

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 to access, for statistical and research purposes only, detailed ABS data in the form of individual statistical records (Unidentified Information).

The release of the Unidentified Information is enabled by section 15 of the *Census and Statistics (Information Release and Access) Determination 2018* under the *Census and Statistics Act 1905*.

Organisational access to individual statistical records

Under section 15 of the *Census and Statistics (Information Release and Access) Determination 2018*, the release of Unidentified Information to an organisation is permitted once a Responsible Officer of the organisation has signed this Undertaking and the Australian Statistician, or an authorised delegate, has approved the release. For the purpose of this Undertaking, an organisation includes an official body.

To ensure compliance with the *Census and Statistics (Information Release and Access) Determination 2018* and the *Census and Statistics Act 1905*, the ABS reserves the right to select an appropriate method to release the Unidentified Information to an organisation. This may include the use of a system with strict access conditions as well as physical and/or virtual security controls.

Individuals in the organisation who accesses the Unidentified Information may also be required to first sign an individual undertaking to abide by the relevant terms and conditions contained in this Undertaking.

Undertaking

This Undertaking is a legally binding agreement and by signing the Undertaking the Responsible Officer takes responsibility for ensuring that the organisation and its employees comply with the terms and conditions of this Undertaking.

The ABS may require the Responsible Officer to re-sign this Undertaking periodically.

Failure by an organisation or its employees to comply with this Undertaking

Section 19(3) of the *Census and Statistics Act 1905* provides that it is an offence if a person fails to comply with this Undertaking, the penalties for which include a fine or imprisonment or both.

Where an organisation or its employees fail to comply with this Undertaking, the ABS may impose non-legal sanctions but reserves the right to pursue legal penalties.

Responsible Officer

For the purposes of the *Census and Statistics (Information Release and Access) Determination 2018*, a Responsible Officer may be, but is not limited to:

- For Universities: a Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor or University Registrar.
- For Government Departments: Statutory Head, Secretary of Department, Head of Agency or equivalent, or as agreed with the ABS.
- For all other organisations: a person who has the same legal responsibility for the actions of the entity 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 ABS

A scanned copy of the signed Undertaking can be provided to the ABS via:

Email: microdata.access@abs.gov.au

UNDERTAKING BY A RESPONSIBLE OFFICER OF 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 Australian Statistician, of information included in a specified class of information furnished pursuant to that Act; and
- (B) Section 15 of the *Census and Statistics (Information Release and Access) Determination 2018* permits the Australian 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 identification of the individual; and the Australian Statistician has been given a relevant undertaking.

Undertaking by a Responsible Officer of an Organisation

NOW, I

Family
Name

Given
Name(s)

The duly authorised Responsible Officer of: (Full name of organisation)

Organisation
Name

Position/Title

Division/
Faculty

Telephone
Number

Address

Email
Address

UNDERTAKING BY A RESPONSIBLE OFFICER OF AN ORGANISATION

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

HEREBY UNDERTAKE THAT:

1. The Organisation will, with regard to any Unidentified Information provided by the Australian Bureau of Statistics (ABS) under section 15 of the *Census and Statistics (Information Release and Access) Determination 2018*:
 - a. use the Unidentified Information only for statistical or research purposes;
 - b. not use the Unidentified Information for compliance or regulatory purposes;
 - c. make no attempt to identify particular persons or organisations to which the Unidentified Information relates;
 - d. not disclose to anyone (other than the ABS) any case where an individual within the Organisation may have identified a particular person or organisation;
 - e. make no attempt to match, with or without using identifiers, the Unidentified Information with any other list, database or repository of information;
 - f. make no attempt to avoid, override or otherwise circumvent the controls put in place by the ABS around the procedures and mode of access, including clearance of output, which are designed to prevent any deliberate or inadvertent breach of the terms and conditions as specified in this Undertaking or its Schedules (if applicable); and
 - g. not disclose the Unidentified Information to anyone without the approval of the Australian Statistician or an authorised delegate and will immediately report to the ABS any possible unauthorised disclosure that may have occurred.
2. The Organisation will support its users to fulfil the requirements of this Undertaking and its Schedules (if applicable), including provision of appropriate physical, technological, and supervisory environments for users when accessing Unidentified Information.
3. The Organisation will comply with any other requirements notified by the ABS, from time to time, with regard to access and use of Unidentified Information.
4. The Organisation will, where reasonable:
 - a. assist the ABS or its agents to investigate any alleged or actual breach of these terms and conditions as specified in this Undertaking or its Schedules (if applicable) by the Organisation, or individuals within the Organisation; and
 - b. allow the ABS or its agents access to all necessary documents and information, for the purposes of conducting an audit regarding compliance with the terms and conditions under which the ABS provided access to the Unidentified Information.
5. In signing this Undertaking, I understand and acknowledge that a breach of these terms and conditions, as outlined in this Undertaking or its Schedules (if applicable) by the Organisation, or individuals within the Organisation may:
 - a. be an offence under subsection 19(3) of the *Census and Statistics Act 1905*; and
 - b. result in sanctions which may include, but are not limited to:
 - i. the Australian Statistician imposing restrictions on certain individual's access to any Unidentified Information for a set period of time, including a life-long ban;
 - ii. the Australian Statistician imposing restrictions on the Organisation's access to any Unidentified Information for a set period of time; and
 - iii. a penalty under subsection 19(3) of the *Census and Statistics Act 1905* of up to 120 penalty units \$37,560 (as at 1 July 2023) or imprisonment for 2 years, or both.

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UNDERTAKING MADE PURSUANT TO SECTION 15 OF THE *CENSUS AND STATISTICS* (*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

Witness
Full Name

Date