



Office of the Information Commissioner
Queensland

**Compliance Review – Department of Education,
Training and Employment**

Review of Department of Education, Training and Employment
compliance with the *Right to Information Act 2009* (Qld) and the
Information Privacy Act 2009 (Qld).

OIC thanks the agency for its cooperation throughout the review process and for the courtesy displayed towards its officers in the course of the assessment. In undertaking this review, OIC recognises the commitment of the business units handling proactive release of information, right to information and information privacy matters and their desire for continuous improvement.



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November 2013

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

Dear Mr Berry

I am pleased to present Compliance Review – Department of Education, Training and Employment: Review of Department of Education, Training and Employment compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld). This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The report reviews the Department of Education, Training and Employment (DETE) compliance with the legislation and guidelines that give effect to right to information and information privacy obligations. The report identifies areas of good practice and makes recommendations for improving compliance.

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 Executive Summary

This report details the findings of a review of the Department of Education, Training and Employment's (DETE) compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld). The review focussed on the corporate office and school education.

Overall, the Office of the Information Commissioner (OIC) found that DETE had a high level of legislative compliance, however improvements in specific areas are required. Key findings were:

- DETE publishes a wealth of significant information as a matter of course. It is important that DETE continue to identify and publish further information that is significant, relevant and appropriate. DETE should continue to review school performance information to ensure it is published in a more detailed, accessible and useable format for the community.
- Active engagement at the strategic level by the Information Steering Committee will support a culture of open access across DETE.
- DETE should better promote the use of administrative access to the community, including the media. Local business units, including schools, should be encouraged to release information administratively where appropriate. Administrative release of information provides better and easier access to information for the community and minimises the administrative burden of dealing with formal access applications.
- DETE should take steps to support the independence of decision-makers, including developing policies and procedures for reporting to Ministers and senior executives on formal access applications.

Opportunities for improvement are discussed in greater detail throughout this report. Recommendations have been made to assist DETE in taking up these opportunities. OIC considers that such actions will assist DETE to achieve full compliance with right to information and information privacy obligations and realise benefits for the community of greater accountability and transparency through better and easier information access.

2 Recommendations

Summary of the Next Steps

Culture of Openness	Leadership & Accountability	Maximum Disclosure	Compliance
Improve flow of information to the community through open discussion and interactive web pages (Rec 1)	Drive open access culture and compliance through Information Steering Committee activities (Rec 2)	Publish Information Asset Register (Rec 6)	Review publication of information to publication scheme and disclosure log (Recs 11, 12 & 13)
	Review online training to ensure links are operative (Rec 3)	Review publication of school performance information (Rec 7)	Encourage local business units (e.g. schools) to release information administratively under current policies (Rec 14)
	Introduce procedure for complaints about publication scheme (Rec 4)	Improve visibility of administrative access schemes on DETE web pages and school websites (Recs 8 & 10)	Adopt protocols for briefing Ministers and senior executives about decisions to support independent decision-making (Rec 15)
	Introduce strategic monitoring of RTI/IP (Rec 5)	Develop an agency-wide strategy to promote administrative release of information the media (Rec 9)	Ensure clear separation of roles between providing legal advice or assistance to the department, and having responsibility for quality of decision making and the management of decision makers (Rec 16)
			Ensure careful record keeping and case management on application files (Rec 17)
			Update privacy policies and collection notices (Recs 18 & 19)

It is recommended that DETE:

Recommendation One

Within 12 months, implement a strategic approach in 2013-14 and in subsequent years to improve the flow of information to the community that the community wants, particularly through:

- increased open discussion between government and community organisations; and
- increased functionality of the statistics and information web page.

Recommendation Two

Within the next 12 months, include activities in the Information Steering Committee (ISC) plans, so that the ISC is actively monitoring and overseeing the proactive release of information in accordance with the RTI and IP Acts, and the Queensland Government Enterprise Architecture (QGEA 2.0) guidelines.

Recommendation Three

Within 12 months, review the *Keys to Managing Information* online training course to ensure that all links are current and provide a direct link, where possible.

Recommendation Four

Within six months, implement a complaints procedure which sets out how to make a complaint when information included in the publication scheme is not available.

Recommendation Five

Commencing within six months, develop and incorporate key performance targets into the Information Steering Committee's work plan to measure effectiveness and efficiency in right to information and information privacy processes at the strategic levels, with measurement of performance.

It is recommended that DETE:

Recommendation Six

Within 12 months, publish DETE's Information Asset Register on the website to create greater transparency as to the departmental information resources available.

Publish updates on the agency's website as new datasets are added to the Information Asset Register.

Recommendation Seven

Within 12 months, examine publication opportunities and publish more comprehensive, readily accessible and usable school performance information.

Recommendation Eight

Within six months, improve the visibility of administrative access schemes, for example by updating the 'How do I access information' and 'Access to documents' web pages to include direct links to both administrative access policies and forms.

Recommendation Nine

Within 12 months, develop an agency-wide strategy to promote administrative release of information to the media to ensure formal access applications are used as a last resort.

Recommendation Ten

Within six months, update the 'Website for Schools' website template to promote RTI. For example, by:

- updating the footer to include a link to the DETE RTI web pages; and
- enhancing the search function so that a person using a school website can easily find information on RTI and how to gain access to records held in schools.

Recommendation Eleven

Within six months, review systems and decision-making for publication of information to DETE websites to ensure that significant information is easily accessible from the publication scheme, required information on terms and charges is included and that information is up-to-date with working links.

It is recommended that DETE:

Recommendation Twelve

Within three months, examine publication opportunities for the proactive disclosure of documents containing non-personal information released under administrative access schemes and review the process for release of applications under the RTI Act.

Recommendation Thirteen

Within three months, update the disclosure log to include the mandatory introductory text as per the Department of the Premier and Cabinet *Right to Information Publication Schemes – Publishing requirements and guidelines for agency websites*.

Within three months, use updated template correspondence to include the required notifications as per sections 54(2)(a)(iii) and (iv) of the RTI Act.

Recommendation Fourteen

Within 12 months, review as a package the policies and procedures encouraging local, informal resolution of requests for information, and champion an agency-wide program encouraging administrative release of information at the local business unit and school level.

Recommendation Fifteen

Within the next six months, adopt policies and procedures consistent with the *Model Protocols for Queensland Government Departments on Reporting to Ministers and Senior Executive on Right to Information and Information Privacy Applications*.

Recommendation Sixteen

Within three months, ensure procedures for allocating work relating to RTI and IP Act applications explicitly take into account the need for a clear separation of roles between providing legal advice or assistance to the department, and having responsibility for quality of decision-making and the management of decision-makers.

It is recommended that DETE:

Recommendation Seventeen

Within six months, review record keeping and case management practices and emphasise to staff the need to keep full and complete file notes and provide reasons for actions taken in the course of dealing with all applications.

Recommendation Eighteen

Within six months, review forms to ensure appropriate collection notices are in place and establish an ongoing method for building compliance with the Information Privacy Principles into form design, development, review and maintenance.

Recommendation Nineteen

Within 12 months, review the visibility and naming of supporting attachments to the *Appropriate Departmental Collecting, Security, Accessing, Amending, Using and Disclosing of Personal Information* policy.

3 Introduction

3.1 Background

The Department of Education, Training and Employment (**DETE**)¹ is responsible for ensuring Queenslanders have the education and skills they need to contribute to the economic and social development of Queensland. Education and skills development is provided to the community through early childhood education and care, state schools, tertiary education, vocational education and support services. The services are delivered through a network of regional providers. In DETE's *2011-12 Annual Report*, the agency reported that in 2011 it provided services to 313,413 full-time students in state primary schools, 172,576 full-time students in state secondary schools, and 3529 full-time students in state special schools. In delivering these services, DETE employed approximately 85,000 staff and operated with a budget of \$8.2bn.²

As part of providing these services, DETE processes a significant volume of both personal and non-personal information requests each year.

DETE uses OneSchool, a custom built application, in all Queensland state schools to support teachers, administrators, students and their parents in student management, curriculum and learning management, finance and asset management, resource management, and performance, reporting and analysis. In 2011-12, Queensland state schools used OneSchool to:

- generate 480,000 academic reports
- record 1,350,000 parental contacts
- record 107,050 enrolments; and
- update 354,221 enrolments.³

Based on the most recent data available to OIC, the agency received 288 applications for information in 2010-11⁴ under the *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (Qld) (**IP Act**).

¹ A list of acronyms used in this report is provided in Appendix 1.

² Department of Education, Training and Employment Annual Report 2011-12 [Pages, 19, 40 and 77].

³ From the OneSchool Overview document viewed at <http://education.qld.gov.au/smartclassrooms/documents/working-digitally/pdf/oneschool-overview-online.pdf> on 6 February 2013.

DETE was selected as an agency for review following a risk analysis conducted by OIC to develop OIC's annual program of performance and monitoring activities for the 2012-13 year. Risk factors considered were the volume and sensitivity of personal information held and requested from the department, the volume of RTI and IP applications received and processed, the proportion of applications relating to personal information, the number of applications for external review and the number of applications carried forward from the previous reporting year.

3.2 Reporting Framework

The review has been conducted under section 131 of the RTI Act, which gives the Information Commissioner the functions of monitoring, auditing and reporting on agencies' compliance in relation to the operation of the RTI Act and chapter 3 of the IP Act, and section 135 of the IP Act, which gives the Information Commissioner the function of reviewing personal information handling practices.

Under section 131 of the RTI Act, the Information Commissioner is to give a report to the parliamentary committee about the outcome of each review conducted under the RTI Act.

3.3 Scope and objectives

The objective of the review was to establish the extent to which DETE has complied with the prescribed requirements of the RTI and IP Acts in so far as they relate to school education. In particular, the review focussed on:

- agency governance (leadership, governance mechanisms, information management including proactive identification and release of information holdings, policies, procedures, delegations and roles and responsibilities of key personnel and training)
- accountability and performance monitoring systems
- whether or not the agency is maximising disclosure, by reviewing statistical reporting (including internal reporting and annual reporting under section 185 of the RTI Act and section 194 of the IP Act)
- compliance with legislatively based requirements for:

⁴ 2010-11 is the most recent year for whole of government reporting data available to the OIC.

- access and amendment applications and processing (parts 2 and 4)
 - decision-making (part 5)
 - processing and access charges (part 6)
 - giving access (part 7)
 - review processes, including internal review of decisions under the legislation (part 8)
 - an agency publication scheme (s 21); and
 - an agency disclosure log (s 78).
- agency collaboration with communities and industry stakeholders on information management; and
 - agency personal information handling practices including technologies, programs, policies and procedures to review privacy related issues of a systemic nature generally, and agency compliance with the privacy principles.

3.4 Assessment process

The Information Commissioner met with the Director-General of DETE on 12 July 2012 to discuss the proposed objectives and scope of the review. At this meeting the Deputy Director-General (Corporate Services) was nominated as the contact officer for the OIC review.

An entry meeting was held on 6 August 2012 between the First Assistant Commissioner (OIC) and the Deputy Director-General (Corporate Services) to discuss the scope, objectives and process of the review.

On 27 August 2012 OIC wrote to DETE confirming the scope and objectives of the review and the Terms of Reference as provided in Appendix 2.

In performing the review OIC applied a standardised test program to assess each of the relevant areas of practice. DETE cooperated fully with the process and provided access to requested materials and the opportunity to meet with relevant personnel.

Once the sample of application files had been examined, OIC identified the issues and the files to which each issue related and discussed these issues with the officers responsible for handling the relevant files. The comments of those officers resulted in an OIC decision

as to whether or not each issue had been resolved by the explanations provided and whether or not each issue was reportable.

As part of the review process regular meetings were held with DETE's contact officer and other line management as necessary. These meetings gave OIC the opportunity to provide feedback to DETE on the key issues arising from, and updates on, the progress of the review.

OIC also documented five specific issues identified during the review and sought DETE's comments in response to those findings. DETE's responses have informed this report.

As part of the review process OIC wrote to key stakeholders external to DETE to discuss their interests in DETE-held information.

At the conclusion of the review, report findings were presented to agency officers who agreed with the findings and recommendations, and agreed to provide a comment on their response to each recommendation.

DETE's response to each of the recommendations is provided in Appendix 3.

4 Culture of openness

Background

The object of the *Right to Information Act 2009* (Qld) is to provide more information to the public by giving a right of access to government-held information, unless on balance releasing the information would be contrary to the public interest.

In order for the objects of the RTI Act to be achieved, agency culture must embrace the openness and transparency which are fundamental to good government⁵ and the Queensland public service should act promptly and in a spirit of cooperation to carry out their work based on this presumption.⁶

OIC, in undertaking this review, considered whether or not the principles of openness and transparency were reflected in DETE's culture.

Key findings

- DETE's commitment to right to information and information privacy was expressed clearly on DETE's website and in operational level documents.
- A prominent, publicly visible, high level strategic statement of support for RTI and IP in key documents would further support operational policies.
- Proactive release of DETE's information could be enhanced through improved strategy and open discussion between DETE and stakeholders to identify the information interested stakeholders are seeking to have proactively released and to invite greater participation in government by the community at large.

⁵ *The right to information – A response to the review of Queensland's Freedom of Information Act*, Recommendation 127, page 312, viewed at http://www.rti.qld.gov.au/data/assets/pdf_file/0019/107632/solomon-report.pdf on 21 February 2013.

⁶ *Statement of Right to Information Principles for the Queensland Public Service*, viewed at http://www.rti.qld.gov.au/data/assets/pdf_file/0005/97331/right-to-information-principles.pdf on 21 February 2013.

4.1 DETE's Stated Commitment to Openness

In response to the self-assessed electronic audit conducted in 2010,⁷ DETE reported that it had a culture open to the release of information. The DETE website sets out the Queensland Government's commitment to right to information to give the community greater access to information. Further, on the *How do I access information?* web page under RTI on their website, DETE states:

*The department values the principles and practices of openness and accountability to its clients, staff and members of the public about departmental operations and record-keeping.*⁸

A statement of commitment to 'protecting user privacy' was in the Privacy Statement, accessible from the privacy link in the global footer of the website.⁹

DETE has published an Open Data Strategy through the Queensland Government data website,¹⁰ which affirms principles consistent with RTI Act requirements, for example, releasing as much data as possible and making data available for open use, free of charge and in machine-readable formats.¹¹ Providing a link to DETE's Open Data Strategy on DETE's website would promote awareness of DETE's commitment to open data and facilitate access to such information for stakeholders visiting the DETE website.

OIC identified various documents or locations where a strategic statement of DETE's commitment to right to information and information privacy could also be made, including DETE's annual report, *Standard of Practice* (which supports the Queensland Government's *Code of Conduct*),¹² the *Information and Knowledge Strategic Plan 2012-2016*,¹³ and the landing page for Right to Information.¹⁴

At the operational level, DETE has stated its commitment to RTI and privacy. DETE has a policy covering corporate, regional and non-statutory authority TAFEs (not schools):

⁷ *Agency Progress on Right to Information Reforms, Results of the self assessed electronic audit completed by Queensland public sector agencies*, viewable at <http://www.oic.qld.gov.au/about/our-organisation/key-functions/compliance-and-audit-reports/agency-progress-on-right-to-information-reforms-2010-11>.

⁸ Viewed at <http://deta.qld.gov.au/right-to-information/make-a-request.html> on 21 February 2013.

⁹ Viewed at <http://education.qld.gov.au/home/privacy.html> on 21 February 2013.

¹⁰ Viewed at <https://data.qld.gov.au/> on 5 June 2013.

¹¹ Viewed at <http://publications.qld.gov.au/dataset/open-data-strategy-education-training-and-employment/resource/357ac6ee-c85b-477d-88d4-3dbca01a2a33> on 5 June 2013.

¹² Viewed at <http://education.qld.gov.au/corporate/codeofconduct/> on 21 February 2013.

¹³ Viewed at <http://deta.qld.gov.au/publications/strategic/pdf/iksp-2012-2016.pdf> on 21 February 2013.

¹⁴ Viewed at <http://deta.qld.gov.au/right-to-information/> on 21 February 2013.

Providing Access to Departmental Information.¹⁵ This policy makes it clear that it is the responsibility of all staff to 'proactively manage information to facilitate access and release.' A companion policy, *Access to Records Held in schools* guides school principals through the process of administratively releasing certain types of documents held by schools when requested. These two policies demonstrate a commitment to proactive release of information.

It would be useful to support these operational level policies with visible, high level strategic statements of DETE's organisational commitment to right to information and information privacy, to affirm that DETE's leadership adopts the principles of proactive release and management of individual personal information.

4.2 Community Perspectives on DETE's Culture of Openness

Community belief and participation in government is fundamentally interconnected with a free flow of information between government and the community.

The RTI Act states that the community should be kept informed of government's operations, that openness in government increases the participation of the community in democratic processes leading to better decision-making, and that government should adopt measures to increase the flow of information to the community. DETE's Open Data Strategy is one method of increasing the flow of information to the community.¹⁶

In the light of these aims, a critical measure of success is the community's views as to the openness of departmental culture and the free flow of information to the community.

DETE has a number of links into different parts of the community. In its *2011-12 Annual Report*,¹⁷ DETE stated it engaged with a wide range of stakeholders including parents and carers, parents and citizens associations, non-government schooling sectors and students.

¹⁵ Viewed at <http://ppr.det.qld.gov.au/corp/ict/management/Pages/Providing-Access-to-Departmental-Information.aspx> on 21 February 2013.

¹⁶ Viewed at <http://publications.qld.gov.au/dataset/open-data-strategy-education-training-and-employment> on 5 June 2013.

¹⁷ Viewed at <http://deta.qld.gov.au/publications/annual-reports/11-12/pdf/annual-report.pdf>, page 15, on 21 February 2013.

The *Parent and Community Engagement Framework*¹⁸ describes the strategies to support individual schools to engage with parents and communities and work together to maximise student learning outcomes. Although the framework does not specifically feature discussion of community information requirements, it is evident that the flow of information to the community would be covered by this framework.

While the *Parent and Community Engagement Framework* supports schools to develop and review engagement strategies at the local level, particularly with parents, students and staff, OIC did not find a strategy governing DETE engagement with the community at the statewide level.

OIC recognises the need for schools to be able to individualise their engagement strategies to suit their particular needs and those of their parents and communities, however OIC considers it important that local efforts are augmented by engagement at the statewide level. A consolidated approach would enable DETE to:

- expand beyond operational issues and work with the community on strategic planning, legislative reforms and improved service delivery
- facilitate community access to statewide data to inform advocacy work, policies and programs; and
- identify opportunities for agencies to share information and benefit the community at large.

OIC consulted stakeholders about their views of DETE's information sharing, to assess the prospects for achieving these aims.

4.2.1 Overview of Community Consultation

OIC worked with DETE to identify a sample of government, industry and community groups who might have an interest in information held by DETE. The stakeholders identified the information they would like to obtain from DETE and the uses to which they might put this information. The list of organisations invited to provide comment and information requested from the stakeholders is provided in Appendix 4.¹⁹

¹⁸ Viewed at <http://education.qld.gov.au/schools/parent-community-engagement-framework/resources/pdf/parent-community-engagement-framework.pdf> on 25 June 2013.

¹⁹ OIC also canvassed public opinion through a post on OIC's website on 14 May 2013, but did not receive any comments.

In general, the stakeholder responses were encouraging about the potential benefit to the community from an increased proactive release of DETE-held information. Stakeholders expressed keen interest in the publication of DETE-held information. The general tone of the responses was positive and supportive, with most stakeholders reporting a good working relationship with DETE. Three stakeholders commented that information was shared under formal or legislative arrangements other than the RTI Act. Stakeholders regarded the statistical information provided by DETE highly. Of the 12 stakeholders who responded, only two indicated that they do not access this information. However, some examples were provided where DETE did not provide information readily. Stakeholders expressed the view that this was because DETE considered providing the information to stakeholders to be an unmanaged risk.

The use of DETE-held information by stakeholders varied greatly, with the majority of stakeholders using the information to improve or prioritise their own services. A number of stakeholders responded that there was other information they would like from DETE but it was difficult to know whether it was available or to identify specifically what information DETE held.

Stakeholders also commented on the ways they currently obtain DETE-held information, with a common theme being their reliance on working with individual contacts within DETE to obtain information, particularly contacts that were responsive and had the authority to release information.

In summary, the theme of stakeholder comments was that, although DETE was generally perceived as having a good culture of openness, there remained a need for stakeholders to be able to discuss their information needs in a more open way with DETE contacts.

OIC acknowledges that DETE has invested considerable time and effort in working with stakeholders. For example, DETE informed OIC early in the review that stakeholder engagement occurred through regular standing committees and forums. It is possible that these forums could provide a platform for specifically discussing stakeholder information needs, for example ensuring meeting agendas allow for open discussion of participant issues. Stakeholders also reported the effectiveness of meetings with individuals; this might be another opportunity to encourage an open discussion of information needs. OIC also observed that the stakeholder issue of knowing what data was available or when new

datasets were released might be addressed by current web technologies, such as subscription services or interactive map capabilities.

It appears that the essence of the stakeholder-identified need for open discussion is a cultural issue rather than a structural or policy issue. Further promotion of a culture of openness is required to ensure a consistent commitment across DETE, reinforced by active projects to push information relevant and useful to communities into the public domain. Such an approach is consistent with DETE's commitments in its Open Data Strategy and can assist in affecting the culture of openness in relation to disclosure of DETE-held information more generally.

Recommendation One

It is recommended that DETE:

Within 12 months, implement a strategic approach in 2013-14 and in subsequent years to improve the flow of information to the community that the community wants, particularly through:

- increased open discussion between government and community organisations; and
- increased functionality of the statistics and information web page.

5 Leadership

Background

It is critical that Chief Executive Officers foster agency cultures consistent with the objects of the legislation and ensure that staff induction programs and other appropriate agency-wide staff opportunities include right to information and commitment to its principles.²⁰

This review examined DETE's leadership and governance framework, including strategies for good governance, active management of information, organisational structure, resourcing and training.

Key Findings

- Appropriate leadership structures were in place, including an Information Champion and an Information Steering Committee (**ISC**).
- The evidence provided did not demonstrate that the ISC was actively leading right to information and information privacy within DETE.
- The organisational structure for handling applications was appropriate. A concern was identified about the possibility of perceived influence on the independence of decision-making, as set out in section 8.3.3 of this report.
- DETE's training and staff awareness on RTI and IP was commendable.

5.1 Leadership

The importance of public sector leadership in achieving open government was emphasised in the Ministerial Guidelines (made pursuant to the RTI Act) with which all agencies must comply, and in additional guidelines and a checklist for implementation which described the type of strong and visible leadership required.

Leaders within agencies are expected to work with the community to identify information and methods of publishing information that might be useful to the community. Agency leaders are to be held accountable for their performance in this regard, and are expected

²⁰ Recommendation 127 Solomon Report.

to make sure their agencies are equipped with systems, delegations of authority, staffing resources and training in order to proactively release information.

This review has looked for evidence of the type of leadership provided within DETE. This has included:

- identifying whether or not DETE has established clear leadership to drive implementation of right to information and information privacy
- examining whether individuals and committees in leadership roles have been commissioned to take an active role in the management of information and promotion of proactive release of information and if they have done so
- identifying and assessing plans of action
- examining the structuring of agency resources to ensure the structures support RTI and IP; and
- examining leadership strategies for building staff capability, particularly through training, for example, checking that training resources are available to RTI and IP specialists and to all staff, and advance understanding of RTI and IP.

5.2 Information management governance framework

In order for agencies to implement RTI and IP, each agency needs an information governance framework. This includes that agencies should appoint an Information Sponsor²¹ at a senior level within the agency, and a requirement for departments to either establish a body responsible for information governance or assign responsibility for information to an existing body (for example, an Information Steering Committee).²² OIC has previously found that if an agency's information governance body is active, the agency is also likely to have made better progress on implementation of RTI and IP.

DETE has appropriate governance structures in place, including an Information Champion and an ISC.

DETE's Information Champion, the Deputy Director-General, Corporate Services, is a member of the Executive Management Group (**EMG**). The EMG is the peak governance

²¹ Formerly known as an 'Information Champion'.

²² According to a QGEA 2.0 guideline on implementing information governance, viewable at <http://www.qgcio.qld.gov.au/products/qgea-documents/548-information/2373-implementing-information-governance-guideline> at page 6 of 12.

body for the department, providing executive leadership to support the Director-General, as the Chief Executive, to meet departmental legislative, policy and management accountabilities.²³ The presence of the Information Champion on this group positions information management at the most strategic level of departmental operations.

DETE's ISC reports through the Investment Committee to the EMG. The DETE Information Champion is a member of the ISC.

OIC found a strong governance structure to be in place.

However, OIC found that the governance framework was not as active in information management as required by legislatively mandated guidelines, for example, the QGEA 2.0 guideline on implementing information governance. Under this guideline, the information governance body has responsibility to assign responsibility for and direct the preparation and implementation of information management policies, principles and architecture as specified in the QGEA:

- *Direct the preparation of, endorse and implement information management policies; and*
- *Prepare, endorse and implement an authorising and accountability environment for the routine and proactive disclosure of information. The authorising and accountability environment should support all information access and release mechanisms, including:*
 - *publication schemes*
 - *disclosure logs*
 - *administrative access schemes*
 - *administrative release (i.e. release to the public upon request from a member of the public, not under the Right to Information Act 2009 which should be the last resort).*²⁴

The Terms of Reference for DETE's ISC include responsibility for driving right to information and information privacy under *Function 4.5 Enterprise Architecture and ICT capability*.²⁵ This includes the ISC's responsibility to 'review and approve the DETE QGEA

²³ Viewed in the *Corporate Governance Framework* at <http://deta.qld.gov.au/corporate/governance/pdf/corp-gov-framework-2011-2015-deta.pdf>, page 11, on 21 February 2013.

²⁴ QGEA 2.0 guideline on implementing information governance, viewable at <http://www.qgcio.qld.gov.au/products/qgea-documents/548-information/2373-implementing-information-governance-guideline> at page 7 of 12.

²⁵ 'ICT' stands for 'Information and Communications Technology'.

Alignment Self-assessment, review the associated analysis report and approve the recommended actions' which invests the ISC with the responsibility to drive and manage right to information and information privacy initiatives.

OIC's review of ISC documentation provided by DETE did not identify any record of active ISC management of these initiatives. Standing agenda items for the ISC were reviewed and did not include review of information management policies or procedures. Minutes of ISC meetings were requested but not received during the course of the audit. Apart from an annual review of DETE's *Information and Knowledge Strategic Plan*, the remainder of the standing agenda items were about ICT. OIC's review of the *Information and Knowledge Strategic Plan 2012-2016* found it was focussed almost exclusively on ICT.

OIC did not find evidence that the ISC has addressed its responsibilities under the RTI and IP Acts. Active leadership of right to information and information privacy by the ISC is required, for example, by the identification and inclusion of right to information and information privacy initiatives in the ISC's work program.

Recommendation Two

It is recommended that DETE:

Within the next 12 months, include activities in the Information Steering Committee (ISC) plans, so that the ISC is actively monitoring and overseeing the proactive release of information in accordance with the RTI and IP Acts, and the Queensland Government Enterprise Architecture (QGEA 2.0) guidelines.

5.3 Accessibility of RTI information resources

DETE's internet provides a wealth of resources for both internal and external users in a well-structured website. The information provided is both informative and relevant. The internet site provides useful links to other external websites from which users can obtain more information in relation to RTI and IP.

DETE operates two main internet sites: www.deta.qld.gov.au and www.education.qld.gov.au. Information on RTI and IP is accessible through both sites, including avenues for obtaining information administratively and/or locally.

5.4 Organisational structure

OIC considered whether or not the organisational structure supported the independence of the Legal and Administrative Law Branch (**LALB**), the business unit within DETE which handles applications for information under the RTI Act or IP Act.

Structurally, LALB was considered to be appropriately independent of business units that support the Minister directly and those related to media and publicity functions. However, a concern was identified about the possibility of perceived influence on the independence of decision-making, as set out in section 8.3.3 of this report.

The position descriptions for LALB were clear and up-to-date.

5.5 Training and awareness

This review confirmed DETE's continuous staff development with respect to RTI and IP, largely through an Information Access Officer (**IAO**) Network consisting of 143 representatives²⁶ from each Central Office division and branch, Region, and TAFE Institute. A review of the training records for IAO Network members found that the group met 12 times between 2009 and 2012, covering topics such as administrative access, disclosure logs and online training. While the review found that the last workshop was convened in April 2012, the next workshop is being arranged and members are active through website and email communications.

DETE's mandatory induction program requires all employees to complete an online self-paced course titled '*Keys to managing information*' and to successfully answer ten questions in order to obtain recognition of their professional development activity. The course consists of four modules: *Right to Information*, *Information Privacy*, *Information Security*, and *Recordkeeping*. In response to this review, DETE produced training records which confirmed that 809 people had completed the *Right to Information* module and 682 people had completed the *Information Privacy* module of the *Keys to managing information* online course between February 2012 and April 2013.

OIC reviewed the online course and overall found that the content was sound and used videos, interactive activities and scenarios to increase participant engagement effectively.

²⁶ As at 7 February 2013.

It provided a basic introduction to the RTI and IP Acts, including departmental processes and practices. It was noted that links within the online course were not all fully functional, with some links broken, some links directing users to a general external website rather than directly to relevant documents, or directing users to general web pages rather than directly to the relevant documents. If corrected, this would improve accessibility to sources of information recommended in the course.

Recommendation Three

It is recommended that DETE:

Within 12 months, review the *Keys to Managing Information* online training course to ensure that all links are current and provide a direct link, where possible.

6 Accountability requirements

Background

As RTI and IP legislation has been in place since mid-2009, OIC expects that agencies will increasingly be monitoring themselves in terms of their openness and responsiveness to the community. This will be evidenced by a proactive use of complaints systems and performance measurement mechanisms to monitor the effectiveness and efficiency of RTI and IP operations.

This review focussed on the extent to which DETE had established systems in identifying improvement opportunities within RTI and IP operations.

Key Findings

- Complaints procedures are appropriately in place.
- Currently there is no mechanism in place for monitoring the implementation of RTI or IP measures at the strategic level, or the effectiveness of decision-making in the respective RTI units. Measures are in place to quantify the efficiency of RTI/IP processes.

6.1 Making a complaint

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

DETE provides an electronic form for feedback and complaints for the right to information web pages and a contact phone number is provided if assistance is required from the customer care centre staff.

Complaints can be made anonymously or the user can provide their telephone number and email address to receive a response.²⁷ This page could be improved with the provision of a specific reference to the ability to complain when information in the publication scheme is not available.

²⁷ Viewed at <http://deta.qld.gov.au/right-to-information/feedback.html> on 14 February 2013.

Recommendation Four

It is recommended that DETE:

Within six months, implement a complaints procedure which sets out how to make a complaint when information included in the publication scheme is not available.

6.2 Performance measures

In these reviews, OIC examines whether or not agencies are reviewing their own progress in implementing RTI and IP. Evidence of this would be in the establishment of a review program or the inclusion of performance measures in strategic and operational plans.

It has already been noted that the ISC has not included RTI or IP projects in the *Information and Knowledge Strategic Plan*. If this was rectified, then the progress of these projects, individually and collectively, could be an appropriate performance measure of the progress of RTI and IP in DETE. Another example of strategic performance measurement would be to track whether or not datasets have been released by the target publication dates outlined in DETE's *Open Data Strategy 2013 – 2017*.²⁸

Key performance indicators and measures in business plans are also a useful way of identifying improvement opportunities in agency processes and additional training needs of RTI decision-makers and operational staff. For example, targets measuring the number of times decisions are varied upon internal or external review may be indicative of any additional training requirements for some decision-makers.

In response to a request for any documentation of systems for monitoring or reporting on the performance of the RTI/IP functions, DETE referred OIC to the *2012-13 Legal and Administrative Law Branch Operational Plan (LALB Operational Plan)*. The LALB Operational Plan lists the following performance indicators:

- *Number of Right to Information applications processed within legislative timeframes*
- *Number of subpoenas processed within statutory timeframes*

²⁸ <http://publications.qld.gov.au/dataset/open-data-strategy-education-training-and-employment/resource/1604f960-b8ad-4a9e-926e-56f58042e35e> viewed on 16 May 2013.

- *Legal advice provided within agreed timeframe*
- *100% of staff have a developing performance plan; and*
- *Branch resourcing managed within agreed allocations.*

OIC considers these to be useful operational level performance measures.

DETE did not provide any other information about performance indicators for monitoring the implementation of RTI and IP.

In summary, OIC found evidence of performance measurement at the operational but not strategic level and considers that strategic level performance indicators are required to ensure ongoing monitoring of the impact of strategies for proactive release of information.

Recommendation Five

It is recommended that DETE:

Commencing within six months, develop and incorporate key performance targets into the Information Steering Committee's work plan to measure effectiveness and efficiency in right to information and information privacy processes at the strategic levels, with measurement of performance.

7 Maximum Disclosure

Background

Agencies hold a wealth of information – a key commodity in the digital economy. Information needs to be managed. Agencies should be aware of the information they hold, ensuring that the information is put to good use and looking for ways to increase the value of information usage. Information must be routinely and proactively disclosed and information collected at public expense made available publicly wherever practicable.²⁹

DETE is required to maintain an Information Asset Register, which lists its information holdings. This is a useful tool for examining datasets, to identify which datasets have been published and which have not, and as a prompt for considering publication of any datasets as yet unpublished. The examination of information holdings, consideration of potential value and the consequent evaluation of whether or not there are additional datasets that could be published are strategic information management activities. This review examines the extent to which these types of activities have been occurring.

Key Findings

- DETE publishes a wealth of information as a matter of course. It is important that DETE continue to identify further information for publication and ways that DETE can improve accessibility and usability of published information.
- Further work must be done to evaluate and identify datasets for inclusion in DETE's Information Asset Register.
- Administrative access schemes are not prominent on the RTI website. DETE should better promote processes for the community and media to gain access to information administratively, instead of using formal legislative access processes.
- The template for schools' websites needs to be updated to incorporate RTI and IP.

²⁹ Described in Queensland Government Enterprise Architecture Foundation Principles, Section 2.2, Page 2, viewed on 4 June 2013 at <http://www.ggcio.qld.gov.au/products/ggea-documents/547-business/2500-foundation-principles>.

DETE is currently using a range of active publication, administrative release and application driven processes for pushing information into the public domain. A wide range of information has been made available by DETE through its publication scheme, disclosure log, administrative access schemes and agency website.

7.1 Information Asset Register

An Information Asset Register is a listing of all information assets of an agency. The Information Asset Register assists internal or external users of information to identify all information resources available.³⁰

OIC notes that DETE publishes a user-friendly list of documents held by DETE on the website explaining how to access DETE-held information.³¹

At the time of this review, the identification of information assets in the Information Asset Register was limited to those contained within statewide ICT applications, including significant district ICT applications. It is anticipated that the identification of all structured and unstructured information assets within the department will take considerable time, given the scale of the activity. Related documents, for example the *Open Data Strategy 2013 – 2017*,³² may assist in this process.

Currently the DETE Information Asset Register is not publicly available on the department's internet site. Although DETE's Information Asset Register is yet to be finalised, it is still a useful tool for informing the public of what resources are available.

In the spirit of proactive disclosure DETE should publish the Information Asset Register on their website and update it as appropriate.

³⁰ Taken from QGCIO, Queensland Government Enterprise Architecture Guideline – Information Asset Register Draft 24 March 2009.

³¹ Viewed at <http://deta.qld.gov.au/right-to-information/what-you-can-access/documents-held.html> on 5 August 2013.

³² Viewed at <http://publications.qld.gov.au/dataset/open-data-strategy-education-training-and-employment/resource/1604f960-b8ad-4a9e-926e-56f58042e35e> on 16 May 2013.

Recommendation Six

It is recommended that DETE:

Within 12 months, publish DETE's Information Asset Register on the website to create greater transparency as to the departmental information resources available.

Publish updates on the agency's website as new datasets are added to the Information Asset Register.

7.2 School performance information

School performance information is of intense interest to the community. As such, it is a type of information to target for disclosure to the greatest extent possible, where it is not contrary to the public interest to give access to the information.

A vast array of information on Queensland school performance is published, consistent with the regular publication of school performance information in other jurisdictions, for example, in Australia nationally, in England, the United States and the Netherlands. As set out in *Transparency and Public Sector Performance* paper,³³ the publication of school performance information began with a drive to improve the educational levels of students. Governments began to require compulsory testing of basic literacy and numeracy skills in standardised tests and then compared the performance of individual schools by aggregating and averaging pupils' scores. The rationale behind making this information publically available was to provide evidence to support parents' choice of school for their children and give incentive to schools and teachers to improve their own performance.

7.2.1 Publication of School Performance Information – Queensland

Information on Queensland schools is available from the *My School* website,³⁴ which provides profiles of around 9500 Australian schools. The website provides information about each school, including student population, staffing, school finances, the average achievement of students in the National Assessment Program – Literacy and

³³ Transparency Occasional Paper No.1 published by the Australian and New Zealand School of Government in conjunction with the Office of the Information Commissioner, http://www.anzsog.edu.au/media/upload/publication/93_1-Mulgan-Transparency-and-Public-Sector-Performance.pdf, at page 20, viewed on 4 June 2013.

³⁴ Available at <http://www.myschool.edu.au/> viewed on 4 June 2013.

Numeracy (**NAPLAN**) and an Index of Community Socio-educational Advantage (**ICSEA**) value, which uses socio-economic and enrolment data to measure the educational advantage level of students at the school. School performance rankings, known as 'League Tables', which attempt to compare the relative performance of individual schools against criteria such as academic performance, are not provided, although such tables are typically constructed and published by stakeholders in the community.

Additional school statistics and demographics, such as student enrolments, attendance and class sizes and disciplinary absences are routinely published on the DETE website.³⁵

Performance information continues to be sought after by the media and the community. A search by OIC for performance information on Queensland schools found the following independently created websites which combine publicly available information to provide performance reports:

- Queensland Schools Guide - approximately 95,000 user-generated reports were created within four days of the website's launch;³⁶ and
- Better Education - attracts 1.2 million page views and four million hits in a typical month, or more than 8000 visitors a day.³⁷

Although Queensland publishes data, either directly through DETE or in such a way that other organisations can publish, there is scope to publish more information that is of direct interest to the community. A comparison of published data indicated that other jurisdictions routinely publish more information about school performance than Queensland, and in a more accessible and useful format.

7.2.2 School Performance Information – Other Jurisdictions

OIC compared the information published by DETE with that published by the Department for Education, United Kingdom (**DfE:UK**).

³⁵ <http://education.qld.gov.au/schools/statistics/> viewed on 4 June 2013.

³⁶ <http://www.couriermail.com.au/news/queensland/queensland-schools-guide-comparison-site-reveals-our-best-performers/story-fndeighm-1226347284503> viewed on 4 June 2013.

³⁷ <http://www.bettereducation.com.au/About4W.aspx> viewed on 4 June 2013.

In its *Statement of Intent – 2011*, which sets out DfE:UK's intentions on the content of the 2011 School and College Performance Tables, DfE:UK advised:

Performance Tables will continue to sit at the heart of the accountability system. Headline performance measures reflect Government priorities and it is important that schools and the public understand how individual schools compare against national standards. However, we must also provide the public with access to the wider data not covered by headline measures so that parents and others can find the information that is most important to their individual needs or local interests. We will, therefore, release additional data that underpins the headline information on the day of publication, or as soon as it becomes available thereafter. (DfE:UK emphasis)³⁸

This clear message was reinforced and reiterated in the Statements of Intent for 2012³⁹ and 2013.⁴⁰

OIC reviewed the information available on the DfE:UK Performance Tables website⁴¹ and found that the greatest difference between the DfE:UK and DETE information was the availability on the DfE:UK website of inspection reports on UK school performance and effectiveness. OIC also noted that the information published by DfE:UK had greater accessibility and utility than that provided on the DETE website. For example, by visiting a single DfE:UK web page, a member of the public can view information about a school's population, location map, workforce and academic performance, as depicted in Figure 1 below. With one click, a visitor to the website can view the latest inspection report or download a full set of school data in either Excel or .CSV format. To view similar information about a Queensland school a member of the public would need to visit several websites: the My School website, the DETE website, and the individual state school website.

³⁸ <http://www.education.gov.uk/schools/performance/archive/Statement-of-Intent.pdf> viewed on 12 September 2013.

³⁹ http://www.education.gov.uk/schools/performance/download/Statement_of_Intent_2012.pdf viewed on 4 June 2013.

⁴⁰ http://www.education.gov.uk/schools/performance/download/Statement_of_Intent_2013.pdf viewed on 13 September 2013.

⁴¹ <http://www.education.gov.uk/schools/performance/> viewed on 4 June 2013.

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 Go

Select schools/colleges
 Select schools/colleges by postcode, town or region to compare performance.

Quick links
 Primary
 Secondary
 16-18
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 Academies
 All

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Tell us how we're doing
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Figure 1: Screen capture of DfE:UK School Performance Report

7.2.3 Current opportunities for DETE to improve publication of school performance data

School performance data similar to the report published by DfE:UK is already published for community use across multiple sources including the MySchool and DETE websites, school annual reports and other performance reports (e.g. Queensland Studies Authority). Other significant school performance information may be available and should be published where appropriate.

DETE could explore the publication of this information to make access and utility more user friendly for the community. This would be even more useful if this publication was accompanied by web functionality, for example, search facilities, a subscription service, a platform for publishing apps or a service to track information requests.

As noted in the *Transparency and Public Sector Performance* paper, significant input by teaching and non-teaching staff in the construction, usage and process of publication of such measures would be a key factor in ensuring further publication of performance information was successful. The paper also describes the importance of encouraging

public debate, including debate about the interpretation of the data, in order to better inform the community and improve service delivery.

The positive impact of publishing more school performance information to the extent outlined above, would be that Queensland would be providing information in the public interest, as is commonplace in other countries, to support parents' choice of school for their children and to share performance information across schools for the purpose of supporting performance improvement and shared practice.

Recommendation Seven

It is recommended that DETE:

Within 12 months, examine publication opportunities and publish more comprehensive, readily accessible and usable school performance information.

7.3 Administrative access

The benefits of administrative access arrangements include shorter waiting times for access to information, increased transparency of government information and a reduction in the volume of access requests made under the RTI Act or IP Act. DETE's administrative access schemes could be more visible to promote their use:

- The *Providing Access to Departmental Information*⁴² policy and supporting *Administrative Access Scheme – For Central Office and Regional Offices*, applies to requests for information held by central or regional offices, for example facility and fleet management, ICT, health and safety, workforce relations, and community relations.

The option of accessing information under this administrative access scheme is found under the 'What is a Disclosure Log?' section of the 'How do I access information' web page, but no link is provided to the policy, administrative access scheme or request form.

⁴² <http://ppr.det.qld.gov.au/corp/ict/management/Pages/Providing-Access-to-Departmental-Information.aspx> viewed on 7 February 2013.

- The *Access to Records Held in Schools*⁴³ policy and supporting schedule guides school principals through the process of administratively releasing documents held by schools such as student, staff, volunteer and parental records, and general records regarding the curriculum, financial management and school management. The decision about whether access is granted is made by the principal.

This is found by going from the 'How do I access information' web page to 'Access to documents' web page, which provides a link to the policy but no link to the supporting schedule or request form.

The provision of direct links to the policy and supporting documents would improve the visibility and accessibility of these administrative access arrangements and further encourage the public to engage with the department.

Recommendation Eight

It is recommended that DETE:

Within six months, improve the visibility of administrative access schemes, for example by updating the 'How do I access information' and 'Access to documents' web pages to include direct links to both administrative access policies and forms.

7.3.1 Media requests for information

Given the reach of education services into Queensland communities, DETE has a dedicated media unit that supports the provision of information to media organisations – both proactive and reactive. In the course of this review, OIC observed the challenge for DETE in balancing speedy provision of information to the media with the need to ensure such information was communicated to parents, schools and the general community in as accurate and complete a way as practicable.

A general issue in providing information to the media is the extent to which DETE can or should try to manage the impact of information once published. The RTI Act does not allow an agency to refuse access to a document because of the potential for misunderstanding or mischief.⁴⁴ However, when information obtained from DETE is

⁴³ <http://ppr.det.qld.gov.au/education/management/Pages/Access-to-Records-Held-in-Schools.aspx> viewed on 7 February 2013.

⁴⁴ Schedule 4, Part 1, RTI Act.

released by the media, some of DETE's stakeholders could be vulnerable to significant negative impacts if it is incomplete or information is misunderstood.

OIC observed one useful strategy adopted by DETE in its provision of a web page which corrects or completes incomplete media stories:

*Sometimes media organisations don't publish all of the facts and relevant detail. Get the full story here.*⁴⁵

OIC also noted that some parties surveyed thought that aspects of DETE's management of the media could be improved. In some cases it may be appropriate to handle media requests for information as formal applications for access under the RTI Act, however such formal applications are intended to be a last resort.

OIC noted during the course of the review that, of the RTI/IP files reviewed, some media requests for information were handled under the RTI or IP Acts. Such an approach usually imposes a higher administrative burden for the applicant and agency and less timely outcomes when compared with how quickly a media unit tends to respond.

While it is acknowledged that the approach may be informed by the nature of the media enquiry, it may be preferable for DETE to identify alternative means of satisfying the media requests for information.

OIC considers DETE could make progress on this issue by developing a coordinated agency-wide strategy for promoting administrative release of information to the media:

- review media policies to enable media requests to be handled administratively to the greatest extent possible
- institute an administrative access arrangement focussed on ensuring that formal applications under the legislation are a last resort
- provide leadership within the agency to reinforce to business units DETE's commitment to administrative release of information
- consider whether creating a new document containing the information sought may be more effective at avoiding misunderstandings and ensuring relevant context is incorporated, particularly in relation to data;⁴⁶ and

⁴⁵ <http://deta.qld.gov.au/about/get-the-facts/index.html> viewed on 27 May 2013.

⁴⁶ Note that creation of a new document is not required as part of the process for dealing with a formal access application under the RTI Act or IP Act; however can also be a useful strategy in such circumstances. If a new

- provide training to business units so they are informed about DETE's policies and procedures and encouraged to release information administratively in accordance with agency policy and procedures.

A strategy for promoting administrative release of information to the media could assist DETE to balance priorities in responding quickly and efficiently to information requests from the media, build relationships with the media to improve media understanding and reporting of issues, and to put in place safeguards and guidelines to ensure published information is accurate, complete and easily understood.

Recommendation Nine

It is recommended that DETE:

Within 12 months, develop an agency-wide strategy to promote administrative release of information to the media to ensure formal access applications are used as a last resort.

7.4 School public websites

The Schools Directory⁴⁷ lists over 1200 state schools, each with their own public website. DETE is committed to moving to a single web platform – 'Websites for Schools'.⁴⁸ More than 400 websites have been created under the Websites for Schools initiative since 2011.⁴⁹

OIC reviewed a random sample of 15 state school websites created using the new website publishing platform. The review found that all websites used a footer which included a link to the global privacy statement on the DETE website but not the required link to the agency's RTI web page.⁵⁰ OIC also reviewed a random sample of 15 state school websites developed using an alternative web platform. The review found that seven out of 15 websites provided a link to the DETE global privacy statement; a search for the term 'RTI' or 'right to information' across all sampled websites did not find any results.

document is created, it should contain all information sought without modification or be provided in addition to the original documents sought.

⁴⁷ <http://education.qld.gov.au/directory/schools/index.html> viewed on 26 February 2013.

⁴⁸ <http://deta.qld.gov.au/publications/annual-reports/11-12/pdf/annual-report.pdf> at page 86, viewed on 26 February 2013.

⁴⁹ <http://education.qld.gov.au/smartclassrooms/enterprise-platform/websites-for-schools.html> viewed on 21 February 2013.

⁵⁰ As required by the *Consistent User Experience (CUE) Standard*, Checkpoint 26, viewable at <http://www.qld.gov.au/web/cue/module2/checkpoints/checkpoint30/index.html>.

Updating the Website for Schools template to include an easily identifiable link to RTI would benefit DETE and members of the public through better and easier access to information, raised awareness of available administrative access schemes and reduced applications made under the RTI Act and IP Act. DETE is encouraged to consider building these features into those websites already created using the Websites for Schools template.

Recommendation Ten

It is recommended that DETE:

Within six months, update the 'Website for Schools' website template to promote RTI. For example, by:

- updating the footer to include a link to the DETE RTI web pages; and
- enhancing the search function so that a person using a school website can easily find information on RTI and how to gain access to records held in schools.

8 Compliance

Background

The RTI and IP Acts set out detailed requirements for making information available to people, using push model strategies such as publication schemes and disclosure logs, and in response to applications for information under the legislative processes.

Key Findings

- Overall, the level of compliance with the requirements of the RTI and IP Acts was commendable.
- The publication scheme and disclosure log were generally in accordance with legislative requirements.
- Both the publication scheme and the disclosure log appeared to require review to ensure publication of a fuller range of information and to address minor instances of non-compliance.
- Applications were generally processed in accordance with legislative requirements. More careful case management and record keeping would reduce minor non-compliances and the number of instances where an applicant may choose to seek a review of a decision.
- More care is needed particularly to ensure appropriate evidence of identity is obtained for agents acting on behalf of applicants in accordance with prescribed requirements.
- Communication with applicants was generally well-managed, but constrained by internal processing issues. The process of dealing with requests for information would be improved by ensuring that, as much as possible, local business units (schools) are authorised, trained and encouraged to handle requests for information administratively.
- DETE should develop a procedure for briefing and reporting to senior executive and ministerial staff on applications consistent with OIC model protocols for senior officer involvement in RTI and IP Act decision-making.

Key Findings

- A concern was identified about perceived influence on the independence of decision-making if the director of the business unit handling applications is also advising DETE on public interest factors and representing DETE's view to the decision-makers.
- A forms review would ensure the requirements of the information privacy principles were built into the design and maintenance of forms.

8.1 Publication Scheme

The publication scheme forms an integral part of the 'push model' where information is released proactively. A publication scheme is a structured list of an agency's information that is readily available to the public, free of charge wherever possible. Section 21 of the RTI Act requires that all agencies⁵¹ must publish a publication scheme and must include the classes of information available in the publication scheme and the terms and charges by which it will make that information available. Section 21(3) of the RTI Act provides that an agency must ensure that its publication scheme complies with guidelines as published by the Minister. Publication schemes are audited by OIC using a desktop audit process, which examines the publication scheme on an agency's website from the perspective of a member of the public. The desktop audit checks that the publicly visible aspects of the publication scheme comply with the legislation and Ministerial Guidelines.

In February 2013, OIC conducted a desktop audit of DETE's publication scheme and noted issues in relation to its administration concerning:

- population of the publication scheme
- provision of information about terms and charges; and
- review and maintenance of the publication scheme.

⁵¹ Other than entities specifically excluded by the legislation, or who have made other legislatively compliant arrangements.

8.1.1 Population of the publication scheme

A review of DETE's publication scheme identified that there was variance in the extent to which the publication scheme was populated with information. Of seven classes reviewed, two were assessed as being 'In Progress'.⁵²

- The 'Our priorities' information class did not provide links to significant priorities outlined in the 2011-12 Annual Report, such as the *Building Our Future Schools Fund* and new initiatives such as the *Great Teachers = Great Results* action plan.
- Relevant information about school education was difficult to locate in the 'Our services' class, which provided only three relevant high-level links to key or significant services.⁵³

8.1.2 Terms and conditions for accessing information

The RTI Act requires that publication schemes describe the terms and conditions attaching to the release of the information, and any charges that might apply. OIC noted during the course of the review that the publication scheme did not include any information on the terms on which the information was available or state that the information was free of charge.

8.1.3 Review and maintenance of the publication scheme

A number of publication scheme links did not work or linked to out-of-date information:

- 38 links from the publication scheme did not work or directed the user to an error message (for example, *file not found*)
- in the 'Our decisions' information class, there were minutes for seven School Education boards, councils and committees: only three of minutes were post-2009; and
- the 'Our lists' class linked to the school disciplinary absences web page that provided data for 2006-2008, whereas the information available from the

⁵² A class of information was assessed as being 'In Progress' if significant information required by the Ministerial Guidelines was missing.

⁵³ School Education website home page, Departmental publications web page; and Queensland Government Cabinet and Ministerial Directory media statements web page.

'Education Statistics' web page provides school disciplinary absences data for 2008-2012.

OIC considers DETE has an opportunity to improve the population of the publication scheme by supporting Information Access Officers⁵⁴ to coordinate and take a proactive approach to population, management and updating of the publication scheme.

Recommendation Eleven

It is recommended that DETE:

Within six months, review systems and decision-making for publication of information to DETE websites to ensure that significant information is easily accessible from the publication scheme, required information on terms and charges is included and that information is up-to-date with working links.

8.2 Disclosure Log

A disclosure log is a web page or a part of a website which publishes a list of documents that an agency has released under the RTI Act. The rationale for disclosure logs is that if one person has expressed an interest in documents containing information other than their own personal information, then those same documents might be of interest to others.

Section 78 of the RTI Act provides the legislative requirements with which agencies must comply when maintaining a disclosure log. Agencies must ensure that the disclosure log complies with the guidelines published by the Minister on the Minister's website (section 78B(1) of the RTI Act). OIC audits disclosure logs by a desktop audit process, as well as in the course of reviews such as this one. The desktop audit examines the disclosure log from the perspective of a member of the public, and checks that the publicly visible aspects of the disclosure log comply with the legislation and Ministerial Guidelines.

⁵⁴ DETE's 'Providing Access to Departmental Information policy' states that Information Access Officers from each Region and Central Office division and branch, are responsible for presenting new information to the relevant Senior Executive Officer or Senior Officer to decide whether it should be published on the department's publication scheme. Web Services in DETE is responsible for maintaining departmental internet sites. The 'Web work request' form includes the optional question 'Are the web page/s suitable to link from RTI'. It is not clear whether staff must consult with Information Access Officers to determine whether information should be included in the publication scheme.

A desktop audit of DETE's disclosure log was conducted prior to the introduction of new disclosure log rules that commenced on 2 February 2013. DETE's disclosure log was readily identifiable and accessible from the agency's RTI web page. The disclosure log was well structured, with items posted to the disclosure log supported by a brief summary of the published information. Overall, OIC considered DETE's disclosure log to be compliant with prescribed requirements.

One issue noted during the review was the limited extent to which DETE appeared to be publishing information in its disclosure log.

The disclosure log includes documents for 2009, 2010, 2011 and 2013, but 2012 was not listed. OIC was advised that there were no documents published to the disclosure log in 2012 as information suitable for release to the public was released under administrative access release processes. OIC considers that there would be value in adding explanatory text to this effect on the web page to avoid the misperception that 2012 has been accidentally omitted.

OIC focussed on reviewing 2011, as that was the year in the disclosure log where a comparison to released data was possible. DETE publishes its disclosure log by calendar year. The 2011 disclosure log contained two applications finalised during the 2010-11 financial year even though DETE reported releasing 9262 pages in response to 61 finalised RTI Act applications in 2010-11. Of the 20 applications under the RTI Act where the hard copy files were provided to OIC specifically to test publication to the disclosure log, information from only one file (2327) was published to the DETE disclosure log.⁵⁵ On specific files reviewed by OIC where information was released under the RTI Act, OIC was unable to identify impediments to disclosure log publication. For example, four files showed evident signs that the released information could have been published to the disclosure log, yet none of the information from these files was published. Reasons for non-publication, as required to be recorded under the Ministerial Guidelines, were requested but not received during the course of the audit.

DETE agreed with OIC's comment that management could conduct a review to ensure staff are appropriately assessing documents for publication to the disclosure log and

⁵⁵ A second file was published to the Non-State School's Accreditation Board Disclosure Log.

stated they would undertake to review existing practices and implement suggested improvements.

The RTI Act was amended on 22 February 2013, requiring Ministers and departments to include additional information in their disclosure log, including the names of applicants, the names of entities for whom access was sought and who might benefit from or use a document, and copies of documents after access is given (where the document does not contain the applicant's personal information). Within DETE, the assessment of documents for inclusion in the disclosure log is now being performed by the decision-maker. A review of DETE's disclosure log post 22 February 2013 found that details of documents released for 47 applications had been published over a seven month period.⁵⁶

Although the new legislative requirements are impacting positively on the population of the disclosure log, OIC considers a review would still be useful, both in general and with respect to initiatives to increase proactive disclosure of information. DETE advised one reason for fewer documents being published to the disclosure log was that requests for information were frequently managed through administrative release processes. OIC considers this is not an impediment to increasing publication to the disclosure log. There would be value in publishing documents released under administrative access schemes in the disclosure log, as appropriate. An example of a disclosure log that includes administratively released information is published by the Department of Communities, Child Safety and Disability Services. This approach is in keeping with the push model of the RTI framework.

OIC raised this with DETE in the course of the review and DETE advised they did not accept the recommendation:

*DETE does not accept recommendation 2 given the volume of material that is released under the administrative access schemes at the central office, region and school levels. Implementation of this recommendation would require substantial additional resourcing allocations.*⁵⁷

OIC acknowledges that DETE releases a large volume of information administratively. However, the disclosure log is one opportunity to publish this information, where it does

⁵⁶ As at 20 August 2013.

⁵⁷ Advised by email dated 8 July 2013 in response to an Issues Paper.

not relate to personal information of the applicant or would not be an unreasonable invasion of another individual's privacy. It is important that DETE ensure information released administratively that would be of broader interest to the local school community be considered for publication on the school website, or where it may be of interest to the general community, on the DETE website.

Recommendation Twelve

It is recommended that DETE:

Within three months, examine publication opportunities for the proactive disclosure of documents containing non-personal information released under administrative access schemes and review the process for release of applications under the RTI Act.

OIC also noted technical non-compliances as against the previous requirements relevant to the period reviewed:

- The disclosure log page did not contain the mandatory introductory text that explains the purpose and structure of the disclosure log.⁵⁸
- Decision letters where documents were released under the RTI Act did not consistently include the required notification that the released documents, if they do not contain the personal information of the applicant, may be made available to the public. This occurred in four of 12 files where it was identified as required (one third of applicable files reviewed).

OIC raised these issues with DETE, and DETE advised they would undertake to review existing practices and implement improvements.

Recommendation Thirteen

It is recommended that DETE:

Within three months, update the disclosure log to include the mandatory introductory text as per the Department of the Premier and Cabinet *Right to Information Publication Schemes – Publishing requirements and guidelines for agency websites*.

⁵⁸ Department of the Premier and Cabinet Right to Information Publication Schemes – Publishing requirements and guidelines for agency websites.

Recommendation Thirteen

Within three months, use updated template correspondence to include the required notifications as per sections 54(2)(a)(iii) and (iv) of the RTI Act.

8.3 Active management of agency responsibilities

This review assessed a representative sample of 71 RTI and IP access and amendment application files⁵⁹ for compliance with the RTI Act and Chapter 3 of IP Act.

The focus of this review was on the general practices and systems adopted by DETE to process applications for information. The detailed results of the review are discussed below. This section discusses the active management of DETE responsibilities, including:

- communication with the applicant and other business units within DETE
- briefing of key stakeholders; and
- independence of decision-making.

The file review found that DETE was compliant with the requirements of the RTI and IP Acts. Minor issues were noted. When these procedural issues were raised with DETE they advised they would commit to undertaking a review of record keeping and case management practices.

The review found the management of applications to be reliant upon the efforts of the individual staff within the LALB. The staff were dedicated to a quick turnaround, a good process and to providing a service to the applicant. Their efforts were constrained by:

- time spent identifying relevant internal business units or individuals
- achieving a response from other business units within DETE
- delays in certain matters which had a higher degree of senior officer involvement; and

⁵⁹ A sample of 60 files was selected, but two files were found to be unreviewable: one was an application made in error and which should have been made to an overseas government, and one was an application file with only two pieces of paper included, and which was clearly an adjunct to a related application. A further 13 out of 20 files provided for review of disclosure log publication requirements were also reviewed.

- a pattern of receiving multiple discrete applications for closely related material being made in clusters, adding to the work required to process applications.

LALB was demonstrably interested in assisting the applicant, for example, through negotiations (frequently seen on files) leading to an applicant receiving information administratively rather than through an exhaustive pursuit of information through the legislative process.

However, time was lost in dealing with internal processing issues, as highlighted in the profiling of communication with applicants and business units.

8.3.1 Active Management – Communication

Regular contact with the applicant during the application process can promote the objectives of the RTI and IP Acts. Although not a specific requirement of the legislation, regular contact with the applicant during the application process maintains agency/client relationships and provides good outcomes for both the applicant and agency.

A profile of the communication practices adopted by DETE was developed during the review of applications. This profile is summarised below.

Quick Facts – Education	
Average number of times the RTI and Privacy Unit contacted the applicant	3.4 times per application
Average time between contacts with the applicant	7.9 business days
Average total duration of applications, from receipt of application to decision (including time taken for third party consultations and extensions)	27.3 business days
Number of applications where decision was deemed to be a refusal (for example, because it ran over time)	2 deemed decisions
Percentage of contact with applicant made by email or phone for application processing activities (excluding application receipt acknowledgment notification and formal decision notification)	78% of all contacts made by email and telephone

Quick Facts – Education	
Percentage of communication activities which involved the RTI and Privacy Unit following up business units for information (excluding communication with the applicant)	6% of communication activities involved following up business units

The review identified that when processing applications, LALB adopted different types of contact with the applicant matched to the requirements of different application handling processes (refer to Figure 2). Email was the dominant method of communication.

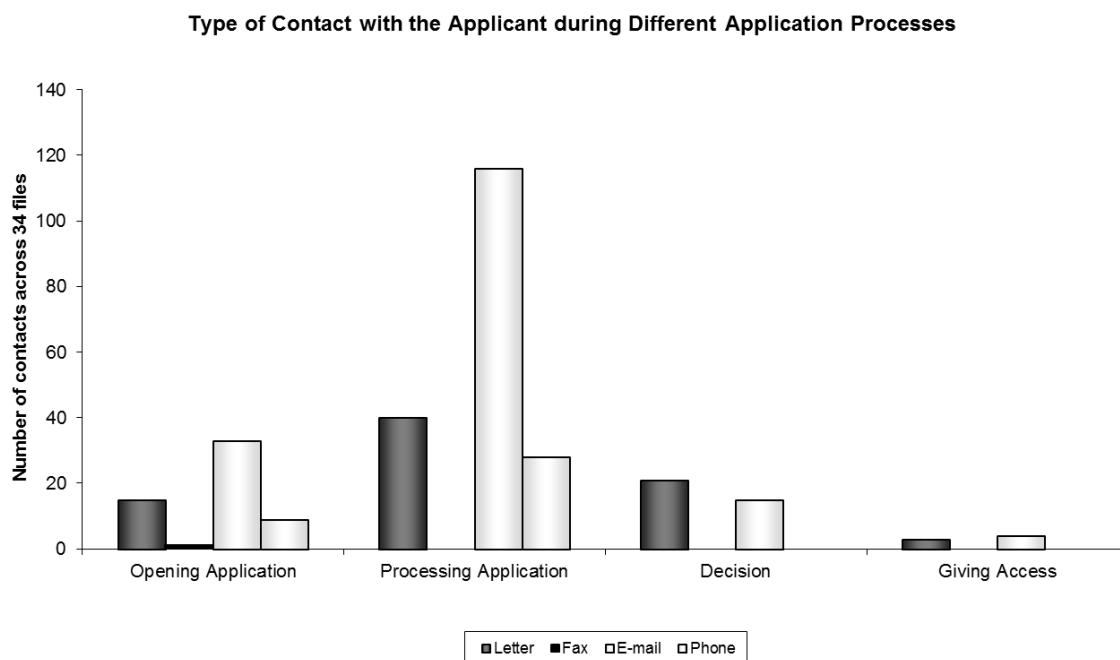


Figure 2: Type of contact with applicant during application handling

A similar profile of another large agency, where applicants were contacted more frequently than DETE (on average 4.8 times per application), revealed the average duration of an application from receipt to decision to be 23.6 business days. This may indicate that frequent, informal contact with the applicant is connected to reduced processing time.

During the file review, it was notable that LALB turned around responses in email conversations quickly, often on the same day. With this level of efficiency in evidence, OIC analysed the data further to identify where delays were occurring on files.

This analysis demonstrated a lower level of communication with the applicant (41% of all communication contacts) compared to communication with internal business units (49% of all communication contacts). OIC profiled the pattern of this contact over the life of the 71 application files reviewed, depicted graphically in Figure 3 below.

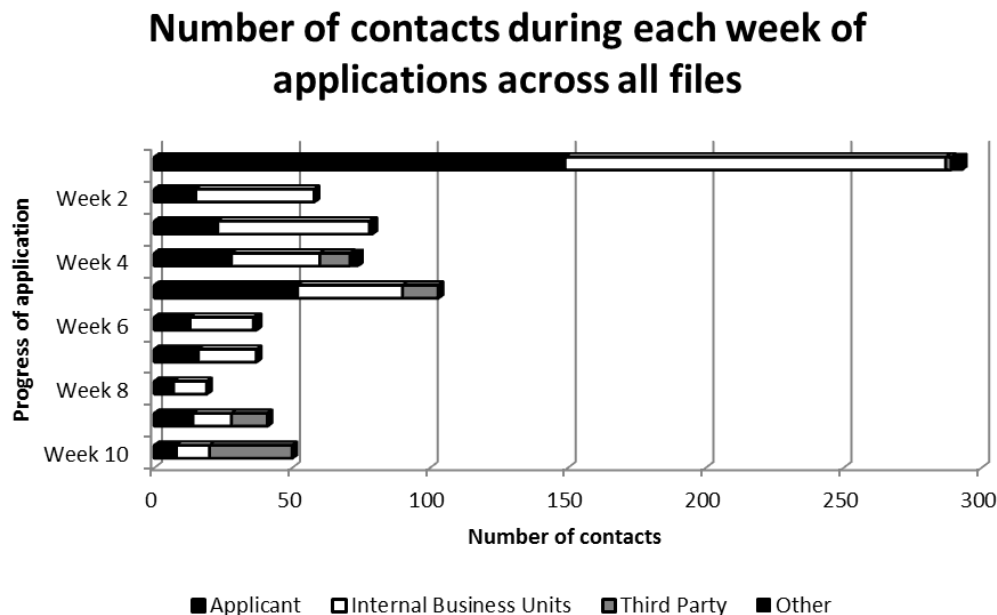


Figure 3: Pattern of contact with applicant over time

OIC noted the excellent level of communication by LALB with the applicant in the opening week of the application handling process, frequently to discuss scope and other processing issues. However, many individual files evidenced no further contact with the applicant for some weeks while LALB turned instead to deal with internal business units. For example, in Weeks 2 and 3 of the application handling process, on average 74% (Week 2) and 70% (Week 3) of communication contacts were made with internal business units.

OIC considers it might be helpful to update the applicant on the progress of the application during this period, for example by explaining that searches for the documents are being undertaken and when documents are being collated and considered.

Given the quick turnaround of internal communication, and the nature of communication recorded on file, OIC did not find that the focus on internal communication was a problem attributable to inefficiency or a lack of interest in client service within LALB. On the contrary, LALB took steps to attempt to obtain good results for clients, as discussed below.

Rather, the issue seemed to be related to the sheer number of possible business units, including relevant schools, involved in any given application, and the need for internal discussion of applications, sometimes at the senior level. Working with these layers in the organisation inevitably led to delays while LALB managed the internal process for responding to an application for information. For example, the initial step of making up a file required LALB to liaise with another business unit, taking on average 1.8 days. OIC noted redirection of requests for information between business units on nine files. Three of these files had five or six redirections. OIC also noted that three of the ten internal review files showed additional documents were located. This pointed to the possibility that searches for documents had not been conducted sufficiently.

LALB frequently attempted to streamline the process by encouraging the local business unit (including schools) to assist the client directly, as observed by OIC on at least 12 files. The file review identified examples of the LALB advising local staff of relevant policies and procedures, in particular the existence and applicability of administrative access schemes. An example of a relevant policy is the policy which allows schools to provide students with their school records: *Access to Records Held in Schools*.⁶⁰

OIC commends this approach. Local resolution of information requests would appear to be the best opportunity for improvement. This would allow DETE to deal with requests for information quickly, simply and locally, thereby entirely avoiding the administrative processing necessarily involved when applications go through central business units, including the need for the central business unit to track down the location of information sought.

OIC considers this to be an agency-wide issue for DETE:

- to encourage a culture of openness and a client service orientation, to ensure local business units, for example schools, are aware that they have the delegated authority to resolve matters
- to encourage local business units to be proactive in resolving matters locally; and
- to ensure they are aware of the applicable policies and procedures so that they know how to resolve matters using administrative means.

⁶⁰ <http://ppr.det.qld.gov.au/education/management/Pages/Access-to-Records-Held-in-Schools.aspx> viewed on 1 May 2013.

When these issues were raised with DETE in the course of this review, DETE advised that they accepted OIC's findings and proposed resolution and would undertake to ensure adequate levels of communication were maintained with applicants throughout the application handling process.

Recommendation Fourteen

It is recommended that DETE:

Within 12 months, review as a package the policies and procedures encouraging local, informal resolution of requests for information, and champion an agency-wide program encouraging administrative release of information at the local business unit and school level.

8.3.2 Active Management – Briefing of Key Stakeholders

OIC has published *Model Protocols for Queensland Government Departments on Reporting to Ministers and Senior Executive on Right to Information and Information Privacy Applications* (the **Protocols**).⁶¹ These Protocols provide a performance standard for maintaining the independence of right to information and information privacy decision-making during briefings of Ministers, ministerial staff and senior executives. The Protocols took effect from 15 April 2013, and therefore did not apply to DETE at the time of the relevant period of application handling for the purposes of this review.

The Protocols describe the principles that must be exercised to balance accountability and independence of decision-making.

The RTI Act and IP Act are transparency and accountability measures. Directors-General are responsible for decision-making on access applications made to their department. In practice, Directors-General usually delegate RTI and IP decision-making powers to departmental officers. Even when powers are delegated, Directors-General need to be kept informed of significant decisions.

Under the RTI and IP Acts, independence of decision-making is reinforced. It is an offence to direct a person to make a decision the person believes is not the decision that

⁶¹ Viewable at http://www.oic.qld.gov.au/_data/assets/pdf_file/0019/16606/Model-protocols-for-RTI-IP-briefing-processes-v1.0.pdf.

should be made. It is also an offence to direct an employee or officer of the agency or Minister to act in a way contrary to the legislative requirements.

In circumstances where the Director-General disagrees with a delegated decision-maker's proposed decision, the Director-General should make the decision.

The RTI and IP Acts expressly set out how an access application is to be processed and the grounds on which decisions to give or refuse access must be based. The RTI Act explicitly states that decision-makers are not permitted to take into account factors such as possible embarrassment to the Government or loss of confidence in the Government.

When seeking to ensure good governance and accountability for decisions, senior managers need to be mindful of possible perceptions about implicit directions. Systems or structures that allow for ambiguity about whether or not a superior officer is giving a direction do not effectively manage the risk of a perception that there has been an unlawful, implicit direction. Agencies need to ensure that structures, systems and procedures clearly support both accountability for decision-making and the independence of decision-makers, in order to manage that risk.

OIC notes that as at August 2013 DETE has not yet adopted these protocols. OIC observed that there was regular interaction with executive level staff recorded on application files. DETE has considered and reviewed the protocols and has developed a Briefing Procedure based on the OIC model. The procedure is still in draft format at this stage. This work has been led by the LALB.

OIC's publication of the model briefing protocols affords DETE an opportunity to consider and develop policies and procedures for executive involvement in RTI and IP Act decision-making.

Recommendation Fifteen

It is recommended that DETE:

Within the next six months, adopt policies and procedures consistent with the *Model Protocols for Queensland Government Departments on Reporting to Ministers and Senior Executive on Right to Information and Information Privacy Applications*.

8.3.3 Active Management – Independent Decision-making

It is vital to ensure management of decision-makers is separate from provision of specific legal advice or representation of stakeholder views to avoid the perception that a decision on whether to release documents may have been inappropriately influenced. This risk of perceived influence is heightened when dealing with complex matters. During the review of application files OIC observed instances where the risk of such a perception may have arisen.

OIC found a quantity of material on three reviewed application files demonstrating that there were departmental officers involved in these matters who had multiple overlapping roles rather than clearly separated roles. For example, this material included a letter from the Director responsible for the decision-making team to the decision-making team setting out the 'departmental view'. The letter was a submission drafted in the format of a decision letter and said:

I advise that the Department's view is that access to the documents requested in the Application should be refused on the following grounds: ...

It is clearly appropriate for the departmental business units and the Executive to obtain internal legal advice as to public interest factors affecting a decision about the release of information. It is also appropriate for assistance to be sought by departmental business units and the Executive in presenting a submission on concerns about release of documents to the decision-makers. However, concerns might arise about the independence of decision-making when the senior decision-maker with responsibility for overall case management and the quality of decision-making, including management of the decision-makers, also had multiple overlapping roles related to a specific application, including providing legal advice to the department about issues related to potential release of documents, and presenting the department's view to the decision-making team.

Even if the Director clearly presented the departmental view as being the departmental opinion only, as in the reviewed application files, there is the potential for a perception that decision-makers reporting to their Director might understandably have felt an underlying expectation that they should have adopted, or been strongly influenced by, the views outlined in their Director's letter to them. In these particular matters, this perception might have been reinforced by the weight of senior management involvement (including the

Director), and the use of legal advisers in the production of the department's view before its presentation to the decision-making team by the Director.

Other material on the files evidenced a fluid changing of roles between decision-making and provision of legal advice concerning access applications being handled within LALB. For example, the initial involvement of the decision-maker in these matters included acting as a departmental legal officer preparing legal advice to the Director-General as to the departmental response and drafting the departmental submissions to the decision-making team, prior to being appointed as the decision-maker.

The point raised here is not to question the need for a departmental legal adviser or to question the need for a supervising officer responsible for the quality of decision-making. The issue is the appropriateness of departmental officers involved in specific applications for documents having incompatible multiple overlapping roles. The conflation of roles could lead to perceived ambiguity, confusion or a perception of influence. This would be of particular concern if confusion or perception of influence arose in the mind of a decision-maker.

DETE agrees with this principle:

The Department agrees that there should be separation from management of decision makers and provision of specific legal advice or representation of stakeholder views to influence the decision on whether to release documents.⁶²

DETE also stated:

All requests for legal advice from the Department are made to the Executive Director LALB (ED), who decides how they are to be managed. They may be dealt with by the ED or allocated to one of two directors for a legal officer to be assigned to provide any particular advice that may be required.⁶³

OIC considers it is important that any future possible risk of any actual or perceived undue influence on decision-making is managed by ensuring that procedures in place for allocating work explicitly take into account the need for a clear separation of duties and responsibilities between any person providing legal advice to the department or

⁶² DETE feedback to OIC draft report on 14 October 2013.

⁶³ DETE feedback to OIC draft report on 14 October 2013.

representing stakeholder views, and overall case management and the quality of decision-making, and the management of decision-makers. Alternatively, decision-making responsibility could be exercised by the principal officer (the Director-General), or another appropriate delegate not supervised by the Director in specific instances. Similarly, the submission to the decision-making team would have been more appropriately made by the relevant departmental business unit or Executive, with assistance from a departmental legal officer that was separate from LALB's decision-making team for access applications made under the RTI Act and IP Act.

Recommendation Sixteen

It is recommended that DETE:

Within three months, ensure procedures for allocating work relating to RTI and IP Act applications explicitly take into account the need for a clear separation of roles between providing legal advice or assistance to the department, and having responsibility for quality of decision-making and the management of decision-makers.

8.4 Application handling

As a last resort, if people cannot obtain government-held information from openly published information sources or administrative access schemes, they have a right to obtain the information using a formal application process under the RTI Act or the IP Act, unless it would be contrary to the public interest to give the access.

Under the RTI Act, an individual has a right to be given access to any document of an agency or Minister on payment of an application fee, subject to certain exemptions and specific grounds for refusing access. Under the IP Act, an individual has the right to be given access to any document containing the individual's personal information, free of charge,⁶⁴ unless it would be contrary to the public interest to do so. An individual also has a right to amend a document containing their personal information if it is inaccurate, incomplete, out-of-date or misleading.

Weighing up an individual's right to information against any public interest in non-disclosure requires careful consideration. The legislation describes in detail factors

⁶⁴ An access charge might be payable under sections 77 and 79 of the IP Act to cover specific costs of providing access, as prescribed in a regulation.

that can and cannot be taken into account when deciding whether or not to release information. However, even with this guidance as to decision-making principles, the decision in each matter turns on the specific circumstances.

Agency decision-makers understand how to weigh up the applicant's interests and the public interest in light of both the legislation and the business of the agency. These decision-makers have a key role in ensuring that the decision is made in accordance with both the intentions and the requirements of the legislation.

RTI and IP decision-makers have a key role in ensuring the agency complies with the requirements of the Acts. Legislative timeframes, managing stakeholder relationships, working with business units conducting searches for documents, third party consultations and most importantly, dealings with the applicant, all must be appropriately managed to ensure the legislated process runs smoothly.

This review examined the end to end process for handling RTI and IP applications within LALB. This review considered the management of the applications overall, and specifically, a representative sample of 71 RTI and IP access and amendment application files made under the legislative process for compliance with the RTI Act and Chapter 3 of the IP Act. OIC focussed on the agency's application of the legislative requirements for:

- prescribed time periods for notifying applicants about how an application does not comply with the legislation and steps taken in allowing the applicant a reasonable opportunity to make an application in a form complying with all relevant requirements of the Acts
- requests for longer processing periods (extensions), in particular where an applicant has agreed to the request and the request was made prior to a deemed decision being taken to have been made
- charges estimate notices (CEN) and schedules of relevant documents and in particular, the issuing of a CEN or schedule of relevant documents prior to the end of the processing period, prescribed requirements of a CEN or schedule of relevant documents and waiving of charges under the RTI Act
- taking reasonable steps to obtain the views of third parties, informing third parties that documents released in response to an RTI Act application may also be

- published, for example, in a disclosure log, provision of a prescribed written notice of the decision and deferring access requirements under the Acts
- transferring applications to another agency
 - decisions on outcomes of applications⁶⁵
 - recalculation of processing periods for appropriate provision of considered or deemed decisions
 - assessment against delegations for decision-makers; and
 - decision notices, in particular: itemisation of processing charges and fees (where applicable), access periods (the period within which the applicant may access the documents), disclosure log requirements, provisions under which access is refused (where applicable), review periods and process for making application for review, reasons for decision, date it was made and designation of the decision-maker
 - refusing to deal with an application
 - giving access to applicants, and in particular, providing applicants with access to documents in the form requested
 - deferring access and notifying applicants when access is no longer deferred
 - amendments to an applicant's personal information; and
 - internal review of decisions on applications for information.

The file review found that DETE was generally compliant with the requirements of the RTI and IP Acts with respect to all of these activities. There was generally a high standard of application handling and in particular, attention to achieving a result for the applicant.

Minor procedural issues were found on 34 files (48%): none of these issues were significant or systemic. In all of these files, it does not appear that the outcome for the applicant was adversely affected. In most cases, these issues or perceived errors may have been overcome or explained if more detailed file notes were recorded on these files.

⁶⁵ The review did not assess the quality or appropriateness of the decision itself, as this is subject to the internal and external review mechanisms.

On three files reviewed, there was insufficient evidence that DETE obtained evidence of identity of the applicant and/or their agent regarding an application for documents that contained the personal information of the applicant. DETE accepted this finding and said:

*In some cases there are regular applicants (e.g. media representatives) and the evidence of identity has been provided on earlier applications. Nevertheless, DETE accepts that in those instances copies of evidence of identity should be recorded on each subsequent application file.*⁶⁶

OIC recognises that this occurred in only a small number of the files reviewed. OIC further recognises that DETE processes a large number of such access applications. However the volume and sensitivity of personal information held by DETE means that it is important that DETE ensure requests for personal information are appropriately supported by the required evidence of identity and this is appropriately documented on file.

OIC accepts that DETE processes a large number of complex and high volume access applications and must meet tight time-frames. It is recognised that on some files there will not be fully explained reasons for actions taken. OIC submits that DETE must continually focus on maintaining good documentation and file notes. This ensures that agency decisions and actions clearly support applicants to access the full range of information available to them, and exercise applicable review rights. DETE has advised they will undertake a review of record keeping and case management practices.

Recommendation Seventeen

It is recommended that DETE:

Within six months, review record keeping and case management practices and emphasise to staff the need to keep full and complete file notes and provide reasons for actions taken in the course of dealing with all applications.

8.5 Privacy Principles

The primary objectives of the IP Act are to provide a right of access to and amendment of personal information in the government's possession or under its control and to provide safeguards for the collection and handling of an individual's personal information within the

⁶⁶ Advice sent by email dated 8 July 2013 in response to an Issues Paper.

public sector.⁶⁷ The Privacy Principles govern how public sector agencies collect, store and use personal information in their possession or under their control. Under section 27(1) of the IP Act, DETE must comply with the Information Privacy Principles (IPPs).

8.5.1 Collection of Personal Information

The collection of personal information is a fundamental area of privacy regulation. Whenever an agency obtains personal information electronically, either through an email to an agency contact email address or by completion of a form, under IPP1, DETE must only collect personal information for a lawful purpose directly related to fulfilling the function or activity of the agency. Under IPP2, DETE must take all reasonable steps to advise the individual of:

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

Collection notices⁶⁸ promote transparency as they allow the individual to make an informed decision about the provision of their personal information to an agency.

A review of a random sample of 25 forms available from DETE websites was performed to determine whether DETE was meeting its obligations under IPP2. The review found that forms collecting personal information generally provided appropriate advice about the reasons for the collection and the use and disclosure of the information.

Minor issues were identified by OIC, with the only reportable issue being the need to ensure collection notices are up-to-date. The review found out-dated references to legislation. The collection notice provided on one form⁶⁹ referred to Information Standard 42 (**IS42**), which has since been replaced by the IP Act in 2009. Another form⁷⁰

⁶⁷ Sections 3(1)(a) and (b) of IP Act.

⁶⁸ The term 'collection notice' is not used in the IP Act. It is a term used by OIC to denote information provided to an individual by an agency in meeting their obligations under IPP2.

⁶⁹ Request to Administer Medication at School
(<http://ppr.det.qld.gov.au/education/management/Procedure%20Attachments/Administration%20of%20Medications%20in%20Schools/Request%20to%20administer%20medication.pdf>).

⁷⁰ Consent to Obtain a Criminal History Check
(<http://ppr.det.qld.gov.au/corp/hr/hr/Procedure%20Attachments/Criminal%20History%20Checks/Consent.DOC>).

referred to the Information Privacy Guidelines, which were guidelines that provided information to support IS42.

Complete and clear collection notices give individuals confidence in providing their personal information when interacting with government, by informing them how their personal information will be used and disclosed.

OIC also reviewed a random sample of 15 forms that were available from school websites and found that only three (20%) forms provided a collection notice as required under DETE's *Appropriate Departmental Collecting, Securing, Accessing, Amending, Using and Disclosing of Personal Information Policy*.⁷¹ Part of the collection notice was provided by the title of the forms, from which it was possible to deduce the reason for collecting the personal information. However, it was unclear whether DETE had a legal authority or obligation to collect the information (for example when obtaining consent to administer medication, copyright permission or absentee notes) or whether there were any third parties to whom the information was disclosed. OIC also noted that four forms included out-dated references to IS42 which need to be updated to refer to the IP Act.

In the case of forms used by schools, it might be possible to develop templates for elements of forms and actively promote awareness of these templates to facilitate schools developing forms that are easy to use and legislatively compliant.

OIC considers there would be value in DETE ensuring that forms are reviewed and maintained for compliance with the IPPs, for example through a forms management policy and guidelines which include responsibilities for reviewing and approving forms.

Recommendation Eighteen

It is recommended that DETE:

Within six months, review forms to ensure appropriate collection notices are in place and establish an ongoing method for building compliance with the Information Privacy Principles into form design, development, review and maintenance.

⁷¹ <http://ppr.det.qld.gov.au/corp/ict/management/Pages/Personal-Information.aspx> viewed on 4 June 2013.

8.5.2 Providing Information about Documents Containing Personal Information

Under IPP5, an agency having control of documents containing personal information must take reasonable steps to ensure that an individual can find out about the types of personal information it holds, the purposes for which the information is used, and how an individual can access the document containing their personal information.

A desktop review conducted in February 2013 identified that DETE has a *Personal Information Guideline* (Guideline)⁷² published on its website. The Guideline discloses the department's personal information holdings, how an individual can access and amend their personal information and how to make a complaint if they feel their personal information has been breached.

A review of DETE's guideline found it to be a commendable document in terms of meeting the requirements of IPP5. DETE's personal information holdings were detailed in terms of describing the dataset, its purpose, any laws authorising or requiring the collection and legislative exemptions which permit the disclosure of specific types of information.

OIC noted the Personal Information Guideline is published as a supporting attachment to the *Appropriate Departmental Collecting, Security, Accessing, Amending, Using and Disclosing of Personal Information* policy on the DETE Policy and Procedure Register. OIC was unable to locate the Guideline using the website search engine nor was the Guideline mentioned on the global privacy statement on DETE website.

Recommendation Nineteen

It is recommended that DETE:

Within 12 months, review the visibility and naming of supporting attachments to the *Appropriate Departmental Collecting, Security, Accessing, Amending, Using and Disclosing of Personal Information* policy.

⁷² Viewed at http://ppr.det.qld.gov.au/corp/ict/management/Procedure%20Attachments/Appropriate_Departmental_Collecting_Securing_Accessing_Amending_Using_and_Disclosing_of_Personal_Information/guideline.pdf on 4 June 2013.

8.6 Privacy of Non-Student Personal Information

OIC considered DETE's personal information handling practices, including technologies, programs, policies and procedures, to review the system for the privacy of non-student personal information and DETE's compliance with the privacy principles.

Generally, DETE evidenced an attempt to embrace and incorporate the obligations of the privacy principles into their documents, policies and practices. These policies would be improved by taking a more streamlined and consistent approach.

Opportunities for improvement include:

- Revising the advice provided in the *Appropriate Departmental Collecting, Securing, Accessing, Amending, Using and Disclosing of Personal Information* policy to clarify that where DETE's primary legislation and the IP Act deal with the same areas, DETE's primary legislation prevails and the IP Act supplements any areas not sufficiently covered in the primary legislation, with the combination providing the highest level of protection.
- Providing easy access to the process and form for requesting administrative release of information.
- Amending the *Personal Information: A Guide for State Schools* to clarify that an individual has a right to seek access to documents containing the individual's own personal information where the document is in the possession or control of an agency, irrespective of the source of the collection and ensure that use of personal information is consistent with IPP10 – Limits on use of personal information.
- Using terminology that is consistent with that provided in the IP Act, such as the 'personal information' and 'use' definitions provided in the *Project Consent Form*; and
- Reviewing the *Preparing and providing a Privacy Notice* guideline to provide plain language advice (for example, use of the phrase 'will not be transferred outside Australia' instead of 'retained within Australian legal jurisdiction') and clarifying that the collection notice provided in the guideline is a template which should be tailored to the circumstances of the collection.

9 Conclusion

DETE generally had a high level of compliance with all requirements of the RTI Act and IP Act. However DETE could take specific actions to improve the effectiveness and outcomes of information access and privacy for stakeholders to give maximum effect to right to information and ensure full legislative compliance.

OIC identified that greater engagement at the strategic level by the Information Steering Committee was required and would facilitate promotion of a culture of open access. It is important that DETE review its publication scheme to ensure significant information is available. School performance information should be reviewed to ensure it is published in a more detailed, accessible and useable format for the community. To facilitate information access for the community DETE must better promote to the community, and encourage business unit use of, administrative release where appropriate, including to the media.

DETE should take action to support the independence of decision-makers by developing policies and procedures for reporting to Ministers and senior executives on formal access applications. Similarly, there is a need for a clear separation of roles between providing legal advice or assistance to the department and having responsibility for quality of decision making and the management of decision makers.

OIC considers that the recommended actions will assist DETE to achieve full compliance with RTI and IP obligations and realise benefits for the community of greater accountability and transparency through better and easier information access.

OIC recognises that DETE in the process of the review agreed to implement the recommendations.

APPENDICES

Appendix 1 – Acronyms

CEN	Charges Estimate Notice
CSV	Comma-separated value. A comma-separated value (CSV) file stores tabular data (numbers and text) in plain-text form that is readily shared
DETE	Department of Education, Training and Employment
DfE:UK	Department for Education, United Kingdom
Excel	Software that allows users to organize, format, and calculate data with formulas using a spreadsheet system broken up by rows and columns.
EMG	Executive Management Group
IAO	Information Access Officer
ICSEA	Index of Community Socio-educational Advantage
ICT	Information and Communications Technology
ISC	Information Steering Committee
IP	Information Privacy
IP Act	<i>Information Privacy Act 2009 (Qld)</i>
IP Address	Internet Protocol Address
IPP	Information Privacy Principle
IS42	Information Standard 42
LALB	Legal and Administrative Law Branch
LALB Operational Plan	2012-13 Legal and Administrative Law Branch Operational Plan
NAPLAN	National Assessment Program – Literacy and Numeracy
OIC	Office of the Information Commissioner

Protocols	Model Protocols for Queensland Government Departments on Reporting to Ministers and Senior Executive on Right to Information and Information Privacy Applications
QGEA	Queensland Government Enterprise Architecture
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009</i> (Qld)

Appendix 2 – Terms of Reference

Terms of Reference – Review of Department of Education, Training and Employment RTI and IP Handling Practices

1. Objectives of the Review

- 1.1. The objective of the review is to establish whether the Department of Education, Training and Employment is complying with the prescribed requirements of the *Right to Information Act 2009* (RTI Act) and chapter 3 of the *Information Privacy Act 2009* (IP Act), to identify areas of good practice, and make recommendations about any improvement opportunities identified by the review.

2. Scope of the Review

- 2.1. The review will cover the Department of Education, Training and Employment's policies and procedures for RTI and IP information handling practices to the extent that they relate to school education, including:-
 - 2.1.1. Agency governance (leadership, governance mechanisms, information management including proactive identification and release of information holdings, policies, procedures, delegations and roles and responsibilities of key personnel and training)
 - 2.1.2. Accountability and performance monitoring systems
 - 2.1.3. Whether or not the agency is maximising disclosure, by reviewing statistical reporting (including internal reporting and annual reporting under section 185 of the RTI Act)
 - 2.1.4. Compliance with legislatively based requirements for:
 - 2.1.4.1. Access and amendment applications and processing (parts 2-4)
 - 2.1.4.2. Decision-making (part 5)
 - 2.1.4.3. Processing and access charges (part 6)
 - 2.1.4.4. Giving access (part 7)
 - 2.1.4.5. Review processes, including and internal review of decisions under the legislation (part 8)
 - 2.1.4.6. An agency publication scheme (s 21); and
 - 2.1.4.7. An agency disclosure log (s 78).
 - 2.1.5. Agency collaboration with communities and industry stakeholders on information management through a consultation process; and
 - 2.1.6. Agency personal information handling practices including technologies, programs, policies and procedures to review privacy related issues of a systemic nature generally, and agency compliance with the privacy principles.

3. Suitability Criteria for Assessing Performance

- 3.1. The review is based on an assessment of the performance of the agency against the requirements of the *Right to Information Act 2009* and the *Information Privacy Act*

2009, and any subordinate guidelines or instruments made pursuant to the legislation.

- 3.2. Where the legislation states that the agency must meet a particular requirement, that requirement is considered to be an auditable element of the legislation. The review tests whether or not the agency has complied with that requirement.
- 3.3. Where the legislation indicates that the agency should adopt a particular approach, the review will make a qualitative assessment of the extent to which the agency has adopted that approach.
- 3.4. These requirements are summarised in the electronic audit / self assessment tool available for preview on the OIC website and previously sent to you.

4. Assessment Process

- 4.1. In conducting the review, the Manager, Performance Monitoring and Reporting (Ms Karen McLeod) will work with a review team including Senior Performance, Monitoring & Reporting Officers. The review team will work through the testing program with your nominated staff to ensure that each relevant area of practice has been considered and appropriate evidence gathered to support findings. Appropriate evidence may be gathered through the following processes:
 - 4.1.1. Discussions with relevant staff and management
 - 4.1.2. Discussions with community and industry stakeholders
 - 4.1.3. Discussions or survey of applicants
 - 4.1.4. Observation of RTI and IP handling practices
 - 4.1.5. Examination of agency RTI website including publication schemes and disclosure logs
 - 4.1.6. Review of desktop audit recommendations and agency response
 - 4.1.7. Examination of agency intranet
 - 4.1.8. Review of statistical records/reporting
 - 4.1.9. Review of reported self assessment via the electronic audit
 - 4.1.10. Review of agency documentation; and
 - 4.1.11. Substantive testing of a random sample of application and internal review files.

5. Reporting

- 5.1. The report will outline findings and make recommendations to improve the Department of Education, Training and Employment's implementation of RTI and IP.

Issues identified during the review regarding the agency's implementation will be raised progressively during the review. If necessary, OIC will provide a briefing to management within the Department of Education, Training and Employment before drafting the review report.

The draft review report will incorporate issues identified during the review and any agency comments, and will then be provided formally to the management of the RTI Unit for comment.

Comments received will be considered for incorporation into the final report to yourself.

This final report, together with any comments of the Director-General and the agency's formal response to recommendations, will be submitted to the Parliamentary Committee for Legal Affairs and Community Safety.

6. Administrative Matters

6.1. Timing

At this stage, it is envisaged that the on-site review will commence in August and will be finalised by October. The exit meetings and report drafting should be concluded by February 2013, assuming circumstances do not intervene.

6.2. Request for Information

Once the agency has nominated a liaison officer for this review, further information will be requested in preparation for the on-site visit, as attached.

It would be of assistance if such information could be provided to the OIC as soon as possible, and at the latest within 20 business days, for the efficiency of the on-site visit.

6.3. Facilities

It would be greatly appreciated if a work space and access to a computer and photocopying facilities could be made available to the review team for their onsite visit, as needed.

Appendix 3 – DETE Action Plan



Department of
Education, Training and Employment

Ms Rachael Rangihaeata
Information Commissioner
Office of the Information Commissioner
PO Box 10143
BRISBANE QLD 4000

Dear Ms Rangihaeata

Thank you for your letter dated 24 October 2013 regarding the Right to Information and Information Privacy Compliance Review of the Department of Education, Training and Employment (DETE) undertaken by the Office of the Information Commissioner (OIC).

The Department is committed to enacting the principles of the *Right to Information Act 2009* (Qld) (RTI Act) and *Information Privacy Act 2009* (Qld) (IP Act) and strives to provide the community with access to appropriate and relevant information.

Please find enclosed the Department's formal response to the report in the form of the completed DETE Action Plan which outlines the Department's response to each of the report's recommendations.

The recommendations made by the OIC as a result of the review have been considered by the Department and I am pleased to advise that all nineteen recommendations are accepted.

I am heartened by the OIC's findings that DETE has a high level of legislative compliance but note that there is still work to be done to ensure that all of the Department's systems and processes reflect high standards of practice.

This compliance review has been welcomed by the Department as it has provided DETE with valuable information which it can use and build on to enhance existing Departmental practices.

I would like to acknowledge the work of the OIC, in particular Ms Karen McLeod, Manager, Performance Monitoring and Reporting and her team for the collaborative approach with which the review process was undertaken.

Thank you once again for your commitment to this important matter.

Should your officers wish to discuss this matter further, I invite them to contact Mr Nick Seeley, Executive Director, Office of the Director-General by email at nick.seeley@dete.qld.gov.au or on telephone 07 3222 2600.

Yours sincerely

DR JIM WATTERSTON
Director-General

Ref: 13/403956

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Office of the Information Commissioner – Right to Information and Information Privacy Compliance Review
Department of Education, Training and Employment (DETE) Action Plan

Rating	Description
High	OIC considers urgent (immediate) attention is required to complete the action
Medium	OIC considers that medium term action is required (anticipated action completion within 3 to 6 months)
Low	OIC considers that long term action is required (anticipated action completion within 12 months, for example, in time for the commencement of the national health reforms to the service delivery model)

OCI recommends: -		DETE Response and any proposed management action	OIC Rating	DETE nominated owner	DETE nominated completion date
#	Recommendation				
1	<p>Within 12 months, implement a strategic approach in 2013-14 and in subsequent years to improve the flow of information to the community that the community wants, particularly through:</p> <ul style="list-style-type: none"> increased open discussion between government and community organisations; and increased functionality of the statistics and information web page. 	<p>DETE accepts the recommendation and will re-examine practices and plan implementation of suggested improvements within the nominated timeline.</p> <p>This review will consider schooling data that are made available through partner organisations, including the Queensland Studies Authority (QSA) and Australian Curriculum, Assessment and Reporting Authority (ACARA) and via the Queensland Government's Open Data portal, to help maximise</p>	Low	Corporate Strategy and Performance	By November 2014

Office of the Information Commissioner – Right to Information and Information Privacy Compliance Review

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OCI recommends: -		DETE Response and any proposed management action	OIC Rating	DETE nominated owner	DETE nominated completion date
#	Recommendation				
		efficiency and utilisation of existing information delivery platforms. The development of new data portals will be subject to resource availability.			
2	Within the next 12 months, include activities in the Information Steering Committee (ISC) plans, so that the ISC is actively monitoring and overseeing the proactive release of information in accordance with the RTI and IP Acts, and the Queensland Government Enterprise Architecture (QGEA 2.0) guidelines.	DETE accepts the recommendation and will re-examine practices and include activities in the Information Steering Committee (ISC) plans that directly relate to the proactive release of information in accordance with the RTI and IP Acts, and the Queensland Government Enterprise Architecture (QGEA 2.0) guidelines within the nominated timeline.	Low	Information Technologies	By November 2014
3	Within 12 months, review the <i>Keys to Managing Information</i> online training course to ensure that all links are current and provide a direct link, where possible.	DETE accepts the recommendation and will review the online training course and implement the suggested updates and improvements within the nominated timeline.	Low	Information Technologies	By November 2014
4	Within six months, implement a	DETE accepts the recommendation	Medium	Corporate Strategy and	By May 2014

Office of the Information Commissioner – Right to Information and Information Privacy Compliance Review

Department of Education, Training and Employment (DETE) Action Plan

OCI recommends: -		DETE Response and any proposed management action	OIC Rating	DETE nominated owner	DETE nominated completion date
#	Recommendation				
	complaints procedure which sets out how to make a complaint when information included in the publication scheme is not available.	and will undertake to implement the suggested procedure within the nominated timeline.		Performance / Legal and Administrative Law	
5	Commencing within six months, develop and incorporate key performance targets into the Information Steering Committee's work plan to measure effectiveness and efficiency in right to information and information privacy processes at the strategic levels, with measurement of performance.	DETE accepts the recommendation and will undertake to establish a small number of key strategic performance measures.	Medium	Corporate Strategy and Performance / Legal and Administrative Law	By May 2014
6	Within 12 months, publish DETE's Information Asset Register on the website to create greater transparency as to the departmental information resources available. Publish updates on the agency's website as new datasets are added to the Information Asset Register.	DETE accepts the recommendation and will undertake to publish the DETE Information Asset Register and provide regular updates as to its contents within the nominated timeline.	Low	Information Technologies	By November 2014
7	Within 12 months, examine publication opportunities and publish more	DETE already publishes a range of school performance information.	Low	Corporate Strategy and Performance	By November 2014

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Department of Education, Training and Employment (DETE) Action Plan

OCI recommends: -		DETE Response and any proposed management action	OIC Rating	DETE nominated owner	DETE nominated completion date
#	Recommendation				
	comprehensive, readily accessible and useable school performance information.	DETE accepts the recommendation and will re-examine practices and plan implementation of suggested improvements within the nominated timeline. This review will consider schooling data that are made available through partner organisations, including the Queensland Studies Authority (QSA) and Australian Curriculum, Assessment and Reporting Authority (ACARA) and via the Queensland Government's Open Data portal, to help maximise efficiency and utilisation of existing information delivery platforms. The development of new data portals will be subject to resource availability.			
8	Within six months, improve the visibility of administrative access schemes, for example by updating the 'How do I access information' and 'Access to documents'	DETE accepts the recommendation and will re-examine practices and implement the suggested improvements within the	Medium	Information Technologies / Legal and Administrative Law	By May 2014

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Department of Education, Training and Employment (DETE) Action Plan

OCI recommends: -		DETE Response and any proposed management action	OIC Rating	DETE nominated owner	DETE nominated completion date
#	Recommendation				
	web pages to include direct links to both administrative access policies and forms.	nominated timeline.			
9	Within 12 months, develop an agency-wide strategy to promote administrative release of information to the media to ensure formal access applications are used as a last resort.	<p>DETE actively works with media organisations every day. All media requests wherever possible are dealt with via administrative release. Some matters are more complex and are dealt with under RTI.</p> <p>In 2012-13 the DETE Media Unit managed over 1,300 media requests with a peak of over 150 requests received in November 2012.</p> <p>DETE accepts the recommendation to re-examine its practices and will develop an agency-wide communications plan to promote RTI and IP practices, including but not limited to training packages, proactive release strategies and useful resources for central and regional office and school-based</p>	Low	Community Engagement and Partnerships / Legal and Administrative Law	By November 2014

Office of the Information Commissioner – Right to Information and Information Privacy Compliance Review

Department of Education, Training and Employment (DETE) Action Plan

OCI recommends: -		DETE Response and any proposed management action	OIC Rating	DETE nominated owner	DETE nominated completion date
#	Recommendation				
		staff.			
10	<p>Within six months, update the 'Website for Schools' website template to promote RTI. For example, by:</p> <ul style="list-style-type: none"> • updating the footer to include a link to the DETE RTI web pages; and • enhancing the search function so that a person using a schools website can easily find information on RTI and how to gain access to records held in schools. 	DETE accepts the recommendation and will re-examine website functionality with a view to making suggested improvements within the nominated timeline.	Medium	Information Technologies / Legal and Administrative Law	By May 2014
11	Within six months, review systems and decision-making for publication of information to DETE websites to ensure that significant information is easily accessible from the publication scheme, required information on the terms and charges is included and that information is up-to-date with working links.	DETE accepts the recommendation and will re-examine practices and implement suggested improvements within the nominated timeline.	Medium	Information Technologies / Legal and Administrative Law	By May 2014
12	Within three months, examine publication opportunities for the proactive disclosure of documents containing non-personal information released under administrative	DETE accepts the recommendation and will re-examine practices and identify opportunities to support proactive disclosure of appropriate	High	Community Engagement and Partnerships / Corporate Strategy and	By February 2014

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Department of Education, Training and Employment (DETE) Action Plan

OCI recommends: -		DETE Response and any proposed management action	OIC Rating	DETE nominated owner	DETE nominated completion date
#	Recommendation				
	access schemes and review the process for release of application under RTI Act.	information within the nominated timeline.		Performance / Legal and Administrative Law	
13	<p>Within three months, update the disclosure log to include the mandatory introductory text as per the Department of the Premier and Cabinet <i>Right to Information Publication Schemes – Publishing requirements and guidelines for agency websites</i>.</p> <p>Within three months, use updated template correspondence to include the required notifications as per sections 54(2)(a)(iii) and (iv) of the RTI Act.</p>	DETE accepts the recommendation and will implement the suggested improvements within the nominated timeline.	High	Corporate Strategy and Performance / Legal and Administrative Law	By February 2014
14	Within 12 months, review as a package the policies and procedures encouraging local, informal resolution of requests for information, and champion an agency-wide program encouraging administrative release of information at the local business unit and school level.	<p>DETE accepts the recommendation and will re-examine practices, policies and procedures and implement suggested improvements within the nominated timeline.</p> <p>DETE will develop an agency-wide communications plan to promote RTI and IP practices, including but</p>	Low	Community Engagement and Partnerships / Corporate Strategy and Performance / Legal and Administrative Law	By November 2014

Office of the Information Commissioner – Right to Information and Information Privacy Compliance Review

Department of Education, Training and Employment (DETE) Action Plan

OCI recommends: -		DETE Response and any proposed management action	OIC Rating	DETE nominated owner	DETE nominated completion date
#	Recommendation				
		not limited to training packages, proactive release strategies and useful resources for central and regional office and school-based staff.			
15	Within the next six months, adopt policies and procedures consistent with the <i>Model Protocols for Queensland Government Departments on Reporting to Ministers and Senior Executive on Right to Information and Information Privacy Applications</i> .	DETE accepts the recommendation and will re-examine practices and adopt the identified policies and procedures within the nominated timeline.	Medium	Corporate Strategy and Performance / Legal and Administrative Law	By May 2014
16	Within three months, ensure procedures for allocating work relating to RTI and IP Act applications explicitly take into account the need for a clear separation of roles between providing legal advice or assistance to the department, and having responsibility for the quality of decision-making and the management of decision-makers.	DETE accepts the recommendation.	High	Legal and Administrative Law	By February 2014
17	Within six months, review record keeping and case management practices and	DETE accepts the recommendation and will re-examine record keeping	Medium	Legal and Administrative Law	By May 2014

Office of the Information Commissioner – Right to Information and Information Privacy Compliance Review

Department of Education, Training and Employment (DETE) Action Plan

OCI recommends: -		DETE Response and any proposed management action	OIC Rating	DETE nominated owner	DETE nominated completion date
#	Recommendation				
	emphasise to staff the need to keep full and complete file notes and provide reasons for actions taken in the course of dealing with all applications.	and case management practices and implement suggested improvements within the nominated timeline.			
18	Within six months, review forms to ensure appropriate collection notices are in place and establish an ongoing method for building compliance with the Information Privacy Principles into form design, development, review and maintenance.	DETE accepts that appropriate collection notices should be included on forms. Given the devolved nature of DETE's operations (particularly schools), DETE will ensure business units are aware of and can readily access the appropriate notices and templates during form design, development, review and maintenance within the nominated timeline.	Medium	Legal and Administrative Law	By May 2014
19	Within 12 months, review the visibility and naming of supporting <i>attachments to the Appropriate Departmental Collecting, Security, Accessing, Amending, Using and Disclosing</i> of Personal Information policy.	DETE accepts the recommendation and will ensure the <i>Appropriate Departmental Collecting, Security, Accessing, Amending, Using and Disclosing of Personal Information Policy</i> and its related attachments are appropriately titled and published within the nominated	Low	Corporate Strategy and Performance / Legal and Administrative Law	By November 2014

Office of the Information Commissioner – Right to Information and Information Privacy Compliance Review

Department of Education, Training and Employment (DETE) Action Plan

OCI recommends: -		DETE Response and any proposed management action	OIC Rating	DETE nominated owner	DETE nominated completion date
#	Recommendation				
		timeline.			

Appendix 4 – Details of Stakeholder Consultation

In consultation with DETE, OIC identified a sample of 32 organisations who might be interested in information held by DETE and wrote to those stakeholders to ascertain their views on DETE's culture of openness and provision of information. Stakeholders were representative of the following categories of interaction with DETE:

- social and community interests
- environmental and research interests; and
- economic and industry interests.

OIC sent a letter of invitation directly to stakeholder groups on 15 May 2013, attaching questions (the list of questions is provided at the end of this appendix) and requesting a response by 31 May 2013. In addition, a news article was published on the OIC's internet site inviting general comment on DETE's proactive disclosure of information from the broader community.

Of the 32 stakeholders invited to undertake the consultation process, 12 stakeholder groups provided a written or verbal submission to the questions.

Stakeholder	Response Received
Social and Community Interest	
The Courier Mail	Yes
Gold Coast Bulletin	No
Isolated Children's Parents' Association	Yes
Nine Network	No
Queensland Council of Parents and Citizens' Associations	Yes
Seven Network	No
Seven Network (Regional Queensland)	No
The Sunday Mail	No
Autism Queensland Inc	No
Commission for Children and Young People and Child Guardian	Yes
Multicultural Development Association	No
Queensland College of Teachers	No
Queensland Indigenous Education Consultative Committee	No

Stakeholder	Response Received
Specific Learning Disabilities Association Queensland	Yes
Research and the Environment	
Australian Catholic University	No
Australian Council for Education Research	No
Central Queensland University	Yes
University of Southern Queensland	No
Griffith University	No
James Cook University	No
Queensland University of Technology	Yes
University of Queensland	No
University of the Sunshine Coast	No
Economic and Industry Representatives	
Association of Special Education Administrators in Queensland (ASEAQ)	No
Independent Schools of Queensland	Yes
Queensland Association of State School Principals	Yes
Queensland Catholic Education Commission	Yes
Queensland Secondary Principals' Association	No
Queensland State P-10/12 School Administrators' Association	No
Queensland Studies Authority	Yes
Queensland Teachers' Union	Yes

1 Information held by DETE that is of assistance to stakeholders

Current information provided by DETE that stakeholders regarded highly:

- statistical information such as student enrolments, class sizes, student attendance, student attainment and disciplinary actions (ten stakeholders); and
- policy and procedures (six stakeholders).

Information held by DETE that stakeholders consider will assist their organisation:

- school enrolment projections (three stakeholders)

- teacher demographics, including appointments, separations, length of service, qualifications and incidents of teacher injury or illness (four stakeholders)
- support services and funding for students with learning disabilities or special needs (five stakeholders); and
- curriculum material, teaching resources and assessment information (two stakeholders).

Stakeholders were asked to explain how they would use the information. They commonly sought information to assist them in their advocacy work with clients, for example, with children in the child protection and youth justice systems, or as evidence to inform development of their agency's policies and programs. Some stakeholders sought information to inform teaching and professional practices, such as supporting student teachers during their school placements or assisting the professional development of teachers. Some stakeholders sought information that might lead to discussions with DETE about possible information sharing relevant to projects being undertaken by their organisation, with an example given of a possible project about the use of suspensions and exclusions.

Information that supported the broader community was sought by one stakeholder, who wanted information on behavioural issues, bullying behaviours and attendance rates to identify risk factors that would assist government and non-government agencies in developing evidence-based policy and intervention programs to reduce the incidence of youth suicide and support those affected by it. Uses of DETE-held information for other community-wide activities included new school planning and transport routes.

2 Accessing information

Five stakeholders indicated that it was difficult to know what information DETE actually holds or whether the information existed, with three stakeholders noting that it would be beneficial to receive notification when new datasets or releases were made available.

OIC considered that this raised a technical issue about new technologies supporting open access to information. The UK Government's system for accessing published datasets is an example of supportive new technologies.

Data.gov.uk⁷³ provides access to over 9000 public sector datasets, which users are able to search by publishing agency, by keyword, by subject tags or by map based search. Users also have the option of subscribing to the website to receive certain news or notifications by email. Developers of applications (or 'apps') that make use of these datasets can submit details of their app for publication on the website, allowing users to browse alternate or innovative ways of accessing government information. Requests for new datasets to be released are also published on the website and users can view progress of their request.

DETE's statistics and information⁷⁴ web page provides similar information but without the supporting functionality, for example, without a search function, or a subscription service.

The web page is information rich. DETE provides information in five categories of demographic information about Queensland state schools:

- state school statistics
- student enrolments
- student attendance
- class sizes; and
- school disciplinary absences.

It also provides two Geographic Information System files that allow users with compatible mapping software to electronically map Queensland state schools and departmental geographic region boundaries. Pre-prepared maps are also available in .pdf.⁷⁵ The ability to search for available datasets is limited to the website's global search function. Users are provided with contact details for further information or assistance, although OIC noted that links are provided to the Queensland Government open data website which provides an online contact form for requesting data that is not already available.

OIC considers that DETE's information would be more readily accessible and useful if the functionality of DETE's website were enhanced.

⁷³ Viewed at <http://www.data.gov.uk/> on 28 June 2013.

⁷⁴ Viewed at <http://education.qld.gov.au/schools/statistics/> on 28 June 2013.

⁷⁵ .pdf stands for Portable Document Format, a format which preserves most attributes (including colour, formatting, graphics, and more) of a source document no matter which application, platform, and hardware type was originally used to create it.

3 Stakeholders view of risks of publishing DETE-held information

The majority of stakeholders advised that they did not see any significant risks with DETE publishing information and acknowledged that information which may identify individual teachers or students should not be published.

Five stakeholders identified a possible risk that data could be misinterpreted, but felt that this risk could be managed by publishing the information with explanatory notes or terms and conditions for its use. Two stakeholders expressed concern that data should be made available only in ways that discourage third parties from creating school 'league tables' and ranking of schools according to their performance.

Some stakeholders thought the greater risk to DETE was in not publishing information and 'telling only half the story'. Two stakeholders felt that availability of DETE-held information was an important element in accountability and transparency, with one stakeholder commenting that releasing information would encourage 'healthy openness and sharing between the private and State sector'.

4 Characteristics of information that community stakeholders considered important

Stakeholders commented on the timing, quality of information and other characteristics of the information that they believed would add to the usefulness of the information to them:

- Currency of information (three stakeholders). Stakeholders felt the lag time in releasing datasets was too long, with one stakeholder commenting that 'any data that is over twelve months old is too old'.
- Frequency of update (two stakeholders). Some stakeholders expressed interest in quarterly releases of datasets rather than annual updates.
- Data granularity (four stakeholders). A number of stakeholders noted the ability to extract data for a particular subset of the population, region, school and/or school sector as desirable.

Most stakeholders advised that they were happy with the format in which information is provided to them, although a preference for online access to information or electronic versions of documents was noted by two stakeholders.

5 Comments on current processes for obtaining information

Of the twelve stakeholders who provided responses, ten stakeholders were generally positive about how their requests for information were handled, with four stakeholders indicating that they had developed an effective working relationship with DETE. In particular, the Performance Monitoring and Reporting Branch was noted for its productive partnering.

Two stakeholders stated that they felt that they were given misleading advice when requesting information from DETE, citing examples where DETE encouraged the scope of an RTI application to be changed and then refused to deal with the application because the work involved would unreasonably divert departmental resources, or being given a lot of information but not the important information.

Four stakeholders indicated that they did not always receive the requested information, however a number of stakeholders felt that their ability to receive information depended on their awareness of the relevant DETE officer to contact in relation to a particular request, with one stakeholder responding that the 'most significant access strategy has been in our contact point who has been able to advise about capacity and ability of systems to provide requested data'. Stakeholders also felt that the individual handling the request was a contributing factor to the likelihood of the information being released, with some officers being more obliging than others. One stakeholder commented that some individuals feel they don't have the authority to release information and that 'sometimes you have to shake the branches at the top of the tree to shake out the information'.

In general, stakeholders felt that their requests for information were handled within an acceptable timeframe, although two stakeholders responded that there were delays in receiving the information they requested but that the delays were usually communicated.

In these cases, the DETE contacts were available: it was the quality of the discussion which affected the proactive release of relevant information.



Access to Queensland Department of Education, Training and Employment (DETE) information

If you have any questions when completing this form please contact Ms Karen McLeod, Manager, Performance Monitoring and Reporting at administration@oic.qld.gov.au or by phoning (07) 3405 1111.

Organisation: _____

Contact details (name, phone, email): _____

We're collecting your information to identify your organisation's responses and we may also contact you to clarify points raised.

How to submit this form

This form can be submitted to the Office of the Information Commissioner by email.

Email: administration@oic.qld.gov.au

Questions

1. With respect to information that you know is held by DETE:
 - a. What information held by DETE is/might be of assistance to your organisation?
(please provide details).
 - b. Would this information be primarily of use for your organisation or for your clients?
If it is for your clients then please identify the type of client who would benefit from this information.
 - c. What could you or your clients do with the information?
 - d. Do you think there are risks in DETE publishing this information (for example, information being misused or misunderstood)? If so, do you have any comments about managing those risks?

2. There might be situations where you are undertaking a project or activity, and you do not know whether or not DETE holds information that might be of assistance or relevant to your project or activity.

Can you identify projects or community wide activities relating to DETE's functions, where DETE may hold relevant information? Please also describe the nature of the information.

3. We are also interested in your general views and experiences with accessing information held by the DETE. When seeking to access information from DETE:

- a. Do you know who to contact?
- b. Has your request been dealt with in a professional manner?
- c. Did you receive the information that you requested?
- d. If you did not receive the requested information, was the reason provided to you?
- e. Was the information provided in a timely manner?

If not, how often do you consider this information should be released and why?

- f. Is there anything DETE currently does which assists you in making use of the information that is released? *(For example, does DETE have a facility to provide alerts when information is released, is information released in multiple formats, is information released specific to an area or is there a DETE contact available to discuss information released.)*
- g. Was the information provided in an appropriate format?

If not, what format would improve its usability?

(for example, report / machine readable / raw data)

- h. Are there any other impediments to making use of information that is released?

If so, what would assist to reduce or remove these impediments?

- i. Do you use the DETE statistics and information available online to source any information?
- j. Are the DETE statistics and information available online accessible and useful?
- k. Are there any other comments you would like to provide about your experience with DETE in accessing information?