



15 February 2019

Australian Competition and Consumer Commission  
Digital Platforms Inquiry  
175 Pitt Street  
Sydney NSW 2000

By email: [platforminquiry@acc.gov.au](mailto:platforminquiry@acc.gov.au)

Dear Commission,

Thank you for the opportunity to make this submission and participate in the Australian Competition and Consumer Commission's (ACCC) public consultation period following the release of the Digital Platforms Inquiry Preliminary Report (the Report).<sup>1</sup>

In this submission we focus on the following Preliminary Recommendations and Proposed Areas for Further Analysis as indicated in the Report, which include but are not limited to:

### **Preliminary Recommendations**

1. Preliminary Recommendation 5 - news and digital platform regulatory oversight
2. Preliminary Recommendation 7 - takedown standard
3. Preliminary Recommendation 8 - use and collection of personal information
4. Preliminary Recommendation 9 - OAIC Code of Practice for digital platforms
5. Preliminary Recommendation 11 - unfair contract terms

### **Proposed Areas for Further Analysis**

1. Proposed Area for Further Analysis 1 - supporting choice and quality of news journalism
2. Proposed Area for Further Analysis 7 - deletion of user data
3. Proposed Area for Further Analysis 8 - opt-in targeted advertising

Our submission stands together with an industry submission from the Digital Industry Group Inc. (DIGI). To complement these statements, we have structured this submission as follows: first, we provide an overview of Twitter and our values; and second, we will address the Preliminary Recommendations and Proposed Areas for Further Analysis outlined above as they pertain to Twitter operating in Australia.

### **Overview of Twitter and our values**

We are committed at Twitter to improving the collective health, openness, and civility of the public conversation, and to hold ourselves publicly accountable to that mission. Twitter's

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<sup>1</sup> Australian Competition and Consumer Commission (ACCC), *Digital Platforms Inquiry Preliminary Report*, viewed on 15 February 2019 <https://www.accc.gov.au/focus-areas/inquiries/digital-platforms-inquiry/preliminary-report>

conversational health will be built and measured by how we help encourage civic debate, conversations, and critical thinking.

Twitter's purpose is to keep the world informed by serving the public conversation and supporting a free and independent media as a matter of public interest. We celebrate journalism and believe strongly in the importance of a rich media ecosystem where consumers have variety, quality, and choice in news.

Twitter also supports policy frameworks that encourage innovative uses of our platform as a distribution channel for people and partners to reach new audiences, and to give everyone the power to create and share information and ideas instantly without barriers. To preserve that experience, we are always working to ensure that we surface for our users the highest quality and most relevant content first.

We are also taking active steps to stop malicious accounts and Tweets from spreading, which involves trying to stay ahead of the constantly evolving tactics of bad actors. To achieve this goal, we have made a number of changes, including enhanced safety policies, better tools and resources for detecting and stopping malicious activity, tighter advertising standards, and increased transparency to promote public understanding of all of these areas.

Privacy has always been part of our DNA at Twitter, and these deliberate privacy designs have allowed people around the world to express themselves freely and openly, including opinions that might otherwise be both personally and politically sensitive to share. It is part of the fabric of Twitter and something we remain committed to.

## **Preliminary Recommendations**

### ***Preliminary Recommendation 5 - news and digital platform regulatory oversight***

In Preliminary Recommendation 5, the ACCC considers that the regulatory authority could monitor, investigate, and report on the ranking of news and journalistic content by digital platforms, as well as the provision of referral services to news media businesses, with the aim of identifying the effects of algorithms or other policies on the production of news and journalistic content or competition in media markets.<sup>2</sup>

At Twitter, we use algorithms very differently to other services. Our news algorithm is not dictated by the platform; it is dictated by the user's choices on who they follow. As displayed in the Twitter Explore tab, we showcase Tweets that our users might find interesting and relevant based on accounts they choose to follow.<sup>3</sup> Additionally, users also have the choice to revert their

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<sup>2</sup> *Ibid.*

<sup>3</sup> <https://twitter.com/twittersupport/status/892812871024783360?lang=en>;  
<https://help.twitter.com/en/using-twitter/twitter-search>

Twitter timeline to a purely reverse chronological order, which shows the latest Tweets first, should they wish.<sup>4</sup>

Currently, we use policies, human review processes, and machine learning to help us determine how Tweets are organised and presented in communal places like conversations and search.<sup>5</sup> We're tackling issues of behaviours that distort and detract from the public conversation in those areas by integrating new behavioural signals into how Tweets are presented. By using new tools to address this conduct from a behavioural perspective, we're able to improve the health of the conversation and everyone's experience on Twitter without waiting for people who use Twitter to report potential issues to us.

To put this in context, fewer than one percent of accounts make up the majority of accounts reported for abuse, but a lot of what's reported does not violate our rules.<sup>6</sup> While still a small overall number, these accounts have a disproportionately large – and negative – impact on people's experiences on Twitter. The challenge for us has been determining how we can proactively address these disruptive behaviors that do not violate our policies but negatively impact the health of the conversation.

There are many new signals we're taking in, some of which are visible externally but most of which are not. A few examples include; if an account has not confirmed their email address, if the same person signs up for multiple accounts simultaneously, or accounts that repeatedly Tweet and mention accounts that don't follow them, or intentionally misleading profile information, including profile location. On their own, these signals may not be in violation but taken together they can help point to potentially violative account behaviour. We're also looking at how accounts are connected to those that violate our rules and how they interact with each other.

These signals will now be considered in how we organise and present content in communal areas like conversation and search. To the extent that this content doesn't violate our policies, it will remain on Twitter, and will be available if you click on "Show more replies" or choose to see everything in your search setting. The result is that people contributing to the healthy conversation will be more visible in conversations and search.

In our early testing in markets around the world, we've already seen this new approach have a positive impact, resulting in a four percent drop in abuse reports from search and eight percent fewer abuse reports from conversations.<sup>7</sup> That means fewer people are seeing Tweets that disrupt their experience on Twitter.

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<sup>4</sup> <https://twitter.com/Twitter/status/1075074100412985345>

<sup>5</sup> [https://blog.twitter.com/en\\_us/topics/product/2018/Serving\\_Healthy\\_Conversation.html](https://blog.twitter.com/en_us/topics/product/2018/Serving_Healthy_Conversation.html)

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

Additionally, we recently announced that we are partnering with researchers at University of California (UC) Berkeley to establish a new research initiative focused on studying and improving the performance of machine learning in social systems, such as Twitter. The initiative will be led by Professor Moritz Hardt and Professor Ben Recht.<sup>8</sup>

Machine learning (ML) plays a key role in powering Twitter. From onboarding users on the platform to preparing their timeline, a multitude of ML models help power the experience. Thus, making Twitter more healthy requires making the way we practice ML more fair, accountable, and transparent.

Studying the societal impact of machine learning is a growing area of research in which Twitter has been participating. We are a proud sponsor of the ACM FAT 2019 conference, which is an international and interdisciplinary peer-reviewed conference that seeks to publish and present work examining the fairness, accountability, and transparency of algorithmic systems.<sup>9</sup> However, we feel that this is just a start, and there is a lot more work ahead of us from both a research and a practical standpoint.

The consequences of exposing algorithmic decisions and machine learning models to hundreds of millions of people are poorly understood. We also know that individuals or groups will seek to game or exploit our algorithms, for example with the aim of increasing spam or malicious automation. Safeguarding against these behaviours and attempts is essential.

Through our partnership, the team at UC Berkeley will closely collaborate with a corresponding team inside Twitter. As a company, Twitter is able to bring data and real-world insights to the table, but by partnering with UC Berkeley, we can create a research program that has the right mix of fundamental and applied research components to make a real practical impact across industry.<sup>10</sup>

By bringing together the academic expertise of UC Berkeley with our industry perspective, we are looking to do fundamental work in this nascent space and apply it to improve Twitter. Partnering with outside experts who can provide thoughtful analysis, external perspective, and rigorous review is the best way to measure our work and stay accountable to those who use Twitter.

### ***Preliminary Recommendation 7 - takedown standard***

In Preliminary Recommendation 7, the ACCC proposes to recommend that the Australian Communications and Media Authority (ACMA) determine a Mandatory Standard regarding digital platforms' take-down procedures for copyright infringing content to enable effective and timely take-down of copyright-infringing content.

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<sup>8</sup> [https://blog.twitter.com/en\\_us/topics/company/2019/ucberkeley-twitter-ml.html](https://blog.twitter.com/en_us/topics/company/2019/ucberkeley-twitter-ml.html)

<sup>9</sup> <https://fatconference.org/>

<sup>10</sup> *Ibid.*

The Mandatory Standard proposed by the ACCC would represent a significant departure from the current legal standards for issuing take-down notices that is relied upon by digital platforms and online service providers around the world. This established standard requires digital platforms to respond “expeditiously” to disable access to the allegedly infringing material upon notification and is followed by digital platforms in numerous other jurisdictions. The flexibility of this standard recognises the complexity in balancing countervailing interests when evaluating a request for removal.

Twitter respects copyright. With teams operating around the world, 24 hours a day, 7 days a week, Twitter expeditiously complies with valid and complete copyright removal notices submitted by content owners or their authorised representatives.<sup>11</sup>

Copyright owners can report alleged copyright infringement by visiting Twitter’s Help Centre and filing a copyright complaint.<sup>12</sup> Visitors who are logged in to twitter.com can visit the Twitter Help Centre directly from their Twitter account by clicking the ‘Help’ link located in the sidebar.

We review copyright complaints for accuracy, validity, and completeness. If a complaint satisfies these requirements, we will quickly take action on the removal request, including to remove or restrict access to allegedly infringing material.

When we remove or disable access to the material, we notify the affected user(s) and provide them with a full copy of the reporter’s complaint (including the provided contact information) along with instructions on how to file a counter-notice. We will also forward a redacted copy of the complaint to Lumen, with the complainant’s personal information removed.<sup>13</sup>

Complainants who are uncomfortable sharing their contact information with the reported user(s), are informed of alternatives. They can appoint an agent to submit a copyright takedown notice on their behalf. The agent will be required to submit the copyright notice with valid contact information and identify the content owner that they represent.

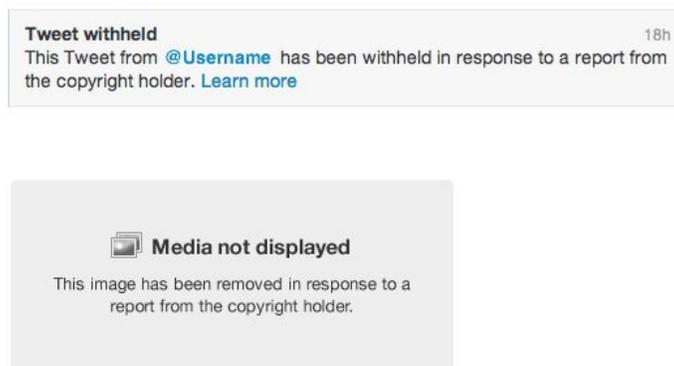
In an effort to be as transparent as possible regarding the removal or restriction of access to user-posted content, we clearly mark withheld Tweets and media to indicate to viewers when content has been withheld (examples below with Figure 1).

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<sup>11</sup> <https://www.copyright.gov/legislation/dmca.pdf>

<sup>12</sup> <https://help.twitter.com/en/rules-and-policies/copyright-policy>

<sup>13</sup> <https://lumendatabase.org/twitter>



*Figure 1. Marked Tweets and media to indicate to viewers when content has been withheld*

If a person wishes to contest a takedown, or they believe that materials reported in the copyright complaints were misidentified, or removed in error, they may send us a counter-notification(s), which is a formal legal request for Twitter to reinstate the removed material. Alternatively, they may be able to seek a retraction of the copyright complaint from the reporter.

Upon receipt of a valid counter-notice, we will promptly forward a copy to the person who filed the original takedown notice. This means that the contact information that is submitted in the counter-notice will be shared with the person who filed the original notice.

If the copyright owner disagrees with the counter-notice, they may pursue legal action against the alleged infringer. If we do not receive notice within 10 business days that the original reporter is seeking a court order to prevent further infringement of the material at issue, we may restore access to the material that was removed.

If multiple copyright complaints are received, Twitter may lock accounts, disable access to certain features, or take other actions to warn repeat violators. These warnings may vary across Twitter's services. Under appropriate circumstances we suspend user accounts under our repeat infringer policy. Our repeat infringer policy also takes into account whether the alleged infringer has sought retractions and/or filed counter-notices in response to infringement allegations.

### ***Preliminary Recommendation 8 - use and collection of personal information***

In summary, the ACCC proposes amendments to the *Privacy Act 1988* (Cth) to better enable consumers to make informed decisions in relation to, and have greater control over, privacy and the collection of personal information in Preliminary Recommendation 8. In particular, recommendations (a) and (b) are aimed at reducing information asymmetries to improve the transparency of digital platforms' data practices. Recommendations (c) and (d) seek to provide consumers with stronger mandated controls over the collection, use, disclosure and erasure of their personal information to lessen the bargaining power imbalance between consumers and

digital platforms. Recommendations (e) to (g) are measures to increase the deterrence effect of the Privacy Act.<sup>14</sup>

Twitter is committed to ensuring the privacy and the protection of data for the people that use our services. We believe it is of paramount importance to empower people to understand and have meaningful control over the data that is collected about them, how it is used, and when it is shared. We believe, however, that the preliminary recommendations in relation to consent require further analysis and stakeholder consultation by the ACCC. There is no one-size fits all mechanism for obtaining informed consent. In most cases, the industry and context, including the relationship between the party providing the consent and the party seeking the consent, need to be evaluated to determine the appropriate mechanism for consent.

With respect to external audits, which as we understand seek to drive accountability, we believe there are a number of ways to drive accountability that are more cost effective and constant in nature. For example, requiring data protection impact assessments to be conducted in certain situations and requiring appointment of a data protection officer or similar individual to embed and ensure best practices actually drives sustainable long term accountability.<sup>15</sup> In contrast, external audits - while useful - are expensive, disruptive to the business, and capture point-in-time compliance as opposed to promoting consistent sustainable practices.

We also believe the ACCC's final report would benefit from a more nuanced understanding of the wide range of reasons digital platforms collect information outside of targeted advertising. For example, it is important to understand that while a service may be ad supported, the data that may be used to improve advertising experiences also powers the service itself.

In Twitter's case, we seek to enable the public conversation by providing people with the most relevant content for them, and thus, we use a variety of signals to do so. Without doing so, our service would not be as useful to the people that use it. When we serve a person an ad, we similarly seek to provide them with the most relevant ad. Thus, it is natural that the data that underpins the operation of the service is also used to provide the ad. More specifically, the collection of a user's IP address ensures that a digital service is displayed in the user's language and reflects content relevant to their country. The collection of their browser or other device specifications ensures that the correct version of the service can be displayed to ensure basic legibility and size. This information must be collected in order to simply display a website, and obtaining consent for such basic data collection would negate the ability to provide consumers with operational digital services. Indeed, this further demonstrates the need for contextual awareness for how consent is obtained. It would be all but impossible to serve a person with a

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<sup>14</sup>

<https://www.accc.gov.au/system/files/ACCC%20Digital%20Platforms%20Inquiry%20-%20Preliminary%20Report.pdf>

<sup>15</sup> Impact assessments provide the added benefit of being an examinable record in the event of a breach related to a specific data processing activity, thereby allowing the entity and authority to assess and learn from the incident.

request for consent in their language to process their IP address without first processing their IP address. It would, therefore, be a mistake to assume that digital platforms only collect and process data for advertising purposes when in many cases the data is collected to power the service.

## **A. Data Transparency**

Twitter's purpose is to serve the public conversation, and we must be a trusted and healthy place in order for this exchange of ideas and information to continue. To ensure trust and provide meaningful transparency, we offer a range of ways for people to control their experience on Twitter, and this deliberate design has allowed people around the world using Twitter to protect their privacy and their data.<sup>16</sup>

That same philosophy guides how we work to protect the data people share with Twitter. Twitter empowers the people who use our services to make informed decisions about the data they share with us. Twitter is always working to improve transparency into what data is collected and how it is used. People that use our services have tools to help them control their data. For example, if an individual has registered an account, through their account settings they can access, correct, delete, or modify the personal data associated with their account.

We also recently updated our Privacy Policy to include callouts, graphics, and animations designed to enable people to better understand the data we receive, how it is used, and when it is shared.<sup>17</sup> In 2018, we undertook a thorough revision of our Privacy Policy in an effort to make it easier to understand for consumers. It is a single document, not spread out over multiple web pages, and we plan to keep improving how we convey this information.

Twitter also provides a tool-set called Your Twitter Data.<sup>18</sup> The Your Twitter Data tool provides individuals with accessible insights into the type of data stored by Twitter, such as username, email address, and phone numbers associated with the account and account creation details. The birthdays and locations of individuals are also shown in the tool if they have previously been provided to Twitter.

Individuals using the Your Twitter Data tool can see and modify certain information that Twitter has inferred about the account and device such as gender, age range, languages, and interests.<sup>19</sup> People on Twitter can also review inference information, like advertisers who have included them in tailored audiences or demographic and interest data from external advertising partners. The Your Twitter Data tool also allows people with a Twitter account to download a copy of their

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<sup>16</sup>

<https://www.commerce.senate.gov/public/index.cfm/pressreleases?ID=240B5C17-CBD5-4039-A9E4-CF2FADFF4712>

<sup>17</sup> <https://twitter.com/en/privacy>

<sup>18</sup> <https://help.twitter.com/en/managing-your-account/accessing-your-twitter-data>

<sup>19</sup> <https://help.twitter.com/en/rules-and-policies/twitter-cookies>

relevant data from Twitter.<sup>20</sup> On 25 May 2018, we updated the download feature of the Your Twitter Data tool to include additional information and since then, we have seen approximately 85,4587 people around the world use the tool to download 909.9 terabytes of data.<sup>21</sup>

There is also a version of this tool available to individuals who do not have a Twitter account, or for those logged out of the account.

## **B. Tools for Managing Data and Consent**

In addition to the Your Twitter Data tool, Twitter also designs its products to be as intuitive as possible for users to understand what data is being collected, how it is used, and when it is shared.

To create a Twitter account, individuals need not provide their real names, phone number, or primary email address. Most users come to Twitter with the intention and expectation that their profiles, Tweets, and engagements will be public and shared to a global audience. When individuals on Twitter log-in to their accounts, they have immediate access to a range of tools and account settings to access, correct, limit, delete, or modify the personal data provided to Twitter and associated with the account, including public or private settings, marketing preferences, and applications that can access their accounts. These data settings can be used to better personalise the individual's use of Twitter and the opportunity to make informed choices.<sup>22</sup> For example, individuals can change the personalisation and data settings for their Twitter account, including:

- Whether interest-based advertisements are shown to an individual on and off the Twitter platform;<sup>23</sup>
- How Twitter personalises an individual's experience across devices;<sup>24</sup>
- Whether Twitter collects and uses an individual's precise location;<sup>25</sup>
- Whether Twitter personalises their experience based on places they have been;<sup>26</sup> and
- Whether Twitter keeps track of the websites where an individual sees Twitter content.<sup>27</sup>

An individual on Twitter can disable all personalisation and data setting features with a single master setting prominently located at the top of the screen.<sup>28</sup>

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<sup>20</sup> <https://help.twitter.com/en/managing-your-account/accessing-your-twitter-data>

<sup>21</sup> <https://twitter.com/Damokieran/status/1044988628278157312>

<sup>22</sup> <https://help.twitter.com/en/personalization-data-settings>

<sup>23</sup> <https://help.twitter.com/en/safety-and-security/privacy-controls-for-tailored-ads>

<sup>24</sup> <https://help.twitter.com/en/about-personalization-across-your-devices>

<sup>25</sup> <https://help.twitter.com/en/safety-and-security/tweet-location-settings>

<sup>26</sup> *Ibid.*

<sup>27</sup> <https://help.twitter.com/en/using-twitter/tailored-suggestions>

<sup>28</sup> <https://help.twitter.com/en/personalization-data-settings>

People on the platform can also deactivate their accounts.<sup>29</sup> Deactivated Twitter accounts, including the display name, username, Tweets, and public profile information, are no longer viewable on Twitter.com, Twitter for iOS, and Twitter for Android.

In order to serve the public conversation, we enable people to see the most relevant content to them, whether organic content or advertising content. Ensuring that people see the most relevant content for them is an important feature of our service. Thus, the information we rely on to power our advertising experience is generally the same as the information we rely on to enable people to see the most relevant content for them.

### **C. Third Party Access to Twitter Data**

To share the public content on Twitter as widely as possible, we provide companies, developers, and other customers with programmatic access to public Twitter data through Application Programming Interfaces (APIs).<sup>30</sup>

We do not tolerate the use of our APIs to produce spam, manipulate conversations, or invade the privacy of people using Twitter. Between April and June 2018, we removed more than 143,000 apps which violated our policies, and we're continuing to invest in building out improved tools and processes to help us stop malicious apps faster and more efficiently. To this end, in addition to continuing our work to remove problematic apps after they're already active, we are also taking steps to limit the access these apps have to our platform in the first place.<sup>31</sup>

Twitter only discloses private information of individuals at the persons' direction or if the settings of the individual allow personal data to be disclosed (for example, where a person authorises a third-party application to access their account or where the "share data with select partners" setting is enabled) to protect the safety of any person, to protect the safety or integrity of our platform, or to address fraud, security, or technical issues.<sup>32</sup> We also disclose data as reasonably necessary to comply with valid legal requests.

### **D. Developers and Partners**

The Twitter API provides broad access to public Twitter data that individuals have chosen to share with the world. Twitter also supports APIs that allow individuals on the platform to manage

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<sup>29</sup> <https://help.twitter.com/en/managing-your-account/how-to-deactivate-twitter-account>

<sup>30</sup> <https://help.twitter.com/en/rules-and-policies/twitter-api>

<sup>31</sup>

[https://blog.twitter.com/developer/en\\_us/topics/tools/2018/new-developer-requirements-to-protect-our-platform.html](https://blog.twitter.com/developer/en_us/topics/tools/2018/new-developer-requirements-to-protect-our-platform.html)

<sup>32</sup> <https://help.twitter.com/en/safety-and-security/data-through-partnerships>

their own non-public Twitter information (e.g. Direct Messages) and provide this information to developers whom they have authorised.

New Enterprise and Premium API customers and data partners undergo a review process before they are granted access to Twitter data.<sup>33</sup> That review examines the company's history, the proposed use of the data, and privacy and security considerations designed to prevent misuse of the data. Twitter routinely rejects use cases that do not comply with our rules, and we often require customers to revise and resubmit applications in order to ensure that they are in compliance with our policies.

In addition, our Developer Policy places a number of restrictions on how all developers - enterprise partners as well as customers of our Premium and public APIs - may use Twitter data.<sup>34</sup> Where warranted, Twitter takes enforcement action against applications found to be in violation of the Developer Agreement and Policy or the Twitter Rules.

## **E. Law Enforcement**

There are limited circumstances in which Twitter discloses private personal data to comply with valid legal process, a court order, or in response to a valid emergency request.<sup>35</sup>

Twitter responds to valid legal process issued in compliance with applicable law. Notwithstanding anything to the contrary in our Privacy Policy or controls we may otherwise offer to our users, we may preserve, use, or disclose personal data if we believe that it is reasonably necessary to comply with a law, regulation, legal process, or governmental request; to protect the safety of any person; to protect the safety or integrity of our platform, including to help prevent spam, abuse, or malicious actors on our services, or to explain why we have removed content or accounts from our services; to address fraud, security, or technical issues; or to protect our rights or property or the rights or property of those who use our services.<sup>36</sup> However, nothing in Twitter's Privacy Policy is intended to limit any legal defenses or objections that a user may have to a third party's, including a government's, request to disclose a user's personal data.

### ***Preliminary Recommendation 9 - OAIC Code of Practice for digital platforms***

In Preliminary Recommendation 9, the ACCC proposes to recommend that the Office of the Australian Information Commissioner (OAIC) engage with key digital platforms operating in Australia to develop an enforceable code of practice under Part IIIB of the *Privacy Act 1988* (Cth)

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<sup>33</sup>

[https://blog.twitter.com/developer/en\\_us/topics/tools/2018/new-developer-requirements-to-protect-our-platform.html](https://blog.twitter.com/developer/en_us/topics/tools/2018/new-developer-requirements-to-protect-our-platform.html)

<sup>34</sup> <https://developer.twitter.com/en/developer-terms/policy.html>

<sup>35</sup> <https://help.twitter.com/en/rules-and-policies/twitter-law-enforcement-support>

<sup>36</sup> <https://twitter.com/en/privacy>

to provide Australians with greater transparency and control over how their personal information is collected, used, and disclosed by digital platforms.

Twitter, along with many others in the industry, already participate in third party verification schemes that promote organisational accountability and compliance. For example, Twitter adheres to the Digital Advertising Alliance (DAA) Self-Regulatory Principles for Online Behavioral Advertising (also referred to as “interest-based advertising”) and respects the DAA’s consumer choice tool for you to opt out of interest-based advertising. If an individual does not want Twitter to show interest-based ads on and off of Twitter, there are ways to turn off this feature. In addition, our ads policies prohibit advertisers from targeting ads based on categories that we consider sensitive or are prohibited by law, such as race, religion, politics, sex life, or health.

### **A. Ads Transparency Centre**

Transparency is a core value of the work we do at Twitter, and we have been working to increase transparency for all ads on Twitter, including political ads and issue-based ads. We are also working to improve controls for our customers and adopt stricter advertising policies.

This month, we updated our Political Campaigning Policy and launched the expansion of our Ads Transparency Centre (ATC) in Australia, which will offer everyone visibility into who is advertising on Twitter, details behind those ads, and tools to share feedback with us.<sup>37</sup>

In the Ads Transparency Centre, you can view Promoted Tweets that ran on Twitter within the last seven days from any Twitter handle. For political advertisers in Australia that fall under the Political Campaigning Policy that are advertising around the federal election, you will be able to see further details including billing information, ad spend, demographic targeting data, and impressions data per Tweet. We are also making it clearer who is advertising Australian political campaign content on Twitter around the federal election by including a visual label and disclaimer information on promoted content from certified accounts.

Candidates, political parties, organisations, and individuals seeking to advertise electioneering content must undergo a thorough verification process to self-certify. Once proof of identity is verified and advertisers meet our eligibility requirements, a letter with an access code will be posted to their address to confirm they are located within Australia. We will also include additional authorisation information on electioneering content at a Tweet-level to ensure that people communicating electoral matter are accountable for their communications, and that this is clear to people seeing political advertising on Twitter.

Specifically, the Ads Transparency Centre will show:

- All ads that are currently running on Twitter, including Promoted-Only ads

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<sup>37</sup>

[https://blog.twitter.com/en\\_au/topics/company/2019/Protecting-the-integrity-of-the-election-conversation-in-Australia.html](https://blog.twitter.com/en_au/topics/company/2019/Protecting-the-integrity-of-the-election-conversation-in-Australia.html)

- How long ads have been running
- Ad creatives associated with those campaigns
- Ads targeted to you, as well as personalised information on which ads you are eligible to receive based on targeting
- People can also report inappropriate ads or give negative feedback (i.e. “I don’t like this ad”) for every ad running on Twitter, whether the ad targets you or not. This feedback will help us more quickly remove inappropriate ads from Twitter, and show you more relevant ads in your timeline.

The ATC has launched in Australia and will be live ahead of the 2019 Australian Federal Election with the aim of rolling out additional features in the future.

## **B. Transparency Reports**

Twitter also releases a bi-annual Transparency Report, initially launched in 2012, as another initiative to provide users more details on trends in legal requests, intellectual property-related requests, Twitter Rules enforcement, platform manipulation, and email privacy best practices.<sup>38</sup>

Additionally, some examples of steps we take to defend and respect our users include:<sup>39</sup>

- Our user notice policies;
- Challenges to court orders to remove content from our platform or disclose user data;
- Publishing content removal demands to Lumen (fka Chilling Effects);
- Providing in service notices when content is removed or withheld or accounts suspended;
- Working with groups and coalitions globally, to support legal changes that enhance user privacy or to fight laws and legal decisions which threaten to chill speech and undermine privacy.

### ***Preliminary Recommendation 11 - unfair contract terms***

In Preliminary Recommendation 11, the ACCC proposes to recommend that unfair contract terms should be illegal (not just voidable) under the Australian Consumer Law, and that civil pecuniary penalties should apply to their use, to more effectively deter digital platforms, as well as other businesses, from leveraging their bargaining power over consumers by using unfair contract terms in their terms of use or privacy policies.

Twitter believes that contractual terms for services should be easily accessible and clear to the people that use the services. We believe that the terms should be written in easy to understand language and set out clearly the rights and responsibilities of both the service and the people that choose to use the service. Twitter works to constantly refine its terms of service to meet

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<sup>38</sup> <https://transparency.twitter.com/>

<sup>39</sup> <https://help.twitter.com/en/rules-and-policies/defending-and-respecting-our-users-voice>

these goals in a continuously-evolving digital landscape. We believe that existing consumer protection and contractual laws serve to ensure that both the service can operate and provide meaningful protections to consumers.

## **Proposed Areas for Further Analysis**

### ***Proposed Areas for Further Analysis 1 - supporting choice and quality of news journalism***

We are seeking to find scalable ways for people around the world to verify facts and see additional context around sources on Twitter. For instance, we include Tweet source labels to help people better understand how a Tweet was posted.<sup>40</sup> This additional information provides context about the Tweet and its author. In some cases, a third-party client name will be listed, which indicates the Tweet came from a non-Twitter application. Authors sometimes use third-party client applications to manage their Tweets, manage marketing campaigns, measure advertising performance, provide customer support, and to target certain groups of people to advertise to. Tweets and campaigns can be directly created by humans or, in some circumstances, automated by an application. We have available a partners page that list common third-party sources for users' reference.<sup>41</sup>

As we work to develop additional tools, we are also supportive of the work being done by the Credibility Coalition, Trust Project and other wide ranging initiatives the industry is exploring, while also evaluating the feasibility and implementation of long-term solutions.<sup>42</sup>

Additionally, in order to help people discover all the information around news, events, and stories on Twitter, we've made it easier to find and follow the big events and stories in their personal Timeline, Notifications, and Explore tab.

Through Twitter's Explore tab, you can discover more of what matters to you. We organised Explore by topic instead of content type (e.g. video, articles, etc.) so it would be easier navigate.<sup>43</sup> We also featured topic tabs in Explore so it's easier to see what's happening in news and entertainment, and what's most relevant to you.

In the Twitter Explore tab, we also feature Moments, which are curated stories showcasing the very best of what's happening on Twitter. Out of hundreds of millions of Tweets a day, Moments surface the best of what's happening on Twitter. Our Moments guide is customised to show users current topics that are popular or relevant, so they can discover what is unfolding on Twitter in an instant.<sup>44</sup>

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<sup>40</sup> <https://help.twitter.com/en/using-twitter/how-to-tweet>

<sup>41</sup> <https://partners.twitter.com/en/find-a-partner.html>

<sup>42</sup> <https://credibilitycoalition.org/>; <https://thetrustproject.org/>

<sup>43</sup> [https://blog.twitter.com/en\\_us/topics/product/2018/see\\_whats\\_happening.html](https://blog.twitter.com/en_us/topics/product/2018/see_whats_happening.html)

<sup>44</sup> <https://help.twitter.com/en/using-twitter/twitter-moments>

We publish our Curation Guidelines and Principles publicly on the Twitter Help Centre, which details our policy, style guidelines, accuracy, standards, ways we guard against bias, and how we avoid conflicts of interest.<sup>45</sup>

Additionally, any long-term solution to better informing consumers must also include the active involvement of governments, civil society, and non-government organisations (NGOs) in addressing media literacy as well. The information ecosystem of the future will also depend upon informed and media-savvy consumers, and we must prepare the next generation to thrive in such an environment.

Globally, our partners Common Sense Media, the National Association for Media Literacy, the Family Online Safety Institute, UNESCO, and Connect Safely, amongst others, have helped us to craft materials and conduct workshops to help our users learn how to process online information and discern between sources of news. We focus on elements like verification of sources, critical thinking, active citizenship online, and the breaking down of digital divides.

Twitter partners with journalistic NGOs for training and media literacy initiatives, including Reporters Without Borders, the Committee to Protect Journalists, the Reporters Committee for Freedom of the Press, and the Walkley Foundation. Through these partnerships, we will continue to work with reporters and media organisations to ensure that Twitter's real-time capacity for dispelling untruths is built into the approach of newsrooms and established media outlets.

We also recognise that government organisations can be important sources of credible and authoritative information, especially in times of crises and emergency. When those authoritative, original-sources speak up on Twitter, the propensity for the spread of accurate, higher quality information grows. Twitter's open and real-time features also become critical tools for governments, journalists, our users, and nonprofits to share and exchange essential information and real-time updates that can save lives. We frequently conduct local training and outreach initiatives, for example with the Australian Federal Police, the New South Wales Rural Fire Service, or Lifeline Australia. Through this outreach, we help ensure organisations can utilise Twitter effectively, add value to the information needs of their local communities or constituents, and promote continuous progress in civic engagement and democratic accountability.

### ***Proposed Areas for Further Analysis 7 - deletion of user data***

We understand that the ACCC is considering whether there should be an explicit obligation to delete all user data associated with an Australian consumer once that user ceases to use the digital platform's services or whether user data should automatically be required to be deleted after a set period of time.

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<sup>45</sup> <https://help.twitter.com/en/rules-and-policies/twitter-moments-guidelines-and-principles>

We note that while consumers should - and Twitter allows them - to deactivate their account or erase data they have provided through the service, a platform should be able to reserve the ability to keep data even where a person ceases using the platform, where that data is necessary to provide or improve concerns around specific issues, including security, safety, and/or fraud. Allowing a person who has used a platform to, for example, commit fraud, to then delete all traces of the fraud by ceasing use of a platform and availing of the right contemplated by the Proposed Area of Further Analysis 7 would benefit neither consumers nor platform providers.

Additionally, platforms are also required to retain data for a wide range of reasons. For example, companies subject to data retention and other laws must retain user data to comply with requests from law enforcement (for example, those conducting criminal investigations). Customer financial and tax data must be retained for certain periods to comply with tax regulations, and companies may also need to retain data necessary for the establishment, exercise, or defence of legal claims.

Additionally, in our experience of user behaviour on Twitter, it is often the case that people wish to be able to reactivate their deactivated accounts, and they expect their content to be retained. Mandatory deletion is overly presumptuous of a users' intention when they cease to use a service.

### ***Proposed Areas for Further Analysis 8 - opt-in targeted advertising***

The ACCC is considering whether in addition to proposed Preliminary Recommendation 8(c), consumer consent in relation to targeted advertising should be further strengthened by prohibiting entities from collecting, using, or disclosing personal information of Australians for targeted advertising purposes unless consumers have provided express opt-in consent.

Twitter understands the need for consumers to be informed about the use of their data in general and for targeted advertising, and we have comprehensive resources in place to inform and enable users to better understand and manage their data use. We also remain committed to privacy, compliance with data protection regulation, and to empowering users to control how their data is used; however, we believe the ACCC's final report would benefit from a more nuanced understanding of the wide range of reasons digital platforms collect information outside of targeted advertising.

It is important to understand that data needs to be collected in order to ensure the basic operation of digital services, which we detailed previously in this submission when discussing Preliminary Recommendation 8.

We believe that the time is right for industry, civil society, and government to work together to develop a robust privacy framework that protects individuals' rights by ensuring transparency and accountability while preserving the freedom to innovate. We provide meaningful data protection policies for consumers and respect our users' data. We also believe that our

accountability measures, including appointment of a Data Protection Officer to assess compliance and performing data protection impact assessments to ensure collection and processing is consistent with user expectations, are all ways to help ensure responsible handling of data collection and use.<sup>46</sup>

## **Conclusion**

We trust this written submission together with the industry submission by DIGI will be useful inputs to the Commission's work. Twitter is committed to working with the ACCC, the Australian Government, our industry partners, and other stakeholders to ensure we continue to build our understanding of the issues and can find optimal ways to approach these together. Working with the broader community, we will continue to test, to learn, share, and to improve so that our platform remains accessible, effective, and safe for everyone.

Yours sincerely,

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Australia and New Zealand

Kathleen Reen  
Senior Director of Public Policy  
APAC

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[https://blog.twitter.com/en\\_us/topics/company/2018/continuing-our-commitments-to-privacy-and-transparency.html](https://blog.twitter.com/en_us/topics/company/2018/continuing-our-commitments-to-privacy-and-transparency.html)