

This document was created by the Open Government team in collaboration with the Multi-Stakeholder Forum through an analysis of comments from the Phase 1 and 2 public consultations. It contains information on What we heard from Canadians and civil society, as well as international best practices. The document was used to frame the discussions between government and civil society representatives and does not represent the official views of the Government of Canada. Therefore, the Government of Canada does not endorse, approve, or certify these documents and makes no representation or warranty that the information presented is accurate, complete, or correct.

Consultations for the 5th National Action Plan on Open Government Combating Disinformation and Safeguarding Fair Elections - Framing the discussion

Executive Summary

Context: As part of its membership in the Open Government Partnership (OGP), an international multilateral initiative, the Government of Canada is developing its 5th National Action Plan on Open Government. This Action Plan will apply the principles and tools of open government, such as transparency, accountability, engagement, collaboration, inclusion and open data, to address targeted problems. Creating an action plan in consultation with civil society and the public is a key component of this process.

Topic: Combating disinformation and safeguarding fair elections emerged as a theme in our latest National Action Plan consultations.

Goal: Apply transparency, accountability and citizen participation principles and tools to Disinformation and fair elections issues

What we heard from participants who have engaged in our consultations:

- **Improve media/digital literacy.** We heard from participants that the Government should provide individuals with the tools they need to identify compromised information on social media, during and outside of elections. They told us that creating plain language and accessible, targeted learning and incentives addressing different demographic groups, as well as partnering with diverse stakeholders, could support learning and education efforts.
- **Develop consistent and authenticated communications.** Participants felt that the Government should create clear, direct, simple and branded communications to help individuals identify trusted sources of information around topics like elections which would in turn increase awareness and trust towards institutions. Participants suggested that authentication could be done through technology across various platforms and in support of relationship building principles and values, mending growing divides.
- **Build stronger policy and legal frameworks.** We heard from participants that the Government should strengthen the legal and policy frameworks to enhance transparency and the accountability of all key actors of the public fora (e.g., social media platforms). They believe such frameworks would allow for easier consent (opt in, opt out), and would impose on all actors' timely accountability and repercussions for not removing or acting on disinformation.
- **Ensure an equitable access to the internet across Canada.** We were told that access to the internet should be considered a human right and equitably distributed across Canada. We were

also told that social development or regulating virtual public spaces could help understand and mitigate the impacts of inequitable access.

What are international best practices?

Combatting disinformation and safeguarding fair elections are key policy areas for the Open Government Partnership. In their report '[Democracy Beyond the Ballot Box](#)', they call on governments to safeguard fair elections, ensure that citizen voices are not limited to election day, and to combat disinformation. Recent events in the U.S have also brought additional attention to the issue.

For specific best practices, please look at Backgrounder.

What the civil society members of the Multi-stakeholder Forum (MSF) suggest:

Regarding topics raised by consultation participants:

On improving media and digital literacy: The work to improve media and digital literacy should not be led by the government. Instead, governments should seek to amplify civil society organizations. This would leverage the existing work of civil society organizations (CSOs) and their networks, would build trust in (and help develop) a broader “information ecosystem”, and would support organizations trusted by citizens. It is also important to identify and target groups with the most need for media and digital literacy (for example: seniors, newcomers).

On developing consistent and authenticated communications for elections: As with media literacy, the government can not be the only trusted source of information. Open government practices will enable CSOs to analyse and provide third party verification of government actions. For example, a better data framework about electoral boundaries (e.g. opening of postal code data) would allow CSOs to analyse spending by jurisdiction. There is also a need to bring attention to the limited “fact checking” infrastructure in Canada and CSOs engaged in this work. There is a parallel need for transparency of national broadcasters when fact checking, as well as aligning broadcasting laws and regulations to penalize abuse of rules.

On international best practices: There is a need to look internationally to support the suggestions made above by MSF members. The UK Information Commissioner's Office (ICO) [investigation into data analytics for political purposes](#) is a suggested reading to provide a baseline context for Canadian challenges. In terms of “fact checking”, it is important to understand international models including the UK Charity [Full Fact](#) and US academic-based [Duke Reporters' Lab](#). Finally, it is important to define the Canadian context of “civic space” and its importance for fair elections (for sources: look to work by CIVICUS and InterNews on civic space).

Additional comments from the civil society members of the MSF:

Bridging the Digital Divide

The topic “**ensure an equitable access to the internet across Canada**” underlines the need to address the cross-cutting digital divide issue. Infrastructure needs to be addressed first, with a focus on

affordable access for all Canadians. Although Innovation, Science and Economic Development (ISED) and the Canadian Radio-television and Telecommunications Commission (CRTC) are the traditional stewards for this issue, it is time for Employment and Social Development Canada (ESDC) to take a leading position as more than an industry issue. Little inclusive participation progress necessary for open government commitments can be made in Canada without available, affordable, and accessible internet.

BACKGROUNDER

DETAILED BACKGROUND

5th National Action Plan on Open Government Consultations

- Canada must submit its 5th National Action Plan on Open Government to the Open Government Partnership in 2021 to meet its international obligations.
- To design the plan, the Government of Canada consulted Canadians from Fall 2019 to the end of 2020. The consultation included meetings with civil society, informational webinars, online discussion forums, virtual online events and telephone town halls.
- Four broad themes emerged for further discussions, namely Financial and Corporate Transparency, Climate Change and Sustainable Growth, Combatting Disinformation and Safeguarding Fair Elections, and Access to Justice.
- Discussions on **Combatting Disinformation and Safeguarding Fair Elections** included:
 - **Three virtual online sessions** the week of November 30, 2020, in addition to an online discussion forum.
 - **37 participants** attended the events
 - Representatives from Global Affairs Canada (**GAC**), the Privy Council Office (**PCO**), and Canadian Heritage (**PCH**) participated to sessions as technical experts.

WHY COMBATTING DISINFORMATION AND SAFEGUARDING FAIR ELECTIONS?

1) Continuity: 4th National Action Plan on Open Government

Input from previous consultations

While engaging in Canada's 2018-2020 National Action Plan in 2017, consultation participants expressed their growing concerns that trust in public institutions and democratic processes is eroding worldwide and in Canada. The theme of "*Healthy Democracy*" was particularly prevalent during general discussions where participants we engaged were asked why open government is important and where the movement needed to go. Indeed, many saw the open government movement as a counterbalance to democratic decline and saw opportunities for Canada to show leadership on this issue domestically and internationally. With a distinct hope that transparency and public engagement can support public trust in government, leading to stronger democracy, this thematic appeared as a new potential area of work for open government. Most of this previous work focused on identifying specific initiatives that could help strengthen and protect democratic processes in Canada.

Commitments in the 4th National Action Plan

Based on the above input, in 2018, PCO, PCH and GAC committed in the 4th National Action Plan to:

- Strengthen democracy and democratic institutions in Canada, both in advance of and following the 2019 federal election;

- Strengthen international capacity to identify and respond to a diversity of evolving threats to democracy, including through sharing information and analysis, and identifying opportunities for coordinated responses;
- Leverage Canadian Heritage programs, including Youth Take Charge and Canada History Fund to support a healthy democracy;
- Support a healthy and reliable news ecosystem; and
- Champion international norms to support diversity of content, and quality and transparency of information online.

What we have done so far

- As part of the [4th National Action Plan on Open Government](#), commitments have been taken by PCO, GAC and PCH **to build the resilience of Canadian democratic institutions in the digital age, while respecting human rights and fundamental freedoms.**
- In order **to strengthen democratic institutions in Canada through modernized election laws**, PCO successfully modernised elections laws to be more secure, transparent and accessible, It did so by reinforcing the role of the Commissioner of Canada Elections; prohibiting foreign funding; and increasing transparency around how Canadians are targeted by traditional and online and advertising. PCO also delivered on Budget 2018 commitment to support a new process that would ensure that federal leaders' debates are organized in the public interest and improve Canadians' knowledge of the parties, their leaders and their policy positions.
- In order **to strengthen international capacity to identify and respond to evolving threats to democracy**, GAC has fully operationalized the G7 [Rapid Response Mechanism](#) (RRM), initiative aiming to strengthen coordination across the G7 in identifying, preventing and responding to threats to G7 democracies, and established its coordination unit.
- In order **to support a healthy and reliable democracy**, PCH has successfully supported their existing programs and initiative, including [Youth Take Charge](#) and [Canada History Fund](#), with a focus on digital, news and civic literacy for Canadians. In order **to support a healthy and reliable news ecosystem in Canada**, PCH has explored new models that enable private giving and philanthropic support for trusted, professional, non-profit journalism and local news. The department also consulted organizations to discuss how the government can further support to transition to digital media.
- Finally, **in order to champion diversity of content, and quality and transparency of information online**, PCH hosted a working session for experts on diversity of content in the digital age to advance the national and international conversation on principles that should guide action in this space.

2) What we heard in 2020 on Combating Disinformation and Safeguarding Fair Elections

The following is a summary of what was heard during consultations and might not necessarily represent the Government of Canada views.

1. **Improve Media/Digital Literacy.** We heard from participants that the Government should provide individuals (public servants, private sector, people in Canada) with the tools they need to identify compromised information on social media, during and outside election times. Participants suggested:
 - a. Targeted learning and incentives to different demographic groups and communities
 - b. CSOs and external partnership (private sector, provinces and territories, youth groups) to support learning and education:
 - Collaboration to build guidelines, literacy tools and curriculums
 - Early and frequent engagement to ensure right fit for the stakeholder group
 - Support the relationship and idea of civic impact
 - c. Plain language and accessible content to explain activities, responsibilities, risks and mitigation
2. **Develop Consistent and Authenticated Communications.** We heard from participants that the Government should create clear, direct, simple and branded communications that would help individuals identify trusted sources of information around topics like elections. The public believes that this would increase awareness and trust towards institutions. Participants suggested:
 - a. Consistent and reliable sources authenticated through technology across various platforms
 - b. Support ongoing relationship building, mending growing divides.
3. **Build stronger policy and legal frameworks.** We heard from participants that the Government should strengthen the legal and policy frameworks to enhance transparency and the accountability of all key actors of this ecosystem (e.g., social media platforms). Participants suggested:
 - a. Timely accountability and repercussions for not removing or acting on disinformation
 - b. Common understanding of terms and conditions, removal of consent (opt in, opt out).
 - c. More research on the impacts of social media on society (social media as a public square, consequences on mental health, etc.) would be needed in order to build strong policy and legal frameworks that would effectively counteract disinformation and misinformation while protecting freedom of expression and assembly.
4. **Ensure an equitable access to the internet across Canada.** Some participants believed that access to the internet should be considered a human right and equitably distributed across Canada, including a suggestion that ESDC begin to take a role in this environment.

WHAT ARE INTERNATIONAL BEST PRACTICES?

1) OECD Policy Areas

Disinformation

The OECD's August 2020 report [Governance responses to disinformation: How open government principles can inform policy options](#) highlights that for the past two years, the Edelman Trust Barometer found that nearly seven in ten people worldwide worry about false information. For example, in the United States, 63% of Americans view disinformation as a "major problem in society," (Institute for Public Relations, 2019). Disinformation can have tangible deadly consequences offline, as seen in the spread of anti-vaxxer content and unproven treatment around COVID-19. The report highlights that government should focus on public communication efforts to combat disinformation, direct responses to disinformation, regulatory and legal responses, and media and civic policy responses.

Communications

Furthermore, the OECD also published a report in July 2020, [Transparency, communication and trust: The role of public communication in responding to the wave of disinformation about the new coronavirus](#), which warns that the COVID-19 pandemic has been accompanied by a wave of disinformation that is undermining policy responses and amplifying distrust and concern among citizens. It encourages a range of government action on disinformation, including:

1. Identifying and debunking disinformation
2. Communications strategies, plans, and coordination mechanisms
3. Regulatory and legal measures (regulating social media content, enforcing platform transparency, etc.)
4. Civic and media initiatives (e.g., media literacy).

2) OGP Policy Areas

Civic space

Combatting disinformation and safeguarding fair elections is also a **key policy area for the OGP**. Under the umbrella policy area of **protecting civic space**, the OGP released a global report on [Democracy Beyond the Ballot Box](#). In the report, the OGP calls on governments to take collective action to safeguard fair elections, but also to take action to ensure that citizen voices are not limited to election day.

COVID-19

The OGP highlighted the importance of government action to combat disinformation during the pandemic in their May 2020 [Guide to Open Government and the Coronavirus: Misinformation and Protecting Freedom of Expression](#). In this report, the OGP highlighted that the COVID-19 pandemic

presents a key opportunity to combat disinformation, as the rapid spread of misinformation and disinformation presents a significant challenge to a successful response and recovery. Aligned with both the UN Secretary General and WHO Director-General who have drawn attention to the “infodemic” of misinformation, which has adversely affected the crisis response, the **OGP made a number of calls to action to governments**, including:

1. Countering misinformation, disinformation, and hate speech by assessing, reforming, and revising rules on content and defamation as needed in consultation with media, tech platforms and civil society.
2. Designating specific units within governments that can immediately identify and counter misinformation trends, while avoiding punitive measures that could lead to censorship.
3. Raising awareness by establishing training programs and engaging organizations representing women and minorities in crafting solutions to disinformation, harassment, and violence on online platforms.

3) National Action Plans

OGP suggested sample commitment

OGP members mandate social media companies to adhere to codes of conduct that require them to report the misuse or manipulation of their platforms. These companies should work closely with academics, civil society, and governments to identify and review malicious content.

In a scan of the National Action Plans of 18 OGP countries who follow OGP best practices (Armenia, Ukraine, Ecuador, Mexico, Germany, Indonesia, Italy, Netherlands, New Zealand, Norway, South Korea, Sweden, United Kingdom, United States, Australia, Brazil, Denmark, France), it was found that **some of these member countries** have **made concrete commitments** or mentioned combatting disinformation and safeguarding fair elections **in their most recent action plans**.

- [Indonesia's Action Plan](#) had a commitment related to **safeguarding fair elections**. Their commitment “*Data Integration to Increase Openness in the Management of National Election and Regional Election*” entails the development of **integrated electoral data** which aims to adopt the principle of One Data, i.e., accessible, reusable, and able to be re-distributed by everyone. The commitment also encourages **publishing the vote counting result** and sharing legislative and executive candidates' profile on official portal so the public can find the information easily.
- [Sweden's Action Plan](#) does not have an explicit commitment on combatting disinformation and safeguarding fair elections, but it does mention other initiatives contributing towards OGP policy areas, **including an inquiry into a national effort for media and information literacy and the democratic conversation**. The inquiry’s mandate involves **increasing people’s resistance to disinformation, propaganda and online hate**. The mandate includes supplementing, reinforcing and spreading awareness of ongoing initiatives, spreading good examples of methods **that prevent and counteract disinformation, propaganda and online hate**, compiling and spreading knowledge of how digital **environments and spaces can help engage citizens and**

involve them in democracy, identifying knowledge gaps and analysing the need to continue initiatives in dialogue with affected actors.

- The **UK parliamentary committee's** report on disinformation and 'fake news' calls for policy measures such as mandating social media companies take down known sources of harmful content, including proven sources of disinformation. Meanwhile, some experts on civic rights frameworks such as the **International Center for Non-Profit Law** emphasize that while disinformation/fake news is a problem, the legal framework must ensure that the government is not the arbiter of what is the "truth." Content should be independently reviewed and should not be taken down unless the government meets the three requirements for restrictions on the freedom of expression.

WHERE DO WE GO FROM HERE?

- As noted by the OGP Independent Research Mechanism (IRM) in its [analysis of 2018-2021 Action Plan](#) : *"The quality and veracity of government-held information to which citizens have access is one of many factors contributing to the levels of trust they accord to democratic institutions. Another contributing factor (...) is the quality and veracity information circulating in the media sphere about government and public policy related matters."* To strengthen the impact of the "Healthy Democracy" commitment, in this new action plan, a special focus should be put on the development of consistent and authenticated governmental communications. Another key focus could be improving media and digital literacy in order to give them the tools to distinguish compromised information when they encounter it.
- The IRM researcher also suggested that *"a problem-centred approach toward tackling "campaigns of false information and "fake news", " (...) might focus, for example, on working in tandem with civil society organizations and other stakeholders to pilot initiatives aimed at investigating the impact robust open government data initiatives and programs have on countering disinformation and so-called fake news"*. Another key focus could therefore be partnering with diverse stakeholders to work on combating disinformation related initiatives. Continuing to strengthen policy and legal framework in partnership with the private sector and social media platforms could also be of interest.
- Beyond telling us their concerns around disinformation and fair elections, participants to consultations also emphasized that policy and program design, implementation, and evaluation of issues facing society could benefit from general open government values. Departments and civil society should thus also start thinking about concrete and actionable initiatives that would integrate the principles of open government to combat disinformation and safeguard fair elections, but that would also increase:
 - a. **Collaboration** across the Government of Canada, with provinces, territories and municipalities, and external stakeholders including academia, the non-profit sector, and the private sector is necessary.
 - b. **Meaningful engagement with stakeholders** to raise awareness and communicate decisions on policies and programs throughout the process, not only as a one-off or an afterthought.

- c. Integration of a **diversity, inclusion, and equity** lens into the design, implementation, and evaluation of policies and programs (e.g., applying Gender-Based Analysis Plus - GBA+) to all the development stages of the commitment.