



Senator the Hon Katy Gallagher

Minister for Finance
Minister for Women
Minister for the Public Service
Senator for the Australian Capital Territory

REF: MS22-000629

Ms Gayle Milnes
National Data Commissioner
Department of Finance
One Canberra Avenue
FORREST ACT 2603

Dear Ms Milnes

Congratulations on your appointment as the inaugural National Data Commissioner. Your leadership and the work of your office will be critical to establishing a new, best practice scheme for sharing Australian Government data – the *Data Availability and Transparency Act 2022* (the Act) Scheme (DATA Scheme).

Ministerial Statement of Expectations

The Government views your role in overseeing and regulating the DATA Scheme as a critical enabler in building the Australian public's trust in the Government's data sharing practices. A well-functioning, trusted DATA Scheme will assist the Government to progress our priorities including through delivering better government services, policy and programs, and supporting research and development.

The DATA Scheme also represents an opportunity to foster strong collaborative relationships and data sharing with state and territory governments, providing the foundations for a coherent national system, and supporting implementation of the 2021 Intergovernmental Agreement on Data Sharing and any subsequent agreements.

The Government expects you and your office to engage and seek to align with other Australian data and digital regulators, and other relevant experts and stakeholders. You should use the National Data Advisory Council to inform your actions. Please also coordinate your work with the Department of Finance, the Australian Information Commissioner, the Australian Competition and Consumer Commission and the eSafety Commissioner.

The Government expects you and your office to act in accordance with the principles of regulator best practice set out in the *Regulator Performance Guide July 2021*, and strive for continuous improvement in implementing the Act and DATA Scheme.

You are expected to progress the following requirements during your tenure:

1. Continuous improvement and building trust

- Provide transparency and accountability on the DATA Scheme's operation by:
 - Maintaining a public register of Accredited Data Service providers, accredited users and data sharing agreements.
 - Developing data inventories and building an intuitive Australian Government Data Catalogue to help users find data.
- Develop clear data codes and guidelines for DATA Scheme users and the public.
- Provide clear advice to me and relevant entities on the operation and application of the Act and DATA Scheme as required.
- Advise me in exercising my powers in relation to the DATA Scheme.

2. Risk-based and data-driven

- Administer your regulatory and enforcement functions transparently and effectively.
- Maintain a Risk Management Framework.
- Promote a regulatory approach that facilitates voluntary compliance with obligations and responsibilities under the DATA Scheme, including by:
 - Maintaining information on accredited entities.
 - Handling complaints, conducting assessments and investigations, issuing directions, performing functions and exercising your powers in accordance with the DATA Scheme's regulation and enforcement framework.
 - Determining whether an entity is breaching or has breached requirements of the DATA Scheme, and taking appropriate regulatory action or commencing proceedings in response to breaches of the Act or a data sharing agreement.

3. Collaboration and engagement

- Educate and support data custodians on best practice data sharing, including Australian Government bodies participating in the DATA Scheme.
- Provide information and educational material to Commonwealth agencies to support sharing of public sector data in a controlled manner.
- Foster best practice in responding to requests to share public sector data.
- Seek opportunities to engage and consult genuinely with stakeholders.
- Be receptive to feedback and diverse stakeholder views.
- Focus on transparency in decision-making processes.

As the responsible Minister, I will advocate for an enabling environment and liaise with my ministerial colleagues when appropriate to support the work of your office.

I look forward to receiving your response in the form of a Statement of Intent within three months outlining how you will meet these expectations. I ask you make this Statement and your Statement of Intent available on your website. I would also appreciate quarterly updates on your progress.

Yours sincerely


Katy Gallagher

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