



Australian Government
Office of the National Data Commissioner

ONDC


Data Availability and Transparency Act (DATA) Scheme


Presentation to Australian Clinical Trials Alliance


Unlocking our national data asset


ONDC has developed a data sharing scheme, delivery tools and best practise guidance to facilitate the sharing of Australian Government data safely for public benefit.

There are barriers to government data sharing


 Existing data sharing arrangements are complex and ad hoc hindering the use of data


 Legislative barriers such as secrecy provisions prevent the sharing of some data


 There is a culture of caution about data sharing

 The community is concerned their personal data will be leaked and misused.

The ONDC works to overcome these barriers

 Public sector data sharing is safe, consistent and streamlined supported by delivery tools and clear guidance.

 Override provisions enable data to be shared safely where it is in the public interest.

 There is improved data capability and a culture of best practise data sharing across the public service.

 Public sector data sharing is transparent and trusted.

The new Data Availability and Transparency (DATA) Scheme will provide a best practice pathway for safely sharing Australian government data to:

- Improve government service delivery
- Inform government policy development and program design
- Support research and development for public benefit.

Data Availability and Transparency Act Scheme



Data Availability and Transparency Act 2022

Provides a legislative authorisation and override with appropriate safeguards



National Data Commissioner



National Data Advisory Council

DATA Scheme Safeguards

Data Sharing Purposes

Sharing of Australian Government data must be in the public interest and for one of three purposes:

- Government service delivery
- Informing government policy and programs
- Research & development.

Data can not be shared for the purpose of enforcement or compliance.

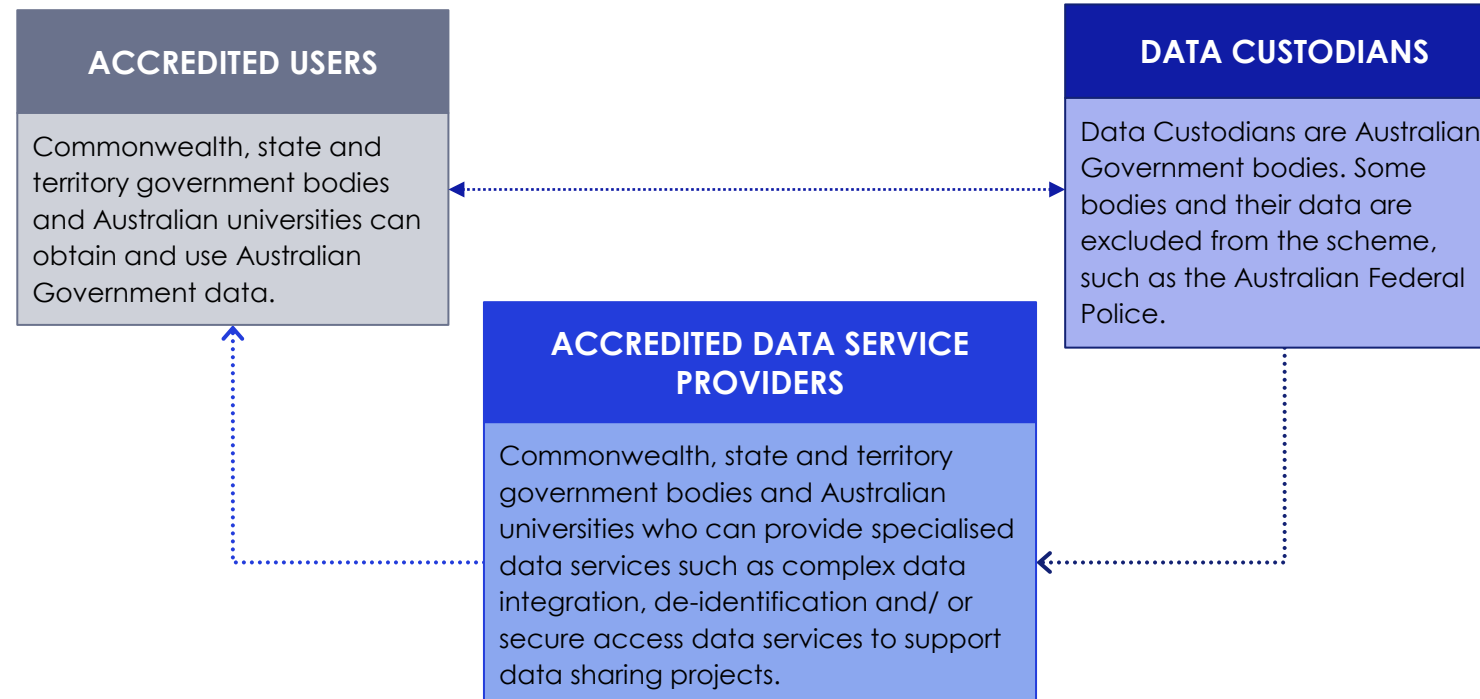
Accreditation

- Commonwealth, state and territory government bodies and Australian universities can be an Accredited User or Accredited Data Service Provider.
- The Minister or National Data Commissioner may grant accreditation.

Data Requests

- Data Custodians have no duty to share, but must provide reasons to Accredited Users if refusing a data sharing request.

DATA Scheme Operation



Data Sharing Principles

- Data Sharing Principles must be applied to all data sharing.
- The Principles manage data sharing risk by applying controls on the project, people, setting, data and output.

Privacy protections

- The DATA Scheme works with the *Privacy Act 1988* to protect personal information.
- The privacy protections minimise the sharing of personal information, prohibit the re-identification and storage of data or access of personal information outside Australia.
- Express consent is always required to share biometric data.

DATA Scheme Safeguards

Regulation and compliance

- National Data Commissioner handles complaints conducts monitoring and assessment activities and investigations.
- National Data Commissioner can issue directions and seek civil and/or criminal penalties.

Transparency and reporting

National Data Commissioner must:

- keep public registers of Data Sharing Agreements, Accredited Users and Accredited Data Service Providers.
- prepare an Annual Report on participation and operation of the DATA Scheme.

Data Sharing Agreements

- Arrangements, including the application of the data sharing principles, must be documented in a Data Sharing Agreement.
- Agreements that meet scheme requirements must be registered by the National Data Commissioner to take effect.



Data Discovery

Supporting agencies to develop data inventories and build an Australian Government Data Catalogue to help users find data



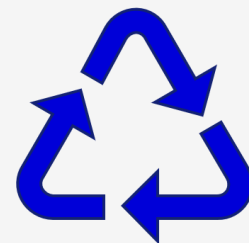
Dataplace

A digital platform for scheme participants and others to manage data requests and support administration of the DATA Scheme

Dataplace – a platform for managing all data sharing requests



Provides a single place to facilitate connections between organisations seeking data and Australian Government agencies who are data custodians and hold data.



Make it simpler to manage data requests with a streamlined, consistent, online process that also enables data custodians and users to monitor their data sharing activities

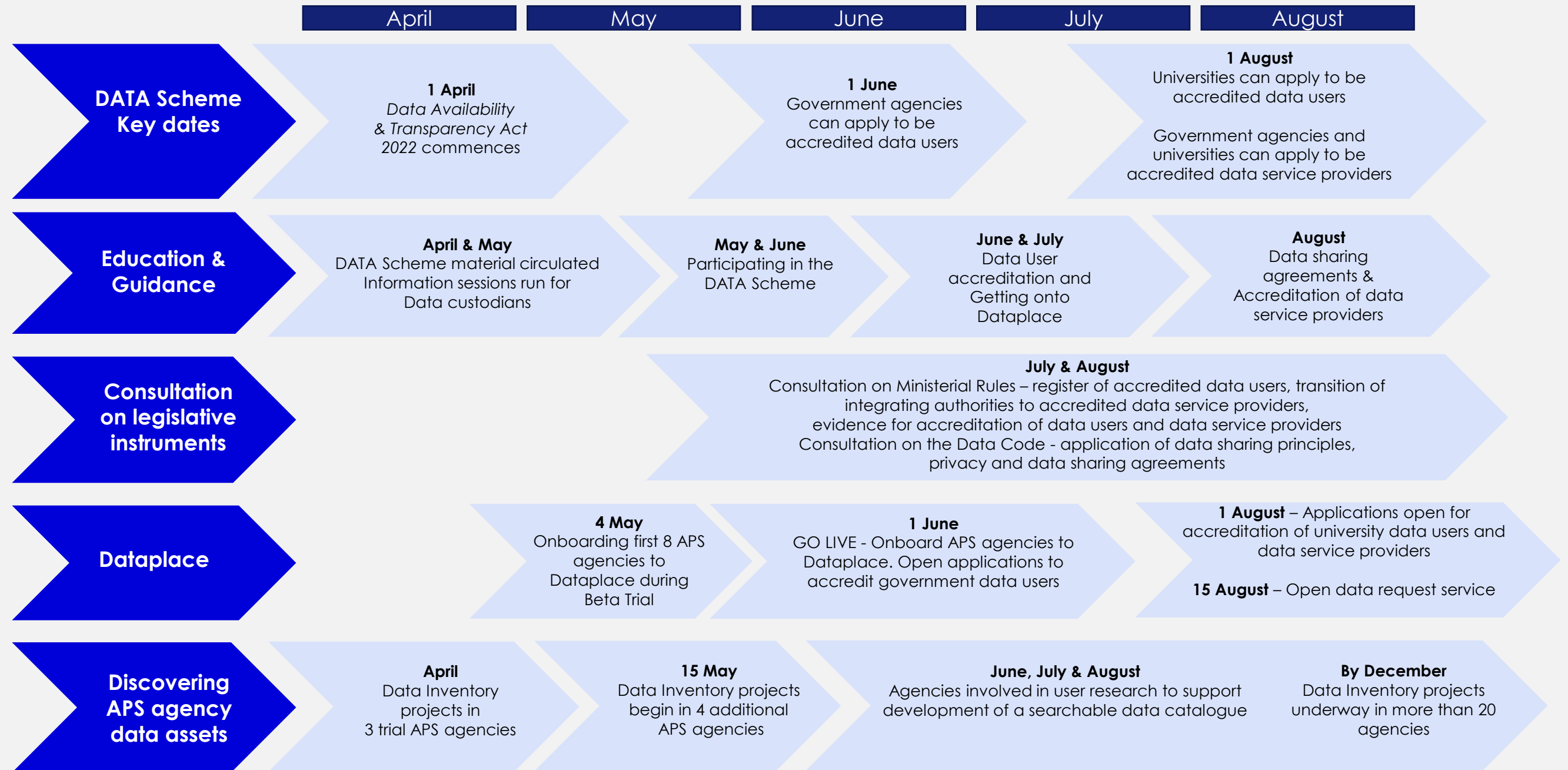


Provide an online process for users to apply for accreditation so they can request data under the DATA Scheme



While Dataplace will manage the process of requesting access to data; it will not be a mechanism to transmit or store data

Working with participants to implement the DATA Scheme



Questions?

Continue the conversation
susan.calvert@pmc.gov.au

Contact us at
information@datacommissiонер.gov.au

