

**COMMUNICATIONS
ALLIANCE LTD**



INDUSTRY CODE

C555:2017

INTEGRATED PUBLIC NUMBER DATABASE (IPND)

C555:2017 Integrated Public Number Database (IPND) Industry Code

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EXPLANATORY STATEMENT

This Explanatory Statement is to be read with the **Integrated Public Number Database (IPND)** Industry Code (the Code).

This Explanatory Statement outlines the purpose of the Code and the public interest factors which have been taken into account at the time of the registration of the Code.

This Code replaces ACIF C555:2008 **Integrated Public Number Database (IPND)** Industry Code published by ACIF in January 2008.

Expressions used in this Explanatory Statement have the same meaning as in the Code.

Background

The Integrated Public Number Database (IPND) is an industry-wide database of all Public Number Customer Data (PNCD) which facilitates the provision of information for purposes specified in the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997* (Licence Conditions) including the provision of Directory Assistance Services and the publication and maintenance of Public Number Directories.

The IPND serves as a repository of PNCD which broadly includes the Number, the Customer name, service address and Directory Related Services information which can be used, for example, to assist in the provision of emergency services and law enforcement. The IPND has the benefit of simplifying the provision of, and access to, personal information necessary to manage public safety and well-being. As such, it provides a valuable resource to the Australian telecommunications industry and the Australian community.

The IPND is a passive database whereby the IPND Manager facilitates the passage of data from Data Providers to Data Users. While it is a common misconception that data is provided directly to the IPND and accessed directly from the IPND, this is not the case. Both PNCD and Public Number Directory Data (PNDD) are made up of data that is said to be derived directly from the IPND. The use of the word derived is important as it clarifies that Data Users do not have direct access to IPND data. It is this data which can be used for the Approved Purposes contemplated by the Act, the Code and the Licence Conditions.

Current Regulatory Arrangements

The Licence Conditions oblige Telstra to establish and maintain the IPND. Pursuant to the *Telecommunications Act 1997 (Cth)* (the Act), Carriage Service Providers (CSPs) that supply a Carriage Service to an End User where the End User has a Number must give Telstra such information as Telstra reasonably requires in connection with Telstra's fulfilment of the obligation as the IPND Manager (Part 4, Schedule 2 of the Act).

PNCD may only be accessed from the IPND for Approved Purposes as specified in the Licence Conditions, or as allowed by the Act or other relevant legislation.

The Approved Purposes do not imply that Data Users may access the data for the full range of Approved Purposes.

Part 13 of the Act deals with the protection of personal particulars by prohibiting their use and disclosure except in limited circumstances. Section 285 and section 285A of the Act, however, allows for disclosures and uses for information held in the IPND for specified

approved purposes. The Licence Conditions also contain provisions about the disclosure and use of PNCD held in the IPND.

2002 Version of the Code

The first IPND Code was developed in 2002 by the ACIF OCRP/WC6: IPND Working Committee in consultation with relevant stakeholders in order to set out the procedures to be complied with by all Data Providers, Data Users and the IPND Manager. These procedures relate to the transfer of information to and from the IPND Manager and the storage of information in the IPND.

The Code development allowed industry Participants an opportunity to contribute to the formulation of important principles in the operation of the IPND that were either not covered or were insufficiently dealt with in the legislation. The principles include:

- (a) responsibility for the accuracy of the information provided to the IPND Manager; and
- (b) expectations about timeliness; and
- (c) procedures for dealing with queried and incorrect entries; and
- (d) procedures for dealing with Customer and end-user issues; and
- (e) protection of confidential information and the Customers' listing preferences, in particular, with the protection of entries that Customers do not want published in Public Number Directories or made available through Directory Assistance Services.

2007 Revision

This revision sought to:

- bring the Code into alignment with the Act and the *Telecommunications (Section of the Telecommunications Industry) Determination 2007* and other applicable legal requirements and
- clarify matters relating to:
 - Customers;
 - operational issues; and
 - technical issues

by re-ordering the content for ease of reading and revising some clauses for improved clarity.

January 2008 update

The delayed timeframe for implementation of all aspects of the Code relating to the supply and use of PNCD for Location Dependent Carriage Services (LDCS) was extended by an additional twelve months following a request from the Australian Communications Media Authority (ACMA). The February 2007 version of the Code included a six-month delay following registration to permit time to address legislative inconsistencies. The Department of Communications, Information Technology and the Arts now the Department of Communications and the Arts, released a discussion paper in June 2007

in relation to LDCS, however the matter was not resolved prior to the commencement of the caretaker period ahead of the November 2007 federal Australian election.

Why Previous Regulatory Arrangements are inadequate

The IPND Manager plays a key role in providing management, access to data held in the IPND and the maintenance and security of the IPND, and copies of the IPND. The Code contains obligations to ensure that the IPND Manager acts in an equitable manner when dealing with Data Users and importantly provides that, where the IPND Manager is also a CSP, that CSP does not gain an unfair advantage over other CSPs.

In 2003 a Working Group was established to review the Approved Purposes following a request from the former Australian Communications Authority (ACA) to address a number of perceived weaknesses in the use of IPND data in the Code. Following review by the Working Group, a Working Committee was established to revise the Approved Purposes. Later in 2003 the former ACA wrote to ACIF stating its intent to determine an Industry Standard under section 125 of the Act.

In 2006 an alternative approach was taken to define the Approved Purposes in the Act and to support the Act with the *Telecommunications (Section of the Telecommunications Industry) Determination 2007*.

In October 2006, the Australian Government introduced the Telecommunications Amendment (Integrated Public Number Database) Bill 2006 which provided for amendments to the Act. The Bill was passed and received royal assent on 8th December 2006.

The amendments to the Act serve to clarify arrangements regarding access to data in the IPND through the following key additions:

- a definition of a Public Number Directory;
- a new exception to the prohibitions allowing the disclosure of IPND information for research purposes in the public interest, as specified by the Minister;
- provisions allowing for penalties for secondary disclosure of IPND information; and
- the requirement for the ACMA to make an IPND scheme, supported by a range of Ministerial instruments, for granting authorisation to access data held in the IPND for specified purposes.

The IPND Scheme commenced in 2007 and details the processes by which the ACMA may grant authorisation enabling access to and use of information in the IPND for purposes specified in paragraph 285 (1A) (d) of the Act. Those purposes are the publication and maintenance of a Public Number Directory and the conduct of research of a kind specified by the Minister.

The IPND Scheme provides for the making of applications, the assessment of applications, the period for which an authorisation will apply and the notification of decisions under the scheme. The scheme also provides for the imposition of conditions on the granting of authorisation, and outlines the process for when an authorisation will end.

Under the Scheme, Public Number Directory Publishers (PNDPs) are subject to a two-phase application process for provisional and final authorisation. At each stage of the process PNDPs must also apply to the IPND Manager to seek access to a provisional IPND data source for provisional authorisation and then PNDD for final authorisation. The

ACMA provides authorisations to PNDPs on an ongoing basis subject to compliance with conditions of the Scheme and the Ministerial Instruments under the Act.

The Scheme also allows the ACMA to grant access to the IPND for research purposes specified by the Minister as being in the public interest (namely, public health, electoral matters, and research by or for the Commonwealth). Such research must not be conducted for a primarily commercial purpose.

Authorisation applications must be made in the approved form and include a privacy impact statement. An application can be made by an independent research entity or a research representative body. The ACMA can authorise a research body to disclose limited IPND data (listed number and corresponding geographic information not below postcode level) to its members provided certain requirements are met.

The Scheme sets out conditions that authorisation holders must comply with, and gives the ACMA discretion to impose additional conditions. Authorisation for research purposes can be granted for a specified period or an ongoing basis.

PNDPs and researchers to whom the Scheme applies also need to apply to the IPND Manager to gain access to IPND data. PNDP's and researchers are only permitted to access Listed Numbers. Although Data Users for other Approved Purposes are only required to seek approval to access data held in the IPND from the IPND Manager, the IPND Manager will in many cases consult with the ACMA before planning to approve access.

In addition to having obligations under the Scheme, PNDPs and researchers will be required to comply with the relevant Ministerial instruments made under the Act in relation to those approved purposes.

The Code seeks to support the new requirements of the Act and the IPND Scheme.

How the Code Builds on and Enhances Regulatory Arrangements

The Code has been developed to amplify the arrangements set out in legislation and subordinate instruments and in particular to address the interests of Participants. The Working Committee identified these interests as:

- (a) the interest of Data Providers in being assured that their commercially sensitive Customer information is protected from misuse by Data Users and the IPND Manager, and that they have had the opportunity to be involved in the development of the process to meet this interest;
- (b) end user interest in being assured that the confidentiality of their information is adequately protected, especially where the Customer has chosen an Unlisted Entry;
- (c) the interest of Data Users in being able to access PNCD on clearly understood and equitable terms;
- (d) the interest of the industry Participants generally in developing a Code which clearly sets out the responsibilities of each Participant and the rules for the treatment of PNCD as it is provided to, stored in and accessed from, the IPND and used by Data Users; and
- (e) the IPND Manager's interest in being assured that Data Providers will cooperate in the provision of accurate, current and complete PNCD to the IPND and the

assurance that Data Users will only access and use PNCD held in the IPND for Approved Purposes.

What the Code Accomplishes

The stated objectives of the Code are to set out the rights and obligations of Data Providers, Data Users and the IPND Manager regarding the access, input, use, disclosure and storage of PNCD in the IPND, and to ensure that:

- (a) agreed uniform procedures and formats are followed when PNCD is transferred to the IPND Manager by Data Providers and from the IPND Manager by Data Users; and
- (b) procedures treat all Data Providers on an equitable basis; and
- (c) procedures treat all Data Users in the same Approved Purpose category on an equitable basis; and
- (d) procedures do not detract from Customers' privacy rights with regard to personal information; and
- (e) procedures and processes maximise data accuracy and efficiency through the cooperation of all Participants; and
- (f) the, security, integrity and confidentiality of the PNCD that is transferred to, stored in, used and disclosed from the IPND is adequately protected.

The Code applies to all Carriers (including the IPND Manager) and to CSPs in their roles as Data Providers and Data Users. It also provides information and guidance for Data Users that are not Carriers and CSPs, to clearly establish procedures dealing with the IPND Manager. The Code relates to PNCD provided to, from and stored in, the IPND.

How the Objectives are Achieved

This Code enhances the current regulatory arrangements by elaborating on the following matters:

- (a) the procedure for prospective Data Providers and Data Users to register with the IPND Manager for the provision of information to and from the IPND;
- (b) the supply and maintenance procedures for Data Providers so that PNCD is up-to-date and is in a format and manner reasonably required by the IPND Manager as specified in the IPND Technical Requirements;
- (c) that Data Providers are responsible for the provision of accurate and current PNCD to the IPND;
- (d) that Data Users may be provided with PNCD which can only be used for Approved Purposes;
- (e) processes in relation to errors in PNCD; and
- (f) processes to ensure the security, privacy and confidentiality of PNCD.

Benefits to Consumers

The operation of the IPND indirectly benefits end-users in a multi-carrier environment. These benefits include:

- (a) continued access to comprehensive and integrated Public Number Directories;
- (b) competition in directory services, offering the possibility of increased choice and innovative Directory Related Services;
- (c) availability of comprehensive locality and other information to Emergency Call Persons and Emergency Service Organisations when emergency calls are made;
- (d) availability of comprehensive PNCD for Enforcement Agencies;
- (e) capturing and respecting individual Customers' requirements to:
 - (i) have recorded, their choice of whether or not to be included in Public Number Directories and Directory Assistance Services; or
 - (ii) have only part of their address included in Public Number Directories and Directory Assistance Services;
- (f) the implementation of proper and lawful security and protection for the privacy of Customer data stored in the IPND;
- (g) enabling Customers through their CSP to obtain a copy of their PNCD and for the CSP to make changes that comply with the CSP's obligations; and
- (h) the provision of locality information for the emergency warning system.

Benefits to Industry

The Code is important for Data Providers to ensure consistency and prompt provision of information to the IPND. Similarly, it is important for Data Users to ensure consistency and prompt provision of information from the IPND. The Code also addresses the security and privacy issues to which each Participant must have regard.

The cooperatively developed self-regulatory Code is the most appropriate method of addressing these interests, and providing the assurances that Data Providers and Data Users seek. The Code revision process ensures the participation of those representing the above interests and takes account of their interests in a more detailed way than is possible in subordinate instruments. Code development is consistent with the regulatory framework set out in section 4 of the Act.

Cost to Industry

There are costs associated with the establishment and maintenance of the IPND by the IPND Manager. These are a result of the obligations imposed by the Licence Conditions, the IPND Technical Requirements, the IPND Scheme and related instruments, rather than from compliance with the Code.

There are establishment and ongoing costs incurred by Data Providers in establishing the means by which they will provide PNCD to the IPND Manager as a result of the IPND Technical Requirements as provided by the IPND Manager from time to time. The requirement by this Code to implement and manage Unlisted Entry and Suppressed

Address Entry where it is offered by a Data Provider will result in additional costs to Data Providers.

There are establishment and ongoing costs incurred by Data Providers and Data Users in establishing the means by which they will transfer and access PNCD to and from the IPND, and costs incurred by CSPs to enable Customers to access their PNCD.

The IPND Manager may also charge all Data Users reasonable charges for access to IPND data.

2017 Revision

This revision seeks to deliver on three specific recommendations that came out of the 2015 IPND Review by the Department of Communications and the Arts, broadly these are:

- 1. emphasis on stronger industry practices to support IPND Data Providers use of validation practices to improve data quality;*
- 2. developing guidance for Data Providers to implement processes that allow subscribers to easily view and correct their IPND records;*
- 3. establishment of awareness raising measures to highlight to subscribers the importance and need for providing correct information to their CSP, in order to ensure the IPND record is accurate.*

The Code reflects practices that are the only achievable and practical approach to dealing with these matters.

Other matters addressed by this revision include:

- the IPND Manager being able to update the IPND in certain specified circumstances;
- amendments to improve the ability to identify the CSP responsible for the accuracy of the data in the IPND; and
- a requirement for Data Providers to test prior to bulk uploads or system changes (and the IPND Manager to provide feedback) preventing potential systemic errors or failures.

CSP Data Quality

The Code and Industry Guideline G619: 2017 **IPND Data** has set out practices to improve data quality. The industry approach does not mandate use of data validation software as there is no address data set that is specifically capable of validating the address of all premises to which utility services are provided. While there are data sets and address validation software that can identify an address for postal purposes and that a property exists for purposes of rate payments, these data sets are not suitable for identifying the physical location of premises to which services, such as utilities, are connected. For example, a rural property may be of considerable size and have either a private road or a number of street frontages. A metropolitan property may have multiple dwellings on that property (e.g. a granny flat) and in some cases of private estates there may be no 'official' address that can be validated via current data sets.

A further problem with use of address data validation software is timeliness of update. Often telecommunications services are put into place before the process of officially

recognising an address. In these cases, strict use of address validation software would prohibit provision of a service, unless an override facility was in place, in which case an override facility would make the use of address validation software pointless and a regulatory cost burden for no practical benefit.

Access to PNCD

The industry process for Customer access to PNCD outlined in this Code:

- (a) contributes to security over who has access to PNCD (i.e. the Customer's CSP is in the best position to effectively identify and validate that the person seeking access to their PNCD is the actual Customer);
- (b) provides a process that is easy to use, low cost and more effective for Customers;
- (c) allows for easy correction of IPND PNCD that might arise from Customers accessing their PNCD; and
- (d) does not detract from any other right a Customer may have to access IPND PNCD.

This revision does not contemplate other recommendations in the 2015 IPND Review, such as, to broaden the range of users able to apply for access to IPND information. These particular recommendations have not been implemented at the time of this revision and are a matter for the Federal Government.

This revision also aligns definitions and service types with the Numbering Plan.

Alexander R. Osborne
Chairman

IPND Working Committee

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1 GENERAL

1.1 Introduction

- 1.1.1 Section 112 of the *Telecommunications Act 1997* (the Act) sets out the intention of the Commonwealth Parliament that bodies and associations representing sections of the telecommunications industry develop industry codes relating to the telecommunications activities of participants in those sections of the industry.
- 1.1.2 The development of the Code has been facilitated by Communications Alliance through a Working Committee comprised of representatives from the telecommunications industry, Government regulatory agencies, public number directory publishers and consumer groups.
- 1.1.3 The Code should be read in the context of other relevant Codes, Guidelines and documents, including the G619:2017 **IPND Data** Industry Guideline.
- 1.1.4 The Code should be read in conjunction with related legislation and legislative instruments, including:
- (a) the Act;
 - (b) the *Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)*;
 - (c) the *Privacy Act 1988 (Cth)*;
 - (d) *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997*, section 10 and/or any other Prescribed Conditions;
 - (e) the *Telecommunications Integrated Public Number Database Scheme 2017*;
 - (f) the *Telecommunications Numbering Plan 2015*;
 - (g) the *Telecommunications (Interception and Access) Act 1979*; and
 - (h) the *Telecommunications (Emergency Call Service) Determination 2009 Part 4*.
- 1.1.5 If there is a conflict between the requirements of the Code and any requirements imposed on, or exceptions provided to, a Participant by law, the Participant will not be in breach of the Code by complying with the requirements or exceptions provided by law.
- 1.1.6 Compliance with this Code does not guarantee compliance with any legislation. The Code is not a substitute for legal advice.

- 1.1.7 Statements in boxed text are a guide to interpretation only and not binding as Code rules.
- 1.1.8 The IPND has been developed as a resource for the telecommunications industry, providers of Directory Related Services, Enforcement Agencies and ESOs in Australia, and for any other purpose as allowed under the IPND Scheme.
- 1.1.9 The IPND is a national central repository for the receipt, storage and distribution of PNCD for Data Providers and Data Users.
- 1.1.10 Telstra is obliged under its Licence Conditions to establish and maintain a separate industry-wide IPND.
- 1.1.11 While the Act and the Licence Conditions allow for the initial establishment and maintenance of the IPND by Telstra, it is contemplated that the ongoing maintenance and operation of the IPND may be transferred to another specified person or association.
- 1.1.12 Part 4 of Schedule 2 of the Act specifies that if Telstra or that other person or association is under an obligation to provide and maintain an IPND, CSPs that supply a Carriage Service to an end-user, where the end-user has a Number, must provide Telstra or that other person or association with all information reasonably required in connection with the fulfilment of the obligation to provide and maintain an IPND.
- 1.1.13 Where the term IPND Manager is used in the Code, the term applies only to that person in its capacity as the IPND Manager.
- 1.1.14 Where the term CSP is used in the Code, and a CSP is also the IPND Manager, the term applies to that organisation in its role as a supplier of Carriage Services and not in its capacity as IPND Manager.

1.2 Registration with the ACMA

The Code is to be submitted to the Australian Communications and Media Authority (ACMA) for registration pursuant to section 117 of the Act.

1.3 Scope

- 1.3.1 The Code is applicable to the following sections of the telecommunications industry under section 110 of the Act:
- (a) Carriers; and
 - (b) Carriage Service Providers.

NOTE 1: The Code is applicable to the IPND Manager as:

- *this role is currently performed by a Carrier; and*
- *the IPND Manager carries out the telecommunications activities listed in Clause 1.3.3.*

NOTE 2: The Code has been developed and registered on the basis that it applies to Carriers and CSPs, but it also provides information and guidance for other Participants that interact with the IPND Manager. A Participant that is not a Carrier or CSP may be subject to other IPND-related laws or instruments. For example, the Telecommunications Integrated Public Number Database Scheme 2017 sets out rules applicable to certain Data Users that are not CSPs.

- 1.3.2 The Code deals with the following telecommunications activities as defined in section 109 of the Act:
- (a) carrying on business as a Carrier; or
 - (b) carrying on business activities as a Carriage Service Provider; or
 - (c) supplying Goods or Service(s) for use in connection with the supply of a Listed Carriage Service.
- 1.3.3 The Code also applies in particular to the following activities of Carriers and CSPs:
- (a) supply of PNCD to the IPND Manager by a Data Provider pursuant to Part 4 of Schedule 2 of the Act;
 - (b) accessing of PNCD from the IPND Manager by Data Users pursuant to the Act and other relevant law; and
 - (c) managing, maintaining and administering PNCD stored in the IPND by the IPND Manager pursuant to the Prescribed Conditions.
- 1.3.4 The Code does not cover charging principles related to access to PNCD.

1.4 Objectives

- 1.4.1 The objectives of the Code are to ensure that:
- (a) CSPs capture and provide details of the Customer's choice of a Listed Entry, Unlisted Entry or where offered, Suppressed Address Entry;
 - (b) CSP's take reasonable steps to provide their Customers with sufficient information about the use of PNCD data;
 - (c) the rights and obligations of Participants regarding the transfer, use, disclosure and storage of PNCD in the IPND are clear;
 - (d) agreed uniform procedures and formats are followed when PNCD is transferred to the IPND Manager by Data Providers;
 - (e) agreed uniform procedures and formats are followed when PNCD is transferred from the IPND Manager to Data Users;

- (f) procedures treat Data Providers on an equitable basis;
- (g) procedures treat Data Users within the same Approved Purpose category on an equitable basis;
- (h) procedures do not detract from Customers' rights with regard to security and privacy of personal information;
- (i) Customers have a process by which they can access their PNCD;
- (j) procedures and processes maximise data accuracy and efficiency through the cooperation of all Participants; and
- (k) PNCD that is transferred to, stored in, used and disclosed from, the IPND is secure and adequately protected.

1.5 Commencement Date

Except as otherwise provided under clause 1.5, this Code will commence on the day of registration with the ACMA.

For the purposes of clause 5.2 Customer access to their IPND Data, the ability to access PNCD from a CSP will not commence until that date which is six months after the date of registration of this Code with the ACMA.

1.6 Code review

The Code will be reviewed every 5 years, or earlier in the event of significant developments that affect the Code or a chapter within the Code.

1.7 Powers of the Telecommunications Industry Ombudsman to handle complaints under the Code

Under section 114 of the Act and subject to the consent of the TIO, the Code confers on the TIO the functions and powers of:

- (a) receiving;
- (b) investigating;
- (c) facilitating the resolution of;
- (d) making determinations in relation to;
- (e) giving directions in relation to; and
- (f) reporting on

complaints made by the end users of a Listed Carriage Service about matters arising under or in relation to the Code, including compliance with the Code by Carriers and CSPs.

2 ACRONYMS, DEFINITIONS AND INTERPRETATIONS

2.1 Acronyms

For the purposes of the Code:

ACMA

means the Australian Communications and Media Authority

CSP

means Carriage Service Provider

DUQF

means Data User Query File

ESO

means Emergency Services Organisation

IPND

means Integrated Public Number Database

PMTS

means Public Mobile Telecommunications Service

PNCD

means Public Number Customer Data

PNDD

means Public Number Directory Data

TCPSS

means *Telecommunications (Consumer Protection and Service Standards) Act 1999*

VoIP

means Voice over Internet Protocol.

2.2 Definitions

For the purposes of the Code:

Act

means the *Telecommunications Act 1997 (Cth)*.

Alternate Address Flag

has the meaning given by the Dictionary of the Telecommunications (Emergency Call Service) Determination 2009.

Amalgamated Query File

means a file containing potential inconsistencies in PNCD raised by all Data Users, and is a mechanism whereby a Data User can directly verify that a query is active for a particular service.

Approved Purpose

means in respect of PNCD stored in the IPND, the following activities:

- (a) providing Directory Assistance Services;
- (b) providing Operator Services or Operator Assistance Services;
- (c) publishing and maintaining Public Number Directories;
- (d) providing Location Dependent Carriage Services;
- (e) the operation of Emergency Call Services or assisting ESOs under Part 8 of the TCPSS Act;
- (f) assisting Enforcement Agencies or safeguarding national security in accordance with Part 14 of the Act, or any other applicable legal requirement;
- (g) verifying the accuracy of information provided by the Data Provider and held in the IPND against the information the Data Provider holds;
- (h) undertaking research of a kind specified in the *Telecommunications (Integrated Public Number Database – Permitted Research Purposes) Instrument 2017*;
- (i) assisting the ACMA, or its nominee, to verify the accuracy and completeness of information held in the IPND; and
- (j) any other purposes permitted by the Act, or any other relevant laws.

Authorities

includes but is not limited to the ACMA, the Office of the Australian Information Commissioner and an Enforcement Agency.

Business Day

means any day from Monday to Friday (inclusive) excluding gazetted public holidays. A Business Day goes from 12:00 am to 11:59 pm on that day, unless otherwise specified. Gazetted public holidays are limited to holidays gazetted in the Commonwealth gazette and holidays gazetted in the state or territory from which the Data Provider normally provides the data.

Business Hours

means the hours commencing at 8.00 am and ending at 5.00 pm on any Business Day. All times specified in this Code are based on Australian Eastern Standard Time (AEST).

Carriage Service

has the same meaning as in the Act.

Carriage Service Provider

has the meaning given by section 87 of the Act.

NOTE: CSPs include internet service providers and VoIP service providers that supply a Carriage Service using an Issued Number.

Carrier

has the meaning given by section 7 of the Act.

Customer

means the person who is contracted to a CSP for the supply of a Carriage Service in association with a Number.

Data Provider

means a CSP or a person acting on behalf of a CSP, who is registered with the IPND Manager and has received authorisation from the IPND Manager to send PNCD to the IPND.

NOTE: A CSP or a person acting on behalf of a CSP is not classified as a Data Provider until this authorisation process is completed.

Data Provider Code

means a unique Data Provider Code, generated and allocated by the IPND Manager, on receipt of an application from a Data Provider.

Data Provider Error File

means files generated by the IPND and sent to Data Providers containing records of errors identified during the validation of the Data Provider's upload file to the IPND.

Data Provider Query File

means a file generated by the IPND and sent to the Data Provider which highlights potential inconsistencies in PNCD, identified by Data Users via Data User Query Files.

Data User

means an entity that has been granted authorisation from the ACMA and / or IPND Manager to receive PNCD from the IPND for an Approved Purpose.

Data User Query File

means a file generated by a Data User and sent to the IPND Manager to highlight one or more potential inconsistencies in PNCD.

Directory Assistance Services

has the same meaning as given by section 7 of the Act.

Directory Assistance Service Provider

means a provider of Directory Assistance Services and includes Operator Assistance Services.

Directory Related Services

means Directory Assistance Services, Operator Assistance Services, Operator Services and the publication and maintenance of Public Number Directories.

Emergency Call Person

has the same meaning as given by section 7 of the Act.

Emergency Call Service

has the same meaning as given in section 7 of the Act.

Emergency Management Person

has the same meaning as given by section 275B of the Act.

Emergency Service Organisation

has the same meaning as given in subsection 147 (11) in the TCPSS Act.

Enforcement Agency

means a government agency that requires access to information stored in the IPND for the law enforcement or national security purposes described in the Licence Conditions.

File Specification

means the file format (consisting of, but not limited to, data fields, data field lengths, and data field positions within a file) for data as set out in the IPND Technical Requirements.

Force Majeure

means an unforeseen or uncontrollable force or event, such as fire, flood, earthquake, storm or other disturbance caused by the elements, an Act of God, or war, strike, lockout, riot, explosion, insurrection, governmental action or another event of the kind enumerated above which is not reasonably within the control of the Participant.

Geographic Number

has the same meaning as in the Plan.

Hard Error

means an error that prevents the upload of the file and/or PNCD record into the IPND, that is, errors identified during the validation of the Data Provider's upload file which result in the record or file in question being rejected by the IPND.

Hard Reject

means PNCD that contains a Hard Error that is rejected by the IPND and returned to the Data Provider.

Information Package

means:

- (a) a proposed standard agreement for Data Providers and/or Data Users;
- (b) in the case of Data Users, a proposal for cost structure;
- (c) current IPND Technical Requirements;
- (d) the C555:2017 **Integrated Public Number Database** Industry Code;
- (e) the G619:2017 **IPND Data** Industry Guideline; and
- (f) such other information the IPND Manager deems appropriate.

Integrated Public Number Database

means the Integrated Public Number Database created pursuant to the Act and the Licence Conditions.

IPND Manager

means the person or association or delegate(s) that manages, maintains and administers the IPND.

IPND Scheme

means the *Telecommunications Integrated Public Number Database Scheme 2017*.

IPND Technical Requirements

means *Integrated Public Number Database (IPND) Data Users and Data Providers Technical Requirements for IPND*.

Issued

means the action of a CSP supplying a Number to a Customer, or their delegate, and the Customer agreeing to the provision of a specific Number for the purpose of providing a Carriage Service as referred to in section 456 of the Act.

Licence Conditions

means the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997*.

Listed Carriage Service

has the same meaning as in the Act.

Listed Entry

means an entry in the IPND relating to a Listed Number, containing PNDD that will be available in Directory Related Services and includes a Standard Telephone Service with:

- (a) a Geographic Number or Mobile Number that the Customer has agreed to be included in Directory Related Services; or
- (b) any other Number that the Customer has specifically requested to being included in Directory Related Services.

Listed Number

means a Number other than an Unlisted Number.

Local Service

has the same meaning as in the Plan.

Location Dependent Carriage Service

means a Carriage Service which:

- (a) depends for its provision on the availability of information about the street address of the caller, and
- (b) routes calls to a particular destination, normally the closest destination to the caller.

Location Dependent Carriage Service Data

means the data relevant to a Customer excluding the Customer's name but including:

- (a) the Number;
- (b) the address of the Customer which is:
 - (i) for a Local Service, the Service Address as installed, unless not technically feasible; or
 - (ii) for a PMTS, the physical address, where practicable, as provided by the Customer;
- (c) a code that can be used to identify the CSP that provides:
 - (i) service for the originating or terminating Carriage Services to the Customer; or
 - (ii) a PMTS to the Customer; and
- (d) an indication of whether the service is to be a Listed Entry, an Unlisted Entry or a Suppressed Address Entry (where offered) in a Public Number Directory.

Mobile Number

means a number that has been allocated under the Plan to a CSP for the provision of a PMTS.

Number

means a number specified in the Plan as referred to in subsection 455(3) of the Act.

Operator Assistance Service

means a service involving the connection of a telephone call by an operator, as per the Licence Conditions.

Operator Services

means services:

- (a) for dealing with faults and service difficulties; and
- (b) of a kind specified in regulations made under the Act;

as per the Act and Licence Conditions.

Participants

means Data Users, Data Providers and the IPND Manager.

Plan

means the *Telecommunications Numbering Plan 2015*, or its equivalent under an industry managed numbering scheme.

Prescribed Conditions

means in the case of Telstra, its Licence Conditions, and in the event the IPND Manager is another person or association, conditions stipulated in a Ministerial Direction.

Public Mobile Telecommunications Service

has the meaning given in section 32 of the Act.

Public Number Customer Data

means the data relevant to a Customer and including, as referenced in the Licence Conditions:

- (a) the Number; and
- (b) the name of the Customer; and
- (c) the directory finding name for a Listed Entry or Suppressed Address Entry (where offered); and
- (d) the address of the Customer which is:
 - (i) for a Local Service, the Service Address as installed unless not technically feasible;
 - (ii) for a PMTS, the physical address, where practicable, as provided by the Customer; and
 - (iii) for a Listed Entry or Suppressed Address Entry (where offered), the directory address; and
- (e) the name of the CSP that provides:
 - (i) services for the originating Carriage Services to the Customer; or
 - (ii) a PMTS to the Customer; and
- (f) an indication of whether the service is to be used for government, business, charitable or residential purposes, if practicable; and
- (g) an indication of whether the service is to be a Listed Entry, an Unlisted Entry or a Suppressed Address Entry (where offered) in a Directory Related Service;
- (h) the Alternate Address Flag; and
- (i) Data Provider Code

Public Number Directory

has the meaning given by subsection 285(2) of the Act.

Public Number Directory Data

means a sub-set of PNCD derived directly from the IPND including:

- (a) the Number of the Customer;
- (b) the name of the Customer;
- (c) the directory finding name for a Listed Entry or Suppressed Address Entry;
- (d) the directory address of the Customer for a Listed Entry or Suppressed Address Entry (where offered);
- (e) an indication of whether the service is to be used for government, business, charitable or residential purposes, if practicable; and
- (f) an indication of whether the service is to be Listed Entry, an Unlisted Entry or a Suppressed Address Entry (where offered) in a Directory Related Service;
- (g) or as otherwise authorised pursuant to the IPND Scheme.

Public Payphone

means a public payphone as defined in the Licence Conditions which is operated by a Carrier or CSP.

Service Address

means the address of the Customer which is:

- (a) for a Local Service, the Service Address as installed, unless not technically feasible; or
- (b) for a PMTS, the physical address, where practicable, as provided by the Customer.

NOTE: For avoidance of doubt, a Service Address can only be a physical address where an emergency service vehicle can find a building or other facility, such as a dwelling, office building, marina, manufacturing or storage facility etc. and the Customer has an association to that premises. Postal addresses such as Roadside Mail Box, Post Boxes etc. are not considered to be a physical address.

Soft Error

means a potential error in a record identified during the validation of the Data Provider's upload file, at a field level, which result in the record in question being supplied to the IPND, tagged as having a Soft Error.

Soft Reject

means PNCD that contains a potential error that is tagged by the IPND and returned to the Data Provider.

Standard Telephone Service

has the same meaning as in the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

Sub Address

means the additional physical address data that identifies a Service Address or Directory Address at a more specific level, such as the unit number, floor level, building identification, or other addressing within a building / complex, marina etc.

Suppressed Address Entry

means a Listed Entry whereby at the Customer's request, and if offered by the CSP, only the Customer's name, locality, state, postcode and Number will be made public in Directory Related Services.

Unlisted Entry

means an entry in the IPND containing PNDD relating to an Unlisted Number.

Unlisted Number

means a Number of one of the following kinds:

- (a) a Mobile Number, unless the Customer and the CSP that provides the PMTS to the Customer agree that the Number will be a Listed Number;
- (b) the number of a Public Payphone;
- (c) a Number that the Customer and the CSP that provides services for originating or terminating Carriage Services to the Customer agree will not be included in a PND;
- (d) any other Number that may be treated as an Unlisted Number as a result of a change to a law.

Voice over Internet Protocol

means technology used to transmit voice conversations over a data network using the Internet Protocol.

2.3 Interpretations

In the Code, unless the contrary appears:

- (a) headings are for convenience only and do not affect interpretation;
- (b) a reference to a statute, legislative instruments, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (c) words in the singular includes the plural and vice versa;
- (d) words importing persons include a body whether corporate, politic or otherwise;
- (e) where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (f) mentioning anything after include, includes or including does not limit what else might be included;
- (g) words and expressions which are not defined have the meanings given to them in the Act; and
- (h) a reference to a person includes a reference to the person's executors, administrators, successors, officers, employees, subcontractors, agents, assignees and novatees.

3 PRINCIPLES

3.1 Principles of the IPND Code

- 3.1.1 Nothing in this Code is intended to change the intellectual property rights (if any) of Participants.
- 3.1.2 The requirements of this Code will apply equitably to all Participants, unless otherwise provided.
- 3.1.3 The IPND Manager will perform minimal processing and filtering of PNCD, requiring a cooperative approach amongst Participants to data accuracy.
- 3.1.4 The IPND Manager is responsible for the ongoing maintenance, security and data management of the IPND (including disaster recovery). To the extent that these responsibilities are additional to those set out in legislation, this Code elaborates on these responsibilities.
- 3.1.5 The level of service provided to each Data Provider and each Data User within the same Approved Purpose category must be equitable.
- 3.1.6 The IPND Manager will assist in quality control, for example through the provision of Data Provider Error Files, Data User Query Files, Data Provider Query Files and address (locality, state and postcode) validation in accordance with the IPND Technical Requirements.
- 3.1.7 The IPND must be a stand-alone database system to facilitate the transfer of the IPND and its management to another specified person as contemplated by section 472 of the Act.
- 3.1.8 It is a general principle that in circumstances which amount to Force Majeure, all relevant Participants will without prejudice use all reasonable endeavours to address those circumstances.
- 3.1.9 This Code contains the minimum requirements for data transferred to and from and stored in the IPND. While parties may agree on alternative arrangements in bilateral agreements, such alternative arrangements must not diminish any requirements of principles in this Code or the G619:2017 **IPND Data** Industry Guideline.
- 3.1.10 The IPND should contain one set of current PNCD for each Number Issued to a Customer.

4 RULES RELATING TO THE IPND CODE

4.1 Rules relating to Customers

- 4.1.1 Each CSP must provide their Customers with the choice of either a Listed Entry or an Unlisted Entry and make arrangements to record the Customers preference in the PNCD.
- 4.1.2 Where CSPs offer their Customers an option of a Suppressed Address Entry, only the locality, state and postcode components of the directory address may appear in Directory Related Services and the CSP must make arrangements to record the Customers preference in the PNCD.
- 4.1.3 CSPs must take reasonable steps to inform their Customers about the provision of their PNCD to the IPND and its uses, including the type of Data Users who may have access to PNCD from the IPND.

NOTE: This IPND specific information may be provided to Customers as part of the privacy related materials which need to be drawn to Customer's attention when initially collecting personal information, and otherwise made readily available, in order to comply with Australian Privacy Principle 5.

Types of Data Users that may be referred to could include (but not limited to) Directory Related Service Providers, Emergency Call Service Operators and Enforcement Agencies.

- 4.1.4 CSPs must take reasonable steps to inform their Customers of the importance of their PNCD being kept up to date and accurate and must encourage them to contact their CSP if their information changes. For example, if a Customer changes their service address they should advise their CSP.

- 4.1.5 If a Customer contacts any of the following in relation to their PNCD:

- (a) the IPND Manager;
- (b) a Data Provider who is not the Customer's CSP; or
- (c) a Data User who is not the Customer's CSP;

then the IPND Manager, the Data Provider, the CSP or the Data User as the case may be, must advise the Customer that changes to their PNCD can only be made by that Customer's CSP.

NOTE: This clause does not affect any other obligations Participants may have under law, such as under the Australian Privacy Principle 13, to correct inaccurate data.

- 4.1.6 A CSP must take reasonable steps to ensure that their Customers understand that if at any time they wish to have their PNCD altered in the IPND in any way they will be required to contact their CSP to arrange this.

NOTE: Examples of reasonable steps include (but are not limited to) inclusion of information in standard forms of agreement, provision of written material to Customers, provision of verbal advice to Customers or information via public media.

- 4.1.7 Data Users must not use PNCD to contact Customers, with the exception of the following:
- (a) an Emergency Call Person;
 - (b) Directory Assistance Service Providers as allowed under the Act; or
 - (c) as allowed under the Act.

NOTE: Customer contact may arise from indirect use of PNCD within the IPND by Enforcement Agencies or an ESO.

4.2 Rules for data provision to the IPND Manager

- 4.2.1 Each CSP that provides a Carriage Service to a Customer using a Number must provide the relevant PNCD to the IPND Manager in respect of each Carriage Service it supplies.

NOTE: This Code also applies to calling card, internet and pre-paid Carriage Services where there is a Number Issued that is associated with that Service.

In the case of 1800 international numbers or equivalent Carriage Services, the Data Provider will provide all associated PNCD including foreign addresses, if permitted by the Customer. The national C party translation, that is, the number or numbers associated with these Carriage Services will be entered into the IPND as Unlisted Numbers.

Where number only services are used that only permit initial calling, such as 1800, 13/1300 or equivalent numbers, Data Providers may exclude the PNCD for these services from the IPND.

- 4.2.2 Each CSP that has an obligation under clause 4.2.1 must register with the IPND Manager in order to be authorised to supply PNCD to the IPND.
- 4.2.3 To register with the IPND Manager a CSP must provide its name, address and contact details to the IPND Manager.
- 4.2.4 Following on from clause 4.2.3, a CSP must then either:
- (a) register with the IPND Manager as its own Data Provider before providing the IPND Manager with PNCD; or
 - (b) contract with a Data Provider, to act on its behalf to provide PNCD to the IPND Manager.
- 4.2.5 A Data Provider must be registered with the IPND Manager in order to be authorised to supply PNCD to the IPND.

- 4.2.6 To register with the IPND Manager a Data Provider must provide its name, address and contact details to the IPND Manager.
- 4.2.7 A Data Provider must nominate to the IPND Manager an approved contact person(s) to manage the CSP's PNCD and deal with the IPND Manager and other parties on IPND operational issues.
- 4.2.8 A Data Provider must use its Data Provider Code to identify itself as the agent that supplies PNCD to the IPND Manager on behalf of a CSP or group of CSPs.
- 4.2.9 Data Providers must ensure that the contact information provided pursuant to clause 4.2.6 remains current.
- 4.2.10 Data Providers must ensure that all PNCD transferred to the IPND Manager is in the format specified in the IPND Technical Requirements.

NOTE: On receipt of PNCD the IPND Manager will undertake analysis of the PNCD in accordance with the IPND Technical Requirements and provide a report containing details of any errors found. Details of IPND reports can be found in Appendix A.

The IPND Manager undertakes limited checks of address data quality and only validates a valid combination of locality/state/postcode fields. CSPs should ensure that they have their own arrangements to validate address data quality.

- 4.2.11 Each CSP must ensure that the PNCD provided to the IPND Manager is accurate, complete and up to date.

NOTE: In order to meet this obligation in relation to accurate address data and ensure the highest level of quality of address data that is vital to many IPND Data Users, it is highly recommended that the CSP follows the guidelines provided in G619:2017 IPND Data Industry Guideline and uses address validation tools such as specific address validation software to validate the correct entry and supply of address data to the IPND Manager.

- 4.2.12 A Data Provider or any other party in the chain of suppliers leading from the CSP to the Data Provider, acting on behalf of a CSP must ensure that the PNCD that is supplied to the IPND Manager is an accurate reflection of the PNCD supplied by the CSP.
- 4.2.13 In the event that a technical failure of any kind prevents a Data Provider from transferring PNCD to the IPND Manager for more than one Business Day, the Data Provider must take all reasonable steps to provide data to the IPND Manager as soon as practicable and in the correct sequence and format after the technical failure has been rectified.
- 4.2.14 In the event that a technical failure of any kind prevents a Data Provider from transferring PNCD to the IPND Manager for more

than one Business Day, the IPND Manager must take all reasonable steps (with a focus on ensuring the protection and privacy of IPND data) to accommodate the Data Provider's alternate methods of transferring PNCD until the technical problem is rectified.

- 4.2.15 If a Customer chooses to change their CSP, the responsibility for providing the updated PNCD to the IPND Manager rests with the gaining CSP.

NOTE: This includes asking and recording the Customers preference for an Unlisted, Listed or Suppressed Address Entry (where available).

- 4.2.16 If a CSP is merged or taken over by another CSP, the responsibility for providing updated PNCD to the IPND Manager rests with the new CSP.

- 4.2.17 Each CSP must send a disconnect transaction to the IPND Manager for each Number upon ceasing to supply a Carriage Service to a Customer on that Number.

- 4.2.18 Each CSP, upon confirming that a Customer's PNCD is incorrect, must take reasonable steps to ensure that incorrect data is corrected and sent to the IPND Manager within two Business Days, subject to IPND operational limitations.

- 4.2.19 A Data Provider must take all reasonable steps to avoid adverse impact on the operation of the IPND and on becoming aware of a problem must immediately notify the IPND Manager of the impact and provide reasonable assistance in resolving the problem.

- 4.2.20 A Data Provider must take all reasonable steps to avoid adverse impact on the accuracy, completeness and currency of another Data Provider's data.

- 4.2.21 Any Data Provider who becomes aware or is made aware of having caused adverse impact on the PNCD of another Data Provider must immediately notify the IPND Manager and provide all reasonable assistance in resolving the problem.

- 4.2.22 CSPs must identify each Number used to supply a Carriage Service with a tag identifying whether the Number is to be a Listed Entry, Suppressed Address Entry (where offered) or an Unlisted Entry.

- 4.2.23 CSPs must identify, by the use of an Alternate Address Flag, those services where the Service Address provided may not be the physical address from where the Customer is calling.

NOTE: The Alternate Address Flag is a mandatory field in the IPND that assists ESOs in their communications with the caller. The flag should be set to 'True' where calls are made from a telephone service connected to a PABX, when using nomadic services such

as VoIP, or when calling from Geographic Numbers used to relay emergency services.

For PMTS, the Alternate Address Flag is set to 'False'.

- 4.2.24 Data Providers must ensure that all PNCD records provided to the IPND Manager include the unique Data Provider Code and CSP Code combination as assigned by the IPND Manager.

NOTE: A unique Data Provider Code and CSP code combination is required to identify the CSP responsible for ensuring accurate, complete and up to date PNCD and to also identify the Data Provider responsible for uploading the PNCD to the IPND Manager. The IPND Manager needs to be advised if data provision arrangements change so a new unique code combination can be assigned and used.

- 4.2.25 The CSP must supply, to the IPND Manager, all PNCD updates, that occur on one Business Day, by the end of the next Business Day. This includes all transactions relating to pending connections or pending disconnections, and connections or disconnections.

- 4.2.26 For a Standard Telephone Service made available to a person by a CSP on a temporary basis:

- (a) when the CSP has made arrangements enabling queries from ESOs or Enforcement Agencies to be answered at any time, the PNCD in the IPND may show the CSP as the Customer where the period of availability is 30 calendar days or less.
- (b) when the CSP does not have in place arrangements as described in paragraph (a), the PNCD in the IPND may show the CSP as the Customer.

NOTE: A CSP may be identified as the Customer for services that are provided to end users on a temporary basis, including on a per call basis such as those from VoIP outbound only services.

- 4.2.27 A Number Issued to a Customer who makes the Number available to third parties on a short-term basis (for example, hotels, hospitals, car rentals, etc.) must be entered in the IPND with the Customer information, not the third-party user information.
- 4.2.28 For reconciliation purposes, Data Providers can obtain an extract of their PNCD as a full set of records or as a subset of records based on criteria agreed between the Data Provider and the IPND Manager.
- 4.2.29 The IPND Manager must provide the information referred to in clause 4.2.28 within a reasonable timeframe, not exceeding 15 Business Days.

- 4.2.30 Where a new Data Provider is intending to transfer PNCD to the IPND Manager, the Data Provider must first successfully complete system testing in the IPND testing environment.

NOTE: The IPND Manager will be notified on completion of the successful testing in the IPND testing environment and will then authorise the Data Provider to connect to the IPND production environment.

- 4.2.31 Where a Data Provider is making a relevant system change, it must undertake an assessment of whether the change will impact the delivery of PNCD being sent to the IPND Manager. If the Data Provider believes, as a result of this assessment, that there is potential for an impact of this kind, then the Data Provider must successfully complete system testing in the IPND testing environment before their system change can be put into effect, i.e. prior to including any such change in live data sent to the IPND production environment.

- 4.2.32 The Data Provider must request access to the IPND testing environment from the IPND Manager in order to conduct these tests.

NOTE: The IPND Manager will be notified on completion of the successful testing in the IPND testing environment and will then authorise the Data Provider to connect to the IPND production environment.

- 4.2.33 Where a Data Provider intends to undertake a large data or bulk refresh of their PNCD in the IPND, the Data Provider must notify the IPND Manager at least two Business Days before this activity is undertaken.

- 4.2.34 A large data or bulk refresh will not be able to exceed 100,000 records per file. If the intent is to send more than 10 files per day, the Data Provider must inform the IPND Manager in advance to arrange a suitable timeframe.

4.3 Rules for Data Transfer – Use and disclosure of data transferred from the IPND Manager

DATA PROVISIONING

- 4.3.1 The target end to end processing time from the provision of PNCD by the Data Provider to the IPND Manager until the availability of the Customer's PNCD from the IPND is:
- (a) to a Data User for the Approved Purpose (e), no later than 9:00am (AEST) the following day, provided that the PNCD is received by 9:00pm (AEST);
 - (b) to Data Users for Approved Purpose (f), within 24 hours; and
 - (c) to all other Data Users, on the next Business Day.

4.3.2 In PNCD and PNDD transfers, the IPND Manager must provide the following additional associated data:

- (a) Data Provider and CSP codes to Enforcement Agency, Emergency Call Service and Emergency Management Person Data Users; and
- (b) CSP codes to Location Dependent Carriage Service Data Users.

4.3.3 When a Data Provider sends an update to the IPND Manager that causes a Number to change status from Listed Entry to Unlisted Entry, or Suppressed Address Entry to Unlisted Entry, the IPND Manager must:

- (a) accept this update as valid;
- (b) notify relevant Data Users that a particular Number has become an Unlisted Entry by a notification that will only include:
 - (i) the Number;
 - (ii) date of change to an Unlisted Entry;
 - (iii) the list code; and
- (c) not provide any other PNCD associated with the Number to providers of Directory Related Services.

NOTE: Refer to clause 4.3.9 for Data Users' obligations.

4.3.4 When a Data Provider sends an update to the IPND Manager that causes a Number to change status from a Suppressed Address Entry to Listed Entry, or Unlisted Entry to Listed Entry the IPND Manager must:

- (a) accept this update as valid; and
- (b) provide relevant PNCD or PNDD to Data Users.

NOTE: Refer to clause 4.3.9 for Data Users' obligations.

4.3.5 When a Data Provider sends an update to the IPND Manager that causes a Number to go from Listed Entry to Suppressed Address Entry, or Unlisted Entry to Suppressed Address Entry, the IPND Manager must:

- (a) accept this transaction as valid; and
- (b) provide relevant PNCD or PNDD to Data Users.

NOTE: Refer to clause 4.3.9 for Data Users' obligations.

USE AND DISCLOSURE

- 4.3.6 The IPND Manager must ensure that the IPND has in-built functionality to deny provision of PNCD identified as an Unlisted Entry to Data Users except for:
- (a) as provided for in clause 4.3.3;
 - (b) provision to an Emergency Call Service or an ESO;
 - (c) assisting Enforcement Agencies; or
 - (d) Approved Purposes (g), (i) and (j).
- 4.3.7 The IPND Manager must not disclose any PNCD contained in an Unlisted Entry to any Data User that provides Directory Related Services except as permitted by the Act or any other applicable laws, or in accordance with the procedure set out in clause 4.3.3.
- 4.3.8 The IPND Manager must only provide data containing an Unlisted Entry to providers of Directory Related Services for the purpose of informing those providers that a Listed Entry or Suppressed Address Entry has become an Unlisted Entry.
- 4.3.9 Upon receiving notification that a Number has changed listing type, providers of Directory Related Services must reflect that change by updating all relevant records within one Business Day of receiving that notification.

NOTE: Change of listing type includes any change from Listed Entry, Suppressed Address Entry (where offered) or Unlisted Entry to any other listing type.

- 4.3.10 The IPND must have in-built functionality to indicate that PNCD relates to a Suppressed Address Entry.
- 4.3.11 Providers of Directory Related Services must not publish or otherwise disclose address details other than the locality, state and postcode of PNDD tagged as Suppressed Address Entry.
- 4.3.12 Data Users must not:
- (a) use or disclose Unlisted Entry data for purposes other than assisting Enforcement Agencies and ESOs;
 - (b) sell or provide PNCD to any other entity for any purpose except as required by law;

NOTE: PNDD can be used for Directory Related Services to develop products which can then be sold or provided.

- (c) analyse or collate information such that it could be used to obtain information about new services or moved services; or
- (d) obtain information about movement between CSPs or for establishment of marketing databases.

- 4.3.13 The IPND Manager will make available daily updates of the IPND as indicated by the IPND Technical Requirements to Data Users within the same Approved Purpose category on an equitable basis.
- 4.3.14 Where a Data User requests data to be provided by particular fields, the IPND Manager must provide advice to that Data User regarding the cost and time involved. Where the Data User decides to proceed, the IPND Manager must respond in a reasonable timeframe and on an equitable basis.
- 4.3.15 All PNCD and PNDD will be transferred via secure electronic means as specified via file transfer protocol, unless under exceptional circumstances where an alternate secure process is negotiated.
- 4.3.16 The IPND Technical Requirements document provided by the IPND Manager to Data Users and Data Providers must contain a description of the standard file transfer mechanisms and formats.
- 4.3.17 A Data User may request a download of all the data contained in the IPND relevant to it at a specific point in time, that is, a bulk data refresh. A bulk data refresh may be arranged by the IPND Manager upon request. Data Users should provide a reasonable timeframe of advance notification when making such requests.
- 4.3.18 The IPND Manager must provide information referred to in clause 4.3.17 within a reasonable timeframe.

NOTE: In assessing a reasonable timeframe, relevant considerations include:

- *the volume of data requested;*
- *transmission capacity;*
- *methods of secure delivery;*
- *impact on IPND operations; and*
- *the principle of equitable treatment.*

- 4.3.19 The IPND Manager must, upon request, make current Data User contact information available to any CSP, Data Provider, Communications Alliance or the ACMA.
- 4.3.20 The IPND Manager must, upon request, make current CSP or Data Provider contact information available to Data Users or the ACMA.

5 CONDITIONS FOR ACCESS TO IPND DATA

5.1 Data User access to IPND Data

- 5.1.1 The IPND Manager must treat prospective Data Users within the same Approved Purposes category in an equitable manner with regards to the terms and conditions of access to PNCD or PNDD.
- 5.1.2 The IPND Manager must take reasonable steps to ensure that a prospective Data User is made aware of this Code.
- 5.1.3 If a person wishes to register as an IPND Data User, the IPND Manager must make available to that person an Information Package within 20 Business Days of receiving a written request for such information and/or an expression of interest in becoming an IPND Data User. The IPND Manager must provide an Information Package to persons wishing to register as an IPND Data User on an equitable basis.

NOTE: Under the IPND Scheme, prospective Data Users who wish to use PNCD or PNDD for Public Number Directories or research in the public interest as determined by the Minister under sub-section 285(3) of the Act, must apply to the ACMA for an authorisation, and to the IPND Manager for access. Other parties who require access should contact only the IPND Manager who may consult the ACMA.

- 5.1.4 The IPND Manager may only register a person as a Data User after receiving an application from the person, and where the person has:
- (a) advised the Approved Purpose for use of PNCD or PNDD;
 - (b) provided any necessary supporting material relating to the intended Approved Purpose;
 - (c) provided contact information;
 - (d) authorisation from the ACMA where required at law, and provided a copy of that authorisation (including any relevant conditions) to the IPND Manager; and
 - (e) their registered office within Australia.
- 5.1.5 Data Users must:
- (a) agree to comply with IPND Technical Requirements and other security provisions as notified by the IPND Manager from time to time; and
 - (b) not transfer, copy, use or supply the PNCD or PNDD other than for the specific Approved Purpose for which it has applied.

- 5.1.6 The IPND Manager must not unreasonably deny access to a prospective Data User, nor give undue emphasis to a potential Data User's inexperience in their application.

NOTE: In view of the obligations of the IPND Manager under Part 13 of the Act and other applicable laws, the IPND Manager may take into account the previous actions of a potential Data User and any advice from the ACMA about the potential Data User's compliance or non-compliance with the Approved Purposes, and the Data User's ability to use PNCD or PNDD for the purpose or purposes it has given.

- 5.1.7 On receipt of the Data User application from a prospective Data User and all information reasonably requested by the IPND Manager needed in considering the prospective Data User's application, the IPND Manager must consider the application and respond to the prospective Data User within 30 Business Days with a decision on whether the applicant will be registered as a Data User by the IPND Manager.

NOTE: The receipt of PNCD or PNDD will be subject to agreement on the terms and conditions as between the IPND Manager and the prospective Data User.

- 5.1.8 Each Data User must nominate to the IPND Manager an approved contact person(s) (including outside of Business Hours) to manage communications with the IPND Manager and other parties on IPND operational issues.

- 5.1.9 Data Users must ensure that contact information remains current.

5.2 Customer access to their IPND Data

Under the *Privacy Act 1988 (Cth)*, Customers who are individuals are entitled to obtain access to their PNCD and, if that data is incorrect, to seek correction.

For practical purposes, this Code sets out an industry agreed process for Customers to obtain their PNCD and / or seek correction of that data through the CSP of which they are a Customer.

NOTE 1: The process set out in this Code for Customers to seek access to their PNCD is the industry preferred process, but does not detract from the Customers' rights (where the Customers are individuals) to seek access to their personal information under the Privacy Act 1988 (Cth) and other privacy laws, including from the IPND Manager.

The industry preferred approach recognises the practical issues associated with the IPND Manager being unable to confirm the identity of a person seeking access to PNCD as the person with a right to seek access to that data. The industry has agreed that the process set out in the Code is the preferred approach as it reduces the potential risk of PNCD being provided to an unauthorised individual and resulting in a breach of privacy laws.

NOTE 2: Where a person has services with more than one CSP they should approach each CSP of which they are a Customer to access the relevant PNCD.

- 5.2.1 Where the Customer seeks access to their PNCD, the Customer should contact their CSP directly, through the communication method advised by their CSP.

NOTE: Responsibility for the accuracy of the Customer's PNCD lies with both the Customer and the Customer's CSP.

- 5.2.2 Upon request by the Customer for their PNCD, the CSP must: -
- (a) verify their Customer's request and identity;
 - (b) record their Customer's PNCD request;
 - (c) agree with their Customer the method(s) for providing their PNCD to them;
 - (d) arrange to obtain a copy of their Customer's PNCD; and
 - (e) provide their Customer's current PNCD to their Customer once it has been received from the IPND Manager.
- 5.2.3 The CSP must respond to their Customer's request for a copy of their PNCD by supplying the requested PNCD within 20 Business Days.

NOTE: Under Australian Privacy Principle 12.8, the process of arranging access to PNCD relating to services supplied by that CSP to their Customer may be undertaken on a cost recovery basis between the CSP and their Customer. Any charges involved must not be excessive.

- 5.2.4 The IPND Manager must ensure that requests from CSPs for PNCD are processed in a timely manner and that relevant PNCD is supplied to the CSP within 10 Business Days of receiving the PNCD request.

NOTE: Under Australian Privacy Principle 12.8, the process of arranging access to PNCD relating to services supplied by that CSP to their Customer may be undertaken on a cost recovery basis between the CSP and the IPND Manager. Any charges involved must not be excessive.

- 5.2.5 A CSP may submit single or multiple PNCD record requests for the same Customer.
- 5.2.6 Where a Customer identifies that their PNCD is inaccurate, the CSP must correct the inaccurate data subject to the CSP's assessment as to whether the Customer's requested changes comply with the CSP's regulatory obligations, including the IPND Code and IPND Data Guideline for the supply of PNCD to the IPND Manager.

NOTE: For example, a request to change the name, or the spelling of the name should be cross checked against a form of identification, such as a drivers licence. A request to change the service address or locality should be checked to ensure that such an address exists and that the Customer has an association to that service address. If the service address is not recognised by an address validation source, and the Customer appears to be attempting to use a vanity address, the PNCD service address should not be changed.

- 5.2.7 A CSP must not charge a Customer for correcting PNCD that is inaccurate.

6 DATA ERRORS AND DATA QUERIES

6.1 PNCD Data errors

- 6.1.1 Where PNCD contains a Hard Error:
- (a) the IPND Manager must not add the PNCD to the IPND; and
 - (b) the IPND Manager must produce a Hard Reject within 24 hours for retrieval by the Data Provider.
- 6.1.2 Where PNCD contains a Soft Error:
- (a) the IPND Manager must add the PNCD to the IPND and must tag it to indicate the presence of a Soft Error; and
 - (b) the IPND Manager must produce a Soft Reject within 24 hours for retrieval by the Data Provider.

Note: Soft Rejects are written to an error file with an appropriate error code. On investigation by the Data Provider of the Soft Rejects, Soft Errors may not require correction.

Relevant considerations in the correction of errors include, but are not limited to, whether it is necessary to contact the Customer, technical difficulties, agency arrangements, time zones and file transfer times.

- 6.1.3 Where PNCD is identified by a Data User as potentially incorrect, contains an error or queries the content of the PNCD, the Data User will create a Data User Query File (DUQF) and make it available to the IPND Manager within two Business Days. The DUQF query will be set out in the manner specified in the IPND Technical Requirements.
- 6.1.4 The IPND Manager must make available a Data Provider Query File of the notifications under clause 6.1.3 to the relevant Data Provider within one Business Day of receipt.
- 6.1.5 The IPND Manager must make available feedback with error notifications to Data Providers in response to each file uploaded which contained errors.
- 6.1.6 The Data Provider must download the information referred to in clauses 6.1.1, 6.1.4 and 6.1.5 and take reasonable steps to resolve the matter and supply the corrected PNCD to the IPND Manager within one Business Day.

NOTE: The receipt of an updated data record from the Data Provider in response to a DUQF will clear the query tag in the IPND. Details of IPND reports can be found in Appendix A.

- 6.1.7 The Data Provider must download the information referred to in clause 6.1.2, and take reasonable steps to resolve the matter and

supply the corrected PNCD to the IPND Manager within two Business Days.

- 6.1.8 The IPND Manager must provide Data Users with an Amalgamated Query File (AQF) on a monthly basis. The AQF will list all active potential issues with IPND data which have been raised by all Data Users. This report can be used to directly verify that a query is for a particular service.

NOTE: Details of IPND reports can be found in Appendix A.

- 6.1.9 Where a Data Provider intends to transfer PNCD to the IPND via an ad hoc bulk upload or bulk data refresh that has the potential to over write the existing IPND record of another Data Provider, the Data Provider must notify the IPND Manager at least two Business Days before the event.

NOTE: The IPND Manager may direct the Data Provider to test the ad hoc bulk upload or bulk data refresh in the IPND test environment prior to transferring data to the IPND.

- 6.1.10 Where the IPND Manager receives record(s) from one Data Provider that over write the existing record(s) of another Data Provider within the IPND (or within the IPND test environment), and the IPND Manager has become aware that this has occurred in error and/or is not a normal IPND operation, the IPND Manager must notify the Data Provider submitting the change and the original Data Provider of the event within one Business Day of becoming aware of the error.

NOTES 1: All Data Providers have the potential to over write an existing IPND record of another Data Provider. All Data Providers should check their monthly changed data provider report (which is issued on the 1st of each month) to ensure that their PNCD has not been inadvertently overwritten. Details of IPND reports can be found in Appendix A.

2: Data Providers and Data Users are encouraged to make use of the IPND test environment to assist in the identification and resolution of potential issues that may prevent the transfer of PNCD to the IPND. Data Providers and Data Users are encouraged to use the IPND test environment prior to uploading data to or receiving data from the IPND.

- 6.1.11 Where the Data Provider has taken all possible steps to resolve a Hard Error and is still unable to transfer, or is prevented from transferring PNCD to the IPND, the IPND Manager must take reasonable steps to assist the Data Provider to identify options to resolve the issue.
- 6.1.12 The IPND Manager may perform limited maintenance of a complete PNCD or PNDD record in the IPND where:

- (a) Numbers that may no longer be in use by any CSP and requires the Service Status Code to be changed to Disconnected; or
- (b) where numbers do not comply with the Plan.

6.1.13 Where the IPND Manager undertakes maintenance of a complete PNCD or PNDD record beyond what is normally required for maintenance and integrity of the IPND, administration, fault identification, auditing and reporting, the IPND Manager must:

- (a) take all reasonable steps to obtain permission from the relevant CSP before amending any records;
- (b) specify the reason for such maintenance activity;
- (c) provide a description of the maintenance activity;
- (d) maintain a record (for a period of three years) of all maintenance activities undertaken, who authorised or requested the maintenance activities and the reason (s) for the maintenance activities; and
- (e) notify the ACMA within five Business Days in the event a CSP is no longer available to provide permission for limited maintenance to a PNCD or PNDD record.

7 INFRASTRUCTURE

7.1 IPND Interface

- 7.1.1 Data Providers are responsible at their cost for the provision and maintenance of their own data provision links and medium to the IPND. Data Providers are responsible for ensuring that their own technical compatibility with the IPND is achieved.
- 7.1.2 Data Users are responsible at their cost for the provision and maintenance of their own data extraction links and medium to the IPND. Data Users are responsible for ensuring that their own technical compatibility with the IPND is achieved.
- 7.1.3 The IPND Manager must facilitate the implementation of the IPND Technical Requirements with all Data Users and Data Providers.
- 7.1.4 Data Users and Data Providers must comply with the reasonable requirements of the IPND Manager in implementing the IPND Technical Requirements.
- 7.1.5 The IPND Manager must provide a method of encryption to each Data User and Data Provider and undertake to maintain any such method of encryption.
- 7.1.6 Data Users and Data Providers may propose changes to the IPND interface to the IPND Manager, which will be considered by the IPND Manager and other Data Users and Data Providers.
- 7.1.7 The IPND Manager must consider all reasonable requests of Data Users and Data Providers for additional technical enhancements to the IPND.
- 7.1.8 The IPND Manager must consult relevant Data Users and Data Providers about proposed changes to the IPND Technical Requirements and obtain the agreement of the majority of relevant Data Users and Data Providers.
- 7.1.9 Data Users and Data Providers must not unreasonably delay in responding, or unreasonably withhold consent to proposed changes to the IPND Technical Requirements.
- 7.1.10 Where the IPND Manager judges that any change to a File Specification is necessary and urgent, a timeframe for response may be specified.
- 7.1.11 The IPND Manager must consider all reasonable comments of the Data Users and Data Providers in relation to any proposal by the IPND Manager to change the IPND interface.
- 7.1.12 Where the IPND Manager proposes to make changes to the IPND interface, or to technical specifications, and those changes would have a material impact on Data Users or Data Providers, the IPND Manager must notify, in writing, all affected Data Users and Data Providers of the changes:

(a) on an equitable basis; and

(b) at least six months in advance of the change;

to the extent that such notification is possible.

- 7.1.13 All Data Users and Data Providers must implement changes referenced in clause 7.1.12 within an agreed specified timeframe enabling compliance with the IPND Manager's reasonable requirements.

8 DATA SECURITY

8.1 IPND Data security

8.1.1 Where practical all parties subject to this Code are responsible for ensuring the security of IPND data in transit between themselves and the IPND Manager.

8.1.2 The IPND Manager must take all reasonable steps to protect the security and confidentiality of PNCD held in the IPND, or stored, against:

- (a) loss;
- (b) unauthorised access, use, modification or disclosure; and
- (c) other misuse.

NOTE: The IPND Manager at times may be served with a lawful request / direction from the ACMA or other authorised agencies to cease the provision of PNCD to a Data User for whatever reason.

8.1.3 The IPND will be located within a secure building and must be independent from any other of the IPND Manager's IT systems apart from those needed to maintain and support the IPND.

8.1.4 Where the organisation performing the role of the IPND Manager is also a CSP, it must not allow access either directly or indirectly by any area of its organisation to data held in the IPND for any reason other than as allowed under the Act or the *Telecommunications (Interception and Access) Act 1979 (Cth)* and, where the IPND Manager is Telstra, also as allowed under the Licence Conditions.

NOTE: To maintain data security and integrity, on-line access to the IPND is not available with the exception of the activity allowed for in clause 8.1.13.

8.1.5 The IPND Manager must ensure that all PNCD changes are backed up daily, and securely and safely stored.

NOTE: PNCD is stored for three years on the IPND file system after which it becomes archived.

8.1.6 Data Users must take all reasonable steps to protect the security and confidentiality of data derived directly from the IPND against:

- (a) loss;
- (b) unauthorised access, use, modification or disclosure; and
- (c) other misuse.

- 8.1.7 A Data User or Data Provider who becomes aware of any substantive or systemic breach of security within their organisation, which may reasonably be foreseen to have an impact on the integrity and confidentiality of the PNCD residing in the IPND, must:
- (a) advise the IPND Manager who will advise relevant Authorities and Data Users and Data Providers; and
 - (b) take reasonable steps to minimise the effects of the breach.
- 8.1.8 A Data User that has reasonable grounds to believe that another Data User has breached the Code or other law in its use or disclosure of PNCD must advise the IPND Manager or the ACMA.
- 8.1.9 Where the IPND Manager becomes aware that a Data User is using or disclosing PNCD for a purpose other than that authorised by the ACMA or allowed by law, the IPND Manager must immediately notify the ACMA, the Office of the Australian Information Commissioner and all Data Providers whose PNCD may be compromised by the suspected breach.

NOTE: This clause does not imply that the IPND Manager has a responsibility to identify all breaches.

- 8.1.10 The IPND Manager must take all reasonable steps to minimise the effects of a breach of clause 8.1.7 and 8.1.8, including cooperating with Data Providers and Authorities in any action in respect of the breach.
- 8.1.11 Where the IPND Manager becomes aware of any breach of security of the PNCD stored in and archived from the IPND or any Force Majeure, power loss or link failure, which may reasonably be considered to have an impact on the integrity or confidentiality of the PNCD stored in and archived from the IPND, the IPND Manager must advise relevant Authorities, Data Users and Data Providers.
- 8.1.12 The IPND Manager must take all reasonable steps to minimise the effects of a breach or threat to the operation or integrity of the IPND, including:
- (a) cooperating with Data Users in any action in respect of the breach; and
 - (b) disconnecting Data Users and / or Data Providers to protect the integrity of the IPND;
- until such effects have been rectified or mitigated by Data Users and / or Data Providers and reconnection has been agreed with the IPND Manager.
- 8.1.13 To preserve confidentiality, the IPND Manager must not access the PNCD except;

- (a) to the extent necessary for maintenance, administration and to carry out the responsibilities of the IPND Manager under the Code and the Prescribed Conditions; or
- (b) to comply with any requirements of, or as permitted by, the Act or any other relevant laws.

9 REFERENCES

| Publication | Title |
|----------------------------|---|
| Industry Guidelines | |
| G619:2017 | IPND Data |
| Legislation | |
| | <i>Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997</i> |
| | <i>Telecommunications Act 1997</i> |
| | <i>Privacy Act 1988</i> |
| | <i>Telecommunications (Integrated Public Number Database – Permitted Research Purposes) Instrument 2017</i> |
| | <i>Telecommunications (Integrated Public Number Database- Public Number Directory Requirements) Instrument 2017</i> |
| | <i>Telecommunications (Integrated Public Number Database – Public Number Additional Information) Instrument 2017</i> |
| | <i>Telecommunications (Integrated Public Number Database Scheme – Conditions for Authorisations) Determination 2017</i> |
| | <i>Telecommunications Integrated Public Number Database Scheme 2017</i> |
| | <i>Telecommunications (Integrated Public Number Database Scheme – Conditions for Deciding Authorisation Applications) Instrument 2017</i> |
| | <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i> |
| | <i>Telecommunications (Interception and Access) Act 1979</i> |
| | <i>Telecommunications Numbering Plan 2015 (or its equivalent)</i> |
| | IPND Data Users and Data Providers Technical Requirements for IPND |

APPENDIX

A. IPND REPORTS

| IPND Report Name | Description | Frequency | Who sees the Report |
|-------------------------------------|--|--|---------------------|
| .err file | Reports success or failure of corresponding upload file | One file/ upload file | Data Provider |
| Changed Data Provider report | Informs Data Providers of all numbers gained and lost in the last month | Monthly | Data Provider |
| Data Provider Snapshot | Snapshot of data uploaded to the IPND | On Request | Data Provider |
| Data Provider Query File | File produced by DUQF processes containing issues raised by Data Users against the number uploaded to the IPND | Daily (if active UQF issues) | Data Provider |
| Data User Query File (DUQF) | Contains numbers, codes and description of issues being raised by Data Users | As Required | Data User |
| Data User Reports | Reports such as Book Close for publishers of Public Number Directories and Bulk Data Refreshes for all Data User types | On Request | Data User |
| Amalgamated Query file | File containing all active issues submitted by all Data Users | Monthly | Data User |
| DUQF.err file | Feedback file – reports on success or failure of a DUQF file loaded by the Data User | Correlates directly with an uploaded DUQF file | Data User |

PARTICIPANTS

The Working Committee responsible for the revisions made to this Code consisted of the following organisations and their representatives:

| Organisation | Membership | Representative |
|----------------------------------|-------------------|-----------------------|
| Acceleon | Voting | David Johnson |
| ACCAN | Voting | Nigel Waters |
| IPND Manager (Telstra Wholesale) | Voting | Tony Parker |
| NBN Co | Voting | Katrina Lee |
| Optus | Voting | Ivor King |
| Telstra | Voting | Michael J. Ryan |
| Telstra | Non-voting | Spiro Zantiotis |
| VHA | Voting | Anthony Flannery |
| VHA | Non-voting | Alexander R. Osborne |

This Working Committee was chaired by Alexander R. Osborne. Craig Purdon of Communications Alliance provided project management support.

Communications Alliance was formed in 1997 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.

In pursuing its goals, Communications Alliance offers a forum for the industry to make coherent and constructive contributions to policy development and debate.

Communications Alliance seeks to facilitate open, effective and ethical competition between service providers while ensuring efficient, safe operation of networks, the provision of innovative services and the enhancement of consumer outcomes.

It is committed to the achievement of the policy objective of the *Telecommunications Act 1997* - the greatest practicable use of industry self-regulation without imposing undue financial and administrative burdens on industry.



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