

## **Budget Estimates**

**Australian Communications and Media Authority – 7 November 2022**

### **Opening Statement**

The ACMA was notified by Optus of the data breach on 22 September shortly before the company released its public statement. In the first few days following the breach, we worked with agencies across government, including our portfolio department, to inform advice to government both about the risks of scams and identity theft to affected Optus customers and what mechanisms could be used to facilitate Optus sharing relevant information with banks and financial institutions.

After this initial focus, we moved to consider whether the nature of the breach raised any questions about Optus' potential compliance with the telco specific obligations we are responsible for enforcing. This consideration was based on information in the public domain and that which had been provided to government by that time.

On 11 October, we opened an investigation under the Telecommunications Act and have since issued an information gathering notice to various Optus entities. This is designed to elicit detailed information about the nature of the incident. Key issues we will need to consider are:-

- Whether Optus was collecting and keeping any personal data that it was prohibited from doing.
- Whether Optus was not disposing of any data it was required by law to dispose of in the required timeframes.
- Whether Optus was keeping any personal data in the manner the law requires where there are obligations to keep it in a particular way, including under encryption.

We are looking at Optus' compliance under various laws, including the Telecommunications Act, the Telecommunications (Interception and Access) Act, identity checks for pre-paid mobile services and customer identity authentication rules and some requirements of industry's consumer protection code.

It is early days in our investigation and we have not formed a view as to whether Optus has breached any of its obligations. This will be a large and complex investigation, and one on which we are working collaboratively with colleagues at the Office of the Australian Information Commissioner and the Department of Home Affairs. It is not possible at this early stage to be definitive about when the investigation will conclude but I would expect it will take some months. We will make our investigation public once finalised.