

# ACMA misinformation report

## Fact sheet 2: code framework

The ACMA's misinformation report provides an overview of the Australian Code of Practice on Disinformation and Misinformation and an assessment of whether, in our view, it had met the expectations set out by the government as at the end of June 2021.

Our assessment of the code was drawn from submissions to the public consultation, discussions with DIGI, code signatories and other key stakeholders, and our expertise in code development.

### Key takeaways

#### Strengths of the code

- > The digital industry has come together to develop a single code of practice that should promote a uniform and consistent approach to dealing with both disinformation and misinformation.
- > The code uses an outcomes-based model, meaning it can accommodate a range of digital platform services and business models.
- > The code provides platforms with the flexibility to take action that is proportionate to the risk of harm.
- > The code is framed to address the Australian environment, meaning signatories commit to addressing potential harms to Australian users.
- > The code seeks to balance platform interventions with the freedom of expression and speech, the protection of users' privacy, and other rights.

#### Weaknesses of the code

- > The code uses complex definitions and technical jargon that may make it unclear to users and the general public.
- > The code has only 2 mandatory commitments, while the other commitments are opt-in. This provides a low minimum standard for collective industry action.
- > The definition of 'harm' in the code is too narrow, with signatories only required to take action against content if it is reasonably likely to result in 'serious' and 'imminent' harm.
- > The code excludes some services where misinformation or disinformation can propagate, such as private messaging services.
- > It is not clear whether issue-based advertising is excluded from the code.<sup>1</sup>
- > While the code includes example measures that platforms can adopt, these would benefit from more detail and applying across industry.

<sup>1</sup> Issue-based advertising includes sponsored and paid-for content that is intended to bring awareness to, advocate for, or call for action on certain topics that are widely discussed in the public sphere, such as political and social issues.

## Key areas for improvement

- > The code should implement an opt-out framework, with platforms permitted to opt-out of an outcome only if that outcome is not relevant to a signatory's service.
- > The harm threshold should be lowered to accommodate serious chronic harms.
- > Private messaging services should be included within the scope of the code as these are known vectors of disinformation and misinformation. These should be included with appropriate caveats on the right to privacy.
- > The code should address transparency in issues-based advertising.
- > The code should include industry-wide frameworks for developing and implementing individual platform measures. These could include criteria for assessing harm and news quality, processes for collaboration and information exchange, and standards for recommender systems.
- > Signatories should adopt a more uniform approach to annual reporting under the code to improve transparency over their measures and performance. This should include establishing KPIs for each outcome, including more localised data, and identifying areas for improvement.

## DIGI's activity post-ACMA report – governance and complaints

In October 2021, DIGI released details of the code's governance and complaints-handling arrangements.

### Complaints handling

- > DIGI has established a mechanism for receiving and considering complaints from the public about code compliance.
- > Complaints about possible breaches by signatories of their commitments under the code can be lodged on DIGI's website.
- > Complaints cannot be about specific content or accounts on a signatories' product or service. These must be lodged directly with the relevant signatory.
- > An independent complaints sub-committee will consider unresolved complaints about signatory compliance with the code's mandatory commitments (measures to address disinformation and misinformation, and annual reporting). Current committee members are Anne Kruger, Victoria Rubensohn and Christopher Zinn.
- > Complaints about voluntary commitments will be used to identify systemic issues rather than assessed individually.

### Independent review of platform reporting

- > An independent reviewer – Hal Crawford – has been appointed to fact-check platforms' annual reports. The independent reviewer can recommend how platforms can improve their reporting.

### Code governance

- > An administration sub-committee will monitor the actions taken by platforms to meet their obligations under the code, including under the complaints facility and in response to independent review of transparency reports.
- > A signatory steering group will make decisions about code administration matters, enabling non-DIGI members to have an equal say and separating DIGI's advocacy work from code governance functions.