



**Office of the Information Commissioner**  
Queensland

## **Follow-up of Report No. 2 of 2019-20**

**Audit of Bundaberg Regional Council's implementation  
of recommendations**

**Compliance with Right to Information and Information  
Privacy**

**Report No. 4 to the Queensland Legislative Assembly for 2020-21**

We thank the staff of the Bundaberg Regional Council for their cooperation.



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May 2021

Mr Peter Russo MP  
Chair  
Legal Affairs and Safety Committee  
Parliament House  
George Street  
Brisbane QLD 4000

Dear Mr Russo

I am pleased to present 'Follow-up of Report No. 2 of 2019-20: Audit of Bundaberg Regional Council's implementation of recommendations, Compliance with Right to Information and Information Privacy'. This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The report outlines Bundaberg Regional Council's progress in implementing the recommendations I made in the 2019 audit.

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

Yours sincerely

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

Rachael Rangihaeata  
**Information Commissioner**



# Table of contents

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<b>Summary</b>	<b>1</b>
Results and conclusions	2
Agency comments	3
<b>1. Context</b>	<b>5</b>
<b>2. Leadership and governance</b>	<b>7</b>
Introduction	7
Results and conclusion	8
Information governance framework	8
Performance monitoring	10
Training and awareness	11
<b>3. Maximum disclosure</b>	<b>13</b>
Introduction	13
Results and conclusion	14
Administrative access arrangements	14
Information asset register	15
<b>4. Right to information</b>	<b>17</b>
Introduction	17
Results and conclusion	18
<b>5. Privacy</b>	<b>19</b>
Introduction	19
Results and conclusion	20
Information privacy resources and collection notices	20
Privacy impact assessments	21
<b>6. Camera surveillance</b>	<b>23</b>
Introduction	23
Results and conclusion	24
General operation	24
Partnership with the Queensland Police Service	26
<b>7. Appendix</b>	<b>29</b>



# Summary

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This is a report on Bundaberg Regional Council's (BRC) progress in implementing the recommendations we made under the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld).<sup>1</sup>

Our original audit examined whether BRC:

- promoted proactive release of information through strong leadership and good information governance
- maximised disclosure of information using online tools
- complied with the *Right to Information Act 2009* requirements for proactive disclosure
- adopted the privacy principles in the *Information Privacy Act 2009* about collecting personal information and advising people about BRC's personal information holdings
- adopted the privacy principles when operating and managing surveillance cameras.

In 2019 we concluded that:

*Bundaberg Regional Council is committed to right to information and information privacy. Although it still needs to develop and implement some policies, and put systems and processes in place, the council has worked hard since our electronic audit in December 2018 to comply with its legislative obligations.*

The council supported the 12 recommendations we made and committed to implementing them by 30 November 2020.

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<sup>1</sup> *Compliance audit – Bundaberg Regional Council: Bundaberg Regional Council's compliance with the Right to Information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld) - Report No.2 for 2019-20 to the Queensland Legislative Assembly*, tabled in Parliament on 27 November 2019, and available on [www.oic.qld.gov.au](http://www.oic.qld.gov.au).

## Results and conclusions

BRC has made considerable progress in a short time frame to implement the recommendations of our original compliance audit. It has fully or technically implemented ten recommendations and is in progress to implementing two more.

The figure below summarises the council's progress.

**Implementation status of recommendations**

	Total	Status			
		Fully implemented	Technically implemented	In progress	Partially implemented
Leadership and governance	3	2		1	
Maximum disclosure	2	1		1	
Right to information	1	1			
Privacy	3	2	1		
Camera surveillance	3	3			
<b>TOTAL</b>	<b>12</b>	<b>9</b>	<b>1</b>	<b>2</b>	

Source: Office of the Information Commissioner

BRC has assigned responsibility for information governance supported with new or updated policies, procedures and performance monitoring tools. A network of Information Management Champions helps raise staff awareness and promote uptake of right to information and privacy within business units.

The council has improved its online promotion of administrative access arrangements. It has developed an administrative access policy outlining what information staff can release and how.

Its publication scheme is easy to access and populated with significant information. BRC has established a process to keep that information up to date. It has also developed a draft information asset register and is continuing to classify its information assets. Once this work is complete, it will help the council make the maximum amount of significant, appropriate and accurate information available to the public.



The council is raising awareness and educating its employees about their general obligations in right to information and information privacy. It has developed and implemented mandatory refresher training on these topics.

BRC has recently incorporated privacy impact assessments across its project management and significant aspects of its risk framework. A future enhancement would be to extend controls for privacy risks across all types of projects. It is too early to assess how well the new policies, procedures and tools work in practice.

BRC has strengthened the operation and management of its surveillance cameras and portable audio-visual devices. New procedures and training covering all types of devices give staff sufficient guidance to comply with the *Information Privacy Act 2009*.

In February 2020, the council finalised a new Memorandum of Understanding with the Queensland Police Service about access to stored footage from surveillance cameras. The new memorandum aligns with the legislation. The Queensland Police Service now requests footage from BRC through a compliant form. BRC considers each request individually and keeps records of the requests and any released footage.

The council has reviewed its collection notices and developed a procedure that promotes compliance with the *Information Privacy Act 2009*.

## Agency comments

We provided a copy of this report to BRC for comments. We considered the council's views in reaching our conclusions and represented them to the extent relevant and warranted in preparing this report. BRC's comments are in the Appendix.



# 1. Context

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Bundaberg Regional Council (BRC) delivers a range of local government services, and builds and maintains community infrastructure including roads, drainage, sporting venues and other recreational facilities.

We audited its compliance with right to information and information privacy legislation in 2019-20<sup>2</sup> and made 12 recommendations. The council supported the recommendations and agreed to implement them by 30 November 2020.

We commenced the follow-up audit in December 2020. BRC reported its progress in implementing each recommendation and provided supporting evidence. We reviewed the evidence received and performed risk-based checks to gain assurance on the council's actions and implementation status.

Figure 1A explains the ratings we used.

**Figure 1A**  
**Implementation status ratings**

Rating	Description
Fully implemented	The agency has implemented the recommendation substantially or in its entirety.
Technically implemented	The agency has implemented the recommendation. However, it is too early to assess how well the actions taken address the intent of the recommendation.
In progress	The agency has taken some action to implement the recommendation and efforts to complete implementation are ongoing.
Partially implemented	The agency has implemented part of the recommendation, but it has not fully satisfied the intent of the recommendation.

Source: Office of the Information Commissioner

Chapters 2 to 6 present our findings on how BRC implemented the recommendations.

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<sup>2</sup> *Compliance audit - Bundaberg Regional Council: Bundaberg Regional Council's compliance with the Right to Information Act 2009 (Qld) and Information Privacy Act 2009 (Qld). Report No. 2 to the Queensland Legislative Assembly for 2019-20, tabled 27 November 2019.*



## 2. Leadership and governance

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### Introduction

Good information management helps agencies meet right to information and information privacy obligations. Strong leadership is critical for successful information management. Agencies need to formally assign leadership responsibility and have agency wide coordination, planning and review of information governance.

To meet their legislative obligations, agencies need to have adequate systems to monitor the performance of their right to information and information privacy operations.

Specific training, tailored to the agency, helps staff understand how to apply their agency's right to information and information privacy policies and procedures.

In 2019, we reported that BRC had assigned responsibility for oversight of information management to a governing body. However, there was no information governance framework to guide its information management practices and support the proactive disclosure objectives of the *Right to Information Act 2009*.

The council had limited performance measures for monitoring progress in achieving the broader objectives of right to information and information privacy.

BRC had a good process for enrolling new staff into right to information and information privacy training modules and monitoring their completion. While the council reported in 2018 that 99 per cent of its staff had completed training on right to information and information privacy, there was no mandatory refresher training.

Figure 2A shows the implementation status of the recommendations about BRC's leadership and governance.

**Figure 2A**  
**Leadership and governance**

Recommendation		Status
1	We recommend that Bundaberg Regional Council: within twelve months, develops and implements an information governance framework and supporting documented plans, policies and procedures to drive right to information and information privacy aims.	Implemented
2	We recommend that Bundaberg Regional Council: within twelve months, develops and implements performance measures for access to information and information privacy outcomes, aligned with its operational plan.	In progress
3	We recommend that Bundaberg Regional Council: within twelve months, implements mandatory periodic refresher training on right to information and information privacy for all staff.	Implemented

Source: Office of the Information Commissioner

## Results and conclusion

### Information governance framework

At the time of the original audit, BRC did not have an information governance framework, information management plan or policy. It had a series of high level and out of date standards and procedures for elements of information governance. We recommended that the council develops and implements an information governance framework to drive right to information and privacy.

BRC has implemented an information governance framework through a number of new or updated policies, including:

- Information Privacy and Right to Information Policy
- Electronic Surveillance Device Policy
- Open Data Policy.

The policy documents refer directly to the *Right to Information Act 2009* and the *Information Privacy Act 2009*. They support proactive disclosure and safeguarding personal information the council holds or controls.

The council has expanded its Information Services Steering Committee's (the Committee) terms of reference to include information governance. The Committee's new scope is also reflected in additional members.

During the follow-up audit, the council established a sub-committee – the Information Governance Working Group. The chief information officer, governance officers and records team leader are members of the working group. The terms of reference state its primary purpose:

*The IGWG will provide information and specialist advice to the Information Services Steering Committee (ISSC) and create a strategic approach to information management for Council by developing a consistent, systematic and enterprise-wide approach to managing information assets.*

The working group has a range of specific objectives including:

- *developing and monitoring the effectiveness of an information governance framework.*
- *coordinating information governance reporting, audits and reviews.*
- *developing educational resources and training plans for information management compliance.*

The working group first met on 26 February 2021. While it is too early to assess the working group is meeting its objectives, we recognise that BRC has established the elements of an active information governance framework.

BRC has established a network of Information Management Champions to raise staff awareness and promote uptake of right to information and privacy within business units. The council supports the 47 Information Management Champions with monthly newsletters and targeted training.

BRC has created a new full-time, permanent position of Governance Officer focusing on information governance. The position is responsible for:

- advice and ongoing review and coordination of the council's compliance of information management functions, specifically relating to the *Right to Information Act 2009* and the *Information Privacy Act 2009*
- the ongoing review and management of the council's Information Management Champion Program and Information Asset Register.

The officer has a forward plan for 2020-21 to review and update right to information and privacy policies, procedures and practices.

We assess Recommendation 1 as implemented.

### **Performance monitoring**

In our original audit we expected to see right to information and information privacy performance measures in the council's business plans, project plans or detailed strategies.

At the time the council reported quarterly to its operational plan on staff training and timeliness of application handling. These performance measures did not monitor progress towards broader objectives of right to information and information privacy. We recommended that BRC develops and implements performance measures for access to information and privacy results, aligned with its operational plan.

BRC has added efficiency and quality measures to its operational plan, including measures of timeliness in responding to applications or privacy complaints, and the number of requests for review of decisions.

BRC also measures staff mandatory training in right to information and privacy. This measure could help build a clearer picture of the council's performance if combined with other measures such as the number of complaints received and privacy breach notifications.

The council intends to add a further measure to indicate its progress in achieving right to information and privacy outcomes.

It is considering a new performance indicator about publishing additional significant and appropriate information. BRC plans to use the open data publication process to track its progress. The proposed measure aligns with the aim of the *Right to Information Act 2009* but is not yet implemented.

The council said it intended to continue to report on staff training, and to add outcome measures to its new 2021-22 Operational Plan.

In time, we expect that BRC will be measuring outcomes that provide greater insights for BRC leadership about the effectiveness and risks associated with right to



information and privacy requirements and practices to inform improvement actions. Currently, we assess Recommendation 2 as in progress to implementation.

### **Training and awareness**

In 2019, BRC offered training about right to information and information privacy to its staff. It instructed new starters to undertake our online right to information and information privacy training modules within three months of enrolment but did not require staff to undertake periodic refresher training.

In the first half of 2019, about 80 per cent of enrolled new staff completed the training. The council had a good process to monitor completion.

We recommended that the council maintains staff awareness of right to information and privacy with regular, mandatory refresher training. Mandatory refresher training increases the likelihood of employees retaining their awareness of information privacy and information security risks and obligations.

BRC has developed its own training module and added three-year refresher training in right to information and privacy to its all-staff mandatory training program.

The council's 2021 program offers training:

- to all staff
- periodically
- to refresh their knowledge of right to information and information privacy
- that is mandatory.

BRC also implemented:

- training for users of drones, body worn cameras and audio recording devices which incorporates privacy considerations
- updated induction training focusing on right to information and privacy
- specialist technical training for people handling formal access applications under the *Right to Information Act 2009* or *Information Privacy Act 2009*
- training for Information Management Champions.

We assess Recommendation 3 as implemented.



## 3. Maximum disclosure

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### Introduction

Under the *Right to Information Act 2009*, government agencies should release information as a matter of course, unless there is a good reason not to. Formal access applications under the Act should be the last resort.

Proactive disclosure and administrative release increase the flow of government-held information to the community. This approach raises community confidence in government agencies.

Information is a commodity and agencies must manage it as they manage their other assets. They should know what information they hold and classify it to ensure they make the maximum amount available in the public domain.

In our original audit, we found that BRC's right to information webpage encouraged seeking information through methods other than the formal access application process under the *Right to Information Act 2009* or *Information Privacy Act 2009*. It had a range of administrative access arrangements in place, thus supporting the push model.

However, there was no policy to guide staff on when or how they could release information administratively, in particular non-sensitive information.

The council did not have a systematic approach to identify and classify information holdings. It did not have an information asset register. This meant BRC could not be sure it was maximising the amount of information available to the community.

Figure 3A shows the implementation status of the recommendations about maximum disclosure.

**Figure 3A**  
**Maximum disclosure**

Recommendation		Status
4	<p>We recommend that Bundaberg Regional Council:</p> <p>within twelve months:</p> <ul style="list-style-type: none"> <li>• better promotes its administrative access schemes on its website</li> <li>• develops an administrative access policy that outlines the type of information staff can release, and the process for doing so.</li> </ul>	Implemented
5	<p>We recommend that Bundaberg Regional Council:</p> <p>within twelve months:</p> <ul style="list-style-type: none"> <li>• implements an information asset register, assigns responsibility for each asset and classifies them to determine their suitability for public release</li> <li>• develops and publishes a version of the information asset register to better inform the community about the information it holds, and who to contact to request access to an information holding</li> <li>• implements a process to review the information asset register regularly so it remains current and relevant.</li> </ul>	In progress

Source: Office of the Information Commissioner

## Results and conclusion

### Administrative access arrangements

In our original audit we reported that the council encouraged the public to search the council's website or contact the relevant department as a first step.

BRC posted administrative access schemes on its website, but could have promoted its administrative access arrangements better by having direct links to the schemes on its right to information webpage.

The council did not have a policy about administrative access. Council staff releasing information administratively contacted the Governance and Legal Services team for guidance. We found that this process was unlikely to be efficient and effective for low risk administrative access requests.

We recommended the council develops an administrative access policy and improve promotion of administrative access on its website.

BRC has administrative access embedded in its Information Privacy and Right to Information Policy and developed an Administrative Access Scheme Procedure

outlining information staff can release and the procedures for doing so. The council has improved its online promotion of its administrative access arrangements.

BRC has also implemented:

- improved staff awareness about administrative access through newsletters, email and a flowchart to guide staff on handling requests for information
- specialist awareness sessions for Information Management Champions
- a project to review the re-identification risks of its open data.

We assess Recommendation 4 as implemented.

### **Information asset register**

A systematic approach to identifying and classifying information holdings and datasets helps agencies determine which information is suitable for public release. An information asset register is a tool to maximise disclosure and support open data.<sup>3</sup> Agencies that publish a version of the information asset register, for example on their websites, inform the community about the assets they hold, and assist community members to focus requests for information.

BRC did not have an information asset register or equivalent. It took an informal approach to classifying its information assets. Each department determined what information it should publish online.

We recommended that BRC implements an information asset register, publishes a version to assist the community and reviews it regularly to maintain its currency.

BRC has developed a draft register. It advised it needs more time to have a fully established register due to the amount of data and systems. The newly established Information Governance Working Group is responsible for finalising and maintaining the register. We expect that, once finalised, a version of the information asset register will be published for community information.

We assess Recommendation 5 as in progress to implementation.

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<sup>3</sup> Local governments are not required to the Queensland Government Enterprise Architecture (QGEA). However, the QGEA is useful and readily available online. It has a guideline about information asset registers.



## 4. Right to information

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### Introduction

The *Right to Information Act 2009* gives a right of access to government-held information unless, on balance, releasing the information would be contrary to the public interest.

Publication schemes and disclosure logs are important strategies for proactive disclosure. To progress the objective of giving a right of access to information unless there is a good reason not to, agencies should publish as much information as possible in their publication scheme and disclosure log.

BRC redesigned its website in October 2019. The council's right to information webpage aligned with the *Right to Information Act 2009*. It promoted the right of access to council-held information and facilitated access through the legislative processes.

BRC used links in its publication scheme to direct users to the relevant document or webpage. However, the council did not have an established process to ensure the publication scheme was up-to-date.

BRC published a disclosure log that was easy to locate and access. At the time of our original audit, there were no items in the log. It is now up-to-date and populated with items, including direct links to documents.

Figure 4A shows the implementation status of the recommendation about right to information.

**Figure 4A**  
**Right to information**

Recommendation		Status
6	We recommend that Bundaberg Regional Council: within twelve months, implements a process to update the publication scheme regularly so the community has access to relevant and up-to-date information.	Implemented

Source: Office of the Information Commissioner

## Results and conclusion

BRC has a publication scheme on its website. The scheme is easy to locate and access and states the terms on which it makes information available. The publication scheme is well-populated with significant information.

However, in 2019, BRC did not have an established process for regularly reviewing its publication scheme. We recommended it implements a process to update the publication scheme regularly so the community has access to relevant and up-to-date information.

The council has created a new permanent, full-time position of Governance Officer to manage and progress information governance, including updating the publication scheme monthly. This officer has an annual work program which includes checking the publication scheme for currency and accuracy every month.

In addition, BRC uses its regular Information Champion newsletter to encourage its Information Management Champions, and through them all staff, to be mindful of publishing any newly created or updated material to the publication scheme.

We assess Recommendation 6 as implemented.



## 5. Privacy

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### Introduction

The *Information Privacy Act 2009* gives individuals the right to access and amend their personal information held by government agencies. It also sets out how agencies must collect and handle personal information. Under the Act, agencies other than health agencies must comply with the 11 Information Privacy Principles (IPPs).<sup>4</sup>

Government agencies controlling documents that contain personal information must take reasonable steps so a person can find out what personal information agencies hold and how they are using it.

They must not collect personal information unless it is necessary for their functions or activities. When an agency tells individuals about the personal information it collects, uses and usually discloses, we call this a collection notice. If practicable, the agency should provide the collection notice before, or at the time, it collects personal information.

In our original audit, we found that BRC was open and transparent about the type of personal information it held and the purpose for which it used that information. However, it used a generic rather than a tailored notice to advise people about its reasons for collecting information and usual disclosures.

Privacy impact assessments (PIAs) are a tool that agencies can use to assess the impacts of an activity, project or proposal and where necessary identify ways to manage privacy risks. Like the majority of Queensland local governments,<sup>5</sup> the council had not yet embedded PIAs into its core business. This meant it could not be sure it was identifying the privacy risks of its activities or mitigating them effectively.

Figure 5A shows the implementation status of the recommendations about privacy.

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4 Health agencies are required to comply with the National Privacy Principles (NPPs), rather than the IPPs, and with the rules about contracted service providers and transfer of personal information out of Australia.

5 Our report - 10 years on: Queensland government agencies' self-assessment of their compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld) - available on [www.oic.qld.gov.au](http://www.oic.qld.gov.au).

**Figure 5A**  
**Privacy**

Recommendation		Status
7	We recommend that Bundaberg Regional Council: within twelve months, reviews collection notices for all forms and online emails and amends them to ensure compliance with the <i>Information Privacy Act 2009</i> .	Implemented
8	We recommend that Bundaberg Regional Council: within twelve months, establishes a rolling program of regular review of collection notices for all forms and online emails, to maintain compliance with the <i>Information Privacy Act 2009</i> .	Implemented
9	We recommend that Bundaberg Regional Council: within twelve months: <ul style="list-style-type: none"> <li>• develops and implements a policy and procedures about privacy impact assessments</li> <li>• integrates privacy impact assessments in its risk management and project management methodologies and tools.</li> </ul>	Technically implemented

Source: Office of the Information Commissioner

## Results and conclusion

### Information privacy resources and collection notices

At the time of our original audit, BRC had good, easy to locate, general privacy information on its website. It had a privacy statement, detailed information to assist a person to access or amend their personal information, and procedures on making privacy complaints.

All forms we examined contained a collection notice. However, in most cases, BRC used a generic notice that did not sufficiently explain why the council was collecting the personal information, how it would use it and whether it shared it with another entity.

We recommended BRC ensures its collection notices comply with the *Information Privacy Act 2009* and establishes a program of review to maintain compliance.

BRC has reviewed and improved its collection notices in the sample we tested. It has updated the general privacy webpage and added individually tailored collection notices to forms.

The council has also developed a collection notice procedure with templates of collection notices, to assist staff designing new forms or surveys. The procedure promotes legislative compliance by adopting the principles of the *Information Privacy Act 2009*.

The work program for the Governance Officer includes a monthly check of collection notices. This ensures collection notices are correct from the outset and kept up-to-date.

We assess Recommendations 7 and 8 as implemented.

### **Privacy impact assessments**

PIAs are a tool<sup>6</sup> that agencies can use to assess the privacy impacts of an activity, project or proposal, identify ways to manage privacy risks and meet privacy obligations.

All agencies must protect the personal information they collect, use, hold or disclose, and implement appropriate safeguards as part of everyday business.

At the time of the original audit, the use of PIAs was a relatively new concept at BRC. This is consistent with the overall local government sector. The council had undertaken one PIA but had not integrated PIAs into its project management or operations nor developed policies or procedures.

We recommended BRC develops PIA policy and procedures, and integrates them into its project management and risk management.

BRC has developed a *Privacy Impact Assessment Report* template and the *Privacy Threshold Assessment* checklist based on our guidelines.

As we were concluding the follow-up audit, the council updated its *Information Privacy and Right to Information Policy*. It inserted a new section about PIAs:

*Employees that are involved in new projects and processes which collect, use or disclose personal information, or where projects or processes deal with personal information in a new way, should complete a Privacy Impact Assessment (PIA) Threshold Assessment Checklist.*

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6 OIC guideline: *Undertaking a Privacy Impact Assessment* available on [www.oic.qld.gov.au](http://www.oic.qld.gov.au).

*New projects or processes identifying potential privacy risks will require the development of a formal PIA to identify how Council will meet its obligations in the IP Act. Formal PIA's will be used to identify and mitigate the impact the project or process might have on the privacy of an individual's personal information.*

BRC does not have a general project methodology applicable to all projects but it incorporates PIA in some procurement projects.

In April 2021, BRC incorporated PIA threshold assessments into tools for projects, such as:

- community engagement processes, including for online advice, surveys and forms
- project briefs seeking approval for smaller scale projects
- concept briefs seeking approval for larger scale projects
- all capital projects.

The council has used PIAs in some of its projects. However, it is too early to assess how well the new policy, procedures, templates and checklists work in practice across all types of projects.

BRC has a simple and clear two-page risk management framework. This document mentions the need to check legislative requirements rather than list all legislative and regulatory requirements. It has two risk categories relevant to privacy risk:

- legal and governance, covering legislative compliance and complaints
- digital assets/ systems/ data delivery/ cybersecurity, which includes loss or theft of personal data.

The supporting documents identify '*Non compliance with the Information Privacy Act 2009*' as an operational risk and list seven control measures for that risk, including policy, procedure and PIAs in procurement projects. While this shows PIAs are in the risk framework, BRC could strengthen its project management by applying PIAs as a risk management tool for all types of projects.

We assess Recommendation 9 as technically implemented.

## 6. Camera surveillance

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### Introduction

Queensland government agencies use camera surveillance to protect property and public safety. They must manage their systems in line with the *Information Privacy Act 2009*.<sup>7</sup>

The Act requires agencies collect personal information only as needed for a lawful purpose. They must take all reasonable steps to make individuals aware when cameras collect their personal information and explain how to access footage containing their personal information.

At the time of the original audit, BRC operated a substantial camera surveillance system. It had 427 fixed surveillance cameras that transmitted footage, which could be viewed live, or recorded, extracted and stored in sections as necessary. In addition, the council operated two body worn cameras, eight cameras fitted to waste trucks and two drones.

The council did not meet all its legislative obligations under the *Information Privacy Act 2009* when operating and managing its surveillance camera network.

Key contributing factors to the council's non-compliance, particularly security of personal information and limits on disclosure were:

- general lack of detailed policies and procedures to govern the effective operation and management (from acquisition to decommissioning) of all its video and audio technologies
- Queensland Police Service's former ability<sup>8</sup> to extract footage from 127 fixed cameras.

We made three recommendations to improve council's legislative compliance.

Figure 6A shows the implementation status of the recommendations about camera surveillance.

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<sup>7</sup> The *Information Privacy Act 2009* contains 11 Information Privacy Principles (IPPs). Agencies must comply with the IPPs. IPP4 covers storage and security of personal information. IPP11 prescribes limits on disclosure of personal information.

<sup>8</sup> Bundaberg Regional Council rescinded that ability late October 2019.

**Figure 6A**  
**Camera surveillance**

Recommendation		Status
10	<p>We recommend that Bundaberg Regional Council:</p> <p>within twelve months, develops and implements a policy and procedures for managing its camera surveillance which:</p> <ul style="list-style-type: none"> <li>• is consistent with the council's legislative obligations, under the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i></li> <li>• covers all its audio and video technologies, and all devices</li> <li>• provides sufficient detail to guide staff operating the system.</li> </ul>	Implemented
11	<p>We recommend that Bundaberg Regional Council:</p> <p>within six months, strengthens its safeguards to better protect camera surveillance footage from unauthorised access, use, modification or disclosure, and other misuse and loss.</p>	Implemented
12	<p>We recommend that Bundaberg Regional Council:</p> <p>within twelve months, reviews its arrangement with the Queensland Police Service for the operation of camera surveillance, and takes all steps necessary to ensure the council complies with the <i>Information Privacy Act 2009</i>.</p>	Implemented

Source: Office of the Information Commissioner

## Results and conclusion

### General operation

Privacy obligations arise when agencies collect, store, use and disclose personal information. When a camera records video-feed footage, the privacy principles about collection (IPPs 1-3) apply. When an agency has control of video footage, IPP4 sets the requirements for adequately storing and securing the footage, including against unauthorised access or misuse.

If an agency provides, or allows, extracts of footage to another agency, there is both a disclosure – on the part of the source agency – and a collection – on the part of the recipient agency. In this situation, the disclosure privacy principle (IPP11) applies to the provision of the footage.

At the time of the original audit, BRC had a procedure for operating and managing its 427 fixed surveillance cameras. There was no procedure for other types of cameras. The council also had a technical instruction manual which explained how to use the technology to view and extract footage.

The procedure was not consistent with the council's obligations under the Act and the IPPs. For example, it stated that the council would not release footage to anyone except the Queensland Police Service. The procedure was high level and did not adequately cover all aspects of operating and managing the fixed camera network. It did not discuss in sufficient detail storage and security of footage, or access to the system.

Recommendation 10 sought to rectify these issues.

BRC has implemented new procedures for all types of devices. These give staff sufficient guidance to comply with the *Information Privacy Act 2009*. For example, the new CCTV procedure defines the roles and responsibilities of system administrators, and identifies who can access the system and under what conditions.

In 2019 BRC had security measures for its fixed camera network but not for mobile recording devices. While the council had restricted the access to footage, it was not using the system's audit logs to identify possible unauthorised access.

Also, the council did not delete footage in accordance with a planned schedule of retention and disposal. This means it might have been keeping personal information for longer than necessary, exposing it unnecessarily to misuse, loss and unauthorised access, modification or disclosure.

Recommendation 11 required BRC to better safeguard footage. This meant protecting footage from unauthorised access, use, modification or disclosure, and other misuse and loss.

BRC has strengthened its safeguards to better protect camera surveillance footage. The council:

- limits which staff can access footage
- requires all staff to request access formally
- requires other external agencies to request access formally
- maintains a *CCTV Network Access Audit Log*, manually completed by any person accessing footage
- manually audits the access logs against access request forms
- controls physical access to the hardware.

The new CCTV procedure applies to fixed and mobile devices. This ensures all devices are covered. It also describes a retention and destruction period, cross-referencing the council's recordkeeping policy. Regularly deleting unneeded footage is one way to manage the risks of loss, misuse or disclosure of personal information.

We assess Recommendations 10 and 11 as implemented.

### **Partnership with the Queensland Police Service**

As part of the Safer Bundaberg and Safe Night Out projects, BRC entered into a funding partnership with the Queensland Police Service (QPS) to install CCTV cameras in Bundaberg's central business area.

BRC's fixed surveillance cameras sent images to two standalone computers. One computer was on council premises, the other at the Bundaberg police station. QPS had direct access to view and extract footage from 127 of these cameras.

Viewing live footage can have immediate benefits for law enforcement as events unfold. It can assist with responding to incidents before they escalate, and with deploying resources quickly and effectively to resolve incidents.

When an agency provides, or allows, extracts of recorded footage to another agency, there is both a disclosure – on the part of the source agency – and a collection – on the part of the recipient agency. In this situation, IPP11 about limits on disclosure applies to the provision of footage.

At the time of the original audit, the council had a Memorandum of Understanding with QPS where both parties acknowledged that BRC owned and controlled the CCTV system and maintained ownership of any data/images it recorded.

We had concerns about the Memorandum of Understanding. In addition to viewing footage, QPS could extract recorded footage directly. This ability represented a significant risk of unmanaged disclosure from the council's perspective. The council did not know when and what footage QPS extracted. This meant BRC was unable to satisfy itself that the extraction was reasonably necessary for a law enforcement purpose. BRC had limited controls to protect the footage from unauthorised disclosure.

During the original audit, the council took responsive, stopgap measures to limit risk until it established a new arrangement with QPS.



The original audit report identified specific issues which BRC has addressed:

- QPS can no longer extract footage directly. It requests extracts from BRC.
- QPS uses a compliant form to request footage from BRC. The council considers each request individually.
- BRC tracks QPS requests and keeps copies of released footage with a copy of the request form.

BRC finalised a new Memorandum of Understanding with QPS in February 2020. The new memorandum aligns with the legislation.

We assess Recommendation 12 as implemented.



## 7. Appendix

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In accordance with our policies and procedures, we provided this report to Bundaberg Regional Council with a request for comment.

7 May 2021

Rachael Rangihaeata  
Office of the Information Commissioner  
PO Box 1043  
Adelaide Street  
BRISBANE OLD 4000

Dear Ms Rangihaeata

**Follow up audit- Right to Information & Information Privacy**

I refer to your correspondence on 21 April 2021, providing Council the opportunity to comment on your proposed report to be tabled in Parliament for the above-mentioned audit.

Council appreciates the approach of the audit team in conducting the follow up review, the constructive feedback provided and the opportunity to review and respond to recommendations made. I welcome and accept the Information Commissioner's findings of the considerable progress Council has made in a short timeframe to implement your recommendations. The body of work undertaken in response to this compliance audit demonstrates Council's commitment to right to information and information privacy compliance.

The review accurately summarises the progress made to implement the recommendations and the additional work undertaken to further strengthen our commitment. Council continues to progress the initiatives developed to date, remains committed to continually reviewing current practices and developing processes that support pro-disclosure and the protection of privacy for individuals.

Yours sincerely



Steve Johnston  
Chief Executive Officer

