

2011–12

Annual Report

Office of the Information Commissioner Queensland



Office of the Information Commissioner
Queensland

Welcome to the Office of the Information Commissioner Annual Report 2011–12

The Office of the Information Commissioner (OIC) is Queensland's independent body established under the *Right to Information Act 2009* (RTI Act) to promote access to public sector information, and protect people's personal information held by government under the *Information Privacy Act 2009* (IP Act). OIC is responsible for providing information and assistance to: Queensland public sector agencies; Ministers and the community; for supporting agencies' compliance with these laws; and for monitoring and reporting on the performance of public sector agencies.

OIC also reviews agency decisions regarding right to information access and amendment applications, deals with privacy complaints, and makes decisions, including whether an agency's privacy obligations can be waived or modified in the public interest

Our annual report provides an overview of our progress towards achieving an informed Queensland that values and respects information rights and responsibilities. OIC is required—under the RTI Act and IP Act—to prepare an annual report each financial year. Our annual report reflects our commitment to transparent corporate governance, through openness and accountability, by aiming to provide the community as a whole, with:

- an account of our revenue and how we have used public funds
- an insight into challenges and opportunities that have influenced our actions towards the delivery of our strategic outcomes as well as our priorities for the year ahead; and
- an accurate, balanced and transparent assessment of our achievement in implementing our Community, Corporate and Operational Plans as measured against a range of performance indicators.

Our annual report is an important component of OIC's performance monitoring process, which feeds into ongoing organisational planning and resource allocation.

Our vision

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

Our mission

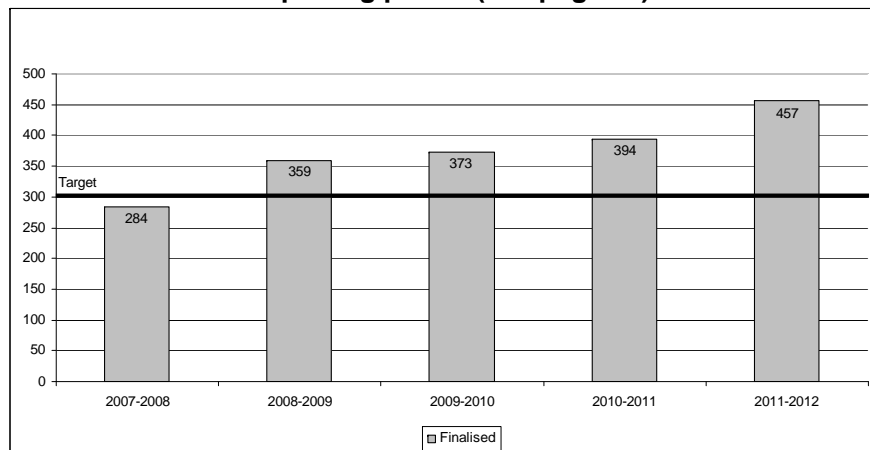
To be recognised as Queensland's independent, influential and practical authority on information rights and responsibilities.

Our values

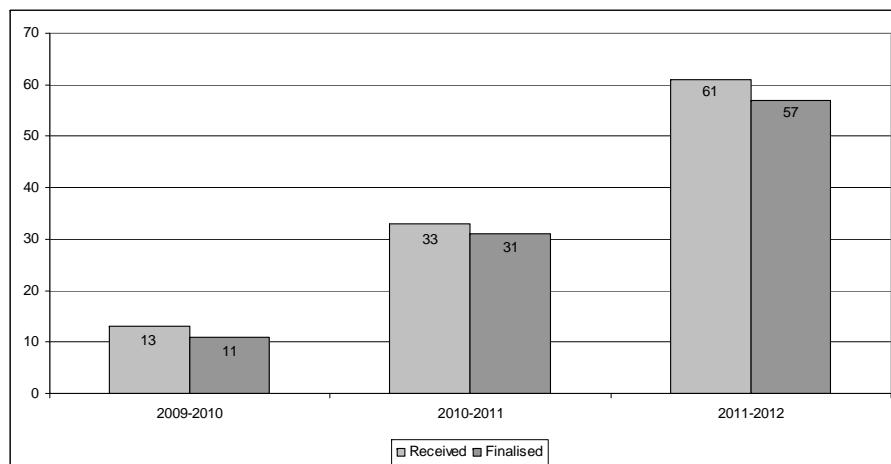
- openness
- transparency
- accountability
- accessibility
- integrity
- fairness
- impartiality
- equality before the law
- timeliness
- independence.

Highlights of 2011-12

During 2011–12, OIC finalised 457 applications for external review made under the *Right to Information Act 2009 (Qld)* and *Information Privacy Act 2009 (Qld)*, this is an increase of 61% from the 2007–08 reporting period (see page 18).



During 2011-12, OIC received 61 privacy complaints made under the *Information Privacy Act 2009 (Qld)*, an increase of 84% from the previous reporting period (see page 25).



- During the reporting period OIC provided 31 face-to-face training activities, and trained over 1,027 people (see page 30).
- The Enquiries Service provided timely advice in response to 3,459 enquiries received by telephone and in writing. Published new information resources, and reviewed over 60 existing resources (see page 27 & 35).
- Conducted 178 monitoring and compliance activities, including reporting on the compliance of agencies with legislative obligations (see page 27 & 29).
- Launched the first online training course, in mid-May, as part of a suite of online courses. The online training offers an individual, or agency, access to a low-cost and flexible learning pathway. The course received 1074 enrolments by 30 June 2012 (see page 32).
- Launched a tailored negotiation skills training package for right to information and information privacy practitioners, recognising the highly sensitive, and time critical issues, within this complex legal setting (see page 31).
- Enhanced OIC's website to increase usability and accessibility. This included publishing our electronic knowledge management system online and annotated legislation for information rights practitioners and other interested parties (see page 33).
- Published in partnership with the Australian and New Zealand School of Government (ANZSOG), the Transparency Series of occasional papers (see page 35).
- The Office of the Information Commissioner Annual Report 2010–11 received a Bronze award from the Australasian Reporting Awards.

15 Sept 2011 Transparency and Digital Engagement Seminars

OIC Hosted former Director for Transparency and Digital Engagement for the United Kingdom Government, Mr. Andrew Stott, who spoke to more than 100 Queensland government information, communication and right to information officers about his experience in implementing the United Kingdom's program of transparency and open data (see page 34).

27–28 Sept 2011 Solomon Lecture and Right to Information Day

OIC hosted more than 150 guests, comprising of public sector employees and members of the community, that attended the 2011 Solomon Lecture at the Gallery of Modern Art, presented by Dr. Nicholas Gruen on the topic of Government in the Information Age (see page 34).

29 Apr–5 May 2012 Privacy Awareness Week

OIC celebrated Privacy Awareness Week 2012 with a series of posters, resources and information to raise awareness, and help individuals to, protect their personal information. A comprehensive learning module dealing with privacy related issues was also produced and used in Queensland secondary schools (see page 35).

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Snapshot of our office

Who we are

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

Under the RTI Act and IP Act 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-held information, unless on balance, disclosure is contrary to the public interest. Access to information is a pre-condition to a transparent, accessible and responsive government. We believe greater access to information can lead to an informed community, able to participate in and scrutinise government, which in turn fosters an effective, efficient, economical, ethical and accountable public service.

Our services

OIC has four services:

- Service One—An independent, timely and fair review of decisions made under the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld) (see pages 17–23)
- Service Two—An independent and timely privacy complaint resolution service (see pages 24–26)
- Service Three—Fostering improvements in the quality of practice in right to information and information privacy in public sector agencies (see pages 27–32); and
- Service Four—Promoting the principles and practices of right to information and information privacy in the community and within government (see pages 33–36).

Our responsibilities

The Information Commissioner is accountable to the Queensland Parliament through the Legal Affairs and Community Safety Committee (LACSC). The statutory role of the Information Commissioner is to independently review decisions made by Queensland Ministers and public sector agencies 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 practices.

Key elements of OIC's governance and accountability framework include our annual report to parliament, meetings with the LACSC and our Service Delivery Statement. By supporting agencies to improve their right to information and information privacy practices, OIC supports the public sector's corporate governance and accountability framework.

Our resources

As at 30 June 2012, we:

- had 34.1 full time equivalent staff; and
- received grant funding from the Queensland Government provided through the Department of Justice and Attorney-General. Our 2011–12 total appropriation was \$6.023M.

Our key performance indicators

Our key performance indicators set a benchmark for the efficiency and effectiveness of our service standards. Our Strategic Plan¹ sets out our objectives and strategies over a five year period. Ongoing monitoring, evaluation and feedback mechanisms both internally and externally contribute to the development and evolution of the plan to ensure alignment with whole-of-government priorities.

For more information about the strategic direction of OIC view the Strategic Plan located on our website at <http://oic.qld.gov.au/information-and-resources/documents/strategic-plan>.

Service delivery targets are based on an appropriate level of performance that we expect to achieve within available resources. Service targets enable the Queensland community and the government to assess whether or not our agency has delivered services to acceptable levels of efficiency and effectiveness. Service targets are part of the Queensland Government Performance Management Framework².

Our performance report card on page 3 shows our achievements and overall performance against the established service targets.

¹ The Office of the Information Commissioner Strategic Plan 2011-2015 applied for the 2011-12 year.

² A Guide to the Queensland Government Performance Management Framework
<http://www.premiers.qld.gov.au/publications/categories/guides/perf-manage-framework.aspx>

Performance report card 2011-2012

Service Standard	Target	Achievement
Service One—An independent, timely and fair review of decisions made under the <i>Right to Information Act 2009</i> (Qld) and <i>Information Privacy Act 2009</i> (Qld)		
Percentage of applicants satisfied with the conduct of the review.	70%	71%
Percentage of agencies satisfied with the review service provided.	75%	98%
Median days to finalise a review.	90 days	90 days
Percentage of open reviews at the end of reporting period that are more than 12 months old.	0%	1.8% ³
Number of reviews finalised.	300	457
Percentage of reviews resolved informally compared to reviews resolved by written determination.	75%	88%
Percentage of review applications finalised to received.	100%	113%
Service Two—An independent and timely privacy complaint resolution service		
Percentage of complainants satisfied with the conciliation service.	70%	Note ⁴
Percentage of agencies satisfied with the privacy service provided.	75%	100%
Percentage of privacy complaints not formally referred to QCAT for determination.	75%	96%
Median days to finalise a privacy complaint.	90 days	4 days
Percentage of privacy complaints finalised to received.	100%	93%
Service Three—Foster improvements in the quality of practice in right to information and information privacy in Queensland government agencies		
Percentage of agencies satisfied with the information and assistance provided by OIC.	75%	100%
Percentage of agencies satisfied with the quality of information provided.	75%	98%
Number of training activities provided.	30	31
Number of people trained.	500	1,027
Percentage of course participants satisfied with sessions.	75%	99%
Number of monitoring and compliance activities.	10	178
Service Four—Promote the principles and practices of right to information and information privacy in the community and within government		
Number of awareness activities conducted.	190	557
Number of enquiry (written and oral) responses.	2,500	3,459
Number of website visits.	80,000	64,173

³ 1.8% represents 2 applications.

⁴ The number of complaints received was too low for the measure to be meaningful

Letter of compliance

9 August 2012

The Honourable Fiona Simpson MP
Speaker of the Legislative Assembly
Parliament House
George Street
Brisbane Qld 4000

Dear Madam Speaker

I am pleased to present the Office of the Information Commissioner Annual Report 2011–12 to the Queensland Parliament.

The report contains an account of our work for the 12 months ending 30 June 2012 and is made pursuant to s.184 of the *Right to Information Act 2009* (Qld) and s.193 of the *Information Privacy Act 2009* (Qld). It reflects our performance against our strategic plan for 2011–15.

I certify that this annual report complies with:

- the prescribed requirements of the *Financial Accountability Act 2009* (Qld) 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 74–75 of this annual report.

Yours sincerely



Julie Kinross
Information Commissioner

Message from the Information Commissioner

The RTI Act and IP Act are designed to ensure better and easier access to public sector information while at the same time protecting essential public interests, such as personal privacy. Now that the period for implementation by agencies has drawn to a close, OIC's attention will shift from supporting agency implementation to proactive disclosure, administrative release, and the effectiveness, efficiency and economy of the access system as a whole.

Public sector information is a valuable resource for all Queenslanders, including industry and community stakeholders. Access to information resources remains restricted and the result is under-utilisation and waste. OIC's strategic and operational plans for 2012–16 reflect this change in emphasis towards increasing easier and better access to government data.

This year, we delivered what we set out to achieve. The body of this report details our performance against the most comprehensive set of service standards seen in equivalent agencies, representing our commitment to transparency and accountability. There are a number of achievements worth special mention.

A bedrock of better and easier access to public sector information is quality information management including right to information and privacy-by-design. OIC has simplified and streamlined its own extensive information holdings into an easy-to-use online knowledge centre, at the centre of which is the annotated legislation. While the purpose of this resource is to improve OIC's efficiency and effectiveness, it has also been pushed out into the public space through the website in keeping with the requirements of proactive disclosure. It is now a valuable community resource, which will reduce the costs of access to justice in what can be a legally complex area. It will also improve public sector agency efficiency and effectiveness and improve community participation.

OIC improved the efficiency of external review processes by 35% in two recent consecutive years primarily as a result of introducing an early assessment and resolution process and skilling staff. In doing so it made access to information easier and faster for the majority of people using OIC's services. Building on its own newly developed capabilities, OIC rolled out its two-day Fast Track Negotiation Skills Training, a resolution training course for agency decision-makers to make access to information quicker and easier at the beginning of the process and to reduce demand for OIC's services. The vast majority of course participants reported more confidence in their abilities to negotiate with access applicants and line managers.

With only one position responsible for training, online service delivery and other duties, demand for OIC's training is too high for it to be delivered solely face-to-face. During the year OIC changed its strategy to deliver appropriate training online, equally accessible across Queensland. Its first suite of online training modules is called 'ABCs for public sector employees'. The suite includes general training on information privacy, right to information and information obligations. We hope that this training will be incorporated into the induction processes of all Queensland government agencies. Importantly, we have built a platform through which other quality products can be delivered cheaply.

In keeping with last year's forecast our timeliness in reviewing agency decisions continued to deteriorate as we struggled to deal with the ongoing 60% increase in

demand. Additional temporary resources enabled us to finalise 457 applications, setting a new record for the second year in a row. As we were able to address the build up of older matters during 2011–12, it is anticipated that timeliness will again steadily improve, assuming a permanent solution is found to the increased demand.

A key finding of the Independent Freedom of Information (FOI) Review Panel was that FOI implementation had failed in part because there was no independent monitor of executive government. Conscious of the burden such monitoring activities can place on public sector agencies, OIC is taking a light-handed approach to self-reporting obligations on agencies by developing tools and resources that enable agencies to ensure ongoing compliance themselves. OIC has supported agency adoption of the first tools by providing information, training and incentives, and will look to develop further such resources.

The Independent FOI Review Panel also found that one of the key barriers to successful FOI implementation was the closed culture of the public sector. The culture of the public sector remains a key challenge. A compliance approach where open government performance measures are included in chief executive officer and senior executive staff contracts is necessary if the culture is to be changed over time.

OIC has a commitment to look for answers to the questions of how public sector agencies can achieve better transparency. There is objective evidence that links transparency with improved public sector productivity, performance, policy implementation, compliance and enforcement outcomes, innovation, and integrity. The fact that it has not yet emerged as a distinct field in public administration speaks to the strength of the culture of secrecy and the risk adverse nature of the public sector. By packaging this evidence for executives, and developing resources and tools for it, we hope public sector managers will come to view transparency as a necessary part of their tool kit, rather than something to be avoided. There is no doubt that public sector information can be used strategically to assist executives achieve the goals of effectiveness, efficiency, economy and integrity in all aspects of government business. To this effect we have launched the Transparency Series of occasional papers in partnership with ANZSOG⁵.

Our aim is to be Queensland's independent, influential and practical authority on information rights and responsibilities. When I consider this year's innovations aimed at easier access to information, better protection of personal information and improved efficiencies, my mind is drawn to the extremely talented and motivated staff of the OIC who, can seemingly, do anything. They receive national and international recognition for being among the world's best at what they do and I pay tribute to them.



Julie Kinross
Information Commissioner

⁵ The papers are available at <http://www.anzsog.edu.au/research/publications/other-publications>.

Office management

Our organisation

The role of the Information Commissioner is to do all things appropriate in connection with performing the functions set-out under the RTI Act and IP Act. The functions provide the basis for achieving the primary objects of the RTI Act and IP Act:

- 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 access; and
- in the case of the IP 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 other decision-making, the Information Commissioner:

- decides applications for extensions of time
- decides applications for non-profit organisations about 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), this is the third tier of review.

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
- publishing performance standards and measures for use in reports; and
- reporting the outcome 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 RTI 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, by providing training and education 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 IP Act, OIC activities in relation to privacy can include:

- waiving or modifying privacy principle obligations
- issuing compliance notices; and
- handling 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 IP 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 IP 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
- 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, by giving 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 the Act should be applied, and on privacy best practice generally; and
 - g) supporting applicants under the Act, and all relevant entities.

Our human resources

Staffing

The RTI Act provides for an Information Commissioner who is an officer of the parliament, a Right to Information Commissioner and OIC staff. The Privacy Commissioner is established under the IP Act. Staff of OIC are employed under the *Public Service Act 2008* (Qld), or by Governor-in-Council appointment.

OIC conducts recruitment and selection processes in accordance with the merit-based requirements of the *Public Service Act 2008* (Qld), the relevant public service commissioner's policies and directives and industrial relations directives.

Executive Management

Information Commissioner

Julie Kinross was appointed as Information Commissioner on 10 August 2009 for a three year period. Julie has worked in the public sector for more than two decades and has held positions of Assistant Commissioner, Health Care Complaints Commission, Commissioner, Fair Trading, and Deputy Director-General, Department of Fair Trading and Wine Industry Development. 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 has worked in the Queensland public sector for over 20 years holding senior legal service 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 her appointment as Right to Information Commissioner, Clare was Assistant Crown Solicitor, Crown Law, Department of Justice and Attorney-General.

Jenny Mead has worked for over 20 years in the Queensland public sector as a legal practitioner. This has led to several senior legal service positions across government including: Department of Local Government, Sport and Recreation and Department of Tourism, Racing and Fair Trading. Prior to her appointment as Right to Information Commissioner, Jenny was Director, Legal Services Division, Department of Infrastructure and Planning.

Clare and Jenny 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

Lemm Ex was appointed to act as the Privacy Commissioner following the departure of Linda Matthews in October 2011. Prior to taking up this position Lemm was OIC's Principal Privacy Officer.

Figure 1. Organisational Chart

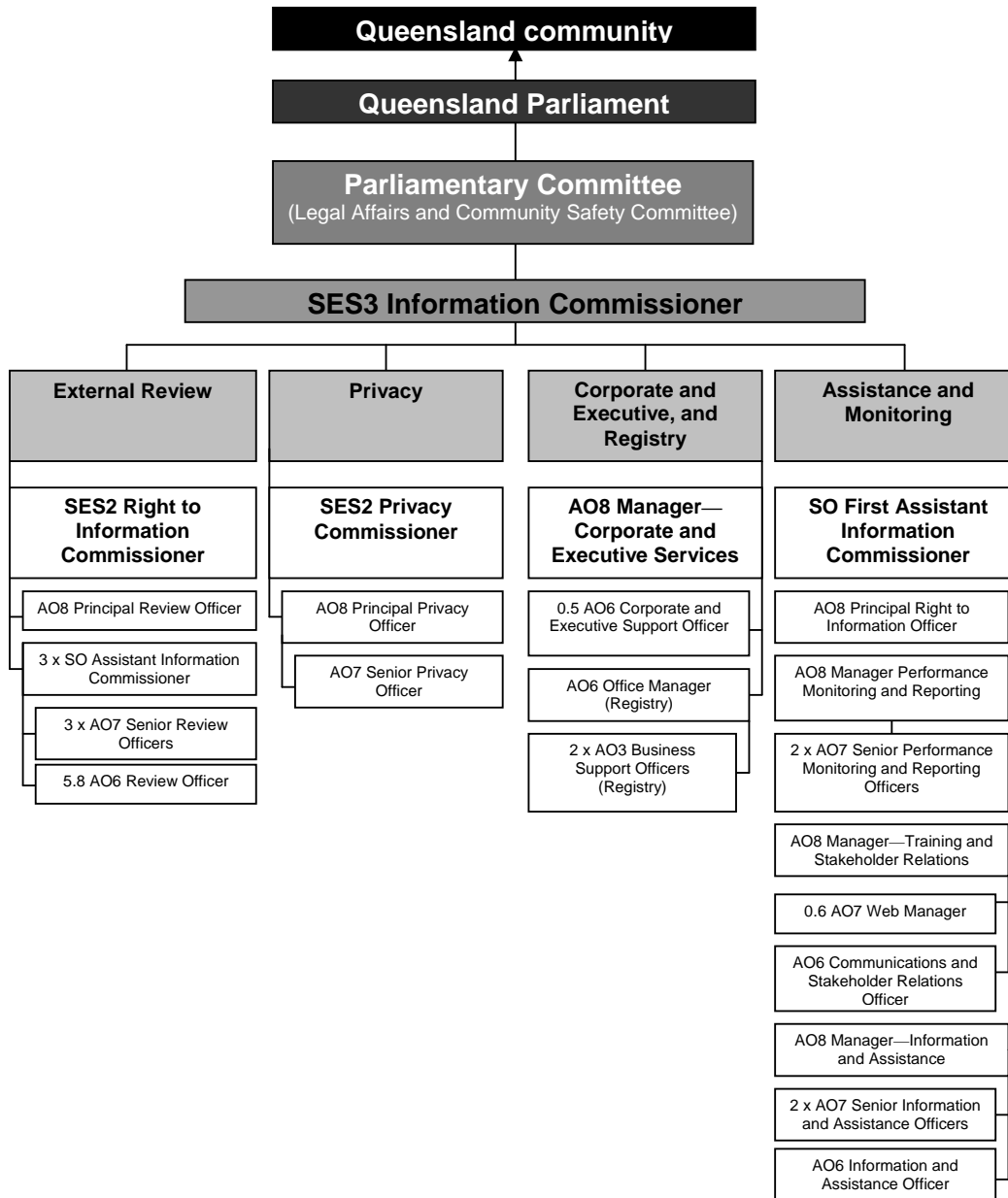


Figure 1 shows the number of full-time equivalent positions, at level, on 30 June 2012 as 34.1. *The Office of the Information Commissioner Annual Report 2010-2011* stated the full time equivalent staff at 30 June 2011 was 33.9, this figure should have been reported as 34.1.

During the year the following resignations were tendered:

- Privacy Commissioner; and
- Review Officer.

The following positions were permanently appointed:

- Business Support Officer
- Review Officer
- Principal Review Officer; and
- Principal Right to Information Officer.

Figure 2. Representation of women/men (permanent position) disaggregated by annual earnings

Annual Earnings	Female	Male
Above AO8 equivalent (\$107,467.00 +)	6	0
AO8 equivalent (\$101,610–\$107,467.00)	3	5
AO7 equivalent (\$91,712–\$98,341.00)	8	1
AO6 equivalent (\$81,962–\$87,691.00)	10	0
AO3 equivalent (\$52,132–\$58,132.00)	2	0

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

During 2011–12 OIC expended \$38,853.00 in staff professional development, training, workshops and post-graduate university studies. The annual expenditure equates to approximately 1.23% of employee salaries to develop new skills, enhance professional qualifications and implement new policies and procedures within OIC. This level of expenditure is less than the 2% of employee expenses recommended by the last strategic management review of OIC. The level of funds spent on staff development was considered sufficient to maintain the skill and confidence level of staff, which is critical to maintaining effective and efficient service delivery across the organisation. Significant staff development efforts in recent years, and the provision of tailor-made, in-house resolution training, have contributed to a high staff retention rate. The provision of effective mentoring and training for review officers, such as in legal research, informal dispute resolution and decision writing skills, assists the completion of the review process in a timely and professional manner.

New and returning staff participated in core skills professional development. The core skills program for selected staff included mediation and negotiation skills, statutory interpretation and decision-making skills. Induction programs were conducted for all new staff.

Training updates covered professional duties and responsibilities (including 'Office of the Information Commissioner's Code of Conduct' and the information technology usage policy and network compliance requirements), public sector employee policies and guidelines, and the operation of right to information and information privacy legislation.

Consultants and contractors

In 2011–12 OIC spent \$147,047.00 on contractors. This is a 33% reduction in expenditure from the previous reporting period. 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
- a training course facilitator to conduct training for agency right to information and privacy practitioners on early resolution negotiation skills
- research projects
- website enhancements and updates; and
- an online training course on the *Information Privacy Act 2009* (Qld)

International travel

Two overseas trips were undertaken in 2011–12. The Information Commissioner was invited to meet with the parliamentary committee responsible for monitoring Canada's Information Commissioner and to present a paper at the 7th International Conference of Information Commissioners in Ottawa, Canada on 4-6 October 2011. At the invitation of the Indian and Bihar Governments, the Information Commissioner met with officials and presented a paper at the Right to Information Conference in Bihar, India on 2-3 March 2012. Travel expenses in relation to the trip to India were met by The World Bank.

Our governance

The Information Commissioner is a statutory office holder appointed by the Governor-in-Council under the RTI Act and is independent of ministerial control in the exercise of functions under the RTI Act and IP Act. 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 and Community Safety Committee (formerly the Legal Affairs, Police, Corrective Services and Emergency Services Committee) and meets with the committee during the course of the year to discuss issues such as OIC's activities, work output, budget, the annual report and any other significant issue. In accordance with the RTI Act and IP Act, the Information Commissioner provides an annual report to parliament through the speaker.

While the Information Commissioner is independent of ministerial control, under s.133 of the RTI Act, OIC's budget must be approved by the Attorney-General, the Minister responsible for the Act. Related key elements of the governance and accountability framework include the Service Delivery Statement and Estimates Committee hearings. Five separate reports on reviews under the RTI Act or IP Act were made to the parliamentary committee in 2011–12. The parliamentary committee may also require a report on a particular aspect of OIC's performance. An independent strategic review of OIC is conducted at least every 5 years, and the next review is scheduled for the 2012–13 financial year.

OIC's executive management team in 2011–12 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 2011–12, staff were involved in the review of strategic and operational planning.

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

Corporate services

In 2011–12 OIC purchased corporate services through a service agreement with the Queensland Parliamentary Service at a cost of \$161,243.00. These services included information communication technology systems and support, human resource management services and financial services for OIC. This is a 21% reduction in expenditure from the previous reporting period (2010-2011: \$205,060.00).

Information and technology

Information and communication systems support OIC in maintaining the necessary security of information required 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 the year OIC was able to deliver on a project outlined in last year's annual report to make much of its electronic knowledge management system available online and it is now publicly accessible through OIC's internet site. In delivering this project, internal information has been collated and organised in one online location. Annotated right to information, information privacy and repealed freedom of information legislation, research tools, case law and decisions from Queensland and other jurisdictions are now also publically available. In publishing this information, OIC has fulfilled an obligation to publish significant information holdings and to use the information strategically. Publication will make access to information held across government better and easier for the community, as well as assist in revitalising right to information and information privacy services across government.

Code of conduct and ethics implementation statement

In accordance with s.17 of the *Public Sector Ethics Act 1994* (Qld), OIC has in place a Code of Conduct. OIC is prescribed as a 'public service agency' under the *Public Sector Ethics Regulation 2010* and therefore applies the Code of Conduct for the Queensland Public Service to the employees of OIC. OIC employees are employed under the *Public Service Act 2008* (Qld), or are appointed by the Governor-in-Council.

In accordance with s.23 of the *Public Sector Ethics Act 1994* (Qld) OIC provides a formal induction process for new staff. During induction, staff are provided with a copy of the Code of Conduct. The induction process requires staff to read and confirm their understanding and ability to apply the 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 intranet site.

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

Risk management

The objective of the Office of the Information Commissioner's 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 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 management 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 the complaint concerns the merits or legality of a decision. In these circumstances, the participant may be able 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 2011–12, OIC received two general complaints about external review. One complaint related to two separate external reviews by an applicant. The complainant was unhappy with the decisions of the Right to Information Commissioner not to deal, or further deal with his external review applications on the bases that the first application lacked substance and the second did not raise issues of sufficient merit to justify granting an extension of time in which to make submissions. As the complainant was concerned with a decision outcome, the only recourse open to him was to exercise a right of appeal. The Information Commissioner took the opportunity to look at both matters from a process point of view and formed the opinion that the Right to Information Commissioner acted entirely appropriately. The complainant was advised accordingly.

The second complaint related to a lack of contact from OIC during an external review. One of the applicants for the review passed away during the review period and the application was ultimately withdrawn. The Acting First Assistant Information Commissioner who investigated the complaint accepted that the level of contact with the applicant's representative was not satisfactory and apologised on behalf of OIC. A number of practice improvements were implemented regarding monitoring and escalation at key review milestones; handover processes during leave or reassignment; and frequency of contact with applicants.

During 2011–12 an external review applicant made two privacy complaints about the handling of two external reviews. In both complaints the complainant alleged that OIC's consultation with a relevant third party during the course of the review constituted a breach of privacy. After reviewing the external reviews, the Right to Information Commissioner explained to the complainant that there had been no breach of the privacy principles because OIC is obliged by legislation to consult with third parties in circumstances where a third party may have a concern about the disclosure of legislation. The complainant then complained to the Privacy Commissioner. The Acting Privacy Commissioner declined to accept the complaint on the basis that there was legislative authority for the third party consultation and as such, the action complained of would not constitute a privacy breach. The complainant was encouraged to resume communications with the review officer with a view to the complainant obtaining a fuller understanding of the review process.

Record keeping

In compliance with the provisions of the *Public Records Act 2002* (Qld) 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: Record Keeping' to ensure its records are accountable, reliable and secure. Office systems are supported by internal guidelines, procedures and policies 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.

Legislative compliance

A Workplace Health and Safety (WHS) program is embedded within OIC's culture and practices. All staff are informed, and made aware of, the employer's and each employee's responsibility to create and maintain a safe workplace for everyone at 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 and WHS requirements was provided to staff. Staff elected a WHS representative. No events resulting in injury were reported.

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

Section 26 of the RTI 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 2011–12.

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

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 100% by 2020, and E10 fuel is purchased when available.

Legislative developments/changes

During 2011–12 the RTI Act and IP Act were amended by five Acts.

The *Workplace Health and Safety Act 2011* (Qld) was removed from the law enforcement exemption in schedule 3 s.10(1)(h) of the RTI Act, an example which referred to the *Dangerous Goods Safety Management Act 2001* (Qld) as that Act has been repealed.

The definitions of 'responsible Minister' in s.113 of the RTI Act and s.126 of the IP Act relating to disciplinary action were amended by the *Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Act 2011* (Qld) and the *Local Government Electoral Act 2011* (Qld) to reflect the revised titles of the relevant legislation. These sections require the Information Commissioner to bring evidence of any breach of duty or misconduct in the administration of the RTI Act and IP Act to the notice of the responsible Minister.

The *Civil Proceedings Act 2011* (Qld) amended the IP Act and RTI Act in relation to powers to grant leave to OIC commissioners which were previously held by the Minister with portfolio responsibility for OIC, as follows:

- the Information Commissioner now has the power to grant leave to the Privacy Commissioner under s.148 of the IP Act and to the Right to Information Commissioner and s.154 of the RTI Act; and
- the Information Commissioner is now entitled to a leave of absence decided by the Governor-in-Council, under s.138 of the RTI Act.

The definition of 'law enforcement agency' in schedule 5 (Dictionary) of the IP Act was amended by the *Civil Proceedings Act 2011* (Qld). This definition, for the purpose of Information Privacy Principle 11(1)(e), now also includes anything that is an 'enforcement body' under the *Privacy Act 1988* (Cth), for example, Customs and the Australian Federal Police, and any state or territory authority with law enforcement responsibilities. Previously, agencies could not rely on Information Privacy Principle 11(1)(e) to give information to law enforcement agencies outside of Queensland.

The *Civil Proceedings Act 2011* (Qld) removed the reference to Tarong Energy Corporation in schedule 2, part 2 item 20 of the RTI Act as this entity was converted to a subsidiary of Stanwell Corporation Limited. Stanwell Corporation remains listed in schedule 2, part 2 of the RTI Act as an entity which the Act does not apply in relation to particular functions.

The definitions of Minister in the RTI Act and IP Act were amended by the *Parliament of Queensland and Other Acts Amendment Act 2012* (Qld) to include an Assistant Minister instead of a Parliamentary Secretary. This reflects the change to the *Constitution of Queensland 2001* (Qld) which allows for the appointment of members of the Legislative Assembly as Assistant Ministers whereas it formerly allowed for the appointment of Parliamentary Secretaries.

Machinery-of-government changes

As of 30 June 2012, OIC has not been affected by machinery-of-government changes.

Service One—An independent, timely and fair review of decisions made under the *Right to Information Act 2009 (Qld)* and the *Information Privacy Act 2009 (Qld)*

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 systems.
- Determine external review applications through formal written decisions.

Service Standard	Targets	Achievements	
		2010-11	2011-2012
Percentage of applicants satisfied with the conduct of the review.	70%	68%	71%
Percentage of agencies satisfied with the review service provided.	75%	96%	98%
Median days to finalise a review.	90 days	77 days	90 days
Percentage of open reviews at the end of reporting period that are more than 12 months old.	0%	3%	1.8%
Number of reviews finalised.	300	394	457
Percentage of reviews resolved informally compared to reviews resolved by written determination.	75%	84%	88%
Percentage of review applications finalised to received.	100%	N/A ⁶	113% ⁷

In 2011–12 OIC conducted external review of decisions made under the RTI Act and IP Act. The process of external review involves independently reviewing certain decisions made by Queensland Ministers, public sector agencies and public authorities about access to information and amendment of personal information.

During the 2011–12 reporting period OIC received 404 applications. This figure is consistent with the significantly higher number of incoming applications since the commencement of the RTI Act and IP Act. Appendix 4 on page 76 displays the number of applications received by year since 2007–08.

Figure 3 depicts the number of review applications finalised by OIC over a five year period. During this reporting period OIC finalised a record number of 457 review applications, significantly more than the annual target of 300 and a further increase

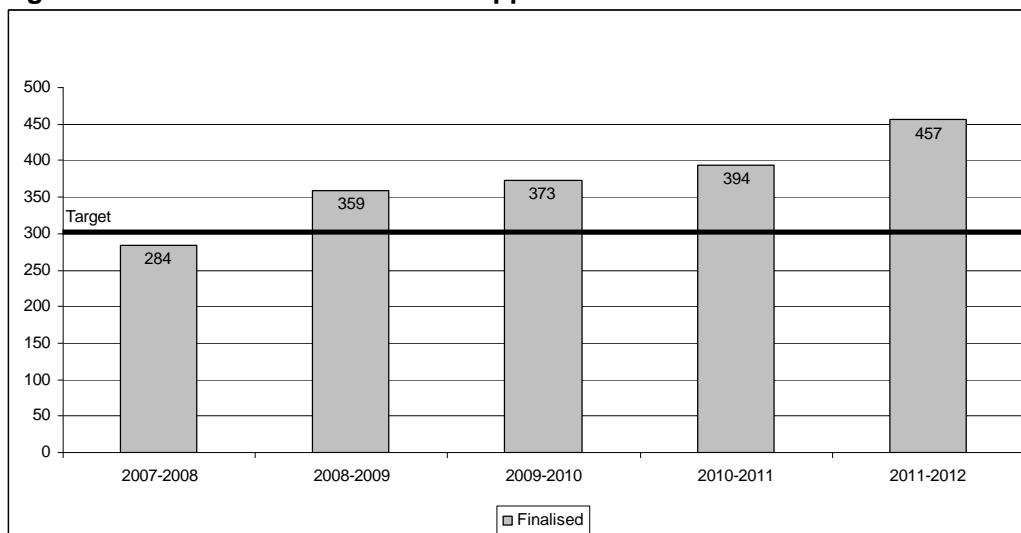
⁶ New measure included in 2011-12 Queensland State Budget – Service Delivery Statements – Office of the Information Commissioner.

⁷ More applications were finalised than received during the reporting period due to carry-over from the previous period.

Service One

on the previous financial year record of 394 closures. The increase can be attributed primarily to increased temporary resources, capitalisation on improved efficiencies in work practices, and the economy that comes from retained expertise due to low turnover and stable team structures.

Figure 3. Number of external review applications finalised



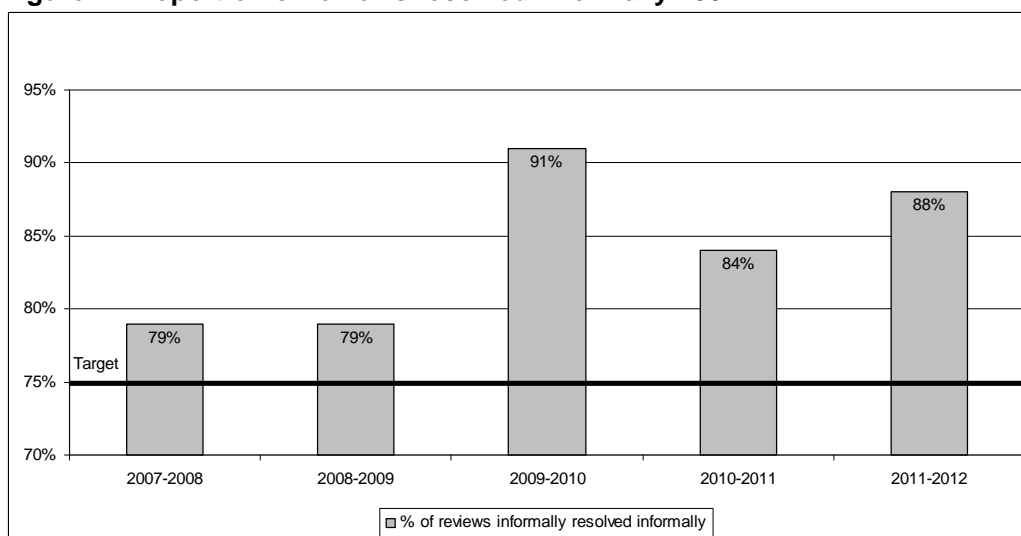
Resolving applications

Applications for external review may be resolved early or determined formally by written decision.

Early resolution

The RTI Act and IP 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 informally each participant is given a notice that the review is complete.

Figure 4. Proportion of reviews resolved informally 2007-12



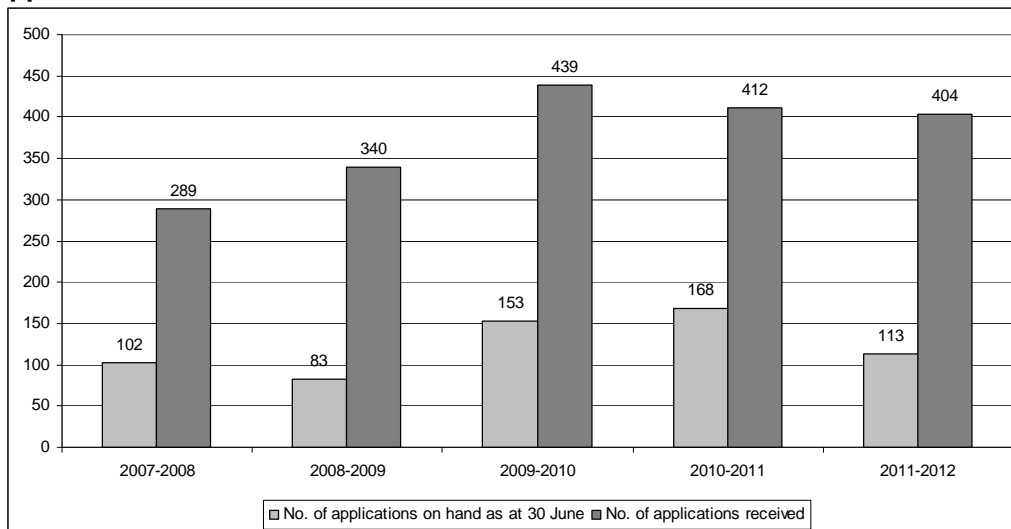
Service One

Resolution of reviews

The percentage of reviews finalised informally during the 2011–12 reporting period was 88% a continuing high rate of informal resolution of reviews exceeding OIC's target of resolving 75% of reviews without a formal decision.

Figure 5 shows that the number of applications on hand at the end of this financial year has reduced from 168 to 113. This result means more files were closed than were received and can be attributed to the record closure figure and a slight reduction in applications received.

Figure 5. The number of open external review applications on hand as at 30 June 2012 and for each of the previous years together with the number of applications received.



External review decisions

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

The Information Commissioner must publish written decisions. Decisions, and reasons for decision, are published on OIC's website, except to the extent they contain exempt information, or are contrary to the public interest.

In 2011–12 OIC made 56 written decisions; 39 of these were made under the RTI Act and 17 of these were made under the IP Act.

"I particularly appreciated the courteous and understanding manner shown by OIC staff. Also plain English talking was good. Staff were also friendly whilst maintaining professionalism and were very knowledgeable..."

(External review applicant feedback)

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

Under s.119 of the RTI Act and s.132 of the IP 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.

Service One

During the 2011–12 reporting period, five appeals were made to QCAT by external review applicants in relation to decisions of the Information Commissioner. As at the date of publication of this report, all appeals remain under consideration by QCAT.

A further appeal was made by an external review applicant in relation to a matter which OIC found that it did not have jurisdiction to review—an agency's decision to amend personal information in a form different to that requested by the applicant. The applicant applied to QCAT for review of the agency's decision. OIC was not joined as a respondent to the appeal. QCAT decided it did not have jurisdiction to consider the appeal and dismissed it on the basis that it lacked substance.

One appeal of a decision of the Information Commissioner, lodged by an external review applicant in 2010–11, was formally decided by QCAT in 2011–12. QCAT dismissed the appeal on the basis that the applicant had not established a question of law. A second appeal, lodged by an external review applicant in 2010–11 was withdrawn by the external review applicant in 2011–12 due to settlement reached in related civil litigation.

Judicial review of decisions

Written decisions of the Information Commissioner may be judicially reviewed by the Queensland Supreme Court under the *Judicial Review Act 1991* (Qld).

No applications for a statutory order of review were made to the Supreme Court during 2011–12.

Applicant satisfaction with the conduct of the review

In 2011–12 applicants were surveyed if their applications for external review 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 surveyed.

Consistent with previous years and applicant feedback:

- 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.

71% of applicants were satisfied overall with the review service provided by OIC in 2011–12, in line with OIC's target of 70%.

Timeliness

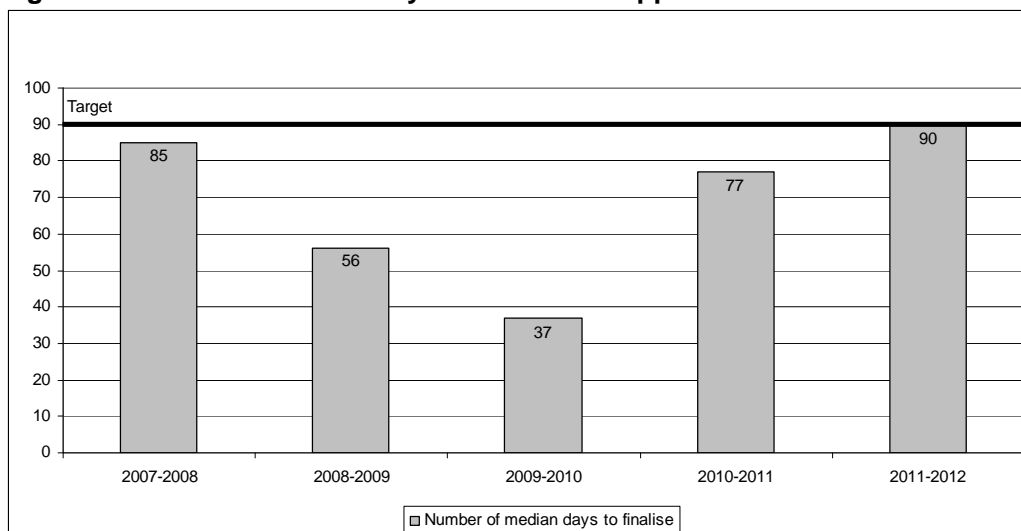
OIC measures its timeliness by calculating the median number of calendar days for an external review to be resolved or finalised. The median number of calendar days for an external review to be finalised was 90 days equal to the performance target. This is a 17% deterioration in timeliness due solely to the increase in demand in earlier years and the consequent higher number of older files processed during the year. The rump of older files was processed during the year, so it is anticipated that the timeliness of external review will improve in 2012–13.

"I am very happy with the promptness an [sic] help. It has made decision making to my complaint more favourable."

(External review applicant feedback)

Service One

Figure 6. Number of median days to finalise an application

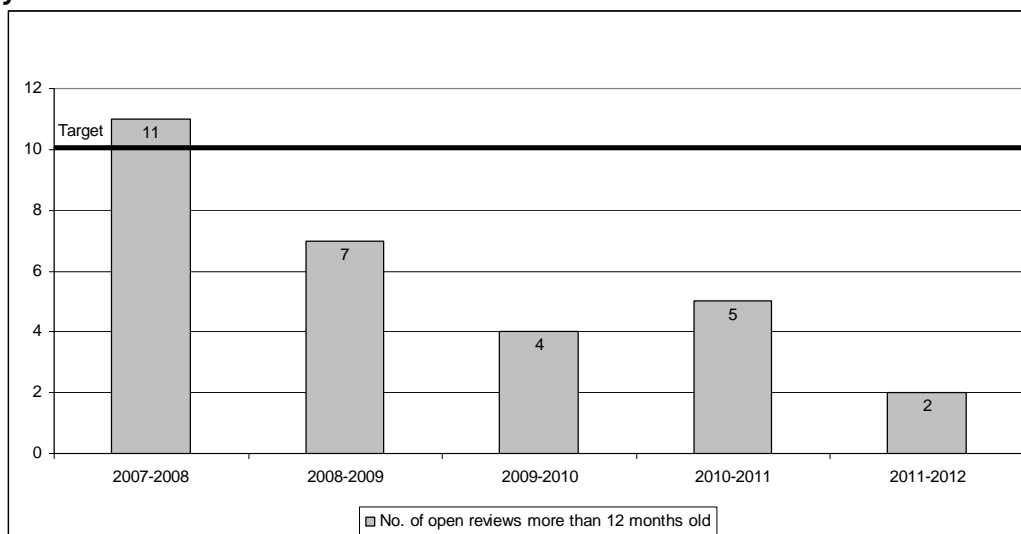


Number of open reviews more than 12 months old at the end of the reporting period

A small number of reviews take an extended period to resolve for a range of reasons, including most often, complexity of the issues. This performance measure was introduced in 2005–06 with a target of having fewer than 10 reviews more than 12 months old. This measure was superseded in the 2011–12 Service Delivery Statement by an amended efficiency measure of 0% as a result of a whole-of-government review process. OIC will continue to report against the old measure in the annual report.

As at 30 June 2012, two reviews more than 12 months old remained open (1.8% of open reviews at the end of the reporting period). This is less than the previous reporting period despite the continuing high number of incoming review applications. The reduction in number of files older than 12 months can be attributed to additional temporary resources, a continued emphasis on early resolution and efforts to project manage and prioritise older files during the reporting period.

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



Service One

Case Study

B and A local council

The applicant applied to a local council for access to examples of CCTV footage taken on council buses. The council expressed concern that any disclosure of the footage may lead to an increased risk of criminal conduct on buses if individuals were able to deduce the camera's capabilities and any deficiencies.

On external review, OIC identified that disclosing much of the CCTV footage would reveal the images of bus passengers and that this compromised their personal information, thereby raising privacy concerns. OIC did, however, identify some parts of the footage in which no individuals appeared. OIC considered that releasing this footage would not, on balance, be contrary to the public interest.

To resolve the review, the council agreed to release a sample of the footage containing no images of passengers. The applicant accepted this in resolution of the review.

Significant external review decisions

In the 2011–12 reporting period, OIC issued two related decisions on applications by a media organisation for information about failed food safety audits and related compliance action for specified food businesses:

- *Food Business and Gold Coast City Council; Seven Network Operations (Third Party)* (310352, 15 September 2011); and
- *Seven Network Operations Limited and Safe Food Production Queensland; Food business (Third Party)* (310277, 10 February 2012).

Both decisions found that releasing the information, would not, on balance, be contrary to the public interest and identified the following public interest factors which significantly favoured disclosure:

- promoting open discussion of public affairs and enhancing government accountability—disclosure of the information was considered to contribute to a greater understanding of the way in which the local council/regulatory agency performs the significant regulatory functions conferred on it; and
- contributing to safe, informed and competitive markets—competitive markets require multiple participants and informed consumers and for this reason, there is a public interest in disclosing the information to consumers.

Vexatious applicant declaration

Under s.114 of the RTI Act and s.127 of the IP Act, the Information Commissioner may declare that a person is a vexatious applicant if satisfied that the person has repeatedly engaged in access actions and the repeated engagement involves an abuse of process for an access action. A declaration can only be made if the respondent is given an opportunity to make written or oral submissions.

In 2011–12, The University of Queensland applied to the Information Commissioner for an individual to be declared a vexatious applicant. The Information Commissioner granted the declaration with the condition that the individual is prohibited from making any further access applications to The University of Queensland concerning any document about him which was brought into existence prior to the date of the declaration. This was the first vexatious applicant declaration made under the RTI Act and IP Act.

Service One

The Information Commissioner considered that the making of 65 access applications to The University of Queensland, including ten applications in a 12 month period, constituted the applicant repeatedly engaged in access actions. The Information Commissioner considered that the following features of the repeated engagement in access actions amounted to an abuse of process:

- multiple and continuing applications over a long period of time, sometimes for the same documents
- unsubstantiated allegations against, and vilification of, the applicant's staff
- abuse of access rights—using documents obtained under the IP Act to purportedly substantiate baseless allegations posted on the respondent's website and to continue long standing and ongoing harassment of the applicant's staff
- unreasonable interference with the applicant's operations; and
- waste of public resources.

Applications for financial hardship status

Under s.67 of the RTI 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 2011–12, the Information Commissioner received four applications for financial hardship status, all of which were granted.

Outlook for 2012–2013

In the coming year we will:

- Continue to enhance dispute resolution approaches and skills within external review.
- Continue to offer the 'Fast Track Negotiation Skills' training package for right to information and information privacy practitioners.
- Develop community guidelines on commonly sought information to assist both agencies and external review in demand management.
- Improve efficiency with the full implementation of easily accessible online information resources, including annotated legislation.
- Maintain an independent, timely and fair review of decisions made under the RTI Act and IP Act.
- Continue to liaise with all stakeholders to improve service delivery across government.
- Monitor the operation of the RTI Act and IP Act to identify any key issues.

Service Two—An independent and timely privacy complaint resolution service

Key activities

- Resolve privacy complaints.

Service Standard	Targets	Achievements	
		2010-11	2011-12
Percentage of complainants satisfied with the conciliation service.	70%	Insufficient Meaningful Data	Insufficient Meaningful Data ⁸
Percentage of agencies satisfied with the privacy service provided.	75%	Insufficient Meaningful Data	100%
Percentage of privacy complaints not formally referred to QCAT for determination.	75%	97%	96%
Median days to finalise a privacy complaint.	90 days	6 days	4 days
Percentage of privacy complaints finalised to received.	100%	N/A ⁹	93%

Under the IP 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 mediate the complaint, or refer a complaint that cannot be resolved through mediation to QCAT. OIC endeavours to resolve all privacy complaints in a timely, effective and efficient manner.

Two complaints were on hand at the beginning of the 2011–12 financial year and 61 complaints were received during the year. Fifty-seven complaints were finalised during the year. OIC again exceeded its target of finalising complaints within 90 days, achieving a median time to finalise a complaint of four days.

“Thank you so much for your response—I appreciate that you took the effort to consider my issue further and give me a timely response.”

(Agency feedback)

“It really is a very draining negative experience to be going through and for your help and guidance I am very grateful.”

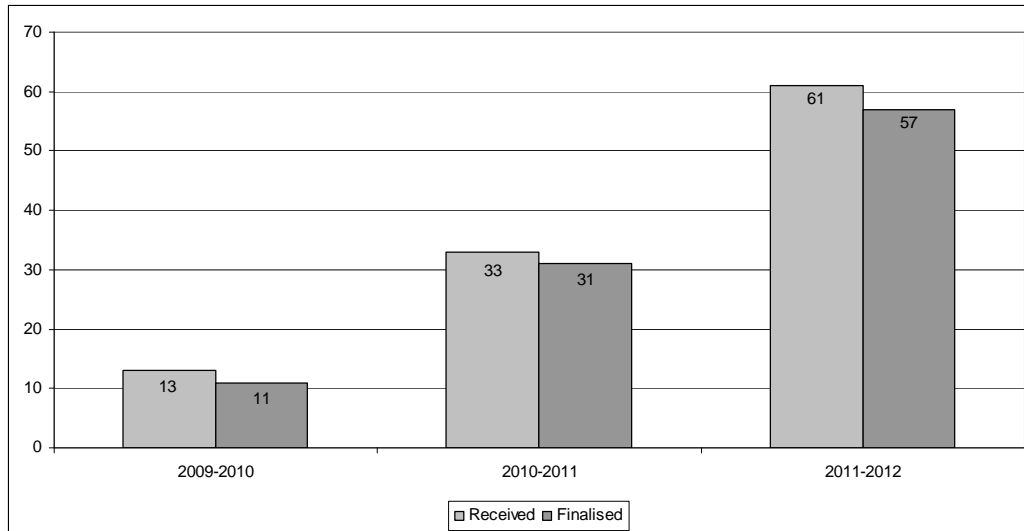
(Privacy complainant feedback)

⁸ The number of complaints received was too low for the measure to be meaningful

⁹ New measure included in 2011-12 Queensland State Budget—Service Delivery Statements—Office of the Information Commissioner.

Service Two

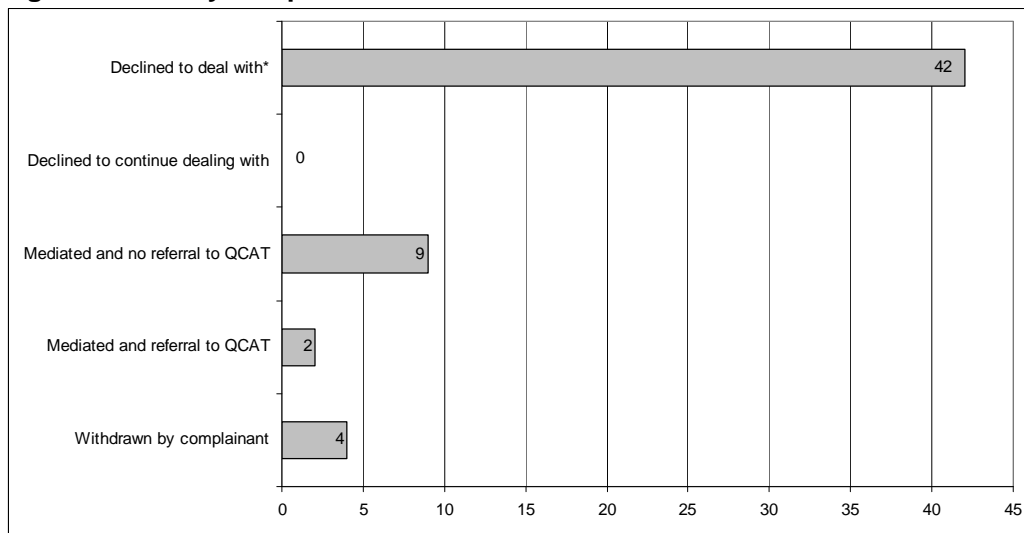
Figure 8. Number of privacy complaints received and finalised by year



The number of complaints received almost doubled compared to the 2010–11 financial year. This indicates a growing awareness about privacy rights. A large proportion of these complaints failed to meet the technical requirements of a privacy complaint under the IP Act. The largest single reason for non-acceptance (32% of all complaints) was 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. The second largest reason for non-acceptance (14.5% of all complaints) was the complaint concerned a private sector body which is not covered under the IP Act.

To assist in remedying this deficiency OIC has, among other measures, re-designed its online form to require complainants to complete a jurisdiction checklist before they fill out the rest of the form to help them decide whether OIC is the right body in which to complain. OIC will produce resources for public sector agencies to support them in providing clearer advice to complainants about their rights and legislative requirements. A breakdown of complaint outcomes are outlined in Figure 9.

Figure 9. Privacy complaints outcome



*The complainant did not meet the requirements of a privacy complaint as set out in Chapter 5 of IP Act. For example, complainant had not complained to the agency first, or complaint concerned non-government entity.

Service Two

Case Study

Complainant and agency

The complainant had made complaints to the agency about a number of issues concerning the complainant's child and estranged partner. The complainant alleged that even though the complaints were between the agency and them, the agency disclosed information concerning the complaints to the complainant's estranged partner. Dissatisfied with the agency's handling of their privacy concerns, the complainant brought the matter to OIC.

Initial inquiries with the respondent agency and the complainant during the complaint mediation process focused on establishing whether the information had in fact passed between the agency and the estranged partner.

In the course of these inquiries, the complainant indicated a strongly-held view that the agency's guidance material on its communication with estranged parents did not sufficiently consider the perspective of both parents but rather favoured the parent who had day-to-day custody of the child.

The Privacy Commissioner made enquiries with the agency as to its resources on this issue. The agency advised that it did have a policy on point and that the policy was currently under review.

OIC enquired of the agency whether, as a way of resolving the complainant's grievance, it would be possible for the complainant to provide a submission for amendment of the policy. The respondent agency agreed to provide the complainant with a copy of the policy (under review) and an opportunity to make comment on it within a reasonable timeframe. The agency was prepared to consider the complainant's submission but not to guarantee that their view would be adopted. The complainant agreed to resolve the complaint on the basis that they were to be given an opportunity to provide feedback on the policy under review.

The agreement reached between the agency and the complainant did not directly address the subject matter of the privacy complaint. However, it was the agency's willingness to engage with the complainant on their core grievance that satisfactorily resolved the complaint.

Outlook for 2012–2013

In the coming year we will:

- Continue to provide an independent and timely privacy complaint resolution service.
- Continue to develop, promote and share information resources with stakeholders.
- Continue to liaise with all stakeholders to improve service delivery across government including better access to information about agency complaint processes.

Service Three—Foster improvements in the quality of practice in right to information and information privacy in Queensland Government agencies

Key Activity

- Deliver and review the OIC training strategy.
- Produce and provide tools and resources.
- Develop and implement a strategy to monitor, audit and report on agencies' compliance with the legislation.

Service Standard	Targets	Achievements	
		2010-11	2011-12
Percentage of agencies satisfied with the information and assistance provided from the OIC.	75%	98%	100%
Percentage of agencies satisfied with the quality of information provided.	75%	96%	98%
No. of training activities provided.	30	38	31
No. of people trained.	500	1,635	1,027
Percentage of course participants satisfied with sessions.	75%	100%	99%
No. of monitoring and compliance activities.	10	102	178

Information and assistance

One of OIC's major functions is to provide information and assistance to agencies, and members of the public, on the interpretation and application of the RTI Act and IP Act.

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 right to information and information privacy legislation. All information resources produced by OIC are published on OIC's website.

OIC has continued to produce information resources to assist in the implementation and ongoing compliance with right to information reforms.

Figure 10 sets out the guidelines published by OIC on its website during 2011–12.

Service Three

Figure 10. Guidelines published by OIC

Guideline	Audience
Access can only be given through a healthcare professional	Community
Accessing personal information from government – a guide for researchers	Community
Applying to access information when incarcerated – a guide for prisoners	Community
Consulting with the Office of the Information Commissioner	Agencies
Deletion of irrelevant information	Agencies
Documents to which the RTI Act and IP Act do not apply	Agencies
Information access requests to the Queensland Police Service	Community
Healthcare decisions	Agencies
Neither confirm nor deny the existence of documents	Agencies
Neither confirm nor deny the existence of documents – a guide for applicants	Community
Protections and offences	Agencies
RTI and documents available through court processes	Agencies
RTI and tendering for government contracts	Agencies
RTI documents held by third party legal providers	Agencies
What does the RTI Act mean for me as a public sector employee?	Agencies
What is an agency?	Agencies
What is personal information?	Agencies

“This particular case had us all scratching our heads—so your advice, knowledge and willingness to help was very much appreciated”

(Agency information manager feedback)

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.

As the number of legal interpretation resources aimed at agency staff is finite, and agencies become more confident about their right to information and information privacy obligations, OIC will concentrate on producing more community oriented and targeted publications to improve public awareness and engagement. Specifically, in 2012–13 OIC will produce resources for agencies to encourage prospective applicants engage with agencies about their information requests before making a formal access application and to better equip prospective applicants to assess the cost benefit of making a formal access application. The guidelines will initially cover categories of documents applicants are never or rarely successful in obtaining. This may reduce the number of formal access applications made to agencies and the number of applications for external review that are made.

“Thanks very much for your valued assistance and great client service demonstrated today—I appreciate it”

(Member of the public feedback)

In addition, OIC has undertaken a widespread and comprehensive review of its existing guidelines to ensure they remain relevant, accurate and useful. To date, over

Service Three

60 guidelines have been reviewed and updated. With over 140 published resources in total, this review will be ongoing in 2012–13.

Performance Monitoring and Reporting

In 2011–12 OIC completed the first two agency right to information and information privacy compliance review reports to parliament in relation to Queensland Health and the Queensland Police Service. A third compliance review of the Department of Transport and Main Roads was completed in 2011–12 and was reported to parliament in July 2012.

In Compliance Review—Queensland Health Review of Queensland Health, Corporate Office, and Metro North and Metro South Health Service Districts' compliance with the Right to Information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld) OIC found Queensland Health was progressing well in meeting its legislative obligations and published a wealth of significant information as a matter of course, including performance information. The handling of applications varied markedly between the three business areas reviewed. This highlighted the challenges for the forthcoming national health reforms in how statewide consistency in delivering right to information and information privacy outcomes to the public will be achieved. Queensland Health accepted the recommendations in full. This report will be followed up in 2012–13, once the national health reforms are implemented.

The second report of an agency compliance review tabled in parliament was *Compliance Review—Queensland Police Service Review of Queensland Police Service Compliance with the Right to Information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld)*. OIC found that the Queensland Police Service had made progress in meeting its legislative obligations, but there were opportunities to improve the strategic management of pro-active release of information, including crime statistics, and to improve compliance with the legislation. The Queensland Police Service accepted the recommendations, and has been providing a quarterly progress report on the implementation of recommendations. OIC is conducting a follow-up review of Queensland Police Service's implementation of the recommendations in 2012–13.

OIC conducted a compliance review of the Department of Transport and Main Roads (TMR). At the end of the financial year, the final report was completed and was being considered by the Department of Transport and Main Roads as part of standard consultation processes. This report was finalised and tabled in parliament in July 2012. OIC found that TMR regularly publishes valuable public sector information as a matter of course, through its publication scheme and disclosure log. OIC found that TMR's approach to handling requests for information is of a high standard, and other agencies should consider adopting their practices as a guide to efficient and client-focused information management. Overall, OIC considered that TMR had an open culture, focused on the release of information to the community. This report will be followed up in 2013.

In 2011–12 OIC conducted a review under the IP Act to assess the extent to which agencies have incorporated the information privacy principles in their use of camera surveillance. This report was also finalised and tabled in July 2012. OIC found that there are more than 20,000 cameras used across the state, by Queensland government agencies, to monitor people in public places. OIC found that ambiguity surrounding management responsibilities of camera surveillance systems represented a risk, which if left unmanaged, could result in a significant privacy breach. OIC recommended that all Queensland government agencies review their camera surveillance systems, and the policies and procedures regarding their governance to improve compliance with the privacy principles under the IP Act.

Service Three

Desktop audits were also conducted during 2011–12 of over 160 agencies to review their websites for compliance with the legislative requirements regarding publication schemes, disclosure logs and specific privacy principles. Most of the agencies reviewed had satisfied basic requirements for publication schemes and disclosure logs, but had opportunities for improvement to achieve full compliance. This audit 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 of these privacy principles.

Three reports for reviews and surveys completed during 2010–11 and presented to the chair of the parliamentary committee were tabled in parliament in early 2011–12. In 2010–11, OIC carried out two surveys to benchmark community and public sector attitudes to the 2009 right to information and information privacy reforms. In 2010–11, OIC also followed up the report, *2010 Review into Translink's Disclosure of go card information to the Queensland Police Service*, which examined TransLink's compliance with the privacy principles. OIC reported TransLink and the Queensland Police Service had advised that they had implemented the recommendations in full. These performance monitoring and reporting activities were reported in detail in the *Office of the Information Commissioner Annual Report 2010-11*.

In 2011–12 OIC published tools on its website to assist agencies to self-monitor their operational compliance with aspects of the RTI Act and IP Act. Agencies can self-monitor the strength of their information management practices against the legislative requirements using the Self-Assessed Electronic Audit Tool available on OIC's website as a checklist for compliance. OIC uses this tool when undertaking compliance audits of agencies.

The second resource is an audit tool which agencies can use to conduct an audit of their website. The Desktop Audit Tool: Agency Website is a Microsoft Office Excel spreadsheet, designed to step agency auditors through a series of questions about an agency's website so that the auditors can assess the website against the requirements of the legislation. The Desktop Audit Tool: Agency Website is publicly available on OIC's website, and OIC has conducted training for agency auditors in the use of the audit tool.

Training

During the 2011–12 reporting period, OIC offered training opportunities to foster improvements in the quality of practice in right to information and information privacy to Queensland government agencies in the form of:

- a series of scheduled training sessions in Brisbane covering a range of topics across right to information and information privacy
- a range of individual courses developed and delivered in metropolitan and regional areas in response to agencies' identified needs; and
- an online Information Privacy Training course for staff of agencies bound by the IP Act, including staff of contracted service providers.

In the reporting period, OIC conducted the following scheduled training:

- general right to information and privacy awareness training
- training for decision-makers
- training for privacy officers
- training on the RTI Act
- training on the IP Act; and
- specific training in right to information and privacy awareness.

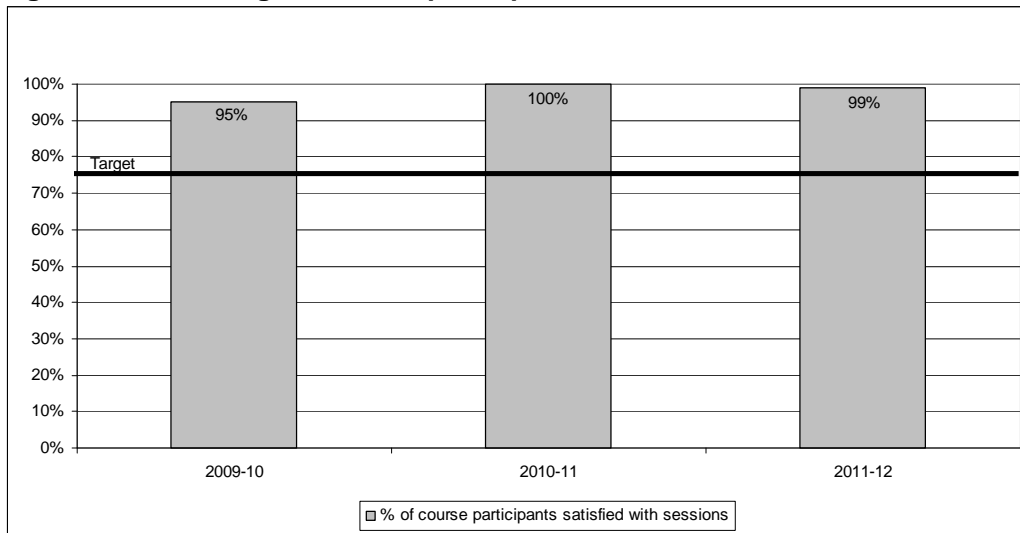
Service Three

The requirements of a client group can vary according to their role. Specific training was developed for law enforcement and compliance officers, customer service officers, human resources officers, senior management personnel and elected officials.

Training offered by OIC is evaluated as part of a desire for continuous improvement. Course participants provide OIC with feedback including their level of satisfaction with the training session. In the reporting period 99% of participants were satisfied with the training provided. Figure 11 displays OIC annual training satisfaction levels against the service standard target over a three year period.

"Your session is still the best I have ever attended (for any educational topic, period) and I have found the practical information and notes useful in so many situations. Thank you!"
(Training participant feedback)

Figure 11. Percentage of course participants satisfied with sessions



The tailored training package for information practitioners called 'Fast Track Negotiation Skills' was delivered for the first time during this reporting period. The training course was met with high demand and received excellent feedback. Examples include:

"I understand why applicants behave and react the way they do - understanding underlying causes is a great tool"

"The course was, not to put too fine a point on it, a revelation which has served me not just here in the RTI workplace but in almost every other sphere."

"Excellent content and presenters - sensational!"

(Feedback from training participants)

Service Three

The training recognises that facilitating access to information often involves a series of rapid negotiations with a range of internal and external stakeholders. It also acknowledges that negotiations deal with highly sensitive issues in a time critical and legally complex setting. The training course supports practitioners with tools and strategies to effectively negotiate with stakeholders even when confronted with unreasonable behaviour. Adopting such strategies enables agencies to deal with applications more efficiently, in a client-focused manner and with better outcomes and lower costs. Such practices can also reduce demand for formal applications under the legislation, consistent with the objectives of the RTI Act that such applications be made as a last resort. This training is also likely to reduce external review demand as a result.

In 2011–12 OIC launched the first of a suite of online training courses with an online information privacy course for all public sector employees and interested members of the community. The online course provides greater access to training opportunities for public sector employees or community members interested in learning more about the IP Act. The training offers an individual or agency with access to a low-cost, flexible learning pathway for those unable to attend face-to-face training sessions. Since launching in mid May, the course has received 1074 enrolments from metropolitan and regional areas.

Additional online courses are being developed and will eventually form a suite of training products, which includes specific information privacy training for health agencies, right to information general awareness training and information obligations for public sector employees. Agencies across the public sector have been encouraged to incorporate this training into their staff induction process and annual compliance regime.

Outlook for 2012–13

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 better practices 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 the effectiveness and efficiency of service delivery across government in particular frontline services
- Develop and implement additional online training courses in relation to information rights and obligations.
- Encourage agency staff to undertake OIC online training.

Service Four—Promote the principles and practices of right to information and information privacy in the community and within government

Key activity

- Develop and implement a communication strategy that informs and educates agencies and the community about information rights and responsibilities.
- Increase agency and community awareness of our role and services.
- Provide expert advice and assistance to the community and agencies through the enquiries service and the website.

Service Standard	Targets	Achievements	
		2010-11	2011-12
No. of awareness activities conducted.	190	542	557
No. of enquiry (written and oral) responses.	2500	4078	3459
No. of website visits.	80,000	75,165	64,173

Promoting through the internet

During the reporting period, OIC's website underwent a number of enhancements to increase usability and accessibility to resources and tools. The improvements adhere to the Queensland Government Consistent User Experience Standard with content primarily arranged into three key sections: Online services; Information for; and Information about. By moving to a more user-centric layout, visitors can choose to access relevant information based on their interests or obligations.

The site has a number of new features, including:

- improved online services featuring a privacy complaint form
- a better ability to share content through social media and email
- the ability to collaborate, consult and participate in two-way discussions, giving people a say on issues affecting their local community
- improved site searching
- access to annotated legislation to provide critical or explanatory notes relevant to information rights; and
- dedicated pages and resources for information rights practitioners, public sector employees, community members, media and students/researchers.

To improve our services, we have collated and organised in one online location, our research tools and information resources, case law and external review decisions. In placing our information on our website, we are fulfilling obligations to publish significant information holdings and to use the information strategically.

Social media remains a valuable tool with a dedicated YouTube Channel, Twitter feed and regular really short syndication (RSS) feeds to increase communication opportunities. In the 2011–12 reporting period OIC's Twitter account @qld_oic posted a total of 464 tweets, and a total of 61 posts via the 'What's New' RSS feed.

There were 64,173 visits to OIC's website during the reporting period.

Service Four

Promoting through other avenues

During the year, OIC informed agencies and the community about information rights and responsibilities through a range of communication activities including radio interviews, lectures, seminars, articles, submissions and presentations.

OIC made submissions and public comment on a range of issues at the state and commonwealth level including a Submission to the Department of Health and Ageing on the Personally Controlled Electronic Record System Legislation Issue Paper (13 August 2011), Draft Rail Safety National Law Bill and Regulations (12 August 2011), Proposed National Transport Laws 2011: Issue Paper by DLA Piper—Oversight provisions under the Heavy Vehicle National Law, Future COAG Regulatory Reform Agenda Stakeholder Consultation Paper, and Statutory Cause of Action for Serious Invasion of Privacy (7 November 2011).

OIC again participated in Privacy Awareness Week (PAW), as an active member of the Asian Pacific Privacy Authorities, under the slogan 'Protect. Detect. Correct.', OIC raised awareness among the public sector and community by producing and distributing a range of resources including a series of infographic posters displayed on Brisbane City Council and Cairns City Council buses promoting privacy rights and responsibilities.

The third annual Solomon Lecture, hosted by OIC, was delivered at the Gallery of Modern Art, South Bank, on 27 September. Economist and former chair of the Gov 2.0 Taskforce, Dr. Nicholas Gruen presented a lecture entitled Government in the age of Web 2.0: Connect, Engage, Innovate, which was published on OIC's website via the OIC YouTube channel. The Solomon Lecture is a public event.

The following day, 28 September, OIC joined with partner agencies to hold a free breakfast panel discussion on the topic of Liberating digital content: the challenges and opportunities of open government. This event coincided with international celebrations marking Right to Know Day.

Panel members consisted of:

- Ms. Ann Steward, Australian Government Chief Information Officer of the Australian Government Information Management Office, Department of Finance and Deregulation
- Ms. Janet Prowse, Executive Director and State Archivist, Queensland State Archives
- Mr. Rory McLeod, Director, Client Services and Collections, State Library of Queensland; and
- Dr. Paul Campbell, Executive Officer, Queensland ICT Industry Workgroup.

These two public events, attended by over 200 people, aimed to influence cultural change within the public sector and raise awareness of every individual's right of access to government-held information and the need for government to release information as a matter of course unless there is a good reason not to. OIC published videos and Microsoft Office PowerPoint presentations from these events, and more, on its dedicated YouTube channel.

OIC hosted a series of workshops presented by Mr. Andrew Stott, former Director for Transparency and Digital Engagement for the United Kingdom Government. Mr. Stott spoke to more than 100 Queensland government information, communication and right to information officers about his experience in implementing the United Kingdom's program of transparency and open data.

Service Four

As government services are increasingly offered online it is important that people, especially young people, develop privacy awareness, including, skills to protect their personal information. To address this, OIC conducted privacy awareness activities amongst Queensland's secondary school students (aged 15–18). A teaching module was developed for teachers to discuss with their students what 'privacy' means in today's information age. Through a range of individual, group, and class activities, students explored privacy-related themes specific to social networking, mobile devices and cyber security.

OIC, in partnership with ANZSOG, developed a series of research papers to highlight the benefits of increased transparency in government. The Transparency Series brings together a broad network of experienced policy-makers and practitioners, public servants, leading academic thinkers, and other experts, to advise how government can best adopt cultures of transparency to improve service delivery in the public interest.

The first four papers in the Transparency Series examine the beneficial effects of greater transparency on public sector performance, productivity and policy implementation. The papers are available at <http://www.anzsog.edu.au/research/publications/other-publications>

Enquiries Service

Agency staff and members of the public use the Enquiries Service to ask questions about access to information, and the interpretation and application of the RTI Act and IP Act. Queries range from requests for copies of the approved access application form to complex legal questions about the meaning and application of particular sections of the legislation.

Figure 12 sets out the number and nature of enquiries handled by the OIC's Enquiries Service in 2011–12:

Figure 12. OIC enquiry service

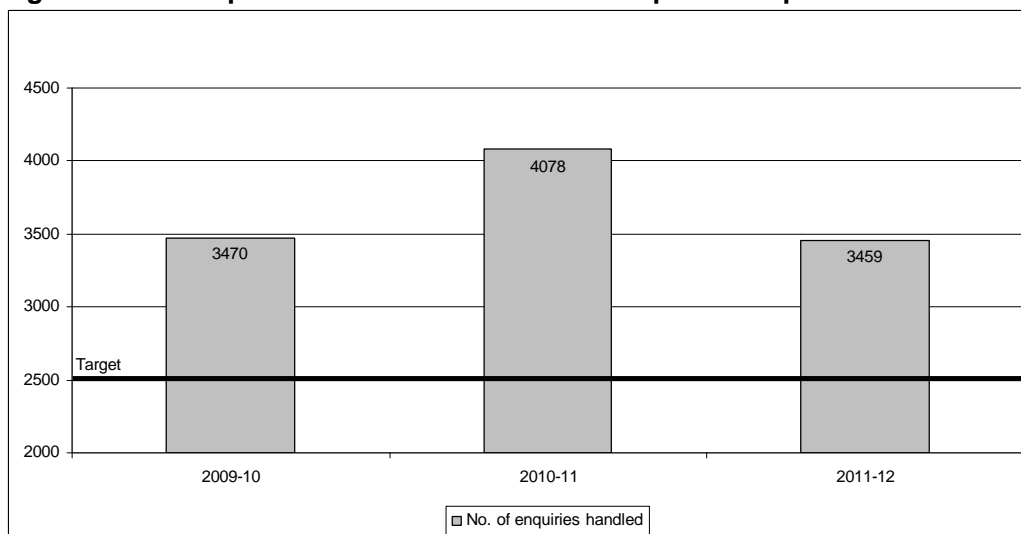
Type of enquiry	Number
Telephone	2,823
Email	562
Letter/fax	74
Total	3,459

“Thank you for your detailed response. This provides a good explanation which should help... officers in dealing with these types of enquiries”
(Agency feedback)

Demand for advice and assistance from the Enquiries Service has continued to exceed expectations. In the third year of operation enquiries from both members of the public and agencies were similar in number to 2009–10, but more complex in nature than in previous years. This may indicate that right to information and information privacy are becoming more established as essential, business-as-usual functions of agencies, and that members of the community are better informed about their information access rights. The complexity of enquiries also reflects that while people can now access an extensive suite of information resources on the OIC website, they will continue to require advice and assistance in relation to the application of specific and complex aspects of right to information and information privacy law and practice to particular circumstances.

Service Four

Figure 13. The expected and actual number of enquiries responded to



During 2011–12, the highest number of enquiries related to right to information, with information privacy (access and amendment) the second-most common. Enquiries relating to privacy complaints were also regularly received.

Outlook for 2012–13

In the coming year we will:

- Continue to promote the principles and practices of the RTI Act and IP Act, with a particular focus on community-orientated resources.
- 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.
- Continue to raise awareness of our role and services throughout the community and government.

Financial performance

Financial Statement 2011–12

Financial statements are formal records of an organisation's financial activities and provide an overview of our short and long-term financial condition. The financial statements consist of four major elements: the Statement of Comprehensive Income (see page 40), Statement of Financial Position (see page 41), Statement of Changes in Equity (see page 42) and Statement of Cash Flows (see page 43).

These financial statements cover the Office of the Information Commissioner.

Financial Position

The OIC was established under the repealed *Freedom of Information Act 1992* (Qld) and continues under the *Right to Information Act 2009* (Qld) with grant funding from the Queensland Government provided through the Department of Justice and Attorney-General. Our 2011–12 total appropriation was \$6.023M.

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 2011–12 financial result was achieved at a time when the OIC received a high number of access applications.

Financial Outlook

Figure 14. Five year comparison of revenue versus expenses (\$'000)

	2007–08	2008–09	2009–10	2010–11	2011–12
Appropriation	2,070	3,783	8,072	5,944	6,023
Other Revenue	28	48	161	275	279
Employee expenses	1,303	2,122	3,411	4,234	4,399
Supplies and services	368	720	1,160	1,407	1,138
Depreciation and amortisation	127	114	115	165	108
Other expenses	11	19	13	64	17
Surplus (Deficit)	289	856	3,541	473	640

Note 1: Increased appropriation for 2008–09, 2009–10 and 2010–11 financial years due to implementation phase for new RTI and IP Acts and changed staffing profile reflecting new functions introduced under the acts.

Note 2: The 2009–10 revenues and expenses published in the OIC Annual Report 2010–11 were based on Service Delivery Statement estimates. The figures have been updated in this report to reflect revenues and expenses contained in the certified Financial Statements. The 2010–11 figures have been updated to accurately reflect the figures contained in the certified Financial Statements.

**OFFICE OF THE INFORMATION COMMISSIONER
QUEENSLAND
FINANCIAL STATEMENTS**

for the financial year ended 30 June 2012

Office of the Information Commissioner Financial Statements 2011-12

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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 or visit the Office internet site www.oic.qld.gov.au.

**Statement of Comprehensive Income
for the year ended 30 June 2012**

	Notes	2012 \$'000	2011 \$'000
Income from Continuing Operations			
Revenue			
Grants and other contributions	2	6,023	5,944
User charges	3	-	124
Other revenue	4	279	275
Total Income from Continuing Operations		6,302	6,343
Expenses from Continuing Operations			
Employee expenses	5	4,399	4,234
Supplies and services	7	1,138	1,407
Depreciation	8	108	165
Other expenses	9	17	64
Total Expenses from Continuing Operations		5,662	5,870
Operating Result from Continuing Operations		640	473
Total Other Comprehensive Income		-	-
Total Comprehensive Income		640	473

The accompanying notes form part of these statements.



OFFICE OF THE INFORMATION COMMISSIONER
Statement of Financial Position
as at 30 June 2012

	Notes	2012 \$'000	2011 \$'000
Current Assets			
Cash and cash equivalents	10	5,988	5,298
Receivables	11	45	40
Other	12	27	35
Total Current Assets		<u>6,060</u>	<u>5,373</u>
Non Current Assets			
Plant and equipment	13	603	674
Total Non Current Assets		<u>603</u>	<u>674</u>
Total Assets		<u>6,663</u>	<u>6,047</u>
Current Liabilities			
Payables	14	96	104
Accrued employee benefits	15	314	302
Total Current Liabilities		<u>410</u>	<u>406</u>
Non Current Liabilities			
Accrued employee benefits	15	65	78
Total Non Current Liabilities		<u>65</u>	<u>78</u>
Total Liabilities		<u>475</u>	<u>484</u>
Net Assets		<u>6,188</u>	<u>5,563</u>
Equity			
Contributed equity		-	-
Retained surpluses		6,188	5,563
Total Equity		<u>6,188</u>	<u>5,563</u>

The accompanying notes form part of these statements.



OFFICE OF THE INFORMATION COMMISSIONER
Statement of Changes in Equity
for the year ended 30 June 2012

	Accumulated Surpluses		Contributed Equity		TOTAL	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
Balance as at 1 July	5,563	5,134	-	(44)	5,563	5,090
Adjustment to Opening Balance	-	(44)	-	44	-	-
Operating Result from Continuing Operations	640	473	-	-	640	473
<i>Transactions with Owners as Owners:</i>						
- Net leave liabilities transferred to/from other agencies	(15)	-	-	-	(15)	-
Balance as at 30 June	6,188	5,563	-	-	6,188	5,563

The accompanying notes form part of these statements.



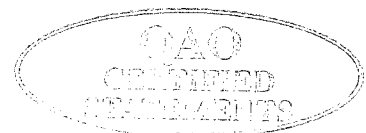
OFFICE OF THE INFORMATION COMMISSIONER

Statement of Cash Flows

for the year ended 30 June 2012

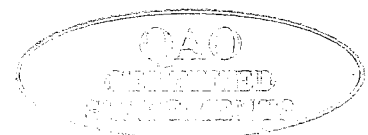
	Notes	2012 \$'000	2011 \$'000
Cash flows from operating activities			
<i>Inflows:</i>			
Grants and other contributions		6,023	5,944
GST input tax credits from ATO		135	282
GST collected from customers		(4)	39
Other		280	400
<i>Outflows:</i>			
Employee expenses		(4,421)	(4,130)
Supplies and services		(728)	(1,193)
GST remitted to ATO		(2)	(72)
GST paid to suppliers		(129)	(220)
Other		(427)	(475)
Net cash provided by (used in) operating activities	16	<u>727</u>	<u>575</u>
Cash flows from investing activities			
<i>Outflows:</i>			
Payments for plant and equipment		<u>(37)</u>	<u>(698)</u>
Net cash provided by (used in) investing activities		<u>(37)</u>	<u>(698)</u>
Net increase (decrease) in cash and cash equivalents		690	(123)
Cash and cash equivalents at beginning of financial year		5,298	5,421
Cash and cash equivalents at end of financial year	10	<u><u>5,988</u></u>	<u><u>5,298</u></u>

The accompanying notes form part of these statements.



OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12

	Objectives and Principal Activities of the Office of the Information Commissioner
Note 1	Summary of Significant Accounting Policies
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Note 3	User Charges
Note 4	Other Revenues
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Note 6	Key Executive Management Personnel and Remuneration
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Note 20	Events Occurring after Balance Date



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 2012, 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.



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 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 receipted 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 2012 (refer to note 11).

The collectability of receivables is assessed periodically with provision being made for impairment. There were no bad debts as at 30 June 2012.

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.



h) Plant and Equipment (continued)

Plant and equipment \$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 Queensland 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.

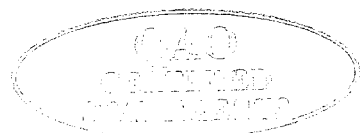
For each class of depreciable asset the following depreciation rates are used:

Class	Rate %
Plant and equipment	13 – 20%

k) Impairment of Non-Current Assets

All non-current physical assets are assessed for indicators of impairment on an annual basis. If an indicator of possible impairment exists, the Office of the Information Commissioner determines the assets recoverable amount. 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.



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 within 30 days.

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:

- o Cash and cash equivalents – held at fair value through profit and loss
- o Receivables – held at amortised cost
- o 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.

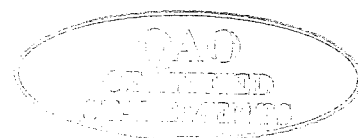
o) Employee Benefits

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



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 section 5 of the Financial Reporting Requirements for Queensland Government Agencies issued by Queensland Treasury. Refer to note 6 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.

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 (FBT) 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 recognised (refer to note 11).

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

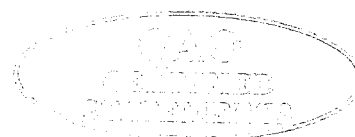
Amounts included in the financial statements are in Australian dollars and have been rounded to the nearest \$1,000 or, where that amount is \$500 or less, to zero, unless disclosure of the full amount is specifically required.

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 2011-12. Australian accounting standard changes applicable for the first time for 2011-12 have had minimal effect on the Office of the Information Commissioner's financial statements, as explained 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]* became effective from reporting periods beginning on or after 1 January 2011. Given the Office of the Information Commissioner's existing financial instruments, there was only a minor impact on the statutory body's financial instruments note (note 19), in relation to disclosures about credit risk. That note no longer needs to disclose amounts that best represent the maximum exposure to credit risk where the carrying amount of the instruments already reflects this. As this was the case with all the statutory body's receivables as at 30 June 2012 (and as at 30 June 2011), receivables are not included in the credit risk disclosure in this year's financial statements.



u) New and Revised Accounting Standards (continued)

As the Office of the Information Commissioner held no collateral or other credit enhancements in respect of its financial instruments and did not renegotiate the terms of any financial assets, during the reporting periods presented in these financial statements, there were no other changes required to the statutory body's financial instruments note arising from the amendments to AASB 7 Financial Instruments: Disclosures.

AASB 1054 *Australian Additional Disclosures* became effective from reporting periods beginning on or after 1 July 2011. Given the Office of the Information Commissioner's previous disclosure practices, AASB 1054 had minimal impact on the Statutory Body. One of the footnotes to note 9 Other Expenses, regarding audit fees, has been slightly amended to identify the department's auditor and clarify the nature of the work performed by the auditor.

AASB 2011-1 *Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project* [AASB 1, AASB 5, AASB 101, AASB 107, AASB 108, AASB 121, AASB 128, AASB 132 & AASB 134 and Interpretations 2, 112 & 113] also became effective from reporting periods beginning on or after 1 July 2011. The only potential implication for the Office of the Information Commissioner from this amending standard was the deletion from AASB 101 *Presentation of Financial Statements* of the requirement for disclosure of commitments. However, Treasury Department's Financial Reporting Requirements require continuation of commitments disclosures, so this deletion from AASB 101 has no impact on the Office of the Information Commissioner's commitments note (note 17).

The Office of the Information Commissioner is not permitted to early adopt a new accounting standard ahead of the specified commencement date unless approval is obtained from the Treasury Department. Consequently, the Office of the Information Commissioner has not applied any Australian accounting standards and interpretations that have been issued but are not yet effective. The Office of the Information Commissioner will apply these standards and interpretations in accordance with their respective commencement dates.

At the date of authorisation of the financial report, the expected impacts of new or amended Australian accounting standards with future commencement dates are as set out below.

AASB 2011-9 *Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income* [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 & 1049] applies as from reporting periods beginning on or after 1 July 2012. The only impact for the Office of the Information Commissioner will be that, in the Statement of Comprehensive Income, items within the "Other Comprehensive Income" section will need to be presented in different sub-sections, according to whether or not they are subsequently re-classifiable to the operating result. Whether subsequent reclassification is possible depends on the requirements or criteria in the accounting standard/interpretation that relates to the item concerned.

AASB 13 *Fair Value Measurement* applies from reporting periods beginning on or after 1 January 2013. AASB 13 sets out a new definition of "fair value", as well as new principles to be applied when determining the fair value of assets and liabilities. The new requirements will apply to all of the Office of the Information Commissioner's assets and liabilities (excluding leases) that are measured and/or disclosed at fair value or another measurement based on fair value. The potential impacts of AASB 13 relate to the fair value measurement methodologies used, and financial statement disclosures made in respect of, such assets and liabilities.



u) New and Revised Accounting Standards (continued)

The Office of the Information Commissioner has commenced reviewing its fair value methodologies (including instructions to valuers, data used and assumptions made) for all items of property, plant and equipment measured at fair value to determine whether those methodologies comply with AASB 13. To the extent that the methodologies do not comply, changes will be necessary. While the Statutory Body is yet to complete this review, no significant changes are anticipated, based on the fair value methodologies presently used. Therefore, at this stage, no consequential material impacts are expected for the Office of the Information Commissioner's plant and equipment as from 2013-14.

AASB 13 will require an increased amount of information to be disclosed in relation to fair value measurements for both assets and liabilities. To the extent that any fair value measurement for an asset or liability uses data that is not "observable" outside the Statutory Body, the amount of information to be disclosed will be relatively greater.

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, measurement and disclosures associated with financial assets. Under the new requirements, financial assets will be more simply classified according to whether they are measured at 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 assets in order to collect contractual cash flows. 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.

The Office of the Information Commissioner has commenced reviewing the measurement of its financial assets against the new AASB 9 classification and measurement requirements. However, as the classification of financial assets at the date of initial application of AASB 9 will depend on the facts and circumstances existing at that date, the statutory body's conclusions will not be confirmed until closer to that time. At this stage, and assuming no change in the types of transactions the Office of the Information Commissioner enters into, it is not expected that any of the statutory body'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 statutory body's financial assets are expected to be required to be measured at fair value, and classified accordingly (instead of the measurement classifications presently used in notes 1(n) and 19. The same classification will be used for net gains/losses recognised in the Statement of Comprehensive Income in respect of those financial assets. In the case of the statutory body's current receivables, as they are short-term in nature, the carrying amount is expected to be a reasonable approximation of fair value.

A revised version of AASB 119 *Employee Benefits* applies from reporting periods beginning on or after 1 January 2013. The revised AASB 119 is generally to be applied retrospectively. Given the Office of the Information Commissioner's circumstances, the only implications for the Statutory Body are that the revised standard clarifies the concept of "termination benefits", and the recognition criteria for liabilities for termination benefits will be different. If termination benefits meet the timeframe criterion for "short-term employee benefits", they will be measured according to the AASB 119 requirements for "short-term employee benefits". Otherwise, termination benefits will need to be measured according to the AASB 119 requirements for "other long-term employee benefits". Under the revised standard, the recognition and measurement of employer obligations for "other long-term employee benefits" will need to be accounted for according to most of the requirements for defined benefit plans.

u) New and Revised Accounting Standards (continued)

The revised AASB 119 includes changed criteria for accounting for employee benefits as "short-term employee benefits". However, as the Office of the Information Commissioner is a member of the Queensland Government central schemes for long service leave; this change in criterion has no impact on the statutory body's financial statements, as the employer liability is held by the central scheme. The revised AASB 119 also includes changed requirements for the measurement of employer liabilities/assets arising from defined benefit plans, and the measurement and presentation of changes in such liabilities/assets. The Office of the Information Commissioner only contributes to the QSuper defined benefit plan, and the corresponding QSuper employer benefit obligation is held by the State. Therefore, those changes to AASB 119 will have no impact on the Statutory Body.

AASB 1053 *Application of Tiers of Australian Accounting Standards* applies as from 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.

Details of which disclosures in standards and interpretations are not required under tier 2 reporting are set out in amending standards AASB 2010-2, AASB 2011-2, AASB 2011-6 and AASB 2011-11 (which also apply from reporting periods beginning on or after 1 July 2013). However, Treasury Department's Financial Reporting Requirements effectively do not allow application of AASB 2011-6 in respect of controlled entities, associates or interests in jointly controlled entities.

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, Treasury Department is the regulator. Treasury Department has advised that its policy decision is to require adoption of tier 1 reporting by all Queensland Government departments and statutory bodies (including the Office of the Information Commissioner) that are consolidated into the whole-of-Government financial statements. Treasury's policy also prohibits the early adoption of the arrangements outlined in AASB 1053 and its accompanying amending standards. Therefore, the release of AASB 1053 and associated amending standards will have no impact on the Office of the Information Commissioner.

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

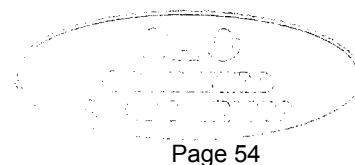
OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12

	2012 \$'000	2011 \$'000
2. GRANTS AND OTHER CONTRIBUTIONS		
Grants [#]	6,663	5,944
Less funds retained for equity withdrawal	(640)	-
Total	6,023	5,944
[#] Non-reciprocal grant is received from Department of Justice and Attorney-General and it has been recognised in its entirety upon receipt.		
3. USER CHARGES		
Sale of Goods and Services	-	124
Total	-	124
4. OTHER REVENUES		
Interest	276	275
Conferences/Functions	3	-
Total	279	275
5. EMPLOYEE EXPENSES		
Employee Benefits		
Wages and salaries	3,230	3,055
Employer superannuation contributions [*]	429	396
Annual leave expense [*]	331	348
Long service leave levy [*]	66	82
Other employee benefits	56	57
Employee Related Expenses		
Payroll Tax [*]	192	182
Staff recruitment expenses	7	15
Staff professional development	39	64
Fringe Benefit Tax	28	22
Workers' compensation premium [*]	17	10
Other employee related expenses	4	3
Total	4,399	4,234

^{*} Refer to Note 1(o).

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

Number of Employees:	34.1	32.3
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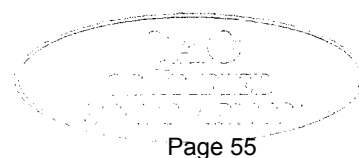
**OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12**

6. KEY EXECUTIVE MANAGEMENT PERSONNEL AND REMUNERATION

(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 2011-12. 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 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; SES 3.5 equivalent; 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; SES 2.2 equivalent; appointed by the Governor in Council	Appointed 22/04/2010 & resigned 31 October 2011.
A/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; SES 2.2 equivalent; appointed by the Governor in Council	3/11/2011
Right To Information (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; SES 2.2 equivalent; appointed by the Governor in Council	4/10/2010



**OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12**

6. KEY EXECUTIVE MANAGEMENT PERSONNEL AND REMUNERATION (CONTINUED)

(a) Key Executive Management Personnel (continued)

Position	Responsibilities	Current Incumbents	
		Contract classification and appointment authority	Date appointed to position (Date resigned from position)
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; SES 2.2 equivalent; appointed by the Governor in Council	4/10/2010
Manager, Corporate and Executive Services (MCES)	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; AO8	11/05/2011
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; SO	16/11/2006



OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12

6. KEY EXECUTIVE MANAGEMENT PERSONNEL AND REMUNERATION (CONTINUED)

(b) Remuneration

The remuneration and terms of employment for statutory office holders in key executive management positions are set by Governor in Council and are equivalent to those set by the Queensland Public Service Commission.

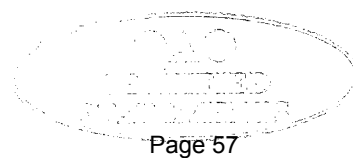
Remuneration policy for the agency's key executive management personnel in non-statutory office holder positions is set by the Queensland Public Service Commission as provided for under the Public Service Act 2008.

For the 2011-12 year, remuneration of key executive management personnel increased by 2.5% 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 receive performance incentive payments in the Office of the Information Commissioner.



**OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12**

2011-12

Position	Short Term Employee Benefits		Long Term Employee Benefits	Post Employment Benefits	Total
	Base	Non-Monetary			
	\$'000	\$'000	\$'000	\$'000	\$'000
Information Commissioner	184	33	5	23	245
Privacy Commissioner	38	4	(2)	4	44
A/Privacy Commissioner	126	8	3	14	151
RTI Commissioner	127	10	3	13	153
RTI Commissioner	56	10	2	6	74
Manager, Corporate and Executive Services (MCES)	107	-	3	13	123
First Assistant Information Commissioner	81	-	-	10	91
Total Remuneration	719	65	14	83	881

2010-11

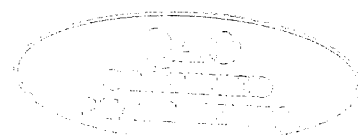
Position	Short Term Employee Benefits		Long Term Employee Benefits	Post Employment Benefits	Total
	Base	Non-Monetary			
	\$'000	\$'000	\$'000	\$'000	\$'000
Information Commissioner	184	24	5	22	235
Privacy Commissioner	160	4	3	16	183
RTI Commissioner	79	2	1	7	89
RTI Commissioner	75	2	1	7	85
Manager, Corporate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



OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12

	2012 \$'000	2011 \$'000
7. SUPPLIES AND SERVICES		
Operating lease rentals	456	507
Contractors	147	220
Corporate services	161	178
Minor equipments & office maintenance	66	110
Communications and utilities	99	101
Legal fees	3	108
Functions	96	59
Travel	22	21
Consumables	12	14
Other	76	89
Total	1,138	1,407
8. DEPRECIATION		
Depreciation was incurred in respect of:		
Leasehold improvements	102	147
Computer equipment	4	9
Office equipment	2	9
Total	108	165
9. OTHER EXPENSES		
Losses from disposal of plant & equipment	-	44
Insurance premiums - QGIF	3	3
External audit fees*	14	17
Total	17	64

* Total external audit fee relating to the 2011-12 financial year are estimated to be \$14,500 (2011: \$14,500). There are no non-audit services included in this amount.



OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12

	2012 \$'000	2011 \$'000
10. CASH AND CASH EQUIVALENTS		
Cash at bank *	5,988	5,298
Total	5,988	5,298
* The operating surplus in the amount of \$0.64M will be returned to Queensland Treasury in October 2012.		
11. RECEIVABLES		
GST receivable	19	25
GST payable	-	(6)
Long service leave reimbursements	8	-
Interest receivable	18	21
Total	45	40
12. OTHER CURRENT ASSETS		
Prepayments	27	35
Total	27	35
13. PLANT AND EQUIPMENT		
Plant and equipment *	837	836
Less accumulated depreciation	(234)	(162)
Total	603	674

* Total plant and equipment includes Leasehold Improvements with a net value of \$553,000.

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

Plant and Equipment Reconciliation

	\$'000
Carrying Amount at 1 July 2011	674
Acquisitions	37
Disposals	0
Depreciation	(108)
Carrying Amount at 30 June 2012	603
	\$'000
Carrying Amount at 1 July 2010	185
Acquisitions	749
Disposals	(560)
Depreciation	300
Carrying Amount at 30 June 2011	674

OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12

	2012 \$'000	2011 \$'000
14. PAYABLES		
Trade creditors	76	85
Sundry payables	17	19
Parental Leave Payments	3	-
Total	96	104
15. ACCRUED EMPLOYEE BENEFITS		
Current		
Recreation leave	314	302
Total	314	302
Non-Current		
Recreation leave	65	78
Total	65	78
16. RECONCILIATION OF OPERATING SURPLUS TO NET CASH FROM OPERATING ACTIVITIES		
Operating surplus/(deficit)	640	473
Depreciation expense	108	165
Loss from disposal of plant and equipment	-	44
Change in assets and liabilities:		
(Increase)/decrease in GST input tax credits receivable	-	30
(Increase)/decrease in trade receivables	-	5
(Increase)/decrease in prepayments/other	8	148
(Increase)/decrease in other receivables	(4)	(1)
Increase/(decrease) in accounts payable	(9)	(336)
Increase/(decrease) in other payables	(3)	(32)
Increase/(decrease) in accrued employee benefits	(13)	79
Net Cash from operating activities	727	575

OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12

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:

	2012 \$'000	2011 \$'000
- Not later than one year	592	578
- Later than one year and not later than five years	2,391	2,377
- Later than five years	252	858
Total	3,235	3,813

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 2012.

18. CONTINGENCIES

(a) Guarantees and Undertakings

The Office of the Information Commissioner was not committed to any guarantees or undertakings at 30 June 2012.

(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	2012 \$'000	2011 \$'000
Financial Assets			
Cash and cash equivalents	10	5,988	5,298
Receivables	11	45	40
Total		6,033	5,338
Financial Liabilities			
Financial liabilities measured at amortised cost:			
Payables	14	96	104
Total		96	104

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 any 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.

Liquidity	Note	2012 Payable in			Total
		<1 year	1 - 5 years	>5 years	
		\$'000	\$'000	\$'000	\$'000
Financial Liabilities					
Payables	14	96	-	-	96
Total		96	-	-	96
Liquidity	Note	2011 Payable in			Total
		<1 year	1 - 5 years	>5 years	
		\$'000	\$'000	\$'000	\$'000
Financial Liabilities					
Payables	14	104	-	-	104
Total		104	-	-	104

OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12

19. FINANCIAL INSTRUMENTS (continued)

(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.

(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 or (decrease) of \$60,000 (2011: \$53,000). This is mainly attributable to the Office's exposure to variable interest rates on cash held in the bank account.

Interest rate sensitivity analysis

Financial Instruments	Carrying Amount \$'000	2012 Interest rate risk			
		-1%		+1%	
		Profit	Equity	Profit	Equity
Cash and Cash Equivalents	5,988	(60)	(60)	60	60
Potential Impact		(60)	(60)	60	60

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
Potential Impact		(53)	(53)	53	53

19. FINANCIAL INSTRUMENTS (continued)

(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	2012 \$'000	2011 \$'000
Financial Assets			
Cash and cash equivalents	10	5,988	5,298
Receivables	11	45	40
Total		6,033	5,338

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.

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 2011-12 and 2010-11 financial years that are past due or impaired.

19. FINANCIAL INSTRUMENTS (continued)

(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

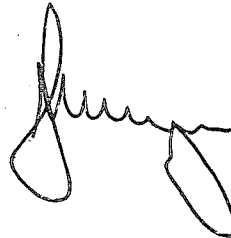
These general purpose financial statements have been prepared pursuant to section 62(1) of the *Financial Accountability Act 2009* (the Act), relevant sections of the *Financial and Performance Management Standard 2009* and other prescribed requirements.

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 2012 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

8 August 2012



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 2012, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, 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 controls as the Information Commissioner determines is necessary to enable the preparation of the financial report that gives a true and fair view and 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 controls 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 be removed only 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 financial year 1 July 2011 to 30 June 2012 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 the Office of the Information Commissioner for the year ended 30 June 2012. Where the financial report is included on the Office of the Information Commissioner's website the Information Commissioner is responsible for the integrity of the Office of the Information Commissioner's website and I have not been engaged to report on the integrity of the Office of the Information Commissioner's 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.



C F DOUGHERTY CPA
as Delegate of the Auditor-General of Queensland



Queensland Audit Office
Brisbane

Appendixes

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Appendix 1. Glossary of terms

Administrative Release

The regular release of information by an agency without requiring a formal access application under the right to information or information privacy legislation.

Awareness Activity

An activity undertaken to increase the level of knowledge in both the public sector, and the broader community, about information rights and responsibilities.

Best Practice

A method or technique for accomplishing a business outcome, that has consistently shown results superior to those achieved by other means, and which is used as an industry benchmark.

Consolidated Revenue

A fund into which tax revenue is paid.

Decision

A formal, written decision issued by the Information Commissioner, on an external review application to affirm, vary, or set aside a decision made by an agency or Minister.

Disclosure Log

A list or copies of documents released following a decision about an application for access under the RTI Act, which is published on an agency's website.

Early Resolution

A flexible conciliation based process in which OIC seeks to resolve an external review application by negotiating a mutually acceptable outcome with the parties, without the need for a formal written decision.

External Review

The External Review function of OIC is responsible for the independent merits review of Queensland government agency and Ministers' decisions about access to information under the right to information legislation and access to, or amendment of, documents under the information privacy legislation.

Governance

The process by which decisions are controlled and managed to achieve their objectives, and by which organisations are directed, reviewed, and held to account.

Independent Auditor's Report

As OIC does not have an internal financial audit function, all audits, are conducted by the Queensland Audit Office, providing OIC an Independent Auditor's Report.

Information and Assistance

The Information and Assistance function of OIC has responsibility for providing an enquiry service, which responds to approximately 4,000 enquiries annually, and producing extensive guidance for agencies and the community.

Performance Monitoring and Reporting

The Performance Monitoring and Reporting function of OIC monitors and reports on Queensland government agency compliance with the right to information and information privacy legislation.

Performance Report Card

In the context of this report, a visual display of the most significant performance information consolidated so that an overall understanding can be gained at a glance.

Privacy

The OIC Privacy Function is designed to help protect personal information held by Queensland government agencies.

Privacy Complaint

A complaint alleging that an agency has failed to comply with the privacy principles or a waiver or modification approval under the *Information Privacy Act 2009* (Qld).

Publication Scheme

A publication scheme is a structured list of an agency's information which is readily available to the public.

Service

A group of related activities contributing to a common organisational objective.

Strategic Plan

A critical document, with a minimum five year outlook, which outlines the key strategies to be undertaken to achieve the organisation's desired outcomes.

Service Standard

A goal or target to be reached. Its general aim is to improve performance continuously.

Training and Stakeholder Relations

The Training and Stakeholder Relations function of OIC promotes the principles and practices of right to information and information privacy.

Appendix 2. Compliance Checklist—Annual report

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

FAA *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"> Table of contents Glossary 	ARRs – section 8.1	✓ page iv ✓ page 72
	<ul style="list-style-type: none"> Public availability 	ARRs – section 8.2	✓ page 88
	<ul style="list-style-type: none"> Interpreter service statement 	<i>Queensland Government Language Services Policy</i> ARRs – section 8.3	✓ page 88
	<ul style="list-style-type: none"> Copyright notice 	<i>Copyright Act 1968</i> ARRs – section 8.4	✓ page 88
	<ul style="list-style-type: none"> Government Information Licensing Framework (GILF) Licence 	<i>Government Information Licensing Framework (GILF) QGEA Policy</i> ARRs – section 8.5	✓ page 88
Letter of compliance	<ul style="list-style-type: none"> A letter of compliance from the accountable officer or statutory body to the relevant Minister(s) 	ARRs – section 10	✓ page 4
General information	<ul style="list-style-type: none"> Introductory Information Agency role and main functions Operating environment External scrutiny Machinery of government changes Review of proposed forward operations 	ARRs – section 10.1 ARRs – section 10.2 ARRs – section 10.3 ARRs – section 10.4 ARRs – section 10.5 ARRs – section 10.6	✓ page ii–16
Non-financial performance	<ul style="list-style-type: none"> Government objectives for the community 	ARRs – section 11.1	✓ page ii–16
	<ul style="list-style-type: none"> Other whole-of-government plans / specific initiatives 	ARRs – section 11.2	✓ page ii–16
	<ul style="list-style-type: none"> Council of Australian Government (COAG) initiatives 	ARRs – section 11.3	N/A
	<ul style="list-style-type: none"> Agency objectives and performance indicators 	ARRs – section 11.4	✓ page 3–36
	<ul style="list-style-type: none"> Agency service areas, service standards and other measures 	ARRs – section 11.5	✓ page 3–36
Financial performance	<ul style="list-style-type: none"> Summary of financial performance 	ARRs – section 12.1	✓ page 37
	<ul style="list-style-type: none"> Chief Finance Officer (CFO) statement 	ARRs – section 12.2	✓ page 37

Summary of requirement		Basis for requirement	Annual report reference
Governance – management and structure	<ul style="list-style-type: none"> Organisational structure 	ARRs – section 13.1	✓ page 10
	<ul style="list-style-type: none"> Executive management 	ARRs – section 13.2	✓ page 9
	<ul style="list-style-type: none"> Related entities 	ARRs – section 13.3	N/A
	<ul style="list-style-type: none"> Schedule of statutory authorities or instrumentalities 	ARRs – section 13.4	N/A
	<ul style="list-style-type: none"> Boards and committees 	ARRs – section 13.5	✓ page 1
	<ul style="list-style-type: none"> <i>Public Sector Ethics Act 1994</i> 	<i>Public Sector Ethics Act 1994</i> (section 23 and Schedule) ARRs – section 13.6	✓ page 13
Governance – risk management and accountability	<ul style="list-style-type: none"> Risk management 	ARRs – section 14.1	✓ page 12–14
	<ul style="list-style-type: none"> Audit committee 	ARRs – section 14.2	✓ page ii–16
	<ul style="list-style-type: none"> Internal Audit 	ARRs – section 14.3	✓ page ii–16
Governance – human resources	<ul style="list-style-type: none"> Workforce planning, attraction and retention 	ARRs – section 15.1	✓ page 8–11
	<ul style="list-style-type: none"> Early retirement, redundancy and retrenchment 	Directive No.17/09 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2	✓ page 11
	<ul style="list-style-type: none"> Voluntary Separation Program 	ARRs – section 15.3	N/A
Financial statements	<ul style="list-style-type: none"> Certification of financial statements 	FAA – section 62 FPMS – sections 42, 43 and 50 ARRs – section 16.1	✓ page 67
	<ul style="list-style-type: none"> Independent Auditors Report 	FAA – section 62 FPMS – section 50 ARRs – section 16.2	✓ page 68–69
	<ul style="list-style-type: none"> Remuneration disclosures 	<i>Financial Reporting Requirements for Queensland Government Agencies</i> ARRs – section 16.3	✓ page 37–69
Disclosure of additional information	<ul style="list-style-type: none"> Additional information to be reported online 	ARRs – section 17	✓ page ii–16, 83

Appendix 3. Category and number of external review applications

	2007-08	2008-09	2009-10	2010-11	2011-12		
					RTI	IP	Total
Initial FOI/RTI/IP Applications	6	3	7	10	4	7	11
Deemed Refusal of Access	76	43	51	48	18	12	30
Deemed Refusal of Amendment	2	0	3	1	0	3	3
Fees	14	49	6	3	1	0	1
Charges	5	3	2	1	2	0	2
Statements of Affairs	0	1	0	0	0	0	0
Refusal of Access	131	177	251	236	172	81	253
Refusal of Amendment	3	5	9	6	0	4	4
Agency Refusal to Deal	5	3	22	22	8	4	12
Reverse FOI	21	14	14	36	43	2	45
Sufficiency of Search	26	42	74	49	28	15	43
No Jurisdiction	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Applications Received	289	340	439	412	276	128	404

Appendix 4. Number of review applications received including 'deemed decisions'

Year	No. review applications received	No. review applications concerning 'deemed decisions'	% of review applications concerning 'deemed decisions'
2011-12	404	33	8%
2010-11	412	49	12%
2009-10	439	53	12%
2008-09	340	43	13%
2007-08	289	78	27%

Appendix 5. Profile of applicants making external review applications

	2007-08	2008-09	2009-10	2010-11	2011-12
Agencies	0	1	1	7	2
Individuals	227	268	315	318	280
Companies	31	31	37	36	58
Journalists	4	2	27	14	20
Lobby and Community Groups	3	2	8	11	6
Politicians	0	1	5	4	6
Prisoners	24	22	41	18	29
Public Servants	N/A	N/A	5	4	3
Unspecified	N/A	13	N/A	N/A	N/A
Total	289	340	439	412	404

Appendix 6. Applications received by agency profile

	2007-08	2008-09	2009-10	2010-11	2011-12
Boards/Commissions/GOCs	25	76	65	72	25
Departments	182	187	270	251	296
Local Governments	68	36	83	67	68
Universities	7	15	12	13	12
Ministers	4	1	5	7	1
Other Bodies	3	25	4	2	2
Total	289	340	439	412	404

Please Note: Applications received have been recorded as per the machinery-of-government changes after 26 March 2012 to the best of OIC's knowledge.

Appendix 7. Outcome of reviews

Outcome of review	2007-08	2008-09	2009-10	2010-11	2011-12
Decision under s.89 of FOI Act, s.110 of RTI Act, s.123 of IP Act	56	76	35	64	56
Affirming Agency Decision	20	43	8	30	27
Varying Agency Decision	31	15	15	22	20
Setting Aside Agency Decision	8	18	12	12	8
Review Settled Informally	125	156	267	242	329
Determination of Review not Required	100	127	71	88	72
Decision application is out of jurisdiction—s.12, 73 of FOI Act, s.52, s.101 IP Act, s.32, s.88 of the RTI Act	74	103	43	57	37
Decision not to deal with application—s.77of FOI Act, s.107 of IPA Act, s.94 of the RTI Act	7	4	3	5	17
Decision to allow agency further time to deal with application—s.79 of FOI Act, 106 of IP Act, s.93 of RTI Act.	19	20	25	26	19
Total	284	359	373	394	457

Appendix 8. RTI regulation reporting requirements not elsewhere captured within the annual report

RTI Requirements	Outcome
Right to Information Regulation Part 4 s.7	
(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 s.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
Right to Information Regulation Part 4 s.7	
(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
Right to Information Regulation Part 4 s.7	
(a) the number of applications by non-profit organisations for financial hardship status under s.67 of the Act.	4

Appendix 9. IP regulation reporting requirements not elsewhere captured within the annual report

IP Requirements	Outcome
Information Privacy Regulation Part 4 s.5	
(c) the number of times and the way in which the commissioner has used the entitlement to full and free access to documents under s.113 of the Act.	0
(d) the number of applications made under s.127 of the Act for a declaration that a person is a vexatious applicant and the number of declarations under the section made by the commissioner.	1
Information Privacy Regulation Part 4 s.5	
(e) approval of waivers or modifications of the privacy principles under chapter 4, part 5 of the Act.	5
Information Privacy Regulation Part 4 s.5	
(f) compliance notices given under chapter 4, part 6 of the Act.	0
Information Privacy Regulation Part 4 s.5(2)	
(c) the categories of relevant entities to which the complaints relate.	Queensland state departments
(d) the provisions of the privacy principles to which the complaints relate.	Complaints related to Information Privacy Principles 1, 2, 3, 4, 7, 9, 10, 11 and s.33; and National Privacy Principle 2.
(e) the number of complaints referred by the commissioner to other entities under s.169 of the Act.	0
(f) the number and type of complaints resolved by agreement after mediation.	5

Appendix 10. Applications for external review 2011-2012

Minister	
Minister for Environment	1
Sub-Total	1
Departments	
Department of Agriculture, Fisheries and Forestry	1
Department of Communities, Child Safety and Disability Services	5
Department of Communities	22
Department of Community Safety	19
Department of Education and Training	9
Department of Education, Training and Employment	3
Department of Employment, Economic Development and Innovation	8
Department of Energy and Water Supply	1
Department of Environment and Heritage Protection	2
Department of Environment and Resource Management	19
Department of Housing and Public Works	2
Department of Justice and Attorney-General	45
Department of Local Government and Planning	7
Department of National Parks, Recreation, Sports and Racing	1
Department of Natural Resources and Mines	6
Department of Public Works	3
Department of State Development, Infrastructure and Planning	1
Department of the Premier and Cabinet	4
Department of Transport and Main Roads	12
Queensland Health	62
Queensland Police Service	61
Queensland Treasury and Trade	3
Sub-Total	296
Boards, Commissions, GOCs	
City North Infrastructure	1
Crime and Misconduct Commission	4
Ergon Energy	1
Health Quality and Complaints Commission	3
LinkWater	1
North Queensland Bulk Ports Corporation Limited	2
Q-COMP	1
Queensland Rail	1
Safe Food Queensland	1
Sunwater Ltd	1
The Public Trustee of Queensland	1
WorkCover Queensland	3
Building Services Authority	5
Sub-Total	25

Appendix 10. Applications for external review 2011-2012 (Continued)

Local Governments	
Brisbane City Council	12
Bundaberg Regional Council	1
Cassowary Coast Regional Council	1
Cook Shire Council	1
Fraser Coast Regional Council	4
Gladstone Regional Council	2
Gold Coast City Council	7
Gympie Regional Council	1
Hopevale Aboriginal Shire Council	1
Ipswich City Council	1
Lockyer Valley Regional Council	1
Logan City Council	2
Moreton Bay Regional Council	9
Redland City Council	1
Rockhampton Regional Council	9
Southern Downs Regional Council	1
Sunshine Coast Regional Council	2
Toowoomba Regional Council	1
Townsville City Council	4
Whitsunday Regional Council	7
Sub-Total	68
Universities	
The University of Queensland	12
Sub-Total	12
Other	
CRS Australia	1
Real Estate Institute of Queensland	1
Sub-Total	2
Total	404

Appendix 11. Outcomes for decisions

Review Number	Agency	Date of Decision	Outcome	Access/Amendment Refused/Granted	Relevant Provisions of FOI, RTI, IP where Access/Amendment Refused
310373	Department of Transport and Main Roads	29-Jul-11	Varied	Access Refused	RTI Act—s.47(3)(e), RTI Act—s.52(1)(a)
310629	Department of Community Safety	30-Aug-11	Affirmed	Access Refused	IP Act—s.67(1)
310609	Logan City Council	31-Aug-11	Affirmed	No Reasonable Grounds that Additional Documents Exist	RTI Act—s.52(1)(a)
310548	Queensland Police Service	31-Aug-11	Affirmed	Neither Confirm nor Deny	RTI Act—s.55(1), RTI Act—s.55(2)(b)
310392	Australian Health Practitioner Regulation Agency	12-Sep-11	Varied	Access Granted (In Part)	IP Act—s.67(1), IP Act—s.49 Ref RTI Act
310352	Gold Coast City Council	15-Sep-11	Affirmed	Access Granted	RTI Act—s.47(3)(b)
310233	Department of Communities	21-Sep-11	Varied	Access Refused	RTI Act—s.47(3)(a), RTI Act—s.48
310147	Department of Employment, Economic Development and Innovation	21-Sep-11	Varied	Access Granted	RTI Act—s.47(3)(b)
310289	Crime and Misconduct Commission	19-Oct-11	Set Aside	Access Refused	IP Act—s.47(3)(b)
310313	Crime and Misconduct Commission	19-Oct-11	Varied	Access Granted (In Part)	RTI Act—s.47(3)(a) RTI Act—s.47(3)(b)
310478	Department of Justice and Attorney-General	24-Nov-11	Affirmed	Access Refused	RTI Act—s.47(3)(b)
310355	Queensland Police Service	01-Dec-11	Varied	Access Refused	RTI Act—s.47(3)(b)

Appendix 11. Outcomes for decisions (Continued)

Review Number	Agency	Date of Decision	Outcome	Access/Amendment Refused/Granted	Relevant Provisions of FOI, RTI, IP where Access/Amendment Refused
310537	The University of Queensland	05-Dec-11	Affirmed	Unreasonable Diversion of Resources	IP Act—s.60
310590	Queensland Health	13-Dec-11	Affirmed	Access Refused	IP Act—s.67(1)
310542	Department of Local Government and Planning	19-Dec-11	Set Aside	Access Granted	RTI Act—s.12(a), RTI Act—s.47(2)(b), RTI Act—s.47(3)(a)
310458	Department of Community Safety	19-Dec-11	Affirmed	Access Granted	RTI Act—s.47(3)(b)
310622	Queensland Police Service	20-Dec-11	Varied	Part 4—Refusal to Deal	RTI Act—s.40
310676	Department of Communities	21-Dec-11	Affirmed	Access Refused	RTI Act—s.47(3)(a)
310303	Australian Health Practitioner Regulation Agency	09-Jan-12	Affirmed	Neither Confirm nor Deny	RTI Act—s.55(2)(a)
310429	Department of Employment, Economic Development and Innovation	10-Jan-12	Affirmed	3 rd Party Objections Not Successful	RTI Act—s.47(3)(b)
310430	Department of Employment, Economic Development and Innovation	11-Jan-12	Affirmed	3 rd Party Objections Not Successful	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b)
310524	Department of Transport and Main Roads	16-Jan-12	Varied	Access Refused	RTI Act—s.47(3)(e), RTI Act—s.52(1)(b)
310654	Queensland Police Service	02-Feb-12	Affirmed	Access Refused	IP Act—s.67(1), IP Act—s.49 Ref RTI Act

Appendix 11. Outcomes for decisions (Continued)

Review Number	Agency	Date of Decision	Outcome	Access/Amendment Refused/Granted	Relevant Provisions of FOI, RTI, IP where Access/Amendment Refused
310277	Safe Food Queensland	13-Feb-12	Set Aside	Access Granted	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b)
310280	Department of Justice and Attorney-General	14-Feb-12	Set Aside	Access Granted	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b)
310467	Gympie Regional Council	14-Feb-12	Varied	Access Refused	RTI Act—s.47(3)(e), RTI Act—s.52(1)(a)
310634	Commission for Children and Young People and Child Guardian	07-Mar-12	Affirmed	Access Granted (In Part)—No Reasonable Grounds that Additional Documents Exist	IP Act—s.67(2)(b), IP Act—s.102(2)
310737	Queensland Health	09-Mar-12	Affirmed	Access Refused	RTI Act—s.47(3)(a)
310674	Gold Coast City Council	28-Mar-12	Affirmed	Access Refused	RTI Act—s.47(3)(a)
310651	Queensland Police Service	17-Apr-12	Affirmed	Access Refused	IP Act—s.67(1), IP Act—s.52 1(a) Ref RTI Act
310842	Department of Justice and Attorney-General	17-Apr-12	Affirmed	Access Granted	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b)
310799	Rockhampton Regional Council	18-Apr-12	Set Aside	Access Granted	RTI Act—s.47(3)(b)
310762	Rockhampton Regional Council	20-Apr-12	Affirmed	No Reasonable Grounds that Additional Documents Exist	RTI Act—s.47(3)(e), RTI Act—s.52(1)(a)
310437	Queensland Health	30-Apr-12	Varied	Access Refused	IP Act—s.67(1)
310445	Queensland Health	30-Apr-12	Varied	Access Refused	IP Act—s.67(1)
310545	Murweh Shire Council	01-May-12	Varied	Access Granted (In Part)	RTI Act—s.47(3)(e), RTI Act—s.52(1)(a), RTI Act—s.52(1)(b)

Appendix 11. Outcomes for decisions (Continued)

Review Number	Agency	Date of Decision	Outcome	Access/Amendment Refused/Granted	Relevant Provisions of FOI, RTI, IP where Access/Amendment Refused
310724	Department of Education and Training	03-May-12	Affirmed	Access Refused	IP Act—s.67(1), IP Act—s.49 Ref RTI Act
310878	The Public Trustee of Queensland	08-May-12	Affirmed	Access Refused	IP Act—s.67(1)
310405	Brisbane City Council	09-May-12	Set Aside	Access Granted	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b)
310872	Department of Community Safety	11-May-12	Affirmed	Access Refused	IP Act—s.67(1)
310418	Queensland Health	11-May-12	Varied	Access Granted (In Part)	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b)
310671	Department of Public Works	18-May-12	Varied	Access Refused	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b), RTI Act—s.47(3)(f)
310525	State Library of Queensland	18-May-12	Varied	Access Refused	RTI Act—s.47(3)(a), RTI Act—s.47(3)(e), RTI Act—s.52(1)(b)
310805	Queensland Health	21-May-12	Affirmed	Access Refused	IP Act—s.67(1)
310902	Queensland Police Service	25-May-12	Affirmed	Access Refused	IP Act—s.67(1)
310582	Cook Shire Council	25-May-12	Varied	Access Refused	RTI Act—s.47(3)(b)
310604	Department of Justice and Attorney-General	25-May-12	Varied	Access Refused	RTI Act—s.47(3)(b)
310942	Department of Justice and Attorney-General	04-Jun-12	Affirmed	Access Granted (In Part)	RTI Act—s.47(3)(b)

Appendix 11. Outcomes for decisions (Continued)

Review Number	Agency	Date of Decision	Outcome	Access/Amendment Refused/Granted	Relevant Provisions of FOI, RTI, IP where Access/Amendment Refused
310387	James Cook University	06-Jun-12	Varied	No Reasonable Grounds that Additional Documents Exist	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b), RTI Act—s.47(3)(e)
310432	James Cook University	06-Jun-12	Varied	No Reasonable Grounds that Additional Documents Exist	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b), RTI Act—s.47(3)(e), RTI Act—s.73(2), RTI Act—s.52(1)(a)
310717	Brisbane City Council	12-Jun-12	Set Aside	Access Granted (In Part)	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b)
310759	Queensland Police Service	21-Jun-12	Varied	Access Refused	IP Act—s.67(1), IP Act—s.48 Ref RTI Act
310820	Department of Community Safety	26-Jun-12	Affirmed	Access Refused	IP Act—s.67(1)
310687	Department of Natural Resources and Mines	26-Jun-12	Set Aside	Access Granted	RTI Act—s.47(3)(a), RTI Act—s.47(3)(b)
310442	Department of Natural Resources and Mines	29-Jun-12	Affirmed	No Reasonable Grounds that Additional Documents Exist	RTI Act—s.47(3)(e), RTI Act—s.52(1)(a)

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