**Office of the Information Commissioner**
Queensland

# *10 years on*

Queensland government agencies' self-assessment of their compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld)

10th
Anniversary
2009-2019
Right to Information Act
Information Privacy Act

Copies of this report are available on our website at www.oic.qld.gov.au and further copies are available on request to:

June 2019

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

Dear Mr Russo

I am pleased to present *10 years on – Queensland government agencies' self-assessment of their compliance with the Right to Information Act 2009* (Qld) *and the Information Privacy Act 2009* (Qld).

*10 years on* reports on agencies' self-assessments of their progress in addressing strategic and operational requirements of the Acts across the 10 years since commencement. It summarises reported progress in implementing the legislation, highlights emerging trends and challenges, and guides action for the continued maturing of information access and privacy practices in Queensland to ensure agencies are well placed to meet community expectations and manage risk.

This report is prepared under section 131 of the *Right to Information Act 2009*. In accordance with subsection 184(5) of the *Right to Information Act 2009* and subsection 193(5) of the *Information Privacy Act 2009*, I request that you arrange for the report to be tabled in the Legislative Assembly.

Yours sincerely

Rachael Rangihaeata
**Information Commissioner**

# Contents

# Executive summary

Queensland's *Right to Information Act 2009* and *Information Privacy Act 2009* have been in place for 10 years on 1 July 2019. The Acts set out specific obligations for public sector agencies to provide access to government held information, and to safeguard the personal information they hold. Access to information and the protection of personal information entrusted to government agencies are key components of open, transparent and accountable government.

The Office of the Information Commissioner (OIC) monitors agencies' compliance with information access and privacy obligations. Since 2010, we have conducted four self-assessments of agencies to gauge their progress towards implementing these important responsibilities.

The self-assessments have covered a broad range of topics. These have included agencies' efforts to proactively push information out to the public and consult with the community, their leadership, governance and training arrangements, application handling, complaints processes, and recordkeeping.

Across the 10 years, the self-assessments have shown agencies reporting positive progress towards achieving compliance with some key responsibilities. These include embedding relevant roles and responsibilities in the agency, handling applications appropriately, managing internal and external review responsibilities, engaging with applicants and meeting fundamental privacy requirements.

However, agencies also reported less progress towards fully meeting some obligations. These areas include administrative access to information, consulting with the community, including about their information needs, monitoring performance and continuous improvement.

Based on the self-assessment results, to consolidate progress to date agencies should focus on –

- adopting a push model to maximise information disclosure
- capturing clear records that can be easily located and managed
- embedding effective policy development and oversight structures
- consulting with their communities, and
- monitoring their performance of right to information and privacy responsibilities.

These core functions underpin strong information access and privacy functions. They establish a solid foundation for agencies to respond to the emerging demands and risks that come from new technologies, new types and sources of information, and new privacy challenges.

To manage these emerging risks, agencies should –

- keep pace with new types and sources of information
- build privacy protections into the design of mobile apps and emerging technologies
- minimise the risk of, and mitigate harm from, privacy breaches, and
- build privacy impact assessments into all project design and management frameworks.

Openly sharing government information to improve trust, transparency and accountability, continues to be important and presents increasing challenges for government. So too does the responsibility to diligently safeguard individuals' personal information that public agencies are entrusted to collect, use and share. We are committed to working with Queensland's public sector agencies to secure strong information access and privacy protections, and to help agencies meet future information challenges. We will also continue to support agencies with tools for self-assessment to inform senior leadership on effectiveness of right to information and information privacy strategies, processes and policies.

# Introduction

## Why is information access and privacy important?

Queenslanders value their right to access government held information. In a recent survey of community attitudes to information access about Queensland government agencies, 87% of Queensland respondents indicated they place a high value on information access, saying it was very or quite important[1].

Our report describes public sector agencies' self-assessed performance in delivering on proactive disclosure and administrative release of information, and on safeguarding personal information.

Since July 2009[2], Queensland public sector agencies have been subject to the *Right to Information Act 2009* and the *Information Privacy Act 2009* (the Acts). These Acts set out specific obligations for public sector agencies to provide access to government held information as a matter of course, unless there is good reason not to, and to provide safeguards for handling personal information.

The Acts also established additional functions and responsibilities for the OIC, including audit, privacy complaint mediation, enquiries service, extensive information resources, training and promotion of awareness about the new Acts.

## Why has OIC conducted four agency self-assessments?

We monitor and report on agencies' compliance with their obligations under the Acts. One method of doing this has been four electronic self-assessments conducted over the last 10 years. The first was undertaken in 2010, one year after the commencement of the Acts. This created a baseline for tracking agencies' progress in addressing the strategic and operational requirements of the legislation.

> **PURPOSE OF 2010 SELF-ASSESSMENT**
>
> 'Agencies are required to be compliant with statutory obligations. The report draws attention to areas of self reported good practice and areas where more work is needed to achieve the aims of the reforms. This report establishes a baseline against which future results can be compared.'
>
> *Agency Progress on Right to Information Reforms – Results of the self assessed electronic audit completed by Queensland public sector agencies*, 2011, page 3.

Self-assessments were repeated in 2013, 2016 and late 2018. These four self-assessments have informed this report, which summarises the progress agencies have made over the last 10 years. We have not validated agencies' self-assessed compliance, and provide only limited assurance on the results of the self-assessment. The 2018 self-assessment included a number of new questions. These have been reported on separately within the report. Progress over the 10 years has been provided for comparable questions only. The 2018 self-assessment is the final piece for the first 10 years of the legislation's operation, to assess agencies' self-reported maturity and compliance.

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[1] *Woolcott Research and Engagement, Information Access Study Queensland 2019, page 4.*
[2] *Local governments had an additional year to comply with the Privacy Principles.*

**Key Statistics - Self-assessments**



**2010**
- 197 agencies invited to participate
- 155 agencies responded (79% response rate)
- 185 questions
- 5,000 comments made by agencies

**2013**
- 205 agencies invited to participate
- 187 agencies responded (91% response rate)
- 199 questions
- 2,500 comments made by agencies

**2016**
- 213 agencies invited to participate
- 184 agencies responded (86% response rate)
- 204 questions
- 2,000 comments made by agencies

**2018**
- 224 agencies invited to participate
- 195 agencies responded (87% response rate)
- 235 questions
- 4,000 comments made by agencies

*Figure 1: Key statistics about the conduct of self-assessments*
*Source: Office of the Information Commissioner*

The repeat nature of the self-assessments over the last decade has enabled us to monitor agencies' reported progress towards full compliance since the Acts commenced. This information has been used to –

- provide agencies with snapshots of their progress in complying with their information access and privacy obligations
- create a picture over time of how agencies have progressed, and
- inform our priorities for training, awareness raising, compliance and audit activities.

**Action:**

Each agency will be provided a scorecard that reports its self-assessment results in comparison to other agencies in the same sector.

Agencies are encouraged to seek assistance from OIC to help improve performance in areas identified as lower performing in the self-assessment.

OIC will continue to facilitate support networks between practitioners in agencies.

## What topics did the self-assessment questions cover?

The questions in the self-assessment were selected by identifying requirements from the legislation, policy and better practice material, including guidelines issued under the *Right to Information Act 2009* and *Information Privacy Act 2009*[3].  The questions were grouped into the following topics -

- Governance – culture, leadership and governance arrangements facilitate accountability and a commitment to information access
- Community consultation – relevant information is provided to industry stakeholders and the community and they are aware of information access rights, and asked about their information needs
- Training and resources – effective and relevant staff training is provided, policy resources are available, and statistical reporting requirements can be met
- Privacy – agency use of personal information is appropriate and safe, and privacy responsibilities are executed appropriately
- Continuous improvement – opportunities for improvement are recorded, actioned and tracked
- Engagement with applicants – communication is open and applicants are assisted appropriately
- Recordkeeping – records are captured, recorded, located efficiently, and are provided appropriately in response to applications
- Application handling (including internal and external review) – procedures and notifications are timely and accurate

- Staffing resources – resourcing is appropriate
- Adopting a push model to maximise disclosure – information is released proactively and informally, and formal applications are a last resort
- Performance monitoring – mechanisms to assess effectiveness are embedded across the organisation, are used and useful
- Administrative access arrangements – options for informally releasing information are assessed, adopted, accessible and user friendly
- Roles, responsibilities, delegations and authorisation – delegations and functions are clear, current, appropriate and independent
- Complaint handling – complaint procedures are documented, timely and allow for identifying improvements
- Policy development and oversight – policies are documented, implemented, clear and regularly reviewed
- Publication scheme – the scheme is clear, current, accurate and accessible, and contains relevant and appropriate information
- Disclosure log – logs are clear and accessible, and satisfy necessary requirements

These original topics have been supplemented in the final self-assessment with additional privacy questions.

**Privacy impact assessments** – assessments are built into all projects and revisited through the life of a project

**Privacy – mobile apps** – privacy impacts are assessed, documented and re-assessed, and personal information treated appropriately

**Privacy – camera systems** – privacy, data security and access considerations are incorporated into camera systems

**Privacy breaches** – processes are documented and notifications are appropriate

A full list of the topics and questions in the final self-assessment is provided in Appendix 3.

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[3] *OIC, Agency Progress on Right to Information Reforms – Results of the self assessed electronic audit completed by Queensland public agencies, 2011, page 2.*

## How could agencies answer the self-assessment questions?

The self-assessment questions asked agencies about whether obligations that support compliance with the Acts were implemented. Agencies could respond in one of four ways –

| | | | |
|---|---|---|---|
| **'Yes'** the obligation was fully implemented | Implementation of the obligation was **'In progress'** | Issues had been **'Identified'** but not actioned | **'No'** plans were in place to address the issue |

Now, 10 years on from the introduction of the Acts, agencies should have fully implemented their obligations, with ongoing monitoring and maintenance as required to ensure continued compliance, good practice, expectations met and managed risk. This report will make a clear distinction between full compliance ('Yes' answers), and all other responses ('In progress', 'Identified' and 'No'). This differs from previous reports where 'Yes' and 'In progress' responses were reported together, indicating positive progress towards full implementation. We have re-analysed the original data from the first three self-assessments to identify and compare 'Yes' responses across the four self-assessments throughout this report.

We have reported whole numbers using standard rounding techniques; in some figures percentages will not total 100 percent.

## Who participated in the final self-assessment?

For each self-assessment, every agency subject to the Acts was asked to respond. For the final self-assessment in late 2018, this included 224 agencies across the following sectors –

| | | | |
|---|---|---|---|
| | 21 | government departments | 21 responded (100%) |
| | 77 | local governments | 61 responded (79%) |
| | 16 | hospital and health services (HHSs) | 15 responded (94%) |
| | 10 | government owned corporations (GOCs) | 10 responded (100%) |
| | 8 | universities and TAFE (Uni/TAFE) | 8 responded (100%) |
| | 92 | other agencies | 80 responded (87%) |

*Source: Office of the Information Commissioner*

Organisations falling within the 'other agencies' category are bodies established by government for a public purpose, and are subject to information access and/or privacy obligations the same as all public sector agencies. These include associations, trusts, boards, foundations, commissions and statutory authorities. The full list of agencies invited to respond to the final self-assessment is provided in Appendix 1.

While the majority of agencies responded to each self-assessment, response rates varied across sectors. In the final self-assessment, all government departments, GOCs and Uni/TAFEs responded. Response rates across the remaining sectors varied.

## How do the sectors compare and differ?

The different sectors share strategies for releasing information as a matter of course. For example, all government agencies are doing more business online. In 2009, we could not conduct online reviews of twelve local governments because they did not have a website. Now, all agencies responding to the self-assessment have websites. We have seen government agencies of all sizes and in all locations embracing new technologies as a cost-effective way to manage information and deliver services. Similarly, agencies in all sectors have consistently reported awareness of privacy-related issues since 2010.

Sectors differ in the amount and type of information they manage, and how access is provided. For example, the number of legislative applications[4] for information access or amendment varies across sectors -

- although other agencies make up 41% of the total number of all agencies subject to the Acts, they receive only 7% of applications
- almost one quarter of agencies that responded to the self-assessment (48 agencies out of 195) did not receive any Right to Information or Information Privacy applications since 2016 - these agencies were predominantly in the other agencies sector, but also included 13 small local governments
- government departments comprise only 9% of agencies, but receive 50% of all applications
- the Queensland Police Service is consistently the agency with the highest number of applications
- Queensland's 16 hospital and health services receive a high proportion of applications (32% of all applications), but comprise only 7% of all agencies, and
- in summary, 16% of the total number of agencies receive 82% of applications.

Figure 2 illustrates the number of agencies in each sector compared with the proportion of applications received by that sector.

**Agencies per sector compared to applications received per sector**
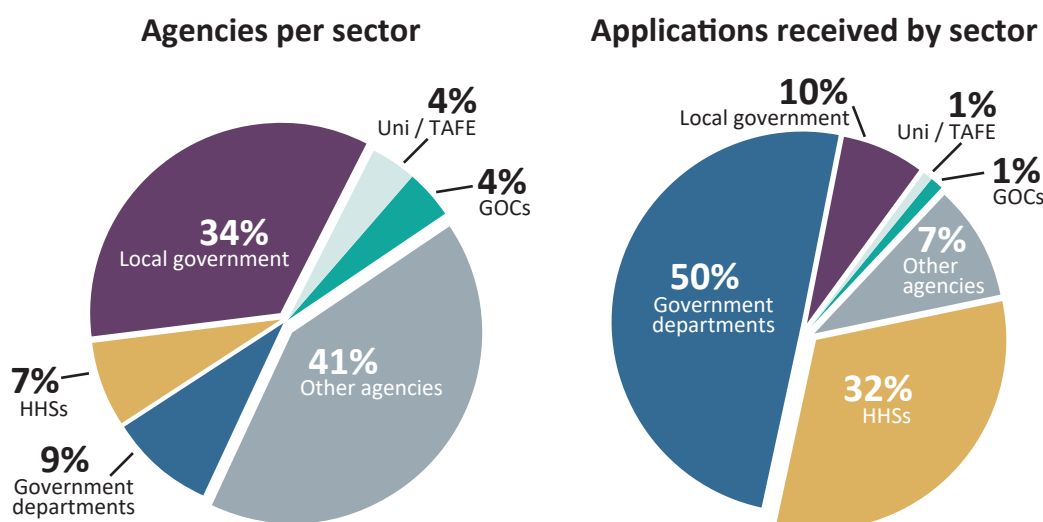


*Figure 2: Agencies per sector compared to applications received per sector*
*Sources:  Office of the Information Commissioner and Department of Justice and Attorney-General's Right to Information Act 2009 and Information Privacy Act 2009: Annual Report 2017-18*

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[4] *These figures have been derived from analysis conducted by the OIC on data reported in the Department of Justice and Attorney-General's Right to Information Act 2009 and the Information Privacy Act 2009: Annual Report 2017-18.*

## How have agencies self-assessed their performance over the 10 years?

Figure 3 shows the proportion of 'Yes' responses for topics that were covered in all four of the self-assessments. In the final self-assessment, additional questions were also asked about camera systems, privacy impact assessments, mobile apps and privacy breaches. Results for these topics are not included below and are discussed in the final chapter of the report and shown on page 11.

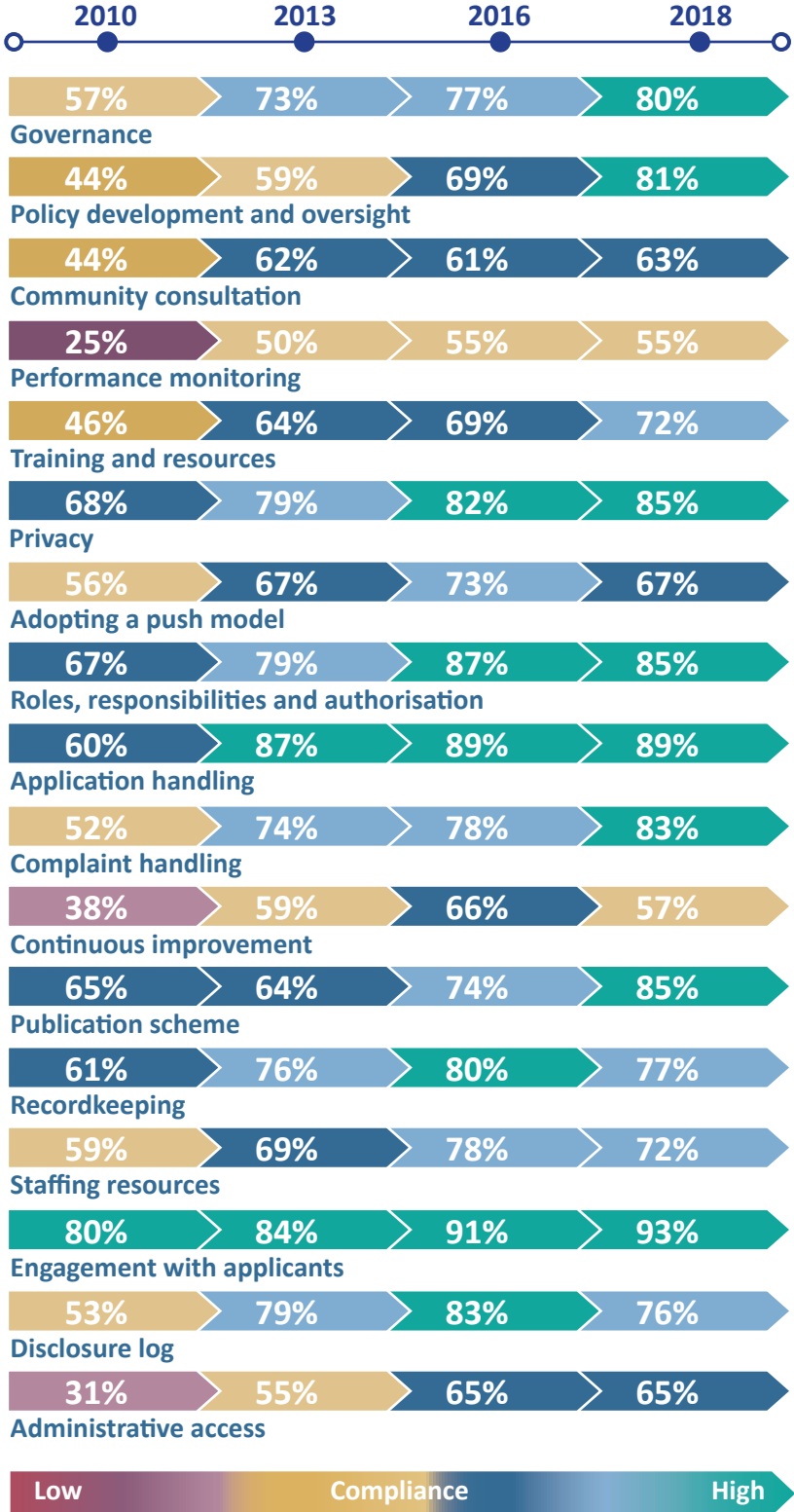| | 2010 | 2013 | 2016 | 2018 |
|---|---|---|---|---|
| **Governance** | 57% | 73% | 77% | 80% |
| **Policy development and oversight** | 44% | 59% | 69% | 81% |
| **Community consultation** | 44% | 62% | 61% | 63% |
| **Performance monitoring** | 25% | 50% | 55% | 55% |
| **Training and resources** | 46% | 64% | 69% | 72% |
| **Privacy** | 68% | 79% | 82% | 85% |
| **Adopting a push model** | 56% | 67% | 73% | 67% |
| **Roles, responsibilities and authorisation** | 67% | 79% | 87% | 85% |
| **Application handling** | 60% | 87% | 89% | 89% |
| **Complaint handling** | 52% | 74% | 78% | 83% |
| **Continuous improvement** | 38% | 59% | 66% | 57% |
| **Publication scheme** | 65% | 64% | 74% | 85% |
| **Recordkeeping** | 61% | 76% | 80% | 77% |
| **Staffing resources** | 59% | 69% | 78% | 72% |
| **Engagement with applicants** | 80% | 84% | 91% | 93% |
| **Disclosure log** | 53% | 79% | 83% | 76% |
| **Administrative access** | 31% | 55% | 65% | 65% |

Low ———— Compliance ———— High

*Figure 3: The proportion of 'Yes' responses for topics that were covered in all four of the self-assessments*
*Source: Office of the Information Commissioner*

# Performance and progress from 2009 to 2019

Data and trends from the four self-assessments over the past 10 years provide valuable insights about how agencies have assessed their progress towards meeting the legislation's strategic and operational requirements. Performance can be analysed across sectors, as well as for particular topics.

## How are agencies progressing overall?

A steady increase in 'Yes' responses was seen from 2010 to 2013, and overall consistency in 'Yes' responses from 2013 through to 2019. For the final self-assessment, 79%[5] of questions relating to strategic and operational requirements of the Acts were answered with 'Yes' compared to 81% in 2016.

The specific agencies with higher and lower rates of 'Yes' answers remained consistent over each of the self-assessments. Government departments, Uni/TAFEs and GOCs have had higher rates of 'Yes' responses, while local governments and other agencies have had lower levels of 'Yes' responses. HHSs, having only been established in 2012, had a below average percentage of 'Yes' responses in 2013 but made considerable improvements in 2016 and the final self-assessment.

> **SUMMARY OF THE 2010 SELF-ASSESSMENT**
>
> 'Agencies have reported a good start on the reforms, and commitment to the principles behind the reform process. After the initial efforts to implement the reforms, a sustained effort by agencies is now needed to make sure the reforms are fully realised and to build community awareness and confidence in access to public sector information.'
>
> *Agency Progress on Right to Information Reforms – Results of the self assessed electronic audit completed by Queensland public sector agencies, 2011, page 1.*

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[5] *This figure reflects response to the topic areas that were covered in all four self-assessments. It excludes responses for new topics covered only in the final self-assessment conducted in late 2018.*
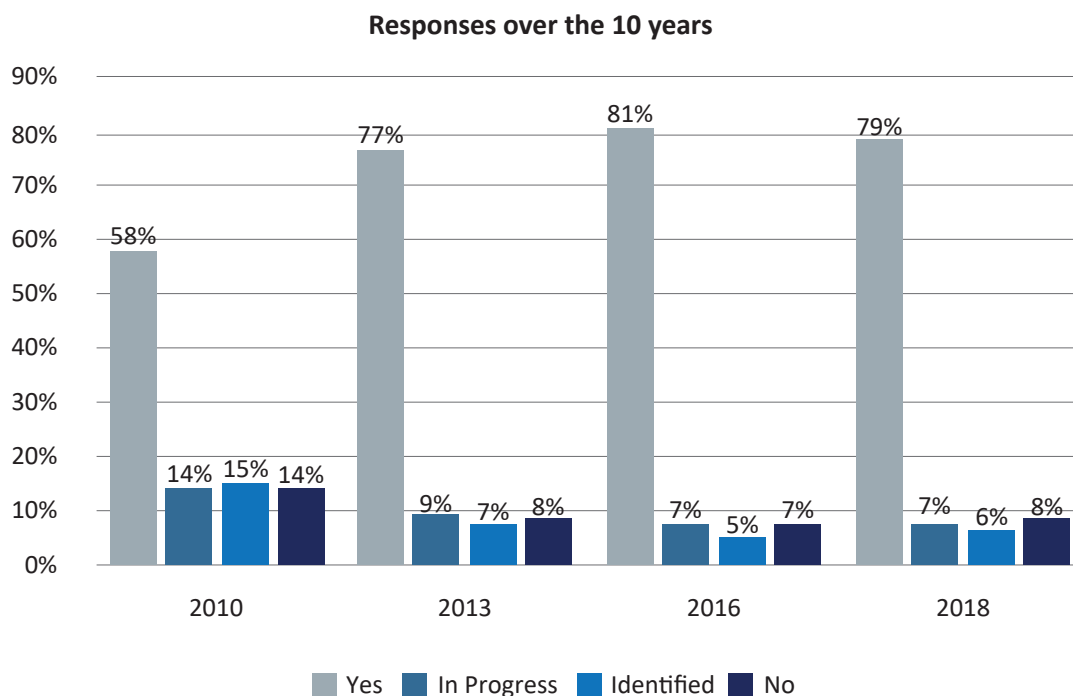
**Responses over the 10 years**



*Figure 4: Total responses to all comparable questions for each self-assessment (does not include new questions in 2018)*
*Source: Office of the Information Commissioner*

## How are agencies in each sector progressing?

Over the 10 years since the Acts were introduced, all sectors have reported increasing maturity with their information access and privacy obligations.

Government departments and HHSs have consistently reported high levels of compliance with their obligations. In the final self-assessment, government departments answered 'Yes' to 90% of questions, and HHSs answered 'Yes' to 84% of questions. These two sectors receive over 80% of the information access and privacy applications in Queensland and tend to have dedicated information access and privacy staff.

However, for some agencies, especially smaller local governments and other agencies, self-assessed compliance with the full suite of their obligations under the Acts is less mature. The local government sector has consistently reported lower levels of compliance. In 2010, 47% of local government responses were 'Yes'. This has grown to 72% of questions being answered 'Yes' by local governments in the final self-assessment. Agencies in the other agencies category also remain less mature with their information access and privacy obligations, with 79% of questions answered 'Yes' by other agencies in the final self-assessment.

It is worth noting that many local governments and other agencies are small operations with few or no dedicated information access or privacy staff, and some receive few, if any, applications. For these agencies, it is understandable that their information access and privacy systems and practices may be less mature than in other agencies. Implementing and maintaining a full suite of information access and privacy obligations may be burdensome, and disproportionate to the benefit to the public of maintaining these systems and processes. For these agencies, the following obligations should be prioritised – pushing out useful information to the public, keeping records, fully documenting any requests and actions, general training and resources, and incorporating privacy impact assessments into project methodology.
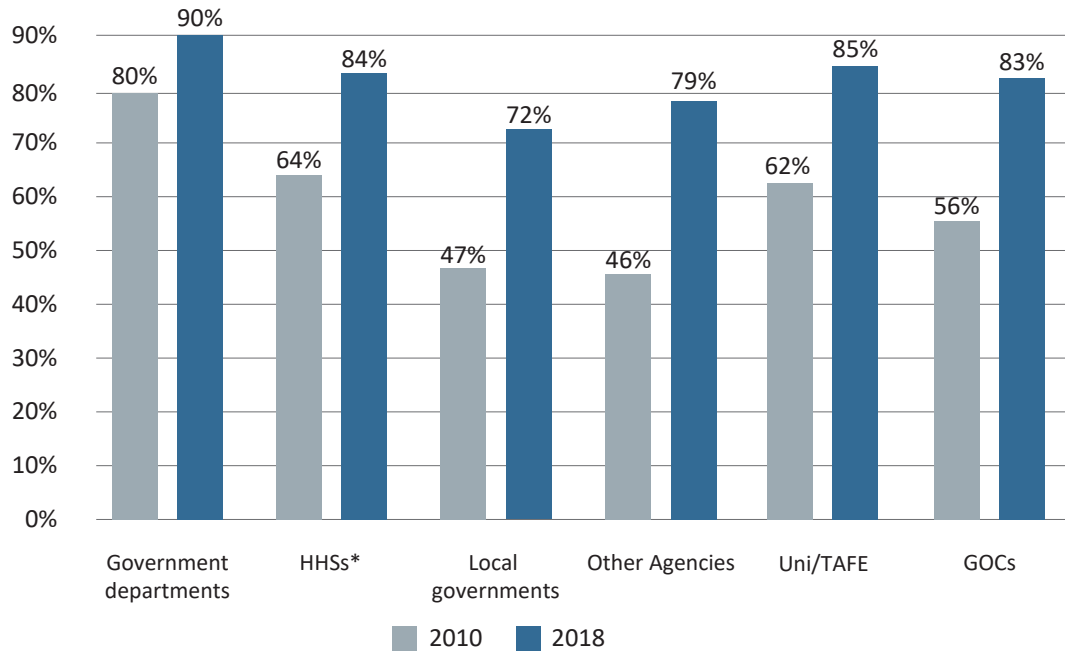
**Full compliance result by sector**



Figure 5: Proportion of agencies' 'Yes' responses by sector in 2010 and 2018
Source: Office of the Information Commissioner
*Prior to 2012, information access and privacy functions now performed by HHSs were managed by the Department of Health. This data reflects the 2013 self-assessment responses from HHSs.

## Which topics have highest and lowest levels of compliance?

Over the four self-assessments, compliance levels have varied across topics, with some obligations consistently reported as areas of high compliance, and others consistently reported as areas of low compliance.

Although not consistent across all sectors, trends have emerged from the four self-assessments.

Higher performing areas of self-assessed compliance have been application handling practices, engaging with applicants, privacy, and clearly defining roles and responsibilities within agencies. Across the 10 years of self-assessment we have noted increased performance with respect to the implementation of structures to support information access, including policies, staff training and publication schemes.

Specifically, government departments and HHSs, which receive the majority of applications under the Acts, report having mature application handling processes, clear structures and effective governance arrangements. These processes and structures establish a strong foundation for robust information access and information privacy practices.

Some consistent themes have also emerged for areas of weaker compliance with obligations; continuous improvement of information access and privacy functions, performance monitoring, consultation with the community and administrative access. A decline in 'Yes' responses over the 10 years was reported for adequacy of staffing resources and adopting a 'push' model.

Embedding strong information access and privacy practices has consistently been identified as a challenge for the local government sector across each of the self-assessments.

Figure 6 depicts the topic areas that, across the four self-assessments, were reported by agencies as having higher, lower and consistent levels of full implementation. It also depicts topics which have gradually improved, and topics which have gradually declined over the four self-assessments. We note that some topics have one question while others have a large number.



*Figure 6: Topic performance over the 10 years (does not include new questions in 2018)*
*Source: Office of the Information Commissioner*

Figure 7 shows responses to new questions asked in 2018, which indicates a current lower level of maturity in meeting obligations, as further discussed from page 21.
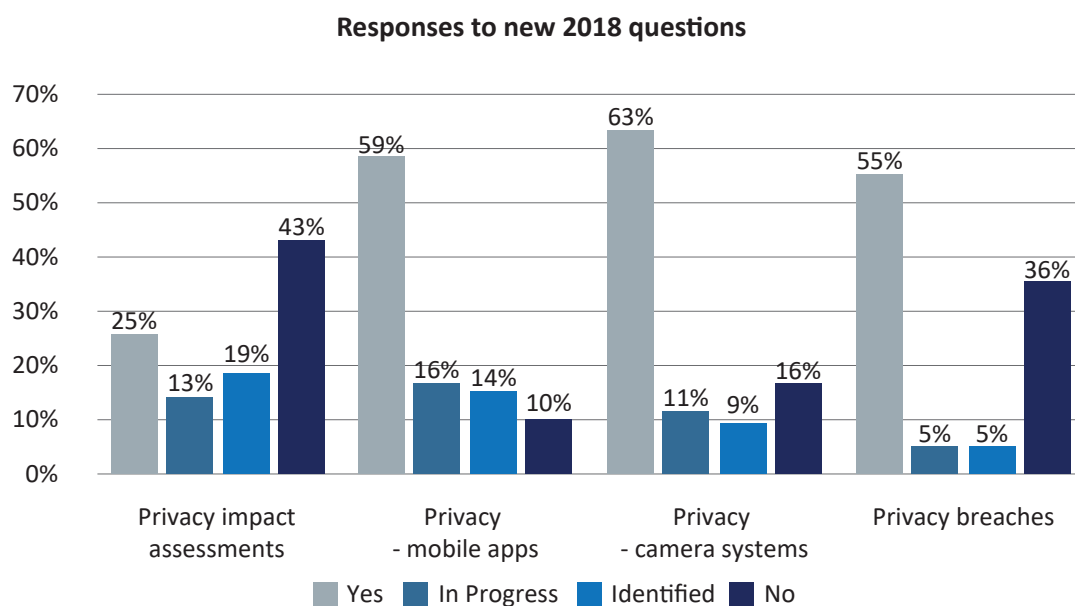


*Figure 7: Responses to new 2018 questions*
*Source: Office of the Information Commissioner*

# Key findings from 10 years of self-assessments

The benefits of open and transparent government, and the need to protect personal information, are clear. The self-assessment results confirm that concerted effort is needed in some areas. The topics discussed below warrant a prioritisation of immediate agency effort. In combination with the new topics in the final self-assessment, embedding these practices into agencies' core business will equip them to meet the information access and privacy challenges of the future.

## Adopting a push model to maximise disclosure

*Is information released proactively and informally and are formal applications a last resort?*

| 2010 | 2013 | 2016 | 2018 |
|------|------|------|------|
| 56% | 67% | 73% | 67% |

### What does this function involve?

Agencies were asked about their openness and responsiveness to requests for information, and about their processes and practices for maximising disclosure of information. Compliance with these obligations are at the core of open and transparent government. They promote the proactive disclosure of information and embed an approach in which formal applications are a last resort. For a full list of the questions asked, see Appendix 3, Topic 7 - Adopting a push model to maximise disclosure.

### What were the results?

In 2010, 56% of questions about adopting a push model to maximise disclosure were answered 'Yes'. This result has improved, with 'Yes' responses accounting for 67% of responses across all agencies in 2018. Disappointingly however, this was a decrease from the 2016 results, which saw 73% of responses reporting compliance with push model obligations. The lower level of maturity in this area was also found to be an issue of concern in a previous OIC report, which indicated that 85% of departments report mid to low level maturity for proactive disclosure and sharing of information[6].

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[6] *Office of the Information Commissioner, Information Management Queensland Government department maturity, 2019, page 40.*

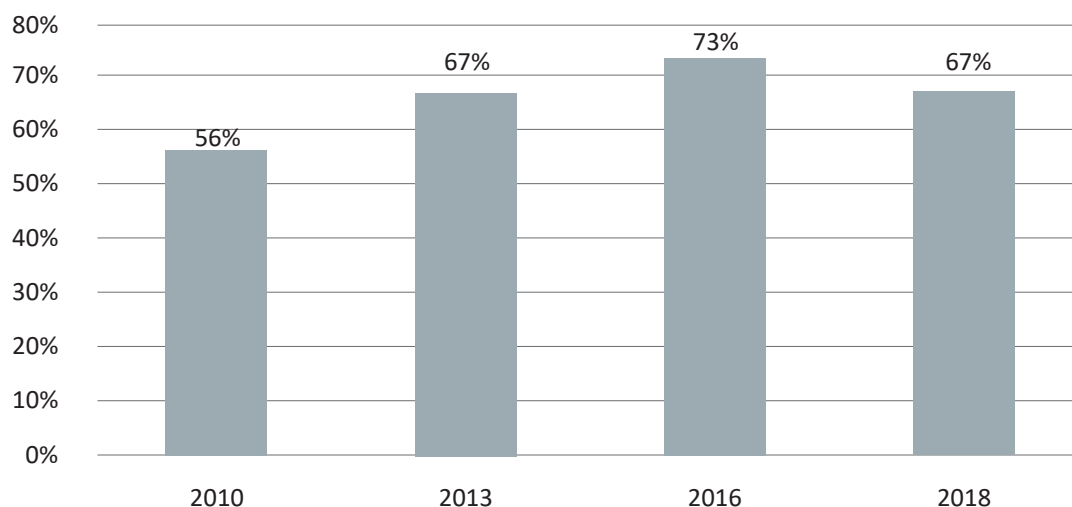**Agencies reporting adoption of push model strategies to maximise disclosure**



*Figure 8: Agencies reporting adoption of push model strategies to maximise disclosure*
*Source: Office of the Information Commissioner*

## What does this mean?

These obligations are fundamental to fulfilling the intent of the *Right to Information Act 2009*. All agencies need to genuinely embed information access into their core business.

However, results were mixed. Government departments' results across this topic were generally positive. All government departments responded that they are responsive and open to any request for information, whether it is made informally, through an administrative access scheme, ad hoc request, or through a formal application.

However, only 57% of government departments reported that they have a process in place to regularly ensure they achieve maximum disclosure of publishable information. For local governments, this figure was only 18%. Adopting such a process could be a relatively simple way to reap demonstrable and practical gains in the proactive disclosure of information.

### INFORMATION MANAGEMENT

'One of the benefits of good information management is its support for proactive disclosure of information. Departments realise benefits of proactive disclosure through:

- good governance, including a governance structure, authority for disclosure, and policies and standards
- actively promoting proactive disclosure and supporting staff to do so
- driving the use of administrative access, including schemes for specific types of information, and
- information sharing, where appropriate, with other Government departments, agencies and external stakeholders.'

*Information Management: Queensland Government department maturity, 2019, page 39*

## What did agencies say about adopting a push model to maximise disclosure?

'[The agency] publishes certain data sets on the open data portal. No other formal proactive processes in place at this time'

**Government department**

'...pockets of Council are more responsive and open than others'

**Local government**

'All persons requesting information informally are required to complete an RTI request for the request to be considered. Information is not provided until such request and determination is made'

**Other agency**

'The HHS has regularly and proactively released information either through our own website or the Queensland Government's open data portal, including documents we have not legislatively been required to release'

**HHS**

# Policy development and oversight

*Are policies documented, implemented, clear and regularly reviewed?*

| 2010 | 2013 | 2016 | 2018 |
|------|------|------|------|
| 44%  | 59%  | 69%  | 81%  |

## What does this function involve?

An agency's policies and procedures that give effect to information access and privacy obligations should be documented and regularly updated. They should also be easily available to agency staff and the public. Agencies were asked about the existence, accessibility and management of their policy documents and processes. See Appendix 3, Topic 2 - Policy development and oversight, for a full list of the questions that fall within the topic.

## What were the results?

The final self-assessment saw agencies report a 12% increase in compliance with their obligations regarding policy documentation. This took the proportion of 'Yes' responses indicating that an agency was fully compliant with its policy development and oversight obligations up to 81%.

## Agencies reporting development and oversight of right to information and information privacy policies
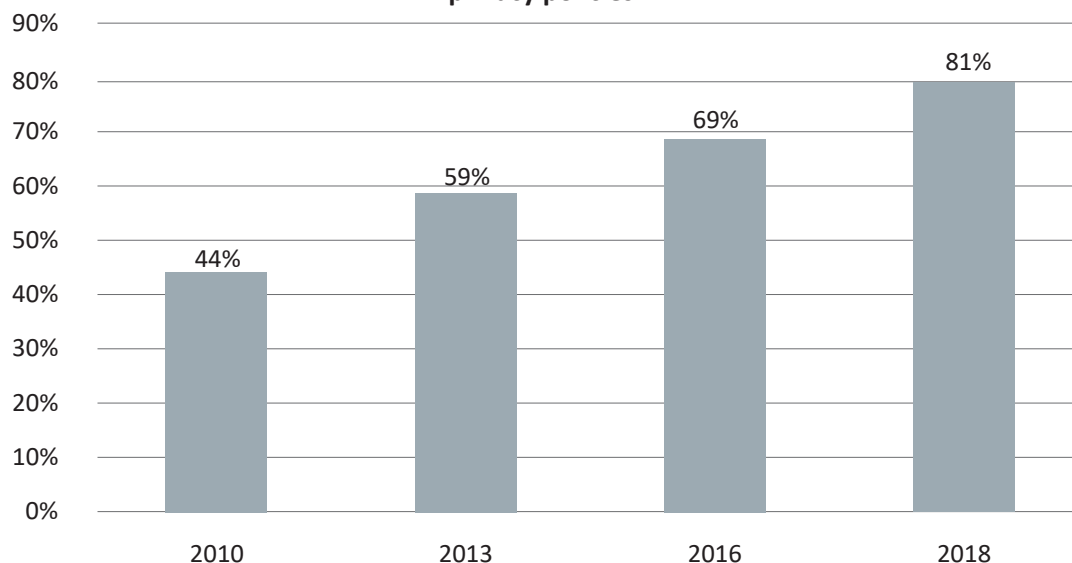


*Figure 9: Agencies reporting development and oversight of right to information and information privacy policies*
*Source: Office of the Information Commissioner*

## What does this mean?

It is encouraging that 81% of agencies report complying with their obligations to create and update policy documents and make them available to staff and the public. In the final self-assessment, 35 agencies reported that they do not have documented policies and procedures. It is worth noting that many of these agencies are small, regional agencies that have received few, if any, applications since 2016. This may account for agencies not prioritising documenting information access and privacy policies. However, it is important to note that general right to information and information privacy obligations apply to agencies regardless of size, and help manage expectations and risk.

## What did agencies say about policy development and oversight?

'We have an RTI and IP Policy available on request and information relating to our commitment to RTI and IP is available on the website, including a Privacy Policy, copies of application forms, review rights, and privacy complaint information'

**Other agency**

'Council does not have specific RTI/IP policies but use the legislation itself as a process guide'

**Local government**

'The [agency] has an information privacy policy and a privacy guide published on its website. An information sharing policy is also being developed outlining the [agency's] commitment to sharing public data and protecting personal data'

**Other agency**

# Community consultation

*Is relevant information provided to industry stakeholders and the community, and are they aware of information access rights and privacy protections?*

| 2010 | 2013 | 2016 | 2018 |
|------|------|------|------|
| 44% | 62% | 61% | 63% |

## What does this function involve?

Agencies were asked about how the community is included in policy development, and how the agency seeks advice from stakeholders and the community about information they would find useful. Agencies were also asked about informing stakeholders and the community about their information access rights. See Appendix 3, Topic 3 - Community consultation, for a full list of the questions that fall within this topic.

## What were the results?

From 2010 to the final self-assessment, 'Yes' responses to questions about community consultation increased from 44% in 2010 to 63% in 2018. As demonstrated in the graph below, this improvement occurred from 2010 to 2013 and since then has remained consistent. While government departments and GOCs reported results over 80% for this question, local governments and other agencies' responses were below 60%.

**Agencies reporting consultation with the community about their information needs**
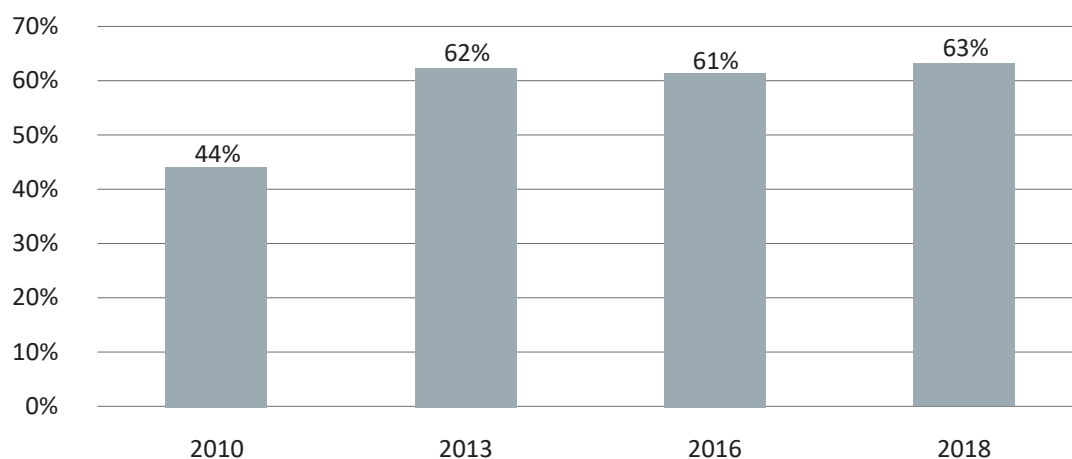


*Figure 10: Agencies reporting consultation with the community about their information needs*
*Source: Office of the Information Commissioner*

## What does this mean?

Community consultation is a critical component of responsive, open and transparent government. Mechanisms for finding out, and delivering, the information stakeholders and the community find useful is a valuable way of improving the accessibility and relevance of the work of government agencies.

Recent survey results[7] indicate that not all Queenslanders know of their right to access government held information. When a sample of Queenslanders was questioned in a recent community attitudes survey, one out of five respondents were not aware they could access information from public agencies, especially universities. Younger age groups were least likely to be aware of their access rights.

It is critical that agencies promote the right to access information, and information privacy rights, to the community so people can activate their rights.

## What did agencies say about community consultation?

‘This is a targeted ad-hoc approach, underpinned by research, to identify trends in how information is used and whether available information is useful’

**Government department**

‘This information is made available through our reports to parliament’

**Other agency**

‘We are a very small remote shire (large in area) and work closely with community, we share ideas and we actively seek opportunities to collaborate and promote information sharing to achieve better outcomes for all’

**Local government**

‘The [agency] has used requests for non-personal information as a guide when developing our open data strategy and identifying information for proactive publication on our website’

**Other agency**

# Performance monitoring

*Are mechanisms to assess effectiveness embedded across the organisation, are they used and useful, and do they track applicant types?*

| 2010 | 2013 | 2016 | 2018 |
|------|------|------|------|
| 25%  | 50%  | 55%  | 55%  |

## What does this function involve?

The self-assessments have asked agencies about their systems and procedures for reviewing the effectiveness of their information access and privacy functions. Questions sought responses about whether performance monitoring is embedded across the organisation, and whether it is used and useful. Agencies were also asked whether they track the type of applicant seeking information. See Appendix 3, Topic 4 - Performance monitoring, for a full list of the questions that fall within this topic.

## What were the results?

In the first self-assessment, one year on from the commencement of the Acts, agencies said ‘Yes’ to only 25% of questions about their compliance with performance monitoring obligations. By the final self-assessment, this figure across all agencies had risen to 55%.

[7] *Woolcott Research and Engagement, Information Access Study Queensland 2019, page 5.*

**Agencies reporting that they measure right to information and information privacy and use the results**

| Year | Percentage |
|------|-----------|
| 2010 | 25% |
| 2013 | 50% |
| 2016 | 55% |
| 2018 | 55% |
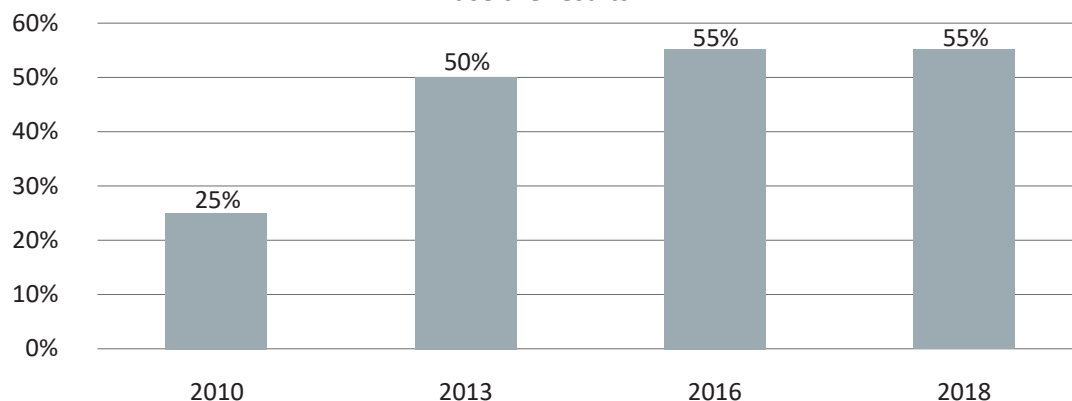
*Figure 11: Agencies reporting that they measure right to information and information privacy and use the results*
*Source: Office of the Information Commissioner*

## What does this mean?

Some sectors had higher results for performance monitoring. Government departments reported 75% of obligations within this topic met in full, and HHSs reported 67% in full. However, even for these higher performing sectors, responses about review and reporting mechanisms being embedded across all levels of the agency were low. Overall, only 35% of agencies indicated that these mechanisms are embedded at all levels.

Measuring and monitoring agency performance contributes to accountability and transparency, and highlights areas where additional effort is required. Executive management is responsible for information governance. An effective performance review system to measure and monitor performance is vital for providing confidence that these functions are being delivered appropriately, and to give insight into areas where improvements are necessary to fulfil statutory obligations, improve practices to meet expectations and manage risks.

One straightforward addition to the suite of performance measures that would have benefits for applicants and agencies is to track requests for information received through informal channels, like administrative access schemes, compared to legislative applications for information, or tracking the frequency of use of different sections of an agency's website. This would help agencies identify commonly sought information that the community finds useful. Proactively pushing out this type of information and promoting administrative access arrangements, can be a more effective use of agency resources than responding to formal requests.

## What did agencies say about performance monitoring?

> 'As a relatively new and small agency the [agency] has not progressed to reviewing the effectiveness of our RTI and IP functions

**Other agency**

> 'RTI is an accountable KPI function within the Operational Plan and provided to Council quarterly. It covers performance, no. of applications, statutory compliance reporting etc'

**Local government**

> 'An RTI & Privacy Contact Officer Network with representation across all of the [department] exists. It acts as a conduit between RTI and Privacy and [department] representatives for issues and actions if required. Weekly reports are provided to Executive services'

**Government department**

> 'The organisation has a performance measurement and reporting process which includes RTI compliance but does not receive sufficient applications to establish a dedicated system'

**Other agency**

## Administrative access arrangements

*Are options for informally releasing information assessed, adopted, readily available and user friendly?*

| 2010 | 2013 | 2016 | 2018 |
|------|------|------|------|
| 31% | 55% | 65% | 65% |

## What does this function involve?

Administrative access refers to releasing information to the public without the need for a formal application. The use of formal applications as a last resort is at the heart of the right to information regime in Queensland. Agencies can deliver on this objective by establishing administrative access schemes that facilitate straightforward access to information that is regularly sought, and by releasing information in response to informal and ad hoc requests. See Appendix 3, Topic 19 - Administrative access arrangements, for a full list of the questions that fall within this topic.

## What were the results?

Over the 10 years since the Acts commenced, compliance with administrative access obligations has risen from 31% in 2010 to 65% in 2016 across all agencies, with no change in reported compliance in the final self-assessment.

**Agencies reporting promotion and use of administrative access**
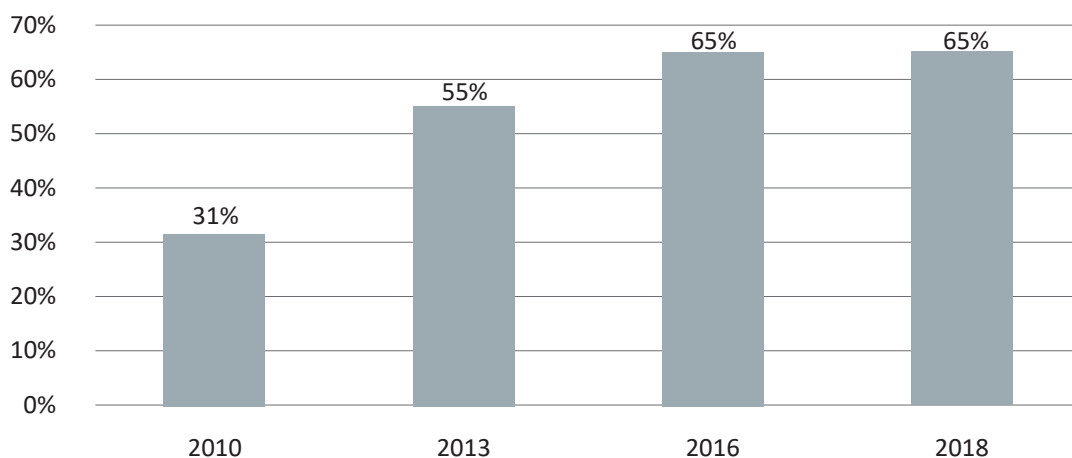


*Figure 12: Agencies reporting promotion and use of administrative access*
*Source: Office of the Information Commissioner*

## What does this mean?

For some agencies, especially small agencies that receive few applications, establishing formal administrative access schemes may not be the most efficient way to fulfil the intent of administrative access. For these agencies, as with all agencies, empowering staff to know what information can be routinely released, having clear administrative access schemes for the community where appropriate, and responding to informal requests, are efficient and effective administrative access arrangements. These can be low cost and simple measures that reap benefits for agencies and the community and contribute to open government.

## What did agencies say about administrative access arrangements?

'This is under continuous review, it is informed by access applications and other information management issues'

**Uni/TAFE**

'New website content was implemented in response to OIC Compliance Audit/ Review'

**Local government**

'Agency is open to release of information, however all requests need to be made formally if the information has not been previously made publicly available'

**HHS**

## Action:

Agencies with mature strategic governance frameworks and engaged senior leaders tend to demonstrate strong performance in other areas. Prioritising these two features, governance structures and strong leadership, may yield improvements in overall performance.

# Future focus for responding to new challenges

In 2010, the Queensland State Archives held 1.2 million items in its collection. In 2018, this had grown tenfold to almost 12 million items[8]. The information age and the resultant exponential growth in information production has been felt all over the world. Experts agree that the digital universe will continue to expand at a rapid rate, doubling in size every two years[9].

This presents agencies with tremendous challenges. Agencies need to accommodate a greater volume of information, which is created more quickly, and which comes from more sources. In every instance, agencies need to consider information access and privacy requirements.

Critical factors for effective management of information access and privacy obligations are 'pushing' information out to the public, handling applications appropriately, listening to the community and responding openly to its information needs. As the volume, type and complexity of information increases along with related technological advancements, so too will the importance of these fundamental information access and privacy functions.

For some agencies and functions, these new demands will compound existing challenges. In particular, the following issues will demand significant attention in the coming years –

- maintaining robust records that are easily locatable
- keeping pace with new types and sources of information
- managing information as an asset, in an increasingly automated and 'smart' environment
- building privacy protections into the design of mobile apps and emerging technologies
- minimising the risk of, and mitigating harm from, privacy breaches, and
- building privacy impact assessments into all project design and management frameworks.

## Recordkeeping

Information access and privacy protections hinge on what information is kept, how it is managed, and how efficiently it can be located. The move from a traditional paper file recording a government transaction, to government business being conducted online, through social media or apps, marks a substantial transformation in recordkeeping needs.



Queensland

**Public Records Act 2002**

'Evidence of business activities are public records, regardless of how or where they are created or received, and must be managed in accordance with the *Public Records Act 2002*. Public records include emails, social media interactions, text messages and messages in any other messaging applications, photographs and videos .'

*Source: www.forgov.qld.gov.au/public-records-private-accounts*

The sheer volume of information generated by agencies is a growing challenge. So too is the range of sources from which government-held information is generated or collected. These developments have implications, and pose new challenges, for agency recordkeeping at a time when effective recordkeeping remains a fundamental requirement for meeting information access and privacy obligations.

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[8] *Queensland State Archives, Annual Report 2017-18, page 9.*
[9] *www.insidebigdata.com/2017/02/16/the-exponential-growth-of-data*

## What did agencies say about their recordkeeping?

> 'Recordkeeping systems are generally adequate but could be improved, particularly in relation to electronic documents (including emails)'
>
> **Uni / TAFE**

> 'Council has numerous systems that hold records, therefore locating documents subject to an application can take time to search and locate'
>
> **Local government**

> '[The agency] has several current systems in use for recordkeeping. There is currently a Digital Transformation program occurring across [the agency] that will rationalise systems and align recordkeeping'
>
> **Government department**

> 'Recordkeeping systems and line of business systems allow the efficient location of records. Records held on shared network drives may rely on local staff knowledge to locate'
>
> **Government department**

All agencies need to adapt their processes to capture and retain information from contemporary communication systems. Messaging tools, Facebook, Twitter, WhatsApp, and a myriad of other communication products, can now be used to conduct government business. Personal devices and private accounts used for creating records that fall within the definition of 'public records' need to be captured appropriately and in accordance with relevant requirements.

### WHERE IS INFORMATION NOW?

Emails in private accounts, official email accounts on private devices, WhatsApp, personal and official accounts in Facebook, Twitter, Instagram, records generated through mobile apps, video from body worn cameras, CCTV, mobile devices, drones, automatic number plate recognition, smart city devices

New questions in the final self-assessment provide insights into practices involved in these new means of doing business. For example –

- across all sectors, only 48% of agencies report having adopted the Queensland State Archives[10] guidance for retaining public records that are created in private accounts
- while only 27% of all agencies capture public records created or received in private email accounts, text messages, and photos and videos created on personal accounts
- only 20% of public records in private accounts or on personal devices, are being captured in a timely manner (20 days from creation or receipt), and
- only 30% of agencies capture public records created or received in messaging applications e.g. Facebook Messenger or WhatsApp.

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Despite the increasing use of a range of communication tools and personal devices, self-assessment of full compliance in these areas averaged 30% across all sectors. All agencies must take steps to ensure their obligations are met irrespective of the source of the information. Comments from many agencies indicate that the onus is on a staff member using a personal device to identify a public record and action it accordingly.

## Action:

**Use of private accounts and new communication technologies**

**All agencies should adopt the Public records in private accounts advice from Queensland State Archives. Public records must be captured, irrespective of where or how they are generated.**

**Agencies need to ensure induction and recordkeeping training is tailored so that their staff are fully aware of, and equipped to meet, the applicable requirements to capture and manage public records created in private accounts.**

## What did agencies say about new types of recordkeeping?

'Official business is not permitted to be conducted in private text messages'

'Software programs are in place to manage messages that come through this platform including archiving'

**HHSs**

'Council has separately mandated requirements for Councillors and Staff as well as a common Social Media Operations Handbook which states recordkeeping requirements'

'Council is progressing the implementation of social media archiving tools'

'Individual Officers are responsible for transferring public records from private email accounts to Council's records system'

**Local governments**

'[The agency] is capturing significant or contentious social media responses into its record management system'

'If this does occur, the individuals are responsible for capturing their records however, the business has been advised that personal accounts are not to be used as a tool for business communication'

**Other agencies**

'Currently there is no automatic way to do this, however this has been identified for future action'

'Staff must transfer public records created or received in messaging applications [and private email] to the department's system, however, I can't attest to the accuracy of this statement for all staff...'

'Recordkeeping policies outline the responsibility of staff to capture public records into appropriate internal systems'

'[the Department] is looking at capturing and storing alternative message types from mobile platforms as part of the [information management] strategy'

**Government departments**

'Some issues are experienced with email, potential issues with emerging social media presence have been recognised'

**Uni/TAFE**

## Mobile apps

Following their widespread uptake in mainstream commercial uses, mobile apps (specific software and programs designed for use on mobile devices) are increasingly being rolled out by agencies for the delivery of government services. They can make the delivery of government services fast, inexpensive and accessible for consumers.

**QParents**

**MyTranslink**

**Policelink**

Apps can collect, access, use, store and share information about a user and should be developed with agencies' privacy obligations at the heart of their design. Our 2017-18 audit of privacy and mobile apps reported on agencies' practices in handling personal information and adopting the privacy principles when planning, developing and operating mobile apps.

**Privacy & Mobile Apps**
Audit Report

**OIC Audit Report -**
**Privacy and Mobile Apps (2017)**

We recommended that all agencies -
- assess the privacy impacts of mobile apps at the development stage
- document privacy considerations during app development and operation
- reassess privacy impacts of mobile apps regularly
- give users a clear, specific, complete and tailored collection notice
- outline the device's features the app requests access to, and
- ensure they protect the personal information collected through mobile apps.

*Source: Office of the Information Commissioner, Privacy and Mobile Apps: How three Queensland government agencies meet their obligations under the Information Privacy Act 2009 (Qld) when developing and operating mobile apps, 2017, page 6.*

Following on from the 2017-18 Privacy and Mobile Apps report, the final self-assessment asked agencies a range of questions about their use of mobile apps, protection of personal information, and whether privacy impacts were assessed, documented and re-assessed through the development and operation of an app. Agencies were also asked about collection notices and an app's access to features of the mobile device, such as the camera or location tracker. See Appendix 3 for a full list of the questions asked under Topic 21 - Privacy – Mobile apps.

**Agencies meeting their mobile apps obligations**

| 59% | 16% | 14% | 10% |

0%  10%  20%  30%  40%  50%  60%  70%  80%  90%  100%

■ Yes   ■ In Progress   ■ Identified   ■ No
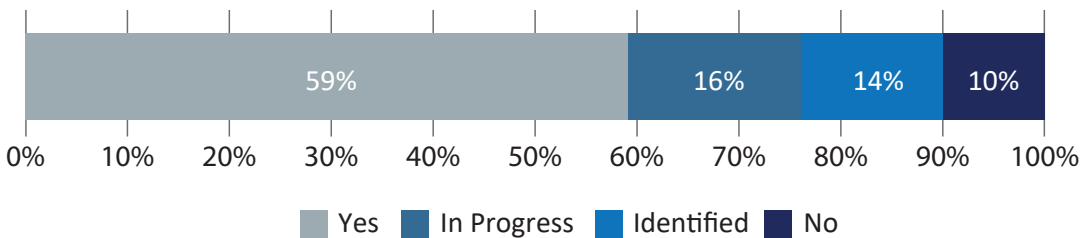
*Figure 13: Agencies meeting their mobile apps obligations*
*Source: Office of the Information Commissioner*

Over 60% of Government departments and Uni/TAFEs reported that they have developed and released, or plan to develop, a mobile app that collects personal information. Rates of mobile app development are lower for local governments (25%), HHSs (33%) and other agencies (9%).

In terms of adequately considering privacy implications, all five of the HHSs using mobile apps reported that they identified and planned how they would meet privacy requirements while developing the app. 77% of government departments and 80% of Uni/TAFEs that are using apps, considered privacy requirements at development stage.

## Priority #6
### Be a responsive government

**Queensland Government Priority**

The government wants to make sure that Queenslanders feel like it is easy to do business with their government, and to ensure it does not become a frustration in their lives.

*Source: Our Future State: Advancing Queensland's Priorities at www.ourfuture.qld.gov.au*

It is anticipated that mobile apps will become commonplace for the delivery of government services. Community trust is key to delivering a service through a mobile app. Users who are confident that a government agency handles their personal information appropriately are more likely to maintain trust in the agency, use an agency's app and benefit from it. To achieve this trust, government agencies need to design mobile apps with privacy in mind. In developing mobile apps, agencies should be fully aware of their information access and privacy obligations under the Acts, and these should be built into all stages of the life cycle of a mobile app, from design and development through to operation and review.

### Action:

**Building information access and privacy obligations into mobile app design**

Our audit report on privacy and mobile apps makes clear recommendations for the development of mobile apps. Agencies should consider these recommendations and build them into project planning for mobile apps.

# Privacy breaches

A privacy breach occurs when an agency fails to comply with one or more of the privacy principles set out in the *Information Privacy Act 2009*. They can occur inadvertently or maliciously, from human error, a technical issue or a database being hacked. Agencies that collect, use or store personal information should have documented policies in place for managing a privacy breach.



Although not a requirement for agencies subject to Queensland's *Information Privacy Act 2009*, the Commonwealth's Mandatory Data Breach Notification scheme provides a model of how to respond to a data breach.

Agencies and organisations regulated under the Australian *Privacy Act 1988* are required to notify affected individuals and the Office of the Australian Information Commissioner when a data breach is likely to result in serious harm to individuals whose personal information is involved in the breach.

The final self-assessment sought information from agencies about their preparation for, and response to, any privacy breaches. Agencies were also asked about occurrence, frequency and notification of any breaches.  See Appendix 3, Topic 23 - Privacy breaches, for the full list of questions asked.

**Agencies meeting their privacy breach obligations**
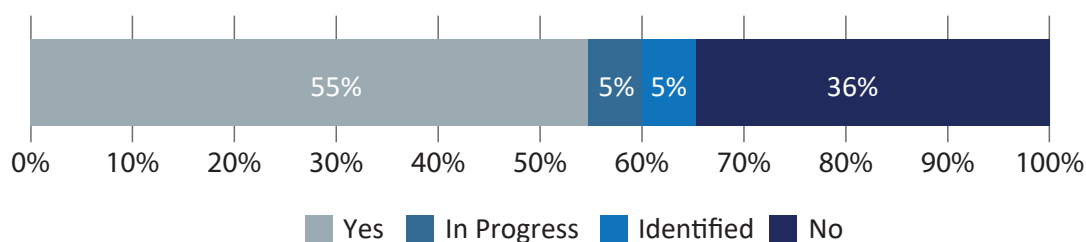


*Figure 14: Agencies meeting their privacy breach obligations*
*Source: Office of the Information Commissioner*

In response to these questions, only 55% of agencies reported having a documented process for managing privacy breaches, and 39% of agencies reported that a privacy breach had occurred. Agencies said the causes of breaches were issues with external service providers, misaddressed emails, or other types of human error.

Of the agencies that had experienced a privacy breach, 97% reported that senior management were notified of the breach. However, only 48% of those agencies went on to notify the relevant regulatory authority or government agency of the breach, and only 71% notified the individuals whose privacy had been breached.

These rates of notification (to authorities or individuals) may be appropriate in specific circumstances. For example, if the breach is very minor and/or detected, contained or remedied before the information is released or causes harm, then it may not be necessary or appropriate to notify individuals or authorities of the breach. We consider that agencies should assess whether to notify affected individuals of breaches consistent with guidelines, and notify us so that we can provide advice and respond to any community enquiries about the breach.  Comments from agencies indicate that awareness of privacy breach risks is increasing and prioritisation of privacy breach mitigation is underway.

## What did agencies say about privacy breaches?

'The department is documenting a data breach procedure that is compliant with state and federal privacy legislation, including the Notifiable Data Breach Scheme set out under the Privacy Act 1988'

**Government department**

'The privacy breaches that have occurred have been in relation to job applications and were a direct result of an external website provider's technical issue, which has since been resolved'

**Local government**

'The Agency applied OIC Guidelines and determined notification not necessary after considering the nature of the disclosure, risk and detriment to individuals'

**Other agency**

'The potential privacy breaches referred to are those where employees misplaced patient information which has been located and retrieved by other staff prior to any actual breach occurring'

**HHS**

## Camera systems

Privacy, data security and access considerations should be planned and incorporated into camera systems. Our audits of camera surveillance and privacy have found significant increases in the use of cameras by Queensland government agencies. Our 2015 camera surveillance and privacy report found that agencies could do more to address data security practices, implement policies and procedures for dealing with requests for footage and use their websites to provide information to the public. Agencies are now using drones and other cameras for a range of innovative uses to improve effectiveness, efficiency and safety.

**Agencies meeting their camera systems obligations**

| | | | |
|---|---|---|---|
| 63% | 11% | 9% | 16% |

0%  10%  20%  30%  40%  50%  60%  70%  80%  90%  100%

■ Yes  ■ In Progress  ■ Identified  ■ No

*Figure 15: Agencies meeting their camera systems obligations*
*Source: Office of the Information Commissioner*

Results from the final self-assessment indicate that –

■ Agencies were asked whether they had adopted the privacy principles in the operation of fixed camera surveillance systems. In 2016, 49% of agencies responded 'Yes', this has increased to 81% in 2018. Figure 16 shows the increase in 'Yes' responses by sector.

## Agencies adopting privacy principles in their operation of fixed camera surveillance systems by sector
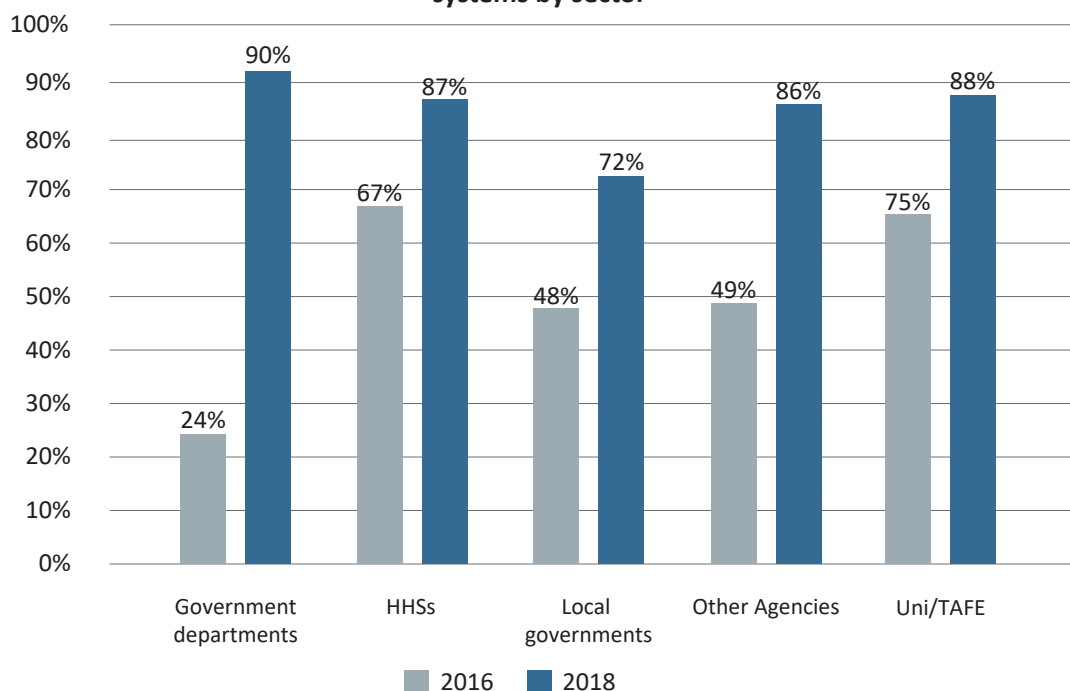


*Figure 16: Agencies adopting privacy principles in their operation of fixed camera surveillance systems by sector*
*Note: The Queensland Information Privacy Act 2009 Privacy Principles do not apply to government owned corporations.*
*Source: Office of the Information Commissioner*

■ A number of new questions relating to camera systems were added to the self-assessment in 2018. Of these questions, agencies reported 63% 'Yes' responses to questions relating to camera systems. A full list of these questions can be viewed in Appendix 3, Topic 22 - Camera systems.

## What did agencies say about camera systems?

| | |
|---|---|
| 'Need to look at this [camera systems]'<br><br>**Other agency** | 'Signage is erected to notify anyone of CCTV being used'<br><br>**Local government** |
| 'Typically, requests for CCTV footage from law enforcement agencies are managed through the RTI & Privacy Office, and the information disclosed in accordance with IPP11(1)(e)'<br><br>**Uni/TAFE** | 'There is signage in place for all fixed camera systems.  Mobile camera systems require improvement.  2018-19 ICT project, will involve a review and improvement of public signage for fixed cameras'<br><br>**Local government** |

# Privacy Impact Assessments

A privacy impact assessment (PIA) is a tool that agencies can use to assess the privacy impacts of a project or proposal and where necessary, identify ways to meet privacy obligations. The assessment should be conducted early enough in the development of a project so that its findings can influence the design of the project. This will prevent unnecessary effort being expended on design options that do not address privacy impacts.

A PIA report should be revisited and updated if changes to the design of the project create new privacy impacts that were not previously considered. Similarly, a PIA does not end on delivery of the project. Reassessing the privacy impacts of the system or process after it is in operation, for example when updates are deployed or new features are released, will help ensure that the agency continues to approach privacy as a 'design feature' of its processes and activities.

**Agencies meeting their privacy impact assessment obligations**

| 25% | 13% | 19% | 43% |
|-----|-----|-----|-----|

0%  10%  20%  30%  40%  50%  60%  70%  80%  90%  100%

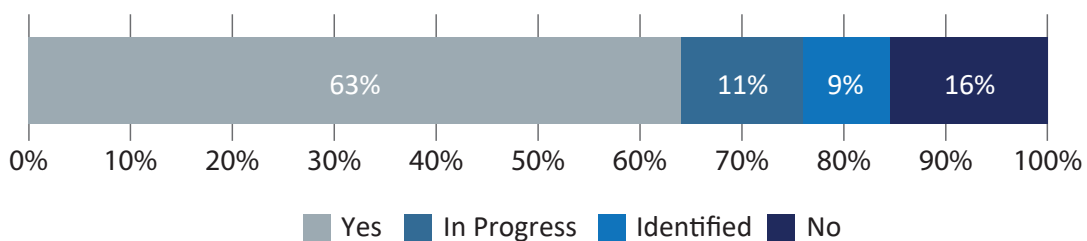■ Yes  ■ In Progress  ■ Identified  ■ No
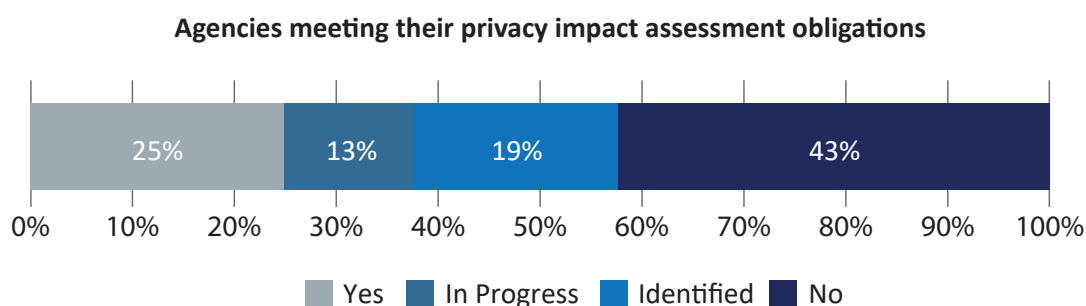
*Figure 17: Agencies meeting their privacy impact assessment obligations*
*Source: Office of the Information Commissioner*

Results from the final self-assessment indicate that –

- Just over a quarter of agencies are taking a privacy-by-design approach and embedding PIAs into their project management frameworks.
- Government departments (around 50%) and HHSs (around 60%) have higher rates of integrating privacy-by-design approaches into their operations. However these practices should be core business for all agencies.

## What did agencies say about privacy impact assessments?

'Not formalised in policies and procedures however awareness is high'

**Other agency**

'As part of the risk assessment process in project development'

**Local government**

'...we don't have a policy as such and don't believe one is needed. We have procedures and processes in place and it forms part of our requirements checklist when new ICT projects are planned'

**Government department**

'...privacy impact assessments are required prior to approaching the market to procure any system which may collect, store or handle personal/private information'

**Government department**

## Action:

**Privacy impact assessments are core business**

All agencies must protect individuals' personal information. Failure to do so exposes individuals to risk, erodes trust, jeopardises public take up of services, and damages an agency's reputation.

Project management methodologies and tools should include privacy impact assessments as key deliverables during design, development and operation of all agency functions. This is core business for any agency when it is managing personal information.

# Appendix 1 - 2018 Self-assessment - agencies

## List of auditable agencies by sector

|  | Total auditable agencies | Responses received |
|---|---|---|
| **All agencies** | **224** | **195** |
|  |  |  |
| Queensland Government Departments | **21** | **21** |
| Hospitals and Health Services | **16** | **15** |
| Government Owned Corporations | **10** | **10** |
| Local Government | **77** | **61** |
| University and TAFEs | **8** | **8** |
| Other agencies | **92** | **80** |

| Sector | Agency |
|---|---|
| Queensland Government Departments | Department of Aboriginal and Torres Strait Islander Partnerships |
|  | Department of Agriculture and Fisheries |
|  | Department of Child Safety, Youth and Women |
|  | Department of Communities, Disability Services and Seniors |
|  | Department of Education |
|  | Department of Employment, Small Business and Training |
|  | Department of Environment and Science |
|  | Department of Health |
|  | Department of Housing and Public Works |
|  | Department of Innovation, Tourism Industry Development and the Commonwealth Games |
|  | Department of Justice and Attorney-General |
|  | Department of Local Government, Racing and Multicultural Affairs |
|  | Department of Natural Resources, Mines and Energy |
|  | Department of State Development, Manufacturing, Infrastructure and Planning |
|  | Department of the Premier and Cabinet |
|  | Department of Transport and Main Roads |
|  | Public Service Commission |
|  | Queensland Corrective Services |
|  | Queensland Fire and Emergency Services |
|  | Queensland Police Service |
|  | Queensland Treasury |

| Sector | Agency |
|---|---|
| Hospitals and Health Services | Cairns and Hinterland Hospital and Health Service |
| | Central Queensland Hospital and Health Service |
| | Central West Hospital and Health Service |
| | Children's Health Queensland Hospital and Health Service |
| | Darling Downs Hospital and Health Service |
| | Gold Coast Hospital and Health Service |
| | Mackay Hospital and Health Service |
| | Metro North Hospital and Health Service |
| | Metro South Hospital and Health Service |
| | North West Hospital and Health Service |
| | South West Hospital and Health Service |
| | Sunshine Coast Hospital and Health Service |
| | Torres and Cape Hospital and Health Service |
| | Townsville Hospital and Health Service |
| | West Moreton Hospital and Health Service |
| | Wide Bay Hospital and Health Service |

| Sector | Agency |
|---|---|
| Government Owned Corporations | CS Energy Limited |
| | Energy Queensland Limited |
| | Gladstone Ports Corporation |
| | North Queensland Bulk Ports Corporation |
| | Port of Townsville Limited |
| | Ports North |
| | QIC Limited |
| | Queensland Electricity Transmission Corporation Limited |
| | Stanwell Corporation Limited |
| | Sunwater |

| Sector | Agency |
|---|---|
| Local Government | Aurukun Shire Council |
| | Balonne Shire Council |
| | Banana Shire Council |
| | Barcaldine Regional Council |
| | Barcoo Shire Council |
| | Blackall Tambo Regional Council |
| | Boulia Shire Council |
| | Brisbane City Council |
| | Bulloo Shire Council |
| | Bundaberg Regional Council |
| | Burdekin Shire Council |
| | Burke Shire Council |
| | Cairns Regional Council |
| | Carpentaria Shire Council |
| | Cassowary Coast Regional Council |
| | Central Highlands Regional Council |
| | Charters Towers Regional Council |
| | Cherbourg Aboriginal Shire Council |
| | Cloncurry Shire Council |
| | Cook Shire Council |
| | Council of the City of Gold Coast |
| | Croydon Shire Council |
| | Diamantina Shire Council |
| | Doomadgee Aboriginal Shire Council |
| | Douglas Shire Council |
| | Etheridge Shire Council |
| | Flinders Shire Council |
| | Fraser Coast Regional Council |
| | Gladstone Regional Council |
| | Goondiwindi Regional Council |
| | Gympie Regional Council |
| | Hinchinbrook Shire Council |
| | Hope Vale Aboriginal Shire Council |
| | Ipswich City Council |

| Sector | Agency |
|---|---|
| Local Government *Continued* | Isaac Regional Council |
| | Kowanyama Aboriginal Shire Council |
| | Livingstone Shire Council |
| | Lockhart River Aboriginal Shire Council |
| | Lockyer Valley Regional Council |
| | Logan City Council |
| | Longreach Regional Council |
| | Mackay Regional Council |
| | Mapoon Aboriginal Shire Council |
| | Maranoa Regional Council |
| | Mareeba Shire Council |
| | McKinlay Shire Council |
| | Moreton Bay Regional Council |
| | Mornington Shire Council |
| | Mount Isa City Council |
| | Murweh Shire Council |
| | Napranum Aboriginal Shire Council |
| | Noosa Shire Council |
| | North Burnett Regional Council |
| | Northern Peninsula Area Regional Council |
| | Palm Island Aboriginal Shire Council |
| | Paroo Shire Council |
| | Pormpuraaw Aboriginal Shire Council |
| | Quilpie Shire Council |
| | Redland City Council |
| | Richmond Shire Council |
| | Rockhampton Regional Council |
| | Scenic Rim Regional Council |
| | Somerset Regional Council |
| | South Burnett Regional Council |
| | Southern Downs Regional Council |
| | Sunshine Coast Regional Council |
| | Tablelands Regional Council |
| | Toowoomba Regional Council |

| Sector | Agency |
|---|---|
| Local Government<br>*Continued* | Torres Shire Council |
| | Torres Strait Islands Regional Council |
| | Townsville City Council |
| | Western Downs Regional Council |
| | Whitsunday Regional Council |
| | Winton Shire Council |
| | Woorabinda Aboriginal Shire Council |
| | Wujal Wujal Aboriginal Shire Council |
| | Yarrabah Aboriginal Shire Council |

| Sector | Agency |
|---|---|
| University and TAFEs | Central Queensland University |
| | Griffith University |
| | James Cook University |
| | Queensland University of Technology |
| | TAFE Queensland |
| | The University of Queensland |
| | University of Southern Queensland |
| | University of the Sunshine Coast |

| Sector | Agency |
|---|---|
| Other agencies | Aboriginal Centre for the Performing Arts |
| | Anti-Discrimination Commission Queensland |
| | Bar Association of Queensland |
| | Board of Architects of Queensland |
| | Board of Professional Engineers of Queensland |
| | Board of Trustees of Newstead House |
| | Building Queensland |
| | Bundaberg Health Services Foundation |
| | Children's Hospital Foundation |
| | Community Enterprise Queensland (CEQ) |
| | Crime and Corruption Commission Queensland |
| | Cross River Rail Delivery Authority |
| | Darling Downs - Moreton Rabbit Board |
| | Director Child Protection Litigation |

| Sector | Agency |
|---|---|
| Other agencies<br>*Continued* | Electoral Commission of Queensland |
| | Energy and Water Ombudsman Queensland |
| | Family Responsibilities Commission |
| | Far North Queensland Hospital Foundation |
| | GasFields Commission Queensland |
| | Gladstone Area Water Board |
| | Gold Coast 2018 Commonwealth Games Corporation (GOLDOC) |
| | Gold Coast Hospital Foundation |
| | Gold Coast Waterways Authority |
| | Inspector-General Emergency Management |
| | Ipswich Hospital Foundation |
| | Jobs Queensland |
| | Legal Aid Queensland |
| | Legal Practitioners Admissions Board |
| | Legal Services Commission |
| | Mackay Hospital Foundation |
| | Mental Health Review Tribunal |
| | Motor Accident Insurance Commission |
| | Mount Gravatt Showgrounds Trust |
| | Mount Isa Water Board |
| | National Heavy Vehicle Regulator |
| | National Injury Insurance Agency Queensland |
| | Non-State Schools Accreditation Board |
| | Office of the Health Ombudsman |
| | Office of the Land Access Ombudsman |
| | Office of the Queensland Ombudsman |
| | Office of the Queensland Parliamentary Counsel |
| | Office of the Queensland Training Ombudsman |
| | PA Research Foundation |
| | Prince Charles Hospital Foundation |
| | Public Safety Business Agency |
| | QIMR Berghofer Medical Research Institute |
| | Qleave |
| | QSuper |

| Sector | Agency |
|---|---|
| Other agencies<br>*Continued* | Queensland Agricultural Training Colleges |
| | Queensland Art Gallery and Gallery of Modern Art |
| | Queensland Audit Office |
| | Queensland Building and Construction Commission |
| | Queensland College of Teachers |
| | Queensland Competition Authority |
| | Queensland Curriculum and Assessment Authority |
| | Queensland Family and Child Commission |
| | Queensland Industrial Relations Commission |
| | Queensland Integrity Commissioner |
| | Queensland Law Reform Commission |
| | Queensland Law Society |
| | Queensland Local Government Grants Commission |
| | Queensland Museum |
| | Queensland Performing Arts Centre |
| | Queensland Productivity Commission |
| | Queensland Racing Integrity Commission |
| | Queensland Rail |
| | Queensland Reconstruction Authority |
| | Queensland Rural and Industry Development Authority |
| | Queensland Theatre Company |
| | Queensland Treasury Corporation |
| | Queensland Urban Utilities |
| | Racing Queensland |
| | Residential Tenancies Authority |
| | Royal Brisbane and Women's Hospital Foundation |
| | Safe Food Production Queensland |
| | SEQwater |
| | South Bank Corporation |
| | Stadiums Queensland |
| | State Library of Queensland |
| | Supreme Court of Queensland Library |
| | Surveyors Board of Queensland |
| | The Public Advocate |

| Sector | Agency |
| --- | --- |
| Other agencies<br>*Continued* | The Public Trustee of Queensland |
| | Toowoomba Hospital Foundation |
| | Townsville Hospital Foundation |
| | Trade and Investment Queensland |
| | Unitywater |
| | Valuers Registration Board of Queensland |
| | Veterinary Surgeons Board of Queensland |
| | Wet Tropics Management Authority |
| | Wishlist, Sunshine Coast Health Foundation |
| | WorkCover Queensland |

# Appendix 2 - 2018 Self-assessment - methodology

We thank the agencies for their support and co-operation in completing the self-assessment.

The self-assessment is a monitoring strategy that requires all auditable agencies to gauge their compliance with legislative obligations under the *Right to Information Act 2009* and *Information Privacy Act 2009*, and self-assess progress in right to information and information privacy practice.

The first electronic audit in 2010 established a baseline. A second and third self-assessment, conducted in 2013 and 2016, reported on agency progress. The 2018 self-assessment is the final piece for the first ten years of the legislation's operation, to assess agencies' self reported compliance with legislative and related obligations, and implementation of right to information and information privacy.

While it provides a broad overview of Queensland government agencies' compliance, the process has limitations inherent to a self-assessment. We have not independently verified the agencies' responses and therefore can only provide limited assurance about the results.

We administer the self-assessment simultaneously to all agencies, regardless of size, location in the state or maturity in terms of right to information and information privacy. In addition to performance monitoring, this process can assist agencies by reminding them of their obligations under the Acts and agencies can use the self-assessment as a reference document or as a training resource.

***Self-assessment***

A copy of the self-assessment is available on our website[1].

Agencies completed the 2018 self-assessment during November and December 2018 using an online platform. A full list of the auditable agencies required to complete the self-assessment is in Appendix 1.

The questions were based on:
- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- Ministerial Guidelines, Operation of Publication Schemes and Disclosure Logs issued under sections 21(3) and sections 78, 78A and 78B of the *Right to Information Act 2009*
- Queensland Government Enterprise Architecture policies, strategies and associated publications
- advice from the Queensland State Archives about public records
- Freedom of Information Standards and Measures, Office of the Information Commissioner, Western Australia
- findings and recommendations from our audits, reviews and surveys.

The self-assessment, based on the prior years' versions, was refreshed to ensure that it reflected contemporary issues. Some questions were changed or clarified. New questions on emerging issues were included, for example mobile apps and privacy impact assessments. We made comparisons across the four years only on comparable questions.

The self-assessment tailored the number of questions, depending on the agency's type and responses to gateway questions. For example, there were questions only applicable to government departments.

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[1] *2018 Agency self-assessment tool available on the OIC website at https://www.oic.qld.gov.au/publications/audit-tools.*

Gateway questions also filter out groups of questions not relevant to an agency based on its responses. For example, when an agency answered 'No' to the question 'Has this agency received any RTI or IP applications since 1 July 2016?', the instrument excluded subsequent questions about how the agency handled applications received.

### Responses

We received 195 responses from 224 auditable agencies, an overall response rate of 87.1% compared to 86.4% in 2016.

The response rate varied by agency type. While all government departments, government owned corporations, Universities/TAFEs responded, response rates across the remaining sectors varied. Further details are included in our report.

For nearly all of the questions in the self-assessment, the agency could answer in one of four ways outlined in Table 1.

**Table 1**

**Response options for the self-assessment**

| Option | Use this response option when |
|---|---|
| Yes | A system, policy, strategy or process has been implemented in full across the agency. |
| In progress | Management has decided on a particular course of action and implementation has commenced or is complete in part but not all of the agency. |
| Identified | Management has identified this as an issue, but has not yet commenced to address the issue. |
| No | There are no strategies in place, and no immediate plans to pursue them. |

*Source: Office of the Information Commissioner*

In addition to the standard response options, agencies could comment on individual questions. Agencies provided over 4000 comments, ranging from brief remarks to detailed explanations or expanded responses.

We treat the data collected through this self-assessment confidentially. The de-identified 2018 self assessment responses are published on our website.[2]

### Analysis

We examined patterns of responses and trends at the aggregate level by question, agency sector and topic.

Topics are groups of like questions. For example, we group questions about how the agency handles applications under a single topic called 'application handling'. Appendix 3 contains a full list of questions grouped in topics.

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# Appendix 3 - 2018 Self-assessment - questions

## List of questions by topic

The questions in the self-assessment have been grouped into related sets of questions reported as topics.  The topic number does not relate to the question number.

|    | Topic |
|----|-------|
| 1  | Governance |
| 2  | Policy development and oversight |
| 3  | Community consultation |
| 4  | Performance monitoring |
| 5  | Training and resources |
| 6  | Privacy |
| 7  | Adopting a push model to maximise disclosure |
| 8  | Roles, responsibilities, delegations and authorisation |
| 9  | Internal review |
| 10 | External review |
| 11 | Application handling |
| 12 | Complaint handling |
| 13 | Continuous Improvement |
| 14 | Publication scheme |
| 15 | Recordkeeping |
| 16 | Staffing resources |
| 17 | Engagement with applicants |
| 18 | Disclosure log |
| 19 | Administrative access arrangements |
| 20 | Privacy impact assessments |
| 21 | Privacy - mobile apps |
| 22 | Privacy - camera systems |
| 23 | Privacy breaches |
| 99 | Contextual information |

## 1. Governance

**Q3.1**   The agency has a culture open to the release of information.

**Q4.1**   Right to information and information privacy implementation is managed or has been managed by governance mechanisms which provide for development (e.g. planning for implementation).

**Q4.3**   Right to information and information privacy implementation is managed or has been managed by governance mechanisms which provide for implementation and accountability (e.g. identifying who is responsible for implementing actions and by when).

**Q4.5**   Right to information and information privacy implementation is managed or has been managed by governance mechanisms which provide for review (e.g. mechanisms for reporting on achievements).

**Q4.7**   *If the agency is a Queensland Government department*
An executive level Information Champion is appointed, and active in the role.

**Q4.9**   *If the agency is a Queensland Government department*
A formal information governance body is operating (as per Queensland Government Enterprise Architecture guidelines).

**Q5.1**   An explicit statement of commitment to right to information and information privacy is readily available within the agency, for example, in a policy document or as a policy statement on the agency's website.

**Q5.19**   The agency maintains an Information Asset Register either independently or as part of an existing register (as required by Information Standard 44).

**Q10.21**   *If the agency is a Queensland Government department*
Schemes generally conform to Queensland Government Enterprise Architecture guidelines.

**Q12.41**   *If the agency is a Queensland Government department*
The information governance body has considered the development of the elements* of the authorising and accountability environment for publication schemes.
*These elements may include: policies, business, processes (e.g. internal approval processes for publication in a publication scheme), procedures, roles and responsibilities (e.g. who approves release), supporting tools and systems. For example, the meeting agenda or minutes indicate these issues have been considered.

**Q13.31**   *If the agency is a Queensland Government department*
The information governance body has considered the development of the elements* of the authorising and accountability environment for disclosure logs.
*These elements may include: policies, business processes (e.g. internal approval processes for publication in a disclosure log), procedures, roles and responsibilities (e.g. who approves release), supporting tools and systems   For example, the meeting agenda or minutes indicate these issues have been considered.

## 2. Policy development and oversight

**Q3.13**   When developing right to information and information privacy policies, the agency conducts appropriate internal consultation, for example, with decision makers.

**Q5.7**   Does this agency have documented policies or procedures to give effect to the right to information and information privacy legislation, for example, as a standalone policy or as part of an information management framework?

**Q5.9**   The policies or procedures to give effect to the right to information and information privacy legislation, for example, as a standalone policy or as part of an information management framework are fully implemented.

**Q5.13**   Right to information and information privacy policies are complete and easy to understand.

**Q5.15**   Right to information and information privacy policies are reviewed on a regular basis.

## 3. Community consultation

**Q3.3**   Agency policy frameworks describe how the community is to be included in the development of policies affecting external operations.

**Q3.5**   The agency has a mechanism for identifying the information that its community would find useful, for example, a consultation strategy.

**Q3.7**    The agency has a mechanism for providing the information to the community that the community has identified as being useful.

**Q3.9**    The agency has a mechanism for identifying the information that its industry stakeholders would find useful, for example, a consultation strategy.

**Q3.11**    The agency has a mechanism for providing the information to industry stakeholders that the industry stakeholders have identified as being useful to them.

**Q5.3**    The agency has an external communications strategy to ensure the community and stakeholders are aware of their right to information rights.

## 4. Performance monitoring

**Q8.7**    The agency has internal systems and procedures for reviewing the effectiveness of the right to information and information privacy functions.

**Q8.9**    Review and reporting mechanisms on the effectiveness of the right to information and information privacy functions are embedded at all levels of the organisation.

**Q8.11**    Performance measurement for the right to information functions across the agency is in place.

**Q8.13**    Performance measurement for the right to information functions across the agency is used.

**Q8.15**    Performance measurement for the right to information functions across the agency is useful.

**Q8.17**    Performance measurement for the information privacy functions across the agency is in place.

**Q8.19**    Performance measurement for the information privacy functions across the agency is used.

**Q8.21**    Performance measurement for the information privacy functions across the agency is useful.

**Q15.5**    The agency tracks the type of person seeking information under the *Right to Information Act 2009* or the *Information Privacy Act 2009* (e.g. individuals, companies, journalists, lobby/community groups, agencies elected representatives).

## 5. Training and resources

**Q5.11**    The agency's policies or procedures that give effect to the right to information and information privacy legislation, for example, as a standalone policy or as part of an information management framework, are readily available to all staff (e.g. easy to find on the agency's intranet).

**Q6.17**    The agency can meet requirements to report on right to information and information privacy statistics.

**Q7.5**    Agency staff are trained as to their level of authority to release information administratively.

**Q7.7**    Right to information and information privacy are mentioned in induction.

**Q7.9**    The agency has procedures in place to ensure new and existing staff are given general training/awareness raising about right to information and information privacy obligations.

**Q7.11**    General staff training in right to information and information privacy is effective.

**Q7.13**    The agency has procedures in place to ensure new and existing staff are given training

about right to information and information privacy obligations specific to their work area or role.

**Q7.15** Training for right to information and information privacy staff with respect to the right to information and information privacy functions is effective.

**Q17.1** The agency uses redaction technologies or would use redaction technologies as needed to provide access consistent with decision making processes.

(NB Redaction technology allows editing original records such as blocking text of documents or removing specific items from video footage).

**Q25.3** This process [privacy complaint] is available to agency officers.

**Q25.5** This process [privacy complaint], or a version of it, is available to the public.

**Q25.25** This process [privacy breaches] is available to agency officers.

**Q25.27** This process [privacy breaches] or a version of it is available to the public.

## 6. Privacy

**Q5.17** Privacy policies apply to the information of officers, for example, personnel records, as well as to the information of the public.

**Q19.1** Personal information handling practices have not raised concerns or resulted in the issue of any compliance notices.

**Q19.3** The agency understands and accepts its obligations to take any action required by a privacy compliance notice issued under section 158 of the *Information Privacy Act 2009*.

**Q19.5** The agency obtains specialist privacy advice/information to ensure it complies with its obligations under the *Information Privacy Act 2009*.  If so, please indicate the source of the advice in the comment section below.

**Q19.7** Collection of personal information is appropriate.

**Q19.9** Security safeguards for personal information are appropriate.

**Q19.11** Processes are in place to ensure personal information held by your agency is as accurate as possible (e.g. clients can update their details via the agency's website, by telephone or in person, your agency audits information for completeness and accuracy, where possible data is corrected automatically, clients are contacted when issues are found, duplicate and redundant records are removed or archived).

**Q19.13** The agency is open about its processes for collecting, using and disclosing personal information.

**Q19.15** The agency use and disclosure of personal information is appropriate.

**Q19.17** Privacy breaches and complaints are managed effectively.

**Q19.19** If the agency engages contractors to perform services that in any way deal with personal information, the agency ensures the external contracted service providers operate in accordance with the *Information Privacy Act 2009*.

(If the agency does not have such engagements, answer 'No contracted service providers')

**Q19.21** The agency has procedures in place for transfer of personal information outside Australia only in accordance with s33 of the *Information Privacy Act 2009*, for example, if personal information is posted on the agency's website.

(If your agency does not transfer personal information outside Australia, answer 'Not applicable')

**Q20.1** The agency identifies why it is collecting personal information.

**Q20.3** The agency provides a collection notice* to individuals from whom personal information is being collected.

> * The term 'collection notice' does not appear in the *Information Privacy Act 2009*. It is a generic term encompassing the obligation to make individuals generally aware of the facts listed in IPP 2.

**Q20.5** The agency has determined how much and the kind of personal information it needs to collect.

**Q20.7** The amount of personal information collected is no more than is necessary and relevant for the purpose for which it is required.

**Q20.9** The agency collects personal information lawfully and fairly.

**Q20.11** The agency has taken steps to ensure the information collected is relevant, complete and up-to-date (e.g. collection forms are well designed and approved, questions are clear, staff are trained, procedures are consistent across the agency, help is available for clients that need it, source documentation is consulted where appropriate).

**Q21.1** Personal information held by the agency is protected against unauthorised access, use, modification or disclosure.

**Q21.3** Personal information held by the agency is protected against loss or misuse.

**Q21.5** The agency has adopted physical, technical and administrative safeguards to protect personal information.

**Q21.7** Security safeguards are appropriate given the sensitivity of the information.

**Q21.9** Processes are in place to record access to electronic records and datasets containing personal information.

**Q21.11** Processes are in place to ensure that disposal of personal information does not allow unauthorised access.

**Q22.1** Processes are in place for people to amend their personal information if it is incorrect.

**Q22.3** Processes are in place to record when and where key personal information was collected, including when it was updated.

**Q23.1** The agency makes information available about its personal information policies and procedures.

**Q23.3** The agency tells people why it collects, how it uses and when it discloses their personal information at the time of collection.

**Q23.5** There is a person that members of the public can contact about privacy issues.

**Q23.7** The agency tells people how they can access and amend their personal information.

**Q23.9** The agency provides details to the public of the types of personal information it holds.

**Q24.1** The agency uses information only for the purpose for which it was collected, unless an exception in IPP10 or NPP2 applies.

**Q24.3** The agency discloses information only where the person was advised when it was collected unless an exception in IPP11 or NPP2 applies.

**Q24.5** The agency has procedures in place to ensure that use or disclosure of personal information under IPP10, IPP11 or NPP2 is noted on the personal information where required.

**Q25.1** The agency has (select all that apply):

an all-purpose, documented process to manage all complaints; a documented process for general complaints with the ability to flag that part or all of the complaint is about privacy; a documented process specific to privacy complaints; no documented process to manage complaints.

## 7. Adopting a push model to maximise disclosure

**9.1** The agency has a process in place to regularly ensure it achieves maximum disclosure of publishable information assets based on the agency's Information Asset Register (departments) or other assessment of its information assets.

**Q9.3** More significant information has been placed in the public domain since 1 July 2016 or the date the agency was established in its current form whichever is the most recent (e.g. additional data sets are now available to the public).

**Q9.5** Information is proactively released, including via the publication scheme, as the information becomes available.

**Q9.7** The agency is responsive and open to any request for information, whether made informally, including through an administrative access scheme, ad hoc request or through a formal application under the legislation.

## 8. Roles, responsibilities, delegations and authorisation

**Q5.5** There is a clear authorisation process for agency staff to assess and approve information for public release.

**Q6.3** Right to information and information privacy application handling functions are independent of the Minister's office.

**Q6.5** Right to information and information privacy application handling functions are independent of media and communications.

**Q6.7** Right to information and information privacy application handling functions report as closely as possible to the Principal Officer (e.g. Director-General, CEO, Commissioner, etc).

**Q6.9** Agency administrative delegations for right to information and information privacy application handling are up to date.

**Q6.11** The Principal Officer (e.g. Director-General, CEO. Commissioner, etc) has appropriately delegated authority to deal with right to information and information privacy applications.

(If no or few right to information and information privacy applications are received and the applications are dealt with by the Principal Officer answer 'Not applicable')

**Q6.13** Roles and responsibilities of the Principal Officer or the Principal Officer's delegates are clearly defined.

**Q6.15** There is a person who has responsibility for maintaining a system of recording, tracking and monitoring applications and reviews, as needed.

**Q12.35** Changes to the publication scheme are formally approved.

**Q13.19** Changes to the disclosure log are formally approved.

**Q15.21** Level of satisfaction by the Right to Information Unit or decision maker with documentation received from other staff, including search requests, unredacted documents and submissions about issues concerning release.

**Q18.5** Internal reviews are conducted by an officer different to and at least the same level or more senior than the officer who made the reviewable decision.

## 9. Internal review

**Q18.7** The agency has a procedure for internal review applications (e.g. a checklist of steps to be undertaken for each application).

**Q18.9** The agency uses the prescribed written notice for notifying the applicant of the result of the internal review, including provision of reasons.

**Q18.11** The agency has a process in place to ensure internal review decisions are notified to the applicant within 20 business days from receipt of application.

**Q18.13** Written notices of internal review decisions are provided to the applicants.

## 10. External review

**Q18.17** The agency has a procedure to seek more time from the Information Commissioner to process the application if a deemed decision is being externally reviewed.

**Q18.19** The agency understands that the onus is on the agency to show that the reviewable decision was justified.

**Q18.21** The agency understands and meets its obligations to assist the Information Commissioner.

**Q18.23** The agency routinely meets set timeframes in external reviews.

## 11. Application handling

**Q14.9** The agency engages with the applicant, third parties, relevant business units and any other relevant stakeholders to explore options for providing information prior to making a decision on the access application.

**Q14.13** Decisions are made promptly and parties informed as soon as possible, where a decision on the application is made.

**Q14.15** Level of satisfaction by the parties with the communication about time issues.

**Q15.1** The agency uses the approved form, as per the *Right to Information Act 2009* and the *Information Privacy Act 2009*, for applications for information.

**Q15.3** The agency has a procedure for obtaining evidence of the identity of the applicant within 10 business days where required (e.g. a checklist of steps to be undertaken for each application).

**Q15.7** The agency has procedures in place for dealing with problems with the application, including proof of identity, a change of Act under which the application has been made, an application which does not provide all the information required by the legislation, or seeking an extension of time for the decision. For example, right to information officers might have a standard approach to these matters.

**Q15.9** The agency has procedures in place to issue charges estimates notices and the accompanying schedule of documents under the *Right to Information Act 2009*.

**Q15.11** The agency tracks time frames for handling charges estimates notices and schedule of documents.

**Q15.13** The agency has procedures in place for dealing with third party consultation (e.g. a checklist of steps to be undertaken for each application).

**Q15.15** The agency has procedures in place for transferring an application to another agency (e.g. a checklist of steps to be undertaken for each application).

**Q15.17** The agency has checked applicable fees and charges and ensured procedures are correct.

**Q16.1** The agency has procedures for deciding whether or not an application is outside the scope of the Act (e.g. consideration of questions of scope are file noted).

**Q16.3** The agency has procedures for ensuring applicants are notified if their application is outside the scope of the Act, within 10 business days and in the prescribed form, including reasons for the decision.

**Q16.5** If access or amendment is refused, the agency has steps to ensure the decision is according to the legislation, particularly balancing the public interest factors set out in the *Right to Information Act 2009* and applied by *Information Privacy Act 2009*.

**Q16.7** If access or amendment is refused, the agency has steps to ensure that the notification is in the prescribed form, and that notification is made within time and with reasons for the decision.

**Q17.3** The agency has procedures to ensure that written notices giving access to documents accord with the legislative requirements and that information is provided in the requested format and within time (e.g. a checklist of steps to be undertaken for each application and templates which reflect the statutory requirements).

**Q17.5** The agency routinely meets statutory timeframes.

**Q17.7** If access is not given in the requested format or it is deferred, the agency has procedures for recording the reasons for the difference in formats or the deferral, and that no additional charges are levied.

**Q17.9** The agency has procedures for ensuring the information goes to the correct person, for example, correctly to an agent or parent.

## 12. Complaint handling

**Q8.1** Complaint handling procedures capture opportunities for improvement in right to information and information privacy functions.

**Q12.33** A complaints procedure is in place to enable people to make complaints when information is not available from the publication scheme.

**Q25.17** Privacy complaint handling is within the statutory timeframe (45 business days).

## 13. Continuous improvement

**Q8.3** Opportunities for improvement in right to information and information privacy functions are recorded and actions on them are tracked.

**Q8.5** Opportunities for improvement are actioned and result in improvements to systems for the release of information or information privacy.

**Q25.7** There is a clear process for privacy complaint handlers to advise agency officers when practices that need changing are identified.

**Q25.9** There is a clear process for agency officers to action changes to practices arising from complaints.

**Q25.19** Since 1 July 2016 or the date the agency was established in its current form, whichever is the most recent, privacy complaint handlers have advised agency officers that practices need to change.

**Q25.21** Approved reforms to agency processes identified by complaint handlers have been implemented.

## 14. Publication scheme

**Q12.1**   Does the agency have a publication scheme?

**Q12.3**   Seven classes of   information are published (About us, Our services, Our finances, Our priorities, Our decisions, Our policies, Our lists).

**Q12.5**   Significant information is included in the publication scheme (key initiative and policy documents).

**Q12.7**   Information in the publication scheme is appropriate (having regard to legislation, privacy principles and security issues).

**Q12.9**   Information in the publication scheme is accurate.

**Q12.11**  Information in the publication scheme is up to date.

**Q12.13**  The publication scheme is readily accessible (e.g. a link on the home page).

**Q12.15**  Direct links to documents suitable for online publication are provided and maintained.

(Note: documents might be unsuitable for online publication if they are too large, or not in a suitable format).

**Q12.17**  All documents referred to in the publication scheme are accessible centrally from the publication scheme.

**Q12.19**  Documents linked to the publication scheme are no more than 3 mouse clicks away.

**Q12.21**  If a direct link to a document is impractical (e.g. due to the size of the document), a summary of the document is provided and access arrangements are described.

**Q12.23**  The publication scheme sets out the terms on which information is available including any applicable fees/charges.

**Q12.25**  Charges for administrative release of documents are minimised.

**Q12.27**  Alternative formats of documents are available.

**Q12.29**  Website design for the publication scheme is user friendly (e.g. well organised, reviewed quarterly and up to date, information rich).

**Q12.31**  An agency officer has a responsibility to ensure the publication scheme is maintained and up to date.

**Q12.37**  Changes to the publication scheme are documented.

**Q12.43**  Quality of the publication scheme from the agency's perspective.

**Q9.11**   Significant documents are not excluded from release by irrelevant factors under the *Right to Information Act 2009* (e.g. disclosure of the information could reasonably be expected to result in misunderstanding or misinterpretation of the document.[1]     [1] Part 1, Schedule 4 *Right to Information Act 2009*

## 15. Recordkeeping

**Q11.1**   Recordkeeping systems allow efficient location of records relevant to administrative requests or formal access applications or would allow efficient location of records if any requests were received.

**Q11.3**   The agency adopted the Public records in private accounts advice from the Queensland State Archive.

**Q11.5**   The agency captures public records created or received in private email accounts.

**Q11.7** The agency captures public records created or received in messaging applications e.g. Facebook Messenger or WhatsApp.

**Q11.9** The agency captures public records of text messages created or received on personal devices.

**Q11.11** The agency captures public records of photos and videos created or received on private devices.

**Q11.13** The agency captures public records in private accounts or on personal devices within 20 calendar days of creation or receipt.

**Q12.39** Documents describing changes to the publication scheme are kept as public records.

**Q13.23** Changes to the disclosure log are documented and kept as public records.

**Q15.19** Accurate records document the processing of any application received.

**Q18.3** Overall sufficiency of search is raised as an issue by applicants in internal reviews:

(Note: sufficiency of search is whether or not the agency has taken all reasonable steps to locate all documents that fall within the terms of the access application.)

**Q18.25** Overall sufficiency of search is raised as an issue by applicants in external reviews:

(Note: sufficiency of search is whether or not the agency has taken all reasonable steps to locate all documents that fall within the terms of the access application.)

**Q18.27** Additional documents are located during external review:

## 16. Staffing resources

**Q6.1** Resourcing to information privacy and right to information application handling functions is appropriate.

## 17. Engagement with applicants

**Q14.3** Applicants are assisted through negotiation, either prior to making an application or once an application is made, to clarify and particularise their applications.

**Q14.5** For every application received, the agency considers calling the applicant within a week of receipt of the application to clarify the applicant's information request and explore options for providing the information.

**Q14.7** Open communication exists between the agency and the parties to any communication seeking information, whether informal or formal (for example phone or email).

**Q14.11** Level of satisfaction by the parties with the communication in general.

## 18. Disclosure log

**Q13.1** Does the agency have a disclosure log?

**Q13.3** Are there any documents included on the disclosure log?

**Q13.5** The disclosure log is a readily accessible part of the agency's website (i.e. within three mouse clicks from the home page).

**Q13.7** Website design for the disclosure log is user friendly (e.g. well organised, reviewed quarterly and up to date, information rich).

**Q13.9** Documents released under the *Right to Information Act 2009* are listed in the disclosure log unless there is a clear reason not to do so.

**Q13.11** The agency has a process in place to ensure documents are listed on the agency's disclosure log as soon as practicable after the applicant accesses the document.

**Q13.13** Where an applicant has not accessed a document within the access period, and where it is appropriate to do so, the agency provides access details to the document (including any applicable charges) in the agency's disclosure log.

**Q13.15** If documents are not included in a disclosure log, the details of the decision and reasons for not publishing to the disclosure log are documented in the agency's internal records.

**Q13.17** An agency officer has a responsibility to ensure the disclosure log is maintained and up to date and in accordance with ministerial guidelines.

**Q13.21** Changes and approvals to the disclosure log are documented.

**Q13.25** The disclosure log has an appropriate list   of documents, for example, by comparison with the number of applications for non-personal information that have been granted.

**Q13.27** Documents published to the disclosure log are accompanied by brief text with a summary and the context of the information.

**Q13.29** The agency has a system for checking that documents or information released on the disclosure log:-

 - are not prevented by law from publication

- are not defamatory

 - if included in the disclosure log would not unreasonably invade an individual's privacy

  - are not or do not allow to be ascertained, information:  of a confidential nature that was communicated in confidence by a person other than the agency that is protected from disclosure under a contract

- would not otherwise cause substantial harm to an entity if disclosed.

**Q13.33** *If the agency is a Queensland Government department*

The agency has a system for including in the disclosure log the details of the information sought by the applicant and the date of the application as soon as practicable after each valid application is made, except where specific information is required to be deleted.

**Q13.35** *If the agency is a Queensland Government department*

The agency has a system for including the following in the disclosure log as soon as practicable after the applicant has accessed the document, except where specific information is required to be deleted:

 - a copy of any document that does not include personal information of the applicant that the department released in relation to the application

- the applicant's name

- the name of any entity benefiting from or using the document

**Q17.11** When processing applications made under the *Right to Information Act 2009*, the agency considers them for inclusion in the disclosure log in accordance with the Act, as needed.

## 19. Administrative access arrangements

**Q9.9** The agency has implemented processes to release information administratively in response to informal/ad hoc requests.

**Q10.1** Does this agency have administrative access schemes?

**Q10.3** The agency has assessed all its suitable information for inclusion in its administrative access schemes based on a review of its information assets, a review of requests made to the agency for information and consultation with clients and stakeholders.

**Q10.5** The agency has implemented the maximum suitable administrative access with all suitable information included in existing schemes.

**Q10.7** New administrative access schemes have been introduced since 1 July 2016 or the date the agency was established in its current form, whichever is the most recent.

**Q10.9** New information has been introduced into existing administrative access schemes since 1 July 2016 or the date the agency was established in its current form, whichever is the most recent.

**Q10.11** There are mechanisms in place to evaluate the viability of administrative access schemes (e.g. a review of information requests).

**Q10.13** There are indicators that the administrative access schemes are used first.

**Q10.15** Publicly available administrative access schemes are readily accessible (e.g. button on home page).

**Q10.17** Multiple avenues of access (e.g. HTML, open formats or hard copy on request) are available for information obtained through an administrative access scheme.

**Q10.19** Website design for administrative access schemes is user friendly and compliant with the Consistent User Experience CUE standard (e.g. well organised, reviewed quarterly and up to date, information rich).

## 20. Privacy impact assessments

**Q28.1** The agency has implemented a policy about conducting a threshold assessment to undertake a privacy impact assessment for projects, initiatives and systems involving personal information.

**Q28.3** The agency has implemented policies and procedures to undertake a privacy impact assessment when the threshold assessment identified that it was advisable.

**Q28.5** The agency consults with, and obtains advice from, its privacy practitioner(s) early in designing and undertaking the privacy impact assessments.

**Q28.7** The agency has adopted a 'privacy by design' approach and integrated the privacy impact assessment process in its project management policies and procedures.

**Q28.9** The agency maintains the currency of its privacy impact assessments and reassesses periodically the privacy impacts of its projects, activities, initiatives, services and systems that handle personal information.

## 21. Privacy - mobile apps

**Q27.3** The agency assessed the privacy impacts of its mobile apps at the development stage to identify and plan how they would meet the requirements of the *Information Privacy Act 2009*.

This can be done through a Privacy Impact Assessment which enables the agency to identify the personal information it intends to collect and consider how it will manage it.

**Q27.5** The agency documented how it considered privacy at key stages of developing and operating its mobile apps.

**Q27.7** The agency reassesses the privacy impacts of its mobile apps regularly, for example annually or when it is rolling our new features and updates, to identify vulnerabilities and manage its privacy obligations.

**Q27.9** The agency gives users a clear, specific and complete collection notice, tailored to each mobile app.

**Q27.11** The agency outlines to users the device's features each app requests access to and explains the reasons for seeking these permissions.

Examples of device features are the device's camera, microphone, location tracker, address or contact list.

**Q27.13** The agency ensures it protects the personal information collected through mobile apps against: loss; unauthorised access, use, modification or disclosure; and any other misuse. This includes testing each app for vulnerabilities before deploying it and at key stages of its life.

## 22. Privacy - camera systems

**Q26.3** The agency has adopted the privacy principles in its operation of fixed camera surveillance systems.

**Q26.5** The agency has adopted the privacy principles in its operation of mobile camera surveillance systems, including body worn cameras, drones.

**Q26.7** The agency has implemented data security policies and procedures for handling footage.

**Q26.9** The agency has implemented policies and procedures for managing requests for footage.

**Q26.11** The agency has a system to track the number and details of the surveillance cameras (fixed and mobile) it operates.

**Q26.13** The agency regularly assesses the effectiveness, costs and benefits of its camera surveillance systems.

**Q26.15** The agency informs the community about the presence of camera surveillance systems, the rationale for their deployment, and the privacy safeguards.

**Q26.17** The agency publishes details of its camera footage holdings.

**Q26.19** The agency has implemented administrative arrangements for disclosing footage where this is a usual practice, for example a memorandum of understanding with the Queensland Police Service or an arrangement for regular disclosure to the media.

## 23. Privacy breaches

**Q25.23** There is a documented process for managing privacy breaches.

**Q25.29** There have been privacy breaches/data breaches involving personal information since 1 July 2016 or the date the agency was established in its current form, whichever is the most recent.

**Q25.31** The same type of breach has occurred two or more times since 1 July 2016 or the date the agency was established in its current form.

**Q25.33** The agency notified executive management/board of the breach(es).

**Q25.35** The agency notified the relevant regulatory or government agencies of the breach(es).

Relevant regulatory or government agencies include the Office of the Information Commissioner (Queensland), the Office of the Australian Information Commissioner (mandatory notification for breaches of tax file number data), the Australian Digital Health Agency, the Crime and Corruption Commission (Queensland), the Queensland Government Chief Information Officer, the Queensland Police Service.

**Q25.37** The agency notified the individuals whose privacy has been breached.

## 99. Contextual information

**Q7.1**    Number of agency staff (headcount) at 30 June 2018, including permanent, temporary, casual and volunteer staff whether full time or part time.

**Q7.3**    Number of agency staff who attended right to information or information privacy training, or any training containing information about right to information or information privacy during the last 12 months - Selected Choice / 100 or more.

**Q14.1**    Has this agency received any right to information or information privacy applications since 1 July 2016 or the date the agency was established in its current form, whatever is the most recent?

**Q18.1**    Has this agency received any right to information or information privacy internal review applications since 1 July 2016 or the date the agency was established in its current form, whichever is the most recent?

**Q18.15**    Has this agency received notice that any right to information or information privacy external review applications have been made regarding a decision of your agency since 1 July 2016 or the date the agency was established in its current form, whichever is the most recent?

**Q25.11**    Number of privacy complaints has the agency received since 1 July 2016 or the date the agency was established in its current form, whichever is the most recent:

**Q25.13**    Number of complaints resolved for that period:

**Q25.15**    Number of complaints unresolved for that period:

**Q26.1**    Does the agency operate camera systems that may capture personal information? These systems include fixed Closed Circuit Television (CCTV) cameras used for surveillance, mobile cameras such a body-worn devices and drones.

**Q27.1**    Has the agency developed and released (or is planning to) one or more public mobile apps which collects personal information?

A mobile app is a software application developed for use on small, wireless computing devices, such as smart phones and tablets, rather than desktop computers.