

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** DL - [REDACTED]  
**Subject:** RE: UPDATE: Optus (Prvidr) IPND enforcement [SEC=OFFICIAL]  
**Date:** Tuesday, 5 December 2023 4:49:28 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.jpg](#)  
[image006.png](#)  
[image007.gif](#)  
[image008.gif](#)  
[image009.png](#)

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Thanks for this note, [REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

R.,

[REDACTED]

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Consumer Division  
Australian Communications & Media Authority  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, 5 December 2023 4:21 PM  
**To:** DL - [REDACTED]  
**Cc:** DL - [REDACTED]  
[REDACTED]  
**Subject:** UPDATE: Optus (Prvidr) IPND enforcement [SEC=OFFICIAL]

Dear [REDACTED]

I'm writing to update you on next steps in the Optus (Prvidr) IPND matter, following a meeting with Optus yesterday and its email below.

- Optus has **confirmed it will offer an EU** along the lines we proposed and intends to provide us a draft before Christmas shut down.
- On this basis, we're preparing an IN of about \$1.5m which we will provide you for signature.

- [REDACTED]
  - [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

If you have any questions, please let me know.

[REDACTED]

[REDACTED]

[REDACTED]

Australian Communications and Media Authority

[REDACTED]

[acma.gov.au](https://acma.gov.au)



*The ACMA acknowledges First Nations peoples as the Traditional Owners and Custodians of Australia. We respect and celebrate First Nations peoples as the original storytellers and content creators of the lands on which we work and honour the enduring strength and commitment of Aboriginal and Torres Strait Islander peoples to the land, waters and their communities. We pay our respects to Elders past, present, and emerging.*



**From:** [REDACTED]

**Sent:** Monday, 4 December 2023 5:33 PM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: ACMA Optus IPND investigation and enforcement [SEC=OFFICIAL]

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Dear [REDACTED]

Further to our meeting this afternoon, I confirm that Optus agrees to offer an Enforceable Undertaking in the Prvidr IPND matter. If you could confirm the final amount of the Infringement Notice, it will be appreciated, so that I can update our Executive Committee.

We will work on a draft EU to provide to the ACMA in the coming days, so that we can then further discuss the content with your team with the intent of having the draft EU settled by the end of the year, for Authority review in the new year.

[REDACTED] I'll continue as the contact point on this matter.

Kind regards

[REDACTED]  
[REDACTED]

1 Lyonpark Road, Macquarie Park NSW 2113 Australia

[REDACTED]

Optus logo

Follow us



Optus acknowledges the Traditional Owners and Custodians of the lands on which we live, work, and serve. We celebrate the oldest living culture and its unbroken history of storytelling and communication. We pay our respect to Elders – past, present, and future – and we strive together to embrace an optimistic outlook for our future in harmony, across all of Australia and for all of its people.

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**From:** [REDACTED]  
**Sent:** Monday, 27 November 2023 5:11 PM  
**To:** [REDACTED]  
[REDACTED]  
**Cc:** [REDACTED]  
**Subject:** ACMA Optus IPND investigation and enforcement [SEC=OFFICIAL]

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Dear [REDACTED]

Thank you for meeting with us today to discuss the IPND investigation findings and enforcement.

The final investigation report is now attached.

To summarise our discussion today:

- The ACMA considers the contraventions to be very serious given IPND regulatory obligations serve critical functions, and the potential for real customer impacts when there is non-compliance.
- We've taken into account a range of factors in developing our enforcement response including that an ACMA compliance activity identified the non-compliance, the duration of the non-compliance, previous enforcement action against a related Optus entity, and Optus' statements that the contraventions were Prvidr's fault. As discussed, we've also noted the remediation of the services, and steps Optus has taken to increase its oversight of Prvidr.
- In response:
  - we invite Optus to consider offering an enforceable undertaking (EU) setting out

- commitments regarding its third party data provider, and
- we will give Optus an infringement notice in the range of \$1.5 - \$3 million – the amount being at the lower end if Optus offers an EU with terms acceptable to the ACMA.
  - For an EU to likely be accepted, we suggest it be a 2 year term and include:
    - an acknowledgement of the ACMA's investigation findings
    - a comprehensive review of processes and procedures related to third party data providers
    - implementation of any identified improvements, and
    - reporting and training.
  - We ask that Optus indicate whether it will agree to offer an EU along the lines above by **4 December**.
  - The ACMA plans to issue an infringement notice by **8 December**, which must be paid within 28 days.

Please contact me or [REDACTED] if you have any questions.

Regards,

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

Australian Communications and Media Authority

[REDACTED]  
[REDACTED]

[acma.gov.au](http://acma.gov.au)



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