



Damian Collins MP  
Chair of the Digital, Culture, Media and Sport Committee  
House of Commons  
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By post and email

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Dear Damian

I write in response to Recommendation 47 in your committee's Disinformation and Fake News Enquiry Report. I'm also sending a copy of this response to Secretary of State, in recognition of the Government's support for the recommendation.

As you know, Recommendation 47 says the following:

**"The public need to know more about their ability to report digital campaigning that they think is misleading and or unlawful. Ofcom, the ASA, the ICO and the Electoral Commission need to raise their profiles so that people know about their services and roles... (Paragraph 313)"**

We continue to extend our efforts to raise public awareness of the ASA's regulation, including how people can make complaints about potentially irresponsible ads. Those efforts have succeeded in increasing awareness over recent years. We will be launching a new public advertising campaign later this year.

Crucially, though, the Codes we enforce exclude political advertising, defined as ads "*whose principal function is to influence voters in local, regional, national or international elections or referendums*".

The decision, taken in the late 1990s, to exclude such ads was driven by three factors. Firstly, the short, fixed timeframes over which elections run (i.e. the likelihood that complaints subject to ASA investigation would be ruled upon after an election has taken place). Secondly, the 1998 Human Rights Act, which raised concerns about the legality of the ASA restraining the freedom of political speech around democratic elections and referendum. Finally, and most importantly, there has been no consensus amongst the political parties that political advertising should be brought within the scope of our Codes.

#### Legal, decent, honest and truthful

Chairman Lord Currie of Marylebone Chief Executive Guy Parker  
ASA Council Tess Alps, Reg Bailey, Kate Bee, Wesley Henderson, Nita Patel, Aaqil Ahmed, Zaid Al-Qassab, Suzanne McCarthy, Shireen Peermohamed,  
Sam Younger, Tracey Follows, Neil Stevenson and Kirsten Miller

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The ASA Council reviewed its position on this matter in 2017 and concluded that those barriers remain in place. Of course, we would revisit the issue if, as a starting point, the main political parties changed their position. If another body takes up responsibility for regulating such advertising, we'd want to share our insights from our long-standing role in regulating other forms of advertising across all media.

Crucially, cause-related advertising is included in our remit (provided the claims are not principally designed to influence voters). Advertising claims around some fiercely contested public policy issues have been investigated and ruled on over the years. Airport expansion and fracking and environmental protection are just two examples from the recent past. We agree that we and our partner regulators can work together to raise public awareness of our respective roles and remits. Since 2017, we've been a member of a group convened by the Electoral Commission which includes the organisations named in the committee's recommendation. Some of the other members include the Committee on Standards in Public Life, UK Statistics Authority and the Equality and Human Rights Commission. Those discussions have helped ensure a shared understanding of each organisation's respective activity, and helped ensure our activity complements that of other organisations. We've also coordinated common lines to use for public and media enquiries to ensure that the public gets clear, consistent information about roles and responsibilities. The group will continue to meet regularly to discuss emerging issues and, if necessary, to take further steps.

I hope these actions address the thinking behind the Committee's recommendation. As ever, I'd be very happy to help in any further ways, including meeting to discuss these important issues.

Yours sincerely



Guy Parker  
**Chief Executive, ASA**

Cc. Secretary of State Jeremy Wright QC MP