

RAISING LEGAL AWARENESS ON

# ONLINE FALSEHOODS AND DOXXING

Brought to you by SMU Law Outreach Club



**STAY INFORMED AND SAFE  
IN THE DIGITAL AGE.**

**Learn about:**

- Defamation
- Online Falsehoods
- Doxxing

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As part of SMU Law Outreach Club's initiative, "Law for All", we hope to reach out to the wider community through raising awareness of the law.

With more and more interactions moving online, this e-brochure seeks to promote understanding about some common and key issues on maintaining safe online usage.

In this brochure, we will cover 3 main issues:

**DEFAMATION**

**DOXXING**

**ONLINE  
FALSEHOODS**

# DISCLAIMER



The information provided in this e-brochure does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available on this site are for general informational purposes only.

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# DEFAMATION

## What is defamation?

Put simply, it is the act of communicating false statements about a person which damages their reputation. Both oral or written and published statements can amount to defamation. They are known as slander and libel respectively. Libel is more likely to attract liability and damages as there is no need to show that any damage or loss had been suffered. The onus is on the communicator to prove the statements' truth.

### Oral statements

#### SLANDER

Speaking to a group of colleagues in the office about your co-worker's professional misconduct

### Written and published statements

#### LIBEL

A public facebook post ranting about your co-worker's professional misconduct seen by all your friends and the public

When voicing your opinions online or in person, it is important to be aware of what you say as you may attract civil or/and criminal liability.

#### Civil liability

Under tort law, defamation can give rise to a civil lawsuit pursuing an order to pay monetary compensation or an order to remove and/or stop repeating the defamatory statement.

#### Criminal liability

Defamation is an offence under s 499 of the Penal Code and upon conviction, can result in a fine or imprisonment.



# DEFAMATION

Wondering if your online opinion can amount to defamation? Here are some things you should take note of!

You may be liable for defamation if:

1. Your statements were defamatory in lowering the victim's reputation, causing him to be shunned, or exposing him to hatred.
2. You identify or reference the victim by name or use their photograph or information that identify them as the subject in your statement.
3. Your statements are communicated to at least one other person.



## Vigilante posts



If your comments are made with regards to a public servant, to protect your interest, or for the public good, it is best to always keep your publications as factual as possible, avoiding any kind of embellishment or emotive language. Be sure to be able to prove the truth of your potentially defamatory statements in the event of being sued.

# DEFAMATION

## DAMAGES

In the event that you are liable for defamation, the following factors may be taken into account when assessing the amount of damages you have to pay:



1. How serious or detrimental your defamatory remarks were. (e.g. Accusing an esteemed doctor of being a sexual predator may result in more damages due to the drastic impact on patient trust and traffic)
2. Whether there was malice. (e.g. Intentionally posting defamatory statements for the purposes of revenge against someone you dislike or who had wronged you will result in more damages)
3. The size of your audience. (e.g. A public Facebook post viewed by many will likely result in more damages than a private account with few followers)
4. The earlier you apologise and retract your defamatory statements, the lesser the monetary compensation you are potentially ordered to pay.

# DEFAMATION

There are several steps you can take if you suspect that you are a victim of defamation:

**1**

## SETTLE IT PRIVATELY

Ask for the post to be taken down or corrected by the original poster.

**2**

## GO TO THE POLICE

Gather evidence of how the statement has brought down your reputation and affected you and make a police report. E.g. Got fired from job, received threatening emails etc.

**3**

## SEEK FREE LEGAL AID

Check if you qualify for free legal aid at the On-Site Legal Advice Scheme (OSLAS) within the State Courts, or the Legal Aid Bureau.

(The QR code links you to the Legal Aid Bureau)



**4**

## ENGAGE A LAW FIRM

Engage a law firm to send a letter of demand for the statement to be taken down or corrected.

# ONLINE FALSEHOODS

## Protection from Online Falsehoods and Manipulation Act (POFMA)

In 2019, following the increasing trend in global and local online falsehoods creating unrest, POFMA was enacted in Singapore.

**General Purpose:** To prevent the communication of false statements of fact in Singapore and to enable measures to be taken to counteract the effects of such communication.

Under POFMA, an individual must not knowingly communicate a false statement of fact which is likely to be prejudicial to national security or public interest.

This includes false statements of fact which are likely to:

- Be prejudicial to national security
- Be prejudicial to public health and safety
- Be prejudicial to Singapore's friendly relations with other countries
- Influence the outcome of an election
- Incite feelings of hatred between different groups of persons
- Diminish public confidence in the integrity of public institutions



"The government has announced that there will not be enough rice to last us through the next 2 months in this pandemic."

**fake news!**

# ONLINE FALSEHOODS

Under POFMA, any minister may instruct an authorised statutory board or a government officer to issue a Correction Direction or a Stop Communication Direction to you if your published statement(s):

1

Communicates a falsehood; and

2

The Minister is of the opinion that it is in the public interest to issue the direction.

## Correction Direction

This requires one to publish a correction notice accompanying the specified statement stating that their information is false and/or to correct their flagged statement (if applicable).

## Stop Communication Direction

This requires one to stop communicating their flagged statement by a specific time. It may also require one to stop communicating any statement that is substantially similar to the flagged statement or to publish a correction notice.

**Note:** You may be subjected to a Correction/Stop Communication Direction even if you merely re-posted a statement if your post is determined to have significant public reach. The Direction may be given even if you did not know or had no reason to believe that the statement is false.

However, if you knowingly published falsehoods prejudicing public interest, you may be liable for additional criminal sanctions.



# ONLINE FALSEHOODS

In the event that you wish to dispute the Correction/Stop Communication Direction, you may take the following steps:

- 1 You can first appeal to the Minister who issued the correction order to vary or cancel the Direction.
- 2 If the Minister rejects the appeal, you may then appeal to the High Court to set aside the Direction.
- 3 The Direction only ceases to have effect if it is set aside by the High Court\* or the Court of Appeal on appeal from the High Court.

\*The High Court may only set aside a Direction on these following grounds: (1) The person did not communicate the flagged statement in Singapore; (2) The flagged statement is a true statement of fact or was not a statement of fact (i.e. merely an opinion); (3) It is not technically possible to comply with the Direction.

If an individual fails to comply with the Direction without reasonable excuse, you shall be guilty of an offence and be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.



# ONLINE FALSEHOODS

How do you spot and protect yourself from fake news?

Verify the source of information. E.g. Whether the weblink ends in .gov/.com, whether there are spelling errors in the link that indicate it to be a verified or imposter account.

Beware of confirmation bias and never post/repost any information/claim concerning public interest if you're unsure of its truth.

Check whether other sources have published the same story - Look at reliable news outlets such as Straits Times or use search engines to double check.



## Dangers of Spreading Fake News

Falsehoods can undermine social cohesion by polarizing and turning groups against one another. In extreme cases, such falsehoods may even provoke violence amongst a populace by preying on issues which people are angry about.

Falsehoods may also erode the people's trust in authoritative sources of information. Therefore, we should act responsibly online and remain aware as to where we get our information.

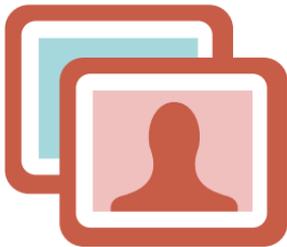
# DOXXING

With increasing amounts of information being circulated online, there has been an increasing trend in local cases of doxxing by hackers with malicious intent as well as from acts of online vigilantism.

In light of this, the act of "doxxing" was criminalised under the Protection of Harassment Act (POHA) in 2019.

Doxxing is when someone publishes information that identifies a victim with the intention to cause harassment, threaten or facilitate violence against them.

Identity Information includes:



Photos



Address



Place of employment



Name & Contact details

# DOXXING



There are 3 types of doxxing offences:

- 1 Publishing personal information with the intention to cause harassment, alarm or distress

E.g. Publishing someone's photo and company details on a public forum stating "XXX from this prestigious company did not wear a mask when he was out, let's all email in to ask his company to fire him!"

If found guilty of an offence, an individual can be fined up to \$5,000 and/or up to 6 months' jail time for their first offence. Repeat offenders may get up to double the penalty of a first time offender.

- 2 Publishing personal information to cause the fear of violence

- 3 Publishing personal information to facilitate the use of violence

E.g. Threatening someone online and then publicly posting their home address stating "I know where you live, let's see if you dare to leave your house today."

If found guilty of an offence, an individual can be fined up to \$5,000 and/or up to 12 months' jail time for their first offence. Repeat offenders may get up to double the penalty of a first time offender.

E.g. On a public forum with an angry mob of people threatening violence against a corrupt teacher, you post his address stating "now he can be hunted down and taught a lesson."

Enhanced penalties apply if the offence is committed against vulnerable persons or victims who are in intimate relationships with the offender.

# DOXXING

If you are a victim of doxxing, here are some possible steps you may take :

1. Gather the evidence and make a police report immediately.
2. You may wish to hire a lawyer to:
  - (i) apply for a protection order at the State Courts. This is a court order which would require the harasser to stop their actions or to remove any publication that is the cause of harassment.
  - (ii) commence a civil claim against the publisher for damages as compensation if you have suffered monetary losses (e.g. salary from a loss of job, counselling fees etc.)

Most importantly, if you are distressed or traumatised by the doxxing and its effects, please do seek help from a counsellor or speak about it to your loved ones.

## Note

Do not engage in online vigilantism or feed into mob justice by digging up personal private information of victims. Always protect your personal information well to prevent malicious online hackers from accessing them. Avoid sharing private details such as your address or personal phone number online.

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# CREDITS

This e-brochure was made with the support of SMU School of Law and Cornerstone Community Services. The team is made up of Nikki Sun, Tan Jie Loong and Keith Toh. We would like to express our gratitude towards our faculty advisor, Professor Benjamin Joshua Ong, and Mr Mark Lee from WMH Law Corporation for the advice and valuable inputs. We hope that you will find this e-brochure useful.



# ADDITIONAL INFO

Information from brochure retrieved from:

Protection from Harassment Act (POHA)

<https://sso.agc.gov.sg/Act/PHA2014>



Protection from Online Falsehoods and  
Manipulations Act (POFMA)

<https://sso.agc.gov.sg/Act/POFMA2019>



Singapore Legal Advice website

<https://singaporelegaladvice.com/>

