

Data Availability and Transparency Act Scheme



Data Availability and Transparency Act 2022

Provides legislative authorisation and override with appropriate safeguards.



National Data Commissioner



National Data Advisory Council

DATA Scheme safeguards

DATA Scheme operation

DATA Scheme safeguards

Data sharing purposes

Sharing of Australian Government data must be in the public interest and for one of three purposes:

- government service delivery
- informing government policy and programs
- research and development.

Data cannot be shared for the purpose of enforcement or compliance.

Accreditation

- Commonwealth, state and territory government bodies and Australian universities can apply to be an Accredited User or Accredited Data Service Provider.
- The Minister or National Data Commissioner may grant accreditation and have the power to suspend, vary or cancel the accreditation.
- The Commissioner maintains oversight of all accredited entities.

Data requests

- Data Custodians have no duty to share, however, must provide reasons to Accredited Users if refusing a Data Sharing Request.

ACCREDITED USERS

Commonwealth, state and territory government bodies and Australian universities can obtain and use Australian Government data.

DATA CUSTODIANS

Data Custodians are Australian Government bodies. Some bodies and their data are excluded from the Scheme.

ACCREDITED DATA SERVICE PROVIDERS

Commonwealth, state and territory government bodies and Australian universities who can provide specialised data services such as complex data integration, de-identification and/or secure access services to support data sharing projects.

Regulation and compliance

The National Data Commissioner's regulatory functions include:

- accreditation
- handling complaints
- assessments and investigations and taking enforcement actions such as issuing infringement notices and directions, seeking injunctions, and civil and criminal penalties
- transferring matters to another appropriate authority.

Transparency and reporting

The National Data Commissioner must:

- Keep public registers of the Agreements, Accredited Users and Accredited Data Service Providers.
- Prepare an Annual Report on the operation of the DATA Scheme and the Commissioner's and the Council's activities.

Data sharing principles

- Data sharing principles must be applied to all data sharing.
- The principles manage data sharing risk by applying controls on the project, people, setting, data and output.

Privacy protections

- The DATA Scheme works with the *Privacy Act 1988* to protect personal information.
- The privacy protections minimise the sharing of personal information, prohibit the re-identification and storage of data or access of personal information outside Australia.
- Express consent is always required to share biometric data.

Data Sharing Agreements

- Arrangements, including application of the data sharing principles, must be documented in a Data Sharing Agreement.
- Agreements that meet Scheme requirements must be registered by the National Data Commissioner to take effect.



Dataplace

A digital platform for scheme participants and others to manage data requests and support administration of the DATA Scheme.



Australian Government Data Catalogue

Integrated with Dataplace, researchers and others can use the Catalogue to find data assets held by Australian Government agencies.