



**Office of the Information Commissioner**  
Queensland

**2016 Right to Information and Information Privacy  
Electronic Audit**

Queensland public sector agencies' responses and comparative analysis with 2010 and 2013 results

The Office of the Information Commissioner (OIC) thanks agencies for their cooperation with the review process and, in particular, for completing the electronic audit. In undertaking this review, OIC recognises the commitment of public servants to Right to Information and Information Privacy.



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Office of the Information Commissioner  
Level 8, 160 Mary Street, Brisbane, Qld 4000  
PO Box 10143, Adelaide Street, Brisbane, Qld 4000  
Phone 07 3405 1111  
Fax 07 3405 1122  
Email [administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au)  
Web [www.oic.qld.gov.au](http://www.oic.qld.gov.au)

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August 2016

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

Dear Mr Furner

I am pleased to present the *2016 Right to Information and Information Privacy Electronic Audit: Queensland public sector agencies' responses and comparative analysis with 2010 and 2013 results*.

The report captures public sector agencies' self-assessment of their progress in complying with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld) and associated guidelines. It identifies areas of good practice and areas for improvement.

This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

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

Yours sincerely

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

Rachael RANGIHAEATA  
**Information Commissioner**



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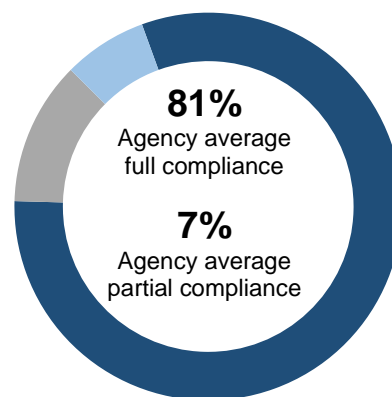
# 1 Executive summary

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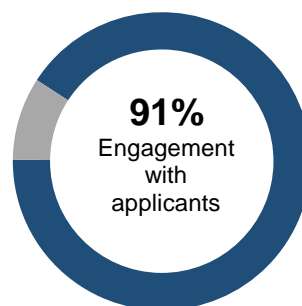
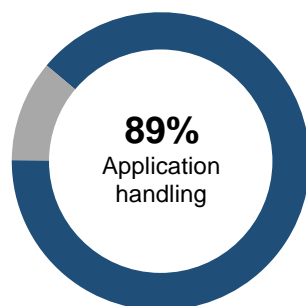
This report presents the result of the third electronic audit in which Queensland public sector agencies self-assessed their progress in meeting their obligations under the *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (Qld) (**IP Act**).

Overall, the 184 responding agencies reported on average 81% full compliance and a further 7% partial compliance, which together is an increase of 3 percentage points since 2013.

Progress since 2013 varied across the sectors and the topics. Responding agencies reported the highest levels of full compliance in application handling and the related area of engagement with applicants.



### ***Highest levels of reported compliance:***



**Source:** *Office of the Information Commissioner*

The Office of the Information Commissioner (**OIC**) recognises that agencies initially prioritised complying with the legislative requirements for dealing with formal applications and notes the positive progress to date. However, 7 years after the commencement of the RTI and IP Acts, it is time for agencies to meet their obligations fully. Agencies also need to focus on proactive disclosure strategies that are likely to have a broader impact on their communities and improve their own performance, transparency and accountability.

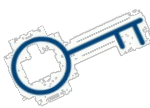
While there was an increase in agencies (between 9 and 10 percentage points) giving full effect to their obligations in relation to policy development and oversight, publication scheme, administrative access arrangements and staffing resources, OIC identified four areas for improvement across most sectors.

## Four areas for improvement:



### **Governance:**

88% of governance items reported as fully or partially implemented.



### **Administrative access arrangements:**

73% of administrative access arrangements items reported as fully or partially implemented.



### **Community consultation:**

71% of community consultation items reported as fully or partially implemented.



### **Performance monitoring:**

67% of performance monitoring items reported as fully or partially implemented.

**Source:** Office of the Information Commissioner

Corporate **governance** in the public sector means balancing 3 areas of organisational leadership: performance, conformance and stewardship.<sup>1</sup> It includes clearly defining roles and responsibility, establishing strategic governance arrangements and documenting policies and procedures. Leadership is critical to ensure the broader objectives of the legislation are fully realised, to provide better and easier access to public sector information and to build community awareness and confidence in public sector information management.

More agencies reported having documented policies and procedures to give effect to the right to information (**RTI**) and information privacy (**IP**) legislation in 2016 than in 2013 (12 percentage points increase). However, one out of five agencies (20%), mostly from the local government and other agencies sectors, reported not having policies or procedures to give effect to the RTI and IP legislation. An additional 5.4% reported having undocumented RTI and IP policies and procedures.

While agencies reported strong progress (10 percentage points) in implementing policies and procedures between 2013 and 2016, this remains an area where agencies reported low performance (76% full or partial implementation).

Effective **administrative access arrangements** demonstrate that an agency is facilitating access and operating in accordance with the express intention of the RTI and IP Acts that legislative applications are a last resort. In 2016, 110 agencies (59.8%) reported they implemented at least one administrative access arrangement. However, a significant proportion of agencies (40.2%) reported that they still did not have any administrative access arrangements.

<sup>1</sup> *Leading Accountability – Governance*, Queensland Audit Office, [available on www.qao.qld.gov.au](http://www.qao.qld.gov.au).



Administrative access arrangements are important strategies for the proactive disclosure of information. Agencies can benefit significantly from administrative access arrangements as these provide information to the community more simply and efficiently than through the formal legislative application process. All agencies should give greater attention to the development and full implementation of administrative access arrangements to improve:

- Efficiency: provide more information administratively rather than through the more resource intensive legislative application process
- Effectiveness: make information sought by the community readily available to increase openness and transparency with government-held information.

After an initial improvement between 2010 and 2013, progress to implement **community consultation** frameworks has stalled and agencies reported no change between 2013 and 2016 at the aggregate level. An effective community consultation framework encourages two-way interactions with the community about the community's information needs and builds community awareness and confidence in their ability to access public sector information.

In 2016, four out of five agencies (81%) reported they had an external communications strategy to inform consumers and stakeholders of their RTI rights. Less than half the agencies (45.7%) reported they had implemented a framework that included consulting the community when developing policies about external operations. This indicates agencies are more likely to adopt one-way techniques to inform the community than to get the community involved in a two-way, participative consultation, consistent with the objectives of the RTI Act, building and maintaining trust in government.

**Performance monitoring** and reporting contributes to greater accountability and transparency. By establishing a robust framework to assess their progress against a set of criteria, agencies can determine areas of good practice and those where additional effort is required to meet their obligations. Performance monitoring can assist agencies in identifying:

- information to publish proactively
- systems and practices to support two-way interaction with the community about their information needs
- opportunities to improve efficiency in agency processes and training needs.

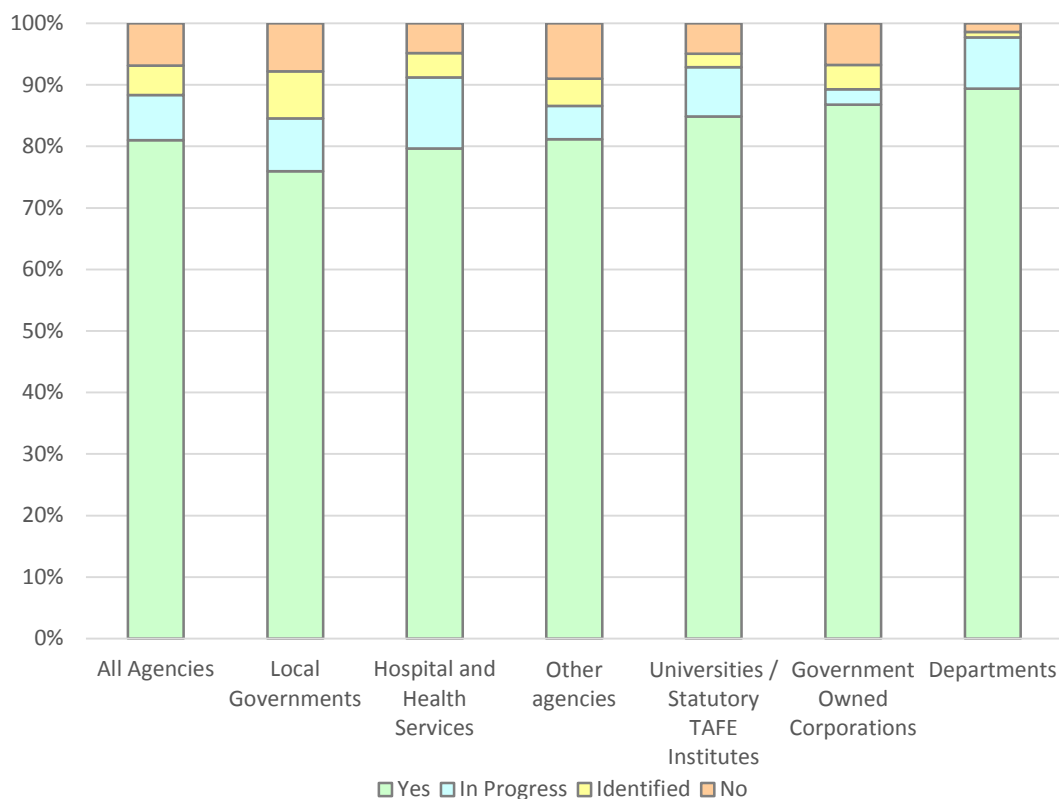
After a substantial improvement between 2010 and 2013, agencies made little progress since to measure their compliance with their legislative requirements under the RTI and IP Acts, from 65%

in 2013 to 67% in 2016. OIC is concerned that nearly a quarter of agencies (24.7%) responded they had no current strategies or future plans to implement performance monitoring and less than two thirds of agencies (64.1%) reported having fully or partially implemented internal systems and procedures for reviewing the effectiveness of their RTI and IP functions.

In 2016, departments and the university and TAFE sector reported the highest **overall compliance**, Government owned corporations (GOC) and hospital and health services (HHS) medium compliance, and local governments and 'other agencies' the lowest compliance. 'Other agencies' include all agencies the RTI and IP Acts apply to, which are not departments, local government, universities or a TAFE, GOCs or HHSs.

Figure 1A shows the 2016 results by sector. A 'Yes' or 'In progress' response indicates full or partial compliance, while agencies responding 'Identified' have not commenced addressing the issue.

**Figure 1A**  
**Compliance results by sector**



**Source:** Office of the Information Commissioner

While the local government and other agency sectors reported respectively a 4 and 3 percentage point improvement in performance since 2013, they need to sustain their efforts to achieve full compliance.

For example, local governments and other agencies reported the lowest frequency of administrative access arrangements; more than half reported they had no administrative access arrangement in operation. The same sectors reported significant numbers of agencies (22 out of 58 and 21 out of 71 respectively) without documented policies and procedures that include RTI and IP provisions.



## 2 Introduction

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The Office of the Information Commissioner (**OIC**) is responsible for monitoring and reporting on agency compliance with *Right to Information Act 2009* (Qld) (**RTI Act**) and *Information Privacy Act 2009* (Qld) (**IP Act**). 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, and to provide safeguards for handling personal information.

OIC introduced the electronic audit in 2010<sup>2</sup>, repeated it in 2013<sup>3</sup> and again in 2016. Successive audits help build a longitudinal picture. The audit provides a snapshot of agencies' self-assessed progress in addressing the strategic and operational requirements of the legislation. As OIC has not validated agencies' self-assessed compliance, it can only provide limited assurance on the results of the electronic audit.

A significant majority of agencies (86%) responded to the 2016 electronic audit, as shown in Figure 2A.

**Figure 2A**  
**Agency response rates by agency sector, 2016**

Agency type	Number surveyed	Number of responses	Response rate %
Department	21	21	100
Local government	77	58	75
University and TAFE	8	8	100
Hospital and health service	16	15	94
Government owned corporation	12	11	92
Other agencies	79	71	90
<b>TOTAL</b>	<b>213</b>	<b>184</b>	<b>86</b>

**Source:** Office of the Information Commissioner

The questions in the electronic audit come from the obligations placed on agencies under the RTI Act, IP Act, *Ministerial Guidelines – Operation of Publication Schemes and Disclosure Logs* and other requirements such as the Queensland Government Enterprise Architecture, guidelines from the Queensland Government Chief Information Office and advice from the Queensland State Archives.

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<sup>2</sup> *Agency Progress on Right to Information Reforms - Results of the self assessed electronic audit completed by Queensland public sector agencies* available on the OIC website

<sup>3</sup> *2013 Right to Information and Information Privacy Electronic Audit – Queensland public sector agencies' responses and comparative analysis with 2010 results* available on the OIC website

Most of the questions asked agencies to report the extent of meeting the obligation, using a four point scale:

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

In various figures, this report combines the 'Yes' and 'In progress' responses as 'Underway or completed', and the 'Identified' and 'No' responses as 'Not actioned' for readability.

The audit also includes a small number of questions regarding good practice for giving effect to the broader objectives of the legislation.

The audit yielded a large amount of detailed supplementary material. While this report summarises the results, supplementary material to the report is available on the OIC website. The report and the supplementary material can be read independently or together.

The report is structured as follows:

- Chapter 3 presents the overall results
- Chapter 4 examines the performance by topic
- Chapter 5 examines the performance by sector
- Appendix 1 contains the acronyms used in this report
- Appendix 2 outlines the methodology
- Appendix 3 lists the supplementary material published on the OIC website

### 3 Results

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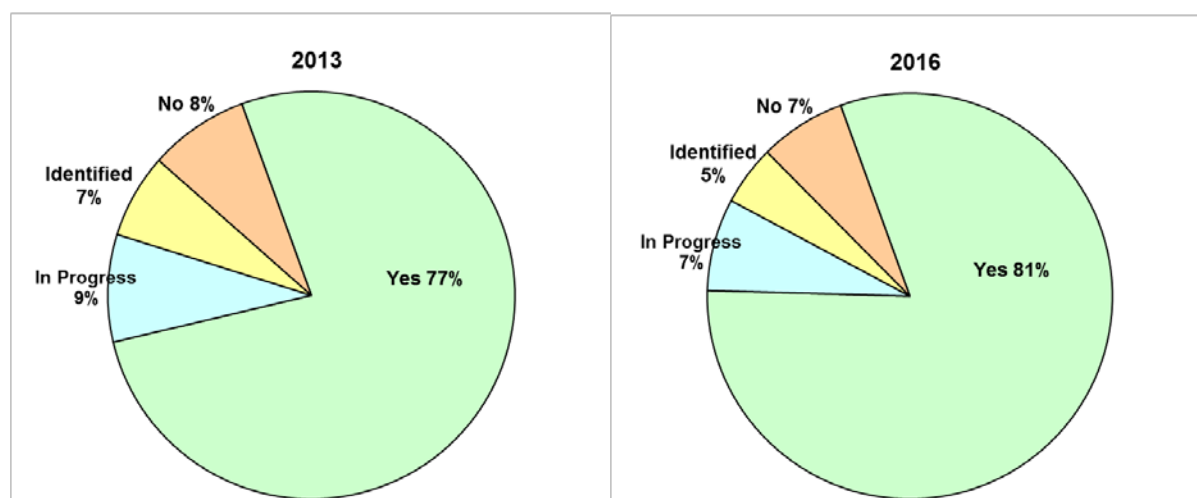
This chapter summarises the key results of the 2016 electronic audit self-assessments and looks at agencies' progress in addressing their obligations since previous audits in 2013 and 2010. The report's supplementary material<sup>4</sup> contains the detailed results of the self-assessments.

To drive change and ensure right to information and information privacy become cornerstones for an open and accountable government, agencies need to treat RTI and IP as a priority through strong leadership and performance monitoring and reporting.

In 2016 agencies reported they had made headway or achieved the compliance obligations (that is, full implementation by responding 'yes' or partial implementation by responding 'in progress') across 88% of all responses, over all questions. This is an increase of 3 percentage points from 2013<sup>5</sup> and shows that agencies are continuing to make progress in implementing their obligations.

Figure 3A shows the distribution of responses in 2013 and 2016.

**Figure 3A**  
**Proportion of all agencies' responses to all questions, 2013 and 2016**



**Source:** Office of the Information Commissioner

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<sup>4</sup> Detailed results 2016 electronic audit – all agencies available on the OIC website.

<sup>5</sup> Note that due to rounding of individual scores, the totals of 2013 and 2016 results for 'yes' and 'in progress' round up to 86% and 88%. However, when calculating the difference between 2013 and 2016 without rounding, the actual difference between the scores is closer to 3 percentage points than 2 percentage points.

While it is encouraging to note that, overall, agencies answered 'yes' 81% of the time (a 4 percentage point increase compared to 2013), progress has been slow in certain areas. More work is needed to embrace the entire intent of the legislation.

For instance, in 2016 40% of agencies reported they do not have any administrative access arrangement, compared to 47% in 2013. Administrative access arrangements are important strategies for disclosing information proactively and ensuring that formal legislative applications are a last resort. By not using and promoting administrative access schemes, these agencies forego the benefits of providing information more simply, transparently and efficiently.

Another area of poor performance is publication schemes. In 2016, 15% of agencies reported they do not have a publication scheme, compared to 25% in 2013. This means they do not comply with Section 21 of the RTI Act.



## 4 Performance by topic

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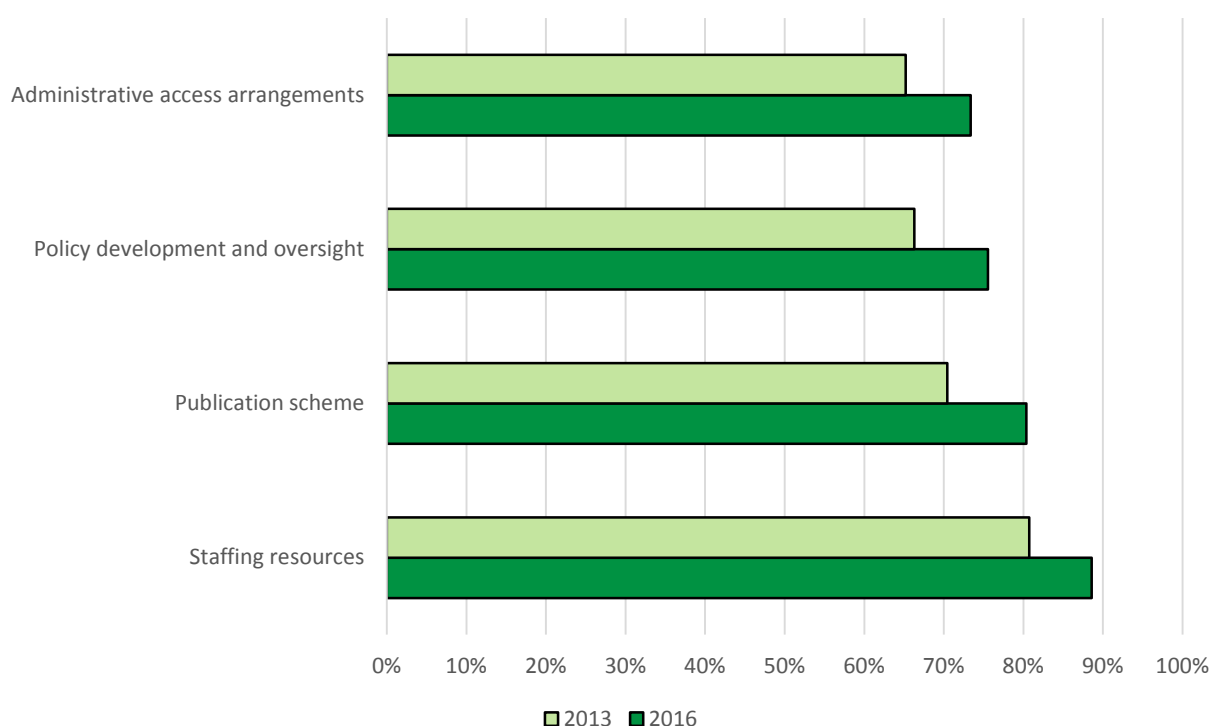
This chapter outlines results of the 2016 electronic audit by topic. There are 19 topics (listed in Appendix 2) in the self-assessment, covering various aspects of the legislative requirements and related obligations.

### Overview

Responding agencies reported progress on the 2013 results across all topics except in internal reviews (decrease of 2 percentage point) and community consultation (no change).

The most progress, between 8 and 10 percentage points for full or partial compliance or related performance, occurred in the areas of policy development and oversight, publication scheme, administrative access arrangements and staffing resources as illustrated in Figure 4A.

**Figure 4A**  
**Topics with the most progress, 2013 to 2016**



**Source:** Office of the Information Commissioner

**Note:** the results and progress in administrative access arrangements and publication schemes exclude agencies who responded they did not have such schemes

Agencies reported higher full or partial implementation in application handling and some aspects of governance. Figure 4B shows the average reported performance across all agencies for the top 3 topics in 2016 and their respective results in 2013.

**Figure 4B**  
**Top 3 topics, 2016**

<b>Topic</b>	<b>2016 Yes or In progress (%)</b>	<b>2013 Yes or in progress (%)</b>	<b>Improvement (percentage point)</b>
Engagement with applicants	96	91	6
Application handling	92	91	1
Roles, responsibilities, delegations and authorisation	92	86	6

**Source:** Office of the Information Commissioner

*Note: differences are due to rounding*

Figure 4C shows the average reported performance across all agencies for the bottom 5 topics in 2016 and their respective results in 2013.

**Figure 4C**  
**Bottom 5 topics, 2016**

<b>Topic</b>	<b>2016 Yes or In progress (%)</b>	<b>2013 Yes or in progress (%)</b>	<b>Improvement (percentage point)</b>
Training and resources	79	75	4
Policy development and oversight	76	66	9
Administrative access arrangements	73	65	8
Community consultation	71	71	-
Performance monitoring	67	65	2

**Source:** Office of the Information Commissioner

*Note: differences are due to rounding*

Agencies also reported low performance for these topics in 2013. Despite significant improvements in policy development and oversight, and administrative access, these topics remain well below the overall average and require further, significant work. All these topics are significant because they contribute to an effective RTI and IP framework, particularly one that supports a proactive disclosure culture. This helps employees understand the expectations of their leadership, and how to meet such expectations, through release, consultation, planning, monitoring and reporting.

The following section discusses in more detail the findings on policy development and oversight, administrative access arrangements, community consultation and performance monitoring. To

keep policy development and oversight in context, the section will cover the broader area of governance.

## **Governance**

Agencies reported 88% of governance items as fully or partially implemented overall. Agencies reported different levels of implementation for the three key areas within governance, with 76% full or partial implementation for policies and procedures.

OIC expects agencies to treat RTI and IP obligations as a priority, as right to information and information privacy strongly contribute to community confidence in open and accountable government. Leadership and tone from the top are critical to realise the broader objectives of the legislation and provide better and easier access to public sector information.



The electronic audit asked agencies to assess whether they had:

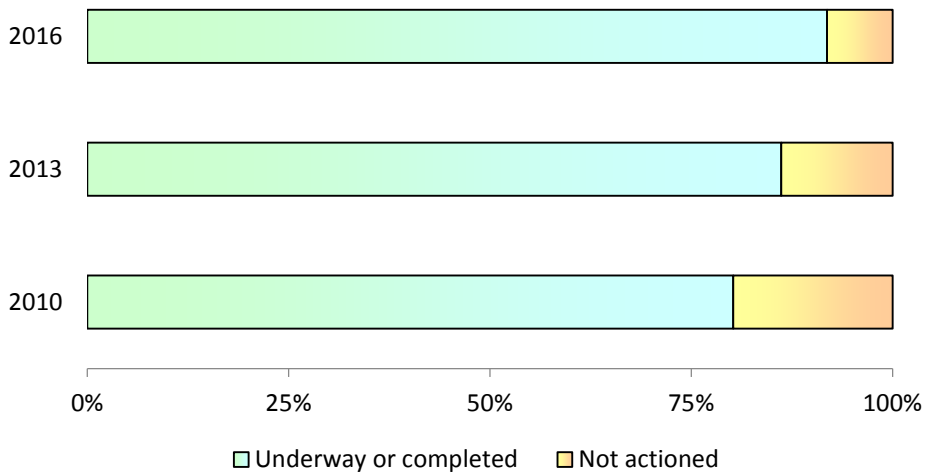
- clear functional responsibilities: clear roles, responsibilities, delegations and authorisations implemented for their RTI and IP functions.
- strategic governance: implemented strategic governance, such as having a culture open to the release of information; implementing appropriate governance mechanisms and reporting arrangements; and having an explicit statement of commitment to RTI and IP readily available.
- policies and procedures: documented policies and procedures to give effect to the RTI and IP legislation.

Overall, agencies reported continuing improved performance across all three areas of governance, between 6 and 9 percentage points since 2013.

### **Clear functional responsibilities**

In 2016, 92% of agencies reported they had fully or partially implemented clear roles, responsibilities, delegations and authorisations for their RTI and IP functions, an increase of 6 percentage points from 2013. Figure 4D shows the agencies' progress since 2010.

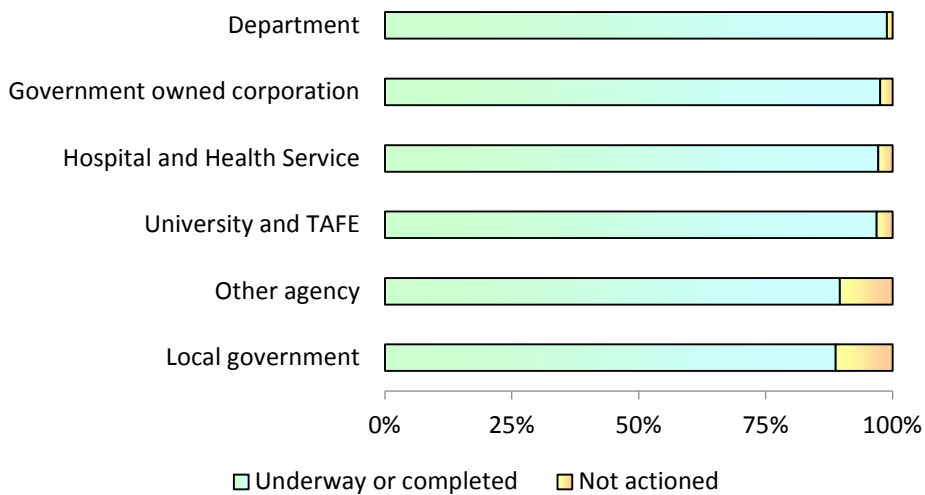
**Figure 4D**  
**Roles and responsibilities, 2010 to 2016**



**Source:** Office of the Information Commissioner

The department, Government owned corporation (GOC), hospital and health service (HHS) and university and TAFE sectors all reported close to full compliance in this topic. The local government and other agencies sectors reported that further work is required to reach full expectations of performance in this area. Figure 4E shows the results by sector.

**Figure 4E**  
**Roles and responsibilities by sector, 2016**

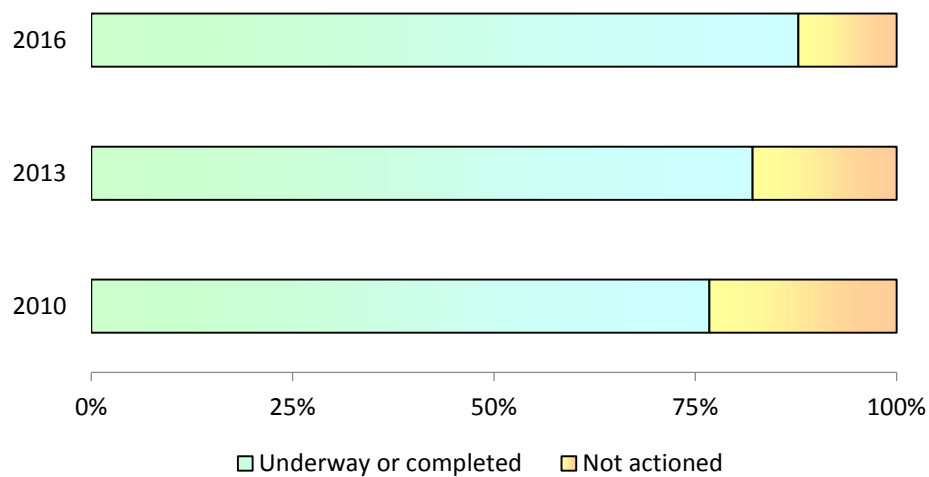


**Source:** Office of the Information Commissioner

## Strategic governance

Agencies reported continued improved performance (6 percentage points) in strategic governance since 2013 as illustrated in Figure 4F.

**Figure 4F**  
**Strategic governance, 2010 to 2016**

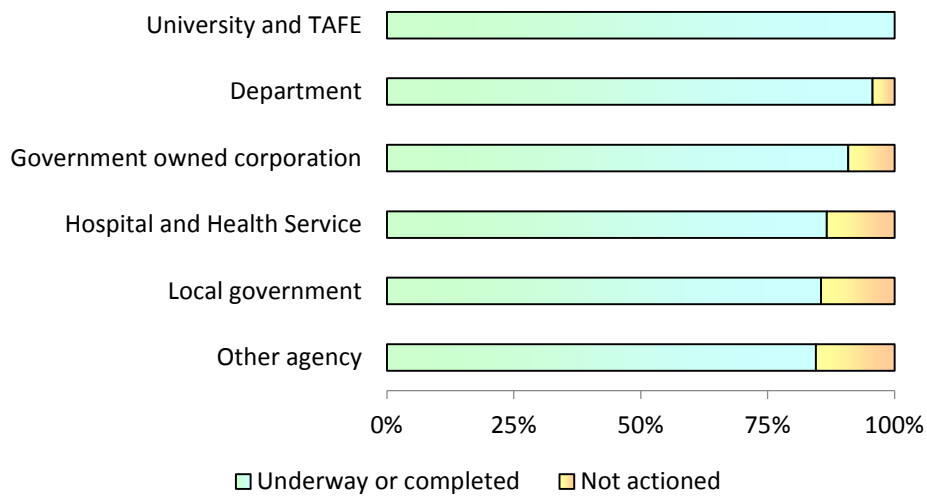


**Source:** Office of the Information Commissioner

Almost all agencies (94.6%) reported having a culture open to the release of information. Fewer reported they had governance mechanisms in place for review of, and reporting on, their RTI and IP functions (82.6%) or for implementation and accountability (84.5%).

Universities and TAFE reported strong performance in this area with action taken in all reported areas of strategic governance. Departments, while not reporting full compliance, reported a high degree of implementation given that their sector has additional governance obligations. Agencies in the other sectors reported that more work is required to implement strategic governance for their RTI and IP functions. Figure 4G shows the responses by sector.

**Figure 4G**  
**Strategic governance by sector, 2016**



**Source:** *Office of the Information Commissioner*

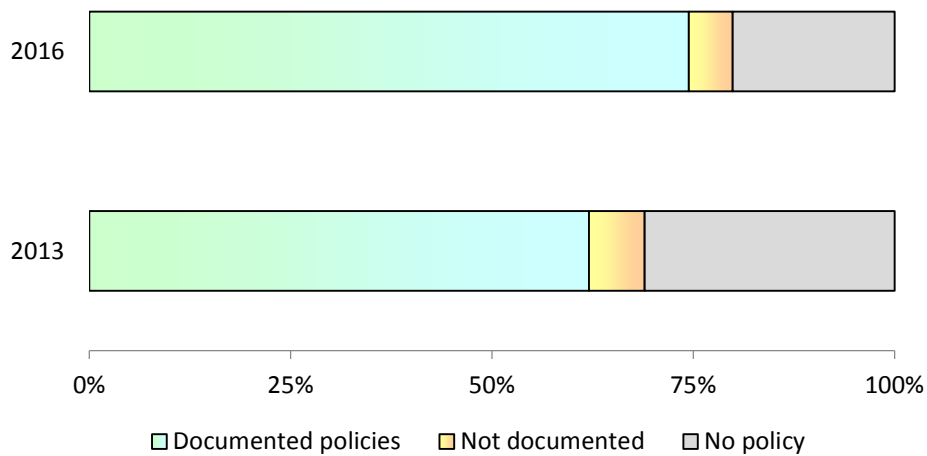
**Policy development and oversight**

Documented policies and procedures are a valuable resource for staff and clients of agencies. They provide clarity, consistency and efficiency when delivering services to meet legislative obligations.

While agencies reported the most progress in implementing policies and procedures between 2013 and 2016, this remains the area within the governance topic with the lowest report of work being under way or completed (76%), and therefore the area with the most work to do.

Figure 4H shows the proportion of agencies which have implemented policies and procedures to give effect to the RTI and IP legislation and whether these polices are documented.

**Figure 4H**  
**Policy development and oversight, 2013 to 2016**

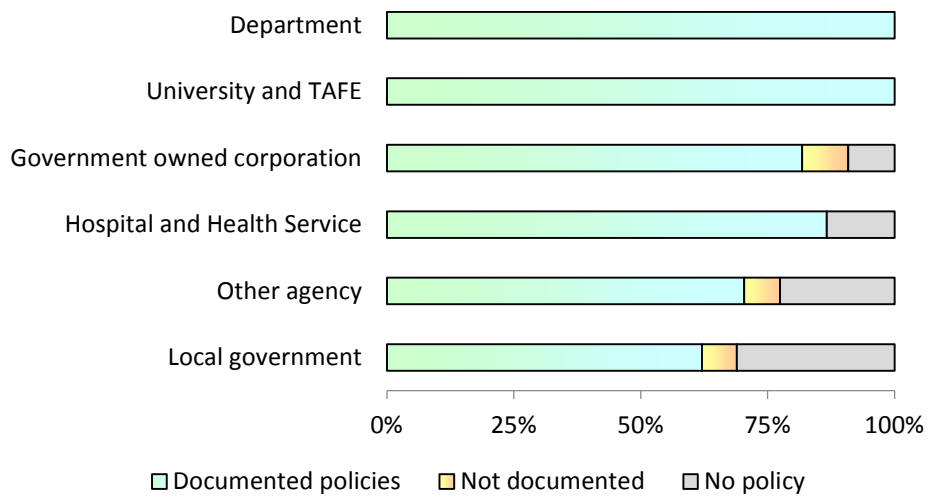


**Source:** *Office of the Information Commissioner*

More agencies reported having documented policies and procedures to give effect to the RTI and IP legislation in 2016 than in 2013 (12 percentage points). However, a quarter of agencies reported they did not have a policy to give effect to the RTI and IP legislation (20%) or they had not documented their RTI and IP policies (5.4%).

The level of implementation varied between sectors. Figure 4I shows that all entities in the department and university and TAFE sectors reported they had documented policies or procedures to give effect to the RTI and IP legislation. The local government and other agencies sectors reported significant numbers of agencies without documented policies and procedures in relation to RTI and IP requirements.

**Figure 4l**  
**Policy development and oversight by sector, 2016**



**Source:** Office of the Information Commissioner

When developing and maintaining policies and procedures, agencies should consider specific components of the RTI and IP obligations, including:

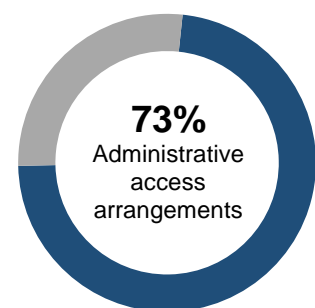
- compliance with the privacy principles
- policies for proactive disclosure of information, including data
- processes for the administrative release of information
- policies and procedures for publishing to the publication scheme and disclosure log
- application handling procedures and delegations.

Those agencies with documented policies and procedures reported that these are complete (98.5%) and easy to understand (97.1%).

### **Administrative access arrangements**

Agencies reported fully or partially implementing 73% of items relating to administrative access arrangements.

An integral part of open and transparent information handling is the release of information by means other than by a formal application under the legislation. The Acts promote the release of information, as appropriate, and state that formal access applications under the legislation should be used only as a last resort.



Administrative access arrangements are important strategies for the proactive disclosure of information. Agencies can benefit significantly from comprehensive arrangements as these

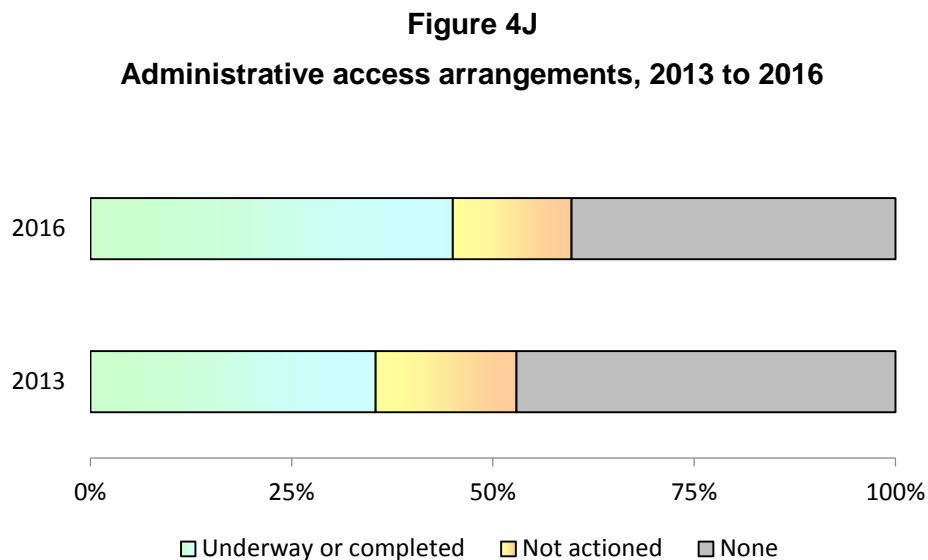


provide information to the community more simply and efficiently than through the formal legislative application process.

The electronic audit required agencies to report their performance about:

- having one or more administrative access arrangements
- implementing new arrangements
- introducing new information into existing arrangements
- accessibility and design of arrangements; and
- evaluating the arrangements to make sure they are viable.

Agencies need to develop further the use of administrative access arrangements. Figure 4J shows that in 2016, 74 agencies (40.2%) reported they had no administrative access arrangement. This is a slight improvement from 2013.

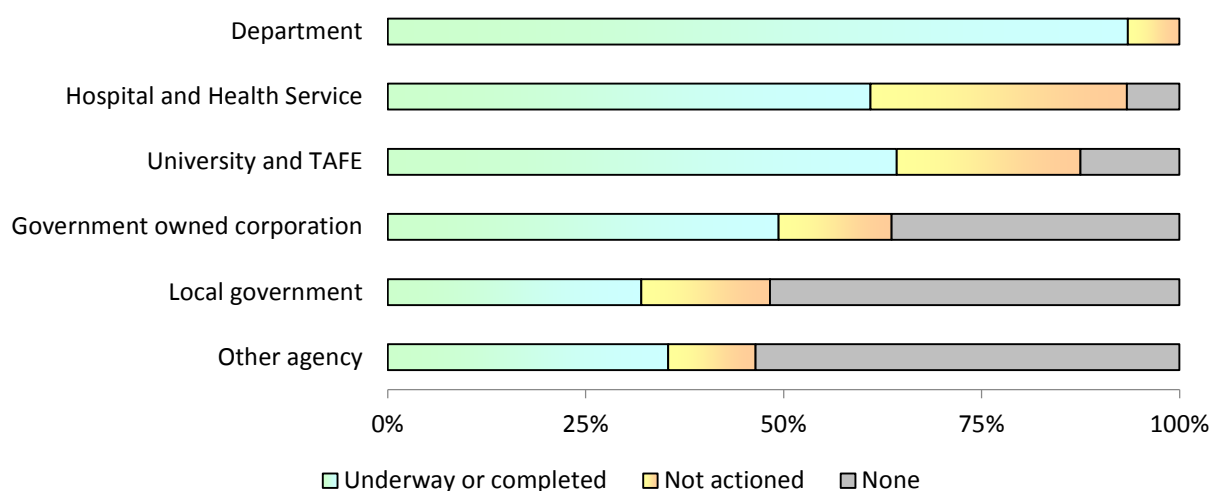


**Source:** Office of the Information Commissioner

While 15% of agencies reported that they had at least one administrative access arrangement, they had done little or nothing to it (not actioned), such as including new information into existing arrangements or introducing new arrangements.

Figure 4K shows that the reported implementation of administrative access arrangements varied greatly between sectors.

**Figure 4K**  
**Administrative access arrangements by sector, 2016**



**Source:** Office of the Information Commissioner

Departments reported the highest levels of development and use of administrative access arrangements. While universities, TAFE and HHSs reported having administrative access arrangements, many had not added any additional information since 2013.

Local governments and other agencies reported the lowest frequency of administrative access arrangements; more than half reported they had no administrative access arrangement in operation.

The public should have ready access to the administrative access arrangements and be able to use these first, before making an application. Less than half the agencies in the university and TAFE sector considered that their administrative access arrangements were accessible.

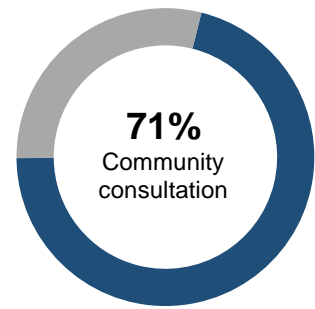
All agencies should consider giving greater attention to the development and full implementation of administrative access arrangements to:

- improve efficiency by increasing the provision of information administratively rather than through the legislative application process
- improve effectiveness by making information sought by the community readily available, and being seen by the community to be open and transparent with government-held information.

## ***Community consultation***

Agencies reported fully or partially implementing 71% of community consultation items.

After an initial improvement between 2010 and 2013 to implement community consultation frameworks, progress has stalled and agencies reported no change between 2013 and 2016 at the aggregate level. Public sector agencies need to ensure they develop and apply community consultation frameworks to:



- build community awareness
- increase community participation
- build community's confidence in accessing public sector information.

A free flow of information between government and the community contributes to community trust and participation in government. This is explicit in the RTI Act, which promotes openness in government and flow of information that is in the government's possession or its control to the community.

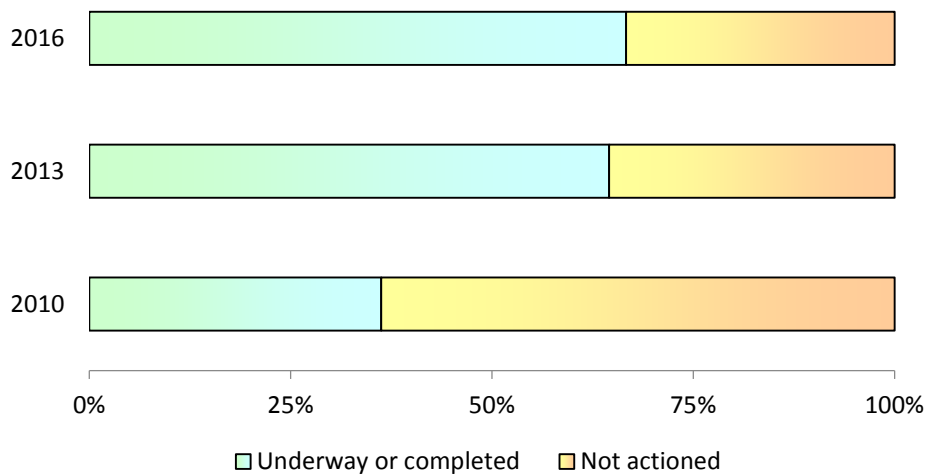
Strong community engagement is two-way, meaning that an agency listens to the community about their information needs and responds by providing relevant information to the community.

The electronic audit asked agencies to identify whether they had:

- policy frameworks that describe how the community is included in development of policies affecting external operations
- a mechanism for identifying, and providing, the information that its industry stakeholders find useful
- an external communications strategy to ensure consumers and stakeholders are aware of their RTI rights.

Figure 4L shows the reported levels of implementing a community consultation framework over time. It is disappointing to note the overall lack of progress since 2013.

**Figure 4L**  
**Community consultation, 2010 to 2016**



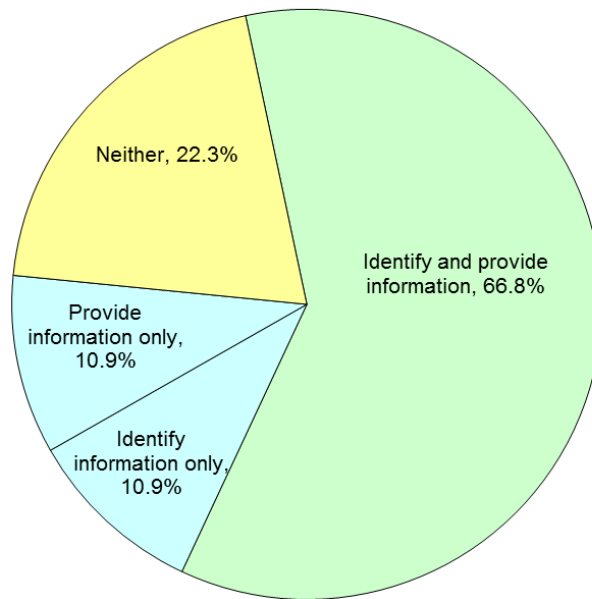
**Source:** Office of the Information Commissioner

In 2016, 71.3% of agencies reported that they had partially or fully developed their community consultation framework.

Agencies were more likely (81%) to have strategies for informing the public of their RTI rights than getting the community involved in a two-way, participative discussion of information management. Less than half the agencies (45.7%) reported that they had implemented a framework about including the community when developing policies on operations that affect the community.

Figure 4M shows that two thirds of agencies (66.8%) had mechanisms for identifying, and providing, what information industry stakeholders find useful. Over one in five agencies (22.3%) reported having no mechanism.

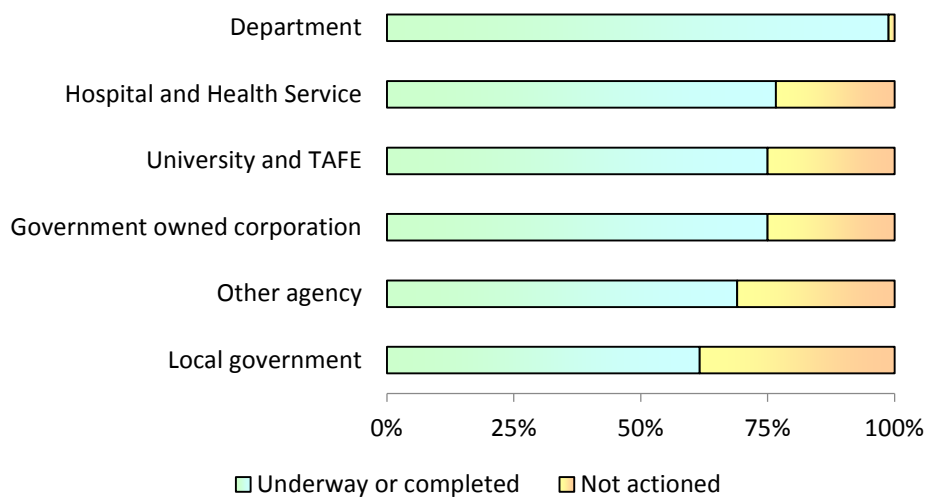
**Figure 4M**  
**Information to industry stakeholders, 2016**



**Source:** Office of the Information Commissioner

Figure 4N depicts the reported level of implementation of community consultation strategies across the different types of agencies in 2016. All sectors, except the department sector, require further work and support in community consultation to meet full expectations.

**Figure 4N**  
**Community consultation by sector, 2016**



**Source:** Office of the Information Commissioner

Departments reported having almost fully implemented all the elements of a community consultation framework, while the local government and other agency sectors reported the lowest levels of implementation.

In 2016, three sectors (local government, university and TAFE and GOC) reported overall lower levels of implementation than in 2013. The finding for local government is a concern that OIC has raised in other reports. Due to the limitations of the survey instrument, it is not possible to clearly identify the factors contributing to this downward shift.

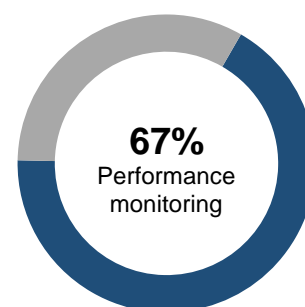
Community consultation in general is a key issue for local governments in Queensland. In 2013 the Local Government Association of Queensland conducted a survey of community satisfaction with local government.<sup>6</sup> The survey identified community engagement as the top performance target area for improving community perceptions of local government.

The two issues with the greatest gap between the level of importance and the level of performance were 'Responding to the community' and 'Consulting the community.' Improved performance in these areas would contribute the most to the community perceptions of and satisfaction levels with Queensland local governments. OIC encourages local governments to develop and implement community consultation strategies that include identifying and addressing information needs.

## ***Performance monitoring***

Agencies reported fully or partially implementing 67% of performance monitoring items.

As the level of agency maturity in RTI and IP increases across all sectors of government, OIC expects that agencies will progressively monitor their openness and responsiveness to the community. Managing and measuring agency performance contributes to greater accountability and transparency. By establishing a robust framework for assessing performance against a set of qualitative and quantitative criteria, agencies can determine areas of good practice and those requiring additional effort.



*“What gets measured gets done, what gets measured and fed back gets done well,  
what gets rewarded gets repeated” (John E Jones)*

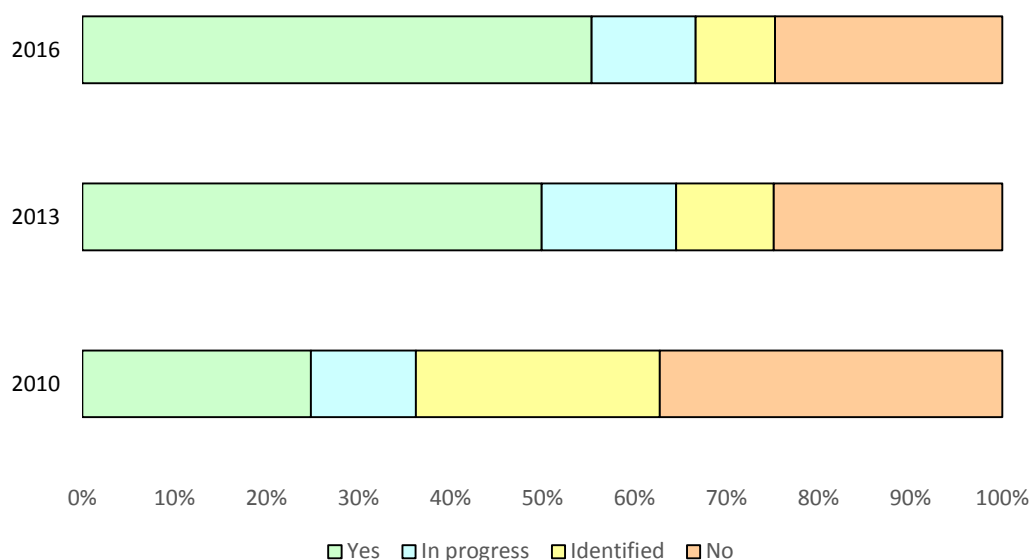
<sup>6</sup> 2013 Community Satisfaction Tracking Study, Local Government Association of Queensland, Fred Rogers Memorial Trust, January 2014, page xi, available on LGAQ website ([www.lgaq.asn.au](http://www.lgaq.asn.au))

Performance measurement can assist agencies in identifying:

- information that could be proactively published
- systems and practices to support two-way interaction with the community about the community's information needs
- opportunities to improve efficiency in agency processes and training needs.

After a substantial improvement between 2010 and 2013 to implement performance monitoring for RTI and IP, agencies made little progress between 2013 and 2016, as illustrated in Figure 4O. Agencies need to renew their effort to make sure they monitor and report the performance of their RTI and IP functions.

**Figure 4O**  
**Performance monitoring, 2010 to 2016**



**Source:** Office of the Information Commissioner

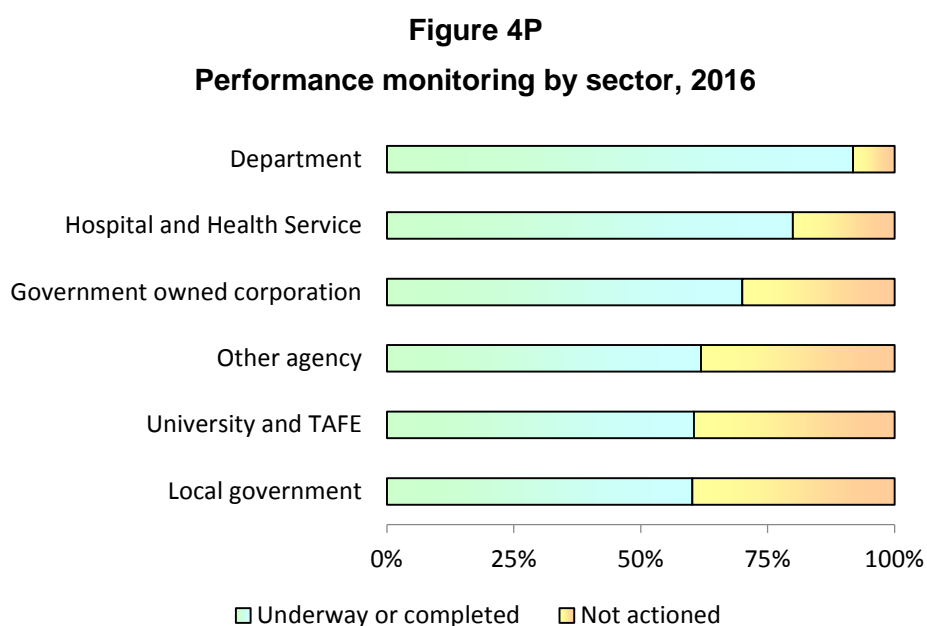
OIC is concerned that nearly a quarter of all agencies (24.7%) responded they had no current strategies or future plans to implement performance monitoring. A further 9% of agencies reported they had identified the need for performance monitoring but had not taken any action yet. This is consistent with the finding that agencies are progressing towards full governance and policy development, and have not yet identified or implemented a full suite of governance strategies.

Less than half of agencies reported having implemented performance measurement for their RTI or IP functions (49.5% and 47.8%). The majority of agencies that had implemented performance monitoring for RTI and IP functions responded that they found it useful (94.5%).

Less than two thirds of agencies (64.1%) reported having fully or partially implemented internal systems and procedures for reviewing the effectiveness of their RTI and IP functions.

OIC is also concerned that fewer agencies are tracking the type of person seeking information under the RTI Act or IP Act (56.0% down from 63.1% in 2013) as an accessibility measure. This means that agencies are missing out on information that could help improve their communication strategies and better meet the information needs of specific groups.

Performance monitoring varies by sector. Figure 4P shows the level of reported implementation of performance monitoring across the different types of agencies.



**Source:** Office of the Information Commissioner

Departments reported high levels of implementation of performance monitoring. The local government, university and TAFE and other agency sectors reported that they needed to do more work to implement formal performance monitoring strategies.

OIC identified performance monitoring as an area for improvement in all of the self-assessed electronic audits and in compliance reviews, across all agencies. To support agencies, OIC has produced a guideline on performance measurement – *‘How to review and measure your agency’s progress in implementing RTI and IP’*<sup>7</sup>

<sup>7</sup> Available on the OIC website



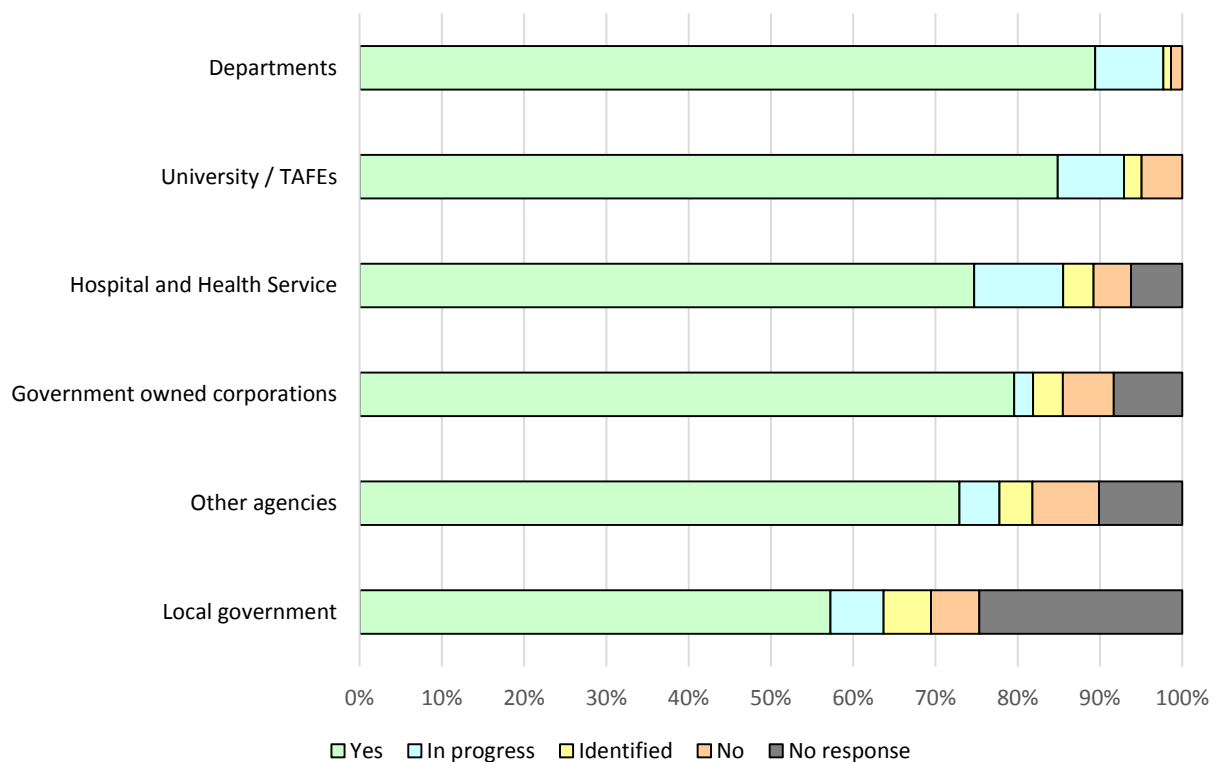
## 5 Performance by sector

This chapter presents the results of the 2016 electronic audit by sector. It includes the reported performance of each sector in the topics of overall lowest compliance: governance, administrative access, community consultation and performance monitoring. A sector is a group of like government agencies.

### Overview

In 2016, departments, universities and TAFE reported the highest compliance, GOCs and HSSs medium compliance, and local governments and other agencies the lowest compliance. Figure 5A shows the overall averaged responses, as well as the proportion of non-respondents, by sector. As Figure 5A reflects each sector as a whole, rather than only the responding agencies, it reduces the overall levels of reported performance.

**Figure 5A**  
Overall averaged responses by sector, 2016

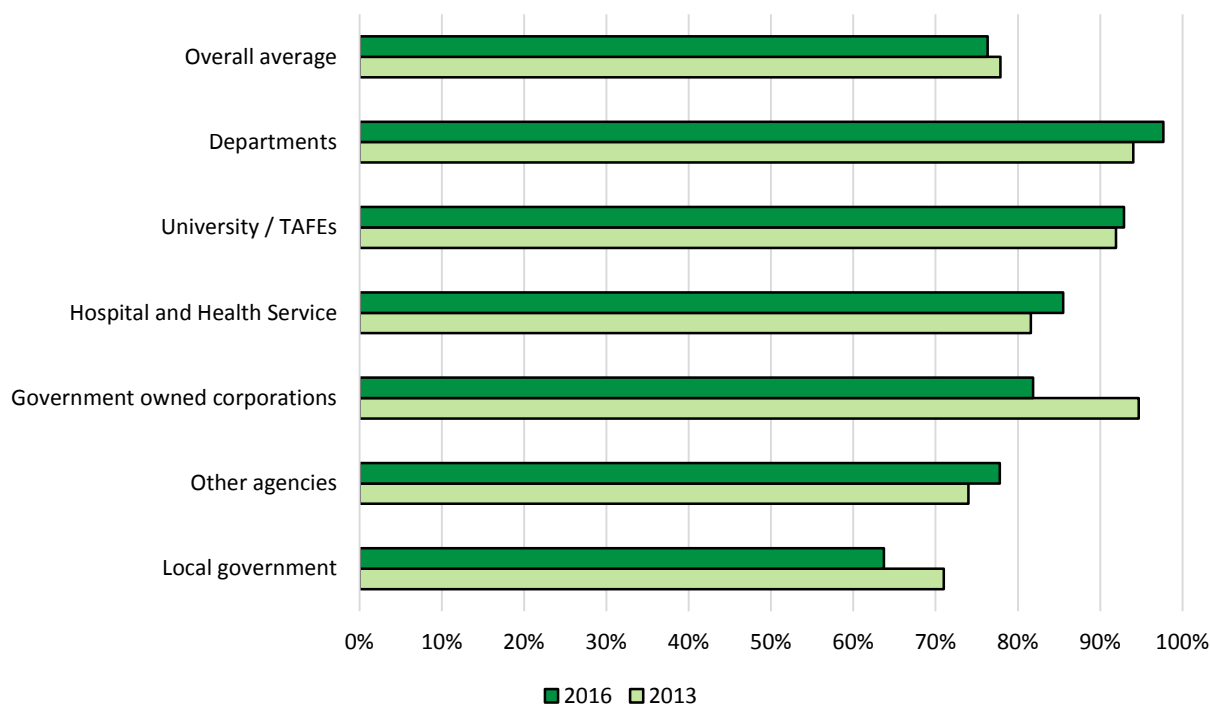


**Source:** Office of the Information Commissioner

All sectors reported improved performance from 2013 in varying degrees except for the GOC sector. Figure 5B compares the combined percentage of 'yes' and 'in progress' responses by sector in 2013 and 2016, as a percentage of all agencies, including agencies that did not respond

to the 2016 electronic audit. As Figure 5B reflects each sector as a whole, rather than only the responding agencies, it reduces the overall levels of performance.

**Figure 5B**  
**Performance by sector for 2013 and 2016 (including non-respondents)**



**Source:** Office of the Information Commissioner

HHSs, departments and other agencies reported improvement in their overall compliance since 2013 (approximately 4 percentage points for each). The highest performing sectors were the department sector and the university and TAFE sector. The GOC sector went from being the highest performing sector in 2013 to reporting just over average performance in 2016 due to a decrease in reported performance.<sup>8</sup>

While the local government and other agencies sectors improved their reported compliance (by 4 percentage points), the high proportion of non-responding agencies (25% and 10% respectively) means the data for these two sectors has inherent limitations.

In 2016, most sectors reported below average compliance in four common topics. They are the key areas of improvement outlined in Figure 5C.

<sup>8</sup> GOCs are not bound by the information privacy principles and were not asked the related privacy questions.

**Figure 5C**

**Key areas of improvement, 2016**

<b>Topic</b>	<b>Sector with most opportunity for improvement</b>
Governance and policy development	
<ul style="list-style-type: none"><li>• clear functional responsibilities</li></ul>	Local government and 'other agencies' sector
<ul style="list-style-type: none"><li>• strategic governance</li></ul>	All sectors, except for the university and TAFE sector and departments
<ul style="list-style-type: none"><li>• documented policies and procedures</li></ul>	Local government and 'other agencies' sector
Administrative access	All sectors
Community consultation	All sectors except for departments
Performance monitoring	All sectors

**Source:** Office of the Information Commissioner

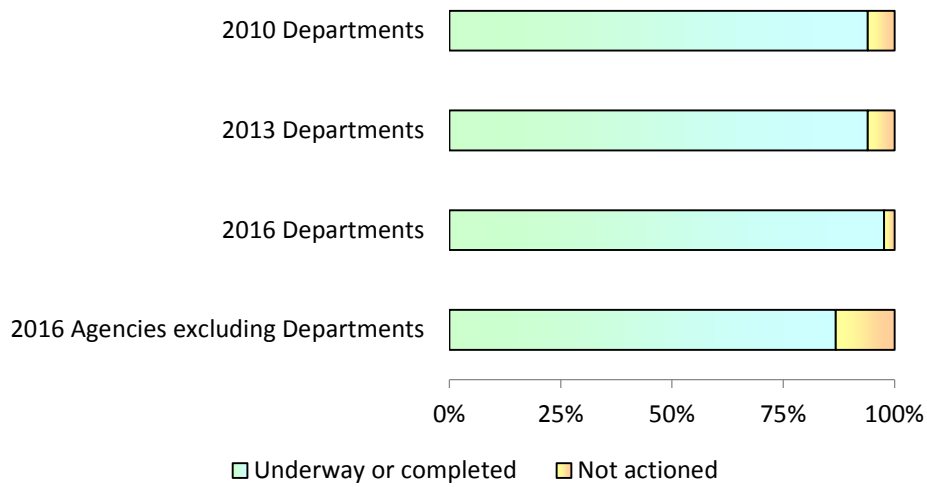
## **Departments**

All Queensland Government departments completed the 2016 self-assessment. Together they process approximately half of all applications for information. They also make decisions that affect Queenslanders statewide or locally, and those outside the state. Departments are responsible for providing, and funding service providers for, critical services for people such as education, community and housing services. As a result, departmental compliance has a significant impact on how effectively the public sector meets its RTI and IP, and therefore the outcomes for the community.

In 2016 departments reported they had fully implemented 89.4% of their RTI and IP obligations. Departmental performance has improved from 2013 with an additional 7.1 percentage points of obligations met in full.

Figure 5D shows the sector's 2016 responses of 'under way or completed' and 'not actioned' compared to 2013 and 2010 and other agencies. Encouragingly the sector's overall progress since 2013 shows its commitment to the intent of the legislation. It also indicates a strong culture of openness and transparency.

**Figure 5D**  
**Departments' reported performance, 2010 to 2016**



**Source:** *Office of the Information Commissioner*

In 2016 departments reported very high compliance with application handling, internal and external review and community consultation. They identified they had more work to do on administrative access, performance monitoring and staffing resources. While this is consistent with the 2013 results, there has been a significant improvement in administrative access arrangements (22 percentage points). The sector also improved its complaint handling by 13 percentage points since 2013.

Figure 5E shows how the sector performed in each of the four key topics and the improvement since 2013.

**Figure 5E**  
**Performance in overall key areas of improvement - departments**

Topic	2016 Yes or In progress (%)	2013 Yes or in progress (%)	Improvement (percentage point)
Governance and policy development			
<ul style="list-style-type: none"> <li>• clear functional responsibilities</li> </ul>	99	97	1
<ul style="list-style-type: none"> <li>• strategic governance</li> </ul>	96	88	7
<ul style="list-style-type: none"> <li>• documented policies and procedures</li> </ul>	100	87	13
Administrative access	93	71	22
Community consultation	99	93	6
Performance monitoring	92	87	5

**Source:** Office of the Information Commissioner

**Note:** differences are due to rounding

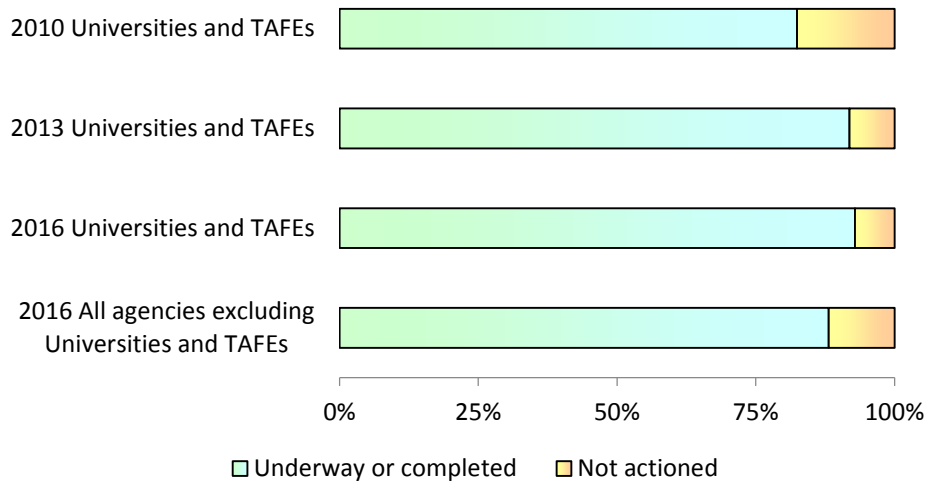
The departments' performance in these four topic areas is well above the average.

### ***Universities and TAFE***

All agencies in the university and TAFE sector completed the 2016 electronic audit. The university and TAFE sector does not deal with the high volume of legislative applications handled by the departments, but affects the community at large through its general business in dealing with information.

While the sector reported good overall compliance, it is disappointing to note little improvement since 2013. In 2016, the sector reported that it had fully implemented 85% of obligations under the RTI and IP Acts. Figure 5F shows the sector's 2016 responses of 'under way or completed' and 'not actioned' compared to 2013 and 2010, and other agencies.

**Figure 5F**  
**University and TAFE sector reported performance, 2010 to 2016**



**Source:** *Office of the Information Commissioner*

The university and TAFE sector reported a high level of implementation in governance, policy development and oversight, staffing resources and internal review. However, there was no progress in the areas of community consultation and administrative access. Performance monitoring remains the area where the sector has the most room for improvement.

Figure 5G shows how the sector performed in each of the four key topics and the improvement since 2013.

**Figure 5G**

**Performance in overall key areas of improvement – universities and TAFE**

<b>Topic</b>	<b>2016 Yes or In progress (%)</b>	<b>2013 Yes or in progress (%)</b>	<b>Improvement (percentage point)</b>
Governance and policy development			
<ul style="list-style-type: none"> <li>• clear functional responsibilities</li> </ul>	97	96	1
<ul style="list-style-type: none"> <li>• strategic governance</li> </ul>	100	100	-
<ul style="list-style-type: none"> <li>• documented policies and procedures</li> </ul>	100	98	2
Administrative access	75	79	(4)
Community consultation	75	78	(3)
Performance monitoring	61	60	0

**Source:** Office of the Information Commissioner

**Note:** differences are due to rounding

The sector's performance is close to the all-agencies average in administrative access, slightly above average in community consultation and below average in performance monitoring.

### ***Hospital and health services***

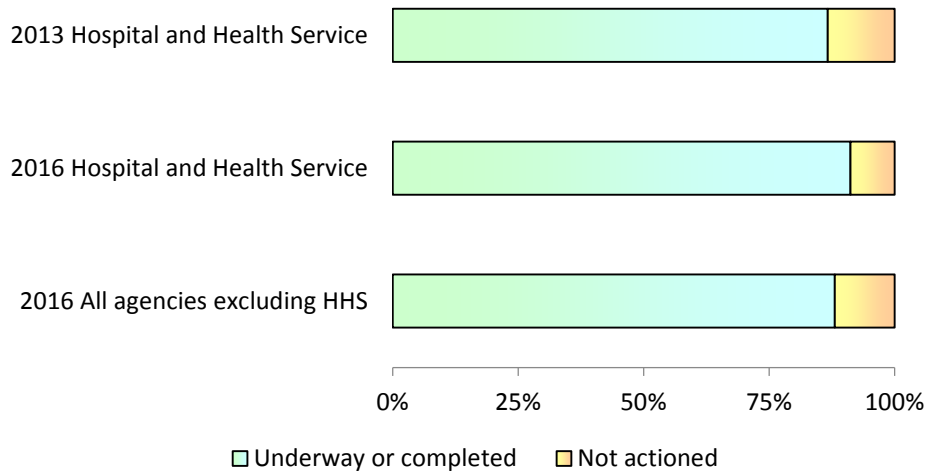
One of the 16 HHSs did not complete the 2016 electronic audit. This section presents the results of the 15 responding HHSs.

HHSs are statutory bodies established under the *Hospital and Health Boards Act 2011*. They are the principal providers of public health services in Queensland. HHSs collect large amounts of personal information and manage the access to this information and a range of other information which contributes to public debate.

The HHS sector reported good progress in implementing RTI and IP obligations with 80% of the obligations met in full and 12% in part. HHS performance has improved from 2013 with an additional 8 percentage points of obligations met in full. Figure 5H shows the sector's 2016 responses of 'under way or completed' and 'not actioned' compared to 2013 and other agencies.

**Figure 5H**

**HHSs reported performance, 2013 to 2016**



**Source:** Office of the Information Commissioner

In 2016, the HHS sector reported application handling including internal and external reviews, and engagement with applicants as the areas with the highest levels of compliance. The sector made significant progress from 2013 in policy development and oversight (25 percentage points) and publication scheme (39 percentage points). However, despite an increase of 11 percentage points since 2013, administrative access remains the area where the sector has the most room for improvement.

Figure 5I shows how the sector performed in each of the four key topics and the improvement since 2013.



**Figure 5I**  
**Performance in overall key areas of improvement - HHSs**

Topic	2016 Yes or In progress (%)	2013 Yes or in progress (%)	Improvement (percentage point)
Governance and policy development			
<ul style="list-style-type: none"> <li>• clear functional responsibilities</li> </ul>	97	91	6
<ul style="list-style-type: none"> <li>• strategic governance</li> </ul>	87	84	3
<ul style="list-style-type: none"> <li>• documented policies and procedures</li> </ul>	86	61	24
Administrative access	69	58	11
Community consultation	77	73	3
Performance monitoring	80	79	1

**Source:** Office of the Information Commissioner

**Note:** differences are due to rounding

The sector's performance is slightly below the all-agencies average in administrative access, and average in community consultation and performance monitoring.

### **Government owned corporations**

One of the 12 GOCs did not complete the 2016 electronic audit. This section presents the results of the 11 responding GOCs. The small size of the sector means individual responses can more significantly affect the group's average results.

GOCs are Queensland Government owned trading enterprises that conduct activities and provide services in a commercially-orientated environment. GOCs are regulated under the *Government Owned Corporations Act 1993*. GOCs are specifically mentioned in the RTI Act and must comply with the requirements of the Act as they apply. The IP Act, apart from Chapter 3 relating to formal access applications, does not apply to GOCs.<sup>9</sup>

The sector reported a decrease in overall compliance (5 percentage point decrease with regards to activities underway or completed) from 2013. The change in reported performance is not even across the sector. In 2016, 3 GOCs reported the same level of performance as in 2013, 3

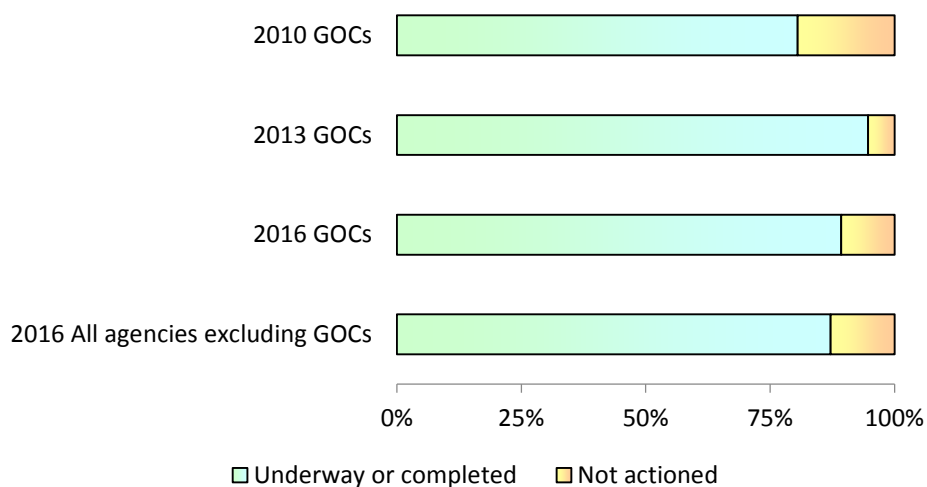
<sup>9</sup> The Australian Privacy Principles under the *Privacy Act 1988* (Cth) apply to GOCs which set out similar requirements to the IPPs and NPPs under the IP Act.

reported improved performance, and 5 reported a lower level of implementation of their obligations under the RTI Act.

In 2016, the sector reported it implemented 87% of its obligations in full and 2% in part. Overall the GOC sector identified that it had not addressed 11% of the obligations under the RTI Act. Figure 5J shows the sector's 2016 responses of 'under way or completed' and 'not actioned' compared to 2013 and 2010, and other agencies.

**Figure 5J**

**GOCs reported performance, 2010 to 2016**



**Source:** Office of the Information Commissioner

**Note:** the '2016 All agencies excluding GOCs' total in this chart excludes privacy questions.

The GOC sector reported significant improvement from 2013 in the areas of complaint handling and continuous improvement. However, OIC is concerned that the sector's performance in most other areas decreased from 2013, in particular in application handling (17 percentage points) and the four key areas for improvement as outlined in Figure 5K.

**Figure 5K**  
**Performance in overall key areas of improvement - GOCs**

Topic	2016 Yes or In progress (%)	2013 Yes or in progress (%)	Improvement (percentage point)
Governance and policy development			
<ul style="list-style-type: none"> <li>• clear functional responsibilities</li> </ul>	98	96	2
<ul style="list-style-type: none"> <li>• strategic governance</li> </ul>	91	98	-7
<ul style="list-style-type: none"> <li>• documented policies and procedures</li> </ul>	83	93	-10
Administrative access	76	82	-6
Community consultation	75	85	-10
Performance monitoring	70	80	-10

**Source:** Office of the Information Commissioner

*Note:* differences are due to rounding

The sector's performance is close to the all-agencies average in administrative access, community consultation and performance monitoring.

### ***Other agencies***

The category of 'other agencies' includes all agencies the RTI and IP Acts apply to, which are not departments, local government, universities or a TAFE, GOCs or HHSs. This is a very diverse group and includes agencies such as boards and statutory authorities. Many of these agencies receive no or few formal applications under the RTI or IP Acts.<sup>10</sup> It is the largest group analysed with 71 completed responses out of 79 surveyed.

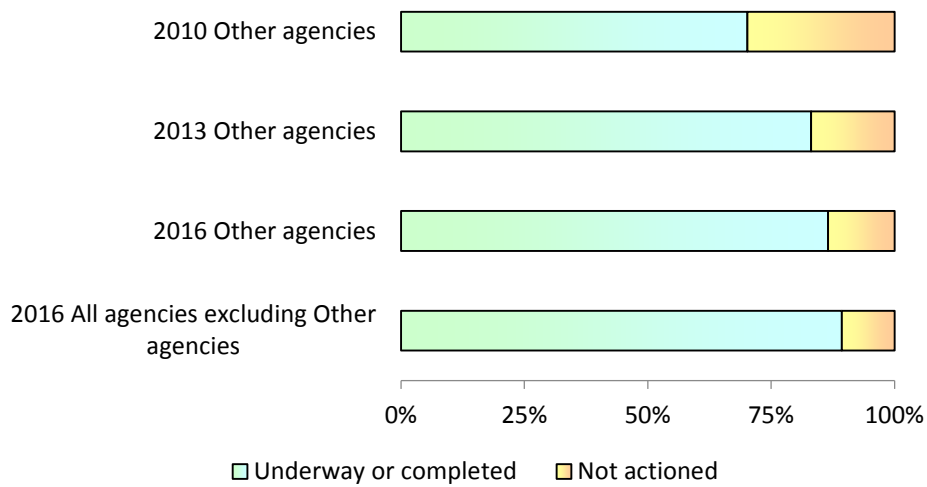
This mixed group of agencies reported some progress in meeting their RTI and IP obligations since 2013 with an improvement of 3 percentage points of activities underway or completed. The group's performance is close to the overall result, with 81% of obligations implemented on full and 5% in part compared to the all-agency average of 81% and 7% respectively.

Figure 5L shows the group's 2016 responses of 'under way or completed' and 'not actioned' compared to 2013 and 2010, and all agencies excluding the category of 'other agencies'.

<sup>10</sup> 41% of these agencies reported getting no RTI or IP applications since 1 July 2013.

**Figure 5L**

**Other agencies' reported performance, 2010 to 2016**



**Source:** Office of the Information Commissioner

In 2016, this category of agencies reported highest level of improvement from 2013 in adopting a push model to maximise disclosure (12 percentage points) and engagement with applicants, policy development and oversight and administrative access arrangements (all 10 percentage points).

However, it is concerning that about a quarter to a third (27% to 38%) of agencies in the group responding said they had not planned, nor taken, action in the areas of policy development and oversight, community consultation, performance monitoring, publication scheme and administrative access.

Despite modest improvements in community consultation and performance monitoring, these areas remain where 'other agencies' need to significantly do more work. Policy development and oversight is another area where there is room for improvement. Figure 5M shows how the group performed in each of the four key topics and the improvement since 2013.

**Figure 5M**

**Performance in overall key areas of improvement – Other agencies**

<b>Topic</b>	<b>2016 Yes or In progress (%)</b>	<b>2013 Yes or in progress (%)</b>	<b>Improvement (percentage point)</b>
Governance and policy development			
• clear functional responsibilities	90	81	9
• strategic governance	85	81	3
• documented policies and procedures	71	62	10
Administrative access	72	63	10
Community consultation	69	66	3
Performance monitoring	62	57	5

**Source:** Office of the Information Commissioner

**Note:** differences are due to rounding

The group's performance close to the all-agencies average in administrative access, and community consultation, but below average in performance monitoring.

### **Local governments**

The local government sector has the lowest response rate for the 2016 electronic audit, with 58 of 77 local governments responding (75%). The OIC desktop audit of local governments found compliance issues across the 19 non-responding local governments, most of them small local governments in remote or regional locations. This suggests a lack of, or low-maturity, policies and processes at the non-responding local governments. As the results discussed in this section refer to the 58 responding local governments only, they are likely to overstate the level of compliance.

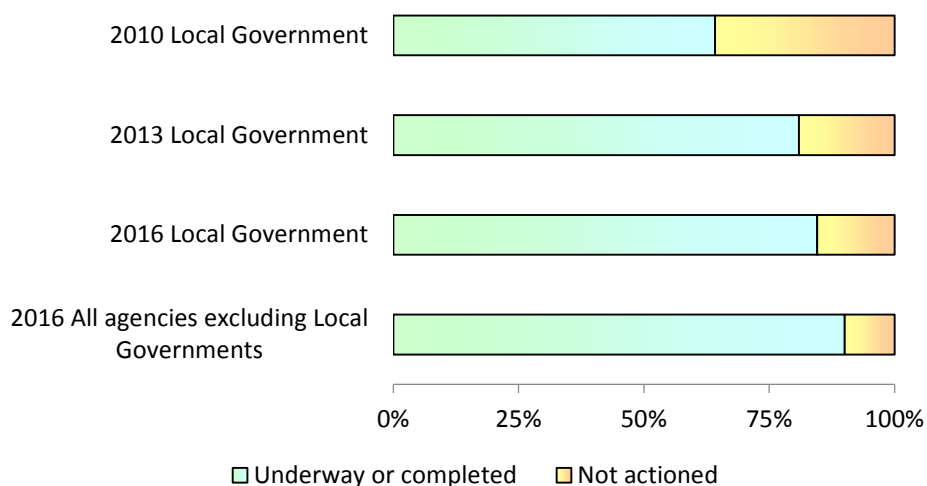
Local government is the primary government contact for many community members, and as a result, local governments handle large volumes of information based transactions. Local governments have frequent contact with the public seeking information about such things as development applications or when conducting business, through libraries, websites and call centres.

The sector reported some progress in implementing RTI and IP obligations since 2013 with an improvement of 4 percentage points in activities underway or completed. The responding local

governments reported on average 76% full and 9% partial implementation of their obligations, compared to the all-agency average of 81% and 7% respectively. Figure 5N shows the overall performance for the sector and the improvement since 2010.

**Figure 5N**

**Local governments' reported performance, 2010 to 2016**



**Source:** Office of the Information Commissioner

In 2016, local governments identified application handling, including engagement with applicants, internal and external review as the areas with the highest levels of full or partial implementation. They reported the most improvement since 2013 in continuous improvement (12 percentage points) and publication schemes (13 percentage points). The performance in administrative access arrangements, community consultation, performance monitoring, and policy development and oversight remains low, with less than 65% of the responding agencies reporting completed and underway activities in these areas, as illustrated in Figure 5O.

**Figure 50**

**Performance in overall key areas of improvement – Local governments**

<b>Topic</b>	<b>2016 Yes or In progress (%)</b>	<b>2013 Yes or in progress (%)</b>	<b>Improvement (percentage point)</b>
Governance and policy development			
<ul style="list-style-type: none"> <li>• clear functional responsibilities</li> </ul>	89	83	6
<ul style="list-style-type: none"> <li>• strategic governance</li> </ul>	86	74	11
<ul style="list-style-type: none"> <li>• documented policies and procedures</li> </ul>	64	56	8
Administrative access	64	63	1
Community consultation	62	66	-4
Performance monitoring	60	57	3

**Source:** Office of the Information Commissioner

*Note:* differences are due to rounding

The sector's performance is below the all-agencies average in all the topics listed above. In particular there is a 12 percentage point difference in documented policies and procedures.





## Appendix 1 – Commonly used acronyms

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2016 electronic audit	RTI and IP Agency Electronic Audit 2016
GOC	Government owned corporation
HHS	Hospital and health service (HHS)
IP	Information Privacy or 'in progress' depending on context
IP Act	<i>Information Privacy Act 2009</i> (Qld)
OIC	Office of the Information Commissioner
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009</i> (Qld)
TAFE	Technical and Further Education



## Appendix 2 – Methodology

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OIC thanks the agencies for their support and co-operation in completing the self-assessment.

### **Introduction**

The electronic audit is a broad coverage monitoring strategy that requires all auditable agencies to self-assess their compliance with legislative obligations under the *Right to Information Act 2009* (Qld) (RTI Act) and *Information Privacy Act 2009* (Qld) (IP Act).

OIC conducted the first electronic audit in 2010 which established a baseline. The second electronic audit was conducted in 2013 and examined the progress made in meeting the RTI and IP obligations.

The 2016 electronic audit is the third iteration of agencies' self reported compliance with legislative and related obligations. While it provides a broad overview of Queensland government agencies' compliance, the instrument has limitations inherent to a self-assessment. OIC has not independently verified the agencies' responses and therefore can only provide limited assurance about the results.

The electronic audit is administered simultaneously to all agencies, regardless of size, location in the state or maturity in terms of the RTI and IP Acts. In addition to performance monitoring, this electronic audit instrument can assist agencies because it reminds them of their obligations under the RTI and IP Acts and agencies can use the electronic audit as a reference document or as a training resource.

### **Questionnaire**

OIC reviewed the 2016 electronic audit questionnaire to ensure it remains a valid source of information. A copy of the 2016 electronic audit questionnaire is available on the OIC website.<sup>11</sup>

The survey instrument tailored the number of questions, depending on the agency's type and responses to gateway questions.

Gateway questions are questions that filter out groups of questions not relevant to an agency. For example, when an agency answered 'No' to the question 'Has this agency received any RTI or IP applications since 1 July 2013?', the instrument excluded subsequent questions about how the agency handled applications received.

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<sup>11</sup> 2016 *Right to Information and Information Privacy Agency Electronic Audit* available on the OIC website.

## Changes to questionnaire

The 2013 electronic audit filtered the questions based on each agency's 2010 responses. On advice, OIC discontinued this practice and, in 2016, requested all agencies to answer all relevant questions to ensure a complete and up to date picture.

Acting on feedback, OIC clarified questions and added instructions to strengthen the content's validity.

## Responses

Agencies completed the electronic audit online during January and February 2016. OIC received 184 responses from 213 agencies: an overall response rate of 86.4% compared to 91.2% in 2013.

The response rate varied by agency type. While all departments and universities and TAFE responded, only 58 of 77 local governments (75%) completed the self-assessment. The local governments that did not respond were relatively small organisations in remote or regional locations.

For nearly all of the questions in the electronic audit, the agency could answer in one of four ways outlined in Table 1.

**Table 1**  
**Response options for the electronic audit**

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

**Source:** Office of the Information Commissioner

Where an agency answered 'No' to a gateway question, for example about having a publication scheme, OIC considered the agency answered 'No' to all the associated questions.

In addition to the standard response options, agencies could comment on individual questions. Agencies provided over 2,000 comments, ranging from brief remarks to detailed explanations or

expanded responses. Almost all agencies provided information and feedback on their individual performance and the questionnaire itself.

OIC treats the data collected through this electronic audit confidentially. It de-identifies the data before publishing it on the OIC website<sup>12</sup>. This supplementary material includes:

- the collated 2016 electronic audit responses across all agencies;<sup>13</sup>
- a complete set of de-identified comments;<sup>14</sup> and
- the numerical data for the 2016 electronic audit responses in a machine readable format (Excel spreadsheet)<sup>15</sup> to enable readers to extract and manipulate the data.

## **Analysis**

OIC examined patterns of responses and trends over time at the aggregate level and:

- per agency type or sector
- per question
- per topic.

Topics are groups of like questions. For example, 20 questions about how the agency handles application fall under a single topic called 'application handling'.

The self-assessment covers 19 topics:

- administrative access
- application handling
- community consultation
- complaint handling
- continuous improvement
- disclosure log
- engagement with applicants
- external review
- governance
- internal review
- performance monitoring
- policy development and oversight

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<sup>12</sup> Available on the OIC website

<sup>13</sup> *Detailed results 2016 electronic audit – All agencies.*

<sup>14</sup> *2016 electronic audit - Comments by agencies.*

<sup>15</sup> *Duplicate of detailed results of the 2016 electronic audit – numerical data provided in machine readable version (Excel spreadsheet).*

- privacy
- publication scheme
- push model to maximise disclosure
- record keeping
- roles, responsibilities, delegations and authorisations
- staffing resources
- training and resources

## Appendix 3 – Supplementary material

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### Supplementary material (provided on OIC website at [oic.qld.gov.au](http://oic.qld.gov.au))

2016 Right to Information and Information Privacy Agency Electronic Audit

Detailed results 2016 electronic audit – All agencies

2016 electronic audit - Comments by agencies

2016 electronic audit - List of questions by topic

Duplicate of detailed results of the 2016 electronic audit – numerical data provided in machine readable version (Excel spreadsheet)