Formal Warning

under section 295T of the *Telecommunications Act 1997*

TO: Localsearch Operations Pty Ltd ACN 130 550 971

OF: C/- Simmons Partnership
        'Markeri Court' Level 2 Suite 10,15 Markeri Street
        Mermaid Beach QLD 4218

The Australian Communications and Media Authority (the **ACMA**), being satisfied that Localsearch Operations Pty Ltd ACN 130 550 971 (**Localsearch**) has contravened the following provisions of the Telecommunications Integrated Public Number Database Scheme 2017 (**IPND Scheme**):

- subparagraph 3.12(9)(c)(i)

- paragraph 3.12(9)(d)

- subparagraph 3.12(15)(a)(i)

- paragraph 3.12(15)(b)

- paragraph 3.12(21)(c)

- paragraph 3.12(21)(d);

hereby issues Localsearch a formal warning under section 295T of the Act for breaching a condition of an authorisation in force under the IPND Scheme.

Details of the contraventions

Obligations

The IPND Scheme requires that:

Section 3.12(9)

If the IPND Manager notifies the public number directory publisher that a listed number has become an unlisted number in the IPND, the publisher:

[. . .]

(c) must not, after being notified:

    (i) release any document or database containing any of the customer data relating to the number; or

[. . .]

(d) must, within 10 business days after being notified, destroy securely all of the customer data in its possession relating to the number.

Section 3.12(15)

If a customer makes a complaint to the public number directory publisher about the use or disclosure of the customer's information in a PND that it publishes, the publisher must:

(a) inform the customer that if the customer is dissatisfied with the way in which the complaint is handled, the customer may make a complaint to:

(i) in the case where the customer is an individual whose complaint to the publisher involves an act or practice that may be an interference with the privacy of the individual – the Information Commissioner; and

[. . .]

(b) give the customer information about how to contact the Information Commissioner or [. . .]

[. . .].

Section 3.12(21):

If the public number directory publisher becomes aware that:

(a) the publisher has breached any relevant requirement; or

[. . .]

the publisher must, as soon as practicable:

(c) notify the ACMA in writing of the issue; and

(d) take all reasonable steps to minimise the effects of the issue.

Investigation findings

On 10 August 2009, the ACMA granted Localsearch a final authorisation under the IPND Scheme to publish public number directories.

On 15 January 2020, the ACMA commenced an investigation into Localsearch for alleged contraventions of the IPND Scheme. On 9 April 2020, the ACMA found that between May and October 2019 Localsearch:

a. published an unlisted telephone number in one of its regional directories even though the IPND Manager had notified Localsearch that the number had changed from listed to unlisted

b. failed to destroy the data relating to affected phone number within 10 business days of the notification

c. failed to provide required information to the customer of the affected number about rights to bring their privacy-related concerns to the Information Commissioner

d. failed to notify the ACMA of the contravention as soon as practicable, and

e. failed to minimise the effects of the contravention as soon as practicable,

in contravention of the provisions of the IPND Scheme set out above.

The ACMA found that, while Localsearch did not do so as soon as practicable, it took appropriate steps directed to minimising the potential effect of publishing the unlisted number and the ACMA understands these measures were acceptable to the affected customer. Localsearch has stated that it has amended its practices to ensure its future compliance with its IPND obligations.

Dated this 16th day of April 2020

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Signature of Member

CHRISTIAN JOSE

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Name (Please Print) Member

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Signature General Manager

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Name (Please Print)