



Statement of Intent

Role and objectives

The *Data Availability and Transparency Act 2022* (Act) establishes the DATA Scheme – a best practice scheme for sharing Australian Government data, underpinned by strong safeguards and consistent, efficient processes.

The Act establishes the National Data Commissioner as an independent statutory office holder. The Commissioner is the regulator of the DATA Scheme and provides advice and guidance about its operation to the Minister, Scheme participants and others. The Commissioner's other functions are to deliver education and tools to support best practice data handling and sharing.

The Commissioner is supported by the Office of the National Data Commissioner (ONDC), who are employees of the Department of Finance.

The Act also establishes the National Data Advisory Council to advise the Commissioner on using and sharing public sector data.

Our objectives are to:

- support better availability and use of Australian Government data for public benefit – to deliver government services that put people and business at the centre, information government policies and programs, and support world leading research and development
- strengthen data handling and sharing across the Australian Public Service
- operate effectively and efficiently as a regulator, adviser, guide and educator, and
- deliver institutional arrangements and build trust and transparency in data sharing.

Principles of regulator best practice

The National Data Commissioner and the ONDC will act in accordance with the principles set out in the *Regulator Performance Guide July 2021*, undertaking the following actions to progress the requirements set out in the Minister's Statement of Expectations:

Continuous improvement and building trust

- maintain public registers of accredited users, accredited data service providers and data sharing agreements
- prepare and publish annual reports on the operation of the DATA Scheme
- have in place easy to access and transparent complaints and feedback handling procedures
- publish our regulatory approach and annual regulation and compliance priorities
- scan and take into account best practice regulation of data in other jurisdictions, and
- work with other regulators to achieve better regulatory outcomes.



Risk-based and data-driven

- adopt a regulatory approach that is guided by the principles of proportionality, transparency, accountability, fairness and timeliness, and promotes compliance through education, guidance and advice, taking regulatory and enforcement action where required and to address non-compliance where necessary
- maintain a regulation and compliance strategy and risk management framework
- build and operate Dataplace – a digital platform for Australian Government agencies and others to manage data requests and help entities comply with the DATA Scheme in a least burdensome way
- deliver the Data Discovery Initiative, supporting Australian Government agencies to develop data inventories and build an Australian Government Data Catalogue to help users find data, and
- monitor and take into account developments in technology, industry practice and community expectations.

Collaboration and engagement

- make informed regulatory decisions guided by open and transparent engagement with DATA Scheme participants and others
- provide opportunities for Scheme participants and others to engage on operational regulatory design, including co-design of solutions where appropriate
- provide education, guidance and advice that is relevant, clear, concise and easily accessible to help regulated entities comply with the DATA Scheme, and
- cooperate with other relevant regulators, for example the Office of the Australian Information Commissioner (OAIC), where appropriate in the performance of their functions.

Relationship with Minister and portfolio

- provide high quality and timely advice to the Minister on matters relating to the operation of the Act and in relation to the exercise of the Minister's powers as an accreditation authority
- provide quarterly reports to the Minister
- work closely with the Department of Finance and others across the Australian Government for a coordinated approach on data and digital initiatives, and
- take account of advice provided by the National Data Advisory Council.

