10 August 2009

Ms Catherine McGarry
General Manager
Local Directories Pty Ltd
PO Box 3275 Robina Town Centre Drive
ROBINA   QLD   4230

ACMA file reference: 2009/1555-1

Dear Ms McGarry

<div align="center">

Grant of final authorisation -
Telecommunications Integrated Public Number Database Scheme 2007

</div>

I refer to the application for final authorisation lodged by Local Directories Pty Ltd (Local Directories) under the *Telecommunications Integrated Public Number Database Scheme 2007 (IPND Scheme)*.

I write to advise of my decision pursuant to subsection 3.10(4) of the *IPND Scheme* to grant Local Directories final authorisation to use and disclose customer data, as defined in subsection 1.3 of the *IPND Scheme*, for purposes connected with the publication and maintenance of a public number directory (PND), as defined in subsection 285(1A)(c)(ii) of the *Telecommunications Act 1997* (the *Act*).

Assessment of Local Directories' application for final authorisation included an examination of Local Directories' sample PND. As pointed out in your letter of 15 June 2009, the Local Directories' sample PND contained a small number of entries which gave post office box numbers, not geographic addresses. However I note from your letter that Local Directories received these erroneous entries from the IPND Manager as part of a block of sample data provided under the Local Directories' Provisional Authorisation.

Given that Local Directories can not be held responsible for errors in the IPND data received from the IPND Manager, and taking into consideration that Local Directories has exhibited a good understanding of the requirements of the *IPND Scheme* in regard to presentation of customer data in PNDs I am satisfied that the PNDs which Local Directories proposes to publish under an *IPND Scheme* authorisation will satisfy the definition of a PND in subsection 285(2) of the Act.

Conditions of authorisation

In addition to the conditions of authorisation specified in subsections 3.12(1) to (17) of the *IPND Scheme*, and pursuant to subsection 3.12(18) I grant this final authorisation subject to the following additional conditions.

Additional Condition Number 1

The customer data sourced from the IPND to be used and disclosed by Local Directories for the purposes of publication and maintenance of a PND is the customer data of customers with directory finding addresses located in the following geographic post codes only:

Port Stephens area of NSW –
post codes 2295, 2315 to 2322 inclusive, 2324, 2423 and 2425.

Port Macquarie area of NSW –
post codes 2429, 2431, 2439, 2440, 2441 and 2443 to 2446 inclusive.

Taree and Foster-Tuncurry area of NSW –
post codes 2312, 2330, 2372, 2422 to 2430 inclusive and 2443.

Coffs Harbour and Grafton area of NSW –
post codes 2441, 2447 to 2450 inclusive, 2452 to 2456 inclusive, 2460 to 2466 inclusive, 2469 and 2480.

Northern Rivers area of NSW –
post codes 2463, 2469 to 2474 inclusive and 2477 to 2482 inclusive.

Tweed Coast area of NSW and Qld –
post codes 2481 to 2490 inclusive and 4225.

Mount Isa area of Qld –
post codes 4816, 4821 to 4825 inclusive, 4828 to 4830 inclusive, 4871, 4890 and 4891.

Cairns area of Qld –
post codes 4852, 4858 to 4861 inclusive, 4865, 4868 to 4873 inclusive and, 4877 to 4881 inclusive.

Townsville area of Qld –
post codes 4809 to 4812 inclusive, 4814 to 4820 inclusive and 4850.

Sunshine Coast area of Qld –
post codes 4517 to 4519 inclusive, 4550 to 4569 inclusive and 4572 to 4575 inclusive.

Rockhampton and Gladstone area of QLD –
post codes 4677, 4678, 4680, 4694. 4695, 4697, 4699 to 4705 inclusive, 4710 to 4712 inclusive, 4714 to 4716 inclusive and 4718 to 4720 inclusive.

Mackay area of Qld –
post codes 4702, 4705, 4707, 4730, 4737 to 4746 inclusive, 4750, 4751, 4753, 4754, 4756, 4757, 4798 to 4803 inclusive and 4805.

Darwin area of NT –
post codes 0800, 0801, 0804, 0810 to 0814 inclusive, 0818, 0820, 0822, 0828 to 0832 inclusive, 0835 to 0838 inclusive, 0840, 0841, 0845 to 0847 inclusive, 0850, 0852, 0853, 0854, 0862, 0872, 0880, 0881, 0885, 0886 and 0909.

Alice Springs area of NT –
post codes 0852, 0860, 0861, 0862, 0870 and 0872.

<u>Additional Condition Number 2</u>
If Local Directories intends to use and disclose customer data obtained under this final authorisation to publish a PND in an electronic form, online or in another streaming electronic format:

> (a) Local Directories gives the ACMA notice in writing of its intention to publish such PND no less than 30 days prior to the anticipated date of publication; and

> (b) Local Directories provide the ACMA, no less than 30 days prior to the anticipated date of publication, with details in writing of what measures it has implemented, or proposes to implement, to ensure compliance with s3.12(8) and s3.12(10) of the *IPND Scheme* and s4(e), s4(f) and s4(g) of the *Directory Requirements Instrument.*

Advice to the IPND Manager
Under subsection 3.10(6) of the *IPND Scheme*, ACMA has also advised the IPND Manager of this decision and the details of Additional Condition Number 1.

Commencement of final authorisation
As specified in section 3.11 of the *IPND Scheme*, final authorisation starts on the day on which the IPND Manager supplies Local Directories with customer data. This authorisation is effective until such time as it is revoked by ACMA (see below).

Compliance with requirements
I draw your attention to subsection 3.12(19) of the *IPND Scheme*:

> 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) [of section 3.12]; and
> (e) any conditions specified under subsection (18) [of section 3.12].

In that regard, I draw your attention to the following obligations detailed in the *IPND Scheme*:

- notify the ACMA of the date on which Local Directories first receives customer data from the IPND Manager within 10 working days after the start of the final authorisation [subsection 3.12(2)(b)];

- publish a PND within 90 days after final authorisation starts [subsection 3.12(3); see also subsection 5.3(2)];

- notify the ACMA within 10 working days after publishing a PND, that the PND has been published, provide details of how the PND can be obtained and provide the ACMA with access to each PND covered by this authorisation [subsection 3.12(4)];

- give the ACMA access to each of its PNDs each year on the anniversary of the start of the final authorisation and if the ACMA asks in writing for access [subsection 3.12(6)];

- Update at least annually each permanent PND that it publishes and maintains [subsection 3.12(9)];

- provide ACMA with compliance reports [subsections 3.12(15) and (16)]; and

- take the steps prescribed under sections 6 and 7 of the *Telecommunications (Integrated Public Number Database Scheme - Conditions for Authorisations) Determination 2007 (No. 1)* in the event of a security breach.

In addition, I draw your attention to the obligations and prohibitions as set out in Part 13 of the *Act*.
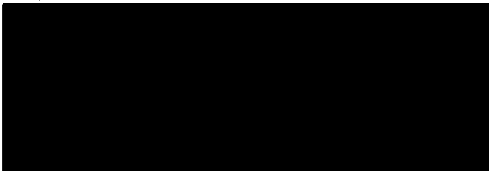
End of Authorisation

This authorisation is subject to the following sections of the *IPND Scheme*:

- section 5.1 which sets out when authorisations end. Specifically, the ACMA may revoke an authorisation if a publisher breaches an authorisation condition, is not using customer data to publish a PND (where subsection 5.3(2) does not apply) and/or is using customer data for a purpose for which it is not authorised; and

- section 5.3, which revokes an authorisation if a PND is not published within 90 days of the start of final authorisation.

Section 5.2 of the IPND Scheme explains the limits on reapplying for an authorisation where a revocation has occurred.

If you have any questions in relation to these matters, please contact Alan Chalmers on (03) 99636841 or at alan.chalmers@acma.gov.au .

Yours sincerely

Nerida O'Loughlin
General Manager, Industry Outputs Division