

8 November 2016

Ms Kat Lane  
Chair  
Australian Privacy Foundation

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ACMA file reference: ACMA2016/441

Dear Ms Lane

### **De-registration of Calling Number Display Code**

Thank you for your letter dated 31 October about the ACMA's decision to de-register the ACIF C522:2007 Calling Number Display Industry Code (CND Code).

### **Opportunity to comment on de-registration of the CND Code**

On 8 April 2015, Communication Alliance (CA) published an open invitation to comment on the Calling Number Display guideline on its website. The consultation period ran from April 8 2015 to May 8 2015. Here is an excerpt from that invitation:

*The Calling Number Display Guideline is intended to replace the Calling Number Display Code (C522:2007). It addresses privacy issues raised by Calling Line Identification (CLI) and Calling Number/Name Display (CND).*

*The replacement of the Code with a Guideline is being proposed in light of the Government's de-regulatory commitments and the principles espoused in the Communications Alliance "Framework for Customer Information Provisions". Please refer to the Explanatory Statement at the front of the draft Guideline for further information.*

Before submitting the Code for de-registration, CA requested ACCAN, the ACCC, the TIO, and the Privacy Commissioner to complete a certificate of mandatory consultation. This process is a standard practice for the registration of codes, fulfilling the requirements of paragraphs 117(1)(g) to (j) of the *Telecommunications Act 1997*, but goes beyond what the legislation requires for de-registration of a code.

The above steps satisfied the ACMA that CA had undertaken consultation at least to the standard required for registration of a code.

### **Information on CND and CND Blocking**

The CND Code required providers to make available, on an ongoing basis, information about CLI and CND. In practice, this requirement was met for most of the life of the Code by providers publishing information on their websites. The Code contained no requirement to push information actively to consumers or organisations that represented their interests.

The ACMA received advice from ACCAN and WESNET that, despite this long-standing Code requirement, consumers in vulnerable circumstances may not readily appreciate the implications of CND or recognise that they should make use of CND blocking.

CA's commitment to develop information materials targeting consumers in vulnerable circumstances should improve (compared to the position under the current Code) the quality and utility of CND related information for people who may be in particular vulnerable circumstances and to organisations that represent their interests.

The ACMA understands that CA is aiming to develop this information by the end of the year.

### **Availability of CND Blocking**

In considering CA's application for de-registration, the ACMA had regard to the ability consumers now have, on many devices and services, to exercise control over CND. The ACMA also had regard to market incentives around the provision of CND.

In short, the ACMA was satisfied that CND blocking would continue to be available and affordable in the event of de-registration of the Code. The ACMA was also satisfied that information about CND blocking would continue to be available.

### **Monitoring**

The ACMA notes, however, the concerns that you have raised, particularly in regard to the enforceability of codes. In the ACMA's letter to ACCAN, the Authority confirmed that both it and CA will monitor the effects of de-registration.

If any substantive problems are identified, the ACMA proposes to take prompt action to address them.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Bean', with a long horizontal line extending to the right from the end of the signature.

**Richard Bean**