



11 July 2011

Ms Patricia Roake
Manager – Do Not Call Register Section
The Australian Communications and Media Authority
PO Box 13112 Law Courts
MELBOURNE
VIC 8010

Dear Ms Roake

Re: Proposed revisions to the Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007

We recently received a copy of the discussion paper for the *Proposed revisions to the Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007*, inviting comment on this second discussion paper.

AMSRO and AMSRS welcome the opportunity to comment on the second discussion paper, following our submission to the initial discussion paper in January 2011.

We note your comments in the second discussion paper in relation to our earlier submission and the need for legislative changes.

We wish to request an amendment to the Industry Standard, to correct a discrepancy between the Industry Standard and the Market and Social Research Privacy Code in relation to disclosure of the identity of the Client.

The Telemarketing Industry Standard allows disclosure of the identity of the Client during the course of a research call, unless the client asks directly for the information. (Section 6, 4.a):

Information to be provided immediately upon request or, if not requested, before the end of the call

- (3) *If the call recipient asks who caused the call to be made, the caller must give, or cause to be given, the name of the entity that caused the call to be made immediately upon request.*
- (4) *If the call recipient does not ask who caused the call to be made, the caller must give, or cause to be given, the name of the entity that caused the call to be made before the end of the call.*

The Privacy Principles in the Market and Social Research Privacy Code allow for disclosure of Client identity at a later date than the interview, if there is a compelling reason to do so (Section 1.5 k):

When a research organisation collects identified information from an individual, it must take reasonable steps to ensure that the individual is aware of: ...



the identity of the client organisation, no later than the end of the collection of information, except where the research and client organisations have reasonable grounds to decide that there are genuine research concerns or where there is another compelling reason not to do so (e.g. it may expose one of the parties to legal action).

For a research project, there can be sound methodological reasons for a delay in the disclosure of the Client's identity. For example, a survey to identify potential demand for a new service in a regional area may wish to delay disclosure until the interviewing is complete. If the identity of the service supplier becomes public before the end of interviewing, it may bias the answers given by respondents interviewed later during the survey period.

Such a delay is allowed only in such circumstances, which must be clearly documented.

The (then) Office of the Privacy Commissioner recognised this when approving the Privacy Code for market and social research in 1 September 2003, and again on 6 June 2007, upon review.

We request that the Industry Standard be amended to allow a delay in the identity of the Client for research calls, in line with the Market and Social Research Privacy Code, if there are sound methodological reasons to do so.

Thank you for your attention to this matter.

Regards

A handwritten signature in black ink that reads 'Jane Gregory'. The signature is written in a cursive, flowing style.

Jane Gregory
Executive Director AMSRO