



**Australian  
Privacy  
Foundation**

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4 August 2016

The Hon Malcolm Turnbull  
Prime Minister of Australia  
House of Representatives  
CANBERRA ACT 2600

cc. David Kalisch, Australian Statistician  
cc. Bill Shorten  
cc. Richard Di Natale  
cc. Nick Xenophon

Dear Prime Minister,

**RE: 2016 Census**

On 18 December 2015 the Australian Bureau of Statistics (ABS) announced it would retain the names provided by Australians obtained in the 2016 Census to enable a "richer and dynamic" statistical analysis. This is a significant departure from the previous laudable practice of the ABS destroying identifying information before data analysis.

The Australian Privacy Foundation (APF) is concerned about a range of privacy-intrusive matters concerning the conduct of the 2016 census. We refer to our letter of 1 August 2016, seeking certain assurances to protect the privacy of Australians.

In response to some of these concerns, on 3 August 2016 you are widely reported as stating that the ABS "always protects people's privacy" and that "(t)he security of their personal details is absolute and that is protected by law and by practice".

Given the paucity of material that is on the public record concerning the steps taken by the ABS to ensure data security, the APF is perplexed as to how it is possible to make such blanket statements regarding the security of Census data.

The APF is aware that significant parts of the operation of the online Census form (in particular, the software cloud layer) has been sub-contracted by the ABS to a subsidiary of the U.S. corporation, IBM, apparently Softlayer.com. In the light of this, and having regard to your assurances of 4 August, please advise:

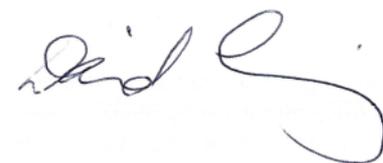
1. What legal arrangements have been entered into between the ABS and IBM/Softlayer to ensure the security of the Census data of Australians?

2. Whether Census-related data of Australians may be sent outside of Australia and/or may otherwise be processed offshore?
3. Whether IBM/Softlayer is collecting any data relating to Australians who complete the Census online, including (but not limited to) the Internet Protocol (IP) addresses of Australians completing the Census online?
4. Whether, given IBM/Softlayer is a U.S. corporation subject to U.S. law, there is any possibility that Census-related data processed or stored by IBM or Softlayer may be lawfully accessed by U.S. government agencies, such as the NSA, under relevant provisions of U.S. law, such as the USA PATRIOT Act?
5. Whether the javascript code used by IBM/Softlayer in its role in processing Census-related data has been independently verified by Australian authorities in order to ensure that it complies with international best practice cybersecurity? If it has, who was responsible for verifying the code?

The APF fully supports the objectives of the Census in obtaining aggregate statistical data to enable forward planning for the benefit of all Australians. We do, however, remain deeply concerned with the steps taken to ensure the security of Australians' data, especially given the very significant changes in ABS practices for the 2016 Census.

We look forward to hearing back from you in the near future regarding these matters of significant concern for all Australians.

Yours sincerely



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