

NDIA Response to Discussion Paper and Privacy Impact Assessment on Data Sharing and Release Legislative Reforms

The NDIA has recently approved and released its inaugural [NDIS Public Data Sharing Policy](#). Greater access to data is a critical element to a successful National Disability Insurance Scheme. It gives NDIS participants the opportunity to exercise choice and control in reaching their disability care goals, informs policy development, creates competitive innovative markets and builds community confidence in the NDIA. The policy explains what data the NDIA will share, with whom, for what purposes and how the NDIA makes decisions in releasing data.

The NDIA policy was heavily informed by the Data Sharing and Release Framework as well as the *Five Safes Framework*.

Overall, the Data Sharing and Release Framework was easy to follow and was useful in building an NDIA specific approach to public data sharing.

The NDIA thanks the Office of the National Data Commissioner for the opportunity to provide feedback on the proposed framework. Our feedback is based on the experience of using the framework to develop our policy.

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

The distinction between sharing and release was made clear in the discussion paper, but did not reflect the operational choices of the NDIA. Rather than viewing “release” as open data only and sharing as “sharing for specific purposes”, the NDIA has rolled it all into one decision-making process.

The NDIA views *any* data that leaves the organisation as being ‘released’. ‘Sharing’ is considered as *could* we share data, while ‘release’ considers under what conditions *would* we release data. Data sharing is whereby risks and controls are identified in a data request, data release is methods of release and how the risks are mitigated.

In the NDIA policy, sharing and release can be defined as 2 steps in the process of releasing data. To this end, the NDIA can perform a risk assessment for release and deem it suitable for open data, tailored release or to not release the data in one process rather than creating a distinction between the two.

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

What about precluded purposes?

Yes, the purposes for data sharing has met expectations. The spectrum of uses which are considered in data sharing, such as the distinction between policy and research versus specific data arrangements is supported by the NDIA.¹ The decision to include 'service delivery' as being within the scope of the legislation is a primary consideration in data sharing from an NDIA perspective. The inclusion of service delivery will enable organisations to better coordinate and streamline services for citizens.

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?

NDIS open de-identified data can be used for commercial purpose. However, as per the NDIS Public Data Sharing Policy the NDIA will not enter into data sharing agreements or provide tailored data for commercial purposes. This is consistent with the position stated in the draft Data Sharing and Release Framework.

The NDIA is currently considering its position within the context of APIs and the potential commercial advantage this type of data exchange may present. The NDIA would be interested to seeing Commonwealth Data Commissioner consider APIs and government data sharing given the increasing trend of API-enabled digital business.

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¹ Data Sharing and Release Legislative Reform: Discussion Paper, figure 5.
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