

██████████, on behalf of X Corp.

By Email ██████████

Our Reference: BOSE-2023-124

Service provider notification in relation to contravention of section 57 of the *Online Safety Act 2021 (Cth)*

(Under section 62(1) of the *Online Safety Act 2021 (Cth)*)

I, in my role as eSafety Commissioner, give this service provider notification (**the Notification**) to X Corp. for failure to comply with the non-periodic reporting notice (**the Notice**) given to Twitter, Inc. on 22 February 2023 in relation to the Twitter service, and contravening section 57 of the *Online Safety Act 2021 (Cth)* (**the Act**).

Background

On 22 February 2023, I gave the Notice to Twitter, Inc. under section 56(2) of the Act, requiring it to report on its implementation of the Basic Online Safety Expectations (**the Expectations**) on the Twitter service by answering questions set out at Schedule B of the Notice.

These questions focussed on understanding how Twitter Inc. was implementing the Expectations in relation to child sexual exploitation and abuse activity and material on Twitter. I provided Twitter Inc. with 35 days (until 17:00 AEDT on 29 March 2023) to provide a response to the questions in Schedule B to the Notice.

The Notice instructed Twitter Inc. that it was required to prepare a report in the manner and form specified in the Notice, and that it must comply with this requirement to the extent it was capable of doing so, as required by section 57 of the Act. Twitter Inc. was also advised in the covering letter that it may request additional time to comply with the Notice, and that failure to comply with the Notice may result in enforcement or compliance action being taken without further notice.

Twitter Inc. merged into X Corp. effective 15 March 2023. The relevant legal entity is Twitter Inc. prior to 15 March 2023, and X Corp. from 15 March 2023.

X Corp. provided a response to the Notice on 29 March.

I assessed X Corp.'s response and identified 14 questions (many of which involved multiple sub-questions) where it failed to provide the information required by the Notice. In some instances X Corp. had failed to provide any response to the question, such as by leaving the boxes entirely blank. In other instances, X Corp. provided a response that was otherwise incomplete and/or inaccurate.

On 6 April 2023, my office sent follow-up questions to X Corp. to provide a further opportunity to provide the information required by the Notice. The correspondence stated that my office was seeking this information to assess whether X Corp. had complied with the Notice.

On 5 May, X Corp. provided information in response to the follow-up questions. It is evident from many of X Corp.'s subsequent responses that it held information required by the Notice and was capable of providing that information at first instance.

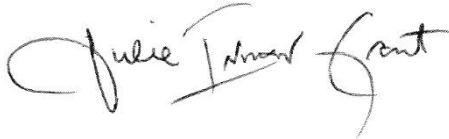
The decision to give this Notification

In the circumstances, and based on information provided by X Corp., I am satisfied that:

1. X Corp. has contravened section 56(2) of the Act by failing to comply with the manner and form required by the Notice, and
2. X Corp. has contravened section 57 of the Act by failing to comply with the Notice to the extent it was capable of doing so.

On this basis, I have decided to give X Corp. this Notification.

Additionally, I have decided to publish this Statement on the eSafety website pursuant to section 62(1)(d) of the Act.

A handwritten signature in black ink that reads "Julie Inman Grant". The signature is written in a cursive, flowing style.

Julie Inman Grant
eSafety Commissioner
3 October 2023