

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiry Question on Notice

Environment and Communications

Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2024 [Provisions]

IQ24-000075

Division/Agency: DIV - Digital Platforms Safety and Classification

Hansard Reference: Written (22 October 2024)

Topic: Data access for researchers

Karen Grogan asked:

1. Some submitters have called for regulating data access for researchers. Was access for researchers contemplated as part of the bill? Should access for Australian research purposes be included?
2. What challenges are there with providing this data access to researchers?

Answer:

1. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts considered requirements for a data sharing scheme between digital platforms and independent researchers in drafting the Bill.

As outlined in response to question 2, further examination will be needed to address a number of key challenges related to providing data access to researchers. In particular, consideration will need to be given to whether a data access scheme should more appropriately apply across a broader range of digital platform services and online harms, such as content covered by the *Online Safety Act 2021* or the dissemination of violent extremist content. The Minister for Communications has asked the department to undertake further work on this matter which will include broader consultation across the Communications portfolio and other Commonwealth portfolios.

In the meantime, paragraph 70(2)(c) of the Bill requires the first triennial review of the operation of Part 2 of the Bill to consider the need for a scheme requiring platform providers to give access to data to researchers relating to misinformation and disinformation.

2. There are operational and legal complexities involved in establishing data access arrangements, including those associated with the information security requirements for such a scheme.

The department understands the European Commission (EC) is currently consulting on a draft delegated regulation relating to data access provisions in the Digital Services Act. Delegated regulation was expected in the first quarter of 2024 but was not released until late October. The EC approach will be informative for any approach Australia may choose to adopt.