



06 June, 2013

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Dear Sean,

**RE: Feedback on the revised draft Required Measure 6 NBN Information Security Plan**

This letter provides Optus' comments on Telstra's revised draft NBN Information Security Plan (ISP) under Required Measure 6 of its Migration Plan.

In its submission of December 2012, Optus raised concerns with Telstra's original draft Required Measure 6 Information security Plan (ISP). These largely related to the inadequacy of information security controls that could have enabled Telstra's Retail Business Units to access information and the narrow scope of the NBN Co migration information protected under the ISP.

It appears that Telstra has tried to address industry concerns in its revised NBN ISP by extending the scope of protected migration information to include Points of Interconnect and by the introduction of "Permitted Purpose" test relating to the use and disclosure of the NBN Co Migration Information. Whilst these changes are welcome, Optus considers that the changes fall short of providing the industry with sufficient comfort regarding appropriate use and disclosure of NBN Co Migration information by Telstra. Optus' concerns together with the further changes necessary to address these concerns are outlined below.

**Permitted Purpose**

Whilst Optus considers that the concept of Permitted Purpose is useful, the current definition is too broad, leaving Telstra with the scope to disclose commercially sensitive information to its retail business units ahead of that information being made more generally available. Optus considers that the following changes are required to the definitions:

- Firstly, the definition of "Permitted Purpose" should be limited to Telstra performing the Definitive Agreement with NBN Co, not "any" other agreement with NBN Co; and
- Secondly, the definition of "Telstra Permitted Purpose" should be amended to make it clear that the listed activities for which information can be disclosed is limited only to activities that are directly related to NBN Co's access to facilities under the Definitive Agreement. The current definition would appear to enable Telstra to use information to plan and prepare for its own use of NBN service. The revised drafting of Telstra Permitted Purpose should read as "*the purpose of the planning, design, build, installation, repair, replacement, removal, augmentation and provisioning of facilities or equipment, operation, management, maintenance and improvement of, and including the supply of services and products over or in connection with NBN Co's use of such facilities*".

These changes are necessary to provide assurance that Telstra will not access or use NBN Migration Information to gain a commercial advantage over other access seekers.

### **Telstra Authorised Personnel**

In Schedule 2 of the ISP, Telstra identifies the authorised personnel permitted to access each specific category of NBN Migration Information. Whilst this is useful, Optus considers that it is somewhat meaningless without an appropriate definition of each of the identified personnel groups. At a minimum, the following information should be added into the tables of Schedule 2:

- the functions of each of the Authorised Personnel group;
- the intended use of the category of information accessed by each group; and
- all personnel groups having direct or indirect access to the information (including any downstream personnel groups).

This information will provide appropriate transparency on which groups within Telstra can access and use of NBN Co Migration Information.

### **Variation of ISP under Schedule 4**

Schedule 4 of the ISP outlines changes and amendments that are not considered to be “variations” to the NBN ISP and which are therefore not subject to the variation processes under 577BF. These changes and amendments are proposed to be subject to ACCC approval through a Quarterly reporting process.

Optus considers that Schedule 4 is reasonable, but that the following provision should be added to the last paragraph of Schedule 4: *“For the avoidance of doubt, ACCC approval of such changes must be granted prior to the changes taking effect”*.

Should you have any questions regarding this letter, or wish to discuss it further, please do not hesitate to contact me.

Yours sincerely



**Andrew Sheridan**  
Head of Interconnect & Economic Regulation  
Optus