# Ethical Use of Data

## Purpose

This policy outlines the principles that govern the collection, analysis and use of data to support the NHVR's commitment to improving safety, productivity and sustainability across the heavy vehicle industry.

This policy outlines the NHVR's obligation to use data in an appropriate and ethical manner in order to identify, target and address the greatest existing and emerging safety risks.

This policy aligns with the *Information Privacy Principles* (schedule 3 of the *Information Privacy Act 2009 (Qld)*), *Right to Information Act 2009 (QLD)*, the NHVR's Right to Information Policy and Privacy Policy, the NHVR's ethical Use of Artificial Intelligence Policy, and the NHVR's Regulatory Intervention Strategy.

## Scope

This policy applies to all NHVR employees (including contractors) who collect, analyse and/or use data to perform regulatory functions to support the intent of the Heavy Vehicle National Law (HVNL).

| Note: | For the purposes of this policy, ethical use of data refers to practices that seek to preserve the trust of data users and data stakeholders. |
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| Note: | For the purposes of this policy, the term data refers to any information pertaining to the heavy vehicle industry that is collected or received by the NHVR to undertake its regulatory functions. |

## Policy statement

The NHVR commits to using data in a risk-based and evidence-informed manner to meet the organisation's regulatory objectives under the Heavy Vehicle National Law (HVNL).

By harnessing data and identifying trends from existing and emerging data sets, the NHVR seeks to strengthen its knowledge and understanding of the heavy vehicle industry. This assists the NHVR to develop effective and evidence-informed policies, strategies and legislative frameworks for regulatory activities across the heavy vehicle industry.

The NHVR is committed to using data to deliver consistent and effective regulatory decision-making in order to reduce the regulatory burden on industry and improve productivity where possible.

The NHVR will seek to work collaboratively with partner agencies, regulatory bodies, industry participants and third parties to securely, lawfully and ethically collect, use and share data.

The NHVR will collect, analyse and use relevant data that is reasonably necessary to undertake its regulatory functions, in line with the *Information Privacy Act 2009,* the *Information Privacy Principles* and the *Right to Information Act 2009*.

| Note: | The NHVR acknowledges that use of artificial intelligence (AI) and machine learning (ML) requires specific and dedicated policy oversight. This policy provides broad principles for the ethical data use and sits above the NHVR's *Ethical Use of Artificial Intelligence Policy*. |
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## Principles

The application of this policy will be consistent with the following principles:

### Manage data with integrity

1. The NHVR will collect, analyse and use data in a transparent manner when undertaking regulatory activities, based on good governance and the *Information Privacy Principles* (schedule 3 of the *Information Privacy Act 2009 (Qld)*).

2. The NHVR will undertake meaningful analysis of data, including understanding issues of quality, currency and completeness, and seek to understand the data source, its intent, and any limitations when using data for specific purposes.

3. The NHVR commits to considering relevant human rights frameworks to determine whether data is being collected, analysed and used in a manner consistent with the *Human Rights Act 2019 (Qld)*.

4. The NHVR commits to providing transparency around data collection particularly as it relates to personal data being collected (via the provision of collection notices).

5. The NHVR commits to enabling the amendment of data collected by the organisation in circumstances where an individual's consent is withdrawn and/or updates are needed to ensure accuracy and completeness.

6. The NHVR will only collect the minimum viable amount of data needed to perform its regulatory functions and commits to de-identifying data where possible.

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## Evidence-informed

7. The NHVR will collect, analyse and use heavy vehicle-related data to monitor the heavy vehicle industry and inform policies, strategies, regulatory activities and regulatory decision-making. The NHVR commits to using data only where the regulator is satisfied as to its quality, currency and completeness.

8. The NHVR will apply data-driven insights to identify, target and address the greatest safety risks across the heavy vehicle industry, and encourage productivity where possible. The NHVR commits to doing so in a manner consistent with the terms of this policy, the *Heavy Vehicle National Law, Heavy Vehicle National Regulations, Information Privacy Act 2009, Right to Information Act 2009, Information Privacy Principles,* the NHVR's Right to Information and Information Privacy Policy*,* the NHVR's Ethical Use of Artificial Intelligence Policy and the NHVR's Regulatory Intervention Strategy.

## Innovative and collaborative

9. The NHVR will be innovative and future-focussed and when collecting, analysing and using data.

10. The NHVR will undertake research and data-sharing agreements in partnership with other agencies and third parties to generate and analyse data and improve the NHVR's understanding of the heavy vehicle industry.

11. The NHVR is committed to ensuring that agreements and partnerships with third parties meet the requirements of this policy, and will seek to ensure that these third parties source, store, analyse and share data with the NHVR in an ethical manner.

12. The NHVR will interrogate sourced data sets obtained from third parties to ensure compliance with the IPPs and the law.

## Accountable and proactive in managing risk

13. The NHVR will use data and analysis to develop evidence-informed risk assessments for resource allocation to ensure that regulatory activities and interventions are targeted, proportionate and effective in achieving improvements to safety, productivity and sustainability.

14. The NHVR is accountable for the proper functioning of its data tools and systems, including their impact on individuals. Human oversight will be imbedded into all data-based systems, and all decision-making from any insights will be undertaken by human

NHVR officers in a risk-based, evidence-informed and transparent manner.

15. The NHVR is accountable to individuals and the Australian public for its collection, analysis and use of data. The NHVR will seek to ensure that it works in partnership with data service providers and third parties who share that same level of accountability.

## Responsive to Emerging Data Technologies

16. The NHVR will remain responsive and agile in the face of new data, intelligence, emerging technologies and any resulting change to the NHVR's strategic direction.

17. The NHVR will react appropriately and proportionately to emerging priorities revealed through data-use and analysis and will purposefully pursue new methods of gathering, generating and using data.

18. The NHVR will pursue new methods of gathering, generating and using data in accordance with the *Heavy Vehicle National Law Act, Heavy Vehicle National Regulations, Information Privacy Act 2009, Right to Information Act 2009, Information Privacy Principles,* NHVR's Right to Information and Information Privacy Policy and the NHVR's Ethical Use of Artificial Intelligence Policy.

## Valid, transparent and assured

19. The NHVR will employ a level of scheduled validation on data analysis and data-use to ensure that insights are tested prior to use (including implementing data quality controls, quality assurance plans and transparency mechanisms through the development of the NHVR's Data Governance Framework).

20. The NHVR is committed to providing transparency around data collection particularly as it relates to personal data being collected.

21. The NHVR will undertake ongoing consultation with data suppliers to ensure that data is sourced, maintained and appropriately applied in accordance with this policy.

## Based on legislation and NHVR policies

22. All NHVR staff will abide by the following legislation and NHVR policies when using data:

    a. The *Heavy Vehicle National Law 2012*

    b. The *Information Privacy Act 2009*

    c. The *Right to Information Act 2009*

    d. The NHVR's Right to Information and Information Privacy Policy*,* which details how information is

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collected, stored, used and shared in a legal and appropriate manner.

- NHVR's Ethical Use of Artificial Intelligence Policy
- NHVR's Regulatory Intervention Strategy

## Subject to review

23. The NHVR commits to reviewing the collection, analysis and use of data on a regular basis to ensure the organisation is not contributing to unintended outcomes.

## Responsibilities

The following role types are responsible for implementing this policy:

| Position | Responsibilities |
| --- | --- |
| **Information Owner (CEO, NHVR)** | • Ensures data and information are managed as a strategic asset across the organisation in compliance with laws, regulation and standards. |
| **Information Custodian** | • Ensures data and information are managed across their life cycle to increase their utility for a specific regulatory activity in line with this policy. |
| **Information Steward** | • Ensures data and information are appropriately defined and have an associated level of quality. |
| **Data and Information Professional** | • Provides support to the Information Steward in the execution of their responsibilities. This may involve technical or architectural assistance, through to support with data quality analysis. |
| **Data and Information Stakeholder** | • Provides knowledge and information in relation to their business interest in the data and information. |
| **Information Participant** | • Ensures that data and information are used in line with this policy and the other related policies. |

## Related legislation and documents

- *Heavy Vehicle National Law Act 2012*
- *Heavy Vehicle National Regulations*
- *Human Rights Act 2019*
- *Information Privacy Act 2009*
- *Right to Information Act 2009*
- *Information Privacy Principles*
- NHVR's Right to Information and Information Privacy Policy.

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