

## NSW Government Data Sharing Agreement Generator - Prototype V3

### Accompanying Document

#### DATA RECIPIENT PROCESS FLOW WHEN CREATING A NEW AGREEMENT

##### Section 1: Overview

The Data Sharing Agreement Generator (DSA Generator) is a proof of concept for a digital tool that NSW Government agencies can use to create or renew a data sharing agreement between agencies.

The DSA Generator is intended to standardise and streamline the process for requesting, negotiating and formalising data sharing arrangements by creating a simple online process for generating fit-for-purpose agreements.

Ideally, the tool will replace the following three documents with a single online form:

- The Data Access/Request Form
- The Memorandum of Understanding (MoU) or other types of data sharing agreements
- The Associated Schedules that typically accompany the MoU.

User benefits include:

- Speedier exchange of information and approval
- Increased audibility by creating a centralised digital history of the agreement
- Legally sound, fit-for-purpose data sharing agreements that reflect best practice

**The DSA Generator is in the first stage of testing and represents a low fidelity prototype.**



## Section 2: Instructions

### Are you using this tool to create a new data sharing agreement?

Only the recipient of the requested data (Data Recipient) can initiate the data sharing agreement process. The Data Recipient can be any NSW Government employee.

Before using this tool, it is recommended that the Data Recipient:

- Check that the data is not already publicly available
- Identify and establish contact with the relevant Data Provider or Data Custodian
- Understand their own agencies responsibilities in relation to any legislation that may apply to the data sharing agreement
- Ensure they have approval from an appropriately authorised representative in their agency to execute the agreement.

### Are you responding to a data sharing agreement request?

Only the individual that has been nominated by the Data Recipient as a Data Provider can respond to a data sharing agreement request. The Data Provider will receive a verification code by email to access the agreement request.

Before reviewing this agreement, it is recommended that the Data Provider ensure:

- The data requested is not already publicly available and cannot be made publicly available
- The data requested is classified according to the [NSW Government Information and Handling Classification Guidelines](#)

### Are you using this tool to edit or renew an existing data sharing agreement?

Both the Data Recipient and the Data Provider can edit or renew an existing data sharing agreement, so long as they have the verification code to access the agreement. The other party will be required to approve/decline any changes.

Contact [IDG\\_Information@finance.nsw.gov.au](mailto:IDG_Information@finance.nsw.gov.au) if you are unable to access any of the information listed above.

Item	Select purpose
1	Would you like to:  <b>(1) CREATE a new data sharing agreement (Data Recipient)</b>



	(2) EDIT / RENEW an existing data sharing agreement (Data Recipient OR Data Provider)
	(3) REVIEW a data sharing agreement request (Data Provider or Authorised Representative)

**Section 3: Creating a new data sharing agreement**

**Status: Draft**

Item	Mandatory Field	Data Recipient Information	
2	Data Recipient Name		
3	Agency Name		
4	Agency ABN		
5	Agency Address		
6	Email*		
7	Phone*		
<b>Data Provider(s) Information (mandatory – to be published in the agreement)</b>			
8	Data Provider Name		
9	Agency Name		
10	Email		
11	Phone		
<b>Authorised Representative for approval (mandatory – to be published in the agreement)</b>			
12	Authorised Representative Name		
13	Authorised Representative Title		
14	Email		
15	Phone		
<b>Data to be shared under the agreement (mandatory – to be published in the agreement)</b>			
16	Data Specification		
17	Data Format		
18	What is the frequency of data provision requested? (1) One-off (2) Continuous		



19	<b>Effective start date for access to the data (enter preferred date)</b>		
20	<b>End date for access to the data (enter preferred date)</b>		
21	<b>Approved Purpose(s)</b>		
22	<b>Agreement valid until (specify preferred end date)</b>		
<b>Information for agreement (mandatory – to be published in the agreement)</b>			
23	<b>Privacy Impact:</b> Have you or do you intend to undertake a PIA? Provide summary of reasoning for yes/no		
24	<b>Authorised Users:</b> Specify the authorised Users nominated to access the supplied data (including their names and title)		
25	<b>Means of transfer:</b> Specify the mechanism for transferring data securely		
26	<b>Security:</b> Specify security and storage measures you have in place to protect the data from unauthorised use		
27	<b>Retention and disposal:</b> How long do you intend to retain the data for and how do you intend to dispose of the data? Include your justification for retaining the data for that period.		
28	<b>Source of authority:</b> Have you determined a legal source of authority for accessing this data?	If 'yes,' specify the legal source of authority.  If 'no,' go to next question.	
<b>Additional Information (optional but recommended – this information is to assist the Data Provider in assessing your data sharing agreement request. If your request is approved, the information you provide will not be published in the final agreement)</b>			
29	<b>Constraints:</b> Are there any constraints surrounding this data sharing agreement	If 'yes' specify the constraints surrounding the request.	

	request? E.g. is data required by a certain time?	If 'no,' go to next question.	
30	<b>Safe Projects:</b> is the data being used for (1) Government Policy; (2) Research and development with a public benefit; (3) Program design, implementation, and evaluation; (4) Delivery of government services; (5) Other.	If 'other,' specify. Tip: note that under the Data Sharing (Government Sector) Act 2015 (NSW) (Part 2), government agencies can only share data with another agency for the listed purposes OR other purposes as may be prescribed by regulations.	
31	<b>Safe Projects:</b> Is there a risk of loss, harm or other detrimental impact to the community if the sharing and use of the data does not occur?	If 'no,' go to next question.  If 'yes,' briefly explain the risk of loss, harm or other detrimental impact to the community if the sharing and use of the data does not occur.	
32	<b>Safe People:</b> Do staff who will have access to the data possess the technical requirements (e.g. equipment, software) and knowledge (e.g. skills and experience) to effectively use the data for the proposed purpose?	If 'yes' provide details of staff's technical requirements (e.g. equipment, software) and knowledge (e.g. skills and experience)  If 'no,' note that under the <a href="#">Australian Data Sharing Principles</a> (2019) it is recommended that the data recipient ensure that they have the necessary internal skills and capability to use and analyse the data.	
33	<b>Safe People:</b> Will any third parties be permitted access to the data?	If 'no' go to next question.  If 'yes', provide details of any third parties that will be permitted access including names, addresses, the level of access the will be permitted and for what purpose.	
34	<b>Safe Settings:</b> Will the data be stored in Australia?	If 'no,' provide details of where the data will be stored.  If 'yes' go to next question.	

35	<b>Safe Outputs:</b> Will the results of the data analytics work conducted on the data be published or disclosed?	If 'yes,' who is the likely audience of the publication or disclosure?  If 'no,' go to next question.	
36	<b>Safe Data:</b> Do you intend to undertake any data linkage / matching activities?	If 'yes,' provide a summary of data linkages required as part of this project.  If 'no,' go to next question.	
37	<b>Safe Data:</b> Does the data requested contain information that identifies individuals, OR does it contain information from which they could be reasonably be identified that is not already in the public domain?	If 'no,' go to Section 4.  If 'yes,' do direct identifiers need to be retained, for example, as a critical part of the project?	If 'yes,' briefly explain why it would not be possible to achieve the specified purpose using de-identified data?  If 'no,' modify data request before proceeding.

#### Section 4: Upload supporting documentation (optional)

Status: Draft

Upload supporting documentation (optional) that may assist the Data Provider to make a decision about your data sharing agreement request.

Examples of supporting documentation include, but are not limited to:

- A Project Scoping document
- Agency Approval
- Privacy Impact Assessment

Item	File Upload (optional)
38	Upload supporting documentation (yes/no)

## Section 5: Review agreement request and submit to Data Provider

Status: Draft

Your data sharing agreement request is ready to be submitted to the Data Provider.

If you would like to review or edit the agreement request prior to submitting it to the Data Provider, click edit.



Document

Item	Disclaimer
39	Would you like to: (1) Edit <b>(2) Submit</b> (3) Save draft

## Section 6: Declaration and Disclaimer

Status: Draft

NSW Department of Customer Service (DCS) will not be liable for any loss suffered by your use of the Data Sharing Agreement Generator as the agreement is a general template and is based on the accuracy of information you have provided. It should not be considered to constitute legal advice. Before entering into an agreement, you should consult with your agencies own legal advisors, who can advise you about your agency's legal responsibilities.

The Data Sharing Agreement Generator and agreements produced using it are based on NSW law and are not designed for use outside NSW or by parties outside NSW. The NSW Government, DCS, and its officers and employees, do not guarantee and accept no legal liability whatsoever arising from or connected to the accuracy, reliability, currency, or completeness of any contract generated through the Data Sharing Agreement Generator. We recommend you exercise your own skill and care with respect to the use of the Generator and that you carefully evaluate the accuracy, currency, completeness, and relevance of the agreement for your agency's purposes.

Item	Declaration
40	I accept the terms and conditions
41	I declare that the information I have given in this form is true and correct



**Step 7: Agreement request has been submitted**

**Status: Submitted**

Your agreement request has been submitted to the Data Provider.

Use the unique document identification number (UDI) to review the status of the agreement:

**100600**

The Data Provider will receive an email to notify them of this agreement request. They will have five working days to approve/decline the request. You will be notified of their determination by email.

Please note you cannot edit the agreement request while you wait for it to be approved/declined by the Data Provider.



## DATA PROVIDER PROCESS FLOW WHEN REVIEWING AN AGREEMENT REQUEST

The data provider receives an email notifying them of the agreement request and a link to the tool with a verification code to access the request.

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Item	Select purpose
1	Would you like to:  (4) CREATE a new data sharing agreement (Data Recipient)

(5) EDIT / RENEW an existing data sharing agreement (Data Recipient OR Data Provider)

**(6) REVIEW a data sharing agreement request (Data Provider or Authorised Representative)**

### Section 3: Review a data sharing agreement request

**Status: Draft**

To access the submitted data sharing agreement request:

Item	Verification code
2	Enter the six-digit verification code you received by email.
3	Enter the unique document identification number.

### Section 4: Review request

**Status: Draft**

Review the submitted data sharing agreement by clicking [here](#).

The Data Recipient has uploaded the following documentation to support their data sharing agreement request.

- [Agency Approval](#)
- [Project Scope](#)

Item	
4	<p>Would you like to:</p> <ul style="list-style-type: none"> <li><b>(1) Approve the request and complete the agreement</b></li> <li>(2) Request further information from the Data Recipient</li> <li>(3) Deny the agreement request</li> </ul>

Section 5: Agreement request provisionally approved

Status: Draft

You have approved the data sharing agreement request.

Before you complete the agreement, please consider the following questions to ensure the data can legally be shared via an agreement.

Item	Legislation, confidentiality and privacy considerations ( <b>mandatory</b> – this information will <u>not</u> be published in the agreement)			
5	Is there legislation that permits the sharing of this data?	<p>If 'no,' go to next question.</p> <p>If 'yes,' specify the legislation and ensure compliance with any specific legislative requirements for sharing this information. Skip to Section 5.</p>		
6	Does legislation <b>preclude</b> disclosure of the data? Consider protections under agency-specific legislation, for example in the form of secrecy provisions.	<p>If 'no,' go to next question.</p> <p>If 'yes,' the data cannot be shared. Seek legal advice.</p>		
7	Does the data contain <b>personal information</b> or information from which a person could be reasonably identified that is not already in the public domain?	<p>If 'no,' go to next question.</p> <p>If 'yes,' is the disclosure of this data for the same purpose for which your agency obtained the information OR has the person/s to whom the data relates consented to the disclosure?</p>	<p>If 'yes,' go to next question.</p> <p>If 'no,' is the sharing of this data necessary for the performance of a government duty that is in the public interest?</p>	<p>If 'yes' go to next question.</p> <p>If 'no,' can personal data be de-identified to ensure the information is no longer about an individual or an individual is reasonably identifiable?</p>
8	Does the data have a protective marking of <b>sensitive or above</b> – for example does it	<p>If 'no,' go to next question.</p>	<p>If 'yes,' modify data to remove any sensitivity before sharing with the</p>	



	contain sensitive commercial, environmental, national security or legal information?	If 'yes,' can the data be modified (e.g. aggregated or de-identified) to remove any sensitivity?	Data Recipient under this agreement.  If 'no,' ensure the data is handled according to its protective marking as outlined in the <a href="#">NSW Information Classification, Labelling and Handling Guidelines</a> . Go to next question.	
9	Is the use of the data appropriate? I.e. is the data requested fit for the purpose(s) it is intended for?	If 'yes' go to Section 5.  If 'no,' specify why.	If 'Other,' please specify.  Do not proceed with this agreement until concerns regarding the appropriateness of the data are discussed and reconciled with the Data Recipient directly.	

**Section 6: Complete draft data sharing agreement**

**Status: Draft**

To generate the data sharing agreement, please complete the following information.

Item	Data Provider Information ( <b>mandatory</b> – to be published in the agreement)		
10	Data Provider Name		
11	Agency Name		
12	Agency Address		
13	Email		
14	Phone		
Authorized Representative for approval ( <b>mandatory</b> – to be published in the agreement)			
15	Authorized Representative Name		
16	Authorized Representative Title		

17	Email		
18	Phone		
<b>Information for agreement (mandatory – to be published in the agreement)</b>			
19	Shared Information (if different from the data specification)		
20	Specify the classification and labelling status of the data		
21	Upload Data Quality Statement		
22	Specify the legal source of authority for sharing the information requested		
23	Specify special conditions on use and disclosure. For advice, review the <a href="#">Australian Data Sharing Principles Best Practice Guide</a> .		

## Section 7: Declaration & Disclaimer

**Status: Draft**

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Item	Declaration
24	I accept the terms and conditions
25	I declare that the information I have given in this form is true and correct

### Section 7: Submit to the Data Recipient for approval

Status: Draft

The draft data sharing agreement is ready to be submitted to the Data Recipient for approval.

If you would like to review or edit the agreement before it is sent to the Data Recipient, click [edit](#).



Document

Item	Disclaimer
26	Would you like to:  (1) Edit  <b>(2) Submit to Data Recipient for approval</b>  (3) Save draft

### Step 8: Submitted

Status: Submitted

Your agreement request has been submitted to the Data Recipient for approval.

Enter the document identification number to access and review the status of the agreement:

**100600**

The Data Recipient will receive an email to notify them of the status of the agreement. They will have five working days to approve/decline the agreement. If approved with no changes, the agreement will be emailed to both parties Authorised Representatives for final approval. If declined, you will be notified by email and asked to respond to the requested changes.