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Online Safety Branch, Content Division
Department of Infrastructure, Transport, Regional Development and Communications
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Consultation on a Bill for a new Online Safety Act

Amazon Web Services (AWS) welcomes the opportunity to make a submission regarding the exposure draft of the Online Safety Bill (Bill). AWS supports the Government's intention to consolidate existing online safety regulation and to keep Australians safe from bullying, abusive and offensive content online.

At AWS we take our safety and security responsibilities seriously. In terms of the content stored by customers on AWS infrastructure, our Acceptable Use Policy prohibits AWS services being used "for any illegal, harmful, fraudulent, infringing or offensive use, or to transmit, store, display, distribute or otherwise make available content that is illegal, harmful, fraudulent, infringing or offensive." ¹ Violation of the policy may result in suspension or termination of service.

Security and compliance is a shared responsibility between AWS and our customers. AWS is responsible for security **of** the cloud - protecting the infrastructure that runs all of the services offered in the AWS Cloud. This infrastructure is composed of the hardware, software, networking, and facilities that run AWS Cloud services. Customers are responsible for security **in** the cloud - for building secure applications and managing their own content and data. Customers have complete ownership and control over their content hosted on the cloud, and can use controls like encryption to maintain the security and integrity of their content. AWS has no way of automatically monitoring, filtering, identifying or controlling particular kinds of customer data hosted in the cloud.

Scope

The Bill seeks to broaden the scope of services subject to the various content removal obligations. The initial consultations as part of this review 12 months ago indicated that cloud computing services were out of scope. However from the exposure draft it is not clear whether cloud service providers (CSPs) are now intended to be included within the broad definitions in the Bill.

AWS submits that CSPs should be clearly excluded from the broad scope of the Bill due to their position in the 'stack' being detached from the end-user, and CSPs' inability to view, access and precisely target customers' data. The purposes of the Bill, and the harms it is seeking to address, are most applicable to consumer-facing online platforms and services with which end-users interact. CSPs predominantly offer business to business (B2B) services, which businesses then use to interact with their end-users. Unlike websites, social media or content



sharing platforms, which generally have visibility of and can exercise significant control over the data that is shared on their platforms, CSPs do not typically have access to or visibility of their customers' data or the nature of data that is stored or processed on their infrastructure. This may also restrict a CSP's ability to remove a single offending image or post, potentially resulting in the inadvertent removal or blocking of other non-offending and legal content as well. This would harm the lawful operations of the customer and result in a disproportionate response.

However, in seeking to support the Government's objectives, AWS suggests that CSPs could be narrowly included in scope of the Bill only where the relevant website, service, or platform owner has refused to comply with a removal notice issued by the eSafety Commissioner under the Cyber-Bullying, Adult Cyber-abuse, Image-based Abuse, and Online Content Schemes within a reasonable timeframe, and the eSafety Commissioner could then issue a subsequent removal notice to the relevant CSP. However, the lack of precision and disproportionality in a CSP seeking to remove offending material as referenced earlier would need to be considered. This 'option of last resort' should be made clear in the legislation or explanatory memorandum.

AWS appreciates the opportunity to make this submission and would be pleased to provide the Department further information or support in its development of the Bill.

Yours sincerely,



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ⁱ AWS Acceptable Use Policy - <https://aws.amazon.com/aup>