

Thank you for the opportunity to provide comment on the recent Data Sharing and Release Legislative Reforms Discussion Paper. My apologies for the delay in providing this combined Department of Housing and Public Works/QGCIO response.

We have appreciated the opportunity to receive further information on the proposed reforms and provide input as part of the recently completed roundtable consultation process.

In reviewing the proposed reforms, there are four areas that we wish to comment on:

- Consent – As was acknowledged during the roundtable discussions, the proposed approach in relation to consent as part of the legislative reforms is contentious and will need careful consideration, development and implementation. We note that the discussion paper (section 4.6, page 33) indicates the proposed approach will be similar to the European approach in the General Data Protection Regulation (GDPR) but no further detail is provided regarding “how similar” this approach will be in the proposed legislative reforms. The Discussion Paper acknowledges the importance of public trust and confidence in governments’ capacity and capability to collect, securely store and appropriately use citizens’ data. This is an important priority for our Minister and this department. It is also a clear priority for the Australian Data and Digital Council (ADDC). At a minimum, when sharing data under the ‘Government Service Delivery’ purpose test, obtaining consent should be made mandatory under legislation. Failing to empower users to control how their data is used in a service delivery context (digital or face-to-face) will negatively impact on our ability to develop and maintain trust and confidence.
- Accreditation – While the concept of accredited users is workable in a research context, the application of this concept to service delivery is going to be problematic. For example, in our department’s Housing and Homelessness Services (HHS) having access to a client’s Centrelink payment information would be invaluable in assessing and then helping to sustain a housing tenancy. In this example, the Centrelink information would be consumed by, and surfaced within FOPATS (an information system for Housing Service Centre staff). It is our understanding, for this to work, under the proposed accreditation scheme:
 - the Department of Housing and Public works would need to be accredited first as an organisation;
 - FOPATS as a system would need to be accredited/assured, and then integrations developed and deployed; and then
 - every staff member that has a role in FOPATS that has access to that data would also need to be accredited.

While the logic in relation to the concept is sound, the proposed accreditation approach needs to be carefully thought through – it has the potential to add a significant overhead to the onboarding process for FOPATS new users. This is just one example of many potential service delivery examples across the sector.

- Application of Commonwealth Privacy Act – We note that you’ve already received a submission from the Queensland Information Commissioner which raises concerns in relation to the proposed application of the Privacy Act 1988 to Queensland entities that wish to use

Commonwealth data under the proposed legislative reforms. As noted by the Queensland Information Commissioner, the application of the Privacy Act 1988 to this State raises complex legal and implementation issues for government and participants and further consultation in relation to implementation of the proposed legislative reforms will be required.

- National Data System – It's noted the ONDC's desire to work towards building a national system (page 15). We support this ambition, acknowledging our federal context, but note that to realise this outcome, more active engagement and involvement of the ADDC will be required. Ideally, the ADDC should be involved in relation to the consultation process for the current proposed legislative reforms.

Finally, when it comes to next steps, we understand that the draft legislation, as well as proposed draft accreditation rules and draft sensitive data codes are due to be released early next year for public consultation. We look forward to actively participating in further consultation activities in relation to these exposure drafts.