

29 April 2011

Mr David Johnson
Director
Acceleon Pty Ltd
Suite 401B, 198 Harbour Esplanade
Docklands VIC 3008

ACMA file reference: ACMA2010/1274-2

Dear Mr Johnson,

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

I refer to the application for final authorisation lodged by Acceleon 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 Acceleon 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 Acceleon's application for final authorisation included an examination of Acceleon's sample electronic PND.

Taking into consideration that Acceleon 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 PND which Acceleon proposes to publish and maintain 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 condition.

Additional Condition Number 1

- a) Acceleon Pty Ltd must arrange, at its own expense, for an independent auditor to conduct an audit at intervals of six months, calculated from the start of the final authorisation, for a period of three years, and thereafter annually, of all

- uses made by Acceleon Pty Ltd, or associated companies, of customer data obtained from the IPND manager.
- b) Acceleon Pty Ltd must arrange for the independent auditor to prepare a report in respect of each audit and send that report to The Manager, Consumer Interests Section, ACMA, PO Box 13112, Law Courts, Melbourne VIC 8010. within 60 days after the scheduled date for the audit calculated in accordance with paragraph (a).
 - c) Acceleon Pty Ltd must arrange for the report prepared by the independent auditor to detail all uses made by Acceleon Pty Ltd, or associated companies, of customer data obtained from the IPND Manager, and to specify in particular whether or not any customer data obtained from the IPND Manager has been used for any purpose other than the publication and maintenance of the online public number directory entitled "Acceleon Public Number Directory", such as for marketing, data cleansing and appending, debt collection, identity verification, credit checking, or to append customer data to, or otherwise add to or verify data in, any other database.
 - d) Acceleon Pty Ltd must provide the independent auditor with full access to all relevant records and information, and to information technology or other relevant systems, to enable the independent auditor to prepare a comprehensive and accurate audit report.
 - e) If a term used in this condition has a defined meaning in the *IPND Scheme*, then it is used in this condition in accordance with its defined meaning in the *IPND Scheme*.

Advice to the IPND Manager

Under subsection 3.10(6) of the *IPND Scheme*, the ACMA has also advised the IPND Manager of this decision.

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 Acceleon with customer data. This authorisation is effective until such time as it is revoked by the 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* to:

- notify the ACMA of the date on which Acceleon 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 monthly each PND that it publishes and maintains online or in another streaming electronic format [subsection 3.12 (10)];
- provide the 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) 9963 6841 or at alan.chalmers@acma.gov.au.

Yours sincerely



Jonquil Ritter
A/General Manager