

## Final Investigation Report

<b>Carriage Service Providers</b>	Symbio Networks Pty Ltd (ACN 102 756 123) Symbio Wholesale Pty Limited (ACN 136 972 355)
<b>Type of Service</b>	Carriage Service Providers
<b>Relevant Legislation/Code</b>	Industry Code C661:2020 Reducing Scam Calls
<b>Date</b>	18 May 2022

### Findings

The Australian Communications and Media Authority (the **ACMA**) finds that Symbio Networks Pty Ltd ACN 102 756 123 (**Symbio Networks**) and Symbio Wholesale Pty Limited ACN 136 972 355 (**Symbio Wholesale**) have contravened clause 4.4.3 of the Industry Code C661:2020 Reducing Scam Calls (the **Code**).

### Reasons

1. The reasons for the ACMA's findings are set out below.
2. The ACMA's findings are based on:
  - a. 'traceback' emails<sup>1</sup> sent by another carriage service provider (Entity A) as outlined at paragraph 4.
  - a. information and documents provided by Symbio Holdings Ltd (**Symbio Group**), the holding company of Symbio Networks and Symbio Wholesale, between 31 January and 8 April 2022, including responses to:
    - i. a notice given to it by the ACMA under section 521 of the *Telecommunications Act 1997* (the **Act**), dated 20 December 2021
    - ii. a request for additional information, dated 11 February 2022
    - iii. a request for further clarification, dated 4 March 2022
    - iv. the ACMA preliminary findings given on 25 March 2022.

### Relevant background

3. The Code places obligations on all carriers and carriage service providers (**C/CSPs**) to implement measures to protect as many consumers as possible from harms caused by scams and to disrupt scam activity in Australia. To this end, the Code establishes obligations for C/CSPs to:
  - a. identify, trace and block scam calls
  - b. share information about scam calls with other C/CSPs
  - c. publish information to assist their customers to proactively manage and report scam calls

<sup>1</sup> Traceback emails are notifications of alleged scam calls sent by C/CSPs to other Transit or Originating C/CSPs by email for the purposes of identifying scam calls and tracing their transit path.

- d. report scam calls to the ACMA and law enforcement agencies.
4. Traceback notification email exchanges sent from Entity A to Symbio Group are summarised as follows:
- November event**
- a. On 26 November 2021, Entity A provided Symbio Group with evidence of 1,916,041 calls from 777,268 Entity A held Calling Line Identifications (**CLI**) entering the Entity A network from the Symbio/Entity A point of interconnect on 18 and 19 November 2021.<sup>2</sup>
- October event**
- a. On 15 October 2021, Entity A provided Symbio Group with evidence of alleged Scam Calls.
  - b. Symbio Group acknowledged receipt of the request on 15 October 2021.
5. Based on the information provided by Symbio Group:
- a. Symbio Wholesale is the relevant CSP for the November event
  - b. Symbio Networks and Symbio Wholesale are both relevant CSPs for the October event.
6. The ACMA understands that Symbio Group conducts compliance activities at a holding company level and therefore traceback emails sent to Symbio Group are taken to have been received by Symbio Networks and Symbio Wholesale as applicable. Further, statements made by Symbio Group regarding its compliance activities are taken to have been made by Symbio Networks and Symbio Wholesale as applicable.

**Compliance with clause 4.4.3 – Investigating Scam Calls**

7. Clause 4.4.3 of the Code states:
- When presented with evidence, under section 4.3, the Originating C/CSP or the Transit C/CSP must investigate and, where found to be a Scam Call, trace the origin of the Scam Calls as soon as possible. This includes, if necessary, providing details of the Scam Calls to another Transit C/CSP as soon as practicable.*
- See **Attachment A** for section 4.3 of the Code.
8. The ACMA has considered Symbio Wholesale’s compliance with this clause with respect to the November event and Symbio Networks and Symbio Wholesale’s compliance with this cause with respect to the October event:
9. **November event**

Is Symbio Wholesale a CSP?	<p>Yes.</p> <p>Symbio Wholesale is a CSP as defined in the Code as it is a CSP as defined at section 87 of the Act.</p> <p>Accordingly, Symbio Wholesale must comply with clause 4.4.3 of the Code.</p>
Did Symbio Wholesale have evidence of Scam Calls, under section 4.3 of the Code?	<p>Yes.</p> <p>On 26 November 2021, Entity A provided Symbio Wholesale with evidence of scam calls – the November event – under section 4.3 of the Code. The ACMA was copied into these notifications,</p>

<sup>2</sup> Clause 4.2.1 provides that Originating C/CSPs must only originate calls on their telecommunications network with CLIs in accordance with the Numbering Plan, except in certain circumstances.

	<p>Symbio Wholesale confirms it received 3 call detail record (<b>CDR</b>) files<sup>3</sup> from Entity A. These included 1,916,041 CDRs.</p> <p>The ACMA's copy of the summary email sent separately to these files, states that the 1,916,041 CDRs included 170,413 calls from 87,254 Entity A CLI numbers and 1,745,628 calls from 690,014 Entity A Domestic Mobile CLI numbers. A total of 777,268 Entity A CLI numbers.</p>
<p>Did Symbio Wholesale investigate the Scam Calls?</p>	<p>No.</p> <p>Symbio Wholesale confirms that it did not investigate all alleged scam calls from the November event due to its manual investigation processes. Specifically, Symbio Wholesale:</p> <ul style="list-style-type: none"> <li>&gt; imported each file into excel – a maximum of 500,000 rows from each file could be imported</li> <li>&gt; of the files that could be imported, the top 3 recurring CLIs from each file (a total of 9 CLIs) were then investigated.</li> </ul> <p>As such, of the 777,268 CLI notified to Symbio Wholesale, Symbio Wholesale did not investigate 777,259 CLI. The ACMA understands that these 777,259 CLI represent between 416,044 and 1,909,181 calls.</p>
<p>Did Symbio Wholesale trace the origin of the Scam Calls as soon as possible?</p>	<p>Yes, in relation to the use of 9 CLI (noted above).</p> <p>Symbio Wholesale states that, of the 9 CLIs investigated:</p> <ul style="list-style-type: none"> <li>&gt; 3 CLIs were sent from Entity B to Symbio Wholesale, in relation to 5,533 alleged Scam Calls</li> <li>&gt; 1 CLI was received from Entity C to Symbio Wholesale, in relation to 1,327 alleged Scam Calls</li> <li>&gt; 5 CLIs were not sent by any Symbio Group CSP to the Entity A network.</li> </ul> <p>However, Symbio Wholesale did not trace the origin of between 416,044 and 1,909,181 calls.</p>
<p>Did Symbio Wholesale provide details of the Scam Calls to another Transit C/CSP as soon as practicable?</p>	<p>Yes, in relation to use of 4 CLIs (noted above).</p> <p>Symbio Wholesale states that on 29 November 2021, it advised both Entity B and Entity C that it had:</p> <ul style="list-style-type: none"> <li>&gt; received complaints from its 'downstream carrier for spoofing some CLIs'</li> <li>&gt; traced the calls to them</li> <li>&gt; requested each to stop spoofing the relevant CLIs.</li> </ul> <p>However, Symbio Wholesale did not provide details of between 416,044 and 1,909,181 calls to another Transit C/CSP.</p>

<sup>3</sup> A call detail record (CDR) is a data record produced by a telephone exchange or other telecommunications equipment that documents the details of a telephone call that passes through that facility or device. The record contains various attributes of the call, such as time, duration, completion status, source number, and destination number. See: [https://en.wikipedia.org/wiki/Call\\_detail\\_record](https://en.wikipedia.org/wiki/Call_detail_record), accessed 5 May 2022.

10. Accordingly, the ACMA finds that, in relation to the November event, Symbio Wholesale did not comply with clause 4.4.3 of the Code because it did not investigate, trace and provide details to another C/CSP of between 416,044 and 1,909,181 alleged scam calls.

11. **October event**

<p>Are Symbio Networks and Symbio Wholesale CSPs?</p>	<p>Yes.</p> <p>Symbio Networks is a CSPs as defined in the Code as it is a CSP as defined at section 87 of the Act. Symbio Wholesale is a CSP as established at paragraph 11 above.</p> <p>Accordingly, Symbio Networks and Symbio Wholesale must comply with clause 4.4.3 of the Code.</p>
<p>Did Symbio Networks and Symbio Wholesale have evidence of Scam Calls, under section 4.3 of the Code?</p>	<p>Yes.</p> <p>On 15 October 2021, Entity A provided Symbio Networks and Symbio Wholesale with evidence of scam calls – the October event – under section 4.3 of the Code.</p> <p>Symbio Networks and Symbio Wholesale confirmed that they received this email.</p>
<p>Did Symbio Networks and Symbio Wholesale investigate the Scam Calls?</p>	<p>Yes.</p> <p>Symbio Networks and Symbio Wholesale state that, in response to the ACMA’s 11 February 2022 letter, the October event has been investigated (no date was provided).</p>
<p>Did Symbio Networks and Symbio Wholesale, trace the origin of the Scam Calls as soon as possible?</p>	<p>No.</p> <p>Symbio Networks and Symbio Wholesale state that the alleged Scam Calls were sent to their network from Entity B and Entity D.</p> <p>As such, Symbio Networks and Symbio Wholesale did trace the origin of the Scam Calls but did not do so until the ACMA inquired about the traceback request nearly 4 months later.</p> <p>No case has been put that 4 months or following intervention by the ACMA is consistent with the requirement to take tracing action ‘as soon as possible’. In the absence of evidence to that effect, the ACMA does not consider actioning these requests after 4 months could reasonably be said to be ‘as soon as possible’.</p> <p>Therefore, Symbio Networks and Symbio Wholesale did not trace the Scam Calls as soon as possible.</p>
<p>Did Symbio Networks and Symbio Wholesale, provide details of the Scam Calls to another Transit C/CSP as soon as practicable?</p>	<p>No.</p> <p>Symbio Networks and Symbio Wholesale state that, because Entity B and Entity D have not sent calls presenting the CLIs which were used to make the October event calls to its network in the month of February, they have not investigated further with either entity.</p> <p>Therefore, Symbio Networks and Symbio Wholesale did not provide details of the Scam Calls to Entity B and Entity D as soon as practicable.</p>

12. Accordingly, the ACMA finds that, in relation to the October event, Symbio Networks and Symbio Wholesale did not comply with clause 4.4.3 of the Code because they did not investigate, trace and provide details to another C/CSP of the alleged calls as soon as practicable.

### 4.3 Monitoring for scam calls

- 4.3.1 C/CSPs must monitor their networks for Scam Calls based upon their characteristics in sections 4.1 & 4.2 noting that these characteristics are not intended to be exhaustive or restrictive in terms of monitoring that may occur.

Note: Each C/CSP is responsible for determining how they monitor their networks to detect Scam Calls on their networks.

- 4.3.2 C/CSPs must monitor their networks for Scam Calls based upon the CLI notified by other C/CSPs or from relevant government agencies which are associated with Scam Calls (see Clause 4.3.4).
- 4.3.3 A Notifying C/CSP must provide details of the alleged Scam Calls with a material issue, to the Originating C/CSP or Transit C/CSP delivering the alleged Scam Calls, for investigation as soon as practicable, via email, as per the template in Appendix A.
- 4.3.4 C/CSPs must accept and acknowledge via email, receipt of the reports of CLI notified by other C/CSPs or from relevant government agencies which are associated with alleged Scam Calls for monitoring in their networks, as soon as practicable.
- 4.3.5 Minimum details of the alleged Scam Calls to be provided to the Originating C/CSP or Transit C/CSP must include:
- (a) the date and time (with UTC offset) of the alleged Scam Calls;
  - (b) the CLI used for the alleged Scam Calls;
  - (c) the number of alleged Scam Calls identified in the relevant period; and
  - (d) further evidence if requested by the Originating C/CSP or Transit C/CSP (e.g. customer complaints, call characteristics, CDRs) to support the identified calls as being alleged Scam Calls rather than legitimate calls.