



Office of the Information Commissioner
Queensland

Follow-up of Report No. 2 of 2017-18

**Audit of Townsville City Council's implementation of
recommendations**

Compliance with Right to Information and Information Privacy

We thank the staff of the Townsville City Council for their support and cooperation.



The Office of the Information Commissioner licence this report to the Queensland Legislative Assembly under a Creative Commons – Attribution License. People reading or using this report may do so under the following conditions: Attribution (BY), requiring attribution to the original author.

© The State of Queensland (Office of the Information Commissioner) 2019.

Copies of this report are available on our website at www.oic.qld.gov.au and further copies are available on request to:

Office of the Information Commissioner

Level 7, 133 Mary Street, Brisbane, Qld 4000

PO Box 10143, Adelaide Street, Brisbane, Qld 4000

Phone 07 3234 7373 or Freecall 1800 OIC QLD (1800 642 753)

Fax 07 3405 1122

Email administration@oic.qld.gov.au

Web www.oic.qld.gov.au

ISBN: 978-0-6484026-5-7

November 2019

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

Dear Mr Russo

I am pleased to present 'Follow-up of Report No. 2 of 2017-18: Audit of Townsville City Council's implementation of recommendations, Compliance with Right to Information and Information Privacy'. This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The report outlines Townsville City Council's progress in implementing the recommendations I made in the 2018 audit.

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

Yours sincerely

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

Rachael Rangihaeata
Information Commissioner

Table of contents

Summary.....	1
Results and conclusions.....	1
Agency comments.....	2
1. Context.....	3
2. Culture of openness.....	5
Introduction.....	5
Results and conclusions.....	6
Commitment to right to information online	6
Community participation in decision-making.....	7
3. Leadership and governance.....	9
Introduction.....	9
Results and conclusions.....	11
Information management governance framework.....	11
Performance monitoring	11
Delegations.....	12
Training and awareness	13
4. Maximum disclosure.....	15
Introduction.....	15
Results and conclusions.....	16
Administrative access arrangements	16
Identification of data for publication.....	16
5. Compliance.....	17
Introduction.....	17
Results and conclusions.....	18
Publication scheme	18
Disclosure log	19
Application handling	19
6. Privacy.....	23
Introduction.....	23
Results and conclusions.....	24
Information privacy resources	24
Collecting personal information.....	25
Camera surveillance.....	25
7. Appendix – comments received.....	29

Summary

This is a report on Townsville City Council's (TCC) progress on implementing the recommendations we made under the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld).¹

Our original audit examined whether TCC:

- had a culture of openness that supported proactive disclosure, including through two-way engagement with the community
- promoted proactive release of information through strong leadership and good information governance
- maximised disclosure of information using online tools
- adopted the privacy principles, with a focus on camera surveillance
- complied with specific legislative requirements about releasing information administratively and in response to applications made under the Acts.

We concluded that:

The council's culture and practices do not reflect the intent of RTI and IP Acts because of significant systems issues, a lack of information governance and a general misunderstanding of the Acts and their aims.

TCC cannot demonstrate it adopted the push model as a key component of open and transparent government.

The council did not respond in detail to the findings as it was undergoing major changes in its structure, processes and operating model. It supported the 24 recommendations we made.

Results and conclusions

TCC has made considerable progress on every recommendation, showing a serious commitment to right to information and information privacy. It has fully or technically implemented 21 recommendations, is in progress to implementing one recommendation and has taken alternative action on two recommendations relating to its disclosure log. The figure below summarises the council's progress.

¹ Compliance audit – *Townsville City Council: Townsville City Council's compliance with the Right to Information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld) - Report No.2 of 2017-18 to the Queensland Legislative Assembly*, tabled in Parliament on 6 March 2018, and available on our website www.oic.qld.gov.au.

Implementation status of recommendations

	Total	Status			
		Fully implemented	Technically implemented	Implementation in progress	Alternative action
Culture of openness	4	4			
Leadership and governance	6	5	1		
Maximum disclosure	2	2			
Compliance	6	3		1	2
Privacy	6	6			
TOTAL	24	20	1	1	2

Source: Office of the Information Commissioner

TCC has transformed its website and increased proactive disclosure of information online, thus improving its accountability and transparency. It listens and responds to the community, supporting a culture of openness. It has strengthened leadership and information governance by re-establishing an information governance body and updating its information management policy and procedures.

TCC has rebuilt the way it handles applications for information under the Acts by setting up a case management system. It is finalising its implementation and developing a procedures manual for application handling in the new system. The council's induction program for new staff covers their right to information and privacy obligations. It has addressed all of our recommendations relating to privacy and the management of its camera surveillance systems.

We made two recommendations about how the council maintained its disclosure log. As local governments may decide not to have a disclosure log under the *Right to Information Act 2009*, TCC removed the non-compliant disclosure log from its website. While this means the compliance issues no longer exist, it also took away a channel for proactively publishing information. We encourage the council to reinstate a compliant disclosure log and publish released information where appropriate.

Agency comments

We provided TCC with a copy of this report and a request for comments. We considered its views in reaching our conclusions and represented them to the extent relevant and warranted in preparing this report. The comments are in Appendix 1.

1. Context

Townsville City Council (TCC) delivers a range of local government services, and builds and maintains community infrastructure including roads, drainage, sporting venues and other recreational facilities.

We audited its compliance with right to information and information privacy legislation in 2017-18, and made 24 recommendations. The council supported the recommendations and agreed to implement them by February 2019.

On 14 March 2019, TCC said in a media statement:

*Council has implemented all actions to address the
24 recommendations from a report handed down last year by The
Office of the Information Commissioner (OIC).*

In May 2019, we asked TCC for a progress report on the implementation status of each recommendation and the actions it took to address the recommendations. We also asked for supporting evidence.

We visited the council in August, discussed its progress and obtained further evidence. We assessed TCC's progress report and evidence, and performed risk-based checks to gain assurance on its actions and implementation of the recommendations.

Figure 1A explains the ratings we used.

Figure 1A
Implementation status ratings

Rating	Description
Fully implemented	The agency has implemented the recommendation substantially or in its entirety.
Technically implemented	The agency has implemented the recommendation substantially or in its entirety. However, it has not fully realised the intent of the recommendation.
Implementation in progress	The agency has taken some action to implement the recommendation and efforts to complete implementation are ongoing.
Alternative action taken	The agency has addressed the underlying issue by taking action different to the recommended action.

Source: Office of the Information Commissioner

Chapters 2 to 6 present our findings on how TCC implemented the recommendations.

2. Culture of openness

Introduction

An agency's culture should support the principles of proactive disclosure. To assess a culture of openness, we look for an explicit, public statement of commitment to right to information, and responsive engagement with the community about its information needs.

In our original audit, we found that TCC did not have an appropriate statement of commitment to the right to information. Its right to information webpage was difficult to locate and did not reflect the intent of the Act.

The council had positive relationships with stakeholders, but less so with members of the community. Its committee structure enabled public participation in decision-making but the council did not actively promote public involvement in the committees' deliberations.

Figure 2A shows the implementation status of the recommendations about TCC's culture of openness.

Figure 2A
Culture of openness

Recommendation		Status
1	We recommend that TCC: within 12 months, reviews and updates its RTI policy and RTI webpage so they: <ul style="list-style-type: none">▪ explicitly state the council's commitment to RTI and reflect the community's right of access under the legislation▪ are consistent with the requirements of the RTI Act and the Ministerial Guidelines	Fully implemented
2	We recommend that within six months, TCC makes its RTI policy and RTI webpage easy to locate on its website.	Fully implemented
3	We recommend that within six months, TCC actively promotes community participation in its standing and advisory committees.	Fully implemented

Recommendation		Status
4	<p>We recommend that TCC:</p> <ul style="list-style-type: none"> ▪ within six months, incorporates the principles and objectives of RTI and privacy in its new model for community engagement ▪ within 12 months, reviews its community engagement strategies, policies and guidelines to support its new approach 	Fully implemented

Source: Office of the Information Commissioner

Results and conclusions

Commitment to right to information online

TCC had a statement about right of access on its website at the original audit, but the statement did not reflect the push model or the free flow of information to the community. The council now states its commitment to right to information prominently and clearly. In its right to information webpage and policy, it states:

Townsville City Council aims to make it easy for the public to access our information, maximise the amount of corporate information that is publicly available and is committed to openness and transparency. Council promotes proactive release of information and encourages Council workers to actively support activities to make corporate information available to the public in an easy to use, efficient, self-service manner and in accordance with the RTI Act and IP Act.

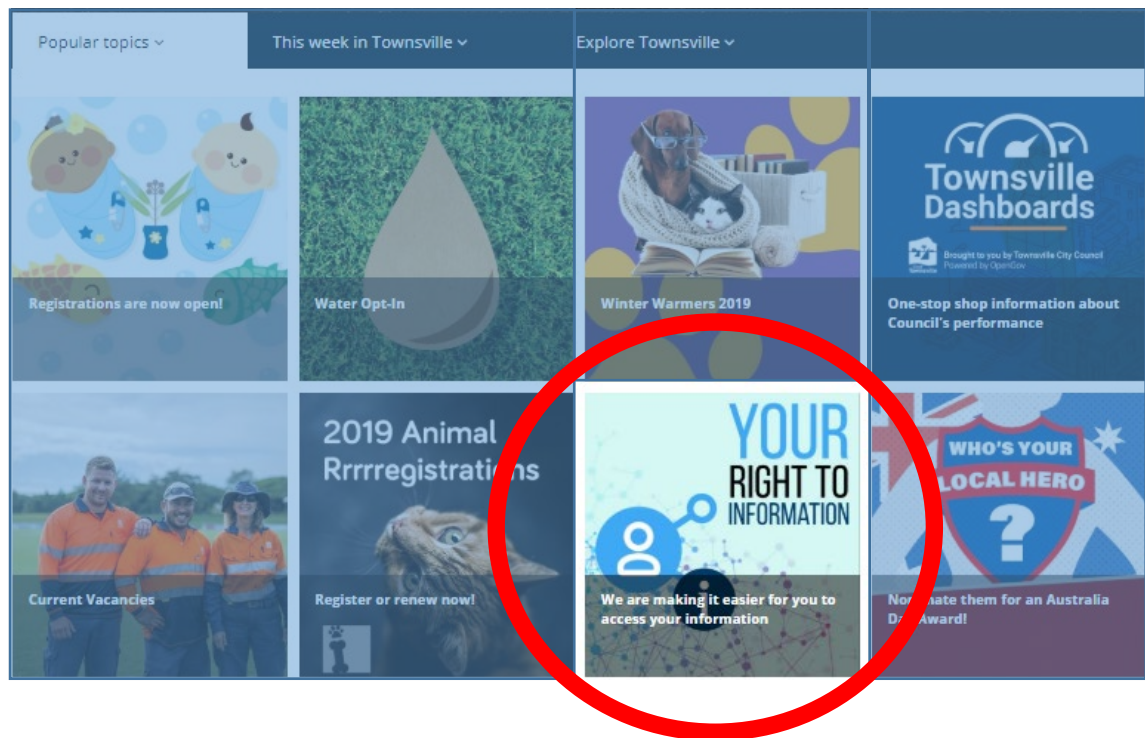
During the follow-up audit, TCC rectified other issues with the right to information webpage so it aligns with the *Right to Information Act 2009* and the Ministerial Guidelines.

We assess Recommendation 1 as fully implemented.

The council had a right to information webpage but it was difficult to find.

Recommendation 2 required the council to make it easy to locate its right to information policy and webpage. TCC has placed a link to right to information on the homepage of its website, depicted in Figure 2B.

Figure 2B
Screenshot of the homepage of TCC's website



Source: Screenshot captured 6 August 2019, highlighting and shading added for emphasis

The link is prominent and attracts attention. This approach means people can easily identify the right to information webpage and access it directly.

We assess Recommendation 2 as fully implemented.

Community participation in decision-making

TCC's website gave limited information on how members of the community could participate in committee affairs. We recommended the council improves avenues for community participation in decision-making and access to information.

TCC has reworked its website to better promote community participation in its standing and advisory committees:

- Each advisory committee has a webpage telling community members how they can be involved in the committee.
- The council has a webpage called *Live Stream of Meetings*, where it can broadcast ordinary council meetings.

At the time of the original audit, the council had just centralised its community engagement function and decided to adopt a new model for engaging with the

community. We recommended that TCC includes right to information and privacy in its new approach to community engagement.

In November 2018, the council adopted the IAP2 model for community engagement² and reviewed its community engagement model, strategies, policies and guidelines.

While the council's Community Engagement Policy does not use the words 'right to information' or 'information privacy', it mentions relevant principles from the preamble of the *Right to Information Act 2009* such as keeping the community informed and increasing participation in democratic processes leading to better informed council decision-making.

TCC has improved its practical strategies for community engagement about information needs. It has implemented:

- face-to-face discussions with community members affected by council proposals, leading to revised or amended proposals
- individual councillor webpages
- a city wide mailout 3-4 times a year of a newsletter titled 'Living in the North'
- additional positions in the Community Engagement team
- staff training in the IAP2 community engagement model
- regular review of policies and website notices to check alignment with right to information and information privacy
- a program of innovative developments to improve communication with the community, for example, interactive online tools.

We assess Recommendations 3 and 4 as fully implemented.

2 The International Association for Public Participation (IAP2) Australasia develops tools for public participation, community and stakeholder engagement incorporating individuals, governments, institutions and other entities. The IAP2 Public Participation Spectrum assists with the selection of the level of participation that defines the public's role in any community engagement program. The IAP2 Public Participation Spectrum describes when to inform, consult, involve, collaborate with or empower the public.

3. Leadership and governance

Introduction

Good information management helps agencies meet right to information and information privacy obligations. Strong leadership is critical for successful information management. Agencies need to formally assign leadership responsibility and have agency-wide coordination, planning and review of information governance.

In 2018, we reported that information management and governance at TCC were undergoing significant changes following a restructure. It was too early to report on governance of information management.

We found that the council did not monitor the performance of its right to information and privacy operations nor review its decisions on right to information and privacy for quality and consistency.

The council's organisational structure supported the independence of its right to information and privacy decision-maker. However, TCC adopted an unusual delegation model framed around the areas of responsibility of various roles. This model presented significant risks.

TCC did not ensure its right to information and privacy decision-makers had up-to-date technical skills or that its induction materials explained staff members' obligations in responding to requests for information from the decision-maker. We made a recommendation to address this issue (Recommendation 10) which we reiterate in our discussion about compliance in application handling.

Figure 3A shows the implementation status of the recommendations about leadership and governance.

Figure 3A
Leadership and governance

Recommendation		Status
5	We recommend that TCC: <ul style="list-style-type: none">within 12 months, re-establishes an information governance body responsible for overseeing the council's information management architecture and accountability framework for proactive disclosure and safeguarding of personal information.	Fully implemented

Recommendation		Status
	<ul style="list-style-type: none"> within 12 months, establishes new terms of reference for the information governance body and incorporates the objectives and principles of the RTI and IP Acts within its scope and functions. 	
6	<p>We recommend that TCC:</p> <ul style="list-style-type: none"> within 12 months, reviews and updates its information management policies, directives, standards and plans to reflect current practices and strategies for managing its information assets within 12 months, develops and implements operational procedures for its information custodians. 	Fully implemented
7	We recommend that TCC within six months, implements a quality assurance process of its RTI and IP applications operations to improve compliance, enhance procedures and identify needs for further professional development.	Technically implemented
8	We recommend that TCC within 12 months, develops more robust performance measures aligned to its operational plan.	Fully implemented
9	We recommend that TCC within six months, reviews delegations for powers to deal with RTI and IP access and amendment applications to ensure they are clear, current and consistent with the RTI and IP Acts.	Fully implemented
10	<p>We recommend that TCC:</p> <ul style="list-style-type: none"> within six months, ensures its decision-makers have up-to-date technical skills to deal with formal applications within 12 months, implements a program of ongoing professional development for decision-makers to maintain their technical and specialist skills within 12 months, ensures all staff are aware of their RTI and information privacy obligations related to their role, including their responsibility to respond to requests for information from the decision-maker. 	Fully implemented

Source: Office of the Information Commissioner

Results and conclusions

Information management governance framework

At the time of the original audit, TCC did not have an active Information Management Steering Committee or other person or committee responsible for right to information and information privacy. The council has re-established an information governance body, the Information Management Steering Committee (the committee). Its terms of reference assign responsibility for limited aspects of information governance:

- open data
- managing information assets in accordance with regulatory compliance.

The committee's minutes endorse a Data Driven Decision Making proposal which references a draft information management framework. The draft framework incorporates right to information and information privacy. Although these other documents outline the committee's role in information governance, right to information and privacy, TCC did not express the associated responsibilities clearly and simply in the committee's terms of reference.

We assess Recommendation 5 as fully implemented. We encourage all agencies to clearly and explicitly assign responsibility for information governance, right to information and information privacy.

The council's policies, standards, directives and plans were too high level and incomplete to support effective management of right to information responsibilities. We recommended TCC updates its information management policies, directives, standards and plans, and implement operational procedures for its information custodians.

TCC has updated its information management policy. It has three up-to-date administrative directives and a full set of operational procedures for information custodians.

We assess Recommendation 6 as fully implemented.

Performance monitoring

During its restructure in 2016-17, the council re-assigned responsibility for application handling and decision-making. This was a good opportunity to implement a process to ensure the quality, consistency and compliance of these processes.

TCC has built quality assurance into its new case management system for handling applications but has not yet fully deployed it. The system automatically marks

application files requiring review and allows the decision-maker to select files for attention. It also maintains an audit log of interactions on the application files, enabling review and reporting on any action taken by any staff member. The council has not yet migrated all its template letters to the new system. This creates a risk that staff do not use the approved templates and instead draft their own correspondence.

TCC has introduced other quality assurance processes including regular review meetings to discuss specific applications, checks and reports about the system throughout the year, and additional administrative support.

However, we observed issues on a few application files leading to practices that were not consistent with the legislation. We expect they would not have happened if the quality assurance process was fully effective.

TCC needs to strengthen its quality assurance processes until it has implemented the system as intended. One example of additional quality assurance would be moderating the classifications assigned to each application to ensure all sensitive matters are flagged and appropriately monitored.

We assess Recommendation 7 as technically implemented to reflect the partial effectiveness of the quality assurance process.

At the time of the original audit, the council did not monitor performance at the operational level thus missing opportunities to improve practices and identify training needs. It had a single measure about timeliness and it was inadequate. TCC now reports on right to information and information privacy using measures aligned to the operational plan. It manages corporate, team and individual performance through a computer program called Performance Plus. It describes deliverables which roll up from the individual to the corporate level, illustrating linkages between levels, and providing performance targets.

We assess Recommendation 8 as fully implemented.

Delegations

In 2018 we identified sizeable risks with TCC's approach to delegating authority for decision-making. We recommended the council reviews its delegations and ensures they are clear, current and consistent with the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

TCC has implemented appropriate signed delegations of authority for right to information and information privacy.

We assess Recommendation 9 as fully implemented.

Training and awareness

Recommendation 10 is that TCC provides ongoing, up-to-date professional development and support to decision-makers, and general awareness training to all staff.

The council has encouraged the primary decision-maker to attend our sessions in decision-making, right to information and information privacy. TCC has sent decision-makers to an externally run course, and states it will refresh this training later in 2019 for lawyers and support staff.

Staff involved in application handling have attended a right to information and information privacy awareness session. The council supports this training with guidance and reference documents, including a draft procedures manual for the case management system, online resources and a manual for decision-makers.

TCC has established general staff awareness training in right to information and information privacy. The mandatory induction for all new staff includes right to information and privacy training.

We recommended the general awareness training reinforces to staff that they need to be responsive to a decision-maker's requests for information. We observed staff responsiveness in the application files we reviewed (Recommendation 17).

We assess Recommendation 10 as fully implemented.

4. Maximum disclosure

Introduction

Information in government agencies' possession or control is a public resource and agencies should manage it as a strategic asset. They should facilitate access to this information unless, on balance, there is a good reason not to. This means knowing what information they hold and ensuring they put it to good use.

In the original audit, we found that TCC had not implemented procedures and practices to enable proactive disclosure. The council had not identified the information holdings that it was prepared to release administratively in its information asset register or on its right to information webpage. It did not effectively promote administrative access arrangements ahead of formal applications under the *Right to Information Act 2009*. Figure 4A shows the implementation status of the recommendations about maximum disclosure.

Figure 4A
Maximum disclosure

Recommendation		Status
11	<p>We recommend that TCC within 12 months:</p> <ul style="list-style-type: none">promotes its administrative access arrangements on its RTI webpageidentifies the types of information it will make available administrativelyimplements procedures to guide staff on administrative access arrangementsexplains how members of the public can access the information that is available administratively	Fully implemented
12	<p>We recommend that TCC within 12 months</p> <ul style="list-style-type: none">updates its information asset registerclassifies the information holdings and datasets to determine their suitability for public releasepublishes the register on its website.	Fully implemented

Source: Office of the Information Commissioner

Results and conclusions

Administrative access arrangements

The council has numerous administrative access arrangements, for example, *Townsville Online Products and Services*, which includes building and planning records searches. It explains how the online administrative access arrangements work, including the publication scheme.

During this follow-up audit, the council established better promotion of the administrative access arrangements. It added a new section to the right to information webpage titled 'Administrative Access Applications', with an introductory sentence promoting options for administrative access. TCC's right to information webpage now describes the information available administratively, for example through ePlanning, an online portal with a range of planning, mapping and development information.

In its right to information policy, the council identifies information it will make available through the publication scheme, and guides staff on its administrative access procedure. TCC also has a procedure for ad hoc administrative access requests that cannot be addressed through established administrative access schemes.

We assess Recommendation 11 as fully implemented.

Identification of data for publication

We recommended the council updates and improves its information asset register and publishes the register on its website.

TCC's information asset register is up-to-date and classifies information holdings and datasets according to their level of security and accessibility. The council has published the information asset register online.

We assess Recommendation 12 as fully implemented.

5. Compliance

Introduction

In compliance audits, we look for evidence that agencies meet the legislative requirements for 'push model' strategies such as the publication scheme and disclosure log, and in handling applications to access and amend information.

In 2018, we found that TCC complied with most of its legislative requirements for operating a publication scheme and disclosure log.

However, when processing applications, the council generally misunderstood the requirements of the *Right to Information Act 2009* and the *Information Privacy Act 2009* and how to apply them. We identified a number of practices affecting compliance with the Acts, and the effectiveness and efficiency of the application handling process:

- ineffective recordkeeping practices
- ineffective case management tools and support for the decision-maker in processing the applications
- business units not understanding their obligations in supporting the decision-maker and responding to requests for document searches.

Figure 5A shows the implementation status of the recommendations about compliance.

Figure 5A
Compliance

Recommendation		Status
13	We recommend that TCC, within six months amends its RTI policy to support proactive disclosure and to promote the routine publication of significant, appropriate and accurate information.	Fully implemented
14	We recommend that TCC within six months, reviews and updates its publication scheme to comply with the RTI Act and Ministerial Guidelines. This includes: <ul style="list-style-type: none">▪ explaining how to access documents in alternative formats▪ populating information classes with significant and appropriate information▪ explaining how to complain about the availability of information in the publication scheme.	Fully implemented

Recommendation		Status
15	<p>We recommend that TCC, within six months reviews and updates its disclosure log to give better access to information. This includes:</p> <ul style="list-style-type: none"> ▪ publishing a statement about blank pages ▪ including contact details for the business area responsible for handling requests ▪ identifying only those applications where it has released information under the RTI Act ▪ publishing the disclosure log by financial or calendar year and, where practical, with hyperlinks to the documents. 	Alternative action taken
16	We recommend that TCC immediately removes personal information from its disclosure log.	Alternative action taken
17	<p>We recommend that TCC:</p> <ul style="list-style-type: none"> ▪ within 12 months, embeds robust record keeping practices ▪ within six months, implements a more effective and efficient case management system, including a comprehensive suite of template notice documents to support legislatively compliant application handling. 	In progress
18	As a matter of good practice, we recommend that TCC negotiates with the applicant a suitable access type if it is necessary to provide information in an alternative access type.	Fully implemented

Source: Office of the Information Commissioner

(The Compliance chapter also cross-references Recommendation 10.)

Results and conclusions

Publication scheme

TCC has updated its right to information policy to address issues found in the original audit. For example, it mentions the Ministerial Guidelines as criteria for determining documents suitable for publication.

The council has reviewed its publication scheme in light of the new policy. The scheme now links to the information asset register and ePlanning.

The current publication scheme and associated webpages address the issues found in the original audit.

They advise how users can:

- provide feedback or complain to the council if information is not available in the publication scheme
- access documents in alternative formats.

We assess Recommendations 13 and 14 as fully implemented.

Disclosure log

In our original audit, we made two recommendations to improve the operation of the disclosure log. TCC responded:

As local governments are not required to publish a disclosure log TCC has removed the log and reference to access from the public website.

While this approach resolves the compliance issues, it also removes a useful administrative access mechanism.

A disclosure log ensures the public can access information released in response to previous right to information applications, where appropriate, according to specified criteria. It is consistent with the push model and the principles of openness and transparency underpinning right to information. We encourage all agencies to maintain a disclosure log and upload the released information unless impractical.

We note that TCC intends to implement a legislatively compliant disclosure log and publish it by 30 June 2020.

We assess that the council has taken alternative actions to satisfy Recommendations 15 and 16.

Application handling

In 2018, we reviewed 15 applications for information made under the *Right to Information Act 2009* and the *Information Privacy Act 2009*. We had concerns about the way TCC handled applications and made two recommendations. The council needed to significantly improve its record-keeping practices, and achieve consistency and compliance through a more systematic approach.

In the original audit, we found that at times the council provided access to documents in a different access type than the applicant requested. We recommended TCC negotiates with the applicant a suitable access type, if necessary.

We also reiterated our recommendation about technical training for decision-makers, and awareness of their right to information and privacy obligations for all staff.

In this follow-up audit, we reviewed six files to check TCC's progress in addressing the issues raised in 2018.

The council has greatly improved its record keeping for application handling by rolling out a new case management system. The system is a useful tool to improve the effectiveness and efficiency of application handling. TCC is finalising its implementation and developing a procedures manual for application handling in the new system.

The files we reviewed show a reasonable standard of application handling and decision-making overall, with opportunities for improvement. The decision notices are sound, commitment to timely decision-making is good and the files evidence a client service focus.

TCC has implemented a suite of template notices that comply reasonably well with the legislation, with minor opportunities for improvement. They support legislatively compliant application handling. However, not all of the templates have been transferred to the new case management system. This might affect the compliance of application handling if decision-makers draft their own documents.

We observed issues like this in our file review. The council used inappropriate purpose-written letters in two instances. In one case, the decision-maker could have used a template (which had not migrated to the case management system), but instead drafted a new letter which was not consistent with the legislation. On our advice, the council immediately discontinued the use of this non-template letter.

In another instance, we raised concerns with the council during this audit about correspondence that appears to conflate multiple processes. The correspondence does not comply with statutory processes, which also cannot be undertaken at the same time. An applicant may feel obliged to reduce their application as a result, before the council followed appropriate process. TCC can take alternative approaches to clarify the scope of the application without this result. The council needs to ensure the application process is consistent with and clearly reflects the requirements set out in the legislation.

We consider more work is required before the council's case management system and quality assurance processes support fully compliant application handling.

We recognise the council's significant investment in time, money and effort to improve its application handling. We assess Recommendation 17 as in progress. We encourage the council to finalise its efforts to full implementation.

TCC no longer provides information in hard copy as its default procedure and instead now gives access to information electronically, as requested.

We assess Recommendation 18 as fully implemented.

6. Privacy

Introduction

The *Information Privacy Act 2009* (Qld) gives individuals the right to access and amend their personal information held by government agencies. It also sets out how agencies must collect and handle personal information. Under the Act, agencies other than health agencies must comply with the 11 Information Privacy Principles (IPPs).³ They must also comply with provisions about transferring personal information outside Australia and using contracted service providers.

TCC did not sufficiently detail the type of personal information it held nor explain how it used it. The council used a generic collection notice for most of its forms with insufficient detail to understand why it was collecting the personal information. TCC's policies and procedures about camera surveillance did not always align with the *Information Privacy Act 2009*.

Figure 6A shows the implementation status of the six recommendations about privacy.

Figure 6A
Privacy

Recommendation		Status
19	<p>We recommend that TCC within six months updates its Information Privacy Policy and supporting resources so they:</p> <ul style="list-style-type: none">▪ are consistent with the privacy principles and obligations of the IP Act▪ list the type of personal information the council holds and the purpose for which it uses this personal information▪ direct individuals to detailed information about accessing or amending their personal information▪ explain privacy complaints, including how a person can complain to the OIC▪ include contact details for the person or business unit where persons can direct their privacy enquiries.	Fully implemented

³ Under section 31 of the *Information Privacy Act 2009*, health agencies must comply with the National Privacy Principles.

Recommendation		Status
20	We recommend that TCC within 12 months, amends its webpages and forms so their collection notices are consistent with the IP Act and the IPPs.	Fully implemented
21	<p>We recommend that TCC within six months updates its 'Management, Operation and Use of Closed Circuit Televisions Policy' and associated procedures to ensure they:</p> <ul style="list-style-type: none"> are consistent with the obligations of the IP Act clearly outline the responsibilities of business units or persons involved in operating the camera surveillance network, and accessing or approving the release of footage cover body worn cameras include a separate, robust procedure for extracting footage for the council's own use. 	Fully implemented
22	We recommend that TCC regularly reviews and updates the CCTV Camera Justification document on its website with the current number of cameras in use and the locations in which they operate.	Fully implemented
23	We recommend that TCC within six months, updates the Memorandum of Understanding: Commitment to a Safe Community to avoid a practice that exposes the agency to a potential breach of privacy.	Fully implemented
24	We recommend that TCC within three months, adopts the standardised Queensland Police Service request form included in our camera surveillance and privacy guideline.	Fully implemented

Source: Office of the Information Commissioner

Results and conclusions

Information privacy resources

The council reviewed and updated its Information Privacy Policy in May 2018 to address the issues raised in our original audit.

The new policy is reasonably consistent with the privacy principles and obligations of the *Information Privacy Act 2009*. It:

- lists the type of personal information the council holds and the purpose for which it uses this personal information

- directs individuals to detailed information about accessing or amending their personal information
- explains privacy complaints, including how a person can complain to the Office of the Information Commissioner.

The council could improve its policy by outlining whether and how it is transferring information overseas and binding contracted service providers to the privacy principles. TCC could also add information to cover all aspects of the legislation. For example, it could include volunteers and temporary workers in the scope, and consent as an issue in its discussion of limits on the use of personal information.

TCC agreed to publish contact details for privacy enquiries. These details are in an information privacy brochure to which the right to information webpage and the information privacy policy link.

The new policy substantially addresses the requirements of the recommendation.

We assess Recommendation 19 as fully implemented.

Collecting personal information

At the time of the original audit, the council used a generic collection notice that did not sufficiently explain why it collected the personal information, how it used it and whether it shared it with another entity.

TCC agreed to amend its webpages and forms to make the collection notices consistent with the *Information Privacy Act 2009* and the information privacy principles.

The new templates for collection notices explain collection, use and sharing of personal information. The council tailors the notice on its website and in its forms to describe the collection, use and sharing of information specific to each circumstance.

We assess Recommendation 20 as fully implemented.

Camera surveillance

Queensland government agencies collecting camera surveillance footage must manage their systems in line with the *Information Privacy Act 2009*.

As at June 2017, TCC operated 291 fixed surveillance cameras and 32 portable surveillance cameras. We found the council did not have legislatively compliant policies, procedures and forms about camera surveillance. It risked being non-compliant when dealing with, or sharing, camera surveillance footage. We made

four recommendations to improve the council's adoption of the privacy principles in operating the surveillance cameras.

The council has implemented a reasonable policy for management, operation and use of closed circuit televisions and recording devices. TCC's camera surveillance policy clearly outlines the responsibilities of business units or persons involved in operating the camera surveillance network, and accessing or approving the release of footage. It also covers body worn cameras.

We have identified minor improvement opportunities. In particular, TCC should review its definition of ephemera / public records, and reference the *Invasion of Privacy Act 1971* (Qld) in the policy regarding audio-recording devices.

The council has a procedure and standardised form for handling requests for footage from internal staff. The procedure has built-in security controls. For example, the requestor's manager must co-sign the request or the security officers will return the request unactioned. The requestor must explain the reason for the request.

We assess Recommendation 21 as fully implemented.

TCC agreed it would regularly review and update its CCTV Camera Justification document on its website with the current number of cameras in use and the locations in which they operate.

We found an up-to-date Camera Justification document on the website. The internal CCTV asset register does not include new cameras installed under projects managed elsewhere or under warranty until the information technology team is responsible for them. While this leads to a minor timing discrepancy between the two documents, it also demonstrates regular review of CCTV assets.

We assess Recommendation 22 as fully implemented.

TCC agreed to review the 'Memorandum of Understanding: Commitment to a Safe Community' that it has with the Queensland Police Service, particularly about consulting the other party under section 37 of the *Right to Information Act 2009* or section 56 of the *Information Privacy Act 2009*.

The new memorandum, executed by TCC in October 2018 and by the Queensland Police Service in November 2018, updates the relevant section. It no longer states that a party will advise the other party immediately if information provided under the memorandum becomes the subject of an application. The new memorandum states that each party 'must consider whether it is under an obligation to consult with the other party about that obligation'.

We assess Recommendation 23 as fully implemented.

The council required the Queensland Police Service to use a standardised form to request camera surveillance footage. This form did not allow for a good description of the reason for the request. This means TCC could not make an informed decision about releasing the requested footage. We recommended TCC adopts the standardised Queensland Police Service request form included in our guideline.

TCC now uses the request form from our guideline. This addresses all the legislative requirements for disclosure.

We assess Recommendation 24 as fully implemented.

7. Appendix – comments received

In accordance with our policies and procedures, we provided this report to Townsville City Council with a request for comment.



TOWNSVILLE CITY COUNCIL

Townsville

Date >> 12 November 2019

TOWNSVILLE CITY COUNCIL
ADMINISTRATION BUILDING
103 WALKER STREET

PO BOX 1268, TOWNSVILLE
QUEENSLAND 4810

TELEPHONE>>134810

enquiries@townsville.qld.gov.au
townsville.qld.gov.au

Office of the Information Commissioner

Attention: Rachael Rangihaeata

PO Box 1043

Adelaide Street

Brisbane Qld 4000

Dear Ms Rangihaeata,

**SUBJECT>> Officer of the Information Commissioner Follow-up of Report
No.2 of 2017/18**

Thank you for providing Townsville City Council with the preliminary Follow-up Report in relation to Report No. 2 of 2017-18 (Audit Report), and the opportunity to comment on this proposed report.

Townsville City Council welcomes and accepts the Information Commissioner's findings that Council is showing a serious commitment to right to information and privacy and that of the 24 recommendations previously made, Council has fully or technically implemented 21 recommendations, is in progress implementing one recommendation and has taken alternative action on two recommendations relating to the disclosure log.

I am also pleased to report that Townsville City Council continues to demonstrate its commitment to transparent, responsible and accessible disclosure of information to the community. Council intends reinstating the Disclosure Log in 2020 despite local governments having no legislative requirement to produce such a document.

Our new Townsville Dashboards and Open Data sites continue to improve their uptake throughout the community and additional datasets are routinely released onto the sites including a new Right to Information CCTV dataset. We also welcome the Information Commissioner's findings that Council has improved its practical strategies for community engagement about information needs.

Townsville City Council has also completed development of an updated and detailed procedural manual for the Right to Information and Information Privacy functions including updated templates, complete process mapping and step-by-step application handling guides to streamline our processes and improve case management. Council's commitment to best practice decision-making and training includes subscription to the Crown Law Decision Making Manual, the renewed



TOWNSVILLE CITY COUNCIL

Townsville

position description of the primary decision maker and the celebration of both the Information Privacy Week in May and the Right to Know day in September 2019.

Council has also revamped its staff training package in relation to right to information and privacy and delivered role-based training to more than 800 employees over the course of 2019.

Moving forward, all new Council employees will undertake induction training on the new package to increase awareness of right to information and privacy requirements throughout all levels of the organisation. Templates, decisions and procedures will be routinely monitored to ensure a robust quality assurance system is in place to support and continuously improve our internal decision-making processes in the areas of Right to Information and privacy.

Thank you again for the opportunity to comment on the report.

Yours sincerely

Mike Chiodo

Chief Executive Officer