



Appendix H – Telecommunications data provided to law enforcement and national security agencies by Telstra

Data disclosed to law enforcement and national security agencies

Type of Data Disclosure	Data Classification	Authority for Release
<p>Any telecommunications data or meta data but not the content or substance of a communication. . It may include:</p> <ul style="list-style-type: none"> • subscriber information (including name, address, date of birth, method of payment and related account transaction details) • telephone numbers of the parties involved in the communication • the date and time of a communication • the duration of a communication • Internet Protocol (IP) addresses and Uniform Resource Locators (URLs) to the extent that they do not identify the content of a communication, and • location-based information 	<p>Historic data - telecommunications data that is already in existence at the time of the request for access to that data</p>	<p>TIA Act Section 175(2) Allows ASIO to access existing information or documents.</p>
		<p>TIA Act Section 177 Disclosures by Telstra to an enforcement agency if the disclosure is reasonably necessary for the enforcement of:</p> <ul style="list-style-type: none"> • criminal law; or • law imposing a pecuniary penalty or for the protection of public revenue.
		<p>TIA Act Section 178 Allows an authorised officer of an enforcement agency to authorise a telecommunications service provider to disclose historical data if he or she is satisfied that the disclosure is reasonably necessary for the enforcement of the criminal law.</p>
		<p>TIA Act Section 178(A) Allows access to existing information or documents for locating missing persons</p>
		<p>TIA Act Section 179 Allows an authorised officer of an enforcement agency to authorise a telecommunications service provider to disclose historical data if he or she is satisfied that the disclosure is reasonably necessary for the enforcement of a pecuniary penalty or protection of the public revenue.</p>
		<p>Telco Act Section 280 Authorises disclosure by or under law.</p>
		<p>Telco Act Section 284 Disclosure of information or document to assist ACMA, ACCC, TIO, or TUSMA to help them carry out their functions.</p>
		<p>Telco Act Section 286 Allows access to law enforcement agencies of information or documents because of a call to an emergency service number (000).</p>
		<p>Telco Act Section 289 Allows for access and disclosure of information or document relating to the affairs or personal particulars of another person and the person is aware of the usual use or disclosure of such or where they have consented in circumstances concerned.</p>

Answers to additional questions on notice from the Parliamentary Joint Committee on Intelligence and Security – Telstra Corporation – December 2012

	Historic <i>and</i> prospective data	<p>Telco Act Section 287 Allows for access to existing information or documents where reasonable grounds exist or it is reasonably necessary to prevent or lessen a serious threat to the life or health a person</p> <p>Telco Act Section 288 Allows for access to information or document if reasonably necessary for the preservation of human life at sea or if in relation to the location of a vessel at sea and is made for maritime communications purposes.</p>
<p>Anything relating to, but not the content or substance of, a communication. It can include:</p> <ul style="list-style-type: none"> • telephone numbers of the parties involved in the communication • the date and time of a communication • the duration of a communication • Internet Protocol (IP) addresses and Uniform Resource Locators (URLs) to the extent that they do not identify the content of a communication, and • location-based information 	Prospective data - telecommunications data that is collected as it is created and forwarded to the law enforcement agency in near real time as a result of the request for access to that data	<p>TIA Act Section 176(2) Allows telecommunications service providers to disclose information or documents that come into existence during the period for which the authorisation is in force (prospective telecommunications data). The authorisation period is 90 days.</p> <p>TIA Act Section 180 Allows an authorised officer of a 'criminal law-enforcement agency' to authorise the disclosure of prospective telecommunications data. In making the authorisation, the officer must be satisfied that the disclosure is reasonably necessary for the investigation of a Commonwealth, state or territory offence punishable by more than 3 years. The authorisation period is 90 days.</p>
Communications and information being carried over a telecommunications network	Prospective (real time) communications and interception information	<p>Interception Warrants under authority of the TIA Act, received by Telstra, authorising the <i>Organisation</i> (ASIO) to intercept telecommunications.</p> <p>Interception Warrants under authority of the TIA Act, received by Telstra, authorising <i>Agencies</i> to intercept telecommunications.</p>
Stored communications not passing over Telstra's telecommunications network, held on equipment operated by, and in the possession of, Telstra that cannot be accessed on that equipment by a person who is not a party to the communication, without the assistance of Telstra along with some communications data embedded within said communications.	Historic communications and information	<p>Stored Communications Warrants under authority of the TIA Act, received by Telstra, authorising access to communications.</p> <p>Telco Act Section 290 Allows for the use and disclosure of information or document or substance of a communication if in regard to all relevant circumstances, it might reasonably expected that the sender and the recipient of the communication would have consented to the disclosure if they had been made aware of it.</p>