



VICTORIA POLICE

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16 December, 2014

Mr Dan Tehan MP  
Chair  
Parliamentary Joint Committee on  
Intelligence and Security  
Parliament House, Canberra

Dear Mr Tehan MP,

**RE: Inquiry into the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014**

Victoria Police would like to thank the Parliamentary Joint Committee on Intelligence and Security (the 'Committee') for the opportunity to assist. We have reviewed the questions and have provided them as an attachment to this letter.

The proposal to introduce a mandatory data retention scheme is not a new one. It was considered in depth in the Inquiry into Potential Reforms of Australia's National Security Legislation during 2012 and subsequent report in 2013. Victoria Police provided both written and in-person submissions to this Inquiry; in which data retention was one point of focus.

Victoria Police have also previously provided commentary on the benefit of data retention to law enforcement to the Board of the Australian Crime Commission.

Please do not hesitate to contact my office on  
if you have any queries.

Yours sincerely

~~Glenys Reid~~  
Director, Commissions and Inquiries Division  
Legal Services Department  
Victoria Police

CC: Chief Commissioner Ken Lay APM  
Deputy Commissioner Graham Ashton, Specialist Operations  
Director Fin McRae, Legal Services

1. In each of the last five years, how many times has your agency sought a stored data warrant?

2009/2010 – 6  
2010/2011 – 11  
2011/2012 – 9  
2012/2013 – 26  
2013/2014 – 47

Total - 99

2. In each of the last five years, how many times has your agency obtained a stored data warrant?

2009/2010 – 6  
2010/2011 – 11  
2011/2012 – 9  
2012/2013 – 26  
2013/2014 – 47

Total - 99

3. In each of the last five years, how many times has your agency sought authorisations for historical telecommunications data?

2009/2010 – 50,234  
2010/2011 – 65,703  
2011/2012 – 67,173  
2012/2013 – 64,458  
2013/2014 – 62,737

Total – 310,305

Examples of historical data include call records and subscriber information which includes checks through the Integrated Public Number Database (IPND). The IPND is an industry-wide database containing all listed and unlisted public telephone numbers and is managed by Telstra on behalf of all other service providers. It is a critical source of information for law enforcement agencies. IPND checks make up the overwhelming majority of historical data requests made by Victoria Police.

4. For each of the last five years, what percentage of historical telecommunications data for which access was sought was:

- Less than three months old
- Three to six months old
- Six to nine months old
- Nine to twelve months old
- More than 12 months old

This information is not readily available nor is it able to be sourced in the response time available.

5. For each of the last five years, what percentage of the historical telecommunications data actually used by your agency in its operations was:
- Less than three months old
  - Three to six months old
  - Six to nine months old
  - Nine to twelve months old
  - More than 12 months old

This information is not readily available nor is it able to be sourced in the response time available.

6. In approximately how many cases over the last five years did access to historical telecommunications data accessed by your agency assist in preventing a serious crime from occurring?
- If historical data was useful in preventing crimes from occurring, please provide examples which illustrate the use to which the historical data was put (without identifying specific individuals involved).
  - If historical data was useful in preventing crimes from occurring, approximately how old was the specific data that was of use in those instances.

This information is not readily available nor is it able to be sourced in the response time available.

7. In approximately how many cases over the last five years did access to historical telecommunications data accessed by your agency assist in preventing a terrorist act from occurring?
- If historical data was useful in preventing a terrorist act from occurring, please provide examples which illustrate the use to which the historical data was put (without identifying specific individuals involved).
  - If historical data was useful in preventing a terrorist act from occurring, approximately how old was the specific data that was of use in those instances.

While there would be requests for historical data for proactive policing, an overwhelming majority of requests would be made for investigations of crimes that have already been committed. Regardless, the usefulness of historical data is not statistically captured. There have been three major counter terrorism investigations by Victoria

Police since 2005. In relation to requests to telecommunications organisations for historical data, the anecdotal feedback is that the historical data that might have been useful is not available as it has dropped off the system, generally after approximately only twelve months retention.

8. In approximately how many cases over the last five years did historical telecommunications data accessed by your agency assist in securing a criminal conviction?
- If historical telecommunications data did assist in securing a criminal conviction, please provide examples which illustrate the use to which the historical data was put (without identifying individuals involved).

This information is not readily available nor is it able to be sourced in the response time available.

9. Why is there a significant discrepancy in the number of authorisations to access telecommunications data reported annually to the Parliament under the Telecommunications (Interception and Access) Act, in contrast to the figure reported to the Australian Communications and Media Authority?

Victoria Police, along with other agencies, is required to report annually in regards to the number of authorisations to access telecommunications data. Victoria Police is not aware of the figure(s) reported to ACMA and could only speculate as to why there may be a discrepancy. Due to the introduction of the electronic Request Management System in 2010, the number of authorisations to access telecommunications data is a figure relatively easy to gather. Victoria Police include the number of IPND checks in this figure which significantly inflate the figure reported annually. It is not known whether the volume of IPND checks is included in ACMA's figures.