



Protection from Online Falsehoods and Manipulation Act

FAQ

SCOPE

1. Can a Minister act against any statement in the public interest?
2. What assurance is there that the Act will not arbitrarily cover opinions? How does the Act define what are not “false statements of fact”, that hence fall outside its scope?
3. Can people continue to discuss a falsehood after a Direction is issued against it?
4. Will people be caught by the Act for inadvertently sharing a falsehood?
5. Will the Act affect academic research and the arts?
6. The Act provides that a statement is “false” if it is “false or misleading”. Does the term “misleading” change the meaning of “false”?
7. Why is diminution of public confidence in government institutions included in the definition of “public interest”?

GOVERNMENT POWERS

8. Do Ministers have complete authority to determine whether something is a false statement of fact?
9. Do Ministers have complete authority to decide what is in the public interest, and to act arbitrarily?
10. Does the Act increase the Government’s powers?
11. Why does the Act give any Minister the power to issue correction or take down directions?

SCOPE

1. Can a Minister act against any statement in the public interest?

No. There are two conjunctive criteria: first, there must be a false statement of fact; and it must be in the public interest for the Minister to act.

2. What assurance is there that the Act will not arbitrarily cover opinions? How does the Act define what are not “false statements of fact”, that hence fall outside its scope?

The Act relies on the body of case law to define what is “fact” and what is not. Illustrations were publicly provided on the difference between statements of opinion and false statements of fact, as they relate to Section 2(2) of the Act (see summary on the Ministry of Law’s website). These illustrations are based on existing legal principles.

3. Can people continue to discuss a falsehood after a Direction is issued against it?

A comment about a falsehood is not covered by the Act. But care should be taken to avoid repeating the falsehood.

4. Will people be caught by the Act for inadvertently sharing a falsehood?

The Act does not punish people for sharing a falsehood in ignorance, in good faith.

5. Will the Act affect academic research and the arts?

The definition of a “statement of fact” is targeted (see answer to Q2 above). The Act deals with deliberate falsehoods and the manufacturing of lies, often to advance geopolitical, political, or ideological causes. Academic research and the arts should not be affected. See also Minister for Education Ong Ye Kung’s speech at the Act’s Second Reading (available at <https://bit.ly/2XA373j>).

6. The Act provides that a statement is “false” if it is “false or misleading”. Does the term “misleading” change the meaning of “false”?

No, the statement must still be false. The word “misleading” reflects existing jurisprudence that statements that mislead through omission can also be false. See illustrations given in the Annex to these FAQs.

7. Why is diminution of public confidence in government institutions included in the definition of “public interest”?

Trust in institutions is vital for society, and often a key target of falsehoods. While public institutions must earn trust, there is no reason why trust should be eroded by false statements of fact.

GOVERNMENT POWERS

8. Do Ministers have complete authority to determine whether something is a false statement of fact?

No. The Act provides for a right of appeal to the Court. The Courts have the final say on whether there is a false statement of fact.

9. Do Ministers have complete authority to decide what is in the public interest, and to act arbitrarily?

No. In addition to statutory appeal, judicial review is also available.

10. Does the Act increase the Government’s powers?

No. The Act gives the Government narrower powers than it already has in existing laws. The Government already has the power to take down any material in the public interest, and there is no statutory appeal, only judicial review. In contrast, this Act requires that there be a false statement of fact, allows corrections rather than removals, and provides for a statutory appeal, in addition to judicial review.

11. Why does the Act give any Minister the power to issue correction or take down directions?

Falsehoods can affect any policy domain. The Minister whose policy domain is affected by the falsehood can issue a correction or take down direction.