

# Annual Report 2010–11

*Open government: valuing and respecting information rights and responsibilities*

**Office of the Information Commissioner**



**Office of the Information Commissioner**  
Queensland

## Our Vision

An informed Queensland that values and respects information rights and responsibilities.

## Our Mission

To be recognised as a practical, authoritative champion of information rights.

## Our Values

- openness
- transparency
- accountability
- accessibility
- integrity
- fairness
- impartiality
- equality before the law
- timeliness
- independence

## Our Focus

Office of the Information Commissioner (OIC) is Queensland's independent body established under the *Right to Information Act (Qld) 2009* to promote access to government-held information; and protect people's personal information held by government under the *Information Privacy Act (Qld) 2009*.

OIC is responsible for providing information and assistance to Queensland government agencies (such as state government departments, local councils and universities), Ministers and the community for monitoring and reporting on the performance of government agencies and promoting greater awareness of the legislation.

OIC also reviews specific agency decisions under these laws regarding access and amendment applications, deals with privacy complaints and makes certain decisions, including whether an agency's privacy obligations can be waived or modified in the public interest.

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# Contents

<b>SNAPSHOT OF OUR OFFICE</b>	<b>2</b>
<b>HIGHLIGHTS OF 2010-2011</b>	<b>3</b>
<b>MESSAGE FROM THE INFORMATION COMMISSIONER</b>	<b>4</b>
<b>OFFICE MANAGEMENT</b>	<b>5</b>
Our Organisation	5
Our Human Resources	6
Our Governance	8
Legislative Developments/Changes	10
<b>SERVICE PERFORMANCE</b>	<b>11</b>
Service 1 – An independent, timely and fair review of decisions made under the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i>	12
Service 2 – An independent and timely privacy complaint resolution service	20
Service 3 – Fostering improvements in the quality of practice in right to information and information privacy in public sector agencies	22
Service 4 – Promoting the principles and practices of right to information and information privacy in the community and within government	26
<b>FINANCIAL PERFORMANCE</b>	<b>28</b>
<b>INDEXES</b>	<b>56</b>
<b>APPENDIX</b>	<b>58</b>

# Snapshot of our Office

## Who we are

OIC is a statutory body for the *Financial Accountability Act 2009*. Initially established under the repealed *Freedom of Information Act 1992*, it continues under the *Right to Information Act 2009* and *Information Privacy Act 2009*.

Under the *Right to Information Act 2009* and the *Information Privacy Act 2009* government information must be released administratively as a matter of course, unless there is a good reason not to, with applications under the legislation being a last resort. It is Parliament's intention to emphasise and promote the right to government information and to provide a right of access to public sector information, unless on balance, disclosure is contrary to the public interest. Access to information is a pre-condition to transparency, accessibility and responsiveness. We believe greater access to information can lead to an informed community, able to participate in and scrutinise government, which in turn fosters a quality public service and accountable government; both necessary for confidence in government.

## Our services

OIC has four services:

Service 1 – An independent, timely and fair review of decisions made under the *Right to Information Act 2009* and the *Information Privacy Act 2009* (pages 12-19)

Service 2 – An independent and timely privacy complaint resolution service (pages 20-21)

Service 3 – Fostering improvements in the quality of practice in right to information and information privacy in public sector agencies (pages 22-25); and

Service 4 – Promoting the principles and practices of right to information and information privacy in the community and within government (pages 26-27).

## Our Responsibilities

The Information Commissioner is accountable to the Queensland Parliament through the Legal Affairs, Police, Corrective Services and Emergency Services Committee (LAPCSESC). The statutory role of the Information Commissioner is to independently review certain decisions made by Queensland Ministers, public sector agencies and public authorities about access to, or amendment of, documents, resolve privacy complaints, promote information rights and responsibilities and foster improvements in the quality of Right to Information and Information Privacy practice in agencies.

Key elements of OIC's governance and accountability framework include our annual report to Parliament, yearly meetings with LAPCSESC and our Service Delivery Statement. By supporting agencies to implement the Right to Information reforms aimed at achieving open government and assisting them to improve their Right to Information and Privacy practices, OIC supports the public sector's corporate governance and accountability framework.

## Our Resources

As at 30 June 2011, we:

- had 33.9 full time equivalent staff; and
- received \$5,944,000 in revenue, primarily from consolidated revenue.

Letter of compliance

10 September 2011

The Honourable R John Mickel MP  
Speaker of the Legislative Assembly  
Parliament House  
George Street  
BRISBANE Q 4000

Dear Mr Speaker

I am pleased to present the Annual Report 2010–2011 for the Office of the Information Commissioner to the Queensland Parliament. This report is the second prepared since the introduction of the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

The report contains an account of our work for the twelve months ending 30 June 2011 and is made pursuant to section 184 of the *Right to Information Act 2009* and section 193 of the *Information Privacy Act 2009*. It reflects our performance against our strategic plan for 2009–2013.

I certify that this Annual Report complies with:

- the prescribed requirements of the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*; and
- the detailed requirements set out in the Annual Report Requirements for Queensland Government Agencies.

A checklist outlining the annual reporting requirements can be found at page 56 of this annual report.

Yours sincerely



Julie Kinross  
Information Commissioner

# Highlights of 2010-2011

## Service 1

An independent, timely and fair review of decisions made under the *Right to Information Act 2009* and the *Information Privacy Act 2009*

64 written decisions were issued in this period; almost twice the number issued in the previous reporting period.

96% of agencies were satisfied with the review service provided; the service target was 75%.

The number of median days to finalise a review was 77 days; the service target was 90 days.

At the end of the reporting period the number of open reviews older than 12 months was five; the service target was < 10.

A total of 412 reviews were received during the reporting period.

For the reporting period OIC finalised 394 reviews; the service target was 300.

OIC informally resolved 84% of reviews; the service target was 75%.

See pages 12-19 for further details.

## Service 2

An independent and timely privacy complaint resolution service

OIC far exceeded its target of finalising complaints within 90 days with a median time to finalise a complaint of six days.

33 complaints were received during 2010-2011, of which, 31 were finalised.

See pages 20-21 for further details.

## Service 3

Fostering improvements in the quality of practice in right to information and information privacy in public sector agencies

As well as reviewing existing resources, OIC has continued to produce and publish information resources online to assist in the implementation of the Right to Information reforms.

OIC conducted 102 monitoring and compliance activities including developing a Self Assessment Tool which assists agencies to understand and assess their own progress in implementing the Right to Information reforms.

98% of agencies were satisfied with the range of information provided; the service target was 75%.

96% of agencies were satisfied with the quality of information provided; the service target was 75%.

During the reporting period OIC provided 38 training activities; the service target was 30.

1635 people were trained during the reporting period; the service target was 500.

100% of course participants were satisfied with the training provided during the reporting period; the service target was 75%.

See pages 22-25 for further details.

## Service 4

Promoting the principles and practices of right to information and information privacy in the community and within government

542 awareness activities were conducted during the reporting period; the service target was 190.

OIC continued to provide advice by telephone and email in response to enquiries received through its Enquiries Service, responding to each of the 4078 phone and email enquiries; the service target was 2500.

OIC increased its web functionality, including the use of social media such as a dedicated YouTube Channel, Twitter and Really Short Syndication (RSS) feeds to promote reform principles and practices.

OIC hosted the highly successful Solomon Lecture and Right to Information Day Forum with expert local, national and international presenters. The two events were attended by over 500 delegates from the community and within government.

See pages 26-27 for further details.

# Message from the Information Commissioner

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On behalf of OIC I would like to acknowledge the enormous amount of work done by public sector agencies, particularly government departments, in the two years since the implementation of the *Right to Information Act 2009* and the *Information Privacy Act 2009*. More work has been done to implement the spirit and letter of the right to information and to improve privacy practices than at any other time in Queensland. The willingness of agencies has made our task easier.

It is a work in progress. The right to information reforms affect every government business process and it will take some time before all processes reflect right to information and privacy principles and before the principles are the accepted norm in the minds and actions of public servants. In time, those agencies which fall behind in the implementation will be those agencies with a leadership deficit. We will monitor and report on those agencies.

The purpose of the annual report is to give an account of our own work and financial position to the Parliament and the community. A lot has happened.

The inaugural Right to Information Commissioners were appointed in a job sharing arrangement by Governor in Council, the Solomon Lecture focused on the inaccessibility of public language (even to people in government), we convened the first national conference on right to information featuring Professor Beth Noveck, we initiated the formation of the Association of Information Access Commissioners which includes our New Zealand colleagues and three of our first performance monitoring reports were tabled in the Legislative Assembly. To assist the community and agencies, we answered over 4078 telephone and written enquiries, provided training to 1635 people, received over 75,000 visits to our website, finalised 31 privacy complaints and finalised a record 394 external review applications.

Despite the extraordinary efficiency gains made in the past two years, our biggest challenge has been the rise in demand for external review. Demand for external review was materially dampened by the summer of natural disasters, after which demand recovered. Continuing strong demand is likely to be a major focus in the year ahead unless it is interrupted by force majeure. An emerging challenge for Australian governments is the application of oversight laws to the various areas of COAGs reform agenda. We will offer whatever assistance we can to Government to support cohesive, accessible and efficient regulation.

Our biggest strength is the energy, enthusiasm and effectiveness of our people and I thank the staff for their commitment and achievements.



Julie Kinross  
Information Commissioner



# Office Management

## Our Organisation

OIC supports the public sector's corporate governance and accountability framework. OIC plays its part in a system that supports a civil democratic society by improving the transparency and accountability of government decision making and activity. The right to information reforms have increased the accessibility of government information and the responsiveness of government services to the community while protecting privacy rights.

The primary objects of the Right to Information and Information Privacy Acts are:

- a right of access to information in the Government's possession or under the Government's control unless, on balance, it is contrary to the public interest to give the access; and
- in the case of the Information Privacy Act, the fair collection and handling in the public sector environment of personal information and the right to access one's personal information unless, on balance, it is contrary to the public interest to do so, as well as a right to amend that information.

OIC undertakes activities in accordance with its functions. In relation to external review, activities include:

- investigating and reviewing decisions of agencies and Ministers; and
- investigating and reviewing whether, in relation to the decisions, agencies and Ministers have taken all reasonable steps to identify and locate documents applied for by applicants.

In relation to decision making, the Information Commissioner:

- decides applications for extensions of time
- decides applications from non-profit organisations for financial hardship status; and

- makes, varies or revokes declarations regarding vexatious applicants.

The decision making power of the Information Commissioner is one of three tiers of review. Once an agency makes an access or amendment decision, a person affected by a reviewable decision has a right of 'internal review' by the agency itself, the first tier of review. Internal review is now optional for the applicant. A person affected by the internal review decision may apply to the Information Commissioner for an external review, the second tier of review. Review on a point of law may be sought through an order of statutory review from the Supreme Court or appeal to the Queensland Civil and Administrative Tribunal (QCAT).

In relation to performance monitoring and review, OIC's activities include:

- monitoring, auditing and reporting on agencies' compliance
- advising the parliamentary committee of the statistical information agencies are to give the Information Commissioner for reports
- publishing performance standards and measures for use in reports; and
- reporting about the outcome of performance and monitoring reviews to the Parliamentary Committee.

The functions of OIC also include providing information and help to agencies and members of the public on matters relevant to the Right to Information Act, in particular, by:

- giving guidance on the interpretation and administration of the Act
- promoting greater awareness of the operation of the Act in the community and within government, including by providing training and educative programs
- monitoring the way the public interest test is applied by agencies and on external review

- commissioning external research, and consulting experts on the design of surveys, to monitor whether the Act and its administration are achieving the Act's stated objectives; and
- identifying and commenting on legislative and administrative changes that would improve the administration of the Act.

As outlined in the Information Privacy Act, OIC activities in relation to privacy can include:

- waiving or modifying privacy principle obligations
- issuing compliance notices; and
- administering privacy complaints.

An individual who believes an agency has not dealt with their personal information in accordance with the privacy principles set out in the Information Privacy Act may make a complaint to the agency. If, after 45 business days, they are dissatisfied with the agency's response, they may bring their complaint to OIC. OIC's role is to attempt mediation of the complaint. If mediation is not successful, or if the complaint is not able to be mediated, then the individual may request OIC to refer it to QCAT.

Performance monitoring and support activities under the Information Privacy Act include:

- conducting reviews into personal information handling practices of relevant entities, including technologies, programs, policies and procedures, to identify privacy related issues of a systemic nature generally or to identify particular grounds for the issue of compliance notices
- if considered appropriate, reporting to the Speaker on the findings of any review; and

- leading the improvement of public sector privacy administration in Queensland by taking appropriate action to:
  - (a) promote understanding of and compliance with the privacy principles
  - (b) provide best practice leadership and advice, including by giving advice and assistance to relevant entities on the interpretation and administration of the Act
  - (c) conduct compliance audits to assess relevant entities' compliance with the privacy principles
  - (d) initiate privacy education and training, including education and training programs targeted at particular aspects of privacy administration, and education and training programs to promote greater awareness of the operation of this Act in the community and within the public sector environment
  - (e) comment on any issues relating to the administration of privacy in the public sector environment
  - (f) issuing guidelines about any matter relating to the Information Commissioner's functions, including guidelines on how this Act should be applied and on privacy best practice generally; and
  - (g) supporting applicants under this Act, and all relevant entities.

## Our Human Resources

### Staffing

The Right to Information Act provides for an Information Commissioner, a Right to Information Commissioner and OIC staff. The role of the Privacy Commissioner is established under the Information Privacy Act. Staff of OIC are employed under the *Public Service Act 2008*.

OIC conducts recruitment and selection processes in accordance with the merit-based requirements of the *Public Service Act 2008*, the relevant Public Service Commissioner's policies and directives and the Industrial Relations Directives.



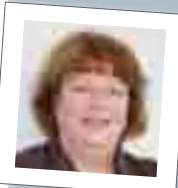
#### Information Commissioner Julie Kinross

Julie Kinross was appointed as Information Commissioner on 10 August 2009. Julie has worked in the public sector for more than two decades and has held positions of Commissioner for Fair Trading and Deputy Director-General, Department of Fair Trading and Wine Industry Development and Assistant Director-General, Department of Justice and Attorney-General. Julie holds a Master of Social Welfare Administration, Bachelor of Social Work, Bachelor of Arts, and was admitted as a legal practitioner in 2005. Julie also holds a Graduate Diploma in Advanced Finance and Investment and is a graduate member of the Australian Institute of Company Directors.



#### Right to Information Commissioner Clare Smith

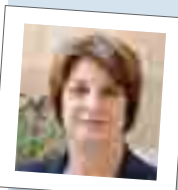
Clare Smith has worked in the Queensland public sector for over twenty years holding senior legal services positions across government including: Department of Infrastructure and Planning, Department of Local Government, Sport and Recreation and Department of Tourism, Racing and Fair Trading. Prior to the appointment, Clare was Assistant Crown Solicitor, Crown Law, Department of Justice and Attorney-General.



#### Right to Information Commissioner Jenny Mead

Jenny Mead has worked for over twenty years in the Queensland public sector as a legal practitioner. This has led to several senior legal services positions across government including: Department of Local Government, Sport and Recreation and Department of Tourism, Racing and Fair Trading. Prior to the appointment, Jenny was Director, Legal Services Division, Department of Infrastructure and Planning.

Clare Smith and Jenny Mead were both appointed as Right to Information Commissioner on 4 October 2010. Clare and Jenny share the workload of the position, each on a part-time basis.

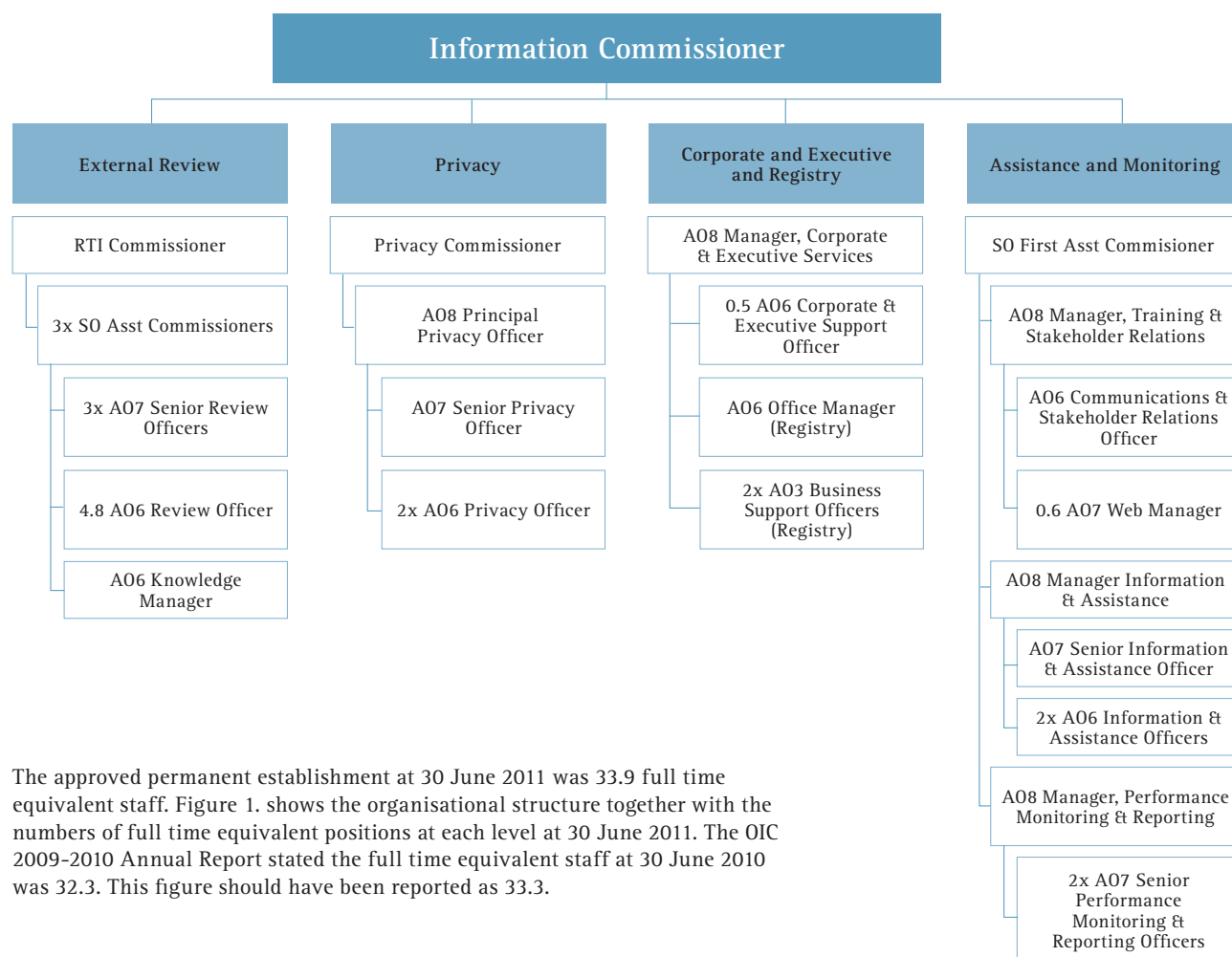


#### Privacy Commissioner Linda Matthews

Linda Matthews was appointed as Queensland Privacy Commissioner from 15 June 2010. Prior to taking up this position Linda Matthews was South Australian Equal Opportunity Commissioner for 14 years. This position dealt with discrimination complaints under the S.A. Equal Opportunity Act.



**FIGURE 1.** Organisational structure



The approved permanent establishment at 30 June 2011 was 33.9 full time equivalent staff. Figure 1. shows the organisational structure together with the numbers of full time equivalent positions at each level at 30 June 2011. The OIC 2009–2010 Annual Report stated the full time equivalent staff at 30 June 2010 was 32.3. This figure should have been reported as 33.3.

During the year the following resignations were tendered:

- Manager, Corporate and Executive Services
- Privacy Officer; and
- Business Support Officer.

The following positions were permanently appointed:

- Right to Information Commissioner
- Senior Information and Assistance Officer
- Manager, Corporate and Executive Services
- Business Support Officer
- two Senior Review Officers
- Web Manager

- Office Manager
- Privacy Officer
- two Assistant Information Commissioners; and
- Review Officer.

A key priority for OIC is to maintain an environment of continuing professional development through skill development, career enhancement and supporting a culture of ongoing learning through participation in university courses, mediation training, seminars, on-the-job training and mentoring by experienced officers.

During 2010–2011 OIC expended \$63,666 in staff professional

development, training, workshops and post-graduate university studies. The annual expenditure equates to around 2.0% of employee salaries to develop new skills, enhance professional qualifications and implement new policies and procedures within OIC. This level of expenditure is in keeping with the percentage of salaries recommended by the last Strategic Management Review of OIC. The provision of effective mentoring and training for review officers, such as in legal research, informal dispute resolution and decision writing skills ensures all relevant issues are identified and analysed to complete the review process in a timely and professional manner.

Following on from the core skills training provided in 2009-2010, during 2010-2011 new and returning staff participated in professional development. The core skills programme for selected staff included mediation and negotiation skills, statutory interpretation and decision making skills. Induction programmes were conducted for all new staff.

Training updates covered professional duties and responsibilities (including OIC Code of Conduct and the information technology usage policy and network compliance requirements), public sector employee policies and guidelines and the operation of the Right to Information and Information Privacy legislation.

A number of staff also attended training or professional development courses to develop specific areas of expertise relevant to their work including complaint handling, legal professional privilege and industrial relations for human resource practitioners. Two officers also completed post graduate studies in public sector management.

### Consultants and contractors

In 2010-2011 OIC spent \$220,199 on contractors. No funds were spent on consultants. The expenditure on contractors was planned budget expenditure and related to the costs of:

- a training course facilitator to ensure the capability of agency right to information and privacy practitioners
- convening the first national conference on Right to Information
- two research projects
- website updates; and
- occupational health and safety assessments.

### International travel

One overseas trip was undertaken in 2010-2011. The Privacy Commissioner attended the 34th Asia Pacific Privacy Authorities (APPA) forum in Auckland on 7-8 December 2010.

## Our Governance

The Information Commissioner is a statutory office holder appointed by the Governor in Council under the Right to Information Act and is independent of

ministerial control in the exercise of functions under that Act and the Information Privacy Act. These arrangements allow the community to have confidence that the role of the Information Commissioner will be carried out independently, fairly and impartially. The Information Commissioner is supported by two other statutory office holders appointed by the Governor-in-Council: the Privacy Commissioner and the Right to Information Commissioner. The Information Commissioner is accountable to the Legal Affairs, Police, Corrective Services and Emergency Services Committee (formerly the Law, Justice and Safety Committee) and meets with the Committee during the course of the year to discuss issues such as OIC's activities, work output, budget, annual report and any other significant issue. In accordance with the *Right to Information Act 2009* and the *Information Privacy Act 2009*, the Information Commissioner provides an annual report to the Parliament through the Speaker and Parliamentary Committee.

While the Information Commissioner is independent of Ministerial control, under section 133 of the Right to Information Act, the OIC's budget must be approved by the Minister. Related key elements of the governance and accountability framework include the Service Delivery Statement and Estimates Committee hearings. Three separate reports on reviews under the Right to Information or Information Privacy Acts were made to the Legal Affairs, Police, Corrective Services and Emergency Services Committee in 2010-2011 (refer section on Service 3 for report details). The Parliamentary Committee may also require a report on a particular aspect of OIC's performance, but it cannot investigate particular conduct or reconsider or review decisions in relation to specific investigations or reviews. An independent strategic review of OIC is conducted at least every five years.

OIC's executive management team in 2010-2011 comprised the Information Commissioner, the Right to Information Commissioner, the Privacy Commissioner, the First Assistant Information Commissioner and the Manager, Corporate and Executive Services. Given the size of OIC,

fortnightly 'all staff' meetings are held. This is the mechanism through which staff are consulted and provided information on operational planning, risk management, workplace health and safety, and waste management issues. During 2010-2011, staff were involved in the review of the Strategic and Operational Plans.

In relation to training conducted by OIC, feedback is sought and acted upon. Our organisation is strengthened by feedback it receives from parties to external reviews and agencies being reviewed. Feedback is actively sought from the parties involved through a number of mechanisms including surveys, dedicated email service, OIC's website and an external, agency-based reference committee.

### Corporate services

In 2010-2011 OIC purchased corporate services through a service agreement with the Queensland Parliamentary Service at a cost of \$205,060. These services included information communication technology systems and support, human resource management services and financial services.

### Information and technology

The information and communication systems support OIC in maintaining the necessary security of information considered during an external review. OIC has a service agreement for information and communication technology services with the Queensland Parliamentary Service, which provides high level security. OIC has policies and network protocols in place to provide all OIC staff with clear guidelines on the responsibilities of each individual regarding ethical information management, usage and access of systems within OIC.

During 2010-2011 OIC significantly developed its electronic knowledge management system. This system streamlines research by providing a 'one-stop shop' that allows easy access to research resources (such as legal databases, statutory interpretation materials and significant precedents) and OIC's past and current corporate knowledge. The digested format in which information appears (in topic indexes

and annotated legislation) significantly assists new OIC staff to quickly become familiar with this specialised jurisdiction. It also reinforces OIC's cultural norms regarding commitment to knowledge sharing and excellence in research. Systems are also in place to ensure that all relevant new knowledge is incorporated into the electronic management system, so that the information remains current and useful.

In April 2011, OIC demonstrated the electronic knowledge management system at a meeting of the Association of Information Access Commissioners in Western Australia. Representatives from New Zealand and the various Australian jurisdictions expressed significant interest in being able to access this information resource and to draw on OIC's experience to assist in developing similar resources in other jurisdictions. A further demonstration to the agency-based reference committee also drew a very positive response.

OIC has commenced work on a project to make much of its electronic knowledge management system, which is currently on an intranet, publicly accessible through OIC's internet site. Work will continue on this project throughout 2011 and it is anticipated that the site will be launched in 2012.

### **Code of Conduct and Ethics Implementation Statement**

In accordance with section 17 of the *Public Sector Ethics Act 1994*, the Office of the Information Commissioner has in place a Code of Conduct. In January 2011 OIC adopted the single Code of Conduct for Queensland Public Servants and has completed training on the code for all staff. OIC is prescribed under the regulations to the *Public Sector Ethics Act 1994* as a 'public service agency' to apply the Code of Conduct for the Queensland Public Service to the employees of OIC.

In accordance with section 23 of the *Public Sector Ethics Act 1994* OIC provides a formal induction process for new staff. At this time staff are given their own copy of the Code of Conduct. The induction process requires staff to read and confirm their understanding and ability to apply the approved Code of Conduct. Annual code of conduct

training is provided to reinforce and highlight employee obligations. Staff can readily access the Code of Conduct through OIC's internet site and internal information management system.

In addition, all OIC procedures and practices give proper regard to the approved *Code of Conduct* and the *Public Sector Ethics Act 1994* in particular, the ethical obligations of public officials.

### **Risk management**

The objective of OIC Risk Management Policy is to facilitate developing a risk management culture within OIC and to assist all staff in implementing sound risk management practices.

In applying risk management principles it is expected that officers at all levels will:

- seek to reduce vulnerability to both internal and external events and influences that can impede achieving the goals of OIC
- seek to capitalise on opportunities to enhance OIC business processes and create value; and
- contribute to effective corporate governance.

OIC's Risk Management Framework is designed to encourage an integrated approach to managing all risks in OIC that impact on achieving OIC's strategic and business objectives. It is built around having a common language and common approach to help identify which risks are significant and the most effective way to address and eliminate or minimise these risks.

### **Complaints management**

OIC's complaints process is promoted on OIC's web site. Complaints which cannot be informally resolved are to be made in writing to the Manager, Corporate and Executive Services and are handled independently of the areas about which the complaint is made. Feedback is taken seriously and where specific improvements can be identified, they are implemented as soon as practicable. Complaints cannot be dealt with by OIC where an external review applicant disagrees with a decision. In these circumstances, the applicant may wish to appeal to QCAT or to apply to the Supreme Court for a statutory order of

review. Appeals and reviews of this nature can only be taken on a point of law.

During the year OIC received one written complaint in relation to services. This is one complaint less than the previous year. The complaint related to the handling of a number of related external reviews by a single applicant. The complainant was not satisfied with the frequency of status updates, timely provision of information to OIC by an agency or Minister, and the overall timeframes for finalisation of the external reviews. The complaint was managed within the timeframes of OIC's complaints management policy. The issues were discussed with the complainant on a number of occasions by the First Assistant Information Commissioner and a written response provided. The First Assistant Information Commissioner concluded that the external reviews were managed appropriately. Feedback was provided for a review of the guideline External Review – Part 3 – Timeframes.

### **Recordkeeping**

In compliance with the provisions of the *Public Records Act 2002* OIC is required to make and keep full and accurate records of its activities and have regard to any relevant policy, standards and guidelines made by the State Archivist about the making and keeping of public records.

OIC applies whole of government information policies and standards including Information Standard 40: Recordkeeping to ensure its records are accountable, reliable and secure. Office systems are supported by internal guidelines, procedures and policy regarding the management of information and records. Staff are fully trained in the creation, maintenance and management of records for system compliance with monitoring, management and auditing requirements.

Major initiatives during 2010–2011 included:

- a comprehensive security assessment of OIC's new accommodation design to ensure compliance with the *Public Records Act 2002*, Information Standard 40: Recordkeeping, the Privacy Principles, and specific

requirements regarding security and confidentiality of information by OIC under the *Right to Information Act 2009* and the *Information Privacy Act 2009* and to identify operational risks and implement countermeasure solutions.

- a review of OIC's electronic record storage systems and the implementation of enhanced security arrangements.
- The State Archivist approving an updated Retention and Disposal Schedule covering the core business records of the OIC under the Right to Information and Information Privacy Acts and the repealed Freedom of Information Act including the review of decisions made by agencies or Ministers and monitoring of compliance with the Right to Information and Information Privacy legislation.

#### Legislative compliance

A Workplace Health and Safety (WHS) program is embedded within OIC's culture and practices. All staff are informed and aware of the employer's and each employee's responsibility to create and maintain a safe workplace for everyone in OIC. All staff are expected to be vigilant in identifying, reporting and addressing potential WHS risks. During the year training in OIC's emergency procedures was provided to staff. No events resulting in injury were reported.

No public interest disclosures were made to OIC under the *Public Interest Disclosure Act 2010*.

Section 26 of the Right to Information Act provides that an access application cannot be made or transferred to the Information Commissioner, Right to Information Commissioner or Privacy Commissioner. OIC did not receive any access applications in 2010-2011.

During the reporting period the Information Commissioner received no complaints under OIC's privacy policy.

All staff are made aware of the obligations to comply with section 9 of the *Carers (Recognition) Act 2008*.

#### Environmental sustainability

OIC has a Waste Management Policy which emphasises waste avoidance, reduction, reuse and recycling. In particular OIC has implemented practices to reduce paper usage and to recycle cardboard and paper.

All non-essential office lighting is switched off at the end of each day. Where appropriate, all electrical appliances are turned off at the wall when not in use. Individual computers are placed into shutdown mode overnight. Air conditioning temperature is maintained at 23.5 degrees Celsius for summer operation. The single fleet vehicle is a part of the government's initiative to offset emissions by 50% by 2010 and 100% by 2020. E10 fuel purchases are made when available.

#### Legislative Developments/Changes

During 2010-2011 the Right to Information Act was amended by four Acts. Two of these Acts also amended the Information Privacy Act.

The *Integrity Reform (Miscellaneous Amendments) Act 2010* inserted sections 140A, 140B and 206A into the Right to Information Act as part of a range of integrity and accountability reforms to Queensland public service entities.

Under section 140A of the Right to Information Act, the Information Commissioner must, within one month of appointment or reappointment, give the Speaker a statement setting out information relating to the interests of the Information Commissioner and the interests of each person who is a 'related person' in relation to the Information Commissioner. The information to be included in the statement is that which members of Parliament would be required to disclose in a statement of interests under section 69B of the *Parliament of Queensland Act 2001*. Section 206A of the Right to Information Act provides that the existing Information Commissioner must within one month of the commencement of the section, comply with section 140A of the Right to Information Act and give to the Speaker a statement of interests. On request, statements can be given to the Minister, a leader of a political party represented in the Legislative Assembly, the Crime and

Misconduct Commission, a member of the Parliamentary Committee or the Integrity Commissioner. A member of the Legislative Assembly can also obtain a copy of that part of the latest statement, relating to the Information Commissioner, and may by writing to the Speaker, allege that the Information Commissioner has not complied with the requirements.

Section 140B of the Right to Information Act applies if the Information Commissioner has an interest that conflicts or may conflict with the discharge of the Information Commissioner's responsibilities. If a conflict occurs, the Information Commissioner must disclose the nature of the interest and conflict to the Speaker and the Parliamentary Committee as soon as is practicable and not take any action concerning the matter until it is resolved. If a conflict or possible conflict is resolved, the Information Commissioner must give to the Speaker and the Parliamentary Committee a statement advising of the action taken to resolve the conflict or possible conflict.

The *Public Interest Disclosure Act 2010* amended both the Information Privacy Act and Right To Information Act to replace references to the repealed '*Whistleblowers Protection Act 1994*' with '*Public Interest Disclosure Act 2010*' appearing in schedule 1 of the Information Privacy Act and schedule 3 of the Right To Information Act.

The *Revenue and Other Legislation Amendment Act 2011* amended schedule 3 section 12(1) of the Right to Information Act – the exemption for information which is prohibited by another Act – by removing the exemption in section 12(1) relating to the repealed *Debits Tax Act 1990*, section 8, section 7(2) of the repealed *Debits Tax Administration Act 1982* (Cth) and section 5 of the *Debits Tax Repeal Act 2005*.

The *Parliament of Queensland (Reform and Modernisation) Amendment Act 2011* amended the definition of '*parliamentary committee*' in schedule 5 of the Information Privacy Act and schedule 6 of the Right to Information Act to reflect the reforms of the parliamentary committee structure introduced by this legislation.



# Service Performance

An informed Queensland that values and respects information rights and responsibilities

## SERVICE 1

An independent, timely and fair review of decisions made under the *Right to Information Act 2009* and the *Information Privacy Act 2009*

### Key Activity

- Continue to develop alternative dispute resolution approaches and skills in external review
- Improve quality resolution and decision making services by developing and maintaining comprehensive case and knowledge management system

Pages 12–19

## SERVICE 2

An independent and timely privacy complaint resolution service

### Key Activity

- Establish an efficient privacy complaint handling function
- Establish an efficient privacy conciliation service
- Resolve privacy complaints

Pages 20–21

## SERVICE 3

Foster improvements in the quality of practice in Right to Information and Information Privacy in Queensland Government agencies

### Key Activity

- Develop a training strategy and deliver services aimed at encouraging an openness mindset and best practice in government agencies
- Produce and provide tools and resources
- Develop and implement a strategy to monitor, audit and report on agencies' compliance with the legislation
- Gather information, learn from cases and identify systematic issues and solutions
- Identify and inform agencies of examples of best practice, approaches to reform and solutions to particular issues

Pages 22–25

## SERVICE 4

Promote the principles and practices of Right to Information and Information Privacy in the Community and within Government

### Key Activity

- Develop and implement a communications strategy that informs and educates agencies and the community about information rights and responsibilities
- Increase agency and community awareness of our role and services
- Champion Right to Information and Privacy best practice in agencies
- Provide expert advice and assistance to the community and agencies through the enquiries service and the website

Pages 26–27

# SERVICE 1 *An independent, timely and fair review of decisions made under the Right to Information Act 2009 and the Information Privacy Act 2009*

**“The focus by your office was to achieve an expeditious solution. You achieved that in a very timely manner. ‘A Breath of Fresh Air.’”**

*Applicant feedback*

## Key Activity

- Continue to develop alternative dispute resolution approaches and skills in external review.
- Improve quality resolution and decision making services by developing and maintaining comprehensive case and knowledge management system.

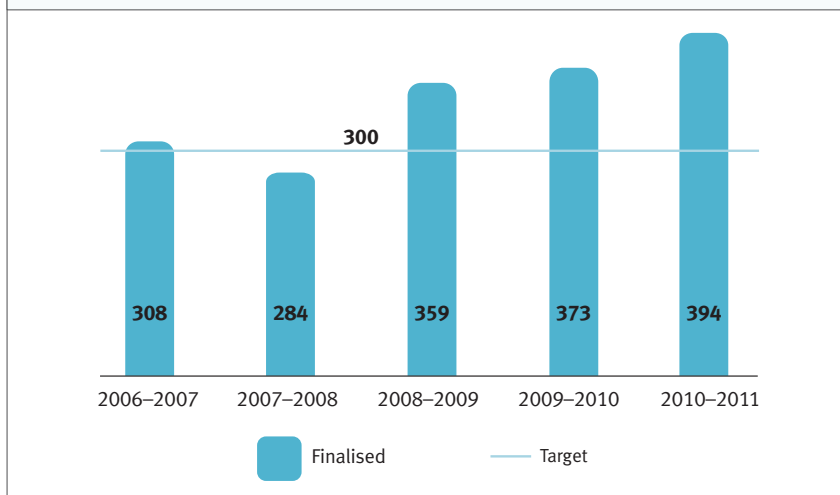
Service Standard	Targets	Achievements
Percentage of applicants who are satisfied with the review service provided	70%	68%
Percentage of agencies satisfied with the review service provided	75%	96%
Median days to finalise a review	90 days	77 days
Number of open reviews at the end of reporting period older than 12 months	< 10	5
Number of reviews finalised	300	394
Proportion of reviews resolved informally	75%	84%

The process of merits review involves independently reviewing certain decisions made by Queensland Ministers, public sector agencies and public authorities about access to, or amendment of, documents.

In 2010–2011 OIC conducted merits review of decisions made under the Right to Information Act and the Information Privacy Act. Any remaining reviews of agency decisions made under the now repealed Freedom of Information Act were completed in this period.

Figure 4. (see page 14) depicts the number of review applications received by OIC over the past five year period. During this reporting period OIC received 412 applications. Figure 2. depicts the number of review applications finalised by OIC over the past five-year period. During this reporting period OIC finalised a record number of 394 review applications. This is significantly more than its target of 300 finalised reviews for the year.

**FIGURE 2.** Number of applications for review finalised against the target



## Resolving Applications

Applications for external review may be resolved or determined by written decision. The proportion of reviews resolved during the period are depicted in Figure 3.

## Early Resolution

The Right to Information Act and Information Privacy Act require the Information Commissioner to identify opportunities and processes for early resolution of an external review application, including mediation, and to promote settlement of an external review application. If an external review is resolved, each participant is given a notice that the review is complete.



## CASE STUDY 1:

### C and Department of Environment and Resource Management

The applicant applied for access to planning documents relating to the construction of a levee bank near his residence. A number of documents were located by the Department and released to the applicant.

On external review, the applicant submitted that an attachment to one of the emails released to him had not been provided. The Department submitted that it had searched for the attachment but had been unable to locate it. The Department explained that its email storage system did not automatically archive email attachments unless the recipient of the email had saved the attachment separately. In this instance, the Department concluded that the attachment had not been saved and that it was therefore, unlocatable.

In reviewing the contents of the email, OIC identified that it had been sent to the Department by an officer of a Queensland local council. OIC contacted the council officer directly to seek their view on disclosure. The council officer located the email attachment and did not object to its release. OIC conveyed to the applicant the Department's explanation as to why the original attachment could not be located and also arranged for the copy obtained through the council to be released to the applicant. The applicant agreed to resolve the review on that basis.



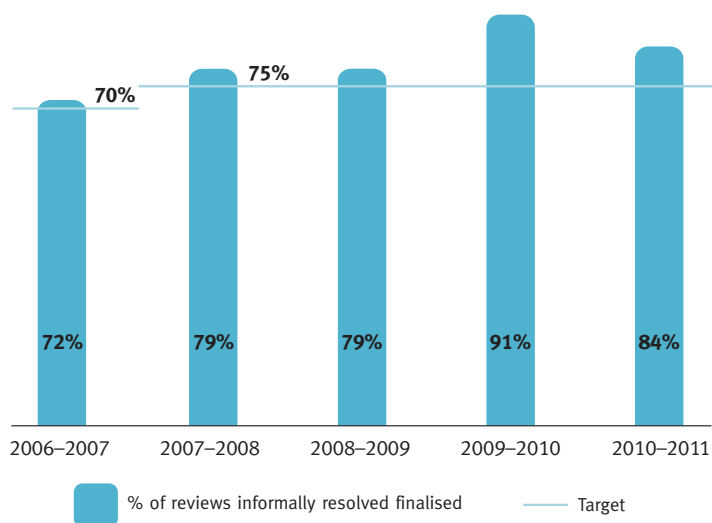
*Sufficiency of search*

#### COMMENT

Where documents have been lost or destroyed, agencies may consider contacting other external entities (or other government agencies) where the documents are held, to assist an applicant in obtaining access to information.

## Resolution of Reviews

**FIGURE 3.** Proportion of reviews resolved informally



“I was, I must admit, skeptical at the time of lodging the application for review as to whether it would achieve anything. I am now a convert. I was most impressed with your staff, your systems & the efficiency with which the matter was resolved. Thank you kindly for your assistance in this matter.”

*Applicant feedback*

**FIGURE 4.** The number of open External Review applications on hand as at 30 June 2011 and for each of the previous four years together with the number of applications received

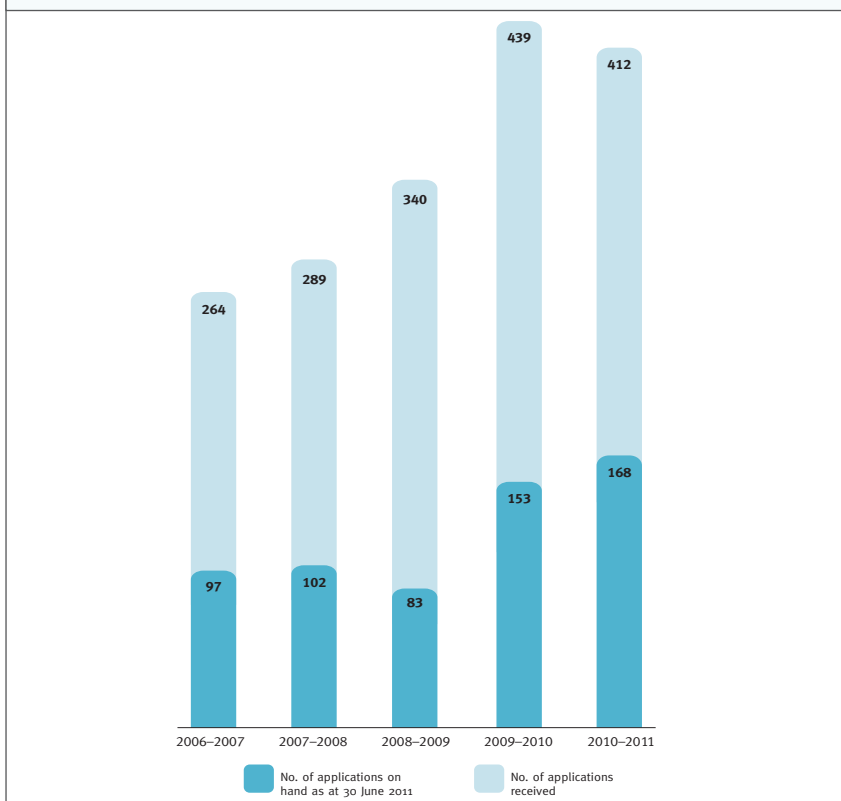


Figure 4. shows the number of applications on hand at the end of the financial year has increased again this year, though only slightly on last year's 153, to 168. The increase reflects OIC's inability to close the high volume of applications received, despite it closing the highest number of files on record. This provides a measure of the adequacy of the quantum of resources in circumstances where there is a heightened level of demand and no efficiency concerns.

Additional information with respect to external review is provided in the appendix (see page 58).

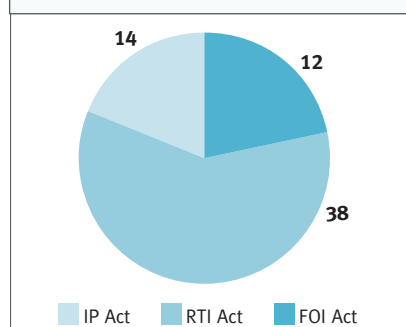
*“Although the outcome was not as I would prefer, I was happy with the level of service, professionalism and timeliness of the OIC.”*

*Applicant feedback*

### Decisions

In 2010–2011 OIC issued 64 written decisions, almost twice the number of decisions issued in the previous reporting period. The higher number of decisions issued reflects the record number of file closures, the slightly decreased percentage of applications resolved early, and the recency of the reforms. The higher proportion of substantive reviews are broken down for each Act as shown below:

**FIGURE 5.** Written decisions per Act



A written decision is one in which the Information Commissioner affirms, varies or sets aside the decision under review and makes a decision in substitution for it.

The Information Commissioner must publish written decisions. Together with a summary, decisions are published on OIC's website under the relevant Act, except to the extent they contain exempt or contrary to the public interest information.

### Appeals on a question of law to the Queensland Civil and Administrative Tribunal

Under section 119 of the Right to Information Act and section 132 of the Information Privacy Act an external review participant is able to appeal to the Queensland Civil and Administrative Tribunal (QCAT) against a decision of the Information Commissioner on a question of law.

One appeal of an Information Commissioner decision lodged by an entity with QCAT in 2009–2010 was decided by QCAT in 2010–2011.<sup>1</sup> QCAT set aside the Information Commissioner's decision and found that the entity was not a 'public authority', and therefore not an 'agency', for the purpose of the Right to Information Act. The applicant appealed QCAT's decision to the Queensland Court of Appeal<sup>2</sup> and has lodged an originating application with the Supreme Court seeking a declaration.

Four appeals of decisions of the Information Commissioner made under the Right to Information Act were lodged with QCAT in 2010–2011—three by applicants and one by an agency.

The appeal lodged by the agency was finalised in 2010–2011.<sup>3</sup> QCAT refused the agency's application to stay the Information Commissioner's decision (that documents should be released to the applicant), and granted the agency's subsequent application for leave to

<sup>1</sup> City North Infrastructure Pty Ltd v Information Commissioner [2010] QCATA 060.

<sup>2</sup> Davis v City North Infrastructure Pty Ltd, Supreme Court No. 12315/10.

<sup>3</sup> Queensland Health v Information Commissioner & Anor (2011) QCATA 066.

## CASE STUDY 2: R and A University

The applicant sought access to her completed exam papers and the answer guide for subjects which she did not pass. The University refused to grant access to the parts of the marked exam papers showing the questions and the entire answer guide. The University submitted that its exam questions and answer guide formed part of its intellectual property and were of commercial value to the University.

On external review, the applicant explained to OIC that she was seeking to gain a greater understanding as to why she had not passed the exams. OIC identified that the applicant's interests may be met by allowing her to inspect the documents and therefore, sought the University's views on this option. Following negotiations, the University agreed to allow the applicant to inspect the exam papers and answer guide at OIC premises, under OIC supervision. After the inspection, the applicant expressed to OIC that she was able to understand where she had made mistakes in the exam and agreed to resolve the review on that basis.



*Making documents available through inspection*

### COMMENT

While information may be exempt or contrary to the public interest, making documents available through inspection may satisfy an applicant's interests while safeguarding the sensitivity of the information.

withdraw the appeal. The remaining three appeals lodged by applicants are continuing.<sup>4</sup>

### Judicial review of decisions

Written decisions of the Information Commissioner can be judicially reviewed by the Queensland Supreme Court under the Judicial Review Act 1991.

No applications for a statutory order of review were made to the Supreme Court during 2010–2011.

### Developing skills and efficiency in external review

The significant number of files on hand and the continuing unprecedented

influx of applications throughout 2010–2011 presented significant challenges for external review.

To further improve efficiencies in 2010–2011, an improved team based structure was introduced, which facilitated better supervision of staff. Better supervision identifies difficult matters earlier allowing them to be 'unblocked', shortening processing times.

OIC also committed significant resources to building capability in its review staff. Relevant staff attended training to foster skill development in:

- administrative law (statutory interpretation and decision making) to support quality outcomes in review
- negotiation to encourage alternative dispute resolution approaches and support the maintenance of good relationships with colleagues, clients and stakeholders; and
- plain English drafting to ensure clear and concise communication with stakeholders.

During 2010–2011 OIC significantly developed its electronic knowledge management system. This system streamlines research by providing a 'one-stop shop' that allows easy access to research resources (such as legal databases, statutory interpretation materials and significant precedents) and OIC's past and current corporate knowledge. The digested form in which information appears (in topic indexes and annotated legislation) significantly assists new staff members to quickly become familiar with this specialised jurisdiction. It also reinforces OIC's cultural norms regarding commitment to knowledge sharing and excellence in research.

### Applicant satisfaction with the conduct of the review

In 2010–2011 applicants were surveyed if their applications required a substantive review. If an application did not proceed to review because, for example it was outside of OIC's jurisdiction, the applicant was not

<sup>4</sup> Regarding *G8KPL2 and Department of Health* (Unreported, Queensland Information Commissioner, 31 January 2011), *13NJIH and Department of Health* (Unreported, Queensland Information Commissioner, 1 February 2011) and *Ozcare and Department of Justice and Attorney-General* (Unreported, Queensland Information Commissioner, 13 May 2011).

surveyed. Consistent with previous years:

- an applicant who had more than one review in the year was surveyed only once for the year; and
- surveys were sent following the file closure letter.

68% of applicants were satisfied overall with the review service provided by OIC in 2010–2011.

### Agency satisfaction

Each year OIC surveys the agencies that participated in a review finalised during the previous calendar year. This year 96% of responding agencies agreed the information and assistance they received when interacting with OIC in 2010–2011 was of a high standard. This exceeds OIC's target of 75% of agencies being satisfied with the information and assistance it provides.

### Timeliness

OIC measures its timeliness by calculating the median number of calendar days for an external review to be resolved or finalised. As foreshadowed in the 2009–2010 Annual Report, the sharp increase in the number of external review applications throughout 2010–2011 has resulted in an increase in the median days to finalise external reviews. The median number of calendar days for an external review to be finalised was 77 days, up from 37 days in the previous reporting period. OIC still met its performance target for timeliness of 90 median days.

Figure 6. shows the number of median days to finalise an application for review in each year since 2006–2007. With the increased number of reviews on hand at the beginning of 2011–2012, it is likely that performance on timeliness will further deteriorate.

### Number of open reviews more than 12 months old at the end of the reporting period (see Figure 7.)

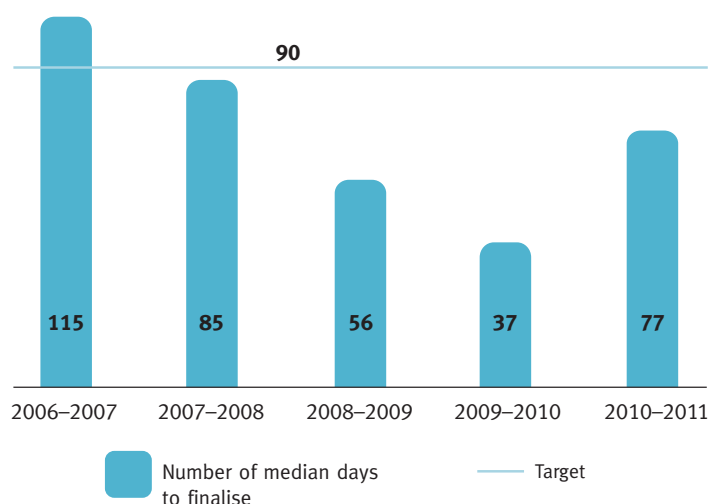
This performance measure was introduced in 2005–2006 and a target of having fewer than 10 reviews more than 12 months old was adopted.

A small number of reviews take an extended period to resolve for a range of reasons, including most often, the complexity of the issues. As at 30 June 2011, five reviews more than 12 months old were open. The fact that the number of old files has not grown substantially is inconsistent with the profile of record demand for external review and the inability to close the equivalent number of files being received. The percentage of review applications finalised to received was 95.6%.

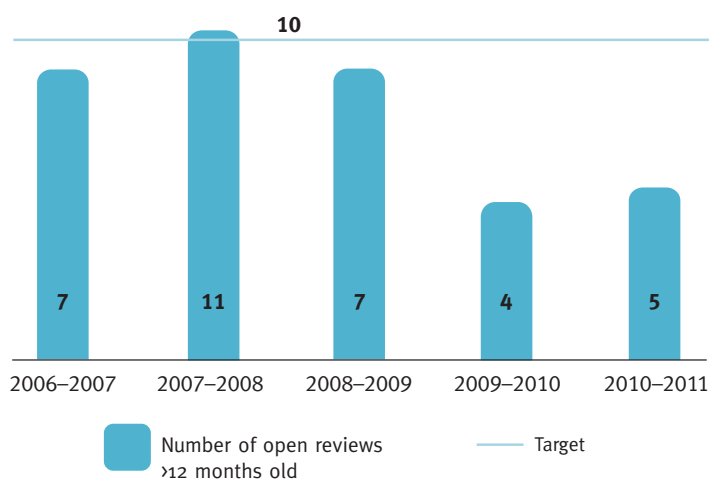
**“Excellent down to earth, factual communication. Continue the good work especially in the training of any new staff.”**

*Applicant feedback*

**FIGURE 6.** Number of median days to finalise an application for review



**FIGURE 7.** Number of open reviews more than 12 months old at the end of this year





### CASE STUDY 3:

#### S and Queensland Health

The applicant applied for access to a neuropsychology report on behalf of her husband who was suffering from significant memory loss. Queensland Health granted access to a summary of the report but refused access to the full report. In support of its decision, Queensland Health considered that the raw data in the report may be misinterpreted and also identified risks associated with sharing patient results with non-experts and the associated ethical and legal considerations that arise, particularly in relation to brain injuries and personal injury litigation.

On external review, the applicant confirmed that she was a qualified psychologist and submitted that, therefore, there was no risk of the report being misunderstood or misused. OIC asked Queensland Health to reconsider its position on disclosure given the particular circumstances of the applicant. Queensland Health agreed to disclose the complete neuropsychology report to the applicant and the external review was resolved on this basis.



Access to records

#### COMMENT

Speaking directly with an applicant can reveal particular facts and circumstances which may affect the weight given to public interest factors and, consequently, impact the disclosure decision.

Given this profile, it would be reasonable to expect the number of old files to have grown. The fact that the number of old files has not grown can be attributed to the emphasis on early resolution and efforts to close older files during the year. Given the increase in the number of applications open at the end of the financial year, it is expected that the age profile of applications not resolved early will increase and this may influence this measure next financial year.

The percentage of open reviews at the end of the reporting period that are more than 12 months old is 3%, up from 2.6%.

**“As a respondent to an external review, we were satisfied with the way the matter was ultimately resolved and impressed with the high level of professionalism applied by your department. Thank you.”**

*Applicant feedback*

#### Summaries of Decisions

##### Gordon and Department of Community Safety (310163, 28 June 2011)

*Section 40(c) - matter concerning operations of agencies*

*Section 44(1) - matter concerning personal affairs*

*Section 28A - nonexistent or unlocatable documents*

This decision finalised the last external review application made to the OIC under the repealed Freedom of Information Act 1992 (Qld) (FOI Act). The applicant applied for access to information relating to his employment with the Department of Community Safety.

On external review, the applicant sought access to the names of other employees and information relating to complaints made against them. The Assistant Information Commissioner decided that this information was exempt under section 40(c) of the FOI Act as its disclosure could reasonably be expected to have a substantial adverse effect on the management or assessment

by the Department of Community Safety of its personnel.

The applicant also requested that incident reports relating to a prisoner's attempted suicide be released. The Assistant Information Commissioner decided that this information was exempt under section 44(1) of the FOI Act on the basis that it concerned the personal affairs of the prisoner and would not, on balance, be in the public interest to disclose.

The applicant also submitted that the Department of Community Safety had not located all documents responding to his application. With reference to the principles in *PDE and University of Queensland* (Unreported, Office of the Information Commissioner, 9 February 2009), the Assistant Information Commissioner decided that the Department of Community Safety had taken all reasonable steps to locate documents responding to the application and that therefore, access to further documents could be refused on the basis that they were either nonexistent or unlocatable under section 28A of the FOI Act. The Assistant Information

Commissioner also decided that some documents identified by the applicant as missing were not relevant to the terms of his application.

### **Foster and Department of Health (220018, 30 September 2010)**

*Section 47(3)(b) - refusal of access - contrary to public interest information*

*Section 47(3)(c) - refusal of access - child's best interests*

The applicant applied to the Department of Health for access to medical records of his infant son. Due to his son's past health problems, the applicant had concerns about the child's general well being and as a non-custodial parent, was seeking information to assist in future healthcare decisions. The Department of Health refused access to the records under section 47(3)(c) of the Right to Information Act on the basis that disclosure would not be in the best interests of the child.

On external review, the Information Commissioner decided that the Department of Health had not discharged the onus in establishing that disclosure would not be in the best interests of the child. In the alternative, the Department of Health submitted that disclosure of the information would, on balance, be contrary to the public interest as most of the information related to the child's neonatal care (including feeding problems) and was not information that a parent may need to make future health care decisions for a child. The Department of Health also submitted that releasing information regarding feeding difficulties would be invasive of the mother's privacy.

In assessing the public interest, the Information Commissioner identified the following factors favouring disclosure:

- the public interest in ensuring a parent is able to discharge their parental responsibility in respect of decisions affecting their child; and
- disclosure could reasonably be expected to promote open discussion of public affairs and enhance government accountability.

The Information Commissioner concluded that the arguments in favour of nondisclosure raised by the Department of Health did not carry any weight and that the public interest in accountability was significant in this case. The Information Commissioner therefore decided that releasing the information would not, on balance, be contrary to the public interest.

### **LLK and Department of Health (310029, 31 August 2010)**

*Section 47(3)(b) - refusal of access - contrary to public interest information*

The applicant applied to the Department of Health for access to medical records of her deceased son. Her son was admitted to hospital lacking capacity after a car accident and the applicant was involved in medical treatment decisions, including the decision to cease life support. The Department of Health refused access to all medical records on the basis that disclosure would, on balance, be contrary to the public interest.

On external review, the Information Commissioner recognised the applicant's general right to seek access to information under the Right to Information Act and also that the applicant was an eligible family member of a deceased person. In deciding that the majority of the information should be released to the applicant, the Information Commissioner identified two key factors favouring disclosure: the social and economic well-being of the community, and accountability. The Information Commissioner considered that these factors should be afforded significant weight in this case because:

- disclosure of most of the information would assist in the applicant's rehabilitation and grieving process
- the deceased's privacy interests were substantially diminished as the applicant was involved in health care decisions on her son's behalf, including the decision to cease life support; and

- end of life decision making is a significant process and it is in the public interest for it to be subject to public scrutiny to maintain public confidence in the health system.

The Information Commissioner determined that there was some information in the medical records, disclosure of which would, on balance, be contrary to the public interest. This information comprised the personal information of an unrelated third party, documents relating to organ donation and social work notes. The Information Commissioner decided that this information did not have any relevance to the decisions made by the applicant on behalf of her son.

### **Seven Network Operations and Redland City Council; A Third Party (310227, 30 June 2011)**

*Section 47(3)(b) - refusal of access - contrary to public interest information*

The applicant applied to Redland City Council for documents about failed health and safety audits in relation to a food business. After consulting with the food business (third party), Redland City Council refused access to the requested information under section 47(3)(b) of the Right to Information Act on the basis that its disclosure would, on balance, be contrary to the public interest.

On external review, Redland City Council accepted that releasing the requested documents would not, on balance, be contrary to the public interest. However, the third party submitted that disclosure would prejudice its business and privacy.

The Right to Information Commissioner considered that in the circumstances of this review, the public interest in Redland City Council's accountability, promoting public discussion about the way in which Council performs its role under the *Food Act 2006* (Qld) and the public interest in safe, informed and competitive marketplaces must be given significant weight. However, the Right to Information Commissioner found the



public interest in revealing health risks to be low due to the age of the information.

The Right to Information Commissioner considered that moderate weight should be given to the prejudice that may be caused to the third party's business affairs. However, the Right to Information Commissioner was not satisfied that this factor outweighed the significant factors in favour of disclosure and accordingly granted access to the requested documents.

#### **Middleton and Building Services Authority (310382, 24 December 2010)**

*Section 41 - effect on agency functions - substantial and unreasonable diversion of resources*

The applicant applied for various documents held by the Building Services Authority (BSA). BSA initially notified the applicant that dealing with the application would involve processing at least 45,000 documents and that it considered this would be an unreasonable diversion of its resources. The applicant subsequently reduced the scope of her application. Although the number of relevant pages was reduced, the content of the request still related to 450 complaints. BSA refused to deal with the application under section 41 of the Right to Information Act 2009 (Qld) on the basis that the work involved in dealing with the application would substantially and unreasonably divert BSA's resources.

On external review, the Right to Information Commissioner found that BSA had satisfied the prerequisites under section 42 of the Right to Information Act before refusing to deal with the application. Further, in making the determination, the decision-maker had correctly had regard to the work involved in:

- identifying, locating or collating any documents in BSA's filing system
- making copies, or edited copies of any documents
- deciding whether to give, refuse or defer access to any documents, including resources that would have to be used in examining any documents or conducting third party consultations; and
- notifying any final decision on the application.

The Right to Information Commissioner was satisfied that BSA's assessment of the work involved in processing the application was accurate and the applicant's submission that the BSA had made 'unrealistic' assumptions could not be supported. The Right to Information Commissioner affirmed BSA's refusal to deal with the application.

#### **Applications for financial hardship status**

Under section 67 of the Right to Information Act, a non-profit organisation may apply to the Information Commissioner for financial hardship status. Where financial hardship status is granted, the decision has effect for one year from the date of the decision.

In 2010-2011, the Information Commissioner received three applications for financial hardship status. Of these, one application was granted and at the end of the reporting period two were awaiting decision. The Information Commissioner also issued a decision granting financial hardship status to an organisation which had applied in the 2009-2010 financial year.

#### **Outlook for 2011-2012**

In the coming year we will:

- continue to enhance dispute resolution approaches and skills within external review
- develop a resolution training package as a demand management strategy
- systematically review guidelines with a focus on usability and processing efficiencies
- continue to maintain and improve case and knowledge management systems
- maintain an independent, timely and fair review of decisions made under the *Right to Information Act 2009* and *Information Privacy Act 2009*
- continue to develop, promote and share information resources with stakeholders
- continue to liaise with all stakeholders to improve service delivery across Government; and
- monitor the operation of the *Right to Information Act 2009* and *Information Privacy Act 2009* and identify any key issues.

# SERVICE 2

*An independent and timely privacy complaint resolution service*

## Key Activity

- Establish an efficient privacy complaint handling function.
- Establish an efficient privacy conciliation service.
- Resolve privacy complaints.

Service Standard	Targets	Achievements
Percentage of complainants satisfied with the conciliation service	70%	Insufficient meaningful data
Percentage of agencies satisfied with the privacy service provided	75%	Insufficient meaningful data
Percentage of privacy complaints not formally referred to QCAT for determination	75%	97%
Median days to finalise a privacy complaint	90 days	six days

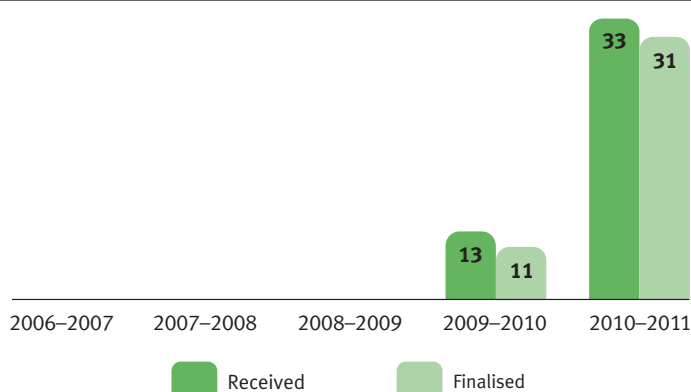
Under the Information Privacy Act, a person may make a privacy complaint to the Information Commissioner. All privacy complaints are initially assessed against the legislative requirements. The Information Commissioner may decide to decline to deal with the complaint, refer the complaint elsewhere, attempt to conciliate the complaint or refer a complaint that cannot be resolved through conciliation to QCAT. OIC endeavours to resolve all privacy complaints in a timely, effective and efficient manner. 33 complaints were received during 2010–2011, of which, 31 were finalised during the reporting period. OIC far exceeded its target of finalising complaints within 90 days, achieving a median time to finalise a complaint of six days.

2010–2011 was the first full year of operation for privacy complaints. The increased number of complaints also reflects the community's growing awareness of their rights to privacy and the commencement of application of the privacy principles to local government on 1 July 2010. However, a large proportion of these complaints did not meet the technical requirements of a privacy complaint under the IP Act. The largest single reason for non-acceptance is that the complainant had either failed to lodge their complaint with the relevant government agency first and/or they had failed to allow the agency the required time of 45 business days to deal with the complaint.

To address this deficiency OIC will continue to provide training and develop guidance material on privacy

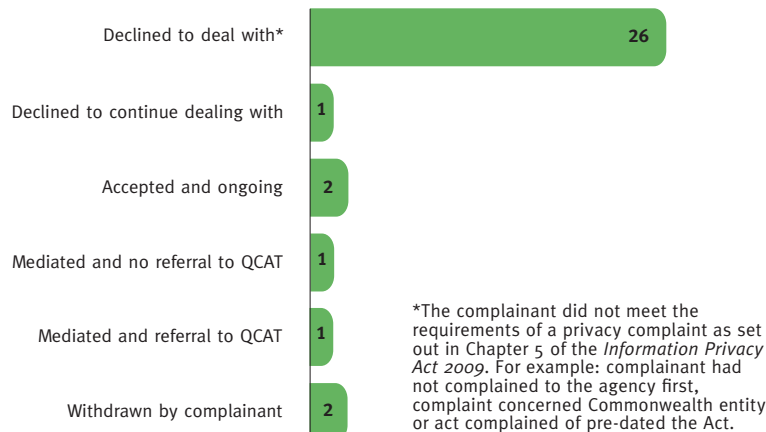
complaints in 2011–2012. In particular OIC will produce resources for government agencies to support those agencies in providing clear advice to complainants about their rights and legislative requirements. A breakdown of complaint outcomes are outlined in Figure 9.

**FIGURE 8.** No. privacy complaints received and finalised by year



\*The Information Privacy Act only commenced from the 2009–2010 period.

**FIGURE 9.** Privacy complaints outcome



\*The complainant did not meet the requirements of a privacy complaint as set out in Chapter 5 of the *Information Privacy Act 2009*. For example: complainant had not complained to the agency first, complaint concerned Commonwealth entity or act complained of pre-dated the Act.

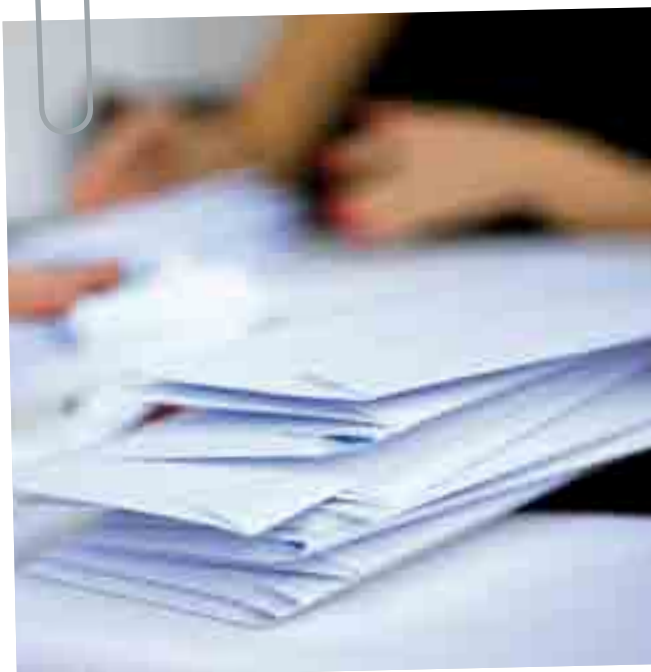
## CASE STUDY:

The third party, a business client of the complainant, received mail intended for the complainant in an envelope bearing the complainant's name and the third party's address. The third party opened the envelope and discovered personal information of a negative nature about the complainant. The complainant became aware of this when the client contacted them expressing their unhappiness with the complainant's apparent use of their address for this mail.

The complaint alleged a breach of Information Privacy Principle 8 (IPP 8), which is the obligation to take reasonable steps to ensure personal information is accurate, complete and up to date. OIC's investigation of the complaint revealed that the relevant Respondent Agency had at all times been in possession of identity documents which bore the complainant's correct address and had the correct address recorded in its database. Despite this, a document created by the Respondent Agency and provided to another agency had listed the wrong residential address for the complainant. The Respondent Agency offered no information to refute that there had been a breach of IPP 8 and neither did it offer the complainant an explanation for the error.

Discussions with the Respondent Agency produced little of value towards the resolution of the complaint. It asserted that the wrong address was the complainant's fault because at some point the complainant had provided the address to the Respondent Agency, despite the Respondent Agency having the complainant's correct address in its records and on other documents.

OIC convened a meeting between the complainant and the Respondent Agency. Agreement was not able to be reached, and the Privacy Commissioner determined that,



*Privacy complaint resolution service*

under section 175 of the Information Privacy Act, the complaint was not able to be mediated and that, under section 176, the complainant had the option to request OIC refer the complaint to QCAT.

### COMMENT

Agencies have an obligation to ensure records are updated and accurate. Privacy breaches can be avoided if systems are in place to support accurate and up-to-date records.

OIC has a performance target of finalising complaints within 90 days of receipt. During the reporting period the median time to finalise a complaint was six days.

### Outlook for 2011-2012

In the coming year we will:

- maintain an independent and timely privacy complaint resolution service
- continue to enhance privacy complaint handling functions
- continue to develop, promote and share information resources with stakeholders; and
- continue to liaise with all stakeholders to improve service delivery across Government.

## SERVICE 3 *Foster improvements in the quality of practice in Right to Information and Information Privacy in Queensland Government agencies*

### Key Activity

- Develop a training strategy and deliver services aimed at encouraging an openness mindset and best practice in government agencies.
- Produce and provide tools and resources.
- Develop and implement a strategy to monitor, audit and report on agencies' compliance with the legislation.
- Gather information, learn from cases and identify systematic issues and solutions.
- Identify and inform agencies of examples of best practice, approaches to reform and solutions to particular issues.

Service Standard	Targets	Achievements
Percentage of agencies satisfied with the range of information provided	75%	98%
Percentage of agencies satisfied with the quality of information provided	75%	96%
No. of training activities provided	30	38
No. of people trained	500	1635
Percentage of course participants satisfied with sessions	75%	100%
No. of monitoring and compliance activities	10	102

### Information and guidance

One of the major functions of OIC is to give guidance on the interpretation and administration of the Right to Information and the Information Privacy Acts.

The Information and Assistance Team produces tools and resources for use by agency staff and members of the public to help them understand, apply and use the legislation. All the information resources produced by OIC are published on OIC's website.

OIC has continued to produce information resources to assist in the implementation and on going compliance with the Right to Information reforms.

Figure 10. sets out the various information resources published by OIC on its website during 2010–2011.

FIGURE 10.

Guideline	Audience
Application not limited to personal information – changing from the Information Privacy Act to the Right to Information Act	Agencies
Applications by and for children	Agencies and Community
Applying for financial hardship as an individual	Community
Accessing Information Held by Government	Community
Exempt information - Disclosure prohibited by Act	Agencies and Community
Simple Guide to Navigating the Right to Information and Information Privacy Legislation	Agencies
Who can make decisions under Right to Information and Information Privacy Act?	Agencies
Vexatious applicant declarations (re-published)	Agencies and Community
Public access to information under the <i>Sustainable Planning Act 2009</i> (updated)	Agencies
Routine personal work information of public servants (updated)	Agencies and Community
Meetings, minutes and agendas and the privacy principles (updated)	Agencies and Community
Privacy Proofing your Project – an introductory guide to conducting Privacy Impact Assessments	Agencies

“Just wanted to thank you for your presentation this morning. You made a difficult subject (for some) very interesting and I came away with a better understanding of both subjects thanks to your enthusiasm.”

*Public servant, Office of Liquor and Gaming Regulation*



*Reports produced by Performance Monitoring and Reporting*

Many of OIC's guidelines and other resources published on its website are drafted in response to questions received through the enquiries service, issues raised by external review matters, agency Right to Information practices, amendments to the Right to Information and Information Privacy legislation, and research into interstate and overseas legal developments. Information from various sources ensures that OIC's information resources are useful, up-to-date and relevant to those who use them. OIC is moving to produce more community oriented and targeted publications. These publications are designed to improve community awareness and engagement.

Through a management system, OIC ensures guidelines are reviewed, current and address emerging issues.

### **Performance Monitoring and Reporting**

OIC developed a Charter of policies and procedures to govern the new performance monitoring function.

OIC also published the legislative and best practice obligations with which agencies were required to comply. The Self Assessment Tool can be used by agencies to understand and assess their own progress in implementing the new legislation. These obligations have also been brought together in a framework of Performance Standards and Measures, which describes how different performance measures can be aggregated and analysed to assess the overall success of the Right to Information reforms.

An initial step in commencing performance monitoring was to identify agencies subject to the performance monitoring function. Initially 604 entities were identified as fitting within the definitions provided by the legislation. Through careful review and consultation, a working list of 212 auditable agencies was settled in 2010.

The methodology for a full on site audit contained in the Charter of policies and procedures was piloted with a State government department, resulting in refinements to the process and a positive report to the agency itself. Two compliance audits using the methodology were commenced during the year.

Five reports to Parliament were completed during the year, three of which were tabled in this reporting period.

The first tabled report, '2010 Review into Translink's Disclosure of go card information to the Queensland Police Service', examined TransLink's compliance with the privacy principles. The major recommendation of the report was the need for TransLink to formalise a structured process to handle requests for personal go card information from the Queensland Police Service.

OIC followed up on the implementation of OIC's recommendations during the financial year. TransLink and the Queensland Police Service both reported



“USC was aiming to raise the awareness of staff about information privacy issues in their normal work practices. Information sessions presented by OIC staff were well attended, by both University and TAFE staff. The presenter had the ability to make issues that might be boring for some people interesting and entertaining. Staff feedback from the sessions has been positive.”

*University of the Sunshine Coast*

implementation of the recommendations in full. A report on this follow up will be tabled in Parliament in the next reporting period.

The second tabled report to Parliament concerned a desktop compliance audit of 81 agency publication schemes and a number of privacy principles. Most of the agencies reviewed had satisfied basic requirements for publication schemes, but had opportunities for improvement to achieve full compliance. A recent follow up scan of local councils found 62% improvement. This report also examined agency compliance with Information Privacy Principle 2 (providing advice to individuals about the reasons for collecting their personal information) and Information Privacy Principle 5 (advising the public about personal information held by the agency). Most agencies required significant action to improve compliance with the requirements of both privacy principles.

The third tabled report concerned an electronic audit that measured the progress of Right to Information and Information Privacy implementation across over 200 entities covered by the legislation. It was administered by the Office of Economic and Statistical Research (OESR) on behalf of the OIC. OESR sent the electronic audit to 212 agencies within the scope of the legislation including departments, local government, universities, TAFEs, Government Owned Corporations and public authorities. Agencies were asked to self assess their progress in complying with 185 obligations which are primarily sourced from the Right to Information Act and Information Privacy Act. Overall agencies reported either full or partial implementation of 72% of the reform obligations. Departments reported 80% full compliance and 14% partial compliance (94% full or partial implementation of the legal obligations.)

There was strong reported performance in publication schemes, and in putting in place roles, responsibilities, delegations

and authority to implement the reforms, meeting privacy obligations and in engaging with applicants under the legislation. There was weaker reported performance in adopting the 'push' model, making arrangements for information to be accessed administratively and in agencies monitoring their own progress. Agencies reported better implementation when senior management and governance structures focused on the reform process. The audit identified the need for further training and awareness raising.

During the year OIC carried out two surveys to benchmark community and public sector attitudes to the 2009 Right to Information and Information Privacy reforms. Reports presented to the Chair of the Parliamentary Committee have been tabled in the 2011-2012 reporting period. OESR conducted telephone surveys of Queensland households, to explore the extent of community awareness of the Right to Information and Information Privacy reforms, and community attitudes to Right to Information and Information Privacy. A changed public sector culture is one of the objectives of the Right to Information reforms. A survey of public servants administered by OESR explored public sector culture as expressed in the attitudes of public servants.

In future years OIC will repeat the two surveys and the electronic audit to assess changes in public sector and community attitudes and the progress of the Right to Information reforms over time.

### Training

OIC offered training on two bases. First, interested parties had the opportunity to attend scheduled training sessions held in Brisbane covering a range of topics across the Right to Information and Information Privacy Acts. Secondly, a range of individual courses were developed and delivered in metropolitan and regional areas in response to agencies' identified needs.



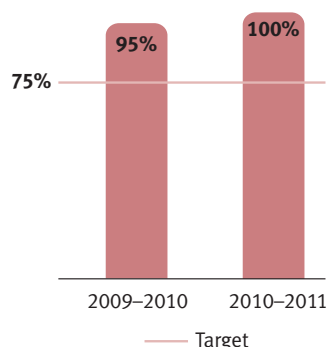
“[The presenter] was very engaging and presented in a ‘plain English’ style which made the topic and information easy to understand.”

*Feedback from training participant*



*Training in information rights and responsibilities*

**FIGURE 11.** Percentage of course participants satisfied with sessions



In the reporting period, OIC offered the following scheduled training opportunities:

- general right to information and privacy awareness training
- training for decision makers
- training for privacy officers
- training on the Right to Information Act
- training in Information Privacy Act; and
- specific training in Right to Information and Information Privacy Acts.

The requirements of client groups can vary according to their roles. Specific training was developed for law enforcement and compliance officers, customer service officers, human resource officers, senior management personnel and some elected officials.

Training offered by OIC is evaluated as part of a continuous improvement process. Course participants provide OIC

with feedback including their level of satisfaction with the training session. In the 2010-2011 period all participants were satisfied with the training provided. Figure 11. displays OIC annual training satisfaction levels against the Service Standard Target.

During the reporting period OIC has been developing a tailored training package for information rights practitioners called ‘Fast Track Negotiation Skills’. The training recognises that facilitating access to information often involves a series of rapid negotiations with a range of internal and external stakeholders. The training also acknowledges that negotiations deal with highly sensitive issues in a time critical and legally complex setting. The training needs analysis, published on OIC’s website identified the learning needs of information rights officers in this negotiation context. This training will be finalised and offered to practitioners in the 2011-2012 reporting period.

### Outlook for 2011-2012

In the coming year we will:

- continue to develop, promote and share information resources with stakeholders
- systematically review training opportunities to deliver services aimed at promoting best practice across Government
- continue to liaise with all stakeholders to identify systematic issues and solutions
- continue to monitor, audit and report on agencies’ compliance with the legislation
- provide authoritative advice to improve service delivery across Government
- continue to develop and implement a tailored training package for information right practitioners called ‘Fast Track Negotiation Skills’; and
- develop and implement online training in information rights and responsibilities.

## SERVICE 4 *Promote the principles and practices of Right to Information and Information Privacy in the community and within Government*

*“Incredibly helpful! We’ll be on top of it in no time. Thanks so much!”*

*Enquiry feedback*

### Key Activity

- Develop and implement a communications strategy that informs and educates agencies and the community about information rights and responsibilities.
- Increase agency and community awareness of our role and services.
- Champion Right to Information and Privacy best practice in agencies.
- Provide expert advice and assistance to the community and agencies through the enquiries service and the website.

Service Standard	Targets	Achievements
No. of awareness activities conducted	190	542
No. of enquiry (written and oral) responses	2500	4078
No. of website visits	80,000	75,165

*“Thank you very much for your comprehensive answer! It’s great - it gives me lots of areas that will have to be addressed and clarified between our Records and archive department, so that we can determine how best to apply the legislation for future requests for information.”*

*Agency feedback*

### Promoting through the internet

OIC increased its web functionality to ensure the promotion of its new roles and to disseminate resources. Social media such as a dedicated YouTube Channel, Twitter and Really Short Syndication (RSS) feeds have been adopted to increase communication opportunities. There were 75,165 visits to OIC website during the reporting period.

### Promoting through other avenues

During the year OIC developed a communications strategy to inform agencies and the community about information rights and responsibilities. As a part of the strategy, OIC developed survey instruments to measure household and public servant awareness of information rights. The administration of the first surveys occurred this financial year.

OIC conducted a range of communication activities through media releases, radio interviews, podcasts, published articles, providing comment on specific proposals and presenting at numerous conferences, lectures and seminars.

OIC made submissions and public comment on a range of issues at the State and Commonwealth level including on the Healthcare Identifiers Bill, the implications of the Council of Australian Governments National Reform Agenda on right to information and privacy laws.

OIC again participated in Privacy Awareness Week (PAW) as an active member of the Asian Pacific Privacy Authorities. OIC produced and distributed a range of resources including a podcast to promote privacy rights and responsibilities amongst agencies and the community.

OIC hosted the Solomon Lecture and 2010 Right to Information Day Forum on 27-28 September 2010 in partnership with the Queensland Government. These two events celebrated a new era of open and transparent government in Queensland with the OIC communicating the message clearly that increasing access to government information provides a good foundation for a healthy democracy.

The two events were attended by over 500 delegates from the community and within government. Attendees were

treated to a highly respected list of local, national and international speakers from the Public and Private Sector including:

- Queensland's Attorney-General, Queensland Directors-General and other senior government representatives
- Don Watson, Author of 'Weasel Words'
- Professor Beth Noveck, Deputy Chief Technology Officer for Open Government in the United States of America
- Professor John McMillan, Australian Information Commissioner
- Dr Nicholas Gruen, Chair, Government 2.0 Taskforce
- Michael McKinnon, Channel 7, National FOI Editor
- Professor Brian Fitzgerald, Professor of Intellectual Property and Innovation, Queensland University of Technology
- Bernard Salt, Demographer
- Renowned Australian journalist and broadcaster Geraldine Doogue, who performed Master of Ceremony duties adding her own insightful commentary to each session.

OIC published videos and Power Point presentations from these events on its dedicated YouTube Channel.

**"This is fantastic information. Nice and easy to understand! Thank you so much for your time and effort."**

*Member of the public*

#### Information and Assistance

Agency staff and members of the public use the enquiries service to ask questions about access to information, the interpretation and application of the Right to Information Act and Information Privacy Act. Queries range from requests for copies of the approved access form to complex legal questions about the meaning of particular sections of the legislation.

OIC's Enquiries Service responded to over 4000 enquiries in its first year of operation and a similar figure in 2010-2011 (4078 calls and emails), most of which were telephone enquiries.

**"Thanks for your time, effort and input. You've certainly taken the trouble to make a detailed and informative reply."**

*Member of the public*

**"Thank you very much for such a thorough response. I appreciate your time and wisdom on the topic".**

*Right to Information Decision maker*

In the second year of operation enquiries from both members of the public and agencies were more complex. During the reporting period 80% of privacy related enquiries were received from members of the community. This may indicate that the public are becoming increasingly aware of their privacy rights. A spike in enquiry numbers was observed in the period around the commencement of the privacy principles for local government in 2010. Demand for advice and assistance from the Enquiries Service has continued to exceed expectations.

The expected and actual number of enquiries responded to is presented below:

FIGURE 12.

	2009-2010	2010-2011
Target	2500	2500
No. enquiries handled	3470	4078

#### Outlook for 2011-2012

In the coming year we will:

- continue to promote the principles and practices of the Right to Information Act 2009 and Information Privacy Act 2009 in the community and within Government
- continue to develop and implement products that inform and educate the community and Government about information rights and responsibilities
- champion Right to Information and Privacy best practice in Government; and
- continue to raise awareness of our role and services throughout the community and Government.

# Financial Performance

## Financial Statement 2010-2011

### Financial Position

The OIC was established under the repealed *Freedom of Information Act 1992* and continues under the *Right to Information Act 2009* with grant funding from the Queensland Government provided through the Department of Justice and Attorney-General. Our 2010-2011 total appropriation was \$5.944M.

Our strong financial performance reflects our focus on responsible financial and resource management and our efficient approach to processes and procedures, and particularly our service delivery targets.

Each year, we aim to exceed expectations, and improve the quality, cost and timeliness of our services. Our 2010-2011 financial result was achieved at a time when the OIC received a record number of access applications.

### Financial Outlook

Figure 13. is a five year comparison of actual revenues and expenses.

**FIGURE 13.**

	2006-07 (\$'000)	2007-08 (\$'000)	2008-09 (\$'000)	2009-10 (\$'000)	2010-11 (\$'000)
Appropriation	1,751	2,070	3,783	7,405	5,944
Other Revenue	24	28	48	12	124
Employee expenses	1,397	1,303	2,122	4,065	4,202
Supplies and services	320	249	720	2,336	1,415
Depreciation and amortisation	105	127	114	261	
Other expenses	133	130	19	5	
Surplus (Deficit)	(180)	289	856	750	

*Note: Increased appropriation for 2009-2010 and 2010-2011 financial years due to implementation phase for new Right to Information and Information Privacy Acts and changed staffing profile reflecting new functions introduced under the acts.*

## Office of the Information Commissioner Financial Statements 2010-11

### Contents

	Page No
Statement of Comprehensive Income	2
Statement of Financial Position	3
Statement of Changes in Equity	4
Statement of Cash Flows	5
Notes to and Forming Part of the Financial Statements	6
Management Certificate	25

### **General Information**

These financial statements cover the Office of the Information Commissioner.

The Office of the Information Commissioner was established under the repealed Freedom of Information Act 1992 and continued under the *Right to Information Act 2009*.

The Office is included in the portfolio of the Attorney-General and Minister for Justice under Section 133 of the *Right to Information Act 2009*.

The principal place of business of the Office is:

Level 8  
160 Mary Street  
BRISBANE QLD 4000

A description of the nature of the Office's operations and its principal activities is included in the notes to the financial statements.

For information in relation to the Office's financial statements, please call the Manager Corporate and Executive Services on 07 3405 1111, email [administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au) or visit the Office internet site [www.oic.qld.gov.au](http://www.oic.qld.gov.au)

**OFFICE OF THE INFORMATION COMMISSIONER**  
**Statement of Comprehensive Income**  
**for the year ended 30 June 2011**

	Notes	2011 \$'000	2010 \$'000
<b>Income from Continuing Operations</b>			
<i>Revenue</i>			
Grants and other contributions	2	5,944	8,072
User charges	3	124	7
Other revenue	4	275	161
<b>Total Income from Continuing Operations</b>		<b>6,343</b>	<b>8,240</b>
<b>Expenses from Continuing Operations</b>			
Employee expenses	5	4,234	3,411
Supplies and services	6	1,407	1,160
Depreciation	7	165	115
Other expenses	8	64	13
<b>Total Expenses from Continuing Operations</b>		<b>5,870</b>	<b>4,699</b>
<b>Operating Result from Continuing Operations</b>		<b>473</b>	<b>3,541</b>
<b>Total Other Comprehensive Income</b>		<b>-</b>	<b>-</b>
<b>Total Comprehensive Income</b>		<b>473</b>	<b>3,541</b>

*The accompanying notes form part of these statements.*





**OFFICE OF THE INFORMATION COMMISSIONER**  
**Statement of Financial Position**  
**as at 30 June 2011**

	Notes	2011 \$'000	2010 \$'000
<b>Current Assets</b>			
Cash and cash equivalents	9	5,298	5,421
Receivables	10	40	74
Other	11	35	183
<b>Total Current Assets</b>		<b>5,373</b>	<b>5,678</b>
<b>Non Current Assets</b>			
Plant and equipment	12	674	185
<b>Total Non Current Assets</b>		<b>674</b>	<b>185</b>
<b>Total Assets</b>		<b>6,047</b>	<b>5,863</b>
<b>Current Liabilities</b>			
Payables	13	104	472
Accrued employee benefits	14	302	213
<b>Total Current Liabilities</b>		<b>406</b>	<b>685</b>
<b>Non Current Liabilities</b>			
Accrued employee benefits	14	78	88
<b>Total Non Current Liabilities</b>		<b>78</b>	<b>88</b>
<b>Total Liabilities</b>		<b>484</b>	<b>773</b>
<b>Net Assets</b>		<b>5,563</b>	<b>5,090</b>
<b>Equity</b>			
Contributed equity		-	(44)
Retained surpluses		5,563	5,134
<b>Total Equity</b>		<b>5,563</b>	<b>5,090</b>

*The accompanying notes form part of these statements.*



OFFICE OF THE INFORMATION COMMISSIONER  
Statement of Changes in Equity  
for the year ended 30 June 2011

	Accumulated Surpluses		Contributed Equity		TOTAL	
	2011 \$'000	2010 \$'000	2011 \$'000	2010 \$'000	2011 \$'000	2010 \$'000
Balance as at 1 July	5,134	1,593	(44)	(59)	5,090	1,534
Adjustment to Opening Balance	(44)		44		-	-
Operating Result from Continuing Operations	473	3,541	-	-	473	3,541
<i>Transactions with Owners as Owners:</i>						
- Net leave liabilities transferred to/from other agencies	-	-	-	15	-	15
Balance as at 30 June	5,563	5,134	-	(44)	5,563	5,090

*The accompanying notes form part of these statements.*



**OFFICE OF THE INFORMATION COMMISSIONER**  
**Statement of Cash Flows**  
**for the year ended 30 June 2011**

	Notes	2011 \$'000	2010 \$'000
<b>Cash flows from operating activities</b>			
<i>Inflows:</i>			
Grants and other contributions		5,944	8,072
GST input tax credits from ATO		282	127
GST collected from customers		39	3
Other		400	168
<i>Outflows:</i>			
Employee expenses		(4,130)	(3,479)
Supplies and services		(1,193)	(616)
GST remitted to ATO		(72)	(3)
GST paid to suppliers		(220)	(153)
Other		(475)	(295)
<b>Net cash provided by (used in) operating activities</b>	15	<u>575</u>	<u>3,824</u>
<b>Cash flows from investing activities</b>			
<i>Outflows:</i>			
Payments for plant and equipment		(698)	(66)
<b>Net cash provided by (used in) investing activities</b>		<u>(698)</u>	<u>(66)</u>
Net increase (decrease) in cash and cash equivalents		(123)	3,758
Cash and cash equivalents at beginning of financial year		5,421	1,663
<b>Cash and cash equivalents at end of financial year</b>	9	<u>5,298</u>	<u>5,421</u>

*The accompanying notes form part of these statements.*



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

	Objectives and Principal Activities of the Office of the Information Commissioner
Note 1	Summary of Significant Accounting Policies
Note 2	Grants and Other Contributions
Note 3	User Charges
Note 4	Other Revenue
Note 5	Employee Expenses
Note 6	Supplies and Services
Note 7	Depreciation
Note 8	Other Expenses
Note 9	Cash and Cash Equivalents
Note 10	Receivables
Note 11	Other Current Assets
Note 12	Plant and Equipment
Note 13	Payables
Note 14	Accrued Employee Benefits
Note 15	Reconciliation of Operating Surplus to Net Cash from Operating Activities
Note 16	Key Executive Management Personnel
Note 17	Commitments for Expenditure
Note 18	Contingencies
Note 19	Financial Instruments
Note 20	Events Occurring after Balance Date



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

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**OBJECTIVES AND PRINCIPAL ACTIVITIES OF THE OFFICE OF THE INFORMATION COMMISSIONER**

The vision of the Office of the Information Commissioner is for an informed Queensland that values and respects information rights and responsibilities.

The Office of the Information Commissioner has four goals:

1. An independent, timely and fair review of decisions made under the *Right to Information Act 2009* and *Information Privacy Act 2009*.
2. An independent and timely privacy complaint resolution service.
3. Foster improvements in the quality of practice in Right to Information and Information Privacy in Queensland Government agencies.
4. Promote the principles and practices of Right to Information and Information Privacy in the community and within Government.

The Office is a statutory body for the Financial Accountability Act 2009. The role of the Office is to do all things necessary and convenient to be done in connection with the performance of the Commissioner's functions under the *Right to Information Act 2009* and *Information Privacy Act 2009*. This includes the functions of:

- External review of agency decisions on information access applications;
- Reviewing and reporting on agencies' performance and personal information handling practices;
- Conciliating privacy complaints and decisions on applications of waiver of the privacy principles;
- Promoting awareness of right to information and privacy; and
- Undertaking research and commenting on legislation and administrative changes to improve practice.

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**a) Statement of Compliance**

The Office of the Information Commissioner has prepared these financial statements in compliance with section 43 of the *Financial and Performance Management Standard 2009*.

These financial statements are general purpose financial statements, and have been prepared on an accrual basis in accordance with Australian Accounting Standards and Interpretations. In addition, the financial statements comply with Treasury's Minimum Reporting Requirements for the year ending 30 June 2011, and other authoritative pronouncements.

With respect to compliance with Australian Accounting Standards and Interpretations, the Office of the Information Commissioner has applied those requirements applicable to not-for-profit entities, as the Office is a not-for-profit entity. Except where stated, the historical cost convention is used.

**b) The Reporting Entity**

The Office of the Information Commissioner was established under the repealed *Freedom of Information Act 1992* and continues under the *Right to Information Act 2009*. Grant funding from the Queensland Government is provided to the Office through the Department of Justice and Attorney-General.





OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

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b) **The Reporting Entity (continued)**

The financial statements include the value of all revenues, expenses, assets, liabilities and equity of the Office of the Information Commissioner. The Office of the Information Commissioner does not control any other entities.

c) **User Charges and Fees**

User charges and fees controlled by the Office of the Information Commissioner are recognised as revenues when the revenue has been earned and can be measured reliably with a sufficient degree of certainty. This involves either invoicing for related goods/services and/or the recognition of accrued revenue. User charges and fees are controlled by the Office of the Information Commissioner where they can be deployed for the achievement of its objectives.

d) **Grants and Contributions**

Grants that are non-reciprocal in nature are recognised as revenue in the year in which the Office of the Information Commissioner obtains control over them. Where grants are received that are reciprocal in nature, revenue is recognised over the term of the funding arrangements.

e) **Cash and Cash Equivalents**

For the purpose of the Statement of Financial Position and the Statement of Cash Flows, cash assets include all cash and cheques received but not banked at 30 June as well as deposits at call with financial institutions.

f) **Receivables**

Interest receivable is recognised as at 30 June for interest revenue earned but not received for the month of June 2011 (refer to note 10).

The collectability of receivables is assessed periodically with provision being made for impairment. All known bad debts were written-off as at 30 June.

g) **Acquisitions of Assets**

Actual cost is used for the initial recording of all non-current physical asset acquisitions. Cost is determined as the value given as consideration plus costs incidental to the acquisition, including all other costs incurred in getting the assets ready for use. However, any training costs are expensed as incurred.

Where assets are received free of charge from another Queensland department (whether as a result of a machinery-of-Government or other involuntary transfer), the acquisition cost is recognised as the gross carrying amount in the books of the transferor immediately prior to the transfer together with any accumulated depreciation.

Assets acquired at no cost or for nominal consideration, other than from an involuntary transfer from another Queensland department, are recognised at their fair value at date of acquisition in accordance with AASB 116 *Property, Plant and Equipment*.

h) **Plant and Equipment**

Items of plant and equipment with a cost or other value equal to or in excess of the following thresholds are recognised for financial reporting purposes in the year of acquisition.



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

h) Plant and Equipment (continued)

Plant and Equipment	
Computer equipment	\$5,000
Office equipment	\$5,000
Leasehold improvements	\$5,000

Items with a lesser value are expensed in the year of acquisition.

i) Revaluations of Non-Current Physical Assets

Computer equipment, office equipment and leasehold improvements are measured at cost in accordance with Treasury's *Non-Current Asset Policies for the Queensland Public Sector*.

The Office of the Information Commissioner has no assets measured at fair value.

j) Depreciation of Plant and Equipment

Depreciation of plant and equipment is calculated on a straight-line basis so as to allocate the net cost or revalued amount of each asset, less its estimated residual value, progressively over its estimated useful life to the Office of the Information Commissioner.

Where assets have separately identifiable components that are subject to regular replacement, these components are assigned useful lives distinct from the assets which they relate and are depreciated accordingly.

Any expenditure that increases the originally assessed capacity or service potential of an asset is capitalised and the new depreciable amount is depreciated over the remaining useful life of the asset.

The depreciable amount of leasehold improvements is allocated progressively over the unexpired period of the lease. The unexpired period of a lease include any option period where exercise of the option is probable.

For each class of depreciable asset the following depreciation rates are used:

Class	Rate %
Plant and equipment:	
Computer equipment	20
Office equipment	20
Leasehold improvements	13

k) Impairment of Non-Current Assets

All non-current physical assets are assessed for indicators of impairment on an annual basis. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

The non-current physical assets of the Office of the Information Commissioner showed no sign of impairment during this financial year.



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

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**l) Leases**

A distinction is made in the financial statements between finance leases that effectively transfer from the lessor to the lessee substantially all risks and benefits incidental to ownership, and operating leases, under which the lessor retains substantially all risks and benefits.

Operating lease payments are representative of the pattern of benefits derived from the leased assets and are expensed in the periods in which they are incurred.

The Office of the Information Commissioner has no finance leases.

**m) Payables**

Trade creditors are recognised upon receipt of the goods or services ordered and are measured at the agreed purchase/contract price, gross of applicable trade and other discounts. Amounts owing are unsecured and are generally settled on vendor trading terms.

**n) Financial Instruments**

*Recognition*

Financial assets and financial liabilities are recognised in the Statement of Financial Position when the Office becomes party to the contractual provisions of the financial instrument.

*Classification*

Financial instruments are classified and measured as follows:

- Cash and cash equivalents - held at fair value through profit and loss
- Receivables - held at amortised cost
- Payables - held at amortised cost

The Office of the Information Commissioner does not enter into transactions for speculative purpose, nor for hedging. Apart from cash and cash equivalents, the Office of the Information Commissioner holds no financial assets classified at fair value through profit and loss.

All other disclosures relating to the measurement and financial risk management of financial instruments held by the Office of the Information Commissioner are included in Note 19.

**e) Employee Benefits**

Employer superannuation contributions and long service leave levies are regarded as employee benefits.

Payroll tax and workers' compensation insurance are a consequence of employing employees, but are not counted in an employee's total remuneration package. They are not employee benefits and are recognised separately as employee related expenses.

*Wages, Salaries, Annual Leave and Sick Leave*

Wages, salaries and recreation leave due but unpaid at reporting date are recognised in the Statement of Financial Position at the current salary rates.



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

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**o) Employee Benefits (continued)**

For unpaid entitlements expected to be paid within 12 months, the liabilities are recognised at their undiscounted values. Entitlements not expected to be paid within 12 months are classified as non-current liabilities and recognised at their present value, calculated using yields on Fixed Rate Commonwealth Government bonds of similar maturity, after projecting the remuneration rates expected to apply at the time of likely settlement.

Prior history indicates that on average, sick leave taken each reporting period is less than the entitlement accrued. This is expected to recur in future periods. Accordingly, it is unlikely that existing accumulated entitlements will be used by employees and no liability for unused sick leave entitlements is recognised.

As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

*Long Service Leave*

Under the Queensland Government's long service leave scheme, a levy is made on the Office of the Information Commissioner to cover this cost. Levies are expensed in the period in which they are payable. Amounts paid to employees for long service leave are claimed from the scheme quarterly in arrears.

No provision for long service leave is recognised in the financial statements, the liability being held on a whole-of-Government basis and reported in the financial statements pursuant to *AASB 1049 Whole of Government and General Government Sector Financial Reporting*.

*Superannuation*

Employer superannuation contributions are paid to QSuper, the superannuation scheme for Queensland Government employees, at rates determined by the Treasurer on the advice of the State Actuary. Contributions are expensed in the period in which they are paid or payable. The Office of the Information Commissioner's obligation is limited to its contribution to QSuper.

The QSuper scheme had defined benefit and defined contribution categories. The liability for defined benefit is held on a whole-of-government basis and reported in those financial statements pursuant to *AASB 1049 Whole of Government and General Government Sector Financial Reporting*.

*Key executive management personnel and remuneration*

Key executive management personnel and remuneration disclosures are made in accordance with the section 5 Addendum (issued in May 2011) to the Financial Reporting Requirements for Queensland Government Agencies issued by Queensland Treasury. Refer to note 16 for the disclosures on key executive management personnel and remuneration.

**p) Insurance**

The Office of the Information Commissioner's non-current physical assets and other risks are insured through the Queensland Government Insurance Fund, premiums being paid on a risk assessment basis. In addition, the Office of the Information Commissioner pays premiums to WorkCover Queensland in respect of its obligations for employee compensation.



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

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q) **Taxation**

The Office of the Information Commissioner is a State body as defined under the *Income Tax Assessment Act 1936* and is exempt from Commonwealth taxation with the exception of Fringe Benefits Tax and Goods and Services Tax (GST). FBT and GST are the only taxes accounted for by the Office of the Information Commissioner. GST credits receivable from, and GST payable to the ATO, are recognized (refer to note 10).

r) **Issuance of Financial Statements**

The financial statements are authorised for issue by the Information Commissioner and Manager of Corporate and Executive Services at the date of signing the Management Certificate.

s) **Judgements**

The preparation of financial statements necessarily requires the determination and use of certain critical accounting estimates, assumptions, and management judgments that have potential to cause a material adjustment to the carrying amounts of assets and liabilities within the next financial year. Such estimates, judgments and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimates are revised and in future periods as relevant.

The Office of the Information Commissioner has made no judgments or assessments that may cause a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

t) **Rounding and Comparatives**

Amounts included in the financial statements are in Australian dollars and have been rounded to the nearest \$1,000 or, where that amount is \$500 or less, to zero, unless disclosure of the full amount is specifically required.

Comparative information has been restated where necessary to be consistent with disclosures in the current reporting period.

u) **New and Revised Accounting Standards**

The Office of the Information Commissioner did not voluntarily change any of its accounting policies during 2010-11. Only one amendment to an Australian accounting standard applicable for the first time in the 2010-11 financial year and that had a significant impact on the Office's financial statements are as follows.

AASB 2009 5 *Amendments to Australian Accounting Standards arising from the Annual Improvements Project* included certain amendments to AASB 117 *Leases* that revised the criteria for classifying leases involving land and buildings. Consequently, the Office of the Information Commissioner was required to reassess the classification of the land elements of all unexpired leases the Office had entered into as at 1 July 2010, on the basis of information existing at the inception of the relevant leases. The outcome of the Office's reassessment was that no reclassification from an operating lease to a finance lease was necessary.





OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

u) New and Revised Accounting Standards (continued)

The Office is not permitted to early adopt a new or amended accounting standard ahead of the specified commencement date unless approval is obtained from the Treasury Department.

Consequently, the Office has not applied any Australian accounting standards and interpretations that have been issued but are not yet effective. The Office applies standards and interpretations in accordance with their respective commencement dates.

At the date of authorisation of the financial statements, the only significant impact of new or amended Australian accounting standards with future commencement dates are as set out below.

*AASB 2010-4 Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 1, AASB 7, AASB 101 & AASB 134 and Interpretation 13]* becomes effective from reporting periods beginning on or after 1 January 2011. The Office of the Information Commissioner will then need to make changes to its disclosures about credit risk on financial instruments in note 19 (f). No longer will the Office need to disclose amounts that best represent an entity's maximum exposure to credit risk where the carrying amount of the instruments reflects this. There will be no need to disclose the carrying amount for financial assets for which the terms have been renegotiated, which would otherwise be past due or impaired.

Also, for those financial assets that are either past due but not impaired, or have been individually impaired, there will be no need to separately disclose details about any associated collateral or other credit enhancements held by the Office.

*AASB 9 Financial Instruments* (December 2010) and *AASB 2010-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2010)* [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19 & 127] become effective from reporting periods beginning on or after 1 January 2013. The main impacts of these standards on the Office of the Information Commissioner are that they will change the requirements for the classification, measurements, and disclosure associated with financial assets. Under the new requirements financial assets will be more simply classified according to whether they are measured at either amortised cost or fair value. Pursuant to AASB 9, financial assets can only be measured at amortised cost if two conditions are met. One of these conditions is that the asset must be held within a business model whose objective is to hold asset in order to collect contractual cash flow. The other condition is that the contractual terms of the asset give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

On initial application of AASB 9, the Office of the Information Commissioner will need to reassess the measurement of its financial assets against the new classification and measurement requirements, based on the facts and circumstances that exist at that date. Assuming no change in the type of transactions the Office of the Information Commissioner enters into, it is not expected that any of the Office's financial assets will meet the criteria in AASB 9 to be measured at amortised cost. Therefore, as from the 2013-14 financial statements, all of the Office's financial assets will be required to be classified as "financial assets required to be measured at fair value through profit and loss" (instead of the measurement classifications presently used in notes 1(n) and 19). The same classification will be used for net gains/losses recognized in the Statement of Comprehensive Income in respect of those financial assets. In the case of the Office's receivables, the carrying amount is considered to be a reasonable approximation of fair value.

*AASB 1053 Application of Tiers of Australian Accounting Standards* and *AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirement*



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

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n) New and Revised Accounting Standards (continued)

*[AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050 & 1052 and Interpretations 2, 4, 5, 15, 17, 127, 129 & 1052]* apply to reporting periods beginning on or after 1 July 2013. AASB 1053 establishes a differential reporting framework for those entities that prepare general purpose financial statements, consisting of two tiers of reporting requirements - Australian Accounting Standards (commonly referred to as "tier 1"), and Australian Accounting Standards - Reduced Disclosure Requirements (commonly referred to as "tier 2").

Tier 1 requirements comprise the full range of AASB recognition, measurement, presentation and disclosure requirements that are currently applicable to reporting entities in Australia. The only difference between the tier 1 and tier 2 requirements is that tier 2 requires fewer disclosures than tier 1. AASB 2010-2 sets out the details of which disclosure in standards and interpretations are not required under tier 2 reporting.

Pursuant to AASB 1053, public sector entities like the Office of the Information Commissioner may adopt tier 2 requirements for their general purpose financial statements. However, AASB 1053 acknowledges the power of a regulator to require application of the tier 1 requirements. In the case of the Office of the Information Commissioner, the Treasury Department is the regulator. Treasury Department has advised that its policy decision is to require all statutory bodies to adopt tier 1 reporting requirements. In compliance with Treasury's policy which prohibits the early adoption of new or revised accounting standards unless Treasury approval is granted, the Office of the Information Commissioner has not early adopted AASB 1053.

All other Australian accounting standards and interpretations with future commencement dates are either not applicable to the Office of the Information Commissioner, or have no material impact on the Office.



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

	2011 \$'000	2010 \$'000
<b>2. GRANTS AND OTHER CONTRIBUTIONS</b>		
Grants <sup>*</sup>	5,944	8,072
<b>Total</b>	<b>5,944</b>	<b>8,072</b>
<sup>*</sup> Non-reciprocal grant is received from Justice of Attorney General and it has been recognised in its entirety upon receipt.		
<b>3. USER CHARGES</b>		
Sale of Goods and Services	124	7
<b>Total</b>	<b>124</b>	<b>7</b>
<b>4. OTHER REVENUES</b>		
Interest	275	160
Sales of Minor Equipment	-	1
<b>Total</b>	<b>275</b>	<b>161</b>
<b>5. EMPLOYEE EXPENSES</b>		
<b>Employee Benefits</b>		
Wages and salaries	3,055	2,475
Employer superannuation contributions <sup>*</sup>	396	306
Annual leave expense <sup>*</sup>	348	280
Long service leave levy <sup>*</sup>	82	44
Other employee benefits	57	7
<b>Employee Related Expenses</b>		
Payroll Tax <sup>*</sup>	182	143
Staff recruitment expenses	15	66
Staff professional development	64	62
Fringe Benefit Tax	22	17
Workers' compensation premium <sup>*</sup>	10	8
Other employee related expenses	3	3
<b>Total</b>	<b>4,234</b>	<b>3,411</b>

<sup>\*</sup> Refer to Note 1(o).

The number of employees including both full-time employees and part-time employees measured on a full-time equivalent basis is:

Number of Employees:	33.9	32.3
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OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

	2011 \$'000	2010 \$'000
<b>6. SUPPLIES AND SERVICES</b>		
Operating lease rentals	507	300
Contractors	220	209
Corporate Services	178	202
Minor equipments & Office maintenance	110	135
Communications and utilities	101	76
Legal fees	108	70
Functions	59	45
Travel	21	24
Consumables	14	26
Other	89	73
<b>Total</b>	<b>1,407</b>	<b>1,160</b>
<b>7. DEPRECIATION</b>		
Depreciation was incurred in respect of:		
Leasehold improvements	147	100
Computer equipment	9	8
Office equipment	9	7
<b>Total</b>	<b>165</b>	<b>115</b>
<b>8. OTHER EXPENSES</b>		
Losses from disposal of plant & equipment	44	-
Insurance premiums - QGIF	3	-
External audit fees*	17	13
<b>Total</b>	<b>64</b>	<b>13</b>
* Total external audit fee relating to the 2010-11 financial year are estimated to be \$15,000 (2010: \$15,000). \$17,000 in 2010-11 financial year includes \$2,000 audit fees relating to 2009-10 financial year. There are no non-audit services included in this amount.		
<b>9. CASH AND CASH EQUIVALENTS</b>		
Cash at bank	5,298	5,421
<b>Total</b>	<b>5,298</b>	<b>5,421</b>
<b>10. RECEIVABLES</b>		
GST receivable	25	87
GST payable	(6)	(38)
	19	49
Long service leave reimbursements	-	5
Interest receivable	21	20
<b>Total</b>	<b>40</b>	<b>74</b>



**OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11**

	2011 \$'000	2010 \$'000
<b>11. OTHER CURRENT ASSETS</b>		
Prepayments	35	183
<b>Total</b>	<b>35</b>	<b>183</b>
<b>12. PLANT AND EQUIPMENT</b>		
Computer equipment		
At cost	52	52
Less: Accumulated depreciation	(37)	(28)
	15	24
Office equipment		
At cost	47	40
Less: Accumulated depreciation	(36)	(30)
	11	10
Leasehold improvements		
At cost	737	555
Less: Accumulated depreciation	(89)	(404)
	648	151
<b>Total</b>	<b>674</b>	<b>185</b>

Plant and Equipment are valued at cost in accordance with Queensland Treasury's "Non-Current Asset Accounting Guidelines for the Queensland Public Sector".

**Plant and Equipment Reconciliation**

	Computer Equipment \$'000	Office Equipment \$'000	Leasehold Improvements \$'000	Total \$'000
Carrying Amt at 1 Jul 2010	24	10	151	185
Acquisitions	-	12	685	698
Disposals	-	(2)	(41)	(44)
Depreciation	(9)	(9)	(147)	(165)
Carrying Amt at 30 Jun 2011	15	11	648	674

	Computer Equipment \$'000	Office Equipment \$'000	Leasehold Improvements \$'000	Total \$'000
Carrying amount at 1 July 2009	17	18	199	234
Acquisitions	14	0	52	66
Depreciation	(7)	(8)	(100)	(115)
Carrying amount at 30 June 2010	24	10	151	185





OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

	2011 \$'000	2010 \$'000
<b>13. PAYABLES</b>		
Trade creditors	85	421
Sundry payables	19	51
<b>Total</b>	<b>104</b>	<b>472</b>
<b>14. ACCRUED EMPLOYEE BENEFITS</b>		
<b>Current</b>		
Recreation leave	302	213
<b>Total</b>	<b>302</b>	<b>213</b>
<b>Non-Current</b>		
Recreation leave	78	88
<b>Total</b>	<b>78</b>	<b>88</b>
<b>15. RECONCILIATION OF OPERATING SURPLUS TO NET CASH FROM OPERATING ACTIVITIES</b>		
Operating surplus/(deficit)	473	3,541
Depreciation expense	165	115
Loss from disposal of plant and equipment	44	-
Net leave liability transferred directly to equity	-	15
Change in assets and liabilities:		
(Increase)/decrease in GST input tax credits receivable	30	(26)
(Increase)/decrease in trade receivables	5	(5)
(Increase)/decrease in prepayments/other	148	(156)
(Increase)/decrease in other receivables	(1)	(20)
Increase/(decrease) in accounts payable	(336)	267
Increase/(decrease) in other payables	(32)	35
Increase/(decrease) in accrued employee benefits	79	58
<b>Net Cash from operating activities</b>	<b>575</b>	<b>3,824</b>



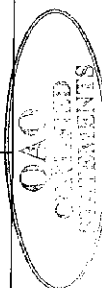
OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

15. KEY EXECUTIVE MANAGEMENT PERSONNEL

(a) Key Executive Management Personnel

The following details for key executive management personnel include those positions that had authority and responsibility for planning, directing and controlling the activities of the agency during 2010-11. Further information on these positions can be found in the body of the Annual Report under the section relating to Executive Management.

Position	Responsibilities	Current Incumbents Contract classification and appointment authority	Date appointed to position (Date resigned from position)
Information Commissioner	s 128, 129, 130, 131, 132 The Information Commissioner's role is to deliver an independent, timely and fair review of decisions made under the Right to Information Act 2009 and the Information Privacy Act 2009, an independent and timely privacy complaint resolution service; foster improvements in the quality of practice in Right to Information and Information Privacy in Queensland government agencies; and promote the principles and practices of Right to Information and Information Privacy in the community and within Government	s134 Right to Information Act 2009 contract; SES 3.5; appointed by the Governor in Council	10/8/2009
Privacy Commissioner	s142 (1) The privacy commissioner's role is that of a deputy to the information commissioner, with particular responsibility for matters relating to the information commissioner's functions under this Act	s144 Information Privacy Act 2009 contract; SES 2.2; appointed by the Governor in Council	22/4/2010
RTI Commissioner	s148 (1) The RTI Commissioner's role is that of a deputy to the information commissioner, with particular responsibility for matters relating to the information commissioner's functions under this Act	s150 Right to Information Act 2009 contract; SES 2.2; appointed by the Governor in Council	4/10/2010
RTI Commissioner	s148 (1) The RTI Commissioner's role is that of a deputy to the information commissioner, with particular responsibility for matters relating to the information commissioner's functions under this Act	s150 Right to Information Act 2009 contract; SES 2.2; appointed by the Governor in Council	4/10/2010
Manager, Corporate and Executive Services (MC ES)	To provide expert, strategic advice to the Information Commissioner, specifically in relation to corporate governance, performance monitoring and reporting; and management of agreements for corporate services for the Office, financial and human resource delegations as determined by the Information Commissioner	appointed under Public Service Act AO 8	23/06/2009
First Assistant Information Commissioner	The role of the First Assistant Information Commissioner is to lead, develop, influence and implement strategic corporate governance priorities for the Office of the Information Commissioner. Lead the improvement of public sector right to information administration in Queensland. Lead and manage the delivery of services performing functions relating to the Information Commissioner's role as champion promoting awareness and compliance with the right to information and information privacy legislation.	appointed under Public Service Act; SQ	16/11/2006



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

16. KEY EXECUTIVE MANAGEMENT PERSONNEL (continued)

(b) Remuneration

Remuneration policy for the agency's key executive management personnel is set by the Queensland Public Service Commission as provided for under the Public Service Act 2008. The remuneration and other terms of employment for the key executive management personnel are specified in employment contracts.

For the 2010-11 year, remuneration of key executive management personnel is increased by 2.5% - 4.5% in accordance with government policy.

Remuneration packages for key executive management personnel comprise the following components:-

- Short term employee benefits which include:
  - Base - consisting of base salary, allowances and leave entitlements paid and provided for the entire year or for that part of the year during which the employee occupied the specific position. Amounts disclosed equal the amount expended in the Statement of Comprehensive Income.
  - Non-monetary benefits - consisting of provision of vehicle together with fringe benefits tax applicable to the benefit.
- Long term employee benefits include long service leave accrued.
- Post employee benefits include superannuation contributions.
- Redundancy payments are not provided for within individual contracts of employment. Contracts of employment provide only for notice periods or payment in lieu of notice on termination, regardless of the reason for termination.

Total fixed remuneration is calculated on a 'total cost' basis and includes the base and non-monetary benefits, long term employee benefits and post employment benefits. No key executive management personnel receives performance incentive payments in the Office of the Information Commissioner.

1 July 2010 - 30 June 2011

Position	Short Term Employee Benefits		Long Term Employee Benefits	Post Employment Benefits	Total
	Base	Non-Monetary	\$'000	\$'000	\$'000
	\$'000	\$'000			
Information Commissioner	184	24	5	22	235
Privacy Commissioner	160	4	3	16	183
RTI Commissioner	79	2	1	7	89
RTI Commissioner	75	2	1	7	85
Manager, Corporate and Executive Services (MCES)	99	-	3	11	113
First Assistant Information Commissioner	66	-	4	10	80
<b>Total Remuneration</b>	<b>663</b>	<b>32</b>	<b>17</b>	<b>73</b>	<b>785</b>

1 July 2009 - 30 June 2010

Consistent with the flexibility provided in the first year of the introduction of new reporting policies, the Office of the Information Commissioner has not included the comparative data for 2009-10. This reflects the complexity in retrospectively calculating movements in accrual balances for prior period.



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

17. COMMITMENTS FOR EXPENDITURE

(a) **Non-Cancellable Operating Leases:**

Commitments under operating leases at reporting date are inclusive of anticipated GST and are payable as follows:

- Not later than one year	578	509
- Later than one year and not later than five years	2,377	1,900
- Later than five years	858	1,196
<b>Total</b>	<b>3,813</b>	<b>3,605</b>

Operating leases are entered into as a means of acquiring access to office accommodation and motor vehicles. Lease payments are generally fixed, but with inflation escalation clauses on which contingent rentals are determined.

(b) **Capital Expenditure Commitments**

There were no capital commitments of a material nature at 30 June 2011.

18. CONTINGENCIES

(a) **Guarantees and Undertakings**

The Office of the Information Commissioner was not committed to any guarantees or undertakings at 30 June 2011.

(b) **Unresolved legal matters**

A costs order in favour of the Office was made in relation to a court matter. The party against whom the order was made is an undischarged bankrupt. The Office is likely to receive payment of costs from surplus funds prior to the finalisation of the applicant's affairs.

At reporting date it is not possible to make an estimate of any probable outcome of these matters, or any financial effects.

19. FINANCIAL INSTRUMENTS

(a) **Categorisation of Financial Instruments**

The Office of the Information Commissioner has the following categories of financial assets and financial liabilities:

Category	Note	2011 \$'000	2010 \$'000
<b>Financial Assets</b>			
Cash and cash equivalents	9	5,298	5,421
Receivables	10	40	74
<b>Total</b>		<b>5,338</b>	<b>5,495</b>
<b>Financial Liabilities</b>			
Financial liabilities measured at amortised cost:			
Payables	13	104	472
<b>Total</b>		<b>104</b>	<b>472</b>



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

19. FINANCIAL INSTRUMENTS (continued)

(b) *Financial Risk Management*

The Office of the Information Commissioner's activities expose it to a variety of financial risks - interest rate risk, credit risk, liquidity risk and market risk, however due to the nature of the Office's activities, these risks are limited. Financial risk management is implemented pursuant to Government policy. These policies focus on the unpredictability of financial markets and seek to minimise potential adverse effect on the financial performance of the Office.

The Office of the Information Commissioner measures risk exposure using a variety of methods as follows -

Risk Exposure	Measurement method
Liquidity risk	Sensitivity analysis
Market risk	Interest rate sensitivity analysis
Credit risk	Ageing analysis, earnings at risk

(c) *Liquidity Risk*

Liquidity risk refers to the situation where the Office may encounter difficulty in meeting obligations associated with financial liabilities that are settled by delivering cash or another financial asset.

The Office is exposed to liquidity risk in respect of its payables.

The Office manages liquidity risk by ensuring the Office has sufficient funds available to meet employee and supplier obligations as they fall due. This is achieved by ensuring that minimum levels of cash are held within the bank account so as to match the expected duration of the various employee and supplier liabilities.

The following table sets out the liquidity risk of financial liabilities held by the Office.

	Note	2011 Payable in			Total
		<1 year \$'000	1 - 5 years \$'000	>5 years \$'000	\$'000
<b>Financial Liabilities</b>					
Payables	13	104	-	-	104
<b>Total</b>		<b>104</b>	<b>-</b>	<b>-</b>	<b>104</b>

	Note	2010 Payable in			Total
		<1 year \$'000	1 - 5 years \$'000	>5 years \$'000	\$'000
<b>Financial Liabilities</b>					
Payables	13	472	-	-	472
<b>Total</b>		<b>472</b>	<b>-</b>	<b>-</b>	<b>472</b>

(d) *Market Risk*

The Office does not trade in foreign currency and is not materially exposed to commodity price changes. The Office does not undertake any hedging in relation to interest risk and manages its risk as per the liquidity risk management strategy.





OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

19. FINANCIAL INSTRUMENTS (continued)

(e) *Interest Rate Sensitivity Analysis*

The following interest rate sensitivity analysis depicts the outcome on profit or loss if interest rates would change by +/- 1% from the year-end rates applicable to the Office's financial assets. With all other variables held constant, the Office would have a surplus and equity increase/(decrease) of \$53,000 (2010: \$54,000). This is mainly attributable to the Office's exposure to variable interest rates on cash held in the bank account.

Financial Instruments	Carrying Amount \$'000	2011 Interest rate risk			
		-1%		+1%	
		Profit	Equity	Profit	Equity
Cash and Cash Equivalents	5,298	(53)	(53)	53	53
<b>Potential Impact</b>		<b>(53)</b>	<b>(53)</b>	<b>53</b>	<b>53</b>

Financial Instruments	Carrying Amount \$'000	2010 Interest rate risk			
		-1%		+1%	
		Profit	Equity	Profit	Equity
Cash and Cash Equivalents	5,421	(54)	(54)	54	54
<b>Potential Impact</b>		<b>(54)</b>	<b>(54)</b>	<b>54</b>	<b>54</b>

(f) *Credit Risk Exposure*

Credit risk exposure refers to the situation where the Office may incur financial loss as a result of another party to a financial instrument failing to discharge their obligation.

The maximum exposure to credit risk at balance date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment.

The following table represents the Office's maximum exposure to credit risk based on contractual amounts net of any allowances:

**Maximum Exposure to Credit Risk**

Category	Note	2011 \$'000	2010 \$'000
<b>Financial Assets</b>			
Cash and cash equivalents	9	5,298	5,421
Receivables	10	40	74
<b>Total</b>		<b>5,338</b>	<b>5,495</b>

No collateral is held as security and no credit enhancements relate to financial assets held by the Office.

The Office manages credit risk through the use of a credit management strategy. This strategy aims to reduce the exposure to credit default by ensuring the Office monitors all funds owed on a timely basis. Exposure to credit risk is monitored on an ongoing basis.



OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2010-11

19. FINANCIAL INSTRUMENTS (continued)

(f) *Credit Risk Exposure (continued)*

No financial assets and financial liabilities have been offset and presented net in the Statement of Financial Position.

No financial assets have had their terms renegotiated so as to prevent them from being past due or impaired, and are stated at the carrying amounts as indicated.

There are no financial assets for 2010-11 and 2009-10 financial year that are past due and not

(g) *Fair Value*

The Office of the Information Commissioner does not recognise any financial assets or financial liabilities at fair value.

The fair value of trade receivables and payables is assumed to approximate the value of the original transaction, less any provision for impairment.

20. Events Occuring after Balance Date

The Office of the Information Commissioner did not have any events that occurred after the balance date to be reported in the financial statements.

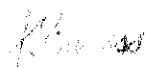


## CERTIFICATE OF THE OFFICE OF THE INFORMATION COMMISSIONER

These general purpose financial statements have been prepared pursuant to section 62(1) of the *Financial Accountability Act 2009* (the Act), relevant sections of the *Financial and Performance Management Standard 2009* and other prescribed requirements.

In accordance with Section 62(1)(b) of the Act we certify that in our opinion:

- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Office of the Information Commissioner for the financial year ended 30 June 2011 and of the financial position of the Office of the Information Commissioner at the end of that year.



J KINROSS  
INFORMATION COMMISSIONER



GREG ARGUE  
MANAGER  
CORPORATE & EXECUTIVE SERVICES

31 August 2011





## INDEPENDENT AUDITOR'S REPORT

To the Accountable Officer of the Office of the Information Commissioner

### Report on the Financial Report

I have audited the accompanying financial report of the Office of the Information Commissioner, which comprises the statement of financial position as at 30 June 2011, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year ended 30 June 2011, notes comprising a summary of significant accounting policies and other explanatory information, and certificates given by the Information Commissioner and the Manager Corporate and Executive Services.

#### *The Information Commissioner's Responsibility for the Financial Report*

The Information Commissioner is responsible for the preparation of the financial report that gives a true and fair view in accordance with prescribed accounting requirements identified in the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*, including compliance with Australian Accounting Standards. The Information Commissioner's responsibility also includes such internal control as the Information Commissioner determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

#### *Auditor's Responsibility*

My responsibility is to express an opinion on the financial report based on the audit. The audit was conducted in accordance with the *Auditor-General of Queensland Auditing Standards*, which incorporate the Australian Auditing Standards. Those standards require compliance with relevant ethical requirements relating to audit engagements and that the audit is planned and performed to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control, other than in expressing an opinion on compliance with prescribed requirements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Information Commissioner, as well as evaluating the overall presentation of the financial report including any mandatory financial reporting requirements approved by the Treasurer for application in Queensland.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

### *Independence*

The *Auditor-General Act 2009* promotes the independence of the Auditor-General and all authorised auditors. The Auditor-General is the auditor of all Queensland public sector entities and can only be removed by Parliament.

The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which audit powers are to be exercised. The Auditor-General has for the purposes of conducting an audit, access to all documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

### *Opinion*

In accordance with s.40 of the *Auditor-General Act 2009* –

- (a) I have received all the information and explanations which I have required; and
- (b) in my opinion –
  - (i) the prescribed requirements in relation to the establishment and keeping of accounts have been complied with in all material respects; and
  - (ii) the financial report presents a true and fair view, in accordance with the prescribed accounting standards, of the transactions of the Office of the Information Commissioner for the period 1 July 2010 to 30 June 2011 and of the financial position as at the end of that year.

### **Other Matters - Electronic Presentation of the Audited Financial Report**

This auditor's report relates to the financial report of Office of the Information Commissioner for the year ended 30 June 2011. Where the financial report is included on the Office of the Information Commissioner website, the Information Commissioner is responsible for the integrity of the Office of the Information Commissioner website and I have not been engaged to report on the integrity of the Office of the Information Commissioner website. The auditor's report refers only to the subject matter described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these statements or otherwise included with the financial report. If users of the financial report are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial report to confirm the information contained in this website version of the financial report.

These matters also relate to the presentation of the audited financial report in other electronic media including CD Rom.



D J OLIVE CPA  
(as Delegate of the Auditor-General of Queensland)

Queensland Audit Office  
Brisbane

# Indexes

## Disclosure Index

This annual report is prepared in accordance with all relevant Queensland legislation. This index has been prepared to facilitate identification of OIC's compliance with statutory disclosure requirements.

### Compliance checklist – annual report

FA ACT *Financial Accountability Act 2009* FPMS *Financial and Performance Management Standard 2009*

ARRs *Annual report requirements for Queensland Government agencies*

Summary of requirement	Basis for requirement	Annual report reference
Accessibility	<ul style="list-style-type: none"> <li>Table of contents</li> <li>Glossary</li> <li>Public availability</li> <li>Interpreter service statement</li> <li>Copyright notice</li> <li>Government Information Licensing Framework (GILF) Licence</li> </ul>	<ul style="list-style-type: none"> <li>ARRs – section 8.1</li> <li>ARRs – section 8.2</li> <li><i>Queensland Government Language Services Policy</i></li> <li><i>Copyright Act 1968</i></li> <li><i>Government Information Licensing Framework (GILF) QGEA Policy</i></li> </ul>
Letter of compliance	A letter of compliance from the accountable officer or statutory body to the relevant Minister(s)	ARRs – section 9
General information	<ul style="list-style-type: none"> <li>Introductory Information</li> <li>Agency role and main functions</li> <li>Operating environment</li> <li>External scrutiny</li> <li>Machinery of government changes</li> <li>Review of proposed forward operations</li> </ul>	<ul style="list-style-type: none"> <li>ARRs – section 10.1</li> <li>ARRs – section 10.2</li> <li>ARRs – section 10.3</li> <li>ARRs – section 10.4</li> <li>ARRs – section 10.5</li> <li>ARRs – section 10.6</li> </ul>
Non-financial performance	<ul style="list-style-type: none"> <li>Government objectives for the community</li> <li>Other whole-of-government plans / specific initiatives</li> <li>Council of Australian Government (COAG) initiatives</li> <li>Agency objectives and performance indicators</li> <li>Agency services and service standards</li> </ul>	<ul style="list-style-type: none"> <li>ARRs – section 11.1</li> <li>ARRs – section 11.2</li> <li>ARRs – section 11.3</li> <li>ARRs – section 11.4</li> <li>ARRs – section 11.5</li> </ul>
Financial performance	<ul style="list-style-type: none"> <li>Summary of financial performance</li> <li>Chief Finance Officer (CFO) statement</li> </ul>	<ul style="list-style-type: none"> <li>ARRs – section 12.1</li> <li>ARRs – section 12.2</li> </ul>
Governance – management and structure	<ul style="list-style-type: none"> <li>Organisational structure</li> <li>Executive management</li> <li>Related entities</li> <li>Schedule of statutory authorities or instrumentalities</li> <li>Boards and committees</li> <li><i>Public Sector Ethics Act 1994</i></li> <li><i>Whistleblowers Protection Act 1994</i></li> </ul>	<ul style="list-style-type: none"> <li>ARRs – section 13.1</li> <li>ARRs – section 13.2</li> <li>ARRs – section 13.3</li> <li>ARRs – section 13.4</li> <li>ARRs – section 13.5</li> <li><i>Public Sector Ethics Act 1994 (section 23 and Schedule)</i></li> <li><i>Whistleblowers Protection Act 1994 (sections 30 – 31 and Schedule)</i></li> </ul>
Governance – risk management and accountability	<ul style="list-style-type: none"> <li>Risk management</li> <li>Audit committee</li> <li>Internal Audit</li> </ul>	<ul style="list-style-type: none"> <li>ARRs – section 14.1</li> <li>ARRs – section 14.2</li> <li>ARRs – section 14.3</li> </ul>
Governance – human resources	<ul style="list-style-type: none"> <li>Workforce planning, attraction and retention</li> <li>Early retirement, redundancy and retrenchment</li> <li>Initiatives for women</li> <li><i>Carers (Recognition) Act 2008</i></li> </ul>	<ul style="list-style-type: none"> <li>ARRs – section 15.1</li> <li><i>Directive No.17/09 Early Retirement, Redundancy and Retrenchment</i></li> <li>ARRs – section 15.1 and 15.3</li> <li><i>Carers (Recognition) Act 2008</i></li> </ul>
Governance – operations	<ul style="list-style-type: none"> <li>Consultancies</li> <li>Overseas travel</li> <li>Information systems and recordkeeping</li> <li>Waste management</li> </ul>	<ul style="list-style-type: none"> <li>ARRs – section 16.1</li> <li>ARRs – section 16.2</li> <li>ARRs – section 16.3</li> <li><i>Environmental Protection (Waste Management) Policy 2000, Environmental Protection Act 1994</i></li> </ul>
Other prescribed requirements	<ul style="list-style-type: none"> <li>Indigenous matters (The Queensland Government Reconciliation Action Plan 2009-2012)</li> <li>Shared services</li> <li>Carbon emissions</li> </ul>	<ul style="list-style-type: none"> <li><i>The Queensland Government Reconciliation Action Plan 2009-2012</i></li> <li>ARRs – section 17.2</li> <li>Premier's Statement</li> </ul>
Optional information that may be reported	<ul style="list-style-type: none"> <li>Corrections to previous annual reports</li> <li>Right to Information</li> <li>Information Privacy</li> <li>Native title</li> <li>Complaints Management</li> </ul>	<ul style="list-style-type: none"> <li>ARRs – section 18.1</li> <li><i>Right to Information Act 2009</i></li> <li><i>Information Privacy Act 2009</i></li> <li>N/A</li> <li>N/A</li> </ul>
Financial statements	<ul style="list-style-type: none"> <li>Certification of financial statements</li> <li>Independent Auditors Report</li> <li>Remuneration disclosures</li> </ul>	<ul style="list-style-type: none"> <li>FA Act – section 62 FPMS – sections 42, 43 and 50</li> <li>FA Act – section 62 FPMS – section 50</li> <li><i>Financial Reporting Requirements for Queensland Government Agencies</i></li> </ul>



## Alphabetical Index

Checklist . . . . .	56	Legislative Developments/Changes . . . . .	10
Complaints management . . . . .	9	Managing our office . . . . .	8
Code of Conduct and Ethics . . . . .	9	Occupational Health and Safety . . . . .	10
Consultants and contractors . . . . .	8	Office Management . . . . .	5
Corporate service . . . . .	8	Organisational Structure . . . . .	7
Environmental sustainability . . . . .	10	Organisational Chart . . . . .	7
Executive Management team . . . . .	8	Parliamentary reports . . . . .	23
External Review . . . . .	12	Performance Monitoring and Reporting . . . . .	23
Financials		Privacy Commissioner	
Performance . . . . .	28	Biography . . . . .	6
Report, year ended		Professional development . . . . .	7
30 June 2011 . . . . .	29	Purpose of OIC . . . . .	2
Glossary of terms . . . . .	58	Recordkeeping . . . . .	9
Governance . . . . .	8	Reports tabled in Parliament . . . . .	23
Guidelines . . . . .	22	Right to Information Commissioner	
Highlights for 2010-2011 . . . . .	3	Biography . . . . .	6
Information and Assistance . . . . .	22	Risk management . . . . .	9
Information and Technology . . . . .	8	Snapshot of our office . . . . .	2
Information Commissioner		Staff	
Biography . . . . .	6	Recruitment and retention . . . . .	7
Message from . . . . .	4	Professional development . . . . .	7
Role of . . . . .	5	Summaries of Decisions . . . . .	17
Information Management . . . . .	9	Training . . . . .	25
Information Technology . . . . .	8	Vision, mission and values . . . . .	inside cover
Legislative Compliance . . . . .	10	Work environment . . . . .	5

# Appendix

## Contents

Glossary of terms .....	page 58
Category and No. of external review applications.....	page 59
No. of review applications received including 'deemed decisions' .....	page 59
Profile of applicants making external review applications.....	page 60
Applications received by agency profile .....	page 60
Outcomes of reviews 2005–2010 .....	page 60
Right to Information Regulation reporting requirements not elsewhere captured within the Annual Report .....	page 61
Information Privacy Regulation reporting requirements not elsewhere captured within the Annual Report .....	page 61
Applications for external review 2009–2010 by respondent agency or Minister. ....	page 62
Outcomes of decisions.....	page 65

## Glossary of terms

### Administrative Release

Releasing information informally without requiring a Right to Information or Information Privacy application.

### Alternative dispute resolution

A method of resolving disputes in which an impartial party helps those in a dispute resolve their issues without having resort to a court or other determinative decision making body. Examples include mediation and conciliation.

### Awareness activities

Activities undertaken by OIC aimed at increasing the level of knowledge in both government and the community about information rights and responsibilities in the Right to Information and Information Privacy Acts.

### Desktop Review Report

A report on agency's compliance with provisions in the Right to Information and/or Information Privacy Acts based on the contents of the agencies website and other publicly available material.

### Disclosure Log

A collection of documents released under the Right to Information Act which is made publicly available on an agency's website, no more than 24 hours and no later than five business days after the applicants has received the documents.

### Governance

The term 'governance' describes the role of persons entrusted with the supervision, control and direction of an entity. Those charged with governance ordinarily are accountable for ensuring that the entity achieves its objectives, financial reporting, and reporting to interested parties.

### Informally resolved reviews

Applications for external review which are resolved by agreement between the parties without a formal decision being issued by OIC.

### Information

Information is any collection of data that is processed, analysed, interpreted, organised, classified or communicated in order to serve a useful purpose, present facts or represent knowledge in any medium or form. This includes presentation in electronic (digital), print, audio, video, image, graphical, cartographic, physical sample, textual or numerical form.

### Performance Standards and Measures

Term that describes how different performance measures can be aggregated and analysed to assess the overall success of the Right to Information Reforms.

### Privacy complaint

A complaint alleging that an agency has failed to comply with its obligations under the privacy principles in relation to the individual making the complaint.

### Publication scheme

A scheme require by the Right to Information Act as a way of facilitating the making available of more information held by agencies. It will generally be part of an agency's website, an contains seven classes of information about the agency.

### Review

The process of reconsidering an initial decision made by an agency under the Right to Information Act or chapter 3 of the Information Privacy Act. There are two levels, internal review, which is conducted by agencies, and external review, which is conducted by OIC.

### Category and No. of external review applications

	2006-07	2007-08	2008-09	2009-10	2010-11			
					FOI	RTI	IPA	Total
Initial FOI/RTI/IP Application	12	6	3	7	1	8	1	10
Deemed Refusal of Access	51	76	43	51	0	33	15	48
Deemed Refusal of amendment	3	2	0	3	0	0	1	1
Fees	6	14	49	6	0	3	0	3
Charges	3	5	3	2	0	0	1	1
Statements of Affairs	0	0	1	0	0	0	0	0
Refusal of Access	125	131	177	251	1	169	66	236
Refusal of amendment	6	3	5	9	0	0	6	6
Agency refusal to deal	11	5	3	22	0	15	7	22
Reverse FOI	15	21	14	14	0	34	2	36
Sufficiency of search	32	26	42	74	0	33	16	49
No Jurisdiction	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Total applications received	264	289	340	439	2	295	115	412

### No. of review applications received including 'deemed decisions'

Year	No. review applications received	No. review applications concerning 'deemed decisions'	% of review applications concerning 'deemed decisions'
2010-11	412	49	12%
2009-10	439	53	12%
2008-09	340	43	13%
2007-08	289	78	27%
2006-07	264	54	20%

### Profile of applicants making external review applications

	2006-07	2007-08	2008-09	2009-10	2010-11			
					FOI	RTI	IPA	Total
Agencies	3	0	1	1	1	5	1	7
Individuals	199	227	268	315	1	214	103	318
Companies	18	31	31	37	0	36	0	36
Journalists	8	4	2	27	0	14	0	14
Lobby and Community Groups	4	3	2	8	0	11	0	11
Politicians	7	0	1	5	0	4	0	4
Prisoners	25	24	22	41	0	7	11	18
Unspecified	N/A	N/A	13	N/A	N/A	N/A	N/A	N/A
Public Servant	N/A	N/A	N/A	5	0	4	0	4
<b>Total</b>	<b>264</b>	<b>289</b>	<b>340</b>	<b>439</b>	<b>2</b>	<b>295</b>	<b>115</b>	<b>412</b>

### Applications received by agency profile

	2006-07	2007-08	2008-09	2009-10	FOI			
					FOI	RTI	IPA	Total
Boards/Commissions/GOC	50	25	76	65	0	52	17	69
Departments	138	182	187	270	2	170	74	246
Local Governments	54	68	36	83	0	58	17	75
Universities	15	7	15	12	0	7	6	13
Ministers	4	4	1	5	0	7	0	7
Other Bodies	3	3	25	4	0	1	1	2
<b>Total</b>	<b>264</b>	<b>289</b>	<b>340</b>	<b>439</b>	<b>2</b>	<b>295</b>	<b>115</b>	<b>412</b>

### Outcomes of reviews

Outcome of review	2006-07	2007-08	2008-09	2009-10	2010-11			
					FOI	IPA	RTI	Total
Decision under s.89 of FOI Act, s.110 of the RTI Act, s.123 of the IP Act	79	59	76	35	12	14	38	64
Affirming agency decision	46	20	43	8	2	10	18	30
Varying agency decision	17	31	15	15	6	3	13	22
Setting aside agency decision	16	8	18	12	4	1	7	12
Review settled informally	142	125	156	267	7	66	169	242
Determination of review not required	87	100	127	71	2	30	56	88

### Outcomes of reviews (cont.)

Outcome of review	2006-07	2007-08	2008-09	2009-10	2010-11			
					FOI	IPA	RTI	Total
Decision application is out of jurisdiction - ss12, 73 of the FOI Act, s.52, s101 IP Act, s.32, s.88 of the RTI Act	60	74	103	43	2	18	37	57
Decision not to deal with application -s77of FOI Act, s107 of IPA Act, s94 of the RTI Act	16	7	4	3	0	2	3	5
Decision to allow agency further time to deal with application -s 79 of FOI Act, 106 IP, s.93 RTI	11	19	20	25	0	10	16	26
<b>Total</b>	<b>308</b>	<b>284</b>	<b>359</b>	<b>373</b>	<b>21</b>	<b>110</b>	<b>263</b>	<b>394</b>

### RTI regulation reporting requirements not elsewhere captured within the Annual Report

Right to Information Requirements	Outcome
<b>Right to Information Regulation Part 4 s7</b>	
(d) the number of times and the way in which the commissioner has used the entitlement to full and free access to documents under section 100 of the Act	0
(e) the number of applications made under section 114 of the Act for a declaration that a person is a vexatious applicant and the number of declarations under that section made by the commissioner	0
<b>Right to Information Regulation Part 4 s7</b>	
(f) the number of applications for extension of the 10-year period received by the commissioner under schedule 4, part 4, item 1 of the Act and the commissioner's decision for each application	0
<b>Right to Information Regulation Part 4 s7</b>	
(a) the number of applications by non-profit organisations for financial hardship status under section 67 of the Act	3

### IP Regulation Reporting requirements not elsewhere captured within the Annual Report

Information Privacy Requirements	Outcome
<b>Information Privacy Regulation Part 4 s5</b>	
(c) the number of times and the way in which the commissioner has used the entitlement to full and free access to documents under section 113 of the Act	0
(d) the number of applications made under section 127 of the Act for a declaration that a person is a vexatious applicant and the number of declarations under that section made by the commissioner	0

Information Privacy Requirements		Outcome
<b>Information Privacy Regulation Part 4 s5</b>		
(e) approval of waivers or modifications of the privacy principles under chapter 4, part 5 of the Act		0
<b>Information Privacy Regulation Part 4 s5</b>		
(f) compliance notices given under chapter 4, part 6 of the Act		0
<b>Information Privacy Regulation Part 4 s5(2)</b>		
(c) the categories of relevant entities to which the complaints relate; and	(c) Queensland State departments	
(d) the provisions of the privacy principles to which the complaints relate; and	(d) The complaints related to Privacy Principles 9 and 11 which respectively provide for: <i>Privacy Principle 9 – Use of personal information only for relevant purpose</i> <i>Privacy Principle 11 – Limits on Disclosure.</i>	
(e) the number of complaints referred by the commissioner to other entities under section 169 of the Act; and	(e) The Information Commissioner did not refer any complaints to other entities under section 169 of the IP Act.	
(f) the number and type of complaints resolved by agreement after mediation	(f) There was only one complaint under active consideration at the end of the reporting period which could potentially be resolved by mediation.	

#### Applications for external review 2010–2011

	FOI	RTI	IPA	Total
<b>Minister</b>				
Office of the Minister for Public Works and Information and Communication Technology	0	1	0	1
Office of the Minister for Health	0	2	0	2
Office of the Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships	0	1	0	1
Minister for Tourism, Manufacturing & Small Business	0	1	0	1
Minister for Housing	0	1	0	1
Office of the Premier	0	1	0	1
	<b>0</b>	<b>7</b>	<b>0</b>	<b>7</b>
<b>Departments</b>				
Department of Local Government and Planning	0	11	1	12
Department of Transport and Main Roads	0	9	2	11
Department of Public Works	0	4	0	4



	FOI	RTI	IPA	Total
Department of Police	0	23	21	44
Department of Justice and Attorney-General	1	14	4	19
Department of Health	1	41	27	69
Department of Environment and Resource Management	0	16	0	16
Department of Employment, Economic Development and Innovation	0	22	0	22
Department of Education and Training	0	8	3	11
Department of Community Safety	0	1	5	6
Department of Communities	0	21	11	32
Queensland Treasury	0	2	0	2
	<b>2</b>	<b>172</b>	<b>74</b>	<b>248</b>
<b>Boards, Commissions, GOC</b>				
State Library of Queensland	0	2	1	3
Workplace Health and Safety Queensland	0	1	0	1
Queensland Treasury Corporation	0	1	0	1
Queensland Studies Authority	0	1	3	4
Psychologists Board of Queensland	0	1	0	1
Professional Standards Office Queensland	0	1	0	1
Australian Health Practitioner Regulation Agency	0	3	1	4
Commission for Children & Young People & Child Guardian	0	1	0	1
Australasian Veterinary Boards Council Inc	0	1	0	1
Allconnex Water	0	1	0	1
Legal Practice Committee	0	1	0	1
WorkCover Queensland	0	2	2	4
South Bank Corporation	0	0	1	1
Residential Tenancies Authority	0	3	1	4
Queensland Rail	0	3	2	5
The Public Trustee of Queensland	0	3	0	3
Queensland Art Gallery	0	1	0	1
Public Service Commission	0	1	0	1
Legal Services Commission	0	3	0	3
Health Quality and Complaints Commission	0	2	1	3
Legal Aid Queensland	0	1	1	2
Building Services Authority	0	4	3	7
Crime and Misconduct Commission	0	5	2	7

	FOI	RTI	IPA	Total
Ergon Energy	0	2	0	2
Energex	0	2	0	2
Powerlink Queensland	0	1	0	1
North Queensland Bulk Ports Corporation Limited	0	1	0	1
Gold Coast Events Co. Pty Ltd	0	1	0	1
Port of Townsville Ltd	0	1	0	1
Queensland Ombudsman	0	1	0	1
Tourism Queensland	0	3	0	3
Unity Water	0	1	0	1
Stanwell Corporation Limited	0	1	0	1
Queensland Urban Utilities	0	1	0	1
	<b>0</b>	<b>57</b>	<b>18</b>	<b>75</b>
<b>Local Governments</b>				
Toowoomba Regional Council	0	1	0	1
Rockhampton City Council	0	1	0	1
Bundaberg Regional Council	0	4	0	4
Banana Shire Council	0	1	0	1
Cassowary Coast Regional Council	0	1	0	1
Cook Shire Council	0	1	0	1
Murweh Shire Council	0	2	0	2
Gympie Regional Council	0	1	0	1
Whitsunday Regional Council	0	1	0	1
Townsville City Council	0	2	0	2
Sunshine Coast Regional Council	0	8	0	8
Rockhampton Regional Council	0	1	3	4
Redland City Council	0	1	0	1
Mackay Regional Council	0	1	0	1
Logan City Council	0	2	7	9
Ipswich City Council	0	1	2	3
Gold Coast City Council	0	8	2	10
Gladstone Regional Council	0	1	0	1
Fraser Coast Regional Council	0	3	0	3
Brisbane City Council	0	10	2	12
	<b>0</b>	<b>51</b>	<b>16</b>	<b>67</b>

	FOI	RTI	IPA	Total
<b>Universities</b>				
Queensland University of Technology	0	1	0	1
The University of Southern Queensland	0	1	0	1
James Cook University	0	4	1	5
The University of Queensland	0	1	5	6
	<b>0</b>	<b>7</b>	<b>6</b>	<b>13</b>
<b>Other</b>				
QSuper and QSuper Limited	0	1	0	1
Aviation Australia	0	0	1	1
	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total</b>	<b>2</b>	<b>295</b>	<b>115</b>	<b>412</b>

#### Applications received by agency profile

	2006-07	2007-08	2008/09	2009-10	2010-11			
					FOI	RTI	IPA	Total
Boards/Commissions/ GOC	50	25	76	65	0	55	17	72
Departments	138	182	187	270	2	174	75	251
Local Governments	54	68	36	83	0	51	16	67
Universities	15	7	15	12	0	7	6	13
Ministers	4	4	1	5	0	7	0	7
Other Bodies	3	3	25	4	0	1	1	2
<b>Total</b>	<b>264</b>	<b>289</b>	<b>340</b>	<b>439</b>	<b>2</b>	<b>295</b>	<b>115</b>	<b>412</b>

#### Outcomes for Decisions

Review Number	Agency	Date of Decision	Outcome	Access/Amendment Refused/Granted	Relevant Provisions of FOI, RTI, IPA where access/ amendment refused
310145	Treasury Department	07-Jul-10	Affirmed	Access refused	RTI Act - s.48
270008	Logan City Council	09-Jul-10	Varied	Unlocatable documents	IP Act - s.67(1), IP Act - s.52 (1)(b) Ref RTI Act
210870	Moreton Bay Regional Council	21-Jul-10	Affirmed	Access refused	s.43(1)
210964	Brisbane City Council	21-Jul-10	Set aside	Access granted (in part)	s.42(1)(h)
310149	Department of Health	16-Aug-10	Set aside	Access granted	RTI Act - s.6, RTI Act - s.47(3)(e)

Review Number	Agency	Date of Decision	Outcome	Access/Amendment Refused/Granted	Relevant Provisions of FOI, RTI, IPA where access/ amendment refused
310161	Department of Health	25-Aug-10	Affirmed	Access refused	IP Act - s.67(1)
210751	Department of Police	25-Aug-10	Affirmed	Access refused	s.38(a), s.38(b)
310029	Department of Health	31-Aug-10	Varied	Access granted (in part)	RTI Act - s.47(3)(b)
310080	Department of Health	31-Aug-10	Affirmed	Not a reviewable decision	IP Act - s.72(1)(a)(i), IP Act - s.74(a)
310288	Department of Justice and Attorney-General	02-Sep-10	Affirmed	Access refused	IP Act - s.67(1)
220024	Redland City Council	08-Sep-10	Set aside	Access granted (in part)	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.48
310006	Department of Health	15-Sep-10	Affirmed	Access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
210644	Department of Police	16-Sep-10	Varied	Access granted (in part)	s.11D, s.27(3), s.38(a), s.38(b), s.41, s.42(1)(e), s.43(1), s.44(1), s.46(1) (b), s.48, s.50(c)(i)
220027	Department of Employment, Economic Development and Innovation	22-Sep-10	Affirmed	Access refused	RTI Act - s.47(3)(b)
310004	Building Services Authority	22-Sep-10	Affirmed	Access refused	RTI Act - s.52(1)(a), RTI Act - s.53(a)
210896	Lockyer Valley Regional Council	24-Sep-10	Varied	No reasonable grounds that additional docs exist	s.22(a), s.28A, s.29(1) (a), s.44(1)
220018	Department of Health	01-Oct-10	Varied	Access granted (in part)	RTI Act - s.47(3)(c)
210003	Department of Police	18-Oct-10	Varied	Access refused	s.42(3A)
310159	Energex	21-Oct-10	Affirmed	Access refused	RTI Act - s.47(3)(b)
310068	Department of the Premier and Cabinet	10-Nov-10	Varied	Access granted (in part)	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
310078	Queensland Law Society Inc	23-Nov-10	Varied	No reasonable grounds that additional docs exist	RTI Act - s.47(3)(e), RTI Act - s.52(1)(b)
310127	Public Service Commission	23-Nov-10	Varied	No reasonable grounds that additional docs exist	RTI Act - s.47(3)(e), RTI Act - s.52(1)(a)
220020	Queensland Rail	25-Nov-10	Affirmed	Access refused	RTI Act - s.47(3)(b)
310328	Department of Health	25-Nov-10	Set aside	Access granted	RTI Act - s.47(3)(b)
310324	Department of Community Safety	29-Nov-10	Affirmed	Access refused	IP Act - s.47(3)(a), IP Act - s.47(3)(b)
210906	Department of Health	01-Dec-10	Varied	Access granted (in part)	s.28A(1), s.28A(2), s.40(c), s.44(1)
310001	Brisbane City Council	17-Dec-10	Affirmed	No reasonable grounds that additional docs exist	RTI Act - s.47(3)(a), RTI Act - s.52(1)(a)

Review Number	Agency	Date of Decision	Outcome	Access/Amendment Refused/Granted	Relevant Provisions of FOI, RTI, IPA where access/ amendment refused
270025	Department of Education and Training	22-Dec-10	Affirmed	Access refused	IP Act - s.67(1)
310183	Department of Environment and Resource Management	23-Dec-10	Affirmed	Access granted (in part)	RTI Act - s.47(3)(b), RTI Act - s.87(2)
310012	Department of Police	23-Dec-10	Varied	Access refused	RTI Act - s.47(2)(b)
310382	Building Services Authority	24-Dec-10	Affirmed	Part 4, Refusal to deal	RTI Act - s.41(1)
310164	Department of Employment, Economic Development and Innovation	17-Jan-11	Varied	Access granted (in part)	s.42(1A)
310218	Department of Public Works	21-Jan-11	Affirmed	Access refused	RTI Act - s.29(1), RTI Act - s.29(2), RTI Act - s.47(3)(e), RTI Act - s.52(1)(b)
310329	Department of Health	31-Jan-11	Affirmed	Access refused	RTI Act - s.47(3)(a)
310359	Department of Health	31-Jan-11	Affirmed	Access refused	RTI Act - s.47(3)(b)
220051	Department of Health	22-Feb-11	Set aside	Access granted	RTI Act - s.47(3)(b)
310242	Department of Local Government and Planning	25-Feb-11	Affirmed	Not documents of an agency	RTI Act - s.47(3)(e), RTI Act - s.52(1)(a)
310211	Moreton Bay Regional Council	25-Feb-11	Varied	3rd Party objections successful	RTI Act - s.47(3)(b)
310180	Department of Police	25-Feb-11	Affirmed	Access refused	IP Act - s.47(3)(a), IP Act - s.67(1), IP Act - s. 48 Ref RTI Act
310466	Department of Police	28-Feb-11	Affirmed	Access refused	IP Act - s.67(1)
310468	Department of Health	28-Feb-11	Affirmed	Access refused	IP Act - s.67(1)
310192	Department of Communities	01-Mar-11	Varied	Access refused	s.25(5)(b), s.28A(1), s.44(1)
310156	Department of Health	09-Mar-11	Varied	Access refused	RTI Act - s.47(3)(b)
310054	The Public Trustee of Queensland	15-Mar-11	Varied	No reasonable grounds that additional docs exist	RTI Act - s.30(1), RTI Act - s.47(3)(e), RTI Act - s.52(1)(a)
310061	Department of Justice and Attorney-General	15-Mar-11	Varied	No reasonable grounds that additional docs exist	RTI Act - s.47(3)(e), RTI Act - s.52(1)(a)
310177	Department of Transport and Main Roads	14-Apr-11	Affirmed	Access refused	RTI Act - s.47(3)(b)
310034	Department of Health	11-May-11	Varied	Access refused	IP Act - s.67(1)
310107	Department of Justice and Attorney-General	13-May-11	Affirmed	Access refused	RTI Act - s.47(3)(a)

Review Number	Agency	Date of Decision	Outcome	Access/Amendment Refused/Granted	Relevant Provisions of FOI, RTI, IPA where access/ amendment refused
310175	Brisbane City Council	16-May-11	Affirmed	No reasonable grounds that additional docs exist	RTI Act - s.47(3)(e), RTI Act - s.52(1)(a), RTI Act - s.52(1)(b)
310347	Queensland Urban Utilities	16-May-11	Affirmed	No reasonable grounds that additional docs exist	RTI Act - s.47(3)(b), RTI Act - s.47(3)(e), RTI Act - s.52(1)(a)
310257	Department of the Premier and Cabinet	30-May-11	Affirmed	Access refused	RTI Act - s.41(1)
310260	Department of Environment and Resource Management	30-May-11	Set aside	Unreasonable diversion of resources	RTI Act - s.41(1)
310223	Department of Communities	07-Jun-11	Varied	Access refused	RTI Act - s.47(3)(b)
310243	Redland City Council	09-Jun-11	Varied	Access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e), RTI Act - s.52(1)(a)
310354	Department of Health	10-Jun-11	Set aside	Unreasonable diversion of resources	RTI Act - s.41(1)
310275	Ipswich City Council	20-Jun-11	Set aside	Application unable to made under IP Act	IP Act - s.54(5)
210949	Department of Employment, Economic Development and Innovation	22-Jun-11	Set aside	Access granted (in part)	s.45(1)(a)
210950	Department of Employment, Economic Development and Innovation	22-Jun-11	Set aside	Access granted (in part)	s.45(1)(a)
210951	Department of Employment, Economic Development and Innovation	22-Jun-11	Set aside	Access granted (in part)	s.45(1)(a)
310314	Gold Coast City Council	23-Jun-11	Affirmed	Access refused	IP Act - s.67(1)
310264	Department of Health	27-Jun-11	Affirmed	Access refused	IP Act - s.67(1)
310219	Department of Communities	29-Jun-11	Varied	Access granted	RTI Act - s.47(2)(b), RTI Act - s.47(3)(a)
310084	Department of Police	29-Jun-11	Varied	No reasonable grounds that additional docs exist	IP Act - s.67(1)
310227	Redland City Council	30-Jun-11	Set aside	Access granted	RTI Act - s.47(3)(b)



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