

Empowered Communities

Response to the Privacy and Responsible
Information Sharing for the Western
Australian Public Sector



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CONTEXT - DATA FOR DECISION MAKING

It is good to see the Western Australian Government commence substantive work to develop a whole of government Data framework to govern the way the public sector manages the information it holds. Our response centers on the data sharing aspects of the *Privacy and Responsible Information Sharing: Discussion Paper*. As the public policy debate in Indigenous affairs increasingly focuses on matters of the Voice, recognition, empowerment and regional partnerships to close the social and economic gap between Indigenous Australians and other Australians, system improvements such as this are important and timely.

There are a number of systemic problems that undermine funding productivity and mitigate against closing the gap continue to plague Indigenous policy. These issues were flagged in the Empowered Communities Design Report (2015) and continue to be in evident in implementation. They include:

- 1) *Expenditure without outcomes.*
- 2) *An almost entirely supply driven approach, with decisions made far away from the regions in Canberra or a state capital, with little or no demand side input from Indigenous people.*
- 3) *A large industry with vested interests servicing Indigenous dysfunction and disadvantage.*
- 4) *Too much red tape and layers of bureaucracy before funding hits the ground.*
- 5) *An ongoing lack of transparency and cohesion around expenditure in regions and communities that prevents good investment decisions from being made.*

It is Empowered Communities view that strong partnerships with government that enable Indigenous regions access to the data and information that they need to build and implement Regional Develop Agendas as well as share decision making with government will support to systemic change over time. The changes to the WA Privacy and Responsible Information Sharing outlined in the discussion paper are a welcome step for Empowered Communities regions in WA.

By way of background, Empowered Communities (EC) is an Indigenous led reform in nine regions across Australia. Its goal is to empower self-determining communities to close the gap on Indigenous disparity. EC establishes an empowering partnership with government at the regional and local level so that appropriate decisions can be made jointly with government on the ground. Collaborative regional Indigenous leadership groups develop regional and community development plans that set up the mechanism for improving service delivery, reducing duplication and overlap and ensuing clear lines of accountability to better target programs and services to the on the ground needs and circumstances of the EC regions and their people. Access and availability of relevant data as well as strong partnerships with government are essential aspects of Empowered Communities.

Empowered Communities has three Regions with footprints in Western Australia: East and West Kimberley, and Ngaanyatjarra Pitjantjatjara Yankunytjatjara Lands. The three organisations that represent the Indigenous leadership in these regions are Binjarri-binyja yarrowoo Aboriginal Corporation (Empowered Communities East Kimberley); Aarnja Limited (Empowered Communities West Kimberley); Ngaanyatjarra Pitjantjatjara Yankunytjatjara Lands (Empowered Communities NPY Lands).

Some of the critical access issues for data by Empowered Communities regions should be considered from the perspective of:

- contribution to development of baselines;
- understanding change and the impacts of regional funding application;
- unpicking siloed government investment.

The data provided about WA Government health expenditure in the 2017 Health Performance Report from Australian Institute of Health and Welfare is now five years out of date and represents only part of the expenditure on Indigenous people, which at a national level is reported by the Productivity Commission to be in excess of \$33 billion. A substantial amount of government expenditure attributed to Indigenous Australians, with far too few tangible outcomes. This is why Empowered Communities need to safely access data to support place-based planning and decision making to get a clearer picture of what funding is being applied.

DATA ACCESS CHALLENGES

As outlined in the discussion paper, *information is a cultural, strategic and economic asset for Aboriginal people and communities*¹, Certainly, In the Empowered Communities Design report, and reinforced by learning to date Empowered Communities has identified three (overlapping) phases for driving productivity to address the social and economic disadvantage:

- Getting rid of straight out duplication, waste and making choices according to a cohesive regional development plan;
- Replacing inefficient services through better procurement and migrating the rent seekers and industry middlemen out of the scene;
- Getting better value through more rigorous Data, using the learning about what works and continuously seeking better returns on investment.

Effective and efficient data access is and remains foundational to shifting the status quo. Empowered Communities has experienced a range of barriers in accessing data that has impacted on regions' ability to understand systemic change.

Empowered Communities strongly supports the WA Government's Open Data policy, particularly the focus on safely sharing information outside public sector agencies into ACCO's. This is based on Empowered Communities experience across a number of regions in attempting to access data for decision making from WA agencies.

Empowered Communities also strongly supports access to fee free data extraction for public good outcomes. Empowered Communities has experienced a lack of consistency in responses between agencies and in how they engage with Aboriginal organisations making the data requests and notes that agencies appear to generally view Aboriginal Community Controlled Organisations (ACCO's) as lacking the capacity to safely manage and analyse data.

¹ DPC (2019) Privacy and Responsible Information Sharing: *Discussion Paper*. Access Nov 2019 at <https://www.wa.gov.au/government/publications/privacy-and-responsible-information-sharing-discussion-paper>

A TIERED APPROACH TO DATA ACCESS

Empowered Communities supports the standardizing of data access as described in the 5 Safes as a means to shift barriers and bring consistency to data access processes. However, one unintended consequence that should be mitigated against, may be the locking out of ACCO's due to concerns by government about organisational capacities to appropriately manage data. The risk is that ACCO's would have to rely on third parties acting as data access middlemen which will serve to keep data locked away from evidence-based decision making at the local level.

Empowered Communities is in discussion with the Office of the Data Commissioner as part of consultations for the reforms proposed under *Commonwealth Data Sharing and Release Legislation* which is currently being drafted. In this context, Empowered Communities is suggesting the development of a tiered system of data access. This would mean that ACCO's, when asking for data, would not have to meet the same procedural standards as organisations undertaking more complex data linkage or integration projects. This approach would serve to level the playing field and unlock rich data sources to inform place-based decision making.

ABORIGINAL DATA GOVERNANCE

Empowered Communities has a broad interest in Indigenous Data Sovereignty in line with our Empowerment principles. Empowered Communities notes that the Discussion Paper is largely silent on the development of Aboriginal Data Governance mechanisms and suggests that this is an area that requires further consideration given the level of investment in program delivery by the WA Government in Indigenous programs and the need for an oversight mechanism around the appropriate sharing of Indigenous data.

While Empowered Communities welcomes a data release oversight role being established in the form of a Privacy Commissioner, Empowered Communities would also strongly suggest the establishment of an Indigenous Data Governance structure to support the role of the Commissioner and provide advice on the appropriateness of releasing data about Aboriginal communities. This would need to be supported by an additional principles-based framework to ensure the process was streamlined, efficient and contributed to the risk management framework of the 5 Safes.

CAPACITY BUILDING FOR PARTNERSHIPS WITH GOVERNMENT

Empowered Communities strongly supports the development of data literacy and capability in Government to support place-based planning and decision-making with Aboriginal regions. This is fundamental, from data collection and sharing of data across agencies in line with the 'ask once' policy, to the extraction and analysis of data and it's sharing for decision-making. The significant variation of data capacity across government, experienced by Empowered Communities regions, results in data being locked up in what appears to be an unwarranted risk management approach. Empowered Communities would strongly welcome discussions across regions about how privacy and data sharing are linked, and how the implementation of these policies can support the sharing of data for place-based decision making.

EMPOWERING DATA FOR DECISION MAKING

The Empowered Communities reform is seeking a fundamental shift in Indigenous data policy from being a means of monitoring and reporting to government, to being an enabler to empower Indigenous people through their authority and agency. Through the development of strong partnerships with Government as 'data owners', Empowered Communities can mine the richness of that data for insights about service design and provision and assist communities to make evidence-based decisions to underpin their Regional development Agendas.

Empowered Communities has implemented an adaptive approach to enable us to know what is working, and if policy and programs which apply to Indigenous individuals, families and communities are having an impact. This approach means that changes can be made along the way if the changes that are being sought are not being delivered. This approach relies on access to a range of information and data to support evidence driven decision making, rigorous evaluation and increase use and capability with data in Aboriginal Australia.

CONCLUSION

Empowered Communities supports the Western Australian Government's approach in developing and implementing a set of strong and streamlined privacy principles to support responsible information sharing as a whole of government strategy for policies and programs affecting Indigenous Australians. Empowered Communities is strongly supportive of building government and ACCO capacity to engage with and use data to support evidence-based decision-making leading to empowerment of Indigenous communities.

The main focus for Empowered Communities regions is on resolving barriers to data access, by developing mechanisms that provide a clear pathway for ACCO's to be trusted data recipients. This relies on building strong data sharing partnerships and having Indigenous led data governance arrangements in place to advise on data sovereignty issues.