How will the Data Availability and Transparency Act work?

Consider avenues for authorising data sharing

Conversation between data custodian and user about what data is needed and why?

Can data be easily shared under existing authority? → **YES** → **Data can be shared using existing process**

NO

Consider whether to share using DAT Act

Does the data custodian control the data and have the right to deal with it? (s11)

Is sharing permitted (not subject to exclusions? (s17 and Regulations)

Does the project meet the purpose test? (s15)

Sharing is only allowed for **government service delivery**, **informing government policy and programs**, and **research and development.**

Can data sharing principles be applied to demonstrate public interest and manage risks of sharing? (s16)

5 Data Sharing Principles must be applied to each data sharing project. This ensures data is only shared for appropriate projects, with appropriate protections applied (e.g. data minimisation).

Is the user/s accredited under the DAT Act? (s74)

Can data be shared consistently with accreditation conditions? (s30)

NO → **Data CANNOT BE SHARED under the DAT Act**

Reasons for declining a request must be provided (s24)

YES

Document how you are sharing using the DAT Act

Terms and conditions set in data sharing agreement, including any outputs (some terms are mandatory). Data entities must comply with data sharing agreements (s18/s19)

Commissioner will publish data sharing agreements on its website (s130)

SHARE DATA

Layers of defence, exercised by an independent statutory officer, the National Data Commissioner providing:
- monitoring,
- regulation and
- enforcement.

Enforcement options include:
- suspension or cancellation of accreditation,
- injunctions,
- giving binding directions and
- seeking civil and criminal penalties where appropriate.

Transparency and Reporting

Public registers of data sharing agreements promote transparency and accountability. They provide information about what is being shared and why, who is accessing data, and how it is being safely shared.