

The Protection from Online Falsehoods and Manipulation Bill – An overview

The Timeline

The Protection from Online Falsehoods and Manipulation Bill ("Bill") (available [here](#)) was read for the first time in Parliament on 1 April 2019, following the submission to Parliament of the report (available [here](#)) by the Select Committee on Deliberate Online Falsehoods – Causes, Consequences and Countermeasures on 19 September 2018, which made 22 recommendations to deal with fake news threats in Singapore.

The Aim

The Bill seeks to:

- prevent the electronic communication of false statements of fact in Singapore in certain circumstances;
- enable measures to be taken to counteract the effects of such communication;
- enable measures to be taken to suppress the financing, promotion and other support of online locations that repeatedly communicate false statements of fact in Singapore;
- enable measures to be taken to detect, control and safeguard against coordinated inauthentic behaviour and other misuses of online accounts and bots; and
- enable measures to be taken to enhance transparency for paid content directed towards a political end.

Responding to Falsehood...

When?

The emphasis of the Bill is to target falsehoods, and neither opinions, nor criticisms.

Falsehood

Falsehood refers to a statement of fact that is false or misleading, and does not cover opinions, criticisms, satire or parody.

Public Interest

For action to be taken, there are two criteria that must be met:

- a false statement of fact, and
- 'in the public interest' (defined in section 4 of the Bill).

The minister, after consulting his officials, will decide if a statement is false and assess its impact on public interest, although ultimately, the decision on what is false lies with the Courts.

Private Interest?

Although 'public interest' is the main feature of the Bill, individual complainants (which include private entities such as companies) of online falsehoods may resort to the Protection from Harassment Act (available [here](#)) which was amended (first reading of the amendments were also on 1 April 2019) (available [here](#)) to enhance the remedies and hasten the recourse for such complainants.

Since time is of the essence, in order to prevent the spread of online false statements, the courts will be allowed to make interim orders within 24 hours of the complainant's application.

Who?

In a decentralised fashion, each minister will deal with falsehoods under his or her domain.

How?

Once the minister has made a judgment on the falsity of the statement and the impact of such statement on public interest, that minister will work with the competent authority within the Info-communications Media Development Authority ("IMDA") to issue, among others, any of the following:

Correction Direction

Since corrections have been described as the 'antidote' to falsehoods, they will be the primary response to falsehoods.

A Correction Direction (Section 11 of the Bill) will be issued to the communicator of the false statement to communicate a correction notice consisting of one or both of the following:

- A notice that the statement communicated is false;
- A specified statement of fact or a specified location where such statement may be found, or both.

A Correction Direction may require the communicator to place the correction notice in the specified proximity to the false statement.

Stop Communicating Direction

A Stop Communicating Direction (Section 12 of the Bill) is a direction to the communicator of the false statement to stop communicating it in Singapore. A Stop Communication Direction may, in addition, require the communicator to put up a correction notice.

Non-compliance with either the Communication Direction or Stop Communicating Direction could result in a maximum fine of S\$500,000, and an imprisonment term not exceeding 12 months (Section 15 of the Bill).

Access blocking order

An Access Blocking Order (Sections 16, 28, and 33 of the Bill) is a direction that the minister may issue to IMDA to order the internet access service provider ("ISP") to take steps to disable access by end-users in Singapore to the online location.

An ISP who fails to comply with such order will be liable to a daily fine not exceeding S\$20,000, up to a total of S\$500,000.

Targeted Correction Direction

A Targeted Correction Direction (Section 21 of the Bill) is a direction issued to the internet intermediary, requiring it to communicate to end-users, through a correction notice, among others, that the statement was false.

Disabling Direction

A Disabling Direction (Section 22 of the Bill) is one issued to the internet intermediary requiring it to disable access by end-users in Singapore to the false statements.

General Correction Direction

A General Correction Direction (Section 23 of the Bill) is a direction to internet intermediaries, providers of mass media services and other prescribed persons, to communicate in Singapore, publish, broadcast, transmit by a telecommunication service, or give to specified persons, a correction notice.

Non-compliance with a Targeted Correction Direction, Disabling Direction, or General Correction Direction could result in a maximum fine of S\$1 million and an imprisonment term not exceeding 12 months (Section 27 of the Bill).

Account restriction Direction

An Account Restriction Direction (Section 40 of the Bill) is a direction issued by any Minister through the Competent Authority to a prescribed internet intermediary to disallow its services from being used to communicate statements in Singapore, through a specified online account or to disallow any person from using a specified online account to interact with an end-user of its service in Singapore.

Non-compliance with these orders and directions could result in a maximum fine of S\$500,000 and an imprisonment term of not more than 12 months.

Criminal Sanctions

Criminal sanctions apply only to 'malicious actors'. Malicious actors are explained in sections 7, 8, and 9 of the Bill as:

- those who knowingly communicate a falsehood in Singapore which is against public interest – and will be liable to a maximum fine of S\$500,000, and an imprisonment term not exceeding 5 years; and where an inauthentic online account or bot is used for the same purpose, the maximum fine and imprisonment term are

increased to S\$1million and 10 years respectively;

- those who make or alter a bot, with the intention of spreading a falsehood in Singapore – and will be liable to a maximum fine of S\$500,000, and a maximum imprisonment term of 3 years; and if the making or altering of that bot is used to communicate a falsehood that goes against public interest, the maximum fine and imprisonment term are increased to S\$1 million and 6 years respectively; and
- those who, for reward, provide services for the purpose of spreading a falsehood in Singapore – and will be liable to a maximum fine of S\$500,000, and a maximum imprisonment term of 3 years; and if such falsehood is against public interest, the maximum fine and imprisonment term are increased to S\$1 million and 6 years respectively.

Codes of Practice

The relevant authority may issue binding Codes of Practice (Section 48 of the Bill) for the purposes of:

- Detecting, controlling and safeguarding against coordinated inauthentic behaviour and any other misuse of online accounts;
- Giving prominence to credible sources of information;
- Not giving prominence to online locations that contain falsehoods that are the subject of a correction or take-down direction.

Conclusion

It is interesting to note that Singapore is not the first country with such laws, bearing in mind that laws of a similar nature exist in Germany (Network Enforcement Act 2017), France (Law to

Combat the Manipulation of Information 2018) and even Malaysia (Anti-Fake News Act 2018).

Moving forward, organisations (especially digital advertising intermediaries and internet

intermediaries) will need to be mindful of their obligations in relation to combating falsehoods, and align their processes and practices with the Codes of Practice.

If you would like information and/or assistance on the above or any other area of law, you may wish to contact the partner at WongPartnership that you normally deal with or any of the following partners:



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