

Ministries of Truth: Singapore's Experience with Misinformation during COVID-19

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Key Takeaways

- The Protection from Online Falsehoods and Manipulation Act (The POFMA) is Singapore's legislative response to concerns over online misinformation and disinformation
- As COVID-19 spread, pandemic-related misinformation very quickly became a serious scourge whereupon the POFMA was applied
- Of the 35 instances where the POFMA has been used since its passing in October 2019, 21 instances involved addressing COVID-19-related misinformation.
- On the other hand, the government has also turned to other channels to address COVID-19-related misinformation, such as through Facebook pages of the various ministries and dedicated WhatsApp and Telegram channels
- This case study has revealed challenges of using the POFMA to address time-sensitive pieces of misinformation in the midst of a pandemic: we find that the legislation has been inconsistently applied to address COVID-19-related misinformation and suggest that this may have been a result of the POFMA's platform-agnostic approach to intervening in the spread of online-falsehoods
- These inconsistencies compound already existing problems – such as the lack of transparency around ministerial decisions in the application of the POFMA
- In the long run these inconsistencies and uncertainties may compromise the public's trust in the government, potentially increasing the pervasiveness of misinformation and disinformation in a post-truth era
- Moving forward, we suggest that further research is required to understand the efficacy of both ongoing media literacy initiatives and the POFMA corrections, so as to inform better policy outcomes of how legislative and non-legislative efforts can complement each other

1 Intro duction

The Protection from Online Falsehoods and Manipulation Act (“The POFMA”) is Singapore’s legislative response to heightening concerns over online misinformation and disinformation which came into effect in October 2019. At the time of writing, there have been 35 instances where at least one of the POFMA’s powers were used. Of these, 21 instances involved COVID-19-related misinformation. During health crises, the effects of misinformation and disinformation can be deadly: misinformation may exacerbate public panic, undermine the adoption of evidence-based policy, and further the spread of illnesses.¹ To address COVID-19-related misinformation, public agencies need to both share accurate information *and* rapidly address misinformation. The POFMA thus sits at the intersection of two relatively recent phenomena: COVID-19 and the broader problem of online misinformation. Part of the POFMA’s broad ambit – “to protect public health or public finances, or to secure public safety or public tranquillity”² – has enabled the government to fold it into part of its crisis communication infrastructure, by offering the government the ability to rapidly address potentially harmful misinformation.

A closer look at how the POFMA has been used is warranted, given the circumstances in which the bill was drafted and the “often-fractious debate”³ that preceded its passing. In the sections below, we review the POFMA, its powers, and how the government has been using it to address COVID-19-related misinformation, and highlight instances in which it has *not* been used. The paper proceeds as follows: Part One summarises the events that led to the passing of the POFMA and outlines its key powers. Part Two reviews some instances in which these powers have been used to address COVID-19-related misinformation disseminated on social media. Part Three then examines the government-led communication strategies: we sketch out the various channels that make up the government’s crisis communication infrastructure and highlight instances where the government has used other channels to address COVID-19-related misinformation, despite these arguably falling under the ambit of the POFMA. Part Four offers a brief assessment of these observations. By reviewing these instances of use and non-use, we ultimately argue that the inconsistent use of the POFMA in the context of COVID-19 has revealed the limits of a legislative response to addressing the conundrum of misinformation. What is at stake, furthermore, is not only the legitimacy of the POFMA but also citizens’ trust in the government.

- 1 Tan, Andy S. L., Lee Chul-joo, and Jiyoung Chae. 2015. “Exposure to Health (Mis)Information: Lagged Effects on Young Adults’ Health Behaviors and Potential Pathways.” *Journal of Communication* 65: 4. (<https://doi.org/10.1111/jcom.12163>); Vijaykumar, Santosh, Yan Jin, and Glen Nowak. 2015. “Social Media and the Virality of Risk: The Risk Amplification through Media Spread (RAMS) Model.” *Journal of Homeland Security & Emergency Management* 12: 3. (<https://doi.org/10.1515/jhsem-2014-0072>).
- 2 *Protection from Online Falsehoods and Manipulation Act 2019* (Singapore) s 4(b). (<https://sso.agc.gov.sg/Acts-Supp/18-2019/Published/20190625?DocDate=20190625>).
- 3 Tham, Yuen-C. 2019. “Parliament: Fake News Law Passed after 2 Days of Debate.” *The Straits Times*, 8 May. (<https://www.straitstimes.com/politics/parliament-fake-news-law-passed-after-2-days-of-debate>).

2 The POFMA

While misinformation has been steadily gaining traction as a key problem in our contemporary communication landscape⁴, the issue arguably came to a head in Singapore with the revelations of Russian interference in the 2016 United States' Presidential Elections. In April 2017, the Minister for Law and Home Affairs, Mr K Shanmugam, shared in Parliament that the government was "seriously considering how to combat fake news as current laws were limited in tackling the issue."⁵ In January 2018, a Select Committee was convened to examine, report on, and offer recommendations to address the problem of deliberate online falsehoods.⁶ In an accompanying Green Paper, the Ministry of Communications and Information and the Ministry of Law justified the move by noting the need to maintain Singapore's role in trade, finance, travel, communications, and the need to protect the country's multi-racial and multi-religious social fabric.⁷ The Select Committee invited submissions from the public and received over 162 written submissions; over 90 contributors were invited to make oral submissions in a public hearing, which was held over the course of 8 days.⁸ In September 2018, the Committee released a nearly 300-page report, detailing their findings along with 22 recommendations.⁹

These recommendations were multipronged in their approach, aimed at cultivating the health of the country's entire media ecosystem. The recommendations were angled to achieve five broader goals – (i) nurture an informed public, (ii) reinforce social cohesion and trust, (iii) promote fact-checking, (iv) disrupt online falsehoods, and (v) deal with national security and sovereignty threats. The report suggested achieving these goals through efforts like the enhancement of media literacy education and the support of quality journalism through the removal of financial pressures within the news industry. These recommendations distributed responsibilities across society and emphasised that

4 Bode, Leticia and Emily K. Vraga. 2015. "In Related News, That Was Wrong: The Correction of Misinformation Through Related Stories Functionality in Social Media." *Journal of Communication* 65: 4. (<https://doi.org/10.1111/jcom.12166>).

5 Au-Yong, Rachel. 2017. "Parliament: Government to Review Laws to Tackle Fake News." *The Straits Times*, 3 April. (<https://www.straitstimes.com/politics/parliament-government-to-review-laws-to-tackle-fake-news>).

6 Ministry of Law. 2018. "Select Committee On Deliberate Online Falsehoods: Causes, Consequences and Countermeasures." Press Release, 5 January. (<https://www.mlaw.gov.sg/news/press-releases/select-committee-deliberate-online-falsehoods>).

7 Ministry of Communications and Information and Ministry of Law. 2018. "Deliberate Online Falsehoods: Challenges and Implications – A Green Paper by the Ministry of Communications and Information and the Ministry of Law." (<https://www.mlaw.gov.sg/files/news/press-releases/2018/01/Annexe%20A%20-%20Green%20Paper%20on%20Deliberate%20Online%20Falsehoods.pdf>).

8 Seow, Bei Yi. 2018. "7 Themes from 8 Days of Public Hearings on Deliberate Online Falsehoods." *The Straits Times*, 29 March. (<https://www.straitstimes.com/politics/7-themes-from-8-days-of-public-hearings-on-deliberate-online-falsehoods>).

9 Chong, Charles et al. 2018. "Report of the Select Committee on Deliberate Online Falsehoods – Causes, Consequences and Countermeasures." Parliament of Singapore, 19 September. (<https://sprs.parl.gov.sg/selectcommittee/select-committee/download?id=1&type=subReport>).

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every actor – public institutions, journalists, social media platforms, individuals – had a part to play to address the problem of misinformation and disinformation.

Nonetheless, the report also carved out a space for what would become the POMFA: stating that existing legislation in the country was inadequate in handling online misinformation and disinformation campaigns. Recommendation 12, in particular, stated that the government should “have the powers to swiftly disrupt the spread and influence of online falsehoods”. In addition, they should be able to: ensure the visibility of corrections; limit or block exposure to a falsehood; disrupt its amplification; and discredit sources of falsehoods. To achieve these goals, Recommendation 12 suggested that new legislation would be required in order to halt the virality of online falsehoods in a matter of hours; ensure that the decision-maker is effective and credible; provide safeguards for due process; and guarantee that measures would take into account the context and circumstances of falsehoods – including their potential impact and reach.

It is also worth noting that just two months after the Select Committee’s report was released, a disagreement arose between Facebook and the Infocomm Development Media Authority (“IMDA”) in relation to the 1Malaysia Development Berhad (“1MDB”) scandal. A local website, the States Times Review (“STR”), uploaded a post on Facebook linking the Prime Minister of Singapore with ongoing 1MDB investigations. The post was refuted by the STR’s source and debunked by the Singapore High Commission in Malaysia. IMDA responded to both the STR and Facebook: asking the former to remove the post, and requesting that the latter remove the post on its platform. Both parties refused, with Facebook saying that it had no policy to remove alleged falsehoods despite having previously given assurances during the aforementioned public hearings about its commitment to reducing the dissemination of falsehoods.¹⁰ IMDA eventually directed Internet Service Providers (ISPs) to restrict access to the STR website. In response to Facebook’s refusal, the Ministry of Law released a statement saying: “[t]his shows why we need legislation to protect us from deliberate online falsehoods”¹¹. This event not only highlighted the ongoing tensions witnessed globally between governments and social media companies around the regulation of online falsehoods, but also turned out to mark the sequence of events – an escalation from individual poster to platform to ISP – that would be encoded in the POFMA.

2.1 How the POFMA Operates

In essence, Parts 3–5 of the POFMA have two primary functions. The first is to address and disrupt the dissemination of online falsehoods and the second is to deter the production of online falsehoods in Singapore through its demonetisation framework. In this regard, the POFMA confers on ministers – and *only* ministers¹² – the power to make the relevant orders and directions under Parts 3–5 of the POFMA, which we now provide an overview of.

¹⁰ Abdullah, Zhaki. 2018. “Facebook: No Policy against Alleged Falsehoods.” *The Straits Times*, 14 November. (<https://www.straitstimes.com/singapore/facebook-no-policy-against-alleged-falsehoods>).

¹¹ Ministry of Law. 2018. “FB’s response to false article.” Press Release, 9 November. (<https://www.mlaw.gov.sg/news/press-releases/fb-response-to-false-article>).

¹² In the event that Parliament is dissolved for the purposes of an election, s52(3) POFMA provides that any minister may appoint a public officer as an alternate authority before the start of any election period. s52(2) POFMA further provides that “a reference to any Minister during an election period is a reference to the alternate authority appointed by the respective Minister” for the material parts of Parts 3 and 4 of the POFMA which we shall address.

Presence of an Actionable Online Falsehood

Three prerequisites must first be satisfied for an online falsehood to be actionable under Parts 3 and 4 of the POFMA.

Firstly, there must be a “false statement of fact”.¹³ The relevant inquiry hereunder is two-step. The first step involves objectively ascertaining whether the subject statement in question indeed contains a statement of fact, which is defined as “a statement which a reasonable person seeing, hearing or otherwise perceiving it would consider to be a representation of fact”.¹⁴ This is intended to ensure that opinions, comments, and criticisms do not fall under the purview of the POFMA. The second step involves a determination of whether the statement of fact “is false or misleading, whether wholly or in part, and whether on its own or in the context in which it appears”.¹⁵ This allows the POFMA to “[address] the various ways in which reality might be distorted”.¹⁶ For example, omission of material facts may constitute an actionable online falsehood under the POFMA.

Secondly, the statement of fact must be communicated in Singapore¹⁷: the definition of “communication”¹⁸ under the POFMA has a wide ambit with platform neutrality as its overarching aim. For example, this requirement encompasses not only falsehoods disseminated through public Facebook and Twitter posts, but also private Facebook groups and WhatsApp chat groups.

Thirdly, it must be in the public interest to issue a Direction under Parts 3 and 4 of the POFMA.¹⁹ This includes, for example, “[the protection of] public health or public finances, or to secure public safety or public tranquillity”²⁰ and “[the prevention of] 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”.²¹ Currently, insofar as issuing a Correction Direction is concerned, there is “no statutory duty on the Minister to provide evidence to show that he is justified in issuing [one]”.²²

Application of the POFMA’s Powers

Significantly, ministers were quick to stress that the primary tool of the POFMA is its corrective function. Corrections – as opposed to access blocking – are meant to be the government’s primary course of action in dealing with online falsehoods.²³ Nonetheless, as we will show below, the full slate of the POFMA’s powers can be categorised into two groups: powers that enable the government to address a falsehood through ordering a correction notice *and* powers that

¹³ POFMA, ss5(a), 10(1) and 20(1).

¹⁴ POFMA, s2(2)(a).

¹⁵ POFMA, s2(2)(b).

¹⁶ Ministry of Law. 2019. “Second Reading Speech by Senior Minister of State for Law, Mr Edwin Tong on The Protection from Online Falsehoods and Manipulation Bill.” (<https://www.mlaw.gov.sg/news/parliamentary-speeches/Second-Reading-Speech-by-Senior-Minister-of-state-for-Law-Mr-Edwin-Tong-on-pofma>).

¹⁷ POFMA, ss10(1) and 20(1).

¹⁸ s3(1) POFMA provides that “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.”

¹⁹ POFMA, ss4, 10(1) and 20(1).

²⁰ POFMA, s4(b).

²¹ POFMA, s4(f).

²² The burden on a minister is only “to give the basis, i.e., the reasons, for a subject statement being found to be a false statement of fact [which] is not the same thing as providing the maker of the statement with evidence of the statement’s falsity.” *Singapore Democratic Party v Attorney-General* [2020] SGHC 25 at [41].

²³ Singapore Ministry of Law. 2019. “Second Reading Speech by Senior Minister of State for Law.”

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lean more closely towards censorship. Once all three prerequisites above have been met, a minister will be able to exercise some of the POFMA's powers.

Part 3 Directions

Part 3 Directions are angled towards persons who communicated the relevant subject statement in Singapore.²⁴ **Correction Directions are issued to persons for posts that they have communicated which carry "false statements of fact"**. These Directions require the recipient to put up a Correction Notice with one or both of the following: firstly, "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"; secondly, "a specified statement of fact, or a reference to a specified location where the specified statement of fact may be found, or both".²⁵

Figure 1 illustrates a Correction Notice posted by the Sin Rak Sin Party in relation to an article posted on its Facebook page which was subjected to a Correction Direction.

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²⁴ Reference to "persons" hereunder include natural persons and "any company or association or body of persons, corporate or unincorporated" by virtue of s2 of the Interpretation Act (Cap 1, 2002 Rev Ed).

²⁵ POFMA, s11(1).

Figure 1: Screenshot of Sin Rak Sin Party's Facebook Page with a correction notice, "This post contains a false statement of fact".²⁶



Under Part 3 of the POFMA, ministers can also issue a **Stop Communication Direction**, which requires a person to stop communicating, in Singapore, the identified "false statement of fact" by a specified time. As of December 2020, the Stop Communication Direction has not been used.

Part 4 Directions

Unlike Part 3 Directions, Part 4 Directions are instead angled towards internet intermediaries²⁷ (this also includes a sub-category of "prescribed internet intermediaries"²⁸) and providers of mass media services. Part 4 Directions include Targeted Correction Directions, Disabling Directions and General Correction Directions.

A Targeted Correction Direction (TCD) is issued to an internet intermediary, which is required to communicate an "easily perceived"²⁹ correction notice to users in Singapore who access the falsehood. Figure 2 illustrates a correction notice issued by Facebook, in compliance with a Targeted Correction Direction issued upon the instructions of the Minister for Home Affairs.

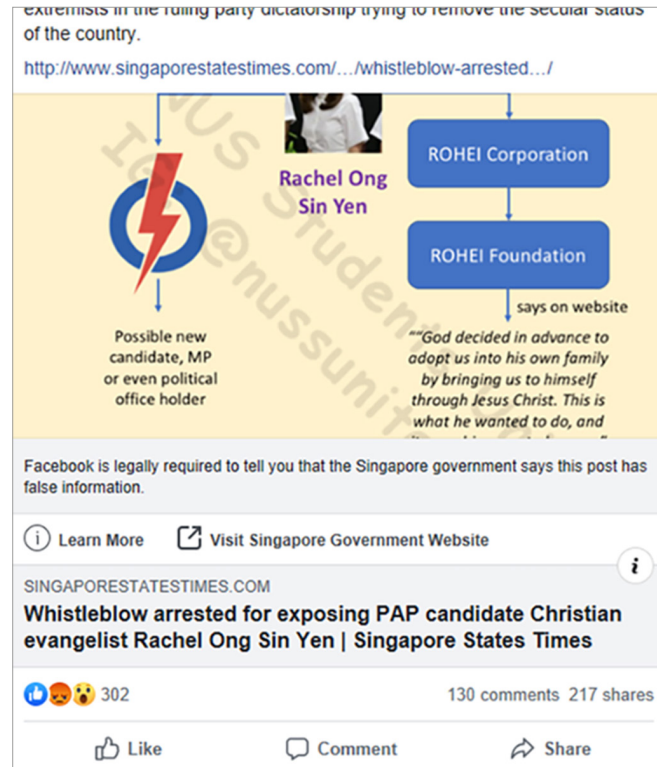
²⁶ Choo, Yun Ting. 2020. "Pofma Correction Direction Issued to Facebook Page, 3 Users." *The Straits Times*, 4 July. (<https://www.straitstimes.com/politics/pofma-correction-direction-issued-to-facebook-page-3-users>).

²⁷ An internet intermediary is "a person who provides any internet intermediary service", and an internet intermediary service is "a service that allows end-users to access materials originating from third parties on or through the internet" and "a service of transmitting such materials to end-users on or through the internet", *POFMA*, s2(1).

²⁸ This includes companies such as Google LLC, in respect of Google Search and YouTube; Facebook, Inc, in respect of Facebook and Instagram; Twitter International Company, in respect of Twitter; SPH Magazines Pte Ltd, in respect of HardwareZone.com; Baidu, Inc, in respect of Baidu; and WeChat International Pte Ltd, in respect of WeChat.

²⁹ *POFMA*, s24.

Figure 2: Correction notice issued by Facebook, "Facebook is legally required to tell you that the Singapore government says this post has false information".³⁰



A Disabling Direction is issued to internet intermediaries that provide the service upon which the "false statement of fact" is communicated.³¹ An internet intermediary is required to disable access by end-users in Singapore to the identified online falsehood upon receiving a Disabling Direction. As of writing, this Direction has not been used.

A General Correction Direction³² is issued to specific pre-determined groups, i.e., "prescribed Internet Intermediaries, prescribed telecom and broadcast licensees, and/or prescribed permit holders of the Newspaper and Printing Presses Act", which are then required to "communicate, publish, broadcast or transmit a correction notice to their users in Singapore".³³ **Under a General Correction Direction, members of these pre-determined groups will have to communicate a correction notice to end-users.** This is regardless of whether their end-users have seen the identified falsehood and whether these platforms are even *carrying* the falsehood. One minister justified this by arguing that a General Correction Direction is "especially appropriate when a campaign to put out falsehoods is on-going, or a broad false narrative based on various lies could be

³⁰ POFMA Watch. 2020. "GOVERNMENT – Correction Direction/States Times Review & Targeted Correction Direction/Facebook." Medium, 17 January. (<https://medium.com/@pofmawatch/government-correction-direction-states-times-review-targeted-correction-direction-facebook-a8e27f8a1a1>).

³¹ POFMA, s22.

³² POFMA, s23.

³³ POFMA Office. 2020. "Minister For Health Instructs POFMA Office To Issue General Correction Direction." (<https://www.pofmaoffice.gov.sg/documents/media-releases/2020/January/pofma-office-gcd-media-statement-27-jan-final.pdf>).

developing and gaining traction [and] can also help when a falsehood is serious and persistent, or is moving underground, into less visible spaces on closed platforms”.³⁴

Part 5 Declaration and Orders

Where the previous directions may be exercised by any minister, the final three powers under Part 5 – Declared Online Locations, Access Blocking Orders, and Disabling Orders – can only be exercised by the Minister for Communications and Information (“the Minister”). These explicitly address the attempt to create a demonetisation regime around misinformation campaigns so as to stem their amplification: they are meant to “suppress the financing, promotion and other support of online locations that repeatedly communicate false statements of fact in Singapore”.³⁵

Part 5 of the POFMA primarily avails the Minister to strike at recalcitrance by declaring an online location as a Declared Online Location (DOL). A DOL refers to “an online location that is the subject of a Declaration that is in effect”.³⁶ Two requirements must be fulfilled in order for such a declaration to be made: firstly, the online location has had three or more different statements subject to either a Part 3 and/or Part 4 Direction(s) having being or are being communicated in Singapore; secondly, at least three of those statements being communicated within six months before the declaration is made.³⁷ The declaration may also “require the owner or operator of the online location (whether or not he or she is in or outside Singapore) to communicate in the specified manner in Singapore to any end-user who accesses the online location, a notice in the specified terms that the online location is the subject of a Declaration”.³⁸

The decision to declare a site a DOL additionally entails potential pecuniary detriment to the owner/operator of the DOL by deterring the provision of financial support to the DOL and the receipt or solicitation of any benefit. For example, the POFMA provides that it is a criminal offence for a person to solicit or receive or agree to receive “any financial or other material benefit as an inducement or reward for operating a [DOL]”.³⁹ This may include, for example, receiving any financial or other material benefit for “the sale of advertising space on the [DOL]”.⁴⁰ Likewise, it is a criminal offence to provide financial support to a DOL to support, help or promote the communication of online falsehoods in Singapore on a DOL.⁴¹ It is also an offence for entities, such as a prescribed digital advertising intermediary or a prescribed internet intermediary, to facilitate the communication of paid content which promotes a DOL.⁴²

A Disabling Order – much like the previous Disabling Direction and the Stop Communication Direction in terms of censorial effect – **allows the Minister to order an internet intermediary to disable access by end-users in Singapore to the DOL.**⁴³

In other words, an end-user in Singapore will not be able to access the online location in question. This may occur if paid content on a DOL continues to be communicated in Singapore despite a DOL being in effect, or if the owner or operator of a DOL did not communicate to persons accessing the DOL that the online location is subjected to a Declaration.⁴⁴

³⁴ Singapore Ministry of Law. 2019. “Second Reading Speech by Senior Minister of State for Law.”

³⁵ POFMA, s5(b).

³⁶ POFMA, s2(1).

³⁷ POFMA, s32(1).

³⁸ POFMA, s32(3)(f).

³⁹ POFMA, s36(1).

⁴⁰ POFMA, s36(2)(a).

⁴¹ POFMA, s38.

⁴² POFMA, s37.

⁴³ POFMA, s34(3).

⁴⁴ POFMA, ss34(1) and (2).

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Finally, the POFMA also provides the Minister with the power to direct for an **Access Blocking Order: the ability to order internet access service providers to disable access by end-users in Singapore to the DOL.**⁴⁵ As of writing, this Order has not been used.

Observations

Two observations regarding the POFMA may be made from this overview. Firstly, for better or worse, the legislation clearly reflects the political economy of the media ecosystem in the aftermath of the 2016 Brexit Referendum and the 2016 U.S. Presidential Elections,⁴⁶ that is, one dominated by concerns over interference in elections, disinformation campaigns, the politicisation of the attention economy, and the loosely regulated advertising industry that inadvertently aided the spread of online falsehoods.⁴⁷ We suggest that the POFMA was drafted with the intention of addressing these issues in some measure. The POFMA is capable of drawing a fairly large group into its net: from individuals who may unknowingly share misinformation;⁴⁸ to individuals and organised groups that may use social bots to launch disinformation campaigns and profit from it; to platforms used for the communications of ideas and speech (i.e., websites, social media, chat messaging applications);⁴⁹ to newspapers and broadcasters; to digital advertising intermediaries which have so far profited from the easy monetisation of “fake news”; and finally, to internet service providers themselves.

Secondly, while ministers have said that the POFMA is meant to be primarily corrective, it is important to note that it includes powers which are more censorious in nature: Corrections Directions and Targeted Correction Directions are primarily corrective in nature; while other directions like Stop Communications Directions and Disabling Directions are more censorious.

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⁴⁵ POFMA, s33.

⁴⁶ Ministry of Communications and Information and the Ministry of Law. 2018. “Deliberate Online Falsehoods: Challenges and Implications”; Singapore Ministry of Law. 2019. “Second Reading Speech by Senior Minister of State for Law.”

⁴⁷ Benkler, Yochai, Robert Faris, and Hal Roberts. 2018. *Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics*. New York, NY: Oxford University Press; Gray, Jonathan, Liliانا Bounegru, and Tommaso Venturini. 2020. “Fake News’ as Infrastructural Uncanny.” *New Media & Society* 22: 2. (<https://doi.org/10.1177/1461444819856912>); Crain, Matthew and Anthony Nadler. 2019. “Political Manipulation and Internet Advertising Infrastructure.” *Journal of Information Policy* 9: 370. (<https://doi.org/10.5325/jinfopoli.9.2019.0370>).

⁴⁸ POFMA, s11(4).

⁴⁹ POFMA, Part 6.

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3 Instances of POFMA Use during COVID-19

As of writing, there have been 21 instances involving COVID-19-related misinformation where at least one of the POFMA's powers were used.⁵⁰ Table 1 below offers a summary of the powers provided by the POFMA and indicates the number of times that each power was used over the past six months. The appendix at the end of this paper details all the instances of the exercise of these powers.

3.1 The Hydra of Declared Online Locations: States Times Review and Alex Tan

As shown in Table 1, almost all of the applications of the POFMA have indeed been corrective in nature, aligning with what was earlier promised during parliamentary debates. Furthermore, the three times in which the POFMA's Disabling Orders have been used are particularly notable. All three instances involved the same individual, Alex Tan.⁵¹ Tan runs the States Times Review, an anti-establishment website, and operates a number of Facebook pages. Over the course of the COVID-19 pandemic, he has received multiple Correction Directions for his COVID-19 posts across both his personal Facebook page and the pages that he runs for the States Times Review, but has refused to comply with any of them.

⁵⁰ We classify a particular incident as in relation to the COVID-19 pandemic if it would not have occurred but for the COVID-19 pandemic.

⁵¹ POFMA Office. 2020. "Minister for Communications and Information directs POFMA office to issue disabling order." (<https://www.pofma-office.gov.sg/documents/media-releases/2020/May/pofma-pr-mci-30May2020-01.pdf>).

Table 1: Number of times the POFMA's powers have been used for addressing COVID-19-related misinformation (Source: Authors' compilation)

Power	Type of order	Who can exercise it?	Who is this directed towards?	Number of times used
Correction Direction	Corrective	Any minister	Individual that communicated the "false statement of fact"	14
Stop Communication Direction	Blocking	Any minister	Individual that communicated the "false statement of fact"	0
Targeted Correction Direction	Corrective	Any minister	Internet intermediaries; prescribed internet intermediaries; providers of mass media services	6
Disabling Direction	Blocking	Any minister	Internet intermediaries and prescribed internet intermediaries	0
General Correction Direction	Corrective	Any minister	Prescribed internet intermediaries, prescribed telecom and broadcast licenses, and/or prescribed permit holders of the Newspaper and Printing Presses Act	1
Declared Online Locations	Corrective	Only the Minister for Communications and Information	Owner or operator of a DOL	3
Disabling order	Blocking	Only the Minister for Communications and Information	Internet intermediary	3
Access Blocking Order	Blocking	Only the Minister for Communications and Information	Internet service provider	0

A post on the government's fact-checking site Factually⁵² writes:

“Mr Tan has previously been issued POFMA correction directions in relation to falsehoods conveyed on 6 separate occasions on his previous Facebook pages, the States Times Review and Singapore States Times. This demonstrates a clear pattern of deliberately spreading falsehoods which affect the public interest. The majority of these falsehoods related to the COVID-19 situation, including falsehoods suggesting that Singapore had run out of face masks, that there was an underreporting of COVID-19 cases here by the Government, that there were numerous infections because schools were not closed earlier and that foreign workers were not getting paid during quarantine.”

Unlike the previous instance concerning false allegations around the 1MDB investigation, Facebook has thus far complied with the government's TCDs and, in turn, Disabling Orders, by blocking access to Tan's various Facebook pages by Singapore end-users. Nevertheless, Facebook called the Disabling Order “severe”.⁵³ Given the relatively high number of instances involving Tan, some have unsurprisingly argued that the government has found itself locked in a cat-and-mouse game with Tan.⁵⁴ Every instance of the government ordering Facebook to block access to Tan's page has resulted in the page re-appearing on Facebook under a different moniker, posting about the same themes: over the past half year, the page has been the “States Times Review”, “Singapore States Times”, “National Times Singapore”, and “State News Singapore”.

This back and forth between all three players – Alex Tan, Facebook, the government – while farcical, has been instructive for understanding the nexus between Correction Directions, Targeted Correction Directions, Declared Online Locations, and Disabling Orders. This, in turn, reveals how the POFMA was designed to walk the tightrope between correction and censorship: corrective for first and second-time incidences and then escalating towards censoring “repeat offenders” by blocking Singapore end-users' access to their social media pages.

What is perhaps most interesting about this method of dealing with Tan's recalcitrance by mandating that Facebook disable access by Singapore end-users to his posts is that this could be understood as a form of government-directed deplatforming. Deplatforming refers to the removal of accounts on social media that has in recent years been gaining traction as a possible means of addressing forms of extremist speech online.⁵⁵ Instances of deplatforming have almost always been the result of decisions made by platforms themselves – with the justification being that individuals had contravened platform rules or community guidelines. Facebook, for example, banned Milo Yiannopoulos and Alex Jones from their

52 (Gov.sg) Factually. 2020. “Corrections and Clarifications Regarding Facebook Post by National Times Singapore (‘NTS’).” (<http://www.gov.sg/article/factually270520>).

53 Elangovan, Navene. 2020. “Facebook Blocks Singapore Users' Access to National Times Singapore Page, Calls Government Order ‘Severe.’” TODAYonline, 1 June. (https://www.todayonline.com/singapore/facebook-blocks-singapore-users-access-national-times-singapore-calls-government-order-severe?cid=h3_referral_inarticlelinks_03092019_todayonline).

54 Han, Kirsten and Charis Loke. 2020. “POFMA: Singapore's Clumsy ‘Fake News’ Hammer.” New Naratif. (<https://newnaratif.com/journalism/pofma-fake-news-hammer/>).

55 Rogers, Richard. 2020. “Deplatforming: Following Extreme Internet Celebrities to Telegram and Alternative Social Media.” *European Journal of Communication* 35: 3. (<https://doi.org/10.1177/0267323120922066>).

platform in 2019,⁵⁶ while Twitter recently banned British rapper Wiley for his anti-Semitic comments.⁵⁷ During the recent Singapore general elections, Facebook had also, of its own accord, removed two politically oriented pages in support of the ruling party (the second page had appeared following the removal of the first), stating that the accounts were removed not for their content, but because the “behaviour” of these pages had violated the platform’s policies.⁵⁸

These three actors – Tan, Facebook, and the government – have been involved in similar stand-offs before and after the POFMA’s passing. Both the above instances and the 1MDB incident discussed in Section 1 are worth comparing, for they reveal the tensions of deplatforming playing out in a microcosm. Supporters of deplatforming have previously argued that it has been effective for driving extreme voices to the edges of the internet where they will have less clout for widespread harm. Nonetheless, while the *concept* of deplatforming may be theoretically sound, the question of which actor is best positioned to label these voices and content as harmful remains. Platform-directed deplatforming has often been critiqued for placing platforms as arbiters of speech⁵⁹, yet platforms are notorious for being unaccountable for their decisions,⁶⁰ as the above example of their justifications for removing the politically oriented pages affirms. Arguments for platform accountability have often included suggestions for the involvement of public bodies, so that the responsibility for difficult and contentious decision-making can be shifted to a more transparent and accountable organisation. Yet Singapore’s case of *government-directed* deplatforming has only led to an oddly farcical whack-a-mole game between the government and Tan, where Facebook has built the infrastructure upon which this game occurs.

It is difficult to see a way forward from this configuration: a harmony between Facebook and Tan no doubt contributed to the rhetoric of necessity that led to the passing of the POFMA; a harmony between the government and Facebook (e.g., if the latter prevented Tan from creating anymore pages) would be akin to censorship; and a harmony between Tan and the government would only kick the issue further down the road until a similar actor appears.

56 Paul, Kari and Jim Waterson. 2019. “Facebook Bans Alex Jones, Milo Yiannopoulos and Other Far-Right Figures.” *The Guardian*, 2 May. (<https://www.theguardian.com/technology/2019/may/02/facebook-ban-alex-jones-milo-yiannopoulos>).

57 “Wiley Sorry for Tweets ‘That Looked Anti-Semitic.’” *BBC News*, 29 July 2020. (<https://www.bbc.com/news/technology-53581771>).

58 Baharudin, Hariz. 2020. “Singapore GE2020: Facebook Removes Another pro-PAP Page for Violating Its Policies.” *The Straits Times*, 7 July. (<https://www.straitstimes.com/politics/singapore-ge2020-facebook-removes-another-pro-pap-page-for-violating-its-policies>).

59 Rogers, Richard. 2020. “Deplatforming”; Klönick, Kate. 2020. “The Facebook Oversight Board: Creating an Independent Institution to Adjudicate Online Free Expression.” *Yale Law Journal* 129, 2418. (<https://ssrn.com/abstract=3639234>).

60 Klönick, Kate. 2017. “The New Governors: The People, Rules, and Processes Governing Online Speech.” *SSRN Scholarly Paper*. (<https://papers.ssrn.com/abstract=2937985>).

4 Public Communication during COVID-19

Equally – if not more – important are instances in which the POFMA has *not* been utilised by ministers to address misinformation. Since January, the government has relied on an impressive crisis communication infrastructure to share information and address misinformation. This infrastructure is not unlike the “hub and spoke design”⁶¹ of crisis communications: where the Hub is a centralised site providing detailed information,⁶² while Spokes are shorter messages sent out through texts and social media platforms. A non-exhaustive list of official communication channels include: near-daily press conferences with the multi-ministerial taskforce available on YouTube; a website run by the Ministry of Health that tracks the number of confirmed cases and deaths; social media platforms – Facebook, Instagram, and YouTube – and chat messaging applications – WhatsApp and Telegram. Notably, the government’s WhatsApp channel, which has been used to deliver situation updates and summaries of policies, grew from 7,000 subscribers to 900,000 over the course of 10 weeks.⁶³ Its success may have prompted the government to use other popular platforms as well: in early April, Gov.Sg – the central organisation running these channels – also started using Telegram and Twitter to disseminate news.⁶⁴ Given the enlarged role that social media has played in recent years

⁶¹ Coombs, W. Timothy Coombs. 2020. “Public Sector Crises: Realizations from COVID-19 for Crisis Communication,” *partecipazione e conflitto* 13: 2.

⁶² For example, see *Updates on the COVID-19 situation in Singapore*. (<https://www.gov.sg/features/covid-19>).

⁶³ Ministry of Communications and Information. 2020. “Gov.Sg Launches New Channels to Keep the Public Informed about COVID-19.” Press Release, 2 April. (<https://www.mci.gov.sg/press-room/news-and-stories/pressroom/2020/4/gov-sg-launches-new-channels-to-keep-the-public-informed-about-covid-19>).

⁶⁴ Ministry of Communications and Information. 2020. “Gov.Sg Launches New Channels to Keep the Public Informed about COVID-19.”

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to aid experts in quickly disseminating information,⁶⁵ it is unsurprising that the government has stepped up its use of these platforms. As this pandemic unfolded, this communication infrastructure has been used to share information about the developing situation. Such information included short breakdowns of emerging policies on how social distancing was to be enforced, information on where and how to apply for aid, and, most importantly for our purposes, corrections on pieces of viral COVID-19-related misinformation.

What these official corrections have confirmed (refer to Table 3 below), is that COVID-19-related misinformation is being disseminated on both social media platforms *and* chat messaging applications. This is largely unsurprising given that the use of chat messaging applications is increasingly commonplace. Scholars have, for years, stressed the need to shift research from the study of social media platforms – which has so far dominated discussions of misinformation⁶⁶ – towards chat messaging platforms, which offer a different set of dynamics.⁶⁷ In Singapore, more people use WhatsApp than Facebook: according to a recent survey, 86% of the population in Singapore use WhatsApp with 46% indicating that they use it as a news source. For comparison, Facebook is used by about 73% of the population, with 46% using the platform as a news source.⁶⁸

Chat messaging applications like WhatsApp and Telegram challenge the public-private distinction often made in discussions that occur about mediated technology. Chat groups have big group allowances – WhatsApp has a maximum group size of 256 users, while Telegram’s limit sits at 200,000 – and offer varying forms of anonymity to their users, operating on a spectrum from fully public groups and channels to those that are invite-only. In many respects, the infrastructural affordances of these applications do not map easily onto those available on social media platforms like Facebook and Twitter. Instead, these chat applications harken back to older forms of online forums: offering relative privacy and a controlled environment for opinion-sharing and discussions.⁶⁹

In this pandemic, these chat messaging applications have enabled the rapid sharing of information, some of which may be misleading, false, and potentially harmful.⁷⁰ The POFMA’s ambit, as discussed above, is theoretically broad enough to address this problem due to its platform-neutrality approach. Indeed, during parliamentary debates, one minister suggested that a General Correction

4.1 Non-uses of POFMA for Clarifying Misinformation on Social Media

65 Malecki, Kristen M. C., Julie A. Keating, and Nasia Safdar. 2020. “Crisis Communication and Public Perception of COVID-19 Risk in the Era of Social Media.” *Clinical Infectious Diseases*. (<https://doi.org/10.1093/cid/ciaa758>).

66 Ferrara, Emilio. 2018. “Disinformation and Social Bot Operations in the Run Up to the 2017 French Presidential Election.” *First Monday* 22, 8. (10.5210/fm.v22i8.8005); Marechal, Nathalie. 2016. “When Bots Tweet: Toward a Normative Framework for Bots on Social Networking Sites.”; Lazer, David M. J. et al. 2018. “The Science of Fake News” *Science* 359: 6380. (<https://doi.org/10.1126/science.aao2998>).

67 Treré, Emiliano. 2020. “The Banality of WhatsApp: On the Everyday Politics of Backstage Activism in Mexico and Spain.” *First Monday*, 5 January. (<https://doi.org/10.5210/fm.v25i12.10404>); de Freitas Melo, Philipe et al. 2020. “Can WhatsApp Counter Misinformation by Limiting Message Forwarding?” in *Complex Networks and Their Applications VIII*, ed. Hocine Cherifi et al., *Studies in Computational Intelligence*. Cham: Springer International Publishing; Rogers, Richard. 2020. “Deplatforming.”

68 Newman, Nic et al. 2018. “Reuters Institute Digital News Report 2020.” Reuters Institute for the Study of Journalism. (https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2020-06/DNR_2020_FINAL.pdf).

69 Rogers, Richard, 2020. “Deplatforming.”

70 WHO. 2020. “Infodemic Management of WHO Information Net Work for Epidemics.” World Health Organisation. (<https://www.who.int/teams/risk-communication/infodemic-management>).

Direction might be used instead of a Targeted Correction Direction on individual texts.^{71,72} However, no Directions have been issued thus far to address misinformation disseminated via chat messaging applications despite the government's awareness of such instances.⁷³

Table 2: Government-identified misinformation on chat applications

#	Date	Clarifications from the Ministry of Health's COVID-19 site ⁷⁴ (emphasis added)
1	1 February 2020	There is a WhatsApp message circulating with a list of alleged places where suspected or confirmed cases of COVID-19 have been. This is false. There is no need to avoid places where persons with suspected or confirmed cases of COVID-19 have been. The risk of infection from transient contact, such as in public places, is low. There is also currently no evidence of community spread.
2	7 February 2020	A fake screengrab of a CNA tweet was circulated widely on social media saying that all schools including polytechnics and universities are to close next Monday (10 Feb) due to the ongoing COVID-19 outbreak. This is untrue. The image, which is being circulated on messaging app WhatsApp , appears to have been a doctored screengrab of another tweet sent out by CNA.
3	7 February 2020	There has been a message circulating of a death in Singapore due to COVID-19. This is false. As of 2pm, 7 Feb, there are no deaths due to the virus in Singapore.

71 Lim, Adrian. 2019. "Parliament: Fake news law covers closed platforms like chat groups and social media groups, says Edwin Tong." *The Straits Times*, 7 May. (<https://www.straitstimes.com/politics/parliament-fake-news-law-covers-closed-platforms-like-chat-groups-and-social-media-groups>).

72 An example of how this might work: anyone registered on WhatsApp with a phone number with a Singapore area code would receive a text containing information about the POFMA order.

73 All Directions can be found at the POFMA Office's Media Centre, (<https://www.pofmaoffice.gov.sg/media-centre/>).

74 Ministry of Health. 2020. "MOH | Clarifications on Misinformation Regarding COVID-19." (<https://www.moh.gov.sg/covid-19/clarifications>).



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Clarifications from the Ministry of Health's COVID-19 site⁷⁴ (emphasis added)

#	Date	
4	27 March 2020	We are aware of a message circulating on social media and text messaging platforms about a Safe-Distancing Ambassador who allegedly issued a \$300 fine to a person for sitting on a seat which was marked as 'not to be occupied'. We wish to clarify that this false. Safe-Distancing Ambassadors are deployed to help ensure that safe distancing measures are complied with.
5	3 April 2020	Singapore General Hospital (SGH) is aware of a fake memo bearing the SGH logo circulating on social media and text messaging platforms that Prime Minister Lee Hsien Loong has tested positive for COVID-19. This is untrue.
6	14 April 2020	We are aware of text messages circulating , falsely claiming that people have been stopped at police road blocks and fined for not complying with the elevated safe distancing measures. This is not true. The Police have not conducted road blocks specifically to enforce the safe distancing measures, and no passengers have been fined for not complying with these measures. Please click here for the Singapore Police Force's (SPF) clarification.
7	14 April 2020	We are aware of text messages circulating that give the false impression that the Police are proactively conducting checks at residential units to enforce the elevated safe distancing measures. This is not true. We urge the public not to spread unsubstantiated information which may cause public alarm. Please click here for the Singapore Police Force's (SPF) clarification.
8	16 April 2020	We are aware of a form circulating on text messaging platforms claiming to be from Yishun Health, calling for volunteers to sign up as "Compliers/Tracers" (sic). We would like to clarify that the form is bogus; the public is asked to refrain from responding to it or circulating it further. Please click here for KTPH's clarification.
9	16 April 2020	We are aware of text messages from Primestaff Management Services Pte Ltd purportedly recruiting employees for the Community Isolation Facility (CIF) at Singapore Expo. We wish to clarify MOH has not engaged Primestaff Management Services Pte Ltd to conduct this recruitment.

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Curiously, some of these pieces of government-identified falsehoods, in turn, have similarities with cases *previously* subject to a POFMA order:

Table 3: Comparisons of Clarifications with previous POFMA orders

Issue	Clarifications from the Ministry of Health	Previous POFMA order
Locations of suspected COVID-19 cases	<p>February 1: There is a WhatsApp message circulating with a list of alleged places where suspected or confirmed cases of COVID-19 have been. This is false. There is no need to avoid places where persons with suspected or confirmed cases of COVID-19 have been. The risk of infection from transient contact, such as in public places, is low. There is also currently no evidence of community spread.</p>	<p>January 28: On 28 Jan 2020, there were posts by several Facebook users claiming that Woodlands MRT was closed for disinfection due to a suspected case of the 2019 novel coronavirus infection. The posts also urged members of the public not to go to Woodlands MRT. This is not true. Woodlands MRT was not closed on 28 Jan 2020; it was fully operational.</p>
Alleged deaths due to COVID-19	<p>February 28: MOH is aware of a rumour circulating on social media that a foreign domestic worker had passed away from COVID-19 in Singapore. This is not true. She was tested for COVID-19 and found to be negative. As of 4pm on 28 Feb 2020, there has been no fatality related to COVID-19 in Singapore. We advise members of the public to not speculate and/or spread unfounded rumours.</p>	<p>January 27: At 5.50pm on 26 Jan 2020, a HardwareZone Forum post claimed that a 66-year-old man died in Singapore from a newly identified virus that caused him to develop severe pneumonia. As of 11pm on 26 Jan 2020, there have been no deaths among confirmed cases of the Wuhan coronavirus infection.</p>



Regardless of the reasons why the POFMA has not been used, we suggest that the instances captured in Tables 2 and 3 above highlight some discrepancies that lay bare a number of assumptions that undergird the legislation.



4.2 Why does it Matter?

Assumption 1: The POFMA is Needed to Address Misinformation

It is clear from Table 2 that modern communication practices are not particularly straightforward – individuals use different applications on their smartphones for a variety of reasons. Correspondingly, all categories of information travel across applications – moving from Facebook comments to WhatsApp groups, from Twitter feeds to Telegram chats. As commentators have been quick to point out, the *actual* number of COVID-19-related misinformation is clearly *higher* than what is being identified and addressed by the government.⁷⁵ In a recent study analysing a Singapore-based Telegram group with more than 10,000 participants over a period of six weeks from February to March, researchers found that government-identified misinformation (i.e., corrections made by the Ministry of Health and the government’s own fact-checking page) were not frequently mentioned – only 6 of the 17 pieces of government-identified misinformation were discussed in the group chat.⁷⁶

While this perhaps speaks to the scale of the problem at hand, it should be noted that the *presence* of misinformation is not a reliable indicator for the health of a population’s media literacy. Taking it as one would be to do a great disservice to said population. Individuals are not always passive recipients of online messages.⁷⁷ The same paper also found that participants were constantly seeking to verify the accuracy of content, rather than merely amplifying it.⁷⁸ Indeed, this form of “community fact-checking” might have occurred in a recent case of COVID-19-related misinformation: in April, a taxi driver posted in a private Facebook group, claiming that he had “intel” from the government regarding upcoming lockdown policies for food courts and supermarkets after seeing a text about it in a WhatsApp group chat.⁷⁹ After receiving advice from members of the group not to spread rumours, he deleted the post about 15 minutes after posting it. Still, in May, he was charged under the Miscellaneous Offences (Public Order and Nuisance) Act and sentenced to four months in prison. Both the study and this case suggest that members of the public *have been* particularly discerning during this period of time.

Assumption 2: The POFMA is Needed Because it Enables a Rapid Response to Potentially Harmful Misinformation

Much of the rhetoric around the POFMA, captured in the early days when the Ministry of Law first announced that it was looking at implementing legislative measures to address online falsehoods, was centred on the premise that legislation is necessary to ensure that the government can act quickly,⁸⁰ ensuring that people who are misinformed *do not*

75 Choo and Koh. 2020. “Pofma – but Not for WhatsApp so Far.”

76 Ng, Lynnette and Jia Yuan Loke. 2020. “Is This Pofma? Analysing Public Opinion and Misinformation in a COVID-19 Telegram Group Chat.” Workshop Proceedings of the 14th International AAAI Conference on Web and Social Media 2020. (10.36190/2020.12).

77 Dubois, Elizabeth and Grant Blank. 2018. “The Echo Chamber Is Overstated: The Moderating Effect of Political Interest and Diverse Media.” *Information, Communication & Society* 21, 5: 729–45. (<https://doi.org/10.1080/1369118X.2018.1428656>).

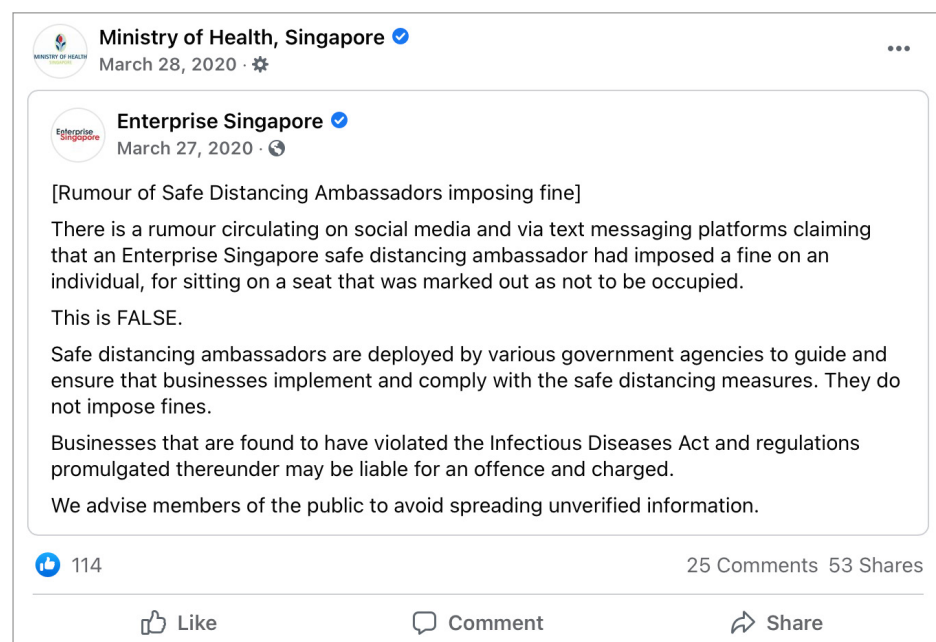
78 Ng and Loke. 2020. “Is This Pofma? Analysing Public Opinion and Misinformation in a COVID-19 Telegram Group Chat.”

79 Tang, Louisa. 2020. “COVID-19: Taxi Driver Jailed 4 Months for Posting False Information about Closure of Supermarkets, Food Outlets.” *TODAYonline*, 27 May. (<https://www.todayonline.com/singapore/covid-19-taxi-driver-jailed-4-months-posting-false-information-about-closure-supermarkets-food>).

80 Ho, Jamie, and Kevin Kwang. 2019. “Proposed Law on Falsehoods Has ‘Clear Oversight Mechanism’ to Prevent Abuse by Government, Says Shanmugam.” *CNA*, 13 April. (<https://www.channelnewsasia.com/news/singapore/proposed-law-on-falsehoods-has-clear-oversight-mechanism-to-11438132>).

C *remain* misinformed. What the examples above demonstrate is that the government *has* actually been able to swiftly react to harmful pieces of misinformation without the use of the POFMA. The Ministry of Health has a webpage dedicated solely towards clarifying misinformation⁸¹ and has been posting their own clarifications and/or reposting clarifications from other public bodies on their social media feeds (see Figure 3). In addition, clarifications have also been shared through the government's WhatsApp and Telegram channels (see Figure 4).

Figure 3: Screenshot from the Ministry of Health's Facebook page⁸²

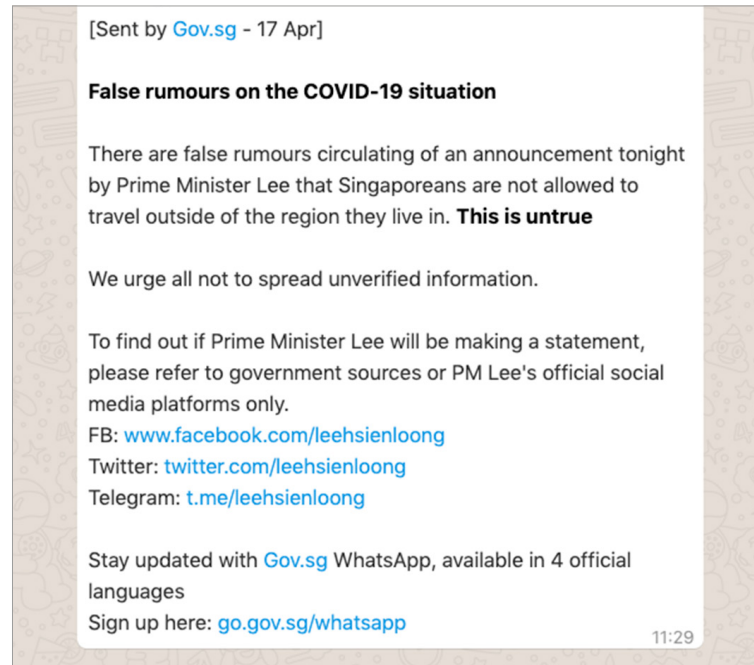


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⁸¹ Although it should be noted that this page has not been updated since 18 April 2020.

⁸² Singapore Ministry of Health. 2020. Facebook Page, 28 March. (<https://www.facebook.com/sghealthministry/posts/10157916962905631>).

Figure 4: Example of a text sent via Gov.Sg's WhatsApp Channel (Source: the authors)



While it may be the case that the POFMA's correction notices are useful for ensuring that individuals do not remain misinformed, there is no guarantee (or evidence to show) that this is indeed the *fastest* way of addressing viral misinformation. For example, before a correction notice is appended to a post being shared, the notice must be drafted and approved by the relevant authorities before being sent to the individual(s) communicating the post who then proceeds to edit their post to add said corrections. The presence of *various* interlocuters – i.e., the minister's office, the POFMA office, and the individual who communicated the initial falsehood – may actually delay the time it takes to address the falsehood.

Assumption 3: The POFMA's Correction Notices will be Effective in Addressing Potentially Harmful Misinformation

Finally, there is much room for further research into the efficacy of the POFMA's correction notices. At present, we do not know the reach (and the subsequent effectiveness) of these corrections: is it truly the case that a post which is corrected (*after* it has gone viral) would be seen again by the same people who saw it the first time? Not only is this logic weakened by the way in which viral misinformation tends to travel across platforms and chat applications, but it also places the efficacy of correction notices into the hands of platform algorithm designers who make decisions on how and when posts appear on social media feeds. Again, much like the whack-a-mole game discussed earlier, the POFMA's platform-agnostic design has only served to undermine its own mechanisms for addressing and disrupting the dissemination of online falsehoods.

5 Discussion

We suggest that the inconsistent application of the POFMA has revealed its central paradox: while its powers are broad (in its ability to cast a wide net across various platforms) and deep (from being corrective to censorious), the POFMA has nonetheless been less useful for addressing viral pieces of COVID-19-related misinformation. Instead, the government's crisis communication infrastructure has clearly provided the main tools upon which the government has relied on to address and correct misinformation.

Meanwhile, the lack of transparency around decisions made in the application of the POFMA may compromise the POFMA's legitimacy. The semi-private nature of chat applications has made it difficult to understand just how widespread and prevalent misinformation disseminated via such modes may be. Further, it is difficult for members of the public to understand what triggers – or in the Minister for Law's own words, "crosses the threshold for"⁸³ – a POFMA direction to be made.⁸⁴ Similarly, appeals to the High Court have also shown that the other two prerequisites for the identification of an actionable falsehood are not as straightforward as they appear in the legislation. For example, two recent decisions showed contrasting judicial opinions as to which party ought to bear the burden of proof in appeals against the minister's decision to issue a Correction Direction.⁸⁵

These ongoing inconsistencies and uncertainties are not insignificant. While it is outside the ambit of this paper, it is nonetheless important to acknowledge the relatively higher proportion of POFMA directions that has been issued to members of opposition parties, organisations, and individuals critical of the government.⁸⁶ This, coupled with a seemingly absent legal requirement for a minister to give evidence for the basis which he relies upon when instructing for a certain Direction to be given, leaves the POFMA open to criticism that it is being wielded for political reasons. This may have the effect of undermining the legitimacy of the POFMA in the eyes of Singapore's citizenry and ultimately compromising the state's attempt to holistically address misinformation.

⁸³ Tan, Adeline. 2020. "People Spreading Falsehoods to Create Fear and Panic: Shanmugam." *The New Paper*, 30 April. (<https://www.tnp.sg/news/singapore/people-spreading-falsehoods-create-fear-and-panic-shanmugam>).

⁸⁴ In *Singapore Democratic Party v Attorney-General*, the Singapore High Court held that "there is no statutory duty on the Minister to provide evidence to show that he is justified in issuing a [Correction Direction]." The burden on a Minister is only "to give the basis, i.e., the reasons, for a subject statement being found to be a false statement of fact [which] is not the same thing as providing the maker of the statement with evidence of the statement's falsity." [2020] SGHC 25 at [41].

⁸⁵ *Singapore Democratic Party v AG* [2020] SGHC 25; *The Online Citizen v AG* [2020] SGHC 36.

⁸⁶ POFMA Office. 2020. "Media Centre." (<https://www.pofmaoffice.gov.sg/media-centre/>); Thum, Ping Tjin. "How Bad Laws Are Created and Abused in Singapore (A POFMA Case Study)." *New Naratif* (blog), 1 August. (<https://newnaratif.com/video/how-bad-laws-are-created-and-abused-in-singapore-a-pofma-case-study/share/cwguhz/2bb100ba4c79f91218bdde4c1eed9ddb/>).

6 Conclusion

Is the POFMA Caught in a Bind?

We have explored Singapore's experience with COVID-19 to examine the ways that the POFMA has been utilised. The analysis suggests that the POFMA has further strengthened the role of the government in guiding the country's media ecosystem. The method and extent of this intervention requires careful and constant calibration: in ensuring that the POFMA's platform-agnosticism to have as far as outreach as possible, the POFMA unfortunately does not seem to be achieving this aim as we attempt to demonstrate above. Government-directed deplatforming has also led to a game of whack-a-mole. At the same time, the government has *also* demonstrated that it has other means of addressing falsehoods, as well as a willingness to use other legislation to deter the purposeful spreading of COVID-19-related misinformation.

As such, our comparison between POFMA-directed clarifications and other forms of government-led mechanisms of addressing pandemic-related misinformation has raised questions about the POFMA's necessity – as a rapid response enabler – and effectiveness – in ensuring that people do not remain misinformed. It bears mentioning that Singapore has not experienced particularly damaging forms of misinformation witnessed in other countries, such as the debate over hydroxychloroquine. By and large, trust in public institutions and their expertise, which has always been high in Singapore, has been maintained over the course of the pandemic. It is this trust, we argue, that risks being compromised in the long run by these questions.

The challenges to the POFMA's efficacy will undoubtedly manifest in different ways in a post-pandemic new normal; and while it would be naïve to expect that the government's crisis communication infrastructure would be used in a similar manner in this new normal, we nonetheless note that COVID-19 may lock in place some of this infrastructure for future government communications (for example, Gov.sg's WhatsApp and Telegram channels). Given this, we strongly recommend that more research be done to understand the *efficacy* of the POFMA corrections *together with* ongoing media literacy initiatives – such as the Digital Media and Information Literacy Framework to better understand how legislative and non-legislative efforts could complement each other.

Appendix: Instances of POFMA use to address COVID-19 Misinformation

#	Date	Description	Instructing Minister	Power exercised	Category
1	27 January 2020	False statement made in a Hardware-Zone forum post claiming that a man has died from the Wuhan coronavirus infection in Singapore	Minister for Health	General Correction Direction (s23)	Corrective
2	28 January 2020	False statements made by two Facebook users who alleged that Woodlands MRT station was closed for disinfection because there was a suspect case of the Wuhan Coronavirus	Minister for Transport	Correction Direction (s11)	Corrective
3	31 January 2020	False statement made on a AB-TC City News' website article claiming that five Singaporeans contracted the Wuhan Coronavirus without going to China	Minister for Health	Correction Direction (s11)	Corrective
4	31 January 2020	False statement made by the States Times Review on Facebook which falsely claimed that Singapore had run out of face masks	Minister for Trade and Industry	Correction Direction (s11) and Targeted Correction Direction (s21)	Corrective
5	14 February 2020	Multiple false statements made by the States Times Review on Facebook claiming that: <ul style="list-style-type: none"> a) The Singapore Government is unable to trace the source of infection for any of the infected COVID-19 cases in Singapore; b) The Singapore Government is "the only one" telling the public not to wear a mask; c) Each "China worker" will also get 100 Singapore Dollars a day for 14 days of Leave of Absence, fully paid for by the Singapore Government; d) The Minister for Manpower had said that she was working hard to bring more workers from China into Singapore; and e) Seven countries have since banned travel to Singapore, citing lack of confidence in the Singapore's Government's public health measures 	Minister for Health	Correction Direction (s11) and Targeted Correction Direction (s21)	Corrective

#	Date	Description	Instructing Minister	Power exercised	Category
6	15 February 2020	Declaration of the States Times Review's Facebook page as a Declared Online Location	Minister for Communications and Information	Declaration of Online Locations (s32)	Corrective
7	17 February 2020	Disabling access to the States Times Review's Facebook page by Singapore users	Minister for Communications and Information	Disabling Order (s34)	Blocking
8	18 March 2020	False statements made in several Facebook posts claiming that the People's Association and/or the Residents' Committees were involved in the organisation of a dinner event which a COVID-19 cluster was later traced to	Minister in charge of the People's Association	Correction Direction (s11)	Corrective
9	1 April 2020	False statements made in a Facebook post concerning Singapore's Resilience Budget, in particular: <ul style="list-style-type: none"> a) The source of funding for Singapore Airlines' 15 billion Singapore Dollars capital-raising exercise; and b) The use of 17 billion Singapore dollars from Singapore's past reserves 	Minister for Finance	Correction Direction (s11)	Corrective
10	6 April 2020	False statement made by the States Times Review on Facebook claiming that quarantined foreign workers will not be paid their salaries	Minister for Manpower	Correction Direction (s11) and Targeted Correction Direction (s21)	Corrective
11	17 April 2020	False statement made by The Temasek Review on Facebook claiming that a GrabFood delivery rider was fined \$300 by Police officers for wearing a cloth as a mask or for illegal parking	Minister for Home Affairs	Correction Direction (s11)	Corrective

#	Date	Description	Instructing Minister	Power exercised	Category
12	18 April 2020	<p>Multiple false statements made by the Singapore States Times on Facebook claiming that:</p> <p>a) The number of new confirmed cases of COVID-19 infection on 17 April was 1,146, and the total number of confirmed cases was 5,573;</p> <p>b) The Minister for Health ordered the reported numbers to be halved to minimise public panic, by reporting numbers in the afternoon instead of later at night;</p> <p>c) The Singapore Government earlier covered up the number of uncontactable suspect cases, then covered up the flight information and profiles of imported cases, and subsequently tried to cover up the total number of cases by reporting only the number of discharged cases and daily increases; and</p> <p>d) The States Times Review had called out the Singapore Government and Ministry of Health on the cover up and the Ministry of Health had to comply with the States Times Review's post.</p>	Minister for Health	Correction Direction (s11) and Targeted Correction Direction (s21)	Corrective
13	19 April 2020	False statement made by multiple parties on Facebook regarding the remuneration of Temasek Holdings Pte Ltd's Executive Director & Chief Executive Officer, Ms Ho Ching	Minister for Finance	Correction Direction (s11)	Corrective
14	5 May 2020	False statement made by the Singapore States Times on Facebook claiming that the Minister for Education was responsible for numerous infections in Singapore schools after his refusal to close them down	Minister for Education	Correction Direction (s11) and Targeted Correction Direction (s21)	Corrective
15	6 May 2020	Declaration of the Singapore States Times' and Alex Tan's Facebook pages as Declared Online Locations	Minister for Communications and Information	Declaration of Online Locations (s32)	Corrective

#	Date	Description	Instructing Minister	Power exercised	Category
16	8 May 2020	Disabling access to the Singapore States Times' and Alex Tan's Facebook pages by Singapore users	Minister for Communications and Information	Disabling Order (s34)	Blocking
17	27 May 2020	False statements made by the National Times Singapore (run by Alex Tan) on Facebook claiming, <i>inter alia</i> , that every criticism has been outlawed by the Singapore Government through the POFMA where the politicians in power get to decide what is truth	Minister for Law	Correction Direction (s11) and Targeted Correction Direction (s21)	Corrective
18	28 May 2020	Declaration of the National Times Singapore's Facebook page as a Declared Online Location	Minister for Communications and Information	Declaration of Online Locations (s32)	Corrective
19	30 May 2020	Disabling access to the National Times Singapore's Facebook page by Singapore users	Minister for Communications and Information	Disabling Order (s34)	Blocking
20	29 June 2020	False statement made by State News Singapore regarding cross-border travel arrangements between Singapore and Malaysia in a Facebook post	Alternate Authority for the Minister for Foreign Affairs	Correction Direction (s11) and Targeted Correction Direction (s21)	Corrective
21	5 July 2020	Multiple false statements of fact made by Professor Paul Tambyah claiming that: <ul style="list-style-type: none"> a) The Ministry of Manpower issued a statement to all the employers that if they brought their foreign workers for COVID-19 testing, they would lose their work pass privileges; b) The Ministry of Manpower actively discouraged the testing of workers; c) The Ministry of Manpower made these decisions without consulting public health medical professionals or the Ministry of Health 	Alternate Authority for the Minister for Manpower	Correction Direction (s11)	Corrective

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