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Office of the National Data Commissioner (ONDC)

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AURIN is funded by the Australian Government to provide access to data and analysis tools for researchers investigating the most urgent and critical problems faced by Australia's cities and regions. For example, disaster resilience; climate change impacts such as the vulnerability and exposure of the urban populous to more frequent and intense heatwaves; population dynamics including urban growth and overcrowding, and movement between rural and urban areas; transport and infrastructure, employment and the economy, health and wellbeing.

Over the past four years, more than 19,000- researchers, 90% of which are from Australia's academic sector, have accessed data and tools via AURIN. The objectives of the Data Availability and Transparency Bill 2020 (section 3 of the Bill) are of significant importance to AURIN and its stakeholders. We appreciate the recognition of the value that greater access to Australian Government data would provide to the wellbeing of Australians that is evident in the Exposure Draft. Below we respond to the major aspects of the Data Availability and Transparency Bill 2020 that we believe will impact upon AURIN, our stakeholder community and our ability to facilitate continued access to high-quality data regarding the status and dynamics of Australia's cities and regions for data led practice, policy and planning.

No duty to share

It remains challenging to see how the objectives of the Bill (s3) will be met without an imperative for data custodians to take part and adequate resourcing being available to enable them to do so. As early as the Productivity Commission's Data Availability and Use Issues Paper, it has been noted that this is a crucial factor. Data custodians typically lack the expertise (technical, ethical, and legal) to safely manage sharing of their data assets. The accreditation framework acknowledges that ensuring safe projects, data, and outputs will remain solely the responsibility of data custodians in forming sharing agreements. It is not difficult to imagine a disincentive for data custodians to participate

when faced with the issues of self-determining the risks of data sharing in addition to having to understand the accreditation framework. Availability of expertise is a crucial element for Data Custodians to support their decision-making about data sharing (Q6).

Time to data

The initial accreditation process raises concerns about the time it might take for researchers to access data.

Given the time limits typically placed on academic research funding and projects, any additional time required to access data will be a deterrent to some projects. Longer than 3-4 weeks to process applications would make the process unfeasible for many, if not most (Q9).

If a fee is applied (Q15) academic researchers will not be able make an application until their research funding is received and the time they have to complete their research is already decreasing (Early Career Researchers may be excluded from participating at all if a fee is applied).

Subjective assessments

The requirements of the proposed Act for data custodians and ADSPs to assess subjective elements such as for example assessing whether “only the data reasonably necessary to contribute to the purpose is shared...” pursuant to s13(1)(a) adds additional barriers and burden to the data access process, which contrasts with the objectives of the proposed Act (s3).

Although s13 seeks to implement safeguards for sharing public sector data in the spirit of s3(b) the approach lacks consistency due to the subjective nature of the assessment and the lack of standardisation of data sharing agreements. Limiting the amount of data based on a data custodian’s assessment of what is “reasonably” required for the data sharing purpose will limit the availability of data, provide less integrity and transparency in public sector data due to the limited availability of full datasets (once again due to data custodian’s discretion), and lastly will result in less confidence in public sector data due to the limited nature of research resulting from limited availability of public sector data.

One of the current barriers experienced by data custodians to providing public sector data is the uncertain nature of the data custodian’s ability to share data due to the lack of guidance and subjective judgement calls required to share the data. Subjective assessments within the Act will see uncertainty in the process remain and result in the same issue reoccurring, as well as having additional compliance requirements within the Act.

Without additional resourcing for data custodians to meet the requirements of the Act, the disincentives as mentioned above under the heading “No duty to share” will remain, hindering of the objectives of the Act.

Standardised data sharing agreements

AURIN currently acts as a conduit for researchers to access Government and private sector data. In this capacity and with its expertise AURIN is able to apply standardised licensing and sharing agreements. This facilitates ease of sharing for data custodians and researchers alike; reducing legal complexity, which researchers rarely have the capacity to address. The addition of standardised sharing agreements could vastly streamline the process proposed in this Bill (Q10) and better address both of the issues raised above: making it easier for data custodians to participate and reducing time to access data.

This could also increase the value that Accredited Data Service Providers are able to add for both data custodians and researchers, even if applied only to some users, such as academic researchers.

Were this to be the case, AURIN would wish to be an Accredited Data Service Provider as early as possible and to this end, the transitional arrangements would need to be able to be extended beyond current Accredited Integrating Authorities.



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