DARREN BRITTEN: Welcome, everybody. Thank you for joining us today. My name is Darren Britten. I'm the National Assistive Technology Officer with the Australian Disability Clearinghouse on Education and Training, that is ADCET for short. I'm a white male in my 50s with greying blond hair and beard, more grey than not, and I'm wearing small chequered patterned coloured shirt and blue rimmed glasses. Just to note this webinar is being live captioned today. To activate those captions you can click on the cc button in your Zoom tool bar that may be located at the top or bottom of your screen. We also have captions available via the browser, if you prefer, which the link to that will be added to chat now.

ADCET is hosted on Lutruwita, which is Tasmanian Aboriginal land, and in the spirit of reconciliation ADCET respectfully acknowledges the Lutruwita nation and also recognises the Aboriginal history and culture of the land, and I pay my respects to Elders past, present and to the many Aboriginal People that did not make Elder status.

I also acknowledge all the other countries and lands from participants in this webinar today and acknowledge their Elders and ancestors and their legacy to us, and also to any Aboriginal and Torres Strait Islander people joining us for this webinar today. Please feel free to share in chat the country or lands that you're coming from if you wish to do so.

Today's webinar is titled Meeting our Digital Duty of Care, Disability Data in Practice, which will be presented by Dr Bret Stephenson. He will present key findings from his 2024 ACSES Equity Fellowship Research Project, which was Centring Equity in Data and AI Governance, informing policy to empower practice with a focus on offering insights to guide ethical and equitable data governance.

Before we begin that, a couple of very small housekeeping details. As mentioned, this webinar is being recorded and live captioned by Sharon from Bradley Reporting. Thank you, Sharon, and the recording will be available on the ADCET website in the coming days.

If you have any technical difficulties, please email admin@adcet.edu.au, and we will try and sort those out. The presentation today will run for about 45, 50 minutes and then at the end we will have some time for some questions. Throughout the presentation, please feel free to use the chat box to chat with us and with each other, but please remember to choose everybody so that everyone can read what you have to say. If during the presentation you'd like to share a reaction to something that Bret may be saying, please feel free to use the react button in the Zoom tool bar, and your reaction will appear on screen, like the little love heart that's floating up at the minute, to let Bret know that what he is talking about is of value, or you're surprised, et cetera. It's a nice way to give some feedback when the presenters often can't see people's faces while they're presenting.

Bret is happy to answer any questions at the end of the presentation. And if you have a question, please put that into the Q&A box rather than the chat box so that we can keep them in one place. With that said, let's dive straight in and find out about Meeting our Digital Duty of Care, Disability Data in Practice. And thank you and over to you, Bret.

BRET STEPHENSON: Great. Thank you, Darren. Thank you, everyone, who is joining us today. I've been reliably informed that there are no rotten tomato emojis to throw at me as we go through the presentation today, but I do look forward to hearing what you think of all of this. And I'll just warn you that there's quite a lot in the slides. I've been asked to speak a bit slower than my natural default setting, so we won't get through all the slides, but they'll be available if you're interested, and we may skip a few things here as we go along.

All right. So I'd like to respectfully acknowledge the Wurundjeri Woi Wurrung people, the traditional owners of the unceded lands on which I live and work here in leafy northern Melbourne, and I pay my respects to their Elders past, present and emerging, and recognise their continuing connection to country, waterways, culture and community. I would also like to warmly welcome any Aboriginal and Torres Strait Islander Peoples joining us today and acknowledge your presence, your knowledge and your contributions. And thank you all, truly, for joining, and I'm glad to see that there's some interest in what can sound about as dry as sawdust, data governance, but we'll try to find what's interesting and important in all of this.

As Darren mentioned, this is part of a larger project, Centring Student Equity and Data in AI Governance. As I say, AI governance, I'm going to talk about that in a minute, and I typically like to substitute digital and we will come to that in just a moment.

So the Fellowship was a bit ambitious, I must admit. I had four areas of focus. One was what we often refer to as the macro level of governance, and that is legislation and regulation at the Federal, State levels. So the short, kind of, summary point here is what are unis required to do and how is this changing?

Secondly, the meso level. That is university policy analysis. What do unis say they are doing? And then third, probably the more important bit, would be the micro level, and that is practitioner interviews and asking practitioners and really this means staff at many levels of the university that are involved in equity work generally how's it going on the ground; what are the challenges; what are the risks, opportunities; what is our general readiness for digital change, particularly with equity students and equity data in focus?

And it's worth saying that I was really looking at all types of equity, not just disability, but disability was a clearer focus because disability data, much like First Nations, is classified as sensitive data not just personal, but sensitive. And then finally, also looking at emerging good practice. So how can we better centre equity concerns and voices in the digital age and in the way that we govern both data and digital technologies in universities?

So any one of those four points could probably be a PhD, but I've had a go. And I'd like to start by putting this in a bit of context. And I'm going to apologise because I've used this story three times recently, so if you've heard it, I do apologise. I want to start with a bit of a story about why we need to centre equity in data and digital governance. And I've been speaking quite a lot about data privacy and equity students, and the use of data in universities over the past year, as you can imagine, and every time I've done this, I've been approached afterwards by someone saying, "Aren't we in a post privacy world; students don't care about this."

I want to tell the story to quickly try and communicate why I think this is important for us to be focusing on. So the story is I got my first teaching position back in 2003/2004. I was doing my PhD at Edinburgh, Scotland, and I was offered a role teaching environmental ethics, of all things, and in, of all places, in Central Texas at the largest Baptist Christian Private University in the world, Baylor University. And my first class that I taught was an introductory environmental science class. And my new supervisor was warning me, "Bret, you must take attendance. You have to take attendance. Be sure to take attendance." And so I had this in mind. I must take attendance, and I walked into the lecture hall and it was a required course, so there was around 200 students in the class. And as I was getting my notes ready at the lectern, from the side door came this gigantic man approached me. Scared the daylights out of me, actually. He had a booming voice and he said, "Are you the Professor?" He shook my hand and, I'll tell you, I soon learned that he was the highest paid person in the university. No mystery, it's Central Texas, so he was the football coach. And he was there to tell me that his football team was going to sit in the first two rows of the class every single day. He pointed to the quarterback, and he said, "He sits there. If you have any problems with any of them, you just let him know and he will let me know and we will take care of it." He said, "But you've got to take attendance."

And the reason he's saying this to me is because these student athletes were on scholarships, and their grades and their attendance had everything to do with their eligibility for their scholarships and had everything to do with their eligibility to play in the next game. So if we didn't have an attendance record of them being there, then they couldn't fulfil their scholarship, they might lose their scholarship, and their scholarship was worth tens of thousands of dollars a year.

And because of that, in this context they were our equity students. So they were, many of them from some of the most underprivileged areas in Texas. And so as we sat there, I'm thinking I must take attendance. By the way, the women's basketball team sat behind them, and I was told the same thing, so now there's 40 of them student athletes, that is and again, Central Texas, so the first four rows of the lecture hall are all largely young people of colour, and behind them a sea of white, to say indelicately. It was really quite stark.

And so I say, "We're going to take attendance." And back in those days it was the sort of clickers with the remote control. And of course the clickers didn't work. So the technology failed us. I turned to the quarterback and he said, "Why don't we just send a sheet around and we can write our names on it?" And I said, "Great, let's do that." He tore out four pieces of paper and wrote his name down, and then he said, "Do you want our student number?" I said, "Well, sure. I guess I do."

And so this sheet went around. And then after class a young lady came up and handed me the sheet, and I noticed that there was 200 names but only the four 40 or so students gave me their student number. I asked her, "Why would only the first 40 or so students give me their student number?" She smiled and kind of laughed and said, "Well, that's because our student number is our social security number." And I about fell over at that point. A social security number, if this isn't translating, is kind of like a tax file number on steroids. It's the most critical piece of information that any American will have assigned to them. It's an excellent way of stealing someone's identity and doing all kinds of awful things with them.

And so I'm thinking (1) nobody told me about this fact, that back in these days the critical student identifier was actually a social security number. And then I asked her why again would only the first 40 students do that? And she explained, of course, it's because you, as the Professor, asked them to, and they have to give you whatever you ask for to make sure attendance is taken. And the rest of us don't need to make sure that our attendance is taken so we just don't give our number. We're not going to take that information privacy risk.

So I think the picture I want to paint is that there are power asymmetries in terms of the data that we demand from students. Also we need to be thinking about these tensions between individual and group privacy rights when we're talking about equity students, in particular, and I think when we're talking about disability data, in particular, as well, and I'll come back to that a few times. And a really, really important point that I want to stress is the differences in information vulnerability that many of us safe and sound with jobs in universities do not feel invulnerable to information or privacy violations, whereas many of our students, many of our fellow staff members actually do have greater informational vulnerabilities than we do. And it's something we don't typically think about. So I want to just ask you to keep those things in mind as we go through here.

A word or two on why data and digital governance. So at the risk of being too academicy here, so our context the academics that studied these things tell us it's now profoundly post digital, sometimes called sociodigital, characterised by these wonderful words like datafication, quantification of human life through digital information that seems to be ubiquitous, and of course universities are very much contributing to this. Digitalisation, increasing integration of digital technologies into nearly all aspects of university operations.

And so there's really three things I have two on the next slide but there's actually three that I want to point out here. So, again, why data and digital governance. The first would be digital technologies and data practices are co constitutive. Digital systems don't just transmit or process data; they actively shape what is recognised as data, what remains hidden or exposed, and who holds power over it. And, secondly, this is, I think, a much clearer idea to grasp, and that is we are concerned with more than just data privacy. When we talk about data governance, when we talk about data and digital governance, we're concerned with data privacy, but we're also concerned with digital harms more generally. So surveillance, algorithmic bias, automated exclusion, psychological harms, platform dependence, group harms, the list goes on. And these can go well beyond simple invasions of privacy. The third one that I don't have a slide here for is I like to use the term "digital" and I'll probably change my mind in a month's time but when we talk about the technologies that students encounter, we have all of these different terms. We talk about these days AI. We can debate all day about what technologies are AI which aren't learning analytics, the list goes on and on and on.

So in my original proposal for the Fellowship I said data and AI and governance, but really the important bit is these digital technologies more generally, rather than just AI on its own. There is too much to say on that but I'll force myself to move on at this point.

So to be very clear I am not a Luddite; I am a data guy. I've been in the data game for quite a long time. In fact, I introduced La Trobe's first predictive analytics program several years ago while I was working in the Centre for Higher Education, Equity and Diversity Research (CHEEDR) and it was very unique that we had our predictive analytics program within an equity area. And I was living in both worlds. And I saw the good. I saw the bad. I saw what could go wrong, the harms there. And so I want to emphasise that I am very much of an understanding that when well governed, data and emerging digital technologies can bring significant benefits to individuals, groups and to the broader public good certainly.

And we need good data. We need empowering digital technologies. But we must also work to be good stewards of our students' digital selves. And by "good", I mean many things but, namely, transparent, responsible and critical. Not cynical, but critical. We need to engage critical thinking as we adopt these technologies.

Okay. So I had this kind of formative moment. I was at a Symposium early last year when I was sat at a table with a bunch of strangers, and I was meeting folks for the first time and I was asked what I was doing. I explained very, very briefly to a woman sitting across the table from me what my Fellowship was about. And I maybe only gave her the title. And she said to me, "Boy, we do an awful lot of work in the grey, don't we?" I thought that is a perfect way of putting the problem. There is tremendous grey in this whole field of how we handle students and their data. And really, a central question is why is there so much grey?

I think that a good way of thinking about it, a helpful way, is by looking at these three levels of governance. So legislation, institutional policies, and then asking, again, for staff views about what's it's like at the actual coalface where these bits of law in policy come together. So that's what I've tried to do.

So I'll start here with a bit of an overview of this legislative level, the macro level, if you like. And it's pretty clear, or noncontroversial, to say that Australia's privacy framework is quite fragmented. We have Commonwealth legislation and State and Territory legislation, and that's just privacy. When you get into the disability data, then health data legislation comes into effect as well. And this can add another layer of fragmentation, another layer of grey. And public universities often operate under at least two, in different contexts, frameworks. Both the Federal Privacy Act 1988 and their own State Privacy Acts as well.

It's very fragmented and one of the best resources on the internet is actually an ADCET resource called Privacy Legislation in Disability Services. So if you want to see a bit of how difficult this is, please go and see ADCET's great resource. Okay. But it's also a changing landscape. So we can add more grey to it and you may or may not be aware that the Privacy Act has gone under intense review and is actually being reformed presently. And I think rather than hearing from an expat criticise your national laws, hear from the Attorney General Mark Dreyfus in his speech just last year speaking about the Privacy Act. He described it as "woefully outdated and unfit for the digital age" and that "Australia can no longer afford to have inadequate privacy protections".

And if you put this in an international context, I mean, we really don't. We really don't have anything like GDPR European privacy law. We don't have American style education specific privacy laws. We have this fragmented landscape.

Okay. So in sum, it's time to address the grey. The Privacy Act Review Report, ironically for me it was released the day after I submitted my application for this Fellowship. It was released February 2023. It had 116 proposals to modernise Australia's privacy framework. The government's response, very interesting. 38 proposals agreed to, 68 agreed in principle, and just 10 were noted. And then in November of last year, the first tranche of reforms came through, were approved. And just two quick points about the 23. So now those that fall under the Act, organisations must update their privacy policies to just disclose when decisions are made through automated processes. It clarifies these tricky things like reasonable steps that organisations must take to protect the security of personal information, and it has this interesting concept of having to now employ both technical and organisational measures. So it's not enough, presumably, to simply ask your cyber security team to work harder. We have to actually get humans to work harder around taking these reasonable steps as well.

Okay. So privacy fans out there are really looking forward to tranche 2. Don't know what's going to be in it necessarily but it's expected to modernise these definitions of personal information and consent. I'll pause very quickly and just say we could speak all day about the problems around consent and the law and what is genuine consent. And, again, there's even a perspective that's very current in the literature and that is that informed consent really doesn't exist, in a sense, when we're in this technological landscape where we simply can't know what future use our personal data can be put to. And so just to say this whole concept of notice and consent is really under the microscope.

It's also expected to implement a fair and reasonable test to take some of the privacy burden off individuals alone, which is another really important thing that we could talk about for an hour. And that is about this exercise of individual rights and whether it's even fair for us to expect individuals to make informed decisions about their privacy choices, because there's an awful lot to understand, and we really need to think about what we ask the students to understand in terms of protecting their own privacy. If you're interested in that, I could talk all day but I won't. I will move on.

Okay. Do the Privacy Act 1988 reforms apply to universities? It's a really important question because technically only ANU and private universities strictly fall under the Privacy Act, so maybe these reforms don't matter at all for Australian universities. But they do. They do in limited cases, such as HESA data collections which include disability collection data, universities-controlled entities and contracts that universities engage with. But even more importantly is that a surprising number of universities voluntarily commit to follow these more stringent Federal Privacy Act laws. This is particularly true in South Australia where the State law doesn't exist. In fact, I think it's a policy, technically. A policy, a privacy policy. They don't have a Privacy Act. And so it's a case where the universities I think all of them in South Australia have voluntarily committed to following the Privacy Act but there are others around Australia as well.

Okay. And looking at the time, all right. So very quickly, I think this is important for those of us invested in disability work and disability communities to think about, and that's this tension between the need for individual privacy and agency and what we might think of as group solidarity. So my need for data privacy but also this social good that can come through us pooling our data as a community.

But there's issues with it because privacy law is largely focused, especially in this country, on individual privacy. It kind of ignores these group inferences that can be made around data and group privacy erosions as well. And this is really something that I think disability communities can well, we are, you are thinking about these things, but we've really learnt a lot from the Indigenous data sovereignty movement globally and nationally as well on this. So we really need to recognise that there's, for many, a need to be both seen, that is counted, and in some contexts, unseen, uncounted in data collections as well.

So it really makes us question, I think, that certainly nothing about us without us, group solidarity and sovereignty, that there is a tension with "nothing about me, without me", individual sovereignty and agency what in the literature many are referring to as digital self-determination. And it really gets into the nitty gritty of how we handle student disability data and the agency we give to them or take away from them in terms of determining their own digital self, their own informational self. I just want to highlight that this tension is real. I might skip the next slide.

I might speak to it quickly. If you know nothing about Australian privacy law in Australia, you can think of these two offices: the Office of the Australian Information Commissioner, the OAIC. They are tasked with privacy regulation, so protecting individual privacy. But we also have the ONDC, the Office of the National Data Commissioner and they are tasked with opening data for the public good. So under the Data Availability and Transparency Act, many of you would be familiar with the National Disability Data Asset, this pooling of disability data. And it's really this tension that you see in this fabric of the way that we govern at this macro level data privacy and data openness, and promoting the use of data in the public sector.

And because I like to be thorough, I just want to point out that we also see this in the Convention on the Rights of Persons with Disability, the CRPD, which again many of you would be familiar with. Article 22, drawing on privacy and recognising the need of people with disabilities to be both unseen or uncounted. But then, equally so, article 31 is all about statistics and data collection, and insisting that States collect appropriate information, including statistical and research data to enable policy improvement. So again, this tension between seen, unseen, uncounted, counted is a tension in the background and we will see this in universities as well. Okay. So we see this movement for data democracy and we see this movement for data privacy and protection, and these tensions find their way into universities, certainly.

So very quickly at the meso level, I've looked at too many policies. I'm just going to quickly give you a sense of what this looks like and I'm just going to talk about disability policies very quickly. So a very short summary. When you think about data and digital governance and you think about those things in relation to a research question that asks how are equity groups represented in these governance policies, it goes well beyond what we might call disability policies into data privacy and to data governance, into AI, learning analytics all of these policies. I'm just going to focus on a very brief mention of what we find in disability policies in relation to this. Looking only at table A and I've only looked at publicly available policies and procedures that appear to be the primary policy statements and that are available in institutional policy libraries, and this means disability action plans were out of scope.

And just a few highlights here. Please educate me if you have insight into this. But I found at least 12 universities that really had no discernible standalone students with disability policy. Some of them mentioned in their support for students’ policy or a DEI policy. Some had a very clear staff policy, but just to say that 12 universities where I could not find a standalone policy that gave me any sense of how student data was collected or handled or any of that.

So 27 universities were included in the analysis. These are the kinds of things you find. So nine universities referenced digital inclusion commitments or efforts. A really great example would be RMIT. A shoutout to RMIT for their, I think they call it their, digital inclusion framework, and it's a whole set of policies. Very thorough. If you're looking for best practice, have a look. Not to say it's perfect but have a look. Six reference consultation or the participation of people with disabilities in policy and governance around disability practice in universities. A bit low, I would think. 11 describe privacy protections that are unique to disability data, and some of them are very good and very impressive, and you can see that a lot of thought has gone into the way that data handling is described to students. Nine describe internal handling or disclosure of Learning Access Plans and clarify how they are distributed within the universities. So they paint a picture of what's going to happen with this tremendously sensitive data that we collect. And, again, there's so much to talk about in terms of just this process alone. But again, very interesting to see the different I guess you'd call it privacy personalities of different universities and the way that they disclose how they handle this incredibly sensitive data. Again, I want to emphasise that many of them are very thoughtful. 14 indicate how students must evidence disability. It's fairly consistent in that most require, as we know, medical or health evidence of one kind or another. There's a few very interesting exceptions. Only four or five clarify the gap between disclosure at enrolment and the need to then disclose to a central support unit. There's so much to talk about. Those who know, know that there's very different data collections between what a student declares at enrolment that is likely reported to as part of TCSI data and data that is collected by a central support unit. But a few, a very small few policies describe or at least acknowledge this gap. As I say there, very few indicate on top of this, very few indicate what data is actually reported to government as well.

The University of South Australia, I think, is very good in their policy in how they describe these different data collections and make it very clear. Now, this isn't to say that there aren't collection notices that pop up when students are actually filling in these forms, there are. But in a central policy this is what we see.

Okay. On to the good bit and I hope I've saved some oh, I'm running quite low. Okay. Just to say I'm running low on time. The inclusion criteria were staff from Australian public universities. Again, we were looking for student equity practitioners at all levels. Spoke with several who were in senior leadership and management roles and also spoke to a few who were in basically data focused roles as well. Purposive sampling was utilised. 21 participants. The average interview length was 62 minutes. And I was very happy to get this spread of position levels. So five were executives, five directors, five managers, six what I would describe as professional. All, of course, were equity focused. All were involved in evaluation. 10 had direct disability job duties, five First Nations and three were in data or evaluation focused equity roles, specialised roles, and five of the participants were what we would just call data stewards. They had responsibility, senior responsibility around data governance.

All university groups were represented, 12 unis in the end, and we had six states or territories. And boy, time is really short. So I might let's see, I have to make a decision here. I'll just say that as you would all know, so much has happened with higher education policy in the past year that it's really been a bit breathtaking. Universities Accord came out, of course. The central point I want to make here is it called for very much an improved data collection mechanism, much more granular indications of equity and disadvantage, and that means more personal, more sensitive student data collections, including first in family students, mature aged students, care levers, refugees, carers, certain language groups, even prisoners.

As I'm sure everyone knows, pointed out the problems with disability data collections and reporting, and as many who are listening to my voice now would know and would have participated in, there was a lot of, let's say unhappiness with the way that disability was characterised in the Australian Universities Accord and the way that disability data was represented there as well.

Okay. The other really important kind of elephant in the room has been the support for students’ policy and here, just because it's really reignited, I almost want to call it a fad, it's more than that, but this requirement to proactively identify students at risk. And I've been going through what I can find in the policies about these early warning at risk policies and there's a lot of worry about how those are deployed and the way that equity is represented in them, and potential bias. Even Universities Australia, in their submission to government around the support for students policy, had this to say, that there are additional concerns about student privacy and appropriate risk management concerning the handling of identifiable information that could be potentially damaging if mishandled, for example financial data, access history of wellbeing services, identification of at risk status without there being significant obvious benefits to individual students.

And I'll just say in the equity world and those that participated in my research this has really been the story that they want to talk about, not necessarily AI policies and student conduct around the use of AI. It's been this. This is the digital technology that has been of most interest.

Okay. So I'm going to skip down with apologies so that we can see at least a bit of what folks are saying, and I'm going to apologise for not managing my time very well. Many participants have reported low levels of maturity in terms of the data governance. For example, I'll just read a few quotes here. So this is a Director speaking, "Our university, I would say, is at a relatively early stage in terms of its digital infrastructure and it's at an even earlier stage in terms of its data governance, particularly in relation to equity data". I'll skip down here. This is an interesting one because I heard it quite frequently. Often participants would say, "At a university level we're not doing well", but like this executive said, "And look, there will be absolutely pockets of excellence at the university that I'm not representing because there will be people who live and breathe this stuff and who really, really care". I'm ad libbing here. That's the end of the quote. But who really, really care about data privacy but it tends to be localised to teams.

Okay. So I also asked are policies making a difference? Are the policies well socialised? And here's one example response from a Manager, "So policies, whether they exist or not, are certainly not in the culture". Here's another quote from a Manager, "There's a gap between what is rhetoric and what is well, it's just rhetoric. What the practice is, is not what is clearly stated in the rules. We have lots of policies. These are the rules. There's no connection. It's fully known. It's not like, whoops, there's a gap". And the list goes on. I really like this one, "No, not particularly well socialised. Yeah, I think there's lots of vibes that vary from team to team". I like this quote because it really encapsulates just this gap between policy and what actually happens on the ground. "There's lots of vibes but not clarity", and those vibes are that grey zone.

I really want to get to one quote in particular, and I do apologise that I'm going to scroll through here. So I heard from many participants that their institution has benefitted from these individual data gatekeepers, these kind of lone wolves who are privacy minded, equity minded. Many described themselves as human rights minded, and they step in to make up for poor institutional governance. Some of these people are often junior in standing, these junior gatekeepers, and they are very strongly of the opinion that expressing concerns to seniors about data privacy, about data practices, about digital harms can be career limiting. And any senior managers should hear this loud and clearly, and that is to make it a safe environment for your staff to express their concerns around these issues as well, and we really need to make an environment where those concerns can be heard and addressed without fear.

Okay. I'm going to end with this because this, I think, really is the quote that puts it all into perspective. It's something I've been thinking a lot about. And this is one quote but I've heard it again and again. And it's this question of who owns the data and these conflicting data privacy cultures that we find between teams in the universities, between individuals. And so this is somebody who has senior leadership over a disability group, and this is the quote, "We frequently have a problem of whose data is it that's been coming up in both our disability and our counselling team. We have a lot of clinicians of various types, obviously counsellors and OTs, and different kinds of clinicians, social workers that come in to work in these teams. And we have policies and procedures that are quite strict but we are also in an organisational area with these multiple teams supporting a student moving through, and everyone's, you know, informed now so we can't repeat our stories. So we've had these kind of challenges where an individual team is like, no, you can't have any of this data, whereas the university wants a bit more flow".

Now, what I like about this is that it's a recognition that we have rules and procedures, but when practice at the coalface, when we're actually dealing with student data, and it's highly sensitive data, that policies start to no longer really be completely informative about how we work with student data and keep it moving because, again, we have this tension between the need for privacy and the need for openness and actually working with data for the student's benefit.

So I just want to say that it really often comes down to these questions of, especially in disability units that I've heard again and again, these different professional ideals around what is appropriate data use and what isn't. And one characterised it as kind of the clinicians and social workers having very different understandings about how data should be moving through teams to support students.

So I've talked way too much. There's too much to talk about. So I think, Darren, we have 10 minutes left.

DARREN: Yes, that's absolutely right. So you are spot on time. We do have 10 minutes left. Look, I know there's certainly a lot in there to unpack and, as you said, we could talk for another two hours on just any one of those aspects and areas that you focused on with that, because there's a very rich set of data that you've collected and research that's there. But we'll get into a couple of questions. There were a couple that were sent in beforehand and I'll quickly start with one of those. That was "have we learnt enough from the Robodebt fiasco" they didn't say "fiasco", I'm putting that in, "regarding data sovereignty, accountability and co governance?"

BRET: Boy, a fantastic book was recommended to me and I cannot remember the name of the book or the author. But it was on the Robodebt. It was written by a famous well known Australian journalist. And it was the most that's it, Rick Morton's book. Thank you. Boy, harrowing. Mean Streak. Thank you. That's it. And if you want your hands to sweat about what deviousness we can get up to with disadvantaged people's data, that is an excellent book to read.

Now, for the technical folks, there's a bit of debate around Robodebt and to what degree we can describe it as algorithmic bias, whatever it might be. I think Rick Morton's book is very clear in terms of the human failings in the whole system, and it's very much and I don't want to fully equate what I'm hearing from practitioners in terms of what happened with Robodebt, but there's this fear of speaking up and saying, no, this is not right or, again, senior managers taking those complaints seriously. So the Robodebt lesson, I think, is really back to it's not just a technical problem, it's not just a social problem, it's not a human problem, it's both of those things together that can go quite wrong with students' data, and we need to have governance over both of those things and we need to have, really, accountability for how we handle data in those ways.

DARREN: Absolutely. And how we educate our staff.

BRET: How we educate our staff.

DARREN: If there's education. That's a topic for another day. Ebe has asked do you have any recommendations for how we can reconcile the inconsistencies between TCSI disability data collection and categories and that which is collected in the course of support provision to students? How should universities balance the tensions between the challenges (and risks) of disclosure with the need to understand our student cohorts?

BRET: Yeah. Boy. So, yes. So very quickly, there's really maybe three points where a student would have to declare. They might declare when they're going through admissions through a TAC, a tertiary admissions centre, and I challenge you to go and read through the data that they require or they ask of students, and it is very, very personal data that they collect as well. And I've spoken with many universities that actually use that SSEAS data, that Student Special Entry Access Scheme data. This is where students are declaring disability to get points on ATAR or often for scholarships and such. So they have to declare at that point. And during the Universities Accord they don't have to declare, of course, but if they want those points or they want to be eligible for those scholarships they will declare at that point. There's been proposals that perhaps we should get TCSI to collect this data and have it consistently reported up through, maybe with schools. But then a student can declare at the point of enrolment where they tick the box that we're familiar with, and at most universities it seems it stops there. That that's the data that gets reported to TCSI. And then a student can then in many universities actually has to go and declare to the central unit. And so then there's this three data stores of where this data might be. The question is how do we particularly reconcile the TCSI data collection with the university disability support unit data.

Universities are doing it in different ways with varying levels of just what I will call transparency, and I would say that many, it seems, at their own universities don't understand what happens, how those two data pools are reconciled. And it's also clear that some universities have recently really tried to look into it, and again I hope I'm remembering right, but the policy from the University of South Australia seems to really spell this out as to what data goes to government and what stays locally and how those are reconciled. But it gets quite complex. I'm sorry, Ebe, I don't have an easy answer but a lot of it will come down to what government requires, and if I had a quick any my two cents would be simply we need to make it consistent, and it gets back to that fragmentation of privacy policy/legislation around the country.

DARREN: I think you've probably answered this. It leads into this question here around as disability practitioners we collect data or encourage students to disclose disability information for the purposes of government funding. Is there transparency from the government regarding how this data about individuals is stored and used beyond specific things for the disability support funding?

BRET: Yeah. In critical data studies there's this concept called the data walk, which is very interesting. Take the data walk. And that is to just adopt the perspective of an interested, say, parent, loved one, family member, and try and understand what happens to the data that you care about and follow the policies through from the TAC, try and understand what that data where it goes into the university, what it can be used for there, at that point of collection for TCSI, then it goes to the government, try and understand what the government does with it. Even down to the data that is used for sorry, that is collected through surveys, so that student experience surveys and GOS data, it's collected and used by really three groups. I'm forgetting the name. The social research centre, I think they're called. They have their privacy statement. Your university would have its privacy statement. The government uses that data. They have their privacy statement. Take a data walk. Try and figure out what is happening through that stream. It's very, very difficult.

And so back to the question, what happens to that data, it's very difficult to determine. And it's worth knowing what happens to that data, especially with data linkage projects and such. Again, that point, that disability data is group data and group inferences can be made from that data, so it's even more important to have clarity around what the data is being used for and by whom. It's very difficult.

DARREN: I'm conscious of the time, so I'll ask another short question. There are several other questions, and if you're happy to answer these after the event, we'll put these up with the recording. But Elizabeth has asked with some universities having explicit policies, how do we support students to then know how their data is going to be used, and we don't know with certainty, then what can staff, especially those in very low positions of power, do to help progress this?

BRET: Yeah. I've been fascinated by I've asked that, especially disability advisory support staff are very keyed into this, especially with those Learning Access Plans. And you can find that where those staff do not believe that data practices are as tight or as transparent as they should be, they have those human conversations with a student about what are we going to put in this Learning Access Plan, how it's going to be shared, what you're giving consent to. At least in that disability space when a student does present themselves to a disability support team, you can have a human conversation. But that really depends on how much we, as staff, understand how that data is being used. That's the short answer.

DARREN: Excellent. Conscious of time, as I said. I would ask everybody to join me in thanking Bret for this insightful presentation and for your research into complex and becoming an increasingly important area. Please join me in thanking Bret for his presentation today.

An email will be sent out to all registrants of this webinar when the recording is available on the ADCET website, along with the slides, so that information which you had to skip through today, people can dive into and get in touch if they've got further questions. And please, feel free to share this recording when it's available with your colleagues. We've also put a link into chat for a short survey so we can get your feedback on this webinar. Your thoughts and feedback really does help us shape the way we work and the webinars we put on. Also a link to the ADCET newsletter, and feel free to join that, if not already, and stay in touch with the latest news and webinars.

Please save the date. We've got two upcoming webinars. BlakAbility, Higher Education's Role in Improving Life Outcomes for Indigenous People Living with Disability and Prepare for Exams Your Way with Lernabl, which is a vendor demonstration coming up soon. Further details are in the chat box there for people. Lastly, thank you to Kylie and Jane for the work they do putting these webinars together in the background, and to our captioner, Sharon, for keeping up with us today. Thank you to everybody for joining us and please enjoy the rest of your day. Thanks once again, Bret.

BRET: Thank you.