



Office of the Information Commissioner
Queensland

Compliance Review – Rockhampton Regional Council

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

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 section handling right to information and information privacy matters and their desire for continuous improvement.



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May 2014

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

Dear Mr Berry

I am pleased to present 'Compliance Review – Rockhampton Regional Council: Review of the Rockhampton Regional Council's compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld)'. 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 improvement.

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

A handwritten signature in black ink, appearing to read 'Rachael Rangihaeata'.

Rachael Rangihaeata
Information Commissioner

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¹ 'RRC' stands for Rockhampton Regional Council.

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1 Executive summary

This report details the findings of a review of Rockhampton Regional Council's (**RRC**) compliance with the *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (Qld) (**IP Act**). Overall, RRC is considered to be meeting its legislative obligations well. Key findings were that RRC:

- had strong leadership and governance of right to information and information privacy, expressed well in high-level strategic policies and procedures for information management
- had a clearly articulated policy and good practice for community engagement
- was seen by industry, community and research stakeholders to be engaging effectively with them about information access and privacy issues, although further opportunities were identified for RRC to develop administrative arrangements to release information
- was not consistent in communicating effectively with individuals requesting information across all its service delivery areas
- had a website abundant in information for the community, in an accessible format
- overall, complied with the technical requirements of the RTI and IP Acts, including providing a publication scheme, ensuring compliance of the disclosure log with the legislation and Ministerial Guidelines and in the handling of applications for information under the legislation
- complied with the legislative requirements for processing formal applications under the RTI and IP Acts, although additional communication during application processing would enhance RRC's level of service to the community seeking information; and
- could improve compliance with the Information Privacy Principles to ensure the community was advised about the use and disclosure of personal information at the time of collecting the personal information, and could find out about the personal information RRC holds and how that information is used and disclosed.

Opportunities for improvement are discussed in greater detail throughout the remainder of the report. Recommendations have been made to assist RRC in taking up these opportunities.

2 Recommendations

Summary of the Next Steps

Culture of Openness	Leadership & Accountability	Maximum Disclosure	Compliance
Implement a strategy to build consistent communication across all sections in RRC responding to requests for information. (Rec 1)	Actively manage right to information and privacy activities through operational level plans. (Rec 2)	Develop and promote additional arrangements for administrative access to information. (Rec 6)	Provide direct links from the publication scheme to registers and lists and incorporate a complaint handling procedure into publication scheme. (Rec 8)
	Provide awareness training to all staff about communicating with individuals seeking information. (Rec 3)	Finalise list of information holdings; use the list to review publication of information and publish the list. (Rec 7)	Enlist all sections in RRC to ensure the publication scheme is up to date and well-populated with accurate, significant and appropriate information. (Rec 9)
	Promote staff training in right to information and privacy. (Rec 4)		Provide direct links to documents in the disclosure log. (Rec 10)
	Ensure organisational plans measure right to information and privacy achievements. (Rec 5)		Develop a strategy for improved communication with applicants for information. (Rec 11)
			Update and publish list of personal information holdings. (Rec 13)
			Improve privacy collection notices on forms and when recording investigation interviews. (Recs 12 & 14)

It is recommended that the Rockhampton Regional Council (RRC):

Recommendation One

Within twelve months, develop and implement a communication strategy to guide all sections within RRC in their dealings with requests for information, in order to provide better client services, streamline procedures and resolve information requests administratively to the greatest extent possible.

Recommendation Two

Within twelve months, explicitly include right to information, information privacy and information management activities in operational level corporate plans, with active monitoring and oversight of the proactive release of information and protection of personal information in accordance with the RTI and IP Acts.

Recommendation Three

Within twelve months, develop and implement training for all staff in how to effectively deal with people seeking information from RRC, before, during and after a request becomes an RTI or IP application.

Recommendation Four

Within six months, improve the promotion of staff training in right to information and information privacy on the RRC intranet.

Recommendation Five

Within twelve months, develop key performance targets and incorporate them into operational plans, and measure and report on the effectiveness and efficiency of right to information and information privacy practices and processes.

It is recommended that the Rockhampton Regional Council (RRC):

Recommendation Six

Within twelve months:

- review whether types of information commonly sought, for example, through the Customer Service Centre, the RTI application process and any other processes can be made available administratively; and
- implement arrangements to access that information administratively to the greatest extent possible.

Recommendation Seven

Within twelve months:

- identify and list RRC's information holdings, and give each information holding a security classification, with a view to using this list to systematically release information holdings classified as 'public' to the greatest extent possible; and
- publish the list of RRC's information holdings.

Recommendation Eight

Within three months, review the publication scheme and include direct links to registers or lists as appropriate and include a statement advising of the procedure for making a complaint if information included in the publication scheme is not available.

Recommendation Nine

Within six months, implement a procedure to ensure active input from all sections within RRC in keeping the publication scheme accurate, maintained and updated by the inclusion of any significant and appropriate information.

Recommendation Ten

Within twelve months, implement a procedure to improve the operation of the disclosure log by directly linking to documents published to the disclosure log where it is reasonably practicable to do so.

It is recommended that the Rockhampton Regional Council (RRC):

Recommendation Eleven

Within six months, increase agency contact with applicants for information under the RTI Act and IP Act with greater use of telephone and email contact, in order to:

- clarify and understand the scope of the request and the applicant's needs
- identify opportunities to provide access more efficiently
- improve applicants awareness and understanding of the procedures for handling the access application; and
- resolve any issues arising in the course of finding or releasing the information.

Recommendation Twelve

Within twelve months, review forms to ensure collection notices on forms inform users of those entities to whom it is Council's usual practice to disclose personal information.

Recommendation Thirteen

Within twelve months, review the published *Privacy Policy* and include within it the classes of documents containing personal information that are held by RRC, the types of personal information contained in those documents and the main purposes for which the information is used.

Recommendation Fourteen

Within six months, ensure that the investigation procedure and work instructions governing the conduct of investigations include a requirement that a personal information collection notice is provided prior to any audio recording of an interview.

3 Introduction

3.1 Background

The Rockhampton Regional Council (RRC) is one of the 15 largest councils in Queensland in terms of land area, population, rate revenue and employed staff.² The region encompasses the three major localities of Rockhampton, Gracemere and Mount Morgan.

The Rockhampton region is supported by a number of industries including retail, hospitality, agriculture, mining, manufacturing and construction. RRC provides essential services such as water and sewerage, roads and waste collection as well as community services, which include libraries, art services, theatre and venue management, heritage preservation, environmental and public health and child care. In addition, RRC operates the Rockhampton Airport. In delivering these services, in 2012-13 RRC employed approximately 1194 full time equivalent employees³ and operated with a budget of \$236.2m.⁴

As part of providing these services, RRC processes thousands of information requests each year, involving both personal and non-personal information. RRC's Customer Service Centre on average per year has received 140,000 phone calls, processed more than 40,000 customer requests and created more than 30,000 receipts.⁵ In the agency's *2011-12 Annual Report*, RRC reported that it finalised an extensive community engagement campaign, where more than 50 engagement sessions were held throughout the Rockhampton region, and received 30,000 visits⁶ to its dedicated engagement website.

² When this review commenced, the Rockhampton Regional Council was the ninth largest Council in Queensland, covering an area of over 18,300 square kilometres, and home to over 111,500 people. During the course of this review, the area and size of the Rockhampton region was reduced with the de-amalgamation from RRC of the Livingstone Shire Council, which is now responsible for providing local government services to the Yeppoon area and its population of approximately 30,000 people.

³ Rockhampton Regional Council Annual Report 2012-13 [Page 34], prior to the de-amalgamation of the Livingstone Shire Council from RRC.

⁴ Rockhampton Regional Council Annual Report 2012-13 [Page 10], including the budget of \$71.8m for the Livingstone Shire Council.

⁵ Viewed at http://www.rockhamptonregion.qld.gov.au/About_Council/Contact_Us/Customer_Service on 20 February 2014.

⁶ Rockhampton Regional Council Annual Report 2011-12 [Page 9] – this activity was not repeated in 2012-13.

As part of this extensive information provision service, in 2010-11,⁷ RRC finalised 39 applications for information under the *Right to Information Act 2009* (Qld) (**RTI Act**)⁸ and the *Information Privacy Act 2009* (Qld) (**IP Act**).

The size of the council and volume of information managed were among the risk factors that led to RRC's selection for review. OIC conducted a risk analysis across all agencies to develop OIC's annual program of performance and monitoring activities for the 2013-14 year. Other risk factors considered were the volume and sensitivity of personal information held and requested from the agency, the volume of RTI and IP applications received and processed, the proportion of applications relating to personal information, the number of applications for external review and the number of applications carried forward from the previous reporting year.

3.2 Reporting framework

The review has been conducted under section 131 of the RTI Act, which gives the Information Commissioner the functions of monitoring, auditing and reporting on agencies' compliance in relation to the operation of the RTI Act and chapter 3 of the IP Act, and section 135 of the IP Act: review of personal information handling practices.

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.

3.3 Scope and objectives

The objective of the review has been to establish the extent to which RRC has complied with the prescribed requirements of the RTI and IP Acts. In particular, the review focused on:

- Council governance (leadership, governance mechanisms, information management including proactive identification and release of information holdings, policies, procedures, delegations and roles and responsibilities of key personnel and training)
- Accountability and performance monitoring systems

⁷ 2010-11 is the most recent year for whole of government reporting data available to the OIC.

⁸ A list of acronyms used in this report is provided in Appendix 1.

- Whether or not Council is maximising disclosure, by:
 - Reviewing Council's statistical reporting (including internal reporting and annual reporting under section 185 of the RTI Act); and
 - Consultation with communities and industry stakeholders as to their information needs and information management issues, and the extent to which those needs are addressed by Council.
- Compliance with legislatively based requirements under the RTI Act and IP Act for:
 - an agency publication scheme (section 21 of the RTI Act)
 - an agency disclosure log (section 78 of the RTI Act)
 - giving access to information administratively (section 19 of the RTI Act)
 - access and amendment applications (chapter 3, parts 2-7 of the RTI and IP Acts); and
 - review processes, including internal review of decisions under the legislation (chapter 3, part 8 of the RTI and IP Acts).
- Council's personal information handling practices including technologies, programs, policies and procedures to review privacy related issues of a systemic nature generally, and agency compliance with the privacy principles.

3.4 Assessment process

The Information Commissioner wrote to the Chief Executive Officer of RRC on 17 July 2013 to confirm the objectives and scope of the review, and the Terms of Reference, as provided in Appendix 2. The RTI Co-ordinator (Corporate and Technology Services) was nominated as the contact officer for the review.

In performing the review, OIC applied a standardised test program to assess each of the relevant areas of practice. RRC cooperated fully and openly with the process and provided full access to requested materials including the opportunity to meet with relevant personnel.

Regular meetings and discussions were held with RRC's contact officer, and other line management as necessary. These meetings gave OIC the opportunity to provide

feedback to RRC on the key findings of the on-site assessments progressively and provide general updates on the progress of the review.

As part of the review process, OIC wrote to key stakeholders external to RRC to discuss their interests in RRC held information. OIC also conducted public consultation to gauge community sentiment regarding access to information held by RRC, by advertising for comment in local media (newspaper and radio), through OIC's website and through the opportunity for face to face discussion with identified stakeholders.

OIC sought and obtained a sample of application files for review and reviewed 15 application files. OIC also requested files for review following issues raised through public consultation and reviewed a further 9 files. Once examined, any identified issues were discussed with the responsible officers. The comments of those officers resulted in an OIC decision as to whether or not each issue had been resolved by the explanations provided, and whether or not each issue was reportable.

At the conclusion of the review, a draft report was provided to RRC for comment on each of the findings and recommendations of the review. RRC's response to each recommendation is provided in the action plan in Appendix 3.

4 Culture of openness

Background

The object of the *Right to Information Act 2009* (Qld) (**RTI Act**) 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.⁹

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

Key findings

The review found that RRC:

- had strong governance of community engagement through policies, procedures and organisational responsibility
- conducted extensive community consultation
- produced a Community Engagement Policy, Community Engagement Procedure and Community Engagement Matrix which clearly articulated policy and underpinned good practice for community engagement
- was seen by industry, community and research stakeholders to be engaging effectively with them about information access and privacy issues; and
- has dealt effectively with requests and applications for information from the general public, however, opportunities were identified to improve service delivery and streamline information handling through greater consistency of communication across all sections within RRC.

⁹ *The right to information – A response to the review of Queensland's Freedom of Information Act*, Recommendation 127, page 312, viewed at http://www.rti.qld.gov.au/_data/assets/pdf_file/0019/107632/solomon-report.pdf on 26 March 2014.

4.1 RRC's stated commitment to openness

A key general finding in OIC's self-assessed electronic audit conducted in 2013¹⁰ was that agencies reported higher performance across the board if they reported having an explicit statement of commitment to RTI and IP readily available within the agency, for example, in a policy document or as a policy statement on the agency's website.

This review looked for a visible and explicit statement of RRC's commitment to RTI and IP as an indicator of organisational cultural support for openness and transparency in government. OIC found a strong statement of commitment in the *Right to Information Policy*:

*Council is committed to providing, as far as practicable, an open environment which enables members of the public to access Council documents without recourse to formal procedures as described by the RTI Act and IP Act.*¹¹

OIC also found a statement of commitment to openness in the *Information Public Disclosure Procedure*:

*As per the intent of the Right to Information (RTI) Act and the Information Privacy (IP) Act, RRC, as a public authority, must ensure transparency of Council decision making and business practices, and good governance by instilling a culture of bias towards pro-disclosure of information whilst maintaining our obligation to preserve an individual's right to privacy.*¹²

The *Information Public Disclosure Procedure* lists five key principles for release of information:

- *Access to information should be provided, unless its disclosure would, on balance, be contrary to public interest.*

¹⁰ The 2013 *Right to Information and Information Privacy Electronic Audit* reviews the self reported progress of agencies in complying with RTI and IP legislation and guidelines. The report can be viewed at http://www.oic.qld.gov.au/_data/assets/pdf_file/0009/22311/report-2013-electronic-audit.pdf.

¹¹ Viewed in the Policy No. Pol.F4.5, *Right to Information Policy*, Section 5 Context, at http://www.rockhamptonregion.qld.gov.au/About_Council/Policies_and_Publications/Council_Policies_and_Procedure_s on 30 July 2013.

¹² *Information Public Disclosure Procedure*, Procedure No. Pro.F4.5.2, at http://www.rockhamptonregion.qld.gov.au/About_Council/Policies_and_Publications/Council_Policies_and_Procedure_s viewed 24 September 2013, Section 5. OIC gave feedback to RRC that this document was only locatable using the website search engine. It has since been added to list of available policies and procedures on RRC's policies and procedures web page. OIC appreciates RRC's responsiveness to feedback and commitment to informing the community about privacy.

- *There should be proactive and maximum disclosure of all (non-personal) information held by Council; barring confidential or exempt information.*
- *Information should, where possible, be released administratively through the exercise of administrative discretion as guided by this Procedure.*
- *Information should, where possible, be available on Council's Website (Publication Scheme, Meeting Minutes, etc.).*
- *Notwithstanding the proactive approach to the release of Council information, any information or documents withheld still remain subject to consideration under an RTI or IP application.*

OIC considers these to be clear statements of commitment to the release and provision of information.

4.2 Assessment of RRC's approach to community engagement

Community belief and participation in government is fundamentally interconnected with a free flow of information between government and the community. This is explicit in the RTI Act, which promotes openness in government and the flow of information in the government's possession or under the government's control to the community.

An agency's governance framework for community engagement and the activities it undertakes to engage with the community are measures of an agency's internal business culture towards openness and transparency.

RRC has a strong governance structure for community engagement, expressed in policies, plans and organisational roles, and evident in community engagement activities.

RRC has a *Community Engagement Policy*,¹³ which provides for two-way dialogue, participation and involvement by the community, and mandates community engagement prior to any introduction, change or discontinuation of a service. This is supported by a more detailed *Community Engagement Procedure* and a *Community Engagement Matrix* that council staff are required to use to decide what level of community engagement is most suitable. These documents structure the process of community engagement to ensure the level of participation matches the issue at hand.

¹³ RRC's Policies and Procedures are viewable at http://www.rockhamptonregion.qld.gov.au/About_Council/Policies_and_Publications/Council_Policies_and_Procedures.

OIC reviewed the Community Engagement Matrix. It defines community projects as being any project, issue, service or action, and describes four levels of impact that a community project might have on the community, ranging from High Regional to Low Local. For community projects with a High Regional impact, for example, plans affecting region-wide services, the mandatory level of community engagement is at the most inclusive level:

*Engagement must commence before decisions are made or plans are finalised.
Stakeholders must be involved, not just informed.*

For community projects with a Low Local impact, for example, new equipment being installed in a playground, the Community Engagement Matrix requires only that the community be informed. There is no level of impact for which community engagement is not required. Community engagement is described as mandatory for all community projects. The Community Engagement Matrix provides criteria for council staff to assess the level of impact of any community project. This approach is consistent with the RTI Act, in particular, with introductory remarks in the Preamble:

Openness in government increases the participation of members of the community in democratic processes leading to better informed decision-making.

OIC considered the Community Engagement Matrix to be a useful resource that other agencies could consider implementing. A copy of the Community Engagement Matrix is provided at Appendix 4.

OIC assessed how well RRC's policies and procedures were working in practice, and interviewed RRC officers about RRC's community engagement practices. RRC advised that a full time community engagement officer was employed, who kept a register of community engagement activities, reported on progress and who had built awareness and support for community engagement with Councillors and staff. RRC operates Regional Voice,¹⁴ a web page linking to social media, a newsletter, and specific community consultations on RRC proposals.

RRC's community engagement activities were considered to be consistent with the intentions for community engagement expressed in the RTI Act.

¹⁴ Viewed at http://www.rockhamptonregion.qld.gov.au/Our_Region/Community_Engagement_-_Regional_Voice on 7 November 2013.

4.3 Community perceptions of RRC's openness

The RTI Act states that the community should be kept informed of government's operations, that openness in government increases the participation of the community in democratic processes leading to better informed decision-making and that government should adopt measures to increase the flow of information to the community.

In light of these aims, a critical measure of success is the community's perception of the openness and accessibility of government-held information by the community. If RRC's community engagement has been successful, it will be reflected in the community's sentiment or level of satisfaction.

This is a key issue for local governments in Queensland. A recent survey of community satisfaction with local government conducted by the Local Government Association of Queensland¹⁵ identified community engagement as the top performance target area for improving community perceptions of local government. The survey ranked issues of most concern to the community by determining the gap between the level of importance and level of performance. The two top issues were *Responding to the community* and *Consulting the community*. Improved performance in these areas would contribute the most to the community perceptions of and satisfaction levels with Queensland local government.

In the specific case of RRC, community interest in being consulted was evident. In RRC's 2011-12 annual report,¹⁶ RRC reported on the response rate of a major community engagement campaign and the impact of responses on council activities.

¹⁵ 2013 *Community Satisfaction Tracking Study*, Local Government Association of Queensland, Fred Rogers Memorial Trust, January 2014, page xi, viewable at <http://lgaq.asn.au/documents/10136/7c1cf742-c6e8-42e9-8dc0-6a2bcee365d9>.

¹⁶ The relevant consultation was reportable in 2011-12. There was not a similar consultation reported in the 2012-13 annual report.

BE HEARD

The 2011-12 financial year saw the conclusion of Council's most extensive community engagement campaign - BE HEARD. During the campaign more than 50 engagement sessions were held throughout the Rockhampton Region and the dedicated BE HEARD engagement website received in addition of 30,000 visits. Community feedback received from BE HEARD was incorporated into the Rockhampton Regional Community Plan 2012-22 which was adopted by Council in November 2011.

RRC has published information about how the BE HEARD consultation will be incorporated into the new planning scheme and community plan.¹⁷

OIC conducted two types of community consultation for this review to find out what the community's views were about RRC's culture of openness:

- contacting a sample of stakeholder agencies in fields of industry, community service or research who might seek information from RRC; and
- advertising through the media (radio and newspaper) and on OIC's website for comments from the general public.

These two consultations are described in the next two sections of this report.

4.3.1 OIC consultation with the community - industry, community service and research stakeholders

In consultation with RRC, OIC identified 19 stakeholders from community service, industry and research/policy sectors to consult about the accessibility of information held by RRC, and wrote to those stakeholders to obtain their views on RRC's culture of openness and provision of information. OIC staff visited Rockhampton and offered the opportunity for face to face discussion with identified stakeholders. No stakeholder exercised this option.

A list of the stakeholders who were contacted, the standard questions provided to each stakeholder and details of stakeholder responses are provided in Appendix 5. Responses were received or obtained from eight of the 19 stakeholders contacted. The respondents were considered representative of the wider sample of stakeholders.

¹⁷ Viewed at http://www.rockhamptonregion.qld.gov.au/Our_Region/Towards_2050/Rockhampton_Region_-_BE_HEARD on 7 November 2013.

The stakeholder responses were positive and supportive, with stakeholders reporting a good working relationship with RRC. Stakeholders reported:

- the staff of RRC are helpful (seven responses), for example, specific comments were:
 - *they are very good to deal with, prompt, efficient*
 - *no problems getting information, good officer to officer contact, never had to write to them formally to request information*
 - *had no trouble with the Council, they've always answered or put us through to the right person*
- dealing with RRC is generally a very good experience, and any problems are always quickly rectified; and
- RRC have been good in talking stakeholders through the process.

OIC found that RRC's dealing with stakeholders were seen by them as positive, helpful and balanced professionally the release and non-release of information.

4.3.2 OIC consultation with the community – the general public

OIC conducted a public consultation by running an advertisement on the OIC website and announcing the public consultation on local radio.¹⁸ The public consultation also attracted attention in the local newspaper.

OIC received ten comments through the OIC website and spoke directly to four individuals who contacted OIC after reading about the call for comment in the newspaper, or hearing it on local radio or through word of mouth. A fifth individual emailed and sent OIC extensive documentation in support of their comments.

These individuals expressed very negative comments about their experiences with RRC. Specific issues raised about access to information were:

- RRC redirects individuals to make RTI applications as a delaying tactic, so that RRC can make decisions before the applicant is fully informed or to avoid revealing information (two individuals)¹⁹
- generally speaking, RRC delays matters *'til people give up* (two individuals)

¹⁸ An audio recording is available for download from http://blogs.abc.net.au/queensland/2013/10/rockhampton-council-under-review.html?site=capricornia&program=capricornia_breakfast.

¹⁹ If a comment was made multiple times, this is noted. The multiple comments were made by different individuals.

- in response to RTI applications, RRC has advised that the information has been destroyed, even though the applicant has evidence that the documents exist (two individuals)
- RRC uses lawyers to resist applications for information, which leads to increased costs for litigants and for ratepayers in funding legal action, when negotiation, discussion and strong decision-making would have been the better approach (two individuals); and
- there is a culture of non-communication within RRC.

OIC explored these issues in more depth by obtaining permission from four individuals to obtain their application files from RRC for assessment and discuss their specific issues with RRC. All of the individuals agreed to this procedure. OIC contacted RRC and gained access to the relevant files for three of these individuals. RRC advised that there was no record of the fourth individual submitting an RTI application. OIC did not review the original access application decision on these files but reviewed the application handling process to determine compliance with the RTI and IP Acts.

OIC reviewed nine application files for three individuals. The file review found that in terms of legislative compliance, the files were all well-managed. It appeared from the file review that searches for information had been undertaken and were well documented.

While the files did not provide evidence to support these individuals' claims, the dissatisfaction felt by these specific applicants may be shared by other applicants, given the rate of review of RRC's decisions is higher than the average for councils as a sector. RRC's records indicated that of the 147 applications received during the period 1 July 2007 to 30 June 2011, there were 10 internal reviews (6.8%) and 10 external reviews (6.8%) conducted on formal application decisions. This indicated an external review rate for RRC over the average external review rate for councils (5%) and more than twice the review rate across all Queensland government agencies (3%) for the same time period.

OIC reviewed its records to ascertain whether or not a select few individuals were accounting for the higher review rate and noted that the individuals differed from year to year – the pattern was one of a range of people seeking between one and three reviews each, rather than a select few making numerous review applications.

In terms of results for applicants, OIC's records showed that the outcomes of OIC's external reviews were mixed and did not identify any systemic issues with RRC's decision-making. When OIC asked RRC about this particular point RRC noted that:

In a lot of cases the internal/external review is requested because third party private information has been withheld from the applicant (eg a request for the details of the person who made a complaint about me?).²⁰

OIC's analysis of external reviews reflected the finding in the file review – that there was no specific procedural issue identified in application handling to explain applicant dissatisfaction.

When all of these issues were raised with RRC in the course of this review, in summary, RRC made the following response:

- 147 RTI and IP applications were processed between July 2007 and June 2011, and legislative timeframes were consistently met. In general, RRC considered that the negativity appeared to have come from a small number of people who might have had a predisposition for dissatisfaction and escalation of matters.
- Attempts are made to explain the process to applicants and these attempts can be misunderstood. There have not been any occasions where information was not released because it was destroyed. There have been occasions where information was not located, and where information was not located initially but was found on a further search, sometimes after obtaining more details from the applicant. OIC confirms that generally this was the pattern observed on the files during the file review; and
- Only a very small number of applications were referred for specialist legal advice.

RRC also expressed concern that these negative perceptions might be over-stated, because of the efforts currently made by the RTI and Privacy Team to ensure good communication with customers, and the small number of individuals (two to three) providing feedback to this review.

²⁰ Response to Issue paper – Communication priorities 20140203, received from RRC by email 21 February 2014.

OIC agrees that applications are processed in an effective manner, and that the majority of applications appear well-handled by RRC. However, OIC does not agree that the relevant feedback was from only two to three individuals – the issues were more widespread.²¹

Due to the importance and extent of this issue, OIC considered it warranted further consideration.

A key factor that OIC observed was that not all the comments received related to applications for information made under the RTI Act or IP Act. Some comments related to individuals' experiences more generally in trying to obtain information from RRC. OIC considered that this highlighted one aspect of RRC's operations that might have contributed to the reported negative client experience – the need to ensure that all sections within RRC understood and met their responsibilities when communicating with individuals seeking information.

For example, when an individual seeks information from RRC, they might start by approaching the Customer Service Centre and/or the relevant section. This would be in accordance with the RTI Act, which states that information should be released administratively as a matter of course, unless there is a good reason not to, and that requests for information should only result in an application under the RTI Act or IP Act as a last resort.

If an individual has a positive client experience of dealing with a relevant section within RRC, they may be satisfied with the result, whether or not they obtained all of the information they were seeking. In this scenario, an individual receiving clear, fair and accurate information might be satisfied sufficiently to resolve the matter and avoid escalation to a formal application under the RTI or IP Acts.

The converse is also true. OIC's experience is that individuals who have a negative client experience can lose trust with the agency, become adversarial and continue to pursue the matter, even if they have received as much or even more information than they asked for. A co-operative individual may tip over into being adversarial if a perception is formed that the agency is not being open or helpful with their request. This was evident in the experiences related to OIC by the individuals responding to the public consultation in this review. Once the interaction became adversarial, it was burdened with emotional intensity

²¹ OIC received comments from 15 individuals as a result of the public consultation. OIC's records indicated that 11 individuals sought external review on 20 occasions between 2007 and 2011 – three of whom submitted three external review requests, three of whom submitted two external review requests and five of whom submitted one external review request.

and with rigid formal procedures which had the potential to be detrimental to all parties. OIC acknowledges that some individuals might have been adversarial in their approach from the outset.

RRC agreed that some individuals are emotionally engaged when they commence the formal application process due to their previous experiences with other RRC sections, for a range of reasons.

*Not all communications are positive. Some applicants are upset or angry during these early communications, particularly if they have been referred to the RTI and Privacy Unit after attempting to obtain the information they are seeking through other avenues, or they may, for example, have received an infringement notice they are upset about, or are distressed over some incident.*²²

In general, if a person seeking information becomes adversarial, either before or during an application for information under the RTI Act or IP Act, it can result in significant additional work for an agency. This was observed for RRC. Individuals that contacted OIC in the course of this review advised that due to their experience with RRC, they had escalated their issue to other review bodies, for example, the Crime and Misconduct Commission, the courts and tribunals, or to the media. OIC notes the potential for these actions to impact: RRC's time, resources and reputation; applicants' time, costs and wellbeing; the review body's time and resources; and the delivery of other government or community services. Clearly, how RRC interacts with people seeking information can play an important role in the effective and efficient delivery of services.

For the individuals who contacted OIC, OIC is aware that RRC's relationships with some of these individuals were long-standing, complicated by other interactions with RRC (including legal action in some cases) and that from these positions re-building ordinary expectations of trust and goodwill may not be easily achievable. OIC acknowledges the difficulties when dealing with complex or emotionally charged matters. Nonetheless, OIC's view is that more attention to communication might alleviate some of the issues raised.

Overall, OIC considers RRC would benefit from developing and implementing a general, agency-wide communication strategy applicable to all information requests. This strategy could contain guidance about how to respond in different scenarios to maximise a positive client experience for all individuals seeking information.

²² Response to Issue paper – Communication priorities 20140203, received from RRC by email 21 February 2014.

The communication strategy should address the issues identified by OIC in this review:

- all sections in RRC have a role in dealing proactively with clients to encourage co-operative interactions and dealing with requests for information administratively to the greatest extent possible
- within the context of communicating effectively with clients, all sections in RRC need to understand their role in recognising and responding to right to information and information privacy issues, including potential applications, but also other right to information issues, for example releasing information administratively and publishing significant, appropriate and accurate material to the publication scheme
- sections within RRC need to be agile in matching service delivery to individual client needs, for example, RRC sections and managers would benefit from being able to quickly identify when an interaction is deteriorating, for whatever reason, and to respond appropriately
- tailoring communications to individuals includes providing a heightened level of communication to some individuals early, ensuring that these individuals have access to a person of sufficient seniority and with delegated authority to negotiate on behalf of RRC as a whole, to communicate in such a way so as to improve the client's experience and resolve matters as efficiently as possible; and
- where an individual's information needs involve multiple sections, procedures are needed to ensure that the response is correct and consistent from an agency wide perspective.

This approach would assist to streamline the processing of some requests for information, reduce workload associated with applications by preventing escalation of issues, reduce the likelihood of any workload associated with any consequential adversarial activities and improve service delivery by RRC and the service experience of RRC's clients.

Section 5.5 in this report discusses training and awareness for staff and makes a related recommendation to further support an RRC communication strategy in the context of requests for information by community members.

Recommendation One

It is recommended that RRC:

Within twelve months, develop and implement a communication strategy to guide all sections within RRC in their dealings with requests for information, in order to provide better client services, streamline procedures and resolve information requests administratively to the greatest extent possible.

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

Key Findings

The review found that RRC had:

- assigned leadership responsibility for right to information and information privacy to the Manager Corporate and Technology
- included information management, right to information and information privacy in its governance structures, associated planning documentation and policy development
- identified high level outcomes for information management in corporate and strategic plans
- not translated high level outcomes consistently into practical projects nor included performance measures in operational level plans
- developed a website abundant in provision of information to the community in an accessible format
- established a section responsible for handling applications appropriately independent in the organisational structure; and
- developed some training and awareness strategies about RTI and IP, but not information management generally, and this type of training was not well promoted to staff on the intranet.

5.1 Leadership

The importance of leadership within all government agencies in order to achieve open government has been a repeated finding in OIC reviews and the self-assessed electronic audit.

This is also recognised in government guidelines and checklists provided to public sector agencies. Leaders within agencies are expected to work with the community to identify information and methods of publishing information that might be useful to the community. Agency leaders are expected to make sure their agencies are equipped with systems, delegations of authority, staffing resources and training in order to meet their obligations under the RTI and IP Acts.

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

- identifying whether or not RRC has established clear leadership to drive implementation of right to information and information privacy
- examining whether individuals and committees in leadership roles have been commissioned to take up an active role in the management of information and promotion of proactive release of information and that they have done so
- identifying and assessing plans of action
- examining the structuring of agency resources to ensure the structures support right to information and information privacy; and
- examining leadership strategies for building staff capability, particularly through training, for example, checking that training resources on RTI and IP are available to all staff, including RTI and IP practitioners.

5.2 Information management governance framework

In order for agencies to implement the RTI and IP reforms, each agency needs a structured and planned approach to information governance.

RRC have advised that the General Manager Corporate Services has oversight of RTI and IP, through the Manager Corporate and Technology, Co-ordinator Information Systems

and the RTI Co-ordinator (Records Supervisor). The Manager Corporate and Technology has operational responsibility for RTI and IP.

This was a strong governance structure with clear leadership and operational roles.

Information Management Planning

In order to support the development of new initiatives, including information management initiatives such as right to information and privacy initiatives, RRC has adopted a procedure which enables staff from any level of council to raise ideas for inclusion in RRC's work plan.

This is a positive approach, as it encourages and supports innovation from any member of staff. The procedure also maintains rigorous decision-making and budget discipline.

An enhancement to the process would be to find ways to incorporate community participation in the process. OIC was advised that ideas from members of the community could be submitted through the 'Report a Complaint' facility on the website, and then taken forward through the usual process by a staff member. RRC acknowledged that this process might not be immediately visible to community members and acknowledged that alternative terminology to 'report a complaint' would be more appropriate to encourage suggestions for improvements as well as making complaints. OIC suggests that an easily detectable website 'call to action' like 'Send us your ideas', 'Give us feedback' or 'Submit a suggestion' might be a better approach.

RRC also advised that community members could get involved through community representation on the planning committee or links to the ratepayer association. RRC has a Community Engagement Officer who could facilitate discussion with the community about larger initiatives.

RRC prepares an *IT Service Workplan and Forward Schedule of Changes* (the **Workplan**) focussed on information technology rather than on the broader agenda of information management, but including significant information management projects. OIC viewed the Workplan for May 2013. At interview, RRC identified four key information management projects which OIC cross-referenced to the Workplan: these projects were technology focussed.

Information Management Projects	Status in the Workplan
GIS ²³ upgrade (implementation of a web portal of the mapping system for the general public to use)	Active, Critical On track ²⁴
e-planning, enabling the community to submit and view planning applications online	Active, Critical On track
e-planning plan, enabling members of the community to view the RRC planning scheme online to obtain information in advance of making any proposals, for example, determining what can be built on any given block of land	Active, Critical On track
e-pathway, enabling members of the community to submit a request to RRC, track the progress of requests and track services, for example, enter a street address and find out bin collection days for that address	Inactive – on hold A proposed project which is currently unscheduled

OIC also reviewed the *Rockhampton Regional Council Corporate Plan 2012-2017 (updated 1 July 2013) (Corporate Plan)*, the *Information Technology Strategic Plan 2010-2015 (ITS Strategic Plan)*, Policy No. Pol.F4.10, *Information Security Policy (Information Security Policy)* and the *Records Strategic Plan 2010-2015 (Records Strategic Plan)*.

A recurring theme in RRC's corporate documentation was a concentration on information technology over information management. Additionally, where there were good strategic outcomes for RTI and IP mentioned in higher level policy statements, there was a tendency for these outcomes to be reduced to a much lower level operational outcome in the detailed practical projects or measures. A particular concern was the reduction of higher level information management outcomes to lower level information technology outcomes that did not include information management.

Explicit inclusion of information management, right to information and information privacy activities in corporate, information management or other operational planning, policies and work programs would ensure RRC meets its responsibilities under the RTI Act and IP Act.

It would also assist RRC to ensure that it is routinely publishing as much information as possible, and protecting personal information appropriately, in line with RRC's strategic objectives to work constructively with the community for the benefit of the region, including with respect to the community's information needs.

²³ GIS stands for Geographical Information Systems.

²⁴ As at 21 February 2014, an interactive, online mapping service was viewable through a portal accessed from RRC's website. These projects may have advanced in implementation after the time of interview.

Recommendation Two

It is recommended that RRC:

Within twelve months, explicitly include right to information, information privacy and information management activities in operational level corporate plans, with active monitoring and oversight of the proactive release of information and protection of personal information in accordance with the RTI and IP Acts.

Policy Development

RRC has a Policy Development Area (**PDA**), which provides a framework for individual sections to develop policies and procedures and which coordinates and monitors the development of policy and procedures. PDA has produced a policy completion checklist and new policies are expected to be developed against the criteria in this checklist. In the course of this review, OIC suggested that the policy and checklist include consideration of RTI and IP issues as part of the development of all policies. RRC agreed with this recommendation and introduced those considerations during the review.

5.3 Accessibility of information resources

RRC's internet site provides a wealth of resources for both internal and external users through well-structured information architecture. The information provided is both informative and relevant. The internet site provides useful links to other external websites from which users can obtain more information about RTI and IP.

5.4 Organisational structure

OIC considered whether or not the organisational structure supported the independence of the section within RRC which handled applications for information under the RTI Act or IP Act: the Records Management section (**Records Management**).

Structurally, Records Management was considered to be appropriately independent of sections of RRC that support the Mayor and CEO directly or sections performing media and publicity functions.

The position descriptions for RRC's RTI and Privacy officers were clear and up to date, but contained some minor inaccuracies. OIC noted that the position description for the Operations Manager, Records Management listed administrative delegations of authority for report writing, signing timesheets and signing correspondence but not for making decisions under the RTI or IP Act. The position description also referred to the 'statutory role of RTI Coordinator'. This role is not described in the RTI Act. These issues were discussed with RRC, and RRC subsequently advised that the positions descriptions had been updated to correct these inaccuracies. OIC sighted a draft of the new wording, which appeared to address the issues, but did not sight the actual position descriptions prior to the finalisation of the report. RRC's advice on this issue will be confirmed in the follow-up review.

Separate documents providing delegations of authority for decision-making under the RTI Act and IP Act were reviewed, and found to be comprehensive, accurate and clear.²⁵

5.5 Training and awareness

This review found that RRC had several approaches to training staff on RTI and IP.

Nine people were given internally delivered *RTI Decision Maker Training* on 1 September 2011. A comparison of attendees with the list of current decision-makers²⁶ showed that eight out of the ten current decision-makers were trained in the 2011 training session. RRC held further training on 27 November 2013 and 18 December 2013 to refresh training for existing decision-makers and provide training for decision-makers who had not previously been trained. A further five decision makers were trained and all existing decision makers re-trained.

OIC reviewed materials for two general training courses for all staff which included general awareness to staff about RTI and IP: recordkeeping and induction.

OIC found the recordkeeping training contained information about right to information and information privacy which would contribute to general awareness of RTI and IP amongst RRC staff:

- the *Good Recordkeeping & New User Training Guide* mentioned the legislation

²⁵ *Authorised Persons Powers under the Right to Information Act 2009 ("RIA") and Authorised Persons Powers under the Information Privacy Act 2009 ("IPA")*.

²⁶ Advised by email 1 October 2013.

- *Your Recordkeeping Responsibilities* specifically cited the right for the public to know about Council business as a reason for good recordkeeping and stated that this applied to employees, consultants and contractors; and
- the *Recordkeeping Charter Brochure* mentioned the responsibility of the Records Management Unit for right to information and information privacy compliance and processing.

This training was a useful vehicle for informing staff of the need to consider right to information and information privacy in the daily operation of recordkeeping.

RRC's mandatory induction training presentation was reviewed,²⁷ and it included:

- mention of the privacy principles (with respect to public comment on Council's business)
- respect for the privacy of personal information held by Council generally in business and in personal dealings; and
- a section specifically describing access to information and safeguarding personal information in accordance with the RTI Act and IP Act.

The inclusion of RTI and IP in recordkeeping and induction training was an appropriate strategy for maintaining general awareness of RTI and IP among staff.

As identified already in this report, RTI and IP is part of a larger information management context involving responding effectively to all requests for information. Staff in all RRC sections need to be trained and made aware of RTI and IP within a framework of effective communication when dealing with requests for information. This report has recommended providing that framework in the form of a communication strategy. It should be supported by specific training, in addition to the currently available training on recordkeeping and the induction training.

The training should address awareness and understanding of:

- RRC's responsibility to release information proactively as much as possible, unless there is a good reason not to
- RRC's administrative release schemes

²⁷ *Corporate Induction Presentation*, updated in April 2013.

- RRC's information holdings and assigned custodians or responsible sections
- RRC's Customer Service Charter
- requirements and obligations for responding to all types of information requests
- RTI and IP requirements and obligations
- delegated authority to release information, including under the RTI and IP Acts; and
- RRC's Records Management's RTI and IP role and function.

Recommendation Three

It is recommended that RRC:

Within twelve months, develop and implement training for all staff in how to effectively deal with people seeking information from RRC, before, during and after a request becomes an RTI or IP application.

OIC reviewed the intranet to assess any current training on offer, or a training calendar. The training menu listed privacy as a topic. Selecting this topic led to a description of the RTI and IP Acts, a link to the Queensland Government website, and four links within the intranet:

- Guideline – Creating Forms and Collection Notices
- Information Privacy Principles (**IPPs**)
- Privacy Guidelines – Surveys (including Staff Surveys); and
- Privacy Information Complaint Form.

The training calendar did not list any courses on right to information or privacy. When the website's search engine was used, two web pages were located which provided general descriptive information about right to information and information privacy. OIC encourages RRC to consider supplementing their training programs by including links to OIC's suite of free online training courses which include: RTI and IP general awareness; information obligations for public service officers; and privacy complaint management.

RRC provides some training and support to staff about right to information and information privacy. However, the courses and associated information are not readily identifiable from the website or the intranet, and could be better promoted in two ways:

- by including 'right to information' with 'privacy' in the headings for information containing both right to information and information privacy, to direct staff to information about both topics; and
- ensuring that existing training containing information about right to information and information privacy (training for decision-makers, recordkeeping training and induction training) is made more visible, and included in the training page in the intranet.

Other awareness activities assisting RRC staff to understand and apply RTI and IP resources that OIC identified included support specifically focused on the Customer Service Officers (**CSO's**) including:

- the Operations Manager, Records Management attending Customer Service Call Centre staff meetings
- developing privacy related resources to assist CSO's to respond to frequently asked questions, e.g., the *Privacy Guidelines for CSO's* outlines privacy information with regards to specific topics, for example, rates, water and building; and
- maintaining a close working relationship with the Customer Call Centre to provide guidance and support as needed.

Recommendation Four

It is recommended that RRC:

Within six months, improve the promotion of staff training in right to information and information privacy on the RRC intranet.

6 Accountability requirements

Background

As the level of agency maturity in RTI and IP increases across all sectors of government, OIC expects that agencies will increasingly be monitoring themselves in terms of their openness and responsiveness to the community. This will be evidenced by a proactive use of complaints systems and performance measurement mechanisms to monitor the effectiveness and efficiency of RTI and IP operations.

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

Key Findings

The review found that RRC had:

- a good general approach to complaint handling, with one area for improvement to achieve legislative compliance in that the website does not direct complainants to the complaint handling procedures when information in the publication scheme is not available, as required by the Ministerial Guidelines; and
- no mechanism for monitoring the implementation of right to information or privacy at the strategic level or the effectiveness of decision-making about applications for information under the RTI or IP Acts. Measures are in place to quantify the efficiency of RTI/IP processes.

6.1 Making a complaint

OIC noted the care with which RRC supported the making of general complaints, including attention to informing and supporting complainants, and privacy considerations:

- RRC made a strong statement encouraging complaints to be made in the spirit of dealing fairly with customers and improving services
- RRC had a detailed policy for handling complaints
- RRC provided service standards and stated they would abide by these service standards in resolving the complaint

- there were alternative methods for making the complaint, including options catering for people requiring assistance in terms of language or a hearing or speech impairment
- there was an option to complain anonymously
- RRC provided a clear notice advising people of the way RRC uses and discloses information provided when making a complaint; and
- RRC informed people as to the options for reviewing RRC's complaint decision.

With respect to general complaint processes, RRC approach demonstrated a commitment to accountability, effective complaint handling and treating complaints as an opportunity to improve services.

However, OIC did note in its review of the publication scheme that a legislatively required complaint handling procedure was not in place. This is discussed in more detail in section 8.1 of the report dealing with publication schemes.

6.2 Performance measures

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

Implementation of performance measurement can follow on from other initiatives in a straightforward way. It has already been noted in this report that RRC has not included RTI or IP projects in the Corporate Plan or ITS Strategic Plan. If this was rectified, then the progress of these projects, individually and collectively, could be an appropriate performance measure of the progress of RTI and IP in RRC.

In its Corporate Plan, RRC stated its support for performance monitoring:

Our Performance Monitoring Process

Council is committed to measuring our performance and maintaining focus on our vision of 'One Great Region'.

In accordance with statutory reporting requirements of the Local Government Act 2009, Council will conduct annual reviews as part of an integrated and coordinated monitoring framework.

*Annual operational reporting will clearly track progress and will assist in the development of the Operational Plan and Budget for the following financial year, allowing Council to adjust priorities and the associated allocation of resources accordingly.*²⁸

Key performance indicators and measures in business plans are also a useful way of identifying improvement opportunities in agency processes and additional training needs, for example, for RTI decision-makers and operational staff. Targets measuring the number of times decisions are varied on internal or external review may indicate training needs or processing inconsistencies.

In response to OIC's request for any documentation of systems for monitoring or reporting on the performance of the RTI/IP functions, RRC referred OIC to the Corporate and Technology Services Monthly report provided to the executive (called the *Monthly Statistical Report to Council*). This report, in part, provides a breakdown of the quantity of applications received. OIC considered this to be a useful operational level performance measure of efficiency.

RRC did not provide any other information about performance indicators for monitoring the ongoing management of RTI and IP. Other performance measures that RRC could consider adopting might be:

- reports to the executive on implementation progress of the RTI and IP projects as identified in strategic or operational plans
- the development and use of administrative access schemes
- regular analysis to determine whether or not datasets can be released proactively
- the performance of systems to ensure that the publication scheme and disclosure log are kept up-to-date and that information is identified for publication as it is created
- the regularity of review and updating of forms for IPP compliance
- the inclusion of RTI and IP performance standards and targets in the Customer Service Charter; and

²⁸ Rockhampton Regional Council, *Corporate Plan 2012 – 2017, updated 1 July 2013*, page 6.

- operational performance indicators for handling applications made under the RTI Act or IP Act -
 - **proactive release:** any common types of applications and any steps taken to consider whether or not the relevant information could be made available proactively, for example on the website, or administratively on request
 - **efficiency:** the average amount of material considered and duration of applications
 - **efficiency:** on any occasion where processing times exceed legislatively mandated timeframes, the reasons for the delay
 - **quality of application handling:** any internal or external reviews of decisions and the results of those reviews
 - **quality of application handling:** any complaints, compliments or suggestions from applicants or parties to an application; and
 - **quality of application handling:** the quality of communication on each application, particularly the rate of early resolution of applications or efficient management of applications by negotiation and other communication with applicants.

In summary, OIC found evidence of limited performance measurement at the operational level and no performance measurement at the strategic level. An improved suite of performance indicators would ensure ongoing monitoring of right to information and privacy, and would assist RRC to identify and implement improvements that could be made to increase the proactive and administrative release of information and the protection of personal information.

Recommendation Five

It is recommended that RRC:

Within twelve months, develop key performance targets and incorporate them into operational plans, and measure and report on the effectiveness and efficiency of right to information and information privacy practices and processes.

7 Maximum disclosure

Background

Agencies hold a wealth of information – a key commodity in the digital economy. Information needs to be managed. Agencies should be aware of the information they hold, ensuring that the information is put to good use and looking for ways to increase the value of information usage. When information is released to the community, the community can find new ways to use the information and add to its value. Information must be routinely and proactively disclosed and information collected at public expense made available publicly wherever practicable.²⁹

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

Key Findings

The review found that RRC:

- should regularly consider opportunities to make more information available through administrative access arrangements; and
- has commenced, but not yet finished, listing information holdings and assigning a security classification to each information holding.

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

7.1 Administrative access

The RTI Act provides for information to be accessed other than by an application made under the Act, including administrative arrangements, which may be made available

²⁹ Described in *Queensland Government Enterprise Architecture Foundation Principles*, Section 2.2, page 2, viewed on 4 June 2013 at <http://www.ggcio.qld.gov.au/products/ggea-documents/547-business/2500-foundation-principles>.

commercially.³⁰ These arrangements can be quicker and more efficient than a requirement to make an application under the legislation, and their use can reduce red tape and promote administrative release of information.

An example of such an arrangement is RRC's *Council Land Register*, described on the RRC website as follows:

This register holds the information Council requires to issue rates notices and provide services such as rates searches. Information contained in the register includes:

- *registered owners;*
- *their addresses;*
- *property descriptions;*
- *location addresses;*
- *land valuation and services provided such as sewerage; and*
- *water and refuse collection.*

*Individual owners may obtain information regarding their own property by making a request to Council.*³¹

This is one of a number of such initiatives, including information management projects such as the interactive online mapping system. However, in the course of this review, OIC found indications that there might be opportunities to make more information available administratively:

- at interview, RRC staff advised that the website was seen as the primary way of making information available and that this was the focus for making information available rather than considering administrative access arrangements
- community members responding to OIC's invitation to comment on the availability of RRC information stated that RRC had required them to seek out information

³⁰ Section 19 RTI Act, and sections 47 and 53 RTI Act which allow an agency to refuse access to a document requested in an RTI Act application if it is available by an administrative access arrangement, whether or not the access is subject to a fee or charge.

³¹ Viewed at http://www.rockhamptonregion.qld.gov.au/Council_Services/Planning_and_Development on 24 September 2013.

through an RTI application process, when that information should have been available administratively; and

- there are common types of information sought through the RTI application process (information about dogs, planning applications and internal staffing matters), suggesting that it might be possible to make information on some specific topics available administratively.

The formal application process under the RTI Act or IP Act should only be used as a last resort. RRC is encouraged to review types of information commonly sought, for example, through the Customer Service Centre, the RTI application process and other legislative processes, with a view to making that information available administratively to the greatest extent possible.

Recommendation Six

It is recommended that RRC:

Within twelve months:

- review whether types of information commonly sought, for example, through the Customer Service Centre, the RTI application process and any other processes can be made available administratively; and
- implement arrangements to access that information administratively to the greatest extent possible.

7.2 Identification of data for publication

In these reviews, OIC considers whether or not each agency has a systematic approach to identifying information holdings and classifying each information holding or dataset as to its level of confidentiality. This procedure, if followed, gives an agency a list of information holdings classified as suitable for public release. The agency can then address the release of these information holdings in a methodical and thorough way, and be assured that the maximum amount of public information has been made available to the public in the most straightforward and economical way possible.

OIC noted that RRC has the policy but not a practice of classifying its information holdings.³² At interview, RRC confirmed that the identification of information holdings has occurred at the higher level but not at a detailed level. Identified information holdings have not been given a security classification. OIC encourages production and implementation of this list as an internal tool for information management.

OIC also encourages RRC to publish this list, as it would inform the community as to the information held by RRC, which in turn would ensure that community requests for information would be better-directed.

Recommendation Seven

It is recommended that RRC:

Within twelve months:

- identify and list RRC's information holdings, and give each information holding a security classification, with a view to using this list to systematically release information holdings classified as 'public' to the greatest extent possible; and
- publish the list of RRC's information holdings.

³² *Information Security Policy*, POLICY NO. POL.F4.10, provided to OIC during the review.

8 Compliance

Background

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

Key Findings

The review found:

- overall RRC was compliant with the requirements of the RTI and IP Acts
- the publication scheme, disclosure log and application handling procedures were generally in accordance with legislative requirements
- communication with applicants was primarily done when commencing and finalising an application through the formal method of letter-writing and not commonly through interactive communication, for example, telephone conversations; and
- RRC could improve compliance with the Information Privacy Principles, to better inform the community about personal information held by RRC, and the collection, use and disclosure of personal information.

8.1 Publication scheme

The publication scheme is integral to releasing information proactively without the need to make a formal application under a legislative authority such as the RTI Act or IP Act. A publication scheme is a structured list of an agency's information that is routinely available to the public, free of charge wherever possible. Section 21 of the RTI Act requires that all agencies³³ must publish a publication scheme which sets out the seven classes of information that the agency has available 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 as published by the Minister. Publication schemes are audited by OIC using a desktop audit process, which examines

³³ Other than entities specifically excluded by the legislation, or who have made other legislatively compliant arrangements.

the publication scheme on an agency's website from the perspective of a member of the public seeking information. The desktop audit checks that the publicly visible aspects of the publication scheme comply with the legislation and Ministerial Guidelines.

In September 2013, OIC conducted a desktop audit of RRC's publication scheme and found that it was compliant with the requirements of the legislation and Ministerial Guidelines. The publication scheme was accessible directly from the home page in the 'About Council' menu. The information classes within the publication scheme were information rich with all classes assessed as compliant. Information reviewed appeared current and all links tested were in working order.

Two issues were noted that, if addressed, would improve accessibility of information in the publication scheme.

The 'Our lists' class contained a list of public registers held by Council and advised that more information could be obtained by contacting Council. RRC could consider providing a direct link to public registers where possible.

The Ministerial Guidelines³⁴ 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. In its introduction to the publication scheme, RRC states:

*If you're having difficulty accessing any of these documents, contact Council and we'll provide the information in a suitable format.*³⁵

OIC considered that full compliance with the legislative requirement would be achieved by augmenting this statement to include a phrase such as 'or wish to complain about information not available' to satisfy the requirement of the Ministerial Guidelines.

³⁴ Ministerial Guidelines – Operation of Publication Schemes and Disclosure Logs, accessible from <http://www.rti.qld.gov.au/right-to-information-act/publication-schemes>.

³⁵ Viewed at http://www.rockhamptonregion.qld.gov.au/About_Council/Right_to_Information/Rockhampton_Regional_Council_Publication_Scheme on 24 September 2013.

Recommendation Eight

It is recommended that RRC:

Within three months, review the publication scheme and include direct links to registers or lists as appropriate and include a statement advising of the procedure for making a complaint if information included in the publication scheme is not available.

OIC examined the procedures for maintaining the publication scheme by seeking to review written procedures and by interviewing staff. OIC was advised that there were no written procedures or managed process governing identification and publication of significant, appropriate and accurate information in the publication scheme.³⁶ Information that has been published in the publication scheme has been identified either as a legislative requirement, for example publication of the annual report,³⁷ or at the initiative of individual sections. If information has been published elsewhere on the website, there is no coordinated process for considering linking to the information from the publication scheme, except as undertaken on an ad hoc basis by individual sections.

To meet compliance requirements, RRC should implement a procedure to ensure that when significant, appropriate and accurate information is created, the relevant section within RRC gives consideration to publishing or linking the information to the publication scheme. RRC could review systems and decision-making processes for publication of information to Council's website to incorporate consideration of whether or not the information published on the website is suitable for inclusion in the publication scheme.

Recommendation Nine

It is recommended that RRC:

Within six months, implement a procedure to ensure active input from all sections within RRC in keeping the publication scheme accurate, maintained and updated by the inclusion of any significant and appropriate information.

³⁶ In terms of what has already been published, or what may be published on the particular topic.

³⁷ Local governments are required to publish annual reports in accordance with Regulation 182 made under the *Local Government Regulation 2012* and section 270 of the *Local Government Act 2009*.

8.2 Disclosure log

A disclosure log is a web page or a part of a website which publishes a list of documents that an agency has already released under the RTI Act. 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 those same documents might be of interest to others. Section 78A of the RTI Act provides the legislative requirements with which local governments must comply when maintaining a disclosure log. Agencies must ensure that the disclosure log complies with the guidelines published by the Minister (section 78B(1) of the RTI Act). OIC audits disclosure logs by a desktop audit process, as well as in the course of reviews such as this one. The desktop audit examines the disclosure log from the perspective of a member of the public, and checks that the publicly visible aspects of the disclosure log comply with the legislation and Ministerial Guidelines.

A desktop audit of RRC's disclosure log was conducted in September 2013. OIC noted that RRC's disclosure log was readily identifiable and accessible from the agency's RTI web page. The disclosure log was well structured, with details identifying the documents released by Council and information about how a copy of these documents can be obtained. Overall, OIC considered RRC's disclosure log to be compliant with prescribed requirements.

One issue that OIC considered was whether or not the disclosure log would be improved if RRC provided direct links from the disclosure log to documents. This was discussed with RRC, who advised that the current process was selected so that accessed documents could be listed immediately, rather than publication being delayed by the preliminary work of reviewing documents and redacting information before publication, which would be necessary to provide direct links. RRC advised that if a request was received for a document listed in the disclosure log, they would examine the document at that time to redact any prescribed information as required by section 78B of the RTI Act before forwarding it to the requester. RRC advised this method was transparent and had saved a good deal of unnecessary work, as they have received only one request for a document listed in the disclosure log.

OIC acknowledges RRC's reasons for the course of action that had been adopted, and that it is discretionary for local governments to include a document in a disclosure log under section 78A of the RTI Act. However, the current approach may discourage some

people from obtaining information, for example, if they might have been prepared to follow a link to a document but not to contact RRC to obtain the information. Usage of the disclosure log may therefore increase if some of the copies of the documents to which access has been given were more readily accessible, for example, by direct link.

Further, when a person seeks to access a document on the disclosure log in future, there may be substantial delay in accessing it due to the work then having to be done to consider whether information is required to be deleted under section 78B of the RTI Act. Deletion of information in accordance with this section may also prove to be difficult, inefficient and possibly inaccurate, if performed by a person who is unfamiliar with the documents or history of the matter. This increases the risks of both incorrectly releasing sensitive information and of incorrectly redacting information that the person was entitled to receive. Even if the original decision maker is still involved and the final decision is correct, the process will be less efficient because the decision maker has to reacquaint themselves with the matter and associated documents.

The workload involved in redacting some documents is likely to be more manageable, for example for smaller documents. RRC should consider making such documents accessible online in the disclosure log. OIC notes that the RTI Act recognises that in some cases it may not be reasonably practicable to include the actual documents in the disclosure log on the website.³⁸ In such cases, details identifying the document and information about how the document may be accessed may instead be included in the disclosure log.³⁹ For example, a very large document or format that is difficult to upload or store on a website may be accessible through contacting the RTI and Privacy Team of RRC by email or telephone details provided on the disclosure log.

OIC recognises that the current approach is compliant with legislative requirements and with the Ministerial Guidelines. However, as outlined above, there are advantages to making the document available online, such as:

- increased proactive release of information
- increased ease of access to documents
- timely redaction to facilitate access to documents

³⁸ Section 78A(1)(a) of the RTI Act. *Ministerial Guidelines: Operation of Publication Schemes and Disclosure Logs, Under section 21(3) and sections 78, 78A and 78B of the Right to Information Act 2009*, page 6.

³⁹ Section 78A(1)(a)(ii) of the RTI Act.

- eliminating inefficiencies in delaying redaction; and
- avoiding increased risk of breaching section 78B of the RTI Act.

In these circumstances, OIC encourages RRC to consider providing direct links to documents where it is efficient to do so for smaller documents.

Recommendation Ten

It is recommended that RRC:

Within twelve months, implement a procedure to improve the operation of the disclosure log by directly linking to documents published to the disclosure log where it is reasonably practicable to do so.

8.3 Application handling

This review assessed a representative sample of 15 RTI and IP access application files⁴⁰ for compliance with Chapter 3 of the RTI and IP Acts. The focus of this review was on the general practices and systems adopted by RRC to process applications for information.

This section discusses:

- the active management of applications, including communication with the applicant and other sections within RRC; and
- procedural compliance with the requirements of the legislation for application handling.

8.3.1 Active management – 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. This is distinct from the procedural handling of the application, which is discussed in the next section of this report.

⁴⁰ There were no IP Act amendment application files available for review.

A profile of the communication practices adopted by RRC was developed after reviewing 15 application files. This profile is summarised below.

Quick Facts - Rockhampton Regional Council	
Average number of times the RTI and Privacy Unit contacted the applicant	2.5 times per application
Average time between contacts with the applicant	10.0 business days
Average total duration of applications, from receipt of application to decision (including time taken for third party consultations and extensions)	25.5 business days
Number of applications where decision was deemed to be a refusal (for example, because it ran over time)	Not assessed
Percentage of contact with applicant made by email or phone for application processing activities (excluding application receipt acknowledgment notification and formal decision notification)	68% of any contacts that were made for application processing were made by email or telephone
Percentage of communication activities which involved the RTI and Privacy Unit following up sections for information (excluding communication with the applicant)	0%

The RRC profile was compared with that of another agency⁴¹ that has set a benchmark for good practice in communicating with applicants. The benchmark agency had contact with applicants more frequently than RRC, on average 4.8 times per application. This means that in addition to receiving the application and issuing the decision letter, the benchmark agency had contact with the applicants on average a further two or three times per application.

RRC's profile showed that RRC did not have additional contact with applicants on every file beyond receipting the application and issuing the decision letter. On files where RRC did have additional contact with applicants during the processing of the application, 15 out of 22 contacts (68%) were by phone or email. For all file processing contacts the use of

⁴¹ As reported in an OIC report - 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)*. Viewable at http://www.oic.qld.gov.au/data/assets/pdf_file/0007/7657/Compliance-Review-Department-of-Transport-and-Main-Roads.pdf.

phone or email constituted 31% of contacts (16 out of 52 contacts). RRC used the formal method of letter-writing as the primary communication channel. 67% of all communication with the applicant was by letter.

In comparison, the benchmark agency used phone and email for 85% of processing related contacts, and these methods were used for 66% of all contacts on all files – a profile favouring the use of phone and email at all stages of the application.

OIC found that the benchmark agency proactively managed applicant interactions. The benchmark agency's good communication practice might have contributed to better outcomes for both parties. The benchmark agency had a profile where only 3% of finalised applications were internally reviewed and 2% of finalised application externally reviewed. This other agency's rate of review contrasted favourably against RRC's rate of review which was much higher – RRC reported reviewing 6.8% of finalised application files internally, and reported 6.8% of finalised application files reviewed externally by OIC.

The contrast between the two communication profiles is depicted graphically below. Figure 1 depicts RRC's profile and Figure 2 depicts the benchmark agency's profile.

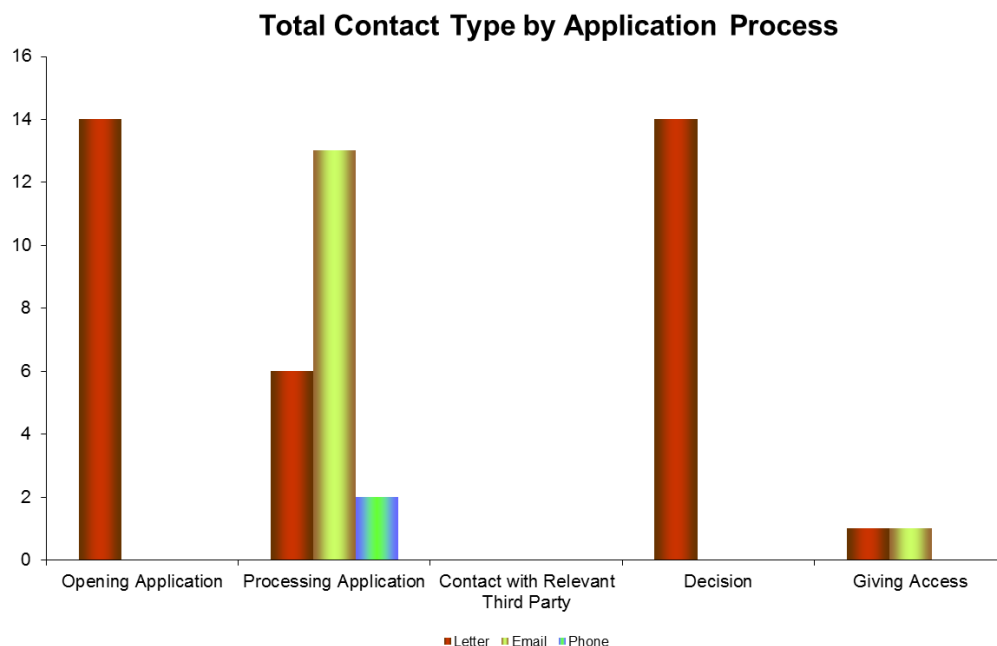


Figure 1: RRC Communication with Applicants

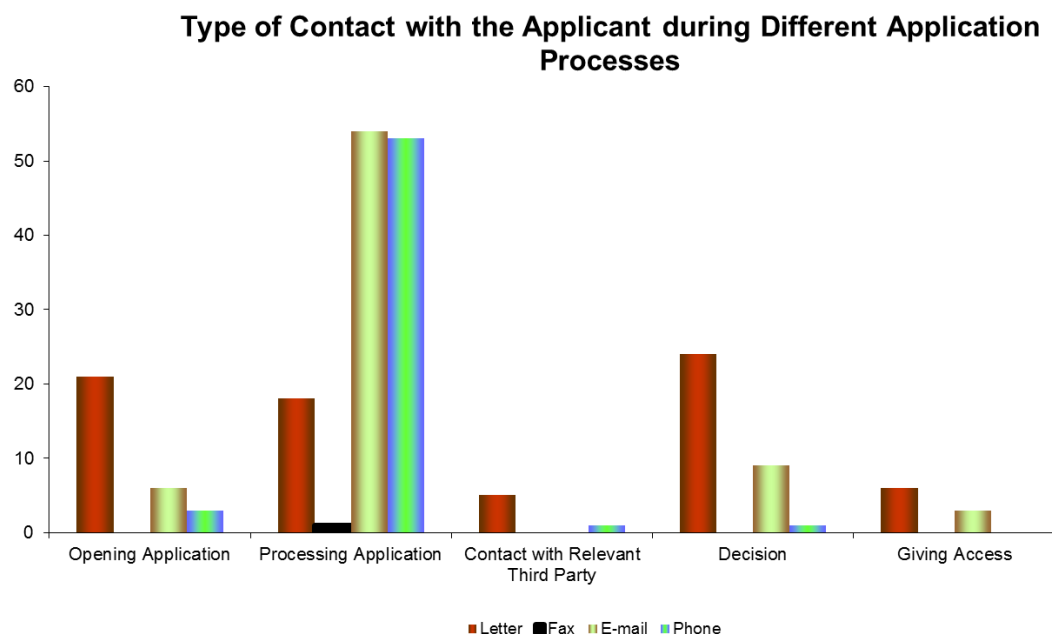


Figure 2: Benchmark Agency's Communication with Applicants

Over the entire life 33 of an application handled by RRC, telephone contact alone comprised only 4% of the communication. This contrasted sharply with the other benchmark agency mentioned earlier, for whom telephone contact was a key channel for communication (24% of all contact with the applicant).

RRC confirmed this point:

As stated earlier, if the RTI and Privacy Unit is unclear about the exact requirements of the applicant, they are always contacted to clarify the scope of the application. While in all other cases, the RTI and Privacy Unit does not phone the applicant upon receipt of their application, they do send an acknowledgement letter with the direct phone number of the RTI Co-ordinator should the applicant have any further questions or concerns.⁴²

The benchmark agency had made a routine practice of contacting every applicant because they found that frequent interactive communication would regularly uncover additional information about the request allowing the application handling to be expedited, even when the initial request appeared clear. This increased the efficiency of application handling and the applicant's satisfaction with the service provided.

⁴² Response to Issue paper – Communication priorities 20140203, received from RRC by email 21 February 2014.

OIC also noted the timing of RRC's communication with the applicant. Figure 3 depicts RRC's communication pattern over the life of an application.

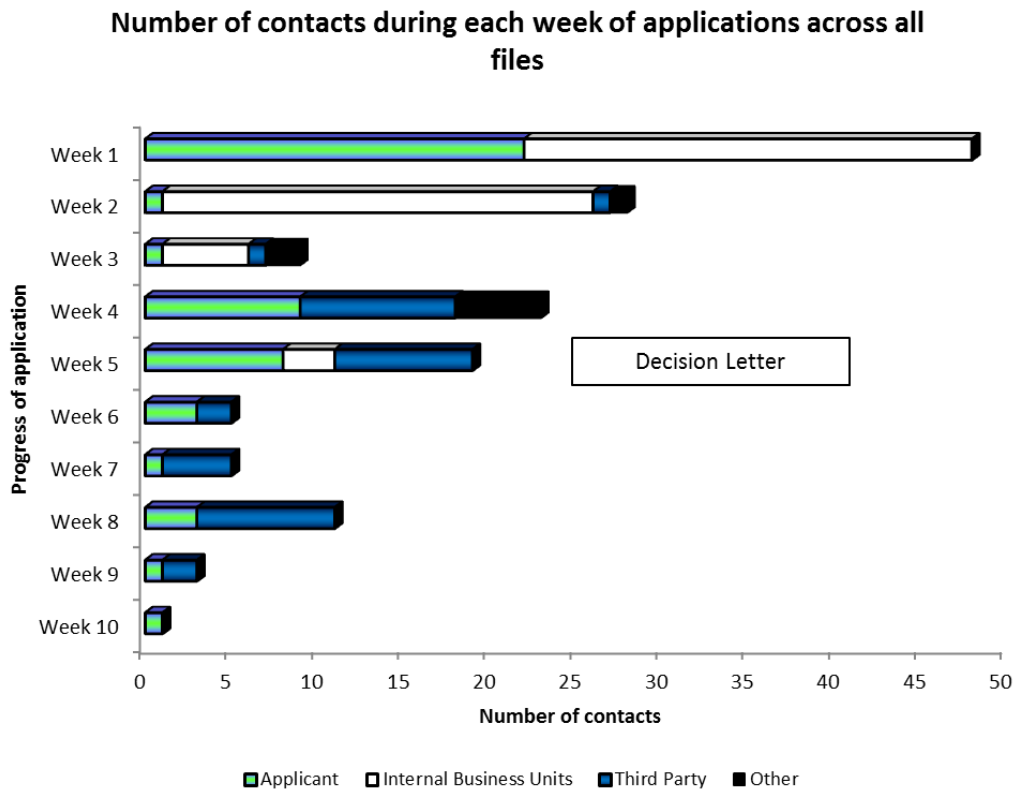


Figure 3: RRC Communication in the life of an application

RRC's communication with the applicant essentially 'book-ended' the application handling process. Communication was done on receipt of the application (in the first week) and when issuing the decision notice (in the fourth and fifth week), and there was little communication with the applicant in between times.

OIC notes that a further nine files were reviewed following the public consultation, and the pattern of communication on those files matched the pattern identified in the random sample.

These findings suggest that there is an opportunity for RRC to improve communication methods and frequency of communication with applicants during the life of an application.

OIC raised the issue with RRC in an issues paper.

RRC accepted OIC's proposal that there should be more regular communication with applicants:

Considering current workload, RRC will consider implementing a process of email and / or phone communication with RTI / Privacy applicants at the outset to make them aware of the process, timeframes and the legislated need to consult with third parties if required.⁴³

Recommendation Eleven

It is recommended that RRC:

Within six months, increase agency contact with applicants for information under the RTI Act and IP Act with greater use of telephone and email contact, in order to:

- clarify and understand the scope of the request and the applicant's needs
- identify opportunities to provide access more efficiently
- improve applicants awareness and understanding of the procedures for handling the access application; and
- resolve any issues arising in the course of finding or releasing the information.

8.3.2 Active management – procedural compliance with legislation

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 IP Act, unless it would be contrary to the public interest to give 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, unless it would be contrary to the public interest to do so. 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,⁴⁴ unless it would be contrary to the public interest to do so. An individual also has a right to amend a

⁴³ Response to Issue paper – Communication priorities 20140203, received from RRC by email 21 February 2014.

⁴⁴ 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.

document containing their personal information if it is inaccurate, incomplete, out-of-date or misleading.

Weighing up an individual's right to information against any 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. Similarly, specific requirements apply for exempt information and other refusal of access provisions. 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 need to understand how to apply the legislation, including the public interest test. To do this effectively, it is critical decision-makers understand the nature of the documents 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 objectives and the specific requirements of the legislation.

Right to information and information privacy decision makers have a key role in ensuring the agency complies with the requirements of the Acts. Legislative timeframes, managing stakeholder relationships, working with sections conducting searches for documents, third party consultations and most importantly, dealings with the applicant, all must be appropriately managed to ensure the legislated process runs smoothly.

This review examined the end to end process for handling RTI and IP applications within the work unit responsible. This review considered the management of applications overall, and specifically, a representative sample of 15 RTI and IP access application files made under the legislative process for compliance with Chapter 3 of the RTI and IP Acts.

OIC focussed on the agency's application of the legislative requirements for:

- 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, and prescribed requirements of a CEN or schedule of relevant documents
- 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 and provision of a prescribed written notice of the decision
- decisions on outcomes of applications⁴⁵
 - 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 processes for making an application for review, reasons for decision, date it was made and designation of the decision-maker
- giving access to applicants, and in particular, providing applicants with access to documents in the form requested
- amendments to an applicant's personal information; and
- refusing to deal with an application for information.

The file review found that RRC was generally compliant with the requirements of the RTI Act and IP Act with respect to all of these activities. Some minor, technical issues were identified with respect to the template letters and procedures, and on review of the application files. These issues were raised with RRC and rectified during the course of this review. OIC has viewed the template letter updates and confirmed changes were made as required.

Generally, there was a high standard of application handling and in particular, attention to achieving a result biased in favour of disclosure to the applicant.

⁴⁵ 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.

8.4 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.⁴⁶ The Information Privacy Principles contained within the IP Act 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, RRC must comply with the Information Privacy Principles (**IPPs**).

8.4.1 Collection of personal information

The collection of personal information is a fundamental area of privacy regulation. Whenever RRC obtains personal information, either through an email to an agency contact email address or by completion of a form, under IPP1, RRC must only collect personal information for a lawful purpose directly related to fulfilling the function or activity of the agency. Under IPP2, RRC 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 notices⁴⁷ promote transparency as they allow the individual to make an informed decision about the provision of their personal information to RRC.

A review of 10 forms and 10 email links available from the RRC website was performed to determine whether RRC was meeting its obligations under IPP2. The review found that forms collecting personal information generally provided appropriate advice about the reasons for the collection and the use and disclosure of the information.

OIC noted collection notices on two forms that indicated personal information would be disclosed to third parties but did not sufficiently identify those parties.

⁴⁶ Sections 3(1)(a) and (b) of IP Act.

⁴⁷ 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 IPP2.

As one example, the collection notice stated:

Some information may be given to other Queensland Local Government authorities and State Government authorities to notify of existing approvals.

RRC advised that they have sent emails to the relevant officers to amend these forms.

While the general standard for collection notices on forms was appropriate in the sample of forms reviewed, minor shortfalls were identified. OIC considers that this indicates a need to institute a system of regular review to ensure that all forms are consistently providing appropriate advice about the reasons for the collection and the use and disclosure of the information.

Recommendation Twelve

It is recommended that RRC:

Within twelve months, review forms to ensure collection notices on forms inform users of those entities to whom it is Council's usual practice to disclose personal information.

8.4.2 The published list of personal information held by RRC

Under IPP5, 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.

A desktop review conducted in September 2013 identified that RRC has a *Privacy Policy*⁴⁸ (the **Policy**) published on its website. The Policy discloses RRC's personal information holdings, how an individual can access and amend their personal information and how to make a complaint if they feel their personal information has been breached.

A review of RRC's Policy found it to be a useful document in terms of meeting the requirements of IPP5.

OIC noted the Policy included a brief list of some examples of the types of personal information held by Council.

⁴⁸ *Privacy Policy*, POLICY NO. POL.F4.16, viewed at http://www.rockhamptonregion.qld.gov.au/About_Council/Policies_and_Publications/Council_Policies_and_Procedure on 29 October 2013.

The Policy would be improved by inclusion of a detailed listing of the classes of documents containing personal information and the type of personal information contained in the documents. This list should describe the main purposes for which the personal information is used.

Recommendation Thirteen

It is recommended that RRC:

Within twelve months, review the published *Privacy Policy* and include within it the classes of documents containing personal information that are held by RRC, the types of personal information contained in those documents and the main purposes for which the information is used.

8.4.3 Policy development

In the course of the review, OIC considered whether or not RRC's policy development processes incorporated consideration of RTI and IP. RRC asked OIC whether or not any information or guidance was available to assist generally with this issue.

As a result of this question, OIC developed a draft guideline⁴⁹ to assist agencies to consider privacy implications in the development of policy. RRC's *Policy/Procedure Checklist and Authorisation* is also used by RRC to assist with the development and submission of draft policy documents to ensure all relevant processes have been followed. The checklist was amended by RRC during the course of the review to include an action item for the Policy Owner to check for compliance with the privacy principles in the IP Act and included reference to the self-assessment guideline for further assistance. OIC considered this to be a positive step and acknowledges RRC's responsiveness to integrating consideration of IP obligations into existing work practices.

RRC included an explicit statement of commitment to IP within the Policy Development, Implementation and Review Framework, to provide further support for full implementation of the privacy principles.

A specific policy issue surfaced during the review which was raised with RRC and remains unresolved. OIC reviewed a work instruction and investigation procedure regarding audio

⁴⁹ The draft guideline was adapted from the OIC Guideline: Privacy self assessment guide, viewable at <http://www.oic.qld.gov.au/guidelines/for-government/guidelines-privacy-principles/privacy-compliance/privacy-self-assessment-guide>.

recording of interviews during investigations.⁵⁰ OIC found that both the work instruction and the investigation procedure required investigators to advise interviewees of their entitlement to a copy of the audio recording or any written transcript of the interview. Both documents specified steps to be taken prior to recording an interview. However, none of these steps constituted a collection notice.

The type of collection notice that OIC was seeking was a procedure or work instruction that prior to commencing the audio recording, the investigator was required to advise the interviewee:

- the reason for the audio recording
- if the audio recording was authorised or required under a law, the law under which the audio recording was being made
- any usual disclosures from RRC to a third party, or
- any usual disclosures from a third party to another.

RRC advised it was investigative practice to advise people if the interview was being recorded. OIC considered it would be better if this practice was explicitly documented in the policies, procedures and work instructions. RRC agreed to amend the documentation during the course of the review. OIC obtained the latest versions of the investigation procedure and work instruction towards the end of the review, and was concerned to note that it was still the case that neither document explicitly addressed the requirements of the IP Act for collection notices to be given to interviewees prior recording them at interview in the course of an investigation. RRC advised that amendment of the documentation governing the conduct of investigations is in hand and will include a requirement that a personal information collection notice is provided prior to any audio recording of an interview. RRC advised that this would be completed by mid-April 2014. This review has not had an opportunity to verify that this has been done. This will be addressed in the follow-up review to assess implementation of the recommendations.

⁵⁰ *Community Compliance Work Instruction no: (WI 8) Voice And Photographic Recording Work Instructions and Investigation Procedure.*

Recommendation Fourteen

It is recommended that RRC:

Within six months, ensure that the investigation procedure and work instructions governing the conduct of investigations include a requirement that a personal information collection notice is provided prior to any audio recording of an interview.

9 Conclusion

This report detailed the findings of the review of RRC's implementation of the government's right to information and information privacy obligations.

In many respects, RRC had good information management practices: releasing government information proactively, whilst also being mindful of the need to protect personal information. In particular, the website was easy to use and information rich. Governance structures, policies and practices for information management within RRC were clear and effective, with projects under way to make further good use of new technologies for information release and re-use. The policy, procedure and framework for community engagement was so useful and easy to follow that the Community Engagement Matrix is considered an example of good practice. Interactions and information exchanges with industry and community service organisations were positive. RRC was generally compliant with the requirements of the RTI Act and IP Act. The file review found the application handling process to be compliant with the legislation, with only minor non-compliances identified that were rectified during the course of the review.

OIC found improvement opportunities, for example to translate higher level information goals and performance measures into operational activities, to explore opportunities for proactive and administrative release of information and to ensure that the community could readily discover what information was held by RRC, and how that information was collected, used and disclosed. If addressed, these issues would lift RRC's implementation of right to information and privacy to a benchmark level of good practice.

One issue was identified by the public consultation, and was also reflected in the history of review of RTI and IP Act decision-making. A number of individuals expressed disappointment, frustration and anger towards RRC regarding their information request and the level of service provided to them.

The review in general along with the individuals' file review in particular found that RRC met the legislative requirements to release information. However, review did identify opportunities to improve service delivery by:

- developing a communication strategy to ensure consistency of communication across all sections when dealing with requests for information; and

- supporting the communication strategy with training and awareness for all staff.

With this issue and other minor improvement opportunities addressed, OIC would consider that the Rockhampton Regional Council to be a benchmark of good practice in information management for right to information and information privacy.

APPENDICES

Appendix 1 – Acronyms

CEN	Charges Estimate Notice
CEO	Chief Executive Officer
Community project	Any project, issue, service or action
Corporate Plan	Rockhampton Regional Council Corporate Plan 2012-2017 (updated 1 July 2013)
CSO	Customer Service Officer
GIS	Geographical Information Systems
Information Security Policy	Policy No. Pol.F4.10, Information Security Policy
ITS Strategic Plan	Information Technology Strategic Plan 2010-2015
IP	Information Privacy
IP Act	<i>Information Privacy Act 2009</i> (Qld)
IPP	Information Privacy Principle
OIC	Office of the Information Commissioner
PDA	Policy Development Area
The Policy	<i>Privacy Policy</i> , POLICY NO. POL.F4.16
Records Management	Records Management section: the section with primary responsibility for coordinating implementation of the RTI Act and IP Act requirements for RRC
Records Strategic Plan	Records Strategic Plan 2010-2015
RRC	Rockhampton Regional Council
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009</i> (Qld)
The Workplan	IT Service Workplan and Forward Schedule of Changes

Appendix 2 – Terms of Reference

Terms of Reference – Review of Right to Information and Information Privacy in Rockhampton Regional Council

1. Objectives of the Review

- 1.1. The objective of the review is to establish whether the Rockhampton Regional Council (**Council**) is complying with the prescribed requirements of the *Right to Information Act 2009* (RTI Act) and 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 Council's policies and procedures for RTI and IP information handling practices, including:
 - 2.1.1. Council 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 Council is maximising disclosure. The review will include:
 - 2.1.3.1. Review of statistical reporting (including internal reporting and annual reporting under section 185 of the RTI Act)
 - 2.1.3.2. Consultation with communities and industry stakeholders as to their information needs and information management issues, and the extent to which those needs are addressed by Council.
 - 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 collaboration with communities and industry stakeholders on information management through a consultation process.
 - 2.1.6. Agency personal information handling practices including technologies, programs, policies and procedures to review privacy related issues of a systemic nature generally, and agency compliance with the privacy principles.

3. Suitability Criteria for Assessing Performance

- 3.1. The review is based on an assessment of the performance of Council 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) will work with a review team including Senior Performance, Monitoring & Reporting Officers. The review team 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. Discussions with community and industry stakeholders
 - 4.1.3. Discussions or survey of applicants
 - 4.1.4. Observation of RTI and IP handling practices
 - 4.1.5. Examination of agency website including publication schemes, disclosure logs and arrangements for administrative access
 - 4.1.6. Review of desktop audit recommendations and agency response
 - 4.1.7. Examination of agency intranet
 - 4.1.8. Review of statistical records/reporting
 - 4.1.9. Review of agency documentation; and
 - 4.1.10. Substantive testing of a random sample of application and internal review files.

5. Reporting

- 5.1. The report will outline findings and make recommendations to improve Council's implementation of RTI and IP.

Issues identified during the review regarding Council's implementation will be raised progressively during the review. If necessary, OIC will provide a briefing to management within Council 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 within Council for comment.

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

This final report, together with your comments and the Council's formal response to recommendations, will be submitted to the Parliamentary Committee for Legal Affairs and Community Safety.

6. Administrative Matters

6.1. Timing

At this stage, it is envisaged that the on-site field work for the review will commence in September and will be finalised by November. The exit meetings and report drafting should be concluded by February 2014, assuming unforeseen circumstances do not intervene.

6.2. Request for Information

Once the agency has nominated a liaison officer for this review, further information will be requested in preparation for the on-site visit, as attached.

It would be of assistance if such information could be provided to the 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, as needed.

Appendix 3 – RRC Action Plan



29 April 2014

Our Ref: 10160
Enquiries: 1300 22 55 77

Ms Rachel Rangihaeata
Information Commissioner
Office of the Information Commissioner
PO Box 10143
BRISBANE QLD 4000

Dear Ms Rangihaeata

**Right to Information and Information Privacy Compliance Review Report 2014
Rockhampton Regional Council Formal Response**

I write to you in response to the recent compliance review of Rockhampton Regional Council's (RRC) Right to Information and Information Privacy governance practices and general processes.

Please find attached the RRC management response to the report recommendations as discussed at our meeting on 28 April 2014.

I understand our responses and planned activities will be included as Appendix 3 of the report. You will note that key RRC staff have already commenced work on the recommended improvements which will take us beyond our predominantly compliant practices to benchmark best practice in this area.

Thank you again for the time you and your staff have put into providing this report and recommendations. I appreciate your offer of assistance in implementing the recommendations and look forward to any follow-up reviews.

Please refer any enquiries regarding the review and responses to Mr Drew Stevenson, Manager Corporate & Technology on 4936 8408 or drew.stevenson@rrc.qld.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Evan Pardon", written over a horizontal line.

Evan Pardon
Chief Executive Officer

Attached: Appendix 3 – RRC Action Plan

Rockhampton Regional Council proudly supports the CQ **NRL BID**



Rockhampton Regional Council PO Box 1860, Rockhampton Q 4700 | Phone 4932 9000 or 1300 22 55 77
Fax 4936 8862 or 1300 22 55 79 | Email enquiries@rrc.qld.gov.au | Web www.rockhamptonregion.qld.gov.au

Appendix 3 – RRC 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, for example, in time for the commencement of the national health reforms to the service delivery model)

OIC recommends:-		RRC response and any proposed management action	OIC Rating	RRC nominated owner	RRC nominated completion date	Proposed Start	Resources	Comments
#	Recommendation							
1	Within twelve months, develop and implement a communication strategy to guide all sections within RRC in their dealings with requests for information, in order to provide better client services, streamline procedures and resolve information requests administratively to the greatest extent possible	<p>Agreed</p> <p>An Information Communication Strategy will be developed and implemented</p> <p>An information public disclosure training plan will be developed in the second half of 2014.</p> <p>Key staff training and distribution in early 2015.</p>	Low	Manager CTS	May 2015	Apr 2014	<p>Coord IS</p> <p>RTI Coord</p> <p>Community Engagement Officer to assist with Communication Strategy</p> <p>Marketing Comms Officer</p> <p>Coord CS</p> <p><u>Key Staff</u> for training and championing the process:</p> <ul style="list-style-type: none"> • Wider Leadership Team • Customer service touch points (CSO, Parks, FRW, Infrastructure & Home Assist) • Local Laws • Marketing. 	<p>Information communication strategy and training will be based on the revised Information Public Disclosure Procedure:</p> <p>http://www.rockhamptonregion.qld.gov.au/About_Council/Policies_and_Publications/Council_Policies_and_Procedures</p> <p>28 Apr 14</p> <p>Updated procedure distributed internally for comment.</p>

OIC recommends:-		RRC response and any proposed management action	OIC Rating	RRC nominated owner	RRC nominated completion date	Proposed Start	Resources	Comments
#	Recommendation							
2	Within twelve months, explicitly include right to information, information privacy and information management activities in operational level corporate plans, with active monitoring and oversight of the proactive release of information and protection of personal information in accordance with the RTI and IP Acts	<p>Partially Agreed</p> <p>Agree with the intent to make information available where practical.</p> <p>Corporate Plan is current to 2017.</p> <p>Structure of 2014/15 Operational Plan is currently under review any suggested changes would need to be considered by Council.</p> <p>A KPI will be included for Corporate & Technology Section to undertake an annual review of the Publication Scheme, Administrative Release Scheme and Disclosure Log.</p>	Low	Manager CTS	May 2015	July 2014	<p>Manager CTS</p> <p>Manager W&S</p> <p>Coord IS</p> <p>RTI Coord</p> <p>Coord CS</p> <p>Coord CIS</p>	Could suggest in the drafting of the next Corporate Plan that in "Leadership, Partnering & Support" add new Activity – 'Proactive release of public information'.
3	Within twelve months, develop and implement training for all staff in how to effectively deal with people seeking information from RRC, before, during and after a request becomes an RTI or IP application	<p>Partially Agreed</p> <p>There is an effective training program in place for RRC RTI / IP Decision Makers overseen by the RTI Coordinator.</p>	Low	Manager CTS	May 2015	Nov 2014	<p>RTI Coord</p> <p>Coord IS</p> <p>Key Staff identified in Recommendation 1.</p>	Linked to Recommendation 1.

OIC recommends:-		RRC response and any proposed management action	OIC Rating	RRC nominated owner	RRC nominated completion date	Proposed Start	Resources	Comments
#	Recommendation							
		As per Recommendation 1, training for key staff will be developed and delivered based on the revised Information Public Disclosure Procedure.						
4	Within six months, improve the promotion of staff training in right to information and information privacy on the RRC intranet	Agreed Change Privacy Menu on Intranet to 'RTI and Privacy'; including links to OIC Training and other RRC training such as Decision Makers and Recordkeeping Training	Medium	Manager CTS	November 2014	May 2014	RTI Coord Inf & Privacy Officer	
5	Within twelve months, develop key performance targets and incorporate them into operational plans, and measure and report on the effectiveness and efficiency of right to information and information privacy practices and processes	Partially Agreed May not be included in Corporate Plan – Council decision. However, the Corporate Services Monthly Report presented to Council (and the public) includes statistical information regarding RTI / IP processes. Will	Low	Manager CTS	Ongoing	May 2014	RTI Coord Coord IS Manager W&S Coord CIS	Linked to Recommendation 2

OIC recommends.-		RRC response and any proposed management action	OIC Rating	RRC nominated owner	RRC nominated completion date	Proposed Start	Resources	Comments
#	Recommendation							
		<p>also include details for Qty applications completed and outstanding, Qty Admin Release, and Qty Internal and External Review and statement of compliance with timeframes.</p> <p>The current Operation Plan (2013/14) has a KPI for RTI / IP process compliance.</p>						
6	<p>Within twelve months:</p> <ul style="list-style-type: none"> Review whether types of information commonly sought, for example, through the Customer Service Centre, the RTI application process and any other processes can be made available administratively, and Implement arrangements to access that information administratively to the greatest extent possible 	<p>Agreed</p> <p>1. Will include as part of Information Communication Strategy.</p> <p>2. Paragraph to be included in the Information Public Disclosure Procedure addressing release of information relating to recurring information requests and release methods (e.g. Website, social media).</p>	Low	Manager CTS	May 2015	Apr 2014	<p>RTI Coord</p> <p>Coord IS</p> <p>Coord CS</p> <p>Manager GS</p> <p>Marketing Comms Officer</p>	<p>Work with Customer Service and key staff in departments to identify types of information commonly sought.</p> <p>Review the Administrative release scheme</p> <p>28 Apr 14</p> <p>Updated procedure distributed internally for comment.</p>

OIC recommends:-		RRC response and any proposed management action	OIC Rating	RRC nominated owner	RRC nominated completion date	Proposed Start	Resources	Comments
#	Recommendation							
7	<p>Within twelve months:</p> <ul style="list-style-type: none"> Identify and list RRC's information holdings, and give each information holding a security classification, with a view to using this list to systematically release information holdings classified as 'public' to the greatest extent possible; and Publish the list of RRC's information holdings 	<p>Agreed</p> <ol style="list-style-type: none"> Will follow example and format of QPS scheme Will be viewable from RRC Website 	Low	Manager CTS	May 2015	May 2014	<p>RTI Coord</p> <p>Coord IS</p> <p>Information Custodians</p>	<p>http://www.police.qld.gov.au/rti/published/lists/QPS+Information+Asset+Register.htm</p> <p>Expand on listing in Privacy Policy</p> <p>http://www.rockhamptonregion.qld.gov.au/About_Council/Policies_and_Publications/Council_Policies_and_Procedures</p>
8	<p>Within three months, review the publication scheme and include direct links to registers or lists as appropriate and include a statement advising of the procedure for making a complaint if information included in the publication scheme is not available.</p>	Agreed	High	Manager CTS	July 2014	April 2014	<p>Inf & Privacy Officer</p> <p>RTI Coord</p> <p>Coord IS</p>	
9	<p>Within six months, implement a procedure to ensure active input from all sections within RRC in keeping the publication scheme accurate, maintained and updated by the inclusion of any significant and appropriate information</p>	<p>Partially Agreed</p> <p>Will incorporate in the Information Communications Strategy</p> <p>The RTI Policy will be updated to include organisational input to the Publication Scheme as part of the annual review.</p>	Medium	Manager CTS	December 2014	May 2014	<p>Manager GS</p> <p>Marketing Comms Officer</p> <p>RTI Coord</p> <p>Coord IS</p>	<p>Include in RTI Policy</p> <p>http://www.rockhamptonregion.qld.gov.au/About_Council/Policies_and_Publications/Council_Policies_and_Procedures</p>

OIC recommends:-		RRC response and any proposed management action	OIC Rating	RRC nominated owner	RRC nominated completion date	Proposed Start	Resources	Comments
#	Recommendation							
		RTI Coordinator to oversee collation of Publication Scheme information.						
10	Within twelve months, implement a procedure to improve the operation of the disclosure log by directly linking to documents published to the disclosure log where it is reasonably practicable to do so	<p>Partially Agreed</p> <p>Disclosure log is discretionary under the Act.</p> <p>The RTI Policy will be updated to include Disclosure Log maintenance practices. Documents will be linked to the Disclosure Log by exception i.e. following a request for released information and following redacting of any personal information, documents will be linked to Disclosure Log.</p>	Low	Manager CTS	May 2015	May 2014	<p>Inf & Privacy Officer</p> <p>RTI Coord</p> <p>Coord IS</p>	Amend existing RTI Policy
11	Within six months, increase agency contact with applicants for information under the RTI Act and IP Act with greater use of telephone and email contact, in order to:	<p>Partially Agreed</p> <p>Will look at ways to increase contact through phone and / or email.</p>	Medium	Manager CTS	August 2014	May 2014	<p>RTI Coord</p> <p>Coord IS</p>	<p>Revise customer quick guide/ overview of the process.</p> <p>Create a Telephone Script to contact applicants on acceptance of the RTI application.</p>

OIC recommends:-		RRC response and any proposed management action	OIC Rating	RRC nominated owner	RRC nominated completion date	Proposed Start	Resources	Comments
#	Recommendation							
	<ul style="list-style-type: none"> clarify and understand the scope of the request and the applicant's needs identify opportunities to provide access more efficiently improve applicant's awareness and understanding of the procedures for handling the access application; and resolve any issues arising in the course of finding or releasing the information. 	<p>1. Currently contact applicant via phone and/or email to clarify any aspects of the application.</p> <p>2. Opportunities to release information administratively are identified during the early stages of the application process. Any application fee is also refunded.</p> <p>3. Investigating the creation of a plain English overview of RTI process to accompany acknowledgement letter and make available on the website also. Continue to offer face to face meetings as requested to improve awareness and understanding.</p> <p>4. Currently being done.</p>						
12	Within twelve months, review forms to ensure collection notices on forms inform users of those entities to whom it is Council's usual practice to	<p>Agreed</p> <p>Currently underway</p>	Low	Manager CTS	July 2014	April 2014	<p>RTI Coord</p> <p>Manager H&E</p> <p>Manager LL</p>	<p>28 Apr 14</p> <p>Forms identified by OIC review officer currently being updated.</p>

OIC recommends:-		RRC response and any proposed management action	OIC Rating	RRC nominated owner	RRC nominated completion date	Proposed Start	Resources	Comments
#	Recommendation							
	disclose personal information.							
13	Within twelve months, review forms to ensure collection notices on forms inform users of those entities to whom it is Council's usual practice to disclose personal information.	Agreed Will create an appendix to Privacy Policy	Low	Manager CTS	May 2015	May 2014	RTI Coord Coord IS Information Owners	Detailed listing of the classes of documents containing personal information and the type of information contained in the documents. – Main purpose for which the personal information is used. Linked to Recommendation 7
14	Within six months, ensure that the investigation procedure and work instructions governing the conduct of investigations include a requirement that a personal information collection notice is provided prior to any audio recording of an interview.	Agreed Currently underway	Medium	Manager CTS	October 2014	April 2014	Manager GS Manager LL Manager W&S	28 Apr 14 Currently under review by Community Services.

NB: RRC Employment Titles for Reference:

<ul style="list-style-type: none"> • Manager CTS - Manager Corporate & Technology • Manager W&S - Manager Workforce & Strategy • Manager LL - Manager Local Laws • Manager GS - Manager Governance Support • Manager H&E Manager Health & Environmental 	<ul style="list-style-type: none"> • Coord IS - Coordinator Information Services • Coord CS - Coordinator Customer Service • Coord CIS - Coordinator Corporate Improvement & Strategy • RTI Coord – RTI Coordinator / Supervisor Records 	<ul style="list-style-type: none"> • Marketing Comms Officer - Marketing Communications Officer • Inf & Privacy Officer – Information & Privacy Officer
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Appendix 4 – Community Engagement Matrix

Determining Level of Impact, Mandatory Engagement Required and Lead Times

The criteria that should be used to determine the level of impact of a project, issue, service or action is detailed in the table below. To determine the level of impact, you will need to determine the stakeholders that are affected by the project and the risks that may apply to Council in regards to this project/ service. It may be appropriate to involve other Council staff in making these decisions.

Community Engagement Matrix			
Level of Impact	Criteria (one or more of the following examples)	Mandatory Engagement	Timeframes
Level 1: High Regional High level of real or perceived impact across our Region	<ul style="list-style-type: none"> Any significant impact on attributes that are considered to be of high value to the whole of our Region such as the natural environment or heritage Any impact on the health, safety or wellbeing of our regional community Potential high degree of controversy or conflict Likely high level of interest across our Region Community and Council Plans, Budget, Regional Planning Scheme Disability Action Plan Strategy Plans e.g. Youth, Aged Removal of a facility or service catering across our Region e.g. library, swimming pool Provision of a regional facility i.e. skate park, sports centre Key changes to Region-wide service, e.g. waste services 	<ul style="list-style-type: none"> Flyer or similar Letterbox drop or written correspondence Notice in local newspaper Media promotion inviting comment (incl. advertising) Public event Meeting with key users or stakeholder groups (may include one-on-ones) Website presence with FAQs, Engagement Plan, Project Outline and associated plans, graphics, progress photographs Briefing and involvement of all Councillors Signage and/or posters Potential Advisory Committee/ Taskforce requirement Notice in established communication channels eg. Messages on Hold, Council 	<p>Engagement must commence before decisions are made or plans are finalised. Stakeholders must be involved, not just informed.</p> <p>Recommended lead time, including planning, is between 3-6 months.</p>

Community Engagement Matrix			
Level of Impact	Criteria (one or more of the following examples)	Mandatory Engagement	Timeframes
		generated newsletter etc...	
Level 2: High Local High level of real or perceived impact or risk on a local area, small community or user group of a specific facility or service	<ul style="list-style-type: none"> ▪ The loss of or significant change to any facility or service to a local community ▪ Potential high degree of controversy or conflict at the local level ▪ Removal or relocation of a local playground or kindergarten ▪ Change to or loss of valued activity or program eg local youth activity ▪ Re-development of a sportsground ▪ Increase or removal of car parking in a local shopping centre ▪ Removal of a tree from a public space, median strip or neighbourhood ▪ Road closure (could be Level 4 impact depending upon circumstance and history) 	<ul style="list-style-type: none"> ▪ Written correspondence or letterbox drop to affected residents ▪ Advice to local user groups ▪ Media Release ▪ Councillor involvement ▪ Signage and/or posters Suggested where applicable: <ul style="list-style-type: none"> ▪ Individual meetings offered to affected persons ▪ Community Meeting or TaskForce ▪ Public Notice 	6 weeks to 3 months <i>Notification must be given to affected persons prior to any action, with an opportunity to provide comment or ask questions, and to receive a response.</i>
Level 3: Low Regional Lower, although still some real or perceived impact or risk across our Region	<ul style="list-style-type: none"> ▪ Potential for some controversy or conflict ▪ Changes to a our Region wide service e.g. temporary or permanent variation to opening hours of a customer service centre ▪ Changes to customer service processes e.g. payment of rates ▪ Changes to the format of the website 	<ul style="list-style-type: none"> ▪ Media Release ▪ Notification to all Councillors ▪ Signage or Posters ▪ Notice on website ▪ Notice in established communication channels eg. Messages on Hold, Council generated newsletter. 	2-6 weeks It is preferable that affected communities are informed of the decision to engage with an appropriate lead time, to enable any input and assessment of concerns to be addressed prior to implementation.

Community Engagement Matrix			
<i>Level of Impact</i>	<i>Criteria (one or more of the following examples)</i>	<i>Mandatory Engagement</i>	<i>Timeframes</i>
Level 4: Low Local Lower level of real or perceived impact or risk on a local area, small community or user group of a specific facility or service	<ul style="list-style-type: none"> ▪ Only a small change or improvement to a facility or service at the local level. ▪ Low or no risk of controversy or conflict at the local level. ▪ Upgrade of a local playground e.g. installation of new equipment ▪ Local streetscape upgrade e.g. additional tree planting ▪ Changes to an activity such as Verbyl's school holiday activities ▪ Local street road closure 	<ul style="list-style-type: none"> ▪ Advice to local Councillor and photo opportunity where requested ▪ Council website ▪ Signage or Poster ▪ Advice to customers during interactions with Council staff 	1-4 weeks The appropriate level of engagement here aims to 'inform'.

Note: At any time during the Engagement Process, it may be necessary to reassess the level of impact and vary the engagement approach accordingly.

Flexibility

Council's intention is to be flexible and responsive in its approach. While there are mandatory requirements set out in the table above, these may be altered within reason. The timeframes are recommended as there may be instances when a community issue arises which needs to be addressed or responded to immediately. The most important aspect of engagement is that we inform any affected or potentially affected community in our Region, of any action, change or decision, in advance of it occurring.

Urgent Repairs

It is acknowledged that in Council's day to day operations, staff may be required to act immediately to repair an amenity or facility (eg. a burst pipeline). The intent of this Procedure is not to delay or stop these urgent matters being addressed. There are policies and procedures that will supersede these requirements, particularly within the Commercial Services Department.

Disaster or Crisis Communications

Any engagement that forms part of a disaster or crisis response will be handled separate to this Procedure through the Local Disaster Management Group

Appendix 5 – Details of Stakeholder Consultation

In consultation with RRC, OIC selected 19 stakeholders from 14 agencies and organisations as a sample of the stakeholders who might be interested in information held by RRC. Stakeholders were representative of the following categories of interaction with RRC:

- social and community interests
- environmental and research interests; and
- economic and industry interests.

OIC sent a letter of invitation directly to stakeholder groups on 9 October 2013, attaching questions (the list of questions is provided at the end of this appendix) and requesting a response by 1 November 2013. In addition, a news article was published on the OIC's internet site and in the local Rockhampton newspaper, and a radio interview was held inviting general comment on RRC's proactive disclosure of information from the broader community.

Eight stakeholder groups provided a written or verbal submission to the questions.

RRC suggested a further five stakeholders, who were contacted, but did not respond.

Agency Stakeholders		
1	Stanwell Corporation Limited	No comment
2	Capricorn Enterprise	Response received
3	Central Queensland Livestock Exchange	Response obtained
4	Department of Transport and Main Roads	Response obtained
5	Central Queensland University	No comment
6	Regional Development Australia - Fitzroy and Central West Committee	No comment
7	Infrastructure Australia	No comment
8	Dreamtime Cultural Centre	Response obtained
9	Community Solutions	Response received
10	Rockhampton Mountain Bike Club	Response obtained
11	Queensland Police Service	Response received
12	Queensland Health, 10,000 Steps Program	Letter returned
13	Department of Communities	No comment
14	Queensland Fire and Rescue Service	Response received
Further Stakeholders Identified by RRC and consulted		
1	Western District Ratepayers	No comment
2	Northern District Ratepayers	No comment
3	Mount Morgan community consultation representative	No comment

4	Bajool community consultation representative	No comment
5	Bouldercomb community consultation representative	No comment
Five individuals responded to the public consultation		

Response obtained or received from stakeholders	8
No comment	10
Unable to contact stakeholder	1
TOTAL STAKEHOLDERS CONTACTED	19

Stakeholder comments

Current information provided by RRC that stakeholders regarded highly includes:

- residential demographics
- property management information
- research studies, for example, flood plain study
- closed circuit television holdings from Council camera system – requested constantly
- building certification and approval information – for example relevant to premises licensed under the *Liquor Act 1992* (Qld) or for obtaining permits
- information relevant to disaster management activities – flood mapping, storm tide information, evacuation centre availability and further wide range of information
- building and land holder owner information or lease information for Council properties
- Council responses to neighbour dispute matters – where the stakeholder was also a party to the responses
- community safety related information
- information as to community contact persons and liaison – e.g. multicultural groups
- information about people, places or activities, e.g. building ownership, inspections, approvals
- Geographic Information System (**GIS**) mapping information held by RRC; and
- contact groups and persons (particularly for diverse cultural groups or representatives of particular portions of the community [e.g. aged]). One

stakeholder said *Council often has contacts with other agencies and this is sometimes a pathway to find the right person to talk to.*

Stakeholders were asked how they would use the information. They commonly sought information to:

- enhance operational activities; and
- help direct and guide inquiries.

Stakeholders were complimentary of RRC's provision of information in accessible formats. Specific comments were:

- *Web page is very good source of info as per contacts, latest events, and council updates; and*
- *Information generally user friendly. Disaster plans etc now provided electronically via CD. Some larger documents were sent by email initially for review and way too large for that medium – shut down mail systems etc.*

One stakeholder suggested that a common website might be useful for authorised information sharing (guest portal on web site with authorised sign in) for specific projects and events.

The majority of stakeholders advised that they did not see any significant risks with RRC publishing information. They attributed this sense of confidence to the care taken by RRC about the release of information.

Stakeholders commented on the importance of timeliness, careful consideration of factors for release and non-release of information and customer service.

For each of these factors, the issue was mentioned as part of paying a compliment. Stakeholders consistently expressed appreciation of RRC's timeliness, care, and professional and courteous service. One stakeholder also complimented RRC on care taken to explain reasons for releasing or not releasing information contrary to the stakeholders' preference.

Questions about access to Rockhampton Regional Council (RRC) information

1 With respect to information that you know is held by RRC:

- a What information held by RRC is/might be of assistance to your organisation (*please provide details*)?
- b 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.
- c What could you or your clients do with the information?
- d Do you think there are risks in RRC publishing this information (*for example, information being misused or misunderstood*)? If so, do you have any comments about managing those risks?

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

- a There might be situations where you are undertaking a project or activity, and you do not know whether or not RRC holds information that might be of assistance or relevant to your project or activity.
Are you undertaking any current or future projects that require information from other government bodies/agencies which may help you to achieve a better outcome? If so, what types of information might be useful?
- b Do you think RRC may hold relevant information? Please also describe the nature of the information.

3 We are also interested in your general views and experiences with accessing information held by RRC. When seeking to access information from RRC:

- a Do you know who to contact?
- b Has your request been dealt with in a professional manner?
- c Did you receive the information that you requested?
- d If you did not receive the requested information, were you given a reason?
- e Was the information provided in a timely manner?
If not, how often do you consider this information should be released (*for example:- weekly / fortnightly / monthly / quarterly / half yearly / yearly*) and why?
- f Is there anything RRC currently does which assists you in making use of the information that is released? (*For example, does RRC 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 an RRC contact available to discuss information released.)

- g** Would you search for RRC information outside of RRC (*for example, using an open-ended internet search*)?
- h** Was the information provided in an appropriate format? If not, what format would improve its usability? (*for example – report / machine readable / raw data.*)
- i** Are there any other impediments to making use of information that is released? If so, what would assist to reduce or remove these impediments?
- j** Are there any other comments you would like to provide about your experience with RRC in accessing information?