



Data Availability and Transparency Amendment (No. 1) Code 2025

I, Gayle Milnes, National Data Commissioner, make the following instrument.

Dated 16 June 2025

Gayle Milnes
National Data Commissioner

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1 Name

This instrument is the *Data Availability and Transparency Amendment (No. 1) Code 2025*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 126 of the *Data Availability and Transparency Act 2022*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Data sharing agreements

Data Availability and Transparency Code 2022

1 Section 4 (note)

Repeal paragraph (p) of the note, substitute:

- (p) public sector data;
- (q) registered;
- (r) share;
- (s) source data;
- (t) State body;
- (u) Territory body;
- (v) use.

2 Section 4

Insert:

state or territory data means data collected, created or held by or on behalf of a State body or a Territory body.

3 Part 4

Re-number as Part 9.

4 Section 24

Re-number as section 90.

5 Section 25

Re-number as section 91.

6 After Part 3

Substitute:

Part 4—Requirements to be met by all data sharing agreements

24 Purpose of Part

For an entity to be authorised to share data with another entity under the Act, the project the sharing is part of must be covered by a registered data sharing agreement that is in effect and meets the requirements of the Act. This Part sets out additional requirements that a data sharing agreement must meet for the purposes of the Act.

25 Requirements for data sharing agreements involving state or territory data

- (1) For the purposes of subsection 19(16) of the Act, this section prescribes requirements that must be met by a data sharing agreement under which:
 - (a) the source data is, or includes, data that is state or territory data; and
 - (b) the data custodian of the source data obtained the state or territory data:
 - (i) from a State body or a Territory body (a ***state or territory data provider***); and
 - (ii) under another contract or agreement (a ***provisioning agreement***).
- (2) The requirements are that the data sharing agreement specify:
 - (a) the state or territory data included in the source data; and
 - (b) the state or territory data provider of the state or territory data; and
 - (c) whether there are any conditions in the provisioning agreement related to the data custodian sharing the state or territory data; and
 - (d) if there are such conditions in the provisioning agreement—how the sharing of the source data under the agreement is consistent with those conditions.

Note: This section applies where state or territory data is obtained by a data custodian under one agreement and shared through another agreement (being a data sharing agreement).

Part 2—Application provisions

Data Availability and Transparency Code 2022

7 At the end of the instrument

Insert:

Part 10—Application, saving and transitional provisions

Division 1—Application provisions relating to the Data Availability and Transparency Amendment (No. 1) Code 2025

100 Definitions

In this Division:

amending instrument means the *Data Availability and Transparency Amendment (No. 1) Code 2025*.

101 Application

The amendments made by Schedule 1 to the amending instrument apply in relation to data sharing agreements entered into on or after 1 July 2025.