Australian Government
Office of the Australian Information Commissioner

Executive meeting brief

Responsible Executive/s:	Ashleigh McDonald, s22
Prepared by:	Office of the Commissioner
File ref:	D2025/035580
To:	Elizabeth Tydd
Meeting Date/Time:	Tuesday, 6 January 2026 14:30-15:00
Location:	Microsoft Teams
Attendees:	Julie Inman Grant (eSafety Commissioner) Elizabeth Tydd (Australian Information Commissioner)
Subject:	**Monthly Meeting | Commissioner Tydd, OAIC - Commissioner Inman Grant, eSafety**

s22

2. Social media minimum age scheme (SMMA)

- OAIC and eSafety co-regulate the social media minimum age scheme.
- OAIC published privacy guidance on Part 4A of the Online Safety Act (SMMA) on 10 October 2025, and published public resources on 23 October 2025.
- The OAIC's regulatory guidance has been well received globally and by regulated entities.
- We continue to work closely with eSafety at various levels. Counterparts in regulatory action areas have set up meetings, and collaboration is also occurring on general trends arising from public enquiries and privacy inquiries/complaints about the scheme. A substantial amount of work has taken place to align FAQs and enquiries team scripts, resources to support the public and communications materials.
- Post-commencement:
    - Phone and webform enquiries have stayed steady (totalling around 27 as at 2 January) through the phone line and the webform. The enquiries team continue to cope well with the volume. At this stage none are complaints as we require complaints to be made to entities first and to allow 30 days to respond. To support the enquiries team, OAIC has published the following page listing entities' contact details and links to privacy policies on our website: Social Media Minimum Age: How do I make a complaint? | OAIC.
    - Key trends from enquiries received are:
        - adults objecting to age assurance on their own accounts. At this stage, we have been referring individuals back to the platform in the first instance.
        - a small number are about under-blocking under-16s or over blocking of over-16s, which we are referring to eSafety's website.
    - An overarching theme we are also seeing is the growing scope of entities choosing to implement age assurance, whether or not they fall within the SMMA legislation. s47E(d) and s47E(d) are examples.
    - We have been engaging with platforms about updates to privacy policies and enquiries processes. Late last year, we wrote back to platforms thanking them for the information provided and encouraging them to provide any further updated information to us by 30 January 2026. We are reviewing the documents provided and we intend to write to age assurance providers in the new year requesting similar information on APP 1 compliance.
    - We note that age assurance (and privacy concerns) will further expand as a feature of online activity following the recent commencement of online safety codes regulating age-restricted material / access to adult content:
        - 27 December 2025 - commencement of 3 x codes applying to hosting services, internet carriage services and search engine services).

- Various dates starting from 9 March 2026 – commencement of 6 x codes applying to app distribution platforms, equipment providers, social media services (core features), social media services (messaging features), and relevant electronic services and designated internet services.

s22

Australian Government
Office of the Australian Information Commissioner

Executive meeting brief

Responsible Executive/s:	Ashleigh McDonald, Marcel Savary
Prepared by:	PRISM Taskforce
File ref:	D2026/001937
To:	Elizabeth Tydd
Meeting Date/Time:	Thursday, 5 February 2026 (16:30-17:00)
Location:	Microsoft Teams
Attendees:	Julie Inman Grant (eSafety Commissioner) Elizabeth Tydd (Australian Information Commissioner)
Subject:	**Monthly Meeting | Commissioner Tydd, OAIC - Commissioner Inman Grant, eSafety**

s22

2. Social media minimum age scheme (SMMA)

- OAIC and eSafety co-regulate the social media minimum age scheme.
- OAIC published privacy guidance on Part 4A of the Online Safety Act (SMMA) on 10 October 2025, and published public resources on 23 October 2025. The OAIC's regulatory guidance has been well received globally and by regulated entities.

- We continue to work closely with eSafety at various levels.
- Most notably, eSafety and the OAIC will be holding an SES-level meeting on 10 February 2026 to discuss ongoing regulatory coordination in relation to the SMMA scheme.
- Collaboration is also occurring on general trends arising from public enquiries and privacy inquiries/complaints about the scheme. A substantial amount of work has taken place to align FAQs and enquiries team scripts, resources to support the public and communications materials.
- Post-commencement:
    - Phone and webform enquiries have stayed steady (totalling around 34 as at 2 February 2026) through the phone line and the webform. The enquiries team continue to cope well with the volume.
    - At this stage all enquiries and contacts have been redirected to eSafety, or the regulated entity in the first instance. This means, the OAIC has not yet accepted any matters as complaints as at 2 February.
    - The OAIC requires complaints to be made to entities first and to allow 30 days to respond. To support the enquiries team, OAIC has published the following page listing entities' contact details and links to privacy policies on our website: Social Media Minimum Age: How do I make a complaint? | OAIC.
    - Key trends from enquiries received are:
        - adults objecting to age assurance on their own accounts. At this stage, we have been referring individuals back to the platform in the first instance.
        - a small number are about under-blocking under-16s or over blocking of over-16s, which we are referring to eSafety's website.
    - An overarching theme we are also seeing is the growing scope of entities choosing to implement age assurance, whether or not they fall within the SMMA legislation. Age assurance checks by platforms such as s47E(d) and s47E(d) are examples. These have been a growing topic of separate enquiries received by the OAIC.
    - The OAIC is currently preparing additional guidance to address age assurance in non-SMMA contexts.
    - We have been engaging with platforms about updates to privacy policies and enquiries processes. Late last year, we wrote back to platforms thanking them for the information provided and encouraging them to provide any further updated information to us by 30 January 2026. We have, this week, written to age assurance providers requesting similar information on APP 1 compliance.
    - We note that age assurance (and privacy concerns) will further expand as a feature of online activity following the recent commencement of online safety codes regulating age-restricted material / access to adult content:
        - 27 December 2025 - 3 x codes commenced applying to hosting services, internet carriage services and search engine services.

OAIC

- Various dates starting from 9 March 2026 – commencement of 6 x codes applying to app distribution platforms, equipment providers, social media services (core features), social media services (messaging features), and relevant electronic services and designated internet services.

s22

s22

Australian Government
Office of the Australian Information Commissioner

Executive meeting brief

Responsible Executive/s:	Ashleigh McDonald, Marcel Savary
Prepared by:	PRISM Taskforce
File ref:	D2026/004079
To:	Elizabeth Tydd
Meeting Date/Time:	Thursday, 12 March 2026 (12:00-12:30)
Location:	Microsoft Teams
Attendees:	Julie Inman Grant (eSafety Commissioner) Elizabeth Tydd (Australian Information Commissioner)
Subject:	**Monthly Meeting | Commissioner Tydd, OAIC - Commissioner Inman Grant, eSafety**

s22

[redacted]

2. Social media minimum age scheme (SMMA)

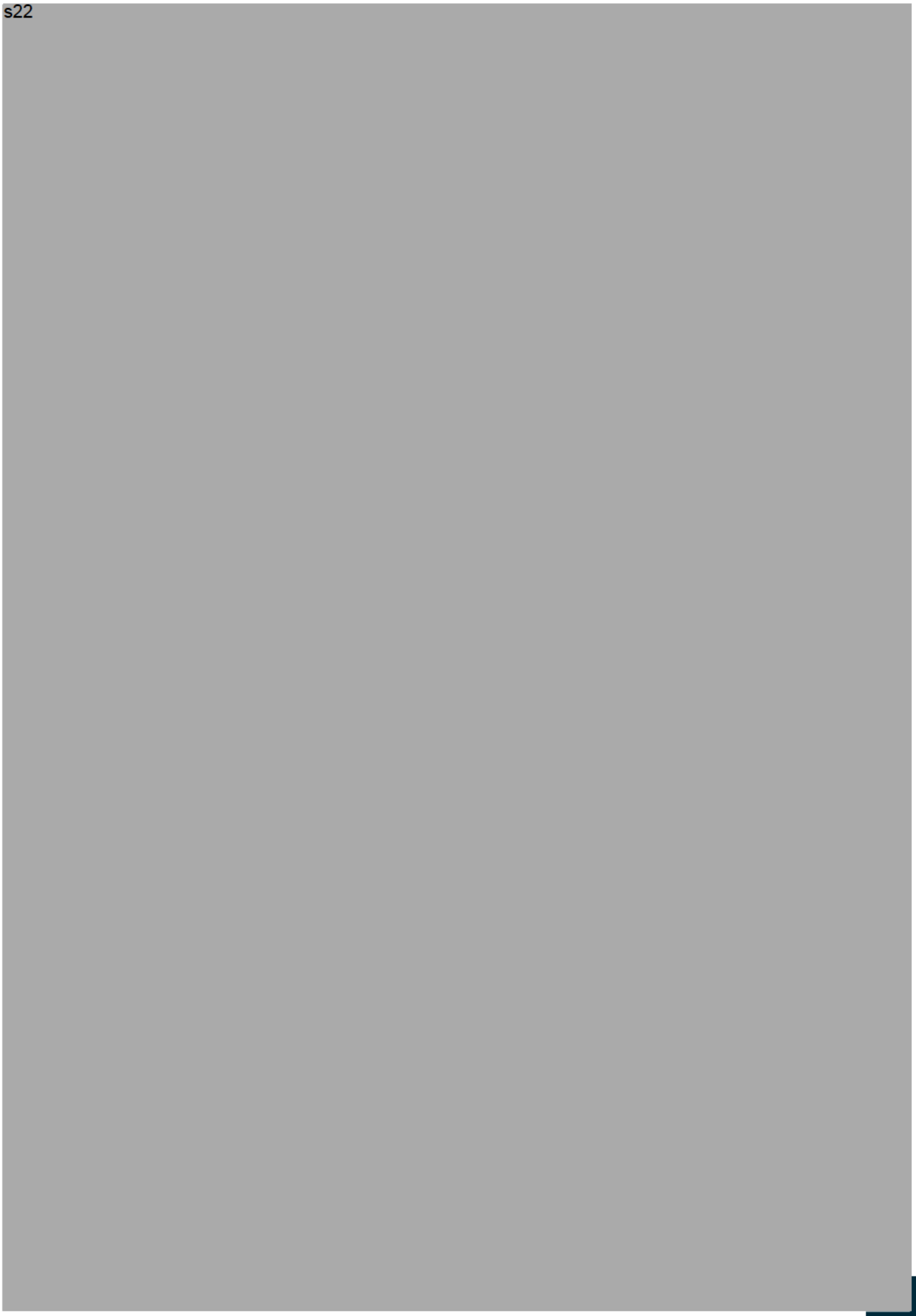
- OAIC and eSafety co-regulate the social media minimum age scheme.
- OAIC published privacy guidance on Part 4A of the Online Safety Act (SMMA) on 10 October 2025 and published public resources on 23 October 2025. The OAIC's regulatory guidance has been well received globally and by regulated entities.
- We continue to work closely with eSafety at various levels.

- Most notably, eSafety and the OAIC held an SES-level meeting on 10 February 2026 to discuss ongoing regulatory coordination and information sharing in relation to the SMMA scheme. Another meeting is intended to be scheduled in April 2026.
- Collaboration is also occurring on general trends arising from public enquiries and privacy inquiries/complaints about the scheme. A substantial amount of work has taken place to align FAQs and enquiries team scripts, resources to support the public and communications materials.
- Commissioner Kind published a blog post for Safer Internet Day on 10 February 2026 which highlighted high-level issues associated with age and identity.
- The OAIC is currently developing additional guidance to address age assurance in non-SMMA contexts which will be released in March 2026. This guidance is particularly intended to support APP entities implementing age assurance to comply with obligations under online safety codes coming into effect on 9 March 2026. The OAIC will provide eSafety with the guidance for officer-level feedback prior to release.
- Post-commencement:
    - Phone and webform enquiries have stayed steady (totalling around 34 as at 16 February 2026) through the phone line and the webform. The enquiries team continue to cope well with the volume.
    - While most enquiries have been redirected to eSafety, or the regulated entity in the first instance, the OAIC has now received a small number of potentially valid complaints under section 36 of the Privacy Act. The OAIC is currently assessing and triaging these complaints in line with our strategic priorities.
    - The OAIC requires complaints to be made to entities first and to allow 30 days to respond. To support the enquiries team, OAIC has published the following page listing entities' contact details and links to privacy policies on our website: Social Media Minimum Age: How do I make a complaint? | OAIC.
    - Key trends from enquiries received are:
        - adults objecting to age assurance on their own accounts. At this stage, we have been referring individuals back to the platform in the first instance.
        - a small number are about under-blocking under-16s or over blocking of over-16s, which we are referring to eSafety's website.
    - An overarching theme we are also seeing is the growing scope of entities choosing to implement age assurance, whether or not they fall within the SMMA legislation. Age assurance checks by platforms such as s47E(d) and s47E(d) are examples. These have been a growing topic of separate enquiries received by the OAIC.
    - We have been engaging with platforms about updates to privacy policies and enquiries processes. Late last year, we wrote back to platforms thanking them for the information provided and encouraging them to provide any further updated information to us by 30 January 2026. No further information has been provided following this deadline.

- Earlier this month, we wrote to age assurance providers requesting similar information on APP 1 compliance. The OAIC has attended a series of meetings with age assurance providers on this matter and is due to receive responses to our requests for information on 6 March 2026.
- We note that age assurance (and privacy concerns) will further expand as a feature of online activity following the recent commencement of online safety codes regulating age-restricted material / access to adult content:
  - 27 December 2025 - 3 x codes commenced applying to hosting services, internet carriage services and search engine services.
  - Various dates starting from 9 March 2026 – commencement of 6 x codes applying to app distribution platforms, equipment providers, social media services (core features), social media services (messaging features), and relevant electronic services and designated internet services.

s22

s22



s22

[redacted]