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The power of precision: Calls for transparency as a regulatory response to digital campaigning

Calls for transparency have become a prominent response to the challenges posed by online political campaigning. And yet, evocations of this term often lack precision about what is desired and how impacts can be secured. This article reviews existing debates around digital campaigning in the UK to argue that current policy prescriptions for transparency lack detail about the type and form of transparency, specifically in relation to the audience, discoverability, comprehensibility, reliability and impact of information to be rendered transparent. Diagnosing opacity, I highlight challenges prompted by a lack of precision and consider lessons for those interested in promoting transparency as a policy response.

Key words: Transparency; Digital campaigning; Regulation; Elections; Governance

Introduction

Transparency is a prominent response to the challenges of modern governance. Prescribed in reaction to a wide range of dilemmas, it is often contended that by opening up previously opaque practices to scrutiny, government, industry and civil society can experience positive effects. And yet, in specifying this response, it is often unclear what, specifically, advocates of transparency desire and how their goals will be advanced. In this article, I review calls for transparency in one particular area - digital campaigning - to consider the way in which this idea is evoked and the intended goals it is intended to realise. Engaging specifically with debates in the UK, I argue that, at present, transparency is often evoked as a “nicely ambivalent” concept, with a positive normative charge’ (Michenera and Bersch, 2013, p.233; Etzioni, 2010, p.389). Specifically, I argue that many current calls for transparency do not specify the precise type of transparency sought, or the form transparency should take. These ambiguities are significant as they make it unclear how information disclosure will promote desired outcomes, raising questions about the effectiveness of this policy response.

Introducing two analytical frameworks as a means of studying calls for transparency, I argue that advocates of this idea need to demonstrate greater precision in specifying the *type* and *form* of transparency required. In the realm of digital campaigning, this involves differentiating between calls for financial, source, data, and targeting transparency (*type*), and specifying the focus, audience, discoverability, comprehensibility, reliability and impact of information to be rendered transparent (*form*). This suggests the need to provide more detail about the idea of transparency as a response to digital campaigning, but more broadly suggests the need to interrogate and clarify our understanding of transparency and its effects.

The concept of transparency

The idea of governmental transparency is widely accepted as a desirable democratic norm. It describes the idea that a principle is able ‘to observe how the agent behaves and the consequences of the agent's behavior’, an activity that ‘improves accountability, which in turn aligns the interests of the agent with the interests of the principal’ (Prat, 2005, p.862). Seen to prevent corruption, to bring more democratic and affluent societies (Oliver, 2004), to enhance accountability (Meijer, 2009, p.256) and build more resilient democracies and markets (Michenera and Bersch, 2013, p.223), the idea is often seen as ‘a self-evident good’ (Etzioni, 2010, p.389). Although not universally valued (see Bannister and Connolly, 2011, p.24; Etzioni, 2010, p.391; Schauer, 2011, p.1342), initiatives such as Freedom of Information and Open Government have embedded the

idea in modern democracies. This status has been reflected in the academic literature where there has been a 'tremendous growth in public administration research focusing on transparency from 1990 to 2015' (Cucciniello, Porumbescu and Grimmeliikhuijsen, 2016, p.36).

The reasons for transparency's appeal are diverse. Reviewing 117 journals and 10 books, Cucciniello et al. (2016) identified nine distinct outcomes. For citizens, transparency was seen to have the potential to affect legitimacy, citizen participation, trust in government and satisfaction, whilst for Government it was seen able to affect accountability, corruption, performance, decision-making process and financial management (p.40). Although the evidence that transparency is able to deliver these objectives is mixed (Piotrowsky, 2007; de Fine Licht, 2014) or often lacking (Etzioni, 2010, p.394; Grimmeliikhuijsen, 2010), the positive connotations of this idea pervade, rendering it widely attractive as a policy response.

Despite the attention paid to transparency it is, however, widely acknowledged that the concept lacks precision and can come in many varieties (Bannister and Connolly, 2011; Heald, 2006). Michenera and Bersch (2013) have argued that this has left transparency 'open to conceptual stretching, undifferentiated from 'information', and susceptible to uncommunicative and inaccurate neologisms ("catchwords"), and more than a few analytical blind spots' (p.233-4). These dynamics make it difficult to determine what exactly calls for transparency imply, or what precisely transparency entails. In the context of frequent calls for more transparency, this ambiguity is problematic.

Recognising these trends, a number of scholars have attempted to refine our understanding of transparency. Michenera and Bersch have distinguished two important components of this idea - *visibility* and *inferability*. They argue that transparency is promoted when information 'is complete and easily located (visible)' and 'can be used to draw accurate conclusions (inferable)' (2013, p.237). Picking apart each of these conditions, they argue that visibility requires complete and easily located information because '[j]ust because something is public does not mean it is visible... Only when those records are rendered visible does transparency become manifest' (Ibid., p.238). In addition, they argue that it is necessary for information to be seen as reliable, recognising that '[i]f data is inaccurate or obscures underlying information, it calls into question our ability to draw verifiable inferences' and casts doubt on the value of what is visible (Ibid., p.238). As such, they contend that transparency is promoted when data is disaggregated, verifiable and simplified (Ibid., p.238) - traits that increase data inferability. Taken together, these principles establish benchmarks for transparency, and yet the authors acknowledge that different actors will vary in their ability to draw inferences from data. Whilst certain forms of information can therefore be visible and inferable to an average member of the public, much other data will be visible but not widely inferable (with only actors such as computer scientists able to make sense of open government data). This point has been made elsewhere by Hood (2007) who differentiates between direct transparency (which reaches the public) and indirect transparency (that is understood by experts). Such reflections suggest a need to consider the relationship between the form of data and the ability of an intended audience to draw inferences from that data, indicating that simply disclosing information in any form is not enough.

This conception of transparency is widely echoed in the literature. Meijer (2013), for example, defines transparency as 'the availability of information about an actor that allows other actors to monitor the workings or performance of the first actor' (p.430). In his work, data availability and intelligibility are important pre-requisites for transparency. Similarly, Schauer (2011) argues that transparency is about the 'availability and accessibility' of information, asserting that it is vital to consider 'which

person or institution engages in proceedings or possesses documents or information’, ‘which activities, proceedings, data, or documents are to be made transparent’ and ‘what is the class of individuals or institutions that are entitled to access those activities, proceedings, data, or documents’ (Ibid., p.1343;1346). Elsewhere Etzioni has argued that ‘[d]isclosure cannot fulfil its communicative purpose if investors find it impenetrable and therefore ignore it’ (2010, p.399). Whilst Vishwanath and Kaufmann (2001) have argued that transparency should encompass attributes such as ‘access, comprehensiveness, relevance, quality and reliability’ to be meaningful. It therefore appears that transparency scholarship has a recurring interest not only in what information is made available, but also in whether the prescribed audience is able to draw insights from this data. These points are important in the context of calls for increased transparency as they suggest a need for advocates to think about the practicalities of delivering transparency, and the ways in which information will be used to deliver desirable outcomes.

Distilling these insights, I argue that any attempt to unpack calls for transparency needs to consider two things – the *type* and *form* of information prescribed. Despite using common terminology, calls for transparency focus on the disclosure of very different *types* of information. This makes it important to determine what type of information advocates want to see rendered visible. In addition, it is also important to analyse how information will be made comprehensible, considering the *form* of information to be disclosed. Drawing on the existing literature five components of the *form* of transparency can be identified:

1. Audience – Who is the intended audience?
2. Discoverability – How will information be encountered and made visible (for the intended audience)?
3. Comprehensibility – How easy is the data to understand (for the intended audience)?
4. Reliability – What mechanisms or insights are used to ensure information is seen as accurate and complete?
5. Impact – What is the desired outcome of transparency?

These two aspects – the *type* and *form* of transparency - are explored in the analysis below, highlighting a recurrent tendency to underspecify what this idea entails.

Online political campaigning and calls for transparency

In applying these ideas, I examine calls for transparency in online political campaigning. This topic has been the focus of much interest since the Cambridge Analytica scandal in 2018, particularly in the UK, with this country seeking to position itself as ‘a world-leader in emerging technologies and innovative regulation’ (HM Government, 2019). Building on a wider review of UK policy recommendations concerning the role of digital in contemporary politics,¹ this paper examines one particularly prominent prescription for change voiced by actors in the UK – calls for increased transparency.

To enable detailed scrutiny of calls for transparency, analysis focuses on the recommendations of three prominent bodies with different perspectives on the digital campaigning debate - the Electoral Commission, the Information Commissioners’ Office (ICO) and the House of Commons Digital, Culture, Media and Sport (DCMS) Select Committee. The former two of these bodies are independent regulators established to oversee electoral process and data use respectively, whilst the latter is a Parliamentary Select Committee in the House of Commons which held a wide-ranging inquiry looking into disinformation and fake news. Whilst other organisations could have been examined,

¹ This work has been conducted by the author [details to be added after review].

each of these bodies has published substantive reports that directly call for increased transparency.²³ This focus also allows responses from two different kind of policy actor to be examined, facilitating investigation of whether regulators and Parliamentary committees specify the *type* and *form* of transparency in similar ways.⁴

The three reports examined are of particular interest because, at first glance, they demonstrate a remarkable degree of consistency in calling for increased transparency. Indeed, the Electoral Commission has committed to ‘increasing transparency for voters’ and making ‘recommendations about how to improve the fairness and transparency of our democracy’ (Electoral Commission, 2018, p.1). The ICO has outlined its aim to ‘increase transparency and build trust and confidence amongst the electorate on how their personal data is being used during political campaigns’ (2018, p.5). Whilst the DCMS Select Committee has emphasized the importance of ‘[d]eveloping a culture of transparency, trust and accountability’ (2019, p.7).

To analyse calls for transparency each document was coded to identify references to the type and form of transparency. This involved an iterative process of reading, coding and re-reading reports to identify pertinent passages and ideas. The findings revealed considerable diversity in the *type* of information these bodies want to render visible, revealing calls for financial, source, data and targeting transparency. In addition, analysis also revealed often little detail about how intended audiences for information would be provided with intelligible insights as reports often failed to discuss the form of transparency, or provided details for only a portion of their intended audience. Whilst appearing to prescribe a clear and unified policy response, these sources therefore called for different things, and often failed to clearly specify how transparency could be mobilised to achieve desired outcomes. To introduce these findings in detail, each *type* of transparency is discussed in turn below.

The type and form of transparency

Financial Transparency

Examining these reports, an interest first emerges in financial transparency. Reflecting a well-established principle of electoral regulation in the UK, there is a desire to provide a ‘trusted and transparent system of regulation in political finance’ (Electoral Commission, no date). This entails limiting the amount of money that can be spent by any candidate or campaign in an election – ensuring a degree of financial parity – and providing information about the actors who are financing and supporting campaigns. In recent years, coverage of foreign interference in election campaigns via financial donations and

² It should be noted that two of these three reports do not focus entirely on digital campaigning. Analysis is therefore focused on recommendations pertaining to digital campaigning and transparency.

³ It is also useful to recognise that a wider range of sources could have been incorporated within this analysis. For example, the evidence submitted to the DCMS Select Committee could have been scrutinised. However, the reports were focused upon as they represent the official conclusions of each actor and hence can be expected to provide the most developed account of the form transparency (as one of many possible policy solutions) should take.

⁴ This comparative analysis is valuable as at present we have limited understanding of the degree to which different actors specify the particulars of their policy proposals. Different organisational norms and dynamics may, for example, affect the extent to which actors provide detailed policy recommendations. This makes it valuable to compare the prescriptions of a Parliamentary Committee to the recommendations of two regulators to begin to unpick whether there are substantive differences in approach.

campaigning (DCMS, 2019, p.68-77), and of online donations not compliant with oversight rules (Financial Times, 2019), have prompted calls for change. Voiced prominently by the Electoral Commission – the regulatory body currently tasked with oversight of electoral finance – and supported by the DCMS Select Committee, it appears that more information on digital finance is desired. It is notable, however, that the ICO does not concentrate on financial information - immediately suggesting diversity in the type of transparency desired.

The single largest number of recommendations for transparency identified within these reports focus on financial transparency. Ten distinct recommendations were identified within the Electoral Commission Report and six within the DCMS report. These included calls from for ‘more detailed and meaningful transparency’ advanced through more detailed invoices, differentiated spending returns and online advert databases. Both actors also called for increased powers for the Electoral Commission to ensure enforcement, and for a review of the period in which spending controls apply. Across the two bodies, there was a remarkable degree of overlap in recommendations.

Subjecting these recommendations (and the justifications that surround them) to analysis focused on the five questions posed above, it appears that some information is provided about the form transparency should take. Indeed, both the Commission and DCMS Select Committee envisage a dual audience for this information, calling for regulators and the public to be given more information about how money is spent. And yet, turning to think about the other questions posed, varying degrees of consideration is given to how information will be rendered meaningful for these audiences – with considerable ambiguity over how data will be rendered meaningful for the public.

Within the Electoral Commission’s report, there are calls for information to be made discoverable for regulators through extended legislative requirements for disclosure. Hence, as with offline campaigning, pertinent actors will be required to declare their campaign activity and the Commission will monitor declarations to assess compliance. In addition, there are calls for extra powers to ‘compel’ disclosure of information and for advertising archives that make it clear what ‘advertises a campaigner has taken out and how much they paid’ (Electoral Commission, 2018, p.13). A range of mechanisms are therefore proposed for rendering information visible. The comprehensibility of data is also, in places, discussed in both reports. In regards to invoice disclosures, for example, the Electoral Commission outline a clear intention to ensure that information is meaningful ‘for everyone who uses it’ (Ibid., p.12), and for regulators, there is an implicit suggestion that the Commission already have the expertise to manage new data aligned with existing, offline disclosures. Both actors also call for more power to strengthen the Electoral Commission’s power to understand electoral campaigning activity, calls that address questions of data reliability (with recommendations for enhanced regulatory enforcement powers and fines from both actors, suggesting an attempt to strengthen compliance mechanisms). Cumulatively, these recommendations suggest that increased financial transparency for regulators has been thought through by the Commission and Select Committee, resulting in a package of proposals designed to make it easier for the Commission to ‘enforce the spending rules’ by enabling them ‘to see what advertises a campaigner has taken out and how much they paid’, and also ‘who may need to register and submit a spending return’ (2018, p.13; p.8).

Turning to the second audience for financial transparency, the public, there is, however, little discussion of how this information will be discoverable, comprehended or seen to be reliable. Whilst advertising archives are referenced in both reports, it is not clear whether citizens are aware of, or could easily discover the existence of, archives. Neither is it clear whether there would be attempts to promote existing (or new) resources to

render them discoverable as neither report discusses this point. This lack of reflection is notable because it is not self-evident that existing archives provide information on finance in an easily understandable format for citizens. Considering such possibilities is vital because, as Cuciniello and Nasi (2014) have found, information is not always seen to be useful or informative by the public. Indeed, their research into Italian municipalities has shown that people think the government 'do not currently publish what people consider to be most useful' (p.919). It is also the case that some information 'may be misunderstood or misused either deliberately or inadvertently' (Bannister and Connolly, 2011, p.11). This makes it important for those promoting transparency to establish citizens' desires for, and comprehension of, disclosed information. At present, however, there is little attention devoted to these ideas in either report. In addition, there is no discussion of whether proposed resources provide (and, importantly, are seen to provide) reliable information. Whilst the Select Committee calls for an independent advert archive, the Commission does not make such provisions (suggesting instead reliance on company produced archives). This raises questions about the extent to which different types of archive are likely to be perceived as reliable by the public, and yet there is no overt discussion of this point

These ambiguities mirror further uncertainty about the desired impact of financial information. Whilst the Electoral Commission outlines a broad ambition to use transparency to increase 'trust in the areas where we have responsibility' (2018, p.1), there is little discussion of what impact this information will have. Indeed, the Commission makes rather vague statements such as advertising databases 'would bring greater transparency for voters' (2018, p.13), contending that earlier financial disclosure requirements would allow voters to 'see how campaigners have spent their money as soon as possible after an election or referendum' (2018, p.16). Similarly, the DCMS Committee argues that the financing of publically accessible advertising archives are needed 'so that members of the public can understand the behaviour of individual advertisers' (2019, p.60). And yet it is not apparent what citizens will do with this information, or how it may affect their attitudes. As such, the precise impact that financial information would have on public perceptions or behavior is unclear in both reports.

Reviewing calls for financial transparency, it therefore appears that there are considerable areas of ambiguity about the form this type of transparency should take. Whilst there are demands for additional financial information that would provide useful material for regulators and allow the extension of existing oversight online, it is less clear what the purpose or form of public transparency would look like. This suggests that, at present, any improvement in public trust is likely to derive from indirect as opposed to direct transparency, as there appears to be little thought from either the Electoral Commission or DCMS Committee about how the public themselves would use this material.

Source Transparency

In addition to financial transparency, two of the reports also call for what is termed here, source transparency. Historically, campaign material has been required to contain information about the source of offline campaign material (displaying information about who printed and promoted leaflets and other materials). In addition, official records are maintained of registered parties and campaigners who spend over a certain threshold, providing insight into who is active within a campaign. With the advent of digital campaigning barriers to entry and costs have been lowered, allowing a range of new, often

unrecognisable actors to play a role in campaigns.⁵ Importantly, these actors often do not spend enough to meet the Electoral Commissions' registration requirements and they are also not legally required to provide source information on online campaign material. In response to these developments, calls for increased transparency have been made in line with the rationale that '[i]t may not be clear who is behind an online campaign...It may not be clear that something on social media is from a campaigner as social media posts can appear to come from individuals expressing their personal opinions' (Electoral Commission, 2018, p.7). The Electoral Commission and DCMS Select Committee make a number of specific recommendations including calls for a digital imprint that reveals 'who is behind the campaign and who created it', clear labelling on online political advertising, and increased work from social media companies to ensure that advertisers are based in the UK and that their own company policies operate in line with electoral laws. Looking in detail at their reports it appears that once again detail on the *form* of transparency is lacking.

The audience for source information specified by these actors is, once again, dual – with regulators and the public seen to benefit from this transparency. The proposals for discoverability initially appear amenable to both audiences. The first proposal, the creation of an online imprint is endorsed by both actors and would see an established requirement for offline campaigning material replicated online. Electoral material would therefore have to include information on the promoter of the material, including the name and address of the source. The reports also call for a database of political adverts that contains information about the origin of electoral material. These recommendations therefore provide insight into how information will be made visible, but there are slight differences in approach for each audience.

For regulators specifically, it is once again implicit that the Electoral Commission already possess the expertise necessary to analyse imprints, and indeed, there are not recommendations for additional investment in analytical resource. However, it is by no means clear that regulators are well placed to draw inferences from commercially produced advertising archives. In part this is because many government regulators lack expertise in computational data analysis, suggesting that existing employees may not possess the skills required to work with these data sources. Yet it also reflects questions about the reliability of advertising archives. Indeed, one recent review of Facebook's advert archive concluded that the data is far from easy to use and is not comprehensive (Mozilla, 2019). As currently provided, for example, it is impossible to gain a complete picture of all the adverts running on Facebook, raising questions about regulators' ability to identify (let alone verify) the sources of campaign content. Whilst companies could be forced to provide archives in a form more amenable to regulator analysis, at present the reports lack calls for such changes. It is therefore far from clear that regulators will be able to draw meaningful insights from such resources as they stand. Given the intention to use this information to enforce existing rules, especially in relation to policing 'overseas interference in elections' (2019, p.60), these ambiguities are notable. They make it unclear whether regulators will be able to comprehend and verify the reliability of data on source transparency, particularly as they raise questions about the degree to which these data forms are seen as reliable.

Questions also arise when looking at the detail these reports provide about how source information will be made publicly accessible. Although calling for citizens to be able to see more information about source, neither report proposes specific measures to render

⁵ In this sense, it can be difficult to recognise the source or agenda of these new actors, making it challenging for citizens to understand what they are trying to achieve and whether they are trustworthy.

this information discoverable to the public (as distinct from to regulators). Whilst mechanisms such as imprints *may* increase public awareness of source, there is little evidence that citizens pay attention to this information (and indeed, offline, disclaimers are often hidden in tiny print and are difficult to locate). It should therefore not be presumed that digital imprints will increase public awareness, especially in a context where different platforms and actors are likely to display imprint information in different ways.⁶ In this context it is notable that the reports do not discuss how source information should be made more discoverable or comprehensible to the public, nor how it should be made to appear reliable. These ambiguities are significant when thinking about the degree to which this form of transparency can realise desired goals. In calling for increased source transparency, the Electoral Commission argues that there is a need for digital imprints so that '[v]oters will know who the source is and be more able to decide how credible it is' (2018, p.9). They also argue that there is a specific need, for more source information in order to prevent campaigns from deceiving voters about their identity or their true level of support (Ibid., p.8). Similarly, the DCMS Committee argue that a searchable political advertisement archive should contain source information 'so that members of the public can understand the behavior of individual advertisers' (2019, p.61). Whilst transparency is therefore intended to provide citizens with more contextual information, allowing them to navigate the information landscape, it is not clear how these objectives are to be realized or advanced. In this case ambiguities in the form of source transparency therefore make it unclear how objectives will be secured.

Data Transparency

Third, the reports also reveal an interest in data transparency. Speaking to wider concerns about data protection, privacy and freedom of information, data oversight is an established field of government regulation. In recent years, the links between online campaigns and data have grown with high profile examples of data misuse, such as the Cambridge Analytica scandal, raising concerns about the collection and use of data in election campaigns. Reflecting these developments, both the ICO and DCMS Committee reports call for more information on the data used in political campaigns. A raft of recommendations are made for an independent regulator, public education campaigns, audits and expansions of privacy law. Indeed, the ICO announces an intention to 'launch a version of its successful Your Data Matters campaign before the next General Election', to develop a cross-party code of conduct for data use and to ensure that online platforms are GDPR compliant. Whilst the DCMS Committee recommends a new public body with 'statutory powers to obtain any information from social media companies' and calls for increased digital literacy, especially around data rights.

Analysing calls for data transparency, it appears that, for this *type* of transparency, there is more comprehensive attention paid to the *form* that transparency needs to take. Once again, the same two audiences are specified, but in this case attention is paid to how to make this data meaningful to both audiences. For regulators, proposals are made for information to be rendered discoverable through a regulator that has 'access to tech companies' security mechanisms and algorithms' (DCMS, 2019, p.90) and through 'third party audits' (ICO, 2018, p.5). In regards to comprehensibility, it appears that this data is intended for use by ICO experts who are able to 'ensure they are operating responsibly' (DCMS, 2019, p.90) – and indeed it is notable that there have been recent attempts to employ skilled experts within the ICO. Meanwhile, on reliability, it appears that the legal duty for disclosure and penalties provide mechanisms to scrutinise and test the

⁶ It should be noted that the Electoral Commission do call for companies to work with them in order to develop a consistent approach (2018, p.23) – but this point is not explicitly related to imprints.

completeness of information. The recommendations are designed to allow the ICO to ensure that ‘the use of data during elections and referenda is treated lawfully’ (DCMS, 2019, p.61) and hence there appears to be a clear link between prescribed interventions and intended outcomes within both reports.

For the public audience, recommendations also provide detail on how data is to be rendered meaningful. Specifically, the reports call for public information campaigns designed to render information discoverable and comprehensible through ‘a version of [the ICO’s] successful Your Data Matters campaign’ (ICO, 2018, p.4). In addition, they argue that polling cards should ‘carry a link to a central website so that voters can access information about what data political parties and campaigns have access to and their rights with regard to how the data is used’ (Ibid., p.30). The DCMS Select Committee also call for individual citizens to be able to ‘check what data is being held on an individual user, if a user requests such information’ and make complaints (DCMS, 2019, pp.16-17), and for digital literacy to educate citizens about their data rights and how to report unlawful digital campaigning activity (Ibid., pp.96-7). Although the precise form of these initiatives is not outlined,⁷ it therefore appears that there is attention paid to how information can be made discoverable and comprehensible to citizens. Whilst not directly engaging with the question of reliability, the presence of a regulator suggests that there is oversight of the information disclosed, providing a source for public reassurance. These prescriptions appear aligned to the intention to use transparency to ‘build trust and confidence amongst the electorate on how their personal data is being used during political campaigns’ (ICO, 2018, p.5). This objective derives from the belief that ‘to retain the trust and confidence of electorates and the integrity of the elections themselves, all of the organisations involved in political campaigning must use personal information and these techniques in ways that are transparent, understood by people and lawful’ (Ibid., p.3). It also reflects a belief that the public need to ‘understand how the big tech companies work and what happens to our data’ (DCMS, 2019, p.5) and that they should know ‘what they should do when they want their data removed’ (Ibid., p.85). The recommendations therefore identify a specific desire to raise awareness, promote understanding and enable citizen action in order to improve public trust and confidence, specifying initiatives to realise those goals. In this case, therefore, it appears that there are more comprehensive plans for how information will be rendered meaningful for regulators and the public.

Targeting Transparency

Finally, the reports analysed here also show a desire for transparency in relation to targeting. This form of transparency is not well established in existing regulation, and instead reflects recent developments. Whilst targeting itself is by no means a new phenomenon, the advent of digital technology has provided new forms of data that can be used to focus messages on specific types of voters. As yet unregulated, there is no limitation on the extent of targeting that can occur, and only limited oversight (via the ICO) of the information that can be used for targeting in line with the public interest. These trends have led to growing concerns about targeting practices, fuelling calls for targeting transparency within all three reports. The Electoral Commission therefore argued that there was a need for transparency because ‘[o]nly the voter, the campaigner and the platform know who has been targeted with which messages. Only the company and campaigner know why a voter was targeted and how much was spent on a particular campaign’ (2018, p.11). The ICO also argue that ‘Facebook has not been sufficiently transparent to enable users to understand how and why they might be targeted by a

⁷ This reflects the agenda setting nature of these reports. It would be expected that detailed recommendations and proposals would be developed by government in enacting these ideas.

political party or campaign’, and that companies ‘use of relevant interest categories for targeted advertising and its, Partner Categories Service are also cause for concern’ (2018, p.4). These concerns produced a small number of recommendations that focused, for the Electoral Commission, on providing targeting information on invoices, for the DCMS Select Committee, on full disclosure of targeting information as part of advertising transparency and government analysis of the extent of voter targeting, whilst the ICO recommended that platforms should provide expert advice to parties ‘on transparency and accountability in relation to how data is used to target users’ (Ibid., p.5). Looking at the form of transparency called for, it appears, that there is a lack of precision in specifying how desired outcomes can be achieved.

Once again, calls for targeting transparency focus on providing additional information for regulators and the public. And yet in this case there are also other recommendations made, by the ICO and Select Committee that don’t specify a clear external audience. Indeed, the ICO call for platform advice on transparency for campaigners, appearing to promote best practice rather than increased information. Similarly, the Select Committee also call for a review of information already available about targeting (as opposed to requesting new information). Not all the recommendations made in this category therefore call for the disclosure of new data.

In terms of calls for more insight for regulators, the Electoral Commission does, however, outline some detail on the form this information should take. They argue that information should be rendered discoverable through additional targeting information on invoices, calling for information on ‘the messages used in those campaigns, which parts of the country they were targeted at, and how much was spent on each campaign’ (2018, p.11). Whilst not discussed in great detail, it appears that, as before, this new information will facilitate the application of regulators’ existing role. The Commission therefore argue that targeting information will allow them to ‘see that certain campaigners are targeting adverts to the same voters’ and are possibly ‘working together’ – providing a new source of information with which to enforce existing electoral principles (2018, p.13). In this way, there appear to be attempts to render targeting data more discoverable and comprehensible to regulatory staff, and yet it is not entirely clear whether the reliability of disclosed data can be verified – especially given social media companies’ unwillingness to include detailed targeting information within advertising archives (Mozilla, 2019).

For the public, there is some attention paid to how targeting information should be rendered meaningful. The ICO argue that citizens should be able to understand ‘how and why they might be targeted by a campaign’ (2018, p.41), with proposed public information campaigns appearing a mechanism to advance this aim. Similarly, the DCMS Select Committee argue that there is a need to ‘pull back the curtain and show the public what is happening with their personal data’ (DCMS, 2019, p.18), with calls for digital literacy connected to this goal. The Electoral Commission also point to advert archives as a mean by which voters can discover ‘who is targeting them online’ making ‘unacceptable behaviour harder’ (Electoral Commission, 2018, p.1). And yet, it is notable that there is again limited discussion of how precisely targeting information will be rendered easily comprehensible or reliable. It is also not clear how this information will deliver desired outcomes. Whilst framed within broad discussions around public trust and an informed citizenry, there are reasons to believe that more information may not actually advance these goals. As acknowledged by the Electoral Commission, many citizens are already concerned about targeting practices (2018, p.11) and it is not clear how greater awareness would allay these concerns. It is also not clear that information would empower citizen action because whilst discussions of targeting transparency are linked to stronger privacy controls and complains procedures, the ICO note that Facebook do not allow people ‘to block political advertising based on issues’ (ICO, 2018, p.41). It is

therefore unclear how citizens can act on additional targeting information. Although widely supported, therefore, a number of questions remain around targeting transparency, specifically in regards to how desirable impacts will be realised through awareness raising efforts.

Summary

Looking at these reports it appears that despite the common language of transparency, four different *types* of information about political campaigning practices are called for. Financial, source, data and targeting transparency are seen to be important for promoting understanding of online campaigning and for provoking different impacts. Looking in more detail at these calls it appears, however, that the precise *form* of transparency is, in many places, underspecified. Whilst consistently identifying a dual audience, these reports often lack detail about the discoverability, comprehensibility and reliability of information to be disclosed. Moreover, they are often opaque about the connections between these forms of information and desired impacts. This overview therefore suggests that current calls for increased transparency (in its various forms) leave many questions about the form of desired transparency and how precisely stated outcomes are to be promoted and achieved.

Discussion

Calls for transparency are commonplace in debates around responses to online political campaigning, but this analysis has shown that they are far from homogenous or precise. Indeed, whilst it may initially appear that the Electoral Commission, ICO and DCMS Select Committee are calling for the same regulatory response to digital campaigning, this analysis has shown that desires for the *type* of transparency vary, as does specification for the *form* transparency should take. Interestingly, this ambiguity was present in all three reports, suggesting that different policy actors fail to clearly specify what transparency entails.⁸

These insights are important for our understanding of this specific case, but also for our conception of transparency as a policy response more generally. Whilst often seen to be a 'nicely ambivalent concept, with a positive normative charge', to be effective calls for transparency need to specify the form specific types of transparency should take – outlining the audience, discoverability, compressibility, reliability and impact of desired information. At present, however, this detail is often lacking or partial, with the different reports analysed showing often only implicit engagement with these questions, and limited reflection on how desired outcomes can be realised for different audiences. This lack of insight is significant because previous analyses have shown that securing desired impacts is by no means guaranteed. Indeed, whilst some studies have found that governmental transparency can contribute to greater trust (Gant and Gant, 2002), transparency can also have the opposite effect: raising public concerns and deepening a sense of crisis. Etzioni (2010), for example, has found numerous studies where transparency did not result in a more aware electorate, and did little to affect citizen behaviour. The effects of transparency are therefore far from clear, making it vital for advocates to determine what effects they desire and how they can be realised. Whilst it may be argued that the detail absent from these specific reports reflects their agenda setting rather than implementation focus, it should be noted that a wider review of policy recommendations and government responses did not uncover evidence of more extensive engagement with these questions. This suggests that, at present, those engaged

⁸ Although, it should be noted that the ICO did provide the most complete overview in relation to data transparency.

in the policy making process are not fully developing their thinking around the implementation of transparency measures. And yet further analysis looking to assess variations in precision dependent on actor type and stage in the policy process would be beneficial to test this idea.

Thinking about the implications of these tendencies, the lack of precision identified is seen to be particularly important because, as Meijer (2013) has argued, efforts to increase transparency often involve power games. Whilst imbued with positive normative connotations, efforts to advance transparency are often resisted by those in power who want to avoid the administrative burden, cost or reputational risk of such a move. Indeed, in the case of political campaigning, companies such as Facebook initially provided limited transparency information before being pressured into taking action (Janetsky, 2018). And even now, the company is seen by the DCMS Select Committee to exhibit 'considerable obfuscation concerning the auditing of its adverts', obstructing transparency (2019, p.85). Far from embracing more transparency it should therefore be expected that companies, the Government and campaigners will engage in 'a complex political game' and try to counter calls for additional insight (Meijer, 2013, p.431). Given this tendency, ambiguity about the nature of transparency sought is significant as in failing to define the type of desired change and to clearly specify the audience, discoverability, comprehensibility, reliability and impact of transparency, it becomes possible for those subject to pressure to enact transparency to tailor their own response – picking and choosing the most feasible or acceptable requests. From this perspective, precision is a virtue in transparency power games, as it becomes easier to appreciate precisely what is desired and where a response meets or misses the mark.

In making this point, it is useful to look at recent political developments in the UK in relation to transparency to consider the degree to which the calls for change surveyed above provide useful markers against which current progress can be assessed. To do so I, first, examine legislation proposed by the UK Government, before second, considering measures taken by companies to promote transparency.

First, the Government's response to developments in the digital realm has been outlined most comprehensively in the *Online Harms White Paper*. This text addresses, but is not solely focused on, digital campaigning. Within this document, the Government has outlined a commitment to develop 'a culture of transparency, trust and accountability' (HM Government, 2019, p.7), indicating that calls made by the Electoral Commission, ICO and DCMS Select Committee have been heard. And yet, when looking in more detail at the proposed form of action, it appears that the White Paper does not focus on the disclosure of financial, source or targeting information, and instead concentrates primarily on data transparency. A new regulator is therefore proposed that will have 'the power to require annual transparency reports from companies in scope, outlining the prevalence of harmful content on their platforms and what countermeasures they are taking to address these' (p.7). In addition, a commitment is made to establish 'a transparency, trust and accountability framework, backed by information-gathering powers, to assess companies' compliance with the duty of care and their own relevant terms and conditions' (p.54). Whilst echoing the rhetoric of the recommendations reviewed above, it appears that only a certain kind of transparency is advanced. Although this outcome could reflect Government intentions to advance other forms of transparency in other legislative proposals, present indicators suggest that this is not the case (House of Lords, 2019). It therefore appears that this White Paper constitutes the Government's primary attempt to promote transparency in the digital sphere.

For the three advocates discussed above, this response is likely to be insufficient, because it provides only a portion of the *type* of information desired. Indeed, the breadth of

financial, source, data and targeting transparency often implicitly requested in these reports, is not mirrored in these proposals. Moreover, the White Paper provides only limited detail around how data will be rendered discoverable, comprehensible and reliable to different audiences, raising questions about the form of transparency and its ability to deliver desired impacts. In highlighting these points of incongruity, the authors of the initial reports may seek to hold the government to account for its failure to disclose certain information and pursue favoured outcomes. And yet, in seeking to do so, these actors are likely to face challenges as the lack of clarity and precision within their own reports makes it difficult to clearly highlight where the government has missed the mark. From this perspective, ambiguity in these earlier reports may have some benefits in terms of offering a widely attractive response, but it has pitfalls when it comes to holding actors to account for a lack of desired action.

In addition, ambiguity also has implications for responses to companies' transparency measures. Taking the example of Facebook, in 2019, following public and political pressure, a new political advert archive was created, and additional transparency information was made available on adverts and pages that allow users to ask 'why am I seeing this ad'. These moves appear to align with the stated desire for transparency, and the archive did indeed address many of the different forms of transparency identified above – providing information about source, targeting and finance. And yet, the information provided by Facebook has been widely critiqued by researchers who question its value (Goga, 2019) and highlight issues with disclosure – specifically in relation to the searchability of the archive (Mozilla, 2019). However, because the type and form of transparency is often underspecified it is once again difficult to pinpoint why Facebook's response may not be viewed favourably. In essence, ambiguity cedes ground to industry (and other) actors to determine their own understanding of what information needs to be disclosed and how. These examples therefore suggest that calls for transparency that do not specify the precise type and form of transparency can fail to provide markers against which responses can be assessed and critiqued.

Whilst focused on the specific case of digital campaigning, these findings are likely to be of interest to scholars of transparency more generally as it is envisaged that these trends are not confined to these actors or topic alone. With transparency prescribed for issues as diverse as environmental protection and tax collection, it is important to explore whether these trends are replicated elsewhere, or whether there are organizational or topic specificities that lead to greater degrees of ambiguity.⁹ As such there is a need to apply the frameworks developed in this article to other cases to improve understanding of the relationship between precision and the policy process. This work should focus initially upon transparency, but could be broadened to consider similar types of policy response (such as accountability).

Conclusion

This article has explored the current tendency to prescribe transparency as a response to trends in online political campaigning. Engaging in detailed analysis of the nature of calls made in the UK case, the article has demonstrated considerable ambiguity in the type and form of calls for increased transparency. Diagnosing a tendency to underspecify the type of transparency required, and the audience, discoverability, compressibility, reliability and impact of desired information, it has been argued that there is a need to more clearly specify the meaning of this term. Without conceptual precision and exploration of intended and unintended impacts, it is by no means clear that government or industry

⁹ It may be expected that government proposals would contain more detail than recommendations, and yet further analysis is required to verify this.

actors will take up and enact desires for information, or that the information that is provided will secure desired goals. Whilst widely evoked as an urgent response to developments in digital campaigning and elsewhere across government, it therefore appears that there is a need for greater precision in calls for transparency.

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