

# Review of the mandatory data retention regime

## Committee Secretary

Parliamentary Joint Committee on Intelligence and Security  
Parliament House, Canberra. Australia.

## **Privacy, freedom of Movement and freedom of Association.**

My submission is in relation to the appropriateness of the dataset and retention period and any potential improvements to oversight...

There seems to be some oversight issues in the way Internet service providers may be handling Meta data. On an inquiry to my ISP they stated (via web portal) "I can't even search his name or details to locate this information even if I was legally obliged to tell him he was subjected to an investigation".

The motive of the service provider is unclear and having no legal ability to determine if the data has been access leaves a hole in the oversight of the Data Retention Regime.

Does it mean there is a gap in the legislation about the auditing and management of the Meta data?  
Does it mean an Agency making a request has unfettered access to the ISPs Law Enforcement System?

Under an FOI an account holder can request their meta data. This opens a whole set of problems. It could be used to see what a spouse or partner do in there day to day life. Worst -- a corporation could glean immense information on there staff. It could be sold off. It could be used for nefarious proposes. Meta Data is highly informative, more so than the content of communications. There are no protections in relation to privacy because this ACT has defined the data so.

The Commitee should review whether meta data is personal identifiable data (not just data about a device or service) and determine whether there are issues with audit trails, access and accountability.

Regards,

Paul Templeton

## Response from Service Provider

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23 Oct 2018 12:15PM - by Residential Sales

Response received from the security team:

██████████ will only disclose customer information as required by law to authorised agencies for the purposes of law enforcement activities or in cases of imminent threat or harm.

I can't disclose if Law Enforcement have requested information on his account and to be honest I've done this for years now and I do a lot of requests.

It would be near impossible for me to remember if I've seen his info in the past and the law enforcement system I use also protects a person's privacy.

I can't even search his name or details to locate this information even if I was legally obliged to tell him he was subjected to an investigation.

The only other person who can access his metadata is the client himself as per the Freedom of Information act and the Australian Privacy Principles.

His metadata will also only be provided to him if his request meets the strict guidelines set out by the Office of the Australian Information Commissioner.

Thanks to the media some customers think we are keeping copies of their browsing history or monitoring the content they're downloading.

If this is the case, make sure the customer is aware that this kind of information does not fall within the 'metadata' definition and ██████████ is not retaining this information or providing it to law enforcement.

We keep very basic information.

Called customer- Explained the above information

Customer understands

STC

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