

INFORMATION SHEET

THE OFFICE OF THE INFORMATION COMMISSIONER



Office of the Information Commissioner
Queensland

November 2020

The Office of the Information Commissioner (OIC) builds trust in government agencies in Queensland through greater transparency. OIC has a statutory role to assist the achievement of more open, accountable and transparent government through independently upholding and promoting information access and privacy rights.

OIC provides information and assistance to the community and support to over 600 Queensland public sector entities, including Queensland Government departments, local government, public universities and statutory authorities on understanding their rights or responsibilities under the *Right to Information Act 2009* (Qld) (RTI Act) and the *Information Privacy Act 2009* (Qld) (IP Act).

OIC also reviews agency decisions regarding access and amendment applications, deals with privacy complaints, and monitors and reports on agency compliance.

Initially established under the repealed *Freedom of Information Act 1992* (Qld), OIC continues under the RTI Act and the IP Act.

Key functions

External Review

OIC has responsibility for reviewing decisions of agencies and Ministers on access to and amendment of information under the RTI Act and IP Act.

This function includes conducting review of agency decisions about whether information should be disclosed under the RTI and IP Acts, whether agencies have taken all reasonable steps to locate relevant documents, if applications can be accepted outside of the time allowed for making an external review application or whether agencies should be granted further time to process access applications and, also deciding applications from non-profit organisations for financial hardship status. In addition, OIC makes decisions about whether the legislation applies to particular entities.

OIC attempts to resolve external review applications informally wherever possible. However, if informal resolution cannot be achieved, a decision is made that either affirms, varies or sets aside the agency/

Minister's decision.

Decisions are published on the OIC website. Decisions of the Information Commissioner can be appealed to the Queensland Civil and Administrative Tribunal on a question of law.

Information Privacy

The IP Act provides rules for how agencies may and must handle personal information.

OIC functions include:

- advocating and training on sound information management and privacy practices, and privacy by design
- managing and mediating privacy complaints about Queensland public sector agencies
- leading the improvement of public sector privacy administration in Queensland, through promotion of rights and obligations, and providing guidance, assistance and training
- conducting audits into agency personal information handling practices; and
- making decisions about compliance notices, waivers and modifications of privacy principles in the public interest.

Audit and Evaluation

OIC monitors and reports to the Queensland Parliament on agency compliance with the RTI Act and the IP Act by conducting audits, reviews and surveys of government departments, local governments, statutory authorities, government owned corporations and universities.

Information and Assistance

OIC promotes greater awareness of RTI and IP in the community and within government, and also seeks to improve practices by:

- informing the community and agencies about information rights and responsibilities
- providing an enquiries service for advice and assistance about the legislation

- publishing an extensive range of guidelines and online resources to assist with understanding
- encouraging agencies to increase the flow of information to the community, use privacy by design principles and advise on emerging trends and issues
- providing online and in-person training about compliance and more effective and efficient ways for agencies to deliver RTI and IP services; and
- promoting awareness of the importance of information access rights and how Queenslanders can protect their personal information.

Highlights of 2019–20

- Finalised 692 external review applications and received 787 new applications.
- 87% of external review applications were resolved informally without a formal decision.
- 67% of applicants were satisfied overall with the conduct of the external review.
- Received 96 privacy complaints and closed 95 privacy complaints.
- 100% of agencies were satisfied with the privacy complaint mediation service provided.
- Participated in 148 meetings, regional visits and information sessions.
- Published new information resources and reviewed existing resources for the community and government agencies.
- 99% of agencies were satisfied with the quality of information provided.
- Provided training to 12,997 people.
- Provided integral privacy advice to the community, government and private sector organisations. This included 25 consultations and submissions, and 412 advices and meetings.
- Provided formal written submissions to a number of parliamentary committees, inquiries and reviews.
- Continued to enhance our website to increase usability and accessibility. The website received 283,715 visits, which is an increase of 20% from 2018–19.
- Actively engaged through meetings, presentations and media with agencies and the community across Queensland, in particular in regional and rural centres, to raise awareness of privacy and RTI issues.
- Participated in 2020 Privacy Awareness Week and raised awareness of privacy issues under the theme 'Be smart about privacy'.
- Promoted 2019 Right to Information Day and the Solomon Lecture through a number of activities to raise awareness in the community and across government

about information rights and responsibilities. The 2019 lecture was delivered by Ms Fiona McLeod on 'Accountability in the Age of the Artificial'.

- Provided timely advice in response to 5,684 enquiries received by telephone and in writing.
- Conducted 353 awareness activities.

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