

Government efforts and public involvement to regulate the internet for fake news

[Sociology](#), [Communication](#)



Based on the premise that Country X regulates the Internet via the Broadcast (Class Licensing) Regulation as Singapore, there is still a limit to what the government alone can achieve in the face of fake news. The government has already established laws that are reactive instead of pre-emptive. Given that information on the Internet travels so quickly, it is imperative that Country X is able to prevent the spread of fake news instead of waiting for social unrest and disharmony to occur. Therefore, this essay would introduce a two-pronged approach to act as precautionary measures fake news. This approach involves the melding of government and industry efforts as well as public involvement.

Regulating the conduits of fake news

The first prong of the approach would be targeted at internet intermediaries. This essay takes the definition of internet intermediaries to cover third-party content hosts, such as blog sites, discussion forums, and social media; internet service providers; and search engines. Country X should take into account that the moment a blog allows for comments and conversation, it has become a forum and would be responsible for filtering and monitoring the contents of the comments that are on their blog. There are filtering mechanisms within blog hosting websites such as WordPress and Blogger that would allow for the blog owner to filter any unwanted comments. Thus, it is fair to impose that blog owners should have the responsibility of ensuring, to the best of his/her ability, that the content of the comments posted does not cause social unrest.

Given that the main conduits of fake news are these internet intermediaries, the government should look to placing regulations to deter these platforms from disseminating fake news. Therefore, we would be analyzing the Broadcasting (Class Licensing) Scheme and supplementing it with proposals to better counter the issue of fake news. The analysis would be restricted to Internet Service Providers (ISP) and would not be analyzing the provisions for Internet Content Providers (ICP).

(A) Analysis of the Broadcasting (Class Licensing) Scheme

The definition under s 2 of the Scheme states that ISPs consist of the definition of an ISP in s 5 of the Telecommunications Act as well as “Localized Internet Service Reseller” and “Non-localized Internet Service Reseller”. This definition is very vague in defining ISPs, and it is not certain whether ISP includes social media platforms, discussion forums and search engines.

Under the Scheme, ISPs are also obliged to follow the internet content filtering arrangements meted out in s 2A(1) as well as the notice and takedown process from s 2A(2). The internet filtering arrangements defined in the scheme would be to install mechanisms that prevent access to “undesirable, harmful or obscene or potentially undesirable, harmful or obscene” content from children and the “subscriber”. The notice and takedown process is almost similar to s 4 of the draft of the Fake News Act 2018 that was proposed on 24 July 2018.

Given that draft Fake News Act 2018 seems to overlap with some of the provisions in the Scheme, this essay proposes that this Act is incorporated

into the Scheme. However, changes would have to be made to the Scheme to encompass the Fake News Act.

(B) Amending the provisions to address fake news

Broadening the definitions in the Broadcasting (Class Licensing) Scheme

There is a need to make clear the definition of ISP in the Scheme to include third-party content hosts—particularly for search engines. While social media makes it easy for fake news to be disseminated, search engines allow access to these fake news sites and content. Therefore, a proposed definition that can be added under ISPs should include the definition of internet intermediaries which include blogging websites and hosts, social media platforms and search engines.

Another suggestion is to amend the license fees that the internet intermediaries would have to pay to operate within the country. One way is to categorize them into different tiers i. e. Tier A would include search engines and social media platforms and they should have the highest fees, followed by Tier B which can include websites belonging to large businesses or organizations or forums, and lastly Tier C which includes websites belonging to small and medium enterprises or non-profit organizations or blogs. This is to allow for all internet intermediaries to be able to afford for these licenses whilst also including a fine that deters them from hosting or creating content that may constitute as fake news or is “unlawful”.

Amending the processes of the IMDA and the Internet Code of Practice

Furthermore, the Schedule refers to an Internet Code of Practice that determines what is prohibited content. Assuming that Country X has an

Internet Code of Practice, the government would need to broaden its definition of prohibited content to include any “unlawful publications” and not only those stated in s 4. This would allow for any types of malicious false news that is not within the ambit of s 4(2)(g) to be deemed as “prohibited material”.

The IMDA in Singapore also has the power to block websites which do not comply with the Code and this list is not released to the public. The IMDA website also claims that “more than 260 members of the public from all walks of life” review and decide on blocking those websites. Country X should adopt a similar practice with regards to preventing fake news on the Internet—working with the public to ensure that malicious online falsehoods are not allowed to circulate the media. However, Country X could also consider being transparent in its list of prohibited websites so as to build citizens’ trust with the IMDA.

Economic Incentive

Country X should add an economic incentive to the Scheme that would be targeted at the internet intermediaries, in particular, search engines and social media platforms as well as forums. However, this is assuming that the income of these internet intermediaries is subjected to tax in Country X. The purpose of this incentive is to allow internet intermediaries to allow deductions on research and development spent on programs or software that identifies and removes false news that is being released on the channel.

Assuming that Country X has an Income Tax Act similar to Singapore, s 10(1) of the Act may be applicable for these internet intermediaries as these

intermediaries whether through advertisements or other means are earning income from Country X and therefore can be subjected to tax. By allowing internet intermediaries such as search engines as well as social media platforms to receive tax deductions for the expenses incurred from developing programs to detect and filter false news.

Measures targeting the public

The second prong of this approach would be targeted at online citizens of Country X. According to research, nearly half the population of the world is online. Country X needs to fight fake news through its online citizens. In addition to educating the public on falsehoods, it can consider flagging mechanisms for social media platforms and search engines as well as appoint an ombudsman.

Should Country X impose flagging to counter fake news?

To ensure that internet intermediaries do not have too much power, they could invest resources in creating mechanisms that flag possible fake news sites. Expanding on s 2(A) of the Scheme, Country X should also stress that the onus is on the internet intermediaries to place measures that would prevent the dissemination of fake news.

Google is creating an algorithm that would be able to flag fake news stories in search results. The Trust Project, Factmata, RumorGauge and First Draft are amongst a few pilot projects that are incorporating technology that can identify and flag falsehoods. These mechanisms can eliminate the time needed by social media platforms and search engines to manually fact-check

information. The onus now lies with the public to differentiate for themselves what constitutes as false by doing the fact-checking themselves.

However, Facebook has found that this is produced an opposite effect of was intended to as flagging an article may “entrench deeply held beliefs”. The potential issues with fact-checking are that before someone visits a website that is able to fact-check whether the information is false or true, he or she would need to first doubt the truth of the article as well as know about existing websites like RumorGauge to fact check—and trust it to deliver sound information. Therefore, flagging may be an avenue that Country X could possibly look to but they may have to include this into efforts to educate citizens on the fake news by listing websites to verify the fake news.

Should Country X have an Ombudsman to counter fake news?

An ombudsman is typically an official who is charged with representing the interests of the public. They investigate complaints with regards to the maladministration or violation of rights. It can be argued that the Fake News Bill 2018 places too much power in the hands of authorities and internet intermediaries, therefore, a possible solution would be to have a public advocate that is appointed to (1) review websites and social media platforms that were reported for false content, (2) represent the public in voicing their concerns with the processes of regulating fake news, and (3) investigate complaints with regards to any potential maladministration of the Act. Country X could follow the New Zealand process of selecting and the Ombudsman—through appointments by a Minister on the recommendation

from Parliament, and for the public to trust that the ombudsman has its interest at heart, the selection process has to be transparent.

However, there are several issues with this solution. The issue of regulating fake news is that it violates one's right to freedom of expression, this may cause many unhappy content providers or publishers to submit complaints on the maladministration of the Act. Country X's Office of the Ombudsman may be too overwhelmed by the sheer number of cases it needs to work, which has occurred in New Zealand. Also, it may be the case that citizens of Country X do not trust the appointed ombudsman to be objective in regulating cases and would instead act in the interest of himself or the Ministry that he was appointed by. Country X can consider creating an Office of Ombudsman but the government and implementers of this measure would have to do so after much consideration. The government should only implement these measures after hearing the opinions of citizens through their public forums.

Conclusion

The need to regulate the internet for fake news is both challenging and necessary. The government needs to balance the need for promoting network use for economic purposes with that of ensuring peace and social stability within the country. This is not to say that measures put in place to regulate fake news should not exist but it has to exist alongside other measures such as efforts targeting the public. By combating this issue on all fronts — public, social media platforms and the government, Country X would be able to successfully prevent fake news.