



30 August 2012

Mr Tristan Kathage  
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IPND Review Section  
Department of Broadband, Communications  
and the Digital Economy  
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Dear Mr Kathage,

**DRAFT RECOMMENDATIONS AND PRINCIPLES ARISING FROM THE IPND REVIEW**

Thank you for giving the Research Industry Council Australia (RICA) the opportunity to comment on the draft recommendations and principles.

RICA represents both business and professional bodies in the social and market research industry. Our constituent bodies are the Association of Market and Social Research Organisations (AMSRO), representing businesses, and the Australian Market and Social Research Society (AMSRS), representing individual research professionals. The market and social research industry turns over \$750 million annually and employs over 12,000 people and over 4,100 of these are full-time professionals.

Please find attached for your consideration RICA's comments regarding the IPND review draft recommendations and principles.

Yours sincerely,

Martin O'Shannessy & Szymon Duniec  
On behalf of the RICA Council

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## RICA SUBMISSION - DRAFT RECOMMENDATIONS AND PRINCIPLES ARISING FROM THE IPND REVIEW

### Principles for strategic reform

RICA is supportive of the four principles proposed by the Department to guide future policy and procedural decisions that relate to the IPND and its successors.

### Recommendations paper

#### Specific responses to Operational Recommendations

##### Finding 1: The Successor to the IPND

RICA supports the proposed new system, the '*Australian Telecommunications Location and Subscriber System*' (ATLAS) and appreciates the need to fund the proposed system on a cost-recovery basis through user fees.

RICA submits that the limited access it proposes for researchers (outlined in our response to Finding 9 below) should be recognised in the establishment of appropriate user fees for the research industry. RICA notes that it does not require dynamic information from the IPND/ATLAS on request and is instead proposing monthly updates from the manager of the IPND/ATLAS of a limited subset of **de-identified** IPND/ATLAS data.

While RICA recognises the benefits for critical users of the IPND/ATLAS of having access to up-to-date, detailed, dynamic information, RICA considers that these users (and/or the Australian Government) should primarily bear the likely very significant cost of building and maintaining the system capability that can meet this requirement.

##### Finding 2: Development of ATLAS and ongoing incremental evolution

RICA supports the development of a joint advisory working group and ongoing liaison between industry, government, privacy and consumer experts to ensure the needs of critical and non-critical data users are met and costs are minimised. As a representative organisation of a key category of non-critical users of the IPND (the research industry), RICA would welcome the opportunity to join the working group.

##### Finding 3: The management of ATLAS and transparency of the IPND manager

RICA supports the recommended introduction of additional transparency and accountability measures in relation to the management of the IPND and a competitive framework for the ongoing management of ATLAS. RICA concurs with the Department's conclusion that these measures will enhance the operation of the IPND and ATLAS.



## DRAFT RECOMMENDATIONS AND PRINCIPLES ARISING FROM THE IPND REVIEW

### **Finding 4: The accuracy and quality of the ATLAS and IPND data**

RICA agrees that the accuracy of information in the IPND/ATLAS is critical to its success. Accordingly, RICA supports Recommendation 4.

### **Finding 5: Periodic review**

RICA submits that non-critical users of the IPND/ATLAS (including the research industry) have a legitimate interest in ongoing reform of the IPND/ATLAS arrangements. RICA therefore supports the Department's recommendation for a public review of the ATLAS arrangements three years after it is fully functioning and periodic reviews thereafter. RICA would welcome the opportunity to participate in these reviews.

### **Specific responses to Legislative Recommendations**

#### **Finding 7: Clarity and consistency in Part 13**

RICA agrees with the Department that Part 13 (and other associated legislation) should be amended to provide greater clarity and consistency in relation to which use or disclosure exemptions apply to IPND information.

RICA supports the amendments proposed by the Department, including the proposed flexible mechanism to specify the categories of non-critical organisations that can apply for access to the IPND/ATLAS. However, RICA submits that access to IPND/ATLAS by research organisations should be protected (consistent with the existing Part 13) by direct specification in any amended version of Part 13.

Specifically, RICA proposes that the following definition of eligible research be specified in Part 13 on the basis that the direct public benefit of providing information for such research through the IPND/ATLAS outweighs the public benefit in protecting the privacy of subscribers:

*Market and social research conducted by members of the Association of Market and Social Research Organisations (AMSRO) and Australian Market and Social Research Society (AMSRS) that:*

- a. will promote the production of high quality and reliable research data;*
- b. is conducted in accordance with the standards and codes of conduct issued by these associations;*
- c. is conducted in accordance with the Privacy Act 1988 (Cth); and*
- d. does not involve contacting persons to conduct sales, promotional or fundraising activities.*



## DRAFT RECOMMENDATIONS AND PRINCIPLES ARISING FROM THE IPND REVIEW

### Finding 8: New non-critical users

RICA supports the recommendation that The Do Not Call Register operator and the Australian Bureau of Statistics should be specified as non-critical organisations.

### Finding 9: The ATLAS assessment scheme for non-critical users

RICA supports the recommended amendments to the IPND/ATLAS assessment scheme. In particular, RICA considers that there are significant benefits associated with allowing the ACMA to approve ongoing or periodic access for an applicant.

The current project-by-project access to the IPND for permitted research purposes is inefficient and raises significant barriers to access for researchers. The high fees charged for access by the IPND Manager coupled with high system set-up costs required to receive IPND data make access prohibitively costly for many research projects. Moreover, there are significant time delays involved in obtaining approval and arranging data provision.

RICA proposes that the following IPND/ATLAS access model be implemented for researchers - a progressive dissociation (filtering) process that allows the research industry to utilise IPND/ATLAS data in the following manner:

- AMSRO and AMSRS would jointly apply once for a standing authorisation from ACMA for access to the IPND/ATLAS.
- The ACMA authorisation would allow a database administrator appointed by AMSRS and AMSRO to obtain monthly updates from the manager of the IPND/ATLAS of a limited subset of **de-identified** IPND/ATLAS data (telephone number, matching service and directory address, type of service – i.e. landline, mobile or VoIP – and whether the number is classified as residential, business, government or charity), subject to ACMA being satisfied that the database administrator has appropriate information security and privacy protections in place.
- The appointed database administrator would be permitted to provide filtered extracts of its IPND/ATLAS-derived database to AMSRS and AMSRO members for use for appropriate research purposes without the need for individual ACMA authorisation of each research project.
- Researchers would be provided with IPND/ATLAS-derived data by the database administrator if they undertook to use the data only for research:
  - conducted in accordance with the standards and codes of conduct issued by AMSRS and AMSRO;
  - conducted in accordance with the *Privacy Act 1988* (Cth); and
  - that does not involve contacting persons to conduct sales, promotional or fundraising activities.



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- AMSRO and AMSRS would cover the costs of this model relating to the database administrator and the IPND/ATLAS Manager's direct costs for monthly updates.

The proposed access model provides greater privacy protection to Australian households than the existing IPND access model for researchers and would ensure the industry continues to provide accurate research to benefit the Australian public. To protect an individual's right to privacy and preserve the industry's capacity to operate with integrity and longevity, the market and social research industry is committed to ensuring that, at all times, personal and sensitive information obtained is handled appropriately.

To achieve this, the industry is governed by strict professional standards such as:

- The AMSRS Code of Professional Behaviour;
- The Market and Social Research Privacy Principles (M&SRPP);
- International Standard for Market, Opinion, and Social Research (ISO 20252);
- International Standard for Access Panels in Market Opinion and Social Research (ISO 26362); and
- The Qualified Practising Market Researcher scheme (QPMR).



## DRAFT RECOMMENDATIONS AND PRINCIPLES ARISING FROM THE IPND REVIEW

In summary:

- RICA is supportive of the four principles proposed by the Department to guide future policy and procedural decisions that relate to the IPND and its successors.
- RICA supports the IPND Review recommendation to establish ATLAS.
- RICA supports the cost recovery (user pays) model for ATLAS subject to the implementation of usage fees for the research industry that appropriately reflect the relatively low cost of the research industry's data requirements compared to those of critical users and (potentially) those of other non-critical users.
- RICA would welcome the opportunity to join the IPND/ATLAS joint advisory working group.
- RICA supports the proposed flexible mechanism to specify the categories of non-critical organisations that can apply for access to the IPND/ATLAS. However, RICA submits that access to IPND/ATLAS by research organisations should be protected (consistent with the existing Part 13) by direct specification in any amended version of Part 13.
- RICA requests that DBCDE support the market and social research industry access model to the IPND/ATLAS outlined in this paper (and in further detail in letter to Mr Keith Besgrove, dated 5 July 2012).

Finally, thank you again for the opportunity to comment. We wish DBCDE every success with the final submission and look forward to hearing from you regarding next steps.

Martin O'Shannessy & Szymon Duniec

On behalf of the RICA Council

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