

The background of the entire page is a close-up photograph of water droplets on a glass surface. The droplets are of various sizes and are scattered across the frame. A prominent horizontal tear or crack runs across the upper third of the image, creating a jagged, irregular line. The lighting is soft, highlighting the spherical shapes of the droplets and the texture of the glass.

Transparency Report **2024**

Reset·Tech
AUSTRALIA

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Reset.Tech Australia is an independent, non-partisan policy research lab committed to driving public policy advocacy, research and civic engagement to strengthen our democracy within the context of technology. We are the Australian affiliate of Reset, a global initiative working to counter digital threats to democracy.

<https://au.reset.tech/>



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Introduction

It's customary in the nonprofit game to release a glitzy document bragging about the year's activities and making big claims about the impact. We did a relatively modest version of this for 2023¹ and we're proud of it.

2024 was a giant year for tech accountability in Australia, and we've really reflected on how we wanted to tell the story of what we did and how we did it. What stuck with us is the ongoing farce of 'transparency theatre' when it comes to digital platform providers in this country.² The public continues to know very little about the thousands of design decisions digital platforms are making about our online experiences, decisions that have a credible impact on, among others, Australians' public health and wellbeing - as we heard throughout the debates on the under-16 ban. As we also heard through the 'kids ban' policy debate, we are armed with little information about how digital platforms handle public health risks, including unique issues for young people. New products are released and marketed as meaningful improvements, but we lack both the data baseline and the means to look under the hood and assess the impact of digital systems and various technical elements.

So here's our transparency report - issued with the objective not to brag or claim credit for policy movements but to comprehensively show our working, and make it clearer to Australians where some of the concepts travelling through tech policy debate have received a bit of our input. Digital platform regulatory issues can be novel and the debate over the right policy settings needs to be prosecuted with clarity and humility. Too often this year, we heard flimsy (and sometimes just wrong!) policy and legal arguments take off in parliamentary corridors. We stand by our arguments and welcome a debate, so we've presented it in this document for all to see.

We think these ideas are too important and the policy imperatives too urgent to confine the work a few elite recipients. Unlike the transparency reports you may see from the big tech providers,³ we're upfront about our work, transparent about what we say behind closed doors and desperately avoid spin. If only the digital industry players did the same.

Impact

We aim to develop high quality evidence for decision-makers involved with digital regulation. We know our work has been successful when it is used by politicians, regulators or bureaucrats to inform their work.

While wholeheartedly not claiming impact, below we reflect on three areas of our work to explore which areas of analysis appeared in policy and parliamentary debates as proxy indicators for what might have worked:

1. Thinking around a duty of care
2. Thinking around 'five central elements' and systemic regulation...and specifically on independent researcher data access
3. Thinking around industry self- and co-regulation

We also note two honourable mentions:

4. Our long term thinking around a Children's Privacy Code
5. Our emerging thinking on data markets

See our full list of outputs at [page 34](#)

1. Thinking around a duty of care

The *Online Safety Act*'s statutory review opened up a space to meaningfully consider how to use the act to push for stronger platform accountability through a duty of care model. Reset•Tech Australia has been thinking aloud about a 'duty of care' model, and how this could fit into Australia's digital regulatory landscape since 2022.

This year, we focussed on how a digital duty of care could improve Australia's *Online Safety Act*.

Our outputs included:

- Explored the concept in a policy roundtable event, which we wrote as a paper with notes for adoption and implementation.⁴ The paper was endorsed by leading children's, consumer, and human rights voices, with whom we established a small advocacy coalition.⁵
- Published a blog on a leading policy website around learnings Australia might take from the passage of the UK's duty of care in their *Online Safety Act*.⁶
- Recommended the concept in our research report highlighting the role of systemic failures in creating risk, see *Not Just Algorithms*.⁷
- Called for a duty of care in our submission to the *Online Safety Act* statutory review,⁸ and our response to the Amending *Online Safety (Basic Online Safety Expectations) Determination 2022* consultation.⁹
- Additionally, we advocated for a duty of care in our evidence to the Joint Select Committee on Social Media and Australian Society.¹⁰
- Spoke about the need for a duty of care in various public events and in the press.



Printed Report: Not just algorithms

Fake ads test highlights need for harmful online content overhaul

“

An overarching duty of care is needed, according to Farthing, so that the platforms themselves are responsible for keeping each of their systems and elements safe.”

David Swan

25th March 2024

Musk and his peers are winning the game of whack-a-mole

“

A systemic approach, such as via an overarching ‘duty of care’ would be a strong start. We must move away from focusing on individual pieces of content and galvanise the foundations of the *Online Safety Act* so regulators have options beyond the time consuming notice-and-take-down model and the performance of information requests... In its place could be a positive, legally enforceable obligation which compels platforms to mitigate against harms before they occur.”

Rys Farthing and Alice Dawkins

3rd May 2024

“



We need a product liability regime... we need a positive duty on that platform to assess and mitigate risks to the public, then we need the transparency to be able to look inside and then we need to be able to do something – ***that’s accountability.***

Alice Dawkins

Featured on ‘Big Ideas’,
recorded 25th August 2024



Ban for kids lets big tech off easy

“

It would be a costly experiment to set up a regulator solely responsible for governing access to designated online services, when we have models available to regulate systemic

risks to users across the diverse, rapidly evolving digital world. The task ahead for the government is to “finish the job” of defining what a duty of care to Australian digital platform users could more effectively entail.”

Alice Dawkins

10th September 2024

How getting big tech platforms to care for their users could mean a better online experience for everyone

“

Duty of care is a legal hook that needs to be matched with a product safety and liability style regime,” she told the ABC. There is no “single fix”, she said, but a broader framework of regulation including transparency and accountability measures would begin to address harms online. The duty of care would begin to reshape user safety in systemic ways rather than just situation-specific ones, a Reset Tech green paper published earlier this year said.”

Esther Lindner

8th October 2024

This analysis correlates a range of parliamentary stakeholders positively embracing the concept of a digital duty of care, including:

STAKEHOLDER	INSTRUMENT	QUOTE
Government	Ministerial commitment to digital duty of care reforms	“The Government will be legislating a Digital Duty of Care. The Digital Duty of Care will place the onus on digital platforms to proactively keep Australians safe and better prevent online harms.” ¹¹
Independent Zoe Daniel MP	Private member’s bill – Online Safety Amendment (Digital Duty of Care) Bill 2024	“A duty of care is not only just but essential. It is appropriately broad in scope to ensure that all of the systems, processes and elements of a digital service are captured, including ‘dark patterns’ and addictive design features.” ¹²
Australian Greens	Proposed amendment to the Online Safety Amendment (Social Media Minimum Age) Bill 2024	“The parliament should have supported the Greens’ duty of care amendment, and implemented measures that address the dangerous and predatory business models of the tech giants.” ¹³
Multi-stakeholder	Final committee report of the Joint Select Committee on Social Media and Australian Society	“The committee recommends that the Australian Government introduce a single and overarching statutory duty of care onto digital platforms for the wellbeing of their Australian users, and requires digital platforms to implement diligent risk assessments and risk mitigation plans to make their systems and processes safe for all Australians.” ¹⁴
Coalition	Coalition’s additional comments to the final committee report of the Joint Select Committee on Social Media and Australian Society	“Recommendation that the Australian Parliament legislate to impose a statutory duty of care on social media platforms and similar technology companies for their users. An overarching duty of care burden should articulate requirements for platforms to implement diligent risk assessments and safety by design principles, as well as broad obligations on those platforms to be responsible for taking all appropriate actions to ensure that the identified risks are mitigated. The duty of care regulation would define risks clearly to inform risk assessments. As part of a duty of care, there should be a requirement for companies to provide annual reporting on identified risks and actions taken to stop them, with an ability for regulators to review these, and penalties for if a regulator believes not enough action was taken. There should also be investigation of how duty of care can be enforced.” ¹⁵

2. Thinking around 'five central elements' and systemic regulation

As the discussions around digital regulation became increasingly joined up, with decision-makers and advocates looking to understand what a comprehensive approach to regulation might look like, Reset.Tech Australia undertook a stream of work to try to describe this. Based on comparative research, we developed a set of thinking and recommendations for comprehensive regulation in Australia.

Our policy and research outputs included:

- **Not Just Algorithms:**¹⁶ A comprehensive research report was released, to coincide with the Basic Online Safety Expectations review. The report noted that a comprehensive approach to regulation must move beyond focusing on algorithms alone (although algorithms are a great start).
- **Green Paper: Digital Platform Regulation:**¹⁷ With an expected upcoming flurry of parliamentary debate on digital regulations, we released a mid-year, interim green paper exploring key ideas and concepts designed to support civil society actors participating in the discussion.
- **Five Necessary Elements for Effective Digital Platform Regulation:**¹⁸ An implementation guide for the five essential components of systems-oriented digital regulation was launched and discussed at a cross-party parliamentary event.
- Specifically thinking about the role of public transparency and in systemic regulation, we have:
 - Held a policy roundtable around the need for effective public transparency and written up the discussion as a policy briefing paper¹⁹
 - Released a report on public transparency measures and what these might look like, which included specific proposals around 'researcher access'²⁰
 - Released a report supporting whistleblowers, a key element of public transparency.²¹
- Spoke about the need for systemic regulation and the five core elements, in public events and in the press.

Not Just Algorithms:
Assuring user safety online with systemic regulatory frameworks

This document is an embargoed pre-released print run. It may differ from the final version which will be available online at <https://au.reset.tech> from March 25th 2024

Trigger warning.

THIS REPORT CONTAINS IMAGES AND DEPICTIONS OF EATING DISORDERS AND SELF-HARM. ALL IMAGES INCLUDED IN THIS REPORT HAVE BEEN ACCURATELY RECREATED FROM ORIGINAL CONTENT, BUT IDENTIFYING DETAILS HAVE BEEN REMOVED.

Cover Artwork by Benjamin Horgan Design Studio

Icons used throughout report were created by 'Brickclay' from Noun Project CC-BY 4.0

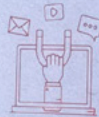


Reset.Tech Australia

SUMMARY

Many of the systems and elements that platforms build into their products create safety risks for end-users. However, only a very modest selection have been identified for regulatory scrutiny. As the government reviews the Basic Online Safety Expectations and *Online Safety Act*, the role of *all* systems and elements in creating risks need to be comprehensively addressed.

This report explores the role of four systems (recommender systems, content moderation systems, ad approval systems and ad management systems) in creating risks around eating disorders. We ran experiments on a range of platforms (including TikTok, Instagram, Facebook, X and/or Google) and found that:



01. Content recommender systems can create risks.

We created and primed 'fake' accounts for 16-year old Australians and found that some recommender systems will promote pro-eating disorder content to children.

Specifically:

- › On TikTok, **0%** of the content recommended was classified as pro-eating disorder content;
- › On Instagram, **23%** of the content recommended was classified as pro-eating disorder content;
- › On X, **67%** of content recommended was classified as pro-eating disorder content (and disturbingly, another **13%** displayed self-harm imagery).



02. Content moderation systems can create risks.

We reported explicitly pro-eating disorder content and found that platforms failed to remove this content as they claim to in their policies, meaning it stayed visible on their platform in violation of their guidelines.

Specifically:

- › On TikTok, **15.5%** of 110 reported posts were removed;
- › On Instagram, **6.3%** of 175 reported posts were removed;
- › On X, **6.0%** of 100 reported posts were removed.

Five Necessary Elements For Effective Digital Platform Regulation

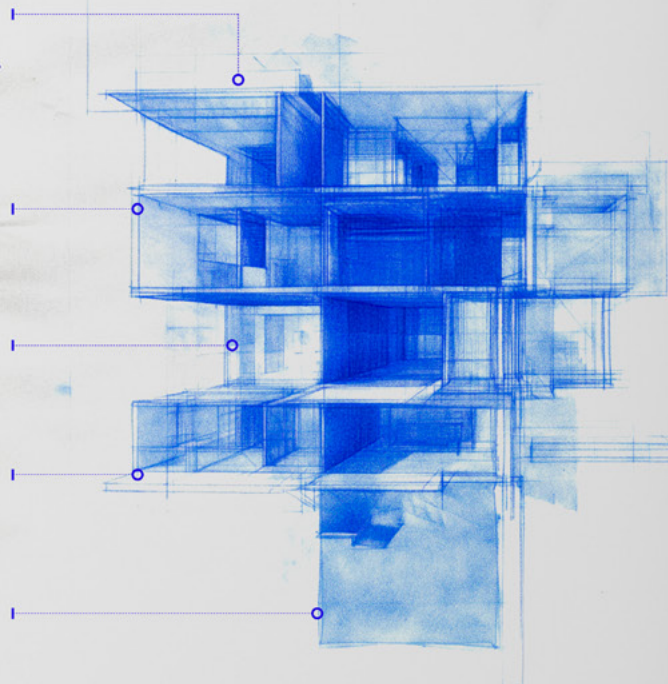
Element 5:
Accountability via
Enforceability

Element 4:
Transparency
Measures

Element 3:
Risk Mitigation

Element 2:
Risk Assessment

Element 1:
Duty of Care



November 2024

au.reset.tech/news/

Reset·Tech
AUSTRALIA

For as long as playing ball is optional, horrific violence will remain on social media

“

With the *Online Safety Act* up for review, there are signs of a more systemic approach – placing safety obligations onto platforms such as an overarching duty of care, and compelling platforms to identify risks and demonstrate how they address them.

The same needs to be done for the misinformation bill – the fixation on “downstream” content problems is both the wrong target and a fraught message. The government needs to reframe its counter-misinformation efforts as a pursuit of corporate accountability rather than a content regulation attempt with a digital bolt-on.

Tech companies, through their acts and omissions, and industry whistleblowers, have demonstrated social licence and good corporate citizenry are not high-ranking issues for social media giants.”

Alice Dawkins

22nd April 2024

“



This is one of the critical issues holding us back as a country, to understand with any sort of empirical clarity what’s going on with the algorithm.

“What’s underdiscussed is the harms companies do to us... we’re seeing systems that companies are not doing enough about”

Alice Dawkins

Featured on Q&A, recorded 19th August 2024



Big tech levy can't be a sugar hit

“

Policymakers are coming to terms with the reality that the generational defining problems of big tech are not so much memes and “shitposts” (jocular content often mischaracterised as mis- or disinformation). Nor is the problem ultimately the users. Rather, it's the technical systems and advertising infrastructure on which the whole operation rests. Targeting big tech's advertising businesses is certainly the right direction.”

Alice Dawkins

24th October 2024

Big tech should stay in the sin bin until children are safe

“

The stick of the “presumptive sin bin” as an approach to regulation needs to be wielded in the right ways to achieve proper safety. The eSafety Commissioner needs the backing to compel risk assessments, have the means to scrutinise risk mitigation efforts, and be able to assert meaningful sanctions where platforms do not lift themselves out of the sin bin.”

Rys Farthing

10th November 2024

10 NEWS

“

What’s concerning everyone is the opacity of these systems and processes that the tech platforms are making decisions on in the dark.

Whether it’s algorithms or whether it’s paid for content like advertising systems, we have absolutely no meaningful oversight of how these decisions are getting made and they’re decisions that affect Australia’s information environment and its information resilience.”

Alice Dawkins

**Featured on Afternoon Briefing
with Hon Michelle Rowland MP,
19th November 2024**



Hon Michelle Rowland MP and Alice Dawkins featured on Afternoon Briefing



Independent scrutiny needed for Big Tech accountability, expert warns

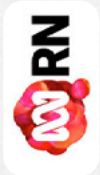
“

“We have made laws to bring international companies into jurisdiction and submit to domestic legal expectations before. The harms may feel unprecedented, but the solutions are not,” Dawkins said, noting more platforms were showing they were prepared to “weaponise their terms of service” and use algorithms to influence users of particular demographics in ways that were manipulative.

The products are risky. We need the means and mechanisms to keep collecting evidence to map the shape of these risks and inform timely interventions to fix them,” she said.

Alice Dawkins

14th October 2024



Radio National Breakfast – Panel with Alice Dawkins and Commissioner Lorraine Finlay

“

This Bill will unlock a desperately need dataset for researchers who have been progressively locked out from scrutinising Big Tech’s efforts to counter issues like bots and foreign interference.”

Alice Dawkins

October 2024

This analysis correlates a range of parliamentary stakeholders positively embracing the comprehensive model.

STAKEHOLDER	INSTRUMENT	QUOTE
Government	Policy speech to the Sydney Institute	“The <i>Online Safety Act</i> has been a crucial tool for incentivising digital platforms to remove illegal content, usually applied remedially and case by case. However, it does not, in a fundamental sense, incentivise the design of a safer, healthier, digital platforms ecosystem. To my mind, what’s required is a shift away from reacting to harms by relying on content regulation alone, and moving towards systems-based prevention, accompanied by a broadening of our regulatory and social policy perspective of what online harms are experienced... if I were to describe pre-1974, and post-1974, as two distinct phases of regulation – from the pre-modern world of caveat emptor to something like a modern consumer protections system – then I believe we are heading towards a third phase with a distinctly digital character.”
Zoe Daniel MP	Private member’s bill – Online Safety Amendment (Digital Duty of Care) Bill 2024	“A private members bill was put forward that echoed the five necessary elements of digital regulation we described.”
Monique Ryan MP	Private member’s bill – Online Safety Amendment (Digital Duty of Care) Bill 2024	“What is the problem here? The fact that we in this country allow billion-dollar companies to market unsafe digital products, or the fact that some of the people who use those products are teenagers?... Systemic regulation can drive up safety and privacy standards on all platforms for all children, and this approach has been supported by expert groups in mental health, digital literacy and child psychology.”
Senator Jacqui Lambie	Question without notice	“The government should take a look at what Europe is doing. Have a damn good look at what it’s doing. They have the Digital Services Act. They regulate the algorithms. That’s the one—regulating the algorithms. What’s stopping you?”



STAKEHOLDER	INSTRUMENT	QUOTE
<p>Multi stakeholder</p>	<p>Final committee report of the Joint Select Committee on Social Media and Australian Society</p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • The committee recommends that the Australian Government consider options for greater enforceability of Australian laws for social media platforms, including amending regulation and legislation, to effectively bring digital platforms under Australian jurisdiction. • The committee recommends that the Australian Government, as part of its regulatory framework, ensures that social media platforms introduce measures that allow users greater control over what user-generated content and paid content they see by having the ability to alter, reset, or turn off their personal algorithms and recommender systems. • The committee recommends that the Australian Government introduce legislative provisions to enable effective, mandatory data access for independent researchers and public interest organisations, and an auditing process by appropriate regulators. • The committee recommends that industry be required to incorporate safety by design principles in all current and future platform technology.

...and specifically on independent researcher data access

One part of the model for comprehensive regulation includes improved public transparency, including through ‘researcher access’ to platform data. We saw this analysis correlate with a range of discussions in parliament including:

STAKEHOLDER	INSTRUMENT	QUOTE
ALP	Government amendment to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024²²	“I acknowledge the constructive engagement of the crossbench in informing the government amendments that are now before the House. The government’s amendments will further enhance transparency of the actions of digital communication platforms in relation to misinformation and disinformation... [including] new provisions which would enable the ACMA to make digital platform rules to establish one or more data access schemes that would require digital communication platform providers to give independent researchers access to data for the purposes of research.”
Zoe Daniel MP	Crossbench amendment to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024²³	“Today researchers in Europe and America have data access rights where it is in the public interest to investigate how algorithms are operating on a digital platform in a specific region. My amendments will enable Australian researchers to gain the same level of insight into the data of how algorithms are functioning in our country too.” Zoe Daniel MP, 6th November 2024
Senator David Pocock	Proposed amendment to the Online Safety Amendment (Social Media Minimum Age) Bill 2024²⁴	“We need to be... allowing researchers access to data so we can actually understand how these platforms are impacting people... this would go further to reducing harm... [we need to] put the pressure on the tech companies to come clean on what the algorithms are actually doing” Senator David Pocock, 29th November 2024

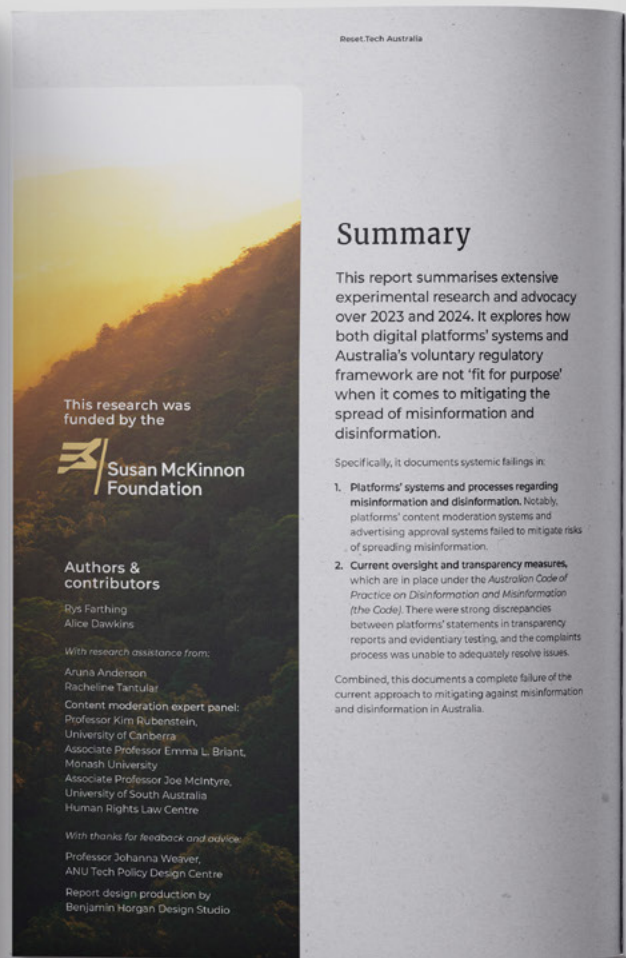
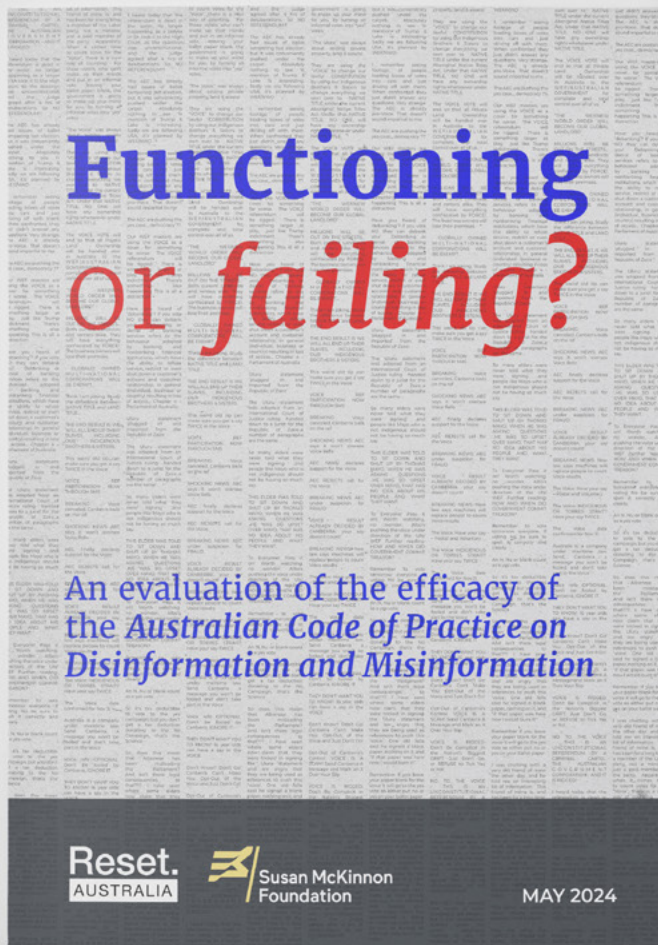
3. Thinking around industry self- and co-regulation

There is a paradox in Australian digital regulation. As the competition and consumer harms of the technology sector have escalated, direct regulation has been overshadowed by self-regulatory, quasi-regulatory or co-regulatory preferences. Despite numerous claims from various governments that they are cracking down on Big Tech, representatives from the industry have continued to benefit from a presumption of drafting primacy. However, key developments over the past year indicate that the era of industry-led drafting and digital co-regulation is gradually ending. New legislation now empowers regulators and relevant departmental bodies to draft the necessary codes for children's privacy and data protection, and scam prevention. The only area that remains under a co-regulatory scheme is online safety.

Reset•Tech Australia has a long-standing stream of work documenting the harms of self and co-regulation, arguing that direct regulation should be re-entrenched as the primary preference for regulating large digital platform companies in Australia.

Our policy and research outputs across 2024 included:

- A bumper report²⁵ exploring how both digital platforms' systems and Australia's voluntary regulatory framework are not 'fit for purpose' for mitigating the spread of misinformation and disinformation.
- Highlighted gaps in Australia's voluntary framework for misinformation by raising a complaint highlighting how voluntary standards do not address misleading conduct as it is understood under Australian Consumer Law. We released a video animation²⁶ detailing the claims Meta makes about their misinformation mitigation processes in their transparency reporting, and how these are allowed to be misleading.
- A policy briefing, integrating legal advice received on the deficiencies observed in platforms' transparency reporting processes, as developed under a voluntary Code.²⁷
- Held a policy roundtable on co-regulation and safety standards, and wrote up our analysis as a policy briefing.²⁸
- Spoke about the need to move away from self and co-regulation in a range of public events and in the press.



Digital mock-up of digital report: *Functioning or failing? An evaluation of the efficacy of the Australian Code of Practice on Disinformation and Misinformation*



Digital mock-up of digital report: *Does digital co-regulation function in children's best interests?*

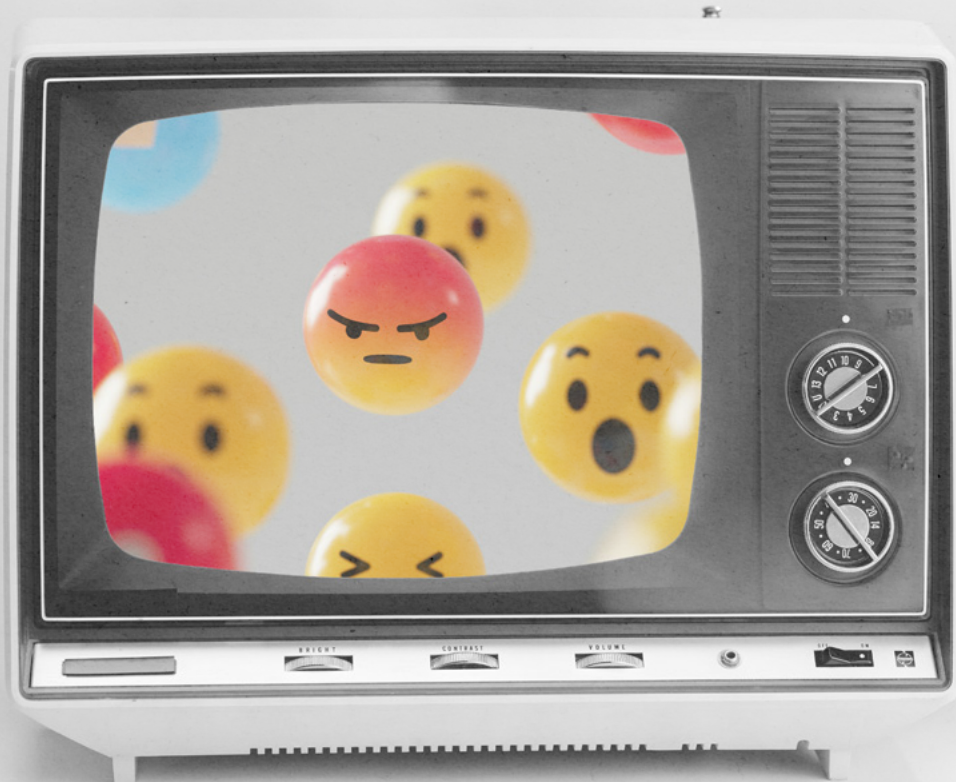


New complaint alleges Meta is misleading Australians over its disinformation and misinformation controls on Facebook

“

Meta is the subject of a formal complaint that it is misleading Australians by overstating its response to disinformation on Facebook. The complaint, lodged by global online safety researcher Reset. Tech, says there is evidence that many known falsehoods are escaping automated labelling. The complaint will be investigated to determine whether Meta has breached the Australian Code of Practice on Disinformation and Misinformation.”

28th March 2024



The logo for Sunday Age, featuring the word "Sunday" in a smaller font above "Age" in a larger, bold font, with a small graphic of a person's head above the "A" in "Age".

Online safety: Are Australian children protected enough online?

“

There’s no incentive for platforms to implement meaningful rules,” says Rys Farthing, the director of children’s policies. “The industry representative group, DIGI [on behalf of X and Meta], writes the rules. And, of course, it’s in their best interest to write them as weakly as possible.”

28th April 2024

The logo for The Guardian, with "The" in a smaller font above "Guardian" in a larger, bold font.

Thinktank warns Australian misinformation laws should not be based on voluntary industry code

“

The Australian government’s laws to force tech companies to act on misinformation should not be based on the current voluntary industry code as planned, because those standards are not being met, a technology thinktank has said.”

3rd May 2024

The Daily Telegraph

Meta let off hook over fake content

“

Alice Dawkins said DIGI’s findings showed Australia’s self-regulatory model had left the country “under-protected”. She said the result was an “embarrassment” for Australia which once “led the world in online safety”.

13th May 2024

The Canberra Times

Experts bemoan fractured approach to big tech regulation

“

Only hard laws can achieve accountability in a digital platforms market,” Reset Tech Australia executive director Alice Dawkins told a parliamentary inquiry. “Social media companies have some of the best lawyers and lobbyists in the world and have done a brilliant job at creating a state of exception from the ordinary reach of laws.”

11th July 2024

4. Long-term thinking around a Children's Privacy Code

Reset•Tech Australia has been campaigning for a Children's Privacy Code since 2021. As the legislation necessary for a Code passed this year, we thought it warranted a special mention as a long-term impact.

Reset•Tech has coordinated a children's privacy code coalition with other children's sector organisations, and made sustained calls for this code.²⁹ Work in this space has included a range of research reports and briefings,³⁰ which continued across 2024. For example, we collaborated with the Australian Youth Affairs Council to bring young people together with the Privacy Commissioner to debate what they wanted from privacy policy; we presented at the NSW Social Media Summit about the ways a Children's Privacy Code could enhance children's rights; we released an exploration into the use of children's data to drive targeted advertising,³¹ and; discussed the need for a Children's Privacy Code in the press.

Our first success was getting the proposals put forward in the Privacy Legislation Amendment (Enhancing Online Privacy and Other Measures) Bill in 2021. This Bill did not pass before the general election and was not carried forward. Subsequently, we saw the proposal for a Children's Privacy Code emerge as recommendations from the Attorney General in the Privacy Act Review³² which the Government accepted.³³ While the full scope of the proposed reforms to the Privacy Act are in a holding pattern, the *Privacy and Other Legislation Amendment Act 2024* passed, which included the proposal for a Children's Privacy Code. This means the Office of the Australian Information Commissioner has been formally instructed to commence drafting a Children's Privacy Code. We are particularly proud of the \$3m provided to the regulator, the Office of the Australian Information Commissioner (OAIC), to develop the Code in-house, breaking the tradition of tech industry drafting primacy.



Australian Government

Privacy and Other Legislation Amendment Act 2024

26GC Development of APP codes by the Commissioner—Children’s Online Privacy Code

Children’s Online Privacy Code

1. The Commissioner must develop an APP code (the Children’s Online Privacy Code) about online privacy for children.
2. The other provisions of this Division (including section 26C) apply in relation to the Children’s Online Privacy Code subject to this section.

Matters covered by code

3. For the purposes of paragraph 26C(2)(a), the Children’s Online Privacy Code must set out how one or more of the Australian Privacy Principles are to be applied or complied with in relation to the privacy of children.



The Canberra Times

Without precautions, pushing kids off social media could be dangerously naive

“

One of the legacy pieces the Albanese Government was handed from its predecessor was an advanced set of work on Australia’s nearly forty-year old Privacy Act. The Albanese Government provided a response to the Review Report last year. Regulatory impact assessments kicked off this year. Against the grain of industry lobbying and costings scaremongering, a proposal for a regulator-drafted Children’s Privacy Code survived stage after stage. But in these final sitting weeks of policy horse-trading, an uncontroversial yet vital piece of reform may be once again cast aside in favour of quick fixes.

Alice Dawkins & Rys Farthing

2nd September 2024



5. Emerging thinking around data markets

Over the last year, we have collaborated with research partners Wolfie Christl (Cracked Labs) and Johnny Ryan (Irish Council for Civil Liberties) and advocacy partners CHOICE, Consumer Rights Policy Centre and Electronic Frontiers Australia to bring more attention to the real-time bidding industry and the security vulnerabilities it brings to Australia. We thought this emerging field of work warranted an honourable mention in our impact statement.

Our policy and research outputs included:

- In December 2023 we released a report³⁴ and animation³⁵ on how targeted advertising practices prey on vulnerable consumers. This started our thinking on the nexus between online data markets and other risks to Australians. This analysis was drawn upon in the ACCC's eighth interim report of the Digital Platforms Services Inquiry.³⁶
- Working with the Irish Council for Civil Liberties, we examined the dataset developed for their investigation into Australia's data-driven national security vulnerabilities³⁷ to offer analysis into the personal security vulnerabilities potentially created or exacerbated by digital advertising, such as the rise in personalised scams.³⁸

The reporting on this research led to statements from the federal Opposition on the urgency of data protection and privacy reforms to safeguard Australia's national security.

"The Albanese Labor government must act immediately to restrict unwanted transfer of data to malicious actors, including through its forthcoming reforms to the Privacy Act and the new [cyber security] laws it is introducing,"

- **Senator James Paterson,**
Opposition Home Affairs
spokesperson

NEWS

The sensitive data of Australia's security personnel is at risk of being on-sold to foreign actors

“

It'd be great to see some commitments made by both parties before the next election, because Australia is starting to feel like one of the leakiest, most insecure places in the world," Ms Dawkins said.

"It is high time to update and review the Privacy Act," Dr Ryan said.

"Australians should be able to use the internet without their secrets being widely circulated and sold."

Ange Lavoipierre

3rd October 2024

NEWS

Experts say scammers are getting a leg-up from the system that serves us personalised ads

“

Ms Dawkins pointed out that the sharp increase in scams has coincided with the growth of RTB in online advertising, and while there was no way to confirm that's how David Niven was targeted, the overall pattern is a major concern.

"You're going to have to go to a scammer to find out precisely what they're doing ... but we've looked at this logically," she said.

"There's this narrative that all of your scam approaches are coming from an [illegal] data breach ... [but] why would you be trying to buy that data when the RTB system is much more accessible, and it's currently legal?"

Rys Farthing

10th November 2024

The Daily Telegraph

Aussies' private data being shared without consent through online advertisers exposing them to scammers

“

The ad tech industry talk about the data being anonymous or anonymised, and the narrative of anonymous ads, which I just find so extraordinary,” she said.

“It’s the ad tech industry’s version of greenwashing. The whole point of the detail in these datasets is so you can target a person with ads relevant to them, such as through a cookie ID or a browser ID.

So the notion that all of this effort goes into targeting ads and then it couldn’t possibly be linked to a person is so nonsensical, because that’s the entire point.”

Ms Dawkins said the Australian parliament needed to set clearer expectations on what types of data was protected.

Emma Kirk

October 4 2024

Full list of 2024 publications

Online safety

Reset•Tech Australia **Not just algorithms** (2024) <https://au.reset.tech/uploads/Not-Just-Algorithms-web-230323-V1.0.pdf>

Reset•Tech Australia **A Duty of Care in Australia's Online Safety Act** (2024) <https://au.reset.tech/news/briefing-a-duty-of-care/>

Rys Farthing & Lorna Woods 'The dangers of pluralisation: A singular duty of care in the Online Safety Act' (2024) **The Policy Maker** <https://thepolicymaker.jmi.org.au/the-dangers-of-pluralisation-a-singular-duty-of-care-in-the-online-safety-act/>

Reset•Tech Australia **Can safety standards be enforceable?** (2024) <https://au.reset.tech/news/briefing-can-safety-standards-be-enforceable/>

Reset•Tech Australia **Youth radicalisation on YouTube Shorts: A live experiment** (2024) <https://au.reset.tech/news/youth-radicalisation-on-youtube-shorts-a-live-experiment/>

Reset•Tech Australia **Protecting teenagers in the digital world or prohibiting them from it?** (2024) <https://au.reset.tech/news/protecting-teenagers-in-the-digital-world-or-prohibiting-them-from-it/>

Reset•Tech Australia **Submission: Online Safety Act Statutory Review** (2024) <https://au.reset.tech/news/submission-online-safety-act-statutory-review/>

Reset•Tech Australia **Response to the Amending Online Safety (Basic Online Safety Expectations) Determination 2022 consultation** (2024) <https://au.reset.tech/news/submission-online-safety-act-statutory-review/>

Data security & privacy

Reset•Tech Australia **Any Buyer Accepted: Unregulated data markets create personal security risks** (2024) <https://au.reset.tech/news/any-buyer-accepted-unregulated-data-markets-create-personal-security-risks/>

Reset•Tech Australia **Best interest and targeting** (2024) <https://au.reset.tech/news/best-interests-and-targeting-implementing-the-privacy-act-review-to-advance-children-s-rights/>

Reset•Tech **4th Annual research symposium (Privacy and young people in Antigua & Barbuda)** (2024) <https://au.reset.tech/news/research-paper-4th-annual-research-symposium/>

Reset•Tech **Australians worried about privacy risks strongly support reforms** (2024) <https://au.reset.tech/news/report-australians-worried-about-privacy-risks-strongly-support-privacy-reforms/>

Robust regulatory models

Reset.Tech Australia
Transparency reports in Australia (2024) <https://au.reset.tech/news/briefing-transparency-reports-in-australia/>

Reset.Tech Australia **Green paper: Digital platform regulation in Australia** (2024) <https://au.reset.tech/news/green-paper-digital-platform-regulation/>

Reset.Tech Australia **Achieving digital platform public transparency in Australia** (2024) <https://au.reset.tech/news/achieving-digital-platform-public-transparency-in-australia/>

Reset.Tech Australia **Does co-regulation function in children's best interests?** (2024) <https://au.reset.tech/news/does-digital-co-regulation-function-in-children-s-best-interests/>

Reset.Tech Australia **Five necessary elements for digital platform regulation** <https://au.reset.tech/news/5-necessary-elements-for-digital-platform-regulation/>

Reset.Tech Australia **Who are Digital transparency reports for?** (2024) <https://au.reset.tech/news/who-are-digi-transparency-reports-for/>

Reset.Tech Australia **Functioning or failing? An evaluation of the efficacy of the Australian Code of Practice on Disinformation and Misinformation** (2024) <https://au.reset.tech/news/report-functioning-or-failing/>

Reset.Tech Australia
Misinformation and disinformation will not be combatted with industry codes (2024) <https://au.reset.tech/news/misinformation-and-disinformation-will-not-be-combatted-with-industry-codes/>

Reset.Tech Australia and Human Rights Law Centre **Technology-related whistleblowing: a practical guide** (2024) <https://www.hrlc.org.au/reports-news-commentary/tech-whistleblowing-guide>

Reset.Tech Australia **Where to for protected digital disclosures?** (2024) <https://au.reset.tech/news/where-to-for-protected-digital-disclosures-in-australia/>

Miscellaneous

We held four policy roundtables across 2024, documents of which are filed above.

We launched a new email newsletter in November too, for the real policy geeks who want this stuff straight to their inboxes. We shared two editions of this across 2024.

Finances

Funders this year include:

Reset.Tech (US)

Internet Society Foundation

Susan McKinnon Foundation

Boundless Foundation

Manniferra

One private donor (thank you!)

NSW Government*

*For support attending the social media summit

Just a note that our annual accounts are being produced and will, as always, be made available via the ACNC website

To the future!

We fired Alice-and-Rys-sized missiles into the public debate on platform accountability in 2024, which grew in size and intellectual diversity as the year progressed. We must constantly assess where to direct our effort for such a small organisation. Reflecting on the impact from 2024 and the key opportunities for 2025, we have concluded that we should hone our focus on two key areas, a shift that feels especially pragmatic given how many excellent advocates are taking the reins in the public arena across a range of areas.

These include:

- The successful implementation of the Children's Privacy Code. The Code is now safely in the hands of the OAIC to develop, and we are keen to ensure that it is written and implemented in ways that effect meaningful changes for Australian children.
- Work around the *Online Safety Act* statutory review. Building out the concept of a Digital Duty of Care, specifically to ensure risk assessments and risk mitigation requirements are understood as central to the process.



Endnotes

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