



PRIVACY IMPACT ASSESSMENT RESPONSE

2021 Census Privacy Impact Assessment
July 2020



ABS RESPONSE TO THE 2021 CENSUS INDEPENDENT PRIVACY IMPACT ASSESSMENT

Introduction

Following the 2016 Census, the ABS accepted recommendations from inquiries by Alistair MacGibbon¹ and the Senate² to conduct to conduct an independent PIA. At the time, the ABS committed to release the independent PIA and our response a year before the 2021 Census. This response makes good on that commitment.

The 2021 Census of Population and Housing (the Census) will be the largest and one of the most important statistical collections undertaken by the ABS. It aims to include every household and individual in Australia on Census night.

Privacy has been thoroughly considered during Census planning, with a “privacy-by-design” approach in place from the start of Census preparations.

To ensure a thorough and independent assessment of privacy, the ABS contracted Galexia Pty Ltd to conduct the 2021 Census Privacy Impact Assessment (PIA). The PIA focuses on potential privacy risks and issues associated with:

- statistical data collected by the ABS from Census forms
- contact data collected in order to run the Census, such as when someone calls the Census Contact Centre
- data relating to ABS employees and contractors engaged in Census activities.

The ABS is grateful to Galexia for its approach to conducting the PIA. The ABS worked with Galexia to ensure they understood the complex processes involved in undertaking a Census which allowed them to complete a thorough review of all Census systems and procedures.

The ABS welcomed advice from Galexia throughout the PIA process, and in particular feedback from discussions of bench testing the initial recommendations with external stakeholders. This approach enabled the ABS to implement advice and address risks as the PIA progressed.

The PIA identified a number of privacy strengths and development areas in the design of the 2021 Census. The ABS welcomes the recognition of its investment in privacy training and capacity building, and our prioritisation of privacy and has a commitment to continuing development in this area.

¹ <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id:%22publications/taledpapers/a41f4f25-a08e-49a7-9b5f-d2c8af94f5c5%22>

² https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/2016Census/Report

The PIA includes three structural recommendations, which are “key mechanisms to ensure a lasting, layered and sustainable Privacy-by-Design/Privacy-in-Depth approach is adopted for the Census (2021 and beyond)”. As well, there are seventeen other recommendations, addressing the Australian Privacy Principles, ABS legislation, the Australian Government Agencies Privacy Code, governance and social licence requirements outlined in the PIA.

The ABS agrees with the recommendations, with the exception of recommendation 15. Recommendations are being implemented as Census preparations continue.

Response to recommendations

Structural Recommendation 1

Census Privacy Strategy

The ABS should develop and implement a 7-8 year Census Privacy Strategy that covers more than one Census.

Agreed.

The Census Program will develop a longer-term Census Privacy Strategy that covers more than one Census cycle. This strategy will ensure coordination and integration of privacy impact assessments, a comprehensive approach to stakeholder engagement and inclusion of long-term privacy objectives and targets.

Structural Recommendation 2

Principles based approach to name encoding for data linkage

The ABS should develop and implement a principles based approach to the issue of name encoding for data linkage.

Agreed.

The ABS will adopt a principles based approach to name encoding for data linkage. We will refine and develop the implementation of this approach as technologies develop. This will ensure our methods are contemporary and best practice.

Structural Recommendation 3

Principles based approach to managing re-identification risk

The ABS should develop and implement a principles based approach to managing re-identification risk.

Agreed.

The ABS will adopt a principles-based approach to managing re-identification risk, noting that some features of such an approach outlined in the PIA have already been adopted. We will refine and develop the implementation of this approach as technologies develop. This will ensure our methods are contemporary and best practice.

Recommendation 1

Develop and maintain separate Census privacy policy sections

Each Census privacy policy sub-section or appendix should be clearly dated and an archive of prior policies should be maintained (for the 2016 and 2021 Censuses at least).

Agreed.

In addition to the ABS Privacy Policy, there is a 2021 Census Privacy Statement and a 2021 Census Collection Notice covering how personal information is handled. These documents will be available on the ABS website (www.abs.gov.au/privacy) and the 2021 Census website.

Previous Census privacy policies are also available on the ABS website and clearly refer to the relevant Census cycle.

Recommendation 2

Promote alternatives to third party collection

The ABS should explore measures to address the extent of third party collection of data. For example, more could be done to promote the option to use individual paper and online forms.

Agreed.

Information on how individuals can obtain a separate Census form will be available on the ABS and Census websites. Both the paper and online forms will also provide information about options for completing an individual form.

Recommendation 3

Clarify privacy notice information on the potential consequences for not providing information

The ABS should develop a clear and consistent set of wording to inform consumers about the consequences of not completing the Census.

Agreed.

The Census Privacy Statement and Collection Notice include consistent wording about the potential consequences for not providing Census information. Census communication will also include this information where appropriate and link to these documents.

Recommendation 4

Conduct independent security risk assessments for key 2021 Census components

The ABS should commission independent security risk assessments for key components of 2021 Census:

- *An 'end to end' assessment (this has been commissioned);*
- *A specific assessment of the cloud platform (this may be covered by existing security certifications); and*
- *The Time Capsule (this has yet to be commissioned).*

Agreed.

Information Security Risk Assessors Program (IRAP) assessments will be undertaken for all Census and ABS supporting systems by an Australian Signals Directorate (ASD) accredited IRAP assessor.

In addition, the cloud service platforms hosting Census systems are supported by:

- Australian Cyber Security Centre accreditation of the cloud service platforms on the ASD Certified Cloud Services List
- ABS security assessments of Census deployment on top of these cloud services.

The ABS works closely with the National Archives of Australia (NAA) in the secure transfer of nominated Census records to the Time Capsule. The ABS will review security arrangements for this process prior to the transfer. The NAA hosts and protects the transferred data in accordance with the [Archives Act 1983](#).

Recommendation 5

Shorten data retention periods for names

The ABS should review and significantly reduce the data retention periods for names. If the reduction needs to be staggered to meet business needs, this should be reduced over the next two Censuses. As a minimum the data retention period for names should be re-set as 18 months for the 2021 Census.

Agreed in principle.

ABS is committed to shortening the data retention period for names. ABS intends to delete names after 18 months (February 2023).

If there are technical or operational complications with the use cases outlined below, names may be kept for a further six months. Names will be deleted no later than August 2023.

- Census [coding and processing](#) (e.g. family coding, travel to work) and the [Post Enumeration Survey](#).
- Linking to the ABS Person Linkage Spine ([e.g. for MADIP](#)).
- The [Indigenous Mortality Project](#).

Recommendation 6

Shorten data retention periods for addresses

The ABS should review and, if possible, reduce the data retention periods for addresses. If the reduction needs to be staggered to meet business needs, this should be reduced over the next two Censuses. As a minimum the data retention period for addresses should be reduced for the 2021 Census to a period of 24-36 months.

Agreed.

Addresses from the 2021 Census will be retained for 36 months. They will be deleted by August 2024.

Recommendation 7

Clarify access rules for different categories of data

The ABS should clarify the access rules that apply to each category of data, and set these out clearly in the 2021 Census Privacy Policy, including:

- *Core Census data (i.e. statistical data);*
- *Australian Census Longitudinal Dataset (ACLD);*
- *Integrated Census data (e.g. MADIP);*

- *Time Capsule; and*
- *Other non-statistical data (e.g. Contact Centre records).*

Agreed.

The ABS Privacy Policy, 2021 Census Privacy Statement and 2021 Census Collection Notice provide information on access rules for the different categories of data.

Recommendation 8

Clarify and strengthen access restrictions to data held in the Time Capsule

The ABS should clarify and strengthen access rules that apply to data held in the Time Capsule, noting examples of international pressure for early access to similar data.

Agreed.

The Census Privacy Statement and Collection Notice contain clear messaging about access restrictions for data held in the Time Capsule by the National Archives of Australia.

The ABS website states that the Time Capsule data will not be available for any purpose (including to courts and tribunals) within the 99-year closed access period and cannot be accessed, altered or retrieved before that time. This is in accordance with the [Archives Act 1983](#).

Recommendation 9

Conduct additional independent PIAs for activities that are ‘renewed’ for each Census

The ABS should consider conducting additional independent PIAs for the Australian Census Longitudinal Dataset and the Time Capsule.

Agreed.

The ABS has robust arrangements in place to ensure privacy is considered throughout the organisation. Privacy Threshold Assessments are undertaken for activities that change or are new, to help determine their privacy implications and whether a PIA is required. The Census Program is committed to ensuring appropriate privacy assessments are undertaken for all activities that meet this threshold.

Recommendation 10

Clarify the prohibition on using multiple Census collections in MADIP

The ABS should clarify and highlight the prohibition on using multiple Census collections for longitudinal study via MADIP.

Agreed.

The ABS confirms the current policy. This states that Census data will not be used in longitudinal studies, with the exception of [ACLID](#) and, in time, the [Census Time Capsule](#). The ABS will ensure this policy is explained on the ABS website. The ABS also recognises the immense value of Census data and commits to consulting on any future plans to link Censuses.

Recommendation 11

Establish and maintain a register of third party agreements

The ABS should establish a register of third party agreements and use this to drive/promote a consistently high level of privacy protections and privacy management.

Agreed.

The Census Program has established a register of all Census procurement arrangements to drive and promote a high level of privacy protections and management.

Recommendation 12

Clarify ABS legislation to set out permitted and precluded purposes for use of Census data

The ABS should explore ways to clarify legal restrictions on the use of Census data. Options might include a guideline, declaration or a potential legislative amendment.

Agreed.

The [Census and Statistics Act 1905](#) does not allow the ABS to release information in a manner that is likely to enable the identification of anyone.

Further examples of restrictions on the use of Census data are outlined in the 2021 Census Privacy Statement. This document can be found at www.census.abs.gov.au/privacy.

Recommendation 13

Clarify the relationship between Census data and the proposed Data Availability and Transparency (DATA) Framework

The ABS should consider whether or not to exclude Census data from the proposed DATA Framework, and the potential impact of the DATA Framework on both the generic secrecy provisions that apply to ABS data and the specific privacy protections that apply to Census data.

Agreed.

The ABS notes that the proposed legislation is still in draft and stakeholder consultation is still to be finalised. The ABS will form and communicate a final position once the legislation is in place.

Recommendation 14

Seek an exemption from the DATA Framework for the Time Capsule

The ABS should seek an exemption for the Time Capsule from the proposed Data Availability & Transparency (DATA) Framework. This recommendation should be seen as the minimum ABS response to the proposed DATA framework, and not the full response.

Agreed in principle.

The proposed legislation is still draft and stakeholder consultation is still to be finalised. ABS is in discussion with the National Archives of Australia about the Time Capsule in relation to the DATA framework, noting that the [Archives Act 1983](#) (s22B) has strict access restrictions to Census data stored as part of the Census Time Capsule.

The ABS will form and communicate a final position once the legislation is in place.

Recommendation 15

Remove the new health data collected in the 2021 Census from data submitted to the Time Capsule

The ABS should ensure that responses to the new health conditions question are not included in the Time Capsule, and that this is clearly explained to consumers.

Not agreed.

Agreement to the transfer of data to the Time Capsule is voluntary. Respondents completing the Census form are asked "Does each person agree to their name, address and other information being kept by the National Archives of Australia and then made publicly available after 99 years?"

The ABS will ensure it is clear in the Archive question that if a person agrees to their data being kept in the Census Time Capsule, it will include their response to the health conditions question.

Section 33(1)(g) of the [Archives Act 1983](#) provides an exception to public access to records if the access would 'involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person)'.

Anyone requesting access to records in the Time Capsule needs a legitimate reason for access. Information can be exempted from release if it remains sensitive after 99 years.

Recommendation 16

Review the consequences for refusing to complete the Census

The ABS should reform the refusals and prosecution process to implement a better balance between response rates and consequences for individuals facing prosecution.

Agreed.

The ABS has reviewed the refusals process since the 2016 Census. For the 2021 Census, the ABS will improve communication about the refusal process, and improve how refusals are followed up.

In 2021, as for previous Censuses, the ABS will consider numerous factors before a case is referred to the Commonwealth Directorate of Public Prosecutions. These include any mitigating circumstances, as well as the age, physical and mental health, and any special vulnerability of the individual. Prosecutions are the last option after many attempts to obtain a response.

The refusals process will be evaluated after the 2021 Census, and this evaluation will be considered as part of the proposed Census Privacy Strategy.

Recommendation 17

Conduct an independent security review for the MyWork App

The ABS should commission an independent security risk assessment for the proposed MyWork App.

Agreed.

An independent security risk assessment for the MyWork App will be covered by the Information Security Risk Assessors Program (IRAP) assessment to be undertaken for all Census systems.