

Technology, Media & Telecommunications

Singapore Introduces Proposed New Laws to Counteract Foreign Interference

Introduction

The Ministry of Home Affairs ("**MHA**") has introduced the Foreign Interference (Countermeasures) Bill ("**Bill**") for first reading in Parliament on 13 September 2021. The Bill seeks to reduce the risk of acts of foreign interference by electronic communications activity through the strengthening of Singapore's ability to prevent, detect and disrupt such interference.

MHA has noted the threat of hostile information campaigns ("**HICs**"), particularly through social media and communications technologies, and that Singapore is vulnerable to such attacks as a highly digitally-connected and diverse society. To counter this evolving threat, the Bill not only establishes new offences targeting the perpetrators of such attacks, but also sets out obligations on relevant parties such as those providing social media services, email or instant messaging services, internet access services, and running websites.

In this regard, the Bill confers a wide range of powers on the Minister for Home Affairs ("**Minister**") to issue various orders on relevant parties, such as directions to investigate, expose, and counter HICs. These provisions seek to empower the Government to effectively deal with acts of foreign interference by electronic communications activities, including emails, online communications, SMS, and MMS.

The Bill also seeks to combat the use of local proxies by foreign entities to push their agenda, imposing various obligations on Politically Significant Persons ("**PSPs**") who are directly involved in Singapore's political processes.

This Update highlights the key elements of the Bill, and in particular what social media service providers and relevant electronic service providers as well as members of the media and telecommunications industry should be aware of regarding potential obligations and restrictions.

Hostile Information Campaigns

MHA has listed the following as examples of HIC tactics:

- (a) Creating and using inauthentic accounts to mislead users about their identity and credibility;
- (b) Using bots on social media platforms or taking out advertisements to artificially boost the reach of messages;
- (c) Using inauthentic accounts and bots in combination to engineer an artificial sense that there is strong public support or opposition to a certain position or sentiment;

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- (d) Inciting other users to "troll", harass or intimidate a particular target; or
- (e) Cultivating a public following by posting on benign topics before subsequently using the same accounts or pages to push out political messages.

To address this, the Bill creates new offences aimed at dealing with acts of clandestine foreign interference by electronic communications activity. This includes the publishing of information or material in Singapore through electronic communications activity on behalf of a foreign principal in a covert or deceptive manner, provided such information or material (i) is prejudicial to the security of Singapore, public health and safety, or friendly relations with other countries; (ii) incites enmity, hatred or ill-will between groups of people in Singapore; (iii) diminishes public confidence in the Government; or (iv) is directed towards a political end.

The offences also include the publishing of information or material which will influence others to undertake activity falling under the above categories, or even preparing or planning for the commission of such an offence.

The penalty for individuals may include a fine and/or imprisonment. Depending on the specific offence, the penalty for corporate entities may include fines ranging from a maximum of S\$300,000 to a maximum of S\$1 million.

Directions to Address HIC Content

The Bill provides the Minister with the power to issue directions to various entities to help the authorities investigate and counter HIC content. As highlighted, this includes entities such as providers of social media services, relevant electronic services, and internet access services; telecommunication companies and broadcasting licensees; and persons who own or run websites, blogs or social media pages.

Pursuant to the Bill, the Minister may issue directions which include the following:

- (a) **Technical Assistance Directions** to disclose information required for the authorities to determine if the harmful communications activity is being undertaken by or on behalf of a foreign principal;
- (b) **Account Restriction Directions** to social media or relevant electronic service providers to block content in user accounts from being viewed in Singapore where such accounts are being used or intended to be used for HICs;
- (c) Directions to take down content that is part of a HIC:
 - i. **Stop Communication (End-User) Directions** requiring the communicator to cease communication of specific HIC content to viewers in Singapore;

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- ii. **Disabling Directions** requiring Internet intermediaries (i.e. provider of a social media service or a relevant electronic service) to stop the communication of specific HIC content in Singapore;
- iii. **Access Blocking Directions** requiring Internet access service providers to block access to the HIC content where Internet intermediaries or communicators fail to comply with the above directions;
- (d) **Service Restriction Directions** to social media services, relevant electronic services, and internet service providers to take practicable and technically feasible actions to restrict the dissemination of HIC content;
- (e) **App Removal Directions** requiring an app distribution service to stop apps from being downloaded in Singapore, where such apps are known to be used by foreign principals to conduct HICs;
- (f) **Must Carry Directions** requiring parties (including social media services and relevant electronic services, as well as telecommunication companies, newspapers, and broadcasting licensees) to carry a mandatory message from the Government to warn Singaporeans about a HIC; and
- (g) **Disgorgement Directions** requiring individuals and locally registered entities to return money or material support accepted for the enabling or publishing of the information/materials of concern to the foreign principal who provided the funding or support, or to surrender the amount received to the competent authority.

In addition, the Bill provides for measures to target HIC platforms, such as websites created by foreign principals to publish HIC content against Singapore. The Minister may proscribe purveyors of HIC content as Proscribed Online Locations ("**POLs**"). The purchase of advertisement space on these POLs, or on other websites that promote the POLs, will not be allowed.

Failure to comply with the above directions and orders is an offence under the Bill. Individuals found guilty of such an offence may be subject to a fine and/or imprisonment. Depending on the direction which has not been complied with, corporate entities may be subject to fines ranging from a maximum of S\$500,000 to a maximum of S\$1 million.

Countermeasures against Foreign Interference

The Bill identifies people who are directly involved in Singapore's political processes as PSPs. These include political parties, political office holders, Members of Parliament, Leader of the House, Leader of the Opposition, election candidates and their agents, as well as other individuals or non-individuals

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whose activities are directed towards a political end and on whom it is in the public interest that countermeasures be applied.

Such PSPs may be subject to certain countermeasures to mitigate the risk of foreign interference, including the following:

- (a) Reporting of donations from permissible donors;
- (b) Restrictions on anonymous donations;
- (c) Maintaining a separate bank account for political donations;
- (d) Restrictions on foreigners volunteering for their political activities; or
- (e) Disclosure of affiliations with foreign entities.

Further, where matters on political issues relating to Singapore have been published, the competent authority can order the disclosure of the particulars of any foreign author and/or foreign principal for whom or at whose direction the article or programme is published. This applies to:

- (a) Any newspaper authorised under section 21 of the Newspaper and Printing Presses Act;
- (b) Any media outlet licensed under the Broadcasting Act; and
- (c) Any PSP.

MHA has stated that the competent authority will consider other means of regulating such entities (including other written laws such as the Newspaper and Printing Presses Act and Broadcasting Act) before issuing this countermeasure.

To streamline the provisions, the Political Donations Act which currently prohibits political associations and election candidates and agents from accepting donations from foreign sources will be repealed.

Concluding Words

The Bill contains a wide range of proposed measures aimed at preventing foreign interference with Singapore's domestic politics. Notably, many of these measures target interference through social media and communications technologies. Service providers of social media services, electronic services, and internet access services, together with those who own or run websites, blogs, or social media pages, may thus find themselves subject to a plethora of restrictions and potential directions which they must comply with. Parties should thus be aware of the scope of powers granted under the Bill and the compliance requirements, breach of which may lead to severe penalties.

The Bill interfaces with other Acts that deal with similar subject matters, such as the Internal Security Act, the Newspaper and Printing Presses Act, the Telecommunications Act, the Protection from Online Falsehoods and Manipulation Act, and the Public Order Act, which will continue to apply. However, the intention is for the Sedition Act to now be repealed, given its limited application with the introduction of

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new laws over the years which address conduct with seditious tendencies in a more targeted and calibrated manner, alongside related amendments to the Penal Code and the Criminal Procedure Code.

We will continue to monitor and keep you updated on the progress of the Bill. For more information, the press release from MHA on the first reading of the Bill is available [here](#).

For further queries, please feel free to contact our team below.

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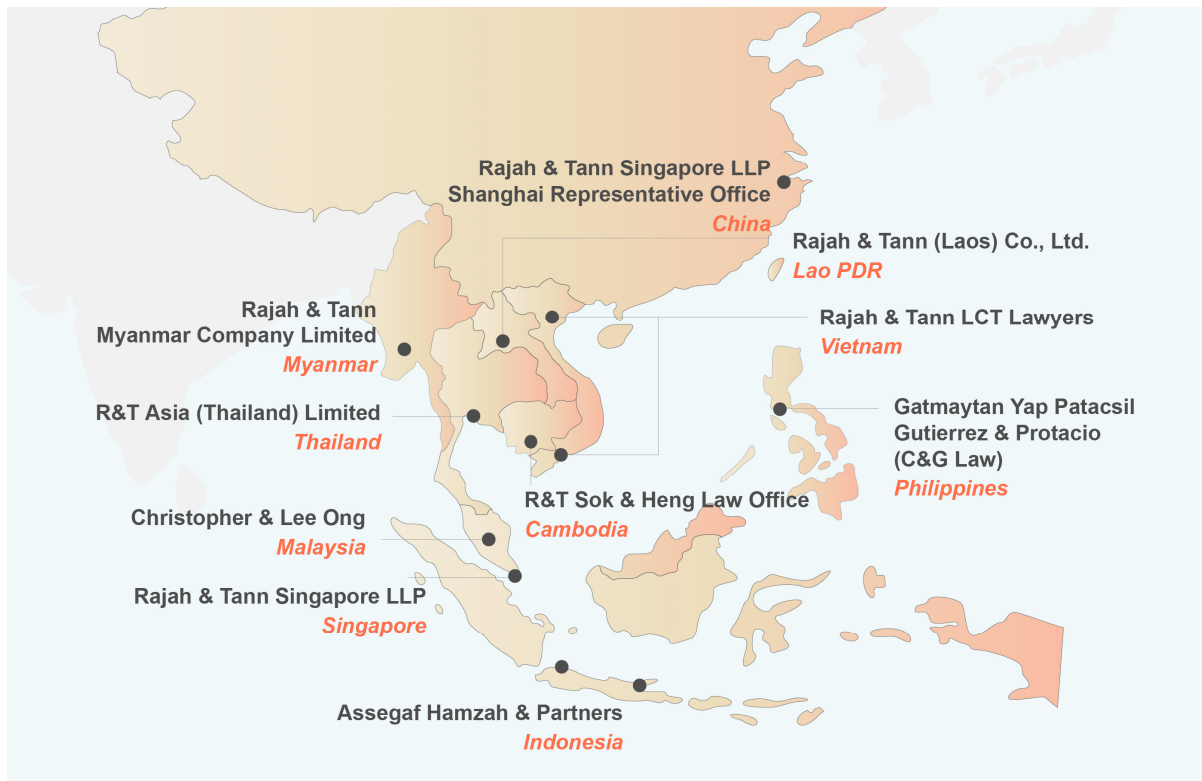
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