

INDUSTRY CODE
DR C555:2017
INTEGRATED PUBLIC NUMBER DATABASE (IPND)

Please ensure that it gets forwarded to the correct party.

Quoting the draft:

[quote]5.2

Customer access to their IPND Data

Under the Privacy Act, Customers are entitled to obtain access to their PNCD and, if that data is incorrect, to seek correction.[end quote]

It's all very well to say this but I've been told that I couldn't access my PNCD "because of the Privacy Act" (BOPA), and that a "change to an Act of Parliament" would be required to grant it. Given those experiences, some more backing for the claim in the draft is required, explaining why it wasn't clear to The IPND Manager or Telstra in years gone by why I should be given access to my own PNCD and when any changes to relevant acts or regulations changed this situation.

[quote]

For practical purposes, this Code sets out an industry agreed process for Customers to obtain their PNCD and / or seek correction of that data through the CSP of which they are a Customer.

5.2.1

NOTE 1: The process set out in this Code for Customers to seek access to their PNCD does not detract from the Customers' rights (where the Customers are individuals) to access their personal information under the Privacy Act 1988 (Cth) and other privacy laws.

[end quote]

but does any other Act (e.g. the Telecommunications Act) restrict an individual's right under the Privacy Act to access and correct their personal information held in the PNCD(s) for their service(s)?

[quote]

NOTE 2: Where a person has services with more than one CSP they should approach each CSP of which they are a Customer to access all of their PNCD.

Where the Customer seeks access to their PNCD, the Customer should contact their CSP directly, through the communication method as advised by their CSP.

NOTE: Responsibility for the accuracy of the Customers' PNCD lies with both the Customer and the Customer's CSP.

Upon request for PNCD, the CSP will: -

- (a) verify their Customer's request and identity;
- (b)

record their Customer's PNCD request;

(c) agree with their Customer the method(s) for providing their PNCD to them;

(d) arrange to obtain a copy of their Customer's PNCD; and

(e) provide their Customer's current PNCD to their Customer once it has been received from the IPND Manager.

The CSP will respond to their Customer's request for a copy of their PNCD by supplying the requested PNCD within 20 Business Days.

[end quote]

So this is 20 business days maximum from the customer's initial request (where any identity checks are counted as part of the 20 business days)?

The problem with this is that the cycle of requesting a PNCD, getting it, correcting it and getting a verified correction could take 40 business days, which is manifestly excessive.

20 business days would be a more reasonable time frame for supplying a requested PNCD, correction and verification, not just supply of an initial PNCD.

[quote]

NOTE: Under Australian Privacy Principle 12.8, the process of arranging access to PNCD relating to services supplied by that CSP to their Customer may be undertaken on a cost recovery basis between the CSP and their Customer. Any charges involved must not be excessive.

The IPND Manager must ensure that requests from CSPs for PNCD are processed in a timely manner and that relevant PNCD is supplied to the CSP within 10 Business Days of receiving the PNCD request.

NOTE: Under Australian Privacy Principle 12.8, the process of arranging access to PNCD relating to services supplied by that CSP to their Customer may be undertaken on a cost recovery basis between the CSP and the IPND Manager. Any charges involved must not be excessive.

CSPs may submit single or multiple PNCD record requests for the same Customer.

Where a Customer identifies that their PNCD is inaccurate, the CSP must correct the inaccurate data subject to the CSP's assessment as to whether their Customer requested changes comply with the CSP's regulatory obligations including the IPND Code and IPND Data Guideline for the supply of PNCD to the IPND Manager.

NOTE: For example, a request to change the name, or the spelling of the name should be cross checked against a form of

identification, such as a drivers licence. A request to change the service address or locality should be checked to ensure that such an address exists and that the Customer has an association to that service address. If the service address is not recognised by an address validation source, and the Customer appears to be attempting to use a vanity address, the PNCD service address should not be changed.
[end quote]

THERE IS NO TIME FRAME SPECIFIED FOR THE CSP TO SEND A CORRECTION TO THE IPND MANAGER.

Unless there is, this whole process is flawed.

To answer my previous criticism, the CSP be given a maximum time frame to respond to and act on requests for corrections and there be a maximum time-frame for the customer to receive a verification copy of the corrected PNCD from the IPND (ie, not what was submitted but what was extracted back from the updated IPND).

Assuming that the CSP passed on corrections immediately, the customer could still have a 30 business day wait from initial request through correction to finally receiving a verification copy of the PNCD, which I still feel is excessive.

[quote]

A CSP must not charge a Customer for correcting PNCD that is inaccurate.

[end quote]

BRAVO!

Regards,

Arthur Marsh