



Rialtas na hÉireann
Government of Ireland

Interdepartmental Group on Security of Ireland's Electoral Process and Disinformation

Progress Report

November 2019

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Overview

This 2nd report of the Interdepartmental Group (IDG) on Security of the Electoral Process and Disinformation presents a first assessment of the progress achieved on the recommendations of the 1st IDG Report, since its publication in July 2018.

The Government established an Interdepartmental Group (IDG) on Security of the Electoral Process and Disinformation in December 2017 to consider the issues arising from recent experiences in other democratic countries with regard to the use, and misuse, of social media by external, anonymous or hidden third parties. The IDG membership includes Departments and Organisations responsible for relevant policy areas. A full membership list can be found at Appendix 1.

The IDG's 1st Report was brought to Government and published in July 2018. The main finding was that risks to the electoral process in Ireland are relatively low but that the spread of disinformation online and the risk of cyber-attacks on the electoral system pose more substantial risks. This aligned with EU findings and recent international experience. The Report outlined 7 recommendations, which were developed to form the basis for a multi-faceted, whole of government approach to safeguarding of the electoral process from disinformation and security risks.

Recommendations 1 *Expedite the establishment of an Electoral Commission as outlined in the Programme for Partnership Government* and 3 *Regulate transparency of online political advertising* were deemed as key to tackling this issue.

This report contains an outline proposal for regulating transparency of online political advertising.

All 7 recommendations, and the current status of each, are outlined in Table 1.

Table 1: the 7 Recommendations of the 1st IDG Report

	Recommendation	Department/Organisation Responsible	Current Status	Deadline
1	Expedite the Establishment of an Electoral Commission	Department of Housing, Planning and Local Government	In progress	Autumn 2020
2	Advance the modernisation of voter registration	Department of Housing, Planning and Local Government	In progress	Approximately end of 2021
3	Proposal to regulate transparency of online political advertising	Department of Housing, Planning and Local Government; Department of Communication, Climate Action and Environment	In progress	2020
4	Reform of legislative provisions concerning funding of election and referendum campaigns	Department of Housing, Planning and Local Government	In progress	Post establishment of Electoral Commission
5	Support the EU Commission's work in tackling online disinformation	Joint-led approach by a number of departments	Ongoing	Ongoing
6	Continue to advance national level media literacy initiatives	Broadcasting Authority of Ireland, Department of Education and Skills	Ongoing	Ongoing
7	Enhance cyber security measures around electoral process including providing advice to political parties	Department of Communication, Climate Action and Environment; Department of Housing, Planning and Local Government	Ongoing	Ongoing

The Security of the Electoral Process and Disinformation is a multi-faceted issue with a reach into many different organisations of the State. The IDG still takes the view that implementing recommendations 1 and 3 should be the priority.

With regard to regulating the transparency of online political advertising, the IDG reiterates that the Electoral Commission, when established, will be the appropriate authority to oversee and regulate this area and welcomes the progress in establishing an Electoral Commission.

In the interim the IDG is of the view that an appropriate statutory body (such as SIPO) may have to be mandated and resourced to provide oversight pending the establishment of the Electoral Commission.

The IDG is conscious of the work being done by industry to self-regulate transparency of online political advertising, but acknowledges that it is not enough to leave it up to the market. *Elect Check 2019*¹ reports on political advertising online during the 2019 European Elections, identifies the efforts being made, but also the shortcomings.

The Report, (commissioned by the BAI) finds while Google, Facebook and Twitter have made substantive efforts to support the integrity of elections by the provision of publicly available advertising libraries, much more is required to facilitate effective media monitoring of digital political advertising and campaigning.

Disinformation, and the threat it poses to democracy, is a global issue and it is important therefore to progress regulation in the context of relevant national and international developments such as those at EU level – which are outlined in a later section of the report under Recommendation 5 *Support the EU Commission's work in tackling online disinformation*.

The IDG will continue to advance all recommendations towards our common goal.

¹ Elect Check 2019 report published in September 2019 by The Institute for Future Media & Journalism (FUJO), Dublin City University.

Update on Recommendation 1 - Expedite the establishment of an Electoral Commission as outlined in the Programme for Partnership Government

Responsible: Department of Housing, Planning and Local Government

In its 2018 Report, the IDG identified the absence of an Electoral Commission with a complete oversight role in respect of Ireland's electoral processes as a matter of concern. The IDG recommended the establishment of an Electoral Commission be expedited, as outlined in the Programme for Partnership Government, to mitigate against risks identified in its report.

Subsequent to the IDG Report, the Department of Housing, Planning and Local Government published a Regulatory Impact Analysis on the Establishment of an Electoral Commission, which was the subject of a public consultation between 27 December 2018 and 15 March 2019. The Regulatory Impact Analysis set out four options, in respect of a prospective Commission's legislative status, and the functions that might be assigned to it. The consultation responses indicated strong support for the establishment of an Electoral Commission on a statutory basis, with a stepwise approach to the transfer of functions.

Against this background, the Government approved the establishment of an Electoral Commission on a statutory basis on 17 July 2019, and work has now commenced on the drafting of a General Scheme of an Electoral Commission Bill.

It is intended that the Electoral Commission will bring together several electoral functions from the outset, including the Register of Political Parties, the Referendum Commission and the Constituency Commission and will have a role in relation to the oversight of the Regulation of Transparency of Online Political Advertising (see Recommendation 3). It will also include a new research and advisory function, which will inform the Government and Oireachtas in their consideration of future reforms to electoral law.

Update on Recommendation 2 - Advance the modernisation of the voter registration process

Responsible: Department of Housing, Planning and Local Government

Public Consultation

The modernisation project is currently underway and is expected to take some 2-3 years to complete; it will include significant consultation to ensure understanding and buy-in from all stakeholders. Following an initial technical consultation with Local Authority Franchise teams in the summer of 2018, a public consultation was initiated and ran from 17 December 2018 to 15 March 2019.

Over the course of the public consultation, a total of 187 submissions were received from a range of stakeholders and all modernisation proposals set out in the consultation documents were addressed. Respondents were generally well disposed to the proposed changes but were cautious and had some reservations on proposals that could impact on the integrity of the register or on the registration process. Security and stability of the system; data protection and the importance, at the same time, of ensuring accessibility and ease of use for all were key themes raised.

A detailed report on the public consultation is in preparation within the Department of Housing, Planning and Local Government and will be published shortly. Autumn 2019 will see some of the project governance structures coming together, including the identification of a project board. In line with the recommendations of the IDG Report, representation from the National Cyber Security Centre will be sought.

Voter.ie Platform

Following the successful piloting of the voter.ie platform developed by the Dublin Local Authorities, a robust independent evaluation of the platform is planned to enable a recommendation to be made to Government on a national roll-out. It is proposed to submit an implementation proposal to Government before the end of 2019. In addition to the recommendation on voter.ie, the proposal will include a general scheme for the legislative changes needed to underpin the modernisation project.

Risks

The IDG Report also recognised that some of the proposals for modernisation, such as a central register database or introducing an online portal for registration could increase certain risks. Therefore, it is crucial that mitigation measures are put in place. These risks were identified as primarily cyber security risks: -

- Destabilisation events such as Distributed Denial of Service (DDOS) attacks could, for example, bring down the registration portal in the 48 hours before the closing date – adversely affecting those people who are most likely to leave registration to the last minute;
- Manipulation of the Electoral Register comprising any illicit or unauthorised amendment of the register, including the removal of valid voters from the list, or the insertion of fraudulent or non-existent entries - could potentially sway the outcome of an election in a given constituency, or undermine public confidence in the electoral process or outcome thereof;
- The theft of information from the systems.

Recommendations in the report relating to these risks include engaging with the National Cyber Security Centre (NCSC) and its appropriate involvement in the modernisation process. In this context, the NCSC will be included in the IT Security and Data Quality sub-group of the Modernisation Project Board. This sub-group will be charged with identifying the highest possible levels of security and stability of IT systems and overseeing the procurement processes to achieve those, including provision in the long-term management of the system for regular security testing and reporting.

Furthermore, it is acknowledged that undermining public confidence in the system could be an end in itself; different measures are required to counter this risk. In this regard, it is intended to regularly survey public attitudes and perceptions of the electoral registration process to monitor overall satisfaction and to identify early any risks to public confidence in the system and the possible reasons for it to enable early action.

Update on Recommendation 3 - Regulate transparency of online political advertising

Responsible: Department of Housing, Planning and Local Government; Department of Communication, Climate Action and Environment

Public Consultation

Following publication of their 1st report, the Interdepartmental Group on Security of the Electoral Process and Disinformation announced a public consultation on the regulation of transparency of online political advertising on 21 September 2018 inviting submissions from all stakeholders, interested parties and members of the public. The closing date for receipt of submissions was 19 October 2018. A discussion paper, which briefly outlined the issues and challenges involved in regulating in this area issued as part of the consultative process to inform debate and assist stakeholders with their submissions.

A total of fifteen submissions were received in response to the public consultation from a broad range of stakeholders. The submissions received provided a basis for further consideration of the issues at an Open Policy Forum on the regulation of transparency of online political advertising which was held in Dublin Castle on 6 December 2018.

Open Policy Forum

The aim of the Open Policy Forum was to identify policy solutions that respected the right to freedom of expression and relevant EU law while promoting the transparency necessary to open political discourse in a democracy that would protect electoral processes from hidden influences and disinformation and also build trust in democracy. The Forum featured participation by a variety of speakers including from: media and political spheres, online companies, the advertising industry, academia, civil society and the European Commission.

A report and recording of the Open Policy Forum was published and is available on www.gov.ie

Outline Policy Proposal to Regulate Transparency of On-line Political Advertising

Overview of Policy Proposal

Following the public consultation and open policy forum on this issue, it is now proposed to make provision in legislation for regulation of transparency of online paid political advertising within election periods.

This proposal to regulate is limited to online political advertising and should be seen as an interim measure until the establishment of a Statutory Electoral Commission which will oversee a wider reform of electoral processes.

This proposal will require primary legislation and the development of this legislative scheme will allow for the details of the proposal to be expanded upon and for the Office of the Attorney General to examine and advise on all matters.

A principle-led statutory basis is recommended because it is important that any regulation is 'future-proofed', in order to allow for flexibility and responsiveness to technology/ behavioural changes in the online eco-sphere. It is also important that language used is technology neutral and avoids reference to specific online platforms or products.²

Policy Objectives

The overarching policy objectives are:

- to protect the integrity of elections, ensure they are free and fair, and not captured by a narrow range of interests.³
- to respect the fundamental right to freedom of expression and the value of political advertising and its importance to democratic and electoral processes while ensuring that regulation of expression meets the requirements of lawfulness, necessity and proportionality.⁴
- to respect the role of the internet in the public sphere of political discourse and ensure that the public have access to legitimate information required in order to make autonomous voting decisions.

² This was emphasised by a number of submissions to the Public Consultation on Regulation of Transparency of Online Political Advertising, October 2018.

³ Council of Europe, 'Internet and Electoral Campaigns, Study on the use of internet in electoral campaigns', Council of Europe Study DGI (2017) 11, Council of Europe, April 2018.

⁴ As noted by the Irish Council for Civil Liberties in their Submission to the Public Consultation on Regulation of Transparency of Online Political Advertising, October 2018.

Responsibility

Department of Housing Planning and Local Government will take lead responsibility for drafting a General Scheme of a Bill in conjunction with Department of Communications, Climate Action and Environment and other members of the Interdepartmental Group on Security of the Electoral Process and Disinformation (IDG) as appropriate. (See Appendix 1 for full membership of IDG).

Statutory Provisions for Proposed Legislation

It is proposed that a basis in statute is laid down that requires certain information to be displayed on online paid political advertising in a 'clear and conspicuous manner'.⁵

The scope of provision for what constitutes a political advert should align with the scope of 'political purposes' as defined under the Electoral Act.⁶ It is important that the meaning of "political purposes" be consistent in all legislation. It is acknowledged that proposals for a definition of political advertising have been suggested⁷, and this was a topic of discussion at the Open Policy Forum. However, it is not proposed to amend/change this at present. The definition will be reviewed by the Department of Housing, Planning and Local Government as part of a wider review of the Electoral Acts and the establishment of the Electoral Commission.

⁵ As proposed by Deputy James Lawless in his submission to the Public Consultation on Regulation of Transparency of Online Political Advertising, October 2018.

⁶ As suggested by SIPOC in their Submission to the Public Consultation on Regulation of Transparency of Online Political Advertising, October 2018. It is also noted that in the context of the prohibition on political advertising (advertising directed towards a 'political end') in broadcast media that the BAI have referred to a definition laid down in the High Court Judgement *Colgan V IRTC* (1998).

⁷ As per the Irish Council for Civil Liberties' submission to the Public Consultation on Regulation of Transparency of Online Political Advertising, October 2018. This has particular regard to issues faced by civil society organisations under current provisions in the Electoral Act. These issues are also noted by other consultation submissions including by the Transparent Referendum Initiative, Uplift, and SIPOC. In addition, the BAI, in their submission, note the current work of the IDG 'provides an opportunity to put a cross-media definition of political advertising on a statutory footing'.

A definition of political purposes is provided for in Section 22 of the Electoral Act, 1997, as amended by the Electoral (Amendment) Act, 2001:

“Political purposes’ means any of the following purposes, namely -

- (i) (I) to promote or oppose, directly or indirectly, the interests of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament, or
- (II) to present, directly or indirectly, the policies or a particular policy of a political party, a political group, a member of either House of the Oireachtas, a representative in the European Parliament or a third party, or
- (III) to present, directly or indirectly, the comments of a political party, a political group, a member of either House of the Oireachtas, a representative in the European Parliament or a third party with regard to the policy or policies of another political party, political group, a member of either House of the Oireachtas, representative in the European Parliament, third party or candidate at an election or referendum or otherwise, or
- (IV) to promote or oppose, directly or indirectly, the interests of a third party in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to a policy or policies or functions of the Government or any public authority;
- (ii) to promote or oppose, directly or indirectly, the election of a candidate at a Dáil, Seanad or European election or to solicit votes for or against a candidate or to present the policies or a particular policy of a candidate or the views of a candidate on any matter connected with the election or the comments of a candidate with regard to the policy or policies of a political party or a political group or of another candidate at the election or otherwise;
- (iii) otherwise to influence the outcome of the election or a referendum or campaign referred to in paragraph (i) (IV) of this definition.”

Outline of Regulatory Controls for Transparency of Paid Online Political Advertising

It is proposed the legislation would apply to online platforms, as sellers or intermediaries of political advertising, and buyers of political adverts. The obligation would be placed on the seller to determine that an advert falls under the scope of the regulation.

The online platform, or the seller (if not the online platform) should ascertain:

- The content of the advertisement i.e. whether the advertisement relates to an election campaign, a referendum proposal or is promoting an electoral candidate or political party,
- If the content is political: whether a micro-targeting algorithm has been used;
- The address of the advertiser (postal address, web or/and email address).

The ability should exist to seek advice in this regard, from the regulator or relevant monitoring authority, as is provided for in ethics legislation.⁸

Exceptions

Online advertising that is placed or promoted at the request of a Referendum Commission, in relation to a matter referred to in Section 3 of the Referendum Act 1998, should be considered for exemption given its political impartiality.

Information Requirements for online paid political advertisements

Online paid-for political advertisement should be labelled as such and clearly display certain information, or a link to the information, in a clear and conspicuous manner⁹:

- Similar to imprint requirements for election posters under Electoral Act:
 - Name and address (postal address, web or email address, i.e. reliable contact information¹⁰) of person or entity who paid for the online political advertising
- Confirm if targeting was applied, and description of target audience/criteria applied and if the target audience contains 'Look alike' target lists;
- Cost of the advertising - requirement should apply to both content creation and distribution;¹¹
- Engagement metrics¹² (e.g. no of impressions that the advert would desirably reach);
- Time period for the running of the advert;¹³
- Information should be disclosed in real time;

Specific Requirements will be developed as part of the Heads of the Bill having regard to the FUJO Report and in consultation with relevant stakeholders.

⁸ See for reference, Guidelines on Compliance with the Provisions of The Ethics in Public Office Acts 1995 And 2001.

⁹ As proposed by Deputy James Lawless in his submission to the consultation on Regulation of Online Political Advertising, October 2018 - as per Honest Act Bill (USA)

¹⁰ As per the Digital Advertising Alliance's 'Application of the Self-Regulatory Principles of Transparency & Accountability to Political Advertising.'

¹¹ Ibid.

¹² As recommended by the Transparent Referendum Initiative in their submission to the public consultation on Regulation of Transparency of Online Political Advertising, October 2018.

¹³ Ibid.

Verification

The seller would be required to verify the identity of the buyer, the address of the buyer, and ensure that the political advert contains the necessary required information above.

Identification and verification procedures should ideally align with Sections 33 to 39 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, which provide the Customer Due Diligence measures a firm must take in order to comply with its obligations in respect of identifying and verifying customers.¹⁴

The buyer would be required to provide evidence of their identity and address to the seller, and ensure that the information they provide is truthful and accurate. The buyer would also be required to provide the seller with the information necessary to comply with the information requirements detailed above, for example the cost of advertising content creation.

Compliance/Monitoring

It is proposed that there would be joint liability on both seller and buyer of the advertisement to comply with information requirements for online political advertising, as above.

The forthcoming Electoral Commission (when established) would have a monitoring and oversight role for this regulation. It is proposed that consideration be given to the Standards in Public Office Commission (SIPOC), as an independent statutory body, carrying out a compliance and monitoring role, while awaiting establishment of the Electoral Commission. Such a role for SIPOC would need to be adequately resourced.

Access to Information

Sellers would be required to hold publicly accessible repositories of advertisements, which include information about adverts such as source, source location, content production, costs and details regarding distribution such as channels, target audience and use of data¹⁵. The monitoring body would be empowered to issue guidelines on accessibility.

Time Period for which Regulations would apply

Not less than the period in which election posters can be erected. This is either (a) 30 days before the poll date or (b) from the date the polling day order (or equivalent) for the election has been completed, whichever provides the shorter period of time.¹⁶

¹⁴ Central Bank - Anti-Money Laundering and Countering the Financing of Terrorism Guidelines for the Financial Sector – 2018 Consultation Document

¹⁵ Elect Check 2019 report published in September 2019 by The Institute for Future Media & Journalism (FUJO), Dublin City University

¹⁶<https://www.dccae.gov.ie/en-ie/environment/topics/waste/litter/Pages/Election-Posters0331-3567.aspx>
Provided for in Section 19(7)(c) of the Litter Pollution Act 1997, as substituted by S 9 of the Electoral (Amendment) (No 2) Act 2009.

Offences

It would be an offence for the seller to allow the purchase and publication of an online political advert that does not contain the necessary information.

It would be an offence for the buyer of the advert to provide false or misleading information.

Penalties

Approach could include:

- Summary conviction, in accordance with the Fines Act 2010, can result in a Class A fine of €5,000 or imprisonment for the term not exceeding 12 months or both.
- Conviction on indictment can result in a term of imprisonment of up to five years or a fine, or both.

The serious impact that an offence could have on such a fundamental part of our democracy warrants these serious penalties. It also ensures that all appropriate investigative tools are available to An Garda Síochána if an investigation is required.

Related Risks

- Ensuring full consideration of the wider legislative and regulatory framework for media in Ireland, see summary of current provisions for Political Advertising in traditional and linear media at Appendix 2.
- Inconsistency in the regulatory framework for political expression across all media and formats.¹⁷ This inconsistency is recognised. As outlined in the IDG 1st Report, online advertising represents an acute problem. Given the total absence of regulation at present it is important that it is now addressed. It is the view of the IDG that, remedying this inconsistency across other media, should only be attempted as part of a comprehensive review of both electoral and broadcasting legislative frameworks. In addition, the BAI's call for media neutral controls are noted.
- Could disproportionately deter people from expressing opinions via issue-based advertising.¹⁸
- Malicious actors could find a way around regulations.
- 'Information fatigue' with regard to regulating transparency of online political advertising.¹⁹

¹⁷ This inconsistency is alluded to in the submission made by the Broadcasting Authority of Ireland to the Public Consultation on Regulation of Transparency of Online Political Advertising in 2018.

¹⁸ As noted by the Irish Council for Civil Liberties in their Submission to the Public Consultation on Regulation of Transparency of Online Political Advertising, October 2018.

¹⁹ As noted by the Data Protection Commission in their submission to the public consultation on Regulation of Transparency of Online Political Advertising, October 2018.

Progress Report

Of the Interdepartmental Group on Security of Ireland's Electoral Process and Disinformation

Next Steps

Step	Timeline
Department of Housing, Planning and Local Government to bring Heads of Scheme to Government in conjunction with the Department of Communications, Climate Action and Environment and other members of the IDG	Q2 2020
Implement a public awareness campaign in advance of legislation coming into operation. (DHPLG)	

Update on Recommendation 4 - Reform of legislative provisions concerning the funding of election and referendum campaigns

Responsible: Department of Housing, Planning and Local Government

The establishment of an Electoral Commission will bring significant change to the oversight of the electoral system in the State having regard to the range of functions, membership, accountability mechanisms and legislative powers that may be assigned to it by Government in due course. In this context, the Department of Housing, Planning and Local Government notes the recommendation by the Standards in Public Office Commission that an *“...electoral commission should be established, and a comprehensive review of the Electoral Acts should take place, preferably in the context of the creation of an electoral commission.”*

Against this background, it is envisaged that a comprehensive review of the legislative provisions on the funding of election and referendum campaigns should be progressed, in the first instance, through the auspices of an independent Electoral Commission having regard to its proposed research and advisory function to inform the Government and Oireachtas in their consideration of future reforms to electoral law. In the interim, the Department of Housing, Planning and Local Government is aware of views that have been expressed by a number of civil society groups with regard to the third-party funding provisions that currently apply under the Electoral Act 1997 and will continue to examine any submissions or views that any interested parties wish to make in this regard.

Update on Recommendation 5 - Support the EU Commission's work in tackling online disinformation

Responsible: Joint-led approach by a number of departments

The bullet points below outline developments at an EU-level in relation to tackling disinformation, all of which Ireland has actively supported politically, and at an operational level through our participation in the newly-formed (July 2019) Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats (which was previously a Friends of the Presidency Group on Countering Hybrid Threats).

- The **European Council Conclusions of June 2018** called for the formulation of an Action Plan with specific proposals for a coordinated EU response to disinformation.
- The **Joint Action Plan on Disinformation** was subsequently developed by the Commission and the European External Action Service and endorsed by the European Council in **December 2018**, with the aim of improving the detection and analysis of disinformation, strengthening cooperation and joint responses, mobilising the private sector, raising awareness and increasing societal resilience. As part of the Action Plan, a **Rapid Alert System was launched in March 2019** to allow Member States to provide real-time alerts of disinformation campaigns. Ireland has appointed a point of contact to the Rapid Alert System.
- A June 2019 European External Action Service / European Commission Report on the implementation of the EU's Action Plan Against Disinformation stated that **evidence to date had not identified a distinct cross-border disinformation campaign from external sources specifically targeting the European elections**. However, the evidence collected did suggest continued disinformation activity from sources aiming to suppress turnout and influence voter preferences.
- The Commission has also prepared a **Code of Practice on Disinformation (signed in October 2018)** under which a range of online platforms, leading social networks and the advertising industry have agreed to take steps to address the spread of online disinformation and fake news. This Code of Practice sets out a wide range of commitments - from transparency in political advertising to the closure of fake accounts.
 - Monthly monitoring reports conducted by the Commission have found that improvements have been made in political advertising, service integrity and education. However, some shortcomings were identified, particularly relating the transparency of thematic advertising and third-party control.
 - The **European Regulators Group for Audio-visual Media Services (ERGA)** is the body tasked with supporting the European Commission in monitoring the implementation of the Code. 13 National Media Regulators agreed to participate in an ERGA led project. The Broadcasting Authority of

Ireland (BAI), commissioned the Institute for Future Media and Journalism at Dublin City University to conduct a monitoring project of the political advertising archives provided by Facebook, Google and Twitter.

Its report, *Elect Check 2019* (published Sept 2019), found that Industries proactively engaged with commitments under the Code including the provision of publicly available advertising libraries. However, inconsistencies across the three companies resulted in a systematic lack of transparency and comprehensive understanding of political and issue-based advertising online. It concluded that much more is required to facilitate effective media monitoring of digital political advertising and campaigning.

- The Commission has announced its intention to conduct an in-depth evaluation of the implementation of commitments undertaken by online platforms and other signatories under the Code of Practice by year end.
- The **General Affairs Council adopted Conclusions in February 2019** centred on safeguarding free and fair European elections against the risk of disinformation campaigns. Measures taken include:
 - A mapping exercise to assess the institutional capacity of Member States to address disinformation and any domestic legislation that exists to discourage disinformation;
 - Building up a network of fact-checkers and media monitors across the EU;
 - The EU is setting up its own debunking website, 'EUvsDisinfo'.
- The **Commission published a progress report** in May 2019 on implementation of the 2016 Joint Framework on Countering Hybrid Threats and the 2018 Joint Communication on increasing resilience and bolstering capabilities to address Hybrid Threats.
 - The report outlines progress in an array of areas, including strengthening strategic communications to tackle disinformation through the EU Action Plan against Disinformation, the Rapid Alert System, and the EU Code of Practice.
 - Next steps include work on measures to enhance the resilience and improve the security culture of the EU against cyber and hybrid threats by focussing on detecting early malicious hybrid activities and sources, internal and external, and on understanding the possible links between often seemingly unconnected events.
- At the **June 2019 European Council, Conclusions were adopted on 'Disinformation and Hybrid Threats'** calling for sustained efforts to raise awareness, increase preparedness and strengthen the resilience of our democracies to disinformation. They also welcomed the adoption of a new framework for **targeted cyber restrictive measures**.
- Also at the **European Council in June 2019**, the Romanian Presidency presented a report on lessons learned in relation to EU activities to counter disinformation campaigns targeting the electoral process. The report assessed that more work needs

to be done with regard to increased transparency of political advertisements, assessing the effectiveness of the Code of Practice and the blocking of bots and fake accounts.

- Media reports from 15 July 2019 referred to a **concerted disinformation campaign aimed at exacerbating divisions in Northern Ireland**. The report cited research by the Digital Forensic Research Laboratory (DFRLab) at the Washington-based Atlantic Council think tank. Facebook shut down 16 fake accounts, including one purported Irish user, relating to the campaign after finding “co-ordinated inauthentic behaviour” in a campaign that emanated from Russia. They believe it to be the first disinformation campaign targeting divisions in Ireland.
- In July 2019, the Council of the European Union Working Party on Securing Free and Fair Elections (GAG +1) and the Council's Friends of the Presidency Group on Countering Hybrid Threats were subsumed by a **new Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats**, which will coordinate EU efforts in this space and carry forward the work conducted to date. Disinformation will form a central strand of this work.
- **Finnish Presidency Scenario Exercises** - EU Defence Policy Directors (08 July), EU Political Directors (09 July), JHA informal (15 Jul), Ministers of Defence and Foreign Affairs (29 Aug) and finally ECOFIN (13/14 Sep) will all undergo (or have undergone) hybrid scenario exercises. This is a key theme of the Finnish Presidency and will run as a thread throughout their six months.
 - The exercises aim to demonstrate the need for shared situational awareness and the challenges to detect, define and attribute hybrid actions, including disinformation. They also explore the readiness to invoke Articles 42.7 (solidarity clause) and 222 (mutual defence) of the Lisbon Treaty, and emphasise the need for integrated action across external and internal sectors in addressing hybrid threats.

Update on Recommendation 6 - Continue to advance national level media literacy initiatives

Responsible: Department of Education and Skills, Broadcasting Authority of Ireland,

Department of Education Initiatives

The Department of Education and Skills supports overall student learning and in particular, the development by students of the skills and competencies necessary to negotiate living in the 21st century which includes being safe using online technologies. At the present time, there is a significant programme of new curriculum being introduced into our schools with the broad aim of ensuring that our students are equipped with the knowledge, skills and understanding of what is required to be responsible and participating citizens.

At both primary and post-primary levels considerable scope for building the capacity of students in the area of digital literacy is provided for through the emphasis on dispositions, competencies and skills as foundational elements of the curriculum. Specifically, in the newly introduced **Framework for Junior Cycle** digital literacy skills are promoted through the eight Key Skills (all skills have an ICT/digital component) and through the Statements of Learning. In addition, in the ongoing reviews of the Primary Curriculum and of the Senior Cycle the skills of, or skills closely related to, digital literacy, have featured strongly in all discussions on future provision.

Change in schools is supported by the **provision of extensive professional development and resources for teachers** and the provision of guidance. A Digital Learning Framework, which provides guidance for schools on the effective use of digital technologies, is also available to schools. A comprehensive training programme to guide its adaptation in schools is underway since September 2018.

The **Digital Strategy for Schools 2015-2020**, links with the work of other Departments and agencies and outlines a vision for the use of technologies in teaching and learning. There are specific actions in the Strategy that relate to the promotion of the safe, ethical and informed use of technology. Implementation of the various actions and policy objectives contained in the Digital Strategy is underway.

The **Professional Development Service for Teachers -Technology in Education (PDST-TiE)** is a dedicated team of professionals funded by the Department to advise and support schools on the use of digital technologies in teaching and learning.

The **Webwise** programme is an internet safety initiative funded by the Department and the EU Safer Internet Project and it has important connections with other relevant Government Departments and agencies and the National Parents Council. The Programme provides access to information on the latest technologies and the changing use of social media.

Webwise.ie website promotes the autonomous, effective and safer use of the internet by young people through a sustained information and awareness strategy targeting school leaders, teachers, parents and children themselves with consistent and relevant messages.

At post-primary level, there is a specific Junior Cycle short course available on Digital Media Literacy, in addition to being addressed through the Social Personal & Health Education (SPHE) subject (mandatory up to Junior Cert level). At primary level the SPHE curriculum contains a Media Education strand aimed at enabling children to become aware of the different ways in which information can be communicated, begin to distinguish between fact and fiction in different media forms, become aware of advertising, and so on. To a lesser extent, the recently-introduced Leaving Certificate subject in Computer Science also looks at aspects of digital literacy.

Media Literacy

Improving our citizen's Media Literacy, both inside and outside the Education system, is one of the most effective ways of overcoming the threat which disinformation poses to our Democracy. Under the Broadcasting Act 2009 the **Broadcasting Authority of Ireland** has statutory responsibility to undertake, encourage and foster research, measures and activities which are directed towards the promotion of media literacy. As part of its strategy to achieve this objective, the Authority acts as a facilitator for Media Literacy Ireland, an independent network of 120 stakeholder organisations or individuals who meet to exchange best practice and discuss ways in which Media Literacy can be improved and developed in Ireland.

An excellent example of what this type of collaboration can achieve is the **Be Media Smart campaign**, which was funded entirely by MLI members and which encouraged Irish audiences to Stop, Think and Check whether the information they see, read or hear, across any media platform is reliable. The campaign was coordinated by MLI to coincide with the European Commission's Media Literacy Week in March 2019.

Update on Recommendation 7 - Enhance cyber security measures around the electoral process including the possibility of the NCSC providing advice to political parties

Responsible: Department of Communication, Climate Action and Environment; Department of Housing, Planning and Local Government

In the context of the current proposals to modernise the electoral register, work is currently underway to establish a Modernisation Project Board as an integral part of the project's governance arrangements.

As set out in Recommendation 2 - Advance the modernisation of the voter registration process, it is intended that the NCSC will be included in the IT Security and Data Quality sub-group of the Modernisation Project Board. Once established, this sub-group will be charged with identifying the highest possible levels of security and stability of IT systems and overseeing the procurement processes to achieve those, including provision in the long-term management of the system for regular security testing and reporting.

The NCSC has also engaged heavily with the Houses of the Oireachtas on the security of their IT systems and on the provision of detailed guidance to the political process.

Appendix 1 – IDG – List of Departments and Organisations

- Department of the Taoiseach
- An Garda Síochána
- Defence Forces
- Department of Business, Enterprise & Innovation
- Department of Communication, Climate Action & Environment
- Department of Defence
- Department of Education & Skills
- Department of Foreign Affairs & Trade
- Department of Housing, Planning & Local Government
- Department of Justice & Equality
- Department of Public Expenditure & Reform

Appendix 2 - Current Provisions for Political Advertising in Traditional and Linear Media

Outlined below are the current legislative provisions which apply to political advertising in traditional and linear media.

Print Media

Advertising in print media is subject to the self-regulatory code of the **Advertising Standards Authority of Ireland (ASAI)**. However, political advertising is not within the scope of this code, and therefore the ASAI does not consider any complaints in relation to this category of advertising.

Linear Broadcasting

Section 41 (3) of the **Broadcasting Act 2009** provides that:

“A broadcaster shall not broadcast an advertisement which is directed towards a political end or which has any relation to an industrial dispute.”

This statutory role is given expression in the Broadcasting Authority of Ireland's General Communication Code (Section 4.6).

Election Documents (i.e. Election Posters)

Section 140 of the **Electoral Act 1992** (Omission of name and address of printer and publisher from Dáil election documents), provides that:

- (1) “Every notice, bill, poster or similar document having reference to a Dáil election or distributed for the purpose of furthering the candidature of any candidate at a Dáil election shall bear upon its face the name and address of the printer and of the publisher thereof.
- (2) A person shall be guilty of an offence if he prints, publishes or posts, or causes to be printed, published or posted, any such notice, bill, poster or similar document as aforesaid which does not bear upon its face the name and address of the printer and of the publisher thereof.
- (3) The provisions of subsections (1) and (2) shall not apply as respects any such notice, bill, poster or similar document printed, published or posted by a returning officer.
- (4) For the purposes of this section “print” includes any process for producing copies of a notice, bill, poster or similar document, other than copying it by hand.”

Section 2 (3) (b), 2 (3) (ff) and 2 (3) (gg) of the **Referendum Act 1994** apply these provisions to the holding of referendums.

Section 3(3) (b) and 3 (3) (s) of the **Presidential Elections Act 1993** apply these provisions to the holding of presidential elections.

Section 109 of the **European Parliament Elections Act 1997** applies similar rules to the conduct of European Parliament Elections. Section 109 (1) provides that:

“Every notice, bill, poster or similar document having reference to a European election or distributed for the purpose of furthering the candidature of any candidate or the interests of a political party at a European election shall bear upon its face the name and address of the printer and of the publisher thereof.”

Regulation 101 of the **Local Elections Regulations 1995** applies similar rules to the conduct of local elections.