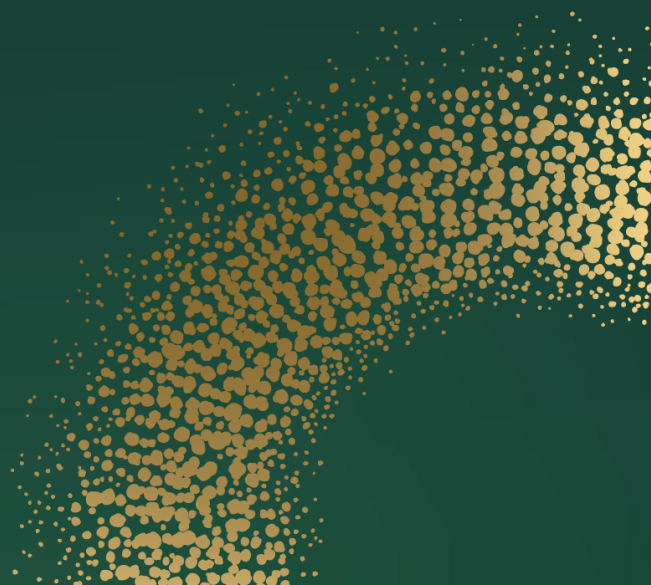
Australian Government

Cross-Border Trade Data Sharing Framework

2024



Contents

Introduction and Purpose 3

Definitions 3

Scope 3

Framework principles and risk criteria 5

Governance 6

Introduction and Purpose

Data underpins all cross-border trade transactions, including compliance and commercial requirements. The efficient exchange of data is critical to support Australia's competitiveness in global markets while ensuring strong border, community and biosecurity protections. The safe and secure sharing of cross-border trade data will help simplify Australia's cross-border trade environment and increase the efficiency and effectiveness of government administration.

The Cross-Border Trade Data Sharing Framework (the Framework) sets out the principles and processes and governance requirements for an enduring whole-of-government approach to cross-border trade data sharing. This approach will ensure that trade data is efficiently collected and used by government, while maintaining its quality, integrity and privacy protections, to support:

- Increasing efficiency for businesses providing information to government.
- Improving the service experience for businesses when interacting with government.
- Streamlining compliance activities.
- Increasing efficiency for movement of goods across the border.
- Enabling other reforms to enhance cross-border trade.

The Framework operates within existing legislation, including, but not limited to, the *Privacy Act 1988*, *Customs Act 1901*, *Australian Border Force Act 2015*, *Biosecurity Act 2015* and *Export Control Act 2020*. The Framework does not override legislation or require data sharing.

Definitions

The term 'data' is used in a general sense and reflects the terminology used in legislation with regards to the use, recording and disclosure of information. This material uses the term 'data' to encompass material that may also be referred to as 'information' in certain contexts. It does not intend to draw a distinction between these terms.

Scope

The Framework is intended to be adaptable to different legislative, technology, and data contexts, and encourages a 'whole-of-system' approach to data exchange, integration and interoperability to enable an efficient cross-border trade environment.

The Framework builds on Australian government policy, including the *Intergovernmental Agreement on Data Sharing*, *Data and Digital Government Strategy* and the *Data Availability and Transparency Act 2022*, and international best practice to increase the sharing of cross-border trade data underpinned by strong safeguards and consistent, efficient processes.

The Framework covers data collected and generated by government for trade revenue, compliance and regulation purposes, including:

- Undertaking border operations.
- Informing government policy making.
- Improving regulatory and service delivery outcomes.
- Identification and Fit and Proper Person tests.
- Compliance and risk assessment.
- Enforcing regulatory requirements.

Data types covered by the Framework, where sharing is permitted under law and regulations, can include:

- Identifiable data collected for regulatory purposes, including identification, compliance and permit and licensing.
- Identifiable and de-identified data resulting from trade processes (e.g. identification, compliance and risk assessments).
- Identifiable unstructured data, including multi-media, x-rays.
- De-identified and aggregate data to inform policy, program and service delivery.
- De-identified data for statistics and research.
- Reference data, metadata and information that supports data re-use, integration and harmonisation.

Although the Framework was developed with a focus on Commonwealth government agency data sharing, the guiding principles and process and governance requirements are designed to be extended for broader use. This could include data sharing from government to business or between the Australian Government and international trade partners to support efficient trade and effective border operations. Inclusion of these uses and operating requirements are expected to be considered as the Framework matures and needs evolve.

Framework principles and risk criteria

The Framework establishes the principles and limitations for sharing cross-border trade data between government agencies to support the goals of streamlined trade data collection by government and maximising the utility of trade data assets through re-use.

The Framework is underpinned by six guiding principles:

1. **Lawful use and lawful disclosure** – Data sharing will have a legal basis, with due diligence undertaken and legal and policy requirements upheld. Appropriate ethical standards will be applied when sharing data.

2. **'Collect once, use many times'** – Trade related data assets will be discoverable, accessible and interoperable with the aim of maximising the utility of data through appropriate and lawful re-use.

3. **High quality, reliable data** – High quality, reliable data is critical to enable effective strategic and operational decision making and action.

4. **Standardised and described data** – Conformance to common standards, definitions and metadata enables data interoperability and cost-effective discovery, access and re-use.

5. **Assurance** – Appropriate privacy and security protections are used for individual and commercial confidentiality, operational sensitivities and national security to ensure trust in data sharing.

6. **Controlled access** – Access to data must be for a legitimate purpose and appropriately managed to ensure recipients are authorised to receive data.

The Framework establishes the expectation that government agencies will share cross-border trade data with each other 'by default', unless one of the following risk criteria, which are aligned with the 'Five Safes' internationally recognised data sharing risk management model, are met:

1. **A legitimate and lawful purpose to use this data asset cannot be identified** - Only data that supports a lawful and legitimate function should be shared. Legal and ethical assessments on the proposed use of the requested data will be undertaken prior to providing access to a data asset. This includes confirmation that the data asset can be used to support defined functions, duties or powers of the government recipient.

2. **There are applicable legal barriers restricting disclosure of the data asset** - Data that is restricted by legal barriers, including legislation, from being shared, or received, will not be shared. The identification of legal barriers to data sharing, such as applicable secrecy provisions, notice requirements, disclosure and secondary use limitations under the *Privacy Act 1988* or state and territory-based privacy legislation, or other agency-specific legislation will be undertaken prior to data sharing.

3. **The classification of the data asset is inappropriate to share with the requestor** - Data cannot be shared that is classified above the level that the requestor can appropriately handle, based on the requestor's tools, platforms and people involved in data transit and storage. Data assets must be classified in line with Australian Government information classification standards, so that the classification of data assets is well-understood.

4. **The requestor's environment is not appropriately managed to protect the data asset** - For a requestor to access a data asset there will need to be assurance that appropriate information governance and cybersecurity controls are in place to protect the asset.

Governance

Governance arrangements and supporting processes will be designed to be responsive to the evolving needs of businesses, government and external influences, including legislative and technology changes. They will be used to implement and steward the Framework, including managing accountabilities, roles and responsibilities for data sharing. This will ensure that risks are appropriately managed, transparency is maintained, improvements to quality and discoverability are realised and data sharing is actively pursued.

The Framework will be reviewed annually by STS governance committees. The Framework will be made available externally on a relevant agency website. Where necessary and substantive, amendments to the Framework will be recommended to relevant ministers for endorsement. Any proposed changes will be consulted with stakeholders.