



The draft guidance note on **charging of fees by data custodians** (the draft guidance) was open for public consultation between 8 November 2022 and 6 December 2022. It was initially released on the ONDC website under *draft guidance for data custodians: recovering the cost of data sharing*.

ONDC received 6 submissions on the draft guidance from 5 entities eligible to participate in the DATA Scheme, and 1 other. The following entities made submissions as part of the consultation process: Australian Bureau of Statistics; Australian Research Data Commons; Australian Taxation Office; Department of Education; Department of Health and Aged Care; and Services Australia.

What We Heard

Entities were broadly supportive of the approach proposed in the draft guidance. Below is a summary of the feedback. We took this into account in finalising the guidance.

Fees to be charged	Policies and procedures	ONDC's role
<ul style="list-style-type: none"> - The draft guidance should reference the 2015 Australian Government Public Data Policy Statement. - Data sharing requests of similar complexity should follow a similar approach. - Further guidance should be provided on when not to charge a fee considering relevant Commonwealth Government policies such as: <ul style="list-style-type: none"> o <i>Australian Government Charging Framework</i> (Resource Management Guide No. 302) o <i>Australian Government Cost Recovery Guidelines</i> (Resource Management Guide No. 304) o <i>Charging for Data Services: Australian Government Charging Framework Information Sheet</i> - Data custodians should not charge for the costs of triaging data sharing requests. - The Productivity Commission's Productivity Inquiry recommendations in relation to National Interest Datasets should be adopted. 	<ul style="list-style-type: none"> - The draft guidance should encourage data custodians to determine and publish their schedule of fees. - Relevant aspects of the <i>Charging for Data Services: Australian Government Charging Framework Information Sheet</i> should be incorporated. - The <i>Australian Government Charging Framework's</i> principle of 'transparency' should be raised. - The draft guidance should be reviewed as the DATA Scheme matures. - Further circumstances should be considered for responding to incomplete processes (i.e. when a data sharing request does not run to completion). 	<ul style="list-style-type: none"> - Further clarity should be provided on ONDC's role in charging fees, including whether ONDC will: <ul style="list-style-type: none"> o set a schedule of fees; o review, monitor, report, and enforce charging fees arrangements; or o play a part in lead role or cost division disputes. - Further guidance should be provided on ONDC's approach to handling complaints relating to charging fees. ONDC will publish separate guidance on this topic.
Charging of fees by ADSPs		
<ul style="list-style-type: none"> - Further guidance should be provided on charging of fees by accredited data service providers. ONDC will publish a separate upcoming guidance note on this topic. 		