Select Committee on Democracy and Digital Technologies

Corrected oral evidence: Democracy and Digital Technologies

Tuesday 12 May 2020

10.30 am

Watch the meeting

Members present: Lord Puttnam (The Chair); Lord Black of Brentwood; Lord German; Lord Harris of Haringey; Lord Holmes of Richmond; Baroness Kidron; Lord Knight of Weymouth; Lord Lipsey; Lord Lucas; Baroness McGregor-Smith; Lord Mitchell; Baroness Morris of Yardley; Lord Scriven.

Evidence Session No. 26   Virtual Proceeding   Questions 326 - 356

Witnesses

I: Nick Gibb MP, Minister for School Standards, Department of Education; Caroline Dinenage MP, Minister for Digital and Culture, DCMS; Chloe Smith MP, Minister of State for the Constitution and Devolution, Cabinet Office.

Examination of witnesses

Nick Gibb MP, Caroline Dinenage MP and Chloe Smith MP.

326. **The Chair:** Can I welcome the Ministers? Thank you very much for being with us this morning. As you know, the session is being broadcast to the public, and a webcast is accessible via the parliamentary website. A verbatim transcript will be taken of your evidence and put on the parliamentary website. You will have the opportunity to make minor corrections for the purposes of clarification or accuracy.

Perhaps you would be good enough to introduce yourselves briefly for the record and then we will begin with questions.

Chloe Smith: Good morning. I am Minister of State for the Constitution and Devolution at the Cabinet Office

Caroline Dinenage: Good morning. I am Minister of State for Digital and Culture at the Department for Digital, Culture, Media and Sport.

Nick Gibb: I am the Minister of State for School Standards.

327. **Lord Black of Brentwood:** Thank you, Ministers, for being with us. The fact that we are meeting like this, in a way that was unimaginable to me and I suspect to all of us just three months ago, underlines the white-hot pace of change in all our lives. Government needs to reflect that, particularly in the crucial areas that we have been investigating. Thank you very much for the responses to the questions that we sent you, but it could be argued that they do not seem to indicate the sense of urgency and speed that we think are clearly required.

From each of your perspectives, could you say how the Covid-19 crisis has changed the manner and, above all, the pace in which the Government are approaching digital technologies?

Chloe Smith: I suspect that of the three of us, Caroline and Nick will have the greater part to say from their departmental responsibilities on this question.

One thing that is certainly true from the Cabinet Office's perspective, within my part of that portfolio, is that I have had to be responsible for, regrettably, postponing local elections for a year as part of the emergency coronavirus legislation. That has caused us to take a deep look at the processes and functions underlying all that and to have real sympathy with how citizens might have found it inconsistent and unfair to be asked to go to a polling station in the current circumstances.

That is where the decision for postponement came, alongside consideration for everything that electoral administrators have to do, often quite manually, to make elections happen. Questions flow from that, which we might consider as we go, about how technology could change that situation.

There is also the example of how parliaments have changed. I say "parliaments" plural, because there are institutions around the UK, including our two Chambers, that have used technology to move their part of democracy forward.

I will pause there and allow my other two colleagues to give more on this question from their departments.

Caroline Dinenage: The speed and scale at which we have seen the data and digital sectors in this country respond to the challenges of Covid, in a whole range of things that affect everybody's everyday life, have been unprecedented. I do not know about you, but I had never heard of Zoom until a few weeks ago, and here we all are; Zoom has become the new boardroom or parliamentary Chamber. In the same way, Google has become a new type of classroom. My children are on it upstairs at the moment. As the Minister for Culture, I should probably say that YouTube has become a type of theatre for many people.

The speed has been unprecedented. A lot of the time, it has been technology that was in train anyway but has been accelerated. I was able to have an e-consult with my GP the other day for an ear infection, something that has never been on offer before, and I had a prescription within 24 hours without having to leave my house. It has enabled people to stay in touch with their families and to continue working. We have seen unprecedented changes.

Digital and data hold some of the keys to how we deal with this pandemic moving forward, with things such as the NHSX app that could revolutionise the way we are able to trace and track who has the virus and who is at risk of contracting it.

There are a whole lot of changes, but in parallel with that a range of challenges have been brought forward, because this continued engagement with much more digital interaction clearly presents obstacles that we have to make sure we navigate in a very careful way to maintain the trust, which I know your Committee is so dedicated to pursuing.

There is one more thing that I want to talk about, which is the opportunity. Someone in a conference I was in the other day talked about how we had to see the opportunity in this crisis. We have seen so much horror and misery created by this terrible illness, this terrible virus, but we need to see the opportunities. We know that it could have a catastrophic effect on our economy unless we are very careful. Our tech businesses were growing at six times the rate of the rest of the economy at the point at which we entered this pandemic. I see that our tech companies have an enormous potential to help to grow us out of this pandemic in a way that also supports the British people, but we always have to proceed with caution and make sure that the right protections are in place.

Nick Gibb: We launched an edtech — education and technology — strategy in April 2019, which was aimed at helping schools and colleges

to understand the benefits of technology and at nudging and working with the technology sector to make sure that they were producing the kind of products that would be most beneficial to schools.

Lord Black is absolutely right that there is no doubt that the Covid crisis has accelerated all that work. Schools have responded extremely well in providing online lessons and materials for students during the crisis. Schools have already adapted and used the technology they already have to make sure that children's education can continue at home — including Caroline's children, I am very pleased to hear. I hope they are upstairs studying.

In addition to that, we are supplying 200,000 pieces of computer equipment — laptops and tablets — right now to some of the most disadvantaged young people in the country, particularly those in year 10, who are taking exams next year, and young people with a social worker, to make sure that the crisis does not exacerbate the attainment gaps between those from more advantaged families and those from disadvantaged backgrounds. We are supplying a huge number of computers to schools, which will then lend them to those pupils. We are equipping schools even further with the technology as a direct consequence of the Covid crisis.

Within two weeks of schools closing, the Oak National Academy was established by 40 teachers. They are putting 180 high-quality lessons online each week from early primary school right through to year 10. There have already been millions of views by schools, parents and children since that was launched. Lord Puttnam, you will be aware of the magnificent response of the BBC in producing more lessons for young people at home, which is particularly useful if they do not have proper access to the internet, and they can watch them through the television.

A huge amount has happened in the last several weeks as a consequence of the crisis.

328. **The Chair:** Chloe, I had conversations with your former colleagues, Lord Maude and Lord Young, who both seemed to make the same point: that a lot of the issues that we are dealing with are interdepartmental — certainly involving your three departments; and it was the Cabinet Office's job, as they explained it to me, to move these issues forward and to make sure that you work in lock-step. Their view seemed to be that blockages all too frequently occurred within the Cabinet Office. With the new drumbeat we all now have to work to Chloe, what can you do to unblock that?

Chloe Smith: I suspect there is a general part and a specific part to the question. On the general aspect, I recognise in particular Lord Maude's really lengthy experience in the Cabinet Office. In fact, I worked with him when he was Minister for the Cabinet Office. I have in one way or another been in the department since 2012, and alongside him at the early stages there.

I recognise the long story here of enabling reform at the centre of government to be able to support all the Government's functions better. That is absolutely the role of the Cabinet Office, and I suspect that it always has been and always will be. I certainly hope that many of the reforms that Lord Maude began at that time will have a long life still ahead of them, because they are very important in putting the citizen in a more empowered position, for example by being able to get things digitally. Huge leaps have been made in the last 10 years on that.

There is much more to do, and that is where we should turn to the more specific part of the question and ask which particular reforms might be needed now, driven by Covid or by things that are related not only to this current crisis. All I can say in answer to that is that I and any colleague at the Cabinet Office would be very keen to work with any other part of government to unblock with regard to things that we can do better for citizens or things that we need to do to work together to address this crisis. I can give the example of the work that, quite properly, has had to be done in the last few months to provide the right level of joint working with devolved Administrations to get things right for all citizens across the country in the crisis response.

As I say, going beyond this crisis there will absolutely be things that the Cabinet Office can and will do to facilitate all of government working together to get things right. That is indeed often our role in government.

Lord Black of Brentwood: I have a supplementary on the point Caroline raised about the contact tracing app, where things are moving very quickly. Issues relating to personal privacy and the platforms in particular have loomed large throughout our inquiry. Will the Government ensure that UK citizens who have used or downloaded the app will have the right to have that information deleted once the crisis is over?

Caroline Dinenage: The information will not be kept anyway. NHSX has set up their own ethics committee, which is looking at all aspects of trust and transparency in relation to this issue. The key here is to make sure that people feel safe using this technology, because if people do not feel that they can trust it, that it is transparent and that it will be using their data in a safe and ethical way, they will not engage with it. We know that in order for this trace and track app to work, 80 per cent of the population have to be engaged with it, which is a huge number. Therefore, we really need to make sure people have faith in it.

329. **Lord Scriven:** Good morning, Ministers. Thank you for attending today. Could you provide more detail on what the Government's counter-disinformation cell consists of? To what extent is its job to co-ordinate government communications rather than to spur online platforms to take action?

Caroline Dinenage: It is a cross-Whitehall counter-disinformation unit. It was already stood up twice before, once during the EU elections and then in the most recent general election. It is DCMS-led, and it brings together a number of existing Whitehall teams from across government,

Home Office, Cabinet Office and MoD. These teams have expertise across things such as analysis, strategic communications and disinformation policy. Its primary function is to build a comprehensive picture of the extent, scope and impact that disinformation and misinformation on Covid-19 is having and then to take action to address that.

In answer to the second bit of the question about the extent to which the cell is co-ordinating government communications and is actually spurring platforms to take action, it is a bit of both. We are developing a co-ordinated response across government but are also working with platforms, including flagging some of this misleading and potentially dangerous information. Where it violates platforms' terms and conditions, we are making sure that it is removed immediately but also that we are working proactively in a way that encourages platforms to put out positive information and address the negative information from the beginning, rather than allowing it to fester and to build people's worries and concerns.

330. **Lord Mitchell:** We have all read over the last few days about the potential hacking of particularly laboratories that are developing vaccines and other sorts of treatments. I would guess that many of these institutions have not had a huge experience of being hacked before. Given the almost manic way in which countries are putting these developments in place, I just wonder if you are happy about the security aspects.

Caroline Dinenage: We are learning in some cases as we go along. As you say, some of the organisations that are at the forefront of the battle against Covid-19 may never have had a sustained attack against the integrity of their organisations before. That is why this cell is really important in bringing together the expertise across government, academia and business to make sure that we are doing everything we can to tackle disinformation and misinformation. If there is anything more that we can do to support companies and organisations to make sure that they are safe, clearly the Home Office and others will be very keen to do that.

331. **The Chair:** Tell me if I am wrong, Caroline, but my impression, when I watched Dominic Raab talk about this was that he was quite shocked at the virulence of what had been discovered and the suddenness of it. Is that just my misperception, or is that what you felt? Had the level and virulence of the attacks — let us call them that — taken everyone by surprise?

Caroline Dinenage: This is a really key point. Right across everything from business interaction to social media, we have been quite overwhelmed by the volume of disinformation and misinformation. That is why we have had this co-ordinated response to dealing with it. In many cases, the platforms that we are dealing with have been excellent at addressing concerns that we raise but have also come forward with ways of raising them themselves. Facebook, for example, now contacts people who have engaged with disinformation or misinformation on their site,

which has been subsequently taken down, to direct them to correct information. That is a really good step in the right direction.

Some of these things can be illegal and harmful. We have seen crazy conspiracies, such as the one about 5G masts being somehow related to coronavirus and the content that is encouraging people to go out and commit criminal damage. Clearly, that is a criminal offence and can be tackled through the relevant laws.

We have also seen things such as fake nurses online suggesting cures for coronavirus that are nowhere near in line with any of the government health advice. That may not necessarily carry potential threats to life and limb, but it can spread a huge amount of concern and worry, and in some cases this kind of misinformation can also be quite dangerous because it is spread without people's knowledge.

332. **Lord Scriven:** You said that the unit had been up and running twice. Where is the public overview and scrutiny of this, the lessons learned and how it can drive policy? It seems to be hidden, and I am not clear how its findings, which drive future policy and changes in the way government works, see the light of day.

Caroline Dinenage: Because it has come about quite recently — as I say, it has been stood up twice, in the most recent six months — a lot of the lessons learned and what the public can take from this will be brought forward in the days, months, and potentially years ahead.

Lord Scriven: Is there a commitment that the lessons learned will come before some form of parliamentary or public scrutiny so that we can see exactly how it has worked, the lessons learned and how it can influence policy?

Caroline Dinenage: I would need to get back to you on that. I am a little cagey, because part of this team involves not just Whitehall operators but members of defence. There is a small MoD team, the 77th Brigade — at this point I have to declare an interest, because my husband is in the Army and is a member of it — supporting the Cabinet Office's Rapid Response Unit for communications on this. Clearly, some of this information will be sensitive, so I will need to come back to you afterwards about what we can and cannot put in the public domain.

The Chair: This is more of an observation than a question. This issue is of special interest to our Committee, because we have heard that for a long time that Facebook and the major social media companies could have been doing a lot more to take material down and to engage with the pro-social areas. One of the things the crisis has established is they can do a lot more than they have necessarily made obvious in the past. Will you pursue this with them and not allow us to go back to the status quo ante, where it was all about what they could not do, and ensure they stick with what they can do?

Caroline Dinenage: You make a really excellent point. We welcome the steps that social media have taken so far, but my boss, the Secretary of

State, has met with a number of the large platforms recently and been very clear that he expects them to go further and faster to address misinformation and disinformation relating to Covid-19.

This has lessons beyond Covid-19 and into the new-normal world that we may be facing in the months ahead. This includes not just reactive work but proactive work to put positive messaging out there up front, which a lot of them have been doing, and, as with Facebook, to address disinformation where people have engaged with it and to make sure that their attention is drawn to the correct data and information.

333. **Baroness Kidron:** Picking up on that last point about lessons learned, is one of the lessons we have learned that the lack of liability of the platforms is increasingly a problem and that the ability to spread such a great deal of misinformation and disinformation without any proper accountability is a problem? I know that a lot of nations around the world are now looking at this.

Caroline Dinenage: That is a really interesting point. We have been very reassured by the willingness of the platforms to engage, in many cases very proactively, and to tackle this issue, but you are right in the sense that this has certainly fed very much into our current thinking about how we turn the Online Harms White Paper into a Bill and take that legislation forward. It has been real work in practice to see how everything is currently panning out and what more we need to take into consideration. It has been a really interesting time from that perspective.

334. **Lord Knight of Weymouth:** Caroline, following on from the last discussion, what positive actions by technology platforms have you seen in response to the Covid-19 crisis that you would wish to see continued after the crisis?

Caroline Dinenage: We have seen lots of positive steps. Most platforms have really engaged, particularly to curtail the spread of harmful information and to promote positive messages and the NHS messages which the Government are really keen to get across. Many of them have updated their terms of service and introduced new measures. WhatsApp, for example, has curtailed the number of times you can forward a message. YouTube has introduced banners that are directing people to NHS website videos about Covid-19. Twitter is serving something called "know the facts" messaging to users who search for "coronavirus" on the platform.

In relation to the terrible incidents we saw of the crazy burning down of 5G masts, Twitter also worked with us directly to address anybody who was searching for links between 5G and Covid. Twitter worked directly to provide accurate information when anybody tried to do a search with "5G" and "Covid" in it.

As I said earlier, we are really keen that, rather than just taking down bad information and tackling abuses after they have happened, companies put out positive information from the start but also direct people to credible sources as early as possible in their interactions.

Lord Knight of Weymouth: How would you like them to deal with that if the source is, for example, an elected politician? I do not mean here in the UK, but there are some elected politicians around the world who have said some crazy things during this crisis. Should platforms be correcting that?

Caroline Dinenage: We have had a number of high-profile people linking Covid to 5G masts, which of course is completely erroneous and misleading. In those cases, it is really important that we direct people to the scientific facts. Right from day one, the government response to this crisis has been led by the science, as you know, and that that should ever change in light of misinformation that is spread, whoever is spreading it.

335. **Lord Knight of Weymouth:** Nick, you will be aware that I work for an education technology company, so I have an interest, but I am equally interested in what you have seen and what you would like to see continue from technology companies after the crisis.

Nick Gibb: It has turbo-charged, as I said earlier, and accelerated the work we have been doing with the edtech strategy to make sure that companies such as yours, as well as the hardware and software companies, are producing the kind of equipment that schools actually want, rather than the other way around whereby the technology companies produce things that they think schools ought to have. That process will continue.

As I said before, we are sending 200,000 laptops and tablets to some of the most disadvantaged households via their schools. They will be there for the schools to keep and to continue to lend out, so that will help deal with that technology disadvantage gap between children who have access to this kind of equipment and those who do not.

There are also things such as the Oak National Academy. I hope that will continue beyond the crisis, because it is a useful tool and a useful way of spreading best practice. It is a useful CPD tool and it is very useful for children who, for whatever reason, cannot attend school, whether because of long-term illness or other reasons. They can then use technology such as the Oak National Academy, as well as other platforms that will have sprung up as a consequence of this crisis and which schools are using more and more in response to the crisis. I hope many of those will continue so that they can be used in exceptional circumstances where pupils simply cannot attend school.

Lord Knight of Weymouth: Finally, given that it is unlikely that we will go back any time soon to the normal prior to the crisis, is there any pedagogic practice using the technology that you think is valuable and that you would like to see continue?

Nick Gibb: One of the advantages of things like the Oak National Academy is that they can spread best practice. This particular academy was established by 40 teachers. Who are we to say that they are

necessarily the best? The things I have seen are very high quality, but it can be used to almost distil what is the best approach to teaching.

The problem we have with online teaching is that not everybody can have access to a computer at home for live lessons the whole time. You might have a family of three children who want computing access to one or two computers, as well as parents who are working at home. Live lessons can be quite challenging for a school to put on for 30 children at the same time, but there are things like video lessons. You can have video lessons where the best scientists in the world can put in a guest appearance. There are huge opportunities in using this technology.

My own view is that nothing beats being in a classroom with a teacher teaching children face to face, but, as a supplementary tool, educational technology is hugely valuable and has enormous potential.

336. **Baroness Kidron:** Nick, I just want to say how very supportive I am of the Government supplying devices to disadvantaged children, but I have been inundated by teachers across the country who are anxious about security. As you will know, the most disadvantaged children are the ones who come to most harm online. I just wonder what consideration you have given to that fact in making them connected at this time where they are very unsupervised.

Nick Gibb: It has been a huge consideration as we roll out this delivery of these devices. These things have been built from scratch. This is a massive procurement exercise that we have undertaken. Before they arrive in the schools, they are adapted to ensure that pupils cannot use them for exercises that would expose them to risk.

We have also been doing a huge amount, since 2014, to build up the resilience of young people in understanding this new technology. The internet is a wonderful tool, but it also has dangers. The computing curriculum that we launched in 2014, which runs through all four key stages, has a lot about how to stay safe online and how to understand the advantages of the internet as well as the dangers—in making young people savvy consumers, for example.

We have also launched the relationship, sex and health education curriculum, which has in the health modules teaching about how to stay safe online as well as things such as rationing time spent in front of the screen and the dangers that come from that—not exercising, not doing homework, not talking to your parents, friends and family and so on, because you are stuck to a screen for too long and not sleeping properly. We are teaching children about all those health dangers.

The third resilience issue, which addresses Caroline's point about the notion that coronavirus can somehow be spread by 5G telephone masts, is that a knowledge-rich curriculum across the board — in science, the arts and so on — helps build that resilience by making sure that young people have the knowledge. In the health curriculum, for example, we have a requirement to teach children about bacteria and viruses. If they

know how viruses function, they will know that any notion that viruses can be spread by 5G telephone masts is absolute nonsense. No child who has been through that kind of education will give any credence to such misinformation.

337. **Lord German:** We are trying to understand what the online harms work timetable will be. The NSPCC has put together all the statements that it has read about your work moving forward and it thinks that it might not be possible to get the online harms Bill through Parliament until 2023. Perhaps you could provide some clarity on what the stages are, where we will end up and what timetable we will have for completing the Bill.

Caroline Dinenage: Clearly, we are really committed to this online harms Bill. It is one of the reasons I was brought into this department. I am really passionate about it, and the Government have continually emphasised it as one of our key priorities. We are absolutely determined to introduce legislation in this space as soon as possible.

However, you will be aware that there have been a few interruptions in the last six months to the parliamentary procedures and the opportunities to be able to do things in Parliament, not least the impact that Covid has had on our department. We have also had to put a lot of focus into how we support our citizens and keep people safe, but that has in no way taken our focus and our priority off this.

The experience of Covid-19 has brought into very sharp focus why this is important. It has underlined the dangers online and what the harms are, particularly where young people are being educated and vulnerable people are accessing digital content all the time during lockdown. It has shown us the opportunities and it has given us a real testbed to see how some processes are standing up to the strains of a world that is led mostly digitally at the moment.

I appreciate this is a very long-winded way of answering your question. We want to get this done as quickly as possible. There is no relaxation of our emphasis on delivering this massive government priority but, as ever, we have to get it right. It has to be right for businesses, freedom of speech and freedom of expression, but it also has to make sure that it protects the most vulnerable.

Chloe Smith: I have only a supporting role to Caroline and to colleagues in the Home Office on that particular piece of work, but I have other work that relates to it and which I would be very keen to talk about through the session—the commitments that you saw in the Queen's Speech last year to what we entitled *Protecting the Debate*. That was a consultation that we rolled out last year and that we are looking to take forward. That has some very interesting things to do with intimidation, information and influence, which we might come on to in the discussion.

The Chair: I suspect we will be.

Lord German: I fully understand Caroline's explanation about things getting in the way and crises happening, but surely by now you should be

able to give some indication of, for a start, when you will give a full response to the White Paper. February was an interim response. Can we expect a response to the White Paper by the end of this year or before the end of this year? Will a Bill come before Parliament this year, or will it be next year before we actually get to see a Bill? There are some very great views on being deliberative and doing that in the right way, but deliberation at some point has to end and you have to have action. Could you please tell us when you think you will get the full response of the White Paper? Will we get a Bill into Parliament next year or this year?

Caroline Dinenage: I was hoping that our full response to the White Paper would have been published over the summer. There will be a little delay because of all the obstacles that I have mentioned, but also some of the extra bits of learning that we want to incorporate in it that this crisis has shaken up. I would hope that we would be able to respond by the end of the year. With regard to legislation, that will be worked on alongside it. The two things are not mutually exclusive.

It is really important to highlight that the eyes of the world are on us on this. This is a ground-breaking piece of legislation. No other Government in the world has done such an overarching piece of legislation; others have taken piecemeal challenges of this area and tackled them. Many countries around the world are looking at us to see how we deliver this. I am very well aware of the pressures on me to make sure that we get this right for all the different angles that I have already articulated, from the perspective of business, safety — keeping people safe online and building that trust — and making sure that we in no way hamper people's freedom of speech and expression.

I am very tempted by your very kind invitation to set out a very clear timeline for this, but my number one priority is to get this right. Please do not in any way think that my focus is not also on bringing this about as a matter of urgency. That was embedded in the fact that it was in the Queen's Speech that we will deliver this piece of legislation. We have put it on record, and we are working as fast as we can to get something that is robust and accurate and will stand the kind of international scrutiny that inevitably this piece of legislation will face.

Lord German: It sure sounds from what you have just said that we are not likely to get a Bill into Parliament until 2021 at the earliest. Would that be fair?

Caroline Dinenage: You are tempting me to commit on dates and times. I am afraid that I cannot at the moment, for the reasons that you will all understand. We are facing unprecedented challenges. We also have to make sure that businesses can put in place all the relevant changes that they need and that everything is allowed to bed down properly so that it can all work in the seamless and effective way that we intend it to.

Clearly, this is a piece of work that we are doing very jointly with the Home Office, and there is an enormous amount of pressure from all of us to make sure that this is expedited in every possible way.

Baroness Kidron: Caroline, I can hear you trying not to answer the timetable question, but we, and the public, would like an acknowledgement that at this point we are several Secretaries of State and several Queen's Speeches in that have promised more or less the same thing. I am sure you are aware that Simon Bailey said last week that 16 to 24-year-olds in the UK are now the third biggest consumers of child sexual abuse material and are being desensitised. Covid is not only a crisis for us all in everything but is an increasing crisis in relation to this particular thing. The Government now need to come through on these promises. You know that I have been watching all through this process and I do not underestimate the difficulty, but we need a little more urgency here.

338.   **Lord Harris of Haringey:** You talk about us having unprecedented challenges, or you are facing unprecedented challenges. That means, as it happens, that there are unprecedented threats of online harm taking place at the moment. Baroness Kidron has talked about children being at home and online all the time. That is one thing.

Also, this is the point at which people who frankly have an agenda to undermine our democracy are seeing huge opportunities to play games. That is why this is really urgent. You say that it is important and you want to get it right, but I do not sense that degree of urgency in relation to the unprecedented challenges and unprecedented threats of online harm and threats to our democracy.

Caroline Dinenage: Let me clear that up for you. There is a huge amount of urgency attached to this. I am deeply passionate about this piece of work. It is one of the reasons I accepted this role.

Baroness Kidron, I totally accept your challenge. Very few people have done more in this sphere, and I take my invisible hat off to you on that basis. The fact is that we want to get this done quickly and we want to get it done right.

Having said that, there should be no doubt in the minds of any of the companies that we are talking about here that we have already set out in the White Paper and our initial response to the White Paper our sense of direction. They know where we are going with this and what is expected of them. I do not anticipate that one day we will flick a switch and suddenly the world will change and people will have to put activities and actions in place that they have never done before. This is a big piece of work, and in some cases it makes quite radical changes to the way we put this duty of care in place. Organisations with a strong sense of their responsibility to their consumers and to the world around them need to be thinking right now about how they will implement those changes.

The Chair: A lot of us have felt for a while that this is an ideal White Paper to go to pre-legislative scrutiny. Should you decide that is a good

idea — were I you I would grab it, because it could help you enormously — could I put in a plea that a Joint Committee, whereby Members of the House of Lords could be quite helpful, might that be worth thinking about?

339. **Baroness McGregor-Smith:** Caroline, we have been taking evidence from the technology companies about how they actually moderate their misinformation, how they decide what information they take down and how they then explain that to all their users. Have the Government considered requiring platforms to publish an anonymised database of all the moderated misinformation they have so that they could improve the transparency of their decision-making to take down the information they take down?

Caroline Dinenage: You make a really important point, and I probably should have made it slightly in response to the last question. This is not something that the vast majority of companies are being dragged kicking and screaming towards. A lot of them are embracing these changes, because they know that the eyes of the world are on them and that we are one of the countries at the forefront of these changes. Where we lead, others are following, and this is a piece of work that will become incredibly important in so many countries around the world.

With regard to your anonymised database, we have said very clearly that we want to work very closely with the regulator and stakeholders to consider the future transparency requirements, and we will set that out in our full response to the Online Harms White Paper. We set out in our initial response that we would encourage companies to share their anonymised information with independent researchers, in a way that very carefully protects any form of GDPR and personalised data, in order to build that kind of expertise and knowledge, because there is a lot to learn here.

Baroness McGregor-Smith: Bearing in mind that it will take some time before the Online Harms Bill comes in because of all the challenges you have set out, is there anything we could do in advance of that? It struck me, when we were talking to them, that it is very difficult for someone looking at those platforms to understand how they decide to take information down. It is incredibly vague. The decision process of each of them is completely different. Every human being will think differently about what is the right information on a platform and what is not.

I do not understand why we cannot do more now as opposed to waiting even more for the final White Paper and more legislation. What else could we do? Every day there are many people that do not understand what misinformation still exists on those platforms and how they are working to take them down.

I will compliment them on some of the information about Covid that they have taken down. The fact that they can do it for that shows how much more they could do very quickly. If they had reacted to other things in the way they have reacted to this crisis, I would have been more impressed.

Caroline Dinenage: That is a really excellent challenge. We have seen some really good proactive and co-operative work, but we have a long way to go. The online harms work will require businesses to embody this duty of care in everything they do and to publish their standards and how they are judging themselves. Transparency in that regard will only ever be a supportive factor in making sure that people understand where companies are coming from and how they are addressing the issues that they are finding.

We know that so many of them are using a combination of very high-tech AI and individual and personal human moderators to take down some of the illegal and non-illegal but harmful content that we find on our screens. I would also like to see some information about how the human auditors in those sectors are protected. What is the duty of care to the humans that are seeing some incredibly distressing content on a regular basis? There is a whole lot more transparency that we could see. These are the sorts of conversations that we are having with the big tech giants.

Lord Mitchell: We have had most of the big tech companies in to see us. With some of them — I do not have to name the names, but you will know who I mean — there is this sense that they are both judge and jury when taking a look at what they should take down, how they should behave and so on, and this feeling that they are moral arbiters, as it were, on this. I do not believe that is the case, and I believe it is for outside bodies and Governments around the world to hold them to account. I wondered what you thought about that.

Caroline Dinenage: You are absolutely right, and that is why we have said that we are minded to appoint somebody such as Ofcom — a regulator that will be overseeing this, setting these standards and duties of care, being able to respond to organisations that they do not feel are implementing any form of complaints and concerns effectively and adequately, and directing those organisations to make sure that they are putting in the right checks and balances and protections. It will have teeth; it will have the ability to put punitive measures on those that it does not feel are doing this effectively.

340. **Baroness Kidron:** This question follows on very naturally from the previous question, because my questions are about regulation and regulators. First, the Government have suggested that Ofcom will not be adjudicating on individual cases but more on policies and processes, so the idea has come up about having an ombudsman to do individual cases. I wonder whether you can comment on that.

Secondly, in relation to that, will you be encouraging Ofcom to look at public harms as well as individual harms — things that really affect communities or the community in a broader sense, as well as specific harm?

Lastly — forgive me for three questions at once, but they are all very specific — you will know, because I have written to you and to the

Secretary of State, that the Age Appropriate Design Code came back unamended from Europe last week. The Bill says that it should be laid before Parliament as soon as reasonably possible. I believe that is now, so I would love to hear when that might be.

Caroline Dinenage: With regard to Ofcom, we took a lot of evidence about this in the consultation on the White Paper. As you probably recall, back in September you spoke to our DG and our director, Suzannah and Sarah, about this and they described the White Paper as being peppermint in some places because some of it was very green. This was an area that we took a lot of feedback on.

This was very contentious, because a number of respondents, particularly organisations, argued for independent review mechanisms such as an ombudsman, but we could not really get any kind of consensus as to how that would operate. You can imagine, given the size and scale of the online world, that the volume of traffic to an ombudsman could be absolutely massive and potentially overwhelm an organisation straightaway. Conversely, a lot of organisations raised concerns about the feasibility and desirability of an ombudsman.

We are looking very carefully at this. We are looking at options to ensure that there are effective mechanisms for redress, and we will be very clear about this when we come back with our full response.

As you have said, there is no role for the regulator in adjudicating on individual cases, but we are looking at situations where we may have what you might call super-complaints, where you get a lot of people complaining about a certain issue. The information that the regulator gets back will be used in their horizon-scanning work. Effectively, the way I see them working is that they set out what "good" looks like and put out very clearly the duty of care that they expect from these companies. It is up to the companies themselves to implement this and investigate at the first stage, but it is really important that the regulator has a set of sanctions that they can use against those that they feel are not operating in an ethical way.

With regard to the age appropriate design, it is a really important piece of work and I am really grateful to you, Baroness Kidron, for the huge efforts that you made bringing it to life. It has gone through the European aspect of its interrogation without any issues. That concluded just towards the end of April. Again, this is a very urgent piece of work. We are now in conversations with the House authorities as to how we can get it through all the necessary processes of Parliament and get it out into the world as quickly as possible. The Information Commissioner has said that, as soon as it gets through the negative legislation bit of Parliament, it will be about a year before it comes into practice. That is why we want to get it through Parliament as quickly as possible.

Baroness Kidron: Can we expect that to be in the next days and weeks?

Caroline Dinenage: This is completely out of my hands because, as you know, there is a bit of a backlog in the amount of work that is being processed by Parliament. We have to get a slot. We are in negotiations at the moment over that. As soon as we can get a good slot for that work, we will do. I would not want to put a time deadline on it now, and, at the risk of sounding like a broken record, I apologise, but we will be pushing this very hard because it is a really important piece of work.

341.   **Lord Mitchell:** Again, during our deliberations, we have had a lot of discussions about online identity. I just wondered whether the Government have considered allowing companies to use GOV.UK Verify to allow users to verify their identities.

Caroline Dinenage: That is for me.

Lord Mitchell: You are having a tough time of it.

Caroline Dinenage: It is fine. My family say I talk a lot anyway, so this is just par for the course.

There are two things here. First, we are running a pilot, which we announced it last July. It is allowing private sector organisations to use a document-checking service that is basically a component of GOV.UK Verify. At the moment, it will use only passport information, and it will effectively just be a yes/no check on passport data. It is a test of concept, but literally in the last few days we have offered places to 15 organisations in total that met the criteria to take part in it, and we will run it for a period of 12 months. That is the first thing.

Moving forward, over the next 18 months, give or take — again, under the current pressures — we want to replace Verify with a private sector-led digital identity market, which we are currently working on to make sure that it has all the necessary interoperable standards, specifications and protections. Once these standards are in place, it will be possible for people to be able to prove things about themselves with private services without having to show paper documents. At the moment, if you want to prove your identity, you can show your passport face to face, but it is very difficult to do that online. It will help make things such as opening a bank account or buying a house safer and quicker.

There is one thing that I want to stress from this, because it sounds quite terrifying. It is all about giving individuals choice and people being able to use their own government data, but companies that they are sharing this information with will not be able to access their data without their say-so.

342.   **The Chair:** The point I made earlier about pre-legislative scrutiny was not an idle one. In 2008, I had the privilege of chairing the Pre-Lehitlative Scrutiny Committee on the Climate Change Bill. The amount of lobbying and the power of lobbying of the energy companies was quite colossal. For Ministers our committee formed a counterweight to the corporate lobbying push. I would urge you to consider, given that it is not a dissimilar situation, that a good, active pre-legislative scrutiny committee, which does not take a lot of time — eight weeks max — could

save you an awful lot of pain and act as a visible counterweight to the invisible influence of the large corporates.

Caroline Dinenage: I totally agree, Lord Puttnam. I saw in practice the role of a pre-legislative scrutiny committee in my previous job, which was in the Department of Health. We had one for the Healthcare Safety Investigation Branch, which is a bit like the Air Accidents Investigation Branch but in the world of healthcare. It was really good at going through some quite granular and technical detail and being able to raise any issues in advance of it having to be tackled in the full forums of the House of Lords and the House of Commons.

I am very persuaded as to the effectiveness of such a body. At the moment, we are looking at it very carefully, because there are lots of persuasive arguments for it, but there are also time deadlines and we are trying to get this done as quickly as possible. As you have all articulated, we all want to move on as fast as we can. We are looking at it very carefully.

The Chair: One benefit is that it gives you a corpus of cross-party expertise that could become very valuable to you when you take it through the legislative process.

Caroline Dinenage: I agree about cross-party expertise and the expertise across the different Houses of Parliament. As you have said, you have been doing this investigation now for 10 months and many of you have been involved in pieces of legislation that are tied to this, during that time but also previous to that, so you have a wealth of experience. Those are the sort of bits of information that we really need to tap into if we are to produce something that will stand the test of time, stand up to the international scrutiny and do the three things that I want it to do, which I have already mentioned: to promote our businesses, to protect vulnerable people, and to ensure freedom of speech.

343. **Lord Mitchell:** Caroline, we keep on coming back to you and I apologise. I turn to the subject of anonymisation. It seems to us, when we have spoken to the platforms, that they do not require much anonymisation. I just wondered whether GOV.UK Verify or the successors that you mentioned just before could somehow be brought in to provide a solution on this important aspect.

Caroline Dinenage: It is a very good point, Lord Mitchell. It is not something I have given a great deal of thought to up until now, I will confess. If you do not mind, I will take that away and come back to you on that.

344. **Lord Harris of Haringey:** Chloe, the Government consulted on introducing digital imprints in late 2018. In May 2019, they committed to bringing forward the technical proposals for imprints by the end of that year. No such proposal emerged. An election has taken place since that commitment. In your evidence to us dated April 2020, the Government provided no further indication of when imprint legislation, or even legislative proposals, would be introduced, saying that further details

would be announced in due course. Could you tell us when you will bring forward this legislation?

Chloe Smith: I am really pleased to come on to this, Lord Harris. May I just take the opportunity also to cover off something that you said in conversation with Caroline just now? You made the point, no doubt linked to your question, about urgency and when things will be done. If I understood your point correctly, you said that people who want to play games with our democracy can do that at the moment, and that that is made worse by Covid.

I just wanted to take that up and reassure anybody listening, because it is far too big a point to be left in a footnote to this conversation. Our elections are no less secure, robust and protected because of Covid or the lack of things that we might put in the online harms work. I just want to be specifically clear to people.

On the point about protecting our democracy at present, let us first deal with elections. Of course, we have postponed elections at the moment, which is a point I made at the beginning of the session. It is not that there is an election that somebody hostile might be able to interfere with if they wanted to. Even if that were the scenario, our elections are quite well protected in themselves by being quite conspicuously manual. We do not run online elections and there is not that specific avenue of risk, whether elections were taking place now or were postponed for a year.

I want to just place on record the importance of what the Government do as a standing function to protect our elections. That happens year in, year out. It certainly happened for the 2019 election. There is a standing function in government that does that, which I want to give as a point of reassurance. To that, the powers that may come in the online harms work are additional and will be welcome, but there should be no need to think that we are in some way vulnerable to interference right now.

Lord Harris of Haringey: Yes, but that slightly misses the point. I am talking about a very specific thing: material going out through the internet without an imprint, which you cannot do with published material. You promised to bring forward legislation on this. It has drifted. Will it be there by May 2021?

Chloe Smith: Let us come on to imprints now specifically, as a policy that is important in this. We intend to do this. In our consultation in May 2019, entitled *Protecting the Debate*, we were clear that we were going to do this. This has not drifted, but I am afraid it has had the same interruptions that Caroline has had to be very clear with you about. An election last year altered the legislative programme. It simply does. You will recognise that what we said we wanted to do in the Queen's Speech has had to take a little time to accommodate the fact that there was an election, and now there is a pandemic which the whole of government are rightly dealing with. There are some obvious reasons for a little time taken being here to come on to the legislative programme that we would like to do during this Parliament.

Imprints will be in that programme, and I am very much looking forward to being able to bring forward the next steps on that. The policy is there in headline terms in the *Protecting the Debate* consultation last year.

I just want to start this at a principles level. I entirely agree that we want to do this because we want to give citizens the ability to decide for themselves the value of material that they see, and you do that by making it transparent who has put it forward. That is what the imprints are for, so we think it is right to add a digital aspect to what is already there in the paper aspect, and I am really looking forward to bringing this into place in readiness, essentially, for the next general election.

Lord Harris of Haringey: You talk about the next general election, but there are very big elections in May 2021.

Chloe Smith: That is also true, and indeed made more so by the postponement that I have been talking about. I do not play that down at all. I will be working as fast as I can to get this into place but, a little like Caroline has had to say to you this morning, I do not think I could promise you that it would be in place for the May 2021 collection of elections, although I understand your logic that that would be desirable.

345. **Lord Harris of Haringey:** Could I move on to the Law Commission? It published its final report into a nine-year review of electoral law, saying that the electoral laws are outdated, confusing and no longer fit for purpose. It wanted to bring forward reforms to bring them all into a single consistent legislative framework. You will have to respond to that report within six months of publication. Will you at the same time respond to the Electoral Commission's earlier report, which made a series of recommendations that you have said you are continuing to consider? Are you going to do it as one package?

Chloe Smith: In short, not necessarily, although I welcome both reports. Let me take each by part.

The Law Commission's work, as you rightly say, has been a very long piece of work, and I am very grateful for all the effort that has been put into that. It really has been a very thoughtful and considered piece of work. By its very nature, it is a huge piece of work, because it looks at the entirety of electoral law and asks whether it should be consolidated. Nobody here would disagree that the electoral law is a very large sphere and carries a lot of complexity. Some of it is Victorian. There are those problems within it.

However, doing that consolidation in itself is not necessarily my priority, and I can be very honest about that. What I am seeking to do in the election space has to span much more than just the legal framework. It has to span operations, resilience and some of the security points I was just talking about. It has to span public confidence and tackling threats to that confidence such as fraud. In other words, it is a lot more than only the consolidation of the law itself, so it would be fair if I said to you today

that my priority was to do specifically or only the Law Commission's proposed reforms.

Moving to other calls for change that have been made, you are referring to the Electoral Commission's report on digital campaigning. There are a number of calls for how we update our elections for the digital age. The lead measure will be digital imprints, and I have just said in my answer to you how keen I am to do that and how important that is, because it puts the information in the hands of citizens, who are then able to make their choice. That is the whole point. I will be bringing that measure forward alongside other things in the elections.

It might be helpful if I laid out for the Committee that we have the commitments in the most recent Queen's Speech, setting out that we will do a number of things in electoral policy, including the manifesto commitments that you will have seen clearly in December, for example bringing in identification at polling stations, which is a very important fraud measure, and bringing in some important points to improve accessibility in voting. I fear that we will not have time to discuss that fully in this Committee session before noon, but that is actually very important and is also relevant to the digital consideration.

There are also some things to do with intimidation, which I briefly touched on while you were questioning other Ministers. We have a wide programme that all hinges on wanting to make sure that our democracy is, frankly, updated in the digital age, is transparent and allows citizens to make their choices and have control over understanding what the information is.

Lord Harris of Haringey: Will you give the Electoral Commission the powers that they ask for in that report, for example to request information? Given that the Electoral Commission is the independent mechanism that is there to hold the public's confidence in election integrity, will you give them those powers? Perhaps that is a greater priority than refining the law relating to some of the mechanical aspects of elections, which are, after all, not digital and not subject to the massive changes that we are currently seeing.

Chloe Smith: It is important to note that the Electoral Commission and other investigative authorities already have quite significant powers. I am not fully persuaded that it is only the Electoral Commission that needs its powers extended, so I am not able to give you the commitment that you might seek in direct answer to your question.

I also note that there were lots of other recommendations to do with digital campaigning that have been made over time, some of which are perhaps already being done in the tech sector itself. We could talk, for example, about the recommendations or calls that come for content repositories, ad libraries or such like. The sector will do some of that itself and has shown that it is capable of giving transparency to voters that way.

The short answer to your question is no, but the ongoing theme here is about how we give citizens the information that they need so that they can make those choices.

Lord Harris of Haringey: Very quickly, who else needs their powers extended? You said that the Electoral Commission was not the only body that needed its powers extended. Who else do you have in mind?

Chloe Smith: Nick Gibb will have to correct me, in a grammatical sense, for my use of "only" in that sentence. I meant that is not the only call for reform that has been made.

346.   **Baroness Morris of Yardley:** I wanted to take up a point that has been made by a number of colleagues on the Committee about the ability of government to respond to the need for legislative change in this particular area. I accept everything you say about things that get in the way of getting space on the legislative timetable. I have experienced that myself and I know it is a reality.

The thing that bothers me, to be honest, is that by the time our government system has found space for the legislation, the problem will not be the problem that the legislation is trying to deal with. This area moves so quickly that it will have moved on and we will be solving a problem from two years ago. I realise that is an enormous thing, because it is a cultural difference between the way the digital world is moving and the way government is moving.

Chloe, have the Government done any work on how they can change their procedures so that they are in a better position to respond to the need for legislative change in a timely way that means we eventually get the benefit of the change when we need it?

Chloe Smith: To take a policy that I am particularly responsible for, I am very keen to make sure that imprints policy is sufficiently platform-neutral, tech-neutral and future-proofed in terms of changes to the technology, the apps or whatever the mechanism is that people will be using. I am taking quite a principle-based approach, saying that whatever it is it has to give the citizen that information so that they can make their choice. I hope that serves as a practical acknowledgement of the general point that you made there, because you are absolutely correct. The very nature of tech here will move, perhaps faster than legislation would ever be able to do. That is a fact of life.

On how Government have changed their processes to try to meet that, would you be able to explain that question slightly more? Are you asking, for example, about how the business managers schedule business in the House of Commons or Lords?

Baroness Morris of Yardley: Nick has not explained this, but you and Caroline have explained that other things have got in the way of finding legislative space, so we do not get the legislation that we need. I do not have the answer, but at times I worry that there is a cultural acceptance in government that that is okay and that we all understand that things

get in the way, things come along, everyone is fighting for time and we should just wait our turn; that is the way it has always been. That will not work in this area of policy. It has to be for government to take the lead in working out how they sort themselves out so they can do this more effectively.

Chloe Smith: Yes, I agree. I hope that the general bit of the previous answer I gave gives you a little bit of reassurance on that point. I acknowledge that the slowness of the wheels turning could get in the way of the right answer in a particular policy space. We have to turn to making sure that the principles are right. In the case of digital imprints, I am saying that the principle is that you have to put citizens in the driving seat of that. You have to give them the ability to draw their own conclusions. The policy would stand the test of time if you put that in.

That is also true about elections in general. We are very fortunate in this country that elections have very much stood the test of time. We are a very historic democracy. Some of that is to do with the fact that our election law works. I am not going to say here today that our election law is some kind of failure, because it is not; it works.

We have an opportunity to review it. It is essentially 40 years since the Representation of the People Act and 20 years since PPERA. It is a moment for review and reflection, but if we take the right principles approach and we look after the resilience of the system as well as some of the other calls for reform, we remain doing the right thing, even when we are slowed down by outside events.

The Chair: Nick, can I ask you this. You have just had to deal with a very real crisis and have moved very rapidly to address it. Do you feel that there are things that we can do to close the gap between the speed of what needs to be done and our legislative ability to address it?

Nick Gibb: It is a serious issue that both Caroline and Chloe have raised. There are constraints on parliamentary time, particularly for primary legislation. We are only meeting three days a week. There are hugely important, urgent issues related to the coronavirus that take precedence. We have made changes to the law. We have relaxed all kinds of requirements on schools through this process, but that has largely been through secondary legislation, which is easier to get through at this point, particularly if it is a negative procedure.

347. **Lord Lipsey:** I have a couple of points on misinformation. I have been in politics for 50 years, believe it or not, and I am not so foolish as to think misinformation is a totally new thing that has just come along with digital media. I remember, indeed, when under existing electoral law a Labour MP was disqualified from Parliament because he went too far in his attacks on his Conservative opponent.

We are now living through a completely different scale of misinformation, are we not? There is foreign interference and misinformation and, in particular with coronavirus, all of these inconceivable fake news stories

that fill my inbox and probably many of yours, such as 5G masts and Bill Gates masterminding a world campaign to spread coronavirus. Does that not add even more to the need for urgency in trying to do something about some of these things, not just putting it on the agenda with a lot of other things that government would like to do?

Chloe Smith: As I just said to Lord Harris, I resist the idea that there is some specific threat to our democracy right now — I do not think that is quite accurate — and that the Government are not constantly protecting our democracy from threats. Other than that, yes, you are right. Essentially, the online version of that, over a 50-year span, has made it move much more quickly and at much greater volume than the offline version would have.

That is absolutely the challenge for some of what we have here. I could note again, as an example, the idea of doing digital imprints policy. That will put quite a different demand on the regulator of that policy, which is likely to be the Electoral Commission, or indeed the police or any other part of the chain, because the volume will be greater. Yes, you are right; these are the challenges of our time.

348. **Lord Lipsey:** Let me give a real-life example of where there seem to be gaping holes in what we are doing now, not about the technicalities of elections but with regard to digital media. David Icke appeared on an extremely obscure London radio station gibbering on about 5G and how mobile phones were the cause of coronavirus. Ofcom quite rightly said that that was wrong and should have been stopped, and yet, if you are nifty with YouTube, you can very easily get it up in front of you in the original format, where it is reaching a great many more people than it did in the original format. Ofcom could stop what was happening originally, but I cannot see anywhere a proposal that anyone in government or government institutions could stop what is going out on the digital media, in this case.

Caroline Dinenage: I hear you. I understand your frustration and it is one that we are wrestling with across government. Of course, there are a number of different work streams that are happening on this. Chloe is working very hard on the defending democracy work, which is very much a cross-government piece of work looking at how we protect and make UK democratic processes. More broadly, some of the suggestions we have got in the online harms White Paper will help. They help in the sense that we want to empower people to better critically assess information that they are seeing, being bombarded with and consuming.

Freedom of expression is at the heart of everything we consider, but we need to make sure that people can read the information that is presented to them and make a critical analysis of it. Some of our digital media education that is proposed as part of the online harms work will support that. It will also ensure that companies are much more transparent about their decision-making processes and that they have much more effective processes in place for users to appeal the things that they are finding online and to get content removed more quickly. That will have a knock-

on effect on improving the accountability of companies and making sure that they are much more evenly balancing this right to freedom of expression with the obligation to protect online users.

Lord Lipsey: That is a partial answer to the point. I just hope that Ministers have a sense of the magnitude of the threat to trust, trust in politics and trust in democracy that some of the stuff is at present posing and will continue to pose until government, with the companies, take appropriate action.

349. **Lord Knight of Weymouth:** Chloe, did I hear you saying that you thought that electoral law is fit and that we need to reflect? Clearly, you have already mentioned the imprint, but spending online is not included. We have seen data misuse, including perhaps people associated with government, in electoral campaigning. There is a lot of worry about whether our electoral law is currently fit for purpose. We have seen countless reports from people saying so.

Chloe Smith: I was making a point slightly in the middle of the spectrum. I was not saying that it had failed. I was saying that it would be wrong to say that the whole edifice was a failure, because it is not, because we have successful elections in which millions of people take part and in which the results are not in doubt. We should be very proud of that.

As I hope I have very clearly acknowledged in answer to some other questions this morning, there are ways in which we have to update it, and the way to help people be sure of what digital content they are seeing in election terms is a prime policy there for me to take through. As I was saying, the breadth of what I want to do in elections policy in this Parliament is about making sure that the whole framework is fit for the age, is something that people can have confidence in and is secure. That encompasses some manifesto commitments on fraud but also, now that you mention it, some on some aspects of spending loopholes and potential foreign interference loopholes, which we have put on record before and we are intending to close.

350. **The Chair:** This will be reflected in our report, but I can speak for the whole of the Committee when I say that we were appalled that, having invited the major political parties to come and give evidence to us, the Conservative Party and the Labour Party refused. Not only did they refuse, but when we eventually got written evidence from them, some of that evidence proved to be downright untrue. Does it trouble you in the Cabinet Office that we have at least two major political parties that feel that their relationship with the truth at the time of an election is negotiable?

Chloe Smith: I am afraid I have not been made aware before you just said it that parties have been invited to come, or indeed of what they have said. I cannot fully answer you right now on that, but I would be happy to look at whatever has been said that troubles you.

The Chair: Can we be sure that, when our report comes out in late June,

someone will follow up on it quite quickly? We are not in a position to rap knuckles, but if we hope to build trust in elections and in our democracy, this is exactly the type of behaviour that drives a coach and horses through it.

Chloe Smith: I am absolutely sure that I can say on behalf of all three Ministers here today that we will look forward to your report and respond properly to it, as with any Select Committee report. I hope that the fact that all of us have come together today to work with you underlines how important your inquiry is and that we agree that there are some really valuable points here that we want to get right.

The Chair: It is just very troubling that people within our political sphere have a different set of notions of what being responsible and honest is.

351.   **Lord Holmes of Richmond:** Good afternoon. Do the Government support the aim of the ICO's draft code of practice for the use of personal data in political campaigns eventually becoming statutory guidance?

Chloe Smith: It is a very important question. I have a few concerns about what was published in the draft code. For example, I would not want to see such a code restricting elected representatives — MPs or councillors — in being able to report back to their constituents and take surveys that would help them work for their constituents. The existing uses of the electoral register should also be upheld. Parliament has been very clear that it sees democratic engagement as a valid function and that is there in the relevant legislative frameworks.

I am not entirely convinced by what I have seen so far in all aspects of that draft code, but I have not seen the rest of what was said to the ICO in that consultation. I look forward to seeing all that work brought together.

Caroline Dinenage: I am pretty much with Chloe on this, you will not be surprised to hear. I am very concerned about anything that would interfere with or obstruct a candidate's or political representative's ability communicate with the people they represent or want to represent. As Chloe said, I have not seen all the evidence that was presented, but I know, for example, that among the Conservative Party responses there were concerns including how it restricts councillors and MPs in reporting back to their electorate, being able to share information and limiting the ability to take things such as surveys and get a really clear sense of how people feel about local issues.

We need to be really careful. The democratic engagement was enshrined in the Data Protection Act. I just feel it is important that people are encouraged to participate in elections, that the public interest in the good of democracy is promoted and that parties are encouraged to listen and engage with the people they are there to serve. I would just be a little bit concerned about anything that could be seen as an impediment to that.

352.   **Lord Holmes of Richmond:** Following up on that, where do you think the public's understanding of the level of sophistication and malevolence

is in the use of some of these tools? There is clearly a huge amount that needs to be done there.

If I can ask one final question on a specific, what do you think the level of understanding is, particularly among political parties and the Government, of the use of special-category personal data?

Caroline Dinenage: Chloe may have much more to say on this, but Ofcom, in its 2019 report on adults' media use and attitudes, found that over half — about 54 per cent — of internet users say that they consider some of the factual information they find online to be true, which does show a degree of critical understanding, I am sure you will appreciate, although this response is lower than in 2017, when it was 59 per cent. About 28 per cent of internet users consider most of it to be truthful.

That does not fully answer your question, but it gives you an indication of the sense of media literacy and the fact that a lot of people analyse very carefully what they read online and take some of it with a big pinch of salt.

Chloe Smith: Fundamentally, as a democrat and as the Minister who has the great luck to be able to try to shape our elections policy, I trust people to take control here. People willingly and freely use Facebook, for example, during election times to get information. It is absolutely for us to require transparency there, which is for me a thing that I am primarily trying to do through extending the imprints regime from only offline to online. That will help people in making that choice and taking that responsibility. It will put a responsibility on those who wish to campaign and those who wish to communicate to a community — those they either represent or wish to represent, as Caroline said — to be transparent and to put that information and that power in people's hands.

All of that together is the principle that we are trying to drive at here. It brings us back to some of the points about freedom of debate and expression that we had earlier on in this discussion. At election time and in any part of discourse and debate, it is for people to challenge what they see, read or hear, and them doing so is what elections and debate consists of.

Lord Holmes of Richmond: As a final plea, and I am sure you will in any event, can I ask that both Chloe and Caroline keep working extremely closely on this? It really draws on this point of how we need both the D of democracy that you have, Chloe, and the D of digital, which is very much in DCMS, to come to the fore in this. Otherwise, I do not think we will have an optimal response to this issue.

Chloe Smith: You are absolutely right, Lord Holmes. I can certainly say, on behalf of both of us, that we will be working very closely together.

353. **Lord Knight of Weymouth:** I too am a democrat, even though I am a member of the House of Lords and therefore not elected. I believe in the importance of freedom of speech and of people being able to share content as long as it is not harmful. The Government's written evidence

to us, as a consistent theme, talked about the content and the need to regulate content and to manage content. It is important, when we are thinking about user-generated content, to think about the user and whether or not there are some users who are bad actors, how we regulate those and regulate their behaviour as actors, and then about the algorithms that the technology companies themselves use to decide which bits of UGC — user-generated content — other users then see. We need to think about how we regulate those algorithms. I am interested in where government thinking is on that.

Caroline Dinenage: You are absolutely right, and there is an enormous amount of work going on at the moment on digital regulation and about how we look very carefully at those algorithms, how we regulate what is being produced and how we capture data. There are a number of work streams that are going on in parallel. The Law Commission is looking at whether there should be any tightening up of legislation relating to what happens online. I am very happy to drop you a note with more detailed information about all the parallel work streams that are going on to protect data and make sure that the digital world is happening.

Baroness Morris hit the nail on the head earlier when she said that the risk here is that, as we are generating legislation, technology is outpacing us. We need to make sure that we set the right ethical base in everything that we do, so that everyone that we engage with and all the large tech companies that we work with understand our sense of direction, the standards that we expect and the duty of care that we expect. Therefore, that should pose as a self-regulator on the basis that, without us having to write something down in law, people should understand the ethical platform that we are coming from here.

Chloe Smith: It might be worth mentioning the work of the Centre for Data Ethics and Innovation, which is looking into this and will give us a very helpful evidence base shortly.

354. **Baroness Morris of Yardley:** Nick, you began to answer this question in some of the previous comments, so hopefully we will be able to build on that. What has the Covid-19 crisis taught the Government about the relative levels of digital literacy among teaching staff and their ability to help young people engage safely online? What are the Government doing to upskill teachers at this critical time? You explained the amount that has gone in in these recent months to try to keep children engaged through online learning, and it is impressive; I applaud everybody who has contributed to that.

You will have seen the figures that are beginning to come back about the level of engagement among different groups of pupils and different types of schools. Quite roughly, if you are in the independent sector, you are twice as likely to have had an effective digital lesson, handed in your work and got it marked than if you are in an affluent school in the state sector, and even more so than if you are in a deprived school in the state sector. Did those figures surprise you? How does that influence your view on how we are doing in digital literacy in our school system?

Nick Gibb: The figures did not surprise me. You cannot really overstate how magnificently the state-school system has responded to this crisis. None of us wanted this to happen. It is far better for children to be in a classroom and taught by their teacher, because of motivation, the personal contact, face-to-face teaching and so on. It is hugely important, but we are where we are and our schools have managed to ensure that there are lessons and that some of those lessons are online.

There is a difference. As I said earlier, getting 30 children all using a live lesson on the computer at the same time is almost impossible, so it is recorded video lessons that will be more likely to be used than those live lessons that some schools are able to do, but not most because of the ability of families to allow a computer to be used by one child for four or five hours in the daytime. It is just not possible in many households.

Having said all of that, the quality of the material that is going out to schools, to homes and to children is phenomenal. On top of that, we have all the work that has been done by teachers such as, as I said before, the Oak National Academy that was put together in two weeks. There are 180 online lessons produced every week as part of that process. There are lots of companies up and down the country that are producing very high-quality materials online and, of course, there is the traditional published material as well — textbooks and so on — that are hugely useful for when children are at home. Of course, it is better for children to be in school. There is no question about that.

You talk about upskilling teachers. In 2013-14, we decided that we needed a better computing curriculum. We had the old ICT curriculum that really was no longer fit for purpose in this information age. We wanted to make sure that young people had a proper introduction to technology, so that they understood about algorithms, programming and how this technology works. The best way of being resilient to all the issues that we have been discussing today, about misinformation and the dangers that are out there online, is for young people to really understand how it works. That is what the computing national curriculum does. It is at all four key stages. It starts at key stage 1, with things such as understanding what algorithms are and how they are implemented as programmes on digital devices. It is quite a rigorous curriculum.

That meant a step change in teacher CPD — the continuing professional development of teachers — to make they could transition from the IT curriculum to this new computing curriculum. It was a concern that we had even before today's crisis. We established a couple of years ago the National Centre for Computing Education, which is a consortium of STEM Learning, the British Computing Society and the Raspberry Pi Foundation.

We gave it £84 million to give more professional development to up to 8,000 teachers to make sure that they were able to teach this new, very demanding curriculum more effectively. We were aware of these issues before, but I am confident that over the years ahead we will have a teaching profession that can teach a very demanding computing

curriculum that will make sure that this generation going through our schools will be hugely well equipped to deal in a new digital world.

355. **Baroness Morris of Yardley:** I want to take up that issue of professional development of teachers, but I do not want to lose the question you have not really answered. The information coming through from the Sutton Trust now, and certainly anecdotally when we talk to teachers, is that, for all the effort that has been made, the impact is differential. It is differential in exactly the same way our school system has always been differential. It is worse for the poor and it is better for the rich. It is no good not looking at those statistics and saying, "We have tried our best".

It is about how we move forward to whatever life will be like. I am certainly with you in saying that nothing replaces face-to-face teaching; that is where I would sooner be. You have seen now the data about how those children from disadvantaged neighbourhoods are engaging and how schools serving disadvantaged neighbourhoods are engaging. It must just emphasise to you that digital divide, which goes along socioeconomic lines. I do want to come back to professional development, but could you just say a bit about how you will respond to that as we get children back into schools?

Nick Gibb: This is a huge concern we have had right from the beginning of this crisis. That is why we have allocated over £100 million to procure 200,000 laptops and tablets, as well as 4G connections and technical advice for schools to help ensure that the most disadvantaged youngsters are connected to the internet and are able to use the online facilities that the school is offering. There is no question that that has been and remains one of our principal concerns.

Having said all of that, as you say, it is harder to motivate any child, regardless of background, when they are at home and looking at a computer compared with being in a school, because of the routines that come from going to school every day. I am aware of teachers who are phoning up families once a week, to make sure that the children are motivated and are doing the work that they have been set. It is an incredible response from our teaching profession to the challenges that they are facing. We are all concerned — every teacher in this country and the Government — about the attainment gap growing in this period. The driving motivation of our education policy since 2010 has been to close that attainment gap. We do not want to see that work undone as a consequence of this virus.

To answer your question about what we will do when pupils go back, we are working with the Education Endowment Foundation and with other charitable organisations to work out what we can do over the summer, to have catch-up camps and so on, to try to close that gap. We are particularly worried about year 10, who have some very important examinations to take next year. They have already been out of school since 23 March. That is why the Secretary of State has expressed his concern particularly about year 10, to make sure that they have some

face-to-face teaching with their teachers before the summer break. This will all depend on the scientific advice that we are getting.

Baroness Morris of Yardley: Lastly, on professional development, I have had a look at the national curriculum requirements that you have done on digital literacy. They are quite impressive. If we could get our children to learn all those things, we would have done a good job. Talking to teachers, they do not feel equipped to deliver that. I wanted to try to get from you how much importance you put on that area of the curriculum. Let me give you an example. Everyone who knows you knows you are passionate about phonics and about maths. I could spend 15 minutes giving everyone a long list of initiatives you have taken to make sure that the schools know that is your priority.

To be honest — this is not a criticism just of you — I cannot give you a long list of what Ministers have done to give the impression that digital literacy is an important thing that schools are doing. I do not know an awful lot of things that teachers have had the opportunity to do to enhance their skills. Without going into another long list, the evidence we are getting is that, like it or not, teachers do not feel equipped to do this bit of their job. What might you be able to do in the future to really push it up your agenda, so that they are able to push it up their agenda as well?

Nick Gibb: We do take this very seriously. We were aware when we drafted the curriculum that it was very demanding. That is why we did establish the National Centre for Computing Education. This is a hubs-based programme that we have used in promoting maths, through the maths hubs. We have used the same approach with phonics. We have used the same approach with foreign languages and with behaviour. You identify a number of schools around the country that already do this well. We have identified 34 hub schools, as we call them, and they will be supported by this national centre with £84 million. The idea is to train up to 8,000 teachers over the years of the programme. There are some very expert people in that consortium that run the national centre, so we do take this very seriously.

We have put it on a par with English, phonics, maths, foreign languages and improving behaviour in schools. It is one of those hubs curriculum programmes that we take very seriously. They are proving very effective in training teachers and spreading best practice through the school system. I am very optimistic and I would be delighted to take you to one of these hubs that is being established by the national centre.

356. **Lord Lucas:** Nick and Caroline, what are the roles of DCMS and DfE in supporting adult digital media literacy? Everything keeps changing all the time. You cannot just educate someone and expect them to be able to function well a couple of years down the road. It is really hard to find quality sources to advise people to use to keep up to date. Which department is leading on this work?

Nick Gibb: In the Department for Education, we have introduced a new entitlement for those young adults who have left school and do not feel that they are digitally literate. They have an entitlement to continue that study, in the same way that they have an entitlement for maths and English. This is free and it is for young people who do not have any of those digital skills. We have also launched five new institutes of technology across the country. They are collaborations between universities and FE colleges. Some 30 per cent of the courses that they offer will be in digital subjects.

We are also introducing T-levels. As you know, they are a high-quality technical alternative to A-levels. Three of those T-levels will be in digital subjects. The first of the three, which is just rolling off the production line, is digital design and production, and it will be ready for teaching this September. There are two more T-levels in development, one on digital services and support and one on digital support. We take these issues very seriously.

I am hoping that in the generations to come those young people who have been through the national curriculum content will be well equipped. Because they will have been taught the fundamentals of the science, they will be able to better understand the innovations that have happened since they have left school.

Caroline Dinenage: DCMS leads on adult media literacy and digital policy, but we work really closely across government, particularly with DfE. The online harms White Paper set out how we wanted to carry out a mapping exercise that looked across all the methods being put in place to address the gaps at the moment and identify what actions are already underway. This analysis has basically proved that there are a large proportion of initiatives focused on children and their parents, but not so much on media literacy targeted at adults.

We have seen with Covid-19 the importance of giving people the resilience and the analysis skills they need to be able to sort the wheat from the chaff when analysing information that they find online. This is not an entirely altruistic move from us. We reckon that the UK economy could forfeit as much as £141.5 billion in GDP growth if we fail to close the digital skills gap, so it is really important.

As Nick said, we have a new publicly funded digital offer, which has two qualifications. The first is basically essential digital skills and the second is a new digital functional skills qualification, both based on national standards for essential digital skills. In addition to the standard maths and English, adults with no or low digital skills can have the opportunity to undertake a new digital qualification free of charge, giving people all the basic skills they need to be able to get themselves operating online.

The Chair: Thank you all very much for being so disciplined. We got through a hell of a lot of important work.

Chloe, I started off by saying that the thrust of our report will be about

trust. My concern is that, while I hear everything you say, you are taking a glass-half-full position and I am afraid we are looking rather carefully at the glass-half-empty position. The reason for that is simply because so much of the evidence we have is that there are, as Lord Knight said, bad actors out there who only seek to sew confusion. They do not have to do more than that. All they have to do is get enough people doubting the legitimacy, honesty and transparency of democracy to cause enormous harm. That is really what we have been looking into.

I hope that in our report we can convince you that we have done a good job and we have dug deep, but there is a huge amount of collaborative work to be done, within government and with the private sector and public sector, to correct what we see as potentially a significant democratic deficit. Thank you all very much indeed.