

## 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,
  - ii. prohibition of disinformation (fake news)
  - iii. equal representation of candidates
  - iv. financial rules on campaigning and especially advertising limitations, awareness campaigns or bypassing the established financial limits.

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?

The 2017-2022 Austrian Governmental Program mentions “clean politics” as a priority and emphasizes that parties and party representatives showing dishonesty and exercising unfair practices have to be made accountable. Thereby, existing legal provisions of civil and criminal law governing manipulation, “dirty campaigning” and unfair practices should be reviewed and general information requirements in the area of social media should be introduced.

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.

No.

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?

Not applicable.

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?

No.

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?

No.

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?

The balance should be defined by the legal barriers particularly set out by criminal law and media law.

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?

In the course of preparing for the implementation of the General Data Protection Regulation, the Austrian parliament is currently in the process of adapting certain provisions in the election law in order to define more clearly and make more transparent how data is used in campaigning.

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?

No. National data protection authority is not entitled to issue such a guidance.

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)?

No.