



26 February 2021

Senate Standing Committees on Finance and Public Administration

Submitted Electronically

BSA SUBMISSION ON THE DATA AVAILABILITY AND TRANSPARENCY BILLS 2020 INQUIRY

BSA | The Software Alliance (**BSA**) thanks the Senate Standing Committees on Finance and Public Administration (the **Committee**) for the opportunity to contribute to the review of the proposed *Data Availability and Transparency Bill 2020* and *Data Availability and Transparency (Consequential Amendments) Bill 2020* (the **Bills**). BSA is the leading advocate for the global software industry before governments and in the international marketplace. BSA's members¹ are among the world's most innovative companies, creating software solutions that spark the economy.

Government-generated data is an important asset that can serve as a powerful engine for creating new jobs, promoting economic growth, driving productivity gains, and enabling innovation. BSA is highly supportive of the Australian Government's intent to enhance the collective benefits of data by advancing responsible policies that facilitate greater sharing, collaboration, and experimentation with data resources while protecting privacy.

The Bills establish a promising model for encouraging the sharing of sensitive, but potentially high-impact, data internally and externally to build value for Australians through the better use of Government data. More effective use of Government data is not limited to data sets subject to Government open by default policies. BSA supports the Bills' proposal to facilitate the sharing of potentially sensitive Government data with qualified entities (within Government and with the private sector) who will use that data in ways that will advance the public interest and that are consistent with public expectations of privacy, security, and ethics, and to establish a National Data Commissioner overseeing this regime.

BSA submitted comments to the Office of the National Data Commissioner on the Office's Data Sharing and Release Legislative Reforms discussion paper² and on the draft legislation.³ In these submissions, we supported the development of a legal framework to "enable government agencies to

¹ BSA's members include: Adobe, Amazon Web Services, Atlassian, Autodesk, AVEVA, Bentley Systems, Box, Cisco, CNC/Mastercam, DocuSign, IBM, Informatica, Intel, MathWorks, Microsoft, Okta, Oracle, PTC, Salesforce, ServiceNow, Siemens Industry Software Inc., Slack, Splunk, Synopsys, Trend Micro, Trimble Solutions Corporation, Twilio, and Workday.

² *BSA Comments on Data Sharing and Release Legislative Reforms*, <https://www.bsa.org/policy-filings/australia-bsa-comments-on-data-sharing-and-release-legislative-reforms>

³ *BSA Comments on the Data Accessibility and Transparency Bill*, <https://www.bsa.org/policy-filings/australia-bsa-comments-on-the-data-accessibility-and-transparency-bill>

make available sensitive data that is not subject to the “open by default” policy set out in the Public Data Policy Statement.”

BSA is very supportive of the Bills and strongly commends them to the Committee for the Bills’ forward-leaning approach to data governance for the Australian Government.

Privacy-enhancing technologies

BSA has no specific privacy concerns regarding the Bills as part of the Australian Government’s overarching data utilization and sharing framework.

We recommend that the Australian Government explore and promote further opportunities to build value from the safe and responsible use of data with the application of privacy enhancing technologies. A range of emerging technologies, including homomorphic encryption, differential privacy techniques, and federated machine learning create opportunities for further sharing data while preserving individual privacy. These technologies can be used to maximize both the value and the confidentiality of sensitive information.

Conclusion

Data sharing in the Australian Government has for many years been limited by regulatory uncertainty and public service concerns. The Bills are an excellent regulatory innovation that will be a powerful enabler for the Australian Government to share its more sensitive data internally and with accredited private entities to build value for Australia. They will bridge the gap that prevents the Australian Government from fully delivering the benefits of Government held data.

BSA thanks the Committee for having the opportunity to comment on the Bills.

Yours faithfully

Brian Fletcher

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BSA | The Software Alliance