HEADS AND TAILS:

UNTANGLING THE LINKS BETWEEN PRIVACY AND DISINFORMATION IN THE PHILIPPINES

Foundation for Media Alternatives

September 2019

THESE PAST FEW YEARS HAVE BEEN AN INTERESTING PERIOD FOR TECHNOLOGY AND DEMOCRACY, WITH TOPICS LIKE ARTIFICIAL INTELLIGENCE, ALGORITHMS, AND HUMAN AUTONOMY REGULARLY SEEPING INTO PEOPLE'S CONVERSATIONS, THROWN IN WITH POLITICS AND OTHER PRESSING CONCERNS.

Photo by Kon Karampelas on Unsplash

Often included in the mix is Facebook (FB), an entity so powerful and influential that some regard it as practically invincible. Just consider, for instance, how many people now recognize the key role of the company (including subsidiaries like Whatsapp) in grave human rights violations like ethnic cleansing and mob violence in countries like Myanmar,[1] India,[2] and Sri Lanka.[3] Much of it has to do with the so-called "fake news" phenomenon which is significantly enabled by the speed and effectiveness by which social media platforms now disseminate information. This has opened up debates and discussions around the world regarding the impact of digital platforms on people's rights and civil liberties.

A more recent development has been the unraveling of these elaborate networks of disinformation and their undeniable link to data exploitation and privacy abuses. Last year, this was in full display during the Facebook-Cambridge Analytica (FB-CA) scandal where access to FB users' personal information facilitated unprecedented electoral profiling. That controversy impacted key democratic processes around the globe (e.g., Brexit polls,[4] 2014 and 2016 US elections,[5] 2018 Mexican elections,[6] etc.). Taking their cue, scholars have also revved up their efforts to prove and illustrate how personal data—usually obtained without the consent of the individual concerned—are used

to propagate disinformation. Take Eric K. Clemons, a professor at the Wharton School at University of Pennsylvania, who used computer modeling to demonstrate the link between the use of personal information and fake news.[7] He determined that, with private information, actors are able to construct and frame lies that cater to targeted groups, thereby achieving the maximum desired impact. The role of FB (and other social media platforms) in this situation is hard to miss. The "personalization" effect of its algorithms—originally and primarily used to target advertisements—has facilitated the creation and reinforcement of echo chambers that nurture disinformation.[8] Other observers have also pointed to the concept of "surveillance capitalism" as one of the enablers of fake news. In her 2015 article, Shoshana Zuboff described surveillance capitalism as "a new form of information capitalism [that] aims to predict and modify human behavior as a means to produce revenue and market control."[9] The United Kingdom House of Commons, in their recently released report, highlighted the links between FB's largely unregulated business model and the spread of disinformation.[10] They pointed to privacy laws, data protection legislation, and antitrust and competition law as possible tools that may be wielded by governments to ensure that democratic principles are upheld in the digital age.

Privacy and Disinformation in the Philippines

In the Philippines, cases of disinformation frequently involve privacy violations. For example, in the midst of the supposed

investigation of Senator Leila de Lima's ties to the illegal drug trade, among the false news items[11] peddled by her detractors was a sex video she was allegedly involved in.[12] The video was a viral online sensation and was almost shown in a Congressional hearing. In another case, a human rights activist fell victim to an unfortunate mix of identity theft and doxxing when an FB account bearing her name and photo posted a bomb threat, spurring other users to disclose her personal information (i.e., residential address and other contact details).[13]

In the different ways privacy violations have been linked to disinformation, Big Tech platforms like FB usually come out as the biggest enablers. Their impact is stronger and more effective in countries like the Philippines, which have the most number of active social media users in the world.[14] For many, FB's dominant position is the reason why the creation and proliferation of disinformation has grown from a casual phenomenon to a professionalized industry.

In 2018, a landmark report revealed that disinformation in the Philippines proliferates through a complex network of influencers and information intermediaries, facilitated by the deregulated advertising and public relations industries, political campaign financing, and platform intermediaries.[15] Jonathan Corpus Ong and Jason Cabanes, the researchers behind the report, were able to interview people who have actively taken part in professional disinformation campaigns.

A common strategy used by professional trolls

necessitates identity theft in the form of fake social media accounts. According to an investigative series published by Rappler in 2016, a major element of the disinformation machinery in the Philippines is a network of FB accounts that utilize fake names and affiliations and which often use photos of celebrities or random photos culled from the internet.[16]

In the Cambridge Analytica (CA) fiasco, the Philippines had one of the most affected populations. According to FB's official statement, over a million Philippine residents had their personal information improperly shared with CA.[17] Journalists then uncovered documents from as early as 2013 showing how Strategic Communication Laboratories (SCL)—CA's parent company—boasted about helping rebrand a client during national elections in the Philippines.[18] Photos also surfaced of former CA CEO Alexander Nix visiting the Philippines in 2015 and meeting with several personalities, including those known to have been involved in the 2016 campaign of President Rodrigo Duterte.[19] At least one of the personalities— Jose Gabriel "Pompee" La Viña—has denied availing of SCL's services, although he admits that Nix's presentation influenced the social media strategy they developed for Duterte.

FB has not taken things sitting down. It has made visible attempts to take on the problem in a more direct manner. In January 2019, it deleted 220 FB pages, 73 FB accounts, and 29 Instagram accounts belonging to Twinmark Media, a company registered and headquartered in the Philippines.[20] In March, it also removed 200 pages and groups assessed to have demonstrated coordinated inauthentic behavior.[21] Most of the accounts were part of a network organized by Nic Gabunada who headed Duterte's 2016 campaign. Although FB is adamant its takedowns are based on the behavior and not content, the pages and accounts most affected by the purge were widely known to be frequent sharers of hoax stories and false information. One of them in particular, Trending News Portal, was also the top "news" source of former Presidential Communications Operations Office (PCOO) Assistant Secretary and prominent Duterte supporter, Mocha Uson.

No Easy Solution

The complicated operations and multiple parties involved have essentially made sure there will be no clear and easy solution for this problem. Just the same, the menu of options being explored by the many different stakeholders out there is gradually expanding:

- **Platform Regulation.** Thus far, the most prominent response has been proposals for government to regulate social media platforms. In the 17th Philippine Congress, bills ranged from mandatory registration of social media accounts[22] to penalizing social media companies.[23] Most subscribe to the real-name policy school of thought, which has long been endorsed by companies like FB.[24] The company insists the measure is necessary in order for it to ensure the safety of their users.

What proponents fail to mention, however, is that these types of policies also strip away the right to anonymity and individual privacy which are themselves essential to free expression, especially for marginalized groups.[25]

- **Platform Accountability.** The role of corporations both in advancing and interfering with the rights to privacy and free expression is referred to in the Guiding Principles on Business and Human Rights, the Global Network Initiative's Principles on Freedom of Expression and Privacy, the European Commission's ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights, and the Telecommunications Industry Dialogue Guiding Principles. Exacting platform accountability, however, is easier said than done— especially when one considers the fact that adherence to the principles just cited is merely voluntary. In this wise, the CA affair is once again instructional.

Photo by Ilyass SEDDOUG on Unsplash

After that controversy became public, FB was subjected to a series of legislative investigations. Until now, however, lawmakers remain dissatisfied with the company's cooperation and no one has been prosecuted or held to account for that scandal.[26]

- **Self-Regulation.** In some parts of the world, FB has launched transparency initiatives as a counter-measure to rampant disinformation. In Ukraine, for instance, it has started archiving political ads for seven (7) years, while banning those ads bought outside the country. The effectiveness of these measures has yet to be evaluated fully. In Ukraine, meanwhile, locals have already expressed that FB's efforts are not enough.[27] The crackdown there on political ads also resulted in civil society-produced educational materials being banned.

- **Technical Tools.** In the domestic front, the National Union of Journalists in the Philippines (NUJP) and Center for Media Freedom and Responsibility (CMFR), two media organizations, jointly developed a plug-in for Google Chrome called Fakeblok.[28] The plug-in flags posts that come from a list of websites the group has identified as having a tendency to post false news items. This year, a group of young leaders from Southeast Asia called Break The Fake Movement is set to conduct a region-wide hackathon to address fake news and disinformation.[29] On the part of the government, the PCOO reported in 2018 about its plans to install 42,000 satellite

receivers in barangays (villages) that would transmit official government information as a countermeasure to fake news.[30]

- **Code of Practice.** In the European Union, the European Commission has developed a Code of Practice on Online Disinformation, which was signed by FB, together with Google, Twitter, and Mozilla in 2018.[31] However, proper implementation of the code has yet to materialize. The Philippine government, through the Department of ICT, also started crafted guidelines on the social media use of government employees as early as 2017, but the Administrative Order has not been signed to this day.[32]

- **Media Literacy and Fact Checking.** Media literacy (i.e., improving the public's capacity to discern the journalistic quality of content) is also often suggested as an effective strategy against disinformation especially among civil society and academia. Unfortunately, it has been proven by now that content scrutiny is rarely enough since it merely scrapes the surface of problem. To be effective, it must be paired both with digital literacy (i.e., tools and knowledge to safely navigate the digital world) and privacy literacy. Curbing the virality of disinformation must go hand-in-hand with protecting personal data, especially those in the hands of powerful platforms like FB and Google. It will require a concerted effort, too. In the Philippines, civil society actors—media groups, academic institutions, and human rights defenders—are leading the fight against

disinformation. Institutions like Rappler and Vera Files have their respective fact-checking initiatives and have both signed on to the International Fact-Checking Network's (IFCN) code of principles.[33] Four local media groups (ABS-CBN, Manila Bulletin, Philippine Daily Inquirer, and Rappler) have also signed on as core partners of the First Draft Network, a global coalition of tech companies and news organizations aiming to fight information disorder through fieldwork, research, and education.[34] During the campaign period for the 2019 elections, 11 news organizations and 3 universities in the Philippines teamed up for Tsek.ph, a project that fact-checked campaign statements and election-related news and online posts, including those in social media.[35]

What Now?

In 2018, the National Privacy Commission (NPC) hinted that it was willing to exact accountability from online intermediaries like Facebook if or when called for by circumstances.[36] To date, though, the agency has yet to go beyond its press statements and announcements of new investigations. There has been no indication that it has initiated more substantial engagements that lead to effective and lasting solutions. As corporate surveillance entangles itself further in the world's various information systems, the NPC's task of promoting privacy literacy becomes all the more important when moving forward. Much of its first three-year term was dedicated to the promotion of its Data Protection Officer (DPO) program. That has to expand. Privacy literacy must be

mainstreamed across all stakeholder groups. Everyone needs to be educated on all the pressing issues, if a robust privacy ecosystem is to be envisioned.

At the same time, civil society will have to ante up its efforts. Privacy advocates should adapt and learn a thing or two from those working to fight disinformation. Similarly, journalists and fact checkers should also be more mindful of the privacy rights of news subjects, just as they are of the truth and the integrity of news reports and articles.

It's a herculean challenge, to be sure. In the end, what remains to be the most important takeaway is that for people to recognize that truth, individual autonomy, and privacy are all crucial pillars of any true democracy. The FB-CA scandal was a wakeup call, a harsh reminder of what disinformation and privacy violations can do to vital democratic processes. It must not be lost on everyone that the threats they pose continue to exist to this very day. Some say they are even bound to get worse. To respond properly, people and institutions need to go beyond reckless knee-jerk reactions, which can sometimes be more harmful than the ills they are meant to cure. To stamp out fake news, the focus should be less on censorship and control, and more on measures that untangle and manage effectively the linkages between privacy, corporate accountability, competition, and democracy. This is because they offer the best chance towards a more informed and secure future—one where an empowered population coexists with a free society.

REFERENCES

1 Mozur, P. (2018, October 15). A Genocide Incited on Facebook, With Posts From Myanmar's Military. *The New York Times.* Retrieved from: https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html

2 How WhatsApp helped turn an Indian village into a lynch mob. (2018, July 19). Retrieved from: https://www.bbc.com/news/world-asia-india-44856910

3 McKay, T. (2018, March 10). Sri Lanka Blocked Facebook This Week for Allegedly Spreading Hate Speech and Violence. *Gizmodo.* Retrieved from: https://gizmodo.com/sri-lanka-blocked-facebook-this-week-for-allegedly-spre-1823676276

4 Cadwalladr, C. (2017, May 7). The great British Brexit robbery: how our democracy was hijacked. *The Guardian.* Retrieved from: https://www.theguardian.com/technology/2017/may/07/the-great-british-brexit-robbery-hijacked-democracy

5 Rosenberg, M., Confessore, N., & Cadwalladr, C. (2018, March 17). How Trump Consultants Exploited the Facebook Data of Millions. *The New York Times.* Retrieved from: https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html

6 Peinado, F., Palomo, E., & Galán, J. (2018, March 22). The distorted online networks of Mexico's election campaign. *El País.* Retrieved from: https://elpais.com/elpais/2018/03/22/inenglish/1521710735_571195.html

7 How Private Information Helps Fake News Fool the Public. (2018, October 11). Retrieved from: https://knowledge.wharton.upenn.edu/article/how-private-information-helps-fake-news-to-hoodwink-the-public/

8 Törnberg, P. (2018). Echo chambers and viral misinformation: Modeling fake news as complex contagion. Retrieved from: https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0203958

9 Silverman, J. (2019, January 18). How Tech Companies Manipulate Our Personal Data. *The New York Times.* Retrieved from: https://www.nytimes.com/2019/01/18/books/review/shoshana-zuboff-age-of-surveillance-capitalism.html

10 Disinformation and 'fake news': Final Report (2019, February 18). House of Commons Digital, Culture, Media and Sport Committee. Retrieved from: https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/1791/1791.pdf

11 De Lima warns vs. continued spread of fake news about her. (2018, July 8). Retrieved from: https://www.gmanetwork.com/news/news/nation/659604/de-lima-warns-vs-continued-spread-of-fake-news-about-her/story/

12 Occeñola, P. (2018, December 15). Fake News, Real Women: Disinformation gone macho. *Rappler.* Retrieved from: https://www.rappler.com/newsbreak/in-depth/217563-disinformation-gone-macho

13 Gutierrez, N. (2017, September 16). Who posted bomb threat? Police affidavit vs anti-Duterte netizen misses crucial details. *Rappler.* Retrieved from: https://www.rappler.com/newsbreak/in-depth/182252-lyn-ouvrier-willyn-trabajador-criminal-complaint

14 Gonzales, G. (2019, January 31). Filipinos spend most time online, on social media worldwide - report. *Rappler.* Retrieved from: https://www.rappler.com/technology/news/222407-philippines-online-use-2019-hootsuite-we-are-social-report

REFERENCES

[15] Ong, J.C. & Cabañes, J.V.A. (2018). Architects of Networked Disinformation: Behind the Scenes of Troll Accounts and Fake News Production in the Philippines. Retrieved from: https://newtontechfordev.com/wp-content/uploads/2018/02/ARCHITECTS-OF-NETWORKED-DISINFORMATION-FULL-REPORT.pdf

[16] Hofileña, C.F. (2016, October 9). Fake accounts, manufactured reality on social media. *Rappler.* Retrieved from: https://www.rappler.com/newsbreak/investigative/148347-fake-accounts-manufactured-reality-social-media

[17] Schroepfer, M. (2018, April 4). An Update on Our Plans to Restrict Data Access on Facebook. *Facebook Newsroom.* Retrieved from: https://newsroom.fb.com/news/2018/04/restricting-data-access/

[18] Horwitz, J. & Ghoshal, D. (2018, April 10). Cambridge Analytica boasted about branding a Filipino politician as tough on crime and "no-nonsense". *Quartz.* Retrieved from: https://qz.com/1245444/cambridge-analytica-boasted-about-branding-a-filipino-politician-as-tough-on-crime-and-no-nonsense/

[19] Gutierrez, N. (2018, April 9). Duterte social media campaign manager: 'Nix influenced my work'. *Rappler.* Retrieved from: https://www.rappler.com/nation/199866-cambridge-analytica-facebook-data-scandal-duterte-interfere-elections-scl

[20] Gleicher, N. (2019, January 10). Banning Twinmark Media Enterprises in the Philippines from Facebook. *Facebook Newsroom.* Retrieved from: https://newsroom.fb.com/news/2019/01/banning-twinmark-media-enterprises/

[21] Gleicher, N. (2019, March 28). Removing Coordinated Inauthentic Behavior From the Philippines. *Facebook Newsroom.* Retrieved from: https://newsroom.fb.com/news/2019/03/cib-from-the-philippines/

[22] House Bill No. 4093: An Act Mandating the Authentication of Online and Social Media Memberships in the Country Through Registration of Their Accounts Using Any Valid Government-issued Identification and/or Barangay Certificate

[23] House Bill No. 5021: An Act Regulating the Use of Social Media, Prescribing Penalties and for Other Purposes

[24] What names are allowed on Facebook? (n.d.). Retrieved from: https://www.facebook.com/help/112146705538576

[25] A/HRC/29/32. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye. (2015, May 22). Retrieved from https://www.ohchr.org/EN/HRbodies/HRC/RegularSessions/Session29/Documents/A.HRC.29.32_AEV.doc

[26] Kirkpatrick, D.D. (2018, July 28). Facebook is Failing to Aid Inquiry Into 'Fake News,' British Lawmakers Say. *The New York Times.* Retrieved from: https://www.nytimes.com/2018/07/28/world/europe/uk-facebook-fake-news.html

[27] Nelson, S. (2019, April 21). "Truth exists but you have to find it": Fighting disinformation on Facebook in Ukraine. Retrieved from: https://privacyinternational.org/long-read/2822/truth-exists-you-have-find-it-fighting-disinformation-facebook-ukraine

REFERENCES

[28] Fakeblok. *Chrome Web Store.* Retrieved from: https://chrome.google.com/webstore/detail/fakeblok/hmnmdckbmimdgphejmaepnpinkhkggdm?hl=en

[29] Break the Fake Hackathon 2019. Retrieved from: https://www.breakthefakemovement.com/

[30] Cordero, T. (2018, March 3). Gov't to roll out anti-fake news Government Satellite Network. *GMA News Online.* Retrieved from: https://www.gmanetwork.com/news/news/nation/645337/gov-t-to-roll-out-anti-fake-news-government-satellite-network/story/

[31] Statement by Commissioner Gabriel on the Code of Practice on Online Disinformation. (2018, September 26). Retrieved from: https://europa.eu/rapid/press-release_STATEMENT-18-5914_en.htm

[32] Draft Administrative Order on Social Media Use for Government. Retrieved from: http://www.dict.gov.ph/wp-content/uploads/2017/10/DRAFT-AO-Social-Media-Use-for-Government.pdf

[33].Verified signatories of the IFCN code of principles. Retrieved from: https://ifcncodeofprinciples.poynter.org/signatories

[34] First Draft. Retrieved from: https://firstdraftnews.org/

[35] Tsek.ph. Retrrieved from: https://tsek.ph/

[36] Updated: Press Statement of Privacy Commissioner Raymund Enriquez Liboro on Facebook's Latest Breach. (2018, September 29). Retrieved from: https://www.privacy.gov.ph/2018/09/updated-press-statement-of-privacy-commissioner-raymund-enriquez-liboro-on-facebooks-latest-breach/