

Question on notice no. 50

Portfolio question number: SQ23-000413

Budget estimates

Community Affairs Committee, Services Australia Portfolio

Senator Janet Rice: asked the Services Australia on 31 May 2023—

Senator RICE: What kind of metadata is requested or is gathered using Cellebrite?

Mr Birrer: I think we'll take that on notice. I'm not sure what has been discussed publicly, because some of it goes to tactics, techniques and procedures.

Senator RICE: When you collect data, how long is it stored for?

Mr Birrer: I'll take that on notice.

Senator RICE: Where is it stored, and who has access to it?

Mr Birrer: I'll take that on notice.

Senator RICE: Do you have a deletion policy?

Mr Birrer: We'll take that on notice as well.

Senator RICE: You don't know whether you have a deletion policy? So you're responsible for the use of this incredibly powerful technology and the issue of collecting very significant data from people, and you don't know whether you have a policy as to how long it gets kept and whether it gets deleted or not?

Mr Birrer: We'll take it on notice because there are questions around whether it's used as evidence or it's information that isn't used as evidence.

Senator RICE: Is there anybody else here with you who might have some more information than you as to whether you've got a policy about the use of data that's collected using this technology and other technologies?

Ms Skinner: I think Mr Birrer has said what we can say here, because it will depend on whether that sort of policy is wrapped up in how we handle and conclude investigations in the broad. I think that's why we want to take that particular aspect on notice.

Answer —

Please see attached answer.

Senate Community Affairs Legislation Committee

Budget Estimates – 31 May 2023
ANSWER TO QUESTION ON NOTICE

The Hon Bill Shorten MP
Minister for the National Disability Insurance Scheme
Minister for Government Services

Topic: Celebrite and metadata

Question reference number: SQ23-000413

Outcome Number: 1

Senator: Janet Rice

Type of Question: Spoken. Hansard Page/s: 28

Date set by the Committee for the return of answer: 14 July 2023

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Answer:

Q1. What kind of metadata is requested or is gathered using Cellebrite?

It would not be appropriate to identify the type of evidence collected using the Cellebrite tool as this could reveal methodologies and evidence collection practices that may impact on current and future investigation matters.

Q2. When you collect data, how long is it stored for?

Where a matter is referred to the Commonwealth Director of Public Prosecutions (CDPP) and proceeds to court, data is stored for the duration of the court process and the appeal period.

When the matter under investigation is not referred to the CDPP, data is stored throughout the investigation process and is disposed of after the matter is finalised.

Q3. Where is it stored, and who has access to it?

Data is stored on encrypted agency devices which are kept securely.

Data can only be accessed by the investigator working on the case, Digital Forensic Officers, and the Exhibit Registrar.

Q4. Do you have a deletion policy?

Yes. This policy aligns with Australian laws of evidence and requirements of the *Crimes Act 1914*.