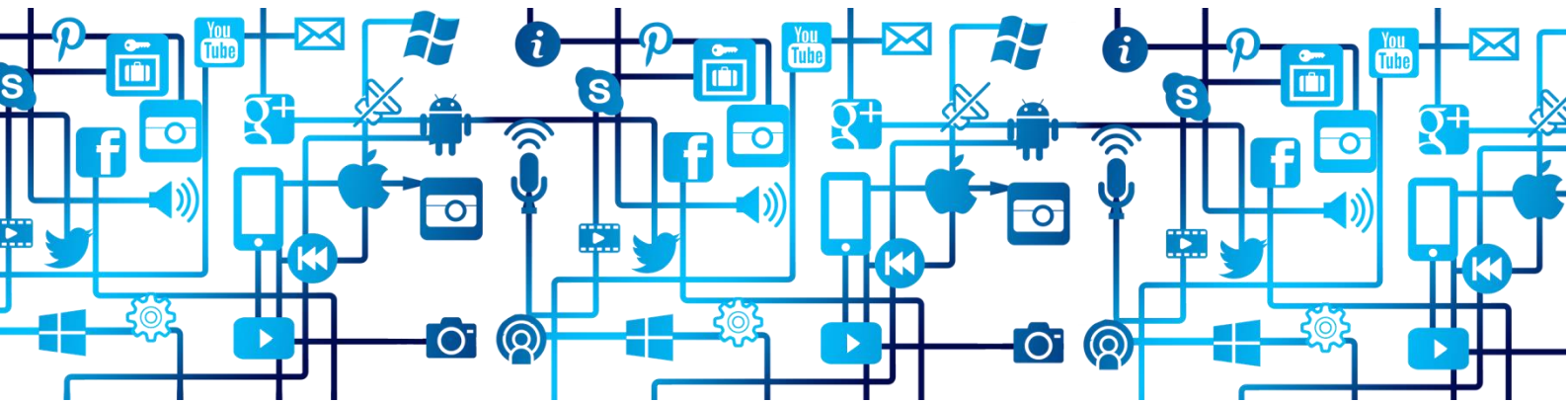


POLICY BRIEF



An overview of Italian online and offline political communication regulation

By Sofia Verza ¹

¹ This paper particularly benefitted from the [previous work of London School of Economics' scholars](#) and, in particular, of Damian Tambini. Also, Elisabetta Biasin, Francesco Clementi, Valeria Ferro, Anita Marioni, Benedetto Ponti and Antonio Sicilia offered precious advices.

Contents

INTRODUCTION	3
1. A CHANGING ENVIROMENT AND ITS CHALLENGES.....	4
Tv- centrism and the shift to social	4
Targeting	9
Filter bubble	9
Disinformation and honesty in campaigning.....	11
2. THE CURRENT REGULATORY FRAMEWORK.....	14
International principles.....	14
Italy.....	15
Overview.....	15
Campaign spending regulation	15
Media regulation (<i>par condicio</i>).....	17
Privacy protection	19
The new gatekeepers.....	22
3. CONCLUSIONS	24
Addendum (February 12, 2018).....	25

INTRODUCTION

In the lead-up of March 4, 2018 Italian elections and resting upon the experience of the last elections in the UK, France, Germany and the U.S., this report proposes an overview of the existing Italian legal framework regulating political communication during electoral campaigns. It will then individuate the regulation holes created by the ever- evolving digital revolution within a context which can still however be defined as “television- centred”.

Some recommendations may follow the February 2018 [workshop](#) that will be held at the University of Perugia, which brings together experts from Italy and other countries that have been experiencing targeting during social media election campaigns: academic and civil society experts will share research and expertise on social media and elections and build awareness and links about methods of analysis of targeted social media campaigns.

Data driven social media campaigns have caused widespread concern in recent years for several reasons, from personalized targeting infringing individuals’ privacy to misinformation and the creation of propaganda bubbles.

This kind of campaigns can be dominated by **dark posts**. A lack of transparency about finance, control and content of online messages can act to undermine existing electoral rules and the process of public deliberation and contestation of electoral messages. It is hard to track how much is being spent on what, where, and by whom.

Moreover, online campaign messages can tackle the right to **privacy**: the use of **big data for profiling** potential voters can have implications for the effectiveness of data protection and consent regimes. In turn, campaign profiling can lead to **propaganda bubbles**: the use of ever more sophisticated profiling and audience segmentation techniques including psychometric profiling may lead to targeted propaganda and ‘undue influence’ on voters. Finally, profiling may result in **redlining**. Namely, targeting of electoral communication addresses ever-narrower ‘target’ groups of swing voters and constituencies, resulting in the corresponding exclusion of others from processes of democratic debate.

Data driven social media campaigns also raise questions such as **misinformation** and the spread of **fake news**. The combination of profiling and targeting of stories that reinforce existing behavioural and opinion biases, with a lower regard for whether those stories are true or not, appears to lead to dangers of misinformation, some of it deliberate, during electoral processes.

Despite of these processes, which together raise questions about whether social media may undermine the legitimacy of elections, relatively little is known about the practices involved in online campaigning and no specific regulation of these phenomena exists both on international and on domestic levels, while specific provisions regulate campaigning on traditional media.

1. A CHANGING ENVIROMENT AND ITS CHALLENGES

Tv- centrisism and the shift to social

For the scope of this research, data on Internet penetration and use of social media in Italy, compared to other communication activities and other countries, are particularly important. The existence of platforms such as Facebook, Twitter and Instagram have been causing a revolution in the practices and systems of information and creation of public opinion, even if traditional media like television and radio maintain a predominant importance in the Italian context.

Television is the most followed information means, being consulted daily by 8 Italians out of 10 ². According to Shehata and Strömbäck, the degree of newspaper/television-centrism is measured at the country level as the within-country average amount of total newspaper reading minus the within-country average amount of total television viewing.³ Comparing Italy with other European countries, TV-centrism in the peninsula is predominant. This is clear in the following Figure, based on 2004 data, and is confirmed by Figure No. 2, based on 2011-2013 data.

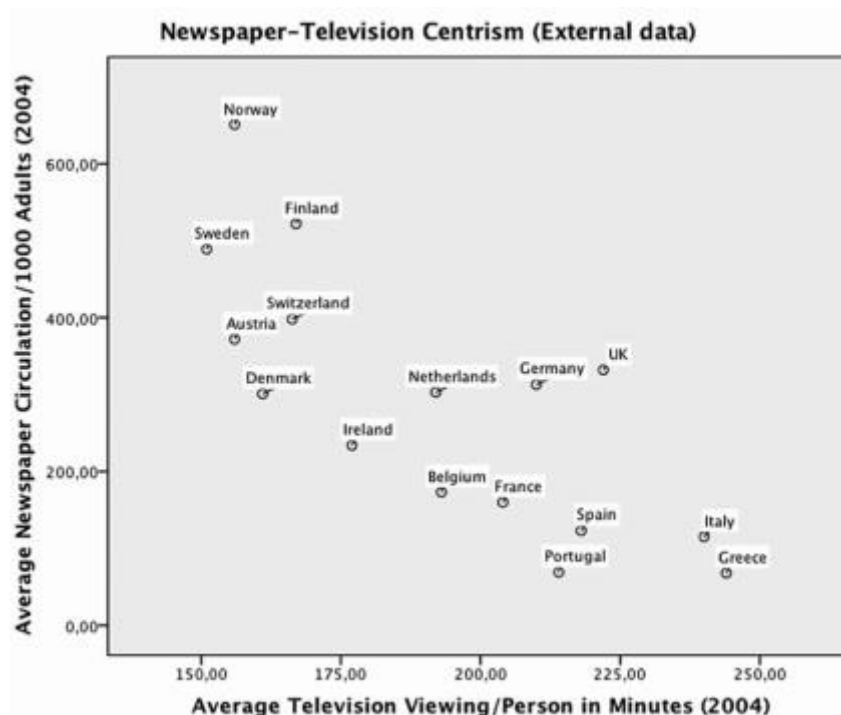


Figure 1: Newspaper/television centrism in Europe. Source: Shehata A., Strombach J. (2011).

² Diamanti I. (2017), *Fra buone, cattive e false notizie*, Demos <http://www.demos.it/a01463.php>

³ Shehata A., Strombach J. (2011), *A Matter of Context: A Comparative Study of media Environments and News Consumption Gaps in Europe*, Political Communication, Vol. 28 No. 1.

	Italy	Germany	United Kingdom	France	Spain
Advertising market share per kind of media (% in 2012)					
Television	54.0	21.7	26.7	34.7	39.4
Newspapers	14.0	30.9	20.0	9.1	16.5
Internet	13.8	20.5	35.4	21.0	19.3
Other media	18.2	26.9	17.9	35.2	24.8
Total	100.0	100.0	100.0	100.0	100.0
Television viewing					
Average television viewing per person (minutes/day in 2004)	240	210	222	204	218
Newspapers circulation					
Daily newspapers sold per 1000 population (2009)	91.7	278.7	284.7	46.0	99.2
Internet use					
Breadth of Internet access in 2013 (% of individuals who used the Internet at least once a week)	56	80	87	78	66
Broadband penetration rate in 2011 (high-speed connection per 100 inhabitants)	21.9	32.0	31.4	32.7	23.6
Value of online advertising (2011)					
Online advertising investments (billions of Euro)	1.0	3.6	4.7	1.8	0.8
Online advertising investments/size of the web audience ratio (Euro per web user)	38	76	119	46	36

Source: Advertising investments: *Federazione Italiana Editori Giornali* (FIEG, 2013); Television viewing: Shehata and Strömbäck (2011); Newspapers circulation: FIEG (2011); Internet use: Eurostat Statistics; Value of web advertising: AGCOM (2012).
EU: European Union.

Figure 2: The features of the Italian media system: comparison with other EU countries. Source: Cornia A. (2016).

Tv-centrism influenced the limited development of the new media, similarly to what used to happen with the press. The shift to digital in Italy has been slowed down by the deficiency of a proper broadband infrastructure: television predominance and the related interests of both private and public broadcasters has been obstructing such infrastructure's development. In particular, according to some scholars, Berlusconi governments have not facilitated the digital transition since the Internet is considered to be a competitor of the former prime minister's TV business.⁴

According to the Italian National Institute for Statistics (Istat) and to the 2017 Freedom on the Net report, the average 2016 Internet penetration in Italy was around 60%.^{5 6} It is a particularly small data compared to other European countries like Germany (89%), France (86%) and the UK (93%).⁷

⁴ Cornia A. (2016), *TV-centrism and politicisation in Italy: obstacles to new media development and pluralism*, Media Culture & Society, Vol. 38 No. 2.

⁵ Cittadini, imprese e ICT (2016), Rome: Italian National Institute for Statistics <http://www.istat.it/en/archive/194647>

⁶ Freedom on the Net, Country profile: Italy (2017), Washington D.C.: Freedom House: <https://freedomhouse.org/report/freedom-net/2017/italy>

As the following Table by Istat shows, most of the people accessing the web space in Italy interact via social networks.⁸ According to CENSIS (Centro Studi Investimenti Sociali), as to 2017 more than half of the Italian citizens are using Facebook, while only 13,6% of them have a Twitter account.⁹

Activities online

period	2016												
	Age	6-10 y.o.	11-14 y.o.	15-17 y.o.	18-19 y.o.	20-24 y.o.	25-34 y.o.	35-44 y.o.	45-54 y.o.	55-59 y.o.	60-64 y.o.	65-74 y.o.	75y.o. and more
reading online newspapers, information and magazines		5,2	21,9	40,3	55,2	60,3	61,4	60,8	58,4	59,1	62	62,4	62,4
take part to a social network (e.g. creating an account, posting messages etc. on Facebook, Twitter...)		12,9	52,3	81,6	86,5	84,6	75,7	62,5	50,4	42,6	31,5	27,7	21,1
expressing opinion on social or political themes through websites		1,3	6,5	17,2	22,2	27	24	18	16,4	14,7	13,2	9,3	8,4
taking part to online consultations about social or political themes (e.g. signing a petition...)		0,3	2,4	4,2	9,5	10,8	11	7,9	7,6	8,8	8	7,1	4,8

Dati estratti il 20 gen 2018, 17h11 UTC (GMT), da I.Stat

Figure 3: Activities online of 6-years-old and more Italian citizens. Source: Istat.

However, information online largely surpasses the press: while around 55% of Italians get informed online, only 17% of them read “offline” newspapers. These data were reversed 10 years ago,^{10 11} even if press circulation has always been low. The print press’ elitist focus is one of the causes of such low circulation.¹²

Despite of it- in parallel with the same tendency in other countries- the web is increasingly being used by all the population brackets, also by people with low levels of media literacy,^{13 14} while

⁷ Source: Internet World Stats (2017) and Reuters Digital News Report (2017). Please note that- similarly to the Reuters Institute’s choice- Italy data refer to 2016, since there is a great discrepancy between the Internet World Stats 2017 Italian penetration percentage and those indicated by other sources (e.g. Istat, Censis).

⁸ ISTAT, *Ibidem*.

⁹ CENSIS (2017), *I media e il nuovo immaginario collettivo*, 14° rapporto Censis sulla comunicazione http://www.censis.it/7?shadow_comunicato_stampa=121128

¹⁰ Diamanti I. (2017), *Ibidem*.

¹¹ For more detailed information for each European country, please see “Eurobarometer: Internet users’ preferences for accessing content online” (2016), European Commission <https://ec.europa.eu/digital-single-market/en/news/eurobarometer-internet-users-preferences-accessing-content-online>

¹² Mancini P., Gerli M. (2017), *Media landscapes: Italy*, Maastricht: European Journalism Centre <https://medialandscapes.org/country/italy>

¹³ Mapping of media literacy practices and actions in EU-28 (2016), Strasbourg: European Audiovisual Observatory <http://bit.ly/2oc9zgC>

traditional television broadcasters (RAI and Mediaset) are losing audience. In 2015, they lost 4.1% and 5.2% of total viewers each.¹⁵

It is however worth to remember, especially with regard to a study focused on the voting implications of media usage, that a great digital divide exists in Italy up to the age class: 90,5% of the young people (i.e. 14-29 years old) is a web user, against 38,3% of the elderlies (65-80 years old). Again, 79,9% of the former have a Facebook account, against 19,2% of the latter. The same gap is maintained among Twitter users. The concept of digital divide becomes particularly important in countries like Italy where there is a predominance of older voters rather than young ones.

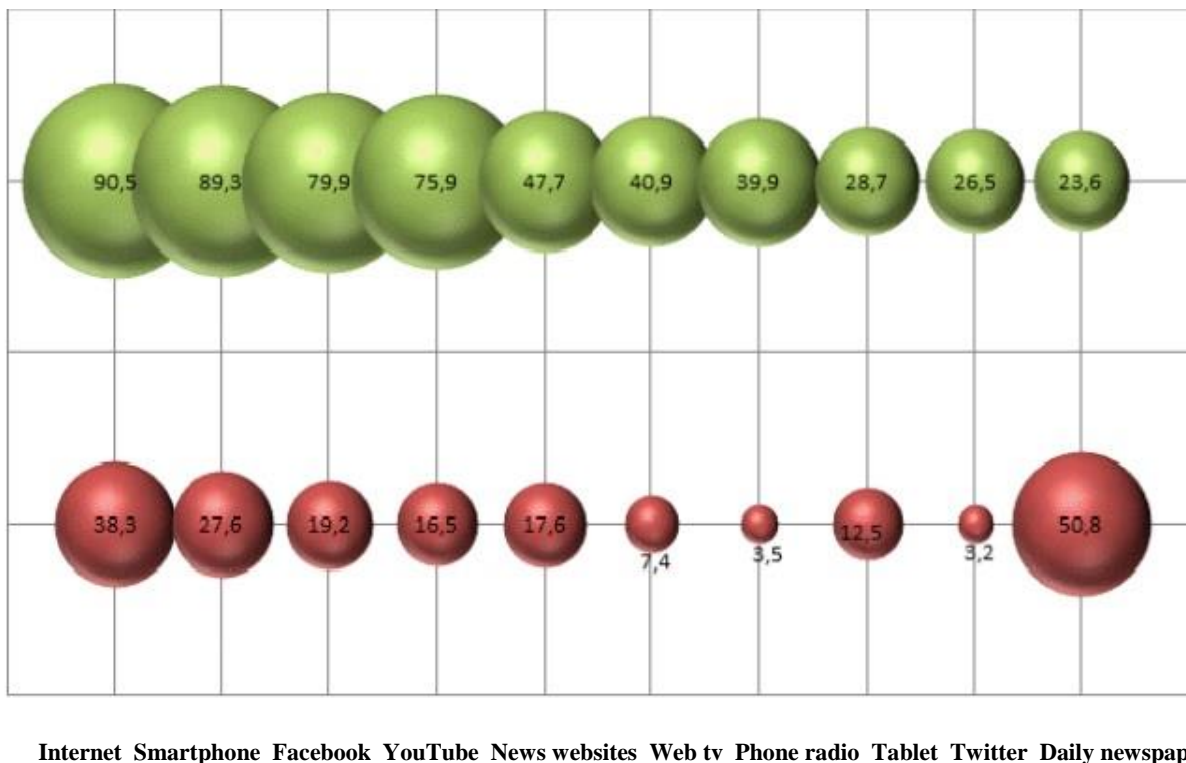


Figure 4: Total users of new media and daily news. The gap between young and elderlies.

Red: Elderlies (65- 80 y.o.) Green: Youngs (14-29 y.o.)

Source: Censis, 2017

A particularly interesting data involves the so called “young adults” (i.e. 25-34 years old): considering the 2013 elections in Italy, 30% of them visited the social network profiles of parties and candidates, and 26.6% of them shared contents related to the political campaign.¹⁶ The same

¹⁴ Caulfield M. (2017), *Refactoring media literacy for the networked age*, Cambridge: Nieman Lab <http://www.niemanlab.org/2017/12/refactoring-media-literacy-for-the-networked-age/>

¹⁵ Mancini P., Gerli M. (2017), *Ibidem*.

¹⁶ For a deeper analysis of the relationships between the Italian political leaders and their followers on Twitter: Vaccari C., Valeriani A. (2015), *Follow the leader! Direct and indirect flows of political communication during 2013 general election campaign*, New Media & Society Vol. 17 No. 7.
As to January 28, 2018 the number of followers of the Italian leaders is the following: Renzi: 3,3 M, Salvini: 631 K, Grasso: 596 K, Di Maio: 267 K, Berlusconi: 21K.

segment, together with younger voters, is also relevant for observing a process of hybridization between old and new media, coherently with the same pattern taking place in other countries such as the US: around 33% of the Italian people in this age segment consumed television contents online during the 2013 electoral campaign.¹⁷

Social media are increasingly used by campaigners

The 2013 Italian elections and the 2016 constitutional referendum were already influenced by the use of social media. Nevertheless, as Bentivegna and Ceccarini underline, the last election rounds did not witness the awaited digital revolution overcoming television campaigns. In their research, they found that Internet was used as information source about elections five times less than television.¹⁸ The upcoming 2018 election may however be the turning point for evaluating the role of social media on political campaigning and, ultimately, on electors' choices in Italy.

Among parties and campaigners, social media advertising is increasingly seen as better value than advertising in traditional media. It is far cheaper than placing an ad in a newspaper, and these ads can be precisely targeted.¹⁹ The Italian *Corte dei Conti* (Audit Court) review of 2013 election expenses ascertained 45,4 million euros were invested for the campaign, almost half of the (declared) money invested in 2008 (i.e. 110,1 million euros).²⁰ Similarly, spending in US 2016 elections decreased compared to any other election in recent political history.²¹ Predominant investments online also took place with the Vote Leave campaign in the 2016 UK- EU referendum: the leave campaign spent 98% of its marketing budget on digital.²²

This brief would like to raise some questions around social media campaigning: there is no transparency as to the use of sensitive personal data, as well as on parties expenditures and donations in this field. Moreover, conversely than audio-visual broadcasters and the press, social media platforms are not subject to any equal-space rule for candidates and parties (*par condicio*).

¹⁷ Bentivegna S., Ceccarini L., *Web, giovani e voto* in ITANES (2013), *Voto amaro. Disincanto e crisi economica nelle elezioni del 2013*, Bologna: Il Mulino.

¹⁸ Bentivegna S., Ceccarini L. (2013), *Ibidem*.

¹⁹ Goodman, E., Labo S., Moore, M., & Tambini, D. (2017), *The new political campaigning*, Media Policy Brief 19. London: Media Policy Project, London School of Economics and Political Science http://eprints.lse.ac.uk/71945/7/LSE%20MPP%20Policy%20Brief%2019%20-%20The%20new%20political%20campaigning_final.pdf

²⁰ Marini A., Sesto M. (2017), *Campagna elettorale al via, il seggio "costa" fino a 72 mila euro*, Milano: Il Sole 24 Ore <http://www.ilsole24ore.com/art/notizie/2017-12-28/campagna-elettorale-via-seggio-costa-fino-72mila-euro--173518.shtm>

²¹ Ballhaus R., Mullins B. (2016), *Spending on U.S. Elections Slides for First Time in Recent Political History*, The Wall Street Journal <https://www.wsj.com/articles/spending-on-u-s-elections-slides-for-first-time-in-a-generation-1477507506>

²² Cummings D. (2017), *Dominic Cummings: How the Brexit referendum was won*, London: The Spectator <http://blogs.spectator.co.uk/2017/01/dominic-cummings-brexit-referendum-won/>

Targeting

Targeted political advertising is a form of campaigning which differentiates the messages promoting a party, movement or candidate up to the audience. This is not a new phenomenon: there is a long history of classifying and segmenting the “voter market” for optimising messages to different profiles. However the new technological approaches to targeting (which is also called political micro- targeting, PMT) can differentiate messages according to the individual interests of a potential voter, rather than a group. Through PMT a subject is profiled matching- among other things- different kind of data traces he or she left in the cyberspace (i.e. big data).²³

Targeted content can make elections less fair, as potential voters are only exposed to limited information. Moreover, message targeting encourages engagement only with those who are deemed worthy of political campaigning, for example those who are deemed to be undecided voters. It is worth to reflect on what happens to those who are not regarded as strategically important: data on past elections are often used for future campaigns, so those who are considered not worth the resources may be bypassed in the future, while those already seen as “decided” are likely to receive information only from their affiliated party.²⁴

Finally, targeted messaging can increase the focus on divisive issues: candidates are more likely to campaign on wedge issues when the forum is not public. Such wedge issues are themes which could more probably mobilize voters such as immigration and welfare matters.²⁵ Moreover, these asymmetric informational flows – speaking to the individual concerns of citizens- are not being played in public forums, and therefore cannot be challenged or fact checked.

Filter bubble

As said above, potential voters are only exposed to limited information through political targeting: more precisely, they are only exposed to information they are likely to be interested in.

The advent of Internet made some optimists think it would have been the end of a “regime of knowledge”, saying it with Foucault, since people access to information would not have been mediated anymore by the choices of someone else, be it the broadcasters, the editors and- ultimately- the government.²⁶ Instead, Internet has soon revealed to keep some collateral issues to existence. Among them, it is true there is a vast choice of information sources available online, but – online as well as offline- people tend to read what reflects their beliefs.²⁷

²³ Bodò B., Helberger N., De Vreese C. H. (2017), *Political micro-targeting: a Manchurian candidate or just a dark horse?*, Berlin: Internet Policy Review <https://policyreview.info/node/776/pdf>

²⁴ Goodman, E., Labo S., Moore, M., & Tambini, D. (2017), *Ibidem*.

²⁵ Sunstein, C. R. (2017), *#Republic: Divided Democracy in the Age of Social Media*, Princeton: Princeton University Press

²⁶ Foucault M.(1982), *The subject and Power*, Critical Inquiry 8, Chicago: University of Chicago

²⁷ Sunstein, C. R. (2001), *Republic.com*, Princeton: Princeton University Press

The phenomenon of targeted political advertising exacerbates this problem, offering people already prepared contents according to their interests. “The idea that the breadth of information we are shown online is being technologically narrowed – filtered by algorithms and tailored by our increasing power to shape the news we see – has become a topic of keen debate in 2016”, a Demos report which worked on data from 2.500 Twitter users noted.²⁸

Although we don’t know exactly how the proprietary algorithms that Facebook and other social media use work, we do know that they propose their users updates and stories which they believe these people will want to know about.

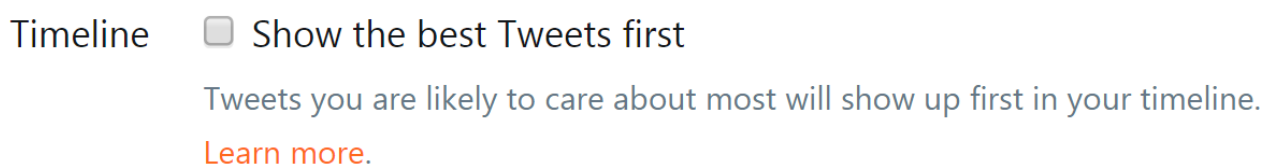


Figure 5: Timeline option, in the “Settings and privacy” area of a Twitter account.

This can lead to what is called “filter bubble” or echo chamber: algorithms supply stories and updates based on likes and past consumption, so that the more you read on one topic, the more you see about it.²⁹ The ultimate result of this process is polarization: people tend to see opinions that reinforce their existing beliefs.³⁰

It is however important to remember that traditionally the Italian media system is characterized by partisanship and a polarized media environment: mass media reflect competing ideologies and political opinions, mostly according to the interests of enterprise owners.³¹ Also in terms of audience, two of the most widely used online brands – La Repubblica online and TgCom24 online – are either dominated by left-leaning or right-leaning users.³²

²⁸ Krasodomski-Jones A. (2017), *Talking to Ourselves*, London: Demos <https://www.demos.co.uk/project/talking-to-ourselves/>

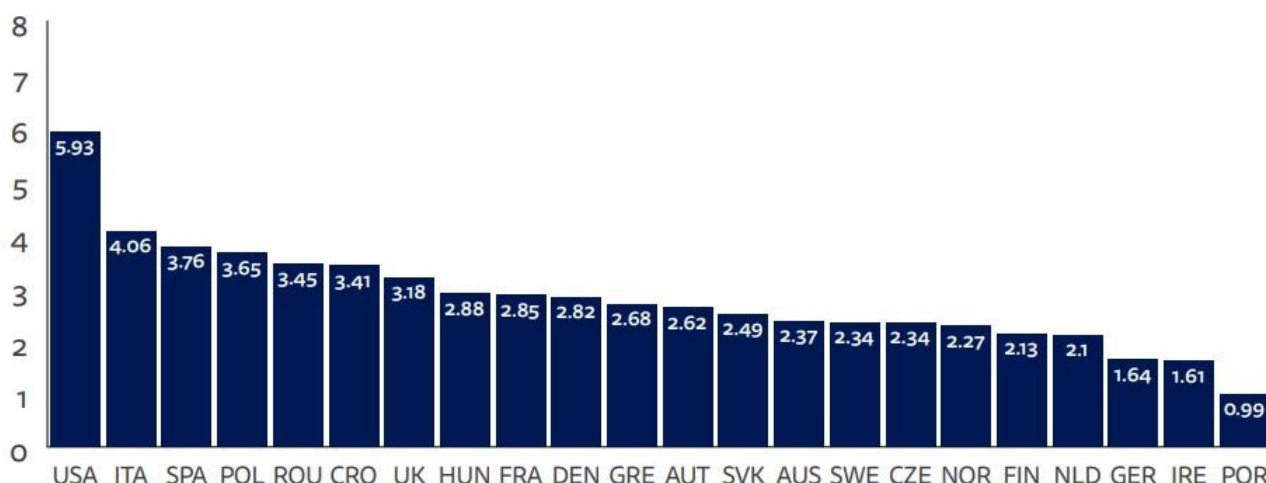
²⁹ Pariser E. (2011), *The Filter Bubble: What the Internet Is Hiding From You*, New York: The Penguin Press

³⁰ Goodman, E., Labo S., Moore, M., & Tambini, D. (2017), *Ibidem*.

³¹ Mancini P., Gerli M. (2017), *Ibidem*.

³² Newman, N., Fletcher, R., Kalogeropoulos A., Levy D. A. L. , Nielsen R. K. (2017), *Reuters Institute Digital News Report 2017*, Oxford: Reuters Institute for the Study of Journalism https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Digital%20News%20Report%202017%20web_0.pdf?utm_source=digitalnewsreport.org&utm_medium=referral

ONLINE NEWS MEDIA POLARISATION SCORE – SELECTED COUNTRIES



Q1F. Some people talk about 'left', 'right', and 'centre' to describe parties and politicians. With this in mind, where would you place yourself on the following scale? **Q5b.** Which of the following brands have you used to access news ONLINE in the last week? Please select all that apply. Base: Total sample in each country. Note: Respondents who answered don't know to Q1F were excluded.

Figure 6. Source: Reuters Digital News Report 2017

Some scholars underline the importance of mainstream news as the place where people with differing political viewpoints are most likely to encounter one another.³³ In the meanwhile, also, different software designs are being developed trying to break filter bubbles.³⁴

Disinformation and honesty in campaigning

One path for political advertising in the social media is sponsoring some posts or pages. In this case, a first concern emerges as to the source of such sponsorships: nobody can assure such spaces were bought by the party or the candidate himself rather than by some third sympathizer.

Another way to highlight contents in the social media is creating organic web traffic.³⁵ This means for instance creating viral contents through “micro-influencers”, namely popular social media users which may be the political candidate himself but not necessarily.

Here the fake bots issue emerges: bots are software applications that run automated tasks over the Internet. This technology can be used to create fake accounts designed to interact with and mimic human users, which might inflate the number of likes, shares and retweets around a certain political topic, party or candidate, creating an artificial sense of popularity.³⁶

³³ Sunstein, C. R. (2017), *Ibidem*.

³⁴ Bozdag, E., van den Hoven, J. (2015), *Breaking the filter bubble: democracy and design*, Ethics and Information Technology, Volume 17 No. 4, Springer <https://doi.org/10.1007/s10676-015-9380-y>

³⁵ Wang S. (2015), *Beware the bots: Some best practices to combat the fraudulent traffic industry*, Cambridge: Nieman Lab <http://www.niemanlab.org/2015/09/beware-the-bots-some-best-practices-to-combat-the-fraudulent-traffic-industry/>

³⁶ Howard, P., S. Bradshaw (2017), *Troops, Trolls and Troublemakers: A Global Inventory of Organized Social Media Manipulation*, Oxford: Computational Propaganda Project, 2017: <http://comprop.oii.ox.ac.uk/wp-content/uploads/sites/89/2017/07/Troops-Trolls-and-Troublemakers.pdf>

As to Italy, in January 2018 there was a great debate about a storm of fake bots: according to the group of hackers that denounced it, such bots were managed by a private company offering political propaganda services, building a netbot.³⁷

However, it has to be underlined that the “organic traffic strategy” is not new: being a recurrent topic in the media is a common strategy offline as well. In this regard, an interesting figure stems from the fact Silvio Berlusconi is being quoted in the Italian press- associated with the word “elections”- almost two times more than any other political leader, between January 7 and January 27, 2018. Being quoted in a positive tone or not, his name still creates traffic.

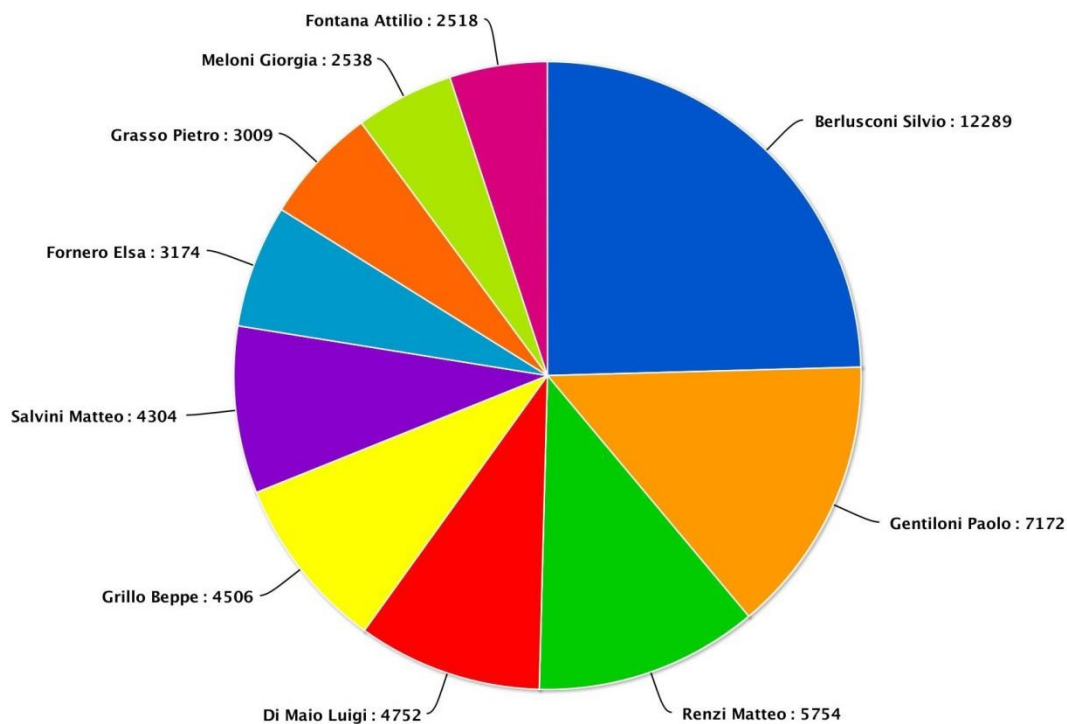


Figure 7: Party leaders in the Italian online and offline press associated with the word “elections”.
Source: Volopress.

In addition to the fake accounts phenomenon, data driven social media campaigns also raise misinformation questions because of the spread of fake news. The combination of profiling and targeting of stories that reinforce existing behavioural and opinion biases, with a lower regard for whether those stories are true or not, appears to lead to dangers of misinformation during electoral processes.

³⁷ Rociola A. (2017), Roma: Agenzia Giornalistica Italiana
https://www.agi.it/cronaca/hacker_elezioni_italia-3364537/news/2018-01-12/;
https://www.agi.it/cronaca/isaydata_twitter_fake_bot-3358301/news/2018-01-11/;
https://www.agi.it/cronaca/terremoto_case_aquila_twitter-3323411/news/2017-12-30/

However, the term “fake news” can be misleading. The phenomenon includes a range of different types of misinformation, which are in reality complex. Moreover, there is no clear way to tackle it, since it poses serious risks of curbing freedom of expression. In this regard, particular attention should be focused on the authority in charge of individuating the fake news. Should such power be in the hand of private companies such as Facebook and Twitter? Should it instead be a responsibility of state authorities? And finally, in the latter case, should it be an executive or judicial authority?

As to the Italian system, there is no specific law on fake news. [Article No. 656](#) of the Italian Criminal Code punishes the publication and dissemination of false, exaggerated or biased news which may undermine public order. It provides detention penalties as well. On February 2017, a law proposal against fake news was presented in the Italian Parliament, but the legislative process is in a deadlock.³⁸ However, such proposal was considered to be repressive and likely to cause widespread forms of censorship.³⁹ It proposes penalties up to 2 years of detention.

Finally, on January 2018, the Italian Interior Ministry announced that postal police will be in charge of fact-checking and suppressing fake news, following people’s reports of hoaxes through a dedicated [portal](#). In this case, then, Italy decided to entrust the executive powers of the responsibility of deciding what is true, enabling them to obscure the web pages containing alleged fake content.⁴⁰ This move also caused concern in the public debate.⁴¹

³⁸ Atto Senato n. 2688 (2017), Disposizioni per prevenire la manipolazione dell'informazione online, garantire la trasparenza sul web e incentivare l'alfabetizzazione mediatica <http://www.senato.it/leg/17/BGT/Schede/Ddliter/47680.htm>

³⁹ Chiusi F. (2017), *La legge contro le fake news: un misto di ignoranza e voglia di censura*, Valigia Blu <https://www.valigiablu.it/legge-fakenews-censura/>

⁴⁰ Protocollo operativo per il contrasto alle fake news (2018), Polizia Postale https://www.commissariatodips.it/notizie/articolo/protocollo-operativo-per-il-contrasto-alle-fake-news.html?no_cache=1

⁴¹ Funke D. (2018), *Italians can now report fake news to the police. Here's why that's problematic*, St. Petesburg, FL: Poynter Institute for Media Studies <https://www.poynter.org/news/italians-can-now-report-fake-news-police-heres-why-thats-problematic>

2. THE CURRENT REGULATORY FRAMEWORK

International principles

Organizations such as the Organization for Security and Co-operation in Europe (OSCE) offer international guidance on campaign financing. The Venice Commission, the legal advisory body to the Council of Europe, calls for the regulation of campaign spending to essentially ensure that elections are fair, clean and free.⁴²

Fair:

“The principle of equal treatment before the law with regard to the media refers not only to the time given to parties and candidates but also to the timing and location of such space. Legislation should set out requirements for equal treatment, ensuring there are no discrepancies between parties through the allotment of prime viewing times to particular parties and late-night or off-peak slots to other parties.”

Clean:

“Transparency in party and campaign finance, as noted above, is important to protect the rights of voters as well as prevent corruption. Transparency is also important because the public has the right to receive relevant information and to be informed. Voters must have relevant information as to the financial support given to political parties in order to hold parties accountable.”

Free:

“The regulation of party and campaign finance is necessary to protect the democratic process, including spending limits where appropriate... Reasonable limitations on campaign expenditures might be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or political party”.

In this regard, it is also worth to remember the Council of Europe’s [Recommendation \(2003\) 4 on common rules against corruption in the funding of political parties and electoral campaigns](#).

As to the obligation for the Council of Europe’s member states to assure media pluralism, it is consistent under the [European Convention on Human Rights](#) as interpreted in the European Court’s case law.⁴³ [Recommendation \(2007\) 15 on measures concerning media coverage of election campaigns](#) is also relevant as well as [Recommendation \(2017\) 2143 on online media and journalism](#).

⁴² Council of Europe Venice Commission, *Elections and referendums, political parties*, http://www.venice.coe.int/WebForms/pages/?p=01_Elections_and_Referendums

⁴³ Cappello M. (ed.) (2017), *Media coverage of elections: the legal framework in Europe*, IRIS Special, Strasbourg: European Audiovisual Observatory.

Finally, the [European Platform of Regulatory Authorities \(EPRA\)](#) was established in 1995 as an independent platform of regulatory authorities.

Italy

Overview

The Italian legislation on political advertising provides regulations for all of the following phenomena: (i) audio-visual political advertising (TV and radio) as well as via the press; (ii) spending limits on expenditure (iii) spending disclosure rules (v) provision of free political advertising time on TV (vi) privacy regulation.⁴⁴ However, this report is aimed at highlighting these regulations are not adequate to face the evolving technological challenges, especially those posed by political campaigning on social networks such as Facebook and Twitter.

Campaign spending regulation

Political finance laws are also relevant in the realm of electoral campaigns expenditure, which is far from being a neutral area of regulation. Due to recurring political parties' scandals, Italy saw the establishment of eight laws in only fifteen years⁴⁵. Political finance laws in Italy were amended progressively reducing the amount of state subsidies to political parties, despite of various waves of regulations in the opposite direction,⁴⁶ until a complete abolition of public funding to political parties in 2014, under [Law No. 149 of 2013](#).

According to the law's preamble this measure is justified "by considering also the opportunity to adopt a new financing system founded on the central role of the citizens and their autonomous choices, as taxpayers, to finance political parties". For this reason, now parties' financial incomes mainly rely on the discretionary destination of part of one's personal income tax (2x1000) and on other forms of donations. Political parties [must publish](#) on their websites a report of the contributions they received, higher than 5000 euros per year: however, the only data that can be published are those related to donors who consented in writing, as provided by the Italian Privacy Code.

Political campaign's expenditure limits for parties and candidates are provided by law proportionally to the reach of specific amounts of voters in the electoral constituency where the party or the candidate runs. Under [Law No. 515 of 1993](#), the spending limit for single candidates at the Chamber of Deputies is around 52 thousand euros for each electoral constituency, while the

⁴⁴ Detailed information about the most relevant Italian rules for the voting period can be found in the "Electoral Handbook" by the Chamber of Deputies (2018) <http://www.camera.it/temiap/allegati/2018/01/18/OCD177-3269.pdf>

⁴⁵ Piccio, D. R. (2016), *The state of political finance regulations in Western Europe*, Stockholm: International Institute for Democracy & Electoral Assistance (IDEA) <https://www.idea.int/sites/default/files/publications/the-state-of-political-finance-regulations-in-western-europe.pdf>

⁴⁶ Pacini C.M., Piccio D.R. (2012), *Party Regulation in Italy and its effects*, Working Paper Series on the Legal Regulation of Political Parties, No. 26 <http://www.partylaw.leidenuniv.nl/uploads/wp2612.pdf>

limit raises up to 72 thousand euros for Senate candidates.⁴⁷ As to the parties, they can spend one euro for each person enrolled to the voting list in the electoral constituencies where they run.

Under the 1993 law, parties, movements, lists and groups of candidates have to submit their expenses sheet to the Italian [Audit Court](#) within 45 days from the parliamentary assignments. However, these rules are not always respected: with regard to the 2013 elections, as to May 2015, only 68,47% of the elected parliamentarians submitted such documents.⁴⁸

Article 11 of the same law lists what has to be intended to fall under the voice “electoral expenses” for reporting purposes: it refers to “a) the production, purchase and rent of materials and means for propaganda; b) the distribution and dissemination of such materials and means, including the purchase of spaces on the press, radio and private televisions, cinema and theatres; [...] e) the staff and any other service or performance regarding the electoral campaign”.

Thus, no specific provision mentions Internet, the cyber-space as well as the social media. Of course, online expenditures may fall under broad concepts such as “service” or “performance”, but – even in the case the party will report them- they still most probably will figure in aggregated voices.⁴⁹ Consequently, no specific evaluation as to the money parties and candidates invest on political communication in the social media emerges.

In particular, the costs of creating databases and profiles of citizens may not be recorded or reportable within current categories and may be spent outside the regulatory period. Similarly, the political advertising work done through consultancies or intermediary agencies (later in this report called “media centres”) is hard to track.⁵⁰ In the US, where a way longer tradition of political advertising online exists, scholars have been able to trace hiring patterns of technology staffers in political campaigns between 2004 and 2012.⁵¹ However, they paired data from the [Federal Election Commission](#)- i.e. the competent authority for the enforcement of campaign finance laws in the US- with data coming from other sources like LinkedIn.

Given the prominent role that Internet has acquired as a means of political communication, a particularly promising avenue for research is exactly studying the extent to which political actors use online tools to incentivize individuals, mobilize people to donate, and participate in partisan

⁴⁷ More specific data as to the expenses of each candidate for the 2013 electoral campaign can be found in “[Patrimoni trasparenti](#)” by Openpolis.

⁴⁸ Patrimoni trasparenti: Redditi, proprietà e spese elettorali dei politici nazionali della XVII Legislatura (2016), Roma: Openpolis <http://minidossier.openpolis.it/2016/01/PatrimoniTrasparenti>

⁴⁹ Corte dei Conti, Collegio di controllo sulle spese elettorali, referto ai presidenti delle camere sui consuntivi delle spese e relative fonti di finanziamento riguardanti le formazioni politiche che hanno sostenuto la campagna elettorale per il rinnovo della Camera dei Deputati e del Senato della Repubblica del 24 e 25 Febbraio 2013: http://www.corteconti.it/export/sites/portalecdc/documenti/controllo/controllo_spese_elettorali/delibera_cse_14_2013.pdf

⁵⁰ Goodman, E., Labo S., Moore, M., & Tambini, D. (2017), *Ibidem*.

⁵¹ Kreiss D. (2016), *Prototype Politics: Technology- Intensive Campaigning and the Data of Democracy*, Oxford: Oxford University Press.

activities. For these reasons, existing rules on campaign spending and media regulation need to be reviewed.

Media regulation (*par condicio*)

In Italy, the so called *par condicio* laws are aimed at guaranteeing the right of citizens to receive a plural and diverse information about political proposals and alternatives. Such laws regulate the equal-time that should be assured via radio and television to different political parties, movements and candidates during the electoral campaign period.

The main source of regulation of the equal access to audio- visual media is [Law No. 28 of 2000](#) (the so called “*par condicio*” law). With regard to radio and television, the [2005 Consolidated Act](#) is also relevant, which was also updated in 2010 for the adoption of the [EU Directive No. 13 on audio-visual media services](#).

[Law No. 249 of 1997](#) established the Italian Communication Authority (Autorità per le Garanzie nelle Comunicazioni, AGCOM). Both the 1997 and the 2000 Law can be inserted in a regulation process which followed the extreme use of television political advertising during the 1994 campaign, which ended with the victory of Silvio Berlusconi’s party “Forza Italia”.⁵²

In Italy, two relevant authorities are in charge with regard to the *par condicio* rules, namely: (i) the *Commissione parlamentare per l’indirizzo generale e la vigilanza dei servizi radiotelevisivi* (Parliamentary Oversight Commission for public audio-visual media, namely Radiotelevisione Italiana, RAI), which was [established in 1975](#) and enacts the secondary rules for political advertising on RAI before any electoral cycle; (ii) the above mentioned AGCOM, which similarly enacts secondary *par condicio* rules for private radios and televisions and oversees the respect of such legal framework by both private and public media.^{53 54}

The 2000 Law contains different provisions for the electoral and non-electoral campaign periods, national and local broadcasters as well as it diversifies the provisions for the audio- visual media rather than the press. However, no provision was ever added to this law referring to online communications.

⁵² Bettinelli E. (1995), *Par condicio. Regole opinioni fatti*, Torino: Einaudi

⁵³ Delibera n. 1/18/CONS: Disposizioni di attuazione della disciplina in materia di comunicazione politica e di parità di accesso ai mezzi di informazione relative alle campagne per le elezioni della Camera dei Deputati e del Senato della Repubblica fissate per il 4 marzo 2018: <https://www.agcom.it/documents/10179/9301827/Delibera+1-18-CONS/c63e653f-ca2f-414a-934d-f8f009627e1f?version=1.0>

⁵⁴ Documento n. 13/ 2018, Commissione parlamentare per l’indirizzo generale e la vigilanza dei servizi radiotelevisivi: Disposizioni di attuazione della disciplina in materia di comunicazione politica e di parità di accesso ai mezzi di informazione relative alle campagne per le elezioni della Camera dei deputati e del Senato della Repubblica fissate per il giorno 4 marzo 2018: http://parlamento17.camera.it/133?documenti_approvati=27

Law No. 28/2000 together with the secondary regulations enacted by AGCOM and the RAI Parliamentary Oversight Commission provide that: (i) no paid political advertising message can be broadcasted, except in local television stations (ii) paid political advertising messages can be published in the press, but should be clearly highlighted by a specific layout, with the caption “electoral message” and indicating the political subject that commissioned it (iii) opinion polls cannot be disseminated in the 15 days preceding the elections (iv) strict pluralism rules should apply to broadcasters: politicians cannot appear in entertainment programs; particularly rigid rules apply to public broadcasters (v) no political advertising message can be transmitted from the day before the opening of the polling stations (vi) free “self-managed political messages” can be disposed in the public broadcaster’s frequencies, at equal conditions for the different political formations, while these spaces are discretionary for private broadcasters. However, the latter messages are mostly transmitted in low-audience time slots- such as at early morning- because they are not profitable for broadcasters.

The above mentioned 2018 specific regulations by AGCOM and the RAI Parliamentary Commission provoked strong reactions from the journalism world and intense debate, since they included provisions regulating not only politicians’ participations in the media, but also the interventions of third individuals who, due to their influence on the audience, may influence the voters’ choices. Moreover, they provide a form of responsibility of journalists and editors for their management of the political communication spaces (see Article 7 of the AGCOM resolution), in a way that has been interpreted by someone even as scrutinizing the kind of questions an interviewer may pose. According to these critics, these regulations may have critical consequences, such as serious restrictions to freedom of the press and freedom of expression.

There is huge contrast comparing the detailed regulation of offline forms of political communication with the complete digital deregulation. Partially, it is a consequence of the [2004 Law](#) reforming the audio-visual broadcasting system (No. 112, so called “Gasparri law”), which introduces the concept of *Sistema Integrato delle Comunicazioni* (SIC- Integrated System of Communication): according to the law’s ratio, the existence itself of many information sources assures pluralism; therefore, such system requires a minimum regulatory intervention, especially in the cyberspace.

The specific 2010 AGCOM provision regulating polls includes the only case of extension of regulation to the online versions of broadcast and print media ⁵⁵. In AGCOM’s [2017 annual report](#), speaking about political communication and *par condicio*, there is no reference to communication in the social media. However, the latter is mentioned when speaking about fake news and their possible regulation, pluralism and disinformation online. Moreover, some study works by the authority recognized the increasing role of online platforms for political campaigns.⁵⁶

⁵⁵ AGCOM, Delibera n. 256/10/CSP, Regolamento in materia di pubblicazione e diffusione dei sondaggi sui mezzi di comunicazione di massa: <http://bit.ly/2DYLIkU>

⁵⁶ Il consumo di informazione e la comunicazione politica in campagna elettorale (2016), Roma: Autorità per le garanzie nelle comunicazioni <https://www.agcom.it/documents/10179/4025280/Documento+generico+23-02-2016/a8a5a511-254b-4440-9881-48a5d0b4612f?version=1.1>

On November 6 2017, AGCOM instituted a [*Tavolo tecnico per la garanzia del pluralismo e della correttezza dell'informazione sulle piattaforme digitali*](#) (Technical working group for guaranteeing information pluralism and accuracy on digital platforms). On December 4, 2017 they met with Google, Facebook and Wikipedia representatives. However, up to now, no other concrete initiative was undertaken by the working group and no trace of these guarantees can be found in the above mentioned 2018 AGCOM resolution setting the guidelines for *par condicio* in the lead-up of March 4, 2018.⁵⁷

Privacy protection

The main legislative source for privacy protection in Italy is the Privacy Code ([Law Decree No. 196 of 2003](#)), while the body monitoring its respect is the [Italian Data Protection Authority](#) (DPA). The Code defines data processing as “any operation [...] concerning the collection, recording, organisation, keeping, interrogation, elaboration, modification, selection, retrieval, comparison, utilization, interconnection, blocking, communication, dissemination, erasure and destruction of data”. For the scope of this brief, a specific category of personal data is particularly relevant, namely sensitive data. The Code defines as sensitive data those “allowing the disclosure of racial or ethnic origin, religious, philosophical or other beliefs, political opinions, membership of parties, trade unions, associations or organizations of a religious, philosophical, political or trade-unionist character, as well as personal data disclosing health and sex life” (Article 4).

A particular step for the legitimation of data processing is consent’s acquiescence, based on the informative note provided to a person regarding the future use of his or her data.⁵⁸ Under Article No. 23 of the Code, “processing of personal data by private entities or profit-seeking public bodies shall only be allowed if the data subject gives his/her express consent”. For the scope of this brief, it is worth to note that companies like Facebook and Twitter do fall under this regulation, while political parties don’t. In fact, political parties are not public subjects under the Italian law system, but are instead associations with no legal personality.⁵⁹

Under the Privacy Code, consent “shall only be deemed to be effective if it is given *freely* and *with regard to a specific and clearly identified processing operation*” and if the data subject has been provided with the necessary information. In this regard, under Articles No. 7 and 13 of the Code, the person has to be informed about (i) the aim and modality of processing; (ii) the compulsory or optional nature of such data provision; (iii) the consequences of a provision’s refusal; (iv) the subjects whom those data could be communicated; (v) the logic behind data processing through electronic devices. If legitimate motives exist as well as if data are used for advertising purposes, the data owner can oppose their processing.

⁵⁷ See the addendum to this brief, added on February 12, 2018.

⁵⁸ The so called “opt-in rule”, that informs the whole European privacy law framework, as opposed to the US “opt-out rule”.

⁵⁹ Within the [Italian Constitution](#), only Article No. 49 explicitly mentions the political parties. Italian parties have no legal personality since the Italian Republic formed under the vocation of political pluralism, and under a constitutional compromise that preferred to avoid constraining the political parties’ formation and activity.

When thinking about consent to cookies or the subscription to services offered by social media companies, it is true such privacy policies are specified but it is also clear people who are not confident with privacy regulations may struggle to understand a “clearly identified processing operation”.

Turning to political parties and movements, the Code provides that – with a specific authorization of the Italian DPA ⁶⁰ - no consent is necessary for their processing of sensitive data of members and/or subjects having regular *contacts* with them, if processing is carried out for specific and lawful purposes as set out in the parties’ charter. However, Italy has not constitutionalized the political parties’ ends and activities, which are left to the free deliberation of the parties and movements themselves. Even if this is a guarantee of freedom, on one hand, on the other hand it might lead to cases where parties could justify the processing of personal data with overbroad justifications: for instance, the *Lega Nord* party may justify the processing of personal data of people visiting the party’s website or related ones (the above mentioned *contacts*) with the ultimate aim of reaching the Po valley’s independence, since it is the party’s aim provided by Article 1 of [Lega’s 2015 chart](#).

As provided in 2014 by the DPA, parties and movements can process such data- among other things- for the dissemination of electoral propaganda messages and connected political communication.⁶¹ Such activities are supervised by the DPA and covered by specific guarantees and consequent sanctions in case of violation: for example, if specialized companies furnish parties and candidates phone numbers and emails of potential voters, the parties should verify people were informed about the possible use of their data for political propaganda objectives. Moreover, the 2014 provision highlights a “general prohibition of using data found freely on the web for political propaganda purposes”. No use can be done of “data found automatically on the web by specific softwares” as well as “taken from social media, forums and newsgroups” (Section 5.4.2 B).

However, some norms appear to leave great room for potential abuse. For example, the 2016 “Authorization to sensitive data processing by associative bodies and foundations” provides that if parties and movements pursue the objectives provided in their charts through legal entities or other profit-seeking bodies, or require them goods and services, such authorization is granted to these subjects as well.

It is finally worth to remember that part of the Italian privacy regulation may be changed by the enactment of the [2016 EU Regulation No. 679](#) “on the protection of natural persons with regard to the processing of personal data and on the free movement of such data”. Such regulation will be effective in Italy from May 2018 onward.

⁶⁰ See Authorization No. 3 of 2016, “Authorization to sensitive data processing by associative bodies and foundations”: <http://garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/5803310>

⁶¹ See the DPA’s “Provision on data processing by political parties and exemption of informative note for the scope of electoral propaganda” (March 2014): <http://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/3013267>

Targeting implications for the privacy of citizens

Privacy helps protecting freedom of speech and facilitates political debate by providing citizens a space to form opinions and develop identities free from surveillance. An online sphere where every conversation, comment or post is recorded, scanned and analysed for its commercial and political use could have negative repercussions for the free expression and exchange of views ⁶².

Data become meaningful through voter modeling. Modeling may involve different steps: potential voters data are held by many different subjects. Moreover, not all of them reside in the same place, therefore the discipline applicable to their data processing may differ.

First of all, parties themselves own data they collect in many different ways: they may have collected names, addresses and emails through signatures for a law proposal on the street or online, through the cookies of the party's website or connected blogs, rather than in the occasion of primary elections. The latter example was widely discussed with regard to Partito Democratico (PD), which is the only Italian party holding "off-line" primary elections: the party collected many personal data from the voters who signed a consent waiver at the polling station. However, they did not have a clear understanding it would have authorized the use of their emails and phone numbers for future electoral campaigns.

As to the collection of data through websites and blogs, it is worth to remember the recent case of [Rousseau](#), a platform used by Movimento Cinque Stelle (M5S), and other two websites connected to the movement (www.beppegrillo.it and www.movimento5stelle.it). The Rousseau platform is particularly relevant since here people can share documents, propose policies and vote for the movement's candidates. Following an hacker attack to Rousseau in August 2017, the Italian Data Protection Authority [found relevant breaches](#) in the M5S system of data collection and security. Among them, there is no clear track of who can access the database backend, who are the data holder and the data processing responsible (two relevant figures for the Italian Privacy Code) and there is a lack of anonymity of electronic votes, that have been associated to telephone numbers. It is worth to remember that, according to [Mapping Italian News](#), among the ten most shared sources on Facebook and Twitter in Italy- in the lead-up of the elections- we actually find the two M5S websites mentioned above (Figure No. 8).

To conclude, the fairness of large-scale personal data collection by a party prior to a voting campaign should therefore be reviewed. Disposing of relevant amounts of personal data prior to the campaigns means benefitting a significant advantage during the campaign itself. ⁶³

⁶² Kreiss, D. (2012), *Yes we can (profile you): A brief primer on campaigns and political data*, Stanford Law Review Online, 64, 70. <https://www.stanfordlawreview.org/online/privacy-paradox-yes-we-can-profile-you/>

⁶³ Goodman, E., Labo S., Moore, M., & Tambini, D. (2017), *Ibidem*.

FONTI CHE HANNO GENERATO IN MEDIA UN VOLUME DI CONDIVISIONI PIÙ ALTO DURANTE LA SETTIMANA

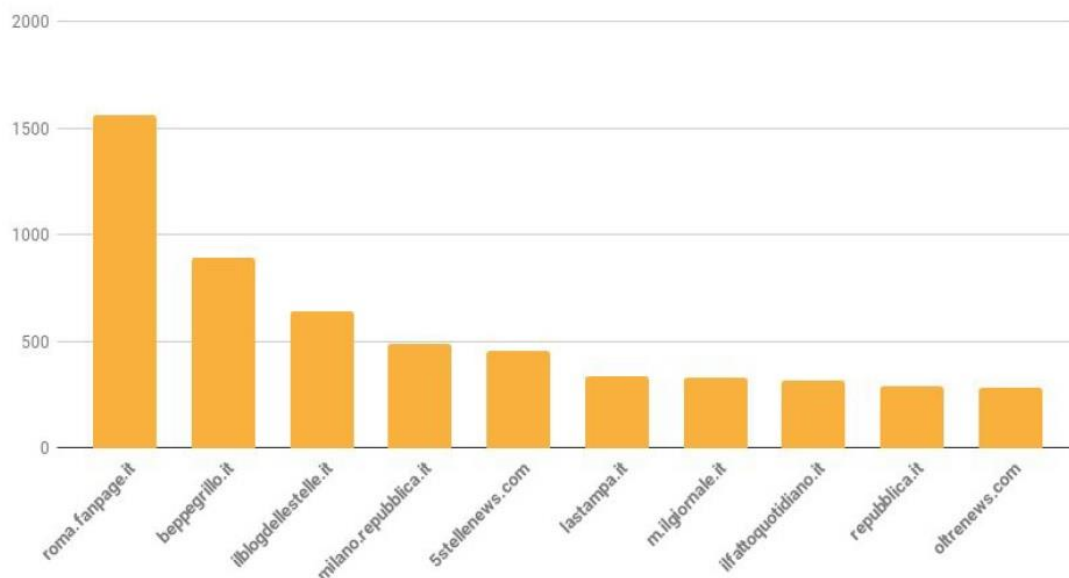


Figure 8: Sources which caused the highest average volume of sharings in a week (January 12- 18, 2018)

The new gatekeepers

Journalists at established news organisations used to be the main filter through which the public received news about political campaigns. Now, political parties and campaigners can reach potential voters directly via social media or other online services such as YouTube, and a great deal of political discussion takes place on these platforms, also modifying the process of news construction.⁶⁴ This leaves tech companies in positions of great power as gatekeepers of information, with the ability to facilitate or impede information dissemination. They are in a position – should they wish – to offer different terms and services to different campaigns, and even to deny certain campaigns access. They could in theory make it easier for a political party aligned with their business or ideological interests to reach their supporters, or vice versa.^{65 66}

⁶⁴ For specific examples in the Italian context: Bentivegna S. (2015), *A colpi di tweet. La politica in prima persona*, Bologna: Il Mulino.

⁶⁵ In 2010, an experiment of digital gerrymandering was conducted by a group of researchers and Facebook, proving the great influence Facebook's newsfeed has on voters' behaviour (Zittrain J. (2014), *Facebook Could Decide an Election Without Anyone Ever Finding Out*, New Republic <https://newrepublic.com/article/117878/information-fiduciary-solution-facebook-digital-gerrymandering>).

⁶⁶ In May 2016, claims emerged that in the US, Facebook was routinely suppressing conservative news stories in its supposedly automated "trending" news section. Its human editors for trending news and leaving the section entirely run by an algorithm, which then again led to controversy after false and offensive stories were highlighted. The company responded by getting rid of its human editors for trending news and leaving the section entirely run by an algorithm, which then again led to controversy after false and offensive stories were highlighted (Gershgorin D., Murphy M. (2016), *A glimpse into Facebook's notoriously opaque—and potentially vulnerable—Trending algorithm*, Quartz <https://qz.com/769413/heres-how-facebooks-automated-trending-bar-probably-works/>).

Parties and movements are not the only relevant subjects for online political targeting. As a matter of fact, the so called OTTs (Over the Top) web communication companies- such as Google, Facebook and Twitter- hold most of the relevant data for profiling a potential voter. However, these data have a high commercial value, therefore it is unlikely they would directly sell them to a party for electoral scopes. Instead, they would get paid by a party through sponsorships for being better indexed (e.g. on Google) or for their posts to be more visible (e.g. on Facebook and Twitter). What is relevant for our analysis is that such indexing or visibility is not casual, but built around a user's preferences, interests and, ultimately, political views.

Turning to the Italian reality, communication agencies prepare an editorial line for a political party following its political strategy, but such content is then arranged online by other agencies- so called "media centres"- who buy web spaces for the party. Most of these subjects have their headquarters located abroad, both inside and outside the EU, but have a venue in Italy. These media centres, together with some advertising professionals within the parties, would also make a first profiling step.⁶⁷ Once a content is sponsored via social networks, instead, the allocation of the political message to certain users rather than others will be made by the platform (e.g. Facebook or Twitter), according to the data it owns and through its secret algorithm.

A key risk of targeted messaging relates to parties' electoral promises: candidates and parties make commitments designed around specific voters via closed networks, which could have serious implications for holding them accountable for their promises.⁶⁸

Moreover, political data is traded on a largely unregulated and international market. The most important actors of this market are the so called *data brokers*. As to the Italian case, there is no evidence of interactions between data brokers and political parties, even if [some indiscretions](#) speak about an ongoing relationship between one (unknown) political party with Cambridge Analytica, the strategic communication society working on big data Trump relied on for his electoral campaign.

As to the protection offered by the Italian authorities against these communication tycoons, on February 2016 we find the [first decision](#) of the Italian Data Protection Agency (DPA) towards Facebook, ordering to stop the data processing of a fake account which was stealing data to another user. It is an important precedent since it affirms the Authority's competence over Italian users. Also, in 2016, some DPA decisions addressed the profiling activity made by some platforms starting from social media data (but they had no electoral scopes, being activities such as professional profiling).⁶⁹

⁶⁷ From a conversation with Dino Amenduni, member of Proforma, an important Italian communication agency that often works on political campaigns.

⁶⁸ Goodman, E., Labo S., Moore, M., & Tambini, D. (2017), *Ibidem*.

⁶⁹ Find the DPA's annual activity reports until 2016 [here](#).

3. CONCLUSIONS

Despite the peculiarity of the Italian context, where traditional media such as television maintain a predominant importance, a significant part of political campaigning is moving online, causing concern about a number of problems which could undermine democratic processes. Italy needs a review of campaign regulation, to assure the “rules of the game” keep guaranteeing fair, free and legitimate elections. Media literacy also plays an important role since it is a key tool to strengthen the public’s ability to discern, which should be actively supported by public authorities.⁷⁰

In this regard some recommendations may follow the February 2018 [workshop](#) hold by the University of Perugia, where experts from Italy and other countries that have been experiencing targeting during social media election campaigns will share research and expertise about methods of analysis of targeted social media campaigns.

⁷⁰ *Joint declaration on freedom of expression and “fake news”, disinformation and propaganda* (2017), Wien: Organization for Security and Co-operation in Europe: <http://www.osce.org/fom/302796?>

Addendum (February 12, 2018)

On February 1, 2018, the Italian Communication Authority (AGCOM) enacted the guidelines for guaranteeing equal access to online platforms during the electoral campaign (*Linee guida per la parità di accesso alle piattaforme online durante la campagna elettorale per le elezioni politiche 2018*)⁷¹. It refers to online political advertising and its transparency, polls and illicit content, fact-checking. Even if such guidelines represent an important step in recognizing the importance of political communication online and the necessity of its fairness, they just contain general recommendations. Therefore, such recommendations may be easily ignored both by the online platforms hosting the political campaign and by the political parties making use of the cyberspace. Moreover, it is worth to highlight they have been enacted only one month before the election date.

⁷¹ AGCOM, Linee guida per la parità di accesso alle piattaforme online durante la campagna elettorale per le elezioni politiche 2018 <https://www.agcom.it/documents/10179/9478149/Documento+generico+01-02-2018/45429524-3f31-4195-bf46-4f2863af0ff6?version=1.0>