

Data sharing under the DATA Scheme

Established under the [Data Availability and Transparency Act 2022](#) and managed by the Office of the National Data Commissioner (ONDC)

STEP	KEY ACTIONS	TIMEFRAME
1 Accredited user makes a written request for data	Request Accredited user makes a written request to a data custodian through Dataplace . Dataplace supports requestors to provide all the relevant information that a data custodian will need to make a decision. If you submit your request outside of Dataplace you should seek to include the following information: <ul style="list-style-type: none"> • Statement that the request is being made under the DATA Scheme • Purpose of the request • How your project and data governance meet the data sharing principles Further detail is set out in the Office of the National Data Commissioner (ONDC) guidance note (2023:12) Making and responding to data sharing requests .	Data custodian should acknowledge receipt as soon as possible (e.g. 1 week) and must consider the request within a reasonable period (e.g. 1 month).
	Assess and consider Data custodians are not required to share public sector data; however, their starting position should be to share, unless there is good reason not to. Data custodians should consider ONDC guidance note (2023:12) Making and responding to data sharing requests . There are circumstances where the data custodian must not share data under the Act. For further guidance refer to guidance note (2023:6) When sharing is barred under the DATA scheme .	
2 Data custodian receives and considers a request for data	Does the data custodian agree to share data under the DAT Act?	
	Yes, in principle Data sharing requests do not need to be perfect or complete for them to be approved 'in principle' by a data custodian. Data custodian can withdraw agreement at any stage during step 3-4. Data will not be shared until after steps 4-7 have been completed.	No Data custodian may choose to share the data relying on other legislative authorisations. An accredited user may make a complaint to the National Data Commissioner if they are dissatisfied with the response from the data custodian.
3 Data custodian responds to the accredited user	DAT Act process ends here	
	Collaborate Data sharing agreements under the DAT Act must contain certain information for sharing to be authorised. Parties to the agreement should: <ul style="list-style-type: none"> • use Dataplace to prepare a data sharing agreement or contact ONDC if you require advice on developing a data sharing agreement outside of Dataplace; • liaise with their legal counsels to ensure that the agreement meets their needs; and • ensure the agreement is signed by each parties' Authorised Officers Further detail is set out in the guidance note (2023:11) Guide to Registering Data Sharing Agreements .	Timeframes depend on the complexity of the agreement.
4 Data custodian and accredited user collaborate and enter into a data sharing agreement	Will data sharing involve foreign nationals?	
	Yes, complete steps below The <i>Data Availability and Transparency (National Security Measures) Code 2022</i> sets out additional requirements that must be met for foreign individuals to access data for a project. The responsible user (e.g. accredited user) must: <ul style="list-style-type: none"> • Requirement 1: provide ASIO with an electronic copy of the signed data sharing agreement and the details about the individuals as outlined in the guidance note (2023:8) Foreign individuals - DATA Scheme requirements and notify the data custodian that ASIO has been provided with the relevant documentation (s 6(3) of the Code); and • Requirement 2: wait at least 14 days from when the material was provided to ASIO to ensure no concerns are raised. The absence of a response after 14 days means an entity can proceed to registration. Confirmation must be provided in writing to the data custodian that the relevant material has been provided to ASIO and no concerns have been raised. 	No, proceed to step 6 Data custodian submits the signed data sharing agreement to the National Data Commissioner for registration.
5 Accredited user submits the signed data sharing agreement to ASIO	Reach agreement To lodge a signed data sharing agreement for registration the data custodian must use Dataplace or send the following information to information@datacommissioner.gov.au : <ul style="list-style-type: none"> • a PDF version of the agreement, signed by all parties' authorised officers; and • a statement indicating whether the agreement permits a foreign individual access to shared data; and • where applicable, confirmation that at least 14 days have passed since the material was provided to ASIO and indicate whether any concerns have been raised by ASIO. 	Data Sharing Agreement must be lodged with the National Data Commissioner no later than 30 calendar days after the data sharing agreement is signed.
	Share data The ONDC will undertake an assessment of the data sharing agreement to ensure that it contains information required by the DAT Act. If insufficient information is provided, ONDC will contact the data custodian to request that information ahead of progressing registration of the agreement, which may lead to delays. As soon as parties are advised that the data sharing agreement has been successfully registered, they can commence data sharing. Data sharing using the DATA Scheme must not occur before registration of the data sharing agreement.	Registration will generally occur within 1-3 business days , and all parties to the agreement will be notified upon registration.
6 Data custodian submits the data sharing agreement with the National Data Commissioner for registration	7 National Data Commissioner registers the data sharing agreement and sharing starts	