



Australian Government

Department of the Prime Minister and Cabinet

# Data Availability and Transparency Bill

Department of the Prime Minister and Cabinet

Office of the National Data Commissioner

# Why are we developing the legislation?

## The Data Availability and Transparency Bill will:



Help deliver better Government services and improve policy



Support world class research and development



Put in place consistent rules for public sector data sharing



Create a National Data Commissioner to oversee the scheme

“Improved data access and use can enable new products and services that transform everyday life, drive efficiency and safety, create productivity gains and allow better decision making.”

“Recommended reforms are aimed at moving from a system based on risk aversion and avoidance, to one based on transparency and confidence in data processes, treating data as an asset and not a threat.”

(Productivity Commission, Final Report on *Data Availability and Use*, March 2017)

# Driving better data practices, attitudes, and culture

## More consistent data sharing

Consistent data governance practices reduce transactional costs/time and build trust.

Standardised approaches through e.g. DSPs, DSA template

Trust and assurance of users of data through e.g. requiring them to be accredited

## Added safeguards

Data sharing scheme provides an optional and safe pathway to share.

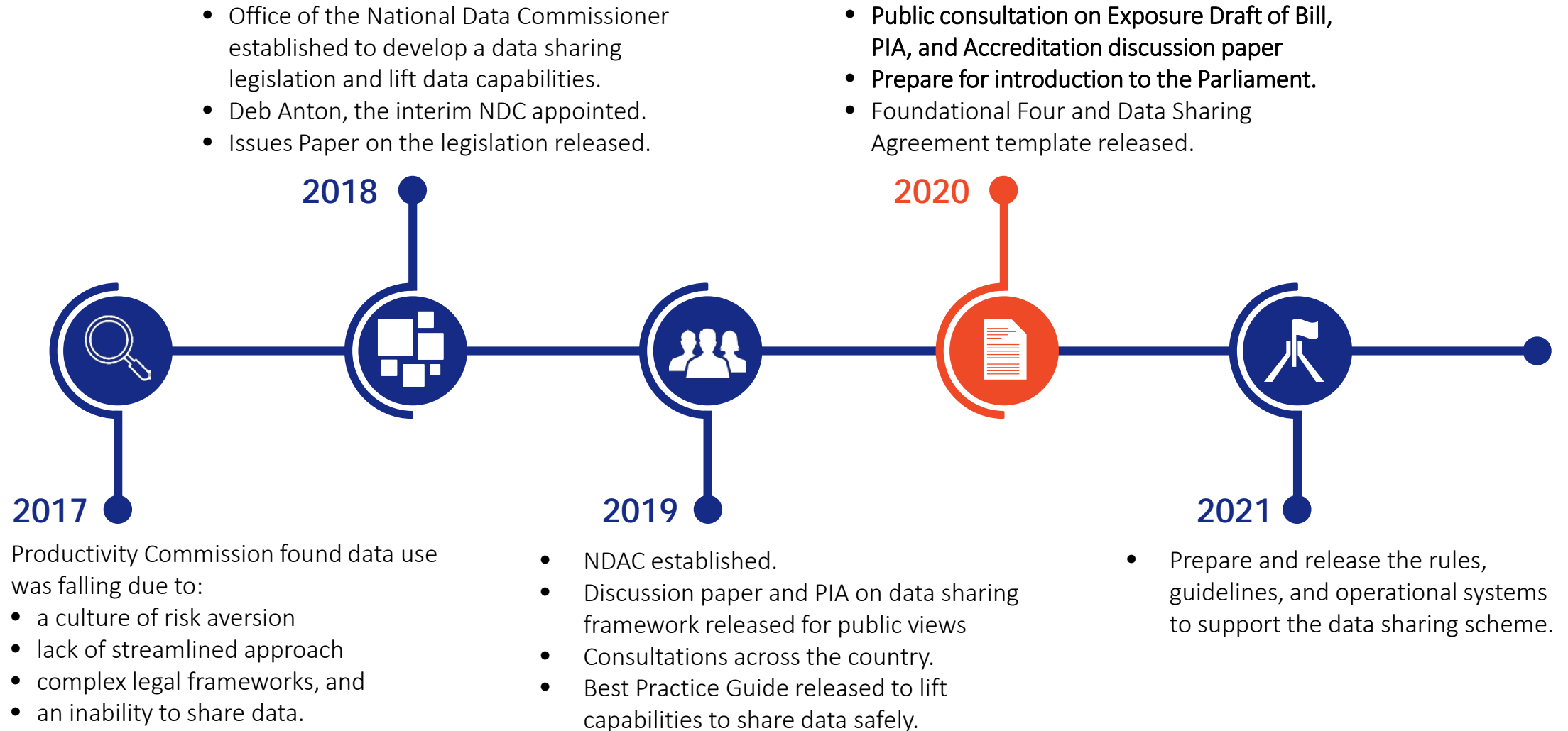
Easy to use and modernised scheme underpinned by transparency and oversight.

## Authority to share

Data sharing scheme established by the legislation provides authority to share where currently limited, provided safeguards are met.

**Streamlined,  
modern and  
safe data  
sharing**

# We have arrived at a significant milestone in data reforms



## Data Availability and Transparency Bill overview

**The Data Availability and Transparency Bill will authorise sharing of public sector data by data custodians with an accredited user, only for the permitted data sharing purposes and only if effective safeguards are in place.**

Informed by a wide range of views, the ONDC has developed the Bill using privacy-by-design approach.

The principles in the Bill will be supported by clear, detailed, and consistent rules and guidance to ensure any privacy impacts are reasonable, necessary and proportionate.

# Data Availability and Transparency Bill roles and responsibilities

## The Bill creates new roles and responsibilities to streamline data sharing

A Commonwealth body is the **Data Custodian** of public sector data they control and have the right to deal with.

**Accredited Data Service Providers** will act as intermediaries to enable data sharing where agencies are limited by their technical capabilities.

**Accredited Users** will have the right skills and capabilities and organisational support to access data and use it safely.

The **National Data Commissioner** will provide oversight through accreditation and enforcement.

# The Bill only allows sharing for permitted purposes

## Permitted purposes



Government service delivery



Informing Government policy and programs



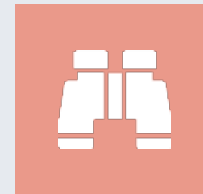
Research and development

## Precluded purposes



Enforcement related purposes:

- Law enforcement
- Compliance



National security purposes, including:

- Unlawful activities that prejudice national security
- Activities to protect national security

# Layers of defence in the Bill build integrity and safety in the data sharing scheme



Data sharing principles to promote safe data sharing

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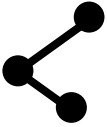
Data sharing agreements to build consistency and accountability in data sharing

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Accreditation to regulate entry into the scheme and provide oversight

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The data minimisation requirement means no more data can be shared than necessary

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Data Custodians have no duty to share data under the Bill

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Strong transparency measures to make information about data sharing public

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An independent National Data Commissioner to provide oversight and advocate for best practice

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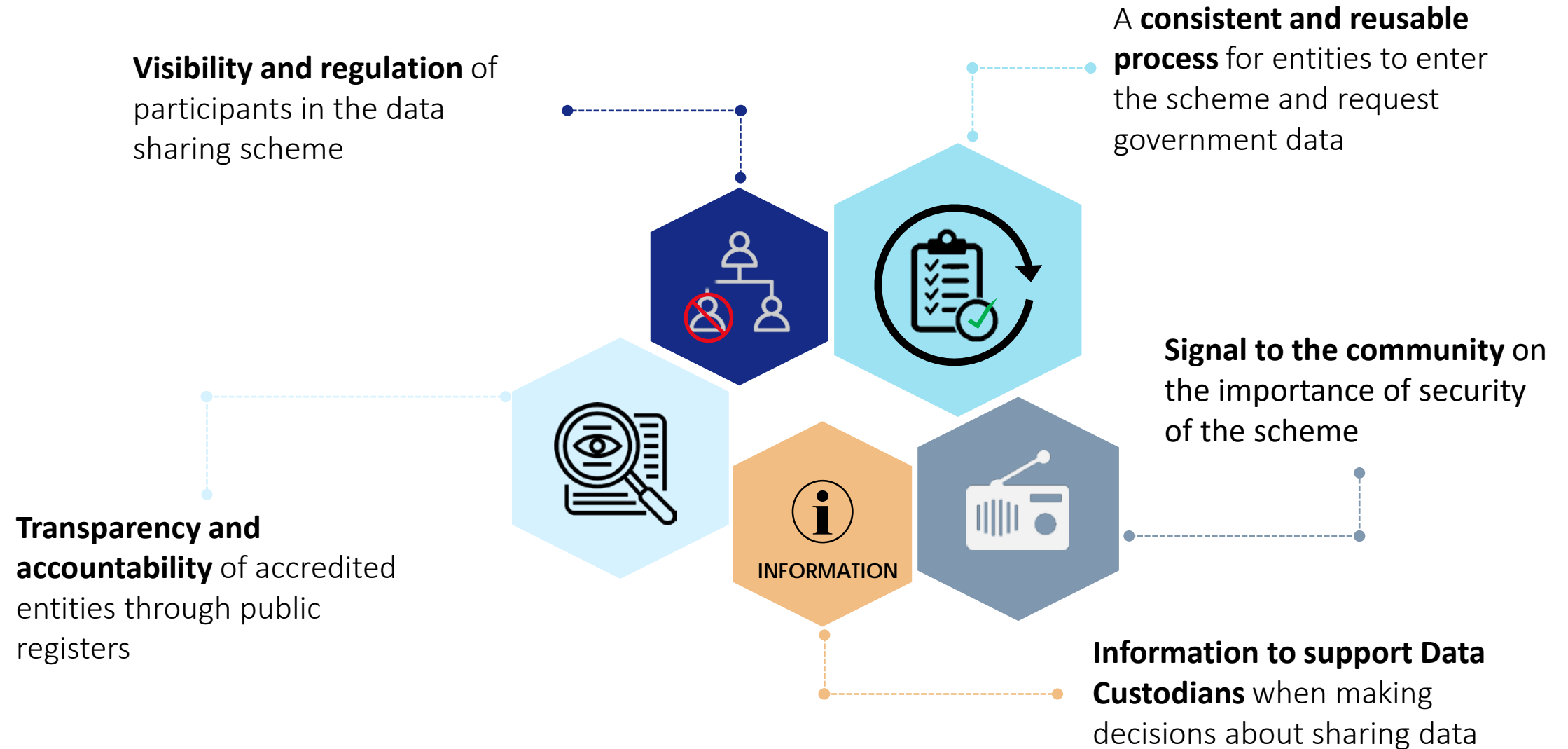


Redress and complaints to address when things go wrong

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# Accreditation serves a number of purposes in the data sharing scheme



# Your feedback will help us get the reforms right

Following this consultation period:



we will consider your feedback on the exposure draft of the Bill



refine the Bill for Government consideration



develop the rules, guidelines, and systems to support implementation

# Questions?

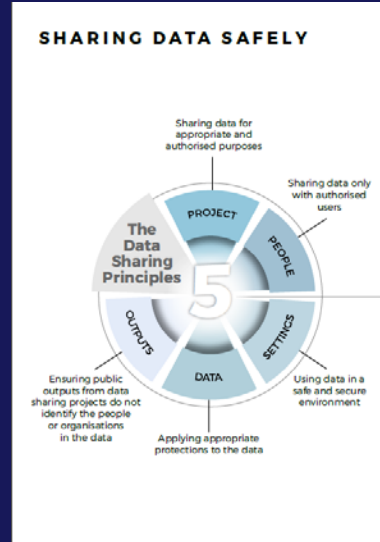
# Thank you



[The Foundational Four](#)



[Data Sharing Agreement Template](#)



[Data Sharing Principles guidance](#)

For any questions or further information, contact the team at:

[datalegislation@pmc.gov.au](mailto:datalegislation@pmc.gov.au)

Resources available on [www.datacommissioner.gov.au](http://www.datacommissioner.gov.au)