

Chapter 7

Conclusions and recommendations

Scope of the inquiry

7.1 The terms of reference for the inquiry required the Committee to look at the current practice of destroying name-identified forms collected in population censuses and make recommendations for future censuses.

7.2 The Committee's conclusions on the terms of reference are presented below.

The effects of retaining name-identified information from the census

7.3 As discussed above in Chapter 3, the Australian Bureau of Statistics (ABS) was the principal proponent of the argument that name-identified information from census forms should not be retained. Other government agencies and statistical bodies supported this view. ABS argued that the primary purpose of the census – the collection of accurate statistical data – would be jeopardised if name-identified information were retained. Public cooperation with the census would decline if people knew that their information would be kept and released in the future. Non-response rates would rise and the information provided would be less accurate. The level of non-response and the accuracy of data provided for small geographic areas or particular sub-groups of the population would vary. Data at these levels, such as regional estimates, would be less reliable.

7.4 Data quality was the primary focus of the ABS in its arguments to the Committee. ABS concluded that a reduction in data quality of the census would adversely affect users of census data and population estimates, electoral redistributions and Commonwealth grants processes.

7.5 ABS also concluded that other collections conducted by ABS would be adversely affected. Sample selection and benchmarking of other collections from census data would be affected. A liberalisation of the policy on the retention of name-identified census information could undermine confidence in the community, or in parts of the community, about the confidentiality of other information collected by ABS. This could lead to a rise in non-response rates in these other collections or a decline in the accuracy with which respondents answer the questions.

7.6 ABS cited instances in overseas countries where censuses had been adversely affected by privacy concerns.

7.7 In rebuttal of these arguments, a number of genealogical and academic researchers put the views that there would be no, or only a minimal, effect on the data quality of the census or of other ABS collections because most people would probably continue to complete a census form, and do so accurately, as good public citizens. It was suggested that many people do not understand that name-identified information is not currently kept and that therefore a change in policy would not be likely to adversely affect response rates.

7.8 Indeed, it was suggested that some people would be more likely to complete a census form or to provide accurate information if they knew that name-identified records would be retained for the future.

7.9 It was argued that any possible public concerns about the retention of name-identified census information could be managed by an appropriate public education program at the time of the next census. It was also suggested that the compulsion powers of the *Census and Statistics Act 1905* could be used to enforce high response rates even if there were some public resistance to a change in retention policy.

7.10 The Committee accepts that there may be some possible risk of a reduction in data quality of the census and of other ABS collections if census forms were retained. This possible risk to data quality might arise, because some people concerned about privacy, might give less accurate or comprehensive responses, or refuse to complete a form. The Committee was not persuaded by the evidence that such an effect would be significant or substantial.

7.11 The Committee has considerable reservations about some evidence presented by ABS from attitudinal surveys conducted on its behalf. The Committee formed the view that attitudinal surveys in general, and these surveys in particular, do not provide a sound basis for judgement. The Committee also believes that influence had been brought to bear by ABS on other government organisations to support its view.

7.12 On balance, the Committee considers that the evidence that data quality of the census and other ABS collections would be adversely affected is not conclusive. The Committee considers that a properly managed and comprehensive public education program, promoting the benefits to the community of form retention for future research, would assist in eliminating any potential reduction in public cooperation with the census because of concerns about privacy. The Committee considers

that a legislated closed period of a significant number of years would also reassure the public about the confidentiality of personal information.

Privacy concerns relating to the storage and use of name-identified data

7.13 As discussed above in Chapter 4, it was argued before the Committee that the manner in which name-identified census information is stored could affect community concerns about privacy and confidentiality. The Committee considered the option of storage of the original census forms. The Committee also examined the options of storage of microform copies of the forms and of storing the information from forms as computerised records.

7.14 The Committee notes that people may have deeper concerns about retention of their records as computer records than they would about the retention of paper forms or of microform copies of the forms. These concerns may focus on the security of the records when on computer and on the potential for the records to be copied or matched electronically to other databases.

7.15 The Committee is of the view that the requirements of the Information Privacy Principles in the *Privacy Act 1988* can be accommodated if census records are stored in any of these formats, that is, as original forms, as microform copies of the forms or as electronic records on computer.

7.16 The Committee agrees that people should be advised of the uses to which their information might be put in the future.

7.17 The Privacy Commissioner suggested to the Committee that, if name-identified census information were to be retained for disclosure at a future time, ABS would need to take more care to ensure the accuracy of the information supplied, for instance, by requiring each individual to sign-off their own details. Under current arrangements, information collected on census forms may be inaccurate, as the household forms are typically completed by one householder, about up to five other individuals. Information may be supplied about an individual member of a household without that individual providing or verifying it. On balance, the Committee does not believe that individual verification is warranted given the considerable administrative burden to implement such an arrangement.

7.18 The Privacy Commissioner argued that if name-identified information were going to be retained for disclosure at a later time, individuals should be given the right to access the retained census records and to seek amendments to that information if it is inaccurate. As noted above, information collected on census forms may be inaccurate. The Privacy Commissioner reasoned that even if it was intended only to release the records after a significant period of time, the interests of individuals which may be affected would include the reputation or regard in which a person might be held by his or her descendants once the information were released. In this situation, inaccurate information may potentially affect the lives of persons other than the individual whose information is disclosed and at a time when the individual is not able to set the record straight with his or her descendants.

7.19 The Committee does not believe that such access and amendment rights are necessary. The Committee does not agree that the release of possibly inaccurate census information about someone after he or she has died is a serious risk to an individual's reputation. The Committee is mindful that, considerable administrative burden and cost would be incurred in implementing the suggested access and amendment procedures. The Committee believes that informing people of the future research uses which may be made of their information would act as an important safeguard against the provision of inaccurate information.

The research value of name-identified records

7.20 As discussed above in Chapter 5, genealogical researchers and academic researchers in such fields as demography, sociology, history and epidemiology argued to the Committee that name-identified census records would be beneficial for research. Some researchers desired early access to census records and others would be satisfied with access to records released after a significant period of time.

7.21 The Committee has considered examples of many potential research uses for the information contained in census forms.

7.22 Various views were expressed about the true value of census records for genealogical research. Many genealogical researchers told the Committee that the information in census records would be invaluable for family history research. Others argued that the information required could be found in other sources, although possibly with more effort. It was suggested that while many other sources of information are available, retention policies are varied and uncertain. The census brings

information together in a single document within a social and community context.

7.23 Many genealogical researchers told the Committee that while they would be happy with only basic demographic information, census records would contain other valuable information about the daily lives and social history of their forebears.

7.24 The Committee formed the view that the information in census records is of considerable value for genealogical research and could in many cases facilitate research which may otherwise be impossible.

7.25 Academic researchers in such fields as demography, sociology and history raised the benefits of the census records for their work. Statistical information from the census is already used for many research purposes, including various kinds of social research.

7.26 Many research uses for census records have drawn on the use of the census as a contemporary population register. Census records would give researchers a list of names and addresses of people in Australia at each census, along with the other information in the records. From this list, researchers could select people or groups of people to study – for example, people living in a particular locality, or working in a certain industry.

7.27 Many researchers such as sociologists said they required contemporary data. Even information 20 years old was said to be of lesser value.

7.28 The Committee accepts that while birth, death and marriage records are an alternative source of contemporary records, the census is

regarded as a prime source of potentially useful data because it captures a wide range of name-identified personal information about all Australians at the same time.

7.29 The Committee accepts that name-identified information contained in the census and released after a significant period of time would be an invaluable source of information for historians, historical sociologists and other researchers interested in older records.

7.30 The Committee understands too, that early access to the records is important for many of the research purposes suggested to it. Several medical researchers told the Committee that the information contained in census records would be useful for compiling family trees for genetic research. In such cases, very early access to census records is desired. The Committee observed that statistical information from the census is already used for the purposes of medical research, including epidemiological studies.

7.31 The Committee believes that the provision to researchers of name-identified census records that are contemporary or very recent would be a matter of considerable concern to Australians. The reaction to the Australia Card proposal in the 1980s highlights the kinds of fears that people in Australia have held about privacy.

Retention or destruction?

7.32 While the Committee accepts that there may be some possible risk of a reduction in data quality of the census and of other ABS collections if name-identified census information were retained, it is not persuaded that such an effect would be significant or substantial.

7.33 The Committee is aware that some individuals have concerns about privacy and confidentiality in relation to the census. The Committee agrees that privacy can be protected and confidentiality preserved by restricting access and having secure storage facilities.

7.34 The Committee was persuaded that the information contained in name-identified census records and released after a significant period of time is invaluable for historians, historical sociologists and other researchers interested in older records.

7.35 In drawing together all the arguments about data quality, privacy, confidentiality and research value, the Committee considers that saving name-identified census records rather than destroying them would make a significant contribution towards preserving Australia's history. Accordingly, the Committee has concluded that name-identified information contained in census forms should be retained.

The Committee considers that specific legislation providing for the retention of name-identified information would be the most appropriate way of supporting this change.

Recommendation 1

The Committee recommends that name-identified information contained in forms from future censuses be retained.

The Committee further recommends that specific legislation be implemented to provide for the retention of name-identified information from all future censuses.

Access, when?

7.36 The third term of reference addressed the research value of the forms released 'after a significant period of time'. During discussions, the Committee frequently asked witnesses their views on a potential closed access period should name-identified census information be retained in the future. Various periods were suggested, ranging from 5 years to over 100 years.

7.37 While a majority of Committee members expressed a preference during deliberations for a shorter closed access period, the Committee was unanimous in its conclusion that a closed access period of 99 years, with data to be released in the 100th year, would be the minimum period acceptable to the public. This period is longer than the lifespan of most people.

7.38 The Committee believes that specific legislative authority should be implemented to provide for access to census information after the expiration of the 99 year closed access period.

7.39 The Committee has confidence that the records will be protected by Australian Archives and ABS. The Committee formed the view that appropriate mechanisms can be implemented by these agencies to store

the records for a significant closed access period and to implement appropriate access provisions in due course.

Recommendation 2

The Committee recommends that name-identified census records be closed for a period of 99 years, and that no researcher have direct access to name identified records during that time. The Committee recommends that name-identified census records be made available in the 100th year.

The Committee further recommends that appropriate legislation be implemented to give effect to this recommendation.

7.40 The Committee considers that it should be a stated purpose of the census that the name-identified information be available for possible future research.

Recommendation 3

The Committee recommends that a stated purpose of the census be that name-identified information be available for possible future research.

Special purpose medical research

7.41 Many claims were made by researchers about the significance of the census for their particular type of research. The Committee was not persuaded that general immediate access should be provided to name-identified census information for research purposes.

7.42 The Committee was sympathetic to the arguments of certain medical researchers, specifically those wishing to undertake epidemiological research as proposed by the Australian Institute of

Health and Welfare (AIHW). Such research relies on the ABS conducting a comparison of computer files commencing soon after processing of the census information is completed. The researchers themselves never have direct access to name-identified data, only to the unidentified results.

7.43 In this case, unidentified aggregate data are produced from a comparison of census and other files to support epidemiological research. The Committee believes that there could be considerable benefits to the community in enabling ABS assisted epidemiological research as proposed by the AIHW.

7.44 The Committee considers that such strictly limited, controlled use would not create significant community concerns about confidentiality and privacy. The Committee concludes that such strictly limited ABS assisted epidemiological research should be allowed to take place.

Recommendation 4

The Committee recommends that during the 99 year closed access period the census records be able to be accessed by the Australian Bureau of Statistics for the purpose of certain epidemiological research.

Access for the purpose of such research is to be strictly limited to applications put forward under protocols developed by the National Health and Medical Research Council. The applications must have received the prior approval of the ethics committee of the institution with which the researcher is associated.

The Committee further recommends that the NH&MRC protocols take the form of disallowable instruments.

The cost of, and practical issues associated with, retention

7.45 As discussed above in Chapter 6, the Committee examined the cost of, and some practical issues associated with, retention of name-identified records from one census. The focus was on costs related to procedures for retention and storage of name-identified records which would be incurred by ABS and Australian Archives. In the absence of detailed specifications, cost estimates were indicative only.

7.46 The Committee considers that the option of storing original paper forms is not feasible for reasons of both conservation and storage.

7.47 The cost of making and storing microfilm copies of the records from one census was estimated to be \$22.45 million. The cost of making and storing records from one census in electronic format is estimated to be \$14.5 million. The Committee believes that the cost of either option is not prohibitive.

7.48 The Committee prefers the option of storage of the records in electronic form. This method of storage would utilise the electronic record of responses from each census form which ABS currently produces and retains. Electronic storage would make it easier for researchers to use the records and to compare them to other pieces of information. It would enable comprehensive indexes of the records to be drawn up in a cost-efficient manner. It is less costly to retain the records in electronic form than to retain them as microfilm copies.

7.49 The option of electronic storage requires ABS to capture additional information, name and address information, from the census forms. The Committee envisages compilation of an electronic record of names and addresses, which would be held separately from the other data that ABS records from the census forms. Census information from one electronic file could be matched to the corresponding names and addresses on the other electronic file.

7.50 The Committee is of the view that extraction of names and addresses and other associated work should be done as part of the usual processing of the census.

7.51 The Committee envisages that responsibility for the records, including their compilation, ongoing maintenance and data conversion as technology changes, would for cost-efficiency reasons lie with ABS rather than Australian Archives. The original paper forms would continue to be destroyed after electronic processing is completed.

7.52 The Committee agrees that storage of the records in electronic format would make them more useful for larger scale research applications.

7.53 The Committee regards the option of microfilming, while not the preferred option, as also feasible. Under this option, it is likely that custody of the census forms would be transferred from ABS to the Australian Archives. The Archives would assume responsibility for the records, undertake the microfilming process and be the ongoing custodians of the microfilmed records. The original forms would be destroyed after microfilming is completed.

7.54 The Committee agrees that if microfilmed, the records should be microfilmed to the highest quality archival standards given the long life required of the records.

7.55 The ABS has considerable experience in processing statistical information and a high reputation in regard to security of statistical records. The Committee accepts that statistical processing and storage is an area of activity which is evolving in the context of frequently changing technologies. The Committee believes that the final selection of the manner and form of making, storing and maintaining the census records is an operational matter which should be left to the ABS.

Processing and handling

7.56 The Committee is firmly of the view that the use of non-government personnel to film, process or otherwise handle census records could raise doubts in the minds of the general public about the confidentiality of their census records. The Committee believes that no matter how ill-founded this perception might be, some public concern would be likely.

7.57 The Committee agrees that filming, processing and handling activities during the 99 year closed access period should be performed

by government officers and should not be outsourced or contracted to non-government personnel. The behaviour of government officers is subject to the requirements of Commonwealth Government legislation and regulations. Furthermore, the Committee notes the excellent security records of both the Australian Archives and the ABS in relation to handling Commonwealth records. The Committee considers that the confidentiality of census records can best and most clearly be demonstrated to the public by ensuring the records are seen and handled only by officers of the Australian Archives or ABS.¹

Recommendation 5

The Committee recommends that census information continue to be processed and handled only by officers of the National Archives of Australia or the Australian Bureau of Statistics.

Kevin Andrews MP
Chairman

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1 In the recommendation, the Committee has used the recently changed name for the Australian Archives.