CULTURE CHANGE
Incentivise political campaigners to run civil and informative election campaigns

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1. Overview

1.1   The Problem
Research from academia, investigative journalism and regulatory and political inquiries finds:
- Extensive use of deception and emotion in campaigning for the 2016 'Brexit' referendum.
- Techniques for targeting citizens with emotive and deceptive information have intensified in terms of granularity of targeting; and remain hidden from the view of the wider community or nation.
- False messages prompt reactions of fear, disgust and surprise, and have a propensity towards recirculation online.

1.2   Solutions
Various Inquiries in the UK post-Brexit agree that people need to be aware of attempts to manipulate them. Solutions put forward to safeguard elections (and that the UK government agreed to take forward in May 2019) centre on ensuring that online election material, via imprints, clearly shows who has produced it – thus helping the electorate evaluate and to come to their own conclusions about the online messages that they may receive; new laws to bar people from running for office if found guilty of intimidating or abusive behaviour; and launching a consultation on electoral integrity in order to protect UK politics from foreign influence. Other steps announced include improving citizens' digital literacy in the area of disinformation. *While these are important steps, what is just as important, but largely unaddressed*, is a culture change amongst political campaigners towards running civil and informative election campaigns, and a reinforcement of citizens' expectations that civil and informative election campaigns are what they will be exposed to. To that end, we make the following Recommendations.

1.3 Recommendations
1.3.1   That there be incentives for digital political campaigners to act ethically, and for their behaviour to be critically and regularly reflected upon by society.
1.3.2   Specifically, we recommend the institution of publicly available self-evaluations by all political campaign groups post-elections to: Summarise which audiences were targeted, and with what success; Reflect upon which aspects of the campaign most succeeded in mobilising voters (e.g. specific adverts, messages, themes, memes); Reflect upon whether the campaign gave voters enough information with which to make an informed choice on which to base their electoral decision (i.e. was information true, complete, undistorted and relevant?); Reflect upon to what extent the campaign was civil.
1.3.3   We further recommend that this self-reporting be incentivised via: An independent panel (of diverse stakeholders, including fact-checkers, academics, and campaigners from opposing sides) to verify, and critically comment upon, the self-evaluations; A kite-mark system to brand the veracity and civility of the campaigning; Ensuring that this is covered by the media, post-election, and that the analysis is available online in a public archive.

2. The Problem, Unpacked

2.1   Extensive use of deception and emotion in campaigning for 2016 'Brexit' referendum

Emotive, deceptive, targeted communications have long existed. On *emotive* communication, as far back as the era of classical Greek Democracy (5th century BC), Aristotle recognised the importance of affect in persuasive communications. Writing in the 21st century, influential psychologist Westen argues that issues that arouse emotions have the biggest impact on voting and voter mobilisation: such issues tend to be contentious issues.[1] On *deception*, multiple studies document the rise of *deception* in campaigns, thereby depriving people of the information that they need to make an informed decision.[2] On *targeting* of audiences, since the mid-1990s digital marketing techniques have been used in political campaigning to supplement the traditional focus on demographic market segmentation, by combining public voter files with commercial information from data brokers, in order to analyse, profile and target voters according to their characteristics and online preferences.[3] This includes exploiting and targeting powerful appeals to emotional, base or gut instincts among the electorate.[4]

Such use of emotive, deceptive information was evident in the Brexit referendum. This submission focuses on the Leave campaigns, because they have attracted the most regulatory scrutiny. 'Vote Leave' was the official campaign to leave the EU, led by then Conservative Members of Parliament (MPs), Boris Johnson and Michael Gove. Also of note are unofficial campaigns (including the Leave.EU group founded by Arron Banks and Richard Tice; and youth-oriented campaign group BeLeave fronted by Darren Grimes).

On his blog, Vote Leave's campaign strategist, Dominic Cummings, proclaimed the potency of Leave's message on: '350m / NHS / Turkey'.[5] Respectively, these messages were that: the UK was spending £350 million a week on the EU, which it could spend on the National Health Service (NHS) if it left the EU; and that Turkey, Macedonia, Montenegro, Serbia and Albania were about to join the EU, and that immigration could not be reduced unless the UK left the EU. These were the messages in Facebook adverts seen by the most people.

For instance, three identical Facebook adverts which were seen by between two and five million people urged voters to 'spend our money on our priorities like the NHS', citing the £350m figure. The text read: 'The UK sends over £350 million to the EU each week - that's enough to build a fully-staffed, brand new hospital every 7 days! Shouldn't we spend it on OUR PRIORITIES and NOT THEIRS? Take action and vote to leave the European Union on 23 June. Let's spend our money on our priorities. Act Now & Vote Leave! Vote Leave'.[6]

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[1] Westen, D. (2008) *The political brain: The role of emotion in deciding the fate of the nation*. New York: PublicAffairs, p.173.

[2] Perloff, R.M. (2018). *The dynamics of political communication: media and politics in a digital age*. New York an London: Routledge, pp. 410-413. Bakir, V., Herring, E., Miller, D. and Robinson, P. (2018). Lying and Deception in Politics. In. J. Meibauer (ed.), *The Oxford handbook of politics and lying*. Oxford: Oxford University Press.

[3] Chester, J. & Montgomery, K. (2017) The role of digital marketing in political campaigns. *Internet Policy Review*, 6(4). DOI: 10.14763/2017.4.773 https://policyreview.info/articles/analysis/role-digital-marketing-political-campaigns

[4] Jamieson, K. H. (1996) *Packaging the presidency: A history and criticism of presidential campaign advertising*. New York: Oxford University Press.

[5] Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/ p.12.

[6] Griffin, A. (2018) Brexit Adverts used by Leave Campaign Revealed by Facebook. *The Independent*, 26 July. https://www.independent.co.uk/life-style/gadgets-and-tech/news/brexit-facebook-ads-leave-campaign-nhs-immigration-boris-johnson-a8465516.html

Another five of the nine Vote Leave adverts which were viewed millions of times focused on immigration.[7] Of those, two identical adverts stressed plans for Turkey to join the EU with an image showing a large red arrow sweeping across Europe from Turkey to the UK. The accompanying text reads: 'The EU is expanding and plans on granting Turkey visa-free travel. This will put enormous pressure on the NHS, our border security and economy. Have we lost control? We already send £350 million to the EU every single week. Shouldn't we spend our money on our priorities instead? Vote Leave Day - Thursday 23 June. Is This Good News? Click No! Vote Leave'. Another ad presents a large red arrow sweeping across Europe from Turkey to the UK, accompanied by the text: 'TURKEY HAS A POPULATION OF 76 MILLION. TURKEY IS JOINING THE EU. GOOD IDEA??? Yes/No' Beneath this is a red 'yes' button and a blue 'no' button. More than 30 other Vote Leave adverts, some viewed by between 500,000 and a million people, mentioned Turkey in the context of its border with Syria and Iraq. Again, the images showed red arrows and figures pointing towards the UK. 'The EU is expanding and plans on granting Turkey visa-free travel making our new border Syria and Iraq!' read the accompanying text.[8] Other ads raised the spectre of Serbia, Montenegro, Albania, and Macedonia (as well as Turkey) joining the EU.[9]

Such messages are clearly highly **emotive**, invoking fear of hordes of immigrants swamping much-cherished, but strained national resources such as the National Health Service. Certainly, immigration was a key issue for Brexit voters. Pre-referendum research into the psychology of the EU membership referendum vote amongst the British public found that the most important argument of the Brexit camp is largely perceived to be the fight against immigration.[10] The study also found that in most cases, supporters of a Remain and Leave vote alike were actually in favour of existing ties with Europe, especially with old EU Member States and, to a lesser extent, Greece and Poland. The difference between Remain and Leave camps solely seemed to pertain to a few current and possible future candidates such as Romania and Ukraine (in both cases, a majority were against membership of the same Union). This finding explains the Leave campaigns' focus on fears of immigration from Turkey, Serbia, Montenegro, Albania, and Macedonia.

Furthermore, Vote Leave's director, Cummings made a show during the campaign of refusing to work with Arron Banks (of the Leave.EU group – one of the unofficial Leave campaigns) while admitting his campaign relied on their harsh anti-immigration messages.[11] In providing oral evidence to the UK's Fake News and Disinformation Inquiry, Banks highlights the methods with which he campaigned during the Referendum:

> 'How does social media get traction? That is what you have to consider. You are saying, "How did the message get out to all these people?" It must have been data. My experience of social media is it is a firestorm that, just like a brush fire, it blows over the thing. Our skill was creating bush fires and then putting a big fan on and making the fan blow.'[12]

[7] Griffin, A. (2018) Brexit Adverts used by Leave Campaign Revealed by Facebook. *The Independent,* 26 July. https://www.independent.co.uk/life-style/gadgets-and-tech/news/brexit-facebook-ads-leave-campaign-nhs-immigration-boris-johnson-a8465516.html

[8] Griffin, A. (2018) Brexit Adverts used by Leave Campaign Revealed by Facebook. *The Independent,* 26 July. https://www.independent.co.uk/life-style/gadgets-and-tech/news/brexit-facebook-ads-leave-campaign-nhs-immigration-boris-johnson-a8465516.html

[9] BBC news (2018) Vote Leave's targeted Brexit ads released by Facebook. *BBC News*, 26 July. https://www.bbc.co.uk/news/uk-politics-44966969 . Lomas, N. (2018) Facebook finally hands over leave campaign Brexit ads. *Techcrunch*, July 26. https://techcrunch.com/2018/07/26/facebook-finally-hands-over-leave-campaign-brexit-ad

[10] LSE, Opinium and Lansons (2016) *'The Impact of Brexit on Consumer behaviour'*, 8 June. https://www.opinium.co.uk/?s=the_impact_of_brexit_on_consumer_behaviour

[11] Merrick, R. (2019) Dominic Cummings: Vote Leave chief found in contempt of parliament over refusal to give evidence to 'fake news' inquiry. *The Independent*, 27 March. https://www.independent.co.uk/news/uk/politics/dominic-cummings-vote-leave-contempt-parliament-brexit-inquiry-fake-news-a8841731.html

[12] Banks, A. (2018) Oral evidence: Fake News, HC 363, 12 June. http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/disinformation-and-fake-news/oral/85344.html

Banks described the issue of immigration as one that set 'the wild fires burning'.[13] As reported in *The New Yorker*: 'A typical Leave.EU post on Facebook warned voters that "*immigration without assimilation equals invasion*"'.[14] Furthermore, an investigation by *Channel 4 News* revealed in 2019 that Leave.EU was behind a fake video that went viral, garnering hundreds of thousands of views on Facebook. The video, published by Leave.EU as an 'undercover investigation' on Facebook, purported to show how easy it is to smuggle migrants into the UK from across the Channel. Debunking this video several years later, satellite data, seen by *Channel 4 News* shows the footage was filmed in reverse, and that the so-called shots of 'migrants' entering the UK were actually filmed before the boat had even left British waters.[15]

These messages are not only emotive but are also **deceptive** messages, as seen by post-referendum fact-checks of Leave's message on: '£350 million' and 'Turkey'. On £350 million: *The Telegraph* and fact-checker *Full Fact* pronounced Vote Leave's claim as wrong. They explained:

> The UK pays more into the EU budget than it gets back. But it's not £350 million a week. The UK's discount, or rebate, reduces what we would otherwise be liable to pay. In 2015, we paid the EU an estimated £13 billion, or £250 million a week. Some of that money came back in EU payments funnelled through the government, so the government's 'net contribution' was around £8.5 billion, or £160 million a week. The EU also spends money directly – in grants to British researchers, for instance.[16]

The Independent also calls this claim out as a misuse of official statistics, not least because:

> the effect on the UK's public finances from depressed economic growth caused by leaving the single market is expected to dwarf any saving made from ending the UK's subscription to the EU budget. The Office for Budget Responsibility says that even a 0.1 per cent fall in growth over the next 50 years would see tax receipts £36bn lower. Thus, the impression that leaving the EU would somehow save money or lessen austerity is likely to be a false one.[17]

The message on Turkey was also highly deceptive. At the time, negotiations for Turkey to join the EU had completed one of 35 'chapters' of legislation and as a member the UK would be able to veto any plans. Jean-Claude Juncker, president of the European Commission, and Emmanuel Macron, president of France, have since strongly ruled out the possibility of Turkey joining the EU.[18] Furthermore, there are no imminent plans for Macedonia, Montenegro, Serbia or Albania to join the EU.

Interestingly, that Leave's messages on immigration were deceptive is unlikely to have damaged their persuasiveness amongst their target audience. Pre-referendum research into the psychology of the EU membership referendum vote amongst the British public found that: whilst the sample was virtually equally split between supporters of the Remain and Leave camps, 'on the whole, the pro-remain arguments are

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[13] DCMS (2019) *Disinformation and 'fake news': Final Report*. 14 February. Digital, Culture, Media and Sport Committee, House of Commons 1791. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/1791/1791.pdf p.43.

[14] Caesar, E. (2019) Banks, the "Bad Boy of Brexit", *The New Yorker*, 18 March. https://www.newyorker.com/magazine/2019/03/25/the-chaotic-triumph-of-arron-banks-the-bad-boy-of-brexit

[15] Channel 4 News (2019) Revealed: How Leave.EU faked migrant footage, 16 April. https://www.channel4.com/news/revealed-how-leave-eu-faked-migrant-footage

[16] Kirk, A. (2017). EU referendum: The claims that won it for Brexit, fact checked. *The Telegraph*, 13 March. http://www.telegraph.co.uk/news/0/eu-referendum-claims-won-brexit-fact-checked/

[17] Stone, J. (2017) Brexit lies: The demonstrably false claims of the EU referendum campaign, *The Independent*, 17 December. Available at: https://www.independent.co.uk/infact/brexit-second-referendum-false-claims-eu-referendum-campaign-lies-fake-news-a8113381.html

[18] Griffin, A. (2018) Brexit Adverts used by Leave Campaign Revealed by Facebook. *The Independent*, 26 July. https://www.independent.co.uk/life-style/gadgets-and-tech/news/brexit-facebook-ads-leave-campaign-nhs-immigration-boris-johnson-a8465516.html

perceived as much more genuine than the pro-leave ones'.[19] The authors interpret this as down to a large proportion of Leave voters actually expressing a visceral and emotional rejection of the EU in full belief that leaving may well come at some very direct cost. In other words, many do not necessarily believe the claims of the Brexit camp - that we will be no worse off after Brexit, or better able to control immigration – but they want to leave the EU anyway.

One might argue that citizens are used to deceptive, emotive political campaigns, and that campaigns such as those conducted by Leave during the Brexit referendum should therefore not precipitate social or political concern. However, we argue that what is problematic, is that techniques for targeting citizens with emotive and deceptive information have rapidly intensified in terms of granularity of targeting; and remain hidden from the view of the wider community or nation. Furthermore, deceptive and emotive messages have a propensity towards recirculation online. These are discussed in the following sections.

2.2 Techniques for targeting citizens with emotive and deceptive information have intensified in terms of granularity of targeting[20]

In 2017, Cummings claimed that Vote Leave had innovated, 'the first web-based canvassing software that actually works properly in the UK and its integration into world-leading data science modelling to target digital advertising and ground campaigning'. [21] Across the following few years, the mechanics of this campaign were gradually revealed through a series of inquiries and investigations in the UK, as well as from revelations from insiders and whistleblowers.

In July 2018, the UK parliament (DCMS) published thousands of 'dark ads' that Facebook had used to target British citizens with pro-Leave messages during the Brexit campaign.[22] These ads were run by AggregateIQ (a Canadian data firm that has been linked to British firm Cambridge Analytica/SCL) on behalf of Vote Leave (the official campaign to leave the EU) and '50 Million', BrexitCentral/BeLeave (the youth-oriented campaigners) and Democratic Unionist Party (DUP) Vote to Leave campaigns.[23]

In November 2018, Howard presented written evidence to the UK's High Court to the effect that the impact of unlawful overspending on digital advertising by Vote Leave and BeLeave campaigns in the 2016 EU Referendum was likely enough to have swung the election results towards Leave.[24] In making his case, Howard's analysis reconstructs Vote Leave's digital campaign. Its core features are as follows.
- *Identification of target audiences, including the 'persuadables'.* AggregateIQ built a 'core audience' for Vote Leave's adverts, by first identifying the social media profiles of those who had already 'liked' Eurosceptic pages on Facebook. Vote Leave advertised to this core audience to try

[19] LSE, Opinium and Lansons (2016) *'The Impact of Brexit on Consumer behaviour'*, 8 June. https://www.opinium.co.uk/?s=the_impact_of_brexit_on_consumer_behaviour

[20] For more on this, as well as the ethical implications, see Emotional AI: https://emotionalai.org

[21] Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/ p.2.

[22] Digital, Culture, Media and Sport Committee (2018) Ads supplied by Facebook to the DCMS Committee. Available at: https://www.parliament.uk/documents/commons-committees/culture-media-and-sport/Fake_news_evidence/Ads-supplied-by-Facebook-to-the-DCMS-Committee.pdf

[23] The Electoral Commission found, in its report (July 2018), that Vote Leave and BeLeave acted under a common plan, for which they both relied on the services of AggregateIQ. See: The Electoral Commission (2018) Digital campaigning: increasing transparency for voters, June. https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Digital-campaigning-improving-transparency-for-voters.pdf

[24] Howard, P.N. (2018) Claim No: CO/3214/2018. THE QUEEN on the application of SUSAN WILSON & OTHERS - and-THE PRIME MINISTER, REPORT OF DR PHILIP N. HOWARD PROFESSOR, OXFORD UNIVERSITY TO THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, DATED 30 NOVEMBER 2018. https://www.ukineuchallenge.com/wp-content/uploads/2018/12/257136-Expert-report-of-Prof-Howard-FINAL-Signed.pdf

and bring them onto its website where they would be invited to add their details to its database. AggregateIQ also used an advertising tool within Facebook called 'Lookalike Audience Builder', which applied the demographic features identified by Facebook in the 'core audience' group to the UK population at large. This second group ('the 'persuadables') consisted of about 9 million people on Facebook whom Facebook identified as having the same demographic features as the core audience, but had not previously expressed interest in Eurosceptic content on Facebook by 'liking' Eurosceptic pages.

- *Competition to attract the disinterested and build the database.* Early on in the campaign, Vote Leave launched a competition (on 27 May 2016) to attract the attention of people not normally interested in politics and to gather voters for its database. The competition promised a £50 million prize to anyone who could correctly predict the winner of all 51 games at football tournament, Euro 2016, and recruited former England cricketer, Sir Ian Botham, to promote the contest.[25] As Cummings describes, 'This provided very useful data including from people who usually ignore politics, helping us refine various models, and it also provided us with mobile numbers for GOTV [Get Out The Vote].' [26] Over 120,000 entered the competition, all of whom were sent a reminder on 23 June 2016 to vote in the 2016 Referendum.[27]

- *Iterative testing of adverts to identify the most persuasive.* Via targeted digital advertising, Vote Leave then turned sympathisers into committed supporters of, donors to, and volunteers for the campaign. Sympathisers were invited to click on an online advert that took them to Vote Leave's website, where they would be invited to provide their personal details (populating Vote Leave's database), and to make a donation, share Vote Leave's messaging (thereby generating organic growth of the message), or volunteer their time towards the campaign. At each step in this process, the advertisements and messages were tested on an iterative basis, so that adverts or messages which failed to convince enough readers to move to the next step were re-worked or changed entirely until a success threshold was reached. For instance, in the Leave campaign, while funding the NHS from the money saved by leaving the EU was identified as a core message to be promoted, other ads were trialled suggesting that we spend the money saved on other things such storm defences in flooded York and education.[28] As such, the ads vary greatly in how many people saw them. According to Facebook's data (released with the ads), some are listed as only garnering between 0-999 impressions apiece. Commonly listed ranges include 50,000-99,999 and 100,000 -199,999. Higher ranges like 2M-4.9M and 5M-9.9M are also listed.[29] Nine adverts were viewed between two and five million times out of hundreds paid for by Vote Leave.[30]

- *Profiling messages to different audiences online*. Vote Leave developed different advertisements for the 'core' and 'persuadable' audiences. [31] Also, ads that were run by youth-oriented

[25] BBC news (2018) Vote Leave's targeted Brexit ads released by Facebook. *BBC News*, 26 July. https://www.bbc.co.uk/news/uk-politics-44966969

[26] Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/ p.2.

[27] Howard, P.N. (2018) Claim No: CO/3214/2018. THE QUEEN on the application of SUSAN WILSON & OTHERS -and-THE PRIME MINISTER, REPORT OF DR PHILIP N. HOWARD PROFESSOR, OXFORD UNIVERSITY TO THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, DATED 30 NOVEMBER 2018. https://www.ukineuchallenge.com/wp-content/uploads/2018/12/257136-Expert-report-of-Prof-Howard-FINAL-Signed.pdf

[28] BBC news (2018) Vote Leave's targeted Brexit ads released by Facebook. *BBC News*, 26 July. https://www.bbc.co.uk/news/uk-politics-44966969

[29] Lomas, N. (2018) Facebook finally hands over leave campaign Brexit ads. *Techcrunch*, July 26. https://techcrunch.com/2018/07/26/facebook-finally-hands-over-leave-campaign-brexit-ad

[30] Griffin, A. (2018) Brexit Adverts used by Leave Campaign Revealed by Facebook. *The Independent,* 26 July. https://www.independent.co.uk/life-style/gadgets-and-tech/news/brexit-facebook-ads-leave-campaign-nhs-immigration-boris-johnson-a8465516.html

[31] Howard, P.N. (2018) Claim No: CO/3214/2018. THE QUEEN on the application of SUSAN WILSON & OTHERS -and-THE PRIME MINISTER, REPORT OF DR PHILIP N. HOWARD PROFESSOR, OXFORD UNIVERSITY TO THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, DATED 30

campaigners, Brexit Central/BeLeave, eschewed stoking fears against Turkish immigration, but instead urged target recipients to back a 'fair immigration system' or an 'Australian-style points based system'. This campaigner also created ads that invoked consumer technology as a reason to back Brexit: one appealed to users of ride-hailing apps and another to users of video streaming services to reject the EU by suggesting its regulations might interfere with access to these services.[32]

- *Identification of swing voter mentality and behaviour*. Having identified from focus groups that crucial swing voters were very confused, and liable to change their decision on which way to vote based on whether they had last seen a message from either side of the referendum campaign, Vote Leave decided to implement a 'Waterloo Strategy', to ensure that a Vote Leave advertisement was delivered to swing voters as late as possible in the campaign. This involved, testing, over months, 450 different types of Facebook ad to see which were most effective, then spending a large amount of money (£1.5 million) in the last week on Facebook ads, digital ads and videos.[33]

In November 2018, the British data protection regulator, The Information Commissioners Office (ICO) released the findings of its investigation into the use of data analytics for political purposes, revealing the unlawful use of data by various groups during the Brexit referendum. In particular, Cambridge Analytica harvested some 87 million Facebook profiles to create personality profiles that could be used to target leave voters during the referendum. Cambridge Analytica whistleblower, Christopher Wylie, said: 'We exploited Facebook to harvest millions of people's profiles. And built models to exploit what we knew about them and target their inner demons. That was the basis the entire company was built on.'[34] The ICO noted that the breaches by Cambridge Analytica were so serious (e.g. breaches of principle one of the DPA1998 for unfairly processing people's personal data for political purposes, including purposes connected with the 2016 US Presidential campaigns) that it would have issued a 'substantial fine' had the company not already gone into administration (Information Commissioners Office 2018: 35); and it is pursuing criminal prosecution over the Cambridge Analytica's Brexit data misuse. [35] The ICO also issued the maximum penalty of £500,000 to Facebook in October 2018 for allowing Cambridge Analytica to collect data of up to 87 million users through third-party apps.[36]

NOVEMBER 2018. https://www.ukineuchallenge.com/wp-content/uploads/2018/12/257136-Expert-report-of-Prof-Howard-FINAL-Signed.pdf

[32] Lomas, N. (2018) Facebook finally hands over leave campaign Brexit ads. *Techcrunch*, July 26. https://techcrunch.com/2018/07/26/facebook-finally-hands-over-leave-campaign-brexit-ad

[33] Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/ . Howard, P.N. (2018) Claim No: CO/3214/2018. THE QUEEN on the application of SUSAN WILSON & OTHERS -and-THE PRIME MINISTER, REPORT OF DR PHILIP N. HOWARD PROFESSOR, OXFORD UNIVERSITY TO THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, DATED 30 NOVEMBER 2018. https://www.ukineuchallenge.com/wp-content/uploads/2018/12/257136-Expert-report-of-Prof-Howard-FINAL-Signed.pdf

[34] Cadwalladr, C. (2018) Revealed: 50 million Facebook profiles harvested for Cambridge Analytica in major data breach. *Guardian*, 17 March. https://www.theguardian.com/news/2018/mar/17/cambridge-analytica-facebook-influence-us-election

[35] Information Commissioners Office (2018) *Investigation into the use of data analytics in political campaigns: A report to Parliament,* 6 November 2018. https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf

[36] Facebook was fined under the older Data Protection Act 1998, which meant the social media avoided a potential GDPR fine stretching to $1.6bn.

2.3 Techniques for targeting citizens with emotive and deceptive information remain hidden from view of the wider community or nation

Cummings explains that in the referendum, the Vote Leave campaign 'excluded London and Scotland from most of our digital marketing'.[37] He elaborates: 'We ran very few digital ads in London (you can positively/negatively target audiences geographically) which contributed to people in London not seeing what we did.'[38] Furthermore, during the Brexit referendum, Facebook did not have any disclosure rules for political ads. As such, there was no way for anyone other than each target recipient to know a particular ad existed or who it was targeted at.[39]

In October 2018, Facebook announced new requirements for organisations and individuals placing an advert that features political figures and parties, elections, legislation before Parliament or past referendums. These requirements introduced a verification process, whereby people placing political adverts must prove their identity (by a passport, driving licence, or residence permit), which will be checked by a third-party organisation. Political adverts suspected of promoting misinformation or disinformation can be reported and, if the advert contains 'falsehoods', it can be taken down.[40]

However, in August 2019, the Guardian reported that coordinated disinformation campaigns can still get around Facebook's transparency requirements for political advertising. *The Guardian* describes how lobbying firm CTF Partners (run by Sir Lynton Crosby) has secretly built a network of unbranded 'news' pages on Facebook for dozens of clients ranging from the Saudi government to major polluters. This is an example of 'astroturfing', where political campaigners attempt to create the perception of an upswell of grassroots support for a cause:

> The supposed news sources, which were liked by millions of users and reached tens of millions through the use of paid Facebook adverts, were grown using the social network's promotional tools, with assistance from Facebook sales teams who encouraged the purchase of more promotions. Once CTF employees found a tactic that provoked a strong reaction, they would double down, according to one of the ex-employees: "If you're after the Maga [make America great again] crowd you just target people like this. Then once you've got an audience you just target people like that."[41]

Facebook said the network of pages pretending to be news sources on behalf of corporate and state clients did not break their rules on 'coordinated inauthentic behaviour' (a term used to shut down disinformation networks overseen by foreign governments) because Crosby's employees used their real names on internal Facebook administration tools (information that is not available to the general public).

That dark ads and dark posts continue to abound, despite Facebook's efforts to prevent this, leads to silo-ed, non-scrutinised, un-fact checked conversations about what campaigners stand for and are promising (notwithstanding efforts by whistleblowers and investigative journalists).

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[37] Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/ p.5.

[38] Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/ p.11.

[39] Lomas, N. (2018) Facebook finally hands over leave campaign Brexit ads. *Techcrunch*, July 26. https://techcrunch.com/2018/07/26/facebook-finally-hands-over-leave-campaign-brexit-ad

[40] DCMS (2019) *Disinformation and 'fake news': Final Report*. 14 February. Digital, Culture, Media and Sport Committee, House of Commons 1791. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/1791/1791.pdf p.62.

[41] Waterson, J. (2019) Revealed: Johnson ally's firm secretly ran Facebook propaganda network. *Guardian*, 1 August. https://www.theguardian.com/politics/2019/aug/01/revealed-johnson-allys-firm-secretly-ran-facebook-propaganda-network?CMP=Share_iOSApp_Other

This non-transparent state of affairs is particularly problematic in national elections and referenda for the following reasons.

- *Informed choices.* As the UK's ICO notes: 'Citizens can only make truly informed choices about who to vote for if they are sure that those decisions have not been unduly influenced.'[42] They further observe: 'If voters are unaware of how their data is being used to target them with political messages, then they won't be empowered to exercise their legal rights in relation to that data and the techniques being deployed, or to challenge the messages they are receiving.'[43]
- *Shared national conversations better enable us to hold power to account.* The importance of, and threat to, shared national conversations must be recognised. If deceptive micro-targeting takes place, and if this is not scrutinised by central authorities and media (or if citizens are no longer paying attention to central authorities and mainstream media) then there is little chance of those elected on such platforms being held to public account.
- *Polarisation potential.* If disinformation circulates, uncorrected, in closed communities, and if that disinformation is deliberately inflammatory, we generate a polarised, emotive society. *Selective exposure*, where people prefer and tune into, information that supports their existing beliefs is an old finding in communication research.[44] However, when selective exposure is combined with false information that is fed into self-reinforcing algorithmic and cognitive systems, or digital 'echo chambers', there is little chance of citizens correcting the false information. Empirically demonstrated consequences of algorithmically created filter bubbles and human confirmation bias are limited exposure to, and lack of engagement with, different ideas and other people's viewpoints.[45]
- *Undue influence.* It is impossible to know for sure which aspects of a campaign were decisive to winning the votes.[46] While it is impossible to disentangle which aspects of the campaign proved decisive, Ben Page, who runs polling company Ipsos Mori, told the *New Yorker*: 'when something is very close, as this was, anything can make a difference. … By having an official and unofficial Leave campaign, there was the ability to offer a respectable (sovereignty) and less respectable (migrant scum) argument simultaneously.' Arron Banks told the New Yorker that the social-media postings of Leave.EU reached working-class voters, particularly in the North of England, who would not otherwise have voted.[47] Claims from insiders on the centrality of targeting users to winning elections are also made for the Trump 2016 presidential campaign. According to the Final Report from the UK's Inquiry into Disinformation and 'Fake News', Theresa Hong, a member of Trump's 2016 digital presidential election campaign described 'Project Alamo'. This involved staff working for presidential candidate Trump, Cambridge Analytica staff and Facebook staff, 'all working together with the Cambridge Analytica data sets, targeting specific states and

[42] Information Commissioners Office (2018) *Investigation into the use of data analytics in political campaigns: A report to Parliament,* 6 November 2018. https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf p.4.

[43] Information Commissioners Office (2018) *Investigation into the use of data analytics in political campaigns: A report to Parliament,* 6 November 2018. https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf p.18.

[44] Lazarsfeld, P.F., Berelson, B. and Gaudet, H. (1944) *The People's Choice: How a Voter Makes up his Mind in a Presidential Campaign*. New York: Columbia University Press.

[45] Bessi A., Zollo F., Del Vicario M., Puliga M., Scala A., Caldarelli G. Uzzi, B. & Quattrociocchi, W. (2016) Users Polarization on Facebook and Youtube. *PLoS ONE* 11(8): e0159641. doi:10.1371/journal.pone.0159641; del Vicario, M., Bessi, A., Zollo, F., Petroni, F., Scala, A., Caldarellia, G., Stanley, H. E. and Quattrociocchi, W. (2016). The spreading of misinformation online. *Proceedings of the National Academy of Sciences*, 113(3): 554-559. http://www.pnas.org/content/113/3/554.full.pdf

[46] Some have tried e.g. Howard, P.N. (2018) Claim No: CO/3214/2018. THE QUEEN on the application of SUSAN WILSON & OTHERS -and-THE PRIME MINISTER, REPORT OF DR PHILIP N. HOWARD PROFESSOR, OXFORD UNIVERSITY TO THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, DATED 30 NOVEMBER 2018. https://www.ukineuchallenge.com/wp-content/uploads/2018/12/257136-Expert-report-of-Prof-Howard-FINAL-Signed.pdf

[47] Caesar, E. (2019) Banks, the "Bad Boy of Brexit", *The New Yorker*, 18 March. https://www.newyorker.com/magazine/2019/03/25/the-chaotic-triumph-of-arron-banks-the-bad-boy-of-brexit

specific voters. The project spent $85 million on Facebook adverts and Ms Hong said that "without Facebook we wouldn't have won"'.[48] We should not depict this state of affairs as a democratic collapse, not least because advertising technologies are unlikely to be as effective as their sales teams tout. However, the prominence of analytics companies is cause for concern, especially regarding transparency of their activities to the Electoral Commission (in the UK) and citizens. As the UK's ICO points out: 'Without a high level of transparency and trust amongst citizens that their data is being used appropriately, we are at risk of developing a system of voter surveillance by default.' [49]

- *Distrust in electoral system*. If winning campaigns are based on disinformation, the winners' false claims are likely to generate social discontent with the democratic outcome and process.

2.4 False messages prompt reactions of fear, disgust and surprise, and have a propensity towards recirculation online

Vosoughi et al.'s big data study of Twitter finds that false information spreads faster than truth on Twitter.[50] They investigated the differential diffusion of all of verified true and false news stories distributed on Twitter from 2006 – 2017 (comprising ~126,000 stories tweeted by ~3 million people more than 4.5 million times).[51] They found that falsehood diffused significantly farther, faster, deeper, and more broadly than the truth in all categories of information: the effects were more pronounced for false political news than for false news about terrorism, natural disasters, science, urban legends, or financial information. They found that false stories inspired fear, disgust, and surprise in replies, whereas true stories inspired anticipation, sadness, joy, and trust. They also found that robots accelerated the spread of true and false news at the same rate: this implies that false news spreads more than the truth because *humans*, not robots, are more likely to spread it.

A previous section has already established that the core messaging on the Vote Leave campaign was deceptive. Also of note is that part of Vote Leave's strategy to turn sympathisers into committed supporters of the campaign was to invite the user to share Vote Leave's messaging on the individual's own social media accounts, thereby generating organic growth of the message without cost to Vote Leave. This dual prompt of false messaging plus an incitement to a sympathetic user to share the message would lead to recirculation of the message online. Indeed, according to Cumming's blog, Vote Leave's Facebook Advertising reach was weighted towards organic rather than paid (with the exception of the last week of the campaign). [52]

[48] DCMS (2019) *Disinformation and 'fake news': Final Report*. 14 February. Digital, Culture, Media and Sport Committee, House of Commons 1791. Available at:
https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/1791/1791.pdf p.62.
[49] Information Commissioners Office (2018) *Investigation into the use of data analytics in political campaigns: A report to Parliament*, 6 November 2018. https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf p.19.
[50] Vosoughi, S., Roy, D., Aral, S. (2018) The spread of true and false news online. *Science*. VOL 359 ISSUE 6380.
[51] They classified news as true or false using information from 6 fact-checking organisations that exhibited 95 to 98% agreement on the classifications.
[52] Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/ p.15.

3. Solutions

3.1   Solutions generated by Inquiries and Government

Various post-Brexit Inquiries in the UK agree that people need to be aware of attempts to manipulate them. Solutions put forward to safeguard elections (and that the UK government agreed, in May 2019, to take forward) centre on ensuring that online election material, via imprints, clearly shows who has produced it – thus helping the electorate evaluate and to come to their own conclusions about the online messages that they receive; new laws to bar people from running for office if found guilty of intimidating or abusive behaviour; and launching a consultation on electoral integrity in order to protect UK politics from foreign influence.[53]

Other steps announced include improving citizens' digital literacy in the area of disinformation. For instance, in 2019, the Government launched a pilot behaviour change campaign aiming to increase audience resilience to disinformation, by educating and empowering those who see, inadvertently share and are affected by, false and misleading information. The campaign aims to increase the audience's ability to spot disinformation by providing them with straightforward advice to help them check whether content is likely to be false or intentionally misleading.[54]

3.2   Unaddressed solutions: towards culture change

While these are all important steps (albeit with difficulties and limitations), also important, but largely unaddressed, are the following:

a) Culture change amongst political campaigners towards running civil and informative election campaigns,
b) Reinforcement of citizens' expectations that civil and informative election campaigns are what they will be exposed to.

On the *need for a culture change amongst political campaigners towards running civil and informative election campaigns*, the above analysis of the Brexit referendum campaign clearly shows that standards need to be raised among many of the campaigners themselves. The ability to micro-analyse, profile and target audiences with messages that maximise engagement of the targeted audience (with deceptive and emotive messages likely to be the most successful), to the exclusion of any other criteria, is likely to increase.[55] Indeed, the ICO's report, *Investigation into the use of data analytics in political campaigns,* while largely reporting on the Leave campaign, points to the problems identified being more widespread.[56] The ICO was particularly concerned by:

- the purchasing of marketing lists and lifestyle information from data brokers without sufficient due diligence around those brokers and the degree to which the data has been properly gathered and consented to;
- a lack of fair processing information;
- use of third-party data analytics companies with insufficient checks that those companies have obtained correct consents for use of data for that purpose;

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[53] Cabinet Office and Kevin Foster MP (2019) *Press release: Government safeguards UK elections*, 5 May. https://www.gov.uk/government/news/government-safeguards-uk-elections

[54] Don't feed the Beast. https://sharechecklist.gov.uk

[55] Bartlett, J., Smith, J. & Acton, R. (2018) *The Future of Political Campaigning*. Demos. July. https://ico.org.uk/media/2259365/the-future-of-political-campaigning.pdf

[56] Information Commissioners Office (2018) *Investigation into the use of data analytics in political campaigns: A report to Parliament,* 6 November 2018. https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf

- assuming ethnicity and/or age and combining this with electoral data sets they hold, raising concerns about data accuracy;
- provision of contact lists of members to social media companies without appropriate fair processing information and collation of social media with membership lists without adequate privacy assessments. [57]

As the ICO explains, formal warnings were issued to 11 political parties (Conservatives, Labour, Lib Dems, Greens, SNP, Plaid Cymru, DUP, Ulster Unionists, Social Democrat, Sinn Féin and UKIP) detailing the outcome of their investigation and the steps that needed to be taken.[58]

If parties are going to continue to target voters with messages iteratively tested and tailored to maximise engagement, then a code of ethical conduct should be developed (and adhered to) for the messages to be both *civil* and *informative*. Citizens should be able to expect such ethical conduct from the campaigns of their would-be-leaders.

Rather than merely delegating this task of policing ethics to social media companies, regulators,[59] or to heavy handed censorship laws (as in Singapore),[60] it is in the long-term interests of society that we start to *reinforce citizens' expectations that civil and informative election campaigns are what they will be exposed to*. This should be a process of long-term, continuing, education of all citizens, conducted and contextualised by each election or referendum (rather than short-term behaviour change campaigns). This will help voters recognise emotive and deceptive online messages (research indicates that people are poor judges in these areas).[61] In turn, the development of such cultural norms - of *civility* and *informativeness* - should help constrain campaigners who are hungry to win at all costs.

To that end, we make the following final Recommendations.

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[57] Information Commissioners Office (2018). *Investigation into the use of data analytics in political campaigns: A report to Parliament,* 6 November 2018. https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf p.23.

[58] The formal warnings included a demand for each party to provide Data Protection Impact Assessments (DPIAs) for all projects involving the use of personal data. Under the GDPR, data controllers are required to complete a DPIA wherever their intended processing is 'likely to result in high risk' to the rights and freedoms of data subjects. Because parties are using special category data (relating political opinions and ethnicity), as well as automated decision making and profiling, they would therefore be required undertake a DPIA under the GDPR. A DPIA gives a systematic and objective description of the intended processing and considers the risk to people's personal data – not only the compliance risk of the organisation involved.

[59] In April 2019, the UK government announced in its Online Harms White Paper that a new independent regulator will be introduced to ensure that social media companies and tech firms are legally required to protect their users from a range of online harms, including disinformation, and face tough penalties if they do not comply. See Gov.UK (2019) Press release: UK to introduce world first online safety laws, 8 April. https://www.gov.uk/government/news/uk-to-introduce-world-first-online-safety-laws

[60] Russell, J. (2019) Singapore passes controversial 'fake news' law which critics fear will stifle free speech. *Techcrunch*. https://techcrunch.com/2019/05/09/singapore-fake-news-law/

[61] Wardle, C. and Derakshan, H. (2017) *Information Disorder: Toward an interdisciplinary framework for research and policy making*. Council of Europe report DGI(2017)09. https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-for-researc/168076277c

4. Recommendations

4.1   That there be incentives for digital political campaigners to act ethically, and for their behaviour to be critically and regularly reflected upon by society.

4.2   Specifically, we recommend the institution of publicly available self-evaluations by all political campaign groups post elections to:
- Summarise which audiences were targeted, and with what success.
- Reflect upon which aspects of the campaign most succeeded in mobilising voters (e.g. specific adverts, messages, themes, memes).
- Reflect upon whether the campaign gave voters enough information to make an informed choice on which to base their electoral decision: i.e. was the information true, complete, undistorted, and relevant?[62]
- Reflect upon to what extent the campaign was civil.

4.3   We further recommend that this self-reporting be incentivised via:
- An independent panel (of diverse stakeholders, including fact-checkers, academics, and campaigners from opposing sides) to verify, and critically comment upon, the self-evaluations.
- A kite-mark system to brand the veracity and civility of the campaigning.
- Ensuring that this is covered by the media, post-election, and that the analysis is available online in a public archive.

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[62] This list is derived from research that theorises and distinguishes consensual persuasion from manipulative persuasion. See Bakir, V., Herring, E., Miller, D. and Robinson, P. (2018) Organized Persuasive Communication: A new conceptual framework for research on public relations, propaganda and promotional culture. *Critical Sociology*. https://doi.org/10.1177/0896920518764586