

OAIC submission on DR C637:2019 Mobile Premium Services Industry Code Incorporating Variation No.1/2021

Received via email on 14th January 2021.

Dear Craig

Thank you for the opportunity to comment on the draft Mobile Premium Services Code Incorporating Variation No.1/2021 (DR 637:2019) (the Code).

First, we re-iterate our broad support of the Code, which aims to enhance consumer privacy in relation to Mobile Premium Services (MPS) advertising; the provision of MPS; complaint handling; and opt-out mechanisms. We also re-iterate our support of the inclusion of clause 1.9, which reminds suppliers of their obligation to handle personal information in accordance with the *Privacy Act 1988* (the Privacy Act).

We understand from previous engagements with Communications Alliance, that all, or most, current suppliers of MPS are 'organisations' under the definition of the Privacy Act.

We have previously recommended to Communications Alliance and to the Australian Communications Media Authority that the Code, as a matter of best privacy practice, require that Services that are not 'organisations' under the Privacy Act to opt-in to coverage under section 6EA of that Act. In the alternative, the Code should draw attention to the ability for Services to opt-in to coverage. This remains our view and we believe this would ensure consumers are afforded equal protection under the Privacy Act concerning their personal information, such as in relation to notifiable data breaches, information security and the ability to make privacy complaints to the Information Commissioner.

Please contact us if you would like to discuss this further.

Kind regards
Karam



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