

10 June 2015

Review of the Integrated Public Number Database
Department of Communications
GPO Box 2154
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email: IPNDreview@communications.gov.au

Dear Sir/Madam

Review of the Integrated Public Number Database 2015

Thank you for giving the Telecommunications Industry Ombudsman (TIO) the opportunity to comment on the recommendations in the *Review of the Integrated Public Number Database (IPND) Report 2015 (the IPND Review Report)*.

We have confined our comments to those recommendations in the IPND Review Report that relate to our experience in handling and resolving privacy related complaints relevant to the IPND.

TIO complaints

Each year, we record a range of privacy related complaints, including those involving the disclosure of silent numbers or publication of unlisted entries in online and print directories. These complaints can have serious consequences for consumers, particularly those in high risk circumstances or professions.

A small number of these complaints involve issues that directly relate to the IPND. These complaints involve, for example:

1. Consumers who have a silent number that has been published in a local directory not affiliated with the White Pages. These consumers' details in the IPND may have been incorrectly listed as 'Listed Entry - LE' when they should be 'Unlisted - UL'. The IPND Manager populates the IPND with information received from carriage service providers. If information is incorrect, or a listing is not flagged correctly it can result in a consumer's information being passed onto local directories even though their details may not appear in the White Pages.
2. Consumers who are confused about the difference between a silent number and entries that are listed, suppressed or unlisted. Under the IPND Code, consumers have a choice between a listed or unlisted entry, at no charge. When consumers attempt to exercise this right they may be advised they must pay for a silent number, which prevents the number appearing on Calling Line Identification. This however does not automatically mean their details are not listed in a directory. In some complaints, providers' front line staff are confused by the distinction between silent numbers and unlisted numbers, and consequently may not be fulfilling the provider's obligations under the IPND Code.

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Recommendations in the IPND Review Report

We broadly support Recommendations 2, 3 and 4 in the IPND Review Report. We do not have any comments on Recommendations 1, 5, 6, 7, 8 and 9 as these lie outside the TIO's remit.

Recommendation 2: Access by individual subscribers to their IPND records

Giving consumers access to their own records in the IPND and to flag incorrect information for action by carriage service providers, subject to appropriate privacy and data security arrangements, has the potential to improve the accuracy of IPND data. To the extent practicable, this access should be consistent with the current access and correction arrangements under the Privacy Act 1988.

In implementing Recommendation 2, it may be appropriate to include other mechanisms such as bulk updates for changes to address details – with appropriate verification processes without access to IPND records – to enable prompt correction of inaccurate information.

For instance, we recently received an enquiry from a government agency about difficulties experienced when trying to update IPND listings for an apartment complex owned by the agency for public housing. The issue arose when the individual apartments were renumbered. The government agency wanted to inform the IPND of the change as a bulk update. The agency was able to do this with the fire, police and ambulance services but was advised that the IPND could not be updated in this way. Although the agency understood that the responsibility to update the apartment numbers was with the actual account holders of the services (in the relevant apartments), the agency was concerned these consumers would not contact their service providers, making already vulnerable consumers more at risk.

Recommendation 3: Awareness raising by service providers

Many but not all providers state in their privacy policy that one of the purposes for which they collect, hold, use or disclose their customers' personal information, is for disclosure in the IPND. These providers have varying levels of detail about the functions of the IPND in their privacy policy. Some providers only include a generic statement in their privacy policy that their customers' personal information may be disclosed to comply with legal obligations under Australian law.

From time to time, we receive complaints from consumers disputing the collection of their information by their service providers on the basis that the request constitutes a breach of their privacy. These consumers are unaware that providers are required to collect this information to comply with legislative obligations. Sometimes, this is because providers have not explained clearly why this information is required, including the importance of this information. After the Australian Communications and Media Authority (ACMA) issued a formal warning against a provider in 2012 for failing to meet its IPND obligations, we received complaints from that provider's customers disputing its request for information about their residential addresses. These customers were told that their mobile services would be cancelled should this information not be provided, but were not told why this information was required.

We agree that providers should ensure that their customers are properly informed about the IPND, including its existence, why their information is collected and which agencies have access to it. Further clarification from providers on why they collect and

record this information and how this information may be used by emergency services will ensure consumers understand the importance of providing accurate information to providers. It is also important that consumers are made aware that their information associated with a Voice over Internet Protocol service, 13/1800 number, or other service used to facilitate, for example, an internet connection or back to base alarm, is disclosed in the IPND.

Recommendation 4: Increasing the range of users for access to the IPND

Increasing the range of users with access to IPND information offers potential community benefits, depending on the user and the purpose for which the IPND information is used. Limiting this access to users that meet the public interest test, are subject to a privacy impact assessment, and have limited access to specified categories of IPND information, for example, anonymised information about unlisted numbers, may be an appropriate approach to implementing Recommendation 4.

Service continuity

One possible use for the IPND, which has not been identified in the IPND Review Report, is its utility as a single source of information in circumstances where consumer services are proposed to be suspended or disconnected by reason of a commercial dispute between industry participants. Such disputes can mean significant detriment for consumers who may lose continuity of service, lose their telephone numbers or, in the case of businesses, face financial loss.

One of the challenges in such circumstances is the absence of a reliable database of end user information that would enable affected consumers to be contacted to (a) notify them of the imminent disruption to their services, and (b) provide guidance on how they can preserve continuity of their services.

Access to the IPND information would potentially enable the appropriate party to identify:

- customer names and addresses
- the types of services being supplied at the customer premises, and
- the telecommunications company supplying the services.

This information can then be used to contact consumers whose services are to be disrupted, to give them notice and enable them to explore options to preserve service continuity.

Further information

If you require further information, please do not hesitate to contact Shobini Mahendra, Manager – Policy, Research and Systemic Issues on 03 8600 8700.

Yours sincerely



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