

UNDERTAKING BY AN INDIVIDUAL

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 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*.

Access to individual statistical records

Under section 15 of the *Census and Statistics (Information Release and Access) Determination 2018*, the release of Unidentified Information is permitted where the Australian Statistician, or an authorised delegate, has approved the release and

- a. in the case of individuals within an organisation, a Responsible Officer of the organisation has signed an Undertaking, or
- b. in the case of an individual who is not a member of an organisation, the individual has signed this Undertaking.

The ABS may also require individuals within an organisation to sign this Undertaking.

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 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 takes responsibility for complying with the terms and conditions of this Undertaking. The ABS may require the individual to re-sign this Undertaking periodically.

Failure by an individual 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 individual fails to comply with the terms and conditions specified in this Undertaking, the ABS may impose non-legal sanctions but reserves the right to pursue legal penalties.

Additionally, where an individual is a representative or employee of an organisation, a breach of this Undertaking may also constitute a breach of that organisation's code of conduct or other staff conduct requirements. The organisation may impose a sanction or penalty on the individual for failing to comply with those requirements.

Return of completed Undertaking to the ABS

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

Email: data.services@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 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 an individual

NOW, I

Family
Name

Given
Name(s)

Organisation
Name (if
applicable)

Position/Title

Division/
Faculty

Telephone
Number

Address

Email
Address

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

HEREBY UNDERTAKE THAT:

1. 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*, I will:
 - 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 I 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;
 - f. make no attempt to avoid, override or otherwise circumvent the controls put in place by the ABS around the mode of access, which are designed to prevent any deliberate or inadvertent breach of the terms and conditions specified in this Undertaking or its Schedules (if applicable);
 - g. access only the Unidentified Information which the ABS has given me approval to access; and
 - h. 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. I will comply with any other requirements notified by the ABS, from time to time, with regard to access and use of Unidentified Information.
3. I will comply with all requirements for access and use of the Unidentified Information including, but not limited to:
 - a. complying with protocols and procedures for access and use (including appropriate use of technology) as notified by the ABS;
 - b. assisting the ABS or its agents in any investigation concerning alleged or actual breach of these terms and conditions;
 - c. allowing 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, as specified in this Undertaking or its Schedules (if applicable), under which the ABS provided access to the Unidentified Information.
4. In signing this Undertaking, I understand and acknowledge that a breach of these terms and conditions 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 me accessing any Unidentified Information for a set period of time, including a life-long ban;
 - ii. the Australian Statistician imposing restrictions on my 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, and
 - c. where I am a representative or employee of an Organisation, constitute a breach of my Organisation's code of conduct or other staff conduct requirements, and my Organisation may take action as appropriate.

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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