



# PRODUCTIVITY COMMISSION DRAFT REPORT ON DATA AVAILABILITY AND USE

## RESPONSE FROM GEOSCIENCE AUSTRALIA

12 December 2016

Geoscience Australia (GA) supports the findings of the Productivity Commission on the challenges the Australian Government faces regarding data availability and use.

In particular, GA applauds the following findings:

- Data is a valuable asset from which other value can be created, and should not be viewed as a risk, an overhead or a liability. Datasets can have economic, social or other enduring value to Australia.
- Policies around data use are open, but legislation and practice is not. Simply making data available under an 'open access licence' does not necessarily make the data more useable and consumable.
- Data is tradeable. People expect that they own any data about themselves, but in law individuals often have no right to ownership of data about themselves, and rarely have control over that data. Rarely do collectors of such information transfer ownership of that data back to the individual willingly.
- Given that issue, individuals should have improved access to data about themselves. Provision of better access will induce confidence about how personal information would be used. Giving individuals the ability to redirect data about themselves to third parties gives individuals some sense of control over data about themselves, and can also help competition policy.
- The Australian Government should provide broader access to datasets (both public and private) that are in the national interest. These *national interest datasets* will be listed in legislation. Agencies identified as 'Accredited Release Agencies' under the legislation would be funded to take on any additional responsibilities.
- Trusted users will have access to publicly-funded datasets which contain some level of "identification" of individuals or companies, in order to support a range of government policy implementation and operations.

Geoscience Australia draws the Commission's attention to the following items, which GA believes would require consideration if the recommendations of the report were to be adopted:

- There is no definition of the term 'dataset', despite the term being widely used throughout the report. The report rightly notes that many national datasets can be created via aggregation of smaller pieces of data (from, for example, State and Territory agencies, local government authorities, catchment authorities, and private sector entities), which is consistent with GA's experience. Each of these components can be regarded as datasets in their own right. In addition, many users may only interact with a relevant subset or derived product of a broad 'national interest dataset'. Does the Commission view a 'national interest dataset' as the aggregation, the derived products which consumers use, the individual inputs, or all of the above?
- The use of the term 'custodian' to describe the central authority leading the implementation of the legislation is at odds with the use of the term in the sectors GA operates. In GA's experience, the term 'custodian' is used to describe those agencies or authorities who manage datasets. The role of 'National Data Custodian' being proposed under the legislation, along with the description of 'Accredited Release Authority' appears to be more consistent with the use of the information management term 'steward', as the role is more of a directing and coordinating role providing guidance to other agencies, ensuring compliance, and presumably acting as a gatekeeper for funding.
- By using the term 'asset', can the Commission provide advice to the custodians of potential national interest datasets on how the asset can be valued, in order to determine what level of investment may be required in out years to maintain or improve the dataset's value?
- The development of any legislation should include explicit references that publicly-funded information is procured with no or as few restrictions imposed as possible. In particular:
  - ownership or copyright in data does not necessarily have to transfer to government, so long as government has free and unencumbered use of the data.
  - Any 'existing material' included in a dataset supplied to a national interest dataset is also supplied under a free and unencumbered licence
  - Suppliers of data should use best endeavours to include third-party materials that are openly licenced
  - Metadata should comply with appropriate and relevant standards

- Reporting to the Commonwealth on the outcomes of publicly-funded data collection activities should extend to the reporting of the types of licences acquired
- GA believes that this legislation should apply to all component datasets within the supply chain of a national interest dataset – that is, State and Territory agencies and local government organisations should procure information that can be shared and re-used, under an open licence, with the whole Australian community via a ‘national interest dataset’.

Geoscience Australia would be pleased to work further with the Commission, or any identified Australian Government agencies, on the following outcomes from the report:

- Many potential ‘national interest datasets’ have already been identified in a range of data frameworks. These datasets are demonstrated to support an extensive range of government policy and operational outcomes, including public safety, economic investment, environmental sustainability and social policy. GA has already worked closely with the Department of Prime Minister & Cabinet, other Australian Government agencies, and with counterparts in the States and Territories, in establishing the importance of these datasets to the above functions. In particular, these are datasets that are identified in the *Foundation Spatial Data Framework* at <http://www.anzlic.gov.au/foundation-spatial-data-framework>, as well as other emerging specific data frameworks covering statistical analysis, environmental management, community safety, water security, management of the marine environment, and resource development.
- Work with the developers of legislation to ensure that issues around copyright and licensing, metadata, and compliance and reporting are minimised.

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