

12 August 2025

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By email: [REDACTED]

Dear Chair

Statutory Review of Data Availability and Transparency Act 2022

The Office of the Information Commissioner (**OIC**) welcomes the opportunity to make a submission in relation to the *Statutory Review of the Data Availability and Transparency Act 2022 – Draft Findings and Recommendations (Draft Review)*.

The *Data Availability and Transparency Act 2022 (DAT Act)* establishes a framework for sharing public sector data for specific purposes in the public interest.

OIC's comments are made in the context of the objects of the DAT Act and confined to commenting on its role within the data and information ecosystem, as well as the National Data Commissioner's functions and powers.

Objects of DAT Act

OIC notes that the objects of the DAT Act are well aligned to the objectives of similar information access regimes¹ and serve the public interest by promoting transparency and building public confidence in the use of public sector data. In an era of misinformation and disinformation, and their associated harms, public sector entities play an increasingly important role in being the source of accurate and objective data and information that can serve wider community and productivity interests.

However, OIC notes that achieving the objectives to enhance integrity and transparency in sharing public sector data and to build confidence in the use of public sector data² is reliant on sound data and information governance at all levels and effective checks and balances to bolster trust. Data and information sharing frameworks must necessarily be cognisant of this balance and must be executed in a manner that is informed, responsible and cohesive.

Data and information ecosystem

OIC notes the Draft Review details the challenges associated with existing data sharing arrangements and recommends a nationally consistent data sharing framework in the longer term as well as continued investment in the broader data sharing ecosystem.³ We are of the view that a systemic approach to this challenge, which recognises effective data sharing frameworks at state and national level, may be better suited to address the difficulties identified.

¹ Such as the *Freedom of Information Act 1982* (Cth) and the *Right to Information Act 2009* (Qld)

² Section 3(c) and (d) of DAT Act

³ Recommendation 16 and 17 of Draft Review

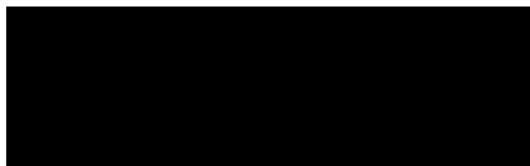
National Data Commissioner's functions and powers

The Draft Review finds that the National Data Commissioner's regulatory functions and powers do not effectively allow the DAT Act's data sharing framework to play an enabling role or empower the Commissioner to substantively improve the broader data sharing system.⁴ It recommends that the National Data Commissioner's functions and powers should be reformed with less focus on monitoring participant activities and reliance on other regulatory frameworks (such as the *Privacy Act 1988* (Cth)) for compliance and enforcement.⁵

OIC considers that this recommendation highlights the inherent tensions that exist in many regulatory contexts and the suggested approach may not address the findings identified in the Draft Review. A cohesive, integrated approach to the data and information ecosystem may better address this issue with complementary regulatory responsibilities and aligned regulatory approaches that balance support and enforcement. A cohesive approach must also address the wider capability uplift required across public sector entities and requires specific government recognition and investment.

Thank you for the opportunity to provide a submission on the Draft Review. Should you require further information regarding the above matters, please contact us at [REDACTED] or on [REDACTED].

Yours sincerely

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Joanne Kummrow
Information Commissioner

⁴ Finding 5 of Draft Review

⁵ Recommendation 6 of Draft Review