Snap Inc.

15 May 2024

Snap Inc. Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Thank you for the opportunity to provide a submission to inform the second stage of reforms to the National Classification Scheme (the Scheme).

This submission responds to question 2 from the public issues paper concerning the criteria for defining what material should be classified under the Scheme. We agree with the approach proposed by the Government to exclude "user-generated material that has been posted online" from the scope of classifiable content and we have made two recommendations to clarify this further.

We have also provided some general information on our commitment to trust and safety on Snapchat, particularly in relation to public content on our platform.

<u>**Introduction to Snap and Snapchat**</u>

As a brief introduction, Snap is a technology company. The company's three core products are Snapchat, a visual messaging app that enhances people's relationships with friends, family, and the world; Lens Studio, an augmented reality (AR) platform that powers AR across Snapchat and other services; and the company's AR glasses, Spectacles. We are proud to say that Snapchat has more than 800 million monthly active users, including over 8 million in Australia.

Snapchat is designed differently to traditional social media platforms; in fact we believe that Snapchat is an antidote to such platforms. At a high level, we use two principles to help guide our design process: **safety by design**, which is about prioritising the safety of our community, and **privacy by design**, which focuses on thoughtfully collecting and processing user data. Product, Policy, Legal, and Engineering colleagues are involved in the product and feature development lifecycle, from conception to release.

This up-front focus on safety and privacy by design is reflected in the design of Snapchat. Unlike traditional social media, Snapchat does not offer an open news feed where unvetted publishers or individuals have an opportunity to broadcast hate, misinformation, or violent content. Rather, Snapchat is at heart a visual messaging application, designed for private communications (either 1:1 or in limited-size groups), with the aim of encouraging users to interact creatively with their real friends, not strangers.

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Snap's content platforms

While Snapchat is primarily a platform for private messaging between real friends, there are two public areas of our app where content is served: the Discover section of Stories and Spotlight.

Through our safety and privacy by design framework, which prioritises the safety of our community, we have made a range of design choices to help keep Snapchatters safe:

- Our [Community Guidelines](#) outline the **content or behaviours that are prohibited on Snapchat**. These are clearly categorised under Sexual Content; Harassment & Bullying; Threats, Violence & Harms, Harmful False & or Deceptive Information; Illegal or Regulated Activities; and Hateful Content, Terrorism and Violent Extremism.

- We **do not apply an algorithm to a feed of unvetted or unmoderated public content**. The Discover section of Stories and Spotlight are closed platforms where content is moderated, meaning that we approve content before it receives broad distribution, limiting the spread of content prohibited by our Community Guidelines.

- We provide **easy-to-use in-app reporting tools** so our community can notify us of potential safety issues, including specific reporting options for different categories of content prohibited by our Community Guidelines, including nudity, violence and drugs.

- Through Snapchat's **Family Centre**, parents can link their account with their teens and can see who they are talking to, check their privacy and safety settings, and set content controls to filter out sensitive or suggestive content in the Discover section of Stories and Spotlight.

- Our **global Trust & Safety team, including team members embedded in our Sydney office**, work 24/7 to review user reports and take appropriate action, including in relation to content prohibited by our Community Guidelines.

Classification and user-generated content

We note the following proposed criteria that has been set out in the public issues paper at page 9 to define "classifiable content":

> *professionally produced* – content with higher quality production values

> *distributed on a commercial basis* – to capture organisations or individuals that distribute media content as part of their business, as opposed to individuals or community groups whose main purpose is not to distribute media content for commercial gain; and

directed at an Australian audience – a selection of content is specifically made available for Australia or marketing is specifically directed at Australians.

We further note the confirmation in the public issues paper at page 9 that user-generated material that has been posted online is not intended to require classification, specifically:

the criteria would capture online streaming providers and online games stores directed at Australian consumers, but would not capture user-generated material that has been posted online which has historically been captured due to the broad definition of 'film' in the Classification Act.

We strongly support the proposed exclusion from the Scheme of user-generated material that has been posted online and we note that such content already falls within the scope of the *Online Safety Act 2021*, which provides a more appropriate, effective and nimble regulatory framework for this form of content. As the issues paper notes, the Online Safety Act is being separately reviewed this year.

We also agree with the three proposed criteria of "professionally produced", "distributed on a commercial basis", and "directed at an Australian audience" for defining classifiable content. However, to ensure that the exclusion of used-generated content is made explicit and to provide the best clarity to the community and content creators about the precise scope of classifiable content, we suggest that the Government could take some additional steps when it gets to the stage of designing future legislation, which we have outlined in further detail below.

Q2: Do you support the proposed criteria that defines what material should be classified under the Scheme?

Snap response: We support the criteria of "professionally produced", "distributed on a commercial basis", and "directed at an Australia audience" as proposed in the issues paper for defining classifiable content, and particularly the proposed exclusion of online user-generated content, which is already regulated under the Online Safety Act.

To ensure that this exclusion is made explicit and clear, we also recommend taking the following steps when preparing any future legislation:

Recommendation 1: Provide clear definitions around the three criteria, aligned with the descriptions provided in the issues paper. In addition, we would also recommend that the Government could strengthen these descriptions to take into account the following:

> "professionally produced": clarifying also that content with higher quality production values often involve professional equipment, production sets and professional crews, noting that given current and ongoing technology advances, particularly around editing, low cost user-generated content can appear to have higher production values.
>
> "distributed on a commercial basis": in addition to the current proposed description, clarifying that just because a content creator has been remunerated does not necessarily mean that their content has been "distributed on a commercial basis", noting that some user-generated content creators may earn revenue from their work.
>
> **Recommendation 2**: Explicitly include in any future legislation wording that "user-generated material that is available online" is not classifiable content (we would not suggest using the word "post", as has been used in the issues paper, as existing well-understood terminology may change in future). This would ideally be set out in a provision, but alternatively could be included as a note within the legislation or at a minimum within the Explanatory Memorandum.

Conclusion

We thank the Department for the opportunity to provide a submission to inform the second stage of reforms to the Scheme. As discussed, we strongly support the proposed exclusion of online user-generated content from the scope of the Scheme, being content that is already regulated under the Online Safety Act, and hope that our recommendations are helpful to the Department.