

Dear Attorney-General George Brandis,

I remind you of the statement you made on the ABC's Q&A program on 3rd November 2014: "The mandatory metadata retention regime applies only to the most serious crime, to terrorism, to international and transnational organised crime, to paedophilia, where the use of metadata has been particularly useful as an investigative tool, only to as a tool, only to crime and only to the highest levels of crime. Breach of copyright is a civil wrong. Civil wrongs have nothing to do with this scheme."

I am therefore immeasurably concerned that consideration is being given to expanding access to telecommunications data retained under the terms of the mandatory data retention scheme, to civil cases.

Rather than expanding access to this scheme, I call on you to dismantle it in its entirety as it is an affront to the civil liberties of all law abiding Australian Citizens. By retaining the metadata of an innocent citizens internet activity, you are effectively treating them as a criminal, with the presumption of guilt (which is directly contrary to the basis of our legal system). By capturing this metadata, you create an intimate snapshot of someones personal life and private thoughts which can be abused in numerous ways now and in the future should this program further expand.

It is also my view (as an IT professional) that this method of retention is ineffective against serious criminals whom I am certain are aware of the existence of end to end encryption and anonymising tools such as Tor.

As a minimal first step towards dismantlement, I believe you should be working to ensure there are additional privacy safeguards introduced into the mandatory data retention scheme. Specifically,

1. Extend the warrant requirement for access to retained data to cover the entire population (at present, warrants are only required for access to journalists' data). I believe all citizens deserve the right to judicial oversight in matters as serious as the retroactive invasion of their privacy.
2. Ensure there is no expansion of access to retained data for civil cases
3. Reduce the retention period for data to no more than 1 month
4. Ensure there is no increase in the list of agencies able to access retained data
5. Ensure there continues to be transparency about which agencies are requesting data, the volume of data being requested and whether the data is about specific parties or part of a larger dragnet
6. Ensure any retained data (and any products of its analysis) is irrecoverably deleted as soon as the given retention period is over (including any copies)

I believe we are at a critical turning point in our society, where our decisions now will set precedent and have great ramifications of the privacy, security and freedom to innovate of future generations, it is my fervent hope that sanity can be restored.

Regards,

Dushan Karovich-Wynne
Concerned Australian Citizen