



Briefing note for parliamentarians on disinformation and the Government's National Security Online Information Team, November 2024

Background: how the Counter Disinformation Unit became 'NSOIT'

1. In 2023, Big Brother Watch published *Ministry of Truth: the secretive government units spying on your speech*, a report exposing the workings of the government's Counter Disinformation Unit ('CDU').¹ The CDU, which was stood up in 2020 during the COVID-19 pandemic to respond to disinformation and the "inadvertent sharing of false information", is now based in the Department for Science, Innovation and Technology ('DSIT') and has been rebranded as the National Security Online Information Team ('NSOIT'). Since March 2020, the remit of the CDU/NSOIT has expanded dramatically to cover the May 2021 UK local elections, COP-26, the NI Assembly elections, and the Russian invasion of Ukraine.
2. The work of NSOIT involves the monitoring and reporting of the online speech of British citizens, and as such, engages the fundamental rights to freedom of speech and privacy, protected by Article 10 and Article 8 of the European Convention on Human Rights (ECHR) respectively. The European Convention on Human Rights is clear that interferences with these rights are only lawful where they are provided by law, necessary and proportionate.² The presumption must rest in favour of protecting these rights and interference with them should come as a last resort.
3. There is limited public information about NSOIT's operations. Ministers have refused to provide a comprehensive list of the topics that are being monitored, and will not provide the number of civil servants working as part of the Unit.³
4. Concerns over NSOIT's interference with the rights of British citizen fall into two categories: that NSOIT is **going beyond 'disinformation' and is instead monitoring political dissent**, and that it is de facto **engaging in extrajudicial censorship of lawful speech**.

Monitoring dissent, not disinformation

5. NSOIT produces 'misinformation reports' on certain topics – with the help of the AI monitoring tools – which in fact contain vast amounts of accurate and lawful information, and are then circulated to other parts of Whitehall. One such report in 2021 titled, "Election Disinformation Report" featured former Green Party MP

1 Big Brother Watch, Ministry of Truth, <https://bigbrotherwatch.org.uk/wp-content/uploads/2023/01/Ministry-of-Truth-Big-Brother-Watch-290123.pdf>

2 The Human Rights Act, EHRC, <https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

3 <https://www.publictechnology.net/2024/10/15/society-and-welfare/anti-disinformation-unit-studies-civil-unrest-and-foreign-interference-but-still-no-word-on-staff-numbers/>

Caroline Lucas for calling former Prime Minister, Boris Johnson a liar in an interview with the Independent.⁴ This monitoring of lawful domestic media and politicians, as opposed to battling propaganda from hostile entities, raises real questions about the expansion of the Unit's stated purpose of monitoring national security risk, or "mission creep".

6. Our investigation revealed that the previous government contracted the services of several AI-supported internet monitoring companies to assist the CDU and monitor "harmful and illegal content," flag information, issue take-down recommendations to platforms and produce lists of outlets deemed to be "high-risk for disinformation."⁵ AI monitoring company, Logically, produced one of these disinformation reports, which included a tweet by the veteran human rights campaigner, Peter Tatchell, promoting a video interview in which he criticised the monarchy.⁶ Another of Tatchell's tweets arguing that the right to protest was being eroded was recorded in a separate CDU disinformation report focused on the state funeral of Queen Elizabeth II. Both tweets represented entirely lawful political opinions on the basis of facts, and engaged Tatchell's free expression rights, but were nonetheless monitored and recorded by a contracted third-party and circulated around the government.
7. Big Brother Watch also found evidence that this work constituted more of a generalised surveillance function than a targeted counter-disinformation function, by monitoring material relating to criticism of government policy and dissent – not disinformation. This included the monitoring and recording of critics of policies, particularly during the pandemic, affecting journalists, campaigners, members of the public and UK Members of Parliament, including long-standing Member of Parliament, David Davis⁷ and former Green MP Caroline Lucas⁸ – despite there being no issue of factual inaccuracy with the expressions of political opinions in question. Tweets by journalists were also flagged in reports compiled by the contracted company Logically, including tweets by broadcaster and political commentator Julia Hartley-Brewer, which indirectly criticised the government's COVID-19 lockdown policy by sharing articles.⁹ The unit also flagged the tweets of Big Brother Watch's Director, Silkie Carlo, and Advocacy Manager, Mark Johnson, in relation to our campaign against mandatory domestic COVID-19 certification in the UK. It is very worrying that a private company, at the behest of the government, secretly monitored, recorded and reported on mainstream, accurate and lawful political dissent under the guise of tackling "disinformation."

Extrajudicial censorship

8. DSIT holds 'trusted flagger' status with many of the major social media companies, which means that NSOIT benefits from a direct hotline to companies such as Meta and X. 'Trusted flagger' status means that material reported for removal is prioritised by social media companies for review and potential action. When a piece of content is flagged by the state to a social media company, it is

4 <https://www.theguardian.com/politics/2023/jun/18/caroline-lucas-flagged-by-disinformation-unit-over-covid-criticism>

5 Big Brother Watch, Ministry of Truth, p7

6 <https://novaramedia.com/2024/05/13/snooping-claim-after-anti-monarchy-opinions-included-in-government-disinformation-reports/>

7 Big Brother Watch, Ministry of Truth, p12

8 <https://bigbrotherwatch.org.uk/press-releases/caroline-lucas-mp-logged-by-secretive-government-disinformation-unit/>

9 Big Brother Watch, Ministry of Truth, p12

likely to add pressure on the company to censor the material in question. This is particularly concerning given that the nature of the content that has been included in NSOIT's disinformation reports frequently cannot, as outlined above, be considered 'disinformation', let alone illegal content.

9. Giving officials an unaccountable hotline to flag lawful speech for removal from the digital public square poses serious threats to the right to freedom of speech. These are secret, extrajudicial requests (termed 'flags') by our government to foreign companies to take action against lawful domestic speech. Not only can the government exercise its own discretion at the content it thinks is objectionable and may breach companies' expansive terms of services, but this special relationship could put content in the VIP deletion lane and hasten censorship as a result. The proximity between the government and tech platforms enabled by NSOIT fundamentally undermines the universal application of the right to freedom of speech.
10. The CDU's 'flags' resulted in de facto censorship - the government claimed that "When referrals were made during Covid, over 90 per cent of them were ultimately found to be in breach of terms of service", which could lead to content being censored or algorithmically suppressed.¹⁰ Not only does that mean that 10% of the flags were not terms of service violations, let alone violations of domestic law, but also that vast amounts of lawful content were being removed as a result of unaccountable, extrajudicial government requests.
11. According to some platforms, much more than 10% of the flags received from government did not merit platform action, even through the lens of highly restrictive terms of service. Following pressure, the social media company X, formerly Twitter, revealed in a letter to Big Brother Watch that the majority (58%) of the content flags it received from the CDU during the pandemic period (November 2020 – February 2023) did *not* violate the company's expansive terms of service.¹¹ Twitter's terms of service at the time were very broad: on 1st April 2020, the platform publicly "broadened" its definition of prohibited "harm" to include speech "that goes directly against guidance from authoritative sources of global and local public health information."¹² Therefore, according to Twitter/X, 58% of the speech flagged to the platform that the CDU claimed was disinformation that breached the platform's terms of service did not in fact breach the platform's terms of service, and did not contradict authoritative public health guidance.
12. Between 2021 and 2023, when we published our Ministry of Truth report, the number of times that the government flagged speech to social media platforms plummeted by 95%.¹³ This suggests prior to increased public scrutiny, the Unit was vastly over-flagging content. However, given NSOIT's continuously expanding remit, we remain concerned that lawful speech continues to be flagged and believe further scrutiny is essential.

Broad remit of NSOIT

¹⁰<https://www.telegraph.co.uk/news/2023/06/09/covid-disinformation-unit-hourly-tech-lockdown-dissent/>

¹¹<https://www.telegraph.co.uk/news/2023/06/10/twitter-refused-removal-requests-covid-spy-unit/>

¹²https://blog.twitter.com/en_us/topics/company/2020/covid-19#definition

¹³ <https://bigbrotherwatch.org.uk/blog/unherd-government-censorship-unit-sees-95-fall-in-flagged-online-content/>

13. Following our investigation – and the significant backlash that it prompted from parliamentarians, the press and the public – the CDU was rebranded as NSOIT. Ministers have stated that the purpose of NSOIT is to analyse attempts by foreign states to artificially manipulate the online information environment.¹⁴ Whilst foreign hostile disinformation is a significant national security issue, rightly dealt with by the security and intelligence agencies, adopting unaccountable intelligence-style practices within DSIT to monitor, record and extrajudicially censor members of the public's speech domestically is highly controversial and risks an unlawful interference with the right to freedom of expression protected by the European Convention on Human Rights. Under sustained pressure from Big Brother Watch, the government eventually provided us with NSOIT's internal policies¹⁵ which makes almost no reference to its purported national security function but includes "public safety" within its remit. NSOIT's policy is incredibly permissive, requiring the unit to flag content to social media platforms if the content is considered to be harmful, violates the platform's Terms of Service, or represents an "emerging threat that platforms should be aware of" – but this is not defined or limited to national security threats. These vague categories offer no protections from lawful speech being by flagged by NSOIT analysts for removal.
14. NSOIT continues to play a secretive role in monitoring online speech, more recently turning its attention to the July 2024 General Election and Israel-Gaza conflict¹⁶ among other topics. The co-opting of NSOIT by a new government without any meaningful review of whether the unit is fit for purpose is alarming.

Parliament calls for independent review

15. In March 2024, Parliament's Culture, Media and Sport Committee published a report, *Trusted Voices*, expressing a "lack of transparency and accountability of the CDU and the appropriateness of its reach."¹⁷ The report recommended that "the Government commission and lay before Parliament an independent review of the activities and strategy of Counter Disinformation Unit within the next 12 months."¹⁸ Additionally, in September 2023, a group of cross-party MPs, including Caroline Lucas, David Davis and Bell Ribeiro-Addy, called for a review of the unit.¹⁹ No such review has yet taken place, nor (to the best of our knowledge) been scheduled. In order to protect the public's rights to free speech and privacy and ensure this body operates transparently, lawfully and in an accountable manner, it is incumbent on the Government to urgently commission such a review.

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¹⁴ <https://questions-statements.parliament.uk/written-questions/detail/2024-05-08/25214>

¹⁵ https://bigbrotherwatch.org.uk/wp-content/uploads/2024/05/FOI2024-00576-NSOIT-Copy-compliance-policy_Redacted.pdf

¹⁶ <https://www.telegraph.co.uk/news/2023/11/22/government-disinformation-unit-rebrands-free-speech-row/>

¹⁷ <https://committees.parliament.uk/publications/44146/documents/219482/default/>

¹⁸ *ibid*

¹⁹ <https://www.telegraph.co.uk/politics/2023/09/11/cdu-suppressing-free-speech-covid-government-opposition/>