

Regulating online Disinformation

Reacting to digital problems or building a better Internet?

Dr Eileen Culloty



Countering online disinformation: key challenges

- ❑ Definitional confusion and complexity
- ❑ Huge volumes of content; an always-evolving environment
- ❑ Legal and ethical concerns about freedom of expression
- ❑ Major gaps in understanding

**2018
EU Action
Plan
against
Disinformation**

“ A piecemeal monitoring and reporting framework and the lack of long-term funding undermine the EU action plan’s accountability.”

European Court of Auditors (2021)

2018 EU Code of Practice on Disinformation

Signatories: Facebook; Google;
Microsoft⁺; Mozilla; TikTok⁺⁺;
Twitter; and ad industry reps

⁺Joined May 2019. ⁺⁺Joined June 2020.

“No common approach, no meaningful commitments, no measurable objectives or KPIs, no compliance or enforcement tools and hence no possibility to monitor the implementation process.”

Sounding Board of the Multistakeholder
Forum on Disinformation (2018)

**2018
EU Code of
Practice on
Disinformation**

“Drawbacks relate to its self-regulatory nature, the lack of uniformity of implementation and the lack of clarity around its scope and some of the key concepts.”

European Commission (2020)

**2018
EU Code of
Practice on
Disinformation**



Concurrent developments

- Work on the Digital Services Act
- Work on a strengthened Code of Practice
- Covid-19

**2020
Code Monitoring
Programme for
COVID-19
Disinformation**

Participants: Facebook; Google;
Microsoft; Mozilla; TikTok; and
Twitter

EU and Member State Data

Promoting
Authoritative
Content

Improving
User
Awareness

Combatting
Manipulative
Behaviour

Limiting
Disinformation
Advertising

Cooperating
with
Factcheckers

Combatting
Vaccine
Disinformation

COVIDCHECK

ASSESSING THE IMPLEMENTATION
OF EU CODE OF PRACTICE ON
DISINFORMATION IN RELATION
TO COVID-19

Our analysis: the 47 reports submitted
between August 2020 and April 2021

- ❑ Manual coding of individual actions
- ❑ Automated analysis of reporting
- ❑ Case studies: AI; Facebook; TikTok

Reports were highly repetitive, often irrelevant, and generally failed to provide the requested data.

Only a third of the actions were stated to apply to all EU Member States.

More than a quarter of Facebook's and Twitter's actions were unrelated to COVID-19 disinformation.

The implementation of basic actions (e.g., applying generic labels) was highly inconsistent

Recommendations

- ❑ Standardise reporting
- ❑ Clarify definitions of terms
- ❑ Address disinformation in user comments
- ❑ Require granular data
- ❑ Require meaningful measures of progress (AKA KPIs)
- ❑ Implement the original commitment to a third-party auditor
- ❑ Define procedures to verify the implementation of actions
- ❑ Require transparency about the use of AI
- ❑ Require data-sharing with researchers

EU E-Commerce Directive (2000): Platforms are exempt from content liability because they “play a neutral, merely technical and passive role towards the hosted content”

“Our algorithms exploit the human brain’s attraction to divisiveness”
Leaked Facebook presentation (2020)

EU Digital Services Act (2020): “Very large online platforms are obliged to conduct risk assessments ... and to take reasonable and effective measures aimed at mitigating those risks”

Regulating the digital environment

- ❑ the dynamics of the markets in which platforms operate
- ❑ Competition rules
- ❑ Data portability and interoperability to promote new services and better services

Regulating for public goods

Public Sector Broadcasting 1920s+

“Our responsibility is to carry into the greatest possible number of homes everything that is best in every department of human knowledge, endeavour, and achievement”

John Reith (1924)
BBC Director General

Commercial Web 1990s+

“An information superhighway that can save lives, create jobs, and give every American, young and old, the chance for the best education available to anyone”

Al Gore (1994)
US Vice President

