Webinar Series: Online Political Advertising and Microtargeting: The latest legal, ethical, political and technological evolutions

15 and 18 June 2020, Meeting Report

Executive Summary

Electoral campaigns are central to influencing how people vote and affect their perception of the legitimacy of elections and democracy. The results in 2016 of the Brexit referendum in the United Kingdom and the presidential elections in the United States brought to light the new techniques used by political parties and other stakeholders in electoral campaigns. The Cambridge Analytica scandal gave the topic global attention. These techniques pose a new challenge to democracy, as they alter the way political campaigns take place and impact people's voting behaviour. Governmental institutions, researchers, citizens and other actors increasingly question whether better regulation and oversight are needed, and what form it can take.

In recent years, International IDEA, the Dutch Ministry of the Interior and Kingdom Relations and the European Commission have engaged in initiatives and taken steps to better understand and/or address the issue of online political advertising and digital microtargeting. International IDEA published a *Political Party Innovation Primer on Digital Microtargeting*, which explores how political parties around the globe have integrated legitimate microtargeting practices into their campaigns. In June 2019, International IDEA and the Dutch Ministry of the Interior and Kingdom Relations co-organised a roundtable on the regulation and oversight of online microtargeting by political parties in election campaigns. The Netherlands is one of the countries that is developing national legislation on transparency for online political campaigns. The upcoming 'Law on Political Parties' is to include rules that must guarantee and increase the verifiability of online campaigns, prevent deception and provide clarity about who has paid for an ad.[1] At the EU level, the European Commission is currently preparing a Digital Services Act Package and European Democracy Action Plan targeting online political advertising among other things. Relevant EU initiatives since 2016 include the implementation of the General Data Protection Regulation (GDPR) and the voluntary EU Code of Practice on Disinformation. The GDPR establishes strict guidelines based on individual consent for the collection and processing of personal data, placing limitations on the use of digital microtargeting for parties. The EU Code of Practice on Disinformation sets commitments for platforms on countering disinformation, one of which includes greater transparency in political advertising. Furthermore, the Commission's package of measures to secure free and fair European elections provided recommendations to Member States and political parties to ensure greater transparency of political advertising and communications.

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[1] Voortgang voorbereiding Wet op de politieke partijen,
https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2020Z10803&did=2020D23378

On the back of these developments, International IDEA, the European Commission and the Dutch Ministry of the Interior and Kingdom Relations organised two roundtables on online political advertising and microtargeting in June 2020. The event included oversight bodies from 24 countries. Discussions covered such topics as what sets online campaigning apart from traditional campaigning, the rights and freedoms potentially affected by the use of digital microtargeting and online campaigning, gaps in current regulations, and division and coordination of oversight roles both domestically and internationally.

Key issues impacting the building of effective frameworks:

- **Accountability gap**. An accountability gap is created by the use of massive amounts of personal data in untransparent ways and the provision of countless ads to different audiences to impact people's political choices. Regulatory oversight by public authorities and meaningful scrutiny by stakeholders and citizens should be possible.
- **Acknowledging benefits**. Online political advertising and microtargeting present a number of important benefits in facilitating more effective campaigning. It is generally inexpensive and easily accessible, allowing for activation of people and visibility of new candidates.
- **Safeguarding democratic rights and freedoms**. Any framework should respect people's freedom of expression, balance voters' right to receive information with their right to privacy and ensure free and fair elections that are not captured by any narrow interests.
- **Regulatory gaps and ineffective resources**. The absence of clear, agreed-upon definitions of terms, insufficient platform self-regulation, fragmented enforcement responsibilities, insufficient monitoring and analysis capability and sometimes poorly resourced oversight agencies challenge relevant frameworks.
- **Coordination**. National authorities need to reflect on what kind of division of roles and coordination at the national and international levels would make frameworks more effective and improve them accordingly.

Suggested steps forward included:

- Investing more in **inter-agency and international cooperation** between regulators and oversight agencies and cooperation with online platforms;
- Developing a better **common understanding of the issues at stake**, facilitated by researching the impact of online political advertising and microtargeting, **sharing tools and experiences**, and drawing from relevant work of NGOs and think tanks.
- **Increasing transparency** on the use of data and targeting of people to provide clarity on advertisers, protocols and spending.
- "**Restoring the human scale**" to online advertising: mandatory limits of the amount and type of data that can be used for targeting is a possible option to build a workable and **proportionate accountability system**.

Introduction

On 15 and 18 June 2020, International IDEA, the European Commission and the Dutch Ministry of the Interior and Kingdom Relations organised two digital roundtables on online political advertising and microtargeting. Online political advertising and microtargeting is attracting increasing attention from governments and citizens alike, with many examining whether more regulation and oversight is needed, and what form it can take.

The webinar series was convened to advance the understanding of the implementation of rules on and oversight over online political advertising and microtargeting in ensuring safe and fair elections, support the exchange of good practices, as well as to inform policy initiatives and potentially support the development of guidelines, rules and oversight frameworks. The first session was dedicated to exploring the scope and limitations of existing legal frameworks for online political advertising and microtargeting. The second session focused on the oversight of rules and regulations, experiences with the application of GDPR for online political microtargeting, and the effectiveness and capability of oversight structures.

The online discussions brought together members of the European Cooperation Network on Elections and experts.[2] This included oversight bodies such as electoral commissions, ministries of the interior and data protection authorities from 24 countries. Additional participants provided a balance of perspectives, new voices and geographic spread and included leading European and global experts from civil society, academia and technology companies.

With COVID-19 only accelerating the use of online campaigning, the need for more understanding and transparency, especially on social media platforms, seems increasingly important. A major challenge is posed by the need to provide cross-sectoral responses in the context of rapidly changing practices. Several tools are already available to monitoring and enforcement authorities, but their resources and connections with other regulators are often insufficient.

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[2] Set up following the Recommendation on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament of September 2018. The European Cooperation Network on Elections gathers contact points of national election networks and serves as a forum for exchange of information and practices among Member State authorities with competence in electoral matters, while respecting the national competences and the procedural requirements applicable to the concerned authorities. More information can be found here: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights/european-cooperation-network-elections_en

Understanding opportunities and risks

Online political advertising refers to three things:

1. the use of online platforms and social media profiles by political parties and politicians to publish messages and communicate with citizens;
2. "organic" online campaigning through citizens' interactions with political party communications, such as citizens sharing or reposting messages qualifying under (1.); and
3. the use of paid online advertising services, either as provided directly by online platforms or via intermediaries such as digital marketing analysts and data brokers.

Microtargeting relates to a number of techniques used by social media platforms and other market actors offering services in the context of online advertising which apply online user data to direct content towards individuals and groups with defined characteristics.
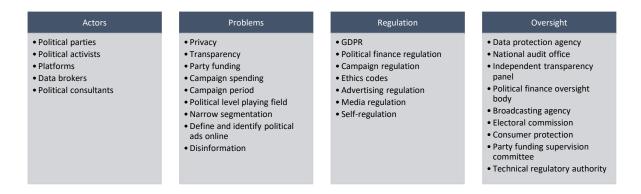
While targeting voters is nothing new for campaigning, microtargeting is different in important ways. Online microtargeting occurs when three methods are implemented to serve users ads: personal data is collected and used to identify subgroups, which are then used to send tailored political messages to individuals. The crucial point to consider when thinking about microtargeting is that its use is rooted in massive amounts of *personal data*, often collected without the user's understanding while they browse the internet.

The below table illustrates how personal data enhances traditional campaigning methods:

Traditional targeting	Digital microtargeting ads:
1. Collecting	Increased availability: big datasets
	Easier access: digital footprints
	Better storage
2. Segmenting	Predictive analytics
	Psychological targeting
3. Personalising	A/B testing
4. Communicating	Pairing voter profiles with social media

A central challenge for effective oversight is the question of how to align the wide array of actors involved with the even more numerous problems, regulations and oversight solutions, illustrated below:

Actors	Problems	Regulation	Oversight
• Political parties • Political activists • Platforms • Data brokers • Political consultants	• Privacy • Transparency • Party funding • Campaign spending • Campaign period • Political level playing field • Narrow segmentation • Define and identify political ads online • Disinformation	• GDPR • Political finance regulation • Campaign regulation • Ethics codes • Advertising regulation • Media regulation • Self-regulation	• Data protection agency • National audit office • Independent transparency panel • Political finance oversight body • Broadcasting agency • Electoral commission • Consumer protection • Party funding supervision committee • Technical regulatory authority

Additional challenges posed by online political advertising and microtargeting for oversight actors include the need for adequate capacity and expertise, insufficient awareness and the provision of guidance to stakeholders. Even where awareness, investigative and protective powers exist, there is often a lack of oversight and monitoring frameworks or real enforcement competences.

Looking ahead, it is important not to lose sight of the democratic benefits of online political advertising and microtargeting. Although regulation and additional transparency is necessary, the availability of practical online advertising tools facilitates more effective campaigning. People spend large amounts of time on social media, making it easier for parties to attract their attention. Online political campaigning can make it easier for new candidates to establish themselves, as it offers a massive reach at a low cost. These methods also provide new ways of activating people, as has already been seen with its use in helping to build grassroots fundraising, volunteering, or other such initiatives.

Responses by the European Union

Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 lays out the rules and obligations for funding of European political parties and European political foundations and provides for their monitoring and enforcement. The General Data Protection Regulation (GDPR) applies to the use of personal data by all actors active in the electoral context such as European and national political parties, European and national political foundations, platforms, data analytics companies and public authorities responsible for the electoral process. They must process personal data (for example names and addresses) lawfully, fairly and in a transparent manner, for specified purposes only.

The main legal framework relevant to political online advertising at the EU level is provided by the GDPR. Although it contains no specific provisions on political advertising or

microtargeting, it is strict on the use of personal data, particularly that pertaining to political opinions. The processing of such data is prohibited in principle and can only be done with the explicit consent of the individual concerned. While this is promising in concept, enforcement experiences have been generally poor. For example, the UK data protection agency found "shocking disregard" for the personal privacy of voters by players across the campaigning system—from data companies, to brokers, to social media platforms, to campaign groups and political parties themselves[3]. The EU continues to play an important role, especially through the GDPR framework and related enforcement, helping to develop a better understanding of its usefulness and available options for addressing concerns related to microtargeting.

The below table provides an overview of the main initiatives of the EU to move forward in these areas:

European Cooperation Network on Elections	The European Cooperation Network on Elections will continue to facilitate the exchange of best practices on the use of microtargeting through a comprehensive approach and building on experiences gained.
Evaluation Report on the EU GDPR	The European Commission published an evaluation report on the EU General Data Protection Regulation (GDPR).[4]
EU Code of Practice on Disinformation	The European Commission will publish an evaluation of the Code of Practice on Disinformation, taking into account that cooperation with social media platforms remains a key element in developing an effective response to disinformation.
European Democracy Action Plan	The European Democracy Action Plan[5] will be constructed around three themes: elections integrity and how to ensure electoral systems are free and fair; strengthening freedom of expression and the democratic debate, looking at media freedom and media pluralism, as well as at the role of the civil society; and tackling disinformation in a coherent manner. The Action Plan will also draw on the report on the 2019 elections to the European Parliament.[6]
EU Digital Services Act Package	The intended EU Digital Services Act Package[7] will help to create new transparency obligations on who paid for ads. While the ePrivacy directive can be a useful tool in the future, it is currently still in the EU legislative chain. When implemented, it could represent an important tool in strengthening rules on tracking users across browsers and devices.

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3 https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf
4 https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1163
5 A public consultation is currently being organised online on the European Democracy Action Plan: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12506-European-Democracy-Action-Plan/public-consultation
6 https://ec.europa.eu/info/files/com_2020_252_en.pdf_en
7 https://ec.europa.eu/digital-single-market/en/digital-services-act-package

Responses by the Council of Europe

The Council of Europe also covered some relevant aspects. For the Council of Europe, political advertising falls under the Fundamental Rights Framework, as it is directly linked to freedom of expression. The European Court of Human Rights takes a broad understanding of political advertising, which includes paid ads on matters of broader public interest, such as those by NGOs and campaign groups. Under Article 10 of the European Convention on Human Rights of the Council of Europe, publishing information "with a view to influence voters" is an exercise of one's freedom of expression, "irrespective of the fact that it is presented as a paid advertisement".

Two cases illustrate the legal precedents for regulating political advertising set by the courts. The first, TV Vest and Rogaland Pensioners Party vs Norway[8], ruled in favour of TV Vest's right to run advertisements, arguing that regulation of political advertising must consider the privileged position of free speech under Article 10 of the ECHR. However, the second case, Animal Defenders International vs the United Kingdom[9], demonstrates the uncertainty of how to set proportionate limitations on free speech in political advertising. A very divided court ruled that the rules banning paid political ads in the UK did not violate freedom of expression because there could be a risk of distortion of public debate by wealthy groups with unequal access to political advertising. This ruling indicates that while free speech is privileged under Article 10, the Courts will accept, in some circumstances, that restriction may be consistent with freedom of expression.

Developing regulatory frameworks

Participants generally communicated three basic principles behind existing efforts to address online political advertising. Firstly, to respect the fundamental right to freedom of expression and uphold the value of political advertising for democracy. Secondly, to balance the voter's right to receive information with their right to privacy. Finally, to maintain free and fair elections that are not captured by any narrow interests.

There are also a number of goals behind country responses to changing methods of online political advertising. Participants expressed the need for modern campaign legislation that embraces the role of the internet, upholds media neutrality and includes such new players as sellers and buyers of data and other new campaign intermediaries. Greater transparency is often a primary goal, as countries first aspire to gain a better understanding of the impact of microtargeting and create more transparency regarding the authors, political affiliation, targets, amount of spending, and digital imprint of those circulating ads. Countries may also aim to

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[8] http://hudoc.echr.coe.int/eng?i=001-90235
[9] http://hudoc.echr.coe.int/fre?i=001-119244

reduce the space for targeting by placing limits on the amounts of personal data or segmentation that can be used.

Currently, the urgency with which this issue is tackled at the national level is very different between countries and regionally. Most participants however showed great interest in the presentations and continued sharing of experiences and practices, as many expected this topic to become a growing priority in the years to come.

Existing rules and steps forward in regulation

Regarding legislation, there is still a limited number of initiatives regarding the use of microtargeting in political campaigning. Recent legislation in France states that voters must be provided with fair, clear and transparent information regarding promoted content related to a "debate of general interest"[10]. The Canadian Elections Modernisation Act of 2018 mandates a registry with an electronic copy of each "election advertising published on the platform". In the United States, certain states have passed their own bills, and new transparency rules for online ads are set at the federal level with the Honest Ads Bill and the Social Media Disclosure Act of 2018. However, the general response from platforms has been that rather than complying with requirements, they disallow certain categories of advertisements or political advertisements altogether during the campaign period. In research commissioned by the European Partnership for Democracy (EPD) on elections in the Netherlands, Czechia, and Italy as well as the elections to the European Parliament, problems identified included issues in adapting traditional-media-focussed legislation to deal with the kind of content that political ads can feature online. Despite the lack of clear data regarding enforcement of GDPR rules, the conclusion was that more guidance is needed on managing political microtargeting.

Useful immediate steps forward for new legislative initiatives could concern campaign finance reform. Some participants seemed optimistic on the ability for increased disclosure requirements across the political spectrum to address some problems associated with political advertising. Focus on campaign finance enables regulators to sidestep any issues surrounding freedom of expression and to build on existing regulations. For example, it was mentioned that Ireland has already filled a gap in regulation by requiring the same imprint requirements for online advertisements as are required for traditional media, so that voters know who has published and paid for a certain ad.

Regulating greater transparency

Transparency was mentioned repeatedly as an important feature of regulations on online political advertising. Firstly, transparency in data use and targeting, as people should know why they are being targeted and who is targeting them. Secondly, transparency in who

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[10] Loi n° 2018-1202 of 20 February 2018 on the manipulation of information,
https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000037847559&categorieLien=id

is paying for political advertising, as people should know who is behind an ad and how much money parties and candidates invested into online advertising. In gaining transparency in data use and who is using the data, one can also gain greater transparency into understanding what the impact of online political advertising actually is. Participants agreed that the lack of available data severely weakens our understanding of the impact and abilities to perform research.

It is also important to consider which goals are targeted with new rules on transparency: to get a better insight on the needs and constraints, allowing for greater clarification and the development of standards on transparency. Even where there is agreement on the problem, solutions can be different, particularly across the connected challenges of personal data use/misuse, disinformation, foreign influence, money in politics, and the content of the ads themselves. It was also suggested that a better understanding of the goals behind the use of certain online campaign tools could help regulators to anticipate developments in this field.

The Netherlands is one of the countries that is developing national legislation on transparency for online political campaigns. The legislation is limited towards Dutch political parties and does not regulate the online platforms on which these advertisements are placed. In the upcoming 'Law on political parties' (Wet op de politieke partijen) the Netherlands will include rules that must guarantee and increase the verifiability of online campaigns, prevent deception and provide clarity about who has paid for an ad.[11] The purpose of this regulation is to provide insight into the campaigns for voters. However, it is important to strike a balance between transparency and limiting the administrative burden for political parties.

International cooperation

In looking forward, regulators must ask themselves what the appropriate roles/competences are for the national level, and which are appropriate at the international level. Generally speaking, participants expressed preferences for party-related regulations to remain at the national level, including monitoring their activities and imposing penalties. Where competencies moved to the international level is where the nature of political advertising itself becomes international: at the level of the intermediary or platform, or in the event of cross-border campaigning. Options for co-regulation and greater transparency at the international level include agreements against outside interference and international standardisation or guidelines (for instance by the Council of Europe or the EU Code of Practice). Regulators must also be mindful of which *goals* they wish to achieve. For example, data protection law priorities are often focused on data privacy, whereas priorities set in political financing will often be focused more towards maintaining a level playing field.

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[11] Voortgang voorbereiding Wet op de politieke partijen,
https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2020Z10803&did=2020D23378

Regulators should also be mindful of recent experiences that indicate when mandatory measures and regulations are introduced, platforms have taken the approach to prohibit political advertising. For example after stricter rules were articulated, Twitter and Google disabled political ads during the campaign period in France, and in Canada Google disallowed certain categories of ads.

Enhancing oversight

Regarding oversight, while participants prefer that some competencies, such as in political finance, remain at the national level, they felt an increasing need for international coordination and standardisation in certain areas, in addition to experience sharing. This need is particularly due to the cross-border nature of online platforms, consistently cited as a problem across country experiences. International coordination could take the form of mutual cooperation with platforms, including on co-regulation. To help remedy information imbalances and remove obstacles to research, requirements could be set at the international level for more transparency from platforms on their use of AI/algorithms, ad content, ad buyers, and the impact on users. It could be useful to establish rules at the EU level to increase platform transparency or set technical standards. The provision of more guidance and clarifications at the EU level could contribute especially towards the consistency of application of the GDPR. However, before any of these steps can be effectively achieved, there is the need for an agreed, joint problem definition.

Existing responses and steps forward in oversight

There are a number of similarities and differences between national-level oversight responses. Common features relate to the fact that regulations are generally contained in the electoral regulations and are limited to election time. There is often a broad range of rules, going from disclosure and disclaimer rules, regulating the use of personal data, political ad archives or registries, campaign finance disclosures, prohibiting foreign political advertising, to prohibiting online political advertising. Similar across countries is the leading role of the GDPR in regulating the use of microtargeting. National rules are also generally concentrated on spending limits and reporting of spending and donors. The differences between countries are more numerous. Some countries have adopted a requirement for ads to include whomever commissioned and paid for the ad, other countries may have issued unofficial guidance for parties, reminding and encouraging them of their obligations under the GDPR. Diverging approaches taken by countries include reliance on self-regulation without sanctions, or initiatives for active regulation; generic rules for political advertisements, or specific online advertising rules; and establishing the same rules for all online advertising, or setting specific rules for political advertising, and if specific rules are chosen, whether to create exceptions or further restrictions.

Steps forward in oversight generally involve increasing the amount of information available to oversight agencies and civil society. Additional transparency in campaign advertisements could be enacted in several forms, among which: i) creating additional transparency requirements across a broader definition of political advertisements, ii) establishing mandatory ad libraries for campaigns, or iii) requiring transparency across all advertisements (regardless of if political or commercial). An important problem to consider in choosing across options is the difficulty of policing the labelling of ads, as those ads that fall are somewhere between "political" and "commercial" can fall through the cracks. There are also suggestions to commit online platforms to showing a full range of "marketing profiles" with no information on political preferences, to require additional verification for ads to be run by platforms, to place limits on the number of ads a campaign can run, or to ban the use of microtargeting altogether. Reducing the complexity of data is also a useful method to ensure useful transparency and effective oversight of advertisements. Participating experts recommended to "restore the human scale" to online advertising to ensure that new campaigning methods have a proportionate accountability system. This goal could be achieved through mandatory limits of the amount and type of data that can be used for targeting.

Ensuring greater transparency in oversight

Transparency also relies heavily on the interest of civil society in applying or disseminating the insights. To this end, the question was asked whether voters actually care about these issues. The answer to this question could consist of three elements: impact, meaningful understanding, and the results of current research. Regarding impact, while there is no certainty regarding the extent to which political advertising, even traditional advertising, can actually sway voters, there is some evidence that voters respond in certain ways to parties that use certain forms of advertising—particularly attack ads. However, the bigger problem to voters remains the misuse of voter and personal data. Some participants questioned whether citizens possess the meaningful understanding required to properly assess whether this issue concerns them. Finally, some participants linked to current studies stating that the majority of voters do care, and often disapprove of opaque and unaccountable use of their personal data in microtargeting.

Another issue with effective transparency, both for citizens and regulatory staff, is a lack of understanding across topics such as what are political ads, how they function, differences between online counterparts, and that political ads look back on viewers. Applying offline regulations directly to online regulations, without understanding how the online sphere differs, will end up in insufficient regulations. The question of meaningful understanding by the electorate is difficult. The electorate must be asked whether they understand the basic commercial value of voter data, sometimes referred to as "surveillance capitalism"[12] to

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[12] Surveillance capitalism describes a market driven process where the commodity for sale is personal data, and the capture and production of this data relies on mass surveillance of the internet, see article by Stephen Khan, The Conversation, https://theconversation.com/explainer-what-is-surveillance-capitalism-and-how-does-it-

understand what digital politics is: it uses the same tools as digital marketing does, and it is essential for democracy that voters, regulators and politicians understand the convergence between consumer and commercial marketing.

International cooperation

Oversight could be supported across borders through information sharing. Information sharing could include the exchange of best practices or technical details on monitoring, regulation, oversight, and the protection of fundamental rights. Information exchanges could also include advice on deepening data protection awareness, providing guidance, and increasing media literacy.

Cooperation with platforms can be challenging for various reasons. While some countries have achieved active cooperation with platforms, other countries have seen little to no cooperation between regulators and platforms. In countries with significant markets, platforms often interact more actively with oversight bodies. The EU can play a role in providing collective access to those platforms, where smaller countries cannot. Regulators and other stakeholders are often highly dependent on platform-provided transparency measures, creating an information imbalance. However, despite the challenges that these realities bring along, agencies and stakeholders often make use of the provided tools. NGOs and academia have an instrumental role in filling information gaps through independent research and by providing citizens with tools to gain insight on how their personal data has been used. Organisations like *Who Targets Me?* provide users with browser extensions that enable them to gain more control over and understanding of their personal data, for instance by tracking which and why ads were targeted to them. NGOs and academia can also provide software to supplement various transparency tools, for example to help users to interpret ad libraries.

Conclusion

The discussions revealed that with political advertising and microtargeting, there is a fine line between ensuring that new tools are useful and available to parties and citizens, and limiting techniques that threaten electoral integrity. However, the perceived urgency of addressing the issue with new regulations differed significantly between participating country representatives. This difference is largely due to a lack of joint understanding of the potential impact, opportunities, and threats of political advertising and microtargeting.

Regulation was a greater priority in countries where political advertising and microtargeting have already been used on a large scale. Regulation of political advertising and microtargeting is increasingly taken by some as an advocacy issue, particularly amongst

shape-our-economy-119158#:~:text=Surveillance%20capitalism%20describes%20a%20market,mass%20surveillance%20of%20the%20internet.

participating experts. Calls for greater legislative initiatives by advocates could eventually come into conflict with the representatives of government agencies, who may still feel uncomfortable to wield greater authority in addressing the issue. However, legislators may be reluctant to put restrictions on the very techniques that bring them political success.

Responsibility for oversight of political advertising and microtargeting can be widely distributed amongst different agencies. Competencies can be dispersed without a clear lead or joint approach between them, indicating a need for more inter-agency collaboration. Political advertising and microtargeting also features a significant cross-border component, complicating efforts and necessitating EU and other international cooperation.

Personal data regulation represents a useful starting point for a joint approach towards online platforms, as the EU already has established rules under the GDPR. Drawing attention to the regulation of personal data enables us to focus on the mechanisms behind content delivery, rather than the content delivery itself, the regulation of which can run afoul of freedom of expression. However, there is still much disagreement on the extent to which GDPR rules suffice, and a wide variety of approaches to its application.

Looking forward, there are two possible solutions to be highlighted for future rules and oversight at various policy levels. The first is to increase the transparency of political advertising and microtargeting to enable meaningful access to the information on the data use and targeting behind ads. Greater transparency rules would also help to enable more effective cooperation between countries and platforms, as well as enable for more research about the impact of political advertising and microtargeting. The second possibility is to reduce the complexity of political advertising and microtargeting to a "human scale". Reducing the scale of ads could be achieved by placing limits on the number of different ads a party or candidate can run and/or the amount of data that can be used for targeting specific groups of voters.

National guidance and tools

Belgium	Vademecum/Guidance note with reference to data protection (2018)
France	Communication politique: quelles sont les règles pour l'utilisation des données issues des réseaux sociaux (2016)
Greece	Guidelines for the processing of personal data for the purpose of political communication
Ireland	Report of the interdepartmental group on security of Ireland's electoral process and disinformation (2018)

Proposal to Regulate Transparency of Online Political Advertising (Nov 2019) |
| Lithuania | Recommendation on the processing of personal data during elections (2019) |

Luxembourg	Guidelines urging actors to limit targeting and segmentation of data subjects as recipients of political advertisement strongly cautions political actors from using microtargeting. Political parties used transparency tools on political and commercial advertising operated by Google, Facebook and Twitter.
Netherlands	Mandatory data protection impact assessment, to be used prior to processing data for profiling.
Norway	Digital targeting of political messages in Norway (2019)
Poland	Guidelines for political parties and other actors in the electoral process (2018)
Portugal	Directive regarding the processing of personal data in the context of election campaigns and political marketing (2019)
Slovenia	EDPB statement on personal data use in elections (10 examples as of 2019) Guide for election campaign organizers
Spain	Circular 1/2019, of March 7, of the Spanish Agency for Data Protection, on the processing of personal data relating to political opinions and sending of electoral propaganda by electronic means or messaging systems by political parties, federations, coalitions and groups of voters under Article 58 bis of Organic Law 5/1985, of June 19, of the General Electoral Regime.
Switzerland	Federal and Cantonal Data Protection Authorities guidelines on the application of Swiss data protection law in the context of elections and popular votes. Report on intermediaries with regards to public opinion making in elections (expected Spring 2021)
Romania	Press release on use of personal data ahead of European Parliament elections
UK	Code of practice for the use of personal data in political campaigning

Resources shared by participants and further reading

- Report on the 2019 elections to the European Parliament, European Commission (2020)
- Notify Tool, Who Targets Me
- Digital campaigning – Increasing transparency for voters, Electoral Commission of the United Kingdom (2019)
- Cybersecurity in Elections: Models of Interagency Collaboration, International IDEA (2019)
- Personal Data: Political persuasion. Inside the influence industry, Tactical Tech (2019)
- Cybersecurity for elections: a Commonwealth Guide for Best Practice, Commonwealth Secretariat (2020)

- [Proposal to Regulate Transparency of Online Political Advertising](#), Irish Government News Service (2019)
- [Response to the ICO's call for views on a Code of Practice for the use of personal information in political campaigning](#), Electoral Commission of the United Kingdom (2018)
- [Platform values and democratic elections: How can the law regulate digital disinformation?](#), Chris Marsden, Trisha Meyer and Ian Brown, Computer Law & Security Review (2020)
- [Regulating disinformation with artificial intelligence](#), Directorate General European Parliamentary Research Service with Chris Marsden and Trisha Meyer (2019)
- [Review of Telecommunication Policy and Regulation in Mexico](#), OECD (2017)
- [Technology, data and elections: A 'checklist' on the election cycle](#), Privacy International (2019)
- [Internet Co-Regulation: European Law, Regulatory Governance and Legitimacy in Cyberspace](#), Chris Marsden, Cambridge University Press (2011)
- [Prosumer Law and Network Platform Regulation: The Long View towards Creating OffData](#), Chris Marsden, Georgetown Technology Law Review (2018)
- [Investigation into data analytics for political purposes](#), Information Commissioner's Office of the United Kingdom, (Multiple reports available since 2018)
- [Operation Carthage: How a Tunisian company conducted influence operations in African presidential elections](#), Atlantic Council and DFR Lab (2020)
- [Propaganda Machine: Inside Cambridge Analytica and the Digital Influence Industry](#), Emma Briant (2020)

- T. Dobber, R. Fahy, F.J.Z. Borgesius: [*The regulation of online political micro-targeting in Europe*](#) (2019)
- T. Dobber, D. Trilling, N. Helberger, C. de Vreese: [*Spiraling downward: The reciprocal relation between attitude toward political behavioral targeting and privacy concerns*](#) *(2019)*
- F.J.Z. Borgesius, J. Möller, S. Kruikemeier, R. Ó Fathaigh, K. Irion, T. Dobber, B. Bodo, C. de Vreese: [*Online Political Microtargeting: Promises and Threats for Democracy*](#) *(2019)*
- J. Turow, M.X. Delli Carpini, N.A. Draper, R. Howard-Williams: [*Americans Roundly Reject Tailored Political Advertising*](#) (2012)
- D. Tambini: *Social media power and election legitimacy* (2018)
- European Parliament Think Tank: [*An assessment of the Commission's proposal on privacy and electronic communications*](#) (2017)
- EDPB: [*Statement on personal data use in elections*](#) (2019)
- International IDEA: [*Digital Microtargeting*](#) (2018)
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