

Schedule 4 – Internet Search Engine Services Online Safety Code (Class 1A and Class 1B Material)



1 Structure

This Code is comprised of the terms of this Schedule together with the Online Safety Code (Class 1A and Class 1B Material) Head Terms (**Head Terms**).

2 Scope

- (a) This Code applies to providers of internet search engine services, so far as those services are provided to Australian end-users.
 - (b) Internet search engine services are software-based services designed to collect and rank information on the WWW in response to user queries. An internet search engine returns relevant results to search queries and has the functionality explained in clause 4(b). As such, search engine services acknowledge they play an important role in the digital ecosystem concerning the safety of end-users.
 - (c) This Code does not apply to search functionality within platforms where content or information can only be surfaced from that which has been generated / uploaded / created within the platform itself and not from the WWW more broadly.
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3 Definitions

Unless otherwise indicated, terms used in this Code have the meanings given in the OSA or in the Head Terms or as set out below.

A provider of an internet search engine service:

- (i) includes the licensor of search functionality that enables a licensee to operate a third-party search engine service where the licensor retains legal or operational control of the search algorithm, the index from which results are generated and the ranking order in which they are provided; and
- (ii) does **not** include the licensee of search functionality for the purpose of enabling the licensee to operate a third-party search engine service in circumstances where the licensee has no legal or operational control of the search algorithm, the index from which results are generated nor the ranking order in which they are provided.

A legal removal request is a valid request to remove a link to material that appears in search results where required by law enforcement or a regulator in accordance with applicable law.

WWW means the World Wide Web.

4 Risk profile

Internet search engine services are designed for general public use and have a generally equivalent purpose and functionality and therefore have an equivalent risk profile under this Code. This clause explains why internet search engine services have been assessed to have an equivalent risk profile, drawing on common characteristics.

- (a) Purpose of search engine

The purpose of an internet search engine service is to index hundreds of billions of webpages in order to return relevant results to a search query in a fraction of a second.

They rely on many types of information (e.g., location, exact query) and on thousands of different signals - from recency to the number of times a query appears on a page - to generate these results.

(b) Functionality of search engine

Internet search engine services generally automate their systems in two ways. First, they use software known as “web crawlers,” “bots” or “spiders” to discover publicly available web pages and accessible content. The information is then automatically placed into an index. The results produced can be presented to an Internet user through a web-browser or through an app. Results can include a text-based link, an image thumbnail link, a video link, and a map of a physical address / location. Results can also be cached, which means that the result is stored within the search index but may not be included in response to a related search. Second, they use ranking systems to return relevant results from the index to users, most commonly displayed as a set of links to websites. These ranking systems are made up of a series of algorithms that rank results based on many factors such as relevance and usability of pages, expertise of sources, and more. The weight applied to each factor may vary based on the nature of the query.

An internet search engine service generally **does not have** the following functionalities:

- (i) hosts user-generated content;
- (ii) allows Australian end-users to link to, or interact with, other end-users on the search platform (for example, via voice/video calls, live streaming, text messaging);
- (iii) allows Australian end-users to generate, store, post or share material on the platform (for example, via content upload and file sharing);
- (iv) enables monetisation of user generated content;
- (v) provides a marketplace for commercial transactions; or
- (vi) enables live video or audio streaming.

5 Regular review of adequacy of policies, processes, systems and technologies

A provider of an internet search engine service must conduct regular reviews to assess whether they have adequate scalable and effective policies, procedures, systems and technologies in place that enable them to comply with this Code.

A provider of an internet search engine service should conduct such reviews following the implementation of relevant material changes to the functionality of an internet search engine service and at least once a year.

Guidance:

When conducting a review under this Code, a provider of an internet search engine service should take into account:

- (a) *the functionality, purpose and scale of the internet search engine service;*
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- (b) *the need for an industry participant to demonstrate that the compliance measures it has adopted are reasonable, taking into account the factors listed in section 5.1(b) of the Head Terms;*
 - (c) *a forward-looking analysis of changes to the internal and external environment in which the search engine services operate and their impact on the ability of a service to meet the objectives and outcomes of the Code;*
 - (d) *relevant local, regional and international guidance (for example, with reference to the Digital Trust & Safety Partnership ‘Safe Framework’);*
 - (e) *relevant written guidance from eSafety; and*
 - (f) *feedback provided by eSafety in consultations with the search engine service.*
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6 Compliance measures

The table in clause 7 below contains minimum and optional compliance measures for providers of internet search engine services, so far as those services are provided to Australian end-users.

The table in clause 7 also sets out guidance on the implementation of some measures. The guidance and notes are not intended to be binding but are rather provided to provide further guidance on the way that a relevant industry participant may choose to implement a measure.

The functionality and purpose of search engines means that it is inappropriate for the provider to filter its index of online material so as to prevent Australian end-users from accessing class 1A or class 1B material. The classification of online material as class 1A and class 1B material requires an assessment of the context in which the material appears in a webpage. For example, showing crime and violence in online materials may be permissible where incorporated in a news story or in academic research or a snippet from a novel or historical book. The portrayal of drug misuse or addiction may be permissible where used in public health messaging. This context generally requires human review of the webpage and will not be apparent from the index that generates search results. Therefore, some measures in the table are limited to materials that are subject to legal removal requests by eSafety or law enforcement in accordance with applicable laws.

7 Compliance measures for class 1A and 1B material

Objective 1: Industry participants will take reasonable and proactive steps to create and maintain a safe online environment for Australian end-users.

Outcome 1: Industry participants will take reasonable proactive steps to prevent: access or exposure to, distribution of and online storage of class 1A material.

Measures for all providers of internet search engine services

1) Ranking algorithms

A provider of an internet search engine service must make ongoing investments in technology (for example, machine learning, artificial intelligence or other safety technologies) to support algorithmic optimisation, with a view to elevating authoritative, relevant and trustworthy information and reducing the accessibility or discoverability of class 1A materials in search results. At a minimum, a provider of an internet search engine service must:

- a) make available to Australian end-users' information about its policies for and approach to indexing web pages; and
- b) continually review and/or test the performance of algorithms in meeting the above objectives.

Guidance:

To minimise the risks that Australian end-users may access class 1A materials via an internet search engine service, providers of search engine services should use algorithms that prioritise relevant, authoritative and trustworthy information, and make it harder for users to discover low quality information.

Providers should aim to improve ranking algorithms, looking at many factors and signals, including the words used in a query, relevance and usability of pages, expertise and trustworthiness of sources, and the customer's location and settings. Providers should update algorithms with the aim of reducing access and exposure to class 1A materials, for example by designing ranking algorithms to use signals that rank pages that display class 1A materials as "lowest quality" or "less authoritative."

Providers should review and test the impact of algorithms to support improvements to search ranking algorithms, for example developing objective guidelines and criteria to evaluate changes to algorithms or by engaging third-party human raters to support algorithmic approaches to page quality.

2) Policies, procedures, systems and technologies for class 1A materials

A provider of an internet search engine service must implement systems, policies and processes designed to reduce the accessibility or discoverability of class 1A material by Australian end-users. At a minimum, a provider of an internet search engine service must:

- a) delist search results that surface known CSAM;
- b) delist links to class 1A materials pursuant to a legal removal request;
- c) prevent links to class 1A material that are removed pursuant to a legal removal request from being retained in cached data, where the search engine has the ability to cache results from searches;
- d) ensure that autocomplete or predictive entries that appear on the internet search engine service do not include, without justification, terms that have known associations to CSEM based on keyword searches and input from expert organisations;

	<p>e) use best efforts to prevent autocomplete / predictive prompts for questions / phrases that would facilitate an Australian end-users search for material for the purpose of inciting terrorism or extreme crime or violence;</p> <p>f) provide access to tools, such as ‘safe search’ functionality, which enable users to limit exposure to explicit and / or graphic content;</p> <p>g) use best efforts to ensure that search results specifically seeking images of known CSAM are accompanied by deterrent messaging that outlines the potential risk and criminality of accessing images of CSAM; and</p> <p>h) use best efforts to ensure that search results returned for terms that have known associations to CSEM are accompanied by information or links to services that assist Australian end-users to report CSEM to law enforcement and/or seek support.</p> <p>Guidance:</p> <p><i>In assessing what is an appropriate response, a provider of an internet search engine service should differentiate between the different kinds of class 1A material that may be accessible or discoverable by Australian end-users via search results on the service, based on the potential of the material to cause harm to Australian end-users and the potential severity of the harm.</i></p> <p>3) Updates of policies and systems and processes, systems and technologies</p> <p>A provider of an internet search engine service must make corresponding adjustments to relevant policies, systems, processes and technologies required in measure 1) where the results of a review in clause 5 above (Regular review of adequacy of policies, processes, systems and technologies) indicate they are reasonably necessary.</p> <p>4) Trust and safety function</p> <p>A provider of an internet search engine service must ensure that one or more designated personnel have primary responsibility to oversee the safety of the service including compliance with the OSA and this Code. Such personnel must have clearly defined roles and responsibilities, including for the creation, operationalisation and evaluation of the systems and processes required under this Code.</p> <p>Guidance:</p> <p><i>The provider of an internet search engine service may allocate the roles and responsibilities of personnel required under this measure to one or more employees or external third-party service providers. Some providers of search engine services may rely on the risk management systems of a related entity to assist with complying with this obligation.</i></p> <p><i>The senior management of the provider should have a specific role in ensuring that the trust and safety function is subject to an adequate level of oversight and accountability within the search engine service’s management structure.</i></p>
<p>Outcome 2: Industry participants will take reasonably proactive steps to prevent or limit access or exposure to, distribution of and online storage of class 1B material.</p>	
<p>Measures for all providers of internet search engine services</p>	<p>5) Policies, processes, systems and technologies for class 1B materials</p> <p>A provider of an internet search engine service must implement systems processes and technologies that are designed to limit Australian end-users’ exposure to class 1B materials. At a minimum, a provider of an internet search engine service must invest in ongoing improvements to ranking algorithms with the aim of prioritising the accessibility and discoverability of authoritative sources of</p>

	<p>online information and demoting the accessibility of class 1B materials in search results.</p> <p>Guidance:</p> <p><i>A provider of an internet search engine service should not filter access to lawful class 1B materials by Australian end-users but should respond within the required timeframe to notices to remove links to class 1B materials in accordance with the OSA. Providers of internet search engine services should, however, invest in improving algorithms with the aim preventing users from being exposed to class 1B materials, for example by:</i></p> <ul style="list-style-type: none"> a) <i>designing ranking algorithms to use signals that rank pages as “lowest quality” or “less authoritative” when they are encouraging non-medical drug use advice; or</i> b) <i>designing ranking algorithms to use signals that rank pages as “lowest quality” or “less authoritative” when they are explicitly encouraging crime or violence.</i> <p><i>A provider of an internet search engine service should also implement additional strategies that help ensure that access to certain categories of class 1B materials, for example “Gore sites”, are not prominent via search features, such as policies and enforcement measures that prohibit such content surfacing through autocomplete terms, featured snippets, or knowledge panels.</i></p> <p>6) Updates of policies processes, systems and technologies</p> <p>A provider of an internet search engine service must make adjustments to relevant policies, systems, processes and technologies in measure 5) where the results of a review under clause 5 (Regular review of adequacy of policies, processes, systems and technologies) indicate they are reasonably necessary.</p>
<p>Outcome 4: Industry participants take appropriate steps to limit hosting class 1A and 1B materials.</p>	
	<p>This Outcome is not applicable to internet search engine services.</p>
<p>Outcome 5: Industry participants consult, cooperate and collaborate with other industry participants in respect of the removal, disruption and/or restriction of class 1A and class 1B material.</p>	
<p>Measures for all providers of search engine services with more than 500,000 active monthly Australian end-users.</p>	<p>7) Cooperation and collaboration with industry participants</p> <p>A provider of an internet search engine service with more than 500,000 active monthly Australian end-users must implement procedures for collaborating with eSafety, law enforcement, non-governmental or cross industry organisations that have established systems and processes that facilitate the safe, secure and lawful sharing of information that enables the detection and removal of CSEM.</p> <p>Guidance:</p> <p><i>A provider of an internet search engine service should proactively engage with local and global industry and/or multi-stakeholder communities, coalitions and alliances to share information and best practices for combatting CSEM material in search contexts.</i></p> <p><i>Note: Providers should be aware that there may be legislation in certain jurisdictions where they operate that prevents the sharing of certain types of information. Examples of the type organisations contemplated by this measure include the Technology Coalition and WePROTECT Global Alliance. Providers should be aware that membership organisations will have criteria and other processes in place to make their own membership decisions.</i></p>
<p>Outcome 6: Industry participants communicate and cooperate with eSafety in respect of matters relating to class 1A material, including complaints.</p>	

<p>Measures for all providers of search engine services</p>	<p>8) Timely referral of unresolved complaints to eSafety</p> <p>A provider of an internet search engine service must, refer to eSafety complaints from the public concerning the provider’s noncompliance with this Code, where the provider is unable to resolve the complaint within a reasonable time frame.</p> <p>Guidance:</p> <p><i>The time frames within which providers of an internet search engine service should seek to resolve complaints of non-compliance with this Code and refer issues to eSafety under this measure should be based on the scope and urgency of potential harm that is related to the complaint and the source of the complaint.</i></p> <p>9) Policies and procedures in place which ensure communication and cooperation with eSafety</p> <p>A provider of an internet search engine service provider must update eSafety regarding changes to the functionality of internet search engine service that are likely to have a significant positive or negative effect on the access or exposure to, distribution of class 1A or class 1B materials in Australia. Updates must be provided in the provider’s annual report in measure 18.</p>
<p>Objective 2: Industry participants will empower people to manage access and exposure to class 1A and class 1B material.</p>	
<p>Outcome 7: Industry participants provide tools and/or information to limit access and exposure to class 1A and class 1B material.</p>	
<p>Measures for all providers of search engine services</p>	<p>10) Technical tools and information</p> <p>A provider of an internet search engine service must implement the following measures:</p> <ol style="list-style-type: none"> a) provide age-appropriate safety settings; b) make available clear and accessible guidelines about the use and effect of such safety settings; c) make available clear and accessible information about the use and effect of tools available to Australian end-users; and d) make available information to Australian end-users about online harms and the measures that users can take to protect themselves and children in their care. <p>Guidance:</p> <p><i>A provider of an internet search engine service should provide Australian end-users with technical tools and/or information to limit their access and exposure of Australian end-users to class 1A and class 1B materials. The type of tools and information should be appropriate to the nature, purpose and function and scale of the internet search engine service, taking into account the results of the reviews required in clause 5 (Regular review of adequacy of policies, processes, systems and technologies).</i></p>
<p>Outcome 8: Industry participants provide clear and effective reporting and complaints mechanisms for class 1A and class 1B material.</p>	
<p>Measures for all providers of search engine services</p>	<p>11) Removal requests for illegal content</p> <p>A provider of an internet search engine service must have a process for receiving removal requests from Australian end-users for illegal content linked to from within their search engines.</p>

	<p>12) Feedback mechanisms</p> <p>A provider of an internet search engine service must provide tools which enable Australian end-users to provide feedback about the quality of the service, which may include feedback on the accessibility of lawful class 1A and class 1B materials.</p> <p><i>Guidance:</i></p> <p><i>A provider of an internet search engine service should consider feedback from Australian end-users as part of their ongoing investment in technology and guidance for ranking algorithms.</i></p> <p>13) Supplementary information about reporting mechanisms</p> <p>A provider of an internet search engine service must provide Australian end-users with access on its platform to clear information that explains the service’s reporting processes.</p> <p>14) Testing of user engagement and awareness of reporting mechanisms</p> <p>Providers of internet search engine services should intermittently test the adequacy of Australian end-user use and engagement and awareness of reporting mechanisms required under this Code.</p>
<p>Outcome 9: Industry participants effectively respond to reports and complaints about Class 1A and Class 1B material.</p>	
<p>Measures for all providers of search engine services</p>	<p>15) Responding to reports and legal removal requests</p> <p>An internet search engine service provider must have appropriate personnel, policies, processes, systems and technologies in place to respond to reports by Australian end-users.</p> <p>At a minimum, a provider of an internet search engine service must implement the following measures to address reports:</p> <ol style="list-style-type: none"> a) implement policies, procedures, and systems to enable the automated, human, or hybrid triaging and review and response to reports by Australian end-users; b) implement processes and, where appropriate, tools to enable the handling of complaints by Australian end-users about the search engines response to reports under Outcome 8; c) provide clear and easily accessible information on how an Australian end-user can contact eSafety where a report or complaint is not resolved to that end-user’s satisfaction; d) establish standard operating procedures which include clearly specified channels for escalating and/or reporting to an appropriate entity if the provider: <ol style="list-style-type: none"> i. identifies CSEM on its service; and ii. forms a good faith belief that the CSEM presents evidence of serious and immediate threat to the life or physical safety of an Australian adult or child, <p>it must, subject to the Privacy Act 1988 (Cth) report such material to an appropriate entity within 24 hours or as soon as reasonably practicable.</p> <p>An appropriate entity means foreign or local law enforcement (including, Australian federal or state police).</p> <p>Guidance:</p>

	<p><i>Policies, systems and processes that are implemented to satisfy this measure should enable the internet search engine provider to take appropriate action in response to such the reports taking into account factors such as urgency, and scope of potential harm that is related to the reported material, the efficacy of different types of intervention that are available on the service, and the source of reports.</i></p> <p><i>Note: Providers should ensure their approach to this measure complies with applicable laws e.g., concerning privacy.</i></p> <p>16) Training for personnel responding to reports</p> <p>A provider of an internet search engine service must ensure that personnel responding to reports by Australian end-users pursuant to this Code are trained in the platform’s policies, systems and processes for dealing with reports.</p>
<p>Objective 3: Industry participants will strengthen transparency of, and accountability for, class 1A and class 1B material.</p>	
<p>Outcome 10: Industry participants provide clear and accessible information about class 1A and class 1B material.</p>	
<p>Measures for all providers of search engine services</p>	<p>17) Information about class 1A and class 1B materials</p> <p>Providers of internet search engine services must publish easily accessible and plain language information on their approaches to class 1A and class 1B material. An internet search engine service provider must at a minimum implement the following measures:</p> <ol style="list-style-type: none"> a) provide information to Australian end-users about the ways in which the internet search engine service ranks information; b) provide information on the actions that may be taken to report links to illegal materials; c) implement processes and, where appropriate, tools to enable the handling of complaints by Australian end-users about the provider’s response to reports under Outcome 8; d) establish or maintain a hub, portal or other online location that houses online safety information that can be accessed by Australian end-users or refers Australian end-users to where they can find online safety information; e) provide information to Australian end-users about online safety risks and guidance on how to mitigate these risks; and f) provide information to Australian end-users about the role and functions of eSafety, including how to make a complaint to eSafety under the OSA.
<p>Outcome 11: Industry participants publish annual reports about Code compliance.</p>	
<p>Measures for all providers of search engine services</p>	<p>18) Reporting by providers of internet search engine services</p> <p>Where eSafety issues a written request to a provider of an internet search engine service to submit a Code report, the provider named in such request must submit to eSafety a Code report which includes the following information:</p> <ol style="list-style-type: none"> a) the steps that the provider has taken to comply with their applicable minimum compliance measures; and b) an explanation as to why these measures are appropriate. <p>A provider of an internet search engine service who has received such a request from eSafety is required to submit a Code report within 6 months of receiving the</p>

	<p>request, but for the first request no earlier than 12 months after this Code comes into effect. A provider of an internet search engine service will not be required to submit a Code report to eSafety more than once in any 12 month period.</p>
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Note: 'appropriate' has the meaning given in the Head Terms.