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National Data Security Action Plan

Submission in response to discussion paper

The University of Sydney welcomes the opportunity to contribute to the Department of Home Affair's development of a National Data Security Action Plan.

As one of Australia's premier research institutions, we can identify substantial benefit to the research community that would arise from improved and harmonised data security and legislative frameworks. The resulting security uplift would benefit and enable collaborative and translational research projects particularly in areas of health, social sciences and defence. Ultimately, this research will flow-on to benefit individuals and the wider community, government, industry and business.

Taking a high-level view, we consider the following issues as priorities:

1. Simplification, streamlining of government holdings

The existing landscape of government data bodies and legislative/governance mechanisms is overly complex. Multiple laws govern data security. Multiple frameworks determine data governance. Multiple agencies handle similar data differently. Data security laws need review to simplify and streamline the legislative framework, which will reduce administrative burden and non-compliance, remove impediments to accessing data for research, and defragment data security frameworks. Standardisation of data governance, handling and security will enable security hardening.

2. Ability of government to protect and handle data

The impact of major data breaches causes enormous personal damage to individuals and immense reputational damage to government and other institutions. The recent NDIS breach is an example of how public confidence in institutions is undermined by ineffective data security practices. The inability to adequately protect valuable data assets also impacts researchers who wish to access these datasets. The prevalence of poor data security undermines safe data sharing practices, which leads to refusals of reasonable data sharing requests by researchers and inhibits the ability of researchers to collaborate. Continuous investment in cybersecurity systems, governance frameworks and skilled personnel is vital to ensure that security risks from increasingly sophisticated threats are identified and nullified.

3. International and national consistency for cross-border data flows

Alignment of Australian and international data protection legislation would have significant advantages for research, business and individuals. For example, the EU's GDPR legislation ensures individuals' rights to privacy and to be deleted from datasets, and is widely recognised as being amongst global best practice for data security. Deficiencies in Commonwealth privacy legislation

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(e.g. no requirement for small businesses to report data breaches) prevent research data movements from GDPR-states to Australia. Support should be made available to small business to offset the cost of compliance, ensuring that notification of data breaches can be uniform across all organisations, regardless of size. Alignment of Commonwealth legislation (by revision of the Privacy Act, among others) with GDPR would result in significant uplift in international research collaborations with European partners and would remove loopholes in Commonwealth legislation.

Within Australia, the non-alignment of state-based legislation prevents seamless sharing of data between different jurisdictions. This is particularly problematic when collaborating with researchers in other states, and when attempting to link state and national datasets together, affecting many health, medical and population studies and initiatives. Variations between states' recordkeeping legislation cause further complications as different rules apply for the long-term retention and management of research data. Overarching legislation and frameworks that aggregate data and 'remove state borders' should be prioritised.

4. Supply chain security

Securing technology supply chains is vital to enabling research programs. Improved information communicated from government about the autonomous nature of approved suppliers would benefit procurement processes in research institutions. Government assistance might be required to source technology components from small, independent suppliers who might not otherwise meet procurement goals of providing goods at lowest cost. For example, sourcing semi-conductors from diverse small suppliers in Australia or Taiwan will be more expensive than sourcing from large manufacturers in single markets. Assistance may be in the form of a reduced sales tax component, or deferred compliance costs.

5. Skilled workforce development

A highly-trained, skilled workforce of software engineers, programmers, analysts, cybersecurity specialists and data managers is required by government and industry to continue to develop and operate essential infrastructure and systems. Currently these skills are in high demand and it has become difficult for employers to recruit into existing positions. This situation is unlikely to improve if the supply of skilled workers cannot be increased. Ensuring the education, recruitment and retention of suitably skilled employees should be given high priority.

We appreciate the opportunity to contribute to the formulation of a national data security framework, and welcome future engagement over these critically important issues. Please do not hesitate to contact me should you wish to discuss any aspect of this submission. Alternatively, please liaise with Dr Adele Haythornthwaite (adele.haythornthwaite@sydney.edu.au), Manager Research Data Governance.

Yours sincerely,

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