Written Representation 119

Name: Asia Internet Coalition

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Dear Mr. Chong,

We are the Asia Internet Coalition ("AIC"), an industry association comprising leading internet and technology companies, members of whom are: Apple, Expedia, Facebook, Google, Line, LinkedIN, PayPal, Rakuten, Twitter and Yahoo (Oath).   The AIC seeks to promote the understanding and resolution of Internet policy issues in the Asia Pacific region, and we are writing today in that spirit.

The AIC shares the concerns outlined in the Ministry of Communications and Information and the Ministry of Law's Green Paper on the important issue of deliberate online falsehoods, and we are happy to contribute this written submission as part of the Select Committee's public consultation. We acknowledge and firmly support Singapore's goals of protecting social cohesion and harmony, as well as the integrity of political processes and institutions such as elections. We therefore hope the viewpoints conveyed here will be useful as the committee considers a path forward.

Self-regulation and coordination, not legislation

The perpetration of misinformation, including by those with a deliberate intent to deceive and mislead, is an age-old issue, made more prevalent an issue in the digital age. Given the tremendous economic, social and cultural benefits derived from an Internet that is free, open and allows for growth and innovation, the AIC firmly believes that self-regulation by internet intermediaries in close coordination with authorities, undertaken in tandem with a broad range of stakeholders to promote education, outreach and dialogue, is the best way forward to address misinformation, **as opposed to a legislative approach**.

Given the vastness of the Internet's global reach and accessibility, and the speed in which misinformation can travel, eliminating 'fake news' at scale is almost an impossibility. We believe that prescriptive legislation will not adequately address the issue effectively due to the highly subjective, nuanced and difficult task of discerning whether information is "true" or "false". There is also a real risk of compromising freedom of expression and speech via legislative tools that may cast a wider net than

intended and end up censoring legitimate speech due to the challenges of enforcing such a legislation. In the most egregious instances of misinformation, we believe it is the role of the courts or other relevant/official authorities, to decide if laws have been broken. We do not believe that mandating Internet intermediaries as responsible for making judgements on matters of high subjectivity is a sensible not sustainable approach. Furthermore, the boundaries of free speech and expression in the Singapore context are already well-defined by existing Singapore laws, which are widely thought to be comprehensive enough to address the issue.

AIC members believe that addressing harmful misinformation can be achieved with a policy of promoting and inculcating digital, media and information literacy at every level, driven by relevant stakeholders, including industry. This is a long-term term investment and priority, and should be the first line of defense in fighting misinformation. We posit that using a blunt tool (like Germany's NetzDG law) for a highly nuanced issue such as this, would not only be impossible to enforce effectively, but would also deprive government and society the opportunity to build critical thinking around information.

Equipping Singaporeans with the skills to discern fact from mistruths and distinguish between reliable and unreliable sources of information is a foremost priority. Media literacy and critical thinking are key muscles that our society needs to build if Singapore is to achieve its Smart National ambitions, which necessitates a well-informed community capable of evaluating information, using this information for the better, and engaging in matured social discourse. AIC members are working in that direction, globally and in Singapore, to equip consumers with practical, contextualized tools for doing so as they engage with digital and social media products and platforms in their highly connected lives.

Speaking on the popular intention of governments to define the nature of information in the context of the 'fake news' issue, one of the world's leading experts on user generated content, Dr. Claire Wardle, Research Fellow at the Shorenstein Center for Media, Politics and Public Policy, Harvard Kennedy School, made the following point in her written witness testimony for the ongoing UK Parliamentary Inquiry on Fake News[1]:

"A key element of this debate is the need to recognize that information can rarely be categorized as true or false. Within the context of current discussions about interventions, it is necessary to understand that there is a continuum, from genuine information used to cause harm (malinformation); innocent or mistaken sharing of information that is false, from satire, clickbait headlines or the misleading use of quotes, captions or images, misinformation); to outright malicious lies, fabricated content and manipulation campaigns (disinformation). Without clear definitions that are shared widely by academics, technology companies, politicians, educators and civil society, conversations about potential interventions are meaningless and potentially dangerous. .The inquiries currently taking place in Europe, both this one, as well as the EU Commission's High-Level Group on 'Fake News' (of which I am a member) are being watched incredibly closely by governments around the world. Recommendations suggested in Europe could become blueprints for regimes where protections for free speech and independent media do not exist." (end)

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[1] https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5489364_en

Terminology and language - Defining the issue to ensure effective solutions

Before introducing the various approaches, we believe are the best way forward to address the issues outlined in the Green paper, AIC would like to first highlight the critical need to define the terminology used in this discussion, as it is essential to do so at the onset if we (all stakeholders) are to arrive at solutions that work and address the serious harm resulting from misinformation perpetrated by those with intent to cause harm.

It is our position that the term 'fake news' or 'false news' is not accurate to describe the full scope and nature of the issue. Both terms have been used interchangeably by governments, policy makers, media and commentators from across the spectrum to describe what are in most instances genuine information but presented without proper context or having been manipulated. The spectrum of misinformation that exists also goes far beyond 'news' if one is to consider other common formats[2] including:

- Inaccurate posts on social media posts, forums or message boards (Facebook, Twitter, Reddit etc.)
- Websites created to deliberately spread disinformation;
- Inaccurate information shared on closed messaging apps (Telegram, WhatsApp, Facebook Messenger etc.)
- Visual posts on social media sites (Instagram, YouTube, Pinterest etc.) and closed messaging apps (including inaccurate photographs, videos, memes, and data visualisations that have been manipulated or fabricated
- Text, image and video results on search platforms (e.g. Google, Bing, YouTube)

Self-regulation that works

In the last few years, Internet companies, including members of AIC, have been working closely with regulators and governments worldwide (including in Singapore) on addressing harmful content on the Internet, including what is commonly known as the 'fake news' or 'false news' issue. From our collective experience of engaging and working alongside a wide range of stakeholders, including academics, experts, think tanks, journalists, media organisations, and content publishers, we are convinced that solutions to this highly complex and multifaceted issue comes from taking a multi-stakeholder and collaborative approach, as no one party or initiative can adequately combat its ill-effects on social, cultural or political systems.

AIC believes that a collaborative approach will ensure the development of a vibrant and healthy Internet ecosystem, where business and industry collaborate with civil society, policy makers, and government, to ensure that the Internet remains open, secure, trustworthy and accessible to all - even as governments

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[2] http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/fake-news/written/77964.html

and policy makers, including in Singapore, are moved to consider legal and regulatory means to address risks on the Internet and social media.

AIC does not think that a n**ew prescriptive legislation aimed at addressing the 'false/fake news' issue is an ideal solution**. Instead, we firmly believe a stringent self-regulatory approach, executed in close coordination and cooperation with authorities, will have a better outcome. Additionally, we understand that Singapore's existing legal system offers numerous legislation that could be considered.

To ensure that the Internet fulfills its potential for economic growth and open and inclusive communication, AIC members have developed robust and wide-ranging policies to ensure the safety, privacy and freedom of expression of its billions of users. However, we are fully cognisant of the legitimate need for some limits on speech, in the instances of specific threats of real-world harm. As leading internet companies, AIC members have in place wide-ranging Community Standards, Rules and Policies that explicitly state expected user behaviour and repercussions for non-compliance, as well as prohibited content and behaviour.

As part of self-regulation, these policies are continuously monitored, updated and improved as needed, in line with the highly complicated and ever-morphing nature of harmful activities on the Internet, including problems arising from the deliberate misuse of information on various platforms and products. Examples of prohibited behaviour covered in various company policies include: Incitement of violence and use of hate speech against individuals and groups, including based on gender, age, nationality, sexuality, ethnicity and disability; bullying, harassing or threatening behaviour; criminal activity including terrorism, illegal drugs and human trafficking; child exploitation; malicious and deceptive behaviour including identify fraud, malware, spam and phishing; protection of personal and confidential information; sexually explicit content; and violent/graphic content.

Given the vastness of the Internet, most Internet companies have thus developed proven "*notice and takedown*" processes that rely on and allow consumers and organizations to "flag" inappropriate online content and request its removal. These processes work efficiently at global scale, and are already being used by countless individuals and organizations to make content removal requests around the clock. Likewise, governments also have the same ability to use these established processes to request removal of inappropriate content. However, to be effective and efficient at global scale, content removal requests must be made through clear, specific, and consistent processes.

Comprehensive existing legislation

We take the view that there is numerous existing legislation in Singapore today that could be relevant to address the most egregious cases of information misuse where malicious intent to cause harm or disorder occurs, and could perhaps be applied more effectively than a new prescriptive legislation that could hamper freedom of speech and expression, as well as negatively impact the development of mature social

discourse in Singapore. A key point (also widely raised as criticism to Germany NetDfz law[3]) is that, prescriptive legislation would require internet companies to act as a "judge" to determine what is allowable under the law, a function that should be served by the courts (not by private entities like internet intermediaries), using the comprehensive legislation that currently exists[4].

International legislative developments

In this light, we would like to share updates on two international developments in online 'false news' legislation that are relevant.

As the Select Committee would be aware, the **European Commission (EC)** has been conducting extensive multi-year consultations to find solutions to addressing 'Fake news and Online Disinformation'. In November 2017, the Commission issued an update Communication[5] circular informing stakeholders that it was *not* recommending "legislative intervention" to address fake news; instead, it stated:

> *"The proposed Commission Communication will explore ways to maximising the impact of public intervention while respecting the principle of subsidiarity. It will support a multi-stakeholder engagement process, involving platforms, news media, academia and civil society organisations, with a view to identifying solutions consistent with fundamental principles such as freedom of expression and media pluralism."*

The EC's Communication noted that instead of legislation, it will be continuing multi-stakeholder dialogue and initiatives on a variety of fronts, including: assessment of current programmes by industry and other stakeholders to assess efficacy and the need for scaling up/down, new self-regulation principles for implementation by social media platforms, news providers and civil society, enhanced flagging and verifications systems for prompt identification of false news online, the use of advanced technology tools (for tracking fake news online, removal of fake news developers and disseminators including impostor websites and social bots), mechanisms to promote a diversity of verified news sites on users' social feeds, requirements for more transparency and accountability where algorithms are used for online news content ranking, as well as programmes on media literacy and promotion of ethical journalism.

Early reviews of **Germany's Net Enforcement Law (NetzDG),** which came into effect on 1 January 2018, have observed the difficulty of legislating hate speech in the online context. The law, an online application of Germany's already stringent anti-hate speech legislation, demonstrates the fine line between satire, opinion and false news[6]; due to the complexity of discerning which is which, a real risk has emerged where laws meant to deal with the entire universe of "false news" content unwittingly become a censorship tool

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[3] http://www.euronews.com/2018/02/14/german-law-under-fire-for-turning-social-media-companies-into-overzealous-censors-
[4] *Existing Singapore legislation that could be relevant include: The Telecommunications Act, the Maintenance of Religious Harmony Act, The Penal Code, Administration of Justice Act, defamation laws, as well as media codes like the Class License Act.*
[5] https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5489364_en
[6] https://www.irishtimes.com/news/world/europe/germany-s-social-media-hate-speech-ban-faces-wide-backlash-1.3350093

to quell all information online deemed "false" by an interested party and this can be at the expense of genuine conversation and debate. Faced with a 24-hour deadline to remove "evidently unlawful" material or risk significant fines, affected technology platforms are put in the untenable position of deciding what is permissible under German free speech laws, and consequently have become a censorship tool forced to remove content that someone finds offensive regardless of whether there is benefit to the wider population for such information to be available.

So far, NetzDG has been criticized by human rights activists[7], by Jewish political representatives, the German journalists' association[8], and political parties, for harming free speech, being ineffective in controlling hate speech online, censoring legitimate political speech protected under the German constitution, as well as resulting in the removal of genuine satire[9]. One of the overarching points from critics is the (unintended) situation where foreign (private) companies now have the ability to decide and enforce what is "legal speech", as well as what is allowable as freedom of speech and expression in Germany, by virtue of social platforms being compelled to remove "obviously illegal" content or face severe punitive consequences under NetzDG[10].

In a recent Washington Post article, the head of *Bitkom*, Germany's federal association for information technology, telecommunication and new media, stated his view[11] on Germany's decision to use a legislative tool and the precedent it had set with NetzDG:

"Germany is setting a bad example to the European Union with the Network Enforcement Act. With its many and varied cultural regions, Europe must remain a model and pioneer of freedom of expression throughout the world. Those lacking an understanding of German law — French President Emmanuel Macron, for example — are pointing to Germany to legitimize their own plans against fake news. Moreover, decision-makers in Russia and China must be gleefully rubbing their hands in triumph as they can now refer to the German example when being criticized by Western governments for oppressing free speech."

Proactive actions by AIC members to tackle misinformation online

AIC members, committed to addressing abuse of their platforms from misuse of information, have undertaken wide-ranging initiatives and actions, both internally and externally focused. These include:

- o Continuously reviewing and updating **policies and user guidelines** (such as Twitter Rules.)[12]

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[7] https://www.hrw.org/news/2018/02/14/germany-flawed-social-media-law
[8] https://www.hollywoodreporter.com/news/why-an-ambitious-new-online-anti-hate-speech-law-is-backfiring-germany-1074232
[9] https://www.washingtonpost.com/news/theworldpost/wp/2018/02/20/netzdg/?utm_term=.dba93470edb3
[10] http://www.dw.com/en/german-opposition-parties-call-to-replace-online-hate-speech-law/a-42058030
[11] https://www.washingtonpost.com/news/theworldpost/wp/2018/02/20/netzdg/?utm_term=.28fa291b9798
[12] https://blog.twitter.com/official/en_us/topics/company/2017/safetypoliciesdec2017.html

o   New stringent **advertising policies** to prevent financial gains to parties/websites that misrepresent their ownership or primary purpose, and/or who don't meet transparency criteria (Facebook, Google)

o   **Continuous improvements to products** to ensure that a wider range of, and trusted[13], quality content and news float upward (Google, Facebook[14], Twitter)

o   **Product improvements** to help users identify and flag low quality content (Google, Facebook[15])

o   **Product improvements** to help users receive high quality content in news and search from a diverse range of verified sources (Google, Youtube, Facebook)

o   **Working with journalists and newsrooms** to provide trainings for better reporting, understanding of technology and minimisation of content manipulation (Facebook, Google, Twitter)

o   Investing in significant **fact checking capability** internally (Facebook, Google News and Search)

o   Supporting the development of independent **fact checking organisations** (Google, Facebook)

o   **Media literacy initiatives** to stimulate critical thinking by users (public and private campaigns, workshops and dialogues, by Facebook, Google, Twitter).

Examples of specific initiatives that involve close collaboration and engagement with diverse stakeholders (governments, politicians, educational institutes, researchers, civil society, media companies and publishers, journalists, and users), include:

- **Facebook Journalism Project** - tools and training to newsrooms globally, including Singapore
- **Facebook - News Integrity Project** – funding research on news literacy, fact checking and improving trust in the news industry worldwide.
- **Google - Digital News Initiative and NewsLab** - supporting quality news online via training to local newsrooms
- **Google – Funding fact checking organisations** (Full Fact, the Ferret, the Trust Project and the First Draft Coalition.
- **Commitment to use of 'Trust Indicators' on platforms**[16] - to help users better vet the reliability of the publications (Facebook, Twitter, Google, Microsoft)

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[13] http://money.cnn.com/2017/11/16/technology/tech-trust-indicators/index.html

[14] https://newsroom.fb.com/news/2017/12/news-feed-fyi-updates-in-our-fight-against-misinformation/

[15] http://money.cnn.com/2017/12/21/technology/facebook-fake-news-related-articles/index.html

[16] https://www.scu.edu/ethics/focus-areas/journalism-ethics/programs/the-trust-project/trust-project-launches-indicators/

- **Promoting quality content**[17] - Facebook's Instant Articles and Trending Topics, Apple News, Google's AMP, Twitter's Moments – to help newsrooms reach larger audiences.

Recommendations for key stakeholders in addressing information disorder

A key September 2017 report[18] entitled *Information Disorder: Toward an Interdisciplinary Framework for Research and Policymaking*, lead-authored by Dr. Claire Wardle, one of the world's experts on user generated content, describes the 'fake news' phenomena as an "information pollution" problem at an ecosystem level. The Report provides an in-depth look into the nature of the issue, the actors abusing information and their different motivations, the nature of communication occurring, and most importantly, provides a framework from where policy-makers, legislators, researchers, technology companies and related stakeholders working to address these challenges, can use as a basis for developing possible solutions.

Relating to AIC's point on terminology earlier in this paper, the Report calls for all stakeholders to critically evaluate the language used to define and discuss the phenomenon, arguing that solutions cannot be discussed without first acknowledging the complexity of the issues, stating:

"In this report, we refrain from using the term 'fake news', for two reasons. First, it is woefully inadequate to describe the complex phenomena of information pollution. The term has also begun to be appropriated by politicians around the world to describe news organisations whose coverage they find disagreeable. In this way, it's becoming a mechanism by which the powerful can clamp down upon, restrict, undermine and circumvent the free press".[19]

The Report presents a useful **conceptual framework** for examining information disorder, specifically identifying three different categories of information abuse by the dimensions of harm and falseness, briefly:

- ❏ **Mis-information** - when false information is shared, but no harm is meant.
- ❏ **Dis-information** - when false information is knowingly shared to cause harm.
- ❏ **Mal-information** - when genuine information is shared to cause harm, often by moving information designed to stay private into the public sphere.

We would like to draw the Select Committee's attention to **a set of 34 recommendations**[20] in the Report which are laid out as a guide for key stakeholders involved, namely, technology companies, national governments, education ministries, media organisations, civil society and grant making foundations. We hope the Committee will find it a useful framework to use, as it seeks to define this phenomenon,

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[17] http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/fake-news/written/77964.html
[18] https://firstdraftnews.org/wp-content/uploads/2017/11/PREMS-162317-GBR-2018-Report-désinformation-1.pdf
[19] https://firstdraftnews.org/wp-content/uploads/2017/11/PREMS-162317-GBR-2018-Report-désinformation-1.pdf
[20] *https://firstdraftnews.org/wp-content/uploads/2017/11/PREMS-162317-GBR-2018-Report-désinformation-1.pdf*

understand its nature and reach, and consider how a multi-stakeholder approach is needed to address the full complexity of this issue in the Singapore context.

Opportunities for collaboration

AIC members believe there are a myriad of opportunities for cooperation and collaboration, both with the Singapore government, as well as academia, researchers, industry, civil society, publishers and the traditional media, to ensure digital and information literacy is achieved to significantly reduce the impact of misinformation moving forward. As industry leaders, we are already working closely with civic groups, newsrooms, educators and policymakers to share latest developments in and around the impacts from technology on society. As the relationship between technology and society develops in complex and dynamic ways, we pledge to engage more meaningfully moving forward. Digital literacy programmes as part of the school curriculum, community PSA campaigns, and supporting media literacy organisations and bodies with resources and expertise, are all short and long-term initiatives that should prioritised.

Summary

Cognisant of Singapore's influence in the region stemming from its leadership in best-practice governance and public policy, we value this opportunity to be part of this Committee's public consultation process that will inform future policy. We also welcome the opportunity to expand further on the viewpoints offered here, in person, as part of future Parliamentary hearings or similar forums. As Singapore decides the best path forward to address the harmful misuse of information and promotion of falsehoods, while striving to protect both the fabric of its social and cultural cohesion and the integrity of its political processes and institutions, AIC reaffirms its support for these same goals and hopes it can be an active part of future dialogues and multi-stakeholder solutions. Thank you.

Yours sincerely,

Mr Jeff Paine
Managing Director
Asia Internet Coalition.