



Office of the Information Commissioner  
Queensland

# Annual Report 2022-23

*Building trust through  
transparency*

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2023



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18 September 2023

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 2022-23 and financial statements for the Office of the Information Commissioner.

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 73 of this Annual Report.

Yours sincerely



Stephanie Winson  
**Acting Information Commissioner**

## **ABOUT THIS REPORT**

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

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

This Annual Report provides an:

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

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

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

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

## Contents

MESSAGE FROM THE INFORMATION COMMISSIONER.....	1
OUR PERFORMANCE .....	5
ABOUT US .....	7
OUR VALUES.....	8
OUR STRATEGY.....	9
OUR CHALLENGES, RISKS AND PRIORITIES .....	10
EXTERNAL REVIEW .....	13
PRIVACY ADVICE AND COMPLAINT MEDIATION .....	19
ASSISTANCE AND MONITORING.....	25
HOW WE OPERATE .....	34
OUR STRUCTURE.....	37
CORPORATE SERVICES .....	38
OUR EXECUTIVE LEADERSHIP TEAM .....	40
OUR GOVERNANCE .....	42
OUR FINANCIAL PERFORMANCE.....	45
APPENDICES.....	71
INDEX.....	85
GLOSSARY .....	86

# MESSAGE FROM THE INFORMATION COMMISSIONER

2022-23 was a pivotal year for OIC with significant reviews about Integrity, legislative reform and the strategic review of the Office, while managing a substantial program of work that will continue in the coming years. We marked 30 years of information access laws in Queensland and establishment of OIC. We welcomed Stephanie Winson, Right to Information Commissioner into our team. We focused on continuing to establish a more contemporary foundation with improvements to our ICT environment and governance, appropriate resources, and contributing to proposed legislative reform.

## Ten years on

My term of Office as Information Commissioner will come to an end in September 2023. I am privileged to have served as Information Commissioner and an Officer of Parliament for ten years. During this time, I have been honoured to lead and work alongside a superb group of people, all of whom I thank, for their unrelenting commitment to our important work, professionalism and support. We have built a great workplace, increasingly embracing flexibility over the years with clear benefits for our people and for OIC. Our people are our most important asset. OIC continues to have some of the highest engagement results across the sector with staff responding overwhelmingly that OIC is a great place to work.

I would also like to thank all those that have led important work in information rights from where they are in the community, agencies, academia, non-government organisations, private sector, media and our colleagues in other jurisdictions. I have connected with many people in my role and am fortunate to have had the opportunity to exchange diverse experience and knowledge.

Over the ten years we have significantly changed our strategic approach to key aspects of our work in line with the increasing maturity of most agencies and sectors since the 2009 reforms.

Our strategic focus is on high risk and/or high impact work, and building agency capability, recognising that most agencies implemented key legislative requirements, providing a foundation upon which to focus on ongoing and emerging risks particularly about culture, technology and privacy. At the same time, we recognise the diversity across Queensland and provided dedicated resources and training to less mature agencies, especially local governments, and improving resources for community. We continue to learn from our stakeholders about how we can improve our services.

A key theme across our work and the reviews we participated in during the year, is the impact of culture and leadership on information rights. Culture and leadership are core to embedding good practices throughout an agency, with senior executive leadership crucial to model the expectations of transparency and protecting privacy of individuals. Where senior leaders do not 'walk the talk', it creates a difficult environment for other staff to adopt good practices, or merely legislative compliance. The priority given to these matters by leaders along with associated resourcing speaks to the value placed on transparency and accountability. These are missed opportunities and a failure to recognise or act in accordance with their role as stewards of the public sector and custodians of information on behalf of the community, as clearly set out in the RTI, IP and other Qld legislation. This is critical to building trust through transparency.

## Coaldrake Report recommendations implementation

The Coaldrake Report recommendations of direct relevance to OIC have not yet been implemented. Culture and leadership were key to the Coaldrake Review Report. I have addressed these issues above.

A mandatory data breach notification scheme (MDBN) would feature within the proposed reforms for contemporary privacy legislation.

At this stage a Bill has not yet been introduced to Parliament.

The Proactive release and publication online of cabinet submissions and related material policy is yet to be released by Government. We encourage Government to release the policy as soon as possible.

The Integrity and Other Legislation Bill 2023 included proposed amendments to address recommendations that 'integrity bodies' independence be enhanced by involvement of parliamentary committees in setting integrity bodies budgets and contributing to key appointments. The current Bill does not implement the Coaldrake recommendation.

I appeared before the parliamentary Economics and Governance Committee considering this Bill and noted that the amendments provide greater transparency but not independence, and do not apply to reductions in funding or approval of use of cash reserves which means important parts of OIC's budget will not be dealt with under this process. My written submission to the Economics and Governance Committee identified potential options to strengthen the current approach selected by Government.

I note that I was a member of the Integrity Reform Stakeholder Reference Group and have been consulted by the Queensland Government Integrity Reform Taskforce on relevant proposals. I provided consistent advice on these matters to the Taskforce at each stage of consultation.

### **Strategic Review**

The 2022 Independent Strategic Review of the OIC commenced immediately after Professor Coaldrake's Report, *Let the Sunshine in: review of culture and accountability in the Queensland public sector*. The Strategic Review Report How to let more sunshine in draws important connections between the Coaldrake Report findings and OIC's roles and the objectives of the RTI and IP legislation more broadly. The Review Report made positive findings about OIC's efficiency and effectiveness across its functions, within a constrained

and changing operating environment, including technology, legislative framework, unreasonable conduct and resources.

The Strategic Reviewer Mr McGann concluded that, if the Queensland community is to be able to fully exercise their rights related to access to information and information privacy, it will be essential that OIC and Queensland government agencies receive additional and adequate resources to enable each to properly perform the increased functions under the RTI Act and IP Act signalled as part of government's intention for legislative reforms. I have consistently stated that OIC does not have capacity to absorb further functions or service demand. OIC will be better able to assess and project requirements for implementation and ongoing needs, when the details of the legislative reforms are known. Mr McGann also stressed that, "In terms of timing of the receipt of additional and adequate resources, delay remains the deadliest form of denial."

The proposed reforms include entirely new functions for OIC and will require new resources to deliver and perform new legislative powers. Ongoing workload may be unclear, however I anticipate that OIC would have a significant role in supporting stakeholders to implement changes, including providing training and information sessions, online resources, Enquiries service, engagement and communications.

### **Community expectations**

Community expectations remain high, with 89 percent of Queenslanders surveyed in 2023 indicating that the right to access information was important. Concerns continue to be raised by the community about timeliness and impact of delay on usefulness of information. Unnecessary refusal of access by frontline services or an access decision maker where access is ultimately provided on review, can undermine trust, and perception of transparency, openness and accountability. A culture of transparency and openness, which effectively adopts a push model approach to information access, with formal access applications a last resort, is

required for trust in government and community outcomes.

At a time where the community may seek access to documents to assist with critical issues such as truth telling, climate and environment, cost of living and homelessness, the right to access information opens important opportunities to understand the past, participate in democratic processes and inform the future.

The 2023 Community Attitudes Survey also showed that Queenslanders are concerned about transparency in the use of artificial intelligence, with 79 percent of those surveyed saying governments should be required to report publicly on AI systems used to inform decisions that impact individuals.

Australians are also increasingly concerned about their privacy, especially following significant data breaches affecting large sections of the community. The calls for a MDBN Scheme for Queensland are timely and critically important for those most at risk of damage – the vulnerable groups in our community such as family and domestic violence victims not able to be easily identified by an agency in a general contact list.

For some people and their families, basic contact details in a data breach put them at great risk – life or death, depending on how quickly they are notified before others know.

These are the people we must keep front of mind when the MDBN scheme is considered, implemented and decisions are made about notification. Damage from data breaches can be dangerously irreversible.

How agencies manage a breach will have a large impact on people affected and whether complaints are made to OIC and subsequent claim for compensation to QCAT. In 2023 OIC conducted a survey which asked agencies to report on their arrangements to respond to data breaches.

A comprehensive data breach response plan can help limit the consequences of a breach, including the risk of harm to the individuals whose privacy has been breached. An effective and timely response to a data breach can help preserve the community's confidence in the agency. Around half of the agencies in our jurisdiction responded to the survey, and around half of those had a data breach response plan. Most agencies with a data breach response plan had addressed most of the elements that would make the plan effective.

We will continue to work with agencies to build effective data breach response plans in the lead up to the anticipated mandatory data breach notification scheme for Queensland. Improved governance and internal reporting will help ensure leadership informed and engaged and lead cultural change required to minimise risk of future breaches.

### **Substantial service demand**

The community continued to show strong demand in 2022-23 for OIC services including external review and privacy complaint mediation. External Review applications increased on the previous year, consistent with overall demand since 2017, while OIC received and finalised a record number of privacy complaints in 2022-23. A concerning component of External Review demand continues to be because an agency has not made a decision within the statutory timeframe, in 2022-23 this comprised 24 percent of total demand. OIC continues to monitor this situation, including through its audit functions.

OIC received 4.8FTE ongoing in the 2023-24 Budget, in part to address the outstanding 2017 Strategic Review funding recommendations.<sup>1</sup> Part of these resources address additional external review demand and assist in supporting the early resolution and intake team, including a principal review officer to expedite progress of reviews.

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<sup>1</sup> OIC received approval to fund the 4.8FTE in 2021-23 drawing on cash reserves from previous underspends.



### **30<sup>th</sup> anniversary of Qld information access laws and OIC**

During the year we also marked 30 years of a statutory right to access information access in Queensland, with the commencement of the *Freedom of Information Act 1992* (FOI Act) following on from the Fitzgerald Inquiry and EARC. Many of us remember working with the FOI Act prior to the 2009 reforms when it was repealed making way for the more progressive RTI Act and IP Act after the Solomon Report<sup>2</sup>.

As the FOI Act also established the OIC, it marked 30 years of the original OIC, where initially the Ombudsman fulfilled the role of Information Commissioner until 2005. In 2005 the OIC was created as a separate entity with an Information Commissioner. At that point OIC had 13.8 FTE and the external review function.

We now have 42 FTE and many oversight and support functions across right to information and information privacy. The Government commitment to adopting a MDBN Scheme, if implemented, would likely result in further growth for new functions. Stakeholder expectations are now very different, as is the way in which we work. Our environment has changed substantially, especially due to technology changes and changes in the public sector and issues impacting the community.

### **Highlights and expectations**

As Queensland's longest serving Information Commissioner, I have many highlights including Solomon lectures and Privacy events that enabled leaders in the community, academia, media and public and private sectors to speak to topical issues about information rights, often to stretch or provoke discussion.

I have enjoyed great conversations in many places, collaborations, and collegiality, enriching my performance in the role. Coming together quickly across borders to guide our stakeholders with the best consistent advice in an uncertain time

during the Pandemic showed the strength of our collaborative regulatory network.

I am particularly proud of our team, their excellence, respect for each other and for our stakeholders. Their agility and constant striving for new ways to perform more effectively and efficiently with existing resources is an inspiration and has been a pleasure to lead.

While sobering, the Coaldrake Report made important recommendations. The findings of the 2022 Strategic Review were reassuring to me in that context and the OIC is confidently embarking upon its next chapter informed by those insights.

I look forward to the Government delivering on the Coaldrake and 2022 OIC Strategic Review recommendations to ensure the community's information rights are strengthened and OIC has the contemporary framework, tools and resources to perform its functions to build trust through transparency with future opportunities and challenges.

I will be watching with great interest from the sidelines.

### **Vale**

Finally, I would like to recognise Adeline Yuksel, my longstanding ELT colleague and advisor through my time as Commissioner, and much loved by her colleagues across the office, who sadly passed away far too soon earlier this year. Her professional legacy includes leading much transformative and strategic work to strengthen OIC and its people. Adeline modelled excellence, integrity, respect, and empowered people to believe in themselves and take opportunities to grow their careers.



Rachael Rangihaeata  
**Information Commissioner**

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<sup>2</sup> FOI Independent Review Panel, *The Right to Information: Reviewing Queensland's Freedom of Information Act, June 2008*, (The Solomon Report)

# OUR PERFORMANCE

We measure the efficiency and effectiveness of our functions and 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	2022-23 target	Achievement	Result
<b>External review</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>			
Applicant overall satisfaction with the conduct of the external reviews of agency and Minister decisions about access to and amendment of information under the RTI and IP Acts	70%	58%*	X
Percentage of agencies satisfied with the review service	75%	86%	✓
Mean average days to finalise a review	150 days	152 days	X
Percentage of open review applications over 12 months old at the end of reporting period	0%	3.5%**	X
Percentage of finalised external reviews resolved informally	75%	90%	✓
Percentage of external review applications finalised to received	100%	94%	X
<b>Privacy advice and complaint mediation</b>			
<b>Provide an independent, timely and fair privacy complaint mediation service</b>			
Agency overall satisfaction with the privacy complaint mediation service provided	75%	94%	✓
Mean average days to finalise an accepted privacy complaint	140 days	135 days	✓
<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	23	--
Number of advices to, and meetings with, agencies	n/a	184	--

\* While 589 matters were finalised during the year, only 38 surveys were returned. Of these 58 percent expressed satisfaction, 39 percent expressed dissatisfaction, and 3 percent were undecided.

\*\* 10 external reviews out of 286 matters on hand, as at 30 June 2023

Service standard	2022-23 target	Achievement	Result
<b>Assistance and monitoring</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>			
Agency overall satisfaction with the information resources provided by OIC	80%	99%	✓
Agency overall satisfaction with the OIC Enquiries Service	80%	100%	✓
Number of training participants	4,000	7,942	✓
Percentage of training participants satisfied with sessions	75%	99%	✓
Number of reports tabled in Parliament	5	4	X
Number of awareness activities conducted including online interactions	250	304	✓
Number of responses to written and oral enquiries	4,500	5,190	✓
Number of website visits	150,000	295,270	✓

## **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 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 2023-27 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 stakeholders 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**

Our strategic engagement aims to build trust through transparency. As a contemporary regulator, we promote and support agency leadership, innovation and capability in privacy by design and adoption of the push model.

We continued to focus our strategic engagement with key agencies and sectors in 2022-23, including local government, health and the Queensland Police Service.

We maintained the Privacy Champions Network during 2022-23. We will continue to develop the leadership network of agency RTI and Privacy Champions at a senior level across sectors.

During 2022-23, we conducted several face-to-face engagement activities to raise awareness of our role and services. We also delivered engagement activities online to tailor our communication for maximum effectiveness, particularly when reaching out to agencies statewide. Our stakeholders continued to receive advice and support from our officers.

International Access to Information Day 2022 promotional activities were delivered in a digital format with the theme 'Artificial intelligence, e-governance and access to information'. The aim was to highlight the importance of managing the risks of artificial intelligence and e-governance, so that their benefits can be realised within an ethical human rights framework.

Mr Ian Hamm delivered the 2022 Solomon Lecture on 'The importance of truth through Aboriginal eyes'. He described the information that matters to Aboriginal people, and the importance of truth telling at the societal and personal levels.

Following Ian's presentation he joined a panel discussion with Ms Rose Barrowcliffe (First Nations Archives Advisor, Queensland State Archives) and Ms Patricia Thompson AM (CEO of Link-Up Queensland).

The panel discussion was moderated by journalist Ms Rhianna Patrick.

The 2023 Privacy Awareness Week (PAW) theme 'Privacy 101: Back to Basics' aimed to raise community and public sector awareness of the importance of protecting and respecting personal information.

We launched Privacy Awareness Week with a presentation by Mr Troy Hunt on 'Lessons from billions of breached records', sharing his insights into causes and impacts of big data breaches. Afterwards an expert panel, moderated by journalist Ms Jillian Whiting, discussed making organisations resilient to cyber threats and addressed the question: 'If employees are our front line of defence, how do we make good privacy management behaviours stick? Is it time to go back to basics?'

In 2023, Data Privacy Day became Data Privacy Week. Our office became a Data Privacy Week Champion to help raise awareness about the benefits of protecting data online.

We streamed the Solomon Lecture and PAW launch events 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, agencies and key stakeholders and maximise resources and activities with our peer jurisdictions across Australia and our international networks.

## **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.

The IP Act aims to protect and safeguard personal information the government holds. This should be reinforced to prevent and respond to increasing numbers and severity of data breaches.

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

All agencies should strengthen their systems to better prevent, detect and manage data breaches, in anticipation of a prospective legislative scheme for mandatory notifications about data breaches.

### **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 our ongoing substantial workload, difficulty attracting and retaining suitable staff, and unexpected loss of an Executive Leadership staff member, we actively progressed priorities in our strategic plan to better manage emerging challenges, risks and opportunities.

We consulted and engaged our staff on all matters that affected the way we work.

OIC staff continued to experience challenging behaviours and interactions throughout the year. We continuously review our policies and procedures to ensure they support the health, wellbeing and safety of our staff and equitable access to our services for stakeholders.

### **The 2022 Independent Strategic Review**

The Independent Final Report, *How to Let More Sunshine In: Strategic Review of the Office of the Information Commissioner 2022* was tabled in Parliament on

31 January 2023 by the Attorney-General and Minister for Justice.

The Independent Reviewer, Mr Dominic McGann, commenced his review in July 2022 immediately after Professor Coaldrake's *Final Report of the review of culture and accountability in the Queensland public sector*, titled *Let the Sunshine in*. The strategic review report drew important connections between the Coaldrake report findings and our role and the objectives of the legislation more broadly.

The review report made very positive findings about our efficiency and effectiveness across our functions, within a constrained and changing operating environment, including legislative framework, technology, unreasonable conduct and resources.

The Strategic Reviewer concluded:

- Additional resources need to be provided to ensure that the OIC can continue to deliver the high degree of professional work in the performance of its functions and so that the Queensland government agencies can properly perform their responsibilities to transparency under the Right to Information and Information Privacy Acts
- It is essential that further resources be provided to OIC and agencies to enable each to properly perform increased functions after the legislative review amendments are made, to ensure the Queensland community is to be able to fully exercise the rights related to access to information and information privacy
- In terms of timing of receipt of additional and adequate resources, delay is the deadliest form of denial.

All the recommendations from the Independent Strategic Review tabled in Parliament in May 2017 have now been implemented, except those recommendations that require legislative amendments. In the 2023-24 Queensland Budget ongoing funding was provided for 4.8FTE, which addressed the outstanding recommendations requiring funding. We will continue to work with the Government



to address the remaining recommendations as part of the proposed legislative reforms.

**Our priorities for 2023-27 are:**

- Champion enduring cultural change for a transparent and accountable government
- Implement an effective Mandatory Data Breach Notification Scheme for Queensland
- Invest in a future fit OIC Workforce and ICT resources.

**2023-24 in focus**

In 2023-24 critical reviews of the RTI and IP Act will continue to be a key focus to ensure we adapt our services to meet the current and future needs of stakeholders, in the most effective and efficient way. Appropriate resourcing and fit for purpose systems will be essential.

We will continue to make our services accessible to all. We will carefully consider our responsibilities to our staff and stakeholders in our work, including work, health and safety when dealing with unreasonable behaviour.

We will keep focus on our proactive work providing support to agencies and the community and promoting good practices. This is vitally important as it can reduce the demand for formal access applications, 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 2023-24 we will:**

- Influence public sector leaders to adopt a well-resourced open, accountable and transparent culture with a proactive approach to privacy and information access consistent with the 2022 Let the sunshine in: Review of culture and accountability in the Queensland public sector report and the 2022 OIC Strategic Review recommendations.

- Advocate for a contemporary legislative framework that is fit for purpose to help Queensland manage the challenges of digital service delivery while meeting community expectations in an increasingly interconnected digital world.
- Respond proactively and meaningfully to a proposed MDBN scheme.
- Strengthen the Privacy Champions leadership network to embed privacy by design in senior decision making and enhance cultural change.
- Review our resource and assistance programs, including ICT, and implement new approaches to meet evolving needs and improve communication and engagement with communities and agencies throughout Queensland.
- Support our workforce to adapt to changing business requirements and community expectations.
- Work with agency experts to ensure information management practices keep pace with the rapidly evolving technology environment to build trust and enable safe digital service delivery and initiatives, including artificial intelligence processing of personal information.
- Continue to champion timely, easy access to First Nations records for truth-telling, through informal access schemes wherever possible, with formal access applications required only as a last resort.
- Report to Parliament on audits about current topics of interest, such as delays in accessing information and meeting mandatory publication requirements.

## EXTERNAL REVIEW

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

### Our strategies

- Resolve external review applications using flexible approaches and clear, tailored communication
- Determine external review applications through formal written decisions where required
- Maintain effective case and knowledge management systems to support 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 challenging conduct by review participants.

Figure 2. External review service standards

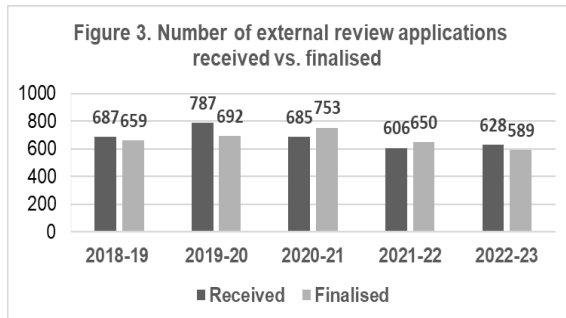
Service standard	Target	Achievement				
		2018-19	2019-20	2020-21	2021-22	2022-23
Percentage of external review applications finalised to received	100%	96%	88%	110%	107%	94%
Applicant overall satisfaction with the conduct of the review	70%	56%	67%	51%	44%	58% *
Percentage of agencies satisfied with the review service	75%	98%	95%	96%	98%	86%
Mean average days to finalise a review**	150 days	n/a	n/a	155 days	139 days	152 days
Percentage of open reviews over 12 months old at end of reporting period	0%	0.1%	0.3%	6%	0.8%	3.5% ***
Percentage of finalised external reviews resolved informally	75%	92%	87%	90%	89%	90%

\* While 589 matters were finalised during the year, only 38 surveys were returned. Of these 58 percent expressed satisfaction, 39 percent expressed dissatisfaction, and 3 percent 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'.

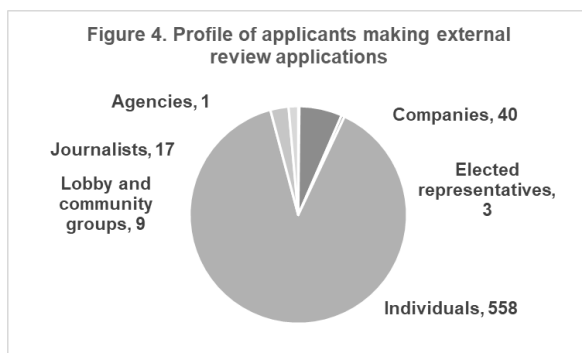
\*\*\* 10 external reviews out of 286 matters on hand, as at 30 June 2023.

In 2022-23, OIC continued to experience high demand for external review services, receiving 628 applications for the review of decisions made by agencies or Ministers. This is consistent with the high demand for external review services, with over 600 applications received each year since 2017-18.



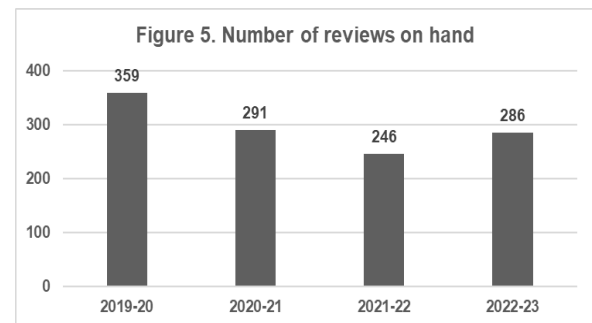
OIC continues to utilise innovative demand management techniques to deal with high demand, specifically focussed on achieving effective and early resolution, with 90 percent of external reviews being resolved informally.

Eighty-nine percent of applications made to OIC were from individuals seeking access to information in connection to their personal engagement with government agencies, e.g., public sector employment, local council matters, health records and health related complaints, schooling, time in care and involvement with law enforcement.



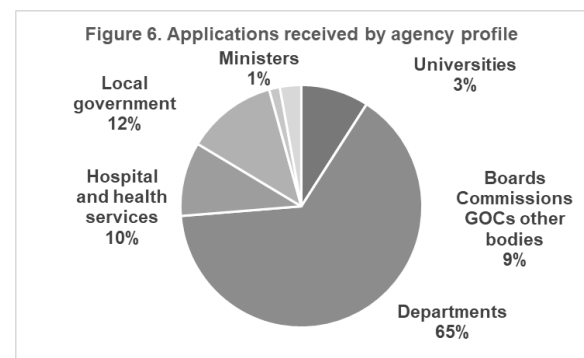
Pleasingly, we finalised 94 percent of external reviews compared to those received. This is a significant measure of our effectiveness and efficiency within a context of constrained resources and

longer-term vacancies of key positions. Unfortunately, this did impact the number of external reviews on hand at the end of the year from 246 to 286.



At the end of 2022-23, 10 files over 365 days old remained open, representing 3.5 percent of open files. While this exceeds our performance target of zero percent, it reflects the fact that a small percentage of applications took longer due to factors such as complexity, participant delays and agency resourcing.

The profile of agencies subject to external review application in 2022-23 reveals that departments constitute the significant majority, comprising 65 percent of all applications received.



The Queensland Police Service (QPS) continues to represent the largest (36 percent) number of external review applications received by OIC for any single agency. As noted in previous annual reports<sup>3</sup>, this agency experiences very high demand for its RTI services.

<sup>3</sup> OIC Annual Report 2021-22 p14 and Queensland Government Annual Report on Right to Information Act and Information Privacy Act 2021-22 p8

OIC has continued to routinely meet with QPS management during 2022-23 to discuss opportunities for improvement in case management and the promotion of more timely outcomes for applicants.

This financial year, 151 of our 628 incoming files (24 percent) related to deemed refusal decisions. This is where the agency has been unable to meet the statutory decision-making timeframe. When dealing with a deemed refusal of access decision, our priority is to ensure the applicant can gain access to any information to which they are entitled under the legislation, as soon as possible. In many cases, the agency will be in a position to locate and release some information, which can lead to early resolution of a matter.

However, applicants who receive notification of a deemed decision are usually frustrated by the delay in processing their application. We also issued a significant decision during this year<sup>4</sup> concluding that non-compliant applications still require a reviewable decision by the agency to avoid it being treated as a deemed refusal. This resulted in an increased number of deemed decisions being brought to OIC on external review in the latter months of the year.

The issue of missing documents continues to be regularly raised by external review applicants. These applications are resource intensive due to the time it can take to conduct further searches. The comments made in the Coaldrake final report regarding efforts to ensure documents are not located in response to access applications is of great concern. On external review, our task is to determine whether all reasonable searches for requested documents have been conducted. We expect agency cooperation in this regard and often have to revert to agencies multiple times before we have sufficient evidence that all reasonable searches have been conducted. Generally, it is our experience that these matters highlight opportunities for information

management to improve across government to ensure documents are located in the first instance and to build community trust in government.

Some external review applicants demonstrate challenging behaviour during a review process which can impact OIC's ability to provide services in a fair, equitable, timely and efficient manner for all. OIC is also conscious of the impact this behaviour can have on staff and during 2022-23 we have continued to evolve our practice to mitigate these risks.

Despite these challenges, team cohesion and collaboration remain high in providing External Review services. This aligns with the very positive staff engagement levels reflected in our results from the annual Working for Queensland survey. Our staff maintained their focus on core responsibilities and our goal of doing the best we can for Queenslanders with the resources available. This has been recognised in the independent strategic review of OIC<sup>5</sup>, which was tabled by the Attorney General in January 2023. In the context of the External Review function, this is also demonstrated by our high rate of informal resolution, minimal aging files at the end of financial year and reduced number of on hand reviews.

Agencies reported 86 percent satisfaction with the external review service, exceeding the target of 75 percent. We acknowledge the demand agencies are experiencing, alongside resourcing limitations. In this reporting period, several agencies continued to experience diminished ability to comply with statutory and external review timeframes and sought lengthy extensions of time. This is somewhat concerning and has been the focus of an audit by OIC to establish underlying causes for this.

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<sup>4</sup> *Poyton and Department of Education* [2023] QICmr 13 (16 March 2023) | Office of the Information Commissioner Queensland (oic.qld.gov.au)

<sup>5</sup> <https://documents.parliament.qld.gov.au/tp/2023/5723T23-F601.PDF>

Applicant satisfaction remains below target at 57 percent. As in past years, response rates are low (38) relative to the number of reviews finalised (589) which equates to 6.4 percent. It is reassuring that applicants are reporting increasing levels of satisfaction with the service provided by OIC, which remains an area of focus for the team.

Despite the low return rate, we continue to receive unsolicited positive feedback from applicants. All feedback is considered as an external review progresses to ensure we follow best practice.

### Written decisions

The Information Commissioner must publish written decisions. All decisions are available on our website at: <https://www.oic.qld.gov.au>

We made 57 formal written decisions this year. Commonly arising themes in formal decisions include sufficiency of search issues and information in connection with a personal complaint/dispute or concerns regarding agency decision making.

The outcome of OIC decisions during the year reveal that the majority of external reviews have resulted in affirming the agency decision (63 percent) while varying the decision constituted the second highest number (28 percent).

Figure 7. Outcomes of reviews

Outcome of review	2018-19	2019-20	2020-21	2021-22	2022-23
Affirming agency decision	24	49	35	35	36
Varying agency decision	25	35	29	30	16
Setting aside agency decision	6	8	9	8	5
<b>Decision under section 110 of RTI Act or section 123 of IP Act</b>	<b>55</b>	<b>92</b>	<b>73</b>	<b>73</b>	<b>57</b>
<b>Review settled informally</b>	<b>554</b>	<b>542</b>	<b>613</b>	<b>491</b>	<b>479</b>
Decision application is out of jurisdiction - section 52, section 101 IP Act; section 32, section 88 of the RTI Act	12	3	15	11	4
Decision not to deal with application - section 107 of IP Act, section 94 of the RTI Act	4	4	14	37	9
Decision to allow agency further time to deal with application - section 106 of IP Act, section 93 of RTI Act	34	51	38	38	40
<b>Determination of review not required</b>	<b>50</b>	<b>58</b>	<b>67</b>	<b>86</b>	<b>53</b>
<b>Total</b>	<b>659</b>	<b>692</b>	<b>753</b>	<b>650</b>	<b>589</b>

OIC decisions contain findings of fact and law, all the facts relied upon, details of the law applied, details of submissions from the parties and reasons for the decision. In accordance with good privacy practice, the names of individual applicants are generally anonymised where the subject matter of the application is connected to their personal sphere.

As noted earlier, the Information Commissioner made a significant decision in 2022-23<sup>6</sup> finding that a non-compliant application still requires a reviewable decision by the agency otherwise it will be treated as a deemed refusal. This decision relied on earlier statements by the Queensland Court of Appeal<sup>7</sup> that a non-compliant application is not a nullity and requires action by the agency. The issuing of this decision resulted in an increase of deemed decisions coming to OIC on external review. These events have highlighted that there were a considerable number of applications in certain agencies that were not being promptly advanced in line with the objects of the legislation. OIC has been advised that the decision is the subject of appeals by both parties.

## Appeals

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

QCAT has continued to find that the external review participants, and not the Information Commissioner, are the proper parties to appeals of external review decisions.<sup>8</sup> Generally, OIC is removed as a participant by way of consent or procedural directions, however, where our removal is contested, it is necessary for us to file a formal application.

Four appeals were lodged in 2022-23 and three were finalised. Of those finalised, two were withdrawn and one was dismissed on the basis no error of law was established.

The lodged appeals include appeals of the Poyton decision by both parties, as noted above.

## 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 2022-23.

## Applications for financial hardship status

The Information Commissioner received 13 applications for financial hardship status under section 67 of the RTI Act. We granted eight applications and five were withdrawn.

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.

Decisions granting financial hardship status are published on the OIC website (outcome only). Copies of reasons for decision are provided directly to the applicant.

## Applications and decisions to declare a person vexatious

OIC received no applications to declare an applicant vexatious under the RTI Act or IP Act during the year. No decisions about whether to declare an applicant vexatious under the RTI or IP Act were made in 2022-23.

An own initiative declaration made by the Information Commissioner under the IP Act continues to apply for the existing period of two years from the date of the declaration.

<sup>6</sup> *Poyton and Department of Education* [2023] QICmr 13 (16 March 2023)

<sup>7</sup> *Powell & Anor v Queensland University of Technology & Anor* [2017] QCA 200.

<sup>8</sup> *Stiles v Information Commissioner* [2021] QCATA 152, which adopted the reasoning in *Walker Group Holdings Pty Ltd v Queensland Information Commissioner (No 2)* [2021] QCATA 84.

## **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.

The External Review Team has adopted an agile working method to ensure that it can continuously adapt to the demands of the work, the needs of the external review participants and the changing nature of the types of information that may emerge due to technological and other advancement.

Following a trial in 2021-22 the team continues to place a higher percentage of existing full-time equivalent (FTE) resources into the Intake and Resolution Team to allow for quicker early assessment and resolution of applications. In 2022-23 the team made further adjustments to its operating model with a view to improve applicant satisfaction with the service provided. While these rates are improving, when compared to previous years, the response rates to applicant surveys remain very low overall and their perceptions do appear to be adversely impacted by their prior engagements with agency's in seeking access to information.

External review has continued to offer flexible hybrid working arrangements. Most staff attend the office between one and three days per week and work the remainder from home. Staff have become proficient in the use of Teams, SharePoint and managing files electronically through our case management system. We are conscious of the value of face-to-face collaboration and encourage staff to coincide their office attendance with members of their team. We host internal lunchbox training sessions for staff on days when office attendance is high and fortnightly stand-up meetings to ensure continued connection and information sharing.

## PRIVACY ADVICE AND COMPLAINT MEDIATION

*Assist agencies to adopt privacy by design and achieve compliance with the privacy principles.*

### 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
- Continue to develop the leadership network of agency RTI and Privacy Champions at a senior level across sectors, consistent with good practice recommendations and models
- Champion a contemporary privacy regime which supports transparent and effective privacy rights
- Provide independent expert advice on proposed legislative reform, policy and initiatives to inform the community, Parliament and government about impacts and privacy by design practice.

*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, OIC's role and manage expectations.

Figure 8. Privacy advice and complaint mediation service standards

Service standard	Target	Achievement				
		2018-19	2019-20	2020-21	2021-22	2022-23
Percentage of agencies satisfied with the privacy complaint mediation service provided	75%	100%	100%	94%	100%	94%

Figure 9. Other privacy advice and complaint mediation key performance indicators

Service standard	Target	Achievement				
		2018-19	2019-20	2020-21	2021-22	2022-23
Mean average days to finalise an accepted privacy complaint*	140 days	157 days	185 days	278 days	257 days	135 days
Number of consultations and submissions	n/a	33	25	11	16	23
Number of advices and meetings with agencies	n/a	326	412	383	359	184
Percentage of agency stakeholders satisfied with advice service we provide <sup>^</sup>	75%	n/a	n/a	100%	91%	100%

\* This measure was discontinued in 2022-23 as an SDS measure

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



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**

One of the key services we provide is timely and authoritative advice about agencies' obligations under the IP Act. We provide, on request, agencies with both written and verbal advice as required. We regularly participate in working groups and specialist committees with other public sector agencies. Sometimes we advise other sectors, for example, where they provide services to government agencies and need to comply with the privacy principles.

In 2022-23 we met with and or provided advice to government agencies 114 times. A range of agencies sought guidance on initiatives that collect, use, share or disclose personal information, such as how to notify and respond to people affected by a privacy breach, contents of collection notices, risks associated with the collection and use of facial recognition technology and the secondary use of personal information. We participated in 70 meetings on various privacy related matters including regional visits with local councils and hospital and health services. We also conducted a variety of information sessions to various stakeholders. 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 twice during the year, in the second and fourth quarters of 2022-23.

This year we also participated in a round table discussion with the Inspector-General

of Emergency Management, disaster management practitioners and community groups as part of the Queensland Disaster Management Review. The round table discussed a number of case studies and perceived limitations from the IP Act when it comes to collecting, using and sharing personal information during an emergency.

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 2022-23 OIC made nine formal submissions to parliamentary inquiries, commissions and to the Queensland and Australian Governments. This included submissions related to privacy issues to the:

- Public Records Act Review – supplementary submission
- Legal Affairs and Safety Committee – Inquiry into Support Provided to Victims of Crime
- Legal Affairs and Safety Committee – Inquiry into Justice and Other Legislation Amendment Bill 2023
- Submission to Legal Affairs and Safety Committee - Monitoring of Places of Detention
- Education, Employment & Training Committee - Inquiry into Corrective Services (Emerging Technologies and Security)
- Department of Justice and Attorney-General on the Public Consultation Paper – Proposed changes to Queensland's Information Privacy and Right to Information Framework
- Submission to the Department of Justice and Civil Surveillance on Civil Surveillance Laws.

### **Points of interest**

We continued to monitor international, national and local issues and trends in privacy and data security and information management. The OIC participated in the 57<sup>th</sup> and 58<sup>th</sup> virtual meetings of the Asia Pacific Privacy Authorities. The Privacy Commissioner attended the 44<sup>th</sup> GPA online, hosted by Hong Kong on 12 and 13 July 2022. These forums provide insights

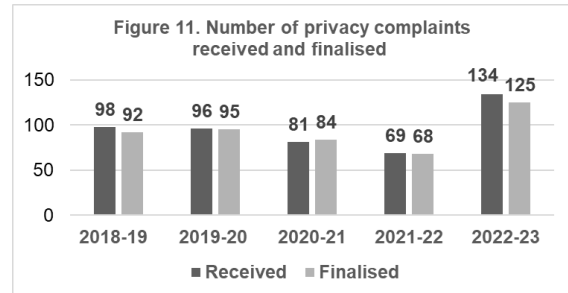
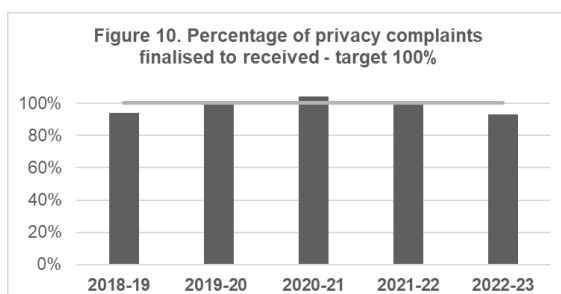
into data protection and privacy regulators and agencies across the Asia Pacific region and globally. The meetings explored various challenges to privacy regulation and shared insights on the challenges and risks associated with the various privacy settings on social media applications and the use of generative AI.

We also participated in meetings with Australian Privacy Authorities held in 2022-23 discussing trends in contemporary legislative privacy frameworks, a number of reviews of legislative reforms that were currently under consideration developments in digital service delivery and the use of AI and generative AI and how it could impact on privacy risks for government agencies. David Lacey from ID Care also presented to the commissioners on the challenges faced by victims of data breaches and what steps government agencies can take to mitigate the impact.

### 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 2022-23 we finalised a record 125 privacy complaints, 84 percent more than the previous financial year; and received 134, 94 percent more than the previous financial year.



In 2022-23 we closed 34 accepted privacy complaints and resolved 14 through mediation. Thirty complaints remain open.

The Information Commissioner may decline to deal with a privacy complaint for several reasons, including when:

- It does not meet the requirements set out in the IP Act. For example, the complainant has not first complained to an appropriate person within the relevant entity and given the entity appropriate time to respond.
- it is more than 12 months since the complainant first became aware of the act or practice the subject of the complaint, or
- the complaint is 'frivolous, vexatious, misconceived or lacking in substance'. For example, is not within the OIC's jurisdiction. An example would be if the entity complained about is a Commonwealth Government agency or the complaint does not disclose a breach of the relevant privacy principles.

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

- the complainant does not comply with a reasonable request.
- the Information Commissioner is satisfied on reasonable grounds that the complainant has not cooperated with dealing with the complaint, or
- the complainant is unable to be contacted.

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.

The most common reasons the OIC declined to deal with a privacy complaint were:

- the complainant not meeting the requirements set out in the IP Act, for example, the complainant did not first complain to the appropriate person within the relevant entity and give the entity appropriate time to respond
- the complaint was misconceived
- the complaint was lacking in substance
- the entity has not yet had an adequate opportunity to deal with the complaint.

Under the IP Act our investigative powers are limited and so, at times, we are dependent on the cooperation of the parties and largely we have minimal control over the timeliness of responses and communications. However, we have significantly improved our timeliness in relation to the finalisation of accepted complaints this year by imposing clear dates when parties need to respond to our requests. We have found that these timeframes are generally well adhered to by both the complainant and respondent agency.

Dissatisfaction with agencies' provision of personal information to third parties continues to be the most common subject of complaints.

In 2022-23, for a very small number of complaints, there continued to be significant delays 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.

These issues continue to impact the time taken to resolve some complaints. In 2022-23, the average time to finalise an accepted complaint was 135 days. This is within our 2022-23 target and is a significant improvement on last year's result of 257 days.

Another factor which makes mediating complaints more difficult includes complainants having unreasonable expectations about the outcome of a privacy complaint. These issues can include seeking unrealistic compensation or wanting an outcome that addresses something beyond the privacy breach such as some other employment grievance. The mediated outcomes included 12 instances where a payment of money was made to compensate the complainant in relation to the breach. The 12 complaints which included \$101,350 financial compensation in total.

Mediated privacy complaints predominantly related to complaints about the inappropriate disclosure of personal information (13). Other complaints involved complaints about a failure to take reasonable steps to protect personal information (5), inappropriate secondary use (2), there were also three complaints about agencies not maintaining accurate records of personal information.<sup>9</sup>

We received privacy complaints during the reporting period where the relevant agency didn't originally accept that there had been a breach of the complainants' privacy,

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<sup>9</sup> Privacy complaint may be about more than one issue.

however OIC considered there was a breach of a relevant privacy principle. In these instances, OIC writes to the agency concerned expressing our view on the matter and how the legislation should be interpreted. In all instances the agencies subsequently accepted the OIC's view about the breach and commenced mediation with the complainants. These cases were the result of personal information being disclosed to another party in which there was a domestic violence issue between the complainant and the person who incorrectly received the information.

Some of those matters resulted in the complaint being successfully mediated. One matter which wasn't mediated with the OIC and was referred to QCAT for determination at the request of the complainant.

### **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 2022-23, we referred nine complaints to QCAT. We play a limited role in QCAT as we are not 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*. In relation to privacy, those applications usually relate to the OIC declining to accept a complaint. There was one judicial review application made during 2022-23 - *Fitzgerald v Booth & Anor* [2023] QSC 46. The decision was also handed down in this reporting period.

The application for judicial review was made against a decision of the OIC declining to deal with the applicant's privacy complaint under s.168(1)(c) of the IP Act on the basis that it was frivolous, vexatious, misconceived or lacking in substance. The application was dismissed.

### **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. No applications were received during 2022-23.

### **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. In November 2022 the New South Wales Government passed a law which requires the mandatory notification of data breaches to the Privacy Commissioner and affected members of the community. The notification scheme is due to commence in November 2023.

While Queensland does not yet have the equivalent scheme to the Commonwealth or New South Wales, some agencies proactively tell us about their data breaches voluntarily, if only for seeking advice on how to manage them. This reflects agency awareness of good privacy practices and public expectations for those agencies that have notified the OIC and the affected parties of the breaches. Most of the breaches involved limited, one-off incidents caused by human error.

In 2022-23 we received 41 voluntary notifications from agencies of privacy breaches, a similar volume to the 40 notifications we received the previous year. A small number of incidents involved many affected individuals and could lead to a large number of complaints. However, we have not seen that notifying people about a privacy breach has led to a significant increase in privacy complaints to OIC. It is likely that if an agency notifies affected individuals promptly and appropriately enabling victims to protect themselves, any potential harm can be reduced or mitigated. It also helps to maintain trust and confidence in the agency.

Recommendation 10 of the Coaldrake report recommended that Citizens' privacy rights be protected by implementation of mandatory reporting of data breaches. All the recommendations were endorsed by the Queensland Government on 4 July 2022 and a taskforce was established to immediately implement all recommendations. The Consultation Paper on the Proposed Changes to Queensland's Information Privacy and Right to Information Framework, released by the former Attorney-General and Minister for Justice in June 2022, outlined a Mandatory Data Breach Notification Scheme. It is

proposed that OIC would have an oversight role for the scheme with functions and powers to monitor and ensure compliance with the scheme.

### **Improving our service**

We evaluate our privacy services and engage with stakeholders. We commenced more meetings in person this year. Generally, the delivery of training and presentations is via a hybrid model which includes both face to face interaction and streaming the presentations online.

This year the OIC ran two training sessions for privacy practitioners and other staff interested in good privacy practices in relation to:

- how to respond with a data breach
- how to conduct a privacy impact assessment.

Both training exercises were oversubscribed by participants wanting to take part in the training. The OIC will deliver more training on these topics in the coming year.

More information about our key partnerships and networks is available on page 32.

## 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 access and privacy rights
- Co-design training and online resources with agencies to increase capability across the sector
- Continue to provide quality information and assistance to both the community and agencies through the Enquiries Service
- Develop and publish relevant, informative and accurate resources to assist agencies and the community to better understand the legislation
- 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 to drive leadership focus on action in key risk areas.

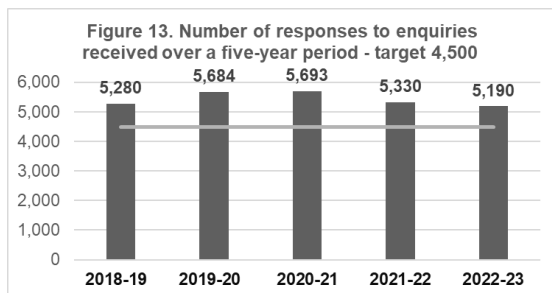
Figure 12. Assistance and monitoring service standards

Service standard	Target	Achievement				
		2018-19	2019-20	2020-21	2021-22	2022-23
Agency overall satisfaction with the OIC Enquiries Service	80%	99%	100%	99%	98%	100%
Agency overall satisfaction with the information resources provided by OIC	80%	99%	99%	98%	98%	99%
Number of responses to written and oral enquiries	4,500	5,280	5,684	5,693	5,330	5,190
Percentage of training participants satisfied with sessions	75%	97%	98%	97%	100%	99%
Number of training participants	4,000	11,892	12,997	8,738	8,931	7,942
Number of reports tabled in Parliament	5	5	3	5	2	4
Number of awareness activities conducted including online interactions	250	430	353	321	280	304
Number of website visits	150,000	235,226	283,715	317,186	317,672	295,270

## Information and Assistance

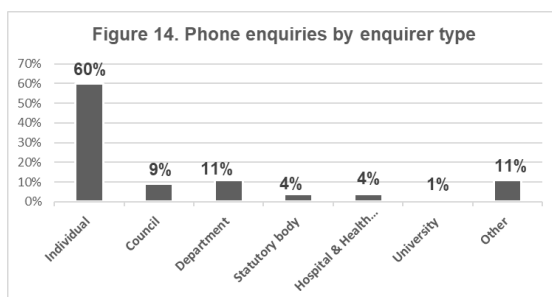
Our Enquiries Service responded to 5,190 enquiries in 2022-23. We received specific enquiries, general questions and requests for assistance through various channels:

- 3,513 (67.5 percent) telephone calls
- 1,546 (30 percent) emails/letters
- 131 (2.5 percent) web enquiries.



The majority of enquiries were about access to or amendment of documents under the RTI and IP Acts (63 percent) followed by privacy principles or complaints (14 percent), other jurisdiction (13 percent) and other – miscellaneous (10 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 substance from members of the public wanting to learn more about their information access and privacy rights to complex agency issues of legislative interpretation and application.



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 2022-23, we updated 40 guidelines and 13 information sheets to ensure they were accurate and provided relevant information to our stakeholders. In addition, we published a new guideline and accompanying e-lecture to explain a significant decision of the Information Commissioner which revised the OIC's interpretation of the processing period.

We also continued our work on updating and integrating the Annotated Legislation with our published guidelines to create a single, comprehensive reference tool to aid agency officers' interpretation and application of the legislation. We added a new annotation and updated an existing entry to ensure our resources are consistent and up-to-date.

Our Enquiries Service continued to offer high quality information and assistance in response to queries from members of the public and agency officers. We were 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.

We also delivered an impactful and educative forum for agency officers dealing with requests for access to Stolen Generations records by survivors and family members. The forum focused on how to apply the Healing Foundation's Principles for Nationally Consistent Approaches for Accessing Stolen Generations records. We hosted a range of expert speakers from the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, LinkUp Queensland and Queensland State Archives as well as Queensland's Privacy Commissioner.

The forum was well attended by Right to Information and Privacy officers across the State, as well as our counterparts in other jurisdictions, with the recording available on our website.

This forum was an important follow-on from the 2022 Solomon Lecture about why access to information about Stolen Generations records is important for truth telling and individuals (page 28).

## Training

In 2022-23 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
- webinars on a range of topics including those specific to information access and privacy officers
- e-lectures on privacy and right to information principles and practices.

We offered training on privacy in local government, setting up for success at the front end of processing an access application, dealing with personal information in an emergency, privacy impact assessments, privacy breaches and decision writing.

We delivered tailored training to agency officers in Brisbane and Cairns and Hinterland Hospital and Health Service and Torres and Cape Hospital and Health Service (via face-to-face) and to agency staff across Queensland (via webinar). For example, Whitsunday Regional Council.

## 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
- An introduction to RTI

- RTI – Stepping through rights, responsibilities and roles
- Public Health Agencies and the IP Act
- Privacy Complaint Management training
- Access training for decision makers (three separate modules).

## New online training course – An introduction to RTI

This new course better meets the needs of a diverse user group by making the course more concise (20mins) with a focus on simple key concepts and scenarios to aid comprehension and retention.

The course aims to let participants know:

- what RTI is
- how it applies to them
- how it benefits everyone
- what they can do if they are asked about getting access to information.

It also explains the differences between a formal RTI application and other ways of accessing government-held information.

We previously offered an RTI general awareness course through our online training portal. While this course remains available to participants its name has changed to, 'RTI – Stepping through rights, responsibilities and roles'. This change better reflects the depth and breadth of information delivered in the course and offers participants an opportunity to learn more about Queensland's RTI legislation. The course also builds upon the concepts introduced in 'An introduction to RTI'.

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.

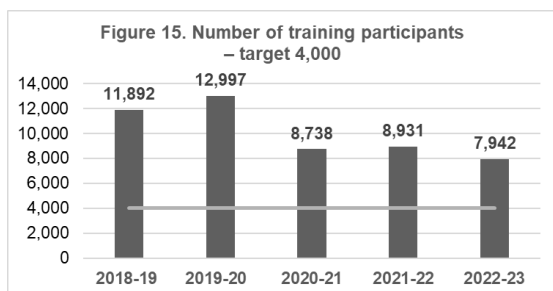
Where appropriate, we record training presentations and publish them on our website.



Our web-based training in 2022-23 included:

- Access application handling
- Privacy breaches
- Setting up for success at the front end of processing an access application
- Decision writing
- Privacy Bites: Records of the deceased
- Privacy Bites: The perils of phishing
- Privacy and information sharing in emergency events
- Poyton decision and its impacts
- Privacy in Local Government Series – Privacy Impact Assessments
- Privacy in Local Government Series – Privacy Breaches
- Privacy in Local Government Series – Privacy Complaints.

In 2022-23, 99 percent of training participants were satisfied with the sessions they completed. In the reporting period 7,942 participants completed our training. This is an 11 percent decrease from the 8,931 trained in 2021-22. The decrease might be attributed to factors like agencies developing their own training or staff only undertaking our online training when commencing employment (induction).



## 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 around the world can support this fundamental human right and promote open, democratic societies through citizen empowerment and participation in government.

In 2022, IAI Day featured the theme 'Artificial intelligence, e-governance and access to information'. In our ever-increasing digital world, Artificial Intelligence (AI) and e-governance play an important part in improving access to information. They can help bridge the digital divide by giving citizens access to tailor-made, accessible information and also deliver more efficient and effective services. However, these developments also raise questions about fundamental human rights and ethical use of AI and e-governance by public agencies. Stakeholders, including government agencies, must remain cognisant of the risks, so the use of AI and e-governance builds trust, ensures inclusion, protects human rights and enables citizen participation.

#### **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. Mr Ian Hamm, Chair of the Stolen Generations Reference Group at The Healing Foundation, delivered the 2022 Solomon Lecture on 'The importance of truth through Aboriginal eyes' during a public event held at the State Library of Queensland.

Mr Ian Hamm explored the following topic:

*The importance of information has never been greater and universally it is interpreted as the transparency and accountability of government. This is incredibly important given the amount of information and data that exists and continues to expand in the modern world. But what information matters, beyond the accepted situation, to Aboriginal people? What is the information unknown that Aboriginal people want to hear and need heard?*

Mr Hamm's keynote looked at information through the eyes of the Aboriginal community at a macro and micro level. He discussed truth telling and its implications for Australia as a nation and what benefits

it brings us all (macro), and also discussed the importance of knowing your own story through the eyes of the stolen children (micro) in trying to make sense of your life.

Following the keynote, Mr Hamm joined a panel discussion with Ms Rose Barrowcliffe (First Nations Archives Advisor, Queensland State Archives) and Ms Patricia Thompson AM (CEO of Link-Up Queensland).

The recording is available on our website and YouTube channel.

### **Privacy Awareness Week**

We participated in Privacy Awareness Week from 1 to 7 May 2023, as an active member of the Asia Pacific Privacy Authorities. The theme 'Privacy 101: Back to basics' was aimed at the community and public sector.

Rapidly changing technology has an impact on people's personal information and how agencies protect it. Collectively as a state, we need to be proactive and vigilant so personal information remains safe, protected and respected. For PAW 2023, we got back to basics and called on public sector agencies, their staff and the community to ensure they have the essentials in place to protect personal information.

We launched Privacy Awareness Week at a public event held at the State Library of Queensland. Mr Troy Hunt, CEO of 'Have I Been Pwned', delivered the keynote address titled 'Lessons from billions of breached records'. Troy brought his wealth of experience and insights of what has caused some of the big data breaches and how they continue to impact people today, despite how much more aware we're all becoming. It was an eye-opening presentation about privacy and data breaches in a world where cyber threats and attacks are becoming more commonplace.

Mr Hunt's keynote was followed by an expert panel discussion moderated by emcee and journalist, Ms Jillian Whiting. The panel discussed how we can make organisations more resilient in the face of increasing cyber threats, how to identify risks and how to cultivate a culture where employees prioritise privacy. Our panellists covered cyber-attacks, but also how human error can contribute to breaches. Additionally, it posed the question, 'If employees are our front line of defence, how do we make good privacy management behaviours stick? Is it time to go back to basics?'

Our panel included:

- Mr Troy Hunt, CEO of 'Have I Been Pwned', Microsoft Regional Director
- Dr Alistair Ping, Adjunct Professor at QUT Graduate School of Business
- Ms Nicole Stephensen, International Association of Privacy Professionals Member and KnowledgeNet Chair for Queensland, Partner and Privacy Lead at IIS Partners
- Mr Paxton Booth, Privacy Commissioner, Queensland.

The recording is available on our website and YouTube channel.

Our modest social media advertisement campaign costing \$4,284 reached 238,529 users and contributed to raising awareness and driving traffic to our website.

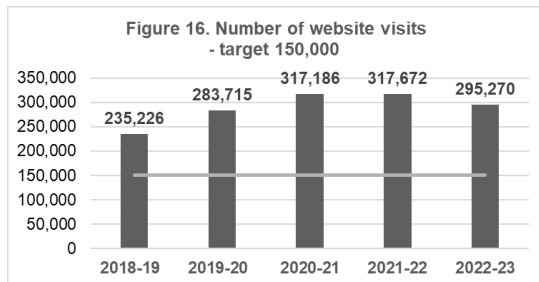
We provided agencies and the community with a range of resources to help raise awareness about privacy rights and responsibilities including how to protect and respect personal data.

### **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 295,270 visits. This is a small decrease from 317,672 in 2021-22.



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, meet community expectations and improve compliance with the legislation.

During the year, we met with agency leaders and elected representatives including:

- Queensland State Archivist
- Queensland Integrity Commissioner
- Department of the Premier and Cabinet
- Queensland Health
- Queensland Public Sector Commission
- Local Government Managers Association, Queensland
- Department of Justice and Attorney-General
- Queensland Human Rights Commission
- Queensland Ombudsman

- Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
- Department of Communities, Housing and Digital Economy
- Department of State Development, Infrastructure, Local Government and Planning
- Access to Stolen Generations Records Forum.

In 2022-23 we conducted 304 awareness activities exceeding our target of 250.

### Submissions

In 2022-23 OIC made nine formal submissions to parliamentary inquiries, commissions and to the Queensland and Australian Governments. This included a submission to the Senate Legal and Constitutional Affairs Committee - Inquiry into the operation of Commonwealth Freedom of Information laws. Further information about our submissions can be found on page 20.

### 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 2022-23 we conducted multi-agencies audits and tabled four reports:

- Mitigating the risks of privacy breach through staff education
- Publishing information about waste management
- Publishing OFFICIAL information assets
- Data Breach Response Plans.

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

### **Mitigating the risks of privacy breach through staff education**

This audit followed on from our 2018 recommendations to all agencies to train their employees about their obligations under the *Information Privacy Act 2009*.

We examined the three government agencies and found differing practices. They all made training compulsory for new employees, but only two agencies mandated refresher training at regular intervals. The content of the privacy training was consistent with the Act, but in one agency it was too high level for staff to understand their obligations.

We made 10 recommendations to the three agencies, and continue to encourage all agencies to ensure they train staff effectively in their privacy responsibilities.

### **Publishing information about waste management**

The audit was one of a series of audits on mandated publication. We identified the publication requirements about waste management and assessed how well all departments met these requirements. We found that the lead agencies published over-arching plans and strategies as required. However, the annual progress reports were not published promptly. We recommended that the lead agencies cross-reference each other's plans.

We found that 16 out of 20 departments published agency-specific plans as required. All published plans were easy to read, but they were not necessarily up-to-date, easy to find or addressed the required

inclusions. Most plans described actions, but three did not include targets.

We made five recommendations to all departments – that they prepare and publish waste management plans as required by the legislation, and ensure the plans are easy to find, easy to use, up-to-date and useful.

### **Publishing OFFICIAL information assets**

The audit focused on how three Queensland government departments identified and classified their information assets and how they support the push model through maximum disclosure of these information assets.

OFFICIAL information is routine information without special sensitivity or handling requirements. As such, this is information that might be suitable for publication.

The information asset register, or a version of it, should also be published, so that members of the community can readily identify what information each department holds.

The three audited department had established information asset registers. However, there were gaps in the registers and deficiencies in how they maintained the registers. The departments did not publish the information asset registers.

We made eight recommendations to the three audited agencies. We also made one recommendation to all government agencies, that they publish their information asset register or a version of it on their websites.

### **Data Breach Response Plans**

In anticipation of the government announced commitment to implementing a mandatory data breach reporting scheme, we asked all agencies to report on their planning to respond to data breaches.

Out of 107 respondents, 52 reported that they had a plan for responding to data breaches.

Most of the plans contained most of the elements necessary for an effective response.

We recommended that all agencies develop a data breach response plan, ensure it addresses critical elements including notifying individuals affected and how to report a breach, and publish a version of the plan on their websites.

### **Other reviews**

During 2022-23 we also performed a scan of the departments' websites to assess whether they continued to update and maintain their disclosure logs as required. We communicated the results to the individual departments.

Many agencies enter into service arrangements with Contracted Service Providers (CSP) to help them deliver public services or support their corporate functions. In 2022-23, we continued to review how selected agencies bind CSP to the privacy principles. We shared our observations with these agencies who subsequently reported they had enhanced their practices.

Government procurement is complex. Agencies must consider many factors such as the Queensland Procurement Policy, their legal obligations and any risks associated with the goods or services procured. This includes privacy risks. The proposed reforms to Queensland's information privacy and right to information framework may affect how agencies bind CSP to the privacy principles, including ensuring that agencies can obtain the necessary information to inform affected parties in the event of a data breach of their personal information.

To add value to the whole sector efficiently and effectively, we propose to work with the Department of Energy and Public Works to integrate guidance on agencies' obligations under the *Information Privacy Act 2009* in the broader context of WOG procurement.

### **Key partnerships and networks**

In 2022-23, 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 regulators in our region. Members form partnerships and exchange ideas about privacy regulation, new technologies and the management of privacy issues. The Privacy Commissioner attended forums during 2022-23.
- We maintained our membership in the International Conference of Information Commissioners, and participated in international activities consistent with the ICIC objectives.
- We discussed issues and trends relevant to Australian and New Zealand jurisdictions with members of the Association of Information Access Commissioners, including contemporary challenges to information access and heightened risks that require a concerted and complementary approach by integrity agencies and government.

- We met with members of Privacy Authorities Australia to discuss issues and trends about protecting individuals' personal information and data.
- The Information Commissioner was a member of the Integrity Reform Stakeholder Reference Group, which met regularly and included the Integrity Commissioner, the Crime and Corruption Commission, Queensland Ombudsman and Queensland Auditor-General to discuss implementation of key Coaldrake Report recommendations.

### Improving our service

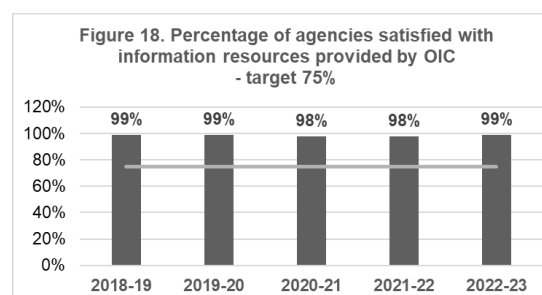
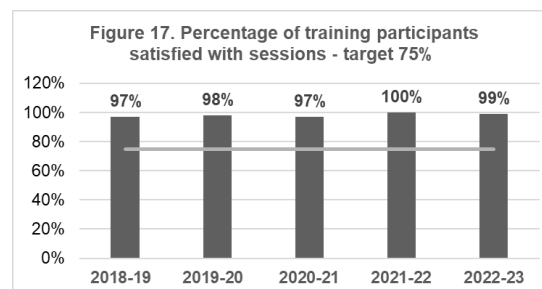
In 2022-23 we:

- 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
- Identified new ways to engage with agency officers to quickly and effectively inform them of changes in interpretation
- 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
- 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
- launched a new online training course titled 'An introduction to RTI'.

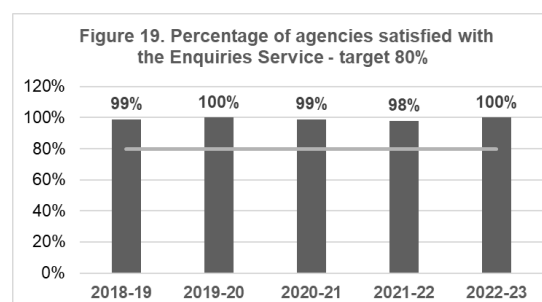
### Feedback

In 2022-23 we received feedback on our assistance and monitoring service:

- we measured training participants' satisfaction (see Figure 17)
- we surveyed agencies satisfaction about our guidelines and information sheets (see Figures 18)
- we surveyed agencies about our Enquiries Service (see Figures 19).



\*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 2021-22 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.

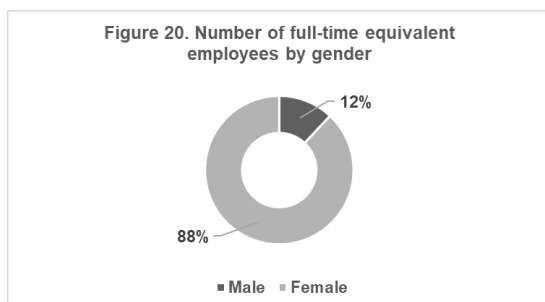
# HOW WE OPERATE

## Our people

In 2022-23 OIC had an approved, permanent establishment of 37.1 full-time equivalent (FTE) staff, with an additional 4.8 temporary FTE approved for two years to 30 June 2023, totalling 41.9 FTE.

In 2022-23, the Queensland Government approved permanent funding for 4.8 FTE positions from 2023-24. This addressed the outstanding recommendations about funding from the 2017 Independent Strategic Review of the OIC.

As at 30 June 2023, we had an establishment of 40.76 FTE (active and paid employees). Eighty-three percent of our active and paid employees are permanent, inclusive of employees seconded from other Queensland Government agencies. Four permanent employees separated or resigned from OIC during 2022-23, resulting in a separation rate of 9.52 percent, as at 30 June 2023.



Note: Active and paid staff only.

No early retirement, redundancy or retrenchment packages were processed during the 2022-23 financial year.

## Flexible working arrangements

Flexible work arrangements are important to attract and retain a highly skilled workforce. All employees are actively encouraged and supported to access flexible work options including flexible start and finishing times, part-time work arrangements, job share arrangements, hybrid remote working and use of accrued time.

Currently, 22 employees (43 percent of the workforce) are working in a part-time arrangement, including two job-share arrangements.

All employees work within a hybrid working model, whereby they work remotely part of the week. We ensure all employees have an approved remote work agreement in place, which clearly outlines the requirements relating to information security and workplace health and safety.

## Workforce Planning

We are committed to attracting and retaining a workforce that is inclusive, diverse, engaged, agile and high performing. Our people tend to have personal values aligned with integrity, accountability, the human rights we uphold, fairness and impartiality and high-quality customer service.

While our external review team structure, roles and processes have changed continuously over time to adapt and refocus on prioritising resources where they are best placed, some areas have undergone little structure change since they were established in 2009.

With a small resource base and substantial ongoing demand for our services, we continuously review how we may more effectively and efficiently provide priority statutory functions and services, which are evolving with community expectations and emerging technology and risks.

The Queensland Government has also indicated that we will receive the new Mandatory Data Breach Notification function, which would include new powers, and other changes are also proposed for the OIC in the reforms consulted on by the Government.

Ultimately, we recognise the importance of all employees remaining focused on our priorities and ensuring everyone is equipped and supported to deliver on their key responsibilities and role requirements.

As part of workforce planning, we ensure employees are provided with not only development but career growth and mobility opportunities within and external to OIC.

### **Health, Safety and Wellbeing**

Over the past 12 months, healthy, safety and wellbeing has remained a top priority for us. We recognise the important role a workplace has in relation to employee wellbeing and is committed to providing a safe, responsive and inclusive workplace environment.

The OIC Health, Safety and Wellbeing Policy clearly outlines our commitment to continuous improvement and employee centric approach. The policy has underpinned all the health, safety and wellbeing activities, initiatives and relevant training opportunities that have been made available to our employees during 2022-23.

We have continued to have an active Health Safety and Wellbeing Committee, a Health and Safety Representative and a Workplace Health and Safety Officer, all who support staff consultation and participation in workplace initiatives, in addition to responding to any health, safety or wellbeing concerns raised by employees.

Several new initiatives were rolled out and existing initiatives continued during 2022-23, including:

- Health, safety and wellbeing training for new employees
- Mental health conversations for leaders training
- Psychological safety in the workplace training
- Recognising key days of significance e.g., Mental Health Week
- Employee Assistance Program
- Flu vaccination program
- Sit stand desks
- Lunchtime yoga.

We will continue to review and refine our Health, Safety and Wellbeing Policy and associated supporting documents, resources and initiatives to ensure legislative compliance and best practice.

### **Investing in our people**

We support our employees through a new employee induction, performance management and development reviews, and training and development opportunities.

During 2022-23 we conducted many employee focused activities including:

- Worked with employees to identify and implement action items through the 2022 Working for Queensland survey results
- Undertook 6 and 12 monthly performance and development reviews
- Supported many professional development and career growth opportunities through both formal and informal training opportunities, higher duties, and secondment arrangements
- Consulted and engaged with employees on a wide range of issues including policy reviews, strategic and operational planning and health, safety and wellbeing initiatives
- Provided coaching and mentoring opportunities
- Converted one temporary employee to permanent tenure
- Provided free, confidential counselling and support services to staff and their families through our employee assistance program.

In 2022-23 we spent \$68,408 on staff professional development, training and workshops; a decrease of \$610 compared to 2021-22.

The training and development opportunities largely focused on management skills, decision making, gender equality, health and wellbeing (including mental health) and targeted training related to the identified needs of employees.



In addition to the external professional development opportunities offered, we continued to develop and refine our mandatory and compliance training offerings, which includes the following:

- Governance and compliance
- Health, safety and wellbeing
- Domestic and family violence
- Human rights
- Cultural capability.

### **Onboarding**

All new staff at OIC undertake a comprehensive induction process to ensure a smooth transition, including information relating to employment conditions, code of conduct requirements and OIC functions and responsibilities. The induction process and associated mandatory training ensures all employees know their obligations and responsibilities as public servants and employees of OIC.

### **Working for Queensland survey 2022**

In 2022 we participated in the annual Working for Queensland survey, with 81 percent of our employees sharing their views and experiences of working at OIC. Pleasingly, survey results indicated high employee engagement across many indicators which is consistent with the survey results from previous years.

In 2022, we had an overall engagement score of 84 percent, an increase of two percent compared to 2021. Further, the survey revealed a 95 percent score in fair and equitable treatment, 91 percent in job clarity and 92 percent in workgroup respect and psychological safety.

The survey results identified that some additional focus was required on the consistency of performance and development conversations and reviews, which as a result has been a focus for OIC during 2022-23.

We will continue to review the Working for Queensland survey responses and respond appropriately through employee consultation and implementing initiatives or reviewing workplace practices as required.

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

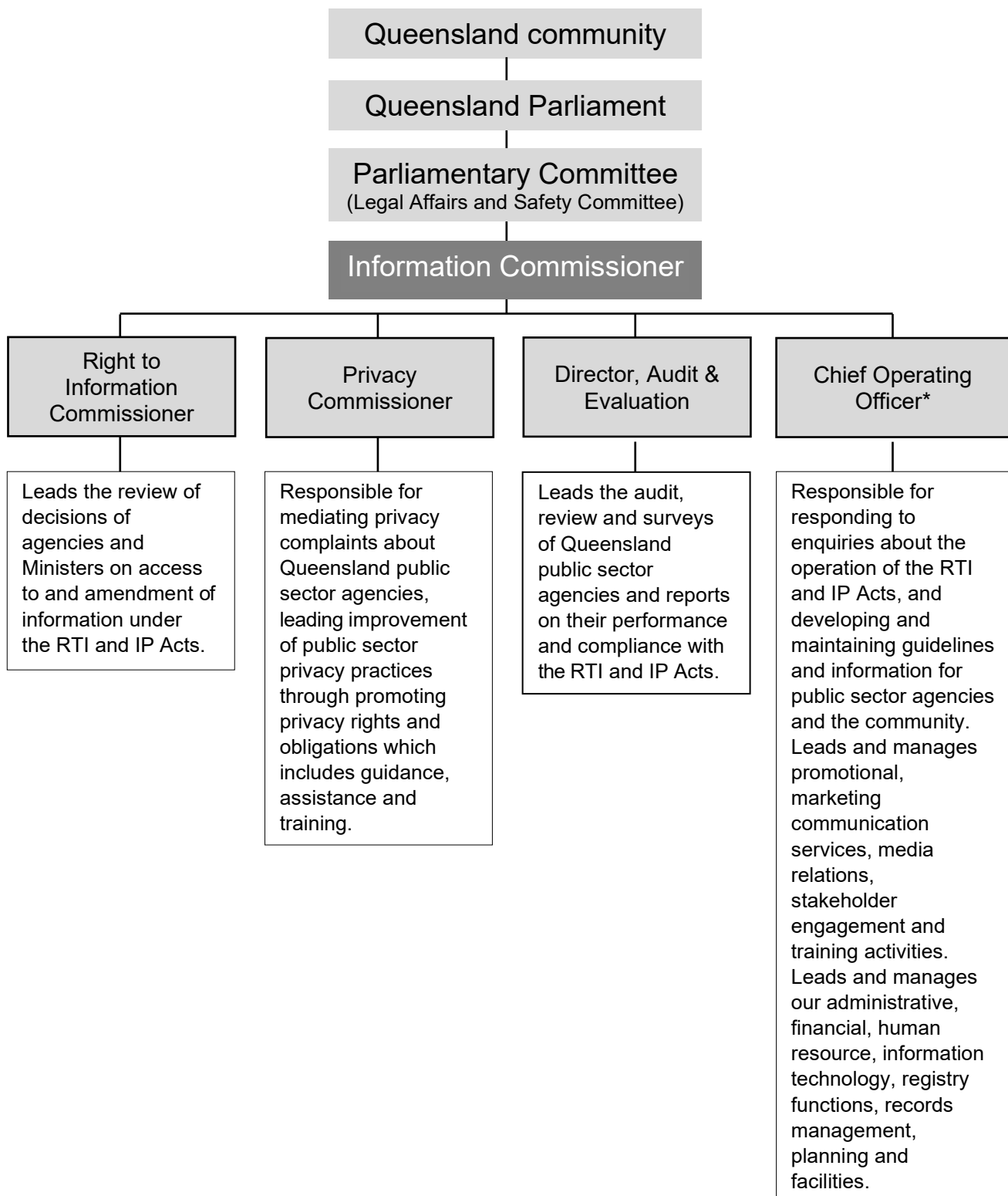
During 2022-23 we did not have a Consultative Committee as no employee elected to take on the role of union delegate for the purpose of a Consultative Committee. We remain committed to consulting and collaborating with all employees on workplace related matters.

### **Enterprise bargaining**

The *Office of the Information Commissioner Certified Agreement 2018*, nominally expired on 31 October 2022. On 30 November 2022 in-principle agreement was reached. We are currently undertaking employee consultation for the proposed Agreement.

# OUR STRUCTURE

Figure 21. Our structure



\* Formerly Director, Engagement and Corporate Services

## CORPORATE SERVICES

In 2022-23, 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 \$371,377. This is an increase of \$27,681, from 2021-22 (\$343,696), mainly due to increase in finance and HR support service charges.

### Information and technology

Our ICT systems functioned well during the year. Our service provider, Datacom continues to provide a stable operating environment to support our hybrid work model. We use digital collaboration tools for meetings, webinars and training in a secure and effective manner. Cyber security continued to be our focus this year as we continually monitor for attacks and scams. We work with our service provider to implement various security measures to ensure system and user safety.

In 2022-23 we replaced our fleet of laptops as the equipment purchased in 2018 was technologically obsolete and out of warranty. We funded the new laptops through approved use of cash reserves.

The move to new premises in 2023-24 will also include new technology for connecting effectively with external and internal stakeholders.

### Strengthening our information governance and management

As part of our strategic ICT roadmap we worked on two projects to improve our cyber security and information management security:

- case management system replacement
- enterprise information management.

### Case management system replacement

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.

A fit for purpose and effective system is critical for the safe management of important and sensitive government-held information, and personal information of OIC applicants and complainants.

We also require a new system to deliver the Mandatory Data Breach Notification Scheme and annual reporting requirements of the Proposed Reforms to Queensland's Information Privacy and Right to Information Framework.

We engaged an IT consultant to assist with procuring a new system, utilising approved access to cash reserves. The consultant conducted an analysis of options and our functional and non-functional requirements. We have also consulted with the Queensland Government Customer and Digital Office during the procurement process.

### Enterprise information management improvements

In early 2022, we commenced a project to adopt SharePoint as our electronic document and record management system (eDRMS), giving us an opportunity to work effectively in using, retaining and disposing information compliant with the *Public Records Act 2002*.

We experienced a delay in completing this project as we reprioritised other projects including moving to new premises, rolling out a new fleet of laptops and procuring a new case management system.

Once completed, the eDRMS will offer staff a better way to collaborate online and encourage better record keeping practices across the office.

This year, we operated without any in-house ICT expertise, which meant that we had to increase our reliance on Datacom's costed services. We have since recruited an in-house ICT Manager to provide both strategic and technical advice across all our ICT projects.

### **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, including as part of our relocation
- 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.

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

Rachael's term of appointment is to 19 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.

### **Stephanie Winson**

Appointed on 16 January 2023, Stephanie is an experienced executive public sector leader and lawyer who has had a long-term interest in constitutional, regulatory and administrative law matters.

Stephanie advised on information access matters in New Zealand for many years and served as the Assistant Ombudsman Systemic and Monitoring, which included independently investigating agency compliance with information access laws. Stephanie has worked in a number of countries having held senior public sector leadership roles in Namibia and

New Zealand. Stephanie held the constitutional role of Secretary of the National Assembly of Namibia in the late 1990's and was the Deputy Director regulatory systems design for a New Zealand Crown Entity. Stephanie also led various teams performing legal and regulatory policy functions.

Stephanie holds a Master of laws (LLM) with distinction, Bachelor of Laws (LLB) and a Bachelor of Arts (BA) and was admitted to practise as a lawyer in Namibia and New Zealand in 1991 and 2002 respectively.

Stephanie's term of appointment is to 16 January 2026.

### **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.

### **Paxton Booth**

Appointed as the Privacy Commissioner in December 2021, Paxton has worked in law enforcement and integrity agencies throughout his career. Prior to his appointment as Privacy Commissioner, he was Executive Director, Corruption Strategy, Prevention and Legal at the Crime and Corruption Commission, Qld (CCC). Paxton held several positions at the CCC during his 11 years of employment. He was responsible for leading the identification of strategic corruption risks, prevention initiatives and corruption audits.

Paxton has a Bachelor of Laws and Bachelor of Commerce and was admitted as a Barrister of the Supreme Court of Queensland in 1997. He is a Graduate of the Australian Institute of Company Directors.

Paxton's term of appointment is to 12 December 2023.

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

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

### **Adeline Yuksel**

Adeline passed away suddenly in late April 2023 after making an indelible mark on the OIC leaving us better positioned for the future. She is dearly missed by our team. As Director, Engagement and Corporate Services, Adeline delivered a transformational program to improve all aspects of corporate services, communication and engagement at OIC. This work is continuing and includes information management and security, deeper engagement with stakeholders and strategic planning.

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

**Andrew Knight** performed the role of Acting Director, Engagement and Corporate Services, between August 2022 and January 2023.

## 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 OIC's 2021-22 performance was held on 13 July 2023.

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 and Minister for Justice, 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 2022 strategic review commenced in July 2022. Mr Dominic McGann was approved as the independent Strategic Reviewer by Governor-in-Council. The report on the 2022 independent strategic review was tabled in Parliament on 31 January 2023.

The report, *'How to let more sunshine in: Strategic review of the Office of the Information Commissioner'*, on page 4, made findings with respect to governance, namely:

- The existing functions of the OIC remain clearly delineated and the OIC is structured effectively.
- Subject to the final form of the changes, the existing policy and legislative review of the RTI Act and the IP Act will be profound and with corresponding consequences for the OIC and, potentially, its existing structure.

### **Legislative compliance**

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

- 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 Sector 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 periodic refreshers. The online training includes code of conduct, workplace health and safety, workplace bullying and domestic violence.
- 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 Corporate Administration Agency's (CAA) 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 2021-2022, we engaged CAA to conduct an internal audit of the use of corporate credit cards. The report was provided to the Information Commissioner in August 2023 and all recommendations accepted and implemented.

Pages 47-70 of this report present 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 provide oversight of:

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

The primary role of the Governance Committee is to ensure effective risk management occurs in accordance with the Financial and Performance Management Standard and the *Financial Accountability Act 2009*.

### **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 2022-23, there were four general complaints about our service. Two were assessed by the Director, Engagement of Corporate Services (or Information Commissioner in their absence) and found not to be substantiated.

In accordance with the OIC Complaints Management Procedure the Director assessed two complaints as not raising OIC service issues and referred these to the Right to Information Commissioner to address the substantive review issues raised by them. In one case the OIC worked with the complainant to hear their concerns, explain the review process and identify mutually agreed outcomes to help progress a review. In the final matter OIC explained the aspects of the external review process to address their concerns.

We received one public interest disclosures under the *Public Interest Disclosures Act 2010*. We did not receive any 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 February 2022, we commenced an enterprise information management project to improve our recordkeeping, automate processes where possible and enhance information security. This project is ongoing. Working with our vendor we have established a new framework to manage

our electronic records which will facilitate easier compliance with the *Public Records Act*. We continue to work with the vendor to test the new environment and work towards migrating our historic and existing records into the new environment in 2023-24.

### **Office relocation**

In 2022-23, significant time and effort has gone into planning our relocation to new premises in July 2023.

During the pandemic, we transitioned to an ongoing hybrid work model, where employees work partly in the office and partly from home. This model has worked well, with sustained or increased productivity and an increase to employee morale.

We are committed to flexible work arrangements, including the hybrid model. As a result, we have elected to lease a smaller footprint of office space to support a dynamic hybrid approach to desk occupancy.

We have also upgraded our fleet of laptops, replacing equipment at the end of its technological life. This ensures staff have the right tools to work efficiently irrespective of their location. The new laptops and the office relocation will save costs while maintaining or improving productivity.

### **Environmental sustainability**

Our waste management policy emphasises waste avoidance, reduction, reuse, and recycling. We encourage all staff to recycle office and kitchen waste. We are using significantly less paper with our focus on digital information systems and with 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 relocation has enabled us to reduce our office footprint which is expected to reduce our overall energy usage.

# OUR FINANCIAL PERFORMANCE

## Managing our budget

We ended the year in a secure financial position with adequate reserves to fulfil our responsibilities in 2023-24.

## Expenses

We spent most of our approved funding (\$6.377 million or 80 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 \$1.566 million. Significant operating items relate to corporate service charges (\$371k), office accommodation (\$435k), computer related costs such as software licensing (\$259k), and the renewal of our laptop fleet (\$135k).

Our budget included an approved deficit to access cash reserves to fund 4.8 FTE in 2021-23. The budget was adjusted during 2022-23 by approval to access cash reserves to extend the approved deficit for an IT fleet renewal and engage ICT procurement consultants for a CRM.

Our overall expenditure (\$7.943 million) is a nine percent increase in expenditure on the previous reporting period (\$7.262 million). This increase is due to:

- an increase in employee expenses in 2022-23, with approval to access cash reserves for 4.8 full-time equivalent temporary positions
- the replacement of our fleet of laptops as the equipment purchased in 2018 was technologically obsolete and out of warranty
- an investment in contractor and consultants to address critical Information Management requirements.

## Consultants and contractors

In 2022-23 we spent \$175,844 on contractors and consultants to assist us to:

- procure a new case management system. The consultant conducted an analysis of options and our functional and non-functional requirements
- continue our project to adopt SharePoint as our eDRMS.

## Assets

At 30 June 2023, assets totalled \$2,930 million and comprised:

- cash at bank \$2,602 million
- receivables and other current assets \$0.328 million.

## Liabilities

As at 30 June 2023, our liabilities totalled \$0.545 million and included:

- \$0.257 million in payables
- \$0.288 million in accrued employee benefits.

The financial statements provide an overview of our financial activities during 2022-23. The Queensland Audit Office audited these statements, our supporting documentation and our systems and processes. We received an unqualified audit opinion.

## Financial outlook

Figure 22. Five-year comparison of revenue versus expenses (\$'000)

	2018-19	2019-20	2020-21	2021-22	2022-23
Appropriation	7 130	7 249	7 289	7 347	7 691
Other revenue	59	42	25	25	122
Employee expenses	5 426	5 855	5 385	6 053	6 377
Supplies and services	1 158	1 776	1 446	1 183	1 540
Depreciation and amortisation	4	4	4	4	2
Other expenses	20	22	22	22	24
Surplus (Deficit)	581	(366)	457	110	(130)

### Audited financial statements

A more detailed view of our financial performance and position for 2022-23 is in our financial statements, at page 47 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.

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 2023

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**Office of the Information Commissioner  
Financial Statements  
for the year ended 30 June 2023**

<b><u>Contents</u></b>	<b><u>Page No</u></b>
Statement of Comprehensive Income	49
Statement of Financial Position	50
Statement of Changes in Equity	51
Statement of Cash Flows (including Notes to the Statement of Cash Flows)	52-53
Notes To and Forming Part of the Financial Statements	54-66
Management Certificate	67
Independent Auditor's Report	68-70

**Office of the Information Commissioner  
Statement of Comprehensive Income  
for the year ended 30 June 2023**

		2023	2023	2023	2022	
		Actual	Original Budget	Budget Variance*	Actual	
Notes		\$000	\$000	\$000	\$000	
<b>Income from Continuing Operations</b>						
	Grants and Contributions	3.	7,691	7,465	226	7,347
	Interest		122	18	104	25
<b>Total Income from Continuing Operations</b>			<b>7,813</b>	<b>7,483</b>	<b>330</b>	<b>7,372</b>
<b>Expenses from Continuing Operations</b>						
	Employee expenses	4.	6,377	6,558	(181)	6,053
	Supplies and services	7.	1,540	1,457	83	1,183
	Depreciation		2	2		4
	Other expenses	8.	24	27	(3)	22
<b>Total Expenses from Continuing Operations</b>			<b>7,943</b>	<b>8,044</b>	<b>(101)</b>	<b>7,262</b>
<b>Operating Result from Continuing Operations</b>			<b>(130)</b>	<b>(561)</b>	<b>431</b>	<b>110</b>
<b>Total Other Comprehensive Income</b>						
<b>Total Comprehensive Income</b>			<b>(130)</b>	<b>(561)</b>	<b>431</b>	<b>110</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 2023**

		2023	2023	2023	2022
		Actual	Original Budget	Budget Variance*	Actual
	Notes	\$000	\$000	\$000	\$000
<b>Current Assets</b>					
Cash and cash equivalents	9.	2,602	1,509	1,093	2,665
Receivables		240	146	94	173
Prepayments		88	57	31	55
<b>Total Current Assets</b>		<b>2,930</b>	<b>1,712</b>	<b>1,218</b>	<b>2,893</b>
<b>Non-Current Assets</b>					
Plant and equipment					2
<b>Total Non-Current Assets</b>					<b>2</b>
<b>Total Assets</b>		<b>2,930</b>	<b>1,712</b>	<b>1,218</b>	<b>2,895</b>
<b>Current Liabilities</b>					
Payables	10.	257	290	(33)	209
Accrued employee benefits	11.	288	131	157	171
<b>Total Current Liabilities</b>		<b>545</b>	<b>421</b>	<b>124</b>	<b>380</b>
<b>Total Liabilities</b>		<b>545</b>	<b>421</b>	<b>124</b>	<b>380</b>
<b>Net Assets</b>		<b>2,385</b>	<b>1,291</b>	<b>1,094</b>	<b>2,515</b>
<b>Equity</b>					
Accumulated surplus		2,385	1,291	1,094	2,515
<b>Total Equity</b>		<b>2,385</b>	<b>1,291</b>	<b>1,094</b>	<b>2,515</b>

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

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

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**Office of the Information Commissioner**  
**Statement of Changes in Equity**  
**for the year ended 30 June 2023**

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	<b>Accumulated Surplus \$000</b>
<b>Balance as at 1 July 2021</b>	2,405
Operating result from continuing operations	110
	<hr/>
<b>Balance as at 30 June 2022</b>	<b>2,515</b>
	<hr/>
<b>Balance as at 1 July 2022</b>	2,515
Operating result from continuing operations	(130)
	<hr/>
<b>Balance as at 30 June 2023</b>	<b>2,385</b>
	<hr/>

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



**Office of the Information Commissioner**  
**Statement of Cash Flows**  
**for the year ended 30 June 2023**

		2023	2023	2023	2022
		Actual	Original Budget	Budget Variance *	Actual
	Notes	\$000	\$000	\$000	\$000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>					
<i>Inflows:</i>					
Grants and Contributions		7,691	7,465	226	7,347
GST collected from customers		3		3	2
GST input tax credits from ATO		185		185	138
Other Revenue		141	18	123	(5)
<i>Outflows:</i>					
Employee expenses		(6,362)	(6,558)	196	(5,986)
Supplies and services		(1,525)	(1,457)	(68)	(1,262)
GST paid to suppliers		(169)		(169)	(162)
GST remitted to ATO		(3)		(3)	(2)
Other		(24)	(27)	3	(22)
<b>Net cash provided by / (used in) operating activities</b>		<b>(63)</b>	<b>(559)</b>	<b>496</b>	<b>48</b>
<b>Net increase /(decrease) in cash and cash equivalents</b>		<b>(63)</b>	<b>(559)</b>	<b>496</b>	<b>48</b>
Cash and cash equivalents - opening balance		2,665	2,068	597	2,617
<b>Cash and cash equivalents - closing balance</b>	<b>9.</b>	<b>2,602</b>	<b>1,509</b>	<b>1,093</b>	<b>2,665</b>

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

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

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**Office of the Information Commissioner  
Notes to the Statement of Cash Flows  
for the year ended 30 June 2023**

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

	<b>2023</b>	<b>2022</b>
	<b>\$000</b>	<b>\$000</b>
<b>Operating Surplus/(deficit)</b>	(130)	110
<b>Non-cash items:</b>		
Depreciation expense	2	4
<b>Changes in assets and liabilities:</b>		
(Increase)/decrease in trade receivables	19	(30)
(Increase)/decrease in GST receivable	16	(24)
(Increase)/decrease in other current assets	(135)	29
Increase/(decrease) in payables	48	(81)
Increase in accrued employee benefits	117	40
<b>Net cash provided by/(used in) operating activities</b>	<b>(63)</b>	<b>48</b>

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**Office of the Information Commissioner**  
**Notes to the Financial**  
**Statements for the year ended**

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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
  - 20.2 Explanation of Major Variances - Statement of Financial Position
  - 20.3 Explanation of Major Variances - Statement of Cash Flows

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# Office of the Information Commissioner

## Notes to the Financial Statements for the year ended

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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 and Minister for the Prevention of Domestic and Family Violence, as Minister responsible for the *Right to Information Act 2009*.

The head office and principal place of business of the Office is Level 11, 53 Albert Street, BRISBANE QLD 4000.

#### 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 2022.

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 Flows 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 2021-22 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 Acting Chief Operating Officer (former title - 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.

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## Office of the Information Commissioner

### Notes to the Financial Statements for the year ended

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#### 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'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 year ended**

	<b>2023</b>	<b>2022</b>
	<b>\$000</b>	<b>\$000</b>
<b>3. Grants and Contributions</b>		
Grants from Queensland Government through Department of Justice and Attorney-General	7,691	7,347
<b>Total</b>	<b>7,691</b>	<b>7,347</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 are non-reciprocal transactions where the Office does not directly give approximately equal value to the granter.

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	4,681	4,449
Annual leave levy	479	488
Employer superannuation contributions	641	596
Long service leave levy	126	109
Other employee benefits	17	14

**Employee related expenses**

Payroll tax	260	233
Workers' compensation premium	18	20
Other employee related expenses	155	144

<b>Total</b>	<b>6,377</b>	<b>6,053</b>
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	<b>No.</b>	<b>No.</b>
Full-Time Equivalent Employees	40.76	38

**Accounting Policy - Wages and Salaries**

Wages and salaries due but unpaid at reporting date represents 4% increase in wages for period November 2022-June 2023 for a new Enterprise Agreement not yet finalised at 30 June 2023, and recognised in the Statement of Financial Position at the current salary rates.

**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.

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**Office of the Information Commissioner**  
**Notes to the Financial Statements**  
**for the year ended 30 June 2023**

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**4. Employee Expenses (cont'd)**

**Accounting Policy - Annual Leave**

The Office is a member of the Queensland Government's Annual Leave Central Scheme (ALCS). 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.

**5. 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 2022-23 and 2021-22. Further information about these positions can be found in the body of the Annual Report under the section relating to Executive Management.

<b>Position</b>	<b>Position Responsibility</b>
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 (RTI) 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> .

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**Office of the Information Commissioner**  
**Notes to the Financial**  
**Statements for the year ended 30**

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

<b>Position</b>	<b>Position Responsibility</b>
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 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.



**Office of the Information Commissioner**  
**Notes to the Financial Statements**  
**for the year ended 30 June 2023**

**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.

**2022-2023**

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post-employment Benefits	Termination Benefits	Total Expenses
	Monetary Expenses	Non-Monetary Benefits	\$'000	\$'000	\$'000	\$'000
	\$'000	\$'000				
Information Commissioner	224	9	6	27	-	266
RTI Commissioner (16 Jan 2023 - 30 June 2023)	105	2	3	11	-	121
RTI Commissioner (Acting 1) ** (01 Jul 2022 - 13 Jan 2023)	57	4	1	7	-	69
RTI Commissioner (Acting 2) ** (01 Jul 2022 - 05 Jan 2023)	54	3	2	6	-	65
Privacy Commissioner*	197	9	5	21	-	232
Director, Engagement & Corporate Services 1 (30 Jan 2023 - 21 Apr 2023)	43	-	1	5	-	49
Director, Engagement & Corporate Services (Acting 1) (15 Aug 2022 - 30 Jan 2023) ***	75	-	2	9	-	86
Director, Engagement & Corporate Services (Acting 2) (from 03 May 2023)	23	-		3	-	26
<b>Total Remuneration</b>	<b>778</b>	<b>27</b>	<b>20</b>	<b>89</b>	<b>-</b>	<b>914</b>

\* acting Information Commissioner in various periods

\*\* job sharing

\*\*\* vacant 1 July 2022 - 14 August 2022

**2021-2022**

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post-employment Benefits	Termination Benefits	Total Expenses
	Monetary Expenses	Non-Monetary Benefits	\$'000	\$'000	\$'000	\$'000
	\$'000	\$'000				
Information Commissioner	255	8	6	27	-	296
RTI Commissioner	44	1	1	4		50
RTI Commissioner (Acting 1) (23/08/2021- 30/06/2022) (6 days a fortnight)	96	4	2	9	-	111
RTI Commissioner (Acting 2) (13/09/2021- 30/06/2022) (6 days a fortnight)	90	3	2	9	-	104
Privacy Commissioner 12/12/2021-30/06/2022	105	3	3	11	-	122
Privacy Commissioner 01/07/2021-10/12/2021	85	6	2	9	-	102
Director, Engagement & Corporate Services	155	-	4	20	-	179
<b>Total Remuneration</b>	<b>830</b>	<b>25</b>	<b>20</b>	<b>89</b>	<b>-</b>	<b>964</b>

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**Office of the Information Commissioner  
Notes to the Financial Statements  
for the year ended 30 June 2023**

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**6. Related Party Transactions**

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

The Office received Grant Funding from the Department of Justice and Attorney-General (\$7,691K).

The Office received corporate services from the Corporate Administration Agency (\$136K) and IT support services from CITEC (\$8K). (Refer Note 7).

The Office has an agreement with Department of Energy and Public Works for the provision of office accommodation (\$435K). (Refer Note 7).

The Office received access to legal research through the Department of Justice and the Attorney-General (\$3K). (Refer Note 7).

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

	<b>2023</b>	<b>2022</b>
	<b>\$000</b>	<b>\$000</b>
<b>7. Supplies and Services</b>		
Contractor and consultants	176	23
Corporate service charges	371	344
Office accommodation	435	375
Minor equipment and office maintenance	166	75
Communications and utilities	34	38
Computer related charges	259	268
Operating, administration and other costs	99	60
<b>Total</b>	<b>1,540</b>	<b>1,183</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 Consultants**

We invested funds into Contractor and Consultants to address critical Information Management requirements, including the procurement process for a new CRM which can support the Mandatory Data Breach Notification Scheme recommended by the Coaldrake report, which the Queensland Government agreed to implement. Datacom were also contracted for our project to adopt SharePoint as our eDRMS.

**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.

**Office accommodation**

Payments for non-specialised commercial office accommodation under the Queensland Government Accommodation Office (QGAO) framework arise from non-lease arrangements with the Department of Energy and Public Works, who has substantive substitution rights over the assets used within this scheme. Payments are expensed as incurred and categorised within office accommodation line item.

**Office of the Information Commissioner  
Notes to the Financial Statements  
for the year ended 30 June 2023**

	2023 \$000	2022 \$000
<b>8. Other Expenses</b>		
Queensland Audit Office - external audit fees for the audit of the financial statements	20	18
Insurance - QGIF	4	4
<b>Total</b>	<b>24</b>	<b>22</b>

(1) Total audit fees quoted by the Queensland Audit Office relating to the 2022-23 financial statements are \$20,000 (2022: \$18,425).

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

**9. Cash and Cash Equivalents**

Cash at bank	2,602	2,665
<b>Total</b>	<b>2,602</b>	<b>2,665</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**

Trade creditors	42	97
Corporate card	20	20
Fringe benefits tax		2
Payroll tax	33	32
Accrued supplies and services	162	58
<b>Total</b>	<b>257</b>	<b>209</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	112	
Long service leave levy payable	33	32
Annual leave levy payable	140	139
Other	3	
<b>Total</b>	<b>288</b>	<b>171</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 year ended 30 June 2023**

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**12. Commitments**

There are no legal or any other commitments that are known to the Office at 30 June 2023.

**13. Contingencies**

There are no legal or any other contingencies that are known to the Office at 30 June 2023.

**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:

Category	Note	2023 \$'000	2022 \$'000
<b>Financial assets</b>			
Cash and cash equivalents	9.	2,602	2,665
Financial assets at amortised cost - comprising:			
Receivables		240	173
		<b>2,842</b>	<b>2,838</b>
<b>Total financial assets</b>			
<b>Financial liabilities</b>			
Financial liabilities at amortised cost - comprising:			
Payables	10.	257	209
		<b>257</b>	<b>209</b>
<b>Total financial liabilities at amortised cost</b>			

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

**Office of the Information Commissioner**  
**Notes to the Financial Statements**  
**for the year ended 30 June 2023**

**14. Financial Risk Disclosures (cont'd)**

**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. <i>Interest rate risk</i> is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates.	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 year ended 30 June 2023**

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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 new accounting standards or interpretations that apply to the Office for the first time in 2022-23 had any material impact on the financial statements.

**Accounting Standards Early Adopted**

No Australian Accounting Standards have been early adopted for 2022-23.

**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 State of Queensland has published a wide range of information and resources on climate change risks, strategies and actions (<https://www.qld.gov.au/environment/climate/climate-change>) including the following key whole-of-Government publications:

- Climate Action Plan 2020-30 (<https://www.des.qld.gov.au/climateaction>)
- Queensland Energy and Jobs Plan (<https://www.epw.qld.gov.au/energyandjobsplan>)
- Climate Adaptation Strategy (<https://www.qld.gov.au/environment/climate/climate-change/adapting/strategy>)
- Queensland Sustainability Report (<https://www.treasury.qld.gov.au/programs-and-policies/esg>)

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 including those under the Queensland Government Climate Action Plan 2020-2030 and other Government publications or directives.

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 year ended 30 June 2023**

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**20. Budgetary Reporting Disclosures**

This section contains explanations of major variances between the Office's actual 2022-2023 financial results and the original budget presented to Parliament.

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

Grants: Actual grants are higher than budgeted due to receiving \$60k for 2021-2022 increase in SO/SES wages and expected \$166K for 4% increase for new Enterprise Agreement and state wage case.

Interest revenue: Actual interest is higher than budgeted due to higher cash than budgeted and increase in interest rate.

Employee Expenses: Actual costs \$6,378K are \$180K under budget due to difficulties attracting and retaining suitable candidates in a competitive market, especially to temporary roles.

Supplies and services: Actual costs \$1,540K are \$83K higher than original budget. Key contributing factors are procurement process for a new CRM and IT fleet renewal. During 2022-23, OIC received approval to use operational savings from lower than budgeted employee expenses to fund these factors.

**20.2 Explanation of Major Variances - Statement of Financial Position**

Cash: Actual cash \$2,602 is higher than budgeted. The key contributing factors are higher interest received and lower than budgeted expenditure on Employee Expenses, resulting in the Office not accessing the integral cash reserve in 2022-2023 up to \$561K.

Receivables: Actual receivables \$240K are higher than budgeted \$146K due to increasing in long service, annual leave and interest receivables.

Prepayments: Actual prepayments \$88K are higher than budgeted \$57K mainly due to early charge for IT licence and pre-paid pack services.

Payables: Actual payables \$257K are lower than budgeted 290K as at year end due to the invoices paid before 30 June 2023.

Accrued Employee benefits: Actual accrued employee benefits \$288K are higher than budgeted \$131K for: unpaid 4% increase in wages (enterprise agreement not finalised in 2022-23), long service and annual leave levies payable.

Accumulated Surplus: Actual accumulated surplus \$2,385k is higher than budgeted due to lower employee expenses and resulting in OIC not accessing the integral approved use of cash reserves in 2021 and 2022 financial year.

**20.3 Explanation of Major Variances - Statement of Cash Flows**

Grants: Actual grants are higher than budgeted due to receiving in 2022-2023 financial year \$60k for 2021- 2022 increase in SO/SES wages and expected \$166K for 4% increase for new Enterprise Agreement and state wage case

Interest revenue: Actual interest is higher than budgeted \$104K due to higher cash than budgeted and increase in interest rate.

Employee Expenses: Actual expenses \$6,363K are \$195K under budget due to difficulties attracting and retaining suitable candidates in a competitive market, especially to temporary roles. The Office usually manages various vacancies such as unexpected and long term sick leave, through temporary appointments where possible.

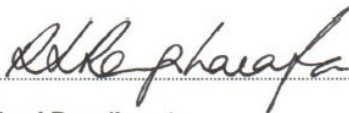
Supplies and services: Actual expenses \$1,525K are \$68K higher than budgeted within the approved deficit for IT fleet renewal and IT consultancy about a CRM.

**Office of the Information Commissioner  
Management Certificate for the year ended 30 June 2023**

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 2023 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: 28 August 2023



**Sandra Heidrich**  
A/Chief Operating Officer

Date: 28 Aug 2023



## 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 2023, 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 2023, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes to the financial statements including material accounting policy 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 forming an opinion on the effectiveness of the entity's internal controls, but allows me to form an opinion on compliance with prescribed requirements.
- Evaluate the appropriateness of material accounting policy information 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 the Information Commissioner 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 requirements Statement**

In accordance with s.40 of the *Auditor-General Act 2009*, for the year ended 30 June 2023:

- 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.



Melissa Fletcher  
as delegate of the Auditor-General

28 August 2023

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. 2022-23 Applications for external review of decisions by Ministers and agencies
10. 2022-23 Privacy complaints received by agency profile
11. 2022-23 Privacy complaints received about Ministers and agencies
12. Outcomes of external review decisions

## 1. Additional information

### Legislative developments/changes

During 2022-23, one Act amended the RTI Act. The *Public Sector Act 2022* made minor amendments to the RTI Act to update terms currently defined by reference to the *Public Service Act 2008* to correct cross-referencing as a consequence of amendments made by the Act.

### Machinery-of-government changes

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

### International travel

No international travel was funded in 2022-23.

The Information Commissioner attended the Association of Information Access Commissioners meeting in Wellington, New Zealand on 7-8 December 2022, however this was during a period of recreation leave and at her own expense.

### 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
- about applications for and outcomes of external review.

## 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 86
	<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 5-6
	<ul style="list-style-type: none"> <li>Agency service areas and service standards</li> </ul>	ARRs – section 11.3 13-33
<b>Financial performance</b>	<ul style="list-style-type: none"> <li>Summary of financial performance</li> </ul>	ARRs – section 12.1 45-46
<b>Governance – management and structure</b>	<ul style="list-style-type: none"> <li>Organisational structure</li> </ul>	ARRs – section 13.1 37
	<ul style="list-style-type: none"> <li>Executive management</li> </ul>	ARRs – section 13.2 40-41
	<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 42-44
	<ul style="list-style-type: none"> <li>Human Rights</li> </ul>	<i>Human Rights Act 2019</i> ARRs – section 13.5 42-44
	<ul style="list-style-type: none"> <li>Queensland public service values</li> </ul>	ARRs – section 13.6 8
<b>Governance – risk management and accountability</b>	<ul style="list-style-type: none"> <li>Risk management</li> </ul>	ARRs – section 14.1 42-44
	<ul style="list-style-type: none"> <li>Audit committee</li> </ul>	ARRs – section 14.2 42-44
	<ul style="list-style-type: none"> <li>Internal audit</li> </ul>	ARRs – section 14.3 42-44
	<ul style="list-style-type: none"> <li>External scrutiny</li> </ul>	ARRs – section 14.4 42-44
	<ul style="list-style-type: none"> <li>Information systems and recordkeeping</li> </ul>	ARRs – section 14.5 38, 42-44
	<ul style="list-style-type: none"> <li>Information security attestation</li> </ul>	ARRs – section 14.6 38, 42-44
<b>Governance – human resources</b>	<ul style="list-style-type: none"> <li>Strategic workforce planning and performance</li> </ul>	ARRs – section 15.1 34-36
	<ul style="list-style-type: none"> <li>Early retirement, redundancy and retrenchment</li> </ul>	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2 34-36
<b>Open Data</b>	<ul style="list-style-type: none"> <li>Statement advising publication of information</li> </ul>	ARRs – section 16 72
	<ul style="list-style-type: none"> <li>Consultancies</li> </ul>	ARRs – section 31.1 45, <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 31.2 72, <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 31.3 N/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 67
	<ul style="list-style-type: none"> <li>Independent Auditor's Report</li> </ul>	FAA – section 62 FPMS – section 46 ARRs – section 17.2 68-70

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

	2018-19	2019-20	2020-21	2021-22	2022-23		
					RTI	IP	Total
Refusal of access	351	336	309	283	124	143	267
Deemed refusal of access	69	122	146	136	61	89	150
Agency refusal to deal	60	80	82	58	28	34	62
Sufficiency of search	121	119	76	76	46	50	96
Refusal of amendment	16	9	23	7	0	5	5
No jurisdiction	27	37	24	19	5	26	31
Third party objection to release	33	79	17	24	13	1	14
Deemed refusal of amendment	3	0	5	1	0	1	1
Fees or charges	7	5	3	2	2	0	2
<b>Total applications</b>	<b>687</b>	<b>787</b>	<b>685</b>	<b>606</b>	<b>278</b>	<b>350</b>	<b>628</b>

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

	2018-19	2019-20	2020-21	2021-22	2022-23
Agencies	5	16	7	2	1
Companies	58	75	42	53	40
Elected representatives	40	106	9	13	3
Individuals	529	540	588	500	558
Journalists	30	35	20	22	17
Lobby and community groups	25	15	19	16	9
<b>Total</b>	<b>687</b>	<b>787</b>	<b>685</b>	<b>606</b>	<b>628</b>

### 5. Applications received by agency profile

	2018-19	2019-20	2020-21	2021-22	2022-23
Boards/commissions/GOCs/other bodies	61	63	60	67	57
Departments	396	508	389	361	406
Hospital and health services	74	62	73	62	62
Local governments	121	116	130	92	76
Ministers	21	18	9	15	9
Universities	14	20	24	9	18
<b>Total</b>	<b>687</b>	<b>787</b>	<b>685</b>	<b>606</b>	<b>628</b>

## 6. Outcome of reviews

Outcome of review	2018-19	2019-20	2020-21	2021-22	2022-23
Affirming agency decision	24	49	35	35	36
Varying agency decision	25	35	29	30	16
Setting aside agency decision	6	8	9	8	5
<b>Decision under section 110 of RTI Act or section 123 of IP Act</b>	<b>55</b>	<b>92</b>	<b>73</b>	<b>73</b>	<b>57</b>
<b>Review settled informally</b>	<b>554</b>	<b>542</b>	<b>613</b>	<b>491</b>	<b>479</b>
Decision application is out of jurisdiction - section 52, section 101 IP Act; section 32, section 88 of the RTI Act	12	3	15	11	4
Decision not to deal with application - section 107 of IP Act, section 94 of the RTI Act	4	4	14	37	9
Decision to allow agency further time to deal with application - section 106 of IP Act, section 93 of RTI Act	34	51	38	38	40
<b>Determination of review not required</b>	<b>50</b>	<b>58</b>	<b>67</b>	<b>86</b>	<b>53</b>
<b>Total</b>	<b>659</b>	<b>692</b>	<b>753</b>	<b>650</b>	<b>589</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*	2
(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*	1
(e) approval of waivers or modifications of the privacy principles under chapter 4, part 5 of the Act	0
(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	91
(b) the grounds for declining to deal with the complaints under paragraph (a)	
i. No Jurisdiction – exempt under sch 2 pt 1	1
ii. No jurisdiction – exempt function under sch 2 pt 2	1
iii. No jurisdiction – section 164 not triggered	3
iv. Section 168(1)(a) – not an individual's personal information	1
v. Section 168(1)(b) - requirements under section 166(3) not met	39
vi. Section 168(1)(c) - frivolous, lacking in substance, misconceived	29
vii. Section 168(1)(e) - provision of more time to entity	11
viii. Section 168(1)(f) - more than 12 months since complaint aware of breach	6
(c) the categories of relevant entities to which the 68 finalised complaints relate	
i. Boards/commissions/other bodies	23
ii. Departments	66
iii. Hospital and health services	17
iv. Local governments	16
v. Universities	3
vi. Outside jurisdiction	1
(d) the provisions of the privacy principles to which the complaints relate#	
i. IPP 1 - lawful and fair collection	14
ii. IPP 2 - collection requested from individual	4
iii. IPP 3 - collected information is relevant and current	1
iv. IPP 4 - storage and security	18
v. IPP 5 – information concerning personal information	1
vi. IPP 6 – access	2
vii. IPP 8 - accuracy of information	10
viii. IPP 9 - use of personal information for relevant purpose	1
ix. IPP 10 - alternative use	19
x. IPP 11 - disclosure to third party	82
xi. NPP 1 - collection	1
xii. NPP 2 - use and disclosure	13
xiii. NPP 2 – use and disclosure	5
xiv. NPP 3 - information is current	3
xv. NPP 4 - data security	6
xvi. NPP 7 – amendment	2
xvii. Section 33 (transfer of personal Information outside Australia)	5
(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. 2022-23 Applications for external review of decisions by Ministers and agencies

<b>Boards, commissions, GOCs and other bodies</b>	
Board of Architects of Queensland	1
Board of Professional Engineers of Queensland	2
Board of the Queensland Museum	2
Brisbane Organising Committee for the 2032 Olympic and Paralympic Games	1
Crime and Corruption Commission	7
Energex	2
Energy Queensland Ltd	0
Ergon Energy	1
Legal Aid Queensland	5
Legal Services Commission	1
Mental Health Review Tribunal	1
National Heavy Vehicle Regulator	1
Office of Liquor and Gaming Regulation	1
Office of the Director of Public Prosecutions	6
Office of The Governor	1
Office of the Health Ombudsman	3
Parole Board Queensland	1
Queensland Building and Construction Commission	7
Queensland Civil and Administrative Tribunal	2
Queensland Human Rights Commission	3
Queensland Ombudsman	2
Queensland Urban Utilities	1
Residential Tenancies Authority	1
Resources Safety and Health Queensland	2
The Office of the Work Health and Safety Prosecutor	1
The Public Trustee of Queensland	1
Tourism & Events Queensland	1
<b>Sub-total</b>	<b>57</b>
<b>Departments*</b>	
Department of Agriculture and Fisheries	3
Department of Child Safety, Seniors and Disability Services	11
Department of Children, Youth Justice and Multicultural Affairs	23
Department of Communities, Housing and Digital Economy	6
Department of Education	42
Department of Energy and Public Works	3
Department of Environment and Science	6
Department of Justice and Attorney-General	16
Department of Regional Development, Manufacturing and Water	2
Department of Resources	5
Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships	3
Department of State Development, Infrastructure, Local Government and Planning	2
Department of the Premier and Cabinet	9
Department of Transport and Main Roads	12
Queensland Corrective Services	20
Queensland Fire and Emergency Services	3
Queensland Health	6

Queensland Police Service	228
Queensland Treasury	6
<b>Sub-total</b>	<b>406</b>
<b>Hospital and health services</b>	
Cairns and Hinterland Hospital and Health Service	10
Central West Hospital & Health Service	1
Children's Health Queensland Hospital and Health Service	1
Darling Downs Hospital and Health Service	2
Gold Coast Hospital and Health Service	5
Mackay Hospital and Health Services	5
Metro North Hospital and Health Service	14
Metro South Hospital and Health Service	8
North West Hospital and Health Service	1
South West Hospital and Health Service	1
Sunshine Coast Hospital and Health Service	4
Torres and Cape Hospital and Health Service	1
West Moreton Hospital and Health Service	6
Wide Bay Hospital and Health Service	2
<b>Sub-total</b>	<b>61</b>
<b>Local governments</b>	
Brisbane City Council	15
Bundaberg Regional Council	7
Cairns Regional Council	1
Cassowary Coast Regional Council	1
Council of the City of Gold Coast	8
Fraser Coast Regional Council	4
Gladstone Regional Council	3
Gympie Regional Council	2
Ipswich City Council	3
Kowanyama Aboriginal Shire Council	1
Lockyer Valley Regional Council	5
Mackay Regional Council	1
Maranoa Regional Council	1
Moreton Bay Regional Council	3
Mount Isa City Council	1
Redland City Council	2
Rockhampton Regional Council	1
Scenic Rim Regional Council	5
Southern Downs Regional Council	4
Sunshine Coast Regional Council	3
Toowoomba Regional Council	1
Townsville City Council	1
Western Downs Regional Council	1
Whitsunday Regional Council	2
<b>Sub-total</b>	<b>76</b>

<b>Ministers</b>	
Hon Anastacia Palaszczuk MP, Premier and Minister for the Olympics and Paralympic Games	2
Hon Grace Grace MP, Minister for Education & Minister for Industrial Relations	1
Hon Leanne Linard MP, Minister for Children and Youth Justice and Minister for Multicultural Affairs	1
Hon Mark Ryan MP, Minister for Police and Minister for Corrective Services	2
Hon Scott Stewart MP, Minister for Resources	1
Hon Shannon Fentiman MP, Attorney General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence	1
Hon Yvette D'Ath MP, Minister for Health and Ambulance Services	1
<b>Sub-total</b>	<b>9</b>
<b>Universities</b>	
Griffith University	2
James Cook University	6
Queensland University of Technology	2
The University of Queensland	4
The University of Southern Queensland	4
<b>Sub-total</b>	<b>18</b>
<b>TOTAL</b>	<b>628</b>

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

## 10. 2022-23 Privacy complaints received by agency profile

<b>Agency</b>	<b>2022-23</b>
Boards/commissions/other bodies	19
Departments	77
Hospital and health services	16
Bound contracted service providers	0
Local government	19
Universities	3
Ministers	0
Outside Jurisdiction	0
<b>Total</b>	<b>134</b>

## 11. 2022-23 Privacy complaints received about Ministers and agencies

<b>Boards, commissions and other bodies</b>	
Australian Electoral Commission	1
Crime and Corruption Commission	2
Office of the Health Ombudsman	1
Office of the Speaker of Queensland Parliament	1
QIMR Berghofer- Medical Research Institute	1
Queensland Ambulance Service	1
Queensland Civil and Administrative Tribunal	1
Queensland Human Rights Commission	1
Queensland Ombudsman	2
Queensland Urban Utilities	1
Stadiums Queensland	1
Titles Queensland	1
WorkCover Queensland	5
<b>Sub-total</b>	<b>19</b>
<b>Departments</b>	
Department of Agriculture and Fisheries	2
Department of Children, Youth Justice and Multicultural Affairs	3
Department of Communities, Housing and Digital Economy	1
Department of Education	23
Department of Housing	1
Department of Justice and Attorney-General	4
Department of Resources	1
Department of State Development, Infrastructure, Local Government and Planning	1
Department of Transport and Main Roads	2
Queensland Corrective Services	7
Queensland Fire and Emergency Services	1
Queensland Health	14
Queensland Police Service	10
Queensland Treasury	7
<b>Sub-total</b>	<b>77</b>
<b>Hospital and health services</b>	
Cairns and Hinterland Hospital and Health Service	1
Gold Coast Hospital and Health Service	1
Metro North Hospital and Health Service	6
Metro South Hospital and Health Service	3
Sunshine Coast Hospital and Health Service	1
Townsville Hospital and Health Service	4
<b>Sub-total</b>	<b>16</b>
<b>Local governments</b>	
Brisbane City Council	3
Bundaberg Regional Council	1
Council of the City of Gold Coast	1
Douglas Shire Council	1
Fraser Coast Regional Council	1
Gladstone Regional Council	1
Ipswich City Council	1

<b>Local governments cont.</b>	
Logan City Council	1
Moreton Bay Regional Council	1
Mount Isa City Council	2
Rockhampton Regional Council	1
Scenic Rim Regional Council	1
Townsville City Council	2
Yarrabah Aboriginal Council	2
<b>Sub-total</b>	<b>19</b>
<b>Ministers</b>	
<b>Sub-total</b>	<b>0</b>
<b>Outside jurisdiction*</b>	
	0
<b>Sub-total</b>	<b>0</b>
<b>Universities</b>	
Griffith University	1
Queensland University of Technology	1
The University of Queensland	1
<b>Sub-total</b>	<b>3</b>
<b>TOTAL</b>	<b>134</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
315776	James Cook University	29/07/2022	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(a)
316446	Wide Bay Hospital and Health Service	9/08/2022	decision s.123 - varying agency response - IPA	amendment granted	IP Act - s.72
316319	Department of Child Safety, Seniors and Disability Services	15/08/2022	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.40
316447	Brisbane City Council	18/08/2022	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.88, RTI Act - s.47(3)(b)
316542	Queensland Police Service	18/08/2022	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b)
316524	Brisbane City Council	7/09/2022	decision s.123 - set aside agency response - IPA	refusal to deal	IP Act - s.60
316536	Brisbane City Council	20/09/2022	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), IP Act - s.88
316587	Brisbane City Council	29/09/2022	decision s.123 - varying agency response - IPA	access refused - part	IP Act - s.67(1), RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
316375	Barcaldine Regional Council	13/10/2022	decision s.110 - affirming agency response - RTI	access granted - full	
316231	Department of Education	25/10/2022	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(e)
316290	Brisbane City Council	1/11/2022	decision s.123 - varying agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(e)
316378	Queensland Building and Construction Commission	4/11/2022	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(e)
316237	Sunshine Coast Hospital and Health Service	4/11/2022	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
316538	Department of Agriculture and Fisheries	7/11/2022	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
316678	Energex	16/11/2022	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(e)
316369	Queensland Building and Construction Commission	18/11/2022	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
316736	Queensland Police Service	24/11/2022	decision s.123 - affirming agency response - IPA	amendment refused	IP Act - s.72
316454	Queensland Corrective Services	14/12/2022	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(a)
316695	Department of Environment and Science	20/12/2022	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(e)

316625	Queensland Corrective Services	17/01/2023	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b)
316728	Queensland Police Service	30/01/2023	decision s.123 - affirming agency response - IPA	neither confirm nor deny	IP Act - s.69(2)
316708	Sunshine Coast Hospital and Health Service	31/01/2023	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
316815	Queensland Police Service	31/01/2023	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(e)
316406	Metro South Hospital and Health Service	6/02/2023	decision s.123 - set aside agency response - IPA	access refused - part	IP Act - s.67, RTI Act - s.47(3)(b)
316742	Hon Anastacia Palaszczuk MP, Premier and Minister for the Olympics	7/02/2023	decision s.110 - affirming agency response - RTI	neither confirm nor deny	RTI Act - s.55, RTI Act - s.47(3)(b)
316884	Hon Anastacia Palaszczuk MP, Premier and Minister for the Olympics	7/02/2023	decision s.110 - affirming agency response - RTI	neither confirm nor deny	RTI Act - s.55, RTI Act - s.47(3)(b)
316857	Mental Health Review Tribunal	14/02/2023	decision s.110 - affirming agency response - RTI	application outside scope of the Act	RTI Act - s.32
316893	Department of the Premier and Cabinet	28/02/2023	decision s.110 - affirming agency response - RTI	no jurisdiction	RTI Act - s.12, s23
316703	Department of Education	2/03/2023	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
316887	Department of Agriculture and Fisheries	8/03/2023	decision s.110 - affirming agency response - RTI	neither confirm nor deny	RTI Act - s.55, RTI Act - s.47(3)(b)
316692	Western Downs Regional Council	14/03/2023	decision s.110 - affirming agency response - RTI	refusal to deal	RTI Act - s.41
316519	Department of Education	15/03/2023	decision s.110 - affirming agency response - RTI	access granted - full	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b)
316824	Department of Child Safety, Seniors and Disability Services	16/03/2023	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(a)
316778	Department of Education	16/03/2023	decision s.123 - set aside agency response - IPA	information commissioner decision not to deal	IP Act - s.53, IP Act - s.66, IP Act - s.107(1)(a)
316929	Queensland Police Service	28/03/2023	decision s.110 - set aside agency response - RTI	access refused	RTI Act - s.47(3)(b)
316204	Sunshine Coast Regional Council	30/03/2023	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.47(3)(b), RTI Act - s.68(4)
316654	Ergon Energy	31/03/2023	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(e)
316726	Ergon Energy	31/03/2023	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(e)
316727	Energy Queensland Ltd	11/04/2023	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(e)



316838	Office of the Director of Public Prosecutions	17/05/2023	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
316958	Residential Tenancies Authority	25/05/2023	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
316948	Office of the Health Ombudsman	25/05/2023	decision s.123 - affirming agency response - IPA	access refused - part	IP Act - s.67(1), RTI Act - s.47(3)(b)
316901	Department of Child Safety, Seniors and Disability Services	29/05/2023	decision s.123 - affirming agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(c)
316750	Queensland Police Service	30/05/2023	decision s.123 - set aside agency response - IPA	access refused	IP Act - s.67(1), RTI Act - s.47(3)(b)
317136	Gladstone Regional Council	31/05/2023	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(e)
316772	Sunwater Limited	1/06/2023	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a)
316880	Office of the Director of Public Prosecutions	6/06/2023	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)
317067	Queensland Building and Construction Commission	8/06/2023	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
317041	Queensland Police Service	13/06/2023	decision s.110 - affirming agency response - RTI	access refused	RTI Act - s.47(3)(b)
316699	Queensland Police Service	19/06/2023	decision s.123 - varying agency response - IPA	access refused - part	IP Act - s.67(1), RTI Act - s.47(3)(b)
316781	Queensland Police Service	19/06/2023	decision s.123 - affirming agency response - IPA	access refused - part	IP Act - s.67(1), RTI Act - s.47(3)(b)
316583	Queensland Health	23/06/2023	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)
316655	Department of Child Safety, Seniors and Disability Services	28/06/2023	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)(f)
316370	Queensland Police Service	28/06/2023	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.24, RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
316567	Brisbane City Council	29/06/2023	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(e)
316574	Brisbane City Council	30/06/2023	decision s.110 - varying agency response - RTI	access refused	RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)
316080	Department of Housing	30/06/2023	decision s.110 - varying agency response - RTI	access refused - part	RTI Act - s.24, RTI Act - s.47(3)(a), RTI Act - s.47(3)(b), RTI Act - s.47(3)(e)

# INDEX

- about this report, iii
- about us, 7
- advice and assistance, 20, 26
- appeals on a question of law to QCAT, 17
- appendices, 71
- applicant satisfaction, 16, 18
- applications, resolving, 23
- audit, internal and external, 43
- audit and evaluation, 30
- capability development, 25-30
- challenges, risks and priorities, 10
- code of conduct, 36, 43
- complaints management, 43, 44
- compliance checklist, 73
- consultants and contractors, 45
- consultative committee, 36
- corporate services, 38, 39
- decisions, 13-23
- early resolution, 14-19
- enquiries service, 25, 26, 33
- environmental sustainability, 44
- ethics implementation statement, 43
- executive management, 40, 58, 59
- financial hardship status, applications, 17
- financial outlook, 46
- financial performance, 45
- financial statements 2022-23, 47-70
- flexible working, 34, 44
- glossary, 86
- governance, our, 42
- information and assistance, 26, 41
- information and technology, 38
- Information Commissioner, message from, 1
- independent Auditor's Report, 68-70
- international travel, 72
- judicial review of decisions, 23
- legislative compliance, 35, 42
- legislative developments/changes, 72
- letter of compliance, i
- machinery-of-government changes, 72
- organisational structure, 37
- people, our, 34, 35
- performance, our, 5
- privacy complaints, 19, 21-22, 56
- privacy complaints received and finalised, 21
- record keeping, 38
- reviews, more than 12 months old, 13-14
- risk management, 43, 64, 67
- stakeholders, our, 7
- timeliness, 22, 33
- training, 19, 20-25,
- training, online, 27-28
- values, our, 8

# 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.

