

The Expectations include a range of foundational steps that providers are expected to take to ensure safety for their users, as summarised in the following table.

Table one: Summary of the Expectations

| Division | Headline Expectation | Expectations | Examples of reasonable steps that could be taken (where provided in the Determination) or qualifications |
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| <p>2. Safe use¹</p> | <p>(S 6) Reasonable steps to ensure safe use.</p> | <p>The provider of the service will take reasonable steps to ensure that end-users are able to use the service in a safe manner.</p> <p>The provider of the service will take reasonable steps to proactively minimise the extent to which material or activity on the service is unlawful or harmful.</p> | <p>Examples of reasonable steps:</p> <p>(a) Developing and implementing processes to detect, moderate, report and remove (as applicable) material or activity on the service that is unlawful or harmful.</p> <p>(b) Ensuring that the default privacy and safety settings of the children’s service are robust and set to the most restrictive level - if a service or a component of a service (such as an online app or game) is targeted at, or being used by, children (the children’s service).</p> <p>(c) Ensuring that persons who are engaged in providing the service, such as the provider’s employees or contractors, are trained in, and are expected to implement and promote, online safety.</p> <p>(d) Continually improving technology and practices relating to the safety of end-users.</p> <p>(e) Ensuring that assessments of safety risks and impacts are undertaken, and safety review processes are implemented, throughout the design, development, deployment and post-deployment stages for the service.</p> |
| | <p>(S 7) Consult with the eSafety Commissioner and refer to the Commissioner’s guidance in determining such reasonable steps to ensure safe use.</p> | <p>The provider will consult the Commissioner in determining the reasonable steps to ensure safe use.</p> <p>The provider will also have regard to any relevant guidance material made available by the Commissioner.</p> | |

¹Division 1 provides an overview of the purpose of the Determination.

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| 2. Safe use | (S 8) Reasonable steps regarding encrypted services. | If the service uses encryption, the provider will take reasonable steps to develop and implement processes to detect and address material and activity on the service that is unlawful or harmful. | <p>Qualifications</p> <p>This expectation does not create a requirement to:</p> <ol style="list-style-type: none"> 1. implement or build a systemic weakness, or systemic vulnerability, into an encrypted service 2. build a new decryption capability into an encrypted service 3. render methods of encryption less effective. |
| | (S 9) Reasonable steps regarding anonymous accounts. | If the service permits the use of anonymous accounts, the provider will take reasonable steps to prevent those accounts being used to deal with material, or for activity, that is unlawful or harmful. | <p>Examples of reasonable steps</p> <ol style="list-style-type: none"> 1. Having processes that prevent the same person from repeatedly using anonymous accounts to post material, or engage in activity, that is unlawful or harmful. 2. Having processes in place that require verification of identity or ownership of accounts. |
| | (S 10) Consult and cooperate with other services to promote safe use. | The provider will take all reasonable steps to consult and cooperate with other service providers to promote the ability of end-users to use all those services in a safe manner. | <p>Examples of reasonable steps</p> <ol style="list-style-type: none"> 1. Working with other service providers to detect high volume, cross-platform attacks (also known as ‘pile-on’ or ‘volumetric’ attacks). 2. Sharing information with other service providers about unlawful or harmful material and activity for the purpose preventing and dealing with such material or activity. |
| 3. Certain material | (S 11) Reasonable steps to minimise provision of certain material. | <p>The provider will take reasonable steps to minimise the extent to which the following material is provided on the service:</p> <ol style="list-style-type: none"> 1. Cyberbullying material targeted at an Australian child. 2. Adult cyber abuse material. 3. Non-consensual intimate images of a person. 4. Class 1 material. 5. Material promoting, inciting, instructing in or depicting abhorrent violent conduct. | |
| | (S 12) Reasonable steps to prevent access by children to class 2 material. | The provider will take reasonable steps to ensure that technological and other measures are in effect to prevent access by children to class 2 material provided on the service. | <p>Examples of reasonable steps</p> <ol style="list-style-type: none"> 1. Implementing age assurance mechanisms. 2. Conducting child safety risk assessments. |

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| 4. Reports and complaints | (S 13) Mechanisms to report and make complaints about certain material. | The provider will ensure that the service has clear and readily identifiable mechanisms that enable end-users and any person ordinarily resident in Australia to report and make complaints about certain material provided on the service. | |
| | (S 14) Service has terms of use, policies, procedures to deal with complaints. | The provider will ensure that the service has: <ol style="list-style-type: none"> 1. terms of use 2. policies and procedures relating to end-user safety 3. policies and procedures for dealing with complaints and reports 4. standards of conduct for end-users 5. policies and procedures relating to content moderation and the enforcement of conduct standards. Providers will take reasonable steps so that penalties for breaches of terms of use are enforced against all accounts held or created by the end-user who breached the terms of service. | |
| | (S 15) Service will have mechanisms to report and make complaints about breaches of terms of use. | The provider will ensure that the service has clear and readily identifiable mechanisms that enable: <ol style="list-style-type: none"> 1. end-users, and 2. any person ordinarily residing in Australia, to report, and make complaints about, breaches of the service's terms of use. | |
| | (S 16) Accessible information on how to complain to eSafety. | The provider will ensure that there is readily accessible information and guidance provided to end-users on how to make a complaint to eSafety, in accordance with the Online Safety Act 2021, about any of the 'certain material' listed above – including class 2 material. | |
| 5. Accessible information | (S 17) Information on terms of use, policies and complaints made accessible. | The provider will provide information on: <ol style="list-style-type: none"> 1. terms of use, policies and procedures, and standards of conduct 2. online safety and parental control settings – including the availability of tools and resources published by eSafety. The provider will ensure that that this information is: <ol style="list-style-type: none"> 1. readily accessible to end-users 2. accessible at all points in the end-user experience (for online safety settings, parental controls, and eSafety resources) 3. regularly reviewed and updated 4. written in plain language. | |
| | (S 18) End-users receive updated information about changes to policies, terms and conditions, or similar documents. | The provider will ensure that end-users receive plain language updates about any changes to the information listed above. Such updates include targeted in-service communications. | |
| 6. Record Keeping | (s19) Records of end-user-reports and complaints to be kept for five years. | The provider will keep records of reports and complaints about certain material provided on the service for five years after the report or complaint is made. | |

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| 7. Dealings with the Commissioner | (S 20) Provider will provide requested information to the Commissioner. | <p>The provider must comply within 30 days if the Commissioner gives them a written notice requesting:</p> <ol style="list-style-type: none"> 1. A statement that sets out the number of complaints made to the provider during a specified period (not shorter than six months) about breaches of the service's terms of use. 2. A statement that sets out, for each removal notice given to the provider during a specific period (not shorter than six months), how long it took the provider to comply with the removal notice. 3. Specified information relating to the measures taken by the provider to ensure that end-users are able to use the service in a safe manner. 4. A report on the performance of online safety measures that the provider has announced publicly or reported to the Commissioner. | |
| | (S 21) Provider will have a designated contact point. | <ol style="list-style-type: none"> 1. The provider will ensure that there is an employee, or agent of the provider, that is designated as the service's contact point for the purposes of the Online Safety Act 2021. 2. The provider will ensure that this contact person's e-mail address and phone number are given to the Commissioner. 3. If there is a change to the identity or contact details of the contact point, the provider will give the Commissioner written notice of the change within 14 days. | |