Information Sheet

The European Union Directive 2006/24/EC Data Retention:

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0054:0063:EN:PDF

The European Telecommunications Standards Institute (ETSI):

www.etsi.org

ETSI Standards on Data Retention:

ETSI TS 102 656 V1.1.2 (2007-12) Requirements of Law Enforcement for the Handling of Retained Data

ETSI TS 102 657 V1.1.2 (2008-12) Handover Interface for the Request and Delivery of Retained Data

ETSI Standards Download Site:

http://pda.etsi.org/pda/queryform.asp

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Mandatory Data Retention Proposal

Telecommunications data is information about a communication, but does not include the content of the communication. Examples include subscriber information and call charge records.

Australian Government

Attorney-General's Department

Carrier-Carriage Service Provider Data Set

Consultation Paper

Version: 1.0

This paper does not represent the settled views of the Australian Government. The Government has made no decision with regard to any of the issues presented in this paper. The paper intends only to stimulate discussion on the issues set out in it. The results of these discussions will be used to inform government consideration of these matters.

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Background

What is telecommunications data?

Telecommunications data is information about the process of a communication, as distinct from its content. This includes information about the identity of the sending and receiving parties ('A and B parties'), when a communication started and stopped, and the type of communication [redacted]

Access to telecommunications data for law enforcement purposes is regulated by Chapter 4 of the *Telecommunications (Interception and Access) Act 1979*, which permits agencies to authorise the disclosure of telecommunications data where it is reasonably necessary for the enforcement of the criminal law, a law imposing a pecuniary penalty, or the protection of the public revenue. Chapter 4 also contains separate provisions enabling access for national security purposes.

Telecommunications traffic data and related information is currently kept by carriers for billing and other business purposes and has proven to be an important tool for law enforcement and national security agencies, providing both intelligence and evidence for use when identifying and prosecuting offenders.

How important is telecommunications data?

[redacted]

The UK experience has also shown that the availability of this information can be of great benefit in providing exculpatory evidence, allowing police to rule out a person from an investigation, and to Coroners in determining the circumstances leading up to death.

[redacted]

Why is a mandatory data retention scheme necessary?

With an evolutionary trend in the telecommunications industry towards Internet Protocol (IP) based services and volume based charging models, there is the likelihood that the traditional business reasons for creating or retaining this information may cease. This concern is not isolated to Australia; data retention is a significant topic internationally.

The European Union is currently implementing its data retention regulation directive, in response to the rapid adoption of new technologies. It is timely for Australia to also consider how the needs of agencies can be met without unduly impacting on the telecommunications industry.

[redacted]

1. [redacted]

1.1. [redacted]

a. [redacted]

b. [redacted]

c. [redacted]

d. [redacted]

2. [redacted]

2.1. [redacted]

a. [redacted]

b. [redacted]

c. [redacted]

2.2. [redacted]

a. [redacted]

b. [redacted]

c. [redacted]

d. [redacted]

3. [redacted]

3.1 [redacted]

a. [redacted]
b. [redacted]
c. [redacted]
d. [redacted]

3.2. [redacted]

a. [redacted]
b. [redacted]
c. [redacted]
d. [redacted]

4. [redacted]

4.1. [redacted]

a. [redacted]

4.2. [redacted]

a. [redacted]

5. [redacted]

5.1. [redacted]

a. [redacted]

b. [redacted]

c. [redacted]

5.2. [redacted]

a. [redacted]

6. [redacted]

6.1. [redacted]

a. [redacted]

6.2. [redacted]

a. [redacted]

b. [redacted]

c. [redacted]

d. [redacted]

e. [redacted]

f. [redacted]

6.3. [redacted]

a. [redacted]

b. [redacted]

c. [redacted]

d. [redacted]

e. [redacted]

7. [redacted]

7.1. [redacted]

a. [redacted]

B. [redacted]

1. [redacted]

[redacted]

Table 1.

Requirement	Intent
1	[redacted]
1.1.a	[redacted]
1.1.b	[redacted]
1.1.c	[redacted]
1.1.d	[redacted]
2	[redacted]
2.1.a	[redacted]
2.1.b	[redacted]
2.1.c	[redacted]
2.2.a	[redacted]

Requirement	Intent
2.2.b	[redacted]
2.2.c	[redacted]
2.2.d	[redacted]
3	[redacted]
3.1.a	[redacted]
3.1.b	[redacted]
3.1.c	[redacted]
3.1.d	[redacted]
3.2.a	[redacted]
3.2.b	[redacted]
3.2.c	[redacted]

Requirement	Intent
3.2.d	[redacted]
4	[redacted]
4.1.a	[redacted]
4.2.a	[redacted]
5	[redacted]
5.1.a	[redacted]
5.1.b	[redacted]
5.1.c	[redacted]
5.2.a	[redacted]
6	[redacted]
6.1.a	[redacted]
6.2.a	[redacted]
6.2.b	[redacted]
6.2.c	[redacted]
6.2.d	[redacted]
6.2.e	[redacted]
6.2.f	[redacted]

Requirement	Intent
6.3.a	[redacted]
6.3.b	
6.3.c	
6.3.d	
6.3.e	
7	
7.1.a	

2. Definitions

This section of the document provides definitions for the purpose of this data set of any key or ambiguous terms used.

Table 2.

Term	Definition
ADSL	Asynchronous Digital Subscriber Line.
BRAS	Broadband Remote Access Server. The BRAS terminates sessions from an access network aggregating them into a core network [redacted]
C/CSP	Carrier / Carriage Service Provider. The definition of C/CSP used in this document is the definition in the *Telecommunications Act*.
[redacted]	[redacted]
[redacted]	[redacted]
Dial-Up	This term is taken to mean an connection to a network made using a modem via the PSTN.
DSL	Digital Subscriber Line.
E.164	E.164 is the ITU recommendation entitled *the International Public Telecommunication Numbering Plan*. This recommendation is taken to be the international standard for telephone numbering.
Fixed Telephony	This term is taken to mean telephony using devices physically connected to a network.
FNN	Full National Number.
HSPA	High Speed Packet Access. This is a mobile network data communications technology.
IMEI	International Mobile Equipment Identity. An IMEI is a unique 15 or 17 digit code used to identify the hardware accessing a mobile network.
IMSI	International Mobile Subscriber Identity. An IMSI is a unique 15 digit number stored on the SIM card made up the Mobile Country Code, the Mobile Network Code and the Mobile Subscriber Identity Number.
Internet Access	This term is taken to mean access (or a connection) to a publicly accessible network.
Internet Email	This term is taken to mean email sent or received via a publicly accessible network.
Internet Telephony	This term is taken to mean phone calls placed utilising data communications technology.
IP	Internet Protocol.
MAC	Media Access Control.
PSTN	Public Switched Telephone Network.
Short-Dial	This term is taken to mean the process whereby a pre-allocated number is translated by the network into a full E.164 compliant number.
SIP-URI	Session Initiation Protocol Uniform Resource Identifier. The SIP is specified by RFC 3261.
SMS	Short Message Service.
[redacted]	[redacted]
[redacted]	[redacted]

Term	Definition
UTC	Universal Time, Coordinated.
Video Telephony	This term is taken to mean telephony utilising images accompanying audible communications.
VoIP	Voice over Internet Protocol.
VPN	Virtual Private Network.
Wi-Fi	This term is taken to generically mean Wireless LANs (WLAN).

3. Illustrative Data

This section provides sample data to further illustrate the expected type of data to be retained for each specific retention requirement from the Data Set. This illustrative data should be considered in conjunction with the Data Set and Intent statements to provide further explanation to the given Data Set requirement.

Note: Illustrative data given throughout this document does not indicate the expected data format rather only provides an indication as to the type of data the requirement is intending to capture. Illustrative data, or lack of, does not indicate only data similar that provided must be retained.

Table 3.

Requirement	Illustrative Data		
1.1.a			
1.1.b			
1.1.c			
1.1.d			
2.1.a			
2.1.b			
2.1.c			
2.2.a			
2.2.b			
2.2.c			
2.2.d			
3.1.a			
3.1.b			
3.1.c			
3.1.d			
3.2.a			
3.2.b			
3.2.c			
3.2.d			
4.1.a			
4.2.a			
5.1.a			
5.1.b			
5.1.c			
5.2.a			

Requirement	Illustrative Data		
6.1.a	[redacted]	[redacted]	[redacted]
6.2.a	[redacted]	[redacted]	[redacted]
6.2.b	[redacted]	[redacted]	[redacted]
6.2.c	[redacted]	[redacted]	[redacted]
6.2.d	[redacted]	[redacted]	[redacted]
6.2.e	[redacted]	[redacted]	[redacted]
6.2.f	[redacted]	[redacted]	[redacted]
6.3.a	[redacted]	[redacted]	[redacted]
6.3.b	[redacted]	[redacted]	[redacted]
6.3.c	[redacted]	[redacted]	[redacted]
6.3.d	[redacted]	[redacted]	[redacted]
6.3.e	[redacted]	[redacted]	[redacted]
7.1.a	[redacted]	[redacted]	[redacted]

C. Industry Feedback

The proposed dataset outlined in the previous sections of this document provides a basis for dialogue between Industry and Government on the core element of a data retention regime, that is, the dataset.

Government is keen to gain valuable feedback from Industry regarding how all elements of a proposed data retention regime may operate. In particular the Government must consider possible impacts to Industry, resulting changes to individual business practice, consumer impacts and all costs involved.

To aid in this consideration, Industry members are requested to address the below questions when providing feedback.

1. Which elements of the proposed dataset are presently retained? For those retained, how long are they retained for and for what reason?
2. How much storage space is required to store data currently being retained?
3. [redacted]
4. Which requirements of the proposed dataset are presently not retained?
5. Are there major technological changes required to retain any of the requirements of the proposed dataset? If so, what are they?
6. [redacted]
7. Should a mandatory data retention regime apply to all telecommunications industry participants?
8. [redacted]

Feedback is to be lodged by the 9 April 2010 to tslb@ag.gov.au.