

Dataspaces in Australia

To meet the requirement to protect data while improving sharing at scale, the ARDC is piloting a concept referred to in Europe as dataspaces. TDS is providing relevant legal, regulatory and policy expertise into this effort. The project explores how dataspace governance and policy frameworks could be implemented effectively in Australia. If successful, dataspaces could prove to be a more integrated trust framework for data sharing than is currently the case across the Australian digital society and economy.

Australian policy context and law reform

The DATA Scheme establishes a legislative mechanism for mobilizing Australia's public sector data for societal benefit. The Scheme, however, is not effective, resulting in only 8 agreements all relating to a single program.

We made two submissions to a statutory review being conducted by the Department of Finance. The first publicly available submission is available here:



Our submissions highlighted:

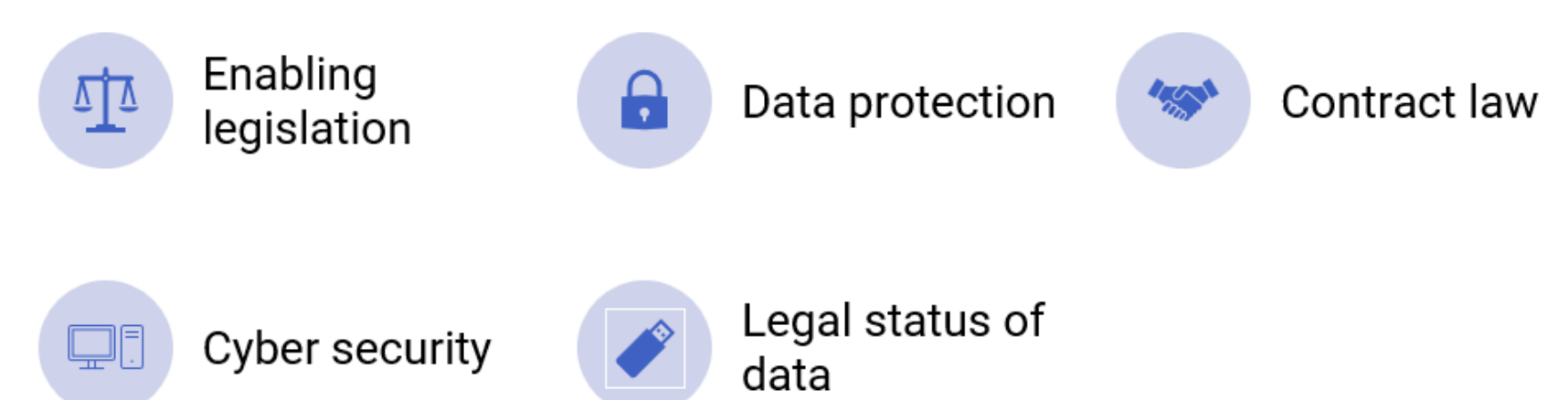
- The need to go beyond legislation as a means for sharing public sector data, instead building an *ecosystem for data sharing*.
- The need to simplify and integrate the DATA Scheme so it doesn't operate as the exception but is rather integrated within data processing and disclosure rules. Framework legislation can unite different rule-sets for different data-contexts.
 - Key terms (data, data custodian, public sector data, government data) should be defined consistently.
 - Rules for data discoverability can be distinct from rules for data access.
 - The possibility of accrediting dataspaces.
 - The importance of binding agreements as a layer for ensuring data governance.
- The problems of Ministerial override as a mechanism for encouraging data sharing.

International Data Spaces Rulebook

No single formal or legal definition for a "dataspace" exists; its meaning varies with context. The Data Spaces Support Centre (**DSSC**) defines a dataspace as "an infrastructure that enables data transactions between different data ecosystem parties based on the governance framework of that data space," and as being "generic enough to support the implementation of multiple use cases". The International Data Spaces Association's (**ISDA**) Dataspaces defines dataspace as "a decentralised, neutral framework of protocols and frameworks that empowers participants to engage in trusted data sharing", using common principles and standards.

Dataspaces are originally European and are thus framed in terms of EU policy and law. Our project has created a draft Australian version of the **ISDA Rulebook**. We are in discussions with ISDA about how to integrate this into a flexible, internationally applicable version of the Rulebook.

Jurisdiction-specific legal issues



Jurisdiction-specific legal issues for some kinds of data sharing



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