

15 September 2015

Mr John Stanton
Chief Executive Officer
Communications Alliance Limited
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Dear Mr Stanton

Review of the Integrated Public Number Database Code (C555:2008)

The Telecommunications Industry Ombudsman (TIO) welcomes the opportunity to comment on the scheduled review of the Integrated Public Number Database Code (C555:2008) (the IPND Code).

We set out below our general comments and two specific issues for consideration in the scheduled review of the IPND Code.

General comments

We recently responded to the recommendations in the Department of Communications' *Review of the Integrated Public Number Database (IPND) Report 2015* (the IPND Review Report). These recommendations are likely to inform the review of the IPND Code, particularly Recommendation 2 (giving consumers access to their own records in the IPND and flagging incorrect information for action by providers in a specified timeframe) and Recommendation 3 (providers alerting their customers about their IPND information and the importance of providing correct information).

In providing our comments on two specific issues below, we have had regard to the Department's IPND Review Report. We have also had regard to consumer complaints we receive about directory listings and about privacy matters more generally.

Specific issues for consideration

Clarity of information about listed and unlisted entries

The IPND arrangements and the IPND Code provide a layer of protection for consumers who want to maintain their privacy by choosing an unlisted entry. This protection works in tandem with the obligations in the Calling Number Display (CND) Code, which offers additional privacy safeguards to consumers.

Under clause 4.1 of the IPND Code, providers must give consumers the choice of either a listed or unlisted entry. If a consumer chooses an unlisted entry a provider must, under clause 3.2 of the CND Code, enable permanent line block (CND blocking) for that consumer's standard telephone service. These features ensure that a consumer's details are not disclosed from the IPND for publication in a public number directory, and their number details are blocked when they make calls.

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The rules in Chapter 4 of the IPND Code do not expressly require a provider to give information to consumers about the difference between a listed or unlisted entry, or information that could help the consumer make an informed choice. This information is particularly important when a consumer is signing up for a new service or seeking to upgrade or change their service. The IPND Code also does not make reference to the interrelationship between an unlisted entry and CND blocking under the CND Code.

We recommend the IPND Code includes an obligation on providers to give information to consumers about the difference between a listed or unlisted entry, the interrelationship between an unlisted entry and CND blocking, and for this information to be provided at the time of initial supply or upgrade of a service. This would help consumers make an informed choice about their service, and whether or not they wish to put into place mechanisms to safeguard their privacy.

Improving consumer awareness about the IPND

We note that Recommendation 3 in the Department's IPND Review Report is to raise consumer awareness of the IPND, where providers should:

- alert their subscribers of their IPND information
- advise subscribers regularly of the importance of providing correct information.

We agree that raising consumer awareness of the IPND is important and is something that can be achieved through revisions to the IPND Code. Clause 4.3 of the IPND Code requires data providers to take reasonable steps to inform their customer of the type of use and the type of disclosure of the public number customer data. The Note to Clause 4.3 sets out some examples of reasonable steps, and states that these steps should be consistent with relevant privacy obligations. The IPND Code however is silent on how and when this information is to be communicated to consumers.

Many 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. Further, 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. This inconsistency can give rise to consumer confusion and lack of awareness about the purpose and importance of the disclosure of this information in the IPND.

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.

We recommend the IPND Code includes an obligation on providers to take reasonable steps, at the time of initial supply of a service and at subsequent regular intervals, to inform their customers about the disclosure of information in the IPND, and to emphasise the importance of providing correct information. To help raise awareness among consumers of the IPND and to meet one of the stated objectives of the IPND Code to ensure that procedures do not detract from consumers' privacy rights with regard to personal information, the Code could require providers to:

- explain the existence of the IPND
- clarify why personal information is collected for the IPND
- confirm when personal information is disclosed and which agencies have access to it, and
- inform consumers that information associated with a Voice over Internet Protocol service, 13/1800 number, or other standard telephone service used to facilitate, for example, an internet connection or back to base alarm, is disclosed in the IPND.

Obligations on providers to confirm why they collect and record personal information for the IPND and how this information may be used by emergency services will ensure consumers understand the importance of providing accurate information.

Further information

We trust this information is of assistance to Communications Alliance as it reviews the IPND Code. If you require any further information from the TIO, please do not hesitate to contact Shobini Mahendra, Manager – Policy, Research and Systemic Issues on 03 8600 8700.

Yours sincerely



David Brockman
Executive Director – Industry, Community and Government