

**A (rare) win for Privacy in Australia:  
Retained Metadata will not be Made Available to Civil Litigants**

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**Abstract**

In recent years, privacy has been on the retreat in Australia. In particular, scholars have lamented the privacy-intrusive nature of the retained metadata scheme introduced into Australian federal law in 2015 by the Telecommunications (Interception and Access) Amendment (Data Retention) Act. In late 2016, the Commonwealth Attorney-General's Department sought public comment on a proposal to expand the retained metadata scheme beyond its original anti-terrorism remit through granting civil litigants access to that retained metadata. This paper discusses the author's successful efforts (alongside others) to promote an effective public debate over the costs and benefits of this proposed expansion of legislation, which resulted in the Commonwealth government ultimately deciding to protect Australian's privacy through prohibiting civil litigants from accessing retained metadata.