

UNDERTAKING BY A RESPONSIBLE OFFICER OF AN ORGANISATION

Disclosure of individual statistical records

The Australian Bureau of Statistics (ABS) assists and encourages informed decision making by allowing organisations and individuals to access, for statistical and research purposes only, detailed ABS information in the form of individual statistical records (the information) with all direct identifiers, such as name and address, removed and – if the information relates to an individual – in a manner that is not likely to enable the identification of the individual.

Information in the form of individual statistical records may be disclosed by the ABS under subsection 15(1) of the *Census and Statistics (Information Release and Access) Determination 2018* (the Determination) where:

- all direct identifiers, such as name and address, have been removed (paragraph 15(1)(a) of the Determination); and
- if the information relates to an individual – the information is disclosed in a manner that is not likely to enable the identification of the individual (section 7 and paragraph 15(1)(b) of the Determination); and
- the Statistician has been given an undertaking in relation to the information that complies with section 10 and subsection 15(2) of the Determination; and
- the Statistician (or their delegate) has approved the disclosure of the information in writing (section 8 of the Determination).

To ensure compliance with the Determination and the *Census and Statistics Act 1905* (C&S Act), the ABS reserves the right to select an appropriate method to disclose the information to an organisation or an individual. This may include the use of a system with strict access conditions as well as physical and/or virtual security controls.

Undertaking

This undertaking is a legally binding agreement. By signing the undertaking the responsible officer binds the organisation to comply with the conditions in the undertaking.

The Statistician may also require undertakings from each individual in the organisation who will have access to the information to ensure the individual will abide by the conditions in the undertaking.

Failure to comply with this undertaking

Under subsection 19(3) of the C&S Act, where a person gives an undertaking to the Statistician in accordance with the Determination, failure to comply with the undertaking is an offence. Failure to comply may result in a penalty of up to 120 penalty units or imprisonment for 2 years, or both.

Where an organisation or an individual in the organisation fails to comply with the undertaking, the ABS may take other actions but reserves the right to pursue legal penalties.

Responsible officer

For the purposes of the Determination, a responsible officer means, in relation to an organisation, an officer of the organisation acting within the scope of authority exercisable by the officer, in accordance with arrangements approved by the organisation.

Whether an officer of an organisation is a responsible officer will therefore depend on the approved arrangements of the particular organisation, but may include:

- For Universities: a Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor or University Registrar.
- For Government departments or agencies: Statutory Head, Secretary of Department, Head of Agency or equivalent.
- For all other organisations: a person who has the equivalent level of legal responsibility for the actions of the organisation as a Department Secretary does for a Government department. This will usually be someone with the status of CEO, Company Secretary or Managing Director.

Return of completed undertaking to the Statistician

A scanned copy of the signed undertaking can be provided to the Statistician via: mydataportal@abs.gov.au

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UNDERTAKING MADE PURSUANT TO SECTION 15 OF THE *CENSUS AND STATISTICS (INFORMATION RELEASE AND ACCESS) DETERMINATION 2018*

WHEREAS:

- (A) Subsection 13(1) of the *Census and Statistics Act 1905* provides for the Minister, by legislative instrument, to make determinations providing for and in relation to the disclosure, with the approval in writing of the Statistician, of information included in a specified class of information furnished pursuant to that Act; and
- (B) Subsection 15(1) of the *Census and Statistics (Information Release and Access) Determination 2018* (the Determination) permits the Statistician to approve the disclosure of information in the form of individual statistical records if: all direct identifiers have been removed; if the information relates to an individual – the information is disclosed in a manner that is not likely to enable the identification of the individual; and the Statistician has been given an undertaking in relation to the information that complies with section 10 and subsection 15(2) of the Determination.

Undertaking by a responsible officer of the Organisation

NOW, I

Family Name

Given Name(s)

a responsible officer of the:

Organisation
(Full Name)

Position/Title

Branch / Division /
Faculty

Telephone
Number

Organisation Postal
Address

Individual
Organisation
Email Address

**acting within the scope of authority exercisable by me, in accordance with
arrangements approved by the Organisation,**

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HEREBY UNDERTAKE THAT:

1. In relation to information in the form of individual statistical records (the information) disclosed by the Australian Bureau of Statistics (ABS) under subsection 15(1) of the *Census and Statistics (Information Release and Access) Determination 2018* (the Determination), the Organisation will:
 - a. not attempt to use the information to identify particular individuals or organisations to which the information relates;
 - b. only use the information for statistical or research purposes;
 - c. not disclose the information to an individual outside the Organisation, or to another organisation, without the written approval of the Statistician (or their delegate); and
 - d. will comply with the conditions in paragraph 2 of this undertaking, which the Statistician (or their delegate) has considered are reasonably necessary in this particular case.
2. The Organisation will:
 - a. only disclose the information to an individual in the Organisation who has also given the Statistician an undertaking that complies with subsection 15(2) of the Determination;
 - b. appoint a contact officer by completing and providing to the ABS the form attached to this undertaking, who will support regular audits, record management and compliance;
 - c. only use the information for the purposes for which the information is disclosed;
 - d. if required as a condition of giving written approval in accordance with subparagraph 1(c) of this undertaking, arrange for each individual outside the Organisation who will have access to the information and/or another organisation (if applicable) to give the Statistician a written undertaking in a form agreed by the Statistician;
 - e. as soon as is practicable, destroy or return to the Statistician the information, and any copies of it, after:
 - i. the purposes for which the information is disclosed have been achieved;
 - ii. the Organisation has ceased accessing the information in accordance with subparagraph 2(n) of this undertaking; or
 - iii. the ABS removes the Organisation's access to the information, whichever occurs first;
 - f. give ABS officers (within the meaning of section 3 of the *Census and Statistics Act 1905*) access to any information, documents or premises for the purpose of ensuring that this undertaking has been complied with;
 - g. not use the information for compliance or regulatory purposes;
 - h. not attempt to match or link, with or without using identifiers, the information with any other information the Organisation has access to unless identifiers have been provided by the ABS for this purpose;
 - i. not attempt to avoid, override or otherwise circumvent the controls put in place by the ABS relating to access to the information;
 - j. access only the information which the Statistician (or their delegate) has given the Organisation approval to access;
 - k. as soon as practicable, report to the ABS any possible unauthorised access, modification, disclosure, use or interference of the information, and will cooperate with the ABS to contain, assess, remediate, notify and review the reported incident;
 - l. not release any outputs derived from the information that include individual statistical records, without written approval from the ABS;
 - m. ensure all individuals accessing the information (including individuals outside the Organisation) are aware of their obligations in relation to the information, including under this and any other undertaking; and will support the individuals to comply with their obligations, including by providing appropriate physical, technological, and supervisory environments when accessing the information;

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- n. cease accessing the information, where required by the Statistician or the Organisation no longer requires access;
- o. restrict or cease an individual's access to the information (including individuals outside the Organisation), where required by the Statistician;
- p. cease an individual's access to the information (including individuals outside the Organisation), where the individual no longer requires access to the information (including because they change roles in the Organisation), leaves the Organisation, and/or is no longer associated with the Organisation (for example, no longer providing services to the Organisation);
- q. as soon as is practicable, inform the ABS if an individual within the Organisation who has access to the information no longer requires access to the information, changes roles in the Organisation, and/or leaves the Organisation;
- r. as soon as is practicable, inform the ABS if an individual outside the Organisation, and/or any other organisation (if applicable), who has access to the information no longer requires access to the information and/or is no longer associated with the Organisation (for example, no longer providing services to the Organisation); and

HEREBY UNDERSTAND AND ACKNOWLEDGE THAT:

- 3. Failure to comply with this undertaking may:
 - a. be an offence under subsection 19(3) of the *Census and Statistics Act 1905* and if convicted a penalty may be imposed of up to 120 penalty units or imprisonment for 2 years, or both; and
 - b. result in the following actions being taken which may include, but are not limited to:
 - i. in accordance with subparagraph 2(n) of this undertaking, the Statistician requiring the Organisation to cease access to the information, and/or the ABS removing the Organisation's access to the information;
 - ii. in accordance with subparagraph 2(o) of this undertaking, the Statistician requiring the Organisation to restrict or cease an individual's access to the information, and/or the ABS removing an individual's access to the information; and
 - iii. the Statistician (or their delegate) not allowing the disclosure of further information to the Organisation and/or individuals with access to the information.

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(INFORMATION RELEASE AND ACCESS) DETERMINATION 2018*

Signing: (Your signature must be witnessed at the time you sign the document)

Your Signature

Full Name

Date

In the presence of: (Witnesses must observe the signing of the document)

Witness Signature

Full Name

Date

SAMPLE

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CONTACT OFFICER DETAILS

| | |
|---|----------------------|
| Organisation (Full Name) | <input type="text"/> |
| Family Name | <input type="text"/> |
| Given Name(s) | <input type="text"/> |
| Position/Title | <input type="text"/> |
| Branch / Division / Faculty | <input type="text"/> |
| Telephone Number | <input type="text"/> |
| Organisation Postal Address | <input type="text"/> |
| Individual Organisation Email Address | <input type="text"/> |

SAMPLE