



Telecommunications (Integrated Public Number Database Scheme – Criteria for Deciding Authorisation Applications) Instrument 2017

I, MITCH FIFIELD, Minister for Communications, make the following instrument.

Dated 18 July 2017

MITCH FIFIELD
Minister for Communications

Contents

1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
5 Schedules	2
6 Criteria for deciding applications for public number directory authorisations.....	2
7 Criteria for deciding applications from researchers	3
Schedule 1—Repeals	5
<i>Telecommunications (Integrated Public Number Database Scheme – Criteria For Deciding Authorisation Applications) Instrument 2007 (No. 1)</i>	5

1 Name

This instrument is the *Telecommunications (Integrated Public Number Database Scheme – Criteria for Deciding Authorisation Applications) Instrument 2017*.

2 Commencement

This instrument commences on the day after this instrument is registered.

3 Authority

This instrument is made under section 295N of the *Telecommunications Act 1997*.

4 Definitions

In this instrument:

Act means the *Telecommunications Act 1997*.

candidate has the same meaning as in the *Telecommunications (Integrated Public Number Database – Permitted Research Purposes) Instrument 2017*.

Commonwealth entity has the meaning given by section 10 of the *Public Governance, Performance and Accountability Act 2013*.

contractor means a person who performs services for and on behalf of the holder of a public number directory authorisation or a research authorisation but does not include a person who performs such services in the capacity of an employee of the holder.

customer means a person who is supplied with a carriage service by a carriage service provider.

customer data has the same meaning as in the *Telecommunications Integrated Public Number Database Scheme 2017*.

electoral matter has the same meaning as in the *Telecommunications (Integrated Public Number Database – Permitted Research Purposes) Instrument 2017*.

integrated public number database scheme means the scheme in force under section 295A of the Act.

local government authority has the same meaning as in the *Telecommunications (Integrated Public Number Database – Permitted Research Purposes) Instrument 2017*.

Parliament has the same meaning as in the *Telecommunications (Integrated Public Number Database – Permitted Research Purposes) Instrument 2017*.

political representative has the same meaning as in the *Telecommunications (Integrated Public Number Database – Permitted Research Purposes) Instrument 2017*.

protected information means information or a document disclosed under subsection 285(1A) of the Act for a purpose covered by:

- (a) subparagraph 285(1A)(c)(ii) of the Act; or
- (b) subparagraph 285(1A)(c)(iv) of the Act.

public mobile telecommunications service has the meaning given by section 32 of the Act.

public number has the meaning given by subsection 285(2) of the Act.

public number directory has the meaning given by subsection 285(2) of the Act.

public number directory authorisation means an authorisation under the integrated public number database scheme that permits the person to whom it is granted to use and disclose protected information for a purpose covered by subparagraph 285(1A)(c)(ii) of the Act.

registered political party has the same meaning as in the *Telecommunications (Integrated Public Number Database – Permitted Research Purposes) Instrument 2017*.

research authorisation means an authorisation under the integrated public number database scheme that permits the person to whom it is granted to use and disclose protected information for a purpose covered by subparagraph 285(1A)(c)(iv) of the Act.

Note: A number of expressions used in this instrument are defined in section 7 of the Act, including the following:

- (a) ACMA;
- (b) carriage service;
- (c) carriage service provider.

5 Schedules

Each instrument that is specified in Schedule 1 to this instrument is repealed as set out in the Schedule.

6 Criteria for deciding applications for public number directory authorisations

- (1) The following criteria apply for deciding an application for a public number directory authorisation, the ACMA must:
 - (a) be reasonably satisfied that the proposed directory product specified in the application will satisfy the requirements of the definition of **public number directory** in subsection 285(2) of the Act; and
 - (b) be reasonably satisfied that the applicant will use protected information for a purpose covered by subparagraph 285(1A)(c)(ii) of the Act; and

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- (c) be reasonably satisfied that the applicant will otherwise comply with the requirements of the Act, and the integrated public number database scheme; and
 - (d) consider what processes the applicant has in place, or intends to put in place, to protect the privacy and security of protected information.
- (2) For the purposes of paragraphs (1)(b) and (c), the ACMA must consider:
- (a) the extent to which the applicant has complied with the requirements of the Act in relation to its previous use of customer data; and
 - (b) if paragraph (a) does not apply—whether the applicant has appropriate processes in place that will enable the applicant, and any contractor, to comply with the requirements of the Act, relevant legislative instruments, and the integrated public number database scheme in relation to its future use of customer data.

7 Criteria for deciding applications from researchers

- (1) The following criteria apply for deciding an application for a research authorisation, the ACMA must:
- (a) be reasonably satisfied that the proposed research is research of a kind specified in the *Telecommunications (Integrated Public Number Database – Permitted Research Purposes) Instrument 2017*; and
 - (b) be reasonably satisfied that the proposed research will not be conducted for a primarily commercial purpose; and
 - (c) be reasonably satisfied that the applicant will use protected information for a purpose covered by subparagraph 285(1A)(c)(iv) of the Act; and
 - (d) be reasonably satisfied that the applicant will otherwise comply with the requirements of the Act, and the integrated public number database scheme; and
 - (e) consider what processes the applicant has in place, or intends to put in place, to protect the privacy and security of protected information.
- (2) For the purposes of paragraphs (1)(c) and (d), the ACMA must consider:
- (a) the extent to which the applicant has complied with the requirements of the Act in relation its previous use of customer data; and
 - (b) if paragraph (a) does not apply—whether the applicant has appropriate processes in place that will enable the applicant, and any contractor, to comply with the requirements of the Act, relevant legislative instruments, and the integrated public number database scheme in relation to its future use of customer data.
- (3) In deciding an application for a research authorisation in relation to research on an electoral matter, the ACMA must be reasonably satisfied that the research will be conducted by the applicant, being a registered political party, a political representative, a candidate in an election for a Parliament or local government authority or a person acting on behalf of such a party, representative or candidate.

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- (4) In deciding an application for a research authorisation in relation to research which will contribute to the development of public policy, the ACMA must be reasonably satisfied that:
- (a) the research will be conducted by or on behalf of the Commonwealth or a Commonwealth entity; and
 - (b) the applicant has demonstrated that the research will contribute to the development of public policy.

Schedule 1—Repeals

Telecommunications (Integrated Public Number Database Scheme – Criteria For Deciding Authorisation Applications) Instrument 2007 (No. 1)

1 The whole of the instrument

Repeal the instrument.