

December 30, 2019

To: Dr. James Renwick, CSC SC
Independent National Security Legislation Monitor
3-5 National Cct
BARTON ACT 2600
Australia

Thank you for the opportunity to provide a submission as part of your review of the Telecommunications and other Legislation Amendment (Assistance & Access) Act 2018 (TOLA). This legislation grants sweeping and dangerous new powers to Australian law enforcement and intelligence agencies, and thanks to the foreign assistance provisions, extends these powers to foreign authorities as well. In doing so, this legislation raises grave concerns for the privacy and security of internet users and infrastructure in Australia and abroad. In this regard, your review is critical to highlighting and ameliorating the harms of this legislation.

Mozilla's mission is to ensure the internet is a global public resource, open and accessible to all. Our flagship product is Firefox, which is an openly developed and open source web browser used by hundreds of millions of people worldwide. The Firefox code base is also used for the Tor browser, which allows anonymous browsing. In addition to protecting the security of our products, Mozilla has influenced core security protocols used in the internet and backed the adoption of HTTPS, which encrypts website connections to enable more private and secure browsing. In addition, we have advocated to judges and policy makers in many countries on the importance of transparent and robust government processes to handle security vulnerabilities and surveillance requests.

As we noted in our submission to the Parliamentary Joint Committee on Intelligence and Security when this legislation was initially under consideration: "Any measure that allows a government to dictate the design of internet systems represents a significant risk to the security, stability, and trust of those systems. Mozilla believes that TCNs or any similar device would significantly weaken the security of the internet."

To further your review of TOLA, we are pleased to attach the following submissions and comments we have made about this legislation as a series of addenda:

1. Our first submission to the Parliamentary Joint Committee on Intelligence and Security before the law's passage.
2. Our second submission to the Parliamentary Joint Committee on Intelligence and Security after the law's passage.
3. An opinion piece published in *The Australian* by Martin Thomson, a Distinguished Engineer at Mozilla and the Co-Lead of the Internet Architecture Board's Privacy and Security Program.
4. Our recent submission to the Ministry of Communications, Cyber Safety, and the Arts on their draft guidance on factors the Minister should consider when reviewing Technical Capability Notices.

We thank the INSLM for your thoughtful and thorough review of TOLA. This law represents an unprecedented and unchecked threat to the privacy and security of users in Australia and abroad, and we urge you to make recommendations to mitigate the egregious harms of this legislation as part of your review. Ultimately, we do not believe that this law should have been passed in the first place, and we believe the best possible path is to repeal this legislation in its entirety and begin afresh with a proper, public consultation. If you have any questions about our submissions or if we can provide additional information that would be helpful to your review, please do not hesitate to contact me.

Respectfully yours,
Jochai Ben-Avie
Head of International Public Policy
Mozilla Corporation
jochai@mozilla.com
+1-415-494-9785