



# **Oversight of the Office of the Information Commissioner**

Report No. 74, 56<sup>th</sup> Parliament Legal Affairs and Community Safety Committee September 2020

# Legal Affairs and Community Safety Committee

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#### Acknowledgements

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# Abbreviations

Annual Report	Office of the Information Commissioner, 2018-19 Annual Report	
c-ITS	Cooperative intelligent transport systems	
committee	Legal Affairs and Community Safety Committee	
ICT	Information and communication technology	
IP Act	Information Privacy Act 2009	
ОІС	Office of the Information Commissioner	
previous committee	The previous Legal Affairs and Community Safety Committee to which the strategic review report was referred in 2017.	
public hearing	Public hearing with the OIC held on 30 March 2020	
RTI Act	Right to Information Act 2009	
strategic review	The strategic review of the OIC conducted under s 186 of the RTI Act	
strategic review report	The strategic review report of the OIC conducted by PricewaterhouseCoopers under s 186 of the RTI Act	

# **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*.

This report presents a summary of the Legal Affairs and Community Safety Committee's oversight of the Office of the Information Commissioner for the 2018-19 financial year period.

The committee reviewed the 2018-19 Annual Report of the Office of the Information Commissioner. The committee also held a public hearing via teleconference with representatives from the Office of the Information Commissioner on 30 March 2020.

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

#### Recommendation

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

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# **1** Introduction

# 1.1 This report

The Legal Affairs and Community Safety Committee (committee) prepared this report as part of its statutory oversight of the Office of the Information Commissioner (OIC) with primary focus on the 2018-19 financial year.

# 1.2 The committee

The 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 primary areas of responsibility include:

- Justice and Attorney-General
- Police and Corrective Services
- Fire and Emergency Services
- Aboriginal and Torres Strait Islander Partnerships.

In addition to the OIC, the committee also has oversight responsibilities for the:

- Electoral Commissioner
- Ombudsman
- Queensland Family and Child Commission, and
- Family Responsibilities Commission.<sup>2</sup>

# **1.3** The Office of the Information Commissioner

The 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 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

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

<sup>&</sup>lt;sup>2</sup> Standing Rules and Orders, Schedule 6.

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

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

- 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
- 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>

<sup>&</sup>lt;sup>5</sup> Right to Information Act 2009, s 189; Information Privacy Act 2009, s 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 OIC, the committee adopted the following process:

- examined the 2018-19 Annual Report of the OIC (Annual Report)
- held a public hearing via teleconference with representatives from the OIC on 30 March 2020 (public hearing)(see Appendix A).

The transcript of the public hearing and the response received from the OIC to a question on notice are available on the committee's website.

#### 2.2 Statutory office holders

The statutory office holders for the OIC are:

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

## 2.3 Strategic review

An independent strategic review of the OIC is required under s 186 of the RTI Act every five years (strategic review). 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. On 26 April 2017, PricewaterhouseCoopers issued its report on the independent strategic review of the OIC (strategic review report). The strategic review report was tabled in Parliament on 11 May 2017 by the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice 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 strategic review report in its *Report No. 68, 55<sup>th</sup> Parliament, Oversight of the Information Commissioner*, tabled 29 September 2017.

In relation to the current status of the implementation of the strategic review recommendations, the Annual Report noted:

We have implemented all the recommendations from the Independent Strategic Review tabled in Parliament in May 2017, except those recommendations that require legislative amendments to the RTI and IP Acts, or further funding. We will continue to work with the Government to seek support to address these recommendations as appropriate.<sup>6</sup>

# 2.4 **Priorities for 2019-20**

In the Annual Report, the OIC identified its priorities for 2019-20, being that it will:

- leverage the opportunities achieved from the 10th anniversary campaign and improve access to OIC services across Queensland
- operate a schedule of strategic engagement with regional and rural agencies/councils for the Information Commissioner, Privacy Commissioner, RTI Commissioner and OIC staff; undertake audits of regional councils; provide free online training and e-lectures focused on information rights and responsibilities; and offer customised face-to-face training when requested by agencies

<sup>&</sup>lt;sup>6</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 14.

- focus on supporting agencies to deal with the implications of new technologies and online platforms, information sharing demands by government and new formats and types of information, transparency, information management, privacy and data protection
- invest in developing a more contemporary IT environment for OIC staff
- continue building workforce capacity, capability and satisfaction, including through implementing career strategies, developing leadership capability, and fostering excellence in communication to ensure a high level of service is provided to all.<sup>7</sup>

<sup>&</sup>lt;sup>7</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 14.

# 3 Examination of Annual Report

#### 3.1 Overview

The OIC tabled the Annual Report on 30 September 2019. The Annual Report stated that it was prepared in accordance with all relevant Queensland legislation.<sup>8</sup> 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>9</sup>

At the public hearing, the Information Commissioner provided the following remarks by way of an overview of the 2018-19 year:

We reported record demand and strong performance across our services and functions in 2018-19. As we mark the 10<sup>th</sup> anniversary of the Right to Information Act and Information Privacy Act, demand for our services has never been higher and significantly exceeded that in 2009. Our community attitude survey in 2019 also showed that 87 per cent of Queenslanders surveyed thought having a right to access government information was quite or very important, and 80 percent were aware they could access information from relevant government agencies. Pleasingly, government agencies have encouraged those surveyed to access information in the least formal way possible consistent with the push model in the Right to Information Act.<sup>10</sup>

The Right to Information Commissioner provided the following overview of the external review service in 2018-19 at the public hearing:

I put it on record for you that in 2019, OIC's anniversary year, demand for external review services was not only at an all-time high but also double the demand from 2008-09. Despite this, a fiveyear high 92 per cent informal resolution rate and a 96 per cent finalised to received rate was achieved with a small number of permanent staff on hand. Our collaborative, small team based approach incorporating an intake early assessment and resolution team works. It maximises opportunities for fast resolution of matters. Each matter is considered on its own merits every time. We are flexible and responsive.<sup>11</sup>

The Privacy Commissioner also provided an overview at the public hearing, outlining privacy advice and complaints mediation activity in 2018-19:

In the privacy area, last financial year we had record demand as well. We had 98 privacy complaints. That still seems to be quite a small proportion of overall complaints. The CCC's Operation Impala highlighted over 1,300 matters of misuse of confidential information. Not many of those actually arrive on our desks as privacy complaints. I believe a number have had more serious repercussions, but there are also matters where agencies have worked within themselves to resolve privacy complaints. That is quite encouraging.<sup>12</sup>

<sup>&</sup>lt;sup>8</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p i.

<sup>&</sup>lt;sup>9</sup> Office of the Information Commissioner, Annual Report 2018-19, p ii.

<sup>&</sup>lt;sup>10</sup> Public hearing transcript, Brisbane, 30 March 2020, p 1.

<sup>&</sup>lt;sup>11</sup> Public hearing transcript, Brisbane, 30 March 2020, p 3.

<sup>&</sup>lt;sup>12</sup> Public hearing transcript, Brisbane, 30 March 2020, pp 3-4.

## 3.2 Performance

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

- external review
- privacy advice and complaint mediation
- assistance and monitoring.<sup>13</sup>

The OIC's performance in each of these areas is summarised below, as is its financial performance.

#### 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, the Annual Report stated:

- There had been a record number of 659 external review applications finalised by the OIC in 2018-19 (compared to 595 in 2017-18 and 413 in 2016-17).<sup>14</sup>
- It took a median of 119 days to finalise a review (higher than the target of 90 days and an increase of 17 days from the previous year).<sup>15</sup>
- 0.1% of reviews older than 12 months remained open at the end of the reporting period (which was very close to the target of 0%).<sup>16</sup>
- 92% of review applications were resolved informally without a written decision, compared with the total number of finalised reviews (exceeding the target of 75% and up from 87% in the previous year).<sup>17</sup>
- 96% of review applications were finalised to received (up from 95% in the previous year and getting closer to the target of 100%).<sup>18</sup>

In her introductory remarks at the public hearing, the Right to Information Commissioner advised:

*I am very pleased to report though that in our biggest year of demand OIC finalised just short of the number received, with a record 659 completed - only 28 less than received. This represents a near 100 per cent result in the percentage of applications finalised to received - a significant measure of effectiveness and proof positive of the commitment and extraordinary effort of all staff involved providing the external review service.*<sup>19</sup>

<sup>&</sup>lt;sup>13</sup> Office of the Information Commissioner, *Annual Report 2018-19*, pp 3-4.

<sup>&</sup>lt;sup>14</sup> Office of the Information Commissioner, Annual Report 2018-19, p 1 and Office of the Information Commissioner, Annual Report 2017-18, p 1.

<sup>&</sup>lt;sup>15</sup> Office of the Information Commissioner, Annual Report 2018-19, p 3 and Office of the Information Commissioner, Annual Report 2017-18, p 3.

<sup>&</sup>lt;sup>16</sup> Office of the Information Commissioner, Annual Report 2018-19, p 3.

<sup>&</sup>lt;sup>17</sup> Office of the Information Commissioner, Annual Report 2018-19, p 3 and Office of the Information Commissioner, Annual Report 2017-18, p 3.

<sup>&</sup>lt;sup>18</sup> Office of the Information Commissioner, Annual Report 2018-19, p 3 and Office of the Information Commissioner, Annual Report 2017-18, p 3.

<sup>&</sup>lt;sup>19</sup> Public hearing transcript, Brisbane, 30 March 2020, p 2.

In regard to satisfaction with external review services, the Annual Report advised:

- 98% of agencies that provided feedback were satisfied with the conduct of reviews (exceeding the target of 75% and up from 94% in the previous year).<sup>20</sup>
- 56% of applicants who provided feedback were satisfied with the conduct of reviews (failing to meet the target of 70%, and down from 66% in the previous year).<sup>21</sup>

Regarding feedback by applicants, the Annual Report explained:

As in previous years, conflation of outcome and service is reflected within the 15 survey responses which expressed dissatisfaction in the 2018-19 applicant survey. It is also noted that, in total, 51 applicant surveys were returned out of 659 external reviews finalised.<sup>22</sup>

The Annual Report also advised:

- Fifty-five formal written decisions were made, a decrease of 30% from the previous year but in line with prior years.<sup>23</sup>
- Twelve appeals were lodged, compared with 11 in the previous year.<sup>24</sup>
- No applications for a statutory review were made to the Supreme Court during 2018-19.<sup>25</sup>
- The Information Commissioner granted nine (out of 10) applications for financial hardship status to non-profit organisations, meaning that the processing or access charge was waived.<sup>26</sup>
- No application or decision to declare an applicant vexatious under the RTI Act or IP Act was made.<sup>27</sup>

The Annual Report reported the following changes in external review across the 10 years of operation of the RTI Act and the IPA Act, as the system moved to a push model under those Acts:

- The number of initial applications for external review increased from 13,320 in 2007-08 to 14,870 in 2017-18.
- The rate of external review almost doubled from 2.17% in 2007-08 to 4.2% in 2017-18.
- External reviews resolved informally without decision increased from 79% in 2008-09 to 92% in 2018-19.<sup>28</sup>

#### 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 and to assist agencies to achieve compliance with the privacy principles, the Annual Report advised:

<sup>&</sup>lt;sup>20</sup> Office of the Information Commissioner, Annual Report 2018-19, p 3 and Office of the Information Commissioner, Annual Report 2017-18, p 3.

<sup>&</sup>lt;sup>21</sup> Office of the Information Commissioner, Annual Report 2018-19, p 3 and Office of the Information Commissioner, Annual Report 2017-18, p 3.

<sup>&</sup>lt;sup>22</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 23.

<sup>&</sup>lt;sup>23</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 19.

<sup>&</sup>lt;sup>24</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 19.

<sup>&</sup>lt;sup>25</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 19.

<sup>&</sup>lt;sup>26</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 22.

<sup>&</sup>lt;sup>27</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 22.

<sup>&</sup>lt;sup>28</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 6.

- 100% of agencies were satisfied with the privacy complaint mediation service provided (exceeding the target of 75% and up from 88% the previous year).<sup>29</sup>
- It took a mean average of 157 days to finalise an accepted privacy complaint (exceeding the target of 140 days and equalling the mean average of the previous year).<sup>30</sup>
- The OIC provided 33 consultations and submissions.<sup>31</sup>
- The OIC provided 296 advices and meetings.<sup>32</sup>
- The OIC accepted 13 privacy complaints (down from 23 the previous year) and successfully mediated nine privacy complaints (up from three in the previous year).<sup>33</sup>
- The OIC received a record 98 privacy complaints (increasing from 59 in the previous year) and closed 92 privacy complaints (increasing from 59 in the previous year).<sup>34</sup>

The Annual Report suggested a cause for this increase:

We consider one likely cause is increased public and stakeholder awareness with continuing local and international media scrutiny on high profile and large, multinational data breaches.<sup>35</sup>

The Annual Report also advised:

- The OIC referred three complaints to the Queensland Civil and Administrative Tribunal, which is consistent with the number of referrals made in 2017-2018.<sup>36</sup>
- The OIC received 24 notifications of privacy breaches involving a compromise of ICT systems or cyber security event.<sup>37</sup>
- The OIC did not receive any applications for, nor make any decisions about, waivers or modifications of the privacy principles during 2018-19, which is consistent with the previous year.<sup>38</sup>

As part of its role of assessing bills for their potential to impact on privacy rights, in 2018-19, the OIC made formal submissions to parliamentary inquiries, commissions and the Queensland government including:

• a submission to the Queensland Law Reform Commission's civil surveillance and privacy review providing the OIC's position in response to questions posed in the consultation paper

<sup>&</sup>lt;sup>29</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 25.

<sup>&</sup>lt;sup>30</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 25.

<sup>&</sup>lt;sup>31</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 25. This target was reviewed in 2017-18 and changed from 2018-19 with advices now reported with meetings.

<sup>&</sup>lt;sup>32</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 25. This target was reviewed in 2017-18 and changed from 2018-19, with advices and meetings now reported together (advices were previously reported with consultations and submissions, and participation in meetings, regional visits and information sessions were previously a stand-alone performance target).

<sup>&</sup>lt;sup>33</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 27 and Office of the Information Commissioner, *Annual Report 2017-18*, p 24.

<sup>&</sup>lt;sup>34</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 27.

<sup>&</sup>lt;sup>35</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 27.

<sup>&</sup>lt;sup>36</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 29.

<sup>&</sup>lt;sup>37</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 30.

<sup>&</sup>lt;sup>38</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 29 and Office of the Information Commissioner, *Annual Report 2017-18*, p 27.

- a submission to the Queensland Parliamentary Education, Employment and Small Business Committee on the interaction of the *Information Privacy Act 2009* with relevant provisions of the Working with Children (Risk Management and Screening) and other Legislation Amendment Bill 2018
- a submission to the Department of Prime Minister and Cabinet on the new Australian Government Data Sharing and Release Legislation: Issues paper for consultation
- a submission to the National Transport Commission in response to its discussion paper on regulating government access to C-ITS and automated vehicle data, highlighting some of the privacy concerns the OIC identified as needing to be considered in the design of policy, legislation and operational systems
- a submission to the Senate Community Affairs References Committee's inquiry into the My Health Record System focusing on potential privacy impacts
- a submission to the Department of Home Affairs regarding potential privacy issues relating to the Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018 as part of the Australian Government Department's public consultation on the exposure draft of the Bill.<sup>39</sup>

The OIC was 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>40</sup>

Acknowledging the 10<sup>th</sup> anniversary of the RTI Act and the IPA Act, the Annual Report advised the following developments in relation to privacy across the decade of the operation of this legislation:

- The focus has shifted from ticking a box to privacy by design and customer centred approach.
- Expectations around the benefits of information sharing have increased.
- Technological change, including data analytics and artificial intelligence, is accelerating.<sup>41</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 and to promote greater awareness of right to information and information privacy in the community and within government:

- 99% of agencies were satisfied with the enquiries service (exceeding the target of 80%)
- 99% of agencies were satisfied with the quality of information resources provided (exceeding the target of 80%)
- 11,892 people were trained (exceeding the increased target of 4,000 and down from 13,909 in the previous year)
- 97% of training participants were satisfied with sessions (exceeding the target of 75%)
- 430 awareness activities were conducted (exceeding the increased target of 250 and up from 307 in the previous year)
- 5,280 enquiry (written and oral) responses were provided to agencies and the community (exceeding the target of 4,500 and up from 5,057 in the previous year)

<sup>&</sup>lt;sup>39</sup> Office of the Information Commissioner, *Annual Report 2018-19*, pp 26-27.

<sup>&</sup>lt;sup>40</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 27.

<sup>&</sup>lt;sup>41</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 6.

there were 235,226 website visits (exceeding the increased target of 150,000 and up from 204,962 the previous year).<sup>42</sup>

The Annual Report also advised:

- eight new resources were published (down from 10 in the previous year)<sup>43</sup>
- 67 resources were 'extensively reviewed' (up from 23 in the previous year)<sup>44</sup>
- the OIC promoted awareness through:
  - activities—Right to Information Day, the Solomon Lecture, 10-year anniversary of the RTI Act and IPA, and Privacy Awareness Week
  - its website
  - engagement with rural and regional agencies.<sup>45</sup>
- the OIC tabled five reports to Parliament:
  - 10 years on: Queensland government agencies' self-assessment of their compliance with the Right to Information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld)
  - Awareness of privacy obligations: How three Queensland government agencies educate and train their employees about their privacy obligations
  - Information management Queensland Government department maturity
  - Follow up of Report No. 4 of 2016-17 Audit of Gold Coast Hospital and Health Service's implementation of recommendations: Compliance with Right to Information and Information Privacy
  - Follow up of Report No. 3 of 2014-16 Audit of Cairns and Hinterland Hospital and Health Service's implementation of recommendations: Compliance with Right to Information and Information Privacy.<sup>46</sup>

The Annual Report advised the following outcomes in the assistance and monitoring service since the commencement of the RTI Act and the IPA Act 10 years ago:

- the number of training participants increased 231% from 2009-10 to 2018-19
- the number of enquiry service responses increased from 4,042 in 2009 to 5,280 in 2018
- OIC annotated legislation is released proactively
- the audit focus has shifted from technical to strategic engagements and improved practices
- 39 audit reports were tabled in Parliament about 195 agencies.<sup>47</sup>

<sup>&</sup>lt;sup>42</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 32.

<sup>&</sup>lt;sup>43</sup> Office of the Information Commissioner, Annual Report 2018-19, p 34 and Office of the Information Commissioner, Annual Report 2017-18, p 29.

<sup>&</sup>lt;sup>44</sup> Office of the Information Commissioner, Annual Report 2018-19, p 34 and Office of the Information Commissioner, Annual Report 2017-18, p 29.

<sup>&</sup>lt;sup>45</sup> Office of the Information Commissioner, *Annual Report 2018-19*, pp 36-38.

<sup>&</sup>lt;sup>46</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 39 and the OIC website.

<sup>&</sup>lt;sup>47</sup> Office of the Information Commissioner, *Annual Report 2018-19*, pp 7-9.

#### 3.2.4 Financial performance

The OIC reported that it ended the 2018-19 financial year 'in a secure financial position with adequate reserves to fulfil our responsibilities in 2018-19'. The financial statements reported an underspend of \$581,000 for 2018-19 (in contrast to a deficit of \$484,000 in the prior reporting period). The OIC explained the reasons for the underspend:

Our underspend resulted from a range of factors including spending less than budgeted for legal costs, consultancies and contractors, a delay in ratification of a new Certified Agreement, unexpected long term leave and vacancy of positions, delayed costs of a professional development program to be conducted in 2019-20, and depreciation arrangements.<sup>48</sup>

In relation to staff funding, the Annual Report advised:

Following on from the Independent Strategic Review undertaken in 2017-18, our appropriation for 2018-19 allowed for ongoing funding to support the creation of four permanent external review positions.<sup>49</sup>

# 4 Committee comment

The committee congratulates the OIC on its performance in 2018-19, especially in light of record delivery and demand for its key services.

The committee commends the OIC on its promotion of the 10<sup>th</sup> anniversary of the introduction of the RTI Act and IP Act. The committee recognises that the OIC has changed significantly across the ten years and that there has been an increasingly strong demand for its services during that time.

The committee was pleased to note that, in accordance with the recommendation of the strategic review in 2017-18, the OIC's 2018-19 appropriation allowed for ongoing funding to support the creation of four permanent external review positions.

The committee appreciates the assistance provided by the Information Commissioner and OIC staff as the committee performed its oversight role. We take this opportunity to express our continued support of the OIC in promoting accountability, openness and transparency.

# Recommendation

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

<sup>&</sup>lt;sup>48</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 55.

<sup>&</sup>lt;sup>49</sup> Office of the Information Commissioner, *Annual Report 2018-19*, p 55.

# Appendix A – Officials at public hearing

#### Office of the Information Commissioner

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