

Digital Platforms Regulators Forum (DP-REG)

Agency Heads Meeting - Agenda

Date:	28 June 2022
Time:	2pm
Location:	ACCC Offices Level 27 135 King Street, Sydney 2000

Participants

ACCC	Gina Cass Gottlieb Kate Reader
ACMA	Nerida O'Loughlin Creina Chapman
eSafety	Julie Inman Grant Morag Bond
OAIC	Angelene Falk Elizabeth Hampton

Agenda

1	Welcome and introductions
2	Progress of DP-REG to date <i>[ACCC to introduce]</i> <ul style="list-style-type: none">• Data sub-committee
3	Joint priorities and upcoming Work Plan for 2022-23 <i>[ACCC to introduce]</i>
4	Additional items <ul style="list-style-type: none">• Terms of reference <i>[ACMA to introduce]</i>• Media incl. Communique <i>[ACCC to introduce]</i>• External engagement (industry, other agencies etc) <i>[All]</i>• Resourcing <i>[All]</i>
5	AOB

Digital Platforms Regulators Forum (DP-REG)

Regulator Heads Meeting – Agenda

Date:	13 December 2022
Time:	4pm-5pm
Location:	Microsoft Teams

Participants

ACCC	Gina Cass Gottlieb Tom Leuner
ACMA	Nerida O'Loughlin Creina Chapman
eSafety	Julie Inman Grant Morag Bond
OAIC	Angelene Falk Elizabeth Hampton

Observers

ACCC	[REDACTED]
ACMA	[REDACTED]
eSafety	[REDACTED]
OAIC	[REDACTED] [REDACTED]

Agenda

	Topic	Papers	Timing
1	Welcome and introductions	N/A	5 minutes
2	Progress of DP-REG to date		15 minutes
	<ul style="list-style-type: none">Update from Data & Research Working Group Chair (ACMA)Update from Codes & Regulation Working Group Chair (eSafety)Update from Digital Technology Working Group Chair (ACCC)	<ul style="list-style-type: none">Attachment A: Triannual reporting stocktakeAttachment B: Data & Research Working Group WorkplanAttachment C: Codes & Regulation Working Group WorkplanAttachment D: Digital Technology Working Group Workplan	

3	Communications and engagement strategy (OAIC and ACMA)	Attachment E: OAIC Paper - Communications and engagement with DP-REG Attachment F: ACMA Paper - Proposed framework for approving joint submissions Attachment G: DP-REG infographic	15 minutes
4	DP-REG resourcing (OAIC)	Attachment H: [REDACTED] [REDACTED]	10 minutes
5	Other business <ul style="list-style-type: none"> • Updates from regulator heads (All) 	N/A	15 minutes

Minutes for DP-REG Regulator Heads Meeting – 13 December 2022

Details

Run Time: 4:00pm – 5:00pm

Attendees:

ACCC	Gina Cass-Gottlieb, Tom Leuner, [REDACTED]
ACMA	Nerida O’Loughlin, Creina Chapman, [REDACTED]
eSafety	Julie Inman Grant, Morag Bond, [REDACTED]
OAIC	Angelene Falk, Elizabeth Hampton (Chair), [REDACTED] [REDACTED]

Action Items

- 1 Infographic to be updated to address minor amendments and finalised.
- 2 Steering Committee to conduct a stakeholder mapping exercise to help inform DP-REG’s stakeholder engagement strategy. To be circulated for Regulator Heads approval out-of-session.
- 3 Secretariat to circulate GPA Resolution for Joint Statements on Emerging Global Issues for consideration.
- 4 ACMA to forward invitation from the International Institute of Communications to other DP-REG regulators for a February meeting.
- 5 [REDACTED]
[REDACTED]
[REDACTED]

Outcomes

- 1 Regulator Heads requested minor amendments to the DP-REG infographic.
- 2 Development of the DP-REG’s web presence and further materials (including the longer infographic) be deferred until additional products have been produced.
- 3 Regulator Heads approved the ACMA’s proposed approach as set out in the joint submissions paper noting that an administrative framework will be developed to support that process.
- 4 [REDACTED]
[REDACTED]

Agenda items

1. Welcome and introductions

OAIC opened the meeting and acknowledged the significant achievements of DP-REG and its member regulators in 2022.

2. Progress of DP-REG to date

The Chairs of the Working Groups provided an update on the Triannual Stocktake table which tracks the activities and achievements of the Working Groups for the months between July and October. It also sets out Working Groups' progress on their workstreams from their workplans, and their priorities for the next four months, being November to February.

2.1 Data and Research Working Group (DRWG)

The DRWG has been focussing on developing:

- a research hub to better catalogue and share research in real time,
- a digital platforms dictionary to better align key terms and definitions in the long term,
- survey instruments to help ACMA with their research on complaints on digital platforms which they are hoping to share in early 2023, and
- a scoping paper on a potential audit of digital platforms' terms and conditions. This workstream came out of the June communique and the DRWG is looking to put forward the paper to the Steering Committee early next year. The audit is likely to be focussed on the readability and accessibility of platforms' terms and conditions, and resourcing will be a key consideration in the paper.

2.2 Codes and Research Working Group (CRWG)

The CRWG has three workstreams:

- the first is aimed at building capacity across regulators in relation to code development and generally in relation to regulation:
 - the CRWG has had several presentations at the working group level. eSafety presented on the Basic Online Safety Expectations (BOSE) and the ACCC in relation to their role in code processes,
 - the next focus is on establishing a framework document regarding joint DP-REG submissions and statements,
 - the CRWG is continuing to meet to discuss best practice ideas. Considering developing at least one joint paper considering intersections on specific issues. Possible topics include privacy and safety in relation to age verification.
- the second is collaboration on areas of intersection, and
- the third is considering requests to engage with DP-REG concerning intersections and our respective regulatory remits or in relation to other regulatory issues.

2.3 Digital Technology Working Group (DTWG)

Key focus for the DTWG:

- Ongoing external engagement with industry. Meta engaged the DTWG to demonstrate their Metaverse technology and services, and engagement with CSIRO's Data61 on artificial intelligence best practices.
- Main focus of the last few months has been the written literature review on algorithms, structured around 3 areas most relevant to regulatory remits: recommender algorithms, targeted advertising and content moderation.
- DTWG will also commence horizon scanning work early next year on new technologies.

3. Communications and engagement strategy (OAIC and ACMA)

OAIC introduced this topic and noted that as DP-REG progresses, we anticipate there will be greater opportunities for external engagement with stakeholders. DP-REG has already received several proactive requests and it is anticipated that this will increase as awareness of DP-REG grows within industry and the community. DP-REG members also consider there is value in identifying opportunities to further promote the work of DP-REG to demonstrate how the forum facilitates coordination and collaboration amongst regulators in the regulation of digital platforms and the online ecosystem

3.1 Stakeholder engagement

- DP-REG currently assesses engagement requests on an ad hoc basis, and members proactively seek to identify opportunities for engagement. DP-REG has had 9 briefings from stakeholders since July 2022, and these have come from academia, the commonwealth government, and the digital platforms themselves.
- The proposal is to continue this current approach to stakeholder engagement, but we do anticipate an increase in requests for engagement as awareness of DP-REG increases.
- The ACMA proposed that the Steering Committee should conduct a stakeholder mapping exercise for DP-REG to help inform stakeholder engagement activities including prioritisation.
- Regulator Heads agreed and suggested that this could be reviewed and endorsed out of session.

3.2 Coordinating submissions and joint statements

- DP-REG members currently consult with each other on messaging used to describe DP-REG in submissions written on an individual basis. The ACMA prepared a paper setting out a more structured approach to submissions and joint statements.
- The ACMA noted that:
 - the CRWG is developing a framework for how DP-REG can make joint submissions to parliamentary inquiries, international consultation processes and other opportunities going forward.
 - a key issue in the development of that strategy is the process for approval of a submission, noting that each regulator has their own internal processes for submission approvals.
 - this is a key consideration when it comes to time critical submissions. The CRWG is developing an approach that gives the DP-REG Steering Committee early visibility of

matters of potential interest and provides for collective decisions to be made about pursuing joint submissions. This may involve delegating DP-REG approval of proposals for joint submissions to the DP-REG Steering Committee.

- the ACMA also raised the possibility of making joint statements where, for example, DP-REG wishes to show support for an initiative or condemn a matter involving online harms. The process would be similar to that developed for joint submissions. The CRWG anticipates presenting a final draft of the framework to the DP-REG Steering Committee, for their consideration and agreement, in Q1 2023.
- Regulator Heads generally agreed that consideration of joint submissions and statements should be pursued where warranted noting an administrative framework would be developed to support that process.
- Regulator Heads agreed approval for preparing joint submissions should sit with the Steering Committee, particularly where matters were time-critical noting the final product would still go through each individual regulators' internal clearance process.
- The ACMA noted that further consideration would likely need to be given to joint appearances given each regulator sits within a different portfolio.
- The OAIC noted that as part of their role in the Global Privacy Assembly (GPA), they had put forward a proposal for a mechanism to make statements on urgent matters out of session. One example where it was used was in relation to the GPA's statement in relation to Facebook's move to introduce their own native digital currency, Libra. This framework could be leveraged to help inform DP-REG's process for making joint statements.

3.3 Public facing explanatory material

The third proposal related to the DP-REG infographic:

- This has been prepared by eSafety's design team and is intended to be used as a public facing resource, including when responding to parliamentary committees or other inquiries about DP-REG. The proposal is to develop a longer infographic which shows how each regulator's respective remit intersects based on a mapping task completed by DP-REG members earlier in the year.
- The ACCC suggested expanding references to "safe" and "trusted" to also add "fair", "innovative" and "competitive".
- The ACMA suggested that the stakeholder engagement mapping exercise would help with putting together the longer infographic.

3.4 Branding and online presence

The final proposal was around DP-REG's online presence and branding:

- The Steering Committee has briefly discussed branding and a DP-REG web presence that could act as a single repository for public facing materials and decided to revisit this once additional DP-REG materials had been developed.
- DP-REG currently has Terms of Reference and June Communique published on the ACMA's website and regulators' respective websites, but further public facing documents (such as the infographic and end of year reporting) are on the way.
- The ACMA suggested that a branding and online presence be reconsidered in Q1 2023 when further products have been developed and the broader stakeholder mapping exercise has been conducted. Regulator Heads broadly supported this approach.

3.5 Other matters:

- The ACMA noted that the International Institute of Communications (IIC), which is an international group of regulators in the Communications space, have issued an invitation to meet with DP-REG in February. The ACMA will forward the invitation to the DP-REG group.
- eSafety added, in relation to international groups, that they had recently founded and launched the Global Online Safety Regulators Network together with the UK Ofcom and Fiji's Online Safety Commission in Washington DC. While in DC, eSafety also spoke to members of Congress, the Whitehouse and FTC Commissioners in relation to online safety regulation. The GPA had already contacted them, indicating a global interest in the intersection of the regulators.

Action item 1: Infographic to be updated to address minor amendments and finalised.

Action item 2: Steering Committee to conduct a stakeholder mapping exercise to help inform DP-REG's stakeholder engagement strategy. To be circulated for Regulator Heads approval out-of-session.

Action item 3: Secretariat to circulate GPA Resolution for Joint Statements on Emerging Global Issues for consideration.

Action item 4: ACMA to forward invitation from the International Institute of Communications to other DP-REG regulators for a February meeting.

Outcome 1: Regulator Heads requested minor amendments to the DP-REG infographic.

Outcome 2: Development of the DP-REG's web presence and further materials (including the longer infographic) be deferred until additional products have been produced.

Outcome 3: Regulator Heads approved the ACMA's proposed approach as set out in the joint submissions paper noting that an administrative framework will be developed to support that process.

4. DP-REG resourcing (OAIC)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
- [REDACTED]
 - [REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

Action item 5: [REDACTED]
[REDACTED]
[REDACTED]

Outcome 4: [REDACTED]
[REDACTED]

5. Other business

- [REDACTED]
[REDACTED]
[REDACTED]
- eSafety will shortly be releasing their BOSE report covering activity from Apple, Meta, WhatsApp, Skype and Omegle. eSafety is also currently completing a technology assessment through a third-party independent technology provider on age verification and age solutions which is planned to be delivered around March. eSafety also provided an update on its work in relation to the development of industry codes.
- OAIC noted the *Privacy Legislation Amendment (Enforcement and Other Measures) Bill 2022* came into force on 13 December 2022. The ACMA and OAIC received new information sharing provisions, while the extra-territoriality provisions are now aligned with those of the Australian Consumer Law. The Privacy Act Review is ongoing.

Digital Platforms Regulators Forum (DP-REG)

Regulator Heads Meeting – Agenda

Date:	20 June 2023
Time:	2:00 – 3:00pm
Location:	Teams Meeting (linked) For phone dial in: +61 2 7208 4918 Phone Conference ID: 200 626 904#

Participants

ACCC	Gina Cass Gottlieb Tom Leuner Kate Reader
ACMA	Nerida O'Loughlin Creina Chapman
eSafety	Julie Inman Grant Morag Bond
OAIC	Angelene Falk Elizabeth Hampton (Chair)

Observers

ACCC	[REDACTED]
ACMA	[REDACTED]
eSafety	[REDACTED]
OAIC	Sarah Ghali [REDACTED] [REDACTED]

Agenda

	Topic	Papers	Timing	Discussion Lead
1	Welcome and introductions, including opportunity to ask working group chairs questions about progress	Attachment A: Overview of DP-REG activities FY22/23	5 minutes	OAIC; Working Group Chairs
2	Discussion of output of Digital Technology Working Group:	Attachment B: DTWG Algorithms	18 minutes	ACCC

	<ul style="list-style-type: none"> literature summary on algorithms examination of generative AI LLMs 	Literature Summary – Cover Paper Attachment C: DTWG Algorithms Literature Summary Attachment D: DTWG Examination of technology - Large Language Models cover paper Attachment E: DTWG Examination of technology - Large Language Models		
3	Communications and engagement strategy	Attachment F: Draft DP-REG Stakeholder Mapping Attachment G: DP-REG web presence paper	10 minutes	OAIC
4	██████	Attachment H: ██████████	10 minutes	OAIC
5	Extension of the Working Group and Secretariat tenures and strategic priorities for 23/24	N/A	5 minutes	OAIC
6	Draft media release	Attachment I: Draft media release	8 minutes	OAIC
7	Other	N/A	5 minutes	OAIC

Other work items for noting:

Attachment J: Codes & Regulation Working Group digital platform initiatives tracker

Digital Platforms Regulators Forum (DP-REG)

Meeting Details

Date:	Friday 15 July 2022
Time:	2:30- 4:00pm
Dial-in:	Microsoft Teams
Conference ID:	144 580 812#

Participants

ACCC	Tom Leuner (Chair)
ACMA	Cathy Rainsford
eSafety	Rebecca Razavi
OAIC	Elizabeth Hampton

Apologies: Kate Reader (ACCC), Morag Bond (eSafety), Creina Chapman (ACMA)

Observers

ACCC	<div></div> <div></div> <div></div>
ACMA	Rochelle Zurnamer <div></div> <div></div>
eSafety	<div></div> <div></div>
OAIC	David Stevens Sarah Ghali <div></div> <div></div>

Agenda

1	Welcome and apologies (Chair)	
2	Tech Policy and Regulator Coordinator Model <i>Johanna Weaver from the ANU Tech Policy Design Centre will address DP-REG on its inaugural report (published in May) Tending the Tech-Ecosystem. The report considers who is best placed to implement and oversee a new era of tech regulation. The Tech Policy Design Centre is consulting on the model, before putting it to government. There will be an opportunity for questions from DP-REG members, and supporting documents may be circulated.</i>	
3	Previous action items arising	
	Action item from 20 May minutes	Chair's update
	Action: the ACCC will draft a workplan, to be distributed for review and approval by DP-REG members prior to the Chair-level meeting in June.	Priorities were communicated in the meeting communique. In preparation for the agency head meetings, agencies agreed the workplan to remain an internal document.
	Action: the Secretariat will reach out to DP-REG members in coming weeks to begin developing this 3-page document.	The secretariat has reached out to members and a kick off meeting was held on Wednesday 13 July.
	Action: ACMA and OAIC to go back to Meta and Apple to ask whether it is possible to invite other DP-REG members.	Apple briefing scheduled for 15 July 2022
4	Coordination and collaboration between DP-Reg agencies a) Update from Agency heads meeting <i>Agency heads met on 28 June 2022 and agreed a set of DP-Reg work priorities. A meeting communique was published. The DP-Reg steering committee to further discuss options to progress the work priorities and governance arrangements, including sub-committees.</i> b) Discussion of options to progress the new DP-REG work priorities <i>Draft Work Plan 2022-23 developed, and ACMA Governance proposal document circulated. Parties have continued to discuss options over email.</i> <i>Confirmation of changes to the terms of reference</i> <i>Confirmation of 3 sub-committees and sub-committee next steps – data and research working group, codes and regulations working group, and digital technology working group</i> c) Data sub-committee update d) Liaison and coordination with government <i>The Digital Technology Taskforce is being moved from PMC to DISER in a machinery of government change, they have offered to update the DP-Reg at a future meeting on their role on all-of-government coordination on 'digital issues' (noting these are broader than digital platforms)</i>	

	<p><i>ACMA and eSafety were recently contacted by Department of Home Affairs to set up a joint meeting with DP-REG. The Department would like to get a better understanding on the implementation of the work plan – which closely aligns with its work on national security – and the Secretary is keen to ensure alignment and collaboration as the Department engages with industry and develops forward looking plans. It would also like to get further detail on the leads for each of the workstreams.</i></p> <p><i>Update from the ACMA on recent discussions with DITRDCA regarding enforcement options for potential new disinformation powers</i></p> <p>e) Change in chair, virtual workspace and online collaboration tools</p>
5	<p>Agency updates</p> <p>a) OAIC</p> <p>b) eSafety</p> <p>c) ACMA</p> <p>d) ACCC</p>
6	<p>Other business (All)</p> <p>a) Confirm next meeting –16th September.</p>

From: [REDACTED]
To: [REDACTED] Creina Chapman; David Stevens; Elizabeth Hampton; Leuner, Tom; Morag Bond; Reader, Kate; [REDACTED] Rebecca Razavi; Rochelle Zurnamer; Sarah Ghali [REDACTED]
Cc: DigitalPlatforms
Subject: 3 follow ups from DP-REG - TOR, Working Group members, and collab tools [SEC=OFFICIAL] [ACCC-ACCCANDAER.FID2117004]
Date: Tuesday, 19 July 2022 10:06:36 AM
Attachments: Proposed edits to DP-REG ToRs.docx
DP-REG - Online Tools for discussion.docx

OFFICIAL
OFFICIAL

Good morning all

Thanks to everyone who participated last Friday in what was a productive DP-REG meeting. We are still preparing minutes which we will circulate in due course. This email is to promptly follow up on **three action items** – (1) ACCC to recirculate the amended terms of reference with one further change to the rotating chair arrangements (2) ACCC to circulate a request for nominations for the three working groups (3) ACCC to circulate some information regarding online collaboration tool options and propose next steps.

If anybody has any questions about the below feel free to call me - [REDACTED]. Otherwise, I've tried to clearly indicate the required action/follow-up for each item.

(1) Amended terms of reference

Firstly, please see attached an updated terms of reference.

Action requested: Please advise if further changes are required, and/or can agencies confirm the amended terms of reference.

(2) Working Groups

Secondly, please see below some tables on nominations for each working group.

Action requested: Can each agency please nominate staff to each of the working groups by completing and circulating the below tables. If we can confirm these by **Friday 22 July**. The ACCC will recirculate a consolidated list as a word document next **Monday 25 July**. These lists will then be used by working group chairs as a distribution list and to organise the first meetings.

Digital technology working group

Theme: Exploring new and emerging digital technologies and issues

Chair: [REDACTED] Director, Digital Platforms Branch, ACCC

Telephone: [REDACTED]

E: [REDACTED]

Agency	Representative/s	Email
ACCC (Chair)	Chair: [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
eSafety	To insert	To insert
OAIC	To insert	To insert
ACMA	To insert	To insert

Data and research working group

Theme: Improving digital transparency

Chair: [ACMA to insert], ACMA

[insert lead contact details – phone and email]

Agency	Representative/s	Email
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ACMA	To insert	To insert
ACCC	[REDACTED]	[REDACTED]
eSafety	To insert	To insert
OAIC	To insert	To insert

Codes and regulation working group

Theme: Agency collaboration, coordination, and capability building

Chair: [eSafety to insert], eSafety

[insert lead contact details – phone and email]

Agency	Representative/s	Email
esafety	To insert	To insert
ACCC	[REDACTED]	[REDACTED]
ACMA		To insert
OAIC		To insert

(3) Online Collaboration tools

I took as an action item on Friday to circulate a 'half page' on online collaboration tool options. I provide some information **attached**.

Action requested: The ACCC can facilitate a meeting to discuss with working group chairs plus the OAIC (as secretariat) to consider the information below. Others may attend if interested, or can provide any input via their agency's working group chair. I will circulate an invite for this after we have confirmed working members.

Kind regards

[REDACTED]

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Digital Platforms Regulators Forum (DP-REG) Steering Committee Meeting

Meeting Details

Date:	Friday 16 September 2022
Time:	10am-11:30am
Dial-in:	Microsoft Teams
Conference ID:	810 975 566#

Participants

OAIC	Elizabeth Hampton (Chair)
ACCC	Kate Reader Tom Leuner
ACMA	Creina Chapman
eSafety	Rebecca Razavi

Apologies: N/A

Observers

ACCC	[REDACTED] [REDACTED]
ACMA	Rochelle Zurnamer [REDACTED] [REDACTED] [REDACTED]
eSafety	Morag Bond [REDACTED] [REDACTED] [REDACTED] [REDACTED]
OAIC	David Stevens [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Attachments

Attachment A: DP-REG Terms of Reference (clean)

Attachment B: DP-REG Terms of Reference (mark-up)

Attachment C: Digital Technology Working Group Terms of Reference (draft)

Attachment D: Digital Technology Working Group Workplan (draft)

Attachment E: Codes & Regulation Working Group Terms of Reference (draft)

Attachment F: Codes & Regulation Working Group Workplan (draft)

Attachment G: Data & Research Working Group Terms of Reference (draft)

Attachment H: Data & Research Working Group Workplan (draft)

Attachment I: Internal narrative document (draft)

Attachment J: Principles for engagement with DP-REG (draft)

Attachment K: Stocktake from DP-REG Working Groups (draft)

Attachment L: DP-REG end of year reporting document shell (draft)

[NB: Attachments are subject to change and will be provided when they become available.]

Agenda

1	Welcome and apologies (Chair)	
2	Digital Technology Taskforce <i>██████████ and ██████████ from the Digital Technology Taskforce will present on the role of the Digital Technology Taskforce and future coordination on digital issues.</i>	
3	Previous action items arising	
	Action item from 15 July minutes	Chair's update
	Action: the ACCC will circulate a request for working group nominations and chair details. Agencies to provide Working Group Chair and member contact details	This has been completed - the ACCC circulated a finalised list of participants for working groups.
	Action: Working Group Chairs to meet to coordinate consideration of workplans and project plans and ensure delivery of priority areas. Working Groups to have particular regard to the public commitments made about DP Reg's areas of focus, to ensure the work of the Working Groups marries up with the public commitments made.	This has been completed – the Working Group Chairs met and each working group has commenced drafting a work plan (to be discussed further in item 4).
	Action: ACMA to recirculate DP Reg Terms of Reference with necessary amendments	Further changes to the Terms of Reference were consolidated into a new draft and circulated by the ACCC on 26 July 2022. Please see Attachments A and B for the final draft. Provided there are no further comments at today's meeting, it is proposed that the new Terms of Reference are endorsed and published.
	Action: ACCC to offer Digital Technology Taskforce opportunity to speak at next DP-REG meeting in September	This has been completed – the Digital Technology Taskforce is presenting as agenda item 2 of this meeting.
	Action: ACMA will have an interim meeting with the Department of Home Affairs. DP-Reg Secretariat (OAIC) to organise a joint Department/DP-REG meeting with the relevant Working Group at a later date	This type of engagement will be discussed as part of agenda item 6 – processes for stakeholder engagement.
	Action: ACCC to delete meeting invite and OAIC to send new invite for next DP-REG Steering Committee meeting to be held in September	This has been completed

	Action: ACCC/OAIC to organise Secretariat handover meeting	This has been completed
	Action: ACCC to send note prior to next DP-REG meeting outlining options for digital workspaces	DP-REG agencies met at an officer level to discuss use of GovTeams as a digital workspace for the purpose of officer level collaboration.
4	Update on working group work plans <i>Each working group met and developed draft terms of reference and a draft workplan. See Attachments C-H. These have been finalised at the working group level.</i>	
5	Update on narrative document <i>DP-REG members have developed a draft internal narrative document regarding the role of DP-REG. See Attachment I.</i>	
6	Processes for stakeholder engagement <i>Since the last DP-REG meeting, members have received the following requests:</i> <ul style="list-style-type: none"> <i>a request from Home Affairs to meet with DP-REG to discuss work on algorithms and end to end encryption in response to recommendations of the Select Committee on Social Media and Online Safety</i> <i>a request from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to discuss work on algorithms in response to recommendations of the Select Committee on Social Media and Online Safety</i> <i>a request from the CSIRO's Data61 to discuss the work of DP-REG to inform their research and to brief DP-REG on their current research streams.</i> <i>Following formal adoption of the new governance arrangements for DP-REG it would be beneficial to hear members' views about establishing principles for how to respond to these kinds of requests. Draft principles for discussion are set out in Attachment J.</i>	
7	Agency updates <ul style="list-style-type: none"> a) OAIC b) eSafety c) ACMA d) ACCC 	
8	Other business (All) <ul style="list-style-type: none"> a) Joint submissions b) DP-REG branding and web presence c) Reporting – Working Group reporting and public end-of-year reporting (See attachments K and L) d) Confirm next meeting – 25 November 2022. 	

Minutes for DP-REG Meeting on 16 September 2022 (Draft)

Details

Run Time: 10:00 – 11:30am

Attendees:

ACCC	Tom Leuner, [REDACTED] Kate Reader, [REDACTED]
ACMA	Creina Chapman, [REDACTED] Rochelle Zurnamer
eSafety	Rebecca Razavi, Morag Bond, [REDACTED] [REDACTED]
OAIC	Elizabeth Hampton, Sarah Ghali, David Stevens [REDACTED] [REDACTED]
Digital Technology Taskforce	[REDACTED]

Apologies: [REDACTED] (OAIC), [REDACTED] (DTT)

Action Items

- 1 DP-REG to consider how to coordinate with the Digital Technology Taskforce, particularly where regulation of industry is involved.
- 2 To progress the DP-REG internal narrative document (Attachment I) and public narrative document members will take the following actions:
 - ACCC to provide overarching statement to Secretariat.
 - eSafety to contact their internal design team to reserve capacity to assist with the public narrative document.
 - Secretariat to set up an officer-level meeting with DP-REG members and eSafety's design team to discuss the design brief.
 - Secretariat to respond out of session with an update when ready.
- 3 Secretariat to review the Principles for Engagement document (Attachment J) to capture DP-REG comments and re-circulate.
- 4 Secretariat to arrange an out-of-session meeting with Home Affairs and DITRDCA.
- 5 Codes & Regulation Working Group to consider processes and opportunities for joint submissions.
- 6 DP-REG to revisit branding and web presence discussion in the future, once the DP-REG has materials to publish.

Outcomes

- 1 DP-REG agreed that all action items from the 15 July 2022 Steering Committee meeting except for action item 5 had been completed with no objections. Action item 5 was discussed as part of agenda item 6.

- 2 DP-REG endorsed the workplans of all three working groups.

- 3 DP-REG endorsed the working group reporting template and public end-of-year reporting templates (Attachments K and L)

- 4 DP-REG endorsed 25 November 2022 as the next Steering Committee meeting date.

Agenda items

1. Digital Technology Taskforce

The Digital Technology Taskforce (DTT) presented on the role of the DTT and the potential for future coordination on digital issues. By way of background, they noted that their previous work included the Digital Economy Strategy and coordinating budget packages to support the Strategy.

While it is presently unclear what the change of government means for the Digital Economy Strategy, the current government has a similar commitment to jobs in the tech space (1.2 million tech-related jobs by 2030) and, currently, Minister Husic (Minister for Industry and Science) takes on a whole-of-government data and digital coordination role.

The DTT is continuing some of its key pieces of work from the last administration, including:

- consulting on artificial intelligence and automatic decision-making regulation (an options paper is likely to be released in October),
- exploring a digital and tech skills compact to set up a working group within industry, government, and the training sector to look at digital apprenticeships, and
- developing a broader data strategy for the digital economy.

The DTT noted that the Productivity Commission's work will be a big part of informing the productivity agenda going forward and their comments around data and digital will inform the economic package.

The DTT also indicated there will a Band 2 IDC meeting in the future to discuss how to bring a sense of coordination and coherence to the various pieces of work in progress.

The ACCC noted the Productivity Commission's paper seemed focussed on large uses of data, but is not very privacy, security or consumer related. eSafety asked about the Government's security approach. The DTT responded that trust and confidence is a recurring theme in the Government's strategies and that security has a role in these themes—Government aims to provide confidence to the marketplace to ensure that things are operating as they should.

The OAIC suggested that DP-REG members should be involved in the Digital Economy Summit and Band 2 IDC meeting to ensure the DP-REG perspective is captured at those meetings. DTT agreed and indicated they would provide a list of attendees to the DP-REG once available.

eSafety commented that it would be useful to hear from industry about over-regulation and its impact on the start-up scene. DTT agreed they are considering where the balance lies between regulation and letting the market operate and that it would be helpful to involve DP-REG in this conversation.

Action item 1: DP-REG to consider how to coordinate with the Digital Technology Taskforce, particularly where regulation of industry is involved.

2. Action items from 15 July 2022 meeting

Action item 1: the ACCC will circulate a request for working group nominations and chair details. Agencies to provide Working Group Chair and member contact details

Status: This has been completed - the ACCC circulated a finalised list of participants for working groups.

Action item 2: Working Group Chairs to meet to coordinate consideration of workplans and project plans and ensure delivery of priority areas. Working Groups to have particular regard to the public commitments made about DP Reg's areas of focus, to ensure the work of the Working Groups marries up with the public commitments made.

Status: This has been completed – the Working Group Chairs met and each working group has commenced drafting a work plan (discussed further in item 4).

Action item 3: ACMA to recirculate DP Reg Terms of Reference with necessary amendments.

Status: Further changes to the Terms of Reference were consolidated into a new draft and circulated by the ACCC on 26 July 2022 (Attachments A and B). During the meeting the Steering Committee endorsed the updated Terms of Reference for publication.

Action item 4: ACCC to offer Digital Technology Taskforce opportunity to speak at next DP-REG meeting in September.

Status: This has been completed – the Digital Technology Taskforce presented at this meeting.

Action item 5: ACMA will have an interim meeting with the Department of Home Affairs. DP-Reg Secretariat (OAIC) to organise a joint Department/DP-REG meeting with the relevant Working Group at a later date.

Chair's update: This engagement was discussed as part of agenda item 6 – processes for stakeholder engagement.

Action item 6: ACCC to delete meeting invite and OAIC to send new invite for next DP-REG Steering Committee meeting to be held in September.

Chair's update: This has been completed.

Action item 7: ACCC/OAIC to organise Secretariat handover meeting.

Chair's update: This has been completed.

Action item 8: ACCC to send note prior to next DP-REG meeting outlining options for digital workspaces.

Chair's update: DP-REG agencies met at an officer level to discuss use of GovTeams as a digital workspace for the purpose of officer level collaboration.

Outcome 1: DP-REG agreed that all action items from the 15 July 2022 Steering Committee meeting except for action item 5 had been completed with no objections. Action item 5 was discussed as part of agenda item 6.

3. Update on Working Group work plans

Digital Technology Working Group

The Digital Technology Working Group (DTWG) met on 10 August and 6 September to progress the workplan. They agreed to four key workstreams:

- Workstream 1: algorithms and their impact,
- Workstream 2: horizon scanning to identify those technologies that may impact on regulatory remit,
- Workstream 3: consideration of particular technologies and their implications, and
- Workstream 4: external engagement relevant to digital technology issues.

The DTWG indicated that they will prioritise Workstream 1 for the rest of 2022, with key deliverables being an interagency workshop to share current experience and build capacity, and a literature review drawing on overseas regulatory work. In early 2023, the DTWG will begin Workstreams 2 and 3, and afterwards, Workstream 4, however, they noted that they will maintain a regular dialogue on the external seminars members are attending to share knowledge throughout the year.

eSafety asked about the parameters of the algorithms and impact workshop. DTWG responded that they are taking their lead from the UK who indicated that when they started their examination of issues, the critical part was understanding what each regulator was already doing in that space and their interests in algorithms. The same need was apparent to the DTWG in their meetings, and each agency will be giving a 10-minute presentation at their October meeting on their engagement with algorithms. The literature review of overseas regulators' work will also assist to scope the workshop. The ACCC noted that the workshop could identify common threads and areas of interest, e.g. transparency and how it is explained.

Codes & Regulation Working Group

The Codes & Regulation Working Group (CRWG) met on 12 August and 6 September to settle their Terms of Reference which directs their work, and their Workplan detailing the aspects of their three workstreams:

- Workstream 1: building capacity in code development and regulation. At their 11 October meeting, members will present on their experience in code regulation and development, process and implementation, enforcement, and review process.
- Workstream 2: Collaborating on a coordinated approach to areas of intersection, which will involve identifying opportunities to collaborate or produce joint papers. CRWG expects this workstream to take them through to 2023, with regular stocktakes and considerations around potential intersections.
- Workstream 3: external engagements on an ongoing basis.

ACMA noted that they have benefited from informal conversations around code making powers. While the misinformation code is currently voluntary, they expect that could change

if the ACMA were provided regulatory powers in the future. eSafety commented that they wanted to build a process of evaluation where members can share their experiences with codes, and that data collection may be important in that.

Data & Research Working Group

The Data & Research Working Group (DRWG) noted having the benefit of previous work done by the preceding Data Subcommittee on their workplan, which they finalised with three workstreams:

- Workstream 1: Improving data sharing arrangements between members. One of the main activities (from the previous workplan) is taking a stocktake of data from agencies last year, and the DRWG are interested in a research project on barriers to sharing data between agencies.
- Workstream 2: Scoping an audit of platform rules and frameworks, which draws on the DP-REG communique in relation to looking at platforms' Terms and Conditions. DRWG indicated that they are scoping at this stage because this task will be potentially very resource intensive and will revert to the Steering Committee once the scoping exercise is completed. This workstream also includes complaints research through the ACMA which will be shared with the broader group once ready.
- Workstream 3: Laying foundations for joint data and research projects. This includes developing a digital platforms dictionary that would be shared amongst DP-REG members' policy departments to be used to align members' legislative proposals and outputs. This may also include a workshop around digital platforms' metrics and needs, which may feed into the DP-REG communique for 2023/24.

eSafety commented that the data dictionary likely needs to be provided to the OPC and other Departments as well to see if there are existing version to being with. DRWG indicated that that may be the second phase of the dictionary task, as the first stage is to stocktake on what is already out there and as there are some considerations around how members work with the terms as well.

Outcome 2: DP-REG endorsed the workplans of all three Working Groups.

4. Update on internal narrative document

DP-REG members have collaborated at an officer level to develop an internal narrative document, which sets out members' respective regulatory remits and intersections with respect to digital platforms to address emerging concerns of a crowded regulatory landscape with significant regulatory overlap. The next step is to develop a public facing version of the document, and members have had officer level discussions around that being an infographic, potentially utilising eSafety's internal marketing design team to do so.

The ACCC noted their particular interest in this task and suggested the document would benefit from an agreed overarching statement of objective. They have a statement prepared, but need to finalise it before circulating.

eSafety made an administrative note that they are not an agency and so preferred that DP-REG members be referred to regulators rather than agencies in documents. In relation to the infographic, eSafety noted they would discuss with their internal design team. DP-REG

members expressed that it may be beneficial to develop a design brief to provide eSafety's design team and meet with the design team to discuss the infographic further.

The OAIC reiterated the importance of the public facing narrative, suggesting that once it was agreed upon, it may potentially be used to speak cohesively and with confidence as a group on behalf of each other in digital platform contexts. DP-REG members generally agreed with that sentiment.

Action item 2:

- ACCC to provide overarching statement to Secretariat.
- eSafety to contact their internal design team to reserve capacity to assist with the public narrative document.
- Secretariat to set up an officer-level meeting with DP-REG members and eSafety's design team to discuss the design brief.
- Secretariat to respond out of session with an update when ready.

5. Processes for stakeholder engagement

The OAIC have developed draft principles for stakeholder engagement (Attachment J), noting that the DP-REG has received several meeting requests from external entities. The process, allocation and sharing principles are intended only to be a starting point, and eSafety had already given written feedback about considering proactive engagement. The OAIC noted that a further principle to incorporate may be to consider the impact on equal opportunity for stakeholders to engage with DP-REG so that DP-REG are not overly engaged with one group.

eSafety commented that there are differences in the ways that externals are engaging DP-REG. For example, the request from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) about the Social Media Inquiry is a very different engagement to Meta engaging DP-REG to showcase the Metaverse. As such, eSafety suggested DP-REG consider the context of the parties engaging DP-REG in these principles, perhaps from the perspective of whether the external is requesting action from DP-REG or simply requesting to present to DP-REG.

The ACCC agreed and commented that DP-REG should be clear when engaging with externals that DP-REG is not a decision-making body and are not resourced to be delivering outputs—DP-REG's work is complementary to the work that external entities are doing.

A DP-REG member also noted that DP-REG is a relatively new body without a lot of external documentation out currently, but as external documentation is developed, some external requests may be resolved by those documents, and the nature of engagements may change to clarifications of specific questions.

The ACCC further noted that DP-REG should have a qualifier at the start of the document that says this is a general process that is subject to the opportunities that might arise which the Secretariat will use to assess the engagement. In relation to recording the sessions, this will need to be considered on a case-by-case basis.

Action item 3: Secretariat to review the Principles for Engagement document (Attachment J) to capture DP-REG comments and re-circulate.

Action item 4: Secretariat to arrange an out-of-session meeting with Home Affairs and DITRDCA.

6. Agency updates

eSafety

eSafety updated on various topics:

- Social Media Inquiry—DP-REG members had been separately approached for input and a decision will need to be made on how DP-REG responds to the Inquiry as it was relevant to all DP-REG members. DITRDCA are leading the response and the Inquiry is considering potentially starting a Standing Committee.
- Disability Royal Commission— eSafety had been asked to give evidence both in writing and potentially at hearing, however, this was not likely to impact on other members of the DP-REG.
- TechTrends position paper around end-to-end encryption—currently being internally reviewed and is expected to be finalised by the end of the month.
- Online Safety Act Basic Online Safety Expectations (BOSE) notices sent to Apple, Meta (and WhatsApp), Microsoft (and Skype), Omegle and Snap—BOSE notices have been sent out concerning periodic reporting and harms-based reports around removal of child exploitation material. Digital platforms say they are taking actions around child exploitation material, and the BOSE notices ask if they are executing what they claim. The platforms have 28 days to respond. eSafety indicated they are also thinking about other periodic notices that can be issued in the future, having regard to what would be required under the Code and other reporting requirements expected in the industry.
- Industry codes—noted industry association codes are open for consultation until the end of the month. The first set deals with class 1 content and is very complex, both in the terms of the code and the broad range of stakeholders. eSafety further noted that there are real intersections between privacy and online safety. A decision on the Codes will not be made until later this year, and eSafety suggested that they discuss their response with the OAIC. The OAIC noted that they are currently considering the Codes and whether to make a submission and agreed to contact Renata Sala (CRWG Chair) in the first instance.
- eSafety noted that Rebecca Razavi is moving on to another role.

ACMA

ACMA provided updates on various topics:

- DIGI and the Misinformation Code—DIGI had closed their consultation for review of the Misinformation Code.
- Social Media Inquiry—ACMA noted continuing discussions with the DITRDCA about the Social Media Inquiry and will update DP-REG as progress is made.
- Standing Committee on Electoral Matters—ACMA noted the Standing Committee on Electoral Matters is commencing their inquiry into the 2022 federal election and that

activities of digital platforms will be a focus. Submissions close first week of October. Further noted that the OAIC and ACMA are meeting with Tom Rogers (Australian Electoral Commissioner) in the future to discuss the election. OAIC noted that there were less privacy complaints in the 2022 federal election than in previous election.

- Voice to Parliament and Republic—ACMA also commented that there have been initial discussions about online misinformation in relation to an Indigenous voice to Parliament and becoming a republic. eSafety commented that hate speech in relation to a voice to Parliament has been mentioned in passing to them as well.
- News Media Bargaining Code—ACMA updated that the review continues and there is now some clarity that Andrew Leigh is the responsible Minister, potentially meaning that there would be an extension to the timeframe given the change of Ministers. ACCC provided that there were no updates on this matter from their end.

ACCC

ACCC provided an update on their Digital Platforms and Services Inquiry, being that their fifth interim report to the Minister was imminent. ACCC indicated they would provide a briefing to the DP-REG in confidence once they provided the report to the Minister.

OAIC

The OAIC updated on various topics:

- Facebook litigation—Facebook's special leave application is currently being heard in the HCA.
- Clearview—OAIC updated that Clearview matters were currently in the AAT and that so far only dates had been received.
- [REDACTED]
- International Enforcement Cooperation Working Group (IEWG)—OAIC noted that they were involved in discussions about issuing some form of joint letter from the IEWG.
- Facial recognition technology—OAIC have opened investigations against Bunnings and Kmart, [REDACTED]

7. Other business (all)

Joint submissions

The OAIC introduced the topic noting that there is no current process for drafting and clearance of joint submissions, but that some DP-REG members have had officer level discussions about how this might be achieved going forward. OAIC commented that it was also open to leave the issue to the CRWG as they are also looking into it, however, the critical question for DP-REG is when and where DP-REG would do a joint submission, which may be a Steering Committee level decision.

The ACMA identified two scenarios where DP-REG may choose to do a joint submission, the first where DP-REG sees a consultation and decides to respond jointly, and the second where one of the DP-REG regulators are doing a submission and asks if the other DP-REG regulators would like to put their name to it.

The ACCC noted that their new clearance system required submissions to go through an internal process (within the ACCC first) before they can commit to anything.

DP-REG agreed the CRWG could consider how to manage joint submissions.

Action item 5: Codes & Regulation Working Group to consider processes and opportunities for joint submissions.

DP-REG branding and web presence

The ACCC commented that they would prefer to discuss this later as DP-REG does not currently have any materials to publicly release. As a lot of time and energy goes into building a website, DP-REG should wait until there are outputs before committing to a website. eSafety and ACMA agreed and noted that the need for a website should also form a part of our bid for funding.

Action item 6: DP-REG to revisit branding and web presence discussion in the future, once the DP-REG has materials to publish.

Reporting – Working Group reporting and public end-of-year reporting (see attachments K and L)

The OAIC provided that the purpose of these documents is to have some consistency for the Working Groups moving through the year to track their progress, and also to have a template for the end of year so we can capture all DP-REG's work. DP-REG members unanimously agreed to the templates, noting that they can be tweaked on an as needs basis.

Outcome 3: DP-REG endorsed the working group reporting template and public end-of-year reporting templates.

Confirm next meeting – 25 November 2022

Outcome 4: DP-REG endorsed 25 November 2022 as the next Steering Committee meeting date.

Digital Platforms Regulators Forum (DP-REG) Steering Committee Meeting

Meeting Details

Date:	Friday 25 November 2022
Time:	10am-11:30am
Dial-in:	Microsoft Teams
Conference ID:	301 435 706#

Participants

OAIC	Elizabeth Hampton (Chair)
ACCC	Kate Reader Tom Leuner
ACMA	Creina Chapman
eSafety	Morag Bond

Apologies: N/A

Observers

ACCC	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
ACMA	Rochelle Zurnamer [REDACTED] [REDACTED] [REDACTED]
eSafety	[REDACTED] [REDACTED] [REDACTED]
OAIC	David Stevens Sarah Ghali [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Attachments

Attachment A: Steering Committee Minutes – 16 September 2022 (draft)

Attachment B: Algorithms Project – Questions for the DP-REG Steering Committee

Attachment C: Triannual reporting stocktake

Attachment D: Presentations from inter-regulator workshop on algorithms

Attachment E: DP-REG infographic

Attachment F: DP-REG Regulator Heads Meeting Agenda – 13 December 2022 (preliminary draft)

Agenda

1	Welcome and apologies (Chair)	
2	<p>Department of Home Affairs and Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) Briefings</p> <p><i>Discussion 1: Tim Roy will present on Home Affairs' work in relation to online terrorism and violent extremism.</i></p> <p><u>Home Affairs attendees:</u></p> <p>Tim Roy, Assistant Secretary, Countering Violent Extremism Branch</p> <p>██████████ Assistant Director, Online Terrorism and Violent Extremism Policy, Countering Violent Extremism Branch</p> <p><i>Discussion 2: Brendan Dowling will present on Home Affairs' work on algorithms and other relevant areas.</i></p> <p><u>Home Affairs attendees:</u></p> <p>Brendan Dowling, First Assistant Secretary, Cyber and Critical Technology Coordination</p> <p>██████████ Acting Director, Data Security and Strategy</p> <p>██████████ Assistant Director, Cyber Strategy Unit</p> <p><i>Discussion 3: DITRDCA will present on their work on algorithms in response to recommendation 13 of the House Select Committee Social Media and Online Safety Inquiry and welcome discussion on collaboration with DP-REG.</i></p> <p><u>DITRDCA attendees:</u></p> <p>Pauline Sullivan, First Assistant Secretary, Online Safety, Media and Platforms Division</p> <p>Andrew Irwin, A/g Assistant Secretary, Platforms and News Branch</p> <p>██████████ Director, Digital Platforms Market Section</p> <p>██████████ Assistant Director, Digital Platforms Market Section</p> <p>██████████ Policy Officer</p> <p><i>DITRDCA and Home Affairs have provided Attachment B, which includes questions for the Steering Committee's consideration.</i></p>	
3	Previous action items arising	
	Action item from 16 September minutes	Chair's update
	Action: DP-REG to consider how to coordinate with the Digital Technology Taskforce, particularly where regulation of industry is involved.	This is an ongoing area for consideration alongside how we coordinate with other areas of government.
	Action: Progress the DP-REG internal narrative document and public narrative document.	DP-REG members have worked with eSafety designers to prepare an infographic for public use – this will be discussed further in agenda item 5.
	Action: Secretariat to review the Principles for Engagement document to capture DP-REG comments and re-circulate.	The Secretariat reviewed this document and have circulated it for comment by email on 11 November 2022.

	Action: Secretariat to arrange an out-of-session meeting with Home Affairs and DITRDCA	The Secretariat arranged the briefing for Home Affairs and DITRDCA that occurred today.
	Action: DP-REG members to coordinate in relation to Senate Economics References Committee inquiry into the influence of international digital platforms and drafting a DP-REG covering letter.	DP-REG members met at an officer level on 9 November and agreed a timeline for progression. The covering letter and submissions will be progressed for clearance through each individual regulator in December. This will be discussed in agenda item 7.
	Action: Codes & Regulation Working Group to consider processes and opportunities for joint submissions	This will be progressed as set out in the Codes & Regulation work plan.
4	Updates on working group progress <i>Working groups have been progressing items in their work plan. Progress against items is set out in Attachment C.</i>	
5	DP-REG Infographic <i>DP-REG members have developed a public facing infographic regarding the role of DP-REG. See Attachment E.</i>	
6	[REDACTED]	
7	DP-REG joint covering letter <i>Discuss proposed approach to coordinated submissions to Senate Economics References Committee inquiry into the influence of international digital platforms.</i>	
8	DP-REG Regulator Head Meeting Agenda <i>The next Regulator Head meeting is on Tuesday 13 December from 4-5. A preliminary draft agenda is included at Attachment F.</i>	
9	Regulator updates a) OAIC b) eSafety c) ACMA d) ACCC	
10	Other business a) Confirm next meeting – 3 February 2023.	

Minutes for DP-REG Meeting on 25 November 2022

Details

Run Time: 10:00 – 11:30am

Attendees:

ACCC	Tom Leuner, Kate Reader [REDACTED]
ACMA	Creina Chapman, [REDACTED] Rochelle Zurnamer, [REDACTED]
eSafety	Morag Bond, [REDACTED] [REDACTED]
OAIC	Elizabeth Hampton, Sarah Ghali, David Stevens, [REDACTED] [REDACTED]
Home Affairs	Tim Roy, Assistant Secretary, Countering Violent Extremism Branch [REDACTED] Assistant Director, Online Terrorism and Violent Extremism Policy, Countering Violent Extremism Branch Brendan Dowling, First Assistant Secretary, Cyber and Critical Technology Coordination [REDACTED] Acting Director, Data Security and Strategy [REDACTED] Assistant Director, Cyber Strategy Unit
Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA)	Pauline Sullivan, First Assistant Secretary, Online Safety, Media and Platforms Division Andrew Irwin, A/g Assistant Secretary, Platforms and News Branch [REDACTED] Director, Digital Platforms Market Section [REDACTED] Assistant Director, Digital Platforms Market Section [REDACTED] Policy Officer

Action Items

- 1 Any regulator that makes contact with the Digital Technology Taskforce to provide an update at the next Steering Committee meeting on 3 February 2022.
- 2 Secretariat to recirculate the Principles for Engagement document for comment by 29 November 2022.
- 3 DP-REG members to provide any additional feedback on infographic by 2 December 2022.

4 [REDACTED]

- 5 Papers on [REDACTED] and joint submission approval process to be prepared and circulated for Regulator Heads meeting.
-

Outcomes

- 1 Regulators to consider future opportunities to collaborate and share research where possible.
 - 2 The DP-REG Steering Committee meeting minutes of 16 September 2022 were endorsed by group.
 - 3 Steering Committee supported the joint covering letter approach to responding to the Senate Economics References Committee inquiry into the influence of international digital platforms.
-

Agenda items

1. Home Affairs and DITRDCA Briefings

Home Affairs' work in relation to online terrorism and violent extremism.

Home Affairs introduced their Countering Violent Extremism (CVE) Branch which has policy responsibility for the *Criminal Code Amendments (Violent Abhorrent Materials) Act 2019* (Cth) and shared responsibility for the *Online Safety Act 2021* and manage the Online Content Incident arrangement (Australia's domestic response protocol for online extremist content) with the eSafety Commissioner's office. The CVE Branch engages with stakeholders both bilaterally and through forums and working groups.

While national security is not in DP-REG's terms of reference, Home Affairs noted there may be commonalities in many of the challenges that the CVE branch is aiming to address in relation to algorithmic systems. Notably, the same algorithms that lead to consumer harms are also amplifying extremist material to at-risk individuals and accelerating online radicalisation. Some of the challenges CVE has come across include:

- a lack of regulation
- technical and policy differences between platforms creating inconsistencies in the way platforms respond to violent and extremist materials on their platforms, and
- the extra-territorial nature of platforms limiting the response that they can take with digital platforms.

CVE's priorities and interests include:

- Improving transparency— CVE noted that only 2 smaller online content services have submitted transparency reports (about their dealings with online terrorist and violent extremism content) to the OECD's Voluntary Transparency Reporting Framework (VTRF) web portal despite the industry generally supporting the VTRF portal. Relying on self-publishing from platforms is challenging and more needs to be done to convince and compel platforms to deal with extremism.
- BOSE powers— interested to see whether they can be used in relation to terrorist and violent extremist content.
- Meeting with Commonwealth stakeholders before the end of 2022 to discuss establishing an Online Terrorism Industry Engagement Forum in 2023. eSafety and ACMA will be invited to be members of that forum. CVE will engage with DP-REG to avoid duplication of efforts.

Home Affairs' work on algorithms and other relevant areas.

Home Affairs has been considering algorithms and their implications on harms, including in relation to terrorist content, misinformation and disinformation, and a range of foreign interference issues. This work cuts across several regulators and policy departments, including the AGD and other parts of Home Affairs, and includes:

- Social media applications review: The review will focus on foreign interference and apps' transparency around:
 - what kinds of data they are accessing
 - their data storage and security measures
 - [REDACTED]

- [REDACTED]
- [REDACTED] The report will be used to help inform a discussion on potential policy responses.
- Home Affairs has also been interested in how algorithms impact a range of security risks. Better transparency and research are an important part of the solution, and the government is interested in regulating algorithms. Home Affairs is currently undertaking a three-year study with UTS and UC Berkley into how different threat actors like foreign states or terrorist groups are taking advantage of social media algorithms to go viral on multiple platforms.

DITRDCA's work on algorithms in response to recommendation 13 of the House Select Committee Social Media and Online Safety Inquiry.

DITRDCA noted that the government is yet to formally respond to the Social Media and Online Safety Inquiry report. Recommendation 13 of the report was around algorithms and recommended that the eSafety Commissioner, DITRDCA and Home Affairs conduct a joint review of the use of algorithms in digital platforms, including how they operate, their use in harms, transparency, methods for technical regulation and a roadmap of skills.

DITRDCA's Platforms and News Branch has responsibility for matters relating to election integrity, misinformation, disinformation, platform and markets, among others. DITRDCA is supportive of Recommendation 13 in principle and will work together with Home Affairs to report to government around Q1 2024. They are currently in the scoping phase and considering the types of harms that can arise from algorithms. These include consumer harms, security harms, social harms, echo chambers, misinformation and disinformation, and also how algorithms affect dissemination of news services and discoverability of Australian content.

DITRDCA is interested to hear from DP-REG about their proposed work in the area and are interested in collaborating going forward.

DP-REG's Digital Technology Working Group's work on algorithms

The Digital Technology Working Group (DTWG) presented on their work relating to algorithms. The DTWG has run an interagency workshop with CSIRO's Data61 and are completing a literature review on algorithms, the scope of which is narrowed down to how algorithms contribute to harms which relate to DP-REG regulators' respective regulatory remits.

There are 3 areas of focus for the literature review—content moderation, recommender algorithms, and targeted advertising. DTWG is aiming to have an output around early next year to inform a joint understanding on these issues and where DP-REG may contribute in the future. DTWG is not intending to publish this more broadly. Home Affairs will contact the DTWG as the literature review progresses.

Other points:

- OAIC noted that the Privacy Act and certain Australian Privacy Principles (APPs) do apply to artificial intelligence and algorithms, and that the Privacy Act Review is considering additional protections specific to artificial intelligence technology. It is important to get the balance right between protecting rights and enabling innovation of technology.

- OAIC made submissions to the Privacy Act Review recommending amendments to the requirements of APP 5 notices and the introduction of a fair and reasonable standard for the collection, use and disclosure of personal information. ACCC commented that a major challenge is a lack of transparency around how algorithms operate and their effects, making it difficult to identify harms, take action, and understand their effect on consumer markets. ACCC noted some successful actions they have had in relation to algorithms in:
 - April 2022, Trivago was ordered to pay \$44.7m for making misleading representations about hotel room rates on its website and in television advertising, and
 - October 2020, iSelect was ordered to pay \$8.5m in penalties for making false or misleading representations about its electricity comparison service.
- ACCC also noted that they had made recommendations in their fifth interim report around consumer protection reforms, for example, a general unfair trading practices prohibition.
- ACMA had previously recommended the ACMA be provided with formal powers in relation to misinformation and disinformation.
- ACMA noted that they commissioned research in the context of their misinformation and disinformation report that may be relevant to Home Affairs' areas of focus. The ACMA also noted Home Affairs may be interested in research done by the Canadian Radio-television and Telecommunications Commission (CRTC) on algorithms and the discoverability of Australian content. UK's Ofcom also announced that they will be researching algorithms, specifically around misinformation and disinformation, and how consumers consume news. Home Affairs will contact ACMA directly about this research.
- eSafety noted that they have regulatory tools to help identify if algorithms are causing or addressing online harms and safety. The first set of BOSE notices have gone out seeking information about what the recipient is doing to address child sex abuse material. Under industry codes, there are commitments from providers that they will use algorithms to reduce the risk of harmful material, for example, Google censors harmful search results. eSafety noted that they have a paper on recommender systems coming out in December which identifies key recommender systems and their harms. The paper covers topics such as the three pillars of protection and systemic change, advice for users and industry, safety by design and practical measures for recommender algorithms.

OAIC thanked all for participating and noted that there are real opportunities to collaborate on areas of intersection and leverage the work each agency and regulator is doing. As a general principle, the Steering Committee agreed that regulators should consider sharing research more broadly where possible on a case-by-case basis.

Outcome 1: Regulators to consider future opportunities to collaborate and share research where possible.

2. Action items from 16 September 2022 meeting

Previous meeting minutes

Status: The DP-REG Steering Committee meeting minutes of 16 September 2022 were endorsed by group.

Action item 1: DP-REG to consider how to coordinate with the Digital Technology Taskforce

Status: This is an ongoing area for consideration alongside how we coordinate with other areas of government. To be carried over to next meeting.

Action Item 1: Any DP-REG member that makes contact with the taskforce to report back at the next Steering Committee meeting.

Action item 2: Progress the DP-REG internal narrative document and public narrative document.

Status: DP-REG members have worked with eSafety designers to prepare an infographic for public use. To be discussed further in agenda item 5.

Action item 3: Secretariat to review the Principles for Engagement document to capture DP-REG comments and re-circulate.

Status: The Secretariat reviewed this document and have circulated it for comment by email on 15 November 2022. Document to be recirculated and DP-REG members to provide feedback by 29 November 2022.

Action Item 2: Secretariat to recirculate the Principles for Engagement document for comment by 29 November 2022.

Action item 4: Secretariat to arrange an out-of-session meeting with Home Affairs and DITRDCA.

Status: Completed – the briefing from Home Affairs and DITRDCA occurred at the meeting today.

Action item 5: DP-REG members to coordinate in relation to Senate Economics References Committee inquiry into the influence of international digital platforms and drafting a DP-REG covering letter.

Status: DP-REG members met at an officer level on 9 November and agreed a timeline for progression. The covering letter and submissions will be progressed for clearance through each individual regulator in December. This will be discussed in agenda item 7.

Action item 6: Codes & Regulation Working Group to consider processes and opportunities for joint submissions.

Status: Completed – This will be progressed as set out in the Codes & Regulation work plan.

3. Update on Working Group work plans

Data & Research Working Group (DRWG)

The DRWG has completed a scoping workshop in relation to the potential terms and conditions audit and are drafting a paper for consideration by the Steering Committee for the February meeting. The focus will likely be on readability and accessibility. The audit is likely to be resource intensive and DRWG will be seeking further guidance from the Steering Committee on this issue. DRWG is also progressing a digital platforms data dictionary of key terms for use in internal and external documents for the regulators. DRWG flagged complaints research being led by the ACMA that will be published in the coming weeks.

Codes & Regulation Working Group (CRWG)

The CRWG is currently progressing several deliverables as set out in its 2022-23 workplan. The CRWG have been arranging presentations on each regulators' experience with code development or other regulation relevant to digital platforms. To date, the ACMA has presented on the Misinformation Code and eSafety has presented on the BOSE. CRWG has also held a series of workshops on priority areas of regulatory intersection and are now drafting a framework for joint DP-REG submissions and statements with a view to circulating to the Steering Committee around the first meeting of 2023. CRWG are also progressing a stocktake of regulatory reforms and code proposals to be completed by the end of January 2023.

Digital Technology Working Group (DTWG)

Data61 presented to the DTWG, which was useful both in substance and in terms of promoting engagement with Data61 and each regulator. DTWG is horizon scanning on individual technologies noting a challenge has been scoping the work.

4. DP-REG Infographic

eSafety has shared a 1-pager developed by eSafety's design team which gives an overview of DP-REG, regulators' remits and areas of focus. It is intended to be used at relevant meetings and for media and marketing purposes. eSafety is considering developing a longer form graphic that is 2 or 3 pages that shows areas where regulators remits overlap. eSafety welcomed any comments on the infographic.

DP-REG members to provide any additional feedback in the next week.

Action item 3: DP-REG members to provide any additional feedback on infographic by 2 December 2022.

5. DP-REG Resourcing

work.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

Action Item 4: [REDACTED]

6. DP-REG joint covering letter

OAIC noted there have been discussions about a coordinated response to the Senate Economics References Committee inquiry into the influence of international digital platforms. A DP-REG covering letter is being progressed and regulators are sharing progress on their submissions. The suggested structure for the covering letter is to set out information about the structure and current areas of focus for DP-REG to ensure that there is consistent messaging around DP-REG's role. OAIC welcomed feedback on the proposed approach and any themes that should be drawn out in the letter.

Outcome 3: Steering Committee supported the joint covering letter approach to responding to the Senate Economics References Committee inquiry into the influence of international digital platforms.

7. DP-REG Regulator Head Meeting Agenda

The next Regulator Head meeting is scheduled for 4-5pm on 13 December 2022. OAIC sought feedback on the draft agenda.

ACCC suggested including time under item 2 for the Working Groups to provide an update, eSafety proposed including [REDACTED] and the approval process for joint submissions for the Regulator Heads meeting.

Action item 5: Papers on the [REDACTED] and joint submission approval process to be prepared and circulated for Regulator Heads meeting.

8. Regulator updates

OAIC

The *Privacy Legislation Amendment (Enforcement and Other Measures) Bill 2022* was still before Parliament. The Committee report on the Bill recommended it be passed, but there were two recommendations around extraterritoriality and penalties that have been deferred to consideration as part of the Privacy Act Review.

eSafety

eSafety's tech trends position statement on recommender systems will go out end of December.

The timeframe for providing the age verification roadmap to Government has been extended to March 2023. eSafety will provide relevant sections as working drafts to DP-REG members.

Consultation on industry codes has now closed and submissions are being reviewed. A decision will be made early next year.

ACCC

ACCC is waiting for the government to issue the consultation paper in relation to ACCC DPSI report 5. ACCC has started drafting DPSI report 6 and may share certain portions as they are drafted with other DP-REG members.

ACCC and OAIC presented at the IAPP conference and there had been significant interest in DP-REG.

9. Other Business

DP-REG agreed that the next Steering Committee meeting will be held on 3 February 2023.

Digital Platforms Regulators Forum (DP-REG) Steering Committee Meeting (draft)

Meeting Details

Date:	Friday 3 February 2023
Time:	10am-11:00am
Dial-in:	Microsoft Teams
Phone Conference ID:	+61 2 7208 4918 807 180 606#

Participants

OAIC	Elizabeth Hampton (Chair)
ACCC	Kate Reader Tom Leuner
ACMA	Creina Chapman
eSafety	Morag Bond

Apologies: N/A

Observers

ACCC	<div>██████████</div> <div>██████████</div> <div>██████████</div> <div>██████████</div>
ACMA	Cathy Rainsford Rochelle Zurnamer <div>██████████</div> <div>██████████</div> <div>██████████</div>
eSafety	<div>██████████</div> <div>██████████</div> <div>██████████</div>
OAIC	David Stevens Sarah Ghali <div>██████████</div>

Attachments

Attachment A: Steering Committee Minutes – 25 November 2022

Attachment B: DRAFT – Stakeholder mapping document

Attachment C: DRAFT – DP-REG joint letter

Attachment D: Principles for Engagement with DP-REG

Attachment E: DP-REG infographic

Attachment F: Regulator Heads Meeting Minutes – 13 December 2022

Attachment G: Proposed framework for making joint submissions and statements

Agenda

1	Welcome and apologies (Chair)	
2	Previous action items arising	
	Action item from 25 November minutes	Chair's update
	Action: Any regulator that makes contact with the Digital Technology Taskforce to provide an update at the next Steering Committee meeting on 3 February 2022.	For update by DP-REG members.
	Action: Secretariat to recirculate the Principles for Engagement document for comment by 29 November 2022.	OAIC recirculated the principles on 1 December and no further changes were proposed. We propose the principles (Attachment D) be taken as final.
	Action: DP-REG members to provide any additional feedback on infographic by 2 December 2022.	The infographic was recirculated and eSafety has made further changes in response to feedback at both Steering Committee and Regulator Head level. We propose the updated infographic (Attachment E) be taken as final.
	Action: OAIC to circulate a document setting out proposed funding bid for DP-REG with a view to utilising when an appropriate opportunity arises.	This was circulated as the paper for the Regulator Heads meeting. At that meeting it was agreed that the Steering Committee would develop a document to support the funding bid which can be used either individually or collectively as a group bid if the appropriate vehicle can be identified. OAIC are drafting this document.
	Action: [REDACTED]	[REDACTED]
3	Updates on work in progress Updates to be provided on the following work in progress: <ul style="list-style-type: none"> Digital Technology Working Group literature review on algorithms ([REDACTED]) Joint letter for the Senate Economics References Committee inquiry into the influence of international digital platforms ([REDACTED]) Framework for making joint submissions and statements ([REDACTED]) 	

4	Stakeholder mapping exercise <i>The Regulator Heads suggested that we conduct a stakeholder mapping exercise for DP-REG to help coordinate our engagements with each other and external parties. The OAIC has developed a draft document (Attachment B). DP-REG to provide feedback.</i>
5	International Institute of Communications Australian Chapter Event – 15 March 2023 <i>DP-REG agreed to a one-hour panel as part of the IIC Australian Chapter Event on 15 March 2023. Members met with event organisers on 18 January 2023. DP-REG to discuss.</i>
6	Regulator updates a) OAIC b) eSafety c) ACMA d) ACCC
7	Other business a) Confirm next meeting – 24 March 2023.



Minutes of DP-REG Steering Committee meeting on 3 February 2023

Meeting details

Run Time	10:00am – 11:15am	
Attendees	ACCC	Kate Reader
		Tom Leuner
		[REDACTED]
		[REDACTED]
		[REDACTED]
	ACMA	Creina Chapman
		Rochelle Zurnamer
		Cathy Rainsford
		[REDACTED]
		[REDACTED]
	eSafety	Morag Bond
		[REDACTED]
		[REDACTED]
	OAIC	Elizabeth Hampton
		David Stevens
		Sarah Ghali
		[REDACTED]
		[REDACTED]
		[REDACTED]

Action Items

- 1 [REDACTED]
- 2 [REDACTED]
- 3 OAIC to progress DP-REG letter to the Senate Inquiry into the influence of international digital platforms in line with agreed timetables
- 4 The CRWG to amend the process proposal to reflect that the process for joint submissions and statements are flexible and will be subject to review following a few submissions or statements.
- 5 The OAIC to revise the stakeholder map and reconsider the rating matrix and other terms used in the map.
- 6 The OAIC to continue working on the briefing pack for regulator heads with the Working Group chairs, noting that each regulator need only contribute dot point summaries of how they intend to answer each question. Once a briefing pack has been prepared, the OAIC will organise a workshop on the briefing pack to which the regulators' internal media teams will be invited.

Outcomes

- 1 DP-REG members endorsed the minutes to the previous DP-REG Steering Committee meeting on 25 November 2022.
- 2 DP-REG members endorsed the Principles for Engagement document.
- 3 DP-REG members endorsed the DP-REG Infographic.
- 4 DP-REG members endorsed the proposed approach and timeline to the DP-REG letter to the Senate Inquiry into the influence of international digital platforms.
- 5 The next DP-REG Steering Committee meeting will be on 24 March 2023.

Minutes

- The minutes to the DP-REG Steering Committee meeting on 25 November 2022 were endorsed.

Outcome 1: DP-REG members endorsed the minutes to the previous DP-REG Steering Committee meeting on 25 November 2022.

Previous action items arising

Item 1: Any regulator that makes contact with the Digital Technology Taskforce to provide an update at the next Steering Committee meeting on 3 February 2022.

- DP-REG members did not report any contact with the Digital Technology Taskforce since the last DP-REG Steering Committee meeting on 25 November 2022.

Item 2: Secretariat to recirculate the Principles for Engagement document for comment by 29 November 2022.

- DP-REG members endorsed the Principles for Engagement document.

Outcome 2: DP-REG members endorsed the Principles for Engagement document.

Item 3: DP-REG members to provide any additional feedback on infographic by 2 December 2022.

- DP-REG members endorsed the DP-REG Infographic.

Outcome 3: DP-REG members endorsed the DP-REG Infographic.

Items 4 and 5:

- [REDACTED]
- [REDACTED]

[REDACTED]

- 1 [REDACTED]

- 2 [REDACTED]

Action item 1: [REDACTED]

Action Item 2: [REDACTED]

Update on work in progress

Item 1: Digital Technology Working Group (DTWG) literature review on algorithms

- The DTWG's literature review on algorithms is progressing well. The initial review of the resources was completed over the summer, and a first draft of the final paper has been collated. The Working Group will use its February and March meetings to discuss the final paper ahead of producing it to next Steering Committee meeting on 24 March 2023 for approval.
- eSafety asked whether the next topic after the literature review had been discussed yet. The DTWG answered that they are not seeking any recommendations from the Steering Committee at this point as they intend to identify any gaps in the current review and pursue them after the final paper is produced.

Item 2: Joint letter for the Senate Economics References Committee inquiry into the influence of international digital platforms

- An Issues Paper for the Senate Inquiry into the influence of international digital platforms has been released with 28 February 2023 set as the close of submissions. A draft letter response from DP-REG has been circulated for feedback.
- The main objective of the letter is to provide background to DP-REG and how the forum can provide a cohesive and streamlined approach to regulating digital platforms. This part of the letter is deliberately general, but each regulator's submission will address specific issues related to their remit.
- We've also written our timeline for progressing the submission to allow a wider window for feedback from the Steering Committee before submission. The timeline is intended to be fluid such that if we're able to complete a particular stage early, we can progress to the

next stage early as well. We will also need to coordinate clearance of the letter and signatures of the Regulator Heads to submit it by 28 February. We are today seeking endorsement of the approach to the letter and the proposed timeline.

- eSafety flagged that they will be sending through some comments in writing, mostly to suggest that the letter is not limited to consumer harms. They further noted that the eSafety Commissioner may be away and that they will arrange an alternative way to get clearance. The ACCC said that the approach and timing was amenable to them.
- The DP-REG endorsed the proposed approach and timeline to the DP-REG letter to the Senate Inquiry into the influence of international digital platforms.

Outcome 4: DP-REG members endorsed the proposed approach and timeline to the DP-REG letter to the Senate Inquiry into the influence of international digital platforms.

Action Item 3: OAIC to progress DP-REG letter to the Senate Inquiry into the influence of international digital platforms in line with agreed timetable.

Item 3: Framework for making joint submissions and statements

- At the December Regulator Heads meeting, the Codes and Regulation Working Group (CRWG) presented on the objectives of developing a framework for approving joint submissions and sought in principle agreement that the Regulator Heads agree to delegate decisions to approve proposals for future joint submissions to the Steering Committee.
- The Regulator Heads generally agreed that consideration of joint submissions and statements should be pursued where warranted, noting an administrative framework would be developed to support that process. The Regulator Heads also agreed that approval for preparing joint submissions should sit with the Steering Committee, particularly where matters were time-critical noting the final product would still go through each individual regulators' internal clearance process.
- The CRWG is today seeking feedback on the proposed process for joint submissions and statements. The process considers both joint submissions and statements. In terms of scope for submissions, it would be formal joint submissions to inquiries and consultations. These will likely require short turnarounds. For statements, the scope includes public comments and information that might raise awareness of DP-REG's work in the subject. These are not likely to require short turnarounds and does not include communiques.
- As the work of joint submissions and statements will be largely done out of session, the process needs to be able to consider as much as possible upfront so that we can avoid wildly diverging views at the Steering Committee or Regulator Heads level.
- It starts with an EOI template that regulators take away and discuss internally, and then submit to the CRWG to take it to the proposal stage. The regulator who submitted the EOI would make a case for it to the WG, and if the WG agrees to progress with the submission or statement, they would then identify a lead regulator to draft and progress the submission or statement through the CRWG and then the Steering Committee. The end result is the regulator heads would clear the final submission/statements.
- The OAIC commented that the proposal is a sensible approach but would likely be subject to change during the operationalisation of it.

- eSafety commented that they were interested in the work Ofcom completed with the ICO in the UK and thought it was a good example of how the joint letters could work. eSafety further commented that in practice, if something did come up, they would socialise it internally and then bring it to the other regulators rather than go through each step like the EOI and going up the chain of approvals. eSafety hoped that there is flexibility to have bilateral chats at the higher SES level without needing to follow the chain of approval.
- The ACMA agreed with eSafety. The ACMA's CRWG members would only raise it to the CRWG if there was already work on the topic internally at the ACMA, so flexibility should be accounted for. The ACMA's experience with working on joint statements has been that it's difficult to manage several opinions at once, and regulators need flexibility to simply say yes if there are proposals more appropriate for one regulator rather than themselves, but that would benefit from DP-REG as a forum's endorsement. Regulators preparing joint statements separate to DP-REG should be acceptable as well, e.g. two regulators releasing a joint statement separate to DP-REG.
- The OAIC and eSafety added that joint statements are a good opportunity to frame any areas of regulatory tensions between our remits and show unity to the market.
- The CRWG to amend the process proposal to reflect that the steps are flexible and will be subject to review following a few submissions or statements.

Action item 4: The CRWG to amend the process proposal to reflect that the steps for joint submissions and statements are flexible and will be subject to review following a few submissions or statements.

Stakeholder mapping exercise

- The communications and engagement strategy paper included the current approach to stakeholder engagement. The Regulator Heads suggested that a stakeholder mapping exercise for DP-REG be conducted to help guide how we engage with external parties.
- The OAIC has developed a first draft of the map after consulting the Working Group chairs for an initial list of stakeholders. Also included in the map is the stakeholder engagement matrix provided by the ACMA which considers the impact of the stakeholder on the industry and gives them a rating for how DP-REG may prioritise working with that stakeholder. The intent is to hold an officer-level workshop to complete the stakeholder list and assess the matrix rating for them.
- DP-REG members agreed that the matrix would benefit from different language in place of 'keep satisfied' and 'manage closely', and potentially a different rating system, for example, colour coding. Further, the ACCC suggested that rather than using the term 'foreign government', that be changed to 'overseas regulator'.
- OAIC noted that a challenge in determining the list of stakeholders was figuring out what the criteria should be for a DP-REG stakeholder rather than just an individual regulator's stakeholder. When workshoping with the Working Group Chairs, it was suggested that the organisation should operate a digital platform and intersect with at least one of the DP-REG's regulators. The list of stakeholders will be revisited when reforming the matrix.

Action item 5: The OAIC to revise the stakeholder map and reconsider the rating matrix and other terms used in the map.

International Institute of Communications Australian Chapter Event – 15 March 2023

- The International Institute of Communications (IIC) has invited the DP-REG regulator heads to take part in its Australian Chapter Event on 15 March 2023. Each regulator head has agreed to take part in a panel event.
- The OAIC has been liaising with the IIC who has advised that the panel event will be 1.5hrs and hosted at the Allens office in Sydney, with a partner from Allens moderating. It is scheduled from 12:30-2pm on 15 March 2023 which is broken into 50 minutes of the panel speaking, 10 minutes of Q&A, and 30 minutes for lunch. The IIC is promoting the event to its members in Australia and the UK. They have provided the OAIC with a list of questions to assist preparations for the panel event. The OAIC has circulated these questions to the Working Group chairs and will circulate them to the broader DP-REG in due course.
- The OAIC opened the floor to discuss how best to prepare the regulator heads for the panel event, the main issue being how much granularity should go into the brief being built around the questions that the IIC has provided. DP-REG members unanimously agreed that each regulator should only give a few dot points in response to each question—enough to give a sense of what they intend to say in answer to each question, but not a detailed script.
- The ACCC asked whether a topic had been confirmed for the panel event. The OAIC responded that the panel event is intended to be centred around DP-REG and its functions. The OAIC further noted that this would be the first time that the four regulator heads will be together to talk about the DP-REG.
- The OAIC further advised that ordinarily these events will be run under Chatham House Rules, however, the media may be in attendance and the IIC is interested in whether the regulator heads are comfortable with media attending and whether Chatham House Rules should be in place. DP-REG members all agreed that this is a good opportunity for media teams to attend, photograph, and make announcements, but there was no need to make any formal statements to journalists or over-promise during the panel event.
- DP-REG members agreed that the next steps will be for the OAIC to continue to work with the Working Group chairs on the panel event questions, then organise a workshop on high level briefing pack which regulators' internal media teams may attend. Once the briefing pack for the questions are prepared and circulated, DP-REG can revisit the questions around media and Chatham House Rules.

Action item 6: The OAIC to continue working on the briefing pack for regulator heads with the Working Group chairs, noting that each regulator need only contribute dot point summaries of how they intend to answer each question. Once a briefing pack has been prepared, the OAIC will organise a workshop on the briefing pack to which the regulators' internal media teams will be invited.

Regulator updates

OAIC

- The OAIC is again conducting its flagship community survey, the Australian Community Attitudes to Privacy Survey (ACAPS), this year. The ACAPS measures Australians' perceptions and experiences of privacy, as well as actions taken to protect their privacy. The survey is designed to cover several topics, including trust in organisations' handling of personal information, AI and algorithms, digital services, data collection and usage, and biometrics. The OAIC's media team will consult with relevant DP-REG working groups to review the questions before the survey goes public. They are aiming to have preliminary results ready by the first week of May so that they can report on it during the OAIC's Privacy Awareness Week.
- The *Privacy Legislation Amendment (Enforcement and Other Measures) Act 2022* came into force on 13 December 2022, and the OAIC has adopted a staged approach to implementing its amendments. The initial focus has been on publishing new and updated external guidance, including to the OAIC's Guide to Privacy Regulatory Action. The OAIC's Legal section is also working in conjunction with business units to update internal policies and procedures to provide guidance for staff on the purpose of the new powers and the procedural steps the OAIC will take in the exercise of the powers.
 - The amendments included an amendment to the information sharing provisions that enable the OAIC to share information with receiving bodies in both the OAIC's and receiving bodies' interests. All DP-REG members are receiving bodies. There is some administration work needed to establish ongoing sharing which may be able to be operationalised through MOUs.
- In terms of the OAIC's ongoing High Court proceedings against Facebook Inc, all parties have now provided their submissions and a Hearing is scheduled for the 7 March 2023.
- The OAIC understands that the Privacy Act Review final report has gone to the AG. It is now a matter for the AG, and the OAIC is prepared for any outcome.

eSafety

- Safer Internet Day is 7 February 2023 and is the biggest day for eSafety. There is lots of media interest in the event which covers online safety, scams and other issues. eSafety asked that other DP-REG members advertise the event through their media teams.
- Industry Codes are being progressed and a public update will be provided shortly.
- A summary of the responses to the first tranche of BOSE notices around transparency was published in late December. eSafety is looking to publish further notices.
- The eSafety Commissioner took part in an online dating round table last week at the invitation of Ministers. The proposal is that the Minister will ask what the companies are doing to keep people safe on their platform, and then potentially establish a voluntary code. However, eSafety's code making power is around online content so does not extend to many conduct issues relevant in online dating.
- eSafety has now published their position statement on algorithms and recommender systems which has been well received and shared amongst external stakeholders.

ACMA

- The main news is around misinformation and disinformation—just before Christmas, DIGI finalised their code review and published a revised code. Changes included a revised definition of harm, a new outcome on the transparency of recommender systems and minor changes to transparency and reporting arrangements. The ACMA noted that signatories with less than a million users would be subject to lesser reporting obligations. This may encourage smaller platforms to sign up to the code.
- The Government announced that the ACMA will be receiving powers to compel information, register and enforce codes and make standards. The Department is working with the OPC to draft that legislation. It is likely that an exposure draft will be released in April/May with a view of progressing to Parliament in the middle of the year. The ACMA may engage eSafety and the OAIC to discuss their experience with code making.
- The Government released their National Cultural Policy which includes commitments to content requirements on streaming services and discoverability of Australian content to viewers.
- The ACMA also advised that they had had a discussion with Meta about the Voice referendum which is active right now. Meta indicated that they will be putting the same mechanisms in relation to political advertising in place as they had for the 2022 federal election. Meta also advised that they have an indigenous advisory body in place who has encouraged ensuring that the many different views on the Voice referendum can be shared online, with the obvious issues being hate speech and racism. There are also issues around the practicalities of how the online space will be monitored. The EIATaskforce will be set up again, but Meta will need to coordinate information sharing with the AFP and Government at the same time.

ACCC

- In December 2022, the ACCC lost the Google double-click case. They are currently considering whether they want to appeal.
- The consultation period for the Government's DPSI 5 Inquiry closes on 15 February 2023. Roundtables will be held which the ACCC intends to attend.
- DPSI 6 on social media is under way. The ACCC is drafting the report now and will be in contact with DP-REG members in relation to any content that might overlap with others regulators' remits.
- The News Media Bargaining Code review is also underway and the ACCC and ACMA have proposed certain changes that are tied to the DPSI 5 recommendations.
- RMIT has set up a presentation on search engines coming up that the DP-REG is invited to. DP-REG members are interested in whether it will consider the impact of artificial intelligence on search engines.

Other Business

- The next DP-REG Steering Committee meeting will be on 24 March 2023.

Outcome 5: The next DP-REG Steering Committee will be on 24 March 2023.

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Digital Platforms Regulators Forum (DP-REG) Steering Committee Meeting (Final)

Meeting Details

Date:	Friday 24 March 2023
Time:	10am-11:30am
Dial-in:	Microsoft Teams
Phone Conference ID:	+61 2 7208 4918 431 967 505#

Participants

OAIC	Elizabeth Hampton (Chair)
ACCC	Kate Reader [REDACTED]
ACMA	Creina Chapman
eSafety	Morag Bond

Apologies: Tom Leuner (ACCC), [REDACTED] (ACMA)

Observers

ACCC	[REDACTED] [REDACTED] [REDACTED]
ACMA	Cathy Rainsford Rochelle Zurnamer [REDACTED] [REDACTED]
eSafety	[REDACTED] [REDACTED] [REDACTED]
OAIC	[REDACTED] Sarah Ghali [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Attachments

Attachment A: Steering Committee Minutes – 3 February 2023

Attachment B: DP-REG process for joint submissions and statements

Attachment C: Stakeholder mapping document

Attachment D: Triannual reporting stocktake (Nov 22 – Feb 23)

Attachment E: Digital Technology Working Group Literature Review – Cover Paper

Attachment F: Digital Technology Working Group Literature Review

Attachment G: Digital Technology Working Group Literature Review – Research Database

Agenda

	Topic	Timing
1	Welcome and apologies (Chair)	5 minutes
2	Previous action items arising (Chair)	10 minutes
	<div> <div>Action item from 2 February minutes</div> <div>Chair's update</div> </div>	
	<div> <div>Action: [REDACTED]</div> <div>[REDACTED]</div> <div>[REDACTED]</div> </div> <div> <div>[REDACTED]</div> <div>[REDACTED]</div> <div>[REDACTED]</div> </div>	
	<div> <div>Action: [REDACTED]</div> <div>[REDACTED]</div> <div>[REDACTED]</div> </div> <div> <div>[REDACTED]</div> <div>[REDACTED]</div> </div>	
	<div> <div>Action: OAIC to progress DP-REG letter to the Senate Inquiry into the influence of international digital platforms in line with agreed timetable</div> </div> <div> <div>The joint letter was submitted on 28 February 2023. We will keep DP-REG members informed of any engagement we have in relation to the joint letter.</div> </div>	
	<div> <div>Action: The CRWG to amend the process proposal to reflect that the process for joint submissions and statements are flexible and will be subject to review following a few submissions or statements.</div> </div> <div> <div>The amended process for joint submissions was circulated for out of session clearance on 24 February 2023 with final comments due by 17 March 2023. We propose the process (Attachment B) be taken as final.</div> </div>	
	<div> <div>Action: The OAIC to revise the stakeholder map and reconsider the rating matrix and other terms used in the map.</div> </div> <div> <div>The stakeholder map has been revised based on the Steering Committee's feedback (see Attachment C) and circulated on 20 March 2023. We propose the stakeholder mapping template be taken as final and members begin completing their stakeholder analyses.</div> </div>	
	<div> <div>Action: The OAIC to continue working on the IIC event briefing pack for regulator heads with the Working Group chairs, noting that each regulator need only contribute dot point summaries of how they intend to answer each question. Once a briefing pack has been prepared, the OAIC will organise a workshop on the briefing pack to which the regulators' internal media teams will be invited.</div> </div> <div> <div>DP-REG members collaborated on briefing materials as proposed. The IIC event took place on 15 March 2023.</div> </div>	

3	Updates on working group progress (Working Group Chairs and Secretariat) <i>Working groups have been progressing items in their work plan. Progress against items is set out in Attachment D.</i>	20 minutes
4	Digital Technology Working Group Literature Review (ACCC) <i>The Digital Technology Working Group conducted a literature review in relation to the harms of content moderation algorithms, recommender algorithms and targeted advertising algorithms (see Attachments E, F and G). DP-REG Steering Committee to provide feedback.</i>	10 minutes
5	Update re international community of regulatory cooperation bodies (OAIC) <i>The UK DRCF presented a proposal for development of an international community of regulatory cooperation bodies and regulators to DP-REG Steering Committee on 8 March 2023. Secretariat to provide an update to the DP-REG Steering Committee on this engagement.</i>	10 minutes
6	Process for handover of Secretariat and Working Group Chair functions (OAIC) <i>As we approach the end of financial year there will be changes to responsibility for the DP-REG Secretariat and Steering Committee Chair function and the Working Group Chair roles on 1 July 2023. To facilitate a smooth transition process, DP-REG Steering Committee members to discuss proposed changes.</i>	10 minutes
7	Regulator updates a) OAIC b) eSafety c) ACMA d) ACCC	20 minutes
8	Other business a) Confirm next meeting – 2 June 2023 b) Proposed presentation from ACCAN	5 minutes

Digital Platform Regulators Forum (DP-REG) Steering Committee Meeting

Meeting Details

Date:	Friday 2 June 2023
Time:	10am-11:30am
Dial-in:	Microsoft Teams
Phone Conference ID:	+61 2 7208 4918 501 216 052#

Participants

OAIC	Elizabeth Hampton (Chair)
ACCC	Tom Leuner Kate Reader
ACMA	Creina Chapman
eSafety	Morag Bond

Apologies: Cathy Rainsford (ACMA); [REDACTED] ([REDACTED]) (eSafety)

Observers

ACCC	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
ACMA	Rochelle Zurnamer [REDACTED] [REDACTED] [REDACTED]
eSafety	Deborah Welsh [REDACTED] [REDACTED]
OAIC	[REDACTED] Sarah Ghali Fiona Grant [REDACTED]

Attachments

Attachment A: Steering Committee Minutes – 24 March 2023 (draft)

Attachment B: [REDACTED]

Attachment C: DP-REG stakeholder analysis (post-workshop)

Attachment D: Preliminary draft agenda Meeting of Regulator Heads 20 June 2023

Attachment E: DTWG Literature Summary - Harms and risks of algorithms - Cover Paper

Attachment F: DTWG Literature Summary - Harms and risks of algorithms

Attachment G: DTWG Examination of technology (pilot) - Large Language Models

Attachment H: DRWG Data Dictionary Cover Paper

Attachment I: DRWG Data Dictionary

Attachment J: Codes & Regulation Working Group Digital Platforms Initiatives Tracker

Agenda

	Topic	Timing
1	Welcome and apologies (Chair)	5 minutes
2	Previous action items arising (Chair)	10 minutes
	<div> <div>Action item from 24 March minutes</div> <div>Chair's update</div> </div>	
	<div> <div> Action: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] </div> <div> [REDACTED] [REDACTED] [REDACTED] </div> </div>	
	<div> <div>Action: eSafety to send comments on stakeholder map to the OAIC and OAIC to incorporate comments.</div> <div>This has been completed.</div> </div>	
	<div> <div>Action: The OAIC will circulate the Stakeholder Map to DP-REG members so that members may complete their respective analysis column.</div> <div>This was completed and DP-REG members met on Wednesday 24 May to finalise the DP-REG Stakeholder Analysis at an officer level (see Attachment C).</div> </div>	
	<div> <div>Action: The OAIC will circulate the recording of the IIC Panel Event when it becomes available.</div> <div>This was circulated on 28 March 2023.</div> </div>	
	<div> <div>Action: eSafety to provide the Digital Technology Working Group (DTWG) with Professor Amin Beheshti's contact details.</div> <div>This has been completed and DTWG are liaising with Professor Beheshti in relation to timing.</div> </div>	
	<div> <div>Action: eSafety to provide comments to the DTWG on the literature review.</div> <div>This has been completed and incorporated into the literature review document.</div> </div>	
	<div> <div>Action: The Digital Technology Working Group to consider the work and resourcing necessary to prepare the literature review paper for public release, and report on this at the next Steering Committee meeting.</div> <div>To be discussed in agenda item 5.</div> </div>	
	<div> <div>Action: The Secretariat to engage offline with the Working Group Chairs to consider the resourcing impact of extending their appointments.</div> <div>To be discussed in agenda item 3.</div> </div>	

	Action: OAIC to invite the ACCAN to submit a presentation topic and agenda.	ACCAN have advised they envisage the discussion would include an overview of its involvement in the digital platforms space and the interrelationship with some of Julian Thomas’ work at RMIT including the Australian Digital Inclusion Index and the ARC Centre of Excellence for Automated Decision Making and Society.	
	Action: OAIC to provide AHRC email invitation to participate in consultation in relation to the UN Global Digital Compact.	OAIC provided details for written input to members of the DTWG.	
3	Extension of working group and secretariat tenure (OAIC) <i>Following the discussion at the last Steering Committee meeting, DP-REG members have discussed extending the tenure as Chair of their respective working group or secretariat function to the end of 2023. Steering Committee to discuss implications for timing of work items and key priorities.</i>		10 minutes
4	Agenda for Meeting of Regulator Heads on 20 June 2023 (OAIC) <i>The next meeting of Regulator Heads is on Tuesday 20 June from 2-3pm. Steering Committee to discuss agenda (see preliminary draft agenda in Attachment D).</i>		10 minutes
5	Digital Technology Working Group Algorithms Literature Summary (ACCC) <i>At the last Steering Committee meeting DP-REG members discussed publication of the algorithms literature review, since renamed to ‘Literature Summary: Harms and risks of algorithms’. ACCC to present on the revised draft and approach to publication (see Attachments E and F).</i>		15 minutes
6	Digital Technology Working Group Examination of Generative AI LLMs (ACCC) <i>ACCC to present on the Digital Technology Working Group Examination of Generative AI Large Language Models (see Attachment G).</i>		10 minutes
7	Data & Research Working Group Data Dictionary (ACMA) <i>ACMA to present on the Data & Research Working Group Data Dictionary (see Attachments H and I).</i>		5 minutes
8	Codes & Regulation Working Group Digital Platforms Initiatives Tracker (eSafety) <i>eSafety to present on the Codes & Regulation Working Group Digital Platforms Initiatives Tracker (see Attachment J).</i>		5 minutes
9	Regulator updates a) OAIC b) eSafety c) ACMA		15 minutes

	d) ACCC	
10	Other business a) Confirm next meeting – 4 August 2023 b) Update on International Network for Digital Regulation Cooperation	5 minutes

Agenda – Digital Platform Regulators Forum (DP-REG) Steering Committee Meeting

Meeting Details

Date:	Friday 4 August 2023
Time:	10am-11:30am
Dial-in:	See meeting invitation in Outlook.

Participants

OAIC	Elizabeth Hampton (Chair)
ACCC	Kate Reader Tom Leuner (Tentative)
ACMA	Creina Chapman
eSafety	Morag Bond

Apologies: Cathy Rainsford, Rochelle Zurnamer, [REDACTED] Deborah Welsh, [REDACTED]
[REDACTED].

Observers

Agency	2017-18	2018-19	2019-20	2020-21
ACCC	100%	100%	100%	100%
ACMA	100%	100%	100%	100%
eSafety	100%	100%	100%	100%
OAIC	100%	100%	100%	100%

Attachments

Attachment A: Steering Committee Minutes – 2 June 2023 (Draft)

Attachment B: Regulator Heads Minutes – 20 June 2023 (Draft)

Attachment C: Triannual reporting stocktake March 2023 – June 2023

Attachment D: Draft DP-REG microsite content

Attachment E: DRWG Data Dictionary Cover Paper

Attachment F: DP-REG Digital platforms dictionary – Final

Other work items for noting:

Attachment G: Codes & Regulation Working Group digital platform initiatives tracker

Agenda

	Topic	Timing
1	Welcome (Chair)	5 minutes
2	Previous action items arising (Chair)	15 minutes
	<div> <div> Action items from 20 June (Regulator Heads) and 2 June (Steering Committee) meetings </div> <div> Chair's update </div> </div>	
	<div> <div> Action: ██████████ ████████████████████ ██████████████████ </div> <div> ██████████████████ ██████████████████ ██████████████████ </div> </div>	
	<div> <div> Action: DTWG to progress a strategic-level joint submission to the DISR AI discussion paper. The DTWG will develop a dot point summary of the proposed structure and content of the submission and circulate those dot points to the Regulator Heads for feedback. </div> <div> Submission provided to DISR on 26 July. </div> </div>	
	<div> <div> Action: Stakeholder map to be finalised with additional stakeholders added by eSafety. </div> <div> Complete. Finalised stakeholder analysis saved on Govteams. </div> </div>	
	<div> <div> Action: Secretariat and CRWG to develop 3-4 areas of strategic engagement for DP-REG to consider, while having regard to DP-REG resourcing. </div> <div> In progress. Secretariat to give CRWG chair and other working group chairs an opportunity to comment and provide input on the draft engagement strategy. To be presented in the next Steering Committee meeting. </div> </div>	
	<div> <div> Action: Establish a DP-REG microsite. </div> <div> To be discussed in agenda item 4. </div> </div>	
	<div> <div> Action: Media release to be published on members' websites and Secretariat to liaise with Strategic Communications teams of each regulator in relation to the release strategy. </div> <div> Complete. Media release published by all four regulators on 4 July. </div> </div>	
	<div> <div> Action: OAIC to arrange for the ACCAN to present at a future DP-REG Steering Committee meeting. </div> <div> Secretariat is in contact with ACCAN and will arrange for ACCAN to present at the next Steering Committee meeting. </div> </div>	
	<div> <div> Action: OAIC to schedule a meeting in February or March 2024 for members to plan the strategic </div> <div> In progress. Secretariat is currently developing the forward calendar. </div> </div>	

	<p>priorities for the next tenure of the DP-REG Forum. The meeting will ideally take place in person at the ACMA's Pyrmont office.</p> <p>Action: DTWG to update their paper on their examination of generative AI LLMs. DP-REG members to provide written comments to the DTWG.</p> <p>Action: DP-REG members to provide comments to the DRWG on the Digital Platforms dictionary by 16 June 2023. The DRWG to consider amending the data dictionary to clearly identify where certain terms are defined in the regulators' legislation and codes, and include a preamble noting regulators work with the terms as defined within their own legal or co-regulatory mechanisms.</p> <p>Action: OAIC and CRWG to consider how best to add the Digital Platforms Initiatives Tracker as a standing item to the Steering Committee's meeting agendas, highlighting changes from meeting to meeting.</p>	<p>The DTWG is currently progressing updates to the generative AI LLMs paper.</p> <p>To be discussed in agenda item 5.</p> <p>Digital Platforms Initiatives Tracker will be added as an attachment for noting for each Steering Committee meeting. New Government initiatives to be highlighted in yellow and raised by members as part of their regulator updates (see agenda item 7, below).</p>	
3	<p>Updates on working group progress (Working Group Chairs and Secretariat)</p> <p><i>Working groups have been progressing items in their work plan. Progress against items is set out in the Triannual Reporting Stocktake (Attachment C).</i></p> <p><i>Following the updates on working group progress, ACMA to lead a discussion to seek the views of the Steering Committee on the development of new working group work plans.</i></p>		20 minutes
4	<p>DP-REG website (OAIC)</p> <p><i>DP-REG members have agreed to the development of a DP-REG microsite. OAIC to provide an update (Attachment D).</i></p>		10 minutes
5	<p>Data & Research Working Group Data Dictionary (ACMA)</p> <p><i>ACMA to present on the DRWG Data Dictionary and planned circulation of the Data Dictionary within regulators and to portfolio departments (Attachments E and F).</i></p>		10 minutes
6	<p>Approach to DP-REG joint submissions (ACCC)</p>		10 minutes

	<i>The DP-REG submission on the DISR AI discussion paper was submitted on 26 July. ACCC to lead a debrief on the joint submission.</i>	
7	Regulator updates a) OAIC b) eSafety c) ACMA d) ACCC	15 minutes
8	Other business eSafety – Discussion of possible template for public-facing outputs Confirm next meeting – Friday 13 October 2023	5 minutes

Initial meeting of DP-REG data and research working group (ACMA chaired) [SEC=OFF]
[Communique_Digital Platforms Regulators Forum June 2022_Final.pdf](#)
[DPB - ALDI - DP-REG - Draft Work Plan 2022-23 - June 2022 v2\(13967930.1\).docx](#)
[ACMA - Updated paper on DP-REG governance arrangements.docx](#)
[Subcommittee work plan proposal.docx](#)

I thought it would pop a time in the diary to have an initial meeting of the data and research working group. Please let me know if this doesn't work and we can change.

- 1 Introductions
- 2 Discussion of revised scope of the group
 - a Status of current data work (See: previous group work plan)
- 3 Key activities for group going forward
- 4 Working together (future meetings, communication preferences, Govteams)

Data and research working group
Theme: Improving digital transparency
Potential activities: Continuation of data sharing activities, consideration of platform terms and conditions, primary research on digital platform usage, complaints and reporting frameworks

- The data subcommittee was the first collaboration initiative of DP-REG, established to examine ways to improve data sharing between members. Current membership consists of a mix of APS, EL1 and EL2 staff, and is guided by a standalone workplan
- Under this proposal, the scope and membership of the existing data subcommittee would be expanded to encompass proposed joint research project and relevant research expertise across members
- If there is appetite, this new working group could take forward the proposed joint consumer research project, noting this is a potentially significant piece of work which would need to be appropriately resourced

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DP-REG Data and Research Working Group

15 August 2022, 2.00pm- 2.40pm

Attendance:

- ACMA – [REDACTED] (Chair), [REDACTED]
- ACCC – [REDACTED]
- Esafety – [REDACTED]
- OAIC – [REDACTED]

Minutes prepared by the ACMA

1. Introductions

- ACMA commenced the meeting and all attendees introduced themselves.

2. Discussion of revised scope of the group

- ACMA noted that agency heads and the steering group had agreed to a new working group structure for DP-REG going forward. This was largely driven by the Steering Group's appetite for the existing data group to do additional and non-data related work.
- It is envisaged that this group will build upon the work of the existing data group, as well as expand its scope to research. The group would need to look at updating its work program to take into account revised scope.

ACTION ITEM: ACMA to develop revised work program drawing from previous data work plan and circulate to the group for comment.

3. Status of current data work (See: previous group work plan)

- The group discussed the progress of the previous data subcommittee, noting that work had been paused during discussions on its future make up. It was noted that the data stocktake across agencies had been completed and there was an exercise to identify potential gaps. However, it was unclear whether all agencies had provided a response. Some agencies had completed input but not provided it to the group.

ACTION ITEM: ACMA to recirculate data gaps request and working group meetings to provide responses in govteams.

4. Key activities for group going forward

- ACMA asked group what activities the group would like to achieve going forward.
- It was noted the challenges with sharing information with many of the items in the stocktake marked as red. It would be good for the group to explore barriers to sharing information (technical, legislative etc) and discuss mechanisms to potentially overcome these down the track.
- ACCC noted that the group had had some quick wins previously, for example the Neilson subscription which can be extended to DP-REG members. It was suggested that these are the types of initiatives that could be pursued in the group.

- Developing a stocktake on research was discussed. There had been some discussion about this in the previous data working group, noting the Department of Infrastructure had been looking at digital platforms research and all DP Reg members had contributed. ACMA had been investigating DP-REG could access this research. There was also interest in the group being used as a forum to provide early advice on potential research projects, to allow members not to duplicate resources or research activities.
- ACCC noted some previous concerns around joint research project namely how to be managed, capacity, size of work and budget. ACMA noted that it has been scoping some complaints research and may look to use this group as a mechanism for feedback on the questionnaire and sharing of findings.
- ACMA queried whether there was appetite for others to present to group i.e., academics or international organisations. There was an interest in inviting interesting organisations along to future meetings and working group members will consider going forward.

ACTION ITEM: ACMA to follow up status of research stocktake.

5. Working together (future meetings, communication preferences, Govteams)

- ACMA advised that the Working Group meeting chairs had recently met and a govteams site has been established for the working groups. It is envisaged that this will allow working group members to directly collaborate on documents, as well as easily store and share information.
- The group discussed the frequency of meetings (particularly with the establishment of the govteams site). It was agreed that the group would meet monthly initially.

From: [REDACTED]
To: [REDACTED]
Subject: DP-REG Data and Research working group meeting - finalising the draft work plan [SEC=OFFICIAL]
Attachments: [image001.png](#)

Hi all

Just setting up the next meeting of the data and research working group. The purpose of this meeting is to finalise the draft work plan (which can be found here: [Work Plan - Research and Data Working Group Draft.docx](#))

<<https://govteams.sharepoint.com/:w:/s/dpreg/ESAJCuhx9s1GhiZJaJh3sv8BU4ZxRctTN2tgeM40zqdzSg?e=JUPgTE>>)

The high level agenda for this meeting is:

- 1 Open meeting (Chair)
- 2 Update on action items [REDACTED] ACMA)
- 3 Finalisation of 2022-23 workplan (all)
- 4 Agency updates/information sharing (all)
 - a Agency updates including update on attendance at any conference/events and any relevant information
 - b Upcoming events / information that may be of interest to others
- 5 Work ahead of the next meeting (all)

Please let me know if this meeting time clashes with anything

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DP-REG Data and Research Working Group

12 September 2022, 1:30pm- 2.30pm

Attendance:

- ACMA – [REDACTED] (Chair); [REDACTED]
- ACCC – [REDACTED]
- OAIC – [REDACTED]

Apologies: [REDACTED] (ACMA), [REDACTED] (eSafety)

Minutes prepared by the ACMA

1. Introductions

- ACMA commenced the meeting [REDACTED] introduced himself.

2. Action items

- The ACMA confirmed that all action items from the previous meeting had been completed.

3. Work program

- The Chair thanked all members for their feedback on the draft work program and their contribution to the gap analysis.
- The ACMA asked if there was any desire to expand the work program to cover additional issues highlighted in gap analysis. There was agreement that the work program doesn't need to be expanded to include these items.

Action item: ACMA to put together a document that summarises the gap analysis and details the items that are not captured in the work plan. This list would also be circulated to other working groups as some matters may fall better within their remit.

- The group discussed feedback received on the draft work program including the proposed Terms & Conditions (T&C) audit. The group noted that there were concerns about lack of clarity about scope of the audit, the entities covered, and specific interests of agencies. ACCC noted that they had undertaken these types of audits before, and they were quite resource intensive. Having a clear objective and scope for this work will also be important to the success of this work.
- The group agreed that the item 2.1 of the workplan be updated to be an exercise to scope a T&C audit. This scope would then be taken to the steering committee for further consideration (including potential resourcing for this project).

Action item: Members to seek feedback/views from their agencies on terms and conditions audits to inform a scoping discussion at the next working group meeting.

- The group agreed that the tasking and allocation of work would be discussed and agreed following the completion of scoping discussions on each project. It was also agreed that the work program would be updated within 3 months to reflect the agreed task allocation.
- The group discussed the research hub, specifically whether a separate GovTeams space should be created for the hub. No firm position was reached but the OAIC agreed scope the arrangements for the research hub on GovTeams.

Action item: ■ to investigate arrangements for a potential research hub and report back to the group.

- The group discussed workstream item 3.1 (Digital platform dictionary). It was agreed that the digital platform dictionary will be a document internal to DP-REG members and relevant policy agencies.
- The ACMA noted that the other working groups have developed a Terms of Reference (TOR) and a draft had been circulated prior to the meeting.

Action item: Members to provide feedback on the TOR.

Action item: ACMA to send revised work program this afternoon for feedback ahead of circulating a draft program to the Steering Group for consideration and agreement.

4. Agency updates

- The ACCC platforms branch is having a restructure and staff on DP-REG may change.
- The OAIC noted that they released their 2022-23 corporate plan.
- The ACMA noted that the Australian Consumer Survey results are imminent and hopes to share results at the next meeting. The ACMA proposes to seek input from the working group on the complaints research questionnaire in early October.

Just setting up the next meeting of the data and research working group. The purpose of this meeting is to discuss the scoping of the terms and conditions audit. The minutes for the previous meeting are here: Minutes – Meeting 2 Data and research working group - 12 Sep docx <<https://govteams.sharepoint.com/:w:/s/dpreg/EcR3Lhok2xKm2Yq4FE1A9UBILXw2045MerH4YDNlHqdw?e=toW8m9>> The agenda is below:

- * Introduction (2 min – [REDACTED])
- * Action items (3 min – [REDACTED])
- * Terms and Conditions audit scoping session (workstream 2 1, 30 min – [REDACTED])
- * Agency presentation on learnings from past audits
- * Discussion on potential audit objectives
- * Framework for developing an audit scope
- * Update on research hub (workstream 1 2, 5 min – [REDACTED])
- * Commencing the working group's data work tasks
- * Updating the data stocktake (workstream 1 1, 10 min – [REDACTED])
- * Kicking off the digital platform dictionary (workstream 3 1, 5 min – [REDACTED])
- * Agency updates (2 min – [REDACTED])
- * Other business (3 min – [REDACTED])

- * prepare a 5-6 min presentation on their experience in conducting terms and conditions audits Potential areas to focus could include:
 - * rationale/objectives for conducting audits vs other ways of obtaining information
 - * what issues need to be considered when carrying out audits
 - * challenges faced when carrying out audits
 - * other key learnings from doing audits in this area
- * prepare for a discussion about your objectives for a potential T&C audit In particular, we are interested in discussing:
 - * what platforms or types of platforms should be covered by the audit
 - * what types of rules (such as content moderation, advertising, marketplace rules etc) that you would like covered by the audit
 - * what outcomes you are hoping to get out of the audit
 - * how DP-REG collectively could use the outcomes of the audit

Thanks

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DP-REG Data and Research Working Group

18 October 2022, 3:30pm- 4.30pm

Attendance:

- ACMA – [REDACTED], Chair), [REDACTED]
- ACCC – [REDACTED]
- OAIC – [REDACTED]
- eSafety – [REDACTED]

Minutes prepared by the ACMA

1. Introductions

- ACMA commenced the meeting. [REDACTED] introduced [REDACTED] [REDACTED] introduced [REDACTED]

2. Action items

- The ACMA confirmed that all action items from the previous meeting had been completed.

3. Terms and conditions (T&C) audit

- [REDACTED] thanked all members for their feedback on the draft terms of reference and work plan. The documents were signed off by the Steering Committee with no changes.
- Members gave presentations on their experiences with T&C related audits. The key points from the presentations were:
 - All the audits were conducted for different purposes including to inform the development of consumer information, assess compliance with rules and gather evidence to inform reviews/inquiries.
 - All members discussed the importance of scoping audits and limiting the number of variables to keep audits manageable.
 - Several members noted that they developed criteria to determine the entities captured by their audits. These criteria included legislative requirements, industry/international developments, complaints statistics and usage data.
 - Audits can be extremely resource intensive. Some members discussed bringing in external consultants with legal expertise to assist. However, they may not have the subject matter expertise to complete the audit.
 - Detailed planning was important for a successful completion of an audit. Key areas highlighted the need to develop internal policies to effectively capture data, establish a small set of variables to consider and have clear objectives for the purpose of the audit (i.e. what will it inform?)
 - There may be some challenges in auditing platforms where accounts are required to conduct the audit.
 - Platform's policies may be technically compliant for the purposes for the audit, however they may not be consumer friendly. Accessibility and readability of terms and conditions were highlighted as challenges by several members.
- Members discussed scoping a potential joint DP-REG audit. The key points from the discussion were:
 - It would need to be clear that any audit was not a joint regulatory process or exercise.

- It would also need to be clear that DP-REG as a body have no power to process audit outcomes. Individual regulators would need to consider how any potential legal deficiencies or non-compliance identified would be handled.
 - Several members stated that they are interested in an audit focusing on the readability and accessibility of T&Cs.
 - Members discussed complaints handling as another potential area of focus for an audit. eSafety considered complaints as part of developing its eSafety guide but noted that this work may not be detailed enough for a terms and condition audit.
 - There would be a need to consider the final product resulting from the audit and whether it was something for public release.
- The members agreed that they would develop a scope for an audit focusing on accessibility of T&Cs in first stage for Steering Group consideration. The group would then consider developing an audit framework that members could use for their own audits in second stage.

Action item: ACMA to circulate a high-level outline for a potential T&C audit to members for feedback ahead of the next meeting.

4. Research hub

- ■ gave an update on research hub. ■ proposed that the research hub will be a community on GovTeams and members could determine who within their organisations could access hub.
- The group discussed the need to establish a structure to the library before it was established on GovTeams. There is also a need to clarify who is responsible for setting it up.
- ■ noted that the Department of Communications research mapping exercise could be a place to start. ■ shared an example of research mapping work eSafety are currently undertaking.

Action item: eSafety to provide members with a copy of the eSafety data and insights hub.

Action item: ACMA to lead discussion on structure of the research hub at the next meeting.

5. Digital platform dictionary

- ■ noted that he will be contacting members shortly to seek their views on the objectives of the digital platforms dictionary (item 3.1 in the work plan).

Action item: ACMA to circulate questions seeking member's input on the objectives of the digital platforms dictionary.

6. Other matters

- Members agreed the timings for the November and December meetings.

Action item: ACMA to update the meeting invites for November and December meetings.

Meeting closed 4:30pm

Subject:
Location: Microsoft Teams Meeting

DP-REG Data and Research working group meeting [SEC=OFFICIAL]

Start: Mon 14/11/2022 2:30 PM
End: Mon 14/11/2022 3:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: [REDACTED]

Required Attendees: [REDACTED]

Optional Attendees: [REDACTED]

Hi everyone

Just sending out the draft agenda for the November Data and Research working group meeting. The minutes for the previous meeting are here [Minutes - Meeting 3 Data and research working group - 18 October.docx](#). Please let either [REDACTED] or I know if you have any comments or changes to the minutes.

Agenda

- Introduction and action items (5 min – [REDACTED])
- Structure of the research hub (15 min – [REDACTED])
 - Proposed use of hub
 - Overview of existing materials shared by members (to be circulated)
 - Potential structure of hub
 - Proposed way forward to develop hub
- Next steps for the Terms and Conditions audit scoping exercise (15 min – [REDACTED])
 - Outline document (to be circulated)
 - Update to steering group (including potential resourcing implications)
- Digital platform dictionary objectives (10 min – [REDACTED])
 - Outcomes of the questionnaire (to be circulated)
 - Next steps
- Commencing the barriers to information sharing project (10 min – [REDACTED])
 - Key findings of [gap analysis](#) and any barriers missing
 - Next steps
- Agency updates (2 min – All)
- Other business (3 min – [REDACTED])

I'll be on leave from [REDACTED] While I'm away, feel free to contact [REDACTED] on anything related to the working group.

Regards

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DP-REG Data and Research Working Group

14 November 2022, 2:30–3:30pm

Attendance:

- ACMA – [REDACTED]
- ACCC – [REDACTED]
- [REDACTED]
- OAIC – [REDACTED]
- Apologies: [REDACTED]

Minutes prepared by the ACMA


1. Introductions

- ACMA commenced the meeting. WG members introduced themselves to guest attendees.
- [REDACTED]

2. Action items

- The ACMA confirmed that all action items from the previous meeting had been completed. No comments or queries on previous minutes.


3. Structure of the research hub

- At the previous meeting this was proposed to be located separately in Gov Teams with the structure to be agreed.
- To aid discussion of a potential structure, an  [Overview of existing materials shared by members](#) was provided to DP-REG WG members. It included:
 - Examples of research structures provided by [REDACTED] (OeSC).
 - Algorithm literature review provided by the Digital Technology working group.
- Members discussed key considerations for developing the structure for the research hub. Key points included:
 - An Excel spreadsheet is an easy way to capture information however multiple sheets may be considered if necessary.
 - Ideal to have a basic simple structure that is easy to read and not cumbersome to fill in.
 - While simplicity can be appealing, an overly simplified structure can reduce the flexibility in how the data can be cut and displayed. Need to be mindful of these trade-offs in the design.
 - Key criteria may include:
 - Name/Title
 - Author
 - Platform name
 - Publication date (date/time stamp)
 - Type (link, uploaded copy)
 - Format (Academic or Government research)
 - Descriptor/key terms (Topic, Harm, Subject, other)
 - Linking key (related research in that topic)
 - High level description/overview
- [REDACTED] noted it would be good to give consideration of how best to integrate research for other current and future projects into a streamlined hub.
- There was a preference to model the database to be specific to DP requirements and to bring in topics of relevance to this project. Open option could be to have a central

research data and then link to other specific databases (e.g. Algorithms literature review database) on the GovTeams home page.

Action item: ACMA to circulate a high-level outline of potential research structure to DP-REG WG for input ahead of next meeting.

4. Next steps for the Terms and Conditions audit scoping exercise

- [REDACTED] (Assistant director of the Assessments team) and David Moore (Director of the Assessments team) from the OAIC joined for the discussion of this item.
- [REDACTED] provided an overview of the discussion at the previous meeting and issues raised in the T&C scoping  [Outline document](#) (circulated prior to the meeting).
- The preference of Members was to conduct an audit rather than developing a framework, noting the potential resource impacts.
- Members discussed the issues for consideration in conducting a T&C audit.
 - The scope and framework for any considerations should reflect the available funding/resources.
 - A practical component to consider:
 - 'Readability' is harder in practice than theory (Accessibility is less challenging)
 - There will be a subjective element to the work that will be influenced by differing perspective and nuanced thinking by different regulators. These will require more time to consider and work through.
 - Several members agreed it would be good to have a deliverable/outcome at the end of the process.
 - The outputs should be fit for purpose and the intended audience. They could include 1) a published summary report that includes research, education and public assurance components and 2) an internal report that caters to individual regulator needs.
 - If the T&C audit surfaced any evidence of non-compliance, they may be referred to a relevant regulator's enforcement teams. For example, OAIC may review any potential breach of the Privacy Act (although this is generally more limited to privacy policies than T&Cs).
 - Potential timeframe for work would be at least 6 to 8 months, noting limited staff availability in December and January. The timings will in part be determined by the scope and proposed approach (e.g. the number of platforms and depth of the review). Additional time (e.g. 2 to 3 months) should also be allowed for report writing.
 - The audit objectives should be firmly established as they will inform the criteria/key areas of focus. Given differing Regulator priorities, aligning these will be challenging.
 - As a shared project, the number of platforms audited could be divided amongst the 4 DP-REG WG agencies (i.e. 2 platforms per regulator = minimum of 8 in total).
 - High-level results from the ACMA Digital Platforms complaints research will be available ahead of the next meeting and will provide some insights into the platforms to include in the audit. Using a 'most popular with Australians,' criteria for selecting platforms was discussed.
 - OAIC noted the Office of the Privacy Commissioner for Personal Data in Hong Kong regulator did a similar exercise. An overview of their 'Comparison of Privacy setting of 10 Social Media Platforms' is available here on pages 7/8: [Social media platforms.pdf \(pcpd.org.hk\)](#). Also see [PCPD Releases Report on 'Comparison of Privacy Settings of Social Media', Media Statement \(pcpd.org.hk\)](#).

- Members discussed that a proposal could be made to the Steering group for DP-REG WG to conduct a small audit with a small public facing summary report (subject to the findings). An update to the Steering group will also include potential resourcing implications.

Action item: ACCC to provide resourcing information from for a previous audit conducted for ACCC (by consultant from a Law firm) ahead of next meeting.

5. Digital platform dictionary objectives

- ■■■ thanked all members for their input to the [Digital platforms dictionary - Objectives scoping.docx \(sharepoint.com\)](#). Objectives, terms and purpose were well aligned.
- ■■■ noted there was no intent for public release of the dictionary and regulators could use the terms publicly when/if suitable. Members supported this approach agreeing external release of the dictionary would provide limited benefits.
- The dictionary could exist as a living document to be updated as established terms evolve or new terms emerge.
- Once finalised, regulators would be encouraged where possible to use the DP Dictionary language and definitions for both internal and external communications.
- ■■■ noted that the OAIC intentionally did not include some terms in the DP Dictionary that are inconsistent across legislation. 'Consent', 'and 'Personal information' are key examples of terms that are fundamental to the Privacy Act and also relevant to DP work.
- ✦ ■■■ suggested any terms relevant to DP should be included in the DP dictionary. The legislated definitions may be adopted or adapted for in the context of this project.
- For any terms where a regulator does not have an 'official' definition, text could be added to this effect: 'The ACMA does not have a current definition but refers to 'X' as....'
- A broad list of terms can be developed first then reduced if identified as not needed.

Action item: – ACMA to circulate an initial list of common terms for DP-REG WG to add definitions.

6. Agency updates

- ■■■ [Digital platform services inquiry - September 2022 interim report - Regulatory reform | ACCC](#) was released on Friday.
- ■■■ OAIC noted recent activity related to the Privacy Legislation Amendment (Enforcement and Other Measures) Bill 2022. Angelene appearing this week sometime in front of Committee.
- Angelene Falk was at the Global Privacy Assembly last month which passed a resolution on principles and expectations on the appropriate use of personal information in facial recognition technology. OAIC is a sponsor for the resolution which is a good development.
- ■■■ ACMA questionnaire on Digital Platforms complaints (commented on by DP-REG WG) is in field with preliminary results expected to be available for the next meeting. LB: Some results of the 2022 ACMA Annual Consumer Survey are scheduled for publication in December.

Action item: ACMA to circulate preliminary results from Digital Platforms complaints research to DP-REG WG members once available.

7. Other business

- No other business raised.

Action item: Next steps on barriers to information sharing project to be undertaken between meetings.

Meeting closed 3.30pm.

[REDACTED]

From: [REDACTED]
Sent: Friday, 9 December 2022 12:45 PM
To: [REDACTED]
Subject: DP-REG Data and Research working group - agenda for 15 December meeting [SEC=OFFICIAL]

Hi everyone

Below is a draft agenda for the next DP-REG Data and Research working group meeting on Thursday. I'd welcome any feedback on the agenda of the meeting.

1. Introduction and action items (5 min – Kelly [REDACTED])
2. Overcoming barriers to information sharing (10 min – [REDACTED])
 - Key findings of [gap analysis](#) and any barriers missing
 - Next steps
3. Research hub (10 min – [REDACTED])
 - Feedback on draft structure ([Research hub structure.xlsx](#))
 - Establishing the research hub – call for volunteers
4. Digital platform dictionary (10 min – [REDACTED]) (an initial definition list will be sent shortly)
 - Finalising the definition list for each regulator.
 - Process for agreeing definitions
 - Next steps
5. Initial results of part 1 of the complaints research (5 min – [REDACTED])
6. T&C audit (10 min – [REDACTED])
 - Way forward and task allocation
 - Resourcing requirements of previous audits
7. Update to the work program (5 min – [REDACTED])
 - Allocation of tasks and timeframe updates
8. Other matters (5 Min – all)

Kind regards

[REDACTED]

[REDACTED]
[REDACTED]

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DP-REG Data and Research Working Group

15 December 2022, 2:00–3:00pm

Attendance:

- ACMA – [REDACTED], Chair), [REDACTED]
- ACCC – [REDACTED]
- OAIC – [REDACTED]
- eSafety – [REDACTED]
- Apology – [REDACTED]

Minutes prepared by the ACMA

1. Introductions

- ACMA commenced the meeting. [REDACTED] introduced herself.

2. Barriers to information sharing

- The Chair noted that there is deliverable in our workplan to develop a guidance paper to various legislative, contractual, technical, and administrative barriers to sharing data, and ways they could potentially be addressed.
- The Chair noted that the previous gap analysis had identified a range of legislative, contractual, and technical sharing barriers, as well as some potential ideas for improvement. eSafety had put forward an idea to develop a process around sharing data including security and data handling requirements.
- The group noted that gov teams could be useful tool to share data, noting caveats.
- The Chair noted that the ACMA would develop and circulate a high-level outline for the guidance paper, drawing upon the information in the previous gap analysis for working group input.
- The group agreed that all working group members catalogue what their data sharing limitations are and update the outline of the guidance paper when available. The group also agreed that members will look to see if there are any templates that can be used to develop a data sharing procedure.

Action item: the ACMA to develop an outline of the guidance paper and circulate to working group.

Action item: all members to develop ideas for pilot projects for ways to overcome barriers for information sharing.

Action item: all members to review guidance paper outline and provide input with a particular focus on legal barriers to data sharing.

Action item: all members to identify documents and templates that can be used to help develop a data sharing procedure and help inform any potential pilot projects.

3. Research hub

- The group discussed the research hub. The Chair thanked everyone for reviewing the draft research hub structure. The group agreed that there is value in having primary platform and secondary platform field. It was noted that it would be useful to list multiple platforms in the secondary platforms field.
- The group agreed that they are happy with the hub structure, subject to members comments in the draft document being adopted.
- The group agreed that the working group would set up separate GovTeams site and develop guidance documents for how to use the research hub. [REDACTED] volunteered to set up hub in GovTeams.

- The group discussed ways of tracking usage of the research. No firm position was reached but it was noted that there are several possible ways of tracking usage.
- The group also noted that it may have to house other databases such as algorithms literature database. This would be considered in the final design of the hub.

Action item: ■■■ to update draft research hub structure to reflect everyone's comments (including a comments field).

Action item: ■■■ to set up hub in GovTeams.

4. Data dictionary

- The group discussed the data dictionary. The Chair noted that there may be multiple definitions of terms in the dictionary and asked the working group what the best way is to determine what the best definition of a term is.
- ■■■ noted that where the dictionary has multiple definitions, the group can examine both definitions and determine if the group is happy to use one or more definitions.
- ■■■ noted that it might be a good idea to create an agreed non-legislative definition and to also note where there are definitions that are written in legislation.
- The group agreed that the ACMA will go through the existing list of terms to code the definitions to identify those that have no definition, one definition and multiple definitions. The group agreed to set up a short discussion in the new year to work through the terms where there are multiple definitions.

Action item: ACMA to go through existing terms in dictionary and code the terms based on number of definitions.

Action item: ACMA to set up a short discussion in the new year to work through the terms where there are multiple definitions.

5. Complaints research

- ■■■ presented the initial results of part 1 of the complaints research. The questionnaire on part 2 will be circulated to members for feedback shortly, with a request for feedback before the end of the year.

Action item: ■■■ to circulate definition of harmful content used in the survey.

Action item: ■■■ to circulate part 2 questionnaire to members for feedback.

6. Terms and condition (T&C) audit

- The group discussed the T&C audit. The Chair noted that the DP-REG Regulator Heads were extremely interested in the audit.
- ■■■ noted that the Regulator Heads commented that following the loss of the ACCC's Google case, readability and comprehensibility of T&Cs will be important.
- The Chair thanked ■■■ for sharing documents on the ACCC's previous audit. These documents were updated to GovTeams earlier in the day and suggested that members review.
- The Chair noted that if an external provider can be procured, an audit could be achievable. However, the working group needs to determine how funding and procurement of the audit could work across members before finalising a proposal to the Steering Group. One regulator may need to lead a procurement however it is unclear whether there is an easy mechanism for members to contribute funding to the project.
- The group agreed that all members would investigate how the T&C audit would be funded and paid for.

Action item: everyone to speak with their finance areas to confirm the mechanism for how an audit could be paid for.

Action item: everyone to review the [ACCC audit documents](#)

[REDACTED]

From: [REDACTED]
Sent: Friday, 20 January 2023 9:24 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Agenda for the next DP-REG Data and Research working group [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

Hi everyone

Below is a proposed agenda for the next DP-REG Data and Research working group meeting on Wednesday. Please let me know if there is anything that you would like added to the agenda.

1. Introduction and action items (5 min – [REDACTED])
2. Australian Community Attitudes to Privacy Survey (10 min – [REDACTED] and OAIC Media team)
3. Data dictionary workshop (20 min - [REDACTED])
4. Update on each agency's research plans for 2023 (10 min – all)
5. Recap and way forward for 2023 (10 min – [REDACTED])
6. Other matters (5 Min – all)

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

Australian Communications and Media Authority

[REDACTED]

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DP-REG Data and Research Working Group

25 January 2023, 2:00–3:00pm

Attendance:

- ACMA – [REDACTED] (Chair), [REDACTED]
- ACCC – [REDACTED],
- OAIC – [REDACTED]
- eSafety – [REDACTED]
- Apology – [REDACTED]

Minutes prepared by the ACMA

1. Introductions

- The Chair commenced the meeting. The Chair welcomed [REDACTED]

2. Previous action items

- The Chair noted that December and January had been a busy time and as a result, some of the action items hadn't progressed as expected.
- The group discussed the action item about potential arrangements for collectively paying for a consultant to assist with the terms and conditions audit. [REDACTED] stated that he contacted eSafety's finance team but hadn't received firm position. While [REDACTED] hadn't had a chance to speak to their Finance, [REDACTED] noted that ACCC budget is tight. The Chair stated that the initial position from ACMA's finance area was that one agency would lead the procurement and then invoice the other agencies for their share. [REDACTED] noted that there have been initial discussions with his EL2 on how costs would be split but there hasn't been a discussion with OAIC Finance.
- [REDACTED] noted that he has set up community for research hub and provided a high-level demonstration of the hub.
- The Chair thanked the working group members for their feedback on the ACMA's part 2 research questions.

Action item: [REDACTED] to give an update on the progress of research hub at the next working group meeting.

Action item: ACMA to follow up on all outstanding action items from the December meeting.

3. Australian Community Attitudes to Privacy Survey presentation

- [REDACTED] gave a presentation on the upcoming Australian Community Attitudes to Privacy Survey.
- The objective of the survey is to provide insights on Australians' attitudes towards privacy, understand the changes in Australians' attitudes and behaviours over time and identify awareness of and concern about emerging privacy issues.
- The findings will be used to assist the OAIC across its policy, compliance, and communications initiatives
- The new survey will seek to ask questions about 6 main themes:
 - General knowledge, awareness
 - Legal considerations
 - Fair and reasonable
 - Privacy breaches
 - Biometrics
 - Children

- This year's survey will introduce new questions on whether platforms practices are fair and reasonable, moving away from consent. The survey will also include questions on Artificial Intelligence and biometrics for the first time.
- The survey also seeks to understand harms from privacy breaches and community attitudes on what organisations should do to minimise harms from privacy breaches.
- OAIC will seek feedback from DP-REG on the survey questions in mid-February. The tight timeline and turnaround time for the questionnaire was foreshadowed (2-3 days).
- The OAIC expects to soft-launch the top-line results of the survey during Privacy Awareness week in early May with the full results likely released sometime in June.

Action item: OAIC to circulate slides to DP-REG members to share with colleagues within their individual regulators.

Action item: DP-REG members to provide feedback on survey questionnaire when survey is circulated by OAIC.

4. Data dictionary

- [REDACTED] presented the findings of the analysis of the dictionary terms. ML proposed that that each member of the working group will be responsible for developing the definition an allocated number of terms in the dictionary. Once the definition has been drafted, the working group will decide whether to accept the definition. The group agreed with [REDACTED]'s proposal.
- [REDACTED] proposed that each agency be responsible for defining at least 15 terms. The group agreed with this proposal.

Action item: ML to send out request for Members to identify terms that they would like to define for Member action.

5. Update on each agency's research plans for 2023

- The Chair noted that the ACMA's research priorities will be the current platforms complaints research and the next Annual Consumer Survey, scheduled for fieldwork in June 2023. ACMA will also be carrying out research into metaverse. Another focus for the ACMA is piloting its draft news measurement framework. The draft framework is currently out for consultation.
- [REDACTED] stated that ACAP survey would be big research item for OAIC in 2023.
- [REDACTED] noted that most of the ACCC's digital platforms research is tied to Digital Platforms Inquiry (DPI) but to date they haven't commissioned any additional research. [REDACTED] stated that ACCC enforcement is conducting a sweep of social media influencers to investigate patterns of misconduct and the prevalence of non-disclosure of advertising. This work will feed into the 6th DPI report [REDACTED] noted that the ACCC is also planning on doing case studies for the 7th DPI report – likely to be on ecosystems of products and services, though the topics haven't been decided yet.
- [REDACTED] noted that he was unable to provide an update at the meeting but noted that a representative from eSafety's research team may be joining the group at the next meeting..

Action item: eSafety to provide update on their research plans at the next meeting.

6. Recap and way forward for 2023

- The Chair noted that the working group will be seeking to update the DP-REG steering group on the Working Group's progress against its work plan at a future

steering group meeting. The ACMA will develop a stocktake about where we were at against the workplan..

Action item: The ACMA to carry out a stocktake of the working group's progress against the [work plan](#) for discussion at the next meeting.

[REDACTED]

From: [REDACTED]
Sent: Thursday, 23 February 2023 2:57 PM
To: [REDACTED]
Subject: DP-REG data and research working group - agenda for the 1 March working group meeting [SEC=OFFICIAL]

Hi everyone

Below is an agenda for the upcoming data and research working group meeting on 1 March. Please let me know if you have any comments on the agenda.

1. Introduction and action items (5 min – [REDACTED])
 - Outstanding action items
2. Progress against the work plan (10 min – [REDACTED])
3. Top line results of part 2 of the complaints research (15 min – [REDACTED])
 - Seeking input on further analysis of the data
4. Guidance paper on barriers to overcoming barriers to information sharing (5 min – [REDACTED])
5. Digital platform dictionary
 - Finalising the timeline (5 min – [REDACTED])
 - Review of the definitions developed so far (5 min – [REDACTED])
6. Next steps on the Terms and Conditions audit (10 min – [REDACTED] d)
7. Other items (All – 5 min)

[REDACTED]

Regards

[REDACTED]

[REDACTED]

[REDACTED]

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DP-REG Data and Research Working Group

1 March 2023, 3:30–4:30pm

Attendance:

- ACMA – [REDACTED]
- ACCC – [REDACTED]
- OAIC – [REDACTED]
- eSafety – [REDACTED]
- Apology – [REDACTED]

Minutes prepared by the ACMA

1. Introductions

- The Chair commenced the meeting. The Chair welcomed [REDACTED] to the group.

2. Previous action items

- The Chair noted the outline of the guidance paper had been circulated and would be discussed at item 5.
- [REDACTED] updated the group regarding the Research Hub and asked for feedback on storing research reports on the hub. Discussion focussed on using tags, key word searches and also inserting hyperlinks into the spreadsheet to allow research reports to be easily accessed. [REDACTED] will experiment with these suggestions and out of session will invite the group to trial it.
- The Chair thanked the group for feedback on OAIC's research.
- [REDACTED] provided an update on e-Safety's research which included:
 - National adult online safety survey (completed Nov 2022). Reports to be released on:
 - Hate speech
 - Metaverse experiences
 - Perpetrators of online harms
 - Where is CSAM being solicited? (survey completed Jan 2023). Report being developed for release in 2023
 - Scoping work on National youth online safety survey (8-17 year-olds). Fieldwork to be conducted later this year
 - Reports from previous National youth online safety survey (conducted September 2021) to be released 2023:
 - Online safety of Aboriginal and Torres Strait Islander children and young people
 - Online safety of children/young people living with disability
 - Journal article on eSafety's Image-Based Abuse Scheme
 - Young people and porn (qualitative and quantitative research completed Sep 2022), report to be released 2023.

The Chair noted the interest in online hate speech particularly with the referendum for the Voice and mis/disinformation

Action item: [REDACTED] will invite the group, out of session, to the Research update for trialling and updating regulator research only into the hub.

3. Progress against the work plan

- The Chair noted the group's progress against the work plan.
- The Chair noted that the data stocktake had not been updated since the formation of this working group and suggested that the group could work on updating the stocktake by early April.
- There was discussion about whether the data stocktake should be in the research hub. No decision was reached but the group agreed to proceed with the update and make a decision once that was finalised.

Action item: Group to add in their agency's data collected in last six months into the data stocktake.

4. Digital platforms reporting and complaints presentation

- [REDACTED] gave a presentation summarising the key findings from the digital platform user reporting/complaints research undertaken earlier this year.

Action item: ACMA to circulate the presentation to DP-REG members to share with colleagues within their individual regulators (*action completed*).

If the group have questions or would like to request further analysis on areas of particular interest, please contact [REDACTED]

5. Guidance for overcoming barriers for information sharing

- The Chair introduced the draft paper that was circulated to the group prior to the meeting explaining it was a high-level paper to cover what the barriers are and to identify pilot projects to overcome those barriers. It is proposed that the pilot projects could be undertaken in the next financial year. The paper will be a collaborative drafting exercise.
- [REDACTED] thought the paper looked good and raised taking out subscriptions for the benefit of all regulators [REDACTED] committed to sharing a subscription stocktake completed by the ACCC and it was suggested that all members complete a similar exercise.
- [REDACTED] added the paper could address the systems currently in place.
- A stocktake of the subscriptions and systems in place will need to be done to inform the paper.

Action item: Group to review [draft paper](#) and provide any comments on structure and note their names next to the points they will draft by **COB Wednesday 8 March 2023**.

Action item: ACCC to circulate subscription stocktake and **bring to the next meeting**.

Action item: Members will need to conduct an audit of their respective systems – timing to be considered in the development of paper.

6. Data dictionary

- [REDACTED] noted the circulated [timeline](#) for delivering the data dictionary and the group confirmed the timeline was achievable.
- There was discussion whether the current definitions have the right level of detail, and it was thought this would be better assessed once we have the agreed definitions.

Action item: [REDACTED] to circulate the dictionary spreadsheet in GovTeams to [REDACTED] (*action completed*).

Action item: The group to input proposed definitions and any comments into the [dictionary](#) spreadsheet by **COB Friday 10 March 2023**.

7. Terms and Conditions audit

- The Chair sought feedback from the group for interest in the audit and the ability to proceed to the next stage.
- ■■■ advised that there was interest in progressing the audit from the OIAC.
- ■■■ advised there was not so much interest now but suggested scoping now and then when we have the information sharing settled, it could work better.
- ■■■ thought there was probably value but has concerns around the procurement and he's not able to commit to further work at this time.
- It was confirmed that a potential audit would focus on readability and accessibility.

Action item: The group to test the appetite for the audit internally and **report back to the next meeting**. A scoping paper may then be prepared to take to the Steering Committee.

DP-REG Data and Working Group Agenda 3:30-4:30PM, Wednesday 5 April 2023

Members:

ACMA – [REDACTED]
OAIC – [REDACTED]
eSafety – [REDACTED]
ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies
2. Confirm [previous minutes](#)/acknowledge changes
3. Action items

Action Item	Status
1: Research Hub – [REDACTED] to send link to group to trial	Item 4
2: Data Stocktake – group to add in their agency's data collected in last six months by next meeting	In progress
3: DP reporting and complaints presentation – ACMA circulated to group	Complete
4: Guidance for overcoming Barriers to Information Sharing - group to add comments/provide feedback to draft outline and confirm their capacity for drafting	To be discussed at this meeting
5: [REDACTED] to share a subscription stocktake completed by the ACCC with group	In progress
6: Data Dictionary – group to input proposed definitions and any comments by COB Friday 10 March 2023	CC prepared tab 3 collating definitions and comments to be discussed at this meeting
7: Terms and Conditions Audit – group to test appetite for audit internally and report back	Audit was discussed at the SC meeting on 24.3.23 as part of regular update – SC expressed interest in progressing work – group to prepare a scoping paper for SC

4. **Update on Research Hub**
OAIC to lead discussion on feedback from group and next steps.
5. **Workplan progression:**
 - Chair to lead Data Dictionary discussion
 - Chair to discuss next steps for the Terms and Conditions Audit scoping
 - Chair to lead discussion on way forward for the Barriers to Information Sharing project
6. **Confirm next meeting: 10 May 2023**
7. **Regulator updates / Any other business**

DP-REG Data and Research Working Group

5 April 2023, 3:30–4:30pm

Attendance:

- ACMA – [REDACTED]
- ACCC – [REDACTED]
- OAIC – [REDACTED]
- eSafety – [REDACTED]
- Apologies – [REDACTED]

Minutes prepared by the ACMA

1. Introductions

- The Chair commenced the meeting.

2. Previous action items

- Data Stocktake – members advised they would need more time to be able to update the spreadsheet and a new deadline of 21 April 2023 was agreed.
- Guidance for overcoming Barriers to Information Sharing – group to provide comments on outline proposed – to be discussed today if time permits.
- [REDACTED] shared the ACCC's subscription stocktake with the group and asked whether there would be interest from the group in continuing to share the Nielsen data noting the ACCC is currently finalising the renewal. [REDACTED] confirmed the ACMA would be interested, and [REDACTED] confirmed same for e-Safety. [REDACTED] will check internally.
- The Chair provided a brief update on the Terms & Conditions Audit advising it was raised at the previous Steering Committee (SC) to ascertain the level of interest in the project proceeding in this financial year. The SC confirmed it was interested and therefore a brief/scoping paper will be prepared by the group for the SC - to be discussed today if time permits.
- [REDACTED] updated the group regarding the Research Hub highlighting the work on the structure of the hub as well as the preparation of instruction notes. The group discussed management arrangements for the hub noting each regulator will need to be responsible for its own members. The group will now review and provide feedback particularly addressing the points raised by [REDACTED] for consideration. [REDACTED] will invite the group to review the hub out of session.
- Members provided input to the Data Dictionary for further discussion – see Item 3.

Action items:

- Members will update the Data Stocktake by **21 April 2023**.
- Members to email [REDACTED] to confirm agency interest by **14 April 2023**.
- [REDACTED] will invite the group, out of session, to the Research update for trialling, providing comments and updating regulator research into the hub ready for the **next meeting**.

3. Data dictionary

- Discussion of the Data Dictionary commenced noting the addition of new definitions proposed by the OAIC. The group progressed several definitions however with the limited time, it was determined the best strategy going forward was for members to review the definitions and confirm their agreement or make comments in the table. This step should be completed prior to the next meeting, which may be out of session, to finalise the definitions.

Action item:

- ■■■ to circulate the updated Data Dictionary spreadsheet with instructions for input by the members by **27 April 2023**.

4. Guidance for overcoming barriers for information sharing

- This item was not discussed due to time constraints.

Action item:

- q ■■■ to send an email to members calling for **input prior to the next meeting**.

5. Terms and Conditions Audit

- This item was not discussed due to time constraints.

Action item:

- ■■■ will send an email prior to the next meeting to confirm status and next steps.

DP-REG Data and Working Group Agenda 3:30-4:30PM, Wednesday 10 May 2023

Members:

ACMA – [REDACTED]
OAIC – [REDACTED]
eSafety – [REDACTED]
ACCC – [REDACTED]

Apologies: [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies (5 mins)

2. Confirm [previous minutes](#)/acknowledge changes

3. Action items (5 mins)

Action Item	Status
1: Research Hub – [REDACTED] to invite group to trial updating regulator research and providing feedback/comments	[REDACTED] sent link to group to read instructions and trial entering research and provide comments.
2: Data Stocktake – group to add in their agency's data collected in last six months by next meeting	To confirm at meeting
3: Data Dictionary – group to review definitions and either confirm their agreement or make comments in accordance with instructions in the Stage 3 – DISCUSSION TO FINALISE tab ready to review at the next meeting	To be discussed at this meeting
4: Guidance for overcoming Barriers to Information Sharing - group to input relevant regulator information under each heading in the draft outline	To be discussed at this meeting
5: Terms and Conditions Audit – ACMA reviewing material to draft a scope/brief for the Steering Committee	To be circulated prior to the meeting

4. Workplan progression:

- Chair to confirm status/discuss Data Stocktake with group (5 mins)
- Chair to lead Data Dictionary review (40 mins)
- Chair to lead discussion on feedback and next steps for the Barriers to Information Sharing project (10 mins)
- Chair to discuss the Terms and Conditions Audit scoping document (5 mins)

5. Confirm next meeting: **14 June 2023** / and set follow up meeting if required

6. Regulator updates / Any other business / Close meeting

Wednesday, 17 May 2023 12:17 PM

Wednesday, 17 May 2023 12:17 PM

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

RE: DP-REG Data and Research WG - Catch up meeting [SEC=OFFICIAL]

Thanks so much for making this extra time for a quick catch up to finalise agenda items from our meeting last week.

I'm just waiting on one more member's availability and then I'll send around a calendar invite for tomorrow.

I thought I'd send this now to give you all more time to digest.

The meeting agenda is:

1. Data Dictionary
2. Barriers to Information Sharing
3. Terms and Conditions Audit

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[REDACTED]
[REDACTED]

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The ACMA acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, culture and community. We pay our respects to Elders past, present and future.

DP-REG Data and Research Working Group

Meetings held over two sessions 10 May, 3:30–4:30pm and 18 May 2023, 1:00-1:30pm

Attendance:

- ACMA – [REDACTED]
- ACCC – [REDACTED]
- OAIC – [REDACTED]
- eSafety – [REDACTED]
- Apologies – [REDACTED]
[REDACTED]

Minutes prepared by the ACMA

1. Introductions

- The Chair commenced the meeting.

2. Previous action items

- Research Hub – Members to trial by inputting data and providing feedback.
- Data Stocktake – Members to update the existing data holdings with last 6 months of data.
- Data Dictionary – Over two meetings, members finalised their input to the data dictionary to prepare a final draft version.
- Guidance for overcoming Barriers to Information Sharing Paper – Members provided regulator specific information to the outline to help inform the substance of the paper.
- Terms & Conditions Audit – ACMA updated group that it will progress scoping brief.

Action items:

- **Research Hub**
 - Members to input and provide feedback on experience to [REDACTED] by **19.5.23**
- **Data Stocktake**
 - Members agreed to update Stocktake biannually and will discuss with [REDACTED] options for where this spreadsheet should live at the next meeting.
- **Data dictionary**
 - A final draft will be sent to members for final comments. Members to **email [REDACTED] by 24.5.23** to confirm they agree with draft.
 - ACMA will prepare a brief to present the dictionary to the Steering Committee (SC) on **2 June 2023** for SC consideration of the terms and to provide guidance for next steps being socialising, accessing, and housing the dictionary.
- **Barriers to Information Paper**
 - It was agreed the group would progress drafting the Impediments/barriers to information sharing section of the paper and consider a dataset to pilot as a potential project.
 - Members to select section to draft and note their selection in the outline by **19 May**, otherwise Chair will allocate drafting to members to progress.
 - Members to consider a potential dataset for sharing and note this in the outline by **26.5.23**. The Group will discuss potential data for sharing at the next meeting.
- **Terms & Conditions Audit**
 - ACMA will draft a paper for SC to consider the viability and next steps.

Next meeting: Wednesday 14 June 2023, 3:30-4:40pm

DP-REG Data and Working Group Agenda 3:30-4:30PM, Wednesday 14 June 2023

Members:

ACMA – [REDACTED]
OAIC – [REDACTED]
eSafety – [REDACTED]
ACCC – [REDACTED]

Agenda Items:

1. **Welcome, acknowledgement, apologies**
2. **Confirm [Minutes - Meetings 9 -10.docx](#)/acknowledge changes (Items 1 & 2 – 5 mins)**
3. **Action items**

Action Item	Status / time allocated
1: Chair to provide feedback from SC meeting – including the Data Dictionary with reminder for SC members to provide comments by 16.6.23	5 mins
2: Research Hub – [REDACTED] to provide an update	Item 4 / 10 mins
3: Data Stocktake – confirm group has added in their agency's data collected in last six months	5 mins
4: Workplan review	15 mins
4: Guidance for overcoming Barriers to Information Sharing – group to discuss pilot project/dataset to trial and set timeframes for drafting	Item 5 / 10 mins
5: Terms and Conditions Audit – Update on scoping	Item 5 / 10 mins

4. **Update on Research Hub**
OAIC to lead discussion on the operation of the hub and feedback from group.
5. **Workplan progression:**
 - Chair to lead a review of the work program to discuss the current status of tasks and to update dates for completion and determine if there is anything to add. It would be good to have an agreed, updated work program by the end of 30.6.23 covering the work plan up to the end of 2023.
 - Chair to lead discussion on the Barriers to Information Sharing project
 - Chair to discuss the Terms and Conditions Audit scoping
6. **Confirm next meeting: 19 July 2023**
7. **Regulator updates / Any other business**

DP-REG Data and Research Working Group

Meeting 14 June 2023, 3:30–4:30pm

Attendance:

- ACMA – [REDACTED]
- ACCC – [REDACTED]
- OAIC – [REDACTED]
- eSafety – [REDACTED]
- Apologies – [REDACTED]

Minutes prepared by the ACMA

1. Introductions

- The Chair commenced the meeting thanking the group for their work on the data dictionary and provided feedback from the recent Steering Committee (SC).
 - At the SC meeting, e-Safety commented that there will be new definitions from their codes that should be considered and there was a general point made about ensuring we monitor the definitions that will need to be updated more broadly when relevant legislation is updated/in place. The group will circle back on these comments once all SC comments are officially received.
 - There was discussion following a question e-Safety received about the definitions aligning with those in other DP-REG papers (such as the algorithms working papers). While the dictionary will be an internal document for DP-REG members, it makes sense there is synergy across the regulators broadly so this will be something to monitor.

2. Previous action items

- Research Hub – Members to trial by inputting data and providing feedback. [REDACTED] discussed the comments with the group.
- Data Stocktake – Members to update the existing data holdings with last 6 months of data. Members confirmed they have updated data and it is noted updates will be on a bi-annual basis.
- [REDACTED] confirmed that the Nielsen subscription had been finalised and she will send around details to members.
- Data Dictionary – Group prepared dictionary to SC for comments.
- Guidance for overcoming Barriers to Information Sharing Paper – Members to select topic to draft/ACMA to nominate and consider a suitable pilot project.
- Terms & Conditions Audit – ACMA to progress scoping brief.

Action items:

- **Data dictionary**
 - SC comments on the terms and definitions as well as the socialising of the dictionary are due by 16.6.23. Once received, members will ensure comments are uploaded to the correct tab on the dictionary on Gov-TEAMS adding in any relevant commentary to assist the discussion to finalise the dictionary **at the next meeting**.
 - At the next meeting, the group will also need to prepare comms material to accompany the dictionary to provide background and guidance for use to the other DP-REG working groups as well as non-DP-REG members across the regulators.

- **Data Stocktake**
 - Discuss options for housing this list and communicating it to all members.
 - CC to confirm with ■■■ that ACMA list is current.
- **Research Hub**
 - ■■■ to update the hub materials following the discussion at the meeting.
 - Members will add in their data and if possible, one or two third party sources by **23.6.23**.
 - The Chair will then circulate to the Digital Technology working group to trial for any feedback before the Hub is promoted to all DP-REG members.
- **Barriers to Information Paper**
 - Chair called for any pilot projects. None had been considered. Chair floated the idea of Monthly Active Users (users of platforms) and there was initial interest.
 - Group to further consider this suggestion as a pilot or suggest another idea that is easily identifiable and easy to share and **advise by Friday 30 June**. Members can email their thoughts/suggestions to CC.
 - Members to do at least 1st draft of their section on the paper outline in Gov-TEAMS by **Friday 30 June** and be ready to workshop the paper together at the next meeting.
- **Terms & Conditions Audit**
 - OAIC will email the Chair regarding their internal thoughts/comments re the audit.
 - ACMA to draft a paper for SC to consider the viability and next steps.
- **Workplan**
 - Chair led overview of the current workplan and workstreams, noting the proposal before Regulator Heads to roll over strategic priorities and our work plans for another year.
 - While acknowledging priorities will be set at upcoming regulator heads meeting, the Chair encouraged group to consider whether there was anything we wanted to add/amend/expand in our current plan for instance, are there external presentations we could arrange and to think about what work may lead on naturally from existing tasks. Current tasks, such as 3.2 will require careful scoping to guide the complexity of obtaining the list of metrics in a reliable manner.
 - Group to consider work tasks and deliverables ready for discussion **at next meeting** where the workplan will be updated.

Next meeting: Wednesday 19 July 2023, 3:30-4:30pm

DP-REG Data and Working Group Agenda

3:30-4:30PM, Wednesday 19 July 2023

Members:

ACMA – [REDACTED]
 OAIC – [REDACTED]
 eSafety – [REDACTED]
 ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies
2. Confirm minutes from 11 June meeting
3. Action items

Action Item	Status
1: Members to insert Steering Committee comments on Data Dictionary into Gov-TEAMS for discussion at 19/7/23 meeting	Item 5
2: Discuss development of comms material to accompany data dictionary circulation to DP REG members and potentially portfolio agencies.	Item 5
3: Members will add in their data to the Hub and if possible, one or two third party sources by 23.6.23.	Item 6
4: Chair to circulate to the Digital Technology working group to trial for feedback before the Hub is promoted to all DP-REG members.	Subject to completion of action item 3
5: Members to provide feedback on potential pilot project ideas for Barriers to Information Sharing task (BIS) by 30.6.23	To be confirmed at this meeting at Item 7
6: Members to do at least 1st draft of their section on the BIS paper outline in Gov-TEAMS by 30.6.23 and be ready to workshop the paper together at 19/7/23 meeting.	Item 7
7: OAIC will email the Chair regarding their internal thoughts/comments re the Terms and Conditions (T&C) audit.	Complete, see item 8
8: ACMA to draft a paper for SC to consider the next steps with the T&C audit.	Item 8
9: Group to consider work tasks and deliverables ready for discussion at 19/7/23 meeting where the workplan will be updated.	Item 9 (time allowing)

4. Regulator updates

5. Data dictionary

- Group to discuss and [finalise data dictionary](#) following Steering Committee feedback
- Consider communications material and approach to provide finalised dictionary to their organisations and portfolio agencies.

6. Update on Research Hub

- Members to confirm completion of test entries and any additional comments to allow circulation of research hub to digital technology working group.

7. Barriers to information sharing paper (BIS)

- Members to provide feedback on circulated paper

8. Scoping of terms and conditions audit

- Members to discuss [proposals](#) to take project forward (see attached document)

9. [23-24 Work plan](#)
 - Potentially to be held over until next meeting depending on time.
10. **Any other business**
11. **Confirm next meeting: 23 August 2023, 3.30-4.30pm**

Attachment for meeting consideration:

Item 8 - Terms and Conditions Audit -Options for next steps

For discussion at WG meeting 19/7/23

Background

- Scoping a terms and conditions audit is one of the key deliverables in the Data and Research Working Group's FY 2022-23 work program. The [communiqué](#) from the June 2022 DP-REG heads meeting notes that members may examine existing terms and conditions for accountability and transparency issues.
- In October 2022, the Working Group conducted a scoping workshop to share previous experiences and learnings from undertaking similar processes, as well as an initial scoping discussion on a potential DP-REG audit.
- Although members have different regulatory remits in relation to digital platforms, all members have experience in undertaking some audit-like activities of platforms policies (including privacy policies, terms and conditions, and community safeguards).
- Audits have previously been conducted for a range of different purposes, including to inform the development of consumer guidance and advice, to assess compliance with rules, and to gather evidence as part of reviews/inquiries undertaken by the regulator.
- Members identified a potential project to assess the readability and accessibility of platform's terms and condition to confirm the various rules and policies that platforms have implemented to manage harmful content.
- The platforms to be considered would be those with the highest monthly usage amongst Australians (according to Nielsen data and/or the ACMA's Annual Consumer Survey (ACS)).
- There is interest from members in the project and direction from the Steering Committee to explore the feasibility of this audit. However early considerations have highlighted challenges including the resource-intensive nature of the project from both a cost and staffing perspective and potentially one requiring specific expertise outside the working group.

Potential options for undertaking this task

- The OAIC has advised that it will be undertaking work that potentially intersects with the proposed T&C audit.
- The OAIC is seeking interest/feedback from the working group to see if its work may be of interest to the group to leverage to complete this task in its workplan.
- The OAIC's Assessments Team is currently considering two options for its work noting these are still subject to the Commissioner's final approval.
- Building on both OAIC's potential work and the working group's previous discussion, three options have been developed for consideration on a way forward.

Option 1

- The OAIC would commission a terms and conditions/privacy policies review through an academic (without exercising the OAIC's legislative assessments power). This would involve the OAIC instructing the academic on behalf of DP-REG and covering the costs of the research. This option may be a more flexible process that would allow the OAIC to consult with our Working Group and include DP-REG-related considerations in the instructions to the academic. It could be presented as a work product of the academic prepared for DP-REG's Data and Research Working Group or commissioned by the OAIC on behalf of DP-REG. Academic Katherine Kemp recently examined the privacy policies, messaging and settings in [12 fertility apps](#). The research commissioned could be similar to this research piece.
- Early consideration would need to be given to whether the outcome of the research would be published, or whether it would be an internal DP-REG paper.

Option 2

- Under this option, the OAIC would use its regulatory powers to formally assess platforms' privacy policies. This assessment would be limited to privacy-specific issues within the OAIC's statutory remit. However, subject to providing notice and/or obtaining any consents from the platforms being assessed, this could also involve consultation with our Working Group. The OAIC anticipate that the Final Report for this assessment would be published on the [OAIC's website](#), and, subject to the Commissioner's views, could refer to the involvement of DP-REG.
- Whilst this option is narrower in focus, it may result in more practical outcomes. The discussions and material from the working group to date could be a useful information source for the OAIC's assessment team.

Option 3

- Under this option, the working group would collectively develop the scope of the audit based on discussions to date and then commission an academic to undertake the audit on behalf of the working group. Contributions would be sought from working group members to fund the project.
- Early consideration would need to be given to whether the outcome of the research would be published, or whether it would be an internal DP-REG paper.

ACTION REQUIRED BY 19/7/23

Could members please discuss these options internally and seek their regulator preference/approval for an option to be progressed so this can be discussed at our meeting on 19/7/23.



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DP-REG Codes and Regulation Working Group

6 September 2022, 11 am-12pm

Attendance:

- eSafety – [REDACTED] - Chair
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

1. Apologies

No apologies were recorded for the meeting.

[REDACTED]

[REDACTED]

2. Confirm previous minutes/acknowledge changes

The minutes were accepted without alteration.

3. Action Items

- [REDACTED] confirmed meeting invites for the working group for the remainder of this year have been sent.
- [REDACTED] circulated draft TOR, which have been further developed with the group's input and will be maintained by [REDACTED] (see discussion below).
- [REDACTED] developed and circulated a draft workplan for the group's consideration (see discussion below).
- [REDACTED] presentations postponed to next meeting.
- All members confirmed that they have access to GovTeams.

4. Discussion of draft ToR and draft workplan

Members discussed the draft ToR and draft workplan in turn, considering the revisions that had been advised and incorporated out of session, stepping through the rationale for particular revisions and suggesting further refinements.

It was agreed that the group would maintain both the ToR and workplan as separate documents, but reduce duplicative text, as appropriate.

Members also agreed to identify a 'lead agency' against activities in the workplan (to the extent possible at this point in time). The lead agency would be responsible for coordinating the relevant activity, developing first drafts of material and meeting delivery deadlines. The group also agreed to note indicative deadlines for key deliverables over the next 12 months noting that deadlines could be revised if necessary, noting the dependencies between a number of the listed activities.



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Further amendments to both documents were suggested as a result of the group discussion, which [REDACTED] would be made before the drafts are finalised for consideration by the DP-REG Steering Group on 16 September.

RS thanked everyone for their input to the ToR and workplan and for the collaborative approach to refining the drafts. The group agreed that it was a productive use of the meeting time to discuss the drafts in detail, as a group, given their importance for guiding our work over the coming months.

Action item: [REDACTED] to make suggested revisions to ToR and workplan and circulate penultimate drafts to the group for final comments.

Next meeting: 11am, Tuesday 11 October



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DP-REG Codes and Regulation Working Group

Agenda

11am, Tuesday 11 October 2022

Members:

- eSafety – [REDACTED]
- OAIC – [REDACTED] [REDACTED] [REDACTED] [REDACTED]
- ACMA – [REDACTED] [REDACTED]
- ACCC – [REDACTED] [REDACTED]

1. Apologies

[REDACTED]

2. Confirm previous minutes/acknowledge changes

3. Action Items

Action item 1: [REDACTED] to advise outcomes from DP-Reg Steering Group meeting including confirming the group's ToR and workplan

Action item 2: [REDACTED] (ACMA) and [REDACTED] to deliver first presentations

4. General discussion / matters arising

- Discuss progressing workplan activities with a November deadline
- Discuss internal narrative/mapping document on areas of intersection between DP-REG members
- Confirm presentations for November meeting

5. Confirm next meeting: 11am, Tuesday 1 November 2022.



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DP-REG Codes and Regulation Working Group

11 October 2022, 11am-12pm

Attendance:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

1. Apologies

[REDACTED] (ACMA), [REDACTED] (OAIC) were recorded as apologies for the meeting.

Members noted that [REDACTED] (OAIC) and [REDACTED] (ACMA) are no longer members of the working group.

2. Confirm previous minutes/acknowledge changes

The minutes were accepted without alteration.

3. Action Items

Action item 1: [REDACTED] to advise outcomes from DP-Reg Steering Group meeting including confirming the group's ToR and workplan

[REDACTED] confirmed that the DP-Reg Steering Group reviewed and approved the working group's terms of reference (ToR) and workplan.

Action item 2: [REDACTED] (ACMA) and [REDACTED] to deliver first presentations

[REDACTED] delivered the first presentation (eSafety presentation was moved to the November meeting). [REDACTED] discussed ACMA's role in supporting the development of the voluntary Australian Code of Practice for Disinformation and Misinformation. This included an overview of planning and research, ACMA's regulatory approach with a new set of stakeholders and subject matter, key policy/regulatory issues, lessons learned throughout the process and next steps for the code.

Members asked questions about metrics for assessing code compliance, resourcing within ACMA, how platforms' approaches to reporting stay proportionate to company sizes and risk profiles, and how the ACMA measures code success.

4. General discussion / matters arising

- Discuss progressing workplan activities with a November deadline

Due to time, members agreed to discuss workplan activities at the next meeting.



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- **Discuss internal narrative/mapping document on areas of intersection between DP-REG members**

■ discussed the OAIC-led mapping document that shows areas of intersection between DP-REG members and each member's remit within these areas. The main purpose of the document is to direct DP-REG's activities and clearly define scope of work. A public-facing version (one page infographic) is under development.

Members discussed how the document can inform a joint submission/position paper, what the criteria should be for deciding a topic for a joint statement, and whether particular digital issues or broadly around regulatory approaches and good practice regulation.

Action item, out of session: members to consider focus of the working group and potential joint statement parameters based on the internal narrative/mapping document

- **Confirm presentations for November meeting**

eSafety will present at the November meeting. OAIC will likely present in December (with potential to bring presentation forward to November depending on availability of relevant experts).

5. Confirm next meeting: 11am, Tuesday 1 November 2022.

Members agreed to push the next meeting to 11am, Wednesday 2 November 2022 (due to the public holiday in Victoria on 1 November) and extend the meeting time to 90 minutes.

6. AOB

Members noted that reporting to the steering group is coming up in November.

Action item, next meeting: members to discuss and approve what the working group submits as part of reporting, informed by out-of-session discussion.



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DP-REG Codes and Regulation Working Group

Agenda

11am-12:30pm, Wednesday 2 November 2022

Members:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

1. Apologies

2. Confirm previous minutes/acknowledge changes

3. eSafety Presentation

[REDACTED] to present on Basic Online Safety Expectations

4. Workplan activities with a November deadline

Discuss progress on workplan (relevant activities listed below, with the full workplan linked)

- Task 1.1 Inter-agency workshops through which each agency will present on their experience developing and/or regulating codes.
- Task 2.1 Workshop on priority areas of intersection for 2022/23 (OAIC-led)
- Task 3.1 Define and document the scope on what engagement is appropriate

Full workplan: [Codes & Regulation Working Group - draft workplan for Steering Committee.docx](#)

5. Action Items from last meeting

Action item 1: Discuss working group submission to triannual reporting (due 9 November; draft submission to be circulated out of session)

Action item 2: Discuss any further developments on potential joint statement parameters

6. Confirm next meeting: 11am, Tuesday 6 December 2022.



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DP-REG Codes and Regulation Working Group

Minutes

11am-12:30pm, Wednesday 2 November 2022

Attendance

- eSafety – [REDACTED]
 - [REDACTED] (items 1-3)
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

1. Apologies

[REDACTED] (OAIC) and [REDACTED] (ACCC) were recorded as apologies for the meeting.

2. Confirm previous minutes/acknowledge changes

The minutes were accepted without alteration.

3. eSafety Presentation

[REDACTED] delivered a presentation on the Basic Online Safety Expectations, a component of the Online Safety Act. While not a code, the Expectations are a transparency and accountability mechanism that complements the other regulatory arrangements in the eSafety Commissioner's remit.

The Online Safety Act 2021 provides for the Minister to set online safety expectations through a determination. The Online Safety (Basic Online Safety Expectations) Determination 2022 (the Determination) was registered on 23 January 2022. The Expectations themselves are not enforceable, however, eSafety has a number of relevant powers under the Act:

- The power to require online service providers to report on how they are meeting any or all of the Expectations, either on a non-periodic or a periodic basis. The obligation to respond to a reporting notice is an enforceable obligation and backed by civil penalties.
- The power to require reporting can either apply to specific providers, or – via a determination – may apply to a specified class of providers.
- The power to issue statements to provider(s) about compliance and non-compliance with the Expectations and publish such statements.

eSafety is required by the Act to take into account several criteria when deciding whether to issue a reporting notice, for example: the number of complaints it has received under the Act in relation to the service in the previous 12 months and any deficiencies in the provider's safety practices or terms of use.

[REDACTED] outlined eSafety's experience issuing a first set of non-periodic (i.e. point in time) notices. The notices were issued to Apple, Meta (including Whatsapp), Microsoft (including Skype), Omegle and



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Snap and focused on information about the steps these services are taking to address child sexual exploitation and abuse. eSafety avoided asking for information that was already in the public domain and/or addressed by existing reporting mechanisms, and the questionnaire was designed to gather a mix of qualitative and quantitative data. ■■■ observed that it was useful to tailor questions to the platform in question and to recognise their services and sub-services.

■■■ outlined eSafety's current considerations around putting some information from services in the public domain to support the policy objectives of transparency and accountability.

Members discussed the policy intent of the Expectations – whether the Expectations would drive behaviour change or whether the publication of information was the intended outcome (or both).

Members discussed how the Expectations mechanism and the process so far compares to their own experiences gathering information from entities they regulate.

Members discussed next steps for the Expectations, including the possibility of issuing periodic notices to track trends over time and expanding the types of online harms beyond child sexual exploitation and abuse.

4. Workplan activities with a November deadline

Members discussed and agreed the status of workplan activities with a November deadline, as outlined in the below table:

Workplan activity	Status agreed in the meeting
Task 1.1 Inter-agency workshops through which each agency will present on their experience developing and/or regulating codes.	Partially complete (due to be completed in December with presentations from OAIC and ACCC).
Task 2.1 Workshop on priority areas of intersection for 2022/23 (OAIC-led).	Complete (held in October).
Task 3.1 Define and document the scope on what engagement is appropriate.	Members noted that this task was relevant to all working groups and that the DP-Reg Secretariat may be taking this forward. LA undertook to discuss this with the Secretariat.

5. Action Items from last meeting

Action item 1: Discuss working group submission to triannual reporting (due 9 November; draft submission to be circulated out of session)

Action item 2: Discuss any further developments on potential joint statement parameters

Members discussed the draft triannual report to the steering committee.

■■■ raised the possibility of moving forward ACMA-led work items 2.3 (scoping circumstances for joint submissions) and 2.4 (developing a framework for joint statements), which are currently due in February and March respectively. Members agreed that these two work items could be combined



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into a single document. ACMA will provide a draft to the working group for comment in December and seek sign off by the steering committee in late January/early February 2023 (ideally in the first steering committee meeting of 2023). LA shared the [Global Privacy Assembly's Adopted Resolution on Joint Statements on Emerging Global Issues](#) as an example.

Action: [REDACTED] to amend the working group's workplan to reflect this.

Members also discussed the workplan more broadly.

The data and research working group has undertaken a gap analysis that identified potential priority areas for data collaboration. One of these priority areas was a register of all formal action taken against digital platforms across the four regulators. Working group chairs discussed whether this work would be best taken forward by the codes and regulation group. Members agreed that this would be a useful exercise and likely sits with this working group, but that it would need to be carefully scoped. ACCC and OAIC maintain running registers of formal actions. Members also discussed whether there would be scope to include informal action, as informal actions are common across some regulators.

Action: JO to consider scope of work involved in this activity, update the workplan and circulate this out-of-session for consideration.

6. Confirm next meeting: 11am, Tuesday 6 December 2022.

The final meeting of 2022 will include presentations from OAIC and ACCC.

[REDACTED]
[REDACTED].



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DP-REG Codes and Regulation Working Group

Agenda

11am-12:30pm, Tuesday 6 December 2022

Members:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies
2. Confirm previous minutes/acknowledge changes
3. Action items

Action Item	Status
1: Amend workplan to reflect combining work plan items 2.3 and 2.4 and moving the deliverable date forward to late Jan/early Feb	Covered in agenda items 4 and 5
2: Scope and amend workplan to include a register of formal action taken against digital platforms across the four regulators.	Covered in agenda item 5

4. Framework document for joint DP-REG submissions and statements

ACMA to lead discussion on the draft framework (circulated out of session)

5. Work plan updates

Discuss and agree work plan updates (draft updates circulated out of session)

6. ACCC Presentation

[REDACTED] to present: Lessons learnt from Industry Codes Enforcement

7. Confirm next meeting: January 2023



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DP-REG Codes and Regulation Working Group

Minutes

11am-12:30pm, Tuesday 6 December 2022

Members:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies

[REDACTED] were noted as apologies. [REDACTED] represented OAIC. It was noted that OAIC will present in the first meeting of Jan. [REDACTED] attended alongside [REDACTED] from ACCC.

2. Confirm previous minutes/acknowledge changes

The previous minutes were accepted without alteration.

3. Action items

Members noted that action items from the previous meeting (both around amendments to the workplan) would be addressed in agenda items 4 and 5.

4. Framework document for joint DP-REG submissions and statements

[REDACTED] led discussion on the draft framework that had been circulated out of session.

Members discussed and were generally supportive of the proposed process. Members discussed the role of the working group in coordinating the joint submission process, including how the coordination process interacts with the lead agency/drafters of the submission.

Members noted that there were some threshold questions that will be raised with the Regulator Heads' meeting next week, such as: whether joint submissions could be signed off at the Steering Committee level, and the scope and utility of joint statements.

Action item: Members to provide feedback to [REDACTED] in writing.

5. Work plan updates

[REDACTED] presented an amended work plan. The amendments comprise:

- Updated chair and membership details.
- ACMA allocated lead agency for item 2.4.
- New item 2.7 created with eSafety as lead. Noted that eSafety will develop scope of work for this item and bring this to the working group in the Jan 2023 meeting.



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- eSafety designated lead of item 3.1.

Action item: out of session, members to approve updated work plan

6. ACCC Presentation

■ delivered a presentation on *Lessons learnt from Industry Codes Enforcement*. The presentation outlined the ACCC's role in code processes, which primarily involves education and guidance, monitoring compliance and, where necessary, enforcing. ■ outlined 9 challenges and considerations in code enforcement:

1. Consider the purpose
2. Voluntary or mandatory
3. Interpretation of clauses
4. Disclosure requirements
5. Good faith obligations
6. Dispute resolution
7. Compliance checks
8. Penalties
9. Code review

7. Confirm next meeting: January 2023

■ will set the January 2023 meeting based on a poll of members' availability.



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DP-REG Codes and Regulation Working Group

Agenda

11am-12:30pm, Tuesday 24 January 2023

Members:

- eSafety – [REDACTED] – Chair ([REDACTED])
- OAIC – [REDACTED] ([REDACTED], [REDACTED] ([REDACTED]))
- ACMA – [REDACTED] ([REDACTED]), [REDACTED] ([REDACTED])
- ACCC – [REDACTED], [REDACTED] [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies
2. Confirm previous minutes/acknowledge changes
3. OAIC Presentation

OAIC to present on the current code-making framework in the Privacy Act, the recent statutory review of the credit-reporting code, and some general insights and learnings about developing and varying codes to date

4. Action items

Action Item	Status
1: Provide feedback to ACMA on joint DP-REG submission and statement document	Complete
2: Approve amended workplan	Complete

5. Framework document for joint DP-REG submissions and statements

ACMA to lead discussion to resolve outstanding issues ahead of submitting framework to steering committee.

6. (If time allows) Workplan review

- Regulatory stocktake (ACCC)
- Key learnings document/best practice principles on code development (ACMA)
- Register of formal action (eSafety)
- Joint paper on area of intersection

7. Confirm next meeting: February 2023



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Attachments:

- A: Previous meeting minutes
- B: Framework document for joint submissions and statements
- C: Updated workplan



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DP-REG Codes and Regulation Working Group

Minutes

11am-12:30pm, Tuesday 24 January 2023

Members:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies

[REDACTED] was noted as the new OAIC rep on the working group.

Multiple OAIC staff attended to support the OAIC presentation. [REDACTED]

[REDACTED] attended as observers.

2. Confirm previous minutes/acknowledge changes

The previous minutes were accepted without alteration.

3. OAIC Presentation

OAIC presented on the current code-making framework in the Privacy Act, the recent statutory review of the credit-reporting code, and some general insights and learnings about developing and varying codes to date.

The presentation was delivered in two parts. The first gave an overview of APP codes, the three current APP codes in force, and the triggers to develop an APP code (by entity on own initiative, by entity on request, by Commissioner in limited circumstances), and potential code reforms in the Privacy Act Review (noting the review report was not published at the time of this meeting).

The second part was an overview of the review of the credit reporting code. The OAIC team detailed the review process including procurements, stakeholder engagement and public consultation, report drafting and publication. The team discussed the overarching issues raised by stakeholders and outlined how the team dealt with stakeholder views that were within and outside the scope of the code review.

4. Action items

Members noted that they had provided out of session feedback on the framework for joint DP-REG submissions and statements and that outstanding issues would be discussed in agenda item 5.

Members noted the amended working group workplan.



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5. Framework document for joint DP-REG submissions and statements

ACMA led a discussion to resolve outstanding issues ahead of submitting framework to steering committee. Members discussed:

- how the process could best enable resolution of substantive issues early in the process and support a smooth final clearance process at the regulator head level;
- scope of joint statements;
- the types of joint submissions the process covers (members drafting individual submissions with a joint cover letter; joint drafting of a submission; a submission led by some regulators with other regulators endorsing but not drafting input); and
- the usefulness of trackers for submission/statement proposals and final products.

Members agreed to provide final feedback by midday 25 Jan, after which the document would be presented to the Steering Committee for endorsement.

6. Workplan review

Members discussed the following workplan items:

- Regulatory stocktake (ACCC)
 - ACCC is working on this stocktake tracker and intends to table it in February.
- Key learnings document/best practice principles on code development (ACMA)
 - Members broadly discussed how this document could be scoped with further discussions to happen at future working group meetings.
- Register of formal action (eSafety)
 - This item will be progressed out of session and eSafety will bring something to discuss at the next meeting.
- Joint paper on area of intersection
 - Members agreed to park discussion on a joint paper.

7. Confirm next meeting: February 2023

Next meeting to be confirmed out of session.



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DP-REG Codes and Regulation Working Group

Agenda

11am-12:30pm, Tuesday 28 February 2023

Members:

- eSafety – [REDACTED] – Chair [REDACTED], [REDACTED] [REDACTED]
- OAIC – [REDACTED], [REDACTED] [REDACTED]
- ACMA – [REDACTED] [REDACTED]), [REDACTED] ([REDACTED])
- ACCC – [REDACTED], [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies
2. Confirm previous minutes/acknowledge changes (Attachment A)
3. Action items

Action Item	Status
1: Provide final feedback to ACMA on joint DP-REG submission and statement document	Complete

4. Regulatory stocktake (Attachment B)

ACCC to speak to the digital platform initiatives tracker and its role.

5. Register of formal/enforcement action (Attachments C and D)

eSafety to lead discussion on scope and governance of register and draft template.

6. Workplan review (Attachment E)

Members to discuss resourcing, timing and next steps for the next major workplan deliverables:

- Key learnings document/best practice principles on code development (ACMA)
- Joint paper on area of intersection

7. Agency updates

Each agency to mention any significant regulatory updates since the last WG meeting.

8. Confirm next meeting: 21 March 2023

Proposed that from next meeting onwards, the working group meets on the third Tuesday of each month.

9. Any other business



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Attachments:

- A: Previous meeting minutes
- B: Draft regulatory stocktake
- C: Draft scope for formal action register
- D: Draft formal action register
- E: Workplan



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DP-REG Codes and Regulation Working Group

Minutes

11am-12:30pm, Tuesday 28 February 2023

Members:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies

[REDACTED] welcomed attendees and acknowledged Country. [REDACTED] welcomed [REDACTED] as helping with eSafety's work with the working group.

Apologies: [REDACTED]

2. Confirm previous minutes/acknowledge changes

The previous minutes were accepted without alteration.

3. Action items

[REDACTED] presented joint DP-REG submission and statement document to last Steering Committee meeting. The Steering Committee requested one change - to make the EOI step optional. The statement document is now considered complete.

4. Regulatory stocktake

[REDACTED] provided update on regulatory stocktake:

- The Australian Government digital platform initiatives tracker (tracker) was provided prior to meeting.
- The tracker is intended to help track government initiatives across government regarding digital issues. The table aims to always include expected timeframes.
- The ACCC would appreciate working group members identifying any gaps in the entries, document will be editable on GovTeams.
- The tracker can be circulated more widely within working groups' agencies.
- Working group agreed updating at the same time as the register of enforcement action. JO to make calls for updates.
- [REDACTED] are seeking feedback on the tracker.

Action: Working group to provide comments before next meeting.



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5. Register of formal/enforcement action

■ introduced the Enforcement Actions Register:

- Scope document and register sent around with agenda.
- The register is intended to capture both formal and informal actions regarding digital platforms. It is acknowledged that agencies have different approaches to enforcement and similar actions and may require different formats for entries in the register.
- Two potential designs for the register were provided, one divided by each agency and the other a potential combined register. ■ requested feedback on the preferences of each agency.

The working group suggested the following changes:

- A definition of digital platforms be added to the scoping document.
- A column for timing be added to the combined register table.

Action: Working group to provide any definitions of digital platforms and a brief description of their agency's approach to enforcement. Working group members to trial completing both versions of the register before the next meeting and provide feedback on their preference or any changes then. [The documents can be found on GovTeams.](#)

6. Workplan review

Key Learnings and Best Practice Principles document and Areas of Intersection paper

■ asked the working group what the desired outcome or purpose for the Key Learnings and Best Practice Principles document was, as it would be good to recalibrate:

- ■ suggested the document should be broader than digital platforms and focus on codes development generally. ■ agreed.
- The working group agreed that limiting scope to a focus of codes and regulations would be best, but having it cover all codes including both voluntary and mandatory.
- ■ suggested the Area of Intersection paper could explore how the principles developed in the Best Practice Principles document apply to digital platforms. ■ agreed that it would be good to include key learnings in this paper.
- ■ suggested focusing on specific harms that code making powers are seeking to address.

Action: ■ to circulate OAIC table on areas of intersection.

Action: Members agreed to write down key points from their experiences developing codes and send to ■ in 2 weeks ■ to send an email detailing request. To be revisited next meeting or the following.



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7. Agency updates

eSafety:

Basic Online Safety Expectations (BOSE) transparency notices were sent out to Apple, Meta (including WhatsApp), Omegle, Microsoft (including Skype) and Snap. eSafety has published a summary of responses for the this set of notices. A second set of notices were sent to Twitter, TikTok, Twitch, Discord and Google (including YouTube).

Industry associations submitted draft Industry Codes to eSafety in November 2022. eSafety provided its preliminary views to industry associations on 9 February 2023 and provided until 9 March for changes to be made. The draft codes and preliminary views have been released publicly on www.onlinesafety.org.au/codes. Industry associations requested an extension to make changes, eSafety had advised them of the outcome of the extension request but had not made this information public (n.b. since the working group meeting, eSafety publicly announced that it had granted an extension to 31 March).

ACCC

[REDACTED]

ACMA

ACMA is assisting drafting legislation to introduce the new misinformation and disinformation powers announced in January. Powers include ACMA being able to compel information from digital platforms and mandatory codes and standards making.

ACMA is encouraging buy-in from smaller providers on the disinformation code. ACMA is considering the potential for misinformation in the Voice referendum.

Reviews of the broadcasting codes are beginning this year. These are industry-led codes but registered by ACMA. ACMA is encouraging broadcasters to extend safeguards to their online offerings.

OAIC

The Privacy Act review was released two weeks ago. Some significant proposals including:

- improved clarity of collection notices
- improved quality of consent requests
- personal information handling to be fair and reasonable in the circumstances – list of legislative factors
- individual rights: right to erasure, opt out of targeted advertising
- establishment of a tort of privacy
- right to private action for breaches of the Act
- powers for OAIC to establish a code without approaching industry.



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Next step for the review is a round of consultation by Government, a government response then an exposure draft for consultation potentially later in 2023.

8. Confirm next meeting

Members agreed to 28 March 2023 for next meeting.

■ suggested potentially locking in the 4th Tuesday of each month going forward.

9. Any other business

No business noted, meeting concluded.



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DP-REG Codes and Regulation Working Group

Agenda

11am-12:30pm, Tuesday 28 March 2023

Members:

- eSafety – [REDACTED] – Chair ([REDACTED]), [REDACTED]
- OAIC – [REDACTED], [REDACTED]
- ACMA – [REDACTED], [REDACTED]
- ACCC – [REDACTED], [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies
2. Confirm previous minutes/acknowledge changes (Attachment A)
3. Action items

Action Item	Status
1: Provide comments on regulatory stocktake	
2: Working group to provide any definitions of digital platforms and a brief description of their agency's approach to enforcement. Working group members to trial completing both versions of the register before the next meeting and provide feedback on their preference or any changes then. The documents can be found on GovTeams.	ACCC provided comments.
3: [REDACTED] to circulate OAIC table on areas of intersection.	Complete
4: Members agreed to write down key points from their experiences developing codes and send to [REDACTED] in 2 weeks. [REDACTED] to send an email detailing request.	[REDACTED] sent email on 2 March.

4. Register of formal/enforcement action (Attachments B and C)

eSafety to lead discussion on next steps following feedback on scope and governance of register and trial of draft template.

5. Workplan progression: key learnings and area of intersection paper

- ACMA to provide update on key learnings document.
- eSafety & OAIC to lead discussion of area of intersection paper.
- ACCC to discuss additional work proposal.

6. Confirm next meeting: 25 April 2023



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7. Any other business

Attachments:

- A: Previous meeting minutes
- B: Draft scope for formal action register
- C: Draft formal action register



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DP-REG Codes and Regulation Working Group

Minutes

11am-12:30pm, Tuesday 28 March 2023

Members:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]
- Apologies - [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies

[REDACTED] welcomed attendees and acknowledged Country.

2. Confirm previous minutes/acknowledge changes

The previous minutes were accepted without alteration.

3. Action items

The ACCC provided an update on the digital platform initiatives tracker (tracker):

- [REDACTED] thanked the working group of their good feedback.
- Members agreed that ACCC will add instructions on what to include on the tracker.
- Members agreed to the following formatting for the tracker:
 - Categorising types of enquiries using a key word in each column
 - Chronological order to entries
 - Old items will be moved to a new table below with reduced information
- The register will be kept on the GovTeams Sharepoint and all DP-Reg working group members should be encouraged to provide updates using track changes.
- [REDACTED] will raise the tracker in the steering committee meeting as a deliverable for noting.

Action: Standing item for updates to register to be added to meetings

4. Register of formal actions

[REDACTED] thanked the working group members for their feedback and advised he will action their responses into a final scoping document. Members confirmed that:

- Members should not provide any confidential information into the register.



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- The definition for digital platform will be updated once the Data and Research Working Group's dictionary is released.
- The register will be updated by members quarterly. Reminders will be provided at the same time as regulatory stocktake update reminders.
- Members will pursue their own approval processes prior to making entries into the register.

Action: CCol to circulate final scoping document and register.

5. Workplan progression: key learnings and area of intersection paper

Key Learnings and Best Practice Principles document

█ thanked the members for sending their key learnings. The ACMA provided an update on their thinking for the Key learnings and best practice principles document:

- 1-2 page overview of key principles, possibly as an infographic
- For each principle, a deeper dive on considerations when developing a code. This can cover the whole code process and the different considerations depending on code type (e.g. voluntary, co-reg, mandatory)
- Members were supportive of this structure.
- █ proposed that ACMA develops a mock up of the structure. ACMA aims to circulate a shell to members prior to the next working group meeting.

Action: █ to touch base with eSafety content team for infographic help

Action: ACMA to do a mock up for members consideration prior to next meeting – to discuss next meeting

Areas of intersection

█ have been considering topics for the Areas of intersection paper:

- The preferred topic is 'Applying best practice to digital platforms sector', which would cover:
 - Regulatory coherence – Acknowledging different goals of regulators and look at the flexibility and proportionality of regulatory measures, eg privacy review, definition of a child, and how this works in context of each regulator
 - Global nature of digital platforms, how traditional practices are being applied in a newer environment, difficulties of regulation
- █ will prepare a scoping document, which may be presented next meeting.
- █ asked if there are any insights into the process of drafting such a paper, for example the quantity of work or when executives might contribute?
 - █ and members of other working groups, however from memory papers got higher level input when it went to the DP-REG meeting.
- Members thought it is not likely these papers can be complete by June, but █ will advise steering committee that they are underway.
- █ suggested a different topic or a separate piece of work focusing on 'dispute resolution processes', which could cover:
 - What is and is not covered by dispute resolution processes



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- Industry approaches to dispute resolution
 - Role of various regulators and ombuds schemes
 - Gaps and overlapping jurisdictions
 - Funding sources
- Members were supportive of this idea and considered when the paper could be developed, alongside the current workplan.

Action: [REDACTED] prepare joint paper scoping doc.

6. Agency updates

- ACCC: noted that they are making a submission to the Privacy Act review. They also noted that they held a digital tech workshop on generative AI.
- OAIC: noted the Privacy Act review is ongoing, and that the High Court revoked Facebook's special leave application, clearing the way for proceedings to return to the Federal Court on the Cambridge Analytica matter.
- ACMA: noted on the team's ongoing work to support its parent department in drafting increased powers relating to mis and disinformation.
- eSafety: noted that the second round of non-periodic Basic Online Safety Expectations notices are with platforms for response; online safety codes are due to be submitted to eSafety on 31 March; eSafety is making a submission to the Privacy Act review; eSafety launched a suite of First Nations resources and research at Parliament House on 28 Feb.

Members agreed to 28 April 2023 for next meeting.

7. Any other business

[REDACTED]

Meeting concluded.



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DP-REG Codes and Regulation Working Group

Agenda

11am-12:30pm, Friday 28 April 2023

Members:

- eSafety – [REDACTED] Chair [REDACTED]), [REDACTED] [REDACTED]
- OAIC – [REDACTED] [REDACTED] [REDACTED] [REDACTED]
- ACMA – [REDACTED] [REDACTED], [REDACTED] [REDACTED]
- ACCC – [REDACTED] [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies
2. Confirm previous minutes/acknowledge changes

Previous minutes: [Minutes - 28 March 2023 DP-REG Codes and regulation working group.docx](#) (and attached)

3. Action items

Action Item	Status
1: DP initiatives tracker – standing item to be added to agenda	Done
2: Register of formal actions – [REDACTED] to finalise and distribute scope and register template	In progress
3: [REDACTED] to test eSafety design capacity for best practice infographic	In progress
4: ACMA to develop a mock up of the best practice principles doc for WG consideration	Done – to discuss at item 5
5: [REDACTED] to prepare scoping doc for joint paper	Done – to discuss at item 6

4. Digital platforms initiatives tracker

Working group to note any additions to the tracker in GovTeams: [Australian Government digital platform initiatives tracker - external version.docx](#) (and attached)

5. Best practice principles and key learnings doc

ACMA to lead discussion of mock up circulated pre-meeting (attached)

6. Area of intersection paper

OAIC to lead discussion on scoping document circulated pre-meeting: [DP-REG CRWG - Scoping document for dispute resolution joint paper.DOCX](#) (and attached)

7. Confirm next meeting: 23 May 2023

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8. Any other business

Attachments:

- Previous meeting minutes
- Digital platform initiatives tracker
- Task 1.3 mock up
- Scoping document for dispute resolution joint paper



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DP-REG Codes and Regulation Working Group

Minutes

11am-12:30pm, Friday 28 April 2023

Attendees:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies

[REDACTED] welcomed attendees and acknowledged Country.

Apologies noted: [REDACTED]

2. Confirm previous minutes/acknowledge changes

The [previous minutes](#) were accepted without alteration.

3. Action items

eSafety action items (finalise register of formal action, test design capacity for best practice infographic) were pushed to the next meeting due to limited capacity.

All other action items were completed and discussed at agenda items 4-6.

4. Digital platforms initiatives tracker

There were no additions to the [tracker](#).

5. Best practice principles and key learnings doc

ACMA led discussion of the [mock up](#) for the best practice principles doc, which included a shell structure and a description of how it could look. There could be three parts to the document: an overview infographic, a deep dive section, and checklists. Members discussed whether the checklists would duplicate information already in the overview and deep dive sections. Members agreed to begin with the overview, then the deep dive section, and from there ascertain whether a checklist is necessary.

Members discussed the purpose and content of the overview, including the extent to which it is process-driven or could include strategic considerations.

Members agreed to add their experiences and thoughts to the current mock up, including deep dive suggestions and any existing sources or frameworks that the overview could draw information from.

Action: all members to make suggestions to the [mock up](#) by the next meeting.

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6. Area of intersection paper

OAIC led discussion of the [scoping document](#) for the area of intersection paper.

Scope:

- Members discussed whether the scope should be extended to include dispute resolution methods outside of member regulators e.g. financial disputes. Members were generally supportive of this and noted this may involve extra clearance processes.
- [REDACTED] asked if the paper should look at international dispute resolution mechanisms. Members were not opposed to this idea but noted the potential for scope creep, so this may not be a significant focus of the paper.

Purpose:

- Members discussed the need for the paper to have a clear purpose, including whether the paper is intended to inform government, make recommendations to government or to be more internally-focused on improving regulatory cohesion. [REDACTED] suggested the paper could be a foundational piece focused on improving regulatory cohesion that could be drawn on for future papers providing advice to government.
- All members noted the need to understand the current landscape of dispute resolution processes – internal to platforms and externally with regulators – and that the need for alignment and cohesion is likely to increase.
- [REDACTED] asked about duplication with any existing work? [REDACTED] discussed the Accenture report which could be used to inform DP-Reg's paper. He noted that it heavily focuses on internal dispute resolution and is beginning to date. [REDACTED] agreed that it is a useful input but that there is merit in a regulator-driven piece that includes a greater focus on external dispute resolution.

Timeframes:

- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Process:

- [REDACTED] advised that the OAIC would write the intro and part 1 of the paper. For part 2, which would map dispute resolution processes, members should provide a few paragraphs on what dispute resolution exists in each of their remits. Parts 3 and 4 are left relatively open and may be informed by parts 1 and 2.
- [REDACTED] will do a first draft and then seek written comments via email.

Action: Members to provide further comments to [REDACTED] on scoping doc.



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7. Confirm next meeting: 23 May 2023

Confirmed

8. Any other business

■ asked if everyone was happy with instructions in the digital platform initiatives tracker. Members agreed that the instructions were clear and undertook to provide any further feedback by email.

■ asked if members agreed that the homepage of GovTeams needs to be modified to improve accessibility of CR-WG deliverables that are available to all of DP-Reg. ■ suggested emailing the secretariat inbox and that he would also speak with team members about the idea.

Action: ■ to email secretariat inbox.



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DP-REG Codes and Regulation Working Group

Agenda

11am-12:30pm, Tuesday 23 May 2023

Members:

- eSafety – [REDACTED] – Chair [REDACTED], [REDACTED]
- OAIC – [REDACTED] [REDACTED] [REDACTED]
- ACMA – [REDACTED] [REDACTED], [REDACTED] [REDACTED], [REDACTED] [REDACTED]
- ACCC – [REDACTED] [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies
2. Confirm previous minutes/acknowledge changes

Previous minutes: [Minutes - 28 April 2023 DP-REG Codes and regulation working group .docx](#)

3. Action items

Action Item	Status
1: Register of formal actions – [REDACTED] to finalise and distribute scope and register template	Done
2: [REDACTED] to test eSafety design capacity for best practice infographic	Done
4: All members to provide feedback and suggestions to best practice principles mock up	Done
5: Members to provide further comments to [REDACTED] on scoping doc	Done
6: [REDACTED] to email secretariat re. GovTeams reshuffle	Done

4. Standing item: Digital platforms initiatives tracker

[Australian Government digital platform initiatives tracker - external version.docx](#)

5. Area of intersection paper

Issues for discussion:

- Finalising the [scoping doc](#)
- Anything to raise with steering committee (purpose, scope etc)
- Case study choices and allocation

6. Workplan extension and focus of the working group

- Reflections on how the workplan and meetings have run to date

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- Deliverables in the second half of 2023
- Information-sharing or presentation requests

7. Confirm next meeting: 27 June 2023

8. Any other business



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DP-REG Codes and Regulation Working Group

Minutes

11am-12:30pm, Tuesday 23 May 2023

Attendees:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies

[REDACTED] welcomed attendees and acknowledged Country.

Apologies noted [REDACTED] (OAIC), [REDACTED] (ACCC)

[REDACTED] introduced [REDACTED] to the working group (WG).

2. Confirm previous minutes/acknowledge changes

The [previous minutes](#) were noted without changes.

3. Action items

Register of formal action: [REDACTED] clarified that the Register of formal action is ready for members to provide input ahead of next meeting.

Infographic for best practice doc: [REDACTED] advised that the eSafety team has capacity to assist with infographic for Best Practices paper, but would like dates for planning. [REDACTED] and ACMA to discuss timing offline.

Best practice doc: ACMA provided an update on the Best Practices paper

- Members can still provide feedback on the Best Practice principles mock up and deep dive topics. Any further topic suggestions for the deep dive should be provided by Friday 26 May.
- ACMA have a preference for [REDACTED]'s first suggestion for the infographic (process steps in a cycle, with underlying principles underneath).
- ACMA will let the WG know if an out of session meeting is needed for finalising the document, but currently looking to circulate in June meeting.

GovTeams SharePoint: [REDACTED] advised that OAIC will be seeking feedback from all DP-Reg members regarding improving the GovTeams SharePoint.

4. Standing item: Digital platforms initiatives tracker

- [REDACTED] has moved the Privacy Act Review item into active engagement.

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- [REDACTED] has renamed tabs for clarity.
- [REDACTED] aware of some papers regarding artificial intelligence (by DISR and the National Science and Technology Council's Rapid Response [REDACTED] will add to the tracker when possible.
- [REDACTED] advised that a decision on the Online Safety Codes should occur around the end of May, eSafety will add to tracker when possible.

5. Area of intersection paper

- [REDACTED] thanked members for input to the scoping document, he has made changes based on feedback and moved up the objectives. [REDACTED] was interested in any further thoughts on the scope document or paper generally.
 - [REDACTED] suggested moving the identification of the gap in previous research further to the front as it would make the purpose of the paper more clear.
 - [REDACTED] suggested keeping as a research paper, to potentially inform policy later. [REDACTED] agreed, suggesting framing as an internal document, to avoid the scope and timeframes expanding.
- Members discussed getting the Steering Committee's direction on:
 - Approval of the scope.
 - How the paper is to be used (i.e. internal vs external).
 - The format of the document (e.g. research paper).
 - Timeline for the paper.
 - [REDACTED] to check whether the paper could be discussed at the forthcoming Steering Committee meeting. If not, members to progress through internal clearance processes.
- [REDACTED] asked how the analysis of internal processes in part 2 of the paper might be broken down
 - Suggestions included dispute type, the complainant, time taken and automation.
 - [REDACTED] proposed that one drafter leads by creating an example to establish a consistent approach. Members agreed to this suggestion.
 - [REDACTED] suggested that each member provides input to each platform based on their remit (rather than one regulator being responsible for one platform. Members agreed though noted there may still be overlap.
 - [REDACTED] noted that some of the greater harms do not occur on the large services and it would be good to include smaller platforms also.

6. Workplan extension and focus of the working group

- [REDACTED] flagged that the Steering Committee will be discussing and potentially extending the current chairing/secretariat arrangements for a further 6 months, and asked members to consider what they would like to see in an extended workplan.
- [REDACTED] suggested having all 3 working groups work together to create the next work plan.
- Members agreed it would be useful to have a more formal workplan review next meeting.

7. Confirm next meeting: 27 June 2023



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Members agreed to 27 June 2023.

██████████ will be leaving the working group following some movements in ACMA. They will be replaced with ██████████

8. Any other business

None noted.



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DP-REG Codes and Regulation Working Group

Agenda

11am-12pm, Tuesday 27 June 2023

Members:

- eSafety – [REDACTED] – Chair [REDACTED], [REDACTED]
- OAIC – [REDACTED], [REDACTED]
- ACMA – [REDACTED] [REDACTED] [REDACTED] [REDACTED]
- ACCC – [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies

Welcome [REDACTED]

Apology from [REDACTED]

2. Confirm previous minutes/acknowledge changes

Previous minutes: [Minutes - 23 May 2023 DP-REG Codes and regulation working group.docx](#)

3. Action items

Action Item	Status
1: eSafety/ACMA to discuss timing of best practice infographic	To do in the meeting – agenda item 6
2: [REDACTED] to check whether scope of joint paper could be discussed at Steering Committee meeting	Done

4. Standing item: Digital platforms initiatives tracker

[Australian Government digital platform initiatives tracker - external version.docx](#)

Note updates re. Online safety codes, Privacy Act.

5. Joint submission – process test

[REDACTED] to flag the joint DP-Reg submission being developed for DISER's consultation on generative AI.

6. Best Practice Principles Paper

Members to discuss next steps and timing to progress best practice principles paper.

7. Area of intersection paper

Issues for discussion:



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- Finalising the scope
- Approach to drafting and timing

8. Confirm next meeting: 25 July 2023

9. Any other business



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DP-REG Codes and Regulation Working Group

Draft Minutes

11am-12pm, Tuesday 27 June 2023

Attendees:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies

[REDACTED] acknowledged Country and welcomed [REDACTED] to the working group.

Apologies noted from [REDACTED] (eSafety) and [REDACTED] (ACCC).

2. Confirm previous minutes/acknowledge changes

The [previous minutes](#) were confirmed without alteration.

3. Action items

Timing of best practice infographic: Noted that members would discuss this item at agenda item 6.

[REDACTED] to check whether scope of joint paper could be discussed at Steering Committee meeting: [REDACTED] confirmed that the joint paper was not discussed by the Steering Committee (SC) and that CR-WG members will progress clearance of the scoping document through internal clearance channels. The CR-WG will aim to update the SC about the paper's progress at the next meeting.

4. Standing item: Digital platforms initiatives tracker

[Australian Government digital platform initiatives tracker - external version.docx](#)

Members noted updates to the tracker regarding online safety codes and Privacy Act. [REDACTED] has added brief information relating to the consultation on an Exposure Draft Bill to strengthen ACMA's powers relating to misinformation and disinformation. ACMA will check over this addition [REDACTED] has also updated the titles of the two tables from 'current initiatives' and 'initiatives on hold' to 'actively engaging' and 'not currently engaging'.

Members also noted the feedback from the most recent SC meeting that the SC would like to have the tracker tabled at each SC meeting, with additions to the previous version marked in yellow highlight. The CR-WG agreed to update our current process of using track changes for additions to mark these in yellow instead, to streamline the process.

Action: ACMA to confirm wording of mis/disinfo addition.



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Action ■ to accept track changes/change updates to yellow highlight.

5. Joint submission – process test

■ flagged that regulator heads agreed to develop a joint DP-Reg submission for DISR's consultation on generative AI and that the group will keep tabs on how the process is operating in order to make tweaks to the joint submissions process document and templates agreed by the SC.

While the CR-WG will wait until the process is finalised to collate any lessons learned and tweak the process, members noted some early observations:

- ■ (whose working group is coordinating the sub) suggested that a draft submission template, in addition to the existing templates for the EOI and proposal process, may assist future submission.
- Regulator Heads want to be involved in the shaping of the submission very early on – this should be factored into the process.
- The lead coordinator may be a subject matter expert rather than the CR-WG or the Secretariat.

6. Best Practice Principles Paper

Members discussed next steps and timing to progress the best practice principles paper.

Infographic:

- The next step is to clear the content in the process steps infographic to enable design to create a version.

Action: all members to begin internal clearance of the process steps for the infographic within 2 weeks (aim COB 12 July)

Deep dives:

- Members finalised allocation of deep dives
- ■ will develop a first draft of a deep dive for members to use as a model within the week. Members will then follow by prioritising drafting of their deep dives over July.
- Members agreed that this drafting work can be prioritised over the area of intersection paper.
- **Action:** ■ to draft a model deep dive and distribute to members by 5 July.

7. Area of intersection paper

Members discussed the merits of confining the scope to voluntary and mandatory processes, vs maintaining case studies in the dispute resolution paper. The CR-WG agreed to keep case studies but reduce the number of case studies to two. Members also agreed that where there is potential duplication (e.g. the 5th interim DPSI report) to refer out to existing sources rather than duplicating detail.

Members discussed which case studies the paper should focus on, and agreed to float YouTube and Reddit with decision-makers for internal clearance.



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On timing and drafting, members agreed that drafting the best practice principles paper can take precedence over drafting the joint paper. However, members agreed that in the meantime we can seek internal clearance of the scope.

Action: all members to seek clearance of the scope and case studies ahead of the next meeting.

8. Confirm next meeting: 25 July 2023

Meeting date confirmed.

9. Any other business

This was the last meeting for [REDACTED]. The CR-WG thanked them all for their excellent contributions to the working group over the last few months.



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DP-REG Codes and Regulation Working Group

Agenda

11am-12:30pm, Tuesday 25 July 2023

Members:

- eSafety – [REDACTED] – Chair [REDACTED]), [REDACTED] [REDACTED])
- OAIC – [REDACTED])
- ACMA – [REDACTED]
- ACCC – [REDACTED] [REDACTED] [REDACTED], [REDACTED] [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies
2. Confirm previous minutes/acknowledge changes

Previous minutes: [Draft Minutes - 27 June 2023 DP-REG Codes and regulation working group.docx](#)

3. Action items

Action Item	Status
1: ACMA to confirm wording of mis/disinfo addition in initiatives tracker	Done
2: eSafety to accept agreed changes to initiatives tracker and update new changes to agreed format (yellow highlights for update)	Done
3: All members to begin internal clearance of the process steps for the Best Practice Principles infographic within 2 weeks (aim COB 12 July)	To discuss at agenda item 5 ACCC feedback provided eSafety still progressing
4: [REDACTED] to draft a model deep dive and distribute to members by 5 July.	Done
5: All members to seek clearance of the scope and case studies for areas of intersection paper ahead of the next meeting.	To discuss at agenda item 6 eSafety still progressing
6: (From 23 May meeting) All members to fill in Formal Action Register	OAIC completed

4. Standing item: Digital platforms initiatives tracker

[Australian Government digital platform initiatives tracker - external version.docx](#)



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5. Best Practice Principles Paper

Members to discuss:

- outstanding comments on infographic content
- deep dive drafting, and
- next steps.

6. Area of intersection paper

Members to discuss any issues arising from scope clearances

7. Confirm next meeting: 22 August 2023

8. Any other business



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DP-REG Codes and Regulation Working Group

Minutes

11am-12:30pm, Tuesday 25 July 2023

Members:

- eSafety – [REDACTED] – Chair ([REDACTED]), [REDACTED] ([REDACTED])
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies

[REDACTED] welcomed members and acknowledged Country.

No apologies for meeting.

Welcomed [REDACTED] to working group.

2. Confirm previous minutes/acknowledge changes

Previous minutes: [Draft Minutes - 27 June 2023 DP-REG Codes and regulation working group.docx](#)

No changes, minutes confirmed

3. Action items

Action Item

1: ACMA to confirm wording of mis/dis info addition in initiatives tracker

- [REDACTED] advised that the consultation period has been extended and she will update the initiatives tracker. 10,000 submissions potential.
- ACMA has released a report on the voluntary code. The report includes experiences complaining to the platforms.

Action: ACMA agreed to present on mis/disinfo consumer research and code review report at next meeting

2: eSafety to accept agreed changes to initiatives tracker and update new changes to agreed format (yellow highlights for update)

- [REDACTED] advised that this is complete.

2: All members to begin internal clearance of the [process steps for the Best Practice Principles infographic](#) within 2 weeks (aim COB 12 July)



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- [redacted] advised eSafety progressing clearance, had recent meeting with [redacted] to finalise feedback.
- OAIC is also progressing clearance

Action: Final feedback to be provided to ACMA by Friday 4 August

[redacted] to draft a model deep dive and distribute to members by 5 July.

4: All members to seek clearance of the scope and case studies for areas of intersection paper ahead of the next meeting.

- [redacted] advised that eSafety are close to clearance, [redacted] to send feedback to [redacted] after meeting.

5: All members to fill in Action Register

- [redacted] provided update on the register for new members, scoping document and register are available on SharePoint. Register to be updated quarterly.

Action: Members who have not completed the register agreed to do so

4. Standing item: Digital platforms initiatives tracker

[Australian Government digital platform initiatives tracker - external version.docx](#)

- Joint DP-Reg submission to the DISR AI consultation will be added to the tracker

5. Best Practice Principles Paper

- Members provided comments on infographic content:
 - Members recommend linear flow to the infographic (rather than circular) as not likely to return to planning.
 - [redacted] agreed. eSafety have been working on a linear version in the background and will circulate it once approved.
 - Members agreed that dot points should be considered as sequential and will re-arrange some points to suit.
 - eSafety and the ACCC have submitted some comments on dot points and assessment and process considerations.
 - OAIC are still considering the infographic and will provide comment.
 - Members agreed to extend final deadline for infographic to Friday 4 August (see action item 2).
- Members provided updates on the deep dive sections allocated to them.
 - [redacted] advised that eSafety on first drafts and aiming for clearance next week.
 - [redacted] advised that ACMA have a cleared draft in Govteams
 - The draft has moved the section on the Impact of different regulatory models earlier than the template.
 - Action: Members agreed to match this order.
 - [redacted] advised the ACCC has a first draft and working on clearance.



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- [REDACTED] has no major comments on template. OAIC are still working on draft, which will need to be cleared by their Credit Reporting Team. OAIC are aiming for clearance next week.

6. Area of intersection paper

- Members discussed progress scope of clearance:
 - eSafety will have final comments on scope shortly
 - ACMA to have comments by the end of the week
 - ACCC approves of the scope document and have no further comment
- [REDACTED] asked how we might include other gov agency remits which are outside scope, in an addendum?
 - OAIC agree they might be put in an addendum and will update scope document to set out the inclusions. Members agreed to include the following frameworks and responsible member:
 - Scams - eSafety (potentially ACMA or ACCC)
 - ACSC - eSafety
 - ASIC – ACCC
 - [REDACTED] advised that the ACCC are also interested in exploring transaction disputes (processes and decision makers). Proposed that this might also be included in an addendum.
- [REDACTED] sent through draft of part 1 of paper. Advised it is very high level, providing a summary of the range of complaints and disputes and avenues to resolve, including IDR, EDR and formal legal action.
- The next step is to draft part 2. OAIC happy to draft first to provide an example.

7. Confirm next meeting: 22 August 2023

Confirmed

8. Any other business

[REDACTED] sought any further business from members:

- [REDACTED] noted DP-Reg chairs are catching up on 26 July to discuss current work plans.
 - The original Codes and Regulation working group plan included stakeholder and external engagement, which is not in line with current work. [REDACTED] asked whether it should be removed as secretariat is currently fulfilling this function as well as being divided between working groups.
 - Members agreed.
 - [REDACTED] suggested members consider if there are stakeholders the working group would like to meet with.
 - [REDACTED] will come back with a formal work plan review following meeting.
- [REDACTED] noted eSafety recent meeting with Singapore and Thai agencies:



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- ■ noted the Thailand government has a clearing house function for dispute resolution and complaints about digital platforms (excluding Child Sexual Abuse Material). ■ noted this is of interest in the context of the joint paper.
- ■ will consider how WG members can feed information on international or external meetings through on a more regular basis.



Australian Government
Office of the Australian
Information Commissioner



DP-REG Codes and Regulation Working Group

Agenda

11am-12:30pm, Tuesday 22 August 2023

Members:

- eSafety – Jess Oxlade – Chair ([REDACTED])
- OAIC – [REDACTED] ([REDACTED])
- ACMA – [REDACTED] ([REDACTED])
- ACCC – [REDACTED] ([REDACTED]) [REDACTED] ([REDACTED]) [REDACTED] ([REDACTED])

Agenda Items:

1. Welcome, acknowledgement, apologies
2. Confirm previous minutes/acknowledge changes

Previous minutes: [Minutes - 25 July 2023 DP-REG Codes and regulation working group.docx](#)

3. Action items

Action Item	Status
1: ACMA to present on mis/disinfo consumer research and code review at August meeting	At agenda item 5
2: Final infographic feedback to be provided to ACMA	Done
3: All members to fill in Formal Action Register	In progress
4: Deep dives – members to match the order of headings to ACMA's draft	Done

4. Standing item: Digital platforms initiatives tracker

[Australian Government digital platform initiatives tracker - external version.docx](#)

5. ACMA presentation: Consumer research on mis/disinfo (and code review)
6. Progress on major deliverables:
 - a. Best Practice Principles Paper
 - b. Area of intersection paper
7. Workplan refresh 23-24
8. Confirm next meeting: 26 September 2023
9. Any other business

DP-REG Codes and Regulation Working Group Minutes 11am-12:30pm, Tuesday 22 August 2023

Members:

- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]
- ACCC – [REDACTED]

Agenda Items:

1. Welcome, acknowledgement, apologies

- [REDACTED] welcomed members and acknowledged Country.
- Apologies noted: [REDACTED]
- Welcomed [REDACTED] (eSafety) as an observer.

2. Confirm previous minutes/acknowledge changes

- Previous minutes: [Minutes - 25 July 2023 DP-REG Codes and regulation working group.docx](#)
- No changes, minutes confirmed.

3. Action items

Action items
1: ACMA to present on mis/disinfo consumer research and code review at August meeting <ul style="list-style-type: none">• ACMA presented at agenda item 5
2: Final infographic feedback to be provided to ACMA
3: All members to fill in Formal Action Register <ul style="list-style-type: none">• eSafety and OAIC confirmed their entries are current.• ACMA confirmed they have no entries to make.• Action: ACCC will complete by next meeting, currently confirming items with their legal team
4: Deep dives – members to match the order of headings to ACMA's draft <ul style="list-style-type: none">• All members have actioned this item

4. Standing item: Digital platforms initiatives tracker

- Initiatives tracker: [Australian Government digital platform initiatives tracker - external version.docx](#)
- Members noted no new additions have been made to the initiatives tracker.

Action: eSafety will make the following updates:

- The DISR section can be updated to reflect the joint submission

- Include the recently released Senate Committee report on foreign influence through social media
- Move the Inquiry into the influence of international digital platforms into current items, noting the scheduled joint appearance from DP-Reg steering committee
- Update the Search Engine Services Code decision once the eSafety Commissioner has formally made a decision

Action: ACCC to also check if anything to add on the Senate Committee report on foreign influence through social media

5. **ACMA presentation: Consumer research on mis/disinfo (and code review)**

- The ACMA provided a report to government on the adequacy of the Australian Code of Practice on Disinformation and Misinformation (Mis/Dis Code), which included research on consumer experiences with Mis/Dis information on digital platforms, an assessment of the operations and outcomes of the Mis/Dis Code (including the code review conducted by DIGI) and recommendations. The report to government was released on 25 July 2023.
- ACMA's major recommendations in the report of interest to members included the creation of information gathering powers and the powers to register a mandatory industry code or standard. They also recommended DIGI create a complaints escalation process from signatories to DIGI.
- The consumer research had a sample size of 840 respondents. Key findings:
 - a. 48% exposed to harmful content
 - b. 48% of those who saw harmful content had made a report
 - c. 38% of those who made a report about harmful content reported Mis/Disinformation
 - d. 44% of those who made a report were very dissatisfied or dissatisfied with the actions taken by the platform.
- Members asked questions about how the relationship between DIGI, the ACMA and the third-party assessor has operated in assessing outcomes under the Mis/Dis Code, how the self regulatory scheme has operated and the scope of consumer research.

Action: ■ will circulate PowerBI link for research data, methodology, and presentation slides and, when possible, information on September presentation.

6. **Progress on major deliverables:**

Best Practice Principles Paper

- ■ advised that the Infographic is with the eSafety design team.
- Next steps for the paper as agreed by members are:
 - First cut complete by 11 September.
 - 2 weeks for feedback, members should seek higher approvals as there will only be one round
 - Seeking endorsement at the 13 October Steering Committee
- ■ will start reviewing the deep dives next week ■ suggested a preference for lining up SES approval with infographic, which ■ will aim to align.

Area of intersection paper

- [REDACTED] advised that there are no new updates. Next step remains OAIC to draft part 2 example which they aim to circulate in 2 weeks.
- [REDACTED] has actioned changes on the scope in GovTeams document but still needs to update timeframes.
 - Steering committee have suggested completing work in tranches. Members agreed this model should be followed and the addendum left to after feedback received on main report.
- [REDACTED] offered to help with case studies as ACMA are less involved in dispute resolution.

7. **Workplan refresh 23-24**

- [REDACTED] advised on process in refreshing workplans.
- Members discussed the draft workplan circulated by [REDACTED] prior to the meeting [REDACTED] focussed on streamlining deliverables and including a third workstream that is consistent across all three working groups regarding strategic priorities and agenda setting for 2024-25.
- Members will provide formal Feedback the on workplan via email.

8. **Confirm next meeting: 26 September 2023**

- Confirmed

9. **Any other business**

- [REDACTED] will be on leave next meeting

[REDACTED]

From:

Sent:

Monday, 7 August 2023 12:08 PM

To:

Subject:

RE: DTWG - next steps for progressing LLMs paper [SEC=OFFICIAL]

OFFICIAL

Hi all,

Thanks very much for your responses on the proposed timeline for progressing the LLMs paper. Given the microsite timing, we have suggested some updates below for discussion at Wednesday's working group meeting.

Please also see the meeting agenda below.

Agenda

- Agreement to [minutes of last meeting](#)
- Outstanding action items
 - Group to seek update on DITRDCA/Home Affairs algorithms project once we share a finalised version of literature summary
 - Group to prepare algorithms literature summary for publication
 - Group to update LLMs document following joint submission (to discuss below)
- Agency updates
- [LLMs examination of technology](#)
- Template for public facing outputs going forward
- Feedback on [updated workplan](#)
- Scheduling next WG meeting
- Any other business

[REDACTED]

Feel free to get in touch if you have any questions.

Kind regards

[REDACTED] Branch | Mergers, Exemptions and Digital

Australian Competition & Consumer Commission

[REDACTED]
www.accc.gov.au



The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

[REDACTED]

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[REDACTED]

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[REDACTED]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

DP-REG Digital Technologies Working Group

10 August 2022, 10 am-10:45am

Attendance:

- ACCC – [REDACTED]
- Esafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED] Apologies: [REDACTED]

Minutes prepared by the ACCC

Meet and Greet / introductions

- ACCC commenced the meeting and all attendees introduced themselves

Review of the scope of the working group

- ACCC noted that there are three areas outlined in the internal work plan. The most relevant to this working group was exploring new and emerging digital issues, as well as agency coordination.
- ACCC noted that the working group will need to deliver against the communicate as well as the internal work program.

How will we work together

- Following a discussion yesterday between working group chairs, the working group have decided to use 'GovTeams' as their collaboration tool. Each agency will be an owner of the GovTeams community – with one community for all three working groups.
- ACCC suggested that meetings should be monthly ranging from an hour to an hour and a half in length and virtual, given that representatives are based in different states.

Initial thoughts

- **Algorithms** - Attendees agreed that there should be a standalone work stream on algorithms. A potential deliverable could be an interagency workshop that covered existing work in the area.
- **Tech trends report** - eSafety noted that they will have a *Tech Trends Report* due near year end and would like to share some of that work with the group.
- **News sharing** - The attendees discussed how the working group could share information on news review any international developments in the digital technology space.
- **Horizon scanning** –
 - The working group generally agreed to a workstream on horizon scanning. This could involve engaging experts and the working group brainstorming and discussing new issues.
 - ACCC raised the idea of using the group to complete short research projects on specific topics. This would involve understanding the relevant technology,

how it is used and what competition, consumer, privacy or eSafety concerns could arise. From this the group would then identify if these topics need further or immediate attention. A template could be developed to structure this work. This could result in the preparation of short summary documents.

- The working group generally supported this approach, and the development of a standard template.
- **External engagement:** The working group discussed the best approach to external engagement, including potentially sharing information on existing engagements, identifying future events, and directly engaging with other stakeholders. The group discussed DP-REG led engagement with specific firms (e.g. TikTok) and discussed the need to be involved with different and diverse perspectives. The group also discussed potential engagement with academics, thinktanks, and institutions. This may be informed by the horizon scanning.

Summary of items arising from working group meeting:

- The work plan is to be circulated before the next meeting on 9 September 2022 and settled between working group participants before the steering committee on 16 September 2022. The workplan will reflect the discussion today regarding work on algorithms, horizon scanning and a template, and external engagement.
- The parties discussed external engagement. The ACMA flagged the potential need for more guidance from the steering committee.
- The working groups next meeting is to be scheduled on 9 September 2022.

DP-REG Digital Technologies Working Group

6 September 2022, 1:30pm – 3:00pm

Attendance:

- ACCC – [REDACTED]
- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]. Apologies: [REDACTED]

Minutes prepared by the ACCC

Open Meeting

The Chair opened the meeting and discussions on the minutes of the previous meeting. Subject to one minor change to be incorporated by the ACCC, the minutes were approved.

Action items/Agency updates/Information sharing

ACMA

- ACMA noted a meeting with Google on transparency reporting for misinformation/disinformation.
- ACMA noted that it is a member of a Media Regulation Online Forum (**MORF**) with a number of international regulators that meets once a quarter to discuss online regulation and that this may be a useful forum in the future for the group. Members include regulators from Canada (CRTC), the UK (Ofcom) and Ireland (BAI).
- ACMA noted it recently presented on misinformation/disinformation on ANU national security council.

eSafety

- eSafety noted it sent out Basic Online Safety Expectations (**BOSE**) notices to several digital platforms last week and provided the associated [media release](#).
- eSafety is looking at immersive technology and its impact on young people and children and referred to workshops with project Rockit and Meta.
- eSafety noted an ANU school of cybernetics workshop taking place in Sydney this week.
- eSafety noted a safety in the metaverse week event that will take place later in the year. The format is still to be determined but an invite will be shared.

OAIC

- [REDACTED]
- OAIC noted the upcoming Global privacy assembly October meeting and that the OAIC will monitor this meeting for relevant developments.
- OAIC noted a special leave hearing in the high court on 16 September in relation to jurisdiction over the American Facebook entity.

ACCC

- ACCC noted that it has shared information relating to some recent international work and upcoming events on the Metaverse with the group since the last meeting. The ACCC will attend upcoming events on the Metaverse and provide an update at the next meeting.
- ACCC noted that social media will be the topic for the sixth interim report of the digital platform services inquiry.

CSIRO/Data 61 session on AI/algorithms

The Chair provided some background on the engagement with the CSIRO. The group agreed to focus on addressing the substance of the work plan before addressing this agenda item (which would discuss possible areas of focus and timing on the engagement with CSIRO).

Work plan

The Chair noted the purpose of the meeting is to discuss the work plan document and noted the intention to provide the draft work plan to the steering committee ahead of its 16 September meeting.

General comments

On general comments, the group discussed various issues, including the framing of the work plan, the inclusion of a terms of reference, measuring success and assigning leads to workstream. The Chair noted an action item to create a short terms of reference document for the working group which would accompany the work plan. An action item was noted to amend the work plan to note that the Chair will maintain a running record of our work. It was decided that leads would not be assigned at this point, but they may be allocated in future.

Workstream 1 – Algorithms

The group discussed algorithms work, including its scope. An early priority would be developing a shared understanding of our regulatory interest/s related to algorithms. The group agreed to amend the work plan to focus on algorithms in the first half of the year. The work plan will be amended with a workshop on algorithms taking place in October 2022, followed by the meeting on an algorithms literature review in November. The October workshop will consist of 15-minute presentations from each agency and some time will be scheduled to discuss the literature review. Each agency will then work on the literature review before the November meeting, with further work to aim to complete it by the end of the year.

The group discussed the importance of producing outputs from this work and it was agreed that a record of the workshop would be kept (e.g., a summary minute and associated powerpoint presentations) and a written record of the literature review.

With regard to monitoring news and developments in algorithms, eSafety and ACCC both noted they could share existing spreadsheets they have developed internally. ACMA agreed to check with the Data Working Group what their research hub tool is, with a view to potentially using it, though the group agreed to use existing spreadsheets for now.

Workstream 2 – Horizon scanning

There were no substantive comments on this proposed workstream in the work plan. Given the agreed changes to the timings of workstreams, the work plan will reflect that scoping for horizon scanning will take place in January followed by the horizon scanning workshop at the February meeting.

Workstream 3 – Analysis of technologies

The group discussed the pilot template and how it may evolve over time, the terminology describing the workstream, possible topics for analysis and the number of topics that may be considered during the year, though a decision was not made.

Workstream 4 - External engagement

The group provided feedback on the proposal in the work plan, discussing the appropriate level of engagement with external stakeholders between working groups and the steering

committee, the purpose of engagement and the focus on engagement relevant to digital technologies for this group, as well as noting the need for a distinction in the work plan between proactive and reactive engagement. The Chair agreed to revise Workstream 4 to reflect the discussion before re-circulating the draft work plan.

Next steps and next meeting

The Chair outlined the next steps to complete the draft work plan ahead of Steering Committee. This included the ACCC updating and re-circulating the draft work plan by 7 September, with comments due on 8 September and submission taking place on 9 September.

Given the meeting ran over time, the Chair requested that members email with their ideas on engagement with the CSIRO and noted that a specific meeting at a later date could be arranged to discuss this if necessary.

It was agreed that the Algorithms Workshop should take place on a Wednesday morning in mid-October (and similar for the November meeting), the Chair will follow up with proposed dates.

Subject: DP-REG Dig Tech Working Group Meeting [SEC=OFFICIAL]
Location: !MEL : L18-21 Carran-Carramulk Room (VCU)

Start: Wed 12/10/2022 2:00 PM
End: Wed 12/10/2022 4:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: DigitalPlatforms

OFFICIAL

Running order

Time	Agenda item
2pm	Open meeting and confirm minutes
2.05-2.25pm	Agency updates including attendance at any events and/or upcoming events
2.25pm-2.30pm –	Opening of algorithms workshop
2.30-2.45	ACCC
2.45-3pm	OAIC
3-3.15pm	eSafety
3.15pm-3.30pm	ACMA
3.30pm – 3.45	Discussion of areas of intersection
3.45pm-4pm	Next steps including actions and allocation of future tasks and literature review

	Topic
October	<p>Algorithms inter-agency workshop (item 1.1)</p> <p>The purpose of this task is to collate and synthesize existing knowledge of DP-REG's four member organisations – what organisations have already done, and what they know. This can then inform future areas of consideration and/or potential future external engagement.</p> <p>For this inter-agency workshop, each agency will present (approx. 15 minutes) on how algorithms may be relevant to their agency jurisdiction, any consideration by their agency of issues related to algorithms to date, potential future areas of interest.</p> <p>After the presentations, we will discuss next steps including how to best record/communicate the outcomes of the workshop (e.g. by summary minute).</p>

Note agencies may wish to invite other participants from their organisations.

Contact for this meeting:



Microsoft Teams meeting

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DP-REG Digital Technologies Working Group

12 October 2022, 2:00pm – 4:00pm

Attendance:

- ACCC – [REDACTED]
- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting and the minutes of the previous meeting were approved.

Agency updates including attendance at any events and/or any upcoming events

ACMA

- ACMA noted it is soon to be attending an International Institute of Communications (IIC) event in Ottawa on media harmonisation and regulation.
- ACMA also noted it would be attending a DRCF Web 3.0 briefing on 18 October 2022.

eSafety

- eSafety noted it's Commissioner presented to the Trans-Tasman Business Circle on the Metaverse in early September and that the link to this is now available.
- eSafety noted a Ministerial presentation at a recent RMA meeting.
- eSafety noted an upcoming IEEE Tech Forum event on 24 October 2022. eSafety also noted a tech UK online program regarding Web 3.0 and the Metaverse to be held on 25 October 2022.

OAIC

- OAIC noted it will be attending some upcoming meetings. It also noted that the High Court had granted special leave in Meta proceedings on 16 September. A date for the hearing is still to be confirmed.
- OAIC noted this was to be Sophie Higgins last meeting within this working group, as she will be going on secondment to the ACCC.

ACCC

- ACCC noted it had shared the 5th report with Treasury and were preparing for briefings with various policy departments regarding the report. The date of publication of the report is unclear at this stage.
- ACCC noted the announcement of the Bragg inquiry into the role of international big tech in our society and economy. ACCC noted its 6th interim report on social media is currently progressing, and that an update regarding recent events attended by ACCC on the metaverse was circulated in advance of the meeting.

Opening of algorithms workshop

The purpose of these workshops was to collate and synthesise the different working group members existing knowledge of algorithms.

ACCC

- ACCC presented on algorithms particularly noting their effect on competition and consumer harms and its work to date on algorithms. ACCC noted the internal expertise of its Strategic Data Analysis Unit (**SDAU**) and referred members of the working group to the appendix of its presentation for further detail of cases discussed in its presentation.

OAIC

- OAIC provided its presentation on algorithms, noting some of the information presented is based on findings that are currently under appeal. It presented on algorithms with a specific focus on the *Privacy Act* and personal information.
- OAIC also discussed the Australian Privacy Principles (**APP**), noting how privacy can impact other rights. It noted that its algorithms work relates to guidance work, engagement with government, determinations and international engagement.
- OAIC noted a *Privacy Act* review is currently being conducted, which is specifically considering reforms to automated decision making and other reforms which may impact algorithms.

eSafety

- eSafety provided its presentation on algorithms, noting that relevant legislation to its operations was updated last year. eSafety focussed on recommender systems, contention moderation algorithms and algorithmic transparency in its presentation.
- eSafety also noted current tech trends and challenges which underpin its work (<https://www.esafety.gov.au/industry/tech-trends-and-challenges>).
- eSafety noted it is looking to distribute a report on recommender systems by year end.

ACMA

- ACMA presented on algorithms noting the role of algorithms in the media and communications sector, how they shape the information environment, the associated benefits and risks, especially in the areas of access to content, protection against harms and scams.
- ACMA noted it does not currently have powers relating to algorithms and that it was in the early stages of learning about them, noting its oversight role through the voluntary Australian Code of Practice on Disinformation and Misinformation.

Discussion of areas of intersection

The working group discussed areas of intersection, noting transparency, regulation and bias, choice and control as key areas of intersection. A further list of intersecting areas is to be distributed among the working group.

Next steps including actions and allocation of future tasks and literature review

- ACCC agreed to share a list of relevant areas of intersection. It would also look to engage with the ACCC's in-house team with expertise in algorithms, the SDAU.
- The working group agreed to create a prioritisation matrix for topics to cover in the literature review.
- The Chair noted the next formal meeting in approximately six weeks' time, noting the working group should have a less formal meeting before this to undergo the prioritisation and allocation of tasks.
- [REDACTED]

DP-REG Digital Technologies Working Group

23 November 2022, 2:00pm – 3:30pm

Attendance:

- ACCC – [REDACTED]
- eSafety – [REDACTED]
 - Apologies: [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting, and the minutes of the previous meeting were approved.

Agency updates, including attendance at any events and/or any upcoming events

ACMA

- ACMA is hoping to receive new powers to help it combat mis- and dis-information. ACMA is hopeful the Minister will make a statement before the end of the year, ahead of a possible exposure draft in the new year.

- [REDACTED]

eSafety

- eSafety is currently finalising a position statement on algorithms and recommender systems. This will likely be published in next couple of weeks, so by our next meeting eSafety should be able to give more of an update on it.

OAIC

- The [Privacy Legislation Amendment \(Enforcement and Other Measures\) Bill](#) has been introduced to Parliament and is currently before the Senate. If passed, this Bill would:
 - Increase the maximum penalty for serious or repeated interferences with privacy to match those in the [Competition and Consumer Act](#).
 - Grant enhanced enforcement powers to the OAIC, including by strengthening the notifiable data breaches scheme and allowing enforcement against foreign companies that carry on a business in Australia, even if they do not collect or hold Australians' information from an Australian source
 - Enhance the Commissioner's information-sharing powers (which could make it easier for the OAIC to share information with DP-REG colleagues).
- The OAIC co-sponsored a [Resolution on Principles and Expectations for the Appropriate Use of Personal Information in Facial Recognition Technology](#) at the Global Privacy Assembly last month. The OAIC noted that such technology is often powered by algorithms.
- The OAIC has been in discussions with TikTok about a potential meeting, which could include a discussion of how its algorithms work. Other agencies expressed interest in hearing more about this and/or being included in it, including the ACCC

whose team working on the upcoming Social Media Report would likely also be interested in this.

ACCC

- The ACCC noted its 5th interim report of the DPSI was published on 11 November 2022 and that work on the 6th report is underway.
- The ACCC's Kate Reader (along with the OAIC's Sarah Ghali) spoke at the IAPP ANZ Privacy Summit this week.

Algorithms Literature review

The ACCC noted it had shared three documents before the meeting to talk through in relation to the literature review. These were a database, a template setting out the format for conducting the review, and a set of timelines and milestones.

Database

- The group discussed a number of outstanding issues in relation to the format of the database, including the approach to noting relevant categories of harm and algorithm types. It was agreed that up to three columns could be used for identifying categories of harm, with additional categories of harm or further explanations to be noted in the 'Other comments' box or in the 'Key findings' column.
- In terms of articles that discuss harms arising from more than one algorithm type (e.g. both recommender system algorithms and targeted advertising algorithms), it was agreed the **ACCC** would add a 'General' category to the relevant dropdown menu, with further information to be provided in the 'Other comments' box where necessary.

Format of written literature review

- The ACCC ran through a summary of the template. In the discussion that followed, the group clarified that the core aim of the literature review was to highlight the key risks and harms associated with algorithms as opposed to regulatory initiatives responding to these harms. It was agreed that text at the beginning of the regulatory initiatives section should reflect that the regulatory initiatives noted are examples and that this section is not meant to be exhaustive, nor does it aim to evaluate these initiatives.
- The group also noted the possible option of presenting the regulatory initiatives section in a table format and that the structure of the section could change depending on how the literature review pans out – e.g. rather than 'Australian' and 'International' the initiatives may be broken down by the types of reforms or the harms they address.

Milestones and timelines

- The ACCC provided an overview of proposed timelines for the literature review. **ACCC** agreed to add the dates of upcoming Steering Committee meetings to the Milestones and Timelines document, with a brief update provided to Steering Committee on 2 February and the final output provided to Steering Committee on 24 March.
- The group also clarified that the first draft (due on 27 January) would not include Section 4 (conclusions/next steps). Rather, this will be discussed at the February meeting and subsequently included by the ACCC in the second draft. As for section 3 on regulatory initiatives, first drafts should include notes on possible initiatives for inclusion, with this section being discussed at the February meeting and formalised in the second draft.
- With these amendments, the group agreed to the milestones and timelines presented. The next step is for each lead to produce a first draft of their section by 27

January 2023. **ACCC** noted an action item to follow up with invites for working group meetings on 8 February and 2 March 2023.

DITRDCA and Home Affairs questions for DP-REG Steering Committee on Algorithms (25 November 2022)

- The OAIC provided context around DITRDCA and Home Affairs' interest in algorithms, and the ACMA noted that Home Affairs now has a dedicated team working on algorithms.
- The ACCC suggested that at Friday's Steering Committee meeting, it would be good to clarify what our working group means when we talk about algorithms, as this may be different to what DITRDCA and Home Affairs have in mind.
- It was agreed that we should manage expectations and continue to make clear that we are still in the early stages of our work and that the focus of this working group is on building capacity and common understanding, not creating or publishing external-facing work.
- The group discussed its approach to sharing outputs with DITRDCA/Home Affairs and publication. Some members noted a potential willingness to share the final output with DITRDCA and/or Home Affairs if requested, provided their expectations are managed appropriately as to the nature and scale of this work. Members agreed to assess the views of their SES on these issues and to liaise via email before Steering Committee on 25 November.
 - [NOTE: Subsequent email exchange between agencies agreed to share this work, subject to appropriately managing expectations]

Next steps/Date of next meeting

- It was agreed that a date towards the end of the week commencing 12 December would be best. The **ACCC** agreed to suggest some possible times via email.

DP-REG Digital Technologies Working Group

14 December 2022, 3:00pm – 4:00pm AEDT

Attendance:

- ACCC – [REDACTED]
- eSafety – [REDACTED]
 - Apologies: [REDACTED]
- OAIC – [REDACTED]
 - Apologies: [REDACTED]
- ACMA – [REDACTED].

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting, and the minutes of the previous meeting were approved.

Agency updates, including attendance at any events and/or any upcoming events

ACMA

- The ACMA noted that in the mis- and dis-information space, it expected the review report on the DIGI *Code of Practice on Disinformation and Misinformation* would be published before the end of the year.
 - Since the meeting, DIGI completed this review on **22 December 2022** and [published the report on its website](#).
- ACMA also said it expected a ministerial announcement soon that would give more information about ACMA's proposed new powers in relation to mis- and disinformation.

eSafety

- eSafety noted it had recently published its [position statement on recommender systems and algorithms](#) and that [REDACTED] had circulated a copy to members of the working group.
- eSafety also noted a possible next position statement topic might relate to 'generative AI' such as ChatGPT and Dall-E.

OAIC

- The OAIC noted the [Privacy Legislation Amendment \(Enforcement and Other Measures\) Bill](#) had received Royal Assent on **12 December 2022**. This legislation enhances the OAIC's information-sharing powers, which may facilitate collaboration with other agencies (such as via DP-REG) in future.
- The amendments also enhanced the OAIC's compulsory information-gathering powers in respect of notifiable data breaches.

ACCC

- The ACCC noted its understanding that the Government would commence consultation on Interim Report No. 5 of the DPSI shortly.
 - [Consultation on this report has since commenced](#), and submissions to the Consultation Paper will be open until **15 February 2023**.
- Other ongoing ACCC priorities include working on the sixth report, which is due in March 2023 and focuses on social media, as well as work on a draft DITRDCA options paper on mandating free-to-air prominence on smart TVs.

Notes from the DP-REG heads of agency meeting

- The Chair shared some updates from the Heads of Agency meeting, minuted separately.

Algorithms Literature review

- All agencies gave an update on their internal processes for completing the literature review, and noted that they were on track with their plans to have a first draft of their respective sections completed by 27 January 2023.
- It was also agreed that each agency has the discretion to decide which articles to prioritise and focus on the articles it thinks are of the most relevance to the working group, and to exclude articles they don't think add much value.

Discussion of work stream 2 – horizon scanning

Brainstorming session (item 2.1 in the work plan)

- In line with the work plan, this work stream is set to begin with a directed brainstorming session led by the ACCC as Chair of this working group.
- Members agreed it would be beneficial for each agency to go into this session with some potential ideas or areas of interest to focus on.
- To assist with this, the ACCC noted that closer to the date of this session, it could:
 - prepare a form/table where members could input possible topics for consideration. An example format of this might be:
 - Topic – Stage of development – Potential issues – State of regulation
 - prepare and circulate some questions for the group to consider and provide input on ahead of the session to help guide the discussion.
- No issues were raised with these preliminary suggestions, and it was agreed it would be best to come up with some thoughts beforehand and then use the session to rank or prioritise them and decide what the report could look like.
- All parties noted they would likely invite other colleagues from their respective agencies to attend and participate in the virtual brainstorming session.

Horizon-scanning report/summary (item 2.2)

- The 'report' will be a summary note of the brainstorming workshop. It will include identifying which areas are of the greatest interest and why.
- The working group will have a follow-up meeting once this note has been prepared, to choose the topic of our pilot study (workstream 3) and the questions it will address.
- All parties noted they were happy with this report being an internal document or file-note rather than a more formal output. It would be something we would take to the Steering Committee to ask whether they have any issues with our chosen topic.
- It was suggested and broadly agreed that we could use the word 'summary' instead of 'report' to better reflect the nature of this document.

Discussion of workstream 3 – pilot study

- The ACCC referred to a draft template document it had put together and suggested the output of the study could be around 4 to 6 pages answering the prompts in a final version of that template. The working group would meet to discuss and confirm the questions we would like to answer as part of the pilot study. The plan is to finalise this template at the brainstorming meeting in early 2023.
- The ACCC noted the output for the pilot study would likely be similar to eSafety's recent position statements, but about half the length and hence less detailed.
- Questions to be answered as part of the study could include:
 - a description of the chosen technology, how it works, projected trends in usage and potential benefits/concerns in each regulator's area of expertise

- some notes from each agency on any work they have already commenced or completed that is relevant to the technology
- some notes on international reports, and
- some suggestions on whether DP-REG or individual agencies should undertake any future work on the topic.
- Regulators would split up the questions and identify benefits and concerns within our remits. The template would be both a scoping document and a deliverable.
- It was agreed that a sensible approach could be to set up a 'template set' of generic questions that can apply to any technology, with the flexibility to add in more specific questions based on the topic chosen. This was based on an ACMA suggestion that a consistent look and feel could help streamline the process and make it easier to copy across some elements of it should we end up doing multiple technology reviews.
- In terms of timeframes, it was agreed that we could potentially formalise and approve our template for this workstream at the inter-agency workshop currently proposed for 24 March 2023. We would then approve the final document around the start of June and subsequently share it with the Steering Committee. We can adjust these dates slightly as necessary based on the finalised dates of Steering Committee meetings.

Other business

RMIT presentation on search engines

- The ACCC noted it had been approached by Mark Sanderson, an academic from RMIT in Melbourne who has a small team of PhD students conducting a qualitative analysis of search engines. Prof Sanderson has offered to give a presentation at the ACCC's Melbourne office in February 2023 and said he would be happy for ACCC and other DP-REG people to dial in virtually as well.

Twitter

- ACMA noted that Twitter had formally disbanded its Trust and Safety Council, and asked if any other agencies had engaged with Twitter representatives recently.
 - The ACCC agreed to check with its Report 6 (social media report) team and subsequently sent through an email summarising a meeting this team had had with Twitter representatives on 28 November 2022.

Next steps/Date of next meeting

- The next meeting of this working group is currently scheduled for **8 February 2023**. It will centre on a discussion of our first-draft algorithms literature review work.

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From: [REDACTED]
Sent: Thursday, 2 March 2023 9:21 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED] [SEC=OFFICIAL]
Attachments: [REDACTED]

OFFICIAL

Hi all,

[REDACTED]

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- [REDACTED]
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Our proposed agenda for Friday is below (and to be attached to our meeting invite):

Agenda

- Chair to open meeting and confirm minutes [See the [minutes](#) of 8 February meeting on GovTeams]
- Agency updates including attendance at any events and/or upcoming events
- Discussion of Algorithms Literature review Draft 2
- Horizon scanning workshop – format and topics
- AOB

Looking forward to discussing on Friday!

Cheers,

[REDACTED]

[REDACTED]

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CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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DP-REG Digital Technologies Working Group

8 February 2023, 2:00pm – 3:31pm AEDT

Attendance:

- ACCC – [REDACTED]
- eSafety – [REDACTED]
- OAIC – [REDACTED]
- [REDACTED]
- ACMA – [REDACTED]

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting, and the minutes of the previous meeting were approved.

Agency updates, including attendance at any events and/or any upcoming events

ACMA

- The Government [has announced plans to legislate](#) new ACMA powers around oversight of mis- and disinformation. The ACMA is hopeful an exposure draft of this legislation will be released around April 2023, followed by a Bill in winter.
- In January, the ACMA opened consultation on a new [framework for measuring news media diversity](#). Submissions close on 17 March 2023.
- The ACMA recently met with its counterparts in the EU to discuss their experience with the Digital Services Act.
- The ACMA noted there has been some initial discussion around possible amendments to the [Broadcasting Services Act 1992](#), including whether the pre-election media blackout laws in Schedule 2 should be extended to also cover the First Nations Voice to Parliament referendum and/or other referenda in future. Note that these laws currently do not apply to online advertising on digital platforms.

eSafety

- eSafety noted it had published a [transparency report](#) summarising the responses it had received on the first round of Basic Online Safety Expectations (BOSE) notices.
 - These notices were issued to 7 platforms – Apple, Meta, WhatsApp, Microsoft, Skype, Omegle and Snap.
- eSafety said it was now preparing to issue a second round of BOSE notices, keeping the focus on child sexual exploitation and abuse material for now. Relevantly for the working group, some of the questions in this next round may ask high-level questions about how algorithms and large language models are being used in this area.

OAIC


- The OAIC and ACCC mentioned they had received invitations from the Digital Regulation Cooperation Forum (DRCF, the UK's DP-REG analogue) to its [Quantum Symposium](#) event on 28 February 2023. The ACCC noted it had requested a recording of this event, given the time difference, but it has since been confirmed that the event will not be recorded.
- The OAIC noted the [Enforcement and Other Measures](#) amendments to the Privacy Act came into effect on 13 December 2022. Separately, the OAIC has also recently published some privacy [guidance for not-for-profits](#).
- The High Court's hearing of the OAIC case against Meta is set to begin on **7 March**. [NOTE: Since the date of this meeting, the Attorney-General's Department published its [Privacy Act Review Report](#) on 16 February 2023, [inviting consultation until 31 March](#) on what the Government's response should be.]

ACCC

- [Treasury's consultation](#) on the ACCC's 5th DPSI report has now closed. As well as Treasury's roundtables held on 8 and 10 February, the ACCC has been briefing a range of international counterparts on its recommendations.
- Work on the 6th report is underway, and after this meeting the ACCC shared some draft text about DP-REG from that report with the members of this working group.
- All members of this working group are also invited to the upcoming presentation from Mark Sanderson and his team at RMIT about search engines. Note that since this meeting, this presentation has been postponed to **8 March 2023** from 3 pm AEDT.

OAIC presentation – Australian Community Attitudes to Privacy Survey (ACAPS)

██████ of the OAIC's Strategic Communications team delivered a presentation on the 2023 **ACAPS**, which is currently in the questionnaire drafting phase. Key points from this presentation are summarised in the slides and notes below.



Overview

ACAPS is a longstanding study to evaluate the perceptions and awareness of privacy.

First conducted in 2001, it provides longitudinal information on Australians' attitudes about key and emerging privacy issues and their experiences, as well as actions taken to protect their privacy.

The OAIC has commissioned Lonergan Research to conduct the 2023 survey.

OAIC

Objectives

- Provide insights on Australians' attitudes towards privacy
- Understand the changes in Australians' attitudes and behaviours over time
- Identify awareness of and concern about emerging privacy issues
- Collect data to assist the OAIC across policy, compliance, and communications initiatives



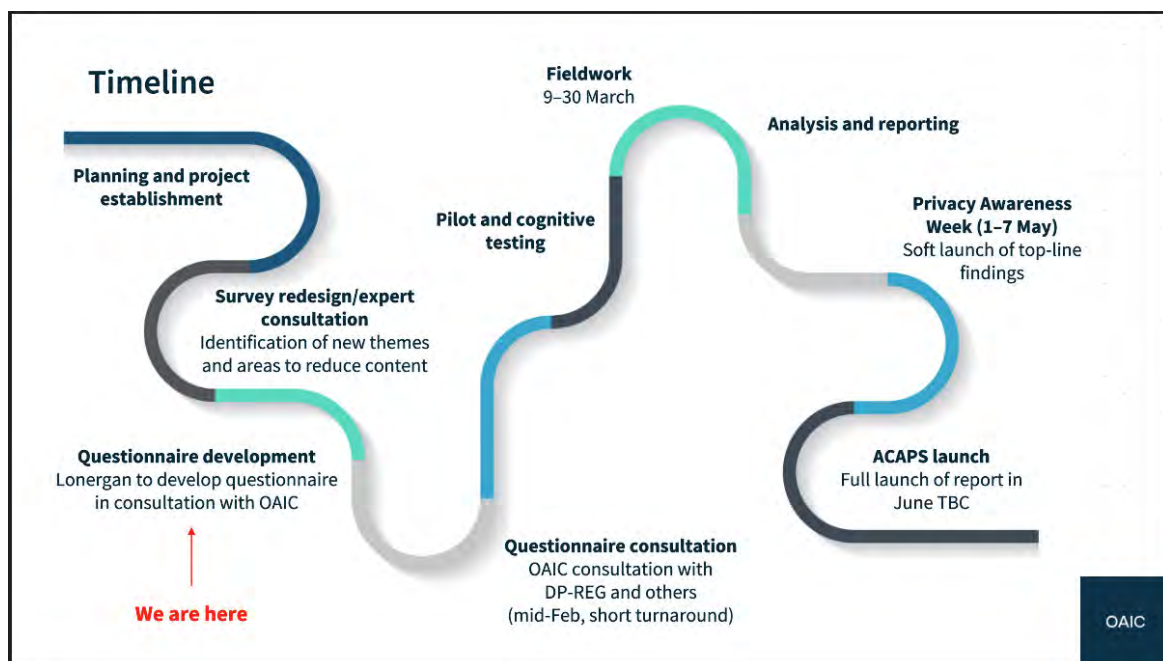
OAIC

Themes

Theme group	Themes
General knowledge, awareness	<ul style="list-style-type: none"> Attitudes, awareness and behaviours
Legal considerations	<ul style="list-style-type: none"> Privacy Act and exemptions Consumer rights Privacy policies
Fair and reasonable	<ul style="list-style-type: none"> Trust and handling of data by org/sector Comfort with using and sharing personal information Value of privacy AI and algorithms Digital services, data collection and usage
Privacy breaches	<ul style="list-style-type: none"> Risks, breaches, misuse Harm Responsibility
Biometrics	<ul style="list-style-type: none"> Biometrics Facial recognition technology Surveillance
Children	<ul style="list-style-type: none"> Unique concerns

OAIC

- In 2023, the survey questions will move away somewhat from a focus on notice and consent to consider what proactive privacy measures Australians think organisations should have in place (with a privacy policy being just part of this picture).
- The survey will also ask people whether they believe certain data collection and usage practices are fair and reasonable (such as organisations using AI to make decisions about people without their knowledge).



OAIC

- The OAIC said it intends to share the questionnaire with this working group around mid-February, but given tight timeframes and questionnaire budgets they will be seeking feedback on the framing of the questions rather than adding new questions.



- In response to questions from working group participants, the OAIC indicated:
 - the survey will be a nationally representative sample size of at least 1,500 people per module, for a total of around 4,500 people across all modules, and
 - it could potentially share relevant, de-identified survey data with this working group.

Algorithms literature review

Working group members discussed a possible structure for the literature review and next steps following the recently completed 'Draft 1' work.

Summary of discussion

[For a more detailed record, please refer to the 'Draft 2' document in GovTeams and the email dated **9 February 2023** from [REDACTED] to working group members].

- Members noted the overlaps in the harms identified by different regulators and agreed a strategy to address this.
- Members agreed to place each risk under an overarching theme – Fairness, Trust or Safety. The 'Draft 2' document in GovTeams includes a proposal for how to do this.
- Members agreed to progress work on section 3 (regulatory initiatives) as part of Draft 2. A table for recording these initiatives is included in the Draft 2 document.
- To save space, members agreed to reference using endnotes (not footnotes).
- The Draft 2 document in GovTeams also includes some minor comments and requests for clarification arising from Draft 1.

Next steps

1. Members will finalise Draft 2 work and upload it to GovTeams by **COB 24 February**.
2. The ACCC will then draft text to follow the table in section 3, along with the conclusion for the Literature Review, by **COB 1 March**.
3. This working group will meet on **3 March** to review draft 2 and finalise the Review.
4. The working group Chair will submit the finalised Literature Review to the DP-REG Secretariat ahead of the Steering Committee meeting on **24 March**.
5. The horizon-scanning workshop will occur on **27 March**, with a view to taking the pilot 'examination of technologies' document to the Steering Committee on 2 June.

Date of next meeting

The next meeting of this working group will be at **10am AEDT on Friday 3 March 2023**.

DP-REG Digital Technologies Working Group: Horizon-scanning workshop

27 March 2023, 2:30pm – 4:02pm AEDT

Selection of Topic

This workshop had originally been intended to discuss and select a potential topic for the Working Group's pilot technology examination. However, with the emergence and huge popularity of consumer-facing generative AI services in late 2022 and early 2023, the group decided it might be more valuable to determine the topic before the workshop, and use the workshop to focus on this technology.

Based on a poll of Working Group members, it was clear that generative AI was the technology the group as a whole was most interested in examining, as per the ranking below.

Topics	Points (based on agency rankings) ¹
Generative AI	10
Immersive technologies	6
Biometrics / Facial recognition	3
Internet of things (IoT)	3
Web 3 / Decentralisation	2

Topic	ACCC	ACMA	eSafety	OAIC
1	Generative AI	Generative AI	Generative AI	Biometrics
2	IoT	Immersive tech	Web3/Decentralisation	Immersive tech
3	Immersive tech	IoT	Immersive tech	Generative AI

¹ Agency rankings were assigned points, with 3 points for first place, 2 points for second and 1 point for third. These points were then totalled for each topic.

Attendance:

- ACCC – [REDACTED]
[REDACTED]
[REDACTED]
- eSafety – [REDACTED]
- OAIC – [REDACTED]
 - Apologies: [REDACTED]
- ACMA – [REDACTED]

The purpose of this workshop was for working group members to summarise their knowledge and work so far on the topic of generative AI, and to agree on next steps for the working group's pilot study of generative AI products and services.

Presentation slides from this workshop are stored separately in GovTeams. Other notes from the workshop are as follows.

1. Intro and scene-setting presentation – ACCC ([REDACTED])

- This presentation provided an overview and several examples of generative AI software, including large language models (LLMs) such as ChatGPT, as well as other forms of generative AI which can be used to generate images, audio, video and other types of data.
- In the 'Potential harms and risks of relevance to DP-REG' segment of the presentation, it was noted that LLMs can, for example, potentially:
 - reduce the cost and increase the scale and credibility of phishing attempts
 - write malicious code or generate fake reviews faster than a human, and
 - create or exacerbate the spread of misinformation, because of the fact many LLMs can give false responses that nevertheless sound authoritative to an uninformed user
- In the 'broader policy implications section', it was also noted that there is a risk of LLMs being used to flood submissions to regulator consultation processes, thus slowing down or clogging up regulatory efforts.

2. Deep dive into the technical operation of the technology – ACCC ([REDACTED] Strategic Data Analysis Unit)

- This presentation gave a simplified technical overview of how LLMs and other generative AI programs work 'under the hood', noting that the examples given did not represent the bounds of what such technology can potentially do.
- When it comes to the encoding process of an LLM converting a text-based query into numbers and back again, it was noted that separate text inputs that are topically similar (e.g. plants and gardening) will end up as more similar numbers than text on more disparate topics (e.g. plants and circuses).
- LLMs and other generative AI have no 'mind of their own' – they are just sophisticated pieces of software trained to produce responses based on many thousands of data points. They still have some notable limitations and can be 'wrong' in ways that humans wouldn't be. They are also not brand-new – more of an evolution of technology that has been around for a while.

Questions:

- ██████████ (ACCC ██████████) asked about what the training set for ChatGPT was.
 - In response, ██████████ noted OpenAI has said ChatGPT was trained on data sourced online up to 2021.
 - ██████████ (also from the ACCC's ██████████) said it was trained on a lot of data scraped from the web – the entire English-language Wikipedia is less than 1% of the training data, which gives you an idea of the scale. For more information, see section 2.2 of this document re the training dataset for GPT-3 (precursor to GPT3.5 which was the precursor to ChatGPT)
- <https://arxiv.org/pdf/2005.14165.pdf>
 - ██████████ (ACCC Digital Platforms) noted that OpenAI has attracted criticism for not providing much information on what GPT-4 is being trained on, and for the limitations/issues in how ChatGPT was trained.
- ██████████ (eSafety) asked a question about algorithmic bias in how LLMs are trained.
 - In response, ██████████ noted that anything that involves subjectivity will have some flow-on effects into how LLMs are trained, meaning there could be some bias in ChatGPT because the data it was trained on was largely authored/produced by humans. It may be less biased than if it was entirely trained by one human based on a more limited dataset, but a degree of bias is still possible.

3. Generative AI: hype and perspective – ACCC (██████████)

- This presentation delved a little into the history of public discourse and predictions around technology, noting that such predictions/headlines aren't always accurate, and public discourse can be quite emotive and motivated by self-interest. There is also the related issue of 'criti-hype', where an issue such as generative AI may be given inflated importance based on the critiques it receives (e.g. comparisons of ChatGPT to the Gutenberg printing press, or describing AI as the nuclear bombs of everything outside the physical world).
- While the Gartner hype cycle has been shown to be often inaccurate, in the case of generative AI it is true that the public hype is self-perpetuating to an extent, with many digital platforms hurrying to launch their own generative AI products following the significant attention given to ChatGPT.
- The presentation also noted the important challenge for us as regulators of needing to avoid being caught by surprise and acting too late on an important digital platforms issue, while also not wanting to invest too much time or energy into something that turns out to be a fad.
- The potential for exaggeration of the impacts of LLMs is already starting to be seen – e.g. ChatGPT was originally described as a 'Google Search killer' but now both Microsoft and Google are seeking to differentiate their standalone chatbots from search integrations (ChatGPT as distinct from the New Bing, and Bard as distinct from Google Search).
- As experts ██████████ have noted, chatbots don't have any real intelligence or capacity to reason, contrary to what some alarmist articles have suggested.

4. A round-up of each agency's work so far on the topic and/or main areas of interest

eSafety

- Noted that a lot of the online discussion around LLMs so far had been more international than Australia-specific, though it added it is drafting a position statement on this, focussing on the issue of online safety for users of generative AI.
- Every single day, it seems like new developments happening – generative AI is a very fast-paced, ever-changing environment.
- eSafety has consulted with some experts and looks forward to speaking with more – again, these are more international than Australian experts, but noted one prominent Australian expert – Professor [Amin Beheshti](#).
 - Following this meeting, █████ reached out to Professor Beheshti to propose a discussion between this working group and Professor Beheshti in the week commencing 17 April.
- Otherwise, eSafety already has a position statement on deepfakes on its website, and said a lot of the harms there are still broadly applicable but it needs a refresh. [Here's a link](#) – it is dated January 2022, so before the current wave of interest in generative AI.
- In response to a question from the ACCC around timeframes for the upcoming position statement, eSafety noted it is aiming for mid-2023, although this may be delayed slightly due to competing priorities.
- eSafety indicated it had resources it would be happy to share from its literature review.

OAIC

- The OAIC noted the potential privacy risks of generative AI, e.g. if an LLM is used to impersonate somebody. The creation of deepfake images could also be an area of interest for the OAIC.
- The OAIC said that while some of the headlines around generative AI are sensationalist as █████ presentation highlighted, they are also somewhat accurate in highlighting the fear factor among many members of the public.
 - The ACCC also noted there had been a [recent ChatGPT data breach](#) already.
- The OAIC later noted the risk of its freedom of information processes being targeted and potentially overwhelmed by chatbot-authored requests, noting there is already a backlog in responding to FOI requests.

ACMA

- The ACMA noted there is a clear link between LLMs and the potential for mis- and dis-information.
- The ACMA is working on a paper about the metaverse, and grappling with some of the issues raised in █████ presentation about hype and buzzwords. They noted key features of the metaverse may include AI.
- They feel generative AI will be another 'convergent issue' like scams or crypto where its implications cut across many sectors.
 - On the topic of scams/dubious marketing claims, █████ shared that the [FTC had issued guidance](#) about overstated AI marketing.
- News measurement work – the ACMA noted it had some recent workshops with academics and news businesses, and a number of participants raised issues around

generative AI – if LLMs are writing articles, how does that feed into the broader regulatory landscape?

- In response to a question from [REDACTED] about whether there is concern that LLMs are taking news content without paying for it, the ACMA said it would check as to what concerns news businesses had raised and report back.
- There are some potential benefits of generative AI as well, in that it could perform tasks like captioning and audio description.

ACCC

- In addition to the presentations above, the ACCC noted its focus on competition and consumers, and the fact that around a month ago, the possibility was raised that Microsoft could use ChatGPT's integration into Bing to help it compete with Google in search.
- The discussion has moved on a bit in the generative AI field since then, but the ACCC expressed interest in hearing interested in thoughts from other agencies about possible market share or stakeholder implications of generative AI from their perspectives.
 - In response, [REDACTED] from the ACMA noted the prospect of Bard being integrated into other Google products.

5. [Approving the template](#) for the pilot study

This agenda item was skipped during the meeting, in the interests of time. The ACCC noted it would be happy to receive comments on the template via email.

6. [Scoping 'examination of technology' research exercise](#)

- Working group members discussed the pros and cons of a 'broad' or 'narrow' topic for the pilot program.
- There was general agreement that keeping the topic narrow (i.e. just focused on LLMs such as ChatGPT and Bard rather than all types of generative AI applications) would be most appropriate due to the short timeframe available for this initial study, noting we are aiming to present it to the Steering Committee on 2 June.
- eSafety raised the point that some stakeholders may ask what we are doing about broader generative AI issues if we go narrow with this study. In response, the ACCC noted that:
 - This study hasn't been mentioned publicly yet, unlike the algorithms literature review.
 - This is just a pilot study, and the working group may very well decide to do further research in the next financial year on the audio or video aspects of generative AI.
- The ACCC asked about any sensitivities or conflicts within agencies in relation to this topic, and none were raised.

7. [Timeframes and splitting up of work](#)

- No issues were raised with the timeframe of presenting this study to the Steering Committee on 2 June.
- There was general support for the idea of each regulator focusing on the harms relevant to its remit, and then meshing the responses together for the final product.
- It was also agreed that the idea of doing a demonstration for the Steering Committee as part of our presentation in June was worth considering.

- The initial phase of work on this study will likely take the form of dot points on the template.

8. Other business

- The ACCC called for input on a potential future meeting between this working group and the National Science and Technology Council within the Department of Industry on the topic of generative AI, noting some members had already responded to [REDACTED] email on this.
- The ACCC also called for other members to advise within the next day or two if they would be interested in a further meeting in around a fortnight with RMIT's research team that is working on search engines.
 - The ACMA and eSafety both expressed interest in attending this meeting, schedules permitting.

DP-REG Digital Technologies Working Group

28 April 2023, 1:30pm to 2:41pm AEST

Attendance:

- ACCC – [REDACTED]
- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting and introduced [REDACTED] to the working group, and the [minutes of the previous meeting](#) were approved, with one minor amendment from eSafety, which they agreed to make in the GovTeams version of the minutes.

Agency updates, including attendance at any events and/or any upcoming events

ACCC

- The ACCC noted that the 6th interim report of the Digital Platform Services Inquiry [was published](#) on the date of this meeting, 28 April 2023. This report features an updated analysis of the competitive and consumer landscape in social media, including some high-level findings from the ACCC's recent [influencer sweep](#).
- Also on the date of this meeting, the ACCC noted a colleague in its Digital Platforms Branch was attending a University of Sydney conference on LLMs and generative AI. The ACCC will seek to incorporate relevant insights from this conference into the LLMs pilot study.

ACMA

- The ACMA made reference to Senator Paterson's questions about the working group's proposed meeting with TikTok. This discussion is minuted under 'Other business' below.
- The ACMA noted it had begun some legislative drafting and was also finalising some letters to Discord, Pinterest, Telegram, WeChat, Twitch and Tumblr. It has also been asked to appear before the [Inquiry into the Voice Referendum](#).

eSafety

- eSafety advised its LLM position statement was likely to be completed in May, though there's no set timeframe on publishing it yet. eSafety is seeking to use different experts to the ones involved with the recent NSTC Rapid Response paper.
- eSafety said it had presented at a panel on Standards for the Metaverse on Wednesday 26 April, and had said the drafters of these standards could contact other DP-REG members to discuss any areas of overlap with their regulatory remits.
- Online Safety Act codes – industry groups provided redrafted codes focusing on 'class 2' material by early March, and the eSafety Commissioner is currently considering whether these meet community standards.
- In late March, eSafety provided Minister Rowland with [a roadmap for age verification technology](#), for the Government's consideration. The roadmap includes broad guiding principles, which eSafety will follow up with more detailed work. In terms of overlap with this group, eSafety believes this work may yield some insights into the use of age verification and biometric technology, and will share this with the group when able to do so.

OAIC

- The OAIC noted that [Privacy Awareness Week](#) this year would run from 1-7 May, the week after the meeting, involving some in-person sessions in Sydney, as well as some online ones.
- The OAIC has been engaging with the Australian Human Rights Commissioner and considering possible opportunities for collaboration, including on AI and the Metaverse.
- Submissions to the Attorney-General's Department's (AGD) Privacy Act Review report have now closed, and the Government is considering them. No submissions have been published on the AGD website yet, but some stakeholders have started to publish their own. The OAIC expects the AGD to eventually publish all submissions on its website.
- The OAIC gave an update on the Facebook matter, which has returned to the Federal Court.

Discussion of Pilot examination of technologies study on LLMs

See also: [Draft 2 of the pilot study and Timelines to complete the pilot study](#)

- Members all agreed they were happy with the overall structure of this document, subject to some suggestions from the OAIC and ACMA which they had added into the document.
- eSafety noted its Tech Trends team will also be looking at generative AI throughout the year.
- Members agreed to the proposed completion timeframes, which are intended to allow the working group to submit this pilot study to the Steering Committee by 26 May 2023, for their consideration at the 2 June meeting.
- The ACCC agreed to draft responses to the background questions at the start and the section on international developments, subject to additional input from other regulators. Members agreed to divide the remainder of the work based on their respective regulatory remits.
- Members agreed on an ideal length of 5-6 pages, and a maximum length of 10 pages.
- Note that the ACCC subsequently completed draft 2 of this study (linked above) on 5 May 2023 and opened it up to feedback from other members by **12 May**. This draft includes a proposed allocations of work and a slightly amended structure to reduce duplication.
- Members considered whether the working group should recommend that this work be published. While no final decision was made, no members expressed opposition to publication and there was broad agreement that the working group would be expected to publish at least one of the pilot study or the algorithms literature review.
- The ACMA noted the working group would eventually be publishing a 'year in review' paper reporting on our achievements this financial year, and suggested the literature review and this pilot study could be included as attachments to that.

Algorithms literature review

See also: [Current draft of the literature review following Steering Committee input](#).

Working group members discussed the possible publication of this work, including how and where it could be published, and whether it should be renamed. Key points of this discussion included:

- In terms of where to publish the literature review (and potentially the LLMs pilot study), one option discussed was a standalone DP-REG website. However, challenges noted with this approach included that one agency would likely need to host and manage the website.
- Regardless of where the literature review is published, members noted another point to consider in the coming weeks was the timing and drafting of a joint media release.
- The ACCC agreed to draft some wording for inclusion in the Steering Committee paper.
- Members agreed to hold off from getting the review in a 'ready to publish' state until after Steering Committee's final decision on publication.

- On an officer level, members broadly agreed they would be happy with the work being published (not for comment), though the ACMA and OAIC suggested renaming the document to manage expectations as to its scope and comprehensiveness.
 - Following this meeting, members discussed some possible alternative names in the GovTeams version of the document, linked above.
- To cut down on duplication and the level of work required, members agreed to split up the work of internally reviewing the literature review. The ACCC agreed to arrange for legal and economic review, and eSafety said it could handle the editorial side of things.
- Members agreed to add 'mini-conclusions' to their respective sections, in line with the Steering Committee's previous request to add detail on gaps and areas of future research.
- Members agreed to seek an out-of-session decision from their respective SES representatives on the Steering Group, to allow review work to be conducted ahead of the 2 June meeting.

RMIT and other academic consultation on LLMs

- Members agreed with the ACCC's suggestion to propose another session with Professor Sanderson and the other RMIT researchers we spoke to on 21 April, to allow us to discuss LLMs in more detail. This next session would be optional for non-ACCC members to attend, and it would likely take the form of a free-form discussion of up to 1 hour.
 - Subsequently, on 12 May [REDACTED] sent an email to the RMIT academics attaching the DP-REG presentation slides from the 21 April meeting and inviting the academics to another call on Monday 29 or Tuesday 30 May.

Other business

- In relation to TikTok's proposed virtual 'Transparency and Accountability Tour' into its use of algorithms and biometric identification:
 - The ACMA noted it had developed a response to Senator Paterson's questions
 - Members agreed to suggest Wednesday 24 May to TikTok as the most suitable date. Following this call, the ACCC emailed TikTok to propose 12pm on that date.
- The ACCC noted it was producing summaries of key submissions to the Senate [Inquiry into the influence of international digital platforms](#), and agreed to circulate these summaries with this working group. It subsequently did so via email from David on 3 May.
- Multiple agencies mentioned they were working on or had submitted their responses to a Department of Industry discussion paper on generative AI. The ACCC noted that its response had suggested removing the reference to DP-REG from figure 2 of the paper, because DP-REG is a coordination and collaboration mechanism without its own regulatory functions.

Next steps/action items

- ACCC to seek legal and economic review of the literature review, and to draft additional paragraphs discussing how it might be published.
- All members to discuss possible alternative names for the literature review.
- The ACCC to send through Draft 2 of the LLMs study, with all members to then collaborate on this work with a view to having it ready for Steering Committee review on 2 June.
 - The ACCC subsequently sent through draft 2 on 5 May, as linked above.

Date of next meeting

The next meeting of this working group is scheduled for **2:30pm AEST on Wednesday 17 May 2023**.




[REDACTED]

From: [REDACTED]
Sent: Tuesday, 16 May 2023 9:46 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Agenda for 17 May Digital Technology WG meeting [SEC=OFFICIAL]

OFFICIAL

Hi all,

Here is an agenda for tomorrow's working group meeting, scheduled for 2:30pm AEST.

- Agreement to  [minutes of last meeting](#)
- Agency updates
-  [Algorithms literature review](#)
 - o Confirming out of session decision
 - o New name (current front-runners are: Literature Summary: Harms and risks of algorithms; Insights Paper: Harms and risks of algorithms)
 - o Timing of internal review, including comms review
 - o Cover paper
-  [Technology examination – LLMs](#)
 - o Finalising document
 - o Submitting to steering committee
- AI & estimates briefing
- Progress (?) of academic meetings (RMIT, Macquarie, USyd)
- New workplan
- Any other business

Many thanks and please feel free to get in touch if you have any questions.

Kind regards,



[REDACTED]





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Please note: If you have received this message outside business hours, it is because this was a convenient time for me to send it. Please do not feel obliged to respond (and I won't expect a response) until your normal work hours.

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DP-REG Digital Technologies Working Group

17 May 2023, 2:30pm to 3:15pm AEST

Attendance:

- ACCC – [REDACTED]
- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting, and the [minutes of the previous meeting](#) were approved.

Agency updates, including attendance at any events and/or any upcoming events

ACCC

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - The ACCC agreed to (and subsequently did) send through a copy of the standard wording its Media team has been using to respond to inquiries about this code.
- [REDACTED]
[REDACTED]
- 20 submissions to the ACCC's Issues Paper for the 7th interim report of the Digital Platform Services Inquiry have now been [published on the ACCC's website](#). The topic of this forthcoming report is the expanding ecosystems of digital platforms, with a focus on consumer cloud storage services and smart home devices. The published submissions include 4 from large digital platforms (Apple, Amazon, Google and Meta), as well as submissions from various industry participants such as Free TV and Family Zone.

ACMA

- The ACMA noted it is hopeful that exposure draft legislation will be released within the next two weeks or so for its [proposed mis- and disinformation powers](#).
- Also on the topic of mis- and disinformation, the ACMA noted it would be meeting with Twitch soon, as part of some engagement efforts to encourage platforms which are not currently signatories to the [existing DIGI Code](#) to sign up before the new powers come in.
- Following a restructure effective from 1 June 2023, [REDACTED] will move to a different part of the agency and be replaced in this working group by [REDACTED].

eSafety

- eSafety continues to progress work on its position statement on generative AI, and advised it intends to send out consultation requests in June 2023.
- eSafety also noted the [Government's recent response](#) to the [Social Media and Online Safety Inquiry](#) called for an earlier than expected review of the *Online Safety Act*.

OAIC

- The OAIC noted the Australian Human Rights Commission has been consulting on a federal Human Rights Act for some time, and recently published a [position paper](#) outlining its proposal for this Act, including a proposed right to privacy.
- The OAIC also advised that the [Administrative Appeals Tribunal had substantially upheld](#) the Information Commissioner's decision that Clearview had breached the *Privacy Act* through its facial recognition AI technology, following an appeal by Clearview.
- The OAIC also gave a brief update on its ongoing enforcement matter against Facebook.

Discussion of Pilot examination of technologies study on LLMs

See also: [Draft 3 of the pilot study and Timelines to complete the pilot study](#)

- The ACCC thanked other members for their contributions to this document and gave an update on its progress, noting its aim to complete it and send it up for internal SES and Strategic Data Analysis Unit review in the week commencing 22 May 2023. The ACCC plans to have a clean version available towards the end of that week for other members to review.
- Regarding [REDACTED] suggestion to improve the formatting, visual appeal and readability of the document, the ACMA noted its Editorial team may be able to help with this.
- In terms of whether the document should be published, eSafety noted Morag would like to review it before making a final decision on this. **ACTION ITEM: The ACCC suggested that members mark up any parts of the document that they wouldn't want to make public.**
- On referencing consistency, members agreed that the ACCC would trial replacing endnotes with hyperlinks to sources and see how it looks.
- Subsequently, on 25 May, the ACCC uploaded a third draft of this pilot study to GovTeams and circulated it via email to the working group, including a small number of final questions and suggestions for other members. In this draft, references have been standardised to endnotes for the reasons outlined via email.

Algorithms literature review/summary

See also: [Current draft of the literature summary ahead of June steering committee meeting](#)

- Members discussed possible new names for the literature review and settled on the term '**Literature summary**'.
- Members discussed whether an out-of-session decision could be taken to publish the literature summary, but it was ultimately determined that the decision on whether to publish it would be taken at the 2 June Steering Committee meeting, with the final sign-off on this to then be given by the Heads of Agency at their meeting scheduled for mid-June.
 - Members agreed, however, that future joint publications could be approved by Heads of Agency out of session.
- eSafety noted its Editorial team could conduct a grammar, style and formatting check of the study, but members agreed this should occur after the Steering Committee meeting.

Academic consultation on LLMs

- Members noted that by the RMIT next meeting booked on 29 May, the working group would have a finalised version of its LLMs study.
 - However, on 25 May the ACCC noted it could not send the full version of the document to RMIT because it includes content from the NSTC's Rapid Response Report, which is currently confidential within Government.

- The ACCC noted that Professor Kimberlee Weatherall had agreed to give a presentation about LLMs immediately after the Steering Committee meeting. The OAIC subsequently sent an invitation to this call from the DP-REG inbox. The presentation will be recorded.
- Members noted continued difficulties in arranging a call with Professor Amin Beheshti.

Upcoming meetings

- Members noted the TikTok meeting had been postponed, with a date of 16 June subsequently confirmed in late May.
- The ACCC and eSafety noted they were both working on 'back pocket briefs' on generative AI. Both agencies subsequently shared these briefs within the working group via email.

DP-REG workplan discussion

- Members noted that the existing DP-REG workplans and chairing arrangements would likely remain in place for a further 6 months from 1 July 2023.
- Following that, the ACMA noted its Chair had expressed a preference to align workplans to financial years, not calendar years.

Other business

- Multiple members noted they had provided feedback to DISR on 2 papers about generative AI – the Rapid Response Report by the National Science and Technology Council, and a separate DISR discussion paper. Both of these papers are currently confidential within Government, but the ACMA noted its understanding that the discussion paper would be published in late May 2023.
 - Following a subsequent meeting with DISR, the ACCC now understands both papers will be published together, on or about 31 May 2023.
- The ACMA noted Minister Rowland is considering holding an AI roundtable in the near future, and other agencies expressed interest in attending this.

Next steps/action items

- Members agreed to finalise work on the Algorithms Literature Summary and the Examination of Technology Pilot Study on LLMs ahead of the Steering Committee meeting.

Date of next meeting

The next meeting of this working group will take place early in the 2023/24 financial year, though no date has been confirmed as yet.

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Agenda for 7 July Digital Technology WG meeting [SEC=OFFICIAL]
Date: Thursday, 6 July 2023 1:05:04 PM
Attachments: [image001.jpg](#)
[Re Researching how search engines operate in a market SECOFFICIAL ACCC-
ACCCANDAER.FID2117004.msg](#)

OFFICIAL

Hi all

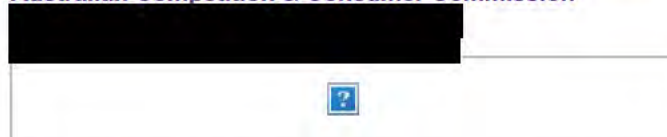
Please see below agenda for tomorrow's working group meeting, scheduled for 1:30pm AEST.

- Agreement to [minutes of last meeting](#)
- Agency updates
- [Algorithms literature summary](#)
- [LLMs examination of technology](#)
- DISR joint submission
- Feedback on 2022-23 - what worked well/what can we do better?
- Workplan for 2023-24 (current workplan [linked](#))
- Upcoming meetings
 - RMIT search engine symposium (see attached email)
 - Scheduling next working group meetings
- Any other business

Please feel free to get in touch if you have any questions.

Kind regards

[REDACTED]
Assistant Director (a/g) | Digital Platforms | Mergers, Exemptions & Digital Division
Australian Competition & Consumer Commission



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DP-REG Digital Technologies Working Group

7 July 2023, 1:30pm to 3:00pm AEST

Attendance:

- ACCC – [REDACTED]
- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting, and the [minutes of the previous meeting](#) were approved.

Agency updates, including attendance at any events and/or any upcoming events

ACCC

- [REDACTED]
- The ACCC's noted its Issues Paper for the 8th interim report of the Digital Platform Services Inquiry is due to be released on Monday.
- The ACCC gave a brief update on its recent meetings with DITRDCA to discuss a potential voluntary or mandatory dating app code, and with the CRTC to discuss the news media bargaining code and Canada's draft regulations. [REDACTED] will also be attending an Automated Societies Panel Discussion run by the ADM+S Centre on AI.

ACMA

- The ACMA noted public consultation on its exposure draft opened last week, and will run until 6 August. DITRDCA is leading briefings on the new powers with key stakeholders, and DP-REG members have been invited to one taking place next week.
 - The ACCC noted it will provide feedback to DITRDCA regarding overlaps with the ACL and some definitions in the exposure draft. **ACTION ITEM: The ACMA would like to receive a copy of the feedback.**
- The ACMA also noted it is working on Ministerial advice on the effectiveness of the mis/disinformation code, to be released next week. **Update: Advice was released on 25 July.**
- The ACMA advised it completed a study on the experiences of users who complained to platforms regarding the content they see. An interactive report will be released in the coming weeks.
- The ACMA noted it will be appearing at the Select Committee on Foreign Interference with DITRDCA and eSafety next Wednesday.
- The ACMA also noted the Online Gambling Committee released a report last month. Phase one of the recommended ban on advertising for online gambling involves prohibition of advertising on social media and online platforms.

eSafety

- eSafety noted it is overseeing the development of industry codes for extreme forms of content. Last month the Commissioner decided to register 5 codes which will come into effect in December, and eSafety will be developing mandatory standards for Relevant Electronic Services and Designated Internet Services. A decision on search codes is yet to be made.

- eSafety also noted it issued reporting notices to Twitter under the Basic Online Safety Expectations, seeking information about how it is addressing hate speech on the platform. Twitter's response is due on 19 July. This work is becoming an area of focus for eSafety, and eSafety is conducting internal research and papers on the topic.
- eSafety advised it continues to progress work on its position statement on generative AI. **ACTION ITEM: eSafety will share with DP-REG for red line feedback shortly.** eSafety is looking to publish in August.

OAIC

- The OAIC noted it is preparing its individual submission to DISR's discussion paper.
- The OAIC noted it attended the International Network for Digital Regulatory Cooperation alongside other DP-REG members.
- The OAIC also advised it is finalising the ACAP survey results. **ACTION ITEM: OAIC to share findings when possible.**
- The OAIC noted it is continuing to engage with the AGD on the Privacy Act Review.
- The OAIC also gave a brief update on its ongoing enforcement matter against Facebook.

Algorithms literature summary

See also: [Current draft of the literature summary](#)

- Members discussed timing for publication and agreed to wait for the website to go live (sharing with interested agencies in the meantime). The OAIC noted microsite procurement requirements were underway and the site is likely to be live in a few months.
- eSafety noted its Communications team would review the document now, working to a two-week timeline in preparation for publication.
- Members discussed the group's level of engagement with DITRDCA and Home Affairs' project going forward. **ACTION ITEM: The group agreed to check in on updates for the project when we share a finalised version of the document.**
- Members noted comments made at the last Regulator Heads meeting on engagement and how we can feed into AI work more broadly. This can be considered in the group's updated workplan.

LLMs examination of technology

See also: [Current draft of the literature summary ahead of June steering committee meeting](#)

- The ACCC noted the document was last updated on 14 June and will need to be updated further, including making it consistent with the joint submission and noting why we have focused on LLMs as discussed at the last Heads of Agency meeting.
- Members discussed timing for publication and agreed to aim for mid-September given eSafety's position paper will be published in August.
- The ACCC noted it had no updates on the FOI process. **ACTION ITEM: ACCC to provide update to the group when possible.**
- Members also discussed the possibility of running the document past RMIT colleagues for comment.

DISR joint submission

- Members discussed the level of detail in the submission, and agreed to:
 - remove detailed points on risks that are covered in the LLMs document and position
 - focus on DP-REG regulatory frameworks and applications.

- The OAIC noted it will submit a separate submission which will go into more detail on the Privacy Act Review.
- Members agreed to provide the draft LLMs document to DISR in a follow-up email after submission.

Feedback on 2022-23

- Members considered what has worked well over the past year, including:
 - strong rapport has been built between the working group members, and everyone has remained flexible in accommodating competing priorities and helping to progress work
 - the group has achieved a lot, aided by reaching consensus on topics at an early stage and effective coordination of projects (including clear timeframes and advanced notice)
 - the use of GovTeams has been helpful in progressing collaborative pieces
 - the workplan was scoped well, and has enabled the group to produce work that is relevant and of interest to other areas of Government. Information sharing sessions were also useful in the scoping process
- Members also discussed lessons learnt, including:
 - expectations management is crucial given each agency has different ways of working. Clarifying the purpose of each piece of work with Steering Committee and Heads of Agency from the outset (e.g. whether a piece is for an internal or external audience), such as circulating an outline for the DISR joint submission is good practice to ensure they are aware of and comfortable with the work being undertaken
 - resourcing has been higher than anticipated and there is a desire across all members to reduce the group's workload in the coming year. Large joint written papers like the algorithms literature summary may not be the most effective use of resources, and we could instead focus on simpler/shorter outputs like the LLMs paper
 - it will be worthwhile considering the extent to which outputs should be cleared by each member internally vs through the working group to ensure those processes don't conflict. Sufficient time needs to be factored in to align and work to reach a consistent position
 - the group should consider how it can better coordinate with/be informed by the work of other working groups, such as the data dictionary.
- **ACTION ITEM:** group to consider discontinuing the algorithms tracker (developed in drafting the algorithms literature summary) when updating next year's workplan.

2023-24 workplan discussion

- Members agreed to keep algorithms as a separate workstream given it is a useful avenue for demonstrating our consideration of the mechanical functions of digital platforms, along with the interest in potential follow up work from Heads of Agency.
- Members agreed to combine the horizon scanning and examination of technology workstreams for simplicity given they complement one another.
- Members considered focus on strategic engagement, noting the group has been good at engaging with academics and Government.
- Members suggested dedicating more time to reflection on what works well, and workshopping process improvements.

- Members discussed revisiting the list of topics for the next technology examination following finalisation of the LLMs document in September.
- Members also discussed revisiting the examination of technology template to ensure it is kept short.

Upcoming meetings

- Members noted the upcoming RMIT search engine symposium.

Other business

- eSafety noted members should coordinate in advance of senate appearances for the Big Tech Inquiry, with officer-level staff who are drafting briefings to meet towards the end of the month.

Next steps/action items

- Members to prepare the algorithms literature summary for publication.
- Members to update the LLMs document following submission of the joint submission.

Date of next meeting

The next meeting of this working group will take place on 9 August from 12-1:30pm.

DP-REG Digital Technologies Working Group

9 August 2023, 12:00pm to 1:30pm AEST

Attendance:

- ACCC – [REDACTED] (chair), [REDACTED]
- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED] (apology)

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting, and the [minutes of the previous meeting](#) were approved (noting one adjustment made to the OAIC's update, amending reference to the International Network for Digital Regulatory Cooperation).

[REDACTED] advised the group of his conflict of interest.

Agency updates, including attendance at any events and/or any upcoming events

ACCC

- [REDACTED]
- In an action brought by the ACCC, the Federal Court ordered two Meta subsidiaries, Facebook Isreal and Onavo Inc, to each pay \$10 million in penalties for engaging in conduct liable to mislead in breach of the Australian Consumer Law.
- The Minister for Finance Katy Gallagher assigned the ACCC responsibility for the Digital ID program; some of the Minister's public comments also flagged the potential establishment of a single digital regulator (the program delivery functions of such an entity are unclear).
- Met with the DISR and discussed their responsible AI consultation among other matters (noting the DISR had limited information to convey on the consultation to date as they have received a large number of submissions to the consultation and are extremely busy).

ACMA

- On 25 July 2023, the ACMA published [the second report to the Government](#) outlining its views on digital platforms' efforts under the voluntary Australian Code of Practice on Disinformation and Misinformation. The report includes visualisations of research on adult Australians' user experiences with reporting harmful content on digital platforms.
- Met with Adobe on the week commencing 31 July; Adobe presented their generative AI Firefly product; and discussed misinformation provenance issues (noting Adobe is a signatory to the DIGI Code of Practice on Disinformation and Misinformation).
- ACMA Chair Nerida O'Loughlin and Deputy Chair Creina Chapman met with the Minister for Communications Michelle Rowland to discuss misinformation and disinformation issues.

eSafety

- Finalised its position statement on generative AI to coincide with the DP-REG Digital Technology Working Group's Commissioners attendance at the [International Institute of Communications forum](#) to be held on 15 and 16 August 2023. **ACTION ITEM:** eSafety to share final version of the position statement with this working group; provide list of academics eSafety consulted over the drafting of the position statement (noting knowing who other agencies consider experts in their field would be useful for the LLM paper).

- eSafety is looking to revise and expand the Basic Online Safety Expectations (BOSE), including expanding the scope of the BOSE to other types of tech harms; online hate; generative AI; and services using generative AI.

OAIC

- On 8 August 2023, the OAIC released the [Australian Community Attitudes to Privacy Survey 2023](#). The survey includes insights on child privacy and safety; Australians' views on privacy risks; privacy issues' intersection with product safety; and difficulties unsubscribing from marketing communications.
- The OAIC is still engaging the Attorney-General's Department on the Privacy Act Review
- The OAIC is going through the court timetable on the agency's proceedings against Facebook Inc and Facebook Ireland in the Federal Court [REDACTED]
- The OAIC released [new guidance](#) on what services children can access online.

Algorithms literature summary

See also: [Current draft of the literature summary](#)

- Working group to finalise the literature summary, noting additional steering committee sign off is not required (an office level agreement will be sought).
- The summary will be published once the microsite is available.
- Agreed to timestamp the summary.

LLMs examination of technology

See also: [Current draft of the literature summary](#)

- Changed the timing for delivery of the paper to align with the microsite; flagged the paper with the ACCC's legal advice team to review the paper once all agencies have made input. **ACTION ITEM: eSafety's Communications team to review the paper (noting a two-week turnaround time should be factored in to the 30 October 2023 deadline).**
- Agreed to timestamp the publication.

Template for public facing outputs

- The ACCC agreed to prepare an initial template for public facing outputs of the working group; the working group suggested the template could address the targeted audience and distribution channels of the output. **ACTION ITEM: ACCC to circulate template before the group's next meeting.**

2023-24/2024-25 workplan discussion

- Agreed to undertake working group planning on future work around the financial year.
- Suggested holding a workshop on planning future work for the 2024-2025 financial year. **ACTION ITEM: ACCC to circulate updated work plan before the group's next meeting.**
- Suggested noting the group's current work on updating the various documents/papers in the 2023-24 work plan.

Upcoming meetings

- Agreed to hold the next meeting in September 2023, excluding 30 September [REDACTED]
- Suggested the next examination of technology could cover biometrics or immersive tech (noting, however, the group has examined immersive tech before), to be discussed further.

Date of next meeting

- The next meeting of this working group will be in September 2023, the date and time is to be confirmed.

The meeting concluded at approximately 12:30PM AEST.