

Consultation on Data Sharing and Release Legislation

Submission from National and State Libraries Australia

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National and State Libraries Australia (NSLA) welcomes this consultation process. We support the policy directions underlying the new legislation - to increase economic activity and improve productivity through greater use and sharing of the public data held by the Australian Government.

NSLA libraries are Australia's major research libraries. We hold rich collections that serve the education, research, innovation and cultural needs of Australians every day. In 2016-2017, 11.6 million people visited our libraries and there were 81.8 million visits to Trove and our library catalogues and websites.

NSLA Libraries and Australian Government Data:

1. The proposed new Data Sharing and Release Legislation works in parallel with the Public Data Policy Statement released in late 2015. The connection of libraries to the new legislation and to the Statement occurs where data is deemed *open by default* for public release following appropriate de-identification, or is made directly available for wide public use.
2. Libraries collect and provide access to information for research purposes across the extended ecosystem – for all layers or sectors of government, for private businesses or development purposes, for education within and outside major institutions and academic centres, and for civic and local requirements. Libraries are trusted institutions for access and use of public data.
3. The 'purpose test' on p.14 of the Issues Paper frames the authorisation of data sharing where data is not deemed *open by default*. Libraries note that much broader purposes and outcomes drive the requirement for government data, where this can be appropriately and safely released.
4. The National Library of Australia and the State and Territory Libraries collect publications, including government publications, under legal deposit legislation and other legal instruments. In the print environment, publications are deposited separately to the required library, but in the digital environment, the National, State and Territory libraries are working in partnership to build a streamlined and central repository infrastructure and service. [National edeposit](#) (NED) will launch early in 2019.
5. The NED system is a significant and tangible national-state collaboration that will lower compliance costs for publishers, avoid duplication of complex digital collection and management systems, and build a better collection for all Australians. It will not only ensure that Australian publications are captured and preserved for generations to come, but also extend access to digital publications to all parts of regional and rural Australia. The intergovernmental cooperation and coordination required to develop and manage the NED system is a significant example of cross-jurisdictional efficiencies, digital transformation and capacity building. NED will be noted in September 2018 by the COAG Meeting of Cultural Ministers.

6. What is a 'publication' has become more complex in the digital environment. A snapshot of government data previously published is now a data set used and repurposed for different requirements; and analysed data may have been released as a printed government report and now is available for a short time through targeted online communication channels.
7. The National and State Libraries have archived websites, including government websites, for more than ten years and also undertake whole-of-domain harvests, but these mechanisms do not necessarily capture linked data sets. Active deposit arrangements for government publications result in quality information and data for Australians.
8. In the communication and framing of the new Data Sharing and Release legislation, the connection between public release government information and libraries should be explicit. The National, State and Territory libraries provide access and discovery services for the general public and their wide-ranging purposes and requirements; and libraries ensure the preservation of government information in all formats for future generations.

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