



Australian Mobile  
Telecommunications  
Association



## **Office of the Australian Information Commissioner - Australian Privacy Principles (APP) Guidelines**

Submission  
as prepared by:

**Australian Mobile Telecommunications Association and  
Communications Alliance Ltd**

December 2013

## Introduction

---

The Australian Mobile Telecommunications Association (AMTA) and Communications Alliance Ltd (the Associations) welcome the opportunity to provide this submission in response to the Office of the Information Commissioner's Draft Australian Privacy Principles (APP) Guidelines (Draft Guidelines).

## The Associations

---

**Communications Alliance** is the primary telecommunications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, equipment vendors, IT companies, consultants and business groups.

Its vision is to provide a unified voice for the telecommunications industry and to lead it into the next generation of converging networks, technologies and services. The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through industry self-governance. For more details about Communications Alliance, see <http://www.commsalliance.com.au>.

**The Australian Mobile Telecommunications Association (AMTA)** is the peak industry body representing Australia's mobile telecommunications industry. Its mission is to promote an environmentally, socially and economically responsible, successful and sustainable mobile telecommunications industry in Australia, with members including the mobile Carriage Service Providers (CSPs), handset manufacturers, network equipment suppliers, retail outlets and other suppliers to the industry. For more details about AMTA, see <http://www.amta.org.au>.

## Chapter 12

---

The Associations support the drafting Chapter 12 of the APP Guidelines and its alignment with current practices. Of particular note is that the OAIC has retained carve outs for APP entities to refuse access to personal information in the case of frivolous or vexatious requests, as well as the right of an APP entity to charge for giving access to personal information. The latter provision provides assurances for APP entities, particularly given the fact that the retrieval and provision of personal information can be resource intensive.

As a general comment, the Associations contend that some consideration must be given to the definition of 'personal information' as it relates to requests for access to personal information. Previous chapters of the Draft Guidelines have considered, for example, that the collection of information via cookies could, potentially, be considered personal information. In relation to the request for access to personal information, such an expansive view of what constitutes personal information will have an impact on the ability of entities to respond in a timely, efficient and meaningful way to access requests.

The Associations submit that this may have unintended consequences over the longer term.

## Chapter 13

---

### Reasonable Steps

The Associations seek clarity with regard to the requirement for an APP entity to *“take reasonable steps to correct personal information it holds, to ensure it is accurate, up-to-date, complete, relevant and not misleading...”*.

While telecommunications companies endeavour to ensure that personal information is up-to-date, this is not always as straightforward as a customer notifying a customer service representative that they have changed address.

The Associations contend that the Guidelines should recognise that an individual should accept a level of personal responsibility to update his or her details. To enable this partnership, companies have developed various ways to empower customers to update their own personal details. It would be of concern to the industry if the work done to empower customers to support this responsibility was not recognised or eroded by these Guidelines.

### 'Holds' (Clause 13.10)

The Associations submit that any requirement to update or correct information held by partners or third parties is impractical. It is not appropriate to expect that an APP entity will have the ability to update information held or stored by third parties.

### Personal Information May Require Correction (Clause 13.14)

Clause 13.14 states that an entity *“may become aware in various ways that an item of personal information may require correction”*. The Associations contend that if information is provided to an entity by an individual or a third party, the entity should not be required to carry out a process, such as 'washing' this information against other personal information it holds, to check for consistency. The requirement to take reasonable steps to correct at the

entity's initiative should only be a requirement to correct if the entity discovers an inconsistency during the ordinary course of its business.