



**Office of the Information Commissioner**  
Queensland

## **Compliance audit - Bundaberg**

### **Regional Council**

**Bundaberg Regional Council's compliance with the *Right to Information Act 2009 (Qld)* and the *Information Privacy Act 2009 (Qld)*.**

We thank the staff of Bundaberg Regional 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](http://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](mailto:administration@oic.qld.gov.au)

Web [www.oic.qld.gov.au](http://www.oic.qld.gov.au)

ISBN: 978-0-6484026-6-4

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 'Compliance audit - Bundaberg Regional Council: Bundaberg Regional Council's compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld).' This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The report reviews compliance with the legislation and guidelines that give effect to right to information and information privacy and makes recommendations for improving the council's compliance.

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

---

<b>Summary</b> .....	<b>1</b>
Conclusions	1
Key findings	2
<b>Recommendations</b> .....	<b>5</b>
<b>1 Context</b> .....	<b>7</b>
<b>2 Leadership and governance</b> .....	<b>9</b>
2.1 Introduction	9
2.2 Conclusion	9
2.3 Results	10
<b>3 Maximum disclosure</b> .....	<b>15</b>
3.1 Introduction	15
3.2 Conclusion	15
3.3 Results	15
<b>4 Right to information</b> .....	<b>19</b>
4.1 Introduction	19
4.2 Conclusion	19
4.3 Results	19
<b>5 Privacy</b> .....	<b>23</b>
5.1 Introduction	23
5.2 Conclusion	23
5.3 Results	24
<b>6 Camera surveillance</b> .....	<b>27</b>
6.1 Introduction	27
6.2 Conclusion	28
6.3 Results	28
<b>7 Appendices</b> .....	<b>35</b>
7.1 Appendix 1 – Agency response and action plan	36
7.2 Appendix 2 – Methodology	44



# Summary

---

This report details the findings of our audit of Bundaberg Regional Council's compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld).

The legislation requires government agencies to:

- make government-held information available to the public as a matter of course, unless there is a good reason not to
- safeguard personal information.

The push model supports accountability and transparency, and builds community trust in government agencies.

Information in a government agency's possession or control is a public resource and a strategic asset. Effective information governance and management facilitates openness and transparency and increases public participation.

## Conclusions

Bundaberg Regional Council (BRC) is committed to right to information and information privacy. Although it still needs to develop and implement some policies, and put systems and processes in place, the council has worked hard since our electronic audit in December 2018 to comply with its legislative obligations. For example, it has established a good process for training new staff about their right to information and information privacy responsibilities.

The council encourages seeking information through methods other than the legislative process in line with the push model. Once established, a coordinated strategic approach to information management and governance, and an information asset register, will help maximise the amount of information the council makes available to the community.

The council executed a memorandum of understanding (MOU) with the Queensland Police Service about access to 127 surveillance cameras. The original MOU exposed BRC to risks of non-compliance, consequential breaches of privacy and privacy complaints. The council has taken responsive actions to reduce these risks. It is developing a new agreement and will need to ensure access to footage complies with the *Information Privacy Act 2009*.

## Key findings

During the audit, BRC revised the terms of reference of its Information Services Steering Committee and assigned responsibility for information management and governance, including being the authorising body for proactive disclosure across the agency. It is too early to assess the effectiveness of the new arrangements.

The council does not have an information governance framework to guide its information management practices and support the proactive disclosure objectives of the *Right to Information Act 2009*. Without an information asset register that identifies and classifies the information holdings, BRC cannot be sure it is maximising the amount of information available to the community. It has limited performance measures for monitoring progress in achieving the broader objectives of the Acts.

Like the majority of Queensland local governments,<sup>1</sup> the council has not yet embedded privacy impact assessments into its core business. This means it cannot be sure it has identified the privacy risks of its activities or projects, and is not mitigating them effectively. However, BRC recognises the value of privacy impact assessments. In September 2019, the executive endorsed an action plan that identifies the need to build these assessments into project planning.

BRC is open and transparent about the personal information it holds. But the collection notice it often uses is too broad for individuals to make an informed decision whether to share their personal information.

The council needs to do more work about how it operates and manages its surveillance cameras. Its procedure focuses on fixed cameras and does not accurately reflect the obligations under the Information Privacy Principles. BRC has preventative security measures to protect the video footage. However, it does not use the system's audit logs to detect possible unauthorised access, disclosure or misuse.

While the council has a range of administrative access arrangements in place, thus supporting the push model, it could promote them better. The current process for administrative release is not as efficient as it could be. There is no policy to guide staff when they are considering disclosing information, in particular non-sensitive and non-personal information. This means BRC may take more time and effort than necessary to release some information administratively.

The council's right to information webpage is consistent with the Act and facilitates access to documents through direct links. It explains how to access information through

---

<sup>1</sup> Our report - 10 years on: Queensland government agencies' self-assessment of their compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld) - available on [www.oic.qld.gov.au](http://www.oic.qld.gov.au).



various means – for example, administrative access, publication scheme and disclosure log. It also includes a link to BRC’s right to information policy. The council has clearly defined roles and responsibilities, including delegations, for handling applications made under the Acts. Its organisational structure is clear, and positions the council’s decision-makers to act with appropriate seniority and independence.



# Recommendations

---

**We recommend that Bundaberg Regional Council:**

## **Recommendation 1**

within twelve months, develops and implements an information governance framework and supporting documented plans, policies and procedures to drive right to information and information privacy aims.

## **Recommendation 2**

within twelve months, develops and implements performance measures for access to information and information privacy outcomes, aligned with its operational plan.

## **Recommendation 3**

within twelve months, implements mandatory periodic refresher training on right to information and information privacy for all staff.

## **Recommendation 4**

within twelve months:

- better promotes its administrative access schemes on its website
- develops an administrative access policy that outlines the type of information staff can release, and the process for doing so.

## **Recommendation 5**

within twelve months:

- implements an information asset register, assigns responsibility for each asset and classifies them to determine their suitability for public release
- develops and publishes a version of the information asset register to better inform the community about the information it holds, and who to contact to request access to an information holding
- implements a process to review the information asset register regularly so it remains current and relevant.

## **Recommendation 6**

within twelve months, implements a process to update the publication scheme regularly so the community has access to relevant and up-to-date information.

### **Recommendation 7**

within twelve months, reviews collection notices for all forms and online emails and amends them to ensure compliance with the *Information Privacy Act 2009*.

### **Recommendation 8**

within twelve months, establishes a rolling program of regular review of collection notices for all forms and online emails, to maintain compliance with the *Information Privacy Act 2009*.

### **Recommendation 9**

within twelve months:

- develops and implements a policy and procedures about privacy impact assessments
- integrates privacy impact assessments in its risk management and project management methodologies and tools.

### **Recommendation 10**

within twelve months, develops and implements a policy and procedures for managing its camera surveillance which:

- is consistent with the council's legislative obligations, under the *Right to Information Act 2009* and *Information Privacy Act 2009*
- covers all its audio and video technologies, and all devices
- provides sufficient detail to guide staff operating the system.

### **Recommendation 11**

within six months, strengthens its safeguards to better protect camera surveillance footage from unauthorised access, use, modification or disclosure, and other misuse and loss.

### **Recommendation 12**

within twelve months, reviews its arrangement with the Queensland Police Service for the operation of camera surveillance, and takes all steps necessary to ensure the council complies with the *Information Privacy Act 2009*.

# 1 Context

---

Bundaberg Regional Council (BRC) delivers a range of services, and builds and maintains community infrastructure including roads, drainage, sporting venues and other recreational facilities.

The local government area of Bundaberg is on the east coast of Queensland half way between Brisbane and Rockhampton, running inland for 100 km. It has a population of about 95 000 people<sup>2</sup> expected to grow to 141 000 people over the next 25 years. Significant industries operating in the region include agriculture, health and aged care, tourism and hospitality, property and construction. There are approximately 6 500 local businesses operating in the Bundaberg region.<sup>3</sup>

In delivering its services, BRC processes thousands of information requests each year for personal and non-personal information. In 2017-18, the council's customer service operations received 116,631 requests.<sup>4</sup> It reported receiving 12 formal applications under the *Right to Information Act 2009* (Qld) in 2017-18.<sup>5</sup> We received one application for external review of council decisions in 2017-18.

In 2018, the council self-assessed its progress in implementing right to information and privacy as part of an electronic audit we conducted.<sup>6</sup> It identified several aspects of its practices it could improve and developed an action plan. The plan also includes improvements identified since then, including through this compliance audit. Under this plan, BRC intends to:

- mandate regular refresher training in right to information and information privacy
- conduct regular internal audits of right to information and privacy using our desktop tools
- introduce policies and procedures for right to information and administrative access
- build privacy impact assessments into project planning
- develop and review policies and procedures for all recording devices.

The council executive endorsed the action plan in September 2019. BRC has created a new, temporary position to implement the plan. No timeframe has been set.

---

<sup>2</sup> Australian Bureau of Statistics 2018.

<sup>3</sup> Australian Bureau of Statistics 2018.

<sup>4</sup> Bundaberg Regional Council 2017/18 Annual Report.

<sup>5</sup> 2017-18 is the most recent year for whole of government reporting data.

<sup>6</sup> Our report - 10 years on: Queensland government agencies' self-assessment of their compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld) - available on [www.oic.qld.gov.au](http://www.oic.qld.gov.au).

## Audit scope and objective

The objective of this audit was to:

- determine whether Bundaberg Regional Council is complying with specific prescribed requirements of the legislation
- identify areas of good practice
- make recommendations about improvement opportunities.

We set the scope of the compliance audit to focus on the key areas of risk the council identified in the 2018 electronic audit, and the risks identified across all agencies.

These include adopting push model strategies to maximise disclosure, developing and overseeing right to information and information privacy policies, and privacy and camera surveillance systems.

We conducted this audit under section 131 of the *Right to Information Act 2009* and section 135 of the *Information Privacy Act 2009*.

## Report structure

We structured our report as follows:

Section	Contents
Chapter 1	provides context to this audit
Chapter 2	considers the structures and processes the council has in place to meet its legislative obligations
Chapter 3	examines whether the council has a systematic approach to identify and publish the maximum amount of information it has available
Chapter 4	assesses the council's right to information resources, publication scheme and disclosure log for compliance with the prescribed requirements
Chapter 5	looks at whether the council is meeting its legislative obligations when collecting and handling personal information
Chapter 6	examines how the council meets its privacy obligations when managing its camera surveillance network
Appendix 1	contains Bundaberg Regional Council's response and action plan
Appendix 2	outlines our audit methodology

## 2 Leadership and governance

---

### 2.1 Introduction

The preamble to the *Right to Information Act 2009* recognises that information in a government agency's possession or control is a public resource. Effective information governance and management facilitates openness and transparency and increases public participation in democratic processes.

Agencies should manage information as a strategic asset to achieve the objectives of the *Right to Information Act 2009* and the *Information Privacy Act 2009*. Their leaders need to establish a structured approach to information governance with clear roles and responsibilities.

To meet their legislative obligations and support independent decision-making, agencies also need to have adequate systems to monitor:

- the performance of their right to information and privacy operations
- their compliance with legislation.

When assessing leadership and governance, we consider whether the organisational structure, position descriptions and delegations of authority support the independence of decision-makers.

### 2.2 Conclusion

Bundaberg Regional Council (BRC) has not established a co-ordinated and strategic approach to information management and governance. While it recently assigned responsibility for oversight of information management to a governing body, there is no information governance framework to guide its information management practices and support the proactive disclosure objectives of the *Right to Information Act 2009*.

The council has limited performance measures for monitoring progress in achieving the broader pro-disclosure objectives of right to information and information privacy.

Its organisational structure is clear and positions the council's decision-makers to act with appropriate seniority and independence. The council has defined roles and responsibilities and delegated authority for handling right to information and information privacy applications to meet its legislative obligations.

BRC has established a good process for enrolling new staff into, and monitoring their completion of, right to information and information privacy training modules. While it has not implemented periodic refresher training, we note that, in 2018, the council reported

that 99 percent of its staff had completed training on right to information and information privacy.

## 2.3 Results

### Information management and governance

Leadership is the key to good information governance and management. Agency leaders must demonstrate how the agency values, manages and shares information appropriately. The agency must implement a pro-disclosure culture, organisational structures with clear accountabilities, plans and strategies to achieve results, and tools for monitoring business units' contributions.

When assessing whether an agency's information management and governance supports access to information and information privacy, we examine how well the agency has:

- assigned clear responsibility for leadership of information management
- established a structured approach to information governance, including right to information and information privacy in information management plans, policies and procedures.

#### Leadership responsibility

Agencies seeking to govern and manage information effectively must assign leadership responsibility clearly and explicitly to a committee or person.

The council has adopted a devolved approach where individual departments are responsible for managing their information assets, including assessing their suitability for release (discussed in Chapter 3).

BRC has an Information Services Steering Committee. Under the terms of reference in place during the audit, this committee had no strategic oversight for governing and managing information, or managing the information assets through their lifecycles. It focused on delivering information services projects, with no explicit mention of right to information or information privacy.

In October 2019, the council revised the terms of reference but has yet to implement them. The scope of the committee now includes being the authorising body for proactive disclosure across the council. It is too early to assess how the committee will incorporate the objectives of the Acts in its oversight function.



### Structured approach

An information governance framework with clear, measurable aims for right to information and information privacy, and supporting project plans and practical procedures, strengthens an agency's pro-disclosure culture and its openness and transparency.

BRC does not have an information governance framework, information management plan or policy. It has a series of high level and out-of-date standards and procedures for elements of information governance. We acknowledge that the council has recently published a right to information policy (see Chapter 4).

The council developed the information services standards in 2014 and 2015. While the standards include general comments about information privacy, they do not specifically reference the *Information Privacy Act 2009* or the applicable information privacy principles. Likewise, they do not mention right to information or the *Right to Information Act 2009*. Technological advances and their associated risks may affect the relevance and effectiveness of these standards in meeting the council's needs and obligations.

BRC has a number of procedures, work instructions and forms assisting staff to carry out their recordkeeping responsibilities. For example, it:

- issues voice recorders to its investigators to record interviews, and requires investigators to transfer interview records into council's recordkeeping systems
- has a standard that staff must not use personal email accounts for council business.

#### **Recommendation 1**

We recommend that Bundaberg Regional Council:  
within twelve months, develops and implements an information governance framework and supporting documented plans, policies and procedures to drive right to information and information privacy aims.

### **Performance monitoring**

Performance monitoring and reporting contributes to greater accountability and transparency. By establishing a robust framework to assess its progress against a set of criteria, an agency can determine areas of good practice and those that require additional effort.

Performance monitoring assists agencies to identify:

- information to publish proactively
- opportunities to improve the quality and efficiency of agency processes

- training needs
- legislative compliance issues.

In a compliance audit, we expect to see agencies monitoring their progress in meeting the objectives of the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

The council's Corporate Plan 2019-2023 outlines the key strategies for achieving its priorities and vision. One of its operating themes is 'open communication', focusing on community engagement and satisfaction, and media.

BRC uses its 2019-20 Operational Plan to prioritise and measure actions aimed at achieving its corporate plan. The council reports its progress quarterly. This includes two right to information and information privacy measures:

- the percentage of staff trained in right to information and information privacy legislation during induction
- the percentage of right to information and information privacy applications processed within legislative timeframes.

This is a good start. We encourage all agencies to build activities and measures of right to information and privacy in their operational plan. For example, they could measure their performance in identifying and pushing more significant and appropriate information into the public domain.

## Recommendation 2

We recommend that Bundaberg Regional Council:

within twelve months, develops and implements performance measures for access to information and information privacy outcomes, aligned with its operational plan.

## Organisational structure and delegations

Agency organisational structures, position descriptions and delegations of authority should support the independence of the agency's decision-makers and help meet its obligations under the *Right to Information Act 2009* and *Information Privacy Act 2009*.

BRC has a clear organisational structure for handling formal access applications. Relevant position descriptions are up to date and clearly define the roles of staff responsible for right to information and privacy. The decision-makers are in reasonably senior positions to have authority, but do not report directly to the Chief Executive Officer, which is an appropriate balance between authority and independence of decision-making.

The council has effectively delegated power to decision-makers to deal with right to information applications and applications for internal review of decisions.

### **Training and awareness**

Agencies should train their staff to promote good information management, foster a culture of proactive disclosure and ensure they meet their right to information and information privacy responsibilities. Staff need to understand the principles of right to information and privacy and the corresponding practical obligations. They need to know how to respond to requests for information effectively and efficiently. Generic training is useful for general awareness. Agency-specific training conveys the agency's commitment, and helps staff apply right to information and information privacy in their day-to-day duties.

BRC offers training and awareness about right to information and information privacy to its staff. More specifically, it briefly runs through right to information, information privacy and public records at induction, and instructs new starters to undertake our online right to information and information privacy training modules within three months of enrolment. In the first half of 2019, about 80 percent of enrolled new staff completed the training. The council has a good process to monitor completion.

The council does not require staff to undertake refresher training. However, it intends to mandate that staff complete refresher training every two years. We note that, in 2018, the council reported that 99 percent of its staff had completed training on right to information and information privacy.

BRC supports ongoing professional development of its decision-makers by enrolling them into specialist training and practitioner forum webinars.

#### **Recommendation 3**

We recommend that Bundaberg Regional Council:  
within twelve months, implements mandatory periodic refresher training on right to information and information privacy for all staff.



## 3 Maximum disclosure

---

### 3.1 Introduction

Proactive disclosure increases the flow of government-held information to the community. Under the *Right to Information Act 2009*, government agencies should release information as a matter of course, unless there is a good reason not to. Formal access applications under the Act should be the last resort. This approach increases transparency of, and community confidence in, government agencies.

To assess an agency's approach, we review two strategies it can adopt to disclose information routinely and proactively: administrative access arrangements and online information delivery.

Administrative arrangements are a simple and efficient way to release information to the community. They allow access to documents without formal applications, such as through an online form, publication scheme, disclosure log, or under another Act.

A systematic approach to identifying and classifying information holdings or datasets helps agencies determine which information is suitable for public release. It also provides assurance that the agency is publishing the maximum amount of information.

### 3.2 Conclusion

Bundaberg Regional Council's (BRC) right to information webpage encourages seeking information through methods other than the legislative process. It has a range of administrative access arrangements in place, thus supporting the push model.

However, there is no policy to guide staff on when or how to release information administratively. This means the council may take more time and effort than necessary to release some information administratively, in particular non-sensitive information.

Without a systematic approach, such as an information asset register, to identify and classify information holdings, the council cannot be sure it is maximising the amount of information available to the community.

### 3.3 Results

#### **Administrative access schemes**

An agency may establish administrative access arrangements for different types of information, for example documents, datasets and camera surveillance footage.

Through promoting administrative access schemes, agencies can:

- improve customer service
- reduce formal right to information and information privacy applications
- encourage open, transparent and accountable government.

The council's right to information webpage promotes administrative access ahead of seeking access under the legislative process. It encourages the public to search the council's website or contact the relevant department in the first instance.

BRC posted existing administrative access schemes on its website, for example requesting building approved plans or other property searches. The council could better promote administrative access by having direct links to the schemes on its right to information webpage.

When reviewing administrative access arrangements, we expect to see policies and procedures that outline the type of information staff can release, and the process for doing so, whether through formal access schemes or administrative release. Effective policies and procedures can:

- set the authorising environment for releasing information administratively
- assist staff to understand their roles and responsibilities about the administrative release of information
- create confidence in staff to release information
- prompt staff to consider privacy and information sensitivities when deciding to release information
- ensure website pathways to administrative access arrangements are well promoted and visible
- increase responsiveness to requests for information (that is, frontline staff are well informed about the agency's administrative access schemes and are able to assist the public).

BRC does not have a policy about administrative access. Currently, council staff releasing information administratively contact the Governance and Legal Services team for guidance.

The council is developing an intranet portal for its governance department. The initial concept design for the portal includes information about administrative access and the current process.

Specifically it states:

*The public can apply for access to documents held by Council however a RTI application is intended to be a last resort as it can ultimately be costly for the applicant and also for Council. We are required to release information administratively and proactively wherever possible. If you are unsure about releasing information administratively then please speak with your supervisor or contact the Governance Team.*

*Further information can be found on Council's website or by contacting the Governance Team.*

This process is appropriate in circumstances involving sensitive information or information with privacy implications. However, it is unlikely to be efficient and effective when considering low risk administrative access requests, particularly where the information is not sensitive or personal, or the business area has a good understanding of when they can release information and when to seek guidance.

#### **Recommendation 4**

We recommend that Bundaberg Regional Council:

within twelve months:

- better promotes its administrative access schemes on its website
- develops an administrative access policy that outlines the type of information staff can release, and the process for doing so.

#### **Information asset register**

Information asset registers identify, define and classify information. They should capture all information assets across an agency, assess their level of confidentiality and suitability for public release, and assign custodians to each asset. Effective information asset registers can also provide assurance that agencies are maximising disclosure.<sup>7</sup> Agencies that publish a version of the information asset register, for example on their website, inform the community about the assets they hold, and assist community members to focus requests for information.

BRC does not have an information asset register or equivalent. In 2015, the council's Records Team Leader commenced an independent project to create an information

---

<sup>7</sup> Local governments are not required to adopt advice from the Queensland Government Chief Information Office (QGCIO). However, the QGCIO guidelines are useful and readily available on its website. It has a guideline about information asset registers.

asset register. However, the project was not completed and the council did not use the unfinished register.

The council takes an informal approach to classifying its information assets. Each department determines what information it should publish online. There are no policies or procedures about classifying the information and datasets and determining which are appropriate to release to the public. This means the council may not disclose as much information as possible, or could release sensitive information without appropriate safeguards.

### **Recommendation 5**

We recommend that Bundaberg Regional Council:

within twelve months:

- implements an information asset register, assigns responsibility for each asset and classifies them to determine their suitability for public release
- develops and publishes a version of the information asset register to better inform the community about the information it holds, and who to contact to request access to an information holding
- implements a process to review the information asset register regularly so it remains current and relevant.



## 4 Right to information

---

### 4.1 Introduction

The *Right to Information Act 2009* gives a right of access to government-held information unless, on balance, releasing the information would be contrary to the public interest. It also promotes the proactive release of information to build community trust and participation in government.

Agency leaders are responsible for establishing a culture consistent with right to information and privacy legislation. The culture should support the principles of proactive disclosure.

Publication schemes and disclosure logs are important strategies for proactive disclosure. To progress the objective of giving a right of access to information unless there is a good reason not to, agencies should publish as much information as possible in their publication scheme and disclosure log.

Bundaberg Regional Council (BRC) redesigned its website in October 2019. We assessed the right to information resources, publication scheme and disclosure log on the new website for compliance with the prescribed requirements.

### 4.2 Conclusion

The council's right to information webpage is consistent with the *Right to Information Act 2009*. It promotes the right of access to council-held information and facilitates access through the legislative processes. BRC recently adopted and published its right to information policy, which should further facilitate access to information.

BRC uses links in its publication scheme to direct users to the relevant document or webpage. This is good practice and a simple and cost effective way to push information into the public domain.

### 4.3 Results

#### **Right to information resources**

Agencies can emphasise and promote right to information by having a right to information webpage that is readily identifiable and easy to access. When reviewing agencies, we expect to find clear pathways to access information about right to information.

The council's right to information webpage is easy to locate and access. It promotes the public's right to access council held information. Consistent with the proactive disclosure objectives of the Act, BRC encourages accessing council information through other mechanisms ahead of the legislative process.

The webpage includes detailed information about the application process under the *Right to Information Act 2009* and the *Information Privacy Act 2009*. This information is consistent with the Acts.

The council endorsed a right to information policy in September 2019. The policy includes information about:

- the publication scheme and disclosure log
- the responsibilities of council staff under the policy, for example their obligation to give full and complete records to the delegated decision-maker by the due date
- the ability of individuals to seek access to council information
- fees and charges
- an individual's rights of review.

### **Publication scheme**

Under the *Right to Information Act 2009*, agencies must publish a publication scheme setting out the information they have available and the terms on which they make that information available. The publication scheme must comply with the Ministerial Guidelines.<sup>8</sup>

BRC has a publication scheme on its website. The scheme is easy to locate and access, and states the terms on which it makes information available. The council has organised the information in its publication scheme under the seven information classes specified in the guidelines.

Where possible, information in publication schemes should be accessible via a direct link as a simple and cost effective way to push information into the public domain. The council's publication scheme contains direct links to documents or relevant council webpages.

In the interest of maximising access to information, agencies should give access to information in alternative formats. Most information included in the council's publication scheme is in html or pdf format. However, users can contact BRC to obtain access in another format.

The Ministerial Guidelines state that a publication scheme:

---

<sup>8</sup> Ministerial Guidelines for Publication Schemes and Disclosure Logs available at [www.rti.qld.gov.au](http://www.rti.qld.gov.au).

*should be regularly reviewed to ensure information on the publication scheme is current and up to date. Each agency should implement procedures to ensure that new information covered by the publication scheme is available and that any out dated information is replaced or archived.*

BRC does not have an established process for regularly reviewing its publication scheme. However, the council advised it reviewed the publication scheme as part of the new website project going live in October 2019. The action plan endorsed in September includes establishing a review process for the publication scheme.

#### **Recommendation 6**

We recommend that Bundaberg Regional Council:  
within twelve months, implements a process to update the publication scheme regularly so the community has access to relevant and up-to-date information.

The guidelines also require agencies to implement a complaints procedure, which sets out how to make a complaint when information included in the publication scheme is not available.

BRC has an administrative action complaints policy. It has included on its publication scheme webpage, contact details and different methods for lodging a complaint about the scheme. The webpage states that council will process the complaint in accordance with this policy.

#### **Disclosure log**

A disclosure log ensures the public has access to information released in response to previous right to information applications where appropriate according to specified criteria set out in the *Right to Information Act 2009* and the Ministerial Guidelines. 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 released information unless impracticable.

BRC has published a disclosure log that is easy to locate and access. At the time of our audit, there are no items in the log. We note that the council intends to publish documents directly into its disclosure log. This is good practice - accessing information directly from the website is easy and cost effective.

Before deploying its new website, the council listed the right to information applications it received and the number of documents or pages it released under each application.

This list is still available as an archived document. Should someone request access to information released under an application in the list, we encourage the council to upload that information onto the disclosure log as other people may also be interested in it.

## 5 Privacy

---

### 5.1 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 a health agency<sup>9</sup> must comply with the 11 Information Privacy Principles (IPPs). They must also comply with provisions about transferring personal information outside Australia and using contracted service providers.

Under IPP5, government agencies controlling documents that contain personal information must take reasonable steps so a person can find out what personal information they hold and how they are using it.

Agencies must not collect personal information unless it is necessary for their functions or activities. When an agency tells individuals about the personal information it collects, uses and usually discloses, we call this a collection notice. If practicable, the agency should provide the collection notice before, or at the time, it collects personal information.

It is good practice to explain how an individual can access their personal information and make a privacy complaint if they think the agency has breached their privacy.

### 5.2 Conclusion

Bundaberg Regional Council (BRC) is open and transparent about the type of personal information it holds and the purpose for which it uses that information. However, it uses a generic rather than a tailored notice to advise people about its reasons for collecting information, and usual disclosures. When a collection notice is too broad, it risks becoming meaningless. Individuals are unable to make an educated decision about giving their personal information to the council.

Like the majority of Queensland local governments,<sup>10</sup> the council has not yet embedded privacy impact assessments into its core business. This means it cannot be sure it has identified the privacy risks of its activities or projects, and may not mitigate them effectively.

---

<sup>9</sup> Health agencies are required to comply with the National Privacy Principles (NPPs), rather than the IPPs, along with the rules about contracted service providers and transfer of personal information out of Australia.

<sup>10</sup> Our report - 10 years on: Queensland government agencies' self-assessment of their compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld) - available on [www.oic.qld.gov.au](http://www.oic.qld.gov.au).

## 5.3 Results

### Information privacy resources

BRC has good, easy to locate, general privacy information on its website. It has a privacy statement, detailed information to assist a person to access or amend their personal information, and procedures on making privacy complaints.

We noted that the council could clarify its privacy statement to ensure it does not give the incorrect impression that other people can automatically access emails to BRC simply by making a right to information request. The council can consider any factors favouring non-disclosure when balancing the public interest in deciding whether to release emails under the *Right to Information Act 2009*, including disclosure of personal information.

### Collection notices

All the forms we examined contained a collection notice. However, in most cases, BRC used a generic notice that does not sufficiently explain why the council is collecting the personal information, how it will use it and whether it shares it with another entity:

*Bundaberg Regional Council is collecting this information in order to comply with its responsibilities and obligations as a Local Government. Your information will not be given to any other person or Agency until you have given us permission or we are required to by law.*

Agencies also collect personal information through solicited contact via email. To meet their obligations under IPP2,<sup>11</sup> they can include a collection notice or privacy statement on the webpage containing the email address. Alternatively, agencies can include it on their privacy webpage accessible from a global link in the footer of the webpage.

BRC has a global link to its privacy statement accessible from all council webpages. The statement dealing with sending emails to the council focusses on emails becoming public records. It does not explain why the council is collecting the personal information.

In September 2019, the council executive endorsed an action plan that includes reviewing the collection notices. No timeframe is set.

---

<sup>11</sup> Under IPP 2, agencies need to take reasonable steps to make people generally aware of why they are collecting the personal information, what they will use the information for and whether they disclose the personal information, and if so to whom and for what purpose.

### Recommendation 7

We recommend that Bundaberg Regional Council:  
within twelve months, reviews collection notices for all forms and online emails and amends them to ensure compliance with the *Information Privacy Act 2009*.

### Recommendation 8

We recommend that Bundaberg Regional Council:  
within twelve months, establishes a rolling program of regular review of collection notices for all forms and online emails, to maintain compliance with the *Information Privacy Act 2009*.

## Privacy impact assessments

Privacy impact assessments (PIA)<sup>12</sup> are a tool that agencies can use to assess the privacy impacts of an activity, project or proposal and where necessary, to identify ways to manage privacy risks and meet privacy obligations.

PIAs are core business. All agencies must protect individuals' personal information. Failure to do so exposes individuals to risk, erodes trust, jeopardises public take up of services, and damages an agency's reputation. Project management methodologies and tools should include PIAs as key deliverables during design, development and operation of all agency functions. Agencies should reassess the privacy impacts of the projects, systems or activities regularly, for example when rolling out updates.

The use of PIAs is a relatively new concept at BRC. This is consistent with the overall local government sector.

At the time of the audit, the council has undertaken one privacy impact assessment but has not integrated PIAs into its project management or business conduct nor developed policies or procedures. BRC relies on the privacy awareness of the department staff to identify and address privacy risks of specific projects. However, the council recognises the value of PIAs. In September 2019, the executive endorsed an action plan that identifies the need to build PIAs into project planning.

<sup>12</sup> OIC guideline: *Undertaking a Privacy Impact Assessment* available on [www.oic.qld.gov.au](http://www.oic.qld.gov.au).

## Recommendation 9

We recommend that Bundaberg Regional Council:

within twelve months:

- develops and implements a policy and procedures about privacy impact assessments
- integrates privacy impact assessments in its risk management and project management methodologies and tools.



## 6 Camera surveillance

---

### 6.1 Introduction

Queensland government agencies collecting personal information by camera surveillance must manage their systems in line with the *Information Privacy Act 2009*. The Act regulates how agencies handle personal information to specific standards against which Queenslanders can hold government accountable. It does not prevent government agencies using camera surveillance to ensure public safety or security.

Privacy obligations arise when agencies collect, store, use and disclose personal information. When a camera records video-feed footage, the privacy principles about collection (IPPs 1-3) apply. When an agency has control of video footage, IPP4 sets the requirements for adequately storing and securing the footage, including against unauthorised access or misuse. If an agency provides, or allows, extracts of footage to another agency, there is both a disclosure – on the part of the source agency – and a collection – on the part of the recipient agency. In this situation, the disclosure privacy principle (IPP11) applies to the provision of the footage.

We examined how Bundaberg Regional Council (BRC) meets its privacy obligations when managing its camera surveillance systems. We also considered how the council ensures individuals can access footage containing their personal information.

BRC operates 427 fixed surveillance cameras that transmit footage, which can be viewed live, or recorded, extracted and stored in sections as necessary. The cameras send images to two standalone computers set up with unique user IDs and IP (internet protocol) addresses. One computer is on council premises, the other at the Bundaberg police station. They enable viewing the video-feed live. The system keeps footage for two weeks, and then over-writes it with new images. If footage is required beyond the two weeks, the council can extract sections of footage and store them elsewhere.

The Queensland Police Service (QPS) has direct access to 127 of these cameras. The ability to view live images can assist with responding to incidents before they escalate, and deploying resources. Devolved access with appropriate safeguards can also cut time for both incident response and for investigation and evidence gathering. Many councils and departments establish this capability and use it, for instance in sporting venues. Deployed and managed appropriately, it can have significant public benefits.

In addition, the council operates two body worn cameras, eight cameras fitted to waste trucks and two drones.

## 6.2 Conclusion

The council does not meet all its legislative obligations under the *Information Privacy Act 2009* when operating and managing its surveillance camera network.

Key contributing factors to the council's non-compliance, particularly IPP4 and IPP11, are:

- general lack of detailed policies and procedures to govern the effective operation and management (from acquisition to decommissioning) of all its video and audio technologies
- QPS's former ability<sup>13</sup> to extract footage from 127 fixed cameras.

BRC has installed physical signage near the camera sites to inform the public about its use of Closed Circuit Television (CCTV). It has security measures for its fixed camera network but does not monitor who accesses footage to identify possible unauthorised access to the network.

Until recently, under the arrangement with QPS, BRC did not have sufficient information to satisfy itself that disclosure through QPS' ability to access and extract recorded footage was reasonably necessary for a law enforcement purpose. During the audit, the council took prompt action to reduce the serious risk of legislative non-compliance.

## 6.3 Results

### General operation

BRC has developed a CCTV procedure for operating and managing its 427 fixed surveillance cameras. It also has a technical instruction manual for the Intelligent Video Management System, which explains how to use the technology to view and extract footage.

The procedure is not consistent with the council's obligations under the Acts and the IPPs. For example, section 7.6 Requests for Release of a Copy of the Digital Video Recording states that:

*Council's general position is that it will not release data/images to anyone except the QPS.*

---

<sup>13</sup> Bundaberg Regional Council rescinded that ability late October 2019.

The procedure also says:

*General Requests for a copy of CCTV Video Recording from the general public, local business or others, which relates to a police matter should be immediate (sic) directed to the QPS.*

This is contrary to the *Right to Information Act 2009* and the *Information Privacy Act 2009*, which give individuals a right of access to information in a government agency's possession or control, unless on balance it is contrary to the public interest to give the access.

The council's website makes it clear that individuals can request access to CCTV footage by lodging an application under the Acts. The right to information webpage describes the process for lodging an access request. An individual can make an access application to the council, and if compliant, the council would have to process it.

The CCTV procedure does not refer to the *Information Privacy Act 2009* appropriately. It mentions the Act in the 'References/Associated Documents' section, but makes no further reference to the Act or the IPPs.

The scope of the procedure is limited. It does not cover the management and operation of body worn cameras, drones or other recording devices. It focuses on procedures about the footage from fixed cameras that QPS can access. There is little attention to the remaining 300 fixed cameras.

The procedure is high level. It does not adequately cover all aspects of operating and managing the fixed camera network. For example, it does not:

- include a commitment to protect the privacy of individuals
- cover acquisition and procurement of new cameras and hardware
- discuss in sufficient detail storage and security of footage
- clearly define roles and responsibilities of the administrators of the system
- identify who can access the system and under what conditions.

The lack of accurate and comprehensive policy and procedures governing the management and operation of the camera surveillance exposes BRC to risks of legislative non-compliance, consequential breaches of privacy, privacy complaints, and ineffective and inefficient operations.

In September 2019, the council executive endorsed a right to information and information privacy action plan. This plan includes reviewing the policy and procedures for all recording devices to ensure they align with the IPPs and set clear requirements for staff about access, use and disclosure.

## Recommendation 10

We recommend that Bundaberg Regional Council:

within twelve months, develops and implements a policy and procedures for managing its camera surveillance which:

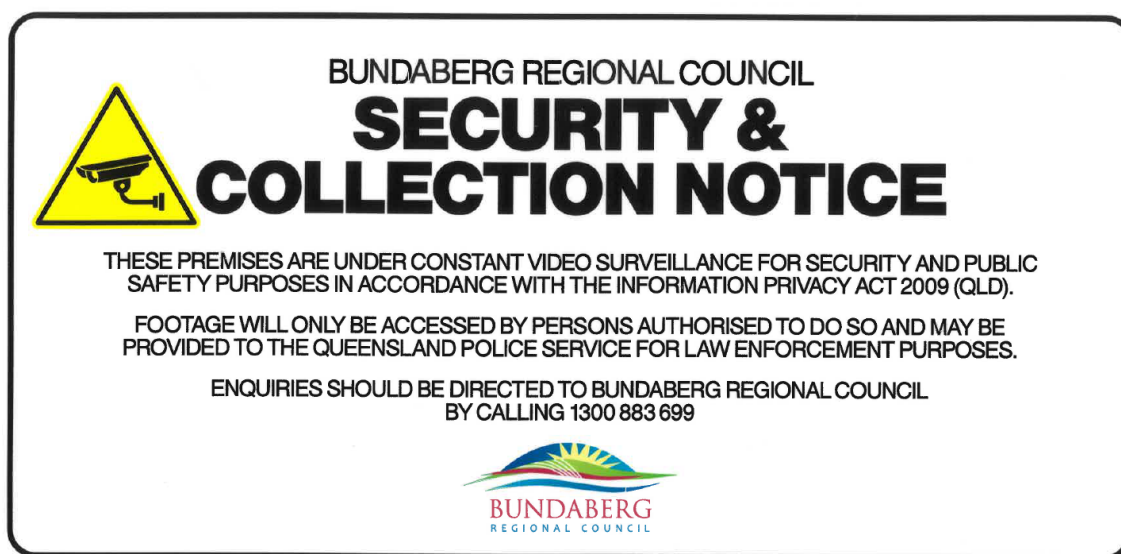
- is consistent with the council's legislative obligations, under the *Right to Information Act 2009* and *Information Privacy Act 2009*
- covers all its audio and video technologies, and all devices
- provides sufficient detail to guide staff operating the system.

To discharge their obligations under IPP2, agencies operating surveillance cameras must take all reasonable steps to make individuals aware of why they collect footage by placing prominent signs where security cameras operate.

BRC notifies the public about its use of CCTV through physical signage placed near camera sites. The council has branded all signage with its name and logo. The signs clearly state the purpose of collection and include a reference to the *Information Privacy Act 2009*. The collection notices also outline the council's disclosure practices and contact details.

Figure 6A depicts one collection notice.

**Figure 6A**  
**CCTV collection notice**



The council also has a CCTV webpage, which outlines:

- the purpose and use of surveillance cameras
- current camera locations
- access to footage by individuals and law enforcement.

Agencies must protect recorded camera footage against loss, unauthorised access, modification, disclosure or any other misuse (IPP4). This means protecting both stored camera footage and areas where monitoring live video-feed takes place. Security measures include physical, technical and operational safeguards.

The council has security measures for its fixed camera network but not for mobile recording devices. The majority of the fixed surveillance cameras relay footage to a secure server room located at council's administration building. BRC has restricted access to the server room to specific authorised staff.

A login ID is required to access the fixed surveillance cameras and the stored footage. Again, the council has restricted this access to certain staff who can only access the cameras assigned to them. The system requires the combination of the unique IP address of a standalone computer set up for this purpose and the user's login ID.

BRC does not use the system's audit logs to identify possible unauthorised access to the network. Also, it does not delete footage in accordance with a planned schedule of retention and disposal. It might be keeping personal information for longer than necessary, exposing it unnecessarily to misuse, loss and unauthorised access, modification or disclosure.

### **Recommendation 11**

We recommend that Bundaberg Regional Council:

within six months, strengthens its safeguards to better protect camera surveillance footage from unauthorised access, use, modification or disclosure, and other misuse and loss.

### **Partnership with the Queensland Police Service**

As part of the Safer Bundaberg and Safe Night Out projects, BRC installed CCTV cameras in Bundaberg's central business area in a funding partnership with the QPS. QPS can view the live feed directly from 127 cameras to which it has access.

At the time of the audit, the council had a Memorandum of Understanding with QPS where both parties acknowledge that BRC owns and controls the CCTV system and maintains ownership of any data/images it records.

The purpose of this memorandum was to:

*provide guidance in relation to QPS obtaining footage from Council's CCTV system for a purpose allowable under relevant legislation and the procedure to request such information from Council.*

We had concerns about the Memorandum of Understanding and the type of access the council granted to QPS. We apprised BRC of these concerns in October 2019. The council took responsive, stopgap measures to limit risk until it establishes a new arrangement with QPS. In particular, it:

- wrote to QPS about replacing the Memorandum of Understanding
- drafted a new memorandum, yet to be executed by the parties
- rescinded QPS' access to recorded footage.

The new arrangement is not in place as we conclude the audit. As a result, we are unable to assess the compliance of new procedures and practices. The findings below relate to the Memorandum of Understanding in place during this audit, from August to October 2019. We are reporting them to promote greater awareness across the public sector on how the Acts operate.

The Memorandum of Understanding did not build in sufficient safeguards, such as regular inter-agency reports or monitoring of audit logs. It relied on assurances of good practice insufficient to provide a framework for legislatively compliant operation of the partnership:

*QPS agrees that it will only extract CCTV footage from the System or request CCTV footage from Council for law enforcement purposes that satisfy the IP Act.*

The *Information Privacy Act 2009* allows an agency to disclose personal information to another in certain circumstances. For example, under IPP11(1)(e), an agency can disclose personal information to QPS if it is satisfied on reasonable grounds that the disclosure is necessary for a prescribed law enforcement purpose.

Using the computer set up at the Bundaberg police station, QPS was able to extract footage that may contain personal information. This ability represented a significant risk of unmanaged disclosure from the council's perspective. Under the original Memorandum of Understanding, BRC had limited controls to protect the footage from unauthorised disclosure. It had no visibility of who used the computer located at the police station to access the footage and for what purpose.

QPS' ability to extract footage also exposed the council to breaching IPP11(1)(e). Every time QPS extracted footage that contained personal information, the council in effect disclosed that information. Under the original arrangement, BRC did not know when and what footage QPS extracted. This means BRC was unable to satisfy itself that the extraction was reasonably necessary for a law enforcement activity.

IPP11(2) requires agencies to note any disclosure with personal information disclosed under IPP11(1)(e). The council did not comply with this obligation. For example, it did not make a copy of the footage for its own records, and include with that a copy of the QPS request.

When QPS wanted footage from the 300 cameras that it did not have access to, it had to submit a request form to the council. Under the new arrangement, BRC will apply this process to any request for footage from QPS. The council recently adopted a compliant form<sup>14</sup> for the requests from QPS.

### **Recommendation 12**

We recommend that Bundaberg Regional Council:

within twelve months, reviews its arrangement with the Queensland Police Service for the operation of camera surveillance, and takes all steps necessary to ensure the council complies with the *Information Privacy Act 2009*.

---

<sup>14</sup> From our guideline *Camera surveillance and privacy* – available on [www.oic.qld.gov.au](http://www.oic.qld.gov.au).





## 7 Appendices

---

22 November 2019

Ms Rachael Rangihaeata  
Information Commissioner  
Office of the Information Commissioner  
PO Box 10143  
Adelaide Street  
BRISBANE QLD 4000

Dear Ms Rangihaeata

Right to Information and Information Privacy Compliance Audit

---

I refer to your correspondence dated 1 November 2019 in relation to your audit of Council's compliance with the *Right to Information Act 2009* and *Information Privacy Act 2009*.

I have reviewed the report and accept the recommendations provided. Attached is Council's formal response to the recommendations including our proposed actions and timeframe for each.

As mentioned during the audit process, Council has undertaken the recruitment of a dedicated role (commencing 25 November 2019) to implement the action plan over the next 12 months.

Thank you for the time you and your audit staff have provided in undertaking the audit and providing the report and recommendations to Council.

Please refer any further enquiries in relation to the audit and Council's progress in implementing the recommendations to Council's Governance Officer, Amy Crouch on 4130 4070 or by email to [RTI@bundaberg.qld.gov.au](mailto:RTI@bundaberg.qld.gov.au)

Yours faithfully



**Stephen Johnston**  
**Chief Executive Officer**

## 7.1 Appendix 1 – Agency response and action plan

We recommend:-		Bundaberg Regional Council response and proposed action
No.	Recommendation	
1	within twelve months, develops and implements an information governance framework and supporting documented plans, policies and procedures to drive right to information and information privacy aims.	<p><b>Response:</b></p> <p>Council accepts the recommendation.</p> <p><b>Proposed management action:</b></p> <ol style="list-style-type: none"> <li>1. Development of an Information Governance Framework, including key policy/procedure/guideline, audit programme for future self-assessment audits (i.e. every 2 years), fact sheets for staff and community, information on Governance Portal (when developed).</li> <li>2. Further develop the role of information governance within the Information Services Steering Committee to ensure effective oversight of information governance for the organisation.</li> <li>3. A communication plan will be developed to raise awareness of the new framework and its application throughout the organisation.</li> <li>4. Implement a RTI/IP Branch Champion programme throughout the organisation to assist Governance and Legal Services to drive right to information and information privacy messaging throughout the organisation.</li> <li>5. Develop a yearly communications plan to ensure staff are reminded of their obligations of legislation, key events (i.e. RTI Day), and key messaging which may come from advice from the Office of the Information Commissioner.</li> </ol> <p><b>Nominated owner:</b></p> <p>Chief Legal Officer</p>

We recommend:-		Bundaberg Regional Council response and proposed action
No.	Recommendation	
		Governance Officer
		<b>Nominated completion date:</b> 30 November 2020
2	within twelve months, develops and implements performance measures for access to information and information privacy outcomes, aligned with its operational plan.	<p><b>Response:</b> Council accepts the recommendation.</p> <p><b>Proposed management action:</b></p> <ol style="list-style-type: none"> <li>1. Additional measurable performance indicators will be developed and linked to Council's Operational Plan with a focus around access to information and information privacy outcomes, training needs, compliance with legislation.</li> <li>2. Review of the existing performance indicators to ensure they remain current and measurable.</li> </ol> <p><b>Nominated owner:</b> Governance Officer</p> <p><b>Nominated completion date:</b> 30 November 2020</p>
3	within twelve months, implements mandatory periodic refresher training on right to information and information privacy for all staff.	<p><b>Response:</b> Council accepts the recommendation.</p> <p><b>Proposed management action:</b></p> <ol style="list-style-type: none"> <li>1. Develop right to information and information privacy refresher training every 2 years for existing staff within Council's learning management system.</li> <li>2. Review of Council's induction program which includes general awareness of right to information and information privacy.</li> </ol>

We recommend:-		Bundaberg Regional Council response and proposed action
No.	Recommendation	
		<p>3. Right to information decision makers continue to undertake regular training where available.</p> <p>4. Provide updates and training to RTI/IP Branch Champions including quarterly meetings with RTI/IP decision makers/officers.</p> <p><b>Nominated owner:</b> Governance Officer Organisational Development Team Leader</p> <p><b>Nominated completion date:</b> 30 November 2020</p>
4	<p>within twelve months:</p> <ul style="list-style-type: none"> <li>• better promotes its administrative access schemes on its website</li> <li>• develops an administrative access policy that outlines the type of information staff can release, and the process for doing so.</li> </ul>	<p><b>Response:</b> Council accepts the recommendation.</p> <p><b>Proposed management action:</b></p> <ol style="list-style-type: none"> <li>1. Develop an Administrative Access Policy and associated procedures.</li> <li>2. Communications plan for all Council staff to assist in determining the type of information staff can release, and where to find key information (i.e. information asset register).</li> </ol> <p><b>Nominated owner:</b> Governance Officer</p> <p><b>Nominated completion date:</b> 30 November 2020</p>
5	<p>within twelve months:</p> <ul style="list-style-type: none"> <li>• implements an information asset register, assigns</li> </ul>	<p><b>Response:</b> Council accepts the recommendation.</p> <p><b>Proposed management action:</b></p>

We recommend:-		Bundaberg Regional Council response and proposed action
No.	Recommendation	
	<p>responsibility for each asset and classifies them to determine their suitability for public release</p> <ul style="list-style-type: none"> <li>develops and publishes a version of the information asset register to better inform the community about the information it holds, and who to contact to request access to an information holding</li> <li>implements a process to review the information asset register regularly so it remains current and relevant.</li> </ul>	<ol style="list-style-type: none"> <li>Under the Information Services Steering Committee, develop an Information Governance Working Group with representatives key areas of Council (including RTI/IP Branch Champions) to develop an information asset register.</li> <li>Develop an Information Asset Register Policy/procedure which outlines how the register will be reviewed and updated.</li> <li>Communications plan for staff in relation to the finalised information asset register.</li> <li>Develop and publish a public version of the information asset register on Council's corporate website to assist residents and ratepayers to identify the information held by Council and where it may be available to access.</li> </ol> <p><b>Nominated owner:</b></p> <p>Chief Legal Officer Chief Information Officer Governance Officer</p> <p><b>Nominated completion date:</b></p> <p>30 November 2020</p>
6	<p>within twelve months, implements a process to update the publication scheme regularly so the community has access to relevant and up-to-date information.</p>	<p><b>Response:</b></p> <p>Council accepts the recommendation.</p> <p><b>Proposed management action:</b></p> <ol style="list-style-type: none"> <li>Develop a process/procedure to review the publication scheme regularly which will include inclusion of RTI/IP Branch Champions (when implemented) to ensure new information across</li> </ol>

We recommend:-		Bundaberg Regional Council response and proposed action
No.	Recommendation	
		<p>the organisation is identified when created and added to the scheme in a timely manner.</p> <p>2. Undertake formal reviews of the publication scheme every six months.</p> <p><b>Nominated owner:</b> Governance Officer</p> <p><b>Nominated completion date:</b> 30 November 2020</p>
7	within twelve months, reviews collection notices for all forms and online emails and amends them to ensure compliance with the <i>Information Privacy Act 2009</i> .	<p><b>Response:</b> Council accepts the recommendation.</p> <p><b>Proposed management action:</b></p> <ol style="list-style-type: none"> <li>1. Develop communication and awareness for the organisation about collection notices generally (including for forms) and the requirement of their inclusion when collecting personal information.</li> <li>2. Undertake a review process of all forms and develop appropriate collection notices where required.</li> </ol> <p><b>Nominated owner:</b> Governance Officer</p> <p><b>Nominated completion date:</b> 30 November 2020</p>
8	within twelve months, establishes a rolling program of regular review of collection notices for all forms and online emails, to maintain compliance	<p><b>Response:</b> Council accepts the recommendation.</p> <p><b>Proposed management action:</b></p> <ol style="list-style-type: none"> <li>1. Review dates for all forms to be undertaken on at least a biennial basis, or earlier if needed, to</li> </ol>

We recommend:-		Bundaberg Regional Council response and proposed action
No.	Recommendation	
	with the <i>Information Privacy Act 2009</i> .	<p>include a review of the collection notices on forms.</p> <p><b>Nominated owner:</b> Governance Officer</p> <p><b>Nominated completion date:</b> 30 November 2020</p>
9	<p>within twelve months:</p> <ul style="list-style-type: none"> <li>develops and implements a policy and procedures about privacy impact assessments</li> <li>integrates privacy impact assessments in its risk management and project management methodologies and tools.</li> </ul>	<p><b>Response:</b> Council accepts the recommendation.</p> <p><b>Proposed management action:</b></p> <ol style="list-style-type: none"> <li>Develop a privacy impact assessment policy/procedure/guideline and develop a communications plan for the organisation on the importance of undertaking privacy impact assessments in project planning.</li> <li>Review of project planning documents (i.e. pre and post market submissions to Procurement Board, new software packages etc) to ensure consideration of Information Privacy Act.</li> <li>Review Council's corporate and operational risks to include privacy impact assessments (where appropriate) as part of a mitigation or control plan for risks.</li> </ol> <p><b>Nominated owner:</b> Chief Legal Officer Governance Officer Risk &amp; Insurance Officer Manager Strategic Procurement</p>



We recommend:-		Bundaberg Regional Council response and proposed action
No.	Recommendation	
		<p><b>Nominated completion date:</b></p> <p>30 November 2020</p>
10	<p>within twelve months, develops and implements a policy and procedures for managing its camera surveillance which:</p> <ul style="list-style-type: none"> <li>is consistent with the council's legislative obligations, under the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i></li> <li>covers all its audio and video technologies, and all devices</li> <li>provides sufficient detail to guide staff operating the system.</li> </ul>	<p><b>Response:</b></p> <p>Council accepts the recommendation.</p> <hr/> <p><b>Proposed management action:</b></p> <ol style="list-style-type: none"> <li>Develop a Recording Devices Policy and associated procedure/guideline for CCTV, body worn cameras, drones and other audio/video recording devices.</li> <li>Develop a communication and awareness plan for the organisation to develop their knowledge about the legislative requirements.</li> <li>Review of Council's current collection notices for CCTV to ensure they are relevant for the depot/building.</li> <li>Develop training programme for authorised staff who access Council's camera surveillance system.</li> </ol> <hr/> <p><b>Nominated owner:</b></p> <p>Governance Officer</p> <p>IS Infrastructure Team Lead</p> <hr/> <p><b>Nominated completion date:</b></p> <p>30 November 2020</p>
11	<p>within six months, strengthens its safeguards to better protect camera surveillance footage</p>	<p><b>Response:</b></p> <p>Council accepts the recommendation.</p> <hr/> <p><b>Proposed management action:</b></p>

We recommend:-		Bundaberg Regional Council response and proposed action
No.	Recommendation	
	from unauthorised access, use, modification or disclosure, and other misuse and loss.	<p>1. Develop an audit programme for Council's camera surveillance, to be undertaken on a yearly basis.</p> <p><b>Nominated owner:</b> Governance Officer IS Infrastructure Team Lead</p> <p><b>Nominated completion date:</b> 30 May 2020</p>
12	within twelve months, reviews its arrangement with the Queensland Police Service for the operation of camera surveillance, and takes all steps necessary to ensure the council complies with the <i>Information Privacy Act 2009</i> .	<p><b>Response:</b> Council accepts the recommendation.</p> <p><b>Proposed management action:</b></p> <p>1. Finalise the memorandum of understanding with Queensland Police Service and access to Council's camera surveillance system including the process to request footage, process to request access to additional cameras and requests for new camera surveillance in areas of public safety concern.</p> <p><b>Nominated owner:</b> Chief Legal Officer Governance Officer</p> <p><b>Nominated completion date:</b> 30 November 2020</p>

## 7.2 Appendix 2 - Methodology

We thank the staff of Bundaberg Regional Council for their support and cooperation.

### Mandate

We conducted this audit under section 131 of the *Right to Information Act 2009* (Qld) and 135 of the *Information Privacy Act 2009* (Qld).

We applied our Assurance Engagement Methodology, based on the standards set by the Australian Auditing and Assurance Standards Board.

### Audit objective

The objective of the audit was to determine whether Bundaberg Regional Council is complying with specific prescribed requirements of the legislation, to identify areas of good practice, and make recommendations about improvement opportunities.

### Audit scope

The audit covered the council's policies, procedures, systems and structures for meeting its right to information and information privacy obligations and the broader objectives of the Acts. The audit covered:

Audit topic	Audit coverage
Leadership and governance	<ul style="list-style-type: none"><li>• Defined roles and responsibilities for right to information and information privacy</li><li>• Delegated powers to deal with right to information and information privacy</li><li>• Education and training in right to information and information privacy for all council staff and specialist training for key personnel</li><li>• Governance body or executive championing information management, including right to information (authorising body for proactive disclosure and administrative release) and information privacy</li><li>• Use of privacy impact assessments for new projects, policy, changes to existing systems and developing new technologies</li></ul>

Audit topic	Audit coverage
	<ul style="list-style-type: none"> <li>• Recordkeeping, including capturing public records on private accounts and devices</li> <li>• Performance measures in meeting right to information and information privacy objectives</li> </ul>
Culture of openness	<ul style="list-style-type: none"> <li>• Commitment to right to information and information privacy</li> <li>• Information assets classified and published on website (information asset register)</li> <li>• Opportunities for proactive disclosure and administrative access arrangements</li> </ul>
Compliance	<ul style="list-style-type: none"> <li>• Promotion of right to information and information privacy obligations</li> <li>• Operation of publication scheme and disclosure log</li> </ul>
Privacy	<ul style="list-style-type: none"> <li>• Collection and handling of personal information</li> <li>• Management of camera surveillance systems (CCTV)</li> </ul>

### Audit process

The audit team worked with the nominated contact officer to coordinate access to documentation and organise interviews with council officers. It gathered sufficient appropriate evidence through:

- discussions with relevant staff and management about right to information and information privacy policies, procedures, systems and operations
- examination of the council's website including publication schemes, disclosure logs and arrangements for administrative access
- examination of the council's intranet
- review of statistical records/reporting.

