



# Data Retention

Who – What – Where - When

Special Guests...



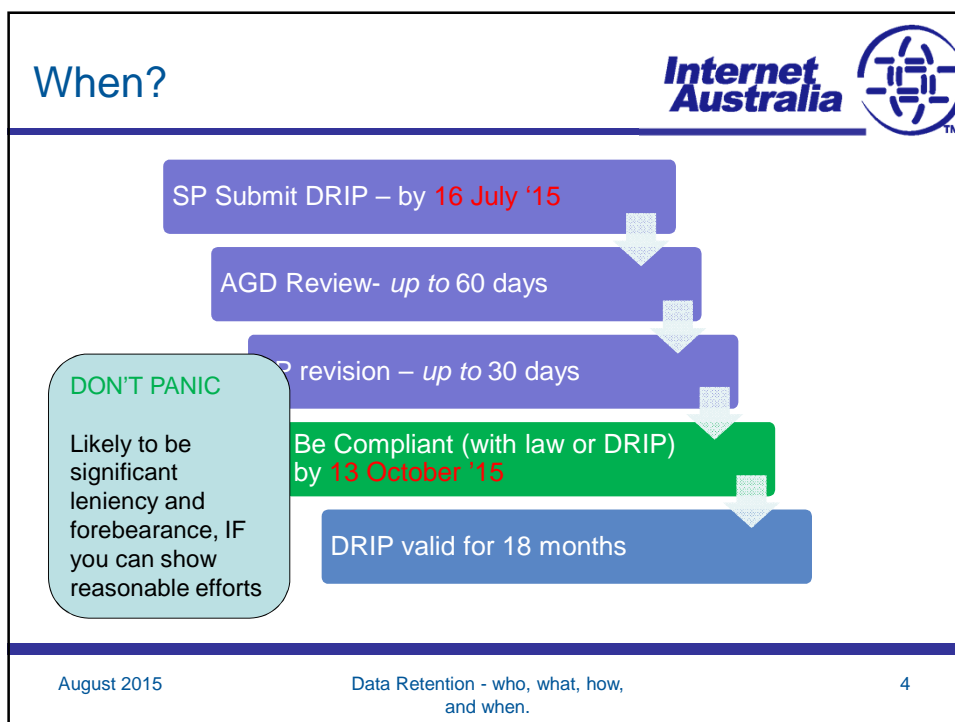
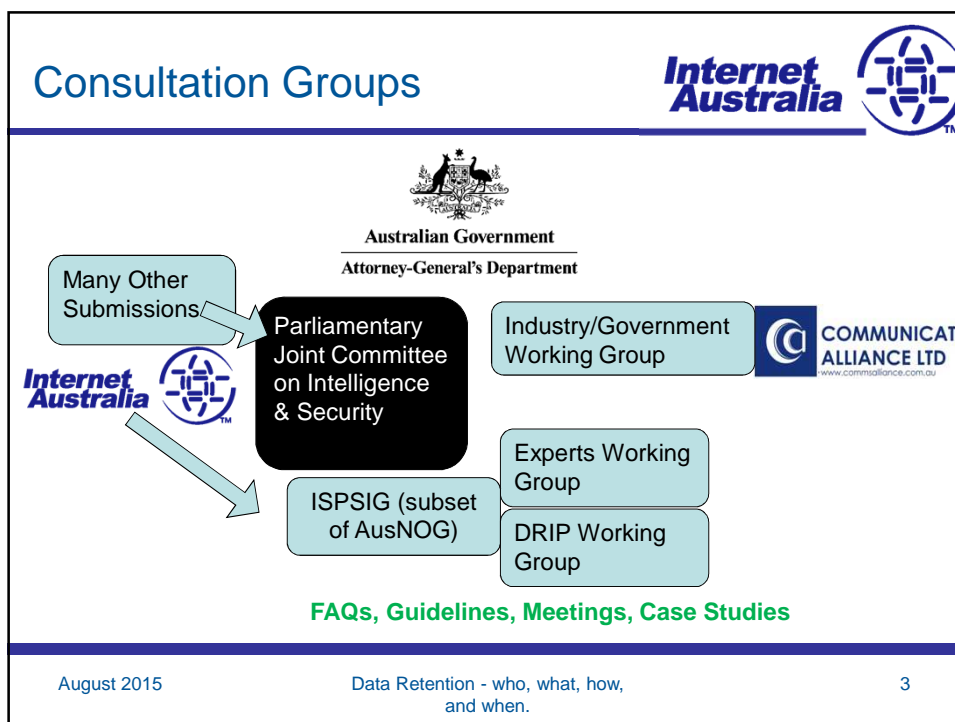
**Australian Government**  
**Attorney-General's Department**

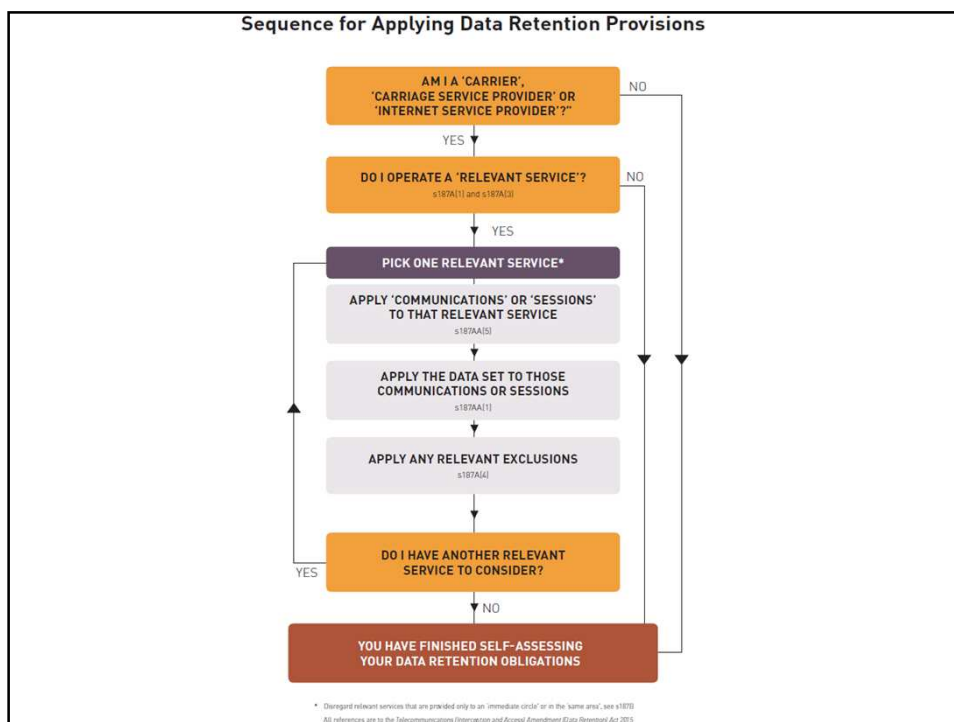
**Anna Harmer**

Assistant Secretary | Electronic Surveillance Policy Branch


**Greg Sadler**

Acting Director | Electronic Surveillance Capability and Engagement Section





## Who?




AM I A 'CARRIER', 'CARRIAGE SERVICE PROVIDER' OR 'INTERNET SERVICE PROVIDER'?

YES ↓

- Carrier? (easy – Carrier License)
- ISP? (easy – L3 IP Transit to global Internet)
- CSP? (self-assess – Telecoms Act)

August 2015
Data Retention - who, what, how, and when.
6

## Don't Confuse Acts



- **Telco Act: Are you a CSP?**  
*carriage service* means a service for carrying communications by means of guided and/or unguided electromagnetic energy.
- **TIA Act : Is it a Relevant Service?**
  - (3) This Part applies to a service if:
    - (a) it is a service for carrying communications, or enabling communications to be carried, by means of guided or unguided electromagnetic energy or both; and


*communication* includes conversation and a message, and any part of a conversation or message, whether:

  - (a) in the form of:
    - (i) speech, music or other sounds;
    - (ii) data;
    - (iii) text;
    - (iv) visual images, whether or not animated; or
    - (v) signals; or
  - (b) in any other form or in any combination of forms.

---

August 2015 Data Retention - who, what, how, and when. 7

## What?



**DO I OPERATE A 'RELEVANT SERVICE'?**  
s187A(1) and s187A(3)

NO

YES

- (3) This Part applies to a service if:
  - (a) it is a service for carrying communications, or enabling communications to be carried, by means of guided or unguided electromagnetic energy or both; and

- Think about the **SERVICE** at the highest level
- If its not intended/designed 'for carrying communications', it is **NOT** relevant. (You are not expected to try to second-guess how a terrorist might mis-use your service).

---

August 2015 Data Retention - who, what, how, and when. 8

## Exemptions



- Not apply to a “Broadcasting Service”
  - IPTV/streaming VOD is not a Broadcasting Service – you’ll need to apply for an exemption
- Not destination URLs (no “web browsing history”). Not Email Subject lines (Subject text is Content), or similar
- Not “Over the top” services (e.g. VoIP or Email to a server outside your network you don’t operate)
- Not services operated by a different CSP using your underlying service. Only services that you provide.
- Not “same area” (e.g. WiFi café hotspot, in-building, internal campus) or “immediate circle” (e.g. VPN/closed-group)

August 2015

Data Retention - who, what, how,  
and when.

9

## What?




- **1 Subscriber/Customer/Account Info**
  - Keep all change history
  - Keep for 2 years AFTER last service is cancelled
- **2 SOURCE identifiers – relative to the service**
  - E.g. EMAIL service – source EMAIL address, IP address
- **3 DESTINATION identifiers**
- **4 Date/Time/Duration of SESSION (incl Timezone)**
- **5 Type of communication + value added features**
  - (telephone call, Email message, Email session, Internet Access ADSL2, Internet Access Satellite)
- **6 Location (at start and end if different)**

August 2015

Data Retention - who, what, how,  
and when.

10


## Wholesale / Retail



- Not expected to collect data from other CSPs
  - Don't overcomplicate matters! Use \*YOUR\* Logs
- E.g wholesale DSL network won't have end-user account details for each line
  - Subscriber is the RSP
  - Agency can then use RSP + ServiceID to gain end-user details from the RSP
- E.g. retailer won't have SRC/DEST protocol addressing data
  - Retailer will have street address location. Agency can request service addresses from wholesale network

August 2015 Data Retention - who, what, how, and when. 11

## Encryption / Protection



### 187BA Ensuring the confidentiality of information

A service provider must protect the confidentiality of information that, or information in a document that, the service provider must keep, or cause to be kept, under section 187A by:

**Operationally Unworkable**

- (a) encrypting the information; and
- (b) protecting the information from unauthorised interference or unauthorised access.

- AGD FAQ suggests – keep 2 datastores. Encrypt the datastore used for Data Retention. Keep existing business/operational systems un-encrypted.
- Internet Australia recommends – apply for an exemption from the encryption requirement for all existing systems. Make sure password/access control/access logging is robust.

August 2015 Data Retention - who, what, how, and when. 12

## \$\$ Cost Recovery \$\$



- \$131 million, against estimates of up to \$380 million
- Nobody inside or outside government has any idea how or when the funds might be distributed.
- Keep Receipts and Invoices.
- Don't Ask today. There is no answer yet.



August 2015

Data Retention - who, what, how, and when.

13

## \$\$ Cost Recovery 2 \$\$



- consider applying for a variation or exemption from some or all requirements:

**187K The Communications Access Co-ordinator may grant exemptions or variations**

*Decision to exempt or vary*

- (7) Before making a decision under subsection (1) in relation to a service provider, the Communications Access Co-ordinator must take into account:
- the interests of law enforcement and national security; and
  - the objects of the *Telecommunications Act 1997*; and
  - the service provider's history of compliance with this Part; and
  - the service provider's costs, or anticipated costs, of complying with this Part; and
  - any alternative data retention or information security arrangements that the service provider has identified.
- (8) The Communications Access Co-ordinator may take into account any other matter he or she considers relevant.

August 2015

Data Retention - who, what, how, and when.

14



# Q AND A?

Who – What – Where - When

## FAQs and Resources



<http://www.ag.gov.au/NationalSecurity/DataRetention/Pages/Industry-Implementation-of-data-retention.aspx>

- Data Retention Overview
- Guidelines for Service Providers
- FAQs (living doc – check periodically for expansions)
- DRIP & Exemption Application Template



Who to call 

---

CAC - Communications Access Coordinator

- <mailto:cac@ag.gov.au>
- Tel: +61-2-6141-2884

Internet Australia ISPSIG mailing list

- <mailto:isp-sig@lists.internet.org.au>
- <http://lists.internet.org.au/cgi-bin/mailman/listinfo/isp-sig>

---

August 2015 Data Retention - who, what, how, and when. 17



---

**Thankyou**

*George Fong  
President@internet.org.au*

*Paul Brooks  
Paul.Brooks@internet.org.au*

---

August 2015 Data Retention - who, what, how, and when. 18