



FOI ref: 201516/07

James Smith

foi+request-1809-29b759f3@righttoknow.org.au

Dear Mr Smith

FREEDOM OF INFORMATION REQUEST

I refer to your email of 11 April 2016 in which you requested the following documents under the *Freedom of Information Act 1982* (FOI Act) (**Attachment A**):

- documents where the reasons for retaining name and addresses in the Census are justified to ABS management, and a copy of that decision.
- documents requesting that the ABS retain personal data in Census, whether that request originated from within ABS, or externally.
- a copy of any relevant policies pertaining to ABS staff who have the ability to access Census data which assists them to ensure they are using ABS data only for the purpose for which it was collected.
- the most recent reports (covering a one-year period) that describes misconduct of ABS staff generally, including inappropriate access and/or misuse of data held by ABS.

On 15 April 2016, you clarified the following matters regarding the documents you are seeking:

- 'ABS data' means data that is collected by the ABS through the Census or data that is otherwise held by ABS in order to facilitate the Census (this may include, for example, any datasets which include the names and addresses, or any personal information, of all Australians).
- summary reports to ABS management regarding code of conduct breaches would adequately satisfy your requirements around staff misconduct.

Response to your request

I am an authorised decision maker under section 23 of the FOI Act.

A document search has been carried out to identify documents that fall within the scope of your request.

The attached schedule of documents (**Attachment B**) provides a description of documents that fall within the scope of your request and, where applicable, a rationale for why certain content has been redacted.

The documents being released to you are provided at **Attachment D**.

In addition to the documents being released to you at **Attachment D**, I would also like to note there are a number of documents freely available online from the ABS website which are also relevant to your request:

- Community attitudes towards ABS statistical data integration
<http://www.abs.gov.au/websitedbs/D3310114.nsf/home/Statistical+Data+Integration+-+Community+Attitudes>
- ABS to conduct a Privacy Impact Assessment
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/mediareleasesbyReleaseDate/080BA8A92516B088CA257EF9007CD28A?OpenDocument>
- Statement of Intent - ABS to conduct a Privacy Impact Assessment on retention of names and addresses from responses to the 2016 Census
<http://www.abs.gov.au/websitedbs/D3310114.nsf/home/Statement%20of%20Intent%20%E2%80%93%20Privacy%20Impact%20Assessment%202016%20Census>
- ABS response to Privacy Impact Assessment
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/mediareleasesbyReleaseDate/C9FBD077C2C948AECA257F1E00205BBE?OpenDocument>
- ABS Privacy Policy
<http://www.abs.gov.au/websitedbs/D3310114.nsf/Home/Privacy?opendocument>
- Census Privacy Policy
<http://www.abs.gov.au/websitedbs/censushome.nsf/home/privacypolicy>

As outlined in **Attachment B**, within documents that have been identified as in scope of your request, the names of ABS staff have been excluded on the basis that they are irrelevant to your request (specifically the justification of, and decision to, retain personal information in the 2016 Census). If you seek access to these names, please inform the ABS FOI team at freedomofinformation@abs.gov.au so that the ABS can consider your request.

With regards to items 12 and 13, while the information is not explicit in the material being released to you, I can confirm that none of the Code of Conduct investigations referred to in the report relate to inappropriate access or misuse of data held by the ABS.

Upon commencement with the ABS, employees are required to sign an Undertaking of Fidelity and Secrecy in accordance with regulation 4 of the *Statistics Regulations 1983* and an acknowledgement of Official Secrecy and Legal Obligations. In addition to the material released in response to your request, a copy of these documents and associated guidance is provided at **Attachment E** for your reference.

Charges

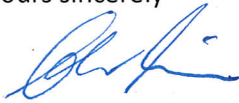
There is no charge for this request.

Internal Review of the Decision

Section 54 of the FOI Act gives you the right to apply for an internal review of the decision by the ABS. Additionally you may request a review of this decision by the Information Commissioner. Details of both procedures involved in an application to review a decision are set out at **Attachment C**.

If you have any queries on this matter please contact the ABS FOI Contact Officer, at freedomofinformation@abs.gov.au or on (02) 6252 7203.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Christine Williams', written in a cursive style.

Christine Williams
Program Manager
Governance & Parliamentary Liaison Branch
Australian Bureau of Statistics
30 May 2016

Attachment A

Freedom of Information request - Census retention decision and ABS use of data
Policy & legislation WDB

James Smith 11/04/2016 07:39 PM

Basics

James Smith 11/04/2016 07:39 PM
foi+request-1809-29b759f3@rightto
know.org.au>

Send	To FOI requests at ABS <freedomofinformation@abs.gov.au>, cc bcc
Subject	Freedom of Information request - Census retention decision and ABS use of data
Protective Mark	DOCUMENT NOT YET CLASSIFIED
Categories	FOI Intry

Dear Australian Bureau of Statistics,

I respectfully request the following information under Freedom of Information Act 1982:

1. Documentation in which the reasons for retaining name and addresses in the Census are justified to ABS management, and a copy of that decision.
2. Any documentation in which requests for this retention of personal data in Census are made, whether that request originated from within ABS, or externally.
3. A copy of any relevant policies pertaining to ABS staff who have the ability to access Census data. In particular, I am looking for documentation which assists ABS staff to ensure they are using ABS data only for the purpose for which it was collected.
4. A report which describes misconduct of ABS staff generally, including inappropriate access and/or misuse of data held by ABS. Please provide the most recent report which covers a one-year period, if that is how your reporting works.

Please feel free to contact me should you require any clarification.

Yours faithfully,

James Smith

Please use this email address for all replies to this request:

foi+request-1809-29b759f3@righttoknow.org.au

Is freedomofinformation@abs.gov.au the wrong address for Freedom of Information requests to Australian Bureau of Statistics? If so, please contact us using this form:

https://www.righttoknow.org.au/change_request/new?body=abs

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

CLARIFICATION

From: James Smith <foi+request-1809-29b759f3@righttoknow.org.au>
To: Wolfgang Hertel <wolfgang.hertel@abs.gov.au>,
Date: 15/04/2016 05:00 PM
Subject: Re: Your FOI request

Dear Wolfgang Hertel,

Thank you for your quick response.

With regard to point 3, I clarify 'ABS data' to mean data that is collected by the ABS through the census, in addition to data which is held by ABS in order to facilitate the census (this may include, for example, any datasets which include the names and addresses, or any personal information, of all Australians).

With regards to point 4, I confirm a summary report will adequately satisfy my requirements.

Yours sincerely,

James Smith

-----Original Message-----

Dear Mr Smith,

I refer to your application of 11 April 2016 in which you seek access to documents under the Freedom of Information Act 1982. You have requested the following documents:

1. Documentation in which the reasons for retaining name and addresses in the Census are justified to ABS management, and a copy of that decision.

2. Any documentation in which requests for this retention of personal data in Census are made, whether that request originated from within ABS, or externally.

3. A copy of any relevant policies pertaining to ABS staff who have the ability to access Census data. In particular, I am looking for documentation which assists ABS staff to ensure they are using ABS data only for the purpose for which it was collected.

4. A report which describes misconduct of ABS staff generally, including inappropriate access and/or misuse of data held by ABS. Please provide the most recent report which covers a one-year period, if that is how your reporting works.

Clarification of Scope

Regarding point 3 of your request, can you please clarify whether your reference to 'ABS data' is to be interpreted as 'ABS Census data' (ie. statistical information) as opposed to other data that the ABS holds (staffing/personnel information etc.)?

Regarding point 4 of your request, where the ABS compiles summary reports to management on instances of staff breaching of the Australian Public Service's Code of Conduct (the APS Code of Conduct is in section 13 of the Public Service Act 1999), would such reports adequately satisfy your information requirements under this request?

Notification of Receipt

Your request was received by the ABS on 11 April 2016 and, subject to your clarification of the scope, the 30 days statutory period for processing your request commenced from that date. If this request will take longer than 30 days to process, we will contact you to negotiate an extension of time.

You will be notified of any charges in accordance with the Freedom of Information (Fees and Charges) Regulations, should they apply, in relation to your request as soon as practicable.

Regards,

Wolfgang Hertel

FOI Contact Officer

Australian Bureau of Statistics

(P) (02) 6252 7203

(E) [1][email address].au (W) [2]www.abs.gov.au

For information about how the ABS' handles personal information please see our [3]Privacy Policy.

References

Visible links

1. [mailto:\[email address\]](mailto:[email address])
2. <http://www.abs.gov.au/>
- 3.

<http://www.abs.gov.au/websitedbs/D3310114.nsf/Home/Privacy?opendocument#from-banner=GB>

Please use this email address for all replies to this request:
foi+request-1809-29b759f3@righttoknow.org.au

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Attachment B

SCHEDULE OF DOCUMENTS

Item no.	Description	Decision	Justification for redacting content (relevant section of the FOI Act)
1	Paper to the ABS Executive Leadership Group (ELG) meeting of 19 October 2015 - 'Retention of names and addresses in the ABS' and relevant attachments.	Disclosure granted	<p>S22</p> <p>This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request:</p> <ul style="list-style-type: none"> • matters other than that pertaining to reasons for, or decision to, retain personal identifiers in the 2016 Census. • names of ABS staff who presented or observed the paper.
2	Minutes of the discussion/decision by ELG regarding Item 1.	Disclosure granted	<p>S22</p> <p>This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request:</p> <ul style="list-style-type: none"> • matters other than that pertaining to reasons for, or decision to, retain personal identifiers in the 2016 Census. • names of ELG attendees.

3	Paper to the ABS Executive Leadership Group (ELG) meeting of 8 December 2015 - 'Outcome of Privacy Impact Assessment: Proposal to retain names and addresses from responses to the 2016 Census'	Disclosure granted	<p>S22</p> <p>This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request:</p> <ul style="list-style-type: none"> • matters other than that pertaining to reasons for, or decision to, retain personal identifiers in the 2016 Census. • names of ABS staff who presented or observed the paper.
4	Minutes of the discussion/decision by ELG regarding Item 3.	Disclosure granted	<p>S22</p> <p>This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request:</p> <ul style="list-style-type: none"> • matters other than that pertaining to reasons for, or decision to, retain personal identifiers in the 2016 Census. • names of ELG attendees.
5	ABS internal 'Privacy Policy'	Disclosure granted	<p>S22</p> <p>This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request:</p> <ul style="list-style-type: none"> • matters involving internal policy administration/record-keeping. • matters involving use of ABS personnel records (not statistical information).

6	ABS 'Security & Confidentiality in Collecting Data Policy'	Disclosure granted	<p>S22</p> <p>This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request:</p> <ul style="list-style-type: none"> • matters involving internal policy administration/record-keeping. • matters involving collection of information (not the use of statistical information).
7	ABS 'Information Security Policy'	Disclosure granted	<p>S22</p> <p>This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request:</p> <ul style="list-style-type: none"> • matters involving internal policy administration/record-keeping.
8	ABS 'Clear Desk, Clear Screen Policy'	Disclosure granted	<p>S22</p> <p>This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request:</p> <ul style="list-style-type: none"> • matters involving internal policy administration/record-keeping.
9	ABS 'Return to Source Policy' (expired May 2016)	Disclosure granted	<p>S22</p> <p>This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are irrelevant to your FOI request:</p> <ul style="list-style-type: none"> • matters involving internal policy administration/record-keeping.

10	ABS 'Return to source policy' (from May 2016)	Disclosure granted	S22 This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request: <ul style="list-style-type: none"> • matters involving internal policy administration/record-keeping.
11	Return to source guidance (from May 2016)	Disclosure granted	
12	Paper to the ABS Senior Management Group (SMG) – 'HR Indicators report - June 2015'	Disclosure granted	S22 This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request: <ul style="list-style-type: none"> • matters not pertaining to code of conduct breaches/investigations.
13	Paper to the ABS Senior Management Group (SMG) – 'HR Indicators report - December 2015'	Disclosure granted	S22 This document contains information that would reasonably be regarded as irrelevant to the request. I have determined that the following are not relevant to your FOI request: <ul style="list-style-type: none"> • matters not pertaining to code of conduct breaches/investigations.

Attachment C

INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

If you disagree with our decision you have the right to apply for an internal review under section 54 of the FOI Act.

Application for a review of the decision must be made within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker were you to set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

ABS FOI Contact Officer
Policy, Legislation and Assurance Section
Australian Bureau of Statistics
Locked Bag 10
BELCONNEN ACT 2617

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.

Attachment D

Item no. 1 - Paper to the ABS Executive Leadership Group (ELG) meeting of 19 October 2015 - 'Retention of names and addresses in the ABS' and relevant attachments.

Executive Leadership Group

19 October 2015

Paper title: Retention of names and addresses in the ABS

Author area: 2016 Census Program [REDACTED]

Recommendations

1. ELG agree to the conduct of a Privacy Impact Assessment (PIA) of the following proposed changes to ABS Privacy Policy:

1.1 Permanent retention of addresses, using separation principles to separate from data file but be linked for approved purposes (para 11).

1.2 Retention of raw names as a data linkage resource only, using anonymised version of names for data linkage (paras 12 to 28).

2. ELG agree that the PIA be used as the primary vehicle for external engagement and communication in relation to retention of Census identifiers (pars 29 to 33).

3. ELG note that there are and will continue to be a number of exceptions to the current policy in place, with ABS applying option 4 or similar arrangements in a number of situations.

Background

1. In accordance with ABS policy, personal identifiers (such as names and addresses) are deleted from the Census, as well as most surveys, after the completion of processing. Names and addresses have been used for approved statistical purposes during this "processing period" in data integration projects associated with the 2006 and 2011 Census (see [Notes Link](#)).

2. There is a widely held view within ABS that continuing to operate under such restrictions will be a significant barrier in meeting both statistical and operational aspirations.

3. The Census Program was asked to investigate this issue on behalf of the organisation. An exposure draft paper was presented to ELG in December 2013 (see [Notes Link](#)).

Benefits and privacy risks

4. The retention of names (or a form of names) and addresses would provide a benefit to the ABS and the wider community as it would:

- enable higher quality linkage of survey, administrative and census datasets (improved linkage rates as well as successfully linking amongst traditionally hard to link groups, such as Aboriginal and Torres Strait Islander peoples);
- support a range of organisational efficiencies, such as the development of the ABS Address Register, improved sampling, imputation, and provider management;
- support more flexible, geo-spatial outputs; and
- support our desire to be the premium data integration service in the NSS and encourage greater sharing of government information for statistical purposes.

5. In particular, the emergence of data integration as a key strategic direction for the organisation, together with whole of government priorities for public sector data management, has increased the motivation for reviewing the current policy. ABS data integration activities can be expected to expand significantly in the coming years as ABS gains access to additional key, nationally important, administrative datasets. Maximising their utility will result from the ability to conduct multiple high quality linkage projects, through linking amongst administrative datasets, business surveys and the Census. This is a critical enabler for the transformation of both people and economic statistics.

6. The key risks of extending ABS policy on the retention of names and addresses relate to the potential for loss of trust from providers due to privacy concerns or breaches, leading to a reduction in response rates to ABS collections. Making the public commitment to delete such information has been seen as a powerful strategy to alleviate any concerns over privacy and confidentiality, whilst also reducing the risk of accidental or malicious disclosure.

Focus group testing

7. Focus group testing was conducted to explore privacy concerns and issues related to the retention of names and addresses by the ABS. A summary of the focus group testing results is in [Notes Link](#). The key themes that emerged were: the need for a public good; the importance of quality information for good decision making; transparency of ABS retention and use of personal identifiers (a requirement of the new Privacy Act); and security.

8. A majority of participants believed that an anonymised name offered a greater degree of protection for the security and privacy of individuals, and represented a lower risk than raw names. A key concern in retaining raw names related to the belief that personal identifier information could or would remain appended to survey or other government data. In the focus group it was not possible to explore the use of separation principles for names and addresses, and it is therefore possible that being able to effectively articulate the use of separation principles may mitigate these concerns to some extent.

9. The retention of addresses appeared to be generally acceptable to participants, although it was noted that there could be some sensitivities as an address could be seen as more personal than a name (as it relates to a physical location rather a name which could be seen as something more abstract).

10. The testing suggested that transparency by the ABS and consistency of the ABS' behaviours between policy and practice are more important to providers than what decision ABS makes on name and address retention.

Options and recommendations

11. Retention of addresses - The Census program recommend changing the ABS policy such that addresses (and their associated geocodes) be retained permanently - with the use

of separation principles. Mesh Blocks would continue to be retained on the data file(s) so they are "geospatially enabled". This has significant statistical and operational benefits, through supporting the improvement of geospatial statistics, the ABS Address Register, and other operational efficiencies. This is seen as a **medium privacy risk** (likelihood of this being a broad provider concern - possible, severity of impact of this concern to ABS - minor), and is supported by the findings of the focus groups.

12. Retention of names - four options have emerged through internal consultation and focus groups:

Option 1: No change to the current ABS policy;

Option 2: Destroy raw names but retain an anonymised version of names;

Option 3: Retain raw names as a data linkage resource only, using anonymised version of names for data linkage; or

Option 4: Retain and use raw names.

Option 1: No change to the current ABS policy

13. As explained above, this option would severely constrain ABS aspirations in relation to data integration and potentially damage the ABS' reputation as a premium data integration provider.

14. The privacy risk of this option is rated as **medium** (likelihood - possible, severity - moderate), but is consistent in nature to previous Census and current ABS approaches. The risk to ABS outcomes of this option is rated as **extreme** (likelihood - almost certain, severity - major). For these reasons, it is not considered a viable option.

Option 2: Destroy raw names but retain an anonymised version of names

15. Option 2 is the permanent retention of anonymised (encoded), unique statistical linkage keys, which are based on names — with the use of separation principles, whereby the name-based statistical linkage key is removed from, but able to be linked to, the data file(s). Raw names would still be used during the processing of Census data, including for the conduct of the Post Enumeration Survey and the production of Aboriginal and Torres Strait Islander life expectancy estimates (accuracy of linkage with anonymised name is yet to be proven for this population group and thus maintaining consistency with previous approach is recommended until it is determined whether or not anonymised name is sufficient). Raw names would be deleted after the completion of this work.

16. This approach provides a balance between additional benefit and risk management, but it may still limit statistical objectives to some extent. The use of anonymised names in data linkage can generally provide linkage rates almost as high as with raw names, however in some specific cases (e.g. Aboriginal and Torres Strait Islander people and some migrant populations) this has not yet proven to be the case. This option provides the ABS with only one opportunity to generate a set of linkage keys and thus restricts the capacity to review, revise or improve on the encoding in the future to meet new challenges or new opportunities.

17. The benefits of option 2 include:

- continuing the public message that we don't retain names which should not result in any risks to Census related to privacy; and
- considerably improved linkage rates over linkage using meshblock, date of birth and other characteristics only.

18. The risks of option 2 include:

- privacy risks of a change to public messages around retention and greater use of name based information (and therefore a potential impact on Census participation), albeit with the 'reassurance' that we delete names (**High risk**: likelihood - possible, impact - major);
- loss of flexibility to, and potential opportunities that would be accessed through, generating new linkage keys in the future to meet new and changing needs (**High risk**: likelihood - almost certain, impact - moderate); and
- potential loss of business, and ABS reputation, as a premier integrator of government data — external partner agencies may see as ABS unnecessarily constraining itself and therefore constraining whole-of-government data integration projects through not allowing for the highest possible linkage quality (**Medium risk**: likelihood - possible, impact - moderate).

Option 3: Retain raw names as a data linkage resource only, using anonymised version of names for data linkage

19. Option 3 is the permanent retention of raw names, however these would be permanently separated from the remainder of the collected data file (ie separated from the other characteristics of the individual). The raw names would be retained in a separate file. Anonymised versions of names would be generated from the raw names and then recombined with the data file in order to allow data linkage.

20. The name file would be used as a resource for data linkage research and practice, forming part of the foundational infrastructure for ABS' data linkage activity.

21. The use of separation principles and security would be critical in mitigating the privacy risks in terms of the accessing or release of identified data, and helping to assure the public that the information they provide to the ABS would remain private and confidential. Under this option, the public could be assured that their name is separated from our Census and other data files, and strict security mechanisms are put in place to ensure that staff can not access both a person's name and their survey responses.

22. It would be important to highlight the public good element of retaining names, that is, that it would contribute to better social and economic outcomes for Australian's through having higher quality, richer information for decision making and policy development and evaluation - and that this retention will only be used for statistical purposes as protected by legislation.

23. The benefits of option 3 include:

- being able to provide public assurance of the separation of names from other characteristics that are collected ("names are removed from the Census data set and are never added back");
- ensures strong alignment between ABS policy and statistical intentions/aspirations;
- enabling higher quality linkage than under option 2; and
- providing flexibility to continue to research and improve on anonymised data linkage mechanisms.

24. The key risks of option 3 are that:

- it leads to privacy concerns and reduced trust in the ABS, and in particular, putting at risk the level of participation in our collections. There is the potential for a public backlash (including from the privacy lobby), which would need to be carefully managed (**High risk**: likelihood - possible, impact - major);

- the use of anonymised names for data linkage lead to a statistically significant reduction in data quality in some instances (**Medium risk:** likelihood - unlikely, impact - moderate); and
- it leads to concerns from clients or other custodians that the quality of data is being compromised through the use of anonymised data linkage mechanisms (**Medium risk:** likelihood - possible, impact - moderate).

Option 4: Retain and use raw names.

25. Option 4 is similar to Option 3, however there would be no commitment to not link raw names back with collected characteristics and raw names would be utilised directly in data linkage.

26. The retention of names for direct use in linkage gives ABS the ultimate flexibility and is the approach taken in Statistics New Zealand. It is not clear, however, to what extent there is a requirement to link with raw names beyond the two current exceptions cited above (Census Post Enumeration Survey and Indigenous Mortality Project).

27. The key benefit of option 4 is to achieve all of the outcomes highlighted in option 3 in relation to data linkage, but without any potential compromise of linkage capacity or ABS reputation as the premium data integrator.

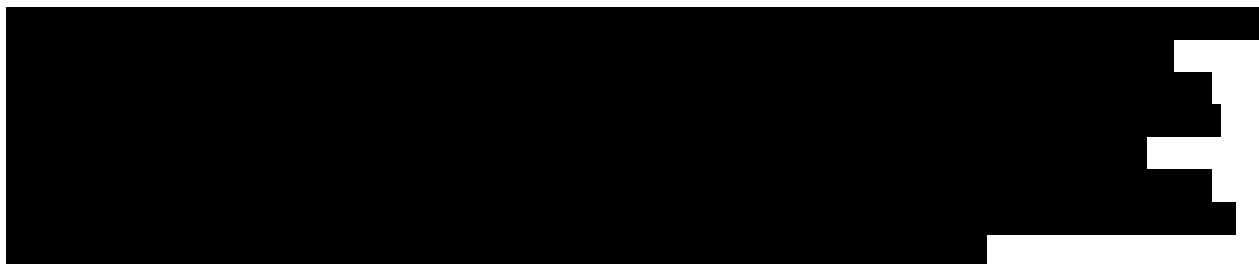
28. The two key risks of option 4 are:

- it leads to privacy concerns and reduced trust in the ABS, and in particular, putting at risk the level of participation in our collections. There is the potential for a public backlash (including from the privacy lobby), which would need to be carefully managed (**High risk:** likelihood - possible, impact - major); and
- it leads to accidental or malicious disclosure of identifiable data (**High risk:** likelihood - unlikely, impact - severe).

Privacy Impact Assessment

29. The approach to address retention and data integration for previous Censuses, and our decisions on all new data integration projects have been informed by the conduct of a privacy impact assessment (PIA). The conduct of a PIA to consider the application of this change in policy on the Census is considered the best practice to assess the potential impact and appropriateness of this change on privacy in order to inform a final decision by ELG.

30. Whilst an external PIA was conducted in 2005 in relation to Census retention and integration, it is proposed that a PIA for these changes for Census 2016 is conducted internally, consistent with our practice with data integration projects and leveraging the experience and knowledge we have built since 2005.



32. When a final decision is made, it is proposed that the PIA is published on the ABS website along with the report from Colmar Brunton Social Research on the focus group research on public attitudes to data retention and integration by the ABS. It would be ideal for this to quickly follow the release of the 'Trust in ABS' survey.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Executive Leadership Group Meeting

Monday 9th December

Retention of personal identifiers in the ABS

[REDACTED] Census Branch

Purpose of the paper

The purpose of the paper is to:

1. raise the key issues that need be considered in relation to the retention and use of personal identifiers;
2. initiate ELG discussions on the retention and use of personal identifiers in the ABS, and in the first instance consideration of the 2016 Census of Population and Housing; and

Key issues

1. In accordance with ABS policy, personal identifiers (such as name and address) are deleted from Census, as well as most survey and administrative files, after the completion of processing.
2. The retention of personal identifiers would provide a benefit to the ABS (and wider community) as it would enable high quality linkage of the Census dataset with other survey, administrative and Census datasets. Data integration is a key strategic direction for the organisation.
3. The retention of personal identifiers would support the development of the ABS Address Register and its use as a means of improving organisational efficiency through better sampling, and more effective and efficient provider contact. It would also support broader ABS organisational efficiencies.
4. There is a risk that privacy concerns around retention of personal identifiers would reduce trust in the ABS and / or reduce the level of voluntary compliance with ABS collections. Retention of personal identifiers increases the risk of breaches of confidentiality and privacy through disclosure.

Consultation undertaken in preparing this paper

1. Consultation has included the Data Linkage Centre and Data Integration NSC, Geography, National Tax Data and Business Demography. A draft of the paper was presented at the Data Integration Steering Committee (DISC) (including representatives from PLASS, OOTSEE, EESG and MDMD).

Action required by ELG

It is recommended that ELG:

1. consider the issues raised in the paper;
2. provide some preliminary views on the retention of personal identifiers; and
3. endorse the further exploration of the retention of personal identifiers, including undertaking public consultation.

Retention of personal identifiers in the ABS

1. Introduction

1. The ABS has traditionally collected various forms of personal identifiers in our collections, this has generally been only required (and therefore used) for operational reasons. The destruction of these identifiers after processing, a step in a traditionally linear statistical production process, was a way of clearly protecting the privacy of the provider and provider perception of the ABS, with only limited impact on potential benefits.

2. The increase in the potential for data integration through improved methods, processes, technology and availability of rich administrative datasets has increased the value of personal identifiers, as these identifiers enhance the ability to accurately link records between data sets.

3. Personal identifiers are also critical to enabling the ABS to implement more efficient data collection operations including improved targeted sampling and effective interviewer-less contact of respondents.

4. Considering the benefit of retention of personal identifiers, there is a need for an organisational discussion and examination of ABS policies regarding the retention and use of personal identifying information to ensure that we have the right balance between benefits and risks. Whilst there are some different considerations for Census, surveys and administrative datasets, it is important for the issue to be considered holistically.

5. The issue of personal identifier retention has been raised in a number of fora recently, in the context of administrative data, the statistical spatial framework, household survey operations, the Census, and data integration (see Attachment 1 for the relevant papers). Given the Census is central to many of the current and potential data integration activities, as well as being the most high profile ABS collection, at the August 2013 steering committee meetings for the Statistical Spatial Framework and Data Integration Steering Committee it was agreed that Census Branch would take the lead in progressing this issue to ELG for discussion and decision, with a focus on considering the issue first for the 2016 Census.

6. Decisions relating to the retention of names, addresses and other personal identifying information have potential impacts on multiple Census goals, namely:

- *improve the quality of data collected by the Census (including relevance, timeliness, accuracy, coherence, interpretability and accessibility)*
Retention of personal identifiers could improve the value of Census data through data integration and linking, which would enable new products as well as

improving quality of Census data through quality assurance and improving imputation.

- *maintain and make targeted improvements to the coverage of the population overall, including at the small area level and for specific population groups* Retention, or more specifically concerns about retention and data use, could impact respondent behaviour and create a negative impact on the Census response rate, coverage and cost of operations.
- *contribute to the sustainability of the Census and the wider ABS through the ABS 2017 Program*
Retention would provide a more valuable Census data set for other areas of the ABS and significantly increase the quality and value of the ABS Address Register. The retention of 2016 Census data would be valuable in the development and conduct of the 2021 Census.

7. The purpose of this paper is to:

1. raise the key issues that need be considered in relation to the retention and use of personal identifiers;
2. initiate ELG discussions on the retention and use of personal identifiers in the ABS, and in the first instance consideration of the 2016 Census of Population and Housing; and



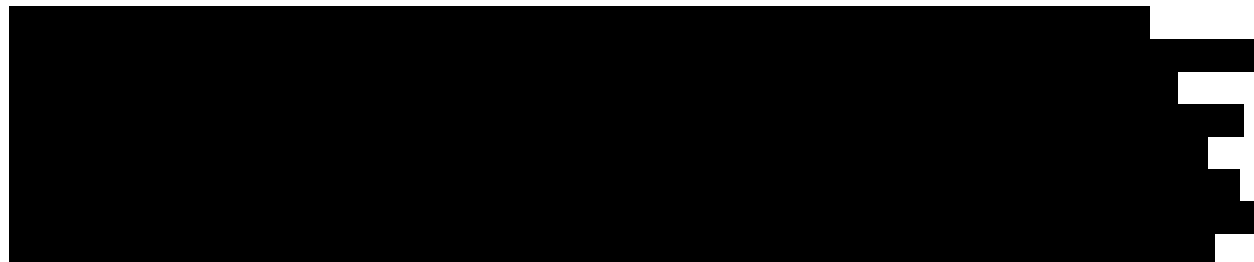
2. What are personal identifiers?

8. The ABS policy refers to "...names, addresses and other identifiers of individuals...".

9. The Privacy Act defines personal information as "...information or an opinion (including information or an opinion forming part of a database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion."

10. While some data items are likely to represent a greater identification risk in their own right, the likelihood of identification of an individual will depend on the number of data items and their nature. In the Census context, the main personal identifiers of relevance are name; address (as well as other address-coded geographic information such as meshblock and geocode); and date of birth.

11. Names and addresses collected in the Census are not retained, however date of birth, meshblock (since 2006) and a "one to many" encryption of name (since 2011) are retained.



[REDACTED]

13. [REDACTED] the focus of this discussion, in terms of changing practice in the Census, relates to names and addresses. Names and addresses are considered the most 'sensitive' in the context of privacy, as well as holding the most intrinsic value in the data integration context. ELG views on the range of potential 'personal identifiers' relevant in this context are welcomed.

3. Current ABS policy

14. The current ABS policy in relation to retention of personal identifiers is found in the Policy and Legislation Manual (Policy 04, Privacy, subsection 01 Privacy Act 1998), and states that:

"It is ABS policy that name, address and other identifiers of individuals must be deleted from collected survey and administrative files as soon as practical after processing, unless there is a business need approved by the Australian Statistician."

15. The ABS policy, as currently applied, has a range of potential limitations:

- the default position is that personal identifiers are not retained unless Statistician exemption is approved;
- it does not differentiate between different personal identifiers which may have different uses and risk profiles and therefore groups all personal identifiers under one approach;
- it presumes the area undertaking the data processing is in a position to assess whether there is an immediate business need or an identified future business need;
- it precludes the ability for meeting a business need which is identified after processing is complete; and
- is orientated around the traditional survey cycle of processing as a once off event in a linear process (rather than our future information management approach).

16. While the current ABS policy requires names and addresses to be deleted once 'processing is complete', the notion of a defined (and finite) end-to-end processing period is no longer as meaningful or relevant. The statistical system is necessarily becoming more complex, with an increasing focus on information management rather than collections. Census, survey and administrative datasets are increasingly being viewed as enduring statistical assets, with potential uses far beyond the end of what might be viewed as the traditional processing period which ends when initial survey results are released.

17. When considering the notion of processing in the Census context, the SLCD provides a useful example. The SLCD is part of the suite of Census products, not an add on to the Census, so it could reasonably be regarded as part of the processing of the Census. In the SLCD context, processing of one Census could be seen as incomplete at least until it has been linked to the subsequent Census. Data integration is increasingly seen as a part of the future of Census processing.

4. Opportunities - Value proposition of change

18. There are a number of business benefits for the retention of personal identifiers. Broadly, these relate to:

- statistical data integration;
- enhanced geospatial enablement of statistics;
- productivity and efficiency; and
- reducing provider burden.

19. There is also a strong element of public good that relates to the benefits, either in relation to providing government and the community with a greater range of information which can be used to inform on important social and economic policy challenges, as well as through more efficient use of government resources.

4.1 Statistical data integration

20. The emergence of data integration as a key strategic direction for the organisation has increased the motivation and urgency for the review of the current policy on the retention of personal identifiers. ABS data integration activities can be expected to expand significantly in the coming years as ABS gains access to additional key nationally important administrative datasets. Maximising the utility of these datasets, as well as of the Census and survey datasets, will result from the ability to conduct multiple high quality linkage projects, through linking multiple administrative datasets, linking administrative datasets to surveys and/or the Census, and linking the Census to surveys. Name and address information has the potential to markedly improve the quality of data linkage.

21. Through the launch of the ABS' Information Management Transformation Program (Pink, 2000) and now ABS2017, the business of the ABS is changing to be more focussed on information management across both collection based and administrative data. In a modernised operating environment, we need to stop considering collections as separate, stand-alone data sources and focus our business on considering information needs holistically and providing information solutions based on whatever sources or sources that are available. This will involve iterative processing of the range of data sources held by the ABS, and in many cases will require the ability to integrate (link) these data sources, in order to maximise their value. While we may not know all of the potential future uses of all the datasets the ABS holds, the retention of some or all personal identifiers would enable us to be in a position to meet those future needs as they arise.

22. The Census Data Enhancement program (for 2006 and 2011) has been a huge success, with a variety of valuable data integration projects having been undertaken. For example, the Statistical Longitudinal Census Dataset, Migrant Settlements project and Indigenous Mortality Study. It is important that ABS build on that success for the 2016 CDE, as well as more broadly across the ABS, through maximising the range and value of data integration projects that are able to be undertaken. Many of the CDE projects undertaken in 2006 and 2011 have focussed more on linkage quality, so for 2016 the focus will increasingly need to move to statistical outputs, and this would be supported by the retention of personal identifiers in the Census, administrative and survey datasets.

23. Statistical data integration offers the potential to produce new data products, as well as enrich existing data products. There are many administrative datasets that are likely to have considerable statistical value. In addition to the Personal Income tax data which has already been used in data integration projects, future data integration projects could include the use of FaHCSIA welfare payments data, Centrelink unemployment benefits data,

Medicare and Pharmaceutical Benefits Scheme data, Australian Immunisation Register, the AEC electoral role, and other nationally important datasets.

24. The assurances provided to the public around data integration have been successful in maintaining public trust, but this has come with some trade-offs. We have limited the program to linkages that were declared before the Census and limited the program to linkages that could be conducted during the processing period of the Census. The use of bronze linkage processes (linking without name and address) has meant that the Statistical Longitudinal Census Dataset is not as complete as it could be, and some groups like Aboriginal and Torres Strait Islander people and people who move addresses are under-represented in the dataset.

25. The ABS provides an effective and safe environment for data integration. As an Accredited Integrating Authority under the interim Commonwealth data integration arrangements, ABS has the experience and infrastructure to undertake high risk data integration projects, as well as a high level of Community trust. There are many data integration activities that only the ABS is able to undertake, i.e. those that relate to information collected under the Census and Statistics Act.

26. As the future of the population and social statistical program continues to evolve, it is likely that the Census will increasingly become central to population and social statistics, i.e. Census as a 'spine' for the population and social program. This will only increase the need for, and benefits of, statistical data linkage with the Census. The use of Gold Linkage (i.e. using Names and Addresses) would ensure maximum value for what is already one of the most valuable statistical assets the ABS holds.

4.2 Enhanced geospatial enablement of statistics

27. The Spatial Statistical Framework aims to provide a consistent and common approach to geospatially-enabling statistical and administrative data. The framework is the key strategy in achieving the NSS priority of enabling statistical information to be integrated with location information.

28. The inclusion and retention of a geocode and a geographical unit on unit record files will greatly enhance the ability of the ABS to produce consistent geospatially enabled statistical outputs. This will simplify geospatial analysis of ABS statistics and allow geography to be used to facilitate integration across data sources of aggregate level statistics. The inclusion of geocode information will also ensure flexibility into the future. Geocodes will allow the ABS to produce statistics for new or changed geographies and, potentially, for a wider range of geographic boundary types.

4.3 Productivity and efficiency

Development and maintenance of an Address Register

29. The Address Register will be critical to driving efficiency in ABS data collection activities. The initial development of an accurate Address Register requires the retention of collected dwelling address information.

30. The Address Register is intended to be an up-to-date and comprehensive list of all physical addresses in Australia, which supports collection activity for the 2016 Census of Population and Housing and other ABS household surveys. The Address Register will store a list of mailable and locatable addresses for every land parcel in Australia, including but not

limited to, residential, business and commercial buildings which can be used by survey areas to extract survey frames.

31. The Geocoded National Address File (GNAF) forms the basis of the address register, however GNAF is neither complete in its coverage, nor does it hold sufficient information on each address. To fully meet our objectives, the address register needs to be extended with additional addresses captured through the 2016 Census, as well as be populated with characteristics of these dwellings.

Efficiencies in survey sample design

32. The retention of personal identifiers would also enable more efficient survey sampling through the use of 'selective sampling'. For example, retaining information that allows us to understand that people (a person) with a certain characteristic of interest from a social policy/survey perspective is associated with a particular address, thus enabling, for example, targeted (and therefore more efficient) sampling in indigenous surveys, health surveys, etc.

Response rates

33. The retention of personal identifiers will be crucial in providing information to enable adjustments in household surveys with lower response rates (i.e. adjusting for non-response). Missing data can be imputed (or weights adjusted), which would reduce the cost of pursuing the last few percent of response rates. This would also allow the possibility of reducing target response rates in household surveys as an efficiency move.

Development of consolidated lists of data items as a corporate tool for name and address repair and standardisation

34. The Analytical Service Data Linking Team is working to develop a corporate tool to support name and address repair and standardisation, which would derive frequencies of key data items (e.g. given and surname, age, street and suburb name, country of birth etc.) using a variety of different administrative data files. This information would then be retained in a central repository, and used as a shared corporate resource by internal (and possibly external) clients engaged in record linkage.

35. The success of this project does assume that name and address information can be stored (separately) for the long term by the ABS, as the files would contain frequency information of names by year of birth and country and street address by suburb. The development of such a corporate tool is fundamental to research into record integration methodologies including the development of robust one-way encryption algorithms.

Efficiency of making contact with respondents

36. The implementation of self-enumeration electronic forms has removed the need for interviewer visits to be conducted for all households, however this relies on being able to make contact with households through other methods. The retention of names, addresses or other contact information increases the likelihood of the success of this contact by allowing the ABS to 'personalise' interactions with respondents, rather than addressing correspondence to 'The Householder'. However it is possible that some people may find it intrusive that ABS knows their name.

4.4 Reducing provider burden

37. Increased and improved statistical data integration also has the potential to reduce respondent burden, as some current and future data gaps will be able to be filled through integrating datasets rather than conducting surveys, or through being able to reduce the sample sizes or content of existing surveys.

5. Threats, risks and issues relating to change

Risks and issues relating to privacy, confidentiality and trust of providers

38. The retention of personal identifiers such as name and address is not precluded under the Census and Statistics Act, nor the Privacy Act.

39. The Census and Statistics Act 1905 states that information collected under that Act will be kept confidential. The Privacy Act places a number of requirements on Commonwealth agencies when collecting, storing, using and disclosing personal information. Under the Privacy Act, the collection and dissemination of personal information is limited to that which is core to the business needs of the agency. Personal information must be stored securely to prevent its loss or misuse. When collecting personal information from individuals, Commonwealth agencies are also required to do what is reasonable to ensure that the individual is made aware of the purpose for which the information is being collected.

40. It is important to note that from March 2014, the Privacy Amendment Act 2012 comes into effect (replacing the Privacy Act 1988). The Privacy Amendment Act includes a set of new, harmonised, privacy principles that will regulate the handling of personal information by both Australian government agencies and businesses. These new principles are called the Australian Privacy Principles (APPs). They will replace the existing Information Privacy Principles (IPPs) that currently apply to Australian Government agencies and the National Privacy Principles (NPPs) that currently apply to businesses (see the [OAIC website](#)).

41. The Office of the Statistician and External Engagement (OOTSEE) is coordinating the implementation of these mandatory privacy changes across the ABS, including undertaking a review of the ABS privacy policy. The implementation process will consider a range of issues, such as the interactions between the Privacy Amendment Act, with its provisions for individuals to access and correct personal information held about them by an agency (as well as an agency having responsibility for ensuring that the personal information it holds about individuals is accurate, up-to-date, complete, relevant and not misleading), and the Census and Statistics Act.

42. The ABS strictly maintains the secrecy of all information provided under the Census and Statistics Act 1905. The answers provided are treated confidentially and no information is released in a way that would enable a person, household or business to be identified. This would continue to be the case if the ABS retained personal identifiers, however, the retention of personal identifiers would change the ABS' risk profile in relation to disclosure or inappropriate use. ABS would need to ensure that policies, processes and infrastructure are adequate to protect against this change in risk.

43. The ABS policy to delete personal identifiers is part of the ABS strategy to maintain the trust of providers. Making the public commitment to delete such information has been seen as a powerful strategy to alleviate any concerns over privacy and confidentiality, and ensure ABS is transparent about the use of personal information. Clearly articulating the specific uses of personal information before deleting is also a key component of the strategy to

manage risk. As noted above though, it does preclude their future use, no matter how important or worthwhile that potential use may be.


44. While the perception that personal information may not be secure would be a concern, the 'worst-case' scenario would be if there was a privacy breach with personally identifying information entering the public domain. This could result in a significant loss of confidence in the ABS. It should be noted that this risk already exists, given that personal identifiers are currently retained for the 18 month processing period of the Census.

6. Change options

45. The consideration of the ABS preferred approach, and thus appropriate policy, for retention of personal identifiers needs to consider a number of different aspects which have an impact on both the level of risk that the ABS is exposed to, as well as the benefit provided by the retention. The aspects that need to be considered include the source of the data (i.e. Census, survey or administrative), the specific identifier to be retained, the method of retention, the location of retention, the tenure of retention and the purpose/use of the retained data.

What personal identifiers could be retained, and how

46. The identifiers retained are likely to have significant impact on the potential benefit achievable. The retention of both names and addresses (including geocodes) would clearly have the most value. However, there are other 'fall-back' options that might still provide some benefit with less risk. The retention of addresses only is likely to be less of a privacy concern, but would still provide some of the benefits noted above (e.g. spatially enabling datasets, AR maintenance and efficiencies in sample design). To realise the full benefits though, names and addresses would be required. For example, the retention of both names and address was required by the CDE Indigenous Mortality Study linkage project.



48. Personal identifiers can be retained in a way that provides additional protection to privacy. For example, we could undertake a 'one-way' encryption of Names (or Names and Addresses) to create unique Statistical Linkage Keys and retain these, rather than retaining actual names. It is possible that this could satisfactorily meet some requirements around high quality data linkage, but without necessarily permanently retaining all personal identifying information. A one to many hash encryption code was stored from the 2011 Census to assist with SLCD linkage to the 2016 Census but this is a very coarse grained encryption mechanism in which about 40,000 people in the population share the same code.

How personal identifiers could be stored, and for how long

49. The ABS would be able to continue to meet its obligations in ensuring the privacy and confidentiality of respondents information even if it were to retain personal identifying information. As an Approved Integrating Authority, ABS is well placed to undertake safe storage and use of personal information.

50. Any retention of personal identifiers would need to be supported by secure storage, using the data integration separation principles. While the personal identifiers could be

retained on the data file, it may be prudent for them to be stripped off the data file, and be retained in a secure location, separate from the data, with a concordance to enable future secure data linkage. This is the approach used in New Zealand and Canada (see Attachment 2). Having strong protections on who can access the personal identifiers, and under what conditions, may alleviate or at least lessen some of the privacy concerns.

51. Consideration would also need to be given to the length of time the personal identifiers are retained. The current approach is to retain temporarily, for a period that represents the traditional view of 'processing'. The length of time personal identifiers are retained could still be tied to the processing period, but based on a modernised view of processing which would involve a longer time span thus enabling a greater range and timeframe of uses. For example, in the Census context, the period of processing for one Census could be extended to encompass the period up to the subsequent Census, to facilitate the production of the next iteration of the SLCD.

52. Alternatively, the personal identifiers could be retained for an (extended) defined period (defined based on the data source, and use/potential use of the identifiers from that source), or retained permanently.

Use of personal identifiers

53. The uses made of personal identifiers would need to be closely managed. There should be a clearly articulated approval process which would apply to the use of this information, for example, projects proposing to use personal identifiers from the Census, or any other source, would need to be approved by the Australian Statistician and be made public. This would also involve delineating the different types of uses, e.g. whether for operational purposes or for data linkage purposes.

7. Where to from here

[REDACTED]

[REDACTED]

[REDACTED]

How would we test community acceptance/attitudes to the retention of personal identifiers in the Census?

56. Across many aspects of people's lives, the collection and retention of personal identifying information is now a matter of course, as such information is necessary to enable the 'collector' to meet their core functions (e.g. welfare payments, service delivery, banking, etc.) or is an integral part of the medium (e.g. social media). While there will always be some apprehension around privacy, it could be argued that the community is more or less used to providing personal information in a variety of contexts, and in fact expect it. Notwithstanding this, there is still some evidence of public discomfort and mistrust around how their personal information is used. The issue may therefore be less about whether personal identifiers are retained, and more about what use is made of them, and by whom.

57. It will be important to gain an up to date understanding of community views on the retention of personal information. A number of focus groups were held in 2010 to assess trust in the ABS and attitudes towards the Census Data Enhancement proposal for the 2011 Census. The focus group found that there was a strong level of trust in the ABS (considerably higher than for other government agencies). It also found that the public trusted the ABS commitment to never release any data which could enable the identification of an individual (including in relation to data linkage).

58. While the results of the previous focus group testing are encouraging, this issue still needs to be carefully managed. A change in the ABS position would require public consultation to test community attitudes to the retention of personal identifying information, and its use in data integration/linkage activities. Further focus group testing or similar should be undertaken. This testing should consider Census as well as touching on the broader ABS perspective.

[REDACTED]

[REDACTED]

[REDACTED]

62. There are a number of areas that ABS may want to test/understand, including:

- public understanding of what ABS currently does, or doesn't do, with their personal information (as a baseline);
- ABS trust rating;
- community attitudes to different protection mechanisms, and different public messages - e.g. the extent to which ABS retaining an 'encrypted' name rather than

the name itself, or nature of the storage personal information, would alter privacy concerns;

- community attitudes to various potential uses of personal identifiers (e.g. in data linkage activities) as opposed to the retention itself;
- effectiveness of a range of different communication strategies - i.e. if the policy were to change, how to best articulate to the public what the ABS position is; and
- public sensitivity to a negative campaign, and reactions to ABS responses - i.e. how would a negative public campaign impact their support for the Census.

63. ELG views on what consultation should take place are welcomed, in particular what is the level of comfort in putting into the public domain the possibility of retaining personal identifiers in the Census at this time. ELG are also encouraged to identify if there are currently any 'no go' areas.

Next steps

64. A strategy for any consultation process will need to be developed shortly, including identifying the timing of engagement with key external stakeholders (e.g. Privacy Commissioner), and mapping out the work that will be required both prior to and subsequent to any consultation (e.g. further review of ABS policies in relation to the new National Privacy Principles, specific evaluation of the benefits and risks associated with retention across the different data sources and activities and for different identifiers).

65. If focus group testing is to occur, it is expected to be undertaken around April 2014.

[REDACTED]

67. The Census Program plan to return to ELG in mid 2014, after the conduct of testing to recommend a position on the retention of names and addresses for the 2016 Census, and any related policy or procedural changes for the ABS.

[REDACTED]

[REDACTED]

Attachment 1 - Recent papers and discussions relevant to the retention of personal identifiers across ABS

In August, the following paper was presented to the Statistical Spatial Framework Steering



Committee ([Retention of PII for SSFSC_final.docx](#)). The paper sought to promote discussion by the Statistical Spatial Framework Steering Committee (SSFSC) towards forming an agreed position on the retention of personal identifier information by the ABS, highlighting the associated opportunities and risks and proposing a way forward.

Also in August, a paper was presented to the PLASS Survey Managers Committee (see [Notes Link](#)) which sought to start discussions and encourage thinking about how to enable PLaSS statistical collections for potential future data integration, and identifying issues that may need to be considered or resolved. In this context, the respective project boards for the General Social Survey (GSS) and the Survey of Disability, Ageing and Carers (SDAC) requested that their collections were set up in such a way as to enable potential use in data integration projects (see [Notes Link](#) for GSS example).



Attachment 2 - International approaches to personal identifier retention

It is also worth comparing the ABS position on personal identifiers with that of some of our international counterparts, where there are similar social/public values and similar statistical systems.

In Statistics New Zealand and Statistics Canada, personal information is retained for statistical purposes. In the Office for National Statistics, personal identifiers are converted to anonymous, but unique, codes (referred to as 'pseudo-identifiers'). In all cases, the personal identifiers are securely stored separate from the the data files. The US Bureau of the Census does not retain personal identifiers (from the Census or American Community Survey) outside of the processing period.

Focus group testing - Retention of personal identifiers

Background

Colmar Brunton Social Research was commissioned to conduct focus group testing to explore issues related to the possible retention of personal identifiers (names and / or addresses) by the ABS. As part of this process, focus group testing relating to ABS plans for data integration associated with the 2016 Census was also undertaken. While ELG requested that the focus group testing for personal identifiers and data integration associated with the 2016 Census be conducted separately, useful information on the retention / use of personal identifiers was gained from both sets of discussions.

While there are a number of business drivers for the retention of names and addresses, the focus group discussions were explored largely through the lens of data integration, for both practical reasons (it was not possible to explore all issues / uses in the available time) and because data integration was a topic that participants could readily identify with and for which the possible benefits were more apparent.

The testing was undertaken in a variety of metropolitan and regional locations, across all age groups, as well as with specific groups for Culturally and Linguistically Diverse (CaLD) and Aboriginal and Torres Strait Islander groups. There were 16 one hour focus group sessions (eight for personal identifiers and eight for data integration associated with the 2016 Census), with 8–10 participants in each group.

Findings

The ABS was seen as a trustworthy organisation producing important data for decision making. As such, there is an opportunity to leverage off this trust in broadening the ABS policy on retention and use of personal identifiers. However, it also exposes the ABS to greater risks in terms of eroding that trust.

There was a diversity of opinion on the retention and use of names and addresses, with many participants comfortable with the ABS using their names and addresses, and many assuming we already do. Others were not supportive of ABS retaining and using names and/or addresses. Generally, there were divergent views about retaining names and retaining addresses.

The key themes that emerged were:

- Public good — there needs to be a public good for the retention and use of names and addresses, and this needs to be articulated well to the public;
- Quality — the quality of information for decision making was seen as very important, with many participants recognising the value of quality. They felt that if names and addresses could contribute positively then they would support moving beyond the current position;
- Transparency — participants had strong views about the need for transparency and clear communication about what ABS is doing and is planning to do, particularly with people's personal information; and
- Security — there is a keen awareness of the need for strong security. While respondents expressed trust in the ABS and the privacy and confidentiality protections in place, there was also a concern that a breach may be inevitable.

In terms of the specific views on the retention of names and addresses:

- the retention and use of a coded / non-identifying version (a statistical linkage key based on name) of respondents name by the ABS was acceptable to the majority of participants;
- it was important to respondents that separation principles be used, and that data and identifiers were not accessible by the same people;
- the retention of "raw" names appeared to be acceptable for perhaps an unexpectedly large proportion of participants (around a third). However, this does not appear to be sufficient support to give confidence that this would be acceptable to the broader community (it should be noted, however, that for some people there may have been a perception of names potentially being stored with the data); and
- while there was general support for the retention and use of addresses, there were some sensitivities to this which would need to be managed, as a small number of participants felt that an address could be more personal than a name (as it relates to an actual physical location where they may have lived for many years, whereas a name is seen as something more abstract).

The retention of "raw" names was considered a higher risk than a unique non-identifying name or a non-unique non-identifying name. While the ABS was almost universally viewed as a trustworthy organisation, it was argued that breaches of privacy and security are increasingly commonplace in today's increasingly interconnected world. A key concern related to the belief that personal identifier information would remain appended to survey or other government data, such that once an individual or a rogue agent gained access to an ABS database they would have all the details required to potentially impact on the identified individuals in a negative manner. In comparison, participants believed that a unique (or non-unique) non-identifying name offered a greater degree of protection for the security and privacy of individuals.

For reference, the Colmar Brunton report is in
report.docx



PI focus group testing

Item no. 2 - Minutes of the discussion/decision by ELG regarding Item 1.

ELG/2015/22

Database: ABS Corporate Information

19 Oct 2015

**Executive Leadership Group
Summary of outcomes - ELG meeting of 19
October 2015**

Author Area: Office of the Statistician

EXECUTIVE LEADERSHIP GROUP - Summary Outcomes

Purpose of Meeting	EXECUTIVE LEADERSHIP GROUP (ELG)
Date	Monday 19 October 2015
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

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	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
■	<p>[REDACTED]</p> <p>[REDACTED]</p>
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Item no. 3 - Paper to the ABS Executive Leadership Group (ELG) meeting of 8 December 2015 -
'Outcome of Privacy Impact Assessment: Proposal to retain names and addresses from responses to
the 2016 Census'.

Executive Leadership Group

Outcome of Privacy Impact Assessment: Proposal to retain names and addresses from responses to the 2016 Census

Census Program and Strategic Partnerships and Projects Division

[REDACTED]
[REDACTED]
8 December 2015

Purpose

To advise ELG members on the outcome of the Privacy Impact Assessment (PIA) on the proposal to retain names and addresses from responses to the 2016 Census.

Key Background

1. ELG agreed on 19 October 2015 to conduct a Privacy Impact Assessment (PIA) on the retention of names and addresses from responses to the 2016.
2. A Media Release and Statement of Intent were published on the ABS website on 17 November 2015. A public feedback period was open for 3 weeks and closed on 2 December 2015.
3. A PIA was undertaken by the Strategic Partnerships and Projects Division, in consultation with the following Divisions: Census and Statistical Network Services Division; the Governance, People and Culture Division; and Technology Services Division.
4. The following key stakeholders have been advised / consulted: ASAC, the AMT and Treasurer's office, the Commonwealth Privacy Commissioner and State/Territory Privacy Commissioners (or relevant Officers).
5. No substantive issues have been flagged during stakeholder consultations or in undertaking the PIA, although a small number of recommendations have been made to support implementation if the proposal proceeds.


[REDACTED]

Action required by ELG

1. Consider the outcome of the PIA and provide any comments on the recommendations and strategies to address identified risks, and whether these recommendations and strategies are rigorous enough to support a decision to proceed with retention of names and addresses.
2. Based on ELGs decision, a communications strategy is provided for discussion and agreement on next steps.

1. The Statement of Intent and Media Release, released on 11 November initiated a 3 week public feedback period on the proposal to retain names and addresses from the 2016 Census. Only three responses from concerned private citizens have been received.
2. The following key stakeholders have been advised or consulted: ASAC, the AMT and Treasurer's office, the Commonwealth Privacy Commissioner and State/Territory Privacy Commissioners (or relevant Officers). The Australian Privacy Commissioner emphasised the need to clearly articulate the mitigation strategies around identify theft, data security and the prevention of data breaches given heightened public concern in this area. No other substantive issues have been raised. A summary of stakeholder engagement and correspondence is provided at Attachment A.
3. Media coverage on the proposal to retain names and addresses from responses to the 2016 Census has consisted of two articles appearing in APS News and IT News. Both articles repackaged material in the Statement of Intent and Media Release.
4. The Strategic Partnerships and Projects Division have completed a PIA on the proposal to retain names and addresses from responses to the 2016 Census (see Attachment B for the PIA and Attachment C for the Outcome of the PIA). The following internal stakeholders have been consulted:
 - a. 2016 Census program
 - b. ABS Centre for Data Integration
 - c. IT & Protective Security
 - d. Geospatial Solutions
 - e. Policy, Legislation and Assurance
 - f. Communications and Dissemination
5. The outcome of the PIA has confirmed that the proposal to retain names and addresses from responses to the 2016 Census is consistent with the functions of the ABS prescribed in the *Australian Bureau of Statistics Act 1975* and complies with all the provisions in the *Census and Statistics Act 1905* and the *Privacy Act 1988*, including the Australian Privacy Principles (APPs).
6. In relation to the proposed retention of names and addresses from responses to the 2016 Census, a small number of potential risks to personal privacy, data security and public perception have been identified. However, the assessment concludes that in each case, the likelihood of the risks eventuating is 'very low'. It also concludes that the ABS has implemented robust processes to manage data, protect privacy and guard against misuse of information, and that these arrangements effectively mitigate these risks. It is judged that any residual risks are such that the ABS is capable of managing.
7. The General Managers of the: Strategic Partnerships and Projects Division; Census and Statistical Network Services; Governance, People and Culture Division, as well as the Program Managers for 2016 Census and Data Integration, met on 4 December to discuss the outcomes of the PIA and public consultation process. The discussion provided feedback to finalise the PIA, recommendations and supporting documents. The group also discussed a range of scenarios, including if a decision to retain names and addresses was not well received from the community and was impacting / likely to impact Census responses. It was noted that any decision to retain names and addresses could be reversed from an operational perspective at any time but that any reversal of the decision would probably have already impacted the trust of some respondents and the subsequent quality of responses to the Census.

8. If a decision is made to retain names and addresses, the following implementation actions are recommended
 - a. Update the Census Privacy Statement prior to conducting the Census on 6 August 2016 to ensure transparency by informing the Australian public that names and addresses from responses to the 2016 Census will be retained by the ABS for statistical and operational purposes as long as there is a purpose for doing so.
[Responsibility: Program Manager, 2016 Census]
 - b. Implement business processes which are necessary to manage the separation and retention of names and addresses from responses to the 2016 Census, including separating the internal ownership and responsibility for managing the name file from the area managing the file of anonymised names, and implementing an audit process for Directors responsible for granting access to retained data files.
[Responsibility: Program Manager, Data Integration and Microdata Futures]
 - c. Develop training and support materials for staff accessing name and address data, as well as guidelines for ABS Census Interviewers and publish online responses to frequently asked questions concerning the retention of names and addresses from responses to the 2016 Census to support queries from the public.
[Responsibility: Program Manager, 2016 Census]
 - d. Conduct an internal audit of the implementation of the above recommendations as part of the internal audit program scheduled for the 2017-2018 financial year.
[Responsibility: Program Manager, 2016 Census]
 - e. Assign responsibility to the Senior Executive Committee responsible for approving data integration projects and for monitoring whether there is an ongoing need for the retention of information.
[Responsibility: Program Manager, Data Integration and Microdata Futures]
9. To communicate the outcome of the PIA, an ABS Minute will be sent to the Assistant Minister to the Treasurer (AMT) on the Australian Statistician's decision (Attachment D). After the AMT has noted this advice, letters will be sent to Commonwealth, State and Territory Privacy Commissioners or equivalent. A Media Release, a statement on the outcome of the PIA, the full PIA and the Executive Summary from focus group testing will be published on the ABS website (See Attachment E for draft Media Release). A NewsPoint will be published, with an advance copy provided to all SES and Census Directors.
10. All further responsibility for communication will be carried out by the Census program. Any feedback or media commentary received after release of the Media Release and PIA will be reviewed and acted upon appropriately by Corporate Communications and the 2016 Census program.


General Manager, Strategic Partnerships and Projects Division
December 2015

Attachment A: Summary of stakeholder engagement and correspondence

Stakeholder engagement	
Minute to the Assistant Minister to the Treasurer, The Hon Alex Hawke MP	Sent with follow up discussion with Office. Minute was noted. Updates provided in Weekly Circular
Letters to Commonwealth, State and Territory Information & Privacy Commissioners	██████████ called Timothy Pilgrim, Australian Privacy Commissioner ██████████ met with OAIC Advisers to review PIA ██████████ met with Timothy Pilgrim on outcomes of PIA and received additional advice on inclusions for the PIA which have been incorporated. WA, NSW and Victoria responded but did not raise substantive issues.
ASAC advised at scheduled ASAC meeting	Discussion held at ASAC
Other key stakeholders advised: PM&C, Treasury	Contacted by ██████████ ██████████ through AMT Minute
Economic Statistics Advisory Group	██████████ presentation
Census workshops around States/Territories with key Census stakeholders	Feedback noted by Census and PIA team
Consult internally – Census, Policy and Legislation, Security, Geography, SPPD	Preparation of draft privacy risk assessment & recommendations.

Correspondence received	
Sven Bluemmel Office of the Information Commissioner, WA	No concerns raised
David Watts Commissioner for Privacy and Data Protection, Vic	Request for further detail Responded to by ██████████
Dr Elizabeth Coombs NSW Privacy Commissioner	Request for a copy of the PIA, provided advanced draft. Responded to by ██████████
Three letters from private citizens	Proposal was not supported
Department of Immigration and Border Protection	Currently with SES of DIBP, not yet received
Department of Social Security	Currently with SES of DSS, not yet received

Item no. 4 - Minutes of the discussion/decision by ELG regarding Item 3.

Item no. 5 - ABS internal 'Privacy Policy'.

Manual Category **B. Policy and Legislation**

Manual ID **Policy - Policy and Legislation**
- No &
Title:

Chapter No. & Title: **04. Legislation and Legal Issues**

Section No. & Title: **01. Privacy Act 1988**

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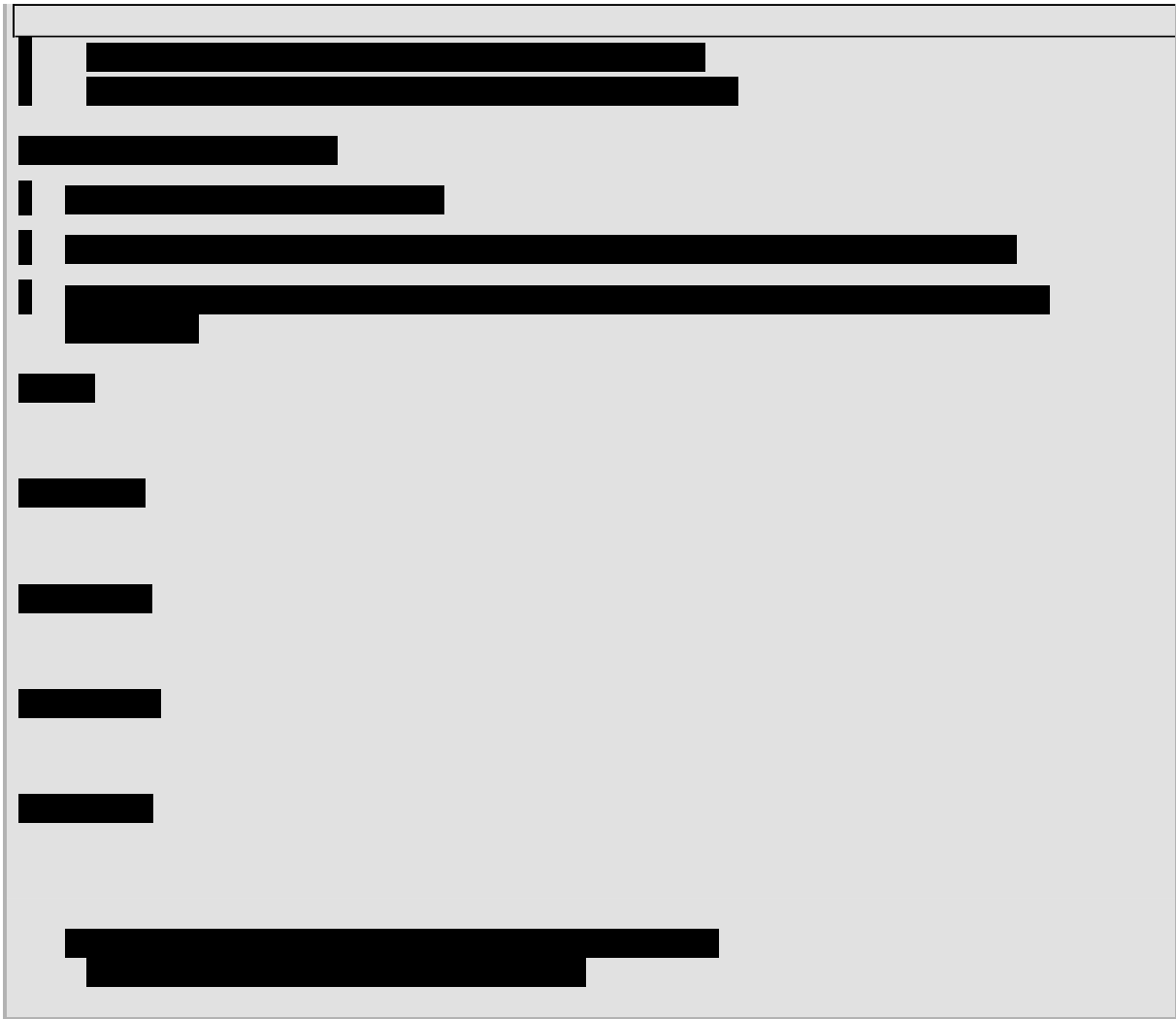
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PRIVACY ACT 1988

Owner: AS OOTSEE

Responsible Director: Audit, Policy and Parliamentary Liaison

Review Date: March 2016

KEY POINTS

1 The *Privacy Act, 1988* (Privacy Act) protects personal information about individuals from mishandling and imposes regulations for collecting, storing, using and disclosing personal information about individuals.

2 Where other legislation (such as the *Census and Statistics Act, 1905* (C&S Act)) imposes stricter requirements (for example, through secrecy provisions), the strictest requirement must be met.

3 Upholding privacy is a core value of the ABS. The ABS adheres strictly to the requirements of the Privacy Act and the C&S Act, both of which underpin our compact with providers. In many cases, the ABS exceeds the requirements of these Acts.

POLICY (INCLUDING DELEGATIONS)

Definitions:

- *May – application of policy is discretionary.*
- *Should – application of policy is compulsory unless approved by your AS.*
- *Must – application of policy is compulsory unless approved by Policy Owner.*
-

4 It is ABS policy that all ABS staff must comply with the requirements of the Privacy Act. All Directors should assess their business processes against the requirements of the Privacy Act and mitigate any identified risks.

5 It is ABS policy that name, address and other personal identifiers must be deleted from collected survey and administrative files as soon as practical after processing, unless there is a business need approved by the Statistician via the Program Manager, Governance and Parliamentary Liaison Branch.

6 It is ABS policy that any suspected breaches relating to privacy must be reported to the ABS Privacy Officer as soon as practically possible. The Privacy Officer must investigate the breach and provide recommendations to the Statistician and relevant line management.

7 It is ABS policy that all communication with the federal Privacy Commissioner may only be undertaken by the Statistician; their Executive Assistant; the Deputy Australian Statisticians; the Program Manager, Governance and Parliamentary Liaison Branch; officers of Policy, Legislation and Assurance; or any other officers nominated by the Statistician.

8 It is ABS policy that a privacy impact assessment must be undertaken whenever:

- a survey is undertaken outside of the C&S Act (excluding ABS staff surveys);
- a project, or program, involves high-risk data linkage;
- respondent's personal information will be kept for a prolonged period, or
- if otherwise directed by the Statistician.

It is not necessary to undertake privacy impact assessments for the collection of personal information under the C&S Act.

9 It is ABS policy that personal information about staff must only be collected and used or disclosed to facilitate effective business operations. Personal information collected or stored on ABS managed systems or services must only be available to other staff members with a valid business reason.

10 It is ABS policy that, upon request for access to or correction of personal information from a person under the Privacy Act, all non-statistical data relating to that person must be updated and copies returned to them, if requested. Statistical data is not required to be updated and copies may only be returned in line with the [Return of Data to Source](#) policy.

11 It is ABS policy that contractors and subcontractors providing services to

the ABS must be contractually obliged to adhere to the same Privacy Act standards as the ABS, had the ABS been completing the work.

LEGISLATION

What is 'personal information'?

12 Personal information is defined in the Privacy Act as 'information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not.'

What is 'sensitive information'?

13 The Privacy Act also deals with 'sensitive information' which is a subset of personal information. Sensitive information is defined in the Privacy Act as:

- 'information or an opinion about an individual's:
 - racial or ethnic origin; or
 - political opinions; or
 - membership of a political association; or
 - religious beliefs or affiliations; or
 - philosophical beliefs; or
 - membership of a professional or trade association; or
 - membership of a trade union; or
 - sexual orientation or practices; or
 - criminal record;that is also personal information;
- or health information about an individual; or
- genetic information about an individual that is not otherwise
- health information; or
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- biometric templates.'

What are the requirements of the Privacy Act?

14 The Privacy Act provides for principles based protection of individuals' personal information. The Privacy Act includes 13 Australian Privacy Principles (APPs) that apply to the handling of personal information by most Australian, ACT and Norfolk Island public sector agencies, as well as large businesses, all health service providers and some small businesses and non-government organisations. The APPs set out standards, rights and obligations in relation to handling, holding, accessing and correcting personal information.

15 The APPs are structured to reflect the information lifecycle; from collection, through use, to disclosure, and include the storage and security as well as access to and correction of personal information. The requirements relevant to the ABS for each stage of the personal information lifecycle are:

16 Privacy considerations (APP 1 and 2)

- Manage personal information in an open and transparent way.
- Implement reasonable practices, procedures and systems relating to the functions or activities of the ABS that:
 - a) will ensure compliance with the APPs; and
 - b) will enable the ABS to deal with inquiries or complaints from individuals about its compliance with the APPs.
- Make a clearly expressed and up to date policy (the APP privacy policy) about the management of personal information by the ABS available free of charge on the ABS website.
- Except where a legal requirement exists (e.g. compulsory ABS collection) or it is impracticable to do so, give individuals the option of not identifying themselves, or of using a pseudonym, when dealing with the ABS.

17 Collection (APPs 3 and 5)

- Only collect personal information where it is reasonably necessary for, or directly related to, one or more of the functions or activities of the ABS.
- Only collect sensitive information:
 - a) where the individual has consented and it is reasonably necessary for, or directly related to, one or more of the functions or activities of the ABS; or
 - b) where authorised under law (e.g. C&S Act).
- Only collect personal information by lawful and fair means.
- Only collect personal information about an individual from someone other than the individual if:
 - a) the individual consents to the collection; or
 - b) it is legal to do so; or
 - c) it is unreasonable or impracticable to collect from the individual.
- When collecting personal information about an individual take reasonable steps to notify them about, or otherwise ensure that they are aware of:
 - a) the identity and contact details of the ABS;
 - b) the fact that the ABS collects or has collected the information and the circumstances relating to that collection:
 - i. if collecting from someone other than the individual; or
 - ii. the individual may not be aware the ABS has collected the information;
 - c) the authority under which the information is being collected (e.g. C&S Act);
 - d) the purposes for which the ABS collects the information;
 - e) the main consequences (if any) for the individual if all or some of the information is not collected by the ABS;
 - f) any third party to which the ABS usually discloses information of the kind collected;
 - g) that the ABS APP privacy policy contains information about how the individual may access the personal information about the individual that is held by the ABS and seek the correction of such information;
 - h) that the ABS APP privacy policy contains information about how the individual may complain about a breach of the APPs and how the ABS will deal with such a complaint;
 - i) whether the ABS is likely to disclose the personal information to overseas recipients; and

- j) if the ABS is likely to disclose the personal information to overseas recipients – the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

18 Storage, security, access and correction (APPs 10, 11, 12 and 13)

- Ensure the personal information that the ABS collects is accurate, up to date and complete.
- Ensure the personal information that the ABS uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.
- Protect the personal information held by the ABS from misuse, interference and loss; and from unauthorised access, modification or disclosure.
- Where legal, give individuals access to the personal information that the ABS holds about them on request from the individual.
- Correct personal information held about an individual if either:
 - a) the ABS is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
 - b) the individual requests that the ABS make a correction to the information.

19 Use and disclosure (APP 6 and 8)

- Only use or disclose personal information about an individual for the particular purpose (the primary purpose) that it was collected.
- Only use or disclose personal information about an individual for another purpose (the secondary purpose) if:
 - a) the individual concerned has consented; or
 - b) the relevant individual would reasonably expect the ABS to use or disclose the information for the secondary purpose and the secondary purpose is:
 - i. directly related to the primary purpose for sensitive information; or
 - ii. related to the primary purpose for information other than sensitive information; or
 - c) authorised to do so under law (e.g. C&S Act).
- Before disclosing personal information about an individual to an overseas recipient take reasonable steps to ensure that they do not breach the APPs (other than APP1) in relation to the information.

SUPPORTING POLICY INFORMATION (FAQs)

When is information about an individual?

20 The Privacy Act defines an 'individual'. The definition of an individual as 'a natural person' is taken to mean that the Privacy Act, generally, does not protect the personal information of deceased persons. Although the Privacy Act generally only protects the personal information of living persons, C&S Act confidentiality provisions may still apply to personal information about deceased persons.

21 If an individual's identity can be determined from business information (for example, information about sole traders, some partnerships or other businesses), then this information is also personal information and is protected under the Privacy Act. While general information about the business is covered under the C&S Act, it is not covered under the Privacy Act.

What personal information might be collected by business surveys?

22 Examples of personal information that might be collected by a business survey include:

- information about sole traders;
- information about the employees of a business;
- information relating to the clients of a business;
- business names which contain a natural person's name; and
- some business addresses, which are also home addresses.

Additionally, business surveys might collect details for a contact person to follow up with regarding queries.



Does the Privacy Act apply to email addresses?

24 People's email addresses are considered personal information under the Privacy Act when they disclose the person's identity. You should be careful when sending group emails and consider whether you need to use the 'bcc:' field.

How do I make sure that my team's business processes comply with the Privacy Act?

25 To assess your team's business processes against the Privacy Act, Directors should:

- Ensure you are aware of the personal information that your team are responsible for.
- Determine which stages of the privacy cycle your team are responsible for: collection; storage, security, access and correction; use or disclosure; or a combination of these stages.
- Using the Privacy Act requirements outlined in paragraph 15, establish what policies, procedures and training are in place to ensure your team complies with these requirements.
- Assess whether the policies, procedures and training in place, provide adequate protection. If not, identify where there are gaps which could lead to a privacy breach.

- If relevant, develop a plan to address the gaps or ensure that your processes are adapted and adhered to.

What are the consequences if an individual is found to have breached the ABS Privacy Policy?

26 The Statistician will refer the matter to the federal Privacy Commissioner. Pending the outcome of any investigation by the Privacy Commissioner, the matter may also be referred to People Management and Wellbeing for investigation under the [Managing Breaches of the Code of Conduct](#) provisions. Possible consequences for the individual and the ABS will range in severity, with civil penalties (including fines and jail time) imposed for serious or repeated privacy breaches.

How do I find the ABS Privacy Officer and what can they help with?

27 The ABS Privacy Officer is located within the Policy, Legislation and Assurance section. To contact the Privacy Officer you can send an email to the Policy & legislation WDB. For urgent queries, you can contact the Director, Policy, Legislation and Assurance.

28 The Privacy Officer can provide assistance to line areas about privacy concerns and answer questions regarding the Privacy Act and its application in the ABS.

What types of personal information does the ABS hold?

29 The ABS deals with personal information about a variety of individuals – providers and respondents (statistical data), staff (employee records), clients and stakeholders (e.g. contact details). The handling of these various types of personal information must be in accordance with the Privacy Act.

How can I notify clients and stakeholders of the fact that the ABS holds their personal information?

30 It is our responsibility to adhere to APPs, which include obligations related to the notification of collection of personal information (APP5), and take reasonable steps to make people aware that the ABS has collected their data, regardless of where the data comes from. The data custodian will often already adhere to the APPs and make people aware that their data is shared with the ABS for statistical and research purposes. If the provision of personal information to the ABS by the data custodian has not been identified, it is the subject matter area's responsibility to consider what reasonable steps (if any) could be taken to make people aware. Reasonable steps will need to take into account whether the personal information is supplied to the ABS on a one off or ongoing basis and could include negotiating with the data custodian to notify people that their personal information is supplied to the ABS.

How can I notify clients and stakeholders of the fact that the ABS holds their personal information?

31 Dealing with clients and stakeholders will often involve handling their personal information, for example, contacting them to respond to a query/request or to consult/engage with them. When inviting client contact, whether through the National Information Referral Service or directly to your area (for example providing contact details on the front page of publications): include a reference to the collection of their personal information and a link to the ABS privacy policy (www.abs.gov.au/privacy). Consider including the ABS privacy policy link and a statement to make new and existing stakeholders aware that your area has collected their personal information when contacting them.

How does the Privacy Act relate to the secrecy provisions in the C&S Act?

32 The C&S Act is much stricter than the Privacy Act in many areas, and the strictest requirement must be always met. For example, the Privacy Act allows for law enforcement bodies to access personal information where it is reasonably necessary for their enforcement related activities, whereas the C&S Act would prevent such access to personal information.

33 As a result of the strict requirements of the C&S Act, the principles relating to the use and disclosure of personal information contained in the Privacy Act have no additional obligations on the information collected under the C&S Act.

Can the C&S Act prevent someone from accessing their personal information?

34 Yes. Information collected under the C&S Act is afforded higher protections than under the Privacy Act. While it is possible for an individual to access their personal information under the C&S Act, the C&S Act only allows for the information collected under it to be returned to the source, that is, the person who provided the information, not the person to whom the information relates. For further information, see the [Return of Data to Source](#) policy.

What is a privacy impact assessment and how do I conduct one?

35 A privacy impact assessment looks at a project that (includes the collection, use or disclosure of personal information) from a privacy perspective. The process helps to describe how personal information flows in a project, analyse the possible privacy impacts on an individuals' privacy, and identify options for managing, minimising, or eradicating these impacts.

36 A privacy impact assessment can take many forms. The ABS differentiates between privacy impact assessments that are undertaken in-house for internal consumption (e.g. using a Data Integration Steering Committee template as the tool) and those undertaken externally with findings made available to the public.

37 It is the subject matter area's responsibility to undertake privacy impact assessments. The Office of the Australian Information Commissioner (OAIC) has released a [guide](#) which may assist you. The ABS Privacy Officer can also provide assistance to ensure compliance with policy and legislation and must be

consulted regarding the external release of findings from privacy impact assessments.

What is our commitment to the protection of personal information about ABS staff within the organisation?

38 The ABS is committed to only collecting and using or disclosing personal information to facilitate effective business operations, consistent with the requirements of the Privacy Act. If you have any questions or concerns, speak to your Director.

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Who should I contact about access to or correction of personal information?

55 Each Director is responsible for ensuring that any list of contacts that they maintain (e.g. mailing/subscription list, stakeholder engagement details or query/request log) adheres to the APPs.

56 For each of the other types of information listed, you should refer requests to the respective area.

- respondent information - Director, Population Survey Operations;
- client information - Director, Customised and Microdata Delivery;
- staff information - Director, People Management and Wellbeing; Director, Pay and Entitlements; or Director, National Recruitment, depending on the type of staff information needed; and
- other information - Director, Policy, Legislation and Assurance.

How should I respond to an external request for access to or correction of personal information?

57 Respond to requests that relate to non-statistical data by giving access or making a correction within 30 days. Respond to requests for statistical data in line with the [Return of Data to Source](#) policy within 30 days and, if refusing to give access or make a correction, respond in writing giving the reason for refusal and the complaint mechanisms available to the person.

When do contractors or subcontractors to the ABS have to comply with the Privacy Act?

58 Always. On occasion, the ABS contracts external service providers to undertake projects that involve being able to see personal information, for example, recruitment processes and HR IT system upgrades. If a contractor or subcontractor has access to personal information then they must comply with the Privacy Act.

How do I correctly use the Sensitive:Personal Email Protective Marker (EPM)?

59 The Dissemination Limiting Marker (DLM) of Sensitive:Personal is used to protect sensitive information only. You should only apply the Sensitive:Personal EPM to emails that contain information classified as sensitive information under the Privacy Act.

REFERENCES AND RELATED INFORMATION

- 60 [Privacy Act 1988](#)
- 61 Australian Privacy Principles – [full text](#)
- 62 [Australian Privacy Principle guidelines](#)
- 63 [Privacy Impact Assessment Guide](#)
- 64 [ABS privacy policy](#)
- 65 [Privacy Policy Training Package](#)



Item no. 6 - ABS 'Security & Confidentiality in Collecting Data Policy'

Manual Category : **B. Policy and Legislation**

Manual ID : **Policy - Policy and Legislation**
- No &
Title:

Chapter No. & Title: **10. Developing and Conducting Statistical Collections**

Section No. & Title: **10. Security & Confidentiality in Collecting Data**

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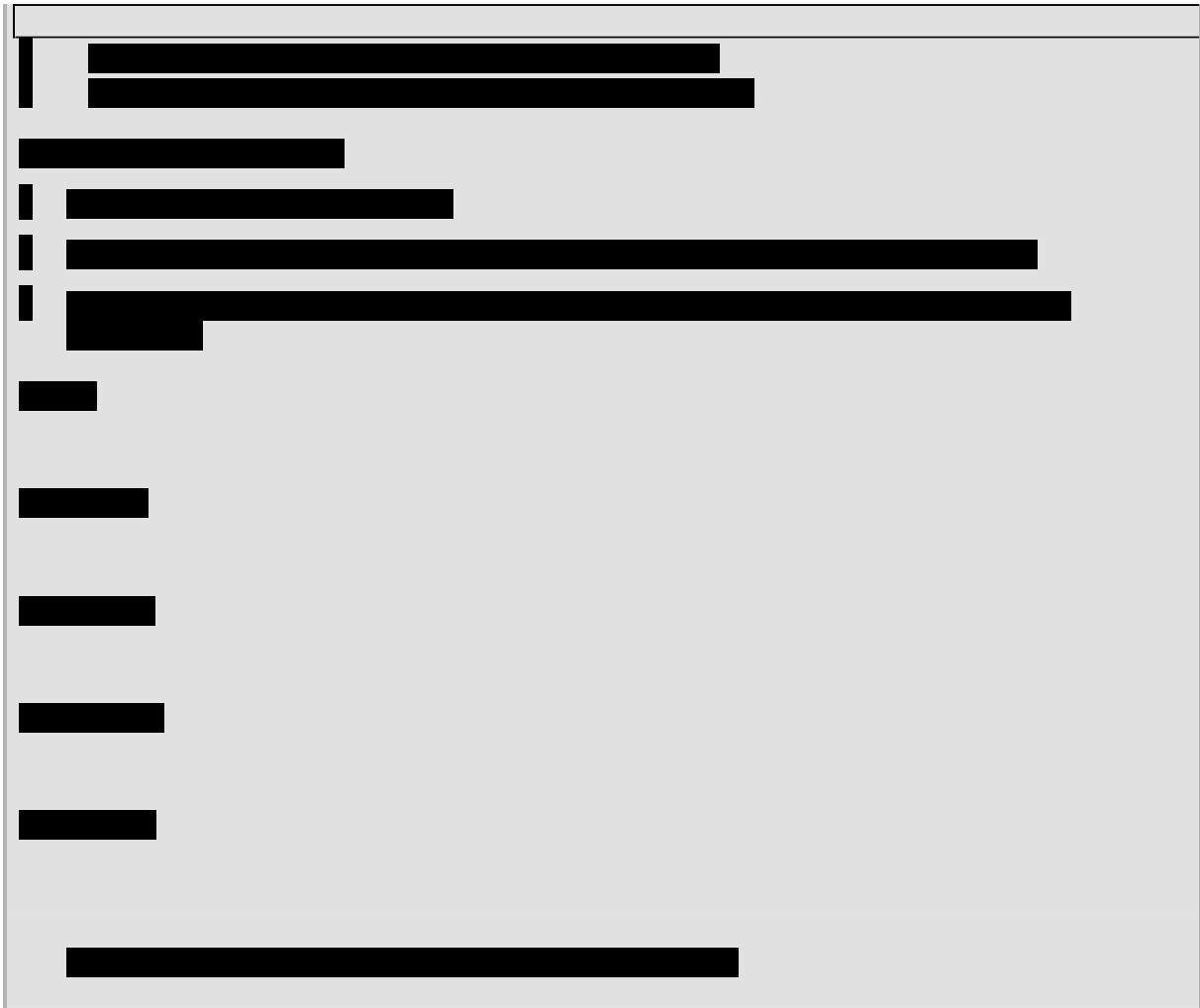
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NOTE: THE FOLLOWING POLICY IS CURRENTLY UNDERGOING REVIEW. FOR FURTHER ADVICE ON THE STATUS OF THIS POLICY CONTACT POLICY AND LEGISLATION SECTION.

SECURITY & CONFIDENTIALITY IN COLLECTING DATA

Summary

1 All officers of the ABS are required to uphold the secrecy provisions of the [Census and Statistics Act 1905](#) and not divulge information obtained under the Act or else face severe penalties. In communicating with respondents to ABS collections it is incumbent on ABS officers to ensure that the methods used provide the security needed to satisfy the secrecy provisions.

ABS Policy

[Redacted text block containing multiple lines of blacked-out text under the 'ABS Policy' heading.]

4 It is ABS policy that, using the return to source provisions of section 19 of the Act, for the purpose of data collection and validation, information pertaining to a person (natural or corporate) may be returned by electronic means to the person who supplied it to the ABS only after the identity of that person or another duly authorised person has been verified.

[REDACTED]

Legislative Requirement

6 The requirement for ABS officers not to divulge to unauthorised persons information collected under the *Census and Statistics Act* is set out in Section 19(1) of the Act as follows:

"Secrecy

19. (1) A person who is, or has been, the Statistician or an officer shall not, except -

- (a) in accordance with a determination; or
- (b) for the purposes of this Act;

either directly or indirectly, divulge or communicate any information furnished in pursuance of this Act to any person (other than the person from whom the information was obtained).

(2) A person who contravenes subsection (1) or fails to comply with an undertaking of the kind referred to in paragraph 13 (2) (c) given by the person in relation to information disclosed to the person in accordance with a determination is guilty of an indictable offence punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both."

Procedures and Guidelines - Telephones

ABS TELEPHONES A RESPONDENT

Respondent Contacted about an Overdue Return

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 If the respondent engaged in the telephone discussion is unaware of what information had been supplied on the previous return, s/he should not be provided with any details, unless the ABS officer is certain that the information is being supplied only to the "person" (ie natural, or corporate) who provided it.

9 Most ABS collection forms make provision for the business or organisation included in the collection to specify a contact name and telephone number if more information is required or returns need to be queried.

ABS officers should endeavour to speak to the contact officer identified on the form.

10 In some cases the nominated contact officer may not be the person who actually completed the form, and may refer the ABS caller to the person who completed the form. In such cases it is acceptable for the ABS officer to deal with the person(s) to whom they have been referred.

11 In cases where the contact officer/person completing the form is not available, a high degree of discretion is called for in dealing with any other member of the organisation about data contained in the return. ABS officers should seek to contact the owner, the managing director, some other senior manager of the organisation or the accountant. If this person is unable to resolve the problem, s/he should be asked to nominate a responsible person who may be able to help. If there is no suitable person available at the time, arrangements should be made for the ABS officer to call back at a time when a suitable person is available.

12 Even after the bona fides of the person within the respondent organisation have been established, care should be exercised in providing information from a previous return, particularly if it is felt the respondent is simply seeking the information to assist in providing a careless but peremptory estimate.

13 Information supplied by the respondent on a previous return, or amended as a result of subsequent contact between the ABS and the respondent may be provided but, where technically feasible, not data which has been the subject of imputation or which has been amended without input from the respondent.

[Redacted]

Direct Collection of Data by Telephone

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19 If the respondent is unaware of what information had been supplied on the previous return, the same policy applies as when telephoning for an outstanding return (see para 8 above).

Querying returns

20 Query action is usually initiated in respect of information on a current return, but could necessitate reference to the previous return(s) for comparison of previous period(s) with current period information. In all such cases ABS officers must speak to one of the actual persons outlined in para 11 above. If none of those people are available, the query should be conducted by mail, addressed to a specific person or position.

RESPONDENT TELEPHONES THE ABS

21 A call may originate from the respondent, employee, accountant, owner etc. On no account is information on a return to be disclosed over the telephone until the bona fides of the caller have been established. This can be achieved by the ABS officer requesting the caller to quote the SRN or IRID printed on the form.

22 If the bona fides of the caller cannot be established at this point, the respondent should be called back on the number quoted on the latest return and the inquirer should be advised of ABS policy in this regard (see para 2 above) and asked to submit the request in writing and preferably signed by the person who submitted the return.

23 If there has been a change of ownership in the organisation and a request is made for data supplied on a return provided under the previous ownership, it is acceptable to comply with the request provided it is made by the same person who supplied the original data and that person's identity has been established.

24 In all other cases where a change of ownership is known to have taken place information should not be provided.

NOTE: a There have been occasions when new owners have attempted to obtain historical data for use in court cases against the previous owners. For this reason, extreme care is called for in the handling of requests when it is known that there has been, or may have been, an ownership change.

- b ABS records may indicate a change of ownership, artificially resulting from changes to SRNs following the creation of Management Units on IRIS. In these cases, ABS officers should be sensitive about the public relations consequences if data is withheld without justification.

ONE OFFICE OF THE ABS TELEPHONES ANOTHER

25 Details of a confidential nature should not be discussed by telephone unless the ABS officer making the call is known to be an ABS officer by the officer receiving the enquiry, and the reasons for the request are justified.

26 In dealing with statistical returns, the quoting of SRNs and IRIDs or some other unique identification number is sufficient to establish the officers' bona fides.

27 When in doubt the officer receiving the call should arrange to return the call, verifying the telephone number against the internal telephone directory or switchboard of the relevant office before calling back.

Procedures and Guidelines - Telex and Facsimile

Background

28 Unlike telephones, errors made in the keying of the Telex or Facsimile number can remain unknown to the sender until after the information has been transmitted. Telephone calls, once answered, enable verification of the called number before any further information is communicated and therefore pose little risk of a breach of confidentiality once the bona fides of the person handling the call have been confirmed.

29 With Telex and Facsimile facilities, information is frequently transmitted to unattended receiving stations sited in locations without restricted access. Errors made in the keying of Telex and Facsimile numbers and which remain undetected until after the transmission of the message can not only result in the transmission of information to the wrong organisation, but also result in access to the printed transmission by individuals who have uncontrolled access to the unattended facsimile or Telex machine.

ABS Transmissions to Respondents

31 Because of the risk of an error in the keying of a facsimile number, and the risk of uncontrolled access to confidential information transmitted to a correct addressee arising from unattended facsimile machines, a completed return should not be transmitted to a respondent except where there has been agreement by the ABS and an appropriate representative of the respondent organisation (see para 8 above) and procedures are in place to minimise the possibility of the information being transmitted to the wrong organisation.

32 Methods available to minimise errors in transmission include verification of the respondent's facsimile (telex) number through the Telecom National Business Directory and the requirement that two ABS officers be in attendance when sending a facsimile (or telex), one to dial the other to verify.

33 All facsimile and telex messages to and from respondents should be marked "STATISTICS-IN-CONFIDENCE".

Respondent Transmissions to ABS

[REDACTED]

[REDACTED]

36 As an additional protection and to provide further reassurance to respondents, facsimile facilities used by an ABS subject matter area for the transmission or receipt of confidential information should be under the direct control or supervision of that subject matter area.

A general ABS facsimile number should not be used for the transmission of data to the ABS.

37 To assist in this process ABS forms and reminder letters/cards should not include ABS general facsimile numbers.

Transmissions Between ABS Offices

38 To minimise the risk of incorrect transmissions confidential information between ABS offices should, where practicable, be transferred using the ABS mainframe or via electronic mail on the LAN.

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Item no. 7 - ABS 'Information Security Policy'.

Manual Category : **B. Policy and Legislation**

Manual ID : **Policy - Policy and Legislation**
- No &
Title:

Chapter No. & Title: **16. Security**

Section No. & Title: **03. Information Security Policy**

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Introduction

1. Information Security encompasses those measures by which ABS sensitive/classified information stored on any media, is identified and appropriately protected having regard to its level of sensitivity or classification.
2. ABS sensitive/classified information falls within four broad groupings:
 - Information provided by respondents in compliance with the *Census and Statistics Act 1905* and iterations of that information;
 - Working papers and drafts containing sensitive/classified information and embargoed statistical information;
 - Certain Corporate Information such as:
 - a. personal information in respect of ABS employees, contractors and applicants for employment
 - b. information relating to the operations/administration of the ABS such as tender/submissions, responses and evaluations, sensitive industrial relations matters, some matters relating to leasing of premises, and procedural documentation
 - c. certain technical documents relating to IT systems, software, procedures and practices
 - Information received from other Government Agencies e.g. Cabinet documents.

3. The Protective Security Policy Framework (PSPF) sets out standard Government practices applied to the protection of sensitive/classified information, and is supported by the legislative provisions of the Crimes Act which include penalties for unauthorised disclosure of information.

4. The *Census and Statistics Act 1905* contains the legislative provisions for the protection of information furnished under that Act and the penalties for its unauthorised disclosure.

5. Where possible and appropriate the practices set out in the PSPF will be applied to the protection of ABS sensitive information.

6. Security of ABS Publications is governed by standard ABS practices for the protection of information contained within publication working papers, draft and embargo copies. These practices should be consistent with the requirements of the PSPF but must take into account the unique requirements of the ABS publication life cycle.

Information Security

7 Access to any sensitive/classified information in the possession of the ABS is only authorised if the intended access is permitted by legislation and:

- I. there is no conflict of interest;
- II. there is a valid 'Need to Know'; and
- III. an appropriate ABS Security Clearance is held where the information has a national security classification.

8 A person has a genuine 'Need to Know' if, without access, they would be hindered in the performance of their duties or the provision of services to the ABS. This 'Need to Know' principle is to be applied prior to access to any sensitive information in the possession of the Australian Statistician.

9 Except where ABS security policy states to the contrary, the information classifications categories and definitions, and information handling, storage, movement and destruction procedures set out in the Protective Security Policy Framework & Information Security Manual will be used as the basis for the protection of all:

- I. ABS Corporate information; and
- II. Information received from other Commonwealth Agencies.

10 The "Guidelines for Processing and Release of MEI's" are to be used as the basis for the protection of all information contained within working papers for, and draft and embargo copies of, all ABS publications. ([Notes Link](#)) (Subject: Guidelines on Processing and Release of MEIs; Database: ABS Corporate Manuals; Author: Bryan Hogan; Created: 20/11/2001)

11 The guidelines contained in "Security & Confidentiality in Collecting Data" are to be used as the basis for the protection of all information provided under the *Census and Statistics Act 1905*, and iterations of that information. [Notes Link](#) (Subject: Security & Confidentiality in Collecting Data; Database: ABS Corporate Manuals; Author: Paul Fairhall; Created: 31/03/1999)

12 The 'clear desk, clear screen policy' [Notes Link](#) requires that at no time, including short absences, is sensitive information to be left unattended where it may be accessed by others who are not authorised.

13 Team or Sections handling any of the four categories of ABS sensitive information provided above, must develop a Team or Section Security Plan detailing the appropriate management and security of such information in line with 'need-to-know' principles. The Plan must ensure ABS employees are aware that, prior to leaving their area/workstation, the information is appropriately secured and detail how this can be implemented, including definitions of what constitutes short and long absences.

14 During longer absences and close of business sensitive/classified data must be appropriately secured in line with the agreed team/section security plan.

15 All employees must ensure that their network access is protected by activation of a screen saver on the PC/notebook with password for absences during the work day or by logging off at close of business.

16 Persons providing goods or services under a contract with the ABS must comply with the 'clear desk,clear screen policy' in respect of any ABS sensitive/classified information they are authorised to access.

17 Where an employee, or persons providing goods or services under a contract with the ABS, becomes aware of any loss, unauthorised access, or disclosure of, ABS sensitive/classified information they are to complete an security incident report immediately using the following link [Notes Link](#) to the Security Incident Reporting System DB, and selecting 'Create', then 'Incident Report'.

18 If the incident is serious, cannot be contained, or an incident report cannot be completed immediately, they are to advise Central Office or Regional Office security personnel as soon as possible. Contact details are available via the Security Assistant [Notes Link](#).

Sanctions for not complying with ABS Security Policies

19. All ABS staff must read and comply with this policy and supervisors must draw it to the attention of staff under their supervision. Any failure to comply with this policy may result in disciplinary action being taken under the *Public Service Act 1999*, which provides for penalties up to dismissal where misconduct is proven, and/or in the case of possible illegal conduct, referral of the matter to the police.



Item no. 8 - ABS 'Clear Desk, Clear Screen Policy'.

Manual Category : **B. Policy and Legislation**

Manual ID : **Policy - Policy and Legislation**
- No &
Title:

Chapter No. & Title: **16. Security**

Section No. & Title: **10. Clear Desk, Clear Screen Policy**

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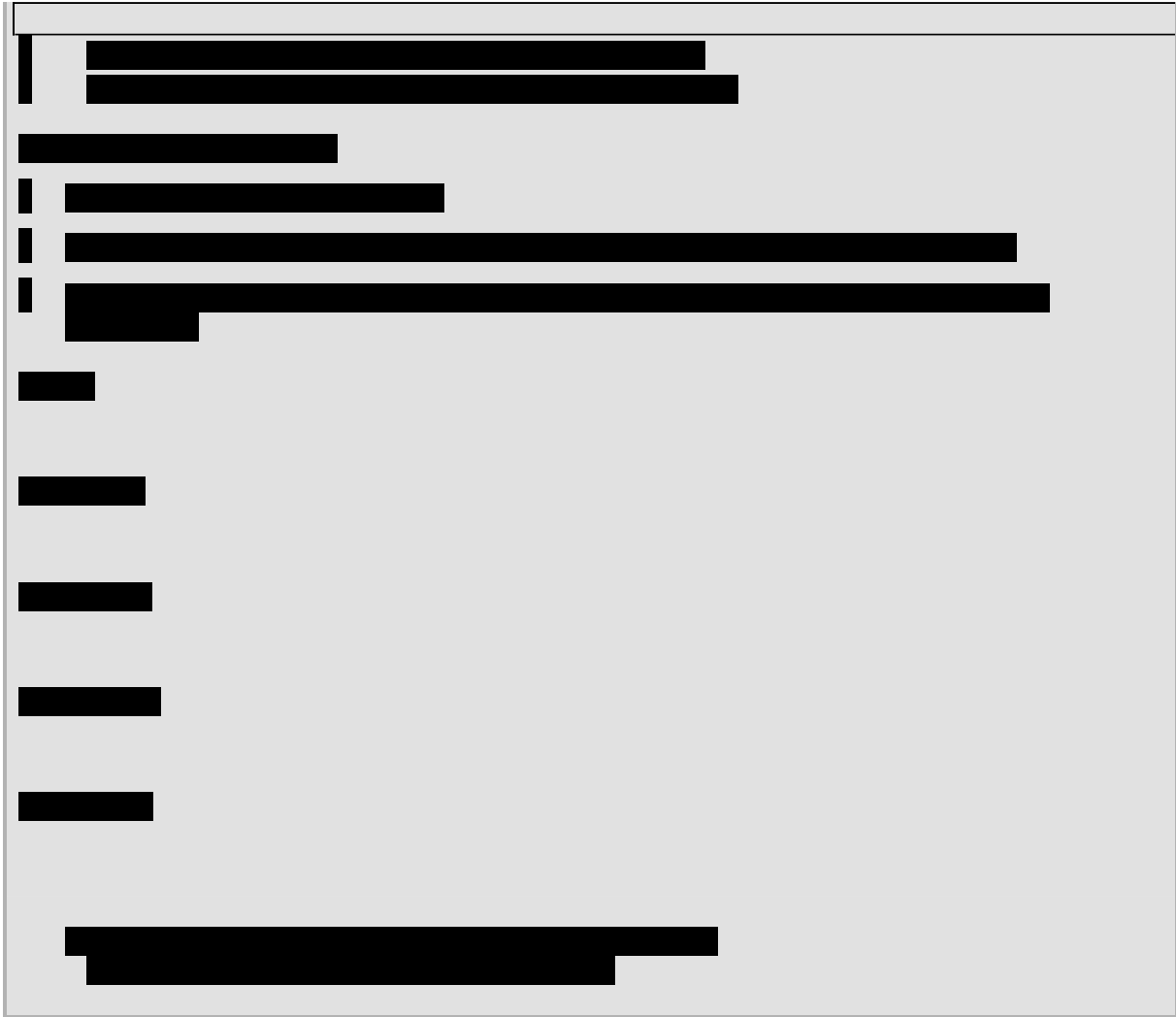
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Clear Desk, Clear Screen Policy

Principles

1. Protective Security Policy Framework: Physec 6 directs Agencies are to implement general control policies including a Clear Desk and Clear Screen Policy.
2. Clear Desk Policy is defined as "A policy requiring a person to ensure that security classified information and other valuable resources are secured appropriately when the person is absent from the workplace
3. Clear Screen Policy is defined as "A supplementary policy to the clear desk policy that requires a person to ensure that information on ICT equipment is secured appropriately when the person is away from the workstation, e.g. by locking the ICT equipment.
3. The purpose behind implementing a Clear Desk and Clear Screen policy is to both meet the requirements set out in the PSPF and protect the ABS reputation,

staff, assets, both corporate and personal, and information from compromise and/or theft.

Responsibilities

4. All ABS employees are responsible for the security of sensitive/classified information and/or assets under their control.

5. Managers carry the responsibility for determining which of their staff have a need-to-know and require access to sensitive/classified information and for ensuring the work area has a security plan.

Requirements

6. During absences from the workplace, employees must ensure that sensitive/classified information is secured appropriately and there are no “attractive assets” visible.

7. To assist staff in meeting the clear desk policy, sensitive information must be stored in an appropriate manner, whether for a short, medium or long term absence. As the sensitivity of information varies, work areas are in the best position to determine what is a short or long term absence and the appropriate means of securing in these instances. Work areas should also ensure there is an appropriate system in place for checking the workplace at close of business to ensure information/assets are secured.

8. As stated in of the Information Security Policy [Notes Link](#), staff must ensure protection from unauthorised access to any electronic system or network to which they have been connected or are responsible for by either locking the computer through activating the screen saver or logging off.

9. During short absences, employees could turn over or cover classified information, or inform another employee that they are leaving and lock their computer access. The practice undertaken will depend on the sensitivity of the information and the directions of the Director of the area.

10. For long absences, it would mean locking the computer, securing assets and sensitive/classified information by locking away in a in a locked cabinet/container/room.

11. At the close of business each day, staff should take precautions to ensure that all official information, especially classified/sensitive information, is protected from unauthorised access.

12. The following should be observed by all staff as part of an effective close of business procedure:

- logging off all computer systems
- ensuring there is no sensitive/classified information left out in the workplace (paying special attention to shared network printers)

- [Personal Electronic Devices](#) (this excludes notebooks) and [Portable Storage Devices](#), are secured appropriately (for example: in a locked cabinet/container/room) to mitigate potential loss and/or unauthorised data access
- ensuring there is no sensitive /classified information in waste-paper bins
- ensuring that whiteboards and other displays do not show any classified/sensitive information (special care needs be taken with electronic whiteboards i.e.: storage or disposal of printout, and erase or cover board when not in use)
- ensuring security containers are locked
- ensuring that keys to containers and segregated areas are secure
- if required, ensuring windows and doors are locked.

13. The Protective Security Section are able to provide advice on options for securing sensitive/classified and/or assets.



Item no. 9 - ABS 'Return to Source Policy' (expired May 2016).

Manual Category **⌄ B. Policy and Legislation**

Manual ID **⌄ Policy - Policy and Legislation**
- No &
Title:

Chapter No. & Title: **⌄ 12. Confidentiality and Disclosure**

Section No. & Title: **03. Return of Data to Source**

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RETURN OF DATA TO SOURCE

KEY POINTS

1 The secrecy provision, Section 19 of the [Census and Statistics Act 1905](#) (C&S Act), generally prohibits the disclosure of information furnished in pursuance of the Act except as permitted by the Act. However the return of information to the person from whom it was obtained is specifically excluded from this secrecy requirement. This is referred to as 'return to source' and it is this provision which enables the ABS to query data provided by respondents directly with the respondents involved. The return to source provision also enables the ABS to prepare 'customised reports' (i.e. reports that compare a respondent's results with aggregate statistics for a group of respondents), and to give respondents access to their own data if they request it.

2 The return to source provision does not provide any limitations on the type of information that can be returned, provided the information was obtained from the respondent and as long as the information is returned to the person who originally supplied it. However, the ABS can return information that has been coded or edited for internal consistency using information already supplied by the same person; e.g. coding an address to statistical local area, or cause of death coding.

3 Where two data sources are combined, or data are supplied by one source and amended using information from another source, the resultant data cannot be returned under the return of data to source provision.

POLICY (INCLUDING DELEGATIONS)

4 Consistent with our legislation, it is ABS policy that ABS staff must ensure that the information is returned to an appropriate person. In all cases, the bona fides of the person to whom information is being returned, must be established before any information is provided. Judicious questioning should be used to establish this.

5 It is ABS policy that information supplied:

- I. by sole proprietors, can only be returned to the proprietor who initially provided the information. Information cannot be provided to a subsequent owner of the business or an employee or agent of the business, such as an accountant.
- II. by an individual who has provided information about themselves, can only be returned to that person.
- III. by an individual who has provided information about another person (e.g any responsible adult (ARA) methodology), the information can only be returned to the person who supplied the information, not the person to whom the information is about. (See the Frequently Asked Questions below for how this relates to the Privacy Act.)
- IV. by an individual who acts as an agent for another person (e.g. an interpreter or a doctor), can only be provided to the person about whom the information is provided, and not their agent. (See Frequently Asked questions below for more information).
- V. by a partnership, can only be returned to the person who provided the information, and not to any other partners.
- VI. by companies or other bodies corporate, can be returned to such a corporate entity while it continues in existence. Information can be returned to the person who provided the information or, if discretion is exercised, to the contact officer named on the ABS questionnaire (such as a chief financial officer or payroll manager), or to a responsible person (such as the managing director, or the chief accountant), within the company. If a takeover has occurred, and the original corporate entity ceases to exist, information previously reported should not be returned to the entity which has acquired the original business.
- VII. as administrative records or register-based datasets, can only be returned to the business or organisation (often a government agency) that provided the information to the ABS.

Requests for ABS survey information to be returned to source

6 In the case of requests from persons or businesses for data to be returned, it is ABS policy that written confirmation should be sought from that person or business. This written confirmation can be in any form. In straight-forward cases, an email request is sufficient, but in more complex cases a [Statutory Declaration](#) may be required.

7 It is ABS policy that the only information that may be returned to source is the information which was originally provided to the ABS. That is, the return to source provision is limited to the information that was obtained from the respondent. However, the ABS can return information that

has been coded or edited for internal consistency using information already supplied by the same person; e.g. coding an address to statistical local area, or cause of death coding.

8 Care must be taken returning data held in electronic format to ensure that only the original file received from the respondent is returned. If the original file is unavailable, contact the [Audit, Policy and Parliamentary Liaison Section](#) for advice.

Requests for administrative datasets to be returned to source

9 It is ABS policy that in the case of administrative datasets or register-based information, the 'source' is regarded as the organisation (often a government agency) that provided the information to the ABS. The person or business who provided the information to the government agency is not the source. (See paragraph 26 in the Frequently Asked Questions section below for more information on querying data with the person or business who provided the information to the organisation/government agency in the first instance.)

10 The only information that can be returned to the source is the information which they originally provided to the ABS. However, the ABS can return to an agency information that has been coded or edited for internal consistency using information already supplied by the same agency; e.g. coding an address to statistical local area, or cause of death coding. Information not resulting from the original dataset cannot be returned to the source (e.g. if that dataset has been linked with another dataset).

11 The entity about whom information relates, that is, the business, organisation or agency which supplied it to the ABS source in the first instance, can be queried under Section 19(1) of the C&S Act. However, it is ABS policy that such querying is limited to information of a non-personal or domestic nature, and where at least one of the following applies:

- I. the original supplier of the information is made aware on the collection instrument that the data was likely to be provided to the ABS; and/or
- II. the passing on of information to the ABS is written into the collecting agency's legislation.

12 It is ABS policy that any new proposals to return partial or entire administrative datasets to their source must be approved by the Statistician, through the [Audit, Policy and Parliamentary Liaison Section](#). Once approved, and if ongoing, these should be reviewed every three years and approved by the relevant First Assistant Statistician.

13 For the purposes of return of data to source, each department, agency, and government business undertaking must be treated as a separate entity (i.e. data supplied by one department or agency can be returned, under the return of data to source provisions, only to that department or agency).

Delegations

14 There is no formal delegation specified in the legislation for return of data to source. It is ABS policy that, other than the approval level specified in paragraph 12, the level of approval required for any request for information to be returned to source depends on the circumstances of each case, and is determined locally by collection areas.

15 It is ABS policy that supervisors and team leaders should ensure that the legislative obligations and local delegations regarding the return of data to source provision are understood by all survey collection and processing staff.

ABS edit queries

16 It is ABS policy that the ABS should aim to use the contact person listed on the ABS survey form to resolve any editing queries. Where the contact person is not available, the ABS should only contact the alternatives defined in paragraph 5.

LEGISLATION

17 19 (1) A person commits an offence if:

- (a) the person is, or has been, the Statistician or an officer; and
- (b) the person, either directly or indirectly, divulges or communicates to another person (other than the person from whom the information was obtained) any information given under this Act.

18 19 (2) Subsection (1) does not apply if the person divulges or communicates the information:

- (a) in accordance with a determination under section 13; or
- (b) for the purposes of this Act.

FREQUENTLY ASKED QUESTIONS

Can information be returned to a child whose parent has answered survey questions on their behalf?

19 When a parent responds on behalf of a child (i.e. proxy responses), the parent is considered to be the source of that information. Therefore, the information can only be returned to the parent, not the child.

In the C&S Act, why are only 'persons' mentioned in the return of data to source provision?

20 According to the [Acts Interpretation Act 1901](#) the term person "includes a body corporate, office, commission, authority, committee, tribunal, board, institute, organization or other body however described."

How does the return to source provision interact with the Privacy Act and ARA methodology?

21 While the Privacy Act states that individuals should have access to personal information about themselves, it doesn't allow for disclosure of information if it is restricted by other commonwealth legislation. In terms of the ARA methodology used by the ABS, the C&S Act only allows information to be returned to the source. That is the person who gave the information, not the person to whom the information relates. As the C&S Act is commonwealth legislation, these provisions override the Privacy Act.

Why are agents treated differently to ARA methodology?

22 Agents (such as interpreters) provide information to the ABS on behalf of a person selected in the survey. Therefore the person selected has authorised the information given to the ABS. However, the information given by an ARA has not been authorised by the other party.

What sort of information is covered by return of data to source (e.g. can a spreadsheet or the name of a contact be returned)?

23 The return of data to source provision does not provide any limitations on the type of information that can be returned, provided the information was obtained from the respondent, and as long as the information is returned to the person who originally supplied it. See the policy section above to determine the source of the data.

What happens if a department changes name or responsibilities?

24 There may be instances where a government agency undergoes a change in name, a change in responsibilities, or a movement in work between agencies. In the case of an agency undergoing a name change only, then data can continue to be returned to this agency. In all other cases, the [Audit, Policy and Parliamentary Liaison Section](#) will determine whether data can be returned to source.

Can several administrative datasets from the same organisation be integrated and then returned to source?

25 Generally, no. Arrangements for return to source of integrated datasets should be viewed cautiously, especially as the merged datasets may have been obtained under different legislative arrangements. In addition, identifying duplicate records on administrative datasets could assist with compliance sanctions for an individual (e.g. someone appearing on two different payments streams). Therefore any proposals to enter into any such arrangement should be approved by the Statistician, through the [Audit, Policy and Parliamentary Liaison Section](#).

In cases where a government department/entity passes on information to the ABS that was provided to it by a respondent, can the ABS also query the original provider?

26 Section 19(1) of the C&S Act does not prevent the ABS from querying the original supplier of data (e.g. the importer/exporters in the case of Customs data). It is ABS policy that where the original provider of the data is made aware that the data is being passed onto the ABS on the collection instrument, or the provision of data to the ABS is written into the collecting agency's legislation, querying data is considered conducive to the collection of accurate statistical information. It is therefore covered under the s 19(2)(b), which provides that s 19(1) does not apply if the information is divulged or communicated 'for the purposes of the [C&S] Act. However, under ABS policy, this does not apply to information of a personal or domestic nature, as this data is considered too sensitive and disclosure may lead to privacy concerns.

27 [Census and Statistics Act 1905](#)

28 [Pro forma letter checking for changes in ownership](#)

29 [Statutory Declaration](#)

30 In the first instance, any queries relating to the application of this policy should be discussed with your own line management. Any further queries should then be directed to [Audit, Policy and Parliamentary Liaison Section](#).



Item no. 10 - ABS 'Return to source policy' (from May 2016).

Manual
Category

❖ **B. Policy and Legislation**

Final
v 2016/01
Last Updated:
24 May 2016

Manual ID -
No & Title:

❖ **Policy - Policy and Legislation**

Chapter No.
& Title:

❖ **12. Confidentiality and Disclosure**

Section No.
& Title:

03. Return of Data to Source

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Return to source policy

Policy Name: Return to source

Level 1 policy owner: Australian Statistician

Level 1 approved: 20 May 2016

Purpose

Information collected by the ABS for statistical and/or research purposes is subject to stringent confidentiality to maintain privacy, community trust and integrity. Return of collected information to its source is required in some instances to enable validation and to reduce respondent burden, for example through the pre-population of collection forms.

Scope

This policy applies to all information collected by the Australian Bureau of Statistics for statistical or research purposes protected by the secrecy provisions of the *Census and Statistics Act 1905*.

Principles

The principles that underpin this policy are:

1. Information collected under the authority of the *Census and Statistics Act 1905* may be returned to its source consistent with, and for the purposes of, the Act to:
 - a. validate and/or enhance the quality of information received;
 - b. pre-populate collection forms to reduce respondent burden;
 - c. provide respondents with access to the information they have provided; and/or
 - d. prepare customised reports.
2. In certain circumstances the ABS can return information to another person. These are where:
 - a. that person is an employee of the entity that supplied the information; or
 - b. the relevant Deputy Australian Statistician has approved the provision of information to that person where it is consistent with, and necessary, to support the functions of, the *Census and Statistics Act 1905*.

Further details of these circumstances are outlined in Level 2 of this policy.

3. Reasonable steps are taken to protect the confidentiality and privacy of information returned, in accordance with the *Census and Statistics Act 1905* and the *Privacy Act 1988*.
4. Information returned to source in accordance with this policy is considered exempt from embargo.
5. The relevant General Manager may approve the return of partial or entire unit record or aggregate administrative, transactional and other datasets to their source.
6. Where administrative data has been collected from an original provider by a third party entity and then provided to the ABS, the relevant General Manager may approve the querying of data with the original provider.
7. The relevant General Manager may approve the pre-population of forms as outlined in this policy.

Definitions

1. A **person** can be an individual, body corporate (company, corporation) or body politic (local council, state, territory or Commonwealth department or agency), or unincorporated business.
2. **'Reasonable'** is based on ordinary meaning, being based upon or according to reason and capable of sound explanation. It is an objective test and a question of fact in each individual case that has regard to how a reasonable person, who is properly informed,

would be expected to act in the circumstances.

3. **'Reasonable steps'** is an objective test, and is to be applied in the same manner as 'reasonable'.
4. An **original provider** is the original source of the information in relation to administrative and transactional data, e.g. a customs agent provides information to Customs which then provides an administrative dataset to the ABS.
5. An **entity** is a public or private sector organisation located within Australia or internationally.
6. An **alternate officer/contact** in a body corporate or body politic could be a different officer of the same function, or an officer of senior position with a portfolio related to the information returned.
7. **Pre-population of a survey form** is the inclusion of information, obtained from a previous iteration of the same survey or information obtained from another survey or organisation, in a form to be provided to a respondent. A form may also be pre-populated with information obtained from the ABS survey frame source, for example the ABS Business Register.
8. **Personal information**, as defined in the *Privacy Act 1988*, means information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - a. whether the information or opinion is true or not; and
 - b. whether the information or opinion is recorded in a material form or not.For the purposes of the *Census and Statistics Act 1905*, personal information also includes information of a domestic nature.

Level 2 policy owner: General Manager, Industry Statistics Division

Level 2 approved: 20 May 2016

Level 2 Delegations

[REDACTED]

2. *Information collected under the authority of the Census and Statistics Act 1905 may be returned to its source consistent with, and for the purposes of, the Act. The information returned may not be edited or modified using information acquired under the Census and Statistics Act 1905 from another person or entity.*
3. *The ABS can return information to another person or entity. This can occur where:*
 - a. *that person is an employee of the entity that supplied the information; or*
 - b. *the relevant Deputy Australian Statistician has approved the provision of information to that person where it is consistent with, and necessary, to support the functions of, the Census and Statistics Act 1905.*

Administrative and transactional data

4. The source of an administrative or transactional dataset is defined as the entity that provided it. Information may be returned to an alternate officer/contact within the entity that provided it if the person performs the same function as the person that provided the information, or is a more senior person in the same hierarchy.
5. *The relevant General Manager may approve the return of partial or entire unit record or aggregate administrative, transactional and other datasets to their source provided that:*
 - a. if datasets have been aggregated, they do not contain:
 - i. information acquired under the *Census and Statistics Act 1905* from another person or entity
 - ii. additional information from another person or entity
 - b. methods applied to the data are available publicly.
6. Ongoing requests, once initially approved by the relevant General Manager, are to be reviewed and approved by the relevant Program Manager every three years.
7. *Where administrative data has been collected from an original provider by a third party entity and then provided to the ABS, the relevant General Manager may approve the querying of data with the original provider provided:*

- a. the entity which provided the administrative data has advised the original provider that their data will be passed on to the ABS for statistical purposes and the ABS may query them directly; and
- b. the entity which provided the administrative data consents in writing that the ABS may query the original provider; and
- c. arrangements are in line with other existing arrangements/agreements between the ABS and the entity which provided the administrative data.

Survey and other directly collected data

8. *The relevant General Manager may approve the pre-population of forms as outlined in this policy.*
9. Approval for all other return to source requests may be determined by survey collection areas and/or Data Acquisition and Provider Management Branch in accordance with the guidelines below.

Returning information to an appropriate individual

10. Information from a *household* or an *individual* may only be returned to the individual who provided the information unless otherwise enabled under paragraph 3 above.
11. Information from an *individual who acts as an agent* for another individual (e.g. an interpreter or doctor) may only be returned to the individual about whom the information is provided, and not their agent unless otherwise enabled under paragraph 3 above.
12. Information from an *unincorporated business* may be returned to the individual who provided the information. Partnerships and sole traders should be treated as individuals (paragraph 10).
13. Information from a *body corporate* or *body politic* may be returned to the officer who provided the information, or to an alternate officer/contact.
14. If a takeover has occurred, and the original entity ceases to exist, information previously reported should not be returned to the new owner.

Pre-population of survey forms

15. Information collected as part of an ABS survey may be returned to the individual who supplied it through a pre-populated form for the same survey.
16. Pre-population of forms using the data obtained from another survey or organisation are permitted in certain circumstances including where:
 - a. it is necessary to use that data to inform the activity to be surveyed; and
 - b. information in the pre-populated form is:
 - i. personal information relating to the person who supplied the information;
 - ii. disclosed in a manner not likely to enable the identification of the person who provided the information; or

iii. information obtained from the ABS Business Register (the survey frame).

Actions not permissible under this policy

17. This policy does not permit the return of information:

- that has been edited using other information collected under the *Census and Statistics Act 1905*;
- collected from a partnership to a partner, other than the individual who provided it;
- collected from an individual which pertains to a second individual, to that second individual (e.g. advising a person that they have been identified as a smoker by another person responding to an ABS survey is not permitted); or
- collected outside the *Census and Statistics Act 1905* for any purpose, including for the purpose of supporting data integration activities and/or the provision of services. The return of this information is subject to the requirements of the *Privacy Act 1988*.

Additional materials

Privacy policy [Notes Link](#)

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Item no. 11 - Return to source guidance (from May 2016).

Return to Source Policy - frequently asked questions (FAQs)

Summary:

This knowledge documents provides a list of FAQs to support the application of the ABS Return to Source Policy.

Detail:

1. Can information be returned to a child whose parent has answered survey questions on their behalf?

When a parent responds on behalf of a child (i.e. provides a proxy response), the parent is considered to be the source of that information. Therefore, the information can only be returned to the parent, not the child.

2. How does the return to source provision interact with the *Privacy Act 1988* and Any Responsible Adult (ARA) methodology?

While the *Privacy Act 1988* states that individuals should have access to personal information about themselves, it does not allow for disclosure of information if it is restricted by other Commonwealth legislation. In terms of the ARA methodology used by the ABS, the *Census and Statistics Act 1905* only allows information to be returned to the source. The source is generally the person who gave the information, not the person to whom the information relates, however some exceptions to this rule are permitted under the Act and are explained below.

The relevant Deputy Australian Statistician can approve the return of the information to a person other than the person who gave the information in certain circumstances where it is consistent with the *Census and Statistics Act 1905* and necessary (not just convenient) to support the functions of the Act, which may include conducting other surveys, asking questions and publishing or disseminating statistics in a manner not likely to enable the identification of a person or organisation.

Cost considerations should not be factored into a decision on whether an action is necessary, as opposed to convenient.

3. Why are agents treated differently compared to ARA methodology?

Agents (such as interpreters) provide information to the ABS on behalf of a person selected in the survey. Therefore the person selected has authorised the information to be given to the ABS. However, the information given by an ARA about another individual has not been authorised by that individual.

4. What sort of information is covered by return of data to source

(e.g. can a spreadsheet or the name of a contact be returned)?

The return of data to source provision does not provide any limitations on the type of information that can be returned, provided the information was obtained from the respondent, and as long as the information is returned to the person who originally supplied it. See the Return to Source Policy for additional guidance on determining the source of the data.

5. What happens if a department changes name or responsibilities?

There may be instances where a government agency undergoes a change in name, a change in responsibilities, or work program moves between agencies. In the case of an agency undergoing a name change only, the data can continue to be returned to this agency. In all other cases, the Policy, Legislation and Assurance Section in Governance and Parliamentary Liaison Branch must be consulted to assist in determining whether data can be returned.

6. Can several administrative datasets from the same organisation be integrated and then returned to source?

Generally, yes. The relevant General Manager may approve the return of partial or entire datasets to their source. No information can be returned that contains information acquired from, or informed by, data collected from another person or entity under the *Census and Statistics Act 1905*.

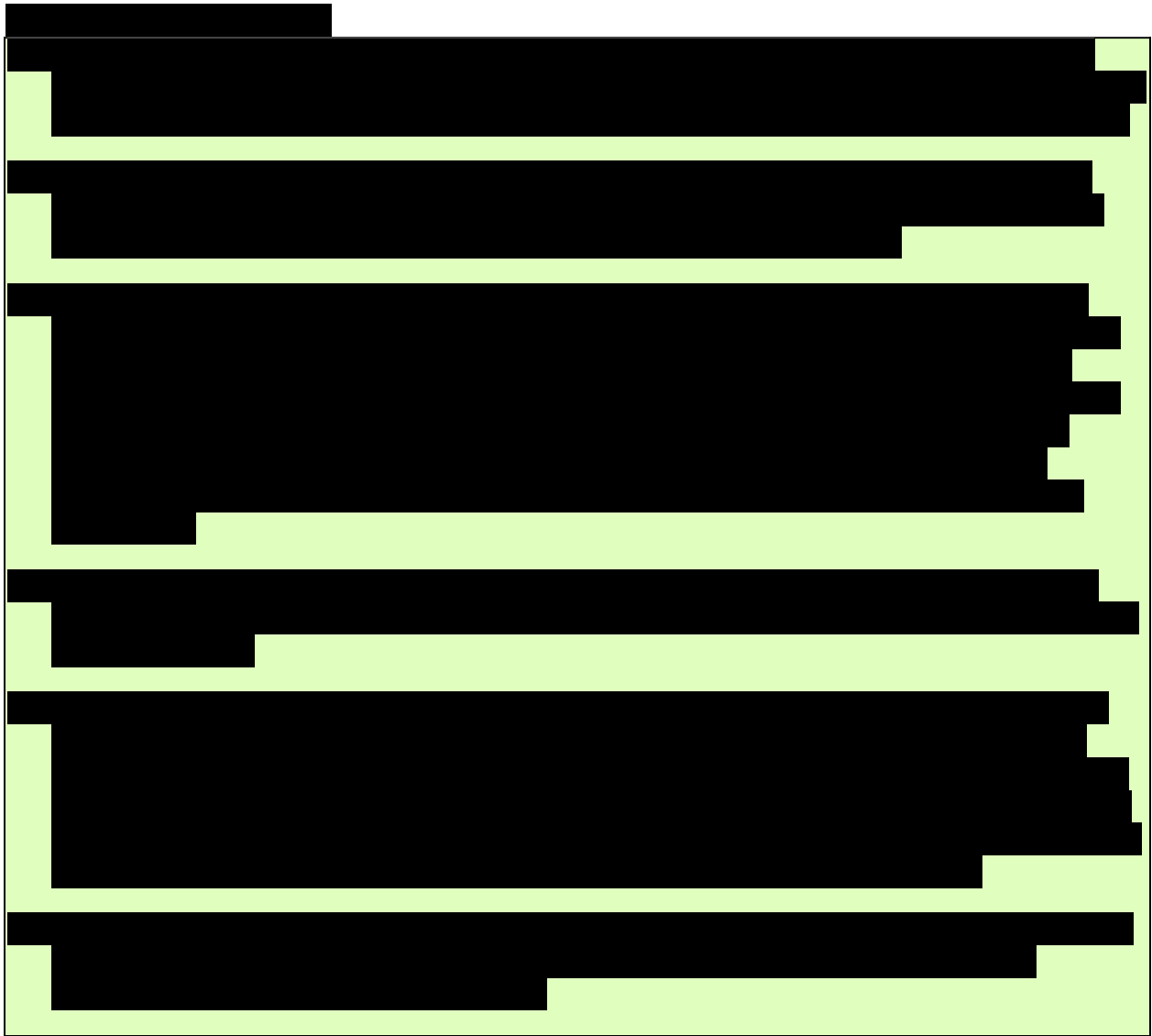
If data from another person or entity has been used to edit the data, the edited data cannot be returned to source.

Data that is linked with other data that is in the public domain can be returned to source.

7. Is the pre-population of forms provision time specific?

No, forms can be pre-populated at any time with information collected at any time provided that the information contained in the pre-populated form is only disclosed to the source of the information, or where necessary (not just convenient) to another person to support the functions of the *Census and Statistics Act 1905*, which may include conducting other surveys and asking questions.

Item no. 12 - Paper to the ABS Senior Management Group (SMG) – ‘ HR Indicators report - June 2015’.



Contents

- [Redacted]
- Section 1: Executive Summary
 - [Redacted]
 - [Redacted]
 - [Redacted]
- Appendix C: People Management and Well-being (PM&W) report

Section 1: Executive Summary

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People Management & Wellbeing Half Yearly Performance Indicator Report (Jan – June 2015)

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- There were five (including three new) formal code of conduct investigations during the first half of 2015. One of these resulted in a termination of employment, one in a reduction in classification, one in a reprimand and fine, and two remained ongoing.

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See Appendix C for the full People Management & Wellbeing Report

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Appendix C: People Management & Wellbeing (PMaW) report

Appendix C: PMaW
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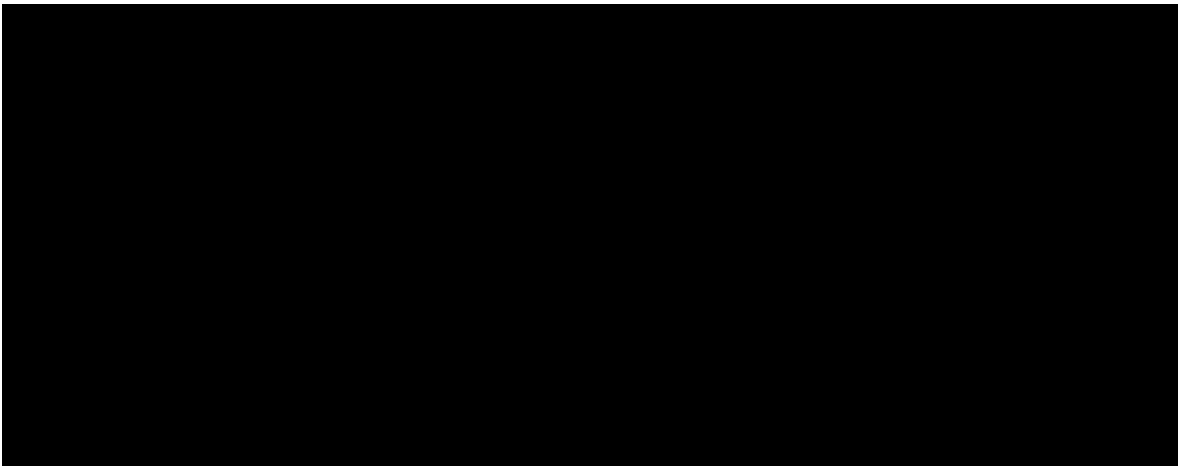


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5. Code of Conduct

Formal Investigations

- There were four formal code of conduct investigations during the March Quarter 2015 including two new Code of Conduct investigations. One of these resulted in a termination of employment, one reduction in classification, one in a reprimand and fine, and one remained ongoing.
- During the June Quarter 2015 there were two investigations, including one new Code of Conduct investigation. Both investigations remained ongoing.

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Item no. 13 - Paper to the ABS Senior Management Group (SMG) – ‘ HR Indicators report - December 2015’.

ABS Senior Management Group Meeting

15 February 2016

Paper Title: HR Indicators Report (December 2015)

Author Area: Workforce Strategies

[Redacted]

[Redacted]

Purpose of the paper

To provide SMG with a summary and analysis of agreed human resource indicators.

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See Appendix C for the full People Management & Wellbeing Report

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Appendix C: People Management & Wellbeing (PMaW) report

Appendix C - PMaW
report Dec 2015

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Attachment E

Undertaking of Fidelity and Secrecy;
Acknowledgement of Official Secrecy and Legal Obligations; and
Associated guidance material.

UNDERTAKING OF FIDELITY AND SECRECY

The following Undertaking of Fidelity and Secrecy must be signed by all persons employed by the Australian Bureau of Statistics (ABS). As an employee of the ABS you must comply with relevant provisions of the *Census and Statistics Act 1905*.

By signing the undertaking you agree that you:

- understand that all information collected by the ABS under the *Census and Statistics Act 1905* is protected by the confidentiality and secrecy provisions of the Act and that it is your duty as an ABS officer to uphold these provisions;
 - will exercise any powers or duties under the *Census and Statistics Act 1905* faithfully, with due diligence and in accordance with the provisions of the Act;
 - will not disclose any information given under the *Census and Statistics Act 1905* to any other person (other than as provided for by law); and
 - understand that any breach of the *Census and Statistics Act 1905* regarding the confidentiality or secrecy of information is an offence; and may render you liable to prosecution (which may result in fines and/or imprisonment).
-

Census and Statistics Act 1905

Section 7 Undertaking of fidelity and secrecy

Every officer executing any power or duty conferred or imposed on any officer under this Act or the regulations, shall, before entering upon his or her duties or exercising any power under this Act, sign, in the presence of a witness, an undertaking of fidelity and secrecy in accordance with the prescribed form; and

Section 19 Secrecy

- (1) A person commits an offence if:
- (a) the person is, or has been, the Statistician or an officer; and
 - (b) the person, either directly or indirectly, divulges or communicates to another person (other than the person from whom the information was obtained) any information given under this Act.

Penalty: 120 penalty units or imprisonment for 2 years, or both.

- (2) Subsection (1) does not apply if the person divulges or communicates the information:
- (a) in accordance with a determination under section 13; or
 - (b) for the purposes of this Act.

Undertaking of Fidelity and Secrecy

(Statistics Regulations 1983, regulation 4)

Census and Statistics Act 1905

UNDERTAKING OF FIDELITY AND SECRECY

I, [Name] _____

of [Address] _____

being an officer within the meaning of the *Census and Statistics Act 1905*, hereby undertake that I will faithfully and to the best of my ability execute the powers or duties conferred or imposed on me by or under that Act or the regulations and that I will not, except

(a) in accordance with a determination under that Act; or

(b) for the purposes of that Act,

either directly or indirectly, divulge or communicate any information furnished in pursuance of that Act to any person (other than the person from whom the information was obtained).

Dated: ____ / ____ / ____

[Signature of officer] _____

Signed in the presence of:

[Signature of witness] _____

[Full Name of witness] _____

[Address of witness] _____



OFFICIAL SECRECY & LEGAL OBLIGATIONS ACKNOWLEDGEMENT

This acknowledgement form must be completed by all persons who are employed as public service officials by the Australian Bureau of Statistics. As an employee of the Commonwealth holding public office there are laws which apply specifically to you.

Declaration

NOW, I (Please print using a blue or black pen)

Family Name	
Given Name(s)	
AGS Number	

acknowledge that the following laws of the Commonwealth apply to me:

Crimes Act 1914 including:

- s 29 Destroying or damaging Commonwealth property
- s 70 Disclosure of information by Commonwealth officers
- s 79 Official secrets

The Criminal Code (as contained within the Criminal Code Act 1995) including:

- s 11.5 Conspiracy
- s 131.1 Theft
- s 132.1 Receiving
- s 132.8 Dishonest taking or retention of property
- s 135.1 General dishonesty
- s 135.2 Obtaining financial advantage
- s 135.4 Conspiracy to defraud
- s 141.1 Bribery of a Commonwealth public official
- s 142.1 Corrupting benefits given to, or received by, a Commonwealth public official
- s 142.2 Abuse of public office
- s 144.1 Forgery
- s 147.1 Causing harm to a Commonwealth public official etc.
- s 147.2 Threatening to cause harm to a Commonwealth public official etc.

Public Service Act 1999 including:

- s 13 The APS Code of Conduct
- s 15 Breaches of the Code of Conduct

Public Service Regulations 1999 including:

- Division 2.1 The Code of Conduct

Corporations Act 2001 including:

- s 1043A Prohibited conduct by person in possession of inside information

I understand that all official information acquired by me in the course of my duties is to be regarded as the property of the Commonwealth. I understand it is my duty not to disclose, publish or communicate to another person in any form, official information acquired by me in the course of my duties (other than as provided for by law) either during or after my service in or association with the Commonwealth.

I further understand that any breach of laws regarding the safeguard of official information or my conduct as a public service official is an offence, and may render me liable to prosecution.

Signature	Date

Witness

Signature	Full Name (Print)	Date

FACILITATORS GUIDE FOR THE SIGNING OF THE

▪ UNDERTAKING OF FIDELITY AND SECRECY

▪ OFFICIAL SECRECY AND LEGAL OBLIGATIONS ACKNOWLEDGEMENT

Overview

Facilitator information: The following is a guide to assist you in facilitating and witnessing the signing of the Undertaking of Fidelity and Secrecy and the Official Secrecy and Legal Obligations Acknowledgement. This guide includes references to each document, and provides actions and a script for you to work through with the new-starter. Be sure to refer to the appropriate page and paragraph as you work through the guide and read out the script.

Essential information for witnessing documents: The Undertaking of Fidelity and Secrecy and the Official Secrecy and Legal Obligations Acknowledgement must be witnessed correctly to take effect. To witness a document, you must be present when the document is signed by the staff member and sign as a witness at that time.

When you witness a document, you are affirming that you have explained the purpose of the Undertaking of Fidelity and Secrecy and the Official Secrecy and Legal Obligations Acknowledgement. This means that the documents must be outlined before they are signed, and staff members must be given an opportunity to raise questions or clarify any point in either document before the documents are signed.

When both documents have been signed and witnessed, they must be provided to the Pay and Entitlements Section for inclusion in personnel files.

GUIDE PART 1 – UNDERTAKING OF FIDELITY AND SECRECY

Facilitator Script: All ABS employees are required to sign an Undertaking of Fidelity and Secrecy. This is a requirement under the *Census and Statistics Act 1905* (C&S Act) to ensure that each ABS officer upholds their obligations, and performs their duties in accordance with the C&S Act.

As an ABS officer performing statistical functions under the authority of the C&S Act, there are some "do's and don'ts" that you must adhere to at all times.

Do:

- Make sure that you uphold the confidentiality of our providers, including applying confidentiality methods to our data before release.
- Ensure you comply with embargos on publications – pick up copies of pre-embargo publications straight away, keep the numbers secret (even from your husband/wife/significant other/kids/friend in another part of the ABS who has no need to know the statistics) and lock pre-embargo copies of publications away or shred them.
- Apply to become an Authorised Officer if you need to collect or receive statistical data (e.g. through surveys, administrative collections, follow up for reminder or editing purposes and forms testing).

Don't:

- Release data unless you've applied the ABS's confidentiality rules and are authorised, or have received appropriate authority to do so.
- Communicate any results from pre-embargoed material in the ABS in any form externally (it's not just communicating actual numbers that's a problem, it's also breaking the law to say that a number went up or down, even if you don't specify the number). Results must not be communicated internally either, unless there is a clear need to know.
- Collect or receive statistical data if you are not an Authorised Officer.
- Publish or release statistics (even in aggregate form) without the appropriate delegation.

Bear in mind that if you communicate any information provided to the ABS without approval from the appropriate delegate **you are committing a criminal offence which is punishable by a \$21,600 fine or 2 years imprisonment, or both.** Adhering to the secrecy provisions is a **lifelong** obligation – if you leave the ABS or APS it still applies

GUIDE PART 2 – OFFICIAL SECRECY AND LEGAL OBLIGATIONS

Facilitator Script: When acting in connection with Australian Public Service (APS) employment, APS employees must comply with applicable Australian laws. It's not just the C&S Act and the *Australian Bureau of Statistics Act 1975* (ABS Act) that affect us, we also need to comply with:

- the *Public Service Act 1999*;
- the *Public Service Regulations 1999*;
- the *Crimes Act 1914*;
- the *Criminal Code Act 1995*; and
- the *Corporations Act 2001*.

As with the C&S Act, upholding the APS values will assist you to meet the legislative requirements established under the legal and regulatory framework discussed here. If you contravene any one of these provisions, it's punishable under multiple Acts, including the C&S Act.

Some examples of "dos and don'ts" to assist you in understanding these Acts are:

Do:

- Avoid conflicts of interest (e.g. participating in a tender selection process in which your brother has provided a submission for his business) and promptly disclose any conflicts when you identify them.
- Provide information on a need-to-know basis. A person has a genuine 'need to know' if, without access, they would be hindered in the performance of their duties or the provision of services to the ABS. If you are not sure about a disclosure you are about to commit to, check with your manager or the source of the information (e.g. New Policy Proposals (NPPs) are cabinet-in-confidence and their content should not be communicated to those without a need-to-know).
- Uphold APS values (APS officers must be: Impartial; Committed to service; Accountable; Respectful and Ethical).
- Use Commonwealth resources appropriately (e.g. if you become aware of a colleague using a Commonwealth vehicle for a weekend away with friends, report it).

Don't:

- Hide or keep secret any conflicts of interest you have identified.
- Conduct trades on the stock market based on your knowledge of information that has been collected or is about to be released by the ABS and could influence the market (e.g. purchasing bank shares when you know about an unanticipated profit report a company is about to release publicly which will move shares up or down in value).
- Intentionally destroy or damage Commonwealth property.
- Take bribes or favours.

The *Public Service Act 1999*

The principal Act governing the establishment and operation of, and employment in, the APS. The *Public Service Act* includes a statutory Code of Conduct that sets out the behavioural standards expected of APS employees. The central theme of the Code of Conduct is the expectation that APS employees will behave ethically and with integrity. The key provisions are as follows:

- Commonwealth officers must disclose, and take reasonable steps to avoid, **conflict of interest** in connection with their employment;
- Commonwealth officers **must not make improper use of inside information** or use their

- duties, status, power or authority to gain a benefit or advantage;
- Commonwealth officers **must not disclose information about public business** or anything of which the employee has official knowledge;
- Commonwealth officers **must use Commonwealth resources in a proper manner**; and
- Commonwealth officers **must uphold APS values** (ICARE – APS officers must be: Impartial (i.e. APS is apolitical); Committed to service; Accountable; Respectful; and Ethical).

A breach of the Code of Conduct can result in sanctions ranging from a reprimand to termination of employment. APS employees must maintain appropriate confidentiality about dealings that the employee or the agency has with any Minister or Minister's member of staff.

Example:

- Communicating internal Newspoint or newsletter content to people external to the ABS that don't have a 'need to know'. This includes debriefing with family and friends.

The Public Service Regulations 1999

The purpose of the Regulations is to make necessary or appropriate provisions in relation to the Public Service Act.

According to the Regulations, an APS employee **must not disclose information** obtained or generated in connection with their employment:

- **if the disclosure could affect the effective working of government, including the formation or implementation of policies or programs;**
- if the information was **communicated in confidence** within the government (e.g. Cabinet-in-Confidence details of a new policy proposal); or
- if the communication was **communicated in confidence** from persons outside the government.

The Crimes Act 1914

Under the Crimes Act, certain actions or activities, undertaken by or involving Commonwealth officers, equate with criminal offences.

For example, any person who **intentionally destroys or damages property belonging to the Commonwealth** is guilty of an offence, which is punishable by imprisonment for 10 years.

Further, according to section 70 of this Act, a Commonwealth officer cannot publish or communicate official information encountered during the course of their employment. Similar to the C&S Act, this obligation is life long, and continues even when an employee leaves the public service. A breach of this provision is punishable by 2 years imprisonment.

The Criminal Code Act 1995

The Criminal Code Act makes it a criminal offence for a Commonwealth officer to use official information to dishonestly obtain a benefit, either for them or another person. As with the C&S Act and the Crimes Act, this obligation is for life and continues when an employee has left the APS.

Under this Act, any profit from the inappropriate release of Commonwealth information may lead to criminal charges relating to the following:

- **Insider trading**, which is an offence under the *Corporations Act 2001*;
- **Receiving a bribe, or intending to bribe** a public official;
- Abuse of public office to dishonestly obtain a benefit;
- Dealing in the proceeds of crime;
- Conspiring with another person with the intention of obtaining a gain; and

- Dishonestly appropriating or receiving property belonging to the Commonwealth.

Punishment for such breaches range from 12 months to 10 years imprisonment.

Examples:

- **Disclosure of information:** Leaking or providing information external to the ABS such as, providing/leaking information to the media, other business or your own social media sites. Examples of information include meeting minutes, agendas, project documentation, NewsPoints, emails, financial information, recordings, presentations, images, newsletters etc.
- **Bribery:** Receiving football tickets from clients or stakeholders for favours or data.
- **Theft:** Using ABS IT, mail or telephone services to conduct your own small business operations.
- **Theft:** Using ABS taxi vouchers for personal use.

The Corporations Act 2001

Under the Corporations Act, a person in possession of inside information is prohibited from using the information to attain a financial benefit.

Punishment for this offence is punishable by up to 9 years imprisonment.

GUIDE PART 3 – SUMMARY

Facilitator Script: The ABS takes breaches of the Undertaking of Fidelity and Secrecy very seriously, and suspected cases will be reported to the police for investigation and prosecution. It is also important to remember that staff suspected of disclosing information inappropriately may be liable for punishment under multiple pieces of legislation. If you are unsure of your obligations, consult your supervisor in the first instance. For complex enquiries, contact the Policy, Legislation and Assurance section by raising a ticket through Services@ABS.

Privacy Disclosure Notice

It is important to note that the ABS is collecting your personal information under the authority of, and for the purpose of meeting the requirements of, the *Census and Statistics Act 1905* and the *Australian Bureau of Statistics Act 1975*.

The personal information you provide will be retained by the ABS in your personnel file. This information is subject to the *Privacy Act 1988* and in accordance with this law the ABS will not disclose your information unless explicit consent has been sought from you, or if the disclosure is authorised or required by law.

Should you want to access to the information in the future, you should contact the [Pay and Entitlements Section](#) in the first instance. For enquiries regarding the *Privacy Act 1988* specifically, contact the ABS [Privacy Officer](#) in the Policy, Legislation and Assurance section.

For further information on the ABS' information handling practices please see the [ABS Privacy Policy](#).