Australian Government
Department of Finance

APS Data Ethics Use Cases

2024

Contents

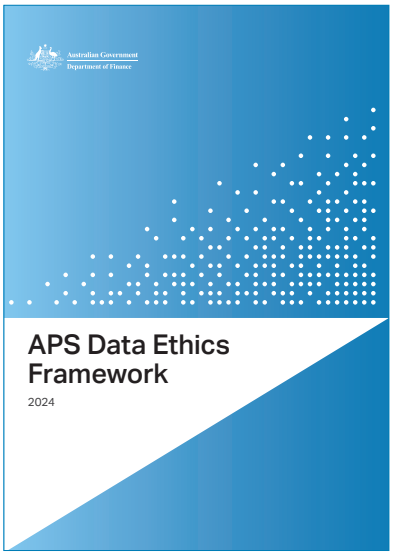
Version: 1.0

Introduction

Data ethics use cases

The following use cases have been included to highlight situations in which data ethics should be applied. They represent key elements across the APS at the time this Framework was developed. They do not constitute the only applicable ethical use case considerations.

This document is to be read in conjunction with **APS Data Ethics Framework**.



Aboriginal and Torres Strait Islander data (Indigenous data)

> 'Indigenous data' refers to information or knowledge, in any format or medium, which is about and may affect Indigenous peoples both collectively and individually (Maiam nayri Wingara).

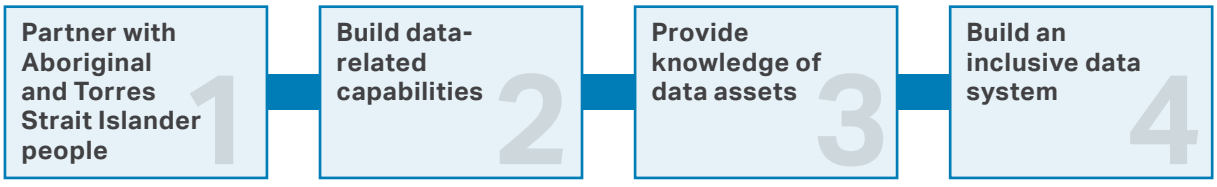
All APS staff should be aware of the additional ethics and integrity protocols involved when dealing with Indigenous data. These protocols emerge from the need for all APS staff to respect Indigenous peoples' rights to self-determination, and to act with integrity. Better outcomes are achieved when Indigenous Australians lead discussions on matters affecting them, including on the use of data to inform government policy. Working in genuine partnership with Aboriginal and Torres Strait Islander peoples on data is crucial for developing and adopting Indigenous-led measures of success that support Indigenous priorities. Partnerships support Indigenous self-determination by challenging unconscious bias, disrupting institutionalised racism, and overturning historical exclusion from the policy-making process.

Data governance and Indigenous data sovereignty

Indigenous data sovereignty (IDS) is a global movement whose advocates assert the importance of data for Indigenous self-determination. In Australia, **Maiam nayri Wingara asserts** that:

> "'Indigenous Data Sovereignty' refers to the right of Indigenous people to exercise ownership over Indigenous Data. Ownership of data can be expressed through the creation, collection, access, analysis, interpretation, management, dissemination and reuse of Indigenous Data".

In the APS context, the **Framework for Governance of Indigenous Data** provides a steppingstone to greater awareness and support for IDS across agencies. All APS agencies are required to implement the Framework. The Framework's four Guidelines for dealing with Indigenous data include:



Examples of best practice across the data lifecycle include:

- Involve Indigenous peoples in the conceptualisation/creation phases of the data lifecycle.
- Obtain free, prior, and informed consent in a culturally safe way, articulating benefits/risks.
- Provide safe and easy access for Indigenous peoples to relevant Indigenous data.
- Engage Indigenous peoples in the analysis/interpretation of Indigenous data.
- Partner with Indigenous peoples to disseminate Indigenous data in culturally safe/appropriate ways and formats.

Additional ethics and integrity protocols

APS staff should be aware of other additional ethics and integrity protocols outlining standards for best practice. These additional protocols include:

- The **Framework for Governance of Indigenous Data** provides guidance on how to practically implement and embed those areas of data governance where IDS and APS objectives align.
- The **AIATSIS Code of Ethics** for Aboriginal and Torres Strait Islander Research sets out national standards for ethical and responsible conduct. It reflects the Wiradjuri concept of 'yindyamarra', which in in part means to act with honour, respect and wisdom.
- The **NHMRC Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities** defines six core values for ethical research.
- Priority Reform Four of the **National Agreement on Closing the Gap** outlines all Australian Governments' commitment to 'Shared Access to Data and Information at a Regional Level'.

Problematic elements of AI bias

There are 5 commonly accepted categories associated with bias in AI. Prejudice, measurement, exclusion, sample, and selection (PMESS). Understanding these biases will allow data professionals to mitigate ethical elements associated with data analysis that could produce unfair results.

Bias category	Example
Prejudice: Where the dataset has been incorporated with societal bias in something that should be opinion free.	Validating private sector employment status categories, but excluding persons considered to be over retirement age.
Measurement: Inaccuracies of how data is gathered, measured, or valued can impact accuracy.	Offering rewards, gifts or payments for responses may not garner an honest response or be skewed by reward motivation.
Exclusion: Intentional or mistaken removal (or non-selection) of data points.	Not including all data points, such as neutral responses, may result in inaccuracies with spectrum sizes.
Sample: Inaccurate selection of dataset that does not accurately represent a full and complete sample of the circumstances.	Seeking a representation of job category diversity but only sampling trade positions.
Selection: Ensuring the sample size or inclusions are representative of all potential results.	Reviewing local government area (LGA) preferences of local school selection, however not incorporating schools outside of the LGA or home schooling.

Data sharing under the Data Availability and Transparency Act

The **DATA Scheme** is a best practice scheme for sharing Australian Government data. It is focused on increasing the availability and use of Australian Government data to deliver government services, inform better government policies and programs, and support world-leading research and development. The Scheme is underpinned by strong safeguards to ensure that increased availability is balanced with the need to manage data safely, securely and in line with community expectations.

The **data sharing principles** are the risk management framework which sit at the core of the DATA Scheme to support data custodians to decide if it is safe to share data. For data custodians to be satisfied that it is safe to share data, they must be satisfied that each data sharing principle has been applied to the sharing, collection or use of data. This must be done in such a way that when viewed as a whole, the risks associated with the sharing, collection or use are appropriately mitigated. An example of application is the project principle that ensures the project can reasonably be expected to serve the public interest, and the entities involved in the project **observe appropriate ethics processes**. As it relates to ethics, the agency must:

- consider what processes of ethics (if any) are applicable to the project, as established by legislation or policy
- observe any **mandatory ethics process that applies**.

Ethics processes involve the review of the ethical risks of sharing, collecting and using data, using an established method that is appropriate in view of the individuals, entities or subject matter to which the data relates. Ethics processes may be applicable to a project even if the data to be shared, collected and used does not directly relate to individuals (it may, for example, relate to the environment). Ethics processes may include an assessment of the potential harm of the outcomes of the project to individuals, society or the economy. They may be mandated by policy frameworks within an entity that is a data custodian or accredited entity, or by an independent body such as the National Health and Medical Research Council or the Australian Institute of Aboriginal and Torres Strait Islander Studies.

If more than one ethics process is mandatory in relation to the project, the parties must observe at least one process which is chosen by agreement between the data custodian, accredited user and (if relevant) the accredited data service provider. It is also at an entity's discretion to apply any additional ethics processes if deemed necessary in the circumstances, and legislation or policy don't establish that one must take place.