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

Jens-Henrik

* Respondant's last name

100 character(s) maximum

Jeppesen

* Organisation's name

100 character(s) maximum

Center for Democracy & Technology (CDT)

* Contact details

150 character(s) maximum

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* Company/organisation website

100 character(s) maximum

www.cdt.org

* Legal seat of the organisation you represent

100 character(s) maximum

1401 K Street NW, Suite 200, Washington, DC 20005

* 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

As a nonprofit organization, we work to preserve the user-controlled nature of the internet and champion freedom of expression. We support laws, corporate policies, and technology tools that protect the privacy of internet users, and advocate for stronger legal controls on government surveillance.

Number of employees

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

Turnover of your organisation in 2016

3

○ < 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

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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

CDT is a non-profit public policy organisation, focused on technology policy as it pertains to civil liberties and human rights. We believe in the power of the internet, whether it is facilitating entrepreneurial endeavours, enabling access to education, or creating a platform for free expression and political debate. Our mission is to promote policies that keep the Internet open, innovative and free. CDT has done substantive work on best practices for use of automated decision making tools, among other things for online content moderation, a topic of importance for this consultation.

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

600 character(s) maximum

For <u>academia</u>: 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 <u>public authorities</u>: 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 term 'fake news' is being widely (mis)used to cover a broad range of content, not only deliberate disinformation and propaganda, but also to discredit unwanted press coverage and opposing political views. This is dangerous. It is essential to describe the concept in a narrow and precise way. We recommend the definition parameters used by PEN America ('Faking News' Report), defined as: "Demonstrably false information that is being presented as a factual news report with the intention to deceive the public". These three criteria should be met simultaneously for an item to be considered 'fake news': type of content (demonstrably false information); the intention behind its creation (to deceive the public for profit and/or political motives, including government-sponsored misinformation); and how this content is being presented (factual news report). This definition therefore excludes good-faith mistakes, satire, news reports that may be biased, non-objective reporting, or editorial decisions that prioritise certain issues over others (e.g. misleading headlines), or the omission of important and relevant information.

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	◉	○	○	○	○
Intentional disinformation aimed at influencing health policies	◉	○	○	○	○
Intentional disinformation aimed at influencing environmental policies	◉	○	○	○	○
Intentional disinformation aimed at influencing immigration policies	◉	○	○	○	○
Intentional disinformation aimed at influencing economy or finance	◉	○	○	○	○
Intentional disinformation aimed at undermining trust in public institutions	◉	○	○	○	○
Intentional disinformation aimed at undermining public security	◉	○	○	○	○
Intentional disinformation aimed at generating advertisement revenues	◉	○	○	○	○
Other categories of intentional disinformation	◉	○	○	○	○

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

300 character(s) maximum

> We have refrained from answering to questions (2), (5), (6), (7), (8), (10) & (17) due to insufficient European data available at this point on the volume and impact of 'fake news'. The data that has emerged predominantly focuses on the U.S. presidential elections of 2016.

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

> This question presumes that the spread of 'fake news' is increasing. We do not think there is sufficient evidence to support this statement. It is not known whether 'fake news' is increasing and if so at what rate, and what its impact may be. There is no comparative data that covers a wide range of European countries.
>
> Economic
>
> News media (offline, online, and broadcast) have always to varying degrees prioritised content that is controversial, sensational and emotionally engaging because due to the level of attention it attracts from audiences. Maximising user attention and engagement is equally essential for many online and social media business models. It appears from evidence brought to light in investigations of Russian efforts to influence the US election in 2016 that content (some of which can be considered 'fake news') was designed to provoke and engage and encourage spreading and sharing.
>
> Social
>
> Available research suggests many people have difficulty distinguishing credible information and sources from deliberate misinformation. For example, a recent Stanford University study highlights that around 82% of middle-school students cannot distinguish between ad labeled "sponsored content" and a real news story on a website. In terms of concrete consumption of 'fake news' (who reads it, its dissemination process, and the level fact-checks reached by fake news consumers), there is scant scientific data, particularly in the EU. It is very likely that there are significant variations from country to country.
>
> Technology-related
>
> Suggestion: Algorithms used on social media platforms are designed to present content that the user is likely to want to engage with, and maximise time spent on the platforms. As discussed above, this is likely to give preference to content that is emotionally engaging (negatively or positively). Direct feedback and monitoring of user behaviour enables a high degree of customisation of content to match individual preferences. This makes it possible to create an online version of 'filter bubbles' in which users only encounter material that is likely to confirm existing opinions and biases. In the offline environment, such 'filter bubbles' also exist; people tend to seek out reporting and news sources that confirm pre-existing views.

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

7. Which of the following areas have, in your view, been <u>targeted</u> 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)	●	○	○	○	○
Security	●	○	○	○	○
Personal life of public figures (e.g. politicians)	●	○	○	○	○
Show biz and entertainment	●	○	○	○	○
Immigration (e.g. refugees)	●	○	○	○	○
Minorities (e.g. religious, ethnic, sexual orientation)	●	○	○	○	○
Health (e.g. vaccines)	●	○	○	○	○
Environment (e.g. climate change)	●	○	○	○	○
Economy and finance (e.g. market rumours)	●	○	○	○	○
Science and technology (e.g. fake or misleading studies)	●	○	○	○	○

8. In your view, has <u>public opinion been impacted</u> 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)	●	○	○	○	○
Security	●	○	○	○	○
Personal life of public figures (e.g. politicians)	●	○	○	○	○
Show biz and entertainment	●	○	○	○	○
Immigration (e.g. refugees)	●	○	○	○	○
Minorities (e.g. religious, ethnic, sexual orientation)	●	○	○	○	○
Health (e.g. vaccines)	●	○	○	○	○
Environment (e.g. climate change)	●	○	○	○	○
Economy and finance (e.g. market rumours)	●	○	○	○	○
Science and technology (e.g. fake or misleading studies)	●	○	○	○	○

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	●	○	○	○	○
Mechanisms to display in prominent position information from different sources representing similar viewpoints (e.g. "related articles" button)	●	○	○	○	○
Mechanisms to display in prominent position information representing different viewpoints (e.g. "other sources say" button)	●	○	○	○	○
Mechanisms enabling readers to flag content that is misleading and/or fake	●	○	○	○	○
Warnings to readers that a post or article has been flagged /disputed	●	○	○	○	○
Fact-checking through independent news organisations and civil society organisations (explaining why a post may be misleading)	●	○	○	○	○
Mechanisms to block sponsored content from accounts that regularly post fake news	●	○	○	○	○
Closing of fake accounts and removal of automated social media accounts (based on the platforms' code of conduct)	●	○	○	○	○

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)	○	○	○	○	○
Peer reviews	○	○	○	○	○
Flagging (by users)	○	○	○	○	○
Flagging (by trusted flaggers)	○	○	○	○	○
Automated content verification tools	○	○	○	○	○

Other	⊙	⊙	⊙	⊙	⊙

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

You are welcome to provide a comment on readers' awareness on the precautions they should take when reading and sharing news online

600 character(s) maximum

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

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

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

- When online platforms make decisions to restrict third party content beyond what they are legally obliged to, they should ensure that these speech restrictions (e.g. deletion or moderation) are clearly described in their terms of service and based on objectively justifiable criteria.

- Ensure users' accessibility and understanding of any policies and efforts that have taken as described above, including how these efforts are enforced. These standards should also be applied to any use of automated processes (e.g. algorithmic) run by the platform in relation to third party content, or its own content.

- Respect minimum due process guarantees by putting in place appeal mechanisms for those who believe that their website/services/content have been wrongly targeted by any effort/initiative taken by the online platform. Also ensure that when users' content is restricted, removed, or downgraded, users are notified and can appeal.

- Support research and deployment of appropriate technological solutions that equip users with skills to evaluate the information they see and consume. Such technological solutions should adequately moderate non-English content; provide transparent criteria for any change in the automated processes (e.g. algorithms) that down-rank content; and be aimed at minimising the impact of filter bubbles. However, measures to counter misinformation online should not rely solely on technology. Available tools have limited capacity to understand context, and the 'human-in-the-loop' principle should be maintained.

- Enable users to understand the identity of accounts and content they are confronted with. This could include explicit labelling of bots and providing the option to block bots). The requirement to identify bots should be specified under the platform's Terms of Service. However, it is important to balance identifying clear sources to help users understand how platforms display content, with respecting pseudonymous posting by individuals.

- Share data with external independent researchers on the effectiveness of their initiatives taken to counter 'fake news'. For example, allowing third parties to audit the algorithm would help in maintaining platform's transparency.

- Remove financial incentives for creating 'fake news' could be important to preventing the spread of disinformation online. However, online platforms must also make sure they do not unduly limit users' ability to access information and diversity of opinions and ideas. Also, such measures will not be able to address disinformation campaigns that do not have profit as their main driver.

-Ensure that when governments request removal of content (directly, or indirectly through third parties) it is clearly visible to the public.

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.	●	○	○	○	○
Provide greater remuneration to media organisations that produce reliable information online	●	○	○	○	○
Allow more control to users on how to personalise the display of content.	●	○	○	○	○

Allow direct flagging of suspicious content between social media users.	●	○	○	○	○
Invest in educating and empowering users for better assessing and using online information.	●	○	○	○	○
Provide buttons next to each article that allow users to investigate or compare sources.	●	○	○	○	○
Inform users when certain content was generated or spread by a bot rather than a human being.	●	○	○	○	○
Inform users about the criteria and/or algorithms used to display content to them (why they see certain content).	●	○	○	○	○
Support civil society organisations to improve monitoring and debunking of fake news.	●	○	○	○	○
Employ fact-checkers at the online platform.	●	○	○	○	○
Further limit advertisement revenues flowing to websites publishing fake news.	●	○	○	○	○
Improve and extend to all EU Member States online platforms' current practices, which label suspicious information after fact-checking.	●	○	○	○	○
Invest in technological solutions such as Artificial Intelligence to improve the discovery and tracking of fake news.	●	○	○	○	○
Develop new forms of cooperation with media outlets, fact-checkers and civil society organisations to implement new approaches to counter fake news.	●	○	○	○	○
Other	●	○	○	○	○

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

3000 character(s) maximum

We'd like to first and foremost highlight that enabling news publishers to charge licensing fees for links to their content, as currently proposed under Article 11 of the Copyright in the Digital Single Market (DSM) proposal, will not improve the reach of reliable information and prevent the spread of disinformation online. Small publishers and news-related startups would be the most impacted by such measures, as they would lose much of the traffic generated by news aggregators. The ability of news outlets to reach audiences would be be curtailed as a result. We agree that news media organisations should strive towards 'quality journalism', with a focus on the following measures/goals:

- Support self regulation to promote accuracy in news reporting, including offering a right of correction and/or reply to deal with inaccurate reports.

- Ensure websites provide easily accessible and understandable information on the standards, practices and policies implemented by the organisation (e.g. fact checking, how errors are addressed, ombudsmen, public editors, etc.). This will help in maintaining trust in their reporting mechanisms and editorial decisions.

- Improve the labeling of content and graphics to enable clear visual differentiation of the various types of news items that fall anywhere in the spectrum of 'analysis', 'opinion', 'sponsored content', and 'paid advertisements'.

- Improve quality of headlines to ensure that they are not misleading or overly sensational, which otherwise risk undermining trust in news media organisations itself.

- Ensure strong ethical standards across all media without political influence.

- Rely less on online/click-based advertising revenues and promote subscription business models.

- Ensure that reporting covers the issues citizens are interested in knowing about, especially when these issues can be controversial or and polarising. If mainstream media do not report on these issues, less reliable fringe media are likely to fill the gap.

19. How effective would the following measures by <u>news media organisations</u> 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.	◉	○	○	○	○
Increase cooperation with other media organisations	◉	○	○	○	○
Help readers develop media literacy skills to approach online news critically	◉	○	○	○	○
Help readers assess information when and where they read it (e.g. links to sources)	◉	○	○	○	○
Support civil society organisations and participative platforms (for instance using the model of Wikipedia/Wikinews) to improve monitoring and debunking of fake news.	◉	○	○	○	○
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.	◉	○	○	○	○
Other	◉	○	○	○	○

20. In you view, which measures could <u>civil society organisations</u> take in order to support reliable information and prevent the spread of disinformation online?
3000 character(s) maximum

- Continue to support an open, innovative and free internet. This includes promoting the access to information across a variety of platforms and sources, as well as safeguarding strong a net neutrality framework.

- Educate the general public about the complexity and harms posed by the spread of 'fake news' (both

online and offline). This includes providing information about the intricacies of automated content analysis tools used by online platforms, and how they function. This will allow consumers of content to understand better why they see content in a particular order and thus be able to take more educated decisions when deciding to share with others.

- Support media literacy programs in various formats (e.g. educational programmes, or initiatives taken by online platforms/media organisations). Increasing media literacy presents itself as an favourable long-term approach to address the underlying elements driving the current problem of the spread of disinformation.

- Educate the public about the need to pay for and subscribe to quality news media.

- Publicly oppose any sort of censorship and restrictions on free expression.

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.	●	○	○	○	○
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.	●	○	○	○	○
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.	●	○	○	○	○
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	●	○	○	○	○
An observatory is not useful for the public	●	○	○	○	○

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

- As previously mentioned in Question 18, we strongly oppose any form of legislation resembling the proposed ancillary copyright for press publishers stipulated in Article 11 of the Copyright DSM Directive proposal.

- Public authorities should fund independent research to gather data across Member States. This would help shed light on the 'fake news' phenomenon and its possible impact. On the basis of this, public authorities will be able to assess what type of measures/initiatives are deemed necessary in supporting quality journalism.

- In this sense, public authorities should work towards empowering users in their online experience (e.g. media literacy tools). For these reasons, public authorities should refrain from interfering, by means of legislation for example, in citizens' right to freedom to receive and impart information. Any attempts to shape behaviours of online platforms should be minimal, completely transparent and subject to strict judicial supervision.

- Public authorities should refrain from holding online platforms liable for any third party content relating to those services, in respect with current rules on intermediary liability in Europe (Article 14 E-Commerce Directive). The fundamental principles of the E-Commerce Directive remain critical to the functioning of the internet; 'controversial content' such as 'fake news' challenges notwithstanding. Any legislation that puts pressure on online platforms to take down speech under the threat of fines (e.g. NetzDG law in Germany), carries considerable risk of censorship. Platforms would be incentivised to err on the side of caution and to suppress content, thus impacting on citizens' right to freedom of information. This has to be viewed against the fact that there is no agreed definition as to what constitutes 'fake news' and thus, legislating in this area is clearly not the way forward.

- Automated content filtering systems should not be mandated by governments, due to their limited ability to parse the nuanced meaning of human communication, or to detect the intent or motivation of the speaker.

- Individuals should be protected against any form of liability for simply disseminating or promoting, through intermediaries such as social media platforms, content which is not attributed to them.

- Support media literacy programs in various formats (e.g. educational programmes, or initiatives taken by online platforms/media organisations). Increasing media literacy presents itself as an favourable long-term approach to address the underlying elements driving the current problem with the spread of misinformation.

- Support public service media organisations and local news outlets to ensure a broad and unrestricted news media landscape. There should be a concerted effort to build and sustain journalism that does not rely on advertising to subsist or thrive.

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

3000 character(s) maximum

It is essential to have an open and inclusive dialogue with stakeholders from across the board to take a considered, rational, evidence-based approach to understanding the 'fake news' phenomenon.

As it currently stands, there is no comprehensive data available in the EU on the amount of 'fake news', its reach or its impact. Most research documents the US 2016 legislative process. What has become increasingly clear is that the Russian regime, using its own agencies as well as private actors and organisations, undertook a deliberate effort to inject polarising, divisive and some time 'fake' news into US public debate. Research is also being undertaken to discover to what extent the Russian regime has used or is using similar tactics in European countries. The EU's External Action Services (EEAS) runs the East StratCom Task Force to counter Russian state propaganda and misinformation efforts.

It is clear that governments of liberal democracies have a responsibility to counter attempts by a foreign state to subvert their democratic processes. CDT does not advise on foreign and security policy, and we leave it to others to recommend the right defensive and offensive strategies. It is curious that the consultation document and accompanying statements ignore the fact that state-sponsored activity is the main driver of the 'fake news' phenomenon. Social media companies can take countermeasures, news organisations can provide quality reporting, civil society can help build media literacy and resilience. But none of them can stop hostile foreign states from attempting to interfere in democratic processes. That is the responsibility of European governments and institutions.

Because of the absence of data, we refrain from answering several of the questions in the consultation. The alternative would be to engage in speculation and conjecture, which would be unhelpful for developing rational policy. Such policy should be based on a clear, targeted definition, reliable data, and should avoid unintended consequences for free speech and access to information. It is particularly important to maintain the principle of limited liability for internet intermediaries, and a strong net neutrality framework.

Recommended sources:

- PEN America 'Faking News' paper: https://pen.org/faking-news/

- UN Joint Declaration: http://www.osce.org/fom/302796

- CDT's 'Mixed Messages' paper: https://cdt.org/insight/mixed-messages-the-limits-of-automated-social-media-content-analysis/

- Reuters Institute & University of Oxford study: http://reutersinstitute.politics.ox.ac.uk/our-research/measuring-reach-fake-news-and-online-disinformation-europe

- New America 'Digital Deceit' paper: https://www.newamerica.org/public-interest-technology/policy-papers/digitaldeceit/

- 'First Draft' article: https://firstdraftnews.org/fake-news-complicated/

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