



1

## Accredited User makes a data sharing request

The National Data Commissioner (Commissioner) recommends Accredited Users make a written request to a Data Custodian through [Dataplace](#). Dataplace supports Accredited Users to provide all the relevant information a Data Custodian will need to make their decision.

Further information is set out in [Making and responding to data sharing requests](#).

The Commissioner recommends the Data Custodian acknowledge the request no later than 7 days after the day the request is received.

Data Custodians **must** consider all data sharing requests within a reasonable period.

The Commissioner recommends the Data Custodian considers and requests further information or re-scoping of request no later than 14 days after the day the request is received.

## Data Custodian considers and assesses the request

Public sector data is an important national asset. When considering a data request a Data Custodian should take account of the objects of the [Data Availability and Transparency Act 2022](#), the first of which is to serve the public interest by promoting better availability of public sector data. The default position should be to share, unless there is good reason not to.

Data Custodians are encouraged to reach out to Accredited Users to discuss the request, issue any request for further information or re-scoping of the request.

Further information is set out in [Making and responding to data sharing requests](#).

There are circumstances where Data Custodians **must not** share data. Further detail is set out in [When sharing is barred under the DATA scheme](#).

For assistance with responding to a request, please contact the ONDC at [information@datacommisisoner.gov.au](mailto:information@datacommisisoner.gov.au).

2

## Does the Data Custodian agree to share data under the DATA Scheme?

### Yes, in principle

Data sharing requests do not need to be perfect or complete for Data Custodians to consider and approve them 'in principle'.

Data Custodians can reconsider this decision at any stage during step 4. Data cannot be shared until step 6 is completed.

### No

The Data Custodian may choose to share the data relying on other legislative authorisations.

The Data Custodian **must** provide a written notice of the reasons for refusal no later than **28 days** after the day the refusal decision is made.

The Accredited User may [lodge a complaint](#) with the Commissioner if unsatisfied with the decision.

The Commissioner recommends the Data Custodian make an 'in principle' approval decision no later than 28 days after the day the request is received.

Data Custodians can reconsider this decision at any stage during step 4.

DATA Scheme process ends here

3

## The Data Custodian and Accredited User enter into a data sharing agreement

Data sharing agreements **must** contain certain information for sharing to be authorised. The Commissioner recommends parties to the agreement:

- use Dataplace to prepare a data sharing agreement or contact the ONDC if you require advice on developing a data sharing agreement outside of Dataplace
- ensure the agreement is signed by each parties' [Authorised Officer](#).

Further information is set out in [Data Sharing Agreements](#) and [Guide to Registering Data Sharing Agreements](#).

Additional requirements must be met where foreign individuals (individuals who are not Australian citizens or permanent residents) will have access to data. See [Foreign individuals - DATA Scheme requirements](#).

Timeframes will vary depending on the complexity of the agreement.

4

## The Data Custodian **must** give the Commissioner an electronic copy of the data sharing agreement (or variation of) for registration

The Commissioner recommends Data Custodians use [Dataplace](#) to give the following required documents:

- a PDF version of the agreement, signed by each party's Authorised Officer, and
- a statement indicating whether the agreement permits a foreign individual access to shared data, and if so:
  - confirmation that at least 14 days have passed since the material was provided to ASIO (in accordance with the [National Security Measures Code](#)), and
  - indicate whether ASIO raised any concerns.

The data sharing agreement must be given to the Commissioner no later than 28 days after the day the data sharing agreement is made.

5

## The Commissioner registers the data sharing agreement

Data sharing under the DATA Scheme must not occur before the data sharing agreement is registered.

The ONDC will undertake an assessment of the data sharing agreement to ensure it meets DATA Scheme requirements. If a data sharing agreement does not meet DATA Scheme requirements, the Commissioner may request additional information.

Once registration is complete, parties to the agreement will be advised of the registration and that their authorisation to share, collect and use the data has commenced.

6

Registration will generally occur within **1-3 business days**, and all parties to the agreement will be notified that registration is complete.