

Public consultation for legal entities on fake news and online disinformation

Fields marked with * are mandatory.

Public consultation for legal entities - "Fake news and online disinformation"

The phenomenon of fake news and online disinformation is a source of deep concern for its potential effects on the reputation of public institutions, the outcome of democratic deliberations or the citizens' opinion-forming on important public policies such as health, environment, immigration, security, economy or finance.

Although not new, this phenomenon is often said to be more pervasive and impactful today than ever before because of the ease with which news can be posted and shared by anyone on social media, the velocity at which such news may spread online, and the global reach they might effortlessly attain.

For the purposes of defining appropriate policy responses, a broad distinction can be drawn between false information that contain elements which are illegal under EU or national laws such as illegal hate speech, incitement to violence, terrorism or child abuse, and fake news that fall outside the scope of such laws. This consultation only addresses fake news and disinformation online when the content is not per se illegal and thus not covered by existing legislative and self-regulatory actions.

When tackling fake news, the public intervention must respect and balance different fundamental rights and principles, such as freedom of expression, media pluralism and the right of citizens to diverse and reliable information.

The purpose of the consultation is to collect views from all parties concerned across the EU as regards the scope of the problem and the effectiveness of voluntary measures already put in place by industry to prevent the spread of disinformation online and to better understand the rationale and possible directions for action at EU and/or national level.

This questionnaire specifically targets **legal entities and journalists, including independent/freelance journalists**. There is another questionnaire for citizens.

Your input will be used by the Commission to nourish policy discussions at EU level on the spread of disinformation online.

The consultation process will be complemented with a Eurobarometer public opinion survey to be launched early 2018 to measure and analyse the perceptions and concerns of European citizens around fake news.

Identification of respondents

*** Please indicate your sector of activity**

- News media
- Online platform
- Fact-checking organisation
- Civil society organisation
- Academia Educational sector
- Public authority
- Other

*** Respondant's first name**

100 character(s) maximum

Maryant

*** Respondant's last name**

100 character(s) maximum

Fernandez Perez

*** Organisation's name**

100 character(s) maximum

European Digital Rights (EDRi)

*** Contact details**

150 character(s) maximum

maryant.fernandez-perez@edri.org
+32 22742570

*** Company/organisation website**

100 character(s) maximum

<https://edri.org>

*** Legal seat of the organisation you represent**

100 character(s) maximum

Brussels

*** Countries in which your organisation is active**

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Extra-EU
- All around the World

*** Brief description of entity's sector(s) of activity**

300 character(s) maximum

European Digital Rights (EDRi) is an association of civil and human rights organisations from across Europe. We defend rights and freedoms in the digital environment. You can find our members at <https://edri.org/members/>

Number of employees

- < 10
- 11-50
- 51-250
- > 250

Turnover of your organisation in 2016

- < 2 million EUR
- 2-10 million EUR
- 11-50 million EUR
- > 50 million EUR

If part of a group of companies, please specify the identity of the group.

300 character(s) maximum

*** Is your organisation registered in the Transparency Register of the European Commission and the European Parliament?**

- Yes
- No
- Not applicable: I am replying as an individual in my personal capacity

*** Please indicate your organisation's registration number in the Transparency Register.**

100 character(s) maximum

For journalists: please briefly indicate the topics you cover

600 character(s) maximum

For media companies: please provide a short overview of your online and off-line news and information services.

600 character(s) maximum

For social media and online platforms: please provide a short overview of your core services. Please specify those enabling users to access news and information through your platform.

600 character(s) maximum

For civil society organisations: please explain the corporate mission of your organisation and briefly describe its activities, including those designed to reduce disinformation.

600 character(s) maximum

EDRi is an association of NGOs from across Europe and beyond. We promote, protect and uphold civil and human rights in the digital environment by providing policy makers with expert analyses; leveraging the power of our members to ensure that challenges are addressed effectively both at the national and the EU level; ensuring civil society and citizens' interests are reflected in the global debate about the future of the internet, the information society and digital media; & providing a platform for our members to coordinate actions, amongst themselves and with the Brussels office.

For the educational sector: please clarify whether primary/secondary/higher, and indicate whether your institute teaches media literacy.

600 character(s) maximum

For academia: please briefly describe your field of research and its relevance for a better understanding of the phenomenon of fake news.

600 character(s) maximum

For public authorities: please briefly describe whether and how your organisation is involved in reducing the impact of disinformation.

600 character(s) maximum

*** Your contribution,**

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N° 1049/2001

- can be directly published with your personal information** (I consent to publication of all information in my contribution in whole or in part including, where applicable, my name/the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be directly published provided that I/my organisation remain(s) anonymous** (I consent to publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that this is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication).

Scoping the problem

"Fake news" represents an ill-defined concept encompassing different types of disinformation, such as misrepresentation of reality or distortion of facts. In the context of this questionnaire, the focus is on **news that is intentionally created and spread online to mislead the reader** (e.g. for political or economic reasons). Generally, individual opinions, satire and pure journalistic errors are not considered as fake

news. While the spread of certain fake news may constitute an illegal conduct under EU and/or national laws (e.g. as illegal hate speech, incitement to violence, terrorism or child abuse defamation, libel, etc.), in many other cases fake news may have harmful effects on society without being necessarily illegal. The following sub-set of questions is aimed at enabling the Commission to scope the problem and assess the mechanisms that may contribute to the spread of fake news which are not deemed illegal.

1. In your opinion, which criteria should be used to define fake news for the purposes of scoping the problem?

2000 character(s) maximum

The definition provided is not a definition. It is too broad and many types of legal content could be covered by this approach, without it being clear whether this was the Commission's intention. The consultation text is unclear. E.g.1: The question defines "fake" but not "news". E.g.2: "Terrorism and child abuse defamation" are not necessarily either "news" or "fake". Accordingly, this framing is not conducive to meaningful responses.

It is our understanding that the Commission, at least originally, meant to address information formatted as "news" and put online to spread misinformation, with a view to destabilising democratic processes. This would seem as a better approach. However, it is important to note that political responses to this issue have ranged from rather primitive efforts to discredit all news and delegitimise journalists to confusion with illegal or criminal content, to privatisation of censorship.

Any political response should be limited to information that is a. presented as news, b. demonstrably aimed at undermining democratic processes and c. demonstrably likely to achieve its goals. Any restrictions to the right to privacy and data protection must comply with Article 52 of the Charter.

We would recommend the Commission to present reliable and independent scientific research to show whether there is actually a problem that is not being solved by existing legal and policy measures. This research should include data on the role of the current media and online platforms (e.g. clickbait and attention-robbing platforms).

Without a proper definition and without proper research, credible action is not possible. This consultation seems to aim at assessing whether there is such a need, but the consultation results will be no more than a reflection of the subjective feelings of the respondents rather than factual, diligent evidence.

2. Are the following categories of fake news likely to cause harm to society? Please answer on a scale from 1 to 4: 1 (no harm), 2 (not likely), 3 (likely) to 4 (highly likely).

| | No opinion | 1 | 2 | 3 | 4 |
|---|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Intentional disinformation aimed at influencing voting decisions at elections | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Intentional disinformation aimed at influencing health policies | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Intentional disinformation aimed at influencing environmental policies | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Intentional disinformation aimed at influencing immigration policies | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | | |
|--|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Intentional disinformation aimed at influencing economy or finance | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Intentional disinformation aimed at undermining trust in public institutions | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Intentional disinformation aimed at undermining public security | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Intentional disinformation aimed at generating advertisement revenues | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other categories of intentional disinformation | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

3. If you have remarks on these categories, please explain why and/or suggest additional categories of fake news.

300 character(s) maximum

As the Commission has not defined what "fake news" is, this question is impossible to answer in a way that will give empirically valid data as different respondents will be responding based on their own understanding of the term.

4. In your opinion, what are the main economic, social and technology-related factors which, in the current news media landscape, contribute to the increasing spread of fake news? For instance, you can address reading behaviour, advertising revenues, the changing role of journalists and/or the impact of sponsored articles.

3000 character(s) maximum

It is inappropriate for the Commission to propose answers in this way.

The online advertising market is driven by "clicks" rather than quality. This undermines the traditional relationship between the news outlet and its customer, the reader, because the paying "customer" is the online tracking company and/or advertising company that pays per click.

This development happened at the same time as (and may therefore have a causal relationship with) the rise of "clickbait" "journalism". Clickbait relies on sensationalism and outrage, which logically seems to create a business model based on sensationalism. <<https://www.nytimes.com/2017/01/18/us/fake-news-hillary-clinton-cameron-harris.html>>. This makes it more difficult to distinguish between "fake news" that is a deliberate effort at destabilising society and "fake news" that is simply driven by surveillance ("targeted") advertising.

There is also a lack of choice of platforms, which function as quasi-monopolies. There is only a limited number of platforms, each with their own format (e.g. Facebook, etc). Each come with limitations in the form of terms of service, community guidelines, etc. In other words, whatever they decide to show you, risks influencing how you perceive news. The user cannot choose from different platforms with different "profiles" (compared to the past, where you had newspapers with a well established, predictable, political or religious editorial approaches).

5. In which media do you most commonly come across fake news? Select the most relevant options.

- Traditional print newspapers and news magazines
- Traditional online newspapers and news magazines
- Online-only newspapers
- News agencies (e.g. Reuters, ANSA, AFP)
- Social media and messaging apps
- Online blogs/forums
- TV
- Radio
- News aggregators (e.g. Google News, Apple news, Yahoo news)
- Video sharing platforms (e.g. YouTube, DailyMotion, Vimeo)
- Information shared by friends or family
- No opinion

6. Indicate which of the following dissemination mechanisms, in your opinion, have the highest impact on the spread of fake news in the EU? Select the most relevant options.

- Online sharing by human influencers / opinion makers
- Online sharing done by bots (automated social media accounts)
- Sharing among social media users
- Recommendation algorithms used on online platforms
- Media editorial decisions
- Others

*Please explain which other dissemination mechanisms have an impact on the spread of fake news in the EU

600 character(s) maximum

As the Commission has not defined what "fake news" is, this question is impossible to answer in a way that will give empirically valid data as different respondents will be responding based on their own diverse understandings of the term. This is exacerbated by the fact that, in the absence of empirical data, responses will be little more than guesses.

7. Which of the following areas have, in your view, been targeted by fake news during the last two years? Please, for each area, use a scale from 1 to 4; 1 (not targeted), 2 (marginally targeted), 3 (moderately targeted), 4 (heavily targeted).

| | No opinion | 1 | 2 | 3 | 4 |
|---|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Political affairs (e.g. elections) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Security | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Personal life of public figures (e.g. politicians) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Show biz and entertainment | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Immigration (e.g. refugees) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Minorities (e.g. religious, ethnic, sexual orientation) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | | |
|--|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Health (e.g. vaccines) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Environment (e.g. climate change) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Economy and finance (e.g. market rumours) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Science and technology (e.g. fake or misleading studies) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

8. In your view, has public opinion been impacted by fake news in the following areas during the last two years? Please for each area use a scale from 1 to 4: 1 (no impact), 2 (some impact), 3 (substantial impact) to 4 (strong impact).

| | No opinion | 1 | 2 | 3 | 4 |
|--|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Political affairs (e.g. elections) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Security | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Personal life of public figures (e.g. politicians) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Show biz and entertainment | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Immigration (e.g. refugees) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Minorities (e.g. religious, ethnic, sexual orientation) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Health (e.g. vaccines) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Environment (e.g. climate change) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Economy and finance (e.g. market rumours) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Science and technology (e.g. fake or misleading studies) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

9. If you are an online platform or a news organisation, please explain the criteria you use to rank news content on your platform/online website and a description of their impact on the ranking of other sources of news.

3000 character(s) maximum

Assessment of the measures already taken by online platforms, news media organisations and civil society organisations to counter the spread of disinformation online

Concrete steps have been taken by online platforms, news media organisations and civil society organisations (e.g. fact checkers) to counter the spread of disinformation online. For instance measures have been taken to deprive fake news websites of online advertising revenue, to close fake accounts, and to establish flagging mechanisms (by readers and trusted-flagger organisations alerting the platforms

about content of dubious veracity) and collaborations with independent fact-checkers adhering to the International Fact-Checking code of principles.

The following subset of questions is aimed at collecting information needed to better identify the positive impact, and the drawbacks, of current measures to counter the spread of disinformation online.

10. To what extent, if at all, have the following measures reduced the spread of fake news? Please evaluate each of the following statements on a scale from 1 to 4; 1 (no contribution), 2 (minor contribution), 3 (appreciable contribution), 4 (great contribution).

| | No opinion | 1 | 2 | 3 | 4 |
|---|-----------------------|----------------------------------|----------------------------------|-----------------------|-----------------------|
| Pop-up messages on social media, encouraging readers to check news and sources | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Mechanisms to display in prominent position information from different sources representing similar viewpoints (e.g. "related articles" button) | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Mechanisms to display in prominent position information representing different viewpoints (e.g. "other sources say" button) | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Mechanisms enabling readers to flag content that is misleading and/or fake | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Warnings to readers that a post or article has been flagged /disputed | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Fact-checking through independent news organisations and civil society organisations (explaining why a post may be misleading) | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Mechanisms to block sponsored content from accounts that regularly post fake news | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Closing of fake accounts and removal of automated social media accounts (based on the platforms' code of conduct) | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

For the measures you have rated equal or below 2 in the previous question please specify why, in your opinion, they are not so effective

600 character(s) maximum

The options listed refer to "misleading and/or fake" with no clarity about what "fake" means. There's no guidance on what a "fake" account is. Any approach must recognise that, in a changing tech & political world, a tool which can work now may later be "gamed" & prove counter-productive. Raw stats generated by a blunt question like this won't reflect this. Eg. A social media company used an anti-bullying system that automatically deleted content if flagged from 10 separate IP addresses. This worked till gangs of 10 kids coordinated to ensure that their victims' posts were automatically deleted

11. If you are an online platform or a news organisation and you have adopted measures aimed at countering the spread of disinformation on your online platform, news media or website, or on those operated by third parties, please explain the measures you took. Please provide a short description of their characteristics as well as their results.

3000 character(s) maximum

12. If you are an online platform or a news organisation, which tools do you use to assess the content uploaded on your platform/the quality of online information used to produce news content? Please evaluate each of the following measures on a scale from 1 to 4; 1 (rarely), 2 (occasionally), 3 (often), 4 (always).

| | No opinion | 1 | 2 | 3 | 4 |
|--------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Fact checking (human fact checkers) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Peer reviews | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Flagging (by users) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Flagging (by trusted flaggers) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Automated content verification tools | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

13. In your view, are readers sufficiently aware of the steps to take to verify veracity of news, when reading and sharing news online (e.g. check sources, compare sources, check whether claims are backed by facts)?

- Yes
- No
- No opinion

14. If you are an online platform or a news organisation, what does your organisation do in order to inform readers about the precautions they should take when reading and sharing news online (e.g. periodic notifications, media literacy programmes) ? How do you help them assess a specific article/post (tools to investigate the source, links to facts & figures, links to other sources etc.) ?

3000 character(s) maximum

This answer explains our choice in question 13 (by clicking on "no opinion" you cannot explain your choice):
We have not seen empirical data suggesting that readers are more or less able to verify the accuracy of news today compared with any specific moment in recent history. That does not, however, mean that we should not have ambitions to improve the situation using unbiased, effective media literacy measures.

Scope for possible future actions to improve access to reliable information and reduce the spread of disinformation online

It is sometimes argued that the mechanisms put in place so far by online platforms and news media organisations to counter the spread of fake news only capture a small fraction of disinformation, and that this involves labour-intensive human verification of content and does not prevent virality of fake news

through social media. Moreover, concerns have been voiced about the risks of censorship and the need to ensure a more diversified and pluralistic ranking of alternative news sources on social media. The following questions are aimed at collecting information on additional actions which may help to provide a comprehensive and effective response to the phenomenon of fake news.

15. Do you think that more should be done to reduce the spread of disinformation online?

- Yes
- No
- No opinion

You are welcome to comment on what should be done to reduce the spread of disinformation online.

3000 character(s) maximum

Regarding the "chapeau" of this section:

Who "sometimes" argues that current measures "capture" (?) what "small fraction" of disinformation?

What "virality" is referred to? That of automated accounts or virality by real people?

Why does the Commission refer to demands for more action as "it is sometimes argued" while arguments against such action are downplayed as "concerns" that have been "voiced"?

The lack of intellectual rigour makes it impossible for this section to generate statistically meaningful data.

Regarding the question:

The question implies that "more" will lead to a positive outcome. The question makes it almost impossible to answer anything other than "yes", which is presumably the answer that the Commission is seeking.

What is "more"? What baseline does the Commission imagine? In relation to what activity - more media education, more provider liability for legal disinformation, illegal content...?

Social media companies and news aggregators will inevitably "play safe" if they are under liability or public relations pressure to "do something". This "something" can be, for example, to restrict its sources to the main news outlets, to the detriment of smaller, niche or start-up outlets and blogs, to the detriment of the quality, diversity and democratic nature of "news".

The European Commission's proposal (Article 11 of the Copyright Directive) on ancillary copyright is the single biggest measure that will encourage "fake news". Well-funded (politically or "clickbait") misinformation sources will not demand the payment of a fee for being spread by social media. This will give such sources a significant advantage in the battle for ideas and the balance between disinformation and legitimate news in social media discussions.

16. In your view, which measures could online platforms take in order to improve users' access to reliable information and prevent the spread of disinformation online?

3000 character(s) maximum

Obviously, the simplest measure would be to limit access to only a very small number of the biggest and most reliable outlets. However, the societal cost (diversity, pluralism, democracy) would vastly outweigh the cost. Populist calls for social media to "do more" should therefore be avoided. Furthermore, social media companies actively sell influence to political parties (although the efficacy of this is open to debate). This fact must be given appropriate weight in the development of any policy in this area.

It is crucial that any legislative, political or public relations pressure put on social media companies to interfere in the visibility or accessibility of content, if undertaken at all, is done in a way which is subject to constant, credible, meaningful review, with credible, flexible, accessible correction mechanisms to address any impact on freedom of expression, media diversity or, indeed, counterproductive effects.

A rather obvious way of addressing disinformation in traditional news sources is adapting the way in which corrections are made. It is quite common to see traditional newspapers running stories on page 1, circulating them on social media and then, when proven false, publishing a correction on an inside page of the print version and, unsurprisingly, making no effort to draw attention to the correction among their online followers.

The lack of diversity in our current online media landscape (limited number of global players decide what users see, with a business model that in which the user or the society at large are not the prime concern) does not help. In other words, when investigating these problems, due reflection is needed on the role of current business models.

Finally, the notion of "reliable" information is very subjective - many well-established news outlets generate what many would consider "Faux News" or "Daily Hate", but would almost certainly not be targeted by any of the measures considered by the Commission in this exercise.

17. How effective would the following measures by online platforms be in preventing the spread of disinformation? Please evaluate each action on a scale from 1 to 4; 1 (no impact), 2 (low impact), 3 (moderate impact), 4 (strong impact).

| | No opinion | 1 | 2 | 3 | 4 |
|---|-----------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Rank information from reliable sources higher and predominantly display it in search results or news feeds. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Provide greater remuneration to media organisations that produce reliable information online | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Allow more control to users on how to personalise the display of content. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Allow direct flagging of suspicious content between social media users. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Invest in educating and empowering users for better assessing and using online information. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| Provide buttons next to each article that allow users to investigate or compare sources. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Inform users when certain content was generated or spread by a bot rather than a human being. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

| | | | | | |
|--|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Inform users about the criteria and/or algorithms used to display content to them (why they see certain content). | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| Support civil society organisations to improve monitoring and debunking of fake news. | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Employ fact-checkers at the online platform. | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Further limit advertisement revenues flowing to websites publishing fake news. | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Improve and extend to all EU Member States online platforms' current practices, which label suspicious information after fact-checking. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Invest in technological solutions such as Artificial Intelligence to improve the discovery and tracking of fake news. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Develop new forms of cooperation with media outlets, fact-checkers and civil society organisations to implement new approaches to counter fake news. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Other | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

* Please specify other.

600 character(s) maximum

The EC makes no effort to define "reliable" but seems to believe it's appropriate to propose ways of promoting "reliable" sources. Eg. EC's website <https://blogs.ec.europa.eu/ECintheUK/euomyths-a-z-index/> accuses all of the top 10 UK newspapers of peddling EU "myths". What's the threshold for "reliable"? On the Q of remuneration, the suggestion seems to be to make it more expensive for reliable news outlets to appear in social media than unreliable ones. Despite the obvious disadvantages of this idea, the EC has proposed imposing "ancillary copyright," which will deliver this result

18. In your view, which measures could news media organisations take in order to improve the reach of reliable information and prevent the spread of disinformation online?

3000 character(s) maximum

Firstly by campaigning against the Commission's wrongheaded proposal on "ancillary copyright" which could not conceivably make the situation better.
Secondly, by developing business models that move away from the surveillance ("targeted") advertising model that feeds the spread of clickbait. The Commission's proposals on online tracking (eprivacy Regulation proposal) are very helpful in this context.

19. How effective would the following measures by news media organisations be in strengthening reliable information and tackling fake news? Please evaluate each actions on a scale from 1 to 4; 1 (no impact), 2 (low impact), 3 (moderate impact), 4 (strong impact).

| | | | | | |
|--|------------|---|---|---|---|
| | No opinion | 1 | 2 | 3 | 4 |
|--|------------|---|---|---|---|

| | | | | | |
|--|----------------------------------|----------------------------------|-----------------------|-----------------------|----------------------------------|
| Invest more in new forms of journalism (i.e. data-based investigative journalism) to offer reliable and attractive narratives. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| Increase cooperation with other media organisations | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Help readers develop media literacy skills to approach online news critically | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| Help readers assess information when and where they read it (e.g. links to sources) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| Support civil society organisations and participative platforms (for instance using the model of Wikipedia/Wikinews) to improve monitoring and debunking of fake news. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| Invest in technological solutions to strengthen their content verification capabilities, in particular for user-generated content, in order not to contribute to the proliferation of fake news. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

Please specify other.

600 character(s) maximum

Firstly by campaigning against the Commission's wrongheaded proposal on "ancillary copyright" which could not conceivably make the situation better.

Secondly, by developing and/or supporting business models that move away from the surveillance ("targeted") advertising model that feeds the spread of clickbait. The Commission's proposals on online tracking (eprivacy) are very helpful in this context.

Thirdly, more diversity of available platforms would also greatly improve the situation.

20. In your view, which measures could civil society organisations take in order to support reliable information and prevent the spread of disinformation online?

3000 character(s) maximum

The Commission does not specify what types of civil society organisations it is referring to. It is important not to rely on NGOs to be funded as "fact checkers" or "trusted flaggers", as this creates vested interests for the problem to continue to exist, to be over-dramatised and, perversely in this context, to be misrepresented. Uncomfortable or different views facilitate healthy debate, as eloquently elaborated by the European Court of Human Rights (for example in Handyside v. the United Kingdom judgment of 7 December 1976, § 49). We're in a democracy and people need to have the right to go online and be treated as if they were offline. We should not live in a world where conversations about important topics cannot happen online (for example due to over-strict terms of service, implemented due to government pressure), but only offline. If we are all prompted to think or write in the same way, we are no longer living in a society where there is freedom of thought, expression and opinion. We would be just thinking and expressing the same opinion.

21. How do you rate the added value of an independent observatory/website (linking platforms, news media organisations and fact-checking organisations) to track disinformation and emerging fake narratives, improve debunking and facilitate the exposure of different sources of information online? Please evaluate each of the following statements on a scale from 1 to 4; 1 (strongly disagree), 2 (disagree), 3 (agree), 4 (strongly agree). If you find it useful, you can voice suggestions

for independence hereunder - e.g. academic supervision, community-based structures or a hybrid such as Wikipedia.

| | No opinion | 1 | 2 | 3 | 4 |
|--|-----------------------|----------------------------------|-----------------------|-----------------------|----------------------------------|
| The public would benefit from an independent observatory that acts like a knowledge centre, gathering studies and providing general advice on how to tackle disinformation online. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The public would benefit from an independent observatory that looks at popular social media posts, asks fact-checkers to look at them, and provide warnings (to platforms, public authorities, etc.) that they need to be flagged. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The public would benefit from an independent observatory /website that looks at popular social media posts, researches the facts and develops counter-narratives when necessary. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The public would benefit from an independent observatory /website that does not look at posts, but instead helps to gather factual information (and possibly user ratings) for each source, to help create a factual snapshot of each source's activity and reputation | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| An observatory is not useful for the public | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

22. What actions, if any, should be taken by public authorities to counter the spread of fake news, and at what level (global, EU, national/regional) should such actions be taken?

3000 character(s) maximum

Until the problem definition is resolved in a diligent way and scientific data is provided to assess whether there are problems and the impact these problems have, no action should be taken. If there is no demonstrable problem to be solved or if there is a problem but no measure can be found that will not have counter productive effects for citizens' rights, including the right to seek, access and impart information, nothing should be done. This consultation will not move this debate forward.

In any case, at all levels, ancillary copyright should be avoided and the E-Privacy Regulation should be promoted. If substantial problems are found, the EU could start with the tools that we have and get its priorities straight. In the US, for instance "Election laws already prohibit foreign governments or their agents from purchasing campaign ads—online or offline—that directly advocate for or against a specific candidate. In addition, for sixty days prior to an election, foreign agents cannot purchase ads that even mention a candidate. Finally, the Foreign Agent Registration Act also requires information materials distributed by a foreign entity to contain a statement of attribution and to file copies with the U.S. Attorney General. These are all laws that could be better brought to bear, especially in the most egregious situations." cf. < <https://www.eff.org/deeplinks/2018/01/private-censorship-not-best-way-fight-hate-or-defend-democracy-here-are-some>>.

The first thing the Commission could do is to map whether EU countries have similar laws and whether they are enforced. There may be many existing rules which can be applied that may have a less restrictive effect on citizens' freedom of expression and businesses' freedom to do business without undue political interference.

23. Please provide any comment and/or link to research that you consider useful to bring to the Commission attention.

3000 character(s) maximum

Due to leading questions, lack of rigour as to the definition of the most fundamental terminology and clarity regarding possible policy alternatives, it seems impossible that empirically meaningful outcomes that could form the basis of evidence-based decision-making can come from this consultation. Some content, such as "terrorism or child abuse defamation" is bizarrely listed as being potentially "fake news" while other content, such as the demonstrably "fake news" listed on the Commission's own website for being "fake news" (the EU Myths) are, de facto, outside the scope of what the Commission implicitly appears to consider covered by this activity.

One area that the Commission inexplicably overlooked in this consultation is the issue of corrections. A fake story can spread far and wide (for example to the 211,000 Twitter followers of the Daily Mail or the 1.2 million Twitter followers of The Sun) while a correction will often only appear in the printed version and will have a vastly different reach.

Regarding Question #7, we assume that the question is meant to say "targeted with" and not "targeted by". Few, if any, respondents will have experience of the full range of topics listed, meaning that few, if any, respondents will be able to assess the relative extents to which the range of subjects have been targeted by (undefined) fake news. Finally, the Commission should have data on the use of and impact of market rumours in the context of financial regulation. In this context, it would have been useful to share this information.

Regarding Questions #5 and #8, as the Commission has not defined what "fake news" is, this question is impossible to answer in a way that will give empirically valid data as different respondents will be responding based on their own understanding of the term. This is exacerbated by the fact that, in the absence of empirical data, responses will be little more than guesses.

Please see the Joint Declaration on 'Fake News', Disinformation and Propaganda made by the United Nations Special Rapporteur on Freedom of opinion and expression, David Kaye, along with counterparts from the Organization for Security and Co-operation in Europe (OSCE), the Organization of American States (OAS), and the African Commission on Human and Peoples' Rights (ACHPR): <http://www.osce.org/fom/302796?download=true>.

See also: Written evidence by Jason Rowbottom to the House of Commons DCMS Select Committee: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/culture-media-and-sport-committee/fake-news/written/48182.pdf>.

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