



Protection from Online Falsehoods and Manipulation Act

Snapshot

- Protects public interest
- Applies to false statements of *fact*, as opposed to opinions
- Primary tool will be correction notices, which counter effects of falsehoods, and do not impose criminal liability
- No criminal punishment for sharing falsehoods in good faith

Framework

- 1 Executive action, to counter effects of online falsehoods
- 2 Criminal offences, to punish and deter deliberate actors
- 3 Regulation of Internet intermediaries, to reduce risks of abuse

1 Executive action

Two Gates

Gate 1: Is there a false statement of fact?

Gate 2: Is it in the public interest to take action?

First Gate	Second Gate
<ul style="list-style-type: none">• Follows established jurisprudence• By definition, excludes opinions, even if wrong or misleading	<ul style="list-style-type: none">• Must have public interest objective, e.g. national security, public health; prevention of electoral interference, social divisions, diminution of public confidence in public institutions• Proportionality must be considered

When both gates are crossed, what action can be taken?

1. Correction

- Primary tool for most cases
- Provides a warning about the falsehood and a clarification of the facts
- Falsehood can stay up

2. Take-down

- For more serious cases

3. Account Restriction

- Applies where an inauthentic online account spreads a falsehood, or engages in coordinated inauthentic behaviour
- Stops account from communicating or interacting with Singapore users

4. Declaration of Online Location

- Applies where an online site spreads 3 different falsehoods that have active Directions against them in past 6 months
- Provides a warning to users about the site
- Reduces ability to profit, e.g. from digital ad revenue
- Site is not shut down

- No criminal punishment; statement is not made illegal
- Measures are public, and can be scrutinized and debated

Who will be issued Minister's Directions?

Usually Internet intermediaries or individuals with greater responsibility, e.g. wide reach.

What are the safeguards?

1. Statutory Court Appeal

- Court determines if there is a false statement of fact
- Fast-track process: case can be heard by Court as early as within 9 days from date of appeal to Minister.
- For individuals: Lowered court fees; standard forms; self-help possible.

2. Judicial Review

- Judiciary checks the Executive by applying established administrative law principles

In addition:

- Minister must explain why statement is false when action is taken
- Minister may be asked to further explain in Parliament

Why does a Minister act as the initial decision-maker?

Speed	Executive action has inherent lead time over court action. An independent body may face gridlock.
Accountability	Minister faces the greatest costs for decisions, including direct political costs. An independent body would hold power divorced from responsibility for consequences on society.
Cost-effectiveness	In a Court-based model, someone must be sued before any action can be taken. This is even if he does not wish to challenge the order. The Bill's model allows a person to challenge a direction only if he so desires.
Competence	Ministers are elected to make polycentric decisions about the public interest. Courts have recognized this is not their role.

2 Criminal Offences to Deter Bad Actors

- No criminal liability for sharing material in good faith
- Require subjective knowledge to be proven in Court
- Do not apply to Internet intermediaries
- Three types of offences:
 - ① Spreading a falsehood knowing it is false, and knowing it will or is likely to harm the public interest
 - ② Making a bot intending it be used to spread a falsehood
 - ③ Providing services for spreading falsehoods in return for a reward

Penalties for ① : Up to 5 years' imprisonment, \$50,000 fine, or both. If bot or inauthentic accounts used to amplify falsehoods: maximum penalties doubled

Penalties for ② and ③: Up to 3 years' imprisonment, \$30,000 fine, or both. If likely to harm public interest: maximum penalties doubled.

3 Codes of Practice

- Only for prescribed Internet intermediaries
- Targeted at 3 areas:
 - ① Abuse of inauthentic online accounts
 - ② Digital advertising transparency
 - ③ Algorithmic ranking of falsehoods
- Details will be set out in subsidiary legislation
- Legally enforceable

Penalties for intermediaries: Up to \$1 million fine and \$100,000 fine per day for continuing offence after conviction