

PRIVACY AND RESPONSIBLE INFORMATION SHARING – SUBMISSION BY THE DEPARTMENT OF TRAINING AND WORKFORCE DEVELOPMENT

The Department of Training and Workforce Development (the Department) strongly supports the introduction of a whole-of-sector approach to protecting privacy and enabling safe information sharing within the public sector and with authorised third parties.

In the vocational education and training (VET) context, more effective information sharing will allow the Department to better understand the VET system as a whole and to more efficiently and effectively target funding, programs and interventions to drive accessibility and participation in training that leads to jobs and careers.

The Department also undertakes a workforce planning role for the State, where greater use of information sharing could provide a much wider and richer vein of information for planning and research purposes. This would be of great benefit to the Department, helping to support the development of innovative training responses for emerging and priority industries including social assistance and allied health, METRONET, Defence, lithium battery and the broader resources sector.

Noting that the Department is also interested in the linking of data sets held at the Commonwealth Government agency level, ideally the proposed framework will also facilitate the sharing of information outside the WA public sector.

As the discussion paper acknowledges, it will be vital that the final model helps to cut, rather than create, red tape. Similarly, it will be critical that the framework results in greater sharing of information and data, not less – particularly for less complex day-to-day business as usual data sharing where current arrangements have generally been working well (as opposed to longer-term more complex formal academic research projects and health studies).

It is essential that the design and implementation of the proposed legislation considers agencies capacity to implement the required changes. If the new processes are too rigorous or time intensive, they risk discouraging rather than facilitating greater sharing of information.

Similarly, realistic timeframes will need to be allowed for, noting that it will likely take significant time and effort for agencies to put in place the required governance arrangements to support the new framework. It will also take time to ensure current agency data holdings are in a fit state for sharing, including the development of support documentation such as data dictionaries where these do not already exist. A more measured timeframe for implementation should help to ensure that individual agencies are applying the legislation consistently.

While the Department supports the application of the proposed privacy principles and the Five Safes framework, the provision of comprehensive advice and guidance to agencies will be critical to ensuring that these are understood and applied consistently. This support may also help to minimise the additional workload imposed by the

framework; from a government agency perspective this should be a key priority of the new Chief Data Officer (CDO) role.

In terms of risk management, detailed guidance on how to apply each safe will be required, for example in assessing whether a setting is safe, across a range of external organisations from small not-for profits up to larger national commercial research bodies.

These support materials could include:

- standard application/request forms;
- standard wording for contracts, memoranda of understanding and data sharing agreements;
- advice on data classification including worked examples;
- obfuscation standards for anonymizing data, along with guidance for reducing the risk of re-identification; and
- example collection notices, opt in and opt out templates, and best practice for obtaining informed consent.

Ideally the framework should also include a strategy for uplifting the analytical capacity of all agencies so that they can leverage the full value of information and data sharing opportunities for their work. While some sort of centralised analytical capacity may also be useful, this should not come at the cost of capability and expertise at the agency level.

Finally, the Department understands that the WA legislation is not likely to closely mirror all of the proposed Commonwealth legislative reforms around data sharing and release, noting also these Commonwealth reforms are regarded as expensive, time consuming and onerous.

It is worth noting that the interaction between the WA and national legislation may be an area of future risk if WA public sector agencies who are already subject to national data policies end up being captured by the new Commonwealth legislation.