

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

Program: 1.7 National Security and Criminal Justice

Question No. BE16/021

Senator Ludlam asked the following question at the hearing on 5 May 2016:

Senator LUDLAM: PM&C—that is fine; I will skip that. In that case, my final one was: could you provide us with an update of the moneys that have been appropriated to partially compensate internet service providers and telcos for implementing the mandatory data retention scheme? Could we just get an update from somebody as to how much of that money has been disbursed? Thank you, Mr Rice. I am sorry we did not have a bit more time with you.

...

Senator LUDLAM: If you could provide that on notice. Can you just speak briefly then of the big end of town—so your Telstras, your Optuses, TPGs and so on; have their implementation plans been signed off?

Ms Chidgey: I do not have that detail and I am not sure we want to talk about individual providers.

Senator LUDLAM: I think people who are subscribers to these services might want to know about individual providers. If you could take on notice—just to whatever granularity you are able to provide us with.

Ms Chidgey: We will take that on notice.

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

The department is not able to provide information on individual Data Retention Implementation Plans (DRIPs).

Section 187L of the *Telecommunications (Interception and Access) Act 1979* requires the Communications Access Co-ordinator to treat all received DRIPs as confidential. Disclosure is limited to the Australian Communications and Media Authority and law enforcement and security agencies unless the service provider gives their written permission.

The names of providers that received a grant under the Data Retention Industry Grants Programme are published on the Attorney-General's Department website. It is an eligibility criterion to receive a grant under the programme that a provider is either (a) already compliant with their data retention obligations, or (b) operating under an approved DRIP.