

1. Do you think the distinction between data sharing and data release is clear? How could this distinction be clearer?

The distinction is clear enough for anyone working with data.

2. What are the challenges for open release of public sector data?

Varied processes due to differences in mechanism of sharing data by departments, states or federal rules/ legislation. This leads to lengthy complicated processes that possible conflict.

Multiple location to find data (data.gov.au, qld.data.gov.au, ...)

Missing dictionaries that work across governmental boundaries.

3. Do you think the Data Sharing and Release legislative framework will achieve more streamlined and safer data sharing?

It will create a streamlined approach on the federal level. Ideally the states and territories adopt the same approach and process. Each state could have a data commissioner that sits in a national data commissioners board. Data is of value when combined across governmental boundaries (federal, state, local) ensuring a streamlined process across levels of government would be ideal.

4. What do you think about the name, Data Sharing and Release Act?

The name is clear.

5. Do the purposes for sharing data meet your expectations? What about precluded purposes?

Assurance and compliance definitely needs to be excluded to ensure public trust. There are processes in place for national security and law enforcement so excluding that purpose will help the sell-ability of the legislation.

6. What are your expectations for commercial uses? Do we need to preclude a purpose, or do the Data Sharing Principles and existing legislative protections work?

Commercial use is essential, many commercial entities own data of massive interest. If they were to be exclude it would make convincing commercial entities to share data sources harder. A recent publication from the World economic Forum highlighted the value in private-public data collaborations: *Data Collaboration for the Common Good. Enabling Trust and Innovation Through Public-Private Partnerships, April 2019, World Economic Forum*

It is important that any data project where commercial value is created out of sharing government data, the creation of common good must be a primary goal and the commercial value creation a secondary objective. This will be essential to ensure public trusts of the legislation and process of sharing government data.

7. Do you think the Data Sharing Principles acknowledge and treat risks appropriately? When could they fall short?

The challenge will arise when multiple datasets that are deemed safe are combined from different sources that fall under different rules/oversight; A project where federal, state and private data is combined could all have individual datasets of little risk but when combined drastically increase the risk level. As the current legislation & process seems to indicate it will prioritise federal data this could be a potential shortfall.

8. Is the Best Practice Guide to Applying Data Sharing Principles helpful? Are there areas where the guidance could be improved?

The guide is good.

9. Do the safeguards address key privacy risks?

The safeguards address key privacy risks.

10. Are the core principles guiding the development of accreditation criteria comprehensive? How else could we improve and make them fit for the future?

Accreditation of institutes and individuals is good top-down mechanism to ensure all participating players adhere to a common rule set. What is currently lacking is a bottom-up approach, it would be interesting to investigate the concept of a data oath with the data commissioner. The Hippocratic oath is meant to create a common agreed ruleset with medical practitioners. A data oath could be similar; any data professional has the potential to severely impact society when using data of certain levels of sensitive. A data oath could help underpin a series of common values around creation of common good.

11. Are there adequate transparency and accountability mechanisms built into the framework, including Data Sharing Agreements, public registers and National Data Commissioner review and reporting requirements?

The transparency mechanisms are sufficient. To ensure ongoing support from the public the National Data Commissioner should identify ways to educate the general public of the benefits of the data sharing and legislation act. Good use cases where sufficient common value has been created could be showcased on white papers, podcasts, documentaries, ... Ensuring the public understand why data is shared and what value is being created for them will be crucial for ongoing support and will create the resilience required to withstand a negative news story.

12. Have we achieved the right balance between complaints, redress options and review rights?

Yes

13. Have we got our approach to enforcement and penalties right for when things go wrong? Will it deter non-compliance while encouraging greater data sharing?

It is, to ensure common understanding the commissioner would be good to set-up a board for review of severe cases. The members of this board could come from accredited data service providers. This will ensure the cases are reviewed by different experts but also will ensure the rules are understood and interpreted the same by all accredited data service providers

14. What types of guidance and ongoing support from the National Data Commissioner will provide assurance and enable safe sharing of data?

Training & infrastructure.

Attempt to homogenise the sharing of data beyond the federal level into the state and local level.