

Event on Democratic Participation and Electoral Matters

25-26 April 2018

Questions to Member States' authorities

1. Has your country introduced any measures governing the use of media and social media in the context of election campaigns? These measures may include, but not be limited to:

i. the observance of election silence period,

No

ii. prohibition of disinformation (fake news)

No

iii. equal representation of candidates

No.

iv. financial rules on campaigning and especially advertising limitations, awareness campaigns or bypassing the established financial limits.

Yes. See “ Loi du 4 juillet 1989 relative à la limitation et au contrôle des dépenses électorales engagées pour l'élection de la Chambre des représentants, ainsi qu'au financement et à la comptabilité ouverte des partis politiques. » (only available in french and dutch : http://elections.fgov.be/fileadmin/user_upload/Elections2014/FR/Electeurs/reglementation/lois/LOI-DU-4-JUILLET-1989-version-20140215.pdf).

If so, please briefly list such measures and explain possible exemptions for example for social media. If not, is your country currently considering introducing such measures in the future and for which media?

2. Is there any existing case law in your country or relevant opinions of the electoral commission regarding the use of media, and of social media platforms, during election period? If so, please provide an overview.

See http://elections.fgov.be/fileadmin/user_upload/Elections2014/FR/Candidat/en_pratique/dépenses/51K3115001_Vademecum.pdf (only available in French and dutch). 78 of

3. Has your country introduced any transparency or disclosure requirements for political entities advertising online in general and social media in particular? Do political digital ads have to be explicitly labelled with an imprint? Does the funding and provenance of these ads have to be clearly displayed?

See question 2.

4. In which way do you monitor the application of relevant provisions of national election laws or other above mentioned measures? Which authority covers political ads (i.e. advertising

authority or other authorities)? Have you started to develop online archives of political adverts?

All monitoring about the applications of relevant provisions of above mentioned measures is a competence of the “commission des dépenses électorales” who is a part of the Belgian parliament.

Our Unit is not competent in this matter.

5. Would you consider a possible role for National Statisticians to play in formal fact checking during elections, at least of certain materials where statistical data is at the core?

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6. Given the importance of freedom of expression in election campaigning and the democratic process, what is in your view the balance between formal regulation and self-regulation?

All monitoring about the applications of relevant provisions of above mentioned measures is a competence of the “commission des dépenses électorales” who is a part of the Belgian parliament.

Our Unit is not competent in this matter.

7. The use of third party data sources by political parties is increasing significantly - from companies such as Experian, Axiom etc. These data sources are then linked to electoral registers. There are significant issues around transparency and whether the public are aware of this. What in your view can be done to make the public more aware of how data is used in campaigning?

All monitoring about the applications of relevant provisions of above mentioned measures is a competence of the “commission des dépenses électorales” who is a part of the Belgian parliament.

Our Unit is not competent in this matter.

8. Has your national data protection authority issued guidance on personal data processing, including with regards to social media, in the context of election campaigns?

Our Unit is not competent in this matter.

9. Does the electoral commission in your country have any specific collaboration with data protection authorities with regard to the issues discussed above? Is this collaboration formalised in any way (e.g. through a Memorandum of Understanding or similar)?

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