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LinkedIn's response to the Statutory Review of the Online Safety Act 2021

As a real-identity professional networking service that is committed to remaining safe, trusted, and professional, and that respects the laws that apply to it, LinkedIn welcomes the opportunity to provide this submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts in response to the Statutory Review of the Online Safety Act 2021 - Issues Paper.

Promoting a technology neutral approach

LinkedIn encourages the Government to take a technology-neutral approach, focusing on the specific harms rather than the means through which the harm is generated. Such an approach is critical in online safety, given the range of services and the speed of technological change. Taking a technological neutral approach, focusing on the harm itself, will help "future proof" the regime by giving services flexibility on how they can appropriately comply to protect their user base from harm. Such an approach is consistent with other regimes globally and supports service providers in protecting their users in Australia.

Regulatory obligations should depend on a service providers' risk

A range of factors can work together to shape a service's risk profile, including the service's purpose, target audience, reach, and whether the service requires users to log in and operate under their real identity to engage with others and share content. For example, because LinkedIn is a specific-purpose professional platform where members must operate under their real or preferred professional name and the content they post is visible to the member's professional community, LinkedIn members by and large tend to limit their activity to professional areas of interest and expect the content they see to be professional in nature.

Given the complex interplay between the impacts of these factors, LinkedIn recommends that the Government tie services' regulatory obligations to their individual overall risk profiles rather than to individual factors that contribute to that profile (such as reach).

Similarly, to the extent Australia moves from the current government funded model, LinkedIn encourages the Government to consider a cost recovery model based on the risks associated with a service rather than simply the service's reach. Such a model would be more proportionate than one solely based on user numbers as higher risk services (and thus, those likely to be more heavily regulated) would pay a higher proportion of the costs associated with regulating such services.

Mechanisms to provide researchers and eSafety with access to data

Like a number of other services, LinkedIn has established programmes to enable researcher access to public data. Such programmes are designed, in part, to comply with existing global regulatory obligations. To the extent Australia considers introducing researcher access obligations, LinkedIn encourages the Government to (1) harmonise such requirements with those of other major regulatory regimes like the European Union to help ensure services and researchers can benefit from a consistent global approach, and (2) clarify whether any such requirements will extend to non-public data access and, if so, how such

requirements will comply with existing privacy laws, while at the same time protecting commercially sensitive information.

Alternative dispute resolution mechanisms

LinkedIn has existing robust user reporting and appeals mechanisms in place. These mechanisms are designed to enable LinkedIn to make timely, transparent, and consistent content moderation decisions under LinkedIn's [Professional Community Policies](#).

In developing any alternative dispute resolution mechanism, LinkedIn encourages the Government to ensure that—

- service providers' reporting and appeal mechanisms remain the primary method for resolving disputes between users and service providers, with any alternative dispute resolution becoming available only after they have been used; and
- service providers retain the flexibility to apply their own policies, which have been carefully developed in light of the service provider's own service.

LinkedIn appreciates the opportunity to provide the above input to the Australian Government's review of the Online Safety Act 2021 and is happy to discuss our recommendations directly with the independent reviewer.