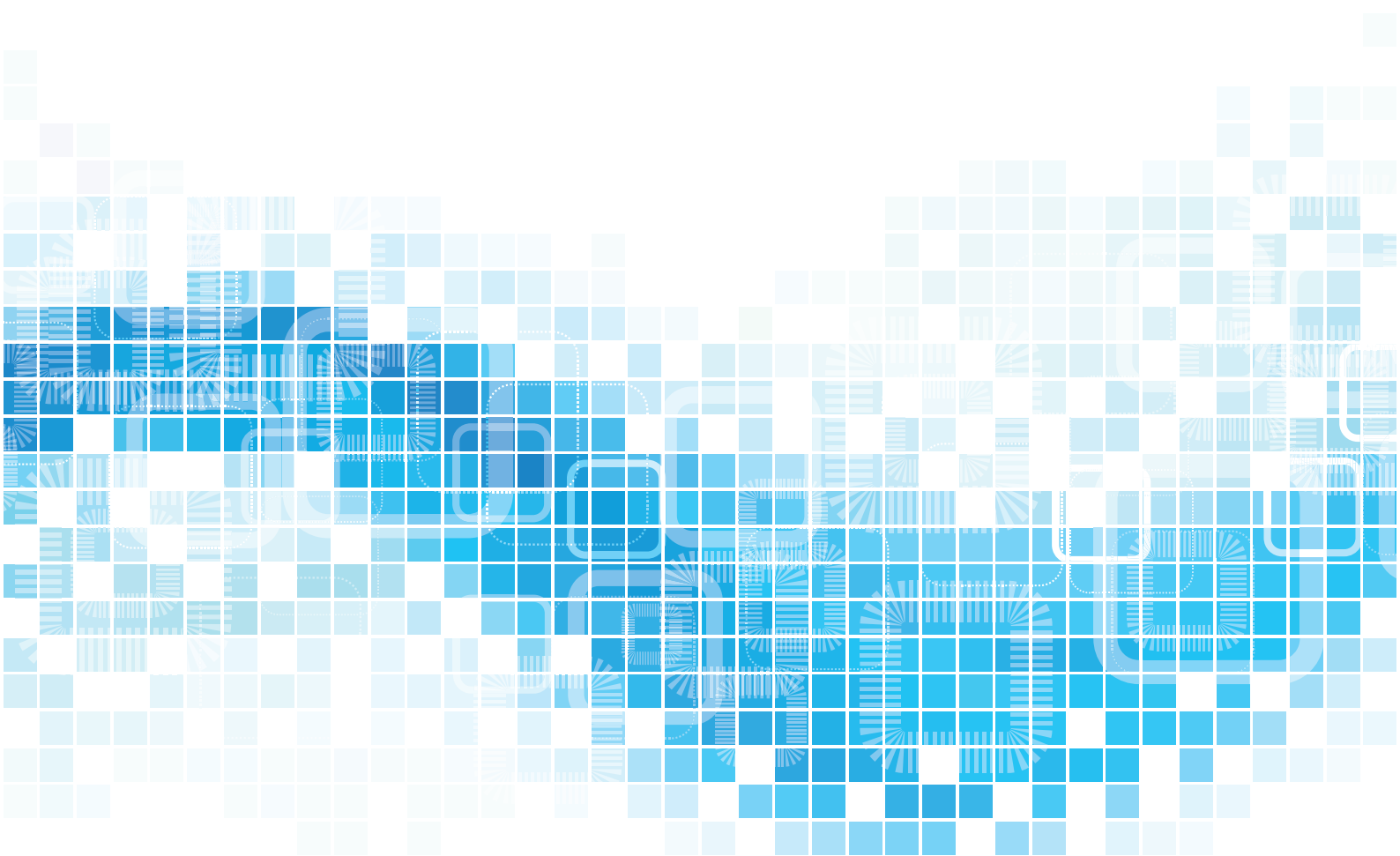




Office of the Information Commissioner  
Queensland

# Office of the Information Commissioner

## Annual Report 2013 – 14



## About this report

Our Annual Report provides an overview of performance towards achieving an informed Queensland that values and respects information rights and responsibilities.

We are required to report annually on specific aspects of our activities. This Annual Report provides:

- an account of revenue and how we have used public funds
- an insight into challenges and opportunities that have influenced our actions, as well as setting priorities for the year ahead; and
- an assessment of achievement in meeting corporate and operational plans as measured against a range of performance indicators.

This Annual Report is an important component of how we monitor our performance, which feeds into organisational planning and resource allocation.

## Interpreter service

The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding the Annual Report, you can contact us on (07) 3405 1111 and we will arrange an interpreter to communicate the report effectively to you.



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## Attribution

Content from this Annual Report should be attributed as:

The State of Queensland (Office of the Information Commissioner) Annual Report 2013 – 14.

## Feedback

The Office of the Information Commissioner is committed to continual improvement and open and accountable governance. We hope you find our report informative and engaging, and we invite and welcome your feedback on this publication. Please provide any feedback or suggestions to [feedback@oic.qld.gov.au](mailto:feedback@oic.qld.gov.au) or (07) 3405 1111.

ISSN: 2200-9183

# Welcome to the Office of the Information Commissioner Annual Report 2013 – 14

We are an independent body established under the *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (Qld) (**IP Act**). Our statutory functions support Queensland government agencies, including local government and universities, to be more open, accountable and transparent.

This requires that information the government holds be accessible to the public, unless to do so would be contrary to the public interest, while people's personal information held by government is managed in a responsible manner.

The services we provide include promoting information rights and responsibilities, fostering improvements in the quality of RTI and IP practices in agencies, conducting external reviews of agency decisions about access to information and resolving privacy complaints through mediation.

We are responsible for monitoring and reporting to the Queensland Parliament on the performance of public sector agencies in complying with the RTI and IP Act requirements.

There is a natural synergy between our monitoring and assistance, external review and privacy functions, for example, monitoring and assistance functions improve the quality of agency practice which minimises demand for our external review and privacy complaints services.

## Our vision

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

## Our values

- Openness
- Accountability
- Integrity
- Impartiality
- Timeliness
- Transparency
- Accessibility
- Fairness
- Equality before the law
- Independence

30 September 2014

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 Annual Report 2013 – 14 and financial statements for the Office of the Information Commissioner.

The report contains an account of our work for the 12 months ending 30 June 2014 and is made pursuant to section 184 of the *Right to Information Act 2009* (Qld) and section 193 of the *Information Privacy Act 2009* (Qld). It reflects our performance against our strategic plan for 2013 – 17.

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 66 of this Annual Report.

Yours sincerely



Rachael Rangihaeata  
Information Commissioner

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# Performance report card 2013 – 14

Figure 1. Performance report card 2013 – 14

Service standard	2013 – 14 target	Achievement
 <b>Service one – An independent, timely and fair review of decisions made under the Right to Information Act 2009 and Information Privacy Act 2009</b>		
Percentage of applicants satisfied with the conduct of the review	70%	72%
Percentage of agencies satisfied with the review service provided	75%	94%
Median days to finalise a review	90 days	106 days
Percentage of open reviews at the end of the reporting period more than 12 months old	0%	0%
Number of reviews finalised	300	500
Percentage of reviews resolved informally compared to reviews resolved by written determination	75%	89%
Percentage of review applications finalised to received	100%	110% <sup>1</sup>
 <b>Service two – An independent and timely privacy complaint resolution service</b>		
Percentage of complainants satisfied with mediation service provided	70%	100%
Percentage of agencies satisfied with the privacy service provided	75%	100%
Percentage of privacy complaints finalised to received	100%	128% <sup>1</sup>
Mean average days to make a decision whether to accept a privacy complaint	14 days	25 days <sup>2</sup>
Mean average days to finalise an accepted privacy complaint	90 days	142 days <sup>2</sup>
 <b>Service three – Foster improvements in the quality of practice in right to information and information privacy in Queensland Government agencies</b>		
Percentage of agencies satisfied with the information and assistance provided by OIC	80%	99%
Percentage of agencies satisfied with the quality of information provided	75%	97%
Number of training activities provided	30	36
Number of people trained	500	8,479
Percentage of course participants satisfied with sessions	75%	88%
Number of monitoring and compliance activities	10	47
 <b>Service four – Promote the principles and practices of right to information and information privacy in the community and within government</b>		
Number of awareness activities conducted	190	303
Number of enquiry (written and oral) responses	2,500	3,974
Number of website visits	80,000	97,216

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

2. New measure for 2013 – 14.

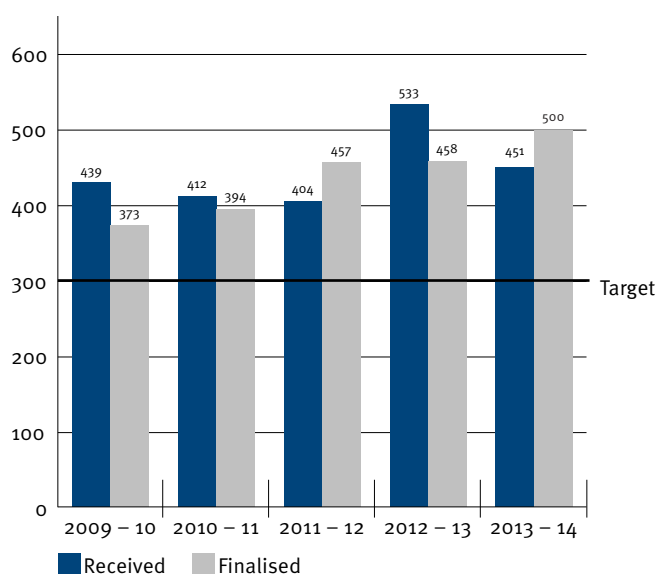
# Highlights 2013 – 14



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

- We finalised a record 500 external review applications while also receiving 451 new applications (see page 10).

Figure 2. External Review applications received and finalised



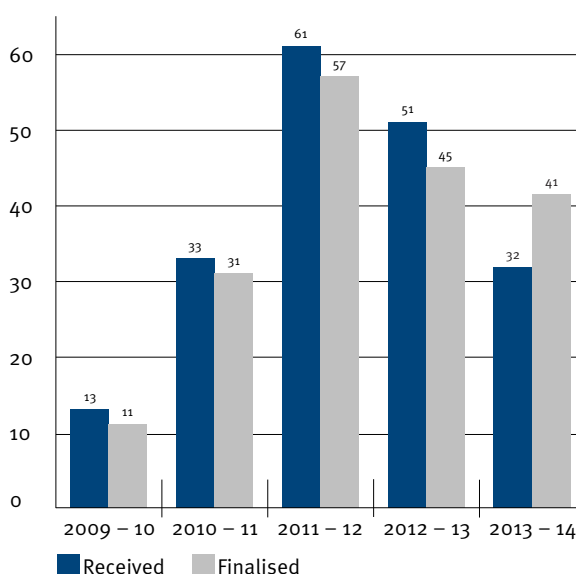
- 89% of external review applications were resolved informally without a formal decision (see page 11).
- 72% of applicants were satisfied overall with the external review service provided in 2013 – 14 (see page 11).
- No reviews more than 12 months old remained open at 30 June 2014 (see page 12).
- 73% of finalised applications were closed in less than six months (see page 12).



## **Service 2** – An independent and timely privacy complaint resolution service

- We received 32 privacy complaints made under the IP Act and finalised 41 (see page 13).

Figure 3. Number of privacy complaints received and finalised



- 100% of complainants were satisfied with the mediation service provided (see page 13).
- 100% of agencies were satisfied with the privacy service provided (see page 13).
- As at 30 June 2014, no privacy complaint was more than 12 months old (see page 13).



### **Service 3** – Foster improvements in the quality of practice in right to information and information privacy in public sector agencies

- Conducted 47 performance monitoring and compliance activities, including reporting on the compliance of agencies with legislative obligations (see page 17).
- Published new information resources and reviewed existing resources for the community and government agencies (see page 18).
- Provided 36 training activities, trained 8,479 people (see page 18) and launched four new online training courses (see page 19).
- Provided integral privacy advice to government agencies about incorporating responsible personal information management into a wide range of new technologies and initiatives, including the Queensland Government's Open Data scheme and the increasing movement to adoption of cloud services (see page 19).
- Provided formal written submissions to a number of parliamentary committees, inquiries and reviews at both state and federal level, including comprehensive submissions on the reviews of the RTI Act and IP Act (see page 20).



### **Service 4** – Promote the principles and practices of right to information and information privacy in the community and within government

- Continued to enhance our website to increase usability and accessibility. The website received 97,216 visits which is an increase of 27% from 2012 – 13 (see page 23).
- Actively engaged through meetings, presentations and media with agencies and the community across Queensland, in particular regional and rural centres, in order to raise awareness of privacy and RTI issues (see page 23).
- Participated in 2014 Privacy Awareness Week and raised awareness of privacy issues featuring the theme of 'Privacy. Take charge' and 'Privacy. Handle with care'. (see page 24).
- Promoted 2013 Right to Information Day and Solomon Lecture through a number activities to raise awareness in the community and across government about information rights and responsibilities. The lecture was delivered by Griffith University's Professor Anna Stewart on 'Finding Gold in Mountains of Administrative Data' (see page 24).
- Provided timely advice in response to 3,974 enquiries received by telephone and in writing (see page 24).

# Message from the Information Commissioner

Since the commencement of the *Right to Information Act 2009* (RTI Act) and the *Information Privacy Act 2009* (IP Act) in July 2009, the Office of the Information Commissioner has supported Queensland government departments, local government, Hospital and Health Services, universities and other public authorities to improve practices to increase the flow of information to the community and ensure appropriate safeguards are in place for personal information held by government.

In 2013 – 14 we have observed and reported improvements across all sectors of Queensland government agencies including:

- improved performance reported by agencies in implementation of RTI and IP obligations across all sectors of Queensland government agencies in the 2013 Electronic Audit
- desktop audits of online information show ongoing improvement in agency websites providing clear pathways to access information, publication schemes, disclosure logs and privacy compliance
- compliance reviews have identified good practices and demonstrated agency commitment to achieving full compliance; and
- strong agency engagement in training, seeking expert privacy advice about projects and policies, and accessing authoritative online resources and enquiry service assistance to improve quality of RTI and IP practices.

We have used performance monitoring information to inform how we focus our resources to maximise our impact in performing our statutory functions. Key themes in this regard include active leadership to support cultural change, improved awareness and compliance in regional areas, including local governments and Hospital and Health Services, and online and administrative access across all sectors.

In 2013 – 14 the Office completed a suite of free online general awareness and specialised training courses, which is a key initiative to ensure all agency staff can access training resources when they need it, from anywhere across Queensland. General awareness training supports agencies to ensure all staff understand what right to information and privacy obligations mean for their agency and them as an individual staff member. We have encouraged agencies to build this training into their induction for new staff, and ensure all staff complete the training. A record 8,479 people participated in our training in 2013 – 14.

This year we have focused on improving awareness and compliance in regional areas of Queensland. Through our regional engagement project our officers contacted 126 agencies to ensure agency officers were aware of their responsibilities and offer support and assistance. The Privacy Commissioner and I met with chief executive officers, mayors, councillors, and senior officers of local government and Hospital and Health Services across Queensland.

***“We have observed and reported improvements across all sectors of Queensland government agencies including improved performance reported by agencies in the 2013 Electronic Audit.”***

We also conducted our first comprehensive compliance review of a regional agency, the Rockhampton Regional Council. Compliance reviews of the University of Southern Queensland and the Cairns and Hinterland Hospital and Health Service will be finalised and reported on in 2014 – 15. We will continue our focus on improving regional awareness and compliance in 2014 – 15.

We welcomed the opportunity in late 2013 to provide input during public consultation on the Queensland Government’s review of the RTI and IP Acts. We made comprehensive submissions on the discussion papers and recommended key issues for consideration in the review to increase certainty and reduce red tape for both agencies and the community and help prevent inefficient use of agency and our resources. Key recommendations included consolidating access applications under a single Act, strengthening the push model, mechanisms to manage demand for external review, streamlining legislative processes and increasing certainty and consistency.

***“In 2013 – 14 the Office completed a suite of free online general awareness and specialised training courses, which is a key initiative to ensure all agency staff can access training resources when they need it, from anywhere across Queensland.”***

During the first five years of operation of the RTI and IP Acts, the OIC has received and finalised approximately 2,200 external review applications, a significant increase in ongoing demand. A record 500 applications were finalised in 2013 – 14.

Good progress has been made in overall timeliness, particularly in light of the increasing number of complex applications in recent years.

Maintaining timeliness in the external review service will be a key challenge for 2014 – 15 without access to the temporary resources the Office has used to meet the unfunded additional demand since commencement of the legislation in 2009, pending the review of the RTI and IP Acts.

We are continuing to take steps to manage demand including through our work promoting greater use of proactive publication and administrative release on request, reinforcing the use of the formal access application process only as a last resort, as intended by the legislation.

We are also working to reduce demand for external review by focusing on improving the quality of agency practices. Together with refinements to the legislation, the demand for external review is more likely to reach a sustainable level.

It is clear from five years of experience since the commencement of the IP Act, that there is an ongoing and increasing demand for independent authoritative advice for government agencies to ensure key policies, projects and services are delivered in an efficient and effective manner that meets community expectations about responsible use, disclosure and storage of personal information.

***“We have used performance monitoring information to inform how we focus our resources to maximise our impact in performing our statutory functions.”***

In 2013 – 14 we included an additional service objective in recognition of the substantial demand from agencies for assistance to achieve compliance with the privacy principles. We will continue to support agencies to meet right to information and information privacy obligations and apply good practices in implementing initiatives such as outsourcing, open data, the ‘one-stop shop’ portal and increased information sharing across government and with contracted service providers.

We also focused on privacy obligations in complaints management this year, conducting a review of how effectively agencies incorporated privacy into their complaint management systems and identifying good practices that other agencies could adapt and adopt.

We promoted better practices in relation to dealing with complaints specifically about privacy concerns, through our online training and by engaging with senior management to encourage greater resolution of privacy complaints by agencies in the first instance.

***“It is clear from five years of experience since the commencement of the IP Act, that there is an ongoing and increasing demand for independent authoritative privacy advice.”***

I would like to thank the executive management team and staff of the Office for their professionalism and commitment to performing our statutory functions of improving awareness and compliance, and providing independent, fair, just and timely external review and privacy complaint services to achieve excellent outcomes in 2013 – 14.



Rachael Rangihaeata  
Information Commissioner



# About us

## Who we are

We are a statutory body for the *Financial Accountability Act 2009* (Qld) and the *Statutory Bodies Financial Arrangements Act 1982* (Qld). Initially established under the repealed *Freedom of Information Act 1992* (Qld), we continue under the RTI Act and IP Act.

Under the RTI Act and IP Act, government-held information must be released, as a matter of course, unless on balance, disclosure is contrary to the public interest. Access applications made under the legislation should be a last resort.

The IP Act recognises the importance of protecting the personal information of individuals. It creates a right for individuals to access and amend their own personal information and provides rules for how agencies must handle personal information.

Information privacy requirements foster responsible and fair management of personal information and assist government to meet changing community expectations about privacy.

We promote the objectives of the RTI Act and IP Act including the understanding that greater access to information leads to an informed community, able to participate in and scrutinise government. RTI and information privacy obligations promote a more effective, efficient, ethical, open, transparent and accountable public service.

Under the RTI Act and IP Act the Information Commissioner is a statutory office holder appointed by the Governor-in-Council, and is not subject to ministerial direction in the exercise of the functions under the Acts.

The independent authority of the Information Commissioner allows the community to have confidence that the role of the Information Commissioner will be carried out independently, fairly, and impartially.

The Information Commissioner is supported by two other statutory office holders appointed by the Governor-in-Council: the Right to Information Commissioner and Privacy Commissioner.

## Our responsibilities

Our statutory role reflects our services, and is to:

- independently review decisions made by Queensland Ministers and public sector agencies about access to, or amendment of, documents
- mediate privacy complaints
- promote information rights and responsibilities; and
- foster improvements in the quality of right to information and information privacy practices.





The Information Commissioner is accountable to the Queensland Parliament through the Legal Affairs and Community Safety Committee (LACSC).

Our governance and accountability is ensured through the tabling of our Annual Report to Parliament, meetings with the LACSC and our Service Delivery Statement.

We also support the public sector’s corporate governance and accountability framework by assisting agencies to improve their right to information and information privacy practices.

## Our services

During 2013 – 14 we had four main services.

-  **Service one** – An independent, timely and fair review of decisions made under the *Right to Information Act 2009* and the *Information Privacy Act 2009* (see pages 10 – 12).
-  **Service two** – An independent and timely privacy complaint resolution service (see pages 13 – 16).
-  **Service three** – Foster improvements in the quality of practice in right to information and information privacy in public sector agencies (see pages 17 – 22).
-  **Service four** – Promote the principles and practices of right to information and information privacy in the community and within government (see pages 23 – 25).

Our 2014 – 18 Strategic Plan sets out an additional service objective in recognition of the substantial demand from agencies for assistance to achieve compliance with the privacy principles to meet community expectations about responsible management of personal information (see page 8).

## Our resources

As at 30 June 2014, we:

- had 33.1 full time equivalent staff; and
- received grant funding from the Queensland Government provided through the Department of Justice and Attorney-General. Our 2013 – 14 total appropriation was \$6.112M.

## Our finances

Figure 4. Financial snapshot

Financial snapshot	\$,000
Appropriation	6,112
Other revenue	64
Expenditure	6,017
Depreciation	115

## Our key performance indicators

We measure the efficiency and effectiveness of our services against key performance indicators.

Our strategic plan<sup>3</sup> sets out objectives and strategies for the five-year period 2013 – 17.

There is continual monitoring, evaluation and feedback undertaken both internally and externally. This allows us to refine the strategic plan to ensure alignment with whole-of-government priorities where appropriate.

More information about our strategic direction is available at [www.oic.qld.gov.au/about/right-to-information/publication-scheme/our-priorities](http://www.oic.qld.gov.au/about/right-to-information/publication-scheme/our-priorities).

Service delivery targets are based on a determined level of performance that we seek to meet within available resources.

These service targets enable the Queensland community and the government to assess whether or not we have delivered services to acceptable levels and measures our efficiency and effectiveness. Service targets are part of the Queensland Government Performance Management Framework.

Our performance report card on page 1 shows our achievements and overall performance against the established service targets.

In 2013, we launched an online performance dashboard which is accessible through our website. The dashboard displays our key activities along with the corresponding service delivery target.

Progress against these service delivery targets is reported on a monthly basis throughout the financial year.

Prior to implementing the performance dashboard, our performance information was only available through formal reporting processes often on an annual basis or at a set point in time. Now this resource provides an on-going indicative snapshot of our performance.

## Our stakeholders

The community, Queensland Government departments and Ministers, local governments, Hospital and Health Services, statutory authorities, Government-Owned Corporations, universities and other public authorities represent our stakeholders.

The Information Commissioner is accountable to the LACSC of the Queensland Parliament and meets with them during the course of the year to report on the performance of the Information Commissioner's functions and to discuss issues, such as our activities, structures and procedures, our work output, budget, Annual Report and any other significant issue.

While the Information Commissioner is not subject to ministerial direction, under section 133 of the RTI Act, our budget must be approved by the Attorney-General.

## Our challenges and risks in 2014 – 15

- Review of RTI and IP legislation being undertaken by the Queensland Government may require significant amendments to our training, information resources and delivery of our functions.
- A number of outstanding reviews may affect our function and role, including a strategic review under section 186 of the RTI Act.
- Significant unfunded demand for external review pending a permanent solution following completion of the review of the RTI and IP legislation.
- Continuing significant demand for expert privacy advice, including in relation to information and communication technology related matters, and information sharing.
- Increasing use of emerging technologies and online platforms such as the 'one-stop shop' portal to access government services.
- Changing community expectations about information access and privacy.
- Agencies' self-report audit identified lower compliance by some local government and Hospital and Health Services.
- Need for strong leadership and clear expectations of public sector employees with respect to information rights and responsibilities.
- Inadequate agency review of administrative access schemes to facilitate access for the community.

## Our priorities in 2014 – 15

- Review training, information resources and knowledge management systems to reflect legislative changes.
- Promote and encourage greater use of online access to information and administrative access schemes.
- Improve regional awareness and compliance with respect to information rights and responsibilities.
- Encourage agency leaders to champion a strong culture of openness and respect for protecting personal information.
- Support agencies to meet right to information and information privacy obligations and apply good practices in implementing initiatives such as outsourcing, open data, the 'one-stop shop' portal and increased information sharing across government and with contracted service providers.

<sup>3</sup> The Office of the Information Commissioner Strategic Plan 2013 – 17 applied for the 2013 – 14 period.

# Strategic plan 2014 – 18

## Strategic planning process and priorities 2014 – 18

We have determined five strategic focus areas for 2014 – 18 and have set strategies with key performance indicators to achieve our expected objectives over the five-year period.

The resulting strategic plan, outlined below, is based on deep reflection and consultation and will provide direction, focus and strength to our activities as a whole, and to teams and individuals as they proceed with special projects and day-to-day work.

Each executive management team member is responsible for addressing specific strategies to guide activity, monitor progress against targets and report achievement against service objectives.

The executive management team meet regularly to review progress on the plan and where necessary take corrective action to meet key performance indicators and established service delivery targets.

We are determined to ensure that business processes, policies and guidelines are effective, able to withstand scrutiny and perhaps more importantly, serve our staff and the Queensland community well.

### 1. Provide independent, timely and fair reviews of decisions made under the RTI Act and IP Act



#### STRATEGIES

- Resolve applications using flexible approaches
- Ensure quality resolution and decision making services by maintaining comprehensive case and knowledge management systems
- Determine external review applications through formal written decisions

#### KEY PERFORMANCE INDICATORS

Percentage of applicants satisfied with the conduct of review (70%)

Percentage of agencies satisfied with the review service provided (75%)

Median days to finalise a review (90 days)

Percentage of open reviews at end of reporting period over 12 months old (0%)

Percentage of reviews resolved informally compared to reviews resolved by written decision (75%)

### 2. Provide an independent, timely and fair privacy complaint mediation service



#### STRATEGIES

- Promote within agencies a culture that recognises the benefit of early resolution of privacy complaints through mediation
- Engage with complainants to explain the process and manage expectations

#### KEY PERFORMANCE INDICATORS

Percentage of privacy complainants satisfied with mediation service (70%)

Percentage of agencies satisfied with the privacy service provided (75%)

Mean average days to make a decision whether to accept a privacy complaint (14)

Mean average days to finalise an accepted privacy complaint (90)



### 3. Improve agencies' practices in right to information and information privacy



#### STRATEGIES

- Provide training, tools and practical resources
- Monitor, audit and report on agencies' compliance with the legislation
- Build key partnerships and networks

#### KEY PERFORMANCE INDICATORS

Percentage of agencies satisfied with information and assistance provided by OIC (80%)

Percentage of agencies satisfied with the quality of information provided (75%)

Percentage of training participants satisfied with sessions (75%)

Number of people trained (500)

Number of monitoring and compliance activities (10)

### 4. Promote greater awareness of right to information and information privacy in the community and within government



#### STRATEGIES

- Inform agencies and the community about information rights and responsibilities
- Provide information and assistance to the community and agencies through authoritative online resources and enquiry service advice
- Advise and influence key stakeholders on emerging trends and issues of significance
- Assist agencies to increase the flow of information to the community by encouraging information rich websites with clear pathways to access information

#### KEY PERFORMANCE INDICATORS

Number of awareness activities conducted (190)

Number of written and verbal enquiries handled (2,500)

Number of website visits (80,000)

Number of advices, consultations and submissions conducted

### 5. Assist agencies to achieve compliance with the privacy principles



#### STRATEGIES

- Provide independent expert advice and assistance to agencies
- Promote agencies' early engagement of OIC privacy services
- Conduct reviews and provide recommendations on both specific and systemic matters
- Determine whether in public interest to approve waiver applications through formal written decisions

#### KEY PERFORMANCE INDICATORS

Number of advices, consultations and submissions

Participation in community meetings, regional visits and information sessions

Number of reviews conducted

# Service one

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



## Key activity

- Continue to use alternative dispute resolution approaches and skills to resolve applications for external review in a timely manner.
- 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.

Figure 5. Service one service standards

Service standard	2009 – 14 target	Achievement				
		2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Percentage of applicants satisfied with the conduct of the review	70%	71%	68%	71%	78%	72%
Percentage of agencies satisfied with the review service provided	75%	98%	96%	98%	97%	94%
Median days to finalise a review	90 days	37	77	90	59	106 days
Percentage of open reviews at the end of the reporting period more than 12 months old	0%	2.6%	3%	1.8%	0%	0%
Number of reviews finalised	300	373	394	457	458	500
Percentage of reviews resolved informally compared to reviews resolved by written determination	75%	91%	84%	88%	88%	89%
Percentage of review applications finalised to received	100%	n/a <sup>3</sup>	n/a <sup>3</sup>	113% <sup>4</sup>	86%	110% <sup>4</sup>

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

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

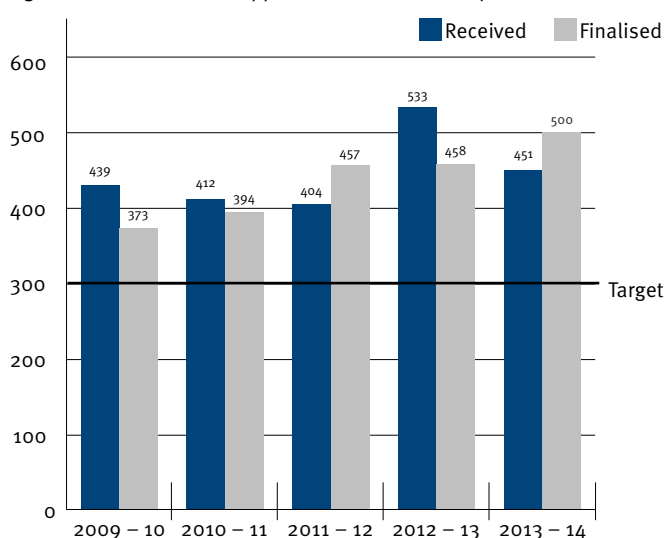
## External Review

In 2013 – 14, we conducted external review of decisions made under the RTI and IP Acts. 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 2013 – 14 reporting period we received 451 applications. Figure 6 displays the number of applications received by year since 2009 – 10.

Figure 6 also depicts the number of review applications finalised over a five-year period. During this reporting period we finalised a record number of 500 review applications. This is significantly more than previous years. The continued high closure rate can be attributed primarily to increased temporary resources in 2013 – 14.

Figure 6. External Review applications received and finalised



## Resolving applications

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

### Early resolution

The RTI and IP Acts 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.

### Resolution of reviews

The percentage of reviews finalised informally during the 2013 – 14 reporting period was 89%. This represents a continuing high rate of informal resolution of reviews exceeding our target of resolving 75% of reviews without a formal decision.

Figure 7. Proportion of reviews resolved informally

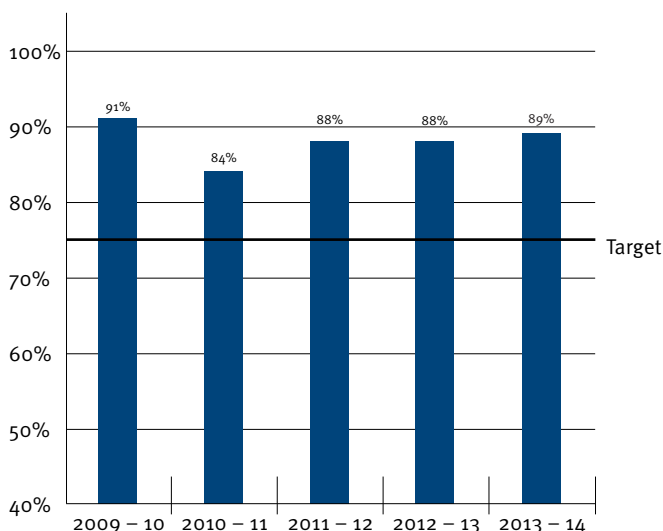
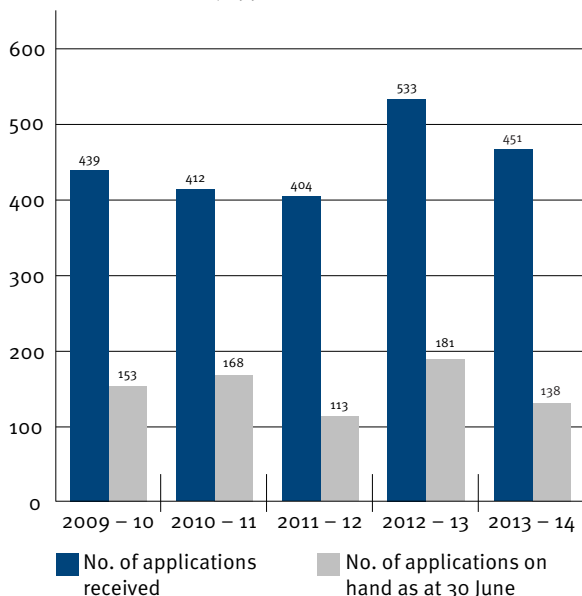


Figure 8 shows that the number of applications on hand at the end of this financial year was 138. This reflects the significant achievement of closing a record number of applications.

Figure 8. Number of external review applications on hand and number of applications received



***“Handled very fairly. People were courteous and good to talk to. Very happy with the outcome.”***

***- External Review applicant***

## Decisions

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

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

In 2013 – 14 we made 55 written decisions: 26 of these were made under the RTI Act and 29 under the IP Act.

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

Under section 119 of the RTI Act and section 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.

During the 2013 – 14 reporting period, three appeals were made to QCAT by external review applicants in relation to decisions of the Information Commissioner. One matter was dismissed by QCAT on the basis that the appellant had not established a question of law and the other two matters remain under consideration by QCAT.

In addition, three other matters filed in previous financial years remain under consideration by QCAT.

During the 2013 – 14 period, QCAT also determined one other matter that had been lodged in the previous year. The appeal was dismissed on the basis that the appellant had not established a question of law.

### 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 2013 – 14.

### Applicant satisfaction with the conduct of the review

In 2013 – 14, 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 our jurisdiction, the applicant was not surveyed. Consistent with previous years when seeking 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.

Seventy-two per cent of applicants were satisfied overall with the review service provided in 2013 – 14. This exceeds our service standard of 70%.

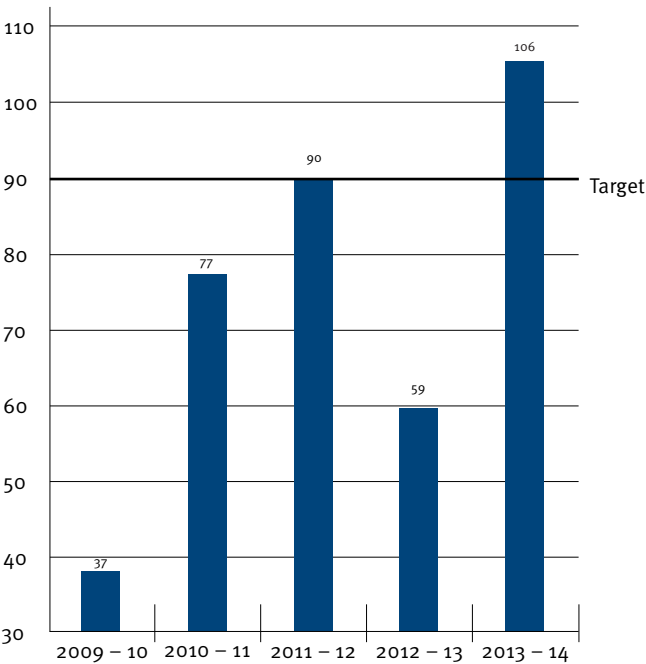
# Quality

We maintain comprehensive case and knowledge management systems to support continuous improvement of the quality of our external review informal resolution and decision-making services. As well as the annotated legislation which is publicly available, external review staff have access to an extensive database of internal resources. Additionally, advanced training in negotiation skills is provided to all staff.

# Timeliness

We report on our timeliness by measuring 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 in 2013 – 14 was 106 days. The service standard is 90 days.

Figure 9. Median days to finalise a review



Of the 500 matters finalised this year, the vast majority (73%) took less than six months to close, with 45% closing within the first three months.

A small number of matters (10%) took longer than nine months to resolve. Matters can take an extended time to finalise due to a range of reasons including the complexity of the issues raised, the volume of documents in issue, the involvement of third parties and the ability of the parties to engage with the process.

Figure 10 shows that while we have experienced significant increase in demand and complexity of reviews, substantial progress has been made in improving the overall results for finalising external review applications in recent years.

2010 – 11, when compared to 2013 – 14, shows:

- over 100 more applications finalised (see Figure 6)
- no applications older than 12 months at the end of the reporting period (see Figure 11); and
- approximately 10% more applications closed within six and nine months (see Figure 10).

The 7.7% closure rate difference at three months, which is also shown in the median for the different years, is due to the increasing complexity of the reviews over time and how this affects the time frame required to resolve issues involved in the review.

Figure 10. Percentage of applications finalised within 9, 6 and 3 months

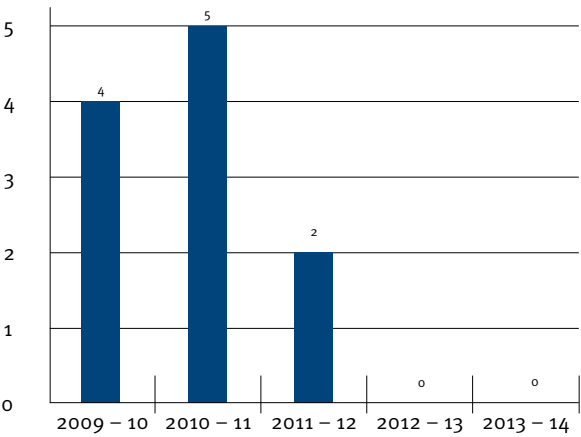
	2010 – 11	2011 – 12	2012 – 13	2013 – 14
9 months	76.9%	74.8%	89.3%	89.4%
6 months	64.7%	63.7%	78.6%	73%
3 months	52.3%	50.6%	58.5%	44.6%

## 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. A performance measure was introduced in 2005 – 06 with a target of having fewer than ten reviews more than 12 months old. This measure was replaced in the 2011 – 12 Service Delivery Statement by an amended efficiency measure of 0% as a result of a whole-of-government review process.

As at 30 June 2014, no reviews more than 12 months old remained open. This was achieved despite the continuing high number of incoming review applications and can be attributed to additional temporary resources in 2013 – 14, a continued emphasis on early resolution and ongoing efforts to project manage files during the reporting period.

Figure 11. Number of open reviews more than 12 months old



## Applications for financial hardship status

Under section 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 2013 – 14, we received four applications for financial hardship status. Three applications were granted and one was refused.

# Service two

## An independent and timely privacy complaint resolution service



### Key activity

- Provide a quality privacy complaint mediation service.

Figure 12. Service two service standards

Service standard	2009 – 14 target	Achievement				
		2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Percentage of complaints satisfied with the mediation service provided	70%	n/a <sup>5</sup>	Insufficient meaningful data <sup>6</sup>	Insufficient meaningful data <sup>6</sup>	Insufficient meaningful data <sup>6</sup>	100%
Percentage of agencies satisfied with the privacy service provided	75%	n/a <sup>5</sup>	Insufficient meaningful data <sup>6</sup>	100%	100%	100%
Percentage of privacy complaints finalised to received	100%	n/a <sup>7</sup>	n/a <sup>7</sup>	93%	88%	128% <sup>8</sup>
Mean average days to make a decision whether to accept a privacy complaint	14 days	n/a <sup>5</sup>	n/a <sup>5</sup>	n/a <sup>5</sup>	n/a <sup>5</sup>	25 days <sup>9</sup>
Mean average days to finalise an accepted privacy complaint	90 days	n/a <sup>5</sup>	n/a <sup>5</sup>	n/a <sup>5</sup>	n/a <sup>5</sup>	142 days <sup>9</sup>

5. Not a Service Standard during this reporting period. 6. The number of complaints received was too low for the measure to be meaningful.

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

8. More applications were finalised than received during the reporting period due to carry-over from the previous period. 9. New measure for 2013 – 14.

### Privacy complaints

In the 2013 – 14 financial year we received 32 privacy complaints. There were a number of privacy complaints from the previous financial year that carried over into the 2013 – 14 financial year. As a result, we closed 41 privacy complaints. As at 30 June 2014 no privacy complaint was more than 12 months old.

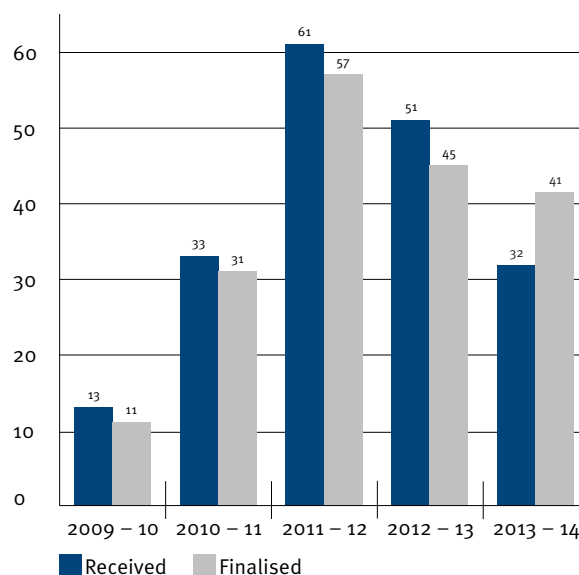
The number of complaints received was down from the previous two financial years and is consistent with the 2010 – 11 period.

It is not known whether this is the start of a trend. It is speculated that the introduction of an online complaint form introduced in the 2012 – 13 financial year has meant that complaints that are clearly out of jurisdiction do not progress to final online lodgement and therefore are not received by us.

In 2012 – 13 a failure to first complain to the relevant entity was the biggest reason why we could not accept complaints. Agencies are not required to report on the number of privacy complaints they receive.

It is hoped that through a number of our initiatives, agencies are also better able to handle privacy complaints and resolve them at the agency level without the complainant having to bring the complaint to us.

Figure 13. Number of privacy complaints received and finalised



***“The staff member was extremely helpful, knowledgeable and fair. A genuine asset to the OIC.”***

## ***- Privacy complainant***

### **Timely privacy complaint resolution service**

We introduced new standards to measure our timeliness in dealing with privacy complaints in the 2013 – 14 financial year.

These new standards measure two stages of the complaints process. The first stage looks at the mean average days to make a decision whether to accept a privacy complaint.

The next standard, measures the mean average days to finalise an accepted privacy complaint. A target of 90 days has been set.<sup>10</sup>

It is intended that these new measures will more clearly indicate the division of time taken in the initial stage of determining whether to accept a complaint and subsequently the process of seeking to resolve or finalise an accepted complaint through mediation.

#### ***Making a decision whether to accept a complaint – target 14 mean average days***

The target has been set at 14 days to incorporate the administrative need to sometimes obtain further or clarifying information concerning the subject of the complaint from the parties in order to determine whether the complaint can be accepted.

It may be challenging to meet this timeframe, based on early experience. The mean average days taken to decide whether to accept a privacy complaint was 25 days in 2013 – 14.

The privacy complaint may be complex and the necessary preliminary enquiries the Information Commissioner makes to decide whether to accept the matter are similarly complex or require involved communications with the parties.<sup>11</sup>

The reasons that the Information Commissioner may decline to deal with a privacy complaint and/or decide not to accept a complaint fall into the following categories.

#### **1. Not authorised to deal with the complaint.**

For example, no jurisdiction:

- the respondent was not an agency as defined in section 18 of the IP Act; for example the entity complained about was a Commonwealth Government agency or private sector organisation
- the privacy principles do not apply to the document of the entity or to the entity in relation to a particular function that is, the agency complained about is an

exempt agency or it is operating under an exempt function under schedules 1 and 2 of the IP Act

- there is no articulated privacy complaint; or
- it does not concern the personal information of the complainant.<sup>12</sup>

#### **2. Had not met the requirements for a privacy complaint.**

The complainant has not first complained to the relevant entity and at least 45 days had elapsed.<sup>13</sup>

#### **3. The Information Commissioner may decline to deal with or to further deal with a complaint in circumstances including:**

- 12 months has elapsed since the complainant first became aware of the act or practice the subject of the complaint<sup>14</sup>
- the complaint is frivolous, vexatious, misconceived or lacking in substance<sup>15</sup>; or
- there is a more appropriate course of action available under another Act to deal with the substance of the complaint.<sup>16</sup>

In most cases we can promptly determine whether a complaint is out of jurisdiction or has not met the technical requirements of the IP Act. For example, where a complainant has not first made a privacy complaint to the agency.<sup>17</sup>

Accordingly a decision to refuse to deal with a complaint on such bases can be made very quickly. In 2013 – 14 there has been a marked decrease in privacy complaints not accepted on this basis. Only four complaints in the 2013 – 14 financial year were closed for this reason.

In relation to the other reasons for refusal to deal, it is not always clear at the outset whether a privacy complaint comes within the technical requirements of the Act and the actions are not exempt or subject to exceptions under the IP Act.

There are a number of complaints made to us where we must make further enquiries with the complainant and the agency in order to make a careful assessment to determine whether the Information Commissioner can accept the privacy complaint.<sup>18</sup>

This is the first year of operating with a target of 14 days to decide whether to accept a privacy complaint and it has not been met. We will monitor how realistic this target is and/or whether there are opportunities for improving the assessment process.

#### ***The mean average days to finalise an accepted privacy complaint – target 90 days***

Once a decision has been made to accept a privacy complaint, our role under the IP Act is to provide a mediation service.

**10.** State Budget, Service Delivery Statement, 2013 – 14, page 62. **11.** Section 167 of the IP Act. **12.** Sections 12 to 19 of the IP Act. **13.** Section 166(3) of the IP Act. **14.** Section 168(1)(f) of the IP Act. **15.** Section 168(1)(c) of the IP Act. This includes circumstances where the provisions of the IP Act provide for exceptions and exemptions from compliance with the IPPs and NPPs. For example, sections 28 to 32, document is a document to which the privacy principles do not apply. **16.** Section 168(1)(d) of the IP Act. **17.** Section 166(3) of the IP Act. **18.** Section 167 of the Act.



The mean average days to finalise an accepted privacy complaint in 2013 – 14 was 142 calendar days.

We do not have powers to make any determination, order or recommendation concerning the complaints we accept. The finalisation of an accepted privacy complaint made to us is therefore substantially affected by the participation of the complainant and agency.

Mediation often requires lengthy negotiation between the parties. The process includes communicating between the parties on offers and counter offers.

There are inevitable delays while authorisation and responses are considered, particularly by agencies. While there are often long periods between responses, the parties who come to the mediation in good faith often understand and are prepared for a lengthy process.

The mediation process often results in successful resolution. Fifty per cent of accepted privacy complaints were successfully mediated in 2013 – 14.

It is notable that it takes longer to finalise a successfully mediated complaint, with the three longest privacy complaints finalised in 2013 – 14 all being successfully mediated.

There are a number of factors that may contribute to the mean average days to finalise an accepted privacy complaint exceeding the new 90-day target.

As this is the first year the measure has been introduced there is no comparative data available.

A longer period will be necessary to see if the resulting mean average days can provide a meaningful measure or if it is likely to be skewed by the low number of complaints accepted in a financial year and where one or two lengthy complaints are finalised in that year.

The current mean average of 142 days to finalise an accepted privacy complaint in part reflects one complaint which took an unusually long time to successfully settle at 560 days.

This was because the complaint resulted in a relatively significant ex-gratia payment and the agency was undergoing an organisational restructure.

Despite the length of time to resolve and finalise the privacy complaint, it was successfully mediated with a deed of release entered into between the agency and the complainant and a financial payment made to the complainant in settlement.

We will continue to examine our mediation processes to identify further improvements to ensure timely management of complaints.

## **Independent and fair privacy complaint resolution service**

### *Agency and complainant satisfaction with the privacy and mediation service*

Timely resolution of complaints is just one of the contributors to agency and client satisfaction and just one of the standards against which OIC performance is measured.

Other measures include:

- complainant survey results. A survey of complainants conducted once the privacy complaint has been finalised received five responses in 2013 – 14; and
- agency survey results. All agencies were surveyed in 2013 – 14.

There were three questions relating to privacy in these surveys. These related to the:

- information provided during the privacy complaint process being clear and useful
- timeliness of actions taken during the privacy complaint process were satisfactory; and
- satisfaction with the privacy complaint process.

One hundred per cent of those complainants and agencies that responded were satisfied or very satisfied with the privacy service provided.

### *Referral to Queensland Civil and Administrative Tribunal (QCAT)*

If during the course of the mediation it does not appear to the commissioner reasonably likely that resolution of the complaint could be achieved, the commissioner must give written notice of this decision to the complainant and the respondent agency.

If asked by the complainant, the commissioner must refer the privacy complaint to QCAT.<sup>19</sup> Four complainants requested their privacy complaints be referred to QCAT in 2013 – 14. One of these privacy complaints had been made in the previous financial year as there is no time limitation on the complainant seeking a referral.

<sup>19</sup>. Part 4 IP Act referral of privacy complaints to QCAT.

## Case study

A recent privacy complaint received by us highlighted how a willingness by the agency to understand the complainant's concerns, and the timeliness of their response, was instrumental in resolving the complaint.

### The complaint

The complainant made an appointment with a public authority (the agency) to seek advice and discuss options regarding a service provided by the agency. During the meeting, the agency used a questionnaire to frame its discussions with the complainant, which involved collecting and recording personal information from the complainant.

The complainant subsequently decided not to use the service provided by the agency and requested that the agency delete some of the personal information recorded on the questionnaire as the information was no longer accurate. The agency refused to do so for the reason that Queensland Government agencies have a responsibility under the *Public Records Act 2002* (Qld) to create and manage full and accurate records of its activities, and that these records must then be retained in accordance with Retention and Disposal Schedules approved by the State Archivist.

The complainant alleged that the agency's refusal to delete their personal information was a breach of their privacy.

### The alleged breach of the privacy principles

Information Privacy Principle 7 requires agencies to take all reasonable steps, including the making of an appropriate amendment, to ensure that its personal information holdings are accurate, relevant, complete, up-to-date and not misleading.

### Outcome of the complaint

We contacted the agency as part of our preliminary enquiries and sought clarification on the circumstances in which this advice was provided. The agency confirmed its position that it was unable to delete the complainant's personal information due to legislative record-keeping requirements. The agency indicated that it recognised it could have explained more clearly to the complainant the capacity for the addition of a notation to the document where the complainant believed that the information was inaccurate or misleading.

The agency acknowledged the complainant's concerns and proposed making an apology to the complainant and attaching an appropriate notation to the document. The complainant agreed to this proposal. The agency then contacted the complainant and verbally apologised for their communications with the complainant, and followed this up with a letter which reiterated their apology and confirmed that a notation had been added to the document which stated the personal information was not up-to-date and was not to be used. The letter also informed the complainant that additional measures had been put in place to restrict access to the document. Both the phone call and letter were provided within a week of the complainant acknowledging she would accept the agency's proposal.

The complainant subsequently indicated that these actions by the agency resolved her privacy complaint. The agency used the complaint as an opportunity to improve its service by reminding staff that any privacy-related issues are to be referred to the agency's Privacy Contact Officer.



# Service three

## Foster improvements in the quality of practice in right to information and information privacy in Queensland Government agencies



### Key activity

- Produce and provide tools, resources and training.
- Monitor, audit and report on agencies' compliance with the legislation.

Figure 14. Service three service standards

Service standard	2009 – 14 target	Achievement				
		2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Percentage of agencies satisfied with the information and assistance provided from the OIC	80%	n/a <sup>20</sup>	98%	100%	97%	99%
Percentage of agencies satisfied with the quality of information provided	75%	n/a <sup>20</sup>	96%	98%	100%	97%
No. of training activities provided	30	77	38	31	35	36
No. of people trained	500	3,594	1,635	1,027	2,983	8,479
Percentage of course participants satisfied with sessions	75%	95%	100%	99%	99%	88%
No. of monitoring and compliance activities	10	n/a <sup>20</sup>	102	178	106	47

<sup>20</sup>. Not a Service Standard during 2009 – 10 period.

### Information and Assistance

One of our major functions is to provide information and assistance to agencies and members of the public on the interpretation and application of the RTI and IP Acts.

During 2013 – 14, our Information and Assistance officers supported this function through a regional engagement project focusing on rural and regional agencies.

The objective of the project was to raise awareness and offer support and assistance by providing information about the wide range of resources available to support agencies in meeting their obligations under the RTI and IP Acts.

This was achieved through an initial telephone call to the agency during which our services and resources were explained.

At this time agencies were also offered an opportunity to provide us with feedback to inform our practices and the possible development of future resources and services.

Following this conversation each agency received a detailed email containing further information and resources including links to relevant guidelines, website pages and online training.

Where telephone contact was unsuccessful a comprehensive support pack was sent to the agency.

A total of 126 agencies were provided with support and assistance as a result of the project.

In 2013 – 14, we continued to produce guidelines for use by agency staff to assist with ongoing compliance with RTI and IP obligations. We focused on creating information sheets as a companion resource to agency guidelines giving agency officers and members of the public a common point of reference. All information resources are available on our website.

In addition to the guidelines set out in Figure 15, we published 49 new, specifically targeted, privacy guidelines. We also extensively reviewed 58 guidelines in order to improve readability and useability and to better reflect the needs of agencies.

Figure 15 sets out a sample of guidelines and Figure 16 sets out the information sheets we published on our website during 2013 – 14.

Figure 15. Sample of agency guidelines published

Sample of agency guidelines
Applications for investigation and complaint documents
Charging for applications received before 1 July 2014
Exempt information – Contempt of Court or Parliament
Neither confirm nor deny checklist
Outlining applicant review rights
Refusal of access – other access available
Refusal to deal: diversion of resources – flowchart
Refusal to deal: diversion of resources – overview
Applications for medical records of the deceased
Transferring applications to another agency – checklist
Amendments to the <i>Privacy Act 1988</i> (Cth) – a guide for agencies
Demographics and privacy

Figure 16. Community information sheets published

Community information sheets
Exempt information: legal professional privilege – a guide for applicants
Public interest disclosure – a guide for applicants
Refusal to deal: diversion of resources – a guide for applicants
Tendering for government contracts – a guide for applicants
Who is an eligible family member for a deceased person – a guide for applicants
Applying to access medical records of a deceased person
Self-publishing and the privacy principles

Many of our resources are developed to address specific issues faced by agencies, applicants or members of the community.

These issues are often identified during training sessions or forums (including the RTI/IP Practitioner Forum) and in the course of providing the enquiries service, monitoring agency performance, providing expert privacy advice to agencies on projects and policies, dealing with privacy complaints, and conducting external reviews.

They can also arise from research into interstate and overseas legal developments. These issues include those relating to agency practices, common misunderstandings by community members, and amendments to RTI and IP legislation.

## Training

Our training program for 2013 – 14 continued to foster improvements in the quality of practice in right to information and information privacy in Queensland government agencies in the form of:

- a series of face-to-face workshops in Brisbane covering a variety 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
- online training courses for agency staff required to comply with the RTI Act and IP Act, including staff of bound contracted service providers; and
- webinars.

In 2013 – 14, we offered the following scheduled training.

- Fast track negotiation skills training.
- Access training for decision makers.
- Legal professional privilege exemption training.
- Breach of confidence exemption training.
- Substantial and unreasonable diversion of resources provisions workshop.
- Neither confirm nor deny the existence of documents provision workshop.

In addition to training for practitioners, specialised training was developed for agency staff and others according to their role with sessions delivered for council staff, senior management, university staff and legal professionals.

Our training is evaluated to facilitate continuous improvement. Course participants provide us with feedback including their level of satisfaction with the training session.

In the reporting period 88% of participants were satisfied with the training provided. Our service target for the period was 75%. While the level of satisfaction is still very high, the slight drop in the participants' satisfaction level from 2012 – 13 (99%) can be attributed to a 287% increase in the number of participants trained through our online courses (1,973 in 2012 – 13 compared to 7,626 in 2013 – 14).

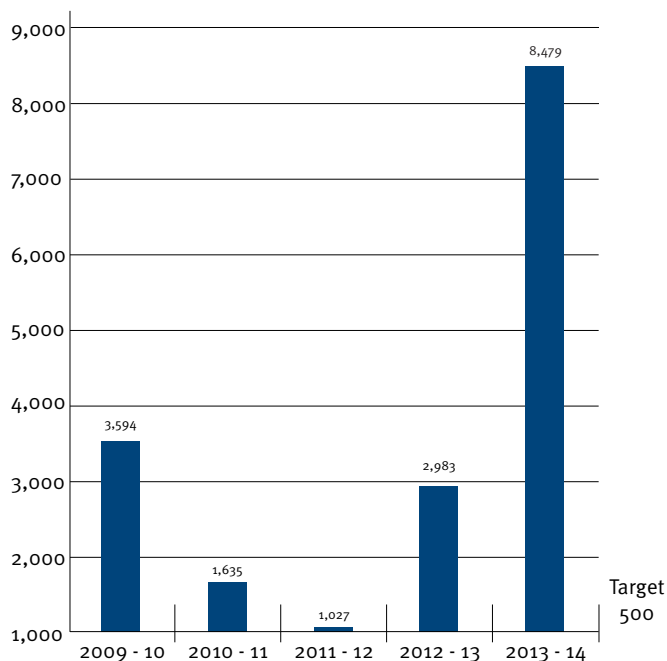
Figure 17 displays the number of people trained against the service standard target over a five-year period.

The tailored training package for information practitioners called 'Fast Track Negotiation Skills' continued to be delivered in response to demand.

This training course 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. This two-day face-to-face training course continued to receive favourable participant feedback.

Figure 17. Number of people trained



### Online training

Our online training program continued to provide greater access to training opportunities for individuals to learn about information rights and obligations in Queensland. The training offers an individual or agency with access to a flexible learning pathway free of charge.

Queensland public sector agencies are being actively encouraged to embed the online training into staff induction and annual compliance regimes.

The courses have been designed to offer both general awareness of information rights and responsibilities as well as more specific application of the RTI and IP Acts.

During the reporting period, four new courses were added to the suite, namely Access Training for Decision Makers (Three modules) and Privacy Complaint Management Training.

Our suite of online training courses now consist of:

- Information Privacy Act
- Right to Information Act
- Public Health Agencies and the Information Privacy Act
- Information obligations for public service officers
- Privacy complaint management training (new); and
- Access training for decision makers – Three modules (new).

We received 7,626 enrolments to our online training courses during 2013 – 14.

***“Excellent and engaging. Will use the information learned every day.”***  
***- Training participant***

We also offered training via a free webinar on the Substantial and Unreasonable Diversion of Agency Resources for agency staff making decisions under the RTI Act. The webinar delivery method allowed practitioners to participate regardless of their geographical location. Recordings of webinars are made available on our website allowing users to access the resource when required. We are increasingly using web-based technologies to maximise learning opportunities for stakeholders throughout Queensland, and to reduce training costs.

Our web-based training in 2013 – 14 included:

- dealing with high conflict people training (e-lecture)
- substantial and unreasonable diversion of resources (e-lecture and webinar); and
- self-assessment electronic audit training (webinar).

### Additional agency assistance provided

We continued to receive increased demand from agencies seeking assistance with understanding their responsibilities, and the practical application of them, with respect to the release of government-held information and the protection of personal information.

We played an active role in supporting Open Data initiatives, including through participating in the Senior Officers Working Group on Open Data and Queensland Government Open Data events. We are regularly consulted by the Department of Premier and Cabinet about the strategic direction of future Open Data initiatives.

We performed an advisory role to support agencies to ensure they comply with the Queensland Government’s objective of releasing the maximum amount of data on the Open Data portal while not compromising the privacy of individual members of the community whose data is contained in the dataset. We provided practical advice, consistent with our guidelines about publishing data and privacy.

We also assisted agencies to promptly resolve unforeseen issues as they appeared. For example, when concerns were raised in February 2014 regarding the level of detail of personal information published in a Queensland Police Service (QPS) crime statistics open dataset, we made enquiries of, and provided advice to, the Queensland Police Service and the Department of Premier and Cabinet to ensure the resource was available in a privacy compliant manner. In this case, the level of geo-spatial data in the dataset enabled the identification of individual properties where a crime had occurred. This in turn raised the potential for persons associated with those properties to also be identified, including in many cases, victims of those crimes. The outcome of these discussions was a proposal to adjust the dataset to afford a greater level of protection for individual’s personal information.

In 2013 – 14 we experienced significant demand from agencies to help them consider privacy obligations, particularly in relation to new initiatives and technologies.

We focused on providing resources to improve privacy in agency complaint-handling practices, which is likely to impact on the community's understanding of the privacy complaint process including technical requirements.

Increasingly we have been consulted by a number of local governments, and government agencies including the QPS, and given advice about the operation of CCTV programs, including the use, collection, storing, and sharing of information between agencies and the individual's right to access surveillance footage. In June 2014, the Acting Privacy Commissioner was invited to meet with the South-East Queensland Community Safety Practitioners and to discuss privacy issues regarding CCTV systems.

Agencies indicate that they have considered our 2012 review report and subsequent resources on camera surveillance and privacy to encourage compliance when developing and reviewing systems.

It would therefore appear that the review has increased awareness of agency privacy obligations relating to camera surveillance, and that agencies have actively engaged with us to access guidance and advice to ensure compliance.

## Performance Monitoring and Reporting

In 2013 – 14, reports were tabled in Parliament in relation to eight reviews of agencies' compliance with right to information and information privacy obligations.

- Desktop audits conducted in 2012 – 13.
- A self-assessed electronic audit of all agencies' compliance with the RTI and IP Acts and related requirements.
- A follow up of agency adoption of review recommendations made to:
  - the Queensland Police Service
  - Queensland Health; and
  - the Department of Transport and Main Roads.
- A compliance review of the Department of Education, Training and Employment.
- Incorporation of privacy obligations in general complaint handling systems.
- A compliance review of Rockhampton Regional Council.

### Results of Desktop Audits 2012 – 13: Review of Publication Schemes, Disclosure Logs and Information Privacy Awareness in Government-Owned Corporations, Local Governments, Statutory Authorities and Universities

The Queensland community increasingly wants and expects government to provide information and services via the internet. We audited government agency websites from the perspective of a member of the public looking at information available online, to assess agency compliance with both specific legislative requirements and general legislative requirements to push information into the public domain and protect personal information.

In 2012 – 13, we conducted audits of 95 local government, university, statutory authority and Government-Owned

Corporation (GOC) websites. These audits found that reviewed agencies have continued to improve legislative compliance for online publication schemes and disclosure logs. In particular, more local governments published a publication scheme and disclosure log since the previous report in 2012.

Although progress was made, the audits found room for improvement across all the government sectors reviewed. Agencies could make their publication schemes and disclosure logs more effective by including more information. Agency websites could also be better used to promote administrative access to information, so that formal applications are made only as a last resort. It was identified that more work was needed to incorporate into websites the privacy principles concerning collection, use and the disclosure of personal information holdings.

### 2013 Right to Information and Information Privacy Electronic Audit: Queensland public sector agencies' responses and comparative analysis with 2010 results

In 2013, we conducted a second electronic audit in which agencies assessed their progress in addressing obligations under the RTI Act, IP Act, Ministerial guidelines under the RTI Act, and relevant requirements including specific record keeping obligations under the *Public Records Act 2002* (Qld). The self-assessed electronic audit provides a snapshot of the progress across all Queensland public sector agencies. As the self-assessed electronic audit is repeated, over time it will build a longitudinal picture of agency progress in addressing the strategic and operational requirements of the RTI and IP Acts.

We contracted with the Government Statistician to develop an interactive, online survey tool to conduct the 2013 electronic audit. The online tool was a significant advancement and provided reusable, user-friendly software to minimise the audit's administrative impact on agencies.

Overall, considerable progress was reported for the 187 audited agency types, namely, departments (21), local governments (64), universities and statutory TAFEs (9), GOCs (12), Hospital and Health Services (16) and other agencies (65). Key results reported by agencies included:

- an improvement in the reported performance under the RTI and IP Acts across all agencies with an increase of 14 percentage points since 2010 to 85% full or partial implementation
- strong reported performance in the GOC, Queensland Government department and university and TAFE sectors with 94% full or partial implementation of obligations. The GOC and university and TAFE sectors reported a 10 to 14 percentage point improvement in compliance from 2010
- while the local government and other agency sectors reported a 15 percentage point improvement in performance since 2010, further improvement is required. These sectors reported 82% full or partial implementation of obligations
- the highest reported level of compliance related to application processing and privacy, with 90% of obligations reported as having full or partial implementation; and



- 109 agencies (58%) still reported not having implemented at least one of the ‘push model’ strategies, that is, a publication scheme, disclosure log or administrative access arrangement. Significantly, almost half (88) of agencies did not report having any administrative access schemes. Only a third (62) reported that they had or were in the process of:
  - implementing a new administrative access scheme since commencement of the RTI Act in 2009; or
  - introducing new information into an existing administrative access scheme.

Where agencies had a publication scheme they reported strong compliance with the requirements for implementing a publication scheme.

We found that active leadership by agencies is the key to maintaining and reviewing activities required to ensure full compliance is achieved.

### Compliance reviews and follow-up reviews

Our compliance reviews undertake an in depth review of agency compliance with legislative obligations. Follow-up reviews assess the extent of implementation of recommendations made in compliance reviews. These reviews encompass:

- governance (leadership, governance mechanisms, information management including proactive identification and release of information holdings, policies, procedures, delegations and roles and responsibilities of key personnel and training)
- accountability and performance monitoring systems; and
- whether or not an agency is maximising disclosure.

The reviews include:

- a review of statistical reporting (including internal reporting and annual reporting under section 185 of the RTI Act)
- consultation with communities and industry stakeholders as to their information needs and information management issues, and the extent to which those needs are addressed by the agency
- compliance with legislatively based requirements for:
  - an agency publication scheme (section 21)
  - an agency disclosure log (section 78)
  - giving access to information administratively (Preamble to the RTI Act and recognised under section 19)
  - access and amendment applications (parts 2 – 7); and
  - review processes, including internal and external review of decisions under the legislation (part 8).
- the agency’s personal information handling practices including technologies, programs, policies and procedures to review privacy related issues of a systemic nature generally, and agency compliance with the privacy principles.

Review activities include:

- discussions with relevant staff and management

- discussions with community and industry stakeholders
- discussions with or a survey of applicants
- observation of RTI and IP handling practices
- examination of the agency website including publication schemes, disclosure logs and arrangements for administrative access
- review of desktop audit recommendations and any agency response
- an examination of agency intranet
- a review of statistical records/reporting
- a review of agency documentation, particularly policies and planning documentation; and
- substantive testing of a random sample of at least 20 application and internal review files, or as many closed files as are available for a 12-month period.

### Follow-up of review recommendations (Queensland Health and Queensland Police Service): Review of agency adoption of recommendations made under the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld)

We found that Queensland Health and Queensland Police Service had made good progress towards implementing the recommendations from the 2011 – 12 review reports. The two reports had a combined total of 48 recommendations. As at October 2013, 41 out of 48 recommendations were fully implemented and seven partially implemented.

Three recommendations made to Queensland Health were in progress following development of a new information governance structure that was still being finalised at the time of the follow up review.

Seventeen out of 20 recommendations were implemented in full, with recommended actions taken to support Hospital and Health Services in developing and progressing their own strategies.

Four recommendations made to the Queensland Police Service were in progress as a result of delays associated with reviews and a restructure of the Queensland Police Service. Twenty-four out of 28 recommendations were implemented in full.

In particular, the launch of the Online Crime Statistics Portal with geospatial information was a significant achievement recommended by our review report.

### Follow-up of review recommendations: Department of Transport and Main Roads, Review of agency adoption of recommendations made under the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld).

We found that the Department of Transport and Main Roads (TMR) had implemented five out of six recommendations in full, and was in progress to implementing the sixth recommendation, which was to review and update community engagement policy, principles, standards and guidelines in light of right to information.

TMR performed strongly in its delivery of right to information and information privacy and demonstrated a clear commitment to openness and accountability.

## **Compliance Review – Department of Education, Training and Employment: Review of Department of Education, Training and Employment compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld)**

We found that the Department of Education, Training and Employment (DETE) had a high level of legislative compliance. In particular, DETE published a wealth of information as a matter of course. We found that DETE should continue to review options for publishing school performance information, ensure active management of information at the strategic level, promote administrative access at the local business unit level and clarify policies and procedures so as to balance reporting about decisions to Ministers and senior executives with independent decision making.

### **Privacy in complaint handling systems: A review of how privacy obligations in the *Information Privacy Act 2009* (Qld) have been incorporated in Queensland government agencies' complaint handling systems**

We conducted a desktop audit of a sample of 38 agency websites, and an in depth review of six agencies, to identify good privacy practice in complaint handling that could be publicised as a resource for others.

Examples of good privacy practice were agencies making privacy considerations explicit as part of the complaint-handling procedure, agencies seeking only relevant information from complainants, agencies giving notice about the use of information, good management and record keeping, control of information capture and flow, agencies building respect for privacy into complaint handling procedures and complaint resolution, and appropriate use and disclosure of information about complaints by agencies.

The report identified further information resources that would assist agencies to ensure complaint management systems comply with the privacy principles under the IP Act.

We published resources on anonymity and confidentiality in complaints, the interaction of natural justice and privacy in complaints and disclosure of complaint information. We have also had discussions with the Office of the Ombudsman about incorporating relevant material into the Ombudsman's training resources to maximise privacy awareness to improve agency practices and compliance.

## **Compliance Review – Rockhampton Regional Council: Review of the Rockhampton Regional Council's compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld)**

We found Rockhampton Regional Council was meeting its legislative obligations well, particularly in governance of information management, community engagement, providing an information rich website and in terms of compliance with the requirements of the RTI Act and IP

Act. Areas for improvement were in communication with individuals, particularly in dealings with individuals requesting information through ordinary business channels and advice provided to individuals about Rockhampton Regional Council's use and disclosure of personal information.

### **Desktop audits**

Reviews of 38 departmental and Hospital and Health Service (HHS) websites, including 36 full individual audits and two website scans were conducted during 2013 – 14.

We reviewed their websites for compliance with the legislative requirements, including publication schemes, disclosure logs and specific privacy principles. In a desktop audit we examine agency websites taking the perspective of a member of the public looking for information available online. The desktop audit assesses the agency websites against auditable items as required by the RTI Act, IP Act or the Ministerial Guidelines made under the legislation.<sup>21</sup>

As a minimum, 729 compliance obligations are assessed, and up to 914 items might be assessed, depending on responses to initial assessments. These obligations relate to the general visibility and accuracy of webpages describing right to information, the operation of publication schemes, the publication and accessibility of material relating to the Queensland Government's Open Data Initiative, the operation of disclosure logs, the promotion of administrative access arrangements, and compliance with Information Privacy Principles 2 and 5 concerning notifications about the collection, use and disclosure of personal information.<sup>22</sup>

Most of the agencies reviewed had satisfied basic requirements for publication schemes and disclosure logs, but had opportunities for improvement to achieve full compliance.

Some Hospital and Health Services had yet to develop independent websites or to ensure that the hosting of their online information was fully developed. A checklist was developed to assist agencies without a fully developed web presence to build RTI and IP into their online presence.

The audits 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 have not yet fully addressed the requirements of both of these privacy principles.

A report on desktop audits conducted in 2013 – 14 will be tabled early in 2014 – 15.

<sup>21</sup> The Ministerial Guidelines are guidelines made by the Minister administering the legislation pursuant to section 21 and sections 78, 78A and 78B of the RTI Act. The full title of the Ministerial Guidelines is *Operation of Publication Schemes and Disclosure Logs: Under section 21(3) and sections 78, 78A and 78B of the Right to Information Act 2009*. The latest version was issued in February 2013. The guidelines can be viewed from a link at <http://www.rti.qld.gov.au/right-to-information-act/publication-schemes>. <sup>22</sup> For this annual report, a reference to Information Privacy Principles (IPPs) includes the National Privacy Principles (NPPs), which apply specifically to health agencies. In desktop audits, IPP2 equates to NPP1, and IPP5 equates to NPP5.

# Service four

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



### Key activity

- Inform and educate agencies and the community about information rights and responsibilities
- Provide expert advice and assistance to the community and agencies through the enquiries service and the website

Figure 18. Service four service standards

Service standard	2009 – 14 target	Achievement				
		2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
No. of awareness activities conducted	190	214	542	557	341	303
No. of enquiry (written and oral) responses	2,500	4,042	4,078	3,459	3,686	3,974
No. of website visits	80,000	n/a <sup>23</sup>	75,165	64,173	76,450	97,216

<sup>23</sup>. Not a Service Standard during 2009 - 10 period.

### Promoting through the internet

Our website is a primary communication channel and provided stakeholders with a key source of knowledge on right to information and information privacy in Queensland. The website featured tools and resources designed to promote awareness of information rights and responsibilities of all stakeholders, including members of the community and public sector staff.

Our website featured annotated legislation with commentary and case references to assist in the application of the RTI Act and the IP Act.

It is a popular resource, particularly with agency staff. During the reporting period the annotated legislation function on the website was enhanced to make it even easier for people to access the annotations and to understand the legislation.

Other web-based technologies, like social media and multi-media, continued to be a valuable and cost-effective promotional tool. Our dedicated YouTube Channel, Twitter feed and LinkedIn presence increased communication opportunities and reach to public servants and the community.

More recently, the creation and use of animation as well as video has allowed for previously static or flat content to be delivered in a dynamic and highly engaging manner. For example, to assist members of the community wanting to access government-held information, we released a short 'How to' animation and brochure. The animation featured simple steps to help obtain government-held information without needing a formal application under the RTI or IP Acts.

During 2013 – 14, the website received 97,216 visits, a 27% increase from the previous reporting period.

### Promoting through other avenues

Throughout the year, we kept stakeholders informed about right to information and information privacy issues and developments through a range of communication activities including radio interviews, lectures, events, presentations, submissions and other publications.

We made public comment through local, state and national print and broadcast media on Queensland crime data, drones and privacy, protecting personal information online and right to information practices in government agencies, in addition to delivering lectures, seminars, and presentations about information rights and responsibilities.

In the 2013 – 14 financial year, we focused on increasing our presence in regional and rural Queensland with our executive members engaging with their counterparts and senior officers from:

- Cairns Regional Council
- Cassowary Coast Regional Council
- Cook Shire Council
- Croydon Shire Council
- Douglas Shire Council
- Hinchinbrook Shire Council
- Mareeba Shire Council
- Tablelands Regional Council

- Yarrabah Aboriginal Shire Council
- Wujal Wujal Aboriginal Shire Council
- Rockhampton Regional Council
- Livingstone Shire Council
- Mackay Regional Council
- Isaac Regional Council
- Whitsunday Regional Council
- Cairns and Hinterland Hospital and Health Service
- Mackay Hospital and Health Service
- Central Queensland Hospital and Health Service
- Toowoomba Regional Council
- Darling Downs Hospital and Health Service; and
- University of Southern Queensland.

In 2013, Right to Information Day was marked on 28 September with the annual Solomon Lecture, delivered by Griffith University's Professor Anna Stewart. Queensland Police Commissioner Ian Stewart introduced Professor Stewart's lecture entitled 'Finding Gold in Mountains of Administrative Data'.

Professor Stewart spoke about accessing and analysing government-held data from the criminal justice system and related departments to conduct her research to understand offending over the life-course.

The 2013 Solomon Lecture was pre-recorded and made available on our website as part of Right to Information Day.

We participated in Privacy Awareness Week (PAW) from 4 to 10 May 2014, as an active member of the Asia Pacific Privacy Authorities (APPA).

Our awareness-raising activities featured two separate campaigns – one for the community and one for the public sector. The community campaign featured the theme: 'Privacy. Take charge', while the public sector campaign ran under: 'Privacy. Handle with care'.

The objectives of the campaign were to:

- promote and raise privacy awareness in the community and encourage citizens to take an active interest in the collection and use of their personal information when interacting online with Queensland state and local government agencies; and
- promote and raise privacy awareness in the public service and encourage public servants to protect and respect citizens' personal information which is collected and used in the delivery of government services.

During PAW we delivered information sessions to public sector employees in Charters Towers. We published a range of resources including YouTube animations, posters, privacy checklists with answers, an infographic, a privacy quiz, a podcast and tailored communications collateral for distribution by agencies. An advertisement containing key messages and a privacy checklist was distributed through 31 community newspapers encouraging people to safeguard their personal information and protect their privacy.

We also hosted quarterly Right to Information and Information Privacy Practitioners' forums to support good practice in the management of right to information and information privacy by agencies. The forums attracted increasing numbers of practitioners and provided an opportunity for them to build networks and share knowledge.

## Enquiries Service

Our Enquiries Service provided critical support to agency officers and the community to improve practices and assist in achieving more efficient and effective processes and outcomes for the community.

Agency staff and members of the community used the Enquiries Service to ask questions about access to information, and the interpretation and application of the RTI and IP Acts.

Queries ranged from requests for copies of the approved access application form to complex questions about the meaning and application of particular sections of the legislation.

The Enquiries Service is provided by our Information & Assistance officers, who at present consist of experienced former agency decision-makers, privacy, and legal officers, and are supported by our privacy officers.

Figure 19 sets out the number and nature of enquiries handled by Enquiries Service in 2013 – 14.

Demand for advice and assistance from the Enquiries Service has continued to exceed expectations. During 2013 – 14, enhancements to the website provided the ability to send enquiries directly through the website.

The majority of these have been from members of the public and it is anticipated that this will continue to be an easy method of access for people wanting to communicate with us.

In the fifth year of operation, enquiries from both members of the public and agencies continued to rise slightly over previous years, with email enquiries reflecting more

Figure 19. Number and nature of Enquiries Service enquiries

Type of enquiry	2009 – 14 target	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Telephone	-	n/a <sup>24</sup>	n/a <sup>24</sup>	2,823	2,743	2,979
Email	-	n/a <sup>24</sup>	n/a <sup>24</sup>	562	779	816
Letter/fax	-	n/a <sup>24</sup>	n/a <sup>24</sup>	74	124	113
Website	-	n/a <sup>25</sup>	n/a <sup>25</sup>	n/a <sup>25</sup>	n/a <sup>25</sup>	66
<b>Total</b>	<b>2,500</b>	<b>3,470</b>	<b>4,078</b>	<b>3,459</b>	<b>3,646</b>	<b>3,974</b>

24. Figures collected as a total during these reporting periods. 25. Website enquiries were introduced during 2013 – 14.



**“Thank you for such a clear and comprehensive response. It is greatly appreciated.”**

**- Member of the public**

complex and often novel issues on which agencies sought assistance. The complexity of enquiries also reflected that there is an ongoing need for advice and assistance in relation to specific and complex aspects of right to information and information privacy law and practice.

Consistent with previous years, it also reflected the reality that for a large proportion of the smaller agencies with obligations under the RTI and IP legislation, application handling is far less frequent and it is difficult for those agencies to develop a detailed working knowledge of the legislative process. For those agencies, the Enquiries Service will always be a particularly important and efficient source of guidance and advice.

During 2013 – 14, 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.

## Additional agency assistance provided

The Acting Privacy Commissioner and officers in the Privacy team are increasingly consulted by government agencies seeking advice on incorporating responsible personal information management into a wide range of government initiatives.

The Queensland Government’s Open Data scheme is one such initiative with the only restrictions on proactive release is where the publication would compromise public safety, security, commercial confidentiality and privacy. We continued to be consulted about privacy implications of releases under Open Data and have produced a number of information resources to assist agencies to maximise their releases of data. Other emerging issues where we are engaged involve privacy issues around the adoption of new innovations and technologies such as cloud services, the increasing use of camera surveillance systems, social media and increasingly, inter-agency information sharing schemes.

Indications are that our input into information management projects will only grow as the Queensland Government continues its commitment to expanding and improving the digital delivery of its services.

During the reporting period, we made a number of formal and informal submissions to parliamentary inquiries, commissions, and to Commonwealth and state governments concerning the following.

- Submission to the Legal Affairs and Community Safety Committee on the *Child Protection (Offender Reporting – Publication of Information) Amendment Bill*.
- Submission to the Legal Affairs and Community Safety Committee on the *Child Protection (Offender Reporting) and Other Legislation Bill 2014*.

- Submission to the Legal Affairs and Community Safety Committee on the *Youth Justice and Other Legislation Amendment Bill 2014*.
- Submission to the Legal Affairs and Community Safety Committee on the *Identification Laws Amendment Bill 2013*.
- Queensland Government Chief Information Office’s (QGCIIO) draft ‘Cloud computing – Decision Framework – Overview’.
- QGCIIO’s Whole of Government Information Architecture Framework.
- Comments on Commonwealth Attorney-General’s Draft National Identity Proofing Guidelines March 2014.
- Comments on Queensland State Archives’ ‘Born Digital Stay Digital Policy’.
- Submission to the Australian Law Reform Commission – ‘Serious invasions of privacy in the digital era’.

Of significant note were our comprehensive submissions in response to the public consultation on the discussion papers of the Queensland Department of Justice and Attorney-General on the:

- Review of the *Right to Information Act 2009* (Qld) and Chapter 3 of the *Information Privacy Act 2009* (Qld); and
- Review of the *Information Privacy Act 2009* (Qld).

These submissions drew on over four years of stakeholder feedback and our experience in applying the legislation and focused on issues which have caused difficulties and hindered the efficient and effective operation of the legislation for the community, agencies, and us.

We considered the primary object of the RTI Act—to give a right of access to information in the government’s possession or under its control unless, on balance, it is contrary to the public interest to do so—not only remains valid but is critical to achieving and maintaining open, accountable and transparent government.

With respect to the IP Act, the primary objective is to ‘provide for the fair collection and handling in the public sector environment of personal information’. Overall, we considered that the IP Act effectively meets this objective. Fairness is delivered by striking an appropriate balance between enabling the legitimate business of government, including provision of community services, and providing robust protections against the misuse of personal information.

We recommended key issues for consideration in the review to increase certainty and reduce red tape for both agencies and the community and help prevent inefficient use of agency and our resources. Key recommendations included:

- consolidating access applications under a single Act
- changes to provide greater support to the push model, including strengthening publication scheme and administrative access requirements
- mechanisms to manage demand for external review, including broadening the ability to remit external reviews back to the agency and reinstating internal review
- streamlining legislative processes; and
- increasing certainty and consistency.

# Our organisation

## Our role

The role of the Information Commissioner is to do all things appropriate in connection with performing the functions set out under the RTI and IP Acts. The functions support achievement of the Act's primary objects.

- 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.
- 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.

## Our functions

We undertake activities in accordance with our functions.

### External review function

In relation to external review, activities include:

- reviewing decisions of agencies and Ministers; 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 about financial hardship status of non-profit organisations; and
- makes, varies or revokes declarations regarding vexatious applicants.

Once an agency makes an access or amendment decision, a person affected by a reviewable decision has a right of 'internal review' of that access decision by an officer no less senior with that agency. Internal review is optional for the applicant. A person not happy with the access decision or the subsequent internal review decision may apply to the Information Commissioner for an external review (merits review) of that decision.

Our decision can be reviewed on a point of law, through statutory review to the Supreme Court (judicial review) or on appeal to the Queensland Civil and Administrative Tribunal (QCAT).

### Performance monitoring and review function

In relation to performance monitoring and review, our activities include:

- monitoring, auditing and reporting on agencies' compliance; and
- publishing performance standards and measures for use in reports.

## Other support functions

Our functions 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 legislation
- promoting greater awareness of the operation of the legislation, in the community and within government, by providing training and education programs
- commissioning external research, and consulting experts on the design of surveys, to monitor whether the legislation and its administration are achieving its stated objectives; and
- identifying and commenting on legislative and administrative changes that would improve the administration of the legislation.

## Privacy functions

As outlined in the IP Act, our activities in relation to privacy can include:

- waiving or modifying privacy principle obligations
- issuing compliance notices; and
- mediating 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 us.

Our 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 us 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; and
- leading the improvement of public sector privacy administration in Queensland by taking appropriate action to:
  - a) promote understanding of, and compliance with, the privacy principles
  - b) provide best practice leadership and advice, by giving assistance to relevant entities on the interpretation and administration of the legislation
  - 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 the legislation 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) issue guidelines about any matter relating to the Information Commissioner's functions, including guidelines on how the legislation should be applied, and on privacy best practice generally; and
- g) support applicants under the legislation, and all relevant entities.

## Our human resources

### Staffing

We have the equivalent of 33.1 permanent full time staff. A number of temporary officers were also employed through the use of an approved carry forward pending development of policy solutions to address an increase in external review workload since 2009.

We have three statutory office holders appointed by Governor-in-Council; the Information Commissioner, the Right to Information Commissioner and the Privacy Commissioner.

Our staff are employed under the *Public Service Act 2008* (Qld).

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

Figure 21 (see page 29) shows the number of full-time equivalent positions, at level, on 30 June 2014 as 33.1.

During the year, the following resignations were tendered.

- Principal Right to Information Officer.
- Senior Privacy Officer.
- Business Support Officer.

The position of Business Support Officer was permanently filled in the 2013 – 14 financial year.

Figure 20. Representation of women/men (permanent position) disaggregated by annual earnings<sup>26</sup>

Annual earnings	Female	Male
Above AO8 equivalent (\$109,831+)	6	1
AO8 equivalent (\$103,846 – \$109,831)	3	4
AO7 equivalent (\$93,728 – \$100,504)	7	1
AO6 equivalent (\$83,765 – \$89,619)	9	1
AO3 equivalent (\$53,280 – \$59,411)	2	0

<sup>26</sup> These figures are calculated by gender and therefore do not match OIC's full-time equivalent staff number.

### Executive management team

#### **Rachael Rangihaeata** **Information Commissioner**

Rachael has held senior leadership positions across all functions of the Office of the Information Commissioner since 2005, including Acting Information Commissioner. Prior to her appointment as Information Commissioner, Rachael led the Assistance and Monitoring functions of the office from 2010 – 2013. Rachael has also worked in various roles within the Queensland State and Commonwealth public service, primarily in strategic and legislative policy.

Appointed as Information Commissioner on 20 September 2013, Rachael is the chief executive and accountable officer for the Office of the Information Commissioner.

#### **Jenny Mead and Clare Smith** **Right to Information Commissioners**

As a deputy to the Information Commissioner, Jenny and Clare have particular responsibility for matters relating to the Information Commissioner's functions under the RTI and IP Acts. As Right to Information Commissioners, Jenny and Clare lead the external review services of the office.

Clare brings extensive experience in the Queensland Public Service working in government agencies and statutory integrity bodies for the last 28 years, which included leading legal teams. She has practiced in the field of information rights and responsibilities for over 18 years.

Before being appointed, Clare was Assistant Crown Solicitor, Crown Law, Department of Justice and Attorney-General.

Jenny has more than 28 years' experience in the Queensland public sector and has practiced in the area or information rights and responsibilities for 20 years. Jenny has extensive experience in policy and legislation work and has also headed a number of legal areas within government departments.

Jenny and Clare were both appointed as Right to Information Commissioner on 4 October 2010 on a 0.6 basis.

Jenny has filled the position on a full time basis while Clare has acted in the vacant Privacy Commissioner position.

#### **Clare Smith** **Acting Privacy Commissioner**

The role of Privacy Commissioner is that of a deputy to the Information Commissioner, with particular responsibility for matters relating to the Information Commissioner's functions under the IP Act. As Acting Privacy Commissioner, Clare provides independent authoritative advice to Queensland government agencies to ensure key policies, projects and services are delivered in an efficient and effective manner that meets community expectations about responsible use, disclosure and storage of personal information. Clare also oversees the mediation of privacy complaints and the strategic direction of performance monitoring, training and assistance relating to the application of the IP Act.

Clare's substantive position is as the Right to Information Commissioner however she has acted in the position of Privacy Commissioner since 18 November 2013 on a full time basis while the Privacy Commissioner position remains vacant.

#### **Steven Haigh**

##### **Acting First Assistant Information Commissioner**

Steven draws on his significant experience in training, management and stakeholder engagement and has responsibility for leading, developing, influencing and implementing strategic corporate governance priorities, leading the improvement of public sector right to information administration in Queensland, leading and managing the delivery of services promoting awareness, and compliance with the right to information and information privacy legislation.

Steven was appointed to act as First Assistant Information Commissioner on 23 September 2013.

#### **Greg Argue**

##### **Manager, Corporate and Executive Services**

Greg is responsible for providing expert, strategic advice to the Information Commissioner, specifically in relation to corporate governance, performance monitoring and reporting and management of agreements for corporate services. Greg also leads the registry and human resources team that provide services for the office.

Greg has more than 25 years' experience in corporate governance and leadership roles across Commonwealth and state government organisations.

Greg was appointed Manager, Corporate and Executive Services on 11 May 2011.

#### **Workforce planning**

We have a comprehensive employee performance management framework covering induction, performance management, staff development and recognition. All our staff have individual personal performance plans which set the key performance objectives for the year. Performance feedback is provided on a regular basis and formally at six-monthly intervals.

A key priority for us 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, online training, on-the-job training and mentoring by experienced officers. Development needs are identified in individual staff member's personal performance plans.

During 2013 – 14 we expended \$18,222.00 in staff professional development, training, workshops and post-graduate university studies. The annual expenditure equates to approximately 0.5% of employee salaries.

This level of expenditure is less than the two per cent of employee expenses recommended by the last strategic management review of the Office.

However, the level of funds spent on staff development in 2013 – 14 was considered sufficient to maintain the skill

level and confidence of staff, critical to maintaining effective and efficient service delivery.

It also reflects that we undertake our own training that is not included in its annual expenditure for training.

We have enjoyed stability of permanent staff since 2009. Training is only given to the recent temporary employees where it is considered necessary for them to perform their duties.

Our core training for staff is provided both in-house and by external providers. External training involves attending courses on statutory interpretation, advanced government decision-making, legal professional privilege and alternative dispute resolution.

We also conduct informal and in-house training sessions coordinated by staff on a range of topics. We maintain our system for internal monitoring and reporting on legal developments (Legal Developments Monitor).

Additionally, the online annotated legislation continues to be updated for use by staff and external users.

Our staff routinely access the same training and education sessions we provide for external agencies.

Recent examples of this include our staff attending Fast Track Negotiation Skills, Access Training for Decision Makers and How to Deal with a Privacy Complaint training sessions. Finally, our staff undertake our own online training courses.

No staff participated in early retirement schemes or received redundancy or retrenchment packages in 2013 – 14.

We support flexible working arrangements and work-life balance for staff. Our staff accessed a range of initiatives in 2013 – 14 including flexible hours of work, accrued time, part-time employment, job sharing, paid parental leave, telecommuting, access to a parenting room and study leave.

#### **Consultants and contractors**

In 2013 – 14 we spent \$110,017.00 on contractors. The expenditure on contractors was planned budget expenditure and related to the costs of:

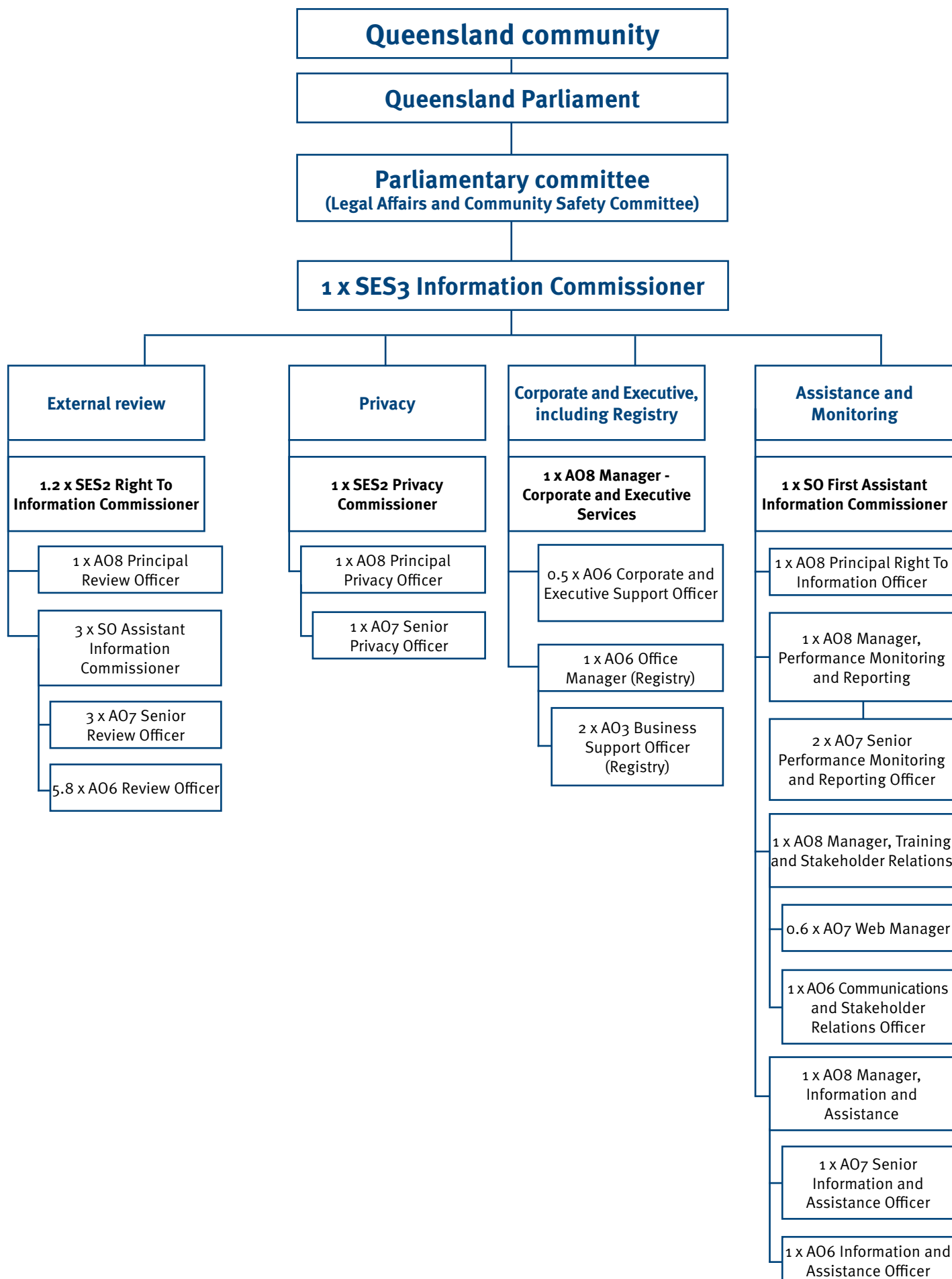
- a training course facilitator to improve the capability of agency right to information and privacy practitioners
- a training course facilitator to conduct training for agency right to information and privacy practitioners on early resolution negotiation skills
- implementation of internet and intranet functionality and improved information architecture to enhance usability and accessibility by the community, agencies and our staff; and
- four online training courses: Privacy complaint management training, and Access training for decision makers (Module 1, 2 and 3).

#### **International travel**

No overseas trips were undertaken in 2013 – 14.



Figure 21. Organisational chart



## 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 and IP Acts.

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 and meets with the committee during the course of the year to discuss issues such as our activities, work output, budget, the Annual Report and any other significant issue. In accordance with the RTI and IP Acts, the Information Commissioner provides an Annual Report to Parliament through the Speaker.

While the Information Commissioner is independent of ministerial control, under section 133 of the RTI Act, 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. Reports on eight reviews under the RTI Act or IP Act were made to the parliamentary committee in 2013 – 14.

The parliamentary committee may also require a report on a particular aspect of our performance.

An independent strategic review of our office is required under section 186 of the RTI Act. The terms of the strategic review are to be decided by the Governor-in-Council. Before a reviewer is appointed, the Minister must consult with the parliamentary committee and the Information Commissioner about the appointment of the reviewer and the terms of reference for the review.

The strategic review is to include a review of the commissioner's functions and performance of those functions to assess whether they are being performed economically, effectively and efficiently. A strategic review is yet to be conducted.

Our executive management team in 2013 – 14 comprised the Information Commissioner, the Right to Information Commissioner, the Privacy Commissioner, the First Assistant Information Commissioner and the Manager – Corporate and Executive Services. The executive management team meet regularly to discuss budget, performance, office culture/climate and other general business.

Given our size, monthly '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 2013 – 14, staff were involved in the review of strategic and operational planning.

We seek feedback from parties subject to external reviews, privacy complaints, agencies, and training participants. Feedback is obtained through a number of mechanisms including surveys, email, website and an external practitioner network.

### Corporate services

In 2013 – 14 we purchased corporate services through a service agreement with the Queensland Parliamentary Service at a cost of \$214,455.00. These services include information communication technology systems and support, human resource management services and financial services.

This is an increase in expenditure from the previous reporting period (2012 – 13: \$158,387.00). The increase includes connectivity and costs of establishing a back-up information technology data service to ensure business continuity in the event of an outage to the main server or a natural/man-made disaster, and annual increase in charges for contracted corporate services.

### Information and technology

Information and communication systems support us in maintaining the necessary security of information required during an external review. We have a service agreement for information and communication technology services with the Queensland Parliamentary Service, which provides high-level security.

We have policies and network protocols in place to provide all our staff with clear guidelines on the responsibilities of each individual regarding ethical information management, usage and access of systems.

Our staff at the commencement of their employment are required to sign a Deed of Confidentiality that recognises the sensitivity of the information they deal with.

We continued maintaining significant information holdings regarding right to information and privacy. This includes annotated legislation, case law and research tools. This resource continues to assist practitioners and the community when considering or using right to information and privacy services.

The Queensland State Government commenced the Open Data initiative in 2012, making data held by government publicly available as a matter of course. In 2013 – 14 we published our Open Data strategy and released a range of datasets through the [data.qld.gov.au](http://data.qld.gov.au) portal.

### Code of conduct and ethics implementation statement

In accordance with section 17 of the *Public Sector Ethics Act 1994* (Qld), we have in place a Code of Conduct. We are prescribed as a 'public service agency' under the *Public Sector Ethics Regulation 2010* and therefore the Code of Conduct for the Queensland Public Service applies to our staff.

In accordance with section 23 of the *Public Sector Ethics Act 1994* (Qld), we provided 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.

Training on public service ethics is conducted for new staff commencing in the current year. Biennial public service ethics training is provided to all staff to reinforce and highlight employee obligations. Staff can readily access the Code of Conduct through our intranet.

In addition, all of our strategic plan values, staff performance agreements, procedures, practices and training give proper regard to the approved Code of Conduct, ethical decision making and *Public Sector Ethics Act 1994* (Qld) in particular, the ethics obligations of public officials and public service values.

### **Risk management**

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

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

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

Our risk management framework is designed to encourage an integrated approach to managing all risks that impact on achieving our 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.

The Risk Management Policy was reviewed and updated in 2013 – 14.

### **Internal and external audit**

Internal audit services are provided to the Office under a service level agreement with the Queensland Parliamentary Service. We do not currently consider a formal audit committee is necessary due to our size and circumstances.

The responsibilities associated with internal audit and the maintenance of an appropriate internal control framework are discharged by the executive management team.

A copy of the external audit report and certificate of our financial statements are supplied with this report.

The Auditor-General has provided an unqualified certificate indicating the Office's compliance with financial management requirements and the accuracy and fairness of the financial statements.

### **Complaints management**

Our complaints management process is promoted on our website.

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 us 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 2013 – 14, we received one general complaint.

The complaint was received from an external review applicant and related to inappropriate conduct by a staff member in a telephone call. The complainant alleged a staff member had not sufficiently identified themselves when telephoning the applicant and had spoken over the complainant.

The complaint was investigated and it was found that the staff member did not sufficiently introduce themselves and that the staff member had not intentionally spoken over the complainant in their efforts to explain a preliminary view on an external review matter. We provided the complainant with a written apology.

### **Record keeping**

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

Accordingly, we only retain records as long as required in compliance with our approved Retention and Disposal Schedule.

We applied whole-of-government information policies and standards including 'Information Standard 40: Record Keeping' to ensure our 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 our 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. All staff are expected to be vigilant in identifying, reporting and addressing potential WHS risks.

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

Access applications can only be made to the Information Commissioner by our staff in relation to their personal information under section 46 of the IP Act. No such applications were made in 2013 – 14.

### Environmental sustainability

We have a Waste Management Policy which emphasises waste avoidance, reduction, reuse and recycling. In particular we have 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.

## Legislative developments/changes

During 2013 – 14, seven Acts amended the RTI Act. Four of these Acts also amended the IP Act.

The *Justice and Other Legislation Amendment Act 2013* (Qld) amended the sections about vexatious application declarations in the RTI and IP Acts.

New subsections were added to provide that the Information Commissioner can publish a declaration (or decision not to make a declaration) and reasons.

Also, when a declaration is made, the Information Commissioner can publish the name of the person subject to it.

The *Health Ombudsman Act 2013* (Qld) ended the Health Quality Complaints Commission (HQCC) and established the Health Ombudsman to manage all health services complaints in Queensland.

Two sections of the IP Act about privacy complaints were amended so that they referred to the Health Ombudsman, instead of the former HQCC. Further, the schedule of entities to which the RTI Act does not apply in relation to particular functions (schedule 2, part 2) was expanded to include the Health Ombudsman in relation to conciliation of health service complaints.

The *Treasury and Trade and Other Legislation Amendment Act 2013* (Qld) relocated section 36 of the *Acts Interpretation Act 1954* (Qld) (AI Act), which lists the meaning of commonly used words and expressions, to schedule 1 of the Act. References to section 36 of the AI Act – which appear once in the IP Act and four times in the RTI Act – were amended accordingly.

The *Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2013* (Qld) ended the Workers' Compensation Regulatory Authority and established the Workers' Compensation Regulator.

The schedule of documents to which the RTI Act does not apply (schedule 1) was updated so that a provision about documents of by the former Workers' Compensation Regulatory Authority instead referred to documents of the Workers' Compensation Regulator.

The *G20 (Safety and Security) Act 2013* (Qld) added an additional type of information to the list of information that is exempt from disclosure under the RTI Act because disclosure is prohibited by an Act (schedule 3, section 12(1) of the RTI Act).

The additional type of information is 'restricted information' relating to the G20 meeting, as defined in section 85 of the *G20 (Safety and Security) Act 2013* (Qld).

The *Crime and Misconduct and Other Legislation Amendment Act 2014* (Qld) amended the RTI and IP Acts, to replace references to misconduct with corruption, the misconduct function with the corruption function, the Crime and Misconduct Commission (CMC) with the Crime and Corruption Commission (CCC), and the *Crime and Misconduct Act 2001* (Qld) with the *Crime and Corruption Act 2001* (Qld).

The *Public Guardian Act 2014* (Qld) established the Public Guardian, and provided that it could authorise an 'external contractor' to perform its child advocate function, and use similar powers as it when doing so. For an 'external contractor' prescribed under a regulation, the RTI and chapter 3 of the IP Act are taken to apply as if the prescribed contractor were an agency, the holder of a prescribed office of the contractor were the chief executive officer, and the Minister were the responsible Minister.

Further, the schedule of entities to which the RTI Act does not apply in relation to particular functions (schedule 2, part 2) was amended to include reference to the Public Guardian in relation to an investigation or audit under the *Public Guardian Act 2014* (Qld), rather than the former Adult Guardian under its now repealed legislation.

Apart from the amendments to the RTI and IP Acts made by these seven Acts, several other instruments have created new agencies subject to the RTI and IP Acts – namely, the *Local Government (De-amalgamation Implementation) Regulation 2013*, *Public Safety Business Agency Act 2014* (Qld), *Queensland Training Assets Management Authority Act 2014* (Qld) and *Family and Child Commission Act 2014* (Qld).

## Machinery-of-government changes

As of 30 June 2014, we have not been affected by machinery-of-government changes.



# Financial performance

## Financial statement 2013 – 14

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 36), Statement of Financial Position (see page 37), Statement of Changes in Equity (see page 38) and Statement of Cash Flows (see page 39).

There financial statements cover the Office of the Information Commissioner.

## Financial outlook

Figure 22. Five-year comparison of revenue versus expenses (\$'000)

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Appropriation	8,072 <sup>27</sup>	5,944 <sup>27</sup>	6,023	6,054	6,112
Other revenue	161 <sup>28</sup>	275	279	157	64
Employee expenses	3,411 <sup>28</sup>	4,234	4,399	4,528	4,750
Supplies and services	1,160	1,407	1,138	1,032	1,248
Depreciation and amortisation	115	165	108	116	115
Other expenses	13	64	17	22	19
<b>Surplus (Deficit)</b>	<b>3,541</b>	<b>473</b>	<b>640</b>	<b>513</b>	<b>44</b>

**27.** Increased appropriation for 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. **28.** 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 2014**

# Office of the Information Commissioner Financial Statements 2013-14

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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 continues under the *Right to Information Act 2009*.

The budget for the Office must be approved by the Attorney-General and Minister for Justice, as Minister responsible for the *Right to Information Act 2009*.

The principal place of business of the Office is:

Level 8  
160 Mary Street  
BRISBANE QLD 4000

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

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

**OFFICE OF THE INFORMATION COMMISSIONER**  
**Statement of Comprehensive Income**  
**for the year ended 30 June 2014**

	Notes	2014 \$'000	2013 \$'000
<b>Income from Continuing Operations</b>			
<b>Revenue</b>			
Grants and other contributions	2	6,112	6,054
Other revenue	3	64	157
<b>Total Income from Continuing Operations</b>		<b>6,176</b>	<b>6,211</b>
<b>Expenses from Continuing Operations</b>			
Employee expenses	4	4,750	4,442
Supplies and services	6	1,248	1,118
Depreciation	7	115	116
Other expenses	8	19	22
<b>Total Expenses from Continuing Operations</b>		<b>6,132</b>	<b>5,698</b>
<b>Operating Result from Continuing Operations</b>		<b>44</b>	<b>513</b>
<b>Total Comprehensive Income</b>		<b>44</b>	<b>513</b>

*The accompanying notes form part of these statements.*

# OFFICE OF THE INFORMATION COMMISSIONER

## Statement of Financial Position

as at 30 June 2014

	Notes	2014 \$'000	2013 \$'000
<b>Current Assets</b>			
Cash and cash equivalents	9	2,005	1,810
Receivables	10	19	25
Other current assets	11	23	26
<b>Total Current Assets</b>		<b>2,047</b>	<b>1,861</b>
<b>Non Current Assets</b>			
Plant and equipment	12	381	496
<b>Total Non Current Assets</b>		<b>381</b>	<b>496</b>
<b>Total Assets</b>		<b>2,428</b>	<b>2,357</b>
<b>Current Liabilities</b>			
Payables	13	53	38
Accrued employee benefits	14	325	314
<b>Total Current Liabilities</b>		<b>378</b>	<b>352</b>
<b>Non Current Liabilities</b>			
Accrued employee benefits	14	28	27
<b>Total Non Current Liabilities</b>		<b>28</b>	<b>27</b>
<b>Total Liabilities</b>		<b>406</b>	<b>379</b>
<b>Net Assets</b>		<b>2,022</b>	<b>1,978</b>
<b>Equity</b>			
Retained surpluses		2,022	1,978
<b>Total Equity</b>		<b>2,022</b>	<b>1,978</b>

The accompanying notes form part of these statements.



**OFFICE OF THE INFORMATION COMMISSIONER**  
**Statement of Changes in Equity**  
**for the year ended 30 June 2014**

	Accumulated Surpluses		TOTAL	
	2014 \$'000	2013 \$'000	2014 \$'000	2013 \$'000
<b>Balance as at 1 July</b>	1,978	6,188	1,978	6,188
Operating Result from Continuing Operations	44	513	44	513
<i>Transactions with Owners as Owners:</i>				
- Net leave liabilities transferred to/from other agencies	-	38	-	38
- Unspent Cash Reserves	-	(4,761)	-	(4,761)
<b>Balance as at 30 June</b>	<b>2,022</b>	<b>1,978</b>	<b>2,022</b>	<b>1,978</b>

*The accompanying notes form part of these statements.*

**OFFICE OF THE INFORMATION COMMISSIONER**  
**Statement of Cash Flows**  
**for the year ended 30 June 2014**

	Notes	2014 \$'000	2013 \$'000
<b>Cash flows from operating activities</b>			
<i>Inflows:</i>			
Grants and other contributions		6,112	6,054
GST input tax credits from ATO		122	129
GST collected from customers		1	1
Other		64	157
<i>Outflows:</i>			
Employee expenses		(4,715)	(4,600)
Supplies and services		(831)	(570)
GST remitted to ATO		(1)	(1)
GST paid to suppliers		(133)	(117)
Other		(424)	(457)
<b>Net cash provided by (used in) operating activities</b>	15	<b>195</b>	<b>596</b>
<b>Cash flows from investing activities</b>			
<i>Outflows:</i>			
Payments for plant and equipment		-	(13)
<b>Cash flows from financing activities</b>			
<i>Outflows:</i>			
Equity withdrawal		-	(4,761)
<b>Net cash provided by (used in) investing activities</b>		<b>-</b>	<b>(4,774)</b>
Net increase (decrease) in cash and cash equivalents		195	(4,178)
Cash and cash equivalents at beginning of financial year		1,810	5,988
<b>Cash and cash equivalents at end of financial year</b>	9	<b>2,005</b>	<b>1,810</b>

*The accompanying notes form part of these statements.*

**OFFICE OF THE INFORMATION COMMISSIONER**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2013-14**

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

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

The Office of the Information Commissioner has five 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, timely and fair privacy complaint mediation service.
3. Improve agencies' practices in right to information and information privacy.
4. Promote greater awareness of right to information and information privacy in the community and within Government.
5. Assist agencies to achieve compliance with the privacy principles.

The Office is a statutory body for the *Financial Accountability Act 2009*. The role of the Office is to perform the statutory functions set out in the *Right to Information Act 2009* and *Information Privacy Act 2009*, which include:

- External review of agency decisions on information access applications;
- Reviewing and reporting on agencies' performance under the RTI Act and IP Act, including personal information handling practices;
- Mediating privacy complaints and making decisions on applications of waiver of the privacy principles;
- Providing support and assistance to the community and agencies about the operation of the RTI Act and the IP Act, including an Enquiries Service;
- Promoting awareness of right to information and privacy; 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 2014, 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) 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 progressively recognised as it is earned, according to the terms of the funding arrangements.

**d) 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.

**e) Special Payments**

Special payments include ex gratia expenditure and other expenditure that the statutory body is not contractually or legally obligated to make to other parties. In compliance with the *Financial and Performance Management Standard 2009*, the statutory body maintains a register setting out details of all special payments greater than \$5,000.

The total of all special payments (including those of \$5,000 or less) is disclosed separately within Other Expenses (Note 8). However, descriptions of the nature of special payments are only provided for special payments greater than \$5,000.

There were no special payments as at 30 June 2014.

**f) Receivables**

Trade debtors are recognised at the amounts due at the time of sale or service delivery (i.e. the agreed purchase/contract price). Settlement of these amounts is required within 30 days from invoice date.

The collectability of receivables is assessed periodically with provision being made for impairment. There were no bad debts as at 30 June 2014.

**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.

**g) Acquisition of Assets (continued)**



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.

Plant and equipment	\$5,000
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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.

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 and leasehold improvements	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:

- a. Cash and cash equivalents – held at fair value through profit and loss
- b. Receivables – held at amortised cost
- c. Payables – held at amortised cost

The Office of the Information Commissioner does not enter into transactions for speculative purpose, or 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 18.

**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.

Not all annual leave entitlements are expected to be paid within 12 months, therefore in accordance with AASB 119 *Employee Benefits*, the value of annual leave owing at the end of the reporting period is measured and recognized at its present value, calculated using yields on Fixed Rate Commonwealth Government bonds of similar maturity, after projecting the remuneration rates expected to apply at the

**o) Employee Benefits (continued)**

time of likely settlement. Unpaid entitlements expected to be paid within 12 months are classified as current. All other unpaid entitlements are disclosed as non-current.

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 5 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 (QGIF), 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

**q) Taxation (continued)**

for by the Office of the Information Commissioner. GST credits receivable from, and GST payable to the ATO, are recognised (refer to note 10).

**r) Issuance of Financial Statements**

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

**s) Accounting Estimates and 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 2013-14. Australian accounting standard changes applicable for the first time for 2013-14 have had minimal effect on the Office of the Information Commissioner's financial statements, as explained below.

AASB 13 *Fair Value Measurement* became effective 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 apply to all of the Officer 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 impacts of AASB 13 relate to the fair value measurement methodologies used and financial statement disclosures made in respect of such assets and liabilities.

There is no impact on the Officer of the Information Commissioner's plant and equipment resulting from AASB 13 as it is measured at cost in accordance with the Non-Current Asset Policies.

A revised version of AASB 119 *Employee Benefits* became effective for reporting periods beginning on or after 1 January 2013. 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.

**u) New and Revised Accounting Standards (continued)**

If termination benefits meet the AASB 119 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 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 'other long-term employee benefits' are accounted for according to most of the requirements for defined benefit plans.

The revised AASB 119 includes changed criteria for accounting for employee benefits as 'short-term employee benefits'. This will have an impact only on annual leave as the Officer of the Information Commissioner is a member of the Queensland Government central schemes for long service leave and this change in criteria has no impact on the Officer of the Information Commissioner's financial statements for long service leave liability 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 Officer of the Information Commissioner makes employer superannuation contributions only 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 Officer of the Information Commissioner.

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.

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, Queensland Treasury and Trade is the regulator. Queensland Treasury and Trade 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. Therefore, the release of AASB 1053 and associated amending standards will have no impact on the Office of the Information Commissioner.

The Officer of the Information Commissioner is not permitted to early adopt a new or amended accounting standard ahead of the specified commencement date unless approval is obtained from Queensland Treasury and Trade. Consequently, the Officer of the Information Commissioner has not applied any Australian Accounting Standards and Interpretations that have been issued but are not yet effective. The Officer of the Information Commissioner applies 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 1055 *Budgetary Reporting* applies from reporting periods beginning on or after 1 July 2014. The commission will need to include in its 2014-15 financial statements the original budgeted figures from the Income Statement, Balance Sheet, Statement of Changes in Equity, and Cash Flow Statement as published in the 2014-15 Queensland Government's Service Delivery Statements.

**u) New and Revised Accounting Standards (continued)**



The budgeted figures will need to be presented consistently with the corresponding (actuals) financial statements, and will be accompanied by explanations of major variances between the actual amounts and the corresponding original budgeted figures.

In addition, based on what is currently published in the Queensland Government's Service Delivery Statements, the Office of the Information Commissioner will need to include in these financial statements the original budgeted information for major classes of administered income and expenses, and major classes of administered assets and liabilities. This budgeted information will need to be presented consistently with the corresponding (actuals) administered information, and will be accompanied by explanations of major variances between the actual amounts and the corresponding budgeted financial information.

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 2017. 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 the statutory body's 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 Officer 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 Officer of the Information Commissioner's conclusions will not be confirmed until closer to that time. At this stage, and assuming no change in the types of transactions the Officer of the Information Commissioner enters into, it is not expected that any of the Officer of the Information Commissioner's financial assets will meet the criteria in AASB 9 to be measured at amortised cost. Therefore, as from the 2017-18 financial statements, all of the Officer of the Information Commissioner'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 18. 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 Officer of the Information Commissioner's current receivables, as they are short-term in nature, the carrying amount is expected to be a reasonable approximation of fair value.

The Office of the Information Commissioner will not need to restate comparative figures for financial instruments on adopting AASB 9 as from 2017-18. However, changed disclosure requirements will apply from that time. A number of one-off disclosures will be required in the 2017-18 financial statements to explain the impact of adopting AASB 9.

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 2013-14**

	2014 \$'000	2013 \$'000
<b>2. GRANTS AND OTHER CONTRIBUTIONS</b>		
Grants <sup>#</sup>	6,112	6,054
<b>Total</b>	<b>6,112</b>	<b>6,054</b>
<sup>#</sup> Non-reciprocal grant is received from Department of Justice and Attorney-General and it has been recognised in its entirety upon receipt.		
<b>3. OTHER REVENUE</b>		
Interest	63	126
Other	1	31
<b>Total</b>	<b>64</b>	<b>157</b>
<b>4. EMPLOYEE EXPENSES</b>		
<b>Employee Benefits</b>		
Wages and salaries	3,498	3,281
Employer superannuation contributions <sup>*</sup>	465	432
Annual leave expense <sup>*</sup>	349	323
Long service leave levy <sup>*</sup>	71	76
Other employee benefits	83	76
<b>Employee Related Expenses</b>		
Payroll Tax <sup>*</sup>	208	197
Staff professional development	19	21
Workers' compensation premium <sup>*</sup>	15	20
Fringe Benefit Tax	9	14
Other employee related expenses	33	2
<b>Total</b>	<b>4,750</b>	<b>4,442</b>

<sup>\*</sup> 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:	33.1	33.1
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**OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2013-14**

**5. 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 2013-14. 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 Rachael Rangihacata	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 Information Privacy Act 2009; an independent, timely and fair privacy complaint mediation service; improve agencies' practices in right to information and information privacy; promote greater awareness of right to information and information privacy in the community and within Government; and assist agencies to achieve compliance with the privacy principles.	s134 Right to Information Act 2009; SES 3.5 equivalent; appointed by the Governor in Council	Initially appointed 20/9/2013
First Assistant Information Commissioner Rachael Rangihacata	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 to 19/9/2013
Right To Information (RTI) Commissioner Clare Smith	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	Initially appointed 4/10/2010
Acting Privacy Commissioner Clare Smith	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	18/11/2013
Acting Information Commissioner Clare Smith	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 Information Privacy Act 2009; an independent, timely and fair privacy complaint mediation service; improve agencies' practices in right to information and information privacy; promote greater awareness of right to information and information privacy in the community and within Government; and assist agencies to achieve compliance with the privacy principles.	s134 Right to Information Act 2009; SES 3.5 equivalent; appointed by the Governor in Council	11/2/2013 to 19/9/2013

**OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2013-14**

**5. 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 Jenny Mead	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	Initially appointed 4/10/2010
Acting Privacy Commissioner Lemm Ex	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 to 4/11/2013
Manager, Corporate and Executive Services (MCES) Greg Argue	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
Acting First Assistant Information Commissioner Steven Haigh	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	23/09/2013

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**5. 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 2013-14 year, remuneration of key executive management personnel increased by 2.2% in accordance with government policy.

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

- o Short term employee benefits which include:
  - Base - consisting of base salary, allowances and leave entitlements expensed for the entire year or for that part of the year during which the employee occupied the specific position. Amounts disclosed equal the amount expensed in the Statement of Comprehensive Income.
  - Non-monetary benefits - consisting of provision of vehicle together with fringe benefits tax applicable to the benefit.
- o Long term employee benefits include long service leave accrued.
- o Post employment benefits include superannuation contributions.
- o 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 2013-14**

**2013-14**

Position	Short Term Employee Benefits		Long Term Employee Benefits	Post Employment Benefits	Total
	Base	Non-Monetary			
	\$'000	\$'000	\$'000	\$'000	\$'000
Information Commissioner & First Assistant Information Commissioner	200	12	8	21	241
Acting Information Commissioner, RTI Commissioner & A/Privacy Commissioner	167	12	4	16	199
Right to Information Commissioner	159	12	(9)	16	178
A/Privacy Commissioner	56	-	-	7	63
Manager, Corporate and Executive Services (MCES)	113	-	3	14	130
A/First Assistant Information Commissioner	90	-	-	12	102
<b>Total Remuneration</b>	<b>785</b>	<b>36</b>	<b>6</b>	<b>86</b>	<b>913</b>

**2012-13**

Position	Short Term Employee Benefits		Long Term Employee Benefits	Post Employment Benefits	Total
	Base	Non-Monetary			
	\$'000	\$'000	\$'000	\$'000	\$'000
Information Commissioner	58	9	30	3	100
A/Information Commissioner & RTI Commissioner	169	10	3	16	198
A/Information Commissioner & RTI Commissioner	165	10	3	16	194
A/Privacy Commissioner	150	10	6	14	180
Manager, Corporate and Executive Services (MCES)	110	-	3	14	127
First Assistant Information Commissioner	111	4	3	14	132
<b>Total Remuneration</b>	<b>763</b>	<b>43</b>	<b>48</b>	<b>77</b>	<b>931</b>

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**OFFICE OF THE INFORMATION COMMISSIONER**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2013-14**

	<b>2014</b>	<b>2013</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>6. SUPPLIES AND SERVICES</b>		
Operating lease rentals	436	438
Contractors	102	183
Consultants	8	-
Corporate services	214	158
Communications and utilities	91	88
Employment Agencies	100	86
Minor equipments & office maintenance	192	59
Functions	20	18
Consumables	15	11
Travel	17	7
Other	53	70
<b>Total</b>	<b><u>1,248</u></b>	<b><u>1,118</u></b>
<b>7. DEPRECIATION</b>		
Depreciation was incurred in respect of:		
Leasehold improvements	102	102
Office equipment	10	10
Computer equipment	3	4
<b>Total</b>	<b><u>115</u></b>	<b><u>116</u></b>
<b>8. OTHER EXPENSES</b>		
External audit fees *	15	15
Losses from disposal of plant & equipment	-	3
Insurance premiums - QGIF	4	4
<b>Total</b>	<b><u>19</u></b>	<b><u>22</u></b>

\* Total external audit fee relating to the 2013-14 financial year are estimated to be \$15,200 (2012-13: \$15,200). There are no non-audit services included in this amount.

	2014 \$'000	2013 \$'000
<b>9. CASH AND CASH EQUIVALENTS</b>		
Cash at bank	2,005	1,810
<b>Total</b>	<b>2,005</b>	<b>1,810</b>
<b>10. RECEIVABLES</b>		
GST receivable	19	8
Long service leave reimbursements	-	10
Interest receivable	-	7
<b>Total</b>	<b>19</b>	<b>25</b>
<b>11. OTHER CURRENT ASSETS</b>		
Prepayments	23	26
<b>Total</b>	<b>23</b>	<b>26</b>
<b>12. PLANT AND EQUIPMENT</b>		
Plant and equipment	67	69
Less accumulated depreciation	(34)	(23)
Leasehold Improvements	743	743
Less accumulated depreciation	(395)	(293)
<b>Total</b>	<b>381</b>	<b>496</b>

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

#### Plant & Equipment Reconciliation

	Plant & Equipment \$'000	Leasehold Improvements \$'000	Total \$'000
Carrying amount at 1 July 2013	45	451	497
Acquisitions	-	-	-
Disposals	-	-	-
Depreciation	(13)	(102)	(115)
Carrying amount at 30 June 2014	32	349	381

	Plant & Equipment \$'000	Leasehold Improvements \$'000	Total \$'000
Carrying amount at 1 July 2012	50	553	603
Acquisitions	12	-	12
Disposals	(3)	-	(3)
Depreciation	(14)	(102)	(116)
Carrying amount at 30 June 2013	45	451	496

OFFICE OF THE INFORMATION COMMISSIONER  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2013-14

	2014 \$'000	2013 \$'000
<b>13. PAYABLES</b>		
Trade creditors	17	18
Sundry payables	32	15
Parental Leave Payments	4	5
<b>Total</b>	<b>53</b>	<b>38</b>
<b>14. ACCRUED EMPLOYEE BENEFITS</b>		
<b>Current</b>		
Long Service leave	23	22
Recreation leave	302	292
<b>Total</b>	<b>325</b>	<b>314</b>
<b>Non-Current</b>		
Recreation leave	28	27
<b>Total</b>	<b>28</b>	<b>27</b>
<b>15. RECONCILIATION OF OPERATING SURPLUS TO NET CASH FROM OPERATING ACTIVITIES</b>		
Operating surplus/(deficit)	44	513
Depreciation expense	115	116
Loss from disposal of plant and equipment	-	2
Change in assets and liabilities:		
(Increase)/decrease in GST input tax credits receivable	(11)	12
(Increase)/decrease in prepayments/other	3	1
(Increase)/decrease in other receivables	17	9
Increase/(decrease) in accounts payable	-	(29)
Increase/(decrease) in other payables	15	(1)
Increase/(decrease) in accrued employee benefits	12	(27)
<b>Net Cash from operating activities</b>	<b>195</b>	<b>596</b>

## 16. COMMITMENTS FOR EXPENDITURE

### Non-Cancellable Operating Leases:

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

	2014 \$'000	2013 \$'000
- Not later than one year	606	579
- Later than one year and not later than five years	1,582	2,056
- Later than five years	-	-
<b>Total</b>	<b>2,188</b>	<b>2,635</b>

Operating leases are entered into as a means of acquiring access to office accommodation. 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 2014.

## 17. CONTINGENCIES

### Guarantees and Undertakings

The Office of the Information Commissioner was not committed to any guarantees or undertakings at 30 June 2014.

## 18. FINANCIAL INSTRUMENTS

### Categorisation of Financial Instruments

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

(a) Category	Note	2014 \$'000	2013 \$'000
<b>Financial Assets</b>			
Cash and cash equivalents	9	2,005	1,810
Receivables	10	19	25
<b>Total</b>		<b>2,024</b>	<b>1,835</b>
<b>Financial Liabilities</b>			
Financial liabilities measured at amortised cost:			
Payables	13	53	38
<b>Total</b>		<b>53</b>	<b>38</b>

18. 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	2014 Payable in			Total
		<1 year	1 - 5 years	>5 years	
		\$'000	\$'000	\$'000	\$'000
<b>Financial Liabilities</b>					
Payables	13	53	-	-	53
<b>Total</b>		<b>53</b>	<b>-</b>	<b>-</b>	<b>53</b>

	Note	2013 Payable in			Total
		<1 year	1 - 5 years	>5 years	
		\$'000	\$'000	\$'000	\$'000
<b>Financial Liabilities</b>					
Payables	13	38	-	-	38
<b>Total</b>		<b>38</b>	<b>-</b>	<b>-</b>	<b>38</b>



**18. 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 \$20,000 (2013: \$18,000). 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	2014 Interest rate risk			
		-1%		+1%	
		Profit	Equity	Profit	Equity
Cash and Cash Equivalents	2,005	(20)	(20)	20	20
<b>Potential Impact</b>		<b>(20)</b>	<b>(20)</b>	<b>20</b>	<b>20</b>

Financial Instruments	Carrying Amount \$'000	2013 Interest rate risk			
		-1%		+1%	
		Profit	Equity	Profit	Equity
Cash and Cash Equivalents	1,810	(18)	(18)	18	18
<b>Potential Impact</b>		<b>(18)</b>	<b>(18)</b>	<b>18</b>	<b>18</b>

## 18. 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	2014 \$'000	2013 \$'000
<b>Financial Assets</b>			
Cash and cash equivalents	9	2,005	1,810
Receivables	10	19	25
<b>Total</b>		<b>2,024</b>	<b>1,835</b>

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

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

Exposure to credit risk is monitored on an ongoing basis.

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 2013-14 and 2012-13 financial year that are past due and not impaired.

### (g) 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.

## 19. EVENTS OCCURRING 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

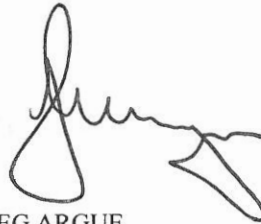
These general purpose financial statements have been prepared pursuant to section 62(1) of the *Financial Accountability Act 2009* (the Act), section 42 of the *Financial and Performance Management Standard 2009* and other prescribed requirements.

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 financial 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 2014 and of the financial position of the Office of the Information Commissioner at the end of that year.
- (c) these assertions are based on an appropriate system of internal controls and risk management processes being effective, in all material respects, with respect to financial reporting throughout the reporting period.

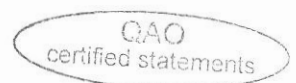


R RANGIHAEATA  
INFORMATION COMMISSIONER



GREG ARGUE  
MANAGER  
CORPORATE AND EXECUTIVE  
SERVICES

19 August 2014



## INDEPENDENT AUDITOR'S REPORT

To the Information Commissioner

### Report on the Financial Report

I have audited the accompanying financial report of Office of the Information Commissioner, which comprises the statement of financial position as at 30 June 2014, 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 control 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 control relevant to the entity's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control, other than in expressing an opinion on compliance with prescribed requirements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Information Commissioner, as well as evaluating the overall presentation of the financial report including any mandatory financial reporting requirements approved by the Treasurer for application in Queensland.

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

## *Independence*

The *Auditor-General Act 2009* promotes the independence of the Auditor-General and all authorised auditors. The Auditor-General is the auditor of all Queensland public sector entities and can 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*:

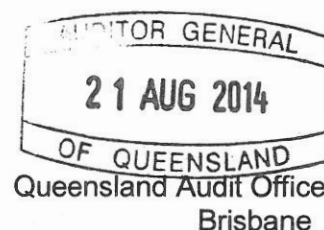
- (a) I have received all the information and explanations which I have required
- (b) in my opinion:
  - (i) the prescribed requirements in relation to the establishment and keeping of accounts have been complied with in all material respects
  - (ii) the financial report presents a true and fair view, in accordance with the prescribed accounting standards, of the transactions of the Office of the Information Commissioner for the financial year 1 July 2013 to 30 June 2014 and of the financial position as at the end of that year.

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

Those viewing an electronic presentation of these financial statements should note that audit does not provide assurance on the integrity of the information presented electronically and does not provide an opinion on any information which may be hyperlinked to or from the financial statements. If users of the financial statements are concerned with the inherent risks arising from electronic presentation of information, they are advised to refer to the printed copy of the audited financial statements to confirm the accuracy of this electronically presented information.



A M GREAVES FCA FCPA  
Auditor-General of Queensland



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# 1. Glossary

## Application

The process whereby a person requests access to government information by completing a copy of the approved form.

## 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.

## Deemed decision

A decision that is taken to be made to refuse access to information because the time frame has expired.

## 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.

## Open Data

A Queensland Government initiative to make government data available to the community by adopting, developing and implementing technological measures to deliver information.

## 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).

## Privacy principles

A set of rules that prescribe how Queensland government agencies manage the personal information they hold.

## Publication scheme

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

## QCAT

Queensland Civil and Administrative Tribunal is an independent tribunal which actively resolves disputes.

## Right to information

The legislative and administrative framework that allows individuals to access information held by Queensland government agencies.

## Service

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

## Service standard

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

## 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.

## Training and Stakeholder Relations

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

## 2. Compliance checklist

This annual report is prepared in accordance with all relevant Queensland legislation.

This checklist has been prepared to facilitate identification of our compliance with statutory disclosure requirements.

- *Financial Accountability Act 2009* (Qld) (FAA).
- *Financial and Performance Management Standard 2009* (FPMS).
- Annual report requirements for Queensland Government agencies (ARRs).

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	<ul style="list-style-type: none"> <li>• A letter of compliance from the accountable officer or statutory body to the relevant Minister</li> </ul>	ARRs – section 8	i
Accessibility	<ul style="list-style-type: none"> <li>• Table of contents</li> </ul>	ARRs – section 10.1	ii
	<ul style="list-style-type: none"> <li>• Glossary</li> </ul>		65
	<ul style="list-style-type: none"> <li>• Public availability</li> </ul>	ARR – section 10.2	Back cover
	<ul style="list-style-type: none"> <li>• Interpreter service statement</li> </ul>	<i>Queensland Government Language Services Policy</i> ARRs – section 10.3	Inside front cover
	<ul style="list-style-type: none"> <li>• Copyright notice</li> </ul>	<i>Copyright Act 1968</i> ARRs – section 10.4	Back cover
General information	<ul style="list-style-type: none"> <li>• Information licensing</li> </ul>	<i>Queensland Government Enterprise Architecture – Information licensing</i> ARRs – section 10.5	Inside front cover
	<ul style="list-style-type: none"> <li>• Introductory information</li> </ul>	ARRs – section 11.1	i
	<ul style="list-style-type: none"> <li>• Agency role and main functions</li> </ul>	ARRs – section 11.2	26
	<ul style="list-style-type: none"> <li>• Operating environment</li> </ul>	ARRs – section 11.3	26
	<ul style="list-style-type: none"> <li>• Machinery of government changes</li> </ul>	ARRs – section 11.4	32
Non-financial performance	<ul style="list-style-type: none"> <li>• Government's objectives for the community</li> </ul>	ARRs – section 12.1	6 – 7, 26 – 32
	<ul style="list-style-type: none"> <li>• Other whole-of-government plans/specific initiatives</li> </ul>	ARRs – section 12.2	6 – 7, 26 – 32
	<ul style="list-style-type: none"> <li>• Agency objectives and performance indicators</li> </ul>	ARRs – section 12.3	10 – 25
	<ul style="list-style-type: none"> <li>• Agency service areas, and service standards</li> </ul>	ARRs – section 12.4	10 – 25
Financial performance	<ul style="list-style-type: none"> <li>• Summary of financial performance</li> </ul>	ARRs – section 13.1	33
Governance – management and structure	<ul style="list-style-type: none"> <li>• Organisational structure</li> </ul>	ARRs – section 14.1	29
	<ul style="list-style-type: none"> <li>• Executive management</li> </ul>	ARRs – section 14.2	27
	<ul style="list-style-type: none"> <li>• Related entities</li> </ul>	ARRs – section 14.3	n/a
	<ul style="list-style-type: none"> <li>• Government bodies</li> </ul>	ARRs – section 14.4	n/a
	<ul style="list-style-type: none"> <li>• <i>Public Sector Ethics Act 1994</i> (Qld)</li> </ul>	<i>Public Sector Ethics Act 1994</i> (Qld) (section 23 and Schedule) ARRs – section 14.5	30
Governance – risk management and accountability	<ul style="list-style-type: none"> <li>• Risk management</li> </ul>	ARRs – section 15.1	31
	<ul style="list-style-type: none"> <li>• External scrutiny</li> </ul>	ARRs – section 15.2	31
	<ul style="list-style-type: none"> <li>• Audit committee</li> </ul>	ARRs – section 15.3	6 – 7, 26 – 32
	<ul style="list-style-type: none"> <li>• Internal audit</li> </ul>	ARRs – section 15.4	6 – 7, 26 – 32
	<ul style="list-style-type: none"> <li>• Public Sector Renewal</li> </ul>	ARRs – section 15.5	n/a
	<ul style="list-style-type: none"> <li>• Information systems and record keeping</li> </ul>	ARRs – section 15.6	30, 31
Governance – human resources	<ul style="list-style-type: none"> <li>• Workforce planning, attraction and retention and performance</li> </ul>	ARRs – section 16.1	28
	<ul style="list-style-type: none"> <li>• Early retirement, redundancy and retrenchment</li> </ul>	<i>Directive No. 11/12 Early Retirement, Redundancy and Retrenchment</i> ARRs – section 16.2	28
Open Data	<ul style="list-style-type: none"> <li>• Open Data</li> </ul>	ARRs – section 17	25
Financial statements	<ul style="list-style-type: none"> <li>• Certification of financial statements</li> </ul>	FAA – section 62 FPMS – sections 42, 43 and 50 ARRs – section 18.1	61
	<ul style="list-style-type: none"> <li>• Independent Auditor's Report</li> </ul>	FAA – section 62 FPMS – section 50 ARRs – section 18.2	62
	<ul style="list-style-type: none"> <li>• Remuneration disclosures</li> </ul>	<i>Financial Reporting Requirements for Queensland Government Agencies</i> ARRs – section 18.3	34 – 63

### 3. Category and number of external review applications

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14		
					RTI	IP	Total
Refusal of access	251	236	253	322	135	92	<b>227</b>
Sufficiency of search	74	49	43	95	86	29	<b>115</b>
Third party objection to release	14	36	45	30	33	3	<b>36</b>
Agency refusal to deal	22	22	12	24	20	13	<b>33</b>
Deemed refusal of access	51	48	30	42	21	9	<b>30</b>
Refusal of amendment	9	6	4	8	0	6	<b>6</b>
Fees	6	3	1	2	2	0	<b>2</b>
Charges	2	1	2	2	2	0	<b>2</b>
Deemed refusal of amendment	3	1	3	0	0	0	<b>0</b>
Initial applications	7	10	11	8	0	0	<b>0</b>
No jurisdiction	n/a	n/a	n/a	n/a	0	0	<b>0</b>
<b>Total applications received</b>	<b>439</b>	<b>412</b>	<b>404</b>	<b>533</b>	<b>299</b>	<b>153</b>	<b>451</b>

### 4. Profile of applicants making external review applications

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Agencies	1	7	2	10	4
Individuals	315	318	280	327	292 <sup>29</sup>
Companies	37	36	58	103	99
Journalists	27	14	20	53	32
Lobby and community groups	8	11	6	5	11
Elected representatives <sup>29</sup>	5	4	6	8	13
Prisoners	41	18	29	25	n/a
Public servants	5	4	3	2	n/a
<b>Total</b>	<b>439</b>	<b>412</b>	<b>404</b>	<b>533</b>	<b>451</b>

<sup>29</sup> From 2013 – 14 onwards, prisoners and public servants are included in Individuals listing.

### 5. Applications received by agency profile

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Boards/commissions/GOCs	65	72	25	39	25
Departments	270	251	296	307	267
Hospital and Health Services	n/a	n/a	n/a	47	35
Local government	83	67	68	75	77
Universities	12	13	12	10	6
Ministers	5	7	1	50	39
Other bodies	4	2	2	5	2
<b>Total</b>	<b>439</b>	<b>412</b>	<b>404</b>	<b>533<sup>30</sup></b>	<b>451</b>

<sup>30</sup> The total departments, Hospital and Health Services and other bodies for 2012 – 13 were incorrectly reported in the 2012 – 13 OIC Annual Report. The 2012 – 13 figures have been updated in this report to accurately reflect the category of applications received by agency profile for that financial year.

## 6. Outcome of reviews

Outcome of review	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Affirming agency decision	8	30	27	22	24
Varying agency decision	15	22	20	23	21
Setting aside agency decision	12	12	8	11	10
<b>Decision under section 110 of RTI Act or section 123 of IP Act</b>	<b>35</b>	<b>64</b>	<b>56</b>	<b>56</b>	<b>55</b>
<b>Review settled informally</b>	<b>267</b>	<b>242</b>	<b>329</b>	<b>333</b>	<b>409</b>
Decision application is out of jurisdiction - section 52, section 101 IP Act; section 32, section 88 of the RTI Act	43	57	37	45	21
Decision not to deal with application - section 107 of IP Act, section 94 of the RTI Act	3	5	17	5	5
Decision to allow agency further time to deal with application - section 106 of IP Act, section 93 of RTI Act	25	26	19	19	10
<b>Determination of review not required</b>	<b>71</b>	<b>88</b>	<b>72</b>	<b>69</b>	<b>36</b>
<b>Total</b>	<b>373</b>	<b>394</b>	<b>457</b>	<b>458</b>	<b>500</b>

## 7. RTI regulation reporting requirements not elsewhere captured within the annual report

RTI requirements	Outcome
<b>Right to Information Regulation Part 4 section 7</b>	
(d) the number of times and the way in which the commissioner has used the entitlement to full and free access to documents under section 100 of the Act.	0
(e) the number of applications made under section 114 of the Act for a declaration that a person is a vexatious applicant and the number of declarations under that section made by the commissioner.	0
<b>Right to Information Regulation Part 4 section 7</b>	
(f) the number of applications for extension of the 10 year period received by the commissioner under schedule 4, part 4, item 1 of the Act and the commissioner's decision for each application.	0
<b>Right to Information Regulation Part 4 section 7</b>	
(a) the number of applications by non-profit organisations for financial hardship status under section 67 of the Act.	4

## 8. IP regulation reporting requirements not captured elsewhere within the annual report

IP requirements	Outcome
<b>Information Privacy Regulation Part 4 section 5</b>	
(c) the number of times and the way in which the commissioner has used the entitlement to full and free access to documents under section 113 of the Act.	0
(d) the number of applications made under section 127 of the Act for a declaration that a person is a vexatious applicant and the number of declarations under the section made by the commissioner.	0
<b>Information Privacy Regulation Part 4 section 5</b>	
(e) approval of waivers or modifications of the privacy principles under chapter 4, part 5 of the Act.	0
<b>Information Privacy Regulation Part 4 section 5</b>	
(f) compliance notices given under chapter 4, part 6 of the Act.	0
<b>Information Privacy Regulation Part 4 section 5(2)</b>	
(a) the number of complaints the commissioner has declined to deal with or has declined to continue dealing with.	27
(b) the grounds for declining to deal with the complaints under paragraph (a)	No jurisdiction – 5; section 166(3) – 4; section 168(1)(c) – 17; section 168(2) – 1
(c) the categories of relevant entities to which the 41 finalised complaints relate.	3 Hospital and Health Services; 3 private sector entities <sup>31</sup> ; 1 university; 7 statutory authorities; 6 local governments; 21 departments
(d) the provisions of the privacy principles to which the complaints relate.	Complaints related to Information Privacy Principles 1, 3, 4, 7, 8, 9, 10, 11 and section 33; and National Privacy Principles 2, 3 and 4
(e) the number of complaints referred by the commissioner to other entities under section 169 of the Act.	0
(f) the number and type of complaints resolved by agreement after mediation.	7

31. These private sector entities were not covered by the IP Act.

## 9. 2013 – 14 applications for external review of decisions by Ministers and agencies

Ministers	
Attorney-General and Minister for Justice	4
Deputy Premier, Minister for State Development, Infrastructure and Planning	11
Minister for Education, Training and Employment	1
Minister for Environment and Heritage Protection	5
Minister for Natural Resources and Mines	2
Minister for Health	1
Minister for Police, Fire and Emergency Services	1
The Premier	13
Treasurer and Minister for Trade	1
<b>Sub-total</b>	<b>39</b>

Local governments	
Brisbane City Council	6
Bundaberg Regional Council	1
Cairns Regional Council	2
Cassowary Coast Regional Council	2
Douglas Shire Council	1
Fraser Coast Regional Council	5
Gladstone Regional Council	2
Gold Coast City Council	11
Gympie Regional Council	2
Ipswich City Council	8
Lockyer Valley Regional Council	1
Logan City Council	6
Mackay Regional Council	3
Moreton Bay Regional Council	9
Mount Isa City Council	1
Noosa Shire Council	1
North Burnett Regional Council	1
Northern Peninsula Area Regional Council	1
Rockhampton Regional Council	6
Scenic Rim Regional Council	1
Somerset Regional Council	1
Sunshine Coast Regional Council	1
Toowoomba Regional Council	3
Townsville City Council	1
Whitsunday Regional Council	1
<b>Sub-total</b>	<b>77</b>
Boards, Commissions, GOCs	
Board of Professional Engineers	1
Crime and Misconduct Commission	6
Ergon Energy	1
Health Quality and Complaints Commission	1
Legal Services Commission	1
Public Service Commission	1
QSuper and QSuper Limited	1
Queensland Audit Office	1
Queensland Building and Construction Commission	2
Queensland Integrity Commissioner	1
Queensland Museum Network	2
Queensland Ombudsman	1
Queensland Urban Utilities	1
State Library of Queensland	2
Sunwater Ltd	1
WorkCover Queensland	2
<b>Sub-total</b>	<b>25</b>



Departments	
Department of Agriculture, Fisheries and Forestry	2
Department of Communities, Child Safety and Disability Services	27
Department of Community Safety	7
Department of Education, Training and Employment	14
Department of Energy and Water Supply	1
Department of Environment and Heritage Protection	15
Department of Housing and Public Works	3
Department of Justice and Attorney-General	36
Department of Local Government, Community Recovery and Resilience	1
Department of National Parks, Recreation, Sport and Racing	2
Department of Natural Resources and Mines	13
Department of Science, Information Technology, Innovation and the Arts	2
Department of State Development, Infrastructure and Planning	14
Department of the Premier and Cabinet	14
Department of Transport and Main Roads	20
Queensland Health	11
Queensland Police Service	77
Queensland Rail	3
Queensland Treasury and Trade	5
<b>Sub-total</b>	<b>267</b>
Universities	
Griffith University	1
Queensland University of Technology	1
The University of Queensland	4
<b>Sub-total</b>	<b>6</b>
Other bodies	
Frederick Marsden Youth Centre Inc	1
St Vincent de Paul Society Queensland	1
<b>Sub-total</b>	<b>2</b>
Hospital and Health Services	
Cairns and Hinterland Hospital and Health Service	4
Central Queensland Hospital and Health Service	1
Children's Health Queensland Hospital and Health Service	1
Darling Downs Hospital and Health Service	2
Gold Coast Hospital and Health Service	5
Mackay Hospital and Health Service	1
Metro North Hospital and Health Service	9
Metro South Hospital and Health Service	2
Sunshine Coast Hospital and Health Service	3
The Prince Charles Hospital	1
Torres Strait-Northern Peninsula Hospital and Health Service	1
Townsville Hospital and Health Service	2
West Moreton Hospital and Health Service	1
Wide Bay Hospital and Health Service	2
<b>Sub-total</b>	<b>35</b>
<b>Total</b>	<b>451</b>

## 10. Outcomes of decisions

Review number	Agency	Date of decision	Outcome	Outcome type	Section decision
311210	Queensland Police Service	31-Jul-13	decision s.110 - varying agency response - RTI	Access granted	
311110	Translink Transit Authority	28-Aug-13	decision s.123 - varying agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3) (a)
311176	Translink Transit Authority	28-Aug-13	decision s.123 - varying agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3) (a)
311518	Sunshine Coast Regional Council	03-Sep-13	decision s.123 - varying agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3) (b)
311610	Department of Communities, Child Safety and Disability Services	04-Sep-13	decision s.110 - affirming agency response - RTI	Access refused	RTI Act - s.47(3)(a)
311159	Department of Transport and Main Roads	06-Sep-13	decision s.110 - varying agency response - RTI	Access refused (in part)	RTI Act - s.47(3)(b)
311438	Queensland Health	06-Sep-13	decision s.123 - affirming agency response - IPA	Amendment refused	IP Act - s.72(1)(a)(i)
311428	Department of Transport and Main Roads	10-Sep-13	decision s.123 - varying agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3) (a)
311232	Department of National Parks, Recreation, Sport and Racing	16-Sep-13	decision s.110 - varying agency response - RTI	Access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
311503	Moreton Bay Regional Council	23-Sep-13	decision s.110 - affirming agency response - RTI	Third party objection to release - Applicant granted access to documents	
311493	Queensland Police Service	15-Oct-13	decision s.110 - set aside agency response - RTI	Access granted	
311261	Redland City Council	17-Oct-13	decision s.110 - varying agency response - RTI	Access refused (in part)	RTI Act - s.47(3)(b)
311309	Department of Housing and Public Works	24-Oct-13	decision s.110 - affirming agency response - RTI	Access refused	RTI Act - s.47(3)(b)
311618	West Moreton Hospital and Health Service	29-Oct-13	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3) (d)
311594	Department of Education, Training and Employment	31-Oct-13	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3) (a)
311467	Queensland University of Technology	07-Nov-13	decision s.110 - varying agency response - RTI	Access refused (in part)	RTI Act - s.47(3)(a)
311365	Queensland University of Technology	07-Nov-13	decision s.110 - varying agency response - RTI	Access refused	RTI Act - s.47(3)(a)
311452	Queensland University of Technology	07-Nov-13	decision s.110 - varying agency response - RTI	Access refused	RTI Act - s.47(3)(a)
100101	Department of Justice and Attorney-General	08-Nov-13	decision s.110 - affirming agency response - RTI	Access granted	
100102	Queensland Police Service	05-Dec-13	decision s.110 - set aside agency response - RTI	Access granted	

Review number	Agency	Date of decision	Outcome	Outcome type	Section decision
311305	Brisbane City Council	06-Dec-13	decision s.110 - varying agency response - RTI	Access refused (in part)	RTI Act - s.47(3)(b)
311742	Queensland Police Service	06-Dec-13	decision s.123 - varying agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a)
311333	Department of Justice and Attorney-General	17-Dec-13	decision s.123 - varying agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a)
311553	Department of Justice and Attorney-General	17-Dec-13	decision s.123 - varying agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a)
311638	Queensland Police Service	09-Jan-14	decision s.123 - affirming agency response - IPA	No reasonable grounds additional documents exist	IP Act - s.67(1), RTI Act - s.47 (3)(e)
311789	Department of Education, Training and Employment	15-Jan-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(b)
311791	Department of Education, Training and Employment	15-Jan-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(b)
311556	Department of Community Safety	16-Jan-14	decision s.123 - set aside agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(b)
311400	Crime and Misconduct Commission	23-Jan-14	decision s.110 - varying agency response - RTI	Access refused	RTI Act - s.55
311525	Department of Justice and Attorney-General	06-Feb-14	decision s.110 - varying agency response - RTI	No reasonable grounds additional documents exist	RTI Act - s.47(3)(e)
311394	Queensland Police Service	21-Feb-14	decision s.110 - set aside agency response - RTI	Access granted	
311419	Department of Transport and Main Roads	25-Feb-14	decision s.110 - set aside agency response - RTI	Agency has not taken all reasonable steps to locate documents	RTI Act - s.47(3)(e)
311619	Queensland Police Service	07-Mar-14	decision s.123 - set aside agency response - IPA	Access granted	
311779	Queensland Police Service	07-Mar-14	decision s.123 - varying agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(b)
311801	Queensland Police Service	18-Mar-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a), RTI Act - s.47 (3)(b)
311842	Department of Communities, Child Safety and Disability Services	18-Mar-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47(3)(a)
311852	Minister for Education, Training and Employment	26-Mar-14	decision s.110 - affirming agency response - RTI	Access refused	RTI Act - s.47(3)(b)
311872	Department of Housing and Public Works	08-Apr-14	decision s.110 - set aside agency response - RTI	Access refused (in part)	RTI Act - s.47(3)(b)
311748	Crime and Misconduct Commission	10-Apr-14	decision s.110 - set aside agency response - RTI	Access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
311669	Queensland Police Service	15-Apr-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a)
311765	Department of Community Safety	24-Apr-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(b)

Review number	Agency	Date of decision	Outcome	Outcome type	Section decision
311914	Crime and Misconduct Commission	01-May-14	decision s.110 - set aside agency response - RTI	Access refused	RTI Act - s.47(3)(a)
311830	Gympie Regional Council	02-May-14	decision s.110 - affirming agency response - RTI	Access refused	RTI Act - s.47(3)(b)
311645	Queensland Building and Construction Commission	12-May-14	decision s.110 - varying agency response - RTI	Access refused	RTI Act - s.28(2), RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e), RTI Act - s.55, RTI Act - s.43
311743	Townsville Hospital and Health Service	13-May-14	decision s.123 - varying agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a)
311810	Cairns and Hinterland Hospital and Health Service	13-May-14	decision s.123 - varying agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47(3)(a)
311822	Attorney-General and Minister for Justice	06-Jun-14	decision s.110 - affirming agency response - RTI	Access refused	RTI Act - s.47(3)(e)
311889	Department of Communities, Child Safety and Disability Services	06-Jun-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a), RTI Act - s.47 (3)(c)
311890	Department of Communities, Child Safety and Disability Services	06-Jun-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a), RTI Act - s.47 (3)(c)
311891	Department of Communities, Child Safety and Disability Services	06-Jun-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a), RTI Act - s.47 (3)(c)
311892	Department of Communities, Child Safety and Disability Services	06-Jun-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a), RTI Act - s.47 (3)(c)
311773	Queensland Police Service	12-Jun-14	decision s.110 - set aside agency response - RTI	Access granted	
311860	Queensland Ombudsman	13-Jun-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(b)
311648	Department of Communities, Child Safety and Disability Services	19-Jun-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(e)
311970	Queensland Police Service	20-Jun-14	decision s.123 - affirming agency response - IPA	Access refused	IP Act - s.67(1), RTI Act - s.47 (3)(a)

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