



New Parliamentary inquiry into access to journalists' telecommunications data

The Parliamentary Joint Committee on Intelligence and Security today commenced an inquiry into access to the telecommunications data of journalists and their sources by law enforcement and security agencies.

The new inquiry follows the recent completion of the Committee's inquiry into the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. In its report on the Bill, the Committee recommended that it be tasked with undertaking a separate review on the 'question of how to deal with the authorisation of a disclosure or use of telecommunications data for the purpose of determining the identity of a journalist's source'. An inquiry on this matter was referred to the Committee by the Attorney-General on 4 March 2015.

The Committee's Chair, Mr Dan Tehan MP said "In its previous inquiry, the Committee acknowledged the importance of recognising the principle of press freedom and the protection of journalists' sources."

"Balancing this with the needs of law enforcement and security agencies to investigate serious offences, it was apparent that further consideration was needed on the question of how to deal with the authorisation of a disclosure or use of telecommunications data for the purpose of determining a journalist's source", he added.

"The Committee looks forward to engaging with stakeholders in a separate review on this matter."

In its previous inquiry on the Data Retention Bill, the Committee recommended a number of additional safeguards relating to agency access to telecommunications data. These included specific oversight by the Ombudsman or the Inspector-General of Intelligence and Security (as appropriate), and the Committee, of any instance where a journalist's data is accessed by an agency for the purpose of determining a source. The Committee's recommendations were supported by the Government.

The Data Retention Bill will require service providers to retain a standard set of telecommunications data for two years. The regime will commence six months after passage of the Bill, followed by an 18 month implementation phase.

The Bill includes measures to increase safeguards around how agencies access telecommunications data, including an enhanced oversight role for the Commonwealth Ombudsman and new restrictions on which agencies may access data.

In undertaking the new inquiry, the Committee intends to consult with media representatives, law enforcement and security agencies and the Independent National Security Legislation Monitor. The review will also consider international best practice, including data retention regulation in the United Kingdom.

The Committee invites submissions to the inquiry to be received no later than **Thursday, 2 April 2015**. Submissions can be made using the 'upload submission' facility on the Committee's website.

The Committee intends to report by 4 June 2015.

Further information about the inquiry, a copy of the Committee's previous report on the Data Retention Bill, and submissions to that inquiry can be accessed via the Committee's website at <http://www.aph.gov.au/pjcis>.

For media comment, please contact the Office of the Chair, Dan Tehan MP, on 6277 4393 (Parliament House) or 03 5572 1100 (Electorate).

For inquiry information, please contact the Committee Secretariat on 02 6277 2360 or email dataretention@aph.gov.au.