



Office of the Information Commissioner  
Queensland

# Annual Report 2020-21

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Office location: Level 7, 133 Mary Street, Brisbane, Queensland.

ISSN: 2200-9183

28 September 2021

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

Dear Mr Speaker

I am pleased to submit for presentation to the Parliament the Annual Report 2020-2021 and financial statements for the Office of the Information Commissioner.

The report contains an account of our work for the 12 months ending 30 June 2021 and is made pursuant to section 184 of the *Right to Information Act 2009* (Qld) and section 193 of the *Information Privacy Act 2009* (Qld).

It reflects our performance against our Strategic Plan for 2020-24.

I certify that this Annual Report complies with:

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

A checklist outlining the annual reporting requirements is provided at page 69 of this Annual Report.

Yours sincerely



Rachael Rangihaeata  
**Information Commissioner**

## **ABOUT THIS REPORT**

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

### **Acknowledgement of Traditional Owners and Elders**

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

This Annual Report provides an:

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

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

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# MESSAGE FROM THE INFORMATION COMMISSIONER

The Office of the Information Commissioner (OIC) delivered significant service delivery results in a year of transformation, and an increasingly challenging environment. We have engaged agencies with a clear focus on proactive right to information (RTI) and privacy by design strategies to improve practices and achieve better outcomes for the community, building trust through transparency.

## **Driven to excel**

We continue to experience significant demand for external review services. In 2020-21, we finalised a record number of reviews and reduced the substantial number of applications on hand from previous record demand. We achieved these exceptional results against a landscape of increasing complexity, unreasonable behaviour and delays from parties to a review.

Our proactive work is critical to the effectiveness of the RTI push model. It aims to reduce the need for formal access applications, and therefore external review. Similarly, privacy by design is about agencies having the right settings from the outset to safeguard personal information and protect the community from harm.

From 2020-21, our strategic direction consciously shifts to an enabling model as the majority of agencies have self-assessed as relatively mature, able and responsible for monitoring and improving their performance and compliance. We can focus our resources on strategic and emerging issues and continue to support less mature agencies with targeted projects and engagement.

## **Building capability and fostering collaboration**

In 2020-21 our engagement with agencies focused on key agencies for maximum impact. For example, we engaged with the Queensland Police Service (QPS) to raise concerns about delay, resulting in and during external reviews. The QPS has worked openly and constructively with us to achieve greater adoption of proactive and administrative access and improve its capacity to deal with applications effectively. We will continue to support the QPS, as it implements enduring solutions for better information access outcomes for the community, and in turn reduce demand for access applications and external review.

Our new strategic direction from 2020 has been instrumental in maximising our resources and expertise this year. We worked with our networks and strategic partnerships, particularly commissioners across Australia, the Asia-Pacific and further afield. COVID-19 has unified our experiences, challenges and opportunities. As a result, we collaborated more virtually and exchanged leadership in different areas. We continued to work with the National COVID Privacy Taskforce to provide timely and consistent advice to governments across Australia.

Our theme for International Access to Information Day 2020 was 'Building trust through transparency'. RTI can empower citizens and hold governments accountable in times of crisis, when critical decisions about health or public safety, the economy and human rights are being made. Our campaign built upon the UNESCO and Open Government Partnership campaigns and ran in partnership with our Australian and New Zealand Information Access Commissioner colleagues.

The theme for Privacy Awareness Week (PAW) 2021 was 'Make privacy a priority'. The Chairperson of the Crime and Corruption Commission, Mr Alan MacSporran QC presented a keynote: 'I trusted you with my personal information' - Government powers and practices to prevent misuse of personal information. His presentation reflected on lessons from implementing the recommendations from Operation Impala, and why building a 'privacy-aware' culture is fundamental to public trust in government.

We continued important work to protect the community from harm, including victims of family and domestic violence, by supporting the implementation of the Operation Impala recommendations. During PAW we launched the Privacy Champions network for Queensland Government departments. We plan to launch a similar network for councils and the hospital and health service sector later in 2021.

### **Enabling the sector**

We presented five audit and evaluation reports to Parliament this year. Our audit on *Privacy and public data* raised critical issues about re-identification risk and was widely acknowledged in Australia and overseas. It led to several presentations to a broad range of stakeholders including ICT officers and risk managers, in international and national forums.

Our reports on disclosure logs and minimum reporting requirements were generally positive. However, we identified improvement opportunities in making information easier to access for greater openness and transparency, thus trust in government.

Our follow up audit on *Awareness of privacy obligations* found all three agencies had fully implemented the 12 recommendations we made in 2018-19. This means that their training and education regime is now more effective at mitigating information privacy and security risks.

Given concerns about human error and misuse of personal information across the sector in general, we emphasised that other agencies must assess their performance, and shared TAFE Queensland's experience with Privacy Champions.

### **Empowering our workforce**

Our hybrid work model, where any role can be performed remotely part of the week, was in place during 2020-21. Building on a strong culture of valuing flexibility, our team has effectively supported the hybrid work model across the organisation and the universal benefits it brings as we deliver our statutory functions. Flexible work agreements are now in place for all OIC employees with productivity remaining high.

Our adaptable and agile culture is important to us, as we seek to engage, retain and reward high performing staff. Our team is vital, and our stakeholders rely upon our expertise every day.

While we achieved outstanding results, challenging workload and unreasonable behaviour from some stakeholders have impacted our team. This output is not sustainable. Our *2020 Working for Queensland* survey results showed the substantial impact, with about a 30 percentage points increase in staff being overloaded and burned out by work. We reinforced reasonable expectations with our team and stakeholders, and we implemented fair and appropriate strategies to manage behaviour and deliver timely external review, complaint mediation and enquiry services.

We welcome the Queensland Government's decision to approve a temporary FTE increase for two years. This will provide an additional 2.6 FTE for external review services. We will also temporarily fill the 2.2 FTE outstanding positions recommended to be made permanent in OIC's 2017 Independent Strategic Review. Our cash reserves will fund these positions until 30 June 2023.

As our familiarity with new technology tools has grown, so has our ability to harness the opportunities to streamline how we work and manage work within and across teams. This aligns with our culture of reflection and continuous improvement in small team settings, fundamental to innovation.

I am incredibly proud to lead the OIC team to provide high quality responsive services to Queenslanders. I thank our wonderful team for their ongoing commitment, professionalism, expertise and empathy and helping deliver better outcomes for the community. Our work is fundamentally about people and what affects their interactions or relationship with government; sometimes the impact is life changing. Everyday our people make a critical difference.

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

Rachael Rangihaeata  
**Information Commissioner**



# OUR PERFORMANCE

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

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

Figure 1. Our performance

Service standard	2020-21 target	Achievement	Result
<b>Our external review service</b>			
<b>Provide independent, timely and fair review of decisions made under the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i></b>			
Percentage of applicants satisfied with the conduct of the review	70%	51%	X
Percentage of agencies satisfied with the review service provided	75%	96%	✓
Mean average days to finalise a review	150 days	155 days	X
Percentage of open review applications over 12 months old at the end of reporting period	0%	6%	X
Percentage of external reviews resolved informally without a written decision, compared to the total number of finalised reviews	75%	90%	✓
Percentage of external review applications finalised to received	100%	110%	✓
<b>Our privacy advice and complaint mediation service</b>			
<b>Provide an independent, timely and fair privacy complaint mediation service</b>			
Percentage of agencies satisfied with the privacy complaint mediation service provided	75%	94%	✓
Mean average days to finalise an accepted privacy complaint	140 days	278 days	X
<b>Assist agencies to adopt privacy by design and achieve compliance with the privacy principles</b>			
Percentage of agency stakeholders satisfied with advice service we provide	75%	100%	✓
Number of consultations and submissions	n/a	11	--
Number of advices and meetings	n/a	383	--

Service standard	2020-21 target	Achievement	Result
<b>Our assistance and monitoring service</b>			
<b>Improve agencies' practices in right to information and information privacy   Promote greater awareness of right to information and information privacy in the community and within government</b>			
Percentage of agencies satisfied with the enquiries service	80%	99%	✓
Percentage of agencies satisfied with the quality of the information resources provided	80%	98%	✓
Number of training participants	4,000	8,738	✓
Percentage of training participants satisfied with sessions	75%	97%	✓
Number of reports tabled in Parliament	5	5	✓
Number of awareness activities conducted	250	321	✓
Number of responses to written and oral enquiries	4,500	5,693	✓
Number of website visits	150,000	317,186	✓

## ABOUT US

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

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

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

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

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

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

Under the RTI and IP Acts, the Information Commissioner, Right to Information Commissioner and Privacy Commissioner are statutory office holders appointed by the Governor-in-Council. They are not subject to ministerial direction in the exercise of their functions under the Acts.

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

### **Our stakeholders**

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

# OUR VALUES

## **Respectful**

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

## **Collaborative**

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

## **Focused**

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

## **Innovative**

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

## OUR STRATEGY

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

### **Strategic planning**

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

Our Strategic Plan is available at:  
[www.oic.qld.gov.au](http://www.oic.qld.gov.au)

### **Improving our services**

#### ***Evaluation***

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

#### ***Stakeholder engagement***

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

#### ***Feedback***

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

# OUR CHALLENGES, RISKS AND PRIORITIES

## **Strategic engagement**

During 2020-21, we completed the implementation of our two year training and stakeholder engagement strategy. The strategy supports our statutory functions and has helped us manage an increasingly complex environment for external review applications, enquiries and privacy complaints. This approach means we tailor our communication and engagement with specific agencies and manage our resources carefully.

In partnership with government agencies and other integrity bodies we promoted and raised awareness about information access and privacy to a wide range of audiences including key decision-makers in government, media and the community.

In February 2021, we finished implementing the relevant recommendations of the *Operation Impala* report about the misuse of confidential information. This is part of our continued efforts to build trust in government by putting in place appropriate safeguards for appropriate and transparent use of personal information, and measures to prevent misuse.

We launched a Privacy Champions Network during Privacy Awareness Week 2021. Champions from departments attended the inaugural meeting hosted by the Information Commissioner and the Privacy Commissioner in May 2021. We will extend these meetings to Privacy Champions from councils and hospital and health services in 2021-22.

Under our engagement strategy we started developing a practical privacy resource for local governments which will be available by October 2021. We surveyed a group of councils to determine which resources would most help them to meet their obligations under the *Information Privacy Act 2009* and community expectations around personal information.

During 2020-21, where it was safe to do so, we conducted several face-to-face engagement activities to raise awareness of our role and services. When there were restrictions because of the COVID-19 pandemic, we conducted our engagement activities online. As a result, there was minimal disruption to our advisory services and operations. Our stakeholders continued receiving advice and support from our officers.

International Access to Information Day 2020 promotional activities were delivered in a digital format. Mr Alan MacSporran QC delivered the keynote address for Privacy Awareness Week at the State Library of Queensland. We streamed the event so audiences in regional and rural Queensland as well as those further afield could participate. Our engagement activities featured a strong digital presence including social media advertising, webinars and communication materials. These initiatives met our goal to connect with the community and maximise resources and activities with our peer jurisdictions across Australia and our international networks.

The COVID-19 pandemic changed the way our Audit and Evaluation team engaged with government agencies in 2020-21. For example, the review on *Minimum reporting requirements: Personal interests, gifts and benefits, overseas travel* supports our vision of building trust through transparency but did not unduly burden agencies.

## **Advocating for a stronger privacy framework**

A contemporary legislative privacy framework is critical for government agencies to respond to changing community expectations and emerging risks. Developments in artificial intelligence, data analytics and other technology require stronger privacy and data security measures.

It is important that Queensland's privacy legislation remains fit for purpose in an increasingly interconnected digital world. A strong legislative privacy framework would help Queensland to manage the challenges of digital service delivery while meeting public expectations about privacy.

### **Internal engagement**

Our culture is shaped by our purpose, values and behaviours. Throughout the year, we worked closely with our staff to build a culture of trust and transparency based on resilience, improved leadership capability, collaboration and innovation. Despite their heavy workload, including the substantial ongoing demand and high number of existing matters, staff actively progressed priorities in our strategic plan to better manage emerging challenges, risks and opportunities.

We consult and engage our staff on all matters that affect the way we work. For example, staff helped develop a new remote working policy to successfully implement our hybrid work model. This involved discussing one-on-one and in teams, consulting with the union and recognising the importance of health and safety when working in the office or from remote locations. The policy was finalised in December 2020 and updated in May 2021.

### **Implementing recommendations from the Independent Strategic Review**

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

We note that temporary resources were approved for 2021-23 for the outstanding positions recommended to be put in place permanently by the 2017 Independent Strategic Review. OIC welcomes the additional temporary resources in these critical areas for the office.

### **2021-22 in focus**

As we continue to adapt to the changing environment of the COVID-19 pandemic, we will review our services to ensure they are accessible to all. We may divert resources from usual work on information access rights to ensure fair and timely review and complaints processes.

At the same time, we are conscious that our proactive work in providing support to agencies and the community and promoting good practices is vitally important and reduces the demand for formal access application processes, and privacy complaints, and subsequent review or mediation by our office. Achieving the best balance, and strategically focusing our resources has never been more important.

In 2021-22 we will :

1. encourage and support proactive and administrative release of government-held information, and privacy by design
2. influence and uphold privacy and information access rights frameworks
3. strengthen the Privacy Champions network to embed a strong privacy and data protection culture, and engage effectively with key stakeholders to improve awareness, build trust and enable safe digital service delivery
4. address key drivers of significant demand for external review, including deemed decisions, to ensure more efficient and effective access outcomes for the community
5. continue to identify and adopt strategies that use OIC and agency resources as effectively as possible to promote timely resolution of external reviews and privacy complaints while maintaining fairness to all

6. review our training programs to meet evolving needs and improve communication and engagement with communities and agencies throughout Queensland
  7. work with agency experts to ensure information management practices keep pace with rapidly evolving technology such as artificial intelligence
  8. conduct a balanced program of audits, including compliance with prescribed requirements and topical right to information and information privacy issues
  9. investigate new strategies including adopting better business practices and new technology to manage increasing demand
  10. develop the leadership and technological abilities of our workforce, invest in staff development and wellbeing and strengthen governance and information management practices.
- reprioritise resources required to inform and implement legislative reforms concerning recommendations of the review of the RTI and IP Acts, Operation Impala, QLRC Review about civil surveillance and privacy, and key policy and other developments, pending uncertain timing and Government responses
  - work with public sector leaders to adopt an open and transparent approach to information access and decision making
  - respond to increasing demand for external review and projected growth in a timely manner, while also managing unreasonable behaviour
  - build our capacity and continue to adapt our business processes to perform our statutory functions effectively and respond to increasing community and agency expectations.

### **Managing our challenges and risks in 2021-22**

Continued high demand for our services and more complex matters will significantly affect our ability to meet performance measures using our limited resources.

To manage this, we will promote greater adoption of timely, and easy to access, proactive disclosure consistent with the push model of RTI, and less reliance on formal access applications. We will also increase our efforts for agencies to embed good personal information management practices. More specifically, we will:

- engage effectively and inclusively with diverse stakeholders, including regional and remote communities, and flexible workforces
- keep abreast of rapidly advancing technologies, information sharing and new information management requirements to address greater risks in digital engagement and data handling



## 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
- Maintain comprehensive case and knowledge management systems for quality resolution and decision-making services
- Identify and implement strategies to ensure equitable and timely access to review services for all applicants, especially when experiencing high demand and repeated unreasonable behaviour on the part of review participants
- Determine external review applications through formal written decisions where required.

Figure 2. External review service standards

Service standard	Target	Achievement				
		2016-17	2017-18	2018-19	2019-20	2020-21
Percentage of external review applications finalised to received	100%	80%	95%	96%	88%	110%
Percentage of applicants satisfied with the conduct of the review	70%	73%	66%	56%	67%	51%*
Percentage of agencies satisfied with the review service provided	75%	92%	94%	98%	95%	96%
Mean average days to finalise a review**	150 days	n/a	n/a	n/a	n/a	155 days
Percentage of open reviews at end of reporting period over 12 months old	0%	0%	0%	0.1%	0.3%	6%***
Percentage of external reviews resolved informally without a written decision, compared to the total number of finalised reviews	75%	88%	87%	92%	87%	90%

\* While 753 matters were finalised in 2020-21, only 51 surveys were returned. Of these, 26 expressed satisfaction, 20 expressed dissatisfaction, and 5 were undecided.

\*\*This service standard changed in the 2020-21 financial year. The previous service standard was 'Median days to finalise a review – 90 days'

\*\*\*16 external reviews out of 291 matters on hand as at 30 June 2021.

In 2020-21 we again dealt with substantial external review demand, with 685 applications for the review of agency decisions about access received. This confirms a trend of increased and substantial demand for external reviews.

At the same time, we also dealt with:

- requests from government agencies to make vexatious applicant declarations
- applications from non-profit organisations seeking financial hardship status
- appeals against external review decisions in the Queensland Civil and Administrative Appeal Tribunal.

Pleasingly, we finalised 110 percent of external reviews compared to those received because we addressed the high carryover from 2019-20. This is a significant measure of our external review service's effectiveness and efficiency. Despite ongoing high demand, we reduced the number of external reviews on hand from 358 to 291 at 30 June 2021.

We continue to work hard to achieve better timeliness with the mean time for completion of external reviews being 5 days outside our target, of 150 days. Significant issues affected our timeliness. Ongoing substantial demand, relative to available resources, had an effect. Unreasonable behaviour required additional management which detracted from our ability to progress other reviews. Also, a number of agencies were frequently slow to comply with requests for submissions, information or documents. Excessive agency delays account for the 6 percent of matters over 12 months old as at 30 June 2021.

All matters on hand are being progressed as best we can manage given the variety of circumstances outside our control. As a result, despite the significant increase in demand since 2016-17, we do not have a large backlog of matters over 12 months old. This is testament to the close strategic management of all matters by the team.

We received a higher number of external review applications of deemed refusal of access decisions. This is where the agency has failed to comply with the statutory decision-making timeframe. We in effect process these matters as if each were an initial access application.

Applicants in these matters are typically aggrieved at the delays they have experienced, and are less amenable to informal resolution as a result.

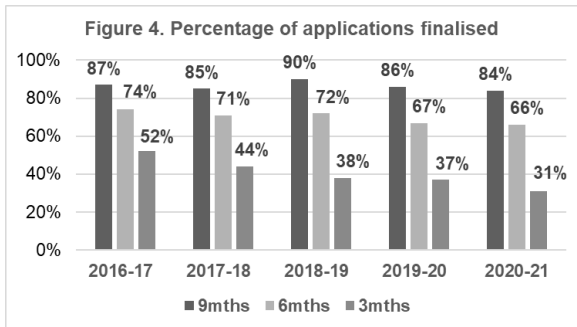
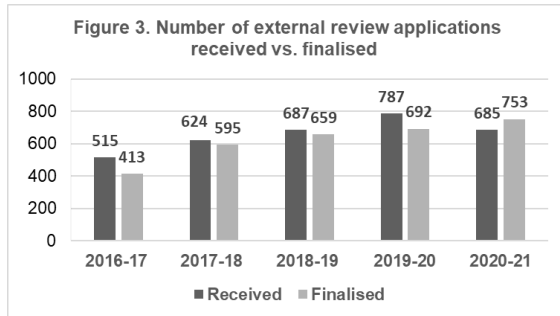
Our small external review team faced a number of challenges, including increasing:

- complexity of matters
- delay from agencies in cooperating with the review processes as they too grapple with increasing demand
- unreasonable and sometimes abusive behaviour from a small but time-consuming cohort of applicants.

While the challenges are considerable, team cohesion and collaboration remain high. Our staff maintained focus on core responsibilities and our goal of doing the best we can with the resources available. This helped achieve a resolution rate of 90 percent, exceeding the 75 percent target.

Our hybrid work model is also supporting staff who have become more proficient with SharePoint and Teams software since we digitised our entire external review process in March 2020. Also refinements in our case management technology enabled us to streamline the management of external reviews. This development aligns with our culture of continuous improvement in small team settings.

Overall, we remain focused on meeting the demands of the community when reviewing an agency's decision with as little technicality as possible, while maintaining a legally expert service.



We acknowledge the demand agencies are experiencing. In this reporting period, they have reported diminished ability to cooperate with the review process. They often requested lengthy extensions of time. We have examined this issue with the QPS because reviews involving this agency represent approximately 25 percent of those on hand at any one time. We discussed delay and its impact on trust and transparency at executive level. This led to further operational discussions between the QPS and our support services about proactive disclosure, possible administrative release schemes and improving capacity to deal with applications effectively.

Agencies reported 96 percent satisfaction with the external review service exceeding the target of 75 percent.

Applicant satisfaction remains below target at 51 percent. As in past years, we received few survey responses (51) relative to the number of reviews finalised (753). Twenty of the 51 responses received reported dissatisfaction with the conduct of the external review. These responses often mix the outcome of the review with service. Despite the low return rate, it remains important to give applicants a formal feedback opportunity. We consider every response to determine if there was an area

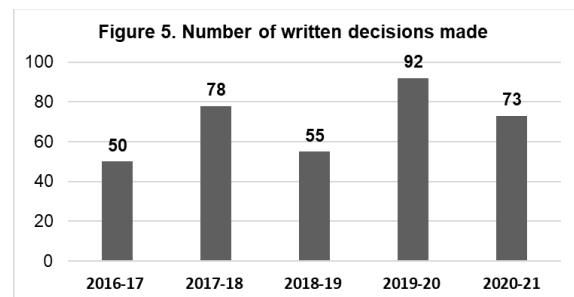
of service we could improve. We also often receive unsolicited feedback during the external review process from applicants expressing either appreciation for our service or sometimes dissatisfaction. All feedback is considered as a review progresses to ensure we follow best practice.

## Written decisions

The Information Commissioner must publish written decisions. All decisions are available on our website.

We made 73 formal written decisions, 24 less than in 2019-20. The decisions contain findings of fact and law, the names of the parties when warranted, all the facts relied upon, details of the law applied, details of submissions from the parties and reasons for the decision.

We resolved 90 percent of external review applications informally, exceeding our target of 75 percent.



## Appeals

An external review participant has a right to appeal to the Queensland Civil and Administrative Tribunal (QCAT) against a decision of the Information Commissioner on a question of law. The external review team undertake all QCAT appeal work and appearances.

Thirteen appeals were lodged in 2020-21 and 20 were finalised.

Of the finalised appeals:

- Six decisions were upheld
- One decision was remitted for us to reconsider
- Two decisions were set aside

- Eleven appeals did not proceed because the appellants elected to not proceed or failed to comply with QCAT directions about the filing of material or payment of the filing fee.

### **Judicial review of decisions**

The Queensland Supreme Court under the *Judicial Review Act 1991* may judicially review written decisions of the Information Commissioner. No applications for judicial review about matters relating to external review applications were made in 2020-21.

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

The Information Commissioner received 18 applications from non-profit organisations for financial hardship status under section 67 of the RTI Act, 10 more than in 2019-20. We granted 14 applications and rejected three because they did not meet the required criteria. One application was still under consideration at 30 June 2021.

The financial hardship status has effect for one year from the date of the decision. It means government agencies must waive processing or access charges unless there are substantial improvements in the organisation's financial circumstances. The application fee on an access application remains payable.

We publish all decisions to grant financial hardship status on our website.

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

One application to declare an applicant vexatious under the RTI Act or IP Act was received from an agency. It was refused. QCAT dismissed an appeal by an applicant regarding a declaration made by the Information Commissioner in the 2019-20 reporting period..

We publish decisions about applications to declare a person a vexatious applicant, including declarations and the supporting reasons on our website.

### **Improving our service**

The external review service team has a strong culture of continuous improvement and is committed to sustaining relationships of mutual trust among team members. We find ways to improve our service for the community and adapt it to evolving external circumstances quickly. For example, we regularly review and amend information sheets an applicant receives at the start of their review to reflect commonly raised concerns and better manage expectations.

In this reporting period we focused on examining how to best manage large numbers of reviews from applicants who submit substantial volumes of unsolicited correspondence. The work involved is considerable. The processes we established to manage them are fair for those applicants, while ensuring we progress other external reviews without a time disadvantage.

In 2020-21 we also embraced OneNote as the delivery tool for our knowledge management resources. We designed a collated resource that is easy to search and that officers can update themselves. The responsibility for the resource is shared across the team. The tool gives us a greater ability to search for precedent and locate agency practice or policy about issues that can commonly arise on external review. It assists assessing issues on review faster and makes it easier for junior staff to learn and develop their expertise.

We continued to distribute deidentified case studies on informally resolved reviews to the RTI practitioner network. External review decisions and informal resolution strategies are an important educative tool for agencies and their independent decision makers. We also worked on new guidelines and information sheets so they reflect current external review findings and decisions.

# 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 assessments, including training, guidance and tools
- Provide independent expert advice and assistance to agencies
- Promote the benefits of engaging privacy services early
- Determine whether it is in the public interest to approve waiver applications through formal written decisions
- Issue compliance notices where required 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				
		2016-17	2017-18	2018-19	2019-20	2020-21
Percentage of agencies satisfied with the privacy complaint mediation service provided	75%	100%	88%	100%	100%	94%
Percentage of agency stakeholders satisfied with advice service we provide <sup>^</sup>	75%	n/a	n/a	n/a	n/a	100%
Mean average days to finalise an accepted privacy complaint	140 days	146 days	157 days	157 days	185 days	278 days
Number of consultations and submissions <sup>#</sup>	n/a	n/a	n/a	33	25	11
Number of advices and meetings with agencies <sup>*</sup>	n/a	n/a	n/a	326	412	383

<sup>^</sup>This service standard was introduced in the 2020-21 financial year.

<sup>#</sup>This service standard changed in 2018-19 financial year. The previous service standard was 'Number of advices, consultations and submissions'.

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

The IP Act provides for the fair collection and handling of personal information in the public sector environment. The Act sets rules for how Queensland public sector agencies must handle personal information.

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

- provide expert privacy advice and assistance
- consider applications to waiver or modify the obligations to comply with the rules where there is a counterbalancing public interest
- issue compliance notices.

### **Agency advice and assistance**

On request, we give agencies verbal and written advice on privacy issues in their operations, 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 2020-21 we advised government agencies 206 times. A range of agencies sought guidance on initiatives that collect, use, share or disclose personal information, such as video footage and health records. We participated in 148 meetings on various privacy related matters including regional visits and information sessions. We have a target of 75 percent agency satisfaction with the privacy advice provided to agencies introduced this reporting period and have achieved 100 percent. We surveyed advice recipients in the final quarter of 2020-21. We will review the methodology we trialed in the first year of this measure and adjust as necessary in 2021-22.

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 2020-21 we made five formal submissions to parliamentary inquiries, commissions and to the Queensland and Australian Governments. This included submissions to:

- the Digital Transformation Agency in response to the Digital Identity Legislation Consultation Paper
- the Commonwealth Attorney-General's Department in response to the Review of the *Privacy Act 1988* Issues Paper
- the Office of the National Data Commissioner's consultation on the Exposure draft of the Data Availability and Transparency Bill 2020, explanatory materials and Accreditation Framework discussion paper
- the Integrity and Oversight Committee of the Parliament of Victoria for the Inquiry into Education and Prevention functions of Victoria's Integrity Agencies
- the New South Wales Department of Communities and Justice on the consultation draft of the Privacy and Personal Protection Amendment Bill to strengthen privacy protections in NSW by establishing a mandatory data breach (MNDB) scheme.

### **Points of interest**

We continued to monitor international, national and local issues and trends in privacy and data security and information management. The Privacy Commissioner and the Information Commissioner participated in the 54<sup>th</sup> and 55<sup>th</sup> virtual meetings of the Asia Pacific Privacy Authorities. These forums provide insights into data protection and privacy regulators and agencies across the Asia Pacific region and more broadly. The meetings explored various challenges to privacy regulation and data sharing in a pandemic. The participants outlined different international approaches to address these challenges.

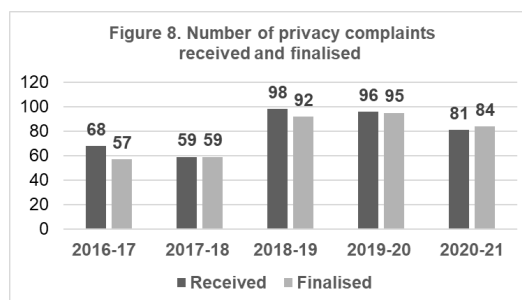
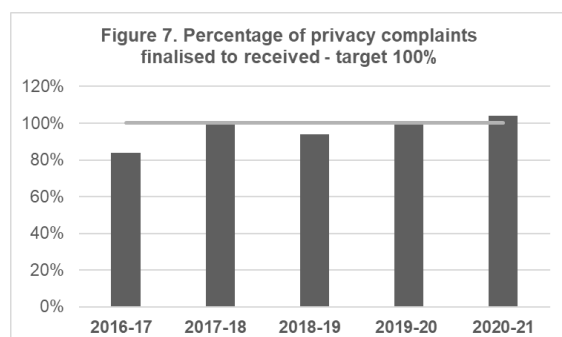
They also discussed emerging issues for facial recognition, use of artificial intelligence, cross border enforcement and legislative developments. There was general agreement that striving for national collaboration and consistency remained a key factor.

We also participated in meetings of all Australian Privacy Authorities held in 2020-21 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 various issues including national consistency on public health directives about contact tracing, check in apps and a potential vaccination certificate or passport.

### 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 2020-21 we finalised 84 privacy complaints and received 81. These figures are slightly lower than the previous financial year.



In 2020-21 we closed 15 accepted privacy complaints and resolved four through mediation. Nineteen complaints remain open.

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. An example would be if 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 relatively straightforward 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.

Under the IP Act our investigative powers are limited and so we are dependent on the cooperation of the parties and largely we have no control over the timeliness of responses and communications.

The privacy complaints jurisdiction is now 12 years old, and agencies have more mature systems and can deal with simpler, more straightforward privacy issues. Dissatisfaction with agencies' provision of personal information to third parties continues to be the most common subject of complaints.

In 2020-21, for some complaints, there were significant lags in communications from complainants and respondent agencies. The privacy complaint process under the IP Act does not set a timeframe for managing privacy complaints. We are flexible where appropriate with the time complainants and respondent agencies have to deal with the complaint where it is reasonable to do so, noting the mediation process. Many factors can affect timeliness, for example personal health issues, pursuit of parallel complaint processes and delays because staff are re-deployed. This is particularly a factor when we mediate accepted privacy complaints and discussing potential resolution with the parties can take significant time.

A significant continuing factor is that privacy is often one element of a larger suite of concerns that are being dealt with through alternative grievance mechanisms – human rights concerns, industrial actions, workers compensation claims, internal disciplinary processes and compliance activities. The parallel administration of these other grievances can impact the timeliness of the parties' responses and communications in their privacy complaint.

The few complaints where we had to be flexible on the timeframe have a disproportionate impact of our performance measure because of the small total number of accepted complaints. While OIC has not met our targets, neither complainants nor respondent agencies have raised concerns about timeliness.

These trends have affected the time taken to resolve complaints. In 2020-21, the average time to finalise an accepted complaint was 278 days.

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 compensation sought is significant. We have published guidance on damages awards as a means of managing expectations.

Figure 9. Detail of mediated privacy complaints

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	Apology and change in practices
Public Authority	IPP 1 collection of personal information (lawful and fair)	No	No	n/a	Personal apology from CEO
Public Authority	IPP 11 Limits on disclosure	Yes	No	n/a	Amendment of record, change in practices
Health Agency	NPP 3 Data Quality	No	No	n/a	Minor financial compensation, updating of record, change in practices



## **Referral to QCAT**

If during mediation resolving the complaint does not appear reasonably likely, 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 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 2020-21, we referred one complaint to QCAT. We play a limited role in QCAT as we are not usually a party in privacy complaint proceedings.

## **Judicial review of decisions**

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 2020-21 about a privacy complaint decision. In December 2020 a complainant applied to the Queensland Supreme Court for a review of our decision to decline to accept their complaint. The application is scheduled to be heard in early November 2021.

## **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.

OIC received and determined one application for a waiver of the privacy principles during 2020-21. The waiver was not granted in the circumstances. The decision is published on the OIC website.

## **Data breach notifications**

Although agencies do not have to notify us and/or 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 expects 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 yet have the equivalent scheme to the Commonwealth, agencies increasingly tell us about their data breaches voluntarily, if only for seeking advice on how to manage them. This reflects increased agency awareness and public expectations. Most of the breaches involved limited, one-off incidents caused by human error. But with increasing serious cyber attacks, we expect that breaches through malicious attacks will increase in line with what is happening in other jurisdictions.

In 2020-21 we received 86 voluntary notifications from agencies of privacy breaches. This is more than double the number of notifications from in the previous year. Some incidents involved many affected individuals and could lead to a large number of complaints. However this is less likely if an agency notifies affected individuals promptly and appropriately enabling victims to protect themselves. It also helps to maintain trust and confidence in the agency.

To address increasing demand for advice about breaches, we upgraded our resources. They include updated guidance material, an online risk assessment tool and new forms – both in hardcopy and online to enable notification. We programmed our case management system to collect additional data we can use to identify potential risk and training topics. We will enhance the system's reporting function in the next financial year to be ready for a mandatory notification scheme, as recommended by the CCC Operation Impala report, and considered in the Review of the RTI Act and IP Act, subject to legislative reforms.

## **Improving our service**

We evaluate our privacy services and engage with stakeholders. We held fewer face-to-face engagements because of the pandemic. However, we moved our services online, including participating in government working groups, meeting with agencies and stakeholders and delivering training and other guidance activities through Microsoft Teams and Zoom.

More information about our key partnerships and networks is available on page 28.

## 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

- Use a range of communication and engagement initiatives to help the community to understand and exercise their information rights
- Encourage agency RTI and Privacy champions at a high level, consistent with good practice recommendations and models
- Co-design training and online resources with agencies to increase capability across the sector
- Provide quality information and assistance to the community and agencies
- Advise and influence key stakeholders on emerging trends and issues of significance
- Strengthen key partnerships and strategic networks to build expertise, resources and achieve better common outcomes
- Monitor, audit and report on agencies' information management and information privacy practices and on their compliance with the legislation
- Make audit recommendations on both specific and systemic matters
- Support agencies to self-assess and improve their performance monitoring of key aspects of RTI and IP.

Figure 10. Assistance and monitoring service standards

Service standard	Target	Achievement				
		2016-17	2017-18	2018-19	2019-20	2020-21
Percentage of agencies satisfied with the enquiries service	80%	100%	100%	99%	100%	99%
Percentage of agencies satisfied with the quality of the information resources provided	80%	98%	100%	99%	99%	98%
Number of responses to written and oral enquiries	4,500	5,081	5,057	5,280	5,684	5,693
Percentage of training participants satisfied with sessions	75%	99%	94%	97%	98%	97%
Number of training participants <sup>^</sup>	4,000	9,676	13,909	11,892	12,997	8,738
Number of reports tabled in Parliament	5	4	3	5	3	5
Number of awareness activities conducted <sup>##</sup>	250	684	307	430	353	321
Number of website visits <sup>^^</sup>	150,000	173,506	204,962	235,226	283,715	317,186

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

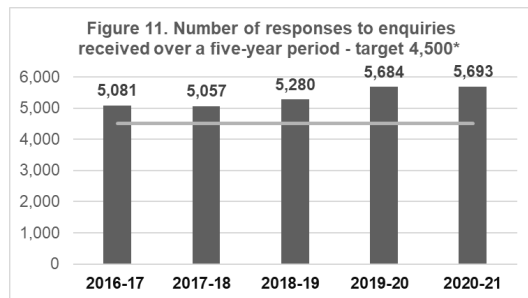
<sup>##</sup> New performance target introduced in 2018-19. The performance target was previously 190.

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

## Information and Assistance

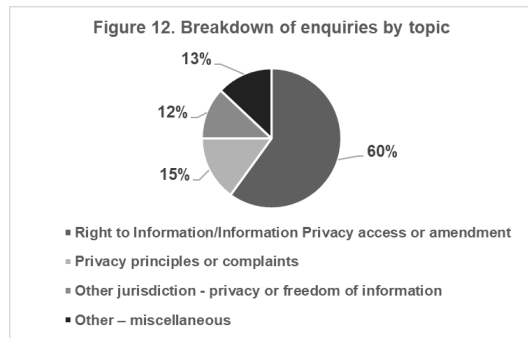
Our Enquiries Service responded to a record 5,693 enquiries in 2020-21 despite the challenges of working through a pandemic. We received specific enquiries, general questions and requests for assistance through various channels:

- 3,932 telephone calls
- 1,587 emails/letters
- 174 web enquiries.

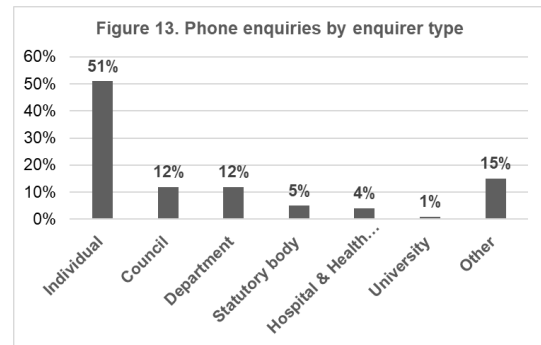


\*New performance target introduced in 2018-19. The performance target was previously 2,500.

The majority of enquiries were about access to or amendment of documents under the RTI and IP Acts (60 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 offer an extensive suite of resources for agencies and members of the community. These are available on our website and in hard copy, on request.

In 2020-21, we updated 28 guidelines and eight information sheets to ensure they were accurate and provided relevant information to our stakeholders. We published seven new guidelines, four new information sheets, and one training video to address emerging trends and needs.

We worked collaboratively to develop targeted resources. Our new guideline *Achieving effective privacy and information security training* was drafted specifically to support agencies to implement recommendations and findings from our work in auditing agency compliance with the RTI and IP Acts, and the recommendations the Crime and Corruption Commission made in its Operation Impala report about misuse of confidential information. We published two new information sheets and updated one complementary information sheet to better explain our external review role and manage stakeholder expectations.

We also developed new privacy resources around the theme of 'privacy in a pandemic':

- *Managing privacy in a pandemic* - guideline to assist agencies to manage their privacy obligations when dealing with common issues that have arisen during the pandemic
- *Privacy and public service employees in the pandemic* – guideline for all public service officers about how to handle the personal information they hold, and how their personal information must be handled by their agency during this time
- *Your privacy rights in a pandemic* – information sheet for members of the community explaining how agency privacy obligations apply to them in the context of a pandemic.

These resources use a question-and-answer style based on common situations, issues or concerns we identified through our enquiries service, and discussions with agency staff and community members.

We continued to operate our Enquiries Service through the COVID-19 pandemic with no disruption to service. We have been responsive to the needs of our stakeholders and delivered important messages via different mediums to support decision makers and inform the public on topical issues. One way we did this was through news items in our weekly e-newsletter.

As decision makers often asked about routine personal work information and how it interacts with legislative access applications, we drafted a short, comprehensive news item on the issues and directed decision makers to our more detailed published resources. The news item went to all officers who subscribed to our e-newsletter.

This was an effective and easily accessible way to deliver targeted information to the relevant stakeholders.

## **Training**

In 2020-21 we delivered:

- face-to-face workshops on privacy and right to information principles and practices
- regional training sessions
- tailored online training courses for agency staff including officers from specific business units within government
- a recorded e-lecture covering administrative access for Human Resources/Industrial Relations Officers
- webinars on a range of topics including those specific to information access and privacy officers.

We offered training on conducting privacy impact assessments, handling privacy complaints, managing documents after a Machinery-of-Government change, and dealing with difficult conduct. We also developed training tailored to various roles.

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

- Brisbane
- Central Highlands
- Bundaberg
- Moreton Bay.

## **Online training**

Individuals and agencies can access our training courses free of charge. We recommend Queensland public sector agencies train their staff at induction and through regular refresher courses by using examples and scenarios relevant to their operating environment.

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 better meet the changing needs of agencies.

Online delivery allows interested stakeholders to participate regardless of their location.

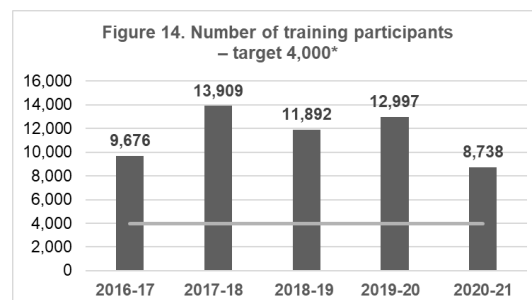
Where appropriate, we record training presentations and publish them on our website.

Our web-based training in 2020-21 included:

- Two x Access application handling courses
- What to do with documents following a Machinery of Government change
- Responding to a privacy complaint under IPPs
- Responding to a privacy complaint under NPPs
- Privacy Bites: QR Codes
- Privacy Bites: Human error
- RTI Bites session: Scoping an application
- RTI Bites session: Timeframes
- RTI, IP, and accessing workplace grievance information (recorded e-lecture)
- Dealing with difficult conduct.

In 2020-21, 97 percent of training participants were satisfied with the sessions they completed.

In the reporting period 8,738 participants completed our training. This is a 33 percent decrease from 2019-20. The decrease might be attributed to more agencies implementing their own tailored training program which removes the need to access our general online training. This approach is consistent with our recommendation from the audit report, *Awareness of privacy obligations - How three Queensland government agencies educate and train their employees about their privacy obligations*, tabled in Parliament during 2018-19.



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

## **Promoting awareness**

### **Key activities**

#### ***International Access to Information Day***

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

In 2020, IAI Day featured the theme 'Building trust through transparency'. Timely access to accurate information helps citizens make informed decisions when responding to a crisis, such as restrictions on movement, access to services, work and schooling, virus testing, medical supplies, and economic aid or stimulus. We published a range of resources such as an animation, brochures, posters and checklists to assist with building awareness of information access rights and responsibilities.

#### ***Solomon Lecture***

The annual Solomon Lecture forms an important part of IAI Day activities. It recognises Dr David Solomon's contribution to greater and easier access to government-held information. Unfortunately, we did not hold the Solomon Lecture in 2020 due to COVID-19 restrictions.

#### ***Privacy Awareness Week***

We participated in Privacy Awareness Week from 3 to 9 May 2021, as an active member of the Asia Pacific Privacy Authorities. The theme 'Make privacy a priority' was aimed at the community and public sector.

We launched Privacy Awareness Week with an event held at the State Library, Queensland. The event was also streamed live and featured a keynote presentation from Crime and Corruption

Commission's Chairperson, Mr Alan MacSporran QC, titled, 'I trusted you with my personal information - Government powers and practices to prevent misuse of personal information'.

The keynote address reflected on lessons from the implementation of Operation Impala, and why building a 'privacy-aware' culture is fundamental to public trust in government.

The speakers line up also featured Information Commissioner Rachael Rangihaeata, The Hon. Shannon Fentiman MP, Attorney-General and Minister for Justice, Privacy Commissioner Phil Green; and a special Acknowledgement of Country by Ms Waveney Yasso.

The recording is available on our website and YouTube channel.

Our modest social media advertisement campaign costing \$5,000 achieved 761,633 impressions and contributed to raising awareness and driving traffic to our website.

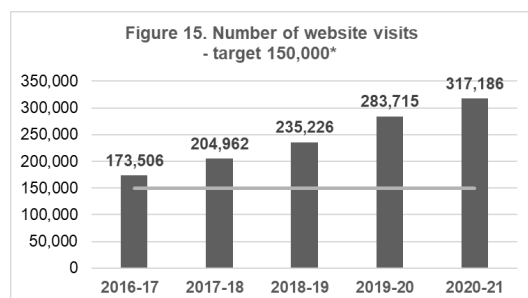
We provided agencies and the community with a range of resources to help raise awareness about privacy rights and responsibilities including how to protect and respect personal data.

#### ***Digital engagement***

Our website is a primary communication tool and a key source of knowledge for stakeholders. We continued advertising our website and encouraged 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 317,186 visits. This is a 12 percent increase from 2019-20.



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

We continued to use web-based technologies, such as social media and multimedia, as valuable and cost effective communication methods. We engaged with the public sector and community through our dedicated YouTube Channel, Twitter feed and LinkedIn presence.

### **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 and elected representatives including:

- Queensland Police Central Region District Officer Forum
- Queensland Police Executive Leadership Team
- new Members of Parliament
- Ms Fiona Simpson MP, Shadow Minister for Integrity
- Far North Queensland Regional Organisation of Councils
- Scenic Rim Regional Council
- Central Highlands Regional Council.

In 2020-21 we conducted 321 awareness activities exceeding our target of 250.

### **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 public 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 and reviews under the *Right to Information Act 2009* to the Parliamentary Committee for Legal Affairs and Safety, and under the *Information Privacy Act 2009* to the Speaker of the Legislative Assembly, for tabling in Parliament. In 2020-21 we tabled five reports:

- Privacy and public data – Managing re-identification risk
- Disclosure logs – Queensland Government departments
- Follow up audit – Awareness of privacy obligations
- Follow up audit – Bundaberg Regional Council
- Minimum reporting requirements – Personal interests, gifts and benefits, overseas travel.

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

The audit on *Privacy and public data* raised critical issues about re-identification risk that are relevant to the broader sector. We identified good practice and areas for improvement and made five recommendations to all government agencies. This audit report was widely acknowledged in Australia and overseas. It led to several presentations to a broad range of stakeholders like ICT officers and risk managers, and to international and national forums.



Our audit on disclosure logs found that departments maintain mostly compliant logs but there are gaps. The logs are not always current or complete. And while it is generally easy to find the disclosure logs on the departments' websites, not all logs are easy to read or use.

The three agencies in the follow up audit on *Awareness of privacy obligations* have fully implemented all 12 recommendations we made in 2018-19. This means that their training and education regime is now more effective at mitigating information privacy and security risks.

We examined the minimum reporting requirements about personal interests, gifts and benefits and overseas travel of Queensland elected and government officials and found that they generally support open and transparent government. However, the requirements are not always consistent between the sectors.

We identified a range of improvement opportunities and encouraged government agencies to consider adopting some of the good practices in place in other jurisdictions to increase openness and transparency, thus trust in government.

### **Key partnerships and networks**

In 2020-21, 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 forums. A steering committee of agency representatives ensures topics meet practitioner needs.
- Agencies across sectors and other stakeholders supported and promoted information rights and responsibilities in Queensland as well as highlighted their commitment to right to information during key campaigns.
- 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 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. The Information Commissioner and Privacy Commissioner attended two virtual forums during 2020-21, sharing our work in the *Privacy and Public Data* audit, and remote working messaging from Privacy Awareness Week.
- We maintained our membership in the International Conference of Information Commissioners, and the Information Commissioner attended the 12<sup>th</sup> annual conference, which included a critical resolution highlighting the importance of proactive publication of information in the pandemic.
- 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 and administrative release of information. We identified further opportunities to collaborate, including on the Open Government Partnership National Action Plan 3 proposed commitment led by Information Commissioners.
- 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.

- 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 for Integrity Committee meetings.

## Improving our service

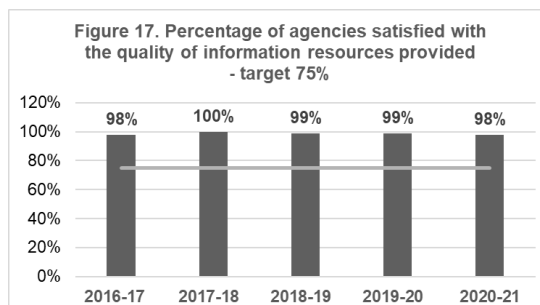
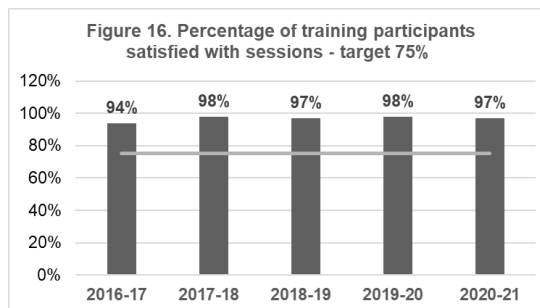
In 2020-21 we:

- evaluated the performance of Privacy Awareness Week and International Access to Information Day events and identified improvements for future activities
- reviewed existing information resources, including training resources, to meet our stakeholders' needs
- partnered with agencies as part of our Privacy Awareness Week and International Access to Information Day activities to raise awareness of information access and privacy rights
- adapted our training methods in response to COVID-19 so we could continue to provide learning opportunities for practitioners and agency staff and support good practice
- met with key stakeholders to better understand their needs and inform our service delivery strategies, and to identify opportunities for partnership and collaboration
- published resources for agencies responding to a privacy breach.

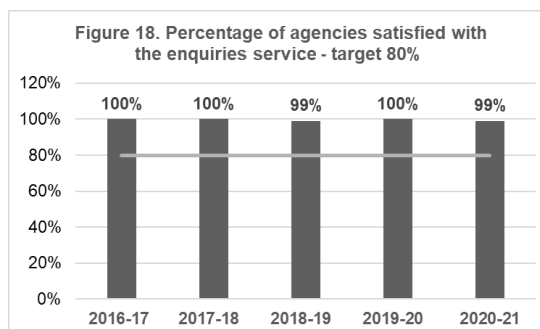
## Feedback

In 2020-21 we received feedback on our assistance and monitoring service:

- we measured training participants' satisfaction (see Figure 16)
- we surveyed agencies satisfaction about our guidelines and information sheets (see Figures 17)
- we surveyed agencies about our Enquiries Service (see Figures 18).



\*We split this question into five separate questions to obtain more specific feedback on whether agencies think our guidelines and information sheets are 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 split this question into five separate questions to obtain more specific feedback on the agencies' interactions with the Enquiries Service: ease of access; timeliness of response; listening and understanding; clear, relevant information; answer to the enquirer's query. The percentage total represents an average of the responses provided.

# HOW WE OPERATE

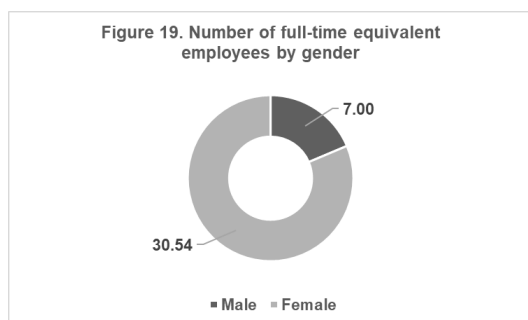
## Our people

We have an approved permanent establishment of 37.1 full-time equivalent (FTE) staff.

As at 30 June 2021, we had 37.54 (FTE) staff. All figures are taken from fortnight ending 19 June 2021. Our FTE are active and paid employees including one employee (0.37 FTE) on paid parental leave.

Eighty-eight percent of our active and paid employees are permanent. This includes employees seconded from other Queensland Government agencies. One permanent employee resigned during 2020-21 resulting in a separation rate of 2.63 percent as at 30 June 2021.

We paid no early retirement, redundancy or retrenchment packages during the reporting period.



Note: Active and paid staff only.

## Flexible working arrangements

Flexible work arrangements are important to attract and retain a highly skilled workforce. Our people actively embrace flexible work options like flexible start and finishing times, part-time work, job sharing, remote working and accrued time.

During the year we updated our remote working policy. It makes clear that all roles can be fulfilled through a hybrid model, split between remote and office locations. We will manage our teams in line with the Public Service Commission's hybrid work guidelines and flexible-by-design framework.

The hybrid working model helps foster a positive culture. It supported staff and stakeholders in periods of disruptions throughout the year.

Towards the end of 2020, all staff and their managers put in place formal remote working arrangements under the terms of the updated policy. We continued to work flexibly and safely in the continuing pandemic situation, while ensuring full service delivery. The arrangements in place mean we can respond to change in an agile and positive way.

A business continuity plan supports the model. We regularly updated the plan to ensure the safety and wellbeing of all staff.

We facilitated four job-share arrangements and supported 20 part-time working arrangements this year. In the year ahead, we will actively engage with staff about balancing workloads and managing health and wellbeing in a fast-paced environment.

## COVID-19 response

During the year, we used a range of tools including Microsoft Teams to conduct meetings and deliver training. When possible, we met face to face with staff and stakeholders. The Executive Leadership Team provided regular updates via SMS alerts, emails and Teams meetings.

We also aligned our COVID-19 messages with Queensland Health, the Public Service Commission and the Department of Premier and Cabinet. We gave staff opportunities to engage and raise issues or concerns.

We recognise the importance of supporting initiatives that keep our community safe. As a result, we encouraged staff to consider secondments in contact tracing roles as part of the Community Recover Ready Reserves program. This year, two staff members volunteered for this program.

## Investing in our people

Our people are our most important asset. We have a comprehensive employee performance framework. It covers induction, performance management, staff development and recognition. We foster ongoing learning and development to achieve a capable, professional and adaptable workforce.

During the year, we:

- consulted and engaged staff on a wide range of issues including health and wellbeing, the hybrid model of work, COVID-19 risk management, policy initiatives and strategic and operational planning, and an OIC cultural capability plan and actions
- worked with staff to implement actions from the 2020 Working for Queensland survey
- improved governance around working remotely through self-assessment checklists and education
- encouraged staff to develop skills through higher duties or secondments
- provided coaching, mentoring and access to relevant training courses, seminars and workshops
- advertised positions broadly where permitted
- converted one temporary employee to permanent tenure
- provided free confidential counselling services to staff and their families through our employee assistance program
- offered wellness initiatives including flu vaccinations, sit stand desks, ergonomic assessments, end of trip facilities and lunchtime yoga.

In 2020-21 we spent \$41,901 on staff professional development, training and workshops. In addition, we rolled out an extensive two-year professional development program which commenced in 2019-20. This program was predominantly funded from the 2019-20 budget.

The program further developed the leadership capabilities and career growth goals of our people. It also aligned with the recommendations of the independent Strategic Review of OIC and the *Working for Queensland* survey 2020 results.

Our training strategy continued to focus on:

- leadership and career coaching
- LEAD4QLD program for capability and career development, aligned with public sector's *Human 10 year Capital Strategy*
- mental health first aid courses
- domestic violence webinars conducted by DV Connect
- ergonomics assessments for the home office
- vicarious trauma and compassion fatigue programs project management and business mapping workshops
- digital skills.

Our 2020-21 development and training spend is a decrease of \$86,250 from 2019-20. This amounts to 0.85 percent of employee expenses. Our staff took advantage of many free training and development opportunities from various professional bodies and similar jurisdictions. As noted above, some professional development funded in 2019-20 was also undertaken in 2020-21.

As part of our onboarding and induction program, all new staff completed mandatory training in public service code of conduct, workplace bullying and workplace health and safety.

Looking ahead, we will focus on the following initiatives for an agile, resilient high performing workforce:

- foster good health, safety and wellbeing practices
- embed career development strategies
- facilitate professional development in negotiation, dealing with high conflict personalities, leadership and vicarious trauma management leadership.

## **Working for Queensland survey 2020**

We participated in the annual Working for Queensland survey. In 2020, 89 percent of our staff shared their views and experiences of working at OIC. We used this information to drive workplace improvements and work with staff on solutions to address areas of concerns.

This year's survey again indicated a high level of employee engagement including consistent and positive results in satisfaction with working at OIC. However, responses also showed concerning results about workload and wellbeing. Fifty-four percent of respondents said they felt overloaded with work and 39 percent felt burnt out by their work. These results reflected the high workload and the stress caused by dealing with high conflict personalities in our review, enquiries and complaints management work.

We organised a series of workshops where staff prioritised actions and identified opportunities to remove red tape. There was further support around workplace wellness such as training in workload management, resilience, and home office ergonomics.

We sought additional resources to relieve key frontline areas in the office. At the time of tabling of this report, the Government approved an additional temporary 4.8 FTEs until June 2023, to be funded from our cash reserves (see pages 45-49).

## **Consulting and engaging with staff and union**

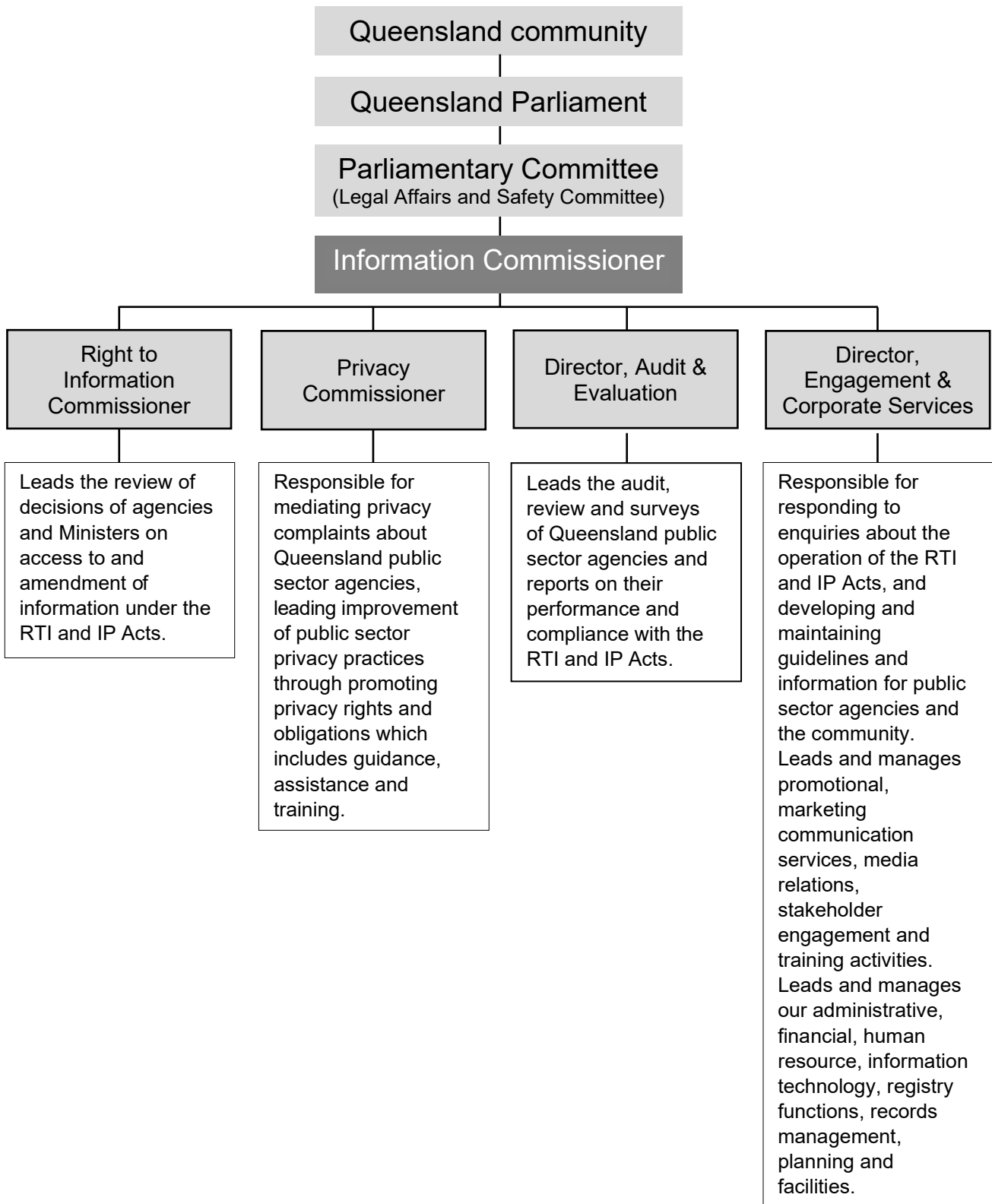
We did not have a Consultative Committee in 2020-21 as no staff members chose to act as union delegates. We remain committed to consulting and collaborating with all employees on workplace related matters.

## **Enterprise bargaining**

Our certified agreement was updated to reflect the new wage increase schedule agreed between the Queensland Government and the Together Union in response to the COVID-19 pandemic. The amended agreement aligns with the Queensland Government wages policy and has a nominal expiry date of 31 October 2022. In accordance with s169(3) of the *Industrial Relations Act 2016* we will look to commence bargaining for a replacement agreement in August 2022.

# OUR STRUCTURE

Figure 20. Our structure



## **CORPORATE SERVICES**

In 2020-21, we had in place a service level agreement with the Corporate Administration Agency for human resource, internal audit and finance services and a contract with Datacom for ICT support and hosting services.

Our expenditure for corporate services was \$347,896. This is an increase of \$37,314, from 2019-20 (\$310,582), mainly due to increase in licencing fees and additional support services.

### **Information and technology**

Our ICT systems functioned well during the year. With the support of Datacom we implemented digital collaboration tools that enable staff to work securely and effectively. Our staff can work from multiple locations because Datacom has implemented and is continually monitoring stronger security measures. In late June 2021, we successfully deployed a VOIP (Voice Over Internet Protocol) telephony solution to integrate seamlessly with our laptop fleet.

### **Testing and securing our systems**

We concluded our 2020 security penetration testing project by finalising all mitigation actions. These actions will be monitored with the support of Datacom. We plan to conduct another test later in 2021-22, as part of our ICT strategic roadmap and rolling business plans.

This year, we enhanced our online security by investing in a detection and response service across our laptop fleet and server farm. This service improves the existing anti-virus/malware protections across our ICT system.

### **Strengthening our information governance and management**

As part of our strategic ICT roadmap and the Crime and Corruption Commission's Operation Impala report, we commenced two projects to improve our cyber security and information management security:

- enterprise information management
- case management system replacement.

In addition to our contract with Datacom, we engaged them to review our information management practices, streamline our recordkeeping and strengthen our information security and governance. Outcomes from the review included new and updated corporate information management guidelines and policies. The review also resulted in a business process map of OIC's RTI and Privacy review applications. These activities will help us streamline our information management processes and contribute to the technical specifications for a future case management system. This engagement will continue into 2021-22.

Our current provider has provided our case management system for over 10 years. In that time, it has been reconfigured extensively to suit our business needs. Our new ICT environment and changing business and security requirements prompted the need for a replacement system. Last year's market sounding activity identified a number of different products to consider. Looking forward, we will engage with other agencies and peer jurisdictions about viable options that meet our business requirements.

As we do not have in-house ICT expertise, we had a contracting arrangement with the Department of Communities, Housing and Digital Economy for a Project Manager at the AO8 classification level to manage the current projects. This role was pivotal in successfully transitioning to Datacom and providing strategic and technical advice across all our ICT projects throughout 2020-21.

## **Improving our service**

Throughout the year, we continued to enhance our corporate services by:

- refining internal practices to simplify and streamline administrative activities
- updating our governance framework
- reviewing internal policies and procedures to ensure they are contemporary and support our business practices
- updating our ICT tools and services to maximise efficiencies and increase digital capabilities
- undertaking agency and applicant surveys to measure satisfaction rates
- collaborating with staff to align our developmental focus with our strategic goals and their career goals.



# OUR EXECUTIVE LEADERSHIP TEAM

*The Executive Leadership Team consists of the Information Commissioner, two deputy commissioners (Right to Information Commissioner and Privacy Commissioner) and the Director, Engagement and Corporate Services.*

## **Information Commissioner**

The Information Commissioner is the chief executive and accountable officer for the Office of the Information Commissioner (OIC). The Information Commissioner is also an officer of the Parliament and performs statutory functions under the RTI and IP Acts.

The Information Commissioner can independently:

- review the merits of Ministers and agencies' access and amendment decisions
- mediate privacy complaints about agencies
- audit and evaluate agency compliance with the RTI and IP Acts
- assist and train agencies
- conduct community awareness activities.

## **Rachael Rangihaeata**

Appointed as Information Commissioner on 20 September 2013, Rachael champions proactive disclosure of, and appropriate privacy safeguards for, information held by Queensland government agencies including local governments, Queensland Government departments, public hospitals and health services and universities, and public authorities.

The Information Commissioner promotes awareness of information rights and responsibilities within the community and Queensland government agencies.

Rachael and her team engage with agency leaders to promote cultures that support good RTI and IP practices. These include proactive disclosure, administrative access, pro-disclosure bias in formal access application decision-making and privacy by design.

Before her appointment as Information Commissioner, Rachael held senior leadership positions across all functions of the OIC since 2005. Rachael has over 25 years public sector experience, having also worked in various roles within the Queensland and Commonwealth public service, primarily in strategic and legislative policy.

Rachael holds a Bachelor of Laws (Honours), Bachelor of Science (AES) and Graduate Certificate in Public Sector Leadership (PSM).

Rachael's current term of appointment is to 20 September 2023.

## **Right to Information Commissioner**

As a deputy to the Information Commissioner, the Right to Information Commissioner has particular responsibilities for matters about the Information Commissioner's functions under the RTI and IP Acts. The Right to Information Commissioner leads the external review services of the office and champions information access to government agencies and the community.

## **Louisa Lynch**

Louisa was appointed Right to Information Commissioner on 6 July 2018. Louisa was Acting Right to Information Commissioner from 28 August 2017 and an Assistant Information Commissioner at OIC for over six years. She brings more than 15 years of significant public sector experience and knowledge of the local government sector to the role.

Before joining OIC, Louisa was a senior lawyer in the Department of Local Government, Community Recovery and Resilience.

She has also worked in legal roles in a number of government agencies including the Department of Transport and Main Roads, the Department of Local Government, Planning, Sport and Recreation and the Department of Infrastructure and Planning.

Louisa holds a Bachelor of Laws and was admitted as a solicitor of the Supreme Court of Queensland in 1990.

Louisa's term of appointment is to 5 July 2023.

### **Privacy Commissioner**

The Privacy Commissioner has responsibilities and delegations under the IP Act including dealing with privacy complaints, raising awareness, creating resources and promoting good privacy and data protection practices in government. The Commissioner also advises on significant projects and legislation impacting on privacy.

### **Philip Green**

Appointed as the Privacy Commissioner in December 2015, Philip has an extensive career in the private and public sectors. His legal career includes commercial banking and finance/insolvency. He has extensive central agency experience in criminal justice, legal and economic policy at the Department of the Premier and Cabinet in Queensland and a secondment to the UK, Strategy Unit in the Prime Minister's Cabinet Office.

Before his appointment, Philip led Innovation and Small Business for the Queensland Government. He has a keen interest in innovation and technology law and was instrumental in establishing Queensland's first administrative privacy regime.

Philip holds degrees in Arts and Law from the University of Queensland. He also had a master's in Law from QUT, majoring in technology law and focusing on policy development about intellectual property, privacy and commercialisation, information technology and regulation of the internet and media.

Philip's term of appointment is to 10 December 2021.

### **Director, Engagement and Corporate Services**

The Director, Engagement and Corporate Services leads the teams responsible for information and assistance, communication, engagement, training, corporate and registry services to internal and external stakeholders.

### **Adeline Yuksel**

As Director, Engagement and Corporate Services, Adeline has delivered a transformational program to improve all aspects of corporate services, communication and engagement at OIC. This work is continuing and has expanded to include information management and security, deeper engagement with stakeholders and strategic planning.

Adeline has held executive roles leading and managing corporate affairs teams across the public and private sectors including in health, transport and energy. She is an IAP2 certified practitioner and holds a Bachelor of Communications and post graduate qualifications in marketing and international relations. Adeline brings extensive experience in issues management, governance, communication, media, strategy development and community relations to OIC.

## OUR GOVERNANCE

*The Information Commissioner is an officer of the Parliament and a statutory office holder appointed by the Governor-in-Council under the RTI and IP Acts, and is not subject to ministerial direction in the exercise of the functions under the Acts.*

The Privacy Commissioner and the Right to Information Commissioner are also statutory office holders appointed by the Governor-in-Council. They support the Information Commissioner who is accountable to the Legal Affairs and Safety Committee (LASC) of the Queensland Parliament.

The Commissioners meet annually with the LASC to report on the performance of the Information Commissioner's functions and to discuss issues, such as our activities, structures and procedures, budget, annual report and any other significant matters. The LASC Oversight Inquiry hearing about the 2019-20 OIC Annual Report was held on 30 August 2021.

The Information Commissioner submits an annual report to Parliament through the Speaker. Meetings with the LASC, our Service Delivery Statements and the Estimates Committee hearings support our governance and accountability.

While the Information Commissioner is independent of ministerial control, under section 133 of the RTI Act, the Attorney-General, who is responsible for the Act, approves our budget. Our budget is incorporated in the Justice and Attorney-General portfolio Service Delivery Statements. The Information Commissioner appears at parliamentary Estimates Committee hearings to respond to questions from Members of Parliament about the budget.

Section 186 of the RTI Act requires an independent strategic review of our office every five years. The Governor-in-Council sets the terms of the review.

Before appointing a reviewer, the Attorney-General must consult with the LASC and the Information Commissioner about the reviewer and the terms of reference. These must include a review of the commissioner's functions and whether the office performs those functions economically, effectively and efficiently.

The report on the 2017 independent strategic review was tabled in Parliament on 11 May 2017. The next strategic review is due to commence by May 2022.

### Legislative compliance

We comply with a range of obligations. Here are some examples of our compliance activities:

- We embedded workplace health and safety within our culture and practices. It is everyone's responsibility to create and maintain a safe workplace. We expect all staff to identify, report and address workplace health and safety risks.
- All staff know about their obligations to act and make decisions compatible with the *Human Rights Act 2019*.
- The Code of Conduct for the Queensland Public Service applies to our staff. Under the *Public Sector Ethics Act 1994*, all new starters learn about the Code of Conduct through their induction program and are asked to confirm their understanding and ability to apply the code.
- All new staff must complete mandatory training at induction and every two years. The online training includes code of conduct, workplace health and safety, workplace bullying and domestic violence and general awareness on the RTI and IP Acts.

- Our Strategic Plan, staff performance agreements, procedures, practices and training uphold the Code of Conduct, ethical decision-making and *Public Sector Ethics Act 1994* in particular, the ethics obligations of public officials and our OIC values.

### **Internal and external audit**

As a small agency, the Executive Leadership Team is responsible for internal audit and an appropriate internal control framework. We also have access to CAA's internal audit services on a fee-for-service basis. We use this service to support our leadership team in areas such as business continuity plans, asset and risk registers, HR processes and finance management procedures.

In 2020-21 we engaged CAA to conduct an internal audit of our business continuity plan and asset and portable equipment register. However, due to the disruption of COVID-19, only the audit of our business continuity plan was completed. The asset and portable equipment register audit has been deferred to 2021-22.

Pages 64-66 of this report presents the external audit report and certificate of our financial statements. The Auditor-General has provided an unqualified certificate indicating our compliance with financial management requirements and the accuracy and fairness of the financial statements.

### **Governance Committee**

We are committed to robust governance and risk management arrangements. Our arrangements and strategies for risk management reflect the functions and size of the office.

Our Governance Committee framework sets out the OIC Governance Committee arrangements, including the roles and responsibilities of the committee.

We established the Governance Committee in August 2018 as a decision-making body, overseeing our governance arrangements.

As we are a small organisation, our Executive Leadership Team also functions as the Governance committee. During the year, the committee met monthly to focus and manage issues on:

- risk and audit
- finance and procurement
- people
- information and communication technology.

The Governance Committee oversees our risk management framework and operational management of risks. Its primary role is to ensure that the office addresses and manages audit and risk related issues in accordance with the Financial and Performance Management Standard and the *Financial Accountability Act 2009*.

In May 2021, the Committee approved a new governance framework which provides a more streamlined view of policies and procedures with regular updates. These changes will take effect in the new financial year and help ensure that OIC operates in an accountable and transparent manner.

The OIC Risk Advisory Group supports the committee and makes recommendations about the risk management approach. We addressed and completed all items in the 2020-21 risk register.

### **COVID-19 response**

During the year, we activated our Business Continuity Plan COVID-19 Preparedness team (BCP team) several times to respond to evolving health requirements from the Queensland Chief Health Officer. The BCP team worked collaboratively and proactively with staff and stakeholders to inform them of any business disruptions. It used a risk rating system and other measures to ensure the safety of our staff and stakeholders.

During the year, there were three snap lockdowns in Brisbane which saw our staff deliver services via email, phone, website and video conferencing. There was minimal disruption to services to the community and agencies.

We updated the COVID safe plans regularly to support our operations. Our hybrid working model also helps ensure our team can seamlessly move to working remotely when required. Two staff members volunteered to train and work as contact tracers to support Queensland Health during outbreaks. No staff were diagnosed with the COVID-19 virus during 2020-21.

### **Complaints management**

We endeavour to resolve complaints informally. When this is not possible, the Director, Engagement and Corporate Services receives written complaints and ensures they are handled independently.

However, we cannot deal with complaints about the merits or legality of a decision about a privacy complaint or external review. In these circumstances, the participant may be able to appeal to QCAT or apply to the Supreme Court for a statutory order of review. Appeals and reviews of this nature can only be taken on a point of law.

During 2020-21, there were five general complaints about our service. None were substantiated. We received no public

interest disclosures under the *Public Interest Disclosures Act 2010* nor complaints under the *Human Rights Act 2019*.

### **Records management**

We continued to promote good records management practices and maintain full and accurate records of our activities. We comply with the *Public Records Act 2002*, our retention and disposal schedule, and any relevant policies, standards and guidelines. The schedule guides us in managing our records effectively. We have internal guidelines, procedures and policies on managing information and records to support our systems. We recognise that information security is critical to our business model. In April 2021, we commenced an enterprise information management project to improve our recordkeeping, automate processes where possible and enhance information security.

### **Environmental sustainability**

Our waste management policy emphasises waste avoidance, reduction, reuse and recycling. We are reducing paper usage and encouraging all staff to recycle office and kitchen waste. We are using significantly less paper during periods our office is closed and with our hybrid work model in place. We have an emphasis on electronic processes wherever possible. Sensors ensure that lights are turned off when no one is using the facilities.

# OUR FINANCIAL PERFORMANCE

## Managing our budget

We ended the year in a secure financial position with adequate reserves to fulfil our responsibilities in 2020-21. In August 2020 we returned savings of \$61,000 resulting from the COVID-19 related public service wage freeze. A further \$19,000 has been returned for 2021-22.

## Expenses

We spent most of our funding appropriation (\$5.385 million or 79 percent of our total expenses) on employee-related expenses such as salaries, superannuation entitlement, long-service leave and payroll tax.

Our day-to-day running expenses cost \$1.446 million. Significant operating items relate to corporate service charges (\$348k), office accommodation (\$352k), computer related costs such as software licensing (\$229k), and contractors and consultants (\$243k).

Our overall expenditure (\$6.857 million) is a ten percent decrease in expenditure on the previous reporting period (\$7.657 million). This decrease is due to:

- an increase in ICT transition project expenditure in 2019-20, with approval to access cash reserves for this purpose resulting in a deficit (\$0.366 million)
- a decrease in employee expenses because of delays and difficulties in recruiting for specialised roles within the sector, and restrictions on temporary appointments.

## Consultants and contractors

In 2020-21 we spent \$242,737 on contractors and consultants. This planned expenditure predominantly relates to an update of our ICT systems for stronger security, governance processes and operational environment.

This year, we used consultants and contractors to assist us to:

- investigate options to improve enterprise information management security and recordkeeping practices
- update our e-learning management tool to reflect contemporary technical requirements and recommendations from the CCC's Operational Impala report.

## Assets

At 30 June 2021, assets totaled \$2.826 million and comprised:

- cash at bank \$2.617 million
- plant and equipment \$0.006 million
- receivables and other current assets \$0.203 million.

## Liabilities

As at 30 June 2021, our liabilities totaled \$0.421 million and included:

- \$0.290 million in payables
- \$0.131 million in accrued employee benefits.

The financial statements provide an overview of our financial activities during 2020-21. The Queensland Audit Office audited these statements, our supporting documentation and our systems and processes. We received an unqualified audit opinion.

## Financial outlook

Figure 21. Five-year comparison of revenue versus expenses (\$'000)

	2016-17	2017-18	2018-19	2019-20	2020-21
Appropriation	6 372	6 429	7 130	7 249	7 289
Other revenue	64	57	59	42	25
Employee expenses	5 215	5 467	5 426	5 855	5 385
Supplies and services	1 415	1 431	1 158	1 776	1 446
Depreciation and amortisation	109	49	4	4	4
Other expenses	21	23	20	22	22
Surplus (Deficit)	(324)	(484)	581	(366)	457

### Audited financial statements

A more detailed view of our financial performance and position for 2020-21 is in our financial statements, at page 43 of this report.

### Accountable and transparent

In line with the Queensland Government's commitment to improve financial management in the public sector, we continued to review our internal accounting practices as well as the quality of information we provided to Queensland Treasury.

We worked with our corporate service provider to streamline our reporting processes and continued to improve the accuracy of our reporting.

This year, we updated our Finance Management Practice Manual to reflect changes in business processes, accounting and reporting requirements.

We provided all requested information to the Queensland Audit Office and discussed ways to improve our financial management practices in the future.

# **Office of the Information Commissioner Financial Statements**

for the year ended 30 June 2021



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# Office of the Information Commissioner

## Financial Statements

for the period ended 30 June 2021

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**Office of the Information Commissioner**  
**Statement of Comprehensive Income**  
**for the period ended 30 June 2021**

		2021	2021	Budget	2020
		Actual	Original	Variance	Actual
			Budget	*	
	Note	\$000	\$000	\$000	\$000
	s				
<b>Income from Continuing Operations</b>					
Grants from Queensland Government through Department of Justice and Attorney General	3.	7,289	7,289	-	7,249
Interest		25	18	7	42
<b>Total Income from Continuing Operations</b>		<b>7,314</b>	<b>7,307</b>	<b>7</b>	<b>7,291</b>
<b>Expenses from Continuing Operations</b>					
Employee expenses	4.	5,385	5,828	(443)	5,855
Supplies and services	7.	1,446	1,450	(4)	1,776
Depreciation		4	4	-	4
Other expenses	8.	22	25	(3)	22
<b>Total Expenses from Continuing Operations</b>		<b>6,857</b>	<b>7,307</b>	<b>(450)</b>	<b>7,657</b>
<b>Operating Result from Continuing Operations</b>		<b>457</b>	<b>-</b>	<b>457</b>	<b>(366)</b>
<b>Total Comprehensive Income</b>		<b>457</b>	<b>-</b>	<b>457</b>	<b>(366)</b>

*The accompanying notes form part of these financial statements.*

*\* An explanation of major variances is included at Note 20.*

**Office of the Information Commissioner  
Statement of Financial Position  
as at 30 June 2021**

	Notes	2021 Actual	2020 Actual
<b>Current Assets</b>			
Cash and cash equivalents	9.	\$000	\$000
Receivables		2,617	2,125
Prepayments		146	77
<b>Total Current Assets</b>		57	71
<b>Non-Current Assets</b>		<b>2,820</b>	<b>2,273</b>
Plant and equipment			
<b>Total Non-Current Assets</b>		6	10
<b>Total Assets</b>		<b>6</b>	<b>10</b>
<b>Current Liabilities</b>		<b>2,826</b>	<b>2,283</b>
Payables	10.		
Accrued employee benefits	11.	290	184
<b>Total Current Liabilities</b>		131	151
<b>Total Liabilities</b>		<b>421</b>	<b>335</b>
<b>Net Assets</b>		<b>421</b>	<b>335</b>
<b>Equity</b>		<b>2,405</b>	<b>1,948</b>
Accumulated surplus			
<b>Total Equity</b>		2,405	1,948

*\*OIC was granted relief from preparing a budgeted balance sheet in the 2020-21 SDS. Consequently, no balance sheet was presented to Parliament for the 2020-21 financial year.*

*The accompanying notes form part of these financial statements.*

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**Office of the Information Commissioner  
Statement of Changes in Equity  
for the period ended 30 June 2021**

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	<b>Accumulated Surplus \$000</b>
<b>Balance as at 1 July 2019</b>	2,314
Operating result from continuing operations	(366)
	<hr/>
<b>Balance as at 30 June 2020</b>	<b>1,948</b>
Net effect of changes in accounting policies	-
	<hr/>
<b>Balance as at 1 July 2020</b>	1,948
Operating result from continuing operations	457
	<hr/>
<b>Balance as at 30 June 2021</b>	<b>2,405</b>
	<hr/>

*The accompanying notes form part of these financial statements.*

**Office of the Information Commissioner**  
**Statement of Cash Flows**  
**for the period ended 30 June 2021**

	Notes	2021	2020
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<i>Inflows:</i>			
		<b>Actual</b>	<b>Actual</b>
		<b>\$000</b>	<b>\$000</b>
Grants and other contributions			
GST collected from customers			
GST input tax credits from ATO		7,289	7,249
Interest		1	1
Other		154	177
<i>Outflows:</i>		25	42
Employee expenses		-	-
Supplies and services			
GST paid to suppliers		(5,489)	(5,872)
GST remitted to ATO		(1,326)	(1,781)
Other		(139)	(193)
<b>Net cash provided by / (used in) operating activities</b>		<b>(1)</b>	<b>(1)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>(22)</b>	<b>(22)</b>
<b>Net cash used in investing activities</b>		<b>492</b>	<b>(399)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<b>Net cash provided by (used in) financing activities</b>			
<b>Net increase/(decrease) in cash and cash equivalents</b>			
<b>Cash and cash equivalents - opening balance</b>		-	-
		-	-
<b>Cash and cash equivalents - closing balance</b>	<b>9.</b>	492	(399)
		2,125	2,525

*\*OIC was granted relief from preparing a budgeted statement of cash flows in the 2020-21 SDS. Consequently, no statement of cash flows was presented to Parliament for the 2020-21 financial year.*

*The accompanying notes form part of these financial statements.*

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**Office of the Information Commissioner**  
**Notes to the Statement of Cash Flows**  
**for the period ended 30 June 2021**

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**Reconciliation of operating result to net cash provided by operating activities**

	<b>2021</b>	<b>2020</b>
	<b>\$000</b>	<b>\$000</b>
<b>Operating Surplus/(deficit)</b>	457	(366)
<b>Non-cash items:</b>		
Depreciation expense	4	4
<b>Changes in assets and liabilities:</b>		
(Increase)/decrease in trade receivables		
(Increase)/decrease in GST receivable	14	(15)
(Increase)/decrease in other receivables	(83)	59
(Increase)/decrease in prepayments	-	-
(Increase)/decrease in other current assets	14	(67)
Increase in payables	106	63
Increase/(decrease) in GST payable	-	-
Decrease in accrued employee benefits	(20)	(76)
Increase/(decrease) in other payables	-	-
<b>Net cash provided by / (used in) operating activities</b>	<b>492</b>	<b>(399)</b>

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**Office of the Information Commissioner**  
**Notes to the Financial Statements**  
**for the period ended 30 June 2021**

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- Note 1: Basis of Financial Statement Preparation
- 1.1 General Information
  - 1.2 Compliance with Prescribed Requirements
  - 1.3 Presentation
  - 1.4 Authorisation of Financial Statements for Issue
  - 1.5 Basis of Measurement
  - 1.6 The Reporting Entity
- Note 2: Office Objectives
- Note 3: Grants and Contributions
- Note 4: Employee Expenses
- Note 5: Key Management Personnel
- (KMP) Note 6: Related Party Transactions
- Note 7: Supplies and Services
- Note 8: Other Expenses
- Note 9: Cash and Cash Equivalents
- Note 10: Payables
- Note 11: Accrued Employee Benefits
- Note 12: Commitments
- Note 13: Contingencies
- Note 14: Financial Risk Disclosures
- Note 15: Future Impact of Accounting Standards Not Yet Effective
- Note 16: First Year Application of New Accounting Standards or Change in Accounting Policy
- Note 17: Events after the Balance Date
- Note 18: Taxation
- Note 19: Climate Risk Disclosure
- Note 20: Budgetary Reporting Disclosures
- 20.1 Explanation of Major Variances - Statement of Comprehensive Income

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**Office of the Information Commissioner**  
**Statement of Comprehensive Income**  
**for the period ended 30 June 2021**

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**1. Basis of Financial Statement Preparation**

**1.1 General Information**

The Office of the Information Commissioner (the Office) was established under the repealed *Freedom of Information Act 1992* and continues under the *Right to Information Act 2009*.

The budget for the Office must be approved by the Attorney-General and Minister for Justice, as Minister responsible for the *Right to Information Act 2009*.

The head office and principal place of business of the Office is Level 7, 133 Mary Street, BRISBANE QLD 4000.

For information in relation to the Office's financial statements, please email [administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au) or visit the Office internet site [www.oic.qld.gov.au](http://www.oic.qld.gov.au).

**1.2 Compliance with Prescribed Requirements**

The Office has prepared these financial statements in compliance with section 39 of the *Financial and Performance Management Standard 2019*. The financial statements comply with Queensland Treasury's Minimum Reporting Requirements for reporting periods beginning on or after 1 July 2020.

The Office is a not-for-profit entity and these general purpose financial statements are prepared on an accrual basis (except for the Statement of Cash Flow which is prepared on a cash basis) in accordance with Australian Accounting Standards and Interpretations applicable to not-for-profit entities.

New accounting standards early adopted and/or applied for the first time in these financial statements are outlined in Note 16.

**1.3 Presentation Currency and Rounding**

Amounts included in the financial statements are in Australian dollars and rounded to the nearest \$1,000 or, where that amount is \$500 or less, to zero, unless disclosure of the full amount is specifically required.

**Comparatives**

Comparative information reflects the audited 2019-20 financial statements.

**Current/Non-Current Classification**

Assets and liabilities are classified as either 'current' or 'non-current' in the Statement of Financial Position and associated notes.

Assets are classified as 'current' where their carrying amount is expected to be realised within 12 months after the reporting date. Liabilities are classified as 'current' when they are due to be settled within 12 months after the reporting date, or the Office does not have an unconditional right to defer settlement to beyond 12 months after the reporting date.

All other assets and liabilities are classified as non-current.

**1.4 Authorisation of Financial Statements for Issue**

The financial statements are authorised for issue by the Information Commissioner and the Director, Engagement and Corporate Services at the date of signing the Management Certificate.

**1.5 Basis of Measurement**

Historical cost is used as the measurement basis in this financial report unless specified otherwise.



## **1. Basis of Financial Statement Preparation (cont'd)**

### **1.5 Basis of Measurement**

#### **(cont'd) Historical Cost**

Under historical cost, assets are recorded at the amount of cash or cash equivalents paid or the fair value of the consideration given to acquire assets at the time of their acquisition. Liabilities are recorded at the amount of proceeds received in exchange for the obligation or at the amounts of cash or cash equivalents expected to be paid to satisfy the liability in the normal course of business.

### **1.6 The Reporting Entity**

The financial statements include all income, expenses, assets, liabilities and equity of the Office. The Office has no controlled entities.

## **2. Office Objectives**

The Office of the Information Commissioner (the Office) builds trust through transparency. The Office independently upholds and promotes information access and privacy rights.

The Office's objectives are to:

- Provide independent, timely and fair reviews of decisions made under the *Right to Information Act 2009* (RTI Act) and *Information Privacy Act 2009* (IP Act)
- Assist agencies to adopt privacy by design and achieve compliance with the privacy principles
- Provide an independent, timely and fair privacy complaint mediation service
- 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

The Office is a statutory body for the *Financial Accountability Act 2009*. The role of the Office is to perform the statutory functions set out in the RTI Act and IP Act which include:

- External review of agency decisions on information access applications
- Reviewing and reporting on agencies' performance under the RTI Act and IP Act, including personal information handling practices
- Mediating privacy complaints and making decisions on applications of waiver of the privacy principles
- Providing support and assistance to the community and agencies about the operation of the RTI Act and the IP Act, including an Enquiries Service
- Promoting awareness of Right to Information and Privacy issues
- Commenting on legislation and administrative changes to improve practice

**Office of the Information Commissioner**  
**Notes to the Financial Statements**  
**for the period ended 30 June 2021**

	<b>2021</b>	<b>2020</b>
	<b>\$000</b>	<b>\$000</b>
<b>3. Grants and Contributions</b>		
Grants from Queensland Government through Department of Justice and Attorney General	7,289	7,249
<b>Total</b>	<b>7,289</b>	<b>7,249</b>

**Accounting Policy - Grants and Contributions**

Income is received from Queensland Government through Department of Justice and Attorney General at the start of each quarter (July, October, January and April) and is recognised as Income in the month it is received.

Grants, contributions and donations are non-reciprocal transactions where the office does not directly give approximately equal value to the grantor.

The grant is accounted for under AASB 1058 *Income of Not-for-Profit Entities*, whereby revenue is recognised upon receipt of the grant funding.

**4. Employee Expenses**

**Employee benefits**

Salaries & wages	4,039	4,321
Annual leave levy	400	449
Employer superannuation contributions	550	569
Long service leave levy	99	104
Other employee benefits	7	7

**Employee related expenses**

Payroll tax	237	253
Workers' compensation premium	17	18
Other employee related expenses	36	134

<b>Total</b>	<b>5,385</b>	<b>5,855</b>
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Full-Time Equivalent Employees	<b>No.</b>	<b>No.</b>
	37.62 ^	40.23

^ FTE data as at 30 June 2021 (based upon the fortnight ending 3 July 2021)

**Accounting Policy - Wages and Salaries**

Wages and salaries due but unpaid at reporting date are recognised in the Statement of Financial Position at the current salary rates. As the Office expects such liabilities to be wholly settled within 12 months of reporting date, the liabilities are recognised at undiscounted amounts.

**Accounting Policy - Sick Leave**

Prior history indicates that on average, sick leave taken each reporting period is less than the entitlement accrued. This is expected to continue in future periods. Accordingly, it is unlikely that existing accumulated entitlements will be used by employees and no liability for unused sick leave entitlements is recognised. As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

**Employee Expenses (cont'd) Accounting Policy - Annual Leave**

The Office became a member of the Queensland Government’s Annual Leave Central Scheme (ALCS) in 2014-2015. Under this scheme, a levy is made on the Office to cover the cost of employees' annual leave (including leave loading and on-costs). The levies are expensed in the period in which they are payable. Amounts paid to employees for annual leave are claimed from the scheme quarterly in arrears.

**Accounting Policy - Long Service Leave**

Under the Queensland Government’s Long Service Leave Scheme, a levy is made on the Office to cover the cost of employees' long service leave. The levies are expensed in the period in which they are payable. Amounts paid to employees for long service leave are claimed from the scheme quarterly in arrears.

**Accounting Policy - Superannuation**

Post-employment benefits for superannuation are provided through defined contribution (accumulation) plans or the Queensland Government’s QSuper defined benefit plan as determined by the employee’s conditions of employment.

Defined Contribution Plans - Contributions are made to eligible complying superannuation funds based on the rates specified in the relevant EBA or other conditions of employment. Contributions are expensed when they are paid or become payable following completion of the employee’s service each pay period.

Defined Benefit Plan - The liability for defined benefits is held on a whole-of-government basis and reported in those financial statements pursuant to AASB 1049 *Whole of Government and General Government Sector Financial Reporting* . The amount of contributions for defined benefit plan obligations is based upon the rates determined on the advice of the State Actuary. Contributions are paid by the Office at the specified rate following completion of the employee’s service each pay period. The Office's obligations are limited to those contributions paid.

**Accounting Policy - Workers' Compensation Premiums**

The Office pays premiums to WorkCover Queensland in respect of its obligations for employee compensation. Workers' compensation insurance is a consequence of employing employees, but is not counted in an employee's total remuneration package. It is not employee benefits and is recognised separately as employee-related expenses.

**4. Key Management Personnel (KMP) Disclosures**

The following details for KMP reflect those positions that had authority and responsibility for planning, directing and controlling the activities of the Office during 2020-21 and 2019-20. Further information about these positions can be found in the body of the Annual Report under the section relating to Executive Management.

Position	Position Responsibility
Information Commissioner	The Information Commissioner role is to deliver an independent, timely and fair review of decisions made under the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i> :an independent timely and fair privacy complaint mediation service; improve agencies' practices to right to information and information privacy; promote greater awareness of right to information and information privacy in the community and within Government; and assist agencies to achieve compliance with the privacy principles.
Right to Information Commissioner	The RTI Commissioner's role is that of a deputy to the Information Commissioner, with particular responsibility for matters relating to the Information Commissioner's functions under the <i>Right to Information Act 2009</i> .

## 5. Key Management Personnel (KMP) Disclosures (cont'd)

Position	Position Responsibility
Privacy Commissioner	The Privacy Commissioner's role is that of a deputy to the Information Commissioner, with particular responsibility for matters relating to the Information Commissioner's functions under the <i>Information Privacy Act 2009</i> .
Director, Engagement and Corporate Services	The Director, Engagement and Corporate Services implements and monitors effective systems and processes to support organisational objectives and raise awareness of information access and privacy rights, including designing and implementing strategic and governance priorities for the Office. Financial, Human Resources, Information and Assistance and Training and Stakeholder Relations delegations as determined by the Information Commissioner.

### KMP Remuneration Policies

The remuneration and terms of employment for statutory office holders in key executive management positions are set by Governor in Council and are equivalent to those set by the Queensland Public Service Commission.

Remuneration policy for the Office's key management personnel in non-statutory office holder positions is set by the Queensland Public Service Commission as provided for under the *Public Service Act 2008*.

Remuneration of key executive management personnel remained unchanged for the 2020-21 year.

Remuneration expenses for KMP comprise the following components:

Short-term employee expenses, including:

- salaries, allowances and leave entitlements earned and expensed for the entire year, or for that part of the year during which the employee occupied a KMP position; and
- non-monetary benefits - consisting of provision of car parking together with fringe benefits tax applicable to the benefit.

Long-term employee expenses include amounts expensed in respect of long service leave entitlements earned.

Post-employment expenses include amounts expensed in respect of employer superannuation obligations.

Termination benefits include payments in lieu of notice on termination and other lump sum separation entitlements (excluding annual and long service leave entitlements) payable on termination of employment or acceptance of an offer of termination of employment.

### Performance Payments

OIC does not pay any performance payments or bonuses.

## 5. Key Management Personnel (KMP) Disclosures (cont'd)

### Remuneration Expenses

The following disclosures focus on the expenses incurred by the Office attributable to KMP during the respective reporting periods. The amounts disclosed are determined on the same basis as expenses recognised in the Statement of Comprehensive Income.

Remuneration for KMPs remained unchanged between 2019-20 and 2020-21 year. Figures show a decrease which is a result of pay run dates as they align to the financial year, and impact of the acting arrangements across 2019-20 and 2020-21.

#### 2020-21

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post-employment Benefits	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Information Commissioner	227	4	5	26	-	262
RTI Commissioner	178	4	4	16	-	202
Privacy Commissioner	181	4	4	19	-	208
Director, Engagement & Corporate Services	143	-	3	18	-	164
<b>Total Remuneration</b>	<b>729</b>	<b>12</b>	<b>16</b>	<b>79</b>	<b>-</b>	<b>836</b>

#### 2019-20

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post-employment Benefits	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Information Commissioner	242	5	6	27	-	279
RTI Commissioner	200	5	4	15	-	224
Privacy Commissioner	183	5	4	20	-	212
Director, Engagement & Corporate Services	150	-	3	19	-	172
<b>Total Remuneration</b>	<b>775</b>	<b>14</b>	<b>18</b>	<b>80</b>	<b>-</b>	<b>887</b>

**Office of the Information Commissioner**  
**Notes to the Financial Statements**  
**for the period ended 30 June 2021**

**5. Related Party Transactions**

**Transactions with other Queensland Government-controlled entities**

The Office received Grant Funding from the Department of Justice and Attorney General (\$7,289K).

The Office received corporate services from the Corporate Administration Agency (\$120k) and IT support services from CITEC (\$7K). (Refer Note 7).

The Office has an agreement with Department of Energy and Public Works for the provision of office accommodation (\$336K). (Refer Note 7).

The Office received ICT Project Support from the Department of Communities, Housing and Digital Economy (\$179K). (Refer Note 7).

All transactions with other Queensland Government-controlled entities were at arms length.

	<b>2021</b>	<b>2020</b>
	<b>\$000</b>	<b>\$000</b>
<b>7. Supplies and Services</b>		
Contractor and consultants	243	630
Corporate service charges	348	311
Lease expenses	352	336
Minor equipment and office maintenance	61	33
Communications and utilities	49	46
Computer related charges	229	258
Travel	2	14
Operating and administration costs	66	66
Other	96	77
<b>Total</b>	<b>1,446</b>	<b>1,776</b>

**Accounting policy – Distinction between grants and procurement**

For a transaction to be classified as supplies and services, the value of goods or services received by the Office must be of approximately equal value to the value of the consideration exchanged for those goods or services. Where this is not the substance of the arrangement, the transaction is classified as a grant.

**Contractor and Consultant**

Contractor and Consultants includes services provided by Queensland Government-controlled entity (Department of Housing and Public Works) for ICT project support.

We invested funds into Contractor and Consultants to address Cybersecurity and Information Management requirements.

**Corporate service charges**

Corporate service charges includes services provided by Queensland Government-controlled entities (Corporate Administration Agency and CITEC) as well as Corporate service charges incurred through IT support service provider Datacom.

**Lease expenses**

Lease expenses include lease rentals for leases of low value assets and lease rentals for non-specialised commercial office accommodation with the Department of Housing and Public Works (DHPW).

**Office of the Information Commissioner  
Notes to the Financial Statements  
for the period ended 30 June 2021**

	<b>2021</b>	<b>2020</b>
	<b>\$000</b>	<b>\$000</b>
<b>8. Other Expenses</b>		
Queensland Audit Office - external audit fees for the audit of the financial statements <sup>(1)</sup>	18	18
Insurance - QGIF	4	4
<b>Total</b>	<b>22</b>	<b>22</b>

(1) Total audit fees quoted by the Queensland Audit Office relating to the 2020-21 financial statements are \$17,800(2020: \$17,800).

There are no non-audit services included in this amount.

**9. Cash and Cash Equivalents**

Cash at bank	2,617	2,125
<b>Total</b>	<b>2,617</b>	<b>2,125</b>

**Accounting Policy - Cash**

For the purpose of the Statement of Financial Position and the Statement of Cash Flows, cash assets include all cash and cheques received but not banked at 30 June as well as deposits at call with financial institutions.

**10. Payables**

Corporate card	10	11
Payroll tax	18	25
Accrued supplies and services	262	148
<b>Total</b>	<b>290</b>	<b>184</b>

**Accounting Policy - Payables**

Accrued supplies and services are recognised upon receipt of the goods or services ordered and are measured at the nominal amount i.e. agreed purchase/contract price, gross of applicable trade and other discounts. Amounts owing are unsecured.

**11. Accrued Employee Benefits**

*Current*

Salary and wages outstanding	-	-
Long service leave levy payable	23	29
Annual leave levy payable	108	122
Other	-	-
<b>Total</b>	<b>131</b>	<b>151</b>

**Accounting Policy - Accrued Employee Benefits**

No provision for annual leave or long service leave is recognised in the Office's financial statements as the liability is held on a whole-of-government basis and reported in those financial statements pursuant to AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

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**Office of the Information Commissioner****Notes to the Financial Statements for  
the period ended 30 June 2021**

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**12. Commitments**

There are no legal or any other commitments that are known to the Office at 30 June 2021.

**13. Contingencies**

There are no legal or any other contingencies that are known to the Office at 30 June 2021.

**14. Financial Risk****Disclosures Financial****Instrument Categories**

Financial assets and financial liabilities are recognised in the Statement of Financial Position when the Office becomes party to the contractual provisions of the financial instrument. The carrying amounts of receivables and payables represent the value of the original transactions. The Office has the following categories of financial assets and financial liabilities:

<b>Category</b>	<b>Note</b>	<b>2021 \$'000</b>	<b>2020 \$'000</b>
<b>Financial assets</b>			
Cash and cash equivalents	<b>9.</b>	2,617	2,125
Financial assets at amortised costs: Receivables		146	77
<b>Total financial assets</b>		<b>2,763</b>	<b>2,202</b>
<b>Financial liabilities</b>			
Financial liabilities at amortised cost - comprising:			
Payables	<b>10.</b>	290	184
<b>Total financial liabilities at amortised cost</b>		<b>290</b>	<b>184</b>

No financial assets and financial liabilities have been offset and presented net in the Statement of Financial Position.



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**Office of the Information Commissioner****Notes to the Financial Statements for  
the period ended 30 June 2021**

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**Financial Risk Management****(a) Risk Exposure**

The Office's activities expose it to a variety of financial risks as set out in the following table:

<b>Risk Exposure</b>	<b>Definition</b>	<b>Exposure</b>
Credit Risk	Credit risk exposure refers to the situation where the Office may incur financial loss as a result of another party to a financial instrument failing to disclose their obligation.	The Office is exposed to credit risk in respect of its receivables.
Liquidity Risk	Liquidity risk refers to the situation where the Office may encounter difficulty in meeting obligations associated with financial liabilities that are settled by delivering cash or another financial asset.	The Office is exposed to liquidity risk in respect of its payables.
Market Risk	The risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Market risk comprises three types of risk: currency risk, interest rate risk and other price risk. Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate	The Office does not trade in foreign currency and is not materially exposed to commodity price changes or other markets. The Office is exposed to interest rate risk through its cash deposited in interest bearing accounts.

**(b) Risk Measurement and Management Strategies**

The Office measures risk exposure using a variety of methods as follows:

<b>Risk Exposure</b>	<b>Measurement</b>	<b>Risk Management Strategies</b>
Credit Risk	Ageing analysis, earnings at risk	The Office manages credit risk through the use of a credit management strategy. Exposure to credit risk is monitored on an on-going basis.
Liquidity Risk	Sensitivity Analysis	The Office manages exposure to liquidity risk by ensuring sufficient funds are available to meet employee and supplier obligations at all times. This is achieved by ensuring minimum levels of cash are held within the bank account to match the expected duration of the various employee and supplier liabilities.
Market Risk	Interest rate sensitivity analysis	The Office does not undertake any hedging in relation to interest rate risk.

The Office's activities may expose it to a variety of financial risks. However, any risk is considered to have a minimal effect on the Office.

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## Office of the Information Commissioner

Notes to the Financial Statements for  
the period ended 30 June 2021

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### 15. Future Impact of Accounting Standards Not Yet Effective

All other Australian accounting standards and interpretations with future effective dates are either not applicable to the Office's activities or have no material impact on the Office.

### 16. First Year Application of New Accounting Standards or Change in Accounting Policy

#### Accounting standards applied for the first time

No Australian Accounting Standards applied for the first time had any material impact on the 2020–21 financial statements. Specifically, as OIC does not provide any public services relating to a concession access under service concessions arrangement, AASB 1059 Service Concession Arrangements: Grantors has been accessed as having nil impact on OIC.

#### Accounting Standards Early Adopted

No Australian Accounting Standards have been early adopted for 2020-21.

### 17. Events after the Balance Date

There were no significant events occurring after the balance date.

### 18. Taxation

The Office is a State body as defined under the *Income Tax Assessment Act 1936* and is exempt from Commonwealth taxation with the exception of Fringe Benefits Tax (FBT) and Goods and Services Tax (GST). FBT and GST are the only taxes accounted for by the Office. GST credits receivable from, and GST payable to the Australian Taxation Office (ATO), are recognised in the Statement of Financial Position.

### 19. Climate Risk Disclosure

The Office has not identified any material climate related risks relevant to the financial report at the reporting date, however constantly monitors the emergence of such risks under the Queensland Government's Climate Transition Strategy.

No adjustments to the carrying value of recorded assets or other adjustments to the amounts recorded in the financial statements were recognised during the financial year.

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**Office of the Information Commissioner****Notes to the Financial Statements for  
the period ended 30 June 2021**

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**20. Budgetary Reporting Disclosures**

This section contains explanations of major variances between the Office's actual 2020-2021 financial results and the original budget presented to Parliament.

**20.1 Explanation of Major Variances - Statement of Comprehensive Income**

Interest revenue: The Office's budget is for expected interest earned against retained funding from previous years (\$18K). Actual interest earned (\$25K) includes interest earned on unspent grant funding received during the year.

Employee Expenses: Actual costs (\$5,385K) were \$443K under budget.

The Office usually manages various vacancies such as unexpected and long term sick leave, through temporary appointments to ensure the maximum possible resources are available to meet high service demand. With the application of the Full Time Equivalent (FTE) cap, and the practical reality of the time impost of recruiting for highly specialised positions through closed recruitment processes in the first instance, the Office was limited in its ability to backfill these vacancies in a timely manner.

**Office of the Information Commissioner**  
**Management Certificate for the year ended 30 June 2021**

These general purpose financial statements have been prepared pursuant to section 62(1) of the *Financial Accountability Act 2009* (the Act), section 39 of the *Financial and Performance Management Standard 2019* and other prescribed requirements. In accordance with section 62(1)(b) of the Act we certify that in our opinion:

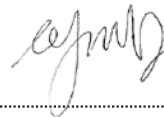
- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects;
- (b) the financial statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Office of the Information Commissioner for the financial year ended 30 June 2021 and of the financial position of the entity at the end of that year; and

We acknowledge responsibility under section 7 and section 11 of the *Financial Performance Management Standard 2019* for the establishment and maintenance, in all material respects, of an appropriate and effective system of internal controls and risk management processes with respect to financial reporting throughout the reporting period.



.....  
**Rachael Rangihaeata**  
Information Commissioner

.....  
Date: 23/08/2021



.....  
**Adeline Yuksel**  
Director, Engagement and Corporate Services

.....  
Date: 23/08/2021

## INDEPENDENT AUDITOR'S REPORT

To the Commissioner of the Office of the Information Commissioner

Report on the audit of the financial report

### *Opinion*

I have audited the accompanying financial report of the Office of the Information Commissioner.

In my opinion, the financial report:

- a) gives a true and fair view of the entity's financial position as at 30 June 2021, and its financial performance and cash flows for the year then ended
- b) complies with the *Financial Accountability Act 2009*, the Financial and Performance Management Standard 2019 and Australian Accounting Standards.

The financial report comprises the statement of financial position as at 30 June 2021, the statement of comprehensive income, statement of changes in equity and statement of cashflows for the year then ended, notes to the financial statements including summaries of significant accounting policies and other explanatory information, and the management certificate.

### *Basis for opinion*

I conducted my audit in accordance with the *Auditor-General Auditing Standards*, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report.

I am independent of the entity in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial report in Australia.

I have also fulfilled my other ethical responsibilities in accordance with the Code and the *Auditor-General Auditing Standards*.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### *Responsibilities of the entity for the financial report*

The Information Commissioner is responsible for the preparation of the financial report that gives a true and fair view in accordance with the *Financial Accountability Act 2009*, the Financial and Performance Management Standard 2019 and Australian Accounting Standards, and for such internal control as the Information Commissioner determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

The Information Commissioner is also responsible for assessing the entity's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless it is intended to abolish the entity or to otherwise cease operations.

### *Auditor's responsibilities for the audit of the financial report*

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances. This is not done for the purpose of expressing an opinion on the effectiveness of the entity's internal controls, but allows me to express an opinion on compliance with prescribed requirements.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the entity.
- Conclude on the appropriateness of the entity's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. I base my conclusions on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

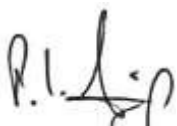
Report on other legal and regulatory  
requirementsStatement

In accordance with s.40 of the *Auditor-General Act 2009*, for the year ended 30 June 2021:

- a) I received all the information and explanations I required.
- b) I consider that, the prescribed requirements in relation to the establishment and keeping of accounts were complied with in all material respects.

Prescribed requirements scope

The prescribed requirements for the establishment and keeping of accounts are contained in the *Financial Accountability Act 2009*, any other Act and the Financial and Performance Management Standard 2019. The applicable requirements include those for keeping financial records that correctly record and explain the entity's transactions and account balances to enable the preparation of a true and fair financial report.



Philip Airey  
as delegate of the Auditor-General

24 August 2021

Queensland Audit Office  
Brisbane

## **APPENDICES**

1. Additional information
2. Compliance checklist
3. Category and number of external review applications
4. Profile of applicants making external review applications
5. Applications received by agency profile
6. Outcome of reviews
7. RTI regulation reporting requirements not captured elsewhere within the annual report
8. IP regulation reporting requirements not captured elsewhere within the annual report
9. 2020-21 Applications for external review of decisions by Ministers and agencies
10. 2020-21 Privacy complaints received by agency profile
11. 2020-21 Privacy complaints received about Ministers and agencies
12. Outcomes of external review decisions



## 1. Additional information

### Legislative developments/changes

During 2020-21, two Acts amended the RTI Act. The *Biodiscovery and Other Legislation Amendment Act 2020* amended the RTI Act to provide for a new Part to protect existing and changed biodiscovery plans and ongoing departmental records for biodiscovery plans, as a result of the Act removing a requirement for biodiscovery plans in future biodiscovery approvals, and to simplify reference in Schedule 1 to particular documents under the *Biodiscovery Act 2004* to which the RTI Act does not apply.

The *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* inserts an exemption under Schedule 3 of the Act to provide that confidential information is exempt information, unless in relation to an access application if it is only personal information of the applicant.

### Machinery-of-government changes

We have not been affected by machinery-of-government changes.

### International travel

No international travel was funded in 2020-21.

### Open data

We continued to release data sets through the [data.qld.gov.au](http://data.qld.gov.au) portal, including:

- gifts and benefits register
- consultancies and contractors
- overseas travel
- survey results
- performance dashboard
- audit results
- external reviews.

## 2. Compliance checklist

Summary of requirement		Basis for requirement	Annual report reference
<b>Letter of compliance</b>	<ul style="list-style-type: none"> <li>A letter of compliance from the accountable officer or statutory body to the relevant Minister/s</li> </ul>	ARRs – section 7	i
<b>Accessibility</b>	<ul style="list-style-type: none"> <li>Table of contents</li> <li>Glossary</li> </ul>	ARRs – section 9.1	iii 83
	<ul style="list-style-type: none"> <li>Public availability</li> </ul>	ARRs – section 9.2	Inside front cover
	<ul style="list-style-type: none"> <li>Interpreter service statement</li> </ul>	<i>Queensland Government Language Services Policy</i> ARRs – section 9.3	Inside front cover
	<ul style="list-style-type: none"> <li>Copyright notice</li> </ul>	<i>Copyright Act 1968</i> ARRs – section 9.4	Inside front cover
	<ul style="list-style-type: none"> <li>Information licensing</li> </ul>	<i>QGEA – Information Licensing</i> ARRs – section 9.5	Inside front cover
<b>General information</b>	<ul style="list-style-type: none"> <li>Introductory information</li> </ul>	ARRs – section 10	ii
<b>Non-financial performance</b>	<ul style="list-style-type: none"> <li>Government's objectives for the community and whole-of-government plans/specific initiatives</li> </ul>	ARRs – section 11.1	N/A
	<ul style="list-style-type: none"> <li>Agency objectives and performance indicators</li> </ul>	ARRs – section 11.2	4-5
	<ul style="list-style-type: none"> <li>Agency service areas and service standards</li> </ul>	ARRs – section 11.3	12-29
<b>Financial performance</b>	<ul style="list-style-type: none"> <li>Summary of financial performance</li> </ul>	ARRs – section 12.1	41, 42
<b>Governance – management and structure</b>	<ul style="list-style-type: none"> <li>Organisational structure</li> </ul>	ARRs – section 13.1	33
	<ul style="list-style-type: none"> <li>Executive management</li> </ul>	ARRs – section 13.2	36-37
	<ul style="list-style-type: none"> <li>Government bodies (statutory bodies and other entities)</li> </ul>	ARRs – section 13.3	N/A
	<ul style="list-style-type: none"> <li>Public Sector Ethics</li> </ul>	<i>Public Sector Ethics Act 1994</i> ARRs – section 13.4	38, 39
	<ul style="list-style-type: none"> <li>Human Rights</li> </ul>	<i>Human Rights Act 2019</i> ARRs – section 13.5	38, 40
	<ul style="list-style-type: none"> <li>Queensland public service values</li> </ul>	ARRs – section 13.6	7
<b>Governance – risk management and accountability</b>	<ul style="list-style-type: none"> <li>Risk management</li> </ul>	ARRs – section 14.1	31, 39
	<ul style="list-style-type: none"> <li>Audit committee</li> </ul>	ARRs – section 14.2	39
	<ul style="list-style-type: none"> <li>Internal audit</li> </ul>	ARRs – section 14.3	34, 39
	<ul style="list-style-type: none"> <li>External scrutiny</li> </ul>	ARRs – section 14.4	39
	<ul style="list-style-type: none"> <li>Information systems and recordkeeping</li> </ul>	ARRs – section 14.5	34, 40-41
	<ul style="list-style-type: none"> <li>Information security attestation</li> </ul>	ARRs – section 14.6	34, 41
<b>Governance – human resources</b>	<ul style="list-style-type: none"> <li>Strategic workforce planning and performance</li> </ul>	ARRs – section 15.1	30-32
	<ul style="list-style-type: none"> <li>Early retirement, redundancy and retrenchment</li> </ul>	<i>Directive No.04/18 Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2	30
<b>Open Data</b>	<ul style="list-style-type: none"> <li>Statement advising publication of information</li> </ul>	ARRs – section 16	27
	<ul style="list-style-type: none"> <li>Consultancies</li> </ul>	ARRs – section 33.1	68, <a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
	<ul style="list-style-type: none"> <li>Overseas travel</li> </ul>	ARRs – section 33.2	68, <a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
	<ul style="list-style-type: none"> <li>Queensland Language Services Policy</li> </ul>	ARRs – section 33.3	68, <a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
<b>Financial statements</b>	<ul style="list-style-type: none"> <li>Certification of financial statements</li> </ul>	FAA – section 62 FPMS – sections 38, 39 and 46 ARRs – section 17.1	63
	<ul style="list-style-type: none"> <li>Independent Auditor's Report</li> </ul>	FAA – section 62 FPMS – section 46 ARRs – section 17.2	64-66

FAA  
FPMS  
ARRs

*Financial Accountability Act 2009*  
Financial and Performance Management Standard 2019  
Annual report requirements for Queensland Government agencies

### 3. Category and number of external review applications

	2016-17	2017-18	2018-19	2019-20	2020-21		
					RTI	IP	Total
Refusal of access	281	289	351	336	159	150	309
Deemed refusal of access	59	43	69	122	58	88	146
Agency refusal to deal	65	117	60	80	43	39	82
Sufficiency of search	69	96	121	119	42	34	76
Refusal of amendment	11	18	16	9	0	23	23
No jurisdiction	6	25	27	37	3	21	24
Third party objection to release	19	32	33	79	16	1	17
Deemed refusal of amendment	1	3	3	0	0	5	5
Fees or charges	4	1	7	5	3	0	3
<b>Total applications</b>	<b>515</b>	<b>624</b>	<b>687</b>	<b>787</b>	<b>324</b>	<b>361</b>	<b>685</b>

### 4. Profile of applicants making external review applications

	2016-17	2017-18	2018-19	2019-20	2020-21
Agencies	4	9	5	16	7
Companies	48	62	58	75	42
Elected representatives	13	19	40	106	9
Individuals	420	476	529	540	588
Journalists	22	44	30	35	20
Lobby and community groups	8	14	25	15	19
<b>Total</b>	<b>515</b>	<b>624</b>	<b>687</b>	<b>787</b>	<b>685</b>

### 5. Applications received by agency profile

	2016-17	2017-18	2018-19	2019-20	2020-21
Boards/commissions/GOCs/other bodies	45	31	61	63	60
Departments	287	377	396	508	389
Hospital and health services	83	56	74	62	73
Local governments	85	131	121	116	130
Ministers	5	9	21	18	9
Universities	10	20	14	20	24
<b>Total</b>	<b>515</b>	<b>624</b>	<b>687</b>	<b>787</b>	<b>685</b>

## 6. Outcome of reviews

Outcome of review	2016-17	2017-18	2018-19	2019-20	2020-21
Affirming agency decision	19	35	24	49	35
Varying agency decision	19	40	25	35	29
Setting aside agency decision	12	3	6	8	9
<b>Decision under section 110 of RTI Act or section 123 of IP Act</b>	<b>50</b>	<b>78</b>	<b>55</b>	<b>92</b>	<b>73</b>
<b>Review settled informally</b>	<b>314</b>	<b>469</b>	<b>554</b>	<b>542</b>	<b>613</b>
Decision application is out of jurisdiction - section 52, section 101 IP Act; section 32, section 88 of the RTI Act	20	11	12	3	15
Decision not to deal with application - section 107 of IP Act, section 94 of the RTI Act	17	9	4	4	14
Decision to allow agency further time to deal with application - section 106 of IP Act, section 93 of RTI Act	12	28	34	51	38
<b>Determination of review not required</b>	<b>49</b>	<b>48</b>	<b>50</b>	<b>58</b>	<b>67</b>
<b>Total</b>	<b>413</b>	<b>595</b>	<b>659</b>	<b>692</b>	<b>753</b>

## 7. RTI regulation reporting requirements not captured elsewhere within the annual report

RTI requirements	
Right to Information Regulation part 4 section 7	Outcome
(d) the number of times and the way in which the commissioner has used the entitlement to full and free access to documents under section 100 of the Act*	4
(f) the number of applications for extension of the 10 year period received by the commissioner under schedule 4, part 4, item 1 of the Act and the commissioner's decision for each application	0

\* Section 100 is read in conjunction with section 103 of the RTI Act.

## 8. IP regulation reporting requirements not captured elsewhere within the annual report

IP requirements	
<b>Information Privacy Regulation part 4 section 5(1)</b>	
(c) the number of times and the way in which the commissioner has used the entitlement to full and free access to documents under section 113 of the Act*	5
(f) compliance notices given under chapter 4, part 6 of the Act	0
<b>Information Privacy Regulation part 4 section 5(2)</b>	
(a) the number of complaints the commissioner has declined to deal with or has declined to continue dealing with	54
(b) the grounds for declining to deal with the complaints under paragraph (a)	
i. Complainant no longer wishes to pursue complaint	6
ii. No jurisdiction – entity exempt under schedule 1	1
iii. No jurisdiction – section 164 not triggered	9
iv. Section 168(1)(b) - requirements under section 166(3) not met	23
v. Section 168(1)(c) - frivolous	3
vi. Section 168(1)(c) - lacking in substance	3
vii. Section 168(1)(c) - misconceived	17
viii. Section 168(1)(e) - provision of more time to entity	4
ix. Section 168(2)(b) - uncooperative - no reasonable excuse	2
x. Section 168(2)(c) - complainant no longer contactable	2
xi. Section 175 - Advice to parties	10
(c) the categories of relevant entities to which the 81 finalised complaints relate	
i. Boards/commissions/other bodies	15
ii. Bound contracted service providers	0
iii. Departments	33
iv. Hospital and health services	13
v. Local governments	13
vi. Ministers	0
vii. Outside jurisdiction	7
viii. Universities	3
(d) the provisions of the privacy principles to which the complaints relate#	
i. Chapter 2, Part 4 - bound contracted service provider	0
ii. IPP 1 - lawful and fair collection	7
iii. IPP 2 - collection requested from individual	1
iv. IPP 3 - collected information is relevant and current	1
v. IPP 4 - storage and security	7
vi. IPP 6 - access	1
vii. IPP 7 - amendment	2
viii. IPP 8 - accuracy of information	11
ix. IPP 9 - use of personal information for relevant purpose	3
x. IPP 10 - alternative use	18
xi. IPP 11 - disclosure to third party	46
xii. NPP 1 - collection	1
xiii. NPP 2 - secondary use and disclosure	9
xiv. NPP 3 - information is current	6
xv. NPP 4 - data security	2
xvi. NPP 6 - access	1
xvii. Section 33 (transfer of personal Information outside Australia)	1
(e) the number of complaints referred by the commissioner to other entities under section 169 of the Act	0

\* Section 113 is read in conjunction with section 116 of the IP Act.

# A complaint can involve more than one privacy principle.

Note – information contained in this appendix in previous years now appears within the relevant section of this Annual Report, for example, Privacy advice and complaint mediation.

## 9. 2020-21 Applications for external review of decisions by Ministers and agencies

<b>Boards, commissions, GOCs and other bodies</b>	
Crime and Corruption Commission	5
Glamorgan Vale Water Board	1
Legal Services Commission	3
Magistrates Court	3
Non-State Schools Accreditation Board	1
Office of the Health Ombudsman	9
Parole Board Queensland	6
Public Safety Business Agency	1
Public Service Commission	1
QSuper Limited	1
Queensland Building and Construction Commission	12
Queensland Civil and Administrative Tribunal	2
Queensland College of Teachers	1
Queensland Courts	1
Queensland Law Society Inc	2
Queensland Ombudsman	5
Queensland Racing Integrity Commission	1
Royal Society for the Prevention of Cruelty to Animals	1
TAFE Queensland	1
Trade and Investment Queensland	3
<b>Sub-total</b>	<b>60</b>
<b>Departments*</b>	
Department of Agriculture and Fisheries	10
Department of Child Safety, Youth and Women	4
Department of Children, Youth Justice and Multicultural Affairs	10
Department of Communities, Disability Services and Seniors	1
Department of Communities, Housing and Digital Economy	3
Queensland Corrective Services	31
Department of Education	47
Department of Employment, Small Business and Training	1
Department of Energy and Public Works	1
Department of Environment and Science	8
Department of Housing and Public Works	3
Department of Justice and Attorney-General	15
Department of Local Government, Racing and Multicultural Affairs	1
Department of Natural Resources, Mines and Energy	4
Department of Regional Development, Manufacturing and Water	3
Department of Resources	5
Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships	1
Department of State Development, Infrastructure, Local Government and Planning	3
Department of Tourism, Innovation and Sport	1
Department of the Premier and Cabinet	6
Department of Transport and Main Roads	11
Queensland Fire and Emergency Services	6

<b>Departments cont.</b>	
Queensland Health	11
Queensland Police Service	200
Queensland Treasury	3
<b>Sub-total</b>	<b>389</b>
<b>Hospital and health services</b>	
Cairns and Hinterland Hospital and Health Service	6
Central Queensland Hospital and Health Service	2
Central West Hospital and Health Service	1
Children's Health Queensland Hospital and Health Service	2
Darling Downs Hospital and Health Service	1
Gold Coast Hospital and Health Service	22
Mackay Hospital and Health Services	2
Metro North Hospital and Health Service	13
Metro South Hospital and Health Service	10
Townsville Hospital and Health Service	1
West Moreton Hospital and Health Service	9
Wide Bay Hospital and Health Service	4
<b>Sub-total</b>	<b>73</b>
<b>Local governments</b>	
Barcaldine Regional Council	1
Brisbane City Council	34
Bundaberg Regional Council	5
Cassowary Coast Regional Council	2
Cloncurry Shire Council	1
Council of the City of Gold Coast	6
Douglas Shire Council	2
Fraser Coast Regional Council	1
Gladstone Regional Council	1
Gympie Regional Council	6
Hinchinbrook Shire Council	3
Ipswich City Council	1
Isaac Regional Council	5
Livingstone Shire Council	1
Lockyer Valley Regional Council	3
Logan City Council	7
Longreach Regional Council	1
Maranoa Regional Council	1
Moreton Bay Regional Council	9
Mount Isa City Council	1
Noosa Shire Council	3
North Burnett Regional Council	1
Redland City Council	4
Rockhampton Regional Council	2
Scenic Rim Regional Council	4
South Burnett Regional Council	1
Southern Downs Regional Council	1
Sunshine Coast Regional Council	11

<b>Local governments cont.</b>	
Tablelands Regional Council	1
Toowoomba Regional Council	5
Torres Shire Council	2
Townsville City Council	4
<b>Sub-total</b>	<b>130</b>
<b>Ministers</b>	
Hon Anastacia Palaszczuk MP, Premier and Minister for Trade	3
Honourable Glenn Butcher MP, Minister for Regional Development and Manufacturing and Minister for WA	1
Hon Mark Bailey MP, Minister for Transport and Main Roads	4
Hon Mark Furner MP, Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities	1
<b>Sub-total</b>	<b>9</b>
<b>Universities</b>	
Central Queensland University	1
Griffith University	3
James Cook University	2
Queensland University of Technology	3
The University of Queensland	15
<b>Sub-total</b>	<b>24</b>
<b>TOTAL</b>	<b>685</b>

*\* During 2020–2021 a machinery-of-government (MOG) change on 12 November 2020 resulted in a number of changes to departments. The name used in this table is the name of the entity at the time the review commenced.*

## 10.2020-21 Privacy complaints received by agency profile

<b>Agency</b>	<b>2020-21</b>
Boards/commissions/other bodies	14
Departments	36
Hospital and health services	11
Bound contracted service providers	0
Local government	12
Universities	2
Ministers	0
Outside Jurisdiction	6
<b>Total</b>	<b>81</b>



## 11. 2020-21 Privacy complaints received about Ministers and agencies

<b>Boards, commissions and other bodies</b>	
Jacaranda Housing	1
Legal Aid Queensland	1
National Heavy Vehicle Regulator	1
Office of the Health Ombudsman	1
Office of the Independent Assessor	1
Office of the Information Commissioner	1
QSuper Limited	2
Queensland Building and Construction Commission	2
Queensland College of Teachers	1
Queensland State Archives	1
Queensland Urban Utilities	2
<b>Sub-total</b>	<b>14</b>
<b>Departments</b>	
Department of Children, Youth Justice and Multicultural Affairs	6
Department of Communities, Housing and Digital Economy	1
Department of Education	10
Department of the Premier and Cabinet	2
Queensland Corrective Services	3
Queensland Health	2
Queensland Police Service	12
<b>Sub-total</b>	<b>36</b>
<b>Hospital and health services</b>	
Cairns and Hinterland Hospital and Health Service	1
Central West Hospital and Health Service	2
Gold Coast Hospital and Health Service	3
Metro North Hospital and Health Service	1
Metro South Hospital and Health Service	1
West Moreton Hospital and Health Service	3
<b>Sub-total</b>	<b>11</b>
<b>Local governments</b>	
Barcoo Shire Council	1
Central Highlands Regional Council	2
Cook Shire Council	1
Council of the City of Gold Coast	2
Douglas Shire Council	1
Redland City Council	2
Southern Downs Regional Council	1
Sunshine Coast Regional Council	1
Townsville City Council	1
<b>Sub-total</b>	<b>12</b>
<b>Ministers</b>	
<b>Sub-total</b>	<b>0</b>

<b>Outside jurisdiction*</b>	
Alexander Beachfront Apartments	1
APM Employment	1
Global Healthcare Pty Ltd	1
Linkt	1
Planning Alerts	1
QML Pathology	1
<b>Sub-total</b>	<b>6</b>
<b>Universities</b>	
Central Queensland University	1
James Cook University	1
<b>Sub-total</b>	<b>2</b>
<b>TOTAL</b>	<b>81</b>

*\* Entities listed as outside jurisdiction include those not within the scope of the Information Privacy Act 2009 because they are not an agency for the purposes of the Act, or a bound contracted service provider. Other entities listed in categories of complaints received from agencies may also be determined to be entities to which the privacy principles do not apply in relation to a particular function, for example, a court's judicial functions (see section 19 and Schedule 2, Part 2).*

## 12. Outcomes of external review decisions

Review number	Agency	Date of decision	Outcome	Outcome type	Section decision
314941	Moreton Bay Regional Council	23/07/2020	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a)
315263	Department of Justice and Attorney-General	23/07/2020	decision s.110 - set aside agency response - RTI	application outside scope of the Act	RTI Act - s.32
314710	Queensland Police Service	28/07/2020	decision s.123 - varying agency response - IPA	refusal to deal	IP Act - s.60
314750	Queensland Police Service	28/07/2020	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88, RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
314950	Cassowary Coast Regional Council	31/07/2020	decision s.110 - set aside agency response - RTI	access refused - part	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
315060	Department of Communities, Housing and Digital Economy	31/07/2020	decision s.123 - set aside agency response - IPA	amendment granted	IP Act - s.71
314979	Queensland Human Rights Commission	6/08/2020	decision s.123 - affirming agency response - IPA	refusal to deal	IP Act - s.54
314814	Department of Environment and Science	11/08/2020	decision s.110 - affirming agency response - RTI	access granted - full	
315090	Brisbane City Council	17/08/2020	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(b)
314891	Department of Environment and Science	18/08/2020	decision s.110 - affirming agency response - RTI	access granted - full	
314883	Moreton Bay Regional Council	7/09/2020	decision s.110 - set aside agency response - RTI	access granted - full	
315356	Queensland Police Service	9/09/2020	decision s.123 - set aside agency response - IPA	refusal to deal	IP Act - s.59
314850	Queensland Police Service	15/09/2020	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88, RTI Act - s.47(3)(a), RTI Act - s.47(3)(e)
314928	Metro North Hospital and Health Service	18/09/2020	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315387	Queensland Treasury	18/09/2020	decision s.110 - affirming agency response - RTI	irrelevant information withheld	RTI Act - s.73
315312	Department of Transport and Main Roads	22/09/2020	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b)
314938	Brisbane City Council	25/09/2020	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1)
314857	Brisbane City Council	30/09/2020	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
314876	Council of the City of Gold Coast	7/10/2020	decision s.110 - set aside agency response - RTI	refusal to deal	RTI Act - s.41
314958	Queensland Building and Construction Commission	12/10/2020	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(e)

Review number	Agency	Date of decision	Outcome	Outcome type	Section decision
315322	Queensland Police Service	13/10/2020	decision s.110 - affirming agency response - RTI	access granted - full	
314921	Department of Resources	16/10/2020	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(e)
315083	Department of Resources	16/10/2020	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(e)
314940	Logan City Council	20/10/2020	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b)
315029	Redland City Council	23/10/2020	decision s.110 - set aside agency response - RTI	access refused	RTI Act - s.47(3)(b)
315050	Queensland Police Service	23/10/2020	decision s.123 - affirming agency response - IPA	refusal to deal	IP Act - s.60
315049	Queensland Police Service	2/11/2020	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(e)
315365	Queensland Police Service	2/11/2020	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a)
315007	Department of Transport and Main Roads	4/11/2020	decision s.110 - affirming agency response - RTI	access refused - part	RTI Act - s.47(3)(b)
315425	Queensland Treasury	4/11/2020	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a)
315046	Queensland Corrective Services	17/11/2020	decision s.123 - affirming agency response - IPA	access refused - part	IP Act - s.67(1), RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315281	Queensland Police Service	24/11/2020	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
315199	Department of Transport and Main Roads	25/11/2020	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.47, IP Act - s.48
315264	Department of Children, Youth Justice and Multicultural Affairs	27/11/2020	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a)
315120	Queensland Police Service	4/12/2020	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
314604	Queensland Police Service	7/12/2020	decision s.123 - varying agency response - IPA	access refused	IP Act - s.62, IP Act - s.67(1), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
314907	The University of Queensland	17/12/2020	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88, RTI Act - s.47(3)(a), RTI Act - s.47(3)(e)
315657	Queensland Police Service	17/12/2020	decision s.123 - affirming agency response - IPA	refusal to deal	IP Act - s.62
315439	Queensland Human Rights Commission	21/12/2020	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88, RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315436	Queensland Police Service	2/02/2021	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(a)

Review number	Agency	Date of decision	Outcome	Outcome type	Section decision
315282	Council of the City of Gold Coast	4/02/2021	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88, RTI Act - s.47(3)(b)
314808	Queensland Fire and Emergency Services	5/02/2021	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b)
315317	Queensland Police Service	10/02/2021	decision s.123 - affirming agency response - IPA	refusal to deal	IP Act - s.62
314600	Queensland Urban Utilities	16/02/2021	decision s.123 - varying agency response - IPA	access refused	RTI Act - s.47(3)(a)
315576	The University of Queensland	22/02/2021	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a)
315638	Department of Education	4/03/2021	decision s.123 - affirming agency response - IPA	amendment refused	IP Act - s.72
315220	Cairns and Hinterland Hospital and Health Service	8/03/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(d)
315122	Surveyors Board Queensland	10/03/2021	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315498	Longreach Regional Council	10/03/2021	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a)
315548	Department of Resources	10/03/2021	decision s.110 - set aside agency response - RTI	access granted - full	
315625	Brisbane City Council	11/03/2021	decision s.123 - varying agency response - IPA	neither confirm nor deny	IP Act - s.67(1), IP Act - s.69
315272	Queensland Police Service	19/03/2021	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
314786	Department of Education	24/03/2021	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b), RTI Act - s.47(3)(f)
315008	Queensland Health	31/03/2021	decision s.110 - affirming agency response - RTI	access granted - full	
315663	Queensland Ombudsman	1/04/2021	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b)
315427	Queensland Building and Construction Commission	23/04/2021	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b)
315348	Metro North Hospital and Health Service	4/05/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315724	Queensland Police Service	6/05/2021	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(e)
315462	Department of Education	11/05/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88
100112	Queensland Police Service	17/05/2021	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
315843	Department of Education	26/05/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88
315502	Brisbane City Council	27/05/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88

Review number	Agency	Date of decision	Outcome	Outcome type	Section decision
315631	Trade and Investment Queensland	3/06/2021	decision s.123 - varying agency response - IPA	access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
315713	Central Queensland Hospital and Health Service	3/06/2021	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
315260	Department of Justice and Attorney-General	4/06/2021	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(b)
315341	Sunshine Coast Hospital and Health Service	8/06/2021	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(b), RTI Act - s.47(3)(e), RTI Act - s.73
315644	Queensland Police Service	9/06/2021	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(b), RTI Act - s.73
315092	The University of Queensland	10/06/2021	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b)
315704	Queensland Police Service	16/06/2021	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(e)
315791	Queensland Police Service	22/06/2021	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.88, RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315026	Queensland Police Service	23/06/2021	decision s.123 - varying agency response - IPA	access refused	IP Act - s.88, RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
315896	Bundaberg Regional Council	29/06/2021	decision s.110 - set aside agency response - RTI	access granted - full	
315784	Department of Transport and Main Roads	30/06/2021	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a)

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# GLOSSARY

## **Application**

A formal request to access or amend government-held information made under the process set out in right to information or information privacy legislation.

## **Audit and Evaluation**

The Audit and Evaluation function of OIC monitors and reports on Queensland government agencies' practices and compliance with the right to information and information privacy legislation.

## **Awareness activity**

An activity undertaken to increase the level of knowledge in both the public sector, and the broader community, about information rights and responsibilities.

## **Best practice**

A method or technique for accomplishing a business outcome, that has consistently shown results superior to those achieved by other means, and which is used as an industry benchmark.

## **Decision**

A formal, written decision from the Information Commissioner on an external review application to affirm, vary, or set aside a decision made by an agency or Minister.

## **Deemed decision**

When an agency fails to make a decision about access or amendment within the statutory timeframe, it is deemed to have refused the application.

## **Disclosure log**

A list or copies of documents released following a decision about an application for access under the RTI Act, which is published on an agency's website.

## **Early resolution**

A flexible conciliation based process in which OIC seeks to resolve an external review application by negotiating a mutually acceptable outcome with the parties, without the need for a formal written decision.

## **External Review**

The External Review function of OIC is responsible for the independent merits review of Queensland government agencies and Ministers' decisions about access to information under the right to information legislation and access to, or amendment of, documents under the information privacy legislation.

## **Governance**

The process by which decisions are controlled and managed to achieve organisational objectives, and by which organisations are directed, reviewed, and held to account.

## **Information and Assistance**

The Information and Assistance function of OIC operates an enquiry service, which responds to approximately 4,500 enquiries annually, and produces extensive guidance for agencies and the community.

## **Open data**

Open data is data that organisations, businesses and individuals make available for anyone to access, use and share.



**Performance**

In the context of this report, a visual display of the most significant performance information.

**Privacy**

The OIC Privacy function is designed to help protect personal information Queensland government agencies hold.

**Privacy complaint**

A complaint alleging that an agency has failed to comply with the privacy principles or a waiver or modification approval under the *Information Privacy Act 2009* (Qld).

**Privacy principles**

A set of rules that prescribe how Queensland government agencies manage the personal information they hold.

**Publication scheme**

A publication scheme is a structured list of an agency's information which is readily available to the public.

**QCAT**

The Queensland Civil and Administrative Tribunal is an independent tribunal which actively resolves disputes.

**Right to information**

The legislative and administrative framework that allows individuals to access information held by Queensland government agencies.

**Service**

A group of related activities contributing to a common organisational objective.

**Service standard**

A goal or target to be reached. Its general aim is to improve performance continuously.

**Strategic plan**

A critical document, with a minimum five year outlook, which outlines the key strategies to be undertaken to achieve the organisation's desired outcomes.

**Training and Stakeholder Relations**

The Training and Stakeholder Relations function of OIC promotes the principles and practices of right to information and information privacy.

