

6 October 2016

Mr Nick Gormley
Notable Imprint Pty Ltd
9 Coral Street
Victor Harbor SA 5211

ACMA file reference: ACMA2016/360

Dear Mr Gormley

Grant of final authorisation - *Telecommunications Integrated Public Number Database Scheme 2007*

I refer to the application for final authorisation lodged by Notable Imprint Pty Ltd ACN 145 838 277 (**Notable Imprint**) under the *Telecommunications Integrated Public Number Database Scheme 2007* (IPND Scheme).

I write to advise of my decision pursuant to subsection 3.10(4) of the IPND Scheme to grant Notable Imprint final authorisation to use and disclose customer data, as defined in subsection 1.3 of the IPND Scheme, for purposes connected with the publication and maintenance of a public number directory (PND), as defined in subparagraph 285(1A)(c)(ii) of the *Telecommunications Act 1997* (the Act).

In assessing Notable Imprint's application for final authorisation, I examined its sample PND. Taking into consideration that Notable Imprint has exhibited a good understanding of the requirements of the IPND Scheme in regard to presentation of customer data in its sample PND, I am satisfied that the PND which Notable Imprint proposes to publish under an IPND Scheme authorisation will satisfy the definition of a PND in subsection 285(2) of the Act.

Conditions of authorisation

In addition to the conditions of authorisation specified in subsections 3.12(1) to (20) of the IPND Scheme, and pursuant to subsection 3.12(18) of the Scheme, I grant this final authorisation subject to the following additional condition.

Additional Condition Number 1

Notable Imprint may only use and disclose the customer data sourced from the IPND for the purposes of publication and maintenance of a PND if that data is the customer data of customers with directory finding addresses located in the following geographic post codes:

- (a) 5202 to 5204 inclusive;
- (b) 5210 to 5214 inclusive;
- (c) 5255; and
- (d) 5256.

Advice to the IPND Manager

In accordance with subsection 3.10(6) of the IPND Scheme, the ACMA has also advised the IPND Manager of this decision and the details of Additional Condition Number 1.

Commencement of final authorisation

As specified in section 3.11 of the IPND Scheme, final authorisation will start on the day on which the IPND Manager supplies Notable Imprint with customer data. This authorisation is effective until such time as it is revoked by the ACMA (see below).

Compliance with requirements

I draw your attention to subsection 3.12(19) of the IPND Scheme which provides that:

The public number directory publisher must comply with:

- (a) the Act; and
- (b) any relevant instrument under the Act; and
- (c) any conditions specified by the Minister under section 295P of the Act; and
- (d) the conditions set out in subsections (2) to (17) [of section 3.12 of the IPND Scheme]; and
- (e) any conditions specified under subsection (18) [of section 3.12 of the IPND Scheme].

In that regard, I draw your attention to the following specific conditions that the final authorisation granted to Notable Imprint is subject to:

- Notable Imprint must notify the ACMA of the date on which Notable Imprint first receives customer data from the IPND Manager within 10 working days after the start of the final authorisation [subsection 3.12(2)(b) of the IPND Scheme];
- Notable Imprint must publish a PND within 90 days after final authorisation starts [subsection 3.12(3) of the IPND Scheme; see also subsection 5.3(2)] of the IPND Scheme];
- Notable Imprint must notify the ACMA within 10 working days after publishing a PND, that the PND has been published, provide details of how the PND can be obtained and provide the ACMA with access to each PND covered by this authorisation [subsection 3.12(4) of the IPND Scheme];
- Notable Imprint must give the ACMA access to each of its PNDs each year on the anniversary of the start of the final authorisation and if the ACMA asks in writing for access [subsection 3.12(6) of the IPND Scheme];
- Notable Imprint must update each permanent PND that Notable Imprint publishes and maintains at least annually [subsection 3.12(9) of the IPND Scheme]; and
- Notable Imprint must take the steps prescribed under sections 6 and 7 of the *Telecommunications (Integrated Public Number Database Scheme - Conditions for Authorisations) Determination 2007 (No. 1)* in the event of a security breach.

In addition, I draw your attention to the obligations and prohibitions as set out in Part 13 of the Act.

End of Authorisation

This authorisation is subject to the following sections of the IPND Scheme:

- section 5.1 of the IPND Scheme which sets out when authorisations end. Specifically, the ACMA may revoke an authorisation if a publisher breaches an authorisation condition, is not using customer data to publish a PND (where subsection 5.3(2) of the IPND Scheme does not apply) and/or is using customer data for a purpose for which it is not authorised; and

- section 5.3 of the IPND Scheme, which revokes an authorisation if a PND is not published within 90 days of the start of final authorisation.

Section 5.2 of the IPND Scheme explains the limits on reapplying for an authorisation where a revocation has occurred.


Review rights

If you are dissatisfied with the ACMA's decision to impose conditions on the grant of your authorisation, you may seek reconsideration of that decision under subsection 558(1) of the Act. If you are dissatisfied with the ACMA's decision on the reconsideration, you may, subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the decision on that reconsideration and request a statement under section 28 of that Act in relation to the decision on that reconsideration.

If you have any questions in relation to these matters, please contact Krissy Raftopolous on (03) 9963 6822 or at krissy.raftopolous@acma.gov.au

Yours sincerely



 **Jennifer McNeill**
Delegate of the ACMA
General Manager
Content, Consumer & Citizen