

**Finance and Public Administration Legislation Committee
Supplementary Budget Estimates 2013-14, November 2013**

Prime Minister and Cabinet Portfolio

Department/Agency: Office of the Inspector-General of Intelligence and Security

Outcome/Program: Outcome 1

Topic: Collection of third-party communications

Senator: Ludlam

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Question:

Senator Ludlam: Your annual report indicates that human error is to blame for ASIO's inadvertent collection of third-party communications under a valid warrant. How many cases of inadvertent collection did you notice? And were the people directly concerned ever told?

Dr Thom: There were a small number. I do not have the exact numbers there. I will say at the moment: I think it is fewer than 10 but I will get that for you.

Answer:

In 2012-13, the Office of the Inspector-General of Intelligence and Security was aware of one instance where human error by a telecommunications service provider resulted in the targeting of an unallocated service by ASIO. As this service was not being used by any individual at the time, no inadvertent collection occurred.

ASIO advised of three events (affecting six warrants) where the telecommunications service provider experienced technical issues resulting in the inadvertent collection of third-party communications. In all cases, the third-party communications were quarantined from access at the earliest opportunity. ASIO did not seek to identify the subscribers of those services and the data was destroyed. The subscribers of the affected services were therefore not advised of what had occurred.