

# Response to the 2023 Privacy Impact Assessment

## National Disability Data Asset and Australian National Data Integration Infrastructure

### Descriptive Transcript

#### Background

**Visual description:** On the top right side of the screen, there is a logo with two red, two green and two blue lines connected at a central point. The words 'National Disability Data Asset' are to the right of the logo.

On the left of the screen, text appears against a purple background. The text says 'Background'.

An Auslan interpreter dressed in black appears on the screen and starts signing.

The interpreter continues to sign on the centre of the screen and the logo is shown at the top right throughout the entire video.

**Audio transcript:** The National Disability Data Asset will bring together de-identified information from different governance agencies. This will help us better understand the experiences of people with disability.

The Department of Social Services (DSS) is working with the Australian Bureau of Statistics (ABS) and the Australian Institute of Health and Welfare to create the disability data asset and underlying infrastructure, the Australian National Data Integration Infrastructure. These organisations will be called the "Commonwealth Partners" in this document.

States and territories and the disability community are also involved in creating and deciding how the disability data asset can be used.

The ABS engaged independent privacy experts Maddocks to conduct a Privacy Impact Assessment to make sure:

- the asset and underlying infrastructure is in line with privacy laws, including the [Privacy Act 1988](#) (Cth)
- the asset and underlying infrastructure consider other things that may affect privacy, including any risks
- the community accepts the way the information will be used.

The ABS and DSS with support from Maddocks consulted with a broad range of stakeholders between March and July 2023. Maddocks conducted the Privacy Impact Assessment in 2023 and produced a report with recommendations informed by the consultation. The recommendations aim to improve compliance with the [Australian Privacy Principles](#) (APPs) and provide suggestions to ensure privacy best practice.

This document provides a response from the Commonwealth Partners to the recommendations from the Privacy Impact Assessment.

The 2023 Privacy Impact Assessment report, consultation report and this response can be accessed in accessible formats on the National Disability Data Asset website: [Privacy for the National Disability Data Asset](#).

An update to the Privacy Impact Assessment will occur in 2025.

## Response to recommendations

**Visual description:** On the left of the screen, text appears against a purple background. The text says 'Response to recommendations'.

The Auslan interpreter re-appears on the screen and restarts signing. Text appears on the left of the screen which says 'Recommendation 1: Principles for adding datasets into the disability data asset in the future'.

### Audio transcript:

#### Recommendation 1: Principles for adding datasets into the disability data asset in the future

As an additional transparency and governance measure, we recommend that a set of principles is developed to guide decisions on the inclusion of new datasets.

These principles should be published on the disability data asset website, together with high level summaries of the data.

**Response:** Agreed.

Commonwealth Partners will develop a set of principles that guide the inclusion of new datasets in the disability data asset to build on existing transparency measures and commitments.

These principles will include consideration of the public interest, value and restrictions to the inclusion of new datasets in the asset. The principles will be published on the disability data asset website, alongside high-level summaries of the data included in this asset.

Consistent with the co-governance approach of this asset, these principles will be developed with state and territory governments, with the disability community and researchers.

The National Disability Data Asset Council (the Council) will be provided with a set of principles to guide the inclusion of new data in the asset for endorsement.

The Council will include members from the government and from the disability community and will provide recommendations to Disability Ministers on the use and future development of the disability data asset.

**Timing:** December 2024

#### Recommendation 2: Collection notices for data providers

**Visual description:** On the left of the screen, text appears against a purple background. The text says 'Recommendation 2: Collection notices for data providers'. The Auslan interpreter restarts signing.

**Audio transcript:** To promote the privacy principle that individuals should be aware of how information about them is used (even where their name and other identifying information is not included in the data), we recommend that the Australian National Data Integration Infrastructure Board (with support from the National Disability Data Asset Council) endorse standard wording that can be included in collection notices of data providers, for inclusion in their forms, websites and other publicly facing information.

The Australian National Data Integration Infrastructure Board provides strategic oversight of the delivery of the underlying infrastructure of the disability data asset and consists of members across Australian, state and territory governments.

Data providers should be required (for example, through relevant data sharing agreements), or at least encouraged, to update their respective collection notices as a best practice privacy measure to include this wording over time.

**Response:** Agreed.

The Commonwealth Partners will request that Australian, state and territory government data providers update their respective collection notices for best practice regarding privacy.

The ABS is developing a privacy statement for the disability data asset and underlying infrastructure.

The privacy statement will be published in accessible format on the disability data asset website in the first half of 2024.

Commonwealth Partners will use the privacy statement and collection notice wording from existing assets such as the Multi-Agency Data Integration now known as the Person-Level Integrated Data Asset) as a basis for developing a standard collection notice for data providers.

Commonwealth Partners will consult with relevant governance fora (including data providers) on the standard wording.

Commonwealth Partners will seek Australian National Data Integration Infrastructure Board (with support from the Council) endorsement of the standard wording that can be included in collection notices of data providers.

**Timing:** July 2024

### **Recommendation 3: Addressing re-identification risks – overarching governance measures**

**Visual description:** On the left of the screen, text appears against a purple background. The text says 'Recommendation 3: Addressing re-identification risks – overarching governance measures'. The Auslan interpreter restarts signing.

**Audio description:** To further promote and operationalise the 'privacy and security' principle in the draft Charter, we recommend that the National Disability Data Asset Council work plan, or other overarching governance documentation, includes regular processes for review of the strategies used to address re-identification risks. (Note: The Charter is the [National Disability Data Asset Charter](#)).

This review process could be, for example, scheduled annually. In addition, there could be a documented trigger for review (such as if there was an attempted or realised data breach of an Approved Computer System, or Australian Government advice about increased cyber threats).

This aims to ensure that the processes that will be employed to de-identify persons and mitigate re-identification risks for the disability data asset remain fit-for-purpose in light of technical advances and emerging risks into the future.

**Response:** Agreed.

The Australian National Data Integration Infrastructure Board will be asked to commit to a re-identification review process to operationalise overarching governance measures to address re-identification risks (including governance fora work plans, governance documentation and security practices).

It will be recommended that the review process is conducted at least annually and when any material new or changed risks are identified.

Commonwealth Partners will ensure a review of these overarching governance measures to address re-identification risks. Commonwealth Partners will document any triggers, actions and implementation.

This will aim to ensure the disability data asset and underlying infrastructure continues to follow best practice management of re-identification risks. This review will be reported to relevant governance fora, including the Australian National Data Integration Infrastructure Board and National Disability Data Asset Council.

**Timing:** July 2025

#### **Recommendation 4: Addressing re-identification risks – output risks**

**Visual description:** On the left of the screen, text appears against a purple background. The text says 'Recommendation 4: Addressing re-identification risks – output risks'. The Auslan interpreter restarts signing.

**Audio description:** We recommend that any de-identification policy should:

- clearly articulate to persons subject to the policy, the potential for real and serious harm to flow if an individual is identified through the use of data in the disability data asset, and the need to carefully consider and control this risk; and
- in light of the above, particularly set out the controls to be placed on outputs of approved research projects. In this context consideration should be given to whether any additional controls that are employed in other integrated assets, such as the person-level integrated data asset (formerly known as the Multi-Agency Data Integrated Project), should be put in place, such as a process for all outputs to be 'vetted' as appropriately de-identified before they can be removed from the underlying infrastructure environment).

**Response:** Agreed.

Commonwealth Partners will implement this recommendation in the de-identification policy and the data access, use and release protocol.

**Timing:** June 2024.

### **Recommendation 5: Managing data breaches**

**Visual description:** On the left of the screen, text appears against a purple background. The text says 'Recommendation 5: Managing data breaches'. The Auslan interpreter restarts signing.

**Audio transcript:** The final Data Governance Framework (dated 31 August 2023) provides that Data and Privacy Breach and Incident registers will be created and maintained as part of a Data Breach Response Plan which will be reviewed annually.

We recommend that the Data Breach Response Plan which is developed treats data across the 'hub and spoke' model equally, that is, that a single model for data breaches be developed which clearly articulates the responsibilities of the various governance bodies and entities involved, including when data is held by the Australian Bureau of Statistics as opposed to the entity responsible for an Approved Computer System.

The Plan should specify which body or bodies would be responsible for determining the wording to be included in any notifications to the Office of the Australian Information Commissioner, Office of the National Data Commissioner, and any affected individuals (if required).

**Response:** Agreed.

Data and Privacy Breach and Incident registers will be created and maintained as part of a Data Breach Response Plan which will be reviewed annually.

Strong security practices are being put in place for the disability data asset and Australian National Data Integration Infrastructure. All environments will need to be approved as safe and secure for storage and use of data.

Commonwealth Partners will consider this recommendation when developing the Data Breach Response Plan. The Plan will provide a single model for data breaches which clearly articulates roles and responsibilities of those involved in the disability data asset and the asset's underlying infrastructure.

Monitoring, reporting and notification responsibilities will align with the data sharing arrangements and relevant legislative notification requirements, such as the data breach responsibilities in the [Data Availability and Transparency Act 2022](#) (Cth), the Notifiable Data Breaches document Scheme under the Privacy Act or any other relevant legislation or policies.

All organisations accredited to provide data services under the Data Availability and Transparency Act 2022 must have their own policies and processes in place for managing potential data breaches.

The Office of the National Data Commissioner may also conduct its own compliance activities.

**Timing:** June 2024.

## Recommendation 6: Develop compliance framework

**Visual description:** On the left of the screen, text appears against a purple background. The text says 'Recommendation 5: Develop compliance framework.' The Auslan interpreter restarts signing.

**Audio transcript:** We recommend that the Australian National Data Integration Infrastructure Board develop a compliance framework to monitor compliance against the requirements set out in data sharing agreements, covering the disability data asset and the underlying infrastructure.

This could include annual self-reporting to the Australian National Data Integration Infrastructure Guardian or National Disability Data Asset Guardian.

This reporting could include matters covered in Recommendations 2, 3 and 5 regarding collection notices and security incidents and other measures such as undertaking independent audits of systems and processes.

**Response:** Agreed.

Commonwealth Partners agree a compliance framework will be developed for the disability data asset and the asset's underlying infrastructure.

This framework will help assess and report on compliance against the requirements in the agreements (including Head Agreement and Bilateral Schedules, Multilateral Data Sharing Agreement) and security obligations.

The framework will also build upon other assurance documents, such as the Legal Authorisation Framework and Data Government Framework.

This framework will build upon existing requirements such as those specified for entities under the Data Availability and Transparency Act.

**Timing:** October 2024.