

OFFICIAL

# Commissioner Meeting Brief

## Meeting with Meta

**Brief#:** CMRB\_25/0045

To	The eSafety Commissioner	
Cleared by	s 22	a/g Executive Manager, ICE Branch
From	s 22	Manager, Industry Supervision
Meeting Details/Subject	Meta's implementation of the social media minimum age restrictions	
Date of meeting	Wednesday 24 <sup>th</sup> September	
Time of meeting	3:00pm-4:00pm (2:30pm – 2:45pm arrival time)	
Location	Menlo Park	
Subject	Engagement on Implementation of Social Media Minimum Age Obligation	
Purpose	<p>To:</p> <ol style="list-style-type: none"><li>1. Discuss expectations and regulatory guidance for age restricted social media platforms</li><li>2. s 47G</li></ol>	

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External Attendees

Internal Attendees

Julie Inman Grant

s 22

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## Social media minimum age obligations

### Key points

- On 15 August, eSafety sent Meta [a letter](#) setting out eSafety's expectations for 10 December, noting that eSafety would be undertaking assessments to give a preliminary assessment of whether Meta is an age restricted platform with obligations.
- Meta responded on 31 August, agreeing that Facebook and Instagram are likely captured under the SMMA. They stated that WhatsApp is excluded under the legislative rules, as it is a messaging platform. Meta also noted that Messenger and Threads currently require a Facebook or Instagram account.

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- On 16 September, eSafety published our principles-based regulatory guidance for the taking of reasonable steps as required under the SMMA obligations.

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## Key messages

- **Note** Meta's proactive engagement to date and providing us with early insights into how Meta is considering its compliance with the obligation.

## Assessment framework

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- eSafety are undertaking preliminary assessments of Meta services. Platforms will be given procedural fairness in this process where required (that is, where they may be adversely affected).

## Regulatory guidance

- Offer to provide an update today on the regulatory guidance. Reasonable steps consist of systems, technologies, people, processes, policies and communications which support

compliance with the obligation. The guidelines discuss each of those elements, with a particular focus on age assurance.

- eSafety considers it is reasonable for platforms to take a layered approach across the user journey and to implement a range of measures to meet the SMMA obligation.
- Whether a provider has taken reasonable steps will include an assessment of the holistic impact of all steps taken by a provider, across the service. Measures will not be evaluated in isolation. This is about **systems and processes**, not individual accounts.
- As set out in our 15 August letter and regulatory guidance, the initial focus for 10 December should be detecting and deactivating/removing existing accounts held by under 16s – with proper advance warning and supportive messaging, as well as the ability to appeal if a mistake has been made – and taking reasonable steps to prevent those underage users from immediately creating new accounts (including relying on signals already in use to prevent suspended account holders from coming back on the service).

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- Self-declaration by itself will not be sufficient. Reasonableness will ultimately be considered on a case-by-case basis. It will not be considered reasonable if, for example, the outcome is that children retain the ability to create or re-create accounts and are exposed to harm during the time it takes for any ongoing age inference systems to detect the account as potentially underage and trigger an age check.
- eSafety will be requiring services to report on effectiveness, including number of underage accounts removed (on an ongoing basis), how age was assessed/detected, and length of time on the platform before removal/deactivation.

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## Compliance roadmap

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- eSafety welcomes understanding:
  - what specific age assurance measures will be in place by 10 December including additional signals that will be used to infer age and moderator guidance for assessing over/under 16s and acceptable ID types
  - what measures will be implemented post 10 Dec, and what that timeframe looks like

- what metrics Meta will use to assess the robustness, accuracy and effectiveness of their age assurance measures
- how long it typically takes to identify accounts that may be held by underage users, and whether this timeframe allows for timely and effective intervention.

## Risks and sensitivities


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## Background

### Other Meta services that may be subject to the SMMA obligations

- WhatsApp: On 16 June 2025, [WhatsApp announced](#) that they were introducing channel subscriptions, promoted channels, and ads in the WhatsApp Updates tab to help users find channels and products of interest.
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- Meta AI: Meta AI is advertised as an AI personal assistant. It is available within other Meta services and as a standalone platform. Meta AI has a discover feed where users can share/post their conversations with Meta AI, and interact with other users (including liking, commenting, sharing and remixing other posts).
- Meta RayBans: Meta also offers Meta RayBans, which include communication functionality, some of which appears to be built into the device. Further consideration is required to determine whether the device may be subject to the SMMA obligations.

### Age Assurance technology used by Meta

The following information was extracted from the [Behind the Screen](#) report, and based on consultations with Meta and is accurate as of August 2025.

Tools used to assess the age of users across Facebook and Instagram:

- Self-declaration: neutral age gate at account sign-up to Instagram and Facebook
- Yoti facial age estimation technology: offered when users attempt to change their date of birth from under 18 to over 18. Alternatively, ID verification is required.
- AI classifiers: continuously assessing whether users are likely aged 13–17 or 18+ based on behavioural signals, but not under 13.

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### User reporting

- Facebook and Instagram users must fill in a form to report an underage user. This form can be accessed in-service through the 'Report' function on an account profile, or by navigating to the Help Centre.

- User reporting is only available to logged-in users. Reporting options for users without accounts is limited: [Don't Have an Account? | Facebook Help Centre](#)
- Over 90% of Facebook and Instagram account suspensions/bans made due to account holder being under 13 are because of proactive detection (signals and tools), as compared to user reporting.
- 93% and 96% respectively for Facebook and Instagram.

### User circumvention

- Facebook and Instagram do not use any indicators to prevent a user who was banned or suspended for being under the permitted age of use from immediately re-registering for the service.

### Other engagement with Meta

- Meta is currently subject to the BOSE periodic notice process and submitted its response to report 2 on 2 September. **s 47G**  
[REDACTED] Meta was also part of the recent BOSE transparency processes in relation to Age Assurance and TVE, which were published in February and March this year respectively.
- Meta is a member of DIGI, the industry group who led the Phase 2 Codes drafting process. **s 47G**  
[REDACTED]
- The grace period for enforcement of the Phase 1 RES and DIS Standards ended in June 2025. eSafety continues to engage with Meta on compliance matters and is reviewing WhatsApp's recent changes to user reporting to assess alignment with the RES Standard.
- eSafety engaged with Meta earlier this year to clarify their obligations in regard to the Phase 1 Equipment Code. **s 47G**  
[REDACTED]  
[REDACTED]
- In February this year, Meta submitted an annual compliance report for Facebook as required under Social Media Services Code.