



At Easyweb we believe that technology can create stronger, more engaged communities by enabling people to collaborate, socialise, trade, transact, play, and work smarter.

We enable our clients to transform visitors, customers and citizens into smart connected communities by building innovative, reliable and simple to manage networks that provide insights about the people using them.



SMART SPACES

Screens, sensors, devices talking to each other via wire or wireless and putting you in control.



INTELLIGENT WIRELESS

WiFi and more, that connects securely, helps you understand and engage with visitors, and realise value.



MANAGED NETWORKS

Designed, built, monitored, maintained and supported. Your network, our responsibility.

Public WiFi and the Data Retention Legislation

20 June 2018



SMART SPACES

Screens, sensors, devices talking to each other via wire or wireless and putting you in control.



INTELLIGENT WIRELESS

WiFi and more, that connects securely, helps you understand and engage with visitors, and realise value.



MANAGED NETWORKS

Designed, built, monitored, maintained and supported. Your network, our responsibility.

PLEASE NOTE:

I am presenting a ***personal interpretation*** of the Act and personal exchanges (Emails and telephone calls) with the Communications Access Coordinator from the Office of Communications Access & Cybercrime – Intelligence and Identity Security Division of the Australian Government - Attorney General's Department.

I am not a lawyer and I am not providing legal advice. If there are any concerns about your organization systems we recommend that you obtain legal advice.

Federal Legislation

*Telecommunications (Interception and Access)
Amendment (Data Retention) Act 2015*

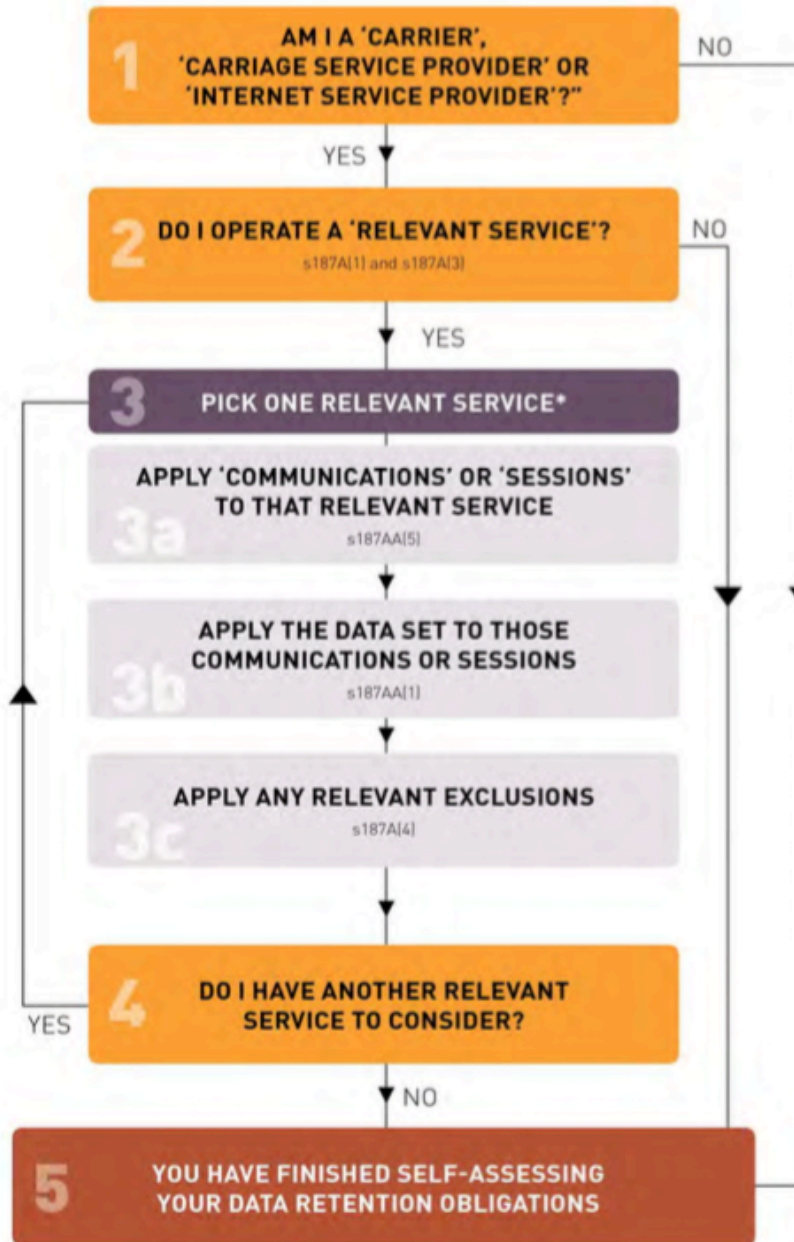
Materials

Data Retention Frequently Asked Questions for Industry. Issued by the Attorney General Communications Access Coordinator – accessed 24 July 2017.

http://m.tio.com.au/__data/assets/pdf_file/0005/188753/INDUSTRY-FAQs-V1.1-JULY-2015.pdf

Data Retention Guidelines for Service Providers. Issued by the Attorney General Communications Access Coordinator – accessed 24 July 2017.

Sequence for Applying Data Retention Provisions



Who?

Only

Carriers, Carriage Service Providers and *Internet Service Providers* have obligations under the Data Retention Act.

If you are connecting users to the Internet you could be classified as an *Internet Service Provider* by the legislation

Relevant Service

“Service” is limited to the particular service element offered by a given provider, **not** the totality of a service provided to a customer by many providers.

“Where a provider does not have “visibility” of a customer’s IP Address, *it is likely that the address was assigned as part of a different relevant service.*

Data retention industry FAQs 3. Exclusions (P-19)

“Relevant Service”

“A provider will offer an Internet service and a Wi-Fi service”

“WiFi is considered a “relevant service” as it carries communications”

“WiFi services have data retention obligations unless they are excluded under the “same area” or “immediate circle” exclusions”

Data retention industry FAQs 7. Wi-Fi (P-24)

Exclusions

Services supplied to places in the “same area”
(as defined by section 36 of the
Telecommunications Act)

Services supplied within an “Immediate Circle”
(as defined by section 23 of the
Telecommunications Act)

“The purpose of these exclusions is to ensure that entities such as universities and corporations will not be required to retain communications data in relation to their own internal networks (*provided these services are not offered to the general public*), and that providers of communication services in a single place, such as free Wi-Fi access in cafes and restaurants are not required to retain telecommunications data in relation to those services”.

Data retention industry FAQs 3. Exclusions (P-19)

If a service provider offers a **free service** (therefore generating no billing information) it is not required to retain billing information with respect to the service. *However that provider will still need to retain subscriber and transactional data with respect to that service.*

Data retention industry FAQs . 1.5 (P-12)

Free Internet is considered an un-tariffed communication

If a service provider does not currently retain data relating to attempted or un-tariffed communications for a service it provides, *it must retain data or seek approval for an exemption from the Communications Access Coordinator (CAC)*

Data retention industry FAQs 1.10 (P-14)

If your organization is offering a Public WiFi Service

to members *outside your immediate circle*
and in *multiple sites*

Then data retention applies to the service provider



What needs to be collected?

Session Data Only – **No content**

What is a Communication Session? Access Service

From authentication (i.e. log-on) to
de-authentication (i.e. log-off)

Public WiFi

MAC Address

IP Address

The time when the device authenticates

The time when the device terminates the session

Location of the session (access point location to which the device was connected, logical and physical)

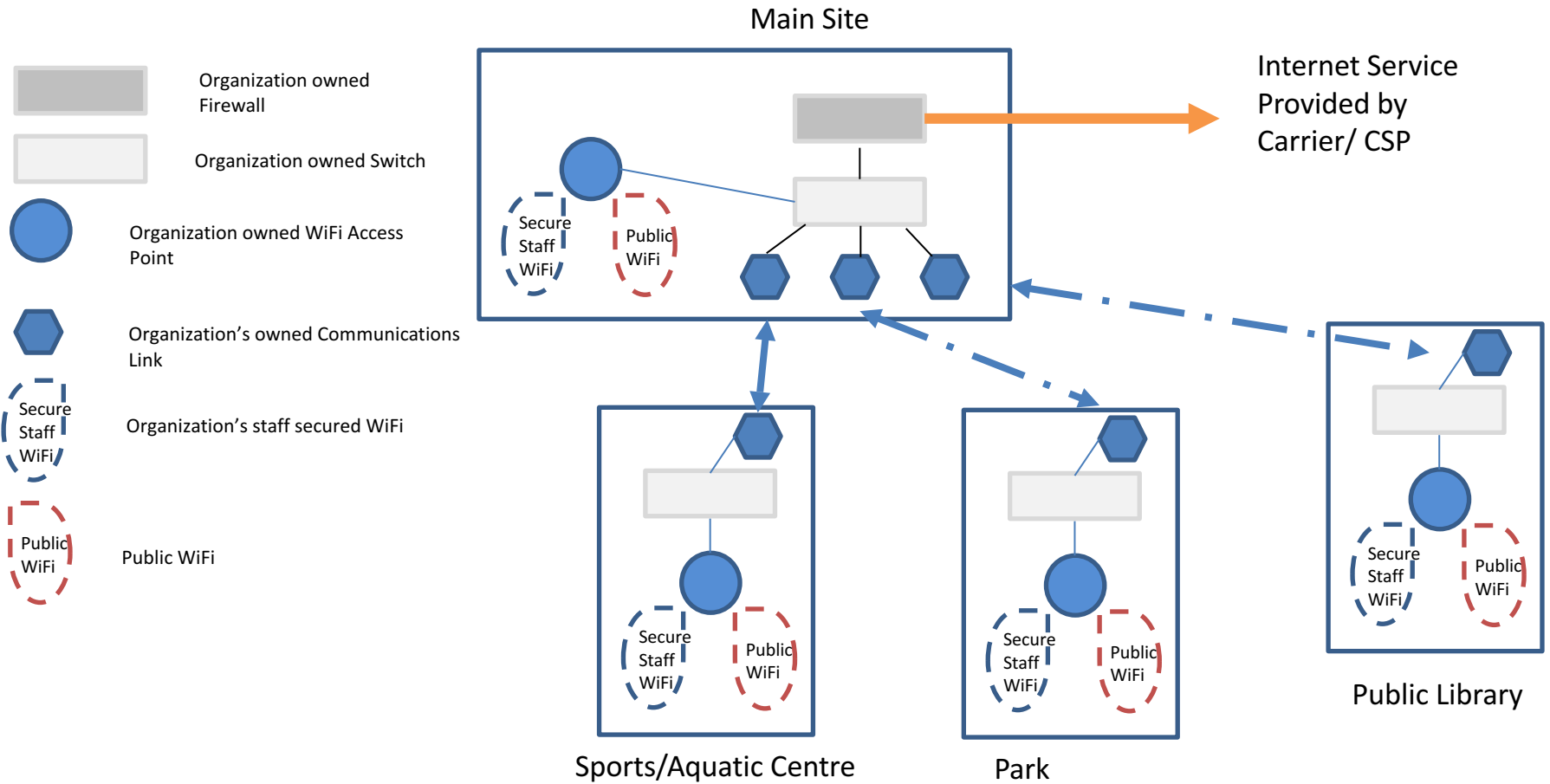
What is the period of data retention?

Minimum 2 years

From the communication taking place

If an account is created, for two years after the closure of the account

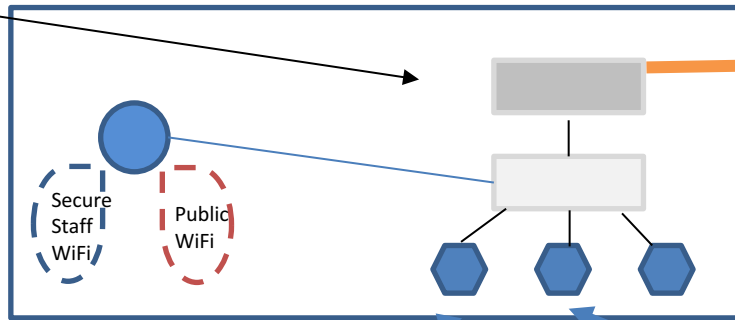
Organization - Network



Organization Network

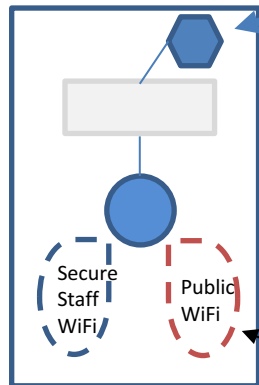
The organization's owned equipment authenticates public users

Organization's Main Site



Internet Service Provided by Other Carrier or Service provider

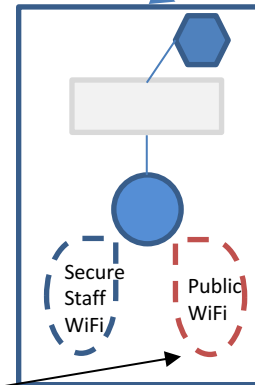
This Internet Link Carries internal council and Public Aggregated traffic



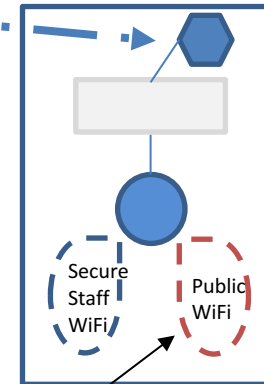
Sports/Aquatic Centre

These communications links carry both staff's traffic and public traffic as separate VLANs

Public WiFi access is provided for free.



Park



Library

Users on the Public WiFi could be Library members or public

Extracts from

Email communications with CAC July 2017

“I agree with your assessment that when it is the Council’s owned equipment which controls the session then the Council should account for the session. This is in line with the general rule of thumb that if you have access to the metadata then you probably have a retention obligation for the metadata”

CAC – Email dated the 31 July 2017

Questions

Is your organization providing Public WiFi using *its own equipment*?

Is your organization providing Public WiFi service over *multiple sites*?

If the answer to both questions is yes then you probably have data retention obligations and should get legal advise