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PROTECTION FROM ONLINE FALSEHOODS AND MANIPULATION ACT 2019 (ACT 18 OF 2019)

PROTECTION FROM ONLINE FALSEHOODS AND MANIPULATION REGULATIONS 2019

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In exercise of the powers conferred by section 62 of the Protection from Online Falsehoods and Manipulation Act 2019, the Minister for Communications and Information makes the following Regulations:

Citation and commencement

1. These Regulations are the Protection from Online Falsehoods and Manipulation Regulations 2019 and come into operation on 2 October 2019.

Definition

2. In these Regulations, “business address” means —

- (a) in the case of a body corporate (including a limited liability partnership) or unincorporated association —
 - (i) the body corporate’s or unincorporated association’s registered office, or principal office, in Singapore; or
 - (ii) in the absence of a registered office, or principal office, in Singapore, the body corporate’s or unincorporated association’s last known place of business in Singapore;
- (b) in the case of an individual, the individual’s usual or last known place of business in Singapore; and
- (c) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore.

Prescribed internet intermediaries

3.—(1) For the purpose of sections 21(2), 22(2) and 23(1)(a) of the Act, the prescribed internet intermediaries are —

- (a) Google LLC, in respect of Google Search;
- (b) Facebook, Inc., in respect of —
 - (i) Facebook; and
 - (ii) Instagram;
- (c) Twitter International Company, in respect of Twitter;
- (d) SPH Magazines Pte. Ltd., in respect of HardwareZone.com; and
- (e) Baidu, Inc., in respect of Baidu.

(2) For the purposes of sections 21(2) and 22(2) of the Act, the following are also prescribed internet intermediaries:

- (a) Google LLC, in respect of YouTube;
- (b) WeChat International Pte Ltd., in respect of WeChat.

(3) For the purpose of section 40 of the Act, the prescribed internet intermediaries are —

- (a) Google LLC, in respect of YouTube;
- (b) Facebook, Inc., in respect of —
 - (i) Facebook;
 - (ii) Facebook Messenger;
 - (iii) Instagram; and
 - (iv) WhatsApp;
- (c) Twitter International Company, in respect of Twitter;
- (d) SPH Magazines Pte. Ltd., in respect of HardwareZone.com; and
- (e) WeChat International Pte Ltd., in respect of WeChat.

Persons prescribed under section 23(1)(b), (c) and (d) of Act

4.—(1) For the purpose of section 23(1)(b) of the Act, the prescribed holder of a permit under section 21 of the Newspaper and Printing Presses Act (Cap. 206) is Singapore Press Holdings Limited.

(2) For the purpose of section 23(1)(c) of the Act, the prescribed broadcasting licensees within the meaning of section 2(1) of the Broadcasting Act (Cap. 28) are —

- (a) Mediacorp Pte. Ltd.;
- (b) Mediacorp TV Singapore Pte. Ltd.;
- (c) StarHub Cable Vision Ltd.; and
- (d) SingNet Pte. Ltd.

(3) For the purpose of section 23(1)(d) of the Act, the prescribed holders of a licence under section 5 of the Telecommunications Act (Cap. 323) are —

- (a) Singtel Mobile Singapore Pte. Ltd.;
- (b) StarHub Mobile Pte. Ltd.; and
- (c) M1 Limited.

Digital advertising intermediaries

5. For the purpose of sections 37(3) and 47(1) of the Act, the prescribed digital advertising intermediaries are —

- (a) Google, in respect of Google Ads; and
- (b) Facebook, Inc., in respect of Facebook Audience Network.

Requirements for Part 3 Directions and Part 4 Directions

6. A Part 3 Direction or Part 4 Direction must contain —

- (a) the online location where the subject statement or subject material (as the case may be) is communicated;
- (b) the basis on which the subject statement or the statement contained in the subject material (as the case may be) is determined to be a false statement of fact;
- (c) a statement that the Minister is of the opinion that it is in the public interest to issue the Part 3 Direction or Part 4 Direction;
- (d) the email address at which any application to the Minister to vary or cancel the Part 3 Direction or Part 4 Direction must be sent; and
- (e) a statement to the effect that any application to the Minister to vary or cancel the Part 3 Direction or Part 4 Direction must be in writing and —
 - (i) either —
 - (A) be made and completed in the form that may be obtained from the Uniform Resource Locator (URL) specified in the Direction; or

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- (B) if not made and completed in that form, meet the requirements mentioned in regulation 13(3); and
 - (ii) be sent by email to the email address specified in the Direction.

Requirements for Declarations

7. A Declaration must contain —

- (a) the email address at which any application to the Minister to suspend, vary or cancel the Declaration must be sent; and
- (b) a statement to the effect that any application to the Minister to suspend, vary or cancel the Declaration must be in writing and —
 - (i) either —
 - (A) be made and completed in the form that may be obtained from the Uniform Resource Locator (URL) specified in the Declaration; or
 - (B) if not made and completed in that form, meet the requirements mentioned in regulation 13(3); and
 - (ii) be sent by email to the email address specified in the Declaration.

Requirements for Account Restriction Directions

8. An Account Restriction Direction must contain —

- (a) details of the specified online account that is the subject of the Account Restriction Direction;
- (b) the basis on which —
 - (i) the subject statement communicated using the specified online account is determined to be a false statement of fact; or

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- (ii) the subject behaviour carried out using the specified online account is determined to be coordinated inauthentic behaviour;
 - (c) the basis on which the Minister concerned has determined that the specified online account is —
 - (i) an inauthentic account; or
 - (ii) controlled by a bot;
 - (d) a statement that the Minister is of the opinion that it is in the public interest to issue the Account Restriction Direction;
 - (e) the email address at which any application to the Minister to vary or cancel the Account Restriction Direction must be sent; and
 - (f) a statement to the effect that any application to the Minister to vary or cancel the Account Restriction Direction must be in writing and —
 - (i) either —
 - (A) be made and completed in the form that may be obtained from the Uniform Resource Locator (URL) specified in the Account Restriction Direction; or
 - (B) if not made and completed in that form, meet the requirements mentioned in regulation 13(3); and
 - (ii) be sent by email to the email address specified in the Account Restriction Direction.

Service of Part 3 Directions

9.—(1) Subject to paragraph (2), a Part 3 Direction, or a variation or cancellation of a Part 3 Direction (called in this regulation the document), may be served on the person who is issued with the Direction, or variation or cancellation of the Direction by any of the following means:

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- (a) by leaving with the person a copy of the document;
 - (b) by leaving a copy of the document at the business address of the person;
 - (c) by registered post to the business address, or usual or last known address in Singapore, of the person;
 - (d) if the person has an email address which the person may be contacted at — by sending an electronic communication of the document to that email address;
 - (e) if the person has an account created with an internet intermediary for the use of an internet intermediary service, and that internet intermediary service provides a mechanism for that person to receive electronic communications in that account — by sending an electronic communication of the document to that account;
 - (f) if the person is the owner or operator of an Internet website, a blog or a page on any social media or social networking Internet website, and that Internet website, blog or page on that social media or social networking Internet website provides a mechanism for correspondence with the person, or the posting of comments, on that Internet website, blog or page on that social media or social networking Internet website — by posting an electronic communication of that document on that Internet website, blog or page on that social media or social networking Internet website;
 - (g) if the person has appointed a person (called in this regulation the appointed representative) to accept service of the document —
 - (i) by leaving with the appointed representative a copy of that document;
 - (ii) by registered post to the business address, or usual or last known address in Singapore, of the appointed representative; or

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- (iii) if the appointed representative has an email address which the person may be contacted at — by sending an electronic communication of the document to that email address.
- (2) If the person on whom a document is to be served —
- (a) cannot, by the exercise of due diligence, be found; or
 - (b) does not —
 - (i) appear to have a business address, or usual or last known address in Singapore;
 - (ii) appear to have any email address, or any account created with an internet intermediary for the use of an internet intermediary service, through which service can be effected under paragraph (1);
 - (iii) appear to be the owner or operator of any Internet website, a blog or a page on any social media or social networking Internet website through which service can be effected under paragraph (1); and
 - (iv) appear to have appointed an appointed representative to accept service of the document,

the document may be served by causing a notification containing the following information to be published in the *Gazette*:

- (c) a statement identifying that document;
- (d) a statement that the person to be served may obtain that document from the Competent Authority by writing to the address or email address specified in the notification, or by any other way that may be specified in the notification.

Service of Part 4 Directions and other directions, orders and notices

10.—(1) Subject to paragraph (2), a Part 4 Direction, an Account Restriction Direction, a Remedial Order, a notice under section 50 of the Act, and a direction under section 54(1) of the Act, or a variation or cancellation of a Part 4 Direction, an Account Restriction Direction

or a Remedial Order (called in this regulation the document), may be served on a person by any of the following means:

- (a) by leaving a copy of the document with the person;
 - (b) by leaving a copy of the document at the business address of the person;
 - (c) by registered post to the business address, or usual or last known address in Singapore, of the person;
 - (d) if the person has an email address which the person may be contacted at — by sending an electronic communication of the document to that email address;
 - (e) if the person has appointed a person (called in this sub-paragraph the appointed representative) to accept service of the document —
 - (i) by leaving with the appointed representative a copy of that document;
 - (ii) by registered post to the business address, or usual or last known address in Singapore, of the appointed representative; or
 - (iii) if the appointed representative has an email address which the person may be contacted at — by sending an electronic communication of the document to that email address.
- (2) If the person on whom the document is to be served —
- (a) cannot, by the exercise of due diligence, be found; or
 - (b) does not —
 - (i) appear to have a business address, or usual or last known address in Singapore;
 - (ii) appear to have any email address through which service can be effected under paragraph (1); and

- (iii) appear to have appointed an appointed representative to accept service of the document,

the document may be served by causing a notification containing the following information to be published in the *Gazette*:

- (c) a statement identifying that document;
- (d) a statement that the person to be served may obtain that document from the Competent Authority by writing to the address or email address specified in the notification, or by any other way that may be specified in the notification.

Reasonable efforts prescribed for purposes of section 32(11) of Act

11.—(1) The reasonable efforts required to be made under section 32(5)(b) of the Act to give a copy of the Declaration, or under section 32(10)(b) of the Act to give a copy of the notice of suspension, variation or cancellation of the Declaration (called in this regulation the notice), to the owner or operator of a declared online location are any one of the following:

- (a) by leaving a copy of the Declaration or notice with the owner or operator;
- (b) by leaving a copy of the Declaration or notice at the business address of the owner or operator;
- (c) by posting the Declaration or notice by registered post to the business address, or usual or last known address in Singapore, of the owner or operator;
- (d) if the owner or operator has an email address which the person may be contacted at — by sending an electronic communication of a copy of the Declaration or notice to that email address;
- (e) if the owner or operator has an account created with an internet intermediary for the use of an internet intermediary service, and that internet intermediary service provides a mechanism for that owner or operator to receive electronic communications in that account — by

sending an electronic communication of a copy of the Declaration or notice to that account;

(f) if the owner or operator maintains an Internet website, a blog or a page on any social media or social networking Internet website, and that Internet website, blog or page on that social media or social networking Internet website provides a mechanism for correspondence with the person, or the posting of comments, on that Internet website, blog or page on that social media or social networking Internet website — by posting an electronic communication of the Declaration or notice on that Internet website, blog or page on that social media or social networking Internet website.

(2) If the person on whom a declaration is to be served —

(a) cannot, by the exercise of due diligence, be found; or

(b) does not —

(i) appear to have a business address, or usual or last known address in Singapore;

(ii) appear to have any email address, or any account created with an internet intermediary for the use of an internet intermediary service, through which service can be effected under paragraph (1); and

(iii) appear to have maintained any Internet website, a blog or a page on any social media or social networking Internet website through which service can be effected under paragraph (1),

the declaration may be served by causing a notification containing the following information to be published in the *Gazette*:

(c) a statement identifying the Declaration;

(d) a statement that the person to be served may obtain a copy of the Declaration from the Competent Authority by writing to the address or email address specified in the notification, or by any other way that may be specified in the notification.

Prescribed period for sections 33(1)(a), 34(1)(a) and 37(1), (2) and (3) of Act

12. For the purposes of sections 33(1)(a), 34(1)(a) and 37(1), (2) and (3) of the Act, the prescribed period is 10 consecutive days (excluding any Saturday, Sunday or public holiday).

Applications to vary or cancel Direction or Remedial Order, or to suspend, vary or cancel Declaration

- 13.—(1) This regulation applies to —
- (a) an application to vary or cancel —
 - (i) a Part 3 Direction under section 19(2)(b) of the Act;
 - (ii) a Part 4 Direction or Remedial Order under section 31(2)(b) of the Act; and
 - (iii) an Account Restriction Direction under section 46(2)(b) of the Act; and
 - (b) an application to suspend, vary or cancel a Declaration under section 32(9)(b) of the Act.
- (2) An application mentioned in paragraph (1) —
- (a) must be in writing;
 - (b) must either —
 - (i) be made and completed in the form that may be obtained from the Uniform Resource Locator (URL) specified in the Part 3 Direction, Part 4 Direction, Remedial Order, Declaration or Account Restriction Direction, as the case may be; or
 - (ii) if not made and completed in that form, meet the requirements mentioned in paragraph (3); and
 - (c) must be sent to the email address specified —
 - (i) in the Part 3 Direction, Part 4 Direction, Remedial Order, Declaration or Account Restriction Direction, as the case may be; or

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- (ii) on the POFMA Office website at <http://www.pofmaoffice.gov.sg>.
- (3) For the purposes of paragraph (2)(b)(ii), the requirements are —
- (a) that the application sets out —
- (i) the name and address of the applicant;
 - (ii) if applicable, the name and address of the applicant's authorised representative or legal representative; and
 - (iii) an address in Singapore or an email address, at which documents may, in connection with the application, be served on the applicant;
- (b) that the application contains —
- (i) a summary of the grounds for the application, as the case may be —
 - (A) to vary or cancel the Part 3 Direction, Part 4 Direction, Remedial Order or Account Restriction Direction; or
 - (B) to suspend, vary or cancel the Declaration;
 - (ii) the arguments for each ground of the application; and
 - (iii) the relief sought by the applicant;
- (c) that the application —
- (i) be accompanied by a copy of the relevant Part 3 Direction, Part 4 Direction, Remedial Order, Declaration or Account Restriction Direction; or
 - (ii) if a copy is not available, identifies the relevant Part 3 Direction, Part 4 Direction, Remedial Order, Declaration or Account Restriction Direction;
- (d) that the application is accompanied by all the documents supporting the arguments and grounds of the application; and
- (e) that the application is signed and dated by the applicant, or by the applicant's authorised representative or legal representative.

Period for Minister to determine application under regulation 13

14.—(1) The Minister must issue a notice of his or her decision within 2 working days after the date on which an application mentioned in regulation 13(1), and sent in accordance with regulation 13(2)(c), is received.

(2) For the purposes of paragraph (1), an application mentioned in regulation 13(1) that is received on a working day before 4 p.m., is treated to have been received on that working day, and, in any other case, the working day next following.

(3) If the Minister does not issue a notice of his or her decision within the time mentioned in paragraph (1), the application mentioned in regulation 13(1) is treated as refused.

(4) In this regulation, “working day” means any day other than a Saturday, Sunday or public holiday.

Codes of practice

15.—(1) For the purpose of section 48(1), read with section 48(3), of the Act, codes of practice may be issued by the Competent Authority to apply to —

(a) the following digital advertising intermediaries:

- (i) Google, in respect of Google Ads;
- (ii) Facebook, Inc., in respect of Facebook Audience Network; and

(b) the following internet intermediaries:

- (i) Google LLC, in respect of —
 - (A) Google Search; and
 - (B) YouTube;
- (ii) Facebook, Inc., in respect of —
 - (A) Facebook; and
 - (B) Instagram;
- (iii) Twitter International Company, in respect of Twitter;

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- (iv) SPH Magazines Pte. Ltd., in respect of HardwareZone.com;
 - (v) WeChat International Pte Ltd., in respect of WeChat;
 - (vi) Baidu, Inc., in respect of Baidu.

(2) For the purposes of section 48(2), read with section 48(3), of the Act, codes of practice may be issued by the Competent Authority to apply to the following internet intermediaries:

- (a) Google LLC, in respect of —
 - (i) Google Search; and
 - (ii) YouTube;
- (b) Facebook, Inc., in respect of —
 - (i) Facebook; and
 - (ii) Instagram;
- (c) Twitter International Company, in respect of Twitter;
- (d) SPH Magazines Pte. Ltd., in respect of HardwareZone.com;
- (e) WeChat International Pte Ltd., in respect of WeChat;
- (f) Baidu, Inc., in respect of Baidu.

Criteria under section 54(1) of Act

16.—(1) For the purposes of section 54(1) of the Act, the criteria prescribed is that the person is, at the relevant time —

- (a) an internet intermediary which internet intermediary service has been accessed by a threshold of at least 500,000 unique visitors in or from Singapore per month on average, over any period of 3 consecutive months; or
- (b) a website owner or operator which website has been accessed by a threshold of at least 100,000 unique visitors in or from Singapore per month on average, over any period of 3 consecutive months.

(2) To avoid doubt, any fall in the number of unique visitors in or from Singapore below the threshold mentioned in paragraph (1) after the relevant time is to be disregarded.

(3) In this regulation, “relevant time” means the time at which the direction mentioned in section 54(1) of the Act is made.

Made on 30 September 2019.

YONG YING-I
*Permanent Secretary,
Ministry of Communications
and Information,
Singapore.*

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