



Office of the Information Commissioner
Queensland

**Compliance Review – Department of Transport and
Main Roads**

Review of the Department of Transport and Main Roads' compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld).

OIC thanks the agency for its cooperation throughout the review process and for the courtesy displayed towards the officers undertaking the assessment. In undertaking this review, OIC recognises the commitment of the business units handling right to information and information privacy matters and their desire for continuous improvement.



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July 2012

Mr Ray Hopper MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Mr Hopper

I am pleased to present 'Compliance Review – Department of Transport and Main Roads: Review of the Department of Transport and Main Roads' compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld)'. This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The report reviews compliance with the legislation and guidelines that give effect to the Right to Information and Information Privacy reforms. The report identifies areas of good practice and makes recommendations for improving compliance.

In accordance with subsection 184(5) of the *Right to Information Act 2009* (Qld) and subsection 193(5) of the *Information Privacy Act 2009* (Qld), I request that you arrange for the report to be tabled in the Legislative Assembly.

Yours sincerely



Julie Kinross
Information Commissioner

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1 Executive Summary

This report details the findings of a review of the Department of Transport and Main Roads' (TMR) delivery of right to information (RTI) and information privacy (IP). Overall, TMR's performance was strong and it demonstrated a clear commitment to openness and accountability. Key findings were:

- TMR publishes valuable public sector information as a matter of course.
- TMR has sound governance structures in place. These structures operate effectively under focussed leadership from agency executive.
- The Information Asset Register is well structured and is under review to improve its functionality further. Publication of the Information Asset Register would improve access to and visibility of TMR's information resources.
- Overall, TMR has an open culture, focussing outward on efficiently meeting client's information needs. There is some variability between individual business units' approach to the release of information.
- TMR is well positioned to take a leadership role in engaging with the community to reduce red tape and add economic value through the reuse of information. An example of a current TMR initiative in publishing geo-spatial data has been provided as a case study. Other TMR business units are encouraged to show similar initiative, and a specific opportunity to do so has been identified with TMR's reintroduction of the Annual Road Traffic Crash reporting.
- Strategies are in place to push information out to the general public, for example, the publication scheme and disclosure log.
- TMR's application handling is of a high standard and other agencies could adopt their practices as a guide to efficient and client focussed application handling. In particular, the communication strategies adopted by the RTI and Privacy Unit when handling applications, both with applicants and with other business units within TMR, were successful. This report has profiled the Unit's communication activities to provide a detailed description of TMR's communication activities as a resource for others.

Minor opportunities for improvement are identified throughout the remainder of the report. Recommendations have been made to assist TMR in addressing these issues.

2 Recommendations

Summary of the Next Steps¹

Culture of Openness	Leadership & Accountability	Maximum Disclosure	Compliance
Ensure information management projects are explicitly mentioned in policies for working with stakeholders. (Rec 1)	Ensure operational performance measures are in place for application handling. (Rec 2)	Update and publish the Information Asset Register. (Rec 3)	Ensure that business units responding to requests for information provide all the requested information to the RTI and Privacy Unit in the first instance. (Rec 6)
		Work with industry and communities to publish information using interactive applications. (Rec 4)	
		Improve the visibility of administrative access schemes. (Rec 5)	

¹ Note – Headings are taken from the checklist provided to Chief Executive Officers of departments prior to commencement of the legislation to assist them in implementing the reforms. *Rec = recommendation*

It is recommended that the Department of Transport and Main Roads:

Recommendation 1

Review the document 'Community Engagement: Policy, Principles, Standards and Guidelines' to ensure it is up-to-date and to incorporate specific mention of working with stakeholders to identify and meet their information needs, within 12 months.

Recommendation 2

Review performance monitoring systems and ensure that performance measures are developed for operational aspects of application handling, within six months.

Recommendation 3

Publish TMR's Information Asset Register on the website within the next six months.

Publish updates on the agency's website as new datasets are added to the Information Asset Register or as datasets are published.

Recommendation 4

Examine opportunities to work with industry and communities to publish data holdings innovatively, for example by way of interactive applications, within twelve months.

Recommendation 5

Improve the visibility of administrative access schemes, for example by linking to administrative access schemes from their RTI webpage under the heading 'How do I access information', within six months.

Recommendation 6

Within three months, ensure business units responding to applications for information under the RTI Act or IP Act provide all requested documents, together with all clearly identifiable attachments relevant to a document, to the RTI and Privacy Unit on the first occasion.

3 Introduction

3.1 Background

The purpose of the Department of Transport and Main Roads (TMR)² is to 'plan, deliver and manage a transport system that connects Queensland'.³

These services are delivered to the community through five service areas: transport system planning; investment and program development; transport infrastructure delivery; transport system management, operation and regulation; and transport safety. In budgeting to deliver these services in 2011-2012, TMR expected to employ approximately 9000 staff and operate with a budget of \$4.5bn.⁴

In providing these services, TMR processes a large volume of information requests each year, involving both personal and non-personal information.

TMR reported processing over 13 million customer service centre transactions in 2009-2010 and 2010-2011.⁵ 4.3 million self-service transactions were conducted in 2010-2011 using the channels of BPay, interactive voice response and internet.⁶

TMR provides a traffic and travel information service using the telephone number 13 19 40 and a website 131940.qld.gov.au. This has proven to be a robust service in the face of extraordinary demands, for example when Queensland experienced a series of natural disasters in 2010 and 2011. TMR reported in its annual report for 2010-11:

During the extreme weather events of late 2010 and early 2011, the 131940.qld.gov.au website provided TMR and partnering agencies with essential information for coordinating response and recovery efforts. During this period, 13 19 40 services were also used extensively by the community. For example, on 27 December 2010 there were about 78 000 visits to the website, up from a daily

2 Appendix 1 lists acronyms used in this report.

3 Department of Transport and Main Roads, *Corporate Plan 2010–14*, viewed in the [Annual Report 2010-11: Volume 1, part 9: Corporate plan \(PDF, 318.3 KB\)](#) on 21 October 2011.

4 From 2011-12 Queensland State Budget, Service Delivery Statement, Budget Paper No. 5, Part 10, Transport and Main Roads, viewed at <http://www.budget.qld.gov.au/budget-papers/2011-12/bp5-part-10-2011-12.pdf> on 24 October 2011

5 From TMR's 2009-2010 Annual Report, page 74 viewed at <http://www.tmr.qld.gov.au/~media/bb9195b6-a70e-46e9-b755-6e1884b56db9/dtmrar2010volume1.pdf> on 24 October 2011 and the 2011-12 Queensland State Budget, Service Delivery Statement, Budget Paper No. 5, Part 10, Transport and Main Roads, page 2-121 viewed at <http://www.budget.qld.gov.au/budget-papers/2011-12/bp5-part-10-2011-12.pdf> on 24 October 2011

6 Viewed on 21 October 2011 in [Annual Report 2010-11: Volume 1, part 12: Our performance, objective 3 \(PDF, 559.2 KB\)](#) at page 77

*average of 2500 visits. On the same day the 13 19 40 reports line answered 11 000 calls, up from a daily average of 1400 calls.*⁷

Based on the most recent data available to OIC, the agency received 712 applications for information in 2009-10 under the *Right to Information Act 2009* (Qld) (RTI Act) and *Information Privacy Act 2009* (Qld) (IP Act) of which 239 were withdrawn, and three applications transferred, leaving 470 applications in total.⁸

The number of files withdrawn represents 34% of applications received during 2009-10, which is high compared to the whole of government departmental average of 15% of received applications being withdrawn. Upon further investigation, it was identified that of the 239 applications withdrawn, 58 applications were from one applicant. A further 78 applications related to a special process for debt related applications, designed to facilitate speedy resolution of matters. Under this process, the applicant has the option to withdraw if they request address details and the RTI and Privacy Unit advise them that the address details held by TMR are the same as those provided by the applicant. When these 136 withdrawn applications are taken into account, the total number of applications withdrawn during 2009-10 reduces to 103 applications withdrawn or 15% of applications received, which is commensurate with withdrawal rates for other departments.

TMR was selected as an agency for review following a risk analysis conducted by OIC to develop OIC's annual program of performance and monitoring activities for the 2011-12 year. TMR was identified for review based in part on the volume of RTI and IP applications it receives and processes.

3.2 Reporting Framework

The review has been conducted under section 131 of the RTI Act, which includes monitoring, auditing and reporting on agencies' compliance in relation to the operation of this Act and chapter 3 of the IP Act as functions of the Information Commissioner.

Under section 131 of the RTI Act, the Information Commissioner is to give a report to the parliamentary committee about the outcome of each review. This is the first OIC report of 2012-2013 for tabling in Parliament under the RTI and IP Acts.

⁷ Viewed on 21 October 2011 in [Annual Report 2010-11: Volume 1, part 10: Our performance, objective 1 \(PDF, 1.1 MB\)](#) at page 30.

⁸ 2009-10 is the most recent year for whole of government reporting data available to OIC.

3.3 Scope and objectives

The objective of the review has been to establish the extent to which TMR have complied with the requirements of the RTI and IP Acts.

The scope of the review encompassed the Department, including Maritime Safety Queensland. In particular, the review focused on:

- Agency governance with respect to right to information and information privacy (leadership, governance mechanisms, information management including proactive identification and release of information holdings, policies, procedures, delegations and roles and responsibilities of key personnel and training)
- The adoption of a push model, for example, strategies such as publication schemes, disclosure logs and administrative access schemes
- Accountability and performance measurement systems
- Compliance with legislative requirements of Chapter 3 under the RTI and IP Acts for handling access and amendment applications, based on a sample of files received and completed in 2010-2011; and
- Agency use of stakeholder consultation in information management and supply.

3.4 Assessment process

The Information Commissioner and First Assistant Information Commissioner (OIC) met with the A/Deputy Director-General (Corporate), TMR, on 1 September 2011 to discuss the proposed objectives and scope of the review.

On 6 September 2011, OIC wrote to TMR confirming the scope and objectives of the review, and the Terms of Reference, as provided in Appendix 2.

An entry meeting was held on 13 September 2011 between OIC and TMR to discuss project management logistics, in the context of the scope and objectives of the review.

In performing the review, OIC applied a standardised test program to assess each of the relevant areas of practice. Industry and community stakeholders were interviewed. OIC reviewed a representative sample of RTI and IP application files. TMR cooperated fully

and openly with the process and provided full access to requested materials and the opportunity to meet with relevant personnel.

All findings were discussed with TMR throughout the review process. Management responses to findings were incorporated into the finalising of OIC's testing.

At the conclusion of the review, an exit meeting was held with the Director-General of TMR and the Acting Deputy Director-General, Corporate on 16 July 2012 to discuss the findings and recommendations of the review. They agreed with the findings, accepted all the recommendations and provided a comment in response to each recommendation (provided in Appendix 3).

The Acting Deputy Director-General, Corporate stated in TMR's response of 18 July 2012:

The Department of Transport and Main Roads has always taken its legislative responsibilities under the Acts very seriously and it is rewarding for all concerned to see this reflected in the outcomes of the compliance review.

4 Culture of openness

Background

The object of the *Right to Information Act 2009* (Qld) is to provide more information to the public by giving a right of access to government-held information, unless, on balance, releasing the information would be contrary to the public interest.

In order for the objects of the RTI Act to be achieved, agency culture must embrace the openness and transparency which are fundamental to good government, as recommended by the Solomon Report:

Recommendation 127 - CEOs should foster agency cultures consistent with the objects of the FOI legislation and ensure that staff induction programs and other appropriate agency-wide staff opportunities include FOI and commitment to its principles.⁹

The legislation requires that the processes of government should operate on a presumption of disclosure, with a clear regard for the public interest in accessing government information. The Queensland public service should act promptly and in a spirit of cooperation to carry out their work based on this presumption.¹⁰

OIC, in undertaking this review, considered whether or not the principles of openness and transparency were reflected in TMR's culture.

Key findings

- TMR has a culture of openness.
- The level of openness varies between business units within TMR, with some business units operating as a model of open government and some business units continuing to operate according to a model of owning information rather than as a custodian of information assets for Queenslanders.

⁹ *The right to information – A response to the review of Queensland's Freedom of Information Act*, viewed at http://www.thepremier.qld.gov.au/library/pdf/initiatives/foi_review/Right_to_Information.pdf on 20 April 2011.

¹⁰ *Statement of Right to Information Principles for the Queensland Public Service*, viewed at http://www.rti.qld.gov.au/_data/assets/pdf_file/0005/97331/right-to-information-principles.pdf on 11 April 2011.

- TMR has a strong commitment to community partnerships, and documented policies and procedures for community participation in government business.
- Stakeholders were keenly interested in TMR held information, both from a perspective of obtaining the information and also in working with TMR to make the information available to a wider public.

4.1 Commitment to Openness

TMR has a stated commitment to achieving a culture of openness and transparency in creating accountable government. In response to the self-assessed electronic audit conducted in 2010, TMR reported that they had a culture open to the release of information. On their RTI web page, TMR state:

Transport and Main Roads is committed to giving the community greater access to information.¹¹

This review supported TMR's claims and found that TMR's culture was outward focussed, with a drive towards the release of information and inclusion of the general public in TMR's business. Throughout this report, a number of instances have been identified where TMR's investment in open information strategies has led to better results for Queenslanders.

4.2 Working with stakeholders

Stakeholder engagement and information flow are fundamentally interconnected. Engagement is an avenue for identifying the type of information that agency stakeholders would like proactively released. Engagement can assist agencies to prioritise information resources that are to be made public.

Community and stakeholder dialogue promotes the openness, transparency and accountability of government and greater participation in government policy development and decision-making. Participation is enriched by access to the data which informs policy development, implementation and evaluation. Active engagement can also identify the business needs of data users and opportunities for value to be added through reuse of agency information holdings.

¹¹ Viewed at <http://www.tmr.qld.gov.au/About-us/Right-to-Information.aspx> on 24 October 2011.

OIC reviewed TMR's strategies for working with the community and interviewed stakeholders to assess the level of community engagement currently employed by TMR.

TMR states a strong commitment to working with the community. In the 2010-2011 Annual Report, TMR said:

We connect directly with a broad range of stakeholders through a variety of engagement activities, to help develop and implement sustainable policies, programs and services.

This benefits the department and the community by allowing us to share project experiences with other industry leaders and be informed of better practices. We also participate in industry conferences and seminars.

Engaging in this way helps us to stay attuned to the changing preferences, needs and expectations of our stakeholders, including individuals, groups and organisations from across the community, government and industry bodies. Organisational stakeholders include the RACQ, Institute of Public Works Engineering Australia, Bicycle Queensland, the Queensland Chamber of Commerce and Industry, Infrastructure Association of Queensland, Queensland Police Service, Department of Local Government and Planning, and the Local Government Association of Queensland (LGAQ).

These are vital partners in our business and provide us with a level of analysis, input and advice that helps us to refine our policies, programs, investment decisions and services. Our mechanisms of consultation include one-on-one engagement, community engagement, industry briefings and establishing alliances and partnerships with external organisations.

The Roads Alliance is a strong example of the results gained from a collaborative partnership with key stakeholders. It is a commitment between the Queensland Government, TMR and local government, represented by the LGAQ. This partnership delivers better roads sooner across Queensland, cooperatively manages a road network of similar function regardless of ownership and improves the capability and efficiency of the combined road network.¹²

¹² Viewed 21 October 2011 in the [Annual Report 2010-11: Volume 1, part 15: Our performance, objective 6 \(PDF, 826.4 KB\)](#) at page 109.

TMR expects to take a long term, strategic approach to public involvement in transport planning, for example, the 20 year outlook described in integrated regional transport plans.¹³ TMR has a number of links with different stakeholder groups. For example, TMR has identified 41 key stakeholders from government and community, and assigned responsibility for each stakeholder relationship to an executive manager.

TMR has documented policies and procedures for working with the general public in 'Community Engagement: Policy, Principles, Standards and Guidelines', a document produced in May 2010. This is a comprehensive guide, covering all aspects of TMR's operations:

*The guidelines also apply to all phases of Transport and Main Roads' business. This includes policy development, strategy development, road and transport-system planning, corridor planning, works' program development, infrastructure projects and relevant road operations.*¹⁴

OIC noted two issues from the assessment of the guidelines: the need to include information management projects as a type of project; and updating the section about the use of open information practices in all projects.

OIC has noted during these review processes generally that agencies readily recognise the value of collaboration with the community to support their operations, but are less likely to consider asking community groups about their information needs. It is OIC's view that agencies need to draw attention explicitly to the value of asking the community about their information needs.

This was identified as an issue in the assessment of the TMR guidelines for community engagement. Although the TMR guidelines are written to cover all phases of TMR's business, OIC considers that there would be value in specifying explicitly that the guidelines apply to information management projects.

Although information management projects, for example partnering with industry to develop applications to meet business information needs, are not explicitly mentioned, the TMR guidelines recognise open information management practices as processes that

¹³ Viewed 21 October 2011 in the [Annual Report 2010-11: Volume 1, part 15: Our performance, objective 6 \(PDF, 826.4 KB\)](#) at page 107.

¹⁴ Transport and Main Roads, Community Engagement Policy, Principles, Standards and Guidelines, May 2010, page 6.

should be incorporated into the conduct of other types of projects. It describes fifteen standards, under the headings of community values, organisational practice and continued learning through evaluation and improvement.

Specific standards address information management issues directly:

- Standard 6 aims to ensure that information about the engagement activity is easily and freely available and understandable.
- Standard 8 describes how the engagement process is to demonstrate respect for the views of the people consulted, and how their views are taken into account in decision-making.
- Standard 10 requires respect for confidentiality and privacy, and makes specific reference to the IP Act and the Information Privacy Principles.

OIC notes that the TMR guide was developed in May 2010. Subsequently, guidance for agencies in online community engagement has been made available at the Queensland Government Webcentre.¹⁵ This general guidance deals with an understanding of how technology can be used to support online community engagement. Although written with online engagement in mind, the guidance includes general principles for community engagement. OIC considers TMR's guide could be updated with reference to this resource to ensure it is up-to-date.

The effectiveness of the TMR guide in driving community engagement has not been tested specifically in this review. However, stakeholder consultations were part of this review, and their comments about their relationship with TMR are reported in the next section.

Recommendation 1

It is recommended that the Department of Transport and Main Roads:

Review the document 'Community Engagement: Policy, Principles, Standards and Guidelines' to ensure it is up-to-date and to incorporate specific mention of working with stakeholders to identify and meet their information needs, within 12 months.

¹⁵ <http://www.qld.gov.au/web/community-engagement/guides-factsheets/methods-techniques/index.html> viewed 28 October 2011.

4.3 Information Needs

OIC worked with TMR to identify a sample of government, industry and community groups who interacted with TMR or TMR clients as client representatives, legal representatives, researchers or interest groups.¹⁶ The stakeholders identified the information they would like to obtain from TMR and the uses to which they might put this information. The questions asked and information requested by the stakeholders are provided in Appendix 4.

Stakeholders reported that TMR provided a good level of client service in providing access to information. However, some stakeholders still considered TMR to be risk averse, with a reluctance to release information without prior agency review, a process which takes time and impedes immediate use. The OIC considers that review of data prior to release by the agency is an acceptable practice but consideration may need to be given to the turnaround times for the data analysis, or to the earlier release of data with suitable qualifications about reliability, whether subject to future revision etc.

OIC interviews with the stakeholders were encouraging about the potential societal and economic benefits if TMR released the information that stakeholders were seeking. It appeared stakeholders were seeking TMR information for a range of purposes, for example:

- Providing education (fact sheets and articles) and public awareness (through media releases) about significant issues such as road safety
- Producing research that could be used by government agencies and other industry bodies to formulate road safety policy and initiatives
- Developing applications for transport data reuse on web and smart phone platforms, at no cost to the agency
- Assisting members in business planning and managing resources to meet future demands, which in turn would help to establish more efficient industry practices
- Identifying potential improvements to infrastructure and services; and
- Working with government to improve policies affecting industry.

¹⁶ The objective of this part of the review was on information held by TMR and released for community access other than through the legislative application process. Therefore these groups did not focus on clients of the RTI and Privacy Unit specifically. However it is noted these stakeholders may also at times seek access through the legislative application process.

In order to assist the stakeholders in obtaining information, TMR needs to encourage all business units to adopt the same open attitude to disclosure of information to lift the department's overall culture to a uniformly high standard of openness. Practical examples and recommendations as to how this might be achieved are discussed later in this report in the section on 'Maximum Disclosure'.

5 Leadership

Background

Recommendation 127 of the Solomon Report required that Chief Executive Officers (CEOs) foster agency cultures consistent with the objects of the legislation and ensure that staff induction programs and other appropriate agency-wide staff opportunities include Freedom of Information (now Right to Information) and commitment to its principles.

This review examined TMR's leadership and governance framework, including strategies for good governance, active management of information, organisational structure, resourcing and training.

Key Findings

- TMR has established the required governance frameworks through which active leadership is being provided.
- The organisational structure for processing applications under the RTI and IP Acts is appropriate.
- Training was found to be appropriate for TMR staff generally, and for staff in the RTI and Privacy Unit specifically.

5.1 Leadership

The importance of leadership within the public sector in order to achieve the reforms was emphasised in the Solomon Report. Agency management is expected to treat RTI and IP as a priority, and as a cornerstone for building confidence in open and accountable government.

In support of agency leadership, specific advice was provided to departments as to the leadership activities required. In addition to the Ministerial Guidelines provided to all agencies, departments have been provided with guidelines and a checklist for implementation which describes the type of strong and visible leadership required.

Leaders within agencies are expected to promote active management of information and to work with the community to identify information and methods of publishing information that might be useful to the community. Agency leaders are to be held accountable for their performance in this regard, and are expected to make sure their agencies are equipped with systems, delegations of authority, staffing resources and training in order to implement the reforms.

This review has looked for evidence within TMR of the type of leadership provided. This has included:

- Identifying and assessing policies and statements of commitment
- Checking that individuals and committees in leadership roles have been commissioned to take up an active role in the management of information and promotion of the push model and that they have done so; and
- Examining training resources, to check that they are appropriate and available to RTI and IP specialists and to all staff, and that they advance understanding of the reforms.

5.2 Information management governance framework

In order for agencies to implement RTI and IP, each agency needs to have a strategy for managing the implementation. This includes appointing an Information Champion at a senior level within the agency, vesting a committee or similar body with responsibility for strategic information management, and building strategic information management into the everyday business of the agency.

An information governance body is an important primary driver for change and for strategic information management of the RTI and IP processes.¹⁷ OIC has previously found that if an agency's information governance body is active, the agency is also likely to have made better progress on implementation of the reforms¹⁸. As noted previously, TMR has good governance structures in place.

¹⁷ Queensland Government Enterprise Architecture (QGEA) guideline on implementing information governance, viewable at <http://www.qgcio.qld.gov.au/SiteCollectionDocuments/Architecture%20and%20Standards/QGEA%202.0/Information%20Management/Implementing%20Information%20and%20Information%20Management%20governance.doc>.

¹⁸ Agency Progress on Right to Information Reforms, Results of the self assessed electronic audit completed by Queensland public sector agencies, Report No. 3 of 2010/11 to the Queensland Legislative Assembly, pg 13.

In TMR, the role of Information Champion is assigned to the General Manager (Corporate Governance). OIC considers this to be an appropriate level of leadership. The Information Champion is a member of the information governance body, the Information and Systems Committee (ISC), and has active responsibility for policy development and application handling.

In the TMR 2010-2011 Annual Report, TMR stated that as a result of the integration of Information and Communications Technology (ICT) Divisions, an Information and Systems Committee was formed in February 2011 to oversee TMR's strategic direction and proactively manage information management and ICT investments.¹⁹ TMR staff confirmed that the title of 'Information and Systems Committee' (ISC) replaced the previous title of 'Information Steering Committee', to align with the Board of Management Charter.²⁰ Some documents retain the title of 'Information Steering Committee'.

This review examined the Charter for the Information Steering Committee and found that it described an active leadership role for the ISC in managing information. The Charter states:

The purpose of the Information Steering Committee is to oversee the strategic direction, and proactively manage the investments, in information management and information and communication technologies within TMR.

Stated more specifically, the purpose of the Information Steering Committee is to:

- *Guide the information and knowledge strategic planning, ensuring that it is aligned with Whole of Government and departmental priorities.²¹*

A review of the Minutes of the ISC demonstrates that the ISC takes an active role in driving information management projects, for example, the production of a Knowledge Management Framework and Knowledge Management Organisational Policy.²²

OIC considers that in establishing the role of Information Champion and the Information and Systems Committee, TMR has established an appropriate information governance

¹⁹ Viewed on 21 October 2011 in [Annual Report 2010-11: Volume 1, part 16: Our performance, objective 7 \(PDF, 474.4 KB\)](#) at page 124 and [Annual Report 2010-11: Volume 1, part 17: Corporate social responsibility \(PDF, 559.6 KB\)](#) at page 142.

²⁰ Name change approved and recorded in ISC Minutes of 11 October 2011.

²¹ Department of Transport and Main Roads, *Information Steering Committee Charter*, version 1.4, viewed 20 October 2011.

²² Minutes Information and Systems Committee, 10 August 2011, viewed 20 October 2011.

structure. Evidence provided to this review is that the Information Champion and ISC take active leadership responsibility for RTI. For example, the ISC approves the Information Management work plan, which includes specific projects to advance privacy and right to information policies and procedures. The Information Champion is a member of the ISC.

5.3 Organisational structure

From the perspective of organisational structure, the RTI and Privacy Unit is considered to be appropriately independent of business units that support the Minister directly or business units related to media and publicity functions.

The position descriptions for TMR's RTI and Privacy Unit were clear and up-to-date.

5.4 Training and awareness

In 2010, OIC conducted an electronic audit across all agencies and surveyed public service culture. These performance monitoring activities found that public servants were supportive of the RTI and IP reforms, but felt implementation had not yet gone far enough. The priority for public servants was the need for more general awareness training in RTI and IP and how RTI and IP relate to each other and to everyday business.

In response to this review, TMR produced a training register which recorded that 743 staff attended RTI or IP training in 2010-2011.

TMR provided the review with an extract from the intranet offering training sessions in RTI or IP on request. This material was reviewed and found to be well structured to create value in skills and knowledge.

A review of the training records for specialist training of staff members within the RTI and Privacy Unit showed that nine staff had attended specialist training in 2009-2010, covering topics such as Statutory Interpretation, Principles of Government and Decision-Making and Basic Training for Decision Makers. This record demonstrates a clear commitment to grow the skills and knowledge of the RTI and Privacy Unit staff.

6 Accountability requirements

Background

As the level of agency maturity around the RTI and IP reforms increases, OIC expects that agencies will increasingly be monitoring their openness and agility in responding to communities' information needs. This will be evidenced by a proactive use of complaints systems and performance measurement mechanisms to embed risk and quality measures in RTI and IP activities.

This review focused on the extent to which TMR had established systems to identify improvement opportunities within RTI and IP operations.

Key Findings

- TMR has the required complaints handling procedures.
- TMR has high level management information about stakeholder relationships and the reliability and effectiveness of business systems.
- Reliable information for managing application handling systems would be useful.

6.1 Making a complaint about the publication scheme

The Ministerial Guidelines provide that each agency is to implement a complaints procedure which sets out how to make a complaint when information included in the publication scheme is not available. OIC confirmed the provision of complaint handling procedures on TMR's website. OIC found that TMR provides a telephone number and email address for people to contact if they are having difficulty accessing any of the documents.²³

6.2 Performance measures

In these reviews, OIC examines whether or not agencies are assessing their own performance against RTI and IP deliverables. Evidence of this would be in the establishment of a review program, or the inclusion of performance measures in operational plans.

²³ Viewed at <http://www.tmr.qld.gov.au/About-us/Right-to-Information/Publication-scheme.aspx> on 24 October 2011.

At a strategic level, TMR identified Key Performance Indicators in its Corporate Plan 2011-2015,²⁴ which measured stakeholder relationships and the reliability and effectiveness of business systems. In support of this plan, TMR published performance indicators and measures.²⁵ TMR's performance statement on the reliability and effectiveness of business systems listed information management achievements: improved record keeping; the introduction of social media; and improving the customer's online experience.²⁶

Key performance indicators and measures in business plans are also a useful way of identifying improvement opportunities in agency processes and additional training needs of RTI decision-makers and operational staff. For example, targets measuring the number of times decisions are varied upon internal or external review may suggest training needs or improvement opportunities for operational decision-making procedures.

The RTI and Privacy Unit reviews statistical information from the case management system (RTIPS) on a monthly basis to identify any trends or patterns in applications that might need a response.²⁷ These statistical reports track the number of matters received and finalised each month, and the extent to which matters have been processed within statutory timeframes. The reports do not comment on variation to decisions nor do they capture customer experience feedback data. The addition of these performance measures to TMR's current suite of performance measures would further assist in the management of RTI and IP applications.

Recommendation 2

It is recommended that the Department of Transport and Main Roads:

Review performance monitoring systems and ensure that performance measures are developed for operational aspects of application handling, within six months.

²⁴ Viewed at <http://www.tmr.qld.gov.au/~media/9eb7769f-b7a4-4d59-9ebe-f54bf3517bdc/corporate%20plan%202011.pdf> on 24 October 2011

²⁵ Viewed on 24 October 2011 at <http://www.tmr.qld.gov.au/~media/011e6362-4260-4a42-aad1-6f342376ff82/tmr%20corporate%20plan%20indicators%20and%20measures.pdf>

²⁶ Viewed in the 2010-11 Annual Report, page 135 at <http://www.tmr.qld.gov.au/~media/1f14ea81-3f15-405e-b3a6-c7d4aef35fae/vol116ourperformanceobjective7.pdf> on 24 October 2011

²⁷ Interview Director RTI and Privacy Unit 31 October 2011

7 Maximum Disclosure

Background

Agencies hold a wealth of information – a key commodity in the digital economy. Information needs to be managed in the same way financial and human resources are managed.²⁸ Agencies should be aware of what information they hold, ensuring that the information is put to good use and looking for ways to increase the value of information usage.

Under Information Standard 44, agencies are required to maintain an Information Asset Register, which lists their information holdings. This is a useful tool for examining datasets, to identify which datasets have been published and which have not, and as a prompt for considering publication of any datasets as yet unpublished.

The examination of information holdings, consideration of potential value and the consequent evaluation of whether or not there are additional datasets that could be published are strategic information management activities. This review examines the extent to which these types of activities have been occurring.

Key Findings

- TMR currently releases a wide range of information through their publication scheme, disclosure log, administrative access schemes and in response to formal applications.
- TMR's Information Asset Register could be published to inform the public about TMR information holdings.
- Administrative access schemes are not prominent online and could be better promoted to direct members of the public to the processes for gaining access to information administratively.

²⁸ Described in Queensland Government Enterprise Architecture Foundation Principles, Section 2.8, Page 5, viewed on 11 April 2012 at <http://www.ggcio.qld.gov.au/SiteCollectionDocuments/Architecture%20and%20Standards/QGEA%202.0/QGEA%20Foundation%20Principles.pdf>.

TMR is currently using a range of active publication, administrative release and application driven processes for supplying information to the public. A wide range of information has been made available by TMR through the publication scheme, disclosure log, administrative access schemes and agency website.

Information Asset Register

An Information Asset Register is a listing of all the information assets of an agency. The Information Asset Register allows the internal or external users of information to identify the information resources available.²⁹

TMR has implemented an Information Asset Custodian Policy with the stated objective of ensuring TMR's information assets are identified in the Information Asset Register. Within the policy statement, the department has given the commitment that TMR will develop and implement processes to manage information assets, including adherence to privacy, right to information, security and other regulatory obligations.

TMR provided OIC with a copy of the TMR Information Asset Register, which listed 222 data holdings,³⁰ together with information about internal and external use, the type of content in each data holding, the custodian of the data holding, the security classification of the data holding and technical information about the data holding.

On review of the Information Asset Register provided to OIC, 211 data holdings were identified which TMR could examine for possible release to the public:

- 24 of the data holdings classified as 'public'
- 120 unclassified data holdings; and
- 67 data holdings which had no security classification and the relevant entry was left blank.

An examination of the 120 unclassified data holdings and 67 data holdings with no security classification could identify data which could be appropriately classified as 'public' and published. OIC was advised that TMR is currently reviewing the Information Asset Register. TMR have listed all classes of public information and records in an appraisal

²⁹ Taken from QGCIO, Queensland Government Enterprise Architecture Guideline – Information Asset Register Draft 24 March 2009.

³⁰ As at September 2011

report for Queensland State Archives, and this will become the baseline for a new Information Asset Register. The bulk of the information holdings identified in this report will be cross-referenced with the current Information Asset Register to develop this new baseline. It is expected that the new Information Asset Register will be finalised by October 2012.

Currently, the TMR Information Asset Register is not publicly available on the department's internet site. During the stakeholder consultation process, some stakeholders indicated that it was difficult to know exactly what information TMR did hold. Although TMR's Information Asset Register is yet to be finalised, if published, it would still be a useful tool for informing the public of what resources are held by TMR. In the spirit of proactive disclosure, and consistent with TMR's own stated commitment in the department's Information Asset Custodian Policy regarding the public's right to access government held information, TMR could consider publishing the Information Asset Register itself, with appropriate qualifications if necessary, on their website. TMR could provide updates on their website as this area develops, for example, when the new baseline version of the Information Asset Register is settled, when information assets are published or when new information assets are identified.

Recommendation 3

It is recommended that the Department of Transport and Main Roads:

Publish TMR's Information Asset Register on the website within the next six months.

Publish updates on the agency's website as new datasets are added to the Information Asset Register or as datasets are published.

Maximising utility of government information

Maximum disclosure of information involves not just a consideration of the types of data held by an agency that could be published, but also how to make the data accessible and useful. The most basic level of disclosure is to publish information in a document that can only be viewed. In order to achieve maximum accessibility and utility, agencies need to consider factors which promote linked open data. The person accredited as the creator of

the world wide web, Sir Tim Berners-Lee, developed a schema which described levels of openness in the release of data, adapted as follows:³¹

Table 1 Linked Open Data 5 Star Rating Scheme

★	Available on the web (in whatever format) but with an open licence, to be Open Data
★★	Available as machine-readable structured data (e.g. Excel instead of image scan of a table)
★★★	All of the above plus non-proprietary format (e.g. CSV instead of Excel)
★★★★	All the above plus open standards from W3C (RDF and SPARQL) to identify things, so that people can point at your data
★★★★★	All the above plus data linked to other people's data to provide context

Note: Definitions for the acronyms used in this table are provided in Appendix 1.

These principles are reflected in the Australian Governments Open Access and Licensing Framework.³² In summary, value is maximised by providing information in interactive applications that allow people to select the data of interest and match it with other data of interest.

One premise of the push model is that government can facilitate the development of these interactive applications by publishing raw data and inviting developers to select, manipulate and combine the raw data in new ways. Queensland application developers would benefit from an increased volume and diversity of government datasets in generating commercial value. OIC considers there are many opportunities for TMR to supply information to the public.

One current example is that TMR is inviting offers to produce two reports which will describe fatal road traffic crashes in Queensland for the calendar years 2009 and 2010, using data provided by TMR.³³ The reports will be posted in portable document format

³¹ Adapted from Berners-Lee, T., *Linked Data*, 27 July 2006, viewed at <http://www.w3.org/DesignIssues/LinkedData.html> on 8 March 2012.

³² <http://www.ausgoal.gov.au/open-formats> .

³³ Viewed at <https://secure.publicworks.qld.gov.au/etender/tender/display/tender-details.do?id=4860&action=display-tender-details&returnUrl=%2Ftender%2Fsearch%2Ftender-search.do%3Faction%3Dadvanced-tender-search-open-tender%26amp%3BorderBy%3DcloseDate> on 2 November 2011.

(.pdf) on the road safety statistics page of the TMR website. If this document was marked as open, for example with a Creative Commons licence,³⁴ it would then attract a one star rating. In order to attract a five star rating for openness, the published data would be machine-readable, in a non-proprietary format, using open standards and linked to other data. This type of open publication is already well within TMR's reach.

For example, TMR could work with industry to develop an interactive application that matched road crash data with geo-spatial data in an interactive map, similar to ones produced in Victoria,³⁵ the United Kingdom,³⁶ and the United States.³⁷ An example taken from the Victorian website is provided in Figure 1 to demonstrate these facilities:

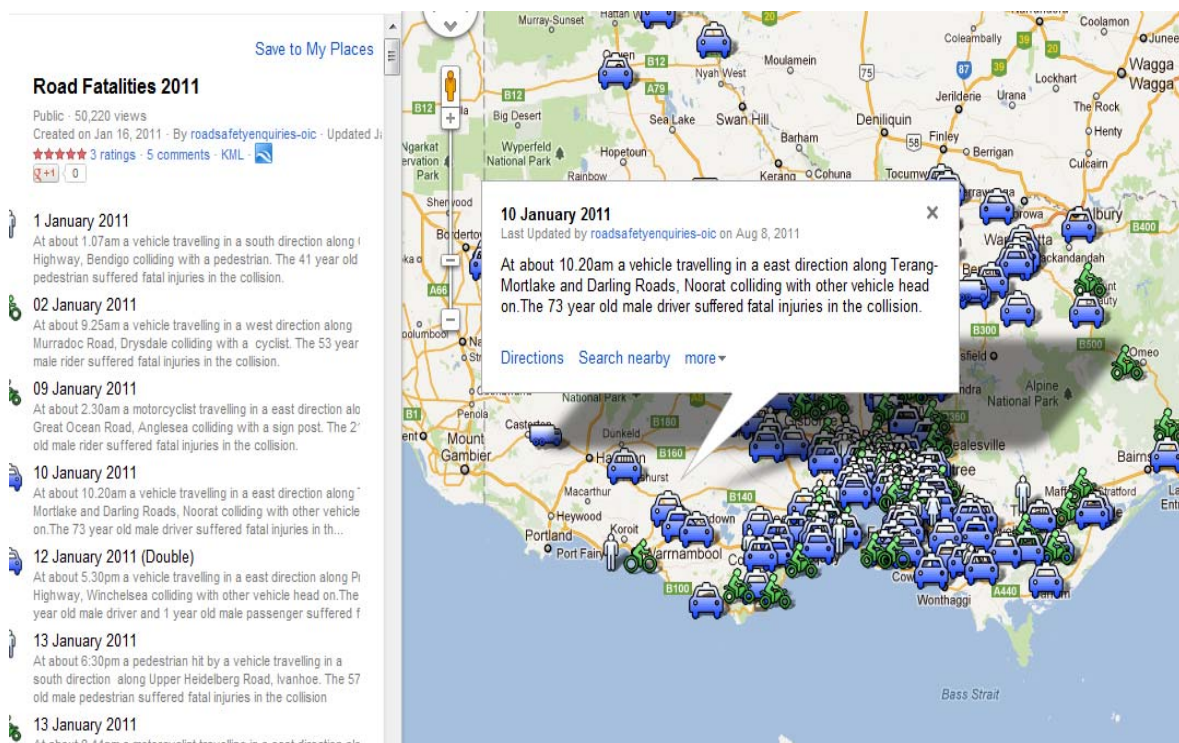


Figure 1 Screen capture of Victorian Government Interactive Road Fatalities Map

Stakeholders contacted as part of this review were ready to work with TMR to achieve this type of result or to use this type of application. Google expressed an interest in working with TMR to provide web-based applications at no cost to the department, which could be made available through smart phone technologies. All the stakeholder would require from

³⁴ As per the Queensland Government's Information Licensing Framework (GILF) <http://www.qgcio.qld.gov.au/qgcio/architectureandstandards/qgea2.0/Pages/GILF.aspx> viewed 9 March 2012
³⁵ Viewed at http://www.police.vic.gov.au/content.asp?document_id=17330 on 2 November 2011
³⁶ Viewed at <http://news.bbc.co.uk/2/hi/8401344.stm> on 2 November 2011
³⁷ Viewed at <http://riskyroads.org/> on 2 November 2011

TMR would be the provision of the data on a regular basis.³⁸ A business partnership has already been achieved between TransLink Transit Authority and Google Maps to achieve the recent release of a new Journey Planner.³⁹ Another stakeholder consulted in this review expressed a specific interest in map based crash data for identifying hazardous road locations, to assist the stakeholder in advocating for road improvements where they are most needed.

Application development could be facilitated by online tools, for example, websites which encourage competitions in data mining, data prediction and development of applications for understanding data.⁴⁰ Alternatively, TMR could engage with applications developers who have expressed an interest in working with TMR, with a view to developing such applications.

With a move towards industry partnerships, involvement of stakeholders, open publication of information, and making information readily re-usable, TMR could find innovative ways to make information accessible to the community at little or no cost to the department. The shift could see the cost and resources for publishing information borne by organisations willing to work with TMR to develop web-based applications using smart phone technologies, potentially freeing up TMR resources and funds to pursue core activities while at the same time promoting economic activity.⁴¹

Recommendation 4

It is recommended that the Department of Transport and Main Roads:

Examine opportunities to work with industry and communities to publish data holdings innovatively, for example by way of interactive applications, within twelve months.

³⁸ For more details see Appendix 5

³⁹ <http://jp.translink.com.au/travel-information/journey-planner/Index/1602060985>

⁴⁰ Viewed at <http://www.kaggle.com/> on 2 November 2011

⁴¹ For examples of detailed cost-benefit analysis of government data provision see Professor John Houghton *Costs and Benefits of Data Provision: Report to The Australian National Data Service (ANDS)* accessed at <http://ands.org.au/resource/cost-benefit.html> on 29 May 2012.

This review found variability between TMR's business units as to their readiness to take an open approach to release of data.

For some business units, open publication of data would require a shift in the mindset of departmental staff from protecting data to supplying data as a usable asset.

Other business units were demonstrating leadership in the adoption of principles of open information. One business unit within TMR was exemplary in its publication of data, and the resulting efficiencies and reduction in red tape are described in the following case study.

TMR Geospatial Data in Passenger Transport

Background

Passenger Transport Division (PTD) is responsible for operating the overall passenger transport system in Queensland. The division's key roles are to:

- Plan and deliver an integrated, sustainable, safe, accessible and flexible passenger transport system across the state
- Provide passenger transport safety in Queensland, for example, secure taxi ranks, taxi security cameras and closed circuit television in passenger transport vehicles
- Ensure all Queenslanders have access to appropriate transport choices; and
- Promote new technology and systems to enhance sustainable passenger transport.

In 2010, PTD was managing over 2000 datasets of spatial information. Most of these datasets were duplicated, subsets of larger datasets, and many contained out-of-date information. In addition, PTD was receiving regular requests from the public for information it generated (custodial datasets). An example of these datasets was the designated bus routes for taking students to and from school in regional areas. These requests took time to resolve, particularly in generating, sending, and then receiving back individual data licensing agreements that were required every time PTD released information to an individual. In addition, recipients would ask for a dataset once, not realising it was updated on a regular basis, and would not obtain updated versions.

What was done

The manager of the business unit reviewed the management of these datasets to consolidate and streamline processes.

TMR Geospatial Data in Passenger Transport

The business unit cleansed over 2000 datasets, removing the duplicate information from TMR systems, and improving the data content of PTD's datasets to suit the needs for which the data was used. As a result PTD reduced the number of datasets under management from 2000 to a base of around 60 datasets (mostly sourced from other government departments), and the 20 custodial datasets related to, and owned by, passenger transport.

Queensland Government Information System (QGIS) was identified as an efficient and effective channel for distribution without the administrative burden of data distribution and negotiation of data licensing agreements. PTD management agreed to the use of QGIS, as long as privacy was appropriately protected in releasing the data. This was addressed by classifying information within the datasets according to the Queensland Government Information Security Classification Framework. This identified publishable attributes within each dataset.

Queensland Government Information System (QGIS)

QGIS is an online catalogue of spatial information, providing government held spatial data to the public. It was administered at the time of this review by the Department of the Environment and Resource Management (DERM), who provided the publication service free of charge to government departments. DERM has provided the technical platform, business rules and infrastructure. Government departments have been able to use QGIS by formatting their information according to a DERM template and then sending through the formatted data for publication on QGIS.

The results

The use of QGIS addressed a major issue for PTD, by replacing individual data licensing agreements with licensing under the Government Information Licensing Framework (GILF). To date, the Passenger Transport System Development team has published 6 of its 20 geospatial datasets on QGIS.

Publishing datasets involved up-front work in classifying the information in the datasets, applying the GILF licences and describing the metadata for each dataset. However, once the up-front work was done, the business unit reported a significant reduction in ongoing administrative work, and substantial gains in the management and publication of information:

- In 18 months, the datasets were downloaded 317 times, a significant level of use by the public and saving to the business unit, for example, it was no longer necessary to set up an individual contract each time data was distributed

TMR Geospatial Data in Passenger Transport

- The information can only be downloaded if the recipient accepts the licence agreement, providing a level of assurance to TMR about their responsibilities to the data
- The provision of metadata for each dataset meant that the user could make an informed decision as to whether or not the information met their needs
- The data was updated regularly, and the public advised as to the date of the last update and therefore, users had information about the currency of the data; and
- The data was managed within the government requirements, including the Queensland Government Enterprise Architecture and the Right to Information and Information Privacy requirements.

Publication of the remaining 14 datasets is in progress.

OIC Commentary

This project was a result of the initiative led by the manager of one business unit, wanting to improve the distribution of departmental information to the community, reduce red tape and fulfil its obligations under RTI. OIC considers TMR would benefit from replicating the success of this project. Local business units within TMR will often be well placed to use industry and community intelligence to craft publication deliverables and to execute a strategy of proactive supply of data assets.

Administrative Access

TMR has implemented a number of administrative access schemes whereby an individual can gain access to information about them or impacting upon them without the need to make formal application under the RTI or IP legislative process. Access through administrative schemes is a key means of reducing red tape. TMR examples include streamlined access to driver licence information, traffic histories, industry authorities, registration information and marine licence indicators.

The review of the TMR website identified that information on administrative access schemes was not available through the RTI web page of the website. The RTI web page could be improved to link to administrative access schemes, for example, under the section titled 'How do I access information?'

A review of the TMR website identified that a member of the public seeking information would find it difficult to readily identify administrative access schemes without the need to directly contact the department. OIC considers visibility of administrative access schemes could be improved to promote the use of these schemes.

OIC acknowledges that TMR's website provides a search engine. However, this facility is limited. First, the search engine is only of value if a user knows in advance that an administrative access scheme exists, and searches for the scheme. Second, an individual needs a precise knowledge of the key search terms in order to find the administrative access scheme readily. For example, a person searching for information about their 'traffic history' (departmental terminology) which is a record of offences committed by an individual, for example drink-driving, driving under the influence of drugs, dangerous driving or vehicle registration offences, might try to search for a 'driving history'. A search using the term 'driving history' returns 2,168 results, a substantial number of hits that a user would need to scan before finding the correct link. This means that although the search engine is an essential facility, TMR should not rely solely upon the search engine to promote administrative access schemes.

Recommendation 5

It is recommended that the Department of Transport and Main Roads:

Improve the visibility of administrative access schemes, for example by linking to administrative access schemes from their RTI webpage under the heading 'How do I access information', within six months.

8 Compliance

Background

The RTI and IP Acts set out detailed requirements for making information available using push model strategies such as publication schemes and disclosure logs, and in response to applications for information under the legislative processes.

Key Findings

- The agency's publication scheme could be improved with the inclusion of more significant documents under some of the classes of information.
- TMR's disclosure log is compliant with prescribed requirements.
- The processes for application handling are well organised and supported by agency resources including:
 - Dedicated liaison officers within the business units;
 - Procedural documents and policies; and
 - The RTIPs database.
- Application handling practices of the RTI and Privacy Unit are of a high standard. There is clear evidence of a strong client focus with direct and regular contact with the applicant throughout the entire application process and diligent follow-up with other parties. This reduces bureaucracy, and delivers efficient and beneficial outcomes for the agency and applicant.
- Individual applications under RTI and IP Acts are being processed by TMR in compliance with the legislation.
- TMR's privacy plan exceeds the requirements of IPP5 in providing information to the public about documents containing personal information, and for this TMR should be commended.

8.1 Publication Scheme

The publication scheme forms an integral part of the push model where information is released proactively. A publication scheme is a structured list of an agency's information that is readily available to the public, free of charge wherever possible. Section 21 of the

RTI Act requires that all agencies⁴² must publish a publication scheme and must include the classes of information available in the publication scheme and the terms and charges by which it will make that information available.

Section 21(3) of the RTI Act provides that an agency must ensure that its publication scheme complies with guidelines published by the Minister. Under these Ministerial Guidelines, the publication scheme is required to set out the information that the agency has available under seven standard classes of information, preferably on the agency's website, so that people looking at the publication scheme can readily access and use the published information.

Publication schemes are audited by OIC using a desktop audit process, which examines the publication scheme on an agency's website from the perspective of a member of the public. The desktop audit checks that the publicly visible aspects of the publication scheme comply with the legislation and Ministerial Guidelines.

In July 2010, OIC conducted a desktop audit of TMR's publication scheme. At the conclusion of the desktop audit, a report was issued to TMR with three recommendations aimed at improving the administration of the agency's publication scheme. In August 2010, TMR responded to the desktop audit report addressing each of the recommendations raised.

A subsequent review of the agency's publication scheme by OIC has confirmed that two of the three issues raised during the July 2010 desktop audit have been adequately addressed by TMR. In July 2010, OIC recommended that where possible, Maritime Safety Queensland's (MSQ) publication scheme include direct links to documents. An assessment of MSQ's publication scheme as part of this review noted that in six of the seven classes of information, direct links to documents were provided. The information class 'Our Services' only provided a list of types of services the agency provides. This page could be further enhanced by providing direct links to the web pages containing the services.

In July 2010, OIC recommended as a possible action the rationalisation of TMR's publication scheme with MSQ's. TMR responded to this recommendation advising that, due to the distinct nature of the activities undertaken by TMR and MSQ, they did not

⁴² Other than entities specifically excluded by the legislation, or who have made other legislatively compliant arrangements.

propose to have a single scheme for both agencies. OIC accepts the position of TMR in opting to maintain separate publication schemes for the department and MSQ.

The desktop audit undertaken in July 2010 also identified that some classes of information within TMR's publication scheme were not appropriately populated with information sufficient to meet the requirements under the Ministerial Guidelines. TMR in response to the desktop audit advised that the Manager, Online Governance had been appointed and would be responsible for publication scheme monitoring and co-ordination.

The review of the agency's publication scheme undertaken as part of this review confirmed that progress had been made in addressing this recommendation. The publication scheme information classes of 'Our Policies' and 'Our Decisions' could be enhanced further with the inclusion of more information including current policy proposals, minutes of meetings and internal policy documents such as TMR's procurement policy.

8.2 Disclosure Log

A disclosure log is a web page or a document which publishes a list of documents that an agency has already released under the RTI Act. Disclosure logs are an important strategy for proactive disclosure of information. The rationale for disclosure logs is that if one person has expressed an interest in documents containing information other than their own personal information, then these same documents might be of interest to the wider public.

Section 78 of the RTI Act provides the legislative requirements with which agencies must comply when maintaining a disclosure log. Under section 78(1) of the RTI Act, agencies may include a copy of a document in a disclosure log, but only if it does not contain the personal information of the applicant to which access was originally granted. Agencies must ensure that the disclosure log complies with the guidelines published by the Minister on the Minister's website (section 78(2) of the RTI Act). When a decision is made to include a document in the disclosure log but the agency does not provide a direct link from the disclosure log to the document, details identifying the document and information about how it may be accessed must be included in the disclosure log. If a document is released under the RTI Act and not published in a disclosure log, the Ministerial Guidelines provide that the agency should document the decision not to publish, and the reasons for that decision, as part of the agency's internal records.

OIC audits disclosure logs by a desktop audit process, and in the course of reviews such as this one. The desktop audit process assesses the agency compliance with the prescribed requirements of sections 78(1) and 78(2) of the RTI Act. In addition, a sample of application files is reviewed for compliance with sections 78(4) to 78(8) of the RTI Act.

OIC noted that TMR's disclosure log was readily identifiable and accessible from the agency's RTI web page. OIC considered the disclosure log to be well structured and supported by informative commentary that introduced and explained the purposes of the disclosure log. Items posted to the disclosure log were supported by a brief summary of the published information, in accordance with sections 78(1) and 78(2) of the RTI Act.

This review specifically selected 25 applications made under RTI for compliance against the disclosure log requirements of the RTI Act. OIC examined the files to identify whether or not TMR considered publishing the information to the disclosure log, and if not, whether reasons for non-publication were documented by TMR as part of its internal records, as required by the Ministerial Guidelines made under the RTI Act.

Of the 25 applications reviewed, information from 13 (52%) of those files were published in the agency's disclosure log. Of the 13 files where the decision was made to include the released documents on the disclosure log, all were published more than 24 hours after the information was released to the applicant as required by section 78(4) of the RTI Act. Of these 13 files, 9 were published in the disclosure log outside the 5 business days as specified by the Ministerial Guidelines. Under the guidelines, information is to be published in the disclosure log no later than 5 business days after it has been accessed by an applicant. Of the 9 files published outside of the 5 business days under the Ministerial Guidelines, it took an average of 16 business days to publish the released documents in TMR's disclosure log.

Analysis of the delays showed that on average, the 16 days was comprised of 11 days in considering the file and obtaining approval for publication, and 5 days from approval to actual publication on TMR's website.

TMR advise that while all attempts are made to have information published in the disclosure log within the necessary timeframes, the reality is that the administrative process for identifying relevant material for publishing, obtaining approval for publishing

and the process for uploading data onto TMR's disclosure log cannot always be achieved within the timeframe set by the Ministerial Guidelines.

Whilst TMR are not always achieving the publication of information in their disclosure log within the 5 business days allowed under the Ministerial Guidelines, it is evident that the department is endeavouring to meet the requirement.

Overall, OIC considers TMR's disclosure log to be compliant, in general, with the prescribed requirements.

8.3 Active management of agency responsibilities

Right to information and information privacy decision-makers and managers have a key role in ensuring the agency complies with the requirements of the legislation. Legislative timeframes, managing stakeholder relationships, working with business units conducting searches for documents, third party consultations and liaising with applicants must all be efficiently managed to ensure the legislative process runs smoothly.

This review examined the end-to-end process for handling RTI and IP applications within TMR's RTI and Privacy Unit. The review considered the management of the applications overall and TMR's level of compliance with the specific requirements of the legislation. A sample of 34 RTI and IP application files was reviewed.

The RTI and Privacy Unit's handling of applications is a model for better practice. The Unit followed clearly established procedures and application files were well structured, maintained and fully documented. In particular, the RTI and Privacy Unit is to be commended for the way in which the Unit communicated with clients and with other business units within TMR. Communications has resulted in faster and more cost effective results for applicants and the agency.

One example of good client service was with respect to an applicant's request for access to traffic congestion rates, statistics, future forecasts and proposals to address the congestion problems for a particular stretch of road network in South East Queensland. The RTI and Privacy Unit suggested to the applicant that they broaden the scope of their application to include statistics on additional roads that linked in with the road network originally requested. The RTI and Privacy Unit's initiative in going beyond the original scope of the application and promoting access to additional documents is commendable,

and exemplifies the Unit's excellent approach to assisting applicants in the spirit of the push model advanced by the RTI Act.

It was clear from the review that RTI and Privacy decision-makers and support staff carried out their responsibilities diligently and with a strong client focus.

8.3.1 Active Management – A Profile of Good Communication

Regular contact with the applicant during the legislative process can promote the objectives of the RTI and IP Acts. Although not a specific requirement of the legislation, regular contact with the applicant during the application process maintains agency/client relationships and provides good outcomes for both the applicant and agency. For example, if an applicant is unsure how to frame their request, they might couch it in unnecessarily broad terms. If the agency contacts the applicant to discuss the request on receipt, it might be possible to redefine the request so that the applicant is more certain to obtain the information they seek, and so that the agency can run a targeted search to find the information more quickly and easily than would have been the case for the original request.

The RTI and Privacy Unit prioritises early and regular contact with applicants:

- In most cases the RTI and Privacy Unit calls applicants within 24 hours of the receipt of the application; and
- In almost all cases, incoming calls are answered by a person rather than going to voicemail or messagebank.

The RTI and Privacy Unit reports that applicants are usually shocked, and then surprised and happy to receive a call within 24 hours of lodging their application. Apart from the practical benefits that flow from early clarification and discussion of the application, this positive experience for the applicants establishes goodwill that colours the remainder of the dealings on the application. For example, the RTI and Privacy Unit reports that the relationship of trust means that applicants are amenable to allowing more time for application processing and are more ready to accept advice.

Not all communications are positive. Some applicants are distressed or angry during these early communications, particularly if the applicant has been referred to the RTI and Privacy Unit after attempting and failing to obtain the information they seek through other

avenues or following a distressing event or notification. Occasionally, the applicant is distressed or angry in these communications for other reasons, which are not related to the process of obtaining information (for example, it is common for people to be distressed if they have been asked to show cause why they should not lose their licence for medical reasons). These negative contacts do not discourage the RTI and Privacy Unit from making early and regular contact with applicants. The RTI and Privacy Unit considers the benefits of early and regular contact with applicants outweigh any other issues and have strategies in place to assist staff to maintain a positive outlook and high productivity.

Some of the practical benefits are quantified below, and are also well illustrated through these examples:

- Approximately once a week, an application is received from a purchaser of a classic car who is seeking the full registration history of a particular car. TMR's records do not extend back to full registration histories, due to a change in record keeping systems. Early contact with these applicants to provide specific information about the available history regularly results in the applicant deciding not to proceed with the application, saving the applicant the application fee and saving the agency the work associated with processing an estimated 40 applications a year that would not be of any benefit to the applicant.
- The RTI and Privacy Unit reported one case where an applicant had made multiple applications and sought review of the applications if the information was not released. Through careful communication, it emerged that the applicant really wanted to be able to communicate directly with particular senior officers of the department. A meeting was arranged, the applicant was satisfied, and all remaining applications and reviews were withdrawn.
- The RTI and Privacy Unit reported an application by a journalist for information about road surfaces. The information was a series of images, captured every 100 metres, over 30,000 km of road surface. The information amounted to 19 gigabytes of information. Through discussion with the journalist, the RTI and Privacy Unit obtained agreement that the information would be provided through administrative release, saving a significant number of hours of work proofing the information in the context of the legislative requirements.

- The RTI and Privacy Unit reported an application from a company for all the information held by TMR about a particular type of freight. The RTI and Privacy Unit contacted the applicant, and was advised that there was concern that an arranged delivery of goods had not arrived at its destination, and the company was trying to find out what had happened so as to effect delivery and obtain payment for the goods. The RTI and Privacy Unit obtained from the company the registration number of the delivery truck. The RTI and Privacy Unit then contacted the delivery truck company, who were able to identify the truck, its driver and the truck's movements from the log books. Further calls from the RTI and Privacy Unit obtained permission for contact between the applicant and driver, which resulted in the freight being found, and payment being made. The RTI and Privacy Unit followed up the applicant a couple of days later and the application was withdrawn. Contact with the applicant in this case enabled a more efficient method of resolving the issue than proceeding with the access application.

These examples illustrate the significant amount of time that the RTI and Privacy Unit invests in telephone calls, and also that these calls may go beyond the immediate processing requirements for an application. The RTI and Privacy Unit estimates that one week in six would be spent on public inquiries or informal communication. However, they also estimate that one 15 minute telephone call can save up to 40 hours of work, and that this communication often provides the applicant with a better result than would have been achieved through the application process, and a saving to the applicant in application fees and processing charges. As one member of the RTI and Privacy Unit, remarked 'the phone is your friend'.

OIC encourages agencies to communicate with applicants regularly throughout the processing of a request, and acknowledges good communication practices, such as those demonstrated by TMR, which achieve a positive client experience for applicants and efficient processing of applications within statutory timeframes. The file review obtained a sample of quantitative information about the way in which the RTI and Privacy Unit communicated with applicants. This data confirmed the claims made by the RTI and Privacy Unit and supported the anecdotal information about results that could be achieved.

Quick Facts

Average number of times the RTI and Privacy Unit contacted the applicant	4.8 times per application
Average time between contacts with the applicant	4.5 business days
Average total duration of applications, from receipt of application to decision (including time taken for third party consultations and extensions)	23.6 business days
Number of applications where decision was deemed to be a refusal (for example, because it ran over time)	0 deemed decisions
Percentage of contact with applicant made by email or phone for application processing activities (excluding application receipt acknowledgment notification and formal decision notification)	85% of all contacts made by email and phone
Percentage of communication activities which involved the RTI and Privacy Unit following up business units for information (excluding communication with the applicant)	11% of communication activities involved following up business units

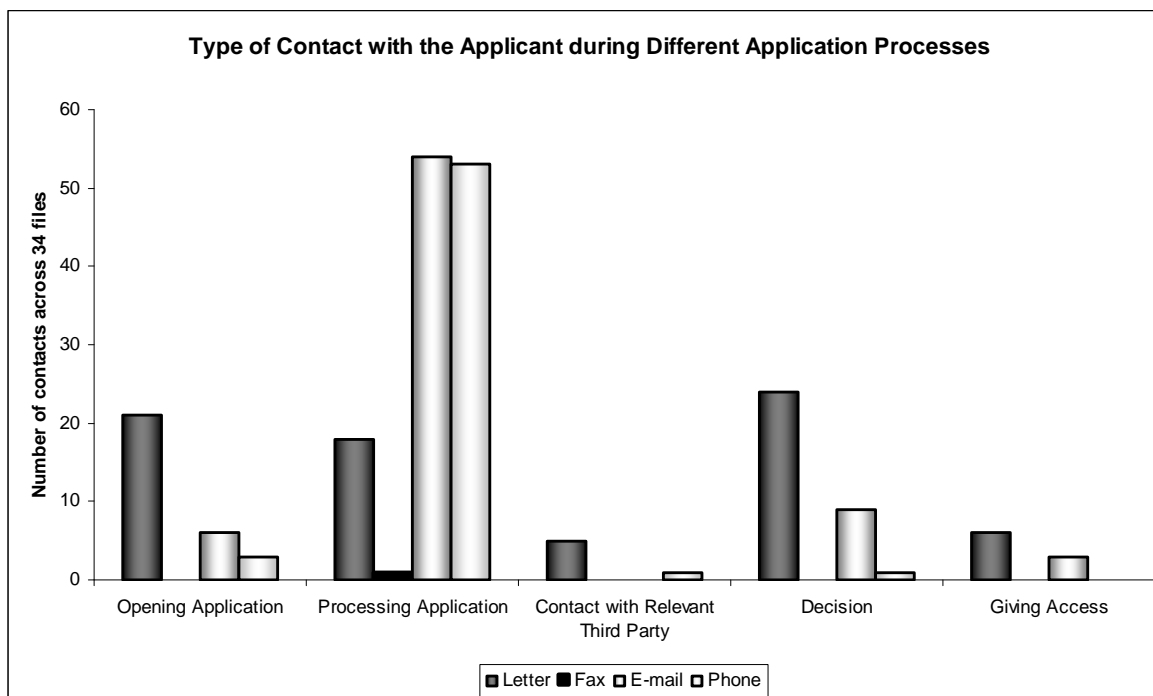
Each of the files was analysed to identify the frequency with which the RTI and Privacy Unit contacted the applicant during the application process.

On average the RTI and Privacy Unit contacted the applicant 4.8 times per application. The Unit was in regular contact with the applicant during the application process, contacting them on average every 4.5 business days.

Overall, 85% of all contact with the applicant relating to core application processing activities (requests for extensions, scope and charges estimates etc) was made by direct methods such as phone and email. These activities included clarification of scope and charges estimates and specifically excluded application receipt acknowledgment notification and formal decision notification.

The review identified that in processing applications, the RTI and Privacy Unit adopted different types of contact with the applicant matched to the requirements of different application handling processes. (refer to Figure 1).

Figure 1: Type of Contact with Applicant during the Application Process



Direct contact by phone and email was initiated for day-to-day processing activities such as clarification of scope, application non-compliance issues and requests for extension of times for the agency to process the request. More formal types of communication such as letters were reserved for legislative processes, for example, application acknowledgements, charges estimates notices and notices regarding decisions. Specifically; the review found that:

- When contacting the applicant to discuss the scope of the application, the majority of contact made with the applicant was by phone (59%), e-mail (37%) and letter (5%). The initial contact about scope was by phone in 83% of files, with follow-up through other mediums.
- When contacting the applicant about a non-compliant application, the majority of contact made with the applicant was by phone (52%), e-mail (28%) and then formally by letter (20%).
- When contacting the applicant to discuss extensions of time, the contact made with the applicant was split between e-mail (57%) and phone (43%).
- When contacting the applicant to discuss the application process, the contact was made directly with the applicant via phone (88%) and e-mail (12%).

Early Contact

Of the sample of 34 application files reviewed by OIC, six related to non-compliant applications. OIC identified that in each of the six non-compliant applications the RTI and Privacy Unit contacted the applicant directly on the day the application was received informing them of the non-compliance. Furthermore, the RTI and Privacy Unit followed-up the non-compliance with the applicant on average a further two times prior to issuing a decision notice.

Clarification of scope is one avenue decision-makers and support staff can use to make the application process more effective and efficient. Clarifying the scope early in the application process can produce a time and cost benefit to both the agency and applicant in ensuring that only relevant documents are considered. For six applications, the RTI and Privacy Unit's first contact with the applicant was to discuss the scope of the application. On average, the RTI and Privacy Unit directly contacted the applicant within one business day of receiving the application to clarify the scope.

On five of the files reviewed, the scope was either confirmed or narrowed within a day or two of the receipt of the application. Over these five files, this resulted in a saving of 16.75 hours in processing time for the agency and \$290 for an applicant in processing fees. Four out of five of these applications were resolved in under five hours, (one of which was brought down to under five hours through negotiation), which meant that no processing charges were payable by the applicant on any of these applications. The file review confirmed the practical benefits and savings to the applicant and agency in making early contact with the applicant to discuss the application.

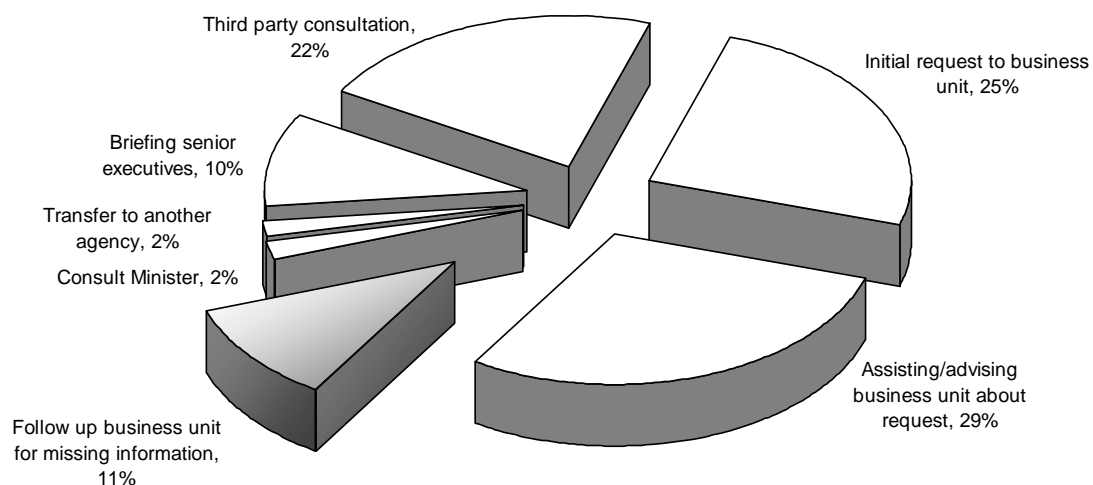
8.3.2 Active Management – Dealing with Business Units

OIC noted that TMR has established an organisational network to support the functions of the RTI and Privacy Unit. In each of the business divisions and regions, RTI and Privacy Liaison Officers have been established as an initial contact for RTI and privacy matters. The RTI and Privacy Liaison Officers are responsible for co-ordinating the retrieval of requested information on behalf of the RTI and Privacy Unit.

From the file review, OIC noted that contact was made from the outset with internal business units to obtain the requested information. On 73% of applications sampled, the Document/Record Retrieval Request for information was sent within two days. The review found that, on average, 10% of communication activities (that were not communications

with the applicant) involved briefing senior executives, and 11% of these communication activities were following up business units, as depicted in Figure 2.

Figure 2: Types of Communication Activity across all files for request processing



Primarily, the follow-up activity was for missing attachments not originally supplied in response to the search request. This suggests that business divisions could support improved efficiency in the application handling process by ensuring all of the requested information is supplied in the first instance. It also demonstrates the commitment of the RTI and Privacy Unit to the applicant in ensuring that all information relevant to the applicant's request is obtained and considered. In 2010-11, the OIC received 49 sufficiency of search matters for external review of which only one related to TMR. By department, the average number of sufficiency of search matters referred to the OIC for external review was three matters per department in 2010-11.

The diligence shown by the RTI and Privacy Unit staff in following up with business units to ensure all information relevant to an applicant's request had been received was evident in four of the files reviewed by OIC. In one example on file, the decision-maker followed-up the missing attachments to the briefs with the relevant business units on three separate occasions. The business units conducting the searches subsequently found the attachments and forwarded them through to the RTI and Privacy Unit.

Given the size of TMR, it is reasonable that on occasion difficulties will be encountered in locating documents. However, as a general rule, business units need to be vigilant in ensuring all requested documents, including relevant attachments, are forwarded through to the RTI and Privacy Unit for consideration.

Recommendation 6

It is recommended that the Department of Transport and Main Roads:

Within three months, ensure business units responding to applications for information under the RTI Act or IP Act provide all requested documents, together with all clearly identifiable attachments relevant to a document, to the RTI and Privacy Unit on the first occasion.

8.3.3 Active Management - Briefing of Key Stakeholders

Agency decision-makers frequently need to discuss applications with other people in the agency. Some information requests are so complex that decision-makers need assistance to understand the information or datasets involved, and to identify and consider the public interest factors that might affect whether the information should be released. This is an appropriate information gathering process.

A separate, but related practice, is to provide a briefing about the outcome of certain applications to senior agency executives. This is commonly done if the agency decision-maker anticipates releasing sensitive information, for example, information that might result in a media report or a question in Parliament. Senior executives need to be briefed about the release of sensitive information in time for senior staff to manage possible issues arising upon release.

Information gathering and briefing of senior staff are two separate processes which should not be conflated. In particular, issues arise if an agency briefs senior executives prior to the finalisation of the decision and the briefing is done in such a way that there is ambiguity about whether the decision-maker is gathering information from the senior personnel or briefing the senior personnel about an imminent decision.

TMR has developed an Executive Consultation Policy to give early notification of the potential release of sensitive information. Applications from media organisations or political parties are automatically caught by this policy.

The policy states:

Executive consultation aims to give early advice to senior officers of the potential release of sensitive documents under the provisions of the above-mentioned acts. The executive should at all times be given due notice and the opportunity to discuss issues pertaining to the documents in issue.

The policy describes four stages:

- Early notification of receipt of a sensitive application
- Notification that the responsive documents have been identified and an opportunity for interested officers to inspect the documents and discuss issues that might arise from their release
- After a decision has been made to release sensitive documents, preparation for advice to the Director-General or Minister's Office; and
- Advice regarding any internal review of the original decision.

Although the policy combines consultation and briefing, it appropriately distinguishes these steps, the reasons for these steps and identifies the point in time at which these steps occur. The policy in full is provided at Appendix 6.

8.4 Compliance with Legislated Application Handling Procedures

As a last resort, if people cannot obtain government held information from openly published information sources or administrative access schemes, they have a right to obtain the information using a formal application process under the RTI Act or the IP Act, unless it would be contrary to the public interest to give the access.

Under the RTI Act, an individual has a right to be given access to any document of an agency or Minister on payment of an application fee, subject to certain exemptions. Under the IP Act, an individual has the right to be given access to any document containing the individual's personal information, free of charge,⁴³ unless it would be contrary to the public

⁴³ An access charge might be payable under sections 77 and 79 of the IP Act to cover specific costs of providing access, as prescribed in a regulation.

interest to do so. An individual also has a right to amend a document containing their personal information if it is inaccurate, incomplete, out-of-date or misleading.

Weighing up an individual's right to information against the public interest in non-disclosure requires careful consideration. The legislation describes in detail factors that can and cannot be taken into account when deciding whether or not to release information. However, even with this guidance as to decision-making principles, the decision in each matter turns on the specific circumstances of the application.

Agency decision-makers understand how to weigh up the applicant's interests and the public interest in light of both the legislation and the business of the agency. These decision-makers have a key role in ensuring that the decision is made in accordance with both the intentions and the requirements of the legislation.

In this context, the review considered compliance with the legislative requirements in application handling. This review assessed a randomly selected sample of 34 RTI and IP access and amendment application files for compliance with Chapter 3 of the RTI and IP Acts. In undertaking the review, OIC assessed TMR's processing of applications against key requirements of the RTI and IP Acts. OIC considered the agency's application of the legislative requirements for dealing with:

- Obtaining evidence of identity and agent authorisation for applications involving the applicant's personal information under both the RTI and Privacy Acts
- Prescribed time periods for notifying applicants about how an application does not comply with the legislation and steps taken in allowing the applicant a reasonable opportunity to make an application in a form complying with all relevant requirements of the Acts
- Requests for longer processing periods (extensions), in particular where an applicant has agreed to the request and the request was made prior to a deemed decision being taken to have been made
- Charges estimate notices (CEN) and schedules of relevant documents and in particular, the issuing of a CEN or schedule of relevant documents prior to the end of the processing period, prescribed requirements of a CEN or schedule of relevant documents and waiving of charges under the RTI Act

- Taking reasonable steps to obtain the views of third parties, informing third parties that documents released in response to an RTI Act application may also be published, for example, in a disclosure log, provision of a prescribed written notice of the decision and deferring access requirements under the Acts
- Transferring applications to another agency
- Decisions on outcomes of applications⁴⁴
 - Recalculation of processing periods for appropriate provision of considered or deemed decisions
 - Assessment against delegations for decision-makers
 - Decision notices, in particular: itemisation of processing charges and fees (where applicable), access periods (the period within which the applicant may access the documents), disclosure log requirements, provisions under which access is refused (where applicable), review periods and process for making application for review, reasons for decision, date it was made and designation of the decision-maker
- Refusing to deal with an application
- Giving access to applicants, and in particular, providing applicants with access to documents in the form requested
- Deferring access and notifying applicants when access is no longer deferred; and
- Amendments to an applicant's personal information.

The file review found that TMR was compliant with the requirements of the RTI and IP Acts. Minor issues were noted. When raised with the RTI and Privacy Unit, the Unit had either already identified and addressed the issues prior to the review commencing or the issues were addressed during the course of the review.

The review found the management of the RTI and Privacy Unit to be proactive. The following two examples highlight how the RTI and Privacy Unit review their operations on an ongoing basis and take proactive steps to address issues as they arise.

⁴⁴ Please note that the review did not assess the quality or appropriateness of the decision itself, as this is subject to the internal and external review mechanisms.

When reviewing application decision notices, OIC noted that the review period for applying for external review as stated on the notice was not consistent with the requirements of the Acts⁴⁵. In response, the RTI and Privacy Unit advised that after a review of the report from OIC's compliance review of Queensland Health,⁴⁶ the department recognised the need to correct the decision notice, and did so in November 2011. OIC confirmed the amended wording on the template decision letters and considered the agency had appropriately addressed the issue.

In another example, three instances were noted where the notice of decision did not contain disclosure log requirements informing the applicant that documents may be published on the disclosure log as prescribed under section 54(2)(iii) of the RTI Act. It was noted that in each of these instances, the agency subsequently published the documents in their disclosure log. When raised with the RTI and Privacy Unit it was revealed that the unit had already identified and amended the relevant templates back in February 2011 prior to the commencement of this review. A subsequent review of the template letters confirmed the templates had been amended appropriately.

One minor inconsistent practice with the RTI Act was noted. Under section 36(1)(b)(i) of the RTI Act an agency must, before the end of the processing period for the application, give the applicant a schedule of relevant documents, unless the applicant waives this requirement. In two files reviewed by OIC, the agency had not issued a schedule of relevant documents where full access to all the requested documents had been granted to the applicant. The RTI and Privacy Unit stated that the supply of all of the documents constituted a schedule of documents, and therefore met the requirement under the Act.

The RTI and Privacy Unit also advised that generating a separate schedule of relevant documents would take time, and therefore could incur costs for the applicant unnecessarily.⁴⁷ The RTI and Privacy Unit advised they have identified this issue in their submission to the two year review of the RTI Act. OIC acknowledges the issues raised by the RTI and Privacy Unit. OIC is of the view that the better practice would be to give the

⁴⁵ Under sections 88(1)(d) and 101(1)(d) of the RTI and IP Acts, applications for external review must be made within 20 business days from the date of the written notice of the decision, or within the longer period the Information Commissioner allows. TMR's decision notice states 'An external review application must be made to the Information Commissioner within 20 business days from the day on which you receive this decision which is consistent with requirements of the former Freedom Of Information Act (1992) (Qld).

⁴⁶ Compliance Review – Queensland Health, Review of Queensland Health, Corporate Office, and Metro North and Metro South Health Service Districts' compliance with the Right to Information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld).

⁴⁷ (If the time to create the schedule of documents pushed the time spent processing an application above five hours, processing charges would become payable by the applicant.)

applicant the option to waive the requirement as permitted under section 36(1)(b)(i) of the RTI Act.

After extensive testing, OIC is satisfied that TMR are complying with the requirements of the RTI and IP Act for processing access and amendment applications made under the RTI and IP Acts. Appropriate systems that support the RTI and IP Unit in managing the application process are in place and operating to meet the needs of the business unit.

8.5 Internal review

A person affected by a reviewable decision may apply to have the decision reviewed by the agency dealing with the application.⁴⁸ This is called an internal review. The principal officer of the agency may delegate to another officer of the agency the power to deal with an internal review.⁴⁹ The RTI and IP Acts stipulate that an internal review application must not be decided by the officer who made the reviewable decision or an officer who is of lesser seniority to the person who made the reviewable decision.

OIC examined TMR's internal review process to assess the agency's compliance with the requirements of the RTI and IP Acts. This review examined the delegations and handling practices for processing 10 of the 11 internal reviews conducted by TMR during the period 1 July 2010 to 30 June 2011.

The principal officer for TMR has delegated the power to deal with an application for internal review to other officers of the agency under section 30 of the RTI Act.⁵⁰ The agency's 'Instrument of Delegations Right to Information Act 2009' establishes a clear delineation of roles in deciding an internal review outcome within TMR.

In the 10 files reviewed by OIC, the internal review was conducted by the appropriate delegated officer in accordance with TMR's Instrument of Delegations policy. Each internal review was performed by a more senior officer. All internal reviews were finalised

⁴⁸ Under section 80(1) of the RTI Act and section 94(1) of the IP Act. A person can also seek an external review of the initial decision.

⁴⁹ An internal review application may be dealt with under a delegation or direction. See section 30 and 31 of the RTI Act and section 50 and 51 of the IP Act.

⁵⁰ A reference to section 30(2) (Decision-Maker for Application to Agency) in the RTI Act is also a reference to the equivalent section 50(2) (Decision-Maker for Application to Agency) under the IP Act.

within the 20 business days allowed under section 83(2) of the RTI Act.⁵¹ TMR's internal review process complies with the internal review requirements of the RTI and IP Acts.

8.6 Privacy Principles

The primary objectives of the IP Act are to provide a right of access to and amendment of personal information in the government's possession or under its control and to provide safeguards for the collection and handling of an individual's personal information within the public sector.⁵² The Privacy Principles govern how public sector agencies collect, store and use personal information in their possession or under their control. Under section 27(1) of the IP Act, TMR must comply with the Information Privacy Principles (IPPs).

8.6.1 Collection of Personal Information

The collection of personal information is a fundamental area of privacy regulation. Whenever an agency obtains personal information electronically, either through an email to an agency contact email address or by completion of a form, under IPP 1, TMR must only collect personal information for a lawful purpose directly related to fulfilling the function or activity of the agency. Under IPP 2, TMR must take all reasonable steps to advise the individual of:

- The purpose of the collection
- Any law that might authorise or require the collection; and
- Anyone who would usually receive the information in turn, either first or second hand, if it is the agency's practice.

Collection notices⁵³ promote transparency as they allow the individual to understand the agency's personal information practices in using the information collected.

A review of a random sample of 25 electronic and online forms was performed to determine whether TMR was meeting its obligations under IPP 2. The review noted that in each of the forms collecting an individual's personal information, TMR provided an appropriate notice of collection to meet its privacy obligations under IPP 2. OIC noted that the privacy statement contained in the collection notice of each of the forms reviewed

⁵¹ A reference to section 83(2) (When Internal Review Application to be Decided) in the RTI Act is also a reference to the equivalent section 97(2) (When Internal Review Application to be Decided) under the IP Act.

⁵² Sections 3(1)(a) and (b) of IP Act.

⁵³ The term 'collection notice' is not used in the IP Act. It is a term used by OIC to denote information provided to an individual by an agency in meeting their obligations under IPP 2.

addressed the purpose of the collection, laws authorising or requiring collection and any third parties to which an individual's personal information may be disclosed.

It is a common practice in government for agencies to provide email contact addresses through which members of the public can communicate with the agency. When individuals click on the email links, the agency can collect personal information such as the person's name, email address and other personal information contained within the body of the email. Failure to provide a readily accessible collection notice at the bottom of the web page containing the email address or link to a global privacy statement for these email invitations may constitute a breach of IPP 2.

A review of 20 web pages containing email invitations to contact TMR was reviewed by OIC. The review found that access to a global privacy statement was provided with each of the web pages containing a link to an email address. Whilst this method of notification is not considered best practice, it meets the standard TMR needs to achieve in meeting its obligations under IPP 2.

8.6.2 Providing Information about Documents Containing Personal Information

Under IPP 5, an agency having control of documents containing personal information must take reasonable steps to ensure that an individual can find out about the types of personal information it holds, the purposes for which the information is used, and how an individual can access the document containing their personal information.

Under the previous privacy regime, Information Standard 42 (IS42), agencies were required to have a privacy plan. Although the IP Act does not require an agency to have a privacy plan, it is still a practical way for agencies to achieve their obligations under IPP 5.

As mentioned earlier in the report, a desktop review conducted in July 2010 identified that TMR did not have a Privacy Plan published on its website, and that no other documents listed under TMR's 'Privacy' web pages disclosed the department's personal information holdings. In response to the desktop audit, TMR said that the agency's privacy plan was currently under review and, once approved, would be posted on TMR's website.

As part of this review, OIC followed-up the agency's response to the desktop audit report. This follow-up review of TMR's website noted that the department's privacy plan has now been published.

A review of the TMR's privacy plan found it to be an exemplary document in terms of meeting the requirements of IPP 5 – Providing information about documents containing personal information. The attachment to the privacy plan listing TMR's personal information holdings was detailed in terms of describing the dataset and access details and for this, TMR should be commended.

The review of the agency's privacy plan identified improvement opportunities that, if addressed, would make the content of the privacy plan more consistent with the requirements of the IP Act. For example, under the complaint procedure section, the TMR Privacy Plan states that a complaint should be made no longer than six months from the date when the breach was suspected to have occurred. Section 164 of the IP Act gives an individual the right to make a privacy complaint against an agency and this right is not constrained in any way. There is no legislative basis for such a time limit.

TMR advises that they will be undertaking an audit of the privacy plan later this year. TMR has given an undertaking that OIC's findings will be built into the privacy audit. OIC will follow this up later in the year to determine if TMR has undertaken the audit of the privacy plan as advised.

8.6.3 Access to and Amendment of Documents Containing Personal Information

Under IPP 6 (Access to documents containing personal information) an agency having control of a document containing an individual's personal information must give that individual access to the document if so requested by the individual, unless access is restricted by law. IPP 7 (Amendment of documents containing personal information) obliges an agency to take reasonable steps to ensure documents containing personal information are accurate, relevant, complete, up to date, and not misleading; it gives an individual the right to have their personal information amended if they believe an agency has not met this obligation.

This review assessed a randomly selected sample of 14 IP Act access and amendment application files for compliance with Chapter 3 of the IP Act. General compliance issues identified by OIC in relation to the prescribed requirements of Chapter 3 have been reported previously in this report under section 8.4 – Application Handling.

In meeting its obligations under IPP 6 and IPP 7, TMR has established a number of administrative practices whereby individuals can gain access to or make amendments to

their personal information held by the department. A review of TMR's website identified that the department has provided administrative arrangements whereby individuals can gain access (as previously discussed under section to this report) and amendment to certain datasets containing their personal information.

Table 1 below shows a list of services available to people seeking to make amendments to their licensing and registration information held by TMR. The table also lists the methods by which amendments can be made without the need for application under the legislative process.

Table 1: Administrative practices to handle routine amendments

Amendment Scheme Available	Amendment Method Available			
	Online	Customer Service Centre	Phone or Mail TMR	Police Station
Change Customer Address	✓	✓	✓	✓
Renew Registration with Changes	✓	✓	✓	
Medical Condition Notification	✓	✓	✓	
Change of Name		✓		✓
Change CTP Insurer	✓	✓	✓	✓
Change of Registration - Vehicle Modifications		✓		✓

Note: The above is not an exhaustive list of amendment services available.

As detailed in the above table, consistent with the requirements of IPP 6 and IPP 7, the administrative access schemes provided individuals with mechanisms for accessing and making amendment to their records in addition to the individual's right of access by application under the legislative processes of the IP and RTI Acts.

9 Conclusion

This report detailed the findings of the review of TMR's approach to right to information and information privacy.

TMR's comprehensive execution of right to information and information privacy strategies is to be commended. Their governance structures, leadership, adoption of push model strategies such as the publication scheme and disclosure log, and their handling of applications were found to be excellent. In particular, the RTI and Privacy Unit within TMR is dedicated to communicating effectively with both the applicants and other TMR business units to ensure that people applying for information under the legislation are assisted to the greatest extent possible. This diligence was apparent in the efficient file handling and the level of compliance with legislative requirements observed in the files reviewed. The result has been reduced red tape and processing costs for both the applicant and the agency.

In one respect, the departmental culture of openness was found to be uneven. The review found business units to be courteous to industry and the public and committed to finding solutions. However, stakeholders identified differences between business units as to their openness, ranging from treating information with cautious stewardship through to having a sense of responsibility about actively supplying data in accessible and re-usable formats. Some individual business units demonstrated a high degree of initiative in proactively publishing data using leading technology while other business units had yet to adopt more contemporary information release models.

Consultation identified that stakeholders were keenly interested in obtaining TMR's information, and ready to work with TMR to facilitate this process, even to the extent of developing applications to help make the information available. TMR is positioned to be a leader in the free flow of government held information into the Queensland economy by demonstrating how innovative methods of publication can work for both government and the broader public. OIC encourages TMR to consolidate and extend this leadership role.

APPENDICES

Appendix 1 – Acronyms

CEN	Charges Estimate Notice
CSV	A comma-separated values file stores numbers and text in plain-text form so that the file is a sequence of characters, with no data that has to be interpreted
FOI	Freedom of Information
FOI Act	<i>Freedom of Information Act 1992 (Qld)</i>
IP	Information Privacy
IP Act	<i>Information Privacy Act 2009 (Qld)</i>
IPP	Information Privacy Principle
IS42	Information Standard 42
MSQ	Maritime Safety Queensland
OIC	Office of the Information Commissioner
QGEA	Queensland Government Enterprise Architecture
RDF	Resource Description Framework - A method for classifying data on web sites in order to improve searching and navigation
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009 (Qld)</i>
RTI and Privacy Unit	Right to Information and Privacy Unit
RTIPS	Electronic Database used by TMR to record and monitor all matters processed by the RTI and Privacy Unit
SPARQL	<i>Simple Protocol and RDF Query Language</i> a standard query language and data access protocol
TMR	Department of Transport and Main Roads
TRAILS	Transport Registration and Integrated Licensing System

W3C

Short for *World Wide Web Consortium*, an international consortium of companies involved with the internet and the web to develop open standards

Appendix 2 – Terms of Reference

Terms of Reference – Review of Department of Transport and Main Roads RTI and IP Handling Practices

1. Objectives of the Review

- 1.1. The objective of the review is to establish whether the Department of Transport and Main Roads is complying with the prescribed requirements of the *Right to Information Act 2009* (RTI Act) and chapter 3 of the *Information Privacy Act 2009* (IP Act), to identify areas of good practice, and make recommendations about any improvement opportunities identified by the review.

2. Scope of the Review

- 2.1. The review will cover the Department of Transport and Main Roads' policies and procedures for RTI and IP information handling practices, including:-
 - 2.1.1. Agency governance (leadership, governance mechanisms, information management including proactive identification and release of information holdings, policies, procedures, delegations and roles and responsibilities of key personnel and training);
 - 2.1.2. Accountability and performance monitoring systems;
 - 2.1.3. Whether or not the agency is maximising disclosure, including by reviewing statistical reporting (such as internal and annual reporting under section 185 of the RTI Act);
 - 2.1.4. Compliance with legislatively based requirements for:
 - 2.1.4.1. Access and amendment applications and processing (parts 2 – 4);
 - 2.1.4.2. Decision making (part 5);
 - 2.1.4.3. Processing and access charges (part 6);
 - 2.1.4.4. Giving access (part 7);

- 2.1.4.5. Review processes, including and internal review of decisions under the legislation (part 8);
 - 2.1.4.6. An agency publication scheme (s 21);
 - 2.1.4.7. An agency disclosure log (s 78).
- 2.1.5. Agency community engagement on information management through a government and community stakeholder consultation process.

3. Suitability Criteria for Assessing Performance

- 3.1. The review is based on an assessment of the performance of the agency against the requirements of the *Right to Information Act 2009* and the *Information Privacy Act 2009*, and any subordinate guidelines or instruments made pursuant to the legislation.
- 3.2. Where the legislation states that the agency must meet a particular requirement, that requirement is considered to be an auditable element of the legislation. The review tests whether or not the agency has complied with that requirement.
- 3.3. Where the legislation indicates that the agency should adopt a particular approach, the review will make a qualitative assessment of the extent to which the agency has adopted that approach.
- 3.4. These requirements are summarised in the electronic audit / self assessment tool available for preview on the OIC website and previously sent to you.

4. Assessment Process

- 4.1. In conducting the review, the Manager, Performance Monitoring and Reporting (Ms Karen McLeod) and the Senior Performance, Monitoring & Reporting Officers (Mr Dean Girvan and Ms Celina Harlow) will work through the testing program with your nominated staff to ensure that each relevant area of practice has been considered and appropriate evidence gathered to support findings. Appropriate evidence may be gathered through the following processes:
 - 4.1.1. Discussions with relevant staff and management;
 - 4.1.2. Observation of RTI and IP handling practices;

- 4.1.3. Examination of agency RTI website including publication schemes and disclosure logs;
- 4.1.4. Review of desktop audit recommendations and agency response;
- 4.1.5. Examination of agency intranet;
- 4.1.6. Review of statistical records/reporting;
- 4.1.7. Review of reported self assessment via the electronic audit; and
- 4.1.8. Substantive testing of a random sample of application and internal review files.
- 4.1.9. Consultation with stakeholders in government and the community to discuss data and information that they would like proactively released from Transport and Main Roads, and analysis of the extent to which this information is provided in a format that the stakeholders can use.
- 4.1.10. Reviewing the Department of Transport and Main Roads' information asset register.

5. Reporting

- 5.1. The report will outline findings and make recommendations to improve the Department of Transport and Main Roads' implementation of the RTI and IP reforms.

Issues identified during the review regarding the agency's implementation will be raised progressively during the review. If necessary, OIC will provide a briefing to management within the Department of Transport and Main Roads before drafting the review report.

The draft review report will incorporate issues identified during the review and any agency comments, and will then be provided formally to the management of the RTI and Privacy Unit for comment.

Comments received will be considered for incorporation into the final report to yourself.

This final report, together with any comments of the Director-General and the agency's formal response to recommendations, will be submitted to the Parliamentary Committee for Legal Affairs, Police, Corrective Services and Emergency Services.

6. Administrative Matters

6.1. Timing

At this stage, it is envisaged that the on-site review will commence in September 2011 and will be finalised by early December. The exit meetings and report drafting should be concluded by the end of December 2011, assuming circumstances do not intervene.

6.2. Request for Information

Further information is requested below in preparation for the on-site visit.

It would be of assistance if such information could be provided to OIC as soon as possible, and at the latest within 20 business days, for the efficiency of the on-site visit.

6.3. Facilities

It would be greatly appreciated if a work space and access to a computer and photocopying facilities could be made available to the review team for their onsite visit.

Appendix 3 – Department of Transport and Main Roads Action Plan

Rating	Description
High	OIC considers urgent (immediate) attention is required to complete the action
Medium	OIC considers that medium term action is required (anticipated action completion within 3 to 6 months)
Low	OIC considers that long term action is required (anticipated action completion within 12 months)

OIC recommends:-		TMR response and any proposed management action	OIC Rating	TMR nominated owner	TMR nominated completion date
#	Recommendation				
1	Review the document 'Community Engagement: Policy, Principles, Standards and Guidelines' to ensure it is up-to-date and to incorporate specific mention of working with stakeholders to identify and meet their information needs, within 12 months.	Recommendation is supported. TMR will implement this recommendation within timeframe.	Low	Tony Tranchida, Director (Corporate Communication and Media)	1/7/2013
2	Review performance monitoring systems and ensure that performance measures are developed for operational aspects of application handling, within six months.	Recommendation is supported. TMR will implement this recommendation within timeframe.	Medium	Graeme Healey, Assistant Director (RTI & Privacy)	21/12/12
3	Publish TMR's Information Asset Register on the website within the next six months. Publish updates on the agency's website as new datasets are added to the Information Asset Register or as datasets are published.	Recommendation is supported. TMR will implement this recommendation within timeframe.	Medium	Chris Fechner, Chief Information Officer	21/12/12

OIC recommends:-		TMR response and any proposed management action	OIC Rating	TMR nominated owner	TMR nominated completion date
#	Recommendation				
4	Examine opportunities to work with industry and communities to publish data holdings innovatively, for example by way of interactive applications, within twelve months.	Recommendation is supported. TMR will implement this recommendation within timeframe.	Low	Tony Tranchida, Director (Corporate Communication and Media)	1/7/2013
5	Improve the visibility of administrative access schemes, for example by linking to administrative access schemes from their RTI webpage under the heading 'How do I access information', within six months.	Recommendation is supported. TMR will implement this recommendation within timeframe.	Medium	Tony Tranchida, Director (Corporate Communication and Media)	21/12/12
6	Within three months, ensure business units responding to applications for information under the RTI Act or IP Act provide all requested documents, together with all clearly identifiable attachments relevant to a document, to the RTI and Privacy Unit on the first occasion.	Recommendation is supported. TMR will implement this recommendation within timeframe.	Medium	Graeme Healey, Assistant Director (RTI & Privacy)	31/10/12

Appendix 4 – Details of Stakeholder Consultation

OIC asked community groups and other TMR stakeholders about the information and data they would like TMR to make available to the community.

Fourteen groups were selected as a sample of the stakeholders that might be interested in TMR information and data. Stakeholders were selected in consultation with TMR, starting from the list of 41 identified stakeholders with whom TMR have a specific communication strategy. OIC asked TMR to nominate stakeholders from that list who represented social and community interests, environmental and research interests, and economic and industry interests. OIC also sought to include stakeholders who represented application developer interests.

OIC worked with representatives from within TMR to ensure there was equal representation of stakeholders across both Transport and Main Roads. OIC identified the sample of government and community groups as being representative of TMR if they interacted with TMR or TMR clients as industry representatives, researchers or community interest groups. Of the fourteen stakeholders invited to undertake the consultation process, the nine stakeholder groups who elected to participate in the exercise were:

- Royal Automobile Club of Queensland (RACQ)
- Google Australia
- Queensland Transport and Logistics Council
- Queensland Bus Industry Council
- Marine Queensland
- Centre for Accident Research and Road Safety – Queensland
- Rail Back on Track
- Queensland Major Contractors Association; and
- Bicycle Queensland.

Seven stakeholder groups were interviewed and two provided a written submission to the questions.⁵⁴ The two stakeholders who provided written submissions agreed that the

⁵⁴ Four stakeholder groups did not respond to the invitation request while a further one responded to the invitation and expressed their preference not to participate in the consultation process.

submissions could be reproduced verbatim, and these are provided at the end of this appendix.

A letter of invitation was sent to stakeholder groups on 23 November 2011, attaching questions so that stakeholders could consider their responses in advance (the list of questions is provided at the end of this appendix). Interviews were conducted between 13 December 2011 and 27 January 2012.

Overall

Stakeholders expressed keen interest in the publication of TMR information. The general tone of the interviews was positive and supportive. The overwhelming impression for OIC was that stakeholders reported a positive working relationship with TMR and that TMR provided a good level of client service in providing access to information. Overall, stakeholders had reported an improved level of access to TMR's information and that the culture of the department was becoming more open. However, some examples were provided where TMR is still considered risk averse, with a reluctance to release information without prior agency review, a process which takes time and impedes immediate use, for example, in responding to media enquiries.

The use of TMR's information by stakeholders varied greatly. However, the underlying notion for all stakeholders was that access to TMR information would assist them in improving the delivery of their services to their members or the broader community. In some cases, stakeholders wanted information in order to assist government in formulating policy or in educating the community, for example, in road safety. Others sought the information to develop policy solutions to industry issues and/or to commence discussions or lobbying for improvements to the transport sector for better service, regulation and infrastructure.

Google expressed an interest in working with TMR and other transit agencies in 2012 to develop public transportation tools. These applications are to be made available to the broader community through web and smart phone technology. All the developer will require from TMR and other transit agencies is up to date network data provided through a feed file. Google is proposing to develop this product at little or no cost to TMR.

One stakeholder suggested TMR consider a geospatial map of rail bridge locations and height clearances to publish on their website as this could assist commuters and transport operators in planning travel routes and potentially reduce the number of bridge strikes that

create huge disruptions to transport networks. TMR has the opportunity to provide these services to the community through the willingness of Google and other application developers to engage with TMR in delivering such products potentially at little or no cost to the agency.

The majority of stakeholders advised that they did not see any risk with TMR publishing information. If anything, stakeholders commented on the risks to TMR in not publishing the information:

- Three stakeholders commented on the risks associated with a lower level of public debate on projects or policy decisions. They thought TMR held information used to support project decisions or policy directions should be made available to improve the standard of public debate about project decisions and policy direction.
- One stakeholder thought that TMR risked unnecessary criticisms of policy and project decisions when the decisions were made without also providing the supporting data.

Some stakeholders identified that data was not made available to them on the grounds of that the information was commercial-in-confidence or due to privacy concerns.

Stakeholders conducting research said that on occasion, they have needed personal identifying information to be able to match data across datasets, for example, to match records across databases held by different government agencies, such as TMR, the Queensland Ambulance Service and the Queensland Police Service. TMR has been reluctant to provide this information. Researchers commented that university based research undergoes an ethical approval process prior to being conducted and thought this should mitigate concerns about releasing data to academic researchers.

Some stakeholders said that there is other information that they would like from TMR but it was difficult to know whether it was available or exactly what information TMR does hold. Stakeholders said that publication of TMR information holdings would assist them in seeking information from TMR.

Listed below are the specific comments or information requirements mentioned by stakeholders.

Current information provided by TMR that stakeholders regarded highly

- Weekly Crash reports

- Rail Safety Regulator reports, Factual reports and Investigation reports
- Bus Growth and Replacement Numbers
- Research reports (commissioned by TMR)
- Aggregate Registration and Licensing statistics

Information held by TMR that stakeholders consider will assist their organisation

- Road Crash Data, involving fatalities and injury
- Weekly road toll data (Qld Road Toll Weekly Report) providing aggregate road toll statistics and comparative analysis for Queensland (including a breakdown by regions) and for all States and Territories
- Products from research commissioned by TMR, for example, Wave Survey results which could lead to analysis of trends in speeding and driving under the influence based on self-reports by survey respondents
- Transport Registration and Integrated Licensing System (TRAILS) (registration and licensing) data at the aggregate and unit level
- Passenger load data and go card statistics, particularly relating to management of congestion during peak periods. For example, railway stations with large volumes of patrons tagging off could be identified as locations for extra machine readers being installed to reduce the queue levels and disruptions to passengers
- Road and bridge condition audits
- Bridge strike (that is, the incidence of vehicles striking bridges) and rail infringement data, including data on the number of bridge strikes, bridge strike locations and bridges with protection (height warning systems)
- Household travel survey data
- Raw data (desensitised) supporting industry benchmarks and indexes established by TMR
- Up to date data about transit networks defining stops, timetables, routes, trips and other aspects of the network
- Data about biking routes in pdf format. (It should be noted that this information is already made freely available through TMR's website.)

Primary use for information

The consultation process found that stakeholders had a multitude of reasons for wanting access to TMR information but the underlying premise was improving their services. For example:

- Three stakeholders advised that access to TMR information would assist their organisation in providing education (fact sheets and articles) and public awareness (through media release) to the broader community about topical issues such as road safety.
- One stakeholder thought that the product of their research could be used by government agencies and other industry bodies to formulate road safety policy and initiatives such as road safety campaigns.
- One stakeholder advised that the information sought would be used to develop web-based applications for the broader community through web and smart phone technologies. The stakeholder planned to provide this community service at no cost to the agency.
- Two stakeholders advised that access to information sought from TMR would assist their members in understanding developments within the industry. Primarily the information would be used by members for business planning and managing of their resources to meet future demands, which in turn would help to establish a more efficient and sustainable industry.
- Of the nine stakeholders who undertook the consultation process only two considered part of their role was to lobby government for improvement to infrastructure and services. Five stakeholders considered their role was one of working with government or providing submissions to legislative amendments affecting the industry or aimed at improving or developing policy.

Stakeholders view of risks to TMR in publishing this information

The majority of stakeholders advised that they did not see any risk with TMR publishing information (four stakeholders). If anything, stakeholders thought the greater risk to TMR was in not publishing the information.

Three stakeholders thought that increased sharing of information would lead to a greater level of transparency and trust in a policy or project decision taken by TMR or in the

statistics released by the department. As one stakeholder indicated, the risk to TMR was possible criticism of policy direction or project decisions when the evidence base was unknown. Three stakeholders thought that there would be less scepticism about the reliability and accuracy of published information if supported by evidenced based data.

Stakeholders identified a risk of misinterpretation of the data if it was published, and thought that could be alleviated if the department provided explanations of the data or provided limitation disclaimers with the data being released. False assumptions arriving from misinterpretations of the data was not seen as a reason for agencies to withhold publishing data (one stakeholder).

Most stakeholders indicated that they were aware of the sensitivities of some information. Some stakeholders advised that they had been denied information on the grounds that the information was commercial-in-confidence or on the grounds that there were privacy concerns about an individual's personal information. TMR has taken steps to manage privacy issues in support of release of information for research purposes. TMR has developed a consent form for people to provide permission for their information in TRAILS to be used for research. This form is currently only available in hardcopy and as one stakeholder indicated, it would be useful if TMR could also make it available online.

Information that stakeholders believe might be held by TMR, and if so, could be usefully published

Stakeholders believed that TMR might hold some information of general public interest:

- Traffic modelling data and outputs for transport planning decisions, from long range strategies to choosing between specific project options
- Project evaluations and post implementation reviews
- Access to map-based crash data (through Webcrash) for identifying hazardous road locations and details in relation to crashes (e.g., contributing factors) at certain locations, and therefore priorities for road improvements; and
- A geospatial map of rail bridge locations and height clearances linked to travel route information.

All stakeholders acknowledged that TMR publishes a large volume of information in the public arena. Some stakeholders reported difficulty finding some of the published data on the agency's website, even with the search engine. Two stakeholders indicated that it was difficult to know exactly what information TMR does actually hold. Publication of TMR

information holdings would assist stakeholders in only seeking information from TMR if that information is held by TMR.

Characteristics of information that community stakeholders considered important

Stakeholders commented on the timing, quality of information and other characteristics of the information that they believed would add to the usefulness of the information to them:

- It is important that the information is reliable and correct (four stakeholders)
- Providing evidence based data that supports benchmarks, indexes and government policy decision so that the veracity of the data reported can be confirmed (three stakeholders)
- Most stakeholders advised that they were happy with the format in which information is provided to them.
- By and large TMR does try and provide access in a format suitable to the stakeholder (six stakeholders). One stakeholder further stated that if information was not received in the format required the department will endeavour to provide it in the required format.
- One stakeholder expressed a preference to access information in a more usable format, such as an Excel spreadsheet, rather than the current practice of providing information in Portable Document Format (pdf) format, which they said was not a user friendly format for meeting their needs.
- If there is a risk of misunderstanding the information, TMR should consider publishing explanatory notes or limitation disclaimers with the data (one stakeholder).
- A better whole-of-government approach needs to be undertaken to better facilitate the matching of data across all departments (one stakeholder).
- Generally, the release of information to stakeholders was considered to be within an acceptable timeframe, with six stakeholders advising they were happy with the turnaround times. However some stakeholders have advised that while they consider the release of information to be quite timely they would like to see less delays and lag time in releasing some data -
 - Would like to see passenger load data released more regularly (for example monthly)

- Considerable delays or lag time in the release of road crash data, particularly data about road crashes that did not result in a fatality (three stakeholders). These delays could be as much as 24 months, which made it difficult to comment on areas of road safety. In another example, one stakeholder indicated that the Data Analysis Unit within TMR specify a minimum turn-around time of 5 days for provision and checking of data from Webcrash which is not suitable when trying to answer media enquiries that are often required the same day.

Comments on current processes for obtaining information

Most stakeholders acknowledged that they have a close working relationship with the department and that staff were very service delivery focused in providing access to TMR data where possible. The majority of stakeholders indicated that access to TMR information had improved and that the department was more open and less secretive about the information it held.

Stakeholders commented on the current system for obtaining TMR information:

- Most stakeholders indicated that they had a close working relationship with TMR and a contact within a particular business unit or senior management level through which they could request access to TMR data.
- The best way to get information was to use the contacts within TMR. Of the nine stakeholders consulted, eight advised that they have not had to undertake the RTI legislative process to access departmental information.
- A couple of stakeholders indicated that information from TMR was more freely accessible when working with the department on a particular project or when commissioned by TMR to undertake specific research.
- Attendance at meetings with TMR, for example, participation on departmental advisory committees can be helpful and in most circumstances these stakeholders reported that they were usually able to gain access to all information requested from the department.

Questions sent to Stakeholders for Community Consultation

Specific questions about TMR held information – to assist you in considering QPS publication of information.

With respect to information that you know is held by TMR:

- What information held by TMR is/might be of assistance to your organisation?
- Would this information be primarily of use for your organisation or for your clients? If it is for your clients then please identify the type of client who would benefit from this information.
- What could you or your clients do with the information?
- Do you think there are risks in TMR publishing this information?

With respect to information that might or might not be held by TMR:

- To what extent does your organisation conduct projects, lobby government, make submissions on legislative amendment or other community wide activities?
- Can you identify any of your projects or community wide activities where TMR might have information relevant to your activity or where TMR information might have been important to you but not publicly available?

With respect to information that is already being released:

- Is information that is currently released provided in an acceptable time period? If not, how often should this information be released?
- Is information that is currently released provided in a form useful to your organisation or clients? If not, what form would improve its usability?
- Is there anything TMR currently does which assists you in making use of the information that is released? For instance, does TMR have a facility to provide alerts when information is released, is information released in multiple formats, is information released specific to an area or is there a TMR contact available to discuss information released.
- Are there any impediments to making use of information that is released? If so, what would assist to reduce or remove these impediments?

Reproduction of RACQ Stakeholder Consultation Submission

Information Commissioner,

The RACQ is pleased to provide the information below to assist with your review of the Department of Transport and Main Roads (TMR).

In general, RACQ maintains a productive relationship with TMR management and staff. On an individual basis, the staff are helpful to the extent they are able. When it comes to data and information, however, TMR has a risk averse attitude and is generally reluctant to release information that has not been expressly approved by a Minister. This process may occasionally avoid a negative media focus but it also reduces the quality of public debate and results in poor decision making.

Information that might be of assistance to RACQ:

- Crash data (including map-based and crash details);
- Licensing, registration and traffic offence data;
- Household travel survey, traffic counts and public transport ticketing data;
- Traffic modelling outputs;
- Capital project evaluations;
- Road and bridge condition audits;
- Post implementation reviews.

Most of the information would primarily be of use to RACQ for policy development purposes. We may pass some data on to members through correspondence, media statements, articles in The Road Ahead magazine, etc. Most of the information we may pass on would be in the form of evidence to support our policy positioning, so it would be aggregated and analysed rather than reproducing large amounts of data.

What could RACQ do with the information:

- Improve RACQ's policy formulation and advocacy on behalf of members;
- Educate members of the complexities and rationale behind government decisions;
- Act as an independent and trusted commentator to inform media; and
- Improve the standard of public debate on policy and project choices.

Risks in TMR publishing this information:

- Possible calls for the Government to address trends in crash/licensing/registration/offence data; and
- Possible criticism of policy and project decisions when they are not well supported by the data.

RACQ has a strong involvement in advocacy and is frequently in contact with all levels of government, other relevant stakeholders and our 1.2 million members on a variety of issues relating to vehicles, roads, traffic and transport. The issues concerning government primarily relate to policy and project decisions but also include operational matters occasionally raised by RACQ staff or members.

The range of data which we believe TMR holds, if more readily available, could help inform RACQ in relation to a wide range of issues.

Example – Traffic modelling data:

- TMR undertakes traffic modelling to inform transport planning decisions, from long range strategies to choosing between specific project options. The RACQ has sought access to this data and analysis to inform our position on the subsequent reports and decisions. Access to the data is rarely provided, so RACQ views have to be made without the best evidence or understanding of why the decision has been made.
- The recent ‘Connecting SEQ 2031’ transport plan is a good example as numerous policy options were modelled to inform the plan’s development. RACQ requested, but was denied, access to the modelling outputs.

Example – Project evaluations and Post Implementation Reviews:

- RACQ often receives member correspondence on road projects during planning stages or construction.
- In general, TMR staff provide reasonable written responses when asked for feedback by RACQ on these issues.
- However, the RACQ is usually unable to access the source data and contracted reports that inform decisions so we have no way to check the veracity of the assumptions and claims made.

- Where there isn't reasonable justification, we therefore have to assume that political decisions have been made and these are not supported by any data.
- Substantial funding for busways over a 10 year period has been accompanied by assertions of the high value of these investments. Despite the large amount of public funds and regular requests from RACQ for the information, there is no published Post Implementation Review of this program. In RACQ's view, this is an example where the data is withheld because it is not consistent with government rhetoric.

Example – Road crash data:

- TMR has reported significant 'lags' of up to 2 years in the reporting of road crash data (in particular for crashes that are not fatal) and has not published detailed analysis on road crash data as they previously did (Road Traffic Crashes in Queensland). It is more difficult for RACQ to comment on what areas of road safety should be prioritised, if timely details in relation to crash data are not available. Ideally, resources should be provided to minimise any lag in crash data reporting.
- Access to map-based crash data (through Webcrash) for identifying hazardous road locations and details in relation to crashes (e.g., contributing factors) at certain locations could assist RACQ in advocating for road improvements where they are most needed.
- Weekly crash reports are useful (as preliminary statistics) and should be continued.
- The TMR Data Analysis Unit requests that any data that is obtained from Webcrash (which RACQ has some access to) is 'checked' by them prior to use in media releases/publishing. The Data Analysis Unit specify a minimum turn-around time of 5 days for provision of/checking of data. This is not suitable for use in answering media enquiries (which are often required 'same day'). Providing further training in the use of Webcrash for external users (such as RACQ) may help to eliminate the need to 'check' data that is accessed through the database.
- Published data/statistics from TMR do not need to be 'checked' by the Data Analysis Unit and therefore an increased range of published information would also help to reduce delays in responding to enquiries etc. (because users such as RACQ would have access to information that has already been 'checked').

- Increased resourcing of the Data Analysis Unit could help to provide faster turn-around time for answering enquiries as well. Bearing in mind the needs of media and social media (which many Queensland stakeholders use to obtain information about roads, traffic and road safety) are that information is provided as quickly as possible. Any steps to reduce turn-around time for provision of statistics would help.

Appendix 5 – Google Stakeholder Consultation Submission

Google Australia Pty Ltd
Level 5, 48 Pirrama Road
Pyrmont NSW 2009



Tel: 02 9374-4000
Fax: 02 9374-4001
www.google.com.au

8 February 2012

Julie Kinross
Information Commissioner
Office of the Information Commissioner
Level 8, 160 Mary Street
BRISBANE QLD 4000

Right to Information - Review of Department of Transport and Main Roads

Thank you for your 23 November letter to Nick Leeder inviting Google to comment on the Department of Transport and Main Roads' (TMR) proactive publication of information, including data.

The review is a good opportunity to look at best practices, but also to consider the value the public gets from the open release of Public Sector Information.

In 2012, Google is looking forward to discussions with TMR and its agencies about using the transit data they hold to provide valuable services to the travelling public of Queensland.

Transit on Google Maps is a public transportation planning tool that combines the latest agency data with the power of Google Maps. It integrates transit stop, route, schedule, and fare information to make trip planning quick and easy for everyone. Google Transit is an innovation which allows users to plan point-to-point journeys on public transport, combining this with rich local information on Google Maps, on desktop and mobile.

This service is available to people when and where it is most needed - on their mobiles (through the free Google Directions app and Google Maps app). This matters to Australians as they are the second biggest smartphone users in the world per capita. Google Transit doesn't require users to know where they are or the name of the closest bus/rail station or even an address - all they need to know is where they want to go to, be it a cafe, bar or museum.

Google Transit can tell you when your ride is actually going to arrive. Real time services have recently been launched in a few US and EU cities - which gives the most up-to-date information on delays, station closures and track work - telling you when your transport is *actually* going to arrive not just when it's scheduled to arrive.



Transport is a priority for the people of Queensland, Google Transit will:

- Make people's lives easier
- Raise awareness of public transportation to attract new passengers and tourists
- Help seasoned passengers discover new routes
- Maximise Queensland's infrastructure investment by encouraging use
- Allow people to route around disturbances; and
- Google will do this for free - all we need is up-to-date transit data.

Australia has a history of innovation in mapping - our global Maps product originated here. Globally, more than 500 cities already have Google Transit. In Australia, we already provide Google Transit in Perth, Adelaide, Darwin, Canberra, will shortly be switching it on in NSW and Tasmania, and are currently in talks with Melbourne.

In Queensland, Google has agreements in place with Transit Australia Group and qConnect, but would like to expand this coverage to all Translink areas and all forms of public transport in Queensland.

For more information on about Google Transit, its technical requirements and how you can make public transit data universally accessible please visit this website: <https://developers.google.com/transit/>. Some information what data and formats Google uses are in **Attachment A**.

We are excited about the benefits this technology will provide to the people of Queensland and look forward to discussions with TMR and Queensland transport agencies about setting up a transit data feed.

We would be happy to discuss this submission and the contributions Google is able to make to making transit data available in more detail. Please contact Matt Dawes by phone on +61 2 9374 4108 or by email at mattdawes@google.com.

Kind regards

Matt Dawes
Public Policy & Government Affairs
Google Australia & New Zealand



Attachment A

Google Transit Requirements

In order for Google Transit to work, transport operators need to provide Google with up-to-date data about their networks. This is done through a file called a Feed File, which is a zip file in GTFS format, which contains within it a number of text files that define stops, routes, trips, timetables and other aspects of your network. A Feed File needs to contain complete information about the network, 4 weeks in advance. Google runs a Weekly Build once a week to update all the Transit-related data. If transport operators have uploaded their Feed File weekly (which can be done via an automatic fetch mechanism), it will be live on Maps by the middle of the following week.

For more information on about Google Transit, its technical requirements and how you can make public transit data universally accessible please visit this website:

<https://developers.google.com/transit/>

Appendix 6 – Executive Consultation Policy

Transport and Main Roads

Title:	Executive Consultation Policy	Status:	Current
Version:	4	Document Type:	Policy
Contact:	Graeme Healey Assistant Director RTI and Privacy 07 3306 7102	Owner:	Director (Legal and Prosecution Services)

Summary

The Executive Consultation Policy aims to observe the interests of the Minister for Transport and Main Roads, the Assistant Minister for Public Transport, the Director-General and senior management by giving early notification of receipt of applications under the *Right to Information Act 2009* and *Information Privacy Act 2009* requesting access to sensitive documents.

Policy

Where a Right to Information or Information Privacy application is considered sensitive, consultation with senior officers is to occur.

The interests of the Minister for Transport and Main Roads, the Assistant Minister for Public Transport, the Director-General and appropriate senior management officers are to be observed by this process of early notification of receipt by the Department of an application under one or more of the above-mentioned Acts, in which access to sensitive documents is sought.

Scope

Consideration under this policy will apply to all applications received under the *Right to Information Act 2009* and *Information Privacy Act 2009*.

Executive consultation aims to give early advice to senior officers of the potential release of sensitive documents under the provisions of the above-mentioned acts. The executive should at all times be given due notice and the opportunity to discuss issues pertaining to the documents in issue.

The process has four stages,

- Stage 1 Early notification of the receipt of an application. This is to occur as soon as practicably possible following receipt of an application.
- Stage 2 Notifications being sent to interested officers advising that the responsive documents have been identified. Offering the opportunity to inspect the documents identified for release and discussing any relevant issues arising from the potential release of the documents.
- Stage 3 Where a decision is made to release sensitive documents, the relevant Division responsible for the documents in issue, should be prepared to provide advice for the Minister's Office or Director-General, should it be required.
- Stage 4 Where an Internal Review ('IR') is received for an application that was processed via this policy, relevant officers will be advised of the result of the IR. If the IR varies the original decision in any way the relevant officers will be advised of the outcome and offered the opportunity to discuss the variation.

Responsibilities under this policy

Responsibilities of RTI and Privacy Unit

Provide advice and direction in accordance with this policy. All decision makers who have been authorised under the provisions of the above Acts must comply with this policy and make decisions on access in accordance with their respective delegations. This policy does not override or supersede the decision maker's responsibilities under the particular Act or Regulation.

All applications received from media organisations and political parties are to automatically be managed under this policy.

Responsibilities of Divisional Officers

There may be some applications received by the Department of Transport and Main Roads that are not initially evaluated as sensitive. Where a Division considers an application as sensitive they are to advise the Assistant Director (Right to Information and Privacy) as soon as possible. These applications will then be managed under this policy.

For this policy to be effective, where Divisions are requested to provide documentation, they must ensure prompt return of information within requested timeframes, or timeframes as arranged with the RTI and Privacy Unit. Any delays in providing documentation could result in non-compliance with mandatory statutory timeframes, increased risk to the department and could lessen available time for internal consultations.

In order for the Minister or the Director-General to be prepared to answer questions from media organisations or political parties, responsible Divisions should be prepared to provide the Minister's Office or the Director-General with immediate advice about the released material and its particular sensitivity or significance.

Contact Officer: Assistant Director (Right to Information and Privacy)
Legal and Prosecution Services Branch
Corporate Governance
Phone: 07 33067102
Email: graeme.j.healey@tmr.qld.gov.au

Policy sign off

This policy is **approved** by:

Name Chris Mead

Position Acting Deputy Director-General (Corporate)

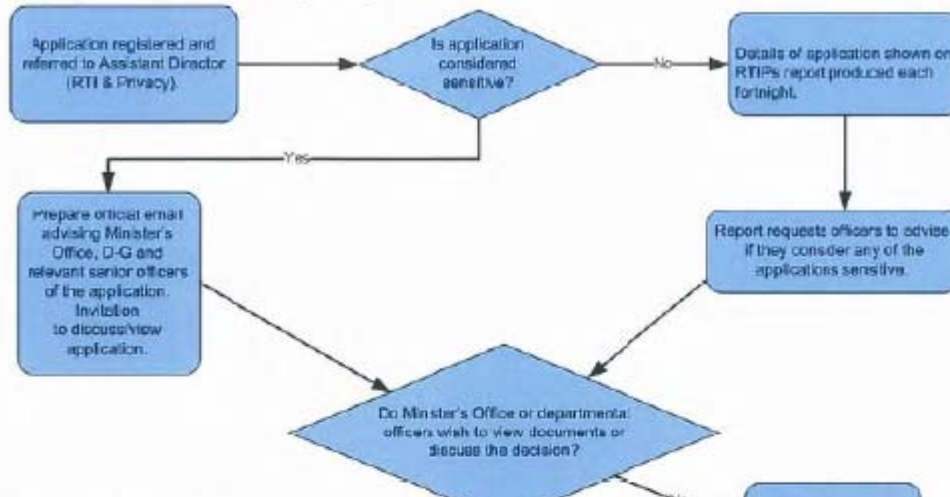
Signature



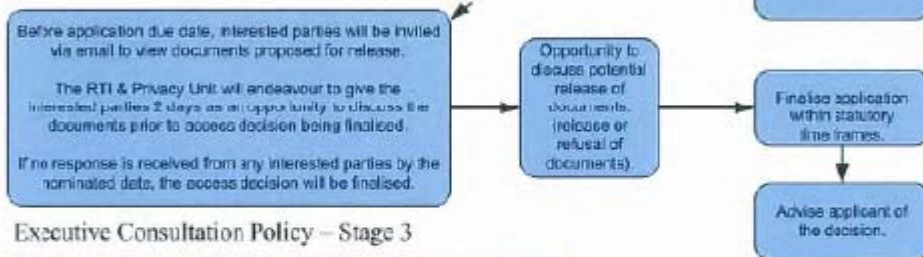
Date

7/6/12

Executive Consultation Policy – Stage 1



Executive Consultation Policy – Stage 2



Executive Consultation Policy – Stage 3

Once the decision to release documents has been made, the relevant Division responsible for the supply of documents to the RTI and Privacy Unit should be prepared to supply a Summary Advice document should it be requested by the Minister's Office or the D-G.

Executive Consultation Policy – Stage 4

