

Report: 21 September 2023
Australian Bureau of Statistics

2026 CENSUS (PHASE 1)

PRIVACY IMPACT ASSESSMENT



IIS Partners
INFORMATION INTEGRITY SOLUTIONS

Contents

Glossary	iii
1. Executive summary	1
1.1 IIS's overall view	1
1.2 Summary of recommendations	3
2. Introduction	5
2.1 Scope	6
2.2 About this report	7
3. About the 2026 Census	8
3.1 Program governance and delivery	9
3.1.1 2026 Census Program governance	9
3.1.2 2026 Census Program delivery	10
3.2 Legal framework	11
3.2.1 Privacy Act	11
3.2.2 ABS's enabling legislation	12
3.2.3 Data Availability and Transparency Act	12
4. Approach to privacy analysis	14
4.1 Discovery and issues guidance	14
4.2 Stakeholder engagement	15
4.3 Preliminary findings and recommendations	16
5. Privacy analysis of key elements	17
5.1 Community perspectives in a volatile environment	17
5.2 Implications of DAT Act and DATA Scheme for the ABS and Census	19
5.2.1 Establishing governance for data sharing and use	20
5.2.2 Sharing of future versus previous Census data	22
5.3 Longitudinal analysis of Census data	25
5.3.1 Greater longitudinal analysis of Census data	26
5.4 Census content topic consultation	28
5.4.1 Sensitivity of topics	28
5.4.2 Managing sensitivity of topics	29
5.5 Administrative data use for Census	31
5.5.1 Use of administrative data to make the Census more efficient	31
5.5.2 Use of administrative data to enhance the content of the Census	33

5.6	Customer experience	37
5.6.1	Changes to use of data during Census collection	37
5.6.2	Additional Census pathway via myGov	38
5.7	2024 Census Test	40
5.7.1	Preparations for the 2024 Census Test	40
5.8	Privacy Act reforms	42
5.8.1	Recent developments	42
5.9	Conclusion	43
Appendix A.	Documents reviewed and meetings held	45
Appendix B.	List of stakeholders	49

Glossary

Abbreviation or term	Expansion or definition
ABS	Australian Bureau of Statistics
Accredited Users	Commonwealth, state and territory government bodies, and Australian universities who are accredited to obtain and use Australian Government data under the DATA Scheme. Entities must apply to become accredited as a data user.
ACLD	Australian Census Longitudinal Dataset
ADS	Administrative Data Snapshot of Population and Housing
ADSP	Accredited Data Service Provider ADSPs can be Commonwealth, state and territory government bodies, and Australian universities. They provide complex data integration, de-identification and secure data access services to support data sharing. Entities must apply to become accredited as a data service provider.
APPs	Australian Privacy Principles
ATO	Australian Tax Office
C&S Act	<i>Census and Statistics Act 1905 (Cth)</i>
DAT Act	<i>Data Availability and Transparency Act 2022 (Cth)</i>
DATA Scheme	Data Availability and Transparency Act Scheme
HREC	Human Research Ethics Committee
IIS	IIS Partners
MADIP	Multi-Agency Data Integration Project
NDDA	National Disability Data Asset
OAIC	Office of the Australian Commissioner
ONDC	Office of the National Data Commissioner

Abbreviation or term	Expansion or definition
PES	Post Enumeration Survey
PIA	Privacy Impact Assessment
PMO	Program Management Office
Privacy Act	<i>Privacy Act 1988 (Cth)</i>
SRO	Senior Responsible Officer

1. Executive summary

The Australian Bureau of Statistics (ABS) engaged IIS Partners (IIS) to undertake Phase 1 of the 2026 Census Privacy Impact Assessment (PIA), which focused on the preparation, planning and development aspects of the upcoming Census.

For the 2026 Census, the ABS faces a variety of planning decisions where it must balance public benefits associated with the use of Census data against other important public interests, such as that of privacy, and limiting potential privacy risks (whether real or perceived) to the community. Opportunities to increase public benefit have arisen from law changes as well as further developments in data handling technologies and processes.

A key question for the ABS is not just whether it *can* do certain activities lawfully, but also whether it *should*. In preparing, planning for and developing the 2026 Census, and in exploring the public benefit opportunities noted above, the ABS is sensitive to concerns or perceptions with respect to proposed uses of data that could damage public trust and impact the willingness of the community to respond to the Census.

Being mindful of these considerations and the fact that elements within the Phase 1 scope are still in various stages of planning and development, IIS did not just conduct a compliance assessment against the Australian Privacy Principles (APPs). Rather, we have taken a holistic approach to the privacy analysis, taking into account:

- The applicable legal framework as a whole including the APPs
- Relevant regulator guidance and material, especially from the Office of the Australian Information Commissioner (OAIC)
- The views of external stakeholders consulted during the PIA process
- Privacy best practice stemming from IIS's knowledge and experience, including:
 - Reputation risks to ABS generally and the Census specifically
 - Community expectations and trust
 - Risks to individuals.

1.1 IIS's overall view

The Phase 1 PIA was conducted at a relatively early stage of the 2026 Census program. IIS assessed 'concepts' and 'proposals' as opposed to concrete information flows and handling practices. Nevertheless, we consider the PIA to have been a useful exercise in helping the ABS identify and mitigate privacy risks (including community trust and reputational impacts that go beyond legal compliance).

While it is too early to provide an overall statement on the ‘privacy risk level’ of the Census program, IIS has assessed each in-scope element separately based on the information gathered from the ABS and input from PIA stakeholders. Overall, for most elements we consider there are concrete steps that the ABS can take to address the risks and issues identified by the PIA. These are summarised in the following table.

In-scope element	Test community perspectives	Further engage stakeholders	Be open / transparent	Formalise processes / procedures	Undertake further analysis
Sharing of future versus previous Census data (DAT Act and DATA Scheme)	✓		✓	✓	✓
Use of administrative data to enhance the content of the Census	✓		✓	✓	✓
Use of administrative data to make the Census more efficient			✓	✓	✓
Greater longitudinal analysis of Census data	✓	✓			✓
Establishing governance for data sharing and use (DAT Act and DATA Scheme)			✓	✓	
Preparations for the 2024 Census Test			✓	✓	
Census content topic consultation	✓	✓			
Additional Census pathway via myGov (Customer experience)	✓				

For two of the other in-scope elements – ‘Changes to use of data during Census collection (Customer experience)’ and ‘Privacy Act reforms’ – after initial information gathering IIS determined that there have not yet been sufficient developments in these areas to conduct a proper assessment. We suggest that the ABS maintain a watching brief and consider these in future PIA phases as concrete developments arise.

Finally, IIS emphasises that the success of the 2026 Census depends on the willing, positive engagement of, and completion by, the Australian population. This is readily acknowledged by the ABS.

A PIA is first and foremost a tool to assess for privacy risk (and flow on impacts to the community the ABS serves). The Phase 1 PIA and its stakeholder consultations were also a vehicle for community perspectives to be incorporated into the ABS's Census planning and decision-making process. IIS strongly considers that understanding community perspectives for 2026 Census proposals cannot be a 'one and done'. Rather, there should be a systematic, repeated and targeted effort on the part of the ABS leading up to the main event. This PIA has sought to provide clarity for the ABS on the way forward regarding certain proposals, while identifying areas where it would be beneficial for the ABS to further test for community perspectives as planning progresses.

1.2 Summary of recommendations

IIS has made ten recommendations, which are summarised below under their respective topic headings. Recommendations appear in full in [Section 5](#) of the report (Privacy analysis of key elements).

Recommendations
<p>Community perspectives in a volatile environment (Section 5.1)</p> <ul style="list-style-type: none"> ● Recommendation 1 – Continue to test for and incorporate community views leading up to the 2026 Census.
<p>Establishing governance for data sharing and use (DAT Act and DATA Scheme) (Section 5.2.1)</p> <ul style="list-style-type: none"> ● Recommendation 2 – Implement internal decision-making processes for considering and approving Census data sharing under the DATA Scheme.
<p>Sharing of future versus previous Census data (DAT Act and DATA Scheme) (Section 5.2.2)</p> <ul style="list-style-type: none"> ● Recommendation 3 – Undertake risk-benefit analysis, with commitment to public transparency, before deciding to share historic Census data.
<p>Greater longitudinal analysis of Census data (Section 5.3.1)</p> <ul style="list-style-type: none"> ● Recommendation 4 – Undertake risk-benefit analysis of increasing the ACLD sample from 5% and/or allowing access to data from more than one Census in a MADIP project.
<p>Sensitivity of topics (Census content topic consultation) (Section 5.4.1)</p> <ul style="list-style-type: none"> ● Recommendation 5 – Continue to consult with relevant stakeholder groups on sensitive topics and work together on engaging members of their community in the lead-up to the 2026 Census.

Recommendations

Managing sensitivity of topics (Census content topic consultation) (Section 5.4.2)

- **Recommendation 6** – Consider and test the feasibility of making responses optional, for topics/questions that are deemed to be especially sensitive by the ABS and the community.

Use of administrative data to make the Census more efficient (Section 5.5.1)

- **Recommendation 7** – Consider the necessity of, and develop rules for, the use of administrative data to assess Census-night occupancy.

Use of administrative data to enhance the content of the Census (Section 5.5.2)

- **Recommendation 8** – Take an incremental approach to progressing with the use of administrative data to enhance the content of the Census.

Additional Census pathway via myGov (Customer experience) (Section 5.6.2)

- **Recommendation 9** – Conduct further testing of community perspectives, based on continuing exploration of myGov as an additional Census pathway.

Preparations for the 2024 Census Test (Section 5.7.1)

- **Recommendation 10** – Develop a formal procedure for the retention and deletion of 2024 Census Test data.

2. Introduction

The ABS conducts the Australian Census of Population and Housing (the Census) every five years. It seeks to count every person and dwelling in Australia on Census night and is a key source of information about small geographic areas and small population groups across the whole country. The Census form asks questions about every person in the country, including their age, country of birth, religion, ancestry, language used at home, work and education.

Census data is also integrated with other datasets to form the Multi-Agency Data Integration Project (MADIP). MADIP provides whole-of-life insights about population groups in Australia, such as the interactions between their characteristics, use of services like healthcare and education, and outcomes like improved health and employment.

Planning is underway for the 2026 Census. The ABS will invest its resources – including in the deployment of technology and use of data – to continue to:¹

- Achieve high quality Census data at a national, state and small area level to inform decisions so that the right services can be provided across Australia
- Maintain and grow the value of the Census for all Australians
- Deliver a safe Census with a good public experience.

Any move to increase or change data use for these purposes must consider the relevant privacy context. The 2026 Census will be run in an environment where privacy is increasingly important to the public and where government agencies are facing greater scrutiny over accountability when collecting and using data from the Australian public. The ABS must be transparent about how the 2026 Census is conducted and provide assurance to the public that their data is secure, being put to good use and not being misused.

The ABS has prepared a 2026 Census PIA Plan, which commits to managing, minimising, or eliminating potential privacy impacts of the 2026 Census through a Privacy by Design approach and the commissioning of comprehensive and independent PIAs. The ABS is undertaking a phased approach to the PIAs for the 2026 Census:

- **Phase 1 PIA** – Preparation, planning and development (March to September 2023)
- **Phase 2 PIA** – Build and design (March to September 2024)
- **Phase 3 PIA** – Testing operational readiness (March to June 2025).

The ABS has engaged IIS Partners (IIS) to undertake Phase 1 of the 2026 Census PIA, which is the subject of this report.

¹ ABS, 'Learning for 2026' (10 August 2022) <<https://www.abs.gov.au/census/about-census/delivering-2021-census/learning-2026>>.

2.1 Scope

As a significant organisational undertaking, the Census comprises many policy and practice elements that have privacy implications. These include how the ABS will interface with relevant legislation, data retention practices, transparency mechanisms, customer experience improvements, internal administrative practices, new data uses, and more.

For the Phase 1 PIA, the ABS and IIS have agreed on the following elements that are in-scope:

- **Data Availability and Transparency Act 2022 (Cth) (DAT Act)** – Initial implications of the DAT Act and the DATA Scheme for the sharing of Census data
- **Longitudinal analysis of Census data** – Review current practice of only longitudinally linking 5% of Census data and the possibility of greater longitudinal linkage
- **Census content review** – Understand privacy concerns regarding the review of and potential changes to proposed topics and questions in the Census
- **Administrative data use for Census** – Assess privacy considerations of proposed new use cases, which are intended to: (i) make the Census more efficient, and (ii) enhance the content of the Census
- **Customer experience** – Explore potential use of myGov as a new e-form entry point or communication channel for the public
- **2024 Census Test** – Assess privacy implications of the 2024 field test, including name and address retention practices
- **Privacy Act 1988 (Cth) (Privacy Act) reforms** – Assess implications for Census from recent and proposed legislative changes to the Privacy Act.

The following aspects are agreed to be out of scope:

- In relation to the DAT Act:
 - Overall ABS policy approach to the DATA Scheme and its operation as an Accredited Data Service Provider (ADSP)
 - The legal and technical implementation of new data sharing and access models (e.g., to be implemented as part of the National Disability Data Asset)
 - Possible broader privacy issues associated with ABS participation in the DATA Scheme, such as shared risk and ecosystem governance.
- In relation to other important privacy elements that are too early to assess at this stage of Census preparation, and will be considered in future PIA(s):
 - Detailed consideration of data flows and systems involved in Census delivery
 - Possible transparency measures, such as 2026 Census collection notices and privacy statement

- Customer experience elements, including:
 - Updated or new digital services (e.g., Contact Us form, Refusals systems)
 - Contact Centre processes, self-service, Ministerials (i.e., briefs prepared by the ABS to Ministers on matters of ABS policy or practice), and customer support and complaints management.

2.2 About this report

The report is structured to provide an overview of preparations for the 2026 Census, explain IIS's approach to privacy analysis, analyse privacy issues according to the project scope, and provide additional context to the PIA work:

- **About the 2026 Census** (Section 3)

Provides background to the 2026 Census, program governance and delivery, and the relevant legal framework.
- **Approach to privacy analysis** (Section 4)

Sets out IIS's methodology for conducting privacy analysis, including overview of the stakeholder engagement process.
- **Privacy analysis of key elements** (Section 5)

Discusses relevant privacy risks and issues IIS has identified, along with recommendations to mitigate risk and improve practice.
- **Documents reviewed and meetings held** (Appendix A)

Lists documents reviewed and meetings held as part of the information gathering process.
- **List of stakeholders** (Appendix B)

Lists stakeholders who participated in roundtable consultations and/or who provided written submissions as part of the Phase 1 PIA process.

3. About the 2026 Census

The 2026 Census will be Australia's 19th national Census. The 2026 Census Program commenced in January 2022 and will run for six years. Following the successful 2021 Census, the ABS is seeking to primarily retain the same model for the 2026 Census. This means a digital-first approach, taking into account technology changes to deliver a safe, secure and easy online Census experience, while continuing to make a paper option available.

The ABS has flagged the following considerations as it looks forward to 2026:²

- Public expectations of what constitutes a good government experience
- Key risks such as supply chain disruptions and availability of labour
- The need for continual vigilance and mitigation of cyber security risks
- The rising costs of running a Census
- The opportunities arising from new technologies to give respondents an even better experience
- Opportunities for expanding the use of administrative data to increase data quality in the Census
- Approaches and experiences from other international Census colleagues who have similar Census models, including USA, Canada, UK, NZ, Scotland and Ireland.

Many of the considerations for improving Census operations and delivery – which are intended for the public benefit – are connected to new or changing ways of using data.

As part of preparation, planning and development for Phase 1, the kinds of public benefits the ABS is seeking to pursue include:

- Better coverage and representation of the population, including through use of administrative data
- Ensuring Census topics continue to be relevant and are of the highest value
- Further use and sharing of Census data to inform government policy and programs, and for research and development
- Greater efficiencies and cost savings in how the Census is conducted and reducing burden on households of completing the Census.

² Ibid.

3.1 Program governance and delivery

3.1.1 2026 Census Program governance

The 2026 Census is classified as a 'significant' ABS Program, meaning it is subject to particular ABS corporate governance arrangements and the involvement of senior management committees.

The 2026 Census is being delivered through the following key program roles:

- **Senior Responsible Officer (SRO)** – Responsible for major decisions, operations and outcomes for the 2026 Census Program. Accountable for overall Census design and delivery. This role is performed by a Deputy Australian Statistician.
- **General Manager** – Responsible for high level design, program level governance, reporting and oversight.
- **Program Managers** – Responsible for detailed design and delivery, including day-to-day decision-making within their area of responsibility.

The 2026 Census is supported by the following key internal groups:

- **ABS Executive Board** – Resolves strategic, statistical and directional issues between the 2026 Census Program and the broader ABS.
- **2026 Census Executive Board** – Provides strategic oversight across the suite of projects for the 2026 Census Program and makes decisions about overall design parameters, priorities and direction for the Program. The Census Executive Board comprises the ABS Executive Board, as well as six external members with relevant private and public sector experience. The 2026 Executive Board is supported by the following sub-committees:
 - **2026 Census Program Board** – Responsible for developing, implementing and maintaining the Program Strategy; this includes monitoring progress, allocating resources, resolving conflicts, managing Program-level risks and providing advice to the SRO
 - **2026 Census Design Authority** – Supports the 2026 Census Program Board in assessing the impact, feasibility and priority of project level decisions and cross-cutting work undertaken across the Program
 - **ICT for Census Governance Forum** – Coordinates technology and security work undertaken across the Program.
- **Census Program Management Office (PMO)** – Responsible for providing the skills, process and tools that support effective management and delivery of the Program.

Finally, the 2026 Census is supported by a set of advisory and engagement fora that are put in place at various stages of the Census cycle:

- **Census Budget Advisory Committee** – Provides advice to the SRO to support effective budget management for the 2026 Census Program.

- **Census Design Group** – Engages relevant stakeholders, experts and customers in discussions on a flexible basis and as appropriate, regarding design aspects of the 2026 Census.
- **2026 Census Advisory Panels** – Facilitates engagement with key external stakeholders and experts; enables the Program to incorporate a broad range of expertise and perspectives into design work, with an eye to mitigating risk.

3.1.2 2026 Census Program delivery

The ABS is undertaking multiple tranches across three distinct stages of work to deliver the 2026 Census Program – Design, Development and Operations. These are set out in the timeline in Figure 1. As noted in the introduction, the ABS will ensure that independent, phased PIAs are conducted, corresponding to its activities in 2023, 2024 and 2025.

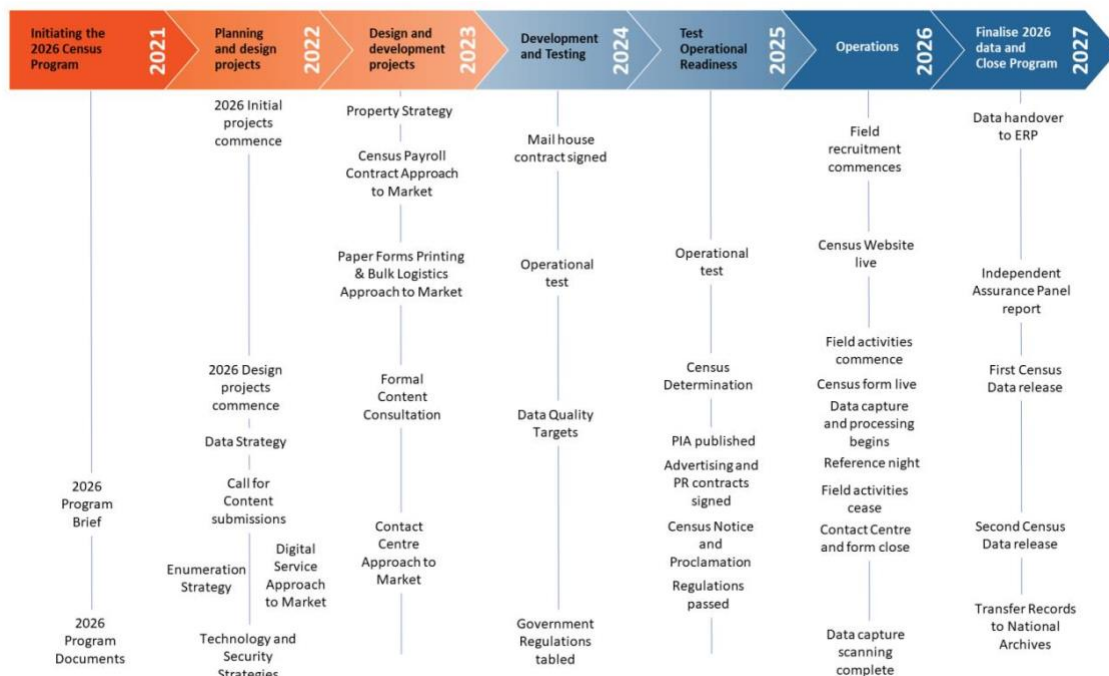


Figure 1 – 2026 Census high level timeline (Source: ABS)

The 2026 Census Program will progressively build on the planning and output from each tranche. The Design tranches allow for exploration of different approaches to achieve objectives, including leveraging 2021 Census lessons learnt and international experiences. Some of these proposed approaches (as identified in Section 2.1 above) form the scope of this PIA. Outputs from Design projects will inform the Development and Testing tranches.

The projects for each tranche and their associated business cases will be endorsed by the appropriate governance committee. Most projects will have business and technology components. The Program will also be supported by ongoing business services like Privacy and Statistical Quality.

3.2 Legal framework

3.2.1 Privacy Act

3.2.1.1 Australian Privacy Principles

The ABS is covered by the Privacy Act and its 13 Australian Privacy Principles (APPs). The APPs set rules for the handling of personal information which the Act defines as any 'information or any opinion about an identified individual or an individual who is reasonably identifiable' (s 6(1)).

The APPs impose a range of privacy enhancing obligations on information handlers. The APPs also give individuals certain rights and choices in relation to their personal information which individuals can pursue under the Privacy Act's complaint-handling and enforcement provisions.

Given that the Phase 1 PIA is considering the privacy implications of possible ABS approaches (to be decided on and implemented in later tranches), IIS has not undertaken a detailed assessment against each APP. Rather, our analysis has been informed by key concepts underpinning the APPs, such as transparency, data minimisation, purpose limitation, security and respect for individuals' rights.

3.2.1.2 Organisational practice

APP 1.2 promotes a 'privacy by design' approach by requiring entities to take reasonable steps to implement practices, procedures and systems to ensure compliance with the APPs and any binding registered APP code. Relevantly for the ABS, it must comply with the Australian Government Agencies Privacy Code, which requires agencies to take a series of steps to embed privacy into their practices.³

The ABS has robust internal privacy governance arrangements, including a regularly monitored Privacy Management Plan, dedicated roles and committees with privacy responsibilities, privacy assessment processes, and a range of internal policies and procedures to help meet its obligations under the Privacy Act and the Australian Government Agencies Privacy Code.

For the Census in particular, the ABS has developed a 'Privacy Strategy 2021-28' to ensure that privacy is considered across multiple Censuses, inclusive of the 2026 Census. The strategy sets out goals and focus areas of action to ensure the management of personal information and maintain community trust. The ABS also has a 2026 Census Data Protection Plan that sets out the principles, obligations, roles and responsibilities, and rules for the handling and protection of Census data.

³ For more detail see OAIC, 'Privacy (Australian Government Agencies – Governance) APP Code 2017' (27 October 2017) <<https://www.oaic.gov.au/privacy/privacy-guidance-for-organisations-and-government-agencies/government-agencies/australian-government-agencies-privacy-code/privacy-australian-government-agencies-governance-app-code-2017>>.

Privacy for the 2026 Census is supported by the following roles:

- **Census Privacy Team** – Provides ongoing privacy support and awareness raising within the 2026 Census Program; coordinates the Census Privacy work program; facilitates the PIA processes, including implementation of recommendations from PIAs and other review and assurance processes; works closely with the ABS Privacy Officer and Privacy Section to ensure consistency of messaging, advice and practice.
- **Census Privacy and Data Protection Working Group** – Provides advice on privacy matters, taking into account the importance of community participation and high-quality data for the Census. The Group is chaired by the General Manager Census and membership includes senior Census staff, the ABS Privacy Officer, ABS internal stakeholders and external representatives.
- **Census Data Protection Officer** – Role within the Census Privacy Team that helps to implement the Census Data Protection Plan, working in collaboration with Census data stewards and statistical managers.

3.2.2 ABS's enabling legislation

The ABS is authorised to collect, compile, analyse, and publish statistics under the *Australian Bureau of Statistics Act 1975* and the *Census and Statistics Act 1905 (C&S Act)*. The C&S Act gives the Australian Statistician the authority to request Australians to complete the Census form. While the ABS publishes statistical outputs, these must not be published or disseminated in a manner that is likely to enable the identification of a particular person or organisation (s 12(2)).

Practically speaking, this means that the ABS only publishes or disseminates confidentialised and aggregate statistical products. The ABS also supports controlled researcher access to de-identified unit-level Census data in its own secure environment (DataLab), subject to the Five Safes Framework.⁴

3.2.3 Data Availability and Transparency Act

The DAT Act commenced on 1 April 2022. It was a key recommendation from the Productivity Commission's inquiry report on Data Availability and Use.⁵ The objectives of the Act are to:

- Serve the public interest by promoting better availability of public sector data
- Enable the sharing of public sector data consistently with the Privacy Act and use of appropriate security safeguards
- Enhance integrity and transparency in sharing public sector data
- Build confidence in the use of public sector data
- Establish institutional arrangements for sharing public sector data.

⁴ ABS, 'Five Safes Framework' (08 November 2021) <<https://www.abs.gov.au/about/data-services/data-confidentiality-guide/five-safes-framework>>.

⁵ Productivity Commission, 'Data Availability and Use – Public Inquiry Report' (08 May 2017) <<https://www.pc.gov.au/inquiries/completed/data-access#report>>.

The Act establishes the DATA Scheme under which Commonwealth bodies are authorised to share their public sector data with accredited users (which can be Commonwealth, state and territory government bodies and Australian universities).⁶ It also establishes the National Data Commissioner which serves as the regulator of the DATA Scheme.

The DAT Act and the accompanying DATA Scheme establishes a mechanism for the sharing of Australian Government data, subject to certain safeguards and public interest purposes.⁷ The DATA Scheme Safeguards include accreditation of scheme participants, data sharing agreements, transparency and specific privacy protections. The purpose of the scheme is to increase the availability and use of Australian Government data to deliver improved government services, inform better government policies and programs, and support research and development.

While the DAT Act allows the override of secrecy provisions in existing legislation, including the C&S Act, any sharing through the DATA Scheme must ensure that privacy protections are applied to the data being shared in a manner consistent with the Privacy Act. The ABS may receive requests to share Census data with Accredited Users within the DATA Scheme and has discretion to accept or reject data requests. If it refuses a request, the ABS must provide its reasons in writing.

The DAT Act expands the ability of the ABS to lawfully share Census data in the public interest. The ABS is carefully considering the implications of the DAT Act and DATA Scheme at an operational and strategic level. This Phase 1 PIA considers the privacy implications of the DAT Act and DATA Scheme for Census data.

⁶ ONDC, 'Introducing the DATA Scheme' (14 April 2023) <<https://www.datacommissioner.gov.au/the-data-scheme>>.

⁷ ONDC, 'DATA Scheme Safeguards' (14 April 2023) <<https://www.datacommissioner.gov.au/the-data-scheme/data-scheme-safeguards>>.

4. Approach to privacy analysis

For the 2026 Census, the ABS faces a variety of planning decisions where it must balance public benefits associated with the use of Census data against other important public interests, such as that of privacy, and limiting potential privacy risks (whether real or perceived) to the community. Opportunities to increase public benefit have arisen from legislative change – specifically, the passage of the DAT Act – as well as further developments in data handling technologies and processes.

In its work, the ABS ensures that any proposed personal information collection, use, disclosure, retention, and protection associated with pursuing these opportunities complies with its statutory obligations and is subject to strong internal privacy and security controls.

However, a key question for the ABS is not just whether it *can* do certain activities lawfully, but whether it *should*. In preparing, planning for, and developing the 2026 Census, and in exploring the public benefit opportunities noted above, the ABS is sensitive to concerns or perceptions with respect to proposed uses of data that could damage public trust and impact the willingness of the community to respond to the Census.

Being mindful of these considerations and the fact that the in-scope elements are still in various stages of planning and development, IIS has taken a different approach with the Phase 1 PIA. Rather than conducting a ‘typical’ PIA that maps information flows and assesses them against the APPs, instead IIS has conducted our privacy analysis in a holistic way, taking into account:

- The applicable legal framework
 - This includes key concepts underpinning the APPs, such as transparency, data minimisation, purpose limitation, security and respect for individuals’ rights
- Relevant regulator guidance and material, especially from the OAIC
- The views of external stakeholders consulted during the PIA process
- Privacy best practice stemming from IIS’s knowledge and experience, including:
 - Reputation risks to ABS generally and the Census specifically
 - Community expectations and trust
 - Risks to individuals.

The following sections outline IIS’s approach to developing the PIA and analysing privacy issues.

4.1 Discovery and issues guidance

IIS undertook an initial review of ABS documents to familiarise ourselves with the 2026 Census and the in-scope elements under consideration. These included:

- Previous Census privacy material

- 2026 Census planning documents
- Indicative process and information flow maps for proposed use cases and projects
- Background materials to 2026 Census topic consultation
- Public research conducted by the ABS for the 2031 Census.

IIS then held information gathering meetings with relevant ABS stakeholders to discuss each of the in-scope elements, to clarify our understanding and receive input. A full list of documents reviewed, and ABS meetings held, is at [Appendix A](#).

Following this early discovery process, IIS prepared an internal 'issues guidance' document for the ABS, which was used to establish common ground for the rest of the PIA process. For each in-scope element, the document set out:

- A description of what the ABS is considering and/or planning in Phase 1
- Initial thoughts on potential privacy issues and risks
- Areas that would benefit from additional information or clarification from the ABS
- Indicative consultation questions that could be put to external stakeholders.

IIS held follow-up meetings with the ABS to address further information gathering needs and clarify PIA scope. The issues guidance document provided the basis for the consultation paper that IIS prepared for stakeholder engagement.

4.2 Stakeholder engagement

Open engagement is an important part of the Census design process. At the outset, the ABS intended for the Phase 1 PIA to involve consultation with external stakeholders.

IIS and the ABS agreed to hold consultations in the form of roundtables with key stakeholders. The stakeholder list was put together by IIS with ABS input, and included privacy and advocacy groups, civil society groups, regulators, academics, and data and ethics experts.

The stakeholders were selected based on their:

- Representation of key sectors of Australian society
- Special interest or expertise
- Prior contribution to ABS PIA consultations.

A list of stakeholders who participated in the PIA consultation is at [Appendix B](#).

The objectives of the consultation process were to:

- Inform stakeholders about certain activities and opportunities that the ABS is considering for the 2026 Census

- Seek stakeholder input on those activities and opportunities.

IIS prepared and distributed to stakeholders a consultation paper that provided background on the key elements in scope, along with associated guiding questions. Two virtual roundtable sessions were held with mixed groups of stakeholders in June 2023. Stakeholders were able to offer feedback during the session and afterwards. They were also given the opportunity to provide a written response if they desired or if they couldn't attend the roundtable sessions.

IIS then prepared an internal consultation report for the ABS, which summarised stakeholder feedback on the key elements that were consulted on. The stakeholders provided valuable contributions which IIS has incorporated into our privacy analysis, subject to some limitations which we discuss below.

4.3 Preliminary findings and recommendations

Following the methodology of the 2021 Census PIA and as agreed with the ABS, IIS prepared preliminary analysis and recommendations to 'bench test' with the external stakeholders. This involved IIS analysing the privacy issues for each in-scope element, taking into account the responses from the stakeholder consultations. We then prepared draft recommendations for ABS review and shared without alteration with the same stakeholders.

The bench testing was intended to provide external stakeholders with a final opportunity to present their views and clarify any matters arising from the draft PIA recommendations. IIS has incorporated stakeholder feedback obtained from the bench testing exercise into the findings and recommendations of this PIA report.

5. Privacy analysis of key elements

This section contains IIS's analysis of the in-scope elements for the Phase 1 PIA.

For each issue, the report:

- Explains the background and context
- Discusses the privacy findings, drawing on stakeholder feedback and IIS's own analysis
- Makes recommendations, where relevant.

5.1 Community perspectives in a volatile environment

At the outset, it is important to acknowledge that the success of the 2026 Census depends on the willing, positive engagement of, and compliance by, the Australian population. This should be considered alongside recent findings on Australian community attitudes to privacy:⁸

- Three in 5 Australians see the protection of their personal information as a major concern in their life
- Only a third of Australians feel in control of their data privacy, and over 4 in 5 want more control and choice over the collection and use of their personal information
- Seventy percent say privacy is extremely or very important, when choosing a product or service
- While Australians trust health service providers and federal government agencies the most, they continue to hold significant reservations about how all organisations handle their personal information.

A PIA is first and foremost a tool to assess for privacy risk (and flow on impacts to the community the ABS serves). The Phase 1 PIA is also a vehicle for community perspectives to be incorporated into the ABS's Census planning and decision-making process, albeit with some limitations that point to the need for further and ongoing testing of community perspectives throughout the 2026 Census development cycle.

Firstly, the stakeholder consultation conducted for the PIA was limited to the respondents who were selected and chose to participate. For the most part they comprised individuals and representatives of organisations who were highly educated, relatively informed, motivated, and often with strong convictions regarding privacy. There were also some PIA elements that received little direct input from stakeholders, and so it was difficult to ascertain the extent to which there would be a level of acceptability among the public (e.g., sharing unit-level Census data under the DATA Scheme).

⁸ OAIC, 'Australian Attitudes to Privacy Survey 2023' (8 August 2023) <<https://www.oaic.gov.au/engage-with-us/research-and-training-resources/research/australian-community-attitudes-to-privacy-survey/australian-community-attitudes-to-privacy-survey-2023>>.

Secondly, there were places where the responses in the PIA consultation differed from the discovery research interviews that the ABS conducted with the general public.⁹ For example:

- On the use of administrative data by the ABS to replace some direct collection in the Census, respondents for the PIA consultation were almost unanimously against the idea, whereas the discovery research interviewees were broadly comfortable with the idea, provided that the information isn't perceived as sensitive.
- On additional myGov pathway for the Census, there was a mix of neutral and negative responses from PIA consultation respondents, whereas most discovery research interviewees were comfortable with this pathway.

Another consideration is that Australian community perspectives on data uses, and the socio-political environment that it operates in, are likely to be volatile over the next several years leading up to the 2026 Census. Factors include: (i) the ongoing rapid changes in technology; (ii) the challenging security environment and inevitability of further data breaches; (iii) heightened interest in privacy policy and practice spurred on by anticipated Privacy Act reforms; and (iv) a fractured media and social media environment that can amplify untruthful or unhelpful messages.

In light of the above, IIS strongly considers that understanding community perspectives for 2026 Census proposals cannot be a 'one and done'. Rather, there should be a systematic, repeated and targeted effort on the part of the ABS leading up to the main event. This PIA has sought to provide clarity for the ABS on the way forward regarding certain proposals, while identifying areas where it would be beneficial for the ABS to further test for community perspectives as planning progresses.

The importance of community perspectives also extends beyond understanding and goes to its influence on ABS decision-making. A theme that IIS heard from stakeholders during a PIA consultation process for the DATA Scheme is the desirability of external involvement in the ABS's decision-making process, for example an advisory body comprising independent members, or other kinds of community-based participation and governance. IIS considers that such external involvement is relevant in the context of the 2026 Census.

In discussions during the PIA, the ABS indicated openness to having a Census advisory group with community representatives that help to test and validate decisions along the way. IIS supports this concept. While the exact details are for the ABS to determine, we encourage the ABS to continue seeking and incorporating a range of perspectives through a range of different ways.

⁹ The ABS completed research interviews in March-April 2023 with the general public to better understand the social licence and appetite for possible change to the 2031 Census and beyond. 26 people were selected to represent a range of different demographics, including location, age ranges, genders, language background and First Nations Australians.

Recommendation 1 – Continue to test for and incorporate community views leading up to the 2026 Census

1.1 Conduct further testing with the general public as well as population sub-groups to understand community perspectives towards key 2026 Census proposals. The format and timing will be determined by the ABS based on practical considerations. The testing should be characterised by the following:

- ABS to explain its proposals clearly; outline the options, purposes, controls, etc.
- ABS to genuinely listen to respondents
- Conduct on an ongoing basis to capture perspectives over time (accounting for external changes and internal ABS preparations).

1.2 Incorporate diverse community views more explicitly into the Census decision-making process. For example, this could take the form of an advisory group that includes representation from community groups that provides views on privacy issues.

5.2 Implications of DAT Act and DATA Scheme for the ABS and Census

As a result of the passage of the DAT Act (discussed above at [Section 3.2.3](#)), data collected for the upcoming 2026 Census will be within scope of, and able to be shared, under the DATA Scheme. The ABS is contemplating two kinds of data sharing at this point:

- Unit-level Census data (i.e., without any personal identifiers) – shared via an Accredited Data Service Provider (ADSP) for Accredited Users to conduct analysis
- Unit-level Census data, with linkage map information (derived from identifiers such as name, address and date of birth)¹⁰ – shared with ADSPs to enable linkage with other datasets as part of a broader integrated dataset for use by Accredited Users; an example would be the National Disability Data Asset (NDDA).¹¹

In both cases, the Census data proposed to be shared will not contain names, addresses or dates of birth. ADSPs holding such data are formally accredited based on internal capabilities, privacy practices and security controls. There will be additional governance arrangements to ensure that use cases and purpose limitations will be respected. No unit-level information is authorised to exit the DATA Scheme, that is, publicly released or released to non-Accredited Users in a way that identifies a person. This is consistent with the ABS's existing legislation, especially s 12(2) of the C&S Act.

¹⁰ The ABS collects names and addresses as part of the Census; these are then separated from other information on the Census form after data collection and processing, and then retained for a limited period. Information about how name and address information was handled for the 2021 Census can be found in the 2021 Census Privacy Statement, available at <https://www.abs.gov.au/about/legislation-and-policy/privacy/privacy-abs/2021-census-privacy-statement>.

¹¹ See National Disability Data Asset (n.d.) <https://www.ndda.gov.au/>.

5.2.1 Establishing governance for data sharing and use

5.2.1.1 Context

One of the key protections under the DAT Act is a set of explicit, legislated purposes that prescribe what data sharing under the DATA Scheme can and can't be used for, and when sharing can happen. In particular, the DAT Act provides that:

- The sharing of public sector data is to be consistent with the Privacy Act and appropriate security safeguards (s 3(b))
- The sharing, collection and use of data must be part of a project (and documented in the data sharing agreement) that is for one or more of the defined data sharing purposes in s 15(1):¹²
 - Delivery of government services
 - Informing government policy and programs
 - Research and development.
- The sharing, collection and use of data must not be for a precluded purpose set out in s 15(2):
 - Enforcement related purpose – as expanded in s 15(3)¹³
 - A purpose that relates to, or prejudices, national security
 - As otherwise prescribed by the rules.
- The sharing, collection and use of data must be done consistently with the data sharing principles in s 16; the project principle provides that the project can reasonably be expected to serve the public interest (s 16(2)(a))
- Sharing is barred in certain situations set out in s 17 – e.g., having to do with national security and law enforcement, contravention, or infringement of rights, prescribed by regulations, international matters, and evidence and court/tribunal orders.

While recognising the significant protections in the DATA Scheme, the ABS acknowledges that the DAT Act shifts how Census data can be lawfully shared, stored and managed. It is seeking to balance the public benefit in sharing Census data under the DATA Scheme (such as for the NDDA) with possible concerns associated with making the data available in more contexts (such as data storage by state and territory ADSPs).

¹² The ABS has adopted an internal policy position that it will not share Census data for any purpose relating to delivery of government services as defined under the DAT Act.

¹³ Examples include: detecting, investigating, prosecuting or punishing an offence; detecting, investigating or addressing acts or practices detrimental to public revenue; conducting surveillance or monitoring, or intelligence-gathering activities.

5.2.1.2 Finding

Overall, stakeholders consulted for the PIA acknowledged the potential benefits of Census data sharing under the DATA Scheme. Stakeholders raised concerns that this could result in the Census shifting away from what they believe is, or should be, the core purpose of Census, that is a standalone snapshot of the Australian population. Multiple stakeholders mentioned the Robodebt scandal and low public trust in government data initiatives. One stakeholder pointed out the difference between what the ABS may communicate (e.g., safe, secure, and beneficial data sharing) versus what the community is likely to hear (e.g., “The government will do more stuff with my data”).

Stakeholders considered that the ‘public interest’ and ‘data sharing purposes’ by which Census data can be shared under the DATA Scheme are very broad and do not constitute a meaningful limitation on sharing. They considered that any sharing of Census data by the ABS needs to be justified on its own terms, on a case-by-case basis. This aligns with requirements of the DATA Scheme, with Data Sharing Agreements needing to be in place for any data sharing and these to be reported publicly.

As part of this, the ABS would need to establish the legitimacy of the data sharing and use that would be acceptable to the public. Two stakeholders emphasised that there should be clear additional structural and procedural safeguards for ABS sharing data under the DATA Scheme, including that all research using Census data should be subject to Human Research Ethics Committee (HREC) review in line with the National Statement on Ethical Conduct in Human Research. IIS notes that HREC review is already a relevant ABS consideration for access to de-identified Census data, albeit not always required. We consider that it is too soon for the ABS to adopt a blanket position on this issue. The extent to which HREC review should occur (always or case-by-case) is relevant to canvas in future PIA phases.

IIS notes that the above stakeholder concerns go to the ABS having a credible and trustworthy mechanism for governance of change, in addition to the confines of the legislated purposes in the DAT Act. In this case, it would be changing the ABS’s historical position on not sharing Census data, and the process for determining when to share Census data.

IIS emphasises the importance of not only having a robust process but also making the process highly transparent. Public perception is crucial – we have observed in stakeholder responses and other community surveys that there is a tendency for the public to take a sceptical and/or suspicious stance by default regarding data sharing and use proposals. The default negative stance has been reinforced by examples of problematic data practices that undermine public trust, such as those that were exposed by the Robodebt Royal Commission.

The ABS’s good intentions and strong internal practices for determining data sharing under the DATA Scheme (including for Census data) must be accompanied by ways to address the *perception* risk of function creep, whether or not it is true.

Recommendation 2 – Implement internal decision-making processes for considering and approving Census data sharing under the DATA Scheme

2.1 Develop and implement:

- Clear ABS-specific criteria for considering Census data requests via the DATA Scheme
- A formal process by which decisions are made to share Census data (or not), including taking account of community attitudes and expectations, and community-based advice (see also **Recommendation 1.2**)
- Assessment of risk that considers any increase in risk of re-identification (e.g., with the sharing of unit-level Census data with linkage map identifiers).

2.2 The criteria and decision-making process, including outcomes and reasons, should be transparent to the public.

5.2.2 Sharing of future versus previous Census data

5.2.2.1 Context

The DAT Act was not in place at the time of the 2021 Census and, given this, the ABS did not make commitments regarding whether it will share Census data via the DATA Scheme. The Data Availability and Transparency Bill was subsequently passed in the Australian Parliament, and the Act commenced on 1 April 2022.

Prior to 2022, the ABS made statements about data sharing practices in its ‘Census Data Collection Notice’¹⁴ and the ‘2021 Census Privacy Statement’:¹⁵

Our legislation is [very] clear that we cannot release information in a way that would identify anyone.

Its ‘Keeping your information safe’ webpage stated that:¹⁶

Information provided in the Census is protected by the secrecy provisions of the Census and Statistics Act 1905.

¹⁴ ABS, ‘2021 Census of Population and Housing Australian Privacy Principle 5 Census Data Collection Notice’ (n.d.) <<https://www.abs.gov.au/about/legislation-and-policy/privacy/collection-notices/2021-census-population-and-housing-australian-privacy-principle-5-census-data-collection-notice>>.

¹⁵ ABS, ‘2021 Census Privacy Statement’ (n.d.) <<https://www.abs.gov.au/about/legislation-and-policy/privacy/privacy-abs/2021-census-privacy-statement>>.

¹⁶ ABS, ‘Keeping Your Information Safe’ (n.d.) <<https://www.abs.gov.au/census/about-census/keeping-your-information-safe>>.

Similar language was used for the ‘2016 Census Privacy Statement’:¹⁷

Under the Census and Statistics Act, the ABS must not disclose your personal information in a way that will enable you, or any other person, to be identified. Other organisations, including government departments and direct marketing companies, cannot have access to personal information you provide on your Census form.

The passing of the DAT Act has changed how the ABS can share Census data. The ABS needs to determine whether, and under what circumstances, it would share ‘historic Census data’ (i.e., collected at the 2021 and previous Censuses) versus ‘future Census data’ (i.e., to be collected at the 2026 Census and beyond).

The ABS needs to balance potential public concern against the public benefits of sharing such data for approved purposes – for example to support the NDDA that aims to better support people with disability, their carers and the community. The realisation of public benefits would be significantly delayed if the ABS does not share historic Census data.

5.2.2.2 Finding

Sharing of historic Census data

IIS considers there are two key questions for the ABS when considering the sharing of historic Census data (which were also separately raised by some stakeholders during the PIA consultation):

- Whether the ABS would be seen to be breaking a promise it has made in previous Censuses regarding how Census data is handled (see above context) – put simply, the undertaking it has given in past communications was that Census data would remain with the ABS.
- If the ABS was to proceed with sharing historic Census data, what additional steps should it take to bring the public along and minimise possible negative reactions or reputation damage.

Regarding the first question, the challenge for the ABS is that while it can start with a ‘clean slate’ for the 2026 Census and communicate how future Census data would be handled in light of the DAT Act, there is a risk that the public could react negatively if the change was also applied retroactively to historic Census data. One stakeholder raised the issue that if a promise in the past can be changed, then what confidence should the public have that the ABS wouldn’t make a future change to its current promises?

On the other hand, IIS acknowledges the public policy considerations at play. There would be significant foregone value in the immediate term – for example, to the creation of the NDDA and in support of developing better disability services – if Census data is not available under the DAT Act until after the 2026 Census. This is arguably contrary to the intent of the law passed by Parliament, expressing the will of the people, that seeks to promote data sharing for the beneficial purposes outlined in the DAT Act.

¹⁷ ABS, ‘2016 Census Privacy Statement’ (n.d.) <<https://www.abs.gov.au/about/legislation-and-policy/privacy/privacy-abs/2016-census-privacy-statement>>.

IIS considers that the ABS should conduct a thorough risk-benefit analysis before deciding to share historic Census data. This should be informed by direct testing of community perspectives on this issue, as outlined in **Recommendation 1**. Stakeholder responses to the PIA consultation were neutral to negative. Some emphasised the importance of public engagement in terms of transparency, demonstrating value and giving the public a chance to opt out. Two stakeholders warned that sharing historical Census data has the potential to erode the public trust and confidence in the Australian Government and the Census.

This leads to the second question noted above, namely what steps the ABS should take to bring the public along. IIS notes the following challenges:

- There is a risk that explaining data handling in relation to past Censuses may complicate the messaging of the 2026 Census itself or generate negative sentiment for other new proposals by association.
- While some PIA stakeholders raised the idea of giving the public the opportunity to opt out, we understand this is not possible for the ABS to implement since it has already deleted names and addresses, so there is no way to identify individuals to perform an 'opt out'.

Recommendation 3 – Undertake risk-benefit analysis, with commitment to public transparency, before deciding to share historic Census data

3.1 Undertake and document a thorough internal risk-benefit analysis before deciding to share historic Census data. The analysis should consider the following key questions:

- The pros and cons of the risk that sharing undermines the conduct of the 2026 Census, including:
 - The utility to be gained from the historical Census data, and the harm of not sharing this data
 - Whether this could be seen as a breach of promise, and how this may be perceived, through testing of community perspectives (see **Recommendation 1.1**)
 - The impact that the perception of a breach of promise may have on community perspectives towards other ABS proposals for the 2026 Census.
- How to maintain public trust if the sharing was to take place:
 - What messaging is required and how to convey it
 - A credible process for change management.

3.2 If the ABS decides to proceed with sharing of historic Census data, then the decision should be signed off by the Australian Statistician and made public, accompanied by a written justification.

Sharing of future Census data

IIS considers that there are fewer challenges for the ABS when it comes to the sharing of future Census data. As part of preparation for the 2026 Census and explaining its privacy and data handling practices, the ABS can be transparent about legislative change that has come into force since the last Census. The ABS can indicate that as a result, its position on Census data sharing must be revised, while highlighting the protections in the DATA Scheme and additional safeguards that the ABS will take (in line with **Recommendation 2**).

We note that for both sharing of historic and future Census data, the ABS would need to explain how the Census data is shared under the DATA Scheme. This inevitably turns the simple message from previous Censuses into a more complex one. However, as one PIA stakeholder observed, proactive and public engagement on this issue is a prerequisite for the ABS to pursue this path.

Finally, IIS observes that one theme that has emerged from this PIA is the risk of making unconditional public statements or commitments with respect to data handling. While well-intentioned and accurate at the time, they could put the ABS into an awkward position later when circumstances or plans change. Our view is that the public can accept change, as long as they are being respected and not surprised by it. We suggest that any statement regarding ABS's data handling should be accompanied by messaging to the effect that before the ABS changes its position, it will go through a credible, transparent change-making process.

5.3 Longitudinal analysis of Census data

Longitudinal study of Census data can provide insights that are not possible by looking at one Census alone. For example, a longitudinal study helped understand whether moving regions was connected to people moving from unemployment to employment, and another helped to understand what characteristics were common to Australians that were able to transition from home rental to home ownership. These studies can support the design or delivery of Government programs to support people gaining employment or to become a homeowner.

The ABS currently maintains the Australian Census Longitudinal Dataset (ACL D), which combines a 5% sample of data from recent Censuses (2006 to 2016, soon to include 2021) to create a research tool for exploring how Australian society changes over time.

Further, the ABS currently hosts and maintains MADIP, a secure data asset combining government administrative data on health, education, government payments, income and taxation, employment and population demographics over time. Researchers can access MADIP with a single Census dataset (e.g., 2011, 2016 or 2021), but not multiple Census datasets at the same time. The ABS has made a policy decision to not allow researchers to access Census longitudinally in MADIP, and the only longitudinal Census data available is the 5% ACL D sample.

5.3.1 Greater longitudinal analysis of Census data

5.3.1.1 Context

The ABS and researchers see value in allowing for greater longitudinal analysis of Census data. This is especially the case for studying groups that are not well-represented by a 5% sample of the Census, for example Australia's First Nations people. The 5% figure reflected a cautious approach to minimise privacy concerns, taken by the ABS in 2005 when it first began exploring linkage of Census data. The ABS has since gained greater experience and capability in safely linking administrative and Census data and providing secure access to researchers under the Five Safes Framework.¹⁸

The ABS could deliver more benefit by enhancing the longitudinal analysis of Census data by:

- Increasing the coverage of the Australian population in the ACLD, up from 5%
- Removing the single-Census limitation in the MADIP data request – so that approved researchers can link and analyse whole Census datasets longitudinally.

Access to Census data for longitudinal analysis will continue to be governed by the same privacy and confidentiality controls, which apply to research via TableBuilder or the DataLab.

Increasing the size and scope of longitudinal analysis of Census data requires the ABS to deviate from its past messaging on this topic. In particular:

- In previous publications about the ACLD (2006 to 2016), the ABS has consistently mentioned that the sample is 5% of the population
- The ABS has communicated publicly that its current policy restricts the linking of data from more than one Census (with the exception of the ACLD).¹⁹

The ABS is weighing up how to operationalise the longitudinal analysis of Census data. This includes the public messaging leading up to the 2026 Census, and the extent to which it would deviate from its past position. The messaging could emphasise the particular protections that the Five Safes Framework would provide, especially safe people, projects, outputs and settings.

5.3.1.2 Findings

At the stakeholder roundtables, IIS and the ABS proposed the general idea of increasing longitudinal analysis of Census data. Stakeholders varied significantly on the acceptability of greater longitudinal analysis, with views tending to fall into three camps:

- On one side, a stakeholder who was involved in the 2005 consultations about the original proposal for longitudinal analysis considered that any increase in the ACLD from 5% would be a 'red line' and would be strongly opposed by civil liberties groups.

¹⁸ ABS, 'Five Safes Framework' (8 November 2021) <<https://www.abs.gov.au/about/data-services/data-confidentiality-guide/five-safes-framework>>.

¹⁹ ABS, 'Data Assets' (13 December 2021) <<https://www.abs.gov.au/about/data-services/data-integration/data-integration-project-register/data-assets>>.

- In the middle were other stakeholders who accepted the potential benefits of greater longitudinal analysis and considered that any increase in the risk of data re-identifiability should be mitigated accordingly, including providing assurances around the controls in place for researchers to use the data appropriately.
- On the other side, one stakeholder noted that, ultimately, the percentage of the population that is available in a longitudinal dataset is arbitrary. Rather than asking about how and to what extent the re-identification risk increases based on greater visibility of the population, they considered that there should be more focus on approaches – such as creating specific data products – that would meet the needs of data users and preserve the privacy of the underlying data regardless of the population coverage.

There was a general sense among stakeholders that the ABS should provide more details around what is being proposed and the magnitude of the potential re-identification risk this poses to Census participants. Without this information, it was hard for them to give a view on the acceptability of any proposal. Two stakeholders expressed strong opposition to expanding the ACLD beyond 5%, based on their understanding and preferences for how the ABS should handle Census data.

IIS notes that unless the ABS does more to educate stakeholders and the public, there will be a tendency to focus on the risks and downsides of any proposals to increase longitudinal analysis of Census data (whether real or perceived).

Recommendation 4 – Undertake risk-benefit analysis of increasing the ACLD sample from 5% and/or allowing access to data from more than one Census in a MADIP project.

4.1 Refine the proposals for expanding longitudinal analysis of Census data. For each proposal (ACLD and MADIP), develop detailed information about:

- What the ABS is proposing to do
- The increase in re-identifiability risk and how this is measured
- How re-identifiability risk will be mitigated.

4.2 In the lead-up to Phase 2 of the PIA in 2024 (build and design of the 2026 Census):

- Directly test community perspectives regarding the proposals (as per **Recommendation 1.1**)
- Follow-up with the stakeholders in the Phase 1 PIA and seek further views once the proposals have been explained to them.

5.4 Census content topic consultation

A successful Census relies on strong community support. This support is achieved through collecting data of national importance while also ensuring the Census is easy to complete and not seen as being too intrusive. Every Census, the ABS undertakes a review to inform a recommendation to the Australian Government on what topics to include in the Census,²⁰ and a legislative amendment formalises the 2026 Census topics.

5.4.1 Sensitivity of topics

5.4.1.1 Context

The ABS has undertaken two rounds of public consultation as part of the 2026 Census Topic Review consultation. Phase One was conducted in the first half of 2023, where the ABS sought public submissions on topics of interest and unmet information needs. The ABS will consider existing topics and requests for new or changed topics against a set of criteria to determine the public value of collecting data on the topic.²¹ Phase Two was held in the second half of 2023, and presented a shortlist of topics being considered for inclusion, change or exclusion and sought public feedback on the directions.

Among the new topics to be considered in the 2026 Census Topic Review consultation are several that were shortlisted for the 2021 Census but not included on the form – these include: (i) gender identity; (ii) understanding more complex household and family relationships; (iii) Aboriginal and Torres Strait Islander cultural identity; (iv) journey to education; (v) smoking status; and (vi) sexual orientation. The gender identity and sexual orientation topics in particular raised sensitivities and privacy concerns during testing in previous Censuses.

In parallel to its own topic consultation and testing, the ABS was interested in exploring stakeholder views on the privacy impacts of the proposed topics as part of this PIA.

5.4.1.2 Findings

Stakeholders raised some general concerns regarding sensitive topics, including that people may not be in a safe or private circumstance to answer such questions within a household setting, as well as issues of data integrity and accuracy if the questions and responses are not presented in a thoughtful way. One stakeholder noted that the public will need to be reassured that the information they provide will be kept secure and have an understanding of how their information might be disclosed.

²⁰ ABS, '2026 Census topic review' (n.d.) <<https://www.abs.gov.au/census/2026-census-topic-review>>.

²¹ ABS, '2026 Census topic assessment criteria' (n.d.) <<https://www.abs.gov.au/census/2026-census-topic-consultation/2026-census-topic-assessment-criteria>>.

The consultations did not raise any particular privacy concerns about the proposed topics. One stakeholder who was involved in discussions about gender identity and sexual orientation in the previous Census reiterated the desirability and importance of engaging with relevant community groups. They argued that if this is done well and the groups are onboard, this would be a great asset for the ABS as part of building awareness of, and participation in, the 2026 Census. Another stakeholder considered it will be important to educate the relevant communities around these topics and questions, and reassure them about potential concerns (e.g., where and to whom the data goes).

IIS highlights the opportunity for the ABS and relevant affected groups to develop a strong working relationship during the preparatory stages of the Census. This can be leveraged to bring their communities along in the lead-up to, and conduct of, the 2026 Census.

Recommendation 5 – Continue to consult with relevant stakeholder groups on sensitive topics and work together on engaging members of their community in the lead-up to the 2026 Census

In addition to existing plans to engage relevant community groups as part of Census topic consultation, the ABS should cultivate a long-term working relationship with these groups with a view to:

- Developing communications that seek to engage with relevant communities about changes to Census topics (especially around sensitive topics)
- Leveraging the groups as advocates among their community to build awareness of, and participation in, the 2026 Census.

5.4.2 Managing sensitivity of topics

5.4.2.1 Context

As noted above, the 2026 Census topic review is a process that takes place in the years leading up to the Census to inform the finalisation and legislation (via regulation) of the topics. Along the way, there are multiple steps for considering privacy implications:

- Topics that rate strongly against the public value criteria will be assessed as to whether the Census is the most appropriate way to provide data on the topic:
 - Relevantly, Criterion 6 states that “[a] representative of the household would be willing and able to answer questions on the topic for each member of the household” and a related consideration is that “the topic is not an unreasonable intrusion in the right to privacy.”
- In addition to public consultation, the ABS will engage a range of reference groups and other stakeholders that represent specific segments of the Australian population.
- Proposed new Census topics and questions will be tested through focus groups, interviews, and a large-scale test.

Following the review of the topics, the ABS recommends changes to the Government. Privacy is further considered through:

- Public consultation on the draft amendment regulation
- Review by both Houses of Parliament
- Consideration by the Parliamentary Joint Committee on Human Rights as advised by the Australian Human Rights Commission, that assesses any intrusion in citizen privacy against the public good.

The final regulation needs to pass through both Houses of Parliament before it can take effect.

IIS and the ABS sought feedback on what else, if anything, the ABS could do to consider and mitigate the privacy implications of possible Census topics.

5.4.2.2 Findings

The PIA consultations did not provide many responses to this issue. One stakeholder suggested in their written submission that questions relating to potentially sensitive topics should be made optional. They reasoned that this would enhance the privacy of people in marginalised groups who may not consent to the use of their personal information being used in further research and analysis.

IIS notes that there is precedent for this, as the religion question has been included as an optional question in all Australian Censuses since 1911. While there is a concern that making a question optional could reduce completeness, previous experience indicates that the religion question has tended to be answered by nearly all respondents (6.9% item non-response in 2021).

We consider that there are potential benefits and few downsides for the ABS to further explore the use of optional questions. The willingness of the community to answer sensitive questions (e.g., to do with gender identity and sexual orientation) depending on whether they are mandatory or optional could be directly tested, as per **Recommendation 1**. The performance of optional questions can also be explored as part of Census tests.

Recommendation 6 – Consider and test the feasibility of making responses optional, for topics/questions that are deemed to be especially sensitive by the ABS and the community

Consider and test the feasibility of making responses optional (e.g., 'prefer not to say'), for topics/questions that are deemed to be especially sensitive to interested communities. The testing should include:

- Community perspectives to the idea, as per **Recommendation 1.1**
- Testing as part of preparatory work for the 2026 Census.

5.5 Administrative data use for Census

Administrative data refers to information maintained by governments and other entities that is made available to the ABS for statistical purposes.²² Examples include personal income tax information from the Australian Taxation Office, and information about the number of people who use Medicare from the Department of Health and Aged Care. The datasets from Commonwealth agencies that form the MADIP data asset (which includes previous Census data) are examples of administrative data.

Following on from the successful 2021 Census and the contribution of administrative data to quality improvements,²³ the ABS sees a benefit in exploring further use cases involving administrative data that could help improve the administration of, and outputs from, the 2026 Census. At a high level, the proposals can be placed into two main categories:

- **Use of administrative data to run the Census more efficiently** – that is, improving internal ABS functions and operations as part of delivering the Census.
- **Use of administrative data to enhance the content of the Census** – that is, making changes to the content of the Census itself, such as through replacing some questions and/or providing missing information.

To demonstrate the potential of administrative data in improving the Census and providing value in its own right, the ABS has released the experimental Administrative Data Snapshot of Population and Housing (ADS) built from administrative data sources, for public feedback.²⁴

5.5.1 Use of administrative data to make the Census more efficient

5.5.1.1 Context

The first use case contemplated by the ABS is to expand the use of administrative data to assess long-term vacancy of households and use of utilities data to determine Census-night occupancy, from an area level in 2021 to a dwelling level in 2026. This is intended to enhance the efficiency and effectiveness of ABS collection processes and maximise Census response.

²² ABS, 'Can administrative data help to improve the Census count?' (1 March 2023) <<https://www.abs.gov.au/websitedbs/d3310114.nsf/home/can+administrative+data+help+to+improve+the+census+count>>.

²³ ABS, 'How administrative data improved the quality of the 2021 Census' (20 January 2023) <<https://www.abs.gov.au/articles/how-administrative-data-improved-quality-2021-census>>.

²⁴ ABS, 'Administrative data snapshot of population and housing' (n.d.) <<https://www.abs.gov.au/about/data-services/data-integration/integrated-data/administrative-data-snapshot-population-and-housing>>.

The ABS, like all public sector organisations, is expected to look for and deliver efficiencies to minimise expenditure of public money. The ABS reduced the cost per person of conducting the Census in both the 2016 and the 2021 Censuses and is looking for further opportunities for efficiencies in the 2026 Census. The vast majority of the population now respond to the Census either online or by mailing back a paper form without the need for a Census field officer to visit their home. The ABS sends field officers to visit homes that have not responded to the Census. Over one million, which is more than a third, of the homes that have not responded to the Census are unoccupied and do not need to respond. The ABS seeks to reduce the volume of field work due to the cost implications and safety risks.

The ABS is considering the use of administrative data – which could include electricity usage data and internet usage data – to identify households that are likely to have been unoccupied on Census night.²⁵ The main difference between 2021 and 2026 is that the ABS is considering the use of administrative data at the dwelling level (i.e., individual residences), rather than an aggregate, small area level. The benefits for gaining insight at the dwelling level include that the ABS can make more informed decisions for Census operations, such as whether to send field officers for a follow-up visit.

5.5.1.2 Findings

Stakeholders generally accepted the merits of making Census operations more efficient, although several expressed uneasiness about the proposal to use electricity usage data. These tended to reflect concerns about whether there would be ‘function creep’ in the use of the data (e.g., for compliance purposes) or potential unintended consequences and conclusions derived from the data (e.g., wrongly determining that a dwelling is vacant).

IIS considers the proposal has low operational privacy risk, given that the administrative data the ABS is proposing to use (including electricity usage data) is not tied to identified individuals and robust internal controls are in place to ensure it will never be used to re-identify individuals. However, our previous PIA on administrative data use for the 2021 Census found that some stakeholders are nevertheless concerned about such uses.²⁶ We noted that for future uses of dwelling-level electricity data, the ABS will need to proceed cautiously and build trust, as well as make the case for why this data is necessary and worth the privacy impact.

Since that previous PIA, the ABS has continued to be open and transparent about its proposals for, and uses of, administrative data. This includes publications that:

- Set out decision-making criteria for when and how the ABS would use administrative data²⁷

²⁵ This will be done in the background to inform allocation of field officers; field officers themselves will not have access to this information.

²⁶ IIS Partners, ‘2021 Census Administrative Data Privacy Impact Assessment’ (March 2020) <[https://www.abs.gov.au/websitedbs/D3310114.nsf/4a256353001af3ed4b2562bb00121564/9099c77cb979d558ca258198001b27a0/\\$FILE/2021%20Census%20Admin%20Data%20PIA_IIS.pdf](https://www.abs.gov.au/websitedbs/D3310114.nsf/4a256353001af3ed4b2562bb00121564/9099c77cb979d558ca258198001b27a0/$FILE/2021%20Census%20Admin%20Data%20PIA_IIS.pdf)>, see especially Section 7.3.

²⁷ ABS, ‘Using administrative data to fill possible data gaps in the Census’ (12 March 2021) <<https://www.abs.gov.au/statistics/research/using-administrative-data-fill-possible-data-gaps-census>>.

- Explain how administrative data was used for the 2021 Census²⁸
- Demonstrate how administrative data has improved the quality of the 2021 Census.²⁹

IIS supports such efforts, noting a similar approach is advisable looking ahead to the 2026 Census. The onus is on the ABS to: (i) determine there are anticipated benefits of the proposal that are justified and proportionate to the intrusion (both real and perceived) of privacy; (ii) design and implement the use case for making the Census more efficient in a safe way; and (iii) communicate effectively to allay community concerns.

Recommendation 7 – Consider the necessity of, and develop rules for, the use of administrative data to assess Census-night occupancy

7.1 Consider whether the use of administrative data to assess Census night occupancy and the intrusion on individual privacy is justified and proportionate to the anticipated benefits of the proposal.

7.2 Formalise rules on the use of administrative data to assess Census night occupancy (and more broadly to support the ABS's internal administrative activities for the Census). The rules should cover the data lifecycle, and follow the general principles of data minimisation, purpose specification and use limitation.

7.3 Develop communication material leading up to the 2026 Census that explains to the public:

- What the ABS is proposing to do and its benefits
- The kinds of administrative data involved, how it will be collected and how it will be handled
- The safeguards in place to prevent secondary uses and disclosures of the administrative data
- The impact of the proposal on individuals' privacy, and how this will be managed by the ABS.

5.5.2 Use of administrative data to enhance the content of the Census

5.5.2.1 Context

The second category of use cases contemplated by the ABS is to use administrative data which it is already holding and using (e.g., MADIP) to enhance the content of the Census itself.

The following table sets out proposed use cases along with their potential benefits.

²⁸ ABS, 'Administrative data' (n.d.) <<https://www.abs.gov.au/census/about-census/2021-census-overview/administrative-data>>.

²⁹ ABS, 'How administrative data improved the quality of the 2021 Census' (20 January 2023) <<https://www.abs.gov.au/articles/how-administrative-data-improved-quality-2021-census>>.

Proposed use case	Potential benefits
<p>1. Replacing some Census questions, where the information can be obtained from an administrative data source (e.g., income data from the ATO).</p>	<ul style="list-style-type: none"> ● Improve accuracy compared to existing questions and responses. ● Shorten the Census form, leading to improved customer experience and reduced costs in printing and distributing hardcopy forms.
<p>2. Providing missing information where this was not answered on a Census form and the ABS can obtain it from an administrative data source (e.g., Aboriginal and Torres Strait Islander status, non-response in the event of natural disasters).</p>	<ul style="list-style-type: none"> ● Ensure better representation for groups that are undercounted,³⁰ which leads to better quality information that the Australian community can rely on to make important decisions. ● Make the Census more complete in cases where unexpected events such as natural disaster prevent people from responding to the Census.

IIS emphasises that while the proposed use cases involving administrative data in the Census context are ‘new’, the ABS has been sourcing, linking, creating, maintaining, and using administrative datasets (including previous Census data) for many years. The ABS maintains publicly available information about how MADIP is being used, as well as the privacy and security aspects.³¹

5.5.2.2 Findings

Stakeholders consulted in the PIA had significant concerns with proposals to enhance the Census using administrative data that are not directly collected by the Census form itself.

A common theme among the concerned responses was to raise questions about why they would complete the Census if the ABS can already ‘pre-fill’ for some of it. For example, one stakeholder observed that this is contrary to everyone’s understanding of what a Census is, while another stated that they believe this erodes the basic premise of the Census. Another stakeholder raised in a written submission that if the ABS was to use administrative data in this way, then the public may be less inclined to engage with the Census.

³⁰ ABS, ‘2021 Census overcount and undercount’ (28 June 2022) <<https://www.abs.gov.au/statistics/people/population/2021-census-overcount-and-undercount/latest-release>>.

³¹ ABS, ‘Multi-Agency Data Integration Project (MADIP)’ (n.d.) <<https://www.abs.gov.au/about/data-services/data-integration/integrated-data/multi-agency-data-integration-project-madip>>.

Other stakeholders noted the difference in messaging between the traditional approach (e.g., “complete this form, you are not identified”) and the proposed approach (e.g., “we can use ATO data to find out how much you earn”). They believed this could give rise to the perception that the ABS can ‘check’ people’s answers and create a ‘dossier’ on every citizen. In a similar vein, one stakeholder raised concerns around the possible overcollection of information about individuals which may pose a risk to privacy.

IIS makes the following observations based on the above findings:

- The ABS already obtains and links data to Census records, for example from the Australian Immunisation Register and MADIP, to provide insights on vaccination rates of different multicultural groups
- The ABS is proposing what it considers to be a modest additional step in how it will use administrative data to further enhance the content of the Census
- When presented with the outlines of this new proposal, some PIA stakeholders expressed broad concerns (e.g., that the ABS is moving away from the ‘traditional’ approach of a person manually filling out a Census form) that would also apply to what the ABS has already been doing.

We note that the issue appears to be a ‘lag’ between (i) what the ABS is already doing (and what it considers to be modest changes as applied to the 2026 Census) and (ii) the awareness of some stakeholders of what they think the Census is or ‘should’ be doing. This suggests the need for ongoing education and engagement on the part of the ABS to correct misconceptions and reassure stakeholders (and the broader public) of what it is already doing, what it proposes to do, and how privacy is protected.

IIS finds that while there is a broadly negative sentiment among the stakeholders consulted for the PIA, there are additional nuances to be considered. Discovery research interviews conducted by the ABS for future censuses (2031 and beyond) revealed that participants feel comfortable with the idea of reusing administrative data, where the information isn’t perceived as sensitive (such as age, number of motor vehicles, marital status). While the research didn’t test specific use cases, it did find that people’s comfort level would increase if the Census explained what their data is being used for and provided assurance on how their privacy is protected.

Therefore, IIS can envisage that certain use cases may be more justifiable and acceptable to the public, for example to address under-representation of certain population groups or as a contingency where a community has been affected by a natural disaster. We reiterate the importance of the ABS conducting further testing of community perspectives in line with **Recommendation 1**, in part due to the inconsistencies in community and stakeholder views obtained so far on this issue.

Overall, IIS recognises that the ABS is exploring further administrative data use in good faith and in pursuit of many public benefits, including:

- Greater efficiencies and cost savings
- Improve quality of Census data
- Dealing with existing or anticipated issues with traditional census collection methods

- Reducing burden on the public
- Creating opportunities to address unmet data needs.

This is in line with the use of administrative data in a census context that is being increasingly explored and adopted in overseas jurisdictions, including places that are socio-politically similar to Australia (such as Canada, Ireland, New Zealand, the UK and the US).

IIS accepts the need for the ABS to continue exploring this space, and counsels the ABS to continue taking an incremental approach going forward. For example, the ABS first used electricity data to help create indicators of occupancy for houses at an aggregate level in 2021. In light of the successful 2021 Census outcome (in terms of benefits to Census quality and minimal privacy concerns), it is now proposing to analyse this data at the dwelling level for 2026.

In the same way, the ABS could propose, develop and test relatively simple use case(s) of administrative data to enhance the content of the Census, drawing on insights from further testing of community perspectives as to which data fields and for what purposes people are most comfortable with. We see value in the ABS moving slowly (e.g., starting with a small number of topics), before taking more ambitious steps (e.g., substituting a large number of topics or moving to sensitive data items). There will be opportunity for the ABS to progress to more kinds of direct replacement with administrative data as the community gains familiarity and experience with the concept in practice (or conversely, for the ABS to slow down if it encounters significant community pushback).

IIS notes that since planning is already underway for the 2031 Census (and indeed, discovery research has already been conducted), the ABS should ensure there is an intentional through-line and progression in what it prepares for the 2026 Census, followed by the 2031 Census. We also expect that the ABS will have a process in place for change management and communication to the public about its proposed activities in this area.

Recommendation 8 – Take an incremental approach to progressing with the use of administrative data to enhance the content of the Census

8.1 Take an incremental approach to the use of administrative data to enhance the content of the Census, including carefully considering the progression from the 2026 Census to the 2031 Census and beyond. Target the 2026 Census as the setting to establish initial use of administrative data to add, replace or fill in information for the Census, based on specific and clearly defined criteria.

8.2 Test community perspectives towards use of administrative data to enhance the content of the Census (as per **Recommendation 1.1**). Include a greater range of data fields compared to the 2031 Census discovery research interviews (e.g., Aboriginal and Torres Strait Islander status), as well as test attitudes towards different use case scenarios (e.g., to address non-response, under-representation of certain groups, unexpected events such as natural disasters, to reduce form length, burden on the public, and costs associated with Census administration, etc.).

8.3 Establish a process for change management and communication to the public about how the ABS will govern and decide further developments in this area. This should include:

- The reason(s) for using administrative data to enhance the content of the Census
- The specific topic(s) for which administrative data will be used to add, replace or fill in information for the Census, and the reasons for picking these topics
- The types of administrative data that will be used.

5.6 Customer experience

5.6.1 Changes to use of data during Census collection

5.6.1.1 Context

The 2026 Census Customer Experience team is responsible for developing the suite of content, channels and touchpoints for the Census. Specifically, this involves building a new website, research and development of advertising campaigns, customer service (including running the contact centre), developing internal material to support staff and agents, and, at operational time, running media and social media engagements. The Census Digital Services team is responsible for developing the online Census e-form.

Based on discussions with the ABS, IIS understands the teams are still in the early stages of preparation. At the time of writing, Census Digital Services is going to market for a supplier to support the online e-form, as well as for an address look-up service which will be used for the 2024 Census Test.

Customer Experience is in the early stage of campaign development. One issue the ABS flagged for future consideration is that for 2026, the ABS will be doing bulk recruitment in-house as opposed to using a recruitment vendor. In terms of the Contact Us form and Refusals system, the teams have yet to make plans around the timing and how they are to be delivered. In terms of a privacy refresh of procedures, the only one that is relevant is complaints management and support, which will need to be developed for the 2024 Census Test.

5.6.1.2 Findings

While changes to use of data during Census collection was in the original scope of the PIA, discussions with the ABS during the discovery phase revealed that it is still too early to assess most of the initiatives that are currently in planning and development. As a general observation, IIS considers that the privacy implications of customer experience and changes to use of data during Census collection are relatively minor, given that they involve activities that the ABS has undertaken in the past and there are no major anticipated changes.

The ABS and IIS also discussed more broadly the kinds of external services used to collect data online, and the importance of conducting due diligence on them. For example, the ABS uses reCAPTCHA for Contact Us forms and is working with AWS (who built a custom authentication solution for 2021). The ABS is also currently exploring a mechanism for checking address as it is being entered into the address field in the e-form (it hopes to have this capability but does not have the implementation details yet).

At a future point when the vendors have been onboarded and their systems have been integrated with the online Census workflow, the ABS should conduct assurance to ensure that there is no possibility for data leakage or unapproved secondary uses.

5.6.2 Additional Census pathway via myGov

5.6.2.1 Context

In September 2022, the Australian Government announced an independent user audit of myGov,³² to assess how well the myGov platform is performing and to inform future improvements. In its report, the myGov User Audit Expert Panel recommended broadening the range of services available through myGov, with prime candidates being document execution, passport renewals, electoral enrolment services and potentially accessing and completing the Census.

The Government is currently in the process of responding to the report and recommendations. To inform this process, the ABS is exploring pathway options for how the Census can be accessed and/or completed via myGov, with a view to implementing a pathway for the 2026 Census.

³² See myGov, 'myGov user audit' (January 2023) <<https://my.gov.au/en/audit>>.

For the 2026 Census the ABS is considering three potential myGov user pathways:

- **Generic notification via myGov**

User receives a generic notification in myGov to complete the Census; user clicks on hyperlink in the notification and goes to the Census website; user authenticates using their address and one-time PIN sent via email or SMS; user completes and submits the online form.

- **Targeted notification via myGov**

User receives a targeted notification in myGov to complete the Census, with information matching the Census Instruction Letter received via physical mail; user clicks on hyperlink in the notification and goes to the Census website; user enters the Census using the Census credentials received in their targeted notification; user completes and submits the online form.

- **Access Census via myGov**

User receives a targeted notification in myGov to complete the Census; user launches the Census using the Census tile in myGov (that is visible during the enumeration period); user is already authenticated via myGov, so there is no need to enter Census credentials; user completes and submits the online form.

Providing an additional Census pathway would be a secure, convenient, and economical way to inform people about the Census, compared to physical mail. Additionally, it may help the ABS notify people that are difficult to reach via physical mail. The ABS has emphasised that it considers the myGov pathway to be an additional option, rather than the sole or mandatory pathway.

5.6.2.2 Findings

Several stakeholders considered that myGov has done well in serving its purpose as a portal to access various separate Government services. They considered that, in general, having a Census pathway to myGov would not be problematic, provided assurances could be made to the community about the separation between myGov data (i.e., what the Government already knows about a person) and the Census.

Other stakeholders highlighted potential risks to integrating with myGov. Several noted that the most common types of myGov notifications people receive are from Centrelink and the ATO, which carry negative connotations. They considered that the ABS should carefully consider the optics of mentioning the Census in this context. Furthermore, some stakeholders considered that the Census has been, and should continue to be, kept distinct from the rest of how citizens engage with government. They viewed the separation as a strength, and any move to dilute this (such as by making the Census one of many Government services accessed via myGov) could undermine digital trustworthiness.

IIS notes that the discovery research interviews conducted by the ABS found more positive results. Most people interviewed were comfortable with a pathway to Census from myGov, and they were also comfortable with myGov as a communication channel for the Census.

At this point, IIS has not found any ‘showstopping’ privacy issues for the myGov pathway. As part of PIA consultations, we have identified some points for ABS consideration that add nuance to the mostly positive findings from the discovery research interviews. We consider it would be worthwhile for the ABS to further test community perspectives about the myGov pathway as it continues to explore possible designs and functionalities.

Recommendation 9 – Conduct further testing of community perspectives, based on continuing exploration of myGov as an additional Census pathway

Conduct further testing of community perspectives (as per **Recommendation 1.1**) on an additional Census pathway via myGov, including:

- Specifically testing for any concerns or negative perceptions that people may have
- Reception to possible designs and functionalities of the myGov channel based on further work conducted by the ABS.

5.7 2024 Census Test

5.7.1 Preparations for the 2024 Census Test

5.7.1.1 Context

The 2026 Census involves the contribution of multiple ABS teams, including data services, customer experience, Census topic development, and more. Each team will be running their own small-scale tests as part of developing and refining the aspects that they are looking after.

The first major test will be the 2024 Census Test, which will undertake a field test of system and business processes on a small population sample. It will involve the collection of responses to the full Census questionnaire in both e-form and paper formats. The ABS will be conducting an end-to-end test of the select system and its business processes, including privacy practices with respect to transparency and the collection of personal information.

The data collected by the 2024 Census Test (i.e., ‘test data’) is intended to feed into further ABS planning activities for the Census, especially those that require names and addresses such as determining family relationships and reconciling address information. Test data is valuable because unlike synthetic data, it is meaningful data about real people.

IIS understands that the ABS will use test data obtained from the 2024 Census Test for its Post Enumeration Survey (PES), which is a survey that is run after each Census to independently measure Census coverage. The PES requires names and addresses to be matched to the Census Test. The ABS has confirmed that PES planning for 2024 involves use of 2024 Census Test names and addresses for the purpose of:

- Testing address verification changes

- Changes to the Census addresses module in the PES questionnaire
- New probabilistic linking software.

5.7.1.2 Findings

The 2024 Census Test will involve the collection of a significant amount of information from a sample of up to 50,000 dwellings. At the same time, this is an activity that the ABS has undertaken in the past without community concern.

IIS considers that the ABS will need to bear in mind the following privacy implications for the 2024 Census Test:

- Developing privacy communications (such as privacy collection notices), including ABS practice on retaining names and addresses from the 2024 Census Test
- Collecting emails and mobile phone numbers from participants who access the Census e-form without Census credentials, and ensuring that this is well-managed
- Ensuring there is a documented process for considering privacy throughout preparations for the 2024 Census Test
- Setting appropriate data retention periods, and ensuring that these are adhered to.

The ABS is well-placed to meet the first two points, as it would be emulating practices from previous Census tests. On the third point, the ABS has a 'quality gate process' for the 2024 Census Test with a specific privacy 'gate' that must be satisfied. This includes:

- Mapping the personal information flows and personal information holdings
- Ensuring privacy collection notices and other relevant documents have been developed
- Demonstrating understanding of residual privacy risks
- Sign-off by both the Program Manager and the ABS Privacy Officer.

In relation to data retention and deletion, IIS understands that the ABS plans to keep names and address information from the 2024 Census Test for up to 18 months, to enable testing of systems until data from the 2025 test is available. We note that this duration is consistent with previous ABS practice for Census tests.

In discussions with IIS, it was apparent that the ABS has not yet determined an internal practice or procedure with respect to the retention and deletion of 2024 Census Test data. These include names and addresses, as well as email addresses and mobile phone numbers collected from participants as part of accessing e-forms. This is something that the ABS should develop for the 2024 Census Test, and ensure the procedure is adhered to.

Recommendation 10 – Develop a formal procedure for the retention and deletion of 2024 Census Test data

Develop a formal procedure for the retention and deletion of 2024 Census Test data that sets out:

- The kinds of data in-scope (e.g., names, addresses, email addresses, mobile phone numbers)
- Where the data is stored
- The applicable retention period(s)
- The manner of deletion.

Ensure, as part of planning and accountability mechanisms, that there is assurance of deletion for 2024 Census Test data.

5.8 Privacy Act reforms

5.8.1 Recent developments

5.8.1.1 Context

There have been two recent developments in the reform of the Privacy Act:

- Passage of the *Privacy Legislation Amendment (Enforcement and Other Measures) Act 2022*, which significantly increases penalties for serious privacy violations and grants the OAIC broader regulatory powers.
- Publication of the Attorney-General Department's Privacy Act Review Report,³³ which contains a set of proposals for amending the Privacy Act following an extensive legislative review and consultation process.

In discussions with the ABS privacy team, it was agreed that the first development has no direct relevance for the ABS with respect to its preparations for the 2026 Census. The team also advised that the ABS is currently monitoring the Privacy Act Review. The ABS is closely monitoring the following areas arising from the Privacy Act Review Report:

- Definition of personal information – Whether any broadening would cover different types of information that it did not anticipate in the past
- Proposals that change or update current practices around 'research'
- Updated rights of individuals, particularly with respect to correction and erasure
- Ensuring that public-facing privacy collection notices and policies align with any updated requirements

³³ Attorney General's Department 'Privacy Act Review - Report 2022' (16 February 2023) Available at <<https://www.ag.gov.au/rights-and-protections/publications/privacy-act-review-report>>

- Interaction with other schemes, especially efforts to harmonise privacy laws across the Commonwealth, states and territories.

5.8.1.2 Findings

The Privacy Act reform process is ongoing and will likely take several more years to unfold. IIS considers that it is too early to make any recommendations for the ABS in this PIA. Rather, we suggest that the ABS maintains a watching brief.

The ABS is already closely monitoring developments and considering how proposed changes could vary its existing compliance requirements. The ABS is in a good position to deal with the proposed changes, given its relatively mature privacy posture and the fact that it is already subject to the Australian Government Agencies Privacy Code.

The one significant Privacy Act Review proposal that IIS would like to highlight is providing individuals with the right to erasure. This could have implications for the 2026 Census should it be passed into law – the ABS will either need to establish the technical and business processes to carry out the request (at the appropriate point in its data pipeline) or rely on an exception available to them in law and explain that it cannot do so. The ABS should keep this in mind as it prepares for the 2026 Census.

5.9 Conclusion

The Phase 1 PIA was conducted at a relatively early stage of the Census program. IIS assessed ‘concepts’ and ‘proposals’ as opposed to concrete information flows and handling practices. Nevertheless, we consider the PIA to be a useful Privacy by Design exercise in helping the ABS identify and mitigate privacy risks (including community trust and reputational impacts that go beyond legal compliance).

IIS has assessed each in-scope element separately based on the information gathered from the ABS and input from PIA stakeholders. Overall, for most elements we consider there are concrete steps that the ABS can take to address the risks and issues identified by the PIA. These are summarised in the following table.

In-scope element	Test community perspectives	Further engage stakeholders	Be open / transparent	Formalise processes / procedures	Undertake further analysis
Sharing of future versus previous Census data (DAT Act and DATA Scheme)	✓		✓	✓	✓
Use of administrative data to enhance the content of the Census	✓		✓	✓	✓

In-scope element	Test community perspectives	Further engage stakeholders	Be open / transparent	Formalise processes / procedures	Undertake further analysis
Use of administrative data to make the Census more efficient			✓	✓	✓
Greater longitudinal analysis of Census data	✓	✓			✓
Establishing governance for data sharing and use (DAT Act and DATA Scheme)			✓	✓	
Preparations for the 2024 Census Test			✓	✓	
Census content topic consultation	✓	✓			
Additional Census pathway via myGov (Customer experience)	✓				

For two of the other in-scope elements – ‘Changes to use of data during Census collection (Customer experience)’ and ‘Privacy Act reforms’ – after initial information gathering IIS determined that there have not yet been sufficient developments in these areas to conduct a proper assessment. We suggest that the ABS maintain a watching brief and consider these in future PIA phases as concrete developments arise.

IIS thanks the ABS and all PIA stakeholders for their time and cooperation during this PIA. We are available to discuss the report with the ABS and any other stakeholders.

Appendix A. Documents reviewed and meetings held

A.1 Documents reviewed

Documents reviewed
1. 2021 Census Data Protection Plan
2. 2026 Census – Strategic and Program Risks Register
3. 2026 Census High-level Governance Plan
4. 2026 Census Program High-Level Governance Plan
5. 2026 Census Program Strategy
6. Census Data Protection Plan on a page
7. Census Privacy Strategy 2021-28
8. Census Customer Experience – Mapping Personal Information Flow Questions
9. Census Digital Service – Digital and Paper Services Flow Mapping
10. Census Digital Service – Command Centre Strategic Flow Mapping
11. Census Digital Service – Refusals Process Mapping
12. Census Digital Service – Contact Centre and Customer Support Process Mapping
13. Census Logistics – Mapping Personal Information Flows Questions
14. Census Logistics – Personal Information Flow Map
15. 2021 Census of Population and Housing Australian Privacy Principle 5 Census Data Collection Notice
16. 2021 Census of Population and Housing Australian Privacy Principle 5 Employment Collection Notice
17. 2021 Census PIA_ABS response
18. 2021 Census PIA_Galexia
19. 2021 Census Privacy Statement
20. 2026 Census Topic Consultation Collection Notice
21. ABS Privacy Policy for Statistical Information
22. Delivering the 2021 Census

Documents reviewed
23. PIA Phase 1 Scope Internal Consultation Key Contacts
24. Privacy Stakeholders – 2021 Census
25. Easy Read Guide to the 2026 Topic Consultation Process
26. 2026 Topic Consultation_Webinar
27. 2026 Census topic consultation phase one communication plan
28. 2026 Census Content Engagement and Communications Strategy
29. Census Content - Mapping Personal Information Flow Questions - PIA Phase 1
30. Use of Administrative Data in 2026 Census - MADIP data flow for use in 2026 Census
31. Use of Administrative Data in 2026 Census - Use of Administrative Data in 2026 Census - MADIP data flow for use in 2026 Census
32. Briefing DAT ACT Guiding Principles - Signed David Gruen August 2022 - Official Sensitive.pdf
33. myGov and Census v3
34. MyGov Use Case Options for 2026 Census (draft)
35. Discovery - 2031 Census - Research findings report (FINAL) - 15 June 2023

A.2 Meetings held

Meetings held	Date
Project kick-off meeting <ul style="list-style-type: none"> • IIS personnel • ABS personnel 	23 March 2023
Consultation: Use of Census Data (Historic and Future) <ul style="list-style-type: none"> • IIS personnel • Key ABS stakeholders 	12 April 2023

Meetings held	Date
Consultation: Changes to Use of Data During Census Collection <ul style="list-style-type: none"> ● IIS personnel ● Key ABS stakeholders 	12 April 2023
Consultation: 2024 Census Test <ul style="list-style-type: none"> ● IIS personnel ● Key ABS stakeholders 	18 April 2023
Consultation: Use of Administrative Data in 2026 Census <ul style="list-style-type: none"> ● IIS personnel ● Key ABS stakeholders 	28 April 2023
Consultation: External Changes – Privacy Act Reforms <ul style="list-style-type: none"> ● IIS personnel ● Key ABS stakeholders 	1 May 2023
Consultation: 2026 Census Content <ul style="list-style-type: none"> ● IIS personnel ● Key ABS stakeholders 	2 May 2023
Consultation: Longitudinal Analysis of Census Data <ul style="list-style-type: none"> ● IIS personnel ● Key ABS stakeholders 	5 May 2023
Consultation: DAT Act and DATA Scheme (follow-up) <ul style="list-style-type: none"> ● IIS personnel ● Key ABS stakeholders 	26 May 2023
Consultation: Use of Administrative Data in 2026 Census (follow-up) <ul style="list-style-type: none"> ● IIS personnel ● Key ABS stakeholders 	26 May 2023

Meetings held	Date
<p>Consultation: myGov 2026 Census pathways</p> <ul style="list-style-type: none"> ● IIS personnel ● Key ABS stakeholders 	<p>31 May 2023</p>
<p>Consultation: 2024 Census Test</p> <ul style="list-style-type: none"> ● IIS personnel ● Key ABS stakeholders 	<p>29 June 2023</p>

Appendix B. List of stakeholders

B.1 Roundtable participants

Individuals
1. Dr Ian Oppermann, NSW Government Chief Data Scientist, NSW Department of Customer Service
2. Edward Santow, Director, Policy & Governance, UTS Human Technology Institute
3. Lyria Bennett Moses, Associate Dean, Faculty of Law and Justice, University of New South Wales
4. Ruth Marshall, Director, Data and Innovation, Hocone Pty Ltd
5. Peter Leonard, Principal and Director, Data Synergies

Organisations
1. The Ethics Centre
2. Relational Insights Data Lab, Griffith University
3. LGBTIQ+ Health Australia
4. Castan Centre for Human Rights Law (Monash University)
5. Office of the Australian Information Commissioner
6. Consumers Health Forum of Australia
7. NSW Council for Civil Liberties
8. Queensland Council for Civil Liberties

B.2 Participants who provided written submissions

Organisations
1. Relational Insights Data Lab, Griffith University
2. NSW Council for Civil Liberties
3. Office of the Victorian Information Commissioner



INFORMATION INTEGRITY SOLUTIONS PTY LTD

PO Box 978, Strawberry Hills NSW 2012, Australia

P: +61 2 8303 2438

E: contact@iispartners.com

www.iispartners.com

ABN 78 107 611 898

ACN 107 611 898



IIS Partners
INFORMATION INTEGRITY SOLUTIONS