



Committee Chair, Senator James Paterson,
Select Committee on Foreign Interference through Social Media,
By email: foreigninterference47parl.sen@aph.gov.au

Tuesday, 7 March, 2023

Dear Senator Paterson,

The Digital Industry Group Inc. (DIGI) thanks you for the opportunity to provide our views on protecting the Australian democracy from the risk of foreign interference through social media and related matters by way of this submission.

By way of background, DIGI is a non-profit industry association that advocates for the interests of the digital industry in Australia. DIGI's members are Apple, eBay, Google, Linktree, Meta, TikTok, Twitter, Snap, Spotify and Yahoo. DIGI's vision is a thriving Australian digitally-enabled economy that fosters innovation, a growing selection of digital products and services, and where online safety and privacy are protected.

DIGI shares the Government's strong commitment to maintaining the security and integrity of the Australian information ecosystem, including to address online threats to democratic processes and institutions as is evidenced by our work in developing and overseeing *The Australian Code of Practice on Disinformation and Misinformation* (ACPDM).

In this submission, we focus on the steps taken by signatories under the code to prevent the spread of misinformation and disinformation. We also highlight the positive contributions we believe the code made to the lower levels of electoral misinformation and disinformation seen in the 2022 Australian Federal election, compared to those in like minded democratic elections across the globe.

DIGI's full submission on the 2022 Federal Election, which may provide a helpful, supplementary reference, in addition to the points raised in this submission, can be found on our website.¹

We thank you for your consideration of the matters raised in this submission. Should you have any questions, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read "Sunita Bose", written over a light blue rectangular background.

Sunita Bose
Managing Director, DIGI
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¹ DIGI (11/11/22), *Inquiry into the 2022 federal election | DIGI Submission to Joint Standing Committee on Electoral Matters*, <https://digigroup.org.au/wp-content/uploads/2022/11/Submission-on-Federal-Election-Inquiry-October-2022.pdf>



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DIGI's work on online mis- and disinformation through the ACPDM

DIGI and its members share a strong commitment to ensuring the transparency and integrity of Australian democratic political processes, and institutions recognising that as important actors in the information ecosystem, they have a critical role and responsibility in reducing the spread of disinformation and misinformation online. To that end, DIGI worked with eight major digital service providers to develop the ACPDM. The ACPDM was launched in February 2021 in response to government policy as set out in *Regulating in the Digital Age: Government Response and Implementation Roadmap for the Digital Platforms Inquiry*.²

The ACPDM adopts an outcomes based approach that aims to incentivise signatories to be more transparent and accountable for their response to harms caused by disinformation and misinformation. To date, the code has been adopted by Apple, Adobe, Google, Meta, Microsoft, Redbubble, TikTok and Twitter. These companies have all committed to implement safeguards to protect Australians against online disinformation and misinformation. Mandatory code commitments include: Publishing & implementing policies on misinformation and disinformation, providing users with a way to report content against those policies and implementing a range of scalable measures that reduce its spread & visibility (Mandatory commitment #1). Every signatory has agreed to prepare annual transparency reports about those efforts to improve understanding of both the management and scale of mis- and disinformation in Australia (Mandatory commitment #7).

Additionally, there are a series of opt-in commitments that platforms adopt if relevant to their business model: (Commitment #2) Addressing disinformation in paid content; (#3) addressing fake bots and accounts; (#4) transparency about source of content in news and factual information (e.g. promotion of media literacy, partnerships with fact-checkers) and (#5) political advertising; and (#6) partnering with universities/researchers to improve understanding of mis and disinformation.

DIGI considers that political communication is fundamental to the proper functioning of Australia's democratic processes. The ACPDM helps uphold this important function by addressing content that could fall under the scope of foreign interference in democratic processes. Under the code, 'disinformation' is defined as 'digital content that is verifiably false or misleading or deceptive that is propagated amongst users of digital platforms via inauthentic behaviours, the dissemination of which is reasonably likely to cause harm' and the definition of 'harm' includes 'democratic political and policy

² The Treasury (12/12/19), *Regulating in the digital age: Government Response and Implementation Roadmap for the Digital Platforms Inquiry*, <https://treasury.gov.au/sites/default/files/2019-12/Government-Response-p2019-41708.pdf>



making processes such as voter fraud, voter interference, voting misinformation'. These definitions of content the code applies to are a critical step in identifying and tackling the potential for foreign interference in online discourse.

Signatories' work under the ACPDM commitments, including work related to preventing foreign interference, is detailed in the first two sets of their mandatory transparency reports, released in May 2021 and May 2022.³ The next round of annual transparency reporting will take place by late May 2023.

The ACPDM is a dynamic self-regulatory tool that DIGI has continued to update and strengthen through periodic review and collaborative analysis on its implementation. The benefits of the self-regulatory approach means the code can be updated to address advances in threats and technology faster than legislation. A self-regulatory code requires constant efforts by signatories to meet their commitments; and adapt their responses to emerging threats. It incentivises proactive, rather than reactive action in a rapidly changing environment.

In October 2021, DIGI put in place governance arrangements to strengthen the ACPDM and its effectiveness. DIGI appointed an independent complaints committee to resolve complaints about possible breaches by signatories of their code commitments, and created a portal on DIGI's website for the public to raise such complaints. We appointed an independent reviewer to fact check and attest all signatories' transparency reports prior to publication, who also developed best practice reporting guidelines to drive improvements and consistency in 2022 transparency reports.⁴

In its June 2021 *Report to government on the adequacy of digital platforms disinformation and news quality measures*⁵ (ACMA Report to Government), released in March 2022, the ACMA reviewed the ACPDM, finding that 'the code objectives and principles meet the government objective of striking a balance between encouraging platform interventions and protecting freedom of expression, privacy and other rights.'⁶ DIGI has supported, in principle, the ACMA's recommendations to the Government to have greater oversight of the code and misinformation more broadly,⁷ as a complement to existing, robust self-regulation measures.⁸

In its report to government, the ACMA advanced five key recommendations to strengthen their oversight of the code and their work on misinformation and disinformation.⁹ In June 2022, DIGI commenced a review of the code, which included close consideration of these recommendations, as well as submissions received as part of a public consultation process.¹⁰

³ DIGI (2022), *Transparency reports*, <https://digi.org.au/disinformation-code/transparency/>

⁴ DIGI (2023), *Governance*, <https://digi.org.au/disinformation-code/governance/>

⁵ ACMA (21/03/2022), *Report to government on the adequacy of digital platforms' disinformation and news quality measures*,

<https://www.acma.gov.au/report-government-adequacy-digital-platforms-disinformation-and-news-quality-measures>

⁶ ACMA Report to Government, see finding 21.

⁷ DIGI (21/03/2022), *DIGI welcomes release of ACMA report on Mis/Disinformation Code and supports its five key recommendations*,

<https://digi.org.au/digi-welcomes-release-of-acma-report-on-misdisinformation-code-and-supports-its-five-key-recommendations/>

⁸ DIGI (20/01/2023), *DIGI Welcomes The Government Providing ACMA With Oversight Powers Over Misinformation*, <https://digi.org.au/digi-welcomes-the-government-providing-acma-with-oversight-powers-over-misinformation/>

⁹ ACMA Report to Government.

¹⁰ DIGI (2022), *Code Review*, <https://digi.org.au/disinformation-code/code-review/>



Some of the key changes DIGI made as part of the review of the code include:

Encouraging greater participation in the code by smaller digital platforms, including by modifying the transparency reporting requirements for services with less than one million active monthly users in Australia. This acknowledged the likelihood for misleading content to proliferate elsewhere online as mainstream platforms strengthened approaches to tackling misleading content.

- An updated definition of 'harm' in relation to mis and disinformation, addressing stakeholders' concerns that the threshold of 'serious and imminent' threat of harm was too high; the new threshold is 'serious and credible' threat of harm. For the purposes of this Inquiry, we note that the definition of harm has always encompassed voter interference.
- Additional commitments reflecting updates to the strengthened EU Code of Practice in relation to recommender systems, and deterring advertisers from repeatedly placing digital advertisements that propagate mis- and disinformation. There are also updates to further clarify that both sponsored content and paid for advertising are in scope of relevant commitments on demonetising mis- and disinformation.
- Retaining the pre-existing exclusion of professional news content from being treated as misinformation under the code, and the pre-existing obligation for signatories to address this content when it is being disseminated as disinformation. The review concluded that the ACMA and the professional news media are best placed to address misinformation concerns within their self regulatory and co-regulatory codes.
- Requiring greater transparency around the specific products and services that are within scope of the signatories' code commitments, through updates to the code, transparency reporting requirements and the DIGI website.

These updates are the latest set in a series of improvements driven by DIGI and code signatories since the code was introduced in February 2021. We look forward to close collaboration with the government as consultation on the design of these powers takes place this year.

Case study: DIGI work with the AEC on the 2022 Federal Election

More detail on this work can be found in DIGI's submission on the 2022 Federal Election: [Inquiry into the 2022 federal election | DIGI Submission to Joint Standing Committee on Electoral Matters](#).

Australia's democratic values are underpinned by its robust electoral system. DIGI's work, and the role of the ACPDM, in the 2022 federal election demonstrates how the code is helping protect the integrity of the Australian information ecosystem and democratic processes.

In preparation for the 2022 federal election, in addition to our oversight of the ACPDM, DIGI facilitated the development of a *Statement of Intent for the Federal Election 2022*, between major digital platforms and the Australian Electoral Commission (AEC).¹¹ This Statement of Intent, which is publicly available,¹² complemented the ACPDM by setting out the working arrangements between online platforms and the AEC, including how the parties would work together during the 2022 electoral period to address breaches

¹¹ The Statement of Intent between Online Platforms and the Australian Electoral Commission was signed by Google, Meta, Twitter, Microsoft and Tik Tok.

¹² The Statement of Intent is available at https://www.aec.gov.au/About_AEC/files/aec-and-platforms-statement-of-intent.pdf



of electoral laws, tackle online mis- and disinformation and support civic engagement in the election through education and awareness initiatives.

As noted, at the end of the 2022 election, the AEC acknowledged the success of its work with digital platforms to protect and promote the election's integrity in a public media release.¹³ The media release noted the low levels of mis- and disinformation experienced online, comparative to other like-minded democracies across the world.¹⁴ It also noted the hard work of online platforms in developing detailed operational arrangements for the AEC to refer harmful electoral content to online platforms for consideration and removal. The media release publicly acknowledged the many election engagements and education initiatives established by online platforms, that included interactive election hubs, key election date reminders, and the promotion of informative AEC content such as the AEC website, AECTV YouTube channel, AEC Facebook Page and AEC Twitter.

Conclusion

As the issues and the information environment evolve, DIGI is poised to respond in order to ensure that the ACPDM builds on its established successes. We look forward to working closely with the Government, the ACMA, and signatories to continue our administration of the code, transparency processes, and advocacy to promote deeper understanding of this complex topic at large.

¹³ Australian Electoral Commission, Press Release [03/08/2022], *AEC celebrates successful disinformation partnerships*, <https://www.aec.gov.au/media/2022/08-03.htm#:~:text=With%20the%202022%20federal%20election.promote%20electoral%20integrity%20in%20Australia>

¹⁴ Australian Electoral Commission, Press Release [03/08/2022], *AEC celebrates successful disinformation partnerships*, <https://www.aec.gov.au/media/2022/08-03.htm#:~:text=With%20the%202022%20federal%20election.promote%20electoral%20integrity%20in%20Australia>.