



NEWS RELEASE

The Data Retention Bill: A threat to civil rights protections that just won't work!

The Internet Society of Australia has called on the Parliamentary Joint Committee on Intelligence and Security (PJCIS) to recommend a total rethink of the Telecommunications (Interception and Access) Amendment (Data Retention) Bill.

The Internet Society of Australia is the peak organisation representing business, educational, professional and private Internet users. Its parent organisation, the international Internet Society, coordinates the setting of Internet policy and technical standards globally.

Internet Society of Australia CEO, Laurie Patton, said his board and members are extremely concerned that the legislation, as currently drafted, simply won't achieve the Government's stated aims while constituting a serious threat to existing civil rights protections.

"The Internet Society understands the Government's concern to find effective measures to deal with national security. We just don't think they have worked through the technical issues sufficiently", said Mr Patton.

In a written submission to the PJCIS the Internet Society argues that the Bill is deeply flawed, its coverage is unclear and it does not reflect the complexity and diversity of Internet communications.

It will add significant costs to service providers and will seriously hamper competition in the sector. It will not reach some off-shore communications services widely used by many Australians and will therefore create significant disincentives for Australians to use Australian-based services, with clear impacts on the growth of the Australian digital services economy.

Most importantly, the Bill represents a challenge to Australians' right to privacy protection, with potentially significant negative impacts on the confidence Australians have in their Internet use.

The Bill shifts the balance away from the protection of Australians' civil rights and towards an expanded ability of law enforcement and intelligence agencies to access our personal information. It leaves too much to the discretion of the incumbent Minister (the Attorney-General).

There are three areas in the Bill that are drafted very broadly and which should be redrafted to strike a more appropriate balance between the individual's right to privacy and the legitimate needs of law enforcement and security agencies to access data. These are:

- the definition of the data to be retained
- the agencies and organisations that will have access to the data
- the grounds upon which access to data will be granted

“The Internet Society believes that excluding detailed definitions of the data to be retained, who can access it and on what grounds means that the ability of the Parliament to perform proper scrutiny and oversight of this legislation is seriously undermined”, Mr Patton said.

The consultation process used to determine what data is to be retained is as yet undefined and to date has excluded many important stakeholder groups. The Internet Society urges the government to involve a broader range of stakeholders.

“The Internet Society represents the interests of all Internet users. Our directors and members hold significant roles in Internet-related organisations so we are ideally placed to provide high level policy and technical information and advice to the Government”, Mr Patton said.

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About the Internet Society

The Internet Society of Australia (also known as ISOC-AU) is the Australian chapter of the worldwide Internet Society and is a not-for-profit organisation founded in 1996. Its mission is to promote Internet developments for the benefit of the whole community, including business, educational, professional and private Internet users. Its directors and members hold significant roles in Internet-related organisations and enable the Society to provide high level policy and technical information to Internet user groups, governments and regulatory authorities.

Globally, the Internet Society coordinates Internet policy development and technical standards. This includes advising the United Nations and international Internet management organisations such as the Internet Corporation for Assigned Names and Numbers (ICANN) and the five Regional Registries. The Internet Society is responsible for the Internet Engineering Task Force. See: www.internet.org.au