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Online Advertising and
Social Media
Transparency Bill 2017



Recent Controversies

- U.S. Elections - 2016



Recent Controversies

- Russian operators targeting Ireland -2019
- Targeting of Ireland, by Russian operators' intent on spreading misinformation
- Investigation by Digital Forensic Research Laboratory
- The misinformation included a forged email purporting to be from DUP leader Arlene Foster, declaring her support for the EU's position on Brexit.
- Campaign was designed to stoke racial, religious or political hatred, particularly in Northern Ireland.

Recent Controversies

- **UK**
- - Prime Minister Theresa May states Russia has attempted to “weaponise information” and sow discord in the West
- - She has accused Russia of meddling in elections and planting disinformation
- - UK Government state following nerve attack in Salisbury in March 2018 Russia “promulgated at least 38 false disinformation narratives around this criminal act”
- - Report says- Strong evidence that points to hostile state actors influencing democratic processes

Recent Controversies

- Brexit Referendum - 2016



Recent Controversies

- 8th Amendment Referendum - 2018

**Undecided On The 8th**
Sponsored · 

Yes or No? Unsure? Here are some unbiased facts to consider before you vote.



Undecided On The 8th
The referendum on the 8th Amendment is May 25th. If you are still unsure how you will vote, here are some facts to consider.

UNDECIDED8.ORG [Learn More](#)

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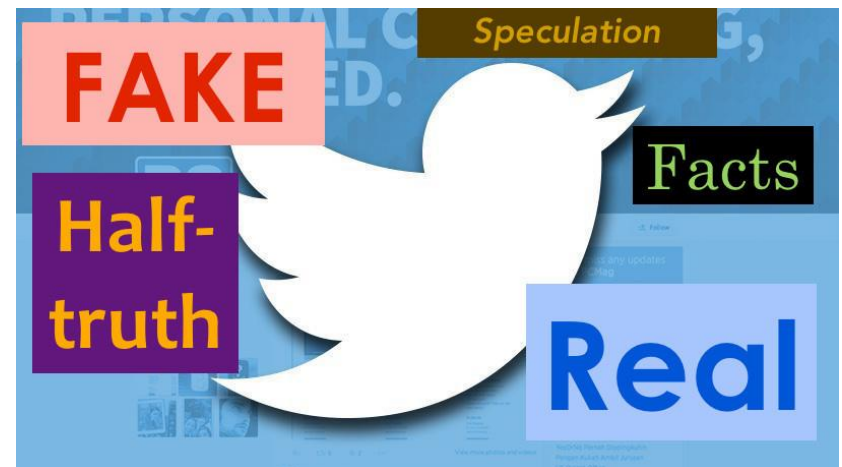
Recent Controversies

- Irish Presidential Election – 2011 !



Fake News as Political Strategy

- False Flag Campaigns
- Divide & Conquer
- Wedge Issues
- Voter Suppression
- Fake Organic
- Funding Obfuscation
- Old fashioned confusion



Why is this important ?

- Possible Irish General Election in 2019
- Possible second Brexit referendum in UK
- US Elections in 2020
- Extreme Ideologies & Populism being reflected in election results across world

Current landscape

- Electoral Acts 1992
- Pre Facebook
- Pre Broadband
- Pre Mobile Phone
- Pre World Wide Web



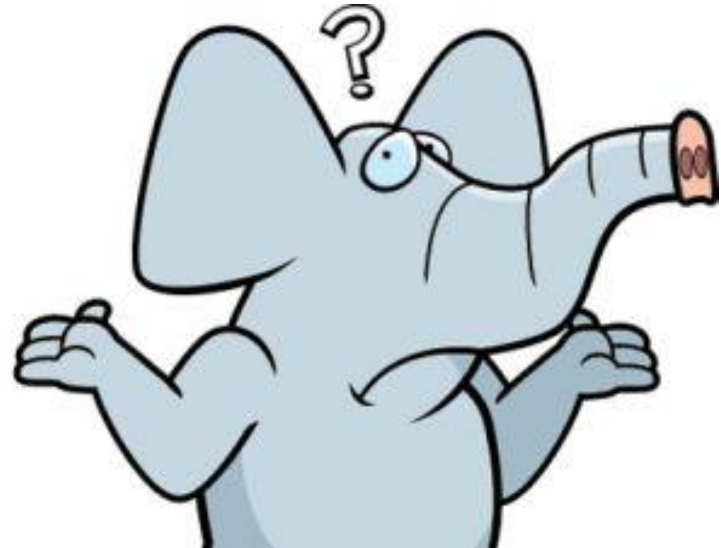
Current landscape

- Electoral Acts 1992
- 30+ Offences
- Posters
- Leaflets
- Printing
- Etc.



Current landscape

- Landscape in 2019
- Who governs online?
 - SIPO
 - ASAI
 - RefCom
 - BAI



The need to Regulate

- Social Media & Online Advertising Transparency Bill 2017



Stakeholder interaction

- **Interaction**
- - I had an opportunity to meet with Mark Zuckerberg
- - Facebook recently put in place new regulations which seek to provide greater transparency in political advertising.
- - welcome and positive move - I believe it must go further with transparency measures placed on a statutory footing.
- - I agree with Mark Zuckerberg that there is a need for governments to take a more active role and that it can't be left to social media giants alone to regulate and police the internet.

- Extensive consultations - re this Bill
- including Amnesty, Data Protection Commissioner, NUJ, Irish Council for Civil Liberties, Legal experts, Representatives from Twitter – to name a few
- Joint Committee on Communications, Climate Action and Environment held hearings and reps. We heard evidence from - Facebook, Google, Irish Gov. Departments

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- Provisions of bill – s.2 Paid Content Only
- “‘online advertising’ means any communication which is placed or promoted for a fee on an online platform;
- “‘online political advertising’ is online advertising which is directed towards a political end”

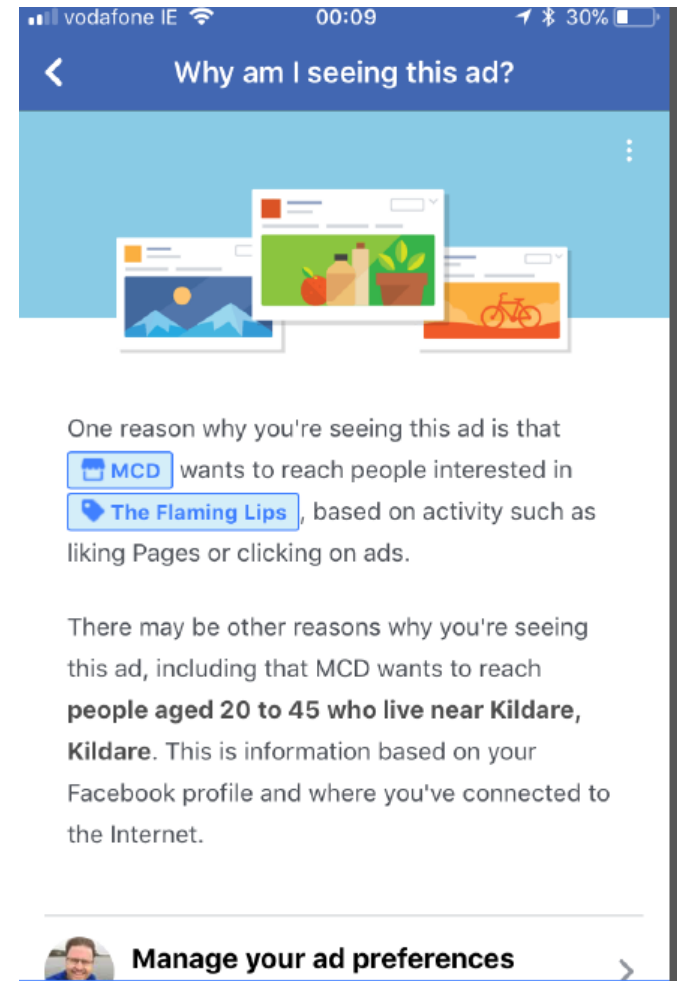
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■ Provisions of bill – “Towards Political End”

(2) For the purposes of this Act, a matter is directed towards a political end if it communicates a message that promotes a candidate or candidates for public office in an election within the State or a political party registered on the Register of Political Parties, or if it promotes a message on a matter of political interest or importance or a matter which, at the time when the online advertising is placed or promoted, is before or intended to be before either House of the Oireachtas or the Northern Ireland Assembly or the European Parliament or a local authority within the State or to be the subject matter of a referendum or which has any relation to an industrial dispute going on within the State, but a matter is not directed towards a political end if it is contained in online advertising placed or promoted at the request of the Referendum Commission in relation to a matter referred to in section 3 of the Referendum Act 1998 concerning a referendum. (BAI definition)

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- Provisions of bill – s.3 Transparency Notice
- “Online political advertising shall display a transparency notice..”



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■ S.3 Transparency Notice

Definition of transparency notice

(1) For the purposes of this Act, a transparency notice shall be a notice that displays in a clear and conspicuous manner—

(a) the name and address of the person or corporation sole who paid for the online political advertising,

(b) a description of the audience targeted by the online political advertising,

(c) where the entity who paid for the online political advertising is the state, or an emanation of the state, the notice shall include words to that effect,

(d) such other information as the Minister may by order provide.

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■ Provisions of bill – s.5 Registration

“5. (1) Any person who requests to purchase online political advertising shall provide to the online platform to which the request is made such information as is necessary for the online platform to comply with its obligations under section 3.”

“(2) Any person who requests to purchase online political advertising and who knowingly provides to the online platform to which the request is made false or misleading information for the purposes of the online platform complying with its obligations under section 3 shall be guilty of an offence.”

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- Provisions of bill – s.6 “Ban the Bots”

“(1) Any person who knowingly uses a bot, or causes a bot to be used, in such a way as to cause multiple online presences that are directed towards a political end to present to a user of an online platform as an individual account or profile on any online platform shall be guilty of an offence.”

“2.(1) In this Act – “bot” means any item of software which is programmed to run automated tasks on an online platform;”

Ban the Bots

- S.6 Offence to run large scale political 'bots'
- Masquerading as unique and separate
- Deliberately targeted to deceive
- "Manipulated for political ends"
- "50 or more" – number can change
- Intention and scale is key to offence

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- Disclosure Notice
- Transparency – not Censorship
- Content neutral
- Technology neutral
- Platform neutral
- Analogous to existing rules on posters etc.

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- Offences
- Up to €10,000 fine, 5 years imprisonment
- Identical to existing offences in Electoral Acts for offline content



Online Advertising and Social Media Transparency Bill 2017

- Introduced to Dáil Nov.2017
- Passed second stage by majority vote Dec. 2017
- Currently at committee stage
- Pre-legislative scrutiny
- “Money message” required

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- International interest
- “Honest Ads” Bill – US Senate
- Efforts in Canada, Germany, Brazil
- Grand committee at Westminster

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- Thank you
- Questions...?

