

## UNDERTAKING BY AN INDIVIDUAL IN 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 and by signing the undertaking the individual is bound to comply with the conditions of this 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 individual fails to comply with the undertaking, the ABS may take other actions but reserves the right to pursue legal penalties.

### Return of completed undertaking to the Statistician

A scanned copy of the signed undertaking can be provided to the Statistician via:

Email: [mydataportal@abs.gov.au](mailto:mydataportal@abs.gov.au)

## UNDERTAKING BY AN INDIVIDUAL IN AN ORGANISATION

### 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 an individual

#### NOW, I

Family  
Name

Given  
Name(s)

#### an individual associated with:

Organisation  
(Full Name)

Position/Title

Division/  
Faculty

Telephone  
Number

Organisation  
Postal Address

Individual  
Organisation  
Email Address

SAMPLE

## UNDERTAKING BY AN INDIVIDUAL IN AN ORGANISATION

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

#### 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), I 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. 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. I will:
  - a. only use the information for the purposes for which the information is disclosed to the Organisation;
  - b. 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 to the Organisation have been achieved;
    - ii. you have ceased accessing the information in accordance with subparagraph 2(k) of this undertaking; or
    - iii. the ABS removes your access to the informationwhichever occurs first;
  - c. 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;
  - d. not use the information for compliance or regulatory purposes;
  - e. not attempt to match or link, with or without using identifiers, the information with any other information I have access to unless identifiers have been provided by the ABS for this purpose;
  - f. not attempt to avoid, override or otherwise circumvent the controls put in place by the ABS relating to access to the information;
  - g. access only the information which the Statistician (or their delegate) has given me approval to access;
  - h. as soon as practicable, report to the ABS if I become aware of 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;
  - i. if required as a condition of giving written approval in accordance with subparagraph 1(c) of this undertaking, arrange for each individual who will have access to the information and/or any organisation (if applicable) to give the Statistician a written undertaking in a form agreed by the Statistician;
  - j. not release any outputs derived from the information that include individual statistical records, without written approval from the ABS;
  - k. cease accessing the information, where required by the Statistician, I no longer require access to the information; and/or I am no longer associated with the Organisation (for example, no longer providing services to the organisation); and
  - l. as soon as is practicable, inform the ABS if I no longer require access to the information, and/or I am no longer associated with the Organisation (for example, no longer providing services to the organisation).

## UNDERTAKING BY AN INDIVIDUAL IN AN ORGANISATION

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### 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(k) of this undertaking, the Statistician requiring me to cease accessing the information, and/or the ABS removing my access to the information; and
    - ii. the Statistician (or their delegate) not allowing the disclosure of further information to me and/or the Organisation.

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

Your  
Signature

Full Name

Date

**In the presence of:** (Witness in person)  
(any responsible adult over 18 years of age can observe the signing of the document)

Witness  
Signature

Witness  
Full Name

Date

**SAMPLE**