



SOUTH AUSTRALIA POLICE
KEEPING SA SAFE

Your Ref:
Our Ref: Doc 14/76410
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Mr Dan Tehan MP
Chair, Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Mr Tehan,

Thank you for your letter to Commissioner Burns dated 4 December 2014. I write in response to your questions in relation to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014.

I provide the following responses in relation to the questions raised.

Q1. In each of the last five years, how many times has your agency sought a stored data warrant?

Response

A Stored Communications Warrant, may be issued under S107J of The Act. The warrant may be issued for Historic Communications (SMS Voicemail, Email) held on that day or for a date range. A Stored Communications Warrant can also be issued for ongoing communications, that is, from the time the preservation is received by the provider up until the end of the 29th day after the day the provider receives the notice.

Stored Communications Warrants issued for 2010-11	5
Stored Communications Warrants issued for 2011-12	12
Stored Communications Warrants issued for 2012-13	15
Stored Communications Warrants issued for 2013-14	21
Stored Communications Warrants issued for 2014-15 (as at 11/12/14)	21

There has been an increase in the number of Stored Communications Warrants of over 75% since 2010.

Q2 In each of the last five years, how many times has your agency obtained a stored data warrant?



Government
of South Australia

Response

On each of the occasions sought (refer answer Q1) a Stored Communications Warrant was obtained.

Q3 In each of the last five years how many times has your agency sought authorisations for historical telecommunications data?

Response

Requests authorised under Section 178/178A of The Act

<u>2010 / 2011</u> – Total requests	3,393
<u>2011 / 2012</u> – Total requests	3,502
<u>2012 / 2013</u> – Total requests	4,343
<u>2013 / 2014</u> – Total requests	3,808
<u>2014 / 2015</u> – Total requests (as of 11/12/14)	1,556

Q4 For each of the last five years, what percentage of historical telecommunications data for which access was sought for:

- Less than three months old
- Three to six months old
- Six to nine months old
- Nine to twelve months old
- More than 12 months old

Response

2010-2011	
Less than three months old	38.9%
Three to six months old	0.05%
Six to nine months old	0.05%
Nine to twelve months old	0%
More than 12 months old	61%

2011-2012	
Less than three months old	36.9%
Three to six months old	0.32%
Six to nine months old	0.28%
Nine to twelve months old	0.6%
More than 12 months old	61.9%

2012-2013	
Less than three months old	38.1%
Three to six months old	0.04%
Six to nine months old	0%
Nine to twelve months old	0.36%
More than 12 months old	61.5%

2013-2014	
Less than three months old	37.5%
Three to six months old	0.2%
Six to nine months old	0%
Nine to twelve months old	0.2%
More than 12 months old	62.1%

2014-2015	
Less than three months old	42.7%
Three to six months old	0%
Six to nine months old	0%
Nine to twelve months old	0%
More than 12 months old	57.3%

Q5 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
- More than 12 months old

Response

There is no requirement under The Act for the investigating officer to advise the agency if any of the historical telecommunications data was actually used in its operations.

Q6 In approximately how many cases over the last five years did access to historical telecommunications data accessed by your agency assist in preventing serious crime from occurring?

Response

This information is not collected.

Q7 In approximately how many cases over the last five years did access to historical communications data accessed by your agency assist in preventing a terrorist act from occurring?

Response

There is no requirement under The Act for the investigating officer to advise the agency if any of the historical telecommunications data was actually used in its operations

Q8 In approximately how many cases over the last five years did historical telecommunications data accessed by your agency assist in securing a criminal conviction?

Response

From accessing the last five SAPOL Telecommunications Annual Reports, it appears that there have been a total of 146 **convictions** utilising information from an intercepted service.

Q9 Why is there a significant discrepancy in the number of authorisations to access telecommunications data reported annually to the Parliament under the Telecommunications Interception Act, in contrast to the figure reported to the Australian Communications and Media Authority?

Response

The Officer in Charge, Operations Administration Section is responsible for completing the SAPOL Telecommunications Annual reports. These statistics for telecommunications data are gathered from SAPOL's Telecommunications Interception Section and State Intelligence Branch. The statistics provided in the annual report are considered to be accurate. SAPOL are not responsible for the figures reported to the Australian Communications and Media Authority.

Should you wish to discuss these matters further, please contact Detective Senior Sergeant Greg Barton, Officer in Charge Operations Administration Sector

Yours sincerely,

(Paul Dickson APM)
ASSISTANT COMMISSIONER
CRIME SERVICE

16 December 2014