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Dear Mr Purdon

### **Draft Mobile Premium Services Code (DR C637:2011 Incorporating Variation No.1/2017)**

Thank you for the opportunity to comment on the draft *Mobile Premium Services Code* (the draft Code), which regulates premium message services and subscriptions that bill customers through mobile phone service providers.

I understand that the draft Code proposes a number of changes to the Mobile Premium Services Code, which include addition of:

- the term 'Personal Information' to align with the *Privacy Act 1988* (the Privacy Act), and
- clause 1.9 titled 'personal information'.

I welcome the addition of the term 'personal information' in the draft Code, to align with the Privacy Act.

I also appreciate that a new clause 1.9 (Personal Information) has been included in the draft Code to address the information security obligations of Suppliers in circumstances where they may not otherwise be required to comply with the Australian Privacy Principles (APPs) under the Privacy Act. To encourage privacy best practice, we suggest that paragraph 1.9 could include a broader obligation on Suppliers to handle personal information in accordance with all the APPs. It may also be useful to draw attention to the ability for service providers, not otherwise covered by the Privacy Act, to 'Opt-in' to coverage, under s6EA of that Act<sup>1</sup>.

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<sup>1</sup> For more information, see the *Opt-in register* page at <https://www.oaic.gov.au/privacy-law/privacy-registers/opt-in-register>