**Office of the Information Commissioner**
Queensland

# Compliance Review – Queensland Police Service

Review of Queensland Police Service compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld)

**Report No. 3 of 2011/12 to the Queensland Legislative Assembly**

OIC thanks the agency for its cooperation throughout the review process. In undertaking this review, OIC recognises the commitment of the Right to Information and Privacy Unit staff.

October 2011

The Honourable Dean Wells MP
Acting Chair
Legal Affairs, Police, Corrective Services and Emergency Services Committee
Parliament House
George Street
Brisbane  QLD  4000

Dear Mr Wells

I am pleased to present 'Compliance Review – Queensland Police Service: Review of Queensland Police Service compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld)'.  This report is prepared under section 131 of the *Right to Information Act 2009* (Qld) and section 135 of the *Information Privacy Act 2009* (Qld).

The report reviews compliance with the legislation and guidelines that give effect to the Right to Information and Information Privacy reforms.  The report identifies areas of good practice and makes recommendations for improving compliance.

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

Yours sincerely

*JKinross*

Julie Kinross

**Information Commissioner**

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# 1    Executive Summary

This report details the findings of a review of the Queensland Police Service's (QPS) implementation of the Right to Information (RTI) and Information Privacy (IP) reforms. The review process was in accord with the advice of the Queensland Audit Office and consistent with the Australian Standard on Assurance Engagements.[1]

Overall, QPS has made progress in meeting its legislative obligations under the *Right to Information Act 2009* (Qld) (RTI Act) and *Information Privacy Act 2009* (Qld) (IP Act). There are opportunities for improvement. Key findings were:

- QPS has a stated commitment to an open culture and strong leadership is provided by the Police Commissioner.

- During the 2011 natural disasters, QPS was responsive to community needs for real time information and pushed it out using new media. QPS has developed other strategies to keep communities informed. For example, QPS is trialling Crime Busters in Townsville and the Gold Coast, a joint program between QPS and local newspapers to provide fresh information about the incidence of local property offences on-line.

- There are opportunities to improve the strategic management of the pro-active release of information.

- Understanding of and support for the RTI and IP information access application process varies throughout QPS and requires a renewed commitment. In some cases, there is a disparity between policy and practice regarding the reforms.

- QPS has implemented the structures required by the RTI and IP reforms, for example, an Information Champion and an Information Steering Committee. It is important that these roles make a visible contribution through active leadership.

- QPS has basic accountability through its complaints facility and performance reporting, but the systems do not yet meet all the legislative requirements.

- QPS publishes a range of information as a matter of course. Information is readily accessible through the agency's internet, publication scheme, disclosure log and administrative access schemes. These mechanisms would be more effective with greater promotion and visibility internally and externally.

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[1] 'Standard on Assurance Engagements ASAE 3100 *Compliance Engagements'*, issued by the Auditing and Assurance Standards Board, September 2008 issue.

- QPS has a wealth of additional information that, if published, would be of vital use to the wider community for research purposes, to improve community services or to improve the operation of the criminal justice system. Crime statistics are a significant, relevant and appropriate community resource for publication in the publication scheme.

- QPS adopts a 'risk management approach' when handling applications for information under the RTI and IP Acts, compromising service delivery to applicants and legislative compliance. QPS stated that the risk management approach was taken due to a shortage of resources. OIC initially examined workload per officer figures, however no findings could be made because of needed process improvements and other compliance issues.

If implemented, the report and recommendations will assist QPS to meet its obligations under the RTI and IP Acts.

## 2      Recommendations

**Summary of the Next Steps[2]**

| Culture of Openness | Leadership & Accountability | Maximum Disclosure | Compliance |
|---|---|---|---|
| Engage strategically with the community so that more information flows to the community that the community wants, in a format that the community can use *(Rec 1)* | Provide active leadership of information reforms through QPS's Information Steering Committee and the Information Champion *(Rec 3)* | Promote QPS administrative access schemes by improving their visibility on the website *(Rec 9)* | Actively manage publication scheme and publish information that is significant, appropriate and accurate, including crime statistics *(Recs 12, 13 & 14)*<br><br>Notify applicants and third parties that released documents might be published in the disclosure log *(Rec 15)* |
| Reinforce internal commitment within QPS to the right to information and information privacy reforms *(Rec 2)* | Ensure leadership and implementation of right to information and information privacy reforms across QPS are focussed on pro-active management of the right to information and information privacy reforms *(Rec 4 & 5)* | Review the Information Asset Register to identify information that could be published on the internet or through an administrative access scheme and publish the Information Asset Register *(Rec 10 & 11)* | Actively manage the process:-<br>❖ Engage with the applicant *(Rec 16)*<br>❖ Case and knowledge management and administration *(Recs 17, 18 & 20)*<br>❖ Discontinue internal use of formal third party consultation *(Rec 19)* |
| | Ensure intranet and internet are up-to-date and support reforms *(Recs 6 & 7)* | | Improve application handling through enhanced procedures and systems |
| | Implement strategic performance monitoring *(Rec 8)* | | *(Recommendations 21 to 28 detail procedural compliance issues, eg, application handling)* |

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[2] Note – Headings are based on the checklist provided to Chief Executive Officers of departments prior to commencement of the legislation to assist them in implementing the reforms.  *Rec = recommendation*

***It is recommended that the Queensland Police Service (QPS):***

**Culture of openness –**

**Recommendation 1**

Implement a strategic approach in 2011-12 and in subsequent years to increase the effectiveness of the QPS community engagement strategy with respect to pushing information out. Greater engagement with government and community organisations will identify opportunities that QPS can take up to pro-actively release information that is relevant and useful to the community at large.

**Recommendation 2**

Issue an agency wide communication to all business units within three months to reinforce QPS's commitment to the right to information reforms and the requirement that QPS staff operate in accordance with QPS's Operational Procedures Manual.

Review wording contained in requests for information sent to QPS units to ensure obligations are clearly stated and convey the requirements of QPS's policies contained in the Operational Procedures Manual.

Issue procedures within six months for dealing with the receipt of redacted material from other QPS units in response to requests for information to assist the Right to Information and Privacy (RTIP) Unit to process applications for information, in line with QPS's policies and the RTI and IP Acts.

**Actively lead the reforms and be accountable for achievements –**

**Recommendation 3**

Provide active leadership through the Information Steering Committee and the Information Champion in 2011-12 and in subsequent years to improve the availability and accessibility of information and to progress the right to information reform process in accordance with the Queensland Government Enterprise Architecture guidelines with respect to the RTI and IP reforms, the legislation and the Ministerial Guidelines.

***It is recommended that the Queensland Police Service (QPS):***

**Recommendation 4**

Review the leadership and implementation of the RTI and IP reforms across the agency to ensure access applications are being used as a last resort.

Ensure the RTIP Unit's priorities are focussed on making the processing of access applications fully compliant with the legislative obligations and pro-actively managing to ensure QPS fully implements the RTI and IP reforms across all of its business processes.

**Recommendation 5**

Ensure within six months that the Information Champion role is fulfilled by a position with the positional power to lead systems and cultural changes across the organisation.

**Recommendation 6**

Review all relevant documents on the QPS intranet within six months to ensure the documents support the RTI and IP objectives and are up-to-date. Particular priority should be placed on improving the profile of the RTIP Unit web pages to ensure that members of QPS can readily access more comprehensive, up-to-date and relevant information on RTI and IP.

**Recommendation 7**

Within two weeks of this report being tabled, amend the RTI webpage so that users are aware of their right to make a complaint when information in the agency's publication scheme is not available.

**Recommendation 8**

Develop and implement strategic performance monitoring measures over the next twelve months and in subsequent years to track the progress of implementation of RTI and IP across the agency.

Publish the developed strategic performance monitoring measures, including collected data over time, in accordance with the legislation.

***It is recommended that the Queensland Police Service (QPS):***

**Maximise the disclosure of information to the community –**

**Recommendation 9**

Monitor the effectiveness of improved visibility and continue to improve promotion and visibility of the QPS's administrative access schemes on the QPS website, within six months, to streamline provision of information to individuals, improve legislative compliance and manage the workload associated with requests for information made under the legislation.

**Recommendation 10**

Review the Information Asset Register to identify additional data sets suitable for publication on the internet or through administrative access schemes as part of the work program for the Information Steering Committee for 2011-12 and in subsequent years.

**Recommendation 11**

Publish the QPS Information Asset Register within twelve months.

**Ensure compliance with legislative requirements –**

**Recommendation 12**

Within twelve months, publish in the QPS Publication Scheme the information or datasets identified by stakeholders listed in the appendix to this report, where the information or datasets are held by QPS and do not contain personal information.

**Recommendation 13**

Publish in the QPS Publication Scheme a full set of crime statistics, in a machine readable, re-usable format, linked to geospatial information and immediately develop a project plan to address the technical and policy aspects of publication.

***It is recommended that the Queensland Police Service (QPS):***

**Recommendation 14**

Within three months, ensure that coordination of the QPS's Publication Scheme is actively managed in line with QPS's governance framework and associated policies.

**Recommendation 15**

Update current RTIP Unit processes within two weeks of this report being tabled, to ensure that if the documents being released do not contain the personal information of the applicant, then all applicants and relevant third parties are notified that the documents may be made publicly available, for example in a disclosure log, as required by the RTI Act.

**Recommendation 16**

Incorporate face to face, telephone or email contact with applicants into application handling practices as a matter of course, in order to streamline processing, manage time allowed for processing, and improve the result for the applicant.  In particular:

- make early contact with the applicant to clarify the scope of the application, particularly if a request is complex or relates to voluminous records

- contact the applicant if there are indications that an initial search for documents might be incomplete or if any other processing difficulties arise, to discuss the issue and options for proceeding, including the scope of the application if appropriate; and

- contact the applicant and follow-up all outstanding concerns about the application with the applicant prior to issuing a refusal to deal notice.

Describe the above practices in a policy, to take effect within two weeks of this report being tabled.

**Recommendation 17**

Apply the full functionality of the Right to Information and Information Privacy Case Management System (RTIPS) to deliver more efficient application handling processes within six months.

Clearly and consistently document within RTIPS any actions taken or conversations about files, commencing within two weeks of this report being tabled.

***It is recommended that the Queensland Police Service (QPS):***

**Recommendation 18**

Document policies and procedures for arrangements to access information administratively, and promote these arrangements to business units throughout QPS.

Develop and implement strategies, within three months, to ensure that QPS staff filter and direct requests for QPS information holdings appropriately, preferably before reaching the RTIP Unit, so that formal applications are a last resort.

Maximise the speed and efficiency of application handling through improved administrative practices in the RTIP Unit.

**Recommendation 19**

Continue to consult internal business units to collect information relevant to the access decision, and ensure that these consultations are documented and a file record kept.

Discontinue the incorrect use of the third party consultation provisions of the RTI Act (section 37) for the RTIP Unit to conduct internal consultations with other QPS business units within two weeks of this report being tabled. Where additional time is required for processing an application, the RTIP Unit can use the legislative tools provided for this purpose (for example, asking the applicant for more time to process the application under section 35 of the RTI Act or equivalent section within the IP Act).

**Recommendation 20**

Document procedures for briefing senior executives and for seeking information from senior executives within three months. Briefing procedures need to be designed so as not to delay the release of information.

**Recommendation 21**

Develop and implement template correspondence for RTI and IP application processes within twelve months, to ensure all correspondence issued by the RTIP Unit complies with prescribed requirements of the RTI and IP Acts and is consistent and clear.

*It is recommended that the Queensland Police Service (QPS):*

**Recommendation 22**

Accurately estimate and record total processing times on all application files to substantiate any processing fee charged to the applicant, commencing within two weeks of this report being tabled. If more than five hours is spent processing the application and no charge is payable this decision must be recorded. Ensure processing fees are applied consistently to all applications.

**Recommendation 23**

Ensure that appropriate evidence of identity is obtained for agents acting on behalf of applicants in accordance with the prescribed requirements, commencing within two weeks of this report being tabled. Use of letters received from legal representatives as signed by the principal of the firm must be limited to those cases where QPS has had previous dealings with the agent.

**Recommendation 24**

Give information to applicants in the format requested in line with the practice adopted across government, commencing within two weeks of this report being tabled, unless a specific legislative exception applies.

**Recommendation 25**

Include in the decision notice only those internal and external review rights set out in chapter 3, parts 8 and 9 of the RTI Act and equivalent sections of the IP Act within two weeks of this report being tabled.

**Recommendation 26**

Review all forms over the next 12 months to include collection notices as needed.


Ensure that disclosure of information to State and Federal law enforcement agencies is only done with the consent of the individual or in accordance with lawful authority under an Act, commencing within two weeks.

***It is recommended that the Queensland Police Service (QPS):***

**Recommendation 27**

Within three months, if a business unit is seeking an exemption to the ICT usage policy under the QPS Information Security Manual, then a written exemption must be obtained.

Within two weeks, a written exemption must be obtained for the use of the BigPond email account identified in the desktop audit, in line with QPS's policies.

**Recommendation 28**

Clarify within two weeks of this report being tabled for all officers involved in handling applications or complaints under the IP Act, by writing into policy that personal information can be deleted in response to a request for amendment of personal information, and take steps to ensure future applications for amendment of personal information are handled in accordance with the legislation with respect to the deletion of personal information.

# 3     Introduction

## *3.1  Overview of QPS*

The Queensland Police Service (QPS) is the primary law enforcement agency for the State of Queensland.  The objective of QPS is to deliver high quality, innovative, progressive and responsive policing services.  These policing services are delivered through a network of eight geographical regions and six specialist operations units which deal with operational and community issues.[3]  In the agency's 2009-10 Service Delivery Statement, QPS reported that it cleared approximately 28,000 personal safety matters and 75,000 property security offences.  In undertaking these activities, QPS employed approximately 14,800 police officers and support staff with an annual budget of $1.7bn.[4]

As a result of these policing activities, QPS processes millions of transactions each year involving the handling of both personal and non-personal information.  QPS has implemented a number of administrative arrangements whereby an individual can gain access to information about themselves or impacting upon them, without the need to make a formal application under the Right to Information (RTI) or Information Privacy (IP) legislative process.  Access through administrative schemes includes but is not limited to criminal history, crime reports and traffic incident reports.

Information management is a growth area for QPS.  A recently published Crime and Misconduct Commission survey has reported that of the reasons for initiating contact with QPS, contacting QPS to request information has increased markedly.  For satisfactory contact, the percentage of contacts made to 'request information' increased from 4% in 2008 to 11% in 2010.[5]  For unsatisfactory contact, the percentage of contacts made to 'request information' increased from 2% in 2008 to 10% in 2010.[6]

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[3] QPS Annual Report 2009-2010 Service 5: Service Delivery Support.

[4] QPS Annual Report 2009-2010 About the Queensland Police Service.

[5] 'Request information' was at least one reason for initiating the contact.  Public perceptions of the Queensland Police Service, Findings from the 2010 Public Attitudes Survey, Crime and Misconduct Commission, report, August 2011, page 9, viewable at http://www.cmc.qld.gov.au/data/portal/00000005/content/06865001313109162056.pdf

[6] 'Request information' was at least one reason for initiating the contact.  Public perceptions of the Queensland Police Service, Findings from the 2010 Public Attitudes Survey, Crime and Misconduct Commission, report, August 2011, page 15, viewable at http://www.cmc.qld.gov.au/data/portal/00000005/content/06865001313109162056.pdf

Based on the most recent data available to OIC, QPS received 2,992 applications for access to information in 2008-09[7], under the precursor to the *Right to Information Act 2009* (Qld) (RTI Act), the *Freedom of Information Act 1992* (Qld).

QPS was selected as an agency for review following a risk analysis conducted by OIC to develop OIC's annual program of performance and monitoring activities for the 2010-11 year. QPS was identified as a priority for review, based on the high volume of RTI and IP applications it receives and processes.

## 3.2 Reporting framework

This review has been conducted under section 131 of the RTI Act and section 135 of the IP Act, which include monitoring, auditing and reporting on agencies' compliance in relation to the operation of the RTI Act and the IP Act as functions of the Information Commissioner.

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

## 3.3 Scope and objectives

The objective of this review was to establish whether QPS has complied with the prescribed requirements of the RTI Act and the IP Act. In particular, the review focussed on:

- agency governance (leadership, governance mechanisms, information management including pro-active identification and release of information holdings, policies, procedures, delegations and roles and responsibilities of key personnel and training)

- agency community consultation and engagement strategies

- the adoption of push model strategies, for example, publication schemes, disclosure logs and administrative access schemes

- compliance with legislative based requirements of the RTI and IP Acts for handling access and amendment applications; and

- accountability and performance measurement systems.

Acronyms used in this report are listed in Appendix 1.

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[7] 2008-09 is the most recent year for whole of government reporting data available to OIC.

### 3.4  Assessment process

The assessment process was in accord with the advice of the Queensland Audit Office and consistent with the Australian Standard on Assurance Engagements.[8]

The Information Commissioner and First Assistant Information Commissioner met with the Police Commissioner and Acting Superintendent, Right to Information and Privacy (RTIP) Unit, on 19 November 2010 to discuss the proposed objectives and scope of the review.

On 23 November 2010, OIC wrote to QPS finalising the agreed objectives and scope of the review and Terms of Reference as provided in Appendix 2.

An entry meeting was held on 15 December 2010 with the Acting Superintendent, Acting Manager and two staff from the RTIP Unit to discuss the logistics of the review in the context of the scope and objectives of the review.  At this meeting, the Acting Superintendent, RTIP Unit was nominated as the contact officer for the review.  During the review, the Superintendent, RTIP Unit returned and became the contact for the review.

In performing the review, OIC applied a standardised test program to examine each of the relevant areas of practice.  A sample of files was selected using a combination of a stratified and random sampling process[9] which is consistent with that adopted by the Office of Economic and Statistical Research.  Once the sample of application files had been examined, OIC made a list of the issues and the files to which each issue related, and discussed each issue with each of the officers responsible for handling the relevant files.  The comments of those officers resulted in an OIC decision as to whether or not each issue had been resolved by the explanations provided, and whether or not each issue was reportable.

QPS cooperated fully and openly with the process and provided full access to requested materials and the opportunity to meet with relevant personnel.

OIC discussed identification of QPS stakeholders with the agency at the entry meeting of 15 December 2010 and further with the RTIP Unit management in a meeting on 15 February 2011.  QPS did not provide the OIC with a list of stakeholders.   OIC generated a list of QPS external stakeholders in categories of clients, legal, research and

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[8] 'Standard on Assurance Engagements ASAE 3100 *Compliance Engagements*', issued by the Auditing and Assurance Standards Board, September 2008 issue.
[9] The process for file sampling is described in Appendix 3.

community groups and from this list, selected a sample of seven groups for consultation. QPS later recommended that the Victims of Crime Association be included in the community consultation process and OIC attempted to do so.[10]  When this report was being finalised, QPS provided OIC with a list of community engagement activities, which is at Appendix 4.

As part of the review process, OIC wrote to and met with this sample of QPS external stakeholders to discuss their interests in QPS held information.  Details of community consultations are provided in Appendix 5.

Originally, as reflected in the Terms of Reference, it had been intended that QPS clients would be surveyed.  This proved to be impractical due to limitations in QPS's ability to extract digital records of applicant details easily and the time and cost involved in manually extracting the records.

At the conclusion of the review, an exit meeting was held with the Police Commissioner, Deputy Chief Executive (Resource Management) and Executive Director, Administration on 11 October 2011 to discuss the findings and recommendations of the review.  The officers noted the findings and provided a comment on their response to each recommendation, as listed in Appendix 6.

The steps taken in the review are summarised in Appendix 7.

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[10] The Victims of Crime Association has been replaced by Relationships Australia.  While attempts were made to arrange an interview to include this group in the community consultation, it was not possible to do so prior to the conclusion of this review.

# 4    Culture of openness

**Background**

In her *Statement of Right to Information Principles For the Queensland Public Service[11]*, the Premier stated:

> At the heart of these reforms will be a public service that conducts itself in the most open and transparent way possible, because that openness and transparency are fundamental to good government.
>
> The processes of government should operate on a presumption of disclosure, with a clear regard for the public interest in accessing government information. The Queensland public service should act promptly and in a spirit of cooperation to carry out their work based on this presumption.
>
> Government information must be valued as a public resource that contributes to an open and participatory democracy and improves government decision-making.
>
> It is the Queensland Government's expectation that the Queensland public service recognises and respects that Government is the custodian of information that belongs to the community

This statement makes clear the Government's intention that each agency is to conduct itself in the most open and transparent way possible.  OIC, in undertaking this review, considered whether or not the intention of the reforms was reflected in QPS culture.

**Key Findings**

- QPS has a stated commitment to a culture open to the release of information.

- Improved strategic management of information assets and community engagement is needed to improve the release of information that is not only significant, accurate and appropriate but relevant and useful to the community at large.

- There are varying levels of understanding and support for the RTI and IP application process throughout QPS.

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[11] Viewed at http://www.rti.qld.gov.au/downloads/Right%20to%20Information%20Principles.pdf on 8 March 2011.

## 4.1 Stated commitment to openness

QPS has stated their commitment to achieving a culture of openness and transparency in creating accountable government.

QPS has a published statement on its website supporting the reforms, as required by lead agency guidelines:

> The Queensland Government has made a commitment to provide access to information held by the Government, unless on balance it is contrary to the public interest to provide that information.[12]

QPS reported in the self-assessed electronic audit conducted in 2010, that:

> QPS has a culture open to the release of information and subscribes to a philosophy of endeavouring to satisfy, where possible, any reasonable request for information made by a member of the public, or external body, having regard to the efficient and effective discharge of law enforcement obligations, the proper administration of justice, the privacy of individuals and statutory compliance.

OIC noted that QPS had made an explicit statement of commitment to the reforms.

## 4.2 Community engagement

Community engagement is an avenue for identifying the type of information that agency stakeholders would like pro-actively released. Community engagement can assist agencies to prioritise information resources that are to be made public. It promotes the openness, transparency and accountability of government and greater participation in government policy development and decision-making by the wider community.

OIC reviewed QPS's community engagement strategies and interviewed stakeholders to assess the level of community engagement currently operated by QPS.

Community engagement is conducted by the Office of the Commissioner, Media and Public Affairs Branch, Cultural Advisory Unit and Community Safety and Crime Prevention

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[12] http://www.police.qld.gov.au/rti/ viewed on 16 June 2011.

Branch. QPS arranged meetings between OIC and the Cultural Advisory Unit and Community Safety and Crime Prevention Branch.[13]

The community engagement activities performed by QPS were primarily aimed at supporting operational service delivery objectives. A list of community engagement activities provided by QPS during the finalisation of this report is contained in Appendix 4. A typical example of QPS's community engagement was an initiative to share information with one community group to combat fraud aimed at that particular group.

Based on the review of documents and the interviews with QPS officers, OIC did not find evidence of a clear overall QPS strategy governing QPS's engagement with the community about the exchange of information. A strategic approach would enable QPS to expand beyond operational issues to work with the community on systems reforms, legislative reform, targeted training or improved service delivery and capacity building for the community groups. OIC observed that QPS worked with community stakeholder groups, and that the QPS strategies relied on efforts at the local level. This led to regional variations in the extent and quality of community engagement.

The recent adoption of the use of social media could be incorporated into a strategic approach. During the 2011 natural disasters, QPS utilised a world leading social media strategy to provide immediate information to the community, obtain local real time information from the community and counter misinformation. This effort has been recognised through a number of awards including the Commonwealth Government 'Excellence in eGovernment' award. OIC supports such initiatives that recognise the value of exchanging information using Web 2.0 technologies.

OIC identified a sample of government and community groups who interacted with QPS or QPS clients as client representatives, legal representatives, researchers or community interest groups.[14] Interviews with these groups confirmed the ad hoc nature of QPS community engagement strategies about the exchange of information. The stakeholders identified the information they would like to obtain from QPS and the uses to which they might put this information. The questions asked and information requested by the

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[13] Interviews with these areas were arranged by the RTIP Unit.
[14] The objective of this part of the review was on information held by QPS and released for community access other than through the legislative application process. Therefore these groups did not focus on clients of the RTIP Unit specifically. However it is noted these stakeholders may also at times seek access through the legislative application process.

stakeholders is provided in Appendix 5.  This list is not exhaustive, but indicates the type of information that, if held by QPS, QPS needs to consider making publicly available.

In general, the OIC interviews with the stakeholders were encouraging about the potential benefit to the community if QPS released the information that stakeholders were seeking.

It appeared stakeholders were seeking QPS information for constructive purposes. Stakeholders wanted QPS held information for research or to improve services.  Such purposes could support operational policing. In some cases, stakeholders wanted information in order to commence discussions with QPS or government to lobby for improvements to the legal system and/or QPS procedures or practices.  Stakeholders also commented on positive dealings when obtaining certain QPS information and that QPS culture was becoming more open. The general tone of the interviews was positive and supportive.

Stakeholder groups were thoughtful but not concerned about possible negative impacts of publishing QPS held information, for example, the possible impact of publishing crime statistics on tourism or property sales.  One stakeholder said 'As long as people know the facts, that is empowering in itself.  I think facts are good.'

Stakeholders commented that any risks could be managed by publishing the information with explanatory notes.  One stakeholder said 'The more information that's out there, the more information literate the community becomes.'

Comments or information requirements mentioned by stakeholders fell under six themes:

- Stakeholders regarded current information provided by QPS highly, for example, Crime Bulletins.

- The strongest identified need was in support of research, for example, statistics on the number of domestic violence incidents reported to QPS or the use of move on directions and cautions with Indigenous and non-Indigenous people or young people.

- Stakeholders commonly sought information that would assist them to improve or target their own services, for example:

  o Information about the incidence of crime by location, identified by street, and for academic researchers, by map coordinate (one example was provided describing how information about property crime by street was

used by Neighbourhood Watch to target crime prevention activities in a particular community, with excellent results)

  o Copies of warrants and the impact on fine defaulters of executing warrants (including guidelines applied by the Warrants Evaluation Committee when deciding whether or not to imprison fine defaulters), so that legal services can advise their clients appropriately; and

  o Incidence of policing activities of interest to specific communities, for example, domestic violence callouts, dealing with unlicensed driving and glue sniffing, to assist stakeholders to provide targeted training to prevent or reduce calls for service in those communities.

- Some stakeholders sought information that might lead to discussions with QPS or government about possible improvements to QPS procedures or practices. An example was to obtain guidelines used by QPS about the apprehension interview for people with a mental illness – the concern being that some people might have been taken to the watchhouse when it might have been more appropriate to take them to a hospital.

- Stakeholders identified QPS information that might be of general interest to the community. For example, in addition to the current reports about QPS responses to Crime and Misconduct Commission report recommendations, stakeholders suggested QPS describe details of the activities undertaken by QPS in response to recommendations (three stakeholders identified this as useful).

- Stakeholders commented on the characteristics of published information that are important to them, for example, stakeholders remarked on the importance of the information being accurate, complete and consistent statewide.

Details of other comments mentioned under these themes are provided in Appendix 5.

Stakeholders commented on the ways they currently obtain QPS held information. A common theme was the reliance on working with individual contacts within QPS to identify information that might be useful in order to obtain that information. Conversely, formal systems and structures were reported as working less well. Information was reported as being either inaccessible or difficult to identify.

This review has found that the current QPS community engagement strategy is ad hoc. Some local communities benefit more than others due to local factors, such as stakeholder reports of differing levels of personal commitment by QPS officers to community engagement strategies. Where statewide information was available, stakeholders reported that data quality was inconsistent from one region to another.

OIC appreciates that a collaborative, relationship based approach can be effective for external agencies seeking to harness the deep understanding of information that comes with an internal perspective. On the other hand, formal, systems based approaches are essential for people who must rely upon the internet or other public procedures.

A systems based approach ensures that there is equitable access to information for those with on-line access throughout the community, and that the data is quality assured.

It is not necessary to choose between relationship based and systems based approaches. Both are needed. It is OIC's view that the free exchange of information is facilitated by having both systems and relationships in place. This free exchange of information gives effect to the primary object of the RTI Act, which is to give the community a right of access to information held by government or under government control.[15]

A centralised approach could ensure that all communities received equitable benefit and a consistent approach to requests.

OIC also considers it important that the local, operational efforts are augmented by engagement at the statewide level and about community wide issues. The RTI Act refers to 'public affairs', 'rules and practice followed by government in its dealings with members of the community' and information as 'a public resource'.[16] The clear intention of the RTI Act is that the community is to have access to information at the strategic level, so the community can engage with government on strategic level issues. This approach might also result in a broader definition of 'community', including communities of interest, and in opportunities to release information to benefit the community at large, for example, increased release of crime statistics.

This review found evidence across all QPS community engagement strategies that while there is a stated commitment to the reforms, further work is required to fully develop and implement community engagement strategies based on pushing information out into the

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[15] Section 3 RTI Act.
[16] Preamble to the RTI Act.

community, not just to support police operational priorities but so that the community might better protect itself, solve its own problems and be more resilient. For example, Neighbourhood Watch reports that Neighbourhood Watch groups across Queensland have differing levels of access to QPS held information, with consequentially differing levels of capacity to work with communities to prevent crime. A coordinated QPS strategy to push as much information as possible out to all Neighbourhood Watch groups on an equal basis would support them in providing a consistent level of service to Queenslanders.

Greater strategic management of the culture of openness and the information assets is required, demonstrated by active projects to push information relevant and useful to communities into the public domain. The list of information requests provided in Appendix 5 is a starting point for consideration by senior governance within QPS as to datasets that could be pro-actively released.

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### Recommendation 1

It is recommended that the Queensland Police Service (QPS):

Implement a strategic approach in 2011-12 and in subsequent years to increase the effectiveness of the QPS community engagement strategy with respect to pushing information out. Greater engagement with government and community organisations will identify opportunities that QPS can take up to pro-actively release information that is relevant and useful to the community at large.

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### 4.3 Internal challenges

The review identified that there are still varying levels of understanding and support for the RTI and IP application process throughout the organisation. Staff who receive requests for documents from the RTIP Unit must diligently search for and provide all the uncensored documents to the RTIP Unit for consideration by the decision-maker.

QPS's challenge is highlighted by some attitudes expressed about RTI reforms. QPS staff have generally (but not on every occasion) been releasing information to the RTIP Unit as requested, as observed during the file review. However, from the perspective of OIC's assessment of whether or not QPS has a culture of openness, the issue was that even when the information was provided, a number of responses received were couched in

terms that appeared to indicate a reluctance to accept the concepts behind the RTI reforms. For example, on all files reviewed involving one specialist business unit, the senior management of the unit stated that there was no specific objection to specific material being released however, in general, the unit stated for the record its objection to the release of any material subject to the RTI Act, as follows:

> *<name of business unit> has no specific objection to the material XXX being released, however this <business unit> objects generally to the release of any material subject to specific provisions of the Right to Information Act 2009 which entitles release. It is therefore requested that all necessary and lawful objections are launched with respect to this matter.*

This business unit is yet to operationalise the requirements of the RTI reforms which changed the presumption from all documents are closed to the public (unless the agency decides there is a good reason to release them) to the presumption that all documents are open to the public unless there is a good reason for them not to be. Secondly, the legislation is clear that even where there exist valid claims for exemption or contrary to the public interest information, the agency retains a discretion to release it.

QPS advised that due to the nature of the information held by this particular business unit the unit had specific grounds for advising the RTIP Unit that information held by that unit would tend to be exempt or contrary to the public interest information. While this may be the case, the statement clearly objects to the release of documents which the community is entitled to access. To support a more open culture such statements, which are inconsistent with the statutory intent, should not remain unchallenged within QPS. Where there is misunderstanding of the legislative requirements, action should be taken by the senior leadership to ensure that individuals adopt the legal obligations and the spirit of the law in their statements and actions.

OIC considers that the approach required to be taken under the RTI Act should be clearly reflected in the wording used by this particular business unit and other parts of the QPS, whilst ensuring specific information that the RTI Act provides is exempt or contrary to the public interest information is able to be withheld where necessary. To do so would ensure correct messages are conveyed within QPS to reflect the approach required to be taken to implement the RTI Act and support the cultural change required.

The review found specific instances on the reviewed files where the unit conducting the search for documents as requested by the RTIP Unit did not provide the complete document and were deleting items they considered to be irrelevant to the request before providing the documents to the decision-maker. Regardless of the relevance of the deleted information to the request, this practice is inconsistent with the QPS Operational Procedures Manual, which states that documents are to be provided to the RTIP Unit in their entirety unless otherwise stipulated. The determination of the relevance of information provided in relation to an RTI request is that of the RTI or IP decision-maker and not that of the staff member fulfilling the search request.

The QPS RTIP Unit informed OIC that in situations where documents are received by the RTIP Unit with information deleted it is used as an opportunity for training the relevant QPS staff. While this may be the case no evidence to support this was found on the particular files, for example, there were no file notes of telephone calls or conversations or any record of the receipt of complete material, to indicate that contact had been made with the relevant business units for training or awareness raising about their responsibilities or to retrieve the omitted information. The RTIP Unit needs to adopt practices that reinforce an open culture within QPS, and support compliance with the RTI and IP Acts and the QPS Operational Procedures Manual.

Further active support for the RTI and IP reforms may need to be communicated from the highest levels of QPS management to assist in shifting cultural beliefs and resolving any resistance to the reforms.

**Recommendation 2**

It is recommended that the Queensland Police Service (QPS):

Issue an agency wide communication to all business units within three months to reinforce QPS's commitment to the right to information reforms and the requirement that QPS staff operate in accordance with QPS's Operational Procedures Manual.

Review wording contained in requests for information sent to QPS units to ensure obligations are clearly stated and convey the requirements of QPS's policies contained in the Operational Procedures Manual.

**Recommendation 2**

Issue procedures within six months for dealing with the receipt of redacted material from other QPS units in response to requests for information to assist the Right to Information and Privacy (RTIP) Unit to process applications for information, in line with QPS's policies and the RTI and IP Acts.

# 5    Leadership

**Background**

In response to the Solomon report, *The right to information – A response to the review of Queensland's Freedom of Information Act*[17] the Queensland Government stated:

> *The Queensland Government recognises that if real cultural change is to be achieved, and if openness is to become part of the culture of government, it must be championed within government itself.  Strong leadership and clearly defined decision-making processes will be essential to creating an appropriate authorising environment to allow this to occur.*

This review examined the Queensland Police Service's (QPS) leadership and governance framework, including strategies for good governance, active management of information, organisational structure and training.

**Key Findings**

- High level in-principle support for the reforms was identified within QPS.

- Appropriate leadership structures were in place including an Information Champion, an Information Steering Committee and an independent RTIP Unit.

- There is a clear need for the Information Champion and Information Steering Committee to take a more pro-active role to drive the next stage of implementation of the reforms.

- QPS management at all levels and across the organisation needs to expand and redirect its focus past application handling to take an active role in implementing strategies to push information into the public domain and safeguard personal information.

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[17] Viewed at http://www.thepremier.qld.gov.au/library/pdf/initiatives/foi_review/Right_to_Information.pdf on 8 March 2011.

## 5.1 Leadership

The Queensland Government has emphasised the importance of leadership within the public sector in order to achieve the reforms. Agency management is expected to treat the RTI and IP reform process as a leadership priority, so that the reforms become a cornerstone for building community confidence in open and accountable government.

Leaders within agencies are expected to promote active management of information, and to work with the community to identify information that might be useful to the community. Agency leadership is obliged to make significant and appropriate information publicly available. Information including datasets should be made available in a format that is accessible, machine readable and reusable. Agency leaders are to be held accountable for their performance in this regard, and are expected to make sure their agencies are equipped with systems, delegations of authority and training to implement the reforms.

In support of agency leadership, the Queensland Government has provided specific advice to agencies as to the leadership activities required. In addition to the Ministerial Guidelines[18] provided to all agencies, departments have been provided with guidelines and a checklist for implementation which described the type of strong and visible leadership required.

This review has looked for evidence within QPS of the type of leadership required by the Government. This has included:

- identifying and assessing policies and statements of commitment[19]

- checking that individuals and committees have been commissioned to take up an active role in the management of information and promotion of the 'push model' and that they have done so; and

- examining evidence that training resources are appropriate and available to RTI and IP specialists and to all staff, to advance their understanding of the reforms.

## 5.2 Information governance framework

In order for agencies to implement the RTI and IP reforms, each agency needs to have a framework for managing the implementation. This includes appointing an Information

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[18] Ministerial Guidelines: Operation of Publication Schemes and Disclosure Logs; Under section 21(3) and section 78(2) of the *Right to Information Act 2009*'
[19] QPS commitment to openness has been discussed in section 4.1

Champion at a senior level within the agency, establishing a committee or similar body with responsibility for strategic information management, and implementing processes for developing and reviewing policies, systems and procedures so that strategic information management goals are built into the everyday operations of the agency.

QPS has governance structures in place.

Queensland government departments, including QPS, are required to appoint an Information Champion to coordinate and lead the implementation of the RTI reforms in the agency.[20] QPS has appointed an Information Champion, with oversight of the Right to Information and Privacy (RTIP) Unit.

An information governance body is an important primary driver for change and for strategic information management of the RTI and IP processes.[21] OIC has found that if an agency reports an active information governance body, the agency is also likely to report better progress on implementation of the reforms across the board.

In accordance with the Queensland Government Enterprise Architecture (QGEA), QPS has established an Information Steering Committee (ISC) which is the agency's information governance body. This review examined the ISC's Terms of Reference, agenda and minutes and the QPS ICT[22] Resources Strategic Plan 2009-13.

The ISC's Terms of Reference provide high level principles about Information Communications Technology (ICT). Information management is not given prominence. The ICT Resources Strategic Plan 2009-13 describes QPS information holdings as a strategic department asset that can be used to meet core policing needs in the context of information technology software and hardware developments. This characterisation ignores the legal obligation on QPS to open up its information assets as a community resource. The QPS ICT strategies included the area of 'Externalisation' which is defined as 'Share information and support collaborative processes with other partners, stakeholders and the community'.[23] In such a high level document, specific Information

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[20] Queensland Government Chief Information Office (QGCIO) standards viewable at http://www.qgcio.qld.gov.au/SiteCollectionDocuments/Architecture%20and%20Standards/QGEA%202.0/Information%20Management/Implementing%20Information%20and%20Information%20Management%20governance.doc at page 5 of 12.
[21] According to the Queensland Government Enterprise Architecture (QGEA) guideline on implementing information governance, viewable at http://www.qgcio.qld.gov.au/SiteCollectionDocuments/Architecture%20and%20Standards/QGEA%202.0/Information%20Management/Implementing%20Information%20and%20Information%20Management%20governance.doc at page 6 of 12.
[22] Information Communications Technology.
[23] QPS ICT Resources Strategic Plan 2009-2013 page 16 QPS ICT Strategies.

Management (IM) projects might not be detailed.  However, OIC was not informed during this review of the ISC agenda to implement IM projects to progress the RTI reforms to increase openness and accountability.  To ensure the ISC is a driver of the RTI reforms, OIC supports the inclusion of reference to the RTI reforms in the functions section of the Terms of Reference and for project plans to include as a matter of course information on how the project will further the implementation of the RTI reforms.

QPS advised OIC during the finalisation of this report:

> *In line with the QGEA IM governance framework, the ISC is actively following through on establishing better IM governance within the QPS governance structure.*

QPS also advised that the Terms of Reference, planning process and activities of the ISC incorporated information management.  OIC will verify this in the follow-up review.

In other material provided to this review, OIC was able to identify one QPS information management project: to investigate the feasibility of releasing crime statistics.

QPS advised that the Statistical Services Unit is developing a proof-of-concept regarding on-line capability to disseminate official QPS crime statistics.  Currently QPS only publishes official crime statistics to the public via the Annual Statistical Review.  The project plan is examining a facility which would enable members of the public to extract crime statistics via a self-help web interface.

Currently only 'in principle' support exists to proceed with the proof-of-concept.  No approval has been given to progress further beyond this stage.  Work on a production version would follow if approval of the concept was obtained.  OIC strongly supports the project along with a geospatial mapping functionality and views the publication of crime statistics in a timely, accessible and spatial format as a vital resource for the community.  Publication of crime statistics would make available to the community what the Queensland Government has already stated is a community resource.  It is OIC's view that publication is required for QPS to be compliant with the Ministerial Guidelines, which are a statutory instrument made under section 21 of the RTI Act.  Publication will not only inform communities in support of police operations but also enable the Government and the community to meet other important social, environmental and economic goals.  The publication of crime statistics will support numerous activities including:

- better targeting of locally driven initiatives around crime prevention

- galvanising communities into action around problems

- community capacity building

- informing individuals, including tourists, to reduce risk to personal safety

- informing the real estate and other markets about a material factor

- whole of government accountability in responding to disadvantage

- educating the community about the challenges facing police; and

- improved public scrutiny of police strategies and responses.

These activities are built in as part of everyday policing in other jurisdictions through on-line publication of crime statistics. OIC has reviewed the on-line publication of crime statistics in the USA, UK and Canada, to examine the different features of the systems. One example is police.uk,[24] enabling identification of offence by street address. In the United States, a range of on-line facilities are available which publish crime statistics for over 1,000 police departments. MyNeighborhoodUpdate[25] publishes information which includes the police event number, when and where each offence occurred, the type and category of the offence, the number of cars attending and the consumed time. This website displays the number of offences in each category, the percentage of events per category and the twelve month trend. Of particular interest has been the feature in many publications of crime statistics which enable the community to report an incident, provide information about an incident or become involved in crime prevention. For example CrimeReports[26] enables anonymous reporting of information regarding a displayed offence.

In the course of this review, OIC noted the crime prevention contribution that organisations like Neighbourhood Watch can make to the community. An example of this provided to OIC was a concerted effort by Neighbourhood Watch and the local police in a particular Queensland community to combat a spike in property offences. The impetus for this intervention was the provision of crime statistics by street address to the local Neighbourhood Watch. The Neighbourhood Watch was familiar with the area, and therefore was able to notice the pattern of offending and the probable causes for the

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[24] http://www.police.uk/
[25] http://www.myneighborhoodupdate.net/
[26] https://www.crimereports.com/

selection of a particular group of streets for criminal activity. Neighbourhood Watch advised the local police who took steps to respond to the situation including sending out letters, talking to people in shopping centres and increasing their patrols. The Neighbourhood Watch group reported to OIC that the offence rate was markedly reduced following this initiative.

This demonstrates the power of community inclusion in analysing information and working with police to develop strategies for crime prevention. On-line publication of timely crime statistics will build upon such achievements by facilitating the exchange of useful data and ensuring consistent availability of data across Queensland local communities.

OIC also notes the development of on-line communities aimed at crime prevention and detection.[27] Police services working with these communities can expand their reach, to good effect.[28] In these jurisdictions, providing information to these on-line communities is part of the business of policing, in recognition of the positive impact of providing the community with information about crime and policing.

These activities work in a strategic way to assist police meet their own goals. OIC would expect more of a presence of this type of project on the ISC's agenda. The benefit of ISC involvement in projects of this type would be as a means of ensuring projects are driven consistently with a view to implementing the right to information reforms, and that the projects are coordinated and actively led by senior management.

OIC considers that ISC needs to become a pro-active leader in managing QPS information as a public resource, to improve the alignment of the ISC's role and activities with the government's requirements, expressed in the RTI and IP reforms and the QGEA framework, standards and guidelines.[29]

ISC needs to steadily improve the availability and accessibility of information released to the community.

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[27] https://www.crimedex.com/
[28] http://www.securitymanagement.com/news/online-community-helps-police-and-businesses-nab-crooks-008413, http://www.police.govt.nz/service/road/roadwatch.html
[29] From QGEA guideline on implementing information governance which describes the role of the ISC:-
   *4.2 Role*
   *The role of the body is to:*
   - *evaluate, provide strategic direction for, and direct the use of, information and its management*
   - *provide leadership in and direct the preparation and implementation of information management policies, principles and architecture*
   - *review and monitor conformance to obligations and performance*
   - *develop agency information management capability.*

**Recommendation 3**

It is recommended that the Queensland Police Service (QPS):

Provide active leadership through the Information Steering Committee and the Information Champion in 2011-12 and in subsequent years to improve the availability and accessibility of information and to progress the right to information reform process in accordance with the Queensland Government Enterprise Architecture guidelines with respect to the RTI and IP reforms, the legislation and the Ministerial Guidelines.

## 5.3 Role of the RTIP Unit

Across government, business units within agencies that are handling applications for information under the RTI and IP Acts have a leadership role, which must be supported by appropriate independence and authority.

From the perspective of organisational structure, the RTIP Unit within QPS is appropriately independent of business units that are supporting the Minister directly or are related to media and publicity functions. The roles and responsibilities of the officers employed within the RTIP Unit are clearly defined and have been reviewed and updated to be consistent with the RTI and IP Acts.

QPS has assigned the RTIP Unit the leadership role in supporting the rest of the agency to release information appropriately. The RTIP Unit has two leadership roles: the Superintendent RTIP Unit, assisted by the Inspector RTIP Unit. These positions are responsible for developing and implementing strategies to support corporate and operational activities throughout QPS, and for providing leadership within the RTIP Unit.

The QPS RTIP Unit handles one of the highest volumes of access applications in the public sector. It has an interest in ensuring QPS invests in systems that make access applications a last resort and that make information retrieval more efficient. OIC recognises the hard work displayed by the RTIP Unit as a whole and as individuals. It is in this context that the need to renew and re-align efforts, to facilitate the change required from the Freedom of Information model to the RTI model is made.

QPS informed OIC that the approach taken to managing workload and priorities was substantially the same as under the previous Freedom of Information model. Therefore, it

is centred on application handling despite the reforms introduced under the new Right to Information model, which focus on alternative methods of releasing information so that formal applications using the legislative process are a last resort.

It was confirmed during the course of the review that the RTIP Unit's leadership prioritised their involvement, and that of the RTIP Unit, to focus on application handling over more strategic projects and other QPS responsibilities under the RTI Act.  It was clear from observations and discussions with the RTIP Unit's leadership team that the prioritisation of applications undermined the capacity for taking on an active RTI leadership role within QPS and within the RTIP Unit, and impacted on implementation of the reforms.

For example, OIC observed that the RTIP Unit was limited in its promotion of administrative access schemes to the public or within QPS, and did not see evidence of the RTIP unit providing training and support to regional commands in responding to information search requests, despite stating a commitment to both of these activities.[30]

The priority given to application handling also impacted on the ability of the senior officers to implement systems within the RTIP Unit to meet the requirements of the RTI and IP Acts.  For example, at the time of this review, efficiencies that could have been gained at an early stage from the new Right to Information and Information Privacy Case Management System (RTIPS) had not been realised because the system was not fully implemented.  Delays in implementation were reportedly caused by insufficient time to develop tools.  An example of this is discussed in more detail later in this report in section 8.4.2 – *Applications: Quality of decision notices*, which discusses the use of the template letter facility in RTIPS to improve correspondence.

This report also comments upon issues observed with application handling practices, which identify a need for training and other capacity building activities within the RTIP Unit. This is also an issue that could be addressed by a change in the priorities for the RTIP Unit's senior officers.

RTIP units in government agencies are not expected to lead the whole of agency information management, systems changes and cultural changes required by the RTI reforms.  For example, the primary leadership role of Information Champion is expected to

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[30] Officers within the RTIP Unit described their commitment to promoting administrative access schemes and to supporting and educating QPS officers in regions to OIC at interview during this review.

be a person of sufficient seniority to influence cultural and systems change across information and communications. This leadership role would include advocacy on behalf of the RTIP Unit on internal challenges elevated by the unit for executive consideration. QPS advise at the time of finalising this report that the Information Champion is a person of sufficient seniority. OIC will seek to verify this on follow-up review.

| Recommendation 4 |
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| It is recommended that the Queensland Police Service (QPS):<br><br>Review the leadership and implementation of the RTI and IP reforms across the agency to ensure access applications are being used as a last resort.<br><br>Ensure the RTIP Unit's priorities are focussed on making the processing of access applications fully compliant with the legislative obligations and pro-actively managing to ensure QPS fully implements the RTI and IP reforms across all of its business processes. |

| Recommendation 5 |
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| It is recommended that the Queensland Police Service (QPS):<br><br>Ensure within six months that the Information Champion role is fulfilled by a position with the positional power to lead systems and cultural changes across the organisation. |

## 5.4 Training

In 2010, OIC conducted an electronic audit across all agencies[31] and a survey of public service culture.[32] These activities found that public servants were supportive of the RTI and IP reforms, but felt implementation had not yet gone far enough. The priority for public servants was the need for more training in RTI and IP.

This review found that QPS has an understanding of the need for the continual development of its staff with respect to RTI and IP. A review of the training records for

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[31] Agency Progress on Right to Information Reforms, Results of the self assessed electronic audit completed by Queensland public sector agencies viewable at
http://www.oic.qld.gov.au/files/01.%20Agency%20Progress%20on%20Right%20to%20Information%20Reforms.pdf

[32] Public Sector Attitudes to Right to Information, Results of the Queensland public sector employee culture survey viewable at http://www.oic.qld.gov.au/files/Report%20and%20Appendix_Public%20Sector%20Attitudes.pdf

staff members within the RTIP Unit confirmed QPS's commitment to supporting staff by providing training in relation to RTI and IP.

The RTIP Unit has developed a general awareness Online Learning Program (OLP) with respect to the RTI and IP Acts. This OLP is used by the entire QPS. Staff complete the OLP during their induction and annually thereafter. The majority of QPS staff have undertaken this OLP, with 14,693 records of completion as at February 2011.

The OIC Privacy Team assessed the QPS OLP training module against the RTI and IP Acts. Overall, it was found that the content was sound. It provided a basic introduction to the RTI and IP Acts, including the obligations placed on all QPS staff. A number of improvements were identified by OIC's Privacy team to ensure the OLP accurately reflected the provisions of the RTI and IP Acts. These improvement recommendations were communicated to QPS for their attention.[33]

## 5.5  RTI information resources

The RTIP Unit web pages are a valuable resource for QPS staff, accessible through the QPS intranet. These web pages include a range of information regarding RTI and IP and its application to QPS. The information on these web pages was more up-to-date and comprehensive than the other information available internally in the general QPS intranet. The general QPS intranet included references to an Administration Manual, Information Security Manual and Operational Procedures Manual:

- The Administration Manual has not yet been updated for the RTI and IP Acts. OIC has been advised that the Administration Manual is currently in the process of being updated, but no timeline for its completion has been provided.

- The Information Security Manual references the Administration Manual.

- The Operational Procedures Manual has been updated for the RTI and IP Acts but the information contained is not as extensive as that provided on the RTIP Unit intranet web pages.

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[33] OIC's Privacy Team discussed the improvements directly with the RTIP Unit.

The RTIP Unit web pages were not well advertised on the intranet. Raising the profile of this resource may assist QPS staff in responding to information requests appropriately and may act as a training resource.

| Recommendation 6 |
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| It is recommended that the Queensland Police Service (QPS):<br><br>Review all relevant documents on the QPS intranet within six months to ensure the documents support the RTI and IP objectives and are up-to-date. Particular priority should be placed on improving the profile of the RTIP Unit web pages to ensure that members of QPS can readily access more comprehensive, up-to-date and relevant information on RTI and IP. |

# 6      Accountability requirements

**Background**

As the reforms mature, OIC expects that agencies will increasingly be monitoring their own performance in terms of their openness and responsiveness to the community.

This will be evidenced by a pro-active use of complaints systems as a source of information about possible improvements, the establishment of systems for internal review of agency performance and the use of performance measurement to continually upgrade policies, systems and procedures for making information available and engaging constructively with the community.

**Key Findings**

- QPS has a forum for providing feedback in relation to the publication scheme.  This forum is readily available on the QPS RTI website, but does not include a facility specifically addressing complaints if information in the publication scheme is not available.

- QPS has performance monitoring of RTI and IP application numbers and completion in place and tracked at the statistical level.

- Further work is required to develop appropriate strategic performance monitoring measures to track the progress of full implementation of RTI and IP across the agency.

## 6.1 Making a complaint

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

The review identified that QPS's RTI web page[34] included a forum for providing feedback to the agency about RTI and IP which was readily identified to the user and accessible from the RTI web page. The publication scheme[35] included a link to the compliments and complaints feedback forum. However, the RTI and publication scheme web pages lacked commentary informing users of their specific right to make a complaint if information in the publication scheme was not available.

The review did not identify any processes to ensure that feedback provided through this forum was tracked, trends identified and appropriate improvement action taken.

Establishing complaints procedures and analysing complaints for improvement opportunities will encourage open and accountable complaint management practices and continuous improvement.

| Recommendation 7 |
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| It is recommended that the Queensland Police Service (QPS): Within two weeks of this report being tabled, amend the RTI webpage so that users are aware of their right to make a complaint when information in the agency's publication scheme is not available. |

## 6.2 Performance measures

Prior to the onsite visit at QPS by OIC, the agency completed the self assessed electronic audit completed by Queensland public sector agencies, reported on in Agency Progress on Right to Information Reforms. In QPS's response to the electronic audit they stated that they had performance monitoring implemented in full in their agency for IP and in part for RTI.[36]

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[34] http://www.police.qld.gov.au/rti/
[35] http://www.police.qld.gov.au/rti/published/
[36] QPS response to 2010 Electronic Audit Section B Accountability questions 5 (in progress) and 8 (yes).

QPS acquired the Right to Information Privacy System (RTIPS) in July 2010. QPS plans to use RTIPS to improve data collection and performance reporting. QPS identified that performance reporting was collated centrally through their RTIP Unit as issues arose. Avenues for identification of performance improvement opportunities included quality control procedures, management meetings and continuous improvement strategies.

The RTIP Unit also produced weekly statistics which were supplied to the Commissioner, with a copy provided to the Director.

OIC acknowledges the assessment by QPS. This review identified that performance monitoring occurs at the statistical level. However, the performance measures collected were quantitative application handling measures which did not address the full implementation of RTI and IP. Further work is required to develop appropriate strategic performance monitoring measures to track the progress of full implementation of RTI and IP across the agency. For example, OIC considers that in future, QPS could report on:

- the development and use of administrative access schemes

- analysis of the information asset register as to which holdings need to be published in keeping with the Ministerial Guidelines, project plans and governance arrangements

- reports to the executive on the progress of the implementation of the RTI and IP reforms

- the development of delegations/procedures for administrative release of information

- the regularity and results of reviews of information for pro-active release

- information released per district or command

- the systems in place to ensure that the publication scheme is kept up to date and that information is identified for publication as it is created

- projects designed to push information out into the public space and the extent of publication of information in general

- the extent to which access applications are being used as a last resort

- projects designed to improve systems fundamental to the right to access information, such as record management

- the regularity of review and updating of forms for Information Privacy Principle compliance; and

- identified business impacts arising from the reforms including the obvious need for more efficient record keeping systems that support quick and reliable access to records.

Projects which might be driven and monitored by the ISC also present opportunities to develop qualitative performance measures, for example, measures of the achievement of project objectives.

| Recommendation 8 |
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| It is recommended that the Queensland Police Service (QPS): |
| Develop and implement strategic performance monitoring measures over the next twelve months and in subsequent years to track the progress of implementation of RTI and IP across the agency. |
| Publish the developed strategic performance monitoring measures, including collected data over time, in accordance with the legislation. |

# 7       Maximum Disclosure

**Background**

Agencies hold a wealth of information.  This needs to be managed like any other resource. Agencies should be aware of what information they hold, ensuring that the information is put to good use, and look for ways to increase the benefits of the information usage.

Under Information Standard 44, agencies are required to maintain an Information Asset Register, which lists their information holdings.  This is a useful tool for examining datasets, to identify which datasets have been published and which have not, and as a prompt for considering publication of any datasets as yet unpublished.

Community engagement or consultation is an avenue for identifying agency information that might be of interest to the community.

The examination of information holdings, consideration of community interests and the consequent consideration of whether or not there are additional datasets that could be published are information management activities.

This review examines the extent to which these types of activities have been occurring.

**Key Findings**

- QPS currently releases a wide range of information through their publication scheme, disclosure log, administrative access schemes and in response to formal applications.

- Administrative access schemes are not prominent on-line or offline, and could be better promoted to direct members of the public towards obtaining information administratively instead of under the RTI or IP Acts.

- QPS maintains an up-to-date Information Asset Register.  The Information Asset Register could be published to inform the community about QPS data holdings, and could be used to assess the suitability of data sets for release.

QPS is currently using a range of active publication and administrative release processes to push information into the public domain. A wide range of information has been made available by QPS through the publication scheme, disclosure log, administrative access schemes and agency website.

## 7.1  Administrative Access Schemes

QPS has implemented a number of administrative access schemes whereby an individual can gain access to information about them or impacting upon them without the need to make formal application under the RTI or IP legislative processes. Access through administrative schemes includes but is not limited to, criminal history, crime reports and traffic incident reports. This is to be commended.

The review found that the RTIP Unit was receiving a number of requests made under RTI or referrals from other units within QPS for information that could have been accessed through QPS's administrative access scheme arrangements.[37] This creates a time impost for the RTIP Unit and the applicant.

The review of the QPS website identified that a member of the public seeking information would not be able to readily identify administrative access schemes. QPS officers outside the RTIP Unit referred requests for information to the RTIP Unit when it would have been more appropriate to refer these requests to an administrative access scheme, another indicator of the lack of visibility of these schemes.

The police.uk website[38] provides an example of how a website can be used to engage effectively with the community. The website has been designed to shift the community involvement to a greater degree of participation. The process is described as 'attract – inform – engage – action', with the aim of attracting members of the community initially, and moving them to a position where they will become involved and take action. This can offer powerful support to operational policing activities.

If QPS adopted similar strategies to make administrative access schemes visible on the website or over the counter, members of the public would get information more quickly and easily, could become more involved in supporting policing activities, and in line with the right to information reforms, would only make an application under the RTI or IP Act as a last resort.

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[37] Traffic incident reports and property crime reports are available through CITEC.
[38] http://www.cityoflondon.police.uk/citypolice/

OIC considered the RTI component of the agency's website could be improved to increase the visibility of information and promote the use of administrative access schemes available to persons seeking specific types of information. OIC noted the information could be moved to and expanded under the 'How do I access information?' section on the RTI webpage. QPS addressed this issue in the course of the review, and administrative access schemes are now more prominent and referenced in multiple places on the website. It would be useful for QPS to track the impact of these changes and to continue to explore avenues for promoting administrative access to information.

| Recommendation 9 |
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| It is recommended that the Queensland Police Service (QPS):<br><br>Monitor the effectiveness of improved visibility and continue to improve promotion and visibility of the QPS's administrative access schemes on the QPS website, within six months, to streamline provision of information to individuals, improve legislative compliance and manage the workload associated with requests for information made under the legislation. |

## 7.2 Information Asset Register

An Information Asset Register is a listing of all information assets of an agency. The Information Asset Register allows users of information to identify all information resources available.[39] A review of QPS's Information Asset Register by OIC found it to be up-to-date.

Under the QPS ICT Strategic Plan 2009-13, QPS has identified as a strategy the sharing of information and supporting of collaborative processes with other partners, stakeholders and the community. Under this strategy there are currently no initiatives listed related directly to supporting or improving the provision of information to the public. ISC could review the Information Asset Register, to identify information holdings that might be suitable for publication on the internet or through administrative access schemes.

During the community consultations, a frequent comment was that the community groups did not know what information was held by QPS. People commented that they would like access to a list of QPS information holdings. A complete and up-to-date published Information Asset Register would address this issue. QPS could consider publishing the Information Asset Register on its website. In the spirit of maximum disclosure, ISC could

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[39] QGCIO, Queensland Government Enterprise Architecture Guideline – Information Asset Register Draft March 2009.

consider undertaking a project to review the Information Asset Register to identify data sets suitable for publication.

| **Recommendation 10** |
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| It is recommended that the Queensland Police Service (QPS): |
| Review the Information Asset Register to identify additional data sets suitable for publication on the internet or through administrative access schemes as part of the work program for the Information Steering Committee for 2011-12 and in subsequent years. |

| **Recommendation 11** |
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| It is recommended that the Queensland Police Service (QPS): |
| Publish the QPS Information Asset Register within twelve months. |

# 8    Compliance

**Background**

The RTI and IP Acts require agencies to undertake a number of specific activities in pursuit of the pro-active release of information and to safeguard the handling of personal information.

This review has assessed the extent to which QPS has complied with legislative requirements, including in the areas of:

- publication schemes
- disclosure logs
- active management of agency responsibilities
- schemes for accessing information administratively
- handling of applications and decisions
- conducting internal reviews; and
- adopting the privacy principles.

**Key Findings**

- The publication scheme is not sufficiently populated with significant, appropriate and accurate information, for example, crime statistics.
- Individual applications under the RTI and IP Acts are being processed by QPS broadly in line with the legislation.
- QPS uses a risk management approach to manage compliance with the legislation.
- The risk management approach does not place service delivery as a priority, and can be counterproductive when it results in additional work that could have been prevented through better systems and better engagement with individuals.
- Systems and procedures need to be improved and developed to ensure consistent and fully legislatively compliant processing of applications.
- A range of specific compliance issues were identified that if addressed will improve QPS management and handling of applications.

## 8.1  Publication Scheme

The publication scheme forms an integral part of the 'push model' where information is released pro-actively.  A publication scheme is a structured list of an agency's information that is readily available to the public, free of charge wherever possible.  Section 21 of the RTI Act requires that all agencies,[40] must publish a publication scheme, and must include the classes of information available in the publication scheme and the terms and charges by which it will make that information available.

Section 21(3) of the RTI Act provides that an agency must ensure that its publication scheme complies with guidelines as published by the Minister.  Under these Ministerial Guidelines, the publication scheme is required to set out the information that the agency has available under seven standard classes of information, preferably on the agency's website, so that people looking at the publication scheme can readily access and use the published information.

Publication schemes are audited by OIC using a desktop audit process, which examines the publication scheme on an agency's website from the perspective of a member of the public accessing the publication scheme via the internet.  The desktop audit checks that the publicly visible aspects of the publication scheme comply with the legislation and Ministerial Guidelines.

In September 2010, OIC conducted a desktop audit of the QPS's publication scheme.  At the conclusion of the desktop audit a report was issued to QPS with five recommendations aimed at improving the administration of the agency's publication scheme.   In December 2010, QPS responded to the desktop audit report, advising that they planned to conduct an internal review of the publication scheme, both in general terms and to address the items identified by the OIC desktop audit.  In June 2011, QPS wrote to OIC advising that the review of the agency's publication scheme had been completed.

A subsequent review of the agency's publication scheme by OIC has confirmed that issues raised during the September 2010 desktop audit have been addressed by QPS.

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

OIC further reviewed two areas of compliance with the Ministerial Guidelines where compliance could not be ascertained from information readily available in the public domain.

These were:

- inclusion of information in the publication scheme that is significant, appropriate and accurate; and

- review and maintenance of the publication scheme.

### 8.1.1   Information is significant, appropriate and accurate

Under section 3 of the RTI Act, the community has a right of access to information in the government's possession or under the government's control, unless, on balance, it is contrary to the public interest to give the access.  For any information which can be released, the publication scheme is one option an agency can use to release information.

The publication scheme is one of the reform's key platforms for increased publication of government held information.  As much information as possible should be routinely provided in a publication scheme.  Through the stakeholder consultations, OIC found opportunities for QPS to publish more information in the publication scheme, in accordance with the requirements of the Ministerial Guidelines and legislation.

The use of the publication scheme as an avenue for publication of information is explained in the Ministerial Guidelines, which state in Section 3 'Key Criteria for Inclusion in a Publication Scheme':

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

The RTI Act provides guidance in understanding the types of information Parliament considers significant. In its Preamble, the RTI Act states Parliament's reasons for enacting the RTI Act are in recognition that in a free and democratic society –

*(b) information in the government's possession or under the government's control is a public resource; and*

*(c) the community should be kept informed of government's operations, including, in particular, the rules and practice followed by government in its dealings with members of the community; and*

*(e) openness in government increases the participation of members of the community in democratic processes leading to better informed decision-making;*

Section 20 of the RTI Act provides that an agency must make copies of each of its policy documents available for inspection and purchase by the public. Although this type of access is distinct from publishing in a publication scheme, the singling out of all policy documents for mention in the RTI Act indicates the significance attaching to these types of documents.

In summary, information is significant in terms of the RTI Act if it:

- is a public resource

- is a description of a rule or practice followed by government in its dealings with the community

- enables the participation of the community in government; or

- is a policy document.

QPS held information and datasets sought by QPS stakeholders[41] meet the criterion of significance for RTI Act purposes. As mentioned earlier in this report, the categories of information sought by stakeholders are:

- Information in support of research

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[41] The information and datasets sought by QPS stakeholders are listed in Appendix 4.

- Information that would assist stakeholders to improve or target their own services

- Information that might lead to discussions with QPS or government about possible improvements to QPS procedures or practices; and

- Information that might be of interest to the community, for example, in addition to the current reports about QPS responses to CMC report recommendations, stakeholders suggested QPS describe in detail the activities undertaken by QPS in response to recommendations.

These categories of information sought by stakeholders are significant because they are information or a dataset that is a public resource, a rule, practice or policy followed by QPS or is information that would enable the stakeholders to participate in processes that would lead to improved government decision-making.

This deals with the first criterion in the Ministerial Guidelines for selecting information for publication, that is, that the information must be significant. The other criteria are that information published in a publication scheme must be accurate and appropriate.

Accuracy was important to stakeholders. Stakeholders stressed the importance of the released information being complete, correct, consistent statewide, inclusive of raw data as well as percentages, reported in demographic categories, by location and accompanied by explanatory notes if there was any risk of misuse of the information.

In other words, stakeholders included accuracy as an essential characteristic of the information sought. Processes to ensure data integrity can delay the release of accurate information for significant periods of time which reduces the usefulness of data. Consideration could be given to releasing data more regularly with appropriate qualifications.

The Ministerial Guidelines also require that information included in a publication scheme must be appropriate, having regard to existing legislation, privacy principles and security issues. The criterion of appropriateness is connected to the idea that publication of the information is not contrary to the public interest. This analysis has been done on the basis that the information sought by stakeholders could be released, and it would not be contrary to the public interest to do so.

In addition to the general application of the public interest test, two specific issues were raised in the course of this review about the appropriateness of QPS releasing certain information: privacy considerations in releasing personal information to academic researchers and unintended negative consequences of releasing statistical information.

During the consultation discussions, two of the academic researchers raised the issue that QPS had not released statistical information which included personal information on the grounds of privacy concerns. OIC acknowledges the importance of privacy considerations. OIC notes that in these circumstances, QPS is able to release this type of information if the requirements of Information Privacy Principle (IPP) 11(1)(f) are met. This provision allows an agency to disclose personal information to another entity for research purposes, as long as the research meets the four criteria listed in IPP11(1)(f). The discretion as to whether or not to release the information is with QPS. OIC considers that if the requirements of IPP11(1)(f) are met, the 'push model' suggests this information ought to be released to the academic researchers.

QPS held information or datasets which include personal information would not be appropriate for publication in the publication scheme. If the personal information was removed, OIC considers that there would be no obstacle to its publication in the publication scheme.

The second issue raised about the appropriateness of release of information was the possibility of unintended negative consequences. As part of the consultation with stakeholders, OIC asked:

> *Do you think there are risks in QPS publishing this information?*

In responding, stakeholders expressed concern that certain information could be used to vilify particular community groups. An example would be publication of statistical information that identified different arrest rates between different demographic groups. Stakeholders sought access to information like this to develop services or to inform discussions about strategies for dealing with identified groups. Stakeholders were concerned that publishing this type of information might reinforce stereotypes about the particular demographic group and lead to vilification. However, stakeholders did not see this as a reason not to publish the information. They thought any risks could be managed

by publishing the information with explanatory notes. One stakeholder said 'The more information that's out there, the more information literate the community becomes.'

Another issue explored in the stakeholder discussions was the impact on tourism and property values of publishing QPS held information, for example, crime rates.

QPS officers stated to OIC that publication of information about crime in specific locations might influence people not to go to those locations for holidays, or might impact negatively on property values in those locations. QPS was in essence saying that these factors meant publication of information such as crime statistics would not be in the public interest.

OIC put these statements to the stakeholders to obtain their views. Stakeholders maintained their views that publication was preferable to non-publication. For example, stakeholders said that any possible impact of releasing crime statistics on tourism or property sales should not prevent publication. They believed that the currently available information, for example media reports of crime in certain locations, did not have a visible impact on these activities. They considered that publication of information might better inform communities, leading to a more appropriate response to issues. As reported earlier, one stakeholder said 'As long as people know the facts, that is empowering in itself. I think facts are good.'

OIC has considered these views. The object of the RTI Act is to give a right of access to information in the government's possession or under the government's control, unless on balance it is contrary to the public interest to give the access. The RTI Act creates an obligation to prioritise the publication of certain information, for example, government held information which informs the community about government operations.

There is a public interest in disclosing information that leads to open discussion of public affairs and positive and informed debate about matters of serious interest. The incidence of crime in a specific location is a matter of public interest, and publication of this information would promote healthy discussion and debate. There is also a public interest in contributing to the maintenance of peace and order. Stakeholders reported that access to information about crime in specific locations had assisted them to contribute to crime prevention and reduction, and publication of more information would assist them to undertake more crime prevention and reduction activities. OIC agrees with views expressed by the stakeholders that public awareness of crime rates could lead to greater

public vigilance, and could create opportunities for community driven initiatives to prevent or reduce crime.

The concerns that publication of information might affect commercial or financial affairs or the State economy are valid public interest concerns. However OIC notes that there is evidence that these concerns might be less likely to be realised in practice. OIC acknowledges concerns that media reporting of crime in tourist destinations may impact on tourism. However, OIC notes the Australian Institute of Criminology's report that the current level of media reporting about crime seems to have had a limited effect on Australia's robust reputation as a destination for tourists.[42] There is also evidence from the Real Estate Institute of Victoria that publication of Victorian Police crime statistics has little direct correlation with median house prices.[43]

OIC's view is that these risks need not prevent the publication of information, as long as they are managed, as outlined above.

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**Recommendation 12**

It is recommended that the Queensland Police Service (QPS):

Within twelve months, publish in the QPS Publication Scheme the information or datasets identified by stakeholders listed in the appendix to this report, where the information or datasets are held by QPS and do not contain personal information.

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### 8.1.2    Publication of crime statistics

The general public has an increasing interest in obtaining information from QPS, as demonstrated by the Crime and Misconduct Commission survey into public attitudes about QPS, which showed that the incidence of initiating contact with QPS to request information increased from 4% in 2008 to 11% in 2010 (satisfactory contacts) and from 2% to 10% in 2010 (unsatisfactory contacts).

Statistics about crime are of intense interest to the community. QPS stakeholders identified a range of statistics that would assist them conduct research into crime, improve their own services or discuss operational issues with QPS. These interests fall squarely

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[42] http://www.aic.gov.au/publications/current%20series/tandi/301-320/tandi316/view%20paper.aspx
[43] http://news.domain.com.au/domain/home-buying-tips/the-price-you-pay-for-crime-20110412-1dbqj.html

into the set of issues that prompted the government to give force to the right to information reforms through the RTI Act.

OIC has already commented that timely publication of crime statistics in an accessible and geospatial format would provide a vital resource for the community. It is OIC's view that publication is required for QPS to be compliant with the statutory instrument published pursuant to the RTI Act - 'Ministerial Guidelines: Operation of Publication Schemes and Disclosure Logs; Under section 21(3) and section 78(2) of the *Right to Information Act 2009*'. Publication will support not only police operations but also enable the Government and the community to meet social, environmental and economic goals.

Crime statistics exemplify the type of information expected to be made publicly available under the right to information reforms.

**Recommendation 13**

It is recommended that the Queensland Police Service (QPS):

Publish in the QPS Publication Scheme a full set of crime statistics, in a machine readable, re-usable format, linked to geospatial information and immediately develop a project plan to address the technical and policy aspects of publication.

### 8.1.3   Reviewing and maintaining the Publication Scheme

OIC reviewed whether or not the procedures for maintaining and updating the agency's Publication Scheme were in accordance with the Ministerial Guidelines. Regions, Commands and Divisions are responsible for their own documents on the publication scheme, which includes the ongoing assessment of their information holdings for release via the Publication Scheme. A centrally coordinated Assessment Committee considers these assessments and decides whether the documents should be published. The Publication Scheme Coordinator within the RTIP Unit has a coordinating role, actioning the outcomes from the Assessment Committee. Following an earlier OIC desktop audit, QPS advised in June 2011 that they had updated the Publication Scheme Coordinator network and created specific email distribution groups for each regional Publication Scheme Coordinator. These email distribution groups enable facilitation of the network, reminding Publication Scheme Coordinators of their responsibilities, particularly to review and ensure

the accuracy, currency and accessibility of documents in the Publication Scheme on a monthly basis.

This review confirmed by direct testing that fresh consideration is occurring for releasing and archiving documents. Updates to the QPS Publication Scheme have occurred since the agency's Publication Scheme was first reviewed by OIC in September 2010.

In addition, OIC noted that the RTIP Unit is central to both the review and the ongoing maintenance of the Publication Scheme. QPS advised that regular maintenance of the Publication Scheme was relegated to a lower priority during the period of the review, which occurred just subsequent to the series of natural disasters which required staff to be reallocated to the emergency response. QPS reported an intention to reallocate responsibility for the Publication Scheme Coordination within the RTIP Unit to a full time role. OIC notes that an officer has been temporarily assigned to this position to update the Publication Scheme and ensure that the format is both compliant and of assistance to the community. Given the importance of regular maintenance of the Publication Scheme, this has been a good initiative.

OIC considers ongoing development and maintenance of the Publication Scheme is an important priority for QPS, as it is a primary mechanism of the push model of information management so that the application process is a last resort. A well run and well populated publication scheme has the potential to reduce the number of access applications, particularly if information is selected for publication in order to anticipate any commonly occurring types of requests for information.

In order to realise the benefits to the community and to QPS of pushing out information to the community, the RTIP Unit needs to take an active and ongoing coordination and maintenance role updating and maintaining the Publication Scheme.

OIC found that the substance of the Publication Scheme could be improved by adding information and datasets sought by QPS's stakeholders. OIC has recommended that QPS adopt a coordinated, strategic approach to future community engagement, in order to identify further information that could be pro-actively released. Any system for review and maintenance of the Publication Scheme needs to include an efficient procedure for adding new information holdings and datasets to the QPS Publication Scheme in response to community or stakeholder requests.

| Recommendation 14 |
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| It is recommended that the Queensland Police Service (QPS): |
| Within three months, ensure that coordination of the QPS's Publication Scheme is actively managed in line with QPS's governance framework and associated policies. |

## 8.2   Disclosure Log

A disclosure log is a web page or a document listing documents already released under the RTI Act.  The rationale for disclosure logs is that documents of interest to one person may be of interest to others.

Section 78 of the RTI Act provides the legislative requirements with which agencies must comply when maintaining a disclosure log.  Under section 78(1) of the RTI Act, agencies may include a copy of a document in a disclosure log, but only if it does not contain the personal information of the applicant to whom access was originally granted.  Agencies must ensure that the disclosure log complies with any guidelines published by the Minister on the Minister's website (section 78(2) of the RTI Act).  When a decision is made to include a document in the disclosure log but the agency does not provide a direct link from the disclosure log to the document, details identifying the document and information about how it may be accessed must be included in the disclosure log.[44]  If a document is released under the RTI Act and not published in a disclosure log, the Ministerial Guidelines provide that the agency should document the decision not to publish and the reasons for that decision as part of the agency's internal records.

OIC audits disclosure logs during desktop audits, as well as in the course of reviews such as this.  The desktop audit examines the disclosure log from the perspective of a member of the public.  The desktop audit checks that the publicly visible aspects of the disclosure log comply with the legislation and Ministerial Guidelines.

A desktop audit of QPS's disclosure log was conducted in September 2010.  In the desktop audit, OIC noted that QPS's disclosure log was readily identifiable and accessible

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

from the agency's RTI web page. OIC considered the disclosure log to be well structured and supported by informative commentary that introduced and explained the purposes of the disclosure log. Items posted to the disclosure log were supported by brief text providing a summary of the information in accordance with section 78(2) of the RTI Act. Overall, OIC considered QPS's disclosure log to be appropriate.

This review allowed OIC to look behind the publicly available website information, and check the grounds on which decisions were made to publish or not to publish documents to the disclosure log, and whether or not this was done within the timeframes prescribed. The RTI Act and Ministerial guidelines stipulate that information may be published to an agency's disclosure log no sooner than 24 hours after it is accessed by the applicant. The Ministerial Guidelines also provide that information is to be published to an agency's disclosure log no later than five business days after access.

The review examined 25 applications for documents made under the RTI Act where the document was released, to identify whether or not QPS considered publishing the document to the disclosure log, and if not, whether reasons for non-publication were documented by the agency as part of its internal records, in accordance with the Ministerial Guidelines. Documents from three of those 25 applications were published on the agency's disclosure log. Where a decision was made to include the released documents on the disclosure log it was published more than 24 hours after it was released to the applicant and before the five business day period had expired, in accordance with the prescribed requirements.

In cases where a decision was made not to include the released documents on the disclosure log, a general reason for the decision was recorded in the RTIPS case management system. In 20 out of 22 cases where a decision was made not to publish the released documents to the disclosure log, it was based on an assessment that the documents contained personal information of an individual other than the applicant, and the inclusion of this material on the disclosure log would on balance be contrary to the public interest. These practices were considered to be consistent with the requirements of the Ministerial Guidelines.

The RTI Act requires[45] that agencies inform applicants and third parties to the application that documents released under the RTI Act may be made publicly available, for example on the disclosure log, if they do not contain the applicant's personal information. There was no evidence on the reviewed files that QPS met these requirements. Specific cases were identified where the released documents were included on the disclosure log and the decision notice did not state the information might be included on the disclosure log.

QPS advised at the time of finalising this report that issue has been addressed. OIC will seek to verify this on follow-up review.

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**Recommendation 15**

It is recommended that the Queensland Police Service (QPS):

Update current RTIP Unit processes within two weeks of this report being tabled, to ensure that if the documents being released do not contain the personal information of the applicant, then all applicants and relevant third parties are notified that the documents may be made publicly available, for example in a disclosure log, as required by the RTI Act.

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## 8.3 Active management of agency responsibilities

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

This review examined the end to end process for handling RTI and IP applications within the RTIP unit. This review considered the management of the applications overall, and QPS's level of compliance with the specific requirements of the legislation.

A randomly selected sample of 36 application files was reviewed.[46] The sampling methodology allows for extrapolation. The findings from the file review were confirmed through interviews with staff of the RTIP Unit. Interviews covered concerns identified relating to specific files, application handling more generally, the use of the RTIPS system

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[45] RTI Act sections 37(1), 54(2)(a)(iii) and 54(2)(a)(iv).
[46] A further 25 files were examined to assess compliance with requirements for disclosure logs, as discussed earlier in this report.

and its functionality, and areas of practice within the unit. OIC found the application processing functions performed by the RTIP Unit of QPS raised concerns about compliance with the requirements and objectives of the RTI and IP Acts.

A pattern emerged during the review. QPS followed established procedures reasonably well. However, if the circumstances of an application were not covered by a procedure or the existing procedure was inappropriate, QPS did not respond as effectively. In these matters, OIC observed that QPS's priority was commonly to find a way to resolve the application in the shortest possible time, with less regard for the quality of the result or good service delivery. Rather than aiming for the right result, QPS adopted a 'risk management approach' to aim for the quickest result they thought an applicant would accept. This approach was described explicitly at interview. For example, a comment was made during the interviews that QPS applied a 'risk management approach', meaning that QPS's general practice was to eliminate any procedural steps that they thought they could in the handling of applications, even steps specifically required by the legislation. QPS placed reliance upon applicants exercising their review rights to correct any material deficiency in the application handling process. Comments at interview suggested that these practices might have been adopted to aid the RTIP Unit in meeting required processing deadlines.

OIC noted that on occasion individual RTIP officers were responsive to applicants or third parties. However, OIC could not identify any pattern to this. For example, it was not possible to identify a particular officer or particular circumstance that would trigger a heightened client service approach. Nevertheless, OIC acknowledges that there were instances where the RTIP Unit staff went above and beyond ordinary expectations to follow up applications and work with applicants.

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

- contacting the applicant
- the use of the computerised case management system
- improved filtering of incoming workload; and
- inappropriate referral of work.

### 8.3.1    Active management: Contacting the applicant

Regular contact with the applicant during the legislated process can promote the objectives of the RTI and IP Acts.

Applicants might request information that they believe will meet their needs, but which, in fact, will not be of assistance to them and may be labour intensive to obtain. This may arise due to an applicant's limited understanding of the agency's information holdings. A discussion early in the process gives the applicant an opportunity to outline what they are seeking, which in turn provides the agency with an opportunity to advise an applicant about options that might be more useful to them and more efficient for the agency to obtain.

Although not a specific requirement of the legislation, regular contact with the applicant during the application process is effective in maintaining agency/client relationships and in providing more efficient outcomes for both the applicant and agency.  This discussion would need to be made using time efficient two way communication, for example, a face to face discussion, a telephone call or an email exchange.

This approach would also be consistent with QPS's Client Service Charter[47] which requires QPS officers to recognise and respect individual's rights and needs, and acknowledge and respond to requests for service:

*The Queensland Police will:*

- *treat you fairly;*

- *deliver our services professionally, ethically and with integrity;*

- *recognise and respect your individual rights and needs;*

- *work in partnership with you to reduce crime and the impact of crime and ensure offenders are held accountable;*

- *acknowledge and respond to your request for service; and*

- *if we cannot deal with your matter, refer you to an agency that can keep you informed throughout a police investigation and prosecution.*

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[47] http://www.police.qld.gov.au/aboutUs/the_service/charter/ viewed on 18 August 2011.

The review supported QPS advice that the RTIP Unit contacts applicants when they identify that clarification is required or there are processing difficulties with the application. The review of QPS application files though found there was not a practice of regular contact with applicants, and that the level of contact with applicants during the application process could be improved. Of the 36 files reviewed by OIC, eight (22%) contained evidence that contact with the applicant may have improved the efficiency of the application process, and in some cases, would have produced a superior outcome to that originally achieved by QPS. The following examples demonstrate this.

- QPS decided within three days to refuse to deal with an application on the grounds that the information had already been released to the applicant. No contact was made with the applicant to discuss the application, and possibly identify what might have been different about what they were seeking compared to what was already provided. This matter resulted in an application for the matter to be reviewed by OIC (an External Review). Informal contact with the applicant prior to making the initial decision about access might have improved the outcome for the applicant and avoided the additional work for QPS associated with the review process.

- An initial search for information resulted in some information being deleted before it was sent to the RTIP Unit. Access to the information was granted in part. A second follow up application was made to clarify the scope of the request and to deal with concerns about the sufficiency of the search for requested information. Communication with the applicant during the first application process might have prevented the need for a second application.

## Recommendation 16

It is recommended that the Queensland Police Service (QPS):

Incorporate face to face, telephone or email contact with applicants into application handling practices as a matter of course, in order to streamline processing, manage time allowed for processing, and improve the result for the applicant. In particular:

- make early contact with the applicant to clarify the scope of the application, particularly if a request is complex or relates to voluminous records

- contact the applicant if there are indications that an initial search for documents might be incomplete or if any other processing difficulties arise, to discuss the

| **Recommendation 16** |
|---|
| <br>issue and options for proceeding, including the scope of the application if appropriate; and<br><br>• contact the applicant and follow-up all outstanding concerns about the application with the applicant prior to issuing a refusal to deal notice.<br><br>Describe the above practices in a policy, to take effect within two weeks of this report being tabled. |

### 8.3.2   Active management: The computerised case management system

In July 2010, QPS introduced a new case management system (RTIPS) for managing RTI and IP applications.  The RTIPS system has a range of functionality that, if developed and used optimally, would deliver efficiencies in the application handling process.  The review found that the RTIP Unit has not used the full functionality of the new case management system and so these efficiencies are yet to be realised.  Examples are not recording applicant contact details to generate correspondence, not developing template letters such as decision notices or charges estimate notices (CENs), and not using the timekeeping and reporting functionality to assist in managing staff resources. QPS advise at the time of finalising this report that this has now been addressed however OIC is yet to verify this.

OIC considers that the lack of templates and standardised correspondence within RTIPS is a priority.  OIC noted that each decision-maker developed their own letters and most appeared to maintain their own examples for correspondence.  This has led to significant variation in the quality of correspondence especially in decision notices across the RTIP Unit.  Issues about the quality of the correspondence are discussed later in the report under section 8.4.2. '*Applications: Quality of decision notices'*.

In addition, decision notices did not always include all the prescribed requirements.  The development of template notices would ensure all the mandatory requirements are included.  OIC also noted that basic details were not entered into RTIPS, for example the applicants' addresses, reportedly to save time.  This is a false economy.  If these details were entered into the system when an application file was opened, RTIPS would be able to populate documents automatically with these details, for example, insert the applicants' addresses into correspondence.  This would save time re-keying the data and avoid

human error in addressing important correspondence, which could have significant consequences for privacy and exercising review rights within statutory timeframes.

The review found that the notes functionality was used for recording details of conversations with applicants and other relevant persons, and for actions taken such as requests for extensions or consultation with third parties. However, the review found that in some instances the documentation was unclear or ambiguous. It is important that notes recorded within RTIPS are clear, to maintain proper records and to assist other officers in responding to queries when the contact officer is unavailable.

OIC acknowledges that developing systems and processes can take significant dedication of resources initially, and that there are ongoing resource commitments in maintaining, improving and updating these systems as required. However, the time invested in the initial establishment of systems would improve efficiency immediately and in the future.

### Recommendation 17

It is recommended that the Queensland Police Service (QPS):

Apply the full functionality of the Right to Information and Information Privacy Case Management System (RTIPS) to deliver more efficient application handling processes within six months.

Clearly and consistently document within RTIPS any actions taken or conversations about files, commencing within two weeks of this report being tabled.

### 8.3.3    Active management: Improved filtering of incoming workload

OIC identified two ways in which QPS could reduce the flow of formal requests for information made under the RTI and IP Acts.

Depending on the type of information being requested, the first method would be to direct the applicant to a more appropriate form of access from the outset, so that the request did not come to the RTIP Unit in the first place. As mentioned previously in the report, the RTIP Unit has received a number of requests from line officers that would have been better directed through administrative access mechanisms. Creating greater visibility of administrative access schemes and ensuring line staff are aware of the access mechanisms would improve the applicants' experiences of obtaining information, and

would reduce the time impost on the RTIP Unit in dealing with these requests. The nature of the administrative access schemes and the policies and procedures for their operation need to be documented, and these documented policies and procedures promoted to business units within QPS, so that business units are well informed as to these avenues for assistance.

The other strategy would be to improve the filtering of material once it has come to the RTIP Unit. OIC observed files that had been generated and assigned to a case officer for matters that were not formal applications under the RTI or IP Acts that could have been directed to a more appropriate channel.

For example, in one case the client was informally directed to an administrative access scheme after an RTI application file had already been created and assigned to a case officer. A second example is where a request was received for information as to when charges would be laid on a matter, resulting in a formal decision notice that the request was non-compliant under the IP Act. This matter could have been better dealt with by referring the inquirer to the relevant investigative area within QPS.

Some RTIP Unit staff reported at interview that they now have to identify and follow up non-compliant applications, when that task was previously managed by RTIP Unit administrative support staff. RTIP Unit staff reported more matters are being treated as applications, when previously matters that were inquiries would have been handled as an inquiry by the administrative staff. When this issue was raised during the audit, no evidence was presented of documented file opening procedures. However in responding to the draft report, the Acting Superintendent advised that '*no such change has occurred in recent history*' and that '*file opening procedures are documented, communicated to staff and implemented*'.

There is clear evidence about the need for QPS to improve filtering of requests for information. The file review found that some requests for information were sent to the RTIP Unit and that the RTIP Unit treated some requests as applications when the requests could have been dealt with more appropriately by redirection. This evidence points to a need for improved filtering of requests, both by QPS business units when deciding where to direct requests for information and within the RTIP Unit when the requests for information are first received.

The evidence of the interviews and statements made to OIC about administrative support activity in filtering requests for information is inconsistent. The staff advised OIC that they are now doing administrative work that they did not do previously, whereas the Acting Superintendent advised that this is not the case. This issue needs to be resolved within the RTIP Unit.

The end result needs to be that if QPS receive a general request for information that can be handled administratively, it is referred appropriately as soon as is practicable. These issues need to be addressed so that requests for information are dealt with as quickly and efficiently as possible, and are handled as formal applications under the RTI or IP Acts only as a last resort.

**Recommendation 18**

It is recommended that the Queensland Police Service (QPS):

Document policies and procedures for arrangements to access information administratively, and promote these arrangements to business units throughout QPS.

Develop and implement strategies, within three months, to ensure that QPS staff filter and direct requests for QPS information holdings appropriately, preferably before reaching the RTIP Unit, so that formal applications are a last resort.

Maximise the speed and efficiency of application handling through improved administrative practices in the RTIP Unit.

### 8.3.4   Active management: Inappropriate referrals

During the review, OIC noted practices within the RTIP Unit that were not always responsive to applicants' needs. While applicants may at times be orally advised of access options, other practices evident on the files were not designed to facilitate access including: the use of third party consultation provisions for internal consultation and directing applicants to court processes as opposed to dealing with applications in accordance with the RTI or IP Acts.

*Third party consultation*

Section 37 'Disclosure of concern to third party' of the RTI Act requires agencies to consult with relevant third parties, where the agency may give access to a document that contains information which may reasonably be expected to be of concern to the third party. This allows a third party to express their views about the nature of the information under consideration. Consultation under this section provides an agency with an additional 10 days to process the application.

The review of application files identified that QPS had been invoking the third party consultation provisions when consulting other business units within QPS about information under consideration.

QPS said at interview that the ability to consult internal business units where information may be of concern is important to ensuring all relevant information is collected before making a decision on the application. OIC supports internal consultation, but considers the purpose of section 37 is to provide for consultation with third parties outside of the agency rather than the internal consultation processes that an agency would use to arrive at a decision.

This practice was raised with the RTIP Unit during the review. During audit interviews RTIP Unit senior officers argued that they believed there were grounds that internal consultation should enable an extension of time,[48] and said that the reason for describing the internal communication as a third party consultation was that the legislation then granted additional time for processing applications.[49] RTIP Unit officers expressed the view that use of this provision of the legislation was preferable to requesting a time extension from the applicant, as an applicant may not grant the time extension.[50]

Such responses during the audit interviews confirmed OIC concerns that the RTIP Unit had an established practice of using the section 37 consultation process for internal consultation with QPS business units. During the course of the review period no evidence was observed or reported to address OIC concerns.

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[48] Interview with RTIP Unit Inspector, 23 February 2011.
[49] Interview with RTIP Unit Superintendent and Inspector 24 February 2011.
[50] Interview with RTIP Unit Superintendent and Inspector 24 February 2011.

OIC supports QPS's practice of consulting with areas within the agency to ensure all relevant information is identified prior to making a decision on an application.  OIC though is of the view that the use of the third party consultation provisions under section 37 of the RTI Act to obtain additional processing time for internal consultation is inconsistent with the spirit and operation of the Act.  If the agency requires additional time, then this should be dealt with using the appropriate legislative tools provided for this purpose, for example, asking an applicant for additional processing time under the provisions of section 35 of the RTI Act or equivalent section of the IP Act.   QPS advised at the time of finalising this report that this practice has ceased.  OIC will seek to verify this on follow-up review.

| Recommendation 19 |
| --- |
| It is recommended that the Queensland Police Service (QPS):<br><br>Continue to consult internal business units to collect information relevant to the access decision, and ensure that these consultations are documented and a file record kept.<br><br>Discontinue the incorrect use of the third party consultation provisions of the RTI Act (section 37) for the RTIP Unit to conduct internal consultations with other QPS business units within two weeks of this report being tabled.  Where additional time is required for processing an application, the RTIP Unit can use the legislative tools provided for this purpose (for example, asking the applicant for more time to process the application under section 35 of the RTI Act or equivalent section within the IP Act). |

*Directing applicants to court processes*

There were two types of circumstances where applicants under the RTI and IP Act were directed to court processes.  These were first, matters where the applicant was involved in legal action concerning QPS and Crown Law was acting for QPS, and second, matters where the applicant was involved in any other court action.

The review of application files identified that QPS was referring applicants to Crown Law to obtain requested documents where Crown Law was acting for QPS against the applicant.  RTIP Unit staff stated that it was standard practice to refer an applicant to the court discovery process where the documents related to current legal action and QPS was party to that action and to treat the application as withdrawn.[51]  OIC was advised that in these

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[51] Evidence of QPS treating these requests for information as withdrawn was found in the file review.

circumstances the documents were no longer held by QPS, were in the physical possession of Crown Law and that there were no procedures for QPS to access or retrieve documents from Crown Law.

In effect, QPS stated that the applicant was directed to the court process because it was not possible for QPS to process the application.

QPS advised its belief the court discovery process yielded a better result for the applicant. However, the applicant has a legal right to pursue an application under the RTI Act, and it is at the applicant's discretion whether or not to pursue that legal right. The QPS's role is to explain options available to the applicant, not to limit legitimate options available under the RTI and IP legislation.

The second issue was identified when RTIP Unit staff stated at interview[52] that if applicants were requesting specific types of information the case officer would check whether the applicant was in current court proceedings relating to the requested documents. If the applicant had a current court date booked, RTIP Unit staff said that they referred the applicant to a court access process, such as a subpoena, to access the requested documents. Based on the tone and context of the remarks, in which interviewees described the referral to court processes as a workload management strategy, OIC considered that applicants might have viewed the referral as a re-direction and as the end of the RTI or IP Act access application process rather than as advice of a possible option.

As the handling of RTI and IP access applications in the context of current court proceedings is an issue that could affect all agencies OIC intends to issue guidance on how these applications are to be handled and information for the community about their rights under the legislation. Once guidance has been issued, OIC will further assess QPS's compliance with the requirements of the legislation after a suitable period of time.

### 8.4 Applications

The previous section discussed issues about the active management of QPS responsibilities regarding the management of the application file load, including the use of the computerised case management system, improved filtering of incoming workload and inappropriate referral of work.

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[52] Audit interview with RTIP Unit member 22 February 2011.

This section discusses specific compliance issues relating to the way in which applications were processed, including:

- briefing of key stakeholders

- quality of decision notices

- consistency of processing charges

- confirming the identity of agents; and

- providing information in an accessible format.

The review assessed a randomly selected sample of 36 RTI and IP access and amendment application files made under the legislative process for compliance with the RTI and IP Acts.[53]  The process for file sampling is described in Appendix 3. The composition of the file sample by legislative type and applicant type is displayed in Table 1.

**Table 1: Number of application files by applicant and legislative type**

| Type of applicant | RTI | IP | Total |
|---|---|---|---|
| Individual | 5 | 10 | 15 |
| Media | 6 | na | 6 |
| Legal Representative | 4 | 5 | 9 |
| Business Organisations (eg insurance etc) | 6 | na | 6 |
| **All applicants** | | | **36** |

*na – not applicable*

Each of the five areas for comment are discussed in turn below.

### 8.4.1   Applications: Briefing of key stakeholders

As a general practice, agency decision-makers frequently need to discuss applications with other people in the agency.  Some information requests are so complex that decision-makers need assistance to understand the information or datasets involved, and to identify and consider the public interest factors that might affect whether the information should be released.  This is an appropriate information gathering process.

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[53] A further 25 files were examined to assess compliance with requirements for disclosure logs, as discussed earlier in this report.

A separate but related practice is to provide a briefing about the outcome of certain applications to senior agency staff. This is commonly done if the agency decision-maker anticipates releasing sensitive information, for example, information that might result in a media report or a question in Parliament. OIC appreciates the need for agencies to brief senior executives about the release of sensitive information in time for senior staff to prepare for media attention. The best mechanism for ensuring actual and perceived independence of decision-making is for the briefing to occur after a decision has been made to release information, and to release the information shortly after the briefing.

It is important to note that information gathering and briefing of senior staff are two separate processes which should not be conflated. In particular, issues arise if an agency briefs senior executives prior to the finalisation of the decision. A practice of briefing senior personnel within an agency prior to deciding to release information to the applicant exposes an agency to two key areas of risk as follows:

- A perception of interference with the decision-making process by senior personnel, whether or not this has occurred; and

- Pressure on the legislative timeframe of 25 business days for processing an application to allow time for the briefing procedure. Either application processing has to be shortened to incorporate time for the briefing process into the 25 business days, or there will be occasions when an extension of time for decision-making has to be sought from the applicant.

This review has examined the consultation and briefing of senior executives in QPS, to consider the extent to which these processes expose QPS to risks of actual or perceived influence or pressure on processing times.

The RTIP Unit briefs senior management a minimum of five days prior to the decision being released to the applicant. QPS advises that the reason for the briefing practice is to ensure senior management are aware of the release of the information, particularly if the information might be the subject of public interest or public debate. As part of the briefing process, the RTIP Unit advised at audit interview[54] that it provides senior management with a draft decision letter, which also enables the QPS to ensure the language used in the

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[54] At a meeting with senior RTIP Unit staff on 24 February, and confirmed by OIC observations during the file review.

correspondence is appropriate. From the review of the application files, OIC found no evidence that the independence of the decision-maker was affected by this procedure.

However, the practice of senior management reviewing the wording of draft letters raised the possibility of perceived influence on the decision.

The object of the briefing system has not been documented and is not immediately apparent. Without a clear rationale, the practice of reviewing draft decisions could be seen to have been introduced to allow senior management to form a view as to whether or not each decision is appropriate, and to give senior management the opportunity to intervene and influence certain decisions.

The review found that the current briefing process did have an impact on the legislative timeframe for processing applications. In some instances an extension of time was sought from the applicant to enable the briefing period to be finalised.

An explicit procedure is required to deal with the issue of senior management involvement in decisions made under the RTI or IP Acts, and the timeframes for this involvement. This procedure must clearly distinguish between obtaining information to assist a decision-maker in the RTIP unit and briefing senior management on a decision already taken to enable senior management to prepare for media interest.

| **Recommendation 20** |
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| It is recommended that the Queensland Police Service (QPS): |
| Document procedures for briefing senior executives and for seeking information from senior executives within three months. Briefing procedures need to be designed so as not to delay the release of information. |

### 8.4.2 Applications: Quality of decision notices

An agency must give a notice to an applicant regarding the outcome of a decision about their access application under section 54(1) of the RTI Act.[55] The form of the notice is

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[55] A reference to section 54 (Notification of Decision and Reasons) in the RTI Act is also a reference to the equivalent section 68 (Notification of Decision and Reasons – Access Applications) under the IP Act.

prescribed. Section 191 of the RTI Act[56] states that the notice must be in writing and state the decision, the reasons for the decision, the date the decision was made, the name and designation of the decision maker and any right of review under the Act in relation to the decision.

OIC found that QPS decision notices needed more clarity. OIC noted that each officer within the RTIP Unit develops their own set of letters. This has led to significant variation in the quality of correspondence generally, and specifically in decision notices issued by the RTIP Unit. In the majority of cases the decision and reasons for the decision were clearly stated. However, the structure and layout of some letters meant these letters were not easy to understand. One alternative would be to put the mandatory prescribed requirements in a clear and relatively short decision notice designed to communicate with the applicant, and the detailed reasons, legal references and findings in an attachment.

Developing standardised template letters for the various phases of the application process would improve communication, create greater efficiency in application handling and ensure key correspondence complied with the prescribed requirements. It is interesting to note that QPS had standardised annexures for correspondence under the repealed *Freedom of Information Act 1992* (Qld) (repealed FOI Act), but the RTIP Unit has not developed these tools for use under the RTI and IP legislation, except for a standard attachment describing an applicant's review rights.

The review identified anomalies between QPS decision notices and the prescribed requirements of the written notice as listed below:

- RTI decision notices did not specify that, unless the document contains the personal information of the applicant, it may be made available to the public no sooner than 24 hours after applicant accesses the document or expiration of the access period as prescribed under section 54(2)(iii) and (iv) of the RTI Act. This notice refers to the publication of released information in the QPS disclosure log.

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[56] A reference to section 191 (Contents of Prescribed Written Notice) in the RTI Act is also a reference to the equivalent section 199 (Contents of Prescribed Written Notice) under the IP Act.

- The timeframe in the standard attachment *Reviewing a RTIA/IPA Decision* for exercising both the applicant's internal and external review rights was not consistent with the wording of the legislation.[57]

  o The standard attachment states the review period is 20 business days 'of being given the decision', that is, from the **date of receipt** of the decision. The legislation however contemplates that applicant has a right of internal/external review if the application is made within 20 business days from the **date of the written notice of the decision**.

  o The standard attachment needs to clearly reflect the fact that applicants have a statutory right of review if the application is lodged within 20 business days. It then becomes a matter of discretion for the agency to accept a review application received after 20 business days and similarly for the Information Commissioner.

- The majority of decision notices for matters under the RTI Act did not include the required Schedule of Relevant Documents information when a Charges Estimate Notice (CEN) was not provided.

All of the above issues that OIC identified about QPS's decision notices and correspondence could be remedied by developing and using template decision notices. QPS advise at the time of finalising this report that template correspondence has been developed. OIC will seek to verify this on follow-up review.

| **Recommendation 21** |
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| It is recommended that the Queensland Police Service (QPS): |
| Develop and implement template correspondence for RTI and IP application processes within twelve months, to ensure all correspondence issued by the RTIP Unit complies with prescribed requirements of the RTI and IP Acts and is consistent and clear. |

### 8.4.3  Applications: Consistency in processing charges

Under the RTI Act an agency may impose a processing charge in relation to an access application for a document.[58]  Under the *Right to Information Regulation 2009* if the agency

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[57] Section 82(c) Applying for Internal Review and section 88(1)(e) Applying for External Review under the RTI Act and equivalent sections of the IP Act.

spends more than five hours processing the application, then a processing charge may be levied. It is the duty of the agency to minimise any charges payable by the applicant in relation to an access application.[59]

The review of the RTI access application files noted that QPS did not always effectively record the time spent performing document searches or processing applications, for instance:

- The time spent searching for documents was not always being recorded by the region conducting the search. This was observed on three of the files reviewed.

- The RTIP Unit was not always recording time appropriately when processing applications, especially when it was expected that the time spent processing an application was likely to be less than five hours. For example, on one file, only one hour was recorded for administrative support work, which did not account for the time taken by the decision-maker or time required to search for documents.

- The addition of time spent by the RTIP Unit and the business units was not always calculated correctly. For example, on one file, five and a half hours were recorded on search requests but only three hours recorded as the total time to process the application.

CENs were generally not being sent as an estimate of possible time and charges, a necessary precursor to levying a charge. On one file, there was a record of over seven hours spent in processing one search request without a CEN having been issued. These practices do not underpin a consistent and well founded charging regime.

| Recommendation 22 |
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| It is recommended that the Queensland Police Service (QPS): |
| Accurately estimate and record total processing times on all application files to substantiate any processing fee charged to the applicant, commencing within two weeks of this report being tabled. If more than five hours is spent processing the application and no charge is payable this decision must be recorded. Ensure processing fees are applied consistently to all applications. |

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[58] Under section 56 of the RTI Act, a processing charge means the charge prescribed under a regulation for searching for or retrieving the document and making, or doing things related to making a decision on an application.
[59] Section 58 of the RTI Act.

### 8.4.4   Applications: Confirming the identity of agents

Section 24(3) of the RTI Act[60] requires that if an application is for access to a document containing the personal information of the applicant, the applicant must provide evidence of his or her identity within ten business days after making the application. Section 24(3)(b) further stipulates that if an agent is acting for the applicant then the agent must also provide evidence of the agent's authorisation and evidence of identity for the agent.

The review identified that QPS does not consistently require agents acting for applicants to provide evidence of identity when requesting documents containing the personal information of the applicant.  In particular, if an application was made by a person's legal representative, QPS did not seek evidence of the legal representative's identity.  QPS advised that they had a practice of using official letterhead from a legal firm as evidence of identity, in recognition that the legal profession is already regulated and that requiring evidence of identity for the agent where there is no other non-compliance may result in additional cost to the applicant.

OIC has released a guideline[61] that states that in some cases, a letter printed on the law firm's letterhead and signed by the principal of the firm may be sufficient to verify the agent's identity.  This form of identity may be acceptable where the agency has had previous dealings with the agent.  Adopting this practice across the board for all applications from legal representatives acting as agent for the applicant would not be sufficient to meet QPS's obligations to verify an agent's identity in all instances.

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**Recommendation 23**

It is recommended that the Queensland Police Service (QPS):

Ensure that appropriate evidence of identity is obtained for agents acting on behalf of applicants in accordance with the prescribed requirements, commencing within two weeks of this report being tabled.  Use of letters received from legal representatives as signed by the principal of the firm must be limited to those cases where QPS has had previous dealings with the agent.

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[60] A reference to section 24(3) (making access application) in the RTI Act is also a reference to the equivalent section 43(3) (making access application) under the IP Act.
[61] OIC Information Sheet: Evidence of authority and identity – 3(a) evidence of identity for applicants and agents – access and amendment applications containing the applicant's personal information.

### 8.4.5 Applications: Providing information in an accessible format

Under the government's RTI reforms, individuals within the community have a fair and equitable right of access to government held information. Providing access to an individual in a form other than that requested may restrict the accessibility of the information by the applicant. For example, if an agency only provides access in compact disc (CD) format, this might disadvantage an individual without access to a computer or appropriate software to view the requested documents.

Under section 68 of the RTI Act,[62] if an applicant has requested access in a particular form, access must be given in that form. Access may only be given in a different form without the applicant's consent where providing access in the form requested would interfere unreasonably with the operations of the agency, would be detrimental to the preservation of the document or would involve an infringement of copyright.

The file review and interviews with QPS staff also identified that the unit has followed standard QPS procedures to provide applicants the released material in set formats instead of the format requested by the applicant. At interview, RTIP Unit staff expressed concerns regarding the data security of the provision of material by email, which is a standard option on the whole of government *Right to Information and Information Privacy Access Application* form. The government's express view, as offered on the standard form made according to the legislation, is that email is an appropriate avenue for provision of information. The government's view, as mandated by the legislation, prevails over the local view held within an individual agency. Where QPS has identified that there are specific concerns regarding releasing documents in the format requested by the applicant, it is recommended that QPS discuss these concerns with the applicant and determine whether the applicant will consent to the provision of the documents in an alternative format.

**Recommendation 24**

It is recommended that the Queensland Police Service (QPS):

Give information to applicants in the format requested in line with the practice adopted across government, commencing within two weeks of this report being tabled, unless a specific legislative exception applies.

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[62] A reference to section 68 (forms of access) in the RTI Act is also a reference to the equivalent section 83 (forms of access) under the IP Act.

## 8.5 Internal review

Under section 80(1) of the RTI Act and section 94(1) of the IP Act, a person affected by a reviewable decision may apply to have the decision reviewed by the agency dealing with the application. This is called an 'internal review'. The principal officer of the agency may delegate to another officer of the agency the power to deal with an internal review.[63] The RTI and IP Acts stipulate, among other things, that an internal review application must not be decided by the officer who made the reviewable decision or an officer who is of a lesser seniority to the person who made the reviewable decision.

OIC reviewed QPS's internal review process to assess the agency's compliance with the prescribed requirements of both the RTI and IP Acts. This review examined the delegations and practices for handling internal reviews conducted by QPS during the period 1 July 2010 to 31 December 2010.

OIC noted that the internal reviews were conducted by staff separate from the RTIP Unit. While the RTIP Unit might have provided information to the internal review officer if requested, they did not participate in the internal review. There was a clear distinction of roles, so that reviews were conducted free of influence of the officer who dealt with the original request. There was evidence that the internal review decisions were made independently of the original decision maker. The internal reviews were conducted by appropriately delegated officers in accordance with QPS delegations.

The review also identified that QPS provided applicants[64] with an option of an informal internal review outside of the legislative process. Under this process, applicants were invited to contact the action officer to have the decision looked at again. The informal internal review process was offered to the applicant in addition to seeking the more formal review processes under the legislative process.

Whilst OIC encourages QPS to invite applicants to discuss the merits of a determination made on an application, the informal internal review process exposed the applicants to the risk of losing their review rights under the legislative process. Under sections 82(c) and

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[63] An internal review application may be dealt with under a delegation or direction. See sections 30 and 31 of the RTI Act and sections 50 and 51 of the IP Act.

[64] Or third parties that also have a right of review under the RTI Act or IP Act. References to 'applicants' in the remainder of this section are taken to also include third parties with a right of review.

88(1)(d) of the RTI Act,[65] an application for either an internal or external review must be made within 20 business days from the date of the written notice of the decision. If the applicant relied wholly on the informal process and the informal process took longer than the 20 business days allowed to lodge a request for a formal review, then the applicant would have lost the right to seek a formal review of the decision under the legislative process.[66] Loss of review rights was not observed to have occurred on the files reviewed, but is a serious risk.

Discussion with the applicant after the decision has been made might serve a useful purpose, but must not occur in such a way as to remove the applicant's review rights either explicitly or implicitly.

Accordingly, while applicants might be encouraged to contact the RTIP Unit for clarification of the decision, it is not appropriate to offer an informal review in lieu of a formal internal review, or in a manner that may result in the expiry of the timeframe for a person to seek review.

Further, the formal internal review process does not exclude or limit the ability of the review applicant to discuss the application with the QPS, and OIC encourages such contact with the applicant to resolve issues wherever practicable.

QPS advise at the time of finalising this report that this has now been addressed however OIC is yet to verify this.

## Recommendation 25

It is recommended that the Queensland Police Service (QPS):

Include in the decision notice only those internal and external review rights set out in chapter 3, parts 8 and 9 of the RTI Act and equivalent sections of the IP Act within two weeks of this report being tabled.

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[65] A reference to section 82(c) – Applying for internal review and section 88(1)(d) – Applying for external review is also a reference to the equivalent sections 96(c) and 101(1)(d) under the IP Act.
[66] The Information Commissioner may allow a longer period on an application for external review, under section 88(1)(d) RTI Act.

## 8.6 Privacy Principles

The purposes of the IP Act are to provide safeguards for the collection and handling of an individual's personal information held in the public sector environment and to provide a right of access to and amendment of personal information in the government's possession or under its control.[67] The Information Privacy Principles (IPPs) govern how public sector agencies collect, store and use personal information in their possession or under their control.

### 8.6.1 Collecting personal information

The collection of personal information is a fundamental area of privacy regulation. Whenever an agency invites the provision of personal information electronically, either through an email to an agency contact email address or by completion of a form, IPP 2 requires that the agency takes all reasonable steps to advise the individual of:

- The purpose of the collection.

- Any law that might authorise or require collection.

- The identity of any entity who might receive the information either in the first or second hand if it is the agency's usual practice to disclose personal information of the type collected.

This information can be referred to as a 'collection notice'.[68] Collection notices promote transparency. They allow the individual to understand the agency's personal information handling practices.

As mentioned previously, in September 2010, OIC conducted a desktop audit of the agency's publication scheme, disclosure log and compliance with IPP 2.[69] In the report issued to QPS, OIC noted improvement opportunities in relation to providing collection notices when collecting personal information via email correspondence and agency forms.

This review found that in general, the QPS website did not provide individual collection notices in conjunction with email contact addresses. In their response of June 2011 to the

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[67] Section 3(1)(a) and (b) of the IP Act.
[68] The term 'collection notice' is not used in the IP Act. OIC uses the term 'collection notice' to denote information provided to an individual by a government agency that complies with IPP 2.
[69] And IPP 5, which requires agencies to take reasonable steps so that an individual can find out whether the agency has any documents containing personal information, what those documents are and how to access them.

desktop audit, QPS stated that the QPS Privacy Policy, which is immediately accessible from each page of its website, is adequate.  OIC is satisfied that the 'privacy link' at the bottom of every page deals with the collection and use of personal information in relation to email correspondence received by the agency.  Whilst this method of notification is not considered best practice, it does however meet the standard QPS needs to achieve in meeting its requirements under IPP 2.

Existing agency forms are reviewed by the RTIP Unit periodically every two years for compliance with the privacy principles.  All new forms created by QPS are also referred to the RTIP Unit to examine compliance with the privacy principles prior to their introduction. OIC has worked with QPS to examine individual forms and provide specific advice as to which forms require a collection notice.  QPS advised in their letter of June 2011 that these forms were currently being reviewed and would be amended as required.

QPS stated that many QPS forms capturing personal information are used for purposes that are considered necessary for law enforcement functions.  QPS is of the view that these forms do not require a collection notice by virtue of the provisions of section 29(1) 'Special provision for law enforcement agencies' of the IP Act.  OIC notes this response and is of the opinion that the IP Act exemption is conditional and thus needs to be considered for each policing activity in which the information privacy principles would be applied.

The generic wording of collection notices in the agency forms does not address the disclosure of personal information to other police jurisdictions.  Currently, there is no capacity under the IP Act for QPS to provide personal information to other State and Federal agencies under IPP11(1)(e) – the law enforcement exemption.  In this regard, to disclose personal information to other State and Federal agencies, QPS must either have the consent of the individual for the disclosure, or have a lawful authority to disclose the information under an Act, or fall within one of the provisions of IPP 11(1).

## Recommendation 26

It is recommended that the Queensland Police Service (QPS):

Review all forms over the next 12 months to include collection notices as needed.

**Recommendation 26**

Ensure that disclosure of information to State and Federal law enforcement agencies is only done with the consent of the individual or in accordance with lawful authority under an Act, commencing within two weeks.

## 8.6.2   Security and storage

While a full review of the agency's compliance with IPP 4 was not conducted as part of this review, one item of concern was identified during the desktop audit. A unit within QPS appears to be using BigPond email accounts to conduct official Government business.

The on site review found that QPS Information Security Manual Appendix A states:

> *Unauthorised use of ICT facilities and devices includes, but is not limited to, all of the following unless exempted, in writing, by a commissioned officer or equivalent manager for official QPS business or professional research and development:*
> *….*
> *- webmail*

It is clear that the usage by the internal unit in this case is for official QPS business.  It is also clear that the use of webmail, such as the BigPond email, could be considered to be an unauthorised use.  The use of the BigPond email could be approved if the business unit had an exemption in writing from a commissioned officer or equivalent manager.  This review did not find evidence of such an exemption.

In their letter of response to the desktop audit dated June 2011, QPS advised that they had reviewed these issues and were satisfied that Telstra's policies ensured that information transmitted to QPS via Telstra BigPond emails was handled in a manner compliant with the IPPs.

This response did not address the issue in question.  Without a written exemption, the practice of using the BigPond email is inconsistent with QPS's own policy.  Proper application of QPS's policy would provide additional protection for the information. This should be rectified in the interests of safeguarding personal information so it is protected and respected.  QPS advise at the time of finalising this report that this has now been addressed however OIC is yet to verify this.

**Recommendation 27**

It is recommended that the Queensland Police Service (QPS):

Within three months, if a business unit is seeking an exemption to the ICT usage policy under the QPS Information Security Manual, then a written exemption must be obtained.

Within two weeks, a written exemption must be obtained for the use of the BigPond email account identified in the desktop audit, in line with QPS's policies.

### 8.6.3 Access to and amendment of personal information

This review considered QPS's obligations under IPP 6 (Access to documents containing personal information) and IPP 7 (Amendment of documents containing personal information). This review assessed a randomly selected sample of 15 IP access and amendment application files for compliance with Chapter 3 of the IP Act. General compliance issues identified by OIC in relation to the prescribed requirements of Chapter 3 have been reported previously in this report under section 8.4 – *Applications*.

One of these applications raised a specific point relating to the amendment of personal information. The applicant requested his personal information be deleted, as the applicant believed the statement was incorrect and unsupported by the documentation held by QPS. QPS expressed the view that deletion was not a valid amendment under the IP Act and so the application was not an application for amendment.

OIC is of the view that the IP Act provides individuals with a right to request personal information relating to them be amended if inaccurate, incomplete, out of date or misleading. Requirements under the *Public Records Act 2002* to make and keep full and accurate records do not prevent an agency from updating incorrect or out of date information in its records, or deleting incorrect information. Therefore, if a record of personal information is incorrect, it can be deleted. If the agency decides under section 70 of the IP Act to refuse the application to amend the information the agency must inform the applicant of the decision and the reasons for the decision.[70]

OIC is of the view that in this particular case, QPS's view was not supported by the legislation. Furthermore, OIC considers the applicant was not appropriately advised of the

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[70] IP Act section 70(b).

decision and the reasons for the decision in the written notice of the decision. OIC notes that the matter was handled by both the RTIP Unit and the Ethical Standards Command.

The correct legislative position, that is, that QPS can delete personal information in response to a request for amendment of personal information, needs to be clarified and steps taken to ensure that future matters are determined in accordance with the legislation with respect to the deletion of personal information.

**Recommendation 28**

It is recommended that the Queensland Police Service (QPS):

Clarify within two weeks of this report being tabled for all officers involved in handling applications or complaints under the IP Act, by writing into policy that personal information can be deleted in response to a request for amendment of personal information, and take steps to ensure future applications for amendment of personal information are handled in accordance with the legislation with respect to the deletion of personal information.

# 9 Conclusion

This report detailed the findings of OIC's review of QPS's progress in implementing the government's RTI and IP reforms.

The essential issue for QPS is to embrace the culture of openness that is at the heart of the right to information reforms.

A shift to an open information culture presents challenges to investigatory agencies. Safeguarding of information can be an integral part of some operational investigations, and a strong culture built on a common understanding of the rules surrounding information sharing best serves the integrity of investigations.

Part of the shift to an open information culture requires compliance with the RTI and IP Acts. Compliance with the law is important for all public sector agencies, few more important than QPS given its special responsibilities. Work has occurred in the RTIP Unit to implement the reforms from an access application processing point of view, but more needs to be done to bring both the RTIP Unit and agency processes and practices into conformity with the legislation.

That there might be tension between QPS's strong culture concerning the operational requirements and the lawful obligation for open and transparent administration is self evident. A shift from the current dominant QPS position that

*all documents are closed unless absolutely necessary*

to the position that

*all documents are open unless there is a good reason for them not to be*

is yet to occur in the minds and actions of all sections of QPS.

This report acknowledges the value of the practical achievements that QPS has realised in publishing information as a matter of course, for example, in the Publication Scheme. These practical achievements can be built upon by implementing the recommendations of this report.

QPS would go a significant way in achieving the objectives of the reforms by publishing its crime statistics. These statistics are published in many other jurisdictions and can be

published in a way that substantially supports operational policing. Open government is a strategic approach to better detection, prevention and investigation of crime.

# APPENDICES

## Appendix 1 – Acronyms

| | |
|---|---|
| CEN | Charges Estimate Notice |
| FOI | Freedom of Information |
| repealed FOI Act | repealed *Freedom of Information Act 1992* (Qld) |
| ICT | Information and Communications Technology |
| IP | Information Privacy |
| IP Act | *Information Privacy Act 2009* (Qld) |
| IPP | Information Privacy Principle |
| IS44 | Information Standard 44 |
| ISC | Information Steering Committee |
| OIC | Office of the Information Commissioner |
| OLP | Online Learning Program |
| QGEA | Queensland Government Enterprise Architecture |
| QPS | Queensland Police Service |
| RTI | Right to Information |
| RTI Act | *Right to Information Act 2009* (Qld) |
| RTIP Unit | Right to Information and Privacy Unit |
| RTIPS | Right to Information and Information Privacy Case Management System |

# Appendix 2 – Terms of Reference

**Terms of Reference – Review of Queensland Police Service Right to Information and Information Privacy Information Handling Practices**

1. **Objectives of the Review**

1.1. The objective of the review is to establish whether the Queensland Police Service is complying with the prescribed requirements of the *Right to Information Act 2009* (RTI Act) and the *Information Privacy Act 2009* (IP Act), to identify areas of good practice, and make recommendations about any improvement opportunities identified by the review.

2. **Scope of the Review**

2.1. The audit will cover the Queensland Police Service's policies and procedures for RTI and IP information handling practices, including:-

   2.1.1. Agency governance (leadership, governance mechanisms, information management, policies, procedures, delegations and roles and responsibilities of key personnel and training);

   2.1.2. Accountability and performance monitoring systems;

   2.1.3. Whether or not the agency is maximising disclosure, by reviewing statistical reporting (including internal reporting and annual reporting under section 185 RTI Act);

   2.1.4. Compliance with legislatively based requirements for:

      2.1.4.1. Access and amendment applications and processing (parts 2 - 4);

      2.1.4.2. Decision making (part 5);

      2.1.4.3. Processing and access charges (part 6);

      2.1.4.4. Giving access (part 7);

      2.1.4.5. Review processes, including internal review of decisions (part 8);

      2.1.4.6. An agency publication scheme (s21);

      2.1.4.7. An agency disclosure log (s78).

   2.1.5. A survey of client satisfaction with the application process.

3. **Suitability Criteria for Assessing Performance**

3.1. The review is based on an assessment of the performance of the agency against the requirements of the *Right to Information Act 2009* and the *Information Privacy Act 2009*, and any subordinate guidelines or instruments made pursuant to the legislation.

3.2. Where the legislation states that the agency must meet a particular requirement, that requirement is considered to be an auditable element of the legislation. The review tests whether or not the agency has complied with that requirement.

3.3. Where the legislation indicates that the agency should adopt a particular approach, the review will make a qualitative assessment of the extent to which the agency has adopted that approach.

3.4.  These requirements are summarised in the electronic audit / self assessment tool available for preview on the OIC website and previously sent to you.

**4.   Assessment Process**

4.1.  In conducting the review, the Manager, Performance Monitoring and Reporting (Ms Karen McLeod) and the Senior Performance, Monitoring & Reporting Officers (Ms Celina Harlow and Mr Dean Girvan) will work through the testing program with your staff to ensure that each relevant area of practice has been considered and appropriate evidence gathered to support findings.  Appropriate evidence may be gathered through the following processes:

4.1.1.  Discussions with relevant staff and management;

4.1.2.  Observation and walkthrough of RTI and IP handling practices;

4.1.3.  Examination of agency RTI website including publication schemes and disclosure logs;

4.1.4.  Examination of agency intranet;

4.1.5.  Review of statistical records/reporting; and

4.1.6.  Substantive testing of a random sample of application and internal review files.

**5.   Reporting**

5.1.  The report will outline findings and make recommendations, where necessary, to improve the Queensland Police Service's implementation of the RTI and IP reforms.

Issues identified during the review regarding the agency's implementation will be raised progressively during the review process. If necessary, OIC will provide a briefing to management within the Queensland Police Service before drafting the review report.

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

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

This final report, together with any comments of the Commissioner for Police and the formal response to recommendations, will be submitted to the Parliamentary Committee for Law, Justice and Safety and tabled in Parliament.

**6.   Administrative Matters**

6.1.  <u>Timing</u>

At this stage, it is envisaged that the on-site review will commence in January 2010 and will be finalised by late February 2010.  The exit meetings and report drafting should be concluded by the end of March 2011, assuming circumstances do not intervene.

### 6.2. Request for Information

Further information is requested in preparation for the on-site visit (Attachment 2). It would be of assistance if such information could be provided to the OIC as soon as possible, and at the latest within 20 business days, for the efficiency of the on-site visit.

### 6.3. Facilities

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

# Appendix 3 – File Sampling Methodology

OIC agreed to sample files from a list of files handled between July and December 2010. A log of these files was forwarded to OIC by compact disc, under cover of a letter dated 17 December 2010.

The logs were provided in five categories:

1. Access applications made under the IP Act between 1 July 2010 and 14 December 2010 (788 applications)

2. Amendment applications made under the IP Act between 1 July 2010 and 14 December 2010 (1 application)

3. A summary of access applications made under the RTI Act between 1 July 2010 and 14 December 2010 (419 applications)

4. Internal reviews conducted under either the RTI Act or IP Act between 1 July 2010 and 14 December 2010 which are not the subject of an open external review (2 received)

5. Access applications made under the RTI Act between 1 July 2010 and 14 December 2010 where access was granted to non-personal information (135 applications).

In addition on 6 January 2011 logs were provided for applications from 1 July 2010 where the agency refused to deal with the application under Part 4 of the RTI or IP Acts (11 applications).

A sample of 36 files were randomly[71] selected for review out of the 1208 application files listed. The amendment application was one file reviewed.

The two internal review files were reviewed.

Out of the 135 application files made under the RTI Act where full information was released, a randomly[72] selected sample of 25 files was reviewed to assess compliance with requirements for publication of information in the disclosure log.

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[71] The files were selected separately from the four categories IP amendment, IP access, RTI access and applications where a decision was made to refuse to deal. The standard Excel random number generator was used to select a random sample of files from the IP access and RTI access categories. Where four files that were randomly selected were duplicates, not finalised or outside the review period, replacement files were chosen. Two replacement files were selected as decision codes LAPS and REFT to ensure coverage of all decision codes in the sample. The IP amendment file and all 11 refusal to deal files were reviewed.

This standard stratified statistical sampling methodology enables findings to be extrapolated from the file sample reviewed to the entire pool of applications. In this regard, if an item was identified on two files out of the 36 files sampled, which represents 6% of the test sample, this is taken to be representative of the total group of application files. This 6% extrapolated to the 1208 application files results in an expected occurrence on 67 files. The materiality of issues identified is measured by a combination of the number of occurrences identified and the severity of the occurrence. For each issue identified during the file review QPS staff were interviewed and provided with an opportunity to provide additional evidence or explanation around the issue. This information was considered in assessing each issue for inclusion in the report.

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[72] The standard Excel random number generator was used to select a random sample of files.

# Appendix 4 – QPS stated community engagement activities

**QPS Community Engagement Initiatives**

**Media and Public Affairs**

The QPS has the most significant social media presence within the Qld Government.

Social media provides immediate two-way communication with the public, and in September 2011, more than 51,000 pieces of feedback from the community were posted on the Facebook page.

The QPS also has the only 24-hour media room in the Queensland Government, and on an average month, about 400 media releases and responses are released through Queensland Police Media.

**Crime Busters**

The QPS is trialling the web based publication of crime statistics and crime prevention information through partnerships with media outlets in Townsville and more recently the South Eastern Region. As well as raising public awareness of property crimes in these areas, the initiative has created National interest from other police jurisdictions and media outlets.

**Crime Bulletins** continue to be published in each police district.  Copies of the Bulletins are available online at http://www.police.qld.gov.au/Regional+Policing/.

**Community Consultation**

The QPS works in partnership and shares information with other government agencies and community groups to inform policy and practices to meet the needs of the wider community.  Some examples of these forums are:

**The Queensland Homelessness Intersectoral Forum (QHIF)**
Convened by the Department of Communities has been used as a principal consultation mechanism for the Queensland Government Strategy on Homelessness.

**The Youth Justice Reference Group**
Issues related to the operation of the Youth Justice Act - With Key Youth Peak bodies convened by the Department of Communities.

**Torres Strait Island Regional Council**
Negotiation with the Torres Strait Island Regional Council regarding future police models.

**Police Ethnic Advisory Group (PEAG) (bi-monthly meetings)**

**African, Chinese, Vietnamese, Japanese and Pacific Islander forums**

**Indigenous Review and Reference group (monthly)**

**Regional Consultative mechanisms (Indigenous Community Police Consultative Groups)**

**Community Safety Plans**
The QPS is working in partnership with Aboriginal and Torres Strait Islander Services and other government departments to promote the implementation of Community Safety Planning to better coordinate community safety and crime prevention initiatives at a local level.

**Building Safer Community Action Teams (BSCAT)** are local level crime prevention partnerships involving representatives from local government, police and key community organisations, business representatives, local government and relevant State Government departments established to reduce local crime.

There are approximately **850 Adopt-a-Cops** performing duties in over 1,050 primary and secondary schools, and to a lesser extent, in early childhood centres, special schools, retirement

villages and community groups.  In addition, there are **35 School Based Police Officer** positions in 47 Queensland State secondary schools.

The **Seniors and Online Fraud Project** is a QPS research initiative where seniors (aged 50 years or older) across Queensland were interviewed regarding their experiences of receiving fraudulent email requests asking for money, personal details or passwords. The results of this study are being used to inform new crime prevention strategies to reduce the likelihood of online fraud victimisation of seniors.

**Crime Prevention Through Environmental Design** (**CPTED)** workshops are conducted in Brisbane and regional centres across Queensland for police providing advice to the community and for local and State Government personnel involved in planning, design, development and management of community and social infrastructure.

**Neighbourhood Watch:**  There are 540 active Neighbourhood Watch areas in Queensland. The Neighbourhood Watch Queensland (NHWQ) internet site (www.nhwq.com.au) provides easy access to consistent information and a central point of contact for the NHW program.

**Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Liaison Program** maintains effective liaison between police and LGBTI communities. There are approximately 120 LGBTI liaison officers throughout the State. Contact details for liaison officers are available on the QPS website.

**Party Safe** information and resources are provided by the QPS for distribution within the community to organise safer private parties and improve local intelligence on functions that may require police attention.

**Youth Violence Taskforce and Seniors Taskforce**
Includes representatives of the community and key stakeholders such as the Matthew Stanley Foundation.

# Appendix 5 – Details of Community Consultations

OIC asked community groups and other QPS stakeholders about the information and data they would like QPS to make available to the community.

Eight groups were selected as a sample of the stakeholders that might be interested in QPS information and data and seven were interviewed.[73]  OIC identified the sample of government and community groups as being representative of the community if they interacted with QPS or QPS clients as client representatives, legal representatives, researchers or community interest groups.  The stakeholder groups interviewed were:

- Prisoners Legal Service (Caxton Legal Service attended, with input from Queensland Advocacy Incorporated), Brisbane

- Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd, Brisbane

- Crime and Misconduct Commission (CMC), Brisbane

- Centre of Excellence in Policing and Security, Griffith University (researchers from other groups within Griffith University and the University of Queensland attended), Brisbane

- Queensland Centre for Domestic and Family Violence Research, Central Queensland University, Mackay

- Neighbourhood Watch Queensland, Coomera; and

- Legal Aid Queensland.

A letter of invitation was sent to stakeholder groups on 19 May 2011, attaching questions so that stakeholders could consider their responses in advance (the list of questions is provided at the end of this appendix).  Interviews were conducted between 7 June and 7 July 2011.

Overall

Stakeholders were very interested in discussing the publication of QPS information.  For five of the seven interviews, stakeholders brought multiple people from their own organisation or brought people from other organisations to the interviews.  Stakeholders were willing to share case studies and examples to support their views.

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[73] The eighth group was Relationships Australia, which has replaced the Victims of Crime Association.  While attempts were made to arrange an interview, it was not possible to do so prior to the conclusion of this review.

The general tone of the interviews was positive and supportive.  The overwhelming impression for OIC was that stakeholders wanted information for research or to improve their own services.  In some cases, stakeholders wanted information in order to commence discussions or lobby for improvements to the legal system or QPS procedures or practices.

Stakeholders believed that increased sharing of information between QPS and the community would lead to an improved system.  As one stakeholder interested in Indigenous issues said, 'Increased transparency leads to more trust.  Particularly in Indigenous communities, trust is important.'  Stakeholders also commented that they had had positive dealings with helpful individuals within QPS, and that QPS culture was becoming more open.

Stakeholder groups did not think that the possible negative impacts of publishing QPS held information should prevent the release of that information.  For example, stakeholders said that the possible impact of publishing crime statistics on tourism or property sales should not prevent the publication of the crime statistics.  They believed that the currently available information did not have a visible impact on these activities and considered that publication of information might alert communities to issues to be addressed.  One stakeholder said 'As long as people know the facts, that is empowering in itself.  I think facts are good.'

Stakeholders did identify other possible risks associated with publication of information, for example, that certain information could be used to vilify particular communities.  They thought this could be managed by publishing the information with explanatory notes.  One stakeholder said 'The more information that's out there, the more information literate the community becomes.'

The researchers identified that data has not been made available to them on the grounds that the privacy principles prevent data being released.  The researchers have said that on occasion, they need personal identifying information for some research to be able to match data across data sets, for example, to match records across databases held by different government agencies, such as QPS, the courts and Corrective Services.

In other jurisdictions, statistics are coordinated and provided by a central agency, for example, BOCSAR in New South Wales.[74]  Stakeholders commented that there were

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[74]  The Bureau of Crime and Statistics and Research, viewed at http://www.bocsar.nsw.gov.au/

agencies in Queensland that could adopt a central role for providing and analysing statistics, for example, the CMC or Office of Economic and Statistical Research.

Researchers commented that where university based research undergoes an ethical approval process prior to being conducted, this would assist in mitigating concerns about risks of releasing data to academic researchers.

Listed below are the specific comments or information requirements mentioned by stakeholders. Stakeholders said that they were not necessarily aware of the information held by QPS, so these information requests are made on the assumption that this information is held by QPS. Publication of QPS information holdings would assist stakeholders in seeking information from QPS that is held by QPS.

Current information provided by QPS that stakeholders regarded highly

- Crime Bulletins

- the Criminal Justice Bulletin was useful, last published in 2006

- the QPS Facebook page and Twitter during the floods

- annual publication of statistics

- number of police per region or command

Research needs

Community groups are interested in the following information to assist them in conducting research:

- statistics on domestic violence by region, for example, the number of incidents reported to QPS; the number of incidents resulting in a Domestic Violence Prevention Order (DVPO); the number of incidents resulting in criminal charges; the number of breaches of DVPOs per client; the number of breaches dealt with under civil or criminal law; and details of respondents, such as gender, relationship type (spousal, care provider etc) and cultural or ethnic group

- data relevant to the proposed national framework for data collection relating to the reduction of violence against women and children, which is to be developed following a commitment by the Council of Australian Governments (COAG) signed in February 2011 as part of a 12 year plan

- data relevant to a federal initiative to collect data across courts operating in the civil justice jurisdiction to enable national comparisons

- the use of move on directions and cautions with Indigenous and non-Indigenous people or young people

- in order to understand the impact of fines on people living in poverty, examples of information sought are:

  o the average debt of an Indigenous person in specific communities

  o the number of people in custody for debts over a certain amount, for example, fine default in excess of $50,000

  o the number of people incarcerated for fine default

- the number of people of no fixed address (for example, homeless) by region

- victim categories for elder abuse

- any statistics on QPS activities that involve infringements of individual rights, for example

  o deployment of Tasers – all raw data showing the time and duration of each deployment of each machine could be downloaded from each machine and tabled once a year in Parliament (three stakeholders mentioned this)

  o use of Random Breath Testing equipment

  o introduction of the use of Oleoresin Capsicum (OC) spray or spit hoods

  o searches involving more than a 'pat down'

  o the use of telephone intercept powers

- a list of information held by QPS

- the types of information held by different business units within QPS, for example, photographic information and different types of documentation

Information to assist stakeholders to improve or target their services

Stakeholders providing services directly to the community, for example, legal advice, training or information, were interested in QPS held information that would assist them to provide additional services or improve the services currently provided:

- information about the incidence of crime to at least the street level, and for academic researchers, to the coordinate level (one example was provided about how information about property crime at the street level was used to target crime prevention activities in a particular community, with excellent results)

- copies of warrants and the impact on fine defaulters of executing warrants (including guidelines applied by the Warrants Evaluation Committee when deciding whether or not to imprison fine defaulters), so that legal services can advise their clients appropriately

- the parameters of any police discretionary powers, to assist in provision of legal advice and legal services

- incidence of specific police activities in specific communities, for example, domestic violence callouts, dealing with unlicensed driving and glue sniffing, to assist stakeholders to provide targeted training to people in those communities

- a summary of changes to police procedures (similar to a publication by Corrective Services) and updates to police powers, for example, powers of search, and use of DNA testing, to assist with provision of legal advice and legal services

- if appropriate, advance notice of QPS activities that might result in an influx of a particular type of work, to assist with planning for service delivery

- standard operating procedures for QPS – free of charge – to assist with research, and the provision of legal advice and legal services

- where QPS is in a position to coordinate between service providers or community groups, it would be useful if QPS:

  - facilitated a process so that service providers or community groups from different regions could share ideas about strategies, and

  - standardised the type of QPS information made available to service providers

Information that might lead stakeholders to talk to QPS about possible improvements to QPS procedures or practices

- guidelines for QPS use about the apprehension interview for people with a mental illness – the concern is that some people are being taken to the watchhouse when it might have been more appropriate to take them to a hospital

- the curriculum for training at the Queensland Police Academy – the concern being that information about target groups might be provided at the end of the training, possibly after assessment has concluded, implying that information about target groups is not important to operational policing

<u>Information that stakeholders believe might be held by QPS that would be usefully published</u>

Stakeholders believed that some QPS held information was of general public interest:

- policy documents

- QPS responses to recommendations, for example to CMC recommendations, including details of the activities undertaken by QPS in response to recommendations (three stakeholders identified this as useful)

- information about complaints received, the QPS response and outcomes

<u>Characteristics of information that are important to community stakeholders</u>

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

- it is important that the information is complete and correct (four stakeholders)

- not providing percentages alone, but providing raw data instead of or in addition to percentages (an example was given that if a stakeholder is researching incarceration by offence, and the overall incidence of offending went down but the number of people incarcerated stayed the same, the percentage of people incarcerated for that offence would go up – which might create the false impression that the rate of offending was increasing) (three stakeholders)

- the information includes demographic breakdown, and in particular, information about whether or not people were Indigenous or non-Indigenous (three stakeholders)

- the ability to print out the information

- if there is a risk of misuse of any information, the information should be published with explanatory notes

- consistently recording data statewide (three stakeholders)

- providing information in a form that is machine readable and reusable, for example a data cube as per the Australian Bureau of Statistics publications

- generally, the publication of information on a quarterly basis was seen as sufficient, although for some specific academic research, it might be useful to be able to negotiate access to data more frequently

- if information is made readily available on-line, with some analysis already done, this is particularly useful for older members of the community, who might not be as familiar as younger people with strategies for finding and collating data on-line

<u>Comments on current processes for obtaining information</u>

Stakeholders commented on the current system for obtaining QPS information:

- the best way to get information is to use contacts, particularly any in the Commissioner's office, and rely on good will and helpfulness of individuals

- national forums for law reform and other stakeholders are helpful

- attendance at meetings with QPS, for example, Cultural Advisory Unit or police consultative groups, can be helpful, but the formal structures are not as effective

- often it is important to know what is there in order to be able to find it, as the information might be available but it is not readily identifiable or accessible – stakeholders report that the best strategy to deal with this issue is to find a member of QPS to assist, either informally through networking or formally through a secondment or employment (three stakeholders)

- if the local contact person from QPS is not interested, then little can be achieved at the local level

- a couple of stakeholders have specific powers provided for by legislation that give access to QPS held data for specific purposes

## Questions sent to Stakeholders for Community Consultation

**Specific questions about QPS held information – to assist you in considering QPS publication of information.**

With respect to information that you know is held by QPS:

- What information held by the QPS is/might be of assistance to your organisation?

- Would this information be primarily of use for your organisation or for your clients? If it is for your clients then please identify the type of client who would benefit from this information.

- What could you or your clients do with the information?

- Do you think there are risks in QPS publishing this information?

With respect to information that might or might not be held by QPS:

- To what extent does your organisation conduct projects, lobby government, make submissions on legislative amendment or other community wide activities?

- Can you identify any of your projects or community wide activities where QPS might have information relevant to your activity or where QPS information might have been important to you but not publicly available?

With respect to information that is already being released:

- Is information that is currently released provided in an acceptable time period? If not, how often should this information be released?

- Is information that is currently released provided in a form useful to your organisation or clients? If not, what form would improve its usability?

- Is there anything QPS currently does which assists you in making use of the information that is released? For instance, does QPS have a facility to provide alerts when information is released, is information released in multiple formats, is information released specific to an area or is there a QPS contact available to discuss information released.

- Are there any impediments to making use of information that is released? If so, what would assist to reduce or remove these impediments?

# Appendix 6 – Queensland Police Service Action Plan
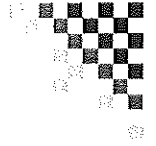
Our Ref:

Your Ref:

Ms Julie Kinross
Information Commissioner
PO Box 10143
Adelaide Street
Brisbane QLD 4000

Dear Ms Kinross

I acknowledge your letter of 20 September 2011 and the accompanying report on the Queensland Police Service's compliance with the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

I note the Executive Summary and the body of the report which includes some of the Service's achievements in making information available to the community in accordance with the Right to Information and Information Privacy reforms and otherwise.

After careful consideration of the compliance review, I consider all the recommendations should be implemented subject to potential issues such as resource availability and interpretation.

I note the text associated with Recommendation 13 and the comment at page 85 of the report that *"QPS would go a significant way in achieving the objectives of the reforms by publishing its crime statistics"*, and the relevant dot point in the Executive Summary.

The QPS is currently trialling the web based application of crime statistics through partnerships with media outlets in Townsville and more recently the South Eastern Region. As well as increasing community awareness and participation to reduce crime, the initiative has created national interest from other police jurisdictions and media outlets.

The QPS is committed to publishing crime statistics and related information. We continue to progress that within the overriding framework of providing the best possible outcomes for the Queensland community, being mindful of the issues such as privacy and investigative competency.

The QPS' use of social media has received national and international recognition, and is considered a world leader in using this medium to communicate with the public. I welcome further opportunities for improvement to meet community needs and expectations.

I enclose the QPS response to each of the recommendations referred to in the report.

I note the timeframes associated with the recommendations, some of which are 'immediate' and some within two weeks. We will progress the implementation of the recommendations as soon as is reasonably possible and practical, and in consultation with your office. In that regard the QPS proposes to provide a quarterly update to you on their progress.

It is also my understanding that whilst not reflected in the report some of the recommendations have been addressed as the review has progressed and can in fact now be regarded as completed.

As you are aware, the QPS handles one of the highest volumes of access applications in the public sector. The Service faces wide ranging demands across the State. We will progress these matters both specifically and broadly and trust that your office will provide support, advice and assistance in this regard.

Yours sincerely

**R ATKINSON**
**COMMISSIONER**

# Response to the Recommendations of the Office of the Information Commissioner Compliance Review of the QPS 2011

Queensland Police Service Action Plan

| Rating | Description |
|---|---|
| Within two weeks of this report being tabled | OIC considers immediate attention is required to complete the action |
| Short term | OIC considers that action is required within three to six months |
| Within 12 months | OIC considers that action is required within 12 months |

| OIC recommends:- | | QPS response and any proposed management action | OIC Rating | QPS nominated owner | QPS nominated completion date |
|---|---|---|---|---|---|
| # | Recommendation | | | | |
| 1 | Implement a strategic approach in 2011-12 and in subsequent years to increase the effectiveness of the QPS community engagement strategy with respect to pushing information out.  Greater engagement with government and community organisations will identify opportunities that QPS can take up to pro-actively release information that is relevant and useful to the community at large. | Supported.  The QPS has a number of initiatives planned to enhance the availability and access of information between the Service, other government agencies and the community.<br><br>Contemporary approaches such as social media provide immediate two-way communication with the community. During September 2011, QPS recorded over 91 million views of information released on its Facebook page.<br><br>The QPS also engages with government and the community in many forums to inform policy and procedures to meet the needs of the wider community. Examples include, but not limited to, youth justice, homelessness, cross | Within 12 months | Executive Director, Office of the Commissioner<br><br>Executive Director, Media and Public Affairs<br><br>Chair, Information Steering Committee | October 2012 |

| OIC recommends:- | | QPS response and any proposed management action | OIC Rating | QPS nominated owner | QPS nominated completion date |
|---|---|---|---|---|---|
| # | Recommendation | | | | |
| | | cultural and indigenous affairs, road safety, seniors and youth violence. | | | |
| 2 | Issue an agency wide communication to all business units within three months to reinforce QPS's commitment to the right to information reforms, and the requirement that QPS staff operate in accordance with QPS's Operational Procedures Manual.<br><br>Review wording contained in requests for information sent to QPS units to ensure obligations are clearly stated and convey the requirements of QPS's policies contained in the Operational Procedures Manual.<br><br>Issue procedures within six months for dealing with the receipt of redacted material from other QPS units in response to requests for information to assist the Right to Information and Privacy (RTIP) Unit to process applications for information, in line with QPS's policies and the RTI and IP Acts. | Supported. | Short term | Executive Director, Administration Division | April 2012 |
| 3 | Provide active leadership through the Information Steering Committee and the Information Champion in 2011 12 and in subsequent years to improve the availability and accessibility of information and to progress the right to information reform process, in accordance with the Queensland Government Enterprise Architecture guidelines with respect to the RTI and IP reforms, the legislation and the Ministerial Guidelines. | Supported. The recent QPS corporate governance review confirms the QPS Information Steering Committee's role within the corporate governance structure to carry out its QGEA and Information Management Governance obligations.  The QPS values the appropriate access of information and will continue to seek better ways to improve the availability and accessibility in subsequent programs of work. | Within 12 months | 1. Chair, Information Steering Committee<br><br>2. Information Champion | November 2012 |

| OIC recommends:- | | QPS response and any proposed management action | OIC Rating | QPS nominated owner | QPS nominated completion date |
|---|---|---|---|---|---|
| # | Recommendation | | | | |
| | | | | | |
| 4 | Review the leadership and implementation of the RTI and IP reforms across the agency to ensure access applications are being used as a last resort.<br><br>Ensure the RTIP Unit's priorities are focussed on making the processing of access applications fully compliant with the legislative obligations and pro-actively managing to ensure QPS fully implement the RTI and IP reforms across all of its business processes. | Supported and in progress. Since the legislation was introduced, systems and processes for improved capability in RTI and IP reforms have been gradually implemented within the RTIP Unit and across the Service within resource priorities. | Short term | Executive Director, Administration Division | April 2012 |
| 5 | Ensure within six months that the Information Champion role is fulfilled by a position with the positional power to lead systems and cultural changes across the organisation | Supported. The Deputy Chief Executive (Resource Management) is the appointed Information Champion within the QPS. The responsibilities of this position are consistent with the requirements of the recommendation. | Six months | Executive Director, Administration Division | Completed |
| 6 | Review all relevant documents on the QPS intranet within six months to ensure the documents support the RTI and IP objectives and are up-to-date. Particular priority should be placed on improving the profile of the RTIP Unit web pages to ensure that members of QPS can readily access more comprehensive, up-to-date and relevant information on RTI and IP. | Supported. A review of all documents published on the intranet will be undertaken within six months. | Short term | Executive Director, Administration Division. | April 2012 |
| 7 | Within two weeks of this report being tabled, amend the RTI webpage so that users are aware of their right to make a complaint when information in the agency's publication scheme is not | Supported. Advice on how to make a complaint about information not available on the Publication Scheme will be | Within two weeks | Executive Director, Administration | November 2011 |

| OIC recommends:- | | QPS response and any proposed management action | OIC Rating | QPS nominated owner | QPS nominated completion date |
|---|---|---|---|---|---|
| # | Recommendation | | | | |
| | available. | included on the QPS web site. | | Division | |
| 8 | Develop and implement strategic performance monitoring measures over the next twelve months and in subsequent years, to track the progress of implementation of RTI and IP across the agency.<br><br>Publish the developed strategic performance monitoring measures including collected data over time, in accordance with the legislation. | Supported.  The QPS will consider and implement possible strategic performance monitoring measures within resource constraints. | Within 12 months | Executive Director, Administration Division | October 2012 |
| 9 | Monitor the effectiveness of improved visibility and continue to improve promotion and visibility of the QPS's administrative access schemes on the QPS website, within six months, to streamline provision of information to individuals, improve legislative compliance and manage the workload associated with requests for information made under the legislation. | Supported and in progress.  Improved links to administrative access schemes have been provided on the RTI home page. | Short term | Executive Director, Administration Division | Completed |
| 10 | Review the Information Asset Register to identify additional data sets suitable for publication on the internet or through administrative access schemes, as part of the work program for the Information Steering Committee for 2011 12 and in subsequent years. | Supported. | Within 12 months | Assistant Commissioner, ICT | October 2012 |
| 11 | Publish the QPS Information Asset Register within twelve months. | Supported. | Within 12 months | Assistant Commissioner, ICT | October 2012 |
| 12 | Within twelve months, publish in the QPS Publication Scheme the information or datasets identified by stakeholders as listed in the appendix | Supported in principle.  The QPS will continue publishing new information on the Publication Scheme as and when | Within 12 months | Assistant Commissioner, ICT | October 2012 |

| OIC recommends:- | | QPS response and any proposed management action | OIC Rating | QPS nominated owner | QPS nominated completion date |
|---|---|---|---|---|---|
| # | Recommendation | | | | |
| | to this report, where the information or datasets are held by the QPS and do not contain personal information. | identified within resource constraints. | | Executive Director, Administration Division | |
| 13 | Publish in the QPS Publication Scheme a full set of crime statistics, in a machine readable, re-usable format, linked to geospatial information and immediately develop a project plan to address the technical, and policy aspects of publication. | Supported. The QPS is developing a proof of concept for an on-line statistics portal with geospatial capability. | Within 12 months | Assistant Commissioner, ICT | October 2012 |
| 14 | Within three months, ensure that coordination of the QPS's publication scheme is actively managed in line with QPS's governance framework and associated policies. | Supported.  Initiatives to be overviewed by the Information Steering Committee. | Short term | Executive Director, Administration Division | January 2012 |
| 15 | Update current RTIP Unit processes within two weeks, to ensure that if the documents being released do not contain the personal information of the applicant, then all applicants and relevant third parties are notified that the documents may be made publicly available, for example in a disclosure log, as required by the RTI Act. | Supported.  Templates for determination letters and consult letters have been updated. | Within two weeks | Executive Director, Administration Division | Completed |
| 16 | Improve service delivery by incorporating face to face, telephone or email contact with applicants into application handling practices as a matter of course, in order to streamline processing, manage time allowed for processing, and improve the result for the applicant.  In particular:<br>• make early contact with the applicant to clarify the scope of the application, particularly if a request is complex or | Supported.   As identified in the OIC report, the QPS handles one of the highest volumes of access applications in the public sector.  Current procedures encourage contact with applicants throughout the process to clarify information or remedy other processing difficulties where identified.  These procedures have been formalised into | Within two weeks | Executive Director, Administration Division | Completed |

| OIC recommends:- | | QPS response and any proposed management action | OIC Rating | QPS nominated owner | QPS nominated completion date |
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| # | Recommendation | | | | |
| | relates to voluminous records<br><br>• contact the applicant if there are indications that an initial search for documents might be incomplete or if any other processing difficulties arise, to discuss the issue and options for proceeding, including the scope of the application if appropriate; and<br><br>• contact the applicant and follow-up all outstanding concerns about the application with the applicant prior to issuing a refusal to deal notice.<br><br>Describe the above practices in a policy, to take effect within two weeks of this report being tabled. | policy as recommended. | | | |
| 17 | Apply the full functionality of the Right to Information and Information Privacy Case Management System (RTIPS) case management system to deliver more efficient application handling processes within six months.<br><br>Clearly and consistently document within RTIPS any actions taken on files or conversations, commencing within two weeks of this report being tabled. | Supported. The QPS implemented RTIPS in July 2010. A staged roll out of functionality was undertaken to minimise disruption to business procedures and case workloads as personnel became accustomed to the product. | Short term | Executive Director, Administration Division | Within nominated timeframes |
| 18 | Document policies and procedures for arrangements to access information administratively, and promote these arrangements to business units throughout QPS.<br><br>Develop and implement strategies, within three months, to ensure that QPS staff are educated as | Supported. Administrative practices in the RTIP Unit have been reviewed and, where appropriate, training will be provided to facilitate the appropriate filtering of requests within resource constraints. | Short term | Executive Director, Administration Division | April 2012 |

| OIC recommends:- | | QPS response and any proposed management action | OIC Rating | QPS nominated owner | QPS nominated completion date |
|---|---|---|---|---|---|
| # | Recommendation | | | | |
| | to how to filter and direct requests for QPS information holdings appropriately, preferably before reaching the RTIP Unit, so that formal applications are a last resort. Maximise the speed and efficiency of application handling through improved administrative practices in the RTIP Unit. | | | | |
| 19 | Continue to consult internal business units to collect information relevant to the access decision, and ensure that these consultations are documented and a file record kept. Discontinue the incorrect use of the third party consultation provisions of the RTI Act (section 37) for the RTIP Unit to conduct internal consultations with other QPS business units within two weeks of this report being tabled. Where additional time is required for processing an application, the RTIP Unit can use the legislative tools provided for this purpose (for example, asking the applicant for more time to process the application under section 35 of the RTI Act or equivalent section within the IP Act). | Supported and implemented. The practice of using Sect. 37 of the RTI Act to consult with QPS business units occurred infrequently and was only identified on 2 occasions out of 36 files. The practice has been ceased. | Within two weeks | Executive Director, Administration Division | Completed |
| 20 | Document procedures for briefing senior executives and for seeking information from senior executives within three months. Briefing procedures need to be designed so as not to delay the release of information. | Supported. Procedures for briefing senior executives will be documented into the RTIP Unit Standing Operating Procedures Manual. | Short term | Executive Director, Administration Division | January 2012 |
| 21 | Develop and implement template correspondence for RTI and IP application processes within twelve | Supported and implemented. The RTIP Unit has implemented template | Within 12 months | Executive Director, | Completed |

| OIC recommends:- | | QPS response and any proposed management action | OIC Rating | QPS nominated owner | QPS nominated completion date |
|---|---|---|---|---|---|
| # | Recommendation | | | | |
| | months, to ensure all correspondence issued by the RTIP Unit complies with prescribed requirements of the RTI and IP Acts and is consistent and clear. | correspondence for automatic generation including; decision letters, consultation notices, requests for extensions, third party consultations and tracer requests in RTIPs. | | Administration Division | |
| 22 | Accurately estimate and record total processing times on all application files to substantiate any processing fee charged to the applicant, commencing within two weeks of this report being tabled. If more than five hours is spent processing the application and no charge is payable this decision must be recorded. Ensure processing fees are applied consistently to all applications. | Supported and actioned. The acquired RTIPs system has the functionality to create a time control and recording the time spent on files. This functionality will be encompassed into the RTIP Unit RTIPs Manual. | Within two weeks | Executive Director, Administration Division | October 2011 |
| 23 | Ensure that appropriate evidence of identity is obtained for agents acting on behalf of applicants in accordance with the prescribed requirements, commencing within two weeks of this report being tabled. Use of letters received from legal representatives as signed by the principal of the firm must be limited to those cases where QPS has had previous dealings with the agent. | Supported and actioned. RTIP Unit SOP Manual has been updated. | Within two weeks | Executive Director, Administration Division | Completed |
| 24 | Give information to applicants in the format requested, commencing within two weeks of this report being tabled, unless a specific legislative exception applies. | Supported in principle. QPS policy on the provision of information by email to external accounts is to be reviewed. | Within two weeks | Executive Director, Administration Division | March 2012 |
| 25 | Include in the decision notice only those internal and external review rights set out in chapter 3, parts 8 and 9 of the RTI Act and equivalent sections of the IP Act within two weeks of this | Supported. | Within two weeks | Executive Director, Administration Division | Completed |

| OIC recommends:- | | QPS response and any proposed management action | OIC Rating | QPS nominated owner | QPS nominated completion date |
|---|---|---|---|---|---|
| # | Recommendation | | | | |
| | report being tabled. | | | | |
| 26 | Review all forms over the next 12 months to include collection notices as needed.<br><br>Ensure that disclosure of information to State and Federal law enforcement agencies is only done with the consent of the individual or in accordance with lawful authority under an Act, commencing within two weeks. | Supported.<br><br>1. The QPS will review all forms in accordance with the recommendation.<br><br>2. The QPS will undertake a review to ensure that the disclosure of information to State and federal Law Enforcement Agencies is only done according to law. | Within 12 months | Executive Director, Administration Division | October 2012 |
| 27 | Within three months, if a business unit is seeking an exemption to the ICT usage policy under the QPS Information Security Manual, then written exemption must be obtained.<br><br>Within two weeks, written exemption must be obtained for the use of the BigPond email account identified in the desktop audit, in line with QPS's policies. | Supported and Implemented. | Short term | Executive Director, Administration Division | Completed |
| 28 | Clarify within two weeks of this report being tabled for all officers involved in handling applications or complaints under the IP Act, by writing into policy, that personal information can be deleted in response to a request for amendment of personal information, and take steps to ensure future applications for amendment of personal information are handled in accordance with the legislation with respect to the deletion of personal information. | Supported.  It is noted that Sect.74 IP Act also provides discretion to amend by way of annotation. | Within two weeks | Executive Director, Administration Division | October 2011. |

## Appendix 7 – Steps in the Review Process

## OIC Review Methodology

| Methodology | Date | Reference to Charter for OIC Reviews |
|---|---|---|
| Initial letter to Police Commissioner | 25 October 2010 | Letter of introduction. |
| Entry meeting with Police Commissioner | 19 November 2010 | Initial contact meeting. |
| Letter to Police Commissioner confirming Terms of Reference | 23 November 2010 | Engagement letter. |
| Amendment of Terms of Reference after meeting with Acting Superintendent, Manager RTI and Privacy Unit (files reviewed for six months rather than 2009-2010) | 17 December 2010 | Entry meeting with key personnel. Terms of Reference amended to pick up advice on scope - to pick up latest practices post-introduction of computer case management and reduce the amount of work for QPS in the review. |
| Meeting RTIP Unit Superintendent and Inspector confirming all files reviewed and discussing issues | 15 February 2011 | Field work, including file reviews and direct observation. Issues raised with QPS to decide whether or not issues were open for the report. |
| Email to RTIP Unit Superintendent describing the issues arising from the review, including file review, review of policies and other documentation and interviews with staff | 16 March 2011 | Field work, including interviews and review of documentation.  Presentation of open issues to QPS. |
| Community consultation | April to June 2011 | Client interviews. |
| Preliminary draft report provided to QPS Contact (RTIP Unit Superintendent) for review of accuracy, context and terminology | 18 August 2011 | Line management given opportunity to review findings and comment on draft report to provide additional information or correct misinformation. |
| Meeting with QPS contact to discuss comments (RTIP Unit Superintendent and member of staff). | 1 September 2011 | Exit meeting with line management |
| Final comments provided from QPS Contact (Acting Superintendent RTIP Unit) on preliminary draft | 7 September 2011 | Review of report and its recommendations. |

| Methodology | Date | Reference to Charter for OIC Reviews |
|---|---|---|
| Meeting with Police Commissioner<br>Delivery of draft review report | 20 September 2011 | Presentation of final draft to Commissioner. |
| Exit meeting to discuss findings & QPS formal response | 11 October 2011 | Exit meeting with Commissioner. |
| QPS formal response due to OIC | 13 October 2011 | |
| Meetings OIC and QPS to follow-up discussions at exit meeting | 14 October 2011<br>18 October 2011 | |
| QPS formal response received | 20 October 2011 | |
| OIC considers formal response and finalises for submission to Parliamentary committee | 20 October 2011 | |
| OIC submits report to Parliamentary Committee for Legal Affairs, Police, Corrective Services and Emergency Services. | October 2011 | Report must be submitted as soon as practicable after finishing the review (s131 RTI Act). |
| Report tabled in Parliament on next sitting day | October 2011 | S184 RTI Act. |