

Commissioner,

I write to you in regards to the Draft Restricted Access System Declaration 2021.

As you are no doubt aware, there is no standardised classification system for most material published on the internet. The closest analogues currently in use are the following:

- Snap judgement calls made by social media moderators regarding company policy
- Content filtering lists provided by third-party companies, best known for overzealous blacklisting of innocuous material based on primitive keyword matching

Neither of the above align with the definition of “relevant class 2 material” under the Act. Neither of the above have any standardised provisions for evaluation, auditing, oversight, or appeal in the event of an incorrect classification. Yet it is likely that to meet requirements under the Act, internet service providers and user-content driven platforms will fall back on the above two strategies to pre-emptively gate content. Entire swathes of appropriate material, especially related to sexual health and LGBTIQ+ issues, will become much harder to access by marginalised youth. Some content filtering services can go an additional step and report such “violations” to the account holder, which can result in physical and psychological retribution for youth trapped in religious or abusive households.

In addition, the Declaration is also deliberately vague about how such age verification will be performed; only that stating one’s age is insufficient. It is unclear how the Declaration expects to perform age verification to the expected standard without the provision of identifying documents, despite claiming that identity verification is not required. Requiring third-party services to accept and evaluate proof-of-age documentation without any privacy controls attached is a recipe for disaster, which can culminate in mass exfiltration of credentials, “doxxing”, blackmail and identity theft. It is also unlikely to deter attempts at circumvention.

Finally, even with draconian levels of content gating in place, the Declaration would not meaningfully impact access to “relevant class 2 material” by minors. Such content would continue to be accessible over file sharing services, direct messaging services, or shared in person.

This Declaration is an unacceptable tradeoff of the right to privacy in exchange for additional security theatre, and will damage marginalised youth an order of magnitude more than any purported increase in safety. I implore the Commissioner to reconsider the need for such a proposal, and to reach out to representatives from the LGBTIQ+ community for consultation about how the proposal would affect at-risk youth.

Regards,
Scott Percival