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Dear Mr Matthew Rose

**Submission - The future of ICT in the Queensland Government 2013-17**

The Office of the Information Commissioner (OIC) has a statutory role through the *Right to Information Act 2009* (RTI Act) and the *Information Privacy Act 2009* (IP Act). In part, OIC reinforces the twin complimentary concepts that government information is a public asset whose availability should be maximised and that government is a responsible custodian of the community's personal information. The ICT Strategy principles set out in the discussion paper are very general but appear consistent with such concepts.

OIC supports strategies that improve the community's access to both government services and its information assets and more efficient interaction with the community in the digital environment. Ongoing work with the Department of Premier and Cabinet on the open data initiative, consistent advocating of a responsible take-up of cloud services and advice debunking the myth that privacy prevents government information sharing are just some of OIC's recent involvement in these areas. With reference to OIC's role and previous experience the following points are offered for consideration with respect to the future of information and communication technology in the Queensland Government 2013-17.

**Accessing government-held data**

Open data

The Queensland Government's open data scheme and the pro-disclosure tenor of the access provisions in the RTI and IP Acts are vital mechanisms through which government engages and communicates with the community and the private sector. The privacy principles in the IP Act are, at their most basic, a concomitant dialogue between the government, community and private sector on how government delivers its services.

The private sector not only provides information to government but is also a consumer of government held data. Currently there are still many areas within government that provide access to government held data on the basis of individual requests and cost-recovery, including in accordance with legislative access schemes with prescribed fees and processes. There is considerable red-tape associated with administering individual requests for data such as managing individual charges and licensing of data use.

In principle, information provided to government should be able to be made available, subject to specific access limitations in the RTI Act. Access to data provided through regulatory frameworks is potentially valuable to government, the private sector and the community.

In the paper *Transparency and Productivity*<sup>1</sup> Professor Houghton and Dr Gruen demonstrate this through economic modelling the benefits of moving to automated data access systems. For example, in the first six months of operation, the Victorian Water Resources Data Warehouse achieved a decrease in implied costs per download from \$750.00 to \$1.45 within six months of automating data request processing. At the same time the rate of data downloads increased from 400 requests per annum to over 60,000.<sup>2</sup>

In OIC's 2011 performance monitoring review report of the Queensland Police Service compliance with the RTI Act and the IP Act<sup>3</sup>, it was recommended that information including datasets such as crime statistics should be made available in a format that is accessible, machine readable and reusable. Further, in OIC's 2012 review report of the Department of Transport and Main Roads' compliance with the RTI Act and the IP Act<sup>4</sup> it was outlined that maximum disclosure of information involves not just a consideration of the types of data held by an agency that could be published, but also how to make the data accessible and useful. In order to achieve maximum accessibility and utility, agencies need to consider factors which promote linked open data. In both reviews stakeholders consultation demonstrated a strong interest in access to government data, including to develop applications for community use.

#### Open licensing requirements

One of the key requirements for obtaining the benefits of open data is appropriate licensing. Queensland government has already adopted creative commons licensing which would be suitable for data released under this scheme.<sup>5</sup> Information must be capable of being freely used, manipulated and profited from, all of which are supported by creative commons licensing.

The Australian Bureau of Statistics estimated savings of \$1 million per annum in handling, enquiry and transaction costs circa 2005-06 as a result of making publications and data free online and adopting creative commons licensing. Data users were estimated to have saved around \$300,000 per annum in transaction costs in addition to the \$4.7 million saved from not paying access and licensing costs.<sup>6</sup>

### **Privacy**

#### Protecting personal information

Not all government information is suitable for release. Personal information specifically is likely to be limited by the IP Act, particularly section 33 (overseas transfer) and Information Privacy Principle 11/National Privacy Principle 2. Generally, the kinds of benefits which have been outlined in relation to the open data scheme are unlikely to flow from the widespread release of personal information. Datasets, geospatial data and statistics of non-personal information are more likely to have the positive effects intended by the initiative. For that reason the open data scheme includes limitations on publication of data, including privacy considerations.

Information privacy considerations also need to be built into agency operations, including strategic procurement and tendering, building ICT systems, and designing

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<sup>1</sup> John Houghton and Nicholas Gruen (2012) *Transparency and Productivity: the effects of open and transparent Public Sector Information management practices on costs and productivity* available at:

[http://www.anzsoq.edu.au/media/upload/publication/94\\_2-Houghton-and-Gruen-Transparency-and-Productivity.pdf](http://www.anzsoq.edu.au/media/upload/publication/94_2-Houghton-and-Gruen-Transparency-and-Productivity.pdf)

<sup>2</sup> Houghton and Gruen at page 29.

<sup>3</sup> [http://www.oic.qld.gov.au/data/assets/pdf\\_file/0007/7792/report-qps-2011-review-report.pdf](http://www.oic.qld.gov.au/data/assets/pdf_file/0007/7792/report-qps-2011-review-report.pdf)

<sup>4</sup> [http://www.oic.qld.gov.au/data/assets/pdf\\_file/0007/7657/Compliance-Review-Department-of-Transport-and-Main-Roads.pdf](http://www.oic.qld.gov.au/data/assets/pdf_file/0007/7657/Compliance-Review-Department-of-Transport-and-Main-Roads.pdf)

<sup>5</sup> <http://www.qgcio.qld.gov.au/SiteCollectionDocuments/Architecture%20and%20Standards/QGEA%202.0/GILF%20Guideline.pdf>

<sup>6</sup> Houghton and Gruen at page viii.

procedures and forms. In this way, personal information will be managed appropriately as a matter of course during everyday business, rather than requiring remedial efforts to be applied after a system has been built.

#### Cloud based technologies

The privacy principles in the IP Act provide a judicious mixture of permission and protection when the Queensland community's personal information is transferred to an overseas-based cloud services vendor. The relevant privacy principle – section 33 – was presciently drafted to readily apply to offshore cloud services. The privacy principles emphasises on security, integrity and availability of personal information are issues that go to the heart of any cloud services contract.

The privacy principles also provide a strong measure of protection for government in its outsourcing arrangements. If, as part of the service agreement, the contractor accepts being bound by the privacy principles in terms of the personal information it accesses from government, the contracting agency is able to pass on the liability for any privacy breaches to the contractor. The contractors' adoption gives the added benefit of community members retaining the right currently enjoyed only through their dealings with government – the right to access their own personal information.

#### **Conclusion**

OIC recognises the need for change presented in the discussion paper - greater cooperation between government agencies, consolidation of points of contact and entry and the increasing partnership between government and the private sector. OIC is strongly supportive of the potential of new technologies and new ways of doing business to deliver improved services, accountability and protection of individuals' personal information. In particular, OIC supports open data and other initiatives and strategies that maximise disclosure of government-held information to the community, promote transparency and open government, and provide appropriate protections for the community's personal information.

However OIC notes that with increased outsourcing, consideration will need to be given to how the Government can ensure transparency and accountability is not diminished where private IT providers will hold government information. All contracts with such providers should ensure that the government information that is held by them is accessible to the community in a similar manner to that currently available under RTI and IP legislation and is treated as a public record for the purposes of record keeping.

OIC remains available to provide assistance in these areas and looks forward to working with both government agencies, private sector and the community to deliver the government's vision.

If you would like to discuss any aspect of this submission please contact Steve Haigh on 07 3405 1111 or [administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au)

Clare Smith

**Acting Information Commissioner**