

X Corp. c/o [REDACTED]

By Email [REDACTED]

**Our Reference: BOSE-2023-201**

**Service provider notification in relation to contravention of section 56(2) 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 (**Notification**) to X Corp. (**the Provider**) for failure to comply with the non-periodic reporting notice given to the Provider on 21 June 2023 (**the Notice**) in relation to the Twitter service, pursuant to s 56(2) of the *Online Safety Act 2021 (Cth)* (**the Act**).

### **Background**

On 21 June 2023, I gave the Notice to the Provider under section 56(2) of the Act, requiring it to prepare a report about the extent to which it complied with certain Basic Online Safety Expectations (**the Expectations**) by answering questions set out at Schedule B of the Notice.

These questions focussed on understanding how the Provider was implementing the Expectations in relation to online hate on its service. I initially provided the Provider with 28 days (until 17:00 AEST on 19 July 2023) to respond to the questions in Schedule B to the Notice. I subsequently granted two extensions at the Provider's request. As such, I provided the Provider a total of 57 days (until 17:00 AEST on 17 August 2023) to respond to the questions in Schedule B to the Notice.

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

The Provider provided its response to the Notice on 17 August 2023 (**the Provider's Report**). I assessed the Provider's Report and identified where it failed to provide the information required by the Notice without adequate reason and so likely failed to comply with the Notice.

On 14 September 2023, my office sent follow-up questions (**Follow Up Questions**) to the Provider to give it a further opportunity to provide the information required by the Notice. The correspondence also stated that my office was seeking this information to further assess X Corp.'s compliance with the Notice, and to enable eSafety to consider the appropriate course of action.

On 20 October 2023, the Provider provided its response to the Follow Up Questions.

I have assessed the Provider's Report and identified that it failed to comply with the Notice by giving information in response to 14 questions that was inaccurate, significantly incomplete or irrelevant.

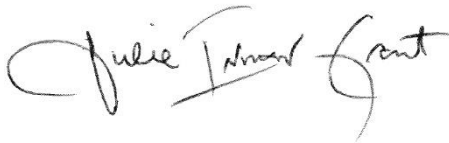
However, I recognise that subsequent information provided in response to the Follow Up Questions did seek to rectify earlier omissions of information provided and I have taken this consideration into account in deciding the appropriate enforcement action.

### **The decision to give the Notification**

In the circumstances, and based on information provided by the Provider, I am satisfied that the Provider has failed to comply with section 56(2) of the Act by not preparing a report in the manner and form specified in the Notice.

On this basis, I have decided to give the Provider this Notification.

Additionally, I have decided to publish this Notification 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 style with a large initial 'J'.

**eSafety Commissioner**

**13 December 2023**