

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: 1.7

Question No. SBE15/037

Senator Bilyk asked the following question at the hearing on 20 October 2015:

Senator BILYK: How many ISPs have applied for an extension of time for compliance?

Ms Chard: I would have to take that on notice. The applications that we have received come from a range of providers that include carriers, carriage service providers and internet service providers.

The answer to the honourable senator's question is as follows:

Service providers including carriers, carriage service providers and internet service providers can apply for an extension of time for compliance under two alternative legislative mechanisms.

One mechanism is that service providers may submit a Data Retention Implementation Plan to the Communications Access Co-ordinator to request an extension of time of up to 13 April 2017 to develop capability to meet their data retention obligations.

Alternatively, where a service provider is seeking an extension of time beyond 13 April 2017, the provider must submit a Data Retention Exemption/Variation application.

Not all service providers who have submitted a Data Retention Implementation Plan or Data Retention Exemption/Variation application have requested additional time to comply. For example, some service providers are already compliant with their data retention obligations and submit a Data Retention Implementation Plan to seek the Communications Access Co-ordinator's endorsement of their compliance.

As at 30 October 2015, the Department had received 232 applications, including Data Retention Implementation Plans and/or Data Retention Exemption/Variation applications.