

Subsidiary Arrangement – Data exchange

Arrangement Details	
Arrangement reference No.:	ABR: _____ ACNC: NA
Commissioner:	Commissioner of the Australian Charities and Not-for-profits Commission.
ACNC:	Australian Charities and Not-for-profits Commission (ABN 54488464865).
Commissioner's MOU Manager:	Name: Rachel Smith Position: Director Advice Services Postal address: Level 1 747 Collins St, Docklands, MELBOURNE, VIC, 3008 or GPO Box 5108, Melbourne VIC 3001 Telephone: 03 8601 9176 E-mail address: rachel.smith@acnc.gov.au
ACNC Data:	ACNC Data to be supplied: See Item 1 of the Schedule. Format and method of supply of ACNC Data: See Item 2 of the Schedule. How ACNC Data can be used: See Item 3 of the Schedule.
Registrar:	Registrar of the Australian Business Register
ABR:	The Australian Business Register (ABN 51 824 753 556).
Registrar's MOU Manager:	Name: Mano Georgopoulos Position: Senior Director, Business Reporting and Registration, Operations Postal address: GPO Box9977, Civic Square ACT 2606 Telephone: 02 6216 5283 E-mail address: mano.georgopoulos@abr.gov.au
ABR Data:	ABR Data to be supplied: See Item 4 of the Schedule. Format and method of supply of ABR Data: See Item 5 of the Schedule. How ABR Data can be used: See Item 6 of the Schedule.
Head MOU:	The Memorandum of Understanding bearing ATO MOU reference No. 12.014 and ACNC MOU reference No. NA
Arrangement Expiry Date:	Two years after signing
This Arrangement replaces:	Nil.
Termination notice period:	180 days.
Frequency of meetings:	To be held Annually & as required.

Accepted and agreed

Signed by
Mark Jackson,
Deputy Registrar,
Australian Taxation Office

} Signature Mark Jackson
Date 20th October 2015

Signed by
Susan Pascoe AM,
Commissioner,
Australian Charities and Not-
for-profits Commission

} Signature Susan Pascoe
Date 20/10/15

Schedule

1. Parties

This Arrangement is between:

- the Registrar of the Australian Business Register, and
- the Commissioner of the Australian Charities and Not-for-profits Commission.

2. Purpose of this Arrangement

The purpose of this Arrangement is to ensure the data displayed on the Australian Business Register (ABR) and Australian Charities and Not-for-profits Commission (ACNC) Register is current and consistent across both registers. This includes the agencies working together to reduce red tape for registered charities by looking for opportunities for charities to update their details once and have it reflected in both registers.

This Arrangement sets out:

- the data the Australian Business Registrar and the ACNC Commissioner are to provide each other
- the arrangements under which the data is provided, and
- how inconsistencies in data between the two registers are resolved.

In the spirit of joint administration and responsibility, the Parties agree to provide their best endeavours to fulfil the roles and responsibilities outlined in this MOU and to cooperate and comply with reasonable requests and assistance from the other. The Parties will provide timely communication of relevant information to each other.

3. Head MOU

The parties entered into the Head MOU identified in the Arrangement Details. This Arrangement:

- is a Subsidiary Arrangement to that Head MOU,
- includes the **Common Provisions** set out in Part 1 (administrative provisions), Part 2 (operative provisions), Part 3 (data exchange provisions) and Part 4 (activity provisions) of the Schedule to the Head MOU,
- includes the **Common Provisions** set out in Part 3 (data exchange provisions) of the Schedule to the Head MOU.

4. Duration of this Arrangement

This Arrangement commences on the date it's signed by the last party to sign it and, unless terminated earlier:

- by the parties at any time by mutual agreement, or
- by either party giving the other a notice of not less than the termination notice period identified in the Arrangement Details,
- continues until its expiry date identified in the Arrangement Details.

5. Existing arrangements between the parties

This Arrangement revokes and replaces the existing arrangements (if any).

Providing and using ACNC data

6. Providing ACNC Data

The ACNC Commissioner will arrange for the information identified in Item 1 of the Schedule (**ACNC Data**) to be supplied to the Registrar in the format/s and by the methods described in Item 2 of the Schedule.

If – due to a change in circumstances or for any other reason – the law no longer allows the ACNC Commissioner to disclose any ACNC Data or detail/s in it to the Registrar, the ACNC Commissioner will notify the Register and not make that disclosure.

7. Using ACNC Data

Information in ACNC Data provided to the Registrar must only be used in accordance with the A New Tax System (Australian Business Number) Act 1999 (ABN Act):

- for the purposes of disclosure as identified in Item 3 of the Schedule, and
- to support the specific functions identified in Item 3 of the Schedule.

The Registrar is responsible for assessing the suitability of that information for those uses, and for notifying the ACNC Commissioner if any such function does not or ceases to comply with those purposes.

Providing and using ABR data

8. Providing ABR Data

Subject to the provisions of the ABN Act the Registrar will arrange for the information identified in Item 4 of the Schedule (**ABR Data**) to be supplied to the ACNC Commissioner in the format/s and by the methods described in Item 5 of the Schedule.

If – due to a change in circumstances or for any other reason – the law no longer allows the Registrar to disclose any ABR Data or detail/s in it to the ACNC Commissioner, the Registrar will notify the ACNC Commissioners and not make that disclosure.

9. Using ABR Data

The ABR Data provided to the ACNC Commissioner must only be used in accordance with the legislative authority of the ACNC:

- for the purposes of disclosure as identified in Item 6 of the Schedule, and
- to support the specific functions identified in Item 6 of the Schedule.

The ACNC Commissioner is responsible for assessing the suitability of that information for those uses. The ACNC Commissioner is responsible for ensuring that the ABR information is only used for the purposes legislatively authorised.

Administration

10. Fees

No fees are payable under this Arrangement for the provision of, or for access to, either ABR Data or ACNC Data under this Arrangement.

11. MOU Managers

A party's MOU Manager is the person identified as such in the Arrangement Details, or such other person (or person in such other position) as that party otherwise notifies the other party from time to time.

12. MOU Managers to administer Arrangement

The parties' MOU Managers are to monitor and evaluate the operation and progress of this Arrangement. As soon as practicable after each anniversary of this Arrangement, each party's MOU Manager is to provide:

- a statement as to that party's compliance with this Arrangement to the other MOU Manager, and
- a brief annual report on the operation and progress of this Arrangement (including its achievements and any outstanding issues) to that party's MOU Manager for the Head MOU.

13. Related procedures

The parties' MOU Managers may from time to time, and in writing, agree additional procedures (consistent with this Arrangement) for the administration of this Arrangement and the provision of data under it.

14. Meetings

The parties' MOU Managers are to meet at the frequency indicated in the Arrangement Details for the purposes of administering this Arrangement. Those meetings:

- may be called by either MOU Manager giving reasonable notice to the other,
- may be held in person or through any technological means, and
- may be attended by an MOU Manager through a nominee.

Item 1 – ACNC Data to be supplied

The ACNC to supply two data files:

1) Weekly of any changes in ACNC registrations:

- ACNC entity type (as per the ACNC Act. This is currently limited to charities but is expected to include not-for-profits in the future),
- the ACNC current registration status,
- the effective date of the registration status,
- ACNC unique identifier for each entity record,
- the entity's ABN,
- charity name, and
- a flag where all an entities details have been withheld from the ACNC register.

2) Six monthly data match report

A report on all ACNC entities for the purpose of data matching between the two registers. The data set to include the same elements as listed in section 1 above.

Ad hoc reports

From time to time MOU managers may request in writing a request for an ad hoc report that is for the purposes listed in Section 2 of this Agreement.

Charity passport

The ACNC will provide the ABR with access to the 'charity passport'. This access will enable the ABR to access and download in electronic format all information that is publicly available on the ACNC Register. The data is updated weekly. The charity passport includes the following information where charities have provided it to the ACNC:

- Address for service of notice,
- Email for service of notice,
- Charity street address,
- Email for main business address,
- Responsible person/s name and position

The charity passport is updated weekly by the ACNC and can be accessed and downloaded by the ABR as required.

The Registrar's MOU manager is to be notified if there is likely to be a delay in the delivery of the data.

Item 2 – Format and method of supply of ACNC Data

Data sets identified under item 1 number 1-2 and ad hoc reports will be security classified at the Unclassified level, and are to be supplied to the Registrar by way of sending to the ATO's ABR support area at <ABRProductionSupport@ato.gov.au> or as otherwise agreed in writing by the Parties' MOU Managers from time to time.

The data set file format and related field names, data types and field lengths will be defined in a separate specification document. Changes to file format and specification document will be agreed in writing by the Parties' MOU Managers from time to time.

The ABR will nominate officers to be given access to the charity passport. These officers will be issued an FTP user account by the ACNC and will be able to download ACNC register data and extract the data identified under item 1 charity passport.

Item 3 – How ACNC Data can be used

Purpose of disclosure and legislative authority

ACNC Data is disclosed under the ACNC Act:

- for the purposes of ensuring the integrity and accuracy of the Australian Business Register, specifically its reflection of ACNC registration data,
- to reduce red tape for charities by enabling updates provided to ACNC to be used to update the ABR,
- under the legislative authority of
 - the Australian Charities and Not-for-profit Commission Act (2012), and the Australian Charities and Not-for-profit Commission (Consequential and Transitional) Act (2012),
 - the Australian Charities and Not-for-profits Commission Regulation 2013,
 - the Charities Act 2013,
 - the Privacy Act 1988,
 - the Freedom of Information Act 1982 (Cth).

Specific functions supported

The specific functions which the information in ACNC Data can be used to support are:

- **data integrity**– provide complete and accurate ACNC registration information to the ABR, for example:
 - when a new (charity entity) registers,
 - an entity is revoked (ceases to be registered),
 - there are changes to an entity's registration status effective from date,
 - there are changes to an entity's ABN (as recorded within the ACNC register),
 - when a charity record is withheld or is no longer withheld,or such other function/s (that comply with the purposes of disclosure identified above) as are otherwise agreed in writing by the parties' MOU Managers from time to time.

- **data access** – provide ACNC charity status information to other parties, for example
 - ACNC registration data to be provided to ABR Partner Agencies (Note: ACNC unique identifier is not to be included in extract),
 - ACNC charity status details included in ABN details published to ABN Lookup (Note: ACNC unique identifier is not to be included in ABN Lookup),or such other function/s (that comply with the purposes of disclosure identified above) as are otherwise agreed in writing by the parties' MOU Managers from time to time.

Item 4 – ABR Data to be supplied

The ABR Data to be supplied will contain:

- 1) A report of any exceptions detected in the ACNC weekly status change report and the ACNC six monthly data match report including:
 - an invalid ABN (ABN that does not match the algorithm, has not been issued yet, is not yet active, etc.),
 - an incorrect ABN (ABN is different to the ABN previously advised with the same ACNC unique identifier),
 - a duplicate ABN (the same ABN but different ACNC unique identifier),
 - a replaced ABN,
 - if ACNC status is active and the ABN does not have an active status (i.e. cancelled),
 - if file not formatted correctly.

any other issue that prevents processing of the record.

The weekly exceptions report data is to be supplied within 3 business days of receiving the ACNC file. For the six monthly data matching report, exception report data to be supplied within 1 week of receiving the ACNC file.

The ACNC Commissioner's MOU Manager to be notified if there is likely to be a delay in the delivery of the data/information at the nominated email address, or as otherwise agreed in writing by the Parties' MOU Managers from time to time.

From time to time MOU managers may request in writing an ad hoc report that is for the purposes listed in Section 2 of this Agreement.

Item 5 – Format and method of supply of ABR Data

Data sets will be security classified at the Unclassified level, and are to be supplied to the ACNC Commissioner by way of sending to the ACNC Commissioner's MOU Manager at <ACNCITHelpdesk@ato.gov.au>, or as otherwise agreed in writing by the Parties' MOU Managers from time to time.

The data set file format and related field names, data types and field lengths will be defined in a separate specification document. Changes to file format and specification document will be agreed in writing by the Parties' MOU Managers from time to time.

Item 6 – How ABR Data can be used

Purpose of disclosure and legislative authority

ABR Data is disclosed under the ABN Act:

- for the purposes of ensuring the integrity and accuracy of the ACNC Register, specifically its reflection of ABN data,
- For ABN Lookup to provide a link from an ABN lookup record to the ACNC register,
- under the legislative authority of
 - the Taxation Laws – the A New Tax System (Australian Business Number) Act 1999, the Income Tax Assessment Act 1936, the Taxation Administration Act 1953 and any other Acts of which the Commissioner has general administration, and
 - the Privacy Act 1988,
 - the Freedom of Information Act 1982 (Cth).

Specific functions supported

The specific functions which the ABR Data can be used to support are:

- **data integrity**– provide ACNC with information from ABR with regards to charity entities, for example
 - provide an exception report on the ability to update the ABR (charity entities) from charity status details provided by ACNC,
 - to enable the ACNC to update the ACNC register when reports provides more recent and accurate data, for example:
 - Cancelled ABN,
 - Changed ABN,

or other such function/s (that comply with the purposes of disclosure identified above) as are otherwise agreed in writing by the parties' MOU Managers from time to time.