



**An Bille um Fhógraíocht Ar-Líne agus na Meáin Shóisialta (Trédhearcacht),
2017**

Online Advertising and Social Media (Transparency) Bill 2017

Mar a tionscnaíodh

As initiated



**AN BILLE UM FHÓGRAÍOCHT AR-LÍNE AGUS NA MEÁIN SHÓISIALTA
(TRÉDHEARCACHT), 2017
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ACTS REFERRED TO

Electoral (Amendment) (Political Funding) Act 2012 (No. 36)

Electoral (Amendment) Act 2001 (No. 38)

Electoral Act 1992 (No. 23)



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(TRÉDHEARCAHT), 2017
ONLINE ADVERTISING AND SOCIAL MEDIA (TRANSPARENCY) BILL 2017

Bill

entitled

An Act to provide for transparency in the disclosure of information in online political advertising; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Online Advertising and Social Media (Transparency) Act 2017.

(2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

Definitions

2. (1) In this Act—

“bot” means any item of software which is programmed to run automated tasks on an online platform;

“Minister” means the Minister for Communications, Climate Action and Environment;

“multiple online presences” means 25 or more accounts or profiles on any online platform;

“online advertising” means any communication which is placed or promoted for a fee on an online platform;

“online platform” means any website, web application, or digital application (which shall include a social network or search engine) which has 10,000 or more unique monthly visitors or users in the State in at least six of the preceding twelve months; or, where the online platform is targeted at a local or regional audience, has 1,000 or

more unique monthly visitors or users in the State in at least six of the preceding twelve months;

“online political advertising” means online advertising which is directed towards a political end;

“Register of Political Parties” means the register provided for in section 25 of the Electoral Act 1992 as substituted by section 11 of the Electoral (Amendment) Act 2001 and as amended by the Electoral (Amendment) (Political Funding) Act 2012; 5

“transparency notice” has the meaning assigned to it in *section 4*.

- (2) For the purposes of this Act, a matter is directed towards a political end if it communicates a message that promotes a candidate or candidates for public office in an election within the State or a political party registered on the Register of Political Parties, or if it promotes a message on a matter of political interest or importance or a matter which, at the time when the online advertising is placed or promoted, is before or intended to be before either House of the Oireachtas or the Northern Ireland Assembly or the European Parliament or a local authority within the State or to be the subject matter of a referendum or which has any relation to an industrial dispute going on within the State, but a matter is not directed towards a political end if it is contained in online advertising placed or promoted at the request of the Referendum Commission in relation to a matter referred to in section 3 of the Referendum Act 1998 concerning a referendum. 10 15 20
- (3) For the purposes of this Act, an online platform is targeted at a local or regional audience if the primary intended audience of the online platform is not the entire territory of the State but a particular community, town, county or group of counties within the State. 25

PART 2

TRANSPARENCY IN ONLINE POLITICAL ADVERTISING

Requirement for online political advertising to display a transparency notice

3. (1) Online political advertising shall display a transparency notice as provided for in *section 4* and it shall be the obligation of the online platform which displays the online political advertising to ensure that such a transparency notice is displayed. 30
- (2) Online political advertising shall not be paid for from monies provided out of the Central Fund or the growing produce thereof or from monies voted by the Oireachtas.

Definition of transparency notice

4. (1) For the purposes of this Act, a transparency notice shall be a notice that displays in a clear and conspicuous manner— 35
- (a) the name and address of the person, company, organisation or entity (whether that entity has legal personality or otherwise) who paid for the online political advertising,
- (b) a description of the audience targeted by the online political advertising,

- (c) such other information as the Minister may by order provide.
- (2) (a) An order made under *subsection (1)(c)* shall be laid before each House of the Oireachtas as soon as practicable after it is made.
- (b) Either House of the Oireachtas may, within 21 sitting days after the day on which an order was laid before it in accordance with *paragraph (a)*, pass a resolution annulling the order. 5
- (c) The annulment under *paragraph (b)* of an order takes effect immediately on the passing of the resolution concerned, but does not affect anything that was done under the order before the passing of the resolution.
- (3) For purposes of this Act, a notice shall not be deemed to be displayed in a clear and conspicuous manner if it is difficult to read or if the placement is easily overlooked. 10

Transparency notice – obligation to provide information and related offences

- 5. (1) Any person who requests to purchase online political advertising shall provide to the online platform to which the request is made such information as is necessary for the online platform to comply with its obligations under *section 3*. 15
- (2) Any person who requests to purchase online political advertising and who knowingly provides to the online platform to which the request is made false or misleading information for the purposes of the online platform complying with its obligations under *section 3* shall be guilty of an offence.
- (3) A person found guilty of an offence under this section shall be liable— 20
 - (a) on summary conviction to a fine not exceeding €500 or, at the discretion of the court, to imprisonment for a period not exceeding six months or to both such fine and such imprisonment, or
 - (b) on conviction on indictment to a fine not exceeding €10,000 or, at the discretion of the court, to imprisonment for a period not exceeding five years or to both such fine and such imprisonment. 25
- (4) No proceedings for an offence under this section shall be brought except by, or with the consent of, the Director of Public Prosecutions.

Offence of using a bot to cause multiple online presences directed towards a political end to present as an individual account or profile on an online platform 30

- 6. (1) Any person who knowingly uses a bot, or causes a bot to be used, in such a way as to cause multiple online presences that are directed towards a political end to present to a user of an online platform as an individual account or profile on any online platform shall be guilty of an offence.
- (2) A person found guilty of an offence under this section shall be liable— 35
 - (a) on summary conviction to a fine not exceeding €500 or, at the discretion of the court, to imprisonment for a period not exceeding six months or to both such fine and such imprisonment, or
 - (b) on conviction on indictment to a fine not exceeding €10,000 or, at the discretion

of the court, to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

- (3) No proceedings for an offence under this section shall be brought except by, or with the consent of, the Director of Public Prosecutions.

An Bille um Fhógraíocht Ar-Líne agus na
Meáin Shóisialta (Trédhearcacht), 2017

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le trédhearcacht i
nochtadh faisneise i ndáil le fógraíocht
pholaitiúil ar-líne; agus do dhéanamh socrú i
dtaobh nithe gaolmhara.

*An Teachta James Lawless a thug isteach,
XX Samhain, 2017*

Online Advertising and Social Media
(Transparency) Bill 2017

BILL

(as initiated)

entitled

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of information in online political advertising;
and to provide for related matters.

*Introduced by Deputy James Lawless,
XXnd November, 2017*
