

PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

# **Interim report on all aspects of the conduct of the 2019 Federal Election and matters related thereto**

*Delegation to the International Grand Committee, Dublin, Ireland*

Joint Standing Committee on Electoral Matters

February 2020  
CANBERRA

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## Foreword

The recent explosion in growth of digital platforms has seen more Australians online than ever before. There is no doubt that the digital revolution has many benefits – connecting people and ideas are an important part of democracy. Yet the accelerated growth of many digital platforms presents governments around the world with an unprecedented challenge; how to balance freedom of speech whilst protecting citizens and institutions from the largely unregulated power of tech giants.

For Australia to remain vigilant, we must understand the threats and demand more from the digital platforms who have risen as global powers. Working with other parliaments is one way we can stand strong in the face of such powerful organisations. Parliamentarians are in a unique position as law-makers to create change – by working together we can find ways that protect Australians.

The International Grand Committee is an example of countries coming together to share, learn and ultimately create change for the better. The recommendations of this report are just the beginning of tackling the threat of foreign interference and disinformation. Of course, freedom must always be the guiding principle in driving decisions.

**Senator the Hon. James McGrath**  
**Chair**



# Membership of the Committee

## *Chair*

Senator the Hon James McGrath LP, QLD

## *Deputy Chair*

Senator Carol Brown ALP, TAS

## *Members*

Senator Marielle Smith ALP, SA

Senator Wendy Askew LP, TAS

Senator Larissa Waters AG, QLD

Mr Milton Dick MP Oxley, QLD

Mr Tony Pasin MP Barker, SA

Mr James Stevens MP Sturt, SA

Ms Kate Thwaites MP Jagajaga, VIC

Mrs Lucy Wicks MP Robertson, NSW

*Participating members for the inquiry*

Senator the Hon Eric Abetz

Senator Alex Antic

Senator Tim Ayres

Senator Catryna Bilyk

Senator Andrew Bragg

Senator Slade Brockman

Senator the Hon Kim Carr

Senator Claire Chandler

Senator Anthony Chisholm

Senator Raff Ciccone

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Senator Alex Gallacher

Senator Katy Gallagher

Senator Nita Green

Senator Pauline Hanson

Senator Hollie Hughes

Senator the Hon Kristina Keneally

Senator Kimberley Kitching

Senator Sue Lines

Senator Jenny McAllister

Senator Malarndirri McCarthy

Senator Susan McDonald

Senator Sam McMahon

Senator Matt O'Sullivan

Senator James Paterson

Senator Helen Polley

Senator Louise Pratt

Senator Gerard Rennick

Senator Malcolm Roberts

Senator Paul Scarr

Ms Rebekha Sharkie MP

Senator Tony Sheldon

Senator Dean Smith

Senator Glenn Sterle

Senator Amanda Stoker

Senator Anne Urquhart

Senator David Van

Senator Jess Walsh

Senator Murray Watt

Senator the Hon Penny Wong



***Secretariat***

Secretary	Jason Sherd
Inquiry Secretary	Paul Zinkel
Inquiry Secretary	Aleshia Westgate
Senior Research Officer	Phillipa Blackwood
Office Manager	Danny Miletic
Admin Support Officer	Renee Dennis



# Terms of reference

That the Joint Standing Committee on Electoral Matters inquire into and report on all aspects of the conduct of the 2019 Federal Election and matters related thereto.



## List of abbreviations

DG CONNECT	Directorate-General for Communications Networks, Content and Technology
DPC	Irish Data Protection Commission
EPIC	Electronic Privacy and Information Centre
EU	European Union
GDPR	European Union General Data Protection Regulation
IGC	International Grand Committee
UK	United Kingdom



# List of recommendations

## **Recommendation 1**

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The Committee recommends that the Australian Government continue to support members of the Joint Standing Committee on Electoral Matters to participate in the International Grand Committee.

## **Recommendation 2**

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The Committee recommends that the Australian Government examine the feasibility and practicalities of enacting regulation similar to the new provisions in the Canada Elections Act which adds registry requirements for political advertisements on online platforms.

## **Recommendation 3**

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The Committee recommends that the Australia Government should make representations at the Association of Southeast Asian Nations, the Pacific Island Forum; and the Asia Pacific Parliamentary Forum to open a formal dialogue on the introduction of a data protection regulation model for the region.

## **Recommendation 4**

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The Committee recommends that this delegation report be forwarded to the Select Committee on Foreign Interference through Social Media to consider as part of their inquiry.



## Delegation report

### **Background to the delegation**

- 1.1 On 26 July 2019 the Joint Committee on Communications, Climate Action and Environment of the Houses of the Oireachtas, Ireland invited members of the Joint Standing Committee on Electoral Matters to participate as *ex officio* committee members of the third meeting of the International Grand Committee (IGC) on Disinformation and 'Fake News'.
- 1.2 On 28 August 2019, the Joint Standing Committee on Electoral Matters wrote to the Presiding Officers requesting an additional parliamentary delegation to participate in the IGC in Dublin.
- 1.3 On 24 September 2019, the Presiding Officers agreed to the Committee's request for an additional parliamentary delegation enabling two members of the Joint Standing Committee on Electoral Matters to attend the third meeting of the IGC on Disinformation and 'Fake News'.
- 1.4 The Delegation comprised of:
  - Senator Carol Brown (Delegation leader and Deputy Chair, Joint Standing Committee on Electoral Matters);
  - Mr Milton Dick MP (Member, Joint Standing Committee on Electoral Matters); and
  - Mr Paul Zinkel (Secretariat).
- 1.5 The delegation visited Dublin from 5 to 8 November 2019.
- 1.6 This chapter is the report of that visit. Appendix A provides further information on the program of visits.

## Background on the International Grand Committee

- 1.7 In 2018 an IGC was formed; comprised of members from a number of international parliaments and relevant committees conducting inquiries into fake news and disinformation.
- 1.8 The IGC has held two meetings to date: the inaugural meeting was held in London, United Kingdom (UK) on 27 November 2018 and the second on 28 May 2019 in Ottawa, Canada.
- 1.9 The work of the IGC is informed by the declaration on principles governing the internet<sup>1</sup> signed by members of the nine international parliaments<sup>2</sup> in attendance at the first hearing of the IGC in London. The Declaration endorsed the following principles:
- the internet is global and law relating to it must derive from globally agreed principles;
  - the deliberate spreading of disinformation and division is a credible threat to the continuation and growth of democracy and a civilising global dialogue;
  - global technology firms must recognise their great power and demonstrate their readiness to accept their great responsibility as holders of influence;
  - social media companies should be held liable if they fail to comply with a judicial, statutory or regulatory order to remove harmful and misleading content from their platforms, and should be regulated to ensure they comply with this requirement; and
  - technology companies must demonstrate their accountability to users by making themselves fully answerable to national legislatures and other organs of representative democracy.<sup>3</sup>
- 1.10 The UK House of Commons Digital, Culture, Media and Sport Committee and the Canada House of Commons Standing Committee on Access to Information, Privacy and Ethics published reports on Disinformation and 'Fake News' on 18 February 2019 and June 2019 respectively.<sup>4</sup>

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1 Joint Standing Committee on Electoral Matters, *Status Report*, Appendix C, p. 23.

2 Members of the national Parliaments of: the Argentine Republic; the Kingdom of Belgium; the Federative Republic of Brazil; Canada; the French Republic; Ireland; the Republic of Latvia; the Republic of Singapore; and the United Kingdom of Great Britain and Northern Ireland.

3 House of Commons Digital, Culture, Media and Sport Committee, media release, 'Parliamentarians from across the world sign declaration on the 'Principles of the Law Governing the Internet'', 27 November 2018.

4 UK House of Commons Digital, Culture, Media and Sport Committee, *Disinformation and 'Fake News'; Final Report*, Eighth Report of Session 2017–19, 18 February 2019; Canada House of Commons Standing Committee on Access to Information, Privacy and Ethics, *International Grand Committee on Big Data, Privacy and Democracy*, 42<sup>nd</sup> Parliament, 1<sup>st</sup> Session, June 2019.

## International Grand Committee, Dublin

- 1.11 The third meeting of the IGC on Disinformation and 'Fake News' was held in Dublin, Ireland on 7 November 2019.
- 1.12 Participating in the IGC in Dublin were parliamentarians from eight different countries:
- Australia: Senator Carol Brown and Mr Milton Dick MP;
  - Estonia: Ms Keit Pentus-Rosimannus, Member of Parliament;
  - Finland: Mr Tom Packalén, Member of Parliament;
  - Georgia: Ms Nino Gogvadze, Member of Parliament;
  - Ireland: Deputies Hildegard Naughton (Chair), James Lawless, Eamon Ryan, Timmy Dooley, Michael Lowry; and Senators Terry Leyden, Tim Lombard, Mark Daly, Aidan Davitt, Alice-Mary Higgins and Lynn Ruane;
  - Singapore: Dr Janil Puthuchery, Senior Minister of State at the Ministry of Communications and Information and Mr Amrin Amin, Senior Parliamentary Secretary at the Ministry of Home Affairs;
  - United Kingdom: Lord David Puttnam, House of Lords; and
  - United States of America: Congressman David Cicilline, Member of the House of Representatives.
- 1.13 The theme for the third IGC in Dublin included:
- How to advance international collaboration in the regulation of harmful content, hate speech and electoral interference online, taking into account:
    - ⇒ the evidence of interference, hate and harmful content;
    - ⇒ an understanding of the structural problems enabling harm; and
    - ⇒ the evolving regulatory structures and new policy proposals (such as E-commerce directive UK White Paper on Online Harms and the European Commission's Action Plan against Disinformation).
- 1.14 The IGC heard evidence from a number of organisations and individuals including:
- journalists, columnists, web industry representatives, business people, and academics;
  - representatives from social media and search platforms including Facebook, YouTube, and Twitter;
  - Data Protection Commissioner for Ireland, Media Convergence and Social Media Unit in the Directorate-General for Communications Networks, Content and Technology (DG CONNECT) of the European Commission, the Government of Ireland's Minister of Communications, Climate Action &

Environment, and Electronic Privacy and Information Centre (EPIC) in Washington, D.C.; and

- representatives from the Inter-Parliamentary Union, Web Foundation, Internet & Jurisdiction Policy Network, Kinzen Ltd, and the University of Essex.

## **International Grand Committee meeting**

### **Session 1: The evidence**

1.15 Session 1 of the IGC focussed on the business model of social media and search platforms such as Facebook and Google; the data collection process; disinformation and electoral interference. Expert witnesses in the initial session included:

- Ms Carole Cadwalladr, Journalist, The Observer;
- Dr Karlin Lillington, Journalist, Irish Times;
- Dr Johnny Ryan, Chief Policy & Industry Relations Officer, Brave;
- Mr Roger McNamee, Investor and author; and
- Mr Ben Nimmo, Director of Investigations, Graphika.

1.16 Witnesses commented on a number of areas which they believed were contributing to the spread of disinformation. Many were of the view that the current business model of social media and search platforms posed a number of risks, particularly on how personal data is collected and monetised.

1.17 Dr Lillington stated that the current business model underpinned some serious problems:

The existing business model of social media and search platforms, which is based on extracting and monetising as much personal data as possible from users while encouraging them to engage addictively with and return to the platforms, is a foundation for the serious problems we are discussing today. It is a vicious but highly lucrative circle in which clickbait material of hate, outrage, conspiracy and tribalism proves the most engaging, while the micro-targeting of ads and content means only a select receptive audience may ever see material that becomes impossible to refute.<sup>5</sup>

1.18 Dr Ryan highlighted the significant amount of personal data collected by technology companies, which are subsequently auctioned off to advertisers as part of the real-time bidding industry. Dr Ryan posited that this could lead to the propagation of micro-targeted disinformation:

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5 Dr Karlin Lillington, Irish Times, *Transcript, Dáil Éireann*, 7 November 2019, p. 3.



The problem of disinformation arises because of what happens every time one loads a web page. As the page loads, a broadcast of information about the user is sent to tens or hundreds of companies. This is intended to allow technology companies that represent advertisers to compete for the opportunity to show the user an ad. That sounds fine, but the broadcast data includes an inference of the user's sexual orientation, political views, religion, and any health issues from which he or she may suffer. It generally includes the precise thing the user is watching, listening to or reading at that moment, as well as where he or she is located. These data are bundled with identification codes for the user that are as specific to the user as his or her social security number. All the data I described can be put into a dossier about the user, whatever age he or she may be. This is a description of the multibillion dollar real-time bidding, RTB, industry. The broadcasts occur hundreds of billions of times per day.<sup>6</sup>

- 1.19 Mr McNamee held the view that micro-targeting, along with algorithmic amplification,<sup>7</sup> created problems derived from the underlying business model.<sup>8</sup>
- 1.20 Ms Cadwalladr put forward the view that individuals were being unknowingly influenced by micro-targeted information.<sup>9</sup>
- 1.21 Mr McNamee commented that most online consumers were largely unaware of the data collection process with only a very small percentage voluntarily contributing their data:

My estimate, which is by no means precise, is that less than one percent of the data that Google and Facebook have are the data contributed voluntarily by consumers. The vast majority are acquired in the third party marketplace, either by tracking people online or by acquiring bank statements, credit cards, location from mobile vendors or purchase history from various companies and products. The core issue is that the surveillance takes place largely outside the awareness of people and without their direct participation. In the case of credit card processing companies, for example, which sell their customers' information, no consumer has a direct relationship with any of the companies or has any control over them.<sup>10</sup>

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6 Dr Johnny Ryan, Brave, *Transcript, Dáil Éireann*, 7 November 2019, p. 4.

7 Algorithmic amplification is when some online content becomes popular at the expense of other viewpoints either through user self-selection or an algorithm inadvertently reinforcing the popularity of already-popular content.

8 Mr Roger McNamee, *Transcript, Dáil Éireann*, 7 November 2019, p. 11.

9 Ms Carole Cadwalladr, The Observer, *Transcript, Dáil Éireann*, 7 November 2019, p. 18.

10 Mr Roger McNamee, *Transcript, Dáil Éireann*, 7 November 2019, p. 12.

- 1.22 Mr Nimmo spoke about electoral interference and large-scale disinformation operations by state and non-state actors, and the dissemination of disinformation through marketing companies.
- 1.23 Mr Nimmo provided statistics that ‘70 countries are now reported to be running organised social media [dis]information operations, up from 48 last year.’<sup>11</sup> Mr Nimmo described it as a global phenomenon noting that most of the disinformation operations were aimed at domestic audiences.<sup>12</sup>
- 1.24 Mr Nimmo commented that domestic disinformation operations could target other countries if needed citing a number of examples both of state and non-state actors:
- The evidence suggests that a state that has the capability to run domestic information operations can quickly pivot to external targets if the political need is there. Russia did so in 2014. Saudi Arabia did so after the murder of Jamal Khashoggi. China did so when the Hong Kong protests began. Nor is this limited to state actors. We saw the far right in Britain and America trying to interfere in the French presidential election in 2017. These operations do not solely play out on social media platforms. They also include websites and television stations. They can include on-the-ground events and local activists, some of whom are unaware of the role they are playing.<sup>13</sup>
- 1.25 Mr Nimmo noted that marketing companies were also facilitating the spread of disinformation through fake amplification:
- Unscrupulous marketing companies around the world are promising to ‘change reality’ for their political clients through social media campaigns. Fake amplification on social media is very cheap. One can buy a three year old YouTube channel with videos already uploaded for just \$1. Domestic actors on both sides in the US have experimented with Russia’s playbook.<sup>14</sup>
- 1.26 Dr Lillington observed that options put forward to mitigate the risks posed by social media are often focussed on established and not emerging democracies:
- Too often, policy discussions focus on the risks posed by social media in established democracies, but the most vulnerable victims are, ironically, those who fight most courageously on behalf of democracy, namely, human rights defenders. For them, online threats can swiftly descend into violence, arrest, torture or death. Activists do not wish to leave the platforms because, despite their serious flaws, they are a major tool of
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11 Mr Ben Nimmo, Graphika, *Transcript, Dáil Éireann*, 7 November 2019, p. 6.

12 Mr Ben Nimmo, Graphika, *Transcript, Dáil Éireann*, 7 November 2019, p. 6

13 Mr Ben Nimmo, Graphika, *Transcript, Dáil Éireann*, 7 November 2019, p. 6.

14 Mr Ben Nimmo, Graphika, *Transcript, Dáil Éireann*, 7 November 2019, p. 6.

democracy. They allow anonymity, communicate helpful information or help spread irrefutable evidence, and offer easy-to-use encrypted messaging.<sup>15</sup>

- 1.27 He noted that some solutions to social media problems could be detrimental and pose a serious risk to human rights activists:

Many of the proposed solutions and interventions to social media problems, such as the banning of online anonymity or account registrations being tied to formal identity, only exacerbate the problems. If we better understood and more adequately addressed the serious risks and harms to human rights activists, we could better resolve the problems for all of us because studies indicate human rights activists are the outriders for these dangers.<sup>16</sup>

- 1.28 Dr Lillington added:

We need to keep in mind that the remedies we try to take in established democracies for many of these problems, or to bolster elections, can work against the human rights defenders and emerging democracies.<sup>17</sup>

- 1.29 When asked about the challenges in getting global technology companies to adhere to local laws in addition to a transboundary set of standards, Dr Lillington and Dr Ryan supported the European Union General Data Protection Regulation (GDPR) as a model with increased data protection requirements that other countries are trying to emulate as a *de facto* global standard.<sup>18</sup>

- 1.30 For the most part, witnesses proposed a number of recommendations aimed at constraining the current business model of social media and search platforms and micro-targeting.

- 1.31 Dr Lillington called for widespread reform of social media and search platforms to protect pro-democracy activists, stop the current surveillance capital business model, reduce their size and ‘work more extensively with trusted regional and local NGOs to better understand the context of government requests for content and account takedowns.’<sup>19</sup> He also called on governments and regulators to ‘foreground risks to activists as they consider ways to manage online problems.’<sup>20</sup>

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15 Dr Karlin Lillington, Irish Times, *Transcript, Dáil Éireann*, 7 November 2019, p. 3.

16 Dr Karlin Lillington, Irish Times, *Transcript, Dáil Éireann*, 7 November 2019, p. 3.

17 Dr Karlin Lillington, Irish Times, *Transcript, Dáil Éireann*, 7 November 2019, p. 9.

18 Dr Karlin Lillington, Irish Times, *Transcript, Dáil Éireann*, 7 November 2019, p. 20; Dr Johnny Ryan, Brave, *Transcript, Dáil Éireann*, 7 November 2019, p. 21.

19 Dr Karlin Lillington, Irish Times, *Transcript, Dáil Éireann*, 7 November 2019, p. 4.

20 Dr Karlin Lillington, Irish Times, *Transcript, Dáil Éireann*, 7 November 2019, p. 4.

- 1.32 Dr Ryan urged the IGC to take action to ‘stop the business model of the bottom of the web and starve the data brokers who enable micro-targeted disinformation.’<sup>21</sup>
- 1.33 Mr McNamee also suggested inhibiting the current business model of surveillance capitalism recommending that personal data be a human right. Mr McNamee believed that this would limit the use of personal data:
- This would limit business models to first party intended uses of data. There would be no third party commerce or use of private data, no predictive models based on personal data, no web tracking and no corporate surveillance.<sup>22</sup>
- 1.34 Mr McNamee put forward the view that currently there were no disincentives for unscrupulous social media or search platforms, recommending an increase in fines ‘measured in trillions not millions of dollars.’<sup>23</sup>
- 1.35 Ms Cadwalladr reiterated recommendations made by various organisations such as the Institute of Practitioners in Advertising for a moratorium on micro-targeted political advertisements:
- There have been these very strong recommendations from bodies, such as the [United Kingdom’s] Institute of Practitioners in Advertising, IPA, on a total moratorium on micro-targeted political advertisements. ... I think it is perfectly reasonable to have a pause, for which the Information Commissioner in Britain has asked, or a moratorium to give a chance to assess and to gather in the expert evidence, and see if the current situation is beneficial to our respective democracies.<sup>24</sup>
- 1.36 Mr Nimmo made recommendations primarily for Parliaments suggesting four areas which he believed they could implement for an immediate impact:
- parliaments and political campaigns must urgently improve their own cybersecurity;
  - implement a system for imposing unacceptable costs on foreign actors who attempt to interfere in elections;
  - enact legislation that imposes systematic costs on the commercial operators who sell fake accounts or hire out their interference campaigns; and
  - reduce polarisation online through regulation and through education.<sup>25</sup>

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21 Dr Johnny Ryan, Brave, *Transcript, Dáil Éireann*, 7 November 2019, p. 5.

22 Mr Roger McNamee, *Transcript, Dáil Éireann*, 7 November 2019, pp. 5-6.

23 Mr Roger McNamee, *Transcript, Dáil Éireann*, 7 November 2019, p. 15.

24 Ms Carole Cadwalladr, The Observer, *Transcript, Dáil Éireann*, 7 November 2019, p. 9.

25 Mr Ben Nimmo, Graphika, *Transcript, Dáil Éireann*, 7 November 2019, p. 7.

## Session 2: The industry

- 1.37 Session 2 of the IGC comprised of witnesses from Facebook, YouTube, Twitter and the Centre for International Governance Innovation to discuss current action by the social media and search platform industry to combat dis/misinformation. The following witnesses appeared:
- Dr Monika Bickert, Head of Global Policy Management, Facebook;
  - Mr Jim Balsillie, Chair, Centre for International Governance Innovation; Retired Chairman and former CEO of BlackBerry;
  - Mr Marco Pancini, Director of Public Policy for YouTube Europe, the Middle East and Africa, Google; and
  - Ms Karen White, Director of Public Policy and Ronan Costello, Public Policy Manager, Twitter.
- 1.38 Industry representatives from Facebook, Google, and Twitter outlined the actions that their respective platforms had taken to address misinformation.
- 1.39 Dr Bickert stated that Facebook uses both technology and people to identify and remove content which it deems to have breached their rules:
- We invest heavily in technical solutions to quickly identify potential violations of our rules. For example, more than ninety-nine percent of the terror propaganda we remove from the site is content we identify ourselves using technical tools before anybody has reported it to us. We also have more than 10,000 people working around the clock to assess whether content is violating our rules and removing it if it is.<sup>26</sup>
- 1.40 Dr Bickert added that the vast majority of reports of potential violations received by Facebook were responded to within 24 hours.<sup>27</sup>
- 1.41 Dr Bickert noted that Facebook publishes transparency reports to ‘show how much content we are removing in each category and how successful we have been in trying to identify that content before it is reported to us’; and has created an oversight board to enable individuals to appeal decisions on content.<sup>28</sup>
- 1.42 Dr Bickert elaborated that the oversight board will have up to 40 members – chosen with the co-chairs of the board who are initially selected by Facebook – paid by a trust that Facebook fund.<sup>29</sup>
- 1.43 Dr Bickert stated that Facebook had taken several steps to combat false statements and disinformation including closing fake accounts and disrupting financial incentives:

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26 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, p. 22.

27 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, p. 22.

28 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, p. 22.

29 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, p. 32.

There are several things we do to combat false statements on Facebook. First, we go after fake accounts that the data have told us time and again are disproportionately more likely to be sharing disinformation. Second, we disrupt the financial incentives. Most disinformation, and this includes political disinformation, is shared to make a profit. It leads to ad farms.<sup>30</sup>

- 1.44 When discussing political advertising, Dr Bickert noted that Facebook had introduced two processes aimed at increasing transparency: an advertisement library and ‘a mechanism for sending to third-party independent fact checker organisations, certified by the Poynter Institute, information that is likely to be false.’<sup>31</sup>
- 1.45 The advertisement library, introduced in 2017, enables individuals to identify who is running the advertisement, verify identity, the audience for the ad, dates it ran and any other advertisements the party is running.<sup>32</sup>
- 1.46 Introduced in August 2019, Facebook sends information that is likely to be false to third-party independent fact checker organisations. Any content that is found to be false is not removed but rather ‘rated false by the fact checker.’<sup>33</sup> Any individual that has shared the content deemed to be false in the past is sent a ‘notification that the content has now been fact checked and rated false.’<sup>34</sup>
- 1.47 Dr Bickert clarified that while advertisements containing direct speech from politicians is not fact checked, the political ads are held to Facebook’s advertisement standards which are higher than their community standards.<sup>35</sup>
- 1.48 Dr Bickert advocated for governments to enact regulation to address issues:
- In the area of elections, regulation could address important issues such as the definition of political advertising, who is allowed to run political advertisements and what steps those persons must take before doing so. Regulation could also address how political parties can and cannot use data to target political advertising.<sup>36</sup>
- 1.49 Mr Pancini, who leads YouTube’s public policy work in Europe, stated that the platform also actively works to remove content that violates their policy, pointing out that the videos make up a very small percentage of total views:

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30 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, p. 29.

31 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, p. 28.

32 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, p. 27.

33 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, p. 29.

34 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, p. 43.

35 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, pp. 27-29.

36 Dr Monika Bickert, Facebook, *Transcript, Dáil Éireann*, 7 November 2019, p. 23.

Videos that violate those policies generate a fraction of one percent of total views on YouTube, and we are always working to decrease that number. In fact, over the last 18 months, we have reduced the number of views of videos that are later removed for violating our policies by eighty percent.<sup>37</sup>

1.50 He elaborated on the actions YouTube has implemented to reduce the spread of misinformation:

We remove content that violates our policy as quickly as possible. We raise up authoritative voices when people are looking for news and information, especially during breaking news moments such as elections. We reduce the spread of borderline content and harmful misinformation. We set a higher bar for what channels can make money on our site by rewarding trusted, eligible creators.<sup>38</sup>

1.51 Mr Pancini advised that YouTube had been working to promote authoritative and useful information around elections including providing information panels in YouTube search results about official candidates; removing YouTube channels; and disabled networks of channels to combat political influence.<sup>39</sup>

1.52 The representative from Twitter, Ms White, commented that the platform had made a number of structural and operational changes to combat abuse, spam, misinformation and automation. Ms White stated that Twitter had:

- invested in proactive technology and tools to better tackle issues such as abuse, spam and automation;
- stopped all political advertising globally including all candidate and issue advertisements;
- working on a policy to address comprehensively synthetic and manipulated media (deepfakes or cheapfakes); and
- expanded enforcement capabilities for global elections by creating a dedicated reporting feature to allow users to report content that undermines the process of registering to vote or engaging in the electoral process.<sup>40</sup>

1.53 Mr Balsillie, however, agreed with the view of witnesses from the previous session that the current business model is a significant threat:

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37 Mr Marco Pancini, Google, *Transcript, Dáil Éireann*, 7 November 2019, p. 24.

38 Mr Marco Pancini, Google, *Transcript, Dáil Éireann*, 7 November 2019, p. 24

39 Mr Marco Pancini, Google, *Transcript, Dáil Éireann*, 7 November 2019, pp. 24-25.

40 Ms Karen White, Twitter, *Transcript, Dáil Éireann*, 7 November 2019, pp. 25-27.

The current business model is the root cause of the problems the committee is trying to address. Its toxicity is unrelenting. It is not a coding glitch that a legal patch will fix. Data at the micro-personal level gives technology unprecedented power and that is why data is not the new oil. It is the new plutonium - amazingly powerful, dangerous when it spreads, difficult to clean up and with serious consequences when improperly used. A business model that makes manipulation profitable is a foundational threat to markets and democracy.<sup>41</sup>

- 1.54 Mr Balsillie also recommended outlawing the current business model and reintroducing 'responsible monetisation, such as subscription-based models.'<sup>42</sup>

### **Session 3: The state of play in regulation**

- 1.55 The third session of the IGC examined the current regulation of online platforms in Ireland, the European Union and the United States. The following witnesses appeared:

- Ms Helen Dixon, Data Protection Commissioner;
- Mr Paolo Cesarini, DG Connect, European Commission;
- Mr Marc Rotenberg, President and Executive Director of the Electronic Privacy Information Center, Washington DC, US; and
- Deputy Richard Bruton, Minister for Communications, Climate Action and Environment, Ireland.

- 1.56 Ms Dixon provided details on the role of the Irish Data Protection Commission (DPC)<sup>43</sup> in regulating online platforms and the challenges in combatting disinformation. Ms Dixon commented that individuals can take action to protect their personal data in circumstances where harmful online content also contains false information:

In such circumstances, the individual may be able personally to exercise his or her data protection rights, in particular to erasure and rectification. In circumstances where a platform does not comply with a request to exercise data protection rights by an individual, the individual may make a complaint to the DPC, following which we will take the matter up as appropriate on his or her behalf.<sup>44</sup>

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41 Mr Jim Balsillie, Centre for International Governance Innovation, *Transcript, Dáil Éireann*, 7 November 2019, p. 23.

42 Mr Jim Balsillie, Centre for International Governance Innovation, *Transcript, Dáil Éireann*, 7 November 2019, p. 23.

43 The Data Protection Commission is the national independent authority in Ireland responsible for upholding the fundamental right of individuals in the European Union (EU) to have their personal data protected. <[www.dataprotection.ie](http://www.dataprotection.ie)>

44 Ms Helen Dixon, Irish Data Protection Commission, *Transcript, Dáil Éireann*, 7 November 2019, p. 45.



1.57 Echoing some of the evidence provided in session one, Ms Dixon also highlighted the harmful role that micro-targeting of individuals played:

Another issue of significance is the role that personal data play in a social media context through facilitating the so-called micro-targeting of individuals with specific content, thereby amplifying any harmful effects of disinformation. In such a scenario, the profile a platform has created of a user and the categorisation of that user as being of a certain lifestyle, passion or habit may allow an undecided voter in an election context to be pushed in one direction or the other. All of this may happen without the user being aware his or her data are being deployed to reinforce the individual's existing viewpoint rather than the individual being in a position to take an objectively informed stance based on an understanding of both sides of an issue. Given the rates of online users who consume their news exclusively on social media, this is a concern.<sup>45</sup>

1.58 Ms Dixon noted that the DPC has met with a number of global data protection commissioners including New Zealand, Icelandic, Australian and UK commissioners to 'discuss regulatory approaches and solutions to issues of common concern are invaluable in shaping better outcomes in our regulatory role.'<sup>46</sup>

1.59 Ms Dixon added that the DPC 'is bound in close legal co-operation with all other European Economic Area data protection authorities'; is a member of the Global Privacy Assembly; and has signed memoranda of understanding with a number of global data protection authorities.<sup>47</sup>

1.60 When asked about the importance of financial penalties to disrupting the business model, Ms Dixon cited a study which concluded that fining major technology companies made no difference:

On the question of fines, there have been studies done and David Wright and Paul De Hert published a book on enforcing privacy in 2016, which looked at the effects of what was a new fining regime in the UK from 2010 that applied to the information commissioner's office. It concluded that the fines made no difference.<sup>48</sup>

1.61 Ms Dixon acknowledged that the DPC will be obliged to impose fines for infringements, but advocated for applying more corrective powers 'such as bans on processing and requirements to bring processing operations into compliance, will have the more significant effects.'<sup>49</sup>

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45 Ms Helen Dixon, Irish Data Protection Commission, *Transcript, Dáil Éireann*, 7 November 2019, p. 46.

46 Ms Helen Dixon, Irish Data Protection Commission, *Transcript, Dáil Éireann*, 7 November 2019, p. 46.

47 Ms Helen Dixon, Irish Data Protection Commission, *Transcript, Dáil Éireann*, 7 November 2019, p. 46.

48 Ms Helen Dixon, Irish Data Protection Commission, *Transcript, Dáil Éireann*, 7 November 2019, p. 62.

49 Ms Helen Dixon, Irish Data Protection Commission, *Transcript, Dáil Éireann*, 7 November 2019, p. 62.

1.62 Mr Cesarini agreed with the view put forward by Mr Nimmo from Graphika in the first session that both state and non-state actors could conduct disinformation campaigns:

Disinformation poses major challenges to our democracy as new technologies can be used, notably through social media, to disseminate disinformation on a scale and at a speed that are unprecedented. They can create personalised information spheres and become powerful echo chambers for disinformation campaigns, polarise the public debate, and create tensions in society. Media manipulation, however, and the strategic use of disinformation are not the exclusive prerogative of foreign actors. Domestic actors, too, can exploit digital technology to interfere in electoral processes and, increasingly, to manipulate policy debates in areas such as climate change, migration, public security, health and finance.<sup>50</sup>

1.63 Mr Cesarini noted that the European Commission had implemented a multidimensional plan of action to counter disinformation including identification, exchange of information, monitoring, and media literacy:

- improved the EU capability to identify and counter disinformation via strategic communication task forces and the EU hybrid fusion cell, which operates within the European External Action Service;
- supported member states by setting up a rapid alert system to facilitate the exchange of information between member states and the EU institutions;
- monitored the implementation of the code of practice on disinformation, to which the major online platforms signed up in October 2018; and
- improve societal resistance to disinformation through media literacy to enable citizens to evaluate the credibility of information they encounter online and access alternative points of view when they navigate on social networks.<sup>51</sup>

1.64 Additional actions being taken by the European Commission to respond to disinformation included: facilitating the creation of a European multidisciplinary community of fact checkers and academic researchers; supporting investments in new technologies for content verification and network analysis through social media; launched a new platform, the Social Observatory for Disinformation and Social Media Analysis; and is in the process of creating a new digital infrastructure, the European Digital Media Observatory.<sup>52</sup>

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50 Mr Paolo Cesarini, DG Connect, European Commission, *Transcript, Dáil Éireann*, 7 November 2019, p. 47.

51 Mr Paolo Cesarini, DG Connect, European Commission, *Transcript, Dáil Éireann*, 7 November 2019, pp. 47-48.

52 Mr Paolo Cesarini, DG Connect, European Commission, *Transcript, Dáil Éireann*, 7 November 2019, p. 48.

- 1.65 When discussing the challenges of fact-checking the trustworthiness of information on online platforms, Mr Cesarini qualified the need to regulate the conduct of online platforms rather than the content:

It would be a dangerous move to concentrate on the idea of regulating content. We have to focus much more of our attention on detecting, analysing, preventing and, where necessary, sanctioning online behaviours that are systematically directed towards the amplification of certain stories and narratives and that use the vulnerabilities that exist in the current digital media ecosystem to mislead the users of such media by making them believe that a certain story has popular support when, in fact, it does not. We need to hide the authors and vectors that have been helping this manipulation to happen. In other terms, we should be much more focused when we talk about regulation and much more concerned about the conduct than the content, although the content FactCheck has provided and the analysis it has carried out are important in order to provide leads to identify the kinds of conduct that could be reprehensible in a regulatory framework.<sup>53</sup>

- 1.66 Mr Rotenberg provided some background on the action that his organisation, the Electronic Privacy and Information Centre, has been taking on behalf of consumer organisations and users of Facebook to protect their data.<sup>54</sup> Mr Rotenberg called on the IGC to take action against Facebook to protect users data and prohibit political advertising on Facebook:

Facebook should be required to divest of WhatsApp not because of a scheme to break up big tech but, rather, because the company violated its commitments to protect the data of WhatsApp users as a condition of the acquisition. Until adequate legal safeguards are established, Facebook must be prohibited from engaging in political advertising. Its recently stated views on political advertising and the US First Amendment, which are not shared by US legal scholars, are reckless and irresponsible. Advertising revenue from political candidates should instead flow to traditional media organisations, which would help to support independent journalism.<sup>55</sup>

- 1.67 When deliberating about the most appropriate regulator or model to enforce legislation and regulatory activity in this area, Mr Rotenberg advocated for the GDPR and data protection authorities:

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53 Mr Paolo Cesarini, DG Connect, European Commission, *Transcript, Dáil Éireann*, 7 November 2019, p. 53.

54 Mr Marc Rotenberg, President and Executive Director of the Electronic Privacy Information Center, Washington DC, US, *Transcript, Dáil Éireann*, 7 November 2019, p. 48.

55 Mr Marc Rotenberg, President and Executive Director of the Electronic Privacy Information Center, Washington DC, US, *Transcript, Dáil Éireann*, 7 November 2019, pp. 48-49.

First, the GDPR is not a set of principles but a set of rights and responsibilities associated with the collection and use of personal data. When companies choose to collect personal data, they should be held to account. Second, the decision in the Schrems case of 2015<sup>56</sup> makes clear that while co-ordinated enforcement anticipated under the GDPR is important, individual data protection authorities, DPAs, have their own authority to enforce the provisions of the charter, which means individual DPAs do not need to wait for a co-ordinated response to bring an enforcement action. My final point is a matter of law. The GDPR contains the authority within its text to enforce the other laws of the European Union. This is largely about the misuse in the collection and use of personal data for micro-targeting. That problem can be addressed with the GDPR but it will take an urgent response and not a long-term game plan.<sup>57</sup>

1.68 Ireland's Minister for Communications, Climate Action and Environment, Deputy Richard Bruton, outlined several regulatory developments that were currently being implemented by the Government of Ireland, including:

- regulation of hate speech, hate crime, and transparency of political advertising;
- new criminal offences relating to images displayed without consent; and
- defining harmful content, requiring companies to have a code of practice and establish an online safety commissioner.<sup>58</sup>

1.69 Minister Bruton commented on the challenges for governments to regulate social media and search platforms, stating that it was essential that they work together:

This is a very tricky area for governments and it is absolutely essential that we work together across countries. Media and politics are at the front line of this invasiveness, but it will start to move into other areas of our lives. We need to decide the principles underpinning the roles of artificial intelligence, big data, micro-targeting and so on. This is a challenging area and this initiative is worthwhile in bringing countries together to be a part of this group.<sup>59</sup>

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56 World Intermediary Liability Map, Stanford Law School, viewed on 29 January 2020, <<https://wilmap.law.stanford.edu/entries/european-court-justice-schrems-v-data-protection-commissioner-c-36214>>

57 Mr Marc Rotenberg, President and Executive Director of the Electronic Privacy Information Center, Washington DC, US, *Transcript, Dáil Éireann*, 7 November 2019, p. 57.

58 Deputy Richard Bruton, Minister for Communications, Climate Action and Environment, *Transcript, Dáil Éireann*, 7 November 2019, pp. 49-50.

59 Deputy Richard Bruton, Minister for Communications, Climate Action and Environment, *Transcript, Dáil Éireann*, 7 November 2019, p. 50.

## Session 4: International collaboration

1.70 The fourth session of the IGC considered how various governments around the world were contextualising, considering and combatting issues such as misinformation and disinformation. Witnesses in the session included:

- Mr Rogier Huizenga, Human Rights Programme Manager, Inter-Parliamentary Union;
- Mr Adrian Lovett, Director of Policy and CEO, Web Foundation;
- Ms Áine Kerr, Co-Founder and Chief Operating Officer of Kinsin;
- Mr Frane Maroevic, Director of the Content & Jurisdiction Program of the Internet & Jurisdiction Policy Network; and
- Professor Lorna Woods, Professor of Internet Law, University of Essex.

1.71 Mr Huizenga spoke about the challenges in mobilising parliaments to combat misinformation and disinformation. It was his assertion that parliaments around the world are finding it difficult to identify what needs to be done at the national level compared to the international level.<sup>60</sup> Mr Huizenga identified differences in how countries and continents discuss these issues:

There is also the reality that we see in our discussions at the IPU about differences - legal differences and philosophical differences - around some of these major questions between countries but also between continents. Even today, obviously we have two sides of the pond being represented. Also, I guess there are fundamental differences between how freedom of expression is seen and what the limits are. We all know that hate speech is not necessarily criminalised in the United States. In addition, there are issues with regard to the financing of political campaigns. In the United States, spending is pitched whereas, in Europe, the tradition is more one of using public funds to finance public campaigns.<sup>61</sup>

1.72 Mr Huizenga agreed with the views of previous witnesses that the current business model was a significant issue that needed to be addressed, but questioned what could be practically accomplished:

Short of a radical reform, there is discussion within the organisation to push for increased transparency of the work of the tech companies, particularly when it comes to the algorithm amplification and political ads. There is also a lot of debate on making a distinction between illegal versus harmful content. Also, to see the issue as something slightly larger

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60 Mr Rogier Huizenga, Human Rights Programme Manager, IPU, *Transcript, Dáil Éireann*, 7 November 2019, p. 63.

61 Mr Rogier Huizenga, Human Rights Programme Manager, IPU, *Transcript, Dáil Éireann*, 7 November 2019, p. 63.

than misinformation and see it really as something that concerns society, as a whole, in the sense that we are faced by what has been termed ‘junk news’ rather than fake news, which requires us all to move and come together to promote better civic education, to help promote civil discourse and help the people, at large, to be better able to recognise fake news.<sup>62</sup>

- 1.73 Mr Lovett also noted that national laws regulating technology companies not only vary but in some cases diverge. Mr Lovett called for greater transparency in the way technology companies operate calling for regulation that requires them to publish regular human rights impact assessments:

We believe that a crucial step for lawmakers like yourselves is to require companies to publish regular human rights impact assessments and transparency reports. That means companies will be expected to tell us how they have weighed the impact of their policies and products on individual human rights, and on our societies. These reports should be grounded in international human rights frameworks and focus on disinformation and misinformation, hate speech, electoral interference and political ads.<sup>63</sup>

- 1.74 Ms Kerr proposed a multifaceted approach in addition to regulation including: radical transparency on the programming of algorithms; greater collaboration between civil society, technology companies, publishers, academics and governments; enable academics access to study anonymised data from technology companies to identify what’s working and not working; increasing oversight of social platforms; and connect people with quality news and information.<sup>64</sup>

- 1.75 Mr Maroevic held the view that this is an international issue that needs global solutions ‘that will bring values and rules-based international order to the Internet, while at the same time ensuring that our democratic institutions and all our fundamental human rights are fully respected.’<sup>65</sup>

- 1.76 He identified that governments acting in isolation and enacting national laws will not only fail to deal with transnational problems but have unintended consequences:

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62 Mr Rogier Huizenga, Human Rights Programme Manager, IPU, *Transcript, Dáil Éireann*, 7 November 2019, p. 63.

63 Mr Adrian Lovett, Director of Policy and CEO, Web Foundation, *Transcript, Dáil Éireann*, 7 November 2019, p. 64.

64 Ms Áine Kerr, Co-Founder and Chief Operating Officer of Kinsin, *Transcript, Dáil Éireann*, 7 November 2019, pp. 65-66.

65 Mr Frane Maroevic, Director of the Content & Jurisdiction Program of the Internet & Jurisdiction Policy Network, *Transcript, Dáil Éireann*, 7 November 2019, p. 67.

In the absence of policy standards and appropriate frameworks, we face increasing tensions that trigger uncoordinated short-term solutions. National laws are enacted to try to deal with transnational problems, resulting in a legal arms race that risks unintended and harmful consequences, including jurisdictional conflicts and unwanted fragmentation of the Internet.<sup>66</sup>

- 1.77 Mr Maroevic believed that ‘we need new international tools and institutions for Internet governance.’<sup>67</sup> He added that internet governance should be a multi-stakeholder process where ‘all three branches of the state need to work with the fourth estate, the media, along with civil society groups, academia and the companies.’<sup>68</sup>
- 1.78 Professor Woods believed that there were inherent challenges in regulating the content on online platforms including ‘the subjectivity of content and the fact that standards differ from state to state.’<sup>69</sup> Professor Woods recommended establishing a common model, a statutory duty of care:

The principle put forward by Carnegie United Kingdom Trust is that there should be a statutory duty of care as regards the systems. It is starting with an assessment of risk; identifying the consequences, be they intended or unintended; and, crucially, taking steps to mitigate. Rather than leaving it at transparency, it involves asking why something has been deployed and how it can be made better.<sup>70</sup>

## Session 5: Deliberation

- 1.79 The fifth and final session of the IGC enabled Committee members to consider and deliberate on possible ways to enact regulation and options for future collaboration.
- 1.80 Committee members considered a variety of recommendations which included:
- a moratorium on micro-targeted political advertising until regulation is in place;
  - levy on social media companies to support public service broadcasting;
  - require disclosure and transparency of online political advertising; and

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66 Mr Frane Maroevic, Director of the Content & Jurisdiction Program of the Internet & Jurisdiction Policy Network, *Transcript, Dáil Éireann*, 7 November 2019, p. 67.

67 Mr Frane Maroevic, Director of the Content & Jurisdiction Program of the Internet & Jurisdiction Policy Network, *Transcript, Dáil Éireann*, 7 November 2019, p. 67.

68 Mr Frane Maroevic, Director of the Content & Jurisdiction Program of the Internet & Jurisdiction Policy Network, *Transcript, Dáil Éireann*, 7 November 2019, p. 67.

69 Professor Lorna Woods, Professor of Internet Law, University of Essex, *Transcript, Dáil Éireann*, 7 November 2019, pp. 67-68.

70 Professor Lorna Woods, Professor of Internet Law, University of Essex, *Transcript, Dáil Éireann*, 7 November 2019, p. 68.

- ban false political advertisements on social media and search platforms.<sup>71</sup>

1.81 Committee members supported the suggested recommendations in principal but highlighted challenges in implementing the recommendations in their respective countries.

1.82 Mr Packalén, Member the Finnish Parliament, was not supportive of implementing a ban on micro-targeting identifying a difference between elections in large and small countries:

There are many MPs and there is a huge difference between the US presidential election or elections in some small countries because the budgets are totally different. There is a big difference if somebody has a budget of €10,000 or €20,000 because with these kinds of resources they do not have enough resources to use TV or other media and need to be careful where they put their money. If we ban this, we could also do a lot of harm.<sup>72</sup>

1.83 Congressman Cicilline stated that micro-targeting posed very little harm if the information were accurate stating ‘the really pernicious harm is the false declaration combined with the micro-targeting.’<sup>73</sup> Congressman Cicilline advocated for making a statement about Facebooks policy on political advertising:

It would be strange for us to leave here and not say something about this publicly articulated policy of Facebook that says it will sell completely false advertisements for anyone who wants them and in whatever quantity they want.<sup>74</sup>

1.84 Mr Dick agreed with Congressman Cicilline’s view that micro-targeting is beneficial in certain circumstances when it is about a factual issue, a local campaign, or micro-targeting factual information in developing countries.<sup>75</sup>

1.85 Dr Puthuchearry supported both the moratorium on micro-targeted political advertising and a ban on false political advertising noting that Singapore had recently introduced legislation on political advertising transparency:

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71 Deputy Hildegard Naughton, Lord David Puttnam, Deputy Eamon Ryan, Mr Tom Packalén, Congressman David Cicilline, Mr Milton Dick MP, Deputy James Lawless, Dr Janil Puthuchearry, Ms Nino Gogvadze, *Transcript, Dáil Éireann*, 7 November 2019, pp. 79-84.

72 Mr Tom Packalén, *Transcript, Dáil Éireann*, 7 November 2019, p. 80.

73 Congressman David Cicilline, *Transcript, Dáil Éireann*, 7 November 2019, p. 80.

74 Congressman David Cicilline, *Transcript, Dáil Éireann*, 7 November 2019, p. 80.

75 Mr Milton Dick MP, *Transcript, Dáil Éireann*, 7 November 2019, p. 81.



Under our legislative framework we have targeted the issue of falsity and as a result have also put into place codes of practice around advertising transparency and political advertising transparency. The legislation that came into force in Singapore on 1 October is entirely coherent and consistent with what has just been described around a moratorium on a false politically motivated micro-targeted advertising.<sup>76</sup>

- 1.86 Ms Gogvadze, Parliament of Georgia, noted the perspectives of different countries, remarking that Georgia was hesitant to introduce regulation regulating freedom of speech online:

Georgia applies very high standards of freedom of expression and freedom of speech, although I would say we apply more American, rather than European, standards. Stakeholders in Georgia are very reluctant to regulate freedom of expression in this or that way, or the Internet and so on.<sup>77</sup>

- 1.87 On the suggested recommendation to levy social media company profits to support public service broadcasting, Committee members again identified the challenge in enacting specific regulation in their respective countries:

- 1.88 Congressman Cicilline identified that taxing a private company to generate revenue for the government is problematic in the United States:

One of the most important responsibilities of good journalists is holding the government to account and exposing misconduct in government. Therefore, the notion of taxing a private entity for the purpose of generating revenue for the government to provide training or invest in good journalism would cause a lot of anxiety for historical reasons, but that is not to say public service announcements would not be fine.<sup>78</sup>

- 1.89 While agreeing that the suggested recommendation had merit, Mr Dick raised concerns about how it would be enacted in different countries.<sup>79</sup>

- 1.90 While the Committee members did not reach a consensus on immediate action to be taken in their respective countries, they agreed that these issues required greater exploration at the IGC's next meeting. Committee members suggested that the United States Congress host the next meeting in Washington D.C.

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76 Dr Janil Puthuchear, *Transcript, Dáil Éireann*, 7 November 2019, p. 81.

77 Ms Nino Gogvadze, *Transcript, Dáil Éireann*, 7 November 2019, p. 82.

78 Congressman David Cicilline, *Transcript, Dáil Éireann*, 7 November 2019, p. 83.

79 Mr Milton Dick MP, *Transcript, Dáil Éireann*, 7 November 2019, p. 83.

## Committee comment

- 1.91 Over the past few years there has been a significant rise in the proliferation of disinformation and misinformation, particularly on social media and search platforms. The Oxford Internet Institute in their 2019 *Global Inventory of Organised Social Media Manipulation* quantified this significant rise, stating:
- Evidence of organized social media manipulation campaigns which have taken place in 70 countries, up from 48 countries in 2018 and 28 countries in 2017. In each country, there is at least one political party or government agency using social media to shape public attitudes domestically.<sup>80</sup>
- 1.92 State and non-State actors are using these platforms to undermine the integrity not only of democratic processes in many countries, but also the public's trust in the media, public institutions, and science.
- 1.93 The social media and search platforms and the technology companies that oversee them are global organisations. This is a global issue that requires a concerted global response.
- 1.94 Forums such as the International Grand Committee are vitally important collaborative parliamentary partnerships that enable countries to gain significant evidence on this growing problem and to discuss ways in which to respond.
- 1.95 A key component of advocacy is government-to-government dialogue aimed at genuinely cooperative efforts to respond to global issues. Continuing to participate in the International Grand Committee also increases Australia's opportunities to engage these countries on these issues.
- 1.96 The Committee is fully supportive of continuing to participate in the process.

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### Recommendation 1

**The Committee recommends that the Australian Government continue to support members of the Joint Standing Committee on Electoral Matters to participate in the International Grand Committee.**

- 1.97 The Committee commends the work of the members of the International Grand Committee and the recommendations that were made. However, there is currently no consensus on the most practical way in which to implement these recommendations and it is the Committee's view that they need to be considered in the Australian context.

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80 University of Oxford, The Computational Propaganda Project, 'The Global Disinformation Order: 2019 Global Inventory of Organised Social Media Manipulation', viewed on 30 January 2020, <<https://comprop.oii.ox.ac.uk/research/cybertroops2019/>>

- 1.98 The Committee believes that there are a number of worthwhile mechanisms and models that have been enacted or established in other countries that would be beneficial for Australia to examine in greater detail.
- 1.99 The Committee heard evidence regarding the introduction of regulation in Canada that requires online platforms to publish a digital registry of all partisan advertising and election advertising messages displayed on their platform.<sup>81</sup>
- 1.100 The Committee believes that the current authorisation requirements for electoral communications that relate to a federal election are robust. However, it would be beneficial for Australia to review these requirements regularly to determine whether they can be enhanced.
- 1.101 The Committee is of the view that the Australian Government should examine the feasibility and practicalities of enhancing Australia's registry requirements for political ads on online platforms.

## Recommendation 2

**The Committee recommends that the Australian Government examine the feasibility and practicalities of enacting regulation similar to the new provisions in the Canada Elections Act which adds registry requirements for political advertisements on online platforms.**

- 1.102 The Committee is of the view that it would be beneficial to explore how other jurisdictions respond to social media manipulation, misinformation and disinformation campaigns. The Committee suggests that Australia consider implementing a broader and more cooperative exchange of ideas with other countries on this issue.
- 1.103 The European Commission introduced reforms across the European Union designed to protect citizens' personal data – the General Data Protection Regulation. Evidence provided at the IGC hearing demonstrated the benefits of the introduction of the General Data Protection Regulation as a model with increased data protection requirements.
- 1.104 The Committee believes that it is worthwhile for Australia to take a lead role within the Asia-Pacific region to develop a data protection regulation model that can be introduced across the region.
- 1.105 The Committee sees benefit in the Australian Government engaging with our bilateral partners in the region to discuss the introduction of a data protection regulation model.

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81 Elections Canada, 'New Registry Requirements for Political Ads on Online Platforms', viewed on 30 January 2020, <<https://www.elections.ca/content.aspx?section=pol&dir=regifaq&document=index&lang=e>>

**Recommendation 3**

**The Committee recommends that the Australian Government should make representations at the Association of Southeast Asian Nations, the Pacific Island Forum; and the Asia Pacific Parliamentary Forum to open a formal dialogue on the introduction of a data protection regulation model for the region.**

- 1.106 The Committee notes the Senate resolved to establish a Select Committee on Foreign Interference through Social Media on 5 December 2019. It is imperative that the Government undertake a full examination and consideration of the issues and recommendations that were raised during the IGC, particularly as it relates to the Australian context. The Committee recommends that this delegation report be forwarded to the Select Committee on Foreign Interference through Social Media to consider as part of their inquiry.

**Recommendation 4**

**The Committee recommends that this delegation report be forwarded to the Select Committee on Foreign Interference through Social Media to consider as part of their inquiry.**

**Other meetings**

- 1.107 In Ireland the delegation met with members of the Houses of the Oireachtas, representatives from government departments, the Irish-Australian Chamber of Commerce, representatives from the media and academics to discuss issues related to disinformation and misinformation; electoral reform, BREXIT and citizens assemblies.

**Meeting with Deputy Hildegard Naughton, Chair of the Oireachtas Joint Committee on Communications, Climate Action and Environment**

- 1.108 The delegation met with Deputy Naughton to discuss the previous work of the IGC; the process of the meeting; parliamentary practice in the chamber and parliamentary privilege.

### **Ambassador Richard Andrews, Head of Mission**

- 1.109 Ambassador Andrews and Deputy Head of Mission, Mr Tim Millikan, welcomed the delegation upon arrival and met later that day to speak about the Houses of the Oireachtas, elections, BREXIT and the work of the embassy.
- 1.110 Ambassador Andrews hosted a dinner for the delegation with:
- Ms Lorraine Higgins, Director of Strategy and Communications for MKC Communications;
  - Mr Vincent Crowley, President of the Irish-Australian Chamber of Commerce;
  - Mr Jon Williams, Managing Director of News and Current Affairs at RTE;
  - Mr Stephen Rae, Chief of Independent News & Media; and
  - Dr Jane Suiter, Director of the Institute for Future Media and Journalism, Dublin City University.
- 1.111 The delegation discussed the transitions required and the potential economic impact of BREXIT on Ireland's economy, disinformation and misinformation campaigns, and Irish-Australian business collaborations.

### **Centre for International Governance Innovation Conference**

- 1.112 On 6 November the delegation attended a conference hosted by the Centre for International Governance Innovation on International Cooperation on Platform Governance. The delegation attended two sessions:
- *Policy Proposals for Platform Governance* – a discussion of current policies for platform governance around the world, the benefits and challenges, and whether any are successful; and
  - *Working Across Borders: Models for Collaboration* – a discussion on current collaborative platform governance models between governments, parliaments, companies, and civil societies.
- 1.113 Discussions at the conference highlighted that action to implement platform governance legislation around the world varied significantly with Canada passing legislation on political advertising<sup>82</sup>; Ireland introduced a Bill before parliament<sup>83</sup>; and the United Kingdom's Digital, Culture, Media and Sport Committee called for the introduction of urgent legislation to protect against online electoral interference.<sup>84</sup>

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82 Bill C-76 An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments.

83 Online Advertising and Social Media (Transparency) Bill 2017 (Ireland).

84 UK Parliament, 'Committee publishes report on the Online Harms White Paper', viewed on 23 December 2019, <<https://www.parliament.uk/business/committees/committees-a-z/commons-select/digital-culture-media-and-sport-committee/news/online-harms-report-published-17-19/>>

### **Lunch hosted by Leas-Cheann Comhairle**

- 1.114 The delegation attended a lunch hosted by Pat ‘The Cope’ Gallagher,<sup>85</sup> Leas-Cheann Comhairle (Deputy Speaker of the lower house), and four Irish parliamentarians: Senator Gerry Horkan; Senator Gabrielle McFadden; Senator Paddy Burke; and Deputy Tom Neville.
- 1.115 The delegation discussed the current composition of the Oireachtas; representation of Ireland to the European Union; BREXIT; the visit to Australia by a parliamentary delegation from Ireland in November – December 2018; and proposals to promote and strengthen parliamentary relations and foster bilateral cooperation.

### **Ireland’s An Roinn Tithíochta, Pleanála agus Rialtais Áitiúil**

- 1.116 The An Roinn Tithíochta, Pleanála agus Rialtais Áitiúil (Department of Housing, Planning and Local Government) is ‘responsible for the law dealing with registration of electors and for conducting elections and referendums.’<sup>86</sup>
- 1.117 The delegation met with Mr Barry Ryan, Principal Officer for Electoral Reform, and discussed:
- the conduct of elections in Ireland;
  - electoral reform and the establishment of an electoral commission;
  - legislation to regulate political advertising;
  - how-to-vote cards;
  - by-elections;
  - the proposal to extend the franchise for presidential elections to citizens living outside the jurisdiction of the state (39th Amendment of the Constitution Bill 2019); and
  - elections to the European Parliament.

### **Professor David Farrell, Head of School of Politics and International Relations at University College Dublin**

- 1.118 Professor Farrell is a specialist in the study of parties, elections, electoral systems and members of parliament and co-author of *The Australian Electoral System: Origins, Variations and Consequences*.<sup>87</sup> His current research focuses on the role of

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85 Deputy Speaker Gallagher’s middle name ‘The Cope’ refers to his family connection to The Cope agricultural cooperative which operates in The Rosses area of west Donegal.

86 An Roinn Tithíochta, Pleanála agus Rialtais Áitiúil (Department of Housing, Planning and Local Government), ‘Voting’, viewed on 2 January 2020, <<https://www.housing.gov.ie/voting>>

87 University College Dublin, ‘Bio, Professor David Farrell’, viewed on 2 January 2020, <<https://people.ucd.ie/david.farrell>> and <<https://www.ucd.ie/reggov/people/researchfellows/davidfarrell/jobtitle,117361,en.html>>

deliberation in constitutional reform processes. He is a member of the Royal Irish Academy.

- 1.119 Professor Farrell spoke about referendums in Ireland on proposals to amend the Constitution – particularly the referendum to abolish the Seanad (Senate) held on 4 October 2013<sup>88</sup>; and citizens’ assemblies.
- 1.120 Professor Farrell highlighted that many democracies around the globe are establishing citizens’ assemblies<sup>89</sup> to carefully consider evidence on specific issues and deliver policy recommendations.
- 1.121 He commented that the Irish citizens’ assembly – established by the Irish Parliament in July 2012 – examined a number of issues:
- Reducing the Voting Age and the Presidential Term (18 July 2013);
  - The Role of Women and Women in Politics (10 October 2013);
  - Same Sex Marriage (17 December 2013);
  - Electoral Reform (18 December 2014);
  - Blasphemy (2 October 2014); and
  - Amending the Constitution to give citizens resident outside the State the right to vote in Presidential elections; Dáil Reform; and Economic, Social and Cultural Rights (14 January 2016).<sup>90</sup>
- 1.122 Professor Farrell was of the view that the model had been particularly successful in Ireland in helping achieve breakthroughs in legalising abortion and gay marriage.

## **Senator the Hon James McGrath**

### **Chair**

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88 ElectionsIreland.org, Referendum of 4 October 2013, 32nd Amendment, Abolition of the Seanad, viewed on 2 January 2020, <<https://electionsireland.org/results/referendum/refresult.cfm?ref=201332R>>

89 A citizens’ assembly is a group of people who are brought together to discuss an issue or issues and reach a conclusion about what they think should happen. The people who take part are chosen so they reflect the wider population – in terms of demographics (e.g. age, gender, ethnicity, social class) and sometimes relevant attitudes (e.g. preferences for a small or large state).

90 An Tionól Saoránach (The Citizens’ Assembly), ‘Convention on the Constitution’, viewed on 2 January 2020, <<https://www.citizensassembly.ie/en/previous-assemblies/convention-on-the-constitution/>>



## Appendix A: Delegation program

### **Dublin, Ireland**

#### **Tuesday, 5 November**

Meeting with Deputy Hildegard Naughton, Chair, Oireachtas Joint Committee on Communications, Climate Action and Environment

Meeting with and discussions with the Head of Mission, Ireland

- Mr Richard Andrews
- Mr Tim Millikan

Dinner hosted by Mr Richard Andrews, Head of Mission, Ireland

- Ms Lorraine Higgins, Director of Strategy and Communications for MKC Communications;
- Mr Vincent Crowley, President of the Irish-Australian Chamber of Commerce;
- Mr Jon Williams, Managing Director of News and Current Affairs at RTE;
- Mr Stephen Rae, Chief of Independent News & Media; and
- Dr Jane Suiter, Director of the Institute for Future Media and Journalism, Dublin City University

#### **Wednesday, 6 November**

Conference hosted by the Centre for International Governance Innovation on International Cooperation on Platform Governance



Lunch meeting hosted by the Leas-Cheann Comhairle (Deputy Speaker) Pat ‘The Cope’ Gallagher, T.D.

- Senator Gerry Horkan
- Senator Gabrielle McFadden
- Senator Paddy Burke
- Deputy Tom Neville
- Mr Richard Andrews, Head of Mission, Ireland

Preliminary Meeting of Members of the International Grand Committee

## **Thursday, 7 November**

International Grand Committee on Disinformation and Fake News

- Session 1: The evidence
  - ⇒ Ms Carole Cadwalladr, Journalist, The Observer
  - ⇒ Dr Karlin Lillington, Irish Times
  - ⇒ Dr Johnny Ryan, Brave
  - ⇒ Mr Roger McNamee, Investor and author
  - ⇒ Mr Ben Nimmo, Graphika
- Session 2: Industry perspective
  - ⇒ Dr Monika Bickert, Head of Global Policy Management, Facebook.
  - ⇒ Mr Jim Balsillie, Chair, Centre for International Governance Innovation; Retired Chairman and former CEO of BlackBerry
  - ⇒ Mr Marco Pancini, Director of Public Policy for YouTube EMEA, Google
  - ⇒ Ms Karen White, Director of Public Policy and Ronan Costello, Public Policy Manager, Twitter
- Session 3: The state of play in regulation
  - ⇒ Ms Helen Dixon, Data Protection Commissioner
  - ⇒ Mr Paolo Cesarini, DG Connect, European Commission
  - ⇒ Mr Marc Rotenberg, President and Executive Director of the Electronic Privacy Information Center, Washington DC, US
  - ⇒ Deputy Richard Bruton, Minister for Communications, Climate Action and Environment, Ireland

- Session 4: International collaboration
  - ⇒ Mr Rogier Huizenga, Human Rights Programme Manager, IPU
  - ⇒ Mr Adrian Lovett, CEO, Web Foundation, Director of Policy
  - ⇒ Ms Áine Kerr, Co-Founder and COO of Kinsin
  - ⇒ Mr Frane Maroevic, Director of the Content & Jurisdiction Program of the Internet & Jurisdiction Policy Network
  - ⇒ Professor Lorna Woods, University of Essex, Professor of Internet Law
- Session 5: Deliberation
  - ⇒ Australia: Senator Carol Brown and Mr Milton Dick MP;
  - ⇒ Estonia: Ms Keit Pentus-Rosimannus, Member of Parliament.
  - ⇒ Finland: Mr Tom Packalén, Member of Parliament.
  - ⇒ Georgia: Ms Nino Gogvadze, Member of Parliament.
  - ⇒ Ireland: Deputies Hildegard Naughton (Chair), James Lawless, Eamon Ryan, Timmy Dooley, Michael Lowry; and Senators Terry Leyden, Tim Lombard, Mark Daly, Aidan Davitt, Alice-Mary Higgins and Lynn Ruane.
  - ⇒ Singapore: Dr Janil Puthucheary, Senior Minister of State at the Ministry of Communications and Information and Mr Amrin Amin, Senior Parliamentary Secretary at the Ministry of Home Affairs.
  - ⇒ United Kingdom: Lord David Puttnam, House of Lords.
  - ⇒ United States of America: Congressman David Cicilline, Member of the House of Representatives.

Press conference

## **Friday, 8 November**

Meeting with Barry Ryan, Principal Officer at Department for Local Government, with responsibility for Electoral Reform

Lunch meeting with Professor David Farrell, Head of School of Politics and International Relations, University College Dublin