DP-REG Digital Technologies Working Group

12 October 2022, 2:00pm – 4:00pm

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

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
- ACMA noted it is soon to be attending an International Institute of Communications (**IIC**) event in Ottawa on media harmonisation and regulation.
- ACMA also noted it would be attending a DRCF Web 3.0 briefing on 18 October 2022.

eSafety
- eSafety noted it's Commissioner presented to the Trans-Tasman Business Circle on the Metaverse in early September and that the link to this is now available.
- eSafety noted a Ministerial presentation at a recent RMA meeting.
- eSafety noted an upcoming IEEE Tech Forum event on 24 October 2022. eSafety also noted a tech UK online program regarding Web 3.0 and the Metaverse to be held on 25 October 2022.

OAIC
- OAIC noted it will be attending some upcoming meetings. It also noted that the High Court had granted special leave in Meta proceedings on 16 September. A date for the hearing is still to be confirmed.
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ACCC
- ACCC noted it had shared the 5th report with Treasury and were preparing for briefings with various policy departments regarding the report. The date of publication of the report is unclear at this stage.
- ACCC noted the announcement of the Bragg inquiry into the role of international big tech in our society and economy. ACCC noted its 6th interim report on social media is currently progressing, and that an update regarding recent events attended by ACCC on the metaverse was circulated in advance of the meeting.

Opening of algorithms workshop

The purpose of these workshops was to collate and synthesise the different working group members existing knowledge of algorithms.

ACCC
- ACCC presented on algorithms particularly noting their effect on competition and consumer harms and its work to date on algorithms. ACCC noted the internal expertise of its Strategic Data Analysis Unit (**SDAU**) and referred members of the working group to the appendix of its presentation for further detail of cases discussed in its presentation.

OAIC

- OAIC provided its presentation on algorithms, noting some of the information presented is based on findings that are currently under appeal. It presented on algorithms with a specific focus on the *Privacy Act* and personal information.
- OAIC also discussed the Australian Privacy Principles (**APP**), noting how privacy can impact other rights. It noted that its algorithms work relates to guidance work, engagement with government, determinations and international engagement.
- OAIC noted a *Privacy Act* review is currently being conducted, which is specifically considering reforms to automated decision making and other reforms which may impact algorithms.

eSafety

- eSafety provided its presentation on algorithms, noting that relevant legislation to its operations was updated last year. eSafety focussed on recommender systems, contention moderation algorithms and algorithmic transparency in its presentation.
- eSafety also noted current tech trends and challenges which underpin its work (https://www.esafety.gov.au/industry/tech-trends-and-challenges).
- eSafety noted it is looking to distribute a report on recommender systems by year end.

ACMA

- ACMA presented on algorithms noting the role of algorithms in the media and communications sector, how they shape the information environment, the associated benefits and risks, especially in the areas of access to content, protection against harms and scams.
- ACMA noted it does not currently have powers relating to algorithms and that it was in the early stages of learning about them, noting its oversight role through the voluntary Australian Code of Practice on Disinformation and Misinformation.

Discussion of areas of intersection

The working group discussed areas of intersection, noting transparency, regulation and bias, choice and control as key areas of intersection. A further list of intersecting areas is to be distributed among the working group.

Next steps including actions and allocation of future tasks and literature review

- ACCC agreed to share a list of relevant areas of intersection. It would also look to engage with the ACCC's in-house team with expertise in algorithms, the SDAU.
- The working group agreed to create a prioritisation matrix for topics to cover in the literature review.
- The Chair noted the next formal meeting in approximately six weeks' time, noting the working group should have a less formal meeting before this to undergo the prioritisation and allocation of tasks.
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