

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates Hearings February 2015

Communications Portfolio

Australian Communications and Media Authority

Question No: 24

Program No. Australian Communications and Media Authority

Hansard Ref: Page 47, 24/02/2015

Topic: The Intercept online journal allegations

Senator Ludlum asked:

Senator LUDLAM: How seriously do you treat these reports? Off the top of my head, I am not aware of anything as serious as this in the Australian telecommunications industry since forever.

Ms McNeill: That may well be so. We have memorandums of understanding in place, including with the privacy commissioner, and we would work with the privacy commissioner and other interested agencies. Things are at a very early stage, and there is certainly no specific action planned, beyond monitoring and verifying reports.

Senator LUDLAM: Okay. You probably did not have a whole lot of material at your desk, Ms McNeill, and maybe you did not expect that I was going to come and ask you about this stuff—can I just ask you on notice if there is anything you would like to advise us of that might contain a bit more structure? Given that I did not give you any warning that I was going to ask about this matter, could you advise as us to what kind of coordinated, or uncoordinated, response you might be part of within the broader Australian government?

Ms McNeill: Sure. And perhaps it also goes without saying that there may well be criminal conduct involved.

Senator LUDLAM: There may, although it is likely to have occurred on behalf of the NSA and GCHQ, which I would not expect you guys to go and prosecute—although it would be fun to watch you try! Thank you.

Answer:

Can I just ask you on notice if there is anything you would like to advise us of that might contain a bit more structure?

The ACMA treated very seriously reports about potential breaches of the privacy of telecommunications users.

The ACMA notes that on 25 February 2015 Gemalto published its response to the reports:

<http://www.gemalto.com/press/Pages/Gemalto-presents-the-findings-of-its-investigations-into-the-alleged-hacking-of-SIM-card-encryption-keys.aspx>

On 26 February 2015, the ACMA participated in a teleconference concerning the reports and Gemalto's response with representatives of the Department of Communications, the Office of the Australian Information Commissioner, the Attorney Generals' Department and the Department of Prime Minister and Cabinet.

Subsequently, and consistent with their Memorandum of Understanding dated 29 October 2014, the ACMA and the OAIC agreed that the Privacy Commissioner would undertake preliminary enquiries in relation to this matter and to share the outcome of those preliminary inquiries with the ACMA. We understand that the Privacy Commissioner has not yet concluded those preliminary enquiries.

Could you advise as us to what kind of coordinated, or uncoordinated, response you might be part of within the broader Australian government?

See answer to a. above