

# Australian laws on storing phone, Internet records to change

27 February 2015, by Rod Mcguirk

(AP)—A parliamentary committee on Friday recommended a major rewrite of draft laws that would force Australian telcos and Internet providers to store customers' personal data for the convenience of law enforcement agencies. A key recommendation is that the law specifies exactly what personal data is to be retained.

The bill to retain so-called metadata for a minimum two years has been drafted as a counterterrorism measure to help law enforcement agencies prosecute extremists who plot terror attacks online and through telephone communications.

But the bill does not specify what metadata is and experts differ on definition. The government wants to be free to set the definition without consulting Parliament after the bill becomes law.

In its review of the draft bill, Parliament's Intelligence and Security Committee recommended that the definition be set in the legislation rather than decided by government through regulations.

In describing metadata, the government uses the analogy of traditional mail. The metadata is the information written on the envelope, not what's written on the letter inside.

With telephones, metadata includes the number called, the duration, time and date of the call, plus the location of the cellphone. It does not include the contents of the conversation.

But the Internet is a grayer area.

George Williams, a University of New South Wales law professor, said the recommendations addressed his two major concerns with the legislation: that it failed to specify what metadata was and failed to say who could access it.

Attorney-General George Brandis said the government would make a public response next

week. It could ignore the recommendations, but to do so would likely doom the legislation to rejection in the Senate, where the ruling conservative coalition does not hold a majority.

Several countries have laws on metadata retention. U.S. laws allow government access to metadata with or without a warrant.

Australian police say they already access metadata, but are concerned that many companies don't store it for as long as they used to. Several companies have warned that the new retention obligations would cost them and their customers millions of dollars.

Because Australians are among the worst in the world for illegally downloading movies and video games, many fear that prosecutions won't stop at terrorists.

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