

## EXTERNAL REVIEW

*Provide independent, timely and fair reviews of decisions made under the RTI Act and IP Act.*

### Our strategies

- Resolve applications using flexible approaches
- Ensure quality resolution and decision-making services by maintaining comprehensive case and knowledge management systems
- Determine external review applications through formal written decisions

Figure 2. External review service standards

| Service standard   | Target         | Achievement |         |         |         |         |
|--|----------------|-------------|---------|---------|---------|---------|
|  |                | 2015-16     | 2016-17 | 2017-18 | 2018-19 | 2019-20 |
| Percentage of external review applications finalised to received   | <b>100%</b>    | 112%*       | 80%     | 95%     | 96%     | 88%     |
| Percentage of applicants satisfied with the conduct of the review  | <b>70%</b>     | 72%         | 73%     | 66%     | 56%     | 67%**   |
| Percentage of agencies satisfied with the review service provided  | <b>75%</b>     | 91%         | 92%     | 94%     | 98%     | 95%     |
| Median days to finalise a review   | <b>90 days</b> | 98          | 86      | 102     | 119     | 126     |
| Percentage of open reviews at end of reporting period over 12 months old   | <b>0%</b>      | 6%          | 0%      | 0%      | 0.1%    | 0.3%*** |
| Percentage of external reviews resolved informally without a written decision, compared to the total number of finalised reviews | <b>75%</b>     | 88%         | 88%     | 87%     | 92%     | 87%     |

\* More applications were finalised than received during the reporting period due to carry-over from the previous period.

\*\* 14 of the 46 surveys returned in total for 2019-20, from the 692 matters closed, expressed dissatisfaction.

\*\*\* One external review out of 358 matters on hand as at 30 June 2020.

In 2019-20 we received 787 applications for external review of agency decisions about access to and amendment of information under the RTI and IP Acts, another record high. We continued to afford procedural fairness to all review participants and maintain a strong completion rate while accommodating the COVID-19 shutdown. These record numbers in 2019-20 were driven by an increase in:

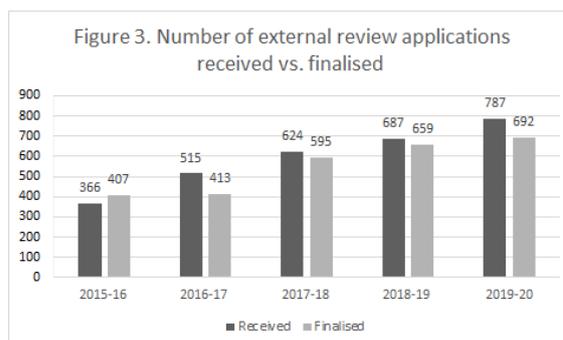
- applications about departments' decisions
- applications from elected officials
- agencies not meeting statutory timeframes for the making of decisions
- third party objections to agency decisions to disclose information.

Survey responses are carefully considered to check if our processes need refining.

Responses received indicate that applicants often conflate issues of process and service with the outcome of the review itself, that is the decision about access to or amendment of information sought by an applicant.

While we have been unable to finalise the target of 100 percent of 787 applications received within the reporting period, finalising a record 692 review applications (88 percent), is a strong performance in a most challenging environment.

We had 358 external reviews on hand as at 30 June 2020 to take into 2020-21, a significant number and result of successive years of record demand.



### Timely resolution

Despite receiving more applications, the percentage of applications finalised within nine, six and three months indicates our workflow has remained largely consistent with previous reporting periods. Significant and increasing demand year on year has however led to a very high number of applications on hand despite record closures in the past four years. This volume, together with complexity and delay beyond our control<sup>1</sup>, impacts on our timeliness and satisfaction service standards, resulting in four standards not being met in 2019-20:

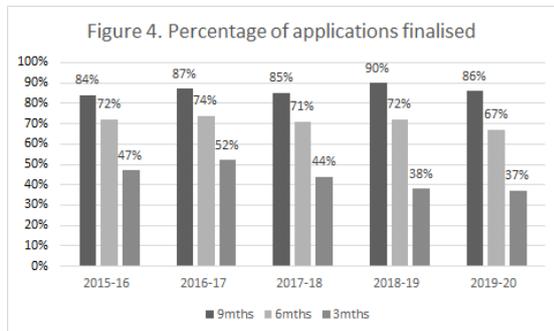
- Median days to finalise a review (125 – target 90)
- Reviews older than 12 months at the end of the reporting period (one review – target zero)
- Applicant satisfaction with the review process (67 percent – target 70 percent)
- Percentage of external review applications finalised to received (88 percent – target 100 percent)

The previous three financial years' data shows considerable variation in the median, however the mean average days to finalise an external review was relatively consistent at approximately 134 days.

<sup>1</sup> Delay beyond our control results from factors including high volumes of documents, unreasonable behaviour of applicants, insufficient agency searches for documents, participants

unwilling to explore informal resolution and agency delay, including due to COVID-19 factors.

Substantial agency delay in the provision of submissions hinders our ability to finalise reviews as was the case in the one review older than 12 months at 30 June 2020. Our average days to finalise an external review increased in 2019-20 to 143 days. We finalised 67 percent of review applications within six months in 2019-20.



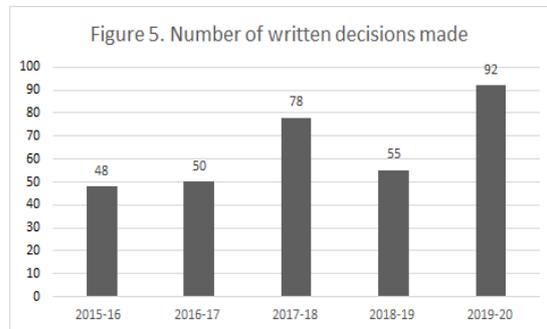
We continue to deliver an important front-line service to the community. Innovative strategies meant we minimised loss of productivity throughout the COVID-19 shutdown. We quickly digitised our external review service work environment. This enabled the service to continue seamlessly and staff to work remotely as necessary.

Timely access to information is important for applicants and agencies. More broadly, it promotes transparency and accountability of government, including participation in decision-making, consistent with the objectives of the RTI Act. For these reasons, our systems focus on and maximise opportunities for early and informal resolution. The RTI and IP Acts require we foster early settlement and explore informal resolution of matters.

### Written decisions

The Information Commissioner must publish written decisions. All decisions are available on our website at: [www.oic.qld.gov.au/decisions](http://www.oic.qld.gov.au/decisions)

We made 92 formal written decisions in the reporting period. Despite the high number of decisions made in 2019-20, we finalised 87 percent of external review applications informally, continuing to exceed the target (75 percent).



While actively progressing all matters on hand, we have also considered applications from non-profit organisations for financial hardship status and agencies for vexatious applicant declarations. We have also undertaken Queensland Civil and Administrative Tribunal (QCAT) appeal work.

### Appeals

An external review participant has a right to appeal to QCAT against a decision of the Information Commissioner on a question of law.

As a quasi-judicial body, our role on appeal is generally limited to assisting the Tribunal as to process. The agency who made the original decision on access to or amendment of information is the proper contradictor in appeal proceedings. Ten appeals were lodged in 2019-20, compared to 12 in the previous year.

### Judicial review of decisions

The Queensland Supreme Court under the *Judicial Review Act 1991* may judicially review written decisions of the Information Commissioner. One application for a statutory order of review about an external review was made to the Supreme Court during 2019-20 with the applicant withdrawing his application at court on the basis he no longer wished to proceed. The matter was dismissed by consent.

### **Applications for financial hardship status**

During 2019-20 the Information Commissioner received eight applications from non-profit organisations for financial hardship status under section 67 of the RTI Act and five were granted.

We publish all decisions to grant organisations financial hardship status on our website. The decision that a non-profit organisation has financial hardship status has effect for one year from the date of the decision. It means government agencies must waive the processing or access charge unless there are substantial improvements in the organisation's financial circumstances.

### **Applications and decisions to declare a person vexatious**

During 2019-20, agencies made three applications to the Information Commissioner to declare an applicant vexatious under the RTI Act or IP Act. One was granted, one refused and the third remains under consideration. We publish decisions about applications to declare a person a vexatious applicant, including declarations and the supporting reasons on our website.

### **Improving our service**

At weekly External Review leadership meetings and again at monthly file meetings with the Right to Information Commissioner applications, not subject to any conflict of interest issues, are reviewed and discussed to ensure they are being progressed as effectively as possible and that decision-making is consistent with precedent.

Upon closure, we examine every external review to capture relevant information and update our internal knowledge management and annotated legislation systems. We continue to provide monthly case summaries to the practitioner network providing deidentified case studies on informal resolution.

The *Human Rights Act 2019* (Qld) and particularly the right to seek and receive information under section 21 of that Act has been considered in all relevant reviews since 1 January 2020 when the Act commenced. The positive right in the *Human Rights Act 2019* (Qld) is compatible with the principles of the RTI Act.

In 2019-20 we continued to note increasing unreasonable behaviour from applicants. We co-delivered *Managing High Conflict Behaviour* training with Professor Bill Eddy of the San Diego based High Conflict Institute in October 2019. Our staff, RTI practitioners and peer staff from other Queensland based integrity bodies such as the Office of the Queensland Ombudsman and the Crime and Corruption Commission attended this two-day training.

## PRIVACY ADVICE AND COMPLAINT MEDIATION

*Assist agencies to achieve compliance with the privacy principles and improve practices.*

### Our strategies

- Promote privacy by design and Privacy Impact Assessment, including training, guidance and tools
- Provide independent expert advice and assistance to agencies
- Promote agencies' early engagement of our privacy services
- Determine whether it is in the public interest to approve waiver applications through formal written decisions
- Issue compliance notices when justified to ensure compliance with the privacy principles

*Provide an independent, timely and fair privacy complaint mediation service*

### Our strategies

- Promote within agencies a culture that recognises the benefit of early resolution of privacy complaints through mediation before formal QCAT proceedings
- Engage with complainants to explain the process, our role and manage expectations

Figure 6. Privacy advice and complaint mediation service standards

| Service standard   | Target   | Achievement |          |          |          |          |
|--|----------|-------------|----------|----------|----------|----------|
|  |          | 2015-16     | 2016-17  | 2017-18  | 2018-19  | 2019-20  |
| Percentage of agencies satisfied with the privacy complaint mediation service provided | 75%      | 100%        | 100%     | 88%      | 100%     | 100%     |
| Mean average days to finalise an accepted privacy complaint                            | 140 days | 83 days     | 146 days | 157 days | 157 days | 185 days |
| Number of consultations and submissions#   | n/a      | n/a         | n/a      | n/a      | 33       | 25       |
| Number of advices and meetings*  | n/a      | n/a         | n/a      | n/a      | 326      | 412      |

#This service standard changed in 2018-19 financial year. The previous service standard was "Number of advices, consultations and submissions".

\*This service standard changed in 2018-19 financial year. The previous service standard was "Participation in meetings, regional visits and information sessions".

Under the IP Act individuals have the right to seek access to, and amend their own personal information. The Act sets rules for how Queensland public sector agencies must handle personal information.

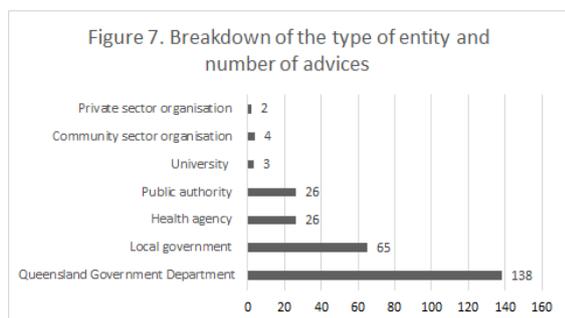
To assist agencies to comply with these rules (the privacy principles), we:

- provide expert privacy advice and assistance
- consider applications for approval to waive or modify privacy principle obligations in the public interest
- issue compliance notices.

### Agency advice and assistance

We give agencies verbal and written advice on privacy issues and their projects and programs. We actively participate in working groups and specialist committees. Sometimes we advise other sectors, for example, where they provide services to government agencies and need to comply with the privacy principles.

In 2019-20 we advised government agencies, private sector organisations and the community sector 264 times. A range of agencies sought advice on initiatives that collect, use, share or disclose personal information, such as video footage and health records. Figure 7 breaks down the type of entity and number of advices.



We participated in 148 meetings on various privacy related matters including regional visits and information sessions.

We assess Bills for potential impact on privacy rights. If appropriate, we make submissions to Parliamentary Committees on these issues and appear before committees when requested.

In 2019-20 we made 12 formal submissions to parliamentary inquiries, commissions and to Queensland and the Australian Government. They included:

- submission to the Transport and Public Works Committee on the Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020. We focused on privacy aspects of introducing the Camera Detected Offences Program and the Digital Licence App
- submission to the Queensland Sentencing Advisory Council about penalties for assaults on police and other frontline emergency service workers, corrective services officers and other public officers
- submission to the Legal Affairs and Community Safety Committee about the Youth Justice and Other Legislation Amendment Bill 2019. We focused on amendments about a new information sharing framework, the use of body worn cameras and audio recordings through CCTV technology in youth detention centres
- response to the Crime and Corruption Commission issues paper on *Operation Impala: An examination of corruption and corruption risks in relation to the improper access to and disclosure of confidential information in the public sector*, detailing our experiences and performing our statutory functions under the RTI Act and IP Act
- response to the Department of Prime Minister and Cabinet on its Data Sharing and Release Legislative Reforms Discussion Paper
- response to the Privacy and Responsible Information Sharing Discussion Paper for the Western Australian Public Sector providing in-principle support for overarching privacy legislation in WA.

A range of agencies consulted us on the privacy aspects of initiatives involving the collection, use and disclosure of personal information, and schemes involving the sharing of personal information, such as video footage and health records.

### Points of interest

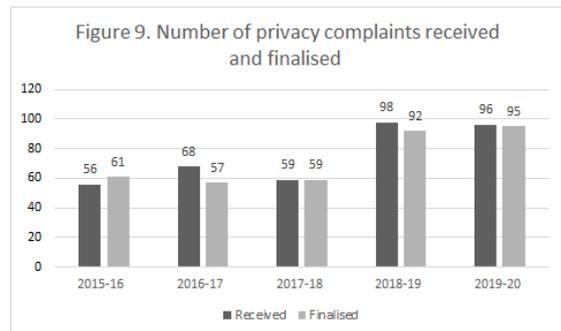
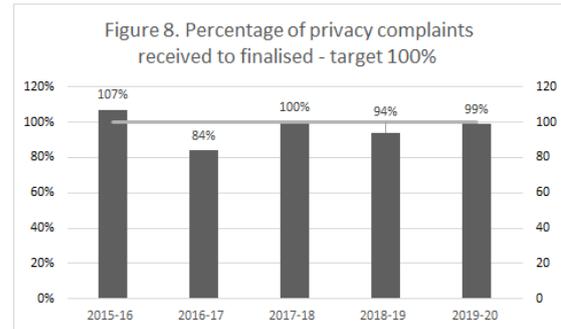
We continued to monitor international, national and local issues and trends in relation to privacy. The Privacy Commissioner and the Information Commissioner participated in the 53rd meeting of the Asia Pacific Privacy Authorities by videoconference in June 2020. This forum provided insights into data protection and privacy organisations across the region and explored challenges to privacy regulation and data sharing in a pandemic.

We also participated in meetings of all Australian Privacy Authorities in November 2019 and June 2020 discussing trends in mandatory data breach reporting, developments in facial recognition technology and data re-identification. We worked with the National Privacy COVID-19 taskforce on issues such as information sharing and privacy aspects of the Commonwealth COVIDSafe app legislation.

### Privacy complaint resolution

An individual who believes an agency has not followed the privacy principles when dealing with their personal information may complain to the agency. If, after 45 business days, they are not satisfied with the agency's response, they may bring their complaint to us. We conduct preliminary enquiries to determine if we can deal with the complaint under the IP Act. If so, our role is to mediate the complaint. If mediation does not resolve the complaint, the individual may request we refer it to QCAT.

In 2019-20 we received 96 privacy complaints and finalised 95. These figures are consistent with the record high received in the previous financial year.



In 2019-20 we closed nine accepted privacy complaints with four being resolved through mediation. Twenty-one complaints remain open. One of these open complaints is older than 12 months because of an 18-month delay where the complainant sought an order for review in the Supreme Court about aspects of our decision to not accept part of the complaint. The Supreme Court upheld our decision in December 2019 and mediation discussions resumed.

The Information Commissioner may decline to deal with a privacy complaint and/or decide not to accept a privacy complaint when:

- they are not authorised to deal with the privacy complaint. For example, the entity complained about is a Commonwealth Government agency
- the complaint does not meet the requirements. For example, the complainant has not first complained to the relevant entity and given it appropriate time to respond.

The Information Commissioner may decline to deal with or to further deal with a privacy complaint in other circumstances including where:

- it is more than 12 months since the complainant first became aware of the act or practice the subject of the complaint
- the complaint is ‘frivolous, vexatious, misconceived or lacking in substance’

Sometimes it is easy and quick to decide whether we should accept a complaint. But other cases are more difficult to work through and require additional information from the agency and the complainant. These factors are outside our control. Under the IP Act we have limited powers of compulsion and action of our own initiative.

Privacy complaints are becoming more complex. This increases the average time to make preliminary inquiries about a complaint and receive information from complainants and agencies.

It also affects the time to resolve and finalise accepted complaints. In 2019-20, the average time to finalise an accepted complaint was 185 days.

Ultimately, the time to finalise a privacy complaint depends on individual circumstances. Mediations can require protracted negotiations between the parties. They often involve postal correspondence, email and telephone discussions. It is not uncommon for delays to occur because one party is unavailable. Delays have increased since COVID-19.

We negotiated a mediated outcome in four matters in this reporting period.

We noted that complainants invariably seek financial compensation. Complaints are less likely to resolve when the amount sought is significant.

| Agency Type                 | Privacy Principle(s) involved   | Written agreement | Prepared by OIC | Certified | Nature of agreement   |
|-----------------------------|---|-------------------|-----------------|-----------|---|
| Department                  | IPP 11 Limits on disclosure   | No                | No              | N/A       | Change in policies, practices, minor financial compensation |
| Department                  | IPP 8 Checking of accuracy etc. of personal information before use by agency    | No                | No              | N/A       | Apology, notation on record, change in policies, practices  |
| Hospital and Health Service | NPP 2 Limits on use or disclosure of personal information<br>NPP 3 Data quality | No                | No              | N/A       | Change in policies, practices, minor financial compensation |
| Public Authority            | IPP 8 Checking of accuracy etc. of personal information before use by agency    | No                | No              | N/A       | Change in policies, practices                               |

## Referral to QCAT

If during mediation it does not appear reasonably likely that the complaint can be resolved, the Information Commissioner must give written notice to the complainant and the respondent agency that the complainant has the option to seek referral of their privacy complaint to the Queensland Civil and Administrative Tribunal (QCAT) for its determination and as appropriate, remedial orders.

If the complainant then asks, the Information Commissioner must refer the privacy complaint to QCAT. In 2019-20, we referred five complaints to QCAT consistent with the number of referrals in 2018-2019. We play a limited role in QCAT as we are not a party in privacy complaint proceedings.

The Queensland Supreme Court may judicially review written decisions of the Information Commissioner under the *Judicial Review Act 1991*. There was one application for judicial review in 2019-20 about a privacy complaint decision. In November 2019 a complainant lodged an application for a review about our decision to decline to accept their complaint in the Queensland District Court. In February 2020, the District Court instructed the complainant to lodge their application in the appropriate court – the Queensland Supreme Court. To date, we have not been advised whether the complainant followed the District Court’s instruction.

In December 2019 the Supreme Court dismissed an application for judicial review that was made by a complainant in May 2018.

## Waiver applications

An agency or bound contracted service provider can apply to the Information Commissioner for approval to not comply with the privacy principles or to comply in a different way.

We did not receive any applications for nor make any decisions about waivers or modifications of the privacy principles during 2019-20.

## Data breach notifications

Although agencies do not have to notify us and affected parties of privacy breaches, we recommend that they do as good practice. Under the *Privacy Act 1988* (Cth), private sector organisations and Commonwealth government agencies must notify certain data breaches. The public expect to be told that a privacy breach has occurred, particularly if they or their identity are at risk of harm. This helps affected individuals to manage risk and mitigate harm.

While Queensland does not have the equivalent scheme to the Commonwealth where data breaches must be notified to this Office, agencies increasingly tell us about their data breaches voluntarily, if only for seeking advice on how to manage the breach. This reflects increased agency awareness and public expectations. Most of the breaches involved limited, one-off incidents caused by human error.

In 2019-20 we received 41 voluntary notifications from agencies of privacy breaches, a slight increase from the previous year of 34 notified breaches.

## Improving our service

### Evaluation and engagement

We evaluate our privacy services and engage with stakeholders. In 2019-20, we participated in quarterly RTI and IP practitioner forums to present on issues under the RTI and IP Acts.

More information about our key partnerships and networks is available on page 24.

## ASSISTANCE AND MONITORING

*Promote greater awareness of right to information and information privacy in the community and within government. Improve agencies' practices in right to information and information privacy.*

### Our strategies

- Inform agencies and the community about information rights and responsibilities
- Provide information and assistance to the community and agencies through authoritative online resources and enquiry service advice
- Assist agencies to increase the flow of information to the community by encouraging information rich websites with clear pathways to access information
- Provide training, tools and practical resources
- Advise and influence key stakeholders on emerging trends and issues of significance
- Build key partnerships and networks
- Monitor, audit and report on agencies' information management and information privacy practices and on their compliance with the legislation
- Conduct privacy audits and provide recommendations on both specific and systemic matters

Figure 11. Assistance and monitoring service standards

| Service standard  | Target                | Achievement |         |         |         |         |
|---|-----------------------|-------------|---------|---------|---------|---------|
|   |                       | 2015-16     | 2016-17 | 2017-18 | 2018-19 | 2019-20 |
| Percentage of agencies satisfied with the enquiries service                             | 80%                   | 100%        | 100%    | 100%    | 99%     | 100%    |
| Percentage of agencies satisfied with the quality of the information resources provided | 80%                   | 100%        | 98%*    | 100%*   | 99%     | 99%     |
| Number of responses to written and oral enquiries                                       | 4,500                 | 4,686       | 5,081   | 5,057   | 5,280   | 5,684   |
| Percentage of training participants satisfied with sessions                             | 75%                   | 98%         | 99%     | 94%     | 97%     | 98%     |
| Number of training participants   | 4000 <sup>^</sup>     | 9,295       | 9,676   | 13,909  | 11,892  | 12,997  |
| Number of reports tabled in Parliament  | 5 <sup>#</sup>        | n/a         | n/a     | n/a     | 5       | 3       |
| Number of awareness activities conducted  | 250 <sup>##</sup>     | 421         | 684     | 307     | 430     | 353     |
| Number of website visits  | 150,000 <sup>^^</sup> | 144,458     | 173,506 | 204,962 | 235,226 | 283,715 |

\* In 2016-17 we amended this satisfaction survey question into five separate questions to obtain more specific feedback around whether agencies found our guidelines and information sheets easy to find, understand, relevant, accurate and complete. The percentage total represents an average of the responses provided.

<sup>#</sup> In 2016-17 we changed our counting methodology to focus on external public outputs i.e. number of reports tabled in Parliament.

<sup>##</sup> New performance target introduced in 2018-19. The performance target was previously 190.

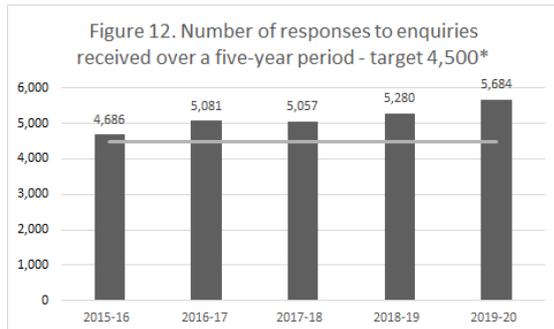
<sup>^</sup> New performance target introduced in 2018-19. The performance target was previously 500.

<sup>^^</sup> New performance target introduced in 2018-19. The performance target was previously 80,000.

## Information and Assistance

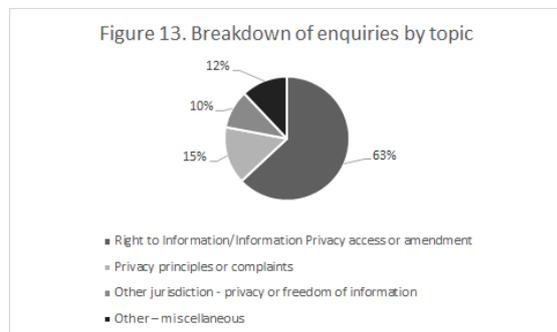
Our Enquiries Service responded to a record 5,684 enquiries in 2019-20 despite the challenges of working through a pandemic. We received specific enquiries, general questions and requests for assistance through various channels:

- 3,965 telephone calls
- 1,572 emails/letters
- 147 web enquiries.

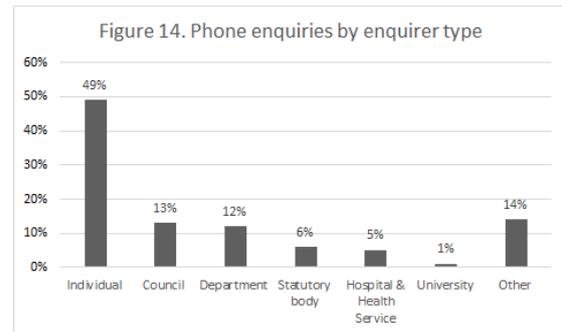


\*New performance target introduced in 2018-19. The performance target was previously 2,500.

The majority of enquiries related to access to or amendment of documents under the RTI and IP Acts (63 percent).



We responded to enquiries from a wide range of stakeholders including members of the public, journalists, Ministers and Members of Parliament, universities and government agencies. They ranged in complexity. We provided comprehensive information and assistance, often in writing with links to relevant online resources such as guidelines and decisions.



We also maintain an extensive suite of resources for agencies and the community. These are available on our website.

We published 21 guidelines, two information sheets and two videos to address emerging trends. Two new guidelines were drafted specifically to assist agency officers to apply the operational provisions of the *Human Rights Act 2019* (Qld) when dealing with applications and considering compliance with the privacy principles.

We continued to operate the Enquiries Service through the COVID-19 pandemic with no disruption to service. We were flexible and innovative in delivering important messages to support decision makers and inform members of the public.

For example, when right to information and privacy officers started working remotely, many were worried about their ability to continue dealing with access applications and privacy complaints. They raised concerns about meeting statutory timeframes, signing decision notices without printed documents, and accepting certified ID electronically. To address these issues, we hosted an e-lecture and published Frequently Asked Questions. We also developed an Information Sheet for applicants to outline some challenges facing agencies during the pandemic and manage applicant expectations.

## Training

In 2019-20 we delivered:

- face-to-face workshops on privacy and right to information principles and practices
- training sessions in four regional locations
- tailored online training courses for agency staff including officers from specific business units within government
- webinars on topics such as COVID-19 planning, application handling, privacy impact assessments and substantial and unreasonable diversion of resources.

We offered training on managing high conflict behaviour, how to apply privacy principles and handle access applications. We also developed training tailored to various roles. For example, the Information Commissioner recorded a video for newly elected councillors about privacy and information access rights and responsibilities.

We delivered tailored training to agency officers in the following locations:

- Brisbane
- Gympie
- Charters Towers
- Central Highlands.

## Online training

Individuals and agencies can access our online training courses free of charge. We actively encourage Queensland public sector agencies to train their staff at induction and through regular refresher courses.

Our suite of online training courses consists of:

- IP Act—general awareness
- RTI Act—general awareness
- Public Health Agencies and the IP Act
- Privacy Complaint Management training
- Access training for decision makers (three separate modules).

We continued using web-based technologies to maximise learning opportunities for stakeholders throughout Queensland, and to

increase efficiency of resources in meeting the changing needs of agencies. In doing so we also offered free training webinars to meet stakeholders’ needs, especially when face-to-face training was not available because of COVID-19.

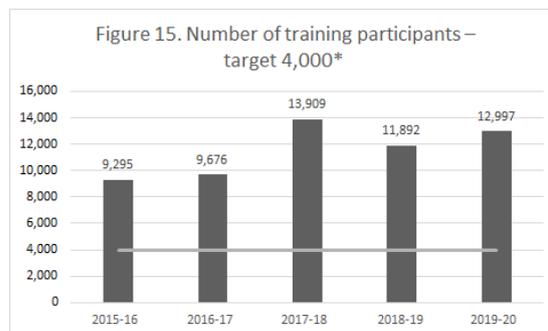
Online delivery allows interested stakeholders to participate regardless of their location. Where possible, we record training presentations and publish them on our website.

Our web-based training in 2019-20 included:

- RTI, IP and COVID-19 planning (webinar and e-lecture)
- Access application handling (webinar)
- Masterclass on substantial and unreasonable diversion of resources (webinar)
- Privacy Impact Assessment (webinar).

In 2019-20, 98 percent of training participants were satisfied with sessions provided.

In the reporting period 12,997 participants completed our training. This was a nine percent increase from 2018-19.



\*New performance target introduced in 2018-19. The performance target was previously 500.

## Promoting awareness

### Key activities

#### Right to Information Day

The purpose of Right to Information Day (RTI Day) is to raise awareness of every individual's right of access to government-held information. We celebrate RTI Day on International Right to Know Day. On this day, 28 September, citizens and governments from around the world can support this fundamental human right and promote open, democratic societies in which there is full citizen empowerment and participation in government.

In 2019, RTI Day featured the theme 'A click online saves time'. It focused on proactive release and administrative access of information, including promoting government online services. We provided organisations with a range of resources such as an animation, brochures, posters and checklists.

#### Solomon Lecture

The Solomon Lecture forms an important part of RTI Day activities. It recognises Dr David Solomon's contribution to greater and easier access to government-held information.

Ms Fiona McLeod SC, eminent barrister and human rights advocate, delivered the 2019 Solomon Lecture, titled 'Accountability in the Age of the Artificial'. She focused on transparency, openness and accountability in the context of increasing adoption of technologies such as artificial intelligence in government functions and decision-making. Ms McLeod's lecture addressed key questions about whether artificial intelligence and human rights can co-exist.

We livestreamed the Solomon Lecture from an open public event to mark the end of our celebrations of the 10<sup>th</sup> anniversary of the commencement of the RTI Act and IP Act. The recording is available on our website and YouTube channel.

#### Privacy Awareness Week

We participated in Privacy Awareness Week (PAW) from 4 to 10 May 2020, as an active member of the Asia Pacific Privacy Authorities. The theme 'Be smart about privacy' was aimed at the community and public sector.

The timing of our planned PAW activities was affected by COVID-19. As a result, we shifted to a fully digital campaign. The online launch of PAW featured recorded presentations from Mr Phil Green, Privacy Commissioner, Queensland, Ms Angelene Falk, Australian Information Commissioner and Privacy Commissioner and Ms Julie Inman Grant, Australian eSafety Commissioner. The recording is available on our website and YouTube channel.

Our modest social media advertisement campaign costing \$5,000 was seen 728,311 times and contributed to driving traffic to our website and resources.

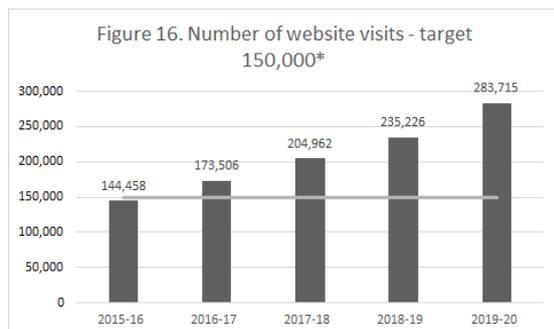
We provided agencies and the community with a range of resources to help raise awareness about privacy rights and responsibilities including how to protect and respect personal data.

#### Digital engagement

Our website is a primary communication tool and a key source of knowledge for stakeholders. We continued promoting our website to encourage visitors to use our extensive resources designed to promote awareness of information rights and responsibilities of all stakeholders.

Our website features annotated legislation with commentary and case references to assist in the application of the RTI and IP Acts.

During the reporting period our website received 283,715 visits. This was a 21 percent increase from 2018-19.



\*New performance target introduced in 2018-19. The performance target was previously 80,000.

We continued to use other web based technologies, such as social media and multimedia, as valuable and cost effective communication methods. We engage with the public sector and community through our dedicated YouTube Channel, Twitter feed and LinkedIn presence. For example, we produced two short animations which help explain privacy and information access rights in Queensland.

In 2019-20 we conducted 353 awareness activities exceeding our target of 250.

### Rural and regional engagement

We provide targeted support to rural and regional agencies to increase awareness of information rights and responsibilities and improve compliance with the legislation.

During the year, we met with agency leaders including:

- Indigenous Local Government Chief Executive Officers
- Toowoomba Regional Council
- Darling Downs Hospital and Health Service
- Townsville City Council
- Lockyer Valley Regional Council
- Wide Bay Hospital and Health Service
- Redlands City Council
- Moreton Bay Regional Council
- Fraser Coast Regional Council.

### Audit and evaluation

We audit government agencies and report on their performance and RTI and IP practices. Government agencies include departments, local governments, statutory authorities, hospital and health services and universities.

Our strategic audit planning process assesses the value and achievability of potential audit topics. Environmental scanning and stakeholder engagement support the process to ensure our program of audits is risk-based and contributes to our objective of improving government agencies' practices.

### Reports to Parliament

We submit reports on the outcomes of audits under the *Right to Information Act 2009* to the Parliamentary Committee for Legal Affairs and Community Safety, and under the *Information Privacy Act 2009* to the Speaker, for tabling in Parliament. In 2019-20 we tabled three reports:

- Compliance audit of Bundaberg Regional Council, focusing on access to information strategies and risk areas the council identified in the 2018 self-assessment
- Follow up audit of Townsville City Council's implementation of recommendations
- Follow up audit of Ipswich City Council's implementation of recommendations.

The focus on local governments is consistent with the results of our 10 Years On report<sup>2</sup> which found that the sector had consistently reported lower levels of compliance.

The COVID-19 pandemic affected our and our stakeholders' operations, delaying the tabling of two reports planned for completion in 2019-20. These reports were subsequently tabled in Parliament in July and August 2020:

- Privacy and Public Data: Managing re-identification risk
- Disclosure logs – Queensland Government departments

<sup>2</sup> Report No. 5 to the Queensland Legislative Assembly for 2018-19

All our tabled reports are available at [www.oic.qld.gov.au/publications/reports](http://www.oic.qld.gov.au/publications/reports)

### Key partnerships and networks

In 2019-20, we continued to assist agencies, and build and maintain key partnerships and networks:

- The RTI and IP practitioners' network facilitates sharing information and good practice guidance through a subscription service and quarterly forums (attended by over 200 participants). A steering committee of agency representatives ensures topics meet practitioner needs.
- Thirty-five agencies across sectors and stakeholders partnered with us and promoted information rights and responsibilities in Queensland as well as highlighted their organisation's commitment to right to information.
- The Asia Pacific Privacy Authorities is the main forum for privacy and data protection in our region. Members form partnerships and exchange ideas about privacy regulation, new technologies and the management of privacy issues.
- We became a member of the International Conference of Information Commissioners.
- We discussed issues and trends relevant to Australian and New Zealand jurisdictions with members of the Association of Information Access Commissioners, including maximising proactive disclosure of information.
- We met with members of Privacy Authorities Australia to discuss issues and trends about protecting individuals' personal information and data. We participated in a National COVID-19 privacy taskforce, and met with Australian commissioners and Australian Government representatives for briefings and consultation about the COVIDSafe app.
- The International Association of Privacy Practitioners facilitates connections between Queensland and Australia's privacy practitioners.

- The Privacy Commissioner attended regular meetings as a member of the Queensland Government Cyber Security Committee.
- The Information Commissioner met the Integrity Commissioner, the Chair of the Crime and Corruption Commission, the Queensland Ombudsman, the Auditor-General, the Electoral Commissioner, the Independent Assessor, the Racing Integrity Commissioner and the Public Service Commission Chief Executive quarterly prior to COVID-19.

### Improving our service

In 2019-20:

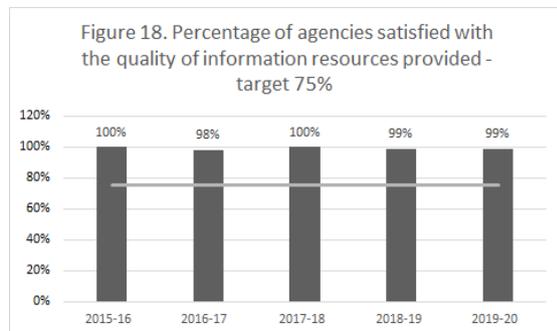
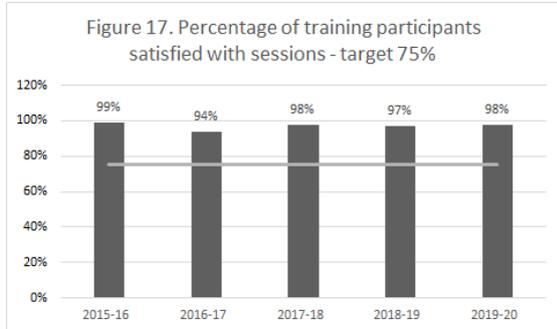
- we evaluated the performance of PAW and RTI Day events and identified improvements for future activities
- we reviewed existing information resources, including training resources, to meet our stakeholders' needs
- we partnered with agencies as part of our Privacy Awareness Week and Right to Information Day activities to raise awareness of information access and privacy rights
- we hosted quarterly RTI and IP practitioner forums, Privacy Bites sessions and an RTI Practitioner Open Discussion to support good practice in information access and privacy
- we met with key stakeholders to better understand their needs and inform our service delivery strategies, and to identify opportunities for partnership and collaboration in our engagement and support activities
- we changed our online privacy complaint form so applicants could provide additional information for more efficient processing.

### Feedback

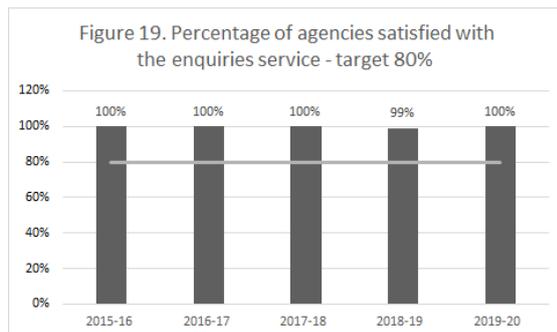
In 2019-20 we received feedback on our assistance and monitoring service:

- we measured training participants' satisfaction (see Figure 17)

- we surveyed agencies satisfaction about our guidelines and information sheets (see Figures 18 and 19)
- we surveyed agencies about our Enquiries Service.



\* We amended this satisfaction survey question into five separate questions to obtain more specific feedback around whether agencies found our guidelines and information sheets easy to find, understand, relevant, accurate and complete. The 2019-20 Service Delivery Statements measure average responses, except for 'easy to find' which is considered separately.



\* We amended this satisfaction survey question into five separate questions to obtain more specific feedback around agencies' interactions with the Enquiries Service in relation to ease of access, timeliness of response, listening and understanding, and providing clear, relevant information which answered the enquirer's query. The percentage total represents an average of the responses provided.