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Parliamentary Joint
Committee on
Intelligence and
Security review of Part
5-1A of the
*Telecommunications
(Interception and
Access) Act 1979* (TIA
Act) — the mandatory
data retention regime

2019

Submission by the Australian Federal Police

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Parliamentary Joint Committee on Intelligence and Security’s review of Part 5-1A of the *Telecommunications (Interception and Access) Act 1979* (TIA Act) — the mandatory data retention regime.

To assist with its review, the Committee requests that each enforcement agency provide a consolidated summary of the records it is required to keep under subsection 187N(3). This should include figures on the total number of authorisations made each year since the introduction of the regime, as well as each of the other items that are required to be reported on annually under paragraphs 186(1)(e) to (k).

The Australian Federal Police (AFP) has contributed to the Home Affairs Portfolio submission, and the views of the AFP are represented in that submission. The information presented in this submission relates only to the above request from the Committee.

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1. Access to Historical Telecommunications Data s186(1)(a), s186(1)(b), 2015-16 – 2017-18
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Table 1: Access to Historical Telecommunications Data s186(1)(a), s186(1)(b), 2015-16 – 2017-18

Access to Historical Telecommunications Data s186(1)(a), s186(1)(b)	FY15-16	FY16-17	FY17-18
Total number of authorisations made under s178	25640	22127	19432
Total number of authorisations made under s178A	96	91	178
Total number of authorisations made under s179	75	38	26

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Table 2: Foreign law enforcement s186(ca), s186(cb), 2015-16 – 2017-18

Foreign law enforcement s186(ca), s186(cb)	FY15-16	FY16-17	FY17-18
Total number of authorisations made under ss180A, 180B, 180C and 180D	53	47	57
Total number of disclosures made under ss180A, 180B, 180C and 180D	23	18	9

Table 3: Access to Prospective Telecommunications Data s186(1)(a), s186(1)(b), 2015-16-2017-18

Access to Prospective Telecommunications Data s186(1)(a), s186(1)(b)	FY15-16	FY16-17	FY17-18
Total number of authorisations made	2592	3045	3701
Total number of days authorisations specified in force	98164	115920	144571
Average specified duration	37.87	38.06	39.06
Total number of days original authorisations actually in force	56579	68907	124850
Original authorisations discounted	208	242	416
Average period in force	23.73	24.58	38

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Table 4: Offences where authorisations were made for historical data s186(1)(e), s178-180, 2015-16 - 2017-18

Offences where authorisations were made for historical data s186(1)(e)	FY15-16 s178	FY15-16 s179	FY15-16 s180	FY16-17 s178	FY16-17 s179	FY16-17 s180	FY17-18 s178	FY17-18 s179	FY17-18 s180
Abduction, harassment and other offences against the person	254	0	17	559	0	32	456	0	100
ACC investigation	1	0	0	0	0	0	201	0	0
Acts intended to cause injury	150	0	7	97	0	13	16	0	6
Bribery or corruption	322	1	17	340	0	21	110	0	19
Cartel offences	10	0	0	38	0	13	10	0	24
Conspire/aid/abet serious offence	31	0	1	55	0	3	37	1	4
Cybercrime and telecommunications offences	1472	0	38	1924	0	76	179	0	132
Dangerous or negligent acts and endangering a person	124	0	3	192	0	7	133	0	67
Fraud, deception and related offences	1277	8	174	1268	12	158	947	2	138
Homicide and related offences	559	0	11	281	0	23	649	0	64
Illicit drug offences	9504	2	1286	12362	4	1823	8200	11	2219
Loss of life	72	0	1	21	0	2	6	0	5
Miscellaneous offences	306	0	41	254	1	37	334	0	37
Offences against justice procedures, government security and government operations	105	1	2	154	4	9	327	0	123
Organised offences and/or criminal organisations	327	0	57	350	0	105	476	1	386
Other offences relating to the enforcement of a law imposing a	70	11	0	51	5	3	43	1	1

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pecuniary penalty									
Other offences relating to the enforcement of a law protecting the public revenue	68	12	0	30	9	5	7	0	2
People smuggling and related	147	0	7	171	0	2	110	0	26
Prohibited and regulated weapons and explosive offences	133	2	40	401	0	90	227	0	60
Property damage and environment pollution	31	0	0	60	0	4	56	0	10
Public order offences	84	0	0	7	0	5	9	0	0
Robbery, extortion and related offences	215	0	0	345	0	14	474	0	62
Serious damage to property	31	0	0	142	0		25	0	1
Sexual Assault and related offences	377	0	14	574	0	26	415	9	30
Terrorism offences	1764	0	150	1561	0	189	1627	0	109
Theft and related offences	738	0	63	768	3	55	294	1	35
Traffic and vehicle regulatory offences	16	0	0	27	0	4	57	0	6
Unlawful entry with intent/burglary, break and enter	27	0	1	95	0	8	107	0	31

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Table 5: Duration of the retention of data covered by s178, 178A and 179 authorisations s186(1)(f), 2015-16 – 2017-18

Duration of the retention of data covered by s178, 178A and 179 authorisations s186(1)(f)	FY15-16	FY16-17	FY17-18
0-3 months	12148	15250	13086
3-6 months	2499	2782	2281
6-9 months	821	1032	1041
9-12 months	1101	1167	1245
12-15 months	470	560	548
15-18 months	202	195	171
18-21 months	96	199	151
21-24 months	172	238	161
24+ months	752	864	1041

Table 6: Type of retained data covered by s178, 178A and 179 authorisations s186(1)(g) and (h), 2015-16 – 2017-18

Type of retained data covered by s178, 178A and 179 authorisations s186(1)(g) and (h)	FY15-16	FY16-17	FY17-18
Total number of authorisations relating to retained data which includes information of item 1 ss187AA(1) - <i>eg. IPND, Subscriber checks</i>	12599	16086	15057
Total number of authorisations relating to retained data which includes information of items 2-6 ss187AA(1)	5662	6179	4578

Table 7: Journalist Information Warrants s186(1)(i) and (j), 2015-16 – 2017-18

Journalist Information Warrants s186(1)(i) and (j)	FY15-16 s178	FY15-16 s179	FY16-17 s178	FY16-17 s179	FY17-18 s178	FY17-18 s179
Total number of authorisations made under journalist information warrants	0	0	0	0	58	0
Total number of journalist information warrants issued to the agency under that subdivision, during that year	0	0	0	0	2	0