



Ms Sophie Dunstone  
Committee Secretary  
Standing Committee on Environment and Communications  
Department of the Senate  
Parliament House  
CANBERRA ACT 2600

By email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Ms Dunstone

### **Inquiry into feasibility of a prohibition on the charging of fees for an unlisted (silent) number service**

Thank you for the opportunity to make a submission to the Senate Environment and Communications Committee's inquiry into the feasibility of a prohibition on the charging of fees for an unlisted (silent) number service.

The Office of the Australian Information Commissioner (OAIC) supports a prohibition on the charging of fees for an unlisted number. Such a measure will further strengthen Australia's framework for the protection of personal information and will assist individuals to control their own personal information.

The OAIC, and former Office of the Privacy Commissioner, has made previous submissions that relate to fees for unlisted number services, including:

- Review of the draft *Telecommunications (Use of Integrated Public Number Database) Industry Standard 2005*, submission to the Australian Communications and Media Authority (ACMA), August 2005<sup>1</sup> (2005 IPND submission)
- Review of Privacy- Discussion Paper 72, submission to the Australian Law Reform Commission, December 2007<sup>2</sup> and
- Review of the Integrated Public Number Database: A Discussion Paper, submission to the Department of Broadband, Communications and the Digital Economy, December 2011.<sup>3</sup>

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<sup>1</sup> Available at: [www.privacy.gov.au/materials/types/submissions/view/6537](http://www.privacy.gov.au/materials/types/submissions/view/6537).

<sup>2</sup> Available at: [www.privacy.gov.au/materials/types/download/9111/6748](http://www.privacy.gov.au/materials/types/download/9111/6748).

<sup>3</sup> Available at: [www.oaic.gov.au/publications/submissions/2011\\_12\\_Sub\\_DBCDE\\_review\\_integrated\\_public\\_number\\_db\\_discussion.html](http://www.oaic.gov.au/publications/submissions/2011_12_Sub_DBCDE_review_integrated_public_number_db_discussion.html).

## Charging a fee for an unlisted number

The OAIC supports the Australian Law Reform Commission (ALRC) recommendation that the *Telecommunications Act 1997* (Cth) should be amended to prohibit the charging of a fee for an unlisted (silent) number on a public number directory. The ALRC has stated that charging fees for unlisted numbers is a burden on particularly vulnerable consumers. This position is generally consistent with the position of the former Office of the Privacy Commissioner in its 2005 IPND submission.

Consistent with Article 17 of the *International Covenant on Civil and Political Rights*,<sup>4</sup> to which Australia is a signatory, the OAIC is of the view that privacy is a fundamental human right which should apply to all people regardless of financial means. The charging of a fee for a silent number may limit an individual's ability to freely exercise their choice of being unlisted in the public telephone directory, and thereby hamper their ability to control their own personal information. This is especially problematic for individuals on low or fixed incomes.

I hope that this submission is of assistance to the inquiry.

Yours sincerely  
Timothy Pilgrim  
Australian Privacy Commissioner

28 March 2013

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<sup>4</sup> Available at: [www.austlii.edu.au/au/other/dfat/treaties/1980/23.html](http://www.austlii.edu.au/au/other/dfat/treaties/1980/23.html).