



Australian Government

Australian Government response to the
Senate Economic References Committee report:

2016 Census: issues of trust

February 2017

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INTRODUCTION

The Government welcomes the opportunity to respond to the findings and recommendations of the Senate Economic References Committee Report into the 2016 Census.

Subsequent to the events of Tuesday 9 August 2016 (Census night), the Prime Minister asked the Cyber Security Special Adviser, Alastair MacGibbon, to review the events that led up to the eCensus form being temporarily taken down. Mr MacGibbon's Review of the Events Surrounding the 2016 eCensus (the MacGibbon Review) has since been completed and was tabled in Parliament on 24 November 2016.

The MacGibbon Review outlined a number of recommendations for Government and for the Australian Bureau of Statistics. The Government has considered the MacGibbon Review, accepted all of its recommendations and agreed that we must embrace cyber security as a core platform for digital transformation.

The Government notes the overlap between issues addressed by the respective recommendations of the MacGibbon Review and the Senate Economic References Committee report.

Australian Government response – Senate Economic References Committee report: 2016 Census: issues of trust

Committee Recommendations

Government Response

Recommendation 1

4.81 The committee recommends that all future Privacy Impact Assessments relating to the census, are conducted externally with the final report published on the ABS website 12 months in advance of the census to which it relates.

4.82 Following the release of a PIA recommending changes to future censuses, consultation across the Australian community should be undertaken by the ABS with the outcomes clearly documented on the ABS website no less than six months before a future census.

Recommendation 2

4.83 The committee recommends that the ABS update its internal guidelines to make clear that consultation requires active engagement with the nongovernment and private sector.

Recommendation 3

5.46 The committee recommends that the ABS publicly commit to reporting any breach of census related data to the Office of the Australian Information Commissioner within one week of becoming aware of the breach.

Recommendation 4

6.89 The committee recommends that the Australian Government commit the necessary funding for the 2021 census in the 2017–18 Budget.

Agreed

The ABS is already working on this in response to Recommendations 1 and 2 of the MacGibbon Review.

The ABS is currently implementing a number of changes to policy and procedural frameworks which will ensure future significant changes to personal information handling practices will be subject to an independent Privacy Impact Assessment and broad consultation.

Agreed

The ABS will consider where its internal policies and guidance can appropriately be improved and is working on this in response to the MacGibbon Review.

Agreed in principle

Privacy incidents that are identified, and are considered in scope of the Office of the Australian Information Commissioner's (OAIC) guidelines for the notification of data breaches, are reported by the ABS as soon as practicable to the OAIC. In some cases, it may not be possible to assess a potential breach within one week of identification.

Noted

The Government is committed to funding the Census and its associated activities. Decisions on funding for the ABS and its activities, including the Census, will be considered as appropriate during the annual budget cycle.

Committee Recommendations

Government Response

Recommendation 5

6.90 The committee recommends that the ABS conduct open tendering processes for future census solutions requiring the participation of the private sector.

Noted

Procurement of all census solutions will be conducted in line with the requirements of the Commonwealth Procurement Rules. The ABS is already working on this in response to the MacGibbon Review.

Recommendation 6

6.91 The committee recommends that the ABS give greater attention to intellectual property provisions in contracts that include licensing and royalty arrangements.

Agreed

Guided by the Australian Government intellectual property rules and principles, the ABS will consider intellectual property provisions in all future contracts.

Recommendation 7

6.92 The committee recommends that the 2021 eCensus application be subject to an Information Security Registered Assessors Program Assessment.

Agreed

This will be incorporated into planning for the 2021 Census. The ABS is already working on this in response to the MacGibbon Review.

Recommendation 8

6.93 The committee recommends that the ABS take a more proactive role in validating the resilience of the eCensus application for the 2021 census.

Agreed

This will be incorporated into planning for the 2021 Census. The ABS has already agreed to this in response to the MacGibbon Review.

Recommendation 9

6.94 The committee recommends that the Department of Finance review its ICT Investment Approval Process to ensure that projects such as the 2016 Census are covered by the cabinet two-pass process.

Noted

The Department of Finance (Finance) is reviewing the ICT Investment Approval process to ensure that the thresholds for inclusion are appropriate and give robust consideration of risk in Government decision making. The project is due for completion by 30 June 2017.

The ICT Investment Approval process exists to ensure that adequate information is provided to Cabinet for informed investment decisions based on costs and risks of a proposal. The ICT Investment Approval process does not provide further assurance, post the investment decision, for the management of risk during implementation.

Committee Recommendations

Government Response

Recommendation 10

6.95 The committee recommends that the Australian Government provide portfolio stability for the ABS.

Noted

Recommendation 11

6.96 The committee recommends responsible ministers seek six-monthly briefings on the progress of census preparations. These briefings should cover issues including, but not limited to, cyber security, system redundancy, procurement processes and the capacity of the ABS to manage risks associated with the census.

Noted

The ABS routinely provides ministerial briefings on the Census at appropriate intervals. Some stages of the Census cycle may require briefings more frequently than six monthly.

The ABS is required to report monthly to the responsible Minister about the progress of implementing the MacGibbon Review recommendations.

Recommendation 12

6.106 The committee recommends that the ABS consider establishing a dedicated telephone assistance line for people who require special assistance in completing the census.

Noted

The ABS will work closely with relevant stakeholders regarding effective ways to address the issues raised by vision impaired and other special audiences as part of preparations for the 2021 Census.

Recommendation 13

7.28 The committee recommends that the maximum value of fines and any other penalties relating to the census be explicitly stated.

Agreed

The ABS will consider advice on how best to explicitly state fines and penalties to avoid unnecessarily concerning the community and achieve maximum compliance with the requirement to complete the Census. The MacGibbon Review also made recommendations regarding the coordination of communications, strategy and stakeholder engagement.

Recommendation 14

7.29 The committee recommends that the Australian Bureau of Statistics develop a clear communications strategy outlining the outcomes for non-compliance with the census, including resolution processes and the value of possible penalties.

Agreed

The ABS will consider how best to address communication regarding non-compliance in order to avoid causing public concern or negatively affecting Census participation, including public testing of compliance messages. The MacGibbon Review also made recommendations regarding the coordination of communications and stakeholder engagement.

Committee Recommendations		Government Response
<u>Recommendation 15</u>		Noted
7.57	The committee recommends that the Australian Government provide sufficient funding for the ABS to undertake its legislated functions to a continued high standard.	Funding for the ABS and its activities will be considered as appropriate during the annual budget cycle.
<u>Recommendation 16</u>		Not Agreed
7.58	The committee recommends that the responsible minister act as a matter of urgency to assist the ABS in filling senior positions left vacant for greater than 6 months.	This is not the role of Government, except in the case of the appointment of the Australian Statistician.

Senators Nick Xenophon and Stirling Griff Recommendations Government response

Recommendation 1

- 1.9 There should be a legislative amendment to the Census and Statistics Act 1905 to make clear that the provision of a person's name is voluntary.

Not Agreed

Mandatory provision of a person's name in the Census is necessary for a high quality Census and consistent with international practice. If provision of name was made voluntary, the ABS' ability to produce accurate estimates of the resident population would be impeded, as would be the quality and range of social statistics that are created from the Census.

Recommendation 2

- 1.14 Prior to any linking of Census data to other administrative data sets or to the adoption and implementation of SLCD, such changes must be brought to the Parliament for its consideration and approval.

Not Agreed

Existing legislation provides extremely strong protections around the use of Census data. As with any other data collected under the Census and Statistics Act 1905, Census data is collected for statistical and research purposes only and cannot be used for compliance or service delivery purposes. Identifiable information cannot be shared or provided to any government department or organisation, including the Courts.

The Australian Bureau of Statistics Act 1975 states that the Australian Statistician shall control the operations of the Bureau, with the Australian Statistics Advisory Council providing advice to the Statistician and the responsible Minister. The choice of statistical methods for the collection, processing, storage and presentation of statistical data are made according to strictly professional considerations with regard to quality, timeliness, costs and the burden on respondents.

Consistent with the High Level Principles for Data Integration Involving Commonwealth Data, the ABS transparently publishes information on any data integration activities, including those involving Census data.

Senator Richard Di Natale Recommendations

Government Response

Recommendation 1

- 1.4 A new independent Privacy Impact Assessment is performed on the changes to the census within the next 6 months, the outcome of which must determine the acceptability of the changes made to the management of census data after the 2016 census.

Not Agreed

The ABS has already been subject to considerable external scrutiny about the management of personal information from the 2016 Census. The ABS has subsequently made a number of modifications to the initial proposal and policies and practices to take into account community concerns and the recommendations of external reviews.

In April 2016 the ABS responded to community concerns by committing to the destruction of names and addresses from the 2016 Census no later than August 2020. Names and addresses will be deleted earlier if there is no longer any community benefit derived from their retention. This assessment will be made annually.

In response to the recommendations of the Inquiry of the Senate Economics References Committee and the MacGibbon *Review of the Events Surrounding the 2016 eCensus*, ABS is currently implementing a number of changes to policy and procedural frameworks which will ensure future significant changes to personal information handling practices will be subject to an independent Privacy Impact Assessment and broad consultation.