

20 January 2023

Mr Andrew Whitford
Enterprise Marketing & Research Services Pty Ltd
60 Main Road
MOONAH TAS 7009

By email: awhitford@ctgroup

ACMA file reference ACMA2018/1139-11

Dear Mr Whitford

Telecommunications Regulations 2001 research authorisation

I write regarding the research authorisation granted by the ACMA under the *Telecommunications Regulations 2001* on 9 May 2019 covering:

- > Crosby Textor Research Strategies Results Pty Ltd (CT), and
 - > Enterprise Marketing & Research Services Pty Ltd (EMRS)
- (the Authorisation).

The Regulations were remade in 2021 as the *Telecommunications Regulations 2021* (Regulations). Under paragraph 57(2)(a) of the Regulations, the Authorisation has effect as if it had been granted under subsection 21(1) of the current Regulations.

Decision to specify additional conditions

As foreshadowed in our letter dated 24 August 2022 and discussions on 6 September 2022, I give written notice that the ACMA decided under paragraph 36(1)(a) of the Regulations to specify additional conditions to which the Authorisation is subject (Additional Conditions). The Additional Conditions are set out at **Attachment A**.

In accordance with subsection 36(4), this notice is given as soon as practicable after the decision was made, and before the additional conditions take effect on 1 February 2023.

Reasons for decision

As set out in our letter dated 9 May 2019, the Authorisation commences on the date that Telstra Corporation Ltd (the Integrated Public Number Database (IPND) Manager) first discloses the authorised unlisted mobile number information to CT and ends 12 months later.

Without a time-specific limitation imposed, an authorisation will effectively continue indefinitely where the mobile information is not disclosed to an entity. This poses a risk that the bases on which an authorisation was originally granted may have changed over time. Specifically, the applicant/s may no longer meet the conditions of the authorisation and/or comply with the Regulations (including in relation to its privacy and/or data security arrangements).

To mitigate this risk and maintain the integrity of the IPND access regime, the ACMA has decided to specify the Additional Conditions. The Additional Conditions will cause the Authorisation to lapse on 2 May 2023 if, by 5:00pm AEST on 1 May 2023, CT and EMRS have not applied to the IPND Manager to access the mobile information consistent with the authorisation (including the Additional Conditions).

These Additional Conditions are specified in Attachment A to this letter.

Review rights

EMRS may, if it is dissatisfied with this decision, request the ACMA to reconsider its decision under paragraph 42(1)(c). Under subsections 42(2) and (3), the request must:

- > be in writing;
- > set out the reasons for the request; and
- > be made within 28 days after the decision, or within such longer period as the ACMA allows.

Future applications

As previously noted, if the Authorisation lapses under the Additional Conditions, it does not affect CT or EMRS's ability to apply to the ACMA for a research authorisation in the future.

ACMA Contact

The ACMA contact for this matter is Eve Osiowy, Manager Numbers Section. If you have any questions, or wish to discuss this matter, please contact Ms Osiowy on [REDACTED] or at Eve.Osiowy@acma.gov.au.

Yours sincerely

[REDACTED]

Cathy Rainsford
General Manager, Content and Consumer Division

Enc: Attachment A – Additional Conditions

The ACMA specified the following additional conditions under paragraph 36(1)(a) of the *Telecommunications Regulations 2021* (**Regulations**) on the authorisation granted to Crosby Textor Research Strategies Results Pty Ltd and Enterprise Marketing & Research Services Pty Ltd (the **authorised parties**) on 9 May 2019 (the **authorisation**):

Additional Conditions

- (1) The authorised parties must not make an application to Telstra Corporation Ltd (the **IPND Manager**) for the IPND Manager to disclose the authorised unlisted mobile number information (**an access application**) unless the attestations are given to the ACMA as required by Additional Condition 2.
- (2) The authorised parties must each give written attestations (the **attestations**) to the ACMA setting out:
 - (a) what changes, if any, have been made to the practices, procedures, processes and systems that were set out in the application and supplementary information provided to the ACMA by authorised parties between 21 February 2019 and 30 April 2019 (the **joint application**) since the authorisation was granted; and
 - (b) how the current practices, procedures, processes and systems the authorised parties currently have in place would allow them to comply with all conditions of the authorisation.
- (3) The authorised parties must each give their respective attestations to the ACMA:
 - (a) at least 7 business days before making an access application or, if an access application was made prior to the commencement of these Additional Conditions, by 2 February 2023;
 - (b) in the form of a director's attestation; and
 - (c) sent by email to: ipnd@acma.gov.au with a hard copy delivered to:
Attention: Manager, Numbers Section
ACMA
PO Box 13112 Law Courts
Melbourne VIC 8010.
- (4) The authorisation will lapse on 2 May 2023 unless, on or before 5:00pm AEST 1 May 2023:
 - (a) the authorised parties give the attestations in accordance with Additional Condition 2; and
 - (b) either of the authorised parties notifies the ACMA in writing that it has made an access application.
- (5) These additional conditions have effect from 1 February 2023.