

8 October 2025

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By email: [REDACTED]@snap.com

CC: [REDACTED]@snap.com, [REDACTED]@snap.com, [REDACTED]@snapchat.com,

Dear Jennifer

## Preliminary view that Snapchat is an age-restricted social media platform

1. I refer to our recent engagement concerning the social media minimum age obligation (**SMMA obligation**) in Part 4A of the *Online Safety Act 2021* (Cth) (**the Act**). As you are aware, the SMMA obligation comes into effect on 10 December 2025 and applies to ‘age-restricted social media platforms’.
2. As the eSafety Commissioner, I am required to ensure compliance with the SMMA obligation. To assist industry and the public to prepare for the SMMA obligation, eSafety is engaging with services and encouraging them to assess whether they are an age-restricted social media platform using our [self-assessment tool](#). We are also separately assessing whether services are age-restricted social media platforms.<sup>1</sup>
3. The purpose of this letter is to:
  - a. notify you that eSafety has recently conducted an assessment of Snapchat and has formed the preliminary view that Snapchat is an age-restricted social media platform;
  - b. notify you that eSafety will be publicly communicating our preliminary view today; and
  - c. give Snapchat the opportunity to respond to our preliminary view and provide any submissions which may be relevant to our final assessment of Snapchat before the SMMA obligation comes into effect.

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<sup>1</sup> In the absence of any rules made by the Minister specifying a service as either an age-restricted social media platform or not an age-restricted social platform under ss 63C(4) and 63C(6)(b) of the Act respectively, any determination that a service is or is not an age-restricted social media platform is a matter for the court.

## Summary of preliminary view

4. After conducting a preliminary assessment of Snapchat, eSafety has formed the preliminary view that Snapchat is an age-restricted social media platform for the following reasons:
  - a. the conditions for an age-restricted social media platform in s 63C(1) and s 63C(6)(a) of the Act have been met; and
  - b. Snapchat does not fall within one or more of the classes of services that are excluded from the SMMA obligation under the *Online Safety (Age-Restricted Social Media Platforms) Rules 2025 (the Rules)*.

## Material taken into account

5. In forming our preliminary view, eSafety has taken into account the following material:
  - a. relevant provisions in the Act and Rules
  - b. eSafety's Regulatory Guidance and self-assessment tool
  - c. internal eSafety user testing of Snapchat application and web interface
  - d. information on Snap's website (including various policies and procedures), media releases and public communications
  - e. insights from relevant research or third-party reports, and other publicly available information
  - f. how Snapchat is described on the Apple App Store and Google Play Store
  - g. Snap's communications with eSafety, including Snap's letter dated 1 October 2025.

## Reasons for preliminary view

6. An electronic service is an age-restricted social media platform if the following conditions are satisfied:
  - a. the sole purpose, or a significant purpose, of the service is to enable online social interaction between two or more end-users (s 63C(1)(a)(i)), and
  - b. the service allows end-users to link to, or interact with, other end-users (s 63C(1)(a)(ii)), and



- c. the service allows end-users to post material on the service (s 63C(1)(a)(iii)), and
- d. material on the service is accessible to, or delivered to, end-users in Australia (s 63C(6)(a)), and
- e. the service is not an excluded service under the Rules (s 63C(6)(b)).

### **Snapchat is an electronic service**

7. An 'electronic service' is defined in s 5 of the Act as:

- (a) a service that allows end-users to access material using a carriage service; or
- (b) a service that delivers material to persons having equipment appropriate for receiving that material, where the delivery of the service is by means of a carriage service;

but does not include:

- (c) a broadcasting service; or
- (d) a broadcasting service (within the meaning of the *Broadcasting Services Act 1992*).

8. 'Material' is also defined in s 5 of the Act and means material whether in the form of text, data, speech, music or other sounds, visual images (moving or otherwise) or in any other form or combination of forms.

9. 'Carriage service' is a service for carrying communications by means of guided and/or unguided electromagnetic energy.<sup>2</sup> In this case, the carriage service is the internet.

10. Snapchat is an electronic service as it allows end-users to access material including visual images, videos or sound, and text-based messages, using the internet. Snapchat also delivers that material to end-users using the internet.

### **Material is accessible to end-users in Australia (s 63C(6)(a))**

11. Material is accessible to, or delivered to, end-users in Australia if the end-users are physically located in Australia and the material is capable of being accessed by, or is received by, them.

12. Material on Snapchat is accessible to, and delivered to, end-users in Australia.

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<sup>2</sup> *Telecommunications Act 1997* (Cth), s 7.

**The sole purpose of Snapchat is to enable online social interaction between two or more end-users (s 63C(1)(a)(i))**

13. eSafety considers the current purposes<sup>3</sup> of Snapchat are:

1. To create and annotate or digitally alter content (**Purpose 1**)
2. To communicate with end-users by sharing and receiving visual communications, and engage in messaging, voice or video calling. (**Purpose 2**)
3. To virtually interact with physical locations and location-based content, including by sharing and consuming end-user location (**Purpose 3**)
4. To share, discover, consume and otherwise interact with short-form or ephemeral content (**Purpose 4**)

Consideration of identified purposes and ‘online social interaction’

14. The relevant question is whether the above purposes can be categorised as online social interaction purposes (**OSI purposes**).

15. Online social interaction includes online interaction that enables end-users to share material for social purposes.<sup>4</sup> eSafety’s [Regulatory Guidance](#) and [self-assessment tool](#) detail our approach to considering what ‘online social interaction’ includes practically, such as ‘an end-user’s engagement with other end-users or their material through an electronic service, whether active or passive, including by communicating, sharing material, participating in communities and/or expressing reactions’.<sup>5</sup>

16. Online social interaction does not include, for example, online business interaction or the sharing of material for business purposes.<sup>6</sup>

17. We consider that Purposes 1, 2, 3 and 4 are OSI purposes because they enable end-users to engage with other end-users or their material for social purposes (whether active or passive), and this engagement is the main type of interaction:

- a. Snapchat allows end-users to create and share material – whether images, videos, sound or text-based material – with other end-users on the service in either a private (direct or group message), semi-private (to all or select friends via the ‘Stories’ function), or public (for example, public ‘Stories’, including Snap Map Stories, and ‘Spotlight’ feed) communication.

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<sup>3</sup> As well as taking into account information that has been provided by the service and publicly available information, eSafety has also considered how the service is used by end-users.

<sup>4</sup> s 63C(2).

<sup>5</sup> at p 53 of eSafety’s Regulatory Guidance

<sup>6</sup> See Note 1 to s 63C; s 63(2).



- b. By virtue of this ability to create and share material, Snapchat allows end-users to engage with the service by way of:
  - i. actively engaging with other end-users and the material they share to the service, including by way of direct messaging, expressing reactions, commenting on publicly available material, and on-sharing material, and
  - ii. passively engaging with the service, including by consuming content short-form video content that has been publicly shared to Snapchat's endless scroll feature, or viewing stories that have been shared by other end-users in either a private, semi-private, or public manner.
- c. Snapchat allows end-users to create their own personalised network of friends, referred to as 'Snapchatters'. End-users can build their network of friends by inviting other end-users to befriend, who can be found by a search function or network recommendations based on an end-user's mobile phone contacts or mutual connections. End-users can also 'follow' or 'subscribe' to public figures on the service to curate whose material they wish to consume.
- d. Further, Snapchat deploys a number of time-sensitive features to prompt end-users to continually engage with Snapchat and other end-users. Most prominently, Snapchat deploys:
  - i. the 'Streaks' function, which we consider is designed to reward repeated, daily interactions and could seed addictive behaviours, and
  - ii. the broader ephemeral nature of the material shared on the service, which can delete by default, and can expire and disappear from view if not viewed within a certain time frame.

'Online social interaction' is the sole purpose of Snapchat

18. 'Sole purpose' means the only object for which anything exists or is done, made, used etc.<sup>7</sup>

19. Having regard to:

- a. the purposes of Snapchat identified above; and

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<sup>7</sup> See Regulatory Guidance, p. 54; [Macquarie Dictionary Online \(2025\)](#).

- b. that all of Purposes 1, 2, 3 and 4 are OSI purposes,

eSafety considers that enabling online social interaction between two or more end-users is the sole purpose of Snapchat.

- 20. Even if this is not the sole purpose of Snapchat, eSafety considers that, in the alternative, enabling online social interaction between two or more end-users is *a significant purpose* of Snapchat.

'Online social interaction' is a significant purpose of Snapchat

- 21. As set out in eSafety's Regulatory Guidance, 'a significant purpose' is a purpose which is important and meaningful rather than one which is merely incidental or subsidiary.<sup>8</sup>
- 22. In assessing whether enabling online social interaction between two or more end-users is a significant purpose of Snapchat, eSafety has specifically considered whether end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced. For example:
  - a. The creation and annotation of content, as administered via the Camera tab, is the central functionality of Snapchat. Snapchat gives end-users the option to store or share their content with other end-users.
  - b. For example, a key and highly utilised feature of Snapchat is the 'Streaks' function, designed to compel ongoing interaction with the service by tracking the number of consecutive days two users have sent each other private visual communications using the in-app camera, including by rewarding users who maintain a Streak for certain time intervals with emojis.
  - c. Accordingly, if the functionality that enabled these features, in particular, the Camera tab, were removed or reduced, we consider it is unlikely that most end-users would continue to use Snapchat in preference to other services.
- 23. In addition, eSafety has considered what features and functions a large or substantial proportion of end-users utilise on Snapchat. Of significance, we note that of the reported 932 million monthly active users on Snapchat:
  - a. as at September 2025, Snapchat provides that the 'Lenses' feature, as accessible through the Camera tab, is accessed in excess of 8 billion times per day,<sup>9</sup>

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<sup>8</sup> Ibid.

<sup>9</sup> [14 Years at Snap Inc.](#)



- b. as at May 2025, approximately 400 million end-users are actively engaging with the Snap Map feature to interact with locations and location-based content, including the location of end-users in their network where shared, representing over 40% of Snapchat's monthly active users,<sup>10</sup> and
- c. as at August 2025, approximately 550 million end-users are actively engaging with the spotlight feature to consume short-form video content in an endless scroll feed, representing over 50% of Snapchat's monthly active users.<sup>11</sup>

24. These statistics indicate that a large or substantial proportion of end-users on Snapchat are utilising features that facilitate online social interaction, and importantly, features of Snapchat driven by the Camera tab beyond the facilitation of the direct and private communication features.

25. Having regard to:

- a. the purposes of Snapchat identified above; and
- b. that all of Purposes 1, 2, 3 and 4 are OSI purposes; and
- c. that it is unlikely that end-users would continue to use the service if the features and functions that enable online social interaction were removed or reduced,

eSafety considers that enabling online social interaction between two or more end-users is a significant purpose of Snapchat.

#### **Snapchat allows end-users to link to and interact with other end-users (s 63C(1)(a)(ii))**

26. As identified at paragraph 17, Snapchat allows end-users to link to, or interact with, some or all of the other end-users by allowing end-users to befriend each other, and communicate with each other by, for example, visual communications, messaging, voice or video calling.

#### **Snapchat allows end-users to post material (s 63C(1)(a)(iii))**

<sup>10</sup> [Snap Map Grows to over 400 Million Monthly Active Users!](#).

<sup>11</sup> [Q2 Snapchat Investor Letter](#), pg 2.

27. As identified at paragraph 17, Snapchat allows end-users to post material on the service, including creating visual or text-based material on the service to share with other end-users, and the ability to upload material from an end-user's device to the service.

**Snapchat does not fall within a class of excluded services (s 63C(6)(b))**

28. Section 63C(6)(b) of the Act states that an electronic service is *not* an age-restricted social media platform if the service is specified in the legislative rules.

29. On 29 July 2025, the Minister for Communications made the Rules specifying classes of services that are not age-restricted social media platforms.

30. Having considered the purposes of Snapchat identified above, and in particular rule 5(1)(a), eSafety's preliminary view is that Snapchat does not fall within one or more of the classes of services specified in the Rules.

31. Our preliminary view is two-fold: First, that 'messaging' does not include visual communications. Second, even if 'messaging' includes visual communications, we do not consider that Snapchat has the sole or primary purpose of enabling end-users to communicate by means of messaging as limited by rule 5(1)(a).

'Messaging'

32. For the purposes of the SMMA obligation, eSafety has taken the preliminary view that 'messaging' should be taken on its natural and ordinary meaning, being 'communication by text messages'.<sup>12</sup> This approach is aligned with the preferred approach to statutory interpretation in Australia.

33. Whilst we accept that visual communications can and do convey messages, we do not currently consider they reasonably fall within the definition of 'messaging' when taken on its natural and ordinary meaning, nor do we consider such an interpretation aligns with Parliament's intention to mitigate harms to age-restricted users.

34. However, eSafety also considers, should messaging be taken to include visual messaging, the Explanatory Statement makes clear that Parliament's intent was that where a service contains a purpose such as location sharing, public chat rooms or public forum channels, then messaging, email, voice calling or video calling functions are unlikely to be the sole or primary purpose of the service.

'Sole or primary purpose'

35. eSafety understands that Snapchat enables end-users to communicate by means of messaging, voice calling or video calling, however, does not consider this functionality amounts to the sole or primary purpose of the service.

36. eSafety considers Snapchat's primary purpose is driven by the ability engage with other end-users in both a private or public capacity, as supported by:

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<sup>12</sup> [Macquarie Dictionary](#), definition of 'messaging'.



- a. the Camera tab being the first-presented function to an end-user upon opening the application, compelling end-users to create, annotate or otherwise digitally alter material on the service.
- b. several of the harmful features the SMMA obligation seeks to mitigate being directly facilitated by the Camera tab or in-app camera function. For example:
  - i. the ‘Streaks’ function, which requires end-users to utilise visual communication to maintain a time-sensitive counter, designed to manipulate end-users into continuous engagement with the service,
  - ii. Snapchat ‘Lenses’, which allow end-users to digitally alter images or videos in real-time using augmented reality, such as by use of ‘beautify’ filters to alter a person’s appearance, which has been linked to poor mental health outcomes, including reduced body satisfaction, and
  - iii. ‘Stories’, whereby end-users create content for sharing in a semi-public or public capacity, that operate on a time-sensitive basis and expire after a certain period, compelling end-users to continually engage with the service to avoid missing updates from other end-users.

37. The totality of these features, alongside other features that are inextricably linked to facilitating online social interaction, such as interactive location-based sharing and the Spotlight tab, indicate that Snapchat, in our preliminary view:

- a. cannot have the ‘sole’, and does not have the primary, purpose of communicating by way of messaging, email, voice or video call, and

38. retains features that are more closely aligned with other services that have been assessed as within scope, as opposed to those excluded by virtue of rule 5(1)(a).

## Conclusion

39. For the reasons outlined above, eSafety’s preliminary view is that Snapchat is an age-restricted social media platform.

## Next steps

40. We seek Snapchat’s response to eSafety’s preliminary view by 16 October 2025. We will consider any submissions and evidence that Snapchat provides before conducting our final assessment of Snapchat before the SMMA obligation comes into effect.

41. Should Snapchat disagree with eSafety’s assessment, please also indicate whether Snapchat nevertheless proposes to comply with Part 4A of the Act.

42. eSafety proposes to publish on its website a list of platforms that eSafety considers, on a preliminary basis, to be age-restricted social media platforms. That list will include information about whether or not a platform agrees with eSafety's assessment.

43. Please contact [REDACTED]@eSafety.gov.au should you wish to discuss this letter further.

Yours sincerely

Julie Inman Grant  
eSafety Commissioner