



**Australian
Privacy
Foundation**

email: mail@privacy.org.au
web: www.privacy.org.au

Please note that APF does not have a postal address. Our preferred mode of communication is by email, which should be answered without undue delay. If you do need to send something to us by post please email for a purpose-specific address.

MEDIA RELEASE 12 October 2012

Attorney-General Treating Public and Parliament 'Like Mushrooms' about Communications Data Retention Wish-list

Privacy advocates are up in arms at what they see as the Australian Government's contemptuous behaviour in keeping people in the dark about the full details of the controversial communications data retention plan, according to Dr Roger Clarke, Chair of the Australian Privacy Foundation (APF). APF is Australia's peak privacy advocacy body.

Dr Clarke said, "The Attorney-General and her Department have shown contempt not only for civil society, but for Parliamentary Committees and democracy more generally, by presenting a sketchy, spin-laden wish-list instead of a clear and fully explained proposal."

"The Joint Parliamentary Committee on Intelligence and Security was presented with a vague wish-list in mid-year, and asked to hold an Inquiry into it, with a very short deadline."

"Non-government organisations and businesses were forced to burn up their limited resources undertaking analysis of inconclusive hints, allusions and illusions," claimed Dr Clarke. Nonetheless, more than 200 submissions were received, many of them highly critical of the proposals.

Requests for ever greater surveillance powers by national security agencies have been passed without effective scrutiny by Australia's Parliament for the last decade. On this occasion, however, many politicians have shown considerable scepticism at the often unsubstantiated ambit claims, particularly the plan to oblige ISPs and telcos to retain detailed communications and internet logs on everyone for at least two years 'just in case'.

These logs, which would cost millions of dollars to capture and store, would include metadata that in many cases could indicate the nature and content of the communication, unlike traditional phone call traffic logs. Mobile device logs would also be a history of the user's location and movements.

Dr Clarke said, "the Attorney-General and her Department have belatedly peppered the Committee with new information, some still vague, some apparently misleading (i.e. not highlighting numerous European courts' rejection of the EU Directive she appears to rely on). The very lateness of the new information has denied advocacy organisations, businesses and the public an opportunity to analyse and submit comments on it, and more importantly, denied the Parliamentary inquiry the benefit of a fully informed analysis."

The APF believes that, as a result of this failure to provide timely and full information about the proposal, its justifications and implications, the Parliamentary Committee does not have a proper basis to reach reliable findings.

Dr Clarke said, "In a robust democracy, the Parliamentary Committee would raise concerns that the Attorney-General and her Department have made a mockery of the Parliament and the public by this apparently deliberate attempt to stymie proper analysis."

The APF believes the Attorney-General should undertake real public consultations on the basis of a coherent and complete options paper, and only come forward to the Parliament when a considered and specific proposal has been negotiated, and a draft Bill with comprehensible explanations, and appropriate safeguards, has been prepared.

For more information, contact:

Nigel Waters
Board Member
board5@privacy.org.au
Phone: 0407 230 342