

11 September 2017

David Kalisch
Australian Statistician
Australian Bureau of Statistics
ABS House
45 Benjamin Way
Belconnen ACT 2617

Dear Mr Kalisch

Independent Statement on privacy and the Australian Marriage Law Postal Survey

Thank you for inviting me to provide an independent statement on the approach being taken in the Australian Marriage Law Postal Survey.

I have had access to appropriate documents regarding the design of the Survey, security protections to be implemented and supporting assurance programs. I have also held discussions with relevant staff and managers of the Survey whose responsibilities extend to developing, implementing or managing any collection, use, security, assurance or publishing of information.

On the basis of the information provided, I have prepared the statement on privacy and the Australian Marriage Law Postal Survey that is attached to this letter.

I remain available to provide further input on privacy aspects of the Survey should you need further assistance.

Yours sincerely



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Independent Statement on privacy and the Australian Marriage Law Postal Survey

This statement expresses my opinion on the privacy practices and management of personal information that the Australian Bureau of Statistics (ABS) has applied when designing the Australian Marriage Law Postal Survey in accordance with the *Census and Statistics (Statistical Information) Direction 2017* (the Direction).

This requires that I consider the ABS' practices against the requirements of the *Privacy Act 1988* (Cth), the Australian Privacy Principles as contained in that Act, and my understanding of how the community would expect the ABS to conduct itself in collecting, securing, using and disposing of their personal information.

In expressing an opinion, I have had access to appropriate documents regarding the design of the Survey, security protections to be implemented and supporting assurance programs. I have also held discussions with relevant staff and managers of the Survey whose responsibilities extend to developing, implementing or managing any collection, use, security, assurance or publishing of information.

Opinion

In my opinion, the design of the Survey effectively addresses likely community concerns that would arise around collecting, using and disposing of personal information about them in a secure and transparent manner that respects privacy.

In forming this opinion, I note the decision of the High Court to dismiss two challenges to the legality of, and the authority of the ABS to conduct, the Survey. I consider that the ABS is authorised under Australian law to collect and use, in a manner consistent with the *Census and Statistics Act 1905*, the Privacy Act and the Australian Privacy Principles (APPs), the personal information set out in the ABS privacy policy for the Survey.

The ABS has also taken a strong '[privacy by design](#)' approach to protecting the privacy of Australians in designing the Survey. I am satisfied with the range of privacy measures that the ABS has embedded into the design of the Survey and supporting functions such as the Information Line. I am also satisfied that the mitigation strategies and response plans are effective and appropriate in the context of the Survey.

The measures introduced by the ABS to address community concerns include the following:

- the survey and its supporting functions collect the minimum amount of personal information reasonably necessary to ensure that individuals can participate in the Survey, to produce quality statistics, to comply with an individual's request to update their details and to minimise the risk of fraudulent behaviour.
- technical design and strong access controls are in place to ensure that no employee or contractor will be able to link an individual's identity to their response, or to re-identify an individual from their response.
- existing practices and knowledge from the Australian Electoral Commission and the ABS have been adopted to ensure that the survey is inclusive of all Australians who are 'electors' within the meaning of the Direction.
- the AEC and not the ABS interacts with silent electors and members of the Australian Defence Force or Australian Federal Police who are deployed abroad to provide continuing protection of their identities yet also be able to submit their response.
- ABS officers who will engage with remote communities have direct experience in working with such communities.

- the ABS will apply standard processes to ensure that outputs maintain the privacy of Australians.
- all personal information, including physical copies, images and data back-ups from the Commonwealth Electoral Roll, survey forms, images of survey forms, unique form codes and other information collected to confirm elector identity, will be destroyed as soon as the work for which it is required has been completed. None of this information will be used for any other purpose outside of the Survey. This information will be destroyed no later than 60 days after the scheduled release of the survey results.
- there are strong physical and IT security protocols to reduce the risk of personal information being handled in an unauthorised manner.
- any organisations engaged by the ABS or the AEC (including any sub-contracted organisations) will only use Australian-based sites and at no time will any personal information collected or used in the Survey be disclosed to an overseas recipient.
- all parties involved in designing, conducting or assessing the survey are required to sign legal documents requiring their adherence to strict guidelines on how they may use personal information, and imposing penalties if their actions result in inappropriate use, access, loss or disclosure of personal information.

I have reviewed the privacy impacts identified in the Survey by the ABS and the strategies to mitigate possible negative privacy impacts. I consider that the ABS has taken a holistic approach to identifying privacy risks, encompassing all flows of information and their final destruction.

While it is reasonable to expect that refinements will be made to the survey process, I am comfortable with the refinements that are likely be made and the control processes around them that are in place.

Need for ongoing assurance

As at 11 September 2017, the ABS had engaged independent assurance experts, including engaging with the Australian Signals Directorate to complement its internal assurance process throughout the operation of the survey and beyond.

This strategy completes a comprehensive assurance approach to assessing and evaluating the effectiveness of privacy protection measures from the start of the survey through to its completion, publication of statistics and destruction of all personal information collected.

I will provide further assurance to the ABS if changes have a significant impact on any of these matters.

Malcolm Crompton
Managing Director
Information Integrity Solutions Pty Ltd

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