



Office of the Information Commissioner
Queensland

Desktop Audits 2014-16

Website Compliance with Right to Information and Information
Privacy — Local Governments and Hospital Foundations

Report No. 1 to the Queensland Legislative Assembly for 2016-17



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Office of the Information Commissioner
Level 8, 160 Mary Street, Brisbane, Qld 4000
PO Box 10143, Adelaide Street, Brisbane, Qld 4000
Phone 07 3405 1111
Fax 07 3405 1122
Email administration@oic.qld.gov.au
Web www.oic.qld.gov.au

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August 2016

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

Dear Mr Furner

I am pleased to present *Desktop Audits 2014-16: Website Compliance with Right to Information and Information Privacy — Local Governments and Hospital Foundations*. I conducted these audits under section 131 of the *Right to Information Act 2009* (Qld) and section 135 of the *Information Privacy Act 2009* (Qld).

Desktop Audits 2014-16 reports on local governments' and hospital foundations' websites compliance with the RTI Act, in particular the requirements for publication schemes and disclosure logs. It also reports on how these government agencies ensured appropriate privacy measures were in place in accordance with Information Privacy Principle 2 (Collection of personal information) and Information Privacy Principle 5 (Providing information about documents containing personal information).

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 on the next sitting day.

Yours sincerely

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

Rachael Rangihaeata
Information Commissioner

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Executive summary

The Office of the Information Commissioner (**OIC**) audits government agencies' compliance with legislative requirements for proactive disclosure of information and protection of personal information set out in the *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (Qld) (**IP Act**).

During 2014-16, OIC assessed agency websites and examined the information available online. This report presents the results at the time OIC conducted the desktop audits. A number of government agencies have since reported they had addressed the issues brought to their attention and implemented the recommendations, thus improving compliance with the legislative requirements.

The government agencies within scope of these desktop audits were the 77 Queensland local governments and the 13 hospital foundations.

Publication schemes, disclosure logs, and administrative access arrangements are all part of a broader strategy for providing greater access to government-held information and better delivery of services.

Conclusions

Local governments and hospital foundations need to do more work to improve access to government-held information. This would support their transparency and accountability and, in turn, improve community's confidence in government agencies.

When government agencies publish limited information on their websites, they forego the benefits of proactive disclosure - the information gets into the public domain faster and at a lower cost, reducing agency time and resources that deal with applications under legislative process. Proactive disclosure of information in an accessible format improves services to the community, transparency and accountability and builds trust.

Overall, all audited agencies need to be more active in using push model strategies. They could use administrative access arrangements, publication schemes and disclosure logs more effectively to provide clear pathways and easier access to information so that formal applications are exercised as a last resort.

The audited agencies had taken steps to handle personal information appropriately, but did not always make an individual aware of how they used the personal information or which entity they disclosed it to.

Key findings

Right to information

While the RTI Act does not specifically require a government agency to have a Right to Information (**RTI**) page on its website, it is a good way to disclose information proactively. While hospital foundations had little RTI related information on their websites at the time of the audit, 3 out of 4 local governments had online RTI webpages. The lack of such webpages for 19 councils means it was more difficult for their communities to access information.

The content of the RTI webpages varied. Local governments were more likely to publish information about the publication schemes, disclosure log or legislative application process than about their administrative access arrangements.

Publication schemes

The RTI Act does not specify the way an agency must make its publication scheme available. It can be on the agency's website or published in some other way, for example, in hard copy. Generally, most hospital foundations had not published a publication scheme on their websites. The 2 foundations maintaining an online publication scheme at the time of the desktop audit needed to do more work to meet all the legislative obligations under the RTI Act.

OIC identified that, of the 77 local governments, 51 (66%) provided online access to a publication scheme and 26 did not. Only 7 of these 51 local governments met all the requirements and a further 39 councils were in progress to compliance. Limited or inaccurate information reduces transparency and accountability.

Common issues affecting the online publication schemes were out of date information, and marginal governance-related information. For example, only 16 councils achieved a compliant rating for the 'Our lists' information class in the publication scheme. About 2 thirds of the local governments with an online publication scheme did not provide details about their gift and benefit register and their register of beneficial enterprises.

The lack of information about how to access these registers notably diminished the transparency of the local governments. Publishing these registers on the councils'

websites would increase community's confidence in local governments and could also act as a deterrent to conflicts of interest and corruption.

Also, about half (53%) the local governments explained how to request information in an alternative format. This could affect the community's options to accessing information equitably.

Disclosure logs

The RTI Act does not specifically require that local governments or hospital foundations maintain a disclosure log, however it is good practice. When a government agency maintains a disclosure log, it must comply with the relevant legislative requirements.

Overall, 48 (62%) local governments maintained a disclosure log. When these councils had published documents in their disclosure log, they provided enough detail about the information they had released.

Privacy

Overall, the hospital foundations demonstrated good levels of compliance with Information Privacy Principle (**IPP**) 2 (collection of personal information via online forms and email) and IPP5 (personal information holdings and privacy plans) at the time of the desktop audit.

Local governments' websites showed that they had taken steps to handle personal information appropriately, but had not yet fully addressed the specific requirements of the IP Act. This means an individual might not always be aware of how the council used the personal information or which entity it disclosed it to.

While local governments met their IPP2 obligations when collecting personal information through forms, the results for contact email addresses was mixed. The most common issue was that the global privacy statement did not cover the collection of personal information via emails.

Only 14 (18%) local governments met all the IPP5 requirements. The most frequent omission was about the purpose for which the council used the information.

1 Introduction

1.1 Background

The functions of the Information Commissioner include reviewing and reporting on agencies' performance in relation to the operation of the *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (Qld) (**IP Act**). The object of these Acts is to push information Queensland public sector agencies control into the public domain and protect the personal information they hold.

The Office of the Information Commissioner (**OIC**) monitors government agencies performance and conducts reviews, including desktop audits. The nature of desktop audits means that OIC:

- only assessed online information
- could not form a conclusion where agencies had not published the information on their websites
- did not examine agencies' internal processes and controls.

This report presents the aggregate results of 77 local governments and 13 hospital foundations at the time of the desktop audits. OIC communicated to each agency the issues it identified during the audits and made individual recommendations. A number of audited entities have since reported to the OIC that they had addressed the issues identified and implemented the recommendations, consequently improving their own, and the overall, level of compliance.

1.2 Objective

The objective of the desktop audits was to assess the accessibility and availability of information on local government and hospital foundation websites. The OIC considered:

- whether right to information, publication schemes and disclosure log webpages met the RTI Act and Ministerial Guidelines requirements, and promoted better and easier access to government held information
- the amount of information each local government and hospital foundation made routinely available through these webpages
- the processes for collecting personal information, in compliance with Information Privacy Principle (**IPP**) 2

- the extent of providing information about personal information holdings in compliance with IPP5.

OIC applied the maturity ratings described in Figure 1A when assessing the accessibility, content and structure of Right to Information (RTI) and Information Privacy (IP) information on local governments and hospital foundations websites.

Figure 1A
Maturity ratings

Rating	Description
Well managed	Practices managed effectively and being optimised
Compliant	Practices managed and appropriate
In progress to compliance	Practices well-defined, activity evident
Limited progress	Need for more definition of practices, ad hoc activity evident

Source: *Office of the Information Commissioner*

OIC created the 'well-managed' rating to highlight practices that were particularly effective in achieving compliance.

1.3 Structure of the report

The report is structured as follows:

- Chapter 2 presents the assessment of local governments' websites in relation to right to information
- Chapters 3 and 4 outline the findings about local governments' online publication schemes and disclosure logs
- Chapter 5 examines local governments' compliance with privacy requirements
- Chapter 6 discusses the responses from local governments
- Chapter 7 presents the results of the desktop audits of the hospital foundations
- Appendix 1 lists the acronyms used in this report
- Appendix 2 outlines the audit methodology

2 Local governments - Right to information

2.1 Introduction

Clear pathways to information on government agencies websites are one of the main strategies for proactive disclosure. OIC assessed whether local governments provided direct access, including via hyperlinks, on their website to the:

- publication scheme
- disclosure log
- administrative access arrangements
- formal application processes under the RTI and IP Acts.

Under the RTI Act, government agencies should release information administratively as a matter of course, unless there is a good reason not to. A formal application under the RTI Act should be the last resort.

Proactive disclosure increases the flow of government-held information to the community. This approach to information management increases transparency of, and confidence in, government agencies.

Agencies can benefit significantly from administrative arrangements as these provide information to the community more simply and efficiently than through the formal legislative application process.

OIC examined the RTI information the 77 local governments published on their websites. It identified 19 councils did not have an RTI webpage on their website and therefore was unable to draw conclusions for these local governments.

2.2 Conclusions

Overall, the majority (75%) of local governments provided pathways to information, either administratively through one of the mechanisms available on their RTI webpage or through formal application under the legislative process. Although the RTI Act does not prescribe such a webpage, it was more difficult for the communities of the 19 councils without a RTI webpage to access information.

Only 33 local governments had information about their administrative access arrangements on their website. By not making the administrative access schemes highly visible on their websites, the other councils forego the benefits of providing information more simply, transparently and efficiently.

2.3 Results

OIC examined local governments' RTI webpages to assess their content and maturity. Three quarters (58) of local governments had websites that included easily accessible RTI related content. Figure 2A shows the maturity ratings for the RTI webpages examined.

Figure 2A
RTI webpages – maturity ratings

Maturity of RTI webpage	No. of local governments	% of local governments
Well-managed	6	8
Compliant	36	47
In progress to compliance	11	14
Limited progress to compliance	5	6
No RTI webpage	19	25
TOTAL	77	100

Source: Office of the Information Commissioner

This chapter presents the results for the 58 local governments that had RTI relevant information on their websites to the exclusion of the 19 councils without a RTI webpage.

The content of the RTI webpages varied. Figure 2B shows how many local governments provided information on RTI various aspects.

Figure 2B
RTI webpages - content

RTI webpage content by type	No. of local governments	% of local governments*
Contacting agency for further information	49	84
Publication scheme	51	88
Disclosure log	48	83
Administrative access arrangements	33	57

Source: Office of the Information Commissioner

* Note: based on 58 local governments that had RTI relevant information on their websites

Administrative access arrangements

The desktop audits found that local governments were less likely to publish information about their administrative access arrangements than about their publication scheme or disclosure log. This is consistent with the findings from the 2016 electronic audit.¹

In 2013, OIC also found that

Local governments reported the lowest frequency of having administrative access schemes with only one in three reported having at least one scheme in operation²

The desktop audits confirmed that overall, local governments have since made limited progress in promoting administrative access arrangements. Figure 2C shows the maturity ratings of the online administrative access arrangements.

¹ 2016 Right to Information and Information Privacy Electronic Audit: Queensland public sector agencies' responses and comparative analysis with 2010 and 2013 results available on OIC's website

² 2013 Right to Information and Information Privacy Electronic Audit: Queensland public sector agencies' responses and comparative analysis with 2010 results available on OIC's website

Figure 2C
Administrative access arrangement – maturity ratings

Maturity of administrative access arrangements	No. of local governments	% of local governments*
Well-managed	5	9
Compliant	16	28
In progress to compliance	26	45
Limited progress to compliance	9	16
No administrative access arrangement	2	3
TOTAL	58	100

Source: Office of the Information Commissioner

* Note: based on 58 local governments that had RTI relevant information on their websites

As an example, the Isaac Regional Council had a well-managed the RTI webpage. It was informative and efficient in referring persons to administrative access arrangements outside of RTI and IP legislative processes.

Local governments could improve the visibility of their administrative access arrangements. 40 councils (69%) provided no direct link to their administrative access arrangements even though they were present on the website. OIC encourages local governments to promote information available administratively as a way of improving service to the community.

Formal application process

OIC expects that local governments provide sufficient information about the legislative application process. This advises the community about their right to information, including personal and non-personal information, and helps managing the expectations of applicants.

The level of detail provided varied as shown in Figure 2D. 49 local governments (84%) made the public aware of their right to access government-held information, when introducing the concept of RTI on their RTI webpage.

Figure 2D
Application process – content

Application process	No. of local governments	% of local governments*
Information about RTI rights	49	84
Detailed information about the application process (includes processing periods, application costs and review rights)	33	57
Approved forms for lodging access or amendment applications	44	76

Source: Office of the Information Commissioner

* Note: based on 58 local governments that had RTI relevant information on their websites

While 33 councils (57%) provided detailed information about the application process, this is an area for improvement for local governments. OIC identified 2 main issues:

- limited information about submitting an application, processing times and rights of review (21 local governments or 36%)
- incorrect information about the application process (20 local governments or 34%).

Councils need to ensure the information they provide about the application process, cost, timeframes, review rights and review period is sufficient, accurate and up-to-date.

Under the RTI and IP Acts, access and amendment applications must be in the approved form.³ 44 (76%) local governments audited provided the approved forms for both access to information and amendment applications. The remaining 14 (24%) local governments presented the approved form for making an access application only.

³ An application must be made in the approved form (see section 24 of the RTI Act and sections 43 and 44 of the IP Act. The approved form is issued by the Queensland Government and approved by the chief executive of the Queensland Department of Justice and Attorney-General (see section 192 of the RTI Act and section 200 of the IP Act.)

3 Local governments - Publication schemes

3.1 Introduction

All local governments must have a publication scheme which is a structured list of information available to the community. The RTI Act does not specify the way an agency must make its publication scheme available. It can be on the agency's website or published in some other way, for example, in hard copy.

OIC assessed local governments' online publication schemes against the requirements of the RTI Act and Ministerial Guidelines⁴. Of the 77 local governments, 51 (66%) provided online access to a publication scheme and 26 did not. This means OIC was unable to conclude on whether local governments without an online publication scheme met the prescribed requirements.

Section 21(3) of the RTI Act requires an agency to ensure that its publication scheme complies with the guidelines issued by the Minister.

The Ministerial Guidelines specify seven classes in which information must be organised and published.⁵ The information in the publication scheme must be significant; appropriate for release; and accurate. In addition, publication schemes should be easy to use and information rich, to encourage the wider community to use them as a key resource tool.

This chapter outlines the results of OIC's assessment of the online publication schemes for the 51 councils.

3.2 Conclusions

Only 7 of the 51 local governments with an online publication scheme met the requirements and a further 39 councils were in progress to compliance. Limited or inaccurate information reduces transparency and accountability. In turn it decreases confidence and trust in government agencies.

⁴ Ministerial Guidelines, Operation of Publication Schemes and Disclosure Logs issued February 2013 and available on www.rti.qld.gov.au

⁵ About Us, Our Services, Our Finances, Our Priorities, Our Decisions, Our Policies, Our Lists.

Common issues affecting the online publications schemes were local governments: publishing out of date information; providing less governance-related information; and not offering the information in an alternative format.

When publication schemes are well maintained and richly populated with significant, accurate and appropriate information, they support the community's access to information. They can also reduce the cost to the agency of dealing with requests for information.

The OIC encourages local government to release their publication schemes on their website to strengthen transparency and accountability.

3.3 Results

Figure 3A shows the overall maturity ratings for local governments' publication schemes.

Figure 3A
Publication schemes – maturity ratings

Maturity of publication schemes	No. of local governments	% of local governments
Well-managed	-	-
Compliant	7	9
In progress to compliance	39	51
Limited progress to compliance	5	6
No publication scheme	26	34
TOTAL	77	100

Source: Office of the Information Commissioner

Access

Most online publication schemes were easy to locate on the council's website, either directly as part of the website, RTI webpage or via a link from the RTI webpage to a publication scheme webpage.

Under section 21(1)(b) of the RTI Act, an agency must set out the terms on which it will make the information available, including any charges. 30 councils (59%) complied with this requirement and outlined the terms of access including any potential charges.

To ensure equitable access to information, an agency should provide information in alternative formats upon request. OIC found that 27 councils (53%) explained how to request documents in an alternative format. This means that the communities of nearly half the local governments reviewed had fewer options to access information.

The Ministerial Guidelines require agencies to implement a complaints procedure for when information included in the publication scheme is not available. While 49 local governments (96%) with an online publication scheme had a general complaints policy and procedure available on their website, only 24 (47%) had a specific complaints process about accessing information in the publication scheme.

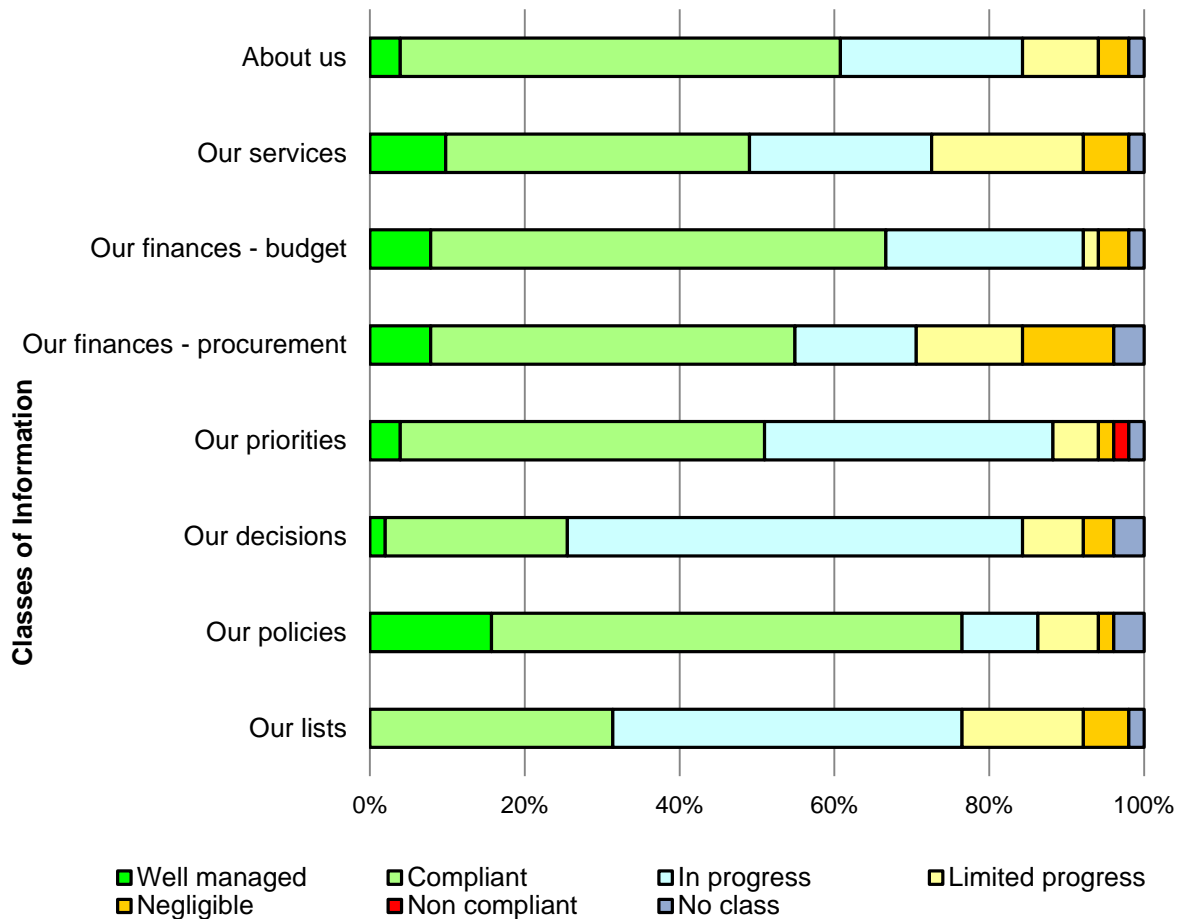
Structure and content

The Ministerial Guidelines state that agencies should regularly review their publication schemes to ensure the information is current and up to date. Of the 51 local governments with an online publication scheme, OIC found 10 councils (20%) had out of date information or the links to information did not work. This means the community did not have access to accurate information. Out of date information also reduces transparency and accountability.

The majority of local governments (92%) with online publication schemes published information under the 7 classes outlined in the Ministerial Guidelines. 3 of the 4 local governments that did not meet this requirement had organised their publication scheme in five or less information classes. The other local government organised its publication scheme using information classes not prescribed by the Ministerial Guidelines.

OIC has a longstanding practice of splitting the 'Our Finances' class into budget and procurement information when assessing whether agencies meet the requirements for publication schemes. This is because over time OIC found that agencies mostly published projected and actual income but less so tendering, procurement and contracts information. Splitting the 'Our Finances' class means OIC can better recognise the compliant practices. Figure 3B shows the compliance ratings for each information class.

Figure 3B
Information classes – compliance ratings



The better populated information classes were:

- ‘About us’ – 61% of local governments achieved a rating of well-managed or compliant
- ‘Our finances – Budget’ - 67% of local governments achieved a rating of well-managed or compliant
- ‘Our policies’ – 77% of local governments achieved a rating of well-managed or compliant

There was less information for classes that provide insight into the work and governance of local governments. This diminishes their transparency and accountability. Only 13 councils (26%) achieved a compliant rating for the information under the ‘Our Decisions’ information class. While 84% of local governments published information about policy decisions (minutes of meetings), councils generally did not publish other

information mentioned in the Ministerial Guidelines for this class. This includes proposed planning instrument changes, decision-making processes, and information about public consultations.

Similarly only 16 councils (31%) achieved a compliant rating for the 'Our lists' class. OIC found local governments performed poorly in publishing, or explaining how to access, prescribed registers. Figure 3C shows the number and proportion of local governments that did not provide information about transparency-related registers.

Figure 3C
'Our lists' – no information about specific registers

Register	No. and % of local governments* providing no information
Gift and benefits register	37 (71%)
Register of beneficial enterprises	33 (65%)
Register of interest	13 (25%)

Source: Office of the Information Commissioner

* Note: based on 51 local governments that had an online publication scheme

The lack of information about how to access these registers notably diminished the transparency of the local governments. Publishing these registers on the councils' websites would increase community's confidence in local governments and could also act as a deterrent to conflicts of interest and corruption.

4 Local governments - Disclosure logs

4.1 Introduction

Disclosure logs are an important strategy for proactive disclosure of information. They list the documents an agency has released under the RTI Act. The rationale for disclosure logs is that if one person has requested access to information other than their personal information, the wider community might be interested in that same information.

While the RTI Act does not specifically require local governments maintain a disclosure log, it is good practice. When a council maintains a disclosure log, it must comply with the relevant legislative requirements.

This chapter outlines the results of OIC's assessment of the disclosure logs for the councils that maintained a disclosure log on their website at the time of the audit.

4.2 Conclusions

Overall, 48 (62%) local governments maintained a disclosure log online. When these councils had published documents in their disclosure log, they provided enough detail about the information they had released.

Local governments could manage community expectations better, and avoid unnecessary queries, if they provided more explanations for deleted and redacted material.

4.3 Results

Figure 4A shows the overall maturity ratings for the local governments' disclosure logs.

Figure 4A
Disclosure logs – maturity ratings

Maturity of disclosure logs	No. of local governments	% of local governments
Well-managed	-	-
Compliant	25	32
In progress to compliance	6	8
Empty	17	22
No disclosure log	29	38
TOTAL	77	100

Source: Office of the Information Commissioner

Access

Most (96%) disclosure logs available online for 48 local governments (62%) were easy to locate. They described adequately the purpose of a disclosure log.

The disclosure logs for 17 local governments were empty. It is not possible to determine in a desktop audit if they had appropriate documents to publish.

Content

Section 78A of the RTI Act sets out the obligations for agencies other than departments and Ministers about disclosure logs. Agencies may include a copy of the documents in their disclosure log or, if this is impractical, details identifying the documents and how the community can access it.

The 31 local governments who had published documents in their disclosure log at the date of review summarised the content of the documents in sufficient detail.

Under section 78B, agencies must delete information (including individuals' names) from any document or information published on the disclosure log if:

- its publication is prevented by law
- it may be defamatory
- it would, if included in a disclosure log, unreasonably invade an individual's privacy or cause substantial harm to an entity
- it is of a confidential nature.

In some cases, deleting information under section 78B or through the decision making process, will result in blank pages. There is no public benefit in publishing documents containing only blank pages or deletions.

It is good practice for agencies to state that they excluded blank pages on the disclosure log as it avoids unnecessary queries and helps to manage community perceptions⁶. Only 7 councils had text to that effect on their disclosure logs.

⁶ Ministerial Guidelines for publication schemes and disclosure logs, p7

5 Local governments - Privacy

5.1 Introduction

In Queensland, the *Information Privacy Act 2009 (IP Act)* provides for the fair collection and handling of personal information in the public sector environment. Under section 27 of the IP Act, local governments must comply with the 11 Information Privacy Principles (IPPs).

IPP2 is about collecting personal information from individuals. It requires agencies take all reasonable steps to ensure that the individual is generally aware of:

- the purpose of the collection
- any law that might authorise or require the collection
- to whom the information would usually be disclosed.

When agencies collect personal information from an individual, for example through e-mails or forms, they commonly include text on the associated webpage or form. OIC uses the term 'collection notice' to describe the information a government agency provides to an individual to ensure compliance with IPP2.

IPP5 requires agencies take all reasonable steps to ensure a person can find out:

- whether it has control of any documents containing personal information
- the type of personal information held
- the purpose for which this information is used.

IPP5 also requires agencies to outline how individuals can access their personal information.

To assess compliance with these privacy principles, OIC examined collection notices on online forms and email invitations that asked for an individual's personal information. OIC also checked the councils' websites for compliance with IPPs.

5.2 Conclusions

Local governments' websites showed that they had taken steps to handle personal information appropriately, but had not yet fully addressed the specific requirements of the IP Act. This means an individual might not always be aware of how the council used the personal information or which entity it disclosed it to.

Local governments generally informed the community about their privacy practices with respect to handling personal information although the level of detail varied. For example, the councils explained how an individual can access (51 or 66%) and amend (35 or 45%) their personal information.

While local governments met their IPP2 obligations when collecting personal information through forms, the results for contact email addresses was mixed. The most common issue was that the global privacy statement did not cover the collection of personal information via emails.

Only 14 (18%) of local governments met all the IPP5 requirements. The most frequent omission was about the purpose for which the council used the information.

5.3 Results

OIC examined local governments' privacy webpages to assess their content and maturity. The ratings in Figure 5A show that only a quarter of local governments met the requirements.

Figure 5A
Privacy webpages – maturity ratings

Maturity of privacy webpage	No. of local governments	% of local governments
Well-managed	3	4
Compliant	16	21
In progress to compliance	32	42
Limited progress to compliance	12	16
Mentions privacy but no further information	6	8
No privacy webpage	8	10
TOTAL	77	100

Source: Office of the Information Commissioner

The content of privacy information on local governments' websites varied. OIC found that:

- 47 of 77 councils (61%) had a privacy statement on their website
- 51 councils (66%) provided details on how an individual can access their personal information
- 35 councils (45%) provided details on how an individual can amend their personal information
- 44 councils (57%) had a link to a privacy statement from the global footer of their website.

While the IP Act does not require local governments to have a privacy policy or plan, they are a practical way to meet the IPPs requirements. About half the local governments (39 or 51%) had published a privacy plan, although only 17 were easily accessible from the privacy webpage, which reduced their effectiveness.

IPP2 – collection of personal information via online forms and email

A short notice at the point of collection is an effective and convenient way to meet the requirements of IPP2. Collection notices promote transparency and confidence by informing individuals at the point of collection about how an agency will handle their personal information.

Online forms

Overall, 65% of local governments met their IPP2 obligations when collecting personal information through forms. OIC reviewed 359 forms collecting personal information and available on local governments' websites.

Overall, 327 forms (91%) complied with the requirements of IPP2. OIC assessed whether the councils made the individual aware, where applicable, of the IPP2 elements listed in Figure 5B.

Figure 5B
Compliance with IPP2 - forms

IPP2 element	Proportion of compliant forms %
The purpose of collecting personal information is clear	98
If the collection of personal information is authorised or required by law, the local government made the individual aware of it	90
If the agency usually discloses personal information, the identity of who it is disclosed to is clear	72

Source: Office of the Information Commissioner
Note: not all elements of IPP2 apply to all forms

Contact email addresses

Government agencies commonly provide contact email addresses on their website. When individuals contact the agency using the link provided, agencies can collect personal information such as the person's name, email address⁷ and other personal information within the body of the message.

A global privacy statement can satisfy the requirements of IPP2, if it includes all the modes in which the government agency collects personal information. 47 of 77 councils (61%) had a privacy statement on their website. However the global privacy statements of only 34 (44%) councils included details about collecting personal information via email.

OIC reviewed 327 contact email addresses available on local governments' websites. Figure 5C shows the number and proportion of addresses linked to a notice or a global privacy statement.

⁷ If an email address can be linked back to an identifiable person, the address will constitute personal information. Many email addresses use the individual's name – jane.smith@serviceprovider.com.au.

Figure 5C
Compliance with IPP2 – email addresses

IPP2 element	Number and proportion of email addresses linked to collection notice or global privacy statement
The webpage containing the contact email address had a specific collection notice	23 (7%)
A privacy statement could be reached via the global privacy footer	193 (59%)

Source: *Office of the Information Commissioner*

IPP5 – personal information holdings and privacy plans

IPP5 requires agencies to take all reasonable steps to ensure an individual can find out how to obtain access to agency documents that contain personal information about them. Overall, only 14 of the 77 local governments (18%) fully complied with all the elements of IPP5. Figure 5D shows compliance by element.

Figure 5D
Compliance with IPP5

IPP5 element	Number and proportion of compliant councils
How to access personal information	51 (66%)
Types of personal information held	31 (40%)
Purposes for which the agency used the personal information	19 (25%)

Source: *Office of the Information Commissioner*

Privacy complaints

A system for handling privacy complaints is part of a robust governance framework. OIC assessed the level of detail provided about privacy complaint handling processes.

The level of detail about privacy complaints processes varied. The desktop audits noted 14 local governments (18%) provided detailed information, for example on:

- the right to make a complaint
- the process for complaint handling
- how to lodge a complaint
- referring unresolved privacy complaints to OIC.

A further 14 local governments (18%) gave some information and 9 local governments (12%) provided access to their general complaints process, which was not specific to privacy related issues.

6 Local governments' responses

As part of the individual desktop audit process, OIC issued a preliminary report to each local government with individual recommendations. 21 local governments (27%) responded to OIC about the recommendations of their report. All responding local governments accepted all the recommendations.

Some local governments responded with detailed plans of action for implementing the recommendations made in the reports, and expressed appreciation of identification of opportunities to continually improve their right to information and information privacy practices.

OIC would like to take the opportunity to thank those local governments who considered its findings and responded positively to the recommendations.

7 Hospital foundations

7.1 Introduction

Hospital foundations help their associated hospitals provide improved facilities, education opportunities for staff, research funding and opportunities, and support the health and wellbeing of communities.

The foundations are administered by voluntary boards appointed by the Governor in Council on recommendation of the Health Minister. There are 13 foundations in Queensland, established under the *Hospitals Foundations Act 1982*. Hospital foundations must comply with the RTI and IP Acts, including the 11 Information Privacy Principles (IPP).

Under the RTI Act, government agencies will release information administratively as a matter of course, unless there is a good reason not to. A formal application under the RTI Act should be the measure of last resort.

The benefits of proactive disclosure are that information gets into the public domain faster and at a lower cost, reducing agency time and resources that deal with applications under legislative process. Proactive disclosure also contributes to greater openness, accountability and transparency of governments. Publication schemes, disclosure logs and administrative access arrangements are active publication methods.

This chapter presents the results of the 13 hospital foundations' websites compliance with the RTI and IP Acts requirements.

7.2 Conclusions

Overall, the hospital foundations showed good levels of compliance with IPP2 (collection of personal information via online forms and email) and IPP5 (personal information holdings and privacy plans) at the time of the desktop audit. However, maturity about access to information was low with only 3 agencies having a RTI page and 2 agencies having a publication scheme at the time of the audit.

Hospital foundations provided easy access to information about their privacy practices however, all hospital foundations could improve on the level of information provided.

The OIC encourages all foundations to ensure they are fully implementing their legislative obligations under the RTI and IP Acts, including facilitating community access to information by publishing RTI and privacy webpages on their websites.

7.3 Access to information

OIC found that the hospital foundations could significantly improve their access to information as 10 (77%) foundations did not have a RTI page on their website at the time of the audit.

The Townsville Hospital Foundation was one example of good practice in promoting access to government held information. It had a dedicated RTI webpage encouraging access to information through administrative arrangements and its publication scheme. The foundation's RTI webpage also included resources to inform and support applicants about formal requests under the RTI Act.

OIC encourages those hospital foundations who haven't yet developed an RTI webpage to visit the Townsville Hospital Foundation's website. This website along with OIC's Website Requirements Checklist are useful resources for developing RTI webpages supporting the objectives of the RTI and IP Acts and a commitment to the pro-disclosure principles of the Acts.

Section 21 of the RTI Act requires an agency to publish a publication scheme but does not specify the format. It can be on the agency's website or published in some other way, for example, in hard copy. An agency maintaining a publication must comply with Ministerial Guidelines.

Generally, most hospital foundations had not published a publication scheme on their websites. The 2 foundations maintaining an online publication scheme at the time of the audit needed to do more work to meet all the legislative obligations under the RTI Act.

While the RTI Act does not require hospital foundations maintain a disclosure log, it is good practice as disclosure logs are an important strategy for proactive disclosure of information. However, if an agency maintains a disclosure log, it must comply with the relevant legislative requirements.

Disclosure logs are a list of documents that an agency has released under the RTI Act. The rationale for disclosure logs is that if one person has requested access to information other than their personal information, the wider community might be interested in that same information.

While only 1 hospital foundation published its disclosure log on the website, it does not mean the other foundations were non-compliant. OIC was unable to conclude on whether the foundations without an online publication scheme met the prescribed requirements.

7.4 Privacy

Hospital foundations demonstrated solid progress in providing details about personal information handling practices and meeting the requirements of the IP Act.

The majority (92%) of hospital foundation websites had a dedicated privacy webpage about the foundation's privacy practices (including a privacy statement). These webpages were easy to locate and access from the global footer of the foundations' websites.

In general, most hospital foundations explained how people could access or amend their personal information. They also provided details for who the public can contact when seeking further information about a foundation's privacy practices.

IPP2 – collection of personal information via online forms and email

When collecting personal information from an individual, IPP2 requires government agencies to take all reasonable steps (usually at the point of collection) to ensure that the individual is aware of:

- the purpose of the collection
- any law requiring or authorising collection
- if it is the agency's usual practice to disclose the personal information collected to a third party.

OIC reviewed forms and email addresses available on hospital foundation websites for compliance with IPP2. It found that most hospital foundations complied with IPP2 obligations when collecting personal information through forms.

The purpose for collecting the personal information was clear from the forms reviewed across all hospital foundations. Most (95%) forms provided access to a collection notice either on the form itself, on the webpage containing the form or through a link to the global privacy notice.

The Royal Brisbane and Women's Hospital (RBWH) Foundation ensured it tailored its forms' collection notices to the purposes for collecting the personal information as illustrated in Figure 7A.

Figure 7A Case study – collection notice

"Privacy: All information on this form is used to compile the list of 'Royal Mums' for the Honour Wall and to send information to entrants, information on RBWH Foundation and the work it supports. Some entrants may also be contacted for PR purposes. For more information on our privacy statement click here.

In accordance with the latest amendments to the Information Privacy Act, RBWH Foundation will contact any Royal Mum newly registered by someone other than themselves in order to gain their direct permission to have their name included on the Royal Mums Online Honour Wall and the Honour Wall displayed at the hospital. Once this approval has been received, the Royal Mum will be immediately published on the Online Honour Wall and included in the next update of the hospital Honour Wall."

Source: *Royal Brisbane and Women's Hospital Foundation*

In comparison to forms, hospital foundations could improve their compliance with IPP2 requirements when collecting personal information through emails. 74% of the contact email addresses met the minimum requirements through the foundation's global privacy statement. No foundation had an individual notice of collection directly on the webpage containing the contact email address.

OIC encourages all hospital foundations to review contact email addresses to determine whether:

- the global privacy statement meets the minimum standard required for compliance with IPP2 in all instances; or
- an individual personal information collection notice is necessary to comply with the requirements of IPP2.

IPP5 – personal information holdings and privacy plans

Under IPP5, hospital foundations must take reasonable steps to ensure that an individual can find out the type of personal information the foundation holds, the main purpose for which it is used and what an individual should do to obtain access to a document containing their personal information.

Most hospital foundations demonstrated solid progress in meeting the obligations of IPP5 as shown in Figure 7B.

**Figure 7B
Compliance with IPP5**

IPP5 element	Number and proportion of compliant councils
How to access personal information	10 (77%)
Types of personal information held	10 (77%)
Purposes for which the agency used the personal information	12 (92%)

Source: *Office of the Information Commissioner*

All hospital foundations making this information publicly available made it easy to locate and access through their privacy webpage. As an example, OIC assessed the Children's Hospital Foundation privacy policy webpage as well-managed because it addressed all the requirements of IPP5, provided detailed information and was easy to read and access.

Appendix 1 – Acronyms

IP	Information Privacy
IP Act	<i>Information Privacy Act 2009 (Qld)</i>
IPP	Information Privacy Principle
Ministerial Guidelines	<i>Operation of Publication Schemes and Disclosure Logs: Under section 21(3) and sections 78, 78A and 78B of the Right to Information Act 2009.</i> The latest version was issued in February 2013
OIC	Office of the Information Commissioner
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009 (Qld)</i>

Appendix 2 – Methodology

The desktop audits examined the parts of a website visible to a member of the public. The government agencies within the scope of the audits were the 77 local governments listed in Figure A1 and the 13 hospital foundations listed in Figure A2.

Figure A1
Audited agencies – local governments

Local governments	
Aurukun Shire Council	Lockyer Valley Regional Council
Balonne Shire Council	Logan City Council
Banana Shire Council	Longreach Regional Council
Barcaldine Regional Council	Mackay Regional Council
Barcoo Shire Council	Mapoon Aboriginal Shire Council
Blackall-Tambo Regional Council	Maranoa Regional Council
Boulia Shire Council	Mareeba Shire Council
Brisbane City Council	McKinlay Shire Council
Bulloo Shire Council	Moreton Bay Regional Council
Bundaberg Regional Council	Mornington Shire Council
Burdekin Shire Council	Mount Isa City Council
Burke Shire Council	Murweh Shire Council
Cairns Regional Council	Napranum Aboriginal Shire Council
Carpentaria Shire Council	Noosa Council
Cassowary Coast Regional Council	North Burnett Regional Council
Central Highlands Regional Council	Northern Peninsula Area Regional Council
Charters Towers Regional Council	Palm Island Aboriginal Shire Council
Cherbourg Aboriginal Shire Council	Paroo Shire Council
Cloncurry Shire Council	Pormpuraaw Aboriginal Shire Council
Cook Shire Council	Quilpie Shire Council
Council of the City of Gold Coast	Redland City Council
Croydon Shire Council	Richmond Shire Council
Diamantina Shire Council	Rockhampton Regional Council
Doomadgee Aboriginal Shire Council	Scenic Rim Regional Council
Douglas Shire Council	Somerset Regional Council

Etheridge Shire Council	South Burnett Regional Council
Flinders Shire Council	Southern Downs Regional Council
Fraser Coast Regional Council	Sunshine Coast Regional Council
Gladstone Regional Council	Tablelands Regional Council
Goondiwindi Regional Council	Toowoomba Regional Council
Gympie Regional Council	Torres Shire Council
Hinchinbrook Shire Council	Torres Strait Island Regional Council
Hope Vale Aboriginal Shire Council	Townsville City Council
Ipswich City Council	Western Downs Regional Council
Isaac Regional Council	Whitsunday Regional Council
Kowanyama Aboriginal Shire Council	Winton Shire Council
Livingstone Shire Council	Woorabinda Aboriginal Shire Council
Lockhart River Aboriginal Shire Council	Wujal Wujal Aboriginal Shire Council
	Yarrabah Aboriginal Shire Council

Figure A2
Audited agencies – Hospital foundations

Hospital foundations	
Bundaberg Health Services Foundation	PA Research Foundation
Children's Hospital Foundation	Prince Charles Hospital Foundation
Far North Queensland Hospital Foundation	Royal Brisbane and Women's Hospital Foundation
Gold Coast Hospital Foundation	Sunshine Coast Health Foundation
HIV Foundation Queensland	Toowoomba Hospital Foundation
Ipswich Hospital Foundation	Townsville Hospital Foundation
Mackay Hospital Foundation	

The desktop audits focused on the webpages providing information about the right to information, the publication scheme and the disclosure log. They also reviewed disclosure of and access to personal information holdings, and points of contact where the agency asked individuals to provide personal information. The focus on information available online means that OIC could not form a conclusion where agencies had not published the information on their websites.

OIC conducted the desktop audits over 18 months from late 2014. As it completed the assessment of an agency's website, OIC communicated to each audited agency their

individual results and recommendations for areas of improvement. A number of entities have since reported to the OIC that they had addressed the issues identified and implemented the recommendations, consequently improving their own, and the overall, level of compliance.