



Australian Government

Office of the Australian Information Commissioner

Our reference: 12/000213-09

Ms Christine McDonald
Secretary
Standing Committees on Environment and Communications
PO Box 6100, Parliament House
Canberra ACT 2600

by email: ec.sen@aph.gov.au

Dear Ms McDonald

Inquiry into the Telecommunications Legislation Amendment (Deregulation) Bill 2014 and Telecommunications (Industry Levy) Amendment Bill 2014

Thank you for your correspondence to the Office of the Australian Information Commissioner (OAIC) on 7 and 12 November 2014 and for the invitation to provide a written submission.

In your 12 November correspondence you drew attention to a letter from the Minister for Communications indicating the Government's intention to remove Schedule 5 from the Telecommunications Legislation Amendment (Deregulation) Bill 2014 (the Deregulation Bill).

Part 13 of the *Telecommunications Act 1997* prohibits disclosure of telecommunications information except in prescribed circumstances. Currently telecommunications providers must keep records of disclosures and report disclosure numbers to the Australian Communications and Media Authority (ACMA). The ACMA then publishes figures in its annual report. Schedule 5 of the Deregulation Bill would have removed these obligations.

As the Australian Privacy Commissioner, I welcome this change to the Deregulation Bill to retain these reporting requirements. While cognisant of the efficiency gains intended by removal of the reporting obligations, I was concerned about whether the appropriate balance had been struck between reducing regulatory burden on organisations on the one hand, and ensuring there was sufficient transparency and accountability on the other.

Ceasing publication of disclosure figures would have reduced the level of transparency of disclosures of telecommunications information. Without this reporting, many of these disclosures and secondary uses would be largely hidden from public view and scrutiny.

In my view, there is a strong public interest in retaining mechanisms in Part 13 of the Telecommunications Act that enhance transparency of information flows. This is particularly so given the breadth and depth of personal information held by telecommunications providers, and the fact that many disclosures authorised by the Telecommunications Act and *Telecommunications (Interception and Access) Act 1979* occur without the knowledge of the subjects of the information.

I hope you find these comments useful.

Yours sincerely


Timothy Pilgrim
Australian Privacy Commissioner

10 December 2014