

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group: Written

Program: Other Agency

Question: BE14/062

Senator Xenophon asked the following question at the hearing on 26-29 May 2014:

In late April Crime Commission acting chief executive Paul Jevtovic told the Legal and Constitutional Affairs Committee that internet and phone companies should be forced to collect and keep customer metadata for two years.

In a submission to the Committee, Broadband provider iiNet said that by 2020 global IP addresses are predicted to pass 50 billion in use. iiNet also estimated the cost of collecting and keeping the data at \$60 million.

1. Does the ACC consider collecting and storing such huge volumes of data would be practical?
2. Why do you think it's the private sector's responsibility to collect and retain huge amounts of their customer's data on behalf of law enforcement?
3. Would the Government or service provider cover the costs of collecting and storing the data?
4. Has the ACC conducted any independent cost analysis of the total price tag of storing the data?
5. Has the ACC considered privacy implications of a wide range of agencies and providers having access to data and the potential for abuse?
6. Can you highlight specific instances where the refusal of telecommunications to provide data in the past has directly impacted the ACC's ability to fight crime?
 - a. How many times did this occur in 2011, 2012 and 2013?

The answer to the honourable senator's question is as follows:

1. The ACC does not believe there are technical impediments to collecting and storing telecommunications data. Telecommunications data is already created, collected and stored by telecommunication service providers for their business purposes, for example network analysis and billing.

The ACC notes other sectors are already required to maintain data for law enforcement purposes. For example, the banking and financial sector are mandated under section 107 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* to maintain transaction records for up to seven years.

- 2.** This is a matter of policy for decision by Government.
- 3.** This is a matter of policy for decision by Government.
- 4.** No

5. Yes

6. The ACC does not comment on operational matters.