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Mr Dan Tehan MP
Chair
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Mr Tehan

**INQUIRY INTO THE TELECOMMUNICATIONS (INTERCEPTION AND ACCESS)
AMENDMENT (DATA RETENTION) BILL 2014**

Western Australia Police have reviewed the nine questions provided in the attachment to your correspondence dated 4 December 2014 in relation to the above matter. Please see below for responses:

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

YEAR	REQUESTED
2009-2010	14
2010-2011	14
2011-2012	63
2012-2013	59
2013-2014	32
TOTAL	182

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

YEAR	OBTAINED
2009-2010	14
2010-2011	14
2011-2012	63
2012-2013	58
2013-2014	32
TOTAL	181

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

YEAR	REQUESTED
2009-2010	26,234
2010-2011	22,152
2011-2012	12,293
2012-2013	19,812
2013-2014	27,315
TOTAL	107,806

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*
- *Six to nine months old*
- *Nine to twelve months old*
- *More than 12 months old*

WA Police Information Services Unit (ISU) processes requests for telecommunications data across two databases/systems dependent on the information sought and how the data is to be used. As a result the majority of requests are duplicated.

As ISU process requests for information already held by telecommunication providers, all information is historic of various date ranges but the systems used do not permit interrogation to identify the age of the data requested. Each request would have to be manually checked to identify date range, and WA Police is unable to allocate resources required to provide the information without affecting core policing services.

ISU request information from providers for subscriber details, call charge records, payment details, online subscriber details, 000 call details, court statements, advertisement details from online systems, Facebook and email accounts. ISU also process IPND-e requests as proof of persons of interest and telephone contacts for requesting warrants for interception.

ISU have processed since 1 January 2010 on the IDM system:

1,494	Telecommunication Court Statements
12,978	Requests for Telecommunication information

ISU have processed since 1 January 2010 on the REFLEX system:

110,549	Received requests, forwarded to Telecommunication providers
127,257	Requests and processed results from Telecommunication providers
25,034	Call charge records
72,940	Subscriber details
3,522	Subscriber Court Statements
2,770	Call Charge record Court Statements

5. *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*

WA Police is unable to provide the information sought as the databases used to request, record and disseminate telecommunications data do not record how the data received is used. To research how and to what effect the data was used requires each request to be followed up, available WA Police resources do not permit such a task to be undertaken.

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?*

WA Police is unable to provide the information sought as the databases used to request, record and disseminate telecommunications data do not record outcomes. To research how and to what effect the data was used requires each request to be followed up, available WA Police resources do not permit such a task to be undertaken.

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?*

The WA Police State Security Investigation Unit (SSIG) uses historical telecommunications data as an investigative tool to identify, monitor and disrupt extremist activities that could impact on the security of the people of Western Australia. To date, there has been no known terrorist activity progress to the attack/planning phase in Western Australia.

SSIG continues to work with partner agencies to identify, evaluate and disrupt terrorist networks/groups/individuals on an ongoing basis regularly requesting telecommunications data as the need arises.

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?*

WA Police is unable to provide the information sought as the databases used to request, record and disseminate telecommunications data do not record court outcomes. To research how and to what effect the data was used requires each request to be followed up, available WA Police resources do not permit such a task to be undertaken.

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?*

WA Police does not report to the Australian Communications and Media Authority (ACMA). An annual report is provided to the Attorney-General with the same information forwarded to the Western Australian Parliament pursuant to obligations under the *Telecommunications (Interception and Access) Act 1979 (WA)*. This agency is unable to identify why there would be a discrepancy in the figures reported.

I trust this information is of assistance.

Yours sincerely

KARL J O'CALLAGHAN APM
COMMISSIONER OF POLICE

16 / December 2014