*Inquiry into the Impact of Social Media on Elections and Electoral Administration in Victoria*

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This Report addresses the terms of reference laid out in the inquiry including;

*1) the impact of social media technologies on the Victorian electoral process, focusing on how social media platforms are used for political communication and whether current regulations regarding the authorisation of political content on social media are appropriate;*

*2) whether online electoral advertising is appropriately regulated in Victoria; and*

*3) how social media and new communications technologies are used by the Victorian Electoral Commission and the Parliament to engage Victorians and improve knowledge of electoral processes.*

## Introduction

Social Media represents a great opportunity and tool in sharing political information, beliefs and views, yet currently in Victoria, and indeed around the world, it is jeopardising the electoral process. We propose a multifaceted approach that would combat the central issue of misinformation and fake news currently plaguing social media. Firstly, we propose the introduction of media literacy into the Victorian Curriculum and funding for media literacy programs to educate Victorians on ways to navigate social media. Secondly, an independent fact-checking body should be funded by the Victorian Government to aid Victorians in their use of social media. Thirdly, we propose legislation pressuring social media companies to further regulate their services for fake news and bots, further helping Victorians. Alongside fake news and misinformation, political advertising is becoming increasingly popular on social media, and as such must be regulated to ensure transparency. We propose that all political advertisements must be digitally imprinted with the political entity sponsoring the advertisement, and it must be made clear if an advertisement has been micro-targeted to an individual user. The final key issue surrounding the political use of social media is the use and sale of personal data. To combat this, we propose a consent-based model for data sharing is legislated in Victoria. Thus, our proposals address the three main issues surrounding the political use of social media; misinformation, political advertisements, and personal data. We acknowledge the traditional difficulties in regulating social media companies and online space in general. However, we believe that our complementary proposals address the three key issues surrounding the political use of social media: misinformation, political advertisements and personal data. In doing so, these changes will create a safe, transparent, and useful social media experience for all Victorians.

## Media Literacy

A focus on supporting, funding, and facilitating media literacy programs throughout Victoria would make a meaningful contribution to the safe and productive use of social media in the political process. We take media literacy to be defined as 'all technical, cognitive, social, civic and creative capacities that allow a citizen to access the media, to have a critical understanding of the media and to interact with it,' (Viola 2016, p.1 of 5). An effective media literacy campaign should target both school-aged children and the wider community.

There is an undeniable need to educate young people in media literacy. Despite 75% of teens use social media to access the news, just 20% of young people have received lessons on media literacy, (Notley et al. 2020, p.9). Moreover, almost a quarter of teachers reported that they felt unequipped to teach media literacy further compounding the problem (Nettlefold & Williams 2018). The provision of videos, quizzes, and contemporary examples to teachers is one way to teach media literacy. We propose the inclusion of media literacy as a central pillar in the Victorian Curriculum to create the overarching umbrella required to attract funding, new resources and further training of staff. The Australian Competition & Consumer Commission (ACCC) (2019, p.367) has recommended such a review for the Australian Curriculum as currently 'there have thus far been very few efforts to reconceptualise media literacy for digital contexts within educational policy.' An alteration of the Victorian Curriculum, therefore, would ensure that the current gap in media literacy education is filled. Thus, allowing young people to interact positively and constructively with the political side of social media.

The widespread use of social media means that media literacy must be taught to all members of the community not just to young people. The 2020 Digital News Report (Park et al. 2020, p.11) found that the use of social media to access the news is growing among older

generations highlighting a need for widespread media literacy education. In the ACCC's 2019 Digital Platforms Inquiry it was recommended that a 'a Government program be established to fund and certify non-government organisations for the delivery of digital media literacy resources and training,' (Australian Competition & Consumer Commission, Digital Platforms Inquiry 2019, p.21). Such a program could be implemented at the state level. For example, the European Commission (EC) has the 'Media Literacy for All' (2020) program which provides funding for media literacy programs. This year the EC will provide €500,000 in funding for the chosen media literacy programs. The Victorian government should implement a similar program, funding a variety of campaigns to ensure all Victorians will have access to such programs.

Media literacy is an important tool in combatting the misinformation on social media. However, media literacy campaigns should be run in conjunction with other tools and more tangible laws and restrictions.

## Fact-Checking and Misinformation

With the current state of media access and the ease of which individuals are now able to post and spread their message, untrustworthy sources and what has been coined fake news can flourish. Consequently, facts are buried under the opinions of the loud minority, unable to be distinguished from the facts with research supporting them. Whilst this largely occurs on social media platforms including Twitter and Facebook, Australian's are still largely tuning into the TV for their news more than any other source, with TV being the most trusted news outlet at 33.4%. Social Media is the most trusted by just 5% of people (RoyMorgan 2020).

The Funding for Australia's state media provider, the ABC, which at 72%, remains Australia's most trusted media outlet (Reuters 2020), has lost 22.5% of its budget funding since 1985-86 and more recently, a further 3% cut in 2018 to their budget equating to around $84m which was preceded by a $254m cut in 2014. These cuts have severely limited the ability of programs such as Q&A and Media Watch, to conduct independent journalism and identify misinformation that appears in the media. Without programs such as these, there is a clear lack of accountability in the media allowing some sources to publish misleading headlines without fear of repercussions. Such issues can be solved through government investment into independent and trustworthy organisations that have the capacity to fact-check claims made in the media, especially on social media, and identify misinformation. To fill the void left by the ABC in ensuring accurate information is given to the public, the Victorian government should invest in an independent fact-checking statutory body, with a significant online presence that is always informing Victorians of misinformation that is spreading in the media. This would allow Victorians to feel confident in the news they are seeing whilst promoting truth in political coverage and limiting the spread of potentially dangerous stories that have little factual basis.

Further legislation should be introduced forcing social media companies to increase the regulations around the spreading of misinformation and fake news as well as cracking down on potential bots that actively exist on their sites. Some social media companies have slowly begun to roll out misinformation filters and shutting down bot accounts, with Twitter and Facebook beginning a crackdown to varying levels of success (BBC 2020). Facebook has committed to demonetising all false news, building new products and algorithms to remove false news from their platform as well as promoting verified outlets. Similarly, Twitter has begun to place warnings on news that they deem to be false. Both initiatives haven't been totally effective however, with COVID-19 fallacies as well as false 2020 election news remaining prevalent on their platforms. The Victorian government should introduce incentives for Facebook to increase these systems, especially around election time. Alternatively, the government should increase restrictions against the operation of these companies for inaction against the spread of misinformation. These incentives may include corporate tax cuts or the introduction of government grants that allow these platforms to build the required infrastructure to ensure misinformation is kept from their sites.

## Transparency

Micro-targeted advertisements, meaning ads that have been specifically chosen by social media algorithms to appeal to certain people, have introduced a new danger into elections and more broadly the democratic system (Goldstein, 2017). Without a system of transparency that allows social media users to understand that these advertisements have been crafted by specific political parties, individuals may be unaware that what they are seeing could potentially be misinformation or heavily biased to a specific viewpoint. The Australia Institute found that 66% of Australians were in support of preventing social media platforms from micro-targeting political ads (Guiao, 2019). However, as it is unlikely that these advertisements could be prevented altogether, we must have a system of transparency. This would ensure that voters are aware of partisan advertising and have access to factual information. Without this, we risk less informed voters going into elections.

This transparency should be enacted through specific regulations surrounding political advertising on social media. Firstly, any political parties who use online campaigning on any form of social media should be required to use digital imprints which clearly show 'who is responsible for its production and publication' (The Electoral Commission - Great Britain, n.d.). In addition to the digital imprint, social media users should be able to know which political advertisements have been micro-targeted to them. Thus, policymakers should regulate the presentation of political advertisements so that social media users are notified when an ad has been micro-targeted. For instance, this could include having an alert alongside a political ad outlining that a user's past activity online has caused them to be identified by the advertiser as a person of interest, and thus prompted the ad. This would aid transparency, as voters would be able to be aware that the political ads they are seeing may be biased to a certain viewpoint.

Social media has created an environment where political news and advertising is customised to the individual. Therefore, for the first time, we are having to deal with society not having a shared base of knowledge and the dire consequences that ensue from this. To ensure that social media users understand that what they are seeing is not always factual information but rather partisan advertising there needs to be a system of transparency, whereby voters can clearly understand who has crafted the advertisement and whether it has been micro-targeted.

## Data and Elections: The Content-Based Model

Undoubtedly, an alarming election issue is the gathering, use, and sale of personal data, sourced from social media. This data is increasingly being used by contending parties and other interest groups for powerful, micro-targeted advertisements in elections whilst also threatening personal rights to privacy. As such, this report suggests a consent-based model for data sharing.

These dangers are best illustrated through the Cambridge Analytica data leak scandal. In 2018, this political analysis firm was able to harvest the information of 87 million Facebook users through an online quiz, with this information later sold to political campaigns (Ma and Gilbert, 2018). There is a growing concern that Facebook, alongside many other social media companies, are failing to take reasonable steps to protect personal data.

It is important to not to dismiss this as a solely American issue. The 2018 Victorian Electoral Commission noted that the Liberal Party used i360 software to develop an infrastructure of data collection and targeting. This is the same system used by Donald Trump in 2016 who is alleged to have used Cambridge Analytica data (2018 Victoria State Election Research Paper No. 2, 2019). Certainly, this issue of data privacy is being overlooked for electoral gains.

Consequently, it is recommended that a consent-based model for data sharing is enacted in Victoria. In this, the option to share social media and personal data with organisations or websites will be opt-in rather than opt-out as in many instances, such data is shared unknowingly. Research suggests that consumer behaviour significantly changes towards the default position. For instance, shifting the default position in favour of organ donation significantly increases participation rates from less than 20% to upwards of 90% (Johnson and Goldstein, 2003).

The consent-based model would empower individuals to wield more control over their social media data and not give it to companies who may use it for more malicious electoral purposes. Importantly however, individuals are still able to provide their data when they see fit for necessary and beneficial data-driven activities. A similar approach has been taken in Europe under the General Data Protection Regulation (GDPR) showing the ability for such measures to be adopted. Where the Australian Privacy Act loosely mentions expressed or implied consent, the GPDR sets a much more stringent requirement of consent being 'freely given, specific, informed and unambiguous,' and does not allow for implied consent. Moreover, the GPDR ensures consent needs to be 'as easy to withdraw as to give' as well as offering more rights over data such as the right to be forgotten. Undoubtedly, the GPDR model has many elements which should be incorporated into an Australian context.

Current data sharing and gathering practices in Victoria miss the mark. Privacy is being overlooked enabling data-driven microtargeting which can lead to significant democratic electoral shortcomings. It is proposed that a consent-based model to data sharing, like the GPDR in Europe, would prevent potential abuses seen in cases such as Cambridge Analytica.

## Conclusion

Social media is placing a serious threat to the ability to access and understand information surrounding Victorian elections. Therefore, it is paramount that the government act and consider our recommendations. Through these recommendations, Victorian voters will be able to enter elections aware of the dangers of social media and with access to the factual information that they need.

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