

ภาคผนวก ง

Protection from Online Falsehoods and Manipulation Act 2019

**PROTECTION FROM ONLINE FALSEHOODS
AND MANIPULATION ACT 2019**

(No. 18 of 2019)

I assent.

HALIMAH YACOB,
President.
3 June 2019.

Date of Commencement: 2 October 2019

PART 1

PRELIMINARY

Short title and commencement

1. This Act is the Protection from Online Falsehoods and Manipulation Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

General interpretation

2.—(1) In this Act, unless the context otherwise requires —

“Account Restriction Direction” means a direction issued under section 40;

“authorised officer” means a police officer, a public officer or an employee of a statutory board authorised under section 55;

“bot” means a computer program made or altered for the purpose of running automated tasks;

“Competent Authority” means the Competent Authority appointed under section 6;

“computing resource service” means a service that provides the use of any computer hardware or software to enhance the processing capability or storage capacity of a computer;

Examples

Examples of computing resource services are cloud computing and data centre services.

“coordinated inauthentic behaviour” means any coordinated activity carried out using 2 or more online accounts, in order to mislead end-users in Singapore of any internet intermediary service as to any matter, but excludes any activity carried out using online accounts —

- (a) that are controlled by the same person; and
- (b) none of which is an inauthentic online account or is controlled by a bot;

“Correction Direction” means a direction issued under section 11;

“Declaration” means a Declaration made under section 32;

“declared online location” means an online location that is the subject of a Declaration that is in effect;

“digital advertising intermediary” means any person who, in the ordinary course of business, facilitates the communication of paid content in any place by acting as the link or part of the link between —

- (a) the owners or operators of online locations; and
- (b) advertisers and service providers,

by means of an internet-based service;

Examples

Examples of digital advertising intermediaries are persons who provide any of the following by means of an internet-based service:

- (a) advertising exchange;
- (b) demand side platform;
- (c) supply side platform.

“Disabling Direction” means a direction issued under section 22;

“General Correction Direction” means a direction issued under section 23;

“IMDA” means the Info-communications Media Development Authority

established by section 3 of the Info-communications Media Development Authority Act 2016 (Act 22 of 2016);

“inauthentic online account” means an online account that is controlled by a person other than the person represented (whether by its user profile, unique identifier or other information) as its holder, and the representation is made for the purpose of misleading end-users in Singapore of any internet intermediary service as to the holder’s identity;

“internet access service provider” means an internet access service provider licensed under section 5 of the Telecommunications Act (Cap. 323);

“internet intermediary” means a person who provides any internet intermediary service;

“internet intermediary service” means —

- (a) a service that allows end-users to access materials originating from third parties on or through the internet;
- (b) a service of transmitting such materials to end-users on or through the internet; or
- (c) a service of displaying, to an end-user who uses the service to make an online search, an index of search results, each of which links that end-user to content hosted or stored at a location which is separate from the location of the index of search results,

but excludes any act done for the purpose of, or that is incidental to, the provision of —

- (d) a service of giving the public access to the internet; or
- (e) a computing resource service;

Examples

Examples of internet intermediary services are —

- (a) social networking services;
- (b) search engine services;
- (c) content aggregation services;
- (d) internet-based messaging services; and
- (e) video-sharing services.

“material” means anything that consists of or contains a statement;

Examples

Examples of a material are a message, a post, an article, a speech, a picture, a video recording and a sound recording.

“MMS” means a system that enables the transmission, through a mobile network, of multimedia messages;

“online account” means an account created with an internet intermediary for the use of an internet intermediary service;

“online location” means any website, webpage, chatroom or forum, or any other thing that is hosted on a computer (as defined in the Computer Misuse Act (Cap. 50A)) and can be seen, heard or otherwise perceived by means of the internet;

“paid content” means any statement that is communicated in any place for consideration;

“Part 3 Direction” means a Correction Direction or a Stop Communication Direction;

“Part 4 Direction” means a Targeted Correction Direction, a Disabling Direction or a General Correction Direction;

“prescribed digital advertising intermediary” means a digital advertising intermediary, or a class of digital advertising intermediaries, prescribed by regulations made under section 62;

“prescribed internet intermediary” means an internet intermediary, or a class of internet intermediaries, prescribed by regulations made under section 62;

“Remedial Order” means an order made under section 24(4);

“service provider” means any person (other than a digital advertising intermediary) who, in the ordinary course of business, provides advisory or other services relating to the communication of paid content in any place;

“SMS” means a system that enables the transmission, through a mobile network, of text messages;

“statement” means any word (including abbreviation and initial), number, image (moving or otherwise), sound, symbol or other representation, or a combination of any of these;

“statutory board” means a body corporate or unincorporate established by or under

any public Act to perform or discharge a public function;

“Stop Communication Direction” means a direction issued under section 12;

“Targeted Correction Direction” means a direction issued under section 21;

“telecommunication service” has the meaning given by section 2 of the Telecommunications Act.

(2) In this Act —

- (a) a statement of fact is a statement which a reasonable person seeing, hearing or otherwise perceiving it would consider to be a representation of fact; and
- (b) a statement is false if it is false or misleading, whether wholly or in part, and whether on its own or in the context in which it appears.

(3) In this Act, a person has editorial control over an online location if the person is able to decide one or both of the following:

- (a) whether any statement may be included or excluded on the online location;
- (b) where to place any statement on the online location.

Meaning of “communicate”

3.—(1) In this Act other than in Part 2, a statement or material is communicated in Singapore if it is made available to one or more end-users in Singapore on or through the internet.

(2) In Part 2, a statement is communicated in Singapore if it is made available to one or more end-users in Singapore on or through —

- (a) the internet; or
- (b) MMS or SMS.

(3) A reference in this Act to communicating a statement or material in Singapore includes causing its communication (within the meaning of subsection (1) or (2), as the case may be) in Singapore.

Meaning of “in the public interest”

4. For the purposes of this Act and without limiting the generality of the expression, it is in the public interest to do anything if the doing of that thing is necessary or expedient —

- (a) in the interest of the security of Singapore or any part of Singapore;
- (b) to protect public health or public finances, or to secure public safety or public tranquillity;
- (c) in the interest of friendly relations of Singapore with other countries;
- (d) to prevent any influence of the outcome of an election to the office of President, a general election of Members of Parliament, a by-election of a Member of Parliament, or a referendum;
- (e) to prevent incitement of feelings of enmity, hatred or ill-will between different groups of persons; or
- (f) to prevent a diminution of public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government, an Organ of State, a statutory board, or a part of the Government, an Organ of State or a statutory board.

Purpose of Act

5. The purpose of this Act is —

- (a) to prevent the communication of false statements of fact in Singapore and to enable measures to be taken to counteract the effects of such communication;
- (b) to suppress the financing, promotion and other support of online locations that repeatedly communicate false statements of fact in Singapore;
- (c) to enable measures to be taken to detect, control and safeguard against coordinated inauthentic behaviour and other misuses of online accounts and bots; and
- (d) to enable measures to be taken to enhance disclosure of information concerning paid content directed towards a political end.

Appointment of Competent Authority

6.—(1) For the purposes of this Act, the Minister may appoint as the Competent Authority —

- (a) a statutory board; or
- (b) the holder of any office in the service of Government or a statutory board.

(2) The Competent Authority must give effect to the instructions of the Minister and any Minister where prescribed by this Act.

PART 2

PROHIBITION OF COMMUNICATION OF
FALSE STATEMENTS OF FACT IN SINGAPORE**Communication of false statements of fact in Singapore**

7.—(1) A person must not do any act in or outside Singapore in order to communicate in Singapore a statement knowing or having reason to believe that —

- (a) it is a false statement of fact; and
- (b) the communication of the statement in Singapore is likely to —
 - (i) be prejudicial to the security of Singapore or any part of Singapore;
 - (ii) be prejudicial to public health, public safety, public tranquillity or public finances;
 - (iii) be prejudicial to the friendly relations of Singapore with other countries;
 - (iv) influence the outcome of an election to the office of President, a general election of Members of Parliament, a by-election of a Member of Parliament, or a referendum;
 - (v) incite feelings of enmity, hatred or ill-will between different groups of persons; or
 - (vi) diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government, an Organ of State, a statutory board, or a part of the Government, an Organ of State or a statutory board.

(2) Subject to subsection (3), a person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both; or
- (b) in any other case, to a fine not exceeding \$500,000.

(3) Where an inauthentic online account or a bot is used —

- (a) to communicate in Singapore the statement mentioned in subsection (1); and

(b) for the purpose of accelerating such communication,
the person who is guilty of an offence under that subsection shall be liable on conviction —

(c) in the case of an individual, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both; or

(d) in any other case, to a fine not exceeding \$1 million.

(4) Subsection (1) does not apply to the doing of any act for the purpose of, or that is incidental to, the provision of —

(a) an internet intermediary service;

(b) a telecommunication service;

(c) a service of giving the public access to the internet; or

(d) a computing resource service.

Making or altering bots for communication of false statements of fact in Singapore

8.—(1) A person must not, whether in or outside Singapore, make or alter a bot with the intention of —

(a) communicating, by means of the bot, a false statement of fact in Singapore;
or

(b) enabling any other person to communicate, by means of the bot, a false statement of fact in Singapore.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of an individual, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 3 years or to both; or

(b) in any other case, to a fine not exceeding \$500,000.

(3) However, if the communication of the false statement of fact under subsection (1) is likely to —

(a) be prejudicial to the security of Singapore or any part of Singapore;

(b) be prejudicial to public health, public safety, public tranquillity or public finances;

(c) be prejudicial to the friendly relations of Singapore with other countries;

- (d) influence the outcome of an election to the office of President, a general election of Members of Parliament, a by-election of a Member of Parliament, or a referendum;
- (e) incite feelings of enmity, hatred or ill-will between different groups of persons; or
- (f) diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government, an Organ of State, a statutory board, or a part of the Government, an Organ of State or a statutory board,

the person who is guilty of an offence under that subsection shall be liable on conviction —

- (g) in the case of an individual, to a fine not exceeding \$60,000 or to imprisonment for a term not exceeding 6 years or to both; or
- (h) in any other case, to a fine not exceeding \$1 million.

Providing services for communication of false statements of fact in Singapore

9.—(1) A person who, whether in or outside Singapore, solicits, receives or agrees to receive any financial or other material benefit as an inducement or reward for providing any service, knowing that the service is or will be used in the communication of one or more false statements of fact in Singapore, shall be guilty of an offence if the service is in fact used in such communication.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) in the case of any individual, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 3 years or to both; or
- (b) in any other case, to a fine not exceeding \$500,000.

(3) However, if the communication of the false statement of fact under subsection (1) is likely to —

- (a) be prejudicial to the security of Singapore or any part of Singapore;
- (b) be prejudicial to public health, public safety, public tranquillity or public finances;
- (c) be prejudicial to the friendly relations of Singapore with other countries;
- (d) influence the outcome of an election to the office of President, a general

election of Members of Parliament, a by-election of a Member of Parliament, or a referendum;

- (e) incite feelings of enmity, hatred or ill-will between different groups of persons; or
- (f) diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government, an Organ of State, a statutory board, or a part of the Government, an Organ of State or a statutory board,

the person who is guilty of an offence under that subsection shall be liable on conviction —

- (g) in the case of an individual, to a fine not exceeding \$60,000 or to imprisonment for a term not exceeding 6 years or to both; or
- (h) in any other case, to a fine not exceeding \$1 million.

(4) Subsection (1) does not apply to any act carried out for the purpose of, or that is incidental to, the provision of —

- (a) an internet intermediary service;
- (b) a telecommunication service;
- (c) a service of giving the public access to the internet; or
- (d) a computing resource service.

(5) Where a court convicts any person of an offence under subsection (1), the court must, in addition to imposing on that person the punishment under subsection (2) or (3), order the person to pay as a penalty, within the time specified by the court, a sum equal to the amount of any financial or other material benefit received or is, in the opinion of the court, the value of such financial or other material benefit, and any such penalty is recoverable as a fine.

(6) Subsection (5) does not apply if the court determines that the value of the financial or other material benefit cannot be assessed.

(7) Where —

- (a) a person charged with 2 or more offences under subsection (1) is convicted of one or more of those offences; and
- (b) the other outstanding offences are taken into consideration by the court under section 148 of the Criminal Procedure Code (Cap. 68) for the

purpose of passing sentence,
the court may increase the penalty mentioned in subsection (5) by an amount not exceeding the total amount or value of the financial or other material benefit received for the offences so taken into consideration.

PART 3

DIRECTIONS DEALING WITH COMMUNICATION IN SINGAPORE OF FALSE STATEMENTS OF FACT

Conditions for issue of Part 3 Directions

10.—(1) Any Minister may instruct the Competent Authority to issue a Part 3 Direction if all of the following conditions are satisfied:

- (a) a false statement of fact (called in this Part the subject statement) has been or is being communicated in Singapore;
- (b) the Minister is of the opinion that it is in the public interest to issue the Direction.

(2) Any Minister may instruct the Competent Authority to issue a Part 3 Direction in relation to the subject statement even if it has been amended or has ceased to be communicated in Singapore.

Correction Direction

11.—(1) A Correction Direction is one issued to a person who communicated the subject statement in Singapore, requiring the person to communicate in Singapore in the specified form and manner, to a specified person or description of persons (if any), and by the specified time, a notice (called in this Part a correction notice) that contains one or both of the following:

- (a) a statement, in such terms as may be specified, that the subject statement is false, or that the specified material contains a false statement of fact;
- (b) a specified statement of fact, or a reference to a specified location where the specified statement of fact may be found, or both.

(2) A Correction Direction may require the person to whom it is issued to communicate in Singapore a correction notice in a specified online location.

(3) A Correction Direction may also require the person to whom it is issued to do one or both of the following:

- (a) to communicate in Singapore the correction notice by placing it in the specified proximity to every copy of the following that is communicated by the person in Singapore:
 - (i) the false statement of fact;
 - (ii) a substantially similar statement;
- (b) to publish the correction notice in the specified manner in a specified newspaper or other printed publication of Singapore.

(4) A person who communicated a false statement of fact in Singapore may be issued a Correction Direction even if the person does not know or has no reason to believe that the statement is false.

(5) In this section —

- (a) “specified” means specified in the Correction Direction; and
- (b) a person does not communicate a statement in Singapore merely by doing any act for the purpose of, or that is incidental to, the provision of —
 - (i) an internet intermediary service;
 - (ii) a telecommunication service;
 - (iii) a service of giving the public access to the internet; or
 - (iv) a computing resource service.

Stop Communication Direction

12.—(1) A Stop Communication Direction is one issued to a person who communicated the subject statement in Singapore, requiring the person to stop communicating in Singapore the subject statement by the specified time.

(2) A Stop Communication Direction may also require the person to whom it is issued to stop communicating any statement that is substantially similar to the subject statement.

(3) A Stop Communication Direction may also require the person to whom it is issued to do one or both of the following:

- (a) to communicate in Singapore a correction notice in the specified form and manner, to a specified person or description of persons (if any), and by the specified time;

(b) to publish a correction notice in the specified manner in a specified newspaper or other printed publication of Singapore.

(4) A person who communicated a false statement of fact in Singapore may be issued a Stop Communication Direction even if the person does not know or has no reason to believe that the statement is false.

(5) Once a Stop Communication Direction has been issued, the Competent Authority must publish a notice of that fact in the *Gazette* as soon as possible.

(6) However, a failure to publish the notice of the issue of the Stop Communication Direction in the *Gazette* does not invalidate the Direction.

(7) In this section —

(a) “specified” means specified in the Stop Communication Direction;

(b) “stop communicating”, in relation to a statement, means taking the necessary steps to ensure that the statement is no longer available on or through the internet to end-users in Singapore, including (if necessary) the removal of the statement from an online location; and

(c) a person does not communicate a statement in Singapore merely by doing any act for the purpose of, or that is incidental to, the provision of —

(i) an internet intermediary service;

(ii) a telecommunication service;

(iii) a service of giving the public access to the internet; or

(iv) a computing resource service.

Provisions applicable to all Part 3 Directions

13.—(1) A Part 3 Direction may be issued to a person whether the person is in or outside Singapore.

(2) A Part 3 Direction may require the person to whom it is issued to do an act in or outside Singapore.

(3) A Part 3 Direction must identify the subject statement in sufficient detail.

(4) A Part 3 Direction must comply with such form, manner and other requirement as may be prescribed (if any), and for this purpose different requirements may be prescribed for —

- (a) different Directions;
- (b) different parts of a Direction;
- (c) different persons or descriptions of persons to whom a Direction is to be issued; and
- (d) different circumstances under which a Direction is to be issued.

(5) A Part 3 Direction remains in effect until the date it expires (if any), or it is set aside under section 17 or cancelled under section 19.

(6) A person issued a Part 3 Direction is responsible for the costs of complying with the Direction.

Service of Part 3 Directions

14. A Part 3 Direction may be served by such means (including electronic means) as may be prescribed —

- (a) on the person to whom it is issued; or
- (b) on a person in Singapore that the person to whom the Part 3 Direction is issued has appointed to accept service on the person's behalf.

Non-compliance with Part 3 Direction an offence

15.—(1) A person to whom a Part 3 Direction is issued and served and who, without reasonable excuse, fails to comply with the Direction whether in or outside Singapore, shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; or
- (b) in any other case, to a fine not exceeding \$500,000.

(2) It is not a defence to a charge under subsection (1) that —

- (a) the person is subject to a duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents the person from complying with any part of a Part 3 Direction or restricts the person in such compliance; or
- (b) the person has applied under section 19 to vary or cancel the Part 3 Direction or has appealed to the High Court against the Direction.

(3) No civil or criminal liability is incurred by the person or an officer, employee or

agent of the person, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of complying with or giving effect to the Part 3 Direction.

Access blocking order

16.—(1) This section applies where —

- (a) a person fails to comply with a Part 3 Direction;
- (b) the subject statement is being communicated in Singapore by the person on an online location; and
- (c) the Minister is satisfied that one or more end-users in Singapore have used or are using the services of an internet access service provider to access that online location.

(2) The Minister may direct the IMDA to order the internet access service provider to take reasonable steps to disable access by end-users in Singapore to the online location (called in this section an access blocking order), and the IMDA must give the internet access service provider an access blocking order.

(3) An internet access service provider that does not comply with any access blocking order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 for each day during any part of which that order is not fully complied with, up to a total of \$500,000.

(4) No civil or criminal liability is incurred by an internet access service provider or an officer, employee or agent of such provider, for anything done or omitted to be done with reasonable care and in good faith in complying with any access blocking order.

Appeals to High Court

17.—(1) A person to whom a Part 3 Direction is issued may appeal to the High Court against the Direction.

(2) No appeal may be made to the High Court by any person unless the person has first applied to the Minister mentioned in section 19 to vary or cancel the Part 3 Direction under that section, and the Minister refused the application whether in whole or in part.

(3) An appeal may only be made to the High Court within such period as may be prescribed by Rules of Court.

(4) The High Court must hear and determine any such appeal and may either confirm the Part 3 Direction or set it aside.

(5) The High Court may only set aside a Part 3 Direction on any of the following grounds on an appeal:

- (a) the person did not communicate in Singapore the subject statement;
- (b) the subject statement is not a statement of fact, or is a true statement of fact;
- (c) it is not technically possible to comply with the Direction.

(6) A Part 3 Direction that is the subject of an appeal under subsection (1) remains in effect despite the appeal, and only ceases to have effect if it is set aside by the High Court or the Court of Appeal on appeal from the High Court, or if it expires or is cancelled under section 19.

(7) Despite subsection (6), if the appellant establishes a prima facie case that it is technically impossible to comply with the Part 3 Direction, the High Court may direct that the Direction be stayed pending determination of the appeal.

(8) There is such further right of appeal from a decision of the High Court under this section as exists in the case of a decision made by that Court in the exercise of its original civil jurisdiction.

(9) Rules of Court may provide for the manner in which and the time within which an appeal under subsection (1) may be made and the procedure for an application to stay a Part 3 Direction appealed against.

Other causes of action not affected

18. The issue of a Part 3 Direction in relation to the subject statement does not affect any power or right of any person (including a Minister, the Competent Authority or the Government) to take any action under this Act or any other law in relation to that statement, or the power of the Public Prosecutor to initiate proceedings for an offence under this Act or any other law in relation to that statement.

Variation or cancellation of Part 3 Direction

19.—(1) The Minister who instructed the Competent Authority to issue a Part 3 Direction may at any time instruct the Competent Authority to vary or cancel the Part 3 Direction, by serving a written notice on the person to whom the Direction is issued.

(2) The Minister who instructed the Competent Authority to issue a Part 3 Direction may instruct the Competent Authority to vary or cancel the Part 3 Direction under subsection (1) —

- (a) on the Minister's own initiative; or

(b) on an application by the person to whom the Direction is issued.

(3) A Part 3 Direction remains in effect despite any application made to the Minister for its variation or cancellation.

(4) Sections 14 to 17 apply in relation to a Part 3 Direction that is varied under this section as they apply in relation to the original Part 3 Direction.

(5) Section 14 applies in relation to a notice cancelling a Part 3 Direction under this section as it applies in relation to the original Part 3 Direction.

PART 4

DIRECTIONS TO INTERNET INTERMEDIARIES AND PROVIDERS OF MASS MEDIA SERVICES

Conditions for issue of Part 4 Directions

20.—(1) Any Minister may instruct the Competent Authority to issue a Part 4 Direction if all of the following conditions are satisfied:

- (a) material (called in this Part the subject material) that contains or consists of a false statement of fact (called in this Part the subject statement) has been or is being communicated in Singapore;
- (b) the Minister is of the opinion that it is in the public interest to issue the Direction.

(2) Any Minister may instruct the Competent Authority to issue a Part 4 Direction in relation to the subject material even if it has been amended or has ceased to be communicated in Singapore.

Targeted Correction Direction

21.—(1) A Targeted Correction Direction is one issued to the internet intermediary that provided the internet intermediary service by means of which the subject material has been or is being communicated in Singapore, requiring it to communicate by means of that service to all end-users in Singapore who access the subject material by means of that service at any time after a specified time, a notice (called in this Part a correction notice) that contains one or both of the following:

- (a) a statement, in such terms as may be specified, that the subject statement is false, or that the subject material contains or consists of a false statement of fact;

- (b) a specified statement of fact, or a reference to a specified location where the specified statement of fact may be found, or both.

(2) Where the internet intermediary mentioned in subsection (1) is a prescribed internet intermediary, the Targeted Correction Direction may also require the internet intermediary to do one or more of the following:

- (a) communicate the correction notice by means of the internet intermediary service to all end-users in Singapore who access identical copies of the subject material by means of that service at any time after the specified time;
- (b) communicate the correction notice by any means and by a specified time, to all end-users in Singapore that it knows had accessed the subject material or identical copies of the subject material (or both) by means of that service at any time before the specified time mentioned in subsection (1);
- (c) if the internet intermediary disables access by end-users in Singapore to the subject material at any time after the Direction is issued and before it expires or is set aside or cancelled, communicate the correction notice by means of the internet intermediary service to a specified description of end-users in Singapore.

(3) In this section —

- (a) “specified” means specified in the Targeted Correction Direction; and
- (b) an end-user who accesses a part of any material is taken to access the material.

Disabling Direction

22.—(1) A Disabling Direction is one issued to the internet intermediary that provided the internet intermediary service by means of which the subject material has been or is being communicated in Singapore, requiring it to disable access by end-users in Singapore to the subject material provided on or through the service that consists of or contains the subject statement, by the specified time.

(2) Where the internet intermediary mentioned in subsection (1) is a prescribed internet intermediary, the Disabling Direction may also require the internet intermediary to do one or both of the following:

- (a) to disable access by end-users of the service in Singapore to identical copies of the subject material provided on or through the internet

intermediary service;

- (b) to communicate a correction notice by any means to a specified description of end-users in Singapore.

(3) Once a Disabling Direction has been issued, the Competent Authority must publish a notice of that fact in the *Gazette* as soon as possible.

(4) However, a failure to publish the notice of the issue of the Disabling Direction in the *Gazette* does not invalidate the Direction.

(5) In this section —

- (a) “specified” means specified in the Disabling Direction; and
- (b) an end-user who accesses a part of any material is taken to access the material.

General Correction Direction

23.—(1) A General Correction Direction is one issued to one of the following persons to carry out an act mentioned in subsection (2):

- (a) a prescribed internet intermediary;
- (b) a prescribed holder of a permit under section 21 of the Newspaper and Printing Presses Act (Cap. 206);
- (c) a prescribed broadcasting licensee within the meaning of section 2(1) of the Broadcasting Act (Cap. 28);
- (d) a prescribed holder of a licence under section 5 of the Telecommunications Act;
- (e) such other person as may be prescribed.

(2) The act mentioned in subsection (1) is —

- (a) if the direction is issued to a person mentioned in subsection (1)(a), to communicate a correction notice in Singapore by means of the internet intermediary service provided by it, to all end-users who use that service at any time after the specified time, or a specified description of such end-users;
- (b) if the direction is issued to a person mentioned in subsection (1)(b), to publish a correction notice in a specified newspaper or printed publication by the specified time;

- (c) if the direction is issued to a person mentioned in subsection (1)(c), to broadcast a correction notice in Singapore by the specified time;
- (d) if the direction is issued to a person mentioned in subsection (1)(d), to transmit a correction notice by means of the telecommunications service provided by it, to all end-users who use that service at any time after the specified time, or to a specified description of such end-users;
- (e) if the direction is issued to a person mentioned in subsection (1)(e), to give a correction notice to a specified person or description of persons, by the specified means and by the specified time.

(3) In this section, “specified” means specified in the General Correction Direction.

Correction notices must be easily perceived

24.—(1) A person required by a Targeted Correction Direction, Disabling Direction or General Correction Direction to communicate in Singapore, publish, broadcast, transmit by means of a telecommunication service, or give, a correction notice must ensure that it is easily perceived.

(2) For the purposes of subsection (1) but subject to subsection (3), a correction notice is easily perceived if —

- (a) the notice (not being an audio recording) is conspicuous, regardless of the type of platform or device used by the end-user or viewer;

Illustration

A correction notice that is in a text form is conspicuous if it is sufficiently differentiated from the background and is of a reasonable type size compared to the rest of the text on the same page.

- (b) the notice is easy to read, view or listen to, and not easy to miss;

Illustrations

(a) Where the correction notice is an audio recording, it is easy to listen to if it is in a volume and cadence sufficient for it to be heard and understood.

(b) Where the correction notice is a video recording or a dynamic display, it is easy to view if it appears for a duration sufficient for it to be viewed and understood.

- (c) the notice (not being an audio recording) is placed near the subject statement (where relevant), and in a location where end-users or viewers are likely to look; and

- (d) an end-user, viewer or listener is not required to refer to a separate online location or any other thing in order to read, view, listen to or understand the notice;

Example

An example of such requirement is the mere provision of a hyperlink to the correction notice or a part of it.

(3) Without limiting the manner of complying with subsection (1), a correction notice is taken to be easily perceived if it complies with such measures as may be prescribed.

(4) If the Minister who instructed the Competent Authority to issue the Direction under subsection (1) is of the view that subsection (1) is not complied with, the Minister may instruct the Competent Authority to order the person to whom the Direction is issued to take, within such time as may be specified, such measures as the Minister considers necessary or desirable to remedy the non-compliance.

Provisions applicable to all Part 4 Directions and Remedial Orders

25.—(1) A Part 4 Direction or Remedial Order may be issued to a person whether the person is in or outside Singapore.

(2) A Part 4 Direction or Remedial Order may require a person to whom it is issued to do an act in or outside Singapore.

(3) A Part 4 Direction must identify in sufficient detail the subject material and the subject statement.

(4) A Part 4 Direction or Remedial Order remains in effect until the date it expires (if any), it is set aside under section 29 (if applicable) or it is cancelled under section 31.

(5) A person who is issued a Part 4 Direction or Remedial Order is responsible for the costs of complying with the Direction.

(6) A person (*A*) to whom a General Correction Direction is issued may bring civil proceedings in a court against a person (*B*) who is the author of the subject statement and who communicated in Singapore the subject material, to recover the costs reasonably incurred by *A* to comply with the Direction.

(7) In such proceedings, the court, if it is satisfied on a balance of probabilities that *B* has contravened section 7 when communicating the subject material in Singapore, may award to *A* such damages for those costs as the court, having regard to all the circumstances of the case, thinks just and equitable.

Service of Part 4 Directions and Remedial Orders

26. A Part 4 Direction or Remedial Order may be served by such means (including electronic means) as may be prescribed —

- (a) on the person to whom it is issued; or
- (b) on a person in Singapore that the person to whom the Part 4 Direction or Remedial Order is issued has appointed to accept service on the person's behalf.

Non-compliance with Part 4 Direction or Remedial Order an offence

27.—(1) A person to whom a Part 4 Direction or Remedial Order is issued and served and who, without reasonable excuse, fails to comply with the Direction or Order whether in or outside Singapore, shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; or
- (b) in any other case, to a fine not exceeding \$1 million,

and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

(2) To avoid doubt, a person does not fail to comply with a Targeted Correction Direction, Disabling Direction or General Correction Direction merely by failing to comply with section 24(1).

(3) It is not a defence to a charge under subsection (1) that —

- (a) the person is subject to a duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents the person from complying with any part of a Part 4 Direction or Remedial Order or restricts the person in such compliance; or
- (b) the person has applied under section 31 to vary or cancel the Direction or Order or has appealed to the High Court against the Direction.

(4) No civil or criminal liability is incurred by a person or an officer, employee or agent of the person, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of complying with or giving effect to the Part 4 Direction or Remedial Order.

(5) In determining whether a person charged with an offence under subsection (1) has a reasonable excuse for failing to comply with a Part 4 Direction or Remedial Order, the court must consider —

- (a) the state of the art available to give effect to the Direction or Order;
- (b) the cost of complying with the Direction or Order relative to the means available to the person; and
- (c) any other relevant factor.

Access blocking order

28.—(1) This section applies where —

- (a) a person that is an internet intermediary fails to comply with a Part 4 Direction or Remedial Order;
- (b) the subject material is being communicated in Singapore on an online location; and
- (c) the Minister is satisfied that one or more end-users in Singapore have used or are using the services of an internet access service provider to access that online location.

(2) The Minister may direct the IMDA to order the internet access service provider to take reasonable steps to disable access by end-users in Singapore to the online location (called in this section an access blocking order), and the IMDA must give the internet access service provider an access blocking order.

(3) An internet access service provider that does not comply with an access blocking order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 for each day during any part of which that order is not fully complied with, up to a total of \$500,000.

(4) No civil or criminal liability is incurred by an internet access service provider or an officer, employee or agent of such provider, for anything done or omitted to be done with reasonable care and in good faith in complying with any access blocking order.

Appeals to High Court

29.—(1) The following persons may appeal to the High Court against any Part 4 Direction:

- (a) the person to whom the Direction is issued;
- (b) a person who communicated in Singapore the subject material.

(2) No appeal may be made to the High Court by any person unless the person has first applied to the Minister mentioned in section 31 to vary or cancel the Part 4 Direction

under that section, and the Minister refused the application either in whole or in part.

(3) An appeal may only be made to the High Court within such period as may be prescribed by Rules of Court.

(4) The High Court must hear and determine any such appeal and may either confirm the Part 4 Direction or set it aside.

(5) The High Court may only set aside a Part 4 Direction on any of the following grounds on an appeal by the person to whom the Direction is issued:

- (a) in the case of a Targeted Correction Direction or a Disabling Direction, the subject material was not communicated in Singapore, or was not communicated in Singapore by means of any internet intermediary service provided by the person;
- (b) the subject statement is not a statement of fact, or is a true statement of fact;
- (c) it is not technically possible to comply with the Direction.

(6) The High Court may only set aside a Part 4 Direction on an appeal by a person who communicated in Singapore the subject material, on the ground that the subject statement is not a statement of fact, or is a true statement of fact.

(7) A Part 4 Direction that is the subject of an appeal under subsection (1) remains in effect despite the appeal, and only ceases to have effect if it is set aside by the High Court or the Court of Appeal on appeal from the High Court, or if it expires or is cancelled under section 31.

(8) Despite subsection (7), if the appellant (being the person to whom the Part 4 Direction is issued) establishes a prima facie case that it is technically impossible to comply with the Part 4 Direction, the High Court may direct that the Direction be stayed pending determination of the appeal.

(9) There is such further right of appeal from a decision of the High Court under this section as exists in the case of a decision made by that Court in the exercise of its original civil jurisdiction.

(10) Rules of Court may provide for the manner in which and the time within which an appeal under subsection (1) may be made and the procedure for an application to stay a Part 4 Direction appealed against.

Other causes of action not affected

30. The issue of a Part 4 Direction or Remedial Order in relation to any material does

not affect any power or right of any person (including a Minister, the Competent Authority or the Government) to take any action under this Act or any other law in relation to the subject statement, or the power of the Public Prosecutor to initiate proceedings for an offence under this Act or any other law in relation to that statement.

Variation or cancellation of Part 4 Direction or Remedial Order

31.—(1) The Minister who instructed the Competent Authority to issue a Part 4 Direction or Remedial Order may at any time instruct the Competent Authority to vary or cancel the Part 4 Direction or Remedial Order, by serving a written notice on the person to whom the Direction or Order is issued.

(2) The Minister who instructed the Competent Authority to issue a Part 4 Direction or Remedial Order may instruct the Competent Authority to vary or cancel the Direction or Order under subsection (1) —

- (a) on the Minister's own initiative; or
- (b) on an application by —
 - (i) the person to whom the Direction or Order is issued; or
 - (ii) a person who communicated in Singapore the subject material.

(3) A Part 4 Direction or Remedial Order remains in effect despite any application made to the Minister for its variation or cancellation.

(4) Sections 26, 27 and 28 apply in relation to a Part 4 Direction or Remedial Order that is varied under this section as they apply in relation to the original Part 4 Direction or Remedial Order.

(5) Section 29 applies in relation to a Part 4 Direction that is varied under this section as it applies in relation to the original Part 4 Direction.

(6) Section 26 applies in relation to a notice cancelling a Part 4 Direction or Remedial Order under this section as it applies in relation to the original Part 4 Direction or Remedial Order.