

*Submission to the Parliamentary Joint Committee on Intelligence and Security's inquiry into the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014*

<SUBMISSION BEGINS>

Members of the Parliamentary Joint Committee on Intelligence and Security,

There is clear and legitimate need for telecommunications metadata to be available for the investigation of national security issues and serious crimes.

Metadata has become a vital part of the investigative process, and in almost all instances is a fundamental part of the case for acquiring a warrant with more and wider ranging powers.

However, the idea that metadata is less intrusive to a person's privacy than content arose in an era when metadata was largely limited to telecommunications call records and IP addresses. Since that time, we have seen the rise of internet capable mobile phones and proliferation of digital communication tools and devices. Metadata now provides a more complete, constant and intrusive picture of an individual's lifestyle, habits and relationships than can be obtained by access to content alone.

The Australian public has a legitimate concern that the increasing intrusiveness of metadata, and the wide range of agencies that have accessed metadata records in recent times, is not being balanced against their right to privacy online.

There is a clear solution to these concerns.

Metadata should be available without a warrant only for national security investigations and the investigation of serious crimes. Data retention legislation should specify that the metadata being retained is only available to named intelligence, police, border and biosecurity agencies only for those specific purposes, and that it is not legal nor is it the Government's intent that the records be available for other purposes, such as civil litigation.

The Australian public recognises the need to keep this country safe and secure. To keep faith and maintain the public's trust the Government must balance this need with every Australian's right to privacy.

Best regards,

Alexander R. Lynch

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