



Australian Government  
Attorney-General's Department

15/5524

22 May 2015

Ms Chloe Munro  
Chair and Chief Executive Officer  
Clean Energy Regulator  
GPO Box 621  
CANBERRA ACT 2601

27 MAY 2015

Dear Ms Munro

**Enforcement agency access to telecommunications data**

I am writing to advise you about changes to the *Telecommunications (Interception and Access) Act 1979* that will affect your agency's ability to access historical telecommunications data.

The *Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015* will come into effect on 13 October 2015. The data retention legislation will ensure that, notwithstanding technological changes, law enforcement and national security agencies will continue to have the information they need to keep the community safe. To better protect individual privacy, Parliament reduced the number of agencies that may access telecommunications data from around eighty to twenty-one.

Our records indicate that your agency has accessed telecommunications data under the *Telecommunications (Interception and Access) Act 1979* in the past. However, your agency is not included within the more limited access scheme commencing in October this year.

The legislative scheme reflects Parliament's intent that access to telecommunications data be limited to a small number of core agencies. However, in the event you consider that your agency requires ongoing direct access to telecommunications data, please write to the Attorney-General's Department via [ESPB@ag.gov.au](mailto:ESPB@ag.gov.au) by **12 June 2015**. Your letter will need to make a compelling case for access and clearly demonstrate an ability to uphold the privacy safeguards embedded in the data retention scheme.

Section 176A of the Data Retention Act outlines a range of matters relevant to the possible inclusion of additional agencies on a temporary basis which should be addressed. I enclose a guidance document that may assist in considering whether your agency may be suitable for inclusion within the scheme in future. Your advice on these matters will assist the Department to advise the Attorney-General on appropriate access arrangements.

For further assistance please contact Anna Harmer, Assistant Secretary of the Electronic Surveillance Policy Branch on (02) 6141 2900, or [REDACTED] Director of the Electronic Surveillance Policy and Advice Section on (02) 6141 [REDACTED].

Yours sincerely

Katherine Jones  
Deputy Secretary  
National Security and Criminal Justice Group