



AUSTRALIAN
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Media release

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Data Retention Bill an insult to all Australians

ALHR strongly opposes the adoption of the ***Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014***.

“This Bill” says ALHR President, Nathan Kennedy, “is an insult to all Australians. It imposes blanket data collection on us all for surveillance purposes. It assumes every man, woman and child is potentially capable of such criminal activity that data about their computer and phone communications should be kept for at least two years and be available to various government bodies without a warrant or any other prior court approval and without court oversight.”

“Who knows what will then happen to any of that data once it is accessed by government, because the Bill does not explain. If your data is accessed you will not know. This Bill is an attack on our freedom of expression and our human rights. It introduces a type of data collection which has been struck down by European Courts and is more usually associated with authoritarian regimes than with vibrant democracies.”

“The Bill is completely impractical. Criminals will not find it difficult to work round the Bill but it will impose enormous additional costs on local service providers (who must hold the information and try to keep it secure). These enormous costs will mostly flow through to consumers” says Mr Kennedy.

“The Bill does not even require the data to be stored in Australia, so the goldmines of Australians’ personal information that will be created could be stored with the cheapest overseas bidders, and be at great risk of being stolen.”

“When the original Telecommunications legislation was drafted, digital communication was not well advanced and warrants were not required for metadata because it was comparatively trivial. Now, to use a bad analogy, it is the other way round, and most of the information is on the ‘outside’ of the ‘envelope.’ The government is taking advantage of an existing defect in the legislation to intrude into the lives of every person in Australia, when instead they should be updating the existing laws in line with technological changes so as to protect us and our personal data.”

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ALHR (Australian Lawyers for Human Rights) is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 2,600 people, with active National, State and Territory committees.