



**Office of the Information Commissioner**  
Queensland

## **Results of Desktop Audits**

Review of Publication Schemes, Disclosure Logs and Information  
Privacy Awareness in Departments, Local Governments and  
Universities



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Ms Barbara Stone MP  
Chair  
Law, Justice and Safety Committee  
Parliament House  
George Street  
Brisbane QLD 4000

Dear Ms Stone

I am pleased to present Results of Desktop Audits: Review of Publication Schemes, Disclosure Logs and Information Privacy Awareness in Departments, Local Governments and Universities. 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 reviews compliance with the *Right to Information Act 2009 (Qld)*, in particular section 21 (Requirement for publication schemes) and section 78 (Disclosure logs) as well as Information Privacy Principle 2 (Collection of personal information) and Information Privacy Principle 5 (Providing information about documents containing personal information). Agencies are required to adopt Information Privacy Principles under section 27 of the *Information Privacy Act 2009 (Qld)*.

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



Julie Kinross  
**Information Commissioner**



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# 1 Executive Summary

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This is the Information Commissioner's second report for tabling in Parliament in relation to performance monitoring functions under the *Right to Information Act 2009 (Qld)* (RTI Act) and *Information Privacy Act 2009 (Qld)* (IP Act) for 2010/11. The Office of the Information Commissioner monitors agency performance by conducting reviews, compliance audits, attitudinal surveys and desktop audits. This report provides the results of desktop audits of agency websites across three public sectors – departments, local government and universities, during the period 1 January 2010 to 31 December 2010.

The desktop audits assessed the extent to which agency websites complied with legislative requirements for publication schemes, disclosure logs and Information Privacy Principles (IPP's) 2 and 5. (Queensland Health is required to comply with national equivalents for the IPP's: National Privacy Principles (NPP's) 1 and 5.)

The desktop audits examined agencies' websites from the perspective of a member of the public, looking only at information publicly available over the internet. Future Office of the Information Commissioner (OIC) audits will examine agencies' information holdings to identify whether or not agencies have identified and published information in the public domain, in line with the Right to Information (RTI) reforms.

The desktop audits were conducted during the first 6-18 months of implementation of the RTI reforms. Therefore, this report provides a snapshot of progress to date across all agencies. As the desktop audits are repeated each year, future reports will provide more specific detail on the progress of individual agencies. In total, this report covers 81 public sector agencies as set out in the table below:

**Table 1: Number of agencies per public sector reviewed**

Government departments	13
Local governments*	61
Universities	7
<b>Total public sector entities</b>	<b>81</b>

*\*It should be noted that as at the date of review for the 74 local governments only 61 were able to be audited by the Office of the Information Commissioner as 13 councils did not have a website.*

The commitment shown by agencies in implementing publication schemes and disclosure logs under the RTI reforms has been encouraging. Agencies in general appear to be adopting a positive approach to meeting their legislative requirements under both the RTI and IP Acts.

Although there has been progress across the board, different government sectors have progressed at different rates in implementing publication schemes and disclosure logs. In particular, the government department sector has made more progress than both the university and local government sectors. There are a couple of possible explanations for this. Government departments have the size to dedicate resources to RTI and IP matters, and to website design and maintenance, and this might have given departments the ability to achieve more consistent progress of the reforms. Government departments also were given an additional level of specific technical requirements, instructions and guidance tailored for the departments by the Department of the Premier and Cabinet (DPC). There is significant diversity in the nature of other sectors of government and therefore a single set of technical instructions and requirements would not have been appropriate for the entire agency sector. OIC is working with the Department of Justice and Attorney-General to provide further guidance for all agencies regarding technical and specific matters to ensure a more consistent and improved user experience across all public sector agencies.

The reform process is well under way, but is not yet complete. Improvement opportunities were noted across all the public sector agencies reviewed. The following table is a brief summary of the key desktop audit findings on agency publication schemes, disclosure logs and compliance with privacy principles.

Individual desktop reports were issued to agencies as they were conducted throughout the year. Agency responses to the individual agency reports were generally positive. Agencies were accepting of the issues raised and usually provided a concrete plan of action as to how they would progress their implementation of the reforms.

## **Summary of Key Findings**

### *Accessibility*

- Agencies generally had RTI web pages to assist the public. Departmental RTI pages were close to fully compliant.
- Some agencies need to improve the promotion of RTI on their websites to increase the public's awareness and access to government held information, particularly for some local governments and universities, where web based search engines were required to locate agency RTI content.

### *Publication Schemes*

- Most agencies had publication schemes on their websites.
- A majority of local governments did not have electronically published publication schemes, but might have had publication schemes in a non-electronic format. A further check of non-electronic publication schemes was outside the scope of this review.
- Nearly all of the web based publication schemes were organised according to the seven classes of information prescribed under the legislation.
- Some agency publication schemes did not make sufficient information available, on a routine basis, in accordance with the 'push model'.
- In some instances, agency publication schemes contained out-of-date information and links to published documents that did not work.

### *Disclosure Logs*

- Most agencies released information to the general community through a disclosure log, however the extent of information published could be improved.

### *Privacy Principles*

- The majority of agencies audited required action to ensure notices for collecting personal information through downloadable forms and emails complied with IPP 2 – Collection of Personal Information.
- Improvement was required for agencies to achieve full compliance with disclosing personal information holdings under IPP 5.



## 2 Introduction

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### 2.1 Background

In September of 2007 the Queensland Government appointed an independent panel led by Dr David Solomon to review the *Freedom of Information Act 1992* (FOI Act) with the aim of improving and modernising the legislation. In June 2008, the independent panel released its findings (The Solomon Report) to the Queensland Government. In responding to the report the Queensland Government accepted 139 of the 141 recommendations either in full, in part or in principle. The Queensland Government supported the panel's recommendation that Freedom of Information (FOI) move from a 'pull model' to a 'push model', where government information is routinely released to the public and applications for information under the legislation are a matter of last recourse.

Under the changes adopted by the Government, the FOI Act was repealed and replaced by the *Right to Information Act 2009 (Qld)* (RTI Act). Under the Act, the Government recognises that openness and transparency enhance the accountability of good government. The RTI Act aims to provide fair and equitable right of access to information under the government's control unless, on balance, it is contrary to the public interest to provide access. The *Information Privacy Act 2009 (Qld)* (IP Act) was introduced to ensure appropriate safeguards are in place for the handling of personal information in the public sector environment. The IP Act also provides individuals with the right of access to and amendment of any of their personal information which is under the government's control.

In facilitating this process, the Right to Information (RTI) and Information Privacy (IP) legislation broadened the powers and functions of the Information Commissioner in overseeing the implementation and ongoing administration of the Acts. Such oversight functions include performance monitoring and reporting under section 131 of the RTI Act and section 135 of the IP Act.

## 2.2 Reporting framework

Under section 131 of the RTI Act, the functions of the Information Commissioner include reviewing and reporting on agencies' performance in relation to the administration of the RTI Act and chapter 3 of the IP Act. This is the second report for tabling in Parliament under the RTI and IP Acts. This report is about the outcome of the desktop audits undertaken on department, local government and university publication schemes, disclosure logs and Information Privacy Principles (IPP) IPP2 and IPP 5 and National Privacy Principles (NPP) NPP1 and NPP 5 during the period 1 January 2010 to 31 December 2010.

## 2.3 Scope and objectives

The Office of the Information Commissioner (OIC) has commenced its performance monitoring functions by implementing an ongoing program of work to assess the level of compliance of public sector agencies in implementing the 'push model' and their legislated obligations under the RTI and IP Acts. Appendix 1 lists acronyms used in this report.

This audit assessed the level of compliance achieved by all 13 government departments; seven Queensland universities; and 61 local governments who maintained a website (refer Table 2 below). A list of agencies covered by this report is provided in Appendix 2.

**Table 2: Status of local government websites as at 31 January 2010.**

Local governments with websites and publication schemes or disclosure logs	17
Local governments with a website, but no publication scheme or disclosure log	44
Local governments with no website (excluded from the review)	13
<b>Total all local governments</b>	<b>74</b>

Although the Wide Bay Water Corporation is under the umbrella of local government<sup>1</sup> for the purposes of the RTI Act, it has not been included in this audit, which focused only on the local government authorities. As the review of all local government websites was performed prior to 1 July 2010, compliance with the Privacy Principles under the IP Act were not a requirement for local government and therefore outside the scope of the audit for this sector.

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<sup>1</sup> Under section 15 of the RTI Act, a reference to local government includes a reference to the Wide Bay Water Corporation.

The audit was conducted from the perspective of a member of the public accessing agency websites. It considered the accessibility of publication schemes and disclosure logs introduced as part of the RTI reforms, the level of information made routinely available by each agency under the RTI Act and whether agencies had made provision for informing the public of their personal information holdings and processes for handling the collection and usage of personal information, in compliance with IPP 2 and IPP 5 and NPP 1 and NPP 5 under the IP Act. The relevant sections of the RTI and IP Acts are provided in Appendix 3.

Sections 21(3) and 78(2) of the RTI Act impose legislative requirements on agencies to comply with any guidelines about publication schemes and disclosure logs as published by the Minister. The Minister has published the *Ministerial Guidelines – Operation of Publication Schemes and Disclosure Logs* (Ministerial Guidelines) under such provisions, as provided in Appendix 4.

Given this was the first year of implementation, the approach taken by OIC was to determine the basic elements for these requirements that constituted a material level of compliance with the legislation and Ministerial Guidelines. In recognition that the reform process has recently commenced, this first desktop report provides a broad snapshot across all agencies.

As agency implementation of the legislative requirements matures, OIC expects agencies will become fully compliant with the prescribed requirements and guidelines as published by the Minister under the legislation. Future desktop audits will assess the extent to which agencies have achieved full compliance and report to Parliament on both general and specific findings.

A report was provided to each audited agency which described ways in which they could increase their level of compliance and facilitate ease of access to their information. Each agency was extended an invitation to respond to OIC's report, and agencies that responded were generally accepting of the report and signalled how they planned to progress the reforms.

As the RTI Act does not specifically require agencies to publish publication schemes and disclosure logs electronically, the scope of this audit was limited to only those agencies who maintained these schemes on their websites. Other compliance issues such as application handling and decision making practices were not covered by this audit. These subject matters will be covered by a combination of other audit and survey methodologies, including onsite visits to agencies.

### **3 Awareness about right to information and public access to government held information**

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#### **Summary**

##### **Background**

The objective of the RTI reforms is to make more information available to a wider public audience and provide equal access to that information across all sectors of the community.

Consistent with the focus of the RTI reforms, OIC in undertaking the desktop audit of agency websites, concentrated on the extent to which agencies promoted public awareness about and access to their RTI content through their websites.

##### **Key Findings**

- Departmental compliance with the guidelines regarding RTI web pages was high, with only minor improvements required to reach full compliance.
- For local government and universities, use of search engines was sometimes required to locate agency content on RTI and administrative access schemes, including how to make an application under the legislative process.
- OIC will work with the Department of Justice and Attorney-General to provide further guidance for all agencies regarding technical and specific matters, to ensure a more consistent and improved user experience across all public sector agencies.

### **3.1 Right to information and the ‘push model’**

In the RTI Mission Statement from the Premier, the Queensland Government recognised that the public sector is the custodian of information that belongs to the community. The Government aims to maximise public access to government information by administratively releasing requested information wherever possible and publishing all significant, appropriate and accurate information (the ‘push model’). This approach to information management underpins achievement of important social, environmental and economic goals and increases innovation and participatory government.

One factor contributing to the achievement of the Government’s objectives is the level of public awareness about right to information and the administrative schemes by which individuals can access government documents. The following section discusses the results of the desk top audits in assessing how well agencies promoted their commitment to RTI and the visibility of RTI on the agencies’ websites.

### **3.2 Results of audit**

#### **Visibility of RTI branding on agency websites**

In assisting government departments to implement the RTI reforms, the Department of the Premier and Cabinet released a set of publishing guidelines for agency websites. Under the *Right to Information Publication Schemes – Publishing requirements and guidelines for agency websites* issued by the department, all government departments were required to include a link on their website home page to their Right to Information web page. The guidelines included details of the structure of the RTI web pages and specific standardised text and information to be included on all departmental websites.

The audit of departmental websites found that all departments’ RTI web pages were readily identifiable from each agency’s internet home page. Publication schemes and disclosure logs were found to be accessible through direct links from the RTI web page. In promoting RTI, government departments clearly communicated how individuals could access information either through administrative access schemes or application through legislative processes.

Improvement opportunities were noted for local governments and universities in how they promoted and explained RTI to the wider community. Of the seven universities audited,

only two had access to RTI web pages which were clearly identifiable from their internet home page. The remaining five universities required the use of search engines to locate information about RTI and other administrative access schemes, including how to make a formal application through legislative processes.

It was similar for local government in that only 11 of the 61 audited councils with an internet presence had a web page for RTI that was readily identifiable from the agency's internet home page. A further six local governments required the use of a search engine to locate content about RTI. The remaining 44 local governments contained no RTI presence on their website.<sup>2</sup>

As has been mentioned, government departments were given an additional level of specific technical requirements, instructions and guidance by the *Right to Information Publication Schemes – Publishing requirements and guidelines for agency websites*. There is significant diversity in the nature of other sectors of government and therefore a single set of technical instructions and requirements would not have been appropriate for the entire agency sector. To encourage a more consistent user experience across all sectors to which the legislation applies and greater promotion of RTI on agency websites, OIC is working with the Department of Justice and Attorney-General to provide further technical guidance for all agencies.

### **Making a complaint**

The Ministerial Guidelines provide that each agency is to implement a complaints procedure which sets out how to make a complaint when information included in the publication scheme is not available.

The audit identified an opportunity for improvement in this area. Nearly all agency websites provided general complaints procedures. However, complaints procedures specific to publication schemes were not generally provided. RTI or publication scheme web pages in general lacked commentary informing users of their right to make a complaint when information in the publication scheme is not available and in most cases,

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<sup>2</sup> It should be noted that of the 74 local governments, only 61 were auditable by the OIC using a desktop audit, as the remaining 13 councils did not maintain a website.

did not include a direct link to the general compliments and complaints feedback forum. This issue was raised with agencies in the individual desktop audits as necessary, and agencies have generally accepted the need for improvement in this area.



## 4 Operating the publication scheme

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### Summary

#### Background

Agencies must ensure that publication schemes comply with any guidelines about publication schemes as published by the Minister. Under the Ministerial Guidelines, as much information as possible should be provided under the seven classes of information and where applicable the information should be easily accessible through the agency's website. Information included in the publication scheme should be significant, appropriate and accurate.

This audit took into consideration whether agencies were materially compliant with prescribed requirements for publishing and maintaining a publication scheme.

#### Key Findings

- Nearly all agencies had publication schemes on their websites.
- Agency publication schemes published information under the seven classes prescribed under the Ministerial Guidelines.
- Most agency (across each of the sectors) publication schemes were found to have a class of information insufficiently populated with published information, inconsistent with a 'push model' approach.
- In some instances, agency publication schemes were found to contain out-of-date information and links to published documents that did not work.
- Only 17 of 74 local governments published a publication scheme on their website. However, it should be noted that agencies are not required to publish electronic publication schemes and the scope of OIC's audit was limited to those councils who maintained an internet site.

## **4.1 Publication schemes**

The publication scheme forms an integral part of the 'push model'. In considering what to include in their publication schemes, agencies are advised to assess documents against three key criteria: the information included in the publication scheme must be significant; appropriate for release; and accurate. Information should be published routinely and where possible, should be free of charge. It is important that publication schemes be consistent, easy to use and information rich to encourage the wider community to use publication schemes as a key resource.

The rationale for publication schemes is that they should make it easier for people accessing the scheme to find and use information made available as part of the agency's normal course of business. Under the Ministerial Guidelines, the information should be easy to access through the agency website or be easily and quickly sent out by an officer of the agency.

The publication scheme replaces the 'Statement of Affairs' under section 18 of the FOI Act. Under the new pro-disclosure bias, it is anticipated that agency publication schemes will contain more published information than was previously published under the former 'Statement of Affairs'.

Although publication schemes were in place and generally in use, this audit found some deficiencies in relation to the level of information published by agencies under the seven information classes.

## **4.2 Legislative requirements**

Section 21 of the RTI Act requires that all agencies, other than excluded entities, must publish a publication scheme. The publication scheme is required to set out the classes of information that the agency has available and the terms on which it will make that information available. An agency may be covered by another agency's publication scheme. Section 21(3) of the RTI Act provides that an agency must ensure that its publication scheme complies with guidelines as published by the Minister. In this regard, all agencies' publication schemes must comply with the Ministerial Guidelines. The review results against these legislative requirements are discussed in section 4.3.

### 4.3 Results of audit

#### Agencies must publish a publication scheme

Under the legislative requirements of section 21(1) of the RTI Act, an agency, other than an excluded entity<sup>3</sup>, must publish a publication scheme.<sup>4</sup> An audit of departmental, local government and universities websites was undertaken to assess compliance with this prescribed requirement.

The audit found that all 13 departments and seven universities audited published a publication scheme on their website. In meeting the requirements of the Ministerial Guidelines made under section 21(3) of the RTI Act, the information published in the publication scheme was classified in accordance with the seven classes of information types. Only one university was found not to have provided an introductory statement about the purpose for, or nature of a publication scheme.

The audit identified considerable differences between the 17 reviewed local governments with respect to publication schemes. Seven of the local governments had publication schemes that were compliant with section 21(1) of the RTI Act. For the remaining 10 audited local governments, publication schemes were implemented unevenly as follows:

- One local government mentioned publication schemes and the classes of information provided in publication schemes, and then stated '*Much of the information contained in the Publication Scheme is available on this web site.*' It is noted that a general reference to all information available on a website does not constitute a publication scheme as described in the Ministerial Guidelines.
- Five local governments mentioned the requirement for a publication scheme on their website. However, none of these councils had actually published a publication scheme on their website. It should be noted that one of these local governments stated on their website that the publication scheme was under construction.

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<sup>3</sup> An excluded entity means a prescribed entity under section 16 of the RTI Act.

<sup>4</sup> Under section 21(2) of the RTI Act, an agency may comply with section 21(1) of the RTI Act if another agency publishes the required information on its behalf.

- Two local governments had a web page entitled 'publication scheme', however, the information published was not organised under the required seven class types.
- Two local governments had a publication scheme on their website, organised under the correct classes, however, the publication schemes were not operational. For example, one local government had a link to the publication scheme that returned the user to the local government's internet homepage, while the other either contained no information under the classes within its publication scheme or had information relevant to another Queensland regional council completely unrelated to that shire.

### **Published Information should be significant and up to date**

The Ministerial Guidelines state that information included in a publication scheme must be significant and appropriate. Publication schemes should be regularly reviewed to ensure information on the publication scheme is current and up to date. Each agency is to implement procedures to ensure new information is included in the publication scheme, and outdated information is removed or archived.

In order to facilitate informed debate about government policy, the wider community must have access to the most up to date information in the government's possession where practicable. The audit of agency publication schemes found improvement opportunities existed for agencies in ensuring information in their publication scheme was significant, current and up to date.

At the time of the audit, there were only two agencies that were found to have sufficiently populated each of the seven classes of their publication scheme in accordance with the Ministerial Guidelines. These were the Department of Education and Training and the University of Southern Queensland. This is to be commended.

The type of information that was most commonly absent from agency publication schemes was information about budgets, tendering, procurement and contract information within the 'Our Finances' class. Other classes of information were also inadequately populated with agency information at times. For example; one agency included only two documents under the 'Our Priorities' class, while another included only the annual report under the 'About Us' section in their publication scheme. Another agency was missing links to

location and contact details (Contact Us) and the relevant legislation (constitutional and legal governance) within its publication scheme.

The review identified one departmental publication scheme that stated it relied on the *Freedom of Information Act 1992 (Qld)* principles in deciding what to include, which might not have sufficiently taken into account the principles of the new Right to Information model of pushing information out and into the community. OIC commented that fresh consideration should be given to the release of policy documents in the publication scheme in keeping with the spirit of the 'push model' approach adopted by the Queensland Government under the reforms to RTI. Future OIC audits will examine agencies' Information Assets Registers to identify datasets that are significant, appropriate and accurate, that are not yet published, and that the agency could consider publishing.

A number of agency publication schemes across each of the sectors were found to have links to information that was out of date. The most common thread was links to legislation that has since been repealed. An example is a reference to the *Financial Administration and Audit Act 1977 (Qld)*, which has been repealed and replaced by the *Financial Accountability Act 2009 (Qld)* and the *Auditor-General Act 2009 (Qld)*. Another example is a link to the agency's 2008-09 Annual Report, when the 2009-10 Annual Report had been published on the agency's website. It is expected that if agencies actively review their publication schemes in accordance with the Ministerial Guidelines, these issues should be reduced or avoided.

### **Accessibility of information in publication schemes**

The Ministerial Guidelines require that information within an agency's publication scheme must be easily accessible through the agency's web site and a direct link to the document should be provided wherever possible. Alternatively, the information should be easily obtained and quickly sent out by an officer of the agency.

A good practice noted during the audit was where no direct link was provided to a published document in an agency's publication scheme, the majority of agencies provided details of alternative arrangements about how the information may be accessed, in keeping with the prescribed requirements and the spirit of the 'push model' approach.

The audit of each of the agencies' publication schemes identified improvement opportunities in accessing published documents.

Specifically, a number of agency publication schemes across each of the reviewed sectors contained web links to published documents that did not work and in most cases returned an error message to the user.

Agencies could have been made aware of this issue in two ways. Firstly, as mentioned earlier in this report, regular review of the publication scheme by each agency would have detected these access issues. Secondly, if agencies implemented the publication scheme complaints process as required by the Ministerial Guidelines, then agencies would have had an additional opportunity to identify and correct problems. As previously discussed, a number of agencies did not inform users of their right to make a complaint when information in the publication scheme was not available. Had users been made more aware of this right then agencies in turn may have been made more aware of the access problems relating to their publication scheme.

Where they arose, these issues were brought to the attention of the individual agencies concerned, and the agencies generally responded positively to these opportunities for improvement.

## 5 Disclosure logs

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### Summary

#### Background

A disclosure log makes information disclosed to an applicant under the RTI Act available to a wider public audience. They can provide a cost and time benefit to both the individual and agency by reducing the number of additional requests under a legislative access process for similar information.

This audit assessed the extent to which agencies have implemented a disclosure log and whether they have complied with the Ministerial Guidelines when publishing information in their disclosure logs.

#### Key Findings

In terms of the desktop audit of disclosure logs, the review found that:

- Some agencies had not published a disclosure log on their website.
- In general, agencies which published a disclosure log were legislatively compliant with prescribed requirements under the RTI Act.
- Agencies were releasing information to the wider public through the disclosure log, however improvement opportunities were noted in the extent to which agencies were publishing information.

## 5.1 Why disclosure logs are important

The disclosure log forms part of a 'push model' where information released under an RTI application is made available for access to a wider public audience. In considering their disclosure log, agencies should take into account the principles relating to proactive disclosure where access to information should be provided, unless its disclosure would, on balance, be contrary to the public interest<sup>5</sup>.

The rationale for disclosure logs is that they provide speedy access to information already released under the RTI application process. Aside from the cost and time benefit to both the individual and agency in not having to undertake the legislative consideration process for additional requests for like information, disclosure logs provide an avenue for greater participation in government by the public and increase the potential for better decision making by government in the delivery of key services.

## 5.2 Legislative requirements

Section 78 of the RTI Act provides the legislative requirements with which agencies must comply when maintaining a disclosure log. For the purposes of the desktop audit of agency websites, OIC assessed agencies against compliance with section 78(1) and section 78(2).

Under section 78(1), agencies may include a copy of a document in a disclosure log but only if it does not contain the personal information of the applicant to which access was originally granted. Where the document is not directly published in the disclosure log, details identifying the document and information about how it may be accessed must be included in the disclosure log<sup>6</sup>.

Agencies must ensure that the disclosure log complies with any guidelines published by the Minister on the Minister's website (section 78(2)).

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<sup>5</sup> Pro-disclosure principle as set out within the OIC Guideline – Proactive Disclosure and Publication Schemes available at: [www.oic.qld.gov.au/right-information-guidelines](http://www.oic.qld.gov.au/right-information-guidelines).

<sup>6</sup> Section 78(1)(b) states that where an agency has not directly published the document in their disclosure log, details identifying the document and how it may be accessed may be included in a disclosure log. The Ministerial Guidelines, with which agencies maintaining a disclosure log must comply, impose the condition that where it is not reasonably practicable to publish the document, the disclosure log must provide details identifying the document and how it may be accessed.



### **5.3 Results of audit**

#### **Publication of disclosure logs**

Disclosure logs are designed to give the community greater access to information held by agencies. Under the RTI Act the Information Commissioner has the powers to issue guidelines in relation to best practice for agencies to improve services to those seeking to access information. The OIC guideline on disclosure logs considers best practice to be that disclosure logs should be prominently featured on an agency's website so that they are easily found, usually by a direct link from the agency's RTI page. Aside from the term 'disclosure log' appearing on the title of the web page, additional text should also be provided so that the user knows precisely what the disclosure log is and the purpose it serves.

In terms of accessibility to and location of agency disclosure logs on their websites, the desktop audit found that government departments maintained disclosure logs that were prominently featured on their website and could be easily located. Furthermore, all disclosure logs contained a consistent text describing what the disclosure log was and what it contained.

Only two of the seven universities had disclosure logs that were prominently displayed and easily locatable without the use of a search engine tool.

Of the 17 local governments audited, the link to the disclosure log for two of the councils did not work and the disclosure log was only discoverable using a search engine. Seven councils did not publish a disclosure log, although two made reference to a disclosure log on their website.

Although the legislation does not require the publication of publication schemes and disclosure logs electronically, in keeping with the Queensland Government's pro-disclosure 'push model' approach, best practice would dictate that where possible agencies prominently display disclosure logs on their website so that they can be easily found and accessible by the wider public audience. Alternatively, agencies should prominently display access arrangements where disclosure logs are not maintained in an electronic medium.

### **Disclosure log content and access arrangements**

Under the Ministerial Guidelines, documents published to a disclosure log are to be accompanied by text that provides a summary and the context of the information. The brief overview of the document should allow users to understand the nature of the information published and make informed decisions about accessing the released documents.

At the time of the audit, all agencies that had information published in their disclosure logs were found to have provided sufficient text describing the content of the information posted in the disclosure log in accordance with the Ministerial Guidelines.

OIC's guideline for Disclosure Logs states that agencies should provide users with a means to directly access and download documents that have been referred to in the disclosure log, after taking into consideration file size. The guiding principle is that information should be easily accessible by users. Where it is not practicable to publish the document in the disclosure log due to file size or other constraints, the disclosure log must provide details identifying the documents and how they may be accessed.

All departments audited had legislatively compliant disclosure logs. Some departments had made documents released through their disclosure log directly accessible online by clicking on a link in the disclosure log, with only significantly voluminous releases of information available by request only. Where a document listed on the disclosure log was available by request only, clear instructions were provided to the user on how to access the document.

At the time of the audit, only four universities had information published in their disclosure logs. Of these, one did not have sufficient details as to how the released documents may be accessed.

None of the 10 councils who maintained a disclosure log provided direct access to download documents, however, sufficient alternative access arrangements were provided within the disclosure log in compliance with section 78(1)(b) of the RTI Act.

A finding across the board was that the disclosure logs did not contain a large volume of information. A comparison of the number of FOI requests for non-personal information with the number of documents published in the disclosure logs suggest that it might be reasonable for there to have been more documents published in agency disclosure logs.

Whilst the RTI Act provides for the discretionary power not to include all information that an agency has released under an application in a disclosure log, agencies are encouraged to exercise this discretion in a way that is consistent with the broader objectives of the 'push model' approach in maximising disclosure of information held by agencies, unless on balance, it is contrary to the public interest. The Ministerial guidelines also state that all information released under the RTI Act that is not the applicant's personal information 'should be published to a disclosure log, unless there is a clear reason for not publishing the information on the disclosure log'.

Given the volume of non-personal requests for information received by agencies particularly within the government department sector, OIC considers that improvement is required across each of the sectors (departments, local government and universities) in the rate that agencies are publishing information in their disclosure logs. Although authorised by law to do so, a number of agencies have raised concerns about publishing of personal information other than the applicants' personal information in the disclosure log. This issue may be suitable for consideration in the review of the RTI Act and will be drawn to the attention of the Department of Justice and Attorney General for consideration.

### **Disclosure log not to contain personal information of the applicant**

Only documents that do not contain the personal information of the applicant may be published to a disclosure log.<sup>7</sup> The audit found that one university had published the names of the applicants in their disclosure log. The OIC notified the university involved requesting the personal information be removed from the disclosure log immediately. As a result of discussions between OIC and the university involved, this issue has now been addressed and all references to the names of the applicants have been removed.

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<sup>7</sup> Section 78(1)(a) of the RTI Act.

## 6 Compliance with privacy principles

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### Summary

#### Background

The *Information Privacy Act 2009 (Qld)* (IP Act) provides for the fair collection and handling of personal information in the public sector environment. IPP 2<sup>8</sup> applies to an agency's collection of personal information from the individual. IPP 5<sup>9</sup> requires agencies to take all reasonable steps to ensure a person can find out whether an agency controls any documents containing their personal information, the type of information contained in the document, the purpose for which the information is used and what an individual should do to obtain access to a document containing their personal information. These provisions are mirrored in similar terms in the National Privacy Principles, with NPP 1 equating to IPP 2 and NPP 5 equating to IPP 5.

In auditing compliance with these privacy principles, OIC assessed the information provided to the public regarding the collection of personal information in online forms and email invitations. The OIC also examined whether the agencies made people aware of the personal information held by the agency, the ways in which that information was used, and how it could be accessed by the individuals concerned.

Only departments and universities were audited for compliance with IPP 2 and IPP 5.

#### Key Findings

- All departments and universities should take remedial action to ensure notices dealing with the collection of personal information by email comply with IPP 2.
- Generally, the notices on or accompanying online and downloadable forms on department and university websites are not compliant with IPP 2.
- Improvement is required in the level of disclosure of personal information holdings by departments and universities under IPP 5.

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<sup>8</sup> References to IPP 2 should also be read as a reference to NPP 1 in relation to Queensland Health.

<sup>9</sup> References to IPP 5 should also be read as a reference to NPP 5 in relation to Queensland Health.

## **6.1 Protecting privacy**

As mentioned previously, the IP Act deals with the fair and responsible handling by government agencies of individuals' personal information. The IP Act also provides for an individual to apply for access to or amendment of their personal information held by government agencies.

All public sector agencies except Queensland Health are required to comply with the 11 IPP's. Queensland Health is required to comply with the 9 NPP's. The IPP's and NPP's generally came into effect on 1 July 2009, but for local governments the IPP's applied from 1 July 2010<sup>10</sup>.

As mentioned earlier in the report, when the desk top audits were conducted, the IPP's had yet to apply to local government and accordingly, their compliance with the IPP's was not audited.

## **6.2 Legislative requirements**

Under section 135 of the IP Act, the functions of the Information Commissioner include leading the improvement of public sector privacy administration. This includes conducting audits to assess agency compliance with the privacy principles. In undertaking the desktop audit of departments' and universities' compliance with IPP 2 and IPP 5, OIC assessed the information provided with these entities' online forms and email links regarding the collection of individuals' personal information. OIC also examined whether these entities made people aware of the personal information held by them, what the information was used for, and how it could be accessed by the individuals concerned.

## **6.3 Results of Audit**

### **Collecting Personal Information**

The collection of personal information is a fundamental area of privacy regulation. Collection notices<sup>11</sup> promote transparency as it allows the individual to understand the

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<sup>10</sup> Commencement of compliance with the IPPs was delayed by one year for local governments under section 202 of the IP Act.

<sup>11</sup> The term 'collection notice' is not used in the IP Act. OIC uses the term 'collection notice' to denote information provided to an individual by a government agency that complies with IPP 2 or NPP 1.

agency's personal information practices<sup>12</sup>. Whenever an agency obtains personal information from the individual concerned electronically, either through an email to an agency contact email address or by completion of a form, IPP 2 and NPP 1 require that the agency takes all reasonable steps to advise the individual of:

- the purpose of the collection;
- any law that might authorise or require the collection; and
- anyone who would usually receive the information in turn, either first or second hand if it is the agency's practice.

### **Online forms**

In the desktop audit, OIC conducted a search of the departments' and universities' websites for online or downloadable forms where individuals' personal information was being collected, to determine if these forms contained appropriate notices in accordance with the requirements of IPP 2 and NPP 1. The forms of the Department of Transport and Main Roads, Department of Justice and Attorney-General and Department of Public Works complied with the requirements of IPP 2. These agencies should be commended on achieving this compliance. The remaining 10 departments reviewed and each of the seven universities' forms were not fully compliant.

Under IPP 2, agencies are required to take all reasonable steps to ensure the individual is generally aware of the purpose of collection (refer above). Where forms on websites are available for download into a hardcopy format, privacy best practice is that the collection notice is on the form itself or is readily accessible from the web page that contains the form. Statements advising the individual to access the privacy statement/policy themselves online may not qualify as a 'reasonable step'. Likewise, a general statement to the effect that the agency will respect the privacy of the individuals' privacy may also not satisfy the requirements in IPP 2 or NPP 1.

OIC provided feedback to each of the agencies subject to audit and provided recommendations on how to address identified privacy shortfalls. On the whole, agencies

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<sup>12</sup> Information Privacy Guideline 11 – The Information Privacy Principles. This section deals with the collection of information and how it shapes the way agencies can use the personal information collected.

accepted the results of the audit and began remedial action to address the IPP 2/NPP 1 issues. OIC will conduct follow-up reviews to ascertain the agencies' progress in addressing the identified issues.

### **Email invitations**

It is a common practice in government for agencies to provide email contact addresses through which the citizens can communicate with the agency. A common example is people can subscribe to agency publications through email. When individuals click on the email links, agencies can collect personal information such as the person's name, email addresses and other personal information contained within the body of the email. Therefore, agencies are required to provide collection notices in accordance with IPP 2 and NPP 1. Failure to provide a readily accessible collection notice for these email invitations may constitute a breach of IPP 2 or NPP1. Best practice is for agencies to include the collection notice on the web page containing the email link.

None of the departments or universities had readily accessible collection notices for their email links in all instances.

### **Personal Information Holdings**

IPP 5 requires agencies to provide details about the types of personal information they hold, the purposes for which the personal information is used and what an individual should do to obtain access to their personal information. Under IPP 5, agencies are not required to provide a detailed account of all the personal information they hold.

Under the previous privacy regime, Information Standards 42 and 42A<sup>13</sup>, agencies were required to have a privacy plan, a component of which dealt with the agencies' personal information holdings. The IP Act does not require an agency to have a privacy plan, but a practical way for agencies to achieve their obligations under IPP 5 is to re-work and update their old privacy plan and re-issue it. Eight departments had followed this path with varying degrees of success.

The privacy web pages for each of the departments and universities were reviewed for content on the types or classes of personal information held by them.

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<sup>13</sup> Information Standard 42 equates to the IPP's and Information Standard 42A equates to the NPP's.

Eight departments published privacy plans on their website and these were reviewed for currency. Six departments had an up to date privacy plan. One department had multiple privacy plans, of which only one was up to date. The remaining department's privacy plan was out of date and referred to the now repealed FOI Act and IS42.

Five departments did not publish a privacy plan on their website. These departments did not have a differently named publication providing information about personal information holdings on their websites.

It was similar of the universities. Four of the seven universities audited contained sufficient detail on their websites to satisfy the requirements of IPP 5. Of these, the Queensland University of Technology's Personal Information Register was considered to be exemplary.

The remaining three universities were found to have privacy web pages that were out of date, containing references to the former Information Standard 42 (IS42). Two of these universities did not publicly document their information holdings. The third university contained details of personal information holdings in accordance with IPP 5, however, it was unclear whether or not this information was current, as the information still referenced IS42.

OIC advised these agencies to either update their former privacy plans, or create a new document containing the required information for publication on their website.



## 7 Agency follow-up

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OIC was encouraged by the preliminary review of agency publication schemes and disclosure logs. Given the desktop audits were conducted during the first 6-18 months of implementation of the RTI and IP reforms, agencies in general appeared to be adopting a proactive approach to meeting their legislative requirements under both the RTI and IP Acts. Agency responses to the individual agency reports were positive, with agency acceptance of the issues raised and usually a concrete plan of action to implement the recommendations.

The greatest level of improvement was noted amongst the local government sector. As mentioned previously, as at February 2010, only 17 of the 74 local governments had published a publication scheme and / or a disclosure log. A follow-up review of local government websites undertaken in July 2010 identified that a further 15 local governments had published a publication scheme and / or disclosure log on their website, taking the total to 32 local governments which published a publication scheme and / or disclosure log on their website. 14 of the original 17 local governments reviewed had made further improvements to their existing websites. In total, 29 local governments had improved their RTI websites, following the issuing of OICs desktop report into publication schemes and disclosure logs.

Responses received from departments and universities were also positive and encouraging. However, at the time of writing this report, no follow-up reviews had been undertaken of these agencies to determine the extent to which planned action by these agencies in response to the review had been implemented. Follow-up reviews will be conducted during 2011.

## **APPENDICES**

## Appendix 1 – Acronyms

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FOI	Freedom of Information
DPC	Department of the Premier and Cabinet
IS42	Information Standard 42
IP	Information Privacy
IP Act	<i>Information Privacy Act 2009 (Qld)</i>
IP Address	Internet Protocol Address
IPP	Information Privacy Principle
LGAQ	Local Government Association of Queensland
NPP	National Privacy Principle
OIC	Office of the Information Commissioner
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009 (Qld)</i>

## Appendix 2 – List of Agencies

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<b>Name of Agency</b>	<b>Agency Type</b>	<b>Agency Reviewed</b>
Department of Communities	Department	✓
Department of Community Safety	Department	✓
Department of Education and Training	Department	✓
Department of Employment, Economic Development & Innovation	Department	✓
Department of Environment & Resource Management	Department	✓
Department of Infrastructure & Planning	Department	✓
Department of Justice & Attorney General	Department	✓
Department of Premier & Cabinet	Department	✓
Department of Public Works	Department	✓
Department of Transport & Main Roads	Department	✓
Queensland Health	Department	✓
Queensland Police	Department	✓
Queensland Treasury	Department	✓
Central Queensland University	University	✓
Griffith University	University	✓
James Cook University	University	✓
Queensland University of Technology	University	✓
University of Queensland	University	✓
University of Southern Queensland	University	✓
University of the Sunshine Coast	University	✓
Aurukun Shire Council	Local Government	✓
Balonne Shire Council	Local Government	✓
Banana Shire Council	Local Government	✓
Barcaldine Regional Council	Local Government	✓
Barcoo Shire Council	Local Government	✓
Blackall-Tambo Regional Council	Local Government	✓
Boulia Shire Council	Local Government	✓
Brisbane City Council	Local Government	✓
Bulloo Shire Council	Local Government	✓
Bundaberg Regional Council	Local Government	✓
Burdekin Shire Council	Local Government	✓
Burke Shire Council	Local Government	✓
Cairns Regional Council	Local Government	✓
Carpentaria Shire Council	Local Government	✓
Cassowary Coast Regional Council	Local Government	✓
Central Highlands Regional Council	Local Government	✓
Charters Towers Regional Council	Local Government	✓
Cherbourg Aboriginal Shire Council	Local Government	no website
Cloncurry Shire Council	Local Government	✓
Cook Shire Council	Local Government	✓

<b>Name of Agency</b>	<b>Agency Type</b>	<b>Agency Reviewed</b>
Croydon Shire Council	Local Government	✓
Diamantina Shire Council	Local Government	✓
Doomadgee Aboriginal Shire Council	Local Government	no website
Etheridge Shire Council	Local Government	✓
Flinders Shire Council	Local Government	✓
Fraser Coast Regional Council	Local Government	✓
Gladstone Regional Council	Local Government	✓
Gold Coast City Council	Local Government	✓
Goondiwindi Regional Council	Local Government	✓
Gympie Regional Council	Local Government	✓
Hinchinbrook Shire Council	Local Government	✓
Hope Vale Aboriginal Shire Council	Local Government	no website
Ipswich City Council	Local Government	✓
Isaac Regional Council	Local Government	✓
Kowanyama Aboriginal Shire Council	Local Government	no website
Lockhart River Aboriginal Shire Council	Local Government	no website
Lockyer Valley Regional Council	Local Government	✓
Logan City Council	Local Government	✓
Longreach Regional Council	Local Government	✓
Mackay Regional Council	Local Government	✓
Mapoon Aboriginal Shire Council	Local Government	✓
Maranoa Regional Council	Local Government	✓
McKinlay Shire Council	Local Government	✓
Moreton Bay Regional Council	Local Government	✓
Mornington Shire Council	Local Government	no website
Mt Isa City Council	Local Government	✓
Murweh Shire Council	Local Government	✓
Napranum Aboriginal Shire Council	Local Government	no website
North Burnett Regional Council	Local Government	✓
Northern Peninsula Area Regional Council	Local Government	no website
Palm Island Aboriginal Shire Council	Local Government	✓
Paroo Shire Council	Local Government	✓
Porpuraaw Aboriginal Shire Council	Local Government	no website
Quilpie Shire Council	Local Government	✓
Redland City Council	Local Government	✓
Richmond Shire Council	Local Government	✓
Rockhampton Regional Council	Local Government	✓
Scenic Rim Regional Council	Local Government	✓
Somerset Regional Council	Local Government	✓
South Burnett Regional Council	Local Government	✓
Southern Downs Regional Council	Local Government	✓
Sunshine Coast Regional Council	Local Government	✓
Tablelands Regional Council	Local Government	✓

<b>Name of Agency</b>	<b>Agency Type</b>	<b>Agency Reviewed</b>
Toowoomba Regional Council	Local Government	✓
Torres Shire Council	Local Government	✓
Torres Strait Island Regional Council	Local Government	no website
Townsville City Council	Local Government	✓
Weipa Town Council	Local Government	✓
Western Downs Regional Council	Local Government	✓
Whitsunday Regional Council	Local Government	✓
Winton Shire Council	Local Government	✓
Woorabinda Aboriginal Shire Council	Local Government	no website
Wujal Wujal Aboriginal Shire Council	Local Government	no website
Yarrabah Aboriginal Shire Council	Local Government	no website

## Appendix 3 – Legislation

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### Right to Information Act 2009 (Qld)

#### 21 Requirement for publication scheme

- (1) An agency, other than an excluded entity, must publish a scheme (a **publication scheme**) setting out—
  - (a) the classes of information that the agency has available; and
  - (b) the terms on which it will make the information available, including any charges.
- (2) However, an agency (the **relevant agency**) may comply with subsection (1) if another agency publishes a scheme setting out—
  - (a) the classes of information that the relevant agency has available; and
  - (b) the terms on which the relevant agency or other agency will make the information available, including any charges.
- (3) An agency publishing a publication scheme must ensure that the publication scheme complies with any guidelines about publication schemes published by the Minister on the Minister’s website.
- (4) In this section—

**excluded entity** means a prescribed entity under section 16.

#### 78 Disclosure logs

- (1) If an agency makes a decision in relation to an access application to give access to a document that does not contain personal information of the applicant and the applicant accesses the document within the access period—
  - (a) a copy of the document may be included in a disclosure log if this is reasonably practicable; or
  - (b) otherwise—details identifying the document and information about how the document may be accessed may be included in a disclosure log.
- (2) An agency maintaining a disclosure log must ensure that the disclosure log complies with any guidelines published by the Minister on the Minister’s website.
- (3) A person may access a document the details of which are included in a disclosure log under subsection (1)(b) for no charge and in the way mentioned in the disclosure log.
- (4) However, nothing about the document (including a copy of the document) may be put on a disclosure log until at least 24 hours after the applicant accesses the document.

- (5) If—
- (a) a decision is made to give access to a document that does not contain personal information of the applicant; and
  - (b) the applicant fails to access the document within the access period;
- details identifying the document and information about how the document may be accessed and any applicable charge may be included in a disclosure log.
- (6) A person may access a document the details of which are included in a disclosure log under subsection (5) upon payment of the applicable charge and in the way mentioned in the disclosure log.
- (7) After a person accesses a document under subsection (6)—
- (a) no further charge is payable for access to the document by any person; and
  - (b) a copy of the document may be included in the disclosure log if this is reasonably practicable.
- (8) However, the copy of the document may not be put on the disclosure log under subsection (7) until at least 24 hours after the person accesses the document under subsection (6).
- (9) In this section—
- agency** includes a Minister but does not include a prescribed entity under section 16.
- disclosure log** means a part of an agency's website called a disclosure log.

## Information Privacy Act 2009 (Qld)

### 2 IPP 2—Collection of personal information (requested from individual)

- (1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
- (2) However, this section applies only if the agency asks the individual the subject of the personal information for either—
- (a) the personal information; or
  - (b) information of a type that would include the personal information.
- (3) The agency must take all reasonable steps to ensure that the individual is generally aware of—
- (a) the purpose of the collection; and
  - (b) if the collection of the personal information is authorised or required under a law—
    - (i) the fact that the collection of the information is authorised or required under a law; and
    - (ii) the law authorising or requiring the collection; and



- (c) if it is the agency's usual practice to disclose personal information of the type collected to any entity (the **first entity**)—the identity of the first entity; and
  - (d) if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the **second entity**)—the identity of the second entity.
- (4) The agency must take the reasonable steps required under subsection (3)—
- (a) if practicable—before the personal information is collected; or
  - (b) otherwise—as soon as practicable after the personal information is collected.
- (5) However, the agency is not required to act under subsection (3) if—
- (a) the personal information is collected in the context of the delivery of an emergency service; and

*Example—*

personal information collected during a triple 0 emergency call or during the giving of treatment or assistance to a person in need of an emergency service

- (b) the agency reasonably believes there would be little practical benefit to the individual in complying with subsection (3) in the circumstances; and
- (c) the individual would not reasonably expect to be made aware of the matters mentioned in subsection (3).

## **5 IPP 5—Providing information about documents containing personal information**

- (1) An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out—
- (a) whether the agency has control of any documents containing personal information; and
  - (b) the type of personal information contained in the documents; and
  - (c) the main purposes for which personal information included in the documents is used; and
  - (d) what an individual should do to obtain access to a document containing personal information about the individual.
- (2) An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

## 1 NPP 1—Collection of personal information

- (1) The department must not collect personal information unless the information is necessary for 1 or more of its functions or activities.
- (2) The department must collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- (3) At or before the time or, if that is not practicable, as soon as practicable after, the department collects personal information about an individual from the individual, the department must take reasonable steps to ensure that the individual is aware of—
  - (a) the identity of the department and how to contact it; and
  - (b) the fact that he or she is able to gain access to the information; and
  - (c) the purposes for which the information is collected; and
  - (d) the entities, or the types of entities, to which the department usually discloses information of that kind; and
  - (e) any law that requires the particular information to be collected; and
  - (f) the main consequences, if any, for the individual if all or part of the information is not provided.
- (4) If it is reasonable and practicable to do so, the department must collect personal information about an individual only from that individual.
- (5) If the department collects personal information about an individual from someone else, it must take reasonable steps to ensure that the individual is or has been made aware of the matters listed in subsection (3) except to the extent that—
  - (a) the personal information is collected under NPP 9(1)(e); or
  - (b) making the individual aware of the matters would pose a serious threat to the life, health, safety or welfare of an individual.
- (6) If the information is required under a statutory collection, the department is not required to ensure that the individual is or has been made aware of the matters listed in subsection (3).
- (7) In this section—

**statutory collection** means—

  - (a) a register or other collection of personal information that the department is authorised or required to maintain under an Act for monitoring public health issues, including, for example, by identifying morbidity and mortality trends, planning and evaluating health services or facilitating and evaluating treatments; or
  - (b) personal information collected by the department under an Act requiring a person to give the information to the department.

## **5 NPP 5—Openness**

- (1) The department must set out in a document clearly expressed policies on its management of personal information and must make the document available to anyone who asks for it.
- (2) On request by a person, the department must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

## Ministerial Guidelines

### Operation of Publication Schemes and Disclosure Logs

Under section 21(3) and section 78(2) of the *Right to Information Act 2009*

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## *Introduction*

The Preamble to the *Right to Information Act 2009* (RTI Act) provides that government held information should be released administratively as a matter of course, unless there is good reason not to, with applications under the RTI Act being necessary only as a last resort.

Section 21 of the RTI Act requires that an agency, other than an excluded entity, must publish a scheme setting out the classes of information and the terms on which it will make information available. Section 21 (3) further provides that an agency must ensure that its publication scheme complies with guidelines published by the Minister.

Section 78 of the RTI Act also provides the a copy of a document that does not contain the applicant's personal information that is released under the Act, or details identifying the document and how it may be accessed, may be included in an agency's disclosure log. Section 78 (2) further provides that an agency must ensure its disclosure log complies with guidelines published by the Minister.

These guidelines are issued for the purposes of section 21(3) and Section 78(2).

### 1. What is a Publication Scheme

A publication scheme sets out the kinds of information that an agency should make routinely available. The information should be easy for any person to find and use. As routinely published information is available as part of an agency's normal business, the information should be simple to access through the agency website or be easily and quickly sent out by an officer of the agency.

The information provided through the publication schemes replaces the Statement of Affairs published under s. 18 of the *Freedom of Information Act 1992*.

### 2. Publication Scheme Classes of Information

Seven classes of information are to be published. The classes of information are as follows:

1) *About Us (Who we are and what we do)*

Agency information, location and contacts, constitutional and legal governance

2) *Our Services (The services we offer)*

A description of the services offered by the agency, including advice and guidance, booklets and leaflets, transactions and media releases

3) *Our Finances (What we spend and how we spend it)*

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

4) *Our Priorities (What our priorities are and how we are doing)*

Strategy and performance information, plans assessments, inspections and reviews

5) *Our Decisions (How we make decisions)*

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations

6) *Our Policies (Our policies and procedures)*

Current written protocols for delivering our functions and responsibilities

7) *Our Lists (Lists and registers)*

Information held in registers required by law and other lists and registers relating to the functions of the agency

### 3 Key Criteria for Inclusion in a Publication Scheme

Information included in the publication scheme must be:

- Significant - for example key initiative and policy documents
- Appropriate - having regard to existing legislation, privacy principles and security issues
- Accurate - all efforts should be made to ensure that information included is accurate, in terms of what has already been published, or what may be published on the particular topic

### 4 Operating a Publication Scheme

*Providing information routinely*

As much information as possible should be routinely provided under the seven classes of information. Where possible the information must be easily accessible through an agency's website and a direct link to the document should be provided. In limited cases, such as very large documents, information may only be available in hard copy. In this case, a summary should describe the documents and describe access arrangements.

*Charges*

Where possible, there should be no charge for administrative release of documents included in the publication scheme. However, where provision of documents would impose significant costs on an agency, an agency may charge for the reasonable actual costs of providing the information.

*Providing information available on a website in an alternative format*

Where requested and in the interest of maximising access to information, an agency should provide information in an alternative format.

*Reviewing and maintaining a publication scheme*

Publication schemes should be regularly reviewed to ensure information on the publication scheme is current and up to date.

Each agency should implement procedures to ensure that new information covered by the publication scheme is available and that any outdated information is replaced or archived.

### *Public registers*

If an agency is required under legislation to maintain a register and to make the information in it available for public inspection, the relevant provisions dealing with access to the register will apply.

However, an agency is to include in its publication scheme under the class “Lists and Registers” a list of which registers it holds and how the public can access the information in them. A link should also be provided to the register where possible.

### *Making a complaint*

Each agency is to implement a complaints procedure which sets out how to make a complaint when information included in the publication scheme is not available.

## 5 Disclosure Logs

A disclosure log makes information disclosed to an applicant under the RTI Act available to a wider public audience. Section 78 (3) of the RTI Act provides that a person may access a document in a disclosure log for no charge.

Documents published to a disclosure log are to be accompanied by brief text that provides a summary and the context of the information.

Where it is not reasonably practicable to publish the document, the disclosure log must provide details identifying the document and how it may be accessed.

Section 78(4) requires that information may be published to an agency’s disclosure log no sooner than 24 hours after it is accessed by an applicant. Information is to be published to a disclosure log as soon as possible after the 24 hour period expires (on the next working day) and no later than five business days after access.

Section 78 of the RTI Act provides that only documents that do not contain the personal information of the applicant may be published to a disclosure log. All other information released under the RTI Act should be published to a disclosure log, unless there is a clear reason for not publishing the information on the disclosure log. Where it is determined that it is not appropriate to publish information to a disclosure log, the details of the decision, including the reasons, should be documented by the agency as part of its internal records.

In particular a disclosure log should not include information that:

- is prevented by law from disclosure;
- may be defamatory;
- if released, would be in breach of the *Information Privacy Act 2009*
- contains or alludes to information received in confidence from a third party or which is protected by contract; or
- would otherwise cause substantial harm if disclosed.

**ANNA BLIGH MP  
PREMIER OF QUEENSLAND AND MINISTER FOR THE ARTS**