

Written Representation 148

Name: Singapore Press Holdings (SPH)

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Submission from Singapore Press Holdings to Select Committee on Deliberate Online Falsehoods

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A Select Committee on Deliberate Online Falsehoods – Causes, Consequences and Countermeasures has been appointed by the Singapore Parliament with the following terms of reference:

To explain and report on:

- (a) The phenomenon of using digital technology to deliberately spread falsehoods online;*
- (b) The motivations and reasons for the spreading of such falsehoods, and the types of individuals and entities, both local and foreign, which engage in such activity;*
- (c) The consequences that the spread of online falsehoods can have on Singapore society, including to our institutions and democratic processes; and*
- (d) How Singapore can prevent and combat online falsehoods, including:*
 - i. The principles that should guide Singapore's response; and*
 - ii. Any specific measures, including legislation, that should be taken.*

Summary

1. As Singapore's leading media company with the largest news operations across multiple platforms, Singapore Press Holdings Ltd (SPH) and its stable of titles – including The Straits Times, Lianhe Zaobao, Berita Harian and Tamil Murasu – support the Government's move to look into taking stricter action against the growing trend of deliberate falsehoods that are spread mostly through online means.
2. A central tenet of combating such falsehoods is to maintain a strong, trusted and well-resourced mainstream news media, which SPH's mastheads have done over the years. In recent years, as concerns have escalated about the spread of misinformation and its concomitant dangers, SPH has also stepped up efforts to educate the public on the importance of media literacy and fact checking.
3. Going a step further, SPH would like to put forth two proposals to help prevent and combat online falsehoods:
 - (a) **New or amended legislation to regulate content distribution platforms** – including social media channels and instant messaging platforms – to put the onus on them to take responsibility for the content they choose to publish and promote, as well as to disclose the identities

of creators of deliberate falsehoods. This should be done while ensuring that further restrictions are not placed on constructive public discourse or on reputable content creators, such as news media, which are already comprehensively regulated and have rigorous fact-checking processes in place. In considering the need for such legislation, the Committee could take reference from countries such as Germany and France that have made moves to introduce legislation that could require fake news or offensive content to be taken down from online platforms.

- (b) The establishment of an **independent full-time fact-checking alliance**, comprising media players, industry practitioners and other interested players, to:
- Fact-check information that users submit believing to be false;
 - Make public its findings on such information; and
 - Recommend further enforcement actions to the relevant authorities as necessary for incidents involving malicious falsification of information or dissemination of such false information.

Principles guiding action against online falsehoods

Definition of falsehoods

4. Even as the Government takes steps to control the spread of misinformation, it is important to note that not all erroneous reports carry the same intention, significance or impact.
5. SPH would like to propose that the relevant legislation/authority take into account the following factors in determining whether a piece of information should be classified as a falsehood that is deliberately spread online:
 - a. **Test of intent:** whether the false information is created and spread with malice, with mischief, for the sake of profit, or for other self-serving reasons that display a blatant disregard of truth. This would exclude:
 - i. Genuine errors that are corrected in a timely manner, e.g. mistakes or incomplete information in news reports;
 - ii. Reports that are clearly crafted and marked as satire or parody; and
 - iii. False or misleading information spread by well-meaning individuals with the intent of helping or warning family or friends.
 - b. **Test of significance:** whether the false information contravenes public interest, such as having the potential to affect societal harmony, political election results, public health issues, etc.
 - c. **Test of virality/reach:** whether the false information has reached a large (to be defined) number of people, not necessarily only via online means but

also other multiplier channels such as through word-of-mouth or other offline methods

Striking a balance with free speech and healthy discourse

6. Apart from the importance of drawing a distinction between unintentional misinformation and deliberate falsehoods, another key concern regarding legislation for fake news is whether this will place restrictions on free speech.
7. For instance, media reports reflecting public opinion that may not be favourable to government policies or measures, or to prominent political figures, should not be construed as malicious falsehoods against the public interest, as is currently the case in some jurisdictions. Such interpretations could lead to fears among citizens about freely expressing their opinions or engaging in robust and constructive debates, or even to self-censorship by news outlets wary of falling foul of the law.
8. Any new legislation should therefore make clear the following:
 - a. Which organisations or individuals should be vested with the power to define and identify deliberate online falsehoods? Do they have the necessary expertise and objectivity?
 - b. How can a distinction be drawn between a deliberate intent to mislead and a difference in opinion or interpretation?
 - c. Aside from the authorities, can private individuals or organisations flag misinformation and what channels can they use to do so?
 - d. If a report is labelled as fake news, how can its creator or distributor address, and if necessary appeal, such allegations?
 - e. In determining whether a piece of content constitutes a deliberate falsehood, where does the burden of proof lie, with the prosecutor or the accused party?

Role of mainstream media

9. At the same time, more use should be made of the mainstream media as an effective tool in the battle against misinformation. The best antidote to “fake news”, or deliberate online falsehoods, is quality journalism – journalism that is accurate, objective, purposeful, credible and reliable. The Edelman Trust Barometer Index 2018 showed that trust levels in the media in Singapore are among the highest in the world. The proliferation of fake news in recent times and greater public awareness of its negative consequences has also resulted in greater confidence and reliance in media organisations known for reliable and quality content.
10. These trends reflect the critical role of SPH news platforms (as well as other mainstream media platforms) as “honest brokers”, helping readers to stay informed and to distinguish between credible news and misleading or false reports. Together, SPH’s digital sites have a combined 3.2 million unique

visitors¹. We think that it is important to build on this momentum, and establish mainstream media as the preferred destination for credible and objective news.

11. On top of providing robust reporting, SPH believes in the need to actively build up the population's resistance to falsehoods via promoting media literacy. In recent years, SPH titles have:
 - a. published numerous reports and commentaries about the fight against online falsehoods;
 - b. organised public talks to highlight ways in which readers can spot fake news;
 - c. invited and responded to requests from readers for verification of information they read online;
 - d. worked with partners in the community, such as the National Library Board, the World Association of Newspapers and several universities, to help raise awareness among our audience of the threat posed by fake news; and
 - e. organised a fake news "hackathon" with Google in collaboration with tertiary institutions in October 2017, which resulted in some ideas the two companies are in discussions to develop further.
12. In the same vein, The Straits Times has also proposed a Smart Citizen Initiative, where it can work with organisations like the National Library Board to open up SPH's news archives to the public. This would raise media literacy by empowering ordinary individuals to have easier access to information and to be more discerning of online falsehoods.
13. To continue these efforts, however, newsrooms must be well-resourced and staffed with trained and experienced journalists and editors. This requires the support of key stakeholders with a keen interest in the survival and sustainability of a responsible and reliable media. In recent years, falling advertising revenues has led to constraints on SPH's resources. We are especially concerned with how some major advertisers, such as the government, have adopted a communications strategy that seeks to bypass traditional media in favour of internet news sites. Not only does such a policy ignore the safe and trusted environment of news brands, but the rapid diversion of advertising revenues away from content creators could also create the conditions for a fake news industry to thrive. This is because the digital supply chain rewards the distributors of content, not the originators, which has serious implications for the sustainability of genuine news.
14. Newsmakers and advertisers should also do their part to verify or disclaim rumours in a timely manner, so as to avoid fanning the speculative flames that often lead to misleading information. Lastly, the consumers of news content, i.e. the audience, must also see the need for and support the continued existence of a responsible mainstream media in Singapore.

¹ Based on data from ComScore.

Recommendations by SPH

Legislation for online content distributors

15. Apart from more rigorous fact-checking to address misleading content and its creators, SPH also recommends regulating online content distributors to hold them accountable for the content they promote. The online world has created an ecosystem in which content can be circulated by anyone with no clear distinctions between genuine news, accurate information, misleading or out-of-context claims and outright falsehoods. A large part of this is due to the popularity of online content distributors, including social media and instant messaging platforms, which make no differentiation between reputed information sources and clickbait producers with little regard for the truth. By prioritising content that draws eyeballs and engagement, such platforms often reward sensationalism over sense and falsehoods over facts.
16. Another side effect of not regulating such platforms is that as misleading information and deliberate fabrications spread unchecked online, the immediacy of their reach to direct audiences puts pressure on mainstream news organisations to respond quickly. Diverting resources on a daily basis to investigate the veracity of arbitrary rumours may not be the best use of the time and effort of already strapped newsrooms.
17. Existing laws give the authorities some scope to tackle and address online falsehoods, but this is mostly limited to content creators and providers, rather than content distributors such as social networks. Some local examples include:

a. Sedition Act

Yang Kaiheng, co-founder of sociopolitical website The Real Singapore, was jailed for eight months in 2016. He had published a series of articles reporting untruths that aimed to sow discord between Singaporeans and foreigners.

b. Telecommunications Act

The act makes it an offence to transmit a message knowing that it is false. A technician was fined \$5,000 in 2014 for falsely claiming in a Facebook post that five full-time national servicemen had been killed in the 2013 Little India riot.

c. Protection from Harassment Act

Section 15 states that where there is any false statement made about a person, the person can apply to the District Court to order that “no person shall publish or continue to publish the statement complained of unless that person publishes such notification as the District Court thinks necessary to bring attention to the falsehood and the true facts”

d. Class Licence Registration for Internet Content Providers

Internet content providers in Singapore are automatically class-licensed under the Broadcasting Act and are required to take responsibility for what they publish online, which should not offend public interest, public morality, public order, public security or national harmony, nor be otherwise prohibited by applicable Singapore laws. Certain online news sites are also required to register for an individual licence, which means they have to post a

performance bond of \$50,000 and have to remove content which is in breach of content standards within 24 hours.

18. Given these existing laws, SPH would urge that any additional or amended legislation focus on the relatively unregulated sphere of online content distributors, rather than impose any increased burden on content producers. Legislation that restricts the investigative and reporting power of the media would hit the wrong target, as newsrooms already have rigorous and effective mechanisms to check and counter falsehoods. It might also inadvertently curb the media's ability to fulfil its critical role in informing society, or to remain credible in the eyes of its readers.
19. Instead, the Select Committee might be well advised to consider measures that would require online platforms, such as (and not limited to) Facebook, Google, WeChat, Whatsapp, Snapchat, YouTube and Twitter, to operate on a level playing field with mainstream media organisations, especially in terms of taking responsibility for the content they publish and promote. They should be required to act faster when falsehoods spread on their platforms, and to disclose the identities of creators of deliberate falsehoods.
20. "Dark social" platforms (e.g. WhatsApp, e-mail and Telegram) heighten the challenge of dealing with the spread of misinformation, as messages are circulated in closed groups and are hard to track by external parties. This creates two problems. One, it makes it more difficult to pinpoint the primary source and identify the perpetrator of such falsehoods. Two, because people are receiving the false information through their own social circles, they are more likely to view it as reliable or true.
21. Even when online platforms take steps towards self-regulation, they may not be able to rein in their users. A recent example was seen after the Parkland school shooting in the United States, when Facebook and Google, which owns YouTube, struggled to keep up with their promises to remove false claims on their platforms that the shooting survivors were paid actors². Given that falsehoods can sometimes proliferate faster than they can be taken down, prevention - through increased media literacy and deterrence stemming from legislation - is better than any cure.
22. In this regard, SPH notes the move by Germany in July 2017 to pass a law that requires social networks and media websites with more than two million members to swiftly remove hate speech, illegal material and – crucially – fake news. Such networks face a fine of up to €50 million if they do not remove the offending content within 24 hours, or within up to a week for "complex cases". Under the law, these networks also need to set up a comprehensive complaints structure to allow posts to be quickly reported to staff.
23. Similarly, any legislation contemplated by the Select Committee should require social networks and media websites with a significant reach to establish a

² Nicas, Jack and Sheera Frenkel. "Facebook and Google struggle to squelch 'crisis actor' posts." The New York Times, Feb 23, 2018. <https://www.nytimes.com/2018/02/23/technology/trolls-step-ahead-facebook-youtube-florida-shooting.html>

monitoring or complaints mechanism that will allow them to be swiftly alerted to fake, offending or otherwise prohibited content. They should then be required to remove such content within a short but reasonable timeframe, and be subjected to an impactful fine for any failure to do so.

Fact-checking alliance

24. On the question of which authoritative body should define and identify falsehoods, SPH recommends the establishment of a full-time coalition of media players, industry practitioners and other interested parties to carry out fact-checking of user-submitted information. This group should sit independently from government bodies and commercial entities, although representatives from these organisations may participate in the committee. SPH is open to participating in such an alliance, and/or to work with other media organisations to form this coalition.
25. A precedent of sorts has been set by the CrossCheck project in France, where journalists from different newspapers and websites worked together to verify claims from all sides of the political spectrum during the 2017 French presidential election. The project was initiated by non-profit organisation First Draft News, which counts among its backers Google News Lab and comprises more than 70 international news organisations including BBC, AFP and The New York Times.
26. Another example closer to home is FactCheck Initiative Japan, which was set up in 2017 with 10 founding members, including representatives from the academia, analytics, media and non-profit sectors. Its aim is to create guidelines and tech tools to support fact-checkers, in order to tackle the problem of misinformation in Japan.

Conclusion

27. A major consequence of any spread of misinformation is a concurrent rise in mistrust. In today's fast-moving, digital-centered world, it is essential to update our legislation and regulatory practices to keep online falsehoods in check before they undermine our institutions, policies or values.
28. SPH believes that it can play a central role in this effort, through its rigorous journalistic methods and fact-checking expertise, and its reach and engagement with Singapore audiences. This will have to be complemented by targeted legislative powers, as well as a more media-literate population.