

21 January 2021

Ms Angela Brooks  
Managing Director  
McNair yellowSquares Pty Ltd  
PO Box 898  
Crows Nest NSW 1585

**By email only:** [REDACTED]

ACMA file reference ACMA2020/528

Dear Ms Brooks

**McNair yellowSquares Pty Ltd – research authorisation under the  
Telecommunications Regulations 2001**

I refer to the application by McNair yellowSquares Pty Ltd ACN 096 437 991 (McNair) received by the Australian Communications and Media Authority (ACMA) on 2 October 2020 for a research authorisation under the Telecommunications Regulations 2001 (the Regulations).

***Grant of authorisation under the Regulations***

I am pleased to notify you that on 19 January 2021 the ACMA granted McNair a research authorisation under the Regulations. Noting the requirements of regulation 5.12, details of the authorisation are set out at **Attachment A**.

***Compliance with relevant conditions***

This authorisation is subject to the conditions set out at subdivision 5.2.3 of the Regulations. A summary of the relevant conditions is at **Attachment B**. Please be aware that contravention of a condition of authorisation is an offence as outlined at regulation 5.36, and the ACMA can remove an entity from a research authorisation for breach of a condition (regulation 5.28).

***Additional condition***

The ACMA has also decided to specify an additional condition on the research authorisation under subregulation 5.12(4). The additional condition states that the authorisation lapses if McNair does not request the unlisted mobile number information from the IPND Manager within 15 months of the date the authorisation is granted.

The additional condition was specified because a research authorisation under the Regulations does not commence until the IPND Manager first discloses the IPND data to McNair. This means an authorisation would stand indefinitely unless and until this occurs. The additional condition ensures that the authorisation will not continue indefinitely.

McNair has the right under regulation 5.32 to request that the ACMA reconsider its decision to impose the additional condition. Any such request must be made within 28 days of the decision, or within a longer period allowed by the ACMA.

### **Publication**

In accordance with usual practice, we will publish high-level details of the authorisation on the ACMA website at <https://www.acma.gov.au/accessing-ipnd>:

- McNair's name
- the permitted research purpose (research relevant to public health)
- the duration of each authorisation, and
- month and year the authorisations were granted.

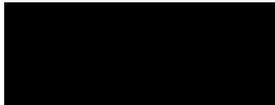
### **Next steps**

As required under the Regulations, the ACMA will provide a copy of this notice of authorisation to Telstra, in its capacity as IPND Manager.

McNair must notify the ACMA within 10 business days of receiving from the IPND Manager the authorised unlisted mobile number information.

If you have any questions about this letter or the requirements under the authorisation, please contact me on (03) 9963 6906 or at [eve.osiowy@acma.gov.au](mailto:eve.osiowy@acma.gov.au).

Yours sincerely



**Eve Osiowy**

Manager, Numbers Section

**McNair yellowSquares Pty Ltd's research authorisation under the Telecommunications Regulations 2001**

<b>Date of ACMA decision</b>	<b>19 January 2021</b>
<b>Entity covered by the authorisation</b>	McNair yellowSquares Pty Ltd ACN 096 437 991 (McNair)
<b>Duration of authorisation</b>	The authorisation starts on the date Telstra Corporation Ltd (the IPND Manager) first discloses authorised unlisted mobile number information to McNair and ends 12 months afterwards.
<b>Permitted research</b>	Research relevant to public health, including epidemiological research, conducted for another person or body which is not conducted for a primarily commercial purpose of the other person or body <sup>1</sup> – specifically, South Australian Public Health Survey on behalf of the South Australian Department of Health.
<b>Authorised unlisted mobile number information</b>	All unlisted mobile numbers and associated postcodes from Integrated Public Number Database (IPND) records with South Australian postcodes.
<b>Additional conditions specified by the ACMA (subregulation 5.12(4))</b>	The authorisation lapses if McNair does not request the unlisted mobile number information from the IPND Manager within 15 months of the date the authorisation is granted.
<b>ACMA contact where McNair is required to notify the ACMA under the Regulations</b>	Eve Osiowy Manager, Numbers Section Tel: (03) 9963 6906 Email: <a href="mailto:eve.osiowy@acma.gov.au">eve.osiowy@acma.gov.au</a> cc <a href="mailto:ipnd@acma.gov.au">ipnd@acma.gov.au</a>
<b>ACMA contact to be provided to complainants and in internal disputes procedures</b>	ACMA Customer Service Centre Telephone: 1300 850 115 Email: <a href="mailto:ipnd@acma.gov.au">ipnd@acma.gov.au</a>

---

<sup>1</sup> Research is defined at regulation 1.7A of the Regulations.

## Summary of conditions of authorisation under the Telecommunications Regulations 2001

NB: terms in **bold** are defined in the Regulations but for brevity *authorised unlisted mobile information* is referred to as **mobile information** and *authorised research entity* is referred to as **entity**. Also, references to 'other **entities** under same authorisation' are not applicable in McNair case as it is the sole research entity under the authorisation.

Reg	Subject	Summary (see Regulations for full text)
5.16	Receipt of <b>mobile information</b>	<b>Entity</b> must give written notice of receipt of <b>mobile information</b> to ACMA and other <b>entities</b> under same authorisation within 10 business days of receipt
5.17	Use and disclosure of <b>mobile information</b>	<b>Entity</b> must not make a <b>record</b> of, or <b>use, mobile information</b> unless it is for the purposes of <b>authorised research</b> under the authorisation. <b>Entity</b> must not disclose <b>mobile information</b> except: <ul style="list-style-type: none"> <li>to its <b>research employees</b></li> <li>to other <b>entities</b> under same authorisation</li> <li>to the <b>ACMA</b> on request</li> <li>under any other law that applies to the entity</li> </ul>
5.18	Covered by the <b>Privacy Act</b>	<b>Entity</b> must be covered by the <b>Privacy Act</b> while the <b>authorisation</b> covers the entity.
5.19	Compliance with <b>Privacy Act</b>	If <b>entity</b> collects, uses or discloses <b>personal information</b> about an individual for <b>authorised research</b> under the authorisation, it must not do an act, or engage in a practice, that breaches: <ul style="list-style-type: none"> <li>an Australian Privacy Principle in relation to personal information about the individual; or</li> <li>a registered APP code that binds the entity in relation to personal information about the individual.</li> </ul> This applies to all <b>entities</b> regardless of whether: <ul style="list-style-type: none"> <li>the entity is a <b>registered political party</b>; or</li> <li>the act or practice of the entity is exempt under section 7C of the <b>Privacy Act</b> (which provides that certain political acts and practices are exempt).</li> </ul>
5.20(1) and (2)	Contacting persons for authorised research	<ul style="list-style-type: none"> <li><b>Mobile information</b> can only be used for calls</li> <li>During a call to a person (<b>contacted person</b>) using the <b>mobile information</b>, the <b>entity</b> must tell the <b>contacted person</b> during the call: <ul style="list-style-type: none"> <li>the <b>entity's</b> name</li> <li>the purpose of the research</li> <li>how the <b>entity</b> obtained the <b>mobile number</b> used to call the person</li> <li>how the <b>entity</b> proposes to use <b>research information</b> relating to the person</li> <li>that the use of the number by the <b>entity</b> is authorised by the <b>ACMA</b> for the purposes of the research</li> <li>if asked by the person—how the person can access any <b>personal information</b> about the person held by the <b>entity</b>.</li> </ul> </li> <li>During the call the entity must also: <ul style="list-style-type: none"> <li>ask the person whether they consent to the use and disclosure of <b>research information</b> relating to them</li> <li>tell the person that they may withdraw any consent so given at any time during the call</li> <li>give the person any other information that is required by law (for example, under the Privacy Act)</li> <li>comply with all applicable laws relating to unsolicited contact with another person.</li> </ul> </li> </ul>
5.20(3) and (4)	Contacted person does not consent	If a <b>contacted person</b> does not consent or withdraws consent, the <b>entity</b> : <ul style="list-style-type: none"> <li>must not make a record of, use, or disclose any <b>research information</b> the <b>entity</b> has relating to the person</li> </ul>

Reg	Subject	Summary (see Regulations for full text)
		<ul style="list-style-type: none"> <li>• must not use the <b>mobile information</b> relating to the person</li> <li>• as soon as reasonably practicable:               <ul style="list-style-type: none"> <li>○ take all reasonable steps to destroy any <b>research information</b> relating to the person within 10 business days</li> <li>○ give written notice to any other <b>entity</b> under the same authorisation that <b>mobile information</b> about the contacted person must not be used.</li> </ul> </li> </ul> <p>If an <b>entity</b> is notified by another <b>entity</b> that a <b>contacted person</b> has refused or withdrawn consent, the <b>entity</b> must not use the <b>contacted person's mobile information</b>.</p>
5.20(5) and (6)	Internal disputes procedures	<p>The <b>entity</b> must have internal dispute resolution procedures to deal with inquiries/complaints from <b>contacted persons</b> about use or disclosure of any <b>research information</b> relating to the person.</p> <p>If a <b>contacted person</b> complains, the <b>entity</b> must:</p> <ul style="list-style-type: none"> <li>• tell the <b>contacted person</b> that if they are dissatisfied with the way the complaint is handled, the person can complain to the <b>ACMA</b></li> <li>• give the <b>contacted person</b> contact information for the <b>ACMA</b></li> <li>• if requested by the <b>ACMA</b>, provide reasonable assistance to the <b>ACMA</b> in relation to complaints.</li> </ul>
5.21	Disclosure of <b>research information</b>	<p>An <b>entity</b> must not disclose <b>research information</b> relating to a <b>contacted person</b> unless authorised, or required to do so, as follows:</p> <ul style="list-style-type: none"> <li>• the <b>entity</b> may disclose <b>research information</b> to the <b>entity's research employees</b></li> <li>• the <b>entity</b> may disclose <b>research information</b> if:               <ul style="list-style-type: none"> <li>○ the information is de-identified, and</li> <li>○ the information does not include the person's public number</li> </ul> </li> <li>• under any other law that applies to the entity.</li> </ul> <p>This rule is subject to the prohibition on recording, using or disclosing <b>research information</b> of a <b>contacted person</b> who refuses or withdraws consent (sub-reg 5.20(3)).</p>
5.22	Technical system for receiving <b>mobile information</b>	<p><b>Entity</b> must have technical systems to receive mobile information in accordance with any technical method specified by Telstra.</p>
5.23	Compliance with the <i>Telecommunications Act 1997</i>	<p>An <b>entity</b> must comply with any requirements imposed on it by the Act and any legislative instrument made under the Act.</p> <p>(This includes the <i>Telecommunications (Telemarketing and Research Calls) Industry Standard 2017</i>.)</p>
5.24	Employees of the <b>entity</b>	<p>An <b>entity</b> must take all reasonable steps to ensure that each <b>research employee</b> of the entity:</p> <ul style="list-style-type: none"> <li>• is made aware of the conditions of the authorisation (including any additional conditions specified by the <b>ACMA</b>)</li> <li>• cooperates with the <b>entity</b> in complying with those conditions</li> <li>• notifies the <b>entity</b> in writing as soon as reasonably practicable after the <b>research employee</b> becomes aware of an act or omission that would result in a contravention of a condition.</li> </ul>
5.25	Contravention of authorisation conditions	<p>If an <b>entity</b> becomes aware of a breach of a condition, it must</p> <ul style="list-style-type: none"> <li>• give written notice to the <b>ACMA</b> and other <b>entities</b> under the same authorisation as soon as reasonably practicable</li> <li>• take reasonable steps to minimise the effects of contravention.</li> </ul>
5.30	No use or disclosure of mobile information after authorisation	<p>When a research authorisation ends, or if an <b>entity</b> is removed from an authorisation by the ACMA, the <b>entity</b> must:</p> <ul style="list-style-type: none"> <li>• not record or use the <b>mobile information</b></li> </ul>

Reg	Subject	Summary (see Regulations for full text)
	ends, or entity is removed from authorisation by ACMA	<ul style="list-style-type: none"> <li>• not disclose the <b>mobile information</b>, unless authorised, or required to do so by law or to the ACMA at the ACMA's request</li> <li>• take all reasonable steps to destroy the <b>mobile information</b> within 10 business days after the authorisation ends or the <b>entity</b> is removed from the authorisation.</li> </ul>
5.31		<p>If <b>entity</b> has <b>research information</b> relating to a <b>contacted person</b> and the authorisation ends, or <b>entity</b> is removed <u>voluntarily</u> from the authorisation, the entity must not</p> <ul style="list-style-type: none"> <li>• make a record of, or use, the information, or</li> <li>• disclose the information,</li> </ul> <p>unless the information is de-identified and does not include the person's public number.</p> <p>If <b>entity</b> has <b>research information</b> relating to a <b>contacted person</b> and <b>entity</b> is removed from the authorisation by the ACMA for breach of condition of authorisation, the <b>entity</b> must:</p> <ul style="list-style-type: none"> <li>• not make a record of, or use, the information</li> <li>• not disclose the information unless authorised, or required to do so, by or under any law that applies to the entity</li> <li>• must take all reasonable steps to destroy the information within 10 business days after the <b>entity</b> is removed from the authorisation.</li> </ul>