

# Digital Imprints

17 October 2023

# Statutory guidance

## Process

- Electoral Commission must draft it and submit it to the Minister
- Minister may make changes
- Minister lays it before Parliament

## Content

- Must include explanation of DI
- Also must include guidance on how DI will be enforced
- We must have regard to the guidance when we enforce
- The police must also have regard to the guidance
- Compliance with guidance provides a statutory defence

# What kinds of material require an imprint?

Scope:

Digital material

or

‘Electronic material’

Any material:

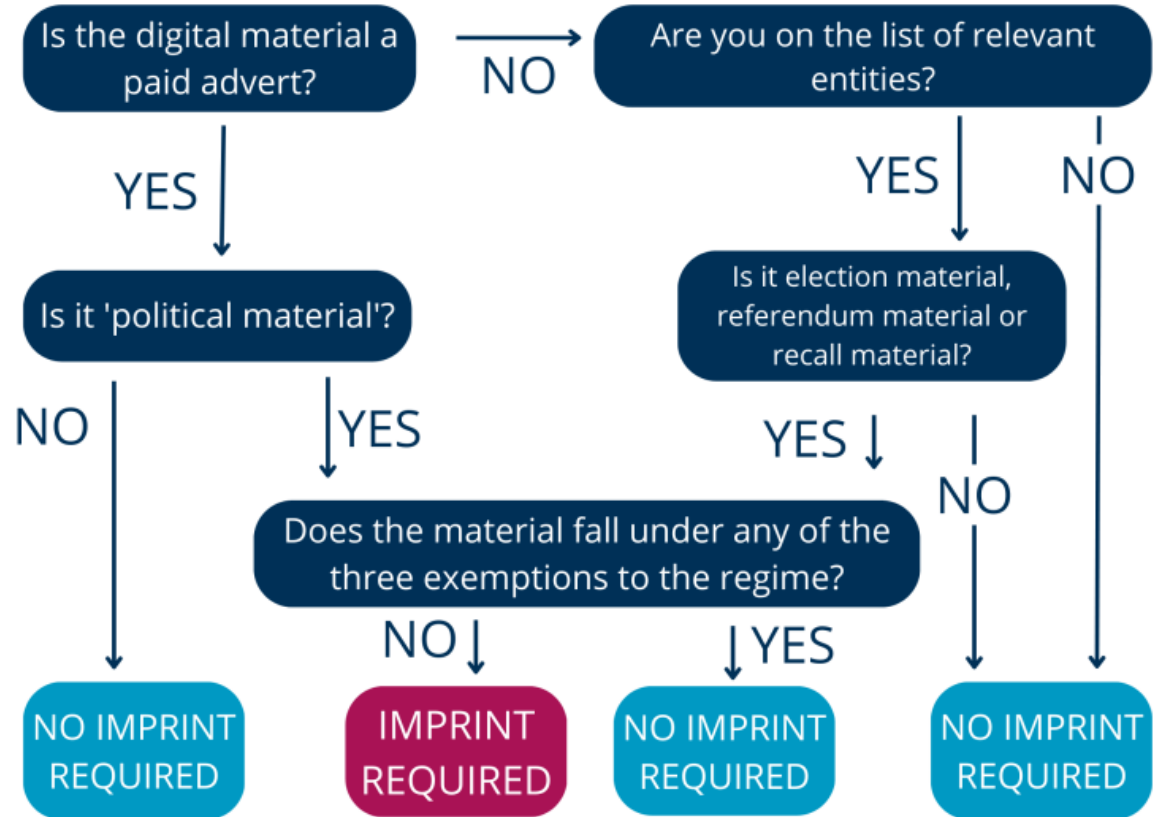
- in electronic form which consists of or includes text, moving images, still images, speech or music
- which is made available to the public or a section of the public

It does not include telephone calls or SMS messages.

For example:

- Any advert on the internet
- Social media posts
- Websites
- Electronic billboards
- And so on...

# What kinds of material require an imprint?



# What kinds of material require an imprint?

## Paid adverts

If you have paid for the material to be published as an advert:

→ imprint required on 'political material'

# What kinds of material require an imprint?

Paid adverts



Political material

Material whose **sole or primary purpose** can be reasonably regarded as intended to influence the public, or any section of the public, to give support to or withhold support from:

- one or more political parties
- a particular candidate or a particular future candidate
- a particular elected office-holder
- political parties, candidates, future candidates or elected office-holders that support or do not support particular policies or hold particular opinions
- other categories of parties, candidates, future candidates or elected office-holders – for example, candidates who went to a state school, or MPs who have second jobs
- the holding of a referendum, or a particular outcome of a referendum

These rules can apply at any time, to anyone.

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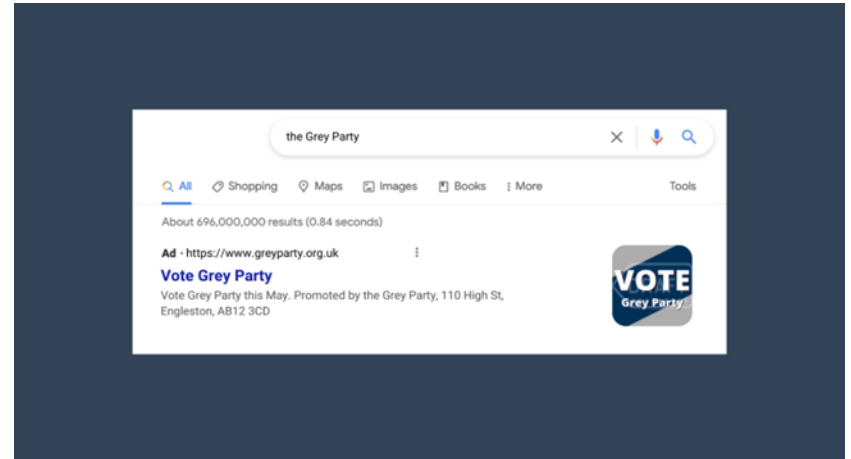
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# What kinds of material require an imprint?

## Paid adverts



# What kinds of material require an imprint?

## Organic material

- Material other than paid adverts

→ imprint required on:

- election material
- referendum material
- recall petition material

→ but only for certain relevant entities

# What kinds of material require an imprint?

## Organic material

→

## Relevant entities

- a registered party
- a registered non-party campaigner
- a candidate or future candidate
- an elected office holder
- a registered referendum campaigner
- a registered recall petition campaigner

Any digital material published by or on behalf of anyone on this list may require an imprint even if it is not a paid advert.

# What kinds of material *don't* require an imprint?

## Exemptions

- Material, other than an advert, published on a website or app whose primary purpose is journalism
- Any party political broadcast or referendum campaign broadcast
- Certain shared material

# What kinds of material *don't* require an imprint?

**Sharing exemption** Shared or republished material does not require a new imprint if:

- it has already been published
- with a correct imprint
- you do not alter the material

It counts as altering it if the imprint:

- is removed *(if it was a part of the material)*
- ceases to be accessible from your republished material  
*(if it was directly accessible from the material)*

# What is an imprint?

## Digital imprints

### Details of:

- Promoter (whoever has caused the material to be published)
- Anyone else on whose behalf it has been published
  
- (No details of printer or equivalent)

# What must you include?

## Name and address details

Address can be:

- Office address
- Home address
- PO Box or other mailbox

The imprint must be in text form → must be legible

(for solely audio material, in which case, the imprint must be included as sound → must be audible)

# Where must the imprint appear?

As a part of the  
material

The imprint must be included as a part of the material  
(unless it is not **reasonably practicable**)

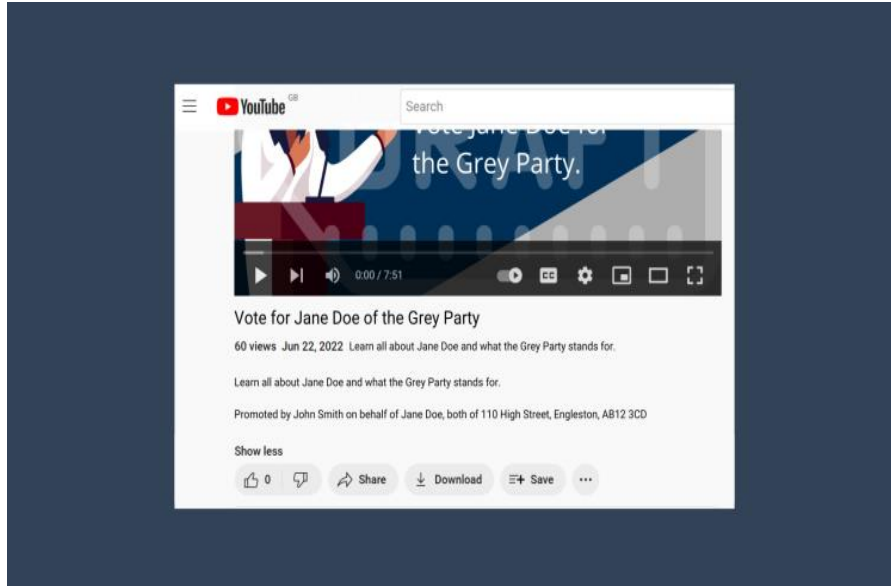
For example:

- Footer of a webpage
- In the content of an image or a video itself
- Elsewhere as a part of the social media post, e.g.:
  - Disclaimer on Facebook ad
  - Description on YouTube



# Where must the imprint appear?

As a part of the  
material



# Where must the imprint appear?

Directly accessible  
from the material

If it is not **reasonably practicable** to include the imprint as a part of the material

then the imprint must appear somewhere **directly accessible** from the material.

- direct link to the imprint
- e.g. hyperlink
- ‘one-click’ or equivalent action

# Where must the imprint appear?

Directly accessible  
from the material

For example:

- Tweet on Twitter → imprint in:
  - Twitter bio underneath name
  - Pinned tweet
  - Your website (if you add your own link to the tweet)

# Where must the imprint appear?

‘Reasonably  
practicable’

Technological capability og

For example often reasonably practicable:

- Facebook adverts
- Videos

For example often not reasonably practicable:

- Tweets (?)

# Enforcement

## Roles

<b>Police</b>	<b>Electoral Commission</b>
<b>enforce material relating to:</b>	<b>enforces material relating to:</b>
Particular individuals	Parties or categories/groups of people
Recall petitions	
Referendums (mostly)	National referendums while they are happening

# Enforcement

Proportionate

- Understand it is a new regime

Effective

- Commission focus will be on securing compliance

Fair

- Intend to use advice and guidance in the first instance
- Police also approved wording in the guidance

# Any questions?

The  
Electoral  
Commission

