



Office of the Information Commissioner
Queensland

Annual Report 2019-20

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Feedback

The Office of the Information Commissioner is committed to continual improvement and open and accountable governance. We hope you find our report informative and engaging, and we invite and welcome your feedback on this publication. Please provide any feedback or suggestions to feedback@oic.qld.gov.au or (07) 3234 7373.

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22 September 2020

The Honourable Curtis Pitt MP
Speaker of the Legislative Assembly
Parliament House
George Street
Brisbane Qld 4000

Dear Mr Speaker

I am pleased to submit for presentation to the Parliament the Annual Report 2019-2020 and financial statements for the Office of the Information Commissioner.

The report contains an account of our work for the 12 months ending 30 June 2020 and is made pursuant to section 184 of the *Right to Information Act 2009* (Qld) and section 193 of the *Information Privacy Act 2009* (Qld).

It reflects our performance against our Strategic plan for 2019-23.

I certify that this Annual Report complies with:

- the prescribed requirements of the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2019*, and
- the detailed requirements set out in the *Annual report requirements for Queensland Government agencies*.

A checklist outlining the annual reporting requirements is provided at page 65 of this annual report.

Yours sincerely



Rachael Rangihaeata
Information Commissioner

ABOUT THIS REPORT

Our Annual Report provides an overview of performance towards achieving an informed Queensland that values and respects information rights and responsibilities.

We are required to report annually on specific aspects of our activities.

This Annual Report provides an:

- account of revenue and how we have used public funds
- insight into challenges and opportunities that have influenced our actions, as well as setting priorities for the year ahead; and
- assessment of achievement in meeting corporate and operational plans as measured against a range of performance indicators.

This Annual Report is an important component of how we monitor our performance, which feeds into organisational planning and resource allocation.

Acknowledgement of Traditional Owners and Elders

The Office of the Information Commissioner acknowledges Aboriginal and Torres Strait Islander peoples as the First Australians and recognises their culture, history, diversity and their deep connection to the land, waters and seas of Queensland and the Torres Strait. We acknowledge the traditional custodians of the lands on which we operate and wish to pay our respects to their Elders past and present.

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MESSAGE FROM THE INFORMATION COMMISSIONER

A review of our performance over the past year would not be complete without discussing the impact of the COVID-19 pandemic on our work. I am pleased to report we have maintained our services to the community and government agencies despite the disruption from the pandemic and a persistent trend of increased demand.

We have achieved strong results in the face of challenges ranging from delayed responses from participants across our external review, privacy complaint and audit services, to increasing unreasonable behaviour. We also rapidly adapted our processes, and training and engagement activities, to a virtual environment to enable a prompt move to remote working to protect our staff and stakeholders. Our remote working arrangements were facilitated by the recent transition to a new IT service provider and enhanced IT environment in 2019-20.

Year on year climbing demand remains a significant challenge within existing resources. Exceptional teamwork, focus and innovation has helped us deliver our services even with the added difficulty of the pandemic.

This year, we responded to a record number of enquiries through our Enquiry Service, with 5,684 questions and requests for assistance. Most enquiries related to access to, or amendment of, documents under the RTI and IP Acts (63 percent).

We also dealt with a record number of external review applications (787). While the applications were complex and there were issues outside our control, we finalised a record high 692 review applications.

We received a high level of privacy complaints consistent with 2018-19. The privacy complaints we receive are becoming increasingly complex, with human error a

significant cause of breaches. This trend reflects the higher level of awareness of privacy rights within Australia and throughout the world.

Privacy Awareness Week (PAW) 2020 shifted online because of the COVID-19 restrictions. We were honoured to have the Australian Information Commissioner and Privacy Commissioner and Australian eSafety Commissioner speak in our online PAW launch about the importance of working together to meet the challenges of privacy within a rapidly changing online environment.

We have worked closely with our international and national information access and privacy networks to maximise our effectiveness and efficiency this year. I am proud of our involvement in these networks, including the COVID-19 privacy working group led by the Office of the Australian Information Commissioner. The working group helped achieve good privacy and data security outcomes in the development of Australia's COVIDSafe App and associated legislation. We will continue to work closely with our colleagues across jurisdictions to maximise information access and privacy outcomes in the year ahead.

Our Australian and New Zealand Information Access Commissioner colleagues joined us to mark the end of our 10th anniversary celebrations for the RTI and IP Acts with the 2019 Solomon Lecture presented by Fiona McLeod SC.

The lecture discussed transparency, openness and accountability in the context of increasing adoption of technologies such as artificial intelligence in government functions and decision-making.

The connection between misuse of information and the protection of personal information has never been clearer as highlighted in the Crime and Corruption Commission's *Operation Impala* report. The report considered improper access to and disclosure of personal information and set out 18 recommendations such as access control mechanisms, privacy training and agency Privacy champions, several of which we started implementing this year. The report also recommended legislative reforms for a contemporary privacy legislative framework including mandatory data breach notifications, consistent with the 2017 review of the RTI and IP Acts. We expect demand for our services to increase in the coming year and are updating our resources to better support public sector agencies and the community.

We presented three compliance audit reports about local governments to Parliament this year. The sector had consistently reported lower levels of compliance as outlined in our *10 Years On* report. We found areas for improvement across all audits. The pandemic delayed the tabling of two reports. *Privacy and Public Data: Managing Risks of De-identification* was tabled in Parliament in July 2020 and *Disclosure Logs: Queensland Government departments* in August 2020.

Our engagement, training and communication efforts play a critical role in raising awareness about information access and privacy and improving practices. We delivered a range of general and specific training programs, webinars and e-lectures to build capability across the sector. These were well received by

our stakeholders. We also conducted face-to-face and online training and awareness activities targeted at leaders, decision-makers and staff of councils and hospital and health services throughout Queensland.

Overall, the achievements of my office would not have been possible without the tireless effort of our OIC team. I thank them for their work to help ensure stronger information access and privacy rights. Their commitment to delivering services and outcomes for Queensland was evident while professionally managing the challenges of working remotely and transitioning to a COVIDsafe workplace. We will take our experience and renewed strategic direction for 2020-24 forward to deal with future challenges and opportunities, including recommended contemporary legislative change.

Finally, my appreciation to all our integrity colleagues throughout Australia, New Zealand and further afield, as well as stakeholders for their strong partnership and support.

The year ahead will be challenging in many respects, but together, we will continue to build trust through transparency and contribute to Queensland's response and recovery through better access to information and privacy safeguards for all.



Rachael Rangihaeata
Information Commissioner

OUR PERFORMANCE

We measure the efficiency and effectiveness of our services against key performance targets and indicators.

We seek to meet these targets with available resources. The targets enable the Queensland community and the Parliament to assess our performance.

Figure 1. Our performance

Service standard	2019-20 target	Achievement	Result
Our external review service			
Provide independent, timely and fair review of decisions made under the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i>			
Percentage of applicants satisfied with the conduct of the review	70%	67%	X
Percentage of agencies satisfied with the review service provided	75%	95%	✓
Median days to finalise a review	90 days	126 days	X
Percentage of open reviews at the end of reporting period over 12 months old	0%	0.3%	X
Percentage of external reviews resolved informally without a written decision, compared to the total number of finalised reviews	75%	87%	✓
Percentage of review applications finalised to received	100%	88%	X
Our privacy advice and complaint mediation service			
Provide an independent, timely and fair privacy complaint mediation service			
Percentage of agencies satisfied with the privacy complaint mediation service provided	75%	100%	✓
Mean average days to finalise an accepted privacy complaint	140 days	185 days	X
Assist agencies to achieve compliance with the privacy principles and improve practices			
Number of consultations and submissions	n/a	25	--
Number of advices and meetings	n/a	426	--

Service standard	2019-20 target	Achievement	Result
Our assistance and monitoring service			
Improve agencies' practices in right to information and information privacy			
Percentage of agencies satisfied with the quality of the information resources provided	80%	99%	✓
Percentage of agencies satisfied with the enquiries service	80%	100%	✓
Number of training participants	4,000	12,997	✓
Percentage of training participants satisfied with sessions	75%	98%	✓
Number of reports tabled in Parliament	5	3	X
Promote greater awareness of right to information and information privacy in the community and within government			
Number of awareness activities conducted	250	353	✓
Number of responses to written and oral enquiries	4,500	5,684	✓
Number of website visits	150,000	283,715	✓

ABOUT US

We are an independent statutory body for the *Financial Accountability Act 2009* (Qld) and the *Statutory Bodies Financial Arrangements Act 1982* (Qld).

Initially established under the repealed *Freedom of Information Act 1992* (Qld) (FOI Act), we continued under the *Right to Information Act 2009* (Qld) (RTI Act). Our statutory functions under the RTI Act and the *Information Privacy Act 2009* (Qld) (IP Act) support Queensland government agencies, including departments, statutory authorities, local governments, public universities and hospital and health services, to be more open, accountable and transparent.

Under the RTI and IP Acts, government-held information must be released, as a matter of course, unless on balance, disclosure is contrary to the public interest. Access applications made under the legislation should be a last resort.

The IP Act also recognises the importance of protecting the personal information of individuals. It creates a right for individuals to access and amend their own personal information and sets rules for how agencies must handle personal information.

Information privacy requirements foster responsible and fair management of personal information. They assist government agencies to meet changing community expectations about privacy.

We promote the objectives of the RTI and IP Acts. Greater access to information leads to an informed community, able to participate in and scrutinise government. RTI and information privacy obligations promote a more effective, efficient, ethical, open, transparent and accountable public service.

Under the RTI and IP Acts, the Information Commissioner, Right to Information Commissioner and Privacy Commissioner are statutory office holders appointed by the Governor-in-Council. They are not subject to

ministerial direction in the exercise of their functions under the Acts.

The independent authority of the commissioners means the community can be confident that they carry out their roles independently, fairly, and impartially.

Our stakeholders

Our stakeholders include the Legal Affairs and Community Safety Committee of the Queensland Parliament, the community and agencies such as Queensland Government departments and Ministers, local governments, hospital and health services, statutory authorities, government-owned corporations, public universities and other public authorities. We also liaise extensively with our peers from other jurisdictions both in Australia and internationally.

OUR VALUES

Respectful

We listen carefully to build understanding, find solutions and enable fair and transparent participation. We are inclusive in our approach and value our staff and stakeholders.

Collaborative

We value diversity and work together as one team to achieve better outcomes. We network and share with our peers, colleagues and academia to maximise our expertise and resources.

Focused

We strive for excellence in service delivery and work to produce high quality and timely outcomes. We prioritise activities that have the greatest impact.

Innovative

We stay informed about our changing environment so we can effectively foster continuous improvement incorporating creative solutions for us and our stakeholders.

OUR STRATEGY

We have set strategies with key performance indicators to achieve the objectives for our service areas over the five-year period.

Strategic planning

Strategic planning involves consulting and engaging with our staff. Our Strategic Plan gives direction and focus to our activities, and to teams and individuals as they proceed with specific projects and day-to-day work. Each Executive management team member is responsible for specific strategies to guide activity, monitor progress against targets and report achievements against service objectives. The Executive management team meets regularly to discuss budget, performance, office culture/climate and other general business. Where necessary, the team makes changes to meet performance targets.

This year, we developed our 2020-2024 Strategic Plan with the active involvement of our staff. Our newly developed purpose, ‘Building trust through transparency’ underpins four strategic pillars:

- Governance and sustainability
- From regulator to enabler
- Adaptable and agile culture
- Maximising effectiveness

This plan, together with our new purpose and strategic pillars will guide our decision-making and ensure that we remain focused and agile in a changing environment. Our Strategic Plan is available at:
www.oic.qld.gov.au

Improving our services

Evaluation

Evaluation helps us understand what worked or did not work within a particular activity, the results achieved and the wider applicability of those lessons. We use evaluation to share insights and knowledge.

Stakeholder engagement

We engage effectively with stakeholders to tap into their expertise, experience and knowledge. It helps us to identify risks and new opportunities and shape our future initiatives and services.

Feedback

We seek actionable feedback to better understand how clients rate and use our services to determine where we can improve. We use the information gathered through satisfaction surveys to enhance services and client experiences, and to strengthen our brand and reputation.

OUR CHALLENGES, RISKS AND PRIORITIES

Throughout the year, we delivered our statutory functions by engaging with stakeholders, educating, training and supporting agencies and the community. We reviewed our extensive online resources including guidelines, training, self-audit tools and annotated legislation to ensure they were clear, concise, accurate and accessible. We also raised awareness and trained our staff about new human rights obligations. We updated our resources to ensure they align with Queensland's new *Human Rights Act 2019*.

In March, we commenced implementing the recommendations of the Crime and Corruption Commission Queensland's *Operation Impala* report. This work is part of our continued efforts towards building trust and a more transparent and accountable government with appropriate safeguards for authorised use of personal information. It will continue to guide the improvement of our governance framework, ICT systems and other policies in 2020-21.

During the first half of 2019-20, we conducted several face-to-face engagement activities to raise awareness of our role and services. Following the COVID-19 pandemic restrictions, we shifted to an online environment within a short timeframe.

This means there was minimal disruption to our services. Our stakeholders continued receiving advice and support from our officers. For example, Privacy Awareness Week (PAW) 2020 was delivered in a virtual format. The event featured webinars, a social media advertising campaign and a video launch with

Queensland Privacy Commissioner, Phil Green, Australian Information Commissioner and Privacy Commissioner, Angelene Falk, and eSafety Commissioner, Julie Inman Grant. We received positive feedback on the format of PAW 2020, while meeting our goal of ensuring widespread reach across Queensland and Australia.

As we continue to deal with more external review applications and enquiries, we observed that the applications are becoming more complex. We must manage our resources carefully to meet our performance measures in Queensland's Service Delivery Statement.

Our culture is shaped by our values and behaviours. Throughout the year, we worked closely with our staff to build resilience, improve leadership capability and sharpen our approach to collaboration and innovation. In spite of their heavy workload, staff actively participated in building our new four year strategic plan which will help us to better manage emerging challenges, risks and opportunities.

Implementing recommendations from the Independent Strategic Review

We have implemented all the recommendations from the Independent Strategic Review tabled in Parliament in May 2017, except those recommendations that require legislative amendments to the RTI and IP Acts, or further funding. We will continue to work with the Government to seek support to address these recommendations as appropriate.

2020-21 in focus

As we continue to adapt to the changing environment of the COVID-19 pandemic, we will review our services to ensure they are accessible to all. Resources may be diverted from usual work on information access rights. This will help to ensure fair and timely review and complaints processes and prioritise specific matters. We are also adapting our audit work program for 2020-21 to accommodate agencies' reduced capacity to engage in audit processes.

Our focus in 2020-21 is to:

- encourage and support proactive release of government-held information and privacy by design
- influence and uphold privacy and information access rights frameworks
- implement relevant recommendations of the Crime and Corruption Commission's report, *Operation Impala: Report on misuse of confidential information in the Queensland public sector*
- refresh training programs and improve communication and engagement with communities and agencies throughout Queensland
- work with agency experts to ensure information management practices keep pace with the rapidly evolving technology environment including electronic service delivery and artificial intelligence
- conduct a balanced program of audits, including follow up on implementing our recommendations, and topical right to information and information privacy issues
- investigate new strategies to manage increasing demand such as digitised business practices and new technology
- develop the leadership and technological abilities of our workforce, improve staff engagement and strengthen governance and information management practices

Managing our challenges and risks in 2020-21

Continued high demand for our services and more complex matters will significantly affect our ability to meet several performance measures and impact our limited resources. To manage this, we will promote greater adoption of proactive disclosure consistent with the push model of RTI, and less reliance on formal access applications. We will also encourage agencies to embed good personal information management practices.

We will keep abreast of rapidly advancing technologies, information sharing and new information management requirements to manage online engagement and data handling risks.

To do this, we will work with public sector leaders to promote an open and transparent approach to information access and decision making and privacy.

Although the timing is uncertain and the environment fiscally challenging, we may have to finalise and implement the Operation Impala report, the review of RTI and IP Acts and key policy and other developments in 2020-21.