15th October 2019

Ms Deb Anton
Interim National Data Commissioner
Office of the National Data Commissioner
PO Box 6500
Canberra ACT 2600

Dear Ms Anton

Re: **Data Sharing and Release Legislative Reforms Discussion Paper**

Thank you for the opportunity to comment on the Data Sharing and Release Legislative Reforms Discussion Paper.

Situated in the Faculty of Built Environment at UNSW Sydney since 2005, City Futures Research Centre is a national leader in scholarly applied urban research. We regularly undertake research projects involving both public and confidential data from the Australian Government, other levels of government and other organisations.

We endorse the proposed Data Sharing Principles, or "five safes" approach, and apply it within our own data governance framework at UNSW Sydney.

We support establishment of a permanent independent Data Commissioner charged with protecting privacy while promoting beneficial data sharing, supported and advised by a National Data Advisory Council.

We support the development of a national data system to streamline data transfer between national government, states and territories and local government. Such a system if properly implemented will assist our research greatly.

We believe accreditation for government data sharing is beneficial if appropriately implemented. The process to gain accreditation should be comprehensive yet streamlined. It is important that the accreditation framework accelerates access to data and does not create more barriers. Open standards and requirements for accreditation should be developed in consultation with the user community.

In the case of tenancy data shared by government agencies, in our experience quality assurance is frequently an issue. Processes are inconsistent between agencies and even between different staff within an agency. Good practices, training and tools must be embedded to ensure that relevant information is collected, recorded and updated when needed.

From a housing perspective, especially in the context of tenancy management transfer programs, important information about the tenants and/or the properties they live in (e.g. support requirements, maintenance and repair needs) is often not available because of outdated computing systems and processes in use by agencies. In some cases information is incomplete because individual staff have varying practices in terms of the depth or extent of data they input.

In terms of Australian Housing and Urban Research Institute (AHURI) research, the annual research agenda is set by state housing agencies, yet these agencies still encounter difficulty in supplying the data necessary for their selected projects. The barriers here are internal practices and over-complex procedures. We hope the new data sharing and release framework will mitigate these issues.

It would be beneficial to explore development of standard clauses for Data Sharing Agreements that can be readily understood and reused where appropriate. These could cover, for example, certain review requirements, or aspects of how data will be protected and risks managed. Such an approach will improve consistency and will facilitate informed consent. It could be guided by the successful Creative Commons model, e.g. using icons and plain English text to compliment the legal language.

Further, the Australian government should look at adopting or where appropriate take a leadership role in open data standards through organisations such as the Open Geospatial Consortium (OGC). Consistent use of such standards across government can make a great difference in streamline data sharing as well as the release of open data.

The decision to preclude compliance as a purpose of data sharing is prudent. Consent to data sharing is a part of a much bigger picture, involving the erosion of public trust of government and surveillance overreach in the name of national security, as evidenced in demands for an Australian Bill of Rights.

We strongly endorse the need for guidance to ensure consistent application and welcome the Best Practice Guidelines. While a clear legal framework is critical, it is also important to emphasise resource training and cultural change within agencies and data receiving organisations. For example, at UNSW we have the City Analytics Program (https://www.be.unsw.edu.au/degrees/postgraduate-coursework/master-of-city-analytics) which aims at training the next generation of city planners, designers and policy-makers in data driven methods. Such educational offerings provide a forum to educate professionals with knowledge around open data, big data, AI, MI and Data ethics which is an important part of a national data sharing culture.

Warm regards,

Professor Chris Pettit
Chair of Urban Science
Associate Director City Futures Research Centre