

14 September 2009

Mr Geoffrey Harris
Manager
Fleurieu Link
PO Box 411
Berri SA 5343

ACMA file reference: 2009/1555-4

Dear Mr Harris

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

I refer to the application for final authorisation lodged by Fleurieu Link 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 Fleurieu Link 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 Fleurieu Link's application for final authorisation included an examination of Fleurieu Link's sample PND including the resubmitted sample page on the treatment of suppressed address entries.

Taking into consideration that Fleurieu Link 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 Fleurieu Link 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 Fleurieu Link 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:

- 5202 to 5204 inclusive, 5210 to 5214 inclusive, 5255 and 5256.

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 Fleurieu Link 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 Fleurieu Link 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

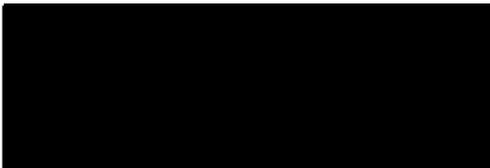
This authorisation is subject to the following sections of the *IPND Scheme*:

- 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