



Australian Government
Office of the National Data Commissioner

ONDC

DATA Scheme Working Group

Findings and actions

November 2024

About the DATA Scheme Working Group




- The Office of the National Data Commissioner (ONDC) established a Working Group to **identify the key issues that impede uptake of the DATA Scheme under the DAT Act and identify potential solutions**
- The findings will:
 - help the ONDC improve its operationalisation of the DATA Scheme
 - feed into the Commonwealth's considerations for the scheduled statutory review of the DAT Act
- The Working Group considered issues over a set of 8 focus topics

DATA Scheme focus topics

- Accreditation
- Exits and outputs
- Data sharing purposes and projects
- Data sharing agreements
- Scope
- Interaction with other legislation
- Definitions
- Dataplace

Key findings

- There was strong alignment on the issues raised among the Working Group
- There was a range of views on the restrictiveness as opposed to the flexibility of the DATA Scheme, including the Scheme's capacity to address certain issues under current settings
- Challenges inherent in implementing a new system include additional costs and cultural factors
 - ONDC needs to consider how to further reduce implementation and transaction costs in adopting the Scheme
 - ONDC needs to provide a clearer value proposition to guide when and how the Scheme should be used



ONDC considers the Scheme can accommodate many of the outcomes sought





ONDC acknowledges it has work to do to clarify and communicate its regulatory position about the way the Scheme operates

ONDC must do this in a way that reflects the flexibility Scheme participants are looking for








Issues summary

Overarching	The role and value proposition of the DATA Scheme is unclear
Scope	There are restrictions on direct participation for certain entities
Accreditation	The value of accreditation is not consistently recognised
	The accreditation process is viewed as requiring considerable time and effort and the basis for assessment is not well understood, which leads to inefficiency and a lack of clarity
State and territory data sharing	States and territories do not have equivalence with their Commonwealth counterparts in DATA Scheme projects, which can impede two-way data sharing and parity in joint data sharing projects
Projects	The data sharing project boundary can be limiting
Data sharing agreements	Data sharing agreements are long and complex
Exits and outputs	Managing the exit of output from the Scheme is unclear and confusing
Interaction with other legislation	There is a lack of clarity on how the DAT Act override interacts with other secrecy provisions and privacy legislation
Dataplace	Approvals within Dataplace are inefficient and some data custodians are not using Dataplace fully
Definitions	DAT Act terms and definitions do not align well with current data sharing practices and their use in other legislation

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Type of action	Theme	ONDC Action(s)	High priority if red
Systems/forms/process	Data sharing agreements (transaction and implementation costs)	<ul style="list-style-type: none"> Finalise streamlined data sharing agreement template Publish accompanying material on data sharing agreement requirements 	 
	Commissioner's advice	<ul style="list-style-type: none"> Introduce process for Scheme entities requesting advice from the National Data Commissioner about how the Scheme applies (or would apply) in particular circumstances, supported by guidance about how such advice can be relied upon. 	
	Dataplace (transaction and implementation costs)	<ul style="list-style-type: none"> Promote integration/interface between Dataplace and data custodians' internal system(s) for DATA Scheme projects Embed automated data sharing agreements through Dataplace using streamlined template in downloadable and editable format Streamline requirements for authorisations in Dataplace and for data sharing agreements 	
Subordinate legislation	State and territory data rights	<ul style="list-style-type: none"> Implement code or guideline to clarify role of state or territory agencies, including: <ul style="list-style-type: none"> - how their rights are able to be protected; and - how the Scheme can facilitate supply of their data Implement guideline to clarify how data sharing agreements can allow for the curation of the output by a party to the agreement 	

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Type of action	Theme	ONDC Action(s)	High priority if red		
Guidance notes	Various	<ul style="list-style-type: none"> Clarify the status of guidance Exit of data from the DATA Scheme Data sharing purposes Data sharing principles Scope of projects permitted under the DATA Scheme Indirect access for non-Scheme entities DAT Act statutory override and interaction with other legislation Managing machinery of government changes Appointing a data custodian, including the right to deal and guidance for lead data custodians when data requests include ‘additional custodians’ who are not yet onboarded onto Dataplace Authorised officers and authorised individuals Application of the Scheme to states and territories 	    		
		Publication/communication products	DATA Scheme value proposition	<ul style="list-style-type: none"> Publish material explaining the ‘value proposition’ for DATA Scheme (e.g. ‘why use the DAT Act’), supported by: <ul style="list-style-type: none"> - data sharing use case scenarios - decision tree demonstrating scope of the Scheme 	
			Accreditation/trust	<ul style="list-style-type: none"> Publish material to support custodians reliance on the accreditation process Develop process for sharing or facilitating disclosure of specific information about accredited entities to custodians 	

Next steps

- ONDC has started implementing the actions and aims to complete the high priority actions by early 2025
 - New products will be published on ONDC's website as they are completed
 - Advice on completion of systems/tools improvements will be provided to Scheme participants and through the DataPoints newsletter
- The Working Group agreed there would be value continuing as a consultative/reference group for the Scheme
 - ONDC will establish this under revised terms of reference and refreshed membership by early 2025

1. Implement high priority actions by early 2025
2. Form a consultative/reference group for ONDC to enable Scheme participants to use the Scheme with confidence

Working Group members and consultation



- The Office of the National Data Commissioner established the Working Group in April 2024
- Members were invited from states and territories, as well as from Commonwealth agencies partnering on the National Disability Data Asset
- The Working Group met 9 times between April and September 2024
- Additional feedback was sought from the university sector and from state and territory agencies who were not standing members of the Group

Member agencies

Office of the National Data Commissioner

Australian Bureau of Statistics

Australian Institute of Health and Welfare

Department of Finance

Department of Health and Aged Care

Department of Social Services

Qld Department of Transport and Main Roads

WA Department of the Premier and Cabinet

More information

Dataplace:

Use Dataplace to make requests for Australian Government data.



www.dataplace.gov.au

Data place training environment: <https://dataplace-preprod.powerappsportals.com/>

Subscribe to DataPoints:

APS-wide data news and updates from the National Data Commissioner straight to your inbox!



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Find DATA Scheme Guidance and register for information sessions:



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Contact the ONDC:



information@datacommissioner.gov.au

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