



Office of the Information Commissioner
Queensland

Follow-up of Report No. 4 of 2015-16

**Audit of Council of the City of Gold Coast's
implementation of recommendations**

Compliance with Right to Information and Information Privacy

The Office of the Information Commissioner thanks the Council of the City of Gold Coast for its cooperation throughout the audit process and for the courtesy displayed towards the assessing officers.



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June 2018

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

Dear Mr Russo

I am pleased to present 'Follow-up of Report No. 4 of 2015-16 Audit of Council of the City of Gold Coast's implementation of recommendations: Compliance with Right to Information and Information Privacy'. This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The report outlines the Council of the City of Gold Coast's progress in implementing the recommendations I made in the 2016 compliance review.

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

Yours sincerely

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

Rachael Rangihaeata
Information Commissioner

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1 Summary

In May 2016, the Chair of the Legal Affairs and Community Safety Committee tabled a report about the Council of the City of Gold Coast's compliance with the *Right to Information Act 2009 (Qld)* and the *Information Privacy Act 2009 (Qld)*.¹

Our original review focused on:

- the council's culture of openness and how it engages with the community
- leadership within the council in promoting proactive release of information and good information governance
- accountability and how it measures performance
- strategies adopted to maximise disclosure of information
- compliance with specific legislative requirements.

We found that overall, while the Council of City of Gold Coast was progressing well in meeting its legislative obligations, there were improvement opportunities. We made 14 recommendations to assist the council improve its practices and compliance. The Council of the City of Gold Coast accepted all recommendations.

This report presents the council's progress in implementing the recommendations.

1.1 Conclusions

The Council of the City of Gold Coast has fully implemented eleven recommendations, is progressing the implementation of two other recommendations and has partially implemented the remaining recommendation.

The council has introduced new systems and procedures to address the recommendations. However, it needs to embed these new systems to fully realise their benefits. This will ensure the council is able to meet its right to information and information privacy obligations more efficiently and effectively.

Once fully deployed, the new systems will also assist the council achieve its goals to proactively identify and publish information, process formal applications in line with the

¹ Report 4 for 2015-16 'Compliance Review – Council of the City of Gold Coast – Review of the Council of the City of Gold Coast's compliance with the *Right to Information Act 2009 (Qld)* and *Information Privacy Act 2009 (Qld)*' available on our website <https://www.oic.qld.gov.au/about/our-organisation/key-functions/compliance-and-audit-reports/compliance-review-council-of-the-city-of-gold-coast>

legislation, manage information consistently across council and complete the rollout of staff training.

Figure 1 shows the progress the council has made in implementing the recommendations.

Figure 1
Implementation status

Area	Total	Status		
		Fully implemented	Implementation in progress	Partially implemented
Culture of openness	2	2		
Leadership	5	5		
Accountability	1	1		
Maximum disclosure	1		1	
Compliance	5	3 ²	1	1
TOTAL	14	11	2	1

Source: Office of the Information Commissioner

1.2 Results

We assessed 11 recommendations as fully implemented because of the work the Council of the City of Gold Coast has done since our original review. More specifically the council has:

- made significant efforts to improve its stakeholder and community engagement
- established an Operational Risk and Compliance Meeting responsible for monitoring performance of the council's right to information and privacy function
- implemented and is monitoring specific strategic and operational performance measures for right to information and information privacy
- implemented consistent procedures for business units to assess their own documents for release on the publication scheme
- established a new requirement for policy owners to assess the privacy implications when they amend or propose new policies.

² This includes one recommendation that we assessed as technically implemented as the council reviewed the relevant procedures as recommended but it is too early to say whether the council has achieved the intent of the recommendation.

The council is training its staff in right to information and has increased the visibility of its available training resources.

The council has also introduced various new systems but needs to embed them in its business as usual practices. For example, it endorsed a new Information Management Framework in June 2017. The framework identifies the key components of information governance and their risk. The council is developing standards, processes and guidelines to support the framework.

We assessed three recommendations as in progress or partially implemented. This is because the council is transitioning to new systems:

- a revised Information Security Policy, that includes assessing its information assets classified as 'public' for suitability for release
- a new case management system for processing formal applications under the *Right to Information Act 2009* and *Information Privacy Act 2009*
- an update to its internet privacy page to include a new generic collection notice.

Together, these improvements demonstrate the council has made progress in implementing the recommendations and build on its commitment to openness and transparency.

2 Introduction

2.1 Background

The Council of the City of Gold Coast provides services to the Gold Coast, a coastal city in the south-eastern corner of Queensland spanning 57 kilometres of coastline.³ The City of Gold Coast is the largest city in Australia that is not a capital city, with approximately 592,000 residents.⁴ It also is the second largest council in Australia.⁵

In 2015-16 we conducted a compliance review of the council. The resulting report - *Compliance Review – Council of the City of Gold Coast, Review of the Council of the City of Gold Coast’s compliance with the Right to Information Act 2009 (Qld) and Information Privacy Act 2009 (Qld)* was tabled in the Legislative Assembly on 25 May 2016.⁶

We made 14 recommendations about leadership and accountability for right to information and privacy, maximum disclosure and compliance. The Council of the City of Gold Coast accepted all recommendations and agreed to implement them by 31 December 2017.

2.2 Follow-up process

When we follow up on a review, we assess how well the audited agency has implemented the recommendations. We examine whether the actions the agency took addressed the issues identified in the original review.

The Council of the City of Gold Coast provided an interim progress report in June 2017 and a final progress report in December 2017. We used the following evidence to determine the implementation status of each recommendation:

- progress reports
- supporting evidence from the council
- risk-based checks, system walkthrough and analysis.

³ Viewed at <http://www.goldcoast.qld.gov.au/thegoldcoast/default.html> on 4 December 2017.

⁴ The Queensland Government Statistician’s Office report, generated 1 June 2018 from <https://statistics.qgso.qld.gov.au/gld-regional-profiles>, stated that the estimated resident population for Gold Coast City Local Government Area was 592,330 persons as at 30 June 2017.

⁵ Viewed at <http://www.goldcoast.qld.gov.au/council/council-overview-203.html> on 4 December 2017.

⁶ Accessible on our website www.oic.qld.gov.au

Figure 2 shows the ratings used to describe the implementation status of each recommendation.

Figure 2
Implementation status ratings

Rating	Description
Fully implemented	The agency has implemented the recommendation substantially or in its entirety.
Technically implemented	The agency has implemented the recommendation substantially or in its entirety. However, it has not fully realised the intent of the recommendation.
Implementation in progress	The agency has taken some action to implement the recommendation and efforts to complete implementation are ongoing.
Partially implemented	The agency has implemented part of the recommendation, but the intent of the recommendation has not been fully satisfied.

Source: Office of the Information Commissioner

Chapter 3 summarises the implementation status of each recommendation. Chapters 4 to 8 present our findings on how the council implemented the recommendations.

We provided the Council of the City of Gold Coast with a copy of this report and a request for comments. The comments received are in the appendix.

3 Implementation status of recommendations

Culture of openness	Leadership & accountability	Maximum disclosure	Compliance
<p>Work with community to identify information to be published. <i>(Rec 1 – implemented)</i></p>	<p>Ensure information management framework supports leadership of right to information and information privacy. <i>(Rec 3 – implemented)</i></p>	<p>Determine the security classification of information holdings in the Information Asset Register and publish 'public' information holdings. <i>(Rec 9 – in progress)</i></p>	<p>Ensure all business units provide active input to publishing significant, appropriate and accurate information to the publication scheme. <i>(Rec 10 - implemented)</i></p>
<p>Ensure all business units apply policies and procedures about information sharing. <i>(Rec 2 – implemented)</i></p>	<p>Include assessment of information privacy as part of policy development or amendment. <i>(Rec 4 – implemented)</i></p>		<p>Review procedures for publication of information to the disclosure log. <i>(Rec 11 –implemented)</i></p>
	<p>Ensure position descriptions and the Delegations and Authorisations Register are up-to-date. <i>(Rec 5 - implemented)</i></p>		<p>Review and restructure policies, procedures, practices and business systems for application handling. <i>(Rec 12 – in progress)</i></p>
	<p>Provide training for all staff in handling information requests and privacy obligations. <i>(Rec 6 – implemented)</i></p>		<p>Implement professional development for decision-makers covering new application handling policies, procedures, practices and business systems. <i>(Rec 13 - implemented)</i></p>
	<p>Promote staff training in right to information and information privacy on the intranet. <i>(Rec 7 - implemented)</i></p>		<p>Ensure email correspondents are advised of collection of personal information in accordance with IPP2. <i>(Rec 14 – partially implemented)</i></p>
	<p>Implement performance measures for right to information and information privacy. <i>(Rec 8 – implemented)</i></p>		

Source: Office of the Information Commissioner

4 Culture of openness

Key findings

The Council of the City of Gold Coast has:

- increased its stakeholder and community engagement through a variety of activities
- reviewed its communication strategies and committed to provide equitable access to good information
- implemented procedures to identify and publish additional material on its publication scheme
- developed a program and run awareness campaigns about its commitment to open data
- introduced consistent procedures for assessing whether documents are suitable for publication.

4.1 Introduction

In our original review, we assessed whether the Council of the City of Gold Coast had a culture that fostered openness and transparency. This included looking for evidence that the council explicitly engaged the community about releasing information. We also conducted public and targeted stakeholder consultation to find out their views about accessing the information the council held.

We reported that the council had a strong governance structure for community engagement, expressed in policies, plans and organisational roles, and evident in community engagement activities.

Effective engagement with the community about their information needs can assist an agency improve access to the information it holds. For example, a key benefit is understanding better what information the stakeholders are interested in and how they might use it. Engaging with the community can also help identify whether the agency needs to make the community more aware of the information it holds, and whether the information is in a format that the community can easily access and reuse.

We reported that the council consulted extensively with the community. Industry, community and research stakeholders generally saw the council as engaging effectively with them about most information access and privacy issues.

We reported that the council could improve general community perceptions about its openness and transparency.

Stakeholders generally appreciated that the council was open and responsive to their requests for information. They identified improvement opportunities:

- publish more information about property or infrastructure development
- be able to search the information and access it in a machine-readable format
- improve consistency in responsiveness across council business units.

Figure 3 shows the implementation status of our recommendations about culture of openness.

Figure 3
Culture of openness

Recommendation		Status
1	<p>Within twelve months</p> <ul style="list-style-type: none"> • work with stakeholders and the community to identify topics of interest or information types where additional information could be pro-actively published, for example, about specific property and infrastructure development proposals • identify specific communication strategies for provision of additional information to the community that can be built into the management of sensitive projects of community interest, including use of the disclosure log and publication scheme • proactively publish additional relevant and appropriate information • in formats adapted to the needs of stakeholders and the community. 	Implemented
2	<p>Within twelve months, review business units' adoption of policies and procedures relating to information sharing, and implement strategies to improve consistent adoption by all business units of relevant policies and procedures.</p>	Implemented

Source: Office of the Information Commissioner

4.2 Conclusions

The council has made significant efforts to improve its stakeholder and community engagement. It has also reviewed its communication strategies.

By clearly identifying its stakeholders and their information needs when developing a policy, the council can better respond to its stakeholders and proactively release the information they require in a format easy to access and reuse.

This promotes openness, transparency and accountability of government, and encourages greater community participation in government policy development and decision-making.

The council has developed a program to support staff to comply with the relevant policies and apply the procedures consistently. As a result, all business units rely on the same procedure to assess whether their documents and information assets are suitable for inclusion in the publication scheme.

4.3 Results

Engage with stakeholders and the community

The council demonstrates increased community engagement, for example:

- The 'Planning and Development hub' provides online communication and engagement and secure access to planning, building and development information, including a dedicated news feed, document library and key dates. The stakeholders in our original review said they wanted more information on this topic.
- The council runs a specific forum on the website to allow its community to 'have their say' and complete surveys.

*"GC have your say is home to the City Panel which gives you a voice in how the city is run. It provides a way for the City of Gold Coast to gather information about what the community wants and to help us make the right investment decisions."*⁷

It reports on both open and closed surveys and consultations and asks participants if they wish to participate in other surveys.

⁷ Viewed at <https://www.gchaveyoursay.com.au/> as at 5 January 2018.

- The council's Youth Plan 2020 states "*Continuing to develop ways to listen, hear and include young people's ideas and thoughts in City Initiatives is a key part of this plan.*"⁸

The City of Gold Coast has also amended the process it uses when reviewing, developing, amending or retiring a policy or policy procedure, standard or guideline. Under this process, the council identifies the key stakeholders and their information needs, puts in place a communication strategy and disseminates relevant information.

The council's Communication Plan Corporate Policy mentions asking stakeholders in preliminary consultation on 'What level of information and what types, depth and frequency of involvement they feel would be most effective.'⁹

Identify communication strategies

In June 2017, the council adopted the Corporate Plan, Gold Coast 2022. It includes the following strategic outcome: 'We actively engage residents, customers and visitors.'¹⁰ It also identifies the council's commitment to developing omni-channel services and providing equitable access to good information on services and future city direction, and options for engagement and safe management of personal information.

The council has reviewed its communication strategies:

- It assessed how to best use social media to inform the community. As a result, it reported significant growth in social media followers. All communication campaigns now consider social media advertising as a way of communicating information to the broader city and also to selective target audiences.
- The council improved its e-news bulletin – Community News and increased its subscriber base from 3,500 to almost 13,000 (May 2017). All marketing and communication campaigns may use this supplementary channel as a means of distributing information to the broader community at no cost to the council.
- The council meetings are now livestreamed. Viewers can also view specific agenda items instead of the entire council meeting. This improves functionality and allows access to council information in different and more convenient formats.

⁸ City of Gold Coast Youth Plan 2020 page 6.

⁹ City of Gold Coast Communication Plan Corporate Policy page 11.

¹⁰ City of Gold Coast Corporate Plan, Gold Coast 2022 page 44.

Publish additional information

The council has established a governance forum, the Digital Information Governance Group, to better identify and publish information across the council. The group is responsible for promoting Open Data and better data sharing, internally and externally. It has a documented procedure for putting additional documents in the publication scheme.

When the council creates, updates or reviews its policies, the policy owner assesses the suitability for publication and signs off on the recommendation to publish. The Value Management Process refers to publishing on the publication scheme and a template specifically mentions the publication scheme as a method for communicating policies. As at 27 February 2018, the scheme contained 100 policies.

We assess recommendation 1 as implemented.

Consistent policies and procedures

The council is committed to data sharing and open data.¹¹ It established the Digital City Program¹² on 1 July 2016. The program supports branches delivering customer centric services and investments through four streams (data gathering, data transmission, data analysis and projects). The council has completed a pilot of the program and has run staff awareness campaigns about its commitment to open data.

Under the program, managers are responsible for ensuring their staff attend relevant training, comply with the policy and follow all relevant guidelines, standards and procedures.

The City of Gold Coast plans to have its Business Innovation and Technology Services branch leverage the program to promote information sharing policies and procedures with business units.

The council has introduced consistent procedures for business units to assess their documents for inclusion in the publication scheme. It has also set up a program to consider all information assets classified as 'public' for inclusion in the publication scheme.

The council has taken reasonable steps to improve how business units adopt the procedures. It proposes to develop and implement a communication plan to promote

¹¹ City of Gold Coast Digital City Data Policy page 1.

¹² Formerly "Smart City Program".

the release of information to the public and raise awareness about the processes and mechanisms already in operation within the organisation.

We assess recommendation 2 as implemented.

5 Leadership

Key findings

The Council of the City of Gold Coast:

- has established a Digital Information Governance Group responsible for information governance
- has implemented a new Information Management Framework
- has implemented in-house training using its own systems based on resources from the Office of the Information Commissioner
- promotes training in right to information and information privacy on its intranet and on its learning and development system.

5.1 Introduction

In our original review, we examined the Council of the City of Gold Coast's leadership and governance framework, including its strategies for good governance, active management of information, organisational structure, resourcing and training.

The council had drafted a new information governance framework and strategic plan, which if adopted, would provide a strong governance structure and include right to information and information privacy in the planning process.

The council had a structured policy development process, but this process did not explicitly include right to information or information privacy. We identified that the council could use the process to consider information privacy when developing or amending policies and procedures.

The council's program of general awareness training about right to information and information privacy was limited. It was not sufficient to ensure all staff were aware of their responsibilities under the *Right to Information Act 2009* and the *Information Privacy Act 2009* and levels of authority to release information administratively. The council did not use its intranet to promote the in-house training the Legal Services unit provided to business units, or general awareness training for all staff.

Figure 4 shows the implementation status of our recommendations about leadership.

Figure 4
Leadership

Recommendation		Status
3	Within twelve months, ensure the information management framework in operation within the Council of the City of Gold Coast supports executive level leadership and management of right to information and information privacy.	Implemented
4	Within twelve months, consider including assessment of information privacy as a routine procedure in developing proposals for new or amended policies.	Implemented
5	Within twelve months, ensure position descriptions and the Delegations and Authorisations Register are accurate and up-to-date.	Implemented
6	Within twelve months, ensure appropriate training is available to all staff on dealing effectively with people seeking information from Council of the City of Gold Coast, either administratively or through a legislative application, and on information privacy obligations.	Implemented
7	Within six months, improve the use of Council of the City of Gold Coast's intranet to promote staff training in right to information and information privacy.	Implemented

Source: Office of the Information Commissioner

5.2 Conclusions

The council has made solid progress in leadership and governance, organisational structure, and training. Its new Information Management Framework identifies the key components of information governance and their risk. The council said it is developing standards, processes and guidelines to better support the framework.

Policy owners now need to assess the privacy implications when they amend or propose new policies. Over time, the council will apply the updated process to all its policies.

The council has implemented in-house training using our online right to information and information privacy modules. It conducts this training using its learning management system so it can produce regular reports and better coordinate training targeting priority groups first. As at 31 January 2018, 365 council staff have received this training. The council plans to train the rest of the organisation during the 2018-19 financial year.

The council has also increased the visibility of training in right to information and information privacy available to staff. These actions will encourage staff to support the

council's commitment to proactive disclosure of information and good management of personal information.

5.3 Results

Information management framework

The council has formed the Digital Information Governance Group since our original review. The group has a broad representation across key areas of Council to address relevant issues for information management in an increasingly digital environment. The group has strategic responsibility for information governance and has a number of roles and responsibilities that support greater flow of council information to the community, in line with the push model.

The group's responsibilities include:

- promoting Open Data and better data sharing internally and externally
- ensuring that any information governance matters are addressed
- setting the priorities on information governance and work plans to support service delivery
- reviewing, on an annual basis, the appropriateness of the agency data or information themes/classifications and the effectiveness of council custodianship processes and responsibilities
- taking steps to ensure user satisfaction with information access policies and arrangements
- supporting, advising and guiding staff on data protection, confidentiality, records management and Freedom of Information responsibilities.¹³

The group endorsed the Information Management Framework on 14 June 2017. The council adapted the framework from the Queensland Government Information Management Policy Framework. The framework identifies the key components of information governance and their associated risk, and assigns responsibility for strategy, planning and governance within the domain.

The council advised that it is establishing committees and developing standards, processes and guidelines to support the framework and its usability. It also indicated it

¹³ Digital Information Group Terms of References section 3 Roles and Responsibilities include *"to offer support, advice and guidance to staff on data protection, confidentiality, security, information quality, records management and Freedom of Information responsibilities."*

would develop a communication plan to raise awareness about the framework and how to apply it. The council did not provide evidence of a communication plan or timeline.

We assess recommendation 3 as implemented.

Policy development and maintenance

The council uses its Corporate Policy Value Management Process when reviewing, developing, amending or retiring a policy or procedure. During the follow-up audit, the council further amended the process to include assessing information privacy impacts and considering proactive publication. The policy owner must now confirm that they have assessed the relevant privacy implications to comply with the council's policies.

We assess recommendation 4 as implemented.

The council has not yet applied this updated process to all its policies and procedures. This is because it reviews its policies on a two to three-year cycle. All policies will go through this improved process as the council develops or amends them.

Position descriptions, delegations and authorisations register

The council reviewed the position descriptions for the Right to Information Officer and Right to Information Decision Maker. The new position descriptions are appropriate for the roles and allow sufficient independence for decision-making.

The council also updated the Delegations and Authorisations Register. The delegations are appropriate and the position titles match the position descriptions.

We assess recommendation 5 as implemented.

General staff training

The council has started training its staff over a two year period. It plans to provide refresher training periodically to staff dealing with a large volume of information requests and/or personal information.

The council has implemented in-house training using our online right to information and information privacy modules. It did not specify which of our training modules it used. The council conducts this training using its learning management system so it can produce regular reports and better coordinate training targeting priority groups first.

The council has determined that staff with the most frequent contact with the public regarding information requests and handling personal information should receive the training as a priority. This includes staff in the Customer Contact, Health and Regulation Services, City Development and Revenue Services areas. Since May 2017, 365 council staff have completed this training. New council staff should do the training

in the first three months after they commence employment. The council plans to train the rest of the organisation during 2018-19.

In addition, the council leveraged events such as Right to Information Day and Privacy Awareness Week to raise staff awareness and refresh their understanding. For example, it distributed a Right to Information Day 2016 information sheet that covered formal applications, proactive release, operation of the publication scheme and record keeping obligations.

We assess recommendation 6 as implemented.

Promoting training in right to information and information privacy

The right to information training module is available on the council's learning management system. The intranet links to the right to information and privacy training modules from the Security, Governance, Compliance and Policy page. The council effectively uses its intranet to promote the in-house training available to staff in right to information and information privacy.

We assess recommendation 7 as implemented.

6 Accountability

Key findings

The Council of the City of Gold Coast:

- has established an Operational Risk and Compliance meeting responsible for monitoring policy performance measures
- has implemented strategic and operational performance measures for right to information and information privacy
- has identified targets for the performance measures and assigned responsible officers.

6.1 Introduction

Our original review found that the Council of the City of Gold Coast had a good general approach to complaint handling, and a procedure to handle complaints about information not available in the publication scheme. The council had drafted a good general approach to measuring its performance in right to information and information privacy. It proposed establishing a Risk, Security and Compliance meeting, with explicit responsibility for reviewing performance measures about right to information and information privacy.

Figure 5 shows the implementation status of our recommendation about accountability.

Figure 5
Accountability

Recommendation		Status
8	Within twelve months, ensure that strategic and operational performance measures are in place and monitored to inform Council of the City of Gold Coast about the effectiveness and efficiency of right to information and information privacy practices and processes.	Implemented

Source: Office of the Information Commissioner

6.2 Conclusions

The council has implemented strategic and operational performance measures for right to information and information privacy. It has established an Operational Risk and Compliance Meeting, which is responsible for monitoring the performance measures.

These activities have addressed the recommendation and placed the council in a better position to sustain a culture of accountability for performance and continuous improvement in its right to information and information privacy functions.

6.3 Results

In June 2017, the council established an Operational Risk and Compliance Meeting. The terms of reference describe the operation of the meeting:

- The scope of the meeting includes information management, information technology, information security and privacy.
- The meeting's purpose is to 'provide a forum for consideration of risk, security and compliance identification, monitoring and reporting.'
- Agenda reports will include monitoring policy performance measures.

The council has specified performance measures for right to information and information privacy and targets in two policy documents. The measures operate at the strategic and operational levels.

The measures specified under the Information Management and Information Privacy Policy include:

- percentage of information asset custodians who completed information asset custodianship training (target 100%)
- number of privacy complaints submitted where it is proven that the council breached its obligations.

The performance measures under the Right to Information and Information Provision Policy are:

- number of right to information complaints received
- number of documents in the disclosure log
- level of customer satisfaction with access to council information.

The council assigns responsible officers for each performance measure and policy document. The council is reviewing the Information Privacy performance measures as part of the policy review cycle in March 2018. The council advised it will review the right to information performance measures in July 2018. The reviews aim to improve measurability against outcomes.

We assess recommendation 8 as implemented.

7 Maximum disclosure

Key findings

The Council of the City of Gold Coast:

- is classifying its backlog of unclassified information assets
- advised it will assess information assets classified as 'public' for publication
- advised it will publish an updated information asset register on its website.

7.1 Introduction

Our original review focused on two strategies for routine and proactive disclosure of information to the public: fast tracking the provision of information through administrative access and leveraging online information delivery.

We found that the council focussed on making information available through administrative access arrangements. The council had commenced, but not yet finished, assigning a security classification to each information holding.

The council used active publication, administrative release and other processes to push information into the public domain. A wide range of information was available through the publication scheme, administrative access schemes and the website.

The council had published its Information Asset Register online through an Australian Government data portal.¹⁴ Some of the datasets listed in the published extract of the register had a security classification that identified data the council could publish. Of the 355 information holdings listed, the council had not yet classified three quarters of its information holdings.¹⁵ Also we could not locate on the council's website all information holdings classified as 'public'.

¹⁴ Viewed at <https://data.gov.au/dataset/information-asset-register/resource/803bd551-8ee9-48d1-82d8-e9761ae4523c> on 11 November 2015.

¹⁵ Information holdings listed in the on-line extract of the Information Asset Register were classified as 'In-Confidence' (48), 'Public' (26), 'Protected' (12), 'Highly Protected' (1) or 'Unclassified' (268).

Figure 6 shows the implementation status of our recommendation about maximum disclosure.

Figure 6
Maximum disclosure

Recommendation		Status
9	Within twelve months give each information holding listed in the Information Asset Register a classification and publish 'public' information holdings on-line where practicable.	In progress

Source: Office of the Information Commissioner

7.2 Conclusions

The council has planned how it will address our recommendation, but has made little progress in classifying its information assets, assessing their suitability for publication, and publishing suitable information assets and an up to date information asset register.

The council advised it is reviewing the Information Security Policy and its assessment and classification process. The design of the assessment tool creates a risk that the council 'over-classifies' the information assets. This means the council may not proactively disclose the maximum amount of information as the *Right to Information Act 2009* intends.

To ensure that the council maintains the information and security assessments over time, it should periodically review current information asset classifications and assessments of whether to publish information as these decisions may change with time and circumstances.

7.3 Results

The council has established a program for classifying its information assets. It is working with the information asset custodians to review the backlog of unclassified assets on the information asset register by December 2018.

This program has commenced but there is a lot more work to do. The Planning and Environment Directorate has classified all its unclassified information assets, but the council has yet to classify approximately 260 information assets.

The council has published 106 data sets¹⁶ online. A link on the council's website redirects the reader to the data portal.

The council has not updated the information asset register published online since the original compliance review in 2015.¹⁷ The register is on the Australian Government data portal but not on the council's website. The council advised that, by June 2018, it will establish a process to publish its information asset register on its website and update the register quarterly.

The council is updating its Information Security Policy and amending the process to classify its information assets using an Information Security Classification Assessment Worksheet. Under the worksheet, assets classified as 'public' are assessed for publication. The council advised it will publish the suitable assets in its publication scheme by December 2018.

The assessment worksheet includes 16 factors and, for each, four risk levels: insignificant, minor, moderate and major. Only information assets with insignificant risk levels across all factors achieve a 'public' classification. This means that the council may not classify assets as 'public' when they present significant public interest. The council should weigh factors both against and for release such as transparency, accountability and public safety.

To address our concern, the council initially advised it will revise the draft Information Management Policy and direct Councillors and staff to ensure they do not over-classify information and manage it for openness and transparency. However, when considering the revised policy on 23 March 2018, the council did not approve it

“...due to significant concerns over the practicality of some of the measures, outlined in the proposed revised policy.”

The council advised it will also review its Right to Information and Information Privacy Policy and develop a two-step process to consider releasing information in the public interest. The process should be in operation by December 2018.

We assess the implementation status of recommendation 9 as in progress.

¹⁶ Viewed at <http://data-goldcoast.opendata.arcgis.com/datasets> on 11 May 2018.

¹⁷ Viewed at <https://data.gov.au/dataset/information-asset-register> on 11 May 2018. The Information Asset Register was published 11 October 2013.

8 Compliance

Key findings

The Council of the City of Gold Coast:

- has implemented consistent procedures for business units to include documents in the publication scheme
- is rolling out a new case management system for application handling
- has not yet commenced using the new system for tracking the decision whether to publish on the disclosure log
- have given the right to information decision-maker and support staff appropriate professional development
- has updated its internet privacy page with a generic collection notice.

8.1 Introduction

Our original review looked for evidence that the Council of the City of Gold Coast was complying with the legislative requirements about the publication scheme, disclosure log, application processing and personal information handling practices.

We found that the council generally operated the publication scheme in accordance with legislative requirements. It was developing a strategy to improve ongoing maintenance of the publication scheme.

The disclosure log webpage was readily identifiable and accessible from council's website home page. But the council could make more use of the disclosure log to proactively publish information and build a positive community perception.

The application files we reviewed showed the council's intention and concerted efforts to release information. However, the inconsistent application of the legislation resulted in instances of non-compliance, and created inefficiency and unmanaged risk for the council.¹⁸ The Right to Information and Information Privacy Unit employed a series of discrete administrative procedures that varied from file to file instead of having standardised and compliant policies, procedures, practices and templates.

¹⁸ The Right to Information and Information Privacy Unit has been restructured and is now part of the Legal Services Unit.

We found that Right to Information and Information Privacy Unit staff could benefit from technical training as part of a program of professional development to keep their skills up-to-date.

The council generally met the Information Privacy Principles (IPPs) when managing personal information, including camera surveillance footage. We identified that none of the sampled email contact addresses had an individual collection notice. The council notified people using its website why it was collecting their information and how it would use it by a privacy statement. This did not specifically address collecting personal information via email correspondence.

Figure 7 shows the implementation status of our recommendations about compliance.

Figure 7
Compliance

Recommendation		Status
10	Within six months, implement a procedure to ensure active input from all business units within Council of City of Gold Coast in keeping the publication scheme accurate, maintained and updated by the inclusion of any significant and appropriate information.	Implemented
11	Within three months, review procedures for publication of information to the disclosure log, particularly the criteria for publication to the disclosure log, and ensure the reviewed procedures are documented and the <i>Record of decision to publish Right to Information Documents to the Disclosure Log</i> is updated accordingly.	Implemented
12	Within eighteen months, restructure application handling policies, procedures, business systems and practices, including through implementation of a case management system and template documents, to support legislatively compliant application handling.	In progress
13	Within six months, implement a program of ongoing professional development for right to information and information privacy decision-makers to ensure decision-makers are fully aware of the operation of the new application handling policies, procedures, business systems and practices, and that specialist skills will be maintained as a matter of continuous improvement.	Implemented
14	Within twelve months, review the privacy statement and email address links to ensure email correspondents are informed about the collection of personal information in accordance with Information Privacy Principle 2.	Partially implemented

Source: Office of the Information Commissioner

8.2 Conclusions

The council has made good progress to address our recommendations about compliance but needs to do further work to fully implement them.

The publication scheme contains more documents than at the time of our original review. The council has several procedures to keep the contents up to date. Business units have consistent procedures to assess their own documents for inclusion in the publication scheme. This demonstrates the council's commitment to openness and transparency, and to the push model.

On 1 December 2017, the council deployed a new case management system but the system is not yet consistently applied. The council's right to information team is transitioning to the new system. It is too early to say whether the council will achieve the intent of our recommendations once it has fully rolled out the system.

The council has updated its internet privacy page and published a new collection notice. The notice is generic and does not mention collection via any specific medium such as through the website, online forms, cookies or email. It is too broad to sufficiently inform individuals on why the council collects the personal information, how it will use that information and whether it usually discloses it to other parties.

8.3 Results

Publication scheme

The publication scheme is integral to releasing information proactively without the need to make an access application under the *Right to Information Act 2009* or the *Information Privacy Act 2009*. A publication scheme is a structured list of an agency's information that is routinely available to the public, free of charge wherever possible.

The council has implemented a procedure for publishing documents to the publication scheme. When the council creates, updates or reviews policies, the policy owner must determine whether the policy is suitable for publication and sign off on the recommendation to publish.

The new publication scheme checklist is comprehensive and takes an officer through the factors to consider when determining whether to publish a document to the publication scheme. The council updated the checklist during the follow-up review as a result of feedback. The checklist makes it clear that the business units are responsible for assessing documents for suitability to publish. The business units make recommendations about publication based on their own documents.

The Right to Information Officer uses a calendar to check for updates and maintain the information on the publication scheme. The publication scheme procedure includes triggers for reviewing the existing content of the publication scheme. Examples of triggers include a council election or an organisational restructure.

In addition, there is a process where the asset custodian must assess whether information assets classified as 'public' are suitable for release on the publication scheme. This process will commence once the council has approved its updated Information Security Policy.

We assess recommendation 10 as implemented.

Disclosure log

The council planned to update its application handling and disclosure log procedures when introducing a new case management system. The new system went live on 1 December 2017. It incorporates the decision-making about publishing information in the disclosure log.

At the time of our follow-up review, the disclosure log only has two entries - the latest dated 2016.¹⁹ This is because:

- There is no evidence that the council improved its process for assessing whether to publish applications in the disclosure log before it implemented the new system.
- The council is not using the functionality in the case management system to decide about publishing in the disclosure log.

We assess recommendation 11 as technically implemented as the council has reviewed the procedures and introduced a new system. However, it is too early to say whether the council has achieved the intent of the recommendation. As it stands, the community does not know what information the council has released under formal applications and Council has not yet realised the opportunity to use the disclosure log as a tool to improve transparency and openness about areas of specific interest.

Application handling

The council's Legal Services Unit commissioned a management system designed for legal practice management. The council tailored the system to meet its needs. It is rolling out the management system in two stages.

¹⁹ Viewed on <http://www.goldcoast.qld.gov.au/disclosure-log-items-14797.html> on 11 May 2018.

The first stage is about managing the changeover from current manual systems and electronic documents records management system. Once this is working well, the council has allocated a budget to roll out a second phase of implementation, which will include more sophisticated features like automated bring-ups. There is no timeframe for phase 2.

The council's right to information team is transitioning to the new system. We observed six or seven access application files in the new system. The council is processing the other applications using the old system. Staff estimate it will take six weeks to fully transition to the new system.

While some templates were available on the new system at the time of our follow-up, they did not include key templates such as a charges estimate notice and tracer to search for documents. The council has not yet reviewed the templates. It is evaluating the system and will assess its progress within three months.

The council has organised training about the new system. The software provider has delivered three to four initial overview information sessions and training videos. A designated local expert user is providing local coaching and support.

We assess recommendation 12 as in progress. While the council deployed the new case management system in December 2017, the decision-makers are still transitioning from the previous system. Additional functionalities that are part of phase 2 are necessary to fully implement the recommendation.

Ongoing professional development

To keep current, the council's right to information decision-maker and support staff attend the practitioner forums we host about four times a year.

In 2017, right to information staff attended the Right to Information Masterclass and training on legal professional privilege. The decision-maker also attended 'Dealing with conflict resolution'. The council did not provide evidence of a plan for future refresher training that would ensure staff keep these skills up to date.

The system supplier will deliver training to the decision-maker and staff as part of the initial roll out and during the planned delivery of stage 2.

We assess recommendation 13 as implemented.

Collection of personal information

The council has updated the privacy page on its website. It has a link at the bottom of the page under the heading 'Related information' labelled 'Privacy notice'.²⁰ This link takes the user to a separate webpage which includes a very broad and generic collection notice.

The notice itself does not mention collection via any specific medium such as through the website, online forms, cookies or email.

Privacy notice



Council of the City of Gold Coast (Council) is collecting your personal information in order to provide the services requested, perform associated Council functions and services, and to update and maintain Council's customer information records. Your information is handled in accordance with the *Information Privacy Act (Qld) 2009* and may only be accessed by Councillors, Council employees and authorised contractors. Unless authorised or required by law, we will not provide your personal information to any other person or agency.

For further information go to cityofgoldcoast.com.au/privacy.

Council may also use your personal information in order to contact you to provide you with information regarding Council functions and services. If you do not wish to receive such information please opt out using the unsubscribe link in the communication material sent to you.

Please read our [Privacy Policy](#) for further information.

Source: *City of Gold Coast website*

The purpose of a collection notice includes:

- telling people the purpose for which the agency collects the personal information
- informing people about which third parties the agency would usually provide access to their personal information.

A general reference to the services and functions of council does not give enough detail for an individual to make an educated decision about giving their personal information to the council. When a collection notice is too broad it fails to adequately inform the agency's customers.

We reviewed five webpages where the council invites people to use the email addresses it provides. None of the sampled webpages has an individual collection notice. They all link to the privacy notice, which contains a general collection notice

²⁰ Viewed at <http://www.goldcoast.qld.gov.au/collection-notice-23590.html> on 11 May 2018.

about the use and disclosure of personal information via email correspondence. This notice may not meet information privacy principle 2 in all instances.

We assess recommendation 14 as partially implemented. This is because the new collection notice is too broad and does not sufficiently inform email correspondents.

Appendix – Agency response

29 May 2018
Date: Mandy Dowers
Contact: Waterside West
Location: 07 55817483
Telephone:
Your reference: #69765290
Our reference:

CITY OF
GOLDCOAST

Ms Rachael Rangihaeata
Information Commissioner
Office of the Information Commissioner
P.O Box 10143
BRISBANE QLD 4000

Dear Rachael

Right to Information and Information Privacy – Follow Up Audit – Report No. 4 of 2015-16

I refer to your correspondence dated 14 May 2018 enclosing the report you propose to give to the Chair of the Legal Affairs and Community Safety Committee and requesting City of Gold Coast's formal response.

I advise I am satisfied with the report and have no further comments to add to the report.

Yours faithfully



Joe McCabe
Chief Operating Officer
For the Chief Executive Officer
Council of the City of Gold Coast

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Customer Service Centres
Find the closest centre or online service
at cityofgoldcoast.com.au/contactus

City Panel – Have your say
Register at gchaveyoursay.com.au