



Office of the Information Commissioner
Queensland

Compliance Review – Council of the City of Gold Coast

Review of the Council of the City of Gold Coast's compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld)

OIC thanks the council for its cooperation throughout the review process and for the courtesy displayed towards the officers undertaking the assessment. In undertaking this review, OIC recognises the commitment of the section handling right to information and information privacy matters and their desire for continuous improvement.



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May 2016

Mr Mark Furner MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Mr Furner

I am pleased to present 'Compliance Review – Council of the City of Gold Coast: Review of the Council of the City of Gold Coast's compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld)'. This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The report reviews compliance with the legislation and guidelines that give effect to the right to information and information privacy. The report identifies areas of good practice and makes recommendations for improving compliance.

In accordance with subsection 184(5) of the *Right to Information Act 2009* (Qld) and subsection 193(5) of the *Information Privacy Act 2009* (Qld), I request that you arrange for the report to be tabled in the Legislative Assembly.

Yours sincerely

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

Rachael Rangihaeata
Information Commissioner

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¹ 'COCGC' stands for Council of the City of Gold Coast.

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1 Executive summary

This report details the findings of a review of the Council of the City of Gold Coast's (COCGC) compliance with key obligations in the *Right to Information Act 2009* (Qld) (RTI Act) and the *Information Privacy Act 2009* (Qld) (IP Act). In most areas, OIC considers the Council is meeting its legislative obligations well. Key findings were that COCGC:

- had strong governance of community engagement through policies, procedures and organisational responsibility, particularly in dealings with industry, community and research stakeholders
- could take steps to improve general community perceptions about COCGC's openness and transparency
- had drafted a new information governance framework, strategic plan and performance measures, which if adopted, would provide a strong governance structure with clear leadership and operational roles, appropriately including right to information and information privacy in COCGC's information governance
- developed a website abundant in provision of information to the community in an accessible format and through administrative access arrangements
- could improve provision of training to staff on privacy obligations and responding to requests for information
- operated the publication scheme generally in accordance with legislative requirements, but could publish more information to the disclosure log consistent with the push model
- evidenced a positive intention and concerted efforts to release information in response to formal applications in accordance with the principles of the right to information legislation, however, applied the legislation unevenly, resulting in non-compliance, and creating inefficiency and unmanaged risk for COCGC; and
- had generally addressed the Information Privacy Principles assessed in this audit in its management of personal information, including camera surveillance footage.

Opportunities for improvement are discussed in greater detail throughout the remainder of the report. Recommendations have been made to assist COCGC in taking up these opportunities to meet right to information and information privacy obligations and adopt good practices. OIC will monitor COCGC's progress in implementing these recommendations, through provision of six-monthly progress reports from COCGC and a follow-up review.

2 Recommendations

Summary of the Next Steps

Culture of Openness	Leadership & Accountability	Maximum Disclosure	Compliance
Work with community to identify information to be published. <i>(Rec 1)</i>	Ensure information management framework supports leadership of right to information and information privacy. <i>(Rec 3)</i>	Determine the security classification of information holdings in the Information Asset Register and publish 'public' information holdings. <i>(Rec 9)</i>	Ensure all business units provide active input to publishing significant, appropriate and accurate information to the publication scheme. <i>(Rec 10)</i>
Ensure all business units apply policies and procedures about information sharing. <i>(Rec 2)</i>	Include assessment of information privacy as part of policy development or amendment. <i>(Rec 4)</i>		Review procedures for publication of information to the disclosure log. <i>(Rec 11)</i>
	Ensure position descriptions and the Delegations and Authorisations Register are up-to-date. <i>(Rec 5)</i>		Review and restructure policies, procedures, practices and business systems for application handling. <i>(Rec 12)</i>
	Provide training for all staff in handling information requests and privacy obligations. <i>(Rec 6)</i>		Implement professional development for decision-makers covering new application handling policies, procedures, practices and business systems. <i>(Rec 13)</i>
	Promote staff training in right to information and information privacy on the intranet. <i>(Rec 7)</i>		Ensure email correspondents are advised of collection of personal information in accordance with IPP2. <i>(Rec 14)</i>
	Implement performance measures for right to information and information privacy. <i>(Rec 8)</i>		

It is recommended that the Council of the City of Gold Coast (COCGC):

Recommendation One

Within twelve months

- work with stakeholders and the community to identify topics of interest or information types where additional information could be pro-actively published, for example, about specific property and infrastructure development proposals
- identify specific communication strategies for provision of additional information to the community that can be built into the management of sensitive projects of community interest, including use of the disclosure log and publication scheme
- proactively publish additional relevant and appropriate information
- in formats adapted to the needs of stakeholders and the community.

Recommendation Two

Within twelve months, review business units' adoption of policies and procedures relating to information sharing, and implement strategies to improve consistent adoption by all business units of relevant policies and procedures.

Recommendation Three

Within twelve months, ensure the information management framework in operation within the Council of the City of Gold Coast supports executive level leadership and management of right to information and information privacy.

Recommendation Four

Within twelve months, consider including assessment of information privacy as a routine procedure in developing proposals for new or amended policies.

Recommendation Five

Within twelve months, ensure position descriptions and the Delegations and Authorisations Register are accurate and up-to-date.

It is recommended that the Council of the City of Gold Coast (COCGC):

Recommendation Six

Within twelve months, ensure appropriate training is available to all staff on dealing effectively with people seeking information from COCGC, either administratively or through a legislative application, and on information privacy obligations.

Recommendation Seven

Within six months, improve the use of COCGC's intranet to promote staff training in right to information and information privacy.

Recommendation Eight

Within twelve months, ensure that strategic and operational performance measures are in place and monitored to inform COCGC about the effectiveness and efficiency of right to information and information privacy practices and processes.

Recommendation Nine

Within twelve months give each information holding listed in the Information Asset Register a classification and publish 'Public' information holdings on-line where practicable.

Recommendation Ten

Within six months, implement a procedure to ensure active input from all business units within COCGC in keeping the publication scheme accurate, maintained and updated by the inclusion of any significant and appropriate information.

Recommendation Eleven

Within three months, review procedures for publication of information to the disclosure log, particularly the criteria for publication to the disclosure log, and ensure the reviewed procedures are documented and the *Record of decision to publish Right to Information Documents to the Disclosure Log* is updated accordingly.

It is recommended that the Council of the City of Gold Coast (COCGC):

Recommendation Twelve

Within eighteen months, restructure application handling policies, procedures, business systems and practices, including through implementation of a case management system and template documents, to support legislatively compliant application handling.

Recommendation Thirteen

Within six months, implement a program of ongoing professional development for RTI and IP decision-makers to ensure decision-makers are fully aware of the operation of the new application handling policies, procedures, business systems and practices, and that specialist skills will be maintained as a matter of continuous improvement.

Recommendation Fourteen

Within twelve months, review the privacy statement and email address links to ensure email correspondents are informed about the collection of personal information in accordance with Information Privacy Principle 2.

3 Introduction

3.1 Background

The Council of the City of Gold Coast (**COCGC**)² provides services to the Gold Coast, a coastal city in the south-eastern corner of Queensland spanning 57 kilometres of coastline.³ The City of Gold Coast is the largest city in Australia that is not a capital city, with approximately 550,000 residents.⁴ COCGC is the second largest council in Australia.⁵

The Gold Coast region is well-known as a tourism destination, attracting 12 million visitors each year.⁶ Other significant industries operating in the region are education, sports, film and major events.⁷ In delivering services to this region, in 2014-15 the council employed approximately 3,628 full time equivalent employees and operated with a budget of \$1.16 billion.⁸

As part of providing these services, COCGC has processed thousands of information requests each year, involving both personal and non-personal information. In COCGC's *Customer Contact Strategy 2010-2020*, COCGC reported receiving, in one year, over 700,000 telephone calls, 255,000 items of correspondence, 1.5 million views of the website and attending to over 175,000 customers in person at customer service counters.⁹ COCGC's Town Planning Advice Centre has reported managing more than 200 telephone and 50 counter enquiries every day.¹⁰

As part of this extensive information provision service, in 2012-13,¹¹ COCGC finalised 173 applications for information under the *Right to Information Act 2009* (Qld) (**RTI Act**)

² A list of acronyms used in this report is provided in Appendix 1.

³ Viewed at <http://www.goldcoast.qld.gov.au/thegoldcoast/default.html> on 16 April 2015. A map of the Gold Coast Local Government Area is provided in Appendix 2.

⁴ The Queensland Government Statistician's Office report, generated 16 April 2015 from <http://statistics.oesr.qld.gov.au/qld-regional-profiles>, stated that the estimated resident population for Gold Coast City Local Government Area was 546,067 persons as at 30 June 2014.

⁵ Viewed at <http://www.goldcoast.qld.gov.au/council/council-overview-203.html> on 16 April 2015.

⁶ Viewed at <http://www.goldcoast.qld.gov.au/thegoldcoast/default.html> on 16 April 2015.

⁷ Viewed at <http://www.goldcoast.qld.gov.au/thegoldcoast/default.html> on 16 April 2015.

⁸ City of Gold Coast Annual Report 2014-15 [page 24 for the operating budget and page 72 for full time equivalent employee numbers], viewed at <http://www.goldcoast.qld.gov.au/annual-report-documents-13478.html> on 10 February 2016.

⁹ Gold Coast City Council *Customer Contact Strategy 2010-2020*, [page 7], accessed from <http://www.goldcoast.qld.gov.au/customer-contact-strategy-8573.html> on 16 April 2015.

¹⁰ Viewed at <http://www.goldcoast.qld.gov.au/planning-and-building/planning-enquiries-492.html> on 16 April 2015.

¹¹ 2013-14 is the most recent year for whole of government reporting data available to the OIC.

and the *Information Privacy Act 2009* (Qld) (**IP Act**). In 2013-14, 157 applications were finalised.

The size of the council and volume of information managed were among the risk factors that led to COCGC's selection for review. OIC conducted a risk analysis across all agencies to develop OIC's annual program of performance and monitoring activities commencing in the 2014-15 year. Other risk factors considered were the volume and nature of personal information held and requested from the agency, the volume of RTI and IP applications received and processed, the proportion of applications relating to personal information, the number of applications for external review and the number of applications carried forward from the previous reporting year.

3.2 Reporting framework

The review has been conducted under section 131 of the RTI Act, which gives the Information Commissioner the functions of monitoring, auditing and reporting on agencies' compliance in relation to the operation of the RTI Act and chapter 3 of the IP Act, and section 135 of the IP Act: review of personal information handling practices.

Under section 131 of the RTI Act, the Information Commissioner is to give a report to the parliamentary committee about the outcome of each review.

3.3 Scope and objectives

The objective of the review has been to establish the extent to which COCGC has complied with specific prescribed requirements of the RTI and IP Acts, to identify areas of good practice and to make recommendations about any improvement opportunities identified. In particular, the review focused on:

- council governance (leadership, governance mechanisms, information management including proactive identification and release of information holdings, policies, procedures, delegations, roles and responsibilities of key personnel and training)
- accountability and performance monitoring systems
- whether or not Council is maximising disclosure, by:
 - reviewing Council's statistical reporting (including internal reporting and annual reporting under section 185 of the RTI Act)

- consulting with community and industry stakeholders as to their information needs and information management issues, and the extent to which those needs are addressed by Council; and
- giving access to information administratively (section 19 of the RTI Act)
- compliance with legislatively based requirements under the RTI Act and IP Act for:
 - a publication scheme (section 21 of the RTI Act)
 - a disclosure log (section 78A of the RTI Act)
 - access and amendment applications (chapter 3, parts 2-7 of the RTI and IP Acts); and
 - review processes, including internal review of decisions (chapter 3, part 8 of the RTI and IP Acts); and
- Council's personal information handling practices including technologies, programs, policies and procedures to review privacy-related issues of a systemic nature generally, and Council's compliance with the privacy principles.

The scope of these reviews does not include review of any application to access information currently being processed by COCGC under the RTI Act or IP Act, or external review by this office of a decision by COCGC about an application; or re-opening or re-consideration of the review of decision-making in relation to any finalised applications made under the RTI Act or IP Act. Similarly, these reviews do not review, re-open or re-consider specific privacy complaints. Any individual matters of this nature raised during the course of the review are referred to the appropriate section within OIC or the appropriate external agency.

The scope of the review did not include personal information handling practices of individual elected officials or of subsidiary entities, for example, wholly-owned commercial entities.

3.4 Assessment process

The Information Commissioner wrote to the Chief Executive Officer of COCGC on 13 March 2015 to confirm the objectives and scope of the review, and the Terms of Reference, as provided in Appendix 3. The Co-ordinator, Legal Information Unit was nominated as the contact officer for the review.

In performing the review, OIC applied a standardised test program to assess each of the relevant areas of practice. COCGC cooperated fully and openly with the process and provided full access to requested materials, including the opportunity to meet with relevant personnel.

Regular discussions were held with COCGC's contact officer, and site visits and meetings with line management were arranged as necessary. These meetings gave OIC the opportunity to provide feedback to COCGC on the key findings progressively and provide general updates on the progress of the review.

As part of the review process, OIC wrote to key stakeholders external to COCGC to discuss their interests in COCGC-held information. OIC also conducted public consultation to gauge community sentiment regarding access to information held by COCGC, by advertising for comment in local media (newspaper and radio) and through OIC's website.

OIC sought and obtained a sample of application files for review and reviewed 24 application files. An issue paper regarding observations made during the application file review was provided to COCGC for comment. COCGC's response is provided at Appendix 4. This process informed the choice of issues and the way the issues were characterised in this report.

A copy of a draft of this report was provided to COCGC's contact officer for comment on accuracy, context and choice of language on 7 April 2016. At the conclusion of the review, the final report was provided to COCGC on 28 April 2016. An exit meeting was held with COCGC on 12 May 2016 to discuss the findings and recommendations of the review. COCGC's response to each recommendation is provided in the action plan in Appendix 5.

OIC conducts follow-up reviews to assess the extent of implementation of recommendations. As part of the follow-up process, agencies provide progress reports. COCGC is encouraged to monitor and self-assess the progress of implementation of the recommendations, to support provision of progress reports.

OIC notes that COCGC has stated that they will be incorporating OIC's recommendations into COCGC's Audit Plan as actions to be reported on monthly to internal executive management, and to be considered by COCGC's Audit Committee on a quarterly basis.

OIC considers this to be an effective method for managerial monitoring of progress, which should support efficient external progress reporting to OIC on follow-up.

4 Culture of openness

Background

The object of the RTI Act is to provide more information to the public by giving a right of access to government-held information, unless, on balance, releasing the information would be contrary to the public interest.

In order for this to be achieved, agency culture must embrace the openness and transparency which are fundamental to good government.¹²

OIC, in undertaking this review, considered whether or not the principles of openness and transparency were reflected in COCGC's culture. OIC also examined the openness of COGOC's dealings with the community and whether the community's information needs were identified and met. This included looking at COGOC's approach to community engagement and the extent to which COGOC's community engagement addressed information management.

Key findings

The review found that COCGC:

- had strong governance of community engagement through policies, procedures and organisational responsibility
- conducted extensive community consultation
- was generally seen by industry, community and research stakeholders to be engaging effectively with them about most information access and privacy issues; and
- could improve general community perceptions about COCGC's openness and transparency.

¹² *The right to information – A response to the review of Queensland's Freedom of Information Act*, Recommendation 127, page 312, viewed at http://www.rti.qld.gov.au/_data/assets/pdf_file/0019/107632/solomon-report.pdf on 26 March 2014.

4.1 COCGC's stated commitment to openness

A key general finding in OIC's self-assessed electronic audit conducted in 2013¹³ was that agencies reported higher performance across the board if they reported having an explicit statement of commitment to RTI and IP readily available within the agency, for example, in a policy document or as a policy statement on the agency's website.

This review looked for a visible and explicit statement of COCGC's commitment to RTI and IP as an indicator of organisational cultural support for openness and transparency in government.

OIC found a strong statement of commitment heading the *Right to Information* webpage:

*City of Gold Coast (City) is making it easier for you to access information managed by us.*¹⁴

Another clear statement opens the *Right to Information and Information Provision Policy*:

*Council aims to maximise the amount of corporate information that is publicly available.*¹⁵

OIC considers these to be clear and visible statements of commitment to the release and provision of information.

4.2 Assessment of COCGC's approach to community engagement

Community belief and participation in government is fundamentally interconnected with a free flow of information between government and the community. This is explicit in the RTI Act, which promotes openness in government and the flow of information in the government's possession or under the government's control to the community.

OIC looks for evidence that community engagement is explicitly recognised agency-wide with respect to the release of information. In particular, OIC seeks evidence that an agency's community engagement is two-way, that is, that an agency is listening to the community about their information needs and responding by providing information to the community that the community wants.

¹³ The 2013 *Right to Information and Information Privacy Electronic Audit* reviews the self reported progress of agencies in complying with RTI and IP legislation and guidelines. The report can be viewed at http://www.oic.qld.gov.au/_data/assets/pdf_file/0009/22311/report-2013-electronic-audit.pdf.

¹⁴ Viewed at <http://www.goldcoast.qld.gov.au/council/right-to-information-477.html> on 21 April 2015.

¹⁵ Viewed in the *Right to Information and Information Provision Policy* on 21 April 2015, accessible from <http://www.goldcoast.qld.gov.au/right-to-information-and-information-provision-policy-4991.html>.

COCGC has a strong governance structure for community engagement, expressed in policies, plans and organisational roles, and evident in community engagement activities.

COCGC had a Community Consultation Policy, accessible from the 'Our Policies' class within the Publication Scheme.¹⁶ The policy and associated manual stressed the importance of two-way communication throughout the documents.

On their online community engagement hub, COCGC stated that the objectives of community consultations were to ensure community views were considered in decisions, and that community consultation was meaningful, coordinated and integrated in a consistent manner.¹⁷

COCGC stated that community consultation was valued, and that good community consultation had to be able to:

- *allow for two-way discussion – dialogue assists in reaching choices acceptable to a wide range of interests*
- *improve information flow – in addition to helping the community to interact and discuss issues through the careful planning of public meetings, a wide range of mechanisms are used to invite stakeholders to consultations*¹⁸

COCGC's general approach to policy development incorporated community consultation as a matter of course.¹⁹

COCGC operated community consultation in a number of ways, including:

- through a *Have your say* website, which listed 35 community consultations at the time of the review²⁰
- for major initiatives, for example the development of the 2015/16 City Budget, a *Listening Post* strategy which included multiple methods for the community to engage in two-way dialogue with COCGC –

¹⁶ Accessible from <http://www.goldcoast.qld.gov.au/council/our-policies-873.html>, viewed 16 April 2015. This policy was due for review in September 2012. OIC sought verification that this was the latest version and to obtain the latest version, but this did not occur. OIC proceeded on the assumption that this policy remained in force.

¹⁷ Viewed at <http://www.gchaveyoursay.com.au/home-page/faqs#462> on 16 April 2015.

¹⁸ Viewed at <http://www.gchaveyoursay.com.au/home-page/faqs#462> on 16 April 2015.

¹⁹ From *Policy Development Process – Summary* [#43660594 v.1], and *'How To' Guide: Value Management Process – Corporate Policies* [Corporate Activity Framework #37737867 v.7 April 2014], provided to OIC and viewed 21 April 2015.

²⁰ Viewed at <http://www.goldcoast.qld.gov.au/council/consultations-22517.html> on 16 April 2015.

- a survey
 - an online discussion forum
 - a series of local 'listening post' sessions where people could attend and have a face-to-face discussion
 - email; and
 - posting in a written submission in hard copy
- requiring staff to consider the most appropriate community consultation strategy for each project and, if appropriate, tailor a community consultation plan for each project;²¹ and
 - through standing reference groups / committees, including a proposal to network standing community forums to identify city-wide issues.

OIC noted that the policy and manual focussed on broad topic areas rather than specific topics for community consultation, and instead stressed that community consultation should be a consideration in all projects. The policy stated that it applied to '*all 'official' community consultation undertaken by councillors, Council employees and contractors*'.²² The policy's manual included triggers for ensuring community involvement, for example, '*Has the community requested the opportunity to be involved?*' and '*Is there already – or will there be – media and/or community concerns/expectations (eg. from past experiences) about this issue?*',²³ and these triggers for consultation created opportunities for the community to instigate discussion of information needs.

OIC considered that COCGC's policies for community consultation and engagement were appropriately two-way, and broad enough in scope to include consultation about information needs, even though information needs of the community were not explicitly mentioned in the Community Consultation Policy's list of consultation activities in the section on the scope of the policy. However, the activities were broadly described and the policy stated that the scope was not limited to the listed items. OIC reviewed the community consultations available from the website and identified one current consultation

²¹ From *Community Consultation Policy* [Attachment B, pages 1 and 2], viewed 21 April 2015.

²² From *Community Consultation Policy* [pages 2 and 3], viewed 21 April 2015 and 24 March 2016.

²³ From *GCCC Community Consultation Policy Manual: Designing, Implementing and Evaluating GCCC Community Consultation Projects*, August 2008 [ISPO / TRACKS 23684355, page 7], viewed 21 April 2015

about information needs – a survey to identify the community’s key interests in City Libraries.²⁴

OIC considers that the policies would be further improved by making explicit provision for community consultation about the community’s information needs, either through an appropriate category of topics for consultation or by mentioning information needs as a topic area. COCGC is encouraged to consider updating their policies in this regard.

OIC assessed how well COCGC’s policies and procedures were working in practice.

OIC interviewed COCGC officers about COCGC’s community engagement practices. COCGC advised that a revitalised process of liaising within COCGC meant that a calendar of community consultations was now created each year to ensure consultations focussed on priority issues, community members were consulted appropriately and community consultations were organised efficiently. These covered a range of topics, including information management topics, for example the effectiveness of a new online community directory.

COCGC had a number of strategies for ensuring community members can raise issues, in addition to raising issues through their local councillor, for example:

- a City Panel, which is a web-enabled opportunity for any community member to express their views online
- networked community forums, which are opportunities for issues to be raised
- a program of regular surveys on key topics, for example, beach use; and
- using ordinary complaint, compliment and feedback facilities to raise issues with council staff, who can then raise initiatives through the ‘Shark Tank’, an internal meeting implemented to encourage innovation from all council staff. An example of an idea raised in this way was the online community directory.

COCGC’s community engagement activities were considered to be consistent with the intentions for community engagement expressed in the RTI Act.

²⁴ Viewed at <http://www.goldcoast.qld.gov.au/council/city-of-gold-coast-libraries-survey-23614.html> on 24 March 2016.

4.3 Community perceptions of COCGC's openness

The RTI Act states that the community should be kept informed of government's operations, that openness in government increases the participation of the community in democratic processes leading to better informed decision-making and that government should adopt measures to increase the flow of information to the community.

In light of these aims, a critical measure of success is the community's perception of the openness and accessibility of government-held information by the community. If COCGC's community engagement has been successful, it will be reflected in the community's sentiment or level of satisfaction.

This is a key issue for local governments in Queensland. A survey of community satisfaction with local government conducted by the Local Government Association of Queensland²⁵ identified community engagement as the top performance target area for improving community perceptions of local government. The survey ranked issues of most concern to the community by determining the gap between the level of importance and level of performance. The two top issues were *Responding to the community* and *Consulting the community*. Improved performance in these areas would contribute the most to the community perceptions of and satisfaction levels with Queensland local government.

OIC conducted two types of community consultation for this review to find out what the community's views were about COGOC's culture of openness:

- contacting stakeholders who might seek information from COGOC, including Members of Parliament and a sample of stakeholder agencies in the fields of industry, community service and research; and
- advertising through the media (newspaper and radio) and on OIC's website for comments from the general public.

These two consultations are described in the next two sections of this report.

²⁵ 2013 *Community Satisfaction Tracking Study*, Local Government Association of Queensland, Fred Rogers Memorial Trust, January 2014, page xi, viewable at <http://lgaq.asn.au/documents/10136/7c1cf742-c6e8-42e9-8dc0-6a2bcee365d9>.

4.3.1 OIC consultation with the community - industry, community service and research stakeholders

In consultation with COCGC, OIC selected 41 stakeholders from community service, industry and research/policy sectors to consult about the accessibility of information held by COCGC. Local members of State and Federal Parliament were also contacted.

A list of the stakeholders who were contacted, the standard questions provided to each stakeholder and details of stakeholder responses are provided in Appendix 6. Responses were received or obtained from 12 of the 41 stakeholders contacted. As responses were received from the different types stakeholder groups targeted, the respondents were considered reasonably representative of the wider sample of stakeholders.

Stakeholder comments

Information already being provided by COCGC that stakeholders regarded highly included:

- information relating to property development, building and town planning (three stakeholder comments); and
- general information, for example, minutes of meetings, information about the management of data and current events (five stakeholder comments).

Stakeholders were asked how they would use the information. They commonly sought information to:

- undertake their own planning or support their service delivery (five stakeholder comments); and
- advise clients (four stakeholder comments).

Stakeholders gave mixed feedback about COCGC's provision of information in a way that was readily able to be re-used by them. Stakeholders attributed the differential quality of information access to the different practices adopted locally by individual business units. For example, one business unit was identified multiple times as being highly accessible and responsive and one business unit was identified several times as being inaccessible, slow and inefficient.

The majority of stakeholders advised that they did not see any significant risks with COCGC publishing information (seven out of 10 responses), or thought the risks could be managed (three out of 10 responses). They attributed this sense of confidence to the

existence of licensing laws, for example Creative Commons licensing, which could be used to govern re-use of data.

Stakeholders commented on the importance of timeliness in responding to requests for information and on their use of the internet to supplement searches or requests for information from COCGC.

Searchability of documents and the ability to re-use data were important issues for the stakeholders, particularly for information from PD Online²⁶ or for statistical data. Stakeholders commented on the benefits of subscribing to Council's email updates as a useful mechanism for accessing important and relevant information.

Stakeholders consistently expressed their appreciation of COCGC's openness and responsiveness to requests for information as a general rule, with two specific exceptions:

- there was uneven responsiveness of business units across the Council; and
- property development information was a topic of particular interest that was not always well-serviced.

4.3.2 OIC consultation with the community – the general public

OIC conducted a public consultation by running an advertisement on the OIC website and announcing the public consultation on local radio. An advertisement was also placed in local newspapers.

OIC received 39 comments from members of the public, mostly through posts on OIC's website (51% of comments) and also through email, letter, tweet, a telephone call and a written submission. More than half of the commenters (54%) provided their comments anonymously.

Almost two thirds of these comments (62% of comments) raised a right to information or information privacy issue. The remainder of the comments were not relevant to issues in this review, and commented on property development issues (10 comments, 67%), Councillors or Council staff being otherwise unresponsive (3 comments, 20%) or miscellaneous issues (2 comments, 13%).

In terms of the split between right to information and privacy, 83% of the comments relevant to right to information and privacy were related to right to information, and in

²⁷ One commentator referred to agendas being published after the meeting had occurred. OIC's review of online publication of agendas and minutes at <http://www.goldcoast.qld.gov.au/minutes-agendas-2680.html> indicates this would not represent usual practice across the agency.

particular to a need for greater transparency (9 comments, 39%), a lack of responsiveness by Council to communication on issues (5 comments, 22%) and non-publication of information that the commenter believed should have been published (4 comments, 17%).

There were particular topics of concern to public commentators, and the review noted that these issues were of interest to a community lobby group. Commenters identifying themselves as members of the community lobby group mentioned reports released in response to applications made under the RTI Act, which they believed should have been made public without need for a formal application. As a related issue, OIC notes that reports subjected to a public interest test and then released in response to an RTI Act application could be published to COCGC's disclosure log as an efficient way to make information available and demonstrate COCGC's commitment to transparency and the RTI Act push model.

Twelve of the commenters raised concerns that decisions had been made by people within Council with conflicts of interest, that funds were not allocated objectively or that decisions were not made fairly and on the basis of evidence. Four of these comments involved matters that commenters advised had been or were being considered through formal, structured complaint handling and investigative processes. The remaining comments primarily highlighted the negative impact on community perception that arose as a result of a perceived lack of transparency and unresponsiveness.

OIC considers that the community consultation highlighted the value of strategies for proactive publication of information in managing public perceptions. For example, one strategy that might be considered would be to increase use of COCGC's disclosure log to publish online information released in response to RTI applications. This is discussed in more detail in Section 8.2 of this report. The comments also highlighted the importance of all business units within COCGC consistently applying COCGC policies and procedures in practice, for example, publishing committee minutes and agendas in a timely way in accordance with COCGC's published policies and procedures.²⁷

²⁷ One commentator referred to agendas being published after the meeting had occurred. OIC's review of online publication of agendas and minutes at <http://www.goldcoast.qld.gov.au/minutes-agendas-2680.html> indicates this would not represent usual practice across the agency.

4.3.3 Summary

Key stakeholders generally reported to OIC that they appreciated the openness and responsiveness of COCGC towards requests for information. Issues of concern to stakeholders were property or infrastructure development as topic areas, the need for information to be searchable and machine-readable as a format issue, and the need for more consistency in responsiveness across COCGC business units.

The general community were similarly concerned about property or infrastructure development as topic areas, and considered COCGC needed to be more transparent and open in publishing information. Perhaps due in part to an apparent community perception that COCGC was not sufficiently open, transparent and responsive to requests for information, the general community also appeared more inclined than key stakeholders to be concerned that COCGC decisions were not made fairly and on the basis of evidence.

This suggests that COCGC could identify property and infrastructure development as topics of particular sensitivity for stakeholder and community engagement, and consider prioritising strategies to build stakeholder and community relationships and pro-actively publish information to the community to the greatest extent possible, including significant and appropriate information to the publication scheme and disclosure log.

At interview, COCGC staff said they were focussed on finding ways to engage in two-way dialogue with the community, to involve the community and stakeholders in COCGC activities and to ensure that the stakeholders and the community could readily access information. Relevant documents examined by OIC confirmed this.

Recommendation One

It is recommended that City of Gold Coast:

Within twelve months

- work with stakeholders and the community to identify topics of interest or information types where additional information could be pro-actively published, for example, about specific property and infrastructure development proposals
- identify specific communication strategies for provision of additional information to the community that can be built into the management of sensitive projects of community interest, including use of the disclosure log and publication scheme
- proactively publish additional relevant and appropriate information
- in formats adapted to the needs of stakeholders and the community.

Recommendation Two

It is recommended that City of Gold Coast:

Within twelve months, review business units' adoption of policies and procedures relating to information sharing, and implement strategies to improve consistent adoption by all business units of relevant policies and procedures.

5 Leadership

Background

Agency leaders are responsible for fostering agency cultures consistent with the objects of the legislation and ensuring that staff are made aware of right to information and information privacy, and encouraged to support the agency's commitment to the principles of proactive disclosure of information and good management of personal information.

This review examined COCGC's leadership and governance framework, including strategies for good governance, active management of information, organisational structure, resourcing and training.

Key Findings

The review found that COCGC had:

- drafted a new information governance framework and strategic plan, which if adopted, would provide a strong governance structure with clear leadership and operational roles and inclusion of right to information and information privacy in the planning process
- had a structured policy development process, which could be a vehicle for building information privacy considerations into the development or amendment of policies and procedures
- had appropriate position descriptions and delegations, which required minor updates for complete accuracy
- had a limited program of general awareness training for staff in right to information and information privacy
- developed a website abundant in provision of information to the community in an accessible format; and
- established a business unit responsible for handling applications which was appropriately independent in the organisational structure.

5.1 Leadership

The importance of leadership within all government agencies in order to achieve open government has been a repeated finding in OIC performance monitoring reports.

It is important that leaders within agencies are expected to work with the community to identify information and methods of publishing information that might be useful or of interest to the community. Agency leaders are expected to make sure their agencies are equipped with systems, delegations of authority, staffing resources and training in order to meet their obligations under the RTI and IP Acts.

This review has looked for evidence within COCGC of the type of leadership provided. This has included:

- identifying whether or not COCGC has established clear leadership to drive implementation of right to information and information privacy
- examining whether individuals and committees in leadership roles have been commissioned to take up an active role in the management of information and promotion of proactive release of information and that they have done so
- identifying and assessing plans of action
- examining the structuring of agency resources to ensure the structures support right to information and information privacy; and
- examining leadership strategies for building staff capability, particularly through training, for example, checking that training resources on RTI and IP are available to all staff, including RTI and IP practitioners.

5.2 Information management governance framework

In order for agencies to implement the RTI and IP reforms, each agency needs a structured and planned approach to information governance.

COCGC is currently proposing to implement a new information governance framework as part of a new approach to Information and Communications Technology (**ICT**) governance.

If approved, this would include:

- establishment of a Risk, Security and Compliance meeting, with explicit responsibility for the following issues with respect to RTI and IP:
 - risk assessment
 - compliance reporting
 - policy standards, guidelines and procedures
 - review of performance measures; and
 - monitoring policy performance measures²⁸
- development of ‘future state processes’ for key operational areas, including knowledge management;²⁹ and
- a ‘Demand Supply Organisation’ which includes a monthly Change & Innovation meeting, as a forum for consideration of new ideas, including ideas raised by any staff member after discussions with the community about possible innovations in information management.³⁰

This would be a strong governance structure with clear leadership and operational roles.

At present, RTI and IP functions are segregated and performed by separate business units. For example, different business units handle strategic information management, RTI and IP policy, and decision-making about applications for information made under the RTI Act or IP Act. OIC considers that the proposed approach will provide an overarching framework to unite the performance of these functions towards achievement of common strategic aims.

²⁸ *ICT Governance Framework, Terms of Reference, Risk, Security and Compliance Meeting*, provided to OIC’s review by email on 30th October 2015.

²⁹ *Business Case, ICT Service Transformation Program, Organisational Services, 49122222, V1.2, 13 October 2015*, Page13 of 41, provided to OIC review by email 30 October 2015

³⁰ Slide 17 in a presentation *ICT Governance Framework: Demand Supply Organisation Governance, New Operating Model, ICT Transformation* provided to OIC by email on 30 October 2015.

Recommendation Three

It is recommended that City of Gold Coast:

Within twelve months, ensure the information management framework in operation within the Council of the City of Gold Coast supports executive level leadership and management of right to information and information privacy.

Information Management Planning

Forward planning supports good information management. COCGC's project to transform the delivery of ICT explicitly incorporates information management activities in the forward planning. The draft *ICT Strategic Plan 2015-2017 (ICT Strategic Plan)* for COCGC includes Enterprise Information Management as one of its six priorities, which addresses *the management of the organisation's information as a strategic asset*.

The objectives for COCGC under this priority are:

- *to standardise and improve enterprise-wide data and related processes*
- *to improve the governance structure of information and meta-data management*
- *to enhance the visibility, monitoring and accessibility of organisational data; and*
- *maximize the value of information while working to minimize its risks.*

Key actions COCGC will take to achieve these objectives, which are particularly relevant to right to information and information privacy are:

- *formalise the CoGC Open Data process; and*
- *provide easy access to authoritative City information from a single point of truth, ensuring consistent and trust-worthy information is available and accessible.*

The program addresses two objectives in the Customer Contact Strategy to:

- *improve customer access to routine, publicly available information on-line and availability of on-line services; and*
- *improve the City's record keeping to enable access to all relevant information necessary to ensure excellent customer contact.*³¹

³¹ *Adopted Report of the Special Meeting of Governance Administration & Finance Committee Meeting held Friday, 16 October 2015, page 19, provided to OIC's review by email on 30th October 2015.*

The inclusion of these items in COCGC's draft ICT Strategic Plan was an explicit, considered strategy to include right to information and information privacy in the planning process. OIC considers that this draft ICT Strategic Plan would be an appropriate and effective tool for managing information, if adopted.

COCGC provided a description of the policy development process,³² which was summarised in a one page checklist.³³ OIC considered that the structured approach to policy development was a useful vehicle for managing policies.

However, neither the guide nor the checklist mentioned right to information or information privacy. The one page checklist described the first step in policy development as identifying the policy problem, and this included assessing risks and prioritising. The guide mentioned risk analysis (at section 3.1.4) but only with respect to the risks of not developing, amending or retiring a policy. The guide did not include consideration of the risks inherent in the proposal for a new or amended policy, or risk mitigation or management strategies to accompany new or amended policies.

The structured process of policy development could be a vehicle for ensuring that information management considerations were built into new or amended policies at the time of their development. This is a particularly efficient way to address information privacy considerations. For example, risk analysis would be an opportunity to consider privacy implications of any proposal for a new or amended policy. The guide and checklist could be more closely aligned with each other, and consideration of information management implications included in both the guide and checklist.

Recommendation Four

It is recommended that COCGC:

Within twelve months, consider including assessment of information privacy as a routine procedure in developing proposals for new or amended policies.

³² 'How To' Guide: Value Management Process – Corporate Policies, Corporate Activity Framework, #37737867, April 2014.

³³ Policy Development Process – Summary.

5.3 Accessibility of information resources

COCGC's internet site provided a wealth of resources for both internal and external users through well-structured information architecture. The information provided was both informative and relevant. The internet site provided useful links to other external websites from which users could obtain more information about RTI and IP.

5.4 Organisational structure

OIC considered whether or not the organisational structure supported the independence of the section within COCGC which handled applications for information under the RTI Act or IP Act: the Right to Information and Information Privacy Unit (**RTI & IP Unit**).

Structurally, the RTI & IP Unit was part of the Legal Services Branch, reporting through the City Solicitor, within the Office of the Chief Executive Officer (**CEO**). This was considered to be appropriately independent of functions supporting the Mayor, and sections of COCGC performing media and publicity functions. The direct report to the CEO was mediated through the City Solicitor, so was considered to be close enough to the CEO to exert appropriate authority and sufficiently removed to operate independently.

The position descriptions for COCGC's RTI and IP officers were reasonably clear and up to date.³⁴

In a section titled 'Working relationships', the position description for the 'Right of Information and IP Decision Maker' stated:

This position is subject to limited direction, however, for more complex matters the position is subject to general direction with some freedom to interpret stated guidelines in order to achieve clear objectives as set down by the City Solicitor and Council.

This statement could be clarified by distinguishing the specific types of direction or independence that are appropriate. For example, the position description could differentiate between appropriate direction given to the decision-maker regarding service delivery and the decision-maker's independence when making decisions. OIC has published protocols for Queensland Government Departments to use when reporting to

³⁴ The 'Right of Information and IP Decision Maker' position and the 'Right to Information and Information Privacy Officer' position descriptions were dated 26 June 2012.

senior executives on RTI and IP applications, and the concepts and guidance in these protocols might be of assistance in considering the wording of the position description regarding the balance between direction and independence.³⁵

Separate documents providing delegations of authority for decision-making under the RTI Act and IP Act were reviewed.³⁶ Delegations were made appropriately, requiring only minor technical updates, for example, to ensure position titles were up-to-date.

Recommendation Five

It is recommended that COCGC:

Within twelve months, ensure position descriptions and the Delegations and Authorisations Register are accurate and up-to-date.

5.5 Training and awareness

This review found that COCGC had a limited approach to training staff on RTI and IP.

OIC was provided with draft materials for one internally conducted general awareness training course for all staff about RTI and IP. COCGC did not further advise whether or not this material had been finalised, nor the current status of internally conducted awareness training.

OIC was advised by the RTI/IP Officer that the RTI & IP Unit provide in-house training on an ad hoc basis in relation to any identified issues that the RTI & IP Unit may be experiencing with a business unit within the council.

COCGC advised that 221 employees had completed online RTI/IP training delivered through a contracted service provider. An OIC search of the Learning Seat website³⁷ found a 2015 Course List containing courses titled *The S.A.F.E. Files Privacy, Compliance Essentials Privacy, Law at Work Privacy, Privacy – The Queensland Information Privacy Act (V2)* and a group of courses listed under the heading *Privacy and Freedom of*

³⁵ *Model Protocols for Queensland Government Departments on Reporting to Ministers and Senior Executive on Right to Information and Information Privacy Applications* viewed at <https://www.oic.qld.gov.au/publications/reports> on 21 August 2015.

³⁶ *LS_0010 Delegations and Authorisations Register*, number DE01474 and DE01510, emailed to the review 12 November 2015. The position titles were incorrect, but the position numbers and incumbents matched, so the review could confirm that the delegations were clearly made to the correct positions and people.

³⁷ Viewed at <http://www.learningseat.com.au/> 2 February 2016.

Information. OIC did not review the content of the training provided by the Learning Seat, but noted that from the course list, the training on offer did not appear to include material covering administrative access to information or right to information.

COCGC needs to ensure that the general awareness training available to staff covers the full range of RTI and IP responsibilities. This is discussed further in Section 8.3.4 with regard to general awareness of application handling, in the context of upgrades to the handling of applications made under the legislation. COCGC could do this either through internally provided training or negotiation with external providers to cover the full range of required material.

OIC found the general awareness training for all staff in right to information and information privacy was limited, an issue which needs to be addressed. In particular, staff should be made aware of their responsibilities and levels of authority to release information administratively, so that applications made for information under the legislation are a last resort.

Recommendation Six

It is recommended that COCGC:

Within twelve months, ensure appropriate training is available to all staff on dealing effectively with people seeking information from COCGC, either administratively or through a legislative application, and on information privacy obligations.

OIC reviewed COCGC's intranet to assess promotion of any current training on offer, or a training calendar.

This review of the agency's intranet site was only able to locate a Capability Framework for Library Services, which contained training references to RTI and IP relating to the induction of library staff.

OIC considers that the RTI and IP intranet pages could be used to promote any in-house training provided by the RTI & IP Unit to business units, or general awareness training provided to all staff. This recommendation is connected to Recommendations Six and Fourteen.

Recommendation Seven

It is recommended that COCGC:

Within six months, improve the use of COCGC's intranet to promote staff training in right to information and information privacy.

Records were provided to OIC of specialist training attended by the staff working within the RTI & IP Unit, listing eight specialist RTI /IP courses attended by the RTI and IP Decision Maker between 2008 and 2013, and five specialist RTI /IP courses attended by the RTI/IP Officer between 2009 and 2013. OIC considered this to be a good level of training provided to the RTI & IP Unit staff.

6 Accountability requirements

Background

As the level of agency maturity in RTI and IP increases across all sectors of government, OIC expects that agencies will increasingly be monitoring themselves in terms of their openness and responsiveness to the community. This will be evidenced by a proactive use of complaints systems and performance measurement mechanisms to monitor the effectiveness and efficiency of RTI and IP operations.

This review focused on the extent to which COCGC had established systems to identify improvement opportunities within RTI and IP operations.

Key Findings

The review found that COCGC had:

- a good general approach to complaint handling, and a complaint handling procedure when information in the publication scheme is not available, as required by the Ministerial Guidelines; and
- drafted a good general approach to measuring the performance of COCGC in right to information and information privacy.

6.1 Making a complaint

OIC noted COCGC had a visible, easily-accessed policy and procedure for making general complaints, and a specific complaint handling procedure for making complaints if information in the publication scheme was not available, as required by the Ministerial Guidelines.

6.2 Performance measures

In these reviews, OIC examines whether or not agencies are reviewing their own progress in implementing RTI and IP. Evidence of this would be in the establishment of a review program, or the inclusion of performance measures in strategic and operational plans.

Implementation of performance measurement can follow on from other initiatives in a straightforward way.

It has already been noted in this report that COCGC has included RTI or IP projects in the draft ICT Strategic Plan. The progress of these projects, individually and collectively, would be an appropriate performance measure of the progress of RTI and IP in COCGC.

Key performance indicators and measures in business plans are also a useful way of identifying improvement opportunities in agency processes and additional training needs, for example, for RTI decision-makers and operational staff. Targets measuring the number of times decisions are varied on internal or external review may indicate training needs or processing inconsistencies.

In response to OIC's request for any documentation of systems for monitoring or reporting on the performance of the RTI/IP functions, COCGC referred OIC to the proposed establishment of a Risk, Security and Compliance meeting, with explicit responsibility for RTI and IP, which would include:

- risk assessment
- compliance
- policy standards, guidelines and procedures
- review of performance measures; and
- monitoring policy performance measures.

If implemented, this would be a good approach to performance measurement.

Recommendation Eight

It is recommended that COCGC:

Within twelve months, ensure that strategic and operational performance measures are in place and monitored to inform COCGC about the effectiveness and efficiency of right to information and information privacy practices and processes.

7 Maximum disclosure

Background

Agencies hold a wealth of information – a key commodity in the digital economy. As a commodity, information needs to be managed in the same way other assets are managed. Agencies should be aware of the information they hold, ensuring that the information is put to good use, and looking for ways to increase the information's value. Information must be routinely and proactively disclosed and information collected at public expense must be made publicly available wherever practicable.³⁸

OIC focusses on two strategies that agencies can adopt to routinely and proactively disclose information to the public: fast-tracking the provision of information by providing it administratively and leveraging digital services.

The RTI Act requires agencies to provide information administratively so that people only apply for information under the legislation as a last resort. Administrative access arrangements are one strategy for ensuring information is readily available. For these arrangements to be successful, they must be visible to the community.

Australians are increasingly using the internet to obtain information and services. Online service provision is convenient, effective and can reduce transaction time and cost. OIC reviews Queensland government agencies' online information and service delivery in order to identify and recognise agencies which use the internet effectively to provide information, and to encourage other agencies to do the same.

This review examines the extent to which these types of activities have been occurring.

Key Findings

The review found that COCGC:

- was well-focussed on making information available through administrative access arrangements; and
- had commenced, but not yet finished, assigning a security classification to each information holding.

³⁸ Described in Queensland Government Enterprise Architecture Foundation Principles, Section 2.2, page 2, viewed at <http://www.qgcio.qld.gov.au/products/qgea-documents/547-business/2500-foundation-principles> on 10 February 2016.

COCGC is currently using a range of active publication, administrative release and application driven processes for pushing information into the public domain. A wide range of information has been made available by COCGC through the publication scheme, disclosure log, administrative access schemes and agency website.

7.1 Administrative access

The RTI Act provides for information to be accessed other than by an application made under the Act, including administrative arrangements, which may be made available commercially.³⁹ These arrangements can be quicker and more efficient than a requirement to make an application under the legislation, and their use can reduce red tape and promote administrative release of information.

COCGC prominently promoted several administrative access arrangements on the Right to Information webpage:⁴⁰

- Property search – search parcels of rateable land ⁴¹
- PD online – online enquiries about properties and online development application tracking ⁴²
- City maps – find city facilities, for example waste and recycling centres, parks and dog exercise areas; and ⁴³
- City Libraries Catalogue – search for publications produced by COCGC, historical maps and photos and technical reports about Gold Coast places and topics. ⁴⁴

COCGC supported these administrative access arrangements with a comprehensive and useful policy on Right to Information and Information Provision.⁴⁵ This policy supported provision of as much information as possible and, where appropriate, administratively, and assisted information asset custodians to consider administrative access applications.

³⁹ Section 19 RTI Act, and sections 47 and 53 RTI Act which allow an agency to refuse access to a document requested in an RTI Act application if it is available by an administrative access arrangement, whether or not the access is subject to a fee or charge.

⁴⁰ Viewed at <http://www.goldcoast.qld.gov.au/council/right-to-information-477.html> on 16 April 2015.

⁴¹ Viewed at <http://www.goldcoast.qld.gov.au/planning-and-building/property-search-requests-additional-information-3768.html> on 16 April 2015.

⁴² Viewed at <http://pdonline.goldcoast.qld.gov.au/masterview/modules/common/default.aspx?page=search> on 16 April 2015.

⁴³ Viewed at <http://www.goldcoast.qld.gov.au/city-maps-23756.html> on 16 April 2015.

⁴⁴ Viewed at <http://catalogue.goldcoast.qld.gov.au/iii/encore/?lang=eng> on 10 February 2016.

⁴⁵ *Right to Information and Information Provision Policy* IM634/305/04(P1), [Page 3], January 2015, provided in hard copy, viewable at <http://www.goldcoast.qld.gov.au/right-to-information-and-information-provision-policy-4991.html> and reviewed 7 May 2015.

This policy stated:

When assessing an administrative access application, the objective is to maximise the flow of routine administrative information to the general public, while guarding against the inappropriate disclosure of sensitive information. The administrative release of information is to be in accordance with open and transparent governance and reduces the need for a formal RTI access application. Appendix C: Information Provision Checklist, provides criteria for enabling a custodian to determine if it is appropriate to release a requested document.

The Information Provision Checklist provided in Appendix C of the policy described a four-step process, and provided a detailed checklist for each of the four steps:

- check whether or not the information requested is exempt from an administrative access process, in which case suggest the applicant consider an application under the RTI Act
- check whether or not personal information is included in the request, in which case remove the information or obtain consent of the relevant person to provide the information
- assess whether or not public interest factors might favour non-disclosure, in which case suggest the applicant consider an application under the RTI Act; and
- once all issues are addressed, prepare the information for administrative release.

This policy provided an excellent statement of commitment to the release of information and guidance to COCGC staff to ensure that information was released appropriately.

OIC also noted the proposals to transform information and communications technology (ICT), which included administrative access arrangements:

Customers will be able to login to a secure portal, make requests/applications, track the status of their requests/applications and update their own details. This capability will also be extended to Councillors so that they can enquire on the status of customer requests quickly and simply.

Improved development application, licence application and service request tracking for developers, customers, staff and Councillors.

Real time notifications to customers for alerts such as:

- *Incidents based on their address such as water outages, road closures, disaster events (e.g. flooding).*
- *Warnings where water usage seems excessive compared with normal usage patterns (therefore reducing requests and costs of water leakage relief).⁴⁶*

This was a strong level of focus on finding ways to make information available administratively to the greatest extent possible and appropriate.

7.2 Identification of data for publication

In these reviews, OIC considers whether or not each agency has a systematic approach to identifying information holdings and classifying each information holding or dataset as to its level of confidentiality. This procedure, if followed, gives an agency a list of information holdings classified as suitable for public release. The agency can then address the release of these information holdings in a methodical and thorough way, and be assured that the maximum amount of information classified as 'Public' has been made available to the community in the most straightforward and economical way possible.

OIC noted COCGC's report of increased publication of 'open data sets'. In 2013-14, COCGC published an additional 18 data sets, increasing the number of data sets available to the community from 26 to 44 published data sets.⁴⁷

OIC noted that COCGC has published its Information Asset Register online through an Australian Government data portal.⁴⁸ Datasets listed in the published extract of the Information Asset Register were given a security classification, to enable ready identification of data that could be published. This was consistent with COCGC's *Information Management and Information Privacy Policy*,⁴⁹ which provided principles for metadata implementation, management of metadata and participation in whole-of-government initiatives.

⁴⁶ *Business Case, ICT Service Transformation Program, Organisational Services, 49122222, V1.2, 13 October 2015, Pages 7 and 8 of 41, provided to OIC review by email 30 October 2015.*

⁴⁷ COCGC Annual Report 2013-14, [page 62], viewed at <http://www.goldcoast.qld.gov.au/flipbook/annualreport-2013-14/#p=120> on 16 April 2015.

⁴⁸ Viewed at <https://data.gov.au/dataset/information-asset-register/resource/803bd551-8ee9-48d1-82d8-e9761ae4523c> on 11 November 2015.

⁴⁹ *Information Management and Information Privacy Policy*, reference IM634/171/07(P1), effective January 2015 to 2016, viewed at <http://www.goldcoast.qld.gov.au/information-management-and-information-privacy-policy-5001.html> on 11 November 2015.

These principles stated:

*To facilitate seamless management of, access to, and interoperability of, government information assets and services, custodians must ensure consistent description and classification of information through the implementation of metadata schemes.*⁵⁰

OIC reviewed the published extract of the Information Asset Register. Of the 355 information holdings listed, 75% were unclassified.⁵¹

OIC examined whether or not information holdings classified as 'public' in the Information Asset Register were available on-line and could not locate all of these information holdings on-line.

COGC is encouraged to review all information holdings listed in the Information Asset Register to ensure that they have been classified appropriately, and if classified as 'Public', to ensure that the information holdings are published on-line where practicable.

Recommendation Nine

It is recommended that COGC:

Within twelve months give each information holding listed in the Information Asset Register a classification and publish 'Public' information holdings on-line where practicable.

⁵⁰ *Information Management and Information Privacy Policy, Attachment E – METADATA STANDARD*

⁵¹ Information holdings listed in the on-line extract of the Information Asset Register were classified as 'In-Confidence' (48), 'Public' (26), 'Protected' (12), 'Highly Protected'(1) or 'Unclassified' (268).

8 Compliance

Background

The RTI and IP Acts set out detailed requirements for making information available to people, using legislative strategies such as publication schemes and disclosure logs, and in response to applications for information under the legislative processes.

Key Findings

The review found:

- the publication scheme was generally operated in accordance with legislative requirements
- more use could be made of the disclosure log to proactively publish information, build a positive community perception of COCGC's openness and transparency and ensure that applications are made under the legislation as a last resort
- the application files evidenced a positive intention and concerted efforts by the RTI & IP Unit to release information in accordance with the principle of the right to information, however, there was an uneven application of the requirements of the legislation, resulting in non-compliance, and creating inefficiency and unmanaged risk for COCGC; and
- COCGC had generally addressed the Information Privacy Principles assessed in this audit in its management of personal information, including camera surveillance footage, with a minor opportunity to improve information to the community about the collection of personal information in email correspondence.

8.1 Publication scheme

The publication scheme is integral to releasing information proactively without the need to make a formal application under a legislative authority such as the RTI Act or IP Act. A publication scheme is a structured list of an agency's information that is routinely available to the public, free of charge wherever possible. Section 21 of the RTI Act requires that all agencies⁵² must publish a publication scheme which sets out the seven classes of

⁵² Other than entities specifically excluded by the legislation, or who have made other legislatively compliant arrangements.

information that the agency has available and the terms and charges by which it will make that information available. Section 21(3) of the RTI Act provides that an agency must ensure that its publication scheme complies with guidelines as published by the Minister. Publication schemes are audited by OIC using a desktop audit process, which examines the publication scheme on an agency's website from the perspective of a member of the public seeking information. The desktop audit checks that the publicly visible aspects of the publication scheme comply with the legislation and Ministerial Guidelines.

OIC noted COCGC's policy on *Right to Information and Information Provision*⁵³ contained policy statements about the operation of COCGC's Publication Scheme including providing a useful definition of 'significant information'. The policy also stated that documents should be accessible directly from the Publication Scheme.

COCGC provided OIC with a description of the policy development process, which included consideration of publication of new or amended policies to the Publication Scheme (in the Feasibility Review and Policy Development Stage) and once a new or amended policy was approved, referral for publication to the Publication Scheme (in the Delivery Phase).⁵⁴ OIC considered this to be a positive strategy for ensuring significant and appropriate policies were published to the publication scheme.

In August 2015, OIC conducted a desktop audit of COCGC's publication scheme and found that it was compliant with the requirements of the legislation and Ministerial Guidelines. The publication scheme was easy to locate and access. The information classes within the publication scheme were information rich with all classes assessed as compliant. Overall, three of the seven information classes were assessed as 'well managed' and four as 'compliant'. Information reviewed appeared current and all links tested were in working order. OIC also noted that the publication scheme incorporated legislatively required statements about terms and potential charges, and advice on providing feedback about the publication scheme, including compliments and complaints.

OIC examined the procedures for maintaining the publication scheme by seeking to review any written procedures and by interviewing staff.

⁵³ *Right to Information and Information Provision Policy* IM634/305/04(P1), [Page 2], January 2015, provided in hard copy, viewable at <http://www.goldcoast.qld.gov.au/right-to-information-and-information-provision-policy-4991.html> and reviewed 7 May 2015.

⁵⁴ *'How To' Guide: Value Management Process – Corporate Policies*, Corporate Activity Framework, #37737867, April 2014.

OIC was advised that maintenance of the publication scheme was currently done when the responsible business unit worked across all units to promote publication of information. COCGC described this process as 'ad hoc', and stated that a strategy was being developed to improve ongoing maintenance of the publication scheme. OIC encourages the finalisation and implementation of this strategy.

Recommendation Ten

It is recommended that COCGC:

Within six months, implement a procedure to ensure active input from all business units within COCGC in keeping the publication scheme accurate, maintained and updated by the inclusion of any significant and appropriate information.

8.2 Disclosure log

A disclosure log is a web page or a part of a website which publishes a list of documents that an agency has already released under the RTI Act. The rationale for disclosure logs is that if one person has expressed an interest in documents containing information other than their own personal information, then those same documents might be of interest to others. Section 78A of the RTI Act provides the legislative requirements with which local governments must comply when maintaining a disclosure log. Agencies must ensure that the disclosure log complies with the guidelines published by the Minister (section 78B(1) of the RTI Act). OIC audits disclosure logs by a desktop audit process, as well as in the course of reviews such as this one. The desktop audit examines the disclosure log from the perspective of a member of the public, and checks that the publicly visible aspects of the disclosure log comply with the legislation and Ministerial Guidelines.

OIC noted COCGC's policy on *Right to Information and Information Provision*⁵⁵ contained policy statements about the operation of COCGC's disclosure log.

COCGC's disclosure log was reviewed in August 2015, both through a review of the website and in the course of reviewing files created by COCGC to handle applications for information made under the RTI Act or IP Act .

⁵⁵ *Right to Information and Information Provision Policy* IM634/305/04(P1), [Page 3], January 2015, provided in hard copy, viewable at <http://www.goldcoast.qld.gov.au/right-to-information-and-information-provision-policy-4991.html> and reviewed 7 May 2015.

OIC noted that COCGC's disclosure log webpage was readily identifiable and accessible from COCGC's website home page.

Overall, OIC considered that the disclosure log was being presented in accordance with prescribed requirements, however concerns were noted with the way it was operated, particularly the number of entries published.

OIC reviewed the extent of publication of documents released under the RTI Act to COCGC's disclosure log and found that as at August 2015, information from only one application was published in COCGC's disclosure log, dated 2012.⁵⁶ COCGC finalised a total of 491 applications⁵⁷ recorded for the last three years of published annual statistics. Publishing only one of those applications would appear to be a very low rate of publication.

The reasons for non-publication to the disclosure log were documented, as required by the legislation. OIC obtained a copy of COCGC's *Record of decision to publish Right to Information Documents to Disclosure Log*,⁵⁸ covering a sample of publication decisions made in 2014 and 2015. Of 127 applications listed, the publication decision was that none of the information in the 127 application files would be published.

This under-use of the disclosure log appears to be a missed opportunity for provision of administrative access to information, consistent with proactive disclosure under the RTI Act and the requirement that the legislative application process should be a last resort.

For example, the community consultation conducted as part of this compliance review identified comments received from multiple members of at least two community advocacy groups. These lobby groups had made multiple applications or requests for information, and compared the results of their requests. Where people obtained different information, they formed a negative perception of COCGC's openness and transparency. There may have been no need for multiple applications for the same information if released information had been published to the disclosure log. Access to documents previously

⁵⁶ A document about maintenance of pathways at Robina, dated 2012, viewable at <http://www.goldcoast.qld.gov.au/council/disclosure-log-14794.html> and viewed by OIC on 20 August 2015.

⁵⁷ 191 RTI Act applications in 2011-12, 173 RTI Act applications in 2012-13, and 127 RTI Act applications in 2013-14, reported in Right to Information Act 2009 and Information Privacy Act 2009 Annual Reports, viewed at <http://www.parliament.qld.gov.au/work-of-assembly/taled-papers/online-taled-papers> on 20 August 2015.

⁵⁸ The document listed decisions for 27 applications in a report dated 26/3/2015, 36 applications in a report dated 26/11/2014, 20 applications in a report dated 18/8/2014, and 11 applications in a report dated 5/5/2014 and 21 applications in a report dated 11/4/2014. All of these reports were acknowledged by the City Solicitor on 27/3/2015. A list was also provided of 12 applications in a report dated 15/7/2014 which was unsigned by the City Solicitor. A total of 127 applications were listed.

released through a disclosure log results in resource cost savings for applicants and agencies.

In a context of active community interest in Council decision-making, using this administrative access arrangement would be an opportunity to demonstrate COCGC's commitment to transparency, provide greater customer service and reduce costs. The disclosure log can be a tool for sharing information openly and building positive community perceptions regarding COCGC's openness and transparency.

COCGC needs to revisit the decision-making procedures for publication to the disclosure log, particularly the criteria for publication to the disclosure log, in order to ensure:

- the disclosure log is operated in accordance with a pro-disclosure bias
- full use is made of the disclosure log as a means of administrative access to information; and
- the recording of decisions not to publish information in the disclosure log is compliant with the Ministerial Guidelines.

Recommendation Eleven

It is recommended that COCGC:

Within three months, review procedures for publication of information to the disclosure log, particularly the criteria for publication to the disclosure log, and ensure the reviewed procedures are documented and the *Record of decision to publish Right to Information Documents to the Disclosure Log* is updated accordingly.

8.3 Application handling

This review assessed a representative sample of 24 RTI and IP access and amendment application files⁵⁹ for compliance with Chapter 3 of the RTI and IP Acts. The focus of this review was on the general practices and systems adopted by COCGC to process applications for information.

This section discusses:

- the active management of applications, including communication with the applicant and other sections within COCGC; and
- procedural compliance with the requirements of the legislation for application handling.

8.3.1 Active management – communication

Regular contact with the applicant during the legislative process can promote the objectives of the RTI and IP Acts. Although not a specific requirement of the legislation, regular contact with the applicant during the application process maintains agency/client relationships and provides good outcomes for both the applicant and agency. This is distinct from the procedural handling of the application, which is discussed in the next section of this report.

A profile of the communication practices adopted by COCGC was developed after reviewing 24 application files. This profile is summarised below.

⁵⁹ There was one IP Act amendment application file available for review.

Quick Facts – Council of the City of Gold Coast

Average number of times the RTI and IP Unit contacted the applicant	4.3 times per application
Average time between contacts with the applicant	5.5 business days
Average total duration of applications, from receipt of application to decision (including time required to make an application valid, time taken for third party consultations and extensions) ⁶⁰	29.1 business days
Percentage of contact with applicant made by email or phone for application processing activities (excluding application receipt acknowledgment notification and formal decision notification)	65% of any contacts that were made for application processing were made by email or telephone

The COCGC profile was compared with that of another agency⁶¹ that has set a benchmark for good practice in communicating with applicants. The benchmark agency had contact with applicants on average 4.8 times per application, which was slightly more frequent than COCGC.

Once a compliant application was received, the RTI & IP Unit's communication with the applicant during the processing of applications was done primarily by email and telephone (65% of contacts). The benchmark agency made more use of email and phone for application processing contacts (85%) than COCGC, but COCGC's use of email and phone was comparable and only slightly lower than other agencies in general.

Email and phone communication allow for two-way exchange of information, promote understanding of the application handling process, assist in the resolution of issues and promote clarity as to the information requested and the best way to respond to the information request. The file review found that COCGC made good use of informal, two-way communication methods with applicants in application handling.

⁶⁰ Time taken to make an application compliant is not taken into account as part of the statutory processing time of 25 business days.

⁶¹ As reported in an OIC report - *Compliance Review – Department of Transport and Main Roads: Review of the Department of Transport and Main Roads' compliance with the Right to Information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld)*.
Viewable at http://www.oic.qld.gov.au/_data/assets/pdf_file/0007/7657/Compliance-Review-Department-of-Transport-and-Main-Roads.pdf.

The primary contacts were made by email (49 contacts, 39% of contacts), phone (32 contacts, 26%) and letter (29 contacts, 23%), as depicted in Figure 1.

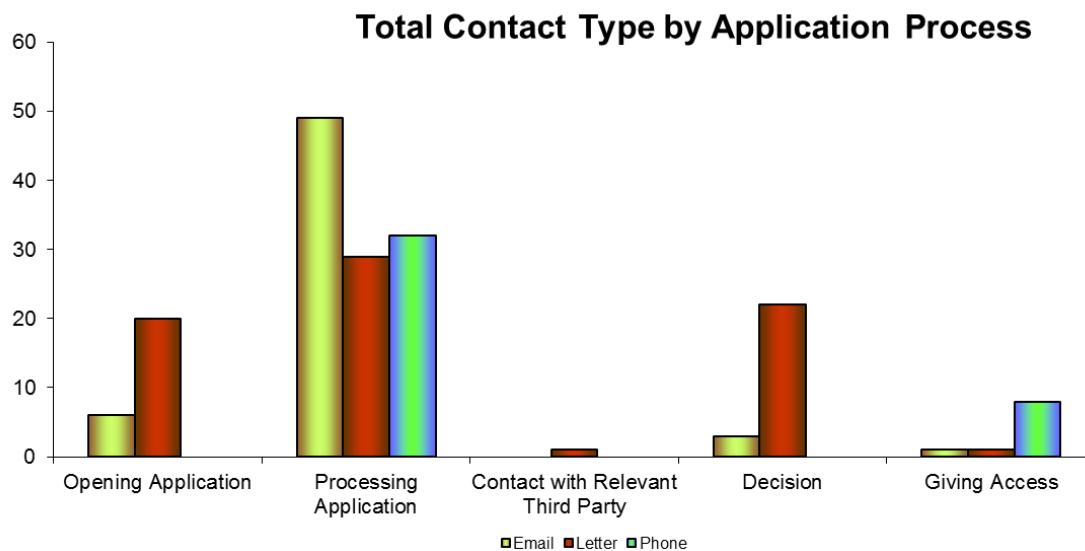


Figure 1 Types of communication with the applicant.

The average duration of applications for COCGC was 29.1 business days, which was longer than the benchmark agency (23.6 business days), and generally longer than other agencies reviewed by OIC.

OIC noted that COCGC requested an extension of time for processing applications as a matter of course, issuing a form requesting an extension of time of 10 business days with the letter acknowledging receipt of the application for 18 of the 24 applications (75%) reviewed.

OIC also looked at third party contacts made by COCGC compared to third party contacts made by other agencies reviewed by OIC. COCGC had made at least one third party contact on 4 of the 24 files reviewed (17%). This was within the range for other agencies in terms of the proportion of reviewed files involving contacts with third parties (13% to 35%). However, COCGC had a much lower proportion of third party contacts per file (2.3 third party contacts per file involving a third party contact) compared to other agencies (ranging from 6.7 to 10.1 third party contacts on average on files involving third party contact). In other words, when compared to other agencies, COCGC appeared to have identified third party contact as an issue in a comparable number of files, but did not engage in the same amount of two-way consultation as other agencies.

These findings suggest that COCGC adopted appropriately informal communication when dealing with applicants about application processing issues, but did not structure application handling practices to ensure efficient and thorough application processing.

These issues are discussed in more detail in the next section, and recommendations made accordingly.

8.3.2 Background – procedural compliance

As a last resort, if people cannot obtain government-held information from openly published information sources or administrative access schemes, they have a right to be given access to the information using a formal application process under the RTI Act or the IP Act, unless it would be contrary to the public interest to give the access.

Weighing up an individual's right to information against the public interest in non-disclosure requires careful consideration. Agency decision-makers are required to balance the competing public interest factors in the light of both the legislation and the business of the agency.⁶² These decision-makers have a key role in ensuring that the decision is made in accordance with both the intentions and the requirements of the legislation.

The business units handling the applications need to make sure that the processes for locating and considering the information run smoothly, and in accordance with the legislation. The application handling process also affords an opportunity for decision-makers to provide leadership and support to other business units within their agency in understanding and complying with legislative requirements.

In this context, this review considered both compliance with specific legislative requirements, and the more general level of compliance with the push towards openness and release of information as it may be seen in application handling. This review did not review the quality or adequacy of decisions made about access and amendment to documents in the random sample of application files similar to an assessment that would be conducted on external review.

⁶² If the information requested is exempt information then the decision-maker is not required to apply the public interest test.

This review examined the end to end process for handling RTI and IP applications within the work unit responsible. This review considered the management of applications overall, and specifically, a representative sample of 24 RTI and IP access application files made under the legislative process for compliance with Chapter 3 of the RTI and IP Acts.

OIC focussed on the agency's application of the legislative requirements for:

- prescribed time periods for notifying applicants about how an application does not comply with the legislation and steps taken in allowing the applicant a reasonable opportunity to make an application in a form complying with all relevant requirements of the Acts
- requests for longer processing periods (extensions), in particular where an applicant has agreed to the request and the request was made prior to a deemed decision being taken to have been made
- Charges estimate notices (**CEN**) and schedules of relevant documents and in particular, the issuing of a CEN or schedule of relevant documents prior to the end of the processing period, and prescribed requirements of a CEN or schedule of relevant documents
- taking reasonable steps to obtain the views of third parties, informing third parties that documents released in response to an RTI Act application may also be published, for example, in a disclosure log and provision of a prescribed written notice of the decision
- decisions on outcomes of applications:⁶³
 - assessment against delegations for decision-makers; and
 - decision notices, in particular: itemisation of processing charges and fees (where applicable), access periods (the period within which the applicant may access the documents), disclosure log requirements, provisions under which access is refused (where applicable), review periods and processes for making an application for review, reasons for decision, date it was made and designation of the decision-maker

⁶³ Please note that the review did not assess the quality or appropriateness of the decision itself, as this is subject to the internal and external review mechanisms.

- giving access to applicants, and in particular, providing applicants with access to documents in the form requested
- amendments to an applicant's personal information; and
- refusing to deal with an application for information.

The application file review found that the application files evidenced a positive intention and concerted efforts by the RTI & IP Unit to release information in accordance with the principle of the right to information. This observation was consistent with OIC's dealings with the RTI & IP Unit in the course of conducting external reviews.

However, the review of application files also identified an uneven application of the requirements of the legislation, resulting in non-compliance, and creating inefficiency and unmanaged risk for COCGC.

The review suggested a need for:

1. Comprehensive review and documentation of policies, procedures, business systems and practices to clarify the RTI & IP Unit's role and processes and ensure these were legislatively compliant.
2. Training and education.
3. Support for the RTI & IP Unit to enable development/acquisition and implementation of new systems, business tools and processes to facilitate compliance.

8.3.3 Review of policies, procedures and practices

Whilst the RTI & IP Unit's application handling was commendably independent, the unit employed a series of discrete administrative procedures that varied from file to file instead of having policies, procedures and practices which were standardised for compliance with the legislation. OIC considers that this approach potentially exposed COCGC to a range of compliance risks.

For example, the application file review suggested that the RTI & IP Unit assumed responsibility for some important aspects of the information access regime, which would more appropriately be shared with relevant business units. In particular, the RTI & IP Unit generally assumed responsibility for locating relevant documents, without involving business units in identifying which documents were relevant. The effect of this was that, although many applications were straightforward and the RTI & IP Unit were diligent and

effective in locating documents, COCGC could not be assured that all documents and information relevant to an application were identified or provided.

At interview, COCGC's management advised that the RTI & IP Unit were required to personally undertake searches for documents, as they had corporate memory and expertise in legacy systems enabling location of otherwise unlocatable documents. The priority that COCGC gave to location of information was further evidence of COCGC's commitment in principle to transparency and openness. OIC agrees with this approach in order to identify information contained in legacy systems.

OIC considers, though, that reliance solely on this approach gives rise to compliance risks. This is because business units often have first-hand knowledge of the range of documents that respond to the terms of an information request as well as contextual information which it may be important for the decision-maker to be aware of. A business unit might hold information that had not been captured in their agency's records systems, for example, on an individual employee's smart phone, tablet or in their email inbox.

Sending a standardised search request (a common practice across many agencies) would allow the RTI & IP unit to oversee and manage a document search process which included both the RTI & IP Unit undertaking direct searches and other business units searching for information as a matter of course. Importantly, the specialist staff of the RTI & IP Unit should be encouraged to focus their efforts on other aspects of application processing in addition to searching for documents, such as third party consultation.

OIC observed a range of non-compliances and/or issues of concern in the application file review. The non-compliances/issues observed included:

- difficulties encountered by the RTI & IP Unit in determining the date on which an application was received by COCGC (in five instances), which was time-consuming and made it difficult on occasion for the unit to determine the proper time-frame for processing the application
- requesting additional processing time as a general practice (twenty files), even when the additional time was not required (seven files) or the applicant had specifically requested that information be provided as quickly as possible
- paraphrasing or re-wording an applicant's request when seeking information from business units instead of sending the request verbatim, where it was important and

- practical to send the actual request received to ensure searches captured all relevant documents (risking relevant documents not being identified) (three files)
- not obtaining comments from other business units that might have assisted the decision-making process by providing context or comments about the information not apparent on the face of the documents
 - through the wording of template documentation, discouraging applicants from negotiating the scope of the application, as required by the legislation to assist applicants to manage the cost of the application
 - (in three instances), applications being processed even though the application had not been made valid, resulting in a decision which would not have been reviewable
 - technical errors, for example, levying charges incorrectly (in one instance)
 - processing the application under the wrong Act (in two instances)
 - not providing information required by the legislation in decision notices, for example, information about possible publication to the disclosure log
 - not publishing information to the disclosure log, in circumstances where the information had already been shared by other parties external to COCGC, and where COCGC might have avoided negative inferences about non-publication by taking the initiative to publish the information
 - privacy risks arising from re-use of paper on application processing files on 23 out of 24 files reviewed; and
 - whilst other business units generally supported the provision of information as requested, there were isolated instances identified where right to information and information privacy application handling processes could have been better supported by other business units within COCGC, an issue that might be addressed by better general staff awareness of their responsibilities.

Many of these non-compliant or inefficient practices would be addressed by providing support to the RTI & IP Unit in the form of a package of standardised procedures, systems and tools, designed for legislative compliance and to advance the overall aims of right to information and privacy.

Given the RTI & IP Unit's evident commitment to the principle of right to information and the general responsiveness of Council's business units, OIC considers investing in a comprehensive review of processes and procedures and developing a clearly articulated policy and procedures manual to standardise processes would be an effective strategy to address the compliance risks identified. It would also support key personnel to be an effective resource for other Council units, managers and staff in discharging their obligations under the legislation, and would be an integral resource for potential new staff transitioning into the business unit. This strategy has the potential to position COCGC as a model of good practice for other agencies in this sector.

COCGC was advised of the issues raised above and given the opportunity to respond. COCGC's response (provided at Appendix 4) generally noted the findings and stated a Case Management System would be procured to address the procedural and practice issues raised.

8.3.4 Training and Education

The application files evidenced various misunderstandings throughout about the operation of the RTI and IP Acts, across a spectrum from relatively minor non-compliances to more serious concerns, for example, involving significant consequences for third parties. This currently represents an area of exposure to risk for Council. If a new system for application handling was developed, training would be required, both technical training for RTI & IP Unit staff and awareness training for all staff in COCGC regarding the revised roles, responsibilities and procedures.

The need for general awareness training for all staff has already been discussed in Section 5.5.

Technical training for the RTI & IP Unit staff and other decision-makers should be provided as part of a program of professional development to ensure professional skills are continuously improved and kept up-to-date.

COCGC agreed to investigate training options, including online training provided by OIC, and advised that the training would be administered in an ongoing way.

8.3.5 Support

As noted above, the RTI & IP Unit would benefit from enhanced policies, procedures and business systems to support legislatively compliant and efficient handling of applications.

Most critically:

- a case management system would support legislative compliance and good practices in dealing with RTI and IP application and amendment applications, for example, an electronic case management system to manage the key milestones in the application handling process, such as receipt of applications, extension requests, third party consultation, charges estimates and decision notices; and
- a comprehensive suite of template documents that would support consistent and legislatively compliant identification, processing and decision-making about information requests, particularly:
 - standardised business unit search requests to ensure sufficient searches are undertaken and provision of relevant information for the decision-maker's consideration; and
 - template documents to support efficient handling of applications at key milestones, including decision notices.

These issues were raised with COCGC at interview and in an Issues Paper. COCGC agreed to establish a project to review application handling, and implement a suite of policies, procedures and business systems to address the issues raised, including procurement of a Case Management System, a business process review and preparation of template documentation.

Recommendation Twelve

It is recommended that COCGC:

Within eighteen months, restructure application handling policies, procedures, business systems and practices, including through implementation of a case management system and template documents, to support legislatively compliant application handling.

Recommendation Thirteen

It is recommended that COCGC:

Within six months, implement a program of ongoing professional development for RTI and IP decision-makers to ensure decision-makers are fully aware of the operation of the new application handling policies, procedures, business systems and practices, and that specialist skills will be maintained as a matter of continuous improvement.

8.4 Privacy principles

The primary objectives of the IP Act are to provide a right of access to and amendment of personal information in the government's possession or under its control and to provide safeguards for the collection and handling of an individual's personal information within the public sector.⁶⁴ The Information Privacy Principles (**IPPs**) contained within the IP Act govern how public sector agencies collect, store and use personal information in their possession or under their control. Under section 27(1) of the IP Act, COCGC must comply with the IPPs. This review has focussed on COCGC's general adoption of IPP2 *Collection of personal information (requested from individual)* and IPP5 *Providing information about documents containing personal information*, and has selected the adoption of the privacy principles in the management of camera surveillance as the focus for review of personal information handling practices.

8.4.1 Collection of personal information

The collection of personal information is a fundamental area of privacy regulation. Whenever COCGC obtains personal information, either through an email to an agency contact email address or by completion of a form, under IPP1, COCGC must only collect personal information for a lawful purpose directly related to fulfilling the function or activity of the agency. Under IPP2, COCGC must take all reasonable steps to advise the individual of:

- the purpose of the collection
- any law that might authorise or require the collection; and
- anyone who would usually receive the information in turn, if it is the agency's practice.

Collection notices⁶⁵ promote transparency as they provide the individual with reassurance that COCGC will only use their personal information for the delivery of COCGC services.

A review of 10 forms and five email links available from the COCGC website was performed to determine whether COCGC was meeting its obligations under IPP2. The

⁶⁴ Sections 3(1)(a) and (b) of IP Act.

⁶⁵ The term 'collection notice' is not used in the IP Act. It is a term used by OIC to denote information provided to an individual by an agency in meeting their obligations under IPP2.

review found that forms collecting personal information provided appropriate advice about the reasons for the collection and the use and disclosure of the information.

None of the sampled email contact addresses were accompanied by an individual collection notice. Notification of the purpose of collection and the use of the information collected when a person accesses the website was provided by a Privacy Statement accessible from the global footer of COCGC's webpages. This did not specifically address collection of personal information via email correspondence.

In order that they achieve broad application, the wording of general collection notices often lacks the necessary specific detail to ensure compliance with all the requirements of IPP2.

Where the purpose of collection of personal information via email is -

- not immediately clear
- authorised or required by law; or
- when it is the usual practice of the agency is to disclose the personal information to another entity,

- then an individual collection notice for that email contact is appropriate under IPP2.

COCGC is encouraged to consider reviewing its privacy statement to incorporate mention of email correspondence, and to review all of its email contact addresses to determine whether an individual personal information collection notice is necessary in order to comply with the requirements of IPP2.

Recommendation Fourteen

It is recommended that City of Gold Coast:

Within twelve months, review the privacy statement and email address links to ensure email correspondents are informed about the collection of personal information in accordance with Information Privacy Principle 2.

8.4.2 The published list of personal information held by COCGC

Under IPP5, an agency having control of documents containing personal information must take reasonable steps to ensure that an individual can find out about the types of personal

information it holds, the purposes for which the information is used, and how an individual can access the document containing their personal information.

A desktop review conducted in September 2015 identified that COCGC had a *Personal Information Holdings*⁶⁶ document published on its website. This disclosed details of COCGC's personal information holdings in accordance with IPP5.

8.4.3 Personal Information Handling Practice – Camera Surveillance

As at mid-2015, COCGC operated 537 fixed cameras⁶⁷ across a range of public sites and Council-owned sites, for the primary purposes of supporting public safety, and supporting investigative processes related to criminal matters or employee misconduct. COCGC advised that the requirement for camera deployment, the purposes to which it was intended to be put and the potential installation locations were determined through COCGC's research and in response to criteria applied by State government funding programs.

The camera surveillance management system was located within the Safety-Control Room at COCGC, and a Traffic Management Centre shared with the Department of Transport and Main Roads. Footage that was captured was stored to systems in the COCGC and the Traffic Management Centre. Footage was both recorded and monitored live.

Compliance with the IPPs was built into policies and procedures used by COCGC to manage footage.⁶⁸ In particular, the *Information Management and Information Privacy Policy*,⁶⁹ described the application of the IPPs to camera surveillance.

The Traffic Management Centre operators used the Department of Transport and Main Roads' policies and procedures.

Collection

Under IPP1, IPP2 and IPP3, a council is required to ensure privacy considerations are taken into account when collecting personal information.

⁶⁶ Personal Information Holdings document at <http://www.goldcoast.qld.gov.au/personal-information-holdings-23593.html> viewed on 4 January 2015.

⁶⁷ Based on advice provided to OIC in response to a survey of all agencies conducted in 2015. This was reported separately to Parliament in Report No. 1 of 2015-16: *Camera surveillance and privacy – follow-up review, Review of agency adoption of recommendations made under the Information Privacy Act 2009 (Qld)*.

⁶⁸ But not outsourcing, Chapter 2 Part 4 of the IP Act.

⁶⁹ Accessible from a link at <http://www.goldcoast.qld.gov.au/information-management-and-information-privacy-policy-5001.html>, viewed 2 February 2016. Attachment F – INFORMATION PRIVACY STANDARD was particularly relevant.

In particular, IPP2 requires a Council to take all reasonable steps to ensure that an individual who is being asked for personal information is made aware of certain information:⁷⁰

- the purpose of the collection
- if the collection of the personal information is authorised or required under a law, the fact that it is authorised or required under a law, and the law authorising or requiring the collection
- if it is the Council's usual practice to disclose personal information of the type collected to any entity, the identity of the entity; and
- if the Council is aware that it is the usual practice of the first entity to pass on information of the type collected to a second entity, the identity of the second entity.

For camera surveillance systems these requirements are usually met by placing a sign in the vicinity of the camera or otherwise publishing information about the camera surveillance program. COCGC advised that signs of this nature were placed by notices in the immediate vicinity of each camera and in the general area where cameras were used.

COCGC also reported in the 2015 survey⁷¹ that COCGC information was publicly available about cameras, footage, access procedures and other information about the purposes of the system and COCGC's use and disclosure of information.

OIC verified that information about the Safety Camera Network⁷² and Beach Cameras⁷³ was published on COCGC's website. The purpose of both the Safety Camera Network and the Beach Cameras, and the use and disclosure of the footage was described on the relevant webpages.

The *Information Management and Information Privacy Policy*, accessible through COCGC's website,⁷⁴ also commented on the application of IPP2 to camera surveillance

⁷⁰ Advice given to people as required by the IP Act can be called a 'collection notice'.

⁷¹ In December 2015, OIC tabled a report of a follow-up review of the adoption of privacy principles in agency operation of fixed surveillance cameras. A survey was conducted as part of this review, and the survey results for COCGC have been used in this agency compliance review. The report of that review is viewable on OIC's website at <https://www.oic.qld.gov.au/about/our-organisation/key-functions/compliance-and-audit-reports>.

⁷² Viewed at <http://www.goldcoast.qld.gov.au/community/safety-camera-network-6318.html> on 2 February 2016.

⁷³ Viewed at <http://www.goldcoast.qld.gov.au/thegoldcoast/beach-cameras-3237.html> on 2 February 2016.

⁷⁴ Accessible from a link at <http://www.goldcoast.qld.gov.au/information-management-and-information-privacy-policy-5001.html>, viewed 2 February 2016. Section 7.4 of Attachment F – INFORMATION PRIVACY STANDARD, on page 6 of 12, was particularly relevant.

footage. This provided another source of notification about the collection of camera surveillance footage through online advice and information.

Storage and security

IPP4 places an obligation on councils to ensure that if they have control of a document containing personal information, the document is protected against loss, unauthorised access, use, modification or disclosure and any other misuse. If the document must be given to a person in connection with the provision of a service to a council, the council must take all reasonable steps to prevent unauthorised use or disclosure of the information by the person.

In response to the 2015 survey on camera surveillance, COCGC reported having policies governing data security, and a range of data storage and security measures, including authorisation for individual access, password protection, an audit log of access, documented security procedures and physical measures, for example, locked storage facilities. OIC confirmed COCGC's *Information Security Policy* addressed these issues.⁷⁵

The *Information Management and Information Privacy Policy*, accessible through COCGC's website,⁷⁶ also commented on the application of IPP4 to camera surveillance footage.

Providing information about documents containing personal information

IPP5 provides that a Council having control of documents containing personal information must take all reasonable steps to ensure that a person can find out whether the agency has control of any documents containing personal information, the type of personal information contained in the documents, the main purposes for which personal information included in the documents is used and what an individual should do to obtain access to a document containing personal information about the individual.

In the 2015 survey, COCGC advised that they had identified the need to publish a list of fixed camera surveillance footage, but had not yet done so.

In February 2016, OIC viewed a *Personal Information Holdings* document published online,⁷⁷ which mentioned the Safety Camera Network, the types of locations where

⁷⁵ Viewed online at <http://www.goldcoast.qld.gov.au/information-and-communication-technology-ict-security-policy-5088.html> on 9 February 2016.

⁷⁶ Accessible from a link at <http://www.goldcoast.qld.gov.au/information-management-and-information-privacy-policy-5001.html>, viewed 2 February 2016. Section 7.4 of Attachment F – INFORMATION PRIVACY STANDARD, on page 6 of 12, and Section 8, were particularly relevant.

cameras were placed, the length of time that the recorded images were kept before being overwritten (28 days) and that requests could be made to view or access footage.

Information was also published online about Beach Cameras, and other cameras monitoring waste and sewage.

Access and Amendment

IPP6, IPP7 and IPP8 deal with providing access to documents containing personal information, and taking all reasonable steps to ensure that personal information is accurate, including allowing its amendment.

COCGC reported in the 2015 survey having policies covering these IPPs. OIC viewed the *Information Management and Information Privacy Policy*,⁷⁸ accessible from COCGC's website, which covered the application of IPP6, IPP7 and IPP8 to camera surveillance footage. The *Information Management and Information Privacy Policy* also described making an access application under section 43 of the IP Act.

Use and Disclosure

IPP9, IPP10 and IPP11 deal with the use and disclosure of personal information. IPP9 ensures the Council uses only the parts of personal information that are directly relevant to fulfilling the particular purpose for which Council proposed to use the information. IPP10 and IPP11 provide a list of exceptions where Council might use personal information for a secondary use or disclose personal information.

COCGC reported in the 2015 survey having policies covering these IPPs. The *Information Management and Information Privacy Policy*, accessible through COCGC's website,⁷⁹ commented on the application of IPP9, IPP10 and IPP11 to camera surveillance footage.

COCGC advised that 777 requests to view or obtain a copy of camera surveillance footage had been received in the 12 months preceding the survey. The requests were made by a range of people, including individuals seeking footage of themselves, State and Federal agencies requesting footage for criminal investigations and investigations of traffic incidents. The Queensland Police Service commonly requested footage, and provision of this was governed by a Memorandum of Understanding about the circumstances of the

⁷⁷ Viewed at <http://www.goldcoast.qld.gov.au/personal-information-holdings-23593.html> on 2 February 2016.

⁷⁸ Viewed from a link accessible from <http://www.goldcoast.qld.gov.au/information-management-and-information-privacy-policy-5001.html> on 2 February 2016. Section 10 and Section 11 on page 7 of 12 were particularly relevant.

⁷⁹ Accessible from a link at <http://www.goldcoast.qld.gov.au/information-management-and-information-privacy-policy-5001.html>, viewed 2 February 2016. Section 7.4 of Attachment F – INFORMATION PRIVACY STANDARD, on page 6 of 12, and Sections 12, 13 and 14 on pages 7 to 12 were particularly relevant.

release of the footage and the conditions whereby it might be used, for example, that use was limited to law enforcement purposes.

These requests were generally handled through the RTI & IP Unit.

Summary

OIC found that COCGC maintained a large camera surveillance network, governed by written policies and procedures for managing camera surveillance footage that were comprehensive and clear, and whose terms ensured compliance with the requirements of the IPPs.

9 Conclusion

This report detailed the findings of the review of COCGC's implementation of the government's right to information and information privacy obligations.

OIC noted the consistent expression at all levels within COCGC of a culture of openness, transparency and accountability to the community. This was reflected in many good information management practices: in particular, the website was easy to use and information rich. Draft governance structures, policies and practices for information management within COCGC were clear and effective, with projects under way to make further good use of new technologies for information release and re-use. OIC recommends the formal adoption of these draft documents. Interactions and information exchanges with industry and community service organisations were generally positive. COCGC was generally compliant with the requirements of the RTI Act and IP Act.

OIC found improvement opportunities, for example in improving public perceptions of individuals regarding COCGC's openness and transparency and improving the legislative compliance of the application handling process, including publication to the disclosure log.

The review identified opportunities to improve service delivery by:

- ensuring consistency of communication across all sections when dealing with requests for information
- ensuring that public perceptions of the Council were improved through taking every appropriate opportunity to make information available, for example, publishing information to the disclosure log; and
- reviewing the application handling policies, procedures, practices and business systems to ensure legislative compliance, including by implementing case management, providing template documents, and ensuring all staff were appropriately trained.

With this strengthened use of the strategies provided for by the legislation, COCGC would improve its management of right to information and information privacy.

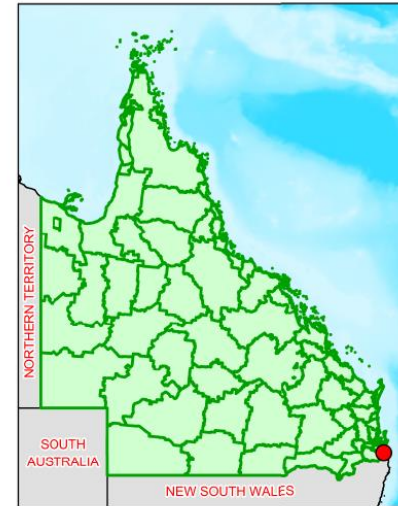
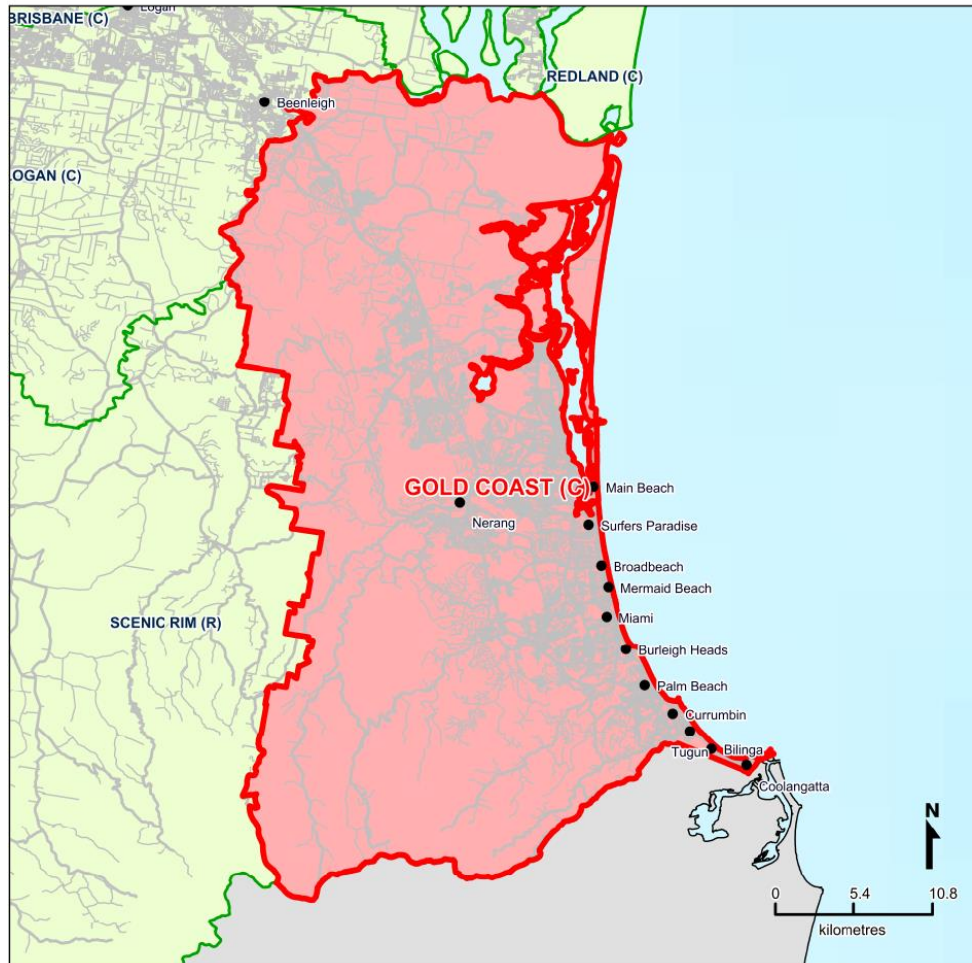
APPENDICES

Appendix 1 – Acronyms

CEN	Charges Estimate Notice
CEO	Chief Executive Officer
COCGC	Council of the City of Gold Coast
FOI	Freedom of Information
ICT Strategic Plan	Draft <i>ICT Strategic Plan 2015-2017</i>
IP	Information Privacy
IP Act	<i>Information Privacy Act 2009 (Qld)</i>
IPP	Information Privacy Principle
OIC	Office of the Information Commissioner
PD Online	Software allowing some property planning and development activities to be done online
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009 (Qld)</i>
RTI & IP Unit	Right to Information and Information Privacy Unit

Appendix 2 – Map of Gold Coast Local Government Area⁸⁰

Queensland Local Government Areas (LGA), 2014 - Gold Coast (C)



Queensland
Government



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Map produced by Queensland Government Statistician's Office, Queensland Treasury and Trade. Data sourced from Queensland Government, Department of Natural Resources and Mines; Queensland Government State Digital Road Network (SDRN)

⁸⁰ Obtained from the Queensland Government Statistician's Office webpage on *Queensland Local Government Areas (LGA), 2014* <http://www.qgso.qld.gov.au/products/maps/qld-lga-2014/index.php> on 16 April 2015.

Appendix 3 – Terms of Reference

Terms of Reference Review of Right to Information and Information Privacy In Council of the City of Gold Coast

1. Objectives of the Review

- 1.1. The objective of the review is to establish whether the Council of the City of Gold Coast is complying with the prescribed requirements of the *Right to Information Act 2009 (RTI Act)* and the *Information Privacy Act 2009 (IP Act)*, to identify areas of good practice, and make recommendations about any improvement opportunities identified by the review.

2. Scope of the Review

- 2.1. The review will cover the Council of the City of Gold Coast's policies and procedures for RTI and IP information handling practices, including:-
 - 2.1.1. The Council of the City of Gold Coast governance (leadership, governance mechanisms, information management including proactive identification and release of information holdings, policies, procedures, delegations and roles and responsibilities of key personnel and training).
 - 2.1.2. Accountability and performance monitoring systems.
 - 2.1.3. Whether or not the Council of the City of Gold Coast is maximising disclosure. The review will include:
 - 2.1.3.1. Review of statistical reporting (including internal reporting and annual reporting under section 185 of the RTI Act).
 - 2.1.3.2. Consultation with community and industry stakeholders as to their information needs and information management issues, and the extent to which those needs are addressed by the Council of the City of Gold Coast.
 - 2.1.3.3. Review of administrative access schemes.
 - 2.1.4. Compliance with legislatively based requirements for:
 - 2.1.4.1. An agency publication scheme (section 21 of the RTI Act).
 - 2.1.4.2. An agency disclosure log (section 78 of the RTI Act).
 - 2.1.4.3. Access and amendment applications (Chapter 3, parts 2-7 of the RTI and IP Acts).
 - 2.1.4.4. Review processes, including internal review of decisions under the legislation (Chapter 3, part 8 of the RTI and IP Acts).
 - 2.1.5. The Council of the City of Gold Coast's personal information handling practices including technologies, programs, policies and procedures to

review privacy related issues of a systemic nature generally, and agency compliance with the privacy principles. This review will also consider the extent to which any camera surveillance systems are operated in accordance with the privacy principles.

3. Suitability Criteria for Assessing Performance

- 3.1. The review is based on an assessment of the performance of the Council of the City of Gold Coast against the requirements of the *Right to Information Act 2009* and the *Information Privacy Act 2009*, and any subordinate guidelines or instruments made pursuant to the legislation.
- 3.2. Where the legislation states that the agency must meet a particular requirement, that requirement is considered to be an auditable element of the legislation. The review tests whether or not the agency has complied with that requirement.
- 3.3. Where the legislation indicates that the agency should adopt a particular approach, the review will make a qualitative assessment of the extent to which the agency has adopted that approach.
- 3.4. These requirements are summarised in the electronic audit / self assessment tool available for preview on the OIC website and previously sent to agencies.

4. Assessment Process

- 4.1. In conducting the review, the Manager, Performance Monitoring and Reporting will work with a review team including Senior Performance, Monitoring & Reporting Officers. The review team will work through the testing program with your nominated staff to ensure that each relevant area of practice has been considered and appropriate evidence gathered to support findings. Appropriate evidence may be gathered through the following processes:
 - 4.1.1. Discussions with relevant staff and management.
 - 4.1.2. Discussions with community and industry stakeholders.
 - 4.1.3. Discussions with, or survey of, applicants.
 - 4.1.4. Observation of RTI and IP handling practices.
 - 4.1.5. Examination of agency website including publication schemes, disclosure logs and arrangements for administrative access.
 - 4.1.6. Review of desktop audit recommendations and agency response.
 - 4.1.7. Examination of agency intranet.
 - 4.1.8. Review of statistical records/reporting.
 - 4.1.9. Review of agency documentation.
 - 4.1.10. Substantive testing of a random sample of application and internal review files.

5. Reporting

- 5.1. The report will outline findings and make recommendations to improve the Council of the City of Gold Coast's compliance with RTI and IP.

Issues identified during the review regarding the Council of the City of Gold Coast's compliance will be raised progressively during the review. If necessary, OIC will provide issues papers to the council for comment before drafting the review report.

The draft review report will incorporate issues identified during the review and any agency comments, and will then be provided formally to the Council of the City of Gold Coast liaison officer for comment on language, accuracy and context.

Comments received will be considered for incorporation into the final report to the Chief Executive Officer, the Council of the City of Gold Coast.

This final report, together with the council's formal response to recommendations, will be submitted to the Queensland Parliamentary Committee to which the OIC reports.

6. Administrative Matters

6.1. Timing

At this stage, it is envisaged that the on-site field work for the review will commence in April 2015 and will be finalised by July 2015. Assuming unforeseen circumstances do not intervene, OIC anticipates providing the draft report to the Council of the City of Gold Coast for comment by September 2015.

6.2. Request for Information

Once the Council of the City of Gold Coast has nominated a liaison officer for this review, further information will be requested in preparation for the on-site visit, as **attached**.

It would be of assistance if such information could be provided to the OIC as soon as possible, and at the latest within 20 business days, for the efficiency of the on-site visit.

6.3. Facilities

It would be greatly appreciated if a work space and access to a computer and photocopying facilities could be made available to the review team for their onsite visit, as needed.

Initial Request for Documents

Please provide copies of the following relating to Right to Information (RTI) and Information Privacy (IP).

- Any policy held by the Council of the City of Gold Coast regarding the agency's policy development processes, policies and procedures with respect to community consultation and community engagement. In particular, OIC seeks any policies or procedures which describe the way in which the council conducts two-way engagement with the community to identify and provide information that the community needs.
- A list of community and industry stakeholders from whom a representative sample could be selected for consultation during the review.
- The Council of the City of Gold Coast's policies and procedures/work instructions for RTI and IP, and any sections in general policy and procedures manuals dealing with RTI or IP issues, for example, in any investigations manuals.
- Policies and procedures relating to the management of camera surveillance systems, particularly as these relate to the privacy principles.
- Any protocols governing internal and external communication during the processing of applications.
- The Council of the City of Gold Coast's information governance framework, including for any committee responsible for managing information: its Charter or Terms of Reference, any standing agenda items and minutes of meetings conducted in 2013-2014 financial year, and any plan or work program incorporating information management projects.
- A copy of the Council of the City of Gold Coast's organisational structure, and in particular, with respect to the business unit responsible for handling RTI/IP applications:
 - the business unit's structure and reporting relationships
 - position descriptions for RTI/IP staff, particularly the Principal Officers; and
 - organisational delegations of authority relating to RTI and IP.
- A copy of training records and reports for RTI staff (for RTI/IP training attended) and for any of the Council of the City of Gold Coast staff attending RTI or IP training, and training materials on RTI/IP courses.
- Documentation of complaint handling systems relating to RTI/IP.
- Any documentation of systems for monitoring or reporting on the performance of the RTI/IP functions.

- A copy of all statistics collated and recorded for RTI or IP purposes, including those required by Ministerial Guidelines and annually reported to the Department of Justice and Attorney-General for the 2013-2014 financial year.
- A copy of any standard letters and attachments used to respond to information/amendment requests (including decision letters, internal reviews, refusal notices and fee notices (estimate of charges)).
- For finalised applications only – a log of RTI/IP access/amendment to information requests your agency has received in the twelve months up to 31 December 2014 (in whatever format your agency uses for recording), noting applications granted or refused, and differentiating RTI and IP applications.
- For finalised applications only – a log of internal review requests your agency has received in the twelve months up to 31 December 2014.
- For finalised applications only – a list of applications made under the RTI Act where access was granted and the information released was not published to the agency's disclosure log received in the twelve months up to 31 December 2014.

Appendix 4 – Council of the City of Gold Coast Response to Issue

Date: 31 March 2016
 Contact: Mandy Dowers
 Location: Waterside West
 Telephone: (07) 55817483
 Your reference:
 Our reference: LM 05391, IM1154/366(P1)



Rachael Rangihaeata
 Information Commissioner
 PO Box 10143, Adelaide Street
 Brisbane Q 4000.

Dear Ms Rangihaeata

Issue Paper on Application Handling

Thank you for your letter of 11 March 2016 regarding the Right to Information and Information Privacy Performance Review currently being undertaken by the Office of the Information Commissioner. I appreciate the opportunity to formally respond to the observations and the overall findings outlined in the Issue Paper on Application Handling.

Your comments are noted and the City's response to the individual issues raised in the Paper are outlined in the table below. Pursuant to our discussion of 7 January 2016 with Ms Jeffries and Ms McLeod, I advise that Council is currently progressing the procurement of a Case Management System to be implemented across most of the Legal Services Branch including the RTI Application Processing Unit. It is anticipated that the implementation of a Case Management System will address the majority of procedural and practice issues raised in your Paper. In order, together with other hardware and software upgrades to achieve this outcome, I request a period of 18 months be granted in which to complete the required business process review, prepare documentation, system configuration, implementation and post implementation review to ensure legislative compliance with the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

ISSUE IDENTIFIED	CITY'S RESPONSE
<p>The Unit employed a series of discrete administrative procedures that varied from file to file instead of having policies, procedures and practices which were standardised for compliance with the legislation.</p> <p>Comprehensive review and documentation of policies, procedures, business systems and practices to clarify the RTI and IP Unit's role and processes and ensure these are legislatively compliant.</p> <p>... Did not structure application handling practices to ensure efficient and thorough application processing.</p>	<p>Noted. Implementation of a Legal Services Branch Case Management System will address the majority of procedural and practice issues raised, which will require a complete review of all documentation and practices.</p>
<p>RTI Unit generally assumed responsibility for locating relevant documents without involving</p>	<p>Whenever deemed necessary and appropriate, enquiries are undertaken with</p>

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 AEN 046595-00460

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 W cityofgoldcoast.com.au

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City Panel – Have your say
 Register at gchevouraysay.com.au

<p>relevant business units in identifying which documents were relevant... Reliance solely on this approach gives rise to compliance risks.</p> <p>Not obtaining comments from other business units that might have assisted the decision-making process by providing context or comments about the information not apparent on the face of the documents.</p>	<p>business units and the file noted accordingly. However, a majority of applications processed are fairly straight forward and enquiries with business units are not necessary.</p> <p>In support of the current approach, on the rare occasions when "sufficiency of search" reviews have been raised, additional documents have rarely been identified. A process will be developed requesting any other documents which maybe of relevance.</p>
<p>Requesting additional processing time as general practice (20 out of 24 files) even when additional time was not required (7 files) or applicant had specifically requested the information be provided as quickly as possible.</p> <p>Average duration of application processing time was 29.1 business days, which was generally longer than other agencies that have been reviewed by the OIC.</p>	<p>Noted. Issue is being addressed by the business process review as part of the Legal Services Branch Case Management System implementation.</p>
<p>Paraphrasing or rewording an applicant's request when seeking information from business units instead of sending the request verbatim, where it was important and practical to send the actual request to ensure searches captured all relevant documents (risking relevant documents not identified) (three files)</p>	<p>Noted and being addressed.</p>
<p>Template documentation –</p> <p>Wording discourages applicants from negotiating the scope of the application, as required by the legislation to assist applicants to manage the cost of the application</p> <p>Not providing information required by the legislation in decision notices, for example, information about possible publication to the disclosure log.</p>	<p>Noted and being addressed.</p>
<p>Privacy risks arising from re-use of paper on application processing files on 23 out of 24 files reviewed.</p>	<p>Privacy risks are minimal as RTI files are not accessed by any persons other than RTI, Records Services and Legal Services staff and the Office of the Information Commissioner. All units work with sensitive and confidential information so are aware of their obligations in this regard. RTI staff are accommodated in a secure area with all files secured.</p> <p>However, this practice can be discontinued if the OIC's view is that the privacy risks are significant. Further discussion about the specific privacy risks considered relevant by the OIC with the RTI Unit would be beneficial and appreciated by the City.</p>
<p>Whilst other business units generally supported</p>	<p>Noted. The possibility of delivering ongoing</p>

the provision of information as requested, there were isolated instances identified where right to information privacy application handling processes could have been better supported by other business units within COCGC, and issue that might be addressed by better general staff awareness of their responsibilities.	online privacy and RTI training via the OIC's website on an annual basis across the organisation is being investigated with People and Culture and the Business Innovation and Transformation Branches who will administer this training.
Training and education	Noted. The possibility of delivering ongoing online privacy and RTI training via the OIC's website on an annual basis across the organisation is being investigated with People and Culture and the Business Innovation and Transformation Branches who will administer this training.
Support of the RTI Unit to enable development/acquisition and implementation of new systems, business tools and processes to facilitate compliance.	Noted. Implementation of a Legal Services Branch Case Management System will address the majority of procedural and practice issues raised.

The final OIC recommendations will be incorporated into the City's Audit Plan as actions to be reported on to the Corporate Assurance Branch on a monthly basis, considered by the City's Audit Committee on a quarterly basis which, in turn, reports to Council via the standing committee charged with overseeing governance and financial management matters.

Yours faithfully



Joe McCabe
Chief Operating Officer
For the Chief Executive Officer
Council of the City of Gold Coast

Appendix 5 – Council of the City of Gold Coast Action Plan

Date: 13 May 2016
Contact: Mandy Dowers
Location: Waterside West
Telephone: (07) 55817483
Your reference:
Our reference: LM 05391, IM1154/366(P2)

CITY OF
GOLDCOAST.

Rachael Rangihaeata
Information Commissioner
Office of the Information Commissioner
PO Box 10143, Adelaide Street
Brisbane Q 4000.



Dear Ms Rangihaeata

OIC Compliance Review Report 2016 – Council of the City of Gold Coast Response

Thank you for your letter of 28 April 2016 attaching the Report of the Review of the Council of the City of Gold Coast's compliance with the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld). I appreciate the opportunity to provide the City of Gold Coast's response (attached) to the Report.

Thank you for the time you and your staff have put into this report and recommendations. I appreciate your offer of assistance and support in implementing the recommendations and look forward to any follow-up reviews.

Please refer any enquiries regarding the review and responses to Ms Mandy Dowers, Legal Information Unit Coordinator on (07) 55817483.

Yours faithfully

Joe McCabe
Chief Operating Officer
For the Chief Executive Officer
Council of the City of Gold Coast

Council of the City of Gold Coast
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Register at gchaveyoursay.com.au

Council of the City of Gold Coast's Response to OIC Review Recommendations

RECOMMENDATION NUMBER	RECOMMENDATION	COUNCIL OF THE CITY OF GOLD COAST RESPONSE AND ANY PROPOSED ACTION	OIC Rating	Council of Gold Coast NOMINATED OWNER	NOMINATED COMPLETION DATE
1	<ul style="list-style-type: none"> • Work with stakeholders and the community to identify topics of interest or information types where additional information could be pro-actively published, for example, about specific property and infrastructure development proposals. • Identify specific communication strategies for provision of additional information to the community that can be built into the management of sensitive projects of community interest, including use of the disclosure log and publication scheme. • Proactively publish additional relevant and appropriate information in formats adapted to the needs of stakeholders and the community. 	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>Impacted policies will be identified and a review will be undertaken to include the principle of pro-active publication and strengthening of organisational accountability in relevant policies.</p> <p>The revision of these policies will include investigating opportunities to increase pro-active publication of routine information and being more responsive to identified community sentiment about the community's information needs.</p> <p>Subsequent Policy implementation will be supported by communication and awareness raising to accountable officers</p>	Long Term	Manager of Corporate Planning and Performance	30/06/2017

RECOMMENDATION NUMBER	RECOMMENDATION	COUNCIL OF THE CITY OF GOLD COAST RESPONSE AND ANY PROPOSED ACTION	OIC Rating	Council of City of Gold Coast NOMINATED OWNER	NOMINATED COMPLETION DATE
2	Review business units' adoption of policies and procedures relating to information sharing, and implement strategies to improve consistent adoption by all business units of relevant policies and procedures.	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>(1) The City is focusing on a number of key initiatives such as a "Smart City Program" and on improving the release of information through "Open Data". Business Innovation and Technology Services Branch will leverage these initiatives to raise awareness of Council's information sharing policies and procedures with business units.</p> <p>(2) Within 12 months an audit of the organisation's website including the publication scheme will be undertaken to assess Council of the City of Gold Coast business units' maturity in relation to information sharing.</p> <p>(3) A communication plan will also be developed and implemented to promote the release of information to the public and raise awareness about the processes and mechanisms already in operation within the organisation.</p>	Long Term	Coordinator Security, Governance, Compliance & Policy	30/06/2017

RECOMMENDATION NUMBER	RECOMMENDATION	COUNCIL OF THE CITY OF GOLD COAST RESPONSE AND ANY PROPOSED ACTION	OIC Rating	Council of City of Gold Coast NOMINATED OWNER	NOMINATED COMPLETION DATE
3	Ensure the information management framework in operation within the Council of the City of Gold Coast supports executive level leadership and management of right to information and information privacy.	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>(1) The "Information Management Framework" will be in operation over the next 12 months.</p> <p>(2) There will be a focus on developing a communication plan to raise awareness about the "Information Management Framework" and its application.</p> <p>(3) Standards, guidelines and procedures will continue to be developed to increase the usability of the "Information Management Framework" and improve awareness of established processes.</p> <p>(4) As part of the draft ICT Governance model an Information Steering Committee is proposed. Alternatively, this item will be considered as part of the Executive Leadership Team's meeting agenda. The draft ICT Governance model will be considered for approval by the Executive Leadership Team in December 2016.</p>	Long Term	Coordinator Security, Governance, Compliance & Policy	30/06/2017
4	Consider including assessment of information privacy as a routine procedure in developing proposals for new or amended policies.	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>The Policy Value Management Process will be reviewed and information privacy considerations will be included as a routine part of policy development and review.</p>	Long term	Manager Corporate Planning and Performance	30/06/2017

RECOMMENDATION NUMBER	RECOMMENDATION	COUNCIL OF THE CITY OF GOLD COAST RESPONSE AND ANY PROPOSED ACTION	OIC Rating	Council of City of Gold Coast NOMINATED OWNER	NOMINATED COMPLETION DATE
5	Ensure position descriptions and the Delegations and Authorisations Register are accurate and up to date.	The Council of the City of Gold Coast accepts the recommendation. ACTION: Position descriptions and delegations will be updated within 12 months.	Long term	Legal Information Unit Coordinator	30/06/2017
6	Ensure appropriate training is available to all staff on dealing effectively with people seeking information from the Council of the City of Gold Coast, either administratively or through a legislative application, and on information privacy obligations.	The Council of the City of Gold Coast accepts the recommendation. ACTION: (1) An assessment will be undertaken across the organisation to determine which business units have the most frequent contact with the public regarding information requests and handling personal information. (2) Within 12 months a training plan will be developed to implement 'General Awareness Training' in relation to the Right to Information Act and the Information Privacy Act utilising the online training material provided by the Office of Information Commissioner.	Long term	Coordinator Security, Governance, Compliance & Policy	30/06/2017
7	Improve the use of the Council of the City of Gold Coast's intranet to promote staff training in right to information and information privacy	The Council of the City of Gold Coast accepts the recommendation. ACTION: Links to the Office of the Information Commissioner online training materials will be published on the intranet and promoted to users.	Short Term	Coordinator Security, Governance, Compliance & Policy	31/12/2016

RECOMMENDATION NUMBER	RECOMMENDATION	COUNCIL OF THE CITY OF GOLD COAST RESPONSE AND ANY PROPOSED ACTION	OIC Rating	Council of City of Gold Coast NOMINATED OWNER	NOMINATED COMPLETION DATE
8	Ensure that strategic and operational performance measures are in place and monitored to inform Council of the City of Gold Coast about the effectiveness and efficiency of right to information and information privacy practices and processes.	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>(1) Strategic performance measures currently specified in the Right to Information and Information Provision Policy and the Information Management and Information Privacy Policy will be reviewed and performance will be monitored by the Risk, Security and Compliance Meeting which comprises part of the ICT Governance Model.</p> <p>(2) Operational performance measures will be developed and monitored by the Risk, Security and Compliance Meeting within 12 months to improve the Council of the City of Gold Coast's Leadership Team's understanding of its performance in relation to Right to Information and Information Privacy practices and processes.</p> <p>(3) The "Information Management Framework" will be in operation over the next 12 months. There will be a focus on developing a communication plan to raise awareness about the framework and its application.</p> <p>(4) Standards, guidelines and procedures will continue to be developed to increase the usability of the framework and improve awareness of established processes.</p>	Long Term	Coordinator Security, Governance, Compliance & Policy AND RTI Decision Maker	30/06/2017
9	Give each information holding listed in the Information Asset Register a classification and publish 'Public' information holdings on line where practicable.	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>A review of information holdings listed on the Information Asset Register will be completed with 12 months and information classified as public will be published where practical.</p>	Long Term	Coordinator Security, Governance, Compliance & Policy	30/06/2017

RECOMMENDATION NUMBER	RECOMMENDATION	COUNCIL OF THE CITY OF GOLD COAST RESPONSE AND ANY PROPOSED ACTION	OIC Rating	Council of City of Gold Coast NOMINATED OWNER	NOMINATED COMPLETION DATE
10	Implement a procedure to ensure active input from all business units within Council of the City of Gold Coast in keeping the publication scheme accurate, maintained and updated by the inclusion of any significant and appropriate information.	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>A procedure will be developed and implemented to improve the currency of information on the Publication Scheme within six months.</p>	Short Term	Coordinator Security, Governance, Compliance & Policy AND RTI/IP Officer	31/12/2016
11	Review procedures for publication of information to the disclosure log, particularly the criteria for publication to the disclosure log, and ensure the reviewed procedures are documented and the Record of decision to publish Right to Information Documents to the Disclosure Log updated accordingly.	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>The current procedure is being revisited with the expectation that a new procedure will result in the publication of more documentation in the future, where appropriate.</p>	Short Term	RTI Decision Maker	30/09/2016
12	Restructure application handling policies, procedures, business systems and practices, including through implementation of a case management system and template documents, to support legislatively compliant application handling.	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>Implementation of a Legal Services Branch Case Management System will address the majority of procedural and practice issues raised, which will require a complete review of all documentation and practices.</p>	Long Term	RTI Decision Maker	31/12/2017

RECOMMENDATION NUMBER	RECOMMENDATION	COUNCIL OF THE CITY OF GOLD COAST RESPONSE AND ANY PROPOSED ACTION	OIC Rating	Council of City of Gold Coast NOMINATED OWNER	NOMINATED COMPLETION DATE
13	Implement a program of ongoing professional development for Right to Information and Information Privacy decision makers to ensure decision makers are fully aware of the operation of the new application handling policies, procedures, business systems and practices, and that specialist skills will be maintained as a matter of continuous improvement.	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>Ensuring Right to Information decision makers are aware of and fully conversant with the new application handling policies, procedures, business systems and practices is contingent on the implementation of a Legal Services Branch Case Management System referred to in recommendation 12.</p> <p>Recommendation 12 provides for 18 months to implement the Legal Services Branch Case Management System. It follows that training in the new system will occur when the system is developed and implemented. The timeframe would need to correspond to the timeframe provided in recommendation 12.</p>	Long Term	City Solicitor	31/12/2017
14	Review the privacy statement and email address links to ensure email correspondents are informed about the collection of personal information in accordance with Information Privacy Principle 2.	<p>The Council of the City of Gold Coast accepts the recommendation.</p> <p>ACTION:</p> <p>A review of the privacy statement and related links will be undertaken within 12 months and updated to reflect the intent of the Information Privacy Principle 2 where necessary.</p> <p>The Information Management and Information Privacy Policy provision which relates to Information Privacy Principle 2 will be reviewed and a guideline for the drafting and use of "Collection Notices" will be developed.</p>	Long Term	Coordinator Security, Governance, Compliance & Policy	30/06/2017

Appendix 6 – Details of Stakeholder Consultation

In consultation with COCGC, OIC selected 41 stakeholders from local agencies and organisations as a sample of the stakeholders who might be interested in information held by COCGC. Stakeholders were representative of the following categories of interaction with COCGC:

- social and community interests
- environmental and research interests
- economic and industry interests; and
- local members of State and Federal Parliament.

OIC sent an email inviting comment directly to stakeholder groups on 11 August 2015, attaching questions and requesting a response by 25 August 2015. A general list was sent to community, research and industry stakeholders, and a version of this list was tailored for members of Parliament to reflect their responsibilities regarding constituents (the two lists of questions are provided at the end of this appendix). In addition, a news article was published on the OIC's internet site and in the local Gold Coast newspaper, and a radio interview was held inviting general comment on COCGC's proactive disclosure of information from the broader community. Written contact was followed-up with a telephone call to obtain comments. 12 stakeholder groups provided a written or verbal submission to the questions.

Stakeholder comments

Current information provided by City of Gold Coast that stakeholders regarded highly included:

- information relating to property development, building and town planning (3 stakeholder comments); and
- general access to information, for example, minutes of meetings, information about the management of data and current events (5 stakeholder comments).

Stakeholders were asked how they would use the information. They commonly sought information to:

- undertake their own planning or support their service delivery (5 stakeholder comments); and

- advise clients (4 stakeholder comments).

Stakeholders gave mixed feedback about City of Gold Coast's provision of information in accessible formats. Specific comments were:

- some stakeholders knew who to contact (7 comments), some knew who to contact but thought that person was inaccessible (2 comments) and one stakeholder didn't know who to contact
- requests were generally dealt with in a professional manner (six responses), with three stakeholders stating that there were specific issues in some instances
- stakeholders received the information they requested (six responses) and it was sufficiently comprehensive in most cases (five responses); and
- challenges identified to accessing information included:
 - requests for detailed and specific information being answered by COCGC with a one or two line general response (one response); and
 - not being given a reason for the requested information being refused (four responses).

The majority of stakeholders advised that they did not see any significant risks with COCGC publishing information (seven out of 10 responses), or thought the risks could be managed (three out of 10 responses). They attributed this sense of confidence to the existence of licensing laws, for example Creative Commons licensing, which could be used to govern re-use of data.

Stakeholders commented on the importance of timeliness in responding to requests for information and on their use of the internet to supplement searches or requests for information from COCGC. Stakeholders commented on the benefits of subscribing to Council's email updates as a useful mechanism for accessing important and relevant information. Searchability of documents and the ability to re-use data were important issues, particularly for information from PD Online⁸¹ or for statistical data.

Stakeholders consistently expressed their appreciation of COCGC's openness and responsiveness to requests for information as a general rule, with the exception that one business unit was identified as being unresponsive, and property development information was identified as being a particular topic of interest that was not always well-served.

Questions about access to Council of the City of Gold Coast (COCGC) information (sent to community, research and industry stakeholders)

(This survey relates to requests for information other than standard customer service requests)

1 With respect to information that you know is held by COCGC:

- a** What information held by COCGC is/might be of assistance to your organisation (*please provide details*)?
- b** Would this information be primarily of use for your organisation or for your clients? If it is for your clients then please identify the type of client who would benefit from this information.
- c** What could you or your clients do with the information?
- d** Do you think there are risks in COCGC publishing this information (*for example, information being misused or misunderstood*)? If so, do you have any comments about managing those risks?

2 With respect to information that might or might not be held by COCGC:

- a** There might be situations where you are undertaking a project or activity, and you do not know whether or not COCGC holds information that might be of assistance or relevant to your project or activity.
Are you undertaking any current or future projects where government-held information may help you to achieve a better outcome? If so, what types of information might be useful?
- b** Do you think COCGC may hold relevant information? Please also describe the nature of the information.

3 We are also interested in your general views and experiences with accessing information held by COCGC. When seeking to access information from COCGC:

- a** Do you know who to contact?
- b** Has your request been dealt with in a professional manner?
- c** Did you receive the information that you requested?
- d** If you received the information you requested, was it sufficiently comprehensive?
- e** If you did not receive the requested information, were you given a reason?
- f** Was the information provided in a timely manner?
If not, how often do you consider this information should be released (*for example:- weekly / fortnightly / monthly / quarterly / half yearly / yearly*)

and why?

- g** Is there anything COCGC currently does which assists you in making use of the information that is released? (*For example, does COCGC have a facility to provide alerts when information is released, is information released in multiple formats, is information released specific to an area or is there a COCGC contact available to discuss information released.*)
- h** Would you search for COCGC information outside of COCGC (*for example, using an open-ended internet search*)?
- i** Would you, or have you, searched for COCGC information on Open Data sites such as <http://data.gov.au> or <https://data.qld.gov.au>?
- j** Was the information provided in an appropriate format? If not, what format would improve its usability? (*for example – report / machine readable / raw data.*)
- k** Are there any other impediments to making use of information that is released? If so, what would assist to reduce or remove these impediments?
- l** Are there any other comments you would like to provide about your experience with COCGC in accessing information?

Questions about access to Council of the City of Gold Coast (COCGC) information (sent to members of Parliament)

(This survey relates to requests for information other than standard customer service requests)

1 With respect to information that you know is held by COCGC:

- a What information held by COCGC is/might be of assistance to you or your constituents (*please provide details*)?
- b Would this information be primarily of use for you or your constituents? If it is for your constituents then please identify the type of constituents who would benefit from this information.
- c What could you or your constituents do with the information?
- d Do you think there are risks in COCGC publishing this information (*for example, information being misused or misunderstood*)? If so, do you have any comments about managing those risks?

2 With respect to information that might or might not be held by COCGC:

- a There might be situations where you are undertaking a project or activity, and you do not know whether or not COCGC holds information that might be of assistance or relevant to your project or activity.
Are you undertaking any current or future projects where government-held information may help you to achieve a better outcome? If so, what types of information might be useful?
- b Do you think COCGC may hold relevant information? Please also describe the nature of the information.

3 We are also interested in your general views and experiences with accessing information held by COCGC. When seeking to access information from COCGC:

- a Do you know who to contact?
- b Has your request been dealt with in a professional manner?
- c Did you receive the information that you requested?
- d If you received the information you requested, was it sufficiently comprehensive?
- e If you did not receive the requested information, were you given a reason?
- f Was the information provided in a timely manner?
If not, how often do you consider this information should be released (*for example:- weekly / fortnightly / monthly / quarterly / half yearly / yearly*) and why?

- g** Is there anything COCGC currently does which assists you in making use of the information that is released? *(For example, does COCGC have a facility to provide alerts when information is released, is information released in multiple formats, is information released specific to an area or is there a COCGC contact available to discuss information released.)*
- h** Would you search for COCGC information outside of COCGC *(for example, using an open-ended internet search)*?
- i** Would you, or have you, searched for COCGC information on Open Data sites such as <http://data.gov.au> or <https://data.qld.gov.au>?
- j** Was the information provided in an appropriate format? If not, what format would improve its usability? *(for example – report / machine readable / raw data.)*
- k** Are there any other impediments to making use of information that is released? If so, what would assist to reduce or remove these impediments?
- l** Are there any other comments you would like to provide about your experience with COCGC in accessing information?

Stakeholder Survey Questions		Summary of Detailed Comments
		Note: One business unit was identified on several occasions with negative feedback – this unit has been de-identified and its name replaced with [Identified Business Unit]
1	1	
	With respect to information that you know is held by COCGC:	
a	What information held by COCGC is/might be of assistance to you/your organisation (please provide details)?	<ul style="list-style-type: none"> ● Committee Meeting reports ● Information about cultural events ● Information about sport and art on the GC ● Information about initiatives supporting disadvantaged children ● Why did COCGC decide to sell the books that are left over after closing some of its libraries (after it had decided to donate these to Friends of the Library for them to sell)? How is COCGC going to do this and what will the money be used for? ● Documents concerning financial undertakings by Council that do not contain third party information - financial information about COCGC only. ● What type of encryption is used by COCGC to protect the data that it stores, in particular personal information. Is it complying with PCI/DSS Version 3? ● Information concerning tenders and the process for tenders ● PD Online ● Meeting Agendas, Minutes, Attachments of Council Committee Meetings ● Project sites on COCGC website, e.g. Centre Improvement Programmes ● Information about Big Data ● Property development matters ● Planning information ● Disaster Management information ● Information related to news stories ● Everything! ● Building statistics and approvals ● Town planning ● Demolition work ● Sewerage works
b	Would this information be primarily of use for you/your organisation or for your clients? If it is for your clients then please identify the type of client who would benefit from this information.	<ul style="list-style-type: none"> ● Both the organisation (6 comments) and its clients (5 comments) <p>Types of clients include:</p> <ul style="list-style-type: none"> ● Town planners ● Property developers ● Students ● Real estate agents and other RE participants and organisations ● IT specialists attending IT Forum ● Other Councils ● General public - readership for news publications ● Builders ● Individuals/companies interested in submitting tenders ● Internal stakeholders

Stakeholder Survey Questions	Summary of Detailed Comments
<p>c</p> <p>What could you or your clients do with the information?</p>	<ul style="list-style-type: none"> ● Assist with project planning ● Experience art and sport to enhance creativity ● Boost learning experiences ● Higher sense of community ● Assure general public of the security of their personal information that is held by COCGC ● Apply for tenders ● Study the nature and number of development proposals by type and location ● Make reports for clients ● Use information in newsletters to the property/development industry ● Combine data with data sourced from other agencies, e.g. other Councils, state departments, LGAQ. ● Assist with planning and procedures; use COCGC data to improve standards in other agencies or learn lessons where mistakes are identified ● Be better informed about COCGC ● Hold COCGC to account ● Plan projects - e.g. information about timeframes assists with understanding when they need to put in applications for building approval. ● Build new products ● Provide new services ● Make the most of tourism opportunities ● Assist COCGC to be more efficient in its service delivery ● Assist agency to take action where a road project may impact on properties.
<p>d</p> <p>Do you think there are risks in COCGC publishing this information (for example, information being misused or misunderstood)? If so, do you have any comments about managing those risks?</p>	<ul style="list-style-type: none"> ● No (7 out of 11 responses) ● Commercial and confidence restrictions are in place as there would be a risk if COCGC were to publish such data ● If open data were not published under a proper license there would be a risk of people accessing and using that information infringing on licensing laws. <p>To manage this risk COCGC just needs to ensure that it complies with licensing laws.</p> <ul style="list-style-type: none"> ● As long as COCGC complies with privacy and licensing requirements it should be fine ● There's always a risk when you push information out that it might not be properly understood. <p>A way to manage this risk is to encourage a dialogue between COCGC and its stakeholders.</p>
<p>2 2</p> <p>With respect to information that might or might not be held by COCGC:</p>	
<p>a</p> <p>There might be situations where you are undertaking a project or activity, and you do not know whether or not COCGC holds information that might be of assistance or relevant to your project or activity.</p>	<p>Three stakeholders agreed with this statement</p>

Stakeholder Survey Questions	Summary of Detailed Comments
Are you undertaking any current or future projects that require information from other government bodies/agencies which may help you to achieve a better outcome? If so, what types of information might be useful?	<ul style="list-style-type: none"> ● Funding and potential partners (locally/internationally) ● Information to include in a submission and/or to guide the points made in a submission ● Information such as "Scenic Amenity View Corridor Study" ● Funding information ● Potential/existing partners - locally and internationally ● Information about timeframes for planning applications & How to put together a planning application efficiently - it would be useful to receive this information at once rather than in 'drips and drabs' - sometimes there's no knowing when you will receive the information you need ● Benefit for tourism ● Information about roads - if COCGC is undertaking a road project and there's a local road consideration. There may be traffic studies or model data.
b Do you think COCGC may hold relevant information? Please also describe the nature of the information.	<ul style="list-style-type: none"> ● Yes, but when you search for the term on the COCGC website it doesn't come up with the document or information. E.g. "Scenic Amenity View Corridor Study" ● I don't think so ● No ● I'm confident that COCGC would help with any information, listen to requests and be forthcoming in making data available ● Yes, but there is a fee for accessing the information (\$50-75 for reports) Qld Master Builders ● Live-and-real-time traffic data, e.g. light rail. ● Tourism facilities associated with the Commonwealth Games and travelling to and from those facilities, car parking data, etc.
3 3 We are also interested in your general views and experiences with accessing information held by COCGC. When seeking to access information from COCGC:	
a Do you know who to contact?	<p>Yes (7 comments) or 'Yes but the contact is difficult to access' (2 comments)</p> <ul style="list-style-type: none"> ● Yes, we have established contacts within COCGC ● No. "I reckon you could get an interview with Malcolm Turnbull easier than getting an meeting with [Identified Business Unit] department" ● The Councillors themselves are not up to speed (knowledge about networks) ● I normally use other contacts to access information about COCGC, e.g. Friends of the Library group ● Yes, as a result of my involvement with industry bodies over the past decade ● Yes, as a result of a brief period of employment with COCGC ● Yes, through the committee which has established contacts within Council ● Yes - however the release of information has been far more centralised under this term of Council. COCGC has expanded its 'spin'/PR section and restricted the amount of people we can access to get the information we need. We used to be able to speak with heads of different bodies within COCGC directly, but now we need to

Stakeholder Survey Questions	Summary of Detailed Comments
	<p>go through the Media section.</p> <ul style="list-style-type: none"> ● No - I wanted to speak to the Manager of [Identified Business Unit] but I was passed around for 20 minutes, explaining myself repeatedly and still didn't get through to the person I needed to contact. ● The Mayor's office is great. ● If you call and want to speak to the Manager of the Plumbing Department – it will take you forever ● Dealing with some departments is awful – [Identified Business Unit] is the worst. Town Planning used to be bad, but they've improved.
b Has your request been dealt with in a professional manner?	<p>Yes (six responses), and 'Mostly yes, but not always' (3 comments)</p> <ul style="list-style-type: none"> ● No ● Yes, but the answer has been wrong. ● Mostly yes, but there are instances where I would have to say No (Media contacts). ● Mayor's office - yes, they're brilliant. ● Town Planning - yes, they're pretty good. ● [Identified Business Unit] - No. ● Sedimentary Control - They're generally ok. ● Building Regulatory Services - not bad.
c Did you receive the information that you requested?	<p>Yes - 6 comments Yes, eventually - 2 comments No or not always, 2 comments</p> <ul style="list-style-type: none"> ● Eventually ● Mostly, yes. But I've been waiting for 4 weeks for a response to a particular issue - why it's going to take 6 weeks to approve the installation of an oversized water meter. I was told they'd get back to me but they haven't.
d If you received the information you requested, was it sufficiently comprehensive?	<ul style="list-style-type: none"> ● Yes (5 comments) ● Yes, "I think their responses have always satisfied the query". ● Yes. "When you get it it's comprehensive and succinct". ● No. Not always. "We would often put forward a detailed request for information and in return would receive a one or two line response which doesn't answer many of the questions we've raised." ● Usually. There are times when you need to follow up but eventually you get the information you need. ● No, the format the data was made available has limitations (.csv files). ● No. It took contacting a Council Officer, and then the Council Officer reviewing Council's own internal Document Management System ("iSpot") before I was advised of what are on Council's website to go look at, to trawl through and find the PDF.
e If you did not receive the requested information, were you given a reason?	<p>No or No "They had no idea" (Encryption) (4 comments) Not applicable (5 comments)</p>
f Was the information provided in a timely manner?	<ul style="list-style-type: none"> ● Yes (4 comments) ● We receive some information on a regular ongoing basis. Each situation is unique ● Mayor's office - yes, within a day. ● Town planning - within a couple of days which is timely for me. ● In the majority of times yes, but sometimes no.

Stakeholder Survey Questions	Summary of Detailed Comments
	<ul style="list-style-type: none"> ● Immediately when it relates to searching for something specific on COCGC's website. ● We need things on the same day (or next day if the request is end of business) so we can do our job (reporting) - however we understand that some requests are more complex than that, but they should be more responsive than they are. ● "if you need to wait longer than a week, in my view, that's not just inefficient, it's incompetence."
<p>g Is there anything COCGC currently does which assists you in making use of the information that is released? (For example, does COCGC have a facility to provide alerts when information is released, is information released in multiple formats, is information released specific to an area or is there an COCGC contact available to discuss information released.)</p>	<ul style="list-style-type: none"> ● It's not so formal but yes, the data is available electronically or sharing documents. ● They assist by providing the data portals – it's a means to access all of their published data. ● Email subscriptions - email provided through these channels is really useful (town planning) - it would be great to have a similar service for other departments too. ● They have given us a 24 hour contact number which give us access at all times (media). ● Email subscriptions ● In terms of providing information to the public generally, it livestreams general council meetings (not committee meetings, but general public meetings – they have a public gallery, so you can sit at home and watch the meeting as if you were there in the public gallery) to the public and no other council does that. ● There is but I am not using it. ● Yes, metadata is much more meaningful for machine analysis than tables (e.g. csv). XML is a much better option.
<p>h Would you search for COCGC information outside of COCGC (for example, using an open-ended internet search)?</p>	<ul style="list-style-type: none"> ● I tried it during govHack 2013 but it is not worthwhile due to the time spent to find meaningful and reliable data. ● All the time - yahoo, google, bing, etc. ● Yes, this is something that works sometimes to find parts of the website or agenda items. ● There may be information that's more easily accessible by approaching a government agency (which compiles information about councils) rather than accessing each local council. E.g. Auditor general. ● Yes, ABS. ● It depends. Sometimes, yes. ● COCGC is improving, just like all agencies, with regards to moving towards a pro-disclosure bias.
<p>i Would you, or have you, searched for COCGC information on Open Data sites such as http://data.gov.au or https://data.qld.gov.au?</p>	<ul style="list-style-type: none"> ● Yes ● Yes, I'm using them now. "But COCGC is innocuous it's almost useless." ● If I remembered I would. ● Not me, but there is probably someone within my organisation that has. ● Yes, I use it during presentations on open data to demonstrate open data and its uses, and some alternative data sets that are available. ● Yes, I've used it to seek traffic data and have downloaded the data to google maps. That's been really helpful. It's probably not promoted as much as it should be – there doesn't seem to be great industry awareness.

	Stakeholder Survey Questions	Summary of Detailed Comments
j	Was the information provided in an appropriate format? If not, what format would improve its usability? (for example – report / machine readable / raw data.)	<ul style="list-style-type: none"> ● No. The contents of the document (of which is a PDF) should be text searchable - and the results federated to its home page's search ability. ● No. It was provided in cvs format, XML is a much better option. ● Yes. ● No. It would be better to have a preview of documents contained in PD Online, so that you don't have to download each PDF and open each one, look through it to see whether that's in fact the document you are after. A preview device would be helpful. ● Data provided in Excel so this needs to be massaged before it can be used. It would be better to be provided in XML or a Jason Data Array because the data would then be tagged and therefore easier to extract and combine with other data (which would be a lot of work for COCGC). ● PDF - yes.
k	Are there any other impediments to making use of information that is released? If so, what would assist to reduce or remove these impediments?	<ul style="list-style-type: none"> ● Documents accessed through COCGC website haven't been adequately searchable. They should be text searchable. ● No ● No - but it's innocuous information and not very useful. Data provided on these sites should have an integrity check to check that the data itself is authentic. ● "They have an attitude that they really want people to use their data and they do their best to make it easy for people to access." ● We get overloaded with information when using PD Online. It would be helpful to be able to preview the document or to have a better idea of the contents of a document (e.g. a summary, e.g. traffic report, environment) to assist you to navigate which documents you actually need to download and open.
l	Are there any other comments you would like to provide about your experience with COCGC in accessing information?	<ul style="list-style-type: none"> ● COCGC website was not user friendly whatsoever. ● No, not really. "It's the Gold Coast!" 1) Availability of internal financial documents and decision making and (2) it's hard to see how they comply with ICDCS and other requirements under the IP Act. ● "I have never had any issues when seeking to access information from COCGC as part of my work or in my personal capacity". ● Accessing information about a sewerage pipe/easement: individual had to go in person to a Council office, to use a special phone at that office to talk to a person in another office to obtain the information he needed. He was frustrated that because he was not talking to someone in person, it was not possible to talk over a map or diagram of the property while talking. He thinks it should be easy, as long as it is supported by a process for managing identities and authenticating a person's identity securely. ● You couldn't call it a secretive organisation. It's a bit of an exemplar in term of providing information. To give context to my response, I deal with the Mayor's office, Media and communications team. Not role to be involved with the Planning department or those other departments. ● We've just noticed in particular that it's become more difficult to access information as a result of COCGC restricting how we access information –e.g. we can no longer speak directly with the heads of departments. ● No, they are doing some things very well. But there are other areas that definitely need improving. ● No, they have dealt professionally with all of our requests. I've worked in a number of other local governments and have had varying experiences. It does depend on resources, so there's a greater

Stakeholder Survey Questions	Summary of Detailed Comments
	<p>challenge for smaller councils. COCGC is well resourced and this shows in relation to its sharing of information.</p>