Tackling misinformation in an open society.

How to respond to misinformation and disinformation when the cure risks being worse than the disease.

A Full Fact paper

Full Fact

About this paper

Full Fact's core work is factchecking individual claims in public debate, tracing them back to their original sources, and giving our readers enough evidence to make up their own minds about the claims. Where necessary, we ask people to correct the record. This work gives us a unique evidence base about how misinformation arises and spreads.

Full Fact does not express opinions about the matters we factcheck—that's our readers' job. We will comment on issues like access to information or the quality of official statistics which directly affect our mission to support well informed public debate, and where our experience and evidence can contribute to the debate for the public benefit. The debate about tackling misinformation is one of those areas and this paper aims to assist others in reaching their own conclusions about the issues.

This paper was written by staff at Full Fact and the contents are the responsibility of the Director. They may or may not reflect the views of members of Full Fact's cross-party Board of Trustees.

We'd welcome any thoughts or comments to our Senior Policy Officer, Cassie Staines at cassie.staines@fullfact.org

With warmest thanks to

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Summary

There is a moral panic about 'fake news' which is prompting frightening over-reactions by some governments and potentially internet and media companies. On the other hand, misinformation and disinformation represent real risks to open societies and we need effective responses.

This paper sets out a framework for a risk-based and proportionate response to the problems of misinformation and disinformation in the UK. The realistic goal is not to eliminate misinformation and disinformation, but is to build resilience against it.

We argue that immediate action is needed to tackle some urgent problems—notably our outdated election law. But we also argue that rushing to come up with quick solutions to the range of issues could do more harm than good. We need to understand the wider issues clearly and design effective and proportionate solutions. Globally, some governments have pressed the panic button, leading them to come up with rushed, dangerous, and illiberal proposals. So far the UK has not. We should continue to try to work out how an open democratic society can tackle misinformation and disinformation while protecting free speech.

In Part One we point out the lack of research about the extent of the harm caused by misinformation and disinformation. The fact of it is well-established, but without evidence of the scale and impact of the problem it is harder to design proportionate responses. The threat to open societies from over-reaction is serious, and we argue that the UK needs to set an example internationally for how open societies should respond.

In Part Two we argue for two urgent actions to protect the integrity of our elections and our democracy generally. The first is to mandate transparency for political advertising—in real time, in machine readable formats. The second is for the imprint rule to apply online.

In Part Three we point out that the UK has an array of independent public bodies capable of informing public debate. Providing high-quality and trusted information is an important part of an open response. We argue that we need to make much more use of these bodies and equip them, and the government and parliament, for 21st century communication if we are to maintain trust in public life in the face of campaigns to undermine it.

Part Four argues that any move towards regulation aimed at tackling misinformation should be scrutinised anxiously and preceded by a much more careful analysis of both the players and also the principles at stake, and we suggest using the successful model of the Warnock Report.

Misinformation and disinformation are just one part of the wider debate about how governments and legislatures should respond to the rise of the internet, most of which **falls outside Full Fact's remit and expertise**. Misinformation and disinformation are sensitive topics **intimately connected with individuals' free speech.** Having worked to tackle misinformation and disinformation for the public benefit since 2010, we offer this paper as a contribution to that wider debate.

Introduction

Like many other countries around the world, the UK government is in the process of considering how it should respond to the range of harms associated with misinformation and disinformation. Should we be regulating the internet? How should we define internet companies like Facebook and Google? How can we protect our democracy?

As the UK's independent factchecking organisation we are at the frontline of identifying and tackling misinformation and disinformation. This document aims to share our thinking and experience of what can work, and also where the risks lie.

What do we mean by misinformation and disinformation?

Defining these problems is difficult. Full Fact has been among the voices advocating against **using the term 'fake news' to refer to the problem**s associated with misinformation and disinformation. [1] As well as narrowing and confusing the issues in scope, the phrase has been effectively weaponised and subsequently made redundant by politicians and media across the globe using it as a means of dismissing inconvenient dissent.

Beyond this, there is a lack of agreed definitions or consistent use of the terminology, despite attempts by others to establish definitions by type.[2] We recognise the definitions commonly used in UK policy-making at the time of writing, which stipulate that:

- Misinformation is the inadvertent spread of false or misleading information; and
- Disinformation is the deliberate use of false or misleading information to deceive audiences.

However, when assessing the harms and possible solutions, we have not always found it helpful to divide the issues by intent. Full Fact leaves it up to our readers to judge where inaccuracies lie on the spectrum of misinformation and disinformation.

'It is easier than ever to hide knowledge in plain sight and this makes it harder for people to know where to place their trust.'

Therefore in this paper, we have opted to cover both definitions under the overarching **term 'misinformation'**, by which we mean the full range of issues that are captured by the **UK's policy response to misinformation** and disinformation. When we refer specifically to **'disinformation', we** clarify this with reference to known actors or intent, for example state-sponsored disinformation campaigns. This is by no means a perfect solution, but allows us to focus our efforts on the harms that exist in the modern information environment, as well as how we might begin to tackle them as an open society.

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[1] https://fullfact.org/blog/2018/jan/fake-news/
[2] https://firstdraftnews.org/fake-news-complicated/

Why now?

While misinformation has existed in various forms for a very long time, the internet has opened the doors to a proliferation of sources and emerging technologies that have changed the rules. It is easier than ever to hide knowledge in plain sight and this makes it harder for people to know where to place their trust. We believe this change warrants a fresh look at how we should respond to misinformation, not only in terms of government, but also as a society. But whatever response we decide on as a country, it must be grounded in free speech.

We have called for action where we believe it is proportionate and can be beneficial. We have not called for government intervention in the *content* of information shared online or during political campaigns. We have not commented on what requirements could be placed on platforms, the media, or anyone else in relation to misinformation. This debate, and our thinking on it, has further to go.

Full Fact's role

Full Fact is the UK's independent factchecking charity. We check claims made in the UK's print and broadcast media, in Parliament and, increasingly, online. We seek corrections and push to improve the quality of public information.

In this debate we aim to do three things. Firstly, to provide evidence where we can to inform the debate on how to tackle misinformation. Secondly, to make specific recommendations for action where we think it's appropriate based on the evidence and our experience. Finally, we aim to contribute to the conversation and use our experience to help others form their own judgements. We are not aiming to answer the general question of how governments and legislatures should respond to the emergence of the internet, and the wide range of issues bound up in that question. Full Fact's expertise is in tackling misinformation.

We have a cross-party board of trustees, and are funded by a range of charitable trusts, individual donors and corporate sponsors. We have received funding from Google and Facebook: details of our funding are available on our website.[3]

We believe that politics is important, and should be done well. Our work brings us into contact with misinformation in all its forms on a daily basis, as well as some of the people frustrated by the state of the information landscape.

As an organisation we believe first and foremost in the role of the individual citizen in hearing, showing and judging ideas for ourselves. We work to promote access to reliable information for UK citizens to use. We also recognise that some harms will need direct measures to tackle them, and that these must be compatible with freedom of expression. We believe in the value of grounding these debates in evidence and avoiding responses that do more harm than good.

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[3] https://fullfact.org/about/funding/

PART ONE

How much harm could misinformation do?

What are the potential harms from misinformation?

We believe in a risk-based and proportionate approach to tackling misinformation. It is therefore important to understand the types of harm and the evidence of their impact before deciding whether government action is necessary or appropriate.

We see four main categories of harm that may arise from misinformation, detailed below.

The issue of ordinary people getting things wrong online is not in itself a harm that merits a policy response. To treat is as such risks over-reaction.

No Harm
People getting things wrong online

Disengagement from Democracy
Abuse of power
Disengagement & distrust

Interference in Democracy
Election interference
Effect on beliefs & attitudes

Economic Harm
Individuals   Companies   Systems

Risk to Life
Public Health   Radicalisation

Disengagement from democracy

Abuse of power

Politicians misleading the public is a harmful and often ignored form of misinformation, and it is part of what the public thinks about when it hears the term 'fake news'.[4] Any credible response will need to address the neglected need to ensure that the public can trust information from politicians and public bodies.

Disengagement and distrust

Open democratic societies are and must be built on a strong foundation of trust. But trust is easier to destroy than it is to build, especially at a time when

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[4] http://reutersinstitute.politics.ox.ac.uk/our-research/news-you-dont-believe-audience-perspectives-fake-news#

information sources are proliferating which makes it harder than ever for people to know where to place their trust. A risk is that people simply switch off.

Interference in democracy

Election interference

There have been repeated warnings from official sources[5] of concerted interference campaigns, which seek to disrupt the process or outcome of elections and democratic choices. There is also strong evidence that misinformation has had a wide reach during elections, at least in other countries.[6] The evidence of the impact of these interferences, for example the impact on voter choice, is less clear. What happens between elections and before referendums may be just as important as what happens during official campaign periods.

Effects on political beliefs and attitudes

This is not a new issue. We know that people have been seriously misinformed about the state of the world for as long as we have had data.[7] But w**e don't** yet know enough about what the effects of online political misinformation or state-sponsored disinformation **are on people's attitudes.** But there is reason to challenge the idea that online misinformation alone can systematically change the views of the electorate in the long-term. This is partly because experience from political campaigns and marketing suggests that long-term effects **on people's** attitudes are hard to achieve, and partly because the online information space is less of shared experience than, for example, television news and advertising.

Economic impact

Individuals

Scams designed to defraud innocent people are not a new phenomenon. However developments such as targeted adverts on social media now make it easier than ever to draw in vulnerable people. Recently Facebook has faced legal action over **scammers' use of Money Saving Expert founder Martin Lewis's picture on Facebook adverts claiming he'd made a fortune from** crypto-currency investments. This led to Facebook banning crypto-currency adverts because they said they believe the 'likely harm to the consumer is high'[8] from these types of adverts.

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[5] http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/fake-news/oral/80607.pdf Q947

[6] For example, in Craig Silverman's work https://www.buzzfeednews.com/article/craigsilverman/viral-fake-election-news-outperformed-real-news-on-facebook

[7] Bobby Duffy, http://perils.ipsos.com/index.html

[8] Q2136 http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/fake-news/oral/82114.pdf

Companies

Misinformation can have an impact on consumer confidence in products, businesses and their leaders. Whatever the intent or cause of such misinformation, a lack of trust can damage revenue and reputation in the long-term. One prominent example has been the inaccurate viral reports apparently showing Heineken sponsoring dog fighting events, after banners from a previous event at the same venue remained in place during a dog fight the next day. Despite detailed refutations, accusations continued to circulate online for years.[9]

Systems

Concern about the impact of misinformation on individual businesses also extends to potential impacts on financial markets. Financial markets depend on accurate information. There are examples of deliberate attempts to post false information online in order to affect either individual firms or the market as a whole.[10]

Risk to life

Public health

This is an area where there is clear evidence of harm, including in the field of cancer where leading charities have employed staff[11] in a bid to tackle misinformation. Similarly, distrust of vaccines can have catastrophic impacts[12]. Health misinformation crosses borders and lives are at stake.

Radicalisation

This is an extreme example of the impacts misinformation can have on beliefs. There are specific reported examples of the link between misinformation and radicalisation, such as the Finsbury Park attack in 2017. This is not an area of expertise for Full Fact, **but we're aware that the government is already very engaged with this risk.**

At the moment we have limited evidence of the extent of some of these harms. In our recommendations we underline the urgent need for high quality research into the scale and impact of harm.

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[9] https://www.heineken.com/gb/We-are-heineken/Refuting-Dog-Fighting-Rumours
[10] https://www.weforum.org/agenda/2015/11/can-social-media-influence-financial-markets/
[11] https://www.macmillan.org.uk/aboutus/news/latest_news/cancer-charity-appoints-digital-nurse-to-combat-fake-news-online.aspx
[12] https://africacheck.org/donate/the-difference-fact-checking-makes/ (Polio epidemic in Nigeria)

The threat to open societies from over-reaction

It is important not to panic. Misinformation can cause harm in an open democratic society, **and there is much we still don't understand. But the risk of harm from over**-reacting is potentially much greater.

Protecting free speech

In an open society, the people who can do most damage to that society are the people who already have power. Generally, the temptation for government is often to assume that doing something is always better than doing nothing.

To help guard against over-reaction, freedom of speech must be the principal concern of any approach to tackling misinformation. Effective regulation and freedom of speech are not incompatible, but it is important to consider the range of ways free speech can be protected. Any step to tackle misinformation must be cautious about potential unintended consequences on free speech and civil rights. Even relatively simple choices about what content should be amplified can inadvertently suppress the speech of certain groups.

A window of opportunity

Part of minimising unintended consequences will be ensuring we take the time to respond proportionately. The issues surrounding the rise of digital media and its influence on politics are clearly serious, but (notwithstanding a few urgent concerns about electoral law and threats to national security) we can afford to take a few deep breaths.

'Even relatively simple choices about what content should be amplified can inadvertently suppress the speech of certain groups.'

People who work in policy and the media tend to live in a bubble where the internet is their dominant source of information. That is not yet typical of the general population. It is possible to over-estimate both the reach and the impact of online campaigns.

There are, admittedly, significant gaps in our knowledge about the impact of online misinformation in the UK. This is partly because of the clandestine nature of the information, and partly because of gaps in high quality research in an area which is difficult to research.

What we do know is that offline sources of information are still highly significant for the general population, and for the companies who seek to get their attention.
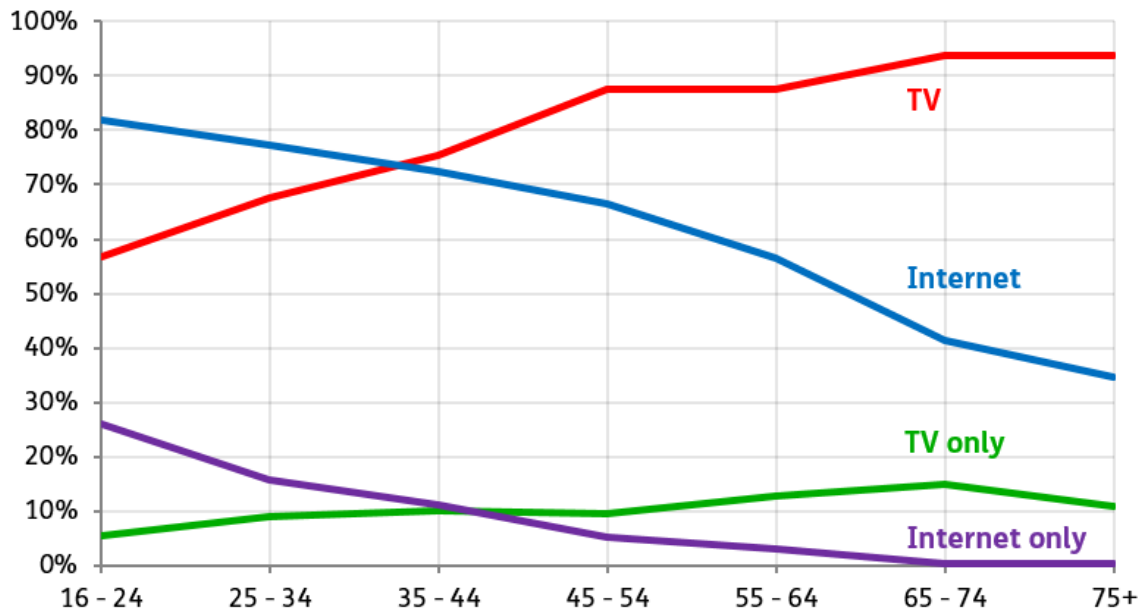
The Ofcom News Consumption report 2018 reminds us: **"As the most**-used platform for news nowadays, television clearly remains central to **people's news consumption".**[13]

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[13] https://www.ofcom.org.uk/research-and-data/tv-radio-and-on-demand/news-media/news-consumption

Only the young use the net

"Which of the following platforms do you use for news nowadays?", by age group

Source: Ofcom News Consumption in the UK report 2018, Table 14

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As you would expect, for younger people, the internet has become the dominant source of news. But for older people, who we know are more likely to vote,[14] TV news is still highly significant.

Advertisers are still putting significant resources into reaching people offline. Despite owning huge online advertising platforms, Google and Facebook still advertise on TV because they understand the role it plays in information consumption.

We're not saying the internet is not important. We know that it is, and so are the policy questions this paper is about. It is also reasonable to assume that the online information world the young already live in is the one we will all be living in before too long.

But we do have a window of opportunity now over the next few years to respond proportionately, taking into account the whole information environment. The fact that we have a glimpse of the future is part of what will allow us to properly understand its consequences and to identify effective policy responses. Ultimately we will achieve more speed with less haste.

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[14] https://www.electoralcommission.org.uk/__data/assets/pdf_file/0011/234893/Voting-in-2017-Final.pdf Chart 2.2, pg5

The UK response to date

We have been encouraged by the way in which the UK government has approached the issue so far. They appear committed to tackling the breadth of issues while protecting freedom of speech, and cautious about taking action without consulting a wide range of stakeholders first. **Parliament's Digital, Culture, Media and Sport Select Committee** also seems committed to taking a measured and cross-party approach to tackling the issue. We hope this approach will continue across government and parliament.

There is room for a greater sense of urgency in tackling the weaknesses in our electoral law. Swift action is needed to bring our electoral legislation up to date which cannot afford **to be delayed. We've set out the urgent actions required in Part Two.** The UK is fortunate to have an array of public institutions and civil society organisations with the capacity to strengthen and inform public debate. Harnessing the power of these bodies is an important part of any response, which we look at in more detail in Part Three.

A global panic

The temptation to panic is something that has been felt beyond the UK's borders. The rhetoric around the scourge of 'fake news', fears over Russian disinformation campaigns and the perceived dominance of internet platforms has led to a desperate scramble for action.

There is an opportunity here for the UK to lead the world in its response, showing the value of an evidence and risk-based approach that responds in a proportionate way to tangible harms.

Democratic and authoritarian societies alike have sought to tackle the different threats they see, but there is a need for a clear model of how to tackle misinformation and still protect open societies. Like the UK, some countries have considered action on misinformation as part of a wider look at internet harms, while others have brought in specific legislation that criminalises those who spread false information. Many are still considering their response, and are likely to look to other open societies like the UK as a benchmark.

International responses

Below are some of the responses that have been proposed or implemented around the world as a response to current discussions on misinformation.[15] This is not intended to be a comprehensive list but illustrative of the range of responses.

Counter measures that involve...	Measures have been proposed (and sometimes withdrawn) or enacted in countries including...
Focus on misinformation around elections	Brazil France
Focus on hate speech and illegal content	Germany Croatia
Criminalising the creation and distribution of misinformation	Brazil Kenya Malaysia Belarus
Providing financial transparency of online advertising	France US Ireland
Giving authorities powers to block or remove content, and decide on what is false	France Indonesia Belarus
Giving powers to a broadcast regulator to prevent foreign interference	France
Punishing journalists for creating and spreading misinformation	India
Requiring platforms to remove or regulate content or face fines	France Germany S Korea
Criminalising use of bots to spread political messaging or mislead	Ireland S Korea

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[15] https://www.poynter.org/news/guide-anti-misinformation-actions-around-world

A levy on publishers or consumers	Tanzania Uganda
Online misinformation-reporting portal	Italy
Powers or unit to tackle disinformation campaigns from foreign states	France
Website to consult citizens on potential measures	Belgium
Authority to focus on promoting factual information in public life	Sweden
Taskforce or committee to look at options	Belgium Singapore S Korea European Commission Denmark

The range of responses to the problem of disinformation illustrates the lack of agreement globally about the scope, scale and potential solutions to the problem of misinformation. In India **proposals for a law that would blacklist journalists for writing 'fake news' was** scrapped within 24 hours of being announced. In Malaysia, a law that criminalised the publication or sharing of misinformation with fines and prison sentences was due to be repealed in August, just four months after it was introduced following widespread criticism for being so vague.

So far, both parliament and government in the UK have set an example of careful policy development in this area. The UK must continue to lead the way with a response that is evidence-based and proportionate.

PART TWO

What needs to be done urgently

Two urgent actions to protect democracy

Our election law is becoming more out of date and more dangerous by the day.

Two of the areas where election information has long been subject to legal control are restrictions on printed election advertising, and transparency about who is campaigning **(the 'imprint rule'). These** laws—put in place by parliament to protect the integrity of our democratic process—are becoming less effective as society and technology develops and political campaigning moves online**. Parliament's own Digital, Culture, Media and Sport Committee's recent interim report on 'fake news' quote**s the Chief Executive of the Electoral Commission as saying **"i**t is no great secret that our electoral law is old and fragmented.**"**[16]

An election is possible at any moment. If conducted under current rules it will be vulnerable to abuse. Currently, it is possible for a candidate to run a thousand different political campaigns to win the same seat, promising something different to each group it targets. If we do not act we risk undermining the principle that democracy is a shared experience. Recognising official warnings of election interference campaigns, it would not be prudent to wait for definitive evidence of the impact of this harm to update the law to ensure that longstanding principles continue to apply to the online world.

It is also essential that a democracy's election rules are set through open transparent democratic processes. It is welcome that internet companies have taken some steps to increase transparency without waiting for parliament to catch up, but it is no substitute for proper democratic decision making about how our democracy **works. The UK's election** rules should not be set in the terms and conditions of internet companies.

Parliament has not responded to years of warnings. Action is urgent now in two areas.

1. Political advertising

The current proposals on advertising that have come from both the internet platforms and the regulators are inadequate and out-dated, even before they have been implemented.

Modern political campaigns run millions of variations of different adverts. Individual adverts can be generated, personalised, and targeted at people in real time using data they may not even be aware of.

The people not targeted by these adverts may never know that they were run and other candidates and the media may have no opportunity to contest or scrutinise the information. This is not democracy in action.

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[16] https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/363/363.pdf pg13

This lack of transparency is exacerbated by the breakdown of the Advertising Standards **Authority's coverage of political advertising when political parties pulled their support in** the 1990s.[17] Political parties have chosen to hold themselves to lower standards than washing powder sellers. They have also ignored a recommendation from the Committee **for Standards in Public Life that they should "s**eek to agree, in association with the advertising industry, a code of best practice for political advertising in the non-broadcast media".[18] So now we have deliberately unscrutinised content matched with unparalleled distribution mechanisms that put those adverts beyond public scrutiny.

Advertising that is generated by computers will have to be capable of being scrutinised by computers. So either we need a version of transparency that enables real time scrutiny by machines, or we need a more fundamental debate about what kind of advertising is allowed and how those rules can be enforced.

What is a political advert?

Electora**l law defines what constitutes electoral material as "**material which can reasonably be regarded as intended to promote or procure electoral success at any relevant election".[19] Dealing with vulnerabilities in electoral material is crucial, and we look in more detail at the imprint rule below. Advertising is one example of election material.

However, in the context of misinformation, and the risk of harm from long-term interference in democracy, controlling political advertising at election time is unlikely to be enough of a defence. We also need to consider carefully what safeguards are needed and will work for political messaging outside of official campaigns. The same techniques that can be deployed to try to manipulate elections can also be deployed to manipulate political decision-making on single issue campaigns outside of elections.

'Other candidates and the media may have no opportunity to contest or scrutinise the information. This is not democracy in action.'

There is currently no common or shared definition of what constitutes a political advert online. This contributes to the difficulties in understanding the extent, reach and impact of the technology in relation to electoral processes. Some countries have attempted to define it, and Facebook has also tried to explain what it thinks political adverts are in relation to its voluntary transparency efforts.[20] Further work is needed to establish robust and agreed definitions.

The Advertising Standards Authority does have a definition of political adverts in reference to those adverts which are *outside* of their remit: "Claims in marketing communications,

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[17] https://www.asa.org.uk/news/political-advertising.html
[18] http://webarchive.nationalarchives.gov.uk/20131205122143/http://www.archive.official-documents.co.uk/document/cm44/4413/4413-09.htm
[19] https://www.legislation.gov.uk/ukpga/2000/41/part/X/crossheading/election-material
[20] https://newsroom.fb.com/news/2018/06/qa-on-ads-and-pages-transparency/

whenever published or distributed, whose principal function is to influence voters in a local, regional, national or international election or referendum **are exempt from the Code**".[21] However this does not go any wider than election material and further work is needed to establish a common definition to support the UK policy process on these issues.

When an election stops being a shared experience, democracy stops working

The Electoral Commission notes that: "Recent years have seen rapid increases in the use of digital and online campaign techniques at elections in the UK, including increasingly sophisticated uses of data, more personalised and targeted messaging, and the capacity for campaigners to reach more voters at **a lower cost than ever before.**"[22]

We are used to thinking of adverts as fixed things that appear in the same way to many people. This idea is out of date.

The combination of media buying by computers, and adverts being created and personalised by computers, means that online advertising is not a shared experience anymore.

"Trump ran 5.9 million different versions of ads during the presidential campaign and rapidly tested them to spread those that generated the most Facebook engagement**...** Clinton ran 66,000 different kinds of ads in the same period,**"** according to a Facebook white paper leaked to Bloomberg.[23] There is no way that humans can evaluate 5.9 million unique variations of adverts effectively.

Policy makers need to account for the shift towards Dynamic Content Advertising, in which customised adverts are assembled based on rules according to what is known about a viewer from their browsing history on a site or network of sites. Adverts could be personalised based on what the advertiser knows about you; what the advertising network such as Google, Facebook, or Amazon knows about you; or based on data from third parties such as Experian or Mastercard. Personalised advertising will only become more sophisticated as technology and access to data develop.

Transparency: a database of adverts is not enough

For advertising transparency to enable accountability it must meet three tests –

1. There must be full information on content, targeting, reach and spend
2. It should be in machine readable formats
3. It must be provided in real time

Current proposals for political advertising transparency are inadequate and will not work. Although there have been reports and recommendations looking at this issue, there is still a lack of understanding of modern advertising techniques and of what a database needs to consist of to be effective.

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[21] https://www.asa.org.uk/asset/1C6E5017-51FC-4FC0-947BF7259C436CA7/
[22] https://www.electoralcommission.org.uk/__data/assets/pdf_file/0004/237550/Political-finance-regulation-at-the-June-2017-UK-general-election-PDF.pdf pg12
[23] https://www.bloomberg.com/news/articles/2018-04-03/trump-s-campaign-said-it-was-better-at-facebook-facebook-agrees

The Electoral Commission[24] looked at voluntary approaches by platforms to set up databases of adverts on their sites, but stopped short of calling for a central database of all political advertisements at all, thus denying any meaningful accountability at the kind of scale required.

The Information Commissioner's Office (ICO) mentions that the government should **consider as part of a review** "requirements for digital political advertising to be archived in an open data repository to enab**le scrutiny and analysis of data".**[25] This at least does not preclude an effective solution, but it is a long way from understanding the key ingredients of full information on content, targeting, reach and spend, provided in machine readable formats, in real time. In itself this recommendation will not enable us to secure our democracy. What we need is a database of online political adverts and it must be public, not reliant on private companies.

Regulation of advertising

It is notable that some of the clearest concern about political advertising comes from advertisers themselves. They understand the power of these techniques and their potentially malign effect on democracy.

The Coalition for Reform of Political Advertising, supported by the Incorporated Society of British Advertisers, has called for dramatic changes[26] –

1. Legislate so that all paid-for political adverts can be viewed by the public
2. Create a body to regulate political advertising
3. Require all factual claims used in political adverts to be pre-cleared
4. Compulsory watermarks to show the origin of online adverts

We are calling for urgent legislation for point 1 of this plan. On point 4, we are calling for urgent action on imprints for electoral material (see below). On the wider question of watermarks for all political advertising, more work is needed.

We have also called for the political parties to rebuild the voluntary consensus between themselves that political advertising should live up to the Advertising Standards **Authority's principles**[27] of "**l**egal, decent, honest and truthful**", and once again be su**bject to independent oversight by the ASA or a suitable alternative body.

If parliament and the political parties cannot ensure that these simple protections are implemented promptly, it may be necessary to consider whether regulation on political advertising content such as 2 and 3 are required. Others have gone further and suggested prohibiting political advertising online.[28]

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[24] https://www.electoralcommission.org.uk/__data/assets/pdf_file/0010/244594/Digital-campaigning-improving-transparency-for-voters.pdf pg13
[25] https://ico.org.uk/media/action-weve-taken/2259369/democracy-disrupted-110718.pdf pg6
[26] https://reformpoliticaladvertising.org/
[27] https://www.asa.org.uk/type/non_broadcast/code_section/01.html
[28] https://www.telegraph.co.uk/news/2018/07/31/save-democracy-fake-news-should-ban-political-ads-social-media/

2. The imprint rule

The imprint rule requires that campaign materials state who is promoting them. It still does not apply online. The simplest recommendation is to extend the current imprint rule online. This would require details of who created, paid for and promoted the campaign to appear on all online election material, allowing voters to understand the source of any material they see online.

The Electoral Commission have said they first suggested this in 2003.[29] Many other reports, committees and inquiries have recommended extending the imprint rule to digital campaign material in the last 18 months. These include:

- Electoral Commission, March 2017,[30] November 2017,[31] March 2018,[32] June 2018[33]
- **Baroness O'Neill's** Private Members Bill, July 2017[34]
- Committee for Standards in Public Life, December 2017[35]
- Information Commissioner's Office, July 2018[36]
- Independent Commission on Referendums, July 2018[37]

It is crucial that people can identify campaigning material as campaigning material. The rules should also ensure that campaign material is not designed in a way that can be confused with official material about elections from government or regulators.

We welcome the government's current consultation on proposals for digital imprints,[38] but it is crucial that once the consultation has concluded, there is swift implementation without delay. Another election or referendum is possible at any time.

The government should consider the link between proposals for an extension of the imprint rule online and the need for a comprehensive online database of adverts.

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[29] http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-administration-and-constitutional-affairs-committee/the-work-of-the-electoral-commission/oral/80026.pdf Q99
[30] https://www.electoralcommission.org.uk/__data/assets/pdf_file/0004/223267/Report-on-the-regulation-of-campaigners-at-the-EU-referendum.pdf pg41
[31] https://www.electoralcommission.org.uk/__data/assets/pdf_file/0004/237550/Political-finance-regulation-at-the-June-2017-UK-general-election-PDF.pdf pg13
[32] http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-administration-and-constitutional-affairs-committee/the-work-of-the-electoral-commission/oral/80026.pdf Q99
[33] https://www.electoralcommission.org.uk/__data/assets/pdf_file/0010/244594/Digital-campaigning-improving-transparency-for-voters.pdf pg8
[34] https://services.parliament.uk/bills/2017-19/electionsandreferendumsadvertising.html
[35] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1__2_.pdf pg61
[36] https://ico.org.uk/media/action-weve-taken/2259369/democracy-disrupted-110718.pdf pg47
[37] http://www.ucl.ac.uk/constitution-unit/research/electionsandreferendums/ICR_Final_Report.pdf pg 11
[38] https://www.gov.uk/government/consultations/protecting-the-debate-intimidation-influence-and-information

Ultimately, it may be necessary for an imprint to act as a unique identifier that can also feed into a machine readable database.

Two other steps to protect elections

The role of the Electoral Commission

One of the Electoral Commission's statutory duties is to "keep under review... political advertising in the broadcast and other electronic media**",**[39] which was originally envisaged by the 5th Committee for Standards in Public Life report in 1998.[40]

The Electoral Commission does not have the resources, or therefore the digital skills, to fulfil this duty in the way that is needed given the scale, pace, and importance of changes in political campaigning. Moreover, recommendations they have made have been neglected for far too long.

The role of the Electoral Commission will be crucial in implementing and enforcing changes to maintain standards in political advertising, but at the moment they are not equipped to fulfil this role among their other important responsibilities.

It is clear that the Electoral Commission has to be able to function in real time, whether that applies to understanding the impact of political advertising, or supervising political spending. The lack of this capability has left open vulnerabilities which could undermine our democracy.

More funding and skills should be made available to the Commission to ensure it can fulfil its mandate and protect our changing democracy.

The need for data to understand electoral disengagement

The marked electoral register shows who has voted and who has not. It does not show how someone voted, which is secret.

Legislation should be passed to enable access to the marked electoral register for academics and charities seeking to promote engagement with the electoral process. This knowledge about who is and is not voting is the most important evidence we have of the extent to which people are being put off taking part in democracy. This blind spot is not present in other countries, which allows a much more sophisticated understanding of the opportunities for successfully engaging people with the democratic process, and of the risks and harms from disengagement.

Safeguards are clearly an important consideration in any change to access rights. Existing charity law and data protection legislation offer robust protection against misuse. We anticipate that the number of projects using this scheme would be small and suggest that the Electoral Commission could convene an ethics board tasked with approving specific projects aimed at understanding voter engagement as a further safeguard.

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[39] http://www.legislation.gov.uk/ukpga/2000/41/section/6
[40] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/336870/5thInquiry_FullReport.pdf pg183

PART THREE

Open information
can tackle misinformation

How to build public resilience

Communicate to build trust

The easiest form of hostile misinformation is to kick up dust to promote disengagement. The government has had experience of this recently in relation to the attacks in Salisbury,[41] although the same tactics can be used in many contexts.

If government does not have a solid foundation of trust with the public it will be unable to cut through these kinds of tactics. So the government, and politicians more widely, need to recognise the extent to which their own behaviour drives mistrust and can undermine the ability of our public institutions to defend us from misinformation.

'The UK is an open society and we already have many of the tools we need to tackle misinformation; we just need to learn how to harness them more effectively.'

We believe that government communications will need to change to become more focused on actively earning and keeping trust with the public. The skills needed to communicate effectively with the public are different now from what they were. It is increasingly about being able to have a two-way conversation with the public and showing rather than telling them what they can trust

As Baroness O'Neill pointed out in her 2002 Reith Lectures, "well-placed trust grows out of active inquiry rather than blind acceptance."[42] It is necessary to provide people with underlying evidence and data about claims to allow them to make informed choices about where to place their trust.

Independent public institutions should be given a mandate to inform the public

Tackling misinformation has to be about more than just trying to remove or regulate against it. Telling people when they are reading something that isn't true will only take us so far, and in isolation it risks fuelling further distrust and disengagement.

People have a harder time now knowing what to trust than ever before. The proliferation of sources, the speed of information flow, the comparative ease of making something appear credible, and the difficulty of knowing the true source of material online all mean that it is harder than ever before to place trust or withhold trust reasonably.

Our public institutions urgently need to adapt to modern information needs.

We believe first and foremost in the role of the individual citizen in hearing, showing and judging ideas for themselves. In our factchecking work we don't just tell people whether

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[41] https://www.gov.uk/government/speeches/we-cannot-ignore-what-has-happened-in-salisbury
[42] https://www.bbc.co.uk/radio4/reith2002/lecture4.shtml

something is true or false; we give people access to all of the information we have so anyone can form a view for themself.

Providing people with unbiased and good quality information, linking to sources and setting claims in context builds resilience and trust by providing accountability. But we cannot expect this to happen organically. Independent public bodies have a clear role in establishing and supporting a good information framework for the UK.

The UK is an open society and we already have many of the tools we need to tackle misinformation; we just need to learn how to harness them more effectively. We have a number of high quality and structurally independent institutions, with staff who are skilled and needed to provide the public with unbiased information.
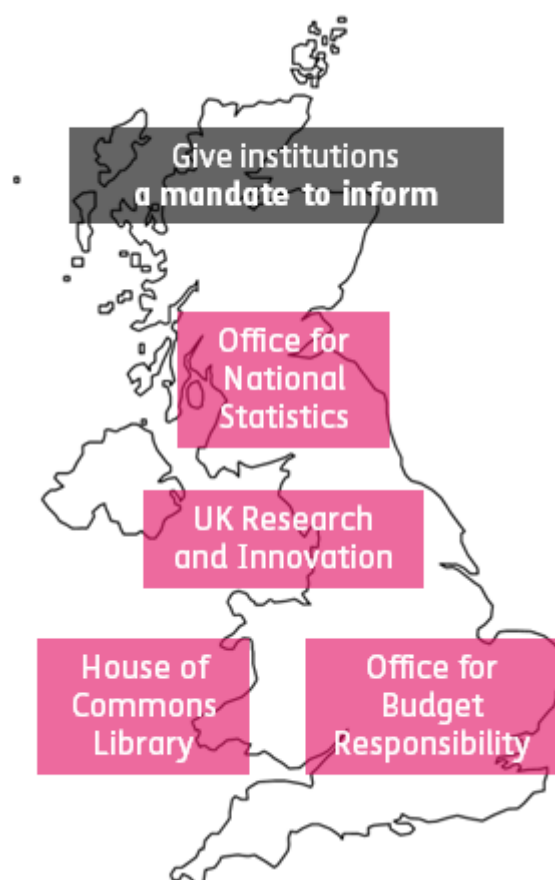
The Office for National Statistics and UK Research and Innovation should be given a clear mandate to inform the public. Consideration should also be given to what role other public bodies such as the Office for Budget Responsibility (OBR) and the House of Commons Library can play. MPs have suggested, for example, extending the role of the OBR to provide independent analysis of manifesto spending commitments from the government and the opposition.[44]

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[43] (Map outline) http://www.supercoloring.com/silhouettes/uk-map *Author Natasha Sinegina, Creative Commons Attribution-Share Alike 4.0 Licence.*
[44] https://www.theyworkforyou.com/whall/?id=2018-07-24a.211.0#g216.1

Purdah rules need reform

There is little point in having reliable sources of information to support public debate, if they are effectively silenced during the most crucial months of democratic process by restrictive purdah rules.

In the most recently published purdah guidelines, there was a welcome acknowledgement that the rules should "not [be] about restricting commentary from independent sources, for example academics."[45] However, we believe government must go further than this and explicitly say that certain public bodies have a duty to inform the public, including at election time.

Fund and publish misinformation and audience research

With our expertise in tackling misinformation, we are all too aware of the limited evidence that exists about which audiences are most vulnerable and what techniques are effective to promote trusted information and combat misinformation. This lack of evidence cannot be solved by civil society organisations, and we need to ensure there is a coordinated approach to research.

Having limited evidence, or evidence only from the US, is damaging to efforts to tackle misinformation—especially without a central organising function to evaluate and keep abreast of research findings. For example, the idea of a "worldview backfire effect"—the idea that giving someone information that runs counter to their beliefs will backfire and cause their belief in factual claims to become more entrenched—has dominated discourse about tackling misinformation. Yet one of the authors of the most commonly cited paper on the topic has said its original findings were overplayed,[46] and new attempts to replicate this suggest it is not a widespread effect.[47]

We think there is a clear role for government here to fund research to support their own policy decisions, as well as the work of wider civil society in tackling misinformation. The Government Communications Service makes a habit of ensuring they have clear audience insight before they launch a communications campaign. The same logic should apply to the cross-government response to misinformation.

The government needs to provide a research function to support and evaluate the provision of high quality information in public debate and provide a clear understanding of the scale of the problem of misinformation. This needs to be able to do three things:

1. Understand the potential target audiences for misinformation and correct information and the extent of any harm
2. Establish and share evidence on best practice
3. Evaluate public information communication, including public trust and public understanding

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[45] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/699095/Pre_election_guidance_for_local_elections_May_2018.pdf pg5
[46] https://twitter.com/BrendanNyhan/status/845819598989639684
[47] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2819073

Similar to the What Works Network[48], this should be established as a public-facing Centre of Excellence providing and bringing together an evidence base that academics, media outlets, and others can all benefit from.

The role of the media

We need to look carefully at the role of the mainstream media in misinformation. The media has the potential to be a bulwark against misinformation. But there is a danger in starting from the assumption that the media is the solution when it comes to tackling misinformation, when we know that the public often see the media as part of the problem —and with some good reasons.[49] Media standards vary, and the public knows this.

This will be important when it comes to the Cairncross press sustainability review.[50] Full Fact is both a registered charity and a publisher of factual journalism. We believe that charitable status should be recognised as appropriate for more journalism where, as charity law requires, it can be shown to be done for the public benefit. We hope that the Cairncross review will support this position. We also think it is important to recognise that not all journalism is created with the intention to maintain the qualities of impartiality and even accuracy. Charitable status is not suitable for all journalism.

Education

The role of public bodies in educating the public depends to some extent on **people's** capacity to understand and interact with information. There is a role for education in equipping the whole population with the skills to judge and assess information for themselves. We have heard calls for increased education in digital literacy, media literacy, news literacy, data literacy, statistical literacy, citizenship, critical thinking and so on. All of these are in themselves good things—as, presumably, are the things that schools currently spend time on. We would like to see further work from the government to understand specifically what kind of education would be of most benefit.

While hard skills are important, we should also be looking at equipping people with skills in understanding how their experiences affect their view of information (for example, the effect of confirmation bias). Anyone can be deceived, not least by ourselves, whatever our education.

An educational intervention in schools, even if it is effective, will take 50 years to filter through to the older generation that is most likely to vote. Education can only be an important part of a rapid response to misinformation if there is a credible plan for providing it to adults as well as children.

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[48] https://www.gov.uk/guidance/what-works-network
[49] https://www.ipsos.com/sites/default/files/ct/news/documents/2017-11/trust-in-professions-veracity-index-2017-slides.pdf
[50] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/687330/TERMS_OF_REFERENCE_-_THE_CAIRNCROSS_REVIEW.pdf

PART FOUR

How to respond without fighting the last war

A future-proof response to changing technology

In the long run, it's clear that tackling misinformation online will require a more wide-ranging response than **the actions we've identified in this document so far**. As well as considering what the response should be, we also need to think about how to ensure it is fit for the future.

Is there a case for an 'internet regulator'?

Most of the debate on internet regulation **is outside Full Fact's remit** and we are not taking a position at this time. Other issues range from market power to intellectual property to abuse online. Even among the sensitive issues that such internet regulation would deal with, misinformation would need to be treated with great caution. We would warn that any proposal for such a regulator to be tasked with tackling misinformation should be scrutinised anxiously. We worry that steps towards an internet regulator without an understanding of what it would tackle and what principles would apply risk ending up with responses that are ineffective, that end up becoming quickly out-dated, or whi**ch don't** command public support.

We believe that a necessary first step towards a proportionate policy framework for internet companies is a more sophisticated understanding of how they work and the policy issues they raise.

The need for a more future-proof approach

It's clear that lumping in all the very different functionalities of Google, Facebook, and Twitter into one conversation is too simplistic.

It's also clear that the extent to which the policy conversation is focused on Google, Facebook, and Twitter, and mainly on their current functionality, risks making it harder to come up with a future-proof framework for misinformation policy.

Other companies and other capabilities are significant now. **Google's rapi**d shift from PC-**first to 'mobile** first' in 2010 to **'AI** first' in 2017 illustrates how ineffective policy will be if it assumes that the future will be like the present.

What is missing is an effort to identify the principles that will continue to apply even when there are changes in companies, technology and products.

A successful model for regulating fast-moving technology

Contrast this with the approach that was taken to creating a regulatory framework for embryology.

We note that both the Institute for Government[51] and dotEveryone[52] have recently pointed to the Human Fertilisation and Embryology Authority as a successful example of a

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[51]https://www.instituteforgovernment.org.uk/sites/default/files/publications/IFG_Funding_health_and_social_care_web.pdf pg40

regulator in a complex and fast-moving field. We believe that a key lesson from this example is in how the Authority began—not with proposals for legislation, but with a group called the Warnock committee to study and explain the principles behind the technology.

'We need to construct lasting solutions based on principles the public respects and which will survive changes in technology.'

"Perhaps the greatest achievement of the Warnock committee is that it managed to get an ethical consensus that people understood as well as shared," observed a Chair of the Human Fertilisation and Embryology Authority.[53]

That robust foundation of careful thoughts has underpinned the stability of the Human Fertilisation and Embryology Authority even as the scientific possibilities have continued to change.

We believe that a similar process is necessary to break down the issues of misinformation policy into policy questions that will stand the test of time.

This needs to be an open transparent democratic process that commands public confidence as well as producing well-thought-through policy.

It is important that we use the window of opportunity available to us, before political debate and news shift entirely online, to have this debate properly. We need to construct lasting solutions based on principles the public respects and which will survive changes in technology.

Beyond Facebook, Google, and Twitter

Facebook and Google are extremely important internet companies. Both own more than one product with over a billion users. Twitter is a slightly different case, with just one product and one third of a billion monthly users,[54] but with a particular relevance to journalism, news, and current events.

Google's major products include Search, Drive, Gmail, YouTube, Android, and Chrome. Each has different competitors and a different relationship to the misinformation debate. Facebook owns Facebook itself, Messenger, WhatsApp, and Instagram.

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[52] https://doteveryone.org.uk/wp-content/uploads/2018/06/Regulation-Paper-Final-Version-Google-Docs.pdf pg17
[53] https://www.bbc.co.uk/news/magazine-24652639
[54] From Twitter: http://files.shareholder.com/downloads/AMDA-2F526X/6183585296x0x970886/28A12845-4E0D-4F74-B82D-077241BCD7FE/Q4_2017_Selected_Company_Metrics_and_Financials.pdf

All three companies are rightly a focus of the debate on tackling misinformation. We believe that all of them could and should be doing more, not just in their policies but in their products, to protect their users from misinformation.

We also believe that the debate is excessively focused on Facebook, Google, and Twitter, and on their current functionality. Future proof responses will need a clearer and wider view of the functionalities that impact on the spread of misinformation, the people and organisations that control them, and the principles that should apply.

Other important internet companies include Amazon, Apple, and Microsoft. Just in the field of digital assistants with voice interfaces, these correspond to Alexa, Siri, and Cortana. Digital assistants such **as these and Google's will be making increasingly important** information choices for their users, providing one answer not lists of ten options.

There are many other companies whose products and services have a role in this debate, and not just internet companies. It is possible that in ten years some of the bigger internet products in this country might be owned by Russian or Chinese companies.

Not all online messaging tools are, or will in future be, controlled directly by individual companies that are susceptible to government action. The dominant form of messaging online is probably email, which is not controlled by any one company.

A future-proof approach needs to recognise that both the products we are currently familiar with, and the companies we are currently familiar with, may well be succeeded or added to.

This is why we believe that it is necessary to use the window of opportunity that we have to define the principles that will continue to apply even as the companies and products they apply to change.

Who Google say they compete with

To put the breadth of players in the world of online information and misinformation in context, we offer this extract from the statutory 10-K filing **of Google's owner Alphabet Inc** listing their competitors[55] –

- General purpose search engines and information services, such as Baidu, Microsoft's Bing, Naver, Seznam, Verizon's Yahoo, and Yandex.
- Vertical search engines and e-commerce websites, such as Amazon and eBay (e-commerce), Kayak (travel queries), LinkedIn (job queries), and WebMD (health queries). Some users will navigate directly to such content, websites, and apps rather than go through Google.
- Social networks, such as Facebook, Snap, and Twitter. Some users increasingly rely on social networks for product or service referrals, rather than seeking information through traditional search engines.

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[55] https://www.sec.gov/Archives/edgar/data/1652044/000165204418000007/goog10-kq42017.htm

- Other forms of advertising, such as billboards, magazines, newspapers, radio, and television. Our advertisers typically advertise in multiple media, both online and offline.
- Other online advertising platforms and networks, including Amazon, AppNexus, Criteo, and Facebook, that compete for advertisers that use AdWords, our primary auction-based advertising platform.
- Providers of digital video services, such as Amazon, Facebook, Hulu, and Netflix.
- Companies that design, manufacture, and market consumer electronics products, including businesses that have developed proprietary platforms.
- Providers of enterprise cloud services, including Alibaba, Amazon, and Microsoft.
- Digital assistant providers, such as Amazon, Apple, and Microsoft.

PART FIVE

Summary of recommendations

Summary of recommendations

Don't overreact

1. Recognise that the greatest risk is of government overreaction and put the protection of free speech at the forefront of every discussion about tackling misinformation in its many forms. We should take advantage of the window of opportunity we have to consider and deliver a proportionate response.

Update election law to improve transparency

2. Create a public database of online political adverts, provided in real time, in machine readable format and with full information on content, targeting, reach and spend.

3. Once the planned public consultation has ended, the government should act quickly to extend the current imprint rule from print to online.

4. Review funding for and refocus the role of the Electoral Commission to secure the implementation and enforcement of democratic protections in a digital world.

5. Pass legislation to enable access to the marked electoral register for academics and charities seeking to promote engagement with the electoral process.

Build resilience through strong public institutions

6. Invest in communication skills across government and public bodies to ensure that the public has access to, understands and trusts the evidence that is used to make decisions.

7. Give public institutions like the Office for National Statistics and the UK Research Councils a clear mandate to inform the public, and consider what role other bodies, such as the Office for Budget Responsibility and House of Commons Library can play.

8. Amend purdah guidelines to say explicitly that certain public bodies have a duty to inform the public at election time.

9. Establish a public-facing Centre of Excellence to provide a research function that can support and evaluate the provision of high quality information in public debate and provide a clear understanding of the scale of the problem of misinformation.

Future-proof misinformation policy

10. Work needs to be done to establish a clear intellectual framework for understanding the harms, players, functionalities, and principles at stake before any attempt is made to introduce regulation.

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