

Proposal to remake the Statistics Determination 1983: frequently asked questions

1. What does the current Determination do?

It complements the [Census and Statistics Act 1905](#) by setting out the circumstances under which the ABS may release statistical information collected under that Act. This includes the release of information that may identify a business or organisation.

The Determination sets out:

- what information can be released;
- who the information can be released to; and
- any conditions that apply to how recipients may use that information.

For example, the current Determination enables the ABS to release lists containing certain business characteristics, such as names and addresses, to other government entities, provided that those entities use that information for statistical purposes only and do not on-disclose this information to other parties.

There is **no** provision in the Determination to release information of a personal or domestic nature that might identify a person.

2. Why is the current Determination important?

The Determination enables the ABS to release detailed statistical information to a wide range of users for analysis and to input into the decision-making processes of governments, businesses and individuals.

For example, the ABS can release statistical information to government entities to enable them to evaluate programs, inform infrastructure projects, target services, or allocate assistance.

3. Under the current Determination, can the ABS release information that is likely to identify a person?

The Determination explicitly restricts the ABS from releasing any information of a personal or domestic nature in a manner that is likely to enable the identification of a person.

In certain situations, the Determination may restrict the ABS from releasing the business dealings of a person, for example, in the case of a sole trader if the data would identify a person.

4. Under the current Determination, can the ABS release information that might identify a business or organisation?

The Determination authorises the ABS to release identifiable business information in certain situations but imposes a number of conditions on the ABS and the recipients of that information.

For example, the ABS can release statistics that might identify a business, such as information relating to the agriculture or building and construction sectors. The ABS can also share, with other government entities only, lists that identify a business or organisation provided that those entities do not use this information for compliance or enforcement purposes.

5. Is the Determination still needed?

The Determination is vital to enable the ABS to continue to produce detailed statistical outputs in response to demand from policy makers and the wider research community. Without the Determination, the range of relevant and timely information delivered by the ABS would be significantly reduced.

6. Does the current Determination need to be updated?

The Determination was last updated ten years ago and this review is an opportunity to assess whether the Determination is still fit for purpose. For example, this is an opportunity to ensure that the information that the ABS can release, the level of detail, and who that information can be released to, keeps pace with community expectations.

The changes which are being put forward will modernise the Determination by enabling statistical information to be accessible in sufficient detail to meet the analysis and decision making needs of stakeholders.

The proposed changes need to be balanced against the desire of business and other organisations to protect commercially sensitive business information. For example, the new Determination could provide the ABS with greater flexibility to publicly release information that might identify a business where that information is already publicly available. This could include, for example, published information identifying charities, which is similar to information published by the [Australian Charities and Not-for-profits Commission](#).

7. Will a new Determination allow for the release or sharing of information that is likely to identify a person?

The Determination does not, nor could it ever, allow for the release of information of a personal or domestic nature in a manner that is likely to enable the identification of a person.

In certain situations, the Determination may restrict the ABS from releasing the business dealings of a person, for example, in the case of a sole trader if the data would identify a person.

8. Will a new Determination still allow for the release or sharing of information that is likely to identify a business or organisation?

Similar to the current Determination, a new Determination may permit the release of information that identifies, or is likely to identify, a business or organisation. For example, the ABS will still be able to release statistics that might identify a business, such as information relating to agriculture or building and construction, or lists of business characteristics.

9. What are the proposed changes for a new Determination?

The proposed changes are outlined in [Table 1](#) of the consultation paper.

10. Will a new Determination influence the number of surveys that I have to fill in?

The current Determination does not cover the collection of statistical information. It only covers the release of statistical information.

11. Will a new Determination affect small businesses?

There will be no impact on small business as a result of the proposed changes to the Determination. For example, the ABS will continue to publicly release high level information about certain industries, such as agriculture or building and construction, provided that information of a personal or domestic nature is not released in a way that is likely to enable the identification of a person. Lists of identifiable business information, such as name, address and industry will continue to be shared with government entities, and are proposed to be released to a broader group of users (see b(i) in [Table 1](#) of the consultation paper), still with conditions and restrictions on use in place.

12. Will a new Determination still include controls on the release of statistical information?

In all instances the release of this information would continue to require approval from the Australian Statistician or their delegate. Restrictions or conditions will continue to apply, either as outlined in the Determination or in an Undertaking signed by the recipient. Penalties may apply for any breach of these restrictions or conditions.

13. Who will benefit from a new Determination?

- **Businesses** will benefit from greater availability of information to inform planning, government services, and programs that affect their business.
- **The public** will benefit from more evidenced research, better targeting of programs and policies, and more efficient spending of public money.
- **Governments** will benefit from better information to make decisions, evaluate programs, inform infrastructure projects, target services, and direct industry assistance.
- **Researchers** will benefit from improved access to detailed statistical information for research, policy and other purposes.

14. When will new Determination take effect?

From 1 October 2018.

15. What is an example of de-identified unit record level business information affected by proposed change d ii)?

The Business Longitudinal Analysis Data Environment (BLADE) combines de-identified Business Activity Statement and Business Income Tax Statement data from the Australian Taxation Office (ATO), together with ABS collected survey data to generate new information about Australian businesses and the economy.

BLADE enables researchers to produce aggregate information of how businesses fare over time and the factors that drive performance, innovation, job creation, competitiveness and productivity. BLADE is also used by several government entities as part of their evidence base for developing new policies and evaluating existing policies to support Australian businesses and grow the Australian economy.

BLADE is used for statistical and research purposes, not regulatory or compliance purposes.

To date, BLADE has provided insights around the importance of small and medium enterprises to employment growth and innovation.

More details about BLADE can be found on the [Department of Industry, Innovation and Science](#) website.

16. How does the ABS maintain the confidentiality of information accessed in BLADE?

There are strong legislative protections in place to safeguard the confidentiality of data in BLADE. Legislative protections include the *Census and Statistics Act 1905*, legislative requirements of the ATO, and the *Privacy Act 1988*.

In practice, access arrangements are an important part of managing confidentiality. Access arrangements to BLADE are outlined below in answer to FAQ number 18.

For information on privacy safeguards, see the [ABS Privacy Policy](#).

17. Who can access and use BLADE?

BLADE data is available on request to government entities, researchers and analysts.

The ABS can extract customised data and provide it in a range of formats (all of which are confidentialised), on a cost recovered basis.

Access to more detailed BLADE data - called microdata - is currently restricted to government analysts who have been seconded to the ABS as ABS officers, and thus subject to the secrecy provisions of the *Census and Statistics Act 1905*. A small number of trials for non-government researchers are currently in progress.

18. How is access to BLADE managed?

The ABS manages access to BLADE microdata using the Five Safes Framework. This is an internationally recognised framework for managing microdata disclosure risk. For more information on how the Five Safes is implemented at the ABS, see the [ABS Confidentiality Series](#).

The Five Safes ensures BLADE can only be accessed by approved researchers and analysts. Researchers must demonstrate their projects are for research or statistical purposes and have a clear benefit to the Australian community. Access for regulatory or compliance purposes is not permitted.

As outlined in FAQ number 17, access to BLADE microdata is subject to the secrecy requirements of the *Census and Statistics Act 1905*. Government officials seconded to the ABS have each signed a legally binding undertaking of fidelity and secrecy. Breach of these provisions can incur severe penalties, including fines of up to \$25,200 and/or imprisonment for up to 2 years.

Access to BLADE microdata is via a secure [ABS DataLab](#). All data available for analysis is de-identified, meaning it does not contain names and addresses or other identifying information about a business. DataLab sessions are regularly audited by ABS staff to ensure compliance with pre-agreed [Terms and Conditions](#).