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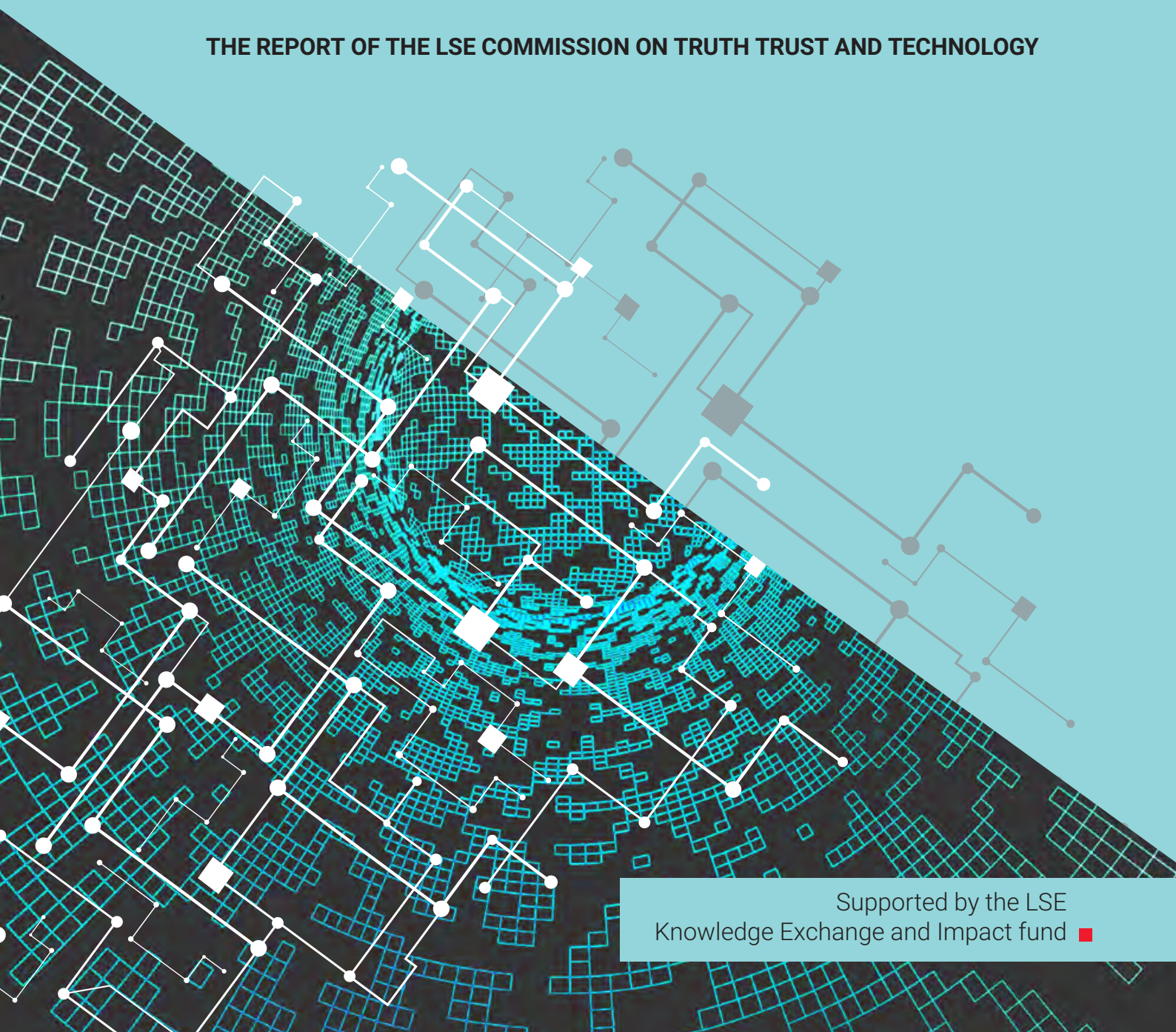


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Tackling the Information Crisis:

A Policy Framework for Media System Resilience

THE REPORT OF THE LSE COMMISSION ON TRUTH TRUST AND TECHNOLOGY



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Foreword



There is a crisis of trust in information. Technology offers unprecedented potential to support informed debate and decision-making, but the threats to reliable information and a healthy public debate are growing.

Politicians, regulators, platforms, news media and campaigners are responding, with mixed motives and uncertain results. While most share the view that the information crisis needs addressing, each stakeholder has its own interests.

The digital platforms, news organisations, political campaigners and civil society all need to be part of a new integrated policy arrangement.

This report seeks to rise above the fray. It outlines the contours of the crisis and some of the evidence for the harm caused. It argues for a bold, structural approach to address what is a systemic problem of a crisis of trust in information.

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Executive Summary

Changes in the UK media system have resulted in an information crisis, with a growing number of leaders in health, defence and politics concerned about system resilience and the new difficulty of achieving informed debate. This report argues that the information crisis is manifested in ‘five giant evils’ among the UK public – confusion, cynicism, fragmentation, irresponsibility and apathy.

While the media, platforms and public authorities are responding, there are challenges of coordination, a lack of research and information in policy-making, and the potential for conflicts of interest and disputes over media freedom, which are hindering necessary reforms.

Policy-makers and the public are in the dark: the extent of the problem and whether current policy is addressing it are not clearly understood, and the problems created by a complex media system are ongoing.

This report recommends actions aimed at addressing systemic problems and at creating conditions that will help to sustain democratic processes of deliberation and consensus building in the UK. Whether our longer-term recommendations will need to be implemented will depend on progress in the short term.

Immediate Actions

Establish an Independent Platform Agency

The UK and devolved governments should introduce a new levy on UK online platforms' revenue, a proportion of which should be ring-fenced to fund a new Independent Platform Agency (IPA). The IPA should be structurally independent of Government but report to Parliament. Its purpose, initially, will not be direct regulation, but rather an 'observatory and policy advice' function that will establish a permanent institutional presence to encourage the various initiatives attempting to address problems of information reliability.

The IPA should be established by legislation and have the following duties:

- Report on trends in news and information sharing according to a methodological framework subject to public consultation. This should include real data on the most shared and read stories, broken down by demographic group.
- Report on the effectiveness of self-regulation of the largest news-carrying social and search platforms. This should include reports on trust marks, credibility signalling, filtering and takedown.
- Mobilise and coordinate all relevant actors to ensure an inclusive and sustained programme in media literacy for both children and adults, and conduct evaluations of initiatives. The IPA should work with Ofcom to ensure sufficient evidence on the public's critical news and information literacy.
- Report annually to Parliament on the performance of platforms' self-regulation and the long-term needs for possible regulatory action.
- Provide reports on request to other agencies such as the Electoral Commission, Ofcom and the Information Commissioner's Office, to support the performance of their duties, according to agreed criteria.
- Work closely with Ofcom and the Competition and Markets Authority to monitor the level of market dominance and the impact of platforms on media plurality and quality.



In order to fulfil these duties, the IPA will need the following powers:

- Powers to request data from all the major platforms (determined by a UK advertising revenue threshold) on the top most shared news and information stories, referrals, news-sharing trends and case studies of particular stories. The types of data should be determined on the basis of public consultation on monitoring methodologies and according to a shared template that applies across different companies above the threshold. These data will be held by the IPA within a tight confidentiality regime to protect privacy and commercial sensitivities.
- Powers to impose fines on platforms if they fail to provide data, and to request additional data when a court order is granted.
- The IPA's independence from government should be established in law and protected financially and through security of tenure of its governing Board. The IPA should have close links with civil society and be transparent about how it interprets and performs its remit.

In addition to this new institution, we make further recommendations:

In the short-term:

- **News media** should continue their important work to develop quality and innovative revenue and distribution models. They should also continue to work with civil society and the platforms on signalling the credibility of content.
- **Platforms** should develop annual plans and transparent open mission statements on how they plan to tackle misinformation. They should work with civil society and news providers to develop trust marking.
- **Government** should mobilise an urgent, integrated, new programme in media literacy. This could also be funded by the digital platform levy and should include digital media literacy training for politicians.
- **Parliament** should bring forward legislation to introduce a statutory code on political advertising as recommended by the Information Commissioner.

In the medium-term (3 years):

- Standard setting for social media platforms. Until now, standards have been set by platforms themselves. If this fails to improve the UK information environment, the IPA should set these in collaboration with civil society, Parliament and the public.
- The news industry should develop a News Innovation Centre to support journalism innovation and quality news, funded by the levy on digital platform revenue.

In the longer-term (5 years):

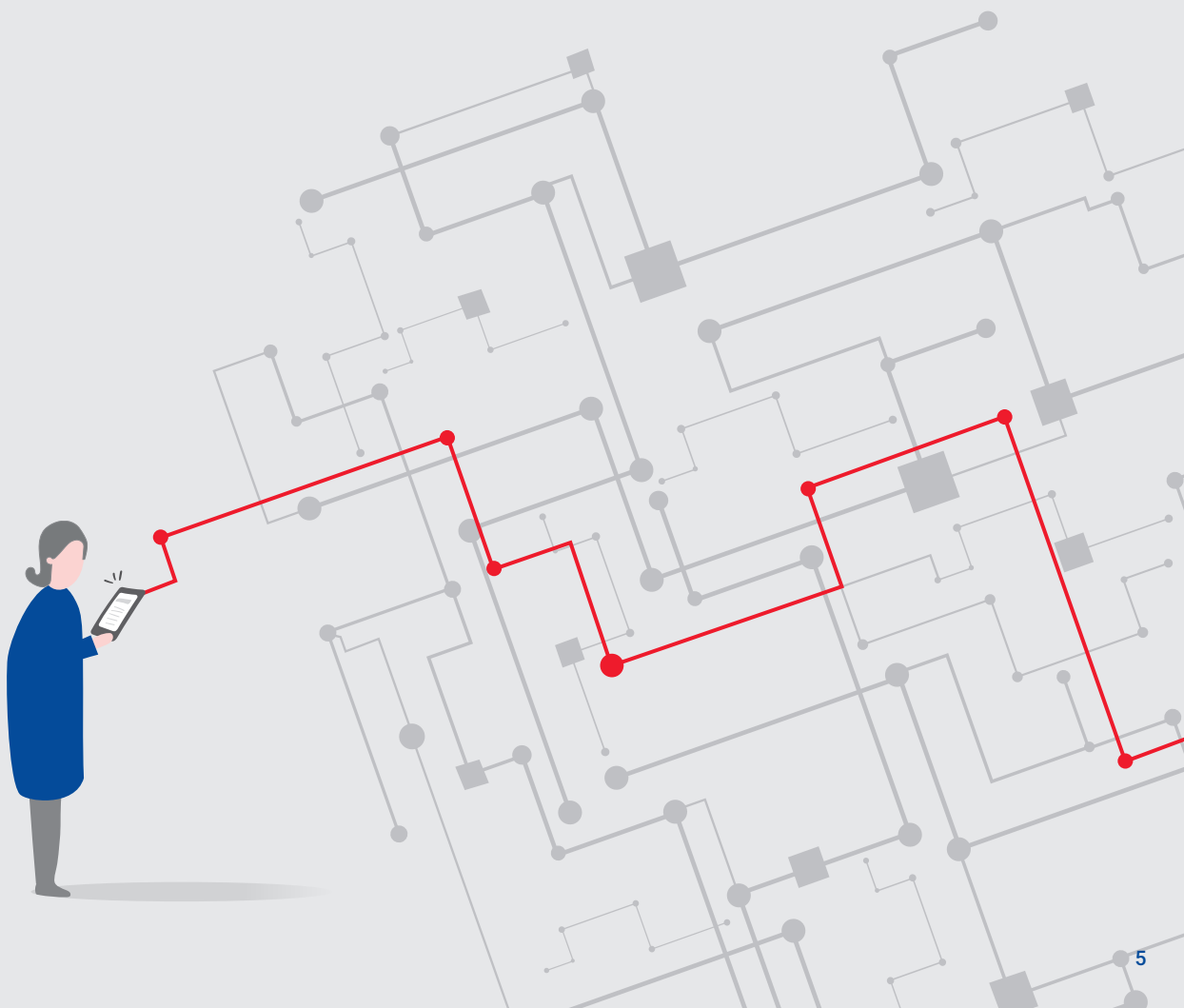
- The IPA should provide a permanent forum for monitoring and review of platform behaviours, reporting to Parliament on an annual basis.
- The IPA should be asked to conduct annual reviews of ‘the state of disinformation’ that should include policy recommendations to a parliamentary committee. These should encompass positive interventions such as the funding of journalism.

Possible long term policy actions:

In the longer term it might be necessary to subject platforms to much more stringent regulation, including making them liable for content they host, obliging them to unbundle or separate internal divisions, or even breaking up their business units or introducing a more comprehensive system of tax incentives.

In time, it is possible that the IPA will develop beyond a ‘monitoring and information’ function into a regulatory function, but it is also possible that regulatory needs can be met by a combination of existing bodies, as advised by the IPA.

The recommendations in this report are aimed at ensuring that the interests of citizens – understood as all of those residing in the UK – are protected alongside the interests of other stakeholders as the media system develops. This is essential if the information crisis is to be tackled successfully and democratic deliberation sustained.





The information crisis is systemic, and it calls for a coordinated long-term institutional response.

1 Introduction: The Information Crisis

Western media systems are undergoing unprecedented change. As a result, the complex institutional structures of self and co-regulation, professional ethics and legal privilege that supported democratic processes of deliberation and consensus building are being undermined. Established practices of journalistic verification, institutional accountability and the ethical ‘truth filters’ of a free, but responsible, news media are being dismantled. Citizens¹ are realising that replacing these on the new communication platforms is not straightforward.² Multiple competing actors need to collaborate. Any attempts to devise new structures and processes to achieve accountability and ethical practice should allow for the danger of capture by special interests and the threats they could bring to our liberty to communicate. The information crisis is systemic, and it calls for a coordinated long-term institutional response.

Many inquiries are underway into these issues. Unlike many recent attempts to address the issue, including those initiated by the UK Government³ and the EU High Level Expert Group on Fake News and Online Disinformation,⁴ we do not narrow the focus to deal only with the category of deliberate disinformation; we argue that the crisis is system-wide, leading to a range of problems including misinformation, disinformation and mal-information.⁵

In this report we are concerned with these three kinds of information, some of which are referred to as ‘fake news’. Misinformation, as defined in a 2017 Council of Europe report, is information that is false, but not created with the intention of causing harm; disinformation is information that is false and deliberately created to cause harm; and mal-information occurs when information based on reality is used to inflict harm, often by moving information designed to stay private into the public sphere.⁶ Our principal aim is to set out why a response is urgently needed to ensure that the systemic changes giving rise to growth in these kinds of information do not lead to a weakening of democracy in the UK.

Four basic assumptions underpin this report:

First, this report is pragmatic about truth. It rejects the claim that ‘news’ must ultimately be based on universal *a priori* truth claims. However, we also reject the relativist claim that all claims to truth must be abandoned in a post-truth age. Facts and truths are agreed through social processes, and the declining reliability and quality of news information is a societal challenge that must be confronted systemically.⁷

Second, the media are ‘environmental’ and should be understood as a whole system.⁸ They are ubiquitous and vital for the conduct of modern life. The development of our information environment should not be left wholly to the forces of the marketplace or technological innovation, because this environment must be responsive to the commitments and needs of citizens within a healthy democracy. It must be resilient to external and internal threats.

Third, while there are other contributory factors to the problems of fear, mistrust and fragmentation (such as the economic crisis and global change), media system change is an independent factor and a significant one.

Disinformation is false information that is deliberately created to cause harm.



Fourth, the truth and trust effects of our overall media system are a legitimate object of policy. It is clear by now that foreign actors have exploited system vulnerabilities. However, overall information quality and trust are functions of the resilience of our public media and communications infrastructure, not merely an effect of individual decisions to manipulate, mislead or distort.⁹ Policy responses are not without risk and interventions may have negative side-effects. Interventions involve making assessments and compromises and their outcomes are always subject to complex human behavioural and social reactions.

A coherent, strategic approach that supports flexible policies that can be adapted over time is needed. In this period of heightened disruption and continued innovation, ensuring that evidence is available to support informed policy-making is crucial to achieving a workable agreement on the purpose and goals of policy interventions.

Our policy response to the information crisis is set out in Section 5 of this report. Our conclusion is that multiple actions are urgently needed to protect the interests of individual citizens, to safeguard democracy in the UK and, crucially, to achieve a basis for forging a new settlement among all those with a stake in the information environment. Any settlement must be flexible enough to accommodate disparate interests and the need for change over time, and it must put the interests of citizens at its core.



2 Media change and its consequences

The UK has undergone a media revolution in a single generation. In the UK, 90% of adults say they are recent internet users, with only 8% reporting in 2018 that they have never used the internet. Ofcom data show that surveyed users (16 years and older) use the internet for an increasingly wide range of purposes.

Users vary significantly in whether they check the accuracy of information and are aware of where it originates.¹⁰ Online platforms are where an increasing proportion of UK citizens discover news,¹¹ and in a hybrid media environment,¹² citizens are getting information from, and engaging in discussion on, social media platforms as well as using traditional news sources.¹³

The UK media system has become more complex and, arguably, more unstable. There is no steady state, or even a uniform trend: for example, after years of growth, news consumption via Facebook is falling in the US and the UK, while WhatsApp and Instagram (also owned by Facebook) are becoming more important as gateways to news.¹⁴ Structural shifts in media markets are also taking place: some may be cyclical or short term, but others have longer-term significance. Social media overall are growing in importance as a space for information and debate.

This is the context and background to widespread fear that 'fake news', 'misinformation' and 'disinformation' are unpicking the fabric of society. Clearly, other economic, social and political changes contribute to the information crisis,¹⁵ but media change, and the information crisis, are independent factors. There is huge uncertainty about the scale of the problem, but misinformation and disinformation appear to be growing in volume. They are adapting to new controls and their impacts are having immediate, as well as structural, consequences. In the UK and elsewhere, systemic change in the media system as a whole, including the new digital technology companies, is a significant contributing factor. Society has reached a critical juncture; an information crisis.

One historic example of a comparable systemic response to a significant social problem threatening the stability of the UK is the Beveridge Report of 1942, which helped to lay the foundations for the British post-war welfare state. William Beveridge identified the five giant evils of social policy and emphasised the urgent need for a coordinated response to abolish want. The information crisis is presenting the UK (and other countries) with a similarly trenchant set of problems. Following Beveridge, we locate the information crisis in five giant evils when we set out the problems confronting governments, parliaments, the technology companies and all the participants in the media system of the 21st century.¹⁶



The **Five Giant Evils** of the information crisis

There is increasingly strong evidence in support of our claim that the five evils – confusion, cynicism, fragmentation, irresponsibility and apathy – must be addressed through a systemic and robust response. This is because, in combination, these ‘evils’ are a threat to individual decision-making, national security and democratic government.

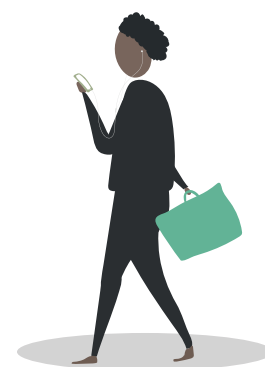
The **first evil linked to these changes, confusion**, means that citizens and others living in a particular place are less sure about what is true and who to believe. Confusion is being generated by rapid media change, bringing a super abundance of sources available on a plurality of platforms that can leave individuals disoriented. That confusion is increased by ‘information pollution at a global scale’, as the Council of Europe’s report on *Information Disorder* put it in 2017.¹⁷ It is created by an advertising model that hard-wires the continuous targeting of hyper-partisan views that play into people’s fears and prejudices.¹⁸ The apparent result is a media system that is optimised for any kind of resonance, rather than for truth. This harms democracy when confusion is generated by a high volume of deliberate misinformation around contentious political issues or events such as an election.¹⁹

The **second evil, cynicism**, means that citizens are losing trust, even in trustworthy sources. This is a global trend. In the US, survey results indicate that the average American viewed at least one fake news story in the months leading up to the 2016 election, with more than 50% of those respondents reporting that they believed the fake news stories.²⁰ In Europe, evidence from a large-scale survey indicates that ‘younger adults – those under 30 – are less trusting of the news media and less likely to think the news media are doing a good job in their key responsibilities.’²¹ Cynicism is amplified by the deliberate exploitation of system vulnerabilities through information warfare and the spread of false information, destabilising public confidence and fomenting social antagonism.²²

The **third evil, fragmentation**, means that although citizens have access to potentially infinite information, the pool of agreed facts on which to base societal choices is diminishing. There is evidence that citizens are becoming more divided into ‘truth publics’ with parallel realities and narratives online.²³ Yet the most enthusiastic users of social media have been shown to have a wider range of information sources than people who rarely go online.²⁴ Although the causes and effects of any fragmentation is an evolving debate, media is still a significant independent factor in the quality of political discourse. Therefore, it is crucial to address how policy can respond to the challenges to democracy, especially with the shift of journalism and public interaction to encrypted channels such as WhatsApp and private channels such as Snapchat.²⁵

The **fourth evil, irresponsibility**, arises because power over meaning is held by organisations that lack a developed ethical code of responsibility and that exist outside clear lines of accountability and transparency. This has led a situation to emerge whereby, for example, Russian social media bots have been able to amplify false information on platforms that have not prevented them doing so. The use of the platforms is amplifying the reach of misinformation in multiple areas beyond politics. In the health sector, this can have serious consequences for individuals. The absence of transparent standards for moderating content and signposting quality can mean the undermining of confidence in medical authorities and declining public trust in science and research. This has been visible in anti-vaccination campaigns when Google search was found to be promoting anti-vaccine misinformation.²⁶ All over Europe, the anti-vaccination movement, informed via social media, is leading to a

More than 50% of Americans who saw fake news stories around the 2016 election reported that they believed them.



measurable decline in the rate of vaccination. From health policy and epidemiology to military intelligence, there is alarm about the problems of misinformation, but there is no agreement on where responsibility lies.

The **fifth evil, apathy**, whereby citizens disengage from society and begin to lose faith in democracy, is part of a longer-term trend and is harder to pin down with evidence.²⁷ A *Reuters Institute digital news report* suggests that in the UK there is declining trust in social media information sources and that people are not confident that government or the technology companies will act in the public interest.²⁸ Allegations of direct attempts at ‘voter suppression’ through concerted campaigns to fragment debate and fuel mistrust in all candidates were reported after the 2016 US elections. A well-established tactic of information warfare is to sap morale by continuous attrition through the propagation of misinformation.

Events such as the election of Donald Trump, the vote by the UK to leave the EU and the rise of populism across Europe and beyond cannot be solely attributed to the design of our information systems and the business models in use by the technology companies and by the journalism profession.²⁹ That would be to ignore wider economic, social and political causes. Regional economic inequalities, for example, may have had a greater influence on people voting for Brexit than Russian propaganda bots.³⁰

Inequality, migration, globalisation and ecological risk are creating immense political turbulence. They constitute the great challenges facing democratic government for the next century. We must ensure that the infrastructure of deliberation – and that means the news media and digital information systems – are up to the task of generating informed dialogue on social justice in a complex world. Reliable information is vital if the public is to understand and relate to these material and political trends and trust the experts involved in generating

detailed responses to them. Without information for understanding the world, citizenship is an empty idea and democratic government is impossible.

As the EU’s High Level Expert Group on Fake News and Online Disinformation concluded:

Problems of disinformation are deeply intertwined with the development of digital media. They are driven by actors – state or non-state political actors, for-profit actors, media, citizens, individually or in groups – and by manipulative uses of communication

infrastructures that have been harnessed to produce, circulate and amplify disinformation on a larger scale than previously, often in new ways that are still poorly mapped and understood.³¹

This is not just, or even primarily, about politics. The public health, emergency management and national security implications of a rapid decline in trust in information are arguably of greater importance than choices between political parties. And given the role of news in economic life, particularly during crises and panics,³² it is highly likely that those seeking to exploit system vulnerabilities will be well aware of the potential of misinformation to wreak economic havoc.



This is not the time for a moral panic.³³ True, disruptive media technologies have always created utopian expectations and dystopian fears. Radio was once hailed as promising world peace.³⁴ Mass television was said to be creating an infantilised and passive public.³⁵ The internet was hailed as promising greater democracy – and also a Bladerunner dystopia.³⁶ But several decades on it is clear that given the disruption and gravity of the information crisis, it is time to take it seriously as a public policy problem. We urgently require the institutional capacity to act, and to take a long-term view of smart interventions to monitor and minimise the negative impacts of the information crisis.

We argue, in summary, that the information crisis is real. Public policy should approach it as a problem of *system resilience*. Western liberal democracies face many long-term challenges: fragilities in our political and electoral system; changes in the economy as it passes through austerity and structural change; ecological, social and demographic changes and problems of adapting the welfare state; and the relationship of UK citizens and communities to the regional and international forces of immigration, inequality and crises in international governance. These difficult challenges have triggered simple populist responses, in part because the new media system favours the simplicity and emotionality of those responses. Negotiating these challenges will test the UK model of deliberative government to the limit.



FAKKE NEWS

**There is strong evidence for
the positive role that good
quality and reliable news
plays in society.**

3 Analysis of the response so far

The institutions – public and private – involved in the media system have not failed to respond (see Appendix 2 for a brief summary of selected recent initiatives).³⁷ In fact, the information crisis has been met by a bewildering array of initiatives and reforms, from industry, civil society and government. The process of law reform has begun, and the challenges of reform are becoming clear. The aim of this section is to unpack and analyse the range of stakeholder and government responses that are under way.

In Section 4, we delineate the limitations of the policy interventions outlined here, before making recommendations on the basis of this discussion in Section 5.

3.1 The response of the news media: Quality, sustainability, 'credibility signalling' and distribution

The response of the news media has been to:

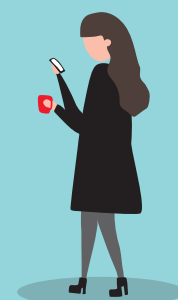
- Improve the quality of news
- Self-regulate to promote traditional journalism verification and ethics
- Improve 'assessability' of news through credibility signalling
- Generate innovative new funding models.

There is strong evidence for the positive role that good quality and reliable news plays in society. A decline in the capacity of local news provision, for instance, has been shown to have a measurable negative consequence for the financial efficiency of local government.³⁸ But attempts to support quality news that do not recognise the complex interactions between the media and other societal forces are likely to have limited or even perverse effects. Promoting fact-checking, for example, without understanding scepticism about information authority, can backfire if the misinformed dig deeper into the trenches of misconceived views as a reaction to corrections to information published online.³⁹ A more multifaceted approach to the complex ecology of news and information is required.

News media have responded to the crisis with an urgency born of their will to survive. They are trying to improve quality and trust in their products and to access better distribution and a bigger share of digital revenue. They are experimenting with new business models such as subscription or foundation funding and new forms of horizontal collaboration, and they are developing new approaches to 'credibility signalling' – building trust in their news through various forms of trust mark.

For many news organisations, a first step in response to the information crisis is the attempt to improve quality. Mainstream news media organisations are becoming aware that to

A first step to respond to the information crisis for many news organisations is the attempt to improve quality.



distinguish themselves from misinformation or poor-quality content, they must improve their own standards across the board. Not only are many of them attempting to improve the reliability of their own product by tightening journalism standards, but they are also investing in internal fact-checking and collaborating with external fact-checkers.

News media are investing in what philosopher Onora O’Neill calls ‘assessability’⁴⁰, giving media users more contextual information about how to assess the trustworthiness of their media. Credibility signalling allows news providers to show the public where they are investing in accountability, ethics, verification and higher standards. By showing sources, for example, journalists can demonstrate the painstaking research behind a story. The presence or absence of shown sources allows citizens to make more informed judgements about quality. This is a ‘basic hygiene’ issue for newsrooms, yet it has so far been carried out *ad hoc*. A range of research tools has been launched from organisations such as the Trust Project⁴¹ and Newsguard⁴². Some of these are ‘pop-ups’ that reveal sources when a text is browsed. When sources need to be protected, that, too, can be explained. Other measures involve editorial practices such as allowing comments or feedback, explaining editorial policies on quotes or distinguishing between news and comment.⁴³ Some involve good ethical practice such as the clear labelling of ‘sponsored’ content. All these contributions are useful and it is possible to make media users more aware of these accountability frameworks.⁴⁴

News providers are continuing to innovate their revenue model and changes, such as charitable status, and the associated tax breaks and philanthropic funding, may offer some support. However, external funding can also foster a dependency culture and such funders often have institutional or ideological agendas that can compromise editorial independence. But as part of a mix, and when targeted carefully at specific gaps or used for catalytic projects that stimulate best practice and product or service development, such funding can help to build capacity for quality news production. At a time of radical restructuring in the news industry because of financial pressures, external funding could also encourage much-needed diversity to address under-served and specialist audiences.⁴⁵ A Carnegie UK Trust report notes that mandatory local authority notices in newspapers provided a ‘subsidy’ of around £40–60 million a year in the UK, but this is now threatened.⁴⁶ The increasing burden on local authorities suggests that other sources of funding will need to be found, for example, via an allocation from the Big Lottery Fund. Even if new sources of quality news can be financed, distribution is a core challenge and the quality news media continue to face an uphill struggle in bringing their product to larger audiences.⁴⁷

The big challenge on the new platforms is monetisation. The news providers need to gain access to better data resources and more advertising revenue if they are to continue. Mainstream news organisations are seeking ways to become less reliant on the platforms to sustain their business models,⁴⁸ but they face the threat of media ‘infrastructure capture’ by the platforms.⁴⁹ One strategy is for news publishers to build autonomous routes to the public. However, journalism cannot exist in isolated, subscription-supported pockets when the public is spending increasing time and attention on the platforms; it needs to go where the conversations are happening.⁵⁰

In summary, the news media face multiple challenges as they attempt to address the information crisis. They are attempting to build quality products and trust, but they face huge challenges of distribution and funding. They are innovating and responding, but they need help.

3.2 The response of the platforms: New partnerships for filtering, blocking and moderation

The platforms have been widely criticised and are often held responsible for each of the five giant evils of the information crisis. There are various reasons for this.

The dominance of Google and Facebook in the advertising market means they are price setters, and this results in declining advertising revenue for publishers. Publishers argue that they are not receiving a fair or sustainable share of advertising revenues related to their content when it is aggregated by the platforms or hosted on their sites.⁵¹ In the UK, news publishers have legacy structures for reaching the public such as direct broadcasting or newspaper sales. But Apple, Google (and YouTube), Facebook (and Instagram and WhatsApp) and others, including Twitter, Reddit and Snapchat, are in a strong position to shape the production and distribution of news. Ofcom survey data indicate that in the UK, TV is the most used news platform (79%), with the internet being the next most used overall by all age groups (64%), and by 82% of those aged 16-24.⁵²

Technology companies play a core role in the information infrastructure of the UK. The UK public sphere is now dependent on the digital services provided by these huge, private sector US-based companies.⁵³ It can no longer be asserted that the information services provided by such technology companies are merely conduits for information. They are curators of information through the design of their platforms and through the operation of content moderation systems. These systems have significant influence over what users can post (length of texts, images, comments), the duration of posted information, and to whom content is pushed using algorithms that target, downgrade or influence how people interact with information. These companies are making decisions about what content is allowed, what prominence it is given, and what revenue goes to content producers such as news organisations.⁵⁴ An understanding of their terms and conditions, operating procedures and principles is crucial to achieving an information environment that is consistent with the public interest.

3.2.1 Platform approaches to content moderation and curation

Social media platforms such as Facebook, YouTube and Twitter have been drawn into the debate about the information crisis as their role in the dissemination of information grows and is more widely understood. The platforms have responded by:

- Developing new approaches to 'community guidelines' and terms of service – their voluntary standards
- Collaborating with fact-checking and other external organisations to provide trust marks for quality content and warnings about suspect posts
- Opening up their moderation function to some limited transparency and oversight
- Collaborating with researchers on targeted projects
- Altering the 'relevance algorithms' that recommend, surface and suppress content to users
- Offering other distribution and prominence benefits to content considered trustworthy.

The platforms' responses include updating their self-regulatory community guidelines and terms of service to set rules through contracts with their users. They have invested to scale up and automate content moderation. They have partnered with fact-checkers and others to flag, tag and filter news for quality control. In response to criticism of the 'privatised censorship' that this has led to,⁵⁵ they have developed a number of measures to improve the transparency and accountability of their editorial function. They have introduced new forms of collaboration and support for journalism, including through funding, and they have developed research partnerships to offer controlled access to their data. Yet, moderation should mean more than mitigating harm; it must include a responsibility to curate for transparency and in the public interest.⁵⁶

As the platforms review their moderation and content curation policies and practices in response to public scrutiny, the changes they introduce often have unintended consequences, especially because they exert limited pre-emptive control over what happens on their networks.⁵⁷ They are subject to criticism because their mission statements often provide an inadequately transparent framework for their actions,⁵⁸ and because there is no independent mechanism in the UK to hold them to account to ensure they operate in line with normative ethical standards of responsibility. As a result, moderation of information and curation of content by platforms are happening without enough public input into the principles and objectives behind them. This raises concerns about censorship and bias.

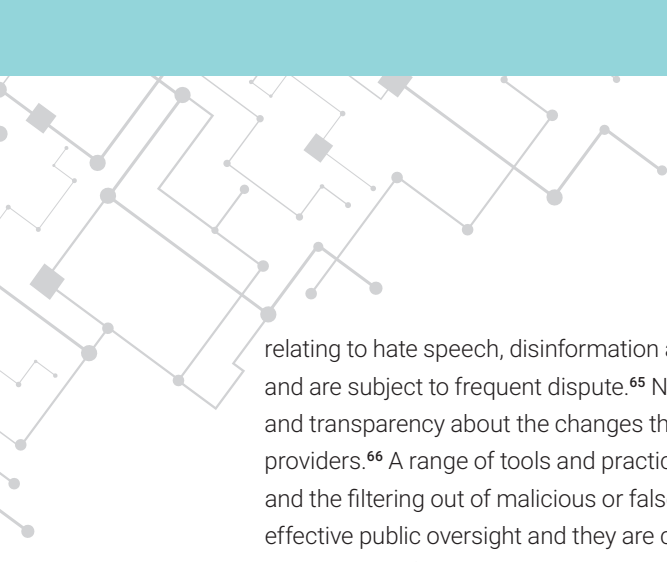
Digital technology companies are incentivised by their business models to favour maximum openness and minimal intervention in the posting of information, and to surface information that maximises engagement. This increases their revenue from advertisers and other clients. By achieving scale through openness, they increase the amount of user data they generate and this allows them to expand, and to facilitate personalised or targeted services for users and other companies.

Platform companies are more readily accepting that it is in their interest and in the public interest for their operations to be more accountable than at present, and potentially subject to oversight by external bodies.⁵⁹ Facebook, for example, has deployed third party fact-checking with the aim of demoting false news.⁶⁰ However, external accountability conflicts with an advertising model in which advertising revenue is driven by engagement, which is related to the perceived truth of a statement according to user behavioural bias and emotion. These factors are key drivers of virality.

The platforms have, through a combination of corporate social responsibility and self-interest in the face of regulatory threats, begun to support credible journalism to promote an alternative to misinformation and harmful content. They have done so by forging an 'uneasy alliance' with the news publishers.⁶¹ Despite these moves, it has been suggested that the content aggregators (Apple News, Google News) should provide better deals and facilitate subscriptions in order to provide support for credible publishers.⁶² Publishers are calling for greater transparency from the social media and search companies about the data they collect. They are also calling for the ability to share data routinely with the platforms, but the platforms are in a position to resist such calls.⁶³

The platforms' rules for content removal are broader than those of conventional publishers. They rely on algorithms and content flagging with human moderation. This means that there are mistakes and inconsistencies in this process,⁶⁴ since flagging and tagging content depend on an evaluative process. In many instances, there is a social consensus to make this relatively unproblematic (in relation to child abuse standards, for example), but in many other cases





relating to hate speech, disinformation and quality journalism, the judgements are non-trivial and are subject to frequent dispute.⁶⁵ News publishers complain about a lack of consultation and transparency about the changes the platforms make and in their relationships with content providers.⁶⁶ A range of tools and practices is being deployed to improve credibility signalling and the filtering out of malicious or false content.⁶⁷ However, *ad hoc* practices operate outside effective public oversight and they are controversial – platform companies are accused both of over-blocking (with huge consequences for user rights) and of failing to block.⁶⁸

The platforms are in a difficult, but immensely powerful, position. They are involved in making value judgements about whether to block or promote speech – they are the ‘new governors of online speech’.⁶⁹ They are aiming to ensure that their content moderation practices are responsive to the expectations of users in different regional and national contexts. They are increasing their commitment to moderating content in line with public expectations, and are making efforts towards greater transparency,⁷⁰ while there are ‘flags and tags’ trust marks and labelling initiatives in many forms, both positive and negative. Some of these are carried out by independent civil society organisations separately from the media.⁷¹

The development of social media ethics or a new settlement among all interested parties requires a common understanding of what voluntary ethical standards and responsibilities should apply on these complex platforms. Until now, individual companies have developed their own terms of service and ethical standards, and, to some extent, have differentiated their brands partly on this basis: hence the difference between Facebook’s approach to ‘real’ identity and content standards and that of Twitter. The consequence of this approach to ethics is that consumers and users are left confused about what constitutes acceptable ‘norms’ for the quality of information. Overall, the platforms’ responses can be described as piecemeal and incremental.⁷²

In summary, the application of decentralised labelling schemes as a means of signalling credibility and the platforms’ content moderation methods involve sensitive judgements about what is ‘socially useful’ news. They give rise to charges of bias and censorship and to a requirement for independent audit and transparency. There is an urgent need to introduce measures that will ensure that the platforms adhere to agreed standards of ethical platform responsibility. Clearer lines of responsibility and accountability are essential, and requirements for transparency need to be monitored over time.⁷³

3.2.2 The special case of election communication

One of the reasons that the crisis of misinformation has come to light in recent years is that election communication has become one of the core areas of controversy. It has been argued that other areas of misinformation – such as health, emergencies, security and the economy – may ultimately provide a stronger justification of a new public policy approach, but it is because of elections that the issue has become more widely discussed.

The challenges in the electoral arena are created by new ways in which parties are campaigning. While data used to target specific groups of voters have always been part of political campaigning (for example, gathered through door-to-door canvassing), online data-intensive approaches greatly increase campaign message targeting capabilities, and these are now central to the political communication strategies used by the major UK parties. Facebook alone has 40 million registered users in the UK and offers a very effective advertising tool.

This is a significant discontinuity with previous models of advertising. Political advertising on television is banned in the UK, but there is no restriction on digital platform advertising, and the major political parties are spending heavily on these platforms.⁷⁴

Social media advertising is also hard to regulate because it not only involves registered political parties, but also other potential participants such as political consultancies and non-party campaigning organisations.⁷⁵ Advertising can also be purchased by external actors, including foreign governments, with the aim of increasing polarisation and generating mistrust in institutions.

While Facebook has increased its monitoring and identification of political advertising to enforce its existing guidelines,⁷⁶ these efforts lack transparency and are no substitute for publicly accountable regulation. Regulators themselves have recognised this and have argued for increased powers. In 2018, the Electoral Commission called for increased transparency on who is paying for online political advertisements, clearer reporting requirements on how political parties spend their money and the power to levy larger fines on those who break the rules.⁷⁷

In the same year, the Information Commissioner's Office's report, *Democracy Disrupted*, said there was a 'significant shortfall in transparency' and made policy recommendations for addressing 'personal information and political influence'.⁷⁸ The public has limited awareness of how individuals are targeted by political parties. Ofcom evidence suggests that while people may be aware that their data are being used to allow third parties to tailor messages to them, they know less about the data brokerage systems and involvement of third parties and how the data are used or monetised.⁷⁹

The content of political advertising in the UK remains largely unregulated⁸⁰ – political advertising is not covered by the Advertising Standards Authority's (ASA) remit, for example.⁸¹ Such a self-regulatory arrangement may no longer be sustainable when social media are making paid advertising content a much more important element in the UK's political communication.

There is, in summary, no guarantee that the next general election or future referendums will take place under an updated regulatory framework. Unless action is urgently taken, the UK could go back to the polls with a regulatory framework that is as broken as the one that exists today.



3.3 The response of public authorities

Given these developments and the growing sense of a ‘crisis’, governments, parliaments and public authorities in the UK and beyond are responding. Initiatives are fragmented and hampered by a high level of political sensitivity, but there is a growing call for a new public policy approach to the information crisis. The key main directions of policy involve:

- Coordinating and encouraging co-regulation and self-regulation standards for platforms and news media. The European Commission has issued a Communication on fake news and coordinated the production of a *Code of practice on disinformation*⁸²
- Developing the law to include specific new offences and categories of illegal content and introducing procedural changes to the liability structure for content⁸³
- Fiscal policy and tax reforms to fund news
- Competition interventions under current law
- Changes to competition law and ‘structural’ interventions to change the size and shape of technology companies, and their behaviour.

Some of these proposals are being implemented; most are at the discussion stage. This section examines the policy proposals under consideration, as a reference point for the recommendations we make later in Section 5.

3.3.1 Regulated self-regulation and standard setting

The government and its agencies have a long track record of loose coordination of self-regulatory initiatives taken by the platforms and other actors in the media system – the partners know that self-regulation must be seen to work or regulation by law will be imposed. The EU has a code of conduct on hate speech⁸⁴ and another *Code of practice on disinformation*, which the platforms have signed up to.⁸⁵ The latter focuses mainly on paid advertising and the structure of the new code is that of an entirely voluntary, self-monitoring scheme. The new Audiovisual Media Services Directive was adopted in October 2018 with provisions that will apply to some social media and video-sharing platforms such as YouTube, with codes of conduct that will be audited.⁸⁶ In the UK, it has been suggested that a regulator could act as an auditor of procedural standards (e.g. a minimum of due process and transparency) that platforms can meet in fulfilling their obligations to review and take down content.⁸⁷ The suggestion is that these should be overseen and coordinated by an independent agency.

3.3.2 Altering moderation incentives and intermediary liability

The current arrangements for digital content moderation militate against an ethical ‘good Samaritan’ approach by platforms. Since liability protection is granted when platforms are unaware of the content on their platforms, they are less likely to seek to monitor and protect. For this reason, policy approaches under discussion take the form of altering the incentives around moderation.

There are those who want to claim a priori that immunity from liability for providers should be preserved as a means to protect freedom of expression, but it is not possible to sustain this argument indefinitely and independently of context.



There are those who want to claim *a priori* that Section 230 of the US Communications Decency Act (which provides immunity from liability for providers and users of an ‘interactive computer service’ who publish information provided by third parties) and Article 14 of the EU E-Commerce Directive (providing liability exemptions for hosting third party content) should be preserved as a means to protect freedom of expression, but it is not possible to sustain this argument indefinitely and independently of context.⁸⁸ Freedom of expression is not absolute, and the proportionality of a change in liability arrangements depends on the actions and standards that platforms are able to commit to and effectively implement.⁸⁹

Many experts now agree that binary distinctions of publisher/non-publisher and liability/non-liability suggested by the current intermediary liability arrangements (under the EU E-commerce Directive and the US Communications Decency Act) should be replaced by a hybrid or intermediate category. A service provider occupying this category is not without responsibility, but nor should it be held entirely liable for content that it hosts. Intermediaries have a range of normative responsibilities that need to be reflected in any new, unique legal settlement.⁹⁰

In a US context, this notion of a settlement has been developed by legal scholars into the notion of ‘information fiduciaries’.⁹¹ In the UK context, it is suggested that the wider legal concept of a ‘duty of care’ offers an intermediate category between strict and no liability.⁹² These proposals operate not through contractual relationships with users or strict liability, but through a general expectation of ethical behaviour and trust. Since intermediaries are themselves not speakers,⁹³ the interest engaged is the right to receive ideas, and there is a justification of oversight of the general ethical orientation of the intermediary. These proposals are at a very early stage. The key challenge is that they effectively delegate discretion for ‘ethical’ design to the intermediaries themselves and thus, award them huge power. Any such move, therefore, would require new and much stronger constraints of accountability and transparency, which is itself challenging in a global perspective.

3.3.3 Fiscal social policy

Taxation is an opportunity for governments to shape and improve the media system. Changes in charitable status – that is, a change to the tax status of news organisations – could have a much greater impact than external funding by charities. Currently, tax advantages are spread across the newspaper industry. The VAT exemption is worth more than £300 million per year. By consolidating and redistributing a tax advantage that applies to a declining revenue stream (newspaper sales) to a growing revenue stream (online news), Government could incentivise the growth of quality journalism, for example, by offering targeted tax breaks if platforms take independently verified measures to facilitate a public service or public information role.

There are multiple calls for levies and various forms of hypothecated platform taxes. In France and Belgium, platforms and publishers have an agreement for a payment rather than a tax. The UK Government proposed a ‘digital services tax’ in October 2018.⁹⁴ The supernormal profits of the platforms are seen as being available for creative ways to address the negative externalities associated with platforms and to fund a wide range of other social benefits such as quality news. Some of these fiscal measures are shown in Table 1.

Table 1: Proposed Fiscal Policy Measures

Proposed by:	Type of levy:	Funding will go to:
UK		
UK Government	2% tax on UK generated revenues of large platforms	Treasury (general taxation)
Campaign for Media Reform ⁹⁵	A levy on digital advertising revenues earned by the largest companies	Setting up a networked local news wire service
Doteveryone ⁹⁶	Funding from industry through the proposed Office for Responsible Technology	Protecting the public via public-facing awareness work and supporting people to seek redress
House of Commons DCMS Select Committee ⁹⁷	'Education' levy on social media companies	Financing a 'comprehensive educational framework' to make digital literacy the 4th pillar of education, and for a public awareness initiative
Conservative Party manifesto 2017 ⁹⁸ and <i>Internet Safety Strategy Green Paper</i> ⁹⁹	Social media levy, voluntary and then underpinned by legislation as necessary	Promote awareness and online safety, contribute to countering harms
Labour Party ¹⁰⁰	Windfall tax on platform profits	Public interest media
News Media Association ¹⁰¹	A content licence fee, paid annually by tech companies	Independent journalism
EU		
The Copyright Directive – European Parliament has voted in favour with final vote due in January 2019	Link tax that aims to ensure that content creators are paid when their work is used by sharing platforms such as YouTube or Facebook, and news aggregators such as Google News ¹⁰²	Publishers, journalists, artists, musicians
FRANCE		
Government and Google agreement in 2013 ¹⁰³	Google agreed to share ad revenue and set up a €60m fund for digital journalism innovation	Increased ad revenue for publishers who use Google advertising products and who apply to the innovation fund
BELGIUM		
Publishers and Google agreement in 2012 ¹⁰⁴	Google agreed to share ad revenue	Publishers



The appropriate level and target of a social policy-driven hypothecated tax or levy depends on the behavioural outcome that is desired. The parallel with tobacco and alcohol is clear in that successive governments have used taxation to price in the social externalities – of damage to health, for example – as a consensus emerged about the health effects of smoking and drinking. As the ‘jury is still out’ regarding the potential externalities associated with the platforms, and since it is not clear if self-regulation by the platforms can effectively deal with them, the tools of policy must be applied through an iterative process. Platforms that are found to fail to develop a satisfactory approach to self-regulation, transparency or accountability could, for example, be subject to a higher rate of tax. This would raise challenges of impartiality and independence and ‘content neutrality’ in the application of tax rules, but these are not insurmountable. If the levy is a funding mechanism for public interest or quality media, the additional policy challenges of ensuring that funding is independently and fairly allocated, and that funded content achieves an audience, need to be addressed.

3.3.4 Competition regulation and ‘structural’ remedies

It is by now a cliché to call for the ‘tech giants’ to be ‘broken up’. There are, however, few detailed policy proposals under consideration regarding just how to do that. One argument for such a break-up – or the intermediate stage of structural separation where the businesses would be separated into independent units – is that it would provide an opportunity to ensure that organisational structures provide incentives to address the information crisis. A lively debate is currently raging around the world about structural remedies and the extent to which it is possible or desirable to apply them in one country. In many cases, however – including in an independent review commissioned by the UK Treasury – the focus is explicitly not on the wider social and political implications of platform dominance; it is only on the economic aspects.¹⁰⁵

Platforms are operated as multi-sided markets that give their operators the power to cross-subsidise between different sides of the market. Under these conditions, price may not be the best proxy for indicating if a market is functioning well and indeed, whether citizen or social welfare is being enhanced. It is widely recognised now that a new approach is required.¹⁰⁶ This applies in terms of the thresholds of permitted dominance (we might want a lower threshold, as with the rule adopted on media plurality) and to the kinds of remedies applied. Structural solutions in the context of mergers and assessments of market dominance could result in behavioural or structural remedies that address specific harms associated with platform dominance. This could include governance arrangements that apply to specific harms and innovative new forms of structural separation such as separating advertising from editorial functions.¹⁰⁷ These could incorporate procedural innovations (such as the administration of public interest tests) into a merger regime or into considerations of market dominance and harms. Examples of proposals for platform structural separation are shown in Table 2.

The appropriate level and target of a social policy-driven hypothecated tax or levy depends on the behavioural outcome that is desired



Table 2: Proposals for platform structural separation


Separation	Suggested By	Rationale	Legal Basis
Unbundle the recommendation algorithm	'Facebook needs to hand over its algorithm if it really wants to end fake news' (Quartz) ¹⁰⁸	Plurality/user empowerment: users could choose their own bias. Competition benefits	Would require new legislation
Facebook should divest WhatsApp, Instagram	Freedom from Facebook, ¹⁰⁹ a US-based organisation, is calling for the Federal Trade Commission to break up Facebook, WhatsApp, Instagram and Messenger ¹¹⁰	Competition in ad markets/ leverage of control in data markets	Competition law
Structural separation of editorial and advertising	How to 'break up' Facebook (LSE) ¹¹¹	Recommendation would be 'dis-incentivised' from fuelling fake news	Would require new legislation
Break up Google, separating search, YouTube, AdSense, etc.	'Break up Google', (<i>Boston Globe</i> Editorial Board) ¹¹²	Market dominance in advertising. Anti-competitive behaviour	Competition law

These solutions would be complex – although by no means impossible – to implement on a nation-by-nation basis, and it is not yet clear which of them are necessary. They should be taken seriously as policy options that may be needed, should voluntary measures (many of which could have the same institutional effect) not be successful. Questions of separation and Chinese walls should – as Jonathan Zittrain suggests – consider misinformation alongside the economic competition issues.¹¹³

A response to the need for independent oversight of content moderation and to the substantial market dominance of a small number of digital platforms can be undertaken in a variety of ways, as indicated in this section. There is no single solution to the disruptive effects of the burgeoning digital platform market for the traditional news media, for citizens, or for ensuring that a sphere for informed public debate is sustained and nurtured. Policy responses to the information crisis require ongoing debate, yet there are actions that can be taken now – informed by existing evidence – as we recommend later in Section 5.

3.4 Media literacy: A necessary condition for democracy in a digital age

All of the responses in the preceding section are top-down. Publishers, platforms and public authorities make assumptions about the role and competencies of actors – their level of media literacy and their motivations and interests in repairing the information crisis. Historically, these have been wrong assumptions in that they tend to overestimate the extent to which citizens are rational and seek truth. The long-term solution must also be bottom-



up because sceptical, informed and skilled users are integral to an accountable system for verifying information. It must be bottom-up because it must rely on citizens' capacities to navigate as both producers and users of online information in a complex environment.


Discussions of the challenging issues dealt with by this Commission often express the hope for better media literacy in the general public. After all, democracy requires citizens who are empowered, informed, autonomous and able to exist in the freest information environment possible. But unfortunately, media literacy initiatives are often short-lasting, narrow in purpose, or of uncertain educational value.

3.4.1 Media literacy in education

Resources for media, digital, critical or news literacy are proportionally tiny compared to other educational areas. They are implemented in schools and other learning and information sites only sporadically, far from comprehensively or inclusively, and without much, if any, independent evaluation of their effectiveness.¹¹⁴ Media literacy is a complex and demanding topic to teach and learn. It is vital that this is thoroughly embedded in classroom education and also that it extends well beyond the classroom to enable civic and political engagement of diverse kinds, for adults as well as children.¹¹⁵

In a crowded curriculum, neither Media Studies nor Citizenship education have been prioritised, with the former studied by only a minority and the latter barely finding space in the curriculum. Neither receives the cross-curricular attention required, and there are concerns about the level and quality of media literacy teaching resources.¹¹⁶ Information literacy is in the Citizenship curriculum and that is compulsory, but there is little time for critical digital literacy. As a subject, Media Studies has been marginalised and while the Computing curriculum tackles some of these issues, this has been given poor reviews by the Royal Society and is, again, a crowded, optional topic.¹¹⁷

3.4.2 Media literacy and the general public



There is now a consensus that media literacy should empower citizens to thrive and contribute to the democratic contestation of ideas, to act and to participate in the public sphere and in relation to public and political life. Citizens need information to participate for social, community and political purposes at all levels from local to global, including to share and organise to act collaboratively. This requires information, communication tools and inclusive access, plus the nurturing of critical skills to weigh information and the communicative skills to contribute quality information. One downside of constantly warning about 'fake news' is that a more general passive cynicism may be instilled in the public.¹¹⁸ Yet there is clear evidence that greater education for media literacy has a direct impact on improving people's ability to access¹¹⁹ and judge¹²⁰ information. With growing evidence of the damage in which misinformation and disinformation are involved, a new and increased commitment to media literacy is needed that addresses the context as well as the symptoms¹²¹ – a media literacy that is fit for confronting the informational complexities that face citizens of the early 21st century.

Citizens have a responsibility not to misinform just as they have social duties to avoid causing harm in other areas of life. There are practical things that individuals can do to identify and

counter misinformation.¹²² However, they need to be given the tools, knowledge and incentives to do so.¹²³ Instead of only focusing on ‘stopping’ misinformation through technology or regulation, media policy also needs to develop policies that build structures and capacity for individuals to act. Finally, media literacy needs to be understood as a long-term benefit rather than a short-term solution, and judged accordingly when resources are allocated and policy decisions are made about regulation.¹²⁴

One problem faced by citizens is complexity and uncertainty: an over-abundance of information, a diversification of sources, and a sense of not knowing what to trust because every source takes a position and there is not enough time to spend on verifying or decoding it.¹²⁵ News organisations and the platforms build their production models on the premise that people are time-poor, yet editorial techniques that are designed to gain attention in an efficient way may sometimes mean compromises on transparency and context. Citizens have many other priorities in their often time-constrained lives, so it is asking too much to expect them to take responsibility for ensuring the credibility and quality of their media consumption, let alone its diversity.¹²⁶

Media literacy levels as measured by Ofcom fluctuate over time, and there is little evidence of steady improvement. The *Commission on Fake News and the teaching of critical literacy skills in schools* report from the National Literacy Trust found that only 2% of primary and secondary age children have the critical literacy skills they need to tell if a news story is real or fake.¹²⁷ Similarly, Ofcom has found confusion among adults about how their data are being used, the funding of search engines and the role of advertising and regulation in general.¹²⁸ Inequalities in understanding clearly exist,¹²⁹ and as technologies develop, the challenge continues apace. Basic literacy can be measured, but in relation to news and information, critical thinking – the ability to interrogate as well as comprehend information – is especially vital, and this is more difficult to measure and track. However, it seems clear that with the demands on people’s media literacy constantly outpacing what they can understand or keep up with, the media literacy gap will continue to grow unless substantial efforts are made.¹³⁰ People need to be able to frame good questions as well as to find answers, and they need to feel that they care about and can rely on what they consume.^{131 132}

Mainstream news media have tended to avoid explaining themselves in the past. Now the same tools that allow for audience engagement and interactivity also offer ways to improve understanding of how journalism is produced and who produces it, for example, by citing sources and allowing user feedback. Media literacy offers a route to building journalism credibility and trust through greater transparency. News organisations such as *De Correspondent*, *The Guardian*¹³³ and *Bristol Cable* have made media literacy activities and practice integral to their audience relationships and community building. Mainstream commercial newsrooms such as *The Times* and *The Financial Times* now include more offline as well as online audience access to journalists and the news-making process. The BBC, *The Guardian* (Guardian Foundation) and *The Times* have helped build media literacy courses for schools.¹³⁴

In summary, media literacy is a necessary part of the answer, but investment in media literacy is paltry and often wasted when it is not part of a joined-up, strategic, long-term approach. Media literacy messages need to be based on a reliable set of principles that are understood by news providers, educators and platforms, and they need to be implemented effectively and consistently over time in an unstable world. The public needs and deserves to have better information, and better ways of sharing information about who and what to trust, and why.





There is an urgent need
for action that will yield
greater transparency and
accountability.

4 Limitations of responses so far

The urgent requirement of any new settlement for the digital information environment is independent assessment and action to underpin policy and public debate about how the news media, campaigners and the platforms are shaping the conditions for public deliberation, which is essential to democracy.¹³⁵

The platform companies can be a powerful force in enabling access to topical information and for citizen mobilisation and debate¹³⁶, but what is expected of them needs to be clear and it must be aligned with the public interest.

The policy interventions discussed in Section 3 are not mutually exclusive options. They represent the toolkit available to policy-makers who are seeking to mitigate the negative social impacts and harms associated with digital content and the wider issues involved in the information crisis, exacerbated by the transformations in Western media systems.

The range of stakeholder and policy responses to the information crisis is impressive: in the past three to five years a growing number of interventions has attempted to mitigate the growing confusion, cynicism, fragmentation, ignorance and apathy – the five evils – that are the symptoms of the information crisis. With time, these initiatives may bear fruit. The first phase in rolling out a framework for intervention to strengthen the resilience of the UK media system is a debate with the platforms about what baseline standards we expect their performance to meet. This process has begun – with the production of the Santa Clara Principles on Transparency and Content Moderation, for example.¹³⁷ Whatever the eventual mix of solutions that is applied, a step-change is needed now to ensure that future policy and regulatory decisions are effective and are based on the optimal evidence.

Despite these efforts, progress is likely to be slow and halting, for several reasons.

4.1 Coordination problems

Voluntary self-regulatory responses often require coordination between companies vertically along the value chain and horizontally between competing firms. Many of these companies are involved in zero-sum competition for market share and revenue, and collaboration is structurally difficult. It is difficult to imagine decisions taken with altruistic, public interest benefits as an objective, unless a wider framework of credible rules and incentives is established. There are multiple potential pitfalls. For example, platforms may use various forms of trust-marking and tagging to exclude content of competitors or impose contractual terms to the disadvantage of content providers. It is well established that such forms of self-regulation can raise barriers to market entry and reduce the overall level of competition in the market.¹³⁸

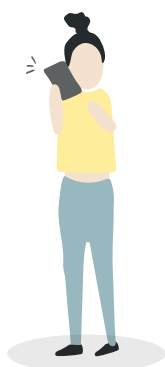
Relying on pure market incentives and ‘enlightened self-interest’ through self-regulation is unlikely to be an effective way to raise quality and ensure trust. There are also certain content producers that might benefit from a wider trust deficit in the market: for example, purveyors of

quality, reliable news to 'elite groups' that are willing to pay subscriptions. It is unlikely that the optimum level of information for market participants will be provided without some form of intervention. This has been the case in other markets: for example, targeted interventions have been used in the regulation of advertising of broadband speeds, auditing of price comparison sites and other consumer transparency initiatives.¹³⁹

Policy interventions that involve distribution of new funding from general taxation, from a hypothecated tax, or from specific levies on platforms, also raise questions about the mechanism and criteria for distribution.¹⁴⁰ It is essential that the policy principles for distribution of funds are not administered in a short-term way to placate powerful interests, as some would argue is the case with regard to some of the funding initiatives. These initiatives must be based on a proper strategic review of the long-term needs to provide independence and resilience for media systems and to enhance the news producers' capabilities to serve public information needs.

There are also wider coordination problems that relate to whether standards and expectations should be industry-wide, generic rules of conduct, or whether conduct expectations should vary by platform or by jurisdiction. Radically different futures are imaginable. In one, each society will generate new norms of behaviour and practices of ethical restraint that apply to all digital platforms. In another, users will generate different expectations as regards ethics, trust and security on different commercial services. Such scenarios will be in tension. The time has come to ensure that society-wide baseline standards are in place that apply to all services, and to encourage the development of 'competition for quality' through brand-driven approaches above those standards. There is a need for the independence of institutions and processes to clarify for citizens what their reasonable expectations should be with regard to content standards and moderation, and about the way incentives in the market for platforms operate.

It is essential that in the short- to medium-term, policy responses are guided by the best possible available evidence. In policy discussions to date, however, it is clear that there is an evidence and research deficit that undermines evidence-based policy-making in this area



4.2 Insufficient evidence, research and evaluation

There is a broad consensus that there is an information crisis, but opinion on the depth, extent and detailed manifestation of this crisis is divided. It is essential that in the short- to medium-term, policy responses are guided by the best possible available evidence. In policy discussions to date, however, it is clear that there is an evidence and research deficit that undermines evidence-based policy-making in this area.¹⁴¹

The irony is that attempts to respond to the crisis of truth and trust have themselves been impeded by their own crisis of truth and trust. There is a paucity of reliable data on what is happening on the platforms and a methodological challenge in analysing what data are available. The academic community currently lacks access to the data held by platforms that is essential for research that can hold them to account.¹⁴² Facebook has initiated a project to allow academics to use its data under conditions intended to protect user privacy,¹⁴³ but it is unclear how responsive this will be to researcher data requirements. This development is welcome, but since Facebook is not the only platform, this is only a partial response to the problem.

Given the lack of accessible data for research, evidence-based policy-making is difficult. There have been investigations into the causes and consequences of the information crisis, but these have been mostly in the US.¹⁴⁴ In the UK there are ongoing inquiries. The Department for Digital, Culture, Media and Sport commissioned research for its inquiry into the sustainability of the UK newspaper industry,¹⁴⁵ and the Reuters Institute for the Study of Journalism's Digital news report provides a detailed annual survey of consumer behaviour.¹⁴⁶ Newsrooms have more data than ever before about their users, but these data are used to measure consumption, not to address broader issues. Evidence, underpinned by independent research, is crucial to examine biases in the platforms' technical and human operations.¹⁴⁷ Work is needed to monitor the impact of codes of conduct and the impacts of changes in legislation and in technology.

4.3 Regulatory capture, conflicts of interest and protecting freedom of expression

Stakeholders often have self-interested reasons to respond to the information crisis in different ways. News publishers seek to impose regulatory burdens on those competing with them for advertising revenue. Platforms seek to minimise regulatory burdens and secure control of more data resources. Certain political actors and interests directly benefit from the atmosphere of confusion and mistrust and seek to perpetuate it. There is also a constant danger that reforms are a threat to freedom of expression – or appear to be.

It is democracy overall that suffers. The multiple vested interests at work are unlikely to resolve a misinformation crisis rooted in structural and systemic issues that date back decades. The long history of policy-making in relation to newspapers illustrates the dangers and difficulties that reside in constitutional relationships between media institutions and the wider democratic polity. Unpacking the difficult institutional relationships between powerful media corporations, platforms and other intermediaries inevitably is a delicate and politically sensitive area.

As previous debate around the regulation of newspapers has shown, media policy-making must balance standard setting with protecting freedoms.¹⁴⁸ The Editorial Code accepted by some UK newspapers gives them a duty to take care not to publish inaccurate stories.¹⁴⁹ If it were to be decided that platforms should be held to the same standard, there may be a risk of a 'slippery slope' towards restricting freedom of expression. The platforms' norms do not reflect traditional editorial codes – as, for example, when Facebook maintains that in the interests of free expression it allows people to make 'non-factual' statements such as 'the earth is flat'.¹⁵⁰ While the analogy with newspapers is limited by the fact that social media combine complex new editorial, curation and distribution roles, the question of principle remains the same: how to incentivise a more reliable information environment for citizens without compromising freedom of expression or limiting the many positive benefits the new internet intermediaries bring to citizens and society.

The key challenge is to foster accountability while preserving the right to freedom of expression – even when the views are challenging, radical, and are offensive to some – in the face of pressure to protect the public from disinformation and the promotion of hatred or harm. It is important to note that under the relevant international laws this includes the right to receive information, and also concerns the positive obligation on governments to protect free expression, including from the actions of private actors.¹⁵¹

This challenge requires initiatives on the part of existing institutions, but it must be accomplished with independent oversight, whatever the balance among competing values that is deemed appropriate in the UK. Transparency, and civil society involvement and oversight by Parliament and institutions at the highest level, are therefore not mere slogans to which lip service must be paid: they are crucial to the success of problem-solving efforts. It is not enough to reject the task of building in greater accountability because of its potential to undermine freedom of expression. The values underlying freedom of expression and, in particular, the search for truth, democratic government and the value of human autonomy, must be reflected in a new settlement.

As a result of these challenges and weaknesses, even the most well intended and well resourced of interventions by single actors are likely to fail, or at least to take years to bed in. There is a need for a strategic intervention to resolve some of the coordination problems and conflicts of interest and to provide resources to encourage each of the stakeholders in their initiatives. Section 5 sets out our recommendations for such a strategic intervention.

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The key challenge is to foster accountability while preserving the right to freedom of expression – even when the views are challenging, radical, and are offensive to some – in the face of pressure to protect the public from disinformation and the promotion of hatred or harm.





**We call for the
establishment of a new
Independent Platform
Agency (IPA)**

5 Towards a new policy framework: Principles and Values

Responding to the challenges that we have set out in this report is no easy task. Before setting out a series of immediate and longer-term recommendations, it is important to establish some principles and values that must underpin how interventions in this area should be designed.

5.1 Principles for policy reform

- **Freedom of expression:** The right to impart and receive ideas without interference should be preserved. Restrictions should be proportionate, legitimate and prescribed by law.
- **Subsidiarity:** Decisions about content standards should be taken as close as possible to those that are affected. This will often mean at a national level.
- **Transparency:** Decisions about filtering, promotion and takedown of content can be censorship, and can undermine trust. They should be taken according to well-known principles and reported publicly.
- **Evidence:** Access to improved data for regulators and the public is fundamental.
- **Civil society should be involved** in reforms of co-regulation and self-regulation. This may mean providing resources for organisations to be involved.
- **Ongoing review:** The process of reform will be an iterative process and the potential outcome (on a continuum from self-regulation, to regulation to break-up of dominant companies) is not clear at the outset.
- **Independence:** The new IPA should be structurally independent from government, including in its appointments and finances.

5.2 Recommendations of the LSE Truth, Trust and Technology Commission

Given the challenges facing Western democracies, and the difficulties we face transitioning to a new news and information system, public policy must support existing initiatives in smart, flexible ways. It must provide legislative support where necessary, and give any innovation that increases the resilience of the media system the greatest possible chance of success.

We argue for an approach with a long-term horizon that runs with the grain of existing initiatives by news media, by publishers and other stakeholders, but which provides for the capacity to evaluate where their limitations are likely to be found. In contrast to almost all of the attempts to develop new policy in this area, we take a systemic approach to the information crisis problem and propose a set of short-, medium- and long-term solutions.

It is essential that the dominant platforms are involved in negotiating the new policy settlement with regard to their duties and the standards of performance they are expected to achieve. We divide our recommendations into three groups: immediate action and short-term

measures that should be implemented as soon as possible by government; medium-term actions that are likely to take somewhat longer to put in place, but that are equally essential for the health of the UK information environment; and longer-term actions that are conditional upon the outcome of actions in the short and medium term.

5.2.1 Recommendations for immediate action

Establish an Independent Platform Agency (IPA)

The UK and devolved governments should introduce a new levy on UK social media and search advertising revenue, a proportion of which would be ring-fenced to fund a new Independent Platform Agency (IPA). The IPA should be structurally independent of government but report to Parliament. Its purpose, initially, will be not direct regulation, but rather an 'observatory and policy advice' function, and a permanent institutional presence to encourage the various initiatives attempting to address problems of information.

We call for the establishment of a new Independent Platform Agency (IPA) that cannot be done without the introduction of a targeted digital platform levy. Government and Parliament should introduce the ring-fenced platform levy to fund the IPA to monitor and evaluate the effectiveness of platform self-regulation and the development of quality news and journalism. The exact parameters of the IPA's role will be subject to discussion and should be adaptable over time. The basic principles on which the IPA should be established must be: (a) independence, that is, formal independence from Government, mainstream media and from platform companies, but with representation of each stakeholder type within its governance structure; and (b) the specific power and authority, underwritten by statute, to make ongoing recommendations to Government regarding the contribution platforms make to the UK's news environment and, in particular, the measures required of all relevant stakeholders to sustain its health, including, but not limited to, platforms. The IPA's core role will be to monitor whether all relevant parties are fulfilling their responsibilities to ensure that the UK information environment is one in which citizens can contribute to democracy effectively, and making policy recommendations to address problems that arise.

The levy on platforms should be sufficient to establish and support the IPA – annually, in the order of £40–50 million.¹⁵² The proceeds from the levy should be available to the IPA and used in support of its oversight, investigation and reporting function. The Government announced a 2% tax on online sales in its October 2018 budget, but the proceeds raised are not expressly targeted to measures to address the information crisis. Our recommendation is for a levy on those technology companies that function as platforms for news and that are assessed by Ofcom in its annual surveys as being the platforms that are used above an agreed threshold by UK citizens to source their news.

The IPA will not, at least initially, be empowered to regulate platforms or other actors in the public domain. Its role will be to evaluate the overall environment of news production and circulation, to advise regulators and government, and to make proposals for change that can take effect over the long-term and that may give rise to decisions to introduce new regulatory structures.

Specifically, the IPA would be expected to have a major impact by improving the transparency of the platforms' operations. Regular reports to agreed standards of detail are urgently needed, and the IPA would also serve as a 'clearing house', coordinating information about the impacts of monitoring and assessment conducted by other institutions. The IPA would help to safeguard citizens' rights while also ensuring there is an accountability framework for interventions such as, for example, ranking up credible content and warning against other content. The IPA's role would enhance transparency through its reporting responsibilities about how content curation judgements are made. This would enable citizens and other stakeholders to know who is making decisions about online moderation and curation (and on what basis), and whether those decisions are timely and effective.

The IPA should be established by legislation

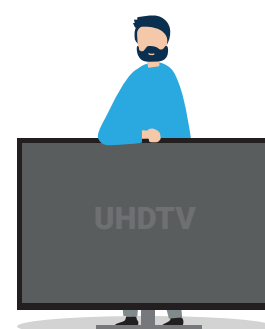
It should have the following duties:

- Report on trends in news and information sharing according to a methodological framework subject to public consultation. This could include, for example, data on the most shared and read stories, broken down by demographic group.
- Report on the effectiveness of self-regulation of the major news-carrying social and search platforms. This should include reports on trust marks, credibility signalling, filtering and takedown.
- Mobilise and coordinate all relevant actors to ensure an inclusive and sustained programme in media literacy for both children and adults, and conduct evaluations of initiatives. It should work with Ofcom to ensure sufficient evidence on the public's critical news and information literacy.
- Report annually to Parliament on the performance of platforms' self-regulation efforts and any long-term needs for regulatory action.
- Provide reports on request to other agencies such as the Electoral Commission, Ofcom and the Information Commissioner's Office, to support the performance of their duties, according to agreed criteria.
- The IPA should work closely with Ofcom and with the Competition and Markets Authority to monitor the level of market dominance and the impact of platforms on media plurality and quality.

The IPA should report on trends in online news and information sharing and the effectiveness of self-regulation

The IPA would collaborate with existing regulators to report on the effectiveness of self-regulation and news credibility signalling measures across the UK media system. The IPA should be empowered to make recommendations to Government, or relevant regulators, about the legal duties of platforms, and to monitor compliance with those duties, once legislated for. The IPA's role will encourage content moderation based on principles and a taxonomy of misinformation, disinformation and mal-information, including hate speech, based on source, content and intent of the material involved. Platforms should have a duty to identify the source and identity of posts and accounts in a way that allows anonymous, but verified, user accounts, in order to protect vulnerable categories of users and addresses

Ofcom survey data indicates that in the UK, TV is the most used news platform (79%), with the internet being the next most used overall by all age groups (64%)



used in closed apps. The IPA would oversee and monitor practices for the filtering, removal of user accounts or content, flagging, warnings, up- or down-ranking of material, and changes to algorithms or their design and accessibility. It would provide annual assessments of the outcomes of moderation activities to Parliament, the Electoral Commission, Ofcom and other relevant bodies and to the public.

Government should mobilise and coordinate an integrated new programme in media literacy

Production-side approaches to the UK's information deficit will not be effective on their own. Citizens also need to be empowered to evaluate critically the information that reaches them, and the media environment that lies behind that information. To this end, Government should convene and fund an integrated new programme in media literacy as the fourth pillar of education alongside reading, writing and maths.

The Department for Education should lead an inclusive educational framework to build digital literacy and the IPA would coordinate work with the BBC and public service broadcasters, libraries, the National Literacy Trust and the platforms. This curricula effort across the UK needs to connect the areas where literacy is addressed, such as media studies, computer studies and citizenship. There needs to be a focus on both children in schools – for example, a compulsory media literacy module in citizenship classes – but also on adults in further and vocational education. A new integrated programme in media literacy needs to reach out to groups not in education or training and especially hard-to-reach groups. Both platforms and civil society organisations need to be incorporated into a programme that could include the provision and use of media literacy toolkits to integrate media literacy into wider social activism and services. The funding for a new programme could come from general taxation, philanthropy or via a portion of the platform levy.

The IPA would assess and evaluate the platforms' role in promoting media literacy to highlight both good and bad practice. Oversight is needed to establish a baseline and minimal expectations of improvement for the whole population and those who are particularly low in media literacy. The IPA would track improvements through independent evaluations of initiatives to learn which work and why, and make recommendations as needed to bodies providing media literacy support. It would track improvements by working with Ofcom or complementing Ofcom's research to ensure sufficient evidence on the public's critical news and information literacy.

The IPA would coordinate the development of targeted media literacy assistance to groups who fall beyond the reach of Department for Education, civil society and platform-led initiatives in formal education, also extending to provision of informal training to politicians and policy-makers. Parliamentary discussions and committee hearings in the UK following the 2018 Cambridge Analytica scandal, in the US Congress and at the European Parliament, revealed shockingly low levels of media literacy and understanding among senior parliamentarians and policy-makers. By issuing regular policy research reports and briefings and reporting directly to Parliament, the IPA would ensure that politicians and future policy-making are better informed.

The IPA would oversee and monitor practices for the filtering, removal of user accounts or content, flagging, warnings, up- or down-ranking of material, and changes to algorithms or their design and accessibility.



Legislative change is needed to regulate political advertising

Electoral regulation in the UK is diffuse and unfit for purpose. Regulation is spread across a number of institutions resulting in regulatory blind spots. The Government should act urgently to introduce legislation supporting a mandatory code for political advertising before the next election. The Electoral Commission needs the powers to act quickly in response to emerging risks including requiring spending information and accountability on online advertisements during elections and referendums by foreign organisations and individuals. Legislation is needed to ensure greater transparency of the sources of information produced and circulated on the platforms during an election. Legislation should include provisions, subject to assessment of impact, for levying heavier fines on organisations or individuals who break the law. In addition, the Government should introduce legislation to enable the Advertising Standards Authority (ASA) and the Electoral Commission to create a new standards code for political advertising online. The IPA would help to coordinate evaluation of the impacts of micro-targeting (as well as general advertising) to ensure that guidelines and limits are appropriate for use in political contexts. It would also help to encourage the introduction of a UK political advertising directory and monitor outcomes of the initiatives of relevant institutions to ensure that those such as Google's database, Ad Library, are independently overseen.

To fulfil its duties, the IPA will need the following:

- Powers to request data from all the major platforms (determined by a UK advertising revenue threshold) on the top most shared news and information stories, referrals, news-sharing trends and case studies of particular stories. The types of data should be determined on the basis of public consultation on monitoring methodologies and according to a shared template that applies across different companies above the threshold. These data will be held by the IPA within a tight confidentiality regime to protect privacy and commercial sensitivities.
- Powers to impose fines on platforms if they fail to provide data, and to request additional data when a court order is granted.
- The IPA's independence from government should be established in law and protected financially and through security of tenure of the Board. The IPA should have close links with civil society and be transparent about how it interprets and performs its remit.

The IPA will have the power to require reporting data from the platforms with regard to the nature and extent of disinformation so that its scale and provenance are known. Reporting would encompass fake online profiles, bots and indicate known foreign involvement. The IPA would report publicly on any failures by the platforms to report disinformation within 24 hours and have powers to levy fines for non-compliance. The IPA would report annually to Parliament according to a scheme agreed with Parliament. The IPA would monitor platform policies and practices as a result of its access to agreed data. The IPA would reach agreement on what information, at what level of detail, must be provided by the platforms. Such an agreement would recognise that company commercial interests in keeping certain details private need to be respected and negotiated, and that citizens' interests in privacy must be protected in accordance with legal provisions.

The IPA would have a central role in undertaking or commissioning evaluations of the outcomes of specific policy initiatives and their interactions. Robust evidence on the influence of news media and misinformation in the UK is still lacking; the IPA would be charged with gathering that evidence.

Evidence must be independently produced with academic rigour for the benefit of the public and other stakeholders including the platforms. The IPA would play a key role in facilitating the relationship between the platforms and researchers in the UK, and provide a forum for debate with a wide range of stakeholders and the public. It would coordinate closely with research centres such as the UK Centre for Data Ethics and Innovation that has a key role in establishing codes of conduct for the future design of the technologies that support platform services.

5.2.2 In addition to establishing the new IPA, recommendations for short-term action

- The news **media** should continue their important work to develop high-quality and innovative revenue and distribution models. They should also continue to work with civil society and the platforms on signalling the credibility of content.
- The **platforms** should develop annual plans and transparent, open mission statements on how they plan to tackle misinformation. They should work with civil society and news providers to develop trust marking.
- The **Government** should mobilise an urgent, integrated, new programme in media literacy. This could also be funded by the social platform levy and include digital media literacy training for politicians.
- **Parliament** should bring forward legislation to reform electoral regulation. The UK should not find itself having to go to the polls again before the legislative framework is modernised. Legislative change is needed to manage political advertising.

5.2.3 Recommendations for the medium term (3 years)

Once the IPA is established it can help to mobilise efforts to encourage the traditional news industry to develop ways of supporting journalism innovation to combat the information crisis. This crisis has seen mounting numbers of interventions aimed at promoting the circulation of misinformation, disinformation and mal-information that contributes to the undermining of an informed public.

The IPA would work to encourage the news industry to establish a News Innovation Centre operated by the news industry itself to support journalism innovation and quality news. The Centre would act as a research and networking body, helping connect journalists and news organisations with funders interested in supporting innovation, training and specialist journalism. The Centre would generate and administer funding from philanthropists, the platforms and other sources.

5.2.4 Recommendations for the longer term (5 years)

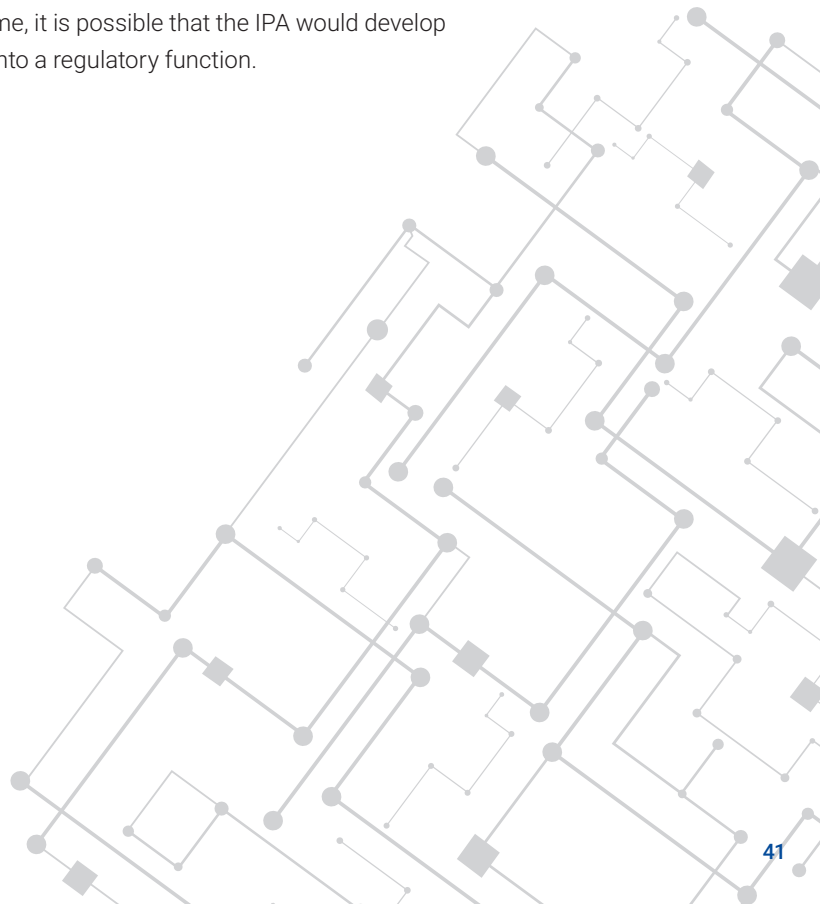
The IPA would provide vital coordination with all parts of the complex media system that are affected by the information crisis. The IPA is needed to start the short-term measures and to encourage the other measures for the medium term. The issues addressed will remain matters of long-term concern, requiring continuing coordination and assessment of the effectiveness of the recommended actions.

- The IPA should provide a permanent forum for monitoring and review of platform behaviours, reporting to Parliament on an annual basis.
- The IPA should be asked to conduct annual reviews of 'the state of disinformation' that should include policy recommendations to a parliamentary committee. These should encompass positive interventions such as the funding of journalism.

In light of the experience of how the initial interventions bed down, it may be necessary to subject platforms to much more stringent regulation, including making them liable for content they host, obliging them to unbundle or separate internal divisions, or even breaking up their business units or introducing a more comprehensive system of tax incentives. The IPA would provide a permanent forum for monitoring and review of platform behaviours, reporting to Parliament on an annual basis. The IPA would work closely with Ofcom, the Electoral Commission, consumer groups and the Competition and Markets Authority. Key to its reporting will be the need to monitor the level of market dominance and the impact of platforms on media plurality and quality.

The IPA would provide a means of working with the responses of UK (and where necessary, international) institutions to augment them by providing support and providing evaluation capacity and reporting which are autonomous of the Government and do not require any new regulation or licensing of content. It would be autonomous of the platforms, relying on voluntary agreements with them initially. Over time, it is possible that the IPA would develop beyond a 'monitoring and information' function into a regulatory function.

The Government should mobilise an urgent, integrated, new programme in media literacy.





6 Conclusion

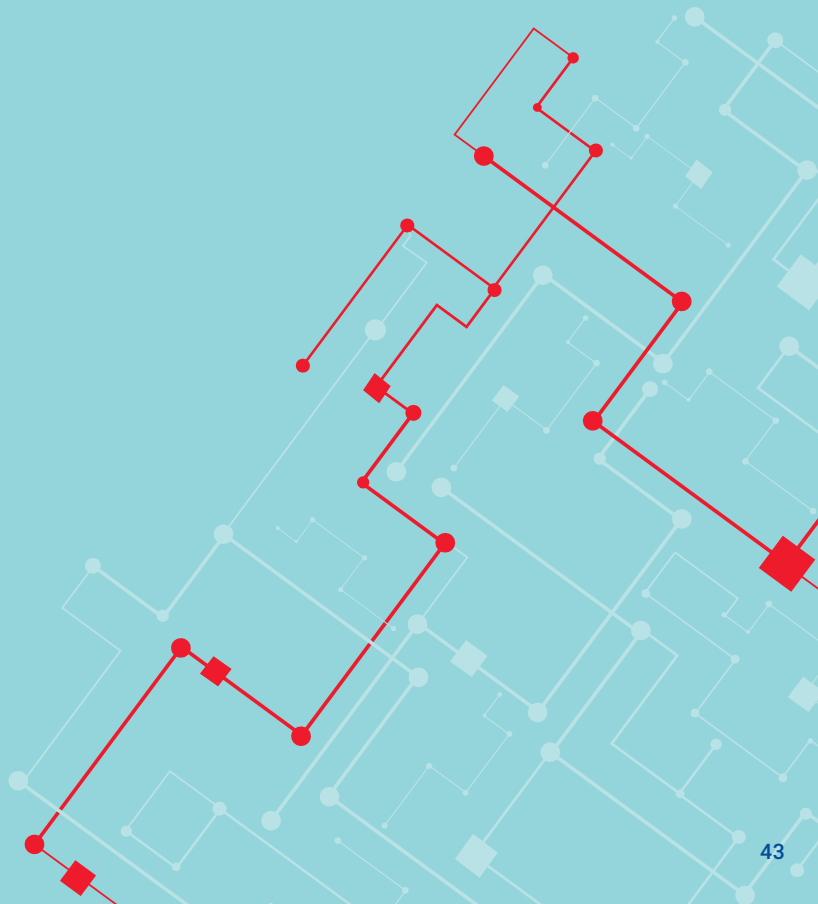
This Commission is firmly and unanimously *against* the establishment of any regulator that is formally linked to government or which has, as its goal, active regulation of ‘truth’.

It is for Parliament, with cross-party support, to empower an independent institution with the tools it needs to support existing actions of the media, platforms and civil society. The new institution – the IPA – would work with a range of stakeholders to foster the resilience of our information environment and do so in a manner consistent with democratic values.

These sensitive actions must not be carried out by a ministry, by senior ministers or by politicians making deals without oversight. They must be supported by research and oversight that is independent from narrow political interests, open and transparent, with a tightly defined remit.

The alternative to setting up a transparent institution that is independent of government and established by law will be to continue with muddling through and opaque fudging, and with the delegation of censorship to private bodies, further compounding the crisis of truth and trust. The time for decisive action to end the information crisis is now.

This report is an intervention in an ongoing debate. We welcome critical and constructive responses to the ideas raised. We will continue our engagement with stakeholders and the public as the agenda develops over the next critical period which will shape our information ecology.



Members of the LSE Truth, Trust and Technology Commission

External commissioners

James Ball, Journalist

Damian Collins MP, Chair of the House of Commons Digital, Culture, Media and Sport Committee

John Gapper, Associate editor and chief business commentator, Financial Times

Anne Lapping, Board member, IPSO

Andrew Miller, Managing Director, Terra Firma

Chi Onwurah MP, Shadow Minister for Industry, Science and Innovation

Mark Stephens CBE, Head of Media Law and Regulatory, Howard Kennedy LLP

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Professor Nick Couldry, LSE Department of Communication (Strand Leader – Citizenship and Literacy)

Professor Sonia Livingstone OBE, LSE Media and Communications (Commission Chair)

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The external commissioners were advisors acting in a personal capacity and are not individually accountable for any element of the process or final report. Individually, they do not necessarily endorse the recommendations. The authorship and responsibility for the report rests with the LSE.

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Appendix 1: The Commission's remit

This Commission is an engagement and knowledge exchange exercise funded and run by the LSE. It seeks to relate research in the academy, think tanks, the media and technology industries and elsewhere to policy-making and practice.

It has involved consultation with a wide range of practitioners, policy-makers, researchers, politicians, civil society organisations and members of the public through four workshops, public events, media appearances and commentary, and online discussion. This report aims to capture the results of that consultation, but it does not claim to be a comprehensive or representative survey of opinion. We are grateful to everyone who contributed ideas and who gave up their time.

While many of the issues are transnational by their nature, the focus in the report is on the UK, although the dissemination, engagement and follow-up work will be international.

The purpose of the report is to address current concerns, but it is also looking forward as a continuing agenda-setting process. The issues it deals with will change over time and so policy will also have to adapt.

The report is part of a larger online and offline resource run by the LSE Media Policy Project in partnership with the LSE's journalism think tank, Polis, that will act as a hub for information and discussion in the future based at the LSE Department of Media and Communications.

At its heart is topical information and journalism. The report sets out practical ideas, but it also challenges orthodoxies and addresses the larger context. It makes proposals that seek to stimulate debate by pushing at the boundaries of what is possible and not just likely or politically convenient.

In such a fluid situation it is important to consider a range of models. The aim is to stimulate debate and evidence-based, public interest-focused discussion. By bringing together diverse sectors and perspectives, we aim to synthesise and connect, rather than to lobby for one point of view or interest.

As noted above, the external commissioners were advisors acting in a personal capacity and are not individually accountable for any element of the process or final report. Individually, they do not necessarily endorse the recommendations. The authorship and responsibility for the report rests with the LSE.

We hope that this report will make a valuable, constructive contribution to the ongoing debate about the information crisis, and look forward to discussing the details of the issues it raises.

Further information about the Commission including the full report, podcasts, workshop briefing papers and discussion summaries, a bibliography and other resources can be found at the LSE Commission on Truth, Trust and Technology website:

www.lse.ac.uk/media-and-communications/truth-trust-and-technology-commission

A series of blogs about policy issues related to misinformation has been published on the LSE Media Policy Project blog:

<http://blogs.lse.ac.uk/mediapolicyproject/>

Appendix 2: Selected policy responses to the information crisis

UK Parliamentary inquiries

House of Commons Digital, Culture, Media and Sport Committee inquiry: Disinformation and ‘fake news’

The Committee’s interim report, *Disinformation and ‘fake news’*, was published in July 2018; the final report is due by the end of 2018. Key recommendations include: a re-designation of tech companies as neither publisher nor platform and the establishment of clear legal liability with regard to harmful and illegal content published on their sites; the introduction of a levy on social media companies to fund a major media literacy programme; a further levy on tech companies operating in the UK to pay for the Information Commissioner’s Office to expand its work; a public register for political advertising; a ban on advertising to Facebook ‘lookalike audiences’ where users have requested not to receive political adverts; the introduction of digital imprints to online election campaigning material; the Electoral Commission’s maximum fine limit to be changed to a fixed percentage of turnover; the Electoral Commission to establish a code for social media advertising during election periods; an audit of the online advertising market by the Competition and Market Authority regarding fake accounts; and the UK Government to consider a new, voluntary Atlantic Charter to protect citizens’ digital rights:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmcmums/363/363.pdf>

The Government published its response to the interim report in October 2018:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmcmums/1630/1630.pdf>

House of Lords Communications Committee inquiry: The internet: to regulate or not to regulate?

The Committee’s work is ongoing, with its report not published as of November 2018:

www.parliament.uk/business/committees/committees-a-z/lords-select/communications-committee/inquiries/parliament-2017/the-internet-to-regulate-or-not-to-regulate/

House of Lords Communications Committee inquiry: Growing up with the internet

The Committee’s report was published in March 2017 (disclosure: Chair of the LSE Truth, Trust and Technology Commission, Professor Sonia Livingstone OBE, was the Committee’s specialist advisor). Key recommendations included: Government to create a new Children’s Digital Champion to advocate on behalf of children; the UK to maintain legislation incorporating the standards set by the General Data Protection Regulation (GDPR), regardless of EU membership; the adoption by industry of a set of minimum standards; and digital literacy to be the fourth pillar of a child’s education.

<https://publications.parliament.uk/pa/ld201617/ldselect/ldcomuni/130/130.pdf>

The Government published its response in October 2017:

www.parliament.uk/documents/lords-committees/communications/children-internet/governmentresponsegrowingupwiththeinternet.pdf

House of Commons Science and Technology Committee inquiry: Algorithms in decision-making

The Committee's report was published in May 2018. It calls on the new Centre for Data Ethics & Innovation (see below) to examine algorithm biases and transparency tools, and to determine the scope for individuals to be able to challenge the results of all significant algorithmic decisions that affect them and, where appropriate, to seek redress for the impacts of such decisions. It calls on the Government to provide better oversight of private sector algorithms that use public sector datasets, and to look at how to monetise these datasets to improve outcomes across Government.

<https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/351/351.pdf>

The Government published its response in September 2018:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/1544/1544.pdf>

UK Government initiatives

Digital Charter

The details of the Digital Charter were not published in November 2018, beyond a broad outline policy paper. The Charter is described as 'a rolling programme of work to agree norms and rules for the online world and put them into practice' and as 'based on liberal values that cherish freedom, but not the freedom to harm others'. Priorities under the work programme include disinformation, online harms and cyber security. The development of the Charter is being undertaken collaboratively with industry, business and civil society.

www.gov.uk/government/publications/digital-charter

White Paper on online harms (forthcoming)

The Government's White Paper is expected in spring 2019, according to comments made by DCMS Secretary of State Rt Hon Jeremy Wright QC MP's comments before the DCMS Select Committee in October 2018. This will clarify what legislation the Government thinks is required regarding online safety, and whether or not a regulator is required. The White Paper is the joint responsibility of DCMS and the Home Office.

www.gov.uk/government/news/new-laws-to-make-social-media-safer

UK Council for Internet Safety (UKCIS)

This new organisation will bring together more than 200 organisations representing government, regulators, industry, law enforcement, academia and charities, working together to keep children safe online. This builds on the work of the UK Council for Child Internet Safety (UKCCIS) that was previously in operation.

www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis

(See also a paper by Dr Victoria Baines: 'Online child sexual exploitation: Towards an optimal international response.' Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3240998)

Centre for Data Ethics and Innovation

This is a new institution set up by Government, to 'advise the government on how to enable and ensure ethical, safe and innovative uses of data, including for AI. It will work with, and advise, Government and existing regulators'. It will sit within DCMS for the first two years before being set up as a statutory body. It is to be established following a public consultation designed to inform its operations and priorities.

www.gov.uk/government/news/search-for-leader-of-centre-for-data-ethics-and-innovation-launched

Protecting the debate: Intimidation, influence, and information (Cabinet Office consultation)

This consultation aims to crack down on threats and abuse towards those standing for election. It will also 'review whether the requirement to have imprints, which is added to election material to show who is responsible for producing it, should be extended to digital communications'.

www.gov.uk/government/consultations/protecting-the-debate-intimidation-influence-and-information#history

Digital competition expert panel

Chaired by Professor Jason Furman, the expert panel's objectives are to consider the potential opportunities and challenges the digital economy may pose for competition and pro-competition policy, and to make recommendations on any changes needed. This is a joint HM Treasury/Department for Business, Enterprise and Industrial Strategy initiative. The panel is due to report in early 2019.

www.gov.uk/government/publications/digital-competition-expert-panel-terms-of-reference/digital-competition-expert-panel-terms-of-reference

Press sustainability: The Cairncross review

The review, chaired by Dame Frances Cairncross, is established to investigate the sustainability of the UK press market. To inform the review, DCMS commissioned academic research to look specifically at the changing state of the press market. The panel is due to report in early 2019.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/687330/TERMS_OF_REFERENCE_-_THE_CAIRNCROSS_REVIEW.pdf

AI Lab

Described as a single flagship for Artificial Intelligence, machine learning and data science in defence to be based at Dstl (Defence, Science and Technology laboratory) in Porton Down. Countering fake news is included in the list of work that the Lab will engage in.

www.gov.uk/government/news/flagship-ai-lab-announced-as-defence-secretary-hosts-first-meet-between-british-and-american-defence-innovators

National Security Communications Unit

Announced in January 2018, the intention is that this new initiative will be tasked with 'combating disinformation by state actors and others', according to a Government spokesman. Further information is yet to be published.

Institutional responses

Information Commissioner's Office (ICO)

The ICO's investigation into data analytics in political campaigns led to the publication of a progress report in July 2018, to inform the DCMS Select Committee inquiry with which it overlapped. Based on its investigation, the ICO fined Facebook £500,000. A second report, *Democracy Disrupted? Personal Information and Political Influence* included a recommendation that the Government introduce a statutory Code of Practice for the use of personal data in political campaigns, and a third report in November 2018 repeated that call, arguing that self-regulation was inadequate and saying that the Code should include platforms, data brokers and the media.

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2018/07/findings-recommendations-and-actions-from-ico-investigation-into-data-analytics-in-political-campaigns/>

<https://ico.org.uk/media/action-weve-taken/2259369/democracy-disrupted-110718.pdf>

<https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf>

Ofcom

In September 2018, Ofcom published a discussion document about online harmful content. This was based on its experience of regulating the UK communications sector and was intended to inform policy-making as it relates to online.

www.ofcom.org.uk/phones-telecoms-and-internet/information-for-industry/internet-policy/addressing-harmful-online-content

An accompanying speech by Ofcom Chief Executive Sharon White to the Royal Television Society provides context:

www.ofcom.org.uk/about-ofcom/latest/media/speeches/2018/tackling-online-harm

Electoral Commission

The Electoral Commission's *Digital campaigning: Increasing transparency for voters* report calls for stronger powers for obtaining information about election campaign spending, greater fines for breaches of spending laws, more detailed and more punctual reporting on spending, and better labelling of digital campaign materials and ads. It was published in June 2018.

www.electoralcommission.org.uk/_data/assets/pdf_file/0010/244594/Digital-campaigning-improving-transparency-for-voters.pdf

Commission on Fake News and the teaching of critical literacy skills in schools

Jointly run by the National Literacy Trust and the All-Party Parliamentary Group on Literacy, the Commission's report was published in June 2018. Recommendations focus on the need for critical literacy to be taught in schools, including the use of a range of texts on a variety of platforms that illustrate political bias. It calls for media organisations and Government to work together to identify and enforce appropriate regulatory options to ensure that digital media platforms are effectively tackling the proliferation of fake news.

<https://literacytrust.org.uk/research-services/research-reports/fake-news-and-critical-literacy-final-report/>

UK think tank and NGO responses

Doteveryone

Doteveryone's Regulating for responsible technology report was published in October 2018. It recommends the establishment of a new independent UK Office for Responsible Technology (ORT), which would have three functions: (1) to empower regulators; (2) to inform the public and policy-makers; and (3) to support people to find redress. Doteveryone proposes that the ORT's anticipated cost (c. £37 million) would be met via a levy on industry, and by government investment.

<https://doteveryone.org.uk/wp-content/uploads/2018/10/Doteveryone-Regulating-for-Responsible-Tech-Report.pdf>

Article 19

Article 19 published Self-regulation and 'hate speech' on social media platforms, which recommended a model of self-regulation of social media, based on existing systems of press self-regulatory councils that are common throughout Europe.

www.article19.org/wp-content/uploads/2018/03/Self-regulation-and-%E2%80%98hate-speech%E2%80%99-on-social-media-platforms_March2018.pdf

Carnegie UK Trust (William Perrin and Professor Lorna Woods)

Via a series of blogs for the Carnegie UK Trust, Perrin and Woods propose legislation to create a duty of care based on (new) statute, so that social media service providers would be responsible for preventing harm of their users. The proposal would apply the same principles to online platforms that have traditionally been applied to corporate-owned public spaces, in order that harm can be prevented.

www.carnegieuktrust.org.uk/project/harm-reduction-in-social-media/

Global Partners Digital

The report A rights-respecting model of online content regulation by platforms calls for online platforms to establish a set of standards that would be monitored by an international, global multistakeholder oversight body, comprising representatives from online platforms, civil society organisations, academia and others. Platforms that failed to meet the standards would be publicly called out and provided with recommendations for improvement.

www.gp-digital.org/publication/a-rights-respecting-model-of-online-content-regulation-by-platforms

Full Fact

The report Tackling misinformation in an open society recommends mandated transparency for political advertising, equipping existing bodies (e.g. Office for Budget Responsibility, Office for National Statistics, House of Commons Library) with a mandate to inform the public, and cautions against over-hasty reaction.

https://fullfact.org/media/uploads/full_fact_tackling_misinformation_in_an_open_society.pdf

Royal Society of Arts (RSA)

Focussing on contentious use, the Artificial Intelligence: Real public engagement report argues that the citizen voice must be embedded in public AI systems through public deliberation.

www.thersa.org/discover/publications-and-articles/reports/artificial-intelligence-real-public-engagement

European initiatives

France

France's National Assembly adopted two controversial 'fake news' bills in October 2018, which must be approved by the Senate before they become law. The bills enable a candidate or political party to seek a court injunction preventing the publication of 'false information' during the three months leading up to a national election, and give France's broadcast authority the power to take any network that is 'controlled by, or under the influence of a foreign power' off the air if it 'deliberately spreads false information that could alter the integrity of the election.' They are widely viewed as targeting Russian state-backed broadcaster RT. French minister of culture Françoise Nyssen has also announced her intention to create a council on press ethics.

www.assemblee-nationale.fr/dyn/15/dossiers/fausses_informations_lutte

Germany

The Network Enforcement Act, known as NetzDG, compels online platforms to provide ways for users to notify them of illegal content, and allows for fines of up to €50 million if they fail to remove 'manifestly unlawful' hate speech or other harmful content within 24 hours. They are required to publicly report on how they deal with notifications. The law has been criticised by NGOs for being overbroad and increasing the risk of censorship.

www.bmjv.de/SharedDocs/Gesetzgebungsverfahren/Dokumente/NetzDG_engl.pdf?__blob=publicationFile&v=2

European Union

The Copyright Directive calls for a 'link tax' that aims to ensure that content creators receive are paid when their work is used by sharing platforms such as YouTube or Facebook, and news aggregators such as Google News. (The European Parliament has voted in favour but the final vote is due in January 2019.)

www.europarl.europa.eu/news/en/press-room/20180906IPR12103/parliament-adopts-its-position-on-digital-copyright-rules

An interim Digital Services Tax has been proposed by the European Commission that would apply to revenues created from certain digital activities that escape the current tax framework

entirely, for example, from selling online advertising space, from digital intermediary activities that allow users to interact with other users and that can facilitate the sale of goods and services between them, or from the sale of data generated from user-provided information. This has been proposed at 3%. It would be an interim measure until reform has been implemented. It is currently under negotiation, and has been criticised by the tech companies.

https://ec.europa.eu/taxation_customs/sites/taxation/files/proposal_common_system_digital_services_tax_21032018_en.pdf

The European Commission convened a High Level Expert Group on Fake News and Online Disinformation that reported in March 2018. It focused mainly on non-regulatory responses, with recommendations including the creation of a network of Research Centres focused on studying disinformation across the EU, the continuation of the work of the Group by means of a multistakeholder coalition that will establish a code of practice for platforms, empowering users and journalists with tools they can use to flag and avoid disinformation, and increasing citizen media and information literacy.

<https://ec.europa.eu/digital-single-market/en/news/final-report-high-level-expert-group-fake-news-and-online-disinformation>

Tackling online disinformation: A European approach – a communication in which the European Commission outlined its policy responses. Its aims included establishing a self-regulatory code of practice (see below), creating a network of independent fact-checkers, tackling cyber-enabled threats to elections in member states, media literacy work such as organising a European Week of Media Literacy, and exploring increased funding opportunities to support initiatives promoting media freedom and pluralism, quality news media and journalism. The Commission will report on progress made by December 2018.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018DC0236>

The self-regulatory Code of practice on disinformation was published by the European Commission in September 2018. Signatories, including Google, Facebook, Twitter and Mozilla, commit to act in five areas: disrupting advertising revenues of certain accounts and websites that spread disinformation; making political advertising and issue-based advertising more transparent; addressing the issue of fake accounts and online bots; empowering consumers to report disinformation and access different news sources, while improving the visibility and findability of authoritative content; and empowering the research community to monitor online disinformation through privacy-compliant access to the platforms' data.

<https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation>





Check our website for ongoing updates on policy responses and related initiatives:
www.lse.ac.uk/media-and-communications/truth-trust-and-technology-commission

Endnotes

- 1 We realise that the term 'citizens' has limitations in its exclusion of migrants and its framing of political engagement within a national space. However, we use the term throughout this report in order to stress the importance of involvement in democratic deliberation and as a starting point to address wider issues of technology and justice within and beyond the UK.
- 2 The term 'platform' does not have a standard definition. We focus on globally operating technology companies that are involved in hosting a growing proportion of the news that people access to inform themselves about developments in the world around them. Platform companies provide a technological foundation on which elements are built in a modular system architecture. Platforms facilitate interactions between sellers and users operating on different sides of digital two- or multi-sided markets. They exploit network effects as a means of creating value, and their markets are usually dominated by one or very few large companies. The technology companies that operate platforms function as mediators, brokering, enabling or integrating with or without direct control over the end user. The leading platforms are hybrids that incorporate many roles such as publisher, filterer, editor, curator and distributor of data and information. They have gatekeeping power and exercise it in novel ways, sitting at the intersection of existing regulatory and legal structures and processes. See Gawer, A. and Cusumano, M.A. (2008) 'How companies become platform leaders', *MIT Sloan Management Review*, 49(2), 28–35. Available at <https://sloanreview.mit.edu/article/how-companies-become-platform-leaders> [accessed 22 October 2018]; Evans, D.S. and Schmalensee, R. (2007) 'Industrial organization of markets with two sided platforms', *Competition Policy International*, 3(1), 151–79; Hagiu, A. (2014) 'Strategic decisions for multisided platforms', *MIT Sloan Management Review*, 55(2), 71–80; Hölck, K. (2016) 'Beyond the single platform: An assessment of the functioning and regulatory challenges of multi-layered platform systems in the media and communications sector', PhD dissertation, Department of Communication Studies, Free University of Brussels.
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