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Digital political advertising in the Czech Republic

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VIRTUAL INSANITY
FOR TRANSPARENCY IN DIGITAL POLITICAL ADVERTISING

EUROPEAN
PARTNERSHIP FOR
DEMOCRACY

civitates
a philanthropic initiative for democracy and solidarity in europe

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Executive summary

While the debate on the transparency of digital political advertising is a prominent topic at the EU level, in the Czech debate on disinformation or digital threats to democracy, it is largely missing from the picture. This is despite the fact that digital political (and issue-based) advertising on Facebook, Google, Seznam.cz or even on Twitter is becoming increasingly relevant and used for spreading narratives in the Czech digital sphere. Over the last couple of years, Czechia made several important steps to increase transparency in political campaigning and finance, however, digital political advertising represents a blind spot in the debate. In this context, it is even more important to follow, analyse and monitor the implementation of the regulatory framework agreed on at the EU level between the European Commission and the social media platforms called the Code of Practice on Disinformation (CoP).

Assessed on the example of the electoral campaign for the European Parliament in Czechia in 2019, the EU´s CoP meant an important first step towards more transparency in digital political advertising, especially thanks to the introduction of the ad libraries. However, we can see three completely different approaches (by Google, Facebook and Twitter) to transparency in digital political advertising. This is true for basically all aspects of implementation of the CoP, including the quality and structure of information published in the ad libraries, the control mechanisms and procedures for taking down unsanctioned ads, the Application Programming Interfaces (APIs) and cooperation with the research community. The platforms even differ in approaching European Parliament elections from a pan-European perspective (Twitter), or with more focus on individual EU Member States (Facebook and Google). They also differ in their definitions of political and issue-based advertising, or even in the data provided to the European Commission as part of monthly progress reports. It is also clear that not all information was available in the transparency registries of all the platforms.

In the Czech case, Facebook is by far the most important and ambitious platform when it comes to digital political advertising. But at the same time, it is failing to deliver on full enforcement of transparency of political and issue-based ads online, as a significant amount of information was missing in the transparency registry. Concretely, Facebook struggled to establish a trustworthy API channel for the research community and failed to provide sufficient information on microtargeting (and targeting criteria) by the political advertisers. Facebook also did not allow for European campaigns (unlike Google or Twitter) and several Czech stakeholders reported problems when communicating with the platform on taking down ads. Finally, research into the reporting mechanism on Facebook in Europe showed that its users were much less likely to report unsanctioned ads and problematic content online, which is a point of concern.

Google stands second in implementing the Code, since it only provided some information on online ads, but it focused on the developments in Czechia. However, not all the information was available in the ad library here too, and even the labelled content in the ad library did not include all the necessary information. Google in particular struggled with providing good quality data, stating only a range in numbers of impressions or money spent on digital advertising, which was too wide to give meaningful insights. Google also announced that it could not define social issues and did not provide their registry at all. Twitter is certainly the least ambitious in delivering on its commitment. Despite the fact that it only plays a minor role on the Czech digital market, the platform does not pay enough attention to transparency in digital advertising. This is a point of concern given its rising importance at the EU level. Twitter, for example, did not register a single account in its ad library and failed to establish the issue-based advertising registry altogether. In

general, Twitter did not sufficiently reflect the national specifics and approached the whole campaign more from the pan-European perspective.

The tech companies were also insufficiently responsive to the Czech authorities and the civil society. Even if the Czech Republic generally takes the issue of disinformation and foreign interference in the election process seriously, it is not yet ready to fully monitor, analyse or even regulate digital political marketing. Its monitoring lacks sufficient capacity and its regulatory tools are missing stronger competency and proper sanction mechanisms. This is linked to the reform debate in which due to only limited focus on the topic, most national stakeholders are looking to the EU and its institutions to act. The Czech authorities prefer a common EU solution and a coordinated approach to digital political advertising. One of the important points, which is shared among Czech stakeholders, is that more transparency and access to data for researchers should be encouraged to drive the debate forward. It is also clear that only thanks to a combination of EU and national approaches to the issue, a holistic approach and effective solution to the problem can be found. Digital political advertising only represents one part of the debate on digital threats to democracy, though it has proved itself as sufficiently relevant and therefore worth trying to make the regulatory framework more efficient and solid.

Recommendations

Based on the main outcomes and conclusions of the research and analysis of the digital political advertising in Czechia, the study recommends the following:

➜ Pursuing efficient coordination with the EU MSs as well as cooperation with the social media platforms on the implementation of the essence of the CoP and bringing that to a higher level. Only a holistic approach to the issue that is inclusive of all relevant stakeholders, both state and non-state actors on the EU and national levels, can result in a meaningful response to this complex issue. This should also avoid further fragmentation of the Digital Single Market;

➜ Defining the basic procedures, fundamental rules of the game as well as concepts, such as what is "political advertising" or "social issues", on the EU level among the EU MSs and EU institutions, which the social media platforms then would deliver on;

➜ Moving from the principle of self-regulation to co-regulation and stronger control and oversight over the whole process by the EU Commission and EU MSs, including enforcement of the rules of procedure and principles by a potential sanction mechanism in the case of non-compliance;

➜ Reflecting on new problems that emerged during the process of implementation of the CoP, such as payments from third parties, proxy advertising, and a general lack of transparency in funding political campaigns and/or official affiliation of social media accounts with political campaigns, and how to tackle those in the next generation CoP or any (co-)regulatory follow-up to the CoP;

➜ Serving as an intermediary between the research community and the social media platforms that should secure their smooth cooperation and provide for trustworthy access to information to advance research on issues related to social media, including micro-targeting, work of algorithms or more transparency and accountability on social media. The work format of the European Advisory Committee of Social Science One bringing together universities, civil society as well as the social media platforms should be continued and further bolstered;

➜ Empowering the European Regulators Group for Audiovisual Media Services (ERGA) as an independent regulatory body to observe the whole process of implementation of any kind of future regulation of digital political advertising might be a good way forward in having a proper European instrument monitoring progress and analysing the work done by the social medial platforms in terms of delivering on their promises;

➜ Empowering the EU MSs in bolstering their own monitoring and analytical tools and means for increasing transparency in digital political advertising and issue-based advertising, amongst other things by involving them more closely in the debate on the EU level and more efficient discussion of this phenomenon.

For the Czech stakeholders, primarily the Czech government and national legislators:

→ Perceiving the phenomenon of digital political advertising as a unique debate within the context of digital threats to democracy and manipulation of public opinion in the Czech Republic;

→ Leading a campaign to raise the public's awareness about social media platforms: how they work, what their social responsibility is (and at the same time that of the user) or their obligation to cooperate with the national authorities, and law enforcement in cases of a criminal nature;

→ Creating a comprehensive and efficient system of regulation of digital political advertising as part of Czech legislation (mainly the electoral code and regulations of the Bureau for Control of Funding of Political Parties and Movements – UDHPSH) coordinated with the EU;

→ Enhancing the research and solid exploration of data from the social media platforms via extended and trustworthy access to information by Czech universities, which could together with think tanks and civil society drive the Czech domestic debate forward;

→ Strengthening the capacity of the Czech state to monitor and analyse digital political advertising on social media platforms, including extending the capacity and competence of the UDHPSH (going beyond the digital dimension of political advertising, e.g. related to third parties, PR agencies or registered civil society organisations), as well as enforcing already existing laws and regulations with a stronger sanctioning mechanism in the case of non-compliance;

→ Active coordination, involvement and close cooperation with partners at the EU level, including the cabinet of the Czech European Commissioner Věra Jourová, on the future regulation of digital political advertising as well as the operation of the tech platforms in broader terms;

→ Striving for a stronger "domestication" of the social media platforms in the Czech Republic (possibly negotiated and pushed from the EU level), better responsiveness and more efficient and facilitated cooperation between the platform representatives and the Czech state and non-state actors;

→ Effective transformation of the Czech legislation, especially of the electoral code, into the digital environment of the 21st century.

Introduction

Even though we might perceive digital and online political marketing as something relatively new, it has been a part of political campaigning for quite some time. In fact, the Internet has been used as a means of spreading political messages since its early start. As it was developing, campaign managers were adapting and using new and more sophisticated strategies of how to influence their electorate. In the 2004 presidential election in the US, the Internet was used as one of the main tools in both candidates' campaigns.

Today, with the increasingly dominant power of social media and data analysis, we need to be all the more aware of its impacts, including microtargeting, psychological profiling and other tools, as we saw in the last presidential election in the US, or during the Brexit referendum and elsewhere around the world respectively.

Speaking, for example, about Brexit, one must not forget the Cambridge Analytica affair – which became significant beyond the United Kingdom. It showed how vulnerable our privacy – and therefore our democracy and society – is to the pressure of big tech companies, data mining companies and campaign managers. Threats like that represented by the Cambridge Analytica affair have resulted in some policy change, even though it has not yet reached the necessary regulatory levels. Yet, we can see in the Code of Practice on Disinformation (CoP) agreed between the European Commission and the tech giants, a good first step in this direction.

In the Czech Republic,[1] we saw some positive changes in the area of political campaigning even before the big affairs of 2016, which brought the issue to the policy mainstream. Stemming from changes of the electoral law in 2016 and thanks to the establishment of the Bureau for Control of Funding of Political Parties and Movements (UDHPSH) on 1 January 2017, Czech legislators and the civil society pushed for an increase in the quality of transparency of political campaigning, funding of political parties or setting the rules of the game during the electoral campaign for both parties and their supporters. However, there is still a lot of work to be done to make this efficient and the whole system really bullet-proof. These innovations to the electoral laws represented the first important step towards a more transparent and credible electoral process that would be freer and fairer for all political actors in Czechia as well as for voters.

[1] In this text, the name "the Czech Republic" and "Czechia" are used interchangeably.

EU and disinformation

The EU´s Action Plan on Disinformation[2] was launched at the end of 2018 and it represents a very important document outlining the EU's fight against disinformation and fake news. Over the last couple years, we have seen a dramatic rise in the spreading of disinformation, especially since 2014 and the so-called Ukrainian crisis. In 2016, the UK referendum was heavily affected by digital political campaigning and fake news. Due to this, the EU decided to take a series of steps to tackle this problem. First, the Code of Conduct[3] was introduced to fight illegal content on social media. And, as mentioned earlier, the EU Action Plan against Disinformation was put into practice, one of its significant parts being the Code of Practice on Disinformation.[4]

The Code of Practice has an important impact on the current situation. It to a large degree changes the perspective on digital political marketing. As just one of the steps in the EU's fight against disinformation, it, in particular, enforces data availability and the creation of ad libraries displaying political and issue-driven ads, as well as empowering both users and researchers with better access to data. And these are the availability of information and the data protection of the people, which are in the core of the paper, which – however – does not stop here.

The main themes of the CoP are:

1) **Scrutiny of ad placements**
2) **Political advertising and issue-based advertising**
3) **Integrity of services**
4) **Empowering consumers**
5) **Empowering the research community**

While this research mainly focuses on the public scrutiny of ad placements, empowering consumers and the research community, it also touches upon the two remaining points when it includes points related to the behaviour of social media platforms in Czechia and information on political and issue-based advertising. Apart from that, the analysis focuses on the Czech legislative context and the reform part of the debate in the future.

To measure and analyse progress in these categories, the research incorporated more than 15 interviews conducted with stakeholders in the Czech Republic and Brussels, thorough desk research as well as two public events in Czechia and several more in Brussels to receive feedback and peer reviews from relevant players on both levels of the decision-making process. The transparency registries (ads libraries) newly established by the social media platforms also provided an additional source of information about digital political advertising in the Czech Republic.

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[2] European Commission, Action Plan on disinformation: Commission contribution to the European Council (13-14 December 2018)", https://ec.europa.eu/commission/publications/action-plan-disinformation-commission-contribution-european-council-13-14-december-2018_en.

[3] European Commission, "The EU Code of conduct on countering illegal hate speech online", https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combatting-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en.

[4] European Commission, "Code of Practice on Disinformation", https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation.

The research in the Czech Republic was conducted in partnership with the European Partnership for Democracy5 and funded by a philanthropic initiative for democracy and solidarity in Europe, Civitates6. Similar case studies on the European Parliament elections of 2019 based on the same methodology were also conducted in Italy and the Netherlands. More information about the project 'Virtual Insanity: The need for transparency in digital political adverting', its consortium of partners and the overall design of the research can be found on the website[7].

[5] European Partnership for Democracy, "About us", http://epd.eu/about-us/.

[6] Civitates, "Healthy digital public sphere", https://civitates-eu.org/quality-of-the-public-discourse/.

[7] European Partnership for Democracy, "Virtual Insanity: Transparency in Digital Political Advertising", http://epd.eu/virtual-insanity/.

Characteristics of digital political advertising in Czechia

1) There are three completely different approaches towards transparency in the digital political advertising practised by Twitter, Facebook and Google. Twitter did not include in its ads library a single account from Czechia (and did not work on issue-based advertising, the same as Google), Facebook did but there is too much information missing to be able to rely on the provided data, which is the same as in the case of Google, which did not include enough information on third parties (e.g. PR agencies) the same as Facebook and Twitter.
2) Facebook is by far the most important platform for digital political advertising in Czechia; Twitter is still only symbolic significance despite the rising use at the EU level; Google is now the major player in online search in Czechia and winning over Seznam.cz.
3) There is a problem with the definition of political and social-based advertising, which differs in all three cases, not helping to create a common approach to the issue.
4) The provided data on digital political advertising is too often too general (e.g. Google's ranges for the money spent on the digital political advertising or impressions seen by users). It therefore cannot be fully used by researchers.

The Code of Practice on Disinformation introduced several important changes to the availability of information. First and foremost, it enforced the establishment of ad libraries and transparency registries that should bring more light to political advertising and political advertisers and fight so-called dark ads on the Internet. It also newly requires social media platforms to publish regular transparency reports, including more data on when, where and how and by whom citizens are targeted (microtargeting) and how much the advertiser spends on this. Apart from that, the CoP should empower the users themselves to better understand the practice and be more resilient against manipulation and malign influences, including from third parties and from abroad.

Transparency on social media platforms

Speaking about transparency on social media platforms and the implementation of the CoP in Czechia, we can see three completely different approaches toward openness in political advertising and implementation of the Code of Practice on Disinformation as well as systemic problems with putting the self-regulation principle into practice.

First, speaking about digital political advertising, **Twitter** is the least ambitious and least compliant when approaching the debate from a pan-European perspective and insufficiently deals with the national specifics.[8] In terms of political campaigning, we can see that Twitter registered and displayed in its political ads library (accessible for users) only pan-European political campaigns, e.g. those done by European political groups, or individual politicians with the means and ambition to do so. Among fewer than 30 accounts for the whole of the EU, there was not a single one from Czechia or Italy for the comparison. The overwhelming majority of advertising is not transparently displayed in the registry and cannot be accessed

[8] Except for complying with strict legal measures governed by national laws, e.g. on prohibition of political advertising as claimed in several EU member states that Twitter list on its website: Twitter, "Political Content", https://business.twitter.com/en/help/ads-policies/prohibited-content-policies/political-content.html.

by the user. Among those displayed, however, most information relevant for the user was present. The online database of issue-based ("Cause-based") advertising is still completely missing, unlike in the United States where it contains hundreds of accounts both on political and social levels. Therefore, the case of Twitter best illustrates the legal responsibility (or lack of it) in the US and EU markets. This is particularly disturbing since Twitter itself boasts that activity on Twitter increased by 273% if compared to the period before the European Parliamentary elections in 2014.[9]

It is interesting that Twitter has recently announced that it is going to ban political advertisements altogether.[10] This certainly increased the stakes in the debate on digital political advertising and pushed the other platforms to react in one way or another. Following Twitter's step, Google also announced that the company is also limiting the scale of targeting and the reach of political advertising in general.[11] Finally, Facebook is still considering implementing a similar measure under pressure from US legislators.

Facebook is definitely the most ambitious out of the three analysed platforms but also the one standing at the core of the problem. Facebook provided a definition of political advertising (and what "*political*" actually means) and defined six different categories for socially-sensitive ("*issue-based*") advertising, including issues related to migration and religion or politics and society.[12] In the Czech case, there were not only dozens of pages of registered subjects and their ads in the registry but also many of those that were taken down due to non-compliance, e.g. not registering properly as political ads from the beginning. It was even the case with the official campaign of the European Parliament in Czechia that initially struggled to receive the support of Facebook to attract voters to come to the elections.[13] Therefore, their response mechanism at the newly created campaigns seems to somehow work, but dealing with already existing profiles and campaigns represents another challenge, as proved by the NATO Strategic Communications Centre of Excellency in Riga in their recent study.[14]

However, a closer look into the operation of the ad library shows that there were numerous were completely missing from the registry. An investigation by journalists into the Czech political parties and their spending on digital political advertising during the European Parliament's election revealed that there were serious problems with the registry. Comparing the transparent bank account of one of the political parties and the Facebook ads library, it became clear that only ¼ of the party's money spent on Facebook's digital advertising became a part of the ads library. This is an issue of a systemic nature that illustrates that the system does not really capture the nature of the activity of political advertisers on the social media platform. The upcoming analysis of the UDHPSH might reveal more of such cases in the months to come when the Bureau finishes with its investigation of the 2019 European Parliament elections.

In general, the ad library of Facebook is quite user-friendly and transparent, even if some functionalities could be better elaborated (e.g. determining the exact

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[9] Karen White, "6.2m Tweets on EU elections as voters turn to Twitter for conversation", Blog Twitter, December 04, 2019, https://blog.twitter.com/en_us/topics/company/2019/voters_turn_to_twitter_for_eu_elections.html.
[10] Jack Dorsey (@jack), "We've made the decision to stop all political advertising on Twitter globally. We believe political message reach should be earned, not bought. Why? A few reasons...", Twitter, December 04, 2019, https://twitter.com/jack/status/1189634360472829952.
[11] Zach Montellaro, "Google to limit targeted political ads", Politico, December 03, 2019, https://www.politico.eu/article/google-to-limit-targeted-political-ads-as-silicon-valley-grapples-with-2020/?utm_source=POLITICO.EU&utm_campaign=1f4bc0e1c8-EMAIL_CAMPAIGN_2019_11_21_06_04&utm_medium=email&utm_term=0_10959edeb5-1f4bc0e1c8-190127153.
[12] Facebook, "Policies", https://www.facebook.com/policies/ads/restricted_content/political.
[13] Facebook did not allow the pan-European political parties to campaign in individual EU Member States at all, despite many complaints and long work on this topic.
[14] NATO Strategic Communications Centre of Excellency, "Falling Behind: How Social Media Companies are Failing to Combat Inauthentic Behaviour Online", https://stratcomcoe.org/how-social-media-companies-are-failing-combat-inauthentic-behaviour-online.

period is not available on Facebook whereas it is on Google). There is a variety of information on the geographical scope (including individual Czech regions), gender, number of impressions or exact sums put into advertising. Another thing that pan-European subjects (European political groups) complained about was that this approach was "too" geographically determined, and they were not allowed to campaign on social media due to the regulation of Facebook for them. This is exactly the opposite in the case of Twitter that allowed this but provided very little detail regarding the national debate and national advertising. Ideally, both approaches should be combined, even if the Facebook one is generally better elaborated and suited for the EU elections. This approach of Facebook should be welcomed since most of the advertising in Czechia is done via Facebook (and to a lesser extent Instagram, which is a part of the same company).

Google stands somewhere in between the two, both when it comes to the extent of using digital political advertising and its own approach to transparency therein. It offers a good perspective from the national level, even if its information before the EU elections was only partial. Searching for major political movements and parties in Google's registry showed that not all political movements and campaigns were registered, even though they used political advertising on YouTube, which was the case, for example, for the Pirate Party or TOP 09. Major political parties and movements were officially not part of the registry, although their products were published online via a YouTube channel or they invested in Google Ads, etc. Also, unlike with Facebook which displayed even campaigns (also issue-based) that were not allowed, or did not meet the regulations, Google did not offer this helpful function for transparency and availability of data. On a positive note, Google offered an interesting feature that enabled researchers and users to go back to the history and look at activities in the past by selecting a specific period, which neither Facebook (only able to look back at the "last 60 days") nor Twitter enabled. Google completely resigned on issue-based advertising or its definition, which the company openly admitted it struggled with. Therefore, it was one thing to register political parties and put their content in the online transparency overview, and another to define issues relevant to the whole society and determine who pays for their promotion. Google's situation was also different since it represents a hybrid model of a social media platform, including YouTube, the search engine and also Google AdSense. While for the two latter it is very complicated for the user to understand how they operate and how political advertising is flowing, YouTube can easily be monitored.

Finally, very wide ranges for both amounts invested, and the number of impressions, do not allow for a careful examination of the interests of political players and PR agencies, which is a problem for the research community as well as the end-user/voter who cannot imagine the extent of the advertising. If the range is as wide as 10,000 to 100,000 CZK, it can mean almost anything in the world of social media advertising and therefore the usefulness of the data was significantly compromised. In general, this is another part of the debate that on Google, it is not possible to access more detailed information on the advertisers (address, website, etc.) directly from the registry but it must be tracked down elsewhere, unlike in the case of Facebook.

Seznam.cz

In the Czech Republic, one more actor must be included in the political campaign overview and it is a digital online platform called Seznam.cz,[15] which is unique around the EU. It is used as a platform for accessing news, business advertising or as a personal page. Together, Seznam.cz and Google search engines capture 96% of the Czech online market (the rest goes to Bing, Yandex or Yahoo). At the end of 2018, the ratio among users played in favour of Google (74:25), whereas in 2014

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[15] Seznam.cz, "Seznam.cz", https://www.seznam.cz/.

Seznam.cz was still the most important search engine (52:47). This illustrates the fast pace of Google's growth in the Czech market.[16] There is a clearly visible difference between desktop, mobile phones and tablets. Seznam runs its alternative to Google Ads called Sklik. However, it was not possible to retrieve any relevant data about their policy concerning political advertising. There is also no transparency registry (or ads library) related to digital political advertising on Seznam.cz, which is not a party to the CoP, despite previous negotiations between Seznam.cz and the European Commission. The platform, however, differs from Google since it does not use microtargeting and personalisation of the search engine. In general, Seznam.cz is active in the fight against disinformation and their signature of the CoP would be a logical next step in subscribing to online transparency and users' empowerment when it comes to digital political advertising.

Users' empowerment

Some positive changes can be seen among the tech companies regarding their approach to the rights and empowerment of "consumers" of ads. Facebook educates its users about targeting and the reasons why they see some ads ("Why do I see this add" link, which provides some information to the user). However, it is not as easy to get a grasp of the system of targeting of ads as we would like it to be. In fact, it is easier to understand why you have seen the ad while you are looking at it than to find reasons why some ads are shown to some people via the ad library. There is a similar system at Google, which provides a, "Why do I see this ad?" function. On the other hand, there is no such function in the political library, which would provide you with the necessary information. And even the function, "Why do I see this ad?" is quite vague and uses the usual phrases to protect the commercial interests of the company. In this field, Twitter is the least compliant too. It provides vague or no reasoning on why you were targeted by a particular ad. Their system of microtargeting uses mainly geographical area and is very limited on demographic data.

API

As far as the research community is concerned, it is important to tackle the problem of providing data via so-called application program interface (API)[17] channels that, thanks to the CoP, were supposed to offer an opportunity for the research community to download whole data sets for the purposes of research and future work on this. API works on the principle of communication between the provider (in our case the social media platform) and the user/company that requests access to information/data that should be delivered as part of the response from the tech giants.

According to discussions with the Czech research community and civil society, few organisations are making active use of this newly enabled tool on the social media platforms and their transparency registries. From their counterparts in Europe it is, however, possible to hear that Facebook and other tech giants are not as open as was originally planned. Moreover, the tech companies have a veto power over who gets access to the research material and who stays away from this rich source of information. Therefore, the research institutions, think tanks and civil society only have a limited opportunity to be critical and not be deprived of access to data via API, which, indeed, promotes self-censorship among the organisations.

The same is true for scrapping data and deleting the old information from the system, or not allowing researchers and the civil society to access information from the past. This is a big problem that the EU Commission is now aware of and that should be tackled by allowing access to this channel to publicly and transparently

[16] Ladislav Kos, "Infografika: Podíl vyhledávačů Google a Seznam na českém internetu #2019" eVisions.cz, December 04, 2019, https://www.evisions.cz/blog-2019-01-24-infografika-podil-vyhledavacu-google-a-seznam-na-ceskem-internetu-2019/.

[17] Facebook, "Ad Library API", https://www.facebook.com/ads/library/api/?source=archive-landing-page.

selected organisations that would register with the social media platform but would then be able to have the access to the data sets that they need for their research, journalistic and other work. This is one of the ways that unlimited access to data from the social media platforms could be secured and this could be facilitated by the European Commission based on its agreement with the platforms.

Responsiveness of the social media platforms

1) Google is the only platform with an office in Prague. Facebook has a single representative for outreach for the V4 region (and a Slovak working as part of the election integration team). **Twitter** approaches the issue from a pan-European perspective. Engagement with Czech academia, decision-makers or civil society is selective and only partial at best, very often used as a fig leaf for reporting active engagement with civil society and academia.
2) The Czech national authorities complain about complicated access to the tech giants and during the EP elections, they struggled to provide their feedback to the tech giants.
3) Access of researchers remains limited and dependent on good relations with social media platforms (limiting criticism and promoting self-censorship).

As illustrated by examples in the previous chapters, it is not possible to talk about a single approach to the issue of political and issue-based advertising by the three social media platforms but rather several different ways of them regulating the online media space. This relates to all aspects of their work with advertising, including their definition, labelling, inclusion in the online registries or control mechanisms and taking down in case of non-compliance. This is also true for the responsiveness of the platforms to both national authorities as well as the civil society and academia.

Control mechanisms and contact with partners

Based on interviews and communication with stakeholders in the Czech Republic, it was visible that the Czech Republic is deeply under the radar of the social media platforms, with the exception of Google, and were it not for the EU the tech giants would do very little to deal with the misconduct happening on social media every day. This is the case as observed in the rest of the world, including Myanmar and the Rohingya crisis or elsewhere where the share of Facebook, Twitter and Google is not so significant.

The Chamber of Deputies of the Parliament of the Czech Republic organised a pre-EU election debate on the integrity of the electoral process and cases of foreign interference (e.g. from Russia), which attracted the substantial (and cross-party) attention of Czech policymakers. However, none of the social media platforms was present or paid much attention to the Czech domestic debate about the protection of the electoral system and cases of disinformation or cyberattacks from abroad. In many instances the Czech policymakers, as well as state officials and representatives of the security apparatus, complained that it is complicated to communicate with the social media platforms, Facebook in particular, and that they have to use the official complaint forms, as any other user, to reach out to the tech giants. So-called priority access to Facebook, Google or Twitter was limited to very narrow circles of NGOs and well-networked individuals that would have regular contact with the tech giants based on their professional interests. And despite this, it would not be guaranteed that their complaints and concerns would be heard, even if the response was faster and better reasoned than in the case of individual users.

To continue on a general note common to all three social media platforms, if they maintain contacts with representatives of civil society and academia or the state officials at all, they do so in a cherry-picking manner when they make use of the feedback and know-how that is shared by these stakeholders and they pay back with so-called privileged contacts and access to control (and complaint mechanisms).

In some cases, the tech giants even offer limited funding and support to concrete projects going along the lines of media literacy or critical thinking, which might be then used for their PR service while the impact of these initiatives remains limited and is not fully promoted or used by the social media platforms for their work. Based on that, we see a lot of PR efforts to maintain contacts between the Czech authorities and social media platforms but much less of really mutually beneficial contacts that would satisfy the Czech civil society and research community in terms of quality of services and compliance with community rules (also in the case of hate speech, etc.) or providing solid protection and integrity during the electoral campaign.

Facebook is a prime example of how only limited contacts have been maintained during the last couple of years when the platform has been in touch (and even approached some NGOs) to have cooperation and partners on the ground. However, the general feedback from the partners was that not so much has in fact changed when it comes to the protection of rights of users, implementation of the fight against hate-speech online or the reporting mechanisms to Facebook. The analysis of Transatlantic Working Group also shows a small rate of complaints and reporting of illicit content from the side of the users, which is a reason for concern and revision of the reporting mechanism of Facebook.[18] While Facebook has recently changed the rules of its community practice to fight hate-speech and call out unfriendly and aggressive behaviour among the online community (which has been assessed as positive, possibly even too far-reaching), the enforcement of the rules and limiting of such practice has only delivered partial results despite, also, the cooperation with the Czech civil society on this concrete agenda point. Speaking about election integrity and responsiveness, Facebook does not have any office based in the Czech Republic, which instead is managed through the Warsaw and Brussels offices. For election monitoring and protection, there was a single person dedicated to working on both Czechia and Slovakia, countries of more than 15 million people. With regard to presence on the ground there is another representative travelling between the Visegrad capitals and staying in touch with the debates in the four countries, again with millions of users (5.3 in the Czech Republic itself).[19] Facebook's Brussels office ignored repeated attempts to meet for an interview. If Facebook spoke about meeting with the German security apparatus and policymakers to protect the national (and regional elections), this was never the case in the Czech Republic where contacts are until this day only limited. Finally, to speak about the registration process for the political and issue-focused advertisers, it is clear that ads were taken down quite frequently. The advantage of Facebook was that it was possible to see the deleted ads in the online registry to build a clear picture even about the plan to share the content that was not officially registered (or eligible to be put online).

Google has approached the debate about responsiveness and disinformation from a different angle and – also thanks to their representations in individual EU member states, Czechia in particular – has tried to accommodate the needs and concerns of the civil society. Individual researchers from Virtual Insanity (not only from Czechia) have communicated with their PR hub in Brussels and managed to get responses to most of their questions. It is clear that Google has put significant efforts (similarly to Facebook and Twitter) into fighting illegal content using AI and online algorithms, which now, for example, ensures that child pornography is deleted in more than 95% of cases before it reaches the targeted audience. Nevertheless, the situation is much more complicated when it comes to fighting hate-speech online and disinformation. Speaking about relations with the civil society, the Google offices in Brussels, Prague and Warsaw are very familiar with the Czech circumstances and are in touch with its representatives dealing with disinformation

[18] Transatlantic Working Group, „An Analysis of Germany´s NetzDG Law",
https://www.ivir.nl/publicaties/download/NetzDG_Tworek_Leerssen_April_2019.pdf.
[19] Přemysl Vaculík, "Sociální sítě v Česku, využívá je 5,7 milionu obyvatel", Dotekománie.cz, December 03, 2019,
https://dotekomanie.cz/2019/02/socialni-site-v-cesku-vyuziva-je-57-milionu-obyvatel/.

(e.g. the Czech elves and others). Thanks to this fact and its keeping one foot on the ground, it is possible to assess its behaviour as more responsive towards the Czech reality.

As far as **Twitter** is concerned, the company realises that it is rather on the periphery of both political advertising and users' popularity in Czechia (only 388,500 users have an account on Twitter) and Europe in general, unlike in the United States. Therefore, as illustrated above, the tech giant has been relatively relaxed about the implications of the Code of Practice on Disinformation on its work and about taking the measures very seriously. As for Twitter's responsiveness, it certainly cannot be described as very dutiful, not to even mention its cooperation with the Czech authorities, academia or civil society. In general, it is clear that Twitter has been focusing on the debate in the United States and putting most of its resources and its PR campaign "back home". Therefore, there is very little to say about its checks and balances (not a single Czech account has been put in the online library) and there was nothing in the issue-based registry for the whole of Europe too. Finally, very few organisations actually tried to obtain the official licence to advertise via Twitter since it is of a negligible importance (especially when it comes to political advertising). Therefore, no major problems were reported in this context.

National and legislative context

1) The topic of disinformation is high on the Czech agenda but digital political marketing is not properly monitored and its Czech legislative tools not fully adapted for this challenge.

2) Positive change came in 2016 bringing new transparency rules for political advertisers that made political campaigning more transparent, but only partially addressed digital political advertising. They were pushed by the civil society, but lukewarmly agreed by the political parties.

3) The Czech electoral code only focuses on labelling in digital political advertising. In 2019, for the first time, UDHPSH requested all digital political advertising on Facebook (only) from political parties and movements. The capacity and competence of UDHPSH limit its scope of work and a more efficient approach to this topic.

4) Despite the ongoing reform process of the electoral code, digital political advertising is missing from the picture. There is also only limited knowledge of the subject among the civil society, think tanks, the research community as well as decision-makers.

Despite the fact that the issue of disinformation has a high prominence in the Czech context, it is unfortunately not so for digital political advertising, which remains largely unregulated and left to the social media platforms and the EU (and the Code of Practice on Disinformation). The Czech Republic has launched several new initiatives along the lines of dealing with online disinformation and foreign interference and propaganda. Following the Audit of National Security in 2015, the government of Bohuslav Sobotka decided to establish a new institution under the Ministry of Interior called the Centre against Terrorism and Hybrid Threats (CTHH),[20] which officially started its work on 1 January 2017. CTHH began operating as a specialised institution co-responsible for strategic communication, online disinformation, hybrid threats or issues of terrorism and societal radicalisation. The new body was also designed to monitor online activity (also of foreign actors) and come up with its recommendations for the regulation of the online space. However, these results have not materialised yet.

In the Czech Republic, the EU elections are regulated by the law on the European Parliament elections from 2003 (62), which does not mention digital political advertising at all. However, it states that promotion or agitation of voters done via "communication media" must transparently contain details about the contract owner and the contractor, which according to the application of the law applies also to the online space and digital political advertising.[21] In 2016, the Czech civil society pushed for a change of the election laws as well as of the law on Assembling in Political Parties (424/1991)[22]. This meant that a whole set of measures related to the transparency of political parties, their financing and election campaigning was introduced. In concrete terms, limits to campaign financing (in the case of EP elections of 50 million CZK), establishing several transparent accounts (and their division for individual party-related financial

[20] CTHH, "Centre Against Terrorism And Hybrid Threats–Ministerstvo vnitra České republiky" December 04, 2019, https://www.mvcr.cz/cthh/clanek/centre-against-terrorism-and-hybrid-threats.aspx.
[21] "Zákon č. 62/2003 Sb. Zákon o volbách do Evropského parlamentu a o změně některých zákonů– Zákony pro lidi", December 04, 2019, https://www.zakonyprolidi.cz/print/cs/2003-62/zneni-20190302.htm?sil=1.
[22] "Zákon č. 424/1991 Sb. Zákon o sdružování v politických stranách a politických hnutích – Zákony pro lidi", December 04, 2019, https://www.zakonyprolidi.cz/cs/1991-424.

operations) as well as establishing a new institution called the Bureau for Control of Funding of Political Parties and Movements (UDHPSH)[23] brought results in making the political sphere more transparent. The political parties were also newly obliged to publish annual accounts and issue detailed reports on their spending and donations, including a transparent registry of sponsorship from partners.[24] However, these initiatives mostly tackled the financial aspects of party politics and offline, or more traditional approaches to campaigning, only partially covering the online and digital aspects of campaigns in the Czech Republic.

The new Bureau started operating on 1st January 2017 and was immediately caught in the middle of the electoral campaign before the October parliamentary elections of 2017. At the same time, from the very beginning, it struggled not only with an insufficient capacity to process the required data connected to the political campaigning of more than 250 electoral subjects but also with fundamental issues such as finding itself an adequate office and equipment. As a result, the first results of the assessment of the 2017 campaign became clear at the end of 2019.[25] Based on this experience, the data from the 2019 European Parliament elections will take months to process too, even if the lower number of electoral subjects will certainly make their situation easier this time. Also, what became clear after the 2017‑18 presidential elections was the fact that the new institution lacked essential tools and sanction mechanisms to protect the integrity of the electoral process.[26] When it became obvious that the campaign of the re-elected president Milos Zeman (led by an officially registered NGO called Association of Friends of Milos Zeman) was not planning to issue a final report on the funding of the political campaign, the Bureau was only able to issue a fine of 20,000 CZK (less than 800 EUR), while there was more than 20 million CZK (888,400 EUR) that the candidate claimed to use in the campaign.

Unlike in the national parliamentary elections, the UDHPSH requested data from political parties on their Facebook campaigns that would confirm their digital political advertising during the European Parliament elections of 2019. The other social media platforms (Google with YouTube and Twitter) were not considered relevant. It is fair to say that it is Facebook that is by far the most important tool for digital political advertising in the Czech Republic. This was the first time that the Czech state and its institutions officially requested comprehensive information on digital political advertising during an electoral campaign. Therefore, we can see a rather minimalistic approach to regulation of the social media platforms and rather efforts to monitor and analyse activities online without a bigger ambition to come up with a new complex approach that would significantly regulate digital political advertising in the online sphere. This minimalistic approach to regulation of the content on social media platforms is connected to the widely shared belief, in the Czech society (and policy circles), that an individual EU Member State cannot on its own change the rules of the game for the tech giants.

This approach can be best illustrated by the position of the Ministry of Industry and Trade which has the official responsibility for the digital agenda within the Czech government. It is possible to see a lack of willingness to regulate

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[23] The Bureau became the state´s main institution responsible for the agenda of registering political parties, registering third parties involved in the electoral process or monitoring the state of donations and observing the fairness of political process, see: Úřad pro dohled nad hospodařením politických stran a politických hnutí, "UDHPSH", https://www.udhpsh.cz/

[24] Frank Bold, "Hospodareni s verejnymi prostredky", https://frankbold.org/poradna/kategorie/hodpodareni-s-verejnymi-prostredky/rada/financovani-politickych-stran.

[25] Barbora Janáková, "Účetní za problémy SPD nemůže, s některými chybami jsem se ještě nesetkal, říká kontrolor", Deník N, December 03, 2019, https://denikn.cz/217681/ucetni-za-problemy-spd-nemuze-s-nekterymi-chybami-jsem-se-jeste-nesetkal-rika-kontrolor/.

[26] Part of the problem was that the newly amended electoral law did not fully capture the problem of third parties campaigning on behalf of candidates (e.g. the role of registered associations and NGOs). See: "Poslanci reagují na tajemné dárce prezidentských kampaní. Plánují změnu pravidel –Transparency international Česká republika", https://www.transparency.cz/poslanci-reaguji-na-tajemne-darce-prezidentskych-kampani-planuji-zmenu-pravidel/.

on the content on social media platforms or impose anything more than the Code of Practice on Disinformation that has been presented by the European Commission. Its interest lies mostly in promoting the digital single market and freedom of providing digital services. On a different, but interconnected note, the Czech government is planning to tax the activity of social media platforms in the Czech Republic by 7% based on the DST model proposed by the European Commission by mid-2020. This proposal is now being discussed in government and policy circles, but it is the only one regulating and dealing with the digital sphere in the Czech Republic.

In addition to that, it is important to mention that the Ministry of Interior which is officially responsible for regulating the electoral agenda within the government, is working on an amendment of the electoral law. It should come up with new elements of the electoral campaign (e.g. decreasing the number of days for elections to one day only - it is two today, allowing for a postal vote, or early casting of votes and promoting electronic means of communication with the authorities, among others).[27] Moreover, it is stated that despite the votes being counted by a computer system (to eliminate the human factor), the vote will not take place online in the future. These changes definitely represent a step towards more openness and the modernisation of the electoral process for both the voter and the political parties, e.g. Czechia is the last country in the EU to have a two-day-long electoral process. However, the Ministry is not planning to touch on the issue of digital political advertising or the online space of electoral campaigns and all the competencies in this area will stay with the UDHPSH, including the regulatory function and oversight of the work of political parties, especially during electoral periods.

Overall, in the Czech debate on digital political advertising, we see a lack of experience, ambition and ideas on how best to approach the digital part of political advertising, and at the same time, there is a general willingness to offload this agenda to the EU level. In general, there is a growing awareness of the digital space and putting it on an equal footing with the offline world. That is more the case for the law enforcement agencies and the judiciary,[28] policymakers as well as society at large.[29] There is a growing tendency of the application of law and other legal and societal norms in the digital space and public awareness of equality of the online and offline worlds is increasing case by case.

Political aspects of the Czech debate on digital political advertising

Despite the fact that online campaigning and political advertising came to Czechia only later than in other European countries, it has quickly increased in volume over the last couple of years. In the case of all Czech political parties, the offline (contact) campaigning (including billboards, printed posters, ads in printed media sources and meetings with voters) prevailed, but it is clear that digital political advertising is taken very seriously by political advertisers. All of this together with the growing presence[30] of social media platforms in the life of Czech citizens also increases the relevance of regulation of digital political advertising.

[27] "Ministerstvo vnitra připravilo nový volební zákon – Ministerstvo vnitra České republiky"
https://www.mvcr.cz/clanek/ministerstvo-vnitra-pripravilo-novy-volebni-zakon.aspx.
[28] Robert Břešťan, "Výhrůžky smrtí starostovi Prahy 6 kvůli kauze Koněv. Padl první trest, další lidi policie vyšetřuje", HlídacíPes.org, December 03, 2019, https://hlidacipes.org/vyhruzky-smrti-starostovi-prahy-6-kvuli-kauze-konev-padl-prvni-trest-dalsi-lidi-policie-vysetruje/?fbclid=IwAR3tGmK_uiV6c6oN6ocvII816umXVY6ycSB9LecfcNFpulbK8eCNHdvEIx8.
[29] "Za nenávistný komentář k fotce teplických prvňáčků padl trest. Soud zatím neřekl jaký", iRozhlas.cz, December 03, 2019, https://www.irozhlas.cz/zpravy-domov/prvnacci-teplice-soud-nenavistne-komentare-pod-fotkou_1809101548_haf.
[30] In February 2019, every second Czech had a Facebook account (5.3 million users) and there were 2.3 million Instagram accounts, which meant a 15 % increase on the previous quarter, see: "Počet Čechů na Facebooku stoupl na 5,3 milionu" České noviny, December 04, 2019, https://www.ceskenoviny.cz/zpravy/pocet-cechu-na-facebooku-stoupl-na-5-3-milionu/1716970. Moreover, 80 % of Czech Internet users had an account on social media

During the 2019 European Parliament elections, the political parties invested between 15 and 25 % of their budgets[31] in online advertising mostly focusing on Facebook and Instagram but also making active use of the advertising platforms offered by Google (Google AdSense) and its Czech counterpart Seznam.cz (Sklik) as well as PR articles and AdWords. However, it is often too hard to determine the concrete profiles and/or pages promoting the political message because nsot all parties published them (or only partly) to the Czech office of Transparency International. While it is not possible to access exact data on how much money has gone into the area of digital political ads (including the search engines of both Google and Seznam.cz), there is a growing tendency of work with social media platforms for PR purposes and using that as an important instrument of promoting political content online.

The table below shows data available before the European Parliament elections to Transparency International Czech Republic.[32]

Political parties	ČSSD	HLAS	SVOBODNÍ	SPOJENCI pro EVROPU	SPD	ANO	PIRÁTI	KDU-ČSL	KSČM	ODS	ESO
Announced budget (mil. CZK)	8,1 alt. 11[33]	5	3	15	13,5	35	6	12	7,5 alt. 8,5[34]	10	1,5
Spent on digital political advertising[35] (% of campaign budget or CZK)	/	/	/	Facebook 3%, AdWords + PR 15%	140k on Facebook	/	AdWords + PR 2%, Facebook 10%, Instagram 2%	AdWords + PR 10%, social media 9,5%	AdWords + PR 10%, Facebook 7%, Instagram 1%	/	/

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at the end of 2018. 1.471 million Facebook users accessed their account on a daily basis (2.234 million on a monthly basis). 83 % of Czech users consider social media platforms as a source of information, see: Kateřina Tichá, "Jak se daří sociálním sítím v Česku?", Bridge Ecommerce Magazine, December 04, 2019, https://www.ecommercebridge.cz/jak-se-dari-socialnim-sitim-v-cesku/.
[31] Transparency International Czech Republic, "Transparentní volby 2019 – Evropský parlament", https://www.transparentnivolby.cz/evropskyparlament2019/.
32 Ibid.
[33] Pavlína Kosová, "Kolik stojí kampaň do EU: Neckář 121 000, Facebook 140 000, Prchal 250 000", Seznam zprávy, December 03, 2019, https://www.seznamzpravy.cz/clanek/kolik-stoji-kampan-do-eu-neckar-121-000-facebook-140-000-prchal-250-000-72093?dop-ab-variant=13&seq-no=2&source=hp.
[34] Karolína Brodníčková, "ANO se chystá dát na kampaň zdaleka nejvíc peněz ze všech", Novinky.cz, December 03, 2019, https://www.novinky.cz/domaci/clanek/ano-se-chysta-dat-na-kampan-zdaleka-nejvic-penez-ze-vsech-40270256.
[35] If not stated, the breakdown was not available to Transparency International Czech Republic. The stated costs do not include production of the material or salaries of people involved.

The table below shows how much money (in CZK)[36] the main 10 Czech political parties and movements spent on Facebook advertising and promotion of content during the EP election campaign until 23 May 2019.[37]
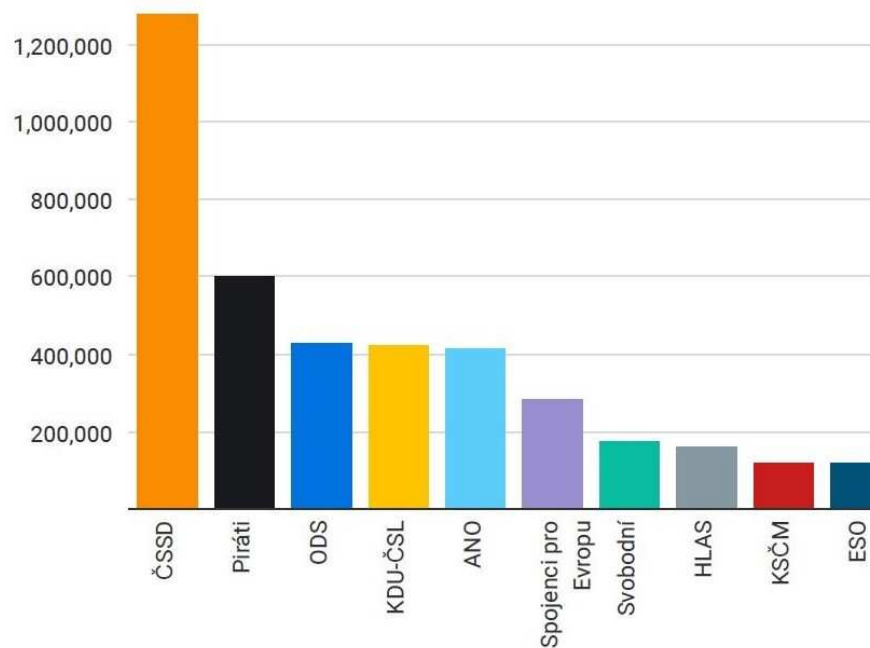
The Social Democratic Party promoted 2,599 posts and spent on average 500 CZK (20 EUR) on each of them, which raises questions about their efficiency. Both number one and number two of the election the list of social democrats promoted their personal brands significantly too using microtargeting and sharing their ads with citizens of particular regions and social classes and backgrounds. A different tactic was used by the leading governmental movement of Andrej Babis and his ANO, which only shared 35 different posts (30 from the current PM's personal account and five others from the site of number one on the list Dita Charanzová) and promoted mostly the posts shared from the site of Andrej Babis, who was not officially running for office in the European Parliament. The Andrej Babis' PR team used the tactics of regular appealing messages that his voters are familiar with from this domestic Sunday appeals.[38] Again, Facebook microtargetting and adjusting the message according to the audience was heavily applied by the ANO's team reaching from elderly women above 55 years of age to pensioners and society at large. The Pirate Party was also very heavily engaged on Facebook (2nd most significant spender) and basing their posts on factual information and video content (as the only Czech party running for the European Parliament who also officially registered the campaign on YouTube). They also used different platforms, including "Humans of Piráti" to promote their message via Facebook. A different example could be found in case of the Czech right-wing party of SPD of Tomio Okamura, which officially

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[36] Jan Tvrdoň, "ČSSD už na Facebooku utratila milion, Čau lidi má verzi pro důchodce a Okamurovy reklamy provázejí nejasnosti" , Deník N, December 03, 2019, https://denikn.cz/132000/cssd-uz-na-facebooku-utratila-milion-cau-lidi-ma-verzi-pro-duchodce-a-okamurovy-reklamy-provazeji-nejasnosti/.

[37] Disclaimer: this might not be the final figures since Facebook only captured part of the party financing. In the case of one of the political parties, it was only ¼ of the overall amount of money put into advertising. So, this is only indicative for comparison of the individual party funding and their tactics. The final numbers were submitted to UDHPSH, which is still processing the data obtained from individual political parties.

[38] Jan Tvrdoň, "Prasklá žilka, rošťák Tango a tisíce lajků. Recept na Babišova hlášení Prchal střeží jako přísady na Coca-Colu", Deník N, December 03, 2019, https://denikn.cz/87827/cau-lidi-hlaseni-lici-babise-jako-drice-z-lidu-konkurence-je-ma-za-zovialni-vypravenky-prchal-recept-taji-jako-coca-colu/?ref=in.

spent only 24,000 CZK but did not have their posts properly labelled and including who paid for the advertising.

To offer a more analytical picture, the most significant political advertisers on Facebook (social democrats and the Pirates) underperformed and did not manage to sufficiently attract their core voters (social democrats) or first-time voters and young people (Pirates). What might also be noteworthy is the fact that ANO, which otherwise invested the largest amount of money (35 million CZK) in the European Parliament campaign focused more on the offline part of the campaign (contact campaign, posters, banners and advertisements in traditional media etc.). Therefore, it is very complicated (or rather close to impossible) to evaluate the influence of social media platforms and digital political advertising on the results of the European Parliament elections in Czechia in 2019.

Reform debate

1) Due to limited competence and knowledge of the subject on the national level, most stakeholders are looking to the EU to act. Domestic stakeholders prefer a common EU solution and a coordinated approach between the EU and Czechia.
2) There are ideological and political differences, however, in general, there are few concrete proposals on the subject. Most stakeholders emphasize the stronger "domestication" of the tech platforms to the Czech (legislative) environment and stronger responsiveness to the domestic debate and legislative context. There is a difference between the Ministry of Industry and Trade and the security community (self-regulatory vs. co-regulation principle).
3) A stronger coordination regarding regulations between the national government, the EU and social media platforms would be welcomed from the side of political advertisers. Problems with registration and/or different expectations from different sides should be resolved before the next elections.
4) More transparency, openness by the platforms and unlimited (unconditional) access to data were advocated by most interviewed stakeholders.
5) Czech legislation should be adapted to reflect 21st-century conditions and cover digital political advertising. Czech civil society, the think tank community and academia should drive the process and get the issue on the table for Czech decision-makers with support of the EU.
6) All sides, the EU member states, academia, civil society and the EU institutions should come together and coordinate their efforts in tackling this complex challenge.

Stemming from the national and legislative context, it is first necessary to admit that there is no common position among the stakeholders on digital political advertising or its potential regulation. As stated above, if there is some common ground, it is on the fact that there should be a European solution to the problem and that countries such as the Czech Republic cannot solve the problem on their own. The Czech policy debate on social media platforms and digital political advertising in that sense lags behind the European context both at the EU level and in other EU member states. In fact, the issue is so marginal in the Czech political and societal discourse that there are only very few actors that are looking into this issue and looking at the European Commission's work on the subject. This means that if there are any concrete policy proposals on the topic, they usually lie with individual actors and they are not widely shared or discussed within the society.

The views on the subject greatly differ depending on who one is talking to. Based on 15 interviews conducted with representatives of civil society, academia, state officials and policy and opinion makers, it is clear that very little in the Czech debate on social media has been grasped and taken on board by the policymakers as their own. The expertise is in fact limited to a narrow circle of people working on data and data management, digitalisation, elections and their transparency in a wider sense, defence and the security-related agenda or strategic communication, disinformation and foreign interference. The digital political advertising issue overlaps to some extent with all of them, however, it has not, at least so far, offered enough space for the realisation of concrete projects and research initiatives that would sufficiently catch the attention of the research and expert community. In a way, this project was, therefore, pioneering in the field and it was very important

to talk to people from different spheres of public life to understand their views on the subject matter. Because of the variety of approached stakeholders, also the approaches to future regulation of political and issue-based advertising varied widely.

To start with one end of this opinion spectrum, the representatives of the security community and civil society mostly emphasized the security concerns and issues of foreign interference and protection of the integrity of the electoral process. In several cases, working on the issue of Russian disinformation and hybrid operations in the Czech Republic and the West in a wider sense, these interviewees put stress on a more serious approach to regulation of the social media platforms and moving beyond the principle of self-regulation to more of a co-regulation and putting the EU (and national) authorities on a more equal footing with the social media platforms. In this debate, it should be the state (and supranational) structures that determine the rules of the game that the tech giants should then follow and implement in their respective policies on digital political advertising and beyond. This assessment is, indeed, built on the conviction that the current self-regulatory measures are either insufficiently, or not at all implemented by individual platforms, which gives good arguments to a stronger and more consistent approach to regulation and sanction mechanisms in the case of non-compliance with the set of measures required by the EU. Representatives of the civil society and security community also tended more to point out the malign influence of foreign actors, particularly the Russian Federation, that misuse the online space for promoting their narratives and propaganda in the Western democracies. The 2016 US presidential elections and the Brexit referendum and the Cambridge Analytica affair being cases in point here.

Another side of the debate would be shared, for example, by some in the Pirate Party who would be very cautious to regulate the social media platforms in any sense and would stick to freedom and unity of the Internet as the most important values in the whole debate. For these opinion and policy makers, the principles of self-regulation are sufficient not to need to interfere in private companies and the regulation of the public sphere, which would limit freedom of expression and other basic rights and values. In this case, the emphasis would be put on different arguments and the security component would be played down to preserve the public space and discussion as well as freedom of exchange of opinions in the online space. A more open and optimistic approach to social media platforms and to users who can best decide if things are right or wrong (and factually right or fake) on their own should be applied. Nevertheless, both groups of opinions overlapped in a sense that emphasized transparency as a crucial principle for making informed decisions and rejected manipulation of information and data that is misleading people, and specially voters. Therefore, the need for facts and a good quality of public discussion was widely shared by everybody.

In between these two positions, there were rather individual voices that stressed opinions and arguments stemming from the perspective of their work with data or transparency of elections in a wider sense. For example, one of the respondents proposed stronger "domestication" of Facebook and other tech giants and their better compliance to the Czech national debate, including cultural and societal norms as well as laws and soft regulation. They would start with establishing a physical office in Czechia and being more reachable for Czech policy-makers, security and law enforcement representatives or civil society working on these issues. However, they should go beyond this and Facebook and others should better respect the Czech legal system and follow its key principles the same as is true for the TV, radio and newspapers which have to pay special attention to issues of privacy, the rights of an individual, defamation, spreading hatred in society and more. As mentioned above, this is gradually developing, and the Czech public is slowly but surely adapting the national legislation to the digital sphere too. However, so far, it is not the case for social media platforms which are not liable for

the content that is used and shared by their users, as they are, for example, in Germany or France.

It was recommended that Facebook and other social media platforms should undergo a process of judicial trials that would determine the rules of the game for the tech giants. This would state what they are legally liable for and what does not fall into their competences. The division of responsibility would lie between the platform and its user. We can observe this process evolving in the case of Austria. The one advantage is that the state (or the EU) would not themselves take on the responsibility of defining the problem and saying what is right and what is wrong, which the platforms would only follow and disregard the rest having a legal basis for their work. However, on the other hand, it can become very problematic to leave the regulation of the social media platforms only to courts and judges, which can be misused in less democratic and less independent legal systems around the world. Also, it only applies to an ideal state of affairs in which the courts have at the centre of their decisions all societal values and norms, including freedom of expression and human rights, and does not take into consideration replication of these ideal cases to different environments around the world.

Therefore, it is really necessary to appreciate that the issue is immensely complex, and it requires cooperation and a common approach across society starting from civil society and ending with policy circles and opinion-makers. It is also important to add that the Code of Conduct on Disinformation is a valuable first step in the right direction on which it is possible to build further regulatory regimes. The CoP was particularly praised by the election-related initiatives that were fighting the issue of dark ads and other manipulative online advertising without sufficient access to data and more sophisticated approaches to collecting data than manual observation and analysis of scarce information. For organisations, such as Transparency International Czech Republic, the introduction of online ads libraries was a major step forward. However, especially they recognise that these are insufficient and don't contain all necessary data that should be displayed in the online registries. Therefore, much more can be done as is widely recognised by everybody and it is a case of finding the right answer and agreeing on a common approach in the future.

Concrete ideas and policy measures at the EU level

In order to achieve good results in making the online space provided by the social media platforms safer and more secure and to have a democratic and inclusive space for discussion and get rid of online manipulation and disinformation, often for political purposes, it is necessary to combine forces both at the EU and national levels of decision-making. Most of the Czech stakeholders see the added value in having a common approach to the social media platforms and speaking with one voice, which would put more pressure on individual tech giants and achieve more substantial results than could ever be achieved solely by Czechia. At the EU level, the European Commission – as was mentioned during the interviews – should come up with a more solid and consistent approach to regulation and move away from the self-regulatory mechanism. Only in this way could the CoP be better implemented, having concrete tools and sanction mechanisms in place. What is necessary is to have a more holistic approach to the debate, including pushing for a precise definition of political- and issue-based advertising that is now not shared by the social media platforms and interpreted differently by each of them.

It is also necessary to properly enforce the idea of online transparency registries, which is a good idea to start with, but it must be properly implemented with all political advertising being immediately and transparently put in there. If there is only partial information and only from a few of the platforms, this data has only limited value for the general public or for journalists and academia for research purposes. It cannot be the case that Facebook had in its evidence only ¼ of the overall sum of money spent on political advertising on the platform of a particular political

party, which itself had to collect the information and submit it to the national regulator UDHPSH. The same goes for concrete amounts and number of impressions (the same as a whole list of other criteria points). It is either consistently included by everybody (using the same terminology) or it is only of very limited value. The question of uploading precise information in time is a technical issue in the whole debate, rather than a big obstacle, as was proved by the fight against illegal content online (including child pornography, promotion of terrorism or self-harm), which the platforms can get rid of almost immediately using AI and sophisticated online mechanisms.

Finally, the labelling of political- and issue-based advertising must be properly ensured to inform the users about who is paying for what and who is targeting every individual user in real-time. The principle of transparency, which is, indeed, a multilayer issue should be sufficiently bolstered and benefit the end-user.

At the same time, the EU and European Commission can be instrumental not only in changing some of the basic rules and principles of the game and going along the lines of the co-regulatory principle but also in standing up for academia and civil society who have a legitimate place in the debate, which is now only partially recognised by the social media platforms. While there are opportunities to have a closer look into the internal mechanisms of the social media platforms for a handful of organisations and research institutions carefully selected by the tech giants and tied through mutual agreements, it is necessary for the tech platforms to properly establish access for the research community and better explain the algorithms hidden behind personalisation of newsfeeds and control over information and its being displayed in real-time. It cannot be the case that individual organisations are afraid to be critical to preserve access to Facebook and others' databases. Also, the process of selection of these organisations and ensuring their access must be more transparent and open for calls from everybody, including think tanks and civil society organisations with sufficient track records of work on the topic. The same is true for the so-called API channels of information that have to provide solid and reliable information for research purposes and further investigation by the research and journalistic community.

Positions of the Czech advertisers

In sum, Czech political advertisers make frequent use of digital political advertising and microtargeting or displaying their ads on accounts and websites related to particular regions or social and age groups. Three out of the main 11 campaigns for the European Parliament (a total of 42 political parties and movements) made substantial efforts in favour of transparency as assessed by Transparency International Czech Republic and its analysis, the rest to a larger or smaller degree downplayed the issue of online transparency.[39]

Related to the process of registration at social media platforms, Facebook was doing the job and even taking down unsanctioned political ads of unregistered political campaigns (or those which were not approved yet). Twitter also verified accounts of political advertisers, but this was rather a formal process of sanctioning political campaigns of individual parties on the national level rather than anything else. Google (and YouTube) also verified the IDs of the main campaign managers who became officially responsible for political advertising and their contacts were made available for public scrutiny in all three cases.

As became clear during the interviews, this created some trouble for the political advertisers who were – the same as the social media platforms – not used to the new procedures, which often made the process lengthy and complicated to conclude. The centre-right political party TOP 09 which ran in

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[39] This includes: transparency of funding, declaration of accounts supporting the campaign (third parties), full disclosure of donations, and/or full breakdown of costs of the campaign, including invoices within 60 days after the campaign end, see: Transparency International Czech Republic, "Transparentní volby 2019 – Evropský parlament", https://www.transparentnivolby.cz/evropskyparlament2019/.

a wider coalition of forces failed to register in the case of YouTube, on which it planned to put its ads at the final stage of the electoral campaign. Other political parties also faced difficulties and complained about the behaviour of social media platforms, which often made the process complicated, especially taking into consideration the timing and hot phase of campaigning during which the parties wanted to focus on other issues, but had to deal with the registration process, which often took at least two weeks.[40] Another dimension of the discussion was taking place at the EU level, in which Facebook effectively prevented all pan-European political parties from running their ads online. This caused a lot of disagreements between Facebook and the political advertisers, however, this decision was not reversed and stayed for the whole time of the electoral campaign before the European Parliament elections of 2019.

Apart from that, the political advertisers also complained about no coordination between the EU, national regulation or the social media platform regulatory measures related to the electoral process and that the parties had to meet too many new obligations from the recently established Bureau, national law as well as social media platforms. Political parties were mostly preoccupied with the inflexibility and inconsistency of national legislation, rather than the scrutiny over digital advertising. Nevertheless, there were quite a few mentions of the inefficiency of social media platforms in the process of registration as well as taking down ads that were not properly registered, despite the lengthy process of waiting for final confirmation of the electoral campaign. All in all, some even said that it was easier for non-political advertisers (e.g. issue-based campaigns) rather than the political players to get their voices heard and go around the rules. It was also mentioned that it would be useful to have one election identity that would be shared (or applied) among all tech giants for these purposes.

Recommended actions for the Czech stakeholders

As mentioned above, only thanks to efficient cooperation and careful coordination between the EU and at national levels, is it possible to achieve a meaningful result. In this sense, there are quite a few tasks for the Czech policymakers, law enforcement and judiciary as well as academia and civil society too. Among them, the interviewees identified several key problems that should be addressed by the national authorities. First of all, is to synchronise EU and national obligations to the political advertisers as well as social media platforms and the electoral process as such. This should be particularly related to the compliance of social media platforms with Czech legislation and laws, which may be easier to do at the EU level rather than as part of bilateral negotiations. It is also important to discuss the implication of the new amendments to electoral codes from 2016 and their concrete implications for political parties. This is connected with very practical problems, such as operating transparent accounts and running political campaigns under the new rules but also the work of the recently established national regulator UDHPSH, which is still only settling down in the Czech political landscape.[41]

From experience, it is clear that the Bureau needs to strengthen its competences generally, and in particular those regarding monitoring and analysing the data provided by political parties, including tracking down the financial flows to contracted companies, etc. Also, the regulation related to the role of third parties needs to be better implemented and, for example, include a full release of data by third parties campaigning on behalf of political actors (including officially registered associations or NGOs). Finally, the financial sanction mechanism should be better suited and adjusted to the reality that the Bureau is facing in its work. Therefore,

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[40] Facebook, "Advertising Policies", https://www.facebook.com/policies/ads/restricted_content/disclaimers.

[41] The operation of the Bureau is based on court rulings and interpretation of law by the legal authorities, which is currently taking place in the Czech courts, see: "Patnáct sankcí dohledového úřadu skončilo u soudu. Pětkrát rozhodnutí potvrdil, jednou ho zastavil", iRozhlas.cz, December 04, 2019, https://www.irozhlas.cz/zpravy-domov/urad-pro-dohled-nad-hospodarenim-politickych-stran-a-politickych-hnuti_1907121420_pj.

revision of the existing tools and mechanisms in the hands of the Czech state should be done after the 2019 European Parliament campaign and the whole set of measures should better incorporate the social media platforms, which only occupy a small part of the attention dedicated to the problem as of today.[42] The Czech state apparatus should also pay more attention to other social media platforms, including Google and Twitter, which might be of less significance for political advertising but are nonetheless still present in issue-based advertising and other debates, which play their role in the electoral campaign too. This should also include demanding from political actors a whole list of their promoted content both on YouTube, Google AdSense and search engine, which applies to Seznam.cz too. However, this can only be done after the capacity of the Bureau gets extended since it would be almost impossible to process the whole data sets with the existing numbers of staff.

Finally, more attention to the problem should also be dedicated by Czech academia, the research and think tank community as well as civil society at large. Now, these actors are mostly working on other interconnected problems and are not paying special attention to the implementation of the Code of Practice on Disinformation or digital political advertising in general. Therefore, voices praising the individual new measures in place (e.g. transparency registries etc.) are partially coming from a very low expectation of the social media platforms to deliver on their promises to the EU. Another part of the discussion is that Facebook and the other tech giants are networked in the Czech civil society. Based on these bilateral (and very uneven) partnerships, the platforms are influencing the civil society and partially empowering them to achieve results in their work. However, at the first place, these partnerships serve the platforms to improve their public image in the Czech society. Therefore, much more scrutiny and ideas on how to move the debate forward (and related criticism if necessary) should be delivered also by outside actors. Only this way, can this issue be solidly put on the high political agenda.

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[42] There is only one employee of the Bureau that is officially responsible for the work of social media platforms and monitoring the online space as part of the digital political advertising debate.

Conclusions

The Czech case of digital political advertising offers a mixture of good and bad practices, which can be in several ways inspirational. It can offer some food for thought in tackling the issue of disinformation and digital threats to democracy, but the issue of digital political advertising still largely goes under the radar of the majority of policymakers as well as the state apparatus, academia and civil society in Czechia. Even though it is more and more debated in political circles, too little is being done from the perspective of the Czech state and even non-state actors. On the other side, social media platforms are taking EU member states of small- and medium-size only somewhat seriously. Whilst there is some attention paid by Google and partially also by Facebook (little to none by Twitter), not so much has been done except for the measures pushed by the European Commission. Therefore, without the EU, digital political advertising in Czechia would almost certainly be completely ignored by the tech platforms.

The Code of Practice on Disinformation remains still to be fully implemented in practice by the three main tech platforms. Facebook is the only one of them which has tried to come up with its definition and approach to issue-based advertising, while Google and Twitter struggled and remained completely silent on this issue. We can see a mixed picture of some elements that were delivered but others largely (or in some cases completely) ignored. The transparency registries also offer an interesting effort to open up the box of political advertising online, however, so far, they only give partial information which is impossible to use for solid academic research or credible work on the topic. Despite that fact, it has already helped to reveal a lot and show the pattern of behaviour of the political advertisers as well as for the voters to have some information about who targets them.

It is necessary to say that concerning data availability, none of the tech companies has put in enough effort to make information easily accessible. From the Czech perspective, we can see different approaches to the issue, including many efforts to protect economic interests from the side of social media platforms. Facebook is the most advanced from the user's point of view since it offers a relatively comprehensive ad library that registers both eligible and non-eligible ads (both political and issue-based). On the other end of the scale, Twitter adjusted the least to the complex European reality in which Europeans practically had (as ever) 28 different national electoral processes during the EU elections 2019. By the simple nature of the platform, Google and its platforms (YouTube, search engine and Ad Sense) stand somewhere in between. Google has done part of the work and created individual registries for individual EU member states. However, its list of advertisers remains partial and far from comprehensive. This is practically impossible on Twitter which largely resigned on the transparency register and properly informing citizens on the extent to which they might be targeted.

In more general terms, all three social media platforms now try to give more information about political and issue-based advertising, particularly after the scandal with Cambridge Analytica. Before the EU elections in May 2019, this was also stimulated by the EC's Code of Practice. Therefore, all of these activities can be seen in a positive light from the pro-democracy and transparency organisations working on the election and electoral processes at large, especially with regard to dark-ads and other problematic techniques of social media advertising. Nevertheless, other issues emerged, such as payments from third parties, proxy advertising, lack of transparency in funding political campaigns and/or official affiliation of social media accounts with political campaigns.

On the domestic front, Czechia can offer some inspiration for the rest of Europe and the world in the way that it is tackling political finance and campaigning. The changes of 2016/17 are a step in the right direction, even if more can be done in making the electoral processes more transparent and fairer for

both political (and social) organisations as well as the voters themselves. Here, there is still a lot to do to make the domestic part of the debate more solid and deliver concrete results. Moving the debate from the EU level to the Czech domestic discourse, also among policymakers, might be a good start. Civil society, as well as think tanks and research institutions, should lead the way in this regard and identify potential space for the involvement of the Czech government and parliament. However, for this, more funds and support from the Czech and EU levels should be available. The debate should not end with the taxation of the tech platforms and reforming the electoral code, but there should be a special attention paid to digital political advertising and what should be done with it at the Czech level.

Obviously, there is great potential for making this topic more relevant in the EU capitals, including Prague, and offering a more complex approach to the issue of digital political advertising. If there is a move from self-regulation more to co-regulation, both the EU and national (Czech) legislation and regulation will have to play a role and both authorities should have a coordinated say in what the social media platforms should do and how. To have a common approach to the definition of "political" and "issue-based" advertising should be the first step in the upcoming months. Especially in these instances, the EU and its member states will have to coordinate their approaches to get the best result possible. The responsibility must be shared with the domestic players at the national levels playing a definite role too. Only in this way, will it be possible to deal with the old as well as new problems of payments from third parties, proxy advertising, and lack of transparency in funding political campaigns and/or official affiliation of social media accounts with political campaigns. These issues are very complex and nothing like banning political advertising, or simply providing the space by the online platform for free political competition without any control, will solve the issue on its own.

Association for International Affairs (AMO)

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Digital political advertising in the Czech Republic