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Communications Alliance

FAO Holly Raiche

Draft Code C522:2006 – Calling Number Display

This is a joint submission on behalf of the Australian Privacy Foundation and the Consumers Telecommunications Network. As you know we have represented our organisations on Working Committee 19, and are broadly supportive of the draft put out for public consultation.

We do however have a few suggestions to make, for consideration by the Working Committee before the Code is finalised.

1. We would like the Code to make it clearer that the test for disclosure of CLI in the first place (in 5.1.1) is 'stricter' than the test for subsequent uses by a recipient (in 5.2.1). That is, an ISP cannot use the purposes in 5.2.1 as a reason for needing the CLI in the first place. If they can't show how they need it to "facilitate[e] the delivery of a Carriage Service" (being the particular carriage service in question), then they can't have it.

The practical effect of 5.2.3 also needs to be made clearer. Note also that 5.2.3 needs amendment to replace 'CND' with 'CLI'.

2. The definitions used in the CND Code should be aligned with those in other Codes, Guidelines and instruments. This issue has also been raised in WC30 reviewing the IPND Code. It is unfortunate that the much delayed ACMA IPND Standard will contain key term in common with the CND and IPND Codes. If at all possible, common definitions should be finalised and if necessary incorporated into C522.

3. The text in the note-box above 3.1.1 could be clearer – perhaps by separation into two sentences?

4. There is a redundant “Call’ in 3.1.1

5. The whole Code would benefit from a final cosmetic edit – perhaps from someone who has not been involved in the WC, although any proposed changes should be referred back to the WC to ensure that they are not significant.

Please direct queries about this submission to either Nigel Waters (02 4981 0828 or mail@privacy.org.au) or Sarah Wilson at CTN (02 9572-6007 or swilson@ctn.org.au)

Yours faithfully

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