



## **Reporting on RTI and IP statistics**

**Survey results about reporting on the operation of the  
*Right to Information Act 2009* and the *Information  
Privacy Act 2009***

## Acknowledgement of Country

The Office of the Information Commissioner acknowledges Aboriginal and Torres Strait Islander peoples as the First Australians and recognises their culture, history, diversity and their deep connection to the land, waters and seas of Queensland and the Torres Strait. We acknowledge the traditional custodians of the lands on which we operate and wish to pay our respects to their Elders past, present and emerging.



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June 2024

Mr Peter Russo MP  
Chair  
Community Safety and Legal Affairs Committee  
Parliament House  
George Street  
Brisbane QLD 4001

Dear Mr Russo


I am pleased to present 'Reporting on RTI and IP statistics – Survey results about reporting on the operation of the *Right to Information Act 2009* and the *Information Privacy Act 2009*.'

This report is prepared under section 131 of the *Right to Information Act 2009* (Qld) and section 135 of the *Information Privacy Act 2009* (Qld).

The report presents the results of a survey about annual statistical reporting on the operation of the Acts in 69 responding government agencies.

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, consisting of a large, stylized 'J' followed by a horizontal line.

Joanne Kummrow  
**Information Commissioner**



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## Summary

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The right to access government-held information and the assurance that government agencies protect individuals' personal information are essential to support the community's trust in government, including the public sector.

The *Right to Information Act 2009* (**RTI Act**) and the *Information Privacy Act 2009* (**IP Act**) are cornerstones of open, transparent and accountable government in Queensland. The preamble to the RTI Act recognises that this legislation contributes to a healthier representative, democratic government and improves public administration and the quality of government decision-making.

Queensland has adopted a 'push' model where *'Government information will be released administratively as a matter of course, unless there is a good reason not to, with applications under this Act being necessary only as a last resort.'*<sup>1</sup>

It is necessary to measure and report on how the RTI Act and the IP Act (the **Acts**) operate to assess whether government agencies are achieving the Acts' objects of proactive disclosure and the safeguarding of personal information.

The subordinate legislation under the Acts details what statistics agencies must publicly report on annually.<sup>2</sup> The regulations are due for a review by the Department of Justice and Attorney General (**DJAG**). And the responsibility for reporting on the operation of the Acts is to be transferred to the Office of the Information Commissioner,<sup>3</sup>

## Outlook

The information landscape has changed significantly since the Acts and regulations started. The volume of information has grown exponentially, in particular, with the increase in digital government and electronic records largely replacing paper files. Government agencies are also using more diverse information formats and communication channels than ever before.

New information management technologies have changed the way information is created, collected, stored and accessed. Community expectations have also changed. Following significant data breaches that affected millions of Australians, the public is acutely aware of the consequences of privacy breaches.

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<sup>1</sup> *Right to Information Act 2009*, Preamble (2).

<sup>2</sup> *Right to Information Regulation 2009* and *Information Privacy Regulation 2009*.

<sup>3</sup> Section 133 *Information Privacy and Other Legislation Amendment Act 2023*.



The review of the Right to Information Regulation 2009 and Information Privacy Regulation 2009 presents an opportunity to ensure that what is measured and reported:

- reflects the objects of the Acts
- provides meaningful, contemporary insights into the operation of the Acts
- enables the performance of Queensland agencies to be compared against other jurisdictions.

This is also an occasion to review and improve the reporting process and identify ways to make it more efficient, while ensuring statistical reporting includes high quality and meaningful data.

To fairly reflect the aims of the Acts, the reporting requirements need to extend beyond formal applications to access information. While it may be challenging for agencies to capture or record the necessary data, reporting on measures that increase the flow of information to the community would offer more comprehensive insights about the operation of the push model under the RTI Act.

Similarly, reporting requirements about agencies' privacy functions need to include the data about the handling of personal information in the Queensland public sector.

Although agencies would have to re-configure or upgrade their systems to reflect changes in reporting requirements, there are significant benefits in being able to assess whether the Acts operate as intended and support openness, transparency and accountability.

Multiple strategies can help realise these benefits while ensuring the time and effort agencies spend in collating the data for annual statistical reporting is manageable:

- consult with agencies and stakeholders
- give agencies sufficient notice to understand the new reporting requirements and adapt or establish appropriate systems to record data
- streamline the reporting process, including the tool used to collect statistics
- offset the impact of introducing new reporting requirements by discontinuing reporting on existing measures that require disproportionate effort for limited insight.

To better understand government agencies' views on the annual statistical reporting requirements and process, we conducted a short survey in early 2024. The survey builds on reviews of the Acts and consultations DJAG conducted in 2016-17 and 2022-23.



## Survey results

We received 69 responses to our survey which focused on the data to be published under the legislated reporting requirements, as distinct from what agencies collect for their internal reporting.

The responding agencies confirmed and expanded on the findings from the 2017 and 2022 consultations. They want measures and statistics that represent their activities under the Acts in a meaningful way, and a report that is of value and interest to the community.

Our survey identified a set of 'core' measures most agencies use regularly. These measures focus on the number of applications received and their outcomes, as well as the number of applications for internal and external reviews. However, for some agencies, counting the number of pages considered and released better indicates the volume of information they have to consider when processing applications. These agencies said that they would continue counting pages for internal reporting purposes.

Other agencies support counting the number of applications because they consider that the number of pages is not a reliable indicator of complexity and the information sought may not be paginated, for example audio/video recordings. They also reported that page counting can be laborious. This aligns with the 2022 consultation paper that proposed reporting on *'the total refusal provisions used for an application as a whole'* rather than on pages.

Nearly all responding agencies said they would like to include the number of invalid/non-compliant applications they receive in the annual reporting requirements. This is because these applications can be resource intensive and time consuming to handle.

Overall, responding agencies support the Open Government Partnership (OGP) metrics. Australia is a member of the OGP. To fulfil the commitment, Australian Information Access Commissioners and Ombudsmen agreed on six metrics on public use of freedom of information access rights.

Queensland does not have sufficient data to report on metrics 1 (type of applicant) and 5 (decisions made within the statutory timeframe). Metrics 3 and 4 for Queensland are not directly comparable with the other jurisdictions as they report on the number of decisions on applications, not pages considered.

The agencies suggested including new measures about proactive disclosure of documents and privacy in the annual statistical reporting. One example they gave is the number of privacy complaints received by an agency and their outcomes.

The agencies also commented on the considerable impost on resources and time of the current reporting process. This echoes the findings from the 2017 *Report on the review of the Right to Information Act 2009 and Information Privacy Act 2009* that the process placed a significant burden on agencies.

The current reporting process is more onerous for departments as they have to coordinate and compile the data for all agencies within their portfolio. Agencies said they would welcome a technical solution, such as a portal, that helps data validation and minimises human error.

The lead time agencies need to be able to report on new or different measures varies depending on:

- their existing systems
- the data they already collect for internal purposes
- the number of applications they receive.

Agencies use a range of systems, from paper records, spreadsheets to complex application handling software packages linked to other ICT systems.

For some agencies, a change in reporting requirements will have minimal impact on their operations and systems. However, other agencies said they would need a year to upgrade or re-configure their systems, policies and procedures. This is because they may have to request system changes from contracted service providers or outsource the creation of new reports to an external vendor.

## Next steps

Based on the results of this and previous surveys conducted with agencies, we encourage DJAG to consider the following in reviewing the current reporting requirements and drafting new regulations:

- require reporting about both the operation of the RTI Act and the IP Act, including data on proactive disclosure of information and privacy complaints
- require reporting in relation to OGP metrics
- remove the requirement for an agency to report on the number of pages considered and released under the Acts
- ensure agencies have sufficient lead time to upgrade or re-configure their systems, policies and procedures to provide for changes in collecting the data.



# 1 Context

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In Queensland, the *Right to Information Act 2009* (**RTI Act**) and the *Information Privacy Act 2009* (**IP Act**) (the **Acts**) play a vital role in the government's commitment to make information available to members of the community, while promoting accountability and the appropriate handling of individuals' personal information.<sup>4</sup>

## 1.1 Legislative basis

Section 185 of the RTI Act and section 194 of the IP Act outline the annual reporting requirements on how the Acts operate.

### *185 Report to Assembly on Act's operation*

*(1) The Minister administering this Act shall, as soon as practicable after the end of each financial year, prepare a report on the operation of this Act during that year and cause a copy of the report to be tabled in the Assembly.*

*(2) A report under subsection (1) must include, in relation to the financial year to which it relates, details of the matters prescribed under a regulation.*

Section 8 of the Right to Information Regulation 2009 (**RTI Regulation**) and section 6 of the Information Privacy Regulation 2009 (**IP Regulation**) specify what statistics and other information must be included in the annual report on the Acts' operation.<sup>5</sup>

These reporting requirements focus strongly on formal, valid applications received and processed.

The Department of Justice and Attorney-General (**DJAG**) is currently responsible for preparing the annual statistical report on behalf of the Minister. The reports are available on [www.rti.qld.gov.au](http://www.rti.qld.gov.au) or on [www.parliament.qld.gov.au](http://www.parliament.qld.gov.au) under 'Tabled papers'.

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<sup>4</sup> The State of Queensland (Department of Justice and Attorney-General) Right to Information Act 2009 and Information Privacy Act 2009 Annual Report 2022-23.

<sup>5</sup> Note: the IP Regulation includes reporting on access applications and amendment applications.

## 1.2 Reforms

Section 133 of the *Information Privacy and Other Legislation Amendment Act 2023 (IPOLA Act)* assigns to the Information Commissioner the responsibility to report annually to the Legislative Assembly on the Acts' operation.<sup>6</sup> A new regulation (yet to be drafted) replacing the RTI Regulation and the IP Regulation will set out what needs to be reported.

The government developed the IPOLA Act as part of broader reforms about the public sector's culture and accountability. For example, the IPOLA Act introduced a mandatory data breach notification scheme under which government agencies must give a statement about eligible data breaches to the Information Commissioner.<sup>7</sup>

Various reviews and consultations over the years informed the IPOLA Act.

## 1.3 2017 consultation

In December 2016, DJAG released a consultation paper to seek feedback on key issues relevant to the Acts. It received 69 submissions from government agencies, community organisations, individuals, corporations and media representatives.

In October 2017, the then Attorney-General and Minister for Justice, and Minister for Training and Skills published the *Report on the review of the Right to Information Act 2009 and Information Privacy Act 2009*. This review report presented the findings of the first statutory review of the Acts.

The report found that:

*preparing the annual report imposes a significant burden on reporting agencies, particularly where agencies do not have efficient systems in place to collect and report on data, and on the agency which collates the information.*

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<sup>6</sup> Section 133 *Information Privacy and Other Legislation Amendment Act 2023*

Replacement of s 185 (Report to Assembly on Act's operation) Section 185—omit, insert—  
185 Report to Assembly on Act's operation

(1) An agency or Minister must, as soon as practicable after the end of each financial year, give the information commissioner the information prescribed by regulation about the operation of this Act in relation to the agency or Minister during that year.  
(2) The information commissioner must, as soon as practicable after receiving the information mentioned in subsection (1), prepare a report on the operation of this Act during that year and give the report to the parliamentary committee.  
(3) A report under subsection (2) must include, in relation to the financial year to which it relates, details of the matters prescribed by regulation.  
(4) The chair of the parliamentary committee must table a report received under subsection (2) in the Assembly within 3 sitting days after the committee receives the report.

<sup>7</sup> Section 51 *Information Privacy and Other Legislation Amendment Act 2023*.



The review report contained 23 recommendations. Recommendation 12 was specifically about the annual reporting requirements:

**Recommendation 12: Amend the annual reporting requirements under the *Right to Information Regulation 2009* and the *Information Privacy Regulation 2009* to:**

- remove the requirement for agencies to report on the number of refusal provisions used on each page and instead require agencies to report on the total refusal provisions used for an application as a whole;<sup>98</sup>
- require reporting on the numbers of privacy complaints made to agencies, including the outcome of these complaints;<sup>99</sup>
- require reporting on applicant type (for example, member of the public, lawyer/agent, private business, media, community organisation, Member of Parliament);
- remove the requirement for agencies to report on details of external review applications made from their decisions as the OIC is already required to report on external review matters;<sup>100</sup> and
- transfer legislative responsibility for preparing the annual reports from the responsible Minister to the Office of the Information Commissioner.

Source: *The State of Queensland (Department of Justice and Attorney-General), Report on the review of the Right to Information Act 2009 and Information Privacy Act 2009.*

## 1.4 2022 consultation

In June 2022, DJAG consulted the public on proposed reforms to Queensland's information privacy and right to information framework.

The consultation paper made a number of proposals, including:

- amend the annual reporting requirements to minimise administrative burden for agencies, improve utility of data, and facilitate timeliness of reporting
- continue to prescribe the information which must be included in the annual report under RTI and IP regulations
- report on the total refusal provisions used for an application as a whole rather than on pages.

The paper suggested other possible data that could be collected, for example the number of privacy complaints received and the applicant type. It also said that a separate consultation paper would seek agencies' views.

The results of the 2022 consultation have not yet been published.

## 1.5 Open Government Partnership metrics

The Open Government Partnership (OGP) is a '*multilateral initiative that aims to secure commitments from governments to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance.*'<sup>8</sup>

<sup>8</sup> [www.ag.gov.au/integrity/australias-open-government-partnership](http://www.ag.gov.au/integrity/australias-open-government-partnership).

Since its founding in 2011, the OGP has grown to over 75 countries and 100 local jurisdictions that work alongside civil society organisations.

Australia became a member of the OGP in 2015. It has released three national action plans to date. The first plan included the following commitment:

### **Commitment 3.2: Understand the use of Freedom of Information**

**Objective and description:**

Australia will better measure and improve our understanding of the public's use of rights under freedom of information laws.<sup>12</sup>

We will do this by working with states and territories to develop uniform metrics on public use of freedom of information access rights, and by collecting and publishing this data.

Source: Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Australia's Open Government National Action Plan* (first plan), available at <https://www.ag.gov.au/integrity/australias-open-government-partnership>.

In 2017, Australian Information Access Commissioners and Ombudsmen released the inaugural dashboard of metrics on public use of freedom of information access rights. They also published a paper *Metrics on Public Use of Freedom of Information Access Rights* containing the definitions and calculation methods for the metrics.

The metrics are:<sup>9</sup>

1. Count of formal applications/decisions by type of applicant (member of the public, other, unknown)
2. Formal applications received per capita
3. Percentage of all decisions made on formal applications/pages where access was granted in full or in part
4. Percentage of all decisions made on formal applications/pages where access was refused in full
5. Percentage of all decisions made within the statutory time frame
6. Percentage of applications received which are reviewed by the jurisdiction Information Commissioner/Ombudsman.

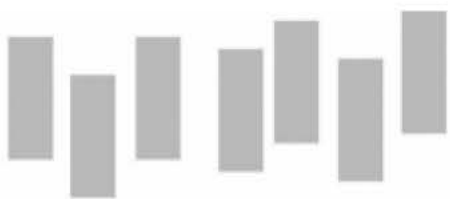
The Information and Privacy Commission of New South Wales coordinates the annual collation and publication of the metrics on behalf of the national, state and territory information jurisdictions.

<sup>9</sup> National Dashboard – Utilisation of Information Access Rights – 2021-22, available on [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).



The annual dashboard and the metrics definitions are published on <https://www.ipc.nsw.gov.au/information-access/open-government-open-data/dashboard>.

They reflect the available data that is reasonably comparable across jurisdictions. However, Queensland does not have sufficient data to report on metrics 1 and 5. Metrics 3 and 4 for Queensland are calculated on the number of pages considered and released, whereas other jurisdictions report on the number of applications. As a result, it is not possible to readily benchmark Queensland's access rate.



## 2 Survey

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### 2.1 Introduction

In early 2024, we conducted a short qualitative survey of government agencies to:

- gain insights on their views about annual statistical reporting
- start a dialogue about statistical reporting to understand the challenges agencies face.

The survey builds on reviews of the Acts and consultations the government conducted in 2016-17 and 2022-23.

We put the following questions to all government agencies in Queensland:

Thinking about the current annual statistical report on right to information and information privacy:

- (1) **Keep doing** – What statistics are useful? What statistics do you or your agency use and think should continue to be collected?
- (2) **Stop doing** – What statistics should no longer be collected?
- (3) **New** – Are there any statistics that are not currently collected that we should start collecting?
- (4) **Meeting our national obligations** – Under the Open Government Partnership, Queensland has an obligation to collect and report statistics for a national report (see attached). The current statistical collection allows us to meet some of these obligations but not others. Please comment on collection of these statistics.
- (5) **Future contributions** – Would you like to be involved in future discussions about the annual statistics?

Responding agencies were free to identify and describe relevant issues in their own words. At this stage, we have not liaised with them to explore their comments further or validate their answers.

### 2.2 Conclusions

The survey results are consistent with the feedback DJAG gathered from consultations with stakeholders in 2017.

In summary, responding agencies said they want to report on meaningful statistics and measures relevant to the broader aims of the Acts. This includes proactive disclosure and safeguards about personal information. They were supportive of the Open Government Partnership metrics to enable better benchmarking with other jurisdictions.

They also said they would welcome an easier, quicker and more efficient process to collate reportable statistics.

Finally, some agencies said they would require up to a year to update their systems to capture new reporting requirements.

## 2.3 Responses

We received 69 responses to our survey. While the responding agencies include government departments, statutory bodies, local governments, universities and hospital and health services, they are not statistically representative of the whole sector.

It also important to note that the responding agencies handle divergent numbers of formal applications to access information. The range varies between zero to over 3000 applications every year.

This report focuses on the data to be published under the yet to be drafted regulation, as distinct from the data agencies collect for their internal reporting.

### Content of the annual report

The 2022 consultation paper considered the annual reporting requirements, drawing on the 2017 legislative review and recommendations. It said:

*Stakeholders have reported that the current data collected is not a meaningful representation of their activities under the Acts. In addition, the metrics reported on, and the distance in time from recording to publication, limit the value this information provides to effective planning and management of activity.*

Our survey confirmed this view. A number of agencies question the value of the annual report and the insights it provides. They doubt whether the information is of interest to the community.

However, the survey also identified a set of 'core' measures most agencies use regularly. These measures focus on the number of applications received and their outcomes, as well as the number of applications for internal and external reviews.



Responding agencies said they collect and use data about:

- fees and charges
- dates and processing time
- consultation with third parties
- type of applicant
- privacy complaints.

However, this does not mean that these other measures are the same across all agencies.

The 2022 consultation paper also proposed that reporting should be on '*the total refusal provisions used for an application as a whole*' rather than on pages. We note that the current legislated requirements do not specify that reporting should be on the number of pages considered.

Responses to our survey show there are two schools of thought about counting the number of pages considered and released versus the number of access to information applications. Some agencies argue that counting the number of pages gives a better indication of the volume of information they have to consider when processing applications. They indicated that they would continue to count pages for internal reporting purposes.

Other agencies support counting the number of applications because they have to consider information in media that are not paginated, such as photographs, audio/video recordings or text messages. They argue that the number of pages considered is not a reliable indicator of an application's complexity or sensitivity. They also say the counting of pages can be laborious.

The current reporting requirements are detailed and specific: section 47(3) of the RTI Act outlines broad categories of grounds on which an agency can refuse access to documents:

- 47(3) On an application, an agency may refuse access to a document of the agency and a Minister may refuse access to a document of the Minister—
- (a) to the extent the document comprises exempt information under section 48; or
  - (b) to the extent the document comprises information the disclosure of which would, on balance, be contrary to the public interest under section 49; or
  - (c) to the extent the document is sought under an application by or for a child and comprises the child's personal information the disclosure of which would not be in the child's best interests under section 50; or
  - (d) to the extent the document comprises an applicant's relevant healthcare information the disclosure of which might be prejudicial to the physical or mental health or wellbeing of the applicant under section 51; or
  - (e) because the document is non-existent or unlocatable as mentioned in section 52; or
  - (f) because other access to the document is available as mentioned in section 53.

Schedule 3 of the RTI Act further details types of information the Parliament has considered would, on balance, be contrary to the public interest to disclose. It contains 12 categories of exempt information, such as national or state security information, law enforcement or public safety information or information that, if disclosed, would be in contempt of court or parliament. It is called exempt information.

Schedule 4 of the RTI Act sets out the factors for deciding the public interest, including 32 factors favouring non-disclosure. They include the possible harm of disclosing trade secrets or personal information of an individual other than the applicant.

Section 8 of the RTI Regulation details the matters to include in a report under section 185(1) of the RTI Act. It lists 11 requirements and 12 sub-requirements.



(8) Report to Assembly on Act's operation—Act, s 185

For section 185(2) of the Act, details of the following matters must be included in a report under section 185(1) of the Act in relation to the financial year to which the report relates—

- (a) the number of access applications received by each agency or Minister;
- (b) for each agency or Minister—
  - (i) the number of refusals to deal with an access application under section 40 of the Act; and
  - (ii) the number of refusals to deal with an access application under section 41 of the Act; and
  - (iii) the number of refusals to deal with an access application under section 43 of the Act;
- (c) for each agency or Minister—the number of refusals of access under each paragraph of section 47(3) of the Act and any other particular provision of the Act relevant to the refusal;
- (d) for each agency or Minister—the number of documents included in a disclosure log under section 78 of the Act;
- (e) for each agency or Minister—
  - (i) the number of deemed decisions under section 46 of the Act; and
  - (ii) the number of decisions on internal review taken to have been made under section 83(2) of the Act;
- (f) for each agency or Minister—
  - (i) the number of internal review applications received; and
  - (ii) for each application, whether the decision on the internal review was different from the decision subject to internal review, and how it was different;
- (g) for each agency or Minister—
  - (i) the number of external review applications made in relation to a decision of the agency or Minister; and
  - (ii) the number of external review applications where there was no preceding internal review application to the agency or Minister; and
  - (iii) the number of decisions on external review that affirmed the decision of the agency or Minister; and
  - (iv) the number of decisions on external review that varied the decision of the agency or Minister; and
  - (v) the number of decisions on external review that set aside the decision of the agency or Minister and made another decision in substitution for the decision of the agency or Minister;
- (h) any disciplinary action taken against an officer in relation to the administration of the Act;
- (i) any proceedings brought for an offence against section 175(1) or (3) of the Act;
- (j) for each agency or Minister—the amount of fees and charges received under the Act;
- (k) any other relevant fact indicating an effort by an agency or Minister to further the object the Act.

When reporting on the number of refusals of access under section 8(c) of the RTI Regulation and section 6(c), the agencies detailed the individual provisions of schedules 3 and 4 of the RTI Act invoked to refuse access. Table 3 of the annual report on the operation of the Acts shows the result for each portfolio, as per the following example from the 2022-23 report:

**Table 3. Number of refusals of access - section 8(c) RTI Regulation and section 6(c) IP Regulation**

PORTFOLIO/AGENCY	Application type RTI / IP	Pages considered	Provisions invoked to refuse access	
			(Where s.52: Document non-existent or unlocatable provision has been invoked, the number in the right-hand side column represents the number of applications, not pages.)	no. of times i.e. pages
Department of Agriculture and Fisheries	RTI	9,421	invoked	
			sch3(6)(c)(i)	14
			sch3(7)	30
			s.49-sch4	622
Queensland Racing Integrity Commission	RTI	2,100	s.52(1)(a)	3
			s.52(1)(a)	1
			sch3(10)(1)(f)	1,079
			s.49-sch4	48
Queensland Rural and Industry Development Authority	RTI	1,095	s.49-sch4	865
<b>Total RTI</b>		<b>12,616</b>		<b>2,662</b>
Department of Agriculture and Fisheries	IP	1,190	s.52(1)(a)	1
			s.49-sch4	552
Queensland Racing Integrity Commission	IP	61	sch3(7)	13
			sch3(10)(1)(f)	2
			sch3(10)(3)	43
<b>Total IP</b>		<b>1,251</b>		<b>611</b>
<b>TOTAL</b>		<b>13,867</b>		<b>3,273</b>

Source: *The State of Queensland (Department of Justice and Attorney-General) Right to Information Act 2009 and Information Privacy Act 2009 Annual Report 2022-23.*

In our survey, most agencies said they support discontinuing, or at a minimum reviewing, granular reporting on the number of refusals of access under each paragraph of section 47(3) of the RTI Act and the equivalent IP Act requirements.

There is also near unanimous agreement to discontinue reporting on the actions to further the object of the Act (s8(k) of the RTI Regulation). Agencies consider that activities like promoting and attending events organised, promoted and created by OIC, such as Privacy Awareness Week and International Access to Information Day, or reviewing RTI or IP policies, procedures and factsheets, have become standard practice.

The 2022 consultation paper proposed to remove the requirement for agencies to report on external review applications made from their decisions. The OIC already has this data and reports on external review matters.

A common request from responding agencies is to include the number of invalid/non-compliant applications they receive in the annual reporting requirements. This is because



these applications can be resource intensive and time consuming to handle, regardless of whether an invalid application is made valid or is discontinued.

Overall, responding agencies support the OGP metrics. Their comments indicate a need for clearer communication on how the metrics are calculated and the reporting mechanism.

For example, the OGP metric 5 is about timeliness. It is the *Percentage of all decisions made within the statutory time frame*. Its definition is the number of decisions made within the relevant jurisdiction's statutory timeframe, **including within valid extension periods**, as a percentage of all decisions made. (emphasis added)

Agencies suggested a range of possible new measures, mainly about privacy and administrative release.

## Reporting process

The 2017 *Report on the review of the Right to Information Act 2009 and Information Privacy Act 2009* found that the process placed a significant burden on agencies.

Most agencies responding to our survey commented on the considerable impost of the current reporting process. They said that it was a labour-intensive and cumbersome task. In one agency, multiple staff are offline for 3-4 weeks to complete the report. The whole process can extend over a number of months as the data is validated and agencies respond to DJAG's questions.

Agencies' feedback varied depending on the:

- number of applications agencies receive
- maturity of their systems
- type of agency.

Departments are responsible for compiling the data for all agencies within their portfolio: statutory bodies and commissions, local governments, universities and hospital and health services. This means the reporting process can be onerous. They explained that they experience further difficulties when having to deal with machinery-of-government changes. The most recent changes in December 2023 affected 11 out of 20 departments and created a new department.<sup>10</sup>

Agencies responding to our survey said they find it difficult to complete the spreadsheet form. They would welcome a technical solution, such as a portal, that helps data validation and minimises human error.

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<sup>10</sup> The Public Service Departmental Arrangements Notice (No.5) 2023

The lead time agencies require to be able to report on new or different measures varies. They use a variety of systems, from paper records to complex application handling software packages that integrate with other ICT systems, such as complaints management or records management.

Agencies that receive only a handful of applications per year may need a couple of days' notice to adjust to new reporting requirements as they compile the data manually.

A number of agencies indicated they already collect other measures such as the type of applicant or the number of privacy complaints. This means that a change in reporting requirements will have minimal impact on their operations and systems.

However, other agencies said they will have to upgrade or re-configure their systems, policies and procedures. Sometimes, this would involve requesting system changes from contracted service providers or outsourcing to an external vendor to create new reports. These agencies said they would require at least a full year lead time before the reporting period starts. This means that if a new measure, such as applicant type is to be reported for the 2026-27 period, these agencies would need to know about the changes in reporting requirements by June 2025.



