

Client Alert

April 2018

Anti-Fake News Act 2018 In Force

The Anti-Fake News Act 2018 ("**the Act**") which was tabled as a Bill on 26th March and given the royal assent on 9th April, came into force on 11th April 2018. Please click [here](#) for our earlier client alert which sets out an overview of the key provisions in the Bill.

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The Act incorporates three changes from the original Bill. Firstly, the term "knowingly" under Section 4 of the Bill has been substituted with the term "maliciously". As such, malicious intent is required when creating, publishing or disseminating fake news or a publication containing fake news ("**Section 4 Offence**") for a successful conviction. Furthermore, the maximum term of imprisonment of 10 years has been reduced to 6 years for a Section 4 Offence, as well as the offence of directly or indirectly financially facilitating the commission of a Section 4 Offence under Section 5.

The definition of "fake news" provided under the Act is very broad. In the absence of judicial interpretation, the practical scope of the provisions of the Act is yet to be seen. For the time being, corporates should review its current policies and procedures relating to its publications and its online presence (i.e. use of websites and social media) to implement safeguards to ensure that only legitimate sources or otherwise verified information is used, and that there is a procedure in place to promptly review and respond to any allegation that a "publication" contains fake news, including ensuring a workable take down procedure can be implemented. On a separate note, companies may also consider making an ex parte application to the court for an order for the removal of any "publication" containing fake news about its business, products or services rather than instituting a civil action for defamation.

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