



12 September 2018

Department of Home Affairs

[REDACTED]

[REDACTED]

Email: [REDACTED]

To whom it may concern

Re: Telecommunications and other legislation amendment (Assistance and Access) Bill 2018

Salesforce is pleased to provide this submission to the Department for its consideration.

Salesforce acknowledges the intention of the Bill is to improve access for law enforcement and security agencies to unencrypted data by securing the cooperation of designated communications providers to find ways to access data when it is not encrypted, in order to detect criminal behavior.

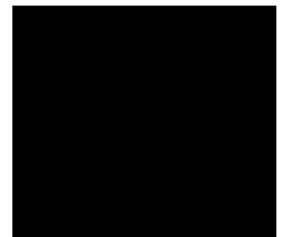
While the Government has sought to build certain safeguards, such as ensuring that providers are not required to implement back doors, Salesforce is concerned some of the safeguards do not go far enough.

The draft bill also needs to consider that it does not undermine consumers trust in digital technologies, service providers, and government.

Salesforce

Salesforce began in 1999 when it was founded with a vision for a new kind of company—one with a new technology model, a new business model and a new philanthropic model. The new technology model was based on multi-tenant cloud infrastructure and the business model was pay-as-you-go subscription for enterprise technology. The philanthropic model is the 1-1-1 Model, which dedicated 1% of Salesforce's equity, 1% of Salesforce's product and 1% of Salesforce employees' time back to communities around the world.

Salesforce is a provider of software as a service ("SaaS") and platform as a service ("PaaS") offerings and is the global leader in Customer Relationship Management (CRM) software. Customer trust is our





number one value. Our success depends on the delivery of reliable services to our customers in Australia, and around the globe.

Recommendations

Salesforce suggests the following recommendations be considered:

- **Judicial authorisation and review.** The draft Bill contains limited judicial oversight, based on evidence that could be unknown to the service provider. While the bill includes an arbitration process it does not question whether the notice may have been appropriate or not. The regime should also allow the provider to challenge the issuing of the notice, as well as its scope and terms.
- **Jurisdiction.** Notices can require service providers to take actions that violate the laws of other countries in which they operate, or which apply to their services because they support customers from other countries. The extraterritorial application should be limited to an active targeting of Australia.
- **Protecting technical information.** The technical information, such as source code must be protected. The draft bill should consider additional measures to protect technical information and its use, furthermore there ought to be obligations to impose appropriate security measures, and limitations on retention periods.
- **Necessary.** Notices should only be used when necessary, reasonable, proportionate, practicable and feasible. The emphasis of necessary and proportionality should be considered for the draft bill.

Should you have any questions regarding this submission, please do not hesitate to contact me at

[REDACTED]

Yours sincerely

Sassoon Grigorian
Director of Public Policy, ANZ & SE Asia

