



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

TO: SpinTel Pty Ltd (ACN 082 087 689)

OF: Suite 902, Level 9, 153 Walker Street, North Sydney NSW 2060

Attention: Mr Liam Bal, Director and Company Secretary

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that SpinTel Pty Ltd (ACN 082 087 689) (**SpinTel**), has contravened the *Integrated Public Number Database (IPND) Industry Code (C555:2008)* (**the IPND Code**) as described below;

HEREBY direct SpinTel, under subsection 121(1) of *the Telecommunications Act 1997* (**the Act**) to comply with clause 5.12 of the IPND Code.

Details of the contraventions

1. The ACMA has investigated SpinTel's compliance with clause 5.12 of the IPND Code. As a carriage service provider, Spintel is a participant in a section of the telecommunications industry to which the IPND Code applies.
2. The ACMA is satisfied that SpinTel contravened clause 5.12 of the IPND Code, which requires carriage service providers (referred to in the IPND Code as Data Providers) to ensure that information provided to the IPND Manager is accurate, complete and up to date.
3. The ACMA's investigation found that SpinTel contravened clause 5.12 of the IPND Code by failing to ensure the accuracy of 426 IPND customer records at various periods between 9 January 2014 and 3 February 2015. The records in question were incorrectly classified as *listed* entries when data was uploaded to the Integrated Public Number Database (IPND) Manager. As a direct result of SpinTel incorrectly classifying *unlisted* numbers in the IPND as *listed*, SpinTel caused the personal information of 426 residential customers, including their *unlisted* numbers, 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, SpinTel must comply with a direction under subsection 121(1) of the Act.

If SpinTel does not comply with this direction, the ACMA may apply to the Federal Court for an order that SpinTel 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, SpinTel may apply to the ACMA for the ACMA to reconsider the decision to give SpinTel 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 SpinTel 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 SpinTel 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

14 October 2015