



Caroline Lucas

**I**f the last few years should have taught us anything, it's that our U.K. democracy is out of date. Electoral law in the U.K. is designed to regulate campaigning on doorsteps, leaflets, TV, and radio. It isn't built to deal with digital tools that have unprecedented potential to manipulate the public.

When the Law Commission published an interim report on its project to review and modernize our electoral laws in February 2016, the Government said there was no parliamentary capacity for new legislation. Months later, the U.K. voted to leave the European Union in a referendum that the Electoral Commission later ruled saw the Leave campaign break electoral laws (1).

Investigative journalists like Carole Cadwalladr have unearthed disturbing revelations about how shady political consulting firm Cambridge Analytica collected 71 million Facebook profiles — including those of 1 million Brits — and used them to target people with highly personalized political advertising (2), (3).

The idea that the U.K. Parliament doesn't have time to deal with these serious threats to our democracy beggars belief. Ministers urgently need to rethink their priorities and make time for an overhaul of the laws that govern politics to make them fit for the 21st century.

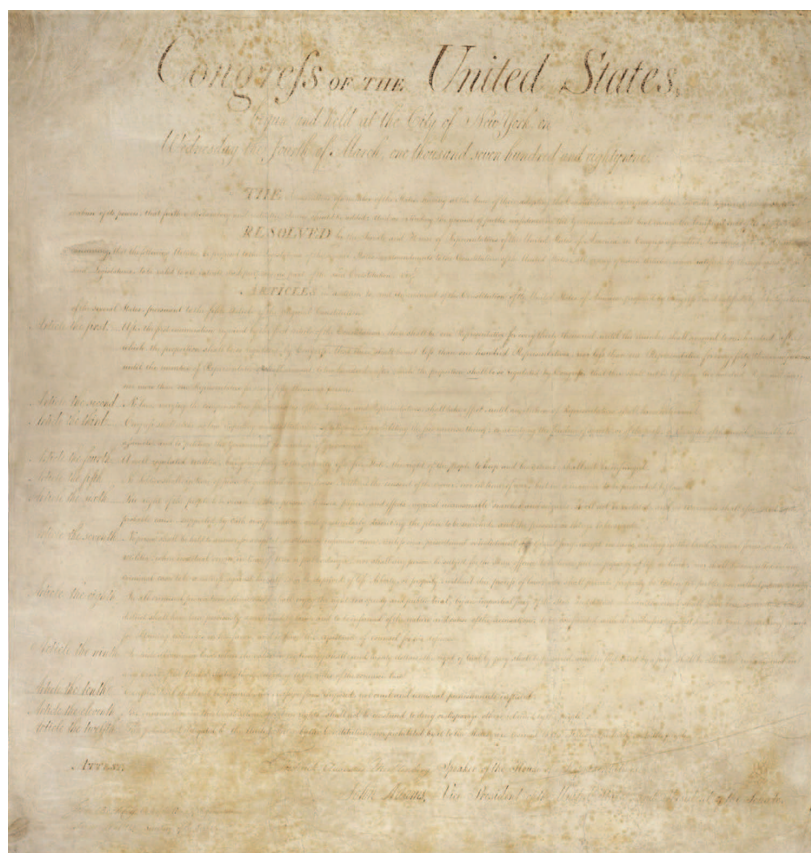
# The Democracy Lag

## Updating Electoral Law and the Need for a Digital Bill of Rights

In the early 2000s, when having Internet access at home started to become the norm (3), many of us had high hopes for its potential to revolutionize democratic participation. This was a space where every-

one could have a voice, and could research new ideas freely and easily.

But since then companies like Google and Facebook have grown into behemoths with monopolies of unprecedented scale and scope that



go virtually unchallenged. In August 2018, Apple became the world's first trillion dollar company — making its stock market value larger than the economies of Turkey and Switzerland (4).

The Internet has been reduced to a marketplace, where platforms compete for our dwindling attention spans to maximize returns on advertising. In return for access to these incredible “free” tools for communication, research, navigation, and so much more, we provide these companies with data capable of revealing our innermost thoughts, fears, and desires.

This is the business model of surveillance capitalism (5) — and it puts at risk the fundamental rights and freedoms modern liberal democracies are built on. We cannot allow it to continue.

### Taming the Tools for Manipulation

The first step in restoring confidence that our elections are free and fair must be to regulate the tools campaigners, political parties, and — it is feared — hostile foreign agents can use to manipulate voters.

We must protect net neutrality — the principle that all Internet traffic should be treated equally, rather than certain companies (or political parties) being able to pay to make their own websites load faster than others. The United States scrapped this important concept in June 2018 — but the U.K. must uphold it.

It's vital that we have a public conversation about whether the likes of Facebook, Twitter and Google are broadcasters — and should be regulated as such. Though anyone can post content to these platforms, the corporations and their algorithms now control not just how people receive information but which information they see.

It may be that we decide these sites lie somewhere between tele-

phones and television stations — and need a completely new set of standards.

It might be that certain parts of a site — such as a Facebook group with more than 1000 members — should be treated like broadcasters, while others — like private messages — should not.

We could even decide that these platforms are now so huge and so integral to public life that they should be brought into public ownership. But it's a debate we urgently need to have.

In the meantime ministers must urgently draft a Digital Bill of Rights to build Internet regulations based on the fact that we are citizens, not consumers — and that we own our data, not private companies.

It should establish that people must give genuine, informed consent for a corporation to collect their data — and no amount of small print should justify selling it on or using it for other purposes.

Terms and conditions should be much clearer, more accessible and any changes should be highlighted. Rather than several pages of new terms and conditions written in legalese, which we're supposed to compare with equally impenetrable previous versions, companies should highlight the changes and give us the option to say no to each one individually.

Crucially, the Government should identify a new or existing independent regulatory body for social media service providers with strong enforcement powers. Fines of even a few million pounds are small change to the likes of Apple. There must be real consequences for mishandling our most personal information.

A Digital Bill of Rights would establish the U.K. as leading voice when it comes to protecting the rule of law and democracy in digital spaces. It would start to shift the

current imbalance between the surveillance capitalists and the people whose data they profit from.

### Adding Transparency to Advertising

Next, we should tighten the rules for political parties and campaigners themselves. At a bare minimum, ministers should introduce laws forcing online political campaigns to be open about their funding — with a requirement that campaign spending is updated publically in real time.

All online adverts must be made transparent — just like the political leaflets that land in your letterbox. A sentence at the bottom of every ad should tell us immediately why we are seeing it, who is targeting us, and why. And we should be able to opt out with one click.

The same goes for political campaigning via websites and social media. Accounts and websites should feature a line in the profile description or at the bottom of each page saying who they are — just like the adverts.

Politics is about power — and there will always be people willing to use whatever means necessary to win it. That includes breaching spending limits, stifling opposition, and manipulating voters into supporting them.

With Internet corporations quickly becoming as powerful as nation states and pushing data-harvesting technology into all parts of life, we're running out of time to change course.

If the U.K. wants to maintain our reputation as one of the oldest and most respected democracies in the world, ensuring our laws keep pace with the tactics of those who try to undermine it must be a top priority.

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which will, in turn, entail an adaptation in public models of control.

The respective new standards, rules, and design enhance control capacity in the Smart Cities' context. However, the reinforcement of regulation cannot cross certain limits. First, the regulation must assume multiple economic and social goals, such as fair competition, user safety, and environmental protections, considering the society's systems as a whole. Secondly, the authorities must take into consideration values such as privacy, data protection, informational self-determination, and most important, civic dignity (15) to weigh their measures. In a democratic state, regulatory power is only legitimated when counterbalanced by fundamental rights. Thirdly and at last, regulatory changes are a continuous and reflexive process, by which authorities should analyze the impacts of each novel implementation rules and also technological development, before considering any changes.

While the concept of a Smart City is an ongoing progress, the optimal level of regulation remains a challenge in today's scenario. Smart regulation is always aware of the impacts of technology's implementation into

society and, most important, guarantees human values along the way.

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