



Office of the Information Commissioner  
Queensland

# Annual Report 2021-22

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30 September 2022

The Honourable Curtis Pitt MP  
Speaker of the Legislative Assembly  
Parliament House  
George Street  
Brisbane Qld 4000

Dear Mr Speaker

I am pleased to submit for presentation to the Parliament the Annual Report 2021-2022 and financial statements for the Office of the Information Commissioner.

I certify that this Annual Report complies with:

- the prescribed requirements of the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2019*
- the detailed requirements set out in the *Annual report requirements for Queensland Government agencies*.

A checklist outlining the annual reporting requirements is provided at page 73 of this Annual Report.

Yours sincerely



Rachael Rangihaeata  
**Information Commissioner**

## **ABOUT THIS REPORT**

*Our Annual Report provides an overview of performance towards achieving an informed Queensland that values and respects information rights and responsibilities.*

### **Acknowledgement of Traditional Owners and Elders**

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

This Annual Report provides an:

- account of revenue and how we have used public funds
- insight into challenges and opportunities that have influenced our actions, as well as setting priorities for the year ahead
- assessment of achievement in meeting corporate and operational plans as measured against a range of performance indicators.

This Annual Report is an important component of how we monitor our performance, which feeds into organisational planning and resource allocation.

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# MESSAGE FROM THE INFORMATION COMMISSIONER

Trust, transparency and accountability and the work of the Office of the Information Commissioner has been the focus of key reviews and community concern in 2021-22.

## **Building trust and accountability through transparency**

Professor Coaldrake AO's report *Let the sunshine in – Review of culture and accountability in the Queensland public sector* identified a number of concerns regarding the culture of openness and transparency within government. To this end Professor Coaldrake made recommendations to improve both the availability of government documents and the government response to breaches of personal information. These issues are reflected in recommendations 2 and 10 relating to the proactive release of Cabinet documents within 30 business days and the introduction of a Mandatory Data Breach Notification (MDBN) scheme in Queensland.

While the Queensland Government Cabinet has committed to implement a new Mandatory Data Breach Notification Scheme, cultural change is required to support both Privacy by Design to avoid breaches, and for appropriate responses to breaches to ensure timely notification and suitable responses to mitigate harm, especially in situations such as where victims are affected by domestic violence. Similarly, proactive disclosure of Cabinet material requires clear and authentic commitment modelled by Ministers and agency leaders and a legislative framework consistent with push model objectives.

A contemporary legislative framework is critical for effective protection of rights and to position Queensland well to meet evolving future challenges and opportunities in a digital economy. Significantly the Queensland Government published two consultation papers on 24 June 2022. The first consultation paper issued publicly, sought the views of the community and agencies on a number of proposed reforms to the IP Act and the RTI Act. The report brings together a number of recommended changes to the IP Act and RTI Act from other reports.

These include the:

- Report on the review of the *Right to Information Act 2009* and *Information Privacy Act 2009* (2017)
- reports by the Crime and Corruption Commission, including:
  - Operation Impala—Report on misuse of confidential information in the Queensland public sector (2019)
  - Culture and corruption risks in local government—Lessons from an investigation into Ipswich City Council (Operation Windage) (2018)
- Strategic review of the Office of the Information Commissioner (2017).

The second consultation paper was released to public sector agencies seeking the views on the impact of two key reforms, namely:

- a mandatory data breach notification scheme, and
- Consolidating Queensland's two sets of privacy principles with a single set of principles: the Queensland Privacy Principles.

The environment for information rights has changed immensely since the introduction of the RTI and IP Acts in 2009, with significant developments in technology, how government provides services and manages information, and community expectations. The global and national regulatory environment has also advanced and it is important that Queensland is consistent where appropriate to ensure certainty, simpler interactions with governments for community and business, and stronger protections for information rights.

Reforms to the IP Act that result in new and/or enhanced regulatory functions for the OIC require adequate resourcing to ensure the effectiveness of any enhanced regulatory regime. A strong legislative framework together with appropriate resourcing to ensure OIC can regulate, guide and champion greater protection of the community from harm, will position Queensland well to meet evolving future challenges.

A right to information law that strikes an appropriate balance between the right of access and limiting that right of access on public interest grounds is critical to both a robust, accountable government and an informed community. This is clearly reflected in the reservations made about the scope of exclusions and exemptions by previous reviews, including the Solomon Review, Queensland Government Report on the review of the *Right to Information Act 2009* and *Information Privacy Act 2009*, Parliamentary Committee consideration of proposed further exemptions and exclusions, and more recently reflected in the recommendations and comments made in the Coaldrake Review.

Community expectations are high, with 86% of Queenslanders surveyed indicating in 2021 that the right to access information was important. A right to information law that strikes an appropriate balance between the right of access and limiting that right of access on public interest grounds is critical to both a robust, accountable government and an informed community. This is clearly reflected in the reservations made about the scope of exclusions and exemptions by the above reviews.

It is critical that individual legislative proposals to include new limitations on the right to information are considered in the context of the broader policy and departures from such are clearly justified. We have continued to raise concern where additional limitations appear contrary to policy expressed by the Attorney-General's Review Report, including the *Brisbane Olympic and Paralympic Games Arrangements Act 2021* (BOPGA Act). In the case of the BOPGA Act, community and other stakeholders raised concern about reducing transparency, especially given the significant impact on the local and broader community. The Parliamentary Committee stated in its report that it *'would welcome any willingness on the part of the AOC and IOC to reconsider their position as to the necessity of the exemption, and the strong message that would be sent by its removal from the legislation, placing the public interest squarely at the forefront of right to information decision-making in respect of the Corporation and its activities'* and made a relevant recommendation.

The recent consultation on the proposed reforms to the RTI and IP Acts adopts many of the recommendations from the Review Report. However it introduces a new exemption about intergovernmental relations despite the RTI Act already provides that disclosure of information affecting relations with other government would raise a public interest factor favouring nondisclosure because of the public interest harm in disclosure.

Each attempt to chip away at the RTI push model with exclusions and exemptions can be perceived a signal to the community, and the public sector required to make decisions and take actions every day, that leaders do not expect or want RTI policy upheld for greater transparency and accountability. Further, that information will not be protected from disclosure even if it is contrary to the public interest to disclose it, when that is the clear objective and effect of the RTI Act.

External review applicants continued to raise concerns about missing documents in 2021-22, a key issue for external review. In this regard, the comments made in the Coaldrake Final Report regarding efforts to ensure documents are not located in response to access applications are of great concern. In our experience, these applications are resource intensive due to the time it can take to conduct further searches and they serve to highlight opportunities for information management to improve across government, to ensure documents are located in the first instance, and to build community trust in government. Access processes cannot overcome what the government and public servants do not ensure is kept, discoverable and easy to find with appropriately resourced systems. We look forward to the outcome of the Review of the Public Records Act 2002, and working with the Queensland State Archivist to support agencies to improve information management practices.

We continued to expand our network of privacy champions during 2021-22 to improve adoption of Privacy by Design at executive level. Along with the existing networks established with the State Government Departments and the Hospital and Health Services, we held our inaugural meeting with

local governments.

We will continue to use the Privacy Champions Network to lead cultural change and drive best practices in relation to privacy throughout the public sector.

### **Ensuring timely and equitable access to information**

Concerns continue to be raised about the extent of ongoing delays occurring in accessing information from agencies, which have resulted in applicants' seeking external review with our office when decisions are not made within statutory timeframes.

We have focused on timeliness as a key driver of the increased demand for external review. In right to information often 'Delay is Denial'. When people have a specific purpose that has a timeframe, delays can mean an outcome is of reduced or no value.

We have engaged with key agencies to identify how timeliness can be improved. We have continued to engage with the Queensland Police Service, which accounted for 32% of external review applications received in 2021-22. We have now started an audit into the Timeliness of access to information in three agencies experiencing higher levels of delays.

We have also experienced difficulties with delay in the external review process and associated concern from applicants. Agency delays, in part due to the higher impact of absence due to COVID-19 in 2021-22 and natural disasters, have caused greater delays and required escalation at times including formal notices to produce under the Acts, even to gain initial documents to commence a review.

In 2021-22, we trialled increasing the resources and expertise within Intake and Resolution Team which has allowed for more, and quicker assessments of the merits of a case, to be confidently conveyed to applicants at an early stage of the review. There has also been a marked reduction in the number of on hand reviews, which we can attribute to these staffing measures.

We have experienced an increased in unreasonable conduct across our services, especially external review, in the past few years. People we deal with are regularly involved in a broader complaint context, which can result in them becoming distrusting of government. Matters involving unreasonable conduct can be very time consuming, resource intensive and negatively impact staff wellbeing. Ultimately, our objective is to ensure OIC resources are distributed fairly to all stakeholders; providing support, training and clear guidelines to staff to deal with challenging interactions assists in this goal.

Significantly, I made our first own initiative vexatious applicant declaration in 2021-22. The declaration prevented an applicant from making access or amendment applications under the *Information Privacy Act 2009* to two agencies, and external review applications to OIC, for a period of two years. We also ceased dealing with all current applications. Such declarations are made in exceptional circumstances and where significant steps have been taken to attempt to manage the conduct. OIC is also conscious of the importance of equitable and timely access for other applicants, which is compromised by managing such conduct at agency and external review.

In 2021-22 Australian Information Access Commissioners and Privacy Authorities committed to working together with The Healing Foundation and stakeholders to champion timely, easy access to Stolen Generations records through informal access schemes wherever possible, with formal access applications required only as a last resort. We recognise the important role of historical records in truth telling and sharing history, intergenerational healing, redress and reparations for Stolen Generation survivors and their families. OIC will continue this important work with our partners and stakeholders in 2022-23.

### **Workload and resources**

We continue to experience substantial



demand for our services, consistent with the significant uplift since 2017.

Workload associated with managing unreasonable demand has increased, especially for leaders across service areas in external review, privacy and enquiries.

A temporary approved increase of 4.8FTE over 2021-23 has assisted to some extent, however attracting and retaining staff in a competitive market has been difficult. Appropriate resourcing is a key issue for consideration in the 2022 Strategic Review of the OIC to ensure we can deliver our statutory functions efficiently and effectively as we move forward, and address current concerns about workplace health and safety for our staff.

OIC is not in a position to manage any additional demand placed on its services, expansion of functions, or nature of those functions. If functions are allocated from the proposed reforms without appropriate resourcing it would also significantly compromise the community's existing rights to information privacy and access government held information given the significant increase in demand for OIC services since 2017-18.

This year we were affected by the COVID-19 pandemic more than previous years, with greater illness and leave, agency delay affecting many of our functions including audits and forward planning for events and engagements with our stakeholders.

Our case management system requires replacement to meet current ICT requirements and to address requirements in proposed reforms including the MDBN Scheme. It is a key risk for OIC however we do not currently have sufficient funding. We will continue to work with the Queensland

Government to address our concerns.

### **Acknowledgements**

I would like to take the opportunity to acknowledge Ms Louisa Lynch, Right to Information Commissioner who resigned in June 2022 after 11 years' service with the OIC, and Mr Philip Green, Privacy Commissioner, who also finished his second term with OIC in December 2021 after six years' service with the OIC. Both Commissioners made important contributions to the OIC and improving RTI and privacy practices in Queensland for the community.

Mr Paxton Booth was appointed as Privacy Commissioner in December 2021 and a recruitment and selection process is underway to appoint a new Right to Information Commissioner.

Thank you to Ms Adeline Yuksel, Director, Engagement and Corporate Services, Mr Booth and Ms Anna Rickard and Ms Katie Shepherd, Acting Right to Information Commissioners for their leadership of the OIC in 2021-22. Finally I would like to thank our incredible team who I am privileged to lead in making a difference to the lives of Queenslanders every day. Right to Information and Privacy are fundamental human rights and vitally important to people. Our people uphold these rights with professionalism, great expertise, integrity and respect and empathy for individuals.



Rachael Rangihaeata  
**Information Commissioner**

# OUR PERFORMANCE

We measure the efficiency and effectiveness of our services against key performance targets and indicators.

We seek to meet these targets with available resources. The targets enable the Queensland community and the Parliament to assess our performance.

Figure 1. Our performance

Service standard	2021-22 target	Achievement	Result
<b>Our external review service</b>			
<b>Provide independent, timely and fair review of decisions made under the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i></b>			
Percentage of applicants satisfied with the conduct of the review	70%	44%	X
Percentage of agencies satisfied with the review service provided	75%	98%	✓
Mean average days to finalise a review	150 days	139 days	✓
Percentage of open review applications over 12 months old at the end of reporting period	0%	0.8%	X
Percentage of external reviews resolved informally without a written decision, compared to the total number of finalised reviews	75%	89%	✓
Percentage of external review applications finalised to received	100%	107%	✓
<b>Our privacy advice and complaint mediation service</b>			
<b>Provide an independent, timely and fair privacy complaint mediation service</b>			
Percentage of agencies satisfied with the privacy complaint mediation service provided	75%	100%	✓
Mean average days to finalise an accepted privacy complaint	140 days	257 days	X
<b>Assist agencies to adopt privacy by design and achieve compliance with the privacy principles</b>			
Percentage of agency stakeholders satisfied with advice service we provide	75%	91%	✓
Number of consultations and submissions	n/a	16	--
Number of advices and meetings	n/a	359	--

Service standard	2021-22 target	Achievement	Result
<b>Our assistance and monitoring service</b>			
<b>Improve agencies' practices in right to information and information privacy   Promote greater awareness of right to information and information privacy in the community and within government</b>			
Percentage of agencies satisfied with the enquiries service	80%	98%	✓
Percentage of agencies satisfied with the quality of the information resources provided	80%	98%	✓
Number of training participants	4,000	8,931	✓
Percentage of training participants satisfied with sessions	75%	100%	✓
Number of reports tabled in Parliament	5	2	X
Number of awareness activities conducted	250	280	✓
Number of responses to written and oral enquiries	4,500	5,330	✓
Number of website visits	150,000	317,672	✓

## ABOUT US

*We are an independent statutory body for the Financial Accountability Act 2009 (Qld) and the Statutory Bodies Financial Arrangements Act 1982 (Qld).*

Initially established under the repealed *Freedom of Information Act 1992 (Qld)* (FOI Act), we continued under the *Right to Information Act 2009 (Qld)* (RTI Act). Our statutory functions under the RTI Act and the *Information Privacy Act 2009 (Qld)* (IP Act) support Queensland government agencies, including departments, statutory authorities, local governments, public universities and hospital and health services, to be more open, accountable and transparent.

Under the RTI and IP Acts, government-held information must be released, as a matter of course, unless on balance, disclosure is contrary to the public interest. Access applications made under the legislation should be a last resort.

The IP Act also recognises the importance of protecting the personal information of individuals. It creates a right for individuals to access and amend their own personal information and sets rules for how agencies must handle personal information.

Information privacy requirements foster responsible and fair management of personal information. They assist government agencies to meet changing community expectations about privacy.

We promote the objectives of the RTI and IP Acts. Greater access to information leads to an informed community, able to participate in and scrutinise government. RTI and information privacy obligations promote a more effective, efficient, ethical, open, transparent and accountable public service.

Under the RTI and IP Acts, the Information Commissioner, Right to Information Commissioner and Privacy Commissioner are statutory office holders appointed by the Governor-in-Council. They are not subject to ministerial direction in the exercise of their functions under the Acts.

The independent authority of the commissioners means the community can be confident that they carry out their roles independently, fairly and impartially.

### **Our stakeholders**

Our stakeholders include the Legal Affairs and Safety Committee of the Queensland Parliament, the community and agencies such as Queensland Government departments and Ministers, local governments, hospital and health services, statutory authorities, government-owned corporations, public universities and other public authorities. We also liaise extensively with our peers from other jurisdictions both in Australia and internationally, to maximise our expertise and resources.

# OUR VALUES

## **Respectful**

We listen carefully to build understanding, find solutions and enable fair and transparent participation. We are inclusive in our approach and value our staff and stakeholders.

## **Collaborative**

We value diversity and work together as one team to achieve better outcomes. We network and share with our peers, colleagues and academia to maximise our expertise and resources.

## **Focused**

We strive for excellence in service delivery and work to produce high quality and timely outcomes. We prioritise activities that have the greatest impact.

## **Innovative**

We stay informed about our changing environment so we can effectively foster continuous improvement incorporating creative solutions for us and our stakeholders.

## **OUR STRATEGY**

*We have set strategies with key performance indicators to achieve the objectives for our service areas over the five-year period.*

### **Strategic planning**

Strategic planning involves consulting and engaging with our staff. Our Strategic Plan gives direction and focus to our activities, and to teams and individuals as they proceed with specific projects and day-to-day work. Each Executive Leadership Team (ELT) member is responsible for specific strategies to guide activity, monitor progress against targets and report achievements against service objectives. The ELT meets regularly to discuss budget, performance, office culture/climate and other general business. Where necessary, the team makes changes to meet performance targets.

Our Strategic Plan is available at:  
[www.oic.qld.gov.au](http://www.oic.qld.gov.au)

### **Improving our services**

#### ***Evaluation***

Evaluation helps us understand what worked or did not work within a particular activity, the results achieved and the wider applicability of those lessons. We use evaluation to share insights and knowledge.

#### **Stakeholder engagement**

We engage effectively with stakeholders to tap into their expertise, experience and knowledge. It helps us to identify risks and new opportunities and shape our future initiatives and services.

#### **Feedback**

We seek actionable feedback to better understand how clients rate and use our services to determine where we can improve. We use the information gathered through satisfaction surveys to enhance services and client experiences, and to strengthen our brand and reputation.

# OUR CHALLENGES, RISKS AND PRIORITIES

## **Strategic engagement**

We continued to focus our strategic engagement with key agencies and sectors in 2021-22, including local government, health and the Queensland Police Service.

We extended the Privacy Champions Network during 2021-22 with the launch of the Local Government and Hospital and Health Service Privacy Champion Networks. Champions from attended inaugural meetings hosted by the Information Commissioner and the Privacy Commissioner. We will continue to facilitate these meetings to Privacy Champions in 2022-23, through a critical period of legislative reform.

We launched a resource developed specifically for local councils – Privacy in Local Government booklet. Our booklet is a handy quick reference guide for Local Government officers. While it was specially designed with local councils in mind it can be used by any agency to assist with the development of a sound privacy framework. The booklet was also supplemented with a series of training sessions that commenced in 2021-22 and will continue next year.

During 2021-22, where it was safe to do so, we conducted several face-to-face engagement activities to raise awareness of our role and services. When there were restrictions because of the COVID-19 pandemic, we conducted our engagement activities online. As a result, there was minimal disruption to our advisory services and operations. Our stakeholders continued receiving advice and support from our officers.

International Access to Information Day 2021 promotional activities were delivered in a digital format with the theme 'Open by Design' and strengthened by our tagline 'Government transparency everyone can see'. Professor Beth Simone Noveck delivered the 2021 Solomon Lecture on 'Solving Public Problems with Data'.

The 2022 Asia Pacific Privacy Authorities Privacy Awareness Week (PAW) theme

'Privacy the foundation of trust' was aimed at the community and public sector. We launched Privacy Awareness Week with a video presentation by Professor Ed Santow on "Artificial Intelligence and privacy – can they be friends?", which examined a way forward with AI that puts privacy at the heart of how it is designed, developed and used and how this could improve trust for agencies.

We streamed the Solomon Lecture and PAW launch events so audiences in regional and rural Queensland as well as those further afield could participate. Our engagement activities featured a strong digital presence including social media advertising, webinars and communication materials. These initiatives met our goal to connect with the community, agencies and key stakeholders and maximise resources and activities with our peer jurisdictions across Australia and our international networks.

The continued impact of the COVID-19 pandemic affected our Audit and Evaluation engagement with government agencies in 2021-22. And several audited agencies were involved in critical flood recovery activities in early 2022. We liaised with all agencies involved in our program in 2021-22 to provide timely feedback to ensure agencies had opportunity to respond and improve practices to achieve strong outcomes for the Queensland community and well informed reporting to Parliament.

## **Advocating for a stronger privacy framework**

A contemporary legislative privacy framework is critical for government agencies to respond to changing community expectations and emerging risks. Developments in artificial intelligence, data analytics and other technology require stronger privacy and data security measures.

It is important that Queensland's privacy legislation remains fit for purpose in an increasingly interconnected digital world. A strong legislative privacy framework would help Queensland to manage the challenges of

digital service delivery while meeting public expectations about privacy.

During 2021-22 the Queensland Government released a consultation on proposed legislative reforms for the RTI and IP Acts, including a mandatory data breach notification scheme that was subsequently endorsed by Cabinet. OIC made a comprehensive submission in early 2022-23 and will continue to work with Government and key stakeholders.

### **Internal engagement**

Our culture is shaped by our purpose, values and behaviours. Throughout the year, we worked closely with our staff to build a culture of trust and transparency based on resilience, improved leadership capability, collaboration and innovation. Despite our ongoing substantial workload, increased impact on staff and operations from COVID-19, and difficulty attracting and retaining suitable staff, we actively progressed priorities in our strategic plan to better manage emerging challenges, risks and opportunities.

We consult and engage our staff on all matters that affect the way we work. This year we launched our new Health, Safety and Wellbeing Policy. This framework enables a holistic and integrated approach to health safety and wellness and provides for greater staff consultation and participation in initiatives via a Health Safety and Wellbeing Committee.

OIC staff continued to experience high conflict behaviours and challenging interactions throughout the year. We reviewed our policies and procedures and developed new resources in conjunction with developing an Integrated Mental Health Strategy. This has involved employees focus groups to explore the risk factors and possible mitigation strategies. This is a critical issue for health, wellbeing and safety of our staff and equitable access to our services for stakeholders.

### **Implementing recommendations from the 2017 Independent Strategic Review**

We have implemented all the recommendations from the Independent Strategic Review tabled in Parliament in May 2017, except those recommendations that

require legislative amendments or further funding. We will continue to work with the Government to address these recommendations as appropriate, including through the proposed changes to the legislative framework consulted on in June-July 2022.

We note that temporary resources were approved for 2021-23 for the outstanding positions recommended to be put in place permanently by the 2017 Independent Strategic Review. OIC welcomes the additional temporary resources in these critical areas for the office. Recruitment of these approved positions commenced in July 2021, however OIC continues to experience difficulties attracting and retaining suitable candidates in a competitive market, especially to temporary roles.

### **2022-23 in focus**

In 2022-23 critical reviews of OIC and the RTI and IP Act are a key focus to ensure we are focused on the current and future needs of stakeholders in our service delivery under our statutory functions, in the most effective and efficient way. Appropriate resourcing and fit for purpose systems will be critical.

We will continue to ensure our services are accessible to all. We will carefully consider our responsibilities to our staff and stakeholders in our work, including work, health and safety when dealing with unreasonable behaviour.

We will keep focus on our proactive work providing support to agencies and the community and promoting good practices which is vitally important and reduces the demand for formal access application processes, and privacy complaints, and subsequent review or mediation by our office. Achieving the best balance, and strategically focusing our resources has never been more important.



**In 2022-23 we will:**

1. Champion a contemporary legislative framework that is fit for purpose to help Queensland manage the challenges of digital service delivery while meeting community expectations in an increasingly interconnected digital world.
2. Strengthen the Privacy Champions leadership network to embed privacy by design in senior decision making and enhance cultural change.
3. Address key drivers of significant demand for external review, including insufficient administrative review, decisions made outside statutory timeframes, and challenging interactions, to enable more efficient and effective outcomes for the community.
4. Review our training resource and assistance programs and implement new approaches to meet evolving needs and improve communication and engagement with communities and agencies throughout Queensland.
5. Work with agency experts to ensure information management practices keep pace with the rapidly evolving technology environment to build trust and enable safe digital service delivery and initiatives, including artificial intelligence processing of personal information.
6. Champion timely, easy access to Stolen Generations records through informal access schemes wherever possible, with formal access applications required only as a last resort.
7. Report to Parliament on audits about current topics of interest, such as delays in accessing information, and awareness of privacy obligations in selected agencies.

## EXTERNAL REVIEW

*Provide independent, timely and fair reviews of decisions made under the RTI Act and IP Act.*

### Our strategies

- Resolve external review applications using flexible approaches
- Determine external review applications through formal written decisions where required.
- Maintain comprehensive case and knowledge management systems for quality resolution and decision-making services
- Identify and implement strategies to ensure equitable and timely access to review services for all applicants, especially when experiencing high demand and repeated unreasonable behaviour on the part of review participants

Figure 2. External review service standards

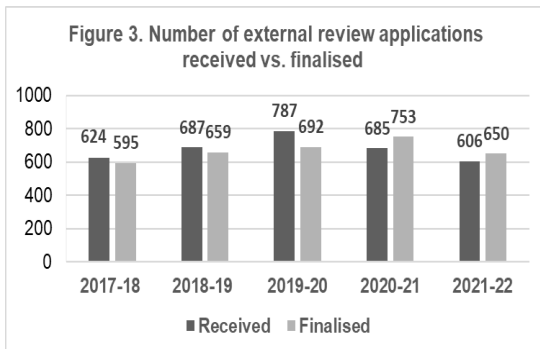
Service standard	Target	Achievement				
		2017-18	2018-19	2019-20	2020-21	2021-22
Percentage of external review applications finalised to received	100%	95%	96%	88%	110%	107%
Percentage of applicants satisfied with the conduct of the review	70%	66%	56%	67%	51%*	44%
Percentage of agencies satisfied with the review service provided	75%	94%	98%	95%	96%	98%
Mean average days to finalise a review**	150 days	n/a	n/a	n/a	155 days	139 days
Percentage of open reviews at end of reporting period over 12 months old	0%	0%	0.1%	0.3%	6%***	0.8%
Percentage of external reviews resolved informally without a written decision, compared to the total number of finalised reviews	75%	87%	92%	87%	90%	89%

\* While 650 matters were finalised in 2021-22, only 54 surveys were returned. Of these, 24 (44.4%) expressed satisfaction, 27 (50%) expressed dissatisfaction, and 3 (5.6%) were undecided.

\*\*This service standard changed in the 2020-21 financial year. The previous service standard was 'Median days to finalise a review – 90 days'.

\*\*\* 2 external reviews out of 246 matters on hand as at 30 June 2022.

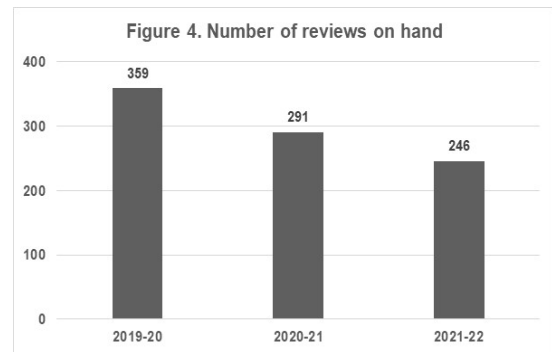
In 2021-22, OIC dealt with substantial demand for external review services, receiving 606 applications for the review of decisions made by agencies or Ministers. This is consistent with the high demand for external review services, with over 600 applications received each year since 2017-18.



OIC uses innovative ways to deal with consistently high demand, by distributing our resources across small External Review teams, providing parties with early high level merit assessments, promoting informal resolution strategies and using the tools available in the legislation to manage delays and difficult participant behaviour.

Around 85 percent of applications made to OIC were by individuals seeking access to information in connection to their personal engagement with government agencies, eg. public service employment, local council/neighbourhood matters, building disputes, health records and health related complaints, schooling, time in care, incarceration, and involvement with law enforcement.

Pleasingly, we finalised 107 percent of external reviews compared to those received. This is a significant measure of our effectiveness and efficiency. Despite ongoing high demand, we reduced the number of external reviews on hand from 291 to 246.



Further, we reduced our mean average days to finalise external reviews to 139 days – down from 155 days in 2020-21, and below our performance target of 150 days.

At the end of 2021-22, two files over 365 days old remained open, representing 0.8 percent of open files. While this exceeds our performance target of zero percent, it is a strong achievement in the face of ongoing high demand and testament to the close strategic management and collaboration between members of the External Review leadership team. The aging files represent the small number of complex cases that take longer to resolve, due to delays in obtaining information from agencies and submissions from participants, allegations of missing documents and, at times, participants who are unreceptive to informal resolution proposals.

In 2021-22, we issued 19 formal notices to produce documents and information under sections 103 of the RTI Act and 116 of the IP Act, in an effort to tackle delays by agencies not providing us with information in a timely way. Twelve of these were issued to the Queensland Police Service (QPS). We acknowledge that this agency experiences very high demand for its RTI services and associated resourcing issues. OIC met with QPS senior management on several occasions during 2021-22 to identify opportunities for improvement in workflow, case management, and to promote more timely outcomes for applicants.

This financial year, 137 of our 606 incoming files (22.6 percent) related to deemed refusal decisions. This is where the agency has been unable to meet the statutory decision-making timeframe. When dealing with a deemed refusal of access decision, our priority is to ensure the applicant can gain access to any information to which they are entitled under the legislation, as soon as possible. In many cases, the agency will be in a position to locate and release some information, which can lead to early resolution of a matter. However, applicants who receive notification of a deemed decision are usually frustrated by the delay in processing their application, and therefore, in some cases, it can be difficult to reach an informal resolution outcome without further involvement from OIC.

The issue of missing documents continues to be regularly raised by external review applicants. These applications are resource intensive due to the time it can take to conduct further searches. The comments made in the Coaldrake Final Report regarding efforts to ensure documents are not located in response to access applications is of great concern. On external review, our task is to determine whether all reasonable searches for requested documents have been conducted. We expect agency cooperation in this regard and often have to revert to agencies multiple times before we have sufficient evidence that all reasonable searches have been conducted. Generally, it is our experience that these matters highlight opportunities for information management to improve across government to ensure documents are located in the first instance and to build community trust in government.

Some external review applicants engage in difficult and high conflict behaviour during a review process which can impact OIC's ability to provide services in a fair, equitable, timely and efficient manner for all. OIC is also conscious of the impact this

behaviour can have on staff and during 2021-22 we revised the policies and guidelines for our staff when managing such interactions.

While the challenges are considerable, team cohesion and collaboration remain high in providing External Review services. Our staff maintained focus on core responsibilities and our goal of doing the best we can with the resources available. This is demonstrated by our high rate of informal resolution, minimal aging files at the end of financial year and reduced number of on hand reviews.

Agencies reported 98 percent satisfaction with the external review service, exceeding the target of 75 percent. We acknowledge the demand agencies are experiencing, alongside resourcing limitations. In this reporting period, several agencies experienced diminished ability to comply with external review timeframes and sought lengthy extensions of time. This is somewhat attributable to the ongoing impact of the pandemic on staffing and recruitment.

Applicant satisfaction remains below target at 45 percent. As in past years, received survey responses (54) are low relative to the number of reviews finalised (650); this equates to less than 10 percent of finalised matters. Half the responses received reported dissatisfaction with the conduct of the external review. In many cases, respondents combined feedback on the outcome of the review with feedback on our service.

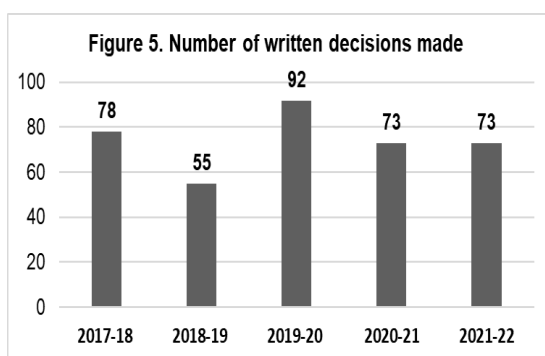
Despite the low return rate, it remains important to give applicants a formal feedback opportunity. We consider every response to determine if there was an area of service we could improve. We also often receive unsolicited feedback during the external review process from applicants expressing either appreciation for our service or sometimes dissatisfaction. All feedback is considered as a review

progresses to ensure we follow best practice.

### Written decisions

The Information Commissioner must publish written decisions. All decisions are available on our website.

We made 73 formal written decisions, equal to the previous year. Commonly arising themes in formal decisions include sufficiency of search issues, entrenched individuals and information in connection with a personal complaint/dispute.



OIC decisions contain findings of fact and law, all the facts relied upon, details of the law applied, details of submissions from the parties and reasons for the decision. In accordance with good privacy practice, the names of individual applicants are generally anonymised where the subject matter of the application is connected to their personal sphere.

As noted above, 89 percent of external review applications were finalised without a formal decision.

### Appeals

An external review participant has a right to appeal to Queensland Civil and Administrative Tribunal (QCAT) against a decision of the Information Commissioner on a question of law.

QCAT has continued to find that the external review participants, and not the Information Commissioner, are the proper parties to appeals of external review decisions.<sup>1</sup>

Generally, OIC is removed as a participant by way of consent or procedural directions, however, where our removal is contested, it is necessary for us to file a formal application.

Seven appeals were lodged in 2021-22 and seven were finalised. Of those finalised, five were dismissed and two were withdrawn.

### Judicial review of decisions

The Queensland Supreme Court under the *Judicial Review Act 1991* may judicially review written decisions of the Information Commissioner. No applications for judicial review about matters relating to external review applications were made in 2021-22.

### Applications for financial hardship status

The Information Commissioner received seven applications from non-profit associations for financial hardship status under section 67 of the RTI Act, 11 less than in 2020-21. We granted five<sup>2</sup> applications and three were withdrawn.

The financial hardship status has effect for one year from the date of the decision. It means government agencies must waive processing or access charges unless there are substantial improvements in the organisation's financial circumstances. The application fee on an access application remains payable.

We publish a list of decisions granting financial hardship status on our website (outcome only). Copies of reasons for decision are provided directly to the applicant.

<sup>1</sup> *Stiles v Information Commissioner* [2021] QCATA 152, which adopted the reasoning in *Walker Group Holdings Pty Ltd v Queensland Information Commissioner* (No

2) [2021] QCATA 84.

<sup>2</sup> Including one matter that carried over from the previous financial year.

## **Applications and decisions to declare a person vexatious**

OIC issued the first own initiative vexatious applicant declaration in December 2021.<sup>3</sup>

The declaration prevented an applicant from making access or amendment applications under the *Information Privacy Act 2009* to two agencies, and external review applications to OIC, for a period of two years. We also ceased dealing with all current applications.

The decision was anonymised and publication was delayed until the respondent had the opportunity to appeal and OIC further considered redacting material that could re-identify him due to unique characteristics within content used. The IP Act provides that the Information Commissioner may publish the decision and reasons, including the name of the person the subject of the declaration, however it was not considered necessary to do so in the circumstances of the case. Relevant agencies received a copy of the original decision and were engaged in the process.

The decision was not appealed in QCAT.

One further application to declare an applicant vexatious under the RTI Act or IP Act was received from an agency. It was withdrawn.

## **Improving our service**

The external review service team has a strong culture of continuous improvement and is committed to sustaining relationships of mutual trust among team members. We find ways to improve our service for the community and adapt it to evolving external circumstances quickly.

The External Review Leadership Team meets fortnightly to assess the status of current files, discuss informal resolution strategies and examine complex legal issues. These regular meetings assist in

identifying opportunities for informal resolution and promote consistency of decision making across individual teams.

In 2021-22, we trialled placing a higher percentage of our existing full-time equivalent (FTE) resources into the Intake and Resolution Team and piloting a Principal Review Officer role within the Intake and Resolution Team (IART). While remaining within our approved FTE, these establishment changes have increased the level of expertise within IART, allowing for more, and quicker, assessments of the merits of a case to be conveyed to applicants at an early stage of the review. This has also contributed to the reduction in the number of on hand reviews at the end of the 2021-22 financial year.

External review has continued to offer flexible hybrid working arrangements. Most staff attend the office between one and three days per week and work the remainder from home. Staff have become proficient in the use of Teams, SharePoint and managing files electronically through our case management system. We are conscious of the value of face-to-face collaboration and encourage staff to coincide their office attendance with members of their team. We host internal lunchbox training sessions for staff on days when office attendance is high and in June 2022, external review staff came together at our physical premises to virtually attend the Council of Australasian Tribunals annual conference.

Our case management system continues to support our electronic management of files and streamlining our workflow. Since decommissioning hard copy files in early 2020, we have made continual improvements to our case management system to ensure maximised efficiency. This aligns with our culture of continuous improvement in small team settings.

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<sup>3</sup> Information Commissioner and Respondent [2021] QICmr 70 (20 December 2021)

We have continued to use OneNote as the database for our knowledge management resources. We designed a collated resource that is easy to search and that officers can update themselves. The responsibility for the resource is shared across the team. The tool gives us a greater ability to search for comparable previous cases, and store information about agency recordkeeping practices. It assists us in assessing issues on review faster and makes it easier for junior staff to conduct research, learn and develop their expertise.

Our case studies on informally resolved reviews are distributed to the RTI practitioner network on a monthly basis and continue to receive positive feedback from agencies. External review decisions and informal resolution strategies are an important educative tool for agencies and their independent decision makers. We also collaborated across OIC to develop new guidelines, information sheets, training sessions and news items, to ensure our public resources reflect current external review views and decisions.

# PRIVACY ADVICE AND COMPLAINT MEDIATION

*Assist agencies to adopt privacy by design and achieve compliance with the privacy principles.*

## Our strategies

- Promote privacy by design and privacy impact assessments, including training, guidance and tools
- Provide independent expert advice and assistance to agencies
- Promote the benefits of engaging privacy services early
- Determine whether it is in the public interest to approve waiver applications through formal written decisions
- Issue compliance notices where required to ensure compliance with the privacy principles.

*Provide an independent, timely and fair privacy complaint mediation service.*

## Our strategies

- Promote within agencies a culture that recognises the benefit of early resolution of privacy complaints through mediation before formal QCAT proceedings
- Engage with complainants to explain the process, our role and manage expectations.

Figure 6. Privacy advice and complaint mediation service standards

Service standard	Target	Achievement				
		2017-18	2018-19	2019-20	2020-21	2021/22
Percentage of agencies satisfied with the privacy complaint mediation service provided	75%	88%	100%	100%	94%	100%
Percentage of agency stakeholders satisfied with advice service we provide <sup>^</sup>	75%	n/a	n/a	n/a	100%	91%
Mean average days to finalise an accepted privacy complaint <sup>+</sup>	140 days	157 days	157 days	185 days	278 days	257 days
Number of consultations and submissions <sup>#</sup>	n/a	n/a	33	25	11	16
Number of advices and meetings with agencies <sup>*</sup>	n/a	n/a	326	412	383	359

<sup>^</sup>This service standard was introduced in the 2020-21 financial year.

<sup>#</sup>This service standard changed in 2018-19 financial year. The previous service standard was 'Number of advices, consultations and submissions'.

<sup>\*</sup>This service standard changed in 2018-19 financial year. The previous service standard was 'Participation in meetings, regional visits and information sessions'.

<sup>+</sup> This measure will be discontinued in 2022-23



The IP Act provides for the fair collection and handling of personal information in the public sector environment. The Act sets rules for how Queensland public sector agencies must handle personal information.

To assist and ensure agencies to comply with these rules (the privacy principles), we:

- provide expert privacy advice and assistance
- consider applications to waiver or modify the obligations to comply with the rules where there is a counterbalancing public interest
- issue compliance notices.

### **Agency advice and assistance**

One of the key services we provide is timely and authoritative advice about agencies' obligations under the IP Act. We provide, on request, agencies with both written and verbal advice as required. We regularly participate in working groups and specialist committees with other public sector agencies. Sometimes we advise other sectors, for example, where they provide services to government agencies and need to comply with the privacy principles.

In 2021-22 we provided advice to government agencies 214 times. A range of agencies sought guidance on initiatives that collect, use, share or disclose personal information, such as video footage and health records including information about the vaccination status of employees. We participated in 145 meetings on various privacy related matters including regional visits with local councils and hospital and health services. We also conducted a variety of information sessions to various stakeholders. We have a target of 75 percent agency satisfaction with the privacy advice provided to agencies introduced this reporting period and have achieved 91 percent. We surveyed advice recipients twice during the year, in the third and fourth quarters of 2021-22.

We assess Bills for potential impact on privacy rights. If appropriate, we make submissions to Parliamentary Committees on these issues and appear before committees when requested.

In 2021-22 we made four formal submissions to parliamentary inquiries, commissions and to the Queensland and Australian Governments. This included submissions to the:

- Women's Safety and Justice Taskforce in response to Discussion Paper 1 – Options for legislating against coercive control and the creation of a standalone domestic violence offence
- State Development and Regional Industries Committee on the Health and Other Legislation Amendment Bill 2021 concerning amendments contained in the Bill to the *Hospital and Health Boards Act 2011* to expand access to The Viewer to a range of health professionals who are not registered under the National Law
- Attorney-General's Department on the Commonwealth Privacy Act Review Discussion Paper
- Legal and Community Safety Committee's Inquiry into matters relating to donor conception focusing on the privacy considerations of access to this information.

### **Points of interest**

We continued to monitor international, national and local issues and trends in privacy and data security and information management. The Privacy Commissioner and the Information Commissioner participated in the 55<sup>th</sup> and 56<sup>th</sup> virtual meetings of the Asia Pacific Privacy Authorities. OIC was honoured to be welcomed as a new accredited member of the Global Privacy Assembly (GPA). The Information Commissioner attended the virtual 43<sup>rd</sup> GPA hosted by Mexico from 18 to 21 October 2021. These forums provide insights into data protection and privacy regulators and agencies across the Asia Pacific region and globally. The meetings explored various challenges to privacy

regulation and shared insights on data sharing, innovation and lessons learned from the pandemic. The participants outlined different international approaches to address these challenges.

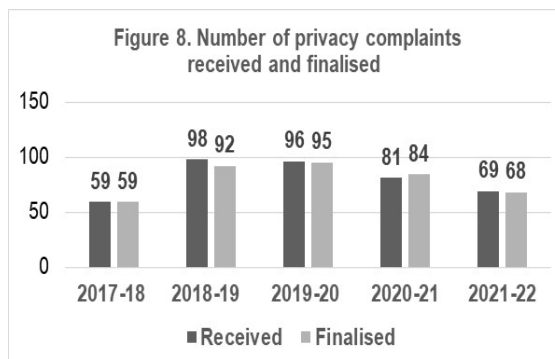
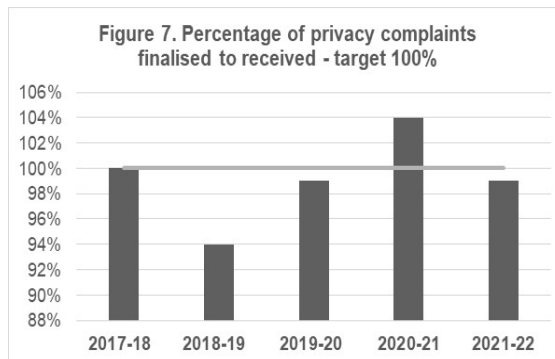
They also discussed emerging issues for enabling cross border data flows, guidance on understanding and implementing data protection laws, virtual health care and privacy issues and concerns related to the COVID-19 pandemic and legislative developments. There was general agreement that striving for national collaboration and consistency remained a key factor.

We also participated in meetings with Australian Privacy Authorities held in 2021-22 discussing trends in contemporary legislative privacy frameworks, developments in digital service delivery, facial recognition technology and principles for nationally consistent approaches to accessing Stolen Generations' records. We continued to work with the National Privacy COVID-19 taskforce on various issues including national consistency on public health directives about contact tracing, check in apps and vaccination certificates.

### Privacy complaint resolution

An individual who believes an agency has not followed the privacy principles when dealing with their personal information may complain to the agency. If, after 45 business days, they are not satisfied with the agency's response, they may bring their complaint to us. We conduct preliminary enquiries to determine if we can deal with the complaint under the IP Act. If so, our role is to mediate the complaint. If mediation does not resolve the complaint, the individual may request we refer it to QCAT.

In 2021-22 we finalised 68 privacy complaints and received 69. These figures are lower than the previous financial year.



In 2020-21 we closed 20 accepted privacy complaints and resolved eight through mediation. Twenty-one complaints remain open.

The Information Commissioner may decline to deal with a privacy complaint and/or decide not to accept a privacy complaint when:

- they are not authorised to deal with the privacy complaint. An example would be if the entity complained about is a Commonwealth Government agency
- the complaint does not meet the requirements. For example, the complainant has not first complained to the relevant entity and given it appropriate time to respond.

The Information Commissioner may decline to deal with or to further deal with a privacy complaint in other circumstances including where:

- it is more than 12 months since the complainant first became aware of the act or practice the subject of the complaint
- the complaint is 'frivolous, vexatious, misconceived or lacking in substance'.

Sometimes it is relatively straightforward to decide whether we should accept a complaint. But other cases are more difficult to work through and require additional information from the agency and the complainant.

Under the IP Act our investigative powers are limited and so, at times, we are dependent on the cooperation of the parties and largely we have minimal control over the timeliness of responses and communications.

The privacy complaints jurisdiction is now 13 years old, and agencies have more mature systems and can deal with simpler, more straightforward privacy issues. Dissatisfaction with agencies' provision of personal information to third parties continues to be the most common subject of complaints.

In 2021-22, for some complaints, there continued to be significant lags in communications from complainants and respondent agencies. The privacy complaint process under the IP Act does not set a timeframe for managing privacy complaints. We are flexible where appropriate with the time complainants and respondent agencies have to deal with the complaint where it is reasonable to do so, noting the mediation process. Many factors can affect timeliness, for example personal health issues, pursuit of parallel complaint processes and delays because staff are re-deployed. This is particularly a factor when we mediate accepted privacy complaints and discussing potential resolution with the parties can take significant time.

A significant continuing factor is that privacy is often one element of a larger suite of concerns that are being dealt with through alternative grievance mechanisms – human rights concerns, industrial actions, workers compensation claims, internal disciplinary processes and compliance activities. The parallel administration of these other grievances can impact the timeliness of the parties' responses and communications in

their privacy complaint. We have endeavoured to try and resolve some of the older complaints that have carried over from the previous year. Finalising these complaints has adversely affected our timeliness measure. While complaints and respondent agencies generally do not raise concerns when the other party is taking longer than expected to respond to a complaint, we have been increasing our effort to ensure agencies and complaints respond in a timely fashion.

These issues have affected the time taken to resolve complaints. In 2021-22, the average time to finalise an accepted complaint was 257 days.

Some factors which make mediating complaints more difficult include complaints having unreasonable expectations about the outcome of a privacy complaint. These issues can include seeking unrealistic compensation or wanting an outcome that addresses something beyond the privacy breach such as some other employment grievance. The mediated outcomes included five instances where a payment of money was made to compensate the complainant in relation to the breach. The five complaints which included financial compensation totalled \$39,300.

Figure 9. Detail of mediated privacy complaints

Agency Type	Privacy Principle(s) involved	Written agreement	Prepared by OIC	Certified	Nature of agreement
Public authority	IPP 10 - Use	No	No	n/a	Statement of regret
Local government	IPPs: 8 – Accuracy 9 and 10 - Use 11 - Disclosure	Yes	No	n/a	Financial compensation
Public authority	IPPs: 8 – Accuracy 10 - Use 11 - Disclosure	Yes	No	n/a	Financial compensation and an apology
Department	IPP 11 - Disclosure	Yes	No	n/a	Financial compensation and an apology
Department	IPPs 10 and 11 – Use and Disclosure	No	No	n/a	Apology
Hospital and health service	NPP 4 – Data security	Yes	No	n/a	Financial compensation
Public authority	IPP 8 - Accuracy	Yes	No	n/a	Financial compensation
Public authority	IPP 11 - Disclosure and section 33 – transfer overseas	No	No	n/a	Record amended

### Referral to QCAT

If during mediation resolving the complaint does not appear reasonably likely, the Information Commissioner must give written notice to the complainant and the respondent agency that the complainant has the option to seek referral of their privacy complaint to QCAT for its determination and as appropriate, remedial orders.

If the complainant then asks, the Information Commissioner must refer the privacy complaint to QCAT. In 2021-22, we referred one complaint to QCAT. We play a limited role in QCAT as we are not a party in privacy complaint proceedings.

### Judicial review of decisions

The Queensland Supreme Court may judicially review written decisions of the Information Commissioner under the *Judicial Review Act 1991*. In relation to privacy, those applications usually relate to the OIC declining to accept a

complaint. There were no judicial review applications made during 2021-22. There was one decision in relation to a previous matter where the complainant's application was dismissed.

### Waiver applications

An agency or bound contracted service provider can apply to the Information Commissioner for approval to not comply with the privacy principles or to comply in a different way.

No applications were received during 2021-22.

### Data breach notifications

Although agencies do not have to notify us and/or affected parties of privacy breaches, we recommend that they do as good practice.

Under the *Privacy Act 1988* (Cth), private sector organisations and Commonwealth government agencies must notify certain

data breaches. The public expects to be told that a privacy breach has occurred, particularly if they or their identity are at risk of harm. This helps affected individuals to manage risk and mitigate harm.

While Queensland does not yet have the equivalent scheme to the Commonwealth, some agencies proactively tell us about their data breaches voluntarily, if only for seeking advice on how to manage them. This reflects agency awareness of good privacy practices and public expectations for those agencies that have notified the OIC and the affected parties of the breaches. Most of the breaches involved limited, one-off incidents caused by human error.

In 2021-22 we received 40 voluntary notifications from agencies of privacy breaches. This is significantly lower than the 86 notification we received the previous year. A small number of incidents involved many affected individuals and could lead to a large number of complaints. However, we have not seen that notifying people about a privacy breach has led to an increase in privacy complaints. It is likely that if an agency notifies affected individuals promptly and appropriately enabling victims to protect themselves, any potential harm and can be removed or mitigated. It also helps to maintain trust and confidence in the agency.

In June 2022 Professor Peter Coaldrake released his final report "Let the sunshine in". Recommendation 10 in his report recommended that Citizens' privacy rights be protected by implementation of mandatory reporting of data breaches. All the recommendations were endorsed by Cabinet on 4 July 2022 and a taskforce was established to immediately implement the recommendations. The Consultation Paper on the Proposed Changes to Queensland's Information Privacy and Right to Information Framework, released by the Attorney-General and Minister for Justice in June 2022, outlined a Mandatory Data Breach Notification Scheme. It is proposed that OIC would have an oversight role for the scheme with functions and powers to monitor and ensure compliance with the scheme.

### **Improving our service**

We evaluate our privacy services and engage with stakeholders. Like the previous year, the pandemic impacted on our ability to meet face-to-face with our stakeholders. However, we commenced more meetings in person in the last quarter of 2021-22.

More information about our key partnerships and networks is available on page 28.

## ASSISTANCE AND MONITORING

*Promote greater awareness of right to information and information privacy in the community and within government. Improve agencies' practices in right to information and information privacy.*

### Our strategies

- Use a range of communication and engagement initiatives to help the community to understand and exercise their information access and privacy rights
- Encourage agency RTI and Privacy champions at a senior level, consistent with good practice recommendations and models
- Co-design training and online resources with agencies to increase capability across the sector
- Continue to provide quality information and assistance to both the community and agencies through the Enquiries Service
- Strengthen key partnerships and strategic networks to build expertise, resources and achieve better common outcomes
- Monitor, audit and report on agencies' information management and information privacy practices and on their compliance with the legislation
- Make audit recommendations on both specific and systemic matters
- Support agencies to self-assess and improve their performance monitoring of key aspects of RTI and IP.

Figure 10. Assistance and monitoring service standards

Service standard	Target	Achievement				
		2017-18	2018-19	2019-20	2020-21	2021-22
Percentage of agencies satisfied with the enquiries service	80%	100%	99%	100%	99%	98%
Percentage of agencies satisfied with the quality of the information resources provided	80%	100%	99%	99%	98%	98%
Number of responses to written and oral enquiries	4,500	5,057	5,280	5,684	5,693	5,330
Percentage of training participants satisfied with sessions	75%	94%	97%	98%	97%	100%
Number of training participants <sup>^</sup>	4,000	13,909	11,892	12,997	8,738	8,931
Number of reports tabled in Parliament	5	3	5	3	5	2
Number of awareness activities conducted <sup>##</sup>	250	307	430	353	321	280
Number of website visits <sup>^^</sup>	150,000	204,962	235,226	283,715	317,186	317,672

<sup>^</sup> New performance target introduced in 2018-19. The performance target was previously 500.

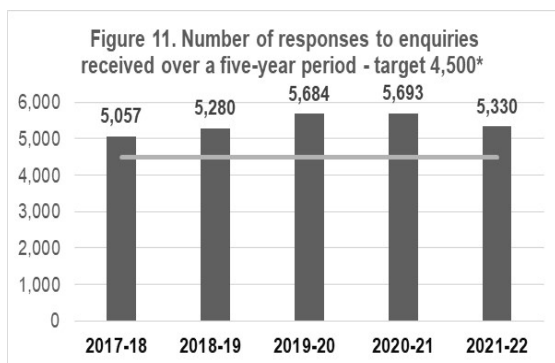
<sup>##</sup> New performance target introduced in 2018-19. The performance target was previously 190.

<sup>^^</sup> New performance target introduced in 2018-19. The performance target was previously 80 000.

## Information and Assistance

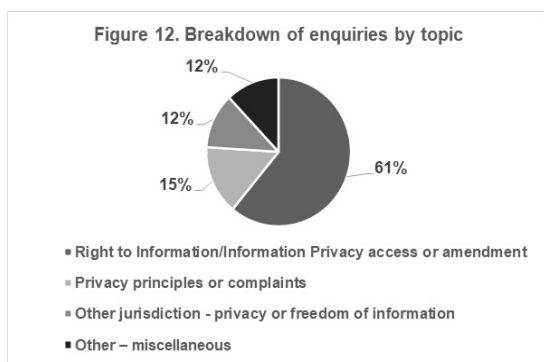
Our Enquiries Service responded to 5,330 enquiries in 2021-22 despite the ongoing challenges of working through a pandemic. We received specific enquiries, general questions and requests for assistance through various channels:

- 3,755 telephone calls
- 1,433 emails/letters
- 142 web enquiries.



\*New performance target introduced in 2018-19. The performance target was previously 2,500.

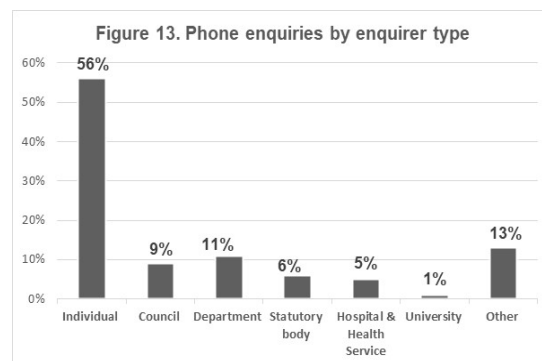
The majority of enquiries were about access to or amendment of documents under the RTI and IP Acts (61 percent).



We responded to enquiries from a wide range of stakeholders including members of the public, journalists, Ministers and Members of Parliament, universities and government agencies. They ranged in complexity from members of the public wanting to learn more about their information access and privacy rights to complex agency issues of legislative interpretation and application.

We provided comprehensive information and assistance, often in writing with links to

relevant online resources such as guidelines and decisions.



We offer an extensive suite of resources for agencies and members of the community. These are available on our website and in hard copy, on request.

In 2021-22, we updated 47 guidelines and six information sheets to ensure they were accurate and provided relevant information to our stakeholders. We published nine new guidelines and two new information sheets to address emerging trends and needs including a suite of resources to assist public service officers and Queensland Health employees understand their privacy rights and obligations in relation to COVID-19 vaccination status

We worked collaboratively across the office to develop targeted resources which explain the effect of important OIC decisions. We have also undertaken a significant project to update and integrate the Annotated Legislation with our published guidelines to create a single, comprehensive reference tool to aid agency officers' interpretation and application of the legislation. This body of work has resulted in the updating of 87 annotations to create a more streamlined and user-friendly resource.

This year we launched a resource developed specifically for local councils – *Privacy in Local Government* booklet. Our booklet brings together new and existing resources into a handy quick reference guide for Local Government officers. The booklet links to several guidelines and resources found on the OIC website.

While it was specially designed with local councils in mind it can be used by any agency to assist with the development of a sound privacy framework. The booklet was also supplemented with a series of training sessions that commenced in 2021-22 and will continue next year.

We continued to operate our Enquiries Service through the COVID-19 pandemic with no disruption to service. We have been responsive to the needs of our stakeholders and delivered important messages via different mediums to support decision makers and inform the public on topical issues. One way we did this was through news items in our weekly e-newsletter.

Through a short, comprehensive news item we were able to quickly and effectively communicate the Office's settled view that application processing documents are excluded from the operation of the RTI and IP Acts. The news item also contained links to our published guideline and information sheet which explain the exclusion in more detail. This was an important issue for decision makers so being able to deliver targeted information to them via the news item was an effective way to communicate this view.

## **Training**

In 2021-22 we delivered:

- face-to-face workshops on privacy and right to information principles and practices
- regional training sessions
- tailored online training courses for agency staff including officers from specific business units within government
- webinars on a range of topics including those specific to information access and privacy officers
- e-lectures on privacy and right to information principles and practices.

We offered training on responding to a privacy breach, privacy in workplace

investigations, dealing with difficult conduct, dealing with personal information in an emergency, privacy in local government and third party consultation.

We delivered tailored training to agency officers in Brisbane (via face-to-face) and to agency staff across Queensland (via webinar). For example, Queensland Health's Internal Auditors Forum.

## **Online training**

Individuals and agencies can access our training courses free of charge. We recommend Queensland public sector agencies train their staff at induction and through regular refresher courses by using examples and scenarios relevant to their operating environment.

Our suite of online training courses consists of:

- IP Act - general awareness
- RTI Act - general awareness
- Public Health Agencies and the IP Act
- Privacy Complaint Management training
- Access training for decision makers (three separate modules).

We continued using web-based technologies to maximise learning opportunities for stakeholders throughout Queensland, and better meet the changing needs of agencies.

Online delivery allows interested stakeholders to participate regardless of their location.

Where appropriate, we record training presentations and publish them on our website.

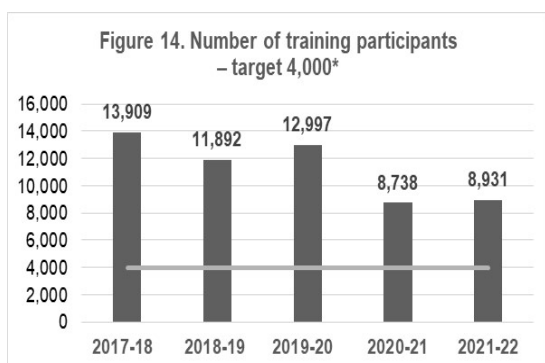
Our web-based training in 2021-22 included:

- Access application handling
- Responding to a privacy breach
- Privacy in workplace investigations
- Dealing with difficult conduct
- Privacy Bites: Identity checks



- Privacy Bites: Privacy and COVID-19 FAQs
- Dealing with personal information in an emergency
- RTI Bites session: Transferring applications under the RTI and IP Acts
- RTI Bites session: How to deal with issues of scope, size and specificity
- Privacy in Local Government – an introduction to the OIC’s booklet
- Privacy in Local Government Series: Topic 1–Building a privacy framework.

In 2021-22, 100 percent of training participants were satisfied with the sessions they completed. In the reporting period 8,931 participants completed our training. This is a small increase from the 8,738 trained in 2020-21.



\*New performance target introduced in 2018-19. The performance target was previously 500.

## Promoting awareness

### Key activities

#### ***International Access to Information Day***

The purpose of International Access to Information Day (IAI Day) is to raise awareness of every individual’s right of access to government-held information. We celebrate IAI Day on 28 September, when citizens and governments from around the world can support this fundamental human right and promote open, democratic societies through citizen empowerment and participation in government.

In 2021, IAI Day featured the theme ‘Open by design’ with the campaign strengthened by the tagline, ‘Government transparency everyone can see’. This tagline promoted the value of proactively releasing information in times of crisis and recovery.

The ‘Open by design’ concept promoted:

- improving the accessibility of information held by government, or under government contractual or outsourcing arrangements, through the proactive release of information commonly sought or identified as valuable by members of the Australian community or identified as valuable or necessary for open and accountable government
- facilitating access through harnessing technology to promote proactive release of information regarding government service provision and decision making under contemporary arrangements including technology enhanced decision making and outsourcing arrangements.

#### ***Solomon Lecture***

The annual Solomon Lecture forms an important part of IAI Day activities. It recognises Dr David Solomon’s contribution to greater and easier access to government-held information.

Professor Beth Simone Noveck delivered the 2021 Solomon Lecture on ‘Solving Public Problems with Data’. Ms Noveck is a professor at Northeastern University, where she directs the Burnes Center for Social Change and its partner project, The Governance Lab and its MacArthur Research Network on Opening Governance.

The lecture explored how traditionally, the right to know is rooted in the belief that members of the public should know what their government does in order to hold the government to account, lessen the risk of corruption and shine a light on wasteful and inefficient operations. She considered how in recent years, the value of information

disclosure goes far beyond government accountability or even government performance, especially during COVID when we all came to appreciate the value of data and information for helping each of us to make better decisions about our health and wellbeing.

**Privacy Awareness Week**

We participated in Privacy Awareness Week from 2 to 8 May 2022, as an active member of the Asia Pacific Privacy Authorities. The theme ‘Privacy the foundation of trust’ was aimed at the community and public sector.

We launched Privacy Awareness Week with a pre-recorded video presentation by Professor Ed Santow. Professor Santow leads the University of Technology Sydney initiative on building Australia’s capability on ethical artificial intelligence. Professor Santow was the Australian Human Rights Commissioner from 2016 to 2021. Professor Santow’s presentation titled – ‘Artificial Intelligence and privacy can they be friends?’, examined a way forward with AI that puts privacy at the heart of how it is designed, developed and used and how this could improve trust for agencies.

The recording is available on our website and YouTube channel. Every day agencies can contribute to a foundation of trust by performing simple actions when they collect, use, store and share personal information.

We encouraged the community to value their personal information and protect it by making sure the privacy practices of the agencies they deal with meet their expectations. At every opportunity when personal information is collected - if it’s not clear, we asked the community to ask the agency:

- how their information will be used
- why it was being collected
- who will have access to it?

In turn, we encouraged agency staff to be equipped with answers to these simple but important questions. These small actions,

used often, help build greater trust, support community participation and help deliver better services.

Our modest social media advertisement campaign costing \$4,500 achieved 652,081 impressions and contributed to raising awareness and driving traffic to our website.

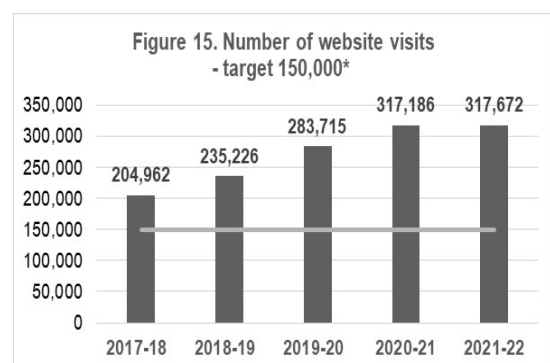
We provided agencies and the community with a range of resources to help raise awareness about privacy rights and responsibilities including how to protect and respect personal data.

**Digital engagement**

Our website is a primary communication tool and a key source of knowledge for stakeholders. We continued advertising our website and encouraged visitors to use our extensive resources designed to promote awareness of information rights and responsibilities of all stakeholders.

Our website features annotated legislation with commentary and case references to assist in the application of the RTI and IP Acts.

During the reporting period our website received 317,672 visits. This is a small increase from 317,186 in 2020-21.



*\*New performance target introduced in 2018-19. The performance target was previously 80,000.*

We continued to use web-based technologies, such as social media and multimedia, as valuable and cost effective communication methods. We engaged with the public sector and community through

our dedicated YouTube Channel, Twitter feed and LinkedIn presence.

### **Rural and regional engagement**

We provide targeted support to rural and regional agencies to increase awareness of information rights and responsibilities, meet community expectations and improve compliance with the legislation.

During the year, we met with agency leaders and elected representatives including:

- Queensland Health Chief Executive Forum
- Queensland Police Service
- Cyber Security Executive meeting
- Local Government Managers Association Governance Forum in Cairns
- Queensland Chief Customer and Digital Officer
- Queensland State Archivist
- Queensland Human Rights Commissioner
- Department of Education
- Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
- Far North Queensland Regional Organisation of Councils
- Torres and Cape Hospital and Health Service
- Cairns and Hinterland Hospital and Health Service
- North Queensland Regional Organisation of Councils
- Central Queensland Regional Organisation of Councils.

In 2021-22 we conducted 280 awareness activities exceeding our target of 250.

### **Audit and evaluation**

We audit government agencies and report on their performance and RTI and IP practices. Government agencies include departments, local governments, statutory authorities, hospital and health services and public universities. Our strategic audit planning process assesses the value and

achievability of potential audit topics. Environmental scanning and stakeholder engagement support the process to ensure our program of audits is risk-based and contributes to our objective of improving government agencies' practices.

### **Reports to Parliament**

We submit reports on the outcomes of audits and reviews under the *Right to Information Act 2009* to the Parliamentary Committee for Legal Affairs and Safety, and under the *Information Privacy Act 2009* to the Speaker of the Legislative Assembly, for tabling in Parliament. In 2021-22 we tabled two reports:

- Compliance audit – Sunshine Coast Regional Council
- Administrative access to information – How the Department of Education manages access to documents held in schools.

All our tabled reports are available at [www.oic.qld.gov.au/publications/reports](http://www.oic.qld.gov.au/publications/reports)

A range of factors affected our ability to complete and table five audit reports in the financial year. The COVID-19 pandemic reduced our capacity, as well as the availability of staff at the audited agencies. Lockdowns and other restrictions affected our ability to conduct site visits. And several audited agencies were involved in critical flood recovery activities in early 2022, thus extending the audit's timeframe.

The compliance audit of the *Sunshine Coast Regional Council* identified gaps in information governance at the strategic and operational levels. The council's practices were not always consistent with the Acts.

Sunshine Coast Regional Council had recognised that it needs to improve how it manages information and commenced an ambitious overhaul of its information and records management practices. This is a great opportunity to incorporate the push model and privacy by design into the new framework, including policies and

procedures that support a coordinated and consistent approach around releasing information.

We made 22 recommendations which the council supported. We will monitor the council's progress.

We examined how the Department of Education *manages its administrative access arrangement to documents held in schools*. Administrative access arrangements facilitate easy, fast access to information. This supports open, transparent and accountable government and helps build trust.

Most of the requests schools receive are for information relating to students. Requests for non-student information are rare. The department's central office, regional offices and audited schools take students' safety, wellbeing and privacy seriously and carefully consider all requests for student information.

### **Key partnerships and networks**

In 2021-22, we continued to assist agencies, and build and maintain key partnerships and networks:

- The RTI and IP practitioners' network facilitates sharing information and good practice guidance through a subscription service and forums. A steering committee of agency representatives ensures topics meet practitioner needs.
- Agencies across sectors and other stakeholders supported and promoted information rights and responsibilities in Queensland as well as highlighted their commitment to right to information during key campaigns.
- The International Association of Privacy Practitioners facilitates connections between Queensland and Australia's privacy practitioners.
- The Privacy Commissioner attended regular meetings as a member of the Queensland Government Cyber Security Committee.
- The Asia Pacific Privacy Authorities is the main forum for privacy and data protection regulators in our region. Members form partnerships and exchange ideas about privacy regulation, new technologies and the management of privacy issues. The Information Commissioner and Privacy Commissioner attended two virtual forums during 2021-22.
- We maintained our membership in the International Conference of Information Commissioners, and the Information Commissioner attended the 13th annual conference, which included a critical resolution highlighting the importance of proactive publication of information in the pandemic.
- We discussed issues and trends relevant to Australian and New Zealand jurisdictions with members of the Association of Information Access Commissioners, including working together with The Healing Foundation and stakeholders to champion timely, easy access to Stolen Generations records through informal access schemes wherever possible, with formal access applications required only as a last resort.
- We met with members of Privacy Authorities Australia to discuss issues and trends about protecting individuals' personal information and data. We participated in a National COVID-19 privacy taskforce and met with Australian commissioners and Australian Government representatives.
- The Integrity Committee of the Information Commissioner, Integrity Commissioner, Chair of the Crime and Corruption Commission, Queensland Ombudsman, Auditor-General, Electoral Commissioner, Independent Assessor, Racing Integrity Commissioner and the Public Service Commission Chief Executive met and provided regular updates.

## Improving our service

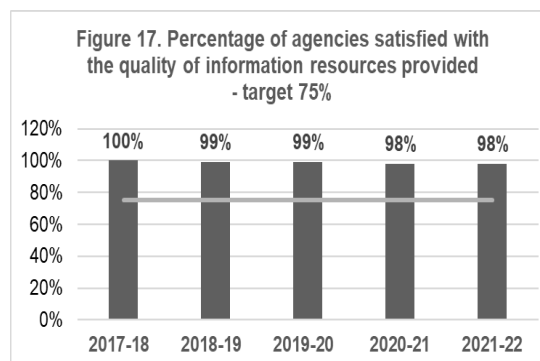
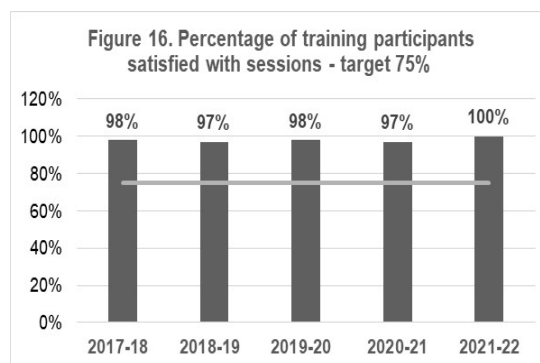
In 2021-22 we:

- evaluated the performance of Privacy Awareness Week and International Access to Information Day events and identified improvements for future activities
- reviewed existing information resources, including training resources, to meet our stakeholders' needs
- partnered with agencies as part of our Privacy Awareness Week and International Access to Information Day activities to raise awareness of information access and privacy rights
- adapted our training methods in response to COVID-19 so we could continue to provide learning opportunities for practitioners and agency staff and support good practice
- met with key stakeholders to better understand their needs and inform our service delivery strategies, and to identify opportunities for partnership and collaboration
- published resources for agencies responding to a privacy breach
- commenced a training review to better understand the skills, knowledge and attributes required by information access and privacy practitioners so we can meet continue to meet their training and support needs.

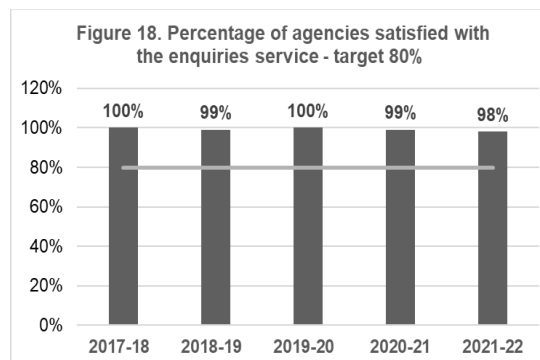
## Feedback

In 2021-22 we received feedback on our assistance and monitoring service:

- we measured training participants' satisfaction (see Figure 16)
- we surveyed agencies satisfaction about our guidelines and information sheets (see Figures 17)
- we surveyed agencies about our Enquiries Service (see Figures 18).



\*We split this question into five separate questions to obtain more specific feedback on whether agencies think our guidelines and information sheets are easy to find, understand, relevant, accurate and complete. The 2021-22 Service Delivery Statements measure average responses, except for 'easy to find' which is considered separately.



\*We split this question into five separate questions to obtain more specific feedback on the agencies' interactions with the Enquiries Service: ease of access; timeliness of response; listening and understanding; clear, relevant information; answer to the enquirer's query. The percentage total represents an average of the responses provided.

# HOW WE OPERATE

## Our people

We have an approved permanent establishment of 37.1 full-time equivalent (FTE) staff. We have approval for an additional temporary 4.8 FTE from 1 July 2021 until 30 June 2023.

As at 30 June 2022, we had 38.0 (FTE) staff. All figures are taken from fortnight ending 17 June 2022. Our FTE are active and paid employees.

Eighty-three percent of our active and paid employees are permanent. This includes employees seconded from other Queensland Government agencies. Three permanent employees resigned during 2021-22 resulting in a separation rate of 8.3 percent as at 17 June 2022.

We paid no early retirement, redundancy or retrenchment packages during the reporting period.



Note: Active and paid staff only.

## Flexible working arrangements

Flexible work arrangements are important to attract and retain a highly skilled workforce. Our people actively embrace flexible work options like flexible start and finishing times, part-time work, job sharing, remote working and accrued time.

We continue to encourage and support the uptake of flexible working arrangements to foster a positive work culture. Twenty-two or 46 percent of our staff are working in a part-time arrangement. Of these four roles are filled on a job-share arrangement.

All staff engage with the ongoing hybrid working model where all positions can be worked remotely part of the week, enabling people to work flexibly splitting their time between the office and working remotely. Ensuring all staff have a Remote Work Agreement in place with clear requirements about information security and workplace health and safety also facilitates rapid BCP response for natural disasters, such as the floods in early 2022.

During the COVID-19 pandemic in particular, our business continuity plan has supported the hybrid model with greater flexibility as appropriate. We regularly updated the plan to ensure the safety and wellbeing of all staff.

## Workforce Planning

OIC is continuing to review workforce planning in 2022-23, including once proposed new statutory functions such as the MDBN scheme are passed and implications for OIC are clear. Introduction of a MDBN scheme would require new positions and skillsets, including the opportunity for some people to undertake training and develop further valuable skills.

We are committed to attracting and retaining a workforce that is inclusive, diverse, engaged agile and high performing. Our people tend to have personal values aligned with integrity, accountability, the human rights we uphold, fairness and impartiality and high quality customer service.

With a small resource base and substantial ongoing demand for our services, we have continuously reviewed how we may more effectively and efficiently provide priority statutory functions and services, which are evolving with community expectations and emerging technology and risks.

Our current focused workforce planning, together with a subsequent organizational design review is timely given the current and future challenges and opportunities for OIC.

While our external review team structure, roles and processes have changed continuously over time to reconfigure and refocus on prioritizing resources where they are best placed, currently on early informal resolution and capacity to manage complexity, some areas of OIC have had little change since they were established in 2009. Some roles and functions have been affected by how we work now with greater use of technology, shift in work and workload across functions and individual roles.

As could be anticipated, the work of parts of the office has evolved to become different to that envisaged when the initial structure and roles were planned for new functions, at a time when most of the structure could not be based on a similar model elsewhere. In some cases key assumptions about the role of OIC changed once decisions were made, such as accreditation of training programs, or service demand varied from projected.

While some roles and units have been reviewed to some extent as opportunities have presented, OIC has retained many staff originally recruited to the new positions.

It is therefore timely with the likely incorporation of new functions that will affect many of these teams, to consider the most effective and efficient fit for how we perform our functions across our whole OIC team for a high-performing, future-focused OIC. It is important that everyone is focused on our priorities, all roles and responsibilities are aligned with our current and future requirements and people are well equipped and supported for their work. Career growth is a key priority for OIC responsive to feedback and this review will also enable us to identify opportunities for further development and mobility within and external to OIC.

### **Health, Safety and Wellbeing**

This year we launched our new Health, Safety and Wellbeing Policy. The policy commits OIC to develop maturity in line

with the Queensland Government *Be healthy, be safe and be well* framework.

The framework enables a holistic and integrated approach to health safety and wellness and provides for greater staff consultation and participation in initiatives via a Health Safety and Wellbeing Committee.

OIC staff continued to experience high conflict behaviours and challenging interactions throughout the year. The Office is supporting staff through various initiatives to manage their workload, safety, health and wellbeing. This includes the implementation of a health, safety and wellbeing committee, targeted training and the continuation of a hybrid working model where every staff member has equitable access to flexible working arrangements and appropriate ICT tools.

The Queensland floods presented further challenges and staff were supported to stay safe by working remotely and taking leave where needed.

We are responding to our staff feedback, including the Working for Queensland Survey results to concerns around staff mental wellbeing.

In response to this, we have conducted focus groups, and further anonymous staff surveys to identify the causes of employee burnout and other negative health experiences. From this feedback, we are working towards identifying new procedures, training and workplace improvements to address these concerns.

We have noted that our flexible work approach, including work hours and the hybrid work model have assisted staff in this regard.

Additionally, all staff with supervisory responsibilities are required to complete training in skills to create safe, mentally healthy workplaces. We continue to engage with external, qualified service providers to

support the mental health and wellbeing of our employees.

### **COVID-19 response**

During the year, we used a range of tools including Microsoft Teams to conduct meetings and deliver training. We are actively promoting and supporting our staff to return to increase presence in the office while at the same time alert and compliant with the public health messaging and recommendations.

### **Investing in our people**

Our people are our most important asset. We have a comprehensive employee performance framework. It covers induction, performance management, staff development and recognition. We foster ongoing learning and development to achieve a capable, professional and adaptable workforce.

During the year, we:

- continued to consult and engage staff on a wide range of issues including health and wellbeing, the hybrid model of work, COVID-19 risk management, policy initiatives and strategic and operational planning.
- launched our cultural capability action plan, implemented an online cultural capability training program “*Starting the journey*” for all staff. A first nations guest speaker provided staff with additional context and meaning to support our program.
- worked with staff to implement actions from the 2021 Working for Queensland survey
- encouraged staff to develop skills through higher duties or secondments
- provided coaching, mentoring and access to relevant training courses, seminars and workshops
- advertised positions broadly where permitted
- converted five temporary employees to permanent tenure
- provided free confidential counselling services to staff and their families

through our employee assistance program

- offered wellness initiatives including flu vaccinations, sit stand desks, ergonomic assessments, end of trip facilities and lunchtime yoga.

In 2021-22 we spent \$69,018 on staff professional development, training and workshops.

This year, our focus was on leadership development and coaching, decision making, privacy management, mediation training and understanding algorithms. Our leadership team participated in a face-to-face workshop to develop capability when facing ambiguity. Twenty staff participated online in the Council of Australasian Tribunals (COAT) National Conference.

Our 2021-22 development and training spend is an increase of \$27,117 from 2020-21.

We continue to develop our mandatory and compliance training. We have refined our calendar of training to balance our independent online learning with group interactive training. We will continue to seek more opportunities for face-to-face training as the risks of the COVID-19 pandemic subside.

Our training strategy continued to focus on:

- Governance and compliance
- Leadership and career coaching
- Employee wellbeing
- Professional development
- Cultural capability.

### **Onboarding**

All new staff undertake a comprehensive induction process to ensure a smooth transition to OIC. This includes information on employment conditions and requirements, code of conduct and behaviour responsibilities, OIC functions and responsibilities to help them meet their obligations and responsibilities as public servants and employees of OIC. The process includes a comprehensive online



training program to meet our mandatory and compliance training requirements.

Looking ahead, we will focus on the following initiatives for an agile, resilient high performing workforce by:

- fostering good health, safety and wellbeing practices
  - professional development in mental health and wellness
  - dealing effectively with high conflict personalities
  - leadership and trauma management leadership.
- embed career development strategies
- enhancing our capability and willingness to deal with ambiguity
- diversity and cultural capability.

### **Working for Queensland survey 2021**

We participated in the annual Working for Queensland survey. In 2021, 93 percent of our staff shared their views and experiences of working at OIC. We used this information to drive workplace improvements and work with staff on solutions to address areas of concerns.

This year's survey again indicated a high level of employee engagement including consistent and positive results in satisfaction with working at OIC. The survey indicated a significant improvement in workload perceptions, and a small improvement in employees feeling burned out yet there was still a moderate decrease (11 percentage points) in employee perception that their work is having a negative impact on their health.

In response to these results OIC commenced developing an Integrated Mental Health Strategy. This has involved employees focus groups to explore the risk factors and possible mitigation strategies. Whilst workload is clearly a factor, other factors include dealing with difficult and challenging behaviours from our clients; difficulties in recruiting suitably qualified review officer candidates; and pandemic fatigue brought about by the prolonged public health crisis.

### **Consulting and engaging with staff and union**

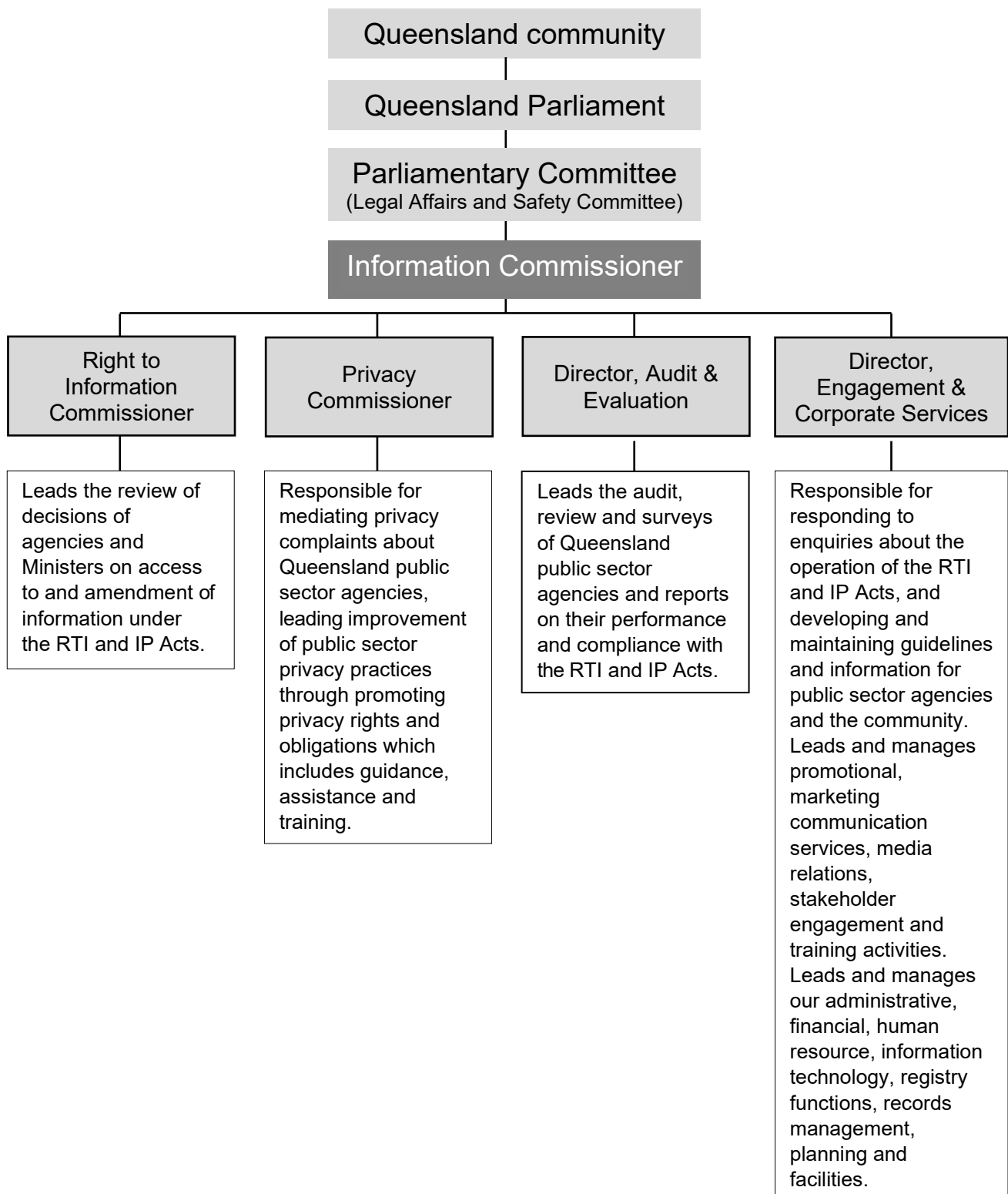
We did not have a Consultative Committee in 2021-22 as no staff member chose to act as union delegates. We remain committed to consulting and collaborating with all employees on workplace related matters.

### **Enterprise bargaining**

Our certified agreement has a nominal expiry date of 31 October 2022. In accordance with s169(3) of the *Industrial Relations Act 2016* we will commence bargaining for a replacement agreement in August 2022.

# OUR STRUCTURE

Figure 20. Our structure



## **CORPORATE SERVICES**

In 21-22, we had in place a service level agreement with the Corporate Administration Agency for human resource, internal audit and finance services and a contract with Datacom for ICT support and hosting services.

Our expenditure for corporate services was \$343,696. This is a decrease of \$4,200, from 2020-21 (\$347,896), mainly due to decrease in licencing fees and additional support services.

### **Information and technology**

Our ICT systems functioned well during the year. Our service provider, Datacom continues to provide a stable operating environment to support our hybrid work model. We use digital collaboration tools for meetings, webinars and training in a secure and effective manner. Cyber security continued to be our focus this year as we continually monitor for attacks and scams. We work with Datacom to implement various security measures to ensure system and user safety. Savings were also achieved in 2022 through the deployment of a VOIP (Voice Over Internet Protocol) telephony solution that integrates seamlessly with our laptop fleet.

### **Testing and securing our systems**

A phishing test was conducted to establish a baseline for further cyber security staff education and training. More formal training is planned for 2022-23, including further investment in penetration security testing to improve the existing anti-virus/malware protections across our ICT system.

### **Strengthening our information governance and management**

As part of our strategic ICT roadmap and the Crime and Corruption Commission's Operation Impala report, we commenced two projects to improve our cyber security and information management security:

- case management system replacement
- enterprise information management.

### **Case management system replacement**

Our current provider has provided our case management system for over 10 years. In that time, it has been reconfigured extensively to suit our business needs. Our new ICT environment and changing business and security requirements prompted a now critical need for a replacement system.

We explored options for a replacement system in 2019-20, inviting offers from the market in June 2020 with the expert technical assistance of an ICT Project Manager contracted from the former Department of Housing and Public Works. The market sounding identified different products to consider. At that time we were unable to proceed with viable options that met our business requirements without further funding.

This year, we were advised of a change of ownership of the vendor. We commenced discussions with the new owner and will continue to engage with suitable providers, and agencies and peer jurisdictions about viable options that meet our current and evolving business requirements.

Our business requirements would change to incorporate the Mandatory Data Breach Notification Scheme committed to by the Queensland Government, and other functions that may be provided for under reforms passed by Parliament.

While we consider this need to be a high risk for OIC, we do not have sufficient current funding for implementation or ongoing costs for a replacement system. OIC requires additional funding to procure, implement and provide ongoing support for a new CMS. Additional funding for a contemporary and compliant cloud-based CMS would deliver efficiencies for the OIC in relation to managing its data and reporting obligations, including proposed new functions.

## Enterprise information management improvements

We commenced a SharePoint discovery project in early 2021-22 to explore the viability of adopting SharePoint as our records and information management system. This project was managed by Datacom and resulted in a comprehensive analysis and options paper, which allowed us to consider the benefits of a collaborative platform within the Microsoft suite of products.

In early 2022, we commenced a project to adopt SharePoint as our electronic document and record management system (eDRMS), giving us an opportunity to work effectively in using, retaining and disposing information compliant with the *Public Records Act 2002*. This project will also offer staff a better way to collaborate online and encourage better record keeping practices across the office. It will be fully implemented by the end of 2022.

This year, we operated without any in-house ICT expertise, which meant that we had to increase our reliance on Datacom's costed services. Looking ahead, with the amount of planned ICT projects we anticipate the need for an in-house ICT Project Manager to provide both strategic and technical advice across all our ICT projects.

## Improving our service

Throughout the year, we continued to enhance our corporate services by:

- refining internal practices to simplify and streamline administrative activities
- updating our governance framework
- reviewing internal policies and procedures to ensure they are contemporary and support our business practices
- updating our ICT tools and services to maximise efficiencies and increase digital capabilities
- undertaking agency and applicant surveys to measure satisfaction rates
- collaborating with staff to align our developmental focus with our strategic goals and their career goals.

## OUR EXECUTIVE LEADERSHIP TEAM

*The Executive Leadership Team consists of the Information Commissioner, two deputy commissioners (Right to Information Commissioner and Privacy Commissioner) and the Director, Engagement and Corporate Services.*

### **Information Commissioner**

The Information Commissioner is the chief executive and accountable officer for the Office of the Information Commissioner (OIC). The Information Commissioner is also an officer of the Parliament and performs statutory functions under the RTI and IP Acts.

The Information Commissioner can independently:

- review the merits of Ministers and agencies' access and amendment decisions
- mediate privacy complaints about agencies
- audit and evaluate agency compliance with the RTI and IP Acts
- assist and train agencies
- conduct community awareness activities.

### **Rachael Rangihaeata**

Appointed as Information Commissioner on 20 September 2013, Rachael champions proactive disclosure of, and appropriate privacy safeguards for, information held by Queensland government agencies including local governments, Queensland Government departments, public hospitals and health services and universities, and public authorities.

The Information Commissioner promotes awareness of information rights and responsibilities within the community and Queensland government agencies.

Rachael and her team engage with agency leaders to promote cultures that support good RTI and IP practices. These include proactive disclosure,

administrative access, pro-disclosure bias in formal access application decision-making and privacy by design.

Before her appointment as Information Commissioner, Rachael held senior leadership positions across all functions of the OIC since 2005. Rachael has over 25 years public sector experience, having also worked in various roles within the Queensland and Commonwealth public service.

Rachael holds a Bachelor of Laws (Honours), Bachelor of Science (AES) and Graduate Certificate in Public Sector Leadership (PSM).

Rachael's current term of appointment is to 20 September 2023.

### **Right to Information Commissioner**

As a deputy to the Information Commissioner, the Right to Information Commissioner has particular responsibilities for matters about the Information Commissioner's functions under the RTI and IP Acts. The Right to Information Commissioner leads the external review services of the office and champions information access to government agencies and the community.

### **Louisa Lynch**

Louisa was appointed Right to Information Commissioner on 6 July 2018. Louisa was Acting Right to Information Commissioner from 28 August 2017 and an Assistant Information Commissioner at OIC for over six years. She brings more than 15 years of significant public sector experience and knowledge of the local government sector to the role.

Before joining OIC, Louisa was a senior lawyer in the Department of Local Government, Community Recovery and Resilience.

She has also worked in legal roles in a number of government agencies including the Department of Transport and Main Roads, the Department of Local Government, Planning, Sport and Recreation and the Department of Infrastructure and Planning.

Louisa holds a Bachelor of Laws and was admitted as a solicitor of the Supreme Court of Queensland in 1990.

Louisa's resignation took effect on 17 June 2022 after 11 years with the OIC to take up a new opportunity with the Queensland Government.

#### **Katie Shepherd and Anna Rickard**

Katie and Anna jointly perform the role of Acting Right to Information Commissioner (RTI Commissioner), on a part time job share basis. Katie and Anna commenced acting in the role of RTI Commissioner in September 2021.

As Acting RTI Commissioner, Katie and Anna jointly lead the external review team to conduct independent merit reviews of access decisions under the *Right to Information Act* and *Information Privacy Act*, including making decisions under the delegated authority of the Information Commissioner. Katie and Anna form part of OIC's Executive Leadership Team.

Katie has worked at OIC since 2006, and as an Assistant Information Commissioner from 2010. Katie holds a Bachelor of Laws (Hons) and was admitted as a solicitor of the Supreme Court of Queensland in 2004. Prior to working at OIC, Katie worked in private practice and in the Supreme Court Registry.

Anna also began at OIC in 2006 and has, over the past decade, worked as an Assistant Information Commissioner and Principal Policy Officer. Anna holds Bachelors of Laws and Arts (Hons in psychology) and was admitted as a solicitor of the Supreme Court of Queensland in 2001. Prior to working at OIC, Anna worked in private practice and the community legal sector.

The process to appoint a permanent Right to Information Commissioner is currently being undertaken by the Department of Justice and Attorney-General.

#### **Privacy Commissioner**

The Privacy Commissioner has responsibilities and delegations under the IP Act including dealing with privacy complaints, raising awareness, creating resources and promoting good privacy and data protection practices in government. The Commissioner also advises on significant projects and legislation impacting on privacy.

#### **Philip Green**

Appointed as the Privacy Commissioner in December 2015, Philip brought extensive private and public sector expertise, including at the Queensland Department of the Premier and Cabinet and leading Innovation and Small Business for the Queensland Government. Philip was instrumental in establishing Queensland's first administrative privacy regime.

Philip holds degrees in Arts and Law from the University of Queensland. He also had a master's in Law from QUT, majoring in technology law and focusing on policy development about intellectual property, privacy and commercialisation, information technology and regulation of the internet and media.

Philip's term of appointment ended on 10 December 2021.

### **Paxton Booth**

Appointed as the Privacy Commissioner in December 2021, Paxton has worked in law enforcement and integrity agencies throughout his career. Prior to his appointment as Privacy Commissioner, he was Executive Director, Corruption Strategy, Prevention and Legal at the Crime and Corruption Commission, Qld (CCC). Paxton held several positions at the CCC during his 11 years of employment. Most recently he was responsible for leading the identification of strategic corruption risks, prevention initiatives and corruption audits.

Paxton has a Bachelor of Laws and Bachelor of Commerce and was admitted as a Barrister of the Supreme Court of Queensland in 1997. He is a Graduate of the Australian Institute of Company Directors.

Paxton's term of appointment is to 12 December 2023.

### **Director, Engagement and Corporate Services**

The Director, Engagement and Corporate Services leads the teams responsible for information and assistance, communication, engagement, training, corporate and registry services to internal and external stakeholders.

### **Adeline Yuksel**

As Director, Engagement and Corporate Services, Adeline has delivered a transformational program to improve all aspects of corporate services, communication and engagement at OIC. This work is continuing and has expanded to include information management and security, deeper engagement with stakeholders and strategic planning.

Adeline has held executive roles leading and managing corporate affairs teams

across the public and private sectors including in health, transport and energy. She is an IAP2 certified practitioner and holds a Bachelor of Communications and post graduate qualifications in marketing and international relations. Adeline brings extensive experience in issues management, governance, communication, media, strategy development and community relations to OIC.

## OUR GOVERNANCE

*The Information Commissioner is an officer of the Parliament and a statutory office holder appointed by the Governor-in-Council under the RTI and IP Acts and is not subject to ministerial direction in the exercise of the functions under the Acts.*

The Privacy Commissioner and the Right to Information Commissioner are also statutory office holders appointed by the Governor-in-Council. They support the Information Commissioner who is accountable to the Legal Affairs and Safety Committee (LASC) of the Queensland Parliament.

The Commissioners meet annually with the LASC to report on the performance of the Information Commissioner's functions and to discuss issues, such as our activities, structures and procedures, budget, annual report, and any other significant matters. The LASC Oversight Inquiry hearing about the 2021-22 OIC Annual Report was held on 23 May 2022.

The Information Commissioner submits an annual report to Parliament through the Speaker. Meetings with the LASC, our Service Delivery Statements and the Estimates Committee hearings support our governance and accountability.

While the Information Commissioner is independent of ministerial control, under section 133 of the RTI Act, the Attorney-General and Minister for Justice, who is responsible for the Act, approves our budget. Our budget is incorporated in the Justice and Attorney-General -portfolio Service Delivery Statements. The Information Commissioner appears at parliamentary Estimates Committee hearings to respond to questions from Members of Parliament about the budget.

Section 186 of the RTI Act requires an independent strategic review of our office every five years. The Governor-in-Council sets the terms of the review. Before appointing a reviewer, the Attorney-General must consult with the

LASC and the Information Commissioner about the reviewer and the terms of reference. These must include a review of the commissioner's functions and whether the office performs those functions economically, effectively, and efficiently.

The report on the 2017 independent strategic review was tabled in Parliament on 11 May 2017. The 2022 strategic review is commenced in July 2022. Mr Dominic McGann was approved as the independent Strategic Reviewer by Governor in Council and is required to report by the end of 2022.

### Legislative compliance

We comply with a range of obligations. Here are some examples of our compliance activities:

- We embedded workplace health and safety within our culture and practices. It is everyone's responsibility to create and maintain a safe workplace. We expect all staff to identify, report and address workplace health and safety risks.
- All staff know about their obligations to act and make decisions compatible with the *Human Rights Act 2019*.
- The Code of Conduct for the Queensland Public Service applies to our staff. Under the *Public Sector Ethics Act 1994*, all new starters learn about the Code of Conduct through their induction program and are asked to confirm their understanding and ability to apply the code.
- All new staff must complete mandatory training at induction and every two years. The online training includes code of conduct, workplace health and safety, workplace bullying and domestic violence and general



- awareness on the RTI and IP Acts.
- Our Strategic Plan, staff performance agreements, procedures, practices, and training uphold the Code of Conduct, ethical decision-making, and *Public Sector Ethics Act 1994* in particular, the ethics obligations of public officials and our OIC values.

### **Internal and external audit**

As a small agency, the Executive Leadership Team is responsible for internal audit and an appropriate internal control framework. We also have access to Corporate Administration Agency's (CAA) internal audit services on a fee-for-service basis. We use this service to support our leadership team in areas such as business continuity plans, asset and risk registers, HR processes and finance management procedures.

In 2021-2022, we engaged CAA to conduct an internal audit of our assets and portable equipment register. The report was due to be provided to the Information Commissioner in early 2022-23.

Pages 68-70 of this report present the external audit report and certificate of our financial statements. The Auditor-General has provided an unqualified certificate indicating our compliance with financial management requirements and the accuracy and fairness of the financial statements.

### **Governance Committee**

We are committed to robust governance and risk management arrangements. Our arrangements and strategies for risk management reflect the functions and size of the office.

Our Governance Committee framework sets out the OIC Governance Committee arrangements, including the roles and responsibilities of the committee.

We established the Governance Committee in August 2018 as a decision-making-body,

overseeing our governance arrangements.

As we are a small organisation, our Executive Leadership Team also functions as the Governance Committee.

During the year, the committee met monthly to focus and manage issues on:

- risk and audit
- finance and procurement
- people
- information and communication technology.

The Governance Committee oversees our risk management framework and operational management of risks. Its primary role is to ensure that the office addresses and manages audit and risk related issues in accordance with the Financial and Performance Management Standard and the *Financial Accountability Act 2009*.

The OIC Risk Advisory Group supports the committee and makes recommendations about the risk management approach. We updated the risk management framework and addressed items in the 2021-22 risk register.

### **COVID-19 response**

During the year, we continued to work through our Business Continuity Plan (BCP) to communicate to staff and stakeholders to respond to evolving Covid health requirements from the Queensland Chief Health Officer as well as the Brisbane flood crisis in early 2022. The BCP team worked collaboratively and proactively with staff and stakeholders to inform them of any business disruptions.

As part of our hybrid work model and managing business continuity risks, we have refined our procedures to better manage office closures, COVID related absences from the office and interruptions to service delivery. This allows the community ongoing access to our service with minimal disruptions.

During the year, there were two snap lockdowns in Brisbane and restrictions on travel around South East Queensland due to flooding impacts. This resulted in our staff delivering services via email, phone, website, and video conferencing. There was minimal disruption to services to the community and agencies associated with these events.

We updated our COVID safe plans regularly to support our operations. Our hybrid working model continued to help ensure our team can seamlessly move to working remotely when required. Two staff members volunteered to train and work as contact tracers to support Queensland Health during outbreaks.

A high proportion of OIC staff and dependents were diagnosed with the COVID-19 virus during the second half of 2021-22, consistent with spread of COVID-19 in the Queensland community. As a small organisation this had a substantial impact on our capacity to deliver, and resources were diverted across the organisation where possible to critical needs. We continued to encourage our staff to take steps to protect themselves and the community consistent with advice from Queensland Health, including about vaccination, staying home when sick and use of masks.

### **Complaints management**

We endeavour to resolve complaints informally. When this is not possible, the Director, Engagement and Corporate Services receives written complaints and ensures they are handled independently.

However, we cannot deal with complaints about the merits or legality of a decision about a privacy complaint or external review. In these circumstances, the participant may be able to appeal to QCAT or apply to the Supreme Court for a statutory order of review. Appeals and

reviews of this nature can only be taken on a point of law.

During 2021-22, there were 10 general complaints about our service. None were substantiated. We received no public interest disclosures under the *Public Interest Disclosures Act 2010* nor complaints under the *Human Rights Act 2019*.

### **Records management**

We continued to promote good records management practices and maintain full and accurate records of our activities. We comply with the *Public Records Act 2002*, our retention and disposal schedule, and any relevant policies, standards, and guidelines. The schedule guides us in managing our records effectively. We have internal guidelines, procedures, and policies on managing information and records to support our systems. We recognise that information security is critical to our business model. In February 2022, we commenced an enterprise information management project to improve our recordkeeping, automate processes where possible and enhance information security.

### **Environmental sustainability**

Our waste management policy emphasises waste avoidance, reduction, reuse, and recycling. We are reducing paper usage and encouraging all staff to recycle office and kitchen waste. We are using significantly less paper during periods our office is closed and with our hybrid work model in place. We have an emphasis on electronic processes wherever possible. Sensors ensure that lights are turned off when no one is using the facilities.

# OUR FINANCIAL PERFORMANCE

## Managing our budget

We ended the year in a secure financial position with adequate reserves to fulfil our responsibilities in 2021-22.

## Expenses

We spent most of our funding appropriation (\$6.053 million or 84 percent of our total expenses) on employee-related expenses such as salaries, superannuation entitlement, long service leave and payroll tax. Our day-to-day running expenses cost \$1.183 million. Significant operating items relate to corporate service charges (\$344k), office accommodation (\$375k), computer related costs such as software licensing (\$268k), and minor equipment and office maintenance (\$75k).

Our overall expenditure (\$7.262 million) is a six percent increase in expenditure on the previous reporting period (\$6.857 million). This increase is due to:

- an increase in employee expenses in 2021-22, with approval to access cash reserves from 2021-23 for 4.8 full-time equivalent temporary positions
- a decrease in ICT transition project expenditure in 2021-22, due to an increase in expenditure in 2020-21 related to an update of our ICT systems for stronger security, governance processes and operational environment.

## Consultants and contractors

In 2021-22 we spent \$ \$23,119 on contractors and consultants to assist us to:

- commence development of a new online general awareness training course focused on the *Right to Information Act 2009*
- commence a training review to identify training needs as well as any potential gaps in our current offerings.

## Assets

At 30 June 2022, assets totalled \$2.895 million and comprised:

- cash at bank \$2.665 million
- plant and equipment \$0.002 million
- receivables and other current assets \$0.228 million.

## Liabilities

As at 30 June 2022, our liabilities totalled \$0.380 million and included:

- \$0.209 million in payables
- \$0.171 million in accrued employee benefits.

The financial statements provide an overview of our financial activities during 2021-22. The Queensland Audit Office audited these statements, our supporting documentation and our systems and processes. We received an unqualified audit opinion.

## Financial outlook

Figure 21. Five-year comparison of revenue versus expenses (\$'000)

	2017-18	2018-19	2019-20	2020-21	2021-22
Appropriation	6 429	7 130	7 249	7 289	7 347
Other revenue	57	59	42	25	25
Employee expenses	5 467	5 426	5 855	5 385	6 053
Supplies and services	1 431	1 158	1 776	1 446	1 183
Depreciation and amortisation	49	4	4	4	4
Other expenses	23	20	22	22	22
Surplus (Deficit)	(484)	581	(366)	457	110

### Audited financial statements

A more detailed view of our financial performance and position for 2021-22 is in our financial statements, at page 45 of this report.

### Accountable and transparent

In line with the Queensland Government's commitment to improve financial management in the public sector, we continued to review our internal accounting practices as well as the quality of information we provided to Queensland Treasury.

We worked with our corporate service provider to streamline our reporting processes and continued to improve the accuracy of our reporting.

This year, we updated our Finance Management Practice Manual to reflect changes in business processes, accounting and reporting requirements.

We provided all requested information to the Queensland Audit Office and discussed ways to improve our financial management practices in the future.

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**Office of the Information Commissioner  
Financial Statements**

for the year ended 30 June 2022

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**Office of the Information Commissioner**  
**Financial Statements**  
for the period ended 30 June 2022

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**Office of the Information Commissioner**

*Statement of Comprehensive Income  
for the period ended 30 June 2022*

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		<b>2022</b>	<b>2022</b>	<b>2022</b>	<b>2021</b>
		<b>Actual</b>	<b>Original</b>	<b>Budget</b>	<b>Actual</b>
	<b>Notes</b>	<b>\$000</b>	<b>\$000</b>	<b>Variance *</b>	<b>\$000</b>
<b>Income from Continuing Operations</b>					
Grants from Queensland Government through Department of Justice and Attorney General	<b>3.</b>	7,347	7,347	-	7,289
Interest		25	18	7	25
<b>Total Income from Continuing Operations</b>		<b>7,372</b>	<b>7,365</b>	<b>7</b>	<b>7,314</b>
<b>Expenses from Continuing Operations</b>					
Employee expenses	<b>4.</b>	6,053	6,413	(360)	5,385
Supplies and services	<b>7.</b>	1,183	1,474	(291)	1,446
Depreciation		4	4	-	4
Other expenses	<b>8.</b>	22	27	(5)	22
<b>Total Expenses from Continuing Operations</b>		<b>7,262</b>	<b>7,918</b>	<b>(656)</b>	<b>6,857</b>
<b>Operating Result from Continuing Operations</b>		<b>110</b>	<b>(553)</b>	<b>663</b>	<b>457</b>
<b>Total Comprehensive Income</b>		<b>110</b>	<b>(553)</b>	<b>663</b>	<b>457</b>

*The accompanying notes form part of these financial statements.*

*\* An explanation of major variances is included at Note 21.*

## Office of the Information Commissioner

Statement of Financial Position for the  
period ended 30 June 2022

		2022	2022	2022	2021
	Notes	Actual	Original Budget	Budget Variance*	Actual
		\$000	\$000	\$000	\$000
<b>Current Assets</b>					
Cash and cash equivalents	9.	2,665	1,580	1,085	2,617
Receivables	10.	173	77	96	146
Prepayments		55	71	(16)	57
<b>Total Current Assets</b>		<b>2,893</b>	<b>1,728</b>	<b>1,165</b>	<b>2,820</b>
<b>Non-Current Assets</b>					
Plant and equipment		2	2	-	6
<b>Total Non-Current Assets</b>		<b>2</b>	<b>2</b>	<b>-</b>	<b>6</b>
<b>Total Assets</b>		<b>2,895</b>	<b>1,730</b>	<b>1,165</b>	<b>2,826</b>
<b>Current Liabilities</b>					
Payables	11.	209	184	25	290
Accrued employee benefits	12.	171	151	20	131
<b>Total Current Liabilities</b>		<b>380</b>	<b>335</b>	<b>45</b>	<b>421</b>
<b>Total Liabilities</b>		<b>380</b>	<b>335</b>	<b>45</b>	<b>421</b>
<b>Net Assets</b>		<b>2,515</b>	<b>1,395</b>	<b>1,120</b>	<b>2,405</b>
<b>Equity</b>					
Accumulated surplus		2,515	1,395	1,120	2,405
<b>Total Equity</b>		<b>2,515</b>	<b>1,395</b>	<b>1,120</b>	<b>2,405</b>

The accompanying notes form part of these financial statements.

\* An explanation of major variances is included at Note 21.



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**Office of the Information Commissioner**

*Statement of Changes in Equity for the  
period ended 30 June 2022*

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	<b>Accumulated Surplus \$000</b>
<b>Balance as at 1 July 2020</b>	1,948
Operating result from continuing operations	457
	<hr/>
<b>Balance as at 30 June 2021</b>	<b>2,405</b>
Net effect of changes in accounting policies	-
	<hr/>
<b>Balance as at 1 July 2021</b>	2,405
Operating result from continuing operations	110
	<hr/>
<b>Balance as at 30 June 2022</b>	<b>2,515</b>
	<hr/>

*The accompanying notes form part of these financial statements.*

## Office of the Information Commissioner

Statement of Cash Flows  
for the period ended 30 June 2022

	2022	2022	2022	2021
	Actual	Original Budget	Budget Variance *	Actual
Note s	\$000	\$000	\$000	\$000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
<i>Inflows:</i>				
Grants and other contributions	7,347	7,347	-	7,289
User Charges	(30)	-	(30)	-
GST collected from customers	2	-	2	1
GST input tax credits from ATO	138	-	138	154
Interest	25	18	7	25
<i>Outflows:</i>				
Employee expenses	(5,986)	(6,413)	427	(5,489)
Supplies and services	(1,262)	(1,474)	212	(1,326)
GST paid to suppliers	(162)	-	(162)	(139)
GST remitted to ATO	(2)	-	(2)	(1)
Other	(22)	(27)	5	(22)
<b>Net cash provided by / (used in) operating activities</b>	<b>48</b>	<b>(549)</b>	<b>597</b>	<b>492</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Net cash used in investing activities	-	-	-	-
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Net cash provided by (used in) financing activities	-	-	-	-
<b>Net increase/(decrease) in cash and cash equivalents</b>	<b>48</b>	<b>(549)</b>	<b>597</b>	<b>492</b>
<b>Cash and cash equivalents - opening balance</b>	<b>2,617</b>	<b>2,129</b>	<b>488</b>	<b>2,125</b>
<b>Cash and cash equivalents - closing balance</b>	<b>9. 2,665</b>	<b>1,580</b>	<b>1,085</b>	<b>2,617</b>

The accompanying notes form part of these financial statements.

\* An explanation of major variances is included at Note 21.

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## Office of the Information Commissioner

Notes to the Statement of Cash Flows

for the period ended 30 June 2022

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### Reconciliation of operating result to net cash provided by operating activities

	2022	2021
	\$000	\$000
<b>Operating Surplus/(deficit)</b>	110	457
<b>Non-cash items:</b>		
Depreciation expense	4	4
<b>Changes in assets and liabilities:</b>		
(Increase)/decrease in trade receivables	(30)	-
(Increase)/decrease in GST receivable	(24)	14
(Increase)/decrease in other receivables	27	(83)
(Increase)/decrease in other current assets	2	14
Increase/(decrease) in payables	(81)	106
Increase/(decrease) in accrued employee benefits	40	(20)
<b>Net cash provided by / (used in) operating activities</b>	<b>48</b>	<b>492</b>

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## Office of the Information Commissioner

*Notes to the Financial Statements  
for the period ended 30 June 2022*

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## Office of the Information Commissioner

*Statement of Comprehensive Income  
for the period ended 30 June 2022*

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### 1. Basis of Financial Statement Preparation

#### 1.1 General Information

The Office of the Information Commissioner (the Office) was established under the repealed *Freedom of Information Act 1992* and continues under the *Right to Information Act 2009*.

The budget for the Office must be approved by the Attorney-General and Minister for Justice, as Minister responsible for the *Right to Information Act 2009*.

The head office and principal place of business of the Office is Level 7, 133 Mary Street, BRISBANE QLD 4000.

For information in relation to the Office's financial statements, please email [administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au) or visit the Office internet site [www.oic.qld.gov.au](http://www.oic.qld.gov.au).

#### 1.2 Compliance with Prescribed Requirements

The Office has prepared these financial statements in compliance with section 39 of the *Financial and Performance Management Standard 2019*. The financial statements comply with Queensland Treasury's Minimum Reporting Requirements for reporting periods beginning on or after 1 July 2021.

The Office is a not-for-profit entity and these general purpose financial statements are prepared on an accrual basis (except for the Statement of Cash Flow which is prepared on a cash basis) in accordance with Australian Accounting Standards and Interpretations applicable to not-for-profit entities.

New accounting standards early adopted and/or applied for the first time in these financial statements are outlined in Note 17.

#### 1.3 Presentation

##### Currency and Rounding

Amounts included in the financial statements are in Australian dollars and rounded to the nearest \$1,000 or, where that amount is \$500 or less, to zero, unless disclosure of the full amount is specifically required.

##### Comparatives

Comparative information reflects the audited 2020-21 financial statements.

##### Current/Non-Current Classification

Assets and liabilities are classified as either 'current' or 'non-current' in the Statement of Financial Position and associated notes.

Assets are classified as 'current' where their carrying amount is expected to be realised within 12 months after the reporting date. Liabilities are classified as 'current' when they are due to be settled within 12 months after the reporting date, or the Office does not have an unconditional right to defer settlement to beyond 12 months after the reporting date.

All other assets and liabilities are classified as non-current.

#### 1.4 Authorisation of Financial Statements for Issue

The financial statements are authorised for issue by the Information Commissioner and the Director, Engagement and Corporate Services at the date of signing the Management Certificate.

#### 1.5 Basis of Measurement

Historical cost is used as the measurement basis in this financial report unless specified otherwise.

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## Office of the Information Commissioner

*Statement of Comprehensive Income  
for the period ended 30 June 2022*

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### 1. Basis of Financial Statement Preparation (cont'd)

#### 1.5 Basis of Measurement (cont'd)

##### Historical Cost

Under historical cost, assets are recorded at the amount of cash or cash equivalents paid or the fair value of the consideration given to acquire assets at the time of their acquisition. Liabilities are recorded at the amount of proceeds received in exchange for the obligation or at the amounts of cash or cash equivalents expected to be paid to satisfy the liability in the normal course of business.

#### 1.6 The Reporting Entity

The financial statements include all income, expenses, assets, liabilities and equity of the Office. The Office has no controlled entities.

### 2. Office Objectives

The Office of the Information Commissioner (the Office) builds trust through transparency. The Office independently upholds and promotes information access and privacy rights.

The Office's objectives are to:

- Provide independent, timely and fair reviews of decisions made under the *Right to Information Act 2009* (RTI Act) and *Information Privacy Act 2009* (IP Act)
- Assist agencies to adopt privacy by design and achieve compliance with the privacy principles
- Provide an independent, timely and fair privacy complaint mediation service
- Promote greater awareness of right to information and information privacy in the community and within government
- Improve agencies' practices in right to information and information privacy

The Office is a statutory body for the *Financial Accountability Act 2009*. The role of the Office is to perform the statutory functions set out in the RTI Act and IP Act which include:

- External review of agency decisions on information access applications
- Reviewing and reporting on agencies' performance under the RTI Act and IP Act, including personal information handling practices
- Mediating privacy complaints and making decisions on applications of waiver of the privacy principles
- Providing support and assistance to the community and agencies about the operation of the RTI Act and the IP Act, including an Enquiries Service
- Promoting awareness of Right to Information and Privacy issues
- Commenting on legislation and administrative changes to improve practice

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## Office of the Information Commissioner

Notes to the Financial Statements  
for the period ended 30 June 2022

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	2022	2021
	\$000	\$000
<b>3. Grants and Contributions</b>		
Grants from Queensland Government through Department of Justice and Attorney General	7,347	7,289
<b>Total</b>	<b>7,347</b>	<b>7,289</b>

### Accounting Policy - Grants and Contributions

Income is received from Queensland Government through Department of Justice and Attorney General at the start of each quarter (July, October, January and April) and is recognised as Income in the month it is received.

Grants, contributions and donations are non-reciprocal transactions where the Office does not directly give approximately equal value to the grantor.

The grant is accounted for under AASB 1058 *Income of Not-for-Profit Entities*, whereby revenue is recognised upon receipt of the grant funding.

### 4. Employee Expenses

#### Employee benefits

Salaries & wages	4,449	4,039
Annual leave levy	488	400
Employer superannuation contributions	596	550
Long service leave levy	109	99
Other employee benefits	14	7

#### Employee related expenses

Payroll tax	233	237
Workers' compensation premium	20	17
Other employee related expenses	144	36

#### Total

<b>6,053</b>	<b>5,385</b>
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Full-Time Equivalent Employees	No. ^38	No. 37.62
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^ FTE data as at 30 June 2022 (based upon the fortnight ending 1 July 2022)

### Accounting Policy - Wages and Salaries

Wages and salaries due but unpaid at reporting date are recognised in the Statement of Financial Position at the current salary rates. As the Office expects such liabilities to be wholly settled within 12 months of reporting date, the liabilities are recognised at undiscounted amounts.

### Accounting Policy - Sick Leave

Prior history indicates that on average, sick leave taken each reporting period is less than the entitlement accrued. This is expected to continue in future periods. Accordingly, it is unlikely that existing accumulated entitlements will be used by employees and no liability for unused sick leave entitlements is recognised. As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

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## Office of the Information Commissioner

Notes to the Financial Statements  
for the period ended 30 June 2022

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### 4. Employee Expenses (cont'd)

#### Accounting Policy - Annual Leave

The Office became a member of the Queensland Government's Annual Leave Central Scheme (ALCS) in 2014-2015. Under this scheme, a levy is made on the Office to cover the cost of employees' annual leave (including leave loading and on-costs). The levies are expensed in the period in which they are payable. Amounts paid to employees for annual leave are claimed from the scheme quarterly in arrears.

#### Accounting Policy - Long Service Leave

Under the Queensland Government's Long Service Leave Scheme, a levy is made on the Office to cover the cost of employees' long service leave. The levies are expensed in the period in which they are payable. Amounts paid to employees for long service leave are claimed from the scheme quarterly in arrears.

#### Accounting Policy - Superannuation

Post-employment benefits for superannuation are provided through defined contribution (accumulation) plans or the Queensland Government's QSuper defined benefit plan as determined by the employee's conditions of employment.

Defined Contribution Plans - Contributions are made to eligible complying superannuation funds based on the rates specified in the relevant EBA or other conditions of employment. Contributions are expensed when they are paid or become payable following completion of the employee's service each pay period.

Defined Benefit Plan - The liability for defined benefits is held on a whole-of-government basis and reported in those financial statements pursuant to AASB 1049 *Whole of Government and General Government Sector Financial Reporting*. The amount of contributions for defined benefit plan obligations is based upon the rates determined on the advice of the State Actuary. Contributions are paid by the Office at the specified rate following completion of the employee's service each pay period. The Office's obligations are limited to those contributions paid.

#### Accounting Policy - Workers' Compensation Premiums

The Office pays premiums to WorkCover Queensland in respect of its obligations for employee compensation. Workers' compensation insurance is a consequence of employing employees, but is not counted in an employee's total remuneration package. It is not employee benefits and is recognised separately as employee related expenses.

### 5. Key Management Personnel (KMP) Disclosures

The following details for KMP reflect those positions that had authority and responsibility for planning, directing and controlling the activities of the Office during 2021-22 and 2020-21. Further information about these positions can be found in the body of the Annual Report under the section relating to Executive Management.

Position	Position Responsibility
Information Commissioner	The Information Commissioner role is to deliver an independent, timely and fair review of decisions made under the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i> ; an independent timely and fair privacy complaint mediation service; improve agencies' practices to right to information and information privacy; promote greater awareness of right to information and information privacy in the community and within Government; and assist agencies to achieve compliance with the privacy principles.
Right to Information Commissioner	The RTI Commissioner's role is that of a deputy to the Information Commissioner, with particular responsibility for matters relating to the Information Commissioner's functions under the <i>Right to Information Act 2009</i> .



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## Office of the Information Commissioner

Notes to the Financial Statements  
for the period ended 30 June 2022

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### 5. Key Management Personnel (KMP) Disclosures (cont'd)

Position	Position Responsibility
Privacy Commissioner	The Privacy Commissioner's role is that of a deputy to the Information Commissioner, with particular responsibility for matters relating to the Information Commissioner's functions under the <i>Information Privacy Act 2009</i> .
Director, Engagement and Corporate Services	The Director, Engagement and Corporate Services implements and monitors effective systems and processes to support organisational objectives and raise awareness of information access and privacy rights, including designing and implementing strategic and governance priorities for the Office. Financial, Human Resources, Information and Assistance and Training and Stakeholder Relations delegations as determined by the Information Commissioner.

#### KMP Remuneration Policies

The remuneration and terms of employment for statutory office holders in key executive management positions are set by Governor in Council and are equivalent to those set by the Queensland Public Service Commission.

Remuneration policy for the Office's key management personnel in non-statutory office holder positions is set by the Queensland Public Service Commission as provided for under the *Public Service Act 2008*.

Remuneration of key executive management personnel increased for the 2021-22 year.

Remuneration expenses for KMP comprise the following components:

Short-term employee expenses, including:

- salaries, allowances and leave entitlements earned and expensed for the entire year, or for that part of the year during which the employee occupied a KMP position; and
- non-monetary benefits - consisting of provision of car parking together with fringe benefits tax applicable to the benefit.

Long-term employee expenses include amounts expensed in respect of long service leave entitlements earned.

Post-employment expenses include amounts expensed in respect of employer superannuation obligations.

Termination benefits include payments in lieu of notice on termination and other lump sum separation entitlements (excluding annual and long service leave entitlements) payable on termination of employment or acceptance of an offer of termination of employment.

#### Performance Payments

OIC does not pay any performance payments or bonuses.

## Office of the Information Commissioner

Notes to the Financial Statements  
for the period ended 30 June 2022

### 5. Key Management Personnel (KMP) Disclosures

#### (cont'd) Remuneration Expenses

The following disclosures focus on the expenses incurred by the Office attributable to KMP during the respective reporting

periods. The amounts disclosed are determined on the same basis as expenses recognised in the Statement of Comprehensive Income.

Remuneration for KMPs increased between 2020-21 and 2021-22 year due to the application of PSC Directive 03/21.

#### 2021-2022

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post-employment Benefits	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Information Commissioner	255	8	6	27	-	296
RTI Commissioner	44	1	1	4	-	50
RTI Commissioner (Acting 1) (23/08/2021-30/06/2022) (6 days a fortnight)	96	4	2	9	-	111
RTI Commissioner (Acting 2) (13/09/2021-30/06/2022) (6 days a fortnight)	90	3	2	9	-	104
Privacy Commissioner (current) 12/12/2021-30/06/2022	105	3	3	11	-	122
Privacy Commissioner (former) 01/07/2021-10/12/2021	85	6	2	9	-	102
Director, Engagement & Corporate Services	155	-	4	20	-	179
<b>Total Remuneration</b>	<b>830</b>	<b>25</b>	<b>20</b>	<b>89</b>	<b>-</b>	<b>964</b>

#### 2020-21

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post-employment Benefits	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Information Commissioner	227	4	5	26	-	262
RTI Commissioner	178	4	4	16	-	202
Privacy Commissioner	181	4	4	19	-	208
Director, Engagement & Corporate Services	143	-	3	18	-	164
<b>Total Remuneration</b>	<b>729</b>	<b>12</b>	<b>16</b>	<b>79</b>	<b>-</b>	<b>836</b>

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## Office of the Information Commissioner

Notes to the Financial Statements  
for the period ended 30 June 2022

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### 6. Related Party Transactions

#### Transactions with other Queensland Government-controlled entities

The Office received Grant Funding from the Department of Justice and Attorney General (\$7,347K).

The Office received corporate services from the Corporate Administration Agency (\$116K) and IT support services from CITEC (\$8K). (Refer Note 7).

The Office has an agreement with Department of Energy and Public Works for the provision of office accommodation (\$375K). (Refer Note 7).

The Office received ICT Project Support from the Department of Communities, Housing and Digital Economy (\$30K). (Refer Note 7).

All transactions with other Queensland Government-controlled entities were at arms length.

	2022 \$000	2021 \$000
<b>7. Supplies and Services</b>		
Contractor and consultants	23	243
Corporate service charges	344	348
Office accommodation	375	352
Minor equipment and office maintenance	75	61
Communications and utilities	38	49
Computer related charges	268	229
Travel	3	2
Operating, administration and other costs	57	162
<b>Total</b>	<b>1,183</b>	<b>1,446</b>

#### Accounting policy – Distinction between grants and procurement

For a transaction to be classified as supplies and services, the value of goods or services received by the Office must be of approximately equal value to the value of the consideration exchanged for those goods or services. Where this is not the substance of the arrangement, the transaction is classified as a grant.

#### Contractor and Consultant

Contractor and Consultants includes services provided by Queensland Government-controlled entity (Department of Communities, Housing and Digital Economy) for ICT project support.

We invested funds into Contractor and Consultants to address Cybersecurity and Information Management requirements.

#### Corporate service charges

Corporate service charges includes services provided by Queensland Government-controlled entities (Corporate Administration Agency and CITEC) as well as Corporate service charges incurred through IT support service provider Datacom.

#### Office accommodation

Payments for non-specialised commercial office accommodation under the Queensland Government Accommodation Office (QGAO) framework arise from non-lease arrangements with the Department of Energy and Public Works, who has substantive substitution rights over the assets used within this scheme. Payments are expensed as incurred and categorised within office accommodation line item.

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## Office of the Information Commissioner

Notes to the Financial Statements  
for the period ended 30 June 2022

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	2022	2021
	\$000	\$000
<b>8. Other Expenses</b>		
Queensland Audit Office - external audit fees for the audit of the financial statements <sup>(1)</sup>	18	18
Insurance - QGIF	4	4
<b>Total</b>	<b>22</b>	<b>22</b>

(1) Total audit fees quoted by the Queensland Audit Office relating to the 2021-22 financial statements are \$18,425 (2021: \$17,800).

There are no non-audit services included in this amount.

### 9. Cash and Cash Equivalents

Cash at bank	2,665	2,617
	<b>2,665</b>	<b>2,617</b>

#### Accounting Policy - Cash

For the purpose of the Statement of Financial Position and the Statement of Cash Flows, cash assets include all cash and cheques receipted but not banked at 30 June as well as deposits at call with financial institutions.

### 10. Receivables

Trade receivables	30	-
GST receivable	41	17
Long service leave reimbursements	22	28
Annual leave reimbursements	80	101
<b>Total</b>	<b>173</b>	<b>146</b>

#### Accounting Policy - Receivables

Receivables are measured at amortised cost which approximates their fair value at reporting date.

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**Office of the Information Commissioner**

*Notes to the Financial Statements  
for the period ended 30 June 2022*

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	<b>2022</b>	<b>2021</b>
	<b>\$000</b>	<b>\$000</b>
<b>11. Payables</b>		
Trade creditors	97	-
Corporate card	20	10
Fringe benefits tax	2	-
Payroll tax	32	18
Accrued supplies and services	58	262
<b>Total</b>	<b>209</b>	<b>290</b>

**Accounting Policy - Payables**

Accrued supplies and services are recognised upon receipt of the goods or services ordered and are measured at the nominal amount i.e. agreed purchase/contract price, gross of applicable trade and other discounts. Amounts owing are unsecured.

**12. Accrued Employee Benefits***Current*

Long service leave levy payable	32	23
Annual leave levy payable	139	108
<b>Total</b>	<b>171</b>	<b>131</b>

**Accounting Policy - Accrued Employee Benefits**

No provision for annual leave or long service leave is recognised in the Office's financial statements as the liability is held on a whole-of-government basis and reported in those financial statements pursuant to AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

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## Office of the Information Commissioner

Notes to the Financial Statements  
for the period ended 30 June 2022

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### 13. Commitments

There are no legal or any other commitments that are known to the Office at 30 June 2022.

### 14. Contingencies

There are no legal or any other contingencies that are known to the Office at 30 June 2022.

### 15. Financial Risk Disclosures

#### Financial Instrument Categories

Financial assets and financial liabilities are recognised in the Statement of Financial Position when the Office becomes party to the contractual provisions of the financial instrument. The carrying amounts of receivables and payables represent the value of the original transactions. The Office has the following categories of financial assets and financial liabilities:

Category	Note	2022 \$'000	2021 \$'000
<b>Financial assets</b>			
Cash and cash equivalents	9.	2,665	2,617
Financial assets at amortised cost - comprising:			
Receivables	10.	173	146
<b>Total financial assets</b>		<b>2,838</b>	<b>2,763</b>
<b>Financial liabilities</b>			
Financial liabilities at amortised cost - comprising:			
Payables	11.	209	290
<b>Total financial liabilities at amortised cost</b>		<b>209</b>	<b>290</b>

No financial assets and financial liabilities have been offset and presented net in the Statement of Financial Position.

## Office of the Information Commissioner

Notes to the Financial Statements  
for the period ended 30 June 2022

### 15. Financial Risk Disclosures (cont'd)

#### Financial Risk Management

##### (a) Risk Exposure

The Office's activities expose it to a variety of financial risks as set out in the following table:

Risk Exposure	Definition	Exposure
Credit Risk	Credit risk exposure refers to the situation where the Office may incur financial loss as a result of another party to a financial instrument failing to disclose their obligation.	The Office is exposed to credit risk in respect of its receivables.
Liquidity Risk	Liquidity risk refers to the situation where the Office may encounter difficulty in meeting obligations associated with financial liabilities that are settled by delivering cash or another financial asset.	The Office is exposed to liquidity risk in respect of its payables.
Market Risk	The risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Market risk comprises three types of risk: currency risk, interest rate risk and other price risk. <i>Interest rate risk</i> is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates.	The Office does not trade in foreign currency and is not materially exposed to commodity price changes or other markets. The Office is exposed to interest rate risk through its cash deposited in interest bearing accounts.

##### (b) Risk Measurement and Management Strategies

The Office measures risk exposure using a variety of methods as follows:

Risk Exposure	Measurement	Risk Management Strategies
Credit Risk	Ageing analysis, earnings at risk	The Office manages credit risk through the use of a credit management strategy. Exposure to credit risk is monitored on an on-going basis.
Liquidity Risk	Sensitivity Analysis	The Office manages exposure to liquidity risk by ensuring sufficient funds are available to meet employee and supplier obligations at all times. This is achieved by ensuring minimum levels of cash are held within the bank account to match the expected duration of the various employee and supplier liabilities.
Market Risk	Interest rate sensitivity analysis	The Office does not undertake any hedging in relation to interest rate risk.

The Office's activities may expose it to a variety of financial risks. However, any risk is considered to have a minimal effect on the Office.

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## Office of the Information Commissioner

*Notes to the Financial Statements  
for the period ended 30 June 2022*

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### **16. Future Impact of Accounting Standards Not Yet Effective**

All other Australian accounting standards and interpretations with future effective dates are either not applicable to the Office's activities or have no material impact on the Office.

### **17. First Year Application of New Accounting Standards or Change in Accounting Policy**

#### **Accounting standards applied for the first time**

No new accounting standards or interpretations that apply to the department for the first time in 2021-22 had any material impact on the financial statements.

#### **Accounting Standards Early Adopted**

No Australian Accounting Standards have been early adopted for 2021-22.

### **18. Events after the Balance Date**

There were no significant events occurring after the balance date.

### **19. Taxation**

The Office is a State body as defined under the *Income Tax Assessment Act 1936* and is exempt from Commonwealth taxation with the exception of Fringe Benefits Tax (FBT) and Goods and Services Tax (GST). FBT and GST are the only taxes accounted for by the Office. GST credits receivable from, and GST payable to the Australian Taxation Office (ATO), are recognised in the Statement of Financial Position.

### **20. Climate Risk Disclosure**

The Office has not identified any material climate related risks relevant to the financial report at the reporting date, however constantly monitors the emergence of such risks under the Queensland Government's Climate Transition Strategy.

No adjustments to the carrying value of recorded assets or other adjustments to the amounts recorded in the financial statements were recognised during the financial year.



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## Office of the Information Commissioner

Notes to the Financial Statements  
for the period ended 30 June 2022

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### 21. Budgetary Reporting Disclosures

This section contains explanations of major variances between the Office's actual 2021-2022 financial results and the original budget presented to Parliament.

#### 21.1 Explanation of Major Variances - Statement of Comprehensive Income

Employee Expenses: Actual costs (\$6,053K) were \$360K under budget. Recruitment of 4.8 Full Time Equivalent (FTE) temporary positions for 2021-23 commenced in July 2021, however the Office experienced difficulties attracting and retaining suitable candidates in a competitive market, especially to temporary roles. The Office usually manages various vacancies such as unexpected and long term sick leave, through temporary appointments. The Office applied the principles of the Queensland Government Savings and Debt plan, including the application of restrictions in recruitment in relevant Directives and policies and approved FTE limits.

Supplies and services: Actual costs (\$1,183K) were \$291K under budget. Key contributing factors included the non-availability of contractors, increased use of virtual (rather than face-to-face) options to facilitate events, awareness activities, training and regional and interstate meetings, and lower than budgeted legal expenses.

#### 21.2 Explanation of Major Variances - Statement of Financial Position

Cash: Actual cash (\$2,665) is higher than budgeted due to lower than budgeted expenditure on Employee Expenses and Supplies & Services, resulting in the Office not accessing the approved use of cash reserves in 2021-22 for up to (\$553K).

Receivables: Actual receivables (\$173K) were higher than budgeted (\$77K) due to factors not previously identified in budget including recoverable wages for an employee secondment, and entitlements and interest revenue accrued.

Prepayments: Actual prepayments (\$55K) were lower than budgeted (\$71K) due to lower FTE than anticipated.

Payables: Actual payables (\$209K) were higher than budgeted (184K) as at year end due to open invoices not paid before 30 June 2022.

Accrued Employee benefits: Actual accrued employee benefits (\$171K) were higher than budgeted (\$151K) for long service and annual leave levies payable.

#### 21.3 Explanation of Major Variances - Statement of Cash Flows

Employee Expenses: Actual expenses (\$5,985K) were \$427K under budget. Recruitment of 4.8 FTE temporary positions for 2021-23 commenced in July 2021, however the Office experienced difficulties attracting and retaining suitable candidates in a competitive market, especially to temporary roles. The Office usually manages various vacancies such as unexpected and long term sick leave, through temporary appointments. The Office applied the principles of the Queensland Government Savings and Debt plan, including the application of restrictions in recruitment in relevant Directives and policies and approved FTE limits.

Supplies and services: Actual expenses (\$1,262K) were \$212K under budget. Key contributing factors included the non-availability of contractors, increased use of virtual (rather than face-to-face) options to facilitate events, awareness activities, training and regional and interstate meetings, and lower than budgeted legal expenses.

**Office of the Information Commissioner  
Management Certificate for the year ended 30 June 2022**

These general purpose financial statements have been prepared pursuant to section 62(1) of the *Financial Accountability Act 2009* (the Act), section 39 of the *Financial and Performance Management Standard 2019* and other prescribed requirements. In accordance with section 62(1)(b) of the Act we certify that in our opinion:

- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects;
- (b) the financial statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Office of the Information Commissioner for the financial year ended 30 June 2022 and of the financial position of the entity at the end of that year; and

We acknowledge responsibility under section 7 and section 11 of the *Financial Performance Management Standard 2019* for the establishment and maintenance, in all material respects, of an appropriate and effective system of internal controls and risk management processes with respect to financial reporting throughout the reporting period.



**Rachael Rangihaeata**  
Information Commissioner

Date: 2/9/2022



**Andrew Knight**  
A/Director, Engagement and Corporate Services

Date: 2/9/2022

## INDEPENDENT AUDITOR'S REPORT

To the Commissioner of the Office of the Information Commissioner

Report on the audit of the financial report

### *Opinion*

I have audited the accompanying financial report of the Office of the Information Commissioner.

In my opinion, the financial report:

- a) gives a true and fair view of the entity's financial position as at 30 June 2022, and its financial performance and cash flows for the year then ended
- b) complies with the *Financial Accountability Act 2009*, the Financial and Performance Management Standard 2019 and Australian Accounting Standards.

The financial report comprises the statement of financial position as at 30 June 2022, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes to the financial statements including summaries of significant accounting policies and other explanatory information, and the management certificate.

### *Basis for opinion*

I conducted my audit in accordance with the *Auditor-General Auditing Standards*, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report.

I am independent of the entity in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial report in Australia.

I have also fulfilled my other ethical responsibilities in accordance with the Code and the *Auditor-General Auditing Standards*.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### *Responsibilities of the entity for the financial report*

The Information Commissioner is responsible for the preparation of the financial report that gives a true and fair view in accordance with the *Financial Accountability Act 2009*, the Financial and Performance Management Standard 2019 and Australian Accounting Standards, and for such internal control as the Information Commissioner determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

The Information Commissioner is also responsible for assessing the entity's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless it is intended to abolish the entity or to otherwise cease operations.

*Auditor's responsibilities for the audit of the financial report*

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances. This is not done for the purpose of expressing an opinion on the effectiveness of the entity's internal controls, but allows me to express an opinion on compliance with prescribed requirements.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the entity.
- Conclude on the appropriateness of the entity's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. I base my conclusions on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

### Report on other legal and regulatory requirements Statement

In accordance with s. 40 of the *Auditor-General Act 2009*, for the year ended 30 June 2022:

- a) I received all the information and explanations I required.
- b) I consider that, the prescribed requirements in relation to the establishment and keeping of accounts were complied with in all material respects.

#### Prescribed requirements scope

The prescribed requirements for the establishment and keeping of accounts are contained in the *Financial Accountability Act 2009*, any other Act and the Financial and Performance Management Standard 2019. The applicable requirements include those for keeping financial records that correctly record and explain the entity's transactions and account balances to enable the preparation of a true and fair financial report.



Michelle Reardon  
as delegate of the Auditor-General

2 September 2022

Queensland Audit Office  
Brisbane

# APPENDICES

1. Additional information
2. Compliance checklist
3. Category and number of external review applications
4. Profile of applicants making external review applications
5. Applications received by agency profile
6. Outcome of reviews
7. RTI regulation reporting requirements not captured elsewhere within the annual report
8. IP regulation reporting requirements not captured elsewhere within the annual report
9. 2021-22 Applications for external review of decisions by Ministers and agencies
10. 2021-22 Privacy complaints received by agency profile
11. 2021-22 Privacy complaints received about Ministers and agencies
12. Outcomes of external review decisions

## 1. Additional information

### Legislative developments/changes

During 2020-21, three Acts amended the RTI Act. *The Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Act 2021* amended the RTI Act to provide that personal information collected under the Check in Qld app or through an alternative method is exempt from disclosure under the RTI Act.

The *Superannuation (State Public Sector) (Scheme Administration) Amendment Act 2021* amended Schedule 2, part 2, of the RTI Act to omit item 9A, a provision from the RTI Act that excludes the functions of the QSuper Board from its operation. The exclusion becomes redundant on the QSuper Board ceasing to be a statutory body and is therefore removed.

The *Brisbane Olympic and Paralympic Games Arrangements Act 2021* amended Schedule 1 of the RTI Act to provide that, to the extent it comprises information not already in the public domain that was communicated in confidence by or for the Australian Olympic Committee or the International Olympic Committee, a document that is created or received by the corporation in carrying out its functions under this Act is a document to which the RTI Act does not apply.

### Machinery-of-government changes

We have not been affected by machinery-of-government changes.

### International travel

No international travel was funded in 2021-22.

### Open data

We continued to release data sets through the [data.qld.gov.au](http://data.qld.gov.au) portal, including:

- gifts and benefits register
- consultancies and contractors
- overseas travel
- survey results
- performance dashboard
- audit results
- external reviews.

## 2. Compliance checklist

Summary of requirement		Basis for requirement	Annual report reference
<b>Letter of compliance</b>	<ul style="list-style-type: none"> <li>A letter of compliance from the accountable officer or statutory body to the relevant Minister/s</li> </ul>	ARRs – section 7	i
<b>Accessibility</b>	<ul style="list-style-type: none"> <li>Table of contents</li> <li>Glossary</li> </ul>	ARRs – section 9.1	iii 89
	<ul style="list-style-type: none"> <li>Public availability</li> </ul>	ARRs – section 9.2	Inside front cover
	<ul style="list-style-type: none"> <li>Interpreter service statement</li> </ul>	<i>Queensland Government Language Services Policy</i> ARRs – section 9.3	Inside front cover
	<ul style="list-style-type: none"> <li>Copyright notice</li> </ul>	<i>Copyright Act 1968</i> ARRs – section 9.4	Inside front cover
	<ul style="list-style-type: none"> <li>Information licensing</li> </ul>	<i>QGEA – Information Licensing</i> ARRs – section 9.5	Inside front cover
<b>General information</b>	<ul style="list-style-type: none"> <li>Introductory information</li> </ul>	ARRs – section 10	ii
<b>Non-financial performance</b>	<ul style="list-style-type: none"> <li>Government's objectives for the community and whole-of-government plans/specific initiatives</li> </ul>	ARRs – section 11.1	N/A
	<ul style="list-style-type: none"> <li>Agency objectives and performance indicators</li> </ul>	ARRs – section 11.2	5-6
	<ul style="list-style-type: none"> <li>Agency service areas and service standards</li> </ul>	ARRs – section 11.3	13-32
<b>Financial performance</b>	<ul style="list-style-type: none"> <li>Summary of financial performance</li> </ul>	ARRs – section 12.1	46-47
<b>Governance – management and structure</b>	<ul style="list-style-type: none"> <li>Organisational structure</li> </ul>	ARRs – section 13.1	37
	<ul style="list-style-type: none"> <li>Executive management</li> </ul>	ARRs – section 13.2	40-42
	<ul style="list-style-type: none"> <li>Government bodies (statutory bodies and other entities)</li> </ul>	ARRs – section 13.3	N/A
	<ul style="list-style-type: none"> <li>Public Sector Ethics</li> </ul>	<i>Public Sector Ethics Act 1994</i> ARRs – section 13.4	43,44
	<ul style="list-style-type: none"> <li>Human Rights</li> </ul>	<i>Human Rights Act 2019</i> ARRs – section 13.5	43,45
	<ul style="list-style-type: none"> <li>Queensland public service values</li> </ul>	ARRs – section 13.6	8
<b>Governance – risk management and accountability</b>	<ul style="list-style-type: none"> <li>Risk management</li> </ul>	ARRs – section 14.1	35,44
	<ul style="list-style-type: none"> <li>Audit committee</li> </ul>	ARRs – section 14.2	44
	<ul style="list-style-type: none"> <li>Internal audit</li> </ul>	ARRs – section 14.3	38, 44
	<ul style="list-style-type: none"> <li>External scrutiny</li> </ul>	ARRs – section 14.4	44
	<ul style="list-style-type: none"> <li>Information systems and recordkeeping</li> </ul>	ARRs – section 14.5	38, 45
	<ul style="list-style-type: none"> <li>Information security attestation</li> </ul>	ARRs – section 14.6	33, 45
<b>Governance – human resources</b>	<ul style="list-style-type: none"> <li>Strategic workforce planning and performance</li> </ul>	ARRs – section 15.1	33-36
	<ul style="list-style-type: none"> <li>Early retirement, redundancy and retrenchment</li> </ul>	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2	33
<b>Open Data</b>	<ul style="list-style-type: none"> <li>Statement advising publication of information</li> </ul>	ARRs – section 16	30
	<ul style="list-style-type: none"> <li>Consultancies</li> </ul>	ARRs – section 31.1	74, <a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
	<ul style="list-style-type: none"> <li>Overseas travel</li> </ul>	ARRs – section 31.2	74, <a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
	<ul style="list-style-type: none"> <li>Queensland Language Services Policy</li> </ul>	ARRs – section 31.3	74, <a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
<b>Financial statements</b>	<ul style="list-style-type: none"> <li>Certification of financial statements</li> </ul>	FAA – section 62 FPMS – sections 38, 39 and 46 ARRs – section 17.1	69
	<ul style="list-style-type: none"> <li>Independent Auditor's Report</li> </ul>	FAA – section 62 FPMS – section 46 ARRs – section 17.2	70-72

FAA  
FPMS  
ARRs

*Financial Accountability Act 2009*  
Financial and Performance Management Standard 2019  
Annual report requirements for Queensland Government agencies



### 3. Category and number of external review applications

	2017-18	2018-19	2019-20	2020-21	2021-22		
					RTI	IP	Total
Refusal of access	289	351	336	309	146	137	283
Deemed refusal of access	43	69	122	146	60	76	136
Agency refusal to deal	117	60	80	82	33	25	58
Sufficiency of search	96	121	119	76	45	31	76
Refusal of amendment	18	16	9	23	0	7	7
No jurisdiction	25	27	37	24	9	10	19
Third party objection to release	32	33	79	17	23	1	24
Deemed refusal of amendment	3	3	0	5	0	1	1
Fees or charges	1	7	5	3	2	0	2
<b>Total applications</b>	<b>624</b>	<b>687</b>	<b>787</b>	<b>685</b>	<b>317</b>	<b>288</b>	<b>606</b>

### 4. Profile of applicants making external review applications

	2017-18	2018-19	2019-20	2020-21	2021-22
Agencies	9	5	16	7	2
Companies	62	58	75	42	53
Elected representatives	19	40	106	9	13
Individuals	476	529	540	588	500
Journalists	44	30	35	20	22
Lobby and community groups	14	25	15	19	16
<b>Total</b>	<b>624</b>	<b>687</b>	<b>787</b>	<b>685</b>	<b>606</b>

### 5. Applications received by agency profile

	2017-18	2018-19	2019-20	2020-21	2021-22
Boards/commissions/GOCs/other bodies	31	61	63	60	67
Departments	377	396	508	389	361
Hospital and health services	56	74	62	73	62
Local governments	131	121	116	130	92
Ministers	9	21	18	9	15
Universities	20	14	20	24	9
<b>Total</b>	<b>624</b>	<b>687</b>	<b>787</b>	<b>685</b>	<b>606</b>

## 6. Outcome of reviews

Outcome of review	2017-18	2018-19	2019-20	2020-21	2021-22
Affirming agency decision	35	24	49	35	35
Varying agency decision	40	25	35	29	30
Setting aside agency decision	3	6	8	9	8
<b>Decision under section 110 of RTI Act or section 123 of IP Act</b>	<b>78</b>	<b>55</b>	<b>92</b>	<b>73</b>	<b>73</b>
<b>Review settled informally</b>	<b>469</b>	<b>554</b>	<b>542</b>	<b>613</b>	<b>491</b>
Decision application is out of jurisdiction - section 52, section 101 IP Act; section 32, section 88 of the RTI Act	11	12	3	15	11
Decision not to deal with application - section 107 of IP Act, section 94 of the RTI Act	9	4	4	14	37
Decision to allow agency further time to deal with application - section 106 of IP Act, section 93 of RTI Act	28	34	51	38	38
<b>Determination of review not required</b>	<b>48</b>	<b>50</b>	<b>58</b>	<b>67</b>	<b>86</b>
<b>Total</b>	<b>595</b>	<b>659</b>	<b>692</b>	<b>753</b>	<b>650</b>

## 7. RTI regulation reporting requirements not captured elsewhere within the annual report

RTI requirements	
Right to Information Regulation part 4 section 7	Outcome
(d) the number of times and the way in which the commissioner has used the entitlement to full and free access to documents under section 100 of the Act*	4
(f) the number of applications for extension of the 10 year period received by the commissioner under schedule 4, part 4, item 1 of the Act and the commissioner's decision for each application	0

\* Section 100 is read in conjunction with section 103 of the RTI Act.

## 8. IP regulation reporting requirements not captured elsewhere within the annual report

IP requirements	
<b>Information Privacy Regulation part 4 section 5(1)</b>	
(c) the number of times and the way in which the commissioner has used the entitlement to full and free access to documents under section 113 of the Act*	10
(e) approval of waivers or modifications of the privacy principles under chapter 4, part 5 of the Act	0
(f) compliance notices given under chapter 4, part 6 of the Act	0
<b>Information Privacy Regulation part 4 section 5(2)</b>	
(a) the number of complaints the commissioner has declined to deal with or has declined to continue dealing with	49
(b) the grounds for declining to deal with the complaints under paragraph (a)	
i. Complainant no longer wishes to pursue complaint	2
ii. No jurisdiction – exempt function under sch 2 pt 2	2
iii. No jurisdiction – section 164 not triggered	8
iv. Section 168(1)(b) - requirements under section 166(3) not met	8
v. Section 168(1)(c) - frivolous, lacking in substance, misconceived	23
vi. Section 168(1)(e) - provision of more time to entity	6
(c) the categories of relevant entities to which the 68 finalised complaints relate	
i. Boards/commissions/other bodies	17
ii. Departments	32
iii. Hospital and health services	10
iv. Local governments	7
v. Outside jurisdiction	2
(d) the provisions of the privacy principles to which the complaints relate <sup>#</sup>	
i. IPP 1 - lawful and fair collection	7
ii. IPP 2 - collection requested from individual	1
iii. IPP 3 - collected information is relevant and current	3
iv. IPP 4 - storage and security	7
v. IPP 7 - amendment	3
vi. IPP 8 - accuracy of information	8
vii. IPP 9 - use of personal information for relevant purpose	3
viii. IPP 10 - alternative use	14
ix. IPP 11 - disclosure to third party	39
x. NPP 1 - collection	4
xi. NPP 2 - secondary use and disclosure	11
xii. NPP 3 - information is current	1
xiii. NPP 4 - data security	4
xiv. NPP 9 – sensitive information	1
xv. Section 33 (transfer of personal Information outside Australia)	3
(e) the number of complaints referred by the commissioner to other entities under section 169 of the Act	0

\* Section 113 is read in conjunction with section 116 of the IP Act.

# A complaint can involve more than one privacy principle.

Note – information contained in this appendix in previous years now appears within the relevant section of this Annual Report, for example, Privacy advice and complaint mediation.

## 9. 2021-22 Applications for external review of decisions by Ministers and agencies

<b>Boards, commissions, GOCs and other bodies</b>	
Crime and Corruption Commission	2
Energy Queensland Ltd	1
Energex	2
Ergon Energy	4
Legal Aid Queensland	2
Legal Services Commission	1
Mental Health Review Tribunal	1
National Heavy Vehicle Regulator	1
Office of the Director of Public Prosecutions	3
Office of the Health Ombudsman	5
Office of the Independent Assessor	2
Office of the Public Guardian	1
Parole Board Queensland	4
Public Safety Business Agency	1
QSuper Limited	1
Queensland Building and Construction Commission	17
Queensland Bulk Water Supply Authority (Trading as Seqwater)	2
Queensland Curriculum and Assessment Authority	1
Queensland Law Society Inc	1
Queensland Ombudsman	5
Queensland Rail	1
Queensland Urban Utilities	2
Resources Safety and Health Queensland	3
Sunwater Limited	1
TAFE Queensland	2
WorkCover Queensland	2
	<b>68</b>
<b>Departments*</b>	
Department of Agriculture and Fisheries	5
Department of Children, Youth Justice and Multicultural Affairs	21
Department of Communities, Housing and Digital Economy	3
Queensland Corrective Services	19
Department of Education	34
Department of Energy and Public Works	4
Department of Environment and Science	12
Department of Justice and Attorney-General	12
Department of Regional Development, Manufacturing and Water	4
Department of Resources	7
Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships	3
Department of State Development, Infrastructure, Local Government and Planning	3
Department of the Premier and Cabinet	5
Department of Transport and Main Roads	14
Queensland Fire and Emergency Services	5
Queensland Health	11
Queensland Police Service	194
Queensland Treasury	5
<b>Sub-total</b>	<b>361</b>

<b>Hospital and health services</b>	
Cairns and Hinterland Hospital and Health Service	5
Central Queensland Hospital and Health Service	1
Children's Health Queensland Hospital and Health Service	3
Darling Downs Hospital and Health Service	1
Gold Coast Hospital and Health Service	11
Mackay Hospital and Health Service	1
Metro North Hospital and Health Service	11
Metro South Hospital and Health Service	7
South West Hospital and Health Service	1
Sunshine Coast Hospital and Health Service	4
West Moreton Hospital and Health Service	14
Wide Bay Hospital and Health Service	2
<b>Sub-total</b>	<b>61</b>
<b>Local governments</b>	
Barcaldine Regional Council	1
Brisbane City Council	25
Bundaberg Regional Council	1
Cairns Regional Council	2
Carpentaria Shire Council	2
Central Highlands Regional Council	1
Charters Towers Regional Council	1
Cook Shire Council	2
Council of the City of Gold Coast	8
Douglas Shire Council	15
Fraser Coast Regional Council	2
Gympie Regional Council	1
Hinchinbrook Shire Council	1
Isaac Regional Council	1
Lockyer Valley Regional Council	4
Logan City Council	1
Maranoa Regional Council	2
Mareeba Shire Council	1
Moreton Bay Regional Council	3
Rockhampton Regional Council	4
Scenic Rim Regional Council	4
Somerset Regional Council	1
Sunshine Coast Regional Council	1
Tablelands Regional Council	2
Toowoomba Regional Council	2
Townsville City Council	1
Western Downs Regional Council	3
<b>Sub-total</b>	<b>92</b>

<b>Ministers</b>	
Hon Anastacia Palaszczuk MP, Premier and Minister for the Olympics	3
Hon Leeanne Enoch MP, Minister for Communities & Housing, Minister Digital Economy & Minister the Arts	1
Hon Mark Bailey MP, Minister for Transport and Main Roads	3
Hon Grace Grace MP, Minister for Industrial Relations	2
Hon Mark Ryan MP, Minister for Police and Minister for Corrective Services	2
Hon Mick de Brenni MP, Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement	3
Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities	1
<b>Sub-total</b>	<b>15</b>
<b>Universities</b>	
Central Queensland University	3
Griffith University	3
Queensland University of Technology	1
The University of Queensland	2
<b>Sub-total</b>	<b>9</b>
<b>TOTAL</b>	<b>606</b>

*\* During 2020–2021 a machinery-of-government (MOG) change on 12 November 2020 resulted in a number of changes to departments. The name used in this table is the name of the entity at the time the review commenced.*

## 10. 2021-22 Privacy complaints received by agency profile

<b>Agency</b>	<b>2021-22</b>
Boards/commissions/other bodies	19
Departments	28
Hospital and health services	12
Bound contracted service providers	0
Local government	7
Universities	1
Ministers	0
Outside Jurisdiction	2
<b>Total</b>	<b>69</b>

## 11. 2020-21 Privacy complaints received about Ministers and agencies

<b>Boards, commissions and other bodies</b>	
Board of Professional Engineers	1
Crime and Corruption Commission	1
National Heavy Vehicle Regulator	2
Office of Fair Trading	2
Office of Liquor and Gaming	1
Office of the Health Ombudsman	1
Queensland Building and Construction Commission	2
Queensland Civil and Administrative Tribunal	2
Queensland Human Rights Commission	2
Queensland Industrial Relations Commission	1
WorkCover Queensland	3
Workers' Compensation Regulatory Services	1
<b>Sub-total</b>	<b>19</b>
<b>Departments</b>	
Department of Children, Youth Justice and Multicultural Affairs	1
Department of Communities, Housing and Digital Economy	3
Queensland Corrective Services	4
Department of Education	5
Department of Justice and Attorney-General	2
Queensland Fire and Emergency Services	1
Queensland Health	3
Queensland Police Service	9
<b>Sub-total</b>	<b>28</b>
<b>Hospital and health services</b>	
Cairns and Hinterland Hospital and Health Service	1
Central Queensland Hospital and Health Service	1
Gold Coast Hospital and Health Service	3
Metro South Hospital and Health Service	1
West Moreton Hospital and Health Service	3
Wide Bay Hospital and Health Service	3
<b>Sub-total</b>	<b>12</b>
<b>Local governments</b>	
Brisbane City Council	2
Cairns Regional Council	1
Gold Coast City Council	1
Logan City Council	1
Moreton Bay Regional Council	2
<b>Sub-total</b>	<b>7</b>
<b>Ministers</b>	
<b>Sub-total</b>	<b>0</b>

<b>Outside jurisdiction*</b>	
Private entity	2
<b>Sub-total</b>	<b>2</b>
<b>Universities</b>	
Griffith University	1
<b>Sub-total</b>	<b>1</b>
<b>TOTAL</b>	<b>69</b>

*\* Entities listed as outside jurisdiction include those not within the scope of the Information Privacy Act 2009 because they are not an agency for the purposes of the Act, or a bound contracted service provider. Other entities listed in categories of complaints received from agencies may also be determined to be entities to which the privacy principles do not apply in relation to a particular function, for example, a court's judicial functions (see section 19 and Schedule 2, Part 2).*



## 12. Outcomes of external review decisions

Review Number	Agency	Date of decision	Outcome	Outcome Type	Section decision
315774	Department of Education	1/07/2021	decision s.123 - set aside agency response - IPA	Cannot refuse to deal	IP Act - s.60
315938	Department of Transport and Main Roads	14/07/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a)
315861	Wide Bay Hospital and Health Service	21/07/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
315574	Non-State Schools Accreditation Board	29/07/2021	decision s.110 - set aside agency response - RTI	access granted - full	
315364	Brisbane City Council	6/08/2021	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b), RTI Act - s.68(4)
315755	Queensland College of Teachers	10/08/2021	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(b)
315534	Legal Services Commission	16/08/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.59, IP Act - s.67(1), RTI Act - s.47(3)(e)
314874	Queensland Police Service	17/08/2021	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a), RTI Act - s.47(3)(e)
315914	Queensland Fire and Emergency Services	17/08/2021	decision s.123 - affirming agency response - IPA	amendment refused	IP Act - s.72
316114	Queensland Police Service	19/08/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(e)
315792	Queensland Building and Construction Commission	2/09/2021	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
315811	Cairns and Hinterland Hospital and Health Service	9/09/2021	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b)
315955	Queensland Police Service	16/09/2021	decision s.123 - set aside agency response - IPA	application not compliant	IP Act - s.53
315685	Queensland Police Service	23/09/2021	decision s.123 - varying agency response - IPA	access refused - part	IP Act - s.67(1), IP Act - s.88
314791	Brisbane City Council	27/09/2021	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b), RTI Act - s.68(4)
315884	Metro South Hospital and Health Service	12/10/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
315885	Metro South Hospital and Health Service	12/10/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
316181	Brisbane City Council	13/10/2021	decision s.110 - affirming agency response - RTI	neither confirm nor deny	RTI Act - s.47(3)(b) RTI Act - s.55
315697	Queensland Building and Construction Commission	14/10/2021	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315939	Brisbane City Council	20/10/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)

316068	Brisbane City Council	21/10/2021	decision s.123 - affirming agency response - IPA	refusal to deal	IP Act - s.60
315643	Queensland Police Service	27/10/2021	decision s.123 - varying agency response - IPA	refusal to deal	IP Act - s.59
315787	Logan City Council	28/10/2021	decision s.110 - affirming agency response - RTI	refusal to deal	RTI Act - s.41
316000	Crime and Corruption Commission	28/10/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a)
315732	Queensland Ombudsman	11/11/2021	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315834	Rockhampton Regional Council	11/11/2021	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(b)
316169	Gold Coast Hospital and Health Service	12/11/2021	decision s.123 - affirming agency response - IPA	application not compliant	IP Act - s.53
316160	Brisbane City Council	22/11/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88, RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
316214	Department of Children, Youth Justice and Multicultural Affairs	22/11/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a)
315969	Wide Bay Hospital and Health Service	30/11/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(d)
315150	Department of Education	2/12/2021	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
315062	Queensland Police Service	7/12/2021	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a), RTI Act - s.47(3)(e)
316241	Department of Children, Youth Justice and Multicultural Affairs	14/12/2021	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88, RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
316242	Department of Children, Youth Justice and Multicultural Affairs	14/12/2021	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88, RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
316099	Department of Agriculture and Fisheries	16/12/2021	decision s.110 - set aside agency response - RTI	access refused	RTI Act - s.47(3)(b)
315737	Brisbane City Council	20/12/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88
315997	Department of Agriculture and Fisheries	22/12/2021	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b), RTI Act - s.73
315289	Office of the Public Advocate	19/01/2022	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(a), RTI Act - s.73
316072	Queensland Police Service	21/01/2022	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
316157	Queensland Health	21/01/2022	decision s.123 - affirming agency response - IPA	application not compliant	IP Act - s.53
315667	Brisbane City Council	25/01/2022	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)

316087	Queensland Building and Construction Commission	31/01/2022	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b)
316029	Office of the Health Ombudsman	2/02/2022	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
316254	Queensland Building and Construction Commission	18/02/2022	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(e)
316185	Office of the Health Ombudsman	2/03/2022	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315789	Isaac Regional Council	3/03/2022	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b)
316060	Queensland Police Service	4/03/2022	decision s.110 - set aside agency response - RTI	no jurisdiction	RTI Act - s.32
315758	Queensland Corrective Services	8/03/2022	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
316472	Queensland Building and Construction Commission	14/03/2022	decision s.110 - affirming agency response - RTI	refusal to deal	RTI Act - s.43
316192	Queensland Police Service	17/03/2022	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
316267	Queensland Police Service	18/03/2022	decision s.123 - set aside agency response - IPA	access refused	IP Act - s.59
315754	Isaac Regional Council	21/03/2022	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b)
316347	Isaac Regional Council	22/03/2022	decision s.110 - affirming agency response - RTI	access refused - part	RTI Act - s.47(3)(b)
316292	Metro North Hospital and Health Service	30/03/2022	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(d)
316109	Queensland Police Service	1/04/2022	decision s.123 - varying agency response - IPA	access refused - part	IP Act - s.67(1), RTI Act - s.47(3)(a)
316297	Queensland Building and Construction Commission	1/04/2022	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(e)
316258	Gold Coast Hospital and Health Service	7/04/2022	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
316239	Queensland Health	12/04/2022	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
316388	Queensland Fire and Emergency Services	14/04/2022	decision s.110 - set aside agency response - RTI	access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
316412	Brisbane City Council	27/04/2022	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
316442	Department of Regional Development, Manufacturing and Water	27/04/2022	decision s.110 - affirming agency response - RTI	access granted - full	
315832	Queensland Police Service	11/05/2022	decision s.123 - varying agency response - IPA	access refused - part	IP Act - s.67(1), RTI Act - s.47(3)(b)
315880	Redland City Council	12/05/2022	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(e)

316320	Queensland Police Service	18/05/2022	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(e)
316456	Department of Transport and Main Roads	25/05/2022	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a)
315986	Cairns and Hinterland Hospital and Health Service	9/06/2022	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b)
316279	Hon Mick de Brenni MP, Minister for Energy, Renewables and Hydrogen and Minister for Public Works an	16/06/2022	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
316529	Department of the Premier and Cabinet	22/06/2022	decision s.110 - affirming agency response - RTI	neither confirm nor deny	RTI Act - s.47(3)(b), RTI Act - s.55
315837	Queensland Building and Construction Commission	23/06/2022	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(e)
315594	Queensland Police Service	29/06/2022	decision s.123 - set aside agency response - IPA	access refused - part	IP Act - s.67(1), IP Act - s.88, RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315494	Department of Education	30/06/2022	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(e)
315521	Department of Education	30/06/2022	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(e)
316071	Department of State Development, Infrastructure, Local Government and Planning	30/06/2022	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b)

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# GLOSSARY

## **Application**

A formal request to access or amend government-held information made under the process set out in right to information or information privacy legislation.

## **Audit and Evaluation**

The Audit and Evaluation function of OIC monitors and reports on Queensland government agencies' practices and compliance with the right to information and information privacy legislation.

## **Awareness activity**

An activity undertaken to increase the level of knowledge in both the public sector, and the broader community, about information rights and responsibilities.

## **Best practice**

A method or technique for accomplishing a business outcome, that has consistently shown results superior to those achieved by other means, and which is used as an industry benchmark.

## **Decision**

A formal, written decision from the Information Commissioner on an external review application to affirm, vary, or set aside a decision made by an agency or Minister.

## **Deemed decision**

When an agency fails to make a decision about access or amendment within the statutory timeframe, it is deemed to have refused the application.

## **Disclosure log**

A list or copies of documents released following a decision about an application for access under the RTI Act, which is published on an agency's website.

## **Early resolution**

A flexible conciliation based process in which OIC seeks to resolve an external review application by negotiating a mutually acceptable outcome with the parties, without the need for a formal written decision.

## **External Review**

The External Review function of OIC is responsible for the independent merits review of Queensland government agencies and Ministers' decisions about access to information under the right to information legislation and access to, or amendment of, documents under the information privacy legislation.

## **Governance**

The process by which decisions are controlled and managed to achieve organisational objectives, and by which organisations are directed, reviewed, and held to account.

## **Information and Assistance**

The Information and Assistance function of OIC operates an enquiry service, which responds to approximately 4,500 enquiries annually, and produces extensive guidance for agencies and the community.

## **Open data**

Open data is data that organisations, businesses and individuals make available for anyone to access, use and share.

## **Performance**

In the context of this report, a visual display of the most significant performance information.

**Privacy**

The OIC Privacy function is designed to help protect personal information Queensland government agencies hold.

**Privacy complaint**

A complaint alleging that an agency has failed to comply with the privacy principles or a waiver or modification approval under the *Information Privacy Act 2009* (Qld).

**Privacy principles**

A set of rules that prescribe how Queensland government agencies manage the personal information they hold.

**Publication scheme**

A publication scheme is a structured list of an agency's information which is readily available to the public.

**QCAT**

The Queensland Civil and Administrative Tribunal is an independent tribunal which actively resolves disputes.

**Right to information**

The legislative and administrative framework that allows individuals to access information held by Queensland government agencies.

**Service**

A group of related activities contributing to a common organisational objective.