



HOUSE OF LORDS

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16 January 2024

The Rt Hon Michelle Donelan MP
Secretary of State for Science, Innovation and Technology,
Department for Science, Innovation and Technology
100 Parliament Street
London
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Dear Secretary of State,

Select Committee on Democracy and Digital Technologies

The House of Lords Select Committee on Democracy and Digital Technologies published its report (*Digital Technology and the Resurrection of Trust*) on 29 June 2020 (House of Lords Paper 77, Session 2019-21). The Government's response to this report was published in September 2020, and the report was debated in the House of Lords on 11 March 2022.

Chaired by the Lord Puttnam CBE (now retired), the Committee was a special inquiry select committee and as such ceased to exist on the agreement of its report. The House of Lords Liaison Committee carries out follow-up work on the recommendations of such reports.

Accordingly, I am writing to you in my capacity as Chair of the Liaison Committee to request that you provide a written update on the status of the recommendations of the Select Committee on Democracy and Digital Technologies, with particular attention to the harms and potential of digital technology on democracy and trust and specifically the points raised below. Lord Lipsey, a former member of the Committee, has been consulted on the terms of this letter.

Many of the Government's responses to the Committee's recommendations made specific references to the then forthcoming Government response to the Online Harms White Paper Consultation and Online Safety Bill. The now Online Safety Act 2023 has undergone numerous changes since its first reading in the House of Commons in March 2022. Consequently, I would be grateful if you could set out how these initiatives have addressed the individual recommendations set out in the report as well as its wider themes.

Although published over three years ago, many of the report's recommendations remain pertinent today. The COVID-19 pandemic, ongoing war in Ukraine, the attack on the US Capitol, the Taliban's insurgency in Afghanistan, and overseas interference in elections including cyber-attacks against the Electoral Commission in the UK demonstrate the dangers of digital misinformation and undermine the core principles of democracy. These complex global and geopolitical challenges serve as reminders to why this report and its recommendations are so important.

Informed Citizens

- The Government rejected the Committee's recommendation regarding the creation of a regulatory committee on political advertising. While the introduction of compulsory digital imprints from November 2023 is welcome, the rebuttal of deeply inaccurate political statements cannot be the sole responsibility of the press or justice system. With a general

election nearing will the Government act now to tackle the spread of gross inaccuracies in political advertising?

- In its response to the Committee's report, the Government "recognise[d] the threat presented by disinformation and misinformation online." We welcome the inclusion of disinformation and misinformation within the Online Safety Act with regard to the advisory committee to Ofcom and media literacy. Are any substantive measures planned on these issues outside the Act?
- While fact-checkers reduce online disinformation/misinformation, no reference is made to them in the Online Safety Act. How does the Government intend to promote the independence and consistency of fact-checkers within online platforms?
- What assessment has been made of the Government's 2021 Online Media Literacy Strategy, particularly in respect to disinformation/misinformation?
- In its response to the 2019 Cairncross Review, the Government accepted the recommendation to work with Nesta to develop a £2 million pilot innovation fund. What progress has been made to implement the recommendations arising from the Review? What assessment has been made of this fund in respect to improving access to reliable and accurate news?
- While the Committee's report called for a full market investigation into the control of digital advertising by online platforms, the Government's response focussed on the Competition and Markets Authority's 2020 study on digital advertising. What assessment has the Government made of this study; how has it built on its findings?

Accountability

- In its response to the Committee's recommendation that online platforms be made responsible for actions which cause "generic harm" to our democracy, the Government referred to the 'Defending Democracy Programme', specifically its remit of reducing the risk of foreign interference to the UK's democratic processes, institutions, and society. What are the Government's plans to make online platforms responsible for preventing actions which undermine our democracy?
- What steps are the Government taking to make platforms accountable for the content they recommend to large audiences? What is the level of virality which would trigger such a responsibility?
- As it stands, the Act falls short of the Committee's recommendation regarding content moderation by an independent ombudsman following complaints from individual users. How does the Government plan to address the issue of content moderation on online platforms outside the remit of illegal content and child protection?
- While the creation of a 'Digital Regulators Cooperation Forum' is welcome, it is not the statutory committee of regulators based on the model described in the Regulatory Reform (Collaboration etc between Ombudsmen) Order 2007. What work has been performed since the Government's response in respect to improving coordination between regulators?
- In its response to the Committee's report, the Government made reference to its review of regulators' "digital skills, expertise and capabilities." What was the result of this review? Specifically, how may skill gaps be addressed; how might a shared system of external advice and support be devised?

Transparency

- As set out in the Government's response to the consultation on the Online Harms White Paper, an independent regulator will "encourage and oversee the fulfilment of companies' existing commitments to improve the ability of independent researchers to access their data." This response falls short of the Committee's recommendation on facilitating research. How has work in this area progressed; is the Government satisfied this initiative will adequately improve access to data for independent researchers?
- What steps have been taken to provide Ofcom with the powers and expertise to determine whether companies are fulfilling their duty of care in respect to the risks associated with the operation of their algorithms and recommendation tools?
- What assessment has the Government made of the Committee's recommendation that technology platforms be required to publish an anonymised database of archetypes of content moderation decisions?

Inclusive Debate Across Society

- In its response, the Government committed to consult with Returning Officers and their election staff to determine what changes would be required to publish election-related data in machine-readable formats. Has this engagement taken place; what progress has been made with this work?
- It is encouraging to see that the Government is dedicated to increasing the accessibility of information regarding democratic processes. Please outline how the Government monitors and assesses the accessibility of information produced by local and national governments. What steps are being taken to address inaccessible language in this area?

Free and Fair Elections

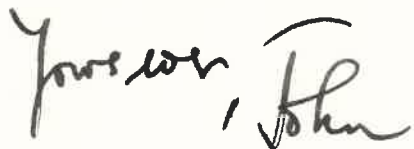
- In response to the Committee's recommendation, the Government committed to consider the issues set out in the Law Commission's 2020 Electoral Law report in conjunction with its wider programme of electoral integrity reform. Are you doing so?
- While the Government's commitment on the implementation of digital imprints is welcome, this work is complex and requires consultation. Please outline how this work has progressed. If this work is ongoing, please provide a provisional timeline and date of completion. In its response, the Government also alluded to a range of "other measures" to update the electoral regulation framework. Please set out these measures in more detail and what progress has been made.
- In its response, the Government stated that the Electoral Commission possesses the power to compel organisations and individuals to provide "certain information" under the Political Parties, Elections and Regulations Act 2000. Is the Government aware of any notable limitations to the information the Commission can acquire outside of a formal investigation? If so, how can these limitations be addressed by the Government?
- In response to Recommendation 34 of the Committee's report, the Government stated it would consider whether digital campaigning could be reflected as a spending category in the legal definition of qualifying expenses. Please state whether this assessment has been performed and, if so, outline any findings.
- In respect to the Committee's recommendation on the Electoral Commission and spending, the Government stated it would monitor how local and national spending interacts, given that an increase in digital campaigning has led to changes in campaign spending. What steps has the Government taken in pursuit of this objective and what assessment has been made in respect to its effectiveness?

- While the Online Advertising Programme and its exploration of transparency measures inform regulatory reform, the Programme falls short of the Committee's code of practice for online advertising. What progress has been made with the Online Advertising Programme; will the Government reconsider the Committee's recommendation?
- The Committee takes note that the Government does not have any plans to put the Information Commissioner's Office's draft code of practice on the use of personal data in political campaigning on a statutory footing. As such, how does the Government plan to strike a balance between the safeguarding of personal data in political campaigning and the 'democratic engagement' provision for elected representatives and political parties?

Active Digital Citizens

- How far does the Government's Online Media Literacy Strategy (published July 2021) and accompanying Action Plans go in addressing the Committee's recommendations on active digital citizens? What assessment has been made of the effectiveness of this strategy?
- What steps have been taken to ensure that all pupils are equipped with the skills needed in a modern digital world? How are these efforts coordinated; does the Government view these efforts as sufficient?
- What assessment has been made of the Government's Safety by Design Framework, particularly in respect to improving user safety? Has this Framework fed into the work of the Department for Education so as to improve citizens' understanding of what to expect from user transparency on online platforms?
- What progress has been made with the Government's work on developing standards and a framework for digital identity usage? What merits does the Government see in applying these technologies to addressing anonymous online abuse?
- In the Government's response to the Committee's report, engagement with the Law Commission to review abusive and offensive online communications and the introduction of a new election offence of intimidation against candidates and campaigners was referenced. What progress has been made with these efforts?

I would be most grateful if you could provide an update on all these points as well as any additional information relevant to the Committee's report. In agreeing this letter the Liaison Committee has asked me to emphasise that a full and timely response to the important matters raised, and within the standard two month deadline, would be much appreciated.



Lord Gardiner of Kimble
Senior Deputy Speaker
Chair of the Liaison Committee