



Sub No:
File No: 09/19662

ATTORNEY-GENERAL

The mandatory retention of telecommunications data by carriers and carriage service providers

Deadline: None

Key Issues: You have previously approved consultation with industry on a proposed mandatory data retention regime (SB09/1922 refers) [redacted] S34(3), S47C(1)

[redacted] Industry has been consulted on a model agreed to by an Interagency Working Group (IWG). [redacted] S34(3), S47C(1)

AGD Analysis: [redacted] S47C(1)

Financial Implications: [redacted] S47C(1)

Recommendation: I recommend that you:

- (i) agree to [redacted] S34(3), S47C(1)

Agreed / Not Agreed / Discuss

- (ii) agree to further consultation with Commonwealth and State agencies, Office of the Privacy Commissioner and targeted representatives of the Telecommunications Industry.

Agreed / Not Agreed / Discuss

Catherine Smith
Assistant Secretary, Telecommunications and Surveillance Law Branch

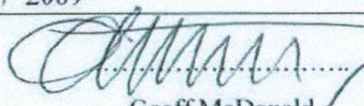
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Attorney-General

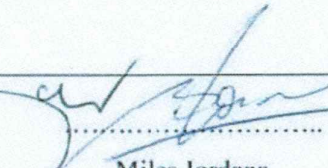
S47F(1)

17 / 12 / 2009

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Cleared by:


 Geoff McDonald
 17 / 12 / 2009


 Miles Jordana
 18 / 12 / 2009

.....
Roger Wilkins AO
/ 2009

Action Officer: [redacted] S47F(1)

Background

2. [REDACTED] S37(2)(b), S47C(1)
[REDACTED]

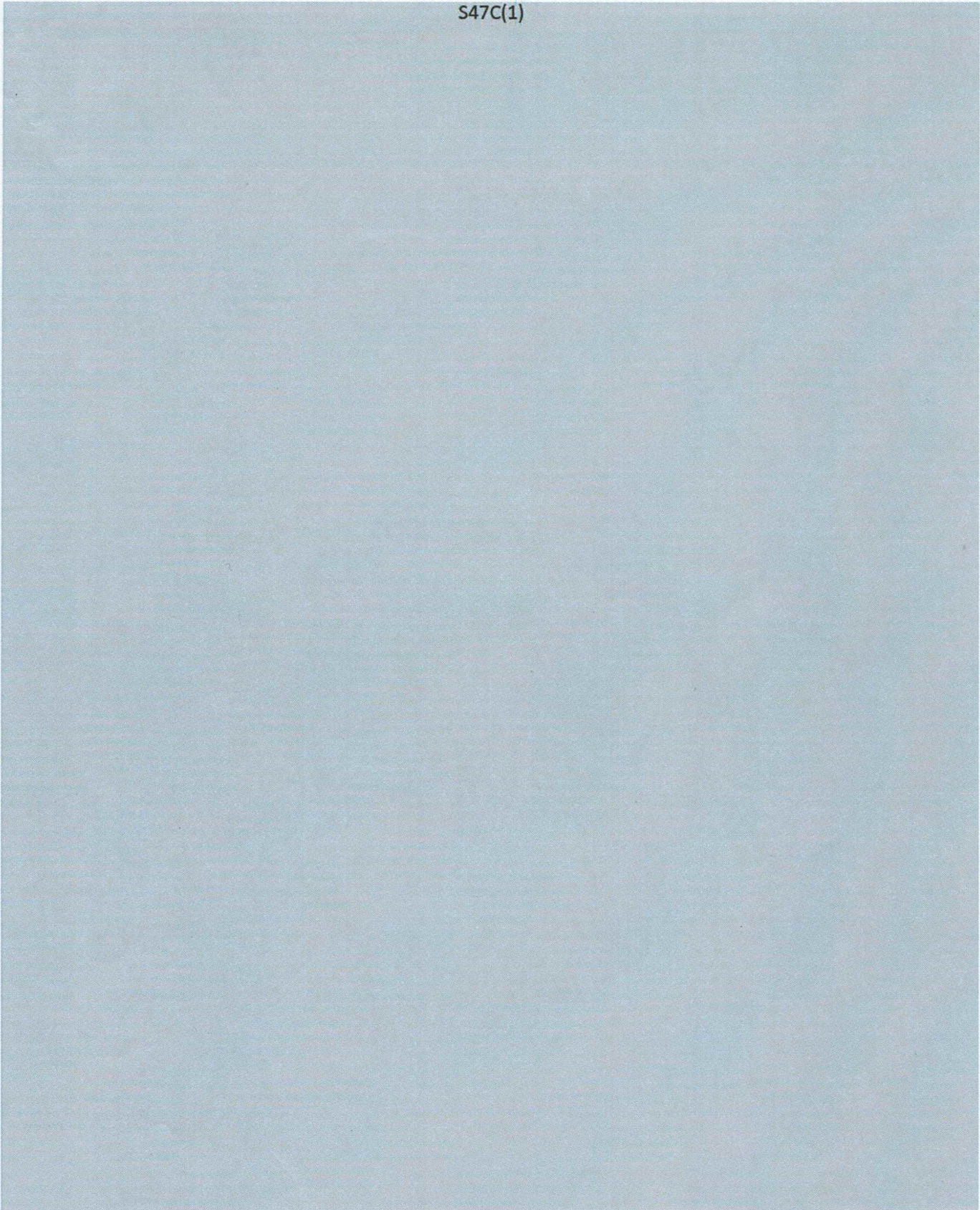
3. You have previously approved the development of a draft mandatory data retention proposal (SB08/1112 refers), consultation with government agencies on the draft proposal (SB08/2504 refers) and subsequent consultation with industry and the Office of the Privacy Commissioner. [REDACTED] S47C(1)

[REDACTED] (SB09/1922 refers).

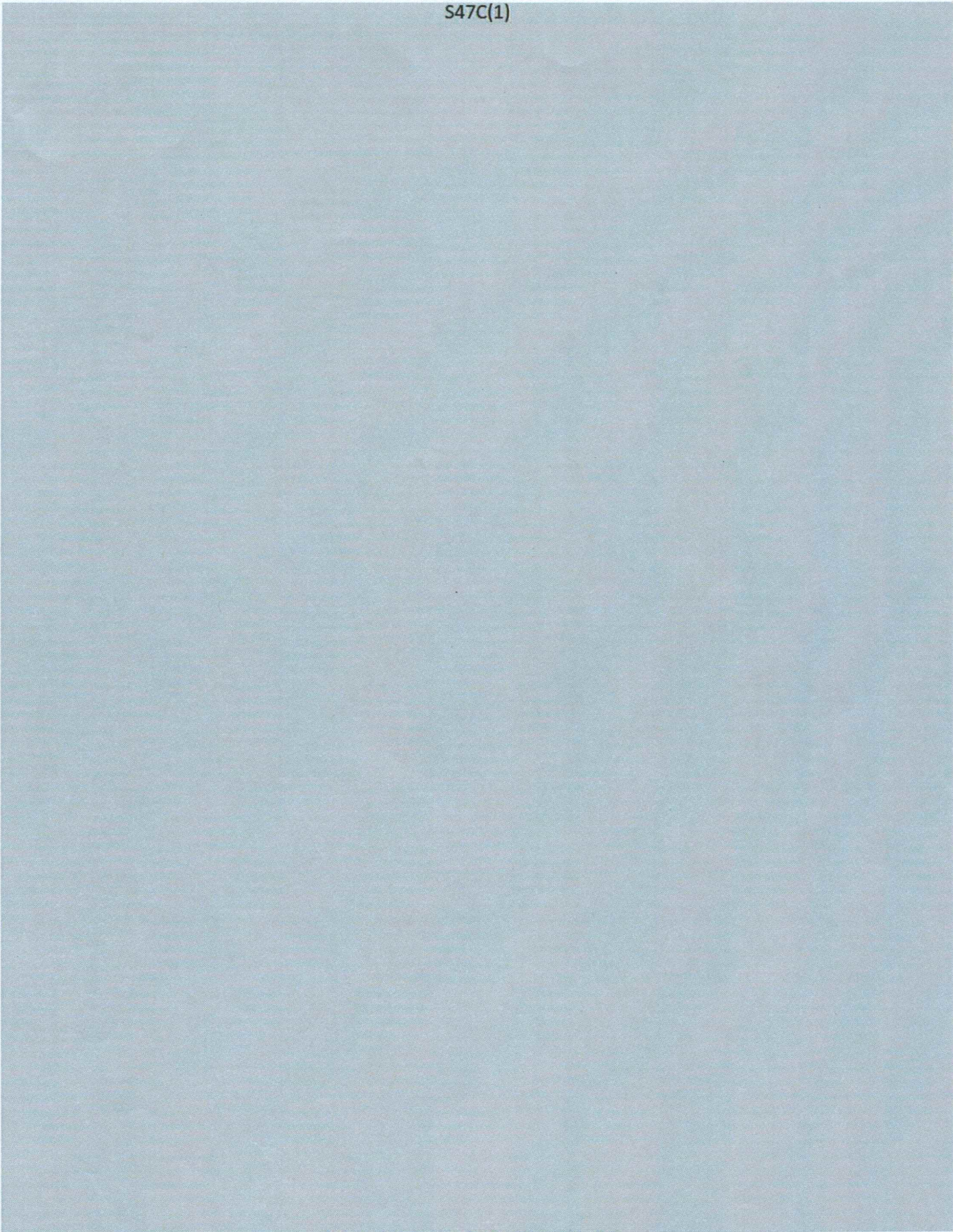
[REDACTED] S47C(1), S47G(1)(a)

[REDACTED] S47C(1)

S47C(1)



S47C(1)



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S47C(1)

Consultation

Internal

21. S47C(1)

External

22. As outlined, work on this proposal has been aided by an Interagency Working Group. Commonwealth enforcement agencies, such as ASIO, AFP, Customs, ACCC and ASIC are strongly supportive of a mandatory data retention regime. State and territory agencies are equally supportive of the proposal. PM&C Border Security and Law Enforcement Branch have been consulted S47C(1)

23. The Department of Broadband, Communications and the Digital Economy have been heavily consulted and involved in the development of this proposal. You have previously written to the Minister for Broadband, Communications and the Digital Economy about this proposal and he gave broad principled support to the proposal.

24. S47C(1)

25. S47C(1)

Sensitivities and Media Implications

26. S47C(1)