POLITICAL ADVERTISING ON FACEBOOK DURING THE 2022 HUNGARIAN PARLIAMENTARY ELECTIONS

Country Report

Civil Liberties Union for Europe

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Introduction

This is the first in a series of reports on targeted online political advertising on Meta during election campaigns in Europe.

In our everyday experience, political advertising and public debate have mostly shifted from the streets, radio and television to the web. But advertising on the web is very different from advertising in traditional media. Today, political advertisers can use personal data to segment groups of people and send them personalized messages to support a particular candidate or policy proposal. These micro- and nano-targeting practices are opaque, partly because of a lack of meaningful transparency requirements, and partly because political parties and social media platforms are reluctant to share information about their campaign strategies or how their algorithms work.[1] The majority of these practices are also in breach of the GDPR, due to the lack of transparency around them and the lack of meaningful consent to process users' personal data.[2]

The report investigates how Hungarian political parties and other relevant actors targeted their audiences on Meta between March 1 and April 4, 2022, during the campaign period for parliamentary elections.[3] In order to gain insights into their targeting practices, we asked Hungarian Facebook users to download a browser extension, developed by Who Targets Me.[4] The anonymized data we gained through the extension shows that while the parties have not employed very sophisticated targeting techniques to reach their audience, they used online targeting methods that can add to the further deterioration of the quality of Hungarian democracy.

The proposal on Regulation of the transparency and targeting of political advertising has been discussed by the European Parliament. Based on our findings, we believe that the Regulation ought to prohibit the use of targeting beyond language and constituency/geographical location for political actors. We strongly believe that the differentiation based on gender or age

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1   The practice of nanotargeting is described in José González-Cabañas, Ángel Cuevas, Rubén Cuevas, Juan López-Fernández, David García: Unique on Facebook: Formulation and Evidence of (Nano)targeting Individual Users with non-PII Data. *ACM Internet Measurement Conference (IMC '21)*, November 2--4, 2021, Virtual Event, USA. https://arxiv.org/abs/2110.06636

2   The Civil Liberties Union for Europe wrote extensively about this issue, see here and here. The European Data Protection Supervisor published a very similar opinion here.

3   The Hungarian parliamentary elections were held on April 3. Our database included political advertisements until the day after the elections.

4   https://whotargets.me/en/install/installing-the-browser-extension/

creates the possibility to discriminate or deliver opposing messages to different groups of the society.

Another finding that needs to be highlighted is that Hungarian parties extensively used Meta's offer to target lookalike audiences during the electoral campaign. While in 2022 Meta prohibited advertisers from directly targeting potential customers or voters based on their sensitive data, it is unclear whether in creating lookalike audiences they themselves rely on such data. If they do, political advertisers can target vulnerable groups with messages rarely if ever advertised to other segments of the society, thereby creating silos or even spreading misinformation, which leads to the limitation of public discourses and political participation. While we found no evidence of such a misuse of data by advertisers, we find the availability of this advertising option very concerning.

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Political landscape in Hungary

Hungary's democratic decline in the last decade is well-documented.[5] In addition to consolidating and cementing control over the country's formerly independent institutions, the judiciary, the prosecution, the competition and the media authorities,[6] Prime Minister Viktor Orbán's Alliance of Young Democrats–Hungarian Civic Union (Fidesz) party pushed through laws and measures that aim at silencing voices disagreeing with the government's policies.

In the past five years, Hungarian civil society has been facing continuous harassment. Although in 2021, following the ruling of the Court of Justice of the European Union (CJEU), the parliament repealed the Russia-inspired anti-NGO law on transparency of foreign-funded organizations from 2017, it immediately replaced it with the the Act on Civil Society Organizations Engaging in Activities Capable of Influencing Public Life.

This latter law pretends that being capable of influencing public life is suspicious, therefore requiring close state control.[7] Based on the legislation, the State Audit Office is currently pre-auditing non-governmental organizations.[8]

At the same time, government-organized non-governmental organizations (GONGOs) are getting hundreds of millions of euros in pseudo-public funding.[9] These GONGOs then support the government's messages on social media. Megafon Központ, the most active GONGO, for example, spent more on Facebook advertisements than any other political actor between April 15, 2019, and March 23, 2022.[10]

The country's media environment has significantly transformed after Fidesz took power in 2010. Pro-government entrepreneurs have purchased influential media formerly critical of Fidesz (Origo.hu, Figyelő, TV2 and Index.hu)

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5   See e.g., in Liberties' 2022 Rule of Law Report. Similar observations are made in the European Commission's 2022 Rule of Law report, see here.

6   https://cementezettek.helsinki.hu/en/

7   For more details, read Liberties' 2022 Rule of Law Report here.

8   https://monitor.civicus.org/updates/2022/08/18/journalists-visiting-foreign-media-under-surveillance/

9   Atlatszo.hu, a renowned Hungarian investigative journal published an in-depth analysis in English on how GONGOs were helping Fidesz in one of the biggest Hungarian cities during the electoral campaign: https://english.atlatszo.hu/2022/06/03/how-public-funds-built-a-propaganda-media-empire-for-orbans-allies-in-pecs/ Another in-depth analysis (in Hungarian) on how public funds are channeled toward GONGOs can be found here.

10   https://444.hu/2022/03/31/csak-a-megafon-1-milliard-forintot-hirdetett-el-a-facebookon

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and put them at the service of the government. Népszabadság, at the time the most influential left-leaning print medium, was abruptly closed down after a change of ownership. The entire provincial newspaper market was bought and then, in 2018, donated by government allies to the Central European Press and Media Foundation (KESMA) conglomerate, currently holding close to 500 media outlets. Public media is under the government's influence and its regulatory body, as many other bodies meant to keep in check the power of the government, is captured by it. In the Media Pluralism Monitor for the year 2021, the country scored 80% ("high risk") on market plurality and 74% ("high risk") on political independence.[11]

Under such conditions, many believe social media constitutes the last refuge for independent voices.[12] For example, Gergely Karacsony, the mayor of Hungary's capital, Budapest, and one of the most important figures in the opposition bloc, argued this in a video posted after a Facebook outage in October 2021.[13]

In Hungary, Facebook is the most widely used social network. As opposition politicians get

no unbiased representation in public and government-controlled private media, Facebook is one of the most important, if not the most important, channel for them to communicate with potential voters. Hungary has 7.34 million Facebook users[14] out of a population of 9.7 million.[15]

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11   See the Media Pluralism Monitor report for the year of 2021 here. On how such problems need to be tacked by the EU, read Liberties' paper here.

12   See MEP Anna Donath's relevant opinion piece here.

13   https://www.bloomberg.com/news/articles/2021-10-05/facebook-outage-puts-hungary-s-opposition-on-edge-during-primary

14   Based on data on Statista.

15   All available online sources show the excessive dominance of Meta on the Hungarian social media market. The numbers published however significantly differ. Balkan Insight's number is also close to 7.3 millions. "The number of Facebook users in Hungary totalled 7.29 million as of February /2022/, making this social media platform by far the most widely used in the country." See here.

2022 Parliamentary Elections and Referendum in Hungary

On April 3, 2022, Fidesz won a fourth consecutive term, taking two-thirds of seats in the National Assembly. The opposition alliance won nearly 35 percent of the national list vote and secured 57 seats in the 199-seat parliament.[16]

In the 2022 parliamentary elections, due to changes in the electoral framework the Fidesz government introduced, opposition forces faced an uneven playing field; they would have needed to earn significantly more of the popular vote than the governing parties in order to win.[17] In addition, during the electoral campaigns in 2014, 2018, and also in 2022, the governing parties and their allies, like government-friendly media and non-governmental organizations, massively relied on state resources, further helping Fidesz.[18]

In 2022, in a very unusual move for an EU member state, the Organization for Security and Co-operation in Europe (OSCE) deployed a full-scale mission to Hungary. The mission found that while the elections were professionally administered, and the candidates were largely able to campaign freely, the contest was not fair.[19] In their final report, OSCE notices, among other problems, that campaign finance legislation "remained largely unchanged since the 2018 parliamentary elections, and recent amendments did not address longstanding recommendations by Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Group of States against Corruption (GRECO). The law does not provide for disclosure of campaign donations, which maintains the opacity of campaign funding, at odds with international commitments and good practice. Extensive spending through third party entities, which largely favored the ruling party, rendered spending limits ineffectual. Substantial sums were spent on Facebook advertising, led by third-party entities associated with Fidesz."[20]

The government excluded online political advertisements from political advertising rules

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16   https://vtr.valasztas.hu/ogy2022

17   See explanation e.g., here.

18   In theory, there are two governing parties in Hungary, Fidesz, and its smaller coalition partner, the Christian
       Democratic People's Party (KDNP). In practise, however, KDNP is a satellite party of Fidesz.

19   Hungary Parliamentary Elections and Referendum 3 April 2022, ODIHR Election Observation Mission Final
       Report, July 29, 2022.

20   https://www.osce.org/files/f/documents/2/6/523568.pdf

and from campaign spending. Journalists and citizens can only rely on Google's and Meta's transparency databases.[21] Based on Meta's advertising disclosures, the election observation mission calculated that during the month preceding the elections, entities associated with the governing party spent about HUF 716 million (EUR 1.9 million) on Meta advertising; entities associated with the united opposition spent HUF 606 million (EUR 1.6 million) and other contesting parties spent a combined HUF 380 million (EUR 1.0 million).[22]

With the intention of overcoming structural impediments to defeating Fidesz, a six-party coalition, United For Hungary, made up by the liberal Democratic Coalition, the centrist Momentum and the right-wing Jobbik, as well as smaller green parties and socialists, ran as a united bloc. In addition, the Two Tailed Dog Party (Kétfarkú Kutya Párt) and the far-right party Our Homeland (Mi Hazánk) were regarded as parties having a real chance to get into the parliament.

On the same day of the elections, an anti-LGBTQI+ referendum was also held. The referendum asked the public whether they support sexual-orientation lessons for minorsin public education without parental consent and whether they support the promotion of gender-reassignment treatment for minors. They were also asked whether they support "unrestricted sexual media content for minors that affects their development" and the "display of gender-sensitive media content to minors."[23] The government, which initiated the referendum, and GONGOs supporting its message were actively campaigning to convince people to answer 'no' to all questions. Meanwhile, civil society organizations were campaigning to cast invalid votes during the referendum, for instance by answering both yes and no at the same time.

The referendum, aimed at invoking fear and mobilizing passive masses, failed to acquire enough votes to be deemed valid. However, 90% of the votes favored the anti-LGBTQI+ law, while only a third of the votes were invalid, in line with civil society's calls. The referendum was invalid because the number of valid votes did not meet the materiality thresholds. Valid votes accounted for 47.6% (3,910,436), invalid votes 20.91% (1,717,702), and no vote 31.49% (2,587,166). The referendum needed almost 200,000 more valid votes to reach the materiality threshold.[24]

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21 Solutions for Regulating Targeted Political Advertising on Online Platforms, November 2, 2021.

22 Hungary Parliamentary Elections and Referendum 3 April 2022, ODIHR Election Observation Mission Final Report, July 29, 2022. Available here.

23 Radio Free Europe, November 30, 2022. Available here.

24 National Election Office, Summary of the votes, May 2, 2022.

Measuring the Elections with Who Targets Me Browser Extension

Who Targets Me is a browser extension that records the political ads the user has been targeted with on Meta. As stated on the browser extension's website, Who Targets Me does the following:

> 1. "Captures the ads Facebook users are targeted with and matches those ads against a list of political advertisers previously researched (e.g. the government or political parties)."

and

> 2. "Users get personalized data, including who is targeting them and based on which criteria (these information are also available on Facebook, the browser extension merely collects them and makes it easy to get a look at the big picture)."[25]

The data the activists behind the extension receive and in some cases share for research purposes is aggregated. In order to ensure that de-anonymization is impossible, ages are presented in the incoming data as ranges, locations as constituencies or districts.[26]

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25 https://whotargets.me/en/install/installing-the-browser-extension/

26 A small group of activists, founded by Sam Jeffers and Luis Knight in 2017, manage the crowdsourced global database of political adverts placed on social media. They shared their data with us for the purposes of writing this paper.
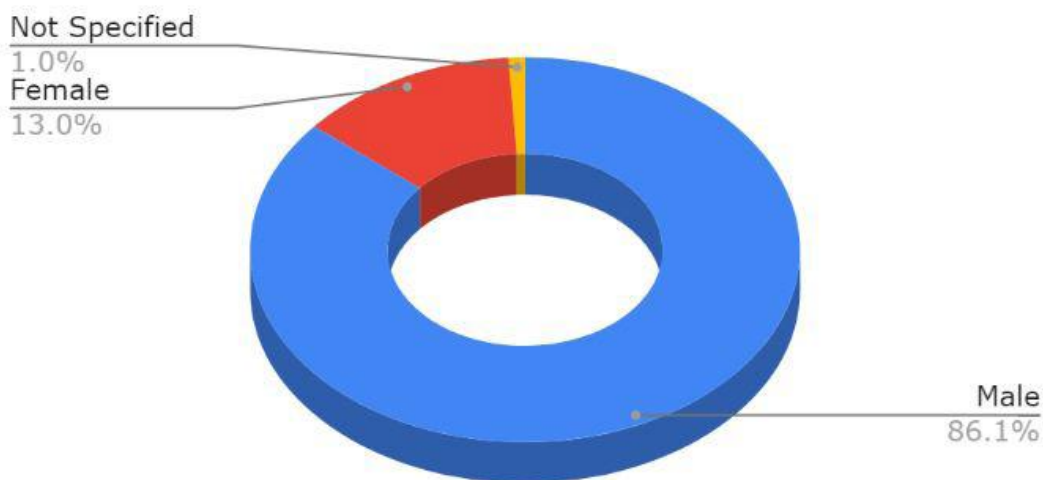
Sample and Methodology

In February 2022, the Hungarian Civil Liberties Union, research partner and member organization of the Civil Liberties Union for Europe, contacted Lakmusz.hu, a media outlet focusing on fact-checking, and 444.hu, the biggest independent online media outlet in Hungary, to spread a call for participation in our research. Partly as a result, 1,860 users operated the Who Targets Me browser extension in the campaign period and participated in the research investigating political advertising on Meta in the 2022 parliamentary campaigns in Hungary.

The participants were not representative of the Hungarian population or Facebook's Hungarian user base. Based on the self-declaration of users, out of the 1,860 participants, 1,601 were male, 241 female and 18 did not say.
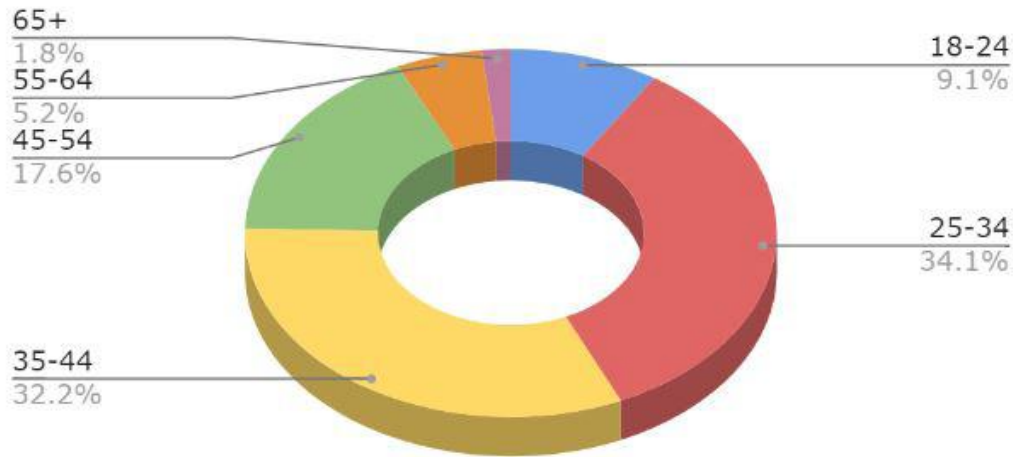

Sample's Gender Distribution

Not Specified 1.0%
Female 13.0%
Male 86.1%

In terms of age distribution, 169 participants declared themselves to be between 18 and 24 years, 635 participants between 25 and 34 years, 598 between 35 and 44 years, 328 between 45 and 54 years, 97 between 55 and 64 years, and 33 above 65 years.
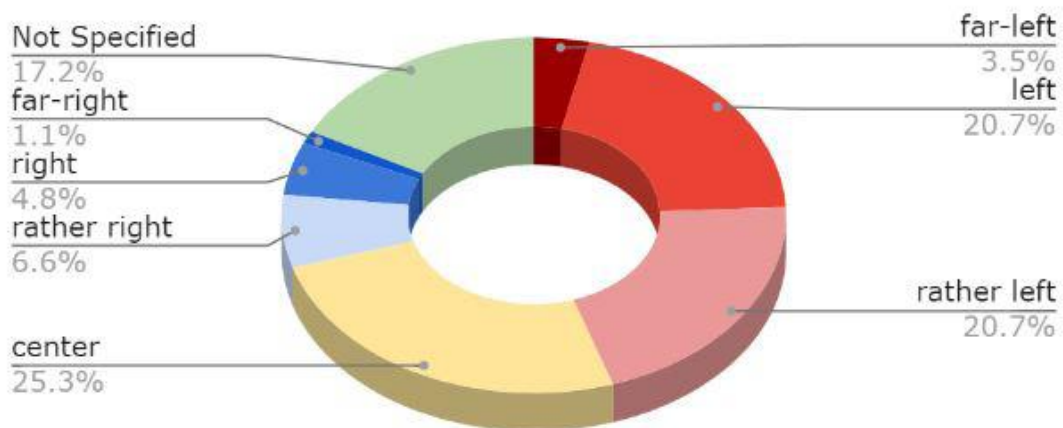
Sample's Age Distribution

65+
1.8%
55-64
5.2%
45-54
17.6%

18-24
9.1%

25-34
34.1%

35-44
32.2%

The sample was left-leaning. Sixty-three participants declared themselves as being on the far left of the political spectrum, 370 left, 369 rather left, 452 in the center, 118 rather right, 86 right and 20 far right; 307 participants did not declare a political affiliation.

Sample's Political Affiliation Distribution

Not Specified
17.2%
far-right
1.1%
right
4.8%
rather right
6.6%

center
25.3%

far-left
3.5%
left
20.7%

rather left
20.7%

Between March 1 and April 4, 2022, the researchers recorded 28,507 ads. Researchers categorized advertisers into the following categories:

- Pro-government (220 entities, 8,438 ads): government entities, Fidesz and KDNP (smaller coalition partner) politicians, pro-government NGOs, pro-government and anti-opposition media, blogs and influencers

- Pro-opposition (211 entities, 9,872 ads): parties of the united opposition, politicians of the united opposition, pro-opposition and anti-government media, blogs and influencers, local governments led by the opposition

- NGOs (32 entities, 3,695 ads): independent NGOs dealing with political issues

- Other parties (70 entities, 1,520 ads): opposition parties outside of the bloc

- Pro-government NGO (4 entities, 1,586 ads): pro-government NGOs not dealing with political issues, close to the government

- Media (38 entities, 3,236 ads): independent media

- Uncategorized/non-political (25 entities, 159 ads): companies, international organizations, etc.

Findings

Researchers found that in the 2022 elections pro-government and pro-opposition entities alike mostly targeted by location and age, and to so-called lookalike audiences. Presumably partly as a result of the latter, pro-government advertisements were more likely to show up on the wall of the participants who lean rather right.[27] Forty-four percent of the ads recorded from their walls came from pro-govern-ment advertisers, while pro-government ads
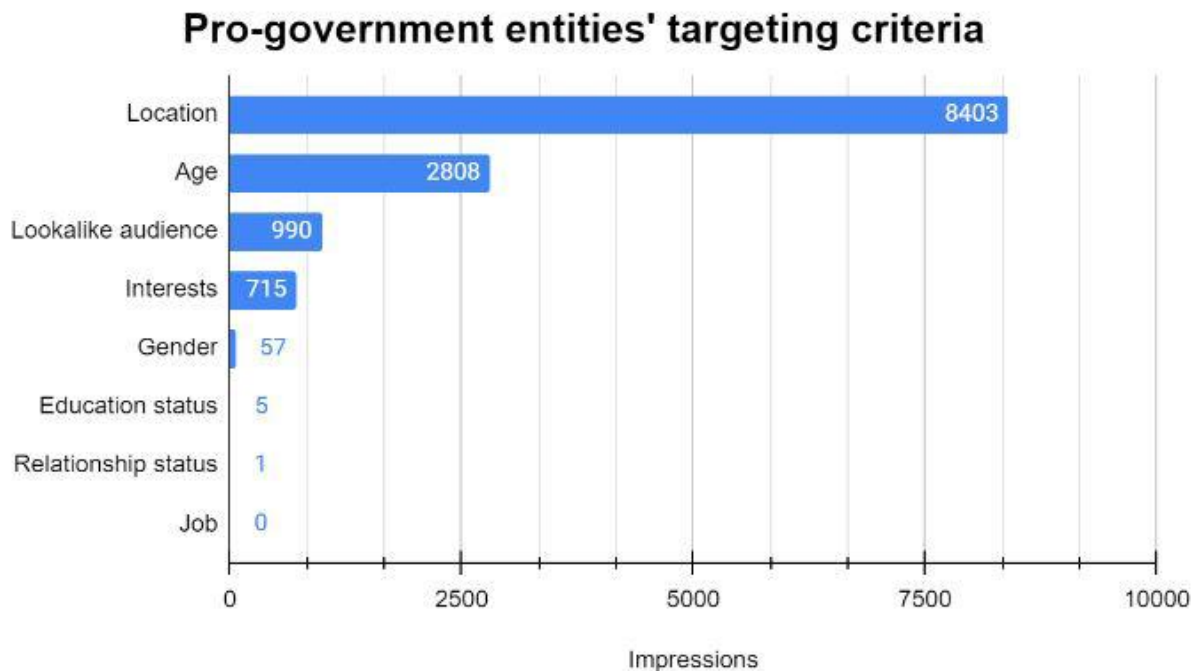
Political affiliation		Political advertisement						
		pro-gov	pro-opp	NGO	other parties	pro-gov NGO	media	total
Far-left	amount	755	953	368	158	203	313	2750
	percentage	27.45	34.65	13.38	5.75	7.38	11.38	100.00
left	amount	342	341	184	95	56	77	1095
	percentage	31.23	31.14	16.80	8.68	5.11	7.03	100.00
rather left	amount	2112	3159	1290	448	493	1331	8833
	percentage	23.91	35.76	14.60	5.07	5.58	15.07	100.00
center	amount	2026	2386	850	332	312	640	6546
	percentage	30.95	36.45	12.99	5.07	4.77	9.78	100.00
rather right	amount	1879	2159	708	308	453	516	6023
	percentage	31.20	35.85	11.75	5.11	7.52	8.57	100.00
right	amount	407	217	128	72	37	102	963
	percentage	42.26	22.53	13.29	7.48	3.84	10.59	100.00
Far-right	amount	645	390	106	63	23	180	1407
	percentage	45.84	27.72	7.53	4.48	1.63	12.79	100.00
did not say	amount	271	266	61	44	9	77	728
	percentage	37.23	36.54	8.38	6.04	1.24	10.58	100.00

27   It is important to note, the targeting the advertiser selects ("show the ad to people living in Budapest") is only one of the factors that determine who will see that particular ad. The other factor is Meta's ad delivery optimisation mechanism. Meta makes on statistical predictions about who will interact with the ad in some specific ways, and delivers accordingly. See more about this mechanism here.

constituted only 27% of the ads found on the walls of those participants who lean rather left. Pro-opposition advertisements constituted 35% of the political ads on the walls of those participants who lean rather left.

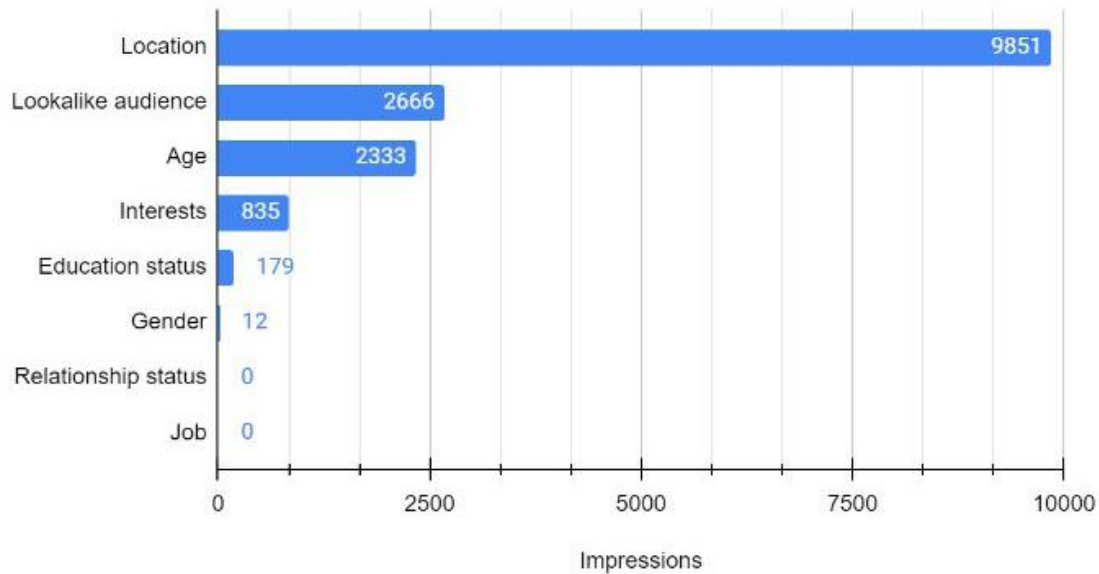Pro-government advertisers' most-used targeting was geographical targeting that aligned with the relevant constituency. In our sample, we encountered 8,403 pro-government advertisement impressions with location-filter, 2,808 with age filter, 990 based on lookalike-audience targeting, 715 with interest-based filter, and 57 advertisement impressions targeted to a specific gender.

Pro-government entities' targeting criteria

Targeting criteria	Impressions
Location	8403
Age	2808
Lookalike audience	990
Interests	715
Gender	57
Education status	5
Relationship status	1
Job	0

Impressions

Pro-opposition advertisers also used location-based targeting, sending their messages based on country/county/city level. Instead of gender, here education level-based targeting made it to the top 5 favored to reach their audience. In total, 9,851 impressions were targeted by location, 2,666 were based on lookalike audience targeting, 2,333 on age, 835 on interest and 179 on education.
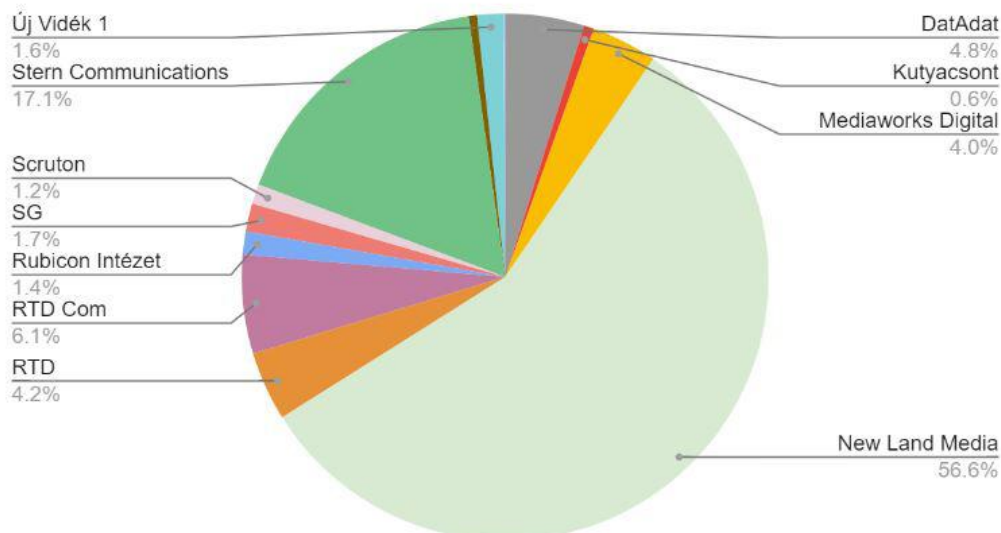
Pro-opposition entities' targeting criteria

As indicated above, both pro-government and pro-opposition forces used lookalike audience-based targeting. The majority of the lookalike-targeted impressions came from l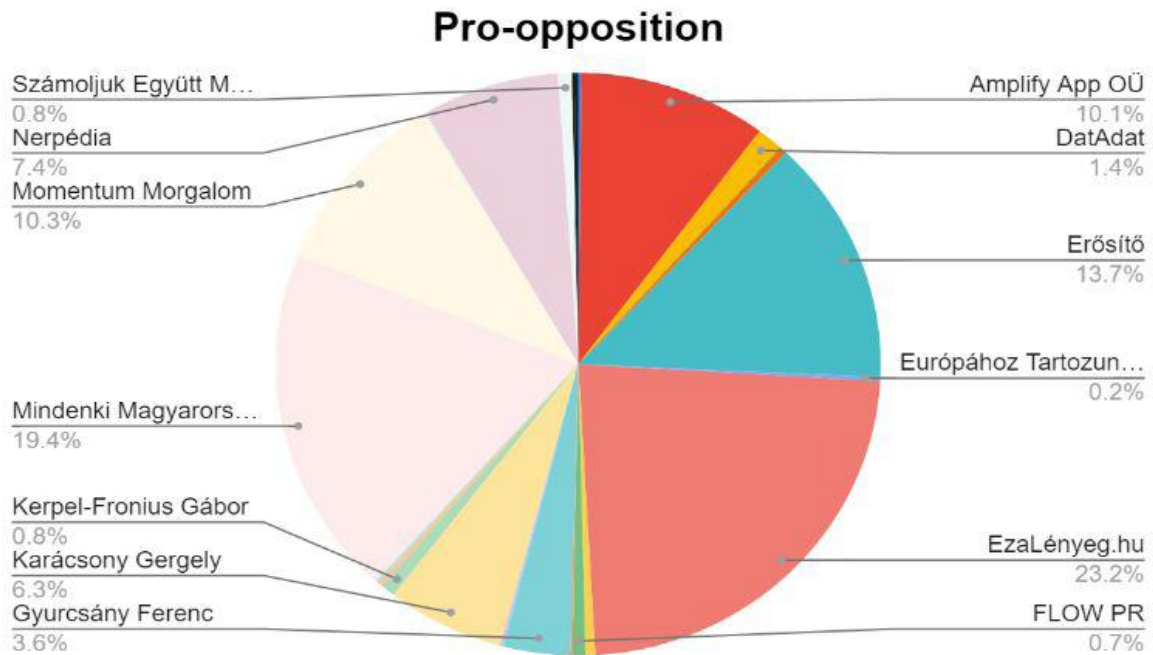ookalike targeting based on a list of New Land Media, a communications and media agency routinely tasked with the communications campaigns of state-owned businesses and state departments.[28]

Pro-government entities use of lookalike audiences

Pro-opposition entities also targeted lookalike
audiences; their relevant spendings came from
multiple sources.

Pro-opposition

Entity	Percentage
Számoljuk Együtt M…	0.8%
Nerpédia	7.4%
Momentum Morgalom	10.3%
Mindenki Magyarors…	19.4%
Kerpel-Fronius Gábor	0.8%
Karácsony Gergely	6.3%
Gyurcsány Ferenc	3.6%
Amplify App OÜ	10.1%
DatAdat	1.4%
Erősítő	13.7%
Európához Tartozun…	0.2%
EzaLényeg.hu	23.2%
FLOW PR	0.7%

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Analysis

On January 19, 2022, Meta removed the "Detailed Targeting" option based on sensitive data. Advertisers can no longer reach specific audiences for their messages related to health (e.g., "Lung cancer awareness", "World Diabetes Day", "Chemotherapy"), sexual orientation (e.g., "Same-sex marriage" and "LGBT culture"), religious practices and groups (e.g., "Catholic Church" and "Jewish holidays"), political beliefs, social issues, causes, organizations, and figures.[29]

This move made it impossible for political parties to target specific audiences without extra effort. Still, the online targeting filters Hungarian parties and other politically active actors used in the 2022 campaign (gender filtering, custom and lookalike audiences) are potentially harmful to our democracies.

In our sample, we encountered 7 ad impressions by Prime Minister Viktor Orbán discussing Russia's war in Ukraine targeted exclusively to male Facebook users ("Segítünk! Védjük meg Magyarországot! A háborúból kimaradunk, a bajbajutottaknak segítünk!" – "We help! Let's protect Hungary! We stay out of war, we help those in need!"). It is fully unjustifiable for a politician holding or aspiring to public office to restrict messages that are of great general interest to a certain gender or to any other subgroup

of the society. Such restrictions exclude parts of the electorate from getting informed about what that politician wants to do in a certain area, and prevents them from engaging in public discussion. This runs the risk of creating bubbles in the society, each having different (and possibly conflicting) information on what kinds of policies would be followed by which political actor. They also can be misused for the purposes of manipulating the electorate.

While Meta removed the option of directly targeting based on sensitive data, it still offers the opportunity for its advertisers to engage people they have data on ("Customer List" option), custom audiences (for example, those who like their pages or engage with their videos), and lookalike audiences.

It is highly questionable that the "customer lists" uploaded to Facebook (either with the intention of using it as a basis for lookalike audience targeting or with the initiation of directly targeting the people on the list) were GDPR-conforming. To lawfully upload such a list, the people on the list must have consented not only to the upload, but also to the data transfer to Facebook as well as the targeting. We are unaware of any such consent, even concerning data subjects who donated their data to file GDPR-based questions to political actors.

29   https://www.facebook.com/business/news/removing-certain-ad-targeting-options-and-expanding-our-ad-controls

On June 1, 2022, the investigative news portal Lakmusz.hu, in partnership with the Civil Liberties Union for Europe, asked Meta about a specific case connected to an individual who donated their data to us to ask specific GDPR-related questions. The individual was targeted by a Fidesz candidate based on "lookalike" audience criteria. The questions asked read as follows:

"Why and based on what criteria (personal data, user activity, algorithm, etc.) did Facebook include the user in the lookalike audience of New Land Media?"

"When and how did the user give their explicit consent to utilize their data for the sake of being included in a lookalike audience, and to be targeted by political advertisements based on that data?"

Meta replied in due time, however, they did not answer any of the questions and instead referred to information already available online.

As it is unclear what factors are used by Meta's AI to create lookalike audiences, we inquired whether they allow the algorithm to use sensitive data to do so. If it does, sensitive targeting is easy to circumvent. For example, if you get hold of a list of people belonging to the LGBTQI+ community and ask for a lookalike audience, chances are you will be able to target specifically the LGBTQI+ community with your messages.

In order to acquire a better understanding of how lookalike audiences are created, Blanka

Zöldi, editor-in-chief of Lakmusz fact-checking website in Hungary and our research partner in this project, asked Meta the following questions:

"Based on what criteria (personal data, user activity, algorithm, etc.) does Facebook create lookalike audiences? Is political interest, or other sensitive data, such as sexual orientation or health data, used to create look alike audiences?"

"Does Facebook seek the explicit consent of users to utilize their data for the sake of creation of lookalike audiences, and to be targeted by political advertisements based on that data, and if yes, how?"

Meta's answer to our inquiry was nonsubstantive and we did not get any further information that added to what we have already learned from publicly available sources. It is still a very distinct possibility that the Big Tech giant uses such data, thereby making it possible for political actors (and others) to reach specific subgroups of users with their messages and to create the bubbles we have described above.

Conclusion

In this paper we have shown that in addition to the grave problems the OSCE report has already shed light on, that is, in addition to opaque donation practices and extensive and intransparent third-party spending, especially by entities associated with the governing party, there are additional problems potentially further undermining the quality of Hungarian democracy. The European Commission presented in November 2021 a proposal to regulate political advertising – both traditional forms of advertising as well as digital advertisements – uniformly in the EU. The draft Regulation would increase transparency in political campaigns and help protect the freedom and fairness of democratic processes. Some of the problems revealed in our research could be tackled with EU-level regulation.

The draft Regulation introduces a limitation on targeting and ad-delivery of online political advertising. It contains a prohibition on such techniques when they involve processing sensitive data, such as sexual orientation, health data, or religious beliefs. However, this prohibition is lifted when data subjects consent to process their data. This undermines the ban, because platforms and websites use dark patterns to trick data subjects into sharing their data.[30]

Our research has shown that by targeting beyond language and constituencies, Hungarian political entities can say different things to different people, thereby potentially creating filter bubbles. Meta's step to disallow targeting based on sensitive data is a considerable step in the right direction. However, there are further steps to be made. Political actors aspiring to public power should not be allowed to target by gender, age or any other individual characteristic beyond those that make it likely that the user belongs to the relevant constituency.

In the same manner, political advertising based on customer lists, custom audiences, and lookalike audiences should be disallowed in order to protect the fundamental rights of the users and encourage a free and healthy public debate. Only by engaging in free and healthy public debates can the electorate make informed decisions about politics.

The existing targeting options on Meta may allow candidates to promise different things to different groups of people. Such a practice may create echo chambers and increase polarization in already polarized societies.

Discontinuing these practices should not be left to Meta's self-regulatory efforts. Online political ads have a significant impact on the

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30   Guidelines of the European Data Protection Board, 3/2022 on Dark patterns in social media platform interfaces: How to recognise and avoid them, March 21, 2022. Available <u>here</u>.

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freedom and fairness of elections, freedom of expression, access to information, the formation of opinions, making political decisions, and the rule of law. These fundamental principles are expressed in Article 2 Treaty of the European Union (TEU) and ought to be sufficiently protected in future versions of the proposed Regulation on the transparency and targeting of political advertising.[31]

In the same vein, more financial transparency is to be required from political advertisers. Transparency in political advertising is vital for the healthy functioning of the European Union and for democracy in the member states, including free and fair elections, access to a plurality of views, participation in democratic debate, and decreasing the risk of manipulation.

In countries like Hungary, where the government excluded online political advertisements from political advertising rules and from campaign spending, it is vital to require that political advertisers publish a report at least once a year that provides insights into their online advertising activity, including information on the performance of their advertisements, the targeting criteria used, the money spent, and the intended purpose.[32]

We would like to emphasize here that CSOs ought not be subjected to the same rules as political actors aspiring to public office outside of the context of electoral campaigns. A thriving civil society is needed in a country where rule of law is declining. As already pointed out, in Hungary the situation of government-critical organizations has been steadily declining for years. Subjecting CSOs to the same rules as political candidates in nonelection periods would potentially further damage their ability to fulfill their role. We believe that the fundraising activities of CSOs or delivering their messages to their audience would require specific data processing. While we disagree that parties and candidates should be able to target people based on gender or other gender-related features, we support the idea that, for example, those CSOs who work on period poverty should be able to target people who menstruate.

Authoritarian governments, such as the one of Hungary, may try to misuse such a regulation against critical CSOs. Existing EU-level rules (GDPR, DSA) apply to them, and that satisfactorily ensures transparency and the limitation on targeting.[33]

Finally, the co-legislators of the Regulation on the transparency and targeting of political advertising ought to be mindful about enforcement. In Hungary, where formerly independent institutions are captured by the governing party, an EU-level enforcement mechanism is of key importance. It is unlikely that national watchdogs would enforce the Regulation in a neutral, unbiased manner.

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31 Proposal for a Regulation on the transparency and targeting of political advertising COM/2021/731 final.

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