

Rights and Responsibilities for Open Data Users

Open data is a tremendous resource. It provides the intelligence for insight, invention and exploration that translate into better products and services that improve everyday life and encourage business growth.

The [2016 NSW Government Open Data Policy](#) identifies responsibilities for government agencies under six open data principles.

Public users – including industry, researchers and the community – have an enforceable right to access government information under the Government Information (Public Access) Act 2009 (GIPAA). This document aligns these rights and responsibilities in relation to open data. It complements the NSW Charter for Public Participation being developed by the NSW Information Commissioner, who also acts at the NSW Open Data Advocate.

Please let us know what you think [online](#) through the Data NSW blog or [email](#) us at DataNSW at finance.nsw.gov.au with the subject *Open Data Rights*.



GOVERNMENT DATA WILL BE:	OPEN DATA USERS HAVE A RIGHT TO:	OPEN DATA USERS HAVE A RESPONSIBILITY TO:
 <p>Open by default and protected where required</p>	<ul style="list-style-type: none"> access any NSW Government data unless there is an overriding public interest against disclosure (1) access data in open formats so that it is available to the widest range of possible users use open data for any purpose within the licence conditions know about the safeguards applied to personal, health or other sensitive information know the reasons why data is not released, and if or when it will be released in the future 	<ul style="list-style-type: none"> recognise that there are legitimate reasons why some data cannot be released use data in ways that are consistent with its licence conditions uphold safeguards intended to protect personal, health or other sensitive information inform the data custodian if they become aware of a breach of licence conditions or safeguards for personal, health or other sensitive information (2)
 <p>Prioritised, discoverable and usable</p>	<ul style="list-style-type: none"> request data to be prioritised for release know about data that is scheduled for release easily search for data through the Data NSW catalogue discover related or linked open data and any relevant guidance, documentation, visualisations, or analysis access data in a variety of open formats that can be processed by computers and used by people 	<ul style="list-style-type: none"> provide feedback to help data custodians identify which data to prioritise for release or improvement share links to products or services (apps, articles, visualisations) that make use of open data
 <p>Primary and timely</p>	<ul style="list-style-type: none"> access open data without undue delay access current and real-time data access historical or time series data know when data was produced and when it was published know if or when the data will be updated access data in its original, unmodified form access data that is disaggregated to the lowest levels possible, respecting any safeguards for personal, health or other sensitive information 	<ul style="list-style-type: none"> recognise that it may require time and human or technical resources to identify and prepare data for release

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 Well managed, trusted and authoritative	<ul style="list-style-type: none"> access data collected according to standards so it is easy to compare between sectors, across locations, and over time access data that has been controlled and organised to ensure its reliability and integrity understand the source, strengths, weaknesses, and analytical limitations of the data speak to an agency contact who can provide more information about the data 	<ul style="list-style-type: none"> familiarise themselves with the data quality statement and any caveats or known limitations in the data use and interpret the data responsibly, recognising any analytical limitations of the data
 Free where appropriate	<ul style="list-style-type: none"> access and use data free of charge in most cases know about any fees for data use or special services know why fees apply and how they are calculated use data under an unrestrictive license in most cases access and use data without being required to register or identify themselves 	<ul style="list-style-type: none"> contribute data they create and collect to the open data ecosystem
 Subject to public input	<ul style="list-style-type: none"> request data to be released or provided in a different form provide feedback on the quality and utility of open data directly engage in decision making around data collection, data use and the process of release be consulted about changes to the structure or supply of open data that could impact products or services that use open data participate in co-creation of datasets, visualisations, applications, and other tools based on open data 	<ul style="list-style-type: none"> share their insights and feedback with data custodians and the open data community

1. *Public interest considerations against disclosure, including privacy, security and commercial interests are described in GIPAA Part 2, Division 2 (s.12-s.15)*
2. *Open data users may also contact the Privacy Commissioner if they suspect a breach of personal or health information has occurred*