



Coimisiún
na Meán

Information Pack

*Guidelines for candidates on
keeping safe online during
elections – May 2024*

Coimisiún na Meán is Ireland's body for regulating broadcasters, on-demand services and online media, and supporting media development. We are working to develop and regulate a diverse, safe and thriving media landscape.

Our Online Safety Framework is aiming to drive behavioural changes from the platforms. The Framework is supported by the ability to impose strong sanctions, including significant fines, when rules are broken. One of our key priorities this year is Electoral Integrity and Disinformation.

www.cnam.ie



This pack aims to provide information for candidates standing for election in Ireland.



It offers a reminder of what you might do when you are faced with harmful and/or illegal content online and the role Coimisiún na Meán can play in this.



It also looks at your rights when your post is removed by a platform for e.g. allegedly going against their community standards.

What is Ireland's Online Safety Framework?

Ireland's Online Safety Framework makes digital services accountable for how they protect people from potential harm or exposure to illegal content online.

You might find it helpful to know that there are a number of pieces of legislation protecting you from harmful or illegal content or behaviours.

Three different pieces of legislation form the Framework:

- The EU Digital Services Act (DSA)
- The EU Terrorist Content Online Regulation
- The Online Safety and Media Regulation Act 2022

You can find more detailed information about the Online Safety Framework at www.cnam.ie/online-safety.

Summary of what to do when faced with illegal/harmful content

- If you are faced with **illegal** content online, you should **report** it on the platform. To understand what might be illegal in Ireland, see slide 8. To understand how to report illegal content, see slide 12. If you're worried about your safety, please contact the Gardaí on 999 or 112.
- If something is harmful, but not illegal, it may be in breach of the **platform's rules** or community standards, you can also report it on the platform (see slide 12).
- As an electoral candidate, some of the large platforms have information and support for you around their efforts to maintain electoral integrity (see slide 14).
- Once you've reported harmful or illegal content, the platform must provide you with a **decision** on how it has dealt with your report, setting out reasons for its decision. The decision must be timely.
- The platform must also let you know if **they restrict your content**, for example remove, disable or demote your content.
- If you are unhappy with their decision following a report or restriction of content, you can **appeal** that decision on the platform. It should be clear to you how to do this and this appeal mechanism should be easy to find.
- If you think the platform has failed to provide these steps, you can **complain** to Coimisiún na Meán (slide 15). If you have a query and need to contact us during the election period, we have created a dedicated email address to notify us. We will prioritise responses to this email address (slide 15).

Scenarios

1) Someone is harassing me online, writing threatening, offensive and untrue messages under my posts. I'm afraid and I'm worried this will affect my chances of getting elected.



Some of these messages may be illegal. Report each post to the platform and where appropriate, pick 'illegal content' where you will need to fill in a separate reporting form (see *slide 12*). If you're worried about your safety, contact the Gardaí on 999 or 112.



If you can't find the way to appeal, please contact Coimisiún na Meán at politicalrep@cnam.ie or call + 353 1 963 7755

2) My post was taken down and I'm not happy with this. This affects my freedom of expression and my chance to be elected.



A platform has to inform you if they remove or downrank your content based on alleged illegality or a breach of the platform's rules. Each platform must have a mechanism for you to appeal its decision. Use this mechanism on the platform.



If you can't find the way to appeal, please contact Coimisiún na Meán at politicalrep@cnam.ie or call + 353 1 963 7755

What is illegal content?

- Content is illegal if it is in breach of the law of Ireland or another EU Member State, or of EU law.
- Some offences that could cause harm in the context of elections are: **online impersonation** (sec 7 (1) of the Theft and Fraud Offences act 2001, unauthorised **disclosure of personal data** (section 145 Data Protection Act).
- Please see next slide for further examples of illegal content. The examples of potentially illegal content contained in this table are not exhaustive.

What is illegal content?

If the content is:	It may be illegal under:
A credible threat of violence.	Section 5 of the Non-Fatal Offences Against the Person Act, 1997
Part of a campaign of harassment (such as cyberbullying).	Section 10 of Non-Fatal Offences Against the Person Act, 1997
A threatening or grossly offensive communication.	Section 4 of the Harassment, Harmful Communications and Related Offences Act 2020
Threatening, abusive or insulting and likely to stir up hatred against a group of people on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation.	Section 2 of the Prohibition of Incitement to Hatred Act, 1989
An unsolicited image of someone's genitals that causes distress, fear or alarm.	Section 45 (1) of the Criminal Law (Sexual Offences) Act 2017
Offensive conduct of a sexual nature.	Section 45 (3) of the Criminal Law (Sexual Offences) Act 2017
An intimate image shared without consent.	Section 3 of the Harassment, Harmful Communications and Related Offences Act 2020
Encouragement of a person to attempt suicide or information that would help them do so.	Section 2(2) of the Criminal Law (Suicide) Act 1993
Child sex abuse material or an advertisement for child sex abuse material.	Section 5(1) of the Child Trafficking & Pornography Act 1998
Encouragement of terrorist activity or a threat to commit an act of terrorism.	Section 6 of the Criminal Justice (Terrorist Offences) Act 2005

The table is a high-level summary. It does not constitute legal advice. Nor does it represent the position that Coimisiún na Meán may take in the context of any regulatory proceeding in which the meaning of the provisions concerned is in issue.

Reporting content users have concerns about

- You may see content online that you do not approve of, or think should not be online. This does not necessarily mean that the content is illegal. **You should always report content to the platform where you saw it if you have concerns**, but outside of what is illegal, platforms are free to set their own rules for what content is permissible.
- Platforms have a legal obligation under the [Digital Services Act \(DSA\)](#) to have rules about acceptable content and include them in their terms and conditions, or community rules. They also have to enforce these rules. They must provide mechanisms for users to report content they consider is in breach of the rules.
- Some social media platforms allow you to report misinformation or disinformation. Please note, **misinformation or disinformation is not necessarily illegal**.
- The [DSA election guidelines](#), for example, include recommendations for platforms to demonetise disinformation content, to have and enforce rules to prevent the impersonation of candidates as well as for manipulated content such as deepfakes, to be distinguishable for users. See reporting options on slide 12 and to Coimisiún na Meán on slide 15.
- Neither Coimisiún na Meán nor any other public body has the authority to require content to be taken down, solely on the basis that the content represents misinformation or disinformation.

Reporting illegal content online



- If you see illegal content on the platform, you should report it first to the platform where you saw it. Under the Digital Services Act, online platforms must provide a user-friendly reporting mechanism to directly notify them about illegal content.



- If the content is illegal, the online platform must act in a timely manner to disable it or remove it.



- The online platform must let you know of its decision in relation to the reported content within a reasonable time and provide information on options for appealing the decision.



- If there is an immediate threat to your life or a fear for your safety, you should always contact an Garda Síochána on 999 or 112.

Under the DSA, you have the right to appeal/complain



- If you're not satisfied with the online platform's decision on your report, the online platform must provide a user-friendly appeal mechanism, free of charge.



- You have 6 months from the date of the decision to lodge an appeal with the online platform.



- The online platform must notify you of its decision in relation to the appeal and its reasons for it without undue delay. They must also advise you of the options you have to further appeal if you're still not satisfied.



- If you believe an online platform has not met its obligations under the Digital Services Act, you can make a complaint to Coimisiún na Meán.

How to report content or illegal content on the platforms

Normal procedures for reporting content that goes against the community rules/terms and conditions

- How to report on [Facebook](#)
- How to report on [Instagram](#)
- How to report on [X](#)
- How to report on [TikTok](#)
- How to report on [LinkedIn](#)
- How to report on [Youtube](#)
- How to report on [Google](#)
- How to report on [Bing](#)

Procedures for reporting illegal content

- How to report on [Facebook](#)
- How to report on [Instagram](#)
- How to report on [X](#)
- How to report on [TikTok](#)
- How to report on [Youtube](#)
- How to report on [Google](#)
- How to report on [Bing](#)

Other platforms: see link [here](#) for further information

What you need in order to report illegal content online

When reporting illegal content on the platform where you found it, you will need:

- An explanation of the reasons why you believe the content is illegal
- The location of the content, such as the exact URL(s)
- Your name and email address, except in cases of content involving Child Sexual Abuse Material (CSAM)
- A statement confirming your honest belief that the information and allegations contained in the notice are accurate and complete

Please note that, depending on the platform, reporting illegal content may start from normal reporting procedures. However, as you deem the content illegal, a separate form may need to be used, whereby you will be required to give your email and the exact URLs which you deem illegal. These forms can vary across platforms.

Available Information and Support for Candidates around Elections

- Support hub on [Meta](#) (Facebook/Instagram - Contact: Meta Support Pro)
- Election integrity on [TikTok](#)
- Policies for election misinformation on [Youtube](#)
- To report deceptive AI-generated media affecting your election campaign on [Bing](#)

- Information and resources relating to online safety and our role can be found here: www.cnam.ie/online-safety.
- Information on what you can complain about and the complaints process can be found here: <https://www.cnam.ie/onlinecomplaints/>.
- **Call us** at our contact centre: + 353 1 963 7755 (Monday to Friday, 8am to 6pm)
- **Email us:** PoliticalRep@cnam.ie
- We understand that time is of the essence during election periods. If you have an issue in relation to online content, we will prioritise responses to the above email address.

Please note: While it is within Coimisiún na Meán's remit to assess if providers of an online service are doing what they are obliged to do under the DSA, it is **not** part of Coimisiún na Meán's remit to carry out a **content moderation role**, to act as an appeal body from decisions of providers of online services in relation to illegal content, or to act as a judge in disputes between different parties or different users about illegal content. This also means we are not in a position to immediately or directly remove content, and the quickest way to have your issue addressed is by engaging with the platform itself. Our role is to ensure platforms have complaint mechanisms in place and are operating them diligently.

Other Resources & Support

A number of other organisations have published their own information resources concerning elections. You can find a sample of these here:

- Women for Election in conjunction with An Garda Síochána and See Her Elected have produced safety guidance for candidates in elections: <https://www.womenforelection.ie/>
- Electoral Commission: www.electoralcommission.ie/framework
- National Cybersecurity Centre: https://ncsc.gov.ie/pdfs/NCSC_Cyber_Security_Political_Orgs_Candidates.pdf
- European Commission: Guidelines for VLOPs and VLOSE on the mitigation of systemic risks for electoral processes <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024XC03014&qid=1714466886277>

You may also find additional information here about fact checking and misinformation

- The Journal.ie: <https://www.factchecking.ie>
- Media Literacy Ireland / Be Media Smart: <https://www.bemediasmart.ie/>

Please remember:

 **SPOT IT**

See illegal content online?

 **FLAG IT**

**You should always report it to the
online platform where you saw it.**

 **STOP IT**

**Online platforms must remove
illegal content.**



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