

22 October 2021

Snap Inc. submission to the Parliamentary Joint Committee on Law Enforcement: Inquiry into the Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019

Thank you for the opportunity to present a submission to the Parliamentary Joint Committee on Law Enforcement in your relation to your inquiry into the Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019 (AVM Act).

We fully support the overall objectives behind the AVM Act of preventing and tackling the spread of abhorrent violent material online. We have no tolerance for such material on Snapchat, and have designed a platform which is intentionally prohibitive for the spread of violent content. We are committed to ensuring that Snapchat is a safe and healthy environment for our community, and work closely with law enforcement, governments, regulators and NGOs around the world to develop and improve our response.

This submission sets out our approach to safety on Snapchat, as well as giving our overall perspective on the AVM Act.

Snapchat and our approach to safety

Snapchat has intentionally been designed very differently to traditional social media. At a high level, we use two principles that guide our design process: safety by design, which is about ensuring the safety of our community, and privacy by design, which focuses on data minimisation and protecting user data. Product counsel and privacy counsel are fully involved in the development cycle of any new product and feature at Snap, from outset to release.

This up- front focus on safety and privacy by design is reflected in the build of Snapchat. Unlike traditional social media, Snapchat does not offer an open news feed where unvetted publishers or individuals have an opportunity to broadcast hate, misinformation, or violent content, and we don't offer public comments that may amplify harmful behavior. Snapchat is at heart a visual messaging application, designed for private communications (either 1:1 or in small groups), with the aim of encouraging users to interact with their real friends, not strangers. Snapchatters' friends lists are only visible to themselves, by default you cannot receive a message from someone who you haven't accepted as a friend, and you can never share your location with someone who isn't your friend. Public areas of Snapchat - our Discover page for news and entertainment, and our Spotlight tab for the community's best Snaps - are curated and pre-moderated, ensuring harmful content is not surfaced to large groups of people. Most content on Snapchat is also designed to delete by default - this means that default settings are that messages and Snaps are deleted from our servers once they've been opened, while Stories are deleted after 24 hours. This further limits how widely content can be shared.

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We understand that the AVM Act was primarily intended to address the livestreaming of violent atrocities such as terrorist attacks, and the subsequent spread of such material online, following the Christchurch terrorist attack in March 2019. It is worth being clear that Snapchat does not enable livestreaming of any kind, while the design protections we have set out above makes Snapchat a prohibitive environment for terrorists, extremists, or anyone seeking to spread violent or illegal content widely. The curation and moderation we apply to public areas on Snapchat makes this very difficult: a Snapchat user cannot broadcast unmoderated Snaps or Stories to the whole Snapchat community, and if they share content with just their friends, it cannot be forwarded broadly. The effectiveness of this approach is demonstrated in our six-monthly transparency reports: in each of the last two reporting periods, we deleted fewer than ten accounts for violations of our prohibition of terrorism content globally.

Snap's comments on the AVM Act

Removing abhorrent violent material

We support the requirement for platforms to expeditiously remove abhorrent violent material as defined in the AVM Act. Any content meeting this definition would represent a clear violation of Snap's [Community Guidelines](#), which apply to all Snapchat users and to all content on Snapchat. We provide easy to use in-app reporting tools so users can quickly and easily notify us of any safety concerns, and our global, 24/7 Trust & Safety team reviews reports and quickly takes appropriate action.

We consider that clarity on what constitutes "expeditious" removal would be useful for both service providers and the eSafety Commissioner. We recommend introducing clearly defined response times to remove abhorrent violent content to prevent any room for (mis-)interpretation. In this area, we recommend aligning with existing and agreed international best practice:

- a **one-hour response time** for material related to terrorism and child sexual abuse, in keeping with the voluntary guidelines which a range of companies have signed up to in collaboration with the [EU Internet Forum](#); and
- a **24-hour response time** for the other categories of abhorrent violent material listed in the AVM Act.

Reporting abhorrent violent material

We also support the requirement for platforms to report certain abhorrent violent material to the Australian Federal Police (if there are reasonable grounds to believe that the relevant conduct was occurring, or had occurred, in Australia).

We note from the eSafety Commissioner's submission to this Committee that the overwhelming majority (>98%) of the eSC's investigations into abhorrent violent material since the passage of the AVM Act have focused on child sexual abuse material (CSAM). We use PhotoDNA and CSAI Match technology to proactively identify known images and videos featuring child sexual exploitation on Snapchat, and we prioritise user reports related to child safety and act on these as quickly as possible. If we become aware of any CSAM on Snapchat, or any information relating to the exploitation of children, we (in addition to immediately terminating the offending account, with no chance for reinstatement) promptly report this to the US-based National Center

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for Missing and Exploited Children (NCMEC), which then coordinates as appropriate with international law enforcement, the AFP in the case of Australia. The eSC notes the efficiency of international specialist organisations such as NCMEC in reporting CSAM; using these channels is the most well-established and effective way of reporting CSAM to Australian law enforcement.

For all categories of AVM and other illegal content, we also have well-established processes for supporting valid law enforcement investigations internationally, including in Australia. Our 24/7 dedicated law enforcement operations team regularly responds to lawful requests from Australian law enforcement to support their investigations.

Proactive monitoring

We welcome the clarification in the [Department of the Attorney General's September 2021 factsheet on the AVM Act](#) that companies are not required to proactively monitor all content on their platform. This is in keeping with regulatory best practice internationally; with prominent pieces of new online safety legislation in the European Union (the draft Digital Services Act) and the UK (the draft Online Safety Bill) being clear that companies should not be obliged to monitor their services.

This is particularly important for platforms like Snapchat whose core functionality is private messaging: our users have a justifiable expectation that their private 1:1 and small group communications are not monitored or scanned (just as is the case with private phone calls and text messages, for example). Moreover, ensuring the privacy of personal communications does not mean that platforms cannot take action against illegal or harmful content or activity when it occurs here: for example, Snapchatters can quickly and easily report private Snaps or accounts that they find concerning, which enables our Trust & Safety team to promptly review for any violations of our Community Guidelines.

Timeline in which the AVM Act was developed and passed

We note that the AVM Act was developed and passed through both houses of Parliament extremely quickly, within a few weeks of the Christchurch terrorist attack. While we absolutely recognise and support the Government's desire to act quickly in response to such an awful attack, the downside of such rapid implementation is that it leaves little opportunity for effective engagement with industry as well as wider experts in the field of online safety and regulation. In general, effective online regulation benefits greatly from such consultation. We note and welcome, for example, the collaborative approach that the Government and the eSC are taking to the implementation of the Online Safety Act, and consider this a good model for the development of online regulation.

Conclusion

Thank you again for the opportunity to present this submission to the Committee. We hope this response makes clear that we support the objectives behind the AVM Act, and the key obligations within. There is no place for abhorrent violent material on Snapchat: we work hard, both up front and in response to reports, to prevent such content from being able to spread on the platform.