

From:
To:
Subject: Submission for the inquiry into the 2016 Census
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From:
Evan Scott

This submission is to the Senate Economics Committee inquiry into the 2016 Census.

The main focus of this submission is with respect to item (f) of the Terms of Reference - privacy concerns in respect of the 2016 Census, including the use of data linking, information security and statistical linkage keys - although this necessarily includes comments on the preparation of the ABS (a), scope, retention and security of the 2016 census data (b) and the purpose and scope of the census in general (g).

Historically the Census has been used to collect statistical information on the population for the purposes of research and planning. I have no issues with this role for the Census and for the ABS in collecting this data, and have always supported the Census (and the ABS) in the past.

Identifying information has been treated separately in the past - where people voluntarily chose to have their details retained for future historical analysis they could nominate to do so, but the general process of collecting statistical information treated names and addresses carefully and removed this identifying information early in the process.

What concerns me is the change of the ABS and the Census from collecting statistical information aggregated across the population to creating a specific linked dataset for each individual without the consent of the individuals involved.

There has been some debate surrounding the retention of names and addresses for 4 years and the anonymization process for generating SLKs. To my mind this debate has been missing the point - the linked datasets on every individual will be retained permanently; the retention of names and addresses is kind of irrelevant. I do not consider the proposed anonymization sufficient to prevent identification of the individuals from the data stored and it is simply a fig-leaf mechanism that doesn't allay privacy concerns.

Regardless of the treatment of identifying information, the ABS is now going through the process of collating a dataset on every individual in Australia, and this change has had no public debate. I suspect many people are simply unaware that this is happening.

The change to have the ABS creating and permanently maintaining a linked dataset on every individual is, to me, problematic enough. More concerning is the fact that the process for instituting this change has been, in my opinion, entirely undemocratic. There has been no publicity, no debate, no opportunity to broadly consult and acquire something approaching understanding and consent from the public. I won't speculate on why this failure to adequately inform and consult with the public has occurred, but in my opinion this failure strikes at the very heart of the public trust that the ABS needs in order to collect quality information.

I understand that significant amounts of private data on myself, and all Australian residents, is collected and maintained by various agencies - the ATO, Medicare, state road transport authorities, local governments, the AEC, etc. And yes, many people volunteer a lot of personal information to private companies every day - banks, retail outlet loyalty programs, Facebook, etc. In my opinion this is not sufficient excuse for the ABS to undertake to create individual linked datasets.

The various private companies cannot compel individuals to supply information to them - many people choose to volunteer this information, while others such as myself attempt to limit my exposure; this is up to individuals to assess and choose, as it should be. The ABS is not seeking consent; we apparently have no choice but to supply information directly to the ABS, and they will - again, without consent - seek out linked information from other agencies to accumulate as much data as they can. With no input or control from us.

The various government agencies - the ATO, Medicare, state departments, etc - have been collecting information as it is needed. They have specific purposes for collecting the information, and the public for the most part understands what is being collected and why. We collectively understand why, for example, the ATO needs to collect and store the information it does. There has been transparency about that collection and storage, debate at various times about how the ATO's data can be used and how securely it should be stored - thinking back to the Australia Card/TFN debates back in the day.

There is inherently risk associated with collecting and storing personal data. This risk comes from 2 areas as I see it: With the best will in the world there will always be a risk of abuse of stored personal information by unauthorized illegal access, and there is the uncontrollable and unpredictable risk associated with what future governments may do, legally, via future legislation. Short of Commonwealth constitutional protections - of which Australia has very few, and there has been no discussion of enshrining privacy protections in the Constitution - future governments have essentially a free rein, depending on unknowable future political circumstances.

As individuals providing personal data we are always at risk of this data being abused legally or illegally. As pointed out above I understand that certain pieces of information are needed by particular agencies for specific purposes, and there is something approaching consent from the public that those specific purposes are worth the risk, and that those agencies are applying sufficiently strong protective practices to limit unauthorized access. As a general rule I think the principle should always be that government agencies should only collect and store the information that they really need for specific, generally accepted purposes, for

which the benefits are commonly understood.

None of this applies to what the ABS is doing. There has been no discussion, debate, consent from the public. There is no specific purpose for storing, collating, linking this data. There has been no explanation of what the benefit is of doing this that makes the inherent risks of doing so worthwhile.

There are vague explanations that the richer datasets being created will provide future statistical analysis on arbitrary research topics in a way that data aggregated at the time of collection cannot flexibly do. This is not sufficiently compelling in my opinion. I don't think that making the jobs of statisticians and demographers a bit easier is worth the risk. Where policy and decision makers find that the population statistics are less than optimal in making particular decisions, then let's have that debate and collect the information required - prospectively - based upon the needs identified. If there are cases where the quality or richness of the data collected at previous censuses has led to substantial problems in decision making then explain this and make the case.

There have also been various suggestions that the ABS is keen to increase the value of their statistical products to provide a better income stream that is less dependent on government funding. Once again, if this is a factor in the decision making at work I would say that this is neither a compelling reason, nor has it been properly discussed. If there is a case somewhere in the rationale that we can save public money by making these richer datasets to attract more private money for the ABS then let's debate that and let the public decide if saving public money is worth the risk associated with accumulating personal information in linked individual datasets.

No case has been made, in my opinion. The ABS, for whatever reason, has simply gone ahead with changing the role of the ABS and the census without explaining why, and ignoring the risks in doing what they are doing. This, to me, is simply unacceptable.

As I said at the top I have always supported the traditional role of the Census (and the ABS more generally) in collecting statistical information on populations. The move to collating, linking and permanently recording data on individuals is a substantial change in role for the ABS that has received very little publicity and for which there has been no debate. I believe the process has been - deliberately, or through incompetence - a failure, and that public trust in the ABS has suffered as a result. The ABS relies on public good will for the quality of its data collection. Using compulsive powers is no substitute for having the public onside.

I would strongly recommend that the ABS return (or be forced by parliament to return) to their traditional role and focus solely on collating aggregated statistics on populations.

Yours sincerely,
Evan Scott.