



Office of the Information Commissioner
Queensland

Compliance audit – Sunshine Coast Regional Council

**Sunshine Coast Regional Council's compliance with the
Right to Information Act 2009 (Qld) and the
Information Privacy Act 2009 (Qld).**

We thank the staff of Sunshine Coast Regional Council for their support and cooperation.



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ISBN: 978-0-6489306-3-1

November 2021

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

Dear Mr Russo

I am pleased to present 'Compliance audit – Sunshine Coast Regional Council: Sunshine Coast Regional Council's compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld).' This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The report reviews compliance with the legislation and guidelines that give effect to right to information and information privacy and makes recommendations for improving the council's compliance.

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

Yours sincerely

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

Rachael Rangihaeata
Information Commissioner

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Summary

This report details the findings of our audit of Sunshine Coast Regional Council's compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld).

The legislation requires government agencies to:

- make government-held information available to the public as a matter of course, unless there is a good reason not to
- safeguard personal information.

The push model supports accountability and transparency and builds community trust in government agencies. It is about government agencies encouraging and authorising the proactive release of information to promote open government.

Privacy by design helps manage privacy risk proactively. The Office of the Australian Information Commissioner defines privacy by design as:

a process for embedding good privacy practices into the design specifications of technologies, business practices and physical infrastructures. This means building privacy into the design specifications and architecture of new systems and processes.

Information in a government agency's possession or control is a public resource and a strategic asset. Effective information governance and management facilitates openness and transparency and increases public participation.

Conclusions

Sunshine Coast Regional Council has recognised that it needs to improve how it manages information. In 2020 it commissioned a review that identified pockets of excellence but also a general lack of maturity in information management and governance. This is a good first step in assessing its practices and compliance with legislative requirements.

As the council embarks on an ambitious overhaul of its information and records management practices, it has a great opportunity to incorporate the push model and privacy by design into its new framework. It also needs to ensure that new or revised policies support practices that comply with all aspects of the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

The current gaps in information governance at the strategic and operational levels mean that Sunshine Coast Regional Council's practices are not always consistent with the Acts. Its existing policies and procedures do not support a co-ordinated and consistent approach around releasing or publishing information. As a result, the council does not always give the community complete advice about right to information and information privacy.

Together these issues increase the risks of not meeting the broader objectives of the *Right to Information Act 2009*. They also expose the council to privacy risks relating to handling and protecting the personal information it collects, stores, uses and discloses. For example, the council does not meet a range of legislative obligations under the *Information Privacy Act 2009* when operating and managing its surveillance camera network because there is no strategic oversight of all its surveillance systems.

However, Sunshine Coast Regional Council shows it is committed to proactive disclosure. Its right to information webpage encourages people to seek information through methods other than the legislative process, including through administrative access arrangements. Its publication scheme and disclosure log are easy to find on the website. Publishing additional easy to access and use information will increase transparency.

Key findings

Sunshine Coast Regional Council is planning to make significant changes to its information management and governance to improve maturity and reduce risk. Its challenge is to make sure it implements all the work packages designed to improve the maturity of information management.

The findings outlined in this report reflect the situation at the time of the audit, with fieldwork completed in October 2021. It is too early to assess whether the council's proposed roadmap and work packages effectively address the issues we identified during the audit.

The current overarching framework regarding right to information and information privacy is missing key strategic elements including proactive release strategies and privacy impact assessments.

The functions of the Information Steering Committee and associated working groups touch on right to information and information privacy but there are no strategies, plans or projects to drive right to information or information privacy objectives. While some

responsibilities have been clear, progress in embedding consistent information management practices has been slow.

The council has limited performance measures for monitoring progress in achieving the broader pro-disclosure and privacy by design objectives. When agencies do not measure their performance in right to information and information privacy, they risk not detecting instances of non-compliance and miss opportunities to improve service delivery.

Sunshine Coast Regional Council has a good process for enrolling staff into mandatory privacy training, but it needs to ensure all staff complete it. Training in right to information is not yet mandatory at induction or as regular refresher.

Proactive disclosure, for example through a publication scheme or an administrative access arrangement, is integral to the push model. The council meets most of its legislative requirements for operating a publication scheme. The scheme is generally well populated. It offers access to information in different formats, including direct links to documents or relevant council webpages. This is good practice and a simple and cost effective way to push information into the public domain.

The council also maintains a disclosure log and has a range of administrative access schemes the community can easily access from the council's right to information webpages. It encourages the public to search its website or to contact council to see whether it can give the information through means other than a formal access application.

Sunshine Coast Regional Council has an information asset register, but it is not available on the council's website. Half of the information assets classified as suitable for public release are published on the council's website. This indicates that the council is not pushing the maximum information possible into the public domain. As a result members of the public may lodge a formal application to get access to information that the council has already determined suitable for administrative release.

The council's case management system and procedure for handling formal applications are robust and supports decision-makers. However, the limited number of template notices the council uses does not support an efficient process. It has defined roles and responsibilities and delegated authority for applications to meet its legislative obligations.

While Sunshine Coast Regional Council is open and transparent about its privacy obligations, its practices are not always consistent with the legislation. The gaps in its privacy policy increase the risk of non-compliance.

There is more work to do to fully inform the public of the council's privacy obligations. For example, it does not adequately explain the purpose for collecting the information in its forms and how it will use that information. Also, the council does not adequately identify the types of personal information it holds or explain how it uses it.

Like the majority of Queensland local governments,¹ the council has not yet embedded privacy impact assessments into its core business. This means it cannot be sure it has identified the privacy risks of its activities or projects, and may not mitigate them effectively.

A general lack of detailed policies and clear leadership to govern the effective operation and management of all its surveillance technologies contribute to the council's non-compliance with a number of Information Privacy Principles. For example we found that the signage near the camera sites was insufficient to inform the public about the council using surveillance cameras. The practices across council departments when dealing with requests from the public or the Queensland Police Service (QPS) to access footage are inconsistent and put the council at risk of a privacy breach or not complying with right to information requirements.

¹ Our report - 10 years on: Queensland government agencies' self-assessment of their compliance with the *Right to Information Act 2009* and the *Information Privacy Act 2009* available at www.oic.qld.gov.au

Recommendations

We recommend that Sunshine Coast Regional Council:

Recommendation 1

within twelve months,

- establishes new terms of reference for the information governance body that incorporate proactive disclosure objectives and privacy by design within its scope and functions
- develops an information governance framework and supporting documented plans, policies and procedures to drive right to information and information privacy aims.

Recommendation 2

within 18 months, implements the information governance framework and associated plans, policies and procedures developed under Recommendation 1 to embed a pro-disclosure and privacy by design culture through active leadership.

Recommendation 3

within twelve months, develops and implements performance measures for access to information and information privacy outcomes.

Recommendation 4

within six months,

- mandates mandatory right to information training at induction for new staff and as a periodic refresher for existing staff
- ensures all employees undertake and complete training on right to information
- ensures the training content on right to information is comprehensive, contemporary and tailored to the council's context.

Recommendation 5

within six months, develops, documents and implements processes to:

- enrol all staff in right to information and information privacy training at induction (on-boarding of new staff) and as regular refresher training (existing staff)
- check that all employees complete mandatory training on right to information and information privacy when due.

Recommendation 6

within six months,

- updates its procedure to explain what is significant and appropriate information for including in its publication scheme
- includes advice on users' ability to make a complaint on the availability of information in its publication scheme; includes a link to its complaints process.

Recommendation 7

within six months, updates its disclosure log so that it is consistent with the Ministerial Guidelines by including:

- a statement about blank pages
- all criteria around why some documents, or parts of documents, may not be in its disclosure log.

Recommendation 8

within twelve months,

- develops an administrative access policy that outlines the type of information staff can release, and the process for doing so
- publishes the policy on its website.

Recommendation 9

within twelve months, develops and publishes a version of the information asset register to better inform the community about the information it holds, and who to contact to request access to an information holding.

Recommendation 10

within six months,

- updates its right to information webpages so they are complete and consistent with the *Right to Information Act 2009* and the *Information Privacy Act 2009*
- develops and approves a stand-alone right to information policy
- publishes the policy and links it from the right to information webpage.

Recommendation 11

within six months, updates its Administering Right to Information & Information Privacy procedure so that it is consistent with better practice and prescribed requirements.

Recommendation 12

within twelve months,

- updates existing template notices so that they are consistent with prescribed requirements
- develops a comprehensive suite of template notice documents to support legislatively compliant and more efficient application handling.

Recommendation 13

within six months, updates its Information Privacy organisational policy and other privacy resources so they:

- are complete and consistent with all privacy principles and obligations of the *Information Privacy Act 2009*
- explain privacy complaints, including how a person can bring their complaint to the Office of the Information Commissioner.

Recommendation 14

within twelve months, reviews collection notices for all forms including those on the council websites and ensures they have, or link to, an appropriately worded collection notice that complies with the *Information Privacy Act 2009*.

Recommendation 15

within twelve months, publishes the types of personal information it holds and the main purposes for which the information is used.

Recommendation 16

within six months, reviews its governance arrangements for publishing public data, including relevant policies and procedures, to adequately manage re-identification risk.

Recommendation 17

within twelve months,

- integrates privacy impact assessments in its risk management and project management methodologies and tools
- ensures it completes privacy impact assessments at the planning stage of future projects
- proceeds with its intentions to undertake privacy impact assessments for all current projects and for projects finalised within the last 12 months.

Recommendation 18

within twelve months, implements a co-ordinated approach to managing its surveillance systems to ensure its policies, procedures and practices:

- are consistent with the council's legislative obligations, under the *Right to Information Act 2009* and the *Information Privacy Act 2009*
- cover all surveillance technologies and recording devices
- are consistent for like functions and activities, for example, handling requests for footage.

Recommendation 19

within twelve months, installs council signs and notices, including for public spaces, buildings and vehicles, to make people generally aware that it is using cameras to collect personal information in the vicinity of the notices.

Recommendation 20

within twelve months, develops, documents and adopts practices that comply with its information privacy obligations for securing and storing camera footage for all of its surveillance systems.

Recommendation 21

within twelve months, develops and adopts standardised practices that comply with its right to information and information privacy obligations when handling requests for access to footage from members of the public for all of its surveillance systems.

Recommendation 22

within twelve months, reviews its arrangement with the Queensland Police Service for the operation of camera surveillance, and takes all steps necessary to ensure:

- it adopts consistent practices for handling requests for footage
- it complies with the *Information Privacy Act 2009*.

1 Context

Sunshine Coast Regional Council delivers a range of services, and builds and maintains community infrastructure including roads, drainage, sporting venues and other recreational facilities.

The local government area of Sunshine Coast is north of Brisbane. It extends from Beerburrum to Peregrine Beach and as far west as Conondale and Kenilworth. It has a population of about 336,482 people.² It is expected to grow to over 500,000 people by 2041.

Sunshine Coast's estimated economy is A\$17.28 billion and is one of the largest of all local government regional areas in Australia.³ Significant industries operating in the region include construction, professional, scientific and technical services, financial services, healthcare and social services, retail and hospitality and tourism. There are approximately 33,317 registered businesses operating in the Sunshine Coast region.⁴

In delivering its services, Sunshine Coast Regional Council processes thousands of information requests each year for personal and non-personal information. In 2019-20, council assisted 260,000 customers through its contact centres. It assisted 24,000 customers face-to-face, answered 171,000 calls and responded to approximately 65,000 emails and customer chats online.⁵

In 2019-20, council reported receiving 63 formal applications under the *Right to Information Act 2009* and 10 applications under the *Information Privacy Act 2009*.⁶ We received five applications for external review of council decisions in 2019-20.⁷

Audit scope and objective

The objective of this audit was to:

- determine whether Sunshine Coast Regional Council is complying with specific prescribed requirements of the legislation
- identify areas of good practice
- make recommendations about improvement opportunities.

² Australian Bureau of Statistics 2020 available at www.abs.gov.au.

³ National Institute of Economic and Industry Research, 2019 available at www.nieir.com.au.

⁴ Australian Bureau of Statistics 2020 available at www.abs.gov.au.

⁵ Sunshine Coast Council Annual report 2019/20 available at www.sunshinecoast.qld.gov.au/Council/Budget-Financial-and-Annual-Reports/Annual-Report.

⁶ Right to Information Act 2009 and Information Privacy Act 2009 Annual Report 2019-20 available at www.rti.qld.gov.au.

⁷ Office of the Information Commissioner Annual Report 2019-20 available at www.oic.qld.gov.au.

We set the scope of the compliance audit to focus on the key areas of risk the council identified in the 2018 electronic audit, and the risks identified across all agencies. These include adopting push model strategies to maximise disclosure, developing and overseeing right to information and information privacy policies, and privacy and camera surveillance systems.

We conducted this audit under section 131 of the *Right to Information Act 2009* and section 135 of the *Information Privacy Act 2009*.

Report structure

We structured our report as follows:

Section	Contents
Chapter 1	provides context to this audit
Chapter 2	considers the structures and processes the council has in place to meet its legislative obligations
Chapter 3	examines whether the council has a systematic approach to identify and routinely publish the maximum amount of information it has available
Chapter 4	assesses the systems and processes that support compliant application handling
Chapter 5	looks at whether the council is meeting its legislative obligations when collecting and handling personal information
Chapter 6	examines how the council meets its privacy obligations when managing its camera surveillance network
Appendix 1	contains Sunshine Coast Regional Council's response and action plan
Appendix 2	outlines our audit methodology
Appendix 3	contains the recommendations to all agencies we made in our audit report on <i>Privacy and Public Data - Managing re-identification risk</i>

2 Leadership and governance

2.1 Introduction

The preamble to the *Right to Information Act 2009* recognises that information in a government agency's possession or control is a public resource. Effective information governance and management facilitates openness and transparency and increases public participation in democratic processes.

Agencies should manage information as a strategic asset to achieve the objectives of the *Right to Information Act 2009* and the *Information Privacy Act 2009*. Their leaders need to establish a structured approach to information governance with clear roles and responsibilities to drive good practice.

To meet their legislative obligations and support independent decision-making, agencies also need to have adequate systems to monitor:

- the performance of their right to information and privacy operations
- their compliance with legislation.

2.2 Conclusion

Information management and governance at Sunshine Coast Regional Council is undergoing significant change. The rollout of its information management maturity roadmap represents an opportunity for the council to build the objectives of right to information and information privacy obligations into the information management and governance framework.

Elements of right to information and information privacy aims are evident in the functions of the Information Steering Committee and associated working groups, but there are significant gaps in the current overarching framework. While some responsibilities have been clear, progress in embedding consistent information management practices has been slow.

This increases the risks of not meeting the broader objectives of the *Right to Information Act 2009*, for example by fostering a proactive disclosure environment. It also exposes the council to privacy risks relating to handling and protecting the personal information it collects, stores, uses and discloses.

The council has limited performance measures for monitoring progress in achieving the broader pro-disclosure and privacy by design objectives of right to information and

information privacy. This makes it more difficult for the council to determine areas of good practice and those that require additional effort.

Sunshine Coast Regional Council has good process for enrolling staff into mandatory privacy training, but it needs to ensure all staff complete it. Training in right to information is not yet mandatory at induction and as regular refresher training.

2.3 Results

Information management and governance

Leadership is the key to good information governance and management. Agency leaders must demonstrate how the agency values, manages and shares information appropriately. The agency must implement a pro-disclosure and privacy by design culture, organisational structures with clear accountabilities, plans and strategies to achieve results, and tools for monitoring business units' contributions.

When assessing whether an agency's information management and governance supports access to information and information privacy, we examine how well the agency has:

- assigned clear responsibility for leadership of information management
- established a structured approach to information governance, including right to information and information privacy in information management plans, policies and procedures.

Structured approach

An information governance framework with clear, measurable aims for right to information and information privacy, and supporting project plans and practical procedures, strengthens an agency's pro-disclosure and privacy by design culture and its openness and transparency.

Sunshine Coast Regional Council has a number of documents that cover some aspects of information management, right to information and information privacy, but they do not address the broader objectives of the Acts explicitly.

There are gaps in the overarching framework regarding right to information and information privacy. Examples of missing strategic elements of right to information and information privacy include:

- proactive release strategies, guidelines and standards for releasing information administratively and publishing it online

- building privacy by design such as threshold test for conducting privacy impact assessments to build privacy-protections into technological solutions
- managing privacy risks when publishing open data datasets
- connecting council activities with information management, right to information and information privacy. For example, how disposal of records helps to protect privacy.

The *Right to Information Act 2009* aims to make information routinely available and accessible unless there are good reasons not to. This supports openness and transparency in government. A better informed community is able to participate in democratic processes more effectively. This in turn leads to better decision-making.

The gaps in the council's information governance framework increases the risks that council is not meeting the broader objectives of the *Right to Information Act 2009*. It also exposes council to privacy risks associated with how it handles and protects the personal information it collects, stores, uses and discloses.

In September 2020, the council commenced a project to assess its information management maturity and plan how to improve it. It engaged a consultant to compare its recordkeeping and information management practices against a range of standards, frameworks and legislation.

The consultant found that the council was aware of its information management challenges. It identified pockets of excellence across some branches but also systemic issues that affect the council's compliance with the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

The resulting maturity assessment report included ten recommendations, of which four were urgent. Two of the urgent recommendations mention right to information and information privacy. For example, appointing an Executive Sponsor with the authority to make organisation wide decisions relating to recordkeeping and information management.

The sponsor should champion cultural change activities to ensure recordkeeping and information management help council to:

- fully exploit the value of information and data as a strategic asset
- improve service delivery to the community
- comply with its right to information and privacy obligations.

The draft Information and Records Management Maturity Assessment Roadmap builds on the consultant's report and outlines the council's response. This includes a goal to

become legislatively compliant in all regards within 18 months. The draft report also outlines an *Uplift Roadmap* based on 11 work packages.

The start date for the roadmap and work packages is July 2021. There are four time horizons for the activities listed in the roadmap, from immediate action up to 5 years.

As Sunshine Coast Regional Council is at the very beginning of implementing the roadmap and work packages, we are unable to assess their effectiveness on the council's right to information and information privacy practices and compliance.

However, this also means that the council is ideally placed to go beyond compliance and incorporate right to information and information privacy objectives throughout its information management and governance framework.

Leadership responsibility

Agencies seeking to govern and manage information effectively must assign leadership responsibility clearly and explicitly to a committee or person.

Sunshine Coast Regional Council has an Information Steering Committee. The committee's terms of reference state that its purpose is to cover information technology and information management.

The Information Steering Committee does not have any strategies, plans or projects to drive right to information or information privacy objectives.

Five working groups report to the committee. We identified two working groups as possibly undertaking right to information and privacy activities. They include:

- Data and Information Working Group
- Online Business Strategy Working Group.

The Data and Information Working Group's objectives touch on right to information and privacy. For example, information governance, information as an asset and access to data are right to information and privacy concerns. Similarly, the group has duties covering information governance frameworks, roles and responsibilities, management of information throughout its lifecycle and quality practices in information management.

However, the group's charter does not explicitly mention right to information or privacy. The council advised that the group does not have strategies, plans or projects that drive right to information or information privacy aims.

The absence of clear leadership and responsibility for delivering on the right to information or information privacy objectives makes it more difficult to establish a pro-disclosure culture. An understrength privacy culture increases the risks of privacy

breaches and complaints. A privacy breach can have serious consequences for the individual whose privacy has been breached and the agency.

Sunshine Coast Regional Council acknowledges there are gaps in the terms of reference for the Information Steering Committee and working groups regarding information management, right to information and information privacy. It advised that it is reviewing its IT Governance.

This presents an opportunity for the council to build right to information and information privacy objectives into role and responsibility of its Information Steering Committee and supporting working groups.

Recommendation 1

We recommend that Sunshine Coast Regional Council:

within twelve months,

- establishes new terms of reference for the information governance body that incorporate proactive disclosure objectives and privacy by design within its scope and functions
- develops an information governance framework and supporting documented plans, policies and procedures to drive right to information and information privacy aims.

Recommendation 2

We recommend that Sunshine Coast Regional Council:

within 18 months, implements the information governance framework and associated plans, policies and procedures developed under Recommendation 1 to embed a pro-disclosure and privacy by design culture through active leadership.

Performance monitoring

Performance monitoring and reporting contributes to greater accountability and transparency. By establishing a robust framework to assess its progress against a set of criteria, an agency can determine areas of good practice and those that require additional effort.

Performance monitoring assists agencies to identify:

- information to publish proactively
- opportunities to improve the quality and efficiency of agency processes
- training needs
- legislative compliance issues.

In a compliance audit, we expect to see agencies monitoring their progress in meeting the objectives of the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

Sunshine Coast Regional Council's Corporate Plan 2021-25 outlines one strategic priority that incorporates an element of privacy:

Develop and implement the Information and Communication Technology Plan 2021, with a strong focus on cyber-security, mobility, connectivity, accessibility and cloud computing.

The plan lists 'security of systems and data' as a progress indicator. It does not mention how it will achieve this. For example, training all council staff in cyber/information security as a strategy for safeguarding people's personal information.

The council's Corporate Governance team is responsible for administering right to information and information privacy. The Corporate Governance Branch Plan does not include measures of performance at the operational level.

The Corporate Governance branch gives a weekly update on right to information to the Executive Leadership Team. It includes:

- a high-level summative update on the status of current right to information applications and internal and external reviews
- statistical information about complaints handled by the branch, including active privacy complaints.

We did not find any measure in the corporate plan or the branch plan about proactive disclosure, privacy breaches or training all staff in right to information and information privacy. When agencies do not measure their performance in right to information and information privacy, they risk not detecting instances of non-compliance and miss opportunities to improve service delivery.

Agencies can also use self-assessment tools to measure their progress in embedding sound right to information and privacy practices in their business as usual operations. We publish a range of resources, including checklists and questionnaires such as those

used for our 2019 report on the maturity of information management or our periodic electronic audits.

Recommendation 3

We recommend that Sunshine Coast Regional Council:

within twelve months, develops and implements performance measures for access to information and information privacy outcomes.

Training and awareness

Agencies should train their staff to promote good information management, foster a culture of proactive disclosure and ensure they meet their right to information and information privacy responsibilities. Staff need to understand the principles of right to information and privacy and the corresponding practical obligations. They need to know how to respond to requests for information effectively and efficiently. Generic training is useful for general awareness. However, training tailored specifically to the agency, helps staff understand how right to information and information privacy obligations apply in their day-to-day duties.

It is also an opportunity for the agency to communicate to staff its commitment to right to information and information privacy.

Sunshine Coast Regional Council has not made training in right to information mandatory for all new and existing staff as part of induction or as regular refresher training. While it does offer face-to-face training sessions for right to information, staff attendance is voluntary. This means that only a small proportion of the council's total employees will undertake the training. While this is a good approach for interested staff, it is less effective in making all staff aware of their right to information obligations.

The council confirmed that it intends to rollout mandatory online training in right to information for all staff through its learning management system. We have not received the proposed training module and thus cannot comment on its effectiveness and accuracy with legislative requirements.

Recommendation 4

We recommend that Sunshine Coast Regional Council:

within six months,

- mandates mandatory right to information training at induction for new staff and as a periodic refresher for existing staff
- ensures all employees undertake and complete training on right to information
- ensures the training content on right to information is comprehensive, contemporary and tailored to the council's context.

In May 2021, Sunshine Coast Regional Council made training on information privacy mandatory for all new and existing staff. This is in line with our 2019 recommendation to all agencies.⁸

It manages this process through its learning management system. The system lists Code of Conduct and Information Privacy training as mandatory. The council enrolls all new staff in Code of Conduct and Information Privacy training as part of on-boarding. It has set annual refresher training in information privacy.

The learning management system alerts employees an automated email that they are required to complete training within a set timeframe. The system will also issue reminder notifications to the employee and supervisor when training is overdue. The council said it is the responsibility of each employee to complete mandatory training. Managers can monitor all of their direct staff training activity including training not commenced or completed.

The learning management system administrator can produce reports on the number of people enrolled in the module, the number of completions and outstanding.

The report we received shows 1,125 employees completed the training between March 2021 and July 2021. We selected this period because training on information privacy became mandatory in May 2021. As the council reported 1,722 FTE employees in its 2019-20 annual report,⁹ it would appear that the council has not enrolled all employees in the training or that not all employees completed it.

⁸ Awareness of privacy obligations: How three Queensland government agencies educate and train their employees about their privacy obligations available at www.oic.qld.gov.au.

⁹ The 2019-20 annual report was the most recent available at time of this audit.

This means that training is not as effective as it could be as a privacy risk management strategy.

We reviewed the council's training module on 'Privacy – your roles and responsibilities'. The module is very good and consistent with the legislation, although we identified minor improvement opportunities. The examples used are practical and tailored to specific functions. For example:

For Council law enforcement functions (e.g. local laws and development compliance):

- *An investigator may need take photographs or collect evidence without telling the person.*
- *A 'show cause notice' or proposed dog declaration, may need to include some personal information in order to afford natural justice.*

Recommendation 5

We recommend that Sunshine Coast Regional Council:

within six months, develops, documents and implements processes to:

- enrol all staff in right to information and information privacy training at induction (on-boarding of new staff) and as regular refresher training (existing staff)
- check that all employees complete mandatory training on right to information and information privacy when due.

3 Proactive disclosure

3.1 Introduction

Proactive disclosure increases the flow of government-held information to the community. Under the *Right to Information Act 2009*, government agencies should release information as a matter of course, unless there is a good reason not to. Formal access applications under the Act should be the last resort. This approach increases transparency of, and community confidence in, government agencies.

To assess an agency's approach, we review push model strategies it can adopt to disclose information routinely and proactively: administrative access arrangements and online information delivery.

Administrative arrangements are a simple and efficient way to release information to the community. They allow access to documents without formal applications, such as through an online form, publication scheme, disclosure log, or under another Act.

A systematic approach to identifying and classifying information holdings or datasets helps agencies determine which information is suitable for public release. It also provides assurance that the agency is publishing the maximum amount of information.

3.2 Conclusion

Sunshine Coast Regional Council shows it is committed to proactive disclosure. Its right to information webpage encourages people to seek information through methods other than the legislative process, including through administrative access arrangements.

The council meets most of its legislative requirements for operating a publication scheme. The scheme is generally well populated and is easy to find on the website. It offers access to information in different formats, including direct links to documents or relevant council webpages. This is good practice and a simple and cost effective way to push information into the public domain. The council also maintains a disclosure log.

Sunshine Coast Regional Council has an information asset register, but it is not available on the council's website. Half of the information assets classified as suitable for public release are published on the council's website. Sunshine Coast Regional Council advises that it is considering publishing the register as part its Information Management Maturity Roadmap project.

3.3 Results

Publication scheme

The publication scheme is integral to the push model objectives of the *Right to Information Act 2009* where information is disclosed proactively.

Under the Act, agencies must publish a publication scheme setting out the information they have available and the terms on which they make that information available. The publication scheme must comply with the Ministerial Guidelines.¹⁰

Sunshine Coast Regional Council has published a publication scheme on its website. The scheme is easy to locate and access, and states the terms on which the information is available. The council has organised the information in its publication scheme under the seven information classes specified.

Under the Ministerial Guidelines, the information in a publication scheme must be easily accessible, where possible via a direct link. This is a simple and cost effective way to push information into the public domain. The council's publication scheme contains direct links to documents or relevant council webpages.

Agencies should give access to information in alternative formats. The information in the council's publication scheme is in html or pdf format. Also, users can contact the council to obtain access in an alternative format.

The Ministerial Guidelines state that a publication scheme:

should be regularly reviewed to ensure information on the publication scheme is current and up to date. Each agency should implement procedures to ensure that new information covered by the publication scheme is available and that any out dated information is replaced or archived.

Sunshine Coast Regional Council has documented the process for maintaining its publication scheme in its 'Corporate Governance Branch Procedure: Administering Right to Information & Information Privacy'.

The Corporate Governance unit is responsible for reviewing and updating the publication scheme annually.

However, the procedure does not explain what is significant and appropriate information. This does not guide staff deciding whether to include new documents in

¹⁰ Ministerial Guidelines for Publication Schemes and Disclosure Logs available at www.rti.qld.gov.au.

the publication scheme, for example information about major projects or new council initiatives and policy.

While the council's publication scheme is generally well populated, the 'Our lists' information class only includes direct access to one of the listed registers, even when other registers are available elsewhere on the website such as:

- registers of interests
- register of fees and charges
- local laws.

The guidelines also require agencies to implement a complaints procedure, which sets out how to make a complaint when information included in the publication scheme is not available.

Sunshine Coast Regional Council has an Administrative Action Complaints Management Process Policy. However, its publication scheme webpage does not inform users of their ability to complain or provide feedback on the availability of information in the publication scheme. There is no link to its Administrative Action Complaints Management Process Policy from the publication scheme homepage.

Recommendation 6

We recommend that Sunshine Coast Regional Council:

within six months,

- updates its procedure to explain what is significant and appropriate information for including in its publication scheme
- includes advice on users' ability to make a complaint on the availability of information in its publication scheme; includes a link to its complaints process.

Disclosure log

A disclosure log ensures the public has access to information released in response to previous right to information applications where appropriate according to specified criteria set out in the *Right to Information Act 2009* and the Ministerial Guidelines. It is consistent with the push model and the principles of openness and transparency underpinning right to information. We encourage all agencies to maintain a disclosure log and upload released information unless impracticable.

Sunshine Coast Regional Council has published a disclosure log on its website. It is easy to locate and access.

A disclosure log should briefly explain the nature and context of an application, as well as any corresponding documents or background information. Including a clear and concise summary of the main content of documents released under right to information enhances readers' understanding of the request and the responsive documents.

Under the Act, if an agency makes a decision to give access to a document that does not contain personal information of the applicant, a copy of the document may be included in a disclosure log. Alternatively, an agency may include details identifying the document and information about the way in which the document may be accessed.¹¹

The council gives a brief summary of the nature of documents listed in its disclosure log. It also includes direct access (hyperlinks) to these documents, which is good practice.

There is no public benefit in publishing documents containing only blank pages, or only deletions. On this basis, the Ministerial Guidelines suggest that agencies:

should consider including information on their disclosure log pages explaining that where pages are blank as a result of decision-making processes, these pages are not included on the disclosure log.

The council's disclosure log webpage does not include this advice.

Furthermore, an agency must delete information (including individuals' names) from any document or information published on the disclosure log if:

- its publication is prevented by law
- it may be defamatory
- it would unreasonably invade an individual's privacy
- it would cause substantial harm to an entity
- it is of a confidential nature communicated in confidence or protected from disclosure under a contract; or would allow such information to be ascertained.

The council's disclosure log webpage states that:

However council does not add documents to the disclosure log for all applications. Documents will not be added to the log if they contain the applicant's personal information or meet other criteria that would prevent them from publication in the log.

¹¹ Section 78A(1) *Right to Information Act 2009*.

Explicitly mentioning all criteria listed under the Ministerial Guidelines would improve transparency around why some documents are not published in its disclosure log, in full or in part.

Recommendation 7

We recommend that Sunshine Coast Regional Council:

within six months, updates its disclosure log so that it is consistent with the Ministerial Guidelines by including:

- a statement about blank pages
- all criteria around why some documents, or parts of documents, may not be in its disclosure log.

The Ministerial Guidelines require agencies to include contact details so that users can seek access to documents in an alternative format. The council's disclosure log advises persons to contact the Right to Information team by email or phone if they experience difficulty accessing documents.

Administrative access

An agency may establish administrative access arrangements for different types of information, for example documents, datasets and camera surveillance footage.

Through promoting administrative access schemes, agencies can:

- improve customer service
- reduce formal right to information and information privacy applications
- encourage open, transparent and accountable government.

Sunshine Coast Regional Council promotes administrative access to the information it holds ahead of application under the legislative process. It encourages the public to search its website or to contact council to see whether it can give the information through means other than an application.

While its right to information webpages do not explicitly mention the term administrative access, they do include information access arrangements that we consider are administrative access schemes. For example:

- MyCouncil – allows registered users to view their information and request various services
- MyMaps – allows users to view interactive mapping

- Development.i – gives information on development applications
- Searches – allows users to search for property and building related information
- Open Data Portal – makes various data available in digital formats for reuse.

The community can easily access these arrangements directly from the council's right to information webpages.

When reviewing administrative access arrangements, we expect to see policies and procedures that outline the type of information staff can release, and the process for doing so, whether through formal access schemes or administrative release. Effective policies and procedures can:

- set the authorising environment for releasing information administratively
- assist staff to understand their roles and responsibilities about the administrative release of information
- create confidence in staff to release information
- prompt staff to consider privacy and information sensitivities when deciding to release information
- ensure website pathways to administrative access arrangements are well promoted and visible
- increase responsiveness to requests for information (that is, frontline staff are well informed about the agency's administrative access schemes and are able to assist the public).

While the council prompts staff to consider giving access to information administratively before referring customers to the legislative process, it does not have a policy about administrative access. Such policy should guide staff in what information they can release and when they can release it. Its absence means that the council may be less efficient and effective when considering low risk administrative access requests, particularly where the information is not sensitive or personal.

The council's intranet advises staff dealing with customer requests for information to:

Not refer customers to make a formal application unless other options have firstly been considered or explored. Applications are intended to be necessary only as a last resort.

The intranet pages also includes a general guide outlining the process Customer Contact Officers and other council staff should consider when handling customer requests for information. It includes some examples of the types of information commonly requested by customers and where to refer them to access it. It also reminds

staff to contact council's Right to Information officer to discuss the request if they are unsure about whether council can release the information administratively.

This information is not publicly available.

Recommendation 8

We recommend that Sunshine Coast Regional Council:
within twelve months,

- develops an administrative access policy that outlines the type of information staff can release, and the process for doing so
- publishes the policy on its website.

Information asset register

Information asset registers identify, define and classify information. They should capture all information assets across an agency, assess their level of confidentiality and suitability for public release, and assign custodians to each asset. Effective information asset registers can also provide assurance that agencies are maximising disclosure.¹² Agencies that publish a version of the information asset register, for example on their website, inform the community about the assets they hold, and assist community members to focus requests for information.

Sunshine Coast Regional Council has an information asset register. The register lists 208 information assets, of which 18 are suitable for public release. We located nine of these on the council's website. There is an assigned information custodian for each information asset.

The Information Management Team is responsible for maintaining the information asset register. The council advises that the team updates the register as new information assets are identified, most commonly through IT project activity.

The council is currently undertaking an overhaul of its information management and governance. One of 11 work packages in this significant project is about the information asset register. The council states that it will continue to rapidly improve the register in terms of its population, user friendliness, format, accessibility and its appropriate use.

¹² Local governments are not required to adopt advice from the Queensland Government Chief Information Office (QGCIO). However, the QGCIO guidelines are useful and readily available on its website. It has a guideline about information asset registers.

The information asset register, or a redacted version of it, is not available on the council's website. This means the council is not making the community aware of all its information assets. As a result members of the public may seek access under a legislative process to information that the council has already determined suitable for administrative release.

Sunshine Coast Regional Council advises that it is considering publishing the register as part its Information Management Maturity Roadmap project.

Recommendation 9

We recommend that Sunshine Coast Regional Council:

within twelve months, develops and publishes a version of the information asset register to better inform the community about the information it holds, and who to contact to request access to an information holding.

4 Formal access to information

4.1 Introduction

The *Right to Information Act 2009* and the *Information Privacy Act 2009* give a right of access to government-held information unless, on balance, releasing the information would be contrary to the public interest. People can make formal access applications to agencies, however applications are intended as a last resort.

Agency decision-makers must balance competing public interest factors in the light of the legislation and their agency's business. They have a key role in ensuring that decisions meet both the intentions and the requirements of the legislation. They also need to ensure that the process for locating and considering the information is efficient and effective.

In this chapter, we examine whether the council's procedures, systems and structures support compliant application handling. However, in an audit, we do not review the merits of the decisions made on applications.

4.2 Conclusion

The council's right to information webpage is generally consistent with the *Right to Information Act 2009*. While easy to find, it could better explain what is right to information and outline the requirements for a valid application.

Sunshine Coast Regional Council is drafting a right to information policy. Adopting and publishing this policy, should further facilitate access to information.

Its organisational structure is clear and positions the council's decision-makers to act with appropriate independence. The council has defined roles and responsibilities and delegated authority for handling right to information and information privacy applications to meet its legislative obligations.

The council's case management system and work procedure are robust and supports decision-makers processing applications. However, the limited number of template notices the council uses does not effectively support efficient application handling.

4.3 Results

Right to information resources

Agencies can emphasise and promote right to information by having a right to information webpage that is readily identifiable and easy to access. When reviewing agencies, we expect to find clear pathways to access information about right to information.

Sunshine Coast Regional Council's right to information webpage is easy to locate and access. However it could better explain what is right to information.

The webpage includes detailed information about the application process under the *Right to Information Act 2009* and the *Information Privacy Act 2009*. This information is generally consistent with the Acts.

We noted a couple of minor inconsistencies around fees and charges. For example, the council does not adequately explain when processing charges are applied. Currently the website states that:

*processing charges may also be payable at a rate of
\$8.00 per 15 minutes*

The council does not state that processing charges may only be charged if it spends more than 5 hours processing the application. It does not clarify that no processing charges are payable for documents containing the applicant's personal information. Also the website does not mention access fees and charges or when these may be payable. Including information about when council can waive processing and access charges will also improve transparency and manage applicants expectations.

The council's 'Right to Information and Accessing Documents' webpage directs applicants to read the application form for application requirements, such as evidence of identity. Its intranet page includes detailed information about processing and access charges and the process for lodging an application. Publishing this information on its website would better inform the community and manage their expectations when making an application.

In addition to its *Information Privacy* organisational policy, the council has a draft *Information Privacy and Right to Information* policy. The draft policy has a number of inconsistencies with both Acts. For example, it mentions the public right of access to council held information. The Act gives a right of access to information in a government

agency's possession or under the agency's control. This includes documents held by someone else, that the agency owns or has a legal right to access.

The draft policy conflates right to information¹³ and information privacy. While the council originally thought that a combined policy may be operationally effective, it now considers that a stand-alone right to information policy would be more effective.

Recommendation 10

We recommend that Sunshine Coast Regional Council:

within six months,

- updates its right to information webpages so they are complete and consistent with the *Right to Information Act 2009* and the *Information Privacy Act 2009*
- develops and approves a stand-alone right to information policy
- publishes the policy and links it from the right to information webpage.

Organisational structure and delegations

Agency organisational structures, position descriptions and delegations of authority should support the independence of the agency's decision-makers and help meet its obligations under the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

Sunshine Coast Regional Council has a clear organisational structure for handling formal access applications. Relevant position descriptions clearly define the roles of staff responsible for right to information and privacy. The primary decision-makers do not report directly to the Chief Executive Officer, which is an appropriate balance between authority and independence of decision-making.

The principal officer of an agency must deal with right to information and information privacy applications.¹⁴ The Acts give the principal officer the powers to delegate the authority to deal with applications to another officer of the agency.¹⁵

Sunshine Coast Regional Council has effectively delegated power to decision-makers to deal with applications made under the Acts.

¹³ Under the *Right to Information Act 2009* and Chapter 3 of the *Information Privacy Act 2009* (including publication scheme, disclosure logs and formal access applications).

¹⁴ Section 30(1) *Right to Information Act 2009* and Section 50(1) *Information Privacy Act 2009*.

¹⁵ Section 30(2) *Right to Information Act 2009* and Section 50(2) *Information Privacy Act 2009*.

The delegations under each Act consists of two documents. The Delegation Authority describes the nature of the delegation:

1. *The Delegated Officer may deal with all applications for access under the Act. However, internal review applications must not be decided by the delegated officer who made the reviewable decision, and the delegated officer must not be less senior in position than that officer;*
2. *The delegation is to be exercised in accordance with the provisions outlined in the Act.*

The Schedule to the Delegation, approved in July 2019, lists the council positions the principal officer has delegated authority to.

Procedures, systems supporting compliant application handling

Sunshine Coast Regional Council uses a case management system dedicated to formal access applications. It was developed by the Department of Transport and Main Roads. It is supported by a manual that gives step by step instructions on how to use the system.

The system tracks and monitors the progress of applications through the various stages of the legislative process. For example:

- identifying non-valid applications and actions required to make application valid
- estimating and tracking access and processing charges (Charges Estimate Notice)
- tracking third party consults
- requesting extensions (date requested, new due date)
- entering decisions on application.

The council has an *Administering Right to Information & Information Privacy* procedure to assist council decision-makers with processing applications. It is comprehensive and covers all aspects of the application process. For example:

- entering new applications into case management system (RTIPs)
- searching for documents and search & retrieval process
- identifying any need for third party consultation
- finalising a decision
- applying the disclosure log process
- closing an application file

We noted examples of good practice in the procedure document. For example, it encourages decision-makers to talk to applicants early as this approach could greatly

reduce the time required to process the application and potential processing charges. Also, when requesting extension for a further specified period, decision-makers are instructed to request an additional number of business days, rather than until a particular date.

We also noted some minor inconsistencies and opportunities to improve clarity around application handling requirements.

For example, the procedure includes advice about notifying applicants that their name may be given to a third party. This section is not correct. Where the applicant is an individual the privacy principles will apply and disclosure of the applicant's identity to the third party will generally not be permitted, unless one of the exceptions to the non-disclosure rule applies.¹⁶ Where the applicant is not an individual (i.e. that is a company) the privacy principles do not apply, and it will be up to the decision-maker whether they tell the third party who the applicant is.

Recommendation 11

We recommend that Sunshine Coast Regional Council:
within six months, updates its Administering Right to Information & Information Privacy procedure so that it is consistent with better practice and prescribed requirements.

A comprehensive suite of template documents improves efficiency and supports a consistent and compliant process. We received four template documents for processing applications. They are:

- document retrieval request
- third party consultation letter
- charges estimate notice
- decision notice.

The existing templates do not cover access or amendment under the *Information Privacy Act 2009*.

Using the same notices interchangeably for applications made under the *Right to Information Act 2009* and the *Information Privacy Act 2009* increases the risk of error and confusion to the reader.

¹⁶ Consulting with relevant third parties available at www.oic.qld.gov.au.

For example, the council's third party consultation notice is for a consult under the *Right to Information Act 2009*. It is consistent with section 37 of the Act. It includes a section notifying the third party that, if access is given to the applicant, council may publish the documents in their disclosure log which is not applicable to applications under the *Information Privacy Act 2009*. Failing to remove references to the relevant sections of the *Right to Information Act 2009* when modifying the notice to reflect council's actions under the *Information Privacy Act 2009* may inadvertently increase the risk of the third party objecting to release if they mistakenly believe that the information may be available to the broader public through its disclosure log.

Accurate and up to date templates capture expertise and improve efficiency and consistency. While the limited number of template notices the council uses are generally consistent with legislative requirements, it could develop additional notices that cover application requirements. For example:

- non-compliant application notice
- decision notice for third parties
- deemed decision notice
- refusal decision notice because of effect on functions
- refusal to deal decision notice
- decision notice for amendment applications under the *Information Privacy Act 2009*.

We did note that council needs to make some minor amendments to comply with prescribed requirements. For example, the processing charge amount of \$7.85 per 15 minutes, or part of, included in its Charges Estimate Notice is incorrect and out of date. Between 1 July 2020 and 30 June 2021 it was \$8.00 and from 1 July 2021 is \$8.15.¹⁷

Also, the section on review rights is incomplete. It states that:

Please note that you cannot apply for an internal or external review of the amount of a charge stated in this notice, as per the provisions of section 81 and 86 of the RTI Act.

While an applicant cannot request a review of the amount of the charge, they can request a review of council's decision to levy charges.¹⁸

Improved templates will better support decision-makers and enhance the efficiency, accuracy and technical compliance of the council's application handling process. This

¹⁷ Section 5 Right to Information Regulation 2009

¹⁸ Schedule 5 (Dictionary) *Right to Information Act 2009* defines a reviewable decision to include a decision about whether a processing charge or access charge is payable in relation to access to a document (including a decision not to waive charges)

will ensure Sunshine Coast Regional Council is well placed to continue handling application files quickly and with a focus on client service.

Recommendation 12

We recommend that Sunshine Coast Regional Council:
within twelve months,

- updates existing template notices so that they are consistent with prescribed requirements
- develops a comprehensive suite of template notice documents to support legislatively compliant and more efficient application handling.

5 Privacy

5.1 Introduction

The *Information Privacy Act 2009* gives individuals the right to access and amend their personal information held by government agencies. It also sets out how agencies must collect and handle personal information. Under the Act, agencies other than a health agency¹⁹ must comply with the 11 Information Privacy Principles (IPPs). They must also comply with provisions about transferring personal information outside Australia and using contracted service providers.

Agencies must not collect personal information unless it is necessary for their functions or activities. When an agency tells individuals about the personal information it collects, uses and usually discloses, we call this a collection notice. If practicable, the agency should provide the collection notice before, or at the time, it collects personal information.

Under IPP 5, government agencies controlling documents that contain personal information must take reasonable steps so a person can find out what personal information they hold and how they can access it.

It is good practice to explain how an individual can make a privacy complaint if they think the agency has breached their privacy.

Privacy impact assessments support good governance and encourage designing systems with privacy in mind. Agencies can use a privacy impact assessment to identify, and plan for, how they will meet the requirements of the *Information Privacy Act 2009*.

5.2 Conclusion

While Sunshine Coast Regional Council is open and transparent about its privacy obligations, its practices are not always consistent with the legislation. The gaps in its privacy policy increase the risk of non-compliance.

The information available to the public is not complete. For example, the council is not meeting its IPP 2 obligations for some forms. It does not adequately explain the purpose for collecting the information and how it will use that information. Also, the

¹⁹ Health agencies are required to comply with the National Privacy Principles (NPPs), rather than the IPPs, along with the rules about contracted service providers and transfer of personal information out of Australia.

council does not adequately identify the types of personal information it holds or explain how it uses it.

Like the majority of Queensland local governments,²⁰ the council has not yet embedded privacy impact assessments into its core business. This means it cannot be sure it has identified the privacy risks of its activities or projects, and may not mitigate them effectively.

5.3 Results

Information privacy resources

Sunshine Coast Regional Council's privacy information resources are easy to locate and access on its website. It has dedicated webpages that give a general overview of its privacy obligations and commitment to protecting the privacy of individuals. The privacy webpages are generally consistent with the requirements of the *Information Privacy Act 2009*.

The council has an *Information Privacy* organisational policy which is available on its website. The policy is a high-level document. It paraphrases the privacy principles set out in schedule 3 of the Act and the key definitions. As a result there are a number of significant inconsistencies between the council's stated practices and its obligations under the Act. It also means the council is not disclosing all of its privacy obligations, exposing it to the risk of non-compliance.

For example, the section on Use and disclosure (IPP 8-11) states:

Council will use personal information it collects for the primary purpose for which it was collected. Additionally, Council may use the information for other (identified/non-identified) purpose where the individual has consented to the use or disclosure.

Condensing a number of privacy principles into a single explanation creates gaps. IPP 8 which is about ensuring information is accurate, complete and up to date is not addressed at all.

The council's explanation for how it may use and disclose personal information is ambiguous. For example, the description states that the council may use the information if an individual consents to 'use or disclosure'. This incorrectly conflates

²⁰ Our report - 10 years on: Queensland government agencies' self-assessment of their compliance with the *Right to Information Act 2009* and the *Information Privacy Act 2009* - available on www.oic.qld.gov.au.

disclosure and use of information. An individual's consent to disclosure also may not give council permission to use information for a secondary purpose.

Additionally the explanation is incomplete as it does not specify any of the reasons for which the council can use or disclose information regardless of individual consent, such as to prevent a serious threat to life, health, safety or welfare.

We note the policy does not include the rules about contracted service providers²¹ and transferring of personal information outside Australia.²² These privacy principles are relevant to the council given its service arrangements with contracted service providers.

The policy includes a section on privacy complaints and breaches. It outlines how the council will handle the complaint in accordance with its administrative complaints process as well as who to direct enquiries to. However, it does not include information about a person's right to refer their privacy complaint to the Information Commissioner and the requirements for doing so.²³

The council publishes information about its privacy obligations on its intranet. The intranet pages are very informative and give good advice about an employee's obligations and the council's expectations.

However the information available to staff is not always consistent with the legislation nor complete. For example, the 'Information Privacy Principles' intranet page does not include all the IPPs. It does not mention IPP 8, IPP 9 and IPP 10. Similar to the privacy policy it does not mention section 33 or Chapter 2 Part 4 which also are privacy principles.

Recommendation 13

We recommend that Sunshine Coast Regional Council:

within six months, updates its Information Privacy organisational policy and other privacy resources so they:

- are complete and consistent with all privacy principles and obligations of the *Information Privacy Act 2009*
- explain privacy complaints, including how a person can bring their complaint to the Office of the Information Commissioner.

²¹ As set out in chapter 2, part 4 of the *Information Privacy Act 2009*.

²² Section 33 *Information Privacy Act 2009* sets out the rules for transferring of personal information outside Australia.

²³ Section 166 *Information Privacy Act 2009*.

Collection notices

A collection notice is a term for how an agency makes an individual generally aware that it is collecting their personal information.

The purpose of collection should be clearly stated and more specific than a general reference to a broad function. The aim is to give enough information for a individual to understand why the information is being collected and what it will be used for.

How much detail is necessary will depend on the circumstances. If the information is collected on a form and the purpose of the collection is straightforward and simple, the title of the form may be enough to inform the person of the purpose. An agency might need to include a more detailed notice where the information collected will be used for more than one purpose.

We assessed a sample of council forms that collected personal information from individuals. The forms generally include appropriate advice about the reasons for collection and the use and disclosure of the information.

Two forms are not compliant because they do not have a privacy collection notice and their titles are insufficient to inform the user of the purpose of collection and use. For example, the *Register of Interests* form does not sufficiently explain what a person in registering their interest in (for example subscribing to a newsletter, registering interest in a business opportunity). The form does not adequately explain for which purpose the council is collecting the information and what it will be used for.

Sunshine Coast Regional Council uses multiple websites to host online forms. When the council takes the user to another website to complete a form, that website does not always link to the council's privacy webpage in the global footer of its website, and sometimes has no collection notice or an inaccurate notice.

For example, the *Change of Address* form is available on the Bang the Table website. This website's global footer links to a privacy policy branded as Sunshine Coast Regional Council's. However, this policy is different to the privacy policy on the council's website and references the Australian Privacy Principles and the Australian Privacy Commissioner.

Agencies also collect personal information through solicited contact by email. To meet their obligations under IPP 2,²⁴ they can include a collection notice or privacy statement

²⁴ Under IPP 2, agencies need to take reasonable steps to make people generally aware of why they are collecting the personal information, what they will use the information for and whether they disclose the personal information, and if so to whom and for what purpose.

on the webpage containing the email address. Alternatively, agencies can include it on their privacy webpage accessible from a global link in the footer of the webpage.

We found that each webpage that includes an email address for contacting the council has a link to the 'Terms of Use and Privacy' webpage. This webpage contains a general collection notice about the use and disclosure of personal information by email correspondence.

Recommendation 14

We recommend that Sunshine Coast Regional Council:

within twelve months, reviews collection notices for all forms including those on the council websites and ensures they have, or link to, an appropriately worded collection notice that complies with the *Information Privacy Act 2009*.

Personal information holdings

The council collects and holds personal information for many purposes, for example: determining rates, delivering waste services, assessing property development proposals, processing applications for registration, permits and licences and using council facilities.

We examined whether Sunshine Coast Regional Council is meeting its obligations under IPP 5.²⁵ While the council had published an information privacy policy, there is no detail about the type of personal information it holds or the main purpose for which it uses this information. IPP 5 does not require a specific indexing of every document containing personal information an agency holds but it does require enough that if someone wanted to access their personal information, they would be able to know where to direct their request.

The council does include some information about the type of personal information it holds on its intranet. However, this information is not available to the public.

While the council is not fulfilling its obligations to make the public aware of the types of personal information it holds, and the main purpose for which it uses this information, it does let the public know of how they can access their personal information through its privacy policy and right to information webpages.

²⁵ Under IPP 5, agencies must take reasonable steps to ensure that a person can find out the type of personal information it holds, the main purpose for which it uses this information and what a person should do to access their personal information..

Recommendation 15

We recommend that Sunshine Coast Regional Council:
within twelve months, publishes the types of personal information it holds and the main purposes for which the information is used.

De-identifying data

Queensland government agencies are encouraged to proactively release data on public platforms. This supports the 'push model' and the proactive disclosure aims of the *Right to Information Act 2009*. Releasing data also supports transparent and accountable government.

When agencies release data that contains, or is derived from, personal information they must manage the privacy risk. If they choose to release de-identified data, then they must be confident they are managing the re-identification risk over the lifecycle of the data.²⁶

We looked at the datasets published on the Sunshine Coast Regional Council open data platform. We found that personal information was accessible from some of published datasets. We alerted the council to the issues and risks and it responded immediately by removing these datasets from its website.

When agencies publish data, they should manage privacy risks the same way they do for risks in other activities. This includes managing the risk of re-identification and protecting personal information. In our audit report on privacy and public data,²⁷ we made one recommendation to all government agencies, and four recommendations to all agencies that publish de-identified data. These are listed in Appendix 3 of this report.

We expect all agencies to have appropriate governance arrangements and systems in place to manage privacy risk and protect the personal information of individuals.

²⁶ OIC guideline: *Privacy and de-identified data* available at www.oic.qld.gov.au.

²⁷ *Privacy and Public Data – Managing re-identification risk*, Report No. 1 to the Queensland Legislative Assembly for 2020-21, available at www.oic.qld.gov.au.

Recommendation 16

We recommend that Sunshine Coast Regional Council:

within six months, reviews its governance arrangements for publishing public data, including relevant policies and procedures, to adequately manage re-identification risk.

Privacy impact assessments

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

Privacy impact assessments (PIA)²⁸ are a tool agencies can use to identify the impact that a project might have on an individual's privacy and how to manage the potential negative impacts.

While PIA are not mandatory under the *Information Privacy Act 2009*, we encourage agencies to use them in the early stages of a project and throughout its lifecycle. Integrating PIA, or similar processes into an agency's approach to project management means privacy becomes a key consideration. Agencies can then use a 'privacy by design' approach and better plan their project.

The use of PIA is a relatively new concept at Sunshine Coast Regional Council. This is consistent with the overall local government sector.

We asked the council about its use of PIA. It advised that it has templates to perform PIA, but could not provide examples where the assessments have been documented.

Sunshine Coast Regional Council further advised that it will be taking the following steps:

- (i) Retrospectively undertaking a PIA for all projects either completed or in progress in the past twelve months. This will be coordinated by the IT Governance Lead and the IT Contract Manager.*
- (ii) Project Initiation Documentation will now include the PIA templates, to be completed by all Project Managers.*
- (iii) Risk assessments (inc PIA assessments) must be identified to have been undertaken prior to any contract documentation being*

²⁸ OIC guideline: *Undertaking a Privacy Impact Assessment* available at www.oic.qld.gov.au.

*completed. (Develop Contact Procedure) (responsible officer IT
Contracts Manager)*

The council did not outline how it intends to document this approach, for example as part of its information privacy policy, or action these steps. Without documentary evidence supporting the council's intentions, we are unable to comment.

Recommendation 17

We recommend that Sunshine Coast Regional Council:

within twelve months,

- integrates privacy impact assessments in its risk management and project management methodologies and tools
- ensures it completes privacy impact assessments at the planning stage of future projects
- proceeds with its intentions to undertake privacy impact assessments for all current projects and for projects finalised within the last 12 months.

6 Camera surveillance

6.1 Introduction

Queensland government agencies collecting personal information through camera surveillance must manage their systems in line with the *Information Privacy Act 2009*. The Act regulates how agencies handle personal information to specific standards against which Queenslanders can hold government accountable. It does not prevent government agencies using camera surveillance to ensure public safety or security.

Privacy obligations arise when agencies collect, store, use and disclose personal information. When a camera records video-feed footage, the privacy principles about collection apply. When an agency has control of video footage, Information Privacy Principle (IPP) 4 sets the requirements for adequately storing and securing the footage, including against unauthorised access or misuse. If an agency provides, or allows, extracts of footage to another agency, there is both a disclosure – on the part of the source agency – and a collection – on the part of the recipient agency. In this situation, IPP 11 applies to the provision of the footage.

We examined how Sunshine Coast Regional Council meets its privacy obligations when managing its camera surveillance systems. We also considered how the council ensures individuals can access footage containing their personal information.

6.2 Conclusion

The council does not meet a range of legislative obligations under the *Information Privacy Act 2009* when operating and managing its surveillance camera network.

Key contributing factors to the council's non-compliance are:

- no strategic oversight of all of council's surveillance systems operated across a number of different departments leading to inconsistent practices
- general lack of detailed policies and procedures to govern the effective operation and management (from acquisition to decommissioning) of all its surveillance technologies
- insufficient signage near its camera sites to inform the public about its use of surveillance cameras and reliance on signage that does not meet collection notification requirements (IPP 1-3)
- inconsistent practices across council when dealing with access requests from the public (IPP 6).

Sunshine Coast Regional Council has no standardised arrangement on how to handle requests from the Queensland Police Service (QPS) to access footage. This has led to inconsistent practices and the council cannot satisfy itself that the requests are reasonably necessary for law enforcement purposes under IPP 11.

The council's current and proposed policies do not capture how it manages dashcam and drone mounted recording devices.

6.3 Results

General operations

Sunshine Coast Regional Council operates 372 fixed surveillance cameras in public and corporate spaces. In addition, the council also operates:

- 52 body worn cameras
- 45 fauna monitoring cameras
- 3 drones
- 8 trail cameras
- 8 envirocams.

The council devolves the operation and management of its camera surveillance systems across a number of departments. Each council department operating surveillance systems is responsible for developing its own policies and procedures. While policies and procedures need to be fit for purpose, they also need to be consistent with the IPPs to give assurance that the council is meeting its legislative obligations.

Figure 6A lists the endorsed policies and procedures. The council also has a draft Corporate Security Camera (CCTV) policy not included in the figure below.

Figure 6A
Endorsed policies and procedures

Policy / Procedure	Status
Public Space Closed Circuit Television (CCTV) Strategic policy	Endorsed by Council 11 December 2014
Standard Operating Procedures Public Space Closed Circuit Television (CCTV)	Endorsed by CEO 30 January 2017
Customer Response Operational Procedure Use of body worn cameras	Approved by Manager 26 November 2018

Source: Office of the Information Commissioner

The council's endorsed and draft policies and procedures have gaps, inconsistencies and do not always reflect current practices. The policies and procedures do not cover all aspects of operating and managing all of its fixed and portable surveillance cameras.

For example, the procedure for body worn cameras does not:

- address privacy complaints
- outline the process for responding to requests from law enforcement agencies
- outline the process for the need and approval of additional cameras.

There are inconsistent practices across the departments about requests for access from individuals and law enforcement agencies and information release.

The council's public spaces operating procedure states that it applies to the QPS. It is not clear how the QPS is involved in managing and maintaining the council's cameras or how the council can bind an external agency to its internal operating procedures.

In addition, the procedure does not always reflect the council's current practice. It states that the council's Director Community Services or delegated officer is responsible for releasing public space CCTV footage to law enforcement agencies. However, the council is now directing all requests for footage from the QPS to its Corporate Governance Branch. It confirmed that the Right to Information Officer is responsible for law enforcement requests for public space camera footage.

The draft Corporate Security Camera (CCTV) policy applies to cameras operating within the council's administration buildings, depots and waste management facilities. It specifically excludes dashcam devices and drone mounted image recording devices. The policy has no accompanying procedure detailing how the council proposes to operate and manage these cameras.

The council should improve its policies and procedures to make them consistent with the *Information Privacy Act 2009*. For example, the public spaces policy and procedure do not reference section 33 – transfer of personal information outside Australia or Chapter 2, Part 4 dealing with binding contracted service providers. They are relevant to the council as it outsources part of its surveillance camera operations.

Also, the definition for law enforcement agency is not the same as the definition in Schedule 5 of the *Information Privacy Act 2009*. If the council is to rely on IPP 11(1)(e) exemption it needs to use the same definition under Schedule 5.

A more strategic and co-ordinated approach to policy and procedures would help to streamline processes for operating and managing the various surveillance systems. It

would ensure all departments are employing consistent privacy practices for handling and safeguarding of personal information captured in recordings and footage.

Recommendation 18

We recommend that Sunshine Coast Regional Council:

within twelve months, implements a co-ordinated approach to managing its surveillance systems to ensure its policies, procedures and practices:

- are consistent with the council's legislative obligations, under the *Right to Information Act 2009* and the *Information Privacy Act 2009*
- cover all surveillance technologies and recording devices
- are consistent for like functions and activities, for example, handling requests for footage.

Collection (Information Privacy Principle 2)

To discharge their obligations under IPP 2, agencies operating surveillance cameras must take all reasonable steps to make individuals aware of why they collect footage by placing prominent signs where security cameras operate.

The council has a Closed Circuit Television (CCTV) In Public Spaces webpage, which outlines the:

- purpose and use of surveillance cameras
- current camera locations for public spaces
- retention period for storing public space camera footage before erased
- use of relocatable cameras for investigative purposes (for example, illegal dumping)
- access to footage by individuals and law enforcement.

It developed signage to notify individuals of its use of camera surveillance.

Figure 6B is an example of a collection notice Sunshine Coast Regional Council produced for its surveillance camera networks.

Figure 6B
Closed Circuit Television collection notice



Source: Sunshine Coast Regional Council

The sign displays the council's name and logo. It clearly states the purpose of collection and includes:

- a reference to the *Information Privacy Act 2009*
- details of the council's disclosure practices
- contact details for further information about the council's use of CCTV.

For the notices to be effective, agencies should place them in the vicinity of surveillance cameras. Sunshine Coast Regional Council has not placed signage in a number of locations where it is operating cameras.

In many instances where there is signage, it is not the sign the council developed (Figure 6B). We found examples of where the signage of the contracted service provider (NASKAM Security) is used to inform the public of surveillance cameras in the vicinity. In other instances the council uses a generic sign. This particular sign does not:

- identify the council as the agency operating the cameras
- inform the public of the purpose for which the council is collecting personal information
- inform the public whether the council may disclose this information to law enforcement agencies.

Figure 6C is an example of signage at the Caloundra Transit Centre which reads:

'Warning! These premises are under 24hr video surveillance'.

Figure 6C
Closed Circuit Television notice Caloundra Transit Centre



Source: Office of the Information Commissioner

The lack of appropriate collection notices in the vicinity of surveillance cameras means the council is not meeting its obligations under IPP 2.

Recommendation 19

We recommend that Sunshine Coast Regional Council:
within twelve months, installs council signs and notices, including for public spaces, buildings and vehicles, to make people generally aware that it is using cameras to collect personal information in the vicinity of the notices.

Storage and security (Information Privacy Principle 4)

Once an agency has recorded camera footage, IPP 4 requires that the footage is protected against loss, unauthorised access, modification, disclosure or any other misuse.

This means protecting both stored camera footage and areas where monitoring of camera surveillance takes place. Potential security measures include physical, technical and operational safeguards.

At Sunshine Coast Regional Council, each system operates differently. For example, there are systems:

- sending footage to a monitored control room
- sending footage to an unmonitored control room or computer
- recording footage on a digital recorder which is saved to an SD card or USB and then uploaded to another system.

Diversity of operations is reasonable as systems must be fit for purpose. However, the systems should all meet the operating standards established by the legislation and the council's policy.

The *Public Space Closed Circuit Television (CCTV) Strategic* policy sets out functional responsibilities to maintain quality standards. For example, it requires staff responsible for surveillance to be trained in ethical conduct and use of CCTV systems. However, the council reports that for some systems staff have not been given any training.

The policy also states that access to CCTV controllers and recorders is limited to authorised users. In its response, the council mentioned limiting access for six of its systems, for example by limited authorisation or password protection. The response was silent for the other systems.

Sunshine Coast Regional Council has documented the security processes for its public spaces and body worn camera systems in relevant procedure documents. But there is no equivalent procedure for corporate cameras.

A lack of documented processes about security measures that protect footage against loss, unauthorised access, modification, disclosure or any other misuse for all cameras and recording devices exposes the council to risks of legislative non-compliance, breaches of privacy and privacy complaints.

Disposing of personal information when it is no longer needed is one strategy to minimise security risks. The council has different retention periods for footage depending on the surveillance system. For example, it retains public space camera footage for 30 days before erasing it. The procedures for body worn cameras indicate that non-evidentiary footage is retained for 90 days. The council's proposed policy for corporate cameras is silent on how long it will retain footage.

Retaining footage beyond operational requirements increases the council's exposure to unauthorised access to, and misuse of, personal information.

Recommendation 20

We recommend that Sunshine Coast Regional Council:
within twelve months, develops, documents and adopts practices that comply with its information privacy obligations for securing and storing camera footage for all of its surveillance systems.

Access to footage (Information Privacy Principle 6)

An individual is able to request access to surveillance footage containing images of themselves. Chapter 3 of the *Information Privacy Act 2009* governs access. Most agencies choose to process access requests through formal access applications.

Sunshine Coast Regional Council's Closed Circuit Television (CCTV) In Public Spaces webpage makes it clear that individuals can request access to public space CCTV footage by lodging an application under the Acts. However, it does not include a link to the application form or the Right to Information webpage where users can access information about the application process.

The council includes information about public access to camera footage in various policy and procedure documents, such as the:

- Public Space Closed Circuit Television (CCTV) Strategic policy
- Standard Operating Procedures Public Space Closed Circuit Television (CCTV)
- Operational Procedure Use of body worn cameras.

However, only its *Public Space Closed Circuit Television (CCTV) Strategic* policy is on the council's website.

The council does not make information available to the public about how to request access to footage from its other surveillance systems, like corporate cameras and body worn cameras.

The draft Corporate Security Camera (CCTV) policy states:

All Branches are to implement a CCTV operational procedure, providing processes for authorised use of CCTV camera equipment, access to footage and authorised access to view live stream footage.

Not all branches have documented processes for accessing footage in an operational procedure. The council only provided such documents for public space cameras and body worn cameras.

This increases the risk that Sunshine Coast Regional Council does not meet its privacy obligations under IPP 6.

There are inconsistent practices across the council about responding to individual requests for access to camera footage. One council department reported that it would not give footage to anyone other than the QPS or similar law enforcement agency.

A blanket approach of refusing access to surveillance footage to anyone other than the police goes against the very intentions of the Acts and the council's pro-disclosure obligations.

If an agency had a practice of denying an individual's access rights, it would be a breach of its obligations under the *Right to Information Act 2009* and the *Information Privacy Act 2009*.²⁹ Agencies also have obligations under the *Human Rights Act 2019*.³⁰ For example the right to freedom of expression includes the freedom to seek, receive and impart information and ideas of all kinds.

Agencies, including Sunshine Coast Regional Council, increasingly use camera surveillance. This means they are likely to receive more applications to access footage. The ability to redact information can help agencies fulfil their privacy obligations and provide effective access to information.

In their response to our CCTV questionnaire, the majority of council departments operating surveillance cameras said they did not use software to redact identifiable

²⁹ The *Right to Information Act 2009* and *Information Privacy Act 2009* give individuals a right of access to information in a government agency's possession or control, unless on balance it is contrary to the public interest to give the access.

³⁰ Available on www.legislation.qld.gov.au.

people in the footage. There is a risk that the council releases footage that includes personal information other than the applicant's. This could constitute a privacy breach.

Recommendation 21

We recommend that Sunshine Coast Regional Council:
within twelve months, develops and adopts standardised practices that comply with its right to information and information privacy obligations when handling requests for access to footage from members of the public for all of its surveillance systems.

Disclosure (Information Privacy Principle 11)

Under IPP 11, an agency cannot disclose personal information outside the agency unless one of the exceptions applies. One of these exemptions is about law enforcement.

Sunshine Coast Regional Council has inconsistent practices across its departments for handling footage requests from the QPS. Contributing factors include:

- lack of documented policies and procedures for all different types of surveillance systems the council operates
- documented policies no longer aligning with the council's current practices
- available procedures not always including the process about requests from law enforcement (for example body worn cameras)
- no standardised process adopted across the council for handling requests from the same agency.

Under IPP 11(1)(e) an agency can disclose information to a law enforcement agency if the information is necessary for that agency's law enforcement functions. While there is greater flexibility for law enforcement under this privacy principle, this permission requires that disclosure be reasonably necessary. Before agencies release surveillance footage to the QPS for law enforcement activities, they must satisfy the 'reasonable necessity' test.

Sunshine Coast Regional Council's Corporate Governance branch use the Application for Public Space CCTV Footage Law Enforcement Agency form. This form is designed to satisfy the reasonable necessity test.

The form is not used consistently across the council departments who handle requests for access to footage from the QPS. For example, one department reported that it asks

the contractor to copy footage and give it to the QPS on receipt of a Field Property Receipt form. This is a QPS form. It does not address the council's obligations under IPP 11(1)(e).

The council also uses the Application for Public Space CCTV Footage Law Enforcement Agency form. We noted a couple of improvement opportunities. For example, while the majority of requests for footage will come from the QPS, it is not the only law enforcement agency. Liquor and Gaming and even the RSPCA have legislated enforcement responsibilities and authority. The council may not necessarily want two forms, one for the QPS and another for other law enforcement agencies, but it could consider adapting this form so that it applies to other agencies.

The council states that:

'The Sunshine Coast Council may only disclose information, if it is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the paragraphs in Information Privacy Principle 11(1)(e)(i) to (v).'

The council needs to include IPP 11(1)(c). This exemption deals with public health and safety and also has a reasonable necessity test. It is not uncommon for the QPS to seek footage for the location of missing persons, particularly young people. Being missing is not a crime but it can be a cause of concern for the person's health and safety. This is an important exemption and should be referenced.

We recently amended and published a new QPS Information Request form. It is available on our website for use by all government agencies.

Under IPP 11(2), agencies giving footage to a law enforcement agency must keep a record of the disclosure. For example, an agency could make a copy of the footage for its own records and file it with the QPS request.

The Corporate Governance branch has a documented process where it files the footage released to the QPS with the request form in a recordkeeping system. This satisfies the requirement.

However we received no evidence on how other departments meet this requirement. For example, one department reported that it copies the footage onto a portable USB and gives it to the QPS. It did not mention including a note of the disclosure with the request form.

If the agency regularly gives footage to a second agency such as the QPS, it may consider establishing a comprehensive Memorandum of Understanding between the two agencies.

A Memorandum of Understanding sets out an agreed process for the provision and handling of information. While it does not replace the requirement on agencies to comply with the *Information Privacy Act 2009*, it promotes appropriate and consistent information sharing. It sets out processes that help the agency and the QPS manage access to footage in accordance with the Act.

Sunshine Coast Regional Council does not have a Memorandum of Understanding with the QPS. The council advised that a draft Memorandum of Understanding is with its legal team.

Recommendation 22

We recommend that Sunshine Coast Regional Council:

within twelve months, reviews its arrangement with the Queensland Police Service for the operation of camera surveillance, and takes all steps necessary to ensure:

- it adopts consistent practices for handling requests for footage
- it complies with the *Information Privacy Act 2009*.

7 Appendices

7.1 Appendix 1 – Agency response and action plan



Officer: Kim Driver
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24 November 2021

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

Via Email: audit@oic.qld.gov.au

Dear Ms Rangihaeata

Re: Right to Information and Information Privacy Compliance Audit

I refer to your correspondence dated 16 November 2021 regarding the Office of the Information Commissioner (OIC) Report on the audit of Sunshine Coast Council's compliance with the *Right to Information Act 2009* (Qld) and *Information Privacy Act 2009* (Qld).

Council has welcomed the Compliance Audit as an opportunity to both review and continually improve its management of information and the way in which personal information is collected and managed. I am very appreciative of the collaborative approach the OIC has taken in working with council officers, providing highly valued expertise and advice during the process. The findings and recommendations offer opportunities for improvement, better practices in managing our information and the identification of risk mitigation strategies to ensure council is well-positioned to fully meet its Right to Information and Information Privacy legislative obligations.

The twenty-two recommendations for implementation over an eighteen-month period have all been agreed to by council. A detailed action plan has been prepared and is attached to this correspondence for inclusion with the OIC's report that is to be tabled in the Queensland State Parliament between 30 November and 3 December 2021. I am pleased to advise that a range of commitments have already been progressed, including both full or partial completion of several actions. The audit has also greatly enhanced work that council initiated prior to the Audit on its *Information Management Maturity Roadmap*. That project has provided a sound base for the action plan, positioning council well to both deliver on the recommendations and strengthen our information management approaches.

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Similarly, the Audit complements a range of initiatives that council has already progressed to provide timely, accessible information available to the Sunshine Coast community, consistent with the "push model" principles advocated by the OIC. Examples in this regard include but are not limited to live streaming of Council meetings, introduction of Development.i and improvements to management of confidential matters under discussion in Council's statutory meetings. Council has been encouraged by positive community feedback for our efforts to date and is committed to continuing our efforts in this regard.

As the OIC has observed, "like the majority of Queensland local governments, the council has not yet embedded privacy impact assessments into its core business". Sunshine Coast Council is taking up the challenge to be an industry leader in this regard, through implementation of its action plan and focused attention by leaders throughout our organisation.

Council looks forward to continuing to proactively engage with the OIC as we implement actions in response to the Audit Report recommendations and communicate our progress to the community.

Yours sincerely



EMMA THOMAS
CHIEF EXECUTIVE OFFICER

Att: Sunshine Coast Regional Council Action Plan, OIC Audit Report, November 2021

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
1	<p>within twelve months,</p> <ul style="list-style-type: none"> establishes new terms of reference for the information governance body that incorporate proactive disclosure objectives and privacy by design within its scope and functions develops an information governance framework and supporting documented plans, policies and procedures to drive right to information and information privacy aims. 	<p>Response:</p> <p>Council accepts this recommendation. These actions support the work currently being conducted with Council's Information Management Maturity Project.</p> <p>Proposed management action:</p> <ul style="list-style-type: none"> (i) Review the Council's Information Steering Committee (ISC) to incorporate proactive disclosure and privacy by design within its scope and functions. (ii) Enhance Council's Information Technology Governance Framework and the Information Management Maturity Project to incorporate right to information and information privacy considerations to ensure compliance with the respective legislation. (iii) Develop supporting documentation including plans, policies and procedures to achieve right to information and information privacy aims. <p>Nominated owner:</p> <p>Group Executive – Business Performance (Lead)</p> <p>Executive Manager, Office of the Chief Executive Officer</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
		Nominated completion date: (i) 31 March 2022 (ii) 31 March 2022 (iii) 30 September 2022
2	within 18 months, implements the information governance framework and associated plans, policies and procedures developed under Recommendation 1 to embed a pro-disclosure and privacy by design culture through active leadership.	Response: Council accepts this recommendation.
		Proposed management action: (i) Using Council's Information and Records Management Improvement Project (IRMIP) as a vehicle to implement the reviewed and enhanced Information Technology Governance Framework and the associated plans, policies and procedures, as per Recommendation 1. (ii) Complete the Classification and Management of Council Information Project.
		Nominated owner: (i) Group Executive – Business Performance (ii) Chief of Staff
		Nominated completion date: (i) 31 January 2023 (ii) 30 June 2022
3	within twelve months, develops and implements performance measures for	Response: Council accepts this recommendation.

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
	access to information and information privacy outcomes.	<p>Proposed management action:</p> <ul style="list-style-type: none"> (i) Revise the scope of the Data and Information Working Group to oversee the development and implementation of the performance measures for access to information and information privacy outcomes. (ii) Develop and implement measures linked to Council's Operational Plan Reporting Framework corresponding reporting processes. <p>Nominated owner:</p> <p>Group Executive - Business Performance (Lead)</p> <p>Executive Manager, Office of the Chief Executive Officer</p> <p>Nominated completion date:</p> <ul style="list-style-type: none"> (i) 31 March 2022 (ii) 30 November 2022
4	within six months,	<p>Response:</p> <p>Council accepts this recommendation.</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
	<ul style="list-style-type: none"> mandates mandatory right to information training at induction for new staff and as a periodic refresher for existing staff ensures all employees undertake and complete training on right to information ensures the training content on right to information is comprehensive, contemporary and tailored to the council's context. 	<p>Proposed management action:</p> <ul style="list-style-type: none"> (i) Mandatory RTI training to be released via Council's Learning Management System (PeopleHub) to all existing Council employees and to be included as part of the onboarding process for new employees. (ii) Ensure all employees have completed the training. (iii) Code of Conduct training to incorporate messaging regarding the mandatory RTI training and privacy training and the options for teams to have specific training to address administrative access requirements. <p>Nominated owner:</p> <p>Executive Manager – Office of the Chief Executive Officer</p> <p>Nominated completion date:</p> <ul style="list-style-type: none"> (i) 31 December 2021 (ii) 30 April 2022 (iii) 27 October 2021 (Completed)
5		<p>Response:</p> <p>Council accepts this recommendation.</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
	<p>within six months, develops, documents and implements processes to:</p> <ul style="list-style-type: none"> • enrol all staff in right to information and information privacy training at induction (on-boarding of new staff) and as regular refresher training (existing staff) • check that all employees complete mandatory training on right to information and information privacy when due. 	<p>Proposed management action:</p> <p>(i) Information Privacy on-line training program process already in place for both existing and onboarding of new staff. Annual refresher training automatically generated through People-Hub on anniversary of completion of initial program.</p> <p>Process to be duplicated for the release of the mandatory RTI on-line training.</p> <p>(ii) Ensure all employees have completed the mandatory RTI and Information Privacy on-line training.</p> <p>(iii) Ensure processes are appropriately documented, both by People and Culture (re-enrolment process) and Corporate Governance (validation of completion of training).</p> <p>Nominated owner:</p> <p>Executive Manager – Office of the Chief Executive Officer</p> <p>Nominated completion date:</p> <p>(i) 31 December 2021</p> <p>(ii) 31 March 2022</p> <p>(iii) 31 March 2022</p>
6	within six months,	<p>Response:</p> <p>Council accepts this recommendation.</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
	<ul style="list-style-type: none"> updates its procedure to explain what is significant and appropriate information for including in its publication scheme includes advice on users' ability to make a complaint on the availability of information in its publication scheme; includes a link to its complaints process. 	<p>Proposed management action:</p> <ul style="list-style-type: none"> (i) Review and update the Administrative Access and RTI Organisational Guideline to include explanation of significant and appropriate information for inclusion in the publication scheme. (ii) Update the Publication Scheme to include the link to the Administrative Action Complaints Management Program. <p>Nominated owner:</p> <p>Executive Manager – Office of the Chief Executive Officer</p> <p>Nominated completion date:</p> <ul style="list-style-type: none"> (i) 31 December 2021 (ii) 24 November 2021 (Completed)
7	<p>within six months, updates its disclosure log so that it is consistent with the Ministerial Guidelines by including:</p> <ul style="list-style-type: none"> a statement about blank pages all criteria around why some documents, or parts of documents, may not be in its disclosure log. 	<p>Response:</p> <p>Council accepts this recommendation.</p> <p>Proposed management action:</p> <ul style="list-style-type: none"> (i) The Disclosure Log website to be updated to be consistent with the Ministerial Guidelines, as per the recommendation. <p>Nominated owner:</p> <p>Executive Manager – Office of the Chief Executive Officer</p> <p>Nominated completion date:</p> <ul style="list-style-type: none"> (i) 24 November 2021 (Completed)
8	within twelve months,	<p>Response:</p> <p>Council accepts this recommendation.</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
	<ul style="list-style-type: none"> develops an administrative access policy that outlines the type of information staff can release, and the process for doing so publishes the policy on its website. 	<p>Proposed management action:</p> <ul style="list-style-type: none"> (i) Develop a combined Administrative Access/RTI Policy. (ii) Publish Administrative Access/ RTI Policy on Council's website. (iii) Implement the Administrative Access/RTI Policy across the organisation. <p>Nominated owner:</p> <p>Executive Manager – Office of the Chief Executive Officer</p> <p>Nominated completion date:</p> <ul style="list-style-type: none"> (i) 31 December 2021 (ii) 31 December 2021 (iii) 30 June 2022
9	within twelve months, develops and publishes a version of the information asset register to better inform the community about the information it holds, and who to contact to request access to an information holding.	<p>Response:</p> <p>Council accepts this recommendation.</p> <p>Proposed management action:</p> <ul style="list-style-type: none"> (i) Review and update the current Information Asset Register to ensure that Information Assets have the appropriate classification and metadata applied. (ii) Release a version of the Asset Register to better inform the community about the information it holds and who to contact to request access to an information holding. <p>Nominated owner:</p> <p>Group Executive – Business Performance</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
		Nominated completion date: (i) 1 June 2022
10	within six months, <ul style="list-style-type: none"> updates its right to information webpages so they are complete and consistent with the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i> develops and approves a stand-alone right to information policy publishes the policy and links it from the right to information webpage. 	Response: Council accepts this recommendation. In considering this recommendation, OIC were supportive of Council's approach to combine the Access to Information and Right to Information policy position into one. This supports Council's position of a push model and RTI as a last resort.
		Proposed management action: (i) Update RTI Website to ensure consistency with the RTI Act and the IP Act. (ii) Develop and implement a combined Administrative Access /RTI Policy. (iii) Publish Administrative Access/RTI Policy on Council's website.
		Nominated owner: Executive Manager – Office of the Chief Executive Officer
		Nominated completion date: (i) 31 December 2021 (ii) 30 June 2022 (iii) 31 December 2021
11	within six months, updates its Administering Right to Information &	Response: Council accepts this recommendation.

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
	Information Privacy procedure so that it is consistent with better practice and prescribed requirements.	<p>Proposed management action:</p> <p>(i) Update the Administering RTI and IP procedure to ensure consistency with better practice and prescribed requirements.</p> <p>Nominated owner:</p> <p>Executive Manager – Office of the Chief Executive Officer</p> <p>Nominated completion date:</p> <p>(i) 19 November 2021 (Completed)</p>
12	<p>within twelve months,</p> <ul style="list-style-type: none"> updates existing template notices so that they are consistent with prescribed requirements develops a comprehensive suite of template notice documents to support legislatively compliant and more efficient application handling. 	<p>Response:</p> <p>Council accepts this recommendation.</p> <p>Proposed management action:</p> <p>(i) Update existing template notices to ensure consistency with prescribed requirements.</p> <p>(ii) Develop suite of template notices that support the practices of handling of applications.</p> <p>Nominated owner:</p> <p>Executive Manager – Office of the Chief Executive Officer</p> <p>Nominated completion date:</p> <p>(i) 26 November 2021 (Completed)</p> <p>(ii) 31 March 2022</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
13	<p>within six months, updates its Information Privacy organisational policy and other privacy resources so they:</p> <ul style="list-style-type: none"> are complete and consistent with all privacy principles and obligations of the <i>Information Privacy Act 2009</i> explain privacy complaints, including how a person can bring their complaint to the Office of the Information Commissioner. 	Response: Council accepts this recommendation.
		Proposed management action: <ul style="list-style-type: none"> (i) Review and update Council's Information Privacy Policy. (ii) Update IP Policy and IP Organisational Guideline to include the process for making and managing privacy complaints and data breaches.
		Nominated owner: Executive Manager – Office of the Chief Executive Officer
		Nominated completion date: <ul style="list-style-type: none"> (i) 31 December 2021 (ii) 31 December 2021
14	<p>within twelve months, reviews collection notices for all forms including those on the council websites and ensures they have, or link to, an appropriately worded collection notice that complies with the <i>Information Privacy Act 2009</i>.</p>	Response: Council accepts this recommendation.
		Proposed management action: <ul style="list-style-type: none"> (i) The Online Business Working Group to include the review of collection notices as part of the scope in the Terms of Reference and oversee review process.
		Nominated owner: Group Executive – Business Performance
		Nominated completion date: <ul style="list-style-type: none"> (i) 30 November 2022
15	<p>within twelve months, publishes the types of personal information it holds</p>	Response: Council accepts this recommendation.

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
	and the main purposes for which the information is used.	<p>Proposed management action:</p> <ul style="list-style-type: none"> (i) As per action above, incorporate as part of activities of the Online Business Working Group - undertake a stocktake of the types of personal information that Council holds and the main purpose for which the information is used. (ii) Develop a register that defines the type of personal information and its purpose (iii) Publish the register on Council Website. <p>Nominated owner:</p> <p>Group Executive Business Performance (Lead)</p> <p>Executive Manager – Office of the Chief Executive Officer</p> <p>Nominated completion date:</p> <ul style="list-style-type: none"> (i) 31 March 2022 (ii) 30 June 2022 (iii) 30 June 2022

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
16	within six months, reviews its governance arrangements for publishing public data, including relevant policies and procedures, to adequately manage re-identification risk.	Response: Council accepts this recommendation.
		Proposed management action: (i) The Data and Information Working group to enhance its scope to review governance arrangements for publishing public data, including relevant policies and procedures, to adequately manage re-identification risk.
		Nominated owner: Group Executive – Business Performance
		Nominated completion date: (i) 30 June 2022
17	within twelve months, <ul style="list-style-type: none"> integrates privacy impact assessments in its risk management and project management methodologies and tools ensures it completes privacy impact assessments at the planning stage of future projects proceeds with its intentions to undertake privacy impact assessments for all current projects and for projects finalised within the last 12 months. 	Response: Council accepts this recommendation.
		Proposed management action: <ul style="list-style-type: none"> (i) Develop and implement a privacy impact assessment procedure and templates to be incorporated into projects or new business activities. (ii) Integrate privacy impact assessments into Council's risk management and project management methodologies and tools (iii) Undertake privacy impact assessments for all current projects and for projects finalised within the last 12 months.

We recommend the council:		Sunshine Coast Regional Council response and proposed action
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		<p>Nominated owner:</p> <p>Group Executive, Business Performance (Lead)</p> <p>Executive Manager, Office of the Chief Executive Officer</p> <p>Group Executive, Liveability and Natural Assets</p> <p>Nominated completion date:</p> <p>(i) 31 March 2022</p> <p>(ii) 31 March 2022</p> <p>(iii) 30 June 2022</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
18	<p>within twelve months, implements a co-ordinated approach to managing its surveillance systems to ensure its policies, procedures and practices:</p> <ul style="list-style-type: none"> • are consistent with the council's legislative obligations, under the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i> • cover all surveillance technologies and recording devices • are consistent for like functions and activities, for example, handling requests for footage. 	<p>Response:</p> <p>Council accepts this recommendation.</p> <p>Proposed management action:</p> <p>(i) Re-establish an organisational working group with terms of reference to include development and implementation of a co-ordinated approach to managing surveillance systems to ensure policies, procedures and practices are:</p> <p>(a) Consistent with the council's legislative obligations, under the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i></p> <p>(b) Cover all surveillance technologies and recording devices</p> <p>(c) Consistent for like functions and activities, for example, handling requests for footage.</p> <p>(ii) Working Group to establish a Strategic Policy Statement on Council's position regarding surveillance systems and compliance with the <i>Information Privacy Principles</i>.</p> <p>(iii) Working Group to undertake a surveillance inventory to identify compliance with the strategic policy position.</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
		<p>Nominated owner:</p> <p>Group Executive – Business Performance (Lead)</p> <p>Group Executive – Economic and Community Development</p> <p>Group Executive – Customer Engagement and Planning Services</p> <p>Nominated completion date:</p> <p>(i) 28 February 2022</p> <p>(ii) 30 November 2022</p> <p>(iii) 30 November 2022</p>
19	within twelve months, installs council signs and notices, including for public spaces, buildings and vehicles, to make people generally aware that it is using cameras to collect personal information in the vicinity of the notices.	<p>Response:</p> <p>Council accepts this recommendation.</p> <p>Proposed management action:</p> <p>(i) Working Group, in accordance with inventory, ensure Council installs signs and notices, including for public spaces, buildings and vehicles, to make people generally aware that Council is using cameras to collect personal information in the vicinity of the notices.</p> <p>Nominated owner:</p> <p>Group Executive – Business Performance (Lead)</p> <p>Group Executive – Economic and Community Development</p> <p>Nominated completion date:</p> <p>(i) 30 November 2022</p>
20	within twelve months, develops, documents and adopts practices that	<p>Response:</p> <p>Council accepts this recommendation.</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
	comply with its information privacy obligations for securing and storing camera footage for all of its surveillance systems.	<p>Proposed management action:</p> <p>(i) Working Group, in accordance with outcomes of inventory and strategic policy position, develops, documents and adopts practices that comply with information privacy obligations for securing and storing camera footage for all surveillance systems.</p> <p>Nominated owner:</p> <p>Group Executive – Business Performance (Lead)</p> <p>Group Executive – Economic and Community Development</p> <p>Group Executive – Customer Engagement and Planning Services</p> <p>Nominated completion date:</p> <p>(i) 30 November 2022</p>

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
21	within twelve months, develops and adopts standardised practices that comply with its right to information and information privacy obligations when handling requests for access to footage from members of the public for all of its surveillance systems.	Response: Council accepts this recommendation.
		Proposed management action: (i) Working Group, in accordance with outcomes of inventory and strategic policy position, develops and adopts standardised practice that comply with information privacy obligations when handling requests for access to footage from members of the public for all of Council's surveillance systems.
		Nominated owner: Group Executive – Business Performance (Lead) Group Executive – Economic and Community Development Group Executive – Customer Engagement and Planning Services
		Nominated completion date: (i) 30 November 2022
22	within twelve months, reviews its arrangement with the Queensland	Response: Council accepts this recommendation.

We recommend the council:		Sunshine Coast Regional Council response and proposed action
No.	Recommendation	
	<p>Police Service for the operation of camera surveillance, and takes all steps necessary to ensure:</p> <ul style="list-style-type: none"> it adopts consistent practices for handling requests for footage it complies with the <i>Information Privacy Act 2009</i>. 	<p>Proposed management action:</p> <p>(i) Working Group, in accordance with outcomes of inventory and strategic policy position, review arrangements with the Queensland Police Service for the operation takes all steps necessary to ensure:</p> <p>a. Adoption of consistent practices for handling requests for footage.</p> <p>b. Compliance with the Information Privacy Act 2009.</p> <p>Nominated owner:</p> <p>Group Executive – Business Performance (Lead)</p> <p>Group Executive – Economic and Community Development</p> <p>Group Executive – Customer Engagement and Planning Services</p> <p>Nominated completion date:</p> <p>(i) 30 November 2022</p>

7.2 Appendix 2 - Methodology

We thank the staff of Sunshine Coast Regional Council for their support and cooperation.

Mandate

We conducted this audit under section 131 of the *Right to Information Act 2009* (Qld) and 135 of the *Information Privacy Act 2009* (Qld).

We applied our Assurance Engagement Methodology, based on the standards set by the Australian Auditing and Assurance Standards Board.

Audit objective

The objective of the audit was to determine whether Sunshine Coast Regional Council is complying with specific prescribed requirements of the legislation, to identify areas of good practice, and make recommendations about improvement opportunities.

Audit scope

The audit covered the council's policies, procedures, systems and structures for meeting its right to information and information privacy obligations and the broader objectives of the Acts. The audit covered:

Audit topic	Audit coverage
Leadership and governance	<ul style="list-style-type: none">• Defined roles and responsibilities for right to information and information privacy• Education and training in right to information and information privacy for all council staff and specialist training for key personnel• Governance body or executive championing information management, including right to information (authorising body for proactive disclosure and administrative release) and information privacy• Use of privacy impact assessments for new projects, policy, changes to existing systems and developing new technologies• Recordkeeping, including capturing public records on private accounts and devices• Performance measures in meeting right to information and information privacy objectives• Recordkeeping, including capturing public records on private accounts and devices

Audit topic	Audit coverage
Culture of openness	<ul style="list-style-type: none"> • Commitment to right to information and information privacy • Information assets classified and published on website (information asset register) • Opportunities for proactive disclosure and administrative access arrangements
Systems and processes that support compliant application handling	<ul style="list-style-type: none"> • Operation of publication scheme and disclosure log • Resources and tools to support application handling (documented procedures, template notices and case management capabilities) • Delegated powers to deal with right to information and information privacy
Privacy	<ul style="list-style-type: none"> • Collection and handling of personal information • Management of camera surveillance systems • Management of re-identification risk of published data

Audit process

The audit team worked with the nominated contact officer to co-ordinate access to documentation and organise interviews with council officers. It gathered sufficient appropriate evidence through:

- discussions with relevant staff and management about right to information and information privacy policies, procedures, systems and operations
- examination of the council's website including publication schemes, disclosure log and arrangements for administrative access
- examination of the council's intranet
- review of statistical records/reporting.

7.3 Appendix 3 – Recommendations from *Privacy and Public Data - Managing re-identification risk*

In our report³¹ on privacy and public data tabled in July 2020, we made the following recommendations:

We recommend all government agencies:

1. Review all published data and identify datasets containing de-identified data.

We recommend all government agencies that publish de-identified data:

2. Assign a custodian to each published de-identified dataset and capture this information in a register.
3. Implement and maintain policies or procedures that govern de-identified data releases, including guidance to decision-makers.
4. Monitor the external data environment and the effectiveness of risk treatments, and regularly review existing de-identified datasets for changes in re-identification risk.
5. Manage privacy when publishing de-identified data by adequately capturing, assessing and treating re-identification risk.

³¹ Privacy and Public Data – Managing re-identification risk, Report No. 1 to the Queensland Legislative Assembly for 2020-21, available at www.oic.qld.gov.au.