



# Oversight of the Office of the Information Commissioner

**Report No. 41, 56<sup>th</sup> Parliament**  
**Legal Affairs and Community Safety Committee**  
**June 2019**

## **Legal Affairs and Community Safety Committee**

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## Abbreviations

Annual Report	2017-18 Annual Report of the Office of the Information Commissioner
Attorney-General	Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice
committee	Legal Affairs and Community Safety Committee
Independent Strategic Review	The independent strategic review of the OIC conducted under s 186 of the RTI Act by PriceWaterhouseCoopers
Independent Strategic Review Report	The report of the independent strategic review of the OIC conducted under s 186 of the RTI Act by PriceWaterhouseCoopers
IP Act	<i>Information Privacy Act 2009</i>
OIC	Office of the Information Commissioner
previous committee	Legal Affairs and Community Safety Committee of the previous Parliament (55 <sup>th</sup> Parliament)
public meeting	The public meeting held by the committee with representatives of the OIC on 25 February 2019
QCAT	Queensland Civil and Administrative Tribunal
RTI Act	<i>Right to Information Act 2009</i>

## Chair's foreword

The Legal Affairs and Community Safety Committee has oversight responsibility for the Information Commissioner under s 88 of the *Parliament of Queensland Act 2001* and Schedule 6 of the *Standing Orders of the Legislative Assembly*.

Section 195 of the *Information Privacy Act 2009* and s 189 of the *Right to Information Act 2009* set out functions of the committee under those Acts. These include monitoring and reviewing the performance by the Information Commissioner of the Commissioner's functions under the Acts, and examining each annual report of the Commissioner.

This report presents a summary of the Legal Affairs and Community Safety Committee's oversight of the Information Commissioner and her office, focussing on 2017-18.

On behalf of the committee, I thank the Information Commissioner, the Right to Information Commissioner, the Privacy Commissioner and other staff of the Office of the Information Commissioner who assisted the committee with fulfilling its oversight responsibilities. I also thank the Parliamentary Service staff.

I commend this report to the House.



Peter Russo MP

**Chair**

**Recommendation**

The committee recommends the House notes the contents of this report. **11**

**Recommendation** **12**

The committee recommends the House notes the contents of this report.

## 1 Introduction

### 1.1 This report

The Legal Affairs and Community Safety Committee prepared this report as part of its statutory oversight of the Information Commissioner and her office, with primary focus on the 2017-18 financial year.

### 1.2 Role of the committee

The Legal Affairs and Community Safety Committee (committee) is a portfolio committee of the Legislative Assembly that commenced on 15 February 2018 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.<sup>1</sup> The committee's areas of responsibility are Justice and Attorney-General, Police and Corrective Services, and Fire and Emergency Services. The committee has oversight responsibility for bodies including the Information Commissioner.<sup>2</sup>

### 1.3 The Office of the Information Commissioner

The Office of the Information Commissioner (OIC) consists of the Information Commissioner, who is an officer of the Parliament, and the staff of the office.<sup>3</sup> The OIC's functions include giving information and help to agencies and members of the public on matters relevant to the *Right to Information Act 2009* (RTI Act); conducting reviews into personal information handling practices of certain entities; investigating and reviewing decisions of agencies and Ministers; and reviewing and reporting on agencies in relation to the operation of the RTI Act and the *Information Privacy Act 2009* (IP Act).<sup>4</sup>

### 1.4 The committee's responsibilities regarding the Information Commissioner

The committee's functions relating to the Information Commissioner are:

- to monitor and review the performance by the Information Commissioner of the Information Commissioner's functions under the RTI Act and the IP Act
- to report to the Legislative Assembly on any matter concerning the Information Commissioner, the Information Commissioner's functions or the performance of the Information Commissioner's functions that the committee considers should be drawn to the Legislative Assembly's attention
- to decide, in consultation with the Information Commissioner, the statistical information (including statistical information about giving access to information other than on an access application) agencies and Ministers are to give the Information Commissioner for the reports under the RTI Act
- to examine each annual report tabled in the Legislative Assembly under the RTI Act and the IP Act and, if appropriate, to comment on any aspect of the reports and to make recommendations
- to examine each strategic review report tabled in the Legislative Assembly under the RTI Act and, if appropriate, to comment on any aspect of the report and to make recommendations

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<sup>1</sup> *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

<sup>2</sup> The committee also has oversight responsibility for the Electoral Commissioner, the Ombudsman and the Queensland Family and Child Commission: Standing Rules and Orders, Schedule 6.

<sup>3</sup> *Right to Information Act 2009*, s 123.

<sup>4</sup> *Right to Information Act 2009*, ss 128-131; *Information Privacy Act 2009*, ss 135-137.

- to report to the Legislative Assembly any changes to the functions, structures and procedures of the OIC the committee considers desirable for the more effective operation of the RTI Act and the IP Act
- the other functions conferred on the committee by the RTI Act or the IP Act.<sup>5</sup>

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<sup>5</sup> *Right to Information Act 2009*, section 189; *Information Privacy Act 2009*, section 195. Amongst other things, the *Right to Information Act 2009* and the *Information Privacy Act 2009* also require that the committee be consulted on the selection process for appointment, and the appointment, of a person as the Information Commissioner, the Right to Information Commissioner or the Privacy Commissioner. The committee is not consulted on the process of selection for appointment where a person is re-appointed as Information Commissioner, Right to Information Commissioner or Privacy Commissioner: *Right to Information Act 2009*, s 135 (Information Commissioner), s 151 (Right to Information Commissioner); *Information Privacy Act 2009*, s 145 (Privacy Commissioner).

## 2 Oversight of the Information Commissioner

### 2.1 Process followed by the committee

In conducting its oversight of the Information Commissioner, the committee adopted the following process:

- examined the 2017-18 Annual Report of the OIC (Annual Report)
- held a public meeting with representatives from the OIC on 25 February 2019 (public meeting) (see Appendix A).

The transcript of the public meeting is available on the committee's website.

### 2.2 Statutory office holders

The following statutory office holders remain the same as the previous financial year:

- Information Commissioner, Ms Rachael Rangihaeata
- Privacy Commissioner, Mr Philip Green.

Since the committee last reported on its oversight of the Information Commissioner there has been a change in personnel in the position of the Right to Information Commissioner. Both Ms Jenny Mead and Ms Clare Smith, who job-shared the role of Right to Information Commissioner, retired during 2017-18. Ms Mead retired from the OIC effective 4 February 2018 and Ms Smith retired effective 31 March 2018.<sup>6</sup> Ms Louisa Lunch was appointed as the acting Right to Information Commissioner.<sup>7</sup> Following a recruitment and selection process, Ms Louisa Lynch was then appointed as Right to Information Commissioner by the Governor-in-Council in accordance with the RTI Act from 6 July 2018 to 5 July 2023.<sup>8</sup>

### 2.3 Strategic review

An independent strategic review of the OIC is required under s 186 of the RTI Act every five years. One of the committee's functions is to examine each strategic review report tabled in the Legislative Assembly under the RTI Act and, if appropriate, to comment on any aspect of the report and to make recommendations. The most recent independent strategic review (Independent Strategic Review) was conducted by PriceWaterhouseCoopers who issued its report on 26 April 2017 during the previous financial year (Independent Strategic Review Report). The Independent Strategic Review Report was tabled in Parliament on 11 May 2017 by the Attorney-General and referred to the Legal Affairs and Community Safety Committee of the previous Parliament (previous committee) for its consideration under s 188(7) of the RTI Act. The previous committee reported on the Independent Strategic Review Report in its *Report No. 68, 55<sup>th</sup> Parliament, Oversight of the Information Commissioner* tabled 29 September 2017.

The Annual Report noted that the OIC 'focused on implementation of the recommendations throughout 2017-18'<sup>9</sup> with 'significant progress on implementation of the recommendations' being made during 2017-18.<sup>10</sup> The Annual Report also noted:

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<sup>6</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 44.

<sup>7</sup> Office of the Information Commissioner, 'Executive management team', <https://www.oic.qld.gov.au/about/our-organisation>, accessed 7 May 2018.

<sup>8</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 44.

<sup>9</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 2.

<sup>10</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 46.

*In addition to the key recommendation about external review resources, we have also conducted a training needs analysis and will be implementing new training, communications and engagement, and career growth strategies, developed in consultation with our staff, in 2018–19. Our strategies will help us to ensure we are able to deliver our statutory functions effectively, are responsive to stakeholder needs and prioritise our resources to maximise impact.*<sup>11</sup>

During the Information Commissioner’s opening statement at the public meeting, the Information Commissioner remarked that the OIC has finalised its responsibilities in relation to the Independent Strategic Review, ‘with only those recommendations requiring legislation or further funding now outstanding’.<sup>12</sup>

## **2.4 Office relocation**

The OIC relocated offices in October 2017 from 160 Mary Street to 133 Mary Street, Brisbane. The Annual Report noted that the ongoing leasing commitments will be funded from the OIC operational budget and the Department of Housing and Public Works provided funding for the new office fit out. In the lead up to the move to the new premises, the OIC incurred additional expenses ‘to fund the purchase of new technology, including telephones, IT equipment, appliances and selected furniture’.<sup>13</sup>

## **2.5 Priorities for 2018-19**

OIC identified the following priorities for 2018-19:

- focusing on implementing the OIC training, communications and engagement, and career growth strategies developed under the recommendations of the Independent Strategic Review
- reviewing training products and focusing on engagement with regional agencies
- conducting the fourth self-assessed electronic audit across all Queensland government agency sectors and reporting on aggregated results and findings to Parliament
- progressing a number of key privacy developments including the reference to the Law Reform Commission on surveillance
- exploring issues arising from the broader review by the Queensland government of the RTI and IP Acts
- planning and celebrating the 10<sup>th</sup> anniversary of the RTI and IP Acts on 1 July 2019.<sup>14</sup>

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<sup>11</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 2.

<sup>12</sup> Public meeting transcript, Brisbane, 25 February 2019, p 1.

<sup>13</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 41.

<sup>14</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 10.

### 3 Examination of Annual Report

#### 3.1 Overview

The OIC tabled its Annual Report on 20 September 2018 together with an Erratum tabled on 15 October 2018. The Annual Report provided:

- an account of revenue and how the OIC used public funds
- a description of challenges and opportunities that influenced OIC's actions, as well as its priorities for the next year
- an assessment of achievement in meeting corporate and operational plans as measured against a range of performance indicators.<sup>15</sup>

At the public meeting, the Information Commissioner provided the following remarks by way of an overview of the 2017-18 year:

*We reported on a year of record demand in 2017-18. We continue to experience significant demand for our services, with increasing record demand for external review in 2018-19. We will continue to monitor our capability to service such record external review demand over the next couple of years.*

*Despite the high demand and complexity of applications, our exceptional team, led by the Right to Information Commissioner, also finalised a record number of review applications, resulting in a high 95 per cent received to finalised rate in 2017-18.<sup>16</sup>*

The Right to Information Commissioner provided the following update on the workforce funding issues:

*When I reported to you in April 2018 I noted that if the OIC did not receive the additional permanent funding for four review officers recommended by the independent strategic review into the office, keeping pace with the ongoing upswing and external review applications would be difficult. The government did support that request and in just over two months from receipt we had completed the recruitment processes that allowed us to settle many years of arrangements supported by temporary funding, but it has not meant an increase in real terms to officers available to undertake the greater workload.<sup>17</sup>*

#### 3.2 Performance

Amongst other things, the Annual Report advises on the OIC's performance in relation to the following service areas:

- external review
- privacy advice and complaint mediation
- assistance and monitoring service.<sup>18</sup>

The OIC's performance in each of these areas is summarised below.

<sup>15</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p ii.

<sup>16</sup> Public meeting transcript, Brisbane, 25 February 2019, p 1.

<sup>17</sup> Public meeting transcript, Brisbane, 25 February 2019, p 2.

<sup>18</sup> Office of the Information Commissioner, *Annual Report 2017-18*, pp 3-4.

### 3.2.1 External review service

With respect to the OIC's objective to provide independent, timely and fair review of decisions made under the RTI Act and IP Act (objective one), the Annual Report stated:

- there was a 44% increase in external review applications finalised by the OIC in 2017-18
- 66% of applicants were satisfied with the conduct of reviews
- 94% of agencies were satisfied with the conduct of reviews (exceeding the target of 75%, and 2% better than the previous year)
- it took a median 102 days to finalise a review (higher than the target of 90 days, and 16 days more than in the previous year)
- 0% of reviews older than 12 months remained open at the end of the reporting period (meeting the target of 0%, and the same as in the previous year)
- 595 reviews were finalised (exceeding the target of 300, and up from 413 in the previous year)
- 87% of review applications were resolved informally without a written decision (exceeding the target of 75%)
- 95% of review applications finalised to received (not meeting the target of 100%, but up from 80% in the previous year).<sup>19</sup>

In her introductory remarks at the public meeting, the Information Commissioner advised:

*There is no standout theme or concerning increase in terms of type of information sought or agencies to whom applications are being made that then come to us for external review. However, it is noteworthy that the greatest increase in applicant type from 2015-16 to now has been individuals. It is projected that at the close of 2018-19 applications from individuals will have doubled across those three years. This indicates a growing awareness among the community of their information access rights, which I consider is largely driving demand.*<sup>20</sup>

During the public meeting, the committee asked the OIC to comment on whether the increase in the median days to finalise reviews is related directly to an increase in the number of external review applications. The Right to Information Commissioner responded:

*Median days is a difficult measure, because we have a lot of reviews that settle down here. It does not take too many at the further end to drag up the median with the volume on hand. Some of them are increasingly complex. It does not take too much to push you up. We are very conscious of it. The sorts of factors that are in play as to why some reviews take longer are that they deal with large volumes of documents, the challenging behaviour of applicants and the sufficiency of search issues at an agency level. It can take a lot of to-and-fro for us to be satisfied that all reasonable steps have been taken to find the information someone is seeking. Sometimes agencies seek multiple extensions of time to do those searches, for example, or to provide submissions to us if we are of the view that we do not accept their grounds for refusal at face value on the information to hand or we want more information about it. That can take some time. We try to regulate and control that as best we can.*

*We are required to afford all parties procedural fairness and give applicants and agencies alike due chance to put their case before us and provide information. Unfortunately, that can sometimes take several months. The longer a review goes on, the harder it is to resolve*

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<sup>19</sup> Office of the Information Commissioner, *Annual Report 2017-18*, pp 11 and 16.

<sup>20</sup> Public meeting transcript, Brisbane, 25 February 2019, p 2.

*informally. You are more likely to be talking about a formal written decision that is required to complete that matter. Again, that takes a little bit of drafting work. It is just the sheer volume and those sorts of issues that are pushing it, but we are very conscious of it.*<sup>21</sup>

The committee noted that 66% of applicants expressed satisfaction with the conduct of external reviews compared with 73% the previous year and asked the OIC to comment on the lower satisfaction rate. The Right to Information Commissioner responded:

*It is something that we have given a lot of thought to. We try to manage the expectations of applicants from the get-go in terms of what to expect in the review process, time frames and the limits on our jurisdiction, which is obviously something we need to explain to people a lot, and we do that always with respect and empathy. We are constantly receiving feedback throughout an external review as it progresses, as we are explaining things to people and as we are receiving their submissions and addressing those in reply in affording procedural fairness. I do consider that sometimes at the conclusion of a review, which might be months down the track, people feel like they have spoken to us over months and given feedback, which we deal with. When you look at the comments, there is a very clear conflation of dissatisfaction with the jurisdiction of our limits and our view about disclosure in some matters which has equated to dissatisfaction with us as a whole, which is frustrating and something we continue to consider in terms of how we communicate our messages to people.*<sup>22</sup>

An additional issue raised during the public meeting was the low return rate of surveys, being 35 surveys returned out of 590. The Information Commissioner commented that the OIC had hoped that moving to electronic surveying would increase the rate, however this change 'has not had a huge impact'.<sup>23</sup>

The Annual Report also advised that during 2017-18:

- Eleven decisions went on appeal to the Queensland Civil and Administrative Appeal Tribunal (QCAT) with four of these appeals from a single applicant.<sup>24</sup>
- Eighteen appeals from OIC decisions were finalised by QCAT and fifteen appeals were outstanding before QCAT.<sup>25</sup>
- No applications for a statutory order or review were made to the Supreme Court of Queensland.<sup>26</sup>
- The Information Commissioner received eight applications from non-profit organisations for financial hardship status and seven were granted.<sup>27</sup>
- One application to declare an applicant vexatious was made by an agency and granted by the OIC.<sup>28</sup>

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<sup>21</sup> Public meeting transcript, Brisbane, 25 February 2019, p 5.

<sup>22</sup> Public meeting transcript, Brisbane, 25 February 2019, p 7.

<sup>23</sup> Public meeting transcript, Brisbane, 25 February 2019, p 7.

<sup>24</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 16.

<sup>25</sup> Office of the Information Commissioner, *Annual Report 2017-18* p 16.

<sup>26</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 17.

<sup>27</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 19.

<sup>28</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 19.

### 3.2.2 Privacy advice and complaint mediation service

With respect to the OIC's objectives to provide an independent, timely and fair privacy complaint mediation service (objective two) and to assist agencies to achieve compliance with the privacy principles (objective three), the Annual Report advised:

- 88% of agencies were satisfied with the privacy complaint mediation service provided (exceeding the target of 75% but down from 100% the previous year)
- 100% of privacy complaints received were finalised (successfully meeting the target of 100%)
- it took a mean average of 67 days to make a decision whether to accept a privacy complaint (failing to meet the target of 14 days)
- it took a mean average of 157 days to finalise an accepted privacy complaint (exceeding the target of 90 days)
- the OIC provided 299 advices, consultations and submissions
- the OIC participated in 175 meetings, regional visits and information sessions
- the OIC met the target of one review.<sup>29</sup>

As part of its role of assessing bills for their potential to impact on privacy rights, in 2017-18, the formal submissions to parliamentary inquiries, commissions and to Queensland government included:

- written and verbal submissions to the committee about the privacy implications of the Police and Other Legislation (Identity and Biometric Capability) Amendment Bill 2018
- advocating for adequate privacy safeguards to be embedded in the identity-matching regime
- a submission to the Commonwealth's Parliamentary Joint Committee on Security and Intelligence on the Identity-matching Services Bill 2018, again advocating for adequate privacy safeguards to be built into the regime to mitigate risks to privacy
- a submission to the Queensland Parliament's Education, Employment and Small Business Committee about the privacy implications of the Mines Legislation (Resources Safety) Amendment Bill 2018 and whether disclosures of personal information in certain circumstances are justified
- a submission to the committee on the Counter-Terrorism and Other Legislation Amendment Bill 2017 raising privacy related concerns about expanded search and seizure powers exercisable by Queensland Police Service in response to terrorist acts and other critical incidents
- a submission to the Crime and Corruption Commission's Taskforce Flaxton to inform its examination of corruption and corruption risks in Queensland Corrective Services facilities, focusing on risks associated with unauthorised disclosure of personal information.<sup>30</sup>

The OIC were also consulted by a range of agencies on the privacy aspects of initiatives involving the collection, use and disclosure of personal information, and schemes involving the sharing of personal information, such as video footage and health records.<sup>31</sup>

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<sup>29</sup> Office of the Information Commissioner, *Annual Report 2017-18*, pp 21-22.

<sup>30</sup> Office of the Information Commissioner, *Annual Report 2017-18*, pp 21-22.

<sup>31</sup> Office of the Information Commissioner, *Annual Report 2017-18*, pp 21-22.

In terms of OIC's future consultation activities, the OIC noted:

*We expect these areas will continue to draw a significant proportion of our focus and resources in 2018–19, as governments, businesses and individuals are increasingly using technologies that pose potential privacy risks or that can have unintended consequences for an individual's privacy. The use of CCTV, drones, body worn cameras, dash cams, GoPros and mobile phones are changing the volume, complexity and frequency of the collection of information about other people, and especially their images. Pervasive social media use also has data and privacy risks. We will continue to monitor developments in the expanding use of these technologies and assist Queensland government agencies adopting these technologies, to comply with privacy principles.*<sup>32</sup>

The OIC received 59 privacy complaints and finalised 59 privacy complaints, which is consistent with previous reporting periods.<sup>33</sup> The OIC accepted 23 privacy complaints (compared with eight the previous year) and successfully mediated three privacy complaints.<sup>34</sup>

During 2017-18, it took 67 days for the OIC to make a decision whether to accept a privacy complaint which was considerably longer than its performance target of 14 days. The Annual Report explained the reasons for this:

*Because we receive a small number of privacy complaints in a financial year period, a handful of privacy complaints that take longer can have a big impact on the overall timeliness of decisions. For example, 25 percent of the complaints we received took over 100 days for us to make a decision whether to accept the complaint, with three complaints each taking over 200 days. The complexity of the complaint combined with genuine practical reasons for slower responses by both agencies and complainants was the reason for these timeframes.*<sup>35</sup>

At the public meeting, the committee asked about the timing for the finalisation of privacy complaints. The Information Commissioner advised:

*In relation to the measures that you mention for privacy in terms of the timeliness measure for accepting a privacy complaint, we have discontinued that one because we found that it had severe limitations. With regard to looking back over five years of data, the review found that, because we can influence but not control a lot of the issues that relate to that timeliness of deciding whether to accept a complaint—primarily because we do not really have the necessary information a lot of the time to make the decision and there often were substantial delays in obtaining it from the agency or the complainant—it was not really a meaningful measure on which to base this. Because it is a very small number of complaints—typically between 45 and 60 complaints a year—a small number can significantly skew the outcome. That has happened every year over those last few years. For example, 25 per cent of the complaints we received in 2017-18 took over 100 days for us to make a decision on whether to accept the complaint which led to the result in 2017-18 of 67 days. We considered that and we discussed it with the Department of the Premier and Cabinet and others and decided to discontinue that in our Service Delivery Statements.*

*With the other privacy measure you referred to, the mean average days to finalise an accepted privacy complaint in the Service Delivery Statements has increased from 90 to 140 days. Again, that was on the basis of reviewing the data from the previous five years. In terms of a similar*

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<sup>32</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 22.

<sup>33</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 24.

<sup>34</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 24.

<sup>35</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 24.

*situation, we are in the position of mediating an outcome there, so we have limited bases on which to pull the participants along, if you like, in that mediation. We really need to provide sufficient time for them to mediate an outcome where that is possible, and we had a number that were over 200 days. That definitely had an impact on the outcome in 2017-18. In 2017-18 it was 157 days, so it still exceeded that 140 and we would look to try and move towards the 140-day new target. Again, we do not have complete control over many of the factors that lead to that so it is a difficult one to manage.*<sup>36</sup>

The OIC did not receive any applications for waivers or modifications of the privacy principles under s 157 of the IP Act during 2017-18.<sup>37</sup>

### **3.2.3 Assistance and monitoring service**

With respect to the OIC's objectives to improve agencies' practices in right to information and information privacy (objective four) and to promote greater awareness of right to information and information privacy in the community and within government (objective five):

- 100% of agencies were satisfied with the information and assistance provided (exceeding the target of 80%)
- 100% of agencies were satisfied with the quality of information provided (exceeding the target of 75%)
- 33 training activities were provided (exceeding the target of 30 but 11 less than the previous year)
- 13,909 people were trained (exceeding the target of 500 and the previous year's total of 9,676 people)
- 98% of course participants were satisfied with sessions (exceeding the target of 75%)
- 307 awareness activities were conducted (exceeding the target of 190)
- 5,057 enquiry (written and oral) responses were provided to agencies and the community (exceeding the target of 2,500)
- 204,962 website visits (exceeding the target of 80,000).<sup>38</sup>

The Annual Report also advised:

- the Enquiries Service received:
  - 3,559 telephone calls (down from 3,759 in the previous year)
  - 1,369 emails/letters (up from 1,252 in the previous year)
  - 129 web inquiries (down from 135 in the previous year)<sup>39</sup>
- 10 new resources were published and 23 resources were 'extensively reviewed'<sup>40</sup>

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<sup>36</sup> Public meeting transcript, Brisbane, 25 February 2019, p 8.

<sup>37</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 27.

<sup>38</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 28.

<sup>39</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 29; Office of the Information Commissioner, *Annual Report 2016-17*, p 34.

<sup>40</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 29.

- 13,197 participants completed the OIC’s online training courses, with 98% of training participants satisfied with sessions provided.<sup>41</sup>
- the OIC promoted awareness through:
  - activities, such as, the Right to Information Day, the Solomon Lecture and Privacy Awareness Week
  - its website, with 204,962 visits in 2017-18
  - engagement with rural and regional agencies
  - participation in radio and print media interviews<sup>42</sup>
- the OIC tabled four reports to Parliament:
  - *Privacy and Mobile Apps ‘How three Queensland government agencies meet their obligations under the Information Privacy Act 2009 (Qld) when developing and operating mobile apps* (tabled 22 August 2017)
  - *Compliance audit – Townsville City Council’s compliance with the Right to Information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld)* (tabled 6 March 2018)
  - *Compliance audit – Ipswich City Council’s compliance with the Right to Information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld)* (tabled 17 May 2018)
  - *Follow-up of Report No. 4 of 2015-16 - Audit of Council of the City of Gold Coast’s implementation of recommendations - Compliance with right to information and information privacy* (tabled 12 June 2018).<sup>43</sup>

### 3.2.4 Financial performance

The OIC reported that it ended the 2017-18 financial year ‘in a secure financial position with adequate reserves to fulfil our responsibilities in 2018-19’.<sup>44</sup> The financial statements report a deficit of \$484,000 for 2017-18 (higher than \$324,000 in the prior reporting period). The OIC explained the reason for the deficit:

*We accessed \$484,000 from cash reserves (accrued surpluses) to fund additional temporary External Review staff in 2017-18, in accordance with approval from the Attorney-General to access \$546,000 under section 133 of the RTI Act. These funds were used to retain temporary review officers pending a permanent funding solution as recommended by the Independent Strategic Review report. We continued, however, to experience difficulty recruiting and retaining temporary external review staff for the duration of the period.*

*The Independent Strategic Review recommended that OIC be given ongoing funding to allow for the creation of permanent external review positions.*<sup>45</sup>

## 4 Committee comment

The committee congratulates the OIC on its performance in 2017-18, especially in light of the increased demand for its services.

<sup>41</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 31.

<sup>42</sup> Office of the Information Commissioner, *Annual Report 2017-18*, pp 32-39.

<sup>43</sup> Office of the Information Commissioner, *Annual Report 2017-18*, pp 34-36.

<sup>44</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 49.

<sup>45</sup> Office of the Information Commissioner, *Annual Report 2017-18*, p 49.

**Recommendation**

The committee recommends the House notes the contents of this report.

## Appendix A – Officials at public meeting

### Office of the Information Commissioner

- Ms Rachael Rangihaeata, Information Commissioner
- Ms Louisa Lynch, Right to Information Commissioner
- Mr Philip Green, Privacy Commissioner