



Cabinet Office

# Transparency in digital campaigning

Government response

[This response is published on 15 June 2021]



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# Foreword

Our democracy is built on transparent and informed debate. As set out in our 2019 manifesto, the Government is committed to protecting our democracy by upholding these traditions and ensuring our electoral system remains fit for the modern age.

However, there are growing concerns regarding the transparency of digital campaign material, which is threatening to have a negative impact on trust in the integrity of our electoral system.

That is why the Government is introducing a digital imprints regime, so that when voters engage with politics online they are clear who is promoting the campaign material and on whose behalf.

Last summer we published the consultation *Transparency in digital campaigning: technical consultation on digital imprints* on the proposed scope of the digital imprints regime. The purpose of this was to outline how the regime would operate in practice and gather feedback on the proposals.

We received 73 responses to the consultation from a wide range of stakeholders including the general public, technology companies, public bodies, civil society, political parties and others.

I am delighted with both the quantity and quality of stakeholder responses and I want to thank everyone who contributed.

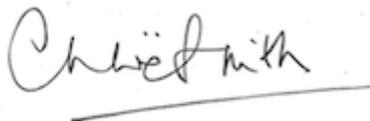
The feedback we received was positive, with respondents indicating support for most of the proposals. We have listened to this feedback and it has helped us decide how we take the policy forward.

The Government response that follows provides an overview of the feedback we received to each of the questions asked and a response detailing how the Government plans to take each proposal forward.

The detail of the policy has been a complex matter, and the Government has been keen to avoid restricting the free speech of individuals, or to avoid disproportionate measures which would discourage political volunteering or undermine democratic engagement.

Digital imprints are just one part of a package of measures that we are bringing forward to update our campaigning laws for the modern age and protect the integrity of our democratic processes.

These proposals represent a significant step forward and will make UK politics even more transparent. I am confident that they will support voters in making informed decisions about campaign material they are viewing online for years to come.

A handwritten signature in black ink, reading "Chloe Smith", with a horizontal line underneath it.

**Chloe Smith MP**

**Minister of State for the Constitution and Devolution**

# Introduction and contact details

The consultation paper *Transparency in digital campaigning: technical consultation on digital imprints* was published on 12 August 2020.

It invited comments on the proposed technical scope of the new digital imprints regime and closed on 4 November 2020.

This report is the post-consultation Government response and will cover:

- the background to the consultation;
- a summary of the responses to the consultation; and
- a detailed response to specific questions raised and how they influenced the development of the policy and its final shape.

An Impact Assessment (IA) has been produced which outlines the estimated impact of digital imprints on businesses and wider society. The IA is expected to be published alongside the relevant legislation.

Further copies of this report (including alternative format versions) and the consultation paper can be obtained by contacting [publiccorrespondence@cabinetoffice.gov.uk](mailto:publiccorrespondence@cabinetoffice.gov.uk).

This report is also available at [www.gov.uk/government/consultations](http://www.gov.uk/government/consultations).

## Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Cabinet Office at the above address.

# Background

The rise of digital campaigning was brought to the fore at the 2017 general election, which was characterised by record spending on digital advertising<sup>1</sup>. Following this, the Committee on Standards in Public Life conducted a review of the intimidation of participants in public life, such as parliamentary candidates and public office holders. In December 2017, the Committee published its report [Intimidation in Public Life](#) which highlighted the impact of social media in changing the way election campaigns are conducted. The report recommended electoral law be updated so that imprints currently required for print material are also required on online material.

With this in mind, the Cabinet Office launched the [consultation](#) *Protecting the Debate: Intimidation, Influence and Information* in July 2018. The consultation sought feedback on three proposals, one of which was introducing a digital imprints regime. The consultation stated that digital technology had “transformed campaigning with an increasing risk that the provenance of campaign material is less clear” and “allowing voters to see who is behind digital electoral material will help them to assess the credibility of campaign messages and make an informed choice on the arguments presented.”

The feedback to this consultation, published in the [Government response](#), indicated broad support for this proposal and in May 2019 the Government committed to introducing a digital imprints regime, noting “extending [imprints] to include digital communications is essential for promoting fact-based political debate and tackling disinformation online”.<sup>2</sup>

As a next step the Government committed to bringing forward a technical proposal on the regime. The Government then engaged intensively with the Electoral Commission, devolved administrations, social media companies, the Department for Digital, Culture, Media and Sport (DCMS) and other stakeholders on the potential scope of the regime.

Based on this engagement the Government launched [Transparency in digital campaigning: technical consultation on digital imprints](#) in August 2020, outlining a technical proposal for how a digital imprints regime would operate in practice and seeking feedback. The consultation closed in November 2020. This report is the Government's formal response to that consultation.

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<sup>1</sup> Electoral Commission, [Digital Campaigning Increasing Transparency for Voters](#), June 2018

<sup>2</sup> Cabinet Office, [Government safeguard UK elections](#), May 2019

# Summary of responses

We received 73 responses to the consultation in total, inclusive of both online survey responses as well as emailed-in contributions. The breakdown of responses by sector is as follows:

- General public: 35;
- Industry (technology companies): 5;
- Public bodies: 7;
- Civil society (e.g: academia, charities): 11;
- Political parties: 2;
- Others\*: 13

*\*Includes other private businesses, political campaign groups, current or prospective holders of elected office, trade associations or representative bodies, or any other groups or individuals unlisted here*

Overall, feedback to the consultation was positive, with respondents saying the regime would improve public confidence in campaigning, help to close a gap in transparency, and aid oversight and enforcement on the part of regulators and civil society. There were solid majorities in favour of most of the proposals.

Where concerns or new suggestions were raised the Government has taken the feedback into consideration when refining the policy proposal. The Government has also made some further adjustments to the policy which were not raised in the consultation document. Details of these are included in the responses to the consultation questions. We have also included a full summary of the final policy at the end of this response.

# Consultation questions and Government response

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*NOTE: The quantitative analysis included below only includes data from the online survey, or email responses whose format mirrored the online survey. Some email submissions provided responses in a different format; these were not included in the quantitative figures but informed the qualitative analysis.*

## Proposal 1: Extension of regime

**Question 1: Do you agree or disagree with this proposal for the extension of the imprints regime to digital election material?**

**Question 2: Please provide any further detail to explain your response here.**

The overwhelming majority of respondents, including 98% who answered the questions in the survey format, agreed or strongly agreed with the proposal to extend the imprints regime to digital election material. There was consensus across all stakeholder groups that transparency had always been at the heart of UK elections and referendums and that the law had not kept pace with the rapid growth of digital campaigning online.

This question generated a large amount of qualitative comments from members of the public, with one noting it “is plainly silly to have a law governing paper material and not one dealing with digital material.” The Electoral Commission stated it strongly supported this proposal and that its research with the public found evidence that concerns about transparency risked overshadowing the benefits of digital campaigning. Suffolk Constabulary stated that the proposal “puts digital material on the same footing as printed material which in today’s world is absolutely necessary.” In their response to the consultation, the Society of Editors stated they strongly support the Government’s proposal to extend the existing imprints regime to digital election material.

**Question 3: Do you agree or disagree that this regime will improve the transparency of digital election material?**

**Question 4: Please provide any further detail to explain your response here.**

90% of respondents who answered the survey agreed or strongly agreed that this regime will improve the transparency of election material.

The Association of Electoral Administrators strongly agreed with the proposal and stated digital imprints will allow for consistency and greater transparency. They also stated it will strengthen public trust and ensure voters are aware of who is behind a campaign or post. One member of the public stated the transparency of digital material will “assist in improving the accuracy of the statements and claims made” and “allow relevant bodies to audit more successfully”. Another member of the public stated that they “fully agreed. It would be wrong to allow anyone to spread any type of information, or better said any type of disinformation without having to support the consequences of their own actions.”

In their follow-up comments, a number of respondents, while welcoming the proposals, also suggested that the regime should go further. For example, the Constitution Unit at University College London (UCL) suggested that the introduction of a digital imprints regime was an important first step but insufficient alone given the fast-changing character of digital campaigning. It suggested that the Government should take further steps including improving the availability of high-quality information on elections to voters and the development and the implementation of a comprehensive digital media literacy strategy covering schools and the general public. Whilst out of scope of the consultation, some respondents also proposed online advert libraries.

#### **Government response [grouped questions 1,2,3 and 4]**

The Government is encouraged that the overwhelming majority of respondents support the introduction of a digital imprints regime and recognise that it will improve transparency over campaign material for voters. Our proposal will improve transparency in digital campaigning, meeting demand for greater clarity on who is behind digital campaign material and empowering citizens to make informed decisions.

We note that a number of respondents recommended that the regime should go further in a number of areas. The integrity of our elections is important and the Government is committed to increasing transparency so voters are supported in making informed decisions about the trustworthiness of information. The Government does not propose to require centralised libraries of content; this would be inconsistent with the approach taken for hard copy imprinted material, and would also impose significant burdens on campaigners during election periods. The policy goal is for transparency of authorship, not to regulate or manage the content of political advertising. Further to this, social media companies have already implemented measures to improve transparency, including the introduction of advert libraries and measures to prevent the purchasing of political adverts from overseas on their platforms, which we welcome. The Government continues to engage with social media platforms, regulators and other stakeholders to keep transparency rules under review and discuss the most effective and proportionate responses.

As outlined in the [response](#) to the Online Harms White Paper, the Government has also taken steps to address digital literacy in the relevant areas of the school curriculum and is committed to developing a new online media literacy strategy. These proposals will be outlined in due course.

#### **Question 5: What do you consider to be the main benefits of the digital imprints proposal?**

Respondents highlighted a number of benefits to the proposals, including: i) transparency for the public over the origins of campaign material all year around, and not just before an election; ii) greater accountability for campaigners and their spending; iii) reducing disinformation and fake news; and iv) increasing trust in politics.

#### **Question 6: Do you have any other comments on this proposal?**

Respondents made a number of additional comments on this proposal, including that: i) there should be limitations on the amount campaigners can spend on political advertising; ii) that the regime does not go far enough and there must be greater penalties for those who break the rules; and iii) that in order to be effective imprints must reveal who is really behind the material.

#### **Government response [grouped questions 5 and 6]**

The Government is pleased that respondents recognised the two main benefits of introducing a digital imprints regime, which are to i) increase transparency for voters over campaign material and ii) help the Electoral Commission and police better identify who is promoting campaign material and enforce the spending rules for candidates, political parties, recognised third parties and other campaigners.

Some respondents suggested that digital imprints would reduce disinformation and fake news and highlighted that “imprints must reveal who is really behind the material”. The digital imprints regime will increase transparency by ensuring that the imprint explicitly states who the promoter of the material is and who the material is being promoted on behalf of (if different from the promoter). This will allow voters to clearly identify who is behind the material they view online, empowering them to make informed decisions. Any promoter (or any person on behalf of whom the material is published, if not the promoter) failing to comply with the rules will be guilty of a criminal offence.

This policy sits alongside our wider work across the Defending Democracy programme to secure our democratic infrastructure and systems, strengthen the integrity of our democratic processes, encourage respectful participation in democratic life, protect the UK from foreign interference and tackle disinformation. We intend to bring forward new legislation to provide the security services and law enforcement agencies with the tools they need to disrupt hostile state activity. In May 2021 the Government launched the consultation *Legislation to Counter State Threats (Hostile State Activity)* which will close in July 2021.<sup>3</sup> The Government also recently published the full government response to the Online Harms White Paper consultation and the draft Online Safety Bill, which will tackle disinformation and other types of harmful content by establishing a new statutory duty of care to make companies take more responsibility for the safety of their users and tackle harm caused by content or activity on their services.

We also note that respondents suggested there should be limitations on the amount campaigners can spend on political advertising. The UK already has a robust system of spending limits for political parties, candidates and registered third-party campaigners including requirements for spending returns to be published. This includes spending on political advertising.

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<sup>3</sup>Home Office, [Legislation to Counter State Threats \(Hostile State Activity\)](#), May 2021

## Proposal 2: Material subject to the regime

**Question 7: Do you agree or disagree that the regime should be extended to registered political parties, registered third party campaigners, candidates, holders of elected office and registered referendum campaigners - both paid and unpaid (or 'organic') material?**

**Question 8: Please provide any further detail to explain your response here.**

The vast majority of respondents, including 96% of those who answered the survey, agreed or strongly agreed with this proposal. The main piece of qualitative feedback was that the regime should be as comprehensive as possible to ensure no campaigning material is without an imprint.

Suffolk Constabulary strongly agreed and stated that this proposal would be in line with current legislation for printed material and would avoid confusion. The Electoral Reform Society strongly agreed that the imprints regime should be extended to the campaigners outlined in the question as they are the primary actors involved in political campaigning. They also stated that the same actors are already required to submit spending returns, so requiring them to include an imprint on their online election material would make monitoring and enforcement of spend easier for those tasked with electoral finance regulation. The Association of Electoral Administrators also stated that extending the proposal to those outlined in question 7 would provide consistency, greater transparency and strengthen public trust. They also stated it would be simpler and less confusing with all categories treated in exactly the same way.

A number of respondents suggested the scope should be wider. One member of the public stated that the spending threshold for unregistered third party campaigners should be lower for online material. Best for Britain and the Constitution Unit at UCL suggested that the regime should be extended to all campaigners promoting unpaid material online, with the Constitution Unit noting that applying the same rule to paid and unpaid would make the regime simpler to understand. Another respondent noted that the regulatory framework must be able to keep pace with the rapid evolution of digital campaigning.

### **Government response [grouped questions 7 and 8]**

The Government welcomes this feedback and is encouraged that a large majority of respondents are content with those included within the scope of the regime. The Government has since updated the list of entities that will be required to include imprints on both their paid and unpaid material to: registered political parties, candidates, future candidates (see response to questions 9 and 10), holders of elected office, recognised third party campaigners, referendum campaigners and recall petition campaigners.

We have included these entities within the scope of the regime because they are the main producers of digital campaign material and because the nature of their involvement in public life and their access to wide audiences require a higher level of transparency.

We recognise there is concern that third parties spending under the current registration threshold would not have to include an imprint on their unpaid material, despite the fact this material could spread as effectively as that of recognised third parties. As such, the Government will legislate so that the regime will apply to a new 'lower tier' of third party campaigners who will be required to register with the Electoral Commission. This new lower tier will apply to third party campaigners who

intend to spend in excess of £10,000 across the whole of the UK during a regulated period but less than existing per-country registration thresholds. This means that any third party spending above £10,000 across the whole of the UK must include an imprint on their material and will result in fewer third parties being excluded from the requirement to include an imprint on their unpaid material.

**Question 9: Do you agree or disagree that the regime should be extended to prospective office holders (both paid and unpaid, or 'organic', material)?**

**Question 10: Please provide any further detail to explain your response here.**

The Government is encouraged that a large majority of respondents, including 90% who answered the survey, agreed or strongly agreed with this proposal.

The Electoral Commission agreed with the proposal and said that it would help voters to have additional transparency outside a formal campaigning period. One member of the public, who supported the proposal, said it was important for prospective office holders to be included to ensure the regime is comprehensive. The University of Manchester strongly agreed with the proposal however they also suggested further clarification was needed on what 'prospective' means formally and how it would be interpreted in practical terms during elections. The Liberal Democrats also agreed with the proposal as they suggested prospective office holders are a key part of any election campaign and it would be unusual to exclude them.

However, some respondents diverged with these opinions. The Conservative Party disagreed with this proposal, noting that there is no clear point at which an individual may become a prospective candidate, as opposed to being a local campaigner. They suggested this was especially the case in local government, where a local activist may describe themselves in their council ward as a 'local campaigner' or 'local newsletter editor' prior to nomination, but not as a 'prospective candidate'.

### **Government response [grouped questions 9 and 10]**

The Government has considered this feedback and will be extending the regime to prospective office holders, or 'future candidates'. As candidates only become formally recognised under the law at a relatively advanced stage in the electoral cycle, despite the fact they may have been campaigning long before then, there is a risk that the regime would create a substantial gap in transparency for voters.

To avoid this, we will be legislating to create a category of 'future candidates' as part of the scope of the regime. This approach would rely on individuals self-declaring their intention to run for an elected office at a particular election or someone else declaring on an individual's behalf (such as an agent or party). Examples of self-declaring could include announcing the intention to stand in a public speech or declaring it on a social media channel. Further examples of what may be considered self-declaration will be set out in statutory guidance so as to support compliance of future candidates, and those promoting material in support of future candidates, and make it clear when they need to include an imprint.

The statutory guidance is being introduced to assist campaigners with compliance with the law and will provide them with practical direction on how to follow the rules of the regime. The guidance will thus not only act as an important resource for campaigners as technology evolves but it will also help

the police and the Electoral Commission's enforcement of the regime. (see 'Section 8: Enforcement' for more information).

**Question 11: Do you agree or disagree that the regime should be extended to unregistered third party campaigners promoting paid material only?**

**Question 12: Please provide any further detail to explain your response here.**

The majority of respondents (70%) agreed or strongly agreed with this proposal while 18% disagreed or strongly disagreed and 12% neither agreed or disagreed.

One member of the public agreed this approach was right and said it would protect individuals expressing political opinions. Another member of the public agreed it was a "sensible balanced approach". The Electoral Reform Society also suggested the proposal would ensure that private individuals participating in open debate would not be required to display an imprint in their online posts. However they also acknowledged this should be kept under review once the regime is in place, to ensure political actors do not deliberately circumvent the regime by posing as private individuals or unregistered campaigners. Best for Britain agreed with the proposal and noted that the "requirement for transparency is mainly about identifying how money is spent to influence votes so excluding free 'organic' material from unregistered groups seems proportionate".

The main concern of those respondents who disagreed with the proposal was that excluding the unpaid, or 'organic', material of unregistered third parties would, in their words, create a 'loophole', for them to distribute campaigning material without an imprint and thereby avoid full transparency on its origins. The Electoral Commission suggested that the imprint should apply to any election or referendum campaign material that promotes an outcome, regardless of whether a campaigner has paid to promote or advertise it. The Electoral Commission also expressed concerns that campaigns that are designed to be shared 'organically' or 'virally' by supporters and are amplified by algorithms could otherwise leave an important loophole.

Fair Vote UK recommended that the regime should be widened to include all material promoted by unregistered non-party campaigners, whether the content is paid material or not, noting that unpaid content is also a significant source of misinformation and disinformation.

**Question 13: Do you agree or disagree with the distinction made in this proposal between paid and unpaid material?**

**Question 14: Please provide any further detail to explain your response here.**

Responses to these questions were mixed, with 43% of respondents both agreeing or strongly agreeing without providing any further comments.

Question 13 generated the highest level of disagreement from the entire survey with the Electoral Commission, the Association of Electoral Administrators, the Electoral Services Team at Wakefield Council, Fair Vote UK, a range of academics, the Liberal Democrats, Open Rights Group and others either disagreeing or strongly disagreeing with the distinction made between paid and unpaid material. These respondents said excluding the organic content of unregistered third parties would leave a gap in transparency and thought the distinction between paid and unpaid was arbitrary in light of the ability of unpaid material to be distributed as effectively as paid material. The All-Party

Parliamentary Group (APPG) on Electoral Campaigning Transparency also suggested material promoted on an organisation's online page can still be 'paid for', even if they have not paid the online platform to advertise it.

Other respondents agreed with the distinction between paid and unpaid material. Full Fact said the approach being taken was reasonable while the Constitution Unit at UCL agreed that on balance, the proposed distinction would seem to be the right one. The Electoral Reform Society echoed their response to question 12 and suggested the current distinction between paid and unpaid would strike the right balance between ensuring transparency in online campaigning and protecting free speech.

**Question 15: Do you agree or disagree that the regime should be expanded beyond what is considered election material (as set out in this proposal), to wider online political advertising?**

**Question 16: Please provide any further detail to explain your response here.**

Almost 80% of respondents agreed or strongly agreed with this proposal, with only 10% disagreeing or strongly disagreeing.

In the qualitative feedback, several respondents argued that all types of campaign material should have an imprint to ensure maximum transparency. One member of the public who strongly agreed with this approach, stated "political campaigning seems to be a year round activity, so to enable there to be a comprehensive approach I would include wider online political advertising". The APPG on Electoral Campaigning Transparency strongly agreed with this proposal and noted that 'campaigning' is increasingly becoming a permanent feature of the political environment and the new rules for digital imprints must reflect this. This feedback is consistent with the response from the Society of Editors who stated it is "essential that imprints are expanded beyond what is considered election material to wider print and online political advertising".

The Electoral Reform Society did not agree or disagree with this proposal, noting that there was no agreed definition of what online political advertising is and that extending the regime to such material would need to be subject to careful consideration to take into account the political campaigning that happens outside of election periods and avoid any potential chilling effects on free speech.

Some respondents, however, strongly disagreed. Best for Britain argued that an organisation or individual that does not intend to take an election stance should not be penalised for using its right to campaign freely for or against a policy, whether in or out of election periods.

### **Government response [grouped questions 11,12,13,14,15 and 16]**

In line with the feedback received in response to questions 15 and 16, the Government has updated the scope of the regime to go beyond 'election material/publications' as set out in the Political Parties, Elections and Referendums Act 2000 (PPERA) and the Representation of the People Act 1983 (RPA) for the print regime. The regime will extend to paid-for electronic material ('digital political material') which includes electronic material that can reasonably be regarded as seeking to influence the public to give support to, or withhold support from, a registered political party, holder of an elected office, candidate, future candidate, (the holding of) a referendum (in the UK or any part of the UK) or particular outcome in a referendum, as well as other electronic material. 'Other electronic material' is organic or unpaid material that can reasonably be regarded as intended to promote or procure electoral success at any relevant election for registered political parties or candidates at a relevant

election (hereafter 'digital election material'); material that wholly or mainly relates to a referendum (in the UK or any part of the UK) during the referendum period (hereafter 'digital referendum material'); and material which can reasonably be regarded as intended to promote or procure the success or failure of a recall petition (hereafter 'digital recall petition material').

Under the digital imprints regime, all paid for (i.e paid to be advertised) digital political material will require an imprint, regardless of who it is promoted by.

The Government's intention is that digital political material, unlike election material under the print regime, is not solely linked to seeking to promote or procure electoral success at a particular election. Therefore it captures a wider range of material in comparison to the print regime. Offline campaigning is generally more confined to election periods and therefore the imprints rules in respect of print material only apply to 'election material' and election publications (material seeking to promote or procure electoral success). In contrast, digital campaigning, in part due to its cost effectiveness, tends to take place all year round and is rarely confined to close proximity with electoral events. A digital imprints regime applying only to electronic material in relation to specific electoral events would therefore exclude a large amount of campaigning taking place outside of electoral periods and fail to give effect to the objective of bringing transparency all year around for voters.

The Government acknowledges that feedback to questions 11 to 14 was mixed and that many respondents did not agree with the proposal to exclude the unpaid material of unregistered third parties from the regime, or more generally, the distinction the Government has made between paid-for and other (unpaid) material. The Government has carefully considered this feedback and engaged further on this matter with social media companies and the Electoral Commission.

The purpose of the digital imprints regime is to ensure that digital campaigning material that is political in nature and aimed at seeking to influence the public to support (or not support) political entities is regulated and transparent for voters. It is important to balance this aim against the risk of creating barriers to democratic debate and participation. The regime is not aimed at regulating free speech or personal opinions from members of the public who want to engage with politics online. Removing the distinction between paid-for and other (unpaid) material would risk capturing members of the general public expressing support for a particular party or candidate. Any attempt to guard against this through the inclusion of a personal opinion exemption would be extremely difficult to enforce effectively for the authorities and would risk both hampering democratic debate as well as undermining the credibility of the regime.

Therefore, under the proposed regime certain specific political entities (registered political parties, candidates, future candidates, recognised third-party campaigners, referendum campaigners, holders of elected office and recall petition campaigners) will also be required to include an imprint on their 'other electronic material' (organic or unpaid material), if the material can reasonably be regarded as digital election material<sup>4</sup>, digital referendum material<sup>5</sup> or digital recall petition material<sup>6</sup>.

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<sup>4</sup> Material which can reasonably be regarded as intended to promote or procure electoral success at any relevant election for registered political parties (as defined in section 143A of the Political Parties, Elections and Referendums Act 2000 (PPERA),) or electoral success for candidates at elections (as defined in section 110 of the the Representation of the People Act (RPA) 1983).

<sup>5</sup> Material wholly or mainly relating to a referendum during the referendum period (as defined in section 126 of PERA).

<sup>6</sup> Material which can reasonably be regarded as intended to promote or procure the success or failure of a recall petition (as defined in the Recall of MPs Act 2015 (Recall Petition) Regulations 2016, regulation 131).

The digital imprints rules will be in place all year round. However, due to the narrower range of material in scope on the unpaid side of the regime (digital election, referendum or recall petition material), we expect 'other electronic material' will mostly be published ahead of an election, when this type of campaigning material is more likely to be shared online.

This approach will ensure the regime is enforceable and avoids stifling political debate by running the risk of capturing the general public expressing personal political views.

**Question 17: Do you agree or disagree that the digital imprints rules should apply to all forms of elections and referendums (beyond those already listed in the proposal and excluding devolved elections and referendums)?**

**Question 18: Please provide any further detail to explain your response here.**

88% of respondents either agreed or strongly agreed with this proposal, with only 2% of respondents disagreeing or strongly disagreeing.

In their qualitative feedback respondents noted that i) it was important for the principles of transparency and accountability that the regime applied across all elections and referendums and ii) consistency across elections would make it easier for campaigners and voters to comply with and understand the rules.

The Association of Electoral Administrators strongly agreed, and stated this proposal will ensure consistency of approach for all elections, but said that clear additional guidance on the rules for digital imprints would be required, with a particular focus on new or inexperienced candidates and political parties, to ensure the imprints rules are not unintentionally broken. The Constitution Unit at UCL strongly agreed with this proposal and stated that applying the rules to all forms of elections and referendums would ensure that campaigners and voters have to understand only one set of rules, rather than various rules. This would in turn ease and bolster compliance.

The Liberal Democrats, who also strongly agreed, noted this approach would aid compliance by standardising the rules across different elections and referendums and improve transparency for voters across all types of elections.

**Question 19: Do you have any other comments on this proposal?**

A few respondents provided additional comments on this proposal. The Association of Electoral Administrators said that clear rules about the reporting process for any suspected breaches would be needed, urging the Government to issue clear guidance on how complaints should be addressed to and noting that Returning Officers would be unable to bear any additional burden relating to policing the new requirements.

### **Government response [grouped questions 17,18 and 19]**

The Government's aim is for the digital imprints regime to operate on a UK wide basis, so that the regime applies to all elections and referendums across the UK. This includes all reserved and devolved elections across the Union which will allow voters in all parts of the UK to benefit from the same levels of transparency. As stated in response to questions 11-16, the paid-for side of the regime will be even broader than this in scope, as it applies to all digital political material.

## Proposal 3: Details on the imprint

**Question 20: Do you agree or disagree with the proposal on the details to be contained within the imprint i.e. the name and address of the promoter of the material and the name and address of any person on behalf of whom the material is being published?**

**Question 21: Please provide any further detail to explain your response here.**

**Question 22: Do you have any other comments on this proposal?**

The Government is pleased that the majority of respondents (95%) agreed or strongly agreed that the details within the imprint should mirror those for the print regime. Many of those who agreed or strongly agreed with this proposal said it was essential the imprint contained details of the individual promoting the material and of the individual or organisation on behalf of whom the material is promoted (if different from the promoter) to ensure maximum transparency.

Fair Vote UK agreed with the proposal but said it should be clear who paid for the material to be promoted and suggested the imprint should contain information about why and how the person viewing the material was targeted. The Constitution Unit at UCL, strongly agreeing, said the proposal is consistent with the print regime where it has worked effectively and that this is therefore appropriate. The National Police Chiefs' Council (NPCC) agreed with this proposal noting that it will provide transparency for voters. The Liberal Democrats strongly agreed with the proposal but said PO boxes should not be an acceptable alternative as it could reduce transparency.

One member of the public disagreed with this proposal and argued that they would prefer to see the party's name and Electoral Commission registration number (where applicable) on the imprint rather than the promoter's details, as they argued that election agents now played a less prominent role in elections.

Snap Inc expressed concern about the requirement to include the physical address of the promoter within the digital imprint, noting that in the context of mobile-only platforms advertisers have a relatively small, vertical window in which to display engaging advertising content. They proposed that in order to avoid disproportionately penalising advertisers using mobile only online platforms, these platforms should be exempted from the requirement to display the physical address of an advertiser in the digital imprint.

### **Government response [grouped questions 20, 21 and 22]**

The Government is encouraged that the majority of respondents are content with the proposed details to be included within the imprint, however we recognise that a range of opinions were expressed on this matter.

To ensure maximum transparency on the individuals or organisations on behalf of whom electronic material may be promoted the requirements of the details to be included in the imprint will now include:

- a. the name and address of the promoter of the material;
- b. the name and address of any person or organisation on behalf of whom the material is being promoted (if different from the promoter).

The Government believes the requirement to include an address in the imprint is important for transparency and for effective enforcement of the regime. However, the Government also recognises that some campaigners may not wish to disclose their residential address to the public. Therefore, the statutory guidance will set out a range of permitted addresses which campaigners can use as an alternative to their home address, including PO boxes.

## Proposal 4: Location of the imprint

**Question 23: Do you agree or disagree with the proposal for the location of the imprint - that the imprint must be located as part of the material where it is practical to do so and where it is not practical, must be accessible from the material?**

**Question 24: Please provide any further detail to explain your response here.**

The Government is pleased that a majority of respondents (75%) either agreed or strongly agreed with this proposal. However, we note that 18% disagreed or strongly disagreed, and that some of those respondents who were content with this proposal expressed concerns in their follow up comments.

A number of respondents, including the Electoral Commission, the APPG on Electoral Campaigning Transparency, civil society organisations, academics, and members of the public, suggested this proposal was insufficiently robust as it did not require the imprint to be on the material in all circumstances. Some respondents, particularly members of the public, went further and characterised it as a loophole that dishonest actors would exploit to avoid being fully transparent.

Twitter noted that overly burdensome requirements could incentivise some users not to Tweet about political issues - either because it would appear cluttered, or because users would not wish for their own personal information to be included on campaign material. Verizon Media said that they agreed it must be the responsibility of the promoter to display imprints and make them publicly accessible. They also said it should be a specific obligation on promoters to actively raise public awareness of the location of its imprints and find creative ways to signpost users to it.

### **Government response [grouped questions 23 and 24]**

The Government notes the extensive feedback we received from a range of stakeholders to this proposal.

Our proposal will not give campaigners the option of choosing whether to include an imprint in the material they promote or elsewhere. Promoters will be required to ensure imprints are displayed as part of the material. Only when this is not reasonably practicable, the imprint may be located elsewhere but must be directly accessible from the campaign material. For example, given Twitter's character limit, the imprint may need to be available on the user's profile page. This flexibility is essential to ensure campaigners are able to comply with the rules regardless of the platform being used by the promoter, which therefore ensures the public are benefitting from the increased transparency across the various sites through which they access material. Whilst the regime will allow a degree of flexibility for campaigners using a variety of digital platforms, the authorities will have the powers to enforce the regime and determine where campaigners are in breach of the rules for not taking all reasonable steps to include an imprint directly in the material.

Campaigners will also be required to ensure their imprint is clearly legible or audible and replicable (in case the material is re-published by someone else). This means the imprint must remain as part of the material and must not be capable of being distorted or removed during the process of republishing. The statutory guidance will provide practical direction to campaigners on how to follow the rules regarding the location of the imprint across different types of material.

### **Question 25: How do you think digital platforms can facilitate campaigners to include imprints?**

Respondents made a number of suggestions to this question, including i) using digital watermarks on the material; ii) ensuring the imprint always appears clearly via the user interface; iii) requiring platforms to prompt promoters to include an imprint when uploading material; iv) embedding imprints in the content, like metadata in images; and v) providing for interactive or clickable rather than static imprints. Whilst the Electoral Commission is not a digital platform, a further suggestion included requiring imprints to be stored centrally on their website.

The APPG on Electoral Campaigning Transparency suggested that the Government's position that "platforms should be encouraged to facilitate compliance for campaigners" with respect to including an imprint using their platforms was too weak and proposed that instead digital platforms should be legally mandated to do so.

### **Question 26: Do you have any other comments on this proposal?**

The Government received few responses to this question. A member of the public suggested that there should be rules about font sizes and visibility of the imprint, including ensuring there is adequate contrast between the foreground and background. The Association of Electoral Administrators suggested the Government should work with key media platforms to support transparency and take action on reported breaches.

### **Government response [grouped questions 25 and 26]**

The Government welcomes the range of suggestions received in response to question 25 and 26 and encourages digital platforms to design their own platform-centric solutions with this feedback in mind. Under the digital imprints regime, only the promoter or person or organisation on behalf of whom the material is promoted, rather than the digital platform the material appears on, will be legally responsible for ensuring that an imprint is present. Platforms and third parties will be encouraged to facilitate compliance for campaigners by establishing their own solutions, but they will be under no obligation to do so. The Government does not support putting a legal duty on platforms to ensure campaigners put an imprint on electronic material in scope of the regime before it is uploaded. This is because it would not be right to expect digital platforms to be the judge of what electronic material requires an imprint. It will be the authorities (the Electoral Commission and the police) who will consider whether material requires an imprint. However, under our regime digital platforms will be required to take down content that breaches the rules, if they have been notified of it by the courts or the Electoral Commission. If they fail to comply without a reasonable excuse, the digital platforms will be liable for a criminal offence.

The Government is aware of the issue of font sizes (which has been raised in the context of print imprints) and has given it consideration, however we will not be introducing rules regarding text sizes (other than to require that the imprint must be legible) as it would fail to provide enough flexibility for

campaigners who have to adapt to different platforms and devices. The statutory guidance will provide further guidance to campaigners on this matter.

## Proposal 5: Appearance of the imprint

**Question 27: Do you agree or disagree with the proposal for what the imprint should look like - permanent, embedded and visible/audible, clearly readable/legible/audible and replicable?**

**Question 28: Please provide any further detail to explain your response here.**

There was strong support for this proposal with 90% of respondents agreeing or strongly agreeing with it. In line of other positive comments we received, a member of the public noted that it was essential voters could easily access and view the imprint, regardless of the device they are using or how it is being presented.

The Constitution Unit at UCL agreed with the proposals but said where the information is accessible via a link, the link itself should meet the same requirements of permanence, legibility/audibility, and replicability as the imprint itself. Full Fact said that when the regime is launched there should be specific guidance regarding the appearance of the imprint to avoid some campaigners producing misleading imprints.

**Question 29: What would campaigners need from digital platforms in order to comply with the rules?**

There were a range of responses to this question. The Electoral Commission suggested digital platforms should provide campaigners with the tools and functionality they need to easily add a full imprint onto all their campaign material. A few members of the public agreed with the Electoral Commission, noting digital platforms should agree to provide support to enable compliance, for example by automating the process of including an imprint so it is easier to achieve. The University of Manchester suggested digital platforms should introduce a legal checklist for users to complete prior to material being posted that requires them to confirm they have met the imprint appearance requirements.

**Question 30: Do you have any other comments on this proposal?**

There were a limited number of additional comments on this proposal. The University of Sheffield, whilst strongly agreeing with the proposal, asked if it would be possible to consider use of a kitemark or logo that could link to additional information on another page, or that could provide pop-up information when hovered on. They noted this approach could minimise space requirements.

### **Government response [grouped questions 27, 28, 29 and 30]**

The Government recognises the high level of support for this proposal across all stakeholder groups. Promoters or the person or organisation on behalf of whom the material is promoted (if different from the promoter) will be responsible for the appearance of the imprint on their material. As stated in response to questions 23-24, promoters will be required where reasonably practicable to include an imprint with the required information and that it is clearly legible or audible and replicable. The imprint must also be automatically retained as part of the material. The statutory guidance will provide further guidance on this.

Regarding questions 29 and 30, please refer to the response provided to questions 25 and 26.

## Proposal 6: Re-publishing of election material

**Question 31: Do you agree or disagree with the proposal for the re-publishing or 'sharing' of material?**

**Question 32: Please provide any further detail to explain your response here.**

**Question 33: Do you have any other comments on this proposal?**

Respondents were broadly supportive of this proposal with 78% either agreeing or strongly agreeing with it, although 10% disagreed or strongly disagreed with it.

The Electoral Commission agreed with this proposal noting that it would address a potential loophole in the rules and deter campaigners from publishing or recirculating campaign material without an imprint. The Conservative Party also agreed but noted it was important not to discourage genuine sharing of information by individuals. Full Fact suggested it should be made explicit that the re-publishing of material that already has an imprint would not require a new one.

### **Government response [grouped questions 31, 32 and 33]**

The Government is pleased that a majority of respondents expressed support for this proposal, however the qualitative feedback we received indicated there was some confusion about the scope of these proposals.

The Government's proposal is that the re-publishing or sharing of electronic material within the regime will not generally require a new imprint. However, it may do so if the promoter materially alters the material they are re-publishing, such that it should be considered new material. An imprint is also required if the material being re-shared had not previously required an imprint but is then shared in circumstances where the material is then within the regime (e.g. by a promoter on the list of political entities that require an imprint on their unpaid material or if the material is re-shared as paid for advertising).

This proposal will ensure that most people who are re-publishing electronic material will not have to put a new imprint on the material (although the original imprint should be retained), whilst ensuring that no loophole is created.

## Proposal 7: Territoriality

**Question 34: Do you agree or disagree with the proposal that the regime will apply to all election material regardless of where it has been promoted from?**

**Question 35: Please provide any further detail to explain your response here.**

**Question 36: Do you have any other comments on this proposal?**

90% of respondents either agreed or strongly agreed with this proposal, with only 4% disagreeing or strongly disagreeing. There were a number of supporting qualitative comments to this proposal.

The Electoral Reform Society, which strongly agreed, said the shift to online campaigning made the country of origin irrelevant with regards to paying and promoting political material. The Electoral Commission said that exempting material that originates overseas would create an obvious loophole. Open Rights Group and multiple members of the public also echoed this sentiment.

Best for Britain, a campaigning group, also strongly agreed, but said that enforcement would be difficult and that the Government and Electoral Commission should engage with digital platforms to tackle this. A member of the public agreed with this sentiment, querying how the Government would be able to enforce and prosecute the law if an individual or organisation was in a foreign territory.

Facebook said that under its current rules for political advertising any user who wishes to run adverts about social issues, elections or politics in the UK must go through an authorisation process to verify their identity.

### **Government response [grouped questions 34, 35 and 36]**

#### Territoriality

The Government welcomes the strong support for this proposal. We have held discussions with election regulators in other countries like Australia and Canada which also have digital imprints laws in place. We were encouraged that the major platforms have cooperated with their enforcement of the rules. In its consultation response the Electoral Commission also noted that they have found that overseas organisations, including international companies and state bodies, have cooperated with them as the UK regulator and complied with the legal requirements across the UK at major electoral events.

As stated in response to questions 25 and 26, to assist with the effective enforcement of the regime regardless of where in the world material is promoted from, digital platforms will be required to remove or disable infringing content at the direction of the courts (or in certain cases the Electoral Commission). Anyone who received a take down notice (i.e digital platforms) and fails to comply without a reasonable excuse will then have committed a criminal offence.

## **Section 8: Enforcement**

*Please note section 8 was not based on a policy proposal in the consultation document.*

**Question 37: Do you agree or disagree that the relevant authorities are in a position to effectively enforce digital imprints?**

**Question 38: Please provide any further detail to explain your response here.**

Whilst 40% of respondents either agreed or strongly agreed that the authorities could effectively enforce the regime, 32% disagreed or strongly disagreed with this statement and 28% said they neither agreed nor disagreed, generating the second highest level of disagreement from the survey. In terms of qualitative feedback, this question generated a large volume of stakeholder comments.

The Electoral Reform Society, NPCC, APPG on Electoral Campaigning Transparency and Fair Vote UK all suggested that the Electoral Commission act as the primary enforcement body for the regime, enforcing the rules on both the political party and candidate side. The APPG suggested the current division of enforcement was confusing while the Electoral Reform Society stated it was disjointed and outdated.

The NPCC also expressed concerns about the degree of coordination that would be required between police forces in relation to digital imprints given the challenge of overlaying the digital landscape onto the responsibilities of regional police forces. In addition, they suggested that it would be difficult for them to proactively monitor possible breaches of the rules.

Best for Britain, the University of Sheffield and a number of voters raised separate concerns regarding the capacity of the Electoral Commission to enforce compliance with the regime. Best for Britain suggested the Electoral Commission does not currently have the resources to effectively monitor digital campaigning in real-time, and that it should have its funding increased in order to do so. Multiple members of the public said that the Electoral Commission does not have the powers, capacity or skills to enforce the rules, noting that the current penalties regime they operate (civil sanctions) was insufficient to deter non-compliance.

The Liberal Democrats and some other members of the public had a slightly different perspective on the enforcement challenge, noting that effective enforcement of the regime by the authorities would require cooperation from social media platforms.

### **Government response [grouped questions 37 and 38]**

The Government notes the range of opinions expressed on this matter and acknowledges that a significant proportion of respondents expressed concern that the authorities are not in a position to effectively enforce the regime. The Government has considered this feedback and engaged further with stakeholders on this.

To ensure consistency with wider electoral law the Government will maintain the broad division of responsibilities that currently exist between the police and the Electoral Commission for the print regime. As with the print regime, breaching the digital imprints rules will be a criminal offence, subject to a potentially unlimited fine imposed by a court in England and Wales. Upon conviction in Scotland or Northern Ireland, a fine would not exceed level 5 on the standard scale and would therefore not be an unlimited fine. The Electoral Commission will have the option to impose a civil sanction instead of referring the matter to the police to pursue a criminal prosecution where it is considered appropriate.

In order to aid the Electoral Commission's and police's ability to enforce the digital imprints regime most effectively, the Government will introduce a general duty on any organisation or person to share information with the Electoral Commission and police when requested in support of the enforcement of digital imprints. The statutory guidance will also be an important resource for the authorities.

As highlighted in response to questions 25, 26, 34, 35 and 36, the regime will also provide a notice and take down rule whereby digital platforms must remove content that does not have an imprint, or which has an incorrect imprint, once they have knowledge of it from the courts (or Electoral Commission). If they fail to comply without a reasonable excuse they are liable for an offence themselves.

The Government believes that these combined powers will enable the Electoral Commission and police to effectively enforce the regime. The Government does not support the suggestion that the Electoral Commission should act as the primary enforcement body for the regime and believes maintaining the current split in responsibilities between the police and Electoral Commission (which exists for the print regime) represents a proportionate and practical approach to enforcement.

**Question 39: Do you agree or disagree that civil sanctioning powers should be extended for use in relation to offences committed concerning election material in support of candidates?**

**Question 40: Please provide any further detail to explain your response here.**

**Question 41: Do you have any further comments on this section?**

A large majority of respondents (85%) either agreed or strongly agreed with this proposal, while only 5% said they disagreed or strongly disagreed.

The Electoral Commission, which agreed with this proposal, noted that civil sanctions for candidate offences would act as a proportionate alternative tool to criminal prosecution for dealing with imprint offences and flagged that it had long recommended that an equivalent civil sanctions approach should be put in place for some candidate offences in the Representation of the People Act 1983.

Who Targets Me stated that most breaches will be accidental or careless and for intentional breaches a sliding scale of penalties (akin to a civil sanctioning regime) would be appropriate. The Association of Electoral Administrators strongly supported this proposal noting that if civil sanctioning powers were not extended to candidate offences there would be no deterrent to breaking the rules.

In addition to this feedback, a large number of members of the public were highly supportive of this proposal with the broad consensus being that enforcement needed to be comprehensive and robust to ensure the regime had credibility.

The Conservative Party was one of the respondents that did not agree with this proposal. They stated that this approach risked over-zealous enforcement and that the current system in practice discourages disproportionate application for minor breaches. They also suggested it could have the negative effect of discouraging local democratic engagement.

### **Government response [grouped questions 39, 40 and 41]**

The Government notes the strong support from respondents for this measure. We have carefully considered this feedback and engaged further with stakeholders on this matter.

The Government has decided to replicate the existing enforcement structure for candidate offences in relation to print material. This means that candidate offences will continue to be enforced by the police and civil sanctioning powers will only be available to the Electoral Commission in relation to material concerning political parties or the holding of a referendum or outcome of such a referendum. Evidence from the print regime suggests that the police already enforce candidate offences proportionately and effectively and therefore the Government believes the current approach would work equally well for the digital imprints regime.

## Section 9: Regulatory costs and benefits to business

*Please note section 9 was not based on a policy proposal in the consultation document.*

Section 9 of the consultation asked respondents questions in relation to the potential financial cost of the regime on their business or organisation. Best for Britain and Who Targets Me responded to this section of the consultation and suggested there would be financial (or other) costs associated with the proposed regime, to their organisations. An unnamed public body also responded to some of the questions in this section but stated it did not anticipate any costs.

In their response to this section, Who Targets Me suggested the regime would result in familiarisation costs, and some additional design and production costs. They stated they did not expect these to be onerous for an organisation of their size. Best for Britain said that additional costs would include “training and staff time taken updating processes for social media content creation and management, additional design costs in updating templates and internal compliance monitoring”. They also suggested there could be longer production times as decisions will need to be made as to whether content meets the imprint tests and they would then need to ensure the content is compliant before being published. Despite the anticipated increase in costs, Best for Britain highlighted the “clear benefit, though, not just in terms of transparency itself but in the perceived transparency and trustworthiness of election campaigners, the democratic process and its regulator”.

### **Government response [grouped questions 42, 43, 44, 45, 46, 47 and 48]**

There is currently limited available evidence on how campaigners will respond to this measure and therefore it is difficult to accurately quantify the impact of this policy. The projected costs of implementing the measures in the legislation will be published as part of the Impact Assessment alongside the relevant legislation.

The Government has engaged separately with social media companies to understand the regulatory impact of this policy, for example, of them having to remove content that does not have an imprint at the direction of the authorities.

# Summary of final policy

- The digital regime: Under the new regime, all paid-for electronic material will require an imprint, regardless of who it is promoted by. 'Paid-for electronic material' ('digital political material') is electronic material that can reasonably be regarded as seeking to influence the public (or any section of the public) to give support to, or withhold support from, a registered political party, holder of elected office, candidate, future candidate, (the holding of) a referendum (in the UK or any part of the UK) or particular outcome in a referendum.
- Electronic material includes but is not limited to: written text; videos; digital posters or banners; animated or moving images; static images; and audio recordings. The types of digital platforms that would contain such material are likely to be: social media platforms; video sharing platforms; content of websites or equivalent apps; website advertising; search engines; emails; digital streaming services; and podcasts. This does not include telephone calls or SMS messages, due to the impracticality of including an imprint in such a medium.
- The following specific political entities (or anyone acting on behalf of one of the following entities) will also be required to include an imprint on their 'other electronic material' (organic or unpaid material), if the material can reasonably be regarded as digital election material, referendum material or recall petition material (defined below):
  - registered political parties
  - recognised third-party campaigners
  - candidates or future candidates
  - holders of elected office
  - referendum campaigners
  - recall petition campaigners

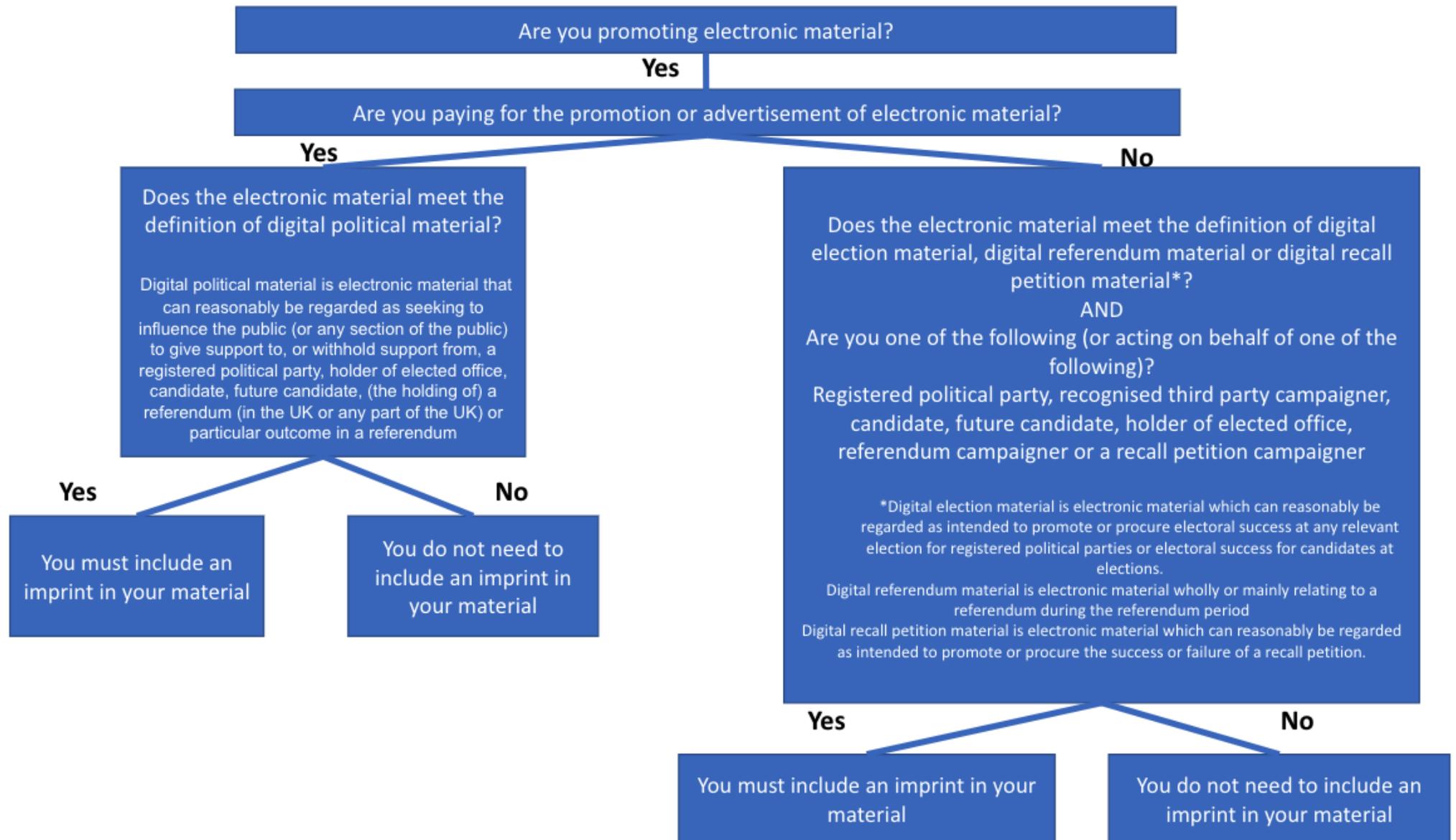
As stated above, the regime will also apply to future candidates; individuals whose intention to stand as a candidate at a forthcoming election has been declared, but whose formal candidacy has not yet officially begun. This approach would rely on individuals self-declaring as intending to run for an elected office or someone else declaring on an individual's behalf (such as an agent or party). Examples of self-declaring could include announcing the intention to stand in a public speech or declaring it on a social media channel.

'Other electronic material' (unpaid or organic material) for the purposes of the regime incorporates material which can reasonably be regarded as intended to promote or procure electoral success at any relevant election for registered political parties or candidates at a relevant election ('digital election material'); material that wholly or mainly relates to a referendum (in the UK or any part of the UK) during the referendum period ('digital referendum material'); and material which can reasonably be regarded as intended to promote or procure the success or failure of a recall petition ('digital recall petition material').

The digital imprints regime will apply all year round to reflect the way digital campaigning operates and differs from offline campaigning practices. Any promoter failing to comply with the rules will be guilty of a criminal offence, subject to a potentially unlimited fine imposed by a court in England and Wales. Upon conviction in Scotland or Northern Ireland, a fine would not exceed level 5 on the standard scale.

- Enforcement: The Electoral Commission and police will share responsibility for enforcing the regime. The police will be responsible for material relating to candidates, future candidates and holders of elected office. The Electoral Commission will be responsible for material relating to political parties and in relation to referendum campaigns. Breaching the rules will be a criminal offence. The Electoral Commission will have the option to impose a civil sanction instead of criminal prosecution where relevant and it is considered appropriate.
- Details on the imprint: The imprint should state the name and address of the promoter of the material and the name and address of any person or organisation on behalf of whom the material is being promoted (if different from the promoter).
- Location of the imprint: Campaigners will be required to include an imprint on all electronic material within the scope of the regime. If not reasonably practicable, then the imprint must be located in an alternative location which is readily and directly accessible to the user from the electronic material.
- Statutory guidance: There will be statutory guidance drafted by the Electoral Commission, reviewed by Ministers and approved by Parliament, in line with the approach taken on other Electoral Commission statutory guidance. The statutory guidance will be aimed at campaigners and the authorities (both the Police and the Commission) with practical directions on how to follow the rules and enforce the regime.
- Appearance of the imprint: The promoter or person or organisation on behalf of whom the material is being promoted (if different from the promoter) will be responsible for taking all reasonable steps to ensure that the imprint is legible or audible and replicable regardless of the platform the material is accessed on.
- Re-publishing of electronic material: The re-publishing or 'sharing' of most electronic material will generally not require a new imprint. However it may do so if the campaigner in scope of the regime substantively alters the electronic material they are re-publishing or if the material being re-shared had not previously required an imprint but is then shared in circumstances where the material is then within the regime.
- Exemptions: There will be exemptions from the regime. These will include material published for journalistic purposes and party political broadcasts or referendum campaign broadcasts.
- Territoriality: The Government's aim is that the regime will operate on a UK-wide basis. It will also apply to material irrespective of the country from which it is promoted.
- Duty to share: There will be a general duty on any organisation or person to share information with the Electoral Commission and police when requested in support of the enforcement of the digital imprints regime.
- Notice to take down infringing material: Following a conviction for a digital imprints offence, the courts (or Electoral Commission) may issue digital platforms with a notice to take down or to disable access to infringing material.





Material subject to the digital imprints regime

# Conclusion and next steps

The Government has carefully considered all the responses we received and would like to thank respondents for taking part in this consultation exercise.

Respondents were clear that they supported the introduction of a digital imprints regime and that it would improve transparency over campaign material. The feedback we have received has been helpful in assisting us in finalising the scope of the policy so as to ensure it delivers on its objectives and works for all those stakeholders affected by it.

Respondents will note that we have made a number of adjustments to the policy in response to their feedback. The Government is confident that it has now settled on a proportionate and practical regime that improves transparency, protects democratic debate but which is also deliverable and practically enforceable.

The Government announced in the recent Queen's Speech that it intends to introduce a digital imprints regime as part of an Elections Bill. We will announce further details regarding implementation of these measures in due course.



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