

To whom it may concern,

FastMail Pty Ltd is an Australian company providing hosted internet email and related services to individuals and companies in over 100 countries. While we do sell our service to Australians, the bulk of our customer base is overseas. Our customers tell us that a significant reason why they choose to pay for our service is the privacy they are afforded under Australian law.

Because of *The Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2015*, we have no infrastructure processing customer data in Australia. We cancelled our plans to set up an Australian datacentre because the metadata requirements made it more onerous to store customer data inside Australia.

For businesses in other jurisdictions, the idea that their metadata could be handed over by an Australian court for a civil case would make them less willing to buy from us. This directly impacts our bottom line, and likewise that of any other Australian company wishing to sell hosted internet service overseas. European companies in particular require an assurance that their data is being processed in such a way that they are afforded the privacy and protections that their own countries require of them by law.

Even if an expanded scope of metadata use doesn't directly impact us now, it creates an impression that the Australian Government will continue to expand the scope of this class of laws until it does affect our users. Metadata retention requirements hurt Australian companies exporting services based on Australian skill.

We already suffer brain drain as a country, with many of our best technologists moving to San Francisco to join the startup world there. Laws that discourage forming technology startups in Australia by removing privacy safeguards on access to customer business data will not help this situation.

While it is obvious that civil litigants would like to be able to obtain any data that can help their cases, metadata is rarely used to support civil litigation, and civil litigation can already access the metadata collected in everyday operations.

On the other hand, weakening of data protections makes Australian companies less competitive globally. We strongly oppose the expansion of metadata access for civil cases.

Bron Gondwana on behalf of the Directors of FastMail.

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