



Competitive Edge Technology
The Human Resource Consulting Division
Established 1994

Submission – Data Sharing and Release Legislative Reforms

12th October 2019

Based on Discussion Paper and Privacy Impact Assessment on Data Sharing and Release Legislative Reforms

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- Life Fellow of the Australian HR Institute
- Member of working groups with the ISO / TC 307 Blockchain and Electronic Distributed Ledger Technologies developing global standards for blockchain technology
- Member of consultation group providing input to the National Blockchain Roadmap Credentialing subject. Credentialing will require public and private data sources for the private data verification process

*This submission contains **my individual view** of the proposed legislation and endorsement of comments from the various membership bodies has not been sought prior to submitting this document. Attendance at the public consultation meeting on the 10th October 2019 did not permit sufficient time to discuss points made in this submission and gain endorsement.*

*The comments are provided by looking through the lens of new **blockchain technology** and the capability to enable ownership of private data by an individual, the ability to grant access online to requestors, the ability to verify qualification claims in real time and revisit some of the Privacy Act exemptions to employers that could now be impacted by the kind of data required by companies as part of an employment event.*

Format

Based on the Data Sharing and Release legislative Reforms Discussion paper

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General comment

Comment:

As mentioned in Galexia's **Privacy Impact Assessment** document the name of the Bill could be better described. They suggested splitting the name (Sharing and Release), but I think a broader description is necessary

I think the **Data Collection, Storage and Availability Regulation** would better describe the nature of the legislation and the focus on technology that the Bill sets out to regulate.

1. Setting the Scene: Australia's data reform agenda

Comment:

Page 7 Regarding consent

The inherent complexities of consent is gradually being solved by the ability of blockchain technology to grant permission to requests for data. New "data wallets" and apps give individuals the ability to give access to, or even sell, their data. This assumes the data is identifiable.

The legislation wording should anticipate this feature becoming more prevalent, in the near future, and make it an optional way of granting consent.

Page 8 Regarding the accreditation process

In a private enterprise blockchain, the type used for employee data, there are governance rules and consensus process that approves all transactions. There would be no additional accreditation rules or external bodies to be involved. Where credential verification is sought from universities and government agencies the requests would come from individuals, or their own registered bodies, and no additional formal accreditation would be needed.

2. Data Sharing and Release framework

Comment:

Page 14 Regarding data custodians

In the HR world data custodianship is considered a delegated responsibility from the organisation to the HR professionals. In the legislation this could be referred to as a company delegated role. That would make accountability for safeguards more specific.

Page 19 Regarding open data

Blockchain private data can easily be de-identified (and re-identified) and aggregated data sets for analysis would comply with privacy legislation. The legislation could possibly classify data sets according to the source before they become available for secondary processing.

3. Sharing Data for Public Benefit

Comment:

Page 24 Regarding Government service delivery

Employment assistance will be enhanced by blockchain credentialing, which will have the ability to store skills, competencies, previous job experience, etc. The legislation must enable access to that data by Government data custodians.

Superannuation default accounts must belong to a person's private data record (recommended by Banking Royal Commission and Productivity Report). The legislation should identify that as a requirement and it should be phased in as the blockchain technology proliferates through industry.

4. Strengthening safeguards

Comment:

Page 30 Regarding Data Sharing Principles

The principles are not cohesive and focused on an outcome. The principles should address:

- Why data is collected (purpose)

- How data is stored (for security and cyber-crime protection)

- When data should be available (the circumstances requiring access and the duration of the need)

Page 33 Regarding consent

The context in which data consent is mentioned on this page goes beyond blockchain stored personal data and integrates with off-chain data. It is still possible for a person to remain anonymous by only bringing across de-identified data. The legislation should recognise unit level or anonymous data that does not require consent.

5. Building trust through transparency

Comment:

Page 35 Regarding trust and transparency generally

The legislation should recognise the modern blockchain technology features of immutability and consensus to deliver trust to the blockchain community and relate that to the data sharing environment covered by the legislation.

6. The National Data Commissioner's oversight of the data systems

Comment:

Page 43 Regarding governance to manage the use of data

As governance committees are formed to set the rules for private enterprise blockchain usage perhaps a step in the setting up of the rules includes a stamp of approved from the Data Commissioner before those rules are implemented

Page 44 Regarding "high risk integration projects"

In the blockchain environment there will be integration with company data and third parties for credential information. As part of the blockchain governance rules an audit of integration connections should be necessary, especially where off-shore integrations connect to countries where different data regulations exist.

7. When things go wrong

No Comment

8. What's the plan from here?

No comment