

## 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?

*R: National legislation prescribes for:*

- *the end of election campaign conducted through the audio-visual programme services, public or private 24 hours before Election day; (social media is not mentioned)*
- *proportional representation of candidates; (not applicable to social media campaign)*
- *election expenditure limits; online propaganda is subject to specific limitations (30% of the total expenditure that can be made in the election campaign);*
- *(while not specifically prohibiting disinformation) the transmission of correct information to voters.*

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.

*R. Not to our information.*

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?

*R: Yes. According to national legislation, mass-media is obligated to provide for each political ad the name of the election competitor, the name of the economic operator which realized the ad, and the unique identification number provided to the election competitor by the Permanent Election Authority.*

*Also, within 30 days from the end of election campaign, election competitors are obligated to provide to the Permanent Electoral Authority a declaration indicating the digital ads they used in the election campaign.*

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?

*R: Election bureaus adjudicate complaints regarding violation of rules pertaining to election campaign and can remove any damaging propaganda materials. The National Audiovisual Council monitors all election campaign conducted through the audio-visual programme services, public or private, applies*

*sanctions where violations are found and removes non-compliant election propaganda materials. The Permanent Electoral Authority monitors election expenditure and enforces the observance of disclosure rules, applying sanctions where violations are found.*

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?

*R: According to national legislation statisticians play a major role in the tabulation of votes. In our opinion, allowing national statisticians to formally check facts presented during election campaigns entails their interference in elections and abandoning their neutral position with serious repercussions on their perceived impartiality.*

*Any interested party can fact check any statistical data disseminated during election campaigns against openly available statistical data or against statistical data provided on request.*

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?

*R: Attention could be given to encouraging mass-media and political parties to develop self-regulatory frameworks and incorporate self-regulatory professional and ethical standards regarding election campaigns. Also, self-regulation should predominate in the use of social media in election campaigns.*

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?

*R: There are no documented cases of the use of third party data sources in election campaigns in Romania.*

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?

*R: No.*

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)?

*R: No.*

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