Office of the Information Commissioner
Queensland

Results of Desktop Audits 2011-12

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

Report No. 3 to the Queensland Legislative Assembly for 2012-13

September 2012

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

Dear Mr Hopper

I am pleased to present 'Results of Desktop Audits 2011-12: Review of Publication Schemes, Disclosure Logs and Information Privacy Awareness in Departments, Local Governments, Statutory Authorities and Universities'. This report is prepared under section 131 of the *Right to Information Act 2009 (Qld)* and section 135 of the *Information Privacy Act 2009 (Qld).*

The report reviews compliance with the *Right to Information Act 2009 (Qld)*, in particular section 21 (Requirement for publication schemes) and section 78 (Disclosure logs) as well as Information Privacy Principle 2 (Collection of personal information) and Information Privacy Principle 5 (Providing information about documents containing personal information). Agencies are required to adopt Information Privacy Principles under section 27 of the *Information Privacy Act 2009 (Qld).*

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

Yours sincerely

Jenny Mead
Acting Information Commissioner

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Executive Summary

Desktop audits were conducted by the Office of the Information Commissioner (**OIC**) in 2011-2012 to examine agency websites from the perspective of a member of the public looking at information available online. The audits assessed the extent to which agency websites complied with the legislative requirements of the *Right to Information Act 2009 (Qld)* (**RTI Act**)[1] and the *Information Privacy Act 2009 (Qld)* (**IP Act**). In 2011-12 OIC also developed and deployed a self-assessment tool to help agencies to understand and assess their own progress in terms of their publication schemes, disclosure logs and Information Privacy Principles (IPPs) 2 and 5.

Agencies have made encouraging progress in developing online publication schemes and disclosure logs and in managing the collection of and access to personal information through the internet and email. Visibility and compliance, particularly in local government, had improved since previous audits were reported in 2011.

Although progress has been made, there is still room for improvement across all the public sector agencies reviewed. A key area for improvement is the extent to which publication schemes and disclosure logs are populated with information. In publication schemes, more significant information could be added to the categories dealing with priorities, decisions, lists and finances (particularly procurement). Information could be provided more prominently that would direct people to administrative access arrangements. Many disclosure logs are empty or contain very few documents, and it appears generally publish a small proportion of documents released. Any increase in publication of information would be an improvement.

Attention to the privacy principles was evident. More work is needed to incorporate the privacy principles into websites. In particular, websites need to provide collection notices[2] with email contacts and publish lists of personal information holdings.

Right to information (**RTI**) and information privacy (**IP**) will best be upheld by agencies that see the provision of RTI and privacy related information not as a one-off exercise to meet compliance requirements, but as a service that can be continuously enhanced to meet the changing needs of clients and stakeholders. Agencies need to actively maintain and improve their strategies for the pro-active release of information and management of information in accordance with the RTI Act and IP Act.

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[1]   Appendix 1 lists acronyms used in this report.
[2]   The provision of information in accordance with Information Privacy Principle 2 is called a 'collection notice'.

Summary of key findings

Right to Information on agency websites

- 75% of the reviewed websites mentioned Right to Information (RTI).

- More than 80% of the RTI pages were easily accessible.

- Agency websites could be better used to promote administrative access to information, so that formal applications are made only as a last resort.

Publication schemes

- 67% of agencies had a publication scheme, and these were generally easy to locate and populated with significant and appropriate content.

- Significant information could be added to publication scheme classes relating to priorities, decisions, lists and finances (particularly procurement).

- Agencies need to actively maintain publication schemes to ensure the content is current and accurate.

Disclosure logs

- While 66% of the agency websites reviewed made mention of a disclosure log, many were hard to find.

- Agencies could better populate disclosure logs with information. Many disclosure logs were empty or contained very few documents.

- Depending upon the agency and sector, rarely more than 50% of material released under the RTI Act was published in disclosure logs.

Privacy principles

- Almost all websites (99%) had one or more of:
  - a privacy link in the web page footer
  - a privacy statement
  - a privacy plan or policy; or
  - other privacy content.

- Online forms were at a high level of compliance with Information Privacy Principle 2 (**IPP2**). IPP2 compliance for emails was at a lower level. A common practice was to provide a link to a global privacy statement, but the global statement did not always deal with the collection of personal information through email and the internet.

- 46% of the agency websites reviewed had a privacy plan or policy, but not all plans were compliant with IPP5.

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1   Introduction

1.1   Background

The functions of the Information Commissioner include reviewing and reporting on agencies' performance in relation to the administration of the *Right to Information Act 2009 (Qld)* (**RTI Act**) and the *Information Privacy Act 2009 (Qld)* (**IP Act**).[3] The Office of the Information Commissioner (**OIC**) monitors agency performance by conducting reviews, compliance audits, attitudinal surveys and desktop audits. OIC also develops self-assessment tools to help agencies understand their own progress.

This is a report for tabling in Parliament in 2012-13 under the RTI and IP Acts. This report is about:

- the outcome of the desktop audits undertaken during the period 1 January 2011 to 30 June 2012 on publication schemes, disclosure logs and Information Privacy Principles (**IPPs**) 2 and 5;[4] and

- the transition from OIC desktop auditing to agency self-auditing of these requirements, which is currently focussed on departments building RTI and IP Act reviews into their internal audit processes.

In 2012-13, OIC will monitor the extent to which agencies have incorporated self-audit into their management of right to information and information privacy.

1.2   Objectives

Desktop audits examine the parts of agency websites that are visible to a member of the public. Desktop audits focus on an agency's RTI web pages, publication scheme, disclosure log, privacy statements and plans, and points of contact where individuals are asked to provide personal information. The audits look at publicly available information, and consider:

- the accessibility of publication schemes and disclosure logs which are part of the RTI framework

- the amount of information made routinely available by each agency

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[3]   Appendix 1 lists acronyms used in this report.
[4]   For Queensland Health, the corresponding National Privacy Principles (**NPP**) NPP1 and NPP5.

- the extent of the provision of information about personal information holdings in compliance with IPP5;[5] and

- processes for the collection of personal information, in compliance with IPP2.

Sections 21(3) and 78(2) of the RTI Act impose legislative requirements on agencies to comply with any guidelines about publication schemes and disclosure logs published by the Minister. The *Ministerial Guidelines – Operation of Publication Schemes and Disclosure Logs* (**Ministerial Guidelines**) apply under such provisions.[6]

Other compliance issues requiring behind-the-scenes examination of agency practices, such as application handling and decision making practices, are not covered by desktop audits. These subject matters are covered by a combination of other audit and survey methodologies, including onsite visits to agencies by OIC.

1.3   Types of desktop audit

Desktop audits were conducted at a number of levels of detail, depending upon an assessment of the impact of non-compliance for each agency. One type of desktop audit addressed legislative requirements at a high level of detail for individual agencies. Agencies audited using this methodology included two departments (Communities and Treasury),[7] two local governments (Brisbane City Council and Gold Coast City Council), and four statutory authorities (Building Services Authority, Legal Services Commission, Residential Tenancies Authority and TransLink Transit Authority). Individual desktop reports were issued to these agencies after they were audited and the agencies were invited to respond. Agencies accepted the reports and advised that they intended to address all the recommendations or that they had already complied with the recommendations.

More comprehensive compliance reviews of Queensland Health, the Queensland Police Service, and the Department of Transport and Main Roads provided opportunities for desktop audits to be conducted as an element of the compliance review. Findings were reported back to the agencies as part of the compliance review process, with specific recommendations being addressed by agencies in formal post-review reports to OIC.

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[5]   NPP1 and NPP5.
[6]   <http://www.rti.qld.gov.au/right-to-information-act/publication-schemes> at 6 September 2012.
[7]   Normally, all departments would attract a detailed desktop audit. In this reporting period, Machinery of Government changes restructured departments during the period in which the audits were planned. It was not possible to proceed with the detailed audits, and it is anticipated that OIC conducted desktop audits will not be possible until 2013.

Where a group of agencies within a sector were assessed as lower risk, audits covered as many agencies as possible at a lower level of detail. These aggregate scans addressed similar aspects to the more detailed reviews but used simplified methods to facilitate reporting of aggregated rather than individual results. This type of desktop audit was completed in 2011-12 for the websites of 71 local governments, 75 statutory authorities and 7 universities.

The results of desktop audits conducted by OIC are discussed in Sections 2 – 5 of this report. Details of scoping, including why certain agencies were excluded from the desktop audit program, are contained in Appendix 2. Full lists of the type of audit conducted for each agency are contained in Appendix 3.

OIC has created a tool to assist internal auditors in agencies to complete their own desktop audit of their agency. The *Desktop Audit Tool* was designed so that government departments can self-assess their level of compliance. OIC invited all departments working with the tool to provide feedback about how they were planning to include RTI and IP Act self-assessment within internal audit processes.

A list of departments that OIC has engaged with as part of this process, and a summary of their responses, is provided in Appendix 4. The results of this exercise are discussed in Section 6 of this report.

1.4   e-Government context

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

The Office of Economic and Statistical Research's (**OESR**) statistics for information technology use in Queensland households showed that in 2010-11: 83% of households had computer access, 79% of households were connected to the internet[8] (74% via a broadband connection), and the internet was accessed at home by 94% of Queenslanders aged 15 years and over and was accessed at work by 46%.[9] Websites are a primary point of engagement with the community and therefore a primary channel for meeting the requirements of the RTI and IP Acts.

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[8]   Up 6.8% from the previous year
[9]   Office of Economic and Statistical Research. *Information Brief Household Use Of Information Technology: Queensland 2010–11* (2011).   < http://www.oesr.qld.gov.au/products/briefs/household-use-information-technology/household-use-information-technology-2010-11.pdf> at 24 May 2012.

Desktop audits are one way in which agencies can gain information about citizens' experiences of e-government, a critical area of interest for government service delivery and for engagement with stakeholders. In 2011 the Australian Government Information Management Office (**AGIMO**) released its final report on Australians' use of and satisfaction with e-government.[10] The report found that:

- there was a strong preference for the use of e-government service channels

- when offered the choice between the internet and another contact method, the internet was the preferred way to contact government

- two thirds of respondents (65%) had used e-government services in 2011

- awareness of government websites had increased; and

- satisfaction with government websites was generally high.

However, common reasons given by respondents who had not used the internet the last time they had contacted government included:

- online options were not available, or respondents were not aware of them

- websites were difficult to navigate—one in six respondents wanted '*more functionality, including addressing problems with design, usability and difficulty with finding things*'; and

- concerns about security and privacy.

AGIMO's report is consistent with the results of an earlier survey commissioned by Smart Service Queensland that showed Queenslanders expected consistent, authoritative and reliable information, security in their online interactions and for government to respect their privacy.[11] These surveys of technology adoption and citizens' expectations highlight the need for agencies to ensure that their websites address privacy concerns, are easy to use and are well-populated with authoritative content. Agencies which are compliant with the RTI and IP Act requirements will have the benefit of being more likely to meet the online expectations of citizens.

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[10]   AGIMO*, Interacting with Government: Australians' use and satisfaction with e-government services* (2011). <http://www.finance.gov.au/publications/interacting-with-government-2011> at 23 May 2012.
[11]   See Public Service Commission, *Discussion Paper: Innovations in ICT for Improving Service Delivery: e-Government* (2010).   <http://www.psc.qld.gov.au/library/document/catalogue/organisational-management/ict-and-sd-paper-for-feb-board-4-feb.doc> at 23 May 2012.

1.5   Agency capacity and capability

Not all agencies are currently taking advantage of the opportunities of e-government, to deliver significant information and services online to the populations that they serve. While the majority of agencies have websites (94%), there are still some that do not (5 agencies – 2 local governments and 3 statutory authorities). Of the 162 agencies with websites, only 147 (91%) could be reviewed using the desktop audit process.[12]

Figure 1 shows that the majority of agencies that were able to be reviewed in the desktop audit had content about both RTI *and* privacy (67%). Of the 162 agencies with websites, 15 (9%) had no RTI or privacy related content on their websites. It was much less common to find websites with RTI content only (1%) than to find websites that only had privacy content (23%).

Agency websites with reviewable RTI and privacy content
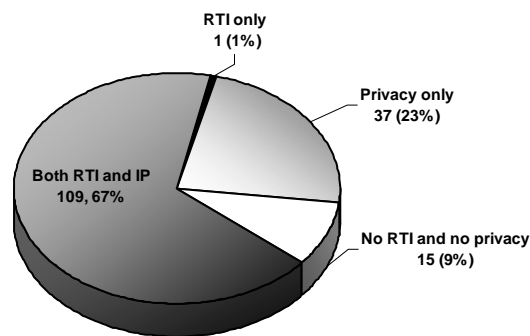
Figure 1: Breakdown of reviewable content types

OIC analysis has indicated that size and location seem to affect the ability of agencies to deliver RTI and privacy information effectively online. For example, of the three statutory authorities without reviewable right to information or privacy related content on their website – Bundaberg Health Services Foundation, Board of Trustees of Newstead House, and the Aboriginal Centre for the Performing Arts – both Bundaberg Health Services Foundation and Board of Trustees of Newstead House have an annual expenditure under $150,000 and 1-2 full-time equivalent staff (FTEs). The other twelve agencies with no reviewable content were from the local government sector and tended to serve remote communities with very small populations (400-5,000 people).

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[12]   Appendices 2 and 3 provide details of the selection of agencies for desktop audit and the reasons for their selection.

OIC acknowledges that web development and maintenance capacity and capability are likely to be a challenge for smaller and/or remote organisations. Federally, the *2011-12 Regional Telecommunications Review* noted:

> *The challenge for many local governments, particularly smaller rural and remote councils, is in the resources needed to move services online. The initial funds required to move services online are in addition to existing administrative costs but the savings to the organisation may not be immediately harvestable.*[13]

OIC notes that the technical barriers to entry for organisations are likely to be reducing, while demand from individuals for online government information and services is likely to increase as a greater proportion of the community have better and easier access to the internet. OIC encourages agencies to include RTI and privacy information when developing and updating websites.

In previous desktop audits, OIC noted that the information technology partner of the Local Government Association of Queensland (LGAQ), Resolute IT,[14] had provided templates for RTI and privacy content for around 40% of the reviewed local government websites; this had increased visibility and compliance dramatically. LGAQ has recently established GovCloud,[15] with a focus on cloud-based (i.e., hosted) computing infrastructure, software and consulting for the local government sector.[16] Hosted solutions, particularly those targeted to the needs of government, may provide a way for smaller and more remote agencies to build their online presence, by making previously inaccessible infrastructure and expertise more readily available.

Queenslanders in remote areas are increasingly likely to have access to the internet. Queensland census statistics from 2006 showed that internet access was notably lower for households outside of major cities, and in particular, for those located in more remote parts of Queensland.[17] However the Australian Bureau of Statistics (ABS) found that nationally the 'connectivity gap' was narrowing; since the 2001 Census, overall connectivity for remote areas had increased dramatically by 2006, at least doubling.[18] The rollout of the National Broadband Network (NBN) may also help

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[13] Australian Government Regional Telecommunications Review (2012), *Regional Communications: Empowering digital communities* pages 60-61 < http://www.rtirc.gov.au/2011-12_report> at 19 July 2012.

[14] <http://www.resolute.com.au/> at 8 August 2012.

[15] GovCloud is a service based in Australia and accordingly, does not trigger the obligations under section 33 of the IP Act.

[16] <http://www.govcloud.com.au/> at 3 August 2012.

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

[18] Australian Bureau of Statistics. *8146.0.55.001: Internet Usage Patterns in Australia* (2007) <http://www.ausstats.abs.gov.au/ausstats/free.nsf/0/1B7DD59C9E8F52ECCA2573A1007EE8DA/$File/814605500 1_2006.pdf> at 19 July 2012.

regional, rural and remote users to access local, state and federal government programs online.[19]

Indigenous Australians and those living in non-metropolitan areas may be more, not less, likely to make more use of government support and services.[20]

In summary:

- the community prefers to access government information online

- use of the internet is increasing across Queensland, even in the most remote parts of the state; and

- technological solutions for website development are becoming increasingly available.

In this context, OIC considers all government agencies could and should prioritise the provision of information rich websites.

1.6 Future directions

OIC has used desktop audits to assess the extent to which agencies have achieved compliance with the RTI Act and IP Act, and the audit findings underpin reports to Parliament on both general and specific findings.

OIC expects over time agencies will move from basic compliance to full compliance with the legislative requirements and Ministerial guidelines.

As agency compliance matures, OIC would expect push model approaches and continuous improvement to be built into existing agency-wide workflows and activities (e.g., for internal audit, web publishing, or community engagement). The emphasis on technical compliance should diminish over time relative to substantive compliance, as agencies start to realise the broader benefits that have come from building their capacity and capability in this area.

These benefits include:

- greater opportunities to develop innovative products and services that make use of the information and data assets held by government

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[19] Australian Government Regional Telecommunications Review, *Regional Communications: Empowering digital communities* (2012). < http://www.rtirc.gov.au/2011-12_report> at 18 July 2012.

[20] R. Lloyd and A. Bill. *Digital Divide? Who Uses Computers and the Internet in Australia Today?* (2003), quoted in Anni Dugdale et al, 'Accessing e-government: challenges for citizens and organizations' (March 2005) 71(1) *International Review of Administrative Sciences* pages 109–118.

- development of an evidence base for planning, evaluation and research

- communities that are better informed and more able to participate in the democratic process; and

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

OIC will continue to support agencies by:

- encouraging and monitoring RTI and IP Act activities and engagement at senior levels (e.g., at Audit and Risk Committees)

- producing audit tools that cover the requirements of the legislation and related Ministerial guidelines, and updating these in response to stakeholder feedback and changes in the legislation and guidelines

- providing information resources and advice; and

- delivering training that meets the needs of the agency staff engaged in self-audit processes.

2   Desktop audits by OIC: Visibility of right to information

> **Quick facts**
>
> - 75% of the reviewed agency websites had some content relating to Right to Information. Agencies without RTI web pages were more likely to be smaller local governments and statutory authorities.
>
> - More than 80% of RTI web pages were easily accessible, often through a direct link from the home page.
>
> - Information about administrative access schemes could be improved, with benefits to both agencies and communities.
>
> - Information about making a formal application – including details about application processes, costs, timeframes and review rights – was not always complete and/or correct.

2.1   Background

One objective of RTI is to make more information available to a wider public audience and provide equal access to that information for all stakeholders. RTI aims to maximise public access to government information by requiring that significant, appropriate and accurate information be published in publication schemes (as part of the push model) and requested information be administratively released wherever possible.

One factor that can contribute to the success of RTI is the level of public awareness about the right to information and how to obtain government-held information, including the administrative schemes for specific information. Guidelines issued by the Department of the Premier and Cabinet to departments[21] require departments to include a link on their website home page to their RTI web page, to structure the RTI web pages in certain ways and to include specific standardised text and information. These guidelines align with the Queensland Government Enterprise Architecture

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[21]   *Right to Information Publication Schemes, Publishing requirements and guidelines for agency websites*, Department of the Premier and Cabinet, Right to Information Agency website publishing requirements and guidelines issued in June 2009.

(QGEA) Consistent User Experience Standard (CUE),[22] which requires agencies to include a link to the RTI page in the global footer for the website. CUE is mandatory for departmental websites and provides best practice guidance to other government entities not specifically legislatively required to comply with QGEA standards.

Access through administrative schemes is a key means of reducing red tape, provided that members of the public can readily find administrative access schemes on the website for themselves, without the need to contact the department by phone or email to discover the administrative access schemes. Improved visibility of administrative access schemes would promote efficiency.

2.2　Availability and accessibility of RTI web pages

Of 147 agency websites reviewed, 110 (75%) had RTI related web content. In most cases this consisted of one or more RTI web pages. There were differences between sectors; all reviewed departments and universities maintained RTI pages, but this decreased to 83% for local governments and 64% for statutory authorities (see Table 1).

Table 1: Availability of RTI pages on agency websites

	Reviewable agency websites	Sites with RTI related content	% with RTI related content	Sites with RTI pages that were easy to find	% of RTI pages that were easy to find
Government departments	5	5	100%	5	100%
Local governments	59	49	83%	36	73%
Statutory authorities	76	49	64%	45	92%
Universities	7	7	100%	5	71%
Overall	**147**	**110**	**75%**	**91**	**83%**

OIC encourages agencies that have not yet developed RTI web pages to consider this as a way of informing the community about how they can gain access to government held information.

22　<http://www.qld.gov.au/web/cue/> at 25 June 2012.

The majority (83% overall) of agencies with RTI related content on their web pages provided easy access to these pages, often via a direct link from the agency's home page. The 5 government departments that were audited in depth all had easily accessible RTI information. Audits of other sectors indicated some opportunities for improvement: a search engine was required to find RTI information on both local government websites audited individually (Brisbane City Council and Gold Coast City Council), 4 statutory authority sites and 2 university sites.

Agencies that were the subject of the individual desktop audits and were notified directly about this issue responded positively and have agreed to raise the visibility of the RTI pages through more direct links.

2.3   Information about administrative access schemes

Information about administrative access schemes was not presented on RTI pages as consistently as information about publication schemes and disclosure logs.

Statutory authorities could make improvements in this area: of the 49 statutory authorities with RTI web pages, 32 (65%) provided information about the option of obtaining information via administrative access arrangements.

This issue was also noted for university websites, with only a single agency (the University of Queensland) including information about administrative access schemes on its RTI pages (see Figure 2).

Inclusions on RTI Pages (Universities)
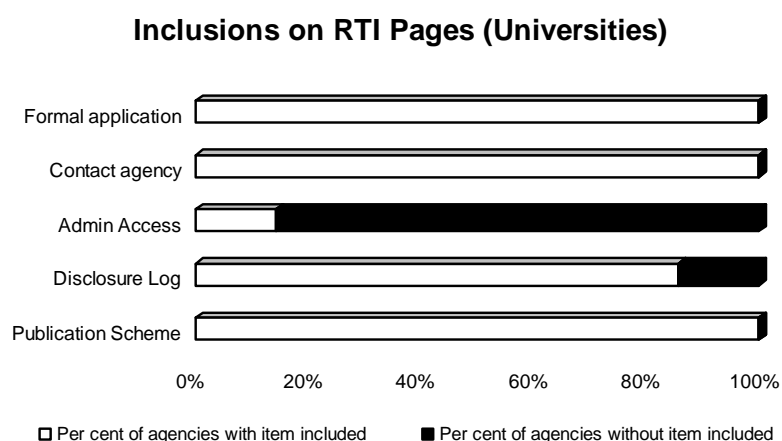
Figure 2: Inclusion of elements of RTI information on university websites

As many of the universities have administrative access schemes in place – for example, services for alumni to buy copies of academic transcripts and for potential

employers and other educational institutions to validate degrees that have been conferred – there is scope for them to improve in this area.

2.4   Information about formal application processes

There was variation in the approach taken by agencies to communicating about making applications through formal legislative processes.

Of the RTI pages that were assessed for how well they provided information about making a formal application, 95% contained some information about application processes. However, in 26% of cases, the information provided was inaccurate or incomplete.

Some of the qualitative issues identified were:

- missing information about options for internal and external review

- incorrect or missing information about application costs; and

- no link to the government approved access and amendment application forms.

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

3 Desktop audits by OIC: Publication schemes

Quick facts

- 67% of the reviewed agency websites included a publication scheme. In general, publication schemes were easy to locate.

- The proportion of agencies with a publication scheme was higher for departments and universities (100%) than for local governments (68%) and statutory authorities (62%).

- The majority of agencies were using the seven classes set out in the Ministerial Guidelines to structure publication schemes.

- Classes dealing with policies, services and general information about the agency were generally well-populated; classes dealing with priorities, decisions, lists, and finances (particularly contracts, tenders and procurement activities) could be improved.

- Publication schemes were not always accurate and up to date; for example, nearly 20% of statutory authority publication schemes contained documents that were out of date[23] or links that were broken.

- Many sites did not provide details about accessing documents in alternative formats and/or did not contain sufficiently clear information about terms and conditions, including charges.

- While general feedback and complaints processes were commonly provided, less than half of the websites specifically enabled a complaint to be made when information in the publication scheme was not available.

3.1 Background

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

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[23] For example, documents referring to the *Freedom of Information Act 1992* were considered out of date.

its publication scheme complies with guidelines as published by the Minister (Ministerial Guidelines).

Under the Ministerial Guidelines, the agency is encouraged to publish as much information as possible. The Ministerial Guidelines specify seven classes of information.[24] In considering what to include in their publication schemes, agencies should assess documents against three key criteria: the information included must be significant; appropriate for release; and accurate.

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

According to the Ministerial Guidelines, information in the publication scheme should be easily accessible through the agency's web site. Preferably, the links on the publication scheme web-page will access the document in full. If that is not possible[25] or if alternative access is required, the mechanism for obtaining a copy of the document should be clearly set out and requests should be quickly actioned.

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

3.2   Availability and accessibility of online publication schemes

Of the 147 websites that were audited, 99 (67%) had an online publication scheme; this included all the Departments reviewed in depth (5), 68% of local governments (40), 62% of statutory authorities (47) and all universities (7). There was a significant increase in the number of local government online publication schemes since the previous scan, from 26 to 40.

Most publication schemes were easy to locate on agency sites within 2-3 clicks from the agency homepage.

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[24]   About Us, Our Services, Our Finances, Our Priorities, Our Decisions, Our Policies, Our Lists.
[25]   For example, if the document is too large.

3.3　Structure and content of publication schemes

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

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

The majority of agencies used the seven classes outlined in the Ministerial Guidelines. Publication schemes were generally better populated in classes covering policies and procedures ('Our policies'), services ('Our services') and general information ('About us').

The Legal Services Commission (LSC) offered examples of good practice in other classes such as 'Our priorities' and 'Our lists'. Under 'Our priorities', LSC included documents such as monthly performance reports in relation to complaints, compliance audits, research and community legal education activities. LSC also published the Queensland Discipline Register in the 'Our lists' class. OIC considers these to be excellent examples of the push model and ones that could be applied generally by registration boards to professional disciplinary matters.

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

More information could be published in classes of information dealing with planning and performance ('Our priorities'), governance and decision making ('Our decisions'), registers ('Our lists'), and particularly in providing information about contracts, tenders and procurement activities ('Our finances').

Although overall 'Our decisions' was a class that could be improved, the university sector provided examples of good practice:

- Queensland University of Technology (QUT) had a policy on public access to its committees' documents, and made committee papers and minutes available for the key decision-making groups, Academic Board and Council.

- The University of Queensland (UQ) provided email notifications when new Academic Board papers were available online.

Financial information, and in particular information about procurement, was identified by OIC as a key area for improvement. OIC noted that the Queensland Police Service had improved performance in this class by providing direct links to the state government eTenders website; this is an approach that many other agencies could consider. Gold Coast City Council's publication scheme linked to a tenders page that provided a good example of the kinds of information that should be included in this class.

Only 17% of statutory authority publication schemes in the aggregate scan were found to be compliant in relation to publication of procurement information (see Figure 3).

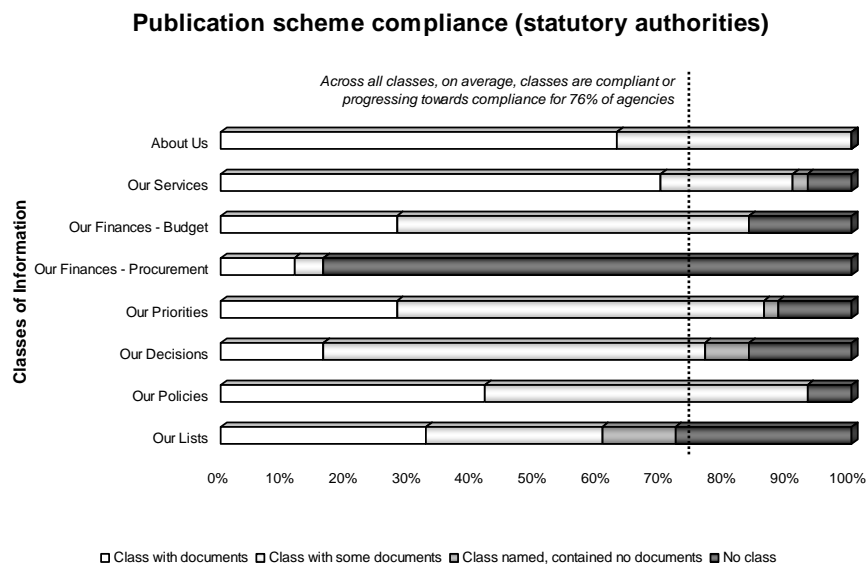**Publication scheme compliance (statutory authorities)**

Figure 3: Population of publication scheme classes on statutory authority websites

Similarly, the aggregate scan of universities indicated a high level of compliance across all other classes, but 6 of 7 were still in progress in relation to procurement information (see Figure 4). One university was also non-compliant on budget information.

Publication scheme compliance (universities)
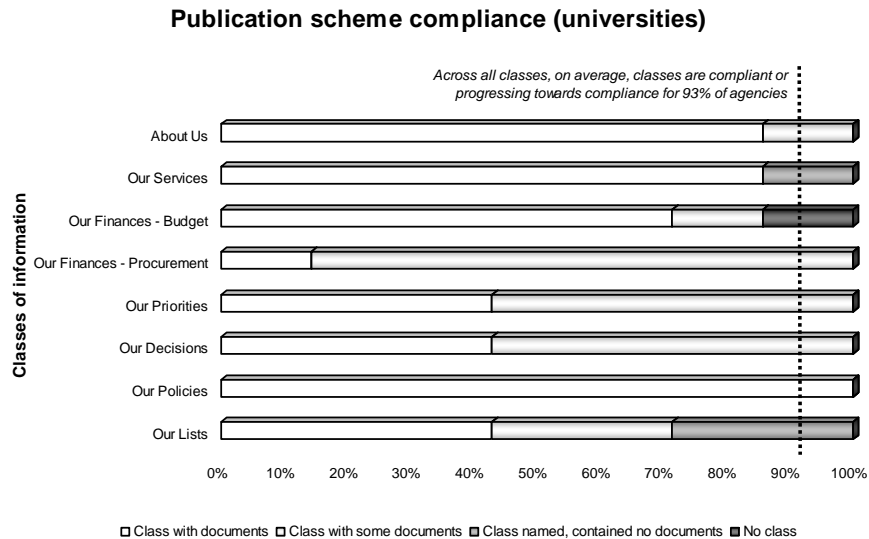
Figure 4: Population of publication scheme classes on university websites

Agencies that have received feedback and recommendations directly from OIC about publication across the seven classes have generally accepted the recommendations, and stated a commitment to update their publication schemes. OIC encourages all agencies to review the extent to which the classes in their publication scheme are populated with significant documents as required by the Ministerial Guidelines.

3.4   Currency of publication scheme

Under the Ministerial Guidelines, publication schemes should be regularly reviewed to ensure information is current and up to date.

Of the five government departments reviewed in depth, four departmental publication schemes provided information demonstrating the published documents were up-to-date. One did not publish currency information on their publication scheme so the issue as to whether that information was current could not be assessed.

Currency of publication schemes was not assessed in the aggregate scan of local government websites.[26] Desktop audits showed that 9 of 47 (19%) of the statutory authority publication schemes contained documents that were out of date or contained links that were broken.

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[26]   See Appendix 3 for information about the scope of the sector reviews.

Currency was also an issue with some university publication schemes; several university sites included links to out-of-date annual reports and to the Australian Universities Quality Agency (AUQA), which was replaced by the Tertiary Education Quality and Standards Agency (TEQSA) in January 2012.

OIC has recommended that agencies review their publication schemes to ensure information is up to date. Where agencies have been notified of this issue they have responded positively. For example, Queensland Police Service (QPS) fixed broken links and out of date content identified in previous audits, and also indicated in progress reports they anticipated dedicating more staffing to maintenance.

3.5   Providing information in alternative formats

Under the Ministerial Guidelines, in the interest of equitable access to information by the broader community an agency should provide access to documents in alternative formats upon request (e.g., a print copy could be provided if documents in PDF format could not be viewed).

OIC's desktop audits found that 4 of the departments, 30 of statutory authorities, and 2 of the universities (80%, 64% and 29% respectively) were compliant in providing information about accessing documents in an alternative format.

OIC recommends that agencies ensure documents can be accessed in alternative formats if requested.

3.6   Information about terms and conditions, including charges

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

All of the departments' publication schemes reviewed provided information about terms of access and charges. The review of statutory authority publication schemes found that most commented that the information published was '*routinely available*', but did not provide other terms or state that the information was free of charge. Less than half of the university publication schemes offered information about terms of access and charges. Neither of the two local government publication schemes audited in depth provided information of this kind.

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

3.7 The right to make a complaint about the publication scheme

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

Desktop audits found that most publication schemes – 80% of departments, 87% of statutory authorities and 71% of universities – contained information about a general complaints policy and procedure, but few agencies had a specific complaints process dealing with inaccessible publication scheme information.

The exceptions to this were the five government departments assessed in depth; 80% of these had a complaints process specific to the publication scheme. In contrast 46% of the statutory authorities and 28% of the universities had complaints processes specific to the publication scheme. One out of the two local governments assessed in depth (Gold Coast City Council) had a complaints process specific to the publication scheme.

OIC recommends that agencies review publication schemes to ensure they describe how to make a complaint if information in the publication scheme is unavailable, as required by the legislatively mandated guidelines.

4   Desktop audits by OIC: Disclosure logs

Quick Facts

- 66% of the agency websites reviewed made mention of a disclosure log.

- Some disclosure logs were hard to find, requiring a search engine or a long process of navigation from the home page. In some cases they could not be located at all.   For example, 22% of the statutory authorities' websites mentioned a disclosure log, but a disclosure log could not be located.

- Agencies could better populate disclosure logs with information released under the RTI Act; many disclosure logs were empty or contained very few documents.

- Depending upon the agency and sector, rarely more than 50% of material released under the RTI Act was published in disclosure logs.

- Compliance was high with requirements about how documents were to be published in the disclosure log.   For example, agencies complied with requirements to provide direct download of the documents and/or alternative access methods, provide accompanying text, and protect the personal information of applicants.

4.1   Background

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

If an agency maintains a disclosure log, the RTI Act and Ministerial Guidelines set out requirements for its operation. Where a document is not directly accessible through the disclosure log, the disclosure log must contain information describing the document and method of accessing it. Agencies must not include a copy of a document in a disclosure log if it contains the personal information of the applicant to which access

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was originally granted. The Ministerial Guidelines also list specific types of information that should not be included in a disclosure log.

4.2 Availability and accessibility of disclosure logs

OIC found that 97 of the 147 agency websites reviewed (66%) had content relating to a disclosure log on their website.

All departments and universities reviewed had a disclosure log. All departmental disclosure logs were very easy to locate, usually 1-2 clicks from the agency home page.

University disclosure logs were hard to find on 2 of 7 sites, requiring 4-5 clicks from the homepage or use of a search engine; there is scope for these universities to improve the visibility of their disclosure logs.

The number of local governments with disclosure log content was 40 (68%) in June 2012. This had increased from 28 in July 2010, a very positive step for the local government sector.

Out of the 45 statutory authorities reviewed, 41 mentioned an agency disclosure log. Four statutory authorities did not make any reference to a disclosure log. OIC noted that for the 41 statutory authorities mentioning a disclosure log, only 30 disclosure logs could be located. 29 of these were easily accessible while 1 could only be discovered through the use of a search query. For the other 11 statutory authorities, the disclosure logs were mentioned but could not be located on the websites.

OIC encourages agencies without a disclosure log to consider this channel for publishing information already released in response to an RTI Act application.

Disclosure logs should feature prominently on an agency's website so that they can be easily found.

4.3 Populating disclosure logs

Disclosure logs were not well populated with information.

Depending upon the agency and sector, the proportion of material published in disclosure logs across all agencies in that sector was as low as 8% of the material released by the agency under the RTI Act, and rarely exceeded 50%. Many disclosure logs contained nothing.

The content of local government disclosure logs was not assessed in detail as part of the aggregate audit. In the case of the two local government agencies audited individually, neither maintained a disclosure log. Both agencies released a large amount of material in response to RTI Act applications. The majority of pages reviewed by Brisbane City Council in 2009-10 (38,922 pages) were for 325 applications for information under the RTI Act (95% of all pages reviewed by the Brisbane City Council, 91% of applications received). Gold Coast City Council dealt with 80,900 pages of material as part of 222 applications that were primarily made under the RTI Act (176 applications, 79%). As the two agencies handled many applications and had released large amounts of material under the RTI Act, both were encouraged by OIC to publish a disclosure log.

Of 45 statutory authorities in the aggregate scan,[27] 5 (11%) had no disclosure log at all, while 26 (58%) had a disclosure log that could not be found or once found, contained no information. Just 6 agencies had a disclosure log with more than one RTI application included in it, leaving 8 with a single application listed. In 2009-10, these agencies collectively received 140 RTI applications and considered 28,966 pages in relation to them. By May 2012, these agencies had released 2,687 pages in relation to 34 applications; this represented just 24% of the applications and 9% of the pages considered.

Of the 7 universities' disclosure logs, 4 (57%) contained a single application and 3 (43%) were completely unpopulated, despite these universities handling a total of 25[28] RTI applications during the time period being assessed.

Desktop audits do not assess the decisions made by agencies to publish or not publish documents in the disclosure log. Whilst the RTI Act gives agencies the discretion not to include in a disclosure log all information that has been released, agencies are encouraged to adopt a pro-release bias and exercise this discretion in a way that is consistent with the broader objectives of the push model approach.

A number of agencies contacted concerning their low publication rate indicated that they had considered a larger number of applications for publication in their disclosure log but ultimately decided that publication would be contrary to the public interest.

However, low population statistics for disclosure logs also indicate a need for agencies to review their disclosure log systems and decision-making to ensure that a pro-release bias is in operation.

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[27]   This does not include the 4 statutory authorities assessed individually
[28]   This represents 16% of all applications considered during this period.

4.4 Explanatory text and alternative methods of access

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

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

OIC noted with concern that text on the disclosure logs of two departments suggested that only applications of 'significant interest' would be included. This introduced a qualification that is not part of the RTI Act or the Ministerial Guidelines. Open disclosure implies that agencies are not exclusively in a position to know what might be of significance to people. At the time of writing this report, one agency had responded to feedback from OIC about this issue, indicating that this limitation was not intended and would be remedied.

4.5 Personal information of applicants

Only documents that do not contain the personal information of the applicant may be published to a disclosure log. There was no evidence that personal information of applicants was being released inadvertently by agencies through disclosure logs.

5 Desktop audits by OIC: Privacy

Quick Facts

- Almost all websites (99%) had one or more of:

    o a privacy link in the web page footer

    o a privacy statement

    o a privacy plan or policy; or

    o other information on personal information holdings and practices.

- Nearly all online forms were compliant with Information Privacy Principle 2 (IPP2).

- Email contact compliance was approached less consistently by agencies. A common practice was to link to global privacy statements, but the global privacy statements did not always cover the collection of personal information through email and internet.

- 46% of the agency websites reviewed had a privacy plan or policy.

- The quality of privacy plans varied, and not all were compliant with IPP5. Examples were found of plans that did not identify personal information holdings or referred to outdated legislation or standards.

- Although not a compliance issue, agencies could improve privacy plans or privacy web pages by including in them information about making privacy complaints.

5.1 Background

The *Information Privacy Act 2009 (Qld)* (IP Act) provides for the fair collection and handling of personal information in the public sector environment.

Information Privacy Principle 2 (IPP2) [29] applies to an agency's collection of personal information from the individual. When an agency collects personal information from an individual, for example, either by giving the individual the capacity to contact the

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[29] References to IPP2 should also be read as a reference to NPP1 in relation to Queensland Health.

agency by email or by completion of a form, IPP2 requires the agency to take all reasonable steps to ensure that individual is generally aware of the purpose of the collection, any law that might authorise or require the collection, and to whom the information would usually be disclosed. This commonly occurs through the inclusion of an information paragraph on the webpage or form, termed by OIC as a 'collection notice'. [30]

Collection notices reassure individuals about the bona fides of the agency's collection practices. If forms can be downloaded and completed in hard copy, best practice is that the collection notice is on the form itself or readily accessible from the web page that contains the form. Agencies often provide email addresses through which citizens can communicate with the agency. Agencies collect names, email addresses and other personal information contained within the body of emails, and therefore need to provide collection notices. Best practice is to include the collection notice on the page containing the email link. As a lesser alternative, agencies can opt to provide a generic link to a privacy statement that covers email contact.

Information Privacy Principle 5 (IPP5)[31] requires agencies to provide details about the types of personal information they hold, the use that is made of that information, and how an individual can access their personal information. Unlike under the previous privacy regime - Information Standard 42 (IS42) - the privacy principles do not obligate government agencies to have a privacy plan. Regardless, a privacy plan is a practical means for an agency to meet its IPP5 obligations.

5.2 Profile of privacy information on agency websites

The profile of information privacy in general on the websites was high, with most agencies having one or more of the following: a privacy statement; a privacy plan or policy; or other information on privacy (see Figure 5).

> o   a privacy link in the web page footer
>
> o   a privacy statement
>
> o   a privacy plan or policy; or
>
> o   other information on personal information holdings and practices.

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[30]   The term 'collection notice' is not used in the IP Act. OIC uses the term 'collection notice' to denote information provided to an individual by a government agency that complies with IPP2 or NPP1.
[31]   References to IPP5 should also be read as a reference to NPP5 in relation to Queensland Health.
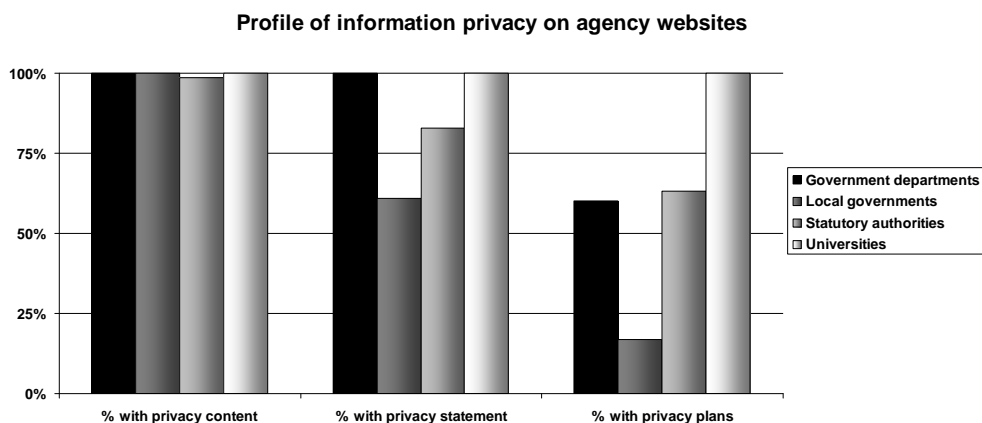
Figure 5: Privacy content, including privacy statements and privacy plans

Local government sites in particular showed some improvements in the area of privacy; OIC noted increases from 2011 in the number of privacy statements, privacy plans, email collection notices and overall mentions of privacy on local government websites (see Figure 6).
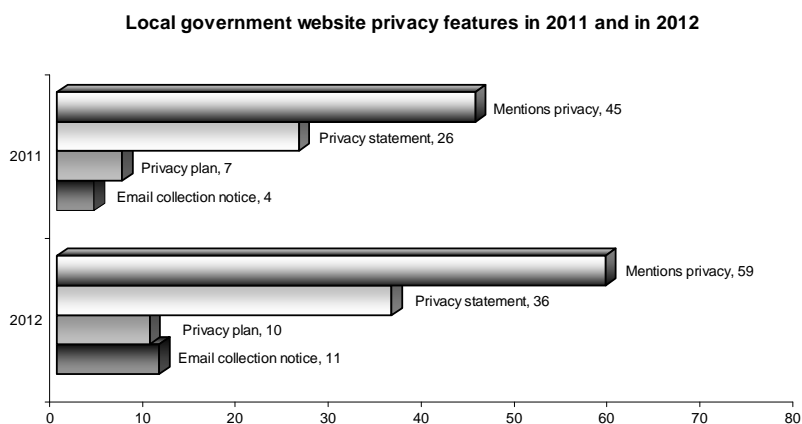
*Figure 6: Increase from 2011 to 2012 of instances of privacy features
on local government websites*

5.3   IPP2 – collection via online forms and email

In general, online forms on agency websites were compliant with IPP2. Many agencies included high quality collection notices on their forms and/or provided a link to a global privacy statement that covers collection via the web forms.

Four departments (Communities, Treasury, Queensland Police Service, Transport and Main Roads) achieved 90-100% compliance across samples of 10-25 forms. The

other department reviewed, Queensland Health, had responded positively to OIC recommendations by establishing a Statewide Forms Committee to standardise forms, and the collection notices on them, as a matter of priority.

Local government email addresses and forms varied in quality, but OIC noted an overall improvement since the previous aggregate scan and many examples of good practice. Gold Coast City Council was commended for its IPP2-compliant collection notices on forms, and the collection notices of a further 14 local governments received positive comments from OIC during the audit. Email contact compliance with IPP2 was less consistently approached; some local governments provided collection notices at the point where email addresses were provided, but a common practice was to link to a global privacy statement that included a collection notice specific to email.

A high level of compliance with IPP2 was evident on statutory authority websites. All forms for all four statutory authorities audited individually had collection notices that satisfied the requirements of IPP2.

There was less consistency for the collection notices for email contact. Email contact was dealt with in a variety of ways. Two statutory authorities provided a link to a generic privacy statement that covered email contact, with one supplying the global statement in combination with individual collection notices. Another agency had a compliant collection notice, but this was difficult to find (being reached via a 'Disclaimer' link). One statutory authority had neither individual collection notices nor a link to a global privacy statement.

Of the other 72 statutory authorities audited collectively, 60 (80%) linked to a global privacy statement in the footer of their webpage; of these, 52 (87%) had a collection notice that was IPP2-compliant, covering collection of personal information via the internet and email. For the non-compliant statutory authorities a range of qualitative issues were identified, such as:

- privacy web pages that did not specifically address the collection of personal information via email or the internet

- general lack of information about the legislative obligations under the IP Act; and

- the inclusion of privacy under generic labels such as 'Disclaimer' or 'Terms and Conditions' that could make privacy information difficult to find.

OIC has recommended that the statutory authorities review their email contacts and/or privacy pages to ensure that collection notices comply with the legislation.

University collection notices were variable in quality; although all 7 sites linked to a global privacy statement, 3 of these statements (43%) did not cover electronic collection of personal information.

Two areas for improvement were identified with agency use of the global privacy statement for compliance with IPP2. First, where a link to a global privacy statement is used in preference to individual collection notices, agencies must ensure the global statement addresses the collection of personal information through email and internet. Second, links to global privacy statements should be checked for accessibility. OIC found examples of broken links to privacy statements and of privacy pages (including collection notices) that were only accessible via a search engine or links that did not clearly indicate the privacy content. In these cases it would be difficult for a member of the public to find the information required for the agency to be compliant with IPP2.

5.4   IPP5 – personal information holdings and privacy plans

Desktop audits found that privacy plans (sometimes called policies or guidelines) had been published by 3 of the departments (60%), 10 local governments (17%), 47 statutory authorities (62%), and all 7 universities (100%).

Agencies without a privacy plan often did not appear to have any other source of information on their website that identified personal information holdings or the ways in which personal information was used or could be accessed: this was the case for 30 of the 33 statutory authorities without a privacy plan. In these instances agencies could consider creating a privacy plan or policy or updating other privacy information on their websites to comply with IPP5.

OIC also found that agencies needed to review privacy plans to ensure they were current and reflected the agency obligations under the IP Act. The quality of the privacy plans, policies and statements was variable, with OIC noting qualitative issues that included:

- plans that were out-of-date, e.g., that made ongoing reference to superseded legislation or standards, most commonly the *Freedom of Information Act 1992* or Information Standard 42

- plans that did not list personal information holdings

- information that was difficult to find, for example requiring a search engine to locate the privacy plan or having privacy information located under non-specific headings such as 'Disclaimer' and 'Terms and conditions'

- inaccuracies, for example, incorrect timeframes for review; and

- blank privacy pages and broken links.

These issues will be the subject of closer scrutiny in following desktop audits. OIC encourages all agencies to review all privacy-related documents and web content regularly to ensure that they are up to date and reflect all of the agency's obligations under the IP Act.

5.5 Information about privacy complaints

While not a compliance issue, agencies can improve their privacy plan or privacy web page by including information about the process for making a privacy complaint.

Audits showed that this was becoming a reasonably common practice. For example, 28 of the statutory authorities (37%) mentioned a privacy complaint process.

Other agencies could also consider updating their privacy plans and statements to include information about an individual's right to lodge a privacy complaint.

5.6 Training and awareness raising

The Solomon Report[32] recommended that agency managers foster organisational cultures consistent with RTI/IP and ensure that staff induction and professional development includes commitment to RTI/IP principles.

While desktop audits do not assess agencies' internal training regimes, OIC noted that several agencies have developed a range of education materials for privacy including training modules. As an example Griffith University's training materials included sector-specific scenarios that dealt with the application of the privacy principles to a range of common situations in which general and academic staff at a university may need to handle personal information.

OIC commends all efforts taken by agencies to include RTI/IP in their staff training programs.

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[32] *The Right to Information: Reviewing Queensland's Freedom of Information Act* (the Solomon report), the report by the FOI Independent Review Panel, June 2008

6 Desktop audits conducted by agencies

6.1 Introduction

OIC is responsible for providing information and assistance to Queensland government agencies (such as state government departments, local councils and universities), Ministers and the community to support agencies to comply with the RTI and IP Acts.

This includes the development of self-assessment tools that help agencies to understand their obligations and assess their own progress.

6.2 Objectives

As right to information and information privacy become accepted components of information management in agencies, agency self-monitoring will be needed to underpin responsible management of these information systems.

Agencies that self monitor will:

- build the agency's responsibility for, and commitment to, managing and improving proactive release of information and personal information handling practices

- better meet the expectations of citizens that government will provide up to date, easy to use websites that explicitly address privacy concerns

- quickly and effectively identify and resolve minor publication scheme and disclosure log issues

- identify systemic issues that could be addressed by the agency internally as part of information management work plans, rather than arising as issues during a compliance review by OIC

- provide on-the-job professional development, as completing the desktop audit provides the staff member with an overview of RTI and IP requirements in the context of their agency; and

- identify areas in which further information resources and training are needed.

OIC has been monitoring the extent to which agencies have achieved full compliance across the board through a Self Assessed Electronic Audit. In order to ensure maintenance of full compliance, OIC has encouraged agencies to build self-audit into their own internal audit program.

6.3   Methodology

Establishing the level of agency compliance and encouraging full compliance

OIC developed the first tool in its toolkit, the *Right to Information and Information Privacy Agency Self Assessment Tool,*[33] early in the reform process, primarily by identifying requirements from the legislation or from the guidelines issued under the RTI and IP Acts by the Minister and agency responsible for administration of the legislation.   This self-administered questionnaire provides a checklist of all of the compliance obligations, and as such, is a resource for agencies.

The tool was used by over 155 agencies as part of a survey by the Office of Economic and Statistical Research (OESR) conducted on behalf of OIC, with the aggregated results reported to the Queensland Legislative Assembly in 2011.[34]

Key results as self-reported by agencies at that time included:

- full or partial implementation of 72% of the reform obligations

- strong performance in the initial implementation of publication schemes; putting in place roles, responsibilities, delegations and authority to implement the reforms; meeting privacy obligations; and engaging with applicants under the legislation; and

- weaker performance in adopting the push model, making arrangements for information to be accessed administratively and monitoring their own progress.

Maintaining full compliance

OIC has continued to take steps to encourage agencies to include an audit of right to information and privacy in their annual internal audit work programs, as an ongoing independent check that agencies are maintaining their compliance with legislative obligations.

In order to support agencies in conducting their own audits, OIC has developed the second tool in its toolkit, the *Desktop Audit Tool (Agency Website).* This tool extracts from the *Self Assessed Electronic Audit* compliance obligations that are auditable via an external examination of an agency's website.

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[33]   <http://oic.qld.gov.au/content/agency-self-assessment-tool> on 6 September 2012.
[34]   >http://oic.qld.gov.au/content/agency-progress-right-information-reforms%E2%80%94results-self-assessed-electronic-audit-completed> on 6 September 2012.

The tool automates the process of gathering information as much as possible, to assist internal auditors in conducting an audit. The tool consists of a series of Excel worksheets that enable agency staff to record:

- administrative details, such as the name of the auditor, audit date and version

- an agency profile, based on published RTI and IP applications statistics

- the availability and accessibility of RTI web pages

- the structure and content of publication schemes and disclosure logs

- the availability and content of a privacy plan; and

- a sample of forms and email contacts and assessments of their compliance with relevant privacy principles.

The *Desktop Audit Tool* has been published on the OIC website, along with documentation explaining the tool and its uses.[35]

OIC contacted the Director-Generals of all Queensland Government departments in March 2012 about trialling the tool and integrating it with annual audit work programs from the 2012-13 financial year onwards.

Sixty agency representatives responsible for or interested in the desktop audit process were invited to attend a training session. Twenty-five people from a wide range of agencies attended three sessions on 24 April, 3 May and 4 May 2012.

Throughout the process OIC responded to individual requests for help from a number of departments.

6.4   Findings

Departments have responded positively to the *Desktop Audit Tool* and to the idea of including RTI and IP self-audit in the audit work programs in future years.

Figure 7 gives an overview of responses from the twenty governments that were contacted regarding the *Desktop Audit Tool*. One of the twenty departments (Community Safety) had already completed an audit using the tool developed by OIC. A further eight departments indicated that they had included an RTI / IP component in the audit work programs for 2012-13, with some awaiting confirmation of this decision from internal committees.

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[35]   <http://oic.qld.gov.au/content/desktop-audit-tool> at 6 September 2012.

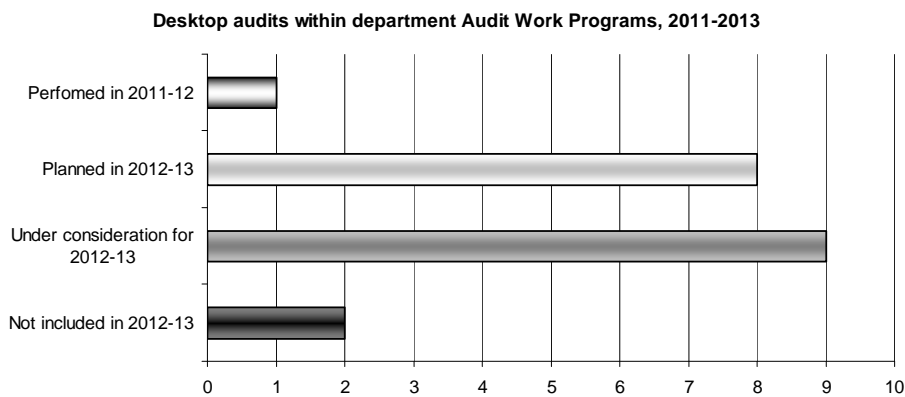**Desktop audits within department Audit Work Programs, 2011-2013**

Figure 7: Results of feedback from government departments about intentions to incorporate desktop self-audit as part of internal risk and audit activities

Nine departments indicated that inclusion of RTI and IP self-audit as part of the 2012-13 program was under consideration. At the time OIC was seeking feedback from departments, changes outlined in the *Public Service Departmental Arrangements Notice (No 1) 2012* were having an impact upon their RTI and IP functions and on the Risk and Audit Committees that would have stewardship of desktop audit processes. These changes meant that some departments could not indicate the approach that might be taken at the time of this review. Available resources and relative risk were mentioned as factors that would determine the priority that would be given to RTI and IP self-audit.

Only two departments had not included, and were not considering including RTI and IP self-audit in their internal audit programs in 2012-13. Internal audit for both of these departments had become the responsibility of the Department of Communities, Child Safety and Disability Services. Audit staff from the department advised that the former Department of Communities had conducted a post-implementation review of RTI and IP compliance that was finalised in July 2011. Following on from that review, Communities had considered a two-yearly audit timeframe on RTI and IP compliance appropriate for the resourcing and risk profile and would therefore schedule the next biennial review some time after mid-2013.

Agencies other than departments were not specifically requested to provide feedback, but some provided information to OIC on the *Desktop Audit Tool*. In general the response has been positive, with feedback including:

- notification that the tool had been trialled successfully

- signalling of intent to include desktop audits of RTI/IP in existing agency programs; and

- expressions of interest in receiving further information, briefings and training.

These early indications are encouraging, and OIC intends to continue the strategy of supporting agencies to self-monitor.

7   Conclusion

It has now been several years since the commencement of the right to information and information privacy regime that includes a push model of government information dissemination and legislated obligations for the fair collection and handling of personal information.

In this time progress has been made by agencies in implementing publication schemes and disclosure logs and in managing the collection of and access to personal information through the internet and email. Agencies are generally striving to meet their legislative requirements under both the RTI and IP Acts, and visibility and compliance has improved since the previous desktop audits were reported in 2011, particularly in the local government sector.

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

The objectives of the RTI and IP legislative reforms will only be achieved if agencies provide RTI and privacy related information not as a one-off exercise to meet compliance requirements, but as a standard service that is continuously enhanced to meet the changing needs of their stakeholders and the broader community. The expressed willingness of some agencies to move beyond basic compliance to more mature and integrated approaches which have continuous improvement inbuilt is very encouraging.

APPENDICES

Appendix 1 – Acronyms

ABS	Australian Bureau of Statistics
AGIMO	Australian Government Information Management Office
CUE	Consistent User Experience Standard
FTE	Full-time equivalent staff
IS42	Information Standard 42
IP	Information Privacy
IP Act	*Information Privacy Act 2009 (Qld)*
IPP	Information Privacy Principle
LGAQ	Local Government Association of Queensland
LSC	Legal Services Commission
NBN	National Broadband Network
NPP	National Privacy Principle
OESR	Office of Economic and Statistical Research
OIC	Office of the Information Commissioner
QGEA	Queensland Government Enterprise Architecture
RTI	Right to Information
RTI Act	*Right to Information Act 2009 (Qld)*

Appendix 2 – Scoping methods

The OIC desktop audit program covered 172 agencies as set out Table A2-1.

Table A2-1: Agencies covered by OIC desktop audits in 2011-12

	Total agencies in sector	Individual desktop audit	Aggregate desktop audit	Desktop audit as part of compliance review	Total agencies included in audit program
Government departments	20	2	0	3	5[a]
Local governments	74	2	74	0	74[b]
Statutory authorities	86	4	82[c]	0	86
Universities	7	0	7	0	7
Overall					**172**

Notes:

a. In this reporting period, Machinery of Government changes restructured government departments during the period in which the audits were planned, and it was not possible to proceed with detailed audits for all departments.

b. The aggregate scan of councils also included two agencies that had been audited individually.

c. The aggregate scan of statutory authorities did not include the four agencies that had recently been audited individually.

An initial scan of the 172 agencies found that 5 agencies could not be included:

- A body that did not have the status of a local government; and

- Four statutory authorities, one that considered it was not within RTI Act jurisdiction and three that ceased operating in the audit period.

The final part of the scoping process involved assessing whether agencies had content that could be reviewed as part of a desktop audit.

Because the desktop audit methodology involves looking only at information publicly available over the internet, an agency could only be included if:

- the agency had a website; and

- the website contained right to information and/or privacy content that could be reviewed against the requirements of the legislation.

Almost all agencies (94%) had websites, but 5 agencies – 2 local governments and 3 statutory authorities – did not.

With 5 agencies removed from consideration due to their status as agencies, and 5 agencies removed for lack of a website, the number of reviewable agencies reduced from 172 to 162.

Table A2-2 also indicates that of the 162 agencies with websites, only 147 (91%) could be reviewed using the desktop audit process because they contained RTI and/or privacy related content.

Table A2-2: Reviewability of agency websites

	Agencies in jurisdiction with websites	Website had RTI and/or privacy related content	% of websites able to be reviewed for RTI or privacy requirements
Government departments	5	5	100%
Local governments	71	59	83%
Statutory authorities	79	76	96%
Universities	7	7	100%
Overall	**162**	**147**	**91%**

See Appendix 3 for a full list of all agencies considered for inclusion in the audit, their status, and the type of audit that was applied.

Appendix 3 – Agencies reviewed and type of audit

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

Departments	Type of audit
Aboriginal and Torres Strait Islander and Multicultural Affairs	On hold following departmental restructure
Agriculture Fisheries and Forestry	On hold following departmental restructure
Communities, Child Safety and Disability Services	Desktop audit
Community Safety	On hold following departmental restructure
Education, Training and Employment	On hold following departmental restructure
Energy and Water Supply	On hold following departmental restructure
Environment & Heritage Protection	On hold following departmental restructure
Housing and Public Works	On hold following departmental restructure
Justice & Attorney General	On hold following departmental restructure
Local Government	On hold following departmental restructure
National Parks, Recreation, Sport and Racing	On hold following departmental restructure
Natural Resources and Mines	On hold following departmental restructure
Premier & Cabinet	On hold following departmental restructure
Queensland Health	Audited as part of compliance review
Queensland Police	Audited as part of compliance review
Treasury and Trade	Desktop audit
Science, Information Technology, Innovation and the Arts	On hold following departmental restructure
State Development, Infrastructure and Planning	On hold following departmental restructure
Tourism, Major Events, Small Business and the Commonwealth Games	On hold following departmental restructure
Transport & Main Roads	Audited as part of compliance review

Local governments	Type of audit
Aurukun	No RTI &/or privacy related content to audit
Balonne	General audit
Banana	General audit
Barcaldine	General audit
Barcoo	General audit - privacy only
Blackall-Tambo	General audit
Boulia	General audit - privacy only
Brisbane	Desktop audit and general audit
Bulloo	General audit
Bundaberg	General audit
Burdekin	General audit
Burke	General audit - privacy only
Cairns	General audit
Carpentaria	General audit - privacy only
Cassowary Coast	General audit
Central Highlands	General audit
Charters Towers	General audit
Cherbourg	No RTI &/or privacy related content to audit
Cloncurry	General audit
Cook	General audit
Croydon	General audit
Diamantina	General audit
Doomadgee	No website to audit
Etheridge	General audit
Flinders	General audit
Fraser Coast	General audit
Gladstone	General audit
Gold Coast	Desktop audit and general audit
Goondiwindi	General audit
Gympie	General audit
Hinchinbrook	General audit
Hope Vale	No RTI &/or privacy related content to audit
Ipswich	General audit
Isaac	General audit
Kowanyama	No RTI &/or privacy related content to audit
Lockhart River	No RTI &/or privacy related content to audit

Local governments	Type of audit
Lockyer Valley	General audit
Logan	General audit
Longreach	General audit
Mackay	General audit
Mapoon	No RTI &/or privacy related content to audit
Maranoa	General audit
McKinlay	General audit
Moreton Bay	General audit
Mornington	General audit - privacy only
Mount Isa	General audit
Murweh	No RTI &/or privacy related content to audit
Napranum	No website to audit
North Burnett	General audit
Northern Peninsula Area	General audit
Palm Island	No RTI &/or privacy related content to audit
Paroo	General audit - privacy only
Pormpuraaw	General audit - privacy only
Quilpie	No RTI &/or privacy related content to audit
Redland	General audit
Richmond	General audit - privacy only
Rockhampton	General audit
Scenic Rim	General audit
Somerset	General audit - privacy only
South Burnett	General audit
Southern Downs	General audit
Sunshine Coast	General audit
Tablelands	General audit
Toowoomba	General audit
Torres	General audit
Torres Strait Islands	General audit - privacy only
Townsville	General audit
Western Downs	General audit
Whitsunday	General audit
Winton	General audit
Woorabinda	No RTI &/or privacy related content to audit
Wujal Wujal	No RTI &/or privacy related content to audit

Local governments	Type of audit
Yarrabah	No RTI &/or privacy related content to audit

Statutory authorities	Type of audit
Aboriginal Centre for the Performing Arts	No RTI &/or privacy related content to audit
Anti-Discrimination Commission Queensland	General audit
Arts Queensland	General audit
Australian Agricultural College Corporation	General audit
Board of Architects of Qld	General audit - privacy only
Board of Professional Engineers of Qld	General audit - privacy only
Board of Trustees of Newstead House	No RTI &/or privacy related content to audit
Brisbane Festival	General audit - privacy only
Building Services Authority	Desktop audit
Bundaberg Health Services Foundation	No RTI &/or privacy related content to audit
Commission for Children and Young People and Child Guardian	General audit
Corporate Administration Agency	General audit
Crime and Misconduct Commission	General audit
Disability Council of Queensland Secretariat	No website to audit
Electoral Commission Queensland	General audit
Energy & Water Ombudsman Queensland	General audit
Family Responsibilities Commission	General audit - privacy only
Far North Queensland Hospital Foundation	General audit - privacy only
Gladstone Area Water Board	General audit
Gold Coast Hospital Foundation	General audit - privacy only
Gold Coast Institute of TAFE	General audit
Health Quality Complaints Commission	General audit
Ipswich Hospital Foundation	General audit - privacy only
Island Industries Board	General audit - privacy only
Legal Aid Queensland	General audit
Legal Practitioners Admission Board	No website to audit
Legal Services Commission	Desktop audit
Local Government Grants Commission	General audit - privacy only
Mount Isa Water Board	General audit – RTI only
National Trust of Queensland	General audit - privacy only
Non State Schools Accreditation Board	General audit
Office of the Queensland Parliamentary	General audit

Statutory authorities	Type of audit
Counsel	
PA Foundation	General audit - privacy only
Prince Charles Hospital Foundation	General audit - privacy only
Public Service Commission	General audit
Public Trust Office	General audit
Q-Comp	General audit
Qleave	General audit
Queensland Art Gallery and Gallery of Modern Art	General audit
Queensland Audit Office	General audit
Queensland Bulk Water Supply Authority t/as SEQWater	General audit
Queensland Bulk Water Transport Authority t/as LinkWater	General audit
Queensland College of Teachers	General audit
Queensland Competition Authority	General audit - privacy only
Queensland Harness Racing Ltd	General audit - privacy only
Queensland Industrial Relations Commission	General audit
Queensland Institute of Medical Research	General audit - privacy only
Queensland Integrity Commissioner	General audit
Queensland Law Reform Commission	General audit
Queensland Law Society	General audit
Queensland Museum	General audit
Queensland Ombudsman	General audit
Queensland Performing Arts Centre	General audit
Queensland Rural Adjustment Authority	General audit
Queensland Studies Authority	General audit
Queensland Theatre Company	General audit
Queensland Treasury Corporation	General audit
Queensland Urban Utilities	General audit
Queensland Water Commission	General audit
Radiation Advisory Council	No website to audit
Redcliffe Hospital Foundation	General audit - privacy only
Residential Tenancies Authority	Desktop audit
Royal Brisbane & Women's Hospital Foundation	General audit - privacy only
Safe Food Production Queensland	General audit - privacy only
Screen Queensland	General audit - privacy only

Statutory authorities	Type of audit
SEQ Water Grid Manager	General audit
Southbank Corporation	General audit
Southbank Institute of Technology	General audit
Stadiums Queensland	General audit
State Library of Queensland	General audit
Sunshine Coast Health Foundation	General audit - privacy only
Supreme Court of Queensland Library	General audit - privacy only
Surveyors Board of Queensland	General audit - privacy only
The Royal Children's Hospital Foundation	General audit - privacy only
Toowoomba Hospital Foundation	General audit - privacy only
Townsville Entertainment & Convention Centre	General audit - privacy only
Townsville Hospital Foundation	General audit - privacy only
TransLink	Desktop audit
Unitywater	General audit
Valuers Registration Board of Qld	General audit - privacy only
Wet Tropics Management Authority (Board of Directors)	General audit
Workcover Queensland	General audit

Universities	Type of audit
University of Queensland	General audit
Queensland University of Technology	General audit
Griffith University	General audit
University of Central Queensland	General audit
University of the Sunshine Coast	General audit
James Cook University	General audit
University of Southern Queensland	General audit

Appendix 4 – Departmental response to self-audit tool

Departments	Anticipated use of audit tool
Aboriginal and Torres Strait Islander and Multicultural Affairs	Internal audit functions will continue to be performed by the Department of Communities on an ongoing basis. *See Department of Communities, Child Safety and Disability Services*
Agriculture Fisheries and Forestry	*See Department of State Development, Infrastructure and Planning*
Communities, Child Safety and Disability Services	This is not a review that would be conducted every year, given resources and the agency approach to risk auditing. A full post implementation review was finalised in July 2011, so the RTI and privacy desktop would not be scheduled for 2012-13.
Community Safety	The internal audit unit had recently completed a desktop review of website using the audit tool. The right to information unit were undertaking the self assessment electronic audit in May-June 2012, which would be reviewed by internal audit.
Education, Training and Employment	Aspects of RTI and privacy have been included in the 2012-13 annual plan. It is envisioned that internal audit will conducted the review using the desktop tool or have another area conduct the review and internal audit validate the responses.
Energy and Water Supply	*See Department of State Development, Infrastructure and Planning*
Environment & Heritage Protection	*See Department of State Development, Infrastructure and Planning*
Housing and Public Works	The internal audit unit had scheduled a desktop audit of RTI and privacy in the 2012-13 audit program, which had yet to be endorsed by the Audit Committee. No prior audits had been conducted.
Justice & Attorney General	Inclusion of the RTI and privacy audit had been discussed, but the audit committee had decided that resources needed to be dedicated to other higher risk reviews/audits as a priority.
Local Government	The RTI and privacy audit was proposed for inclusion in the 2012-13 program, subject to audit committee approval and resourcing.
National Parks, Recreation, Sport and Racing	The desktop audit was included in the 2012-13 issues register and would be added to the internal audit unit's 2012-13 annual plan.
Natural Resources and Mines	*See Department of State Development, Infrastructure and Planning*

Departments	Anticipated use of audit tool
Premier & Cabinet	No audit was conducted in the 2011-12 financial year. The RTI and desktop had been included in the 2012-13 audit program, subject to endorsement.
Queensland Health	The internal audit unit had included an RTI and privacy desktop audit in their 2012-13 audit program.
Queensland Police	The internal audit unit had included an RTI and privacy desktop audit in their 2012-13 audit program. A review had previously been conducted in 2011-12.
Treasury and Trade	An RTI and privacy desktop had been included in the Strategic Audit Plan, subject to consideration by the department's audit and risk committee.
Science, Information Technology, Innovation and the Arts	The internal audit unit had not included an RTI and privacy desktop audit in their 2012-13 audit program.
State Development, Infrastructure and Planning	Audit and risk committee roles were being established for each of six departments formerly part of DEEDI and DERM: • Agriculture, Fisheries and Forestry • Energy and Water Supply • Tourism, Major Events, Small Business and the Commonwealth Games • National Parks, Recreation, Sport and Racing • Natural Resources and Mines • Environment and Heritage Protection RTI and privacy would be taken into account when developing audit programs for each of the departments but this would be subject to the stewardship of the committees.
Tourism, Major Events, Small Business and the Commonwealth Games	*See Department of State Development, Infrastructure and Planning*
Transport & Main Roads	The audit program had not been developed. The inclusion of RTI and privacy would be discussed, but would be subject to an assessment of relative risk and available resources.