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## AMA submission to Senate Economics References Committee's Inquiry into the Influence of International Digital Platforms

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The Australian Medical Association (AMA) welcomes the opportunity to make a submission to the *Inquiry into the Influence of International Digital Platforms*, being undertaken by the Senate Economics References Committee.

The AMA is concerned about the influence that international digital platforms have on the health and wellbeing of children, population health literacy, misinformation and the use of personal data and algorithms to market unhealthy products and encourage overuse of screens.

The AMA's submission will be responding to the following terms of reference:

- c. whether algorithms used by such international digital platforms lack transparency, manipulate users and user responses, and contribute to greater concentrations of market power and how regulating this behaviour could lead to better outcomes in the public interest;
- d. the collection and processing of children's data, particularly for the purposes of profiling, behavioural advertising, or other uses;
- g. any other related matters.

**c. whether algorithms used by such international digital platforms lack transparency, manipulate users and user responses, and contribute to greater concentrations of market power and how regulating this behaviour could lead to better outcomes in the public interest;**

The AMA recognises that use of individual data to create algorithms can lead to harmful behaviours such as addiction and target particularly vulnerable groups such as children and young adults.<sup>1</sup> Algorithms created by digital platforms using trait-based personalisation collect data from a digital action such as an individual's 'likes', to be able to then target content directly towards them.<sup>2</sup> This is evident in rulings such as that of the ACCC, that have found international digital platforms guilty of misleading consumers about the collection and use of their data.<sup>3</sup>

The Australian Competition and Consumer Commission (ACCC) found that Facebook, Instagram, and YouTube account for over 50% of the spending on digital advertising, being amongst the largest advertiser-funder media companies in the world.<sup>4</sup> The commercial relationship between

international digital platforms and the advertising industry drives the imperative to share data with financial gains for both parties, but a relationship that ultimately harms the consumer.<sup>5</sup>

### Addiction and algorithms

The AMA is concerned by the rapidly evolving landscape of online advertising and algorithm creation, in particular the lack of fit-for-purpose regulation to keep pace with emerging platforms and technologies.

The AMA regards substance dependence and behavioural addictions (SDBA) as serious health conditions, with high mortality and disability. People experiencing addiction should be offered the best available treatments and supports to recovery.<sup>6</sup> The AMA is supportive of addiction treatment services also taking into account online sources of addiction to assist with treatment and recovery. This also includes the positive use of algorithms to help identify those needing support, directing them to the right services online.<sup>7</sup>

In our [submission](#) to the *Parliamentary Inquiry into online gambling and its impacts on those experiencing gambling harm*, the AMA suggested that better regulation was needed with the ever-changing digital landscape and that legislative frameworks needed to be updated frequently. We also called for stronger monitoring of advertising to counter for any breaches of code.<sup>8</sup> The AMA holds serious concerns that targeted content frames gambling as a desirable, trustworthy and fun activity, whilst looking to build brand awareness and normalise gambling for consumers.<sup>9</sup>

There are growing concerns in the medical profession around the lack of data and oversight of the harms that can arise from screen addiction. Further information is needed to explore and understand the link between digital platforms and addictions such as internet (or screen) addiction,<sup>10</sup> internet gaming disorder,<sup>11</sup> online gambling addiction,<sup>12</sup> and problematic online porn use (POPU)<sup>13</sup> relating to broader addictive sexual behaviours. Those experiencing the harms of these addictions can be manipulated by the content being shown to them online,<sup>14</sup> with advertising on the platforms, a risk to those looking to seek help and change their addictive behaviours.<sup>15</sup>

### How to better regulate data and algorithm creation

In the AMA's (2023) position statement [Data Governance and Patient Privacy](#), we hold the view that there are three key aspects of effective data governance that must complement each other:

- (a) Legal and regulatory framework,
- (b) Technical data framework – data in a format that is appropriate, available at the right time, to the right person, with appropriate levels of data access control, and
- (c) Ethical framework for data use.<sup>16</sup>

When considering what regulations are needed to ensure that digital platforms remain a safe and healthy place for Australians, much can be learnt from the implementation of The General Data Protection Regulation (GDPR), the EU's tough data privacy and security law.<sup>17</sup> The GDPR is

seen as the benchmark for digital governance regulation globally. It clearly defines the individuals as the owner of their data and clearly states that consent to data use must be freely given, specific, informed and unambiguous.<sup>18</sup>

Currently in Australia, the lack of transparency by international digital platforms and the ways in which they collect, share and use data, leaves individuals exposed to algorithms based on their online habits. There is a conception that regulating the collection and use of data collected by digital platforms is complex. However, digital platforms are predicated on rules and processes, and as such may be amended accordingly. The AMA suggests that regulation like the GDPR is introduced in Australia, helping individuals to better protect and own their data.

**d. the collection and processing of children’s data, particularly for the purposes of profiling, behavioural advertising, or other uses;**

The AMA is concerned that the safety and wellbeing of children is particularly at risk due to the way in which young people are targeted by profiling and behavioural advertising, as well as other digital marketing avenues. The United Nations Child’s Rights Committee observes that the digital environment was not originally designed for children, yet it plays a significant role in children’s lives. Globally all actors should ensure that, in all actions regarding the provision, regulation, design, management and use of the digital environment, the best interest of every child is a primary consideration.<sup>19</sup>

Children’s privacy and data collection

The AMA suggests that the collection and use of children’s data on digital platforms is addressed through better privacy and consent regulations more broadly. Children’s location data in particular is extremely sensitive, presenting significant risk if this data is inappropriately disclosed.<sup>20</sup>

Protections for children on digital platforms are currently ambiguous between maximum protections for 16–18-year-olds dependant on platform rules.<sup>21</sup> However, these protections can be easily evaded by children who lie about their age online, meaning they are targeted with content for older age groups. Education programs that are designed by and for young people to navigate multiple digital platforms in a safe and informed way are an important mechanism in the broader conversation regarding online safety.

Targeted marketing towards children and young people

The AMA is concerned about the prevalence of unhealthy products that children are being exposed to through international digital platforms. Gambling, alcohol, soft drinks, junk food and e-cigarette are actively marketed across digital platforms. This includes profiling and targeting children for marketing purposes.<sup>22</sup>

*Screen Overuse*

The amount of time that young people spend online can be linked to risk of harm,<sup>23</sup> with growing research associating excessive and addictive use of digital media with adverse physical,

psychological, social and neurological consequences.<sup>24</sup> Children are at a stage where maladaptive behaviours such as substance abuse and gambling can stem from problematic behaviours relating to impulsive choices and lack of self-control.<sup>25</sup> This heightens their risk of developing digital addiction, and the other addictive behaviours that are interrelated with extensive screentime.<sup>26</sup>

### *Smoking and e-cigarettes*

Reset Australia reports that Facebook uses data it collects about underage users to create profiles of young people with harmful or risky interests, such as 13–17-year-olds interested in smoking, gambling, alcohol or extreme weight loss.<sup>27</sup> Reaching one thousand young people profiled as interested in alcohol will cost advertisers around \$3.03, \$38.46 for those interested in extreme weight loss, or \$127.88 to those profiled as interested in smoking.<sup>28</sup>

Digital platforms such as TikTok have seen a rise in videos promoting e-cigarettes, with 63% of the total e-cigarette videos depicting the product positively, and a total of more than 1.1 billion views.<sup>29</sup> A major public health concern is the ease of access to purchase e-cigarettes through platforms such as Snapchat, Instagram or Facebook.<sup>30</sup> The AMA has called for a targeted federal response to monitor and act on illegal advertising and promotion of vaping products, particularly online and on social media.<sup>31</sup>

### *Gambling*

Gambling advertising has been shown to appeal to children, using a variety of techniques, most of which lack transparency under the current digital platform regulations.<sup>32</sup> These sorts of advertisements have become integrated into digital platforms, becoming part of the ordinary internet landscape. When combined with the constant presence of these ads on the digital platforms, due to targeted algorithms, and the advertisements promoting of immediate and urgent gambling behaviours, young people are becoming increasingly aware and involved in gambling online.<sup>33</sup>

### *Alcohol*

Alcohol marketing adapted during the pandemic, with access to products online made readily available, and digital platforms were used more frequently during Covid-19. Due to the increased use of digital advertising, children are more likely to see alcohol marketing in their day-to-day than adults due to digital platform use,<sup>34</sup> with lack of age-restriction regulation allowing easy access to alcohol companies' social media accounts, websites and points of sale by default.<sup>35</sup> The alcohol industry collects data through loyalty programs which can be matched with social media data, to generate models that link purchase patterns with time of day, week or month, mood and social events.<sup>36</sup> These algorithms can identify those who consume at a high-volume and target them. In the case of addiction this means that vulnerable consumers are targeted disproportionately, because the algorithms work to identify the most susceptible consumers.<sup>37</sup>

The World Health Organisation *European Charter on Alcohol (1995)* states that all children and adolescents have the right to grow up in an environment protected from the negative consequences of alcohol consumption and, to the extent possible, from the promotion of

alcoholic beverages.<sup>38</sup> This must include the right to use digital platforms, free from alcohol advertising and algorithms pushing the alcohol sales.

### *Junk Food*

The AMA has long called for a ban on the marketing of unhealthy food to children, as noted in our [Obesity \(2016\)](#) position statement. Research suggests that on average children see 17.4 food promotions each hour they are on the internet, meaning an average of 168.4 food promotions seen each week. Of these promotions, 99.5% would not be permitted to be marketed based on nutrient profiling criteria.<sup>39</sup> This goes against the intent of the [National Preventative Health Strategy 2021-30](#), which states that by 2023 – children’s exposure to unhealthy food and drink marketing, branding and sponsorships should be further restricted across all forms of media, including through digital media.<sup>40</sup>

## **g. any other related matters**

### Equity and access on digital platforms

The AMA recognises that not all Australians have the same access to digital technologies, and certain individuals and communities being at more at risk of online harms and harassment. Some of these factors for lack of equity, access and safety include race, religion, cultural background, gender, sexual orientation, disability, and mental health conditions.<sup>41</sup> A concerted effort must be made to ensure regulations that impact the diverse communities of Australia, work in the best interest of all needs, accessibility and digital literacy levels.

### Improving digital literacy skills

A person’s digital literacy can assist with their overall health literacy. The AMA’s position statement [Health Literacy \(2021\)](#), outlines actions that would assist in improving health literacy outcomes across Australia more broadly. The AMA calls for a multisector approach to addressing the health inequalities associated with poor health literacy. Funding for health research and easily accessible, accurate health information on digital platforms must be addressed, when looking to improve health literacy across society.<sup>42</sup>

In a digital context the Australian Government must collaborate with all state and territory governments to extend the current [Health Direct](#) website to provide a single, accessible national source of verified health information. The website should incorporate the ability for individuals in each state and territory to find appropriate health services in their local area and provide a full range of translated material for those from linguistically diverse backgrounds. Reputable health sources such as the above need to be the first sites to show up on search browsers, such as some of the international digital platforms in focus throughout this inquiry, to help counter access to misinformation.<sup>43</sup>

### Tackling misinformation

The AMA recommends that it is essential to dispel medical misinformation that is perpetuated through digital media. Over the course of the Covid-19 pandemic medical misinformation was distributed on a large scale.

The AMA calls for the Australian Government to invest in long-term, robust online advertising to counter health misinformation, including on social media channels. This should include promotion of vaccine safety, as well as campaigns on the health risks associated with alcohol, junk food, online gambling, tobacco and other drugs. We also implore international digital health platforms to acknowledge their public health responsibility and work actively to counter health misinformation on their platforms.<sup>44</sup>

### Keeping regulation relevant in the ever-evolving digital environment

The *Online Safety Act 2021* goes some way to address some of the challenges being considered by this inquiry including offensive content and cyberbullying,<sup>45</sup> however, it does not address the issues around data governance and digital platform advertising regulations.

The AMA has been involved with the recent review of the *Privacy Act 1988*,<sup>46</sup> resulting in Privacy Act Review Report suggestions<sup>47</sup> that address targeted marketing, data protections and other digital platform safeguards that the *Privacy Act 1988* is currently lacking. The report proposes a number of individual privacy rights modelled on the GDPR that the AMA supports.

The AMA welcomes the chance to engage with this review process further, to emphasise the linkages between digital platforms and human health and wellbeing.

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#### **Contact**

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## Endnotes

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