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Vice-Chancellor and Principal

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Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
Parliament House
Canberra ACT 2600

By email: dataretention@aph.gov.au

Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014

Thank you for the opportunity to provide comment on the *Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014* (**the Bill**). The University of Sydney notes that the Government's clear policy intention, as stated in the Explanatory Memorandum, is to exempt universities from requirements to retain telecommunications data in relation to their own internal networks. However, we are concerned that the language of the Bill does not fully reflect this intention.

At present, section 187B allows exemptions where the Relevant Services are provided to persons in the University's 'immediate circle' or where the Relevant Services are provided only to places that are in the 'same area'. We are concerned that 'immediate circle' is narrowly defined such that it may exclude some members of the University community to whom we do provide, for example, email services. In addition, the University is a large, distributed body with a number of campuses and facilities and a multitude of different space sharing arrangements, which complicates reliance on the 'same area' exemption.

Determining whether each of the various persons who may receive Relevant Services from the University fall within the 'immediate circle' of the University, and how the same area exemption would apply in the context of the University would be a complex exercise, imposing significant compliance costs upon the University. The need to continually monitor compliance with these exemptions would impose further costs, as well as potentially impede the use of innovative technologies at the University.

Given the clear policy intent to exclude universities from the legislation, we recommend that this be more strongly reflected in the wording of 187B.

Should the Committee require further information from the University in relation any of the matters raised, please do not hesitate to contact Mr Tim Payne, Director, Higher Education Policy & Projects in my office, 02 9351 4750, tim.payne@sydney.edu.au.

Yours sincerely,

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Professor Stephen Garton
Acting Vice-Chancellor and Principal