

Attachment A – (A14/150148)

Inquiry into the *Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014*

Tasmania Police Response

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

|                          |    |
|--------------------------|----|
| Year ending 30 June 2010 | 46 |
| Year ending 30 June 2011 | 45 |
| Year ending 30 June 2012 | 32 |
| Year ending 30 June 2013 | 48 |
| Year ending 30 June 2014 | 40 |

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

|                          |    |
|--------------------------|----|
| Year ending 30 June 2010 | 46 |
| Year ending 30 June 2011 | 44 |
| Year ending 30 June 2012 | 31 |
| Year ending 30 June 2013 | 48 |
| Year ending 30 June 2014 | 40 |

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

Tasmania Police records from the Information Data Management (IDM) System identify the following number of requests for historical telecommunications data (Call Charge Records and Reverse Call Charge Records):

|                          |               |
|--------------------------|---------------|
| Year ending 30 June 2010 | 1046 requests |
| Year ending 30 June 2011 | 918 requests  |
| Year ending 30 June 2012 | 948 requests  |
| Year ending 30 June 2013 | 983 requests  |
| Year ending 30 June 2014 | 1271 requests |

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

- Less than three months old;
- Three to six months old;

Attachment A – (A14/150148)

- Six to nine months old;
- Nine to twelve months old;
- More than twelve months old.

The Tasmania Police IDM system does not record this information at the time the report is generated. The only way to obtain this information is by manually examining every report submitted (1271 requests in the last financial year).

Anecdotally the vast majority of requests relate to telecommunications data less than three months old.

5. For each of the last five years, what percentage of the 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 twelve months old.

The Tasmania Police IDM system does not record this information at the time the report is generated. The only way to obtain this information is by manually examining every report submitted (1271 requests in the last financial year).

It should be noted that Tasmania Police actually uses all telecommunications data sought.

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?

Tasmania Police are unable to calculate how many serious crimes were prevented as a result of obtaining historical telecommunications data.

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

Investigation into terrorism within Tasmania is conducted by the Australian Federal Police, as such Tasmania Police have not sought any telecommunications records for terrorism related issues.

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?

**Attachment A – (A14/150148)**

Tasmania Police is unable to calculate how many convictions have been secured as a result of historical communications data. In many cases telecommunications data is utilised in the intelligence collection phase of an operation to identify criminal associations and identify the movement of suspects at the time of specific offences.

There are a significant number of offences committed each year utilising telecommunications services, most notably breaches of family violence orders where the offender is prevented from contacting the victim. Communications records are fundamental to securing convictions for these offences.

Example of historical communications data used in securing a conviction:

In February 2014, Tasmania Police commenced an investigation into the report of a missing person. Historical telecommunications data (Call Charge Records) identified that the missing person had made a call to her partner around the time of her disappearance from an associate's phone. The associate was interviewed by police and initially denied having any contact with the missing person however upon presentation of the call records he conceded that he had been with the missing person. During the investigation police located the body of the missing person and the associate was subsequently charged with murder.

9. Why is there a significant discrepancy in the number 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?

Tasmania Police provides a total figure to the Telecommunications Surveillance Law Branch of the Attorney Generals Department as part of the annual reporting requirements, but does not provide data directly to the Australian Communications and Media Authority. Accordingly, Tasmania Police is unable to provide advice as to why there may be a discrepancy.

