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31 October 2016

Senator Chris Ketter
Chair, Senate Standing Committee on Economics
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Canberra ACT 2600
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Dear Senator Ketter

Re: Supplementary Submission re Inquiry into Census 2016

During the Hearings on 25 October 2016, the Committee requested APF's comments on the ABS's response to the concerns raised by the APF.

Annexure A provides a tabulation of APF's initial statements to ABS in February 2016, immediately after the ABS's intentions became publicly known. It then shows such responses as were provided by ABS. The final column contains APF's comments on the outcomes of these interactions.

Annexure B responds to Appendix 13 of ABS's Submission to the Committee (no. 38, pp. 117-119). This Appendix extracted statements from APF's web-page on the Census, and purported to respond to them. Annexure B adds a third column, which contains APF's comments on ABS's responses.

This Submission shows that:

- (a) **ABS abjectly failed its responsibility under the Privacy Commissioner's Guidelines to conduct a meaningful PIA;** and
- (b) **ABS conversion of the Census from an anonymous survey to an identified database constitutes a massive breach of public trust** and one that occurred without adequate consultation or assessment of risk. Moreover, there are also concerns about acquisition of data from other Government agencies.

APF submits that it is essential to the interests of all Australians that:

- (1) the Committee make those findings;
- (2) the Committee recommend to the Parliament that the ABS be instructed to cease its breaches, and to now conduct the PIA that it should have done, and
- (3) the Committee commend to the Parliament the amendments to law in the 14 Recommendations in APF's first Submission, no. 74.

Thank you for your consideration.

Yours sincerely

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ANNEXURE A: APF's STATEMENTS, ABS's RESPONSES, and APF's COMMENTS

This Annexure shows statements made by APF to ABS in February 2016, ABS's responses, and APF's comments on the outcomes.

The sequence of events was as follows:

1. APF wrote to the ABS of 12 February 2016. See <http://www.privacy.org.au/Papers/ABS-CensusPIA-160212.pdf>

The ABS's plans only came to public notice at the beginning of February, after the ABS successfully avoided media coverage in November-December.

The letter presented the APF's initial concerns in some detail. However, it was impossible for APF's Submission to be complete at that stage, because ABS had provided no meaningful information, and had not engaged with APF or any other advocacy organisation; so APF was having to work from a few media reports.

Column 1 of the Table below presents the points made in the letter

2. ABS sent an Acknowledgement Letter of 19 February 2016. See <http://www.privacy.org.au/Papers/ABS-CensusPIA-Reply-160219.pdf>

3. APF and ABS met on 14 March 2016

4. ABS wrote to the APF on 31 March 2016. See <http://www.privacy.org.au/Papers/ABS-CensusPIA-Reply-160331.pdf>

Summary:

ABS did not respond to the specific points made by APF. Most of what ABS provided appeared to be boilerplate written in advance for general purposes. Alternatively, its vacuousness may have merely reflected the studiously vague and beside-the-point public service writing style.

ABS's reply ignored APF's letter, and substituted the agency's own depiction of APF's concerns, viz. "the three issues raised: consultation processes; the benefits of retaining name and address; and privacy protections preventing re-identification". This is nowhere near an accurate representation of what APF submitted to the ABS.

Much of the text in the ABS letter is not relevant to APF's submission to it.

Column 2 of the Table below contains such content from ABS's letters and the meeting as has some relevance to each of APF's points. Except where the author is shown as 'Kalisch', quotations are from ABS' second letter. Statements made at the Meeting commence with "ABS said".

<u>APF concern</u>	<u>ABS response, if any</u>	<u>APF comments</u>
A. The PIA Process		
<p>1. Contrary to best practice, the PIA was conducted in-house, not by an independent third party (incl. quotation from the Privacy Commissioner’s Guidelines)</p> <p>Q2. Why did the ABS conduct such a significant PIA as an in-house exercise rather than engage an independent third party?</p>	<p>ABS said that they did not see any need to do an external PIA given the changes were only incremental and an external PIA was done in 2005.</p> <p>APF replied that we did not accept this, and requested a formal answer.</p> <p>No formal answer was provided.</p>	<p>Under the PIA Guidelines, ABS had an obligation to perform an external PIA, and ABS failed to comply with it.</p> <p>The external PIA in 2005 resulted in ABS <u>not</u> proceeding with the scheme. Hence, to the extent that the ABS depends on that PIA Report, it should <u>not</u> proceed with the scheme now either.</p>
<p>2. While the ABS claims that it directly notified key stakeholders of the PIA process, to our knowledge, no NGOs, human rights or civil society organisations were notified or consulted. Given the strong historical interest of the APF and others in civil society in the Australian census, this can only be regarded as an oversight.</p> <p>Q1. Which stakeholders did the ABS directly notify of the PIA process?</p> <p>Why were obvious stakeholders that are concerned with the privacy rights of Australians, including the APF and other civil liberties bodies, not on the list of stakeholders that were directly notified?</p>	<p>“The public were provided with an opportunity to make submissions as part of the Privacy impact Assessment. The ABS also conducted a number of focus groups and considered submissions in the review of Census nature and content. This process also included consultation with the Australian Privacy Commissioner, as well as State and Territory Privacy Commissioners (Kalisch, 19 February 2016)”.</p> <p>In the meeting, ABS appeared to think that telling the Australian Privacy Commissioner represented “consultation with“ the OAIC, and ended the privacy issue.</p> <p>ABS said that it had also talked to state PCs. It is unclear why, because they have no jurisdiction.</p> <p>APF said that OAIC had been under attack for 2 years, only 1 of 3 commissioners was left standing, part time, on rolling temporary appointments, and that there was no basis for concluding that even genuine consultation</p>	<p>ABS avoided answering the question about stakeholders.</p> <p>ABS failed to consult with the Privacy Commissioner.</p> <p>ABS made misleading statements about having “consulted with” the Privacy Commissioner.</p> <p>It appears to APF that ABS contacted no public interest advocacy organisations whatsoever.</p> <p>This is despite the APF having had intensive discussions with ABS in relation to the 2006 Census, resulting in the conduct of a PIA and the withdrawal of essentially the same project that was proceeded with in 2016.</p> <p>ABS had no corporate memory of 2005-6.</p> <p>ABS had little idea about civil society.</p> <p>ABS had also failed to even attempt to inform itself about civil society.</p>

	<p>with the OAIC would be good enough as engagement with the Australian public.</p> <p>ABS said there had been consultation with more organisations in 2015. [ABS failed to identify any such organisations, and APF has been unable to identify any either. APF accordingly suspects that the ABS's statement is at best misleading.]</p> <p>ABS said they did not know who APF was, and that's why APF was not specifically consulted about the changes.</p> <p>“Consultation processes associated with the Census of Population and Housing and the decision to retain name and address from the 2016 Census are outlined on the ABS website at http://www.abs.gov.au/census/about-the-census/privacy-and-confidentiality”. [But that web-page generates the error-message ‘The page you were looking for could not be found’.]</p>	
<p>3. ... the PIA ... seems to have been publicised solely by means of a Statement of Intent on the ABS web-site and a media release that received minimal coverage: a mention in ‘unashamedly pro-PS’ <i>PS News</i> and one other niche title.</p> <p>4. The inadequacy of efforts to publicise the PIA process seem to be confirmed by the limited public feedback received, which evidently included just three responses from private citizens.</p>	<p>ABS appeared to admit that the focus groups were not told about the change from an anonymous survey due to the intended retention of name and address!</p>	<p>Even the seriously inadequate proxy for public consultation that ABS conducted appears to have been meaningless. This is because it involved misrepresentation by the ABS, in that the critical information about name and address retention was suppressed.</p>
<p>Q3. Given the significant changes to the census, the long lead time, and the potentially complex nature of issues raised, why was the period allocated for public comment on the PIA so short?</p> <p>[The PIA process ran in about 4 weeks, and the report was finalised within a few days, making clear that it has</p>	<p>Nil response</p>	<p>ABS abjectly failed its responsibility to conduct a meaningful PIA process.</p>

pre-written.]		
Q4. Why was the announcement of the decision to proceed with the changes to the census made in the period immediately before Christmas , which would seem to provide limited opportunities for coverage of the decision, as well as for critical comment?	Nil response.	ABS contrived to avoid publicity, and successfully avoided public knowledge of its intentions for several critical months. ABS thereby breached the principles of open government and of democracy more generally.
B. Retention of personal names and addresses		
The decision to indefinitely retain personal names and addresses fundamentally changes the nature of the Australian census, with potentially serious implications for the privacy rights of Australians	“There has ... been a shift in public perception and expectations about the use of their data”.	ABS avoided addressing the question. ABS appears to have no understanding of, and no interest in, privacy rights and associated law and public policy.
The possibility that this additional source of data may act as a ‘honey pot’ for activities such as identity theft	ABS said that they have state of the art security. APF responded that no-one could any longer promise that whatever security they had could reliably keep a ‘motivated intruder’ out. “I wanted to reiterate that the effective security of personal information is part of the DNA of the ABS”.	ABS avoided addressing the question. The continual reports of data breaches make clear that “state of the art security” cannot protect attractive data from being accessed by unauthorised parties.
The possibility of ‘function creep’ , which would result in the expanded use of this data for unintended and possibly unwelcome purposes	Nil response.	ABS repeated mantras, but avoided answering the question. The ‘honey pot’ is extremely attractive to many agencies. The limited protections can be readily breached by a future Parliament, by agencies invoking powers under other legislation, and arguably by ABS itself.

<p>The PIA states that name and address information “would not be disclosed, published or disseminated in a manner which is likely to enable the identification of a particular person, household or organisation”.</p> <p>Why does the PIA not simply state that “name and address information will never be disclosed or published”?</p> <p>Q5A. If any name or address information is to be disclosed, which this statement implies, in what form or manner will [name and address information] be disclosed?</p>	<p>“The ABS is not willing to, or legally permitted to, publically release data in a manner that is likely to enable the identification of a person or household.</p> <p>“The ABS never has and never will make identifiable Census data or microdata publically available through our statistical or microdata releases.</p> <p>“Re-identification protections are inherent in this commitment”.</p>	<p>The ABS has made misleading statements, because there is ample evidence that rich data-sets like the ‘micro-data’ and 'confidentialised unit record files' (CURFs) that ABS <u>already</u> releases are capable of being re-identified.</p> <p>There are very serious doubts about the effectiveness of the provisions and the sanctions, e.g. it is unclear whether any prosecution has ever been pursued; the ABS of the 21st century places extremely low value on privacy and cannot be depended on to initiate prosecutions; and an individual cannot themselves initiate an action.</p>
<p>Q5B. What ‘de-identification’ methods are proposed, if any?</p> <p>Given the rapid development of re-identification capabilities, and the global proliferation of access to other data sets which can assist re-identification, what is the basis for the ABS’ suggestion that the disclosure or publication of some form of name and address data will not result in the identification of individuals? How far into the future does this prediction hold?</p>	<p>“Privacy preserving practices for data integration are now well established. Re-identification protections are inherent in this commitment”.</p>	<p>ABS avoided addressing the question. This requires specific information not mere assurances.</p> <p>This is vital not least because re-identification processes are running far, far ahead of safeguards.</p>
<p>What efforts, if any, will be made to audit and identify actual re-identification by third parties? How far into the future will any such efforts continue?</p> <p>Will these efforts cover re-identification only in Australia, or everywhere?</p> <p>What response or sanction, if any, will be made if re-identification does occur?</p> <p>Who, if anyone, will be held responsible?</p> <p>Will any instance of re-identification be notified publicly as it is discovered (for example, will it be</p>	<p>Nil response.</p>	<p>ABS appears to have failed its obligation to design critical control and audit measures into the scheme, despite the enormous risks it involves.</p>

<p>required to do so by data breach notification obligations)?</p>		
<p>In relation to the ‘functional separation’ process identified in the PIA:</p> <p>What is the basis for the claim that this complies with ‘international best practice’?</p> <p>Has this claim been submitted to scrutiny by an independent third party?</p> <p>Where is the evidence that the process is analogous to that applied in the UK, NZ or Canada?</p> <p>Have the functional separation processes in any of those jurisdictions been subject to independent analysis?</p> <p>Are there any significant differences between the processes proposed by the ABS and those utilised in comparable jurisdictions? If so, what?</p> <p>To what extent did the ABS engage in its own analysis on the literature relating to the ‘functional separation’ de-identification process before deciding on the model described in the PIA?</p> <p>Did this include recent expert concerns about emerging vulnerabilities in de-identification methods in the new data environment?</p>	<p>Nil response.</p>	<p>ABS appears to be intent on continuing to suppress critical information, in breach of the PIA Guidelines, and open government policy and practice.</p>

C. Summary		
The threat of legal compulsion to accept a potentially hazardous change, the removal of the ‘reasonable excuse’ defence, and a prohibition on expressing views about how to respond, come with the highest obligations of transparency and accountability.	Nil response.	ABS has breached its obligations of transparency and accountability.
Neither the APF, nor, we believe, the general public, can accept that the evidence presented in the PIA is sufficient to substantiate the strong claims made to the effect that the perpetual retention of census name and address information poses only minimal privacy risks. We seek your assistance to clarify this.	“Privacy preserving practices for data integration are now well established. ... There has also been a shift in public perception and expectations about the use of their data”.	ABS avoided answering the question. ABS has breached its obligations under the PIA Guidelines.
It is essential that the ABS urgently now engage in a meaningful manner with these serious issues.	ABS said it would be good to have regular consultations with key stakeholders in future (Meeting, 14 March 2016). APF agreed, and offered to help. “The Foundation's suggestion to establish an engagement forum is being considered by the ABS”.	ABS has done nothing whatsoever in relation to engagement with civil society, despite the efflux of 7 months. It appears that ABS’s statements were not made in good faith. The ABS of 2016 (unlike the ABS of 1905-2000) has demonstrated itself to be completely untrustworthy, in relation to its respect for privacy, its behaviour and its public statements.

ANNEXURE B: ABS Appendix 13 – STATEMENTS from the APF’S WEB-SITE, ABS’s RESPONSE, and APF’S COMMENTS

The first two columns provide the content of Appendix 13 of ABS’s Submission 38 to the Senate Select Committee Inquiry into the Census, The third column provides APF’s comments on the matter.

APF concern as stated on APF website	ABS response	APF comments
Privacy and other risks		
<p><i>“Retaining name and address changes the nature of the Census, from an anonymous snapshot to a 'longitudinal' identified record”</i></p>	<p>The ABS is not creating a ‘longitudinal identified record’. After data collection and processing, the ABS removes names and addresses from other personal and household information. Names will be stored separately and securely from address information, which will be stored separately and securely from all other Census data. No one working with Census data will be able to view name or address at the same time as other Census data (such as age, sex, occupation, level of education or income).</p> <p>The ABS will destroy names and addresses when there is no longer any community benefit to their retention or four years after collection (i.e. August 2020), whichever is earliest.</p>	<p>ABS’s claim that the record is not identified is false. The record will be identified, as that term is understood by the public. Whether the record contains name and address is irrelevant to that question. Whether the name and address are ‘viewable at the same time’ as the data is also irrelevant. The data will carry an identifier that enables it to be associated with the person.</p> <p>More specifically, the ABS refers to the creation of an “anonymous” unique identifier in the 2015 PIA. If the standard SLK, or some variant, is used, then the unique identifier is created using personal information, and the data will be easily re-identifiable. If another unique identifier is to be used, then no details have been provided on how this process would occur nor any audit conducted on the claims of anonymity. These issues should have been covered in the PIA but were not.</p> <p>ABS’s claim that the record is not longitudinal is false, because the data in successive Censuses will be linked, and (if Mr Kalisch’s plans come to fruition) will be linked with data from other sources, on an ongoing basis.</p> <p>See Kalisch’s speech on 17 September 2015, at http://www.abs.gov.au/websitedbs/D3310114.nsf/4a256353001af3ed4b2562bb00121564/3d2b6441d79b6b10ca257ec80017314a!OpenDocument, e.g.: “We have invested in maximising the use of our own vast data holdings, for example through the integration of Census data with itself over time to create a longitudinal view or with other data to provide a richer cross sectional view.”</p>

<p><u>ABS omitted “ ... and puts community trust and confidence in the Census in jeopardy”.</u></p>	<p>---</p>	<p>The strong reactions against ABS’s plans expressed on social media, but also by senior and highly responsible members of society, clearly demonstrate the point APF was making.</p>
<p><i>The data you provide to the Census is to be linked by the ABS with data about you that it acquires from other sources. This would build a far more detailed picture of you than any agency has ever had before”</i></p>	<p>The ABS is not establishing an identified database about individuals. Census data may be combined with other existing data sets in order to produce more valuable statistics for Australia, but not to provide information about individuals.</p> <p>Using data for statistical purposes means using it to describe characteristics of groups within the population, and relationships that might exist between variables such as social and economic conditions, behaviours and outcomes. Data for statistical purposes cannot be used in a way that has a direct effect on the individual other than in relation to developing statistical insights about groups or patterns. For example, it cannot be used to identify individuals who are, or are not, eligible for services, nor to facilitate services to a particular individual, nor assess compliance with requirements such as the Income Tax Assessment Act.</p> <p>Names and addresses will be stored separately both from each other and any other "content" information such as Census responses. No one inside the ABS will have access to both identifying information and analytical information. No one outside the ABS will have access to identifying information.</p>	<p>ABS’s claim that it “is not establishing an identified database about individuals” is false. Whether the purpose is or is not “to provide information about individuals” is irrelevant to that question. And whether or not it is used “for statistical purposes” is also irrelevant to the question. The Dutch Citizen Register was re-purposed to the extermination of Jews. It would be a far easier step to re-purpose the intended, immensely rich national databank to administrative purposes, initially of course those justified by the mantra of ‘national security’.</p> <p>Whether the rich data-records carry name and address is irrelevant to the question. The records can be linked with the individuals to whom they relate through a unique identifier.</p>
<p>“Many government agencies will be interested in getting access to the same data as researchers, with the intention of consolidating it with data that they already hold about you.</p> <p><i>“While there are at present restraints on this, a future government could decide, at any</i></p>	<p>The ABS cannot, and will not, share or provide identifiable personal information to any government department or organisation. Data collected under the <i>Census and Statistics Act 1905</i> is collected for statistical and research purposes, cannot be shared or provided to any government department or organisation, including the Courts, and cannot be used for compliance purposes.</p> <p>Any lessening of current privacy protections would require changes to the legislation to be approved by both houses of</p>	<p>ABS has not responded to the first para. in APF’s statement. The lack of response is significant and shows tacit acceptance of the claim.</p> <p>ABS implicitly agrees with the APF’s second statement that restraints can be removed. (Erratum: The APF’s statement should have referred to “a future Parliament” rather than “a future government”).</p> <p>The Australian Parliament is sovereign, and not bound by</p>

<p><i>ABS omitted: “ ... And as the rich data itself gets potentially more helpful for anyone seeking to re-identify you without the SLK, the SLK may become part of the problem after such a breach.”</i></p>	<p>The anonymised linkage keys created for each project will only be used and retained as required for the purposes of the project. Access to anonymised linkage keys will be restricted to a very small number of ABS officers, and only while they need access to conduct data linking. These officers, like all ABS officers, have signed a lifetime legal Undertaking of Fidelity and Secrecy.</p> <p>----</p>	<p>“anonymised linkage keys” actually means. This precludes APF or anyone else from expressing concerns in a more precise manner.</p> <p>ABS’s use of “anonymised” is seriously misleading, because linkage exists among records, and the suite of records contains (a) identifiers, and (b) such rich data that re-identifiability will be achievable for a substantial proportion of people.</p> <p>Secrecy provisions and legal undertakings are merely a risk management measure, not a means of preventing abuse of highly attractive caches of personal data.</p> <p>ABS is guilty as charged: It is implementing “a form of virtual identifier, tying you to other data sets.”</p> <p>APF stands by the statement that ABS omitted.</p>
<p>“Your detailed data will be released to researchers. <i>While it won't explicitly carry your name and address, the data is very detailed, and can potentially be reidentified”</i></p>	<p>Under the <i>Census and Statistics Act 1905</i>, the ABS cannot and will not release information in a manner that would enable an individual to be identified. The ABS has built up considerable methodological expertise and capability to meet this requirement and manage the safe dissemination of statistical information.</p> <p>A range of procedures and techniques are used to ensure an individuals’ identity is protected, including removing identifiable information such as name and address; by controlling and limiting the amount of detail available in datasets released to researchers; by slightly modifying or deleting data from datasets released to researchers where that data may enable identification of individuals or businesses; and by requiring individual researchers and their</p>	<p>ABS’s assurances are hollow.</p> <p>There have been many previous demonstrations of the effectiveness and the ease of re-identification, even of datasets far less rich than that which ABS intends developing, and in a variety of contexts.</p> <p>Recently, in one context, Uni. of Melbourne academics showed that datasets managed by a Australian government agency that claims “considerable methodological expertise and capability to meet this requirement” can in fact be re-identified. This disturbed the government so much that it has introduced legislation to criminalise <u>some</u> such activities (except by government agencies!).</p> <p>Further, the ABS fails to submit its risk management</p>

<p><i>ABS omitted: “ ... i.e. connected back to you, using new 'Big Data' analytical techniques and sources.”</i></p>	<p>employing organisations to sign legally enforceable undertakings that restrict how they use the data.</p> <p>-----</p>	<p>measures to public view and audit, and hence public trust in them is unjustified.</p> <p>The public is becoming increasingly concerned about uncontrolled enthusiasm for big data techniques, and about the techniques’ flouting of privacy interests.</p>
<p>Privacy Impact Assessment</p>		
<p>“The PIA was not conducted by an independent body”</p>	<p>There is no requirement to engage an external consultant to conduct a PIA in the best practice guidelines of the Office of the Australian Information Commission.</p> <p>The ABS sought advice from the Office of the Australian Information Commission on the 2016 PIA, ...</p> <p>... and followed their best practice guidelines issued by that Office.</p>	<p>The OAIC Guidelines state that “Some projects will have substantially more privacy impact than others. A robust and independent PIA conducted by external assessors may be preferable in those instances” (p.10). ABS keeps trying to ignore that sentence.</p> <p>(1) A PIA can be conducted by an organisation alone if it is strongly experienced and highly competent in the area. But the ABS of 2015-16 has demonstrated itself to be <u>anything</u> but that.</p> <p>(2) A PIA can be conducted by an organisation with the assistance of a specialist with such expertise. But the ABS did not engage such assistance.</p> <p>(3) Or a PIA can be conducted by an independent body. This is particularly important where there is substantial public doubt about the organisation and/or the proposal. And this was the case.</p> <p>So an independent PIA was highly advisable (and the OAIC would very likely have said so, had they been asked the question).</p> <p>The APF has looked for evidence to support that statement, and has found none. APF believes this to be a seriously misleading statement.</p> <p>The ABS is deluding itself. Among the great many erroneous statements that ABS has made during this episode, this is among those that least correlate with reality. See below.</p>

<p><u>ABS omitted: “no one inside seems to have realized that the planned change is fundamental and potentially a matter of wide concern.”</u></p>	<p>-----</p>	<p>This is a major reason why APF argues that ABS is deluding itself. ABS has forgotten the critical lessons it learnt from the independent PIA in 2005. Note too that its 2015 internal PIA reversed the major recommendations of the 2005 PIA.</p>
<p>“The consultation process for the PIA was almost non-existent”</p> <p><u>ABS omitted: “...For example, neither APF nor other civil society bodies appear to have been consulted, and the media release had negligible impact, so almost no-one heard about it in time.”</u></p>	<p>The proposed changes were an incremental change to existing practice in the widely publicised Census Data Enhancement program undertaken with the 2006 and 2011 Censuses.</p> <p>The ABS invited public comment on the proposal to retain names and addresses from the 2016 Census by issuing a media release inviting comment, and an accompanying statement of intent on 11 November 2015.</p> <p>Direct consultation was undertaken with each State and Territory Privacy Commissioner and the Australian Information Commissioner. More information on the Consultation process is provided in Section 11.2</p> <p>-----</p>	<p>APF has listed multiple ways in which this is one of the most extreme shifts ever undertaken by ABS. The APF’s assessment is strongly supported by a previous Australian Statistician – whose reputation was never stained as Mr Kalisch’s has been.</p> <p>The ABS made no attempt to engage with any organisation with knowledge of such matters. To the extent to which any action was taken, it was tokenist in the extreme.</p> <p>The APF has looked for evidence to support the ABS’s second paragraph, and has found none. APF believes this to be a seriously misleading statement.</p> <p>This statement was evidence in support of APF’s statement about the utter inadequacy of “issuing a media release” as a form of public consultation. The news didn’t break until February, over 10 weeks later.</p>
<p><i>“The PIA failed to adequately address the issues in respect of keeping names and addresses which were identified and raised the previous PIA in 2005, when a 5% sample was proposed.”</i></p> <p><u>ABS omitted: “ ... It appears</u></p>	<p>The PIA undertaken in 2005 considered a proposal to create a statistical longitudinal census dataset comprising 100% of Census records. The ABS took account of the outcome from the PIA and the public consultation process and decided to link only a 5% sample. The Australian Census Longitudinal Dataset, as it is now called, will continue to take the 5% sample approach.</p>	<p>This is a most seriously misleading statement by the ABS, and the agency should be called to account by the Committee for it. Firstly, the retention of data for a 5% sample commencing in 2006 flew in the face of the evidence presented in the PIA. Secondly, the ABS is now (a) increasing the linking, and hence the invasiveness of the privacy of that 1 million Australians, and (b) applying similar, extremely privacy-invasive name-retention and linking to the other 95% (20+ million) Australians.</p>

<p><u>that corporate knowledge from the last PIA, exploring similar concerns, was lost or disregarded.”</u></p>	<p>_____</p>	<p>The ABS has forgotten the critical lessons it learnt from the independent PIA in 2006, and is even trying to suppress that simple fact.</p>
<p>“The PIA does not comply with the Federal Privacy Commissioner’s guidance.”</p>	<p>The ABS fully followed the <i>Guide to undertaking privacy impact assessments</i> issued by the Office of the Australian Information Commissioner and sought advice from them during the preparation of the Privacy Impact Assessment.</p>	<p>The ABS’s claim evidences either ignorance or astounding chutzpah.</p> <p>Firstly, the APF has looked for evidence to support the claim of “sought advice from [the OAIC]”, and has found none. No consultation was mentioned in the OAIC submission to this Inquiry. If consultation did occur it was not meaningful and it is clear the OAIC did not give any advice.</p> <p>Secondly, the suggestion of “followed the Guide” is laughable, in view of its failure to perform such critical foundational actions specified in the Privacy Commissioner’s Guidelines, such as:</p> <ol style="list-style-type: none"> (1) to gain access to PIA expertise (2) to produce a project description “sufficiently detailed to allow external stakeholders to understand the project” (p.11) (3) to identify relevant “external stakeholders, including ... advocacy organisations ... [in order to] offer stakeholders the opportunity to discuss risks and concerns with the entity ... It is important that some form of targeted consultation is undertaken, ... such as with groups representing relevant sectors of the population, or advocacy groups with expertise in privacy” (pp.11, 12) (4) to take the steps required in order to address the “additional privacy risks [arising from] data linkage or matching” (p.15)