

# Media Release



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## AFP incident raises concerns about implementation of mandatory data retention laws

The revelation Australian Federal Police recently accessed the private metadata of a journalist without first obtaining a warrant raises concerns about the implementation of mandatory data retention laws, according to the Law Council of Australia.

Law Council President, Fiona McLeod SC, said the community needed to have full confidence that data retention laws were not being misused.

"The Law Council has consistently expressed concern about the protection of confidential metadata information under the current laws.

"Earlier this year, for example, we warned against extension of metadata release for the purposes of civil proceedings.

"The requirement for the AFP to obtain a warrant prior to accessing journalists' metadata retained under the mandatory data retention laws is an important mechanism for protecting the relationship between journalists and their sources.

"It is appropriate for this incident to be investigated by the Commonwealth Ombudsman, and it will be important for results of that investigation to be made public, so we can all understand how and why the breach happened."

Ms McLeod said it may be beneficial for relevant authorities to develop clear guidelines around the application of mandatory retention laws to journalists.

"Having a set of guidelines could improve accountability and transparency in the application of these laws.

"The Commonwealth Ombudsman should consider working with the AFP to develop and publish guidelines for the use of such special powers."

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