



**Office of the Information Commissioner
Queensland**

31 August 2020

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Committee Manager
Integrity and Oversight Committee
Parliament House
East Melbourne VIC 3002

By email ioc@parliament.vic.gov.au

Dear Mr McGhie,

**Submission to the Inquiry into the Education and Prevention Functions
of Victoria's Integrity Agencies**

The Queensland Office of the Information Commissioner (**OIC**) appreciates the opportunity to provide a submission to the Integrity and Oversight Committee of the Parliament of Victoria (**the Committee**) for the Inquiry into the Education and Prevention Functions of Victoria's Integrity Agencies.

About the OIC

The OIC is an independent statutory body and forms part of the integrity and accountability framework in Queensland. OIC works alongside the Integrity Commissioner, Queensland Audit Office, the Ombudsman, the Electoral Commission and the Public Service Commissioner to maintain public confidence in Queensland's government institutions.

We have a statutory role under the *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (Qld) (**IP Act**) to facilitate greater and easier access to information held by Queensland government agencies. We also assist agencies to understand their obligations under the IP Act to safeguard the personal information that they hold.

Queensland's IP Act recognises the importance of protecting the personal information of individuals. It creates a right for individuals to access and amend their own personal information and provides rules or 'privacy principles' that govern how Queensland government agencies collect, store, use and disclose personal information. OIC has regulatory oversight of Queensland Government agencies' compliance with requirements under the IP Act.

OIC's statutory functions include mediating privacy complaints against Queensland government agencies, issuing guidelines on privacy best practice, initiating privacy education and training, and conducting audits and reviews to monitor agency performance and compliance with the RTI Act and the IP Act. Our office reviews decisions of agencies and Ministers about access to, and amendment of, information under the RTI and IP Act.

OIC promotes the objectives of the RTI and IP Acts including the understanding that greater access to information leads to an informed community, able to participate and scrutinise government. RTI and Information privacy obligations promote a more effective, efficient, ethical, open, transparent and accountable public service.

OIC's Submission

On 21 February 2020, The Crime and Corruption Commission (CCC) tabled its report, [Operation Impala - A report on misuse of confidential information in the Queensland public sector](#) in the Queensland Parliament (**CCC Report**). Misuse of personal information by way of unauthorised access, use and disclosure continues to be of significant community concern.

OIC made a submission¹ to the CCC inquiry into misuse of confidential information. In its report, the CCC noted that an important part of public integrity systems is prevention. The CCC identified the critical role education and awareness plays in preventing corruption. Further, the CCC noted that education and awareness have a significant impact on the privacy culture of organisations.²

The CCC Report contains 18 recommendations, including requirements about access control mechanisms, privacy training and awareness messaging, amendments to Queensland's privacy legislation, including mandatory data breach notification, and a new criminal offence. OIC welcomed the CCC Report's 18 recommendations to address the important issue of misuse of confidential information.

With regards to recommendations concerning education and awareness, the CCC identified four key aspects of training as critically important: the content of training, the frequency of training, the mode and assessment of training, and the need for training across decentralised agencies.³ While the Queensland Government is yet to respond to the recommendations contained in the CCC Report, OIC has commenced work to implement recommendations, including updating OIC's online privacy training.

In February 2019, the OIC tabled our report in Queensland Parliament on [Audit of Awareness of privacy obligations](#) (**Audit Report**) which focused on how three government agencies provide education and training to their employees about their privacy obligations. A key finding of the Audit Report was that one mitigation strategy agencies can adopt to minimise privacy risks is to train and educate their employees about information privacy and information security obligations and expectations. The Audit Report also found that for training to be effective as a mitigation strategy, the content must be comprehensive, accurate and relevant to the context of the agency. Information privacy and security training should also be included in agencies' mandatory induction process for all employees with mandated periodic refresher training.

OIC delivers a diverse range of training activities on information access and privacy through a range of mediums that supports Queensland government agencies' integrity framework, building trust through transparency for greater accountability and openness while ensuring that agencies are responsive to changing community concerns over privacy and the government's ability to protect their personal information

OIC further considers education and training is integral to effecting and supporting cultural change, with a focus on explaining individual and collective responsibilities as a means of ensuring widespread compliance. In addition,

¹https://www.oic.qld.gov.au/data/assets/pdf_file/0010/40996/Submission-to-CCC-on-Operation-Impala.pdf

² Crime and Corruption Commission, *Operation Impala – a report into misuse of confidential information in the Queensland public sector*, 21 February 2020 at page 66

³ Crime and Corruption Commission, *Operation Impala – a report into misuse of confidential information in the Queensland public sector*, 21 February 2020 at page 68.

highlighting the legislative penalties and disciplinary proceedings that could be imposed are important components of a framework to deter employees from actions that may constitute corruption and misconduct, such as public servants unlawfully accessing personal information.⁴

OIC has a number of online resources that give guidance on the range of privacy rules around collection, use, storage and disclosure of personal information. OIC resources include guidelines and specifically targeted audio-visual e-lectures on topics such as '[Misuse of information](#)' designed for agencies, and information sheets on a range of topics for agencies and members of the community.⁵

OIC is increasingly relying on group online training to support our regional agencies. Delivering training via online interactive platforms also provides flexible delivery options throughout the COVID-19 pandemic to ensure agency staff across the state continue to receive appropriate privacy training and support. This helps to maintain critical mandatory induction training and deliver topic-specific training modules that target identified issues to minimise risk. This is in addition to self-paced privacy training that is offered online.⁶

Our basic introductory RTI/IP awareness training specifically touches on the penalties for destroying documents or otherwise dealing with public records in a way that constitutes misconduct. The topic is covered in a facilitator delivered power point slide presentation and aims to get agency staff thinking about how their individual actions could bring them in breach of relevant legislation.

In addition, Queensland government agency staff are required to undertake mandatory training on a range of topics. There is some discretion in the delivery of this training however OIC staff are required to undertake bi-annual training on important topics such as the Code of Conduct for the Queensland public service, Cyber Security, Workplace Bullying, General awareness RTI and Privacy training, Workplace Health and Safety, and Recognising and Responding to Domestic Violence in the workplace. Some of these courses cover aspects of corruption and misconduct.

The OIC has noticed an increase in interest from agencies that are requiring staff to undertake the OIC online training modules on subjects such as general privacy awareness training.

As noted previously, OIC, as part of its statutory functions, monitors and reports on agency compliance with the RTI Act and the IP Act by conducting audits, reviews and surveys of government departments, local governments, statutory authorities, government owned corporations and universities, in order to measure the extent to which the agencies have achieved the right to information and information privacy reforms. OIC's compliance audits, reviews and surveys have found that leadership is critical to an effective right to information and privacy culture.⁷ OIC has undertaken awareness raising activities about misuse of personal information and the importance of embedding a privacy champion in

⁴ OIC submission to CCC Operation Impala available at https://www.oic.qld.gov.au/_data/assets/pdf_file/0010/40996/Submission-to-CCC-on-Operation-Impala.pdf

⁵ <https://www.oic.qld.gov.au/guidelines/for-government/guidelines-privacy-principles>: <https://www.oic.qld.gov.au/guidelines/for-community-members/Information-sheets-privacy-principles>

⁶ <https://www.oic.qld.gov.au/training-and-events>

⁷ Office of the Information Commissioner: Report No. 2 of 2018-19 – Information Management: Queensland government department maturity at page 1.

agencies at a senior level, including during Privacy Awareness Week in May 2020.⁸

OIC is available to provide further information to the Committee, should this be required.

Your sincerely

Rachael Rangihaeata
Information Commissioner

⁸ <https://www.oic.qld.gov.au/training-and-events/privacy-awareness-week>