

## **Entities Seeking Telecommunications Data that are not Authorised under the Assistance and Access Legislation**

At **Part 1** is a list compiled by Communications Alliance Carrier Members and submitted to the PJCIS in November 2018, in response to a request from the Committee. It presents a composite picture across the industry of which agencies/departments had, at that time, sought telecommunications data from one or more carriers since the passage of the data retention legislation. The list might not be complete.

At **Part 2** is a list of an additional 27 agencies/departments that have sought telecommunications data from one or more carriers in the period since November 2018. This list might also not be complete.

Please note that:

- a request for metadata does not necessarily mean that the metadata sought was disclosed (in some cases what it sought is not available and/or has not been retained by the time the request is made); and
- in some cases, a single request for metadata results in multiple disclosures, depending on the nature of the request.

### **Part 1:**

Australian Crime Commission  
Australian Border Force  
ACLEI  
AFP  
AFP ACT Policing  
AFP PROFESSIONAL STANDARDS  
AFSA  
ASIC  
Australian Tax Office  
Australia Post Corporate Security Group  
Australian Health Practitioner Regulation Agency  
BANKSTOWN CITY COUNCIL  
BRISBANE CITY COUNCIL  
CENTRELINK  
CONSUMER & BUSINESS AFFAIRS – VIC  
Corrections Intelligence Group – NSW  
CRIME AND MISCONDUCT COMMISSION  
Customs  
Department of Agriculture  
Department of Defence  
Department of Environment and Conservation WA  
DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT & RESOURCES  
DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION  
DEPT FAIR TRADING NSW  
DEPT FAIR TRADING-BRISBANE  
DEPT OF COMMERCE WA  
DEPT OF FAMILIES, HOUSING COMMUNITY SERVICES  
DIBP CANBERRA

DIBP MELBOURNE  
DIBP QLD  
DIBP SYDNEY  
FACS  
FAIRFIELD CITY COUNCIL  
FAIR WORK BUILDING AND CONSTRUCTION  
HEALTHCARE COMPLAINTS COMMISSIONS  
IBAC  
ICAC SYDNEY  
NSW CC  
NSW EPA  
NSW Office of State Revenue  
NSW Police  
NSW POLICE PROFESSIONAL STANDARDS  
NSW Government Trade, Investment, Resources and Energy  
NT POLICE  
NTPOL  
OFFICE OF ENVIRONMENT & HERITAGE  
OFFICE OF STATE REVENUE NSW  
Police Integrity Commission – NSW  
PRIMARY INDUSTRIES AND RESOURCES SA  
PRIMARY INDUSTRIES NSW  
PRIMARY INDUSTRIES QLD  
PRIMARY INDUSTRIES VIC  
QLD Department of Fair Trading  
QLD TRANSPORT  
Queensland Police Service  
Racing Integrity VIC  
REGIONAL ILLEGAL DUMPING SQUAD  
Rockdale City Council  
SA FISHERIES  
SA ICAC  
SA POLICE ANTI CORRUPTION  
SA POLICE INTERNAL INVESTIGATION BRANCH  
SA POLICE STATE INTELLIGENCE  
TAS POLICE  
TAS POLICE INTERNAL INVESTIGATIONS  
Taxi Services Commission  
TRANSPORT ACCIDENT COMMISSION MELBOURNE  
VIC DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT AND RESOURCES  
VIC Department of Justice  
VIC Department of Health and Human Services  
VIC POLICE ETHICAL STANDARDS  
VIC INSTITUTE OF TEACHING  
VIC POLICE  
VIC Sheriff's Offices  
WA CCC  
WA Department of Fair Trading

WA FISHERIES  
WA POLICE STATE INTELLIGENCE DIVISION  
Work Safe VIC  
WORKPLACE HEALTH & SAFETY

**Part 2:**

Australian Communications and Media Authority (ACMA)  
ASIC WA  
Australian Building & Construction Commission  
Australian Sports Anti-Doping Authority  
Australian Transport Safety Bureau  
Clean Energy Regulator  
Coroners via NT Police  
Coroners via Tas Police  
State Coroner's Court  
WA Department of Mines, Industry Regulation & Safety  
SA Department of Consumer and Business Services  
Health Support Queensland  
Hunter Region Illegal Dumping Squad  
Legal Services Commission  
Liverpool City Council  
Local Government Investigations and Compliance Inspectorate (Vic.)  
National Disability Insurance Agency  
NT Office of Information and Public Interest Disclosures  
Office of the Health Ombudsman (Qld)  
Queensland Office of Industrial Relations  
Report Illegal Dumping (NSW)  
SafeWork NSW  
State Penalties Enforcement Registry (Qld)  
Veterinary Surgeons Board of WA  
Victorian Building Authority  
Victorian Fisheries  
Victorian Ombudsman

s 47F

**From:** Kathage, Tristan  
**Sent:** Tuesday, 4 June 2019 3:31 PM  
**To:** Infrastructure Security and Resilience  
**Subject:** Fwd: Section 280 disclosures query

Sent from my iPhone

Begin forwarded message:

**From:** s 47F @vocus.com.au>  
**Date:** 4 June 2019 at 3:30:24 pm AEST  
**To:** "Kathage, Tristan" <Tristan.Kathage@communications.gov.au>  
**Cc:** s 47F @vocus.com.au>, s 47F @vocus.com.au>  
**Subject:** Section 280 disclosures query

Hi Tristan,

Thank you again for your time this afternoon in discussing the impact of security regulation on Vocus.

I've discussed your query regarding disclosures made pursuant to section 280 of the *Telecommunications Act* with my colleague who oversees responding to such requests. He informed me that we get very few requests for telecommunications data from entities that are not listed in section 110A of the TIA Act.

Kind regards,

s 47F

E: s 47F @vocus.com.au  
 D: s 47F W: [vocusgroup.com.au](http://vocusgroup.com.au)  
 A: Level 10, 452 Flinders Street, Melbourne, 3000 Australia

**VOCUS**  
**GROUP**

**VOCUS**  
 communications  
 © commander

**iPrimus**  
**dodo**

s 47F

**From:** Kathage, Tristan  
**Sent:** Tuesday, 28 May 2019 8:35 AM  
**To:** Infrastructure Security and Resilience  
**Subject:** FW: Comments and views on data retention PJCIS review [SEC=UNCLASSIFIED]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## UNCLASSIFIED

**From:** s 47F @tpgtelecom.com.au>  
**Sent:** Monday, 27 May 2019 9:30 AM  
**To:** Kathage, Tristan <Tristan.Kathage@communications.gov.au>  
**Cc:** s 47F @tpgtelecom.com.au>  
**Subject:** RE: Comments and views on data retention PJCIS review [SEC=UNCLASSIFIED]

Morning Tristan

I refer to your email dated 3 May 2019 below and provide our response to your questions as follows:

s 22

2. Who or what kinds of government agencies have accessed retained telecommunications data from you?

Generally law enforcement agencies.

s 22

5. What is the volume of requests that are made under sections 280 and 313?

In the last 12 months, we have received no requests under section 313, and less than 5 under section 280.

Please let me know if we can assist further.

Regards

s 47F | Corporate Counsel  
TPG Telecom Group  
GPO Box 7041 Sydney NSW 2001  
s 47F F 02 9252 7855

s 47F

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**From:** Kathage, Tristan <[Tristan.Kathage@communications.gov.au](mailto:Tristan.Kathage@communications.gov.au)>

**Sent:** Friday, 3 May 2019 10:47:01 AM

**To:** s 47F @vodafone.com.au; s 47F @team.telstra.com; s 47F

**Cc:** s 47F

**Subject:** Comments and views on data retention PJCIS review [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Good morning,

As you are aware, the Parliamentary Joint Committee on Intelligence and Security has commenced its reviews of the data retention regime.

The Department of Communications and the Arts is looking at the matters being considered by the Committee in particular, access by agencies to retained telecommunications data outside the Telecommunications Interception and Access Act 1979 (TIA Act).

To better understand the issues and inform ourselves, I would be grateful for your insights and views on disclosures made under sections 280 and 313 of the Telecommunications Act 1997. I'd be grateful for responses to the questions below as well as any general comments on how the provisions operate in practice.

1. What processes and procedures do you have in place to receive and action requests from government agencies made?
2. Who or what kinds of government agencies have accessed retained telecommunications data from you?
3. Can you give examples of the types of data and information that are requested by government agencies?
4. Do you know the purposes for which the requests are made by government agencies?
5. What is the volume of requests that are made under sections 280 and 313?
6. How do you determine costs for requests? Do you negotiate with government agencies to agree terms and conditions or does your organisation apply a fee structure?
7. Are there circumstances where a request would not be actioned by you? If so, what are those circumstances.

I would appreciate your views and comments by 24 May 2019. Should you wish, I am happy to meet with you to discuss your experiences and views on the regulatory framework. The action officer in my branch on this issue is s 47F, available at s 47F [@communications.gov.au](mailto:s 47F@communications.gov.au) or on s 47F.

Thanks

Tristan



**Tristan Kathage**

Assistant Secretary / Competition Branch

Department of Communications and the Arts

P +61 2 6271 1951

[Tristan.Kathage@communications.gov.au](mailto:Tristan.Kathage@communications.gov.au)

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GPO Box 2154 Canberra, ACT 2601

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**From:** s 47F, Vodafone Australia <s 47F@vodafone.com.au>  
**Sent:** Wednesday, 15 May 2019 9:17 AM  
**To:** Kathage, Tristan; s 47F  
**Cc:** s 47F Vodafone Australia; s 47F Vodafone Australia  
**Subject:** FW: Comments and views on data retention PJCIS review [SEC=UNCLASSIFIED] [C2R] [C3C]

Classification: C3 - Vodafone Confidential

Hi,

Please see response to questions in red below.

The numbers below maybe slightly different (not by much) as the data was taken at a particular time and of course it is not static.

Feel free to contact me for any additional information, or clarification of the information provided.

Regards,

s 47F



s 47F

Head of Regulatory

Mobile: s 47F

Email: s 47F@vodafone.com.au

---

**From:** Kathage, Tristan <Tristan.Kathage@communications.gov.au>  
**Sent:** Friday, 3 May 2019 10:47 AM  
**To:** s 47F@optus.com.au; s 47F Vodafone Australia  
s 47F@vodafone.com.au; s 47F@team.telstra.com; s 47F@tpgtelecom.com.au  
**Cc:** s 47F@communications.gov.au  
**Subject:** Comments and views on data retention PJCIS review [SEC=UNCLASSIFIED]

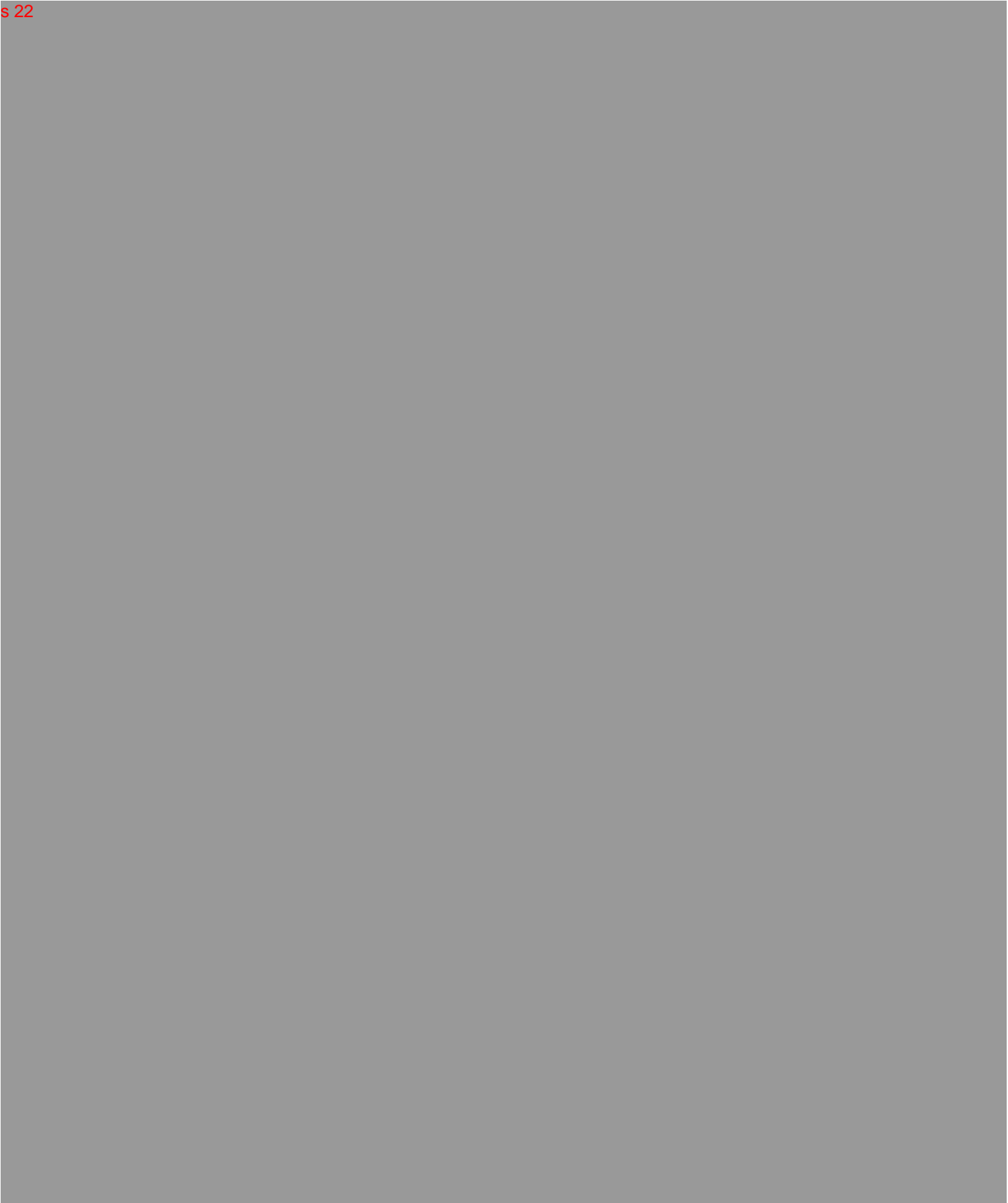
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2. Who or what kinds of government agencies have accessed retained telecommunications data from you?

Border Force - SYDNEY	75
Border Force - VIC TAS	1
Border Force - WA	3

Coroner - NSW	2
Coroner - QLD	2
CORONER - TAS	1
Coroner - WA	4
Department of Commerce - WA	3
Department of Mines - WA	1
Department of Primary Industries - Regional Development	1
EPA - NSW	24
Fair Work Commission - QLD	3
Family and Community Services Housing - NSW	4
FISHERIES - SA	1
FISHERIES - VIC	3
Government of WA - Department of Finance	1
Health Ombudsman - QLD	4
NSW - Fair Trading	131
Regional - Illegal Dumping Squad	5
Transport Accident Commission - VIC	1
VIC - FISHERIES	6
Victorian Institute - Teaching	3
WA - Department of Primary Industries and Regional Development	1
Wollongong - City Council	2
Legal Services Commission	1
<b>Grand Total</b>	<b>283</b>

s 22

5. What is the volume of requests that are made under sections 280 and 313?

283 (at the time the data was analysed).

s 22

I would appreciate your views and comments by 24 May 2019. Should you wish, I am happy to meet with you to discuss your experiences and views on the regulatory framework. The action officer in my branch on this issue is s 47F, available at s 47F [@communications.gov.au](mailto:s 47F@communications.gov.au) or on s 47F

Thanks

Tristan



**Tristan Kathage**

Assistant Secretary / Competition Branch  
Department of Communications and the Arts

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M s 47F

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**From:** s 47F@team.telstra.com>  
**Sent:** Monday, 27 May 2019 8:07 AM  
**To:** Kathage, Tristan; s 47F  
**Subject:** RE: Comments and views on data retention PJCIS review [SEC=UNCLASSIFIED]  
**Attachments:** Service types.xlsx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Tristan and s 47F

s22

## 2. Who or what kinds of government agencies have accessed retained telecommunications data from you?

Telstra receives requests for information (generally) in two ways:

s22

- By a non-TIA agency's own coercive notices to produce data or request to provide assistance. Examples of non-TIA agencies which have requested access to data include Fair Work, the Environmental Protection Authority, The Australian Tax Office, state government fair trading and consumer protection authorities and local government authorities.

To date, we have disclosed data to 21 agencies under the TIA and 42 government agencies.

s22

s 47G (1)(a)

s22

s 47F

Regulatory Principal  
 Network and Technology Regulation  
 Regulatory Affairs, Corporate Affairs



P s 47F  
s 47F  
@team.telstra.com  
W [www.telstra.com](http://www.telstra.com)

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**From:** Kathage, Tristan [<mailto:Tristan.Kathage@communications.gov.au>]  
**Sent:** Friday, 3 May 2019 10:47 AM  
**To:** s 47F @optus.com.au; s 47F @vodafone.com.au; s 47F @team.telstra.com; s 47F @tpgtelecom.com.au  
**Cc:** Infrastructure Security and Resilience <[Infrastructuresecurityandresilience@communications.gov.au](mailto:Infrastructuresecurityandresilience@communications.gov.au)>  
**Subject:** Comments and views on data retention PJCIS review [SEC=UNCLASSIFIED]

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Thanks

Tristan



**Tristan Kathage**

Assistant Secretary / Competition Branch  
Department of Communications and the Arts  
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**From:** s 47F  
**Sent:** Friday, 24 May 2019 10:34 AM  
**To:** s 47F  
**Cc:** s 47F; Kathage, Tristan; s 47F  
**Subject:** RE: Comments and views on data retention PJCS review [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Hi s 47F

Received with thanks. I have some further questions following on from your responses and would appreciate if you could consider – in red below.

We are also interested to know if Optus has any thoughts on how the current arrangements could be improved, in particular where retained data is accessed through the Telecommunications Act 1997.

Happy to discuss.

Thanks

s 47F

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**From:** s 47F @optus.com.au]  
**Sent:** Thursday, 23 May 2019 5:00 PM  
**To:** Kathage, Tristan <Tristan.Kathage@communications.gov.au>; s 47F  
 @communications.gov.au>  
**Cc:** s 47F @optus.com.au>; s 47F @optus.com.au>  
**Subject:** RE: Comments and views on data retention PJCS review [SEC=UNCLASSIFIED]

Dear Tristan and s 47F

You sought some information from Optus on our experiences with the data retention legislation. Please see our responses to your questions below.

s 47G

Does Optus give agencies access to the Sednode system after authenticating credentials? Or is this a self-service portal?

2. Who or what kinds of government agencies have accessed retained telecommunications data from you?

The list of agencies that have requested retained data from Optus includes:

- All State and Territory Police
- AFP



- National Security Agency
- ASIC
- Department of Home Affairs – Customs, Immigration and Border Force
- Australian Commission for Law Enforcement Integrity
- Courts (via Subpoena)

s 47G

s 47G

5. *What is the volume of requests that are made under sections 280 and 313?*

Optus receives approximately five requests under section 313 and anywhere between 350 to 500 requests under section 280(1)B annually.

s 47G

7. *Are there circumstances where a request would not be actioned by you? If so, what are those circumstances.*

Occasionally Optus will receive a request from an agency which is not an ordinary type of request. Where that occurs, we seek clarification from the requesting agency and/or our internal Legal resources before responding to or actioning the request.

Can you provide an estimate for how frequently Optus might receive/process extraordinary requests?

Please let me know if you need any additional information.

Kind regards

s 47F

**OPTUS**

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Begin forwarded message:

**From:** "Kathage, Tristan" <[Tristan.Kathage@communications.gov.au](mailto:Tristan.Kathage@communications.gov.au)>  
**Date:** 3 May 2019 at 10:47:01 am AEST  
**To:** s 47F <[REDACTED]@optus.com.au>, s 47F <[REDACTED]@vodafone.com.au>  
s 47F <[REDACTED]@vodafone.com.au>, s 47F <[REDACTED]@team.telstra.com>  
s 47F <[REDACTED]@team.telstra.com>, s 47F <[REDACTED]@tpgtelecom.com.au>  
s 47F <[REDACTED]@tpgtelecom.com.au>  
**Cc:** s 47F <[REDACTED]>  
s 47F <[REDACTED]@communications.gov.au>  
**Subject:** Comments and views on data retention PJCIS review [SEC=UNCLASSIFIED]

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Thanks

Tristan



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