

Queensland Police Service response to questions from the Parliamentary Joint Committee on Intelligence and Security inquiry into the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014.

1. *In each of the last five years, how many times has your agency sought a stored data warrant?*

385 applications for stored communications warrant were made in the last 5 years.

2. *In each of the last five years, how many times has your agency obtained a stored data warrant?*

384 stored communications warrants obtained in the last 5 years.

3. *In each of the last five years, how many times has your agency sought authorisations for historical telecommunications data?*

Year	Number Sought
09/10	10223
10/11	30952
11/12	36675
12/13	41493
13/14	36137
Total	155480

In the previous five reporting periods, the Queensland Police Service sought a total of 155,480 authorisations for access to historical telecommunication data. These figures relate to the number of authorisations signed by authorised officers and each authorisation may refer to a single service or multiple services. Particularly in the case of obtaining subscriber information from the Integrated Public Number Database, a single authorisation could refer to multiple services of interest.

4. *For each of the last 5 years, what percentage of historical telecommunications data for which access was sought was:*

- *Less than three months old;*
- *Three to six months old;*
- *Six to nine months old;*
- *Nine to twelve months old; and*
- *More than 12 months old.*

5. *For each of the last five years, what percentage of historical telecommunications data actually used by your agency in its operations was:*

- *Less than three months old;*
- *Three to six months old;*
- *Six to nine months old;*
- *Nine to twelve months old; and*
- *More than 12 months old.*

It is difficult to provide accurate percentages in relation to the age of historical data for which access is sought or data is actually used. Current record keeping systems are not designed to specifically record this information. It should be noted; however, if an appropriate use for the data did not exist at the time of requesting authorisation the authorised officer would not have authorised access to that data. The long term use and value to the investigation; however, is not readily quantifiable.

An attempt was made to analyse available data for the calendar years 2013 and 2014. Although the data showed a strong tendency towards recent information this is attributable to the fact most offences are reported soon after occurring and investigations that use a high volume of telecommunications information, such as drug matters, are focused on current real time events.

The sample set did show at least 10% of authorisations were for information over 12 months old; however, the sample set is considered to be too small to provide a reliable indication of the true requirement for and value of information more than 12 months old. Anecdotally, it is offences such as cold case homicide, historical sex offences and other serious offences where new suspects are identified that require older telecommunications data.

In the context of a data retention scheme, there is also a question on the value of using currently available data. There is not a 'level playing field' regarding the data retention currently available from different telecommunications companies. For example, one company may keep reverse call record data for a period as short as eight weeks and another may still be able to provide that data five to seven years later. The current authorisations are skewed by the knowledge of current data retention times for the different companies as authorisations are not made when it is known that the information will not be available.

6. *In approximately how many cases over the last five years did access to historical telecommunications data accessed by your agency assist in preventing a serious crime from occurring?*

- *If historical data was useful in preventing crimes from occurring, please provide examples which illustrate the use to which the historical data was put (without identifying specific individuals involved).*
- *If historical data was useful in preventing crimes from occurring, approximately how old was the specific data that was of use in those instances?*

7. *In approximately how many cases over that last five years was did access to historical telecommunications data accessed by your agency assist in preventing a terrorist act from occurring?*

- *If historical data was useful in preventing a terrorist act from occurring, please provide example which illustrate the use to which the historical data was put (without identifying specific individuals involved).*
- *If historical data was useful in preventing a terrorist act from occurring, approximately how old was the specific data that was of use in those instances?*

There is no specific recording of when historical telecommunications data accessed by the Queensland Police Service has prevented a serious crime or terrorist act.

It is possible to say; however, access to historical telecommunications data is pivotal in many investigations, particularly those conducted by Task Force Argos in relation to online child exploitation. There would be numerous examples where the identification of an offender using historical telecommunications data has prevented or stopped the continuation of contact offences by these offenders (i.e. where offenders are directly offending against children). It is also these investigations where the lack of data retention highlights the need for uniform and consistent retention requirements. While it is acknowledged there are some technical limitations relating to the identification of users from an IP address, there have been many occasions where an offender may have been identified if the relevant data had been held longer.

8. *In approximately how many cases over the last five years did historical telecommunications data accessed by your agency assist in securing a criminal conviction?*

- *If historical telecommunications data did assist in securing a criminal conviction, please provide examples which illustrate the use to which historical data was put.*

There is no specific record keeping regarding the use of historical telecommunications data in securing a criminal conviction.

As an indication; however, records indicate in 2013 there were 2,018 statements requests made by the QPS of telecommunications companies to provide data. To date in 2014, a total of 2,292 statements have been requested. Although these figures will not translate easily to the number of cases, as multiple statements may relate to a single case, they do provide some indication on how often the data has been considered of relevance that the investigating officer has included the information in the brief of evidence.

Telecommunications data is considered an essential element of many criminal investigations and it is often the investigative leads or avenues identified by obtaining this data that result in securing a conviction.

9. Why is there a significant discrepancy in the number authorisations to access telecommunications data reported annually to Parliament under the Telecommunications Interception Act, in contrast to the figure reported to the Australian Communications and Media Authority?

As stated previously, an authorisation may refer to multiple services of relevance to an investigation and is recorded as a single authorisation for the purposes of reporting annually to Parliament under the *Telecommunications (Interception and Access) Act 1979*.

The figure reported by the Australian Communications and Media Authority refers to the number of disclosures. A single authorisation could result in a number of disclosures.

Additionally, the requirements of some telecommunications companies when submitting the request will also lead to an artificial increase in the number of disclosures compared to authorisations. As an example, an authorisation requesting all information in relation to the connection of a mobile phone service requires a number of separate requests to be submitted to one telecommunications company as they will only provide information to specific request such as 'subscriber information', 'point of sale', 'copy of customer contract' and 'payment details.' It is this information together that would satisfy the documents/data being requested under the original authorisation.