DP-REG Digital Technologies Working Group

14 December 2022, 3:00pm – 4:00pm AEDT

Attendance:
- ACCC – ███████████████████████
- eSafety – ████████
  - Apologies: ████████
- OAIC – ████████
  - Apologies: ████████
- ACMA – ████████████

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting, and the minutes of the previous meeting were approved.

Agency updates, including attendance at any events and/or any upcoming events
ACMA
- The ACMA noted that in the mis- and dis-information space, it expected the review report on the DIGI *Code of Practice on Disinformation and Misinformation* would be published before the end of the year.
  - Since the meeting, DIGI completed this review on **22 December 2022** and published the report on its website.
- ACMA also said it expected a ministerial announcement soon that would give more information about ACMA's proposed new powers in relation to mis- and disinformation.

eSafety
- eSafety noted it had recently published its position statement on recommender systems and algorithms and that ████████ had circulated a copy to members of the working group.
- eSafety also noted a possible next position statement topic might relate to 'generative AI' such as ChatGPT and Dall-E.

OAIC
- The OAIC noted the *Privacy Legislation Amendment (Enforcement and Other Measures) Bill* had received Royal Assent on **12 December 2022**. This legislation enhances the OAIC's information-sharing powers, which may facilitate collaboration with other agencies (such as via DP-REG) in future.
- The amendments also enhanced the OAIC's compulsory information-gathering powers in respect of notifiable data breaches.

ACCC

- The ACCC noted its understanding that the Government would commence consultation on Interim Report No. 5 of the DPSI shortly.
  - Consultation on this report has since commenced, and submissions to the Consultation Paper will be open until **15 February 2023**.
- Other ongoing ACCC priorities include working on the sixth report, which is due in March 2023 and focuses on social media, as well as work on a draft DITRDCA options paper on mandating free-to-air prominence on smart TVs.

Notes from the DP-REG heads of agency meeting

- The Chair shared some updates from the Heads of Agency meeting, minuted separately.

Algorithms Literature review

- All agencies gave an update on their internal processes for completing the literature review, and noted that they were on track with their plans to have a first draft of their respective sections completed by 27 January 2023.
- It was also agreed that each agency has the discretion to decide which articles to prioritise and focus on the articles it thinks are of the most relevance to the working group, and to exclude articles they don't think add much value.

Discussion of work stream 2 – horizon scanning

Brainstorming session (item 2.1 in the work plan)

- In line with the work plan, this work stream is set to begin with a directed brainstorming session led by the ACCC as Chair of this working group.
- Members agreed it would be beneficial for each agency to go into this session with some potential ideas or areas of interest to focus on.
- To assist with this, the ACCC noted that closer to the date of this session, it could:
  - prepare a form/table where members could input possible topics for consideration. An example format of this might be:
    - Topic – Stage of development – Potential issues – State of regulation
  - prepare and circulate some questions for the group to consider and provide input on ahead of the session to help guide the discussion.
- No issues were raised with these preliminary suggestions, and it was agreed it would be best to come up with some thoughts beforehand and then use the session to rank or prioritise them and decide what the report could look like.
- All parties noted they would likely invite other colleagues from their respective agencies to attend and participate in the virtual brainstorming session.

Horizon-scanning report/summary (item 2.2)

- The 'report' will be a summary note of the brainstorming workshop. It will include identifying which areas are of the greatest interest and why.
- The working group will have a follow-up meeting once this note has been prepared, to choose the topic of our pilot study (workstream 3) and the questions it will address.
- All parties noted they were happy with this report being an internal document or file-note rather than a more formal output. It would be something we would take to the Steering Committee to ask whether they have any issues with our chosen topic.
- It was suggested and broadly agreed that we could use the word 'summary' instead of 'report' to better reflect the nature of this document.

Discussion of workstream 3 – pilot study

- The ACCC referred to a draft template document it had put together and suggested the output of the study could be around 4 to 6 pages answering the prompts in a final version of that template. The working group would meet to discuss and confirm the questions we would like to answer as part of the pilot study. The plan is to finalise this template at the brainstorming meeting in early 2023.
- The ACCC noted the output for the pilot study would likely be similar to eSafety's recent position statements, but about half the length and hence less detailed.
- Questions to be answered as part of the study could include:

- o a description of the chosen technology, how it works, projected trends in usage and potential benefits/concerns in each regulator's area of expertise
- o some notes from each agency on any work they have already commenced or completed that is relevant to the technology
- o some notes on international reports, and
- o some suggestions on whether DP-REG or individual agencies should undertake any future work on the topic.
- Regulators would split up the questions and identify benefits and concerns within our remits. The template would be both a scoping document and a deliverable.
- It was agreed that a sensible approach could be to set up a 'template set' of generic questions that can apply to any technology, with the flexibility to add in more specific questions based on the topic chosen. This was based on an ACMA suggestion that a consistent look and feel could help streamline the process and make it easier to copy across some elements of it should we end up doing multiple technology reviews.
- In terms of timeframes, it was agreed that we could potentially formalise and approve our template for this workstream at the inter-agency workshop currently proposed for 24 March 2023. We would then approve the final document around the start of June and subsequently share it with the Steering Committee. We can adjust these dates slightly as necessary based on the finalised dates of Steering Committee meetings.

Other business

RMIT presentation on search engines

- The ACCC noted it had been approached by Mark Sanderson, an academic from RMIT in Melbourne who has a small team of PhD students conducting a qualitative analysis of search engines. Prof Sanderson has offered to give a presentation at the ACCC's Melbourne office in February 2023 and said he would be happy for ACCC and other DP-REG people to dial in virtually as well.

Twitter

- ACMA noted that Twitter had formally disbanded its Trust and Safety Council, and asked if any other agencies had engaged with Twitter representatives recently.
  - o The ACCC agreed to check with its Report 6 (social media report) team and subsequently sent through an email summarising a meeting this team had had with Twitter representatives on 28 November 2022.

Next steps/Date of next meeting

- The next meeting of this working group is currently scheduled for **8 February 2023**. It will centre on a discussion of our first-draft algorithms literature review work.