



6 November 2020

Office of the National Data Commissioner

<https://www.datacommissioner.gov.au/exposure-draft/submission>

## **Go8 Submission to the Office of the National Data Commissioner on the exposure draft of the Data Availability and Transparency Bill**

The Group of Eight (Go8) welcomes the opportunity to make a submission on the exposure draft of the Data Availability and Transparency Bill.

Please note that this submission represents the high-level views of the Go8, and our members may make their own, more detailed submissions.

The Go8 represents Australia's leading research-intensive universities, accounting for more than two-thirds of Australian university research activity and spending some \$6.5 billion on research annually.

Collectively, the Go8 generates a significant proportion of the sector's research data, much of which is made available to others through collaboration, partnerships and publication. A component of this research includes data collected, created or held on behalf of a Commonwealth body.

The Go8 endorses the Data Availability and Transparency Bill's goal to improve how Australia shares and uses its [REDACTED]s. We also welcome [REDACTED] National Data Commission to establishing a safe, accountable, and transparent pathway to share public sector data.

Further, the Go8 is also committed to making research data as widely available where possible, in keeping with the policies and codes under which our researchers and institutions operate, such as the Australian Code for the Responsible Conduct of Research and the policies of the two major funding bodies: the Australian Research Council<sup>1</sup> and the National Health and Medical Research Council<sup>2</sup>.

The Go8 is also a cosignatory with our international research university counterparts, to the *Sorbonne Declaration on Research Data Rights* which is based upon principles that include the open sharing of data to develop new knowledge and accelerate discoveries for the benefit of society and economic development, and a recognition of the integral role that the academic community has in identifying the complex conditions for data sharing and reuse.

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<sup>1</sup> The ARC strongly encourages the depositing of data arising from a Project in an appropriate publicly accessible subject and/or institutional repository (<http://www.arc.gov.au/funding-rules>)

<sup>2</sup> In addition to requiring metadata from any publications arising from NHMRC supported research projects to be deposited into an open access institutional repository immediately upon publication, the NHMRC also encourages researchers to share and deposit research data arising from NHMRC supported research projects through an open access database (<https://www.nhmrc.gov.au/book/nhmrc-funding-rules-2016/NHMRC-funding-rules-2016>)

These layers of commitment recognise even broader international movements such as those by the OECD<sup>3</sup> and the G8<sup>4</sup> to open up access to publicly funded research data. The Go8 recognises and embraces open access research practices as a basis for collaborative and successful research partnerships.

Go8 members engage extensively on research with the public sector using a wide range of public sector data, and with a wide range of access arrangements. Timely and efficient access to public sector data is critical to improve a range of research and public policy outcomes, a fact that is becoming all the more important in the context of the COVID-19 pandemic and Australia's post-bushfire and post-pandemic economic recovery.

The Go8 seeks to continue to actively engage with the Government once the data scheme enters implementation to ensure that all public sector access arrangements, whether optionally via the scheme or through existing pathways, are calibrated to maximise the access and research outcomes for its members in support of improved public policy.

On the administrative operation of the scheme, it would be beneficial to the Go8 to exhaustively understand the circumstances its members would be considered to hold data on behalf of a data custodian, so that its member universities can properly manage its obligations and any administrative costs that may be associated with those obligations.

### **Key points:**

1. The Go8 supports the objects of the Act as listed in the Data Availability and Transparency Bill and commends the Government's commitment to enhance and streamline efficient access to public sector data.
2. The Go8 welcomes the Government's commitment to establishing a safe, accountable, and transparent pathway to share public sector data.
3. The Go8 welcomes the approach by the data scheme that is consistent with the Go8's broad commitment to open access to publicly funded research data, with an inherent appreciation that open access research practices are a basis for collaborative and successful research partnerships.

### **Recommendations**

1. That all efforts are made to ensure that the data scheme in the Bill, whilst optional, augments and supplements the ease and effectiveness of access to public sector data for researchers rather than inadvertently supplants existing public sector data access arrangements that are working efficiently, effectively, and well.

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<sup>3</sup> OECD 2007 Principles and Guidelines for Access to Research Data from Public Funding

(<http://www.oecd.org/sti/scitech/oecdprinciplesandguidelinesforaccesstoresearchdatafrompublicfunding.htm>)

<sup>4</sup> On 12 June 2013, G8 Science Ministers committed in a Statement to openness in scientific research data and support for a set of principles for open scientific research data

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/206801/G8\\_Science\\_Meeting\\_Statement\\_12\\_June\\_2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/206801/G8_Science_Meeting_Statement_12_June_2013.pdf))

2. That the Office of the National Data Commissioner notify affected research organisations where there is an intention to replace pre-existing and well-functioning public sector data access arrangements with access via the data scheme.
3. That the National Data Advisory Council continue to maintain strong representation from the higher education and research sector, with a view to including strategic research policy representation from the sector at the Deputy Vice-Chancellor, Research level.
4. That clarification be provided in the legislation to explain the exact threshold of circumstances under which Go8 members (and other organisations or partnerships engaged in research) would be considered to hold data on behalf of a data custodian, so that Go8 members are fully appraised of their obligations and any administrative cost that may be associated with discharging those obligations.
5. That provisions be made for additional administrative costs that may be incurred by Go8 members complying with the scheme, insofar as they relate to discharging directions and instructions by data custodians to Go8 members who hold data on the data custodian's behalf.
6. That the Office of the National Data Commissioner, and the Go8 and its members, continue to actively engage in the continuing development, implementation, operation, and improvement of the scheme.

The Go8 looks forward to an ongoing engagement in the development of this legislation which is critical to Australia's future economic prosperity and societal well-being, especially during these challenging times.

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Yours sincerely



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**CHIEF EXECUTIVE**