

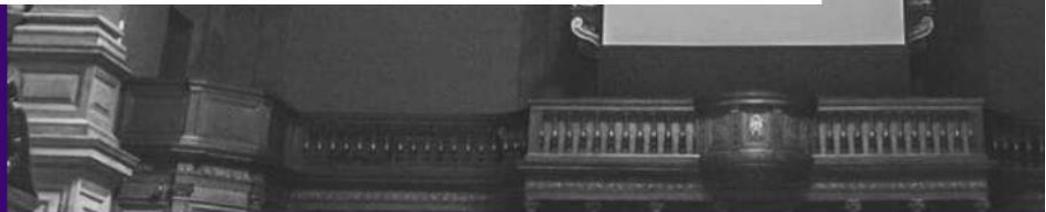


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BUCHANAN  
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# The Democratic Implications of Social Media:

Policy Directions to Curb Disinformation During Election Campaigns

March 2021



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# Executive Summary

21<sup>st</sup> century political information is increasingly constituted by disinformation. Social media serves as the main facilitator of this transition, paving the way for user-generated content and direct communication between political figures and the people. Replacing print media as the dominant source of information, the online world hosts a myriad of unsubstantiated political opinion, content and discourse. Additionally, social media sites are built on personal data that can be analysed to intimately understand user interests. This creates new pathways for the further spread of false information through personally catered news feeds and targeted advertising. As a result, new political norms of digital campaigning have emerged within UK politics, raising questions for the democratic principles of elections and referendums.

Current UK laws do not recognise these potential political consequences, despite academic and governmental reports identifying social media's potential as a promotional tool, threat to data privacy and host of 'fake news'. The Communications Act (UK Government, 2003) is restricted to regulating political speech on broadcast media only, whilst the campaign finance regulations outlined in the Political Parties, Elections and Referendums Act (UK Government, 2000) are outdated. Furthermore, although the Government has outlined a 'Digital Charter', minimal legislation has been passed to meet its objectives. The 'Online Harms' White Paper seeks progress in this regard, however its focus on increasing online safety by regulating internet companies pays limited attention to user-generated content, political information and the conduct of political elites. While disinformation is included under 'harms', both the bill's approach and promised future legislation to combat it are unclear at this time.

Therefore, this report proposes policy which accounts specifically for the interaction between disinformation and political campaigning in the UK. During its analysis, it concedes the difficulties of legislating on this topic, particularly the right to freedom of expression. Enshrined in the Human Rights Act (1998), this reduces the actionable environment within which to moderate online content creation in a number of ways. Nevertheless, the paper will analyse the 2016 Brexit referendum to illustrate the real threat that political disinformation can have to important democratic processes. Then, possible policy solutions to confront these challenges are discussed, recommending action from three angles sensitive to freedom of expression rights and building on existing mechanisms:

1. Inclusion, in any government digital literacy programme, of skills for critically appraising and discouraging spread of online disinformation during political campaigns.
2. Increased regulation of political campaign advertising, including the examination of advert content and greater transparency of advertisement backers or targeting mechanisms.
3. Amendment to the Electoral Commission's list of sanctionable electoral offences to include acts of public disinformation committed by candidates and campaigns



# Foreword

We are the Social Media and Politics Team working at the Buchanan Institute, a student-led think tank connected to the University of Edinburgh. As a team, we are passionate about digital technology's potential benefits to society, especially the new cultural, economic and communicative opportunities offered by social media. Through our intrigue, however, we have also found that the online world can have negative implications; in this report we focus on those for democracy. Through analysis of government and scholarly literature, alongside discussions with relevant academics, we have identified a need for legislation that restricts the production of political disinformation during political campaigns. Our report therefore offers a thorough account of social media's democratic concerns, including existing regulations, obstacles to action and an illustrative case study. Subsequently it proposes policy recommendations to address these issues.

Underpinning this work is our dedication to making the possibilities of social media work for everyone without the consequences that disinformation can have on voter intentions, free and fair elections and the UK's representative democracy. Throughout this report, we therefore seek solutions faithful to fundamental freedom of expression rights, which have been infringed on by social media regulations in other countries. Ultimately, our hope is that this report will offer guidance to Government and other decision-making bodies on a topic that currently lacks legislative attention, acting as the first step in policy making on the interaction between social media and the health of democracy.

We do hope you find our report informative and, if you wish to discuss our findings or get involved, we would love to hear from you at [disinformationinpolitics@buchananinst.org.uk](mailto:disinformationinpolitics@buchananinst.org.uk).

Thank You,

**Bec S., Eliška S., Aleksandra U., Puilam Y. and Jamie Z.**



# Introduction

## I. DISINFORMATION DEFINED

The Digital, Culture, Media and Sport Committee of the UK House of Commons defines ‘disinformation’ as ‘the deliberate creation and sharing of false and/or manipulated information that is intended to deceive and mislead audiences’ (Digital, Culture, Media and Sport Committee, 2019: 10). While an alternative term, misinformation, refers to non-deliberate creation and dissemination of false information, disinformation is intentional and often malicious (Wu *et al.*, 2019).

Disinformation may be referred to as ‘fake news’, commonly by media outlets and politicians. This term, however, does not capture the full complexity of the phenomena at hand. The European Commission’s High-Level Expert Group on Fake News and Online Disinformation argues that disinformation comprises not only the misleading or false information constituted by ‘fake news’, but also fabricated content that is a manipulation of the truth (European Commission, 2018). The meaning of ‘fake news’ has also been obscured due to continued misuse, especially by polarised media, ideological groups and politicians. Often it is deployed to attack opposition views that are not liked or agreed with, even when these views are legitimate, instead of bringing attention to genuine acts of disinformation. Therefore, this report is centred on disinformation specifically, considering it in a political context where false or manipulated information is created and intentionally spread for political gain.

## II. SOCIAL MEDIA’S GREATER ROLE IN POLITICAL CAMPAIGNING

Social media has become deeply connected to politics. This development is underpinned by the new possibilities it presents, including group interaction across times and geography, easy accessibility through mobile phones and the collection of wide-ranging content into a single, navigable location (Ellison and Boyd, 2013). As a result, citizens increasingly engage with politics online, with half of the UK’s adults now receiving their news from social media such as Facebook,



Twitter and Instagram (Ofcom, 2019). Furthermore, social media's affordances have made them attractive platforms for political campaigning, provoking the creation and uptake of new digital campaign strategies. An approximate £3.2 million was spent by political parties on Facebook advertisements in the 2017 general election, significantly contrasting 2015's lower spends of £1.3 million (Digital, Culture, Media and Sport Committee, 2019). Similarly, the Labour Party spent nearly £726,000 on Facebook alone between 6 November and 3 December 2019 (Garcia and Martin, 2019). These examples illustrate the burgeoning significance of social media to political campaigns.

Included in emergent digital campaigning, however, is a greater spread of political disinformation. The Conservative party exemplified this in the 2019 UK general election, creating Facebook adverts with misleadingly edited snippets of BBC footage (Mays, 2019) and changing its Twitter name to masquerade as an independent fact-checker (Perraudin, 2019). Concerns are exacerbated by the possibility of 'micro-targeting' strategies, where specific audiences are targeted with manipulated and false information. Here, user data is analysed to intimately understand the personality characteristics of individuals or groups. Studies have indicated that computer-based modelling can make more accurate personality judgments about an individual than friends, families or spouses simply by analysing their 'liked' posts on Facebook (Youyou, Kosinski and Stillwell, 2015). Messaging and advertising can subsequently be catered to these particular traits such that it resonates with users and of over 87 million Facebook user's personal data to inform targeted advertisements for Donald Trump's presidential campaign in 2016, an effort specifically seeking to attract votes for Trump or discredit Clinton (Isaak and Hanna, 2018).

### III. DEMOCRACY AT STAKE IN THE DIGITAL ERA

The above examples elucidate how false or manipulated information can be used to hijack public opinion, for which there are a number of consequences for democracy. As disinformation campaigns prevent citizens from engaging with high-quality sources of information, these strategies question a key tenet of the UK's democratic system: free and fair elections (Tenove, 2020). We must ask whether voters can really be said to be casting authentic votes that reflect true



intentions, given that their decision-making may have been deliberately manipulated with false content. Furthermore, disinformation campaigns drown out true voter opinions by flooding social media platforms with fake accounts, promoted posts, bots and other tactics (Tenove, 2020). Resulting in more homogenous political viewpoints, these forceful publicity strategies also conflict with principles of democratic pluralism. Finally, new technology developments in big data access, analysis and application underpin a growing concern over online user data protection (Information Commissioner's Office, 2018). Disinformation campaigns predicated on such data risk infringing on voters' rights to privacy, a key democratic provision of the Human Rights Act (UK Government, 1998). Therefore, there is an urgent need to address the problem of disinformation on social media.

Our report has been written as a first step in the process of limiting political disinformation. This is because regulations on this topic are currently lacking, with the Government's current recognition of social media's political challenges predominantly confronting online safety. Therefore, the report brings together recommendations specifically for the democratic impacts of online disinformation. Using the significant existing academic and government literature on this subject, we adopt an advisory perspective, hoping to guide future policymaking by offering a detailed and comprehensive outline for legislating on this problem. What follows, then, are in-depth discussions of the current responses and political constraints to the topic at hand, alongside the key dynamics and processes involved in online disinformation campaigns. Emphasised at the end of each discussion is a conclusion, summarising key implications for the aims of this report. Ultimately, we offer three conclusory policy directions to act as starting points for legislation combating the democratic consequences of online disinformation. These are digital campaign advertising regulations, electoral sanctions for political elites and media literacy programmes.



# Research Methods

This policy proposal is informed by three stages of investigation. Predominantly, we conducted qualitative secondary research, although supplementary primary research constitutes our third stage. These methods were chosen due to the challenges for designing primary research on ‘disinformation’, stemming in particular from inconsistencies in its identification and classification. The variety of actors involved in user-generated content and the dynamic nature of the online world are also inhibitors. Furthermore, despite some aspects of the social media and disinformation field being quantifiable, such as studies of online big data collection and advertising algorithms (Sinclair, 2016), our report’s focus on production, regulation and consumption of political content is better suited by qualitative methods.

## I. SECONDARY RESEARCH

Secondary research was undertaken in two stages. In the first, we examined existing academic literature, UK Government legislation, and news articles to familiarise ourselves with the field of online disinformation in the UK. Here, we discovered significant literature on disinformation’s threat to society and politics, current responses and recommendations for future action. We also identified that comparatively little of the government response material addressed disinformation’s impact on political processes and election campaigning in particular. As a result, we investigated three broad domains for possible consideration in developing policy solutions for the specific interaction of disinformation and campaigning; education, transparency and conduct of political elites. These were subsequently developed into our initial policy ideas. Additionally, research at this stage established the definitions of key terms to be used in the proposal.

Further secondary research comprised an in-depth study of reports focused on specific topics. Our objective at this stage was to deepen our knowledge of the topic of political disinformation in two ways. Firstly, the practice of legislating in this field needed to be understood, including any constraints impeding policymaking as well as the lessons and shortcomings of existing approaches. Secondly, we needed to examine the methods of disinformation in online political campaigning



and consider how our aforementioned three broad domains might be best used to curb the threat. Research at this stage culminated in a case study of the 2016 Brexit Referendum, which included campaigning that epitomizes many of disinformation's democratic concerns, including targeted advertisement strategies and false information championed by political leaders.

## II. PRIMARY RESEARCH

A third stage of supplementary primary research comprised a series of direct communications with academics. While we had a significant body of research and strong comprehension of the topic at hand, we believed that receiving expert opinion on our proposal would bring additional value. Crucially, we saw this as an opportunity for scrutiny and oversight by a fresh pair of eyes, challenging our approach. Furthermore, we believed that these field experts would offer further insights that we had not considered. We contacted academics with research interests in the applied ethics of free speech and censorship, epistemology of public discourse, media ethics, social media and big data, political advertising, and other topic-related areas. The responses, then, have helped us enhance our final report through insights coming from academics at Durham University, University of Edinburgh, University of Oxford, and University of Sheffield.



# Discussion

## I. BACKGROUND

UK Government literature and responses reflect an awareness of social media's implications. Most notably, it has acknowledged the many challenges and risks associated with harnessing the internet's benefits through the proposed 'Digital Charter' (Department for Digital, Culture, Media & Sport [DCMS], 2018). This encompasses three aims; to make the UK the safest place to be online, to ensure that technology works for society and to promote fair and efficient digital markets. A number of government reports that investigate digital implications have also been published by crucial policymaking bodies. These offer guidance on an assortment of concerns including digital advertising (Adshead *et al.*, 2019; Competition and Markets Authority, 2020b), online campaigning (Electoral Commission, 2018), the future of online journalism (The Cairncross Review, 2019) and disinformation (Digital, Culture, Media and Sport Committee, 2019).

Despite this platform for action and numerous recommendations, there remains minimal legislation to combat the risks of social media. Just two responses are in operation: The Social Media Code of Practice and the Rapid Response Unit. The former, a 'statutory guidance' to platforms for responding to online abusive behaviour, is purely advisory and does not acknowledge illegal behaviour or false content (DCMS, 2019). The latter comprises a Cabinet Office Team who attempt to 'rebalance the narrative' of official Government content when it is threatened by disinformation or false stories (Government Communication Service, 2018). However, these safeguarding treatments are limited to Government affairs, not extending to cases of disinformation as a whole, and only attempt to mitigate the impact of disinformation after the fact.

The Government is in the process of introducing further, more substantial, legislation. Crucially, the incoming Online Harms White Paper progresses the Digital Charter's aim to maximise online safety for users (DCMS and Home Office, 2020). It will place a Duty of Care on platforms that host user-generated content to ensure improvement of online safety, primarily through reduction of illegal and harmful online content such as abuse, bullying and terrorism. Additionally, it



empowers Ofcom, a pre-existing body experienced with reconciling harms and freedom of speech, as an independent regulator that can set codes of practice and enforce compliance through substantial fines. While this paper is yet to be passed, it has been supported by the executive with minimal amendment and will make the online world safer for UK users. Regarding concerns over disinformation, however, it makes very limited progress. Indeed, the bill focuses on online platforms' responsibility for harmful content and disinformation with little recognition of its actual production by online users. It also subsumes disinformation into a broader conceptualisation of 'Online Harms', failing to offer a definitive position on such content at this time. Similarly, while it suggests supplementary secondary legislation will offer a response to disinformation, including an expert working group and transparency measures, the specifics of these policies remain to be seen. An additional Government response is in the pipeline, being the creation of a Digital Markets Unit (Competition and Markets Authority, 2020a). However, this body is economy-focused, overseeing a new pro-competition digital markets regime that lies outside this paper's scope of political democratic consequences.

Legislation regulating social media's affordances for online digital campaigning and targeted advertising, therefore, has yet to be enacted. Also, whilst government reports have offered many recommendations, guidance specifically for social media's political consequences is sparse and there is little indication that policymakers are considering legislation on this interaction. While inaction can be partially attributed to COVID-19 and Brexit's diversion of legislative concerns, there nevertheless remain gaps in legislation regarding social media's implications that need to be filled.

## II. CONSTRAINTS

While the threat of online disinformation to democracy requires attention, policy making in this domain is impeded by a number of constraints. We shall discuss the most imperative; the right to Freedom of Expression enshrined under the Human Rights Act [HRA]. Any attempt to regulate individuals' online content, whether true, fake or manipulated, has potential to infringe on one's 'freedom to hold opinions and to receive and impart information and ideas without interference by



public authority and regardless of frontiers’ (UK Government, 1998). As a result, key democratic rights risk being undermined by legislation in this domain. Freedom of Expression, however, is a qualified right. Therefore, it has been restricted on past occasions for reasons ‘necessary in a democratic society’, as permitted in the HRA (UK Government, 1998). A notable example is the Public Order Act which made hate speech a sanctionable offence (UK Government, 1986). More relevant to the topic of disinformation, online expression has previously been restricted via the Communications Act, wherein dissemination of online content considered ‘grossly offensive or of an indecent, obscene or menacing character’ was criminalised (UK Government, 2003). This presents a possibility that infringements to free speech could be considered legitimate when mitigating political disinformation’s threat to democratic institutions.

Although mechanisms exist, we nevertheless emphasise that regulating online disinformation is a difficult and sensitive exercise. There are two possible routes: directly through law or indirectly through placement of responsibility on Social Media platforms. The main danger of direct regulation is that vague or unspecific legislation may grant the government power to determine what is true and what is false. Needless to say, this power is troubling in its exploitability and can be misused against inconvenient news coverage or other legitimate information sources. One such example is Singapore’s recent legislation to counter the creation and communication of disinformation, requiring individuals or platforms to issue correction notices about content if any government minister deems it false (Singapore Government, 2019). Since this law took effect, the broad parameters determining ‘disinformation’ have predominantly been used against individuals and publications who have opposed and criticised the current government (Walden, 2019; Hui, 2020). Although governments can pursue alternative solutions by placing the responsibility of regulation on social media companies themselves, these methods still threaten freedom of expression. Making platforms liable for any harmful content they host risks motivating them to err on the side of caution in order to avoid large fines. If social media companies are made liable for the content they host, then there is the danger that social media companies err on the side of caution and take down entirely legitimate content in order to avoid large fines. Germany’s Network Enforcement Act exemplifies these pressures, requiring companies to remove illegal content, defined in 22 provisions of the criminal code, within 24 hours of receiving a user complaint. If



companies fail to do so, they risk facing fines of up to €50 million (Library of Congress, 2019). Both methods of preventing disinformation have infringed on the right to freedom of expression because regulatory mechanisms are too broad, too convoluted, or poorly conceived.

Understanding sensitivities of legislating on this topic, the policies proposed in this report have been developed to lessen disinformation's impact on political campaigning without unduly infringing on free expression. Crucially, we avoid regulatory approaches that attempt to restrict false information's reach and influence after it has been created online. As illustrated in the background section of this report, current UK responses adopt this perspective alone; it has neither been sufficient for preventing democratic consequences, nor are they sensitive to concerns over freedom of expression. We instead offer guidance for solutions that tread the line between freedom and infringement. To support this endeavour, our policies build on existing mechanisms for campaign and speech regulation where possible, because these offer reliable frameworks for regulations to uphold democratic principles and protect rights. Our policies address political disinformation at its root, confronting online users who spread or are influenced by disingenuous campaigning and the political elites who create it. Direct regulations and sanctions to free speech have been reserved for these elites, whose role as state figureheads and representatives of the people subjects them to more stringent conduct expectations. With this attitude, we hope to enable a better information environment around political campaigning that is compatible with the right to freedom of expression and democratic principles of free and fair elections.

### III. CASE STUDY: THE 2016 BREXIT REFERENDUM

As we have identified, the growing use of social media as a source of information has catalysed a movement to online methods in political campaigning. Insufficient regulation and transparency, together with new possibilities to harvest users' personal data, make it easy and cheap for both campaign groups and the general public to spread disinformation on the Internet. Recent instances which gained vast media attention include the 2016 EU referendum campaigns causing Brexit, the 2016 US presidential election and the 2019 UK General election. We will explore the 2016 EU referendum as an exemplar of disinformation's implications for democratic decision-making.



Despite being a referendum, such votes are overseen by the same bodies and subject to the same rules as elections in the UK. Therefore, the following analysis can be generalised to all UK campaigning.

An infamous ‘Vote Leave’ online message (also seen on the campaign bus) exemplifies how political leaders and official campaigns can overtly employ false or misleading information as a central part of their campaign messaging and strategy. It claimed:

*‘We send the EU 350 million a week, let’s fund our NHS instead, Vote Leave, Let’s take back control’*

Responding to concerns over the veracity of the statement, a Liberal Democrat MP requested a review. The Chair of the UK Statistics Authority evaluated the claim as follows:

*‘I conclude that there is a lack of clarity in the way the official statistics have been drawn on in the statements I have considered. In particular, I note the use of the £350 million figure, which appears to be a gross figure which does not take into account the rebate or other flows from the EU to the UK public sector (or flows to non-public sector bodies), alongside the suggestion that this could be spent elsewhere. Without further explanation I consider these statements to be potentially misleading. Given the high level of public interest in this debate it is important that official statistics are used accurately, with important limitations or caveats clearly explained.’*

*(UK Statistics Authority, 2016)*

This scenario illustrates both the democratic threat of online disinformation, as well as the limitations of current regulations on political leaders’ conduct and campaigning regulations. Firstly, despite its labelling as a ‘misuse of statistics’, 42% of those who observed the above claim believed it to be true (The Policy Institute, 2018). Contributing to greater issues in the Brexit Referendum, whereby many in the British Public had misconceptions of the UKs relationship with the EU, this example epitomises concerns of how disinformation might manipulate individuals’ authentic perceptions of important matters during democratic process. In this case, voter participation



influenced by false information about the EU had significant implications, with the UK departing from the institution. Secondly, while the statement was officially condemned, this only occurred after the vote took place. As such, its intended influential impact transpired without oversight or consequence at the time, illustrating how current campaign conduct and regulation mechanisms are unfit to scrutinise disinformation before it impacts electoral outcomes.

Campaign strategies used by both ‘Vote Leave’ and ‘Leave.EU’ also demonstrate the threat of using data from social media to target specific voters with online messages designed to appeal to them based on intimate understandings of their personal characteristics, emotions and opinions. The dangers of ‘micro-targeting’ and non-transparent financing of online campaigns have been best exemplified by the targeted advertisement scandals surrounding Cambridge Analytica and Aggregate IQ, their deep analysis of Facebook user data, and their involvement multiple political campaigns. This peaked with Project Alamo, a targeted use of 87 million user’s personal data to benefit Donald Trump in the 2016 presidential election (Isaak and Hanna, 2018), although the firms were also involved in Leave campaigns of the Brexit Referendum. Proposing the regulation of transnational social media companies, such as Facebook and Twitter, is beyond the scope of this policy report and also on the border of the UK Government’s sphere of influence. However, the spread of online disinformation could be mitigated by greater regulation of campaign advertising on social media, including greater transparency of its funders and targeting mechanisms, which would be required to disclose by those who create and post content on social media rather than the social media platforms themselves.

In the 2019 UK General Election, the proliferation of online political disinformation was also prominent. During the first TV debate between Boris Johnson and Jeremy Corbyn, the Conservative Party posed as an independent fact-checker, using the account name ‘factcheckUK’ on Twitter (Perraudin, 2019). Throughout the debate, they tweeted biased or false information against Corbyn as if it were fact. At the end of the debate, it pronounced Johnson the ‘clear winner’. Although Twitter is partially to blame as a company for allowing this kind of disinformation on their platform, ultimately the source of disinformation was a deliberate choice made by the Conservative Party and the lack of transparency on their part is apparent here.



# Policy Directions

The previous sections offer a thorough account of the problem that disinformation poses to democratic voting processes. The case study, into Brexit specifically, highlights the two most threatening methods of digital campaigning. The first is the overt usage of false or misleading statistics in campaign messaging by political elites. Secondly, micro-targeting strategies may be used to influence voter decision making through underhand dissemination of manipulative disinformation. While methods for regulating this domain are constrained by concerns over freedom of expression, we have demonstrated the urgent need to address the democratic consequences of emergent digital campaign strategies. As the current Government policy and platform is insufficient in this regard, we therefore recommend the following directions to facilitate new legislation on the interaction between disinformation and political campaigning:

## **1. Inclusion, in any Government digital literacy programme, of skills for critically appraising and discouraging spread of online disinformation during political campaigns**

Without digital skills, citizens are neither aware of disinformation's manipulative potential, nor can they cautiously engage with its use in political campaigning. Given shortages in media literacy teaching across the UK that suggest individuals lack sufficient digital skills, policy to strengthen this should be advanced (Ecorys UK, 2016). The Government can build on current platforms and regulators to support this initiative. While the Online Harms White Paper promised the announcement of a new Media Literacy Strategy (DCMS, 2020), the bill's broad focus on 'harms' marginalises disinformation as an independent threat with political consequences. Therefore, we strongly encourage the strategy to emphasise the political implications of digital technologies, especially with regard to disinformation, targeted adverts and voter manipulation. This will equip individuals with necessary tools for engaging with democratic votes. We also recommend that skills for critically appraising online political content are instilled at an early age by adding Digital Literacy to the compulsory PSHE curriculum taught in schools (Department for Education, 2020). As a long-term initiative, individuals will learn these skills when young and can then deploy them throughout the rest of their lives. Although Media Studies courses do exist throughout UK education systems, their optional nature and low uptake necessitates this new blanket approach



(Vidal Rodeiro, 2019). Finally, Ofcom, charged with promoting media literacy in the UK (Ofcom, 2004), should be granted greater remit and powers to require stakeholders to promote literacy. This is a broader approach that facilitates the authority's role in supplying digital skills across the UK, including those of critical online content appraisal outlined in this report. These recommendations will, together, enable voters to avoid undue influence of false and manipulated campaign information. As a result, disinformation will have less of an effect on voting outcomes.

## **2. Increased regulation of political campaign advertising, including the examination of advert content and greater transparency of advertisement backers or targeting mechanisms**

The current electoral rules and oversight systems are not designed with digital campaigns in mind. While they do place some regulations on political parties, these fail to capture the activities of individuals, small groups and online campaigning as a whole (Dommett, 2020). Therefore, it is imperative to reform the electoral laws such that they can respond to targeted advertisement strategies on social media. To regulate digital campaigning, then, the UK government should extend its current oversight mechanisms to include digital platforms. In addition to the Electoral Commission's suggested imprints on campaigning material to signpost purpose to online users (Dommett, 2020), we recommend that advert content should be examined through the Electoral Commission, the Office of Communication and the Advertising Standards Authority. This will ensure that campaigns messages are fact-checked and scrutinised for disinformation. We also call for greater transparency in online campaign activities. Information should be recorded and published on advertisement funders, the methods of targeting and which personality characteristics are being targeted. Social media platforms have created advertising archives, such as Facebook and its political ads library. However, this data is rudimentary and inconsistent. Government regulation is therefore necessary to standardise this information and guarantee is accessibility. Furthermore, although the Electoral Commission reviews party donations greater than £7500, it has minimal scope with regard to indirect campaigning through advertising on social media. Campaigns that spend below £200, the expenditure of most low-cost online ad campaigns, are also exempt from providing invoices under current regulations (Neudert, 2020). We therefore suggest extending the Commission's remit to limit and monitor party spending on social media advertisements, alongside lowering the spending threshold of invoice exemption. These updated



regulations on online political advertising will ensure greater accountability of campaigns for their strategies and messages, curbing the production of disinformation.

### **3. Amendment to the Electoral Commission’s list of sanctionable electoral offences to include acts of public disinformation committed by candidates and campaigns**

Of all the sources and spreaders of disinformation, regulating political elites’ campaign conduct is of paramount importance to ensure healthy voting procedures. When left unchecked, these candidates can succeed based on campaign platforms and voter support that they have falsely manipulated or misled to benefit themselves, undermining democratic principles. The UK government must use existing precedents, for restricting speech of political elites, and mechanisms, for enforcing campaign practices, to suppress new threats of disinformation. We recommend that acts of political disinformation, online or otherwise, should be considered a sanctionable electoral offence. This should be added to the list of wrongdoings overseen and enforced by the Electoral commission to make use of existing punishment mechanisms (Electoral Commission, 2019). Key campaign actors can resultantly be held accountable for misleading voters with false content. Additionally, we suggest further actions to support this recommendation. Firstly, we reiterate a need to monitor official campaign material during campaigns. This is crucial to identifying and addressing disinformation from political elites before it makes an influential impact on voters and alters electoral outcomes. The official condemning of the ‘Vote Leave’ bus slogan after it had already instilled negative and misleading perceptions of the EU epitomises the necessity of such examinations (UK Statistics Authority, 2016). Secondly and more generally, while political advertising is prohibited on television and the radio, this is not extended to new online methods (UK Government, 2003). Campaigning on broadcast media is instead permitted only through Party-Political Broadcasts, with strict rules determining their content and eligibility of parties to hold one (Ofcom, 2020). We call for similar rules and regulations regarding online campaigning, using the Communications Act as precedent for restrictions to political elites’ methods for expression and speech. This will facilitate more controlled information environments and conduct of political elites. Collectively, legislation following from this recommendation should dissuade politicians from using manipulated or false information in their campaigning strategies. Such solutions will, in turn, ensure purer democratic voting processes based on authentic voter intentions.



## Conclusion

In this report, we hope to have highlighted the shortcomings of current UK legislation in addressing the disinformation prevalent in contemporary political campaigning. As we noted in our analysis of the 2016 Brexit referendum, disinformation poses a real threat to our democratic institutions and processes. While social media companies often promote themselves for being equalising platforms which espouse the value of free speech and, with it, democracy, they may facilitate the opposite and are vulnerable to exploitation for political gain. Through micro-targeting advertisements and abilities for far-reaching influence, misleading or dishonest online campaigning threatens a fundamental principle of the UK's democratic system: free and fair elections.

The continued emergence of new technologies and social media companies calls for immediate confrontation. However, we noted any legislation around disinformation, especially with regard to political content and discourse, must be extremely mindful of its potential infringing on the right to freedom of expression. Through writing this report over the last year, we have come to appreciate just how multifaceted the issue of political disinformation on social media is and just how complex it is to regulate. In order to effectively address this issue, we think governments must make moves to implement incremental policies aimed at bettering the online environment for political discourse and information while enabling a populace with skills to navigate it fruitfully.

1. We suggest for any Government digital literacy programme to specifically address online disinformation during political campaigns. If the public is enabled to discern the veracity and trustworthiness of content that ends up in their social media feeds, they will be better equipped to prevent such content from manipulating their views.
2. We recommend greater examination and transparency in political campaign advertising. Strong content oversight mechanisms can ensure standardised knowledge about the sources of



political content that online users are exposed to. Granting voters access to this information will, in turn, signpost and facilitate the need to critically engage with such content.

3. We call for the production and campaigning of disinformation to be included as a sanctionable electoral offence. Political elites are crucial to the representative function of the UK's democracy, translating public interests into governance and legislation. The standards they are held to must reflect this role.

Although political disinformation is by no means solved through our campaign-focussed proposals, we believe they offer an important step in the right direction. Ultimately, we want our report to act as a guideline or inspiration for future policy making and will endeavour to extend its reach by engaging interested stakeholders and academics.

We hope you have enjoyed our report and, like us, have gained a new appreciation for the ways in which social media can threaten democratic values.



## Next Steps

After publication, we would like to see this report influence government thought and decision-making. We have adopted an advisory perspective; our intention was not to offer complete policies for direct implementation. Instead, we have made observations that we hope will draw attention to, and provide possible solution routes for, the interactions of disinformation and political campaigning. More specifically, our ambition is to distribute our proposal to think tanks, the Scottish and UK Governments, and academics that might develop our analysis into policy recommendations.

We recognise some obstacles to developing and implementing legislation based on our recommendations. In particular, we concede the difficulties of calling for greater transparency of political advertising and holding political elites accountable for acts of misinformation. These proposals present a practical problem as such regulations conflict with politician's self-interested desire to win office through elections. Indeed, it limits the influence and power of online campaigning strategies. More generally, these policy recommendations ask politicians to regulate their own actions and freedoms. These difficulties must be considered when passing policy on this topic.

Finally, we acknowledge that some might consider social media legislation to be less urgent than the ongoing COVID-19 pandemic. However, considering increased digital interaction due to social distancing and many cases of health and political disinformation surrounding viral mitigation policies, legislation of this type remains of significant importance. Therefore, the Government should consider an accelerated response to the problems of disinformation.



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