Telecommunications Integrated Public Number Database Scheme 2007

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this scheme under section 295A of the Telecommunications Act 1997.

Dated 22nd March 2007

Chairman

Deputy Chair

Australian Communications and Media Authority
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Part 1  Preliminary

1.1 Name of scheme
This scheme is the *Telecommunications Integrated Public Number Database Scheme 2007*.

1.2 Commencement
This scheme commences on the same day as Schedule 1 to the *Telecommunications Amendment (Integrated Public Number Database) Act 2006*.

1.3 Definitions
In this scheme:

*ACMA* means the Australian Communications and Media Authority.

*Act* means the *Telecommunications Act 1997*.

*carrier service provider* has the meaning given by section 87 of the Act.

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

*customer data* means the following data:

(a) for a listed entry, originating from the IPND, about a customer or a customer’s business:

(i) the public number of the customer or the business;

(ii) the name of the customer or the business;

(iii) the directory finding name of the customer or business (if relevant);

(iv) the directory address of the customer or business;

(v) if it is known whether the relevant carriage service being supplied to the customer on the public number is to be used for government, business, charitable or residential purpose — the relevant purpose;

(vi) if the customer has been offered a suppressed address entry — whether the customer has requested that entry;

(b) for a listed entry, originating from the IPND, about a customer or a customer’s business that becomes an unlisted entry:

(i) the public number of the customer or the business;

(ii) a flag indicating that the entry has become unlisted.

*final authorisation* means an authorisation granted to a public number directory publisher under subsection 3.10 (4).
**Section 1.3**

**integrated public number database** (or IPND) means the database of customer data established and maintained under subclause 10 (1) of Telstra’s carrier licence conditions.

**IPND Manager** means the licensee mentioned in Telstra’s carrier licence conditions.

**listed number** means a public number other than a number of one of the following kinds:

(a) a mobile number, unless the customer and the carriage service provider that provides the mobile service to the customer agree that the number will be listed;

(b) a geographic number or a non-geographic number that the customer and the carriage service provider that provides services for originating or terminating carriage services to the customer agree will not be included in a public number directory;

(c) the number of a public payphone;

(d) a number that, when dialled, gives access to a private telephone exchange extension that the customer has requested not be included in a public number directory;

(e) any other number that may be treated as an unlisted number as a result of a change to a law (for example, the *Telecommunications Numbering Plan 1997*).

**PND** means a public number directory.

**provisional authorisation** means an authorisation granted to a person under subsection 3.3 (3) for the use and disclosure of customer data in a provisional IPND data source.

**provisional IPND data source** means a restricted version of customer data that is supplied by the IPND Manager for the purposes of this scheme.

**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 publisher** means a person who has been granted an authorisation under this scheme:

(a) to use and disclose a provisional IPND data source (other than information relating to an unlisted number) for purposes connected with the publication and maintenance of a sample PND under subsection 3.5 (3); or

(b) to use and disclose customer data (other than information relating to an unlisted number) for purposes connected with the publication and maintenance of a PND.

**researcher** means a person who has been granted an authorisation under this scheme to use and disclose customer data (other than information relating to an unlisted number) for purposes connected with the matter mentioned in subparagraph 285 (1A) (c) (iv) of the Act.
suppressed address entry means an entry in customer data that indicates that a customer has requested that the customer’s directory address be flagged as suppressed.

Telstra’s carrier licence conditions means the conditions set out in the Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997.

unlisted number means a public number of one of the following kinds:

(a) a mobile number, unless the customer and the carriage service provider that provides the mobile service to the customer agree that the number will be listed;

(b) a geographic number or a non-geographic number that the customer and the carriage service provider that provides services for originating or terminating carriage services to the customer agree will not be included in a public number directory;

(c) the number of a public payphone;

(d) a number that, when dialled, gives access to a private telephone exchange extension that the customer has requested not be included in a public number directory;

(e) any other number that may be treated as an unlisted number as a result of a change to a law (for example, the Telecommunications Numbering Plan 1997).

Note: A number of words and expressions used in this scheme are defined in section 7 of the Act, including carriage service.
Part 2  Application of IPND scheme

2.1  Application

(1) This scheme applies to:
   (a) a person seeking to be granted an authorisation for the purposes of paragraph 285 (1A) (d) of the Act; and
   (b) a person who has been granted an authorisation for the purposes of paragraph 285 (1A) (d) of the Act.

(2) An obligation that is imposed under this scheme on a public number directory publisher or a researcher in that capacity is also taken to be imposed on:
   (a) each employee of the public number directory publisher or researcher; and
   (b) a person acting as a contractor to the public number directory publisher or researcher.

2.2  Object of scheme

The object of this scheme is to provide for:

(a) the grant of authorisations for the purposes of paragraph 285 (1A) (d) of the Act; and

(b) the imposition of conditions on the grant of an authorisation in accordance with sections 295F and 295P of the Act.
Part 3  
Authorisation to use and disclose customer data — public number directory publishers

Division 1  
Application of Part 3

3.1  
Application
This Part applies to:
(a) a person seeking to be granted an authorisation to be a public number directory publisher; and
(b) a public number directory publisher.

Division 2  
Provisional authorisation

Subdivision 1  
Application for provisional authorisation

3.2  
Application

(1) If a person wishes to use and disclose customer data to publish and maintain a PND, the person must apply to ACMA for the grant of a provisional authorisation.

Note If the person is granted provisional authorisation, the person may subsequently apply for a final authorisation in accordance with Division 3.

(2) The application must be made using the form approved by ACMA.

Note The application form is available on the ACMA website, http://www.acma.gov.au

(3) The application must be accompanied by:
(a) the charge (if any) for the application fixed by a determination under section 60 of the Australian Communications and Media Authority Act 2005; and
(b) a completed privacy impact form using the form approved by ACMA.

Note The privacy impact form is available on the ACMA website, http://www.acma.gov.au

3.3  
Decision on application

(1) ACMA may ask a person, in writing, to give it further information about an application made under section 3.2.

(2) If ACMA:
(a) asks for information under subsection (1); but
(b) does not receive the information within 90 days;
ACMA may treat the application as having been withdrawn.

(3) For an application that ACMA has not treated as having been withdrawn, ACMA must decide whether to grant an authorisation (a provision authorisation).

(4) ACMA must grant a provisional authorisation if ACMA:
   (a) has applied the criteria specified by the Minister under subsection 295N (1) of the Act; and
   (b) has had regard to any other matters that ACMA considers relevant; and
   (c) is satisfied that the person:
      (i) has demonstrated that the person’s proposed PND is likely to meet the definition of public number directory in the Act; and
      (ii) has demonstrated that the person’s proposed PND is likely to comply with any legislative instrument that the Minister may make under subsection 285 (4), (5) or (6) of the Act; and
   (d) is also satisfied that the person is likely to comply with:
      (i) the Act; and
      (ii) the conditions that the Minister may specify under section 295P of the Act; and
      (iii) the conditions specified in subsections 3.5 (1) to (6); and
      (iv) the conditions that ACMA may specify under subsection 3.5 (7); and
      (v) any relevant instrument made under the Act.

(5) If ACMA makes a decision, ACMA must:
   (a) notify the person, in writing, of:
      (i) the decision; and
      (ii) for a refusal to grant a provisional authorisation — the reasons for the decision; and
   (b) for a decision to grant a provisional authorisation — notify the IPND Manager of the decision;
   as soon as practicable after making the decision.

Note If ACMA grants an authorisation to the person, the person is treated in this scheme as being a public number directory publisher.

3.4 Duration of provisional authorisation

A provisional authorisation:
   (a) starts on the day on which the IPND Manager supplies the provisional IPND data source to the public number directory publisher; and
   (b) lasts for a period of up to 90 days.

Note The period may be extended in accordance with sections 3.6, 3.7 and 3.9.
3.5 **Conditions to which provisional authorisation is subject**

(1) A provisional authorisation granted to a person is subject to the conditions specified in this section.

*Provisional IPND data source*

(2) If ACMA notifies the IPND Manager of a decision under subsection 3.3 (3) to grant a provisional authorisation:

(a) the public number directory publisher must make arrangements with the IPND Manager for the supply of a provisional IPND data source as soon as practicable after the IPND Manager has been notified; and

(b) the public number directory publisher must, in writing, notify ACMA of the date on which the publisher received the provisional IPND data source within 10 working days after the start of the provisional authorisation.

*Development of sample PND*

(3) The public number directory publisher must develop a sample PND within the period of 90 days starting when the provisional authorisation starts.

*Note* The period may be extended in accordance with section 3.7.

(4) The public number directory publisher must not publish the sample PND.

*Note* The public number directory publisher will, however, be able to use the architecture of the sample PND as the basis for a PND that the publisher may publish if ACMA grants a final authorisation.

*Disclosure of information from sample PND*

(5) The public number directory publisher must not disclose information held in the provisional IPND data source or the sample PND to any person other than:

(a) ACMA; or

(b) another person who is assisting with the development of the sample PND;

unless the disclosure is authorised by law.

*Use of customer data in provisional IPND data source*

(6) The public number directory publisher must not use the customer data in a provisional IPND data source for any purpose other than the development of a sample PND.
Other conditions

(7) ACMA:
   (a) may specify, in writing, other conditions to which the provisional authorisation is subject; and
   (b) must notify the public number directory publisher, in writing, of the conditions as soon as practicable before the conditions are expressed to take effect; and
   (c) must advise the IPND Manager of any of the conditions that are relevant to its role as IPND Manager.

Compliance with requirements

(8) The public number directory publisher must comply with:
   (a) the Act; and
   (b) any relevant instrument under the Act; and
   (c) any conditions specified by the Minister under section 295P of the Act; and
   (d) the conditions set out in subsections (2) to (6); and
   (e) any conditions specified under subsection (7).

Subdivision 2 Application for extension of duration of provisional authorisation

3.6 Application

(1) A public number directory publisher may apply to ACMA to extend the duration of a provisional authorisation if the publisher is unable to apply for final authorisation because its sample PND has not been completed by the end of the period for a reason beyond the publisher’s control.

(2) The application must be made:
   (a) before the provisional authorisation ends; and
   (b) using the form approved by ACMA.

   Note The application form is available on the ACMA website, http://www.acma.gov.au

(3) If:
   (a) a public number directory publisher applies to ACMA to extend the period of a provisional authorisation; and
   (b) ACMA has not made a decision under subsection 3.7 (4) when the period of the provisional authorisation ends;

the duration of the provisional authorisation is taken to be extended until the time at which ACMA makes a decision under subsection 3.7 (4).

   Note See subsection 3.7 (3).
3.7 Decision on application

(1) ACMA may ask a public number directory publisher, in writing, to give it further information about an application made under section 3.6.

(2) If ACMA asks for information under subsection (1), the public number directory publisher must give the information to ACMA within 10 working days.

(3) If ACMA asks for further information under subsection (1), but does not receive it within 10 working days, the provisional authorisation ends at the later of:
   (a) the end of the 10 working days; and
   (b) the day on which the provisional authorisation would end if the duration were not extended.

(4) ACMA must decide whether to extend the duration of the provisional authorisation as soon as practicable after receiving the application.

(5) ACMA must extend the duration if it is satisfied that the reason why the public number directory publisher’s sample PND has not been completed is beyond the publisher’s control.

(6) If ACMA extends the duration, ACMA:
   (a) must decide the new duration of the authorisation (being a period of not more than 90 days); and
   (b) is not required to extend the duration for any period requested by the public number directory publisher.

(7) If ACMA makes a decision, ACMA must:
   (a) notify the public number directory publisher, in writing, of:
      (i) the decision; and
      (ii) for a refusal to extend the duration — the reasons for the decision; and
      (iii) for a decision to extend the duration for a period other than the period requested by the publisher — the reasons for the decision; and
   (b) for a decision to extend the duration — notify the IPND Manager of the decision;
   as soon as practicable after making the decision.

3.8 Extension of period of provisional authorisation

An extension of the duration of a provisional authorisation starts on the later of:
(a) the day on which ACMA notifies the public number directory publisher of the decision to give the extension; and
(b) the day on which the provisional authorisation would have ended if the extension had not been given.

Division 3 Final authorisation to use and disclose customer data

Subdivision 1 Application for final authorisation

3.9 Application

(1) A public number directory publisher that:
   (a) has only been granted a provisional authorisation; and
   (b) wishes to continue to use and disclose customer data to publish and maintain a PND;

   must apply to ACMA for a final authorisation to use and disclose customer data for purposes connected with the publication and maintenance of the PND.

(2) The application must be made:
   (a) before the provisional authorisation ends; and
   (b) by giving ACMA access to the public number directory publisher’s sample PND mentioned in subsection 3.5 (3).

*Note* The form in which access is given will depend on the format of the PND.

(3) If:
   (a) a public number directory publisher applies to ACMA for a final authorisation; and
   (b) ACMA has not made a decision under subsection 3.10 (4) when the period of the publisher’s provisional authorisation ends;

the period of the provisional authorisation is taken to be extended until the time at which ACMA makes a decision under subsection 3.10 (4).

*Note* See paragraph 3.10 (3) (a).

3.10 Decision on application

(1) ACMA may ask a public number directory publisher, in writing, to give it further information about an application made under section 3.9.

(2) If ACMA asks for information under subsection (1), the public number directory publisher must give the information to ACMA within 10 working days.

(3) If ACMA asks for further information under subsection (1), but does not receive it within 10 working days:
   (a) the provisional authorisation ends at the later of:
       (i) the end of the 10 working days; and
Section 3.11

(ii) the day on which the provisional authorisation would end; and
(b) ACMA may treat the application as having been withdrawn.

(4) For an application that ACMA has not treated as having been withdrawn, ACMA must decide whether to grant an authorisation (a final authorisation) to use and disclose customer data.

(5) ACMA must grant a final authorisation if ACMA:
(a) has applied the criteria specified by the Minister under subsection 295N (1) of the Act; and
(b) has had regard to any other matters that ACMA considers relevant; and
(c) is satisfied that the public number directory publisher:
   (i) has demonstrated that the publisher’s sample PND is likely to meet the definition of public number directory in the Act; and
   (ii) has demonstrated that the publisher’s sample PND is likely to comply with any legislative instrument that the Minister may make under subsection 285 (4), (5) or (6) of the Act; and
(d) is also satisfied that the publisher is likely to comply with:
   (i) the Act; and
   (ii) the conditions that the Minister may specify under section 295P of the Act; and
   (iii) the conditions specified in subsections 3.12 (1) to (17); and
   (iv) the conditions that ACMA may specify under subsection 3.12 (18); and
   (v) any relevant instrument made under the Act.

(6) If ACMA makes a decision, ACMA must:
(a) notify the public number directory publisher, in writing, of:
   (i) the decision; and
   (ii) for a refusal to grant a final authorisation — the reasons for the decision; and
(b) for a decision to grant a final authorisation — notify the IPND Manager of the decision;
as soon as practicable after making the decision.

3.11 Start of final authorisation
A final authorisation starts on the day on which the IPND Manager supplies the public number directory publisher with customer data.

3.12 Conditions to which final authorisation is subject
(1) A final authorisation granted to a public number directory publisher is subject to the conditions specified in this section.
Customer data

(2) If ACMA notifies the IPND Manager of a decision under subsection 3.10 (4) to grant a final authorisation:
(a) the public number directory publisher must make arrangements with the IPND Manager for the supply of customer data as soon as practicable after the IPND Manager has been notified; and
(b) the public number directory publisher must, in writing, notify ACMA of the date on which the publisher first receives customer data within 10 working days after the start of the final authorisation.

Publication of PND

(3) The public number directory publisher must publish a PND within 90 days after the final authorisation starts.

Notification of publication of PND

(4) The public number directory publisher must, within 10 working days after publishing a PND under subsection (3):
(a) notify ACMA, in writing, that it has published the PND; and
(b) give ACMA details of how the PND can be obtained; and
(c) provide ACMA with access to the PND.

Access to PND

(5) The public number directory publisher must ensure that each PND it publishes is available to all members of the public.

(6) The public number directory publisher must give ACMA access to each of its PNDs:
(a) each year, on the anniversary of the start of the final authorisation; and
(b) if ACMA asks the publisher, in writing, for access.

Unlisted numbers

(7) If a customer informs the public number directory publisher that the customer wants the customer’s listed number to become an unlisted number, the publisher must advise the customer to contact the customer’s carriage service provider.

(8) If the IPND Manager notifies the public number directory publisher that a listed number has become an unlisted number in the IPND, the publisher:
(a) must, within 2 working days, amend any of its PNDs that are online, or in another streaming electronic format, to remove all of the customer data related to the number; and
(b) must not make available online, or in another streaming electronic format, a PND containing or otherwise disclosing that information; and
must not, after the notification:

(i) release any document or database containing any customer data relating to the number that has become unlisted; or

(ii) arrange for any document or database of that kind to be released; and

(d) must destroy securely all customer data in its possession relating to the number within 10 working days after receiving the advice; and

(e) must not contact a customer who has an unlisted number in the IPND unless the publisher has a pre-existing business relationship with the customer that relates to the PND.

Example
A paid listing in the PND.

Updating PNDs

(9) The public number directory publisher must update at least annually each permanent PND that it publishes and maintains, including:

(a) the hard copy of the PND; and

(b) any PND that the publisher publishes and maintains on disk or another recorded format.

(10) The public number directory publisher must update at least monthly each PND that it publishes and maintains online or in another streaming electronic format.

Note This update is for the PND as a whole, and should not be confused with the obligation in subsection (8) to update an individual entry if the listed number has become unlisted.

(11) If a customer advises the public number directory publisher that the customer’s information in the PND is incorrect, the publisher must, within 10 working days after the day on which the publisher receives the advice:

(a) correct the customer data; and

(b) tell the customer to contact the customer’s carriage service provider to ensure that the information is correctly entered into the IPND.

Note The public number directory publisher is expected to take reasonable steps to verify the identity of the party requesting the correction.

Internal dispute resolution procedures

(12) If a customer wishes to complain about the use of the customer’s data by the public number directory publisher, the publisher must:

(a) inform the customer that the customer should contact ACMA; and

(b) advise the customer about how to contact ACMA.
(13) The public number directory publisher must have internal dispute resolution procedures that comply with AS ISO 10002-2006 Customer Satisfaction — Guidelines for complaints handling in organizations, published on 5 April 2006.

**Technical systems for receiving customer data**

(14) The public number directory publisher must have technical systems to receive customer data in accordance with any technical method specified by the IPND Manager.

*Note* The technical method or methods specified by the IPND Manager may be changed from time to time.

**Compliance reports**

(15) The public number directory publisher must give ACMA a report, in a form approved by ACMA, about its compliance with this scheme:

(a) each year, on the anniversary of the start of the final authorisation; and

(b) not later than 15 working days after the day on which the final authorisation ends; and

(c) at another time if ACMA asks the publisher, in writing, for a report.

*Note* The form of the report is available on the ACMA website, http://www.acma.gov.au

(16) For subsection (15):

(a) a report mentioned in paragraph (15) (a) or (b) must include a completed privacy impact form for the period to which the report relates; and

(b) if ACMA asks for a report under paragraph (15) (c), ACMA may ask for a completed privacy impact form.

*Note* The privacy impact form is available on the ACMA website, http://www.acma.gov.au

**Other conditions**

(17) A public number directory publisher must not publish a directory address in a suppressed address entry.

(18) ACMA:

(a) may specify, in writing, other conditions to which the final authorisation is subject; and

(b) must notify the public number directory publisher, in writing, of the conditions as soon as practicable before the conditions are expressed to take effect; and

(c) must advise the IPND Manager of any of the conditions that are relevant to its role as IPND Manager.
Compliance with requirements

(19) The public number directory publisher must comply with:
(a) the Act; and
(b) any relevant instrument under the Act; and
(c) any conditions specified by the Minister under section 295P of the Act; and
(d) the conditions set out in subsections (2) to (17); and
(e) any conditions specified under subsection (18).

Subdivision 2 Application for extension of period for publishing PND

3.13 Application

(1) A public number directory publisher that has been granted a final authorisation may apply to ACMA to extend the period in which to publish a PND.

(2) The application must be made:
(a) within the period of 90 days starting on the day after the final authorisation starts; and
(b) using the form approved by ACMA.

Note The application form is available on the ACMA website, http://www.acma.gov.au

(3) If:
(a) a public number directory publisher applies to ACMA to extend the period in which to publish a PND; and
(b) ACMA has not made a decision under subsection 3.14 (4) when the period in which to publish a PND ends;
the duration of the period in which to publish a PND is taken to be extended until the time at which ACMA makes a decision under subsection 3.14 (4).

Note See subsection 3.14 (3).

3.14 Decision on application

(1) ACMA may ask a public number directory publisher, in writing, to give it further information about an application made under section 3.13.

(2) If ACMA asks for information under subsection (1), the public number directory publisher must give the information to ACMA within 10 working days.

(3) If ACMA asks for further information under subsection (1), but does not receive it within 10 working days, the final authorisation ends at the later of:
(a) the end of the 10 working days; and
(b) the day on which the period in which to publish a PND would end if the duration were not extended.

(4) ACMA must decide whether to extend the period in which to publish a PND as soon as practicable after receiving the application.

(5) ACMA must extend the period if it is satisfied that the reason why the public number directory publisher’s PND has not been published is beyond the publisher’s control.

(6) If ACMA extends the period, ACMA:
   (a) must decide the duration of the extension (being a period of not more than 90 days); and
   (b) is not required to extend the duration for any period requested by the public number directory publisher.

(7) If ACMA makes a decision, ACMA must:
   (a) notify the public number directory publisher, in writing, of:
      (i) the decision; and
      (ii) for a refusal to extend the period — the reasons for the decision; and
      (iii) for a decision to extend the period for a period other than that requested by the publisher — the reasons for the decision; and
   (b) for a decision to extend the period — notify the IPND Manager of the decision;

as soon as practicable after making the decision.
Part 4  Authorisation to use and disclose customer data — researchers

Division 1  Application of Part 4

4.1  Application

This Part applies to:

(a) a person seeking to be granted an authorisation to be a researcher; and

(b) a researcher.

Division 2  Authorisation

Subdivision 1  Application for authorisation to use and disclose customer data

4.2  Application

(1) If a person wishes to use and disclose customer data for purposes connected with the conduct of research mentioned in subparagraph 285 (1A) (c) (iv) of the Act the person must apply to ACMA for an authorisation.

(2) The application must be made using the form approved by ACMA.

Note  The application form is available on the ACMA website, http://www.acma.gov.au

(3) If the person wishes to conduct more than 1 research project using customer data, the researcher must make a separate application to ACMA in accordance with this scheme in relation to each research project.

(4) The application must be accompanied by:

(a) the charge (if any) for the application fixed by a determination under section 60 of the Australian Communications and Media Authority Act 2003; and

(b) a completed privacy impact form in the form approved by ACMA.

Note  The privacy impact form is available on the ACMA website, http://www.acma.gov.au

4.3  Decision on application

(1) ACMA may ask a person, in writing, to give it further information about an application made under section 4.2.

(2) If ACMA:

(a) asks for information under subsection (1); but
(b) does not receive the information within 90 days; ACMA may treat the application as having been withdrawn.

(3) For an application that ACMA has not treated as having been withdrawn, ACMA must decide whether to grant an authorisation to use and disclose customer data.

(4) ACMA must grant an authorisation if ACMA:
   (a) has applied the criteria specified by the Minister under subsection 295N (1) of the Act; and
   (b) has had regard to any other matters that ACMA considers relevant; and
   (c) is satisfied that the person is likely to comply with:
      (i) the Act; and
      (ii) the conditions that the Minister may specify under section 295P of the Act; and
      (iii) the conditions specified in subsections 4.6 (1) to (17); and
      (iv) the conditions that ACMA may specify under subsection 4.6 (18); and
      (v) any relevant instrument made under the Act.

(5) If ACMA grants an authorisation, ACMA:
   (a) must specify in its decision:
      (i) the kind of research to which the authorisation applies; and
      (ii) the research project to which the authorisation applies; and
   (b) must decide the duration of the authorisation; and
   (c) is not required to grant the authorisation for any duration requested by the person.

(6) ACMA must:
   (a) notify the person, in writing, of:
      (i) the decision; and
      (ii) for a refusal to grant the authorisation — the reasons for the decision; and
      (iii) for a decision to grant the authorisation for a period other than the period requested by the person — the reasons for the decision; and
   (b) for a decision to grant the authorisation — notify the IPND Manager of the decision;

as soon as practicable after making the decision.

Note: If ACMA grants an authorisation to the person, the person is treated in this scheme as being a researcher.

4.4 Start of authorisation

An authorisation starts on the day on which the researcher first receives customer data.
4.5 **Duration of authorisation**

An authorisation operates for the duration decided under paragraph 4.3 (5) (b).

*Note* The period may be extended in accordance with section 4.7.

4.6 **Conditions to which authorisation is subject**

(1) An authorisation granted to a person is subject to the conditions specified in this section.

**Customer data**

(2) If ACMA notifies the IPND Manager of a decision under subsection 4.3 (3) to grant an authorisation:

(a) the researcher must make arrangements with the IPND Manager for the supply of customer data as soon as practicable after the IPND Manager has been notified; and

(b) the researcher must, in writing, notify ACMA of the date on which the researcher first received customer data within 10 working days after the start of the authorisation.

**Use of data**

(3) The researcher:

(a) must use the customer data with which the researcher has been supplied under the authorisation only for the purposes of the research project that ACMA has specified in its decision; and

(b) must not add other information or data to customer data without the express consent of the person to whom the information or data relates; and

(c) must make the customer data secure so that it is accessible only by a person who is involved in the conduct of the research project.

**Contacting customers**

(4) If the researcher contacts a customer, using customer data, for the purposes of the research project, the researcher must:

(a) tell the customer:

(i) the name of the person or organisation conducting the research; and

(ii) the contact details of the person or organisation conducting the research; and

(iii) the purpose of the research; and

(iv) how the researcher will use the customer’s details; and

(v) how the customer can access the personal information held by the researcher; and
(b) ask the customer if the customer gives consent:
   (i) for the use of the customer’s data and any other information in
       the research; and
   (ii) to having the customer’s details identified in the research; and
(c) tell the customer:
   (i) that the researcher has been supplied with the customer data from
       the IPND Manager under an authorisation by ACMA; and
   (ii) that the customer may withdraw consent to the use of his or her
       details at any time; and
(d) give the customer any other information that is required by law (for
    example, under the Privacy Act 1988); and
(e) comply with all applicable laws relating to unsolicited contact with
    another person.

Examples for paragraph (e)
1 The Spam Act 2003.
2 The Do Not Call Register Act 2006.

Unlisted numbers

(5) If a customer informs a researcher that the customer wants a listed number
    to become an unlisted number, the researcher must advise the customer to
    contact the customer’s carriage service provider.

(6) If the IPND Manager notifies the researcher that a listed number has
    become an unlisted number in the IPND, the researcher:
    (a) must not use customer data to contact that customer after that time; and
    (b) must securely destroy any customer data or document that it holds that
        it is able to identify as being associated with that unlisted number.

Refusal or withdrawal of consent

(7) If a customer does not consent to the use of customer data, or any other
    information relating to the customer, in the research, or withdraws consent
    to the use of the customer’s data or any other information relating to the
    customer in the research, the researcher:
    (a) must not continue to use any customer data or other information
        relating to the customer that can be identified as being associated with
        the customer; and
    (b) must not keep the customer’s data or any other information relating to
        the customer that can be identified as being associated with the
        customer.

Internal dispute procedures

(8) If a customer wishes to complain about the use of the customer’s data by
    the researcher, the researcher must:
    (a) inform the customer that the customer should contact ACMA; and
(b) advise the customer about how to contact ACMA.

(9) The researcher must have internal dispute resolution procedures that comply with *AS ISO 10002-2006 Customer Satisfaction — Guidelines for complaints handling in organizations*, published on 5 April 2006.

Disaggregation of research findings

(10) If geographic disaggregation of the research findings is to occur using customer data, the researcher must not carry out the disaggregation below the level of a customer’s post code.

*Note* Other geographic disaggregators are permissible, subject to paragraph 4.6 (3) (b).

Updating customer data

(11) If the IPND Manager notifies the researcher of an update to customer data, the researcher must update the customer data in the researcher’s possession that can be identified as being associated with the customer data within 5 working days of the researcher being notified.

(12) If a customer advises the researcher that the customer’s data held by the researcher is incorrect, the researcher must, within 10 working days after the day on which the researcher receives the advice:

(a) correct the customer data; and

(b) tell the customer to contact the customer’s carriage service provider to ensure that the information is correctly entered into the IPND.

*Note* The researcher is expected to take reasonable steps to verify the identity of the party requesting the correction.

Technical systems for receiving customer data

(13) The researcher must have technical systems to receive customer data in accordance with any technical method specified by the IPND Manager.

*Note* The technical method or methods specified by the IPND Manager may be changed from time to time.

Compliance reports

(14) If the researcher is granted an authorisation for a period of more than 1 year, the researcher must give ACMA a report, in a form approved by ACMA, about its compliance with this scheme:

(a) each year, on the anniversary of the start of the authorisation; and

(b) not later than 15 working days after the day on which the authorisation ends; and

(c) at another time if ACMA asks the researcher, in writing, for a report.

*Note* The form of the report is available on the ACMA website, http://www.acma.gov.au
(15) For subsection (14):
   (a) a report mentioned in paragraph (14)(a) or (b) must include a
       completed privacy impact form, using the form approved by ACMA,
       for the period to which the report relates; and
   (b) if ACMA asks for a report under paragraph (14)(c), ACMA may also
       ask the researcher to give ACMA a completed privacy impact form,
       using the form approved by ACMA.

   Note The privacy impact form is available on the ACMA website.
   http://www.acma.gov.au

(16) If the researcher is granted an authorisation for a period of less than 1 year,
the researcher must give ACMA a report of the researcher's use and
Disclosure of customer data, and a completed privacy impact form, in a form
approved by ACMA:
   (a) at the earlier of:
       (i) 15 working days after the day on which the researcher finally
           ceases to be supplied with customer data by the IPND Manager;
           and
       (ii) 15 working days after the day on which the authorisation ends;
           and
   (b) at another time if ACMA asks the researcher, in writing, for a report.

   Note The form of the report, and of the privacy impact form, are available on the ACMA

Other conditions

(17) A researcher must not use a directory address in a suppressed address entry.

(18) ACMA:
   (a) may specify, in writing, other conditions to which the authorisation is
       subject; and
   (b) must notify the researcher, in writing, of the conditions as soon as
       practicable before the conditions are expressed to take effect; and
   (c) must advise the IPND Manager of any of the conditions that are
       relevant to its role as IPND Manager.

Compliance with requirements

(19) The researcher must comply with:
   (a) the Act; and
   (b) any relevant instrument under the Act; and
   (c) any conditions specified by the Minister under section 295P of the Act;
       and
   (d) the conditions specified in subsections (2) to (17); and
   (e) any conditions specified under subsection (18).
Subdivision 2  Application for extension of duration of authorisation

4.7  Application

(1) A researcher may apply to ACMA to extend the duration of an authorisation if the researcher is unable to complete the research by the end of the period for a reason beyond the researcher's control.

(2) The application must be made:
   (a) before the authorisation ends; and
   (b) using the form approved by ACMA.

Note  The application form is available on the ACMA website, http://www.acma.gov.au

(3) If:
   (a) a researcher applies to ACMA; and
   (b) ACMA has not made a decision under subsection 4.8 (4) when the duration of the researcher's authorisation ends;
then the duration of the authorisation is taken to be extended until the time at which ACMA makes a decision under subsection 4.8 (4).

Note  See subsection 4.8 (3).

4.8  Decision on application

(1) ACMA may ask a researcher, in writing, to give it further information about an application made under section 4.7.

(2) If ACMA asks for information under subsection (1), the researcher must give the information to ACMA within 10 working days.

(3) If ACMA asks for further information under subsection (1), but does not receive it within 10 working days, the authorisation ends at the later of:
   (a) the end of the 10 working days; and
   (b) the day on which the authorisation would end if the duration were not extended.

(4) ACMA must decide whether to extend the duration of the authorisation as soon as practicable after receiving the application.

(5) ACMA must extend the duration if it is satisfied that:
   (a) the reason why the research has not been completed is beyond the researcher's control; and
   (b) the research has been, and is likely to continue to be, of a kind that has been specified by the Minister under subsection 285 (3) of the Act; and
   (c) the researcher has used, and is likely to continue to use, the customer data for the purpose of that research project; and
   (d) the researcher has complied, and is likely to continue to comply, with:
      (i) the Act; and
(ii) the conditions that the Minister may specify under section 295P of the Act; and
(iii) the conditions specified in subsections 4.6 (1) to (17); and
(iv) the conditions that ACMA may specify under subsection 4.6 (18); and
(v) any relevant instrument made under the Act.

(6) If ACMA extends the duration, ACMA:
(a) must decide the duration of the extension (being a period of not more than a quarter of the duration that ACMA had previously decided under this scheme in relation to the researcher); and
(b) is not required to extend the duration for any period requested by the researcher.

(7) If ACMA makes a decision, ACMA must:
(a) notify the researcher, in writing, of:
   (i) the decision; and
   (ii) for a refusal to extend the duration — the reasons for the decision; and
   (iii) for a decision to extend the duration for a period other than that requested by the researcher — the reasons for the decision; and
(b) for a decision to extend the duration — notify the IPND Manager of the decision,
as soon as practicable after making the decision.

4.9 Start of extended period of authorisation

An extension of the duration of an authorisation starts on the later of:
(a) the day on which ACMA notifies the researcher of the decision to give the extension; and
(b) the day on which the period of the authorisation would have ended if the extension had not been given.
Part 5  
When authorisations end

Division 1  
Public number directory publishers

5.1  
End of authorisation — revocation

(1) ACMA may revoke an authorisation granted to a public number directory publisher under Part 3 if:
   (a) the publisher has breached a condition to which the authorisation is subject; or
   (b) the publisher is not using customer data to publish a PND, and subsection 5.3 (2) does not apply; or
   (c) the publisher is using customer data for a purpose for which it is not authorised.

(2) If ACMA proposes to revoke an authorisation, ACMA must:
   (a) notify the public number directory publisher of the proposal and ACMA’s reasons for the proposal; and
   (b) invite the publisher to give ACMA, in writing, in the period of at least 30 days specified in the notice, reasons why the authorisation should not be revoked.

(3) If the public number directory publisher gives ACMA reasons in the period specified in the notice:
   (a) ACMA must decide whether to revoke the authorisation, having regard to the reasons; and
   (b) ACMA must revoke the authorisation if it is satisfied that a reason mentioned in subsection (1) exists.

(4) If the public number directory publisher does not give ACMA reasons in the period specified in the notice, ACMA may revoke the authorisation.

(5) If ACMA revokes the authorisation, ACMA must advise the public number directory publisher and the IPND Manager of its decision as soon as practicable.

5.2  
Further application to use and disclose customer information if authorisation is revoked

If ACMA revokes an authorisation granted to a public number directory publisher under section 5.1, the publisher cannot apply for an authorisation under Part 3 for the period of 90 days starting on the day on which the revocation takes effect.
5.3 **End of authorisation — other**

(1) If a public number directory publisher fails to develop a sample PND within:
   
   (a) 90 days after being supplied with a provisional IPND data source under paragraph 3.5 (2) (a); or
   
   (b) an extended duration in accordance with section 3.7;

   the authorisation granted to the publisher ends at the end of that period.

(2) If a public number directory publisher fails to publish a PND mentioned in subsection 3.12 (3) within:
   
   (a) 90 days after the start of the final authorisation; or
   
   (b) an extended duration in accordance with section 3.14;

   the authorisation granted to the publisher ends at the end of that period.

(3) If an authorisation ends under subsection (1) or (2), ACMA must, as soon as practicable after the authorisation ends, tell the IPND Manager, in writing, that the authorisation has ended.

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**Division 2**  
**Researchers**

5.4 **End of authorisation — revocation**

(1) ACMA may revoke an authorisation granted to a researcher under Part 4 if the researcher has breached a condition to which the authorisation is subject.

(2) If ACMA proposes to revoke an authorisation, ACMA must:
   
   (a) notify the researcher of the proposal and ACMA’s reasons for the proposal; and
   
   (b) invite the researcher to give ACMA, in writing, in the period of at least 30 days specified in the notice, reasons why the authorisation should not be revoked.

(3) If the researcher gives ACMA reasons in the period specified in the notice:
   
   (a) ACMA must decide whether to revoke the authorisation, having regard to the reasons; and
   
   (b) ACMA must revoke the authorisation if it is satisfied that a reason mentioned in subsection (1) exists.

(4) If the researcher does not give ACMA reasons in the period specified in the notice, ACMA may revoke the authorisation.

(5) If ACMA revokes the authorisation, ACMA must advise the researcher and the IPND Manager of its decision as soon as practicable.
Section 5.5

5.5 Further application to use and disclose customer information if authorisation has been revoked

If ACMA revokes an authorisation granted to a researcher under section 5.4, the researcher cannot apply for an authorisation under Part 4 for the period of 90 days starting on the day on which the revocation takes effect.
Part 6  Transitional

6.1  Application of Part 6

This Part applies to a public number directory publisher that is a person to which item 12 of Schedule 1 to the Telecommunications Amendment (Integrated Public Number Database) Act 2006 applies.

6.2  Application for authorisation

(1) The publisher:

(a) is not required to apply under Division 2 of Part 3 for a provisional authorisation in relation to the exemption period mentioned in item 12 of Schedule 1 to the Telecommunications Amendment (Integrated Public Number Database) Act 2006; and

(b) is taken to have been granted an authorisation to use and disclose customer data for the duration of the exemption period; and

(c) is not required to apply for a provisional authorisation.

Note: Under item 12 of Schedule 1 to the Telecommunications Amendment (Integrated Public Number Database) Act 2006, a person to whom information has previously been disclosed in the circumstances described in that item has 28 days from the commencement of that item to apply to ACMA for an authorisation.

During the 28 days (the exemption period), the person is taken to hold an authorisation under this scheme.

(2) The public number directory publisher may make an application for a final authorisation by giving ACMA, within 28 days of the commencement of item 12 of Schedule 1 to the Telecommunications Amendment (Integrated Public Number Database) Act 2006:

(a) a completed application using the form approved by ACMA; and

(b) a completed privacy impact form, using the form approved by ACMA; and

(c) access to each PND that the publisher has developed and proposes to publish if a final authorisation is granted.

Note: The application form and the privacy impact form are available on the ACMA website, http://www.acma.gov.au

(3) If the public number directory publisher makes an application for a final authorisation in accordance with subsection (2):

(a) Division 3 of Part 3 applies in relation to the application as if:

(i) the publisher’s application had been made under section 3.9; and

(ii) each PND that the publisher has developed and proposes to publish if a final authorisation is granted were a sample PND mentioned in that Division; and
Section 6.2

(b) the authorisation mentioned in paragraph (1) (b) ends:

(i) when a final authorisation starts in accordance with section 3.11;
or

(ii) when ACMA makes a decision not to grant a final authorisation.

Note If the public number directory publisher does not make an application for a final authorisation in accordance with subsection (2), the authorisation mentioned in paragraph (1) (b) ends at the end of the period of 28 days mentioned in subsection (2).