11ea-97df-cc63de1d73f4> [accessed 29 April 2020]

471 [Q 345](#) (Chloe Smith MP)

472 [Q 38](#) (Alex Krasodonski-Jones)

Box 8: Mozilla Guidelines for Effective Advert Archives

Mozilla have published five guidelines that advert archive APIs must meet in order to truly support election influence monitoring and independent research.

Comprehensive political advertising content

The APIs should include paid political adverts and issue-based adverts, without limiting access on the basis of pre-selected topics or keywords. Non-paid, public content that is generated by users who are known political content purveyors should also be available.

The content of the advertisement and information about targeting criteria, including:

- The text, image and/or video content and information about where the ad appeared.
- The targeting criteria used by advertisers to design their ad campaign, as well as information about the audience that the ad actually reached.
- The number of impressions that an ad received within specific geographic and demographic criteria (e.g. within a political district, in a certain age range), broken down by paid vs. organic reach.
- The amount of engagements that an ad received, including user actions beyond viewing an ad.
- Information about how much an advertiser paid to place the ad.
- Information about microtargeting, including whether the ad was a/b tested and the different versions of the ad; if the ad used a lookalike audience; the features (race, gender, geography, etc.) used to create that audience; if the ad was directed at platform-defined user segments or interests, and the segments or interests used; or if the ad was targeted based on a user list the advertiser already possessed.

Functionality to empower, not limit, research and analysis, including:

- Unique identifiers associated with each advertisement and advertiser to allow for trend analysis over time and across platforms.
- All images, videos, and other content in a machine-readable format accessible via a programmatic interface.
- The ability to download a week's worth of data in less than 12 hours and a day's worth of data in less than two hours.
- Bulk downloading functionality of all relevant content. It should be feasible to download all historical data within one week.
- Search functionality by the text of the content itself, by the content author or by date range.

Up-to-date and historical data access, including:

- Availability of advertisements within 24 hours of publication.
- Availability of advertisements going back 10 years
- APIs should be promptly fixed when they are broken
- APIs should be designed so that they either support or at least do not impede long-term studies

Public access

The API itself and any data collected from the API should be accessible to and shareable with the general public.

Source: *The Mozilla Blog*, 'Facebook and Google: This is what an effective ad archive API looks like' (27 March 2019): <https://blog.mozilla.org/blog/2019/03/27/facebook-and-google-this-is-what-an-effective-ad-archive-api-looks-like/> [accessed 13 May 2020]

332. According to these guidelines, John Lloyd from Mozilla told us that Google's advert API met four of the five minimum standards, with important omissions. There was no information on its targeting criteria, nor does the advert API provide engagement data. Facebook fared even worse; their API met only two of the five minimum standards. He pointed out that a lot of the time, the advert archive did not work at all.⁴⁷³
333. The LSE T3 Commission advocated a regulator to encourage the introduction of a UK political advertising directory and monitor outcomes of the initiatives of relevant institutions to ensure that databases such as Google and Facebook's advert libraries are independently overseen.⁴⁷⁴
334. The Electoral Commission in their report on the 2019 General Election recommended that in order to support trust and confidence in election campaigns, social media companies needed to provide more detailed and accurate data about campaign spending in advert libraries on their platforms, so that they and voters can see more information about who is campaigning.⁴⁷⁵ The Electoral Commission suggested to us that the Online Harms regime should set common standards and obligations for what the social media companies should publish in these libraries. It should also define political campaigning.⁴⁷⁶
335. This responsibility should lie with Ofcom, rather than the Electoral Commission because the former look at content, whereas the latter primarily regulate political donations and expenditure by parties, rather than social media platforms. The Centre for Data Ethics and Innovation (CDEI) also recommended in their review of online targeting that the Online Harms regulator should have powers to enforce online platforms' compliance with hosting accessible advertising archives.⁴⁷⁷

473 [Q 128](#) (Jon Lloyd)

474 Written evidence from the LSE T3 Commission ([DAD0078](#))

475 The Electoral Commission, *UK Parliamentary General Election 2019* (April 2020) p 14: <https://www.electoralcommission.org.uk/sites/default/files/2020-04/UKPGE%20election%20report%202020.pdf> [accessed 27 April 2020]

476 Written evidence from the Electoral Commission ([DAD0058](#))

477 Centre for Data Ethics and Innovation, 'Review of Online Targeting: Final report and recommendations' (February 2020) p 107: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864167/CDEJ7836-Review-of-Online-Targeting-05022020.pdf [accessed 28 April 2020]

336. The Government has not announced any intention to regulate these advertising libraries. The Government's response to the DCMS Committee's inquiry into fake news highlighted that the Online Harms White Paper proposed that the code of practice for disinformation include expectations for companies to improve the overall transparency of political advertising on their platforms.⁴⁷⁸ This would suggest that Ofcom would regulate the databases of political advertising. Kevin Bakhurst from Ofcom told us that if this area was within scope of its regulatory powers then advert libraries could be a powerful tool for transparency.⁴⁷⁹
337. *Ofcom should issue a code of practice for online advertising setting out that in order for platforms to meet their obligations under the 'duty of care' they must provide a comprehensive, real time and publicly accessible database of all adverts on their platform. This code of practice should make use of existing work on best practice.*

Campaigners' use of personal data

338. Elections in the modern age are increasingly data driven, both online and offline. Campaigns use digital technologies to collect and analyse large amounts of personal data about individuals in order to target their messaging both through targeted online advertising and through leaflets sent through the post.⁴⁸⁰ Although this data analysis is not new, there is a need for far greater transparency in how campaigners obtain and use data. Polling by the CDEI found that the level of understanding of the technology that drives online targeting was low and participants were shocked at the scale and sophistication with which it takes place.⁴⁸¹
339. Under the GDPR, there must be a valid lawful basis in order to process personal data. There are six available lawful bases under Article 6 GDPR for data falling short of "special category data": consent, contract, legal obligation, vital interests, tasks in the 'public interest' and legitimate interests. Section 8 of the Data Protection Act 2018 (DPA) has augmented the definition of "public interest" in Article 6 in the GDPR to include "an activity that supports or promotes democratic engagement."⁴⁸²
340. The GDPR provides heightened protection for certain sensitive categories of information, as "special category data" in Article 9 GDPR. 'Political opinions' are "special category data". Article 9(1) GDPR prohibits the "processing of data revealing" special category data, including political opinions, unless one of ten exemptions in Article 9(2) GDPR apply. These include Article 9(2)(g), which allows processing that 'is necessary for reasons of substantial public interest'. The DPA extends the concept of "substantial public interest" with a particular exemption for political parties to process special category data.

478 DCMS Committee, *Disinformation and 'fake news': Final Report: Government Response to the Committee's Eighth Report of Session 2017–19* (Seventh Special Report, Session 2017–19, HC 2184)

479 [Q 286](#) (Kevin Bakhurst)

480 International Institute for Democracy and Electoral Assistance, Digital Microtargeting (2018): <https://www.idea.int/sites/default/files/publications/digital-microtargeting.pdf> [accessed 30 April 2020]

481 Centre for Data Ethics and Innovation Public Attitudes Towards Online Targeting (2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863025/1901705901_Attitudes_to_Online_Targeting_Report_FINAL_PUBLIC_030220.pdf [accessed 30 April 2020]

482 Oxford Technology & Elections Commission, 'Political Campaigning: The law, the gaps and the way forward' (October 2019) p 22–23: <https://oxtec.oii.ox.ac.uk/wp-content/uploads/sites/115/2019/10/OxTEC-The-Law-The-Gaps-and-The-Way-Forward.pdf> [accessed 26 May 2020]

341. The ICO's draft guidance on political campaigning states that the vast majority of processing for political campaigning falls under the GDPR bases of consent or legitimate interests or the DPA extension of processing for democratic engagement. However, it warns that the democratic engagement basis is often misunderstood as an overarching exemption for political campaigning activities. This use only allows the processing of personal data that is proportionate and necessary for an activity that supports or promotes democratic engagement. The ICO states that this must be more than just useful or standard practice but must be targeted and proportionate in achieving the specific purpose.⁴⁸³
342. Bethany Shiner from the University of Middlesex suggested that there was currently ambiguity about the democratic engagement provision in the GDPR. She told us that often data processing reveals political opinions, which is special category data attracting higher protections under the GDPR and DPA. Political opinions can be inferred through combining freely given information with other datasets such as the electoral register to make a prediction about that individual's lifestyle, habits and political views. However, Ms Shiner told us it is unclear whether the parties consider inferred data is subject to the additional safeguards. She pointed out that political parties' privacy notices cite this justification generically, as if by existing as a political party there is automatically a 'public interest' justification.⁴⁸⁴ However, the converse is true, that the parties are processing data likely to be revealing of political opinions which in turn needs to meet the safeguards within the data protection regime. In particular, that processing must be limited to what is necessary and proportionate. The ICO make clear in their 2018 Democracy Disrupted report that inferred data is personal information and the requirements of data protection law apply to it.⁴⁸⁵
343. Pascal Crowe of the Open Rights Group told us that the public needs to understand that data-driven political campaigning is not limited to the use of political ads on social media. He explained that electoral roll data was used by the political parties, mixed with sources of commercially available data, such as Experian credit history information. That information is processed and turned into a profile. He also told us that responsibility lies at the political parties' door just as much, if not more, as it does for social media platforms.⁴⁸⁶
344. We invited the Conservative Party, Labour Party and Liberal Democrats to give us evidence, as the main nationwide parties. Only the Liberal Democrats were willing to send a representative; the Conservatives offered to send in written evidence in lieu of appearing before the Committee; the Labour Party were due to send a representative but pulled out the day before the session. We then asked for written responses to the questions we had wished to ask them in person. We found their responses wanting in ways specific to each party.
345. The political parties' understanding of the provisions of the DPA appear to differ widely and seldom conforms to the best practice suggested by the

483 ICO, 'Guidance on political campaigning: Draft framework code for consultation' (2019) p 38: <https://ico.org.uk/media/about-the-ico/consultations/2615563/guidance-on-political-campaigning-draft-framework-code-for-consultation.pdf> [accessed 30 April 2020]

484 Written evidence from Bethany Shiner (DAD0011)

485 ICO, *Democracy disrupted? Personal information and political influence* (July 2018) p 30: <https://ico.org.uk/media/action-weve-taken/2259369/democracy-disrupted-110718.pdf> [accessed 30 April 2020]

486 Q 125 (Pascal Crowe)

ICO. The Conservative Party cited the extensions in Section 8 of the DPA for “processing of ‘democratic engagement’ as a task in the public interest” and argued that Section 8 was not an extension at all. They further cited provisions of the DPA “for political parties to process the ‘special category data’ of political opinions.” However, the Conservative Party did not explain their position on those extensions, such as how they approach the necessity and proportionality tests in those provisions or if they considered there to be any limit on their processing activities.⁴⁸⁷ The Labour Party maintained that specific statutory bases for processing ‘democratic engagement’ data was in the public interest and special category data was essential to the functioning of political parties.⁴⁸⁸ Like the Conservative Party, Labour did not explain how they interpreted these provisions, nor if they considered there to be any limit on what they considered permissible processing. The provisions within the DPA are not a door to immunity for data users, rather, they allow for necessary and proportionate data processing for certain ends. Both parties’ stances contradict the ICO’s guidance that in most circumstances campaigners should not use special category data for political messaging without the explicit consent of the individual.⁴⁸⁹ Only the Liberal Democrats stated that they only use special category data with the explicit consent of the individual,⁴⁹⁰ however this may not be true, as the party reportedly used special category data to profile voters without their explicit consent in the run up to the 2019 UK General Election.⁴⁹¹

346. The Labour Party stated that they do not purchase any information from outside companies and that they primarily use their own data. The Liberal Democrats also claimed that they do not purchase any information from data brokers or social listening platforms and that they primarily use their own data. This directly contradicts the evidence given to us by the Open Rights Group.⁴⁹² Furthermore, we heard from the University of Bangor that the Labour Party spent more money on Experian data in the 2017 election than the 2015 election. After the 2017 election, the Information Commissioner sent all parties a warning about the usage of such data brokers. We asked the Labour and Liberal Democrat parties to confirm that they did not use any data brokers’ services in the 2019 election and to detail the reasons for this change in operating procedures. The Liberal Democrats confirmed this and stated that they decided that using data brokers would not be GDPR compliant and therefore unsuitable for online campaigning and that social listening tools would be of limited value to their campaign objectives.⁴⁹³ The Labour Party did not reply.
347. The Conservative Party stated that it uses analytics data in order to determine how well their content has performed, however they did not answer whether the importance and usage of data from companies that monitor the public’s online activity has changed significantly in recent years. They also confirmed that they purchase commercially available data and that this was stated in

487 Written evidence from the Conservative Party ([DAD0095](#))

488 Written evidence from the Labour Party ([DAD0096](#))

489 ICO, ‘Guidance on political campaigning: Draft framework code for consultation’ (2019) <https://ico.org.uk/media/about-the-ico/consultations/2615563/guidance-on-political-campaigning-draft-framework-code-for-consultation.pdf> [accessed 30 April 2020]

490 Written evidence from the Liberal Democrats ([DAD0094](#))

491 Sky News, ‘The Lib Dems are using data to profile every voter in the UK – and give you a score’ (14 October 2019): <https://news.sky.com/story/the-lib-dems-are-using-data-to-profile-every-voter-in-uk-and-give-you-a-score-11828202> [accessed 26 May 2020]

492 [Q 125](#) (Pascal Crowe)

493 Supplementary written evidence from the Liberal Democrats ([DAD0105](#))

their privacy policy. However, they did not state what they do with that data, for example whether it gets amalgamated with other data to profile individuals.⁴⁹⁴

348. Ailidh Callander from Privacy International told us that her organisation had written to all political parties ahead of the 2019 General Election asking for transparency in how they use data. None were forthcoming.⁴⁹⁵
349. Pascal Crowe told us that regulators need to keep a closer eye on the data gathering that parties are doing outside of the regulated period. He argued that there is a need for a mechanism to hold political parties to account for their use of personal data, both for the value that might bring to their political campaign and the ways it might help them reduce their spending in other areas of their campaign.⁴⁹⁶ The Open Rights Group suggested that the Electoral Commission and ICO jointly conduct data audits of parties prior to the regulated period. These audits would include a financial assessment of all data assets that are to be used in a campaign.⁴⁹⁷ What is difficult to ascertain is the value of the data that political parties hold. Louise Edwards told us this is difficult to calculate.
350. The ICO's Democracy Disrupted report, published in July 2018, called for political parties to be required to do due diligence on whether third-party data brokers received appropriate consent for their use of individuals' data, including suggested audit powers. This followed the finding of a significant shortfall in transparency and provision of fair processing information by political parties. It also called for a statutory code of practice to be introduced governing political campaigners' use of personal data.⁴⁹⁸ In August 2019 the ICO published a draft framework code of practice for consultation. This followed a previous consultation launched in October 2018 on what should be included in this code. The draft framework includes guidance for parties on using third-party data brokers and provides clarity and advice to help those processing personal data in political campaigning to comply with the law. The ICO told us that this guidance is a candidate to become a statutory code under Section 128 of the DPA and that there is now time to turn this guidance into such a code.⁴⁹⁹ The responsibility for this lies with Government and Parliament.
351. It is important to note that political advertising is not limited to the regulated period before an election. Political advertising should be seen as a year-round issue, with greater stringency required in election periods. The political advertising infrastructure in election periods would be more sophisticated but having data collection between election periods is required to give us a full picture of how parties use personal data.
352. When we asked the Minister about the Government's intention to put the ICO's code of practice onto statutory footing, we were told that the Minister had "concerns" about the code and that she would be concerned that such a code should not restrict elected representatives in being able to report

494 Supplementary written evidence from the Conservative Party (DAD0106)

495 Q 128 (Ailidh Callander)

496 Q 129 (Pascal Crowe)

497 Written evidence from The Open Rights Group (DAD0079)

498 The Information Commissioner's Office, 'Democracy disrupted? Personal information and political influence' (July 2018) p 5: <https://ico.org.uk/media/action-weve-taken/2259369/democracy-disrupted-110718.pdf> [accessed 30 April 2020]

499 Q 290 (Elizabeth Denham)

back to their constituents.⁵⁰⁰ This was an unconstructive response and the Government should work with the ICO to address their concerns. The framework provides guidance to parties processing personal data to comply with the law, which as we have seen in our evidence, is currently interpreted in various ways by the main political parties. The Government must take this seriously and should not be complacent with the use of people's data.

353. *The Government should legislate to put the ICO's draft code on political campaigners' use of personal data onto a statutory footing.*

CHAPTER 7: ACTIVE DIGITAL CITIZENS

354. A country's education system needs to prepare its people for their role as citizens. In the digital world, this means they need to be empowered to be critical, digitally literate consumers of information. In this Chapter we recommend that in order to secure democracy, people of all ages need to be taught critical digital media literacy skills suitable for a digital age. Some responsibility, however, must also lie with social media organisations who should ensure their products are accessible and understandable to the public. Oversight is needed to ensure that platforms are understandable to the public, while digital literacy is necessary for individuals to be empowered to thrive in a digital world.

Political literacy

355. Part of preparing children for their role in democratic society is understanding how the country is governed through a serious commitment to civic education. Democracy Club's evidence suggested that many adults do not understand the UK's electoral system, with people asking why Jeremy Corbyn or Theresa May were not listed on their ballot paper in the 2017 General Election.⁵⁰¹
356. Civic competencies, like participating in democratic systems, are affected by developments in the digital world. Particular knowledge and expertise are required when people engage with democratic processes online. This throws a new, digital imperative on existing debates around civic education.

Digital skills and digital media literacy

357. Over the course of our inquiry, we heard various definitions of digital and media literacy. Dr Elinor Carmi, a Research Associate in Digital Culture and Society at the University of Liverpool, told us that there is no unified definition among academics.⁵⁰² The Government's definition of digital skills focusses on five elements: communicating, handling information, transacting, problem-solving and safety.⁵⁰³ The Government is also developing an online media literacy strategy, which should include a definition of media literacy.⁵⁰⁴ Our evidence consistently mentioned was the need for critical questioning and critical thinking skills as key elements of any definition and push for digital literacy. Angie Pitt, Director of NewsWise, a cross-curricular news literacy project for nine to 11-year-olds across the UK, told us that people may well be able to use a tablet, "but they do not have the critical skills to question how that information reaches them and how they are using it."⁵⁰⁵

501 Written evidence from Democracy Club ([DAD0045](#))

502 [Q 137](#) (Dr Elinor Carmi)

503 Department for Education, *Essential digital skills framework* (April 2019) <https://www.gov.uk/government/publications/essential-digital-skills-framework/essential-digital-skills-framework> [accessed 8 April 2020]

504 Written evidence from HM Government ([DAD0034](#))

505 [Q 137](#) (Angie Pitt)

Box 9: Definition of digital media literacy

We use the term ‘digital media literacy’ because our purposes go beyond, but do include, the functional skills required to use technology.

We define digital media literacy as being able to distinguish fact from fiction, including misinformation, understand how digital platforms work, as well as how to exercise one’s voice and influence decision makers in a digital context.

358. The House of Lords Digital Skills Committee in 2015 advocated greater digital literacy in the UK and set as one of its objectives for a Government Digital Agenda that the population have the right skill levels to use relevant digital technologies, including a culture of learning for life, with responsibility shared between Government, industry and the individual. The Government’s response focussed mainly on the report’s recommendations around infrastructure and failed to commit to upskilling the UK population with the necessary digital skills to thrive in the modern world.
359. Too often digital media literacy is confused with computer science. Having the prerequisite skills to understand how digital technologies function is essential to a solid digital media literacy education, but it is not enough to be merely a technically proficient consumer of digital technologies.
360. When asked about how the Government were equipping teachers to effectively teach digital media literacy, Nick Gibb MP, Minister of State for School Standards, told us that they had established the National Centre for Computing Education.⁵⁰⁶ Michelle Dyson from the Department for Education highlighted the Government’s computer science programme, which aims to train one teacher in every secondary school, and its inclusion in the Government’s relationships and sex education curriculum, rather than specifically addressing digital media literacy. The Government’s evidence stated that it was “taking action to help people attain the digital skills needed to fully participate and thrive in an increasingly digital world.”⁵⁰⁷ This included introducing digital literacy as a core part of the national curriculum and publishing a media literacy strategy in 2020. As yet, no media literacy strategy has been forthcoming. The Government also focussed on the reformulation of the computing curriculum, which covers the principles of e-safety. Below we have laid out where digital media literacy is presently taught in the curriculum in England.
361. As can be seen in Table 1, digital media literacy is primarily taught in computing, citizenship and relationships education. Liz Moorse from the Association of Citizenship Teaching told us that “the Government have made a shambolic mess of the relationships and sex education framework and tried to shoehorn something in that probably does not belong.”⁵⁰⁸ Ms Moorse also told us that subjects such as citizenship are neglected in terms of funding, adequate Continuous Professional Development (CPD) for teachers and in expertise at Ofsted. Jonathan Baggaley, CEO of PSHE Association also told us that whilst the statutory status for PSHE was welcome, more needed to be done by the Government to encourage schools to prioritise this.⁵⁰⁹

506 [Q 354](#) (Nick Gibb MP)

507 Written evidence from HM Government ([DAD0034](#))

508 [Q 148](#) (Liz Moorse)

509 [Q 149](#) (Liz Moorse, Jonathan Baggaley)

Table 1: Digital Media Literacy and Digital Skills in the Curriculum

Subject	Key Stage ⁵¹⁰	Content
Computing	2	Understand computer networks, including the internet; how they can provide multiple services, such as the World Wide Web, and the opportunities they offer for communication and collaboration. Use search technologies effectively, appreciate how results are selected and ranked, and be discerning in evaluating digital content.
Citizenship	2	Explore how the media present information.
Relationships Education ⁵¹¹	1-2	Pupils should know about online relationships, including how to be safe online and how information and data is shared and used online.
Relationships and Sex Education	3	Pupils should be taught the rules and principles for keeping safe online. This will include how to recognise risks, harmful content and contact, and how and to whom to report issues. Pupils should have a strong understanding of how data is generated, collected, shared and used online, for example, how personal data is captured on social media or understanding the way that businesses may exploit the data available to them.

362. The Government's focus on computing education is insufficient; basic digital skills are not enough to create savvy citizens for the digital era. The Department of Education would appear to be struggling to anticipate the implications of the technological challenges of the 21st century. The 5Rights Foundation recommends that children must understand the purposes of the technology they use, have a critical understanding of the content it delivers, have the skills and competencies to participate creatively, and a reasonable, age-appropriate understanding of potential outcomes, including harms.⁵¹² We believe that the requirement for these skills should extend to adults.
363. The focus on computer science, rather than critical digital media literacy skills, is important because we received numerous pieces of evidence that suggested insufficient progress had been made on improving digital media literacy in the UK. The Digital Life Skills Company stated that only two per cent of children have the skills needed to critically evaluate news and that young people do not realise that YouTube does not fact check its content

510 Key Stage 1 refers to pupils aged 5-7, Key Stage 2 refers to children age 7-11, Key Stage 3 refers to children age 11-14.

511 Relationships Education applies to all schools providing primary education; Relationships and Sex Education applies to all schools providing secondary education.

512 Written evidence from 5Rights Foundation ([DAD0082](#))

or always remove inaccurate content.⁵¹³ Angie Pitt warned that while we call primary school children ‘digital natives’, she would warn against calling them “critical digital natives” because they do not all have the critical literacy skills needed to be discerning users of digital technologies.⁵¹⁴ 5Rights Foundation stated that children are disproportionately affected by issues such as fraud, data protection and online targeting, given their developmental vulnerabilities and their status as ‘early adopters’ of emerging technologies.⁵¹⁵

364. The Commission on Fake News and the Teaching of Critical Literacy Skills in Schools, a joint venture between the All Party Parliamentary Group on Literacy and National Literacy Trust, found that in 2018 in the UK, 54 per cent of 12 to 15-year-olds use social media to access online news and 46 per cent of those who source news in this way say they find it difficult to tell whether or not a social media news story is true.⁵¹⁶
365. A lack of adequate digital media literacy is not, however, just seen in children. Many adults also lack the ability to evaluate critically what they see online. Ofcom’s Adult Media Lives 2019 report found that there had been little change in critical awareness in the past few years, with many still lacking the skills needed to identify when they are being advertised to online. Ofcom also found that the percentage of those who do not use the internet increases as people get older, with 33 per cent of 65 to 74-year-olds and 48 per cent of those aged 75 and over not using the internet.⁵¹⁷ Care England and the National Pensioners Convention both raised the issue of older people finding it harder to take part in online debate.⁵¹⁸ Index on Censorship and Dr Ana Langer and Dr Luke Temple, respectively from the Universities of Glasgow and Sheffield, stated that those over the age of 65 are most likely to share fake news and should be a focus of concern for digital literacy efforts.⁵¹⁹ Helen Milner, Group Chief Executive of Good Things Foundation told us that adults who lack digital literacy skills have low learning confidence and that part of the challenge is how to build up their confidence and resilience.⁵²⁰
366. Other evidence we received linked social exclusion to digital exclusion. Dr Elinor Carmi told us that her research showed that: “The lower your income, the more limited your use and understanding are.”⁵²¹ MySociety suggested that the most economically disadvantaged do not have the necessary digital skills to engage online and that rural areas are held back by a lack of a good internet connection.⁵²² Good Things Foundation stated that individuals without digital skills are most likely to be from socially excluded groups with a lack of digital skills being far more common in lower socioeconomic groups.⁵²³ National Literacy Trust suggested that adults with

513 Written evidence from The Digital Life Skills Company ([DAD0033](#))

514 [Q 140](#) (Angie Pitt)

515 Written evidence from 5Rights Foundation ([DAD0082](#))

516 National Literacy Trust, Fake news and critical literacy: The final report of the Commission on Fake News and the Teaching of Critical Literacy in Schools (June 2018) p 5-6: https://cdn.literacytrust.org.uk/media/documents/Fake_news_and_critical_literacy_-_final_report.pdf [accessed 8 April 2020]

517 Ofcom, ‘Adults: Media use and attitudes report 2019’ (May 2019) p 1-3: https://www.ofcom.org.uk/data/assets/pdf_file/0021/149124/adults-media-use-and-attitudes-report.pdf [accessed 8 April 2020]

518 Written evidence from Care England ([DAD0003](#)) and National Pensioners Convention ([DAD0018](#))

519 Written evidence from Index on Censorship ([DAD0032](#)) and University of Sheffield ([DAD0048](#))

520 [Q 139](#) (Helen Milner)

521 [Q 140](#) (Dr Elinor Carmi)

522 Written evidence from MySociety ([DAD0051](#))

523 Written evidence from Good Things Foundation ([DAD0039](#))

lower levels of education stand to benefit most from increased support and confidence in news literacy.⁵²⁴ Professor Sonia Livingstone, Chair of the LSE T3 Commission, sees reaching adults not in education or training as one of the key educational challenges in media literacy.⁵²⁵

367. The reason why a lack of digital media literacy is so concerning is, as Will Moy, Chief Executive of Full Fact, put it, “Bad information can ruin lives. It damages people’s health. It promotes hate and it hurts democracy.”⁵²⁶ A pertinent example of misinformation and why digital media literacy is so crucial has been brought home by the COVID-19 pandemic. Misinformation has come in a myriad of forms online, including: supposed at-home cures like ‘avoiding ice cream’ and ‘drinking silver’⁵²⁷; that COVID-19 was created and weaponised by the West⁵²⁸; and linking 5G technology to the virus outbreak.⁵²⁹ Lisa-Maria Neudert offered us this example of how disinformation can cause real-world harm:

“As a recent example, the World Health Organization is currently co-operating with Google to bring out public health information on conspiracy theories and disinformation about coronavirus. The most popular theories that have been spreading are that you can vaccinate yourself against coronavirus by inhaling sulphurous fumes from fireworks and that you can use garlic to protect yourself from coronavirus, which is obviously very wrong. To stick with epidemiology, it is enough for one person to believe that. If one person thinks, “I can actually vaccinate myself by inhaling a firework”, there will be a terrible health effect no matter what. If that person then contracts coronavirus, because he thinks he cannot get it, and spreads it, we have a real-world impact from a piece of disinformation. In this analogy, we have a disease that is arguably spreading just as quickly as disinformation.”⁵³⁰

Lessons from abroad

368. The UK ranked twelfth out of 35 countries across wider Europe at promoting societal resilience to disinformation activities, according to the Open Society Institute Media Literacy Index.⁵³¹ Throughout our inquiry, we heard positive examples from abroad, particularly from the Baltic countries, as to how digital media literacy can be promoted to citizens. Liz Moorse directed us towards the example of Finland. She explained that the Finnish government: “have worked for some decades to make sure that democracy education, citizenship and media literacy are part of every child’s education. They have put resources into it and trained teachers.”⁵³²

524 Written evidence from National Literacy Trust ([DAD0065](#))

525 Sonia Livingstone, ‘Media literacy: what are the challenges and how can we move towards a solution?’, LSE blog (13 March 2019): <https://blogs.lse.ac.uk/parenting4digitalfuture/2019/03/13/media-literacy-what-are-the-challenges/> [accessed 9 April]

526 [Q 85](#) (Will Moy)

527 BBC News, ‘Coronavirus: The fake health advice you should ignore’ (8 March 2020): <https://www.bbc.co.uk/news/world-51735367> [accessed 13 April 2020]

528 ‘EU warns of pro-Kremlin disinformation campaign on coronavirus’, *Financial Times*, (17 March 2020): <https://www.ft.com/content/d65736da-684e-11ea-800d-da70cff6e4d3> [accessed 13 April 2020]

529 Bloomberg, ‘5G Virus Conspiracy Theory Fueled by Coordinated Effort’ (9 April 2020): <https://www.bloomberg.com/news/articles/2020-04-09/covid-19-link-to-5g-technology-fueled-by-coordinated-effort> [accessed 13 April 2020]

530 [Q 116](#) (Lisa-Maria Neudert)

531 [Q 227](#) (Sir Julian King)

532 [Q 150](#) (Liz Moorse)

369. We heard from Siim Kumpas, Adviser to the Government Office of Estonia, about his country’s successful attempts to improve the quality of their digital media literacy. He told us that an awareness among the public of the threat level was a “prerequisite” to any work in building societal resilience through digital literacy. Mr Kumpas stated that digital skills education starts in kindergarten with basic education, and media literacy is ingrained in other subjects. Estonia also has a 35-hour compulsory course called ‘media and manipulation’ which gives high school students a basic understanding of the role media and journalism play, and how they work.⁵³³

Table 2: Digital pedagogy in Estonia and Finland

Estonia
<p>Estonia has its own national definition of ‘digital competence’ alongside the EU-wide definition (DIGCOMP) and sets out standards of digital competence for teachers.⁵³⁴</p> <p>Estonia’s desired ‘digital competence’ is defined as: the ability to use developing digital technology in a quickly changing society; using digital means for finding and preserving information and to evaluate the relevance and trustworthiness of the information; participating in creating digital content; using suitable digital tools and methods for solving problems, communicating and cooperating in different digital environments; awareness of online dangers and know how to protect one’s privacy, personal information and digital identity; following the same moral principles as offline⁵³⁵</p> <p>Estonia is one of only three EU states where digital competence frameworks must be taken into consideration while developing Initial Teacher Education programmes.</p> <p>Estonia’s education strategy is known as the Lifelong Learning Strategy 2020, which sets “A digital focus in lifelong learning” as one of five key policy aims.⁵³⁶</p> <p>The government of Estonia cofounded a programme which as of February 2019 had supplied 44 per cent of kindergartens with IT and programming equipment and training.⁵³⁷</p> <p>Estonia is one of only five EU states to apply assessment criteria in digital competencies at both primary and secondary education level.⁵³⁸</p> <p>Estonia monitors and evaluates its strategies for digital education at school level at regular intervals, one of only eight EU states to do so (exc Finland).⁵³⁹</p>

533 Q 181 (Siim Kumpas)

534 European Commission, ‘Digital Education at School in Europe’: https://eacea.ec.europa.eu/national-policies/eurydice/sites/eurydice/files/en_digital_education_n.pdf accessed 15 April 2020

535 European Commission, ‘EACEA National Policies Platform’: <https://eacea.ec.europa.eu/national-policies/en/content/youthwiki/68-media-literacy-and-safe-use-new-media-estonia> [accessed 15 April 2020]

536 Republic of Estonia Ministry of Education and Research, ‘The Estonian Lifelong Learning Strategy 2020’: https://www.hm.ee/sites/default/files/estonian_lifelong_strategy.pdf [accessed 15 April 2020]

537 NESTA, ‘Digital Frontrunners Spotlight: Estonia’: <https://www.nesta.org.uk/blog/digital-frontrunners-spotlight-estonia/> [accessed 15 April 2020]

538 European Commission, ‘Digital Education at School in Europe’

539 *Ibid.*

Finland

Finland has adopted the EU-wide definition of digital competence (DIGCOMP), which includes: browsing, searching and filtering information; engaging in online citizenship and collaborating through digital channels; netiquette and managing digital identity; developing content and programming; protecting personal data, health, and the environment; identifying needs and technological responses; innovating and creatively using technology.⁵⁴⁰

Finland has no digital competence framework for teachers but promotes the use of self-assessment tools for teachers to evaluate their level of digital competence and thereby define their development needs.⁵⁴¹

In 2013, Finland's Ministry of Education and Culture prepared policy guidelines to promote media literacy among children and adolescents. The National Core Curricula for Pre-Primary Education and Basic Education include ICT competence.⁵⁴²

Finland does not apply assessment criteria in digital competences at both primary and secondary level.⁵⁴³

Finland's curriculum seeks to tackle hostile online activity by pursuing a broader media literacy, rather than a specifically 'digital' one, and frames media literacy as a civic competence.

The Ministry of Culture deems media literacy to include:

the traditional ability to read and write text, critical literacy, digital literacy, data literacy; emotional skills, social skills, empathy skills; competence in issues related to ethics and morality media criticism and source assessment; safety-related issues such as data security and privacy, cyber security and grooming.⁵⁴⁴

Finland monitors and evaluates its strategies for digital education at school level on an ad hoc basis.⁵⁴⁵

370. Elisabeth Braw, Director of the Royal United Services Institute's (RUSI) Modern Deterrence Project, pointed out that in Latvia all high schools in the country teach a national security curriculum where children are taught what the threats are facing the country, including online threats. She suggested that this was important because: "If we are not taught about that as citizens, our instinct will always be to think that the Government can somehow put up a more powerful or larger umbrella over us, so that we do not have to worry about this or that threat."⁵⁴⁶ Similarly, Ben Scott, Director of Policy and Advocacy at Luminate, pointed out that the government of Finland ran a public service campaign stating that it was the patriotic duty of every Finnish citizen to tell the difference between truth and falsehood online, because of the

540 European Commission, 'DIGCOMP: A Framework for Developing and Understanding Digital Competence in Europe': <https://publications.jrc.ec.europa.eu/repository/bitstream/JRC83167/lb-na-26035-en.pdf> accessed 15 April 2020

541 European Commission, 'Digital Education at School in Europe'

542 Finland Ministry of Education and Culture, *Media Literacy in Finland* (2019): <https://medialukutaivosuomessa.fi/mediaeducationpolicy.pdf> [accessed 15 April 2020]

543 European Commission, 'Digital Education at School in Europe'

544 Finland Ministry of Education and Culture, *Media literacy in Finland*

545 *Ibid.*

546 Q 113 (Elisabeth Braw)

threat from Russia.⁵⁴⁷ Sir Julian King, Former EU Security Commissioner, told us that Finland, Denmark, Sweden and Estonia were the countries that best achieved societal resilience to disinformation through education.⁵⁴⁸ We note that the curriculum requirements, outlined in Table 1 are not as robust, nor as far reaching, as those from Estonia and Finland, as outlined in Table 2. This is symptomatic of a chronic lack of ambition by the UK in this regard.

371. We understand that in these countries, because of the geopolitical context, the issue of having a digitally literate citizenry that can identify disinformation is of existential importance to their democracy. We, of course, recognise that Estonia and Finland have a combined population smaller than that of London, and that the challenges of scaling such attempts to a country such as the UK will be significant. However, we believe that the UK Government should nevertheless look to and learn from examples of excellent digital media literacy strategies, wherever they are to be found.

Who has responsibility for digital media literacy?

372. We heard about the fragmented nature of the provision of digital media literacy teaching and resources. Full Fact highlighted the need to map and make coherent currently fragmented digital literacy schemes initiated by Government, for profit and non-profit organisations, to identify and share best practice. This activity was seen to be a cost-effective way of improving digital literacy.⁵⁴⁹
373. A number of existing initiatives aiming to raise digital literacy are being shaped and promoted by technology platforms. Google highlighted the work they do to support digital literacy. For example, they run a programme with the Institute for Strategic Dialogue which encourages young people aged 13-15 to have a positive voice online and provides training in social media and critical thinking. Google also fund the Stanford History Education Group's online digital literacy content which seeks to teach young people to read laterally by searching for more information about the sources they find online.⁵⁵⁰ Facebook listed numerous initiatives and measures they have in place to improve media literacy.⁵⁵¹
374. Prior to the COVID-19 pandemic, England's teachers reported that less than half frequently used ICT for classwork and just over a quarter had not covered the use of ICT for teaching in their formal training.⁵⁵² The crisis has now demonstrated the need for better pedagogic training in using technology for teaching, in general and digital media literacy in particular. The Sutton Trust found wide gaps and variability in provision of online learning, with poorer students less likely to have access to some types of provision. It stated that supporting more teachers to deliver online content was an immediate challenge, and students in schools with greater deprivation were less likely to have access to more intensive approaches such as recorded or live online classes. Secondly, as discussed earlier in this Report, the online misinformation about COVID-19 has resulted in real world harm and has

547 Q 118 (Ben Scott)

548 Q 227 (Sir Julian King)

549 Written evidence from Full Fact (DAD0042)

550 Written evidence from Google (DAD0086)

551 Written evidence from Facebook (DAD0081)

552 TALIS – The OECD Teaching and Learning International Survey, TALIS 2018 Results, Volume II (March 2020): <http://www.oecd.org/education/talis/talis-2018-results-volume-ii-19cf08df-en.htm> [accessed 1 June 2020]

made clear that it is vital that citizens of all ages are able to identify and evaluate what is trustworthy or credible content.

375. We consider it admirable that companies such as Google and Facebook are aiding media literacy initiatives. The digital media literacy organisations that we heard from explained how tight budgets were, and certainly global tech companies have the resources to help such smaller organisations. However, we have significant concerns that technology companies are setting the terms of media literacy, omitting the content that explains their business models and critiques their practices. What is most concerning is the absence of governmental leadership in shaping and designing digital media literacy programmes and taking them to scale; the Government would appear to have abandoned its role in this partnership.
376. We heard that Government was best placed to take the lead on unifying these approaches. Full Fact suggested that there was a role for Government or a regulator like Ofcom, who have a statutory responsibility to promote digital literacy, to co-ordinate initiatives to share best practice between providers.⁵⁵³ It should be noted that the ICO have a responsibility for data literacy. The LSE T3 Commission called for Government to mobilise an urgent, integrated new programme in media literacy for children in schools, adults in further and vocational education, as well as parents, teachers and the children’s workforce.⁵⁵⁴ As Professor Rasmus Kleis Nielsen, Director of the Reuters Institute told us:
- “the Government are the one actor that could make a difference. I do not see that it could come from civil society organically or through the competition between different for-profit businesses alone.”⁵⁵⁵
377. Within Government, it is unclear where responsibility for digital literacy falls. The need for cross-departmental collaboration and communication is evident. Helen Milner of Good Things Foundation argued that responsibility and interest from government was diffuse among departments. She stated that part of the problem was that her organisation worked with six different government departments, each with a slightly different digital literacy focus.⁵⁵⁶
378. The Department for Digital, Culture, Media and Sport (DCMS) oversees digital policy and is the lead department on the Online Harms White Paper, one of the major strands of which is to improve digital and media literacy.⁵⁵⁷ However, the Department for Education administers education policy in England, with devolved administrations taking responsibility in the other nations of the UK, and this includes the way in which digital literacy is incorporated into the school curriculum. The difference in approaches can be seen in the variation between the list of online harms in the guidance for teachers by the Department for Education in teaching online safety, and the list of online harms in the White Paper owned by DCMS. Whilst there is a great deal of overlap, they reflect different priorities within the Online Harms White Paper, with DCMS focusing on more concrete harms and the teaching guidance prioritising the general mental wellbeing of young people.

553 Written evidence from Full Fact ([DAD0042](#))

554 Written evidence the LSE T3 Commission ([DAD0078](#))

555 [Q 144](#) (Professor Rasmus Kleis Nielsen)

556 [Q 144](#) (Helen Milner)

557 DCMS and Home Office, *Closed consultation: Online Harms White Paper* (February 2020): <https://www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper#empowering-users-1>, [accessed 9 April 2020]

It is not clear to what extent Department for Education is contributing to the regulation of platforms proposed in the White Paper with a view to making them more understandable, or to what extent DCMS are feeding into digital literacy programmes based on their proposed regulation of online platforms. Neither take a holistic approach.

379. Again, for adult digital literacy it is not clear which part of Government is leading in this area. The Online Harms White Paper calls for more messaging and resources for adults. However, the only actor identified in the White Paper is Ofcom, which is assessing existing research to help guide policy makers to identify gaps and opportunities for future action. How these assessments have influenced government thinking is also unclear.
380. Ofcom has a statutory duty to promote media literacy under Section 11 of the Communications Act 2003. Ofcom interpret this as providing an evidence base of UK adults' and children's understanding and use of electronic media and share this evidence base with stakeholders.⁵⁵⁸ They do not appear to run any digital media literacy programmes, although Tony Close, then Ofcom Director of Content Standards, Licensing and Enforcement, highlighted the Making Sense of Media programme, which aims to bring organisations working in the digital literacy space together.⁵⁵⁹ In response to the COVID-19 pandemic, the Making Sense of Media panel collected a set of resources to provide people with useful tools to navigate news and information about the virus, including debunking misinformation and how to seek out reliable content.⁵⁶⁰
381. The White Paper also identifies digital literacy as an area that the new Online Harms Regulator will cover. A previous public information campaign designed to reduce the spread of misinformation was disseminated by, and appears to have come from, the budget of the Cabinet Office.⁵⁶¹ Caroline Dinenage MP, Minister for Culture and Digital, told us that DCMS leads on adult media literacy and digital policy, but that they worked closely with Department for Education. She stated that the Government had conducted an analysis of adult media literacy initiatives and that this showed there was a large proportion of initiatives focused on children and their parents, but less targeted at adults.⁵⁶²
382. Many bodies have called for the various media literacy initiatives to be made more cohesive. The Cairncross Review into the sustainability of journalism in the UK recommended that the Government should develop a media literacy strategy, working with Ofcom, the online platforms, news publishers and broadcasters, voluntary organisations and academics, to identify gaps in provision and opportunities for more collaborative working.⁵⁶³

558 Ofcom, 'About media literacy': <https://www.ofcom.org.uk/research-and-data/media-literacy-research/media-literacy> [accessed 9 June 2020]

559 Q 284 (Tony Close)

560 Ofcom, 'Cutting through the Covid-19 confusion', (9 April 2020): <https://www.ofcom.org.uk/research-and-data/media-literacy-research/coronavirus-resources> [accessed 14 April 2020]

561 Cabinet Office, FOI329095, Freedom of Information Request (2 January 2020): https://www.whatdotheyknow.com/request/625594/response/1493795/attach/3/FOI329095%20REPLY.pdf?cookie_passthrough=1 [accessed 13 May 2020]

562 Q 356 (Caroline Dinenage MP)

563 The Cairncross Review, A Sustainable Future for Journalism (February 2019) p 90: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779882/021919_DCMS_Cairncross_Review_.pdf [accessed 9 April 2020]

383. Channel 4 also called for these initiatives to be brought together: “What is most crucial is policymakers encourage the coordination of all existing media literacy and digital skills activities into a cohesive strategy to have the greatest impact. Whilst there are myriad of industry-funded civil society programmes, there is a need for greater emphasis and support on the organisations and educational materials that have a proven impact e.g. the work of Media Smart and Internet Matters.”⁵⁶⁴
384. The House of Lords Digital Skills Committee in 2015 stated that the Government has a responsibility to accelerate the attainment of digital literacy across the population and that the Government was responsible for ensuring the UK’s population keeps pace with the best in the world.
385. We would certainly add our voice to these calls for a large-scale evaluation of the landscape. However, we recommend that the Department for Education should take responsibility and lead on this with Ofcom. We also believe that much can be learned from what works internationally. Additionally, we think it is vital to place a clear time limit on our recommendation, as we believe enough recommendations have already been made to the Government for it to take this issue seriously, and act with urgency. This exercise is only made more urgent by the COVID-19 pandemic, which saw misinformation posing a threat to people of all ages.
386. *Ofsted, in partnership with the Department for Education, Ofcom, the ICO and subject associations, should commission a large-scale programme of evaluation of digital media literacy initiatives. This should:*
- (a) *Review the international evidence of what has worked best in digital media literacy initiatives;*
 - (b) *Map existing digital media literacy initiatives across the UK, inside and outside of schools, aimed at all age groups;*
 - (c) *Commission research to evaluate those UK initiatives that appear to be most successful;*
 - (d) *Report in time for the lessons learned to be implemented at scale in the 2021–22 academic year.*

Teaching digital media literacy

387. We heard that part of the issue was that teachers did not feel empowered to teach digital media literacy skills, nor did they have the resources and curricular time to do so. The Digital Life Skills Company found that teachers lack the skills necessary to help children better understand the online world, tending towards an ‘avoidance’ strategy when it comes to digital information.⁵⁶⁵
388. We heard consistently that a cross-curricular approach was best, and that digital media literacy could and should be embedded into most subjects. National Literacy Trust stated that critical literacy was taught most effectively through a whole-school, cross-curricular approach. They stated that many skills were already included within several programmes

564 Written evidence from Channel 4 ([DAD0055](#))

565 Written evidence from The Digital Life Skills Company ([DAD0033](#))

of study and therefore did not advocate for a specific curriculum change.⁵⁶⁶ Stanford History Education Group highlighted that the effects of digital literacy interventions will be minimal as long as they are seen as an add-on to the regular school curriculum. They stressed that digital literacy initiatives must be embedded into other subjects and across the curriculum.⁵⁶⁷

389. Ben Scott from Luminate told us that integrating digital literacy into existing curricula was more successful and popular with teachers and students, because they were not asked to digest new material from scratch that is unrelated to anything they have ever taught before.⁵⁶⁸
390. Countries that have been highlighted as examples of good media literacy education incorporate digital media literacy across the curriculum. In Finland, for example, the curriculum for Upper Secondary Education includes cross-curricular themes in multiliteracy and media as well as technology and society. Competencies related to media and information literacy are included across different subjects. Siim Kumpas told us that in Estonia, as well as a separate course, media literacy efforts are ingrained in other subjects. He also told us that the Estonian universities that train teachers are obliged, by contract with the Government, to insert elements of digital competences in all their training programmes.⁵⁶⁹
391. Liz Moorse from the Association of Citizenship Teaching highlighted the Finnish example, stressing that “every teacher in a Finnish school understands democracy education and citizenship education.” We spoke to six teachers convened by the Politics Project, who told us that whilst they already had significant pressures placed on them they would value more time to teach political and media literacy education, and some said that timetabled curriculum lessons would be helpful.⁵⁷⁰ Among the teachers we spoke to, there was a keenness to do more, but a significant limit in their capacity.
392. National Literacy Trust in their report on fake news and critical literacy argue that a whole-school approach to teaching critical literacy is essential to embedding critical literacy across the curriculum. However, they also argue that teachers and schools must be provided with the necessary CPD and resources to enable them to teach critical literacy actively and explicitly within the teaching of any and every subject. We concur and understand that incorporating digital literacy across the curriculum may place extra strain on teachers and appreciate they also deal with social problems brought about by technology. They must be given support to embed this into their subjects effectively.
393. The House of Commons DCMS Committee in 2019 called for digital literacy to be the “fourth pillar of education alongside reading, writing and maths,”⁵⁷¹ but the Government rejected the recommendation, responding that “digital literacy is already taught across the national school curriculum.”⁵⁷² We support the DCMS Committee’s recommendation and

566 Written evidence from National Literacy Trust ([DAD0065](#))

567 Written evidence from Stanford History Education Group ([DAD0080](#))

568 [Q 119](#) (Ben Scott)

569 [Q 183](#) (Siim Kumpas)

570 For more information about the digital surgeries held with the Politics Project, see Appendix 4.

571 DCMS Committee, *Disinformation and ‘fake news’: Final Report* (Eighth report, Session 2017–19, HC 1791)

572 DCMS Committee, *Disinformation and ‘fake news’: Final Report: Government Response to the Committee’s Eighth Report of Session 2017–19*

find the Government's response to be particularly tepid. We have seen that the Government often refers to computer science when discussing digital media literacy. The evidence collected by the Joint Council on Qualifications (JCQ), below, shows that very few pupils take computing at GCSE and even fewer at A-Level, which confirms that relying on computing education as a vehicle for digital media literacy is insufficient, particularly where the gender disparity is so wide.

Box 10: JCQ Statistics on take-up of computing GCSE and A-level⁵⁷³

In 2019, 80,027 pupils took computing at GCSE. The subject remains dominated by boys, who make up 78.6 per cent of entries.

The number of pupils who took computing at A-level was 11,124 in 2019, with only 1,475 girls choosing the subject.

The Department of Education estimates that between 684,000-693,000 pupils took GCSEs in 2019, meaning that only around 11 per cent of pupils took Computing GCSE.⁵⁷⁴

394. It is not this Committee's place, or aim, to re-organise the education system. However, better digital media literacy should be placed in the context of the need for a wider change in education in response to the influence and use of digital technology. When we asked civil servants about how the Government planned to respond to these changes, Michelle Dyson from the Department for Education told us that the Government's "big computer science programme ... aims to train one teacher in every secondary school... both in subject content and pedagogy".⁵⁷⁵ We regard this as an underwhelming response demonstrating a lack of understanding within the Department about what kind of investment and additional commitment is needed to bring about change. We remain sceptical as to whether the Government has a full understanding of the critical ways in which digital media literacy and technical computing skills differ.

395. *The Department for Education should review the school curriculum to ensure that pupils are equipped with all the skills needed in a modern digital world. Critical digital media literacy should be embedded across the wider curriculum based on the lessons learned from the review of initiatives recommended above. All teachers will need support through CPD to achieve this.*

Making social media companies understandable to the public

396. We also recognise that responsibility for aiding public understanding of online technologies lies with the online organisations themselves. Ed Humpherson from the UK Statistics Authority put it in these terms: "you can only be literate with something readable."⁵⁷⁶ Professor Sonia Livingstone from the LSE has called media literacy the 'policy of last resort', stating:

573 JCQ, 'GCSE Outcomes for key grades for UK, England, Northern Ireland & Wales, including UK age breakdown' (August 2019): <https://www.jcq.org.uk/Download/examination-results/gcses/2019/main-results-tables/gcse-full-course-results-summer-2019> and JCQ, 'GCE, A level and GCE AS Level Results Summer 2019' (August 2019): <https://www.jcq.org.uk/Download/examination-results/a-levels/2019/main-results-tables/a-level-and-as-results-summer-2019> [accessed 2 June 2020]

574 Statistics provided by the Department of Education.

575 Q 26 (Michelle Dyson)

576 Q 88 (Ed Humpherson)

“we cannot teach what is unlearnable, and people cannot learn to be literate in what is illegible ... we cannot teach people data literacy without transparency, or what to trust without authoritative markers of authenticity and expertise. So people’s media literacy depends on how their digital environment has been designed and regulated.”⁵⁷⁷

397. Lisa-Maria Neudert from the Oxford Technology and Elections Commission pointed out that digital literacy initiatives place a large onus on the citizen. Looking at the current digital landscape, she argued that much of the malicious material was very sophisticated and could take expert fact-checkers several hours or even days to identify whether something was fake or artificially generated.⁵⁷⁸ This implies that it is unfair and unrealistic to expect the average user to do the same.
398. Dr Elinor Carmi told us that it was important for people to understand the online ecosystem and how different platforms were funded. For example, research by Ofcom has consistently shown that most people do not understand that Google and Facebook are advertising companies, and that this affects the way in which they show you information. She told us that platforms use dark patterns in their interface designed to deceive people into making choices not necessarily in their interests.⁵⁷⁹ Companies often make compliance and reporting procedures obscure and inaccessible. For example, placing information about legal compliance on data protection and their own terms of service as far away from the user as possible enhances information asymmetries between the user and platform.⁵⁸⁰
399. Part of increasing public trust and understanding is ensuring transparency about how personal data is used on websites. Platforms should make this more understandable as part of their duty of care to users. The CMA, in its Online platforms and digital advertising interim report, suggested a fairness by design duty. This would put a duty on platforms to ensure fairness in the design of data collection processes and would allow early intervention by a regulator to ensure that the duty is adhered to at the design stage. It is revealing that the CMA stated that: “we were surprised to find out how little testing is done by platforms in relation to consumer control over data and use of privacy settings, which stands in stark contrast to the very extensive trialling done on a daily basis in other parts of the business.” The CMA suggested that the regulator would set the high-level basis of compliance with this principle, with an option for ‘engagement and understanding’, which would seek to ensure that customers understand and are comfortable with the options available to them on an ongoing basis, and could include a requirement to help educate consumers about the use of their data in a manner agreed by the appropriate regulator.⁵⁸¹ We discussed these issues in greater detail in Chapter 4 on transparency.

577 Sonia Livingstone, ‘Media literacy: what are the challenges and how can we move towards a solution?’, LSE blog (13 March 2019) <https://blogs.lse.ac.uk/parenting4digitalfuture/2019/03/13/media-literacy-what-are-the-challenges/> [accessed 9 April]

578 [Q 118](#) (Lisa-Maria Neudert)

579 [Q 137](#) (Dr Elinor Carmi)

580 Ben Wagner, Krisztina Rozgonyi, Marie-Therese Sekwenz, Jennifer Cobbe and Jatinder Singh, ‘Regulating Transparency? Facebook, Twitter and the German Network Enforcement Act’, (2019) p 1-11: https://benwagner.org/wp-content/plugins/zotpress/lib/request/request_dl.php?api_user_id=2346531&dlkey=ZWMEVW3R&content_type=application/pdf

581 CMA, ‘Online platforms and digital advertising interim report’ (December 2019), p 257-8: https://assets.publishing.service.gov.uk/media/5dfa0580ed915d0933009761/Interim_report.pdf [accessed 9 April 2020]

400. Platforms also have obligations under the General Data Protection Regulation and Data Protection Act 2018 to ensure public understanding of their processes, yet the Centre for Data Ethics and Innovation (CDEI) Review of Online Targeting found that only 36 per cent of people surveyed believed they have meaningful control over online targeting systems. They also found that there was a broad consensus that people should be considered responsible for their online behaviour, but that for this to work they needed to be genuinely empowered to understand and control their experience. Crucially, the CDEI also found that the people who participated in their ‘public dialogue’ activities agreed that significant changes were required in the design of online services and the information and controls afforded to users. These participants also thought that it was critical for the Government to direct online platforms to change and to scrutinise and enforce this work, as they did not trust online platforms to act in the interests of individual users or society more widely.⁵⁸²
401. *We recommend that Ofcom should require large platforms to user test all major design changes to ensure that they increase rather than decrease informed user choices. Ofcom should help devise the criteria for this testing and review the results. There should be genuine and easily understandable options for people to choose how their data is used.*
402. In its research, Doteveryone found that from a survey of 2,157 individuals, 50 per cent believed that part and parcel of being online was that people would try to cheat or harm them in some way. They described a sense of powerlessness and resignation in relation to services online, with significant minorities saying that it doesn’t matter whether they trust organisations with their data because they have to use them, and that they have to sign up to services online, even if they have concerns about the terms and conditions. Strikingly, Doteveryone found that two fifths of the public disagreed with the notion that companies design their products and services with their best interest in mind.⁵⁸³
403. It is clear that platforms need to be more transparent and easier to understand but have not been given clear guidelines of what that should look like in practice. We believe that the CDEI, as an advisory body that looks to maximise the benefits of data-driven technologies, is best placed to conduct this research. Their review should focus on how best to explain the ways in which individuals have been targeted and should keep accessibility to the public front and centre.
404. Dr Elinor Carmi told us that the Government should not silo its education policy away from its broader approach to digital.⁵⁸⁴ We agree and we believe it is important that pupils need to be taught why and how they have been targeted and what rights they have over their data online. This work on transparency should therefore feed into the review of the curriculum recommended above.

582 CDEI, ‘Review of Online Targeting: Final report and recommendations’ (February 2020) p 51, p 55: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864167/CDEI7836-Review-of-Online-Targeting-05022020.pdf [accessed 9 April 2020]

583 Doteveryone, *People, Power and Technology: The 2020 Digital Attitudes Report*, (May 2020): https://www.doteveryone.org.uk/wp-content/uploads/2020/05/PPT-2020_Soft-Copy.pdf [accessed 13 May 2020]

584 [Q 140](#) (Dr Elinor Carmi)

405. *The CDEI should conduct a review of the implications of platform design for users, focusing on determining best practice in explaining how individual pieces of content have been targeted at a user. Ofcom should use this to form the basis of a code of practice on design transparency. This should feed into the Department for Education’s review of the curriculum so that citizens are taught what to expect from user transparency on platforms.*

Anonymity as a barrier to understanding content on the internet

406. Content can be very difficult to evaluate critically for authenticity and trustworthiness when it is posted by an anonymous account. Anonymity has traditionally been seen as a core part of the internet, however there is an argument that anonymity means that people cannot be held to account for disinformation or malicious content that they post. Given that much democratic discussion occurs online, is it right that anonymous users are able to participate? We have received mixed evidence, which we review here.
407. Different technology platforms have different policies towards anonymity. Registering on YouTube (owned by Google) only requires an email address, not a real name. Facebook controversially has a ‘real name’ policy that requires users to provide the name they use in real life. According to Facebook, this policy means “you always know who you’re connecting with.”⁵⁸⁵ If Facebook believes users are not using a real name, it may ask them for ID to prove that they are who they claim to be. On Twitter, an account can represent whatever the user decides. Twitter requires users to provide either an email or a phone number upon signing up but does not require both. YouTube has a ‘three strikes and you’re out’ policy for impersonation: content intended to impersonate a person or channel for the first time receives a warning with no penalty to the channel. If it is the second time, a ‘strike’ is issued against the channel.⁵⁸⁶ The channel is terminated if three of these strikes are received (effectively meaning impersonation can occur on multiple occasions). Google can disable accounts whose users appear not to be old enough (the minimum age is 13 in the UK but varies between countries) and requires users whose accounts have been disabled due to age restrictions to confirm their age through a copy of government-issued ID or a credit card.⁵⁸⁷ Twitter’s policy on authenticity requires that users do not use Twitter to amplify artificially or suppress information or manipulate or disrupt others. Twitter also forbids interfering with elections or impersonating others.
408. We heard from Baroness O’Neill of Bengarve that there should not be a right to take part in democratic discussions anonymously. She told us:

“The question of when anonymity is needed is highly contextual. It is sometimes needed, but in my view one of the places where it is not needed is in exercising civic rights. As a citizen, I do not stand behind a hedge and throw stones; I stand in the public square and speak.”⁵⁸⁸

585 Facebook, ‘What names are allowed on Facebook?’: <https://www.facebook.com/help/112146705538576> [accessed 13 April 2020]

586 YouTube Help, ‘Policy on impersonation’: <https://support.google.com/youtube/answer/2801947?hl=en-GB> [accessed 14 April 2020]

587 Google Account Help, ‘Frequently Asked Questions about Google Accounts and Age Requirements’: <https://support.google.com/accounts/answer/1333913?> [accessed 14 April 2020]

588 [Q 5](#) (Baroness O’Neill of Bengarve)

409. However, Katy Minshall from Twitter told us that allowing pseudonymity on Twitter enabled people to speak out. She used the example of the account @thegayfootballer that sparked a wider conversation about homophobia in football and argued that allowing people to be anonymous encouraged people to share stories and experiences that they may not feel comfortable sharing under their real name.⁵⁸⁹
410. Professor Derek McAuley and his colleagues from the University of Nottingham Horizon Digital Economy Research Institute suggested that despite the potential downsides of maintaining full anonymity online, policymakers should take care in this area in order to avoid a chilling effect on the use of online services. They argued that a ‘real-name’ policy may present significant threats to the confidentiality of communications; that bad actors are likely to circumvent the real name policy with false identities and that the policy could potentially expose vulnerable groups to harmful retaliation.⁵⁹⁰ Index on Censorship pointed out that anonymity can be important for human rights defenders working under repressive regimes and for members of minority groups and journalists.⁵⁹¹
411. Full Fact similarly urged us to consider that anonymity and the ability to communicate via encrypted messages is relied upon by many, such as whistle blowers and those in less democratic regimes. They also highlighted that what the UK does in this space will be watched closely elsewhere in the world.⁵⁹²
412. We do not advocate that only people’s real names can be used on platforms, but we do believe it is important that people should retain the ability to identify disinformation promoted by fake accounts. In this, as in other areas discussed in this Chapter, platforms could boost free expression and reduce harms by doing more to empower their users; it is a false binary that one can only choose between anonymity and real names. Twitter currently empowers its users not to receive notifications from those who have not confirmed their phone numbers or who use the default anonymous profile photo.
413. The Government’s Verify service, which securely allows people to verify their identity and is used to access government services such as filing taxes or checking driving licence information, could be a resource to help build on this approach, allowing users to verify their identities. Another approach would be to visually identify users who had securely verified their accounts. Twitter, Facebook, Instagram and YouTube all have some form of verified user programme denoted with a checkmark next to a user’s name. Platforms could develop a similar feature which identified to users if another user had authenticated their account through a service like Verify.
414. When we asked the Government whether they had considered using the Verify service to allow users to confirm their identity, Caroline Dinenage MP, Minister for Culture and Digital, told us that they are running a pilot that would allow private sector organisations to use a document-checking service that is a component of the Gov.UK Verify service. She also told us that over the next 18 months, the Government was replacing Verify with a private

589 [Q 312](#) (Katy Minshall)

590 Written evidence from the University of Nottingham ([DAD0040](#))

591 Written evidence from Index on Censorship ([DAD0032](#))

592 Written evidence from Full Fact ([DAD0042](#))

sector-led digital identity market, which will make it possible for people to confirm their identity without having to show paper documents.

415. A substantial amount of content on digital platforms is posted by anonymous users who may not be genuine users at all. Indeed, it is sometimes posted by bad actors using sophisticated techniques to spread misinformation and abuse, and to undermine democratic debate. In general, we believe there should be a presumption against anonymity on digital media however we recognise that for many this is not possible.
416. Anonymity can be important to protect freedoms, for example where people from ethnic minority groups want to have a voice in debates but are afraid of retaliation or abuse, where LGBT+ people may not be ready to come out or live in jurisdictions where homosexuality is criminalised, or where journalists and citizens are living in autocratic regimes. However, there is a significant proportion of those who use anonymity who use it to abuse, to troll, to silence alternative views, or to spread hate.
417. We recognise that in a perfect world there would be no need for anonymity, but as it stands there remain many legitimate reasons for hiding an online identity. A great deal of abuse could be dealt with by robust application of platforms' rules; by swift, consistent and transparent moderation as set out in Chapter 4 and by platforms being held responsible for the content they recommend as set out in Chapter 3.
418. Users should be empowered to verify themselves; those who wish to be anonymous should remain so, but other users should be able to filter anonymous users out.
419. ***Ofcom should work with platforms and the Government's Verify service, or its replacement, to enable platforms to allow users to verify their identities in a way that protects their privacy. Ofcom should encourage platforms to empower users with tools to remove unverified users from their conversations and more easily identify genuine users.***

SUMMARY OF RECOMMENDATIONS

Informed Citizens

1. The relevant experts in the ASA, the Electoral Commission, Ofcom and the UK Statistics Authority should co-operate through a regulatory committee on political advertising. Political parties should work with these regulators to develop a code of practice for political advertising, along with appropriate sanctions, that restricts fundamentally inaccurate advertising during a parliamentary or mayoral election, or referendum. This regulatory committee should adjudicate breaches of this code. (Paragraph 36)
2. The Online Harms Bill should make clear that misinformation and disinformation are within its scope. (Paragraph 40)
3. Ofcom should produce a code of practice on misinformation. This code should include a requirement that if a piece or pattern of content is identified as misinformation by an accredited fact checker then it should be flagged as misinformation on all platforms. The content should then no longer be recommended to new audiences. Ofcom should work with platforms to experiment and determine how this should be presented to users and whether audiences that had previously engaged with the content should be shown the fact check. (Paragraph 54)
4. Ofcom should work with online platforms to agree a common means of accreditation (initially based on the International Fact Checking Network), a system of funding that keeps fact checkers independent both from Government and from platforms, and the development of an open database of what content has been fact checked across platforms and providers. (Paragraph 55)
5. The House of Lords Communications and Digital Select Committee should consider conducting an inquiry to examine the communication of official statistics in an online world. (Paragraph 61)
6. Parliament should establish formal partnerships with broadcasters during election periods to make optimal use of its research expertise to help better inform election coverage. (Paragraph 65)
7. A new settlement is needed to protect the role of local and public interest news. The Government should work urgently to implement those recommendations of the Cairncross review which it accepts, as well as providing support for news organisations in dealing with the impact of COVID-19. (Paragraph 72)
8. The Competition and Markets Authority should conduct a full market investigation into online platforms' control over digital advertising. (Paragraph 73)

Accountability

9. The Government should introduce Online Harms legislation within a year of this Report's publication. (Paragraph 84)
10. The Online Harms work should make clear that platforms' duty of care extends to actions which undermine democracy. This means that the duty of care extends to preventing generic harm to our democracy as well as against specific harm to an individual. (Paragraph 89)

11. For harmful but legal content, Ofcom's codes of practice should focus on the principle that platforms should be liable for the content they rank, recommend or target to users. (Paragraph 108)
12. The Government should include as a provision in the Online Harms Bill that Ofcom will hold platforms accountable for content that they recommend to large audiences. Platforms should be held responsible for content that they recommend once it has reached a specific level of virality or is produced by users with large audiences. (Paragraph 109)
13. The Government should empower Ofcom to sanction platforms that fail to comply with their duty of care in the Online Harms Bill. These sanctions should include fines of up to four per cent of global turnover and powers to enforce ISP blocking of serially non-compliant platforms. (Paragraph 110)
14. The Government should establish an independent ombudsman for content moderation decisions to whom the public can appeal should they feel they have been let down by a platform's decisions. This ombudsman's decisions should be binding on the platform and in turn create clear standards to be expected for future decisions for UK users. These standards should be adjudicated by Ofcom, with platforms able to make representations on how they are applied within their moderation processes. The ombudsman should not prevent platforms removing content which they have due cause to remove. (Paragraph 127)
15. Parliament should set up a joint committee of both Houses to oversee Ofcom's Online Harms work and that of the proposed ombudsman. This committee should be constituted so that there can be no Government majority amongst its Members. The committee should ensure an adequate budget for this portion of Ofcom's work. Ofcom should be obliged to submit all codes of practice to the Committee for scrutiny. (Paragraph 134)
16. The joint committee should set the budget for the content moderation ombudsman. The committee should hold an appointment hearing with the ombudsman's proposed chief executive and hold the power of veto over their appointment. (Paragraph 135)
17. The Government should introduce legislation to enact the ICO's proposal for a committee of regulators that would allow for joint investigations between regulators in the model of the Regulatory Reform (Collaboration etc between Ombudsmen) Order 2007. This committee should also act as a forum to encourage the sharing of best practice between regulators and support horizon scanning activity. (Paragraph 147)
18. The CDEI should conduct a review of regulatory digital capacity across the CMA, ICO, Electoral Commission, ASA and Ofcom to determine their levels of digital expertise. This review should be completed with urgency, to inform the Online Harms Bill before it becomes law. The CDEI should work with Ofcom to help determine its role in online regulation. The review should consider: (Paragraph 148)
 - (a) What relative levels of digital expertise exist within regulators, and where skills gaps are becoming evident; (Paragraph 148)

- (b) How these regulators currently draw on external expertise, and what shared system might be devised for seeking advice and support; (Paragraph 148)
- (c) What changes in legislation governing regulators would be needed to allow for a shared pool of digital expertise and staffing resource that could work between and across regulators; (Paragraph 148)
- (d) How this joint pool of staffing resource could be prioritised and funded between regulators. (Paragraph 148)

Transparency

19. Ofcom should be given the power to compel companies to facilitate research on topics that are in the public interest. The ICO should, in consultation with Ofcom, prepare statutory guidance under Section 128 of the Data Protection Act 2018 on data sharing between researchers and the technology platforms. Once this guidance is completed, Ofcom should require platforms to: (Paragraph 187)
 - (a) Provide at least equivalent access for researchers to APIs as that provided to commercial partners; (Paragraph 187)
 - (b) Establish direct partnerships with researchers to undertake user surveys and experiments with user informed consent on matters of substantial public interest; (Paragraph 187)
 - (c) Develop, for sensitive personal information, physical or virtual ‘clean rooms’ where researchers can analyse data. (Paragraph 187)
20. Ofcom should issue a code of practice on algorithmic recommending. This should require platforms to conduct audits on all substantial changes to their algorithmic recommending facilities for their effects on users with characteristics protected under the Equality Act 2010. Ofcom should work with platforms to establish audits on other relevant and appropriate characteristics. Platforms should be required to share the results of these audits with Ofcom and the Equalities and Human Rights Commission if requested. (Paragraph 200)
21. Ofcom should be given the powers and be properly resourced in order to undertake periodic audits of the algorithmic recommending systems used by technology platforms, including accessing the training data used to train the systems and comprehensive information from the platforms on what content is being recommended. (Paragraph 201)
22. There is a common thread between the need for transparency of algorithmic processes and researchers’ access to platforms. Platforms must be entirely open to the regulators to ensure proper oversight. Ofcom can only ensure that platforms are meeting their duty of care if it has access to all data from these platforms and the ability to use additional research expertise to better understand what that data means. The exact details of what data Ofcom will need will change as technology develops therefore these powers must be suitably broad. (Paragraph 202)
23. Ofcom should have the power to request any data relevant to ensure that platforms are acting in accordance with their duty of care. (Paragraph 203)

24. Ofcom should issue a code of practice on content moderation. This should require companies to clearly state what they do not allow on their platforms and give useful examples of how this applies in practice. These policies should also make clear how individual decisions can be appealed. Platforms should be obligated to ensure that their content moderation decisions are consistent with their published terms and conditions, community standards and privacy rules. (Paragraph 216)
25. The code of practice on content moderation should also include the requirement that all technology platforms publish an anonymised database of archetypes of content moderation decisions on impersonation, misinformation, hate speech and abuse. Where decisions differ from existing published examples the platform should be obliged to explain the decision to the individuals affected and to create a new anonymised decision. Failure to ensure consistency between content moderation practices and published examples should be seen as a failure in the duty of care and result in sanctions against the platforms. (Paragraph 217)

Inclusive debate across society

26. Local authorities should be required to publish open, machine-readable information on elections, including what elections are taking place, who the candidates are and where polling stations are located. (Paragraph 232)
27. Any information about democratic processes published by government at any level should be available in accessible language. (Paragraph 233)
28. Technology can play an important role in engaging people with democratic processes. Parliament and government, at all levels, should not seek to use technology simply to reduce costs, and must ensure that appropriate technology is used to enhance and enrich democratic engagement. (Paragraph 242)
29. The Government should establish an independent democratic information hub. This would be both a public-facing hub that provides information about democracy, starting with basic information about democratic procedures, and a means of sharing best practice in digital democracy between policymakers and civil society organisations. (Paragraph 258)
30. Parliament, and national, devolved and local government must acquire and develop greater digital capacity and skills to facilitate digital democratic engagement. This should be a mix of inhouse development and the funding of specialist external organisations as appropriate. (Paragraph 267)

Free and fair elections

31. The Government should bring forward a Bill based on the proposals set out by the Law Commission that comprehensively modernises electoral law. This should be completed in all its stages before the next General Election. (Paragraph 284)
32. The Government should legislate immediately to introduce imprints on online political material. This could be done through secondary legislation. (Paragraph 294)

33. The reform of electoral law should grant the Electoral Commission the power to acquire information from external parties such as social networks about campaigners' activities outside of a formal investigation. (Paragraph 299)
34. The reform of electoral law should support the Electoral Commission in creating statutory guidance on the level of detail campaigners set out in receipts concerning digital spending and in their spending returns to the Commission, to provide the public with a greater understanding of the breadth and nature of online campaigns. (Paragraph 305)
35. As part of the reform of electoral law, the maximum fine the Electoral Commission can levy should be raised to £500,000 or four per cent of a campaign's total spend, whichever is greater. (Paragraph 311)
36. The Electoral Commission should be given oversight of local candidate spending as well as national spending and should review what types of spending are included in each category. (Paragraph 318)
37. The Electoral Commission should explore whether it would be feasible to create a secondary registration scheme for campaigners who would otherwise fall below current spending limits. These campaigners would only be required to register the identity of their trustees or legally responsible persons and the identity of their five largest funders. They would not be required to disclose spending. This information could then be used to improve the transparency of online imprints. (Paragraph 324)
38. The Government should then consider whether this secondary registration scheme should form part of the reform of electoral law. (Paragraph 325)
39. Ofcom should issue a code of practice for online advertising setting out that in order for platforms to meet their obligations under the 'duty of care' they must provide a comprehensive, real time and publicly accessible database of all adverts on their platform. This code of practice should make use of existing work on best practice. (Paragraph 337)
40. The Government should legislate to put the ICO's draft code on political campaigners' use of personal data onto a statutory footing. (Paragraph 353)

Active digital citizens

41. Ofsted, in partnership with the Department for Education, Ofcom, the ICO and subject associations, should commission a large-scale programme of evaluation of digital media literacy initiatives. This should: (Paragraph 386)
 - (a) Review the international evidence of what has worked best in digital media literacy initiatives; (Paragraph 386)
 - (b) Map existing digital media initiatives across the UK, inside and outside of schools, aimed at all age groups; (Paragraph 386)
 - (c) Commission research to evaluate those UK initiatives that appear to be most successful; (Paragraph 386)
 - (d) Report in time for the lessons learned to be implemented at scale in the 2021–22 academic year. (Paragraph 386)
42. The Department for Education should review the school curriculum to ensure that pupils are equipped with all the skills needed in a modern

digital world. Critical digital media literacy should be embedded across the wider curriculum based on the lessons learned from the review of initiatives recommended above. All teachers will need support through CPD to achieve this. (Paragraph 395)

43. We recommend that Ofcom should require large platforms to user test all major design changes to ensure that they increase rather than decrease informed user choices. Ofcom should help devise the criteria for this testing and review the results. There should be genuine and easily understandable options for people to choose how their data is used. (Paragraph 401)
44. The CDEI should conduct a review of the implications of platform design for users, focusing on determining best practice in explaining how individual pieces of content have been targeted at a user. Ofcom should use this to form the basis of a code of practice on design transparency. This should feed into the Department for Education's review of the curriculum so that citizens are taught what to expect from user transparency on platforms. (Paragraph 405)
45. Ofcom should work with platforms and the Government's Verify service, or its replacement, to enable platforms to allow users to verify their identities in a way that protects their privacy. Ofcom should encourage platforms to empower users with tools to remove unverified users from their conversations and more easily identify genuine users. (Paragraph 419)

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Lord Black of Brentwood
 Lord Dobbs (resigned 15 July 2019)
 Lord German
 Lord Harris of Haringey
 Lord Holmes of Richmond
 Baroness Kidron
 Lord Knight of Weymouth
 Lord Lipsey
 Lord Lucas
 Baroness McGregor-Smith (joined 15 July 2019)
 Lord Mitchell
 Baroness Morris of Yardley
 Lord Puttnam (Chair)
 Lord Scriven

Declarations of Interest

Lord Black of Brentwood
Deputy Chairman, Telegraph Media Group
Director, Regulatory Funding Company
Director, Advertising Standards Board of Finance Ltd
Chairman, Commonwealth Press Union Media Trust
Vice Chair, APPG on Media Freedom
President, Institute of Promotional Marketing

Lord Dobbs
No relevant interests declared

Lord German
Treasurer, Liberal Democrats

Lord Harris of Haringey
Board member, Cyber Security Challenge
Chair, Independent Reference Group, National Crime Agency
Chair, National Trading Standards

Lord Holmes of Richmond
Deputy Chair, Channel 4

Baroness Kidron
Commissioner, UN Broadband Commission for Sustainable Development 2030
Member, Technical board, WeProtect Global Initiative
Member, Council on Extended Intelligence
Member, UNICEF Artificial Intelligence and Child Rights policy guidance group
Chair, 5Rights Foundation (charity working on digital rights for children)
Regular speaker/contributor on issues relating to digital technologies and childhood

Lord Knight of Weymouth
Work as Chief Officer at TES Global Ltd includes responsibility for a user generated content platform for teachers—TES Resources
Adviser to the London School of Commerce (remunerated)

Chair, xRapid SSA

Lord Lipsey

Member, Advertising Standards Parliamentary Network

Former Deputy Chair, Full Fact (until July 2019)

Lord Lucas

No relevant interests to declare

Baroness McGregor-Smith

President, British Chambers of Commerce

Non-executive Director, Department of Education

Patron, Employers Network for Equality and Inclusion

Lord Mitchell

Trustee, Living Online Lab, a US based not for profit organisation dedicated to developing, teaching, and promoting internet studies worldwide using a proprietary online curriculum

Baroness Morris of Yardley

Chair and Adviser, Birmingham Education Partnership.

Trustee and Adviser; Institute of Effective Education, supported by the Bowland Charitable Trust

Lord Puttnam (Chair)

Member, Advisory Board, Accenture (Ireland)

Chair of the International Advisory Board, Nord Anglia Education Ltd

President, The Film Distributors Association

Chairman, Atticus Education Ltd

Lord Scriven

Vice President, Local Government Association

A full list of Members' interests can be found in the Register of Lords Interests: <https://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests/>

Dr Katharine Dommett (Specialist Adviser)

No relevant interests declared

Ravi Naik (Legal Adviser)

Visiting Policy Fellow, Oxford University Internet Institute

Co-founder and Legal Director of AWO, a data rights agency

Acts for Professor David Carroll in proceedings against Cambridge

Analytica and related companies

Acts for members of Open Rights Group in challenges to the use of data by the Conservative, Liberal Democrat and Labour Parties

APPENDIX 2: LIST OF WITNESSES

Evidence is published online at <https://committees.parliament.uk/committee/407/democracy-and-digital-technologies-committee/> and available for inspection at the Parliamentary Archives (020 7219 3074).

Evidence received by the Committee is listed below in chronological order of oral evidence session and in alphabetical order. Those witnesses marked with ** gave both oral and written evidence. Those marked with * gave oral evidence and did not submit any written evidence. All other witnesses submitted written evidence only.

Oral evidence in chronological order

- | | | |
|----|--|---------------------------------|
| * | Baroness O’Neill | <u>QQ 1–11</u> |
| * | Susannah Storey, Director General for Digital and Media Policy at Department for Digital, Culture, Media and Sport | <u>QQ 12–30</u> |
| * | Sarah Connolly, Director for Security and Online Harms at Department for Digital, Culture, Media and Sport | |
| * | Michelle Dyson, Director of Qualifications, Curriculum and Extra-Curricular at Department for Education | |
| * | Natalie Bodek, Acting Deputy Director, Elections Division, Cabinet Office | |
| * | Alex Krasodomski-Jones, Director of the Centre for the Analysis of Social Media, Demos | <u>QQ 31–44</u> |
| * | Caroline Elsom, Senior Researcher, Centre for Policy Studies | |
| ** | Rachel Coldicutt, CEO, Doteveryone | |
| ** | Professor Helen Margetts, Professor of the Internet and Society, University of Oxford and Director of Public Policy Programme at The Alan Turing Institute | <u>QQ 45–56</u> |
| * | Dr Martin Moore, Director of the Centre for the Study of Media, Communication and Power, King’s College London | |
| * | Professor Cristian Vaccari, Professor of Political Communication, Loughborough University | |
| ** | Lord David Currie, Chairman, Advertising Standards Authority | <u>QQ 57–69</u> |
| ** | Guy Parker, CEO, Advertising Standards Authority | |
| * | Eric Salama, CEO, Kantar | <u>QQ 70–83</u> |
| ** | Paul Bainsfair, Director General, Institute of Practitioners in Advertising | |
| * | Keith Weed, President, Advertising Association | |
| ** | Will Moy, Chief Executive, Full Fact | <u>QQ 84–98</u> |

- * Ed Humpherson, Director General of Regulation, Office for Statistics Regulation
- * Jenni Sargent, Managing Director, First Draft
- * Allan Leonard, Editor in Chief, FactCheckNI
- ** Jessica Cecil, Director of the BBC Online Project, BBC [QQ 99–111](#)
- * Matthew d’Ancona, Editor and Partner, Tortoise Media
- * James Mitchinson, Editor, Yorkshire Post
- * Ben Scott, Director of Policy, Luminate [QQ 112–123](#)
- * Elisabeth Braw, Director, Modern Deterrence Project, Royal United Services Institute
- * Lisa-Maria Neudert, Commission Secretary, Oxford Technology and Elections Commission
- * Paddy McGuinness, Oxford Technology and Elections Commission, former Deputy National Security Adviser
- ** Pascal Crowe, Data and Democracy Project Officer, Open Rights Group [QQ 124–135](#)
- ** Ailidh Callander, Legal Officer, Privacy International
- * Jon Lloyd, Head of European Campaigns, Mozilla Foundation
- * Professor Rasmus Kleis Nielsen, Director, Reuters Institute [QQ 136–146](#)
- ** Angie Pitt, Director, NewsWise
- * Dr Elinor Carmi, Research Associate in Digital Culture and Society, University of Liverpool
- ** Helen Milner OBE, Group Chief Executive, Good Things Foundation
- ** Liz Moore, CEO, Association for Citizenship Teaching [QQ 147–162](#)
- * Jonathan Baggaley, CEO, PSHE Association
- * Dr Bill Mitchell, Director of Policy, BCS The Chartered Institute for IT
- ** Dr Jennifer Cobbe, Postdoctoral Research Associate, University of Cambridge [QQ 163–168](#)
- ** Christoph Schott, Campaign Director, Avaaz
- ** Alaphia Zoyab, Senior Campaigner, Avaaz
- * Professor Sarah Roberts, Co-Director, UCLA Centre for Critical Internet Inquiry [QQ 169–177](#)
- * Professor Safiya Noble, Co-Director, UCLA Centre for Critical Internet Inquiry
- * Siim Kumpas, Adviser to the Government Office of Estonia [QQ 178–186](#)

- * Roger Taylor, Chair, Centre for Data Ethics and Innovation [QQ 187–199](#)
- * Oliver Buckley, Executive Director, Centre for Data Ethics and Innovation
- ** Louise Edwards, Director of Regulation, Electoral Commission [QQ 200–225](#)
- ** Craig Westwood, Director of Communications, Policy and Research, Electoral Commission
- * Sir Julian King, former EU Security Commissioner [QQ 226–239](#)
- ** Vint Cerf, Vice President, Google [QQ 240–257](#)
- ** Katie O’Donovan, Head of UK Government Affairs and Public Policy, Google
- * Peter Baeck, Co-Head of the Centre for Collective Intelligence Design, NESTA [QQ 258–266](#)
- ** Dr Alan Renwick, Deputy Director, The Constitution Unit, University College London
- ** Professor Cristina Leston-Bandeira, Professor of Politics, University of Leeds
- ** Joe Mitchell, Coordinator, Democracy Club
- ** Dr Rebecca Rumbul, Head of Research, My Society [QQ 267–279](#)
- * Tim Hughes, Director, Involve
- * Professor Graham Smith, Professor of Politics, University of Westminster
- ** Kevin Bakhurst, Group Director of Content and Media Policy, Ofcom [QQ 280–288](#)
- ** Tony Close, Director of Content Standards, Licensing and Enforcement, Ofcom
- ** Elizabeth Denham, Information Commissioner [QQ 289–296](#)
- ** Steve Wood, Deputy Commissioner, Information Commissioner’s Office
- ** Karim Palant, UK Public Policy Manager, Facebook [QQ 297–310](#)
- ** Katy Minshall, Head of UK Government, Public Policy and Philanthropy, Twitter [QQ 311–325](#)
- * Caroline Dinenage MP, Minister of State for Digital and Culture, Department for Digital, Culture, Media and Sport [QQ 326–356](#)
- * Nick Gibb MP, Minister of State for School Standards, Department for Education
- ** Chloe Smith MP, Minister of State, Cabinet Office

Alphabetical list of all witnesses

	5Rights Foundation	DAD0082
**	Advertising Standards Authority	DAD0029
*	The Alan Turing Institute Public Policy Programme	DAD0063
**	Association for Citizenship Teaching	DAD0070
**	Avaaz	DAD0073
*	Peter Baeck, Co-Head of the Centre for Collective Intelligence Design, NESTA	
**	Jonathan Baggaley, CEO, PSHE Association	
**	Paul Bainsfair, Director General, Institute of Practitioners in Advertising	
**	Kevin Bakhurst, Group Director of Content and Media Policy, Ofcom	
	Bang the Table	DAD0025
**	BBC	DAD0062
*	Natalie Bodek, Acting Deputy Director, Elections Division, Cabinet Office	
	Dr Gillian Bolsover, Lecturer in Politics and Media, University of Leeds	DAD0046
	John Brace	DAD0009
	Brave Software	DAD0085
*	Elisabeth Braw, Director, Modern Deterrence Project, Royal United Services Institute	
*	Oliver Buckley, Executive Director, Centre for Data Ethics and Innovation	
	Dr Dominic Burbidge, Lecturer in Politics, Research Director, University of Oxford	DAD0044
	Dame Frances Cairncross	DAD0068
**	Ailidh Callander, Legal Officer, Privacy International	
	Care England	DAD0003
*	Dr Elinor Carmi, Research Associate in Digital Culture and Society, University of Liverpool	
	Carnegie UK Trust	DAD0087
**	Jessica Cecil, Director of the BBC Online Project, BBC	DAD0062
*	Vint Cerf, Vice President, Google	DAD0101
	Channel 4	DAD0055
**	Tony Close, Director of Content Standards, Licensing and Enforcement, Ofcom	
	Coalition for Reform in Political Advertising	DAD0071
		DAD0092
**	Dr Jennifer Cobbe, Researcher at University of Cambridge	DAD0074
**	Rachel Coldicutt, CEO, Doteveryone	
*	Sarah Connolly, Director for Security and Online Harms, Department for Digital, Culture, Media and Sport	

Conscious Advertising Network	<u>DAD0091</u>
Conservative Party	<u>DAD0095</u>
	<u>DAD0106</u>
James Craske, Research Associate, Centre for Competition Policy, University of East Anglia, Harry Dyer, Lecturer in Education, School of Education & Lifelong Learning, University of East Anglia, and Janis Loschmann Associate Tutor, School of Politics, Philosophy, Language and Communication Studies, University of East Anglia University	<u>DAD0023</u>
** Pascal Crowe, Data and Democracy Project Officer, Open Rights Group	
** Lord David Currie, Chairman, Advertising Standards Authority	
* Matthew d’Ancona, Editor and Partner, Tortoise Media	
** Elizabeth Denham, Information Commissioner	
Dr Rossana Deplano, Lecturer in Law, University of Leicester	<u>DAD0014</u>
Digital Radio Mondiale	<u>DAD0015</u>
* Caroline Dinenage MP, Minister of State for Digital and Culture, DCMS	
** Doteveryone	<u>DAD0037</u>
Dr Robert Dover, Associate Professor in Intelligence and Security, University of Leicester	<u>DAD0027</u>
* Michelle Dyson, Director of Qualifications, Curriculum and Extra-Curricular, Department for Education	
Christina Eager	<u>DAD0002</u>
** Louise Edwards, Director of Regulation, Electoral Commission	
** Electoral Commission	<u>DAD0058</u>
	<u>DAD0100</u>
** Caroline Elsom, Senior Researcher, Centre for Policy Studies	
** Facebook	<u>DAD0081</u>
** Full Fact	<u>DAD0042</u>
Archie Gent	<u>DAD0007</u>
Dr Ysabel Gerrard, Lecturer in Digital Media and Society, University of Sheffield	<u>DAD0093</u>
* Nick Gibb MP, Minister of State for School Standards, Department for Education	
** Google	<u>DAD0086</u>
Good Things Foundation	<u>DAD0039</u>
Dr Claire Hardaker, Senior Lecturer in Forensic Corpus Linguistics, Lancaster University	<u>DAD0035</u>
John Harding	<u>DAD0016</u>
Susan Hedley	<u>DAD0057</u>

- ** HM Government [DAD0034](#)
[DAD0102](#)
 Professor Peter Hopkins, Professor of Social Geography, Newcastle University [DAD0053](#)
[DAD0056](#)
 Tristan Hotham [DAD0021](#)
- * Tim Hughes, Director, Involve
 The Human Rights, Big Data and Technology Project [DAD0077](#)
- ** Ed Humpherson, Director General of Regulation, Office for Statistics Regulation
 Index on Censorship [DAD0032](#)
- ** Information Commissioner's Office [DAD0043](#)
 Institute for Strategic Dialogue [DAD0069](#)
- ** Institute of Practitioners in Advertising [DAD0026](#)
 ITV plc, Channel 4, Sky and ViacomCBS [DAD0090](#)
 Roy Jakes [DAD0010](#)
 Dr Argyro Karanasiou, Senior Lecturer in Law, University of Greenwich [DAD0038](#)
 Andrew Kemp [DAD0052](#)
- * Sir Julian King, former EU Security Commissioner
- * Professor Rasmus Kleis Nielsen, Director, Reuters Institute
- * Alex Krasodonski-Jones, Director of the Centre for the Analysis of Social Media, Demos
 Professor Daniel Kreiss, Associate Professor, Hussman School of Journalism and Media at the University of North Carolina at Chapel Hill [DAD0098](#)
- * Siim Kumpas, Adviser to the Government Office of Estonia
 Michael La Costa [DAD0017](#)
 Labour Party [DAD0096](#)
 Sparkster Labs Ltd [DAD0064](#)
 Dr Ana Langer, Senior Lecturer in Politics, University of Glasgow [DAD0048](#)
 David Last [DAD0004](#)
- * Allan Leonard, Editor in Chief, FactCheckNI
- ** Professor Cristina Leston-Bandeira, Professor of Politics, University of Leeds [DAD0097](#)
 Liberal Democrats [DAD0094](#)
[DAD0105](#)
- * Jon Lloyd, Head of European Campaigns, Mozilla Foundation
 London School of Economics T3 Project [DAD0078](#)
- ** Professor Helen Margetts, Professor of the Internet and Society, University of Oxford and Director of Public Policy Programme at The Alan Turing Institute

	Professor Derek McAuley, Dr Jiahong Chen and Dr Ansgar Koene, Horizon Digital Economy Research Institute, University of Nottingham	<u>DAD0040</u>
*	Paddy McGuinness, Oxford Technology and Elections Commission, former Deputy National Security Adviser Microsoft	<u>DAD0050</u>
**	Helen Milner OBE, Group Chief Executive, Good Things Foundation	
**	Katy Minshall, Head of UK Government, Public Policy and Philanthropy, Twitter	<u>DAD0103</u>
*	Dr Bill Mitchell, Director of Policy, BCS The Chartered Institute for IT	
	Joe Mitchell, Dr Alan Renwick, and Michela Palese	<u>DAD0099</u>
**	Joe Mitchell, Co-ordinator, Democracy Club	<u>DAD0045</u>
*	James Mitchinson, Editor, Yorkshire Post	
*	Dr Martin Moore, Senior Lecturer in Political Communication Education and Director of the Centre for the Study of Media, Communication and Power, King's College London	
**	Liz Moorse, CEO, Association for Citizenship Teaching	
**	Will Moy, Chief Executive, Full Fact	
**	MySociety	<u>DAD0024</u>
	National Literacy Trust	<u>DAD0051</u>
	National Pensioners Convention	<u>DAD0065</u>
	Network for Media and Persuasive Communication, Bangor University	<u>DAD0018</u>
*	Lisa-Maria Neudert, Commission Secretary, Oxford Technology and Elections Commission	<u>DAD0019</u>
**	NewsWise	<u>DAD0072</u>
*	Professor Safiya Noble, Co-Director, UCLA Centre for Critical Internet Inquiry	
**	Katie O'Donovan, Head of UK Government Affairs and Public Policy, Google	
*	Baroness O'Neill of Bengarve	
**	Ofcom	<u>DAD0049</u>
	Open University	<u>DAD0061</u>
**	Oxford Internet Institute	<u>DAD0060</u>
**	Karim Palant, UK Public Policy Manager, Facebook	
**	Guy Parker, CEO, Advertising Standards Authority	
**	Angie Pitt, Director, NewsWise	
	Play Verto Global Ltd	<u>DAD0028</u>
	The Politics Project	<u>DAD0066</u>
	Robin Potter	<u>DAD0008</u>
**	Privacy International	<u>DAD0041</u>

- ** Dr Alan Renwick, Deputy Director of the Constitution Unit, University College London
- * Professor Sarah Roberts, Co-Director, UCLA Centre for Critical Internet Inquiry
- Dr Felipe Romero-Moreno, Research Degrees Admissions Tutor, University of Hertfordshire [DAD0059](#)
- Dr Patrícia Rossini, Derby Fellow, School of the Arts, Liverpool University and Dr Antonis Kalogeropoulos, Lecturer in Communication and Media, Liverpool University [DAD0075](#)
- Royal Statistical Society [DAD0084](#)
- ** Dr Rebecca Rumbul, Head of Research, MySociety
- * Eric Salama, CEO, Kantar
- * Jenni Sargent, Managing Director, First Draft
- ** Christoph Schott, Campaign Director, Avaaz
- * Ben Scott, Director of Policy, Luminate
- Scytl Secure Electronic Voting [DAD0030](#)
- Dr Mark Shephard, University of Strathclyde [DAD0036](#)
- Bethany Shiner, Lecturer in Law, Middlesex University [DAD0013](#)
- * Professor Graham Smith, Professor of Politics, University of Westminster
- ** Chloe Smith MP, Minister of State, Cabinet Office
- Dr Lone Sorensen, Senior Lecturer, Department of Media, Journalism and Film, Huddersfield University [DAD0067](#)
- Stanford History Education Group [DAD0080](#)
- * Susannah Storey, Director General for Digital and Media Policy at Department for Digital, Culture, Media and Sport
- Dr Rosalynd Southern, University of Liverpool [DAD0022](#)
- ** Roger Taylor, Chair, Centre for Data Ethics and Innovation
- Dr Luke Temple, Teaching Associate in Political Geography, University of Sheffield [DAD0048](#)
- Barry Thain [DAD0001](#)
- Dr Rebekah Tromble, Associate Professor in the School of Media and Public Affairs and Associate Director of the Institute for Data, Democracy, and Politics, George Washington University [DAD0104](#)
- ** Twitter [DAD0103](#)
- The Digital Life Skills Company CIC [DAD0033](#)
- UK Parliament Education and Engagement Team [DAD0083](#)
- * Professor Cristian Vaccari, Professor of Political Communication, Loughborough University
- * Keith Weed, President, Advertising Association
- ** Craig Westwood, Director of Communications, Policy and Research, Electoral Commission

- ** Steve Wood, Deputy Commissioner, Information Commissioner's Office
- ** Alaphia Zoyab, Senior Campaigner, Avaaz

APPENDIX 3: CALL FOR EVIDENCE

The House of Lords Select Committee on Democracy and Digital Technologies was established on 13 June 2019 and asked to report by 31 March 2020.

With the growth of digital media, methods of political communication and campaigning have evolved. The impact of digital technologies on our democratic processes has come under increasing scrutiny. Many are of the view that digital technologies offer significant potential benefits for the extension of democracy, while others fear that such technologies may actually undermine the democratic process. As well as covering the effects of digital technologies on the electoral process and political campaigns, the Committee wishes to consider the effects of technology on political debate more broadly, and the wider public's engagement with and participation in political discourse.

The Committee has decided to focus on the issue of how representative democracy can be supported, rather than undermined, in a digital world. It will primarily look across six key areas: transparency in political campaigns; privacy and anonymity; misinformation; the effects of digital technologies on public discourse; how technology can facilitate democracy and the development of effective digital literacy.

The Committee is seeking input on the following questions:

General

- (1) How has digital technology changed the way that democracy works in the UK and has this been a net positive or negative effect?
- (2) How have the design of algorithms used by social media platforms shaped democratic debate? To what extent should there be greater accountability for the design of these algorithms?

Education

- (3) What role should every stage of education play in helping to create a healthy, active, digitally literate democracy?

Online campaigning

- (4) Would greater transparency in the online spending and campaigning of political groups improve the electoral process in the UK by ensuring accountability, and if so, what should this transparency look like?
- (5) What effect does online targeted advertising have on the political process, and what effects could it have in the future? Should there be additional regulation of political advertising?

Privacy and anonymity

- (6) To what extent does increasing use of encrypted messaging and private groups present a challenge to the democratic process?
- (7) What are the positive or negative effects of anonymity on online democratic discourse?

Democratic debate

- (8) To what extent does social media negatively shape public debate, either through encouraging polarisation or through abuse deterring individuals from engaging in public life?
- (9) To what extent do you think that there are those who are using social media to attempt to undermine trust in the democratic process and in democratic institutions; and what might be the best ways to combat this and strengthen faith in democracy?

Misinformation

- (10) What might be the best ways of reducing the effects of misinformation on social media platforms?

Moderation

- (11) How could the moderation processes of large technology companies be improved to better tackle abuse and misinformation, as well as helping public debate flourish?

Technology and democratic engagement

- (12) How could the Government better support the positive work of civil society organisations using technology to facilitate engagement with democratic processes?
- (13) How can elected representatives use technology to engage with the public in local and national decision making? What can Parliament and Government do to better use technology to support democratic engagement and ensure the efficacy of the democratic process?
- (14) What positive examples are there of technology being used to enhance democracy?

The deadline for written evidence is 20 September 2019.

APPENDIX 4: NOTE OF THE COMMITTEE DIGITAL SURGERIES ORGANISED WITH THE POLITICS PROJECT

1. On 29 October and 5 November, we held ‘digital surgeries’, organised with the Politics Project. Our first surgery took place with pupils and the second with teachers involved in the provision of digital literacy.

Digital surgery with pupils from Oasis MediaCity Academy, Salford and Queen Elizabeth’s School, Devon

2. On 29 October, we held a videocall with Year 10 pupils from Oasis MediaCity Academy in Salford and sixth form pupils from Queen Elizabeth’s School in Devon.
3. We discussed how pupils used social media and how they learned about current issues and politics online. Pupils from both schools told us that they tend to use news websites and apps such as Sky News and BBC News to access their news. They also supplemented this with news on Instagram and Snapchat. They said that they would cross reference between websites to discern whether a news item seen on social media was true. They agreed that social media sites encouraged people to share their opinions about current issues and that this had both positive and negative implications.
4. We asked where pupils’ digital literacy education fell within the curriculum. Pupils from both schools agreed that the subject fell within Personal, Social, Health and Economic (PSHE) education. Some pupils told us they had learnt about digital literacy within media studies at GCSE and A-level. Pupils in both schools believed that teaching about the subject should start in primary school, as children have exposure to digital technologies from a young age.
5. The pupils demonstrated knowledge about how they would participate in community events to effect change if they were unhappy with something in their local area. When asked what the Government could do to help pupils feel more empowered, pupils suggested that they could engage more with social media to disseminate government initiatives and news amongst younger people. One suggestion was to create a Government-backed app from which people could get their news, with content tailored to young people in simpler language.

Digital surgery with teachers from across the country

6. On 5 November, we held a videocall with six teachers from across the country who had responsibility for teaching political education at different educational levels.
7. We asked the teachers where political education sat within the curriculum. All the teachers agreed that Citizenship was the best place for political education and that this should go beyond just focussing on elections. They mentioned that Citizenship at Key Stage 3 and 4, used to be compulsory. One teacher explained that he incorporated political education into his Religious Studies classes, which he tried to make more like a general studies course. There was a concern amongst all the teachers that time for political education was diminishing. One teacher stated that it was a “grave assumption to think that political education can be taught in tutor time”, to the agreement of all. The teachers were also concerned that with diminishing time, it would

be difficult to persuade non-specialist teachers, some of whom have little political understanding, to learn more about political education.

8. We discussed the teaching of misinformation and fake news. The teachers agreed that this was a necessary subject to teach and said that they used examples such as media reporting about the Duke and Duchess of Sussex to help pupils compare information that was put across. This is content that is required at Citizenship GCSE, but the teachers said they would like more time on this, rather than simply preparing pupils for exams.
9. All the teachers stated they would want more time to teach political education and some said that timetabled curriculum lessons would be helpful. One of the teachers also told us that they would value media and sociology training, in order to teach political education from a wider perspective. One of the teachers had recently been on a trip to Washington to learn about media literacy and fact checking. They were impressed with the quality of teaching and with the focus on trying to separate news online from advertising that they observed and noted that lessons could be learnt from teaching practices elsewhere.

APPENDIX 5: REGULATORY INNOVATION WORKSHOP

1. On Wednesday 22 January, we hosted a workshop to discuss the challenges that regulators face in adapting to the digital environment, particularly in the context of digital campaigning. The event was organised by our specialist adviser, sponsored by the journal *Political Quarterly* and held in Collaboration with the Turing Institute and the Crick Centre for the Public Understanding of Politics. Professor Helen Margetts, Professor of Internet and Society at the Oxford Internet Institute and Director of the Public Policy Programme at The Alan Turing Institute, chaired the event.
2. The workshop was attended by just under 30 individuals who work within regulatory bodies or government, companies, or charities.

Presentations

3. Presentations were made by Dr Kate Dommett, the Committee's specialist adviser, Ravi Naik, the Committee's legal adviser and Chris Gorst from Nesta.
4. Dr Dommett's presentation provided an overview of the current debates about the regulation of digital campaigning, including the range of legislative proposals made around digital campaigning and the focus hitherto on how the powers of regulators need to grow. Dr Dommett highlighted how less attention had been given to the issue of regulator capacity and how regulators themselves need to adapt, change and upskill in order to be able to adapt to regulation in a digital arena. Dr Dommett stressed the need to not only consider questions such as how regulation could occur and how regulators themselves could be equipped to adapt their regulatory capacities.
5. Ravi Naik highlighted several simple fixes that could be made to electoral law to boost transparency. He argued that in the future there will be a need to focus regulation on the accountability of platforms and data use. He also suggested that there is a need to think further about current enforcement deficits within the regulatory landscape, stressing the need for regulators to have an effective set of sanctions to enforce.
6. Chris Gorst from Nesta spoke about the need for anticipatory regulation and Nesta's work in this area. He noted that the UK is a well-regulated country but diagnosed a tendency to identify specific problems and develop regulatory solutions in silos. He argued that there was a need to update regulators created in a pre-digital era to the digital world, yet it was necessary to ensure that any future system was both good at protecting from risk but did not prevent social innovation and the benefits this can deliver.

Discussion

7. Attendees then discussed the issues that had been raised by the speakers. The conversation first covered collaboration, both in terms of the need for regulators to work more closely with industry, and with one another. There was discussion of the need for shared resources and expertise and for more inter-regulator discussion and collaboration. One contributor proposed an Office for Responsible Technology to sit across Government and promote collaboration. There were few examples of places where regulators could meet to exchange and discuss ideas. Promoting inter-regulator collaboration

was seen to be easy where there were clear overlaps in interests, but harder where regulatory responsibilities were unclear.

8. There was also discussion of regulators' ability to adapt and how this could be affected by regulatory remit and statutory foundation.
9. There was an acknowledgment from regulators that they often wanted to do more but were curtailed by a limited remit and small budget. This meant that regulators often focused on performing core functions and had less capacity to pursue collaboration and horizon scanning activities.
10. There was seen to be a need to give regulators more power and to ensure clear mechanisms for ensuring accountability. Enforcement and accountability were not just seen to be online issues: offline examples of misinformation can also carry few penalties so there was a need to think further about enforcement, penalties and how to hold actors to account.
11. Budget was seen to be a limiting condition on regulatory behaviour, but there was a consensus that some action could be taken without additional resource—one possibility was thinking about reconfiguring the regulatory landscape to work more effectively. This potentially linked to increased collaboration.
12. It was argued that there was a need to determine the aims of regulation, and what it is that any regulation is seeking to protect.

APPENDIX 6: THE SEVEN PRINCIPLES OF PUBLIC LIFE (THE NOLAN PRINCIPLES)

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies, and in the health, education, social and care services. All public office holders are both servants of the public and stewards of public resources.

The principles also apply to all those in other sectors delivering public services.

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

APPENDIX 7: LIST OF DEFINITIONS USED IN THIS REPORT

Definition of platforms (Box 1)

The defining feature of platforms, as used in this Report, in the context of democracy and digital technology is that they intermediate between their customers and content that they do not create (and that they do not usually pay for either). This is achieved through indexing content that exists elsewhere on the internet, such as Google, or through user submitted content, such as Facebook, Twitter or YouTube. As a result, they often offer harmful content that can have a detrimental effect on individuals and society. This can be compounded by the business models of these platforms. The largest platforms in this space are all funded by advertising and are incentivised to increase user attention. Many of these platforms harvest users' personal data to effectively algorithmically rank and recommend content to maintain user attention. This can incentivise an increased spread of harmful content as we discuss throughout this Report. Algorithmic ranking and recommending of content mean these platforms are making de facto editorial decisions and we consider them as such in this Report.

Neither advertising, nor algorithmic recommendation is a necessary condition for spreading harmful content. For example, WhatsApp features neither but still has been used to spread concerning content. Throughout this Report we refer to platforms, online platforms or technology platforms as ways to describe these intermediary services. These intermediaries are not necessarily bad. If platforms were to effectively abide by the norms of a democratic society through tackling harmful content rather than spreading it then they could play a powerful, constructive role in supporting democracy.

Definition of misinformation and disinformation (Box 2)

Baroness O'Neill of Bengarve neatly explained the difference between misinformation and disinformation:

“... if I make a mistake and tell you that the moon is made of blue cheese, but I honestly believe it, that is misinformation. If I know perfectly well that it is not made of blue cheese but tell you so, that is disinformation.”

Whether or not information is purposefully false does not change whether it is harmful. In our report we use ‘misinformation’ where it is unclear if there was purposeful intent to misinform and only label something ‘disinformation’ if that intent is clear.

Definition of campaigner (Box 6)

There is no single definition of campaigning in law that can be readily used to define what a campaigner is. The Political Parties, Elections and Referendums Act 2000 (PPERA) has separate definitions of campaign spending for registered parties, third parties and referendum campaigners. The Representation of the People Act 1983 has another definition for election spending by candidates.

Advancements in digital technologies also bring the question of what a campaigner is into focus. The PERA, drafted 20 years ago, does not account for the present situation.

In their 2018 ‘Democracy Disrupted’ report, the Electoral Commission used the term ‘campaigner’ loosely as an umbrella term for political parties, third parties, permitted participants, unregistered referendum campaigners and candidates.

We define a ‘campaign’ as coordinated activity that promotes electoral success or promoting a referendum outcome. This applies to political parties, registered and unregistered third parties and candidates in local and national elections.

Definition of digital media literacy (Box 9)

We use the term ‘digital media literacy’ because our purposes go beyond, but do include, the functional skills required to use technology.

We define digital media literacy as being able to distinguish fact from fiction, including misinformation, understand how digital platforms work, as well as how to exercise one’s voice and influence decision makers in a digital context.

APPENDIX 8: GLOSSARY

AI	Artificial Intelligence
ASA	Advertising Standards Authority
CAP	Committee of Advertising Practice
CDEI	Centre for Data Ethics and Innovation
CMA	Competition and Markets Authority
CPD	Continuous Professional Development
DPA	Data Protection Act 2018
DCMS	Department for Digital, Culture, Media and Sport
GDPR	General Data Protection Regulation
ICO	Information Commissioner's Office
ICT	Information and Communications Technology
IFCN	International Fact Checking Network
LGBT+	Lesbian, Gay, Bisexual, Transgender, plus other gender and sexual minorities
LSE	London School of Economics
NISRA	Northern Ireland Statistics and Research Agency
ONS	Office for National Statistics
OSR	Office for Statistics Regulation
PPERA	Political Parties, Elections and Referendums Act 2000
PSHE	Personal, Social, Health and Economic Education
SME	Small and Medium Enterprise
UCL	University College London
UCLA	University of California, Los Angeles
UNESCO	United Nations Educational, Scientific and Cultural Organisation