



16 February 2018

Louise Lilley
Macroeconomic Modelling and Policy Division
The Treasury
Langton Crescent
PARKES ACT 2600
statsdetermination@treasury.gov.au

Dear Ms Lilley,

Re: Automatic sunseting of legislative instruments – Proposal to remake the Statistics Determination 1983

Thank you for the opportunity to respond to the Treasury's Consultation on the above matter. We welcome and support Treasury's objective to improve access to data for policy makers, researchers and academics, and we agree that this will benefit the public and business through better targeting of government programs, services and policies.¹ However, considerations regarding data availability need to be carefully balanced to ensure that company proprietary data (in particular that which is identifiable or likely identifiable) remains secure and used only for research by limited persons.

Telstra takes the security of its data very seriously and therefore any change (including the flexibility proposed in the Consultation Paper) to the ways in which data will be made available or used are important business considerations for us. Given the amending draft legislation has not yet been developed, nor have the detailed guidelines or information been released, we are unable at this time to consider all the potential impacts and therefore offer some high level feedback at this time. However, we would be happy to re-engage with Treasury when amending legislation has been developed.

We consider the following changes below:

a) Release of information already available to the public (Clause 3)

The current Determination restricts the ABS from releasing information already in the public domain, relating to businesses or organisations, unless it is represented as a statistical value or output. The proposed change would remove this restriction with the intention of allowing the ABS to provide enhanced information and commentary to support ABS statistical products.

While we support changes to improve the value of the ABS' statistical products, we also note that there can be significant challenges in bringing together separate datasets and information, and ensuring that any linkages and conclusions drawn from the available information are valid. In the case of highly dynamic, competitive markets, making linkages across disparate datasets is not straightforward, particularly in the context of establishing an evidence base for policy making.

b) Release a greater range of business characteristics to a broader range of recipients in the form of a list of businesses (Clause 6)

The current Determination limits the types of business characteristics that can be included in a list of businesses (even if a characteristic is publicly available elsewhere) and limits release of a list of businesses to Departments and Authorities only. It is proposed that the ABS be able to apply a "flexible

¹ Australian Government, The Treasury, *Automatic sunseting of legislative instruments, Proposal to remake the Statistics Determination 1983*, Consultation Paper, pg. 5



approach”² potentially enabling the release of all business characteristics that are collected by the ABS. It is not clear to us at this time which additional characteristics the ABS is referring to, the justification for their release to recipients and what additional utility releasing this information would have for enabling government or the research sector to produce more timely research or higher quality outputs. If these additional characteristics are those which are generally publicly available, we support their inclusion in the list of businesses as it will limit duplication and create efficiencies for Government agencies and researchers in analysing data. If they are, however, additional unique identifiers of business information, we do not support this information inclusion without further detail and justification.

c) Release of information about government businesses (Clause 2)

It is proposed that the ABS be permitted to release identifiable information (but not competitively sensitive information) about Government Business Enterprises, in the same way that it releases information about other government entities. We support this proposed change and consider consistency in release of identifiable information will enable users to improve their understanding of how these entities contribute to the Australian economy and will enhance overall transparency of the market. We can see no reason to maintain this distinction.

d i) Release of detailed business information with consent (Clause 5(1)(b))

Recognising that policy and government programs can be initiated from research and evidence undertaken by government agencies and private research, we support the extension of information available to a broader range of users across governments and academia where the business has provided consent for that information to be released to that user and appropriate safeguards are put in place to maintain security of the information. For example, we recommend that appropriate safeguards could include a requirement that third parties (approved by ABS to access this information) comply with the Australian Cyber Security Centre’s (ACSC’s) Australian Government Information Security Manual.³ In addition, we recommend that a requirement to seek business consent prior to making identifying data available to third parties be codified in the Statistics Determination.

d ii) Access to an increased range of de-identified unit record level business information (Clause 7(1)(b))

The current Determination authorises the limited release of unit record business information, so long as it is not likely to enable identification of an organisation. It is proposed that the ABS be able to release, on a limited basis, more detailed information that is de-identified and which may enable the indirect identification of a business or organisation. Access would be through an ABS controlled environment only.

Given Telstra’s size, there is a greater risk of our information being indirectly identified. As stated earlier, data security is an important issue for Telstra. Consistent with the existing requirements which require express consent of the business for release of identifiable information, we consider express consent should also be required for release of de-identified unit record level business information which may enable indirect identification, to help maintain information security.

Should you have any questions relating to this submission, please contact Kim Longin on (03) 8649 2030 or kim.longin@team.telstra.com. We would be happy to re-engage at a later date when amending legislation and detail is available.

² Australian Government, The Treasury, Automatic sunseting of legislative instruments, Proposal to remake the Statistics Determination 1983, Consultation Paper, pg. 10

³ https://www.asd.gov.au/publications/Information_Security_Manual_2017_Controls.pdf



Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jane - 3'.

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