

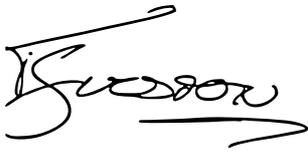
THOUGHTWORKS AUSTRALIA SUBMISSION ON ACCESS TO RETAINED DATA IN  
CIVIL PROCEEDINGS.

Dear Committee Secretary,

ThoughtWorks Australia Pty Ltd welcomes the opportunity to provide a submission on the topic of access to retained data in civil proceedings. Please find attached our submission.

ThoughtWorks Australia would be happy to provide further comment and technical explanations of the views expressed herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Sulston', with a long horizontal flourish extending to the right.

Tom Sulston pp.  
Ryan Moffat, MD, ThoughtWorks Australia.

THOUGHTWORKS AUSTRALIA SUBMISSION TO SENATE ECONOMICS REFERENCES  
COMMITTEE INQUIRY INTO THE 2016 CENSUS.

## About ThoughtWorks

ThoughtWorks Australia is a custom software development firm employing over 300 people in Australia. We are part of a worldwide firm of some 4000 people in 14 countries. We build business software including websites, mobile applications, and complex solutions. We also provide IT consulting services for many leading organisations in Australia and the world. We are committed to building software that is respectful of individuals' human rights, including that of privacy.

## About this submission

We believe that allowing civil litigants access to data that has been retained for the purposes of the data retention scheme would be a grave error. The recommendation from the Parliamentary Joint Committee on Intelligence and Security Advisory report on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 to restrict access to this data is sound and should stand.

## What impact would there be on civil proceedings if parties were able to access the telecommunications data?

We believe that any impact of the inability of civil litigants to access this data to be far outweighed by the effects of ordinary citizens being unable to confidently communicate in private.

The data retained under section 187AA is personally-identifying and Australian residents have the reasonable expectation that it will be handled in a manner in keeping with Australian privacy legislation. To make this data available in civil proceedings is to facilitate the effective purchasing of the data by those organisations with sufficient financial and organisational resources. We believe that this will have two major effects:

1. Australians will not feel safe using the Internet to conduct their business.
2. Unethical organisations will file proceedings speculatively; "fishing" the available pool of data for potential defendants.

Both of these effects will lead to a state in which Australians reduce their engagement with the online economy. We believe that Australian businesses will suffer as a result.