



information
and privacy
commission
new south wales

The Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission – Information Commissioner, CEO Opening Statement

Chair, Deputy Chair and Committee Members. The opportunity to present on the exercise of functions Information Commissioner and assist you in your examination of the Information and Privacy Commission's (IPC) Annual Report prepared in accordance with governing legislation and other Information Commissioner reports is appreciated.

I am conscious and respectful of the important oversight role of the Committee. With that in mind I have reviewed all Committee reports and transcripts since the first hearing in 2012. It is pleasing to report on acquittal of undertakings provided since that time at a corporate level as Chief Executive Officer and as Information Commissioner, a role I have occupied since December 2013.

At the most recent committee hearing conducted in March 2016, I provided a report on the Operation of the GIPA Act (S37 Report) and undertook to consider the rich source of data now available through successive s37 Reports. The 2015-16 Report responds to many of those identified issues and is one of the many examples of the outward regulatory focus we have been fortunate to implement in the last year.

Within the IPC we have moved beyond many challenges to ensure our operational effectiveness largely through establishing an internally robust foundation of sound procedures; systems; governance, prioritisation and investment in capability. This approach has enabled us to project our work externally and adopt the strategic regulatory approach I foreshadowed in March 2016.

Accordingly I would like to inform the Committee of a number of our achievements that recognise the IPC as a leading regulatory agency within NSW, nationally and internationally.

Within the IPC we are focused on data integrity and transparent reporting – our reputation for credible, reliable and consistent reporting has been recognised. It has been an honour to be invited to lead the contribution of state and territory Information Commissioner's and Ombudsmen in developing a set of metrics to give effect to the commitment contained under Australia's Open Government Partnership (OGP) National Action Plan (commitment 3.2). These metrics are currently under pilot and will have the effect of enabling an examination of the operation of information access legislation throughout each jurisdiction in Australia against internationally benchmarked measures.

We have also contributed to international understanding of the operation of Information Access legislation through hosting international delegations from Nepal and China. Both delegations reported on the quality of our engagement and their acquisition of a deeper understanding of models to promote this important right.

We also hosted the meeting of state and territory Information Commissioner's and Ombudsmen in November 2016 and this meeting ratified the release of a national compendium of information access legislative regimes operating throughout Australia.

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This work was led by NSW and we are now leading the development of work to identify optimal legislative features of Information Access legislation to advance consideration and review nationally and within each of our jurisdictions.

Another very significant achievement is the release of research commissioned by the IPC and undertaken by the University of NSW into open data enablers through an examination of international leadership, legislative; regulatory; policy; operational and cultural enablers. This pioneering, practical and valuable research is presented to the Committee today. The independent research has been supported by a Steering Committee of technical, policy and operational experts and draws upon academic expertise in open data; the law and privacy. This research will be publically available on our IPC website later today and will serve to advance an understanding of Open Data and Open Government more broadly, providing insights to inform the future of these aspirations in NSW and elsewhere.

The IPC's contribution to promoting integrity within NSW is well demonstrated with its establishment of the Integrity Agencies Collaboration Group focusing on collaborating to forecast integrity risks and programs and coordinated education.

The publication of our IPC Regulatory Framework and Regulatory Plan 2016/17 upholds our commitment to transparency to agencies and citizens. So too does our revised IPC Service Charter which reflects our commitment to service standards and values. We are now in a position to uphold those standards, for example 91 percent of our reviews and complaints are now finalised within 90 days, exceeding our published commitment.

In implementing our Regulatory Plan we have targeted many of the significant regulatory issues and risks affecting the five sectors regulated by the IPC through an examination of IPC data, including the s37 Reports. One example is our contract register compliance programme which, within 16 months elevated performance in the University sector by approximately 20 percent; we also continued our collaborative engagement with the NSW Audit Office and assisted in their program to monitor contract reporting within NSW public sector agencies.

As a component of our commitment to understanding and identifying regulatory issues including release rates, we embarked upon a series of direct engagements with agencies including NSW Police; Education and Department of Justice to work directly with them to elevate compliance. This program also gathers intelligence from agencies to inform our regulatory program.

Our guidance to NSW agencies and citizens has been targeted to identified needs. We have issued 20 publications through revision or development to assist agencies and the public on issues such as contracting; proactive release of information; third party consultations; and substantial and unreasonable diversion of resources. This is double the number issued in the previous year.

Additionally, our case notes and bulletin published quarterly serve to enhance compliance and importantly the IPC is now in a position to meaningfully and more regularly engage with NCAT through submissions to address significant legal issues.

The IPC is a small regulatory agency and our jurisdiction covers in excess of 200 significant agencies and all citizens of NSW. Our effectiveness lies in applying our limited resources proportionately.

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This has been achieved through judicious application of our regulatory intelligence holdings, proficient people and processes and growing the IPC's credibility to position us at the forefront of regulatory agencies.

The IPC is now achieving the commitment required of independent oversight agencies to effectively exercise statutory functions and also identify and address underlying systemic issues and thereby elevate overall standards and compliance rates for the betterment of the community.

The IPCs regulatory influence and impact is now well demonstrated and our forward focus heralded in the IPC Annual Report 2015-16; the Report on the Operation of the GIPA Act 2015-16, strategic and operational plans demonstrates our commitment to shaping the future through transparency, effectiveness and strategic regulatory outcomes that balance, promote and respect information access and privacy rights.