



QUEENSLAND PARLIAMENT **COMMITTEES**

Oversight of the Office of the Information Commissioner

Justice, Integrity and Community Safety Committee



Report No. 15

58th Parliament, August 2025

Justice, Integrity and Community Safety Committee

Chair	Mr Marty Hunt MP, Member for Nicklin
Deputy Chair	Mr Peter Russo MP, Member for Toohey
Members	Mr Michael Berkman MP, Member for Maiwar
	Mr Russell Field MP, Member for Capalaba
	Ms Natalie Marr MP, Member for Thuringowa
	Mrs Melissa McMahon MP, Member for Macalister

Committee Secretariat

Telephone	07 3553 6641
Email	JICSC@parliament.qld.gov.au
Committee Webpage	www.parliament.qld.gov.au/jicsc

All references and webpages are current at the time of publishing.

Acknowledgements

The committee acknowledges the assistance provided by the Office of the Information Commissioner.

Table of Contents

Chair's Foreword	iii
Recommendations	iv
Glossary	v
1. Introduction	1
1.1. Role of the committee.....	1
1.2. Committee oversight.....	1
1.3. Overview of the Office of the Information Commissioner	2
1.4. The committee's oversight process	3
1.5. Strategic review of the Office of the Information Commissioner.....	3
2. Examination of the Annual Report 2023-24	4
2.1. Overview	4
2.2. OIC's priorities	4
2.3. External review	6
2.4. Privacy complaints and compliance	7
2.5. Assistance and monitoring	9
2.6. Corporate services	11
2.7. Financial performance	11
3. Oversight public hearing.....	12
3.1. Amendments to the RTI Act.....	12
3.2. RTI requests – jurisdictional comparison	12
3.3. Privacy and the value of personal information	13
3.4. Increase in demand for OIC services	13
3.5. Voluntary data breach notifications	13
3.6. QPRIME data breach	13
3.7. Management of risks associated with AI.....	14
3.8. OIC's role in overseeing internal review decisions.....	14
3.9. Question on notice: 'commercial confidentiality' inhibiting disclosure of documents	14
Committee comment.....	15

Chair's Foreword

The Justice, Integrity and Community Safety Committee (committee) has oversight responsibilities for the Office of the Information Commissioner (OIC). This report presents a summary of the committee's oversight of the OIC for the 2023-24 financial year.

The committee examined the 2023-24 Annual Report of the OIC and held a public hearing on 19 February 2025.

The committee acknowledges the continued work of the OIC to ensure public entities manage the information of Queenslanders in accordance with legislative requirements.

On behalf of the committee, I would like to thank the Information Commissioner, the Right to Information Commissioner, the Acting Privacy Commissioner and other staff of the OIC who assisted the committee with its work. I also extend my thanks to the Parliamentary Service staff for their assistance with this report.

I commend this report to the House.



Marty Hunt MP

Chair

Recommendations

Recommendation 1 15

That the House notes the contents of this report.

Glossary

Acting privacy commissioner	Susan Shanley
Annual report	<i>Office of the Information Commissioner, 2023-24 Annual Report</i>
Committee	Justice, Integrity and Community Safety Committee
Information Commissioner	Joanne Kummrow
IOLA Act	<i>Integrity and Other Legislation Act 2022</i>
IP Act	<i>Information Privacy Act 2009</i>
IPOLA	<i>Information Privacy and Other Legislation Amendment Act 2023</i>
MNDB scheme	Mandatory notification of data breach scheme
OIC	Office of the Information Commissioner
Public hearing	Public hearing with the OIC held on 19 February 2025
QCAT	Queensland Civil and Administrative Tribunal
QPS	Queensland Police Service
Right to Information Commissioner	Stephanie Winson
RTI	Right to information
RTI Act	<i>Right to Information Act 2009</i>
Standing Orders	Standing Rules and Orders of the Legislative Assembly (Queensland)
Strategic Review Report	<i>How to let more sunshine in: Strategic review of the Office of the Information Commissioner, 2022 (Final Report, 12 December 2022) by Dominic McGann</i>

1. Introduction

1.1. Role of the committee

The Justice, Integrity and Community Safety Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 13 February 2024 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly (Standing Orders).¹

The committee's primary areas of responsibility include:²

Attorney-General,
Justice and Integrity

Police and
Emergency Services

Youth Justice,
Victim Support and
Corrective Services

1.2. Committee oversight



The committee's oversight responsibilities include monitoring and reviewing the performance and examining reports of the Information Commissioner, and reporting to the Legislative Assembly where required.

The committee prepared this report as part of its statutory oversight of the Office of the Information Commissioner (OIC), with a primary focus on the 2023–24 financial year. The committee's oversight functions, include:

- monitoring and reviewing the performance of the Information Commissioner's functions under the *Information Privacy Act 2009* (IP Act) and *Right to Information Act 2009* (RTI Act)
- reporting to the Legislative Assembly on:
 - any matter concerning the Information Commissioner, the Information Commissioner's functions or the performance of those functions that the committee considers should be drawn to the Legislative Assembly's attention
 - any changes to the functions, structures and procedures of the Office of the Information Commissioner (OIC) that the committee considers desirable for the more effective operation of the RTI Act and IP Act
- deciding in consultation with the Information Commissioner, the statistical information agencies and Ministers are to give to the Commissioner for reports to the committee under section 131 of the RTI Act
- examining annual reports of the OIC and any other reports tabled in the Legislative Assembly under the RTI Act and, if appropriate, commenting on any aspect of the report and make recommendations

¹ *Parliament of Queensland Act 2001*, s 88; Standing Orders, s 194.

² Standing Orders, s 194 and schedule 6.

- approving the appointment of a person as the reviewer for strategic reviews of the OIC and the terms of reference for a strategic review
- approving the selection process and the appointment of a person as the Information Commissioner
- approving the remuneration, allowances and terms and conditions of office of the Information Commissioner
- being consulted on the process of selection and the appointment of the Privacy Commissioner and Right to Information Commissioner
- considering funding proposals from the OIC, preparing a report in respect of the proposal with Queensland Treasury and providing the Minister with a report regarding the approval of the proposal
- being consulted on, and agreeing to, a motion for an address to the Governor to suspend or remove the Information Commissioner, Privacy Commissioner and Right to Information Commissioner.

1.3. Overview of the Office of the Information Commissioner



The role of the Information Commissioner is to advise agencies and members of the public on matters relevant to information privacy, conduct reviews into personal information handling practices of certain entities and investigate, review and report on decisions of agencies regarding the operation of the RTI Act and IP Act.

The OIC is an independent statutory body established under the RTI Act and IP Act with the aim of promoting access to government-held information and protecting people's personal information held by the public sector.

The OIC consists of the Information Commissioner (an officer of the Parliament), the Privacy Commissioner, the Right to Information Commissioner and the staff of the office.

The Information Commissioner is accountable to parliament, not the government of the day and as such, cannot be directed on how to perform the Information Commissioner's functions under the RTI Act or the priority they give to investigations and reviews.

Services provided by the OIC include:

- giving information and help to agencies and members of the public on matters relevant to the RTI Act and the IP Act
- conducting reviews into personal information handling practices of certain entities
- investigating and reviewing decisions of agencies and Ministers
- reviewing and reporting on agencies in relation to the operation of the RTI Act and the IP Act.

1.4. The committee's oversight process

In conducting its oversight of the OIC for the 2023-24 period, the committee adopted the following process:

Examined the Office of the Information Commissioner's 2023-24 Annual Report (see section 2 of this report)	Held a public hearing on 19 February 2025 (see section 3 of this report)
--	--

The following representatives participated in the public hearing on 19 February 2025 (public hearing):

Joanne Kummrow Information Commissioner	Stephanie Winson Right to Information Commissioner	Susan Shanley Acting Privacy Commissioner
---	--	---

The transcript of the public hearing is available on the committee's webpage.³

1.5. Strategic review of the Office of the Information Commissioner

The RTI Act requires a strategic review of the Information Commissioner's functions and a review of the performance of those functions to assess whether they are being performed economically, effectively and efficiently. Under the RTI Act, a strategic review of the OIC must be conducted at least every five years as calculated in accordance with sections 186(3) and (4) of the RTI Act.

The most recent strategic review was conducted in the 2022-23 financial year by Dominic McGann, a partner in the legal firm, McCullough Robertson Lawyers. This strategic review report, tabled in parliament on 31 January 2023, was titled *How to let more sunshine in – Strategic review of the Office of the Information Commissioner, 2022* (Strategic Review Report) and referred to the predecessor committee for its consideration.

Upon consideration of the Strategic Review Report, the predecessor committee tabled its *Report No. 17, 57th Parliament – Examination of the Report of the Strategic Review of the Office of the Information Commissioner* on 16 August 2024. In accordance with section 186(3) of the RTI Act—given the committee's report on the Strategic Review Report did not make any recommendations to which the Minister was required to respond—the next strategic reviewer is required to be appointed by 12 December 2027.

³ Queensland Parliament, Justice, Integrity and Community Safety Committee, Oversight of the Information Commissioner, <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=275>

2. Examination of the Annual Report 2023-24

2.1. Overview

The OIC's 2023-24 Annual Report (annual report) was tabled on 13 September 2024. It was made pursuant to section 184 of the RTI Act and section 193 of the IP Act, and meets reporting obligations under the *Financial Accountability Act 2009* and the annual report requirements for Queensland Government agencies.

The annual report provides:

- an account of revenue and how the OIC used public funds
- insight into challenges and opportunities that have influenced the OIC's ability to carry out its statutory functions and associated activities, as well as setting its priorities for the year ahead
- an assessment of the OIC's achievement in meeting corporate and operational plans as measured against a range of performance indicators.

It also advises on the OIC's performance in relation to the following service areas:

- external review
- privacy advice and complaint mediation
- assistance and monitoring.

The annual report describes the OIC's values, strategy, structure and governance. Performance against each of the service areas is summarised at sections 2.3 to 2.5.

2.2. OIC's priorities

Strategic engagement

During the reporting period, the OIC engaged in activities to achieve its focus of 'trust through transparency' including:

- maintaining the Privacy Champions Network
- hosting various practitioner forums
- conducting in-person and virtual activities to raise awareness of the OIC's role and services
- delivering International Access to Information Day promotional activities with the theme 'Digital inclusion: Connecting people to information'
- delivering the 2023 Solomon Lecture and related events in-person and digitally
- participating in Privacy Awareness Week 2024 centred on the theme 'Privacy and technology: Improving transparency, accountability and security'.⁴

⁴ OIC, Annual Report 2023-24, p 8.

Advocating for a stronger privacy framework

The annual report notes that 2023-24 ‘saw a significant event for privacy laws in Queensland with the passage of the Information Privacy and Other Legislation Amendment Act 2023 (IPOLA Act)’. In particular, the IPOLA Act introduces a new mandatory notification of data breach (MNDB) scheme and establish a new set of privacy principles. The majority of the reforms contained in the IPOLA Act commence on 1 July 2025 (with the exception of the MNDB scheme for local governments which commences on 1 July 2026). The OIC has commenced working with agencies to prepare for these reforms.⁵

Focus for 2024-25

The annual report outlined the focus of the OIC for 2024-25 including:

- assessing the gradual growth of external reviews and whether the OIC’s current staff resources are sufficient in the context of the increasing demand on its external review services and performance expectations
- examining how the OIC can maximise its impact on the promotion and protection of privacy and information access rights in carrying out its statutory functions under the IP Act and RTI Act
- implementing the IPOLA reforms
- continuing proactive work supporting agencies and the community and promoting agency best practice in access to information and privacy
- promoting a proactive and positive culture of information access and privacy rights within public sector agencies that values training and promotes appropriate strategies and the early resolution of matters
- reviewing the accessibility and functionality of the OIC’s website for the public and agency officers to ensure guidance and online resources meet the needs of stakeholders
- examining stakeholder engagement activities with agencies and the public to ensure the OIC is reaching a broad audience throughout all of Queensland, including rural and regional areas.⁶

⁵ OIC, Annual Report 2023-24, p 9.

⁶ OIC, Annual Report 2023-24, p 10.

2.3. External review

Under section 130 of the RTI Act, one of the commissioner's functions is to investigate and review decisions of agencies and Ministers made under the RTI Act. This includes whether agencies and Ministers have taken reasonable steps to identify and locate documents applied for by applicants.⁷

With respect to the OIC's objective to provide independent, timely and fair review of decisions made under the RTI Act and IP Act, the annual report stated:

- The OIC received 696 external review applications (68 more than the previous year).⁸
- The OIC finalised 664 external review applications (which is a very high finalisation rate of 95 per cent and is consistent with previous years).⁹
- The OIC met its target of 150 mean average days to finalise external reviews, with a mean time for completion of 147 days.¹⁰
- Of the total number of finalised external reviews, 90 per cent were resolved informally without a written decision (exceeding the target of 75 per cent and consistent with the previous year).¹¹
- The number of external review applications 'on hand' to be finalised increased from 289 to 321, with 15 of these open reviews (4.7 per cent) being more than 12 months old (exceeding the target of zero per cent).¹² It was noted that 'this number does not meet performance expectations, but reflects the increasing demand on [the OIC's] modest resources and the fact that an increasing number of applications took longer due to factors such as complexity and participant delays'.¹³
- The Queensland Police Service (QPS) continues to represent the largest (26 per cent) number of external review applications received by the OIC for any single agency.¹⁴
- The satisfaction survey return rate remains low but 75 per cent of applicants who provided feedback were satisfied with the conduct of reviews (which exceeded the target of 70 per cent and was a 17 per cent increase from the previous year).¹⁵

⁷ RTI Act, s 130.

⁸ OIC, Annual Report 2023-24, p 14.

⁹ OIC, Annual Report 2023-24, p 14.

¹⁰ OIC, Annual Report 2023-24, p 13.

¹¹ OIC, Annual Report 2023-24, p 13.

¹² OIC, Annual Report 2023-24, pp 13-14.

¹³ OIC, Annual Report 2023-24, p 14.

¹⁴ OIC, Annual Report 2023-24, p 14.

¹⁵ OIC, Annual Report 2023-24, pp 13, 15.

- Agencies reported 93 per cent satisfaction with the external review service, exceeding the target of 75 per cent (and an increase from 86 per cent in 2022-23).¹⁶

The annual report further set out that:

- 68 formal written decisions were made, compared to 57 in the previous year.¹⁷
- In respect of the outcome of OIC decisions made during 2023-24, the majority of external reviews resulted in affirming the agency decision (52 per cent) while varying the decision constituted the second highest number (33 per cent).¹⁸
- 7 appeals to the Queensland Civil and Administrative Tribunal (QCAT) were lodged (compared with 4 in 2022-23) and 8 appeals were finalised.¹⁹
- There were no applications for judicial review of written decisions of the Information Commissioner made to the Supreme Court of Queensland in relation to external review applications.²⁰
- 5 (out of 6) applications from non-profit organisations for financial hardship status, which provides for processing or access charges to be waived for 12 months, were granted. The remaining application was withdrawn.²¹
- 1 application to declare an applicant vexatious under the RTI Act or IP Act was made during 2023-24. The matter was referred back to the agency for further information and was not finalised by 30 June 2024. Therefore, no decisions about whether to declare an applicant vexatious under the RTI Act or IP Act were made in 2023-24.²²

Similar to previous years, it was noted that '[s]ome external review applicants demonstrate challenging and querulant behaviour during a review process which can impact OIC's ability to provide services in a fair, equitable, timely and efficient manner for all'.²³

2.4. Privacy complaints and compliance

In relation to the OIC's objectives to provide an independent, timely and fair privacy complaint mediation service and to assist agencies to adopt privacy by design and achieve compliance with the privacy principles, it was reported that:

- 95 per cent of agencies were satisfied with the privacy complaint mediation service provided and 100 per cent were satisfied with the advice service provided.²⁴

¹⁶ OIC, Annual Report 2023-24, pp 13, 15.

¹⁷ OIC, Annual Report 2023-24, pp 15, 16.

¹⁸ OIC, Annual Report 2023-24, p 16.

¹⁹ OIC, Annual Report 2023-24, p 16; OIC, Annual Report 2022-23, p 17.

²⁰ OIC, Annual Report 2023-24, p 16.

²¹ OIC, Annual Report 2023-24, p 16.

²² OIC, Annual Report 2023-24, p 16.

²³ OIC, Annual Report 2023-24, p 15.

²⁴ OIC, Annual Report 2023-24, p 18.

- It took 144 mean average days to finalise an accepted privacy complaint, which was greater than the target of 140 days, and was higher than the average in 2022-23 (135 mean average days).²⁵
- The OIC provided 87 consultations and submissions (up from 23 in the previous year).²⁶
- The OIC provided 98 advices and meetings with agencies (down from 184 in the previous year).²⁷
- The OIC finalised 110 privacy complaints (which was less than the previous year) and received 97 privacy complaints (which was less than the previous year).²⁸
- 33 accepted privacy complaints were closed, with 11 resolved through mediation.²⁹ In 2022-23, the OIC accepted 34 privacy complaints and successfully mediated 14 of them—17 complaints remained open as at 30 June 2024.³⁰
- Of the 11 complaints settled by mediation, 9 complaints resulted in a payment of compensation—8 complaints involved payment of \$59,000 in total.³¹
- The OIC referred 12 complaints to QCAT in 2023-24 (an increase of 3 complaints from the previous year).³²
- There were no applications for judicial review made to the Supreme Court of Queensland in respect of any written decision to decline to deal with an applicant's privacy complaint.³³

The most common subject of privacy complaints continues to be dissatisfaction with agencies' provision of personal information to third parties.³⁴ It was reported that 'a significant continuing challenge in managing privacy complaints is that privacy is often one element of a larger suite of concerns that are being dealt with through alternative grievance mechanisms' which has caused delays to parties' responses in the mediation process.³⁵

Furthermore, unreasonable expectations about the outcome of a privacy complaint and circumstances where the respondent agency does not accept there has been a breach of a complainant's privacy makes mediating complaints more difficult.³⁶

²⁵ OIC, Annual Report 2023-24, p 18.

²⁶ OIC, Annual Report 2023-24, p 18.

²⁷ OIC, Annual Report 2023-24, p 18.

²⁸ OIC, Annual Report 2023-24, p 20.

²⁹ OIC, Annual Report 2023-24, p 20.

³⁰ OIC, Annual Report 2023-24, p 21.

³¹ OIC was not privy to the final terms of settlement for 1 of the 9 complaints. OIC, Annual Report 2023-24, p 21.

³² OIC, Annual Report 2023-24, p 21; OIC, Annual Report 2022-23, p 23.

³³ OIC, Annual Report 2023-24, p 22.

³⁴ OIC, Annual Report 2023-24, p 21.

³⁵ OIC, Annual Report 2023-24, p 21.

³⁶ OIC, Annual Report 2023-24, p 21.

The OIC received 41 voluntary notifications from agencies of privacy breaches, which was the same number of notifications as the previous year.³⁷

2.5. Assistance and monitoring

Regarding the OIC's objectives to promote greater awareness in the community and within government, and to improve agencies' practices in right to information and information privacy in 2023-24:

- 97 per cent of agencies were satisfied with the OIC enquiries service and 96 per cent were satisfied with the quality of the information resources provided by the OIC. These percentages were decreases from 2022-23.³⁸
- OIC responded to 5,895 written and oral enquiries (well above the target of 4,500).³⁹
- 4,080 people completed the OIC's online training courses (which exceeded the target of 4,000 but was significantly less than 7,942 in the previous year).⁴⁰
- 362 awareness activities were conducted (exceeding the target of 250).⁴¹
- 286,098 website visits occurred (exceeding the target of 150,000 but less than that in the previous year).⁴²

The annual report noted that:

- most enquiries (60.5 per cent) were about access to, or amendment of, documents under the RTI and IP Acts⁴³
- the OIC updated 28 guidelines (and published 1 new guideline) and 9 information sheets (and published 1 new information sheet)⁴⁴
- the OIC published 10 additional guidelines in respect of upcoming amendments to the RTI Act and IP Act under the IPOLA Act⁴⁵
- the OIC promoted awareness through:
 - International Access to Information Day and the associated Solomon Lecture⁴⁶
 - Privacy Awareness Week with the theme 'Privacy and technology: improving transparency, accountability and security'⁴⁷

³⁷ OIC, Annual Report 2023-24, p 22.

³⁸ OIC, Annual Report 2023-24, p 23.

³⁹ OIC, Annual Report 2023-24, p 23.

⁴⁰ OIC, Annual Report 2023-24, p 23.

⁴¹ OIC, Annual Report 2023-24, p 23.

⁴² OIC, Annual Report 2023-24, p 23.

⁴³ OIC, Annual Report 2023-24, p 24.

⁴⁴ OIC, Annual Report 2023-24, p 24.

⁴⁵ OIC, Annual Report 2023-24, p 24.

⁴⁶ OIC, Annual Report 2023-24, pp 25-26.

⁴⁷ OIC, Annual Report 2023-24, p 26.

- the OIC website, social media and multimedia⁴⁸
- engagement with rural and regional agencies to increase awareness of information rights and responsibilities and improve compliance⁴⁹
- the OIC made 13 formal submissions to parliamentary inquiries, commissions and to the Queensland and Australian Governments.⁵⁰

The OIC tabled 4 reports to Parliament in 2023-24 on the following topics:

- a follow up audit on the Sunshine Coast Regional Council
- publishing information about council meetings and councillor discretionary funds
- a follow up audit on publishing information about waste management
- reporting on RTI and IP statistics.⁵¹

To improve its service, the OIC:

- evaluated the performance of Privacy Awareness Week and International Access to Information Day events and identified improvements for future events
- partnered with agencies as part of Privacy Awareness Week and International Access to Information Day activities to raise awareness of information access and privacy rights
- reviewed existing information resources, including training resources, to meet stakeholder needs
- identified new ways to engage with agency officers to inform them of changes in interpretation
- met with key stakeholders to better understand their needs and inform the OIC's service delivery strategies
- published resources for agencies responding to a privacy breach
- published resources to support agencies to implement the forthcoming amendments to the RTI and IP Acts.⁵²

⁴⁸ OIC, Annual Report 2023-24, p 26.

⁴⁹ OIC, Annual Report 2023-24, p 26.

⁵⁰ OIC, Annual Report 2023-24, p 27.

⁵¹ OIC, Annual Report 2023-24, p 27.

⁵² OIC, Annual Report 2023-24, p 29.

2.6. Corporate services

In 2023-24, the OIC:

- undertook a procurement process to identify a preferred supplier for a new case management system and anticipates that delivery of the project will be completed in the next reporting period ready for the new IPOLA Act reforms⁵³
- completed its rollout of the use of SharePoint as its electronic document and record management system⁵⁴
- had 51.1 FTE employees as at 30 June 2024⁵⁵
- expended \$29,623 on staff professional development including training, conference and seminars, training and workshops (which was a decrease of \$38,786 compared to 2022-23).⁵⁶

2.7. Financial performance

The appropriation for the OIC for 2023-24 was \$11.397 million.⁵⁷ Expenditure during the financial year totalled \$9.877 million (which is a 15.4 percent increase on the previous reporting period), with an operating surplus of \$1.709 million.⁵⁸ Employee expenses (salaries, superannuation, long-service leave and payroll tax) accounted for 76 per cent of expenditure (\$7.466 million), and other day-to-day operating expenses amounted to \$2.411 million (including corporate service charges, office accommodation, computer costs such as software licensing, and contractors and consultants).⁵⁹

Overall expenditure in 2023-24 was 15.4 per cent higher than in 2022-23 due to:

- an increase in employee expenses with approval for additional resources to carry out the IPOLA legislative reform project
- an increase in the engagement of contractors and consultants to address critical information management requirements of the OIC including the procurement of a new CRM system to support the MNDB scheme which is due to commence on 1 July 2025.⁶⁰

⁵³ OIC, Annual Report 2023-24, p 31.

⁵⁴ OIC, Annual Report 2023-24, p 32.

⁵⁵ OIC, Annual Report 2023-24, p 32.

⁵⁶ OIC, Annual Report 2023-24, p 34.

⁵⁷ OIC, Annual Report 2023-24, p 40.

⁵⁸ OIC, Annual Report 2023-24, pp 39-40.

⁵⁹ OIC, Annual Report 2023-24, p 39.

⁶⁰ OIC, Annual Report 2023-24, p 39.

3. Oversight public hearing

The committee conducted a public hearing with the OIC in Brisbane on 19 February 2025. At the public hearing, the OIC provided evidence on a range of issues, the most notable of which are discussed below.

3.1. Amendments to the RTI Act

During the opening statement, the OIC mentioned how the office's independence is enhanced by amendments to the RTI Act under the *Integrity and Other Legislation Amendment Act 2022* (IOLA Act). The OIC noted that under the IOLA Act, the committee will be required to review OIC funding proposals and report to the Attorney-General on the proposal.⁶¹

The OIC referred to the November 2023 amendments to the RTI and the IP Acts by the IPOLA Act which included the:

- introduction on a new single set of privacy principles for Queensland, and
- MNDB scheme for serious data breaches.

The OIC has established a dedicated IPOLA implementation project team to deal with these changes.⁶² The OIC explained that this team has been developing and designing training sessions around Queensland, for example, Beenleigh, Longreach and Winton. The project team has also updated and developed numerous new guidelines.

The OIC advised that 'agencies have responded very positively to the additional engagement, education and guidance' that has been rolled out. The OIC noted that 'as with all legislative change, there is often a sense of uncertainty, and in the area of privacy and right to information it can sometimes feel like there is another layer of compliance that has been placed upon agencies where they are already doing a lot of that work as well'. The OIC's key message is that it 'will continue to work with agencies once those reforms commence over the next year, to allow them time to adapt, for example, to a new data breach scheme'.⁶³

3.2. RTI requests – jurisdictional comparison

The OIC explained that in 2022-23, 16,845 RTI requests were made to government agencies in Queensland which was approximately 3.1 per capita. By way of comparison with other states, the OIC observed that over 21,000 requests were made in Western Australia, or 77.4 per capita, and over 48,000 requests were made in Victoria, representing 7.1 per capita. In this regard, the OIC identified that:

*The lower number of RTI requests in Queensland reflects our modern RTI legislation and sets out parliament's intention that government information is a public resource and agencies must make as much information as is available to the public, with formal RTI requests as a last resort.*⁶⁴

⁶¹ Public hearing transcript, Brisbane, 19 February 2025, p 1.

⁶² Public hearing transcript, Brisbane, 19 February 2025, p 1.

⁶³ Public hearing transcript, Brisbane, 19 February 2025, p 6.

⁶⁴ Public hearing transcript, Brisbane, 19 February 2025, p 2.

3.3. Privacy and the value of personal information

The OIC discussed how privacy and the value of personal information are topics of ‘growing awareness and concern in the Australian community through high-profile data breaches that have affected so many of us’.⁶⁵ The OIC outlined how ‘[p]ublic trust in government’s protection of the personal information it collects, uses and holds is critical, ensuring the successful uptake of new government digital services’.⁶⁶

In this context, the OIC explained:

*Our privacy work is focused on mediating privacy complaints made by members of the public against agencies; encouraging agencies to take a privacy-by-design approach, including undertaking privacy impact assessments when adopting new technologies and programs; and building the capability of agencies to meet their obligations under the privacy principles.*⁶⁷

3.4. Increase in demand for OIC services

The annual report highlighted the ‘year-on-year increased demand’ for the various services of the OIC, including its inquiry service, its privacy and RTI training modules, external review and privacy complaint mediation services. Some specific examples of this increased demand included:

- Responding to nearly 6,000 inquiries – which was an increase of 13.6 per cent from the last financial year
- Over 286,000 visits to the OIC website
- Online and in-person training options engaged more than 4000 participants.⁶⁸

3.5. Voluntary data breach notifications

The OIC discussed the voluntary data breach notification scheme, which is separate to the new MNDB scheme under the IPOLA Act, that the OIC also maintains. During financial years 2023-24 and 2022-23, the OIC had received 41 voluntary data breach notifications for each year.⁶⁹ As at the date of the hearing, the OIC had received 28 voluntary notifications for the 2024-25 financial year.⁷⁰

3.6. QPRIME data breach

The committee sought information on the role of the OIC in investigating matters concerning the QPRIME data breach in August 2024 which involved the population of court documents with victims’ addresses.

The OIC advised that it has conducted preliminary inquiries with the QPS to identify material facts in relation to that matter. Specifically, in December 2024, the OIC commenced a review under its regulatory powers to investigate systemic issues in relation

⁶⁵ Public hearing transcript, Brisbane, 19 February 2025, p 1.

⁶⁶ Public hearing transcript, Brisbane, 19 February 2025, p 1.

⁶⁷ Public hearing transcript, Brisbane, 19 February 2025, p 1.

⁶⁸ Public hearing transcript, Brisbane, 19 February 2025, p 2.

⁶⁹ Public hearing transcript, Brisbane, 19 February 2025, p 3.

⁷⁰ Public hearing transcript, Brisbane, 19 February 2025, p 10.

to an agency's privacy practices and handling. Given the confidential nature of the matter, the OIC preferred not to discuss the matter in public while the OIC was still making inquiries with the assistance of the QPS.⁷¹

3.7. Management of risks associated with AI

The committee enquired about the risks associated with AI and the OIC's recommendation for how to move forward into the new AI age.

The OIC responded:

As we embark on 2025, there is an appropriate need for government to engage and better understand the power, the opportunities and the challenges of new technologies, and that includes the Queensland government.

I would not want to sit here and say that the Queensland government should not engage, but I would like to remind them to consider engaging with new technologies, AI included, ensuring that there are proper privacy and safety mechanisms, they do so ethically and they do so with transparency as well ... our mantra in relation to new technologies in agencies is to undertake a privacy impact assessment.⁷²

3.8. OIC's role in overseeing internal review decisions

The committee asked the OIC to what extent it has a role in monitoring or overseeing internal review decisions to ensure the decision is being remade rather than simply protecting the earlier decision-maker within that body.

The OIC explained that there has not been an appreciable increase in the numbers of formal requests that government agencies and departments have been receiving over the last five years. The OIC noted that the number of formal requests 'are hovering at around 16,000 or 17,000 formal applications every year'. The OIC further stated that 'the increase ... seen on external review seems to mirror a similar trend in internal reviews of agency decisions'. The OIC concluded that 'the majority of agency decisions are affirmed by [them], which gives [them] confidence that agencies are doing the right thing and they are making the right decisions'.⁷³

3.9. Question on notice: 'commercial confidentiality' inhibiting disclosure of documents

During the hearing, the following question was taken on notice:

Does OIC collect data and see any trends in the use by agencies of breach of confidence or commercial confidentiality grounds as a ground of refusing access to documents?⁷⁴

⁷¹ Public hearing transcript, Brisbane, 19 February 2025, p 4.

⁷² Public hearing transcript, Brisbane, 19 February 2025, pp 4-5.

⁷³ Public hearing transcript, Brisbane, 19 February 2025, p 8.

⁷⁴ Public hearing transcript, Brisbane, 19 February 2025, p 6.

In response the OIC stated:

As noted in the Committee hearing, only a percentage of formal access applications made to government agencies are submitted on external review (generally about 0.03% annually).

Of those matters, the information held by OIC includes the grounds of refusal relied upon by agencies. However, the level of detailed data currently collated focuses on the categories outlined in the Annual Report 2023-24 on page 65. This is because there are various avenues under the Schedules of the Right to Information Act 2009 (RTI Act) to enliven refusal of access for breach of confidence or commercial confidentiality.

As noted by the Right to Information Commissioner at the hearing, OIC has not observed a noticeable trend in the matters that raise breach of confidence or commercial confidentiality as grounds of refusal. In response to the specific question from the Member for Maiwar, a more detailed check of external review applications for the last two years has been undertaken to assess if the data bears out these observations. The data shows that in the year under review, of the 361 matters identified as refusal of access, 11 involved refusal on the basis of breach of confidence in relation to commercial information. In the year to date, five matters on review have involved the same grounds.⁷⁵

Committee comment



The committee commends the OIC for its efforts during 2023-24 in the areas of right to information and information privacy, particularly in circumstances where information privacy has been a heightened issue for members of the community after several high-profile data breaches.

The committee looks forward to receiving future updates regarding the outcome of the various projects being conducted by the OIC, in particular, the implementation of the amendments under the *Information Privacy and Other Legislation Act 2023*.



Recommendation 1

That the House notes the contents of this report.

⁷⁵ Correspondence from the OIC to the committee dated 25 February 2025, pp 1-2.