



Direction under subsection 121(1) of the *Telecommunications Act 1997*

TO: Southern Phone Company Limited (ACN 100 901 184)

OF: 6 Page Street, MORUYA, NSW 2537

Attention: Mr Mark Warren, Managing Director

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Southern Phone Company Limited (ACN 100 901 184) (**SPC**), has contravened the *Telecommunications Consumer Protections Code (C628:2012)* (**the TCP Code**) as described below;

HEREBY direct SPC, under subsection 121(1) of *the Telecommunications Act 1997* (**the Act**) to comply with clause 4.6.3 of the TCP Code.

Details of the contraventions

1. The ACMA has investigated SPC's compliance with clause 4.6.3 of the TCP Code. As a carriage service provider, SPC is a participant in the section of the telecommunications industry to which the TCP Code applies.
2. The ACMA is satisfied that SPC contravened clause 4.6.3 of the TCP Code, which requires a supplier to ensure that a customer's or former customer's personal information is protected from unauthorised use or disclosure and dealt with by the supplier in compliance with all applicable privacy laws. The ACMA's investigation concluded that SPC failed to protect the *unlisted* (silent) numbers and associated name and address details of 3,854 residential SPC customers by incorrectly classifying them as *listed* numbers when it submitted data uploads to the Integrated Public Number Database (IPND) Manager on 18 March and 15 April 2014. As a direct result of SPC incorrectly classifying *unlisted* numbers in the IPND as *listed*, SPC caused the personal information of 3,854 residential customers, including their *unlisted* number, and associated name and address details, to be disclosed to authorised public number directory publishers, and consequently to be published in public number directories.

Requirement to comply with this Direction

Under subsection 121(2) of the Act, SPC must comply with a direction under subsection 121(1) of the Act.

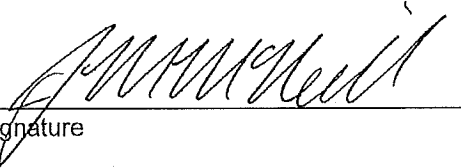
If SPC does not comply with this direction, the ACMA may apply to the Federal Court for an order that SPC pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision (subsection 121(4) and section 570 of the Act).

Reconsideration of a decision

Under subsection 558(1) of the Act, SPC may apply to the ACMA for the ACMA to reconsider the decision to give SPC a direction to comply under section 121 of the Act. The application must be submitted in writing to the ACMA and must set out the reasons for the application (subsection 558(2) of the Act). The application must be made within 28 days after SPC is informed of the decision, unless the ACMA extends the period for making the application (subsection 558(3) of the Act).

If upon reconsideration the decision is affirmed or varied and SPC is dissatisfied with that decision, it may:

- (a) subject to the *Administrative Appeals Tribunal Act 1975* (the **AAT Act**), apply to the Administrative Appeals Tribunal for review of the reconsideration decision; and
- (b) request a statement under section 28 of the AAT Act in relation to that decision (Section 562 of the Act.)



Signature

Jennifer McNeill
General Manager
Content, Consumer and Citizen Division
Delegate of the Australian Communications and Media Authority

26 May 2015