

INFORMATION SHEET

THE OFFICE OF THE INFORMATION COMMISSIONER

October 2016



Office of the Information Commissioner
Queensland

Initially established under the repealed Freedom of Information Act 1992 (Qld), the Office of the Information Commissioner (OIC) continues under the *Right to Information Act 2009* (Qld) (RTI Act) and the *Information Privacy Act 2009* (Qld) (IP Act) as Queensland's independent statutory body promoting access to government-held information and protecting people's personal information as held by the public sector.

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 Acts.

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

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 role includes identifying whether agencies and Ministers have taken all reasonable steps to locate relevant documents, as well as deciding applications for extensions of time to process access applications from non-profit organisations for financial hardship status. OIC also 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 or judicially reviewed by the Queensland Supreme Court.

Information Privacy

The IP Act creates a right for individuals to access and amend their own personal information and provides rules for how agencies may and must handle personal information.

OIC functions under the IP Act include:

- 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 reviews into agency personal information handling practices; and
- making decisions about compliance notices, waivers and modifications of privacy principles in the public interest.

Performance Monitoring and Reporting

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 awareness of rights and obligations in the community and across government and assists agency compliance with the RTI and IP legislation by:

- providing an enquiries service for advice and assistance about the operation of the legislation
- publishing an extensive range of guidelines and resources for government and the community
- providing training about compliance and more effective and efficient ways to deliver RTI and IP services, including online courses; and
- promoting awareness of the principles and practices of Right to information and information privacy, including how Queenslanders can protect their personal information.

Highlights of 2015-16

- We finalised 407 external review applications and received 366 new applications.
- 88% of external review applications were resolved informally without a formal decision.
- 72% of applicants were satisfied overall with the conduct of the external review.
- 6 reviews more than 12 months old remained open at 30 June 2016.
- 72% of applications were closed in less than six months.
- We received 56 privacy complaints and closed 61 privacy complaints.
- 100% of agencies were satisfied with the privacy service provided.
- As at 30 June 2016, no privacy complaint was more than 12 months old.
- Conducted 69 performance monitoring and compliance activities, including reporting on three follow-up reviews to assess how well the agency had implemented recommendations made in a previous compliance review.
- Published new information resources and reviewed existing resources for the community and government agencies.
- Provided 35 training activities and trained 9,295 people.
- Provided integral privacy advice to government agencies about incorporating responsible personal information management into a wide range of new technologies such as body-worn cameras and CCTV. This included 227 advices, consultations and submissions.
- 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 144,458 visits which is an increase of 25% from 2014–15.
- 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 2016 Privacy Awareness Week and raised awareness of privacy issues under the theme of 'Privacy in your hands'.
- Promoted 2015 Right to Information Day and Solomon Lecture through a number of activities to raise awareness in the community and across government about information rights and responsibilities. The lecture was delivered by University Emeritus Professor Richard Mulgan on 'Government resistance to greater transparency: rational or self-defeating?'
- As part of RTI Day activities Professor Mulgan led two separate discussions with Queensland Government Chief Executives and senior executives that examined a number of reasons given for resisting greater disclosure.
- Provided timely advice in response to 4,686 enquiries received by telephone and in writing.

Contact us

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- Contact our office: (07) 3405 1111 or 1800 642 753
administration@oic.qld.gov.au

The Office of the Information Commissioner
Level, 8, 160 Mary Street
PO Box 10143, Adelaide Street
Brisbane Qld 4000
Phone: (07) 3405 1111
Fax: (07) 3405 1122
Email: administration@oic.qld.gov.au
Web: www.oic.qld.gov.au