



Office of the Information Commissioner
Queensland

Results of Desktop Audits 2012-13

Review of Publication Schemes, Disclosure Logs and Information Privacy Awareness in Government Owned Corporations, Local Governments, Statutory Authorities and Universities



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Office of the Information Commissioner
Level 8, 160 Mary Street, Brisbane, Qld 4000
PO Box 10143, Adelaide Street, Brisbane, Qld 4000
Phone 07 3234 7373
Fax 07 3405 1122
Email administration@oic.qld.gov.au
Web www.oic.qld.gov.au

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September 2013

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

Dear Mr Berry

I am pleased to present *Results of Desktop Audits 2012-13: Review of Publication Schemes, Disclosure Logs and Information Privacy Awareness in Government Owned Corporations, Local Governments, Statutory Authorities and Universities*. 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 *Right to Information Act 2009* (Qld), in particular requirements relating to publication schemes and disclosure logs. It also reviews compliance with the *Information Privacy Act 2009* (Qld) in relation to compliance with Information Privacy Principle 2 (Collection of personal information) and Information Privacy Principle 5 (Providing information about documents containing personal information). Agencies are required to adopt Information Privacy Principles under section 27 of the *Information Privacy Act 2009* (Qld).

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 on the next sitting day.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clare Smith', written in a cursive style.

Clare Smith
Acting Information Commissioner

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Executive Summary

The Queensland community increasingly wants and expects government to provide information and services via the internet. The *Right to Information Act 2009 (Qld)* (RTI Act) and the *Information Privacy Act 2009 (Qld)* (IP Act) require government agencies to provide and manage information in specific ways, including using the internet to do so. The Office of the Information Commissioner (OIC) audits government agency websites to assess agency compliance with both specific legislative requirements and general legislative requirements to push information into the public domain and protect personal information. In 2012-13, OIC conducted audits to examine agency websites from the perspective of a member of the public looking at information available online. Reviews were conducted of 95 local government, university, statutory authority and Government owned corporation websites.

The 2012-13 audits found that reviewed agencies have continued to improve legislative compliance for online publication schemes and disclosure logs. In particular, more local governments publish a publication scheme and disclosure log since the previous report in 2012. The visibility and accessibility of publication schemes and disclosure logs has improved across all sectors. For example, the majority of agencies now provide a direct link to the RTI webpage from their internet home page. Almost all reviewed agencies mentioned privacy on their website either in the form of a privacy statement in the footer of the webpage or via the adoption of a privacy plan.

Although progress has been made, there is still room for improvement across all the government sectors reviewed. Agencies can make their publication schemes and disclosure logs more effective by including more information. For example, publication schemes often required more information relating to procurement, planning and performance data and registers. Agency websites could also be better used to promote administrative access to information, so that formal applications are made only as a last resort. More work is needed to incorporate into websites the privacy principles concerning collection, use and the disclosure of personal information holdings.

Overall, progress continues to be made by agencies in meeting their obligations under the RTI and IP Acts, but further progress is required to achieve compliant and mature practices. OIC encourages agencies to adopt a proactive disclosure approach and publish information in accordance with the broader objectives of the RTI Act and IP Act.

Summary of key findings

Right to Information on agency websites

- 74% of the reviewed websites had a Right to Information (RTI) webpage.
- Of the agencies maintaining an RTI webpage, 85% were easily accessible.
- Agency websites could be better used to promote administrative access to information, so that formal applications are made only as a last resort.

Publication schemes

- 69% of agencies had a publication scheme, and these were generally easy to locate and populated with significant and appropriate content.
- Significant information could be added to publication scheme classes relating to priorities, decisions, lists and finances (particularly procurement).
- Only 27% of agencies maintaining a publication scheme enabled a complaint to be made when information in the publication scheme was not available.

Disclosure logs

- 65% of the agency websites reviewed made mention of a disclosure log with the majority (88%) being easily accessible.
- The local government sector tended to publish more information released under RTI, however most agencies reviewed could improve in this area, as many disclosure logs were empty or contained very few documents.

Privacy principles

- Almost all websites (82%) had one or more of the following:
 - a privacy statement (61%), usually in the footer of the agency's webpage
 - a privacy plan or policy (46%); or
 - other privacy content such as listing of personal information holdings (34%), access to personal information arrangements (64%) and privacy complaint management (42%).
- Information Privacy Principle 2 (IPP2) compliance for emails was achieved in most instances by a link to a global privacy statement, but only where the global statement specifically dealt with the collection of personal information through email and internet usage.
- 46% of agency websites reviewed had a privacy plan or policy, but not all plans were compliant with Information Privacy Principle 5 (IPP5) in that they did not list the agency's personal information holdings.

1 Introduction

1.1 Background

The functions of the Information Commissioner include reviewing and reporting on agencies' performance in relation to the operation of the *Right to Information Act 2009* (Qld) (RTI Act)¹ and the *Information Privacy Act 2009* (Qld) (IP Act). The Office of the Information Commissioner (OIC) monitors agency performance by conducting reviews including compliance audits. OIC also develops self-assessment tools to help agencies assess their own progress.

This report is about the outcome of reviews of 72 local government, 7 university, 4 statutory authority and 12 Government owned corporation (GOC) websites undertaken during the period 1 July 2012 to 30 June 2013 on publication schemes, disclosure logs and Information Privacy Principles (IPPs 2 and 5).

1.2 Objectives

The OIC looked at publicly available information on agency websites, and considered:

- the accessibility of right to information, publication schemes and disclosure log webpages which are part of the RTI framework
- the amount of information made routinely available by each agency via these webpages
- processes for the collection of personal information, in compliance with IPP2; and
- the extent of the provision of information about personal information holdings in compliance with IPP5.

Other compliance issues requiring behind-the-scenes examination of agency practices, such as application handling and decision making practices are not covered by these audits and are therefore not discussed in this Report.²

¹ Appendix 1 lists acronyms used in this report.

² These issues are covered by a combination of other review, audit and survey methodologies, including onsite visits to agencies by OIC.

1.3 Scope

The scope of this review covered 72 local governments, 7 universities, 4 statutory authorities and 12 GOCs. Because the desktop audit methodology involves looking only at information publicly available over the internet, an agency could only be included if the agency had a website. Of the 96 agencies within the scope of the review, one local government authority did not have a reviewable website. Accordingly, the number of reviewable agencies reduced from 96 to 95.

Departments have been excluded from the scope of this review. During 2012-13, proposed reviews of departments were postponed to allow those agencies time to implement legislative amendments to disclosure log requirements for departments, which came into effect on 22 February 2013.³ Government owned corporations have been included in this review but with a narrower focus. The IP Act does not apply to GOCs, so the audits relating to IPP2 and IPP5 do not relate to such entities. The application of the RTI Act is also limited for some GOCs to the extent to which they have community service obligations, three of which did not for the period of the review. However, all GOCs are required to comply with the *Release of Information Arrangements*,⁴ which specifically requires all GOCs to have a publication scheme, and reinforces the applicability of provisions for disclosure logs.

1.4 Methodology

The review examined the parts of an agency's website that are visible to a member of the public. The audits focused on the agency's RTI webpages, publication scheme, disclosure log, privacy statements and plans, and points of contact where individuals are asked to provide personal information.

Two types of audits were performed based upon an assessment of the impact of non-compliance for each agency.

The first type of audit was the individual desktop audit which addressed legislative requirements at a high level of detail for individual agencies assessed as higher risk. Risk factors considered included the volume and sensitivity of personal information held and requested from the department.

³ See *Right to Information and Integrity (Openness and Transparency) Amendment Act 2012*.

⁴ Office of Government Owned Corporations, *Government Owned Corporations: Release of Information Arrangements Version 3.0*, released January 2010, Document Reference: 150029. Policies issued by OGOC and adopted by GOCs in their *Statement of Corporate Intent* form part of the agreement between the GOC's board of directors and the GOC's shareholding Ministers as to the operation of each GOC. (In accordance with section 7 and Chapter 3, Part 8 of the *Government Owned Corporations Act 1993*.)

The individual desktop audits addressed all legislative requirements governing publication schemes, disclosure logs and agency obligations under IPP2 and IPP5. A desktop report was issued to the agency at the completion of the audit and they were invited to respond to the findings. Agencies audited using this methodology included 13 local governments, 4 statutory authorities and 2 universities.

Where a group of agencies within a sector were assessed as lower risk they were assessed by way of a general audit (aggregate scan) approach. This involved a scan of all agency websites within a sector focusing only on key legislative requirements. While the general audit addressed similar aspects to the more detailed desktop audit, it used simplified methods to facilitate reporting of aggregated rather than individual results. A general audit was completed in 2012-13 for the websites of 59 local governments (excludes the 13 councils audited individually and 1 council which did not have a website), 12 GOCs and 5 universities (excludes the 2 universities audited individually).

The results of audits conducted by OIC are discussed in Sections 2 – 5 of this report. Details of agencies included in the OIC's audit program including the type of audit conducted for each agency is contained in Appendix 2.

1.5 Providing government information and services online

Desktop audits are conducted from the perspective of a member of the public accessing agency websites. OIC considers the web interface with government to be one of several key points of focus for legislative compliance. Australian use of the internet is growing rapidly.

At the end of June 2012, there were more than 12 million active internet users in Australia and data downloads were 50% higher than the previous year.⁵

Australian and Queensland governments have recognised the importance of providing government information and services online in the context of increasing use and expectations by the community.⁶ A survey showed that Queenslanders expect

⁵ The Australian Government, Department of Broadband, Communications and the Digital Economy, the National Broadband Network, viewed at <http://www.nbn.gov.au/news-and-media/broadband-trends/> on 6 August 2013.

⁶ See for example, *Advancing Australia as a Digital Economy: Update to the National Digital Economy Strategy*, Viewed at <http://www.nbn.gov.au/files/2011/06/Advancing-Australia-as-a-Digital-Economy-BOOK-WEB.pdf> on 8 August 2013; *Queensland Government ICT Strategy 2013-17*, Viewed at <http://www.qld.gov.au/dsitia/initiatives/ict-strategy/>; AGIMO, *Interacting with Government: Australians' use and satisfaction with e-government services* (2011). Viewed at <http://www.finance.gov.au/publications/interacting-with-government-2011> on 23 May 2012.

authoritative and reliable information, security in their online interactions and for government to respect their privacy.⁷

Such reports and surveys of technology adoption and citizens' expectations, highlight the need for agencies to ensure that their websites are easy to use and are well-populated with authoritative content and are constructed to protect individuals' privacy.

The integral connection between open government and the use of technology has also been recognised,⁸ including that promoting open data will enable Australia to build a leading digital economy.⁹ In 2012-13 the Queensland Government made significant commitments to open data. Over 300 datasets and open data strategies for all departments have been published on data.qld.gov.au. Critical datasets (such as crime statistics), which are information that is required to be published under the publication scheme requirements, are increasingly becoming available to the community. Similar open data policies have also recently been adopted by the local government sector.¹⁰

Government also recognises the importance of protecting individual privacy in online dealings and the opportunities that technology offer for managing data so as to protect privacy. In March 2013, the Australian Government Information Management Office (AGIMO) released an Issues Paper on the use and analysis of big data¹¹ so that '*agencies will be able to use big data to develop better policies and deliver better services without compromising the privacy rights of the public*'.¹² The adoption of new technologies, particularly cloud computing, within a carefully considered set of guidelines, is identified in this Issues Paper as the strategy for using big data effectively and addressing privacy issues up front.

Agencies which are compliant with the RTI and IP Act requirements will have the benefit of being more likely to meet the expectations of citizens regarding online information and service delivery. The majority of agencies reviewed had content about both RTI and privacy.

⁷ See Public Service Commission, *Discussion Paper: Innovations in ICT for Improving Service Delivery: e-Government* (2010). <http://www.psc.qld.gov.au/library/document/catalogue/organisational-management/ict-and-sd-paper-for-feb-board-4-feb.doc> viewed on 23 May 2012.

⁸ Viewed at <http://agict.gov.au/blog/2010/07/16/declaration-open-government> on 6 August 2013.

⁹ *Advancing Australia as a Digital Economy: Update to the National Digital Economy Strategy*, page 9, viewed at <http://www.nbn.gov.au/files/2011/06/Advancing-Australia-as-a-Digital-Economy-BOOK-WEB.pdf> on 8 August 2013.

¹⁰ During the Open Government Policy Forum on 13 August 2013, the Local Government Association of Queensland advised that the "LGAQ Policy Executive recently endorsed the government's open data policy". Transcript viewed at <http://www.qld.gov.au/about/rights-accountability/open-transparent/review/assets/transcript-13-aug-2013-open-government-forum.pdf>.

¹¹ Data sets so large that they are unwieldy using ordinary data management tools.

¹² Viewed at <http://agimo.gov.au/files/2013/03/Big-Data-Strategy-Issues-Paper1.pdf> on 6 August 2013.

OIC is conscious of potential barriers associated with delivering government information and services online. It appears that agency size, location and technical barriers such as connectivity and data transfer speeds can affect the ability of agencies to deliver RTI and privacy information online.

Queensland census statistics from 2006 showed that internet access was notably lower for households outside of major cities, and in particular, for those located in more remote parts of Queensland.¹³ However the rollout of the National Broadband Network (NBN) should provide greater assistance to regional, rural and remote agencies and users in Queensland to provide and access more government information and services online. Even in the most remote parts of Australia, a combination of fixed wireless and the NBN satellite technology should ensure relatively fast and reliable internet is available across the country.¹⁴ In this context, OIC considers all government agencies could and should prioritise the provision of information rich websites.

1.6 Future directions

OIC has reviewed agency websites to assess the extent to which they have achieved compliance with specific requirements of the RTI Act and IP Act. The audit findings underpin reports to the Legislative Assembly on findings across the government sector.

As agency compliance matures, OIC would expect push model approaches and continuous improvement to be built into existing agency-wide workflows and activities (for example, for internal audit or web publishing).

The emphasis on technical compliance should diminish over time relative to substantive compliance, as agencies start to realise the broader benefits that have come from building their capacity and capability in this area.

These benefits include:

- greater opportunities to develop innovative products and services that make use of the information and data assets held by government
- communities that are better informed and more able to participate in the democratic process; and

¹³ Viewed at Office of Economic and Statistical Research, Queensland Treasury, *Internet Access in Queensland* (2008) <http://www.oesr.qld.gov.au/products/bulletins/internet-access-qld-c06/internet-access-qld-c06.pdf> on 19 July 2012.

¹⁴ Viewed at <http://www.nbn.gov.au/about-the-nbn/what-is-the-nbn/nbn-technologies/> on 6 August 2013.

- enhanced collaboration between government agencies, and between government and other sectors.

OIC will continue to support agencies by:

- encouraging and monitoring RTI and IP Act activities and engagement at senior levels (for example, at Audit and Risk Committees)
- producing audit tools that cover the requirements of the legislation and related Ministerial Guidelines, and updating these in response to stakeholder feedback and changes in the legislation and guidelines
- providing information resources and advice; and
- delivering training that meets the needs of the agency staff engaged in self-audit processes.

2 Visibility of right to information

Quick facts

- 76% of reviewed agency websites had some content relating to Right to Information. Agencies without RTI webpages were more likely to be smaller regional local governments.
- 85% of RTI webpages reviewed were easily accessible, often through a direct link from the home page.
- The majority of agencies need to include or improve online information about administrative access schemes to increase agency staff and community awareness and use; and facilitate easier access to information.
- 46% of RTI webpages reviewed had incomplete and/or incorrect information about making a formal application (including details about application processes, costs, timeframes and review rights).

2.1 Background

The government aims to maximise public access to government information by administratively releasing requested information wherever possible and publishing all significant, appropriate information. This approach to information management is important to achieving important social, environmental and economic goals and increasing innovation and participatory government. Access to information through proactive publication of information or administrative schemes reduces red tape for the community, industry and agencies. It also reduces the need to use the formal legislative access process, intended as a last resort under the RTI Act.

Improved visibility on agency websites of administrative access schemes facilitates awareness and use of such schemes.

Where it is necessary to use the formal legislative process, it is important that there is clear, accurate and complete information for applicants on the agency website about the process and how to apply. With this in mind, the OIC assessed the visibility of RTI on agency webpages.

2.2 Availability and accessibility of RTI webpages

The following section discusses how well agencies promote public awareness about how information can be accessed administratively or under the legislative processes.

Of 95 agency websites reviewed, 72 (76%) had RTI related web content. In most cases this consisted of one or more RTI webpages (that is, an RTI webpage, publication scheme or disclosure log).

There were differences between sectors, as depicted in Table 1. All of the reviewed statutory authorities, universities and GOCs maintained RTI related webpages, but this decreased to 68% for local governments.

Table 1: Availability of RTI pages on agency websites

	Reviewable agency websites	Sites with RTI related content	% with RTI related content
Government owned corporations	12	12	100%
Local governments	72	49	68%
Statutory authorities	4	4	100%
Universities	7	7	100%
Overall	95	72	76%

OIC encourages agencies that have not yet developed RTI related webpages to consider this as a way of informing the community about how they can gain access to government held information either administratively or under legislative processes.

The majority (81% overall) of agencies with RTI related content on their webpages provided easy access to these pages, often via a direct link from the agency's home page.

The four statutory authorities that were audited in depth all had easily accessible RTI information. The review of agency websites within the local government, GOC and university sectors indicated some opportunities for improvement. As depicted in Table 2 below, a search engine was required to find RTI webpages for agencies in each of these sectors.

Table 2: Accessibility of RTI pages on agency websites

	Sites with RTI related content	Sites with RTI pages that were easy to find	% of RTI pages that were easy to find
Government owned corporations	12	8	67%
Local governments	49	41	84%
Statutory authorities	4	4	100%
Universities	7	5	71%
Overall	72	58	81%

The local government sector has shown a steady improvement in the number of agencies with easily accessible RTI webpages. In 2012, OIC reported that 36 (73%) local government agencies had easily accessible RTI webpages. As depicted in Table 2 above, this has increased to 41 in 2013 (up 11 percentage points from the previous report).

Agencies with RTI webpages that were easy to locate and access often had an identifiable link to RTI either in the footer to the agency's webpage or from within the website's main menu.

OIC encourages all agencies to make information promoting access arrangements to government held information more visible to the general community, which would also be consistent with open data policies for Queensland Government and local government.

2.3 Information about administrative access schemes

Administrative access describes an arrangement to provide information to people using a quicker and less formal process than application under the RTI or IP Acts. A key element of administrative access schemes is that the information is non-sensitive in the hands of the person it is provided to.¹⁵

¹⁵ OIC Guideline – Administrative Release of Information.

In 2010, OIC reported to the Legislative Assembly on agency progress in implementing right to information reforms.¹⁶ One of the key findings of that report was that agencies reported weaker performance in making arrangements for information to be accessed administratively outside of RTI processes.

This review found agencies still focused less on administrative access schemes. Administrative access schemes were not presented on agency websites as consistently as publication schemes and disclosure logs (see Figure 1).

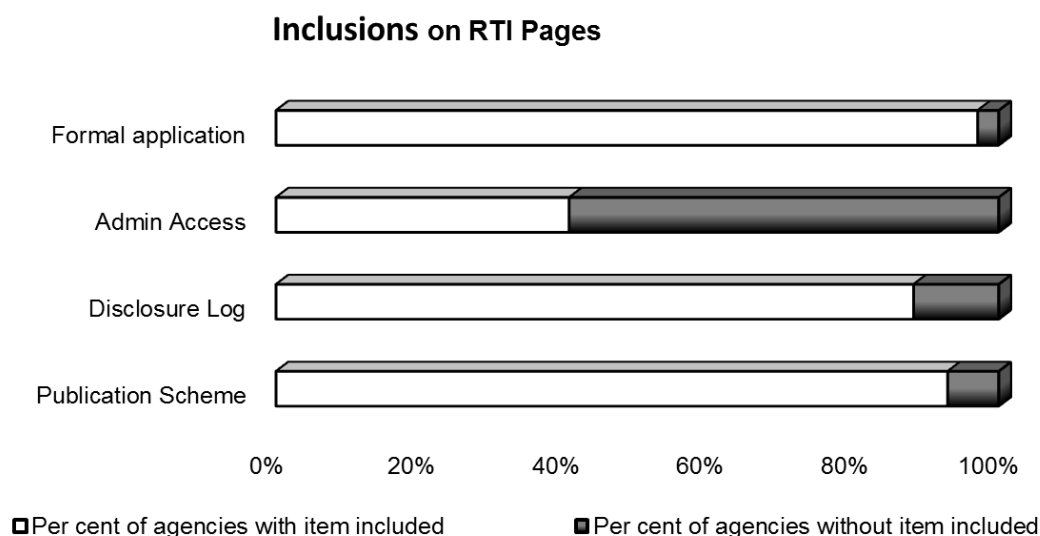


Figure 1: Inclusion of elements of RTI information on agency websites

The majority of agencies reviewed could make improvements in this area. Of the 72 agencies reviewed with RTI related web content, 28 (41%) provided information about the option of obtaining information via administrative access arrangements outside of the RTI and IP legislative process.

This issue was particularly noticeable for university websites, with only two universities (the University of Queensland and the Queensland University of Technology) including information about administrative access schemes on their RTI pages. Although this is a slight improvement from 2012, many of the universities have administrative access schemes in place – for example, services for employers and other educational institutions to validate degrees that have been conferred. The opportunity for agencies is to promote these arrangements more visibly on their websites.

¹⁶ *Agency Progress in Right to Information Reforms: Results of the self assessed electronic audit completed by Queensland public sector agencies - Report No. 3 of 2010/11 to the Queensland Legislative Assembly.*

The majority of agencies providing advice on releasing information administratively, required the individual to contact the agency to see if the information could be released outside of legislative processes. Given the increasing level of engagement through, and relative efficiency of, online services, agencies should endeavour to provide detailed information of what can be released administratively without the need for direct contact.

In general, agencies are encouraged to seize opportunities to use their websites to promote information available administratively outside of legislative processes, as a way of improving service to the community, cutting costs and reducing red tape for releasing information.

2.4 Information about formal application processes

There was variation in agency communication about making applications through formal legislative processes.

Of the 69 RTI webpages that could have contained information about making a formal application,¹⁷ 67 agencies (97%) contained some information about application processes. However, even where such information was provided, it was inaccurate or incomplete for 46% of those agencies.

Some of the qualitative issues identified were:

- limited information about submitting an application and processing times
- incorrect or missing information about application costs; and
- missing information about options for internal and external review.

Agencies need to ensure that information provided about the application process, cost, timeframes, review rights and review period is accurate and up to date.

¹⁷ 3 agencies were not required to have information about making an RTI application and 24 websites did not have RTI content relating to making an application.

3 Publication schemes

Quick facts

- 69% of the reviewed agency websites included a publication scheme.
- All agencies reviewed in the GOC, university and statutory authority sectors maintained a publication scheme. Only 60% of local governments reviewed maintained a publication scheme.
- The majority of agencies (91%) structured publication schemes under the seven information classes required by the Ministerial Guidelines.¹⁸
- Classes dealing with policies, services and general information about the agency were generally well-populated; classes dealing with priorities, decisions, lists, and finances (particularly contracts, tenders and procurement activities) require improvement.
- Many sites did not provide details about accessing documents in alternative formats and/or did not contain sufficiently clear information about terms and conditions, including charges.
- While general feedback and complaints processes were commonly provided, less than 28% of agencies maintaining a publication scheme, explicitly advised individuals that they could provide feedback if information in the publication scheme was not available.

3.1 Background

Section 21 of the RTI Act requires that all agencies, other than excluded entities, must have a publication scheme. The publication scheme is required to set out the classes of information that the agency has available and the terms on which it will make that information available. Section 21(3) of the RTI Act requires an agency to ensure that its publication scheme complies with guidelines as published by the Minister (Ministerial Guidelines).

¹⁸ OIC also assessed compliance with the *Ministerial Guidelines – Operation of Publication Schemes and Disclosure Logs* (Ministerial Guidelines). Viewed at <http://www.rti.qld.gov.au/right-to-information-act/publication-schemes> on 6 September 2012.

Under the Ministerial Guidelines, the agency is encouraged to publish as much information as possible. The Ministerial Guidelines specify seven classes of information in which information must be published.¹⁹ In considering what to include in their publication schemes, agencies should assess documents against three key criteria: the information included must be significant; appropriate for release; and accurate.

Information should be published routinely and where possible, access to it should incur no charge. Publication schemes should be regularly reviewed to ensure information in the publication scheme is current and up to date. Publication schemes should be easy to use and information rich to encourage the wider community to use publication schemes as a key resource tool.

According to the Ministerial Guidelines, information in the publication scheme should be easily accessible through the agency's website. Preferably, links to documents published in the publication scheme webpage will access the document in full. If that is not possible²⁰ or if alternative access is required, the mechanism for obtaining a copy of the document should be clearly set out and requests should be actioned in a timely manner.

In addition, the Ministerial Guidelines require agencies to set out how to provide feedback when information included in the publication scheme is not available.

3.2 Availability and accessibility of online publication schemes

Under the RTI Act, an agency other than an excluded entity must publish a publication scheme.²¹

Of the 95 websites that were reviewed, 66 agencies (69% of all agency webpages) had an online publication scheme. This was comprised of the four statutory authorities reviewed in depth, 43 local governments (60% of 72 reviewable local governments), 12 GOCs (100% of GOCs) and seven universities (100% of universities). There was an 8% increase in the number of local government online publication schemes since the previous scan.²²

Most publication schemes were easy to locate on agency sites, and were within 2-3 clicks from the agency home page. Only 11% of online publication schemes

¹⁹ About Us, Our Services, Our Finances, Our Priorities, Our Decisions, Our Policies, Our Lists.

²⁰ For example, if the document is too large.

²¹ Section 21(1) of the RTI Act.

²² Up from 40 local government online publication schemes in 2011-12 to 43 online publication schemes in 2012-13.

reviewed were considered difficult to locate, for example, the publication schemes could only be located by using the agency's website search facility.

3.3 Structure and content of publication schemes

Ministerial Guidelines made pursuant to the RTI Act require any information that an agency makes routinely available through its publication scheme, to be published under seven information classes. The majority of agencies (60 out of 66 agencies with online publication schemes - 91%) published information under the seven classes outlined in the Ministerial Guidelines.

Ministerial Guidelines require publication schemes to include information that is significant and appropriate.

There was a variance in the extent to which each class of information was populated with significant documents. Classes were assessed as - 'compliant', if significant information required by the Ministerial Guidelines was published; 'in progress', if some information required was missing; and 'non-compliant', if the class did not exist or did not contain any of the information required.

Publication schemes were generally better populated in information classes covering general information. For example, the 'About us' and 'Our services' information classes were populated with information consistent with the requirements of the Ministerial Guidelines.

The Rockhampton Regional Council offered examples of good practice in other classes such as 'Our finances' and 'Our lists'. Under 'Our finances', the local government included documents such as the current council budget, schedule of fees and charges, current tenders required by council (which also provided access to contracts awarded over \$200,000 and guides for contractors and suppliers wishing to do business with council) and revenue statements. The council also published a full list of publicly available registers in the 'Our lists' class. OIC considers these to be good examples of the push model that could be applied generally by other agencies seeking to improve the level of information made available through their publication scheme.

The university sector provided an exemplary approach in the class 'Our policies' with all seven universities compliant in this class; this was achieved in most cases by linking from the publication scheme to up to date, well-structured policy banks with search facilities.

More information could be published in information classes dealing with planning and performance ('Our priorities'), governance and decision making ('Our decisions'), registers ('Our lists'), and in particular providing information about contracts, tenders and procurement activities ('Our finances'). This was particularly evident in the results of the 19 agencies reviewed in depth by way of an individual audit.

For those agencies, only 25% of publication schemes were found to be compliant in relation to publication of information held in lists or registers required by law or in relation to an agency's function ('Our lists') and information relating to policy proposals, decisions and consultations ('Our decisions'). Less than 40% of publication schemes published sufficient information about procurement and contracts awarded ('Our finances') or planning and performance data ('Our priorities') (see Figure 2).

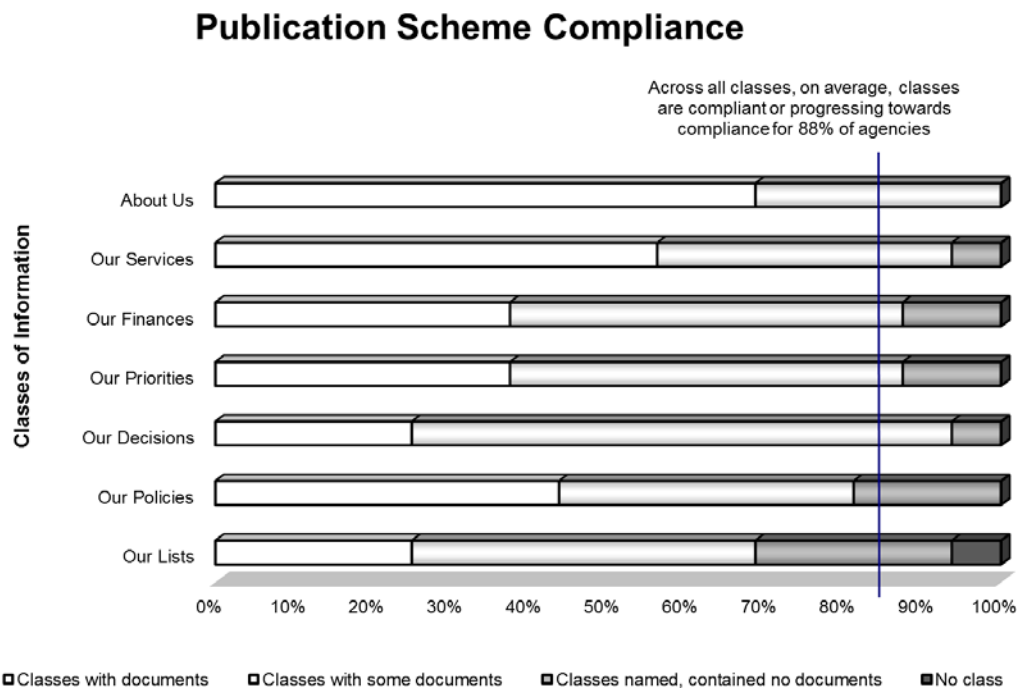


Figure 2: Population of publication scheme classes for individually audited websites

OIC encourages all agencies to regularly review the extent to which the classes in their publication scheme are populated with significant documents as required by the Ministerial Guidelines.

3.4 Providing information in alternative formats

Under the Ministerial Guidelines, in the interest of equitable access to information for all members of the community, an agency should provide access to documents in alternative formats upon request (for example, a print copy could be provided if electronic documents could not be viewed by an individual).

OIC reviewed 33 agencies for this feature, including those agencies subject to an individual audit and the universities and GOCs reviewed as part of a general audit. OIC found that only 9 out of 33 agencies reviewed (27%), were compliant in providing information about accessing documents in an alternative format.

OIC recommends that agencies ensure documents can be accessed in alternative formats if requested to meet differing needs of members of the community in accessing government held information.

3.5 Information about terms and conditions, including charges

Section 21(1)(b) of the RTI Act stipulates that publication schemes must include the terms on which information will be made available, including any applicable charges.

OIC reviewed the same 33 agencies for this requirement. Of the agencies reviewed, 90% of local government publication schemes provided information about terms of access and charges. Less than half (43%) of university publication schemes offered information about terms of access and charges. Only one GOC provided information about terms of access and charges. None of the statutory authority publication schemes reviewed provided information of this kind.

OIC has recommended that agencies review their publication schemes to ensure they set out any terms and charges for the provision of information, as required by the legislation.

3.6 Providing feedback about the publication scheme

Under the Ministerial Guidelines, agencies must implement a procedure which sets out how to make a complaint when information included in the publication scheme is not available.

The OIC found that 92% of agencies reviewed (100% statutory authorities, 100% universities, 92% local governments and 83% GOCs) contained information about a

general complaints policy and procedure, but few agencies had a specific feedback process dealing with the accessibility of information in the publication scheme.

The exception to this was the university sector – 57% of these (up from 28% in 2012) had a complaints process specific to the publication scheme. In contrast 50% of the statutory authorities, 17% of GOCs and 23% of local governments had feedback provisions specific to the publication scheme.

OIC recommends that agencies review publication schemes to ensure they describe how to provide feedback if information in the publication scheme is unavailable, as required by the Ministerial Guidelines.

4 Disclosure logs

Quick Facts

- 65% of the agency websites reviewed made mention of a disclosure log.
- Some disclosure logs were hard to find, requiring use of the website search facility or a lengthy process of looking methodically through each of the menu items. For example, 29% of university websites required use of the search facility to locate their disclosure log.
- Agencies could better populate disclosure logs with information released under the RTI Act. Many disclosure logs were empty or contained very few documents.
- None of the statutory authorities, GOCs and universities published more than 40% of material released under the RTI Act in the disclosure logs. The local government sector performed more strongly, with the majority of audited councils having well-populated disclosure logs (8 out of 11 councils reviewed in detail).
- Compliance was high with requirements about how documents were to be published in the disclosure log. For example, agencies complied with requirements to provide direct download of the documents and/or alternative access methods, provide accompanying text, and not publish the personal information of applicants.

4.1 Background

A disclosure log²³ is part of an agency's website containing a list of documents that an agency has already released under the RTI Act. Disclosure logs are an important strategy for proactive disclosure of information. The rationale for disclosure logs is that if one person has expressed an interest in documents containing information other than their own personal information, then these same documents might be of interest to the wider public. Disclosure log content can also be used by agencies to identify information that could be included in publication schemes.

²³ Provisions for a disclosure log are contained within sections 78, 78A and 78B of the RTI Act.

If an agency maintains a disclosure log, the RTI Act and Ministerial Guidelines set out requirements for its operation.²⁴ Where a document is not directly accessible through the disclosure log, the disclosure log must contain information describing the document and method of accessing it. Agencies must not include a copy of a document in a disclosure log if it contains the personal information of the applicant to which access was originally granted. Specific types of information are also prescribed that must not be included in a disclosure log, for example, if its publication is prevented by law.

During 2012-13 legislative amendments to the RTI Act changed requirements for disclosure logs, particularly for departments and Ministers.²⁵ For all agencies, the changes modified the type of information that must be deleted before documents are published on a disclosure log. These requirements are now in the RTI Act; previously they were set out in the Ministerial Guidelines.

For departments and Ministers, the changes were more significant, including that publishing documents on a disclosure log is now mandatory. Information about applications must also be published on disclosure logs, some of which, when the application is received. Due to the significance of the changes for departments, following delays resulting from machinery of government and consequently implications for departmental websites, desktop audits of departments were postponed to 2013-14. This will give departments time to implement the new requirements on their websites. OIC will report on departmental compliance with the new requirements in the next desktop audit report to the Legislative Assembly in early 2014-15.

While the new mandatory requirement to publish to a disclosure log is applicable to departments and Ministers only, the amendments strengthen the push model of right to information for releasing information to the general public. The effect of this change may be significant given departments handle the majority of all formal access applications.

²⁴ Section 78B(1) of the RTI Act imposes legislative requirements on agencies to comply with any guidelines about disclosure logs published by the Minister, OIC also assessed compliance with the *Ministerial Guidelines – Operation of Publication Schemes and Disclosure Logs (Ministerial Guidelines)*. Viewed at <http://www.rti.qld.gov.au/right-to-information-act/publication-schemes> on 6 September 2012.

²⁵ See *Right to Information and Integrity (Openness and Transparency) Amendment Act 2012*. The amendments took effect on 22 February 2013.

4.2 Availability and accessibility of disclosure logs

OIC found that 60 (65%) of the 92 agency websites reviewed had a disclosure log on their website. Of the agencies maintaining a disclosure log, 88% were considered easy to locate.

All statutory authorities and universities reviewed had a disclosure log. All statutory authority disclosure logs were very easy to locate from the agency home page. University disclosure logs were hard to find for two of seven agencies, requiring the use of the website's search engine to locate. Those universities need to improve the visibility of their disclosure logs.

Of the nine GOCs subject to the RTI Act, eight (89%) maintained a disclosure log. All disclosure logs maintained by the GOCs were very easy to locate from the agency home page

41 local governments had disclosure log content (57% of the 72 local governments with a website) as at June 2013. This has increased from 40 as reported in June 2012 and represents a significant increase from the 28 reported in the first full year of the RTI Act's operation. This represents an area where further improvement to the public's access to government held information can be achieved.

OIC noted that of the 41 local governments with disclosure log content, 36 (88%) were easily located on the agencies' websites. Five could only be discovered through the use of a search query.

OIC encourages agencies without a disclosure log to consider adopting this channel for publishing information, and for agencies with a disclosure log to ensure the disclosure log features prominently on the agency's website so that it can be easily found.

4.3 Populating disclosure logs

The individual audits performed on a selection of agencies across the university, local government and statutory authority sectors assessed the level of publication of information released through the formal legislative process under the RTI Act via the disclosure log. The content of disclosure logs was not assessed in detail as part of the general audits.

Depending upon the agency and sector, the proportion of material published in disclosure logs varied.

The local government sector performed best, publishing approximately 36% of the 45,155 pages released by relevant agencies under RTI in the relevant year examined,²⁶ compared to 10% of pages published by the statutory authorities, universities and GOCs. Two local governments (Cassowary Coast Regional Council and Toowoomba Regional Council) in particular had an excellent record of publication, with one publishing 100% of pages released under the RTI Act and the other publishing 93% of pages released under the RTI Act.

Local governments varied in terms of how much information released under the RTI Act they published in their disclosure logs. Eight local governments published an average of 53% of relevant RTI applications to the disclosure log. Three local governments did not publish any material at all to the disclosure log.

Overall, the local government sector published 117 (46%) of the 254 RTI applications finalised²⁷ in disclosure logs (compared to 29% published by statutory authorities, universities and GOCs).

Desktop audits do not assess the decisions made by agencies to publish or not publish documents in the disclosure log. However, the outcome of individual audits sent to agencies commented on low publication rates to the disclosure log and encouraged agencies to review decision-making processes for publication to the disclosure log.

A common response from agencies to OIC comments in the individual audits about low publication rates, is that agencies routinely consider a larger number of applications for publication in their disclosure log, and decide that the applications are unsuitable for publication (often because the applications involve the personal information of third parties).

OIC also has noted the frequency with which agencies will only release information listed in a disclosure log in response to a request for the information. Although this practice is compliant with the legislation and Ministerial Guidelines, OIC considers that direct links to documents would be consistent with the proactive disclosure approach, and reduce red tape for the community and administrative costs.

OIC acknowledges that in some instances it is not practical to publish the documents directly in the disclosure log due to file size constraints for publishing electronically. However, wherever practicable, agencies should endeavour to provide information on,

²⁶ The number of pages released for agencies examined is taken from the Right to Information Act 2009 and Information Privacy Act 2009 Annual Reports for the relevant year available at www.rti.qld.gov.au.

²⁷ The number of applications finalised for agencies examined is taken from the Right to Information Act 2009 and Information Privacy Act 2009 Annual Reports for the relevant year available at www.rti.qld.gov.au.

or linked from, the website to offset the time and cost imposed in providing requested information.

4.4 Explanatory text and alternative methods of access

Under the Ministerial Guidelines, documents in a disclosure log should be accompanied by text that provides a summary of the document. Where documents are not available for download directly through the disclosure log, an alternative access method should be outlined.

Overall, there was a high level of compliance with these requirements; most agencies that published documents to the disclosure log provided text that would enable users to make decisions about accessing the documents. No agencies were identified that did not provide some means of access to the documents, either by direct download of the documents and/or an alternative access method such as contacting the agency for hard copies.

OIC noted with concern that text on the disclosure log of two local government authorities suggested that only applications of 'wider public interest' would be included. This introduced a qualification that is not part of the RTI Act or the Ministerial Guidelines. Right to Information implies that agencies are not exclusively in a position to know what might be of significance to broader community. The agency responded to feedback from OIC about this issue, indicating that this limitation was not intended and would be remedied.

4.5 Personal information of applicants

Only documents that do not contain the personal information of the applicant may be published to a disclosure log. There was no evidence that personal information of applicants was being released inadvertently by agencies through disclosure logs. These findings are consistent with results in previous years.

5 Privacy

Quick Facts

- Almost all websites reviewed (82%) had one or more of the following:
 - a privacy link in the webpage footer
 - a privacy statement
 - a privacy plan or policy; or
 - other information on personal information holdings and practices.
- 41% of agencies' forms collecting personal information contained a privacy notice in accordance with Information Privacy Principle 2 (IPP2).
- Notifications about the use of personal information collected for email contact were approached less consistently by agencies. A common practice was to link to global privacy statements, but the global privacy statements did not always cover the collection of personal information through email and internet.
- Only 34% of reviewed agency websites provided information about their personal information holdings (type of personal information held and how it is used) in accordance with Information Privacy Principle 5 (IPP5).
- 46% of the agency websites reviewed had a privacy plan or policy, which can assist an agency with IPP5 compliance. The quality of privacy plans/policies varied. Some plans did not identify personal information holdings or referred to out dated legislation or standards.
- Agencies could improve privacy plans/policies or privacy webpages by including in them information about making privacy complaints.

5.1 Background

Surveys of consumer attitudes about internet services consistently find that the internet's potential to compromise privacy is a significant concern. Responsible

management and control of personal information are integral to consumer confidence in e-commerce and the use of the internet for business or government generally.²⁸

In Queensland, the IP Act provides safeguards for the responsible collection and handling of personal information in the public sector environment.

Information Privacy Principle 2 (IPP2) applies to an agency's collection of personal information from the individual concerned. When an agency collects personal information from an individual, for example, by giving the individual the capacity to contact the agency by e-mail or to complete a form, IPP2 requires the agency to take all reasonable steps to ensure that the individual is generally aware of the purpose of the collection, any law that might authorise or require the collection, and to whom the information would usually be disclosed. This commonly occurs through the inclusion of an information paragraph on the webpage or form, termed by OIC as a 'collection notice'.²⁹

Collection notices inform individuals where their personal information will end up and in doing so can also reassure individuals about the bona fides of the agency's collection practices. If forms can be downloaded and completed in hard copy, best practice is that the collection notice is on the form itself. If that is not possible, it is reasonable if the collection notice is readily accessible from the webpage that contains a link to the form.

Agencies often provide email addresses through which individuals can communicate with the agency. Agencies collect names, email addresses and other personal information contained within the body of emails, and therefore need to provide collection notices. Best practice is to include the collection notice on the page containing the email contact link. As an alternative, agencies can opt to provide a generic link to a privacy statement that covers email contact.

Information Privacy Principle 5 (IPP5) requires agencies to provide details about the types of personal information they hold, the use that is made of that information, and how an individual can access their personal information. Unlike under the previous privacy regime - Information Standard 42 (IS42) - the privacy principles do not obligate

²⁸ See *What Two Decades of Surveys Tell Us About Privacy and HIT Today*, Dr. Alan F. Westin Professor of Public Law and Government Emeritus, Columbia University, Of Counsel and Senior Policy Advisor ARNALL GOLDEN GREGORY, At the Health Privacy Summit, Washington, D.C. June 13, 2011, <http://patientprivacyrights.org/wp-content/uploads/2011/06/AFW-SUMMIT-6-13-11.pdf> viewed on 7 August 2013 and

Privacy Indexes: A Survey of Westin's Studies, Ponnurangam Kumaraguru, Lorrie Faith Cranor, 2005 <http://reports-archive.adm.cs.cmu.edu/anon/isri2005/CMU-ISRI-05-138.pdf> viewed 7 August 2013.

²⁹ 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 IPP2.

government agencies to have a 'privacy plan'. However, a privacy plan is a practical means for an agency to meet its IPP5 obligations.

Under section 19 and schedule 2, part 1 of the IP Act, GOCs or a subsidiary of the GOC are entities to which the IPPs do not apply. Therefore, the GOC sector's adoption of privacy measures has not been considered and is not discussed in the following sections of this report.

5.2 Profile of privacy information on agency websites

The profile of information privacy in general on the websites reviewed by OIC was high, with most agencies having one or more of the following: a privacy statement; a privacy plan/policy; or other information on privacy (see Figure 3).

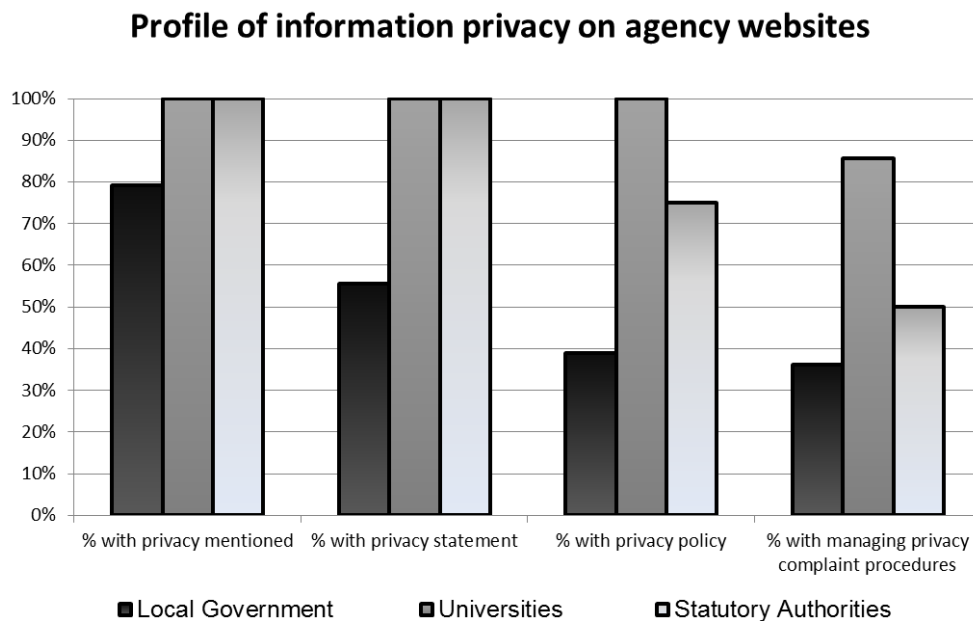


Figure 3: Privacy content, including privacy statements and privacy plans

The university sector performed strongest in terms of providing information about agency privacy practices. All seven universities maintained a privacy plan/policy detailing the universities personal information handling practices. In addition, the universities also performed strongly in terms of providing a privacy statement and information on how to make a privacy complaint when an individual becomes aware of a suspected privacy breach of their personal information.

Local government websites showed improvement in the area of privacy. The number of local government authorities publishing a privacy plan/policy increased from 10 local governments in 2012 to 28 local governments in 2013. The number of privacy statements published directly on local government websites also increased from 36 to 40 during that same period. Overall, the number of local government websites with privacy content has increased each year since 2011 (see Figure 4).

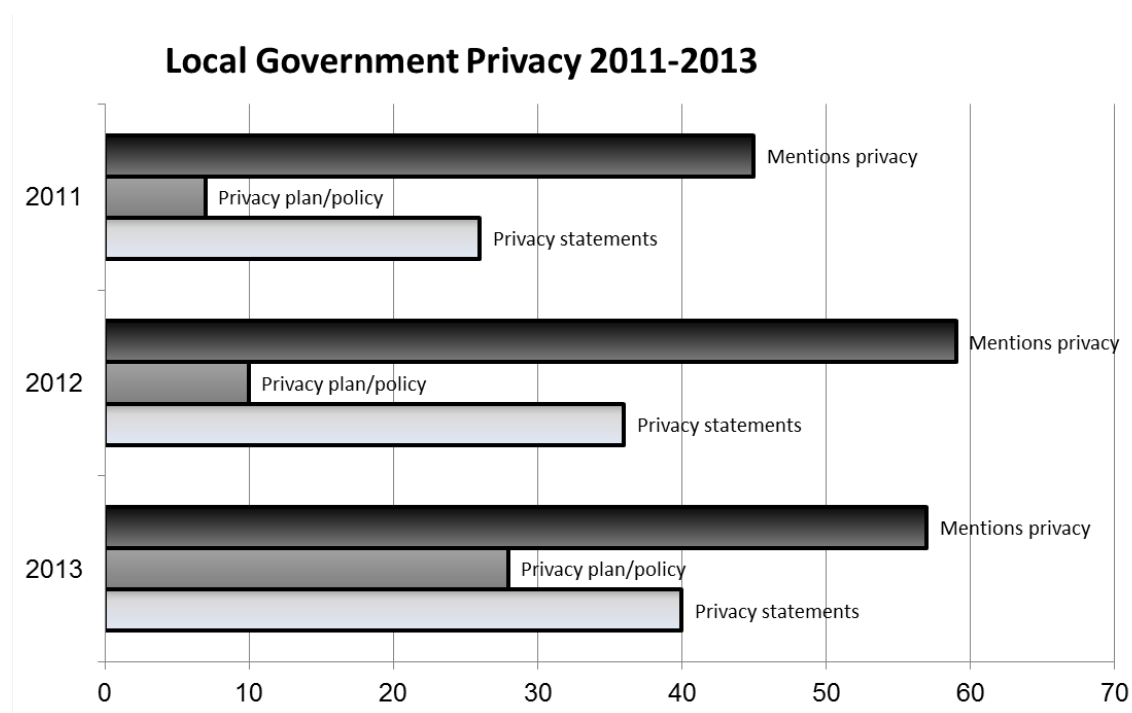


Figure 4: Privacy features on local government websites 2011-2013

There was a small decrease in the number of local government websites mentioning privacy between 2012 and 2013, a retrograde step. OIC examined the specific local government websites that mentioned privacy in 2012 and not in 2013 in an attempt to identify why privacy was no longer mentioned. It appears that the websites may have been updated, and possibly either privacy has been overlooked in the website update or links to privacy statements have not been reinstated.

In general, there were noticeable quality issues across agency websites in all sectors, such as:

- having privacy information located under non-specific headings such as 'Disclaimer' or 'Terms and Conditions' in the footer of the webpage; and
- privacy pages that merely informed the individual to contact the agency if they wanted to find out more about the agency's privacy practices.

Research in the United States of America over the five years from 2006 to 2010 has identified ten factors that consistently increase community trust in the privacy commitment of government, including limited collection of personal data, a secure website, access to personal information and the existence of privacy policies.³⁰ Visible and clear attention to privacy considerations on agency websites builds community trust in government and addresses community expectations of being able to transact online with government agencies, by provision of a public commitment that their personal information is protected.

5.3 IPP2 – collection via online forms and email

The collection of personal information is a fundamental area of privacy regulation. Whenever an agency obtains personal information from an individual either through an email to an agency contact email address or by completion of an online form, IPP2 requires that the agency takes all reasonable steps to advise the individual of the purpose of the collection, any law authorising or requiring the collection and if it is the agency's practice to disclose the information to any party. An effective, convenient and straightforward method of meeting the requirements of IPP2 is for an agency to provide a short notice at the point of information collection, informing the individual on these points. OIC refers to this type of notice as a 'collection notice'. Collection notices promote transparency by informing individuals about an agency's personal information handling practices and build confidence in the bona fides of the agency's dealings with the individual.³¹

In assessing agency adoption of IPP2 the OIC examined agency websites to ascertain whether or not a collection notice is provided with online forms and the links to email addresses.

Online forms

Reviews were conducted in 2012-13 of online forms on agency websites for compliance with IPP2. Many agencies (41%) included high quality collection notices on their forms and/or provided a link to a global privacy statement that covered collection via the web forms.

³⁰ From *2010 Privacy Trust Study of the United States Government*, 30 June 2010, page 3, viewed at <https://www.cdt.org/privacy/guide/surveyinfo.php> on 8 August 2013.

³¹ Information Privacy Principle 2 – deals with the collection of information and how it shapes the way agencies can use the personal information collected.

A high level of compliance with IPP2 was evident on statutory authority websites reviewed. One agency (Legal Aid Queensland) had collection notices that satisfied the requirements of IPP2 on all forms reviewed. Two other statutory authorities audited individually, had collection notices for the majority of the forms included in the review sample. Overall, this is a pleasing result and is indicative of these agencies commitment to meeting the public's expectation that their privacy is being respected.

Three universities achieved compliance across most of the forms sampled. The other four universities provided a privacy collection notice on some of the forms sampled. Improvement is needed for these agencies to meet their obligations under IPP2.

Local government forms varied in quality, but OIC noted an overall improvement since the previous aggregate scan and many examples of good practice. The review found that 20 (28%) of 72 local governments reviewed had compliant collection notices on all forms sampled, and a further 8 local governments had collection notices for the majority of their forms reviewed. Given the size and resources at the disposal of some of these smaller local government authorities, OIC considers this to be a positive outcome but acknowledges more work is needed to ensure the local government privacy practices are consistent with the requirements of IPP2.

Email contact addresses

It is a common practice in government for agencies to provide email contact addresses through which the community can transact with the agency. When individuals send emails to the agency using the email link provided, agencies can collect personal information such as the person's name, email address³² and other personal information which may be contained within the body of the email. Agencies are required to comply with IPP2 in their management of email contact addresses.

Of the 83 agencies reviewed for privacy, 34 (41%) had a collection notice that was IPP2 compliant, covering collection of personal information through email links. In all cases, except for one statutory authority, the collection notice was not attached specifically to the email link, but was reached via the global privacy footer. In the exception, a specific collection notice was provided on a 'complaints and compliments' webpage with an email link.

The use of global privacy notices can satisfy the requirements of IPP2, but can also be non-compliant if insufficient attention is paid in the global privacy notice to all the

³² If an email address can be linked back to an identifiable person, the address will constitute personal information. Many email addresses use the individual's name – jane.smith@serviceprovider.com.au

modes of collection of personal information, for example, through use of email links. Also global privacy notices may not necessarily inform people about individual or specific disclosures to third parties.

University privacy statements were variable in quality. Although all seven sites linked to a global privacy statement, three of these statements (43%) did not cover electronic collection of personal information through email contact with the agency.

Two areas for improvement were identified with agency use of the global privacy statement for compliance with IPP2:

- where a link to a global privacy statement is used in preference to individual collection notices, agencies must ensure the global statement addresses the collection of personal information through email; and
- links to global privacy statements should be clearly sign-posted. OIC found examples of privacy statements contained in webpages that did not clearly indicate the privacy content held within them (for example, a global footer entry titled 'Terms of Use' or 'Disclaimer' that linked to the privacy statement). In these instances, it would be difficult for a member of the public to find the information required.

For an agency to be compliant with IPP2 they must take reasonable steps to ensure the individual is made generally aware of their collection, use and disclosure practices. Agencies should consider the visibility, accuracy and completeness of their privacy information to ensure they meet their obligations under the IP Act.

5.4 IPP5 – personal information holdings and privacy plans

Under IPP5, agencies have an obligation to ensure that an individual can find out the type of personal information the agency holds and the main purpose for which it is used. IPP5 also obligates the agency to ensure that the individual can find out what he or she should do to obtain access to a document containing their personal information.

Under the previous privacy regime of IS42, agencies were required to have a privacy plan, a component of which dealt with personal information holdings. The IP Act does not require an agency to have a privacy plan, but having a current privacy plan is a practical way by which an agency can satisfy its obligations under IPP5.

Only 26 (31%) of the 83 agencies reviewed demonstrated compliance with IPP5 by publishing a list of personal information holdings.

Just under half (46% of agencies) had published a privacy plan. The review found that privacy plans (sometimes called policies or guidelines) had been published by 28 local governments (39% of local governments), 3 statutory authorities (75% of statutory authorities reviewed), and all 7 universities (100% of universities). The number of local governments publishing a privacy plan document on their website has increased from 10 local governments in 2012 to 28 local governments in 2013. Two-thirds of the agencies that published a privacy plan also published a list of personal information holdings.

Agencies that did not have an online privacy plan had nothing on their website that identified personal information holdings.

Agencies without a published list of personal information holdings could consider creating a privacy plan or updating other privacy information on their websites to comply with IPP5.

OIC noted the quality of the privacy plans and privacy statements was variable, with qualitative issues including:

- plans that were out-of-date, (for example, that made ongoing reference to superseded legislation or standards - most commonly the *Freedom of Information Act 1992* or IS42)
- plans that missed the opportunity to list personal information holdings, for example, although 28 local councils had published a privacy plan, only 17 (61% of local governments' privacy plans) included information about the types of personal information held and the purpose for which the information was used
- inaccuracies, for example, incorrect timeframes for review; or
- the privacy plan was difficult to find, for example requiring a search engine to locate the privacy plan. Of the 38 agencies that published a privacy plan, only 23 privacy plans (61% of privacy plans) were published on agency privacy webpages.

IPP5 requires agencies to take all reasonable steps to ensure an individual can find out how to obtain access to any document held by the agency that contains personal information about them. Even though over half of the agencies did not publish lists of personal information holdings, almost two-thirds of agencies published information on how to access personal information holdings. Overall, 64% of agencies reviewed (local government – 58%, universities – 100% and statutory authorities – 100%) published

their access arrangements to personal information on their website, in their privacy plan or through discussion of access arrangements on their RTI webpage.

OIC encourages all agencies to review all privacy-related documents and web content regularly to ensure that they are up to date and reflect all of the agency's obligations under the IP Act.

5.5 Information about privacy complaints

A robust privacy governance framework reassures the community about using internet-based services. When trust in such frameworks is high, the community engages frankly and effectively with internet-based services, and in fact, prefers to use internet-based services.³³

A system for privacy complaint handling is part of a robust governance framework. The OIC's review considered the presence and strength of privacy complaints handling systems in this context.

The audit showed that the publication of information about privacy complaint management and procedures was a common practice amongst universities and statutory authorities. For example, six of the seven universities (86% of universities) and three of the four statutory authorities (75% of statutory authorities reviewed) published a privacy complaint process.

Only 36% of local governments published information about privacy complaint management.

Those agencies that haven't already done so should consider updating their privacy plans and statements to include information about an individual's right to lodge a privacy complaint, to assist building community trust in internet-based service delivery.

³³ Tolbert, C. J. and Mossberger, K. (2006), *The Effects of E-Government on Trust and Confidence in Government*. Public Administration Review, 66: 354–369, viewed at <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-6210.2006.00594.x/abstract;jsessionid=94C6E4B0FACB0D69C8607A7ADEB4E50A.d02t01?deniedAccessCustomisedMessage=&userIsAuthenticated=false> on 8 August 2013.

6 Conclusion

In the fourth year of the RTI and IP Acts agencies have demonstrated progress in implementing the push model, through improvements to online publication schemes and disclosure logs; and in managing the collection of and access to personal information through the internet and email. Agencies are generally working to meet their legislative requirements and visibility and compliance has improved since the results were first reported in 2011. Agencies have generally been responsive to implementing recommendations made by OIC in individual desktop audit reports.

However, there are still many agencies that are not generally compliant with and/or not compliant across all their obligations under the RTI and IP Acts. Even those agencies that are more advanced in meeting legislative requirements need to more actively adopt strategies for proactive publication of information, maintenance of push model strategies and a program of continuous improvement.

The objectives of the RTI and IP legislation will be achieved as agencies incorporate right to information and information privacy into standard practices that are continuously reviewed and enhanced to meet the changing needs of their stakeholders and the broader community. OIC is encouraged by the expressed willingness of some agencies to move beyond basic compliance to more mature and integrated practices which incorporate continuous improvement.

Appendix 1 – Acronyms

AGIMO	Australian Government Information Management Office
GOC	Government Owned Corporation
IS42	Information Standard 42
IP	Information Privacy
IP Act	<i>Information Privacy Act 2009 (Qld)</i>
IPP	Information Privacy Principle
NBN	National Broadband Network
OIC	Office of the Information Commissioner
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009 (Qld)</i>

Appendix 2 – Agencies reviewed and type of audit

The OIC desktop audit program covered 96 agencies as set out in Table A2-1.

Table A2-1: Agencies included for review by OIC desktop in 2012-13

	Total agencies in sector	Individual desktop audit	General audit (aggregate scan)	Desktop audit as part of compliance review	Total agencies included in audit program
Local governments	73	13	60	0	73*
Statutory authorities	86	4	0	0	4
Universities	7	2	5	0	7
GOCs	12	0	12	0	12
Overall					96

* One local government did not have a website, and was included in the overall review but unable to be audited further.

A full list of all agencies considered for inclusion in the audit, their status, and the type of review that was applied.

Table A2-2: Agencies reviewed and type of audit in 2012-13

Key	
Type of audit	Description
Individual audit	An audit of an individual agency that addresses legislative requirements at a high level of detail for an individual agency.
General audit	An audit of a larger group of agencies within a sector; the general audit is applied to lower risk agencies and uses simplified methods that facilitate reporting of aggregated rather than individual results.
Audited as part of a compliance review	Audits that address legislative requirements at a high level of detail and are conducted as an element of a full compliance review of an individual agency.

Local governments	Type of audit
Aurukun Shire Council	General audit – RTI and Privacy
Balonne Shire Council	General audit – RTI and Privacy
Banana Shire Council	General audit – RTI and Privacy
Barcaldine Regional Council	General audit – RTI and Privacy
Barcoo Shire Council	General audit – RTI and Privacy

Local governments	Type of audit
Blackall-Tambo Regional Council	General audit – RTI and Privacy
Boulia Shire Council	General audit – RTI and Privacy
Brisbane City Council	General audit – RTI and Privacy
Bulloo Shire Council	General audit – RTI and Privacy
Bundaberg Regional Council	General audit – RTI and Privacy
Burdekin Shire Council	General audit – RTI and Privacy
Burke Shire Council	General audit – RTI and Privacy
Cairns Regional Council	Individual audit
Carpentaria Shire Council	General audit – RTI and Privacy
Cassowary Coast Regional Council	Individual audit
Central Highlands Regional Council	General audit – RTI and Privacy
Charters Towers Regional Council	General audit – RTI and Privacy
Cherbourg Aboriginal Shire Council	General audit – RTI and Privacy
Cloncurry Shire Council	General audit – RTI and Privacy
Cook Shire Council	General audit – RTI and Privacy
Croydon Shire Council	General audit – RTI and Privacy
Diamantina Shire Council	General audit – RTI and Privacy
Doomadgee Aboriginal Shire Council	No website to audit
Etheridge Shire Council	General audit – RTI and Privacy
Flinders Shire Council	General audit – RTI and Privacy
Fraser Coast Regional Council	General audit – RTI and Privacy
Gladstone Regional Council	Individual audit
Gold Coast City Council	General audit – RTI and Privacy
Goondiwindi Regional Council	General audit – RTI and Privacy
Gympie Regional Council	General audit – RTI and Privacy
Hinchinbrook Shire Council	General audit – RTI and Privacy
Hope Vale Aboriginal Shire Council	General audit – RTI and Privacy
Ipswich City Council	General audit – RTI and Privacy
Isaac Regional Council	General audit – RTI and Privacy
Kowanyama Aboriginal Shire Council	General audit – RTI and Privacy
Lockhart River Aboriginal Shire Council	General audit – RTI and Privacy
Lockyer Valley Regional Council	Individual audit
Logan City Council	General audit – RTI and Privacy
Longreach Regional Council	General audit – RTI and Privacy
Mackay Regional Council	Individual audit
Mapoon Aboriginal Shire Council	General audit – RTI and Privacy

Local governments	Type of audit
Maranoa Regional Council	General audit – RTI and Privacy
McKinlay Shire Council	General audit – RTI and Privacy
Moreton Bay Regional Council	Individual audit
Mornington Shire Council	General audit – RTI and Privacy
Mount Isa City Council	General audit – RTI and Privacy
Murweh Shire Council	General audit – RTI and Privacy
Napranum Aboriginal Shire Council	General audit – RTI and Privacy
North Burnett Regional Council	General audit – RTI and Privacy
Northern Peninsula Area Regional Council	General audit – RTI and Privacy
Palm Island Aboriginal Shire Council	General audit – RTI and Privacy
Paroo Shire Council	General audit – RTI and Privacy
Pormpuraaw Aboriginal Shire Council	General audit – RTI and Privacy
Quilpie Shire Council	General audit – RTI and Privacy
Redland City Council	Individual audit
Richmond Shire Council	General audit – RTI and Privacy
Rockhampton Regional Council	Individual audit
Scenic Rim Regional Council	Individual audit
Somerset Regional Council	General audit – RTI and Privacy
South Burnett Regional Council	General audit – RTI and Privacy
Southern Downs Regional Council	General audit – RTI and Privacy
Sunshine Coast Council	Individual audit
Tablelands Regional Council	Individual audit
Toowoomba Regional Council	Individual audit
Torres Shire Council	General audit – RTI and Privacy
Torres Strait Islands Regional Council	General audit – RTI and Privacy
Townsville City Council	General audit – RTI and Privacy
Western Downs Regional Council	General audit – RTI and Privacy
Whitsunday Regional Council	Individual audit
Winton Shire Council	General audit – RTI and Privacy
Woorabinda Aboriginal Shire Council	General audit – RTI and Privacy
Wujal Wujal Aboriginal Shire Council	General audit – RTI and Privacy
Yarrabah Aboriginal Shire Council	General audit – RTI and Privacy

Statutory authorities	Type of audit
Legal Aid Queensland	Individual audit
Public Trustee of Queensland	Individual audit
Q-Comp	Individual audit
Workcover Queensland	Individual audit

Universities	Type of audit
Griffith University	Individual audit
James Cook University	General audit – RTI and Privacy
Queensland University of Technology	General audit – RTI and Privacy
University of Central Queensland	General audit – RTI and Privacy
University of Queensland	Individual audit
University of Southern Queensland	General audit – RTI and Privacy
University of the Sunshine Coast	General audit – RTI and Privacy

Government owned corporations	Type of audit
CS Energy	General audit – RTI only
Energex	General audit – RTI only
Ergon Energy Corporation	General audit – RTI only
Ports North	General audit – RTI only
Gladstone Ports Corporation	General audit – RTI only
North Queensland Bulk Ports Corporation	General audit – RTI only
Port of Townsville	General audit – RTI only
Powerlink Queensland	General audit – RTI only
Queensland Investment Corporation	General audit – RTI only
Queensland Rail	General audit – RTI only
Stanwell Corporation	General audit – RTI only
Sunwater	General audit – RTI only