As highlighted in the Western Australia Police (WAPol) response to the Parliamentary Joint Committee inquiry into the future impact of serious and organised crime on Australian society, dated 19 February 2007, there are a number of issues relating to the current level of service supplied to law enforcement agencies (LEA) by telecommunication service providers. The three major issues are as follows:

1. COMPLIANCE AND CO-OPERATION

- Since the introduction of SEDNode in June 2006, the speed at which telephone communications data is supplied to LEA's and the format in which it is received has improved. While SEDNode is a good industry tool the most notable downfall of the system is that it is not compulsory for telephone companies to conduct their dealings with LEA's using SEDNode. As a result of this, some companies do not support this system, while the majority do, the most notable absence is that of Telstra, which is one of the largest telecommunications service providers in the country and arguably the most important in terms of supplying information to law enforcement. This has led to a two tiered approach whereby LEA's only benefit from the improvements SEDNode provides in approximately 50% of all incidences where telephone data is required / requested.

- There also appears to be a lack of recognition from telecommunications service providers in respect of an urgent need for telecommunication data, this often results in delays to receiving data which is required within a shorter time frame (outside of the usual 24 hours) which can often, only be secured through negotiation with telecommunication service provider management. This practice has the potential to risk disclosure of sensitive information about operations and/or targets.

2. INDUSTRY REQUIREMENTS TO SUPPLY/COLLECT INFORMATION RELATING TO THE PURCHASE OF SIM CARDS

- The second major issue effecting law enforcement agencies ability to effectively investigate crimes in relation to the use of communications data is the fact that, telecommunications service providers are not required to collect accurate information in relation to subscriber details using the vast mobile phone network that currently exists both nationally and internationally. This is a major hurdle for investigators, in particular where mobile telephones are a focus. A telecommunications service provider does not currently require or impose the 100 point identification check on purchase of Pre-Paid Sims, which makes identifying the actual user virtually impossible. There are examples of LEA major crime investigations returning mobile phone details as registered to characters such as; John Howard, Donald Duck or Mickey Mouse.

3. STANDARDISATION

There are neither industry standards nor legislative obligations relating to the supply of telephone data, such as; technical and descriptive terminology, information formatting, data storage and the cost of obtaining data held by telecommunications service providers. This leads to a number of difficulties / situations for example:

- Inconsistent use of terminology used to describe products and services for example;
  - The three major companies Optus, Telstra and Vodafone each use a different term to denote calls received (in respective order; Web Trace, Reverse Network

Data and Non Charge B party). A further example (which would further exacerbate this situation) is the use of the same terms but different meanings such as; party A and party B which may refer to either the party making or receiving the call; this is dependant on the telephone company.

o The majority of Telecommunication Service providers use the terminology of routine and urgent to denote the type of request, whilst others understand the terms Routine and Immediate to mean the same thing. Problems occur when an urgent request is denied due to the wrong use of terminology.

▪ Most telecommunications service providers supply data in local time format according to where the call originated except for one who supplies all data in Eastern Standard Time.

▪ There is no consistency / standardisation of the format in which telecommunications data is sent. For instance;

o Call Charge Records (CCR) data in an electronic format are provided by companies using SEDNode however, the way this information is presented and the actual information contained, varies from one provider to another. Therefore a large proportion of time will be spent putting the information into a usable format to allow comparison however the differences in information content often make comparisons difficult.

o Some providers will only supply handwritten / typed CCR information which is faxed through to the requesting unit. This causes a wide variety of problems including additional time and resources required to transfer this data into an electronic format, as well as the potential for errors to occur. In extreme circumstances this has also resulted in additional costs whereby clarification on handwriting has been requested, or faxes only partially received have resulted in telecommunications service providers further charging for another query to be run in order to re-supply the same information.

NB* It is time consuming for a telecommunication company to go to the trouble of handwriting electronic results prior to disseminating to LEA's, and further time consuming to require those same (electronic) transcripts to be re-entered into an electronic format by the LEA's

▪ Supply of timely information - In most cases information is supplied within 1-3 days for Urgent/Immediate requests and 2-4 weeks for routine requests. This has improved dramatically since the inception of SEDNode for those using the system.

Other Issues.

▪ Costs - There are a wide variety of costs applied across all service providers with charges for the same services often differing by hundreds of dollars for different service providers.

▪ Hidden Costs – Some service providers require additional payments for items such as verbal clarification of unclear handwritten / faxed details or obtaining additional subscriber details such as a date of birth if not already included on the data provided.

▪ Routine versus Urgent Request Costs – On the positive side both of these services are currently provided at the same cost.

- <u>The Provision of Cell Site Data</u> – The standard of information content and format varies across the providers, ranging from basic written accounts to electronic spreadsheets with maps. Also, time delays in receiving cell site data can often amount to months and require several follow up calls before anything is received.
- <u>Storage of Data</u> – There are major inconsistencies in the length of time companies hold telephone call charge data and cell site data before it is disposed of, which ranges anywhere between 6 weeks and several years. There are obvious difficulties when data is only held for a short time frame, in particular where protracted investigations are late in identifying potential alternative avenues of enquiry.
- <u>Nil results</u>- While some telecommunications service providers charge for nil results, there have been occasion where those providers who do not charge for nil results, will provide data outside of the original request because the time frame for the original request has returned a nil result and therefore cannot be charged. This is a way of ensuring that the provider can apply a charge although the data supplied is not what was requested. In addition to which, where data has been supplied as nil result, subsequent investigations with the provider have shown this to be inaccurate, as the nil result has had more to do with technical difficulties or a training issue for the telecommunication service provider. There is no way of knowing how often this has occurred as nil results are often not questioned by LEA's.

Recommendations

The following are recommendations for some of the problems highlighted above, this section also includes some additional suggestions on information / service provision which are not currently available but would be useful to LEA's:

- All telecommunications service providers should be required to conduct business with LEA's through the use of SEDNode.
- A standard format of results from all the telecommunications service Providers.
- Standard and reasonable charges across all providers.
- Standardisation of time frames for providers to supply information according to established priorities. E.g. - life threatening within the hour or 2 hours; priority within 48 hours; all other requests within 5 working days.
- All results provided electronically and either standardised or negotiated by the requester.
- Clear maps should be a standard item with cell site tower information.
- Additional information (instruction manuals, handbook, legends or keys) to explain the data being provided, this would save time lost in querying results with the providers.
- Regular updates from telecommunications service providers regarding new charges and new services - or notification regarding services they no longer provide.
- All data (including sms text) should be kept for a minimum of 12 months.
- Online access (or licenses to access) databases directly, to view all subscriber information including; silent numbers and dates of connection for example.
- Clear identification of exchange ID numbers or messaging numbers contained within CCR data.
- Mandatory 100 point ID for all phone subscriptions (including prepaid)
- Enforcement of a 6 month restriction on the re-issue of a telephone number that has been reported as stolen.