

# Understanding Critical Infrastructure Obligations - Part Two

*IAA guidance to members on the:*

Telecommunications Sector Security  
Instruments - Asset Register Reporting



Internet  
Association  
of Australia

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**This paper is not, and is not intended to provide legal advice and should not be relied upon for such. You should seek legal advice or other professional advice for particular matters you or your organisation may have.**

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# Executive Summary

## IAA's guide to new registration of critical infrastructure asset information

The security instruments, *Telecommunications (Carrier License Conditions – Security Information) Declaration 2022* and the *Telecommunications (Carriage Service Provider – Security Information) Determination 2022* ('Telco Security Instruments') came into force on 7 July 2022, enlivening new rules for carriers and carriage service providers.

The Telco Security Instruments set out the obligations for the telecommunications sector to reflect the obligations that exist for other critical infrastructure sectors under the Security of Critical Infrastructure Act 2018 ('SOCI Act').

The legislative instruments are part of Government's uplift of the security and resilience of Australia's critical infrastructure.

The new obligations include mandatory reporting of cyber security incidents, and registration of critical infrastructure assets ('Asset Register').

This paper seeks to guide members in understanding and complying with the Asset Register. Registration in the Asset Register is due 7 October 2022, and ongoing reporting is needed where previously registered information becomes incorrect, incomplete or outdated.

# Glossary & Key Terms

**Asset:** tangible asset (excluding customer premises equipment) that is owned or operated by a carrier/ CSP and used to supply a carriage service. Includes component of a telecommunications network, a telecommunications network, facility, computers, computer devices, computer programs, and computer data

- o An asset should be thought of as the single system or network that fits the definition of a critical infrastructure asset
- o An asset may be comprised of multiple component parts that work together to ensure the asset is a functioning system or network
- o Where components operate as a single system/network ⇒ one asset
- o Where components operate as separate systems/networks that each satisfy definition of 'asset' ⇒ multiple assets

**Direct interest holder:** an entity, together with any associates, holding an interest of at least 10% in an asset; or holds an interest in the asset that puts the entity in a position to directly/indirectly influence or control the asset

- o Entities with complex ownership structures may mean there are multiple direct interest holders, each of whom must comply with the requirements

**Interest and control information:** information about the direct interest holder in relation to the asset



# Glossary & Key Terms

**Operational information:** information about the operation of, and risks associated with the asset

**Relevant data:** data types required to be reported to the Asset Register, including:

- o Personal information of at least 20,000 persons - within the definition of the *Privacy Act 1988* ('Privacy Act')
- o Sensitive information - within the definition of the Privacy Act
- o Information about any research and development related to the asset
- o Information about any systems needed to operate the asset
- o Information about risk management and business continuity for the asset

**Responsible entity:** entity or individual that is in a position to exercise some level of operational control over the day-to-day running of the asset or part of the asset, and directly contributes to ensuring the asset fulfils its function

**Telco Security instruments:** refers to both the *Telecommunications (Carrier License Conditions - Security Information) Declaration 2022* and the *Telecommunications (Carriage Service Provider - Security Information) Determination 2022*

# New Rules

## Who do they apply to?

- o Applies to all entities/persons who hold a **carrier** licence on, or have been granted a carrier licence after, 7 July 2022
- o Applies to all **carriage service providers** who supply a carriage service that enables end-users to access internet
- o Applies to **carriage service intermediaries** who arrange for the supply of services that enable end-users to access internet
- o 'End-users' may also be business users, not simply home services
- o If you manage/operate a carriage service, or part of a carriage service you will most likely be the **Responsible Entity**
- o If you hold an interest in a carrier/CSP's asset, you will most likely be a **Direct Interest Holder**
  - Eg. entity can exercise voting or veto rights in relations to the body that governs the asset, make decisions relating to the business plan or any other management plan for the asset etc
  - Exemptions apply (eg. moneylenders)
  - Interest can be legal or in equity
- o You may be both a Responsible Entity, and Direct Interest Holder, in which case you will have to complete registration for both sets of information
- o NB: other sections of the internet industry are also covered via the SOCI Act – these include data storage and processing, and domain name system sectors



# New Rules

## What are the new rules?

### Registration of Critical Infrastructure Asset

#### Responsible Entities:

- Responsible Entities must submit operational information related to the asset
- This includes:
  - Entity's full legal name
  - ABN (or international equivalent)
  - Address of entity's head office or principal place of business
  - Country in which entity was incorporated, formed or created
  - Full name of entity's CEO
  - Location of asset
    - If the asset is located in a single location, then the street address, plot number, or GPS coordinates of the asset as necessary to identify the location;
    - If the asset is geographically dispersed, then the locational data of the key components of the asset should be provided;
    - you may submit attachments such as spreadsheets, maps, or geospatial file to identify the dispersed asset
  - Description of the area for which carriage services are supplied using the asset
    - If the asset services a broad, undefined area, provide a statement to this effect



REGULATIONS

COMPLIANCE



REQUIREMENTS

# New Rules

## Responsible Entities cont.

- o Description of operation arrangements
  - If the Responsible Entity is the exclusive operator, provide a statement to that effect
  - If other entities are involved in the operation of the asset or different parts of the asset, then provide information about each of those operators: name, ABN (or international equivalent), address of entity's principal place of business or head office, country of incorporation or citizenship, part of the asset the entity operates, entity's role, and level of control over the asset, description of the arrangement with each operator of the asset
- o Description of data arrangements
  - Where a third party manages relevant data related to the asset, Responsible Entity must provide third party's: name, address, ABN (or international equivalent), address where data is held, country of incorporation or citizenship, description or kind of data, and name of cloud service
  - Responsible Entity must notify the third party as soon as practicable that the data being held relates to critical infrastructure asset

## Ongoing Reporting

- The Asset Register must be updated if information becomes incomplete, incorrect or outdated
- Updates must be made within 30 days of the change







# New Rules

## Direct Interest Holder

- Direct Interest Holders must submit control and influence information
- This includes:
  - o Direct Interest Holder's full legal name
  - o ABN (or international equivalent)
  - o Address
    - If Direct Interest Holder is not an individual: address of head office or principal place of business
    - If Direct Interest Holder is an individual: residential address, country of residence
  - o Country of incorporation or citizenship
  - o Information about influence or control the Direct Interest Holder is able to directly/indirectly exercise over the asset
    - Type of influence or control
    - Amount or extent of influence or control
  - o Information about another person appointed by Direct Interest Holder to directly access networks or systems necessary for operation or control of asset
  - o Information about the other entity that is able to directly/indirectly control the Direct Interest Holder
    - Name, ABN (or international equivalent), country of incorporation or citizenship, address, type and extent of interest

## Ongoing Reporting

- The Asset Register must be updated if information becomes incomplete, incorrect or outdated
- Updates must be made within 30 days of the change

# What This Means For You

Changes to policy often means changes for you and your business.



Complete Asset Registration by 7 October 2022

- Identify which type of reporting entity obligations apply to you
- Make sure to use the correct webform



Notify the relevant entities or third parties as per the new obligations

- eg. data storage provider



Maintain up-to-date records and update Asset Register of changes to the information provided



# Helpful Contacts & Material

Regulation can be difficult to understand, so talk to people and access information for further guidance!

## **Internet Association of Australia Ltd**

02 9037 6404

[policy@internet.asn.au](mailto:policy@internet.asn.au)

[www.internet.asn.au](http://www.internet.asn.au)

## **Asset Register Webforms:**

Responsible Entity: [new registration](#)

Responsible Entity: [updating registration](#)

Direct Interest Holder: [new registration](#)

Direct Interest Holder: [updating registration](#)

## **CISC:**

1300 27 25 24

[enquiries@CISC.gov.au](mailto:enquiries@CISC.gov.au)

<https://www.cisc.gov.au/>

[Guidance Material](#)

## **DITRDC**

[telsecurityreview@communications.gov.au](mailto:telsecurityreview@communications.gov.au)

[Carrier Licence Declaration](#)

[CSP Determination](#)

[Explanatory Statement](#)