



information
and privacy
commission
new south wales

Annual Report 2013 – 2014

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and privacy
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new south wales

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ISSN 1839-4523 (print)

ISSN 1839-9541 (online)

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Letters to the President and Speaker

The Hon. Don Harwin MLC
President Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

The Hon. Shelley Hancock MP
Speaker Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000

22 October 2014

Dear Mr President and Madam Speaker,

In accordance with the *Annual Reports (Departments) Act 1985*, the *Government Information (Information Commissioner) Act 2009*, and the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the Annual Report of the Information and Privacy Commission NSW.

This report provides an account of the work of the Information and Privacy Commission NSW during the 2013 – 2014 financial year.

The report meets the requirements for annual reports as advised by the NSW Premier in *Ministerial Memorandum M2013-09*. This report demonstrates our agency's performance and activities while incurring minimal production costs.

Yours sincerely,

Elizabeth Tydd
CEO, Information Commissioner

The Hon. Don Harwin MLC
President Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

The Hon. Shelley Hancock MP
Speaker Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000

22 October 2014

Dear Mr President and Madam Speaker,

In accordance with section 61A of the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the following report on my work as Privacy Commissioner for the 12 months ended 30 June 2014.

Under section 61B of the *Privacy and Personal Information Protection Act 1998*, a full report on the operation of the *Privacy and Personal Information Protection Act 1998* across all public sector agencies for 12 months ended June 2014 will be provided separately.

A copy of the report has been provided to the Attorney General as Minister responsible for this legislation as specified under section 61A (2) and 61B (2) of the *Privacy and Personal Information Protection Act 1998*.

Yours sincerely,

Dr Elizabeth Coombs
Privacy Commissioner

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In 2013 – 2014 the IPC advanced the objective of providing a single body overseeing both key issues relating to government information – public access and privacy. The single Commission model promotes the management of government information and respects the dual statutory functions of information access and privacy to ensure agencies and individuals receive consistent information and advice.

A single service – IPC

The IPC's effective integration has provided a single point of contact that has enhanced our service delivery in a number of areas including investigation and review functions; advice, communications and stakeholder engagement; and shared corporate functions to deliver greater operational efficiencies.

Effective investigation and review functions

In undertaking our case work responsibilities we have progressed the integration of previously separate teams handling investigation and review functions. The results of this integration are tangible. In 2013 – 2014 the IPC finalised 745 cases representing a 36% increase in the number of investigations and reviews finalised compared to the 548 finalised equivalent cases reported in 2012 – 2013. The IPC received 511 GIPA review applications and complaints, and closed 490 matters. The IPC received 253 privacy reviews and complaints, and closed 255 matters.

While we have focused on harmonising and refining our practices and procedures in the first half of 2014 this significant improvement in service delivery would not have been possible without the expertise, professionalism and consistent commitment by the staff of the IPC.

I also acknowledge the significant contribution of Ms Kathrina Lo. These achievements build on the effective strategies implemented under her leadership as former Acting Information Commissioner and Chief Executive Officer.

Further work is continuing to promote the proportionate and transparent delivery of a full range of IPC services including our communications and projects team. These areas have also delivered significant outcomes in 2013 – 2014 with a 46% increase in the numbers of advices finalised and a 133% increase in the number of Commissioner email enquiries finalised. Continuing this approach will advance our commitment to credible, intelligence led programs informed by stakeholder feedback and data analysis.

Reliable and credible advice and assistance

The creation of a single office has facilitated the delivery of more consistent and co-ordinated training and assistance to the public and agencies. In 2013 – 2014 the IPC conducted a comprehensive review of opportunities to better inform our service delivery through stakeholder engagement. The strategy will enable us to more effectively receive feedback



from stakeholders and, together with other data inputs deliver an evidence led program of advice, assistance and training to the public and agencies. We aim to better identify the issues facing each of the sectors and ensure that our activities are 'needs based'. We have improved our service delivery through the development of a suite of communications materials that provide consistent and credible responses to our most frequently asked questions; developed resources to respond to identified issues; and invested in an upgrade of our website and its functionality to enable us to deliver e-learning modules on information access and privacy in 2014 – 2015. We invested in our staff and provided a range of training opportunities to promote the provision of contemporary and credible advice with a particular focus on our dual statutory responsibilities.

IPC – efficiencies and effectiveness

In 2014 the IPC implemented a number of priority projects with the objective of enhancing our service delivery. We conducted a review of business services including the IPC's reporting and case management systems. As a result we are implementing a more robust case management and reporting system to ensure we identify issues and implement solutions in both privacy and access. These improvements will enable us to more effectively and consistently report to Parliament and the Parliamentary Joint Committee on the Ombudsman, the Policy Integrity Commission and Crime Commission.

Directions for 2014 – 2015

The IPC has established a clear agenda of improved service delivery and greater engagement with agencies and the citizens of NSW. We will harness the expertise of the Information and Privacy Advisory Committee (IPAC) to consider and advise on new and emerging issues involving information access and privacy. We will also review the IPC's service delivery channels to promote accessibility, flexibility and innovation in promoting information access and privacy rights throughout NSW.

Elizabeth Tydd
CEO, Information Commissioner

Privacy Commissioner – overview

Achievements and Report to NSW Parliament

I strongly believe emphasis is best placed upon assisting the public and agencies develop sound management practices for personal information. Progress on the privacy work programme has been disappointing although privacy issues receive growing attention. Delays in the work programme represent a missed opportunity to assist NSW public sector agencies and members of the public.

2013 – 2014 saw privacy issues widely debated; triggered in part by the ‘Snowden revelations’ of mass surveillance. The European Union Court of Justice’s ruling in May 2014 that Google and other search engines must remove personal information about private citizens that is “inadequate” or “irrelevant” also triggered privacy debates. Changes to Commonwealth privacy legislation also had the same effect. More of these debates are likely and welcomed.

As Privacy Commissioner, I found 2013 – 2014 a mixed year. It was with sadness that I farewelled Deirdre O’Donnell, inaugural NSW Information Commissioner whose commitment to information access and the equitable positioning of both access to information and privacy functions within the IPC commanded respect both within and outside the Commission.

Progress on the privacy work programme has been disappointing. While there has been some progress, significant projects have been delayed and projects addressing systemic issues in NSW public sector agencies’ management of personal information could not be completed as planned. It also became apparent the IPC’s case management system and the mapping of work flows have not adequately captured privacy matters and need to be improved. This year’s report, for example, does not contain data on matters falling under the *Health Records and Information Protection Act 2002* (HRIP Act).

But there have been some achievements.

Code of Practice for the movement of personal information out of NSW

One of these was to submit, after two years development, a draft Transborder Code of Practice for the Attorney General’s approval. The NSW Parliament in 1998, when passing the *Privacy and Personal Information Protection Act 1998* (PIIP Act) envisaged that within a year, a Code of Practice would regulate the movement of personal information outside of NSW. Despite the efforts of earlier Privacy Commissioners this did not eventuate. The absence of a Code is a major deficiency in the protection of the personal information of NSW citizens.



I was delighted to be advised by the Attorney General that he intends to address this situation by legislative amendment not a Code of Practice. This is extremely positive news, bringing NSW in line with the Commonwealth, Queensland and Victoria, and recognises the need for protection of the personal information of NSW citizens in the global information economy. I strongly commend the Attorney’s proposed course of action. Until legislative amendment has occurred however the current lack of protection remains.

Privacy and health information

In early 2012, the *Health Legislation Amendment Act 2012* amended the HRIP Act to enable genetic information to be provided to genetic relatives in certain circumstances. Guidelines are to be prepared by the Privacy Commissioner before the legislative amendments take effect. Progress was delayed again in 2013 – 2014 with the result the assistance intended for health practitioners also delayed. I’m hopeful in 2014 – 2015 resourcing will be available so this project can be completed.

In 2012, we undertook an analysis of formal complaints which revealed almost half of formal complaints arose under the HRIP Act and concerned primarily the private health sector and the right to access personal health records. We sought to support practitioners’ compliance with the legislation via information explaining the provisions relating to access to health records. These fact sheets have been delayed also but will be available finally in 2014 – 2015.

Good privacy governance is critical

Strong governance around personal information is critical with the increasing quantity of personal information held by NSW public sector agencies. A serious example of poor governance that came to my attention in this reporting year concerned the expiration of a protocol between Roads and Maritime Services and the NSW Police for the provision of personal information from the

DRIVES system to NSW Police. While the PPIP Act includes provision for NSW police to use personal information for law enforcement purposes, the failure to notice or address the expiration of an instrument required under the *Roads Transport Act 2013*, is a serious failure of privacy governance. I urge all agency heads to ensure that their governance arrangements to protect personal information are in good order and oversights by their Audit and Risk Committees or other body, preferably one with independent representation.

Privacy rights and responsibilities need to be clearly communicated for effective governance. It is a statutory function of the Privacy Commissioner to assist public sector agencies to adopt and comply with the Information Protection Principles (IPPs) through publishing guidelines and other materials on the protection of personal information and other privacy matters. A recurring request from individuals and agencies is for plain English materials explaining privacy rights and obligations, and outlining good privacy operational practices. The 26% increase in requests for advice from agencies during 2013 – 2014 demonstrates this demand. During the same period, requests via the online 'Ask the Privacy Commissioner' facility typically from members of the public, have increased almost fourfold albeit from a small base.

In 2012 – 2013 we commenced development of an online interactive 'Privacy Governance Framework' for NSW public sector chief executives and senior management to address this need. This framework was to be distributed in late 2013 but will now occur in 2014 – 2015. It will need further interactive materials to meet emerging trends such as data linkage initiatives.

The remaking of the Public Interest Directions allowed NSW public sector agencies to continue undertaking their activities without breaching the Information IPPs or Health Privacy Principles (HPPs). I remain of the view that the Directions are a short-term mechanism and that agencies need to look to legislative or other measures to enable ongoing sharing of personal information if this sharing is in the public interest, but outside the parameters of the IPPs.

Is NSW privacy legislation meeting today's challenges?

Growing technological capacity and the changing privacy landscape poses challenges for NSW privacy legislation. Some legislative issues have been identified in earlier reviews such as the 2004 statutory review of the PPIP Act. In 2014 – 2015 I aim to prepare a report on these challenges and NSW privacy legislation under section 61B of the PPIP Act. I anticipate releasing this report in the 2014 – 2015 reporting year depending upon availability of resources. Consultation with the community, NSW public sector agencies and their privacy contact officers, as well as the non-government sector, will be an important component in developing the report.

I'm hopeful there will be progress on addressing a number of outstanding and longstanding issues in the coming year. Big data and data sharing will remain on my agenda, and I will be discussing these issues with the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission, the Attorney General, our Information and Privacy Advisory Committee (IPAC), and others.

Within the IPC, it's important the data systems allow me as Privacy Commissioner to fulfil my statutory responsibility to Parliament of reporting accurately and fully on the operation of NSW privacy legislation.

Acknowledgements

During 2013 – 2014 I met with the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission to report on work undertaken in 2012 – 2013. The Committee's interest in privacy is evident and I look forward to continuing those conversations in the coming year.

In early 2014 the Hon. Greg Smith stepped down as Attorney General. I thank him for his support for privacy events such as Privacy Awareness Week. I also thank the Hon. Brad Hazzard, Attorney General, for his engagement with privacy matters I draw to his and the Parliament's attention.

Throughout the reporting year I worked with three Information Commissioners – the inaugural Information Commissioner Deirdre O'Donnell to whom I pay special tribute, Kathrina Lo who held the role for six months, and Elizabeth Tydd who brings new and different perspectives. I also acknowledge the valuable collaboration with the Federal Privacy Commissioner on issues that cross Commonwealth and State boundaries. I also thank the IPC managers and staff who have worked under great pressure this year, for their commitment and hard work.

I look forward to the challenges of the coming year and working with our stakeholders to ensure privacy is protected and championed throughout NSW.

Dr Elizabeth Coombs
Privacy Commissioner

Information Commissioner – overview

Achievements and Report to NSW Parliament

Genuine reform of citizen access to government held information has been achieved through the *Government Information (Public Access) Act 2009* (GIPA Act). The Act provides citizens with different pathways to access information and promotes opportunities to enable citizen input into policy development. The maturation of the GIPA Act's application by decision makers enables me to focus on collaborating with the sectors to maximise opportunities for citizen input.

Reporting to Parliament

In early 2014 the IPC established a database to capture and report upon activities undertaken by agencies in conducting their information access and privacy functions. This database together with the IPC's case management system facilitated the delivery of the inaugural report to Parliament by the Information Commissioner on the operation of the GIPA Act (s37 Report). The provision of this report, which analyses over three years of data involving over 50,000 applications has enabled the IPC to establish a base line from which agency performance can be monitored and evaluated.

A focus on proactive release

The results of the s37 Report were promising and indicate that in the main, agencies are adopting the Act's flexible and timely approach to decision making. Applying the intelligence gained through the report the IPC will identify issues and implement strategies to advance our collective responsibility for information access, increased proactive disclosure and its contribution to our democratic society.

Increased public awareness and understanding their rights

The IPC conducts independent reviews of agencies' access decisions and provides reports to members of the public and recommendations to agencies. In 2013 – 2014 we implemented processes to ensure a more proportionate and effective application of all IPC resources. This includes improved practices and procedures together with more appropriate governance and reporting mechanisms to ensure that work volume demands are met within acceptable time frames and statutory functions are effectively and credibly delivered. This approach continues as we focus on consistent decision making methodologies by decision makers.

In 2013 – 2014 we commissioned a review of the GIPA Tool to assist agencies in managing and reporting on access applications. Driving improved performance by agencies is one means of meeting the GIPA Act's strategic intent.

However the role of the Information Commissioner extends beyond complaints handling. It is instrumental in working



with agencies to promote a representative government that is open, fair, accountable and effective. Open government includes the provision of data and information to better inform citizens and enable them to more effectively participate in government decision making processes.

The early indicators provided in the s37 Report are again promising. Under the previous *Freedom of Information Act* around two-thirds of all applications for information concerned personal information. In the first three years of the operation of the GIPA Act 38% of all applications sought personal information; 45% of applications sought information other than personal information; and 17% sought information that was partly personal and partly non-personal in nature.

Given that 61% of all applications were lodged by members of the public this significant shift may be attributable to greater citizen engagement in government decision making. This issue will be my focus going forward.

Finally, I acknowledge the inaugural Information Commissioner Deirdre O'Donnell, who successfully established the IPC as a 'one stop shop' for NSW citizens together with the sound foundations required to advance access rights. I also acknowledge the Privacy Commissioner Elizabeth Coombs' contribution as we work together to ensure that we uphold our statutory responsibilities through an efficient and effective single service point.

Going forward

Advancing the strategic intent of the GIPA Act and promoting open government through proactive disclosure will be a primary focus of our work in the coming year. Better access to and exchange of government information facilitates better service delivery. The IPC will work across all sectors to increase the opportunities for proactive release and to provide greater access to information through better decision making. Partnering with agencies to advance the Act's strategic intent will be a priority for the IPC in 2014 – 2015.

Elizabeth Tydd
CEO, Information Commissioner



Phone

This year 84% of all contacts were via telephone
4,340 calls



Website

The website received a total of
290,388 page views



Email

Just under 16% of all contacts were received via email
807 emails



information and
privacy commission
new south wales

www.ipc.nsw.gov.au

IPC
745 matters finalised
in 2013 – 2014
(36% increase)

GIPA
511 GIPA review applications
and complaints received
490 matters finalised

Privacy
253 privacy reviews and
complaints received
255 matters finalised

PLEASE NOTE: These figures include data from the former case management system.

About the IPC

Who we are

The Information and Privacy Commission NSW (IPC) is an independent statutory authority that administers NSW legislation dealing with privacy and access to government information. The IPC was established on 1 January 2011 to support the Information Commissioner and the Privacy Commissioner in fulfilling their legislative responsibilities and functions. The IPC is now recognised as a separate agency under Schedule 1 of the *Government Sector Employment Act 2013*.

“Our purpose – to champion privacy and information rights for the people of NSW.”

What we do

The IPC promotes and protects privacy and information access rights in NSW and provides information, advice, assistance and training for agencies and individuals on privacy and access matters. The IPC reviews the

performance and decisions of agencies, and investigates and conciliates complaints relating to government agencies, health service providers (both public and private) and some large organisations that deal with health information. The IPC also provides feedback about the legislation and relevant developments in the law and technology.

Our vision

The people of NSW can be confident that their access to information and privacy rights are upheld and protected.

Our approach

- We are focused on the resolution of issues, applying a proportionate approach appropriate to the issue
- We make it easier for the community to exercise their rights, and for organisations covered by our legislation to meet their responsibilities
- We give priority to significant or systemic public policy issues
- We work constructively with stakeholders
- We operate in accordance with the NSW Public Sector Values and Code of Conduct
- We identify trends and patterns, and share good practice.

Our values



Our stakeholders

- NSW Parliament
- Members of the public
- Government (Premier and Attorney General)
- Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission
- NSW public sector agencies including state government bodies, councils, state-owned corporations*, universities
- Non-Government Organisations delivering contracted services to NSW Government agencies
- Ministers and their staff
- Members of Parliament and their staff
- Other Information and Privacy Commissioners
- Information and Privacy Advisory Committee (IPAC)
- Other oversight accountability agencies
- Media
- Staff.

Privacy Commissioner: role and powers

The Privacy Commissioner is appointed by the Governor as an independent office holder under Section 34 of the *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIIP Act).

The role focuses on resolving complaints, protecting and enhancing the privacy rights of the NSW community and ensuring agencies uphold the privacy principles in the PPIIP Act and the *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act). A key function is to educate the people of NSW about the meaning and value of privacy by:

- Responding to enquiries and educating the community about privacy issues
- Advising people of possible remedies for breaches of their privacy
- Advising individuals, government agencies, businesses and other organisations on how to ensure that the right to privacy is protected
- Receiving, investigating and conciliating complaints about breaches of privacy
- Overseeing privacy matters and performance of organisations undertaking privacy work
- Appearing in the NSW Civil and Administrative Decisions Tribunal (NCAT) and advising on privacy law in privacy cases
- Overseeing NSW government agency reviews of reported privacy breaches
- Researching developments in policy, law and technology that may impact on privacy, and making reports and recommendations to relevant authorities
- Issuing guidelines on privacy principles.

* Does not apply to the work of the Privacy Commissioner.

Participation in committees

During the reporting period, the Privacy Commissioner was a member of the following committees:

- Asia Pacific Privacy Authorities (APPA)
- APPA Privacy Statistics Project Working Group
- International Data Protection and Privacy Commissioners' Strategic Directions Working Group
- Privacy Authorities Australia (PAA)
- Global Privacy Enforcement Network (GPEN) steering committee
- Enabling Information – Department of Finance and Services' ICT Strategy interagency forums.

Information Commissioner: role and powers

The Information Commissioner is appointed by the Governor as an independent office holder under section 4 of the *Government Information (Information Commissioner) Act 2009 (NSW)* (GIIC Act).

The role is to promote public awareness and understanding of the right to access government information in NSW, and provide information, support, advice, assistance and training to agencies and the general public.

The Information Commissioner has the power to conduct reviews of decisions made by other NSW government agencies and deal with complaints about information access. The Information Commissioner also monitors agencies' functions, reports to Parliament on the operation of the GIIPA Act, and reports to the Attorney General about proposals for legislative or administrative change.

When necessary the Information Commissioner can issue guidelines to assist agencies and the public on:

- Public interest considerations in favour of disclosure
- Public interest considerations against disclosure of government information
- Agencies' functions
- The public's rights to access information
- An agency's information guide
- Reductions in processing charges.

The Information Commissioner can investigate agencies and compel them to provide information in the conduct of inquiries.

Participation in committees

During the reporting period, the Information Commissioner was a member of the following committees:

- Association of Information Access Commissioners (AIAC)
- Enabling Information – Department of Finance and Services' ICT Strategy interagency forums.

Our organisation: governance structure

Our governance

The IPC is recognised as a separate agency under Schedule 1 of the *Government Sector Employment Act 2013*. The Information Commissioner is appointed as agency head and now has responsibility for ensuring that the IPC and its staff operate in accordance with all government sector requirements.

The IPC's activities are also supported by the IPC Risk and Audit Committee.

The Privacy Commissioner reports to the NSW Parliament on the operation of the PPIP Act and the HRIP Act.

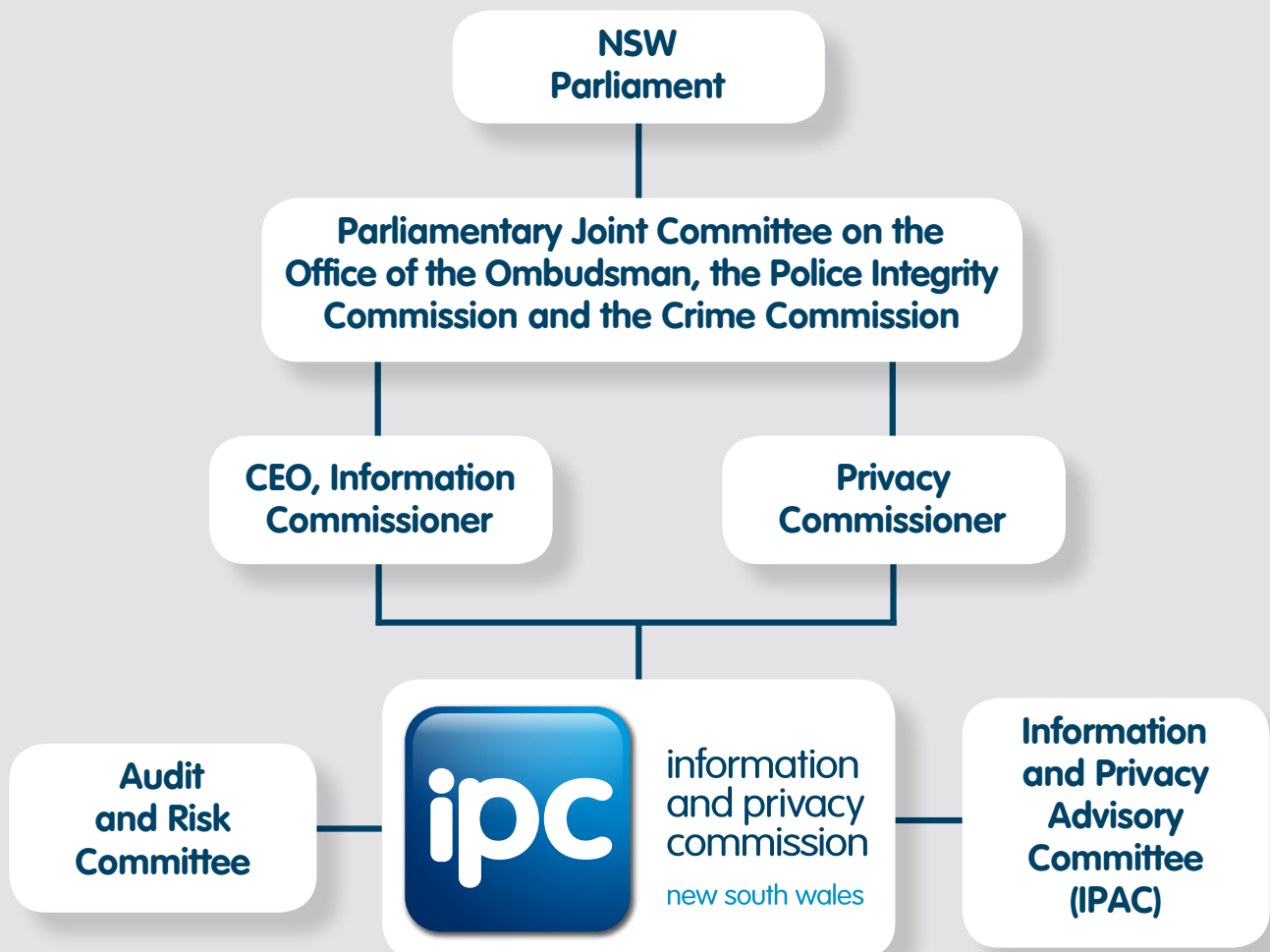
The Information Commissioner reports to the NSW Parliament on the operation of the GIPA Act.

The IPC is an independent statutory authority that reports directly to the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission.

the Crime Commission, which oversees the functions of the Information Commissioner and Privacy Commissioner. The role of the committee does not provide for it to:

- Investigate a matter relating to particular conduct
- Reconsider a decision to investigate, not to investigate or to discontinue investigation of a particular complaint or matter of conduct
- Reconsider the findings, recommendations, determinations or other decisions the Information Commissioner or the Privacy Commissioner has made in relation to a particular investigation, matter or complaint.

IPC governance



Our legislation

The IPC administers the following legislation:

- *Government Information (Public Access) Act 2009 (NSW)* (GIPA Act)
- *Government Information (Public Access) Regulation 2009 (NSW)* (GIPA Regulation)
- *Government Information (Information Commissioner) Act 2009 (NSW)* (GIIC Act)
- *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIP Act)
- *Privacy and Personal Information Protection Regulation 2005 (NSW)* (PPIPA Regulation)
- *Privacy Code of Practice (General) 2003 (NSW)*
- *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act)
- *Health Records and Information Privacy Regulation 2006 (NSW)* (HRIPA Regulation)
- *Health Records and Information Privacy Code of Practice 2005 (NSW)*

Objectives of our legislation

The GIPA Act establishes an open approach to gaining access to government information. NSW government agencies, including state-owned corporations, NSW Government Ministers, local councils and universities are covered by the GIPA Act. The objectives of the GIPA Act are to maintain and advance a system of responsible and representative democratic government that is open, accountable, fair and effective, by:

- Authorising and encouraging the proactive release of government information by agencies
- Giving members of the public an enforceable right to access government information
- Providing that access to government information is restricted only where there is an overriding public interest against disclosure.

The GIIC Act establishes the role of the Information Commissioner and provides the legislative framework through which the Information Commissioner and IPC staff as delegates exercise functions in relation to the investigation of complaints and the conduct of enquiries.

The GIPA Act establishes an open approach to gaining access to government information.

The PPIP Act gives legal recognition to the public interest in the protection of privacy – the right of individuals to exercise control over the availability and use of personal information about them. The PPIP Act protects privacy by regulating the way NSW public sector agencies (including local councils and universities) deal with personal information. Personal information does not include information about someone who has been deceased for more than 30 years. The key to the PPIP Act is the 12 information protection principles (IPPs) – see Appendix 1.

The HRIP Act protects the privacy of people's health information. It covers information created and collected by hospitals and other health service providers. It also includes other public and private organisations that hold any type of health information. Health information includes information about people who have been dead for less than 30 years. The HRIP Act contains 15 health privacy principles (HPPs) – see Appendix 2.

The PPIP Act gives legal recognition to the public interest in the protection of privacy.

Legislative changes

Changes which are brought forward by the Attorney General are covered in the Department of Justice annual report. Changes which are brought forward by the Health Minister which affect health privacy are covered in the NSW Ministry of Health annual report. In addition, the following legislative changes were made during the reporting period:

- The *Government Sector Employment Act 2013* (GSE Act) to reflect the recognition that the IPC agency head employs IPC staff to perform the statutory functions undertaken within the IPC
- The *Government Information (Information Commissioner) Act 2013* (GIIC Act) to recognise that IPC staff are employed by the agency head
- The *Privacy and Personal Information Protection Act 1998* (PPIP Act) to recognise that IPC staff are employed by the agency head
- The *Civil and Administrative Legislation (Repeal and Amendment) Act 2013* to reflect the commencement of the NSW Civil and Administrative Tribunal (NCAT) as a review body for matters arising from the GIPA Act, PPIP Act and HRIP Act. NCAT is declared to be part of the Department of Justice for the purposes of the GIPA Act
- *Electoral and Lobbying Legislation Amendment (Electoral Commission) Act 2014* under which the Electoral Commission may, at the request of a lobbyist, exclude information in the Lobbyists' Register or the

Our organisation: legislative matters

Lobbyists' Watch List from being made publicly available if the Electoral Commission is satisfied that there is an overriding public interest against disclosure of the information within the meaning of the GIPA Act

- *Privacy and Personal Information Protection Amendment (Inspector of Custodial Services) Regulation 2014* which prescribes the Inspector of Custodial Services as an investigative agency for the purposes of the PPIP Act
- The definition "public sector agency" now includes the office of a political office holder within the meaning of the *Members of Parliament Staff Act 2013*, being the office comprising the persons employed by the political office holder under Part 2 of the PPIP Act
- The definition "public sector official" in the PPIP Act now includes a person employed by a political office

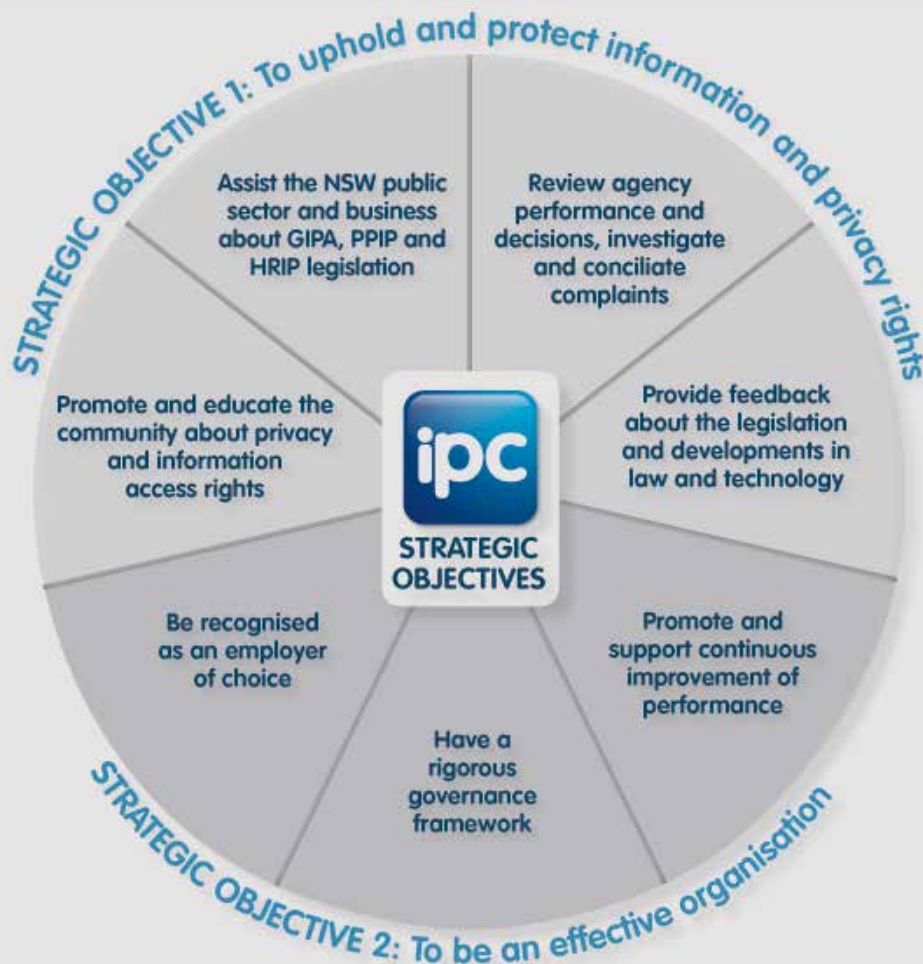
holder under Part 2 of the *Members of Parliament Staff Act 2013*, and a person employed by a member of Parliament under Part 3 of the *Members of Parliament Staff Act 2013*

- *Skills Board Act 2013* – the NSW Skills Board is listed as a subsidiary of the Department of Education and Communities in the GIPA Regulation
- *Subordinate Legislation (Postponement of Repeal) Order 2013* postponed the repeal of the PPIP Regulation from 1 September 2013 to 1 September 2014.

Other legislative changes that resulted in amendments being made to names of agencies but not other substantive changes to the legislation administered by the IPC have not been captured in this report. Examples include the *Fines Amendment Act 2013*, *Passenger Transport Bill 2014*, and *Bail (Consequential Amendments) Act 2014*.

Our strategic objectives

Please see Appendix 3 to view the IPC Strategic Plan 2013 – 2016 in detail.



Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Priority 1: Promote and educate the community about their rights under the legislation

Website redevelopment

The IPC commenced redevelopment of the organisation's website in the first half of 2014 after consultation with our stakeholder groups.

As the IPC's central communication channel, considerable work was done to improve the user experience with a cleaner format and simpler navigation, including the addition of web forms to improve efficiency of receiving applications and information from our stakeholders. Also implemented was a feedback channel to ensure all users can provide comments and feedback on their experience of the website. An e-learning portal will be added during 2014 – 2015 to provide improved training capability for agency staff.

An important driver for developing the new website was accessibility, which was built into the new site to comply with W3C's Web Content Accessibility Guidelines (WCAG). We look to achieve compliance with WCAG 2.0 Level AA for all IPC resources by December 2014.

Prior to the launch of the new website, the IPC's website attracted 290,388 page views during 2013 – 2014.

Website visits 2013 – 2014	
Visits	95,699
Unique visits	62,881
Page views	290,388
Average visit duration	3.17 minutes

Note: Totals based on monthly averages.

Publications

During 2013 – 2014, we helped members of the NSW community to understand their information access and privacy rights by providing guidance through our enquiries service and website.

The IPC produced a range of reports, submissions, policy documents, fact sheets and other resources to promote understanding of right to information and privacy legislation. See the full list at Appendix 4.

All resources are available for download on our website, with some also distributed at community events where IPC staff were on hand to meet with members of the public and answer their right to information and privacy enquiries directly.

Stakeholder engagement

During 2013 – 2014 a stakeholder engagement strategy was developed which identified our stakeholder networks. These groups are utilised to disseminate news, updates and information about privacy and right to information activities.

During 2013 – 2014 our known networks were used to send out information about the work, news and events of the IPC via e-alerts and emails. Groups were also contacted to consult on publications and resources that were developed, and to request assistance with distributing our core fact sheets which will be further developed during the next reporting year.

The goals of the IPC's Diversity Action plans – Aboriginal, Disability and Multicultural – have been incorporated into the stakeholder engagement strategy and are reported on separately on page 34.

Communications strategies

During the reporting period the IPC developed an internal communications strategy to be rolled out in the 2014 – 2015 reporting period. The communications team developed and delivered external communications strategies to stakeholder groups for projects and events including:

- *Report on the operation of the Government Information (Public Access) Act 2009: 2010 – 2013*
- Privacy Awareness Week 2014
- Right To Know Day 2013
- Stay Smart Online 2014
- Safer Internet Day 2014
- Data Privacy Day 2014
- Youth on Track Public Interest Directions
- Consultation for the Genetic Health Guidelines.

Media

Both Commissioners communicated with the media through media releases, statements and interviews.

The Privacy Commissioner conducted interviews and provided commentary for a number of NSW newspapers, radio stations, and media outlets on a range of issues. This included ID scanners in Kings Cross, Roads and Maritime Services licencing issues, the issue of collection and storage of photographs of vehicle number plates, issues around CCTV use by local councils, concerns about children and online privacy, data mining in schools and general media interest in Privacy Awareness Week.

We also gained media coverage through the announcement of the NSW Information Commissioner and CEO of the IPC, who led further media discussion around the release of the inaugural *Report on the Operation of the Government Information (Public Access) Act 2009 (GIPA Act) 2010 – 2013*.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

The IPC's main social media channel, Twitter, was used to promote events including Privacy Awareness Week, National Law Week, Right to Know Day and Data Privacy Day. Our messages were also retweeted by our Twitter followers and information and privacy authorities in other jurisdictions.

During 2013 – 2014 the Department of Justice delivered a cluster wide social media policy which the IPC looks to adopt with exceptions during 2014 – 2015. This will continue to allow our stakeholders to provide direct feedback on our programs and performance, and stay up to date with developments in privacy and access issues in NSW.

Community surveys

During 2013 – 2014 the IPC undertook two omnibus attitudinal surveys.

During February 2014 the Privacy Commissioner commissioned a survey to find out what the NSW community knew about their rights to access their personal information.

Results from the privacy survey included:

- More than 50% of people in NSW don't know they can access information about themselves held by NSW public sector agencies; and of those who know, only 44% know how to do it
- Up to 53% aren't aware of their rights to access health information
- 65% don't know about their rights to access personal information held by a government department, local council or university
- Young people under the age of 24 are less aware of their rights to access information held about them, although 59% of respondents have considered accessing information from NSW education providers
- About 50% of older age groups (55+) are more aware of how to access their personal and health information than other age groups.

The results from this survey indicated further work is required to educate both the NSW community and agencies about their rights and responsibilities around accessing personal and health information under NSW privacy legislation. This project will be completed during 2014 – 2015.

In April 2014 the Information Commissioner commissioned an attitudinal survey to find out what the NSW community knew about their rights to access government information under the GIPA Act.

A survey sample of the NSW public was asked how important information access was to them. Results included:

- 52% responded that it is very important
- 32% responded that it is quite important
- 84% (combined) said it was very/quite important
- 58% of people surveyed know they have a right to access government information from a NSW government agency
- 65% of NSW citizens surveyed have tried to access information held by Local Councils
- 70% of all requests to access government information have been successful.

The results will assist in the development of the next report on the operation of the GIPA Act, which will be published in the second half of 2014 as per the statutory requirements under section 37 of the GII Act.

Events and awareness initiatives

The IPC events calendar was a core feature of the organisation's stakeholder engagement during 2013 – 2014. Please see below for details of the IPC's two main events Right to Know Day and Privacy Awareness Week.

Other events acknowledged with smaller campaigns included Data Privacy Day (28 January), Safer Internet Day (11 February), Information Awareness Month (May 2014), Law Week (12-18 May), and Stay Smart Online (2-6 June).

Right to Know Day 2013

As part of the international Right to Know Day campaign (28 September), the IPC developed a communications strategy with the aim to increase awareness of the GIPA Act and the role of the IPC in championing information rights in NSW. This included developing a fact sheet "Your rights to access government information in NSW" which includes a flow chart to demonstrate the freedom of information system in NSW, and creating a news item and web page on the IPC's website. The website received around 20% more traffic on Saturday, 28 September compared to the previous Saturday.

The IPC utilised its social media platforms, in the form of tweeting on Twitter with the hashtag #RTKD2013.

This is the first time the IPC has run any public awareness around Right to Know Day and as such this initial campaign can be used as a benchmark for future campaign activities. The impact and numbers reached could be conservatively estimated at 2,000 people (1,700 website visits and 155 Twitter followers).

In 2014 – 2015 the IPC will roll out a larger campaign to celebrate five years of the GIPA Act. We are looking to partner our activities with other agencies to further spread the message of right to information in NSW.

Privacy Awareness Week 2014

Privacy Awareness Week 4 – 10 May 2014 (PAW 2014) is an initiative of the Asia Pacific Privacy Authorities forum (APPA) held every year to promote awareness of privacy issues and the importance of the protection of personal information. This year, the theme for PAW 2014 in NSW was “Mobilise your privacy, stay safe online”.

Fifteen IPC resources were developed or updated for PAW 2014, including five posters, an infographic, seven fact sheets, media releases and newsletter templates. APPA developed an infographic, which the IPC tweeted and also uploaded to the website. A dedicated IPC PAW 2014 web page provided stakeholders with access to resources and information, with the IPC website receiving 8,539 page views during the event period. E-alerts sent to stakeholder groups included practitioners and local government channels. In addition, a further e-alert was sent asking for feedback about involvement in PAW.

The IPC received a number of enquiries regarding PAW 2014, mostly from NSW public sector agencies requesting assistance with the resources or training. Through IPC e-alerts and other networks, we were able to reach out to a number of agencies, councils and additionally local MPs. Please see page 20 for further details on how our stakeholders celebrated PAW 2014.

Three media releases were sent out with two dedicated to local radio channels. Live radio interviews were undertaken with ABC Illawarra and Techworld.

During PAW 2014 the IPC’s Twitter followers increased to 205, with 10 tweets and retweets with hashtag #2014PAW.

Outlook for 2014 – 2015

In the coming year, the IPC will:

- Achieve compliance with WCAG 2.0 Level AA for all resources and the IPC website
- Continue to review resources and to develop fact sheets and guidelines on information that will assist our stakeholder groups to understand and comply with NSW privacy and access information legislation
- Use our distribution networks to get IPC products and services out to our stakeholder groups including regional communities
- Use the stakeholder engagement strategy to acquit identified tasks on our diversity action plans
- Identify mechanisms to promote citizen participation in decision making
- Use the results of the attitudinal surveys to inform projects by the Privacy Commissioner and Information Commissioner
- Develop dynamic stakeholder campaigns for Right to Know Day and Privacy Awareness Week.

Priority 2: Assist agencies and business to understand and implement the legislation

Practitioners’ network

The Right to Information and Privacy Practitioners’ Network holds quarterly forums which are attended by the Privacy Commissioner and the Information Commissioner. The forums provided an opportunity for the IPC to share information and advice with agencies on current matters and issues under privacy and right to information legislation in NSW.

Education and training

During the reporting period the IPC continued to work on delivering education and training to its various stakeholder groups.

E-learning

The IPC is working towards the development of a GIPA e-learning module for decision makers and a privacy module for complaint handling. Groundwork was completed during the reporting period including the scoping of a vendor to facilitate the e-learning portal, along with research and content development.

Our current e-learning modules include:

- Online training in the *Privacy and Personal Information Protection Act 1998* (PPIP Act)
- *Module 1: GIPA introduction for agency staff*
- *Module 2a: Managing the public’s right to government information*
- *Module 2b: The contract register and contract disclosures*
- *Module 2c: Managing the public’s right to government information – local councils.*

Training

We conducted 21 training and information sessions for agency staff during 2013 – 2014, including for:

- City of Sydney
- NSW Business Link
- Sutherland Shire Council
- Office of the Children’s Guardian
- St George/Sutherland Hospitals and Health Services
- Legal Aid NSW
- Holroyd Council
- Ministry of Health.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

GIPA review reports

The IPC is proactively releasing more of its review and investigation reports.

During the reporting period the IPC published 18 GIPA review reports. Not all reports prepared by the IPC are published. Published reports are a resource to be utilised by agencies, business and the public to better understand and implement the legislation. Reports are only published in circumstances where the Information Commissioner is of the view that the report provides new guidance or may provide further guidance in specific areas.

Speaking engagements

Information access

The Information Commissioner delivered a number of presentations during the reporting period on the role of the IPC and the operation of the GIPA Act in NSW. The Commissioner addressed stakeholders on the right to information and best practice in information management through the following forums:

- Government and Industry Think Tank 2014
- The Office of Environment and Heritage – “Establish public value and collective advancement of open government”
- NSW Right to Information and Privacy Practitioners’ Network forum, quarterly 2013 – 2014
- The launch of the Open Government Community of Practice, June 2014
- National Local Government Customer Service Network – “The GIPA Act and customer service”
- Indonesian delegation: Australian Indonesian Partnership for Local Government Planning and Budgeting Program.

Privacy

The Privacy Commissioner shared her expertise on privacy issues with delegates from the public, private and non-government sectors through the following forums:

- First State Super seminar – “My career in the public sector, my current role and experiences in a leadership position”
- Regional support workers’ conferences, National Disability Services, Dubbo and South Western Sydney – “Understanding Boundaries and Privacy”
- University of Technology, Sydney – Industry panel seminar – “Privacy issues with data retention and reuse”
- University of Technology, Sydney – “Privacy in Australia: the legislative framework at a state level”
- Open Data Forum – “Privacy and the NSW Government open data initiative”
- Biometrics Institute Asia Pacific Conference, Sydney – panel: “Biometrics moving into everyday life and why privacy matters even more”

- Charles Sturt University Graduation ceremony – “Privacy Commissioner’s Occasional Address”
- NSW Right to Information and Privacy Practitioners’ Network forum, quarterly 2013 – 2014
- APPA Forum 2013, New Zealand: “Data sharing”.

IPC resources

During the year the IPC identified the need for new resources to assist agencies with their requirements under the GIPA Act. An internal review fact sheet was developed and following a consultation period with stakeholders will be available as a resource for agencies in 2014 – 2015. Other resources including fact sheets on *Reasonable searches under the GIPA Act* and *Legal Professional Privilege* were identified and are in development for release during the 2014 – 2015 year.

A key priority for the IPC is assisting the NSW public sector and businesses to understand and implement the GIPA, PPIP and HRIP legislation. Strategies to achieve this objective include:

- Publishing IPC information access decisions to provide guidance to all agencies
- Supporting agencies and private health service providers to understand and implement privacy positive practices in core and corporate support activities
- Supporting agencies to implement a proactive and informal information release program and develop their culture around it
- Supporting agencies in complying with the PPIP Act, HRIP Act and GIPA Act internal review requirements
- Providing an effective and responsive enquiry service
- Publishing accurate, clear and tailored information, guidelines and resources for agencies and business on the IPC website and other channels. See Appendix 4.
- Providing targeted online education courses and resources, and other educational services and products using innovative technologies, media channels and partnerships with agencies and organisations
- Providing easily accessible mechanisms for agencies and business to provide feedback and suggestions on the IPC’s products and services
- Supporting the NSW Right to Information and Privacy Practitioners’ Network forum with information and targeted education programs and resources.

Assisting agencies – GIPA

One of the key principles of the GIPA Act is to encourage agencies to move towards a culture of proactively releasing government information. The Information Commissioner’s role is to promote and support access to and disclosure of government information.

The Information Commissioner has a responsibility to undertake reviews of agency decisions under the legislation. Through the reviews, the IPC can identify trends and systemic issues on which to focus its assistance, and in turn develop resources to promote agency best practice in line with community expectation.

The IPC works to assist agencies to improve their access practices in the following ways:

- Preparing and delivering targeted advice and training on issues where agencies are having particular difficulty
- Identifying sector specific and agency wide trends and performance issues
- Obtaining feedback from agencies formally and informally on aspects of the GIPA Act that are experienced by those agencies
- Providing guidance and assistance to agencies to address agency specific or sector wide issues
- Developing best practice guidelines and resources to assist agencies in providing greater access to government information
- Regularly consulting with practitioners and seeking their feedback at meetings such as the NSW Right to Information and Privacy Practitioners' Network forum and Local Government Managers Association (LGMA)
- Providing guidance to agencies on a case-by-case basis in review reports, and publishing those reports online for the benefit of a wider audience
- Visiting agencies to examine their processes, and identify and help address problematic issues.

GIPA Tool

The Information Commissioner assists agencies with the exercise of their functions under the GIPA Act by providing services to assist with the lodgement, handling and processing of access applications. This is done through the GIPA Tool which is a database available to agencies to use to register and process access applications.

During the course of the year the Information Commissioner has implemented a review of the GIPA Tool to assess its effectiveness as a resource and tool for agencies. The review although commenced, was not yet complete at the publication of this annual report. Further details on the review will be provided in the 2014 – 2015 annual report.

Assisting agencies – Privacy

The IPC provides privacy advice to members of the public, NSW public sector agencies and other organisations.

An important part of privacy work is strategic policy public program matters and oversight of complaints. The Privacy Commissioner is consulted on proposed legislation, reviews of Acts, submissions regarding professional standards,

discussion papers, guidelines and protocols. The Privacy Commissioner made a number of submissions, including a submission on State Owned Corporations Review Issues Paper. Submissions are available on the IPC website.

The IPC does not provide legal advice, but gives general guidance on privacy-related matters and procedural advice. In many cases, enquiries are resolved by staff suggesting practical ways of approaching a dispute. Generally the IPC resolves most enquiries within one working day, with the majority of matters finalised at the time of the call.

Enquiries often focus on matters relating to surveillance, criminal records and privacy concerns arising from the conduct of businesses. Workplace surveillance is a key issue and is covered under the *Workplace Surveillance Act 2005 (NSW)* and *Surveillance Devices Act 2007 (NSW)*. General intrusive surveillance in public and private areas is another area of concern for the NSW public. While this issue is privacy-related, the Privacy Commissioner does not administer it and cannot act in relation to complaints about breaches of these Acts.

Matters relating to both the use and disclosure of criminal records in both the public and private sector continue to be an area of community concern and the basis of assistance from the Privacy Commissioner.

Each council is required to make available a copy of their updated privacy management plan to the IPC. The Privacy Commissioner has received 22 plans from local councils in the financial year.

We provide formal advice on privacy matters to a number of stakeholders. Often this relates to legislative or program proposals, and agencies understanding of the applicability of the legislation.

In 2013 – 2014, we responded to 136 requests for policy advice. The majority of requests for formal advice were from the NSW government sector (63%), followed by private individuals (10%).

Advice files by source – IPC

2013 – 2014				
Type	Privacy	GIPA	Both Privacy/ GIPA issues	Neither Privacy or GIPA related
Private individual	13	3	1	1
State government	79	11	6	0
Other governments	12	1	0	0
Private organisation	8	0	0	0
Other*	9	4	0	0
Local government	4	1	0	0
Advocate/lawyer	1	0	0	0
Parliamentary enquiry	3	1	0	0
TOTAL = 158	129	21	7	1

* 'Other' includes universities, Members of Parliament and unknown.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

We also produced materials for agencies to meet their obligations under the PPIP Act and the HRIP Act:

- *Privacy checklist for NSW public sector staff* – launched during Privacy Awareness Week 2014
- Fact sheet: *Your privacy rights in NSW*
- Reports and advice by the Privacy Commissioner following reviews of privacy complaints.

Privacy Awareness Week 2014 (PAW 2014) provided an opportunity to strengthen our support for NSW public sector agencies in the area of privacy protection. IPC Investigation and Review Officers provided advice and guidance to agencies to help them develop efficient privacy management plans on request, and delivered training to agencies. We also produced a range of privacy resources that were available to download and use during PAW 2014 (see Appendix 4). State government departments, universities and local councils, and MPs throughout NSW used IPC resources to disseminate privacy protection messages to their staff and stakeholders.

Examples of activities included:

- Holroyd Council promoted PAW via their website, staff emails and the IPC delivered a talk on online safety and good privacy work practices
- Goulburn Mulwaree Council promoted PAW with posters, privacy slides at customer service points, a staff newsletter and emails and an advertisement in the *Post Weekly*
- Cessnock Council displayed posters in the foyer and council libraries, and had governance officers available during the week to respond to privacy enquiries
- Wollongong Council promoted PAW on their intranet, linked to the IPC website and their privacy management plan, and made privacy announcements
- City of Sydney promoted PAW on their intranet, sent a message from the CEO to managers and supervisors, and placed an article in their e-newsletter
- Narrabri Council promoted PAW via the web, Facebook, radio, and in the Mayoral Column in the local newspaper. Employees were encouraged to review privacy practices
- The IPC delivered two presentations on privacy to Legal and Regulatory Services at Ministry of Health NSW
- Safety, Return to Work and Support in Gosford promoted PAW on their website
- Department of Justice included PAW on their intranet
- State Emergency Services reviewed their privacy management plan
- Department Education and Communities developed a media release
- UrbanGrowth (Landcom) placed PAW posters around their offices
- Central Coast LHD developed a poster for hospital staff rooms and sent a staff email
- Crown Solicitors promoted PPIP Act privacy training
- NSW Police distributed PAW information to the CAPP Alumni network

- NSW Fire and Rescue included PAW in the Commissioner's weekly newsletter
- The University of Technology Sydney announced increased capacity for online privacy law library
- University of Newcastle undertook privacy refresher training across faculties
- PAW was promoted by public schools including Beecroft, Woonona East, Bronte, Kiama, Hamilton and Katoomba.

Privacy Genetic Health Guidelines

In 2013 – 2014, the Privacy Commissioner conducted a public consultation on the guidelines for *Use and disclosure of genetic information to a patient's genetic relatives: Proposed guidelines for organisations in NSW 2014*. Draft Guidelines were made available on the NSW Government's Have Your Say website as well as the IPC and NSW Health websites. E-alerts were also sent to key stakeholders. The Genetic Health Guidelines will be issued following approval by the Minister for Health in 2014 – 2015.

Privacy Public Interest Directions

Public Interest Directions are made by the Privacy Commissioner with the agreement of the Attorney General, to modify the application of information protection principles in NSW legislation for a specific program or public sector activity.

Nine Public Interest Directions were remade under section 41 of the PPIP Act and one Public Interest Direction was remade under section 62 of the HRIP Act during 2013 – 2014. The Directions under section 41 of the PPIP Act commenced on 1 January 2014 and expire on 30 June 2015. The Direction made under section 62 of the HRIP Act commenced on 10 January 2014 and expire on 30 June 2015.

A number of existing Public Interest Directions will not be further renewed. Rather, during the year the Privacy Commissioner requested that agencies incorporate into legislation and regulations ongoing requirements to ensure transparency for the community.

Privacy Cross Border Information Sharing Code of Practice

Under section 19 of the PPIP Act the Privacy Commissioner is to "prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside of NSW and to Commonwealth agencies". It was envisaged for the Privacy Commissioner to introduce a code within 12 months of the enactment of the legislation. For a variety of reasons that did not occur, with two past attempts to develop guidance by previous Commissioners.

Agency service requirements commonly involve the disclosure of personal information outside of NSW. An Administrative Decisions Tribunal (ADT) decision (GQ v NSW Department of Education and Training (No 2) [2008] NSWADT 319) set the precedence for the following decisions, with section 18(1) relating to general limitations to the disclosure of personal

information considered inapplicable where information has been disclosed outside of NSW. In the absence of a transborder Code of Practice, accountability could not be placed on the agency and this matter was dismissed and considered outside of the Tribunal's jurisdiction. More recent matters at NCAT (previously known as the ADT) have also highlighted the gap in privacy legislation within NSW.

The demand for this guidance on responsibilities in this area has become more apparent as the NSW public sector seeks to move towards digitalising information and scope opportunities for improved information storage through offshore cloud hosting arrangements.

In 2013 – 2014, the Privacy Commissioner prepared and submitted a draft Transborder Code of Practice for the Attorney General's approval. The draft Code of Practice will allow the disclosure of personal information in certain circumstances by a NSW public sector agency to a person or body who is in a jurisdiction outside NSW, or to a Commonwealth agency.

The Attorney General has indicated that the regulation of the disclosure of personal information to other jurisdictions outside NSW is best addressed by a legislative amendment rather than a Code of Practice.

Outlook for 2014 – 2015

In the coming year, the IPC will:

- Assist the NSW Right to Information and Privacy Practitioners' Network to clarify their governance framework, seek feedback through surveys and look to develop a seminar series for practitioners
- Continue to publish GIPA review reports
- Implement a needs based practitioner training approach for information access and privacy
- Develop an e-learning portal containing a module for information access and privacy
- Publish the Genetic Health Guidelines
- Re-make Public Interest Directions as required
- Continue to pursue provision for sharing personal information across borders
- Develop guidelines and highlight sound practice models to assist agencies and practitioners to comply with NSW legislation.

Priority 3: Review agency performance

Report on the operation of the GIPA Act

Under section 37 of the GILC Act the Information Commissioner is required to report annually to NSW Parliament on the operation of the GIPA Act across all agencies.

The inaugural report was tabled in Parliament in June 2014 on the operation of the GIPA Act for 2010 – 2013.

The report demonstrates the advancement of the objectives of the GIPA Act through collective data provided by the five decision making sectors the GIPA Act applies to – NSW government agencies, state-owned corporations, NSW councils, universities and Ministers and their staff.

The key report findings between 2010 – 2013 include:

- 50,318 applications were lodged across the five sectors
- 82% of those applications were lodged with government agencies, state-owned corporations or Ministers
- 61% of the applications lodged with government are attributed to three agencies – Police (36%), Roads and Maritime Services (15%) and WorkCover (10%)
- 87% of applications were finalised within the statutory time frame, 3% exceeded the 35 days
- During the reporting period (2010 – 2013), the number of invalid applications decreased from 13% to 7% and the number of invalid applications subsequently becoming valid increased from 13% to 26%
- 75% of decisions resulted in information being release in full and in part
- 69% of internal reviews varied the initial decision
- Just 3% of council and 9% of government decisions were deemed refused.

Over the next year, the focus will be to examine how agencies and the IPC can work collaboratively to achieve greater maturity in:

- the reporting framework to deliver quality data and more integrated information
- operational competencies, particularly through information and training to assist agencies to streamline service delivery
- decision making, particularly at the initial decision making stage to ensure information is made available at the earliest point in the access process.

GIPA protocol

The IPC has entered into a new Memorandum of Understanding with the Office of the NSW Ombudsman to facilitate effective exchange of information as provided under the GIPA Act and the *Ombudsman Act 1974*.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Privacy breaches

During the reporting period certain privacy issues were brought to the attention of the Privacy Commissioner.

Roads and Maritime Services (RMS) protocol

The Privacy Commissioner worked with RMS to address the expiration of the Privacy Protocol for “The release by the Roads and Traffic Authority of New South Wales of driver licence photographs to the New South Wales Police Force for non counter-terrorism investigations” (Privacy Protocol). The Protocol expired on 1 April 2013.

Subsequently, RMS consulted with the Privacy Commissioner to introduce a new Privacy Protocol, “Police Access to Photos: Major Crime and Missing Persons Investigations”. A new Privacy Protocol was approved by the Privacy Commissioner on 6 June 2014 and expires 5 June 2019.

To demonstrate accountability and transparency, the Protocol has been published on the IPC website.

The issue demonstrates the importance of having privacy governance embedded in the mainstream mechanisms that agencies have for ensuring compliance with law and associated instruments.

Castle Hill High School SMS messaging service

An example of a breach received by the Privacy Commissioner was Castle Hill High School’s SMS messaging service, which led to a possible breach by the Department of Education of the privacy of several parents, caregivers and students of the school. As a result the Department has reinforced the importance of privacy security measures by schools, implemented a comprehensive Information Security Management System and raised the issue with the Department’s Audit and Risk Committee.

Privacy Governance Framework

To prevent breaches and the resulting potential loss of public confidence in the management of their privacy, agencies have highlighted the need to have an easy and efficient way to understand their responsibilities under NSW privacy legislation. To address this need, during 2013 – 2014 the Privacy Commissioner commenced development of the Privacy Governance Framework. The framework is intended to provide a broad overview of the NSW privacy regime for senior managers in NSW Government.

Consultation with key departmental Secretaries, practitioners and other jurisdictions was conducted during the reporting period with comments incorporated in the framework to ensure that the framework meets the needs of NSW public sector agencies. The framework will be published in the 2014 – 2015 reporting period.

GIPA annual reporting

Under the GIPA Act all NSW Government agencies are required to report to the IPC on their management of access applications. The reporting requirements identify specific data

from agencies. This information has been collected by the IPC since the commencement of the GIPA Act. In 2014 in preparation for the production of the inaugural report on the operation of the GIPA Act the IPC commissioned work to establish a database to act as a repository for this significant data set. The database was also established to facilitate the production of reports which inform the IPC’s reports to Parliament and to the Attorney General. The new database will also enable the IPC to work with agencies to promote compliance with access and privacy legislation.

Advice

Throughout the reporting period, the IPC has been actively involved in providing strategic and expert advice on numerous government initiatives:

IPC

The Information Commissioner and Privacy Commissioner were members of the Enabling Information Sharing Working Group established in 2012 to advise the ICT Leadership Group and ICT Board on actions necessary to achieve NSW Government’s agreed service capability principle to deliver better information sharing between agencies. This is an action stemming from a key target of the *NSW 2021: A Plan to Make NSW Number One* to improve service delivery and restore accountability to government. The activities of the EIS Working Group will improve service delivery by transforming how services are delivered using data exchanged between agency systems; build capacity for information sharing in service delivery partners and non-government organisations; and bridge the gap in technology needed to provide robust, end-to-end service for research and service delivery.

The IPC representatives were also members of the Legislative Review Steering Committee providing guidance on information access and privacy as part of the review of the existing legislative and policy framework for records and information management in a digital environment. The review of the legislative and policy framework was intended to assist in the implementation of the NSW Government documents, *NSW 2021* and the *NSW Government ICT Strategy*. The report describes the work underway and makes preliminary recommendations to lay a foundation for improved records and information management in light of digital ways for agencies to create, store and manage information.

Privacy

During the year, a number of agencies sought advice from the Privacy Commissioner in relation to the operation of the privacy legislation for specific programs or activities. A particular focus was in the areas of crime prevention programs and domestic violence reforms.

The Privacy Commissioner made a new Public Interest Direction under s41 of the PPIP Act to support the Department of Justice Youth on Track Program. This is a trial strategy to reduce juvenile offending through case management and early intervention. The Direction allows for referral of young people at risk into the program, and came into effect on 28 February 2014.

The Privacy Commissioner provided advice, comment and submissions in relation to NSW privacy legislation on a number of government proposals including:

- new Domestic Violence reforms during the year which seek to share information to provide improved responses and referral pathways by public sector agencies
- Debt Recovery initiatives under consideration by the NSW Parliament Legal Affairs Committee
- sharing of information by non-government organisations for services funded by Family and Community Services
- NSW Law Reform Commission review of dispute resolution frameworks in NSW, and mechanisms available to individuals with regard to the PPIP Act, HRIP Act and NCAT
- data sharing and data linkage policies and programs across the NSW public sector and health information.

NSW 2021 State Plan Goal 31

The Information Commissioner had lead responsibility under the *NSW 2021 State Plan* Goal 31 to improve government transparency by increasing access to government. The IPC conducts compliance audits twice yearly on the government sector's compliance with the mandatory proactive release requirements under the GIPA Act. This is publicly reported under Goal 31 of the *NSW 2021 State Plan*. The IPC submitted data in October 2013 and March 2014.

Privacy management plans

Under the PPIP Act, public sector agencies are required to prepare and implement a privacy management plan (PMP) and provide a copy to the Privacy Commissioner. A PMP is an integral part of a public sector agencies governance framework. A PMP has the ability to ensure privacy obligations are integrated into the functions and activities of the agency and not appended as a last resort. The PMP sets out the agency's policies and procedures for complying with relevant IPPs and HPPs in their management and dealing with information.

It assists and guides staff in their day-to-day handling of personal and health information, and clients who wish to understand the privacy protections and how they are managed. The IPC does not prepare these PMPs but can provide general assistance and feedback and has material to assist agencies on its website.

In the 2012 – 2013 financial period the IPC completed an audit of all PMPs to ensure all state agencies complied with their statutory obligation to provide a copy of their plan to the Privacy Commissioner and that all plans are up-to-date. During the 2013 – 2014 period the IPC received 22 PMPs for review.

The IPC has developed resources to help NSW public sector agencies write and review their PMPs:

- *A Guide to Making Privacy Management Plans*
- *The Privacy Management Plan Assessment Checklist*.

The IPC assesses PMPs submitted to the Privacy Commissioner for consideration against the above checklist and provides guidance to agencies as required.

Our office has a PMP in line with this requirement that is available on our website and reviewed regularly to ensure it is clear, accurate and up to date.

Privacy Codes of Practice

Agencies may request a Privacy Code of Practice to regulate the collection, use and disclosure of personal or health information held by public sector agencies and the procedures for dealing with that information. Codes may also modify the application to any public sector agency of one or more of the IPPs or the HPPs.

There are presently 12 Privacy Codes operating under NSW privacy legislation and they are published on the IPC's website. No new Codes were gazetted during the reporting period.

Privacy Public Interest Directions

Under section 41 of the PPIP Act, the Privacy Commissioner with the agreement of the Attorney General, may make a Public Interest Direction to waive or modify the requirement for a public sector agency to comply with an IPP.

The Privacy Commissioner must weigh the public interest in considering whether to make a Public Interest Direction. This process may involve consultation with affected parties, and the Privacy Commissioner may need to ask the agency or agencies concerned for more detailed information about their request and their reasons for seeking the exemption.

If the Privacy Commissioner is satisfied that the public interest in allowing an exemption outweighs the public interest in the application of the IPPs to the conduct at issue, the Privacy Commissioner will then prepare a draft Direction, which may then be the subject of further consultation.

Finally, the Privacy Commissioner must submit the draft Direction to the Attorney General, and seek their approval to make the Direction before it published on the IPC website.

There were 10 PPIP Act Public Interest Directions and one HRIP Act Public Interest Direction in force as at 30 June 2014. These Directions can be found on the IPC website.

Most of the Directions which have been made to date are intended to apply temporarily. In 2011, the Acting Privacy Commissioner commenced action to ensure Directions are only temporary and to avoid the remaking of current Directions. This position remains in force although a number of Directions were renewed from 1 January 2014 to 30 June 2015. The purpose of this renewal was to allow agencies to do business while the Privacy Commissioner, along with the Department of Justice, closely examine the Directions in order to consider the most appropriate way to handle the operational requirements of agencies and relevant exemptions, where they exist, in the future. The Privacy Commissioner does not intend to renew the Directions beyond 30 June 2015.

During the reporting period, the Privacy Commissioner also extended the Investigative Functions Public Interest Direction to allow for public sector agencies to disclose personal

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

information if it is reasonably necessary to enable the reporting on the progress and outcome of a complaint to a complainant.

In 2013 – 2014, the Privacy Commissioner made a Direction in relation to the Department of Justice's Youth on Track program to allow the modification of the IPPs by the participating agencies of the program. A number of other requests were received by the Privacy Commissioner and some will continue to be considered in 2014 – 2015.

Privacy protocols

In accordance with privacy legislation and other NSW legislation including an agency's enabling legislation, the Privacy Commissioner may be required to approve a Privacy Protocol that allows an agency's (or agencies') departure from the IPPs under the PPIP Act. The responsibility for the Protocol lies with the agency administering the activity under the Protocol. A Privacy Protocol will generally establish procedures for the use and disclosure of personal information for a particular purpose whilst maintaining the privacy protections of the individuals concerned.

Under the *Road Transport Act 2013* s(57)(2) it is a requirement for the Privacy Commissioner to approve the Privacy Protocols that allow RMS to release photographs (driver licence information) to third parties.

In June 2014, two of the existing RMS Protocols were reviewed and renewed. These Protocols related to access to photographs to the NSW Police and the NSW Crime Commission for matters of non-counter terrorism. The Protocols have been made available via the IPC website. The remaining four Protocols will be reviewed.

Human Research and Ethics Committees

Eighteen organisations have provided their Human Research Ethics Committee (HREC) forms for 2013 – 2014. Across these organisations there was a total of 263 research proposals – 261 (99.2%) of the 263 research proposals considered by the HRECs that the public interest value of the proposed research, statistical or management of health services of health services activity substantially outweighed the public interest in the protection of privacy. Please see the HREC table below.

No.	Date	HREC July 2013 – June 2014	Proposals	Without consent	Outweighed public interest
1	01/07/13	St Vincent's Hospital Human Research Ethics Committee	0	N/A	N/A
2	15/07/13	Population and Health Services Research Ethics Committee	17	Yes	Yes
3	15/07/13	Royal Rehabilitation Centre Sydney, Human Research Ethics Committee (E0003)	0	N/A	N/A
4	22/07/13	Sydney Local Health District – CRGH (EC00118)	21	Yes	Yes
5	06/08/13	University of Technology of Sydney	0	N/A	N/A
6	19/08/13	Adventist HealthCare Limited (Sydney Adventist Hospital Group)	0	N/A	N/A
7	09/09/13	Hunter New England Human Research Ethics Committee	18	Yes	Yes
8	29/10/13	South Eastern Sydney Local Health District	70	Yes	Yes
9	19/12/13	Nepean Blue Mountains Local Health District	0	N/A	N/A
10	13/01/14	University of Wollongong and Illawarra Shoalhaven Local Health District Health and Medical HREC	2	Yes	Yes
11	13/01/14	University of Wollongong and Illawarra Shoalhaven Local Health District Social Sciences HREC	2	Yes	Yes
12	20/01/14	Western Sydney Local Health District HREC	0	N/A	N/A
13	11/04/14	North Coast NSW HREC	2	Yes	N/A
14	14/04/14	Southern NSW LHD	0	N/A	N/A
15	16/04/14	South Western Sydney Local Health District	0	N/A	N/A
16	30/04/14	Northern Sydney Local Health District	104	Yes	Yes
17	06/06/14	Sydney Local Health District (RPAH Zone)	24	Yes	Yes
18	26/06/14	Aboriginal Health & Medical Research Council of NSW (AH&MRC)	3	Yes	Yes
TOTAL			263		261

Physical privacy

The Privacy Commissioner may investigate physical privacy matters and other privacy matters that do not only relate to personal or health information or data protection as provided under section 36(2) of the PPIP Act. Under this provision, the Privacy Commissioner can receive, investigate and conciliate complaints about privacy-related matters. Where the Privacy Commissioner decides to investigate a privacy-related complaint and believes a violation of, or interference with an individual's privacy has occurred, the complaint will be conciliated. As it goes beyond the IPPs or HPPs and data protection, the Privacy Commissioner will use her residual discretion to investigate privacy matters in light of resource limitations and considering whether there is another more appropriate remedy.

Outlook for 2014 – 2015

In the coming year, the IPC will:

- Facilitate the provision of contemporary and respected advice by working with expert advisory bodies including the Information and Privacy Advisory Committee (IPAC)
- Review the IPC's service delivery channels to promote accessibility, flexibility and innovation
- Identify opportunities to enable citizen input into policy development
- Continue to provide strategic and expert advice on government initiatives
- Deliver our requirements as per the IPC's Open Government Plan report
- Implement new approaches to working with agencies and the public to promote information access and privacy rights
- Publish the Privacy Government Framework
- Continue to review agencies' privacy management plans as required
- Continue to monitor physical privacy
- Continue to regulate Codes of Practice
- Monitor and review Public Interest Directions and Privacy Protocols as required
- Submit a stand alone report on the operation of the PPIP Act for 2013 – 2014 to NSW Parliament
- Submit the report on the operation of the GIPA Act for 2013 – 2014 to NSW Parliament.

Priority 4: Review agency performance and decisions, investigate and conciliate complaints

GIPA matters

The Information Commissioner is responsible for reviewing agency decisions, investigating and conciliating complaints and monitoring the performance of agencies under the GIPA Act.

In 2013 – 2014 the Information Commissioner received 511 reviews and complaints, which continues to be higher than expected. The Investigation and Review team opened 511 cases during the year and closed 490 cases. On average the team received 43 requests for assistance and closed an average of 40 per month. This included 152 applications for external review received from one applicant. The higher than expected request for assistance has caused some delays in the processing of GIPA reviews and complaints over this reporting year. However, overall the IPC's finalisation time frames have improved notwithstanding this increase in application numbers. The Information Commissioner continues to monitor the level of delay and work is being undertaken to address the delay, including consistent case management and a proportionate approach to case management across the IPC.

Cases are being prioritised by date of receipt to continue to reduce the average age profile of all cases. However, where a case is time sensitive, it may be prioritised. The IPC applies a straightforward triage model to cases received to identify the issues, jurisdiction and level of complexity. Wherever possible cases which can be finalised quickly are managed in the triage process.

A new case management system was implemented in the last reporting year, improving the ability to deal with the volume of reviews and complaints being received. The new system in conjunction with the development of improved practices and procedures has been reviewed, with further enhancements to the case management system to be implemented which will improve case handling, including standardisation of templates accessible from the case management system.

The case management system supports the work of the IPC in both the privacy and information access areas.

GIPA matters opened and closed 01/07/13 – 30/06/14

Matter type	Received	Closed	Open
Complaints	44	40	11
Investigations	0	2	0
Reviews	467	448	153
Total	511	490	164

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Review process – GIPA

The Information Commissioner adopts the following process to the applications received as a method to improve the timelines associated with the delays in the information access area. When we receive a review application we:

- Contact the applicant to confirm we have received the application and to give a reference number for the review
- Undertake an assessment of the issue's complexity and jurisdiction
- Notify the agency that made the decision that we have received an application for review
- Allocate the review request to an IPC Investigation and Review Officer
- Notify the applicant and the agency when the review is allocated and ready to be progressed.

The Investigation and Review Officer will look at the information requested, the process that the agency followed and the agency's decision in order to form a view about whether the agency correctly followed and applied the provisions of the GIPA Act. The officer may choose to ask either or both of the parties for additional information if necessary as part of this process. We will usually ask that any additional information be provided within ten (10) working days. The officer will write a report or letter outlining the Commissioner's view and any recommendations for the applicant and/or agency.

Some final review reports are published on the IPC's website. However, consent will be obtained from the applicant and any third party before we publish any personal information online.

If an applicant or an agency disagrees with the final review report or recommendations made by the Information Commissioner, they may seek a review with the NSW Civil and Administrative Decisions Tribunal (NCAT).

Managing delays

The IPC aims to complete 80% of its cases within 60 days and the remainder within 120 days. Due to the higher than expected requests for assistance, delays have been experienced in the timely completion of case work. The Information Commissioner continues to monitor the level of delay and work is being undertaken to address the delay including further refinements to our case management system to better support the case work.

Privacy matters

Internal reviews (PPIP Act and HRIP Act)

If an individual complains about a breach of an IPP, the IPC will, in most cases, recommend that the individual lodge an internal review application with the relevant agency, rather than seek investigation or conciliation by the Privacy Commissioner. The former approach provides the complainant with the option of taking their complaint to NCAT if they are unhappy with the outcome of the internal review.

2013 – 2014 internal reviews by Information Protection Principles (IPPs) – PPIP Act

Information Protection Principle*	Count
Access	15
Accuracy	18
Collection	23
Disclosure	100
Other	2
Physical privacy	0
Retention storage	28
Use	39
TOTAL	215

* Some internal reviews contain more than one IPP.

In 2013 – 2014 the IPC received 157 internal reviews. Of these internal reviews, the majority concerned 'disclosure' which accounted for 47% of the privacy principles reviewed. This was followed by 'use' which accounted for 18%.

In 2013 the office implemented a new case management database. Last year the Privacy Commissioner reported that through the transition to the new database and early implementation issues, the office was unable to capture complete data on the type of information in which a privacy principle was reviewed in the 2013 – 2014 reporting year. The issues have not been largely addressed although work continues to monitor and improve the manner in which data is captured in the case management system to better capture and report on the key issues and trends within privacy. Our reviews continue to include a significant number of matters relating to accessing medical information and/or health information. The IPC is working on addressing these implementation issues that have occurred with the new case management system.

NSW Civil and Administrative Decisions Tribunal (NCAT)

If an individual is not satisfied with the outcome of a privacy internal review, or if their application is not dealt with by the relevant agency within 60 days for the agency's receipt of their application, they may apply to NCAT for a review of the conduct giving rise to the internal review application.

Under GIPA, the individual can seek review by the Information Commissioner before going to NCAT although such a review is not required before applying to NCAT.

In NCAT proceedings, the Information Commissioner and Privacy Commissioner have the role of *amicus curiae*, which means "friend" to the Tribunal, and representatives of the IPC can attend NCAT to assist with interpretation of the relevant legislation and issues of law. IPC officers cannot assist the parties to the litigation.

The IPC continued the practice of appearing in a variety of matters in the initial stages to assess whether the matter would address issues of broad public interest or importance. In some matters, the Judicial Members requested the Commissioners' additional or continued attendance and involvement, and often sought submissions in a matter to assist NCAT in its task.

During the reporting period, IPC staff (on behalf of the Commissioners) attended listings of matters before NCAT and made oral and written submissions in a number of matters on a variety of important issues. The details of the information access and privacy cases are available on the NCAT website under the General Division and Appeal Panel indexes.

The following table summarises the number of cases received and closed during the reporting period.

Act	Number of files opened between 01/07/13 – 30/06/14	Number of files closed between 01/07/13 – 30/06/14
GIPA	87	126
Privacy	30	64
Total	117	190

There are 28 cases open as of 30 June 2014.

Public Interest Disclosures

Under the *Public Interest Disclosures Act 1994* (PID Act), the IPC is required to collect and report on information about Public Interest Disclosures (PIDs). The following table outlines the information the IPC is required to report on under the Act.

Public Interest Disclosures received	Count
Number of public interest officials who made PIDs	0
Number of PIDs received	0
Number of PIDs finalised*	0
Disclosures received primarily about:	
Corrupt Conduct	0
Maladministration	0
Serious and substantial waste	0
Government Information contravention	0
Local government pecuniary interest contravention	0

During the reporting period, the IPC took a number of steps to alert staff about PIDs. In particular, we prepared a fact sheet of frequently asked questions about PIDs which has been published on our website. We also reviewed our internal policy for PIDs (which was also published on the IPC website).

The Information Commissioner is also an investigating authority under the PID Act and may receive complaints about contraventions of the GIPA Act. In the reporting year the Information Commissioner received five such complaints. During the assessment process not all of the complaints satisfied the requirements of the PID Act.

Government information contraventions

Under the PID Act, a public sector official can report a government information contravention, which is defined as a failure to exercise functions in accordance with any provision of the GIPA Act to the Information Commissioner.

Under section 17 of the GIPA Act, the Information Commissioner is empowered to investigate such public interest disclosures.

Information about the public interest disclosures we have dealt with as an investigating authority will be included in our public interest disclosures annual report to the NSW Ombudsman.

The Information Commissioner sits on the Public Interest Disclosures Steering Committee, which has a number of roles in overseeing the PID Act, including advising the Premier on the operation of the Act. The Steering Committee is chaired by the NSW Ombudsman and issues its own annual report regarding the PID Act and PIDs received by various investigating agencies. The PID annual report can be found on the Ombudsman's website.

Outlook for 2014 – 2015

In the coming year, the IPC will:

- Focus on embedding consistent, efficient and - effective case management practices including allocation of cases upon receipt
- Continue to strive to meet our service standards and reduce any delays with the IPC's caseload
- Continue to implement strategies to ensure efficient and effective application of resources to NCAT matters
- Continue to identify and develop resources to address systemic issues
- Continue to review agency decisions, investigate and conciliate complaints and monitor the performance of agencies under the GIPA Act.
- Continue to investigate and conciliate privacy complaints and monitor the performance of public sector agencies under the PPIP Act.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Priority 5: Provide mechanisms for stakeholder feedback

Information and Privacy Advisory Committee (IPAC)

In its first year, the Information and Privacy Advisory Committee (IPAC) responded to issues raised by Commissioners for advice. This included an approach to the Information Commissioner's section 37 Report to NSW Parliament on the operation of the GIPA Act, drones surveillance, privacy governance framework, open data policy, and IPC website survey.

The IPAC met formally twice during the year. The Committee identified a willingness to provide a distinctive contribution to help shape the emerging issues, actions and decision of the IPC and to develop best practice aligned with Objective 1 of the Strategic Plan: to uphold and protect information and privacy rights. This will be the focus for 2014 – 2015.

Collecting feedback

Ongoing improvement of the IPC's resources to collect feedback from our stakeholders has included:

- A review of the stakeholder engagement strategy to identify priority actions for key groups
- Feedback and enquiry functions on our website
- A free call telephone number for contacting the IPC
- A generic email address for contacting the IPC
- Online and paper surveys
- Questionnaires
- Online feedback forms on our website
- Collecting information at community forums we attend
- Providing training and receiving feedback
- Participation in various user group networks.

Consumer feedback

The IPC receives enquiries from NSW public sector agencies, businesses and members of the public via phone, in person and in writing.

While we received enquiries from both public sector agencies and the private sector, the majority of enquiries were from the public. Hot topics included how to access government, personal and health information, and review rights. We also received enquiries about surveillance and privacy in relation to the private sector, and referred these to the relevant agency. Our enquiries service responded to 4,394 phone and face-to-face enquiries and 807 written enquiries from members of the public, agency staff and

representatives of private sector organisations on right to information and privacy.

The IPC also provided an opportunity for members of the public and agencies to direct their enquiry to the Privacy Commissioner and Information Commissioner.

Enquiry Type	2012/13	2013/14
Telephone and in person	5,343	4,390
In writing*	801	692
'Ask the Commissioner' enquiries	2012/13	2013/14
Information Commissioner	32	40
Privacy Commissioner	16	72

*Includes emails, letters, faxes and website forms

Surveys

The IPC regularly uses Swift surveys to gather feedback from our stakeholders. This mechanism was used to inform the website redevelopment, and gain feedback from practitioners on the IPC's resources. See Appendix 5 for resources developed.

Externally, the IPC commissioned two omnibus surveys during the reporting period to reach out to a sample group of the NSW population for feedback on accessing personal and health information, and accessing government information. Please see details on these surveys on page 16.

Website analytics

The IPC website uses Google Analytics to collect information about how often users visit the IPC website, and what pages they visit when they do so. During the reporting period the IPC website received a total of 290,388 page views.

Training

When the IPC conducts training sessions we use the opportunity to gather feedback on our services and performance. The development of the IPC's e-learning modules in 2014 – 2015 will be utilised to gather ongoing feedback on the quality and currency of the IPC's e-learning products and to monitor their use by our stakeholders.

Stakeholder feedback

Agency feedback – GIPA

The Information Commissioner received two main criticisms during the reporting year. These were that reviews by the IPC were taking too long and that our communication about our reporting process was inaccurate.

While we generally receive positive feedback on almost all of our reviews, due to the backlog that has arisen both

agencies and applicants are unhappy with the delays they experience during the review process of the Information Commissioner. The Information Commissioner has commenced a process to ensure a more proportionate and effective application of all IPC resources to address these issues. This includes improved practices and procedures together with more appropriate governance and reporting mechanisms to ensure that work volume demands are met within acceptable time frames and statutory functions are effectively and credibly delivered. We continue to implement process and staff changes in response to this feedback, and further improvements to the case management system is expected to yield substantial benefits in reducing the delays associated with reviews by the Information Commissioner.

Our communications with agencies and applicants has been improved to more accurately inform them about the review process. We have identified this as an issue and we are implementing more frequent and accurate communications with applicants and agencies regarding progress with the review while we work on reducing the backlog.

During the last financial year, measures implemented have seen a significant improvement in the backlog resulting in almost double the number of applications finalised this year compared to the last financial year.

Agency feedback – Privacy

The Privacy Commissioner provides an oversight function in relation to individual reviews, which occurs where an individual makes a complaint directly to the Privacy Commissioner, or where an agency informs the Privacy Commissioner of a matter under investigation.

Data on adoption of recommendations made by the Privacy Commissioner in submissions to agencies on internal reviews is not available. However feedback from complainants is positive where provided.

In relation to NCAT, the role of the Privacy Commissioner is to provide advice and assistance to the Tribunal.

Complaints – GIPA

The Information Commissioner has responsibility for receiving, assessing and investigating complaints made about the conduct of an agency in the exercise of their functions under the GIPA Act.

The Information Commissioner can decide to deal with a complaint or to decline to deal with a complaint. In assessing whether to accept or decline a complaint the Information Commissioner may make preliminary enquiries for the purpose of deciding how to deal with the complaint. In the 2013 – 2014 period the Information Commissioner received 40 complaints. In the same period 36 were concluded.

When a complaint is accepted the Information Commissioner deals with a complaint by assisting to resolve the complaint, providing information, or facilitating resolution between the

parties through formal and informal processes. In some cases a complaint may also be dealt with as an investigation.

In undertaking an investigation, we have the necessary power to obtain information, enter premises and interview people. The purpose of the investigation is to gather facts. Depending on the circumstances of each individual case, we will decide how best to proceed. Our aim is to conduct a thorough, expeditious and fair investigation.

Once we have concluded our investigation we document the relevant facts, reach a conclusion based on available evidence, and determine a suitable response that is in accordance with our legislation and the principles of procedural fairness.

The Information Commissioner may provide a report on an investigation to the Minister responsible for an agency and the principal officer of an agency.

Complaints – Privacy

The Privacy Commissioner is responsible for assessing, investigating and conciliating complaints about privacy. Complaints under the PPIP Act deal primarily with alleged breaches of the IPPs by the NSW public sector. Complaints under the HRIP Act deal primarily with alleged breaches of the HPPs by NSW public sector agencies or the private sector. Most private sector complaints relate to access requests of medical practitioners.

The Privacy Commissioner may decline to investigate a complaint if it is considered frivolous, vexatious, trivial, lacking in substance or not made in good faith. In addition, the Privacy Commissioner can decline a complaint if it can be resolved by referral to a more appropriate agency or if it would be more appropriately dealt with under the internal review provisions.

Generally the PPIP Act does not provide the option of a matter being reviewed by NCAT after it has been investigated by the Privacy Commissioner. If, however, the Privacy Commissioner has made a report under section 47 of the HRIP Act in relation to a private agency or individual, the complainant may apply to NCAT for an inquiry into the original complaint. During the reporting period, a complainant exercised this right and used the Privacy Commissioner's report to bring an NCAT case against a private sector health provider.

This year the IPC concluded 255 formal privacy matters overall (includes internal reviews, investigations and complaints). In the reporting period, the Privacy Commissioner dealt with 80 complaints, with the majority dealing with the conduct of members of the public or private organisations.

Private organisations represent the highest number of complaints finalised by the IPC at 41%. These private organisations are generally health service providers. The NSW public sector represents 35% of complaints dealt with by the IPC in the reporting period, which is a reduction in complaints compared to the previous year. As outlined

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

elsewhere in the report, the preferred approach to complaints concerning the NSW public sector is by way of internal review by the agency concerned under the PPIP Act and HRIP Act rather than by investigation by the Privacy Commissioner, to enable the complainant to gain access to NCAT.

The following table provides the figures for type of complaint finalised by the IPC during the reporting period:

Type	2012 – 2013	2013 – 2014
State government	34	28
Private organisation	37	33
Private individual	15	15
Local government	4	3
Other government	2	1
Universities*	N/A	0
Total	92	80

* Not previously reported as a separate category in previous annual reports.

Outlook for 2014 – 2015

In the coming year, the IPC will:

- Implement priority recommendations arising from the stakeholder engagement strategy including developing a standard feedback mechanism on the IPC website
- Provide capacity for stakeholders to provide feedback via the IPC website and set standards for responding to the feedback
- Continue to seek feedback from our stakeholder groups via regular surveys
- Continue to monitor, measure, analyse and report on feedback provided via website, email, phone calls, visits to the IPC, surveys and consultations to identify trends
- Evaluate stakeholder feedback to ensure a responsive evidence based stakeholder engagement program
- Continue to explore ways the members of IPAC can assist in championing the work of the IPC through their broader networks.

Priority 6: Provide feedback to Parliament about the legislation and the relevant developments

Parliamentary Joint Committee

The functions of the Information Commissioner and Privacy Commissioner are oversighted by the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission. On an annual basis the Committee meets with the Commissioners to review activities and progress reported on during the year.

During the reporting period the Commissioners briefed the Committee on their programs of work and priorities for the year ahead. A full transcript and report of the meeting is available on the Committee's website: www.parliament.nsw.gov.au/ombudsmanpic

The Joint Parliamentary Committee placed on notice a range of questions to the Information Commissioner and CEO, and the Privacy Commissioner. Responses were published on the Committee's website.

Parliamentary inquiries

The Privacy Commissioner and Information Commissioner participate in Parliamentary inquiries when invited and according to the priority of the issue.

Legislative Assembly inquiry into debt recovery

In June 2014 the Privacy Commissioner attended and spoke to the current Legislative Assembly inquiry on the examination of reforming debt recovery and processes, conducted by the Legal Affairs Committee in NSW Parliament. The Privacy Commissioner spoke about current privacy rights and legislation in NSW around debt recovery and raised the issue of use of personal information (s17 PPIP Act), that to comply with NSW privacy legislation, personal information collected should only be used for the purpose for which it was provided.

Outlook for 2014 – 2015

In the coming year, the IPC will:

- Facilitate transparent and accurate reporting to the Joint Parliamentary Committee through the development of a consistent reporting framework
- Implement and report to the Joint Parliamentary Committee on an evidence led program of activities.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Priority 1: Be recognised as an employer of choice

Organisational structure

IPC organisational structure as at 30 June 2014.



Our executive

The IPC has two Statutory Officers, the Information Commissioner and the Privacy Commissioner. The Information Commissioner is the Chief Executive Officer of the IPC. The positions are statutory appointments and are listed under section 11A of the *Statutory and Other Offices Remuneration Act 1975*, and are not included in Schedule 2 for the *Public Sector Employment and Management Act 2002*. The remuneration for the Information Commissioner and Privacy Commissioner as at 30 June 2014 is provided on page 32.



Elizabeth Tydd

LLB, LLM, Grad. Cert. Corporate Governance, Dip. Social Welfare

Chief Executive Officer/Information Commissioner

Elizabeth Tydd was appointed as NSW Information Commissioner and CEO of the IPC on 23 December 2013. Ms Tydd is the second Information Commissioner for NSW, succeeding the inaugural Information Commissioner, Deirdre O'Donnell who served until July 2013. Kathrina Lo was Acting Information Commissioner from July 2013 until Ms Tydd's commencement in December 2013.



Dr Elizabeth Coombs

BA (Hons), PhD, Grad Dip MktMgt, Grad Dip Company Directors

Privacy Commissioner

The Privacy Commissioner Dr Elizabeth Coombs, commenced her role in November 2011. The role of the Privacy Commissioner was established as a part-time role.



Meredith Claremont

BSocSc (Policy) (Hons), AICD (successfully completed)

Executive Director

Meredith Claremont was appointed Executive Director of the IPC in July 2012.

Meredith is the Chief Audit Executive for the IPC, responsible for the organisation's policy and strategic areas and their interaction with the investigative arm of the IPC, along with the IPC's governance, risk and compliance to provide organisational effectiveness and integrity.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Executive remuneration

Position	CEO, Information Commissioner
Occupant (full time)	Elizabeth Tydd
Remuneration	\$300,480
Value of remuneration paid as a performance payment	Nil
Criteria used for determining total performance payment	N/A
Period in position	Appointed December 2013
Position	Privacy Commissioner
Occupant (part time 0.6)	Dr Elizabeth Coombs
Remuneration	\$173,985
Value of remuneration paid as a performance payment	Nil
Criteria used for determining total performance payment	N/A
Period in position	Appointed November 2011

Source of requirements: Annual Reports (Departments) Regulation 2010, section 8.

Enterprise Industrial Relations

The Information Commissioner met with the Joint Consultative Committee as issues arose. The IPC is a NSW public sector agency, and is required to implement the *Government Sector Employment Act 2013*.

Equal Employment Opportunity (EEO) and staff numbers^{1,2}

Employee by category	2010-11	2011-12	2012-13 ³	2013-14 ³
Statutory	2	2	2	2
Administration	19	26	22	23
Professional	8	5	1	1
Total	29	33	25	26

Note 1: Employee by category includes all permanent and temporary staff, and excludes casual employees. Definitions of the categories are: Administration (clerical and other officers), Professionals (SES officers, librarians, DPOs).

Note 2: In 2012 – 2013 the IPC implemented a restructure which included streamlining categories of employment to move positions to the Administration category. The IPC employs one Legal Officer.

Note 3: These figures refer to head count not positions in the organisational chart.

Statistical information on EEO target groups

The IPC has 25.6 full-time equivalent staff. The IPC filled a number of vacancies this year, with processes in place to recruit people from the EEO target groups where possible.

EEO group	Target	Target (no.)	2010-11	2011-12	2012-13	2012-13
Women	50%	16	85%	79%	88%	77%
Aboriginal & Torres Strait Islander people	2%	1	0%	0%	0%	0%
People whose first language is not English	20%	7	18.4%	18.1%	4.2%	23%
People with a disability	12%	4	3.7%	0%	0%	0%
People with a disability requiring work adjustment	7%	2	3.7%	0%	0%	0%

Recruitment and selection

The IPC's recruitment and selection process aligns with the *Government Sector Employment Act 2013* and *Government Sector Employment Act Rules 2014* to base the assessment of the person's capabilities, experience and knowledge against pre-established standards for the role, in order to determine the person best suited to the requirements of the role and the needs of the IPC.

Code of Conduct

The IPC's Code of Conduct sets out staff obligations and the required standards of ethical conduct. Staff receive training in the code as part of their induction. The code is based on the Department of Justice code, but adapted for our organisation. It is published on the IPC website.

Flexible work agreement

The IPC operates under the Department of Justice's *Flexible Working Hours Agreement 2006*.

Surveys

The IPC participated in the *People Matter Employee Survey 2012* and during the last reporting period worked to implement changes that reflect the organisational responses to the survey's themes and findings.

Along with employees of departments and agencies in the NSW government sector, state-owned corporations and other NSW public sector entities, the IPC participated in the *People Matter Employee Survey 2014* run by the Public Service Commission. The survey captures employees' perceptions of how the public sector values are applied across the sector as well as their views and experiences in their workplaces. Sector-wide results can be found at www.psc.nsw.gov.au. The IPC is incorporating this feedback into its strategic planning process and will publish its results on the IPC website.

Health and safety

No injuries were reported during the reporting period. As an employer, we are required to provide a safe work environment for our staff. We are subject to the provisions and responsibilities outlined in legislation such as the *Work Health and Safety Act 2011* as well as public sector occupational health and safety policies.

The IPC has appointed first-aid officers, established an injury register, organised emergency evacuation and first-aid training for staff, and included health and safety processes and procedures as part of the induction process. Further consultation was done with all staff to re-confirm the existing work health and safety representative or elect an alternate. work health and safety has been re-confirmed as a standing office meeting agenda item.

The IPC had no reported work health and safety incidents, however under the system and plan initiated a number of activities to support staff health and wellbeing. This included influenza vaccinations and workstation assessments.

Waste

The IPC will be working with the new building owners at 1 Castlereagh Street, Sydney, to introduce co-mingled recycling. All printers are set to default black and white, and toner cartridges are recycled. All office purchases are made through NSWBuy including all of the IPC's paper purchases which are certified as carbon neutral.

Corporate services

The IPC has an arrangement with the Department of Justice for the provision of transactional services for finance, human resources, information technology, asset management and communications. This arrangement is reviewed annually.

Information and communication technology

Case management system

A new case management system was implemented in the last reporting year, improving the ability to deal with the volume of the reviews and complaints being received. The new case management system in conjunction with the development of improved practices and procedures has been reviewed, with further enhancements to the case management system to be implemented which will improve case handling, including standardisation of templates accessible from the case management system.

Phones

The IPC's single system enquiries line was reviewed during the financial period and resulted in the commencement of an upgrade that reflects the organisational structure to effectively meet the IPC's service standards. Further evaluation of the new system will be reported on in the 2014 – 2015 annual report.

Website

In 2011, an IPC website was created to provide a point of entry to the existing websites of office of the Information Commissioner (OIC) and Privacy NSW. The three websites were supported by two different web platforms. There was no search capacity. The driver for this stage was the formation of the IPC.

At the end of 2012, the IPC created a single website for the organisation which migrated content from the former websites. Branding for OIC and Privacy NSW was phased out. The driver for this website was the Department of Justice required to move off one of the platforms supported by previous websites. This new website however, did not have capacity to meet accessibility standards and had very limited search capacity.

The IPC commenced a significant redevelopment project of the website in December 2013, to be launched in the new financial year. The notion of a redevelopment of the website was supported organisation-wide and by key stakeholders. The website is identified as an important channel of communication for the organisation and its redevelopment forms part of the IPC's operational plan.

The project drew financial support from the organisation's capital budget during the 2013 – 2014 financial year, which is reflected in the Financial Statements.

The new site will provide significant improvements in the user's experience of accessing the organisation's resources, information and e-learning portal (currently in development, see page 17). The project included considerable consultation with stakeholders through our feedback channels to ensure the new website remains focused on a user experience that meets the requirements of our diverse stakeholder groups. This includes accessibility that will comply with W3C's Web Content Accessibility Guidelines (WCAG). We look to achieve compliance with WCAG 2.0 Level AA by December 2013. Feedback and evaluation of the website project is ongoing and a report will be included in the 2014 – 2015 annual report.

Diversity Action Plans

The stakeholder engagement strategy, which was developed during the reporting period, has identified the IPC's key networks and will provide the organisation with the ability to target the stakeholder groups identified in our diversity plans. Work has commenced to acquit the goals outlined in the IPC's *Aboriginal Action Plan 2013 – 2016*, *Disability Action Plan 2013 – 2016*, and *Multicultural Services 2013 – 2016*. Please see our reports on pages 34-35.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Diversity Action Plans: reports 2013 – 2014

Aboriginal Action Plan 2013 – 2016

Current outcomes:

- Released IPC Aboriginal Action Plan externally/internally
- Incorporated engagement with Aboriginal people about information access and privacy rights into the IPC's stakeholder engagement strategy
- Consulted with Aboriginal Child, Family & Community Care State Secretariat (AbSec) for feedback on IPC core brochures
- Adopted Department of Justice protocols for IPC staff to follow when working with Aboriginal people and communities
- Incorporated Aboriginal cultural practices and ceremonies into IPC events
- Adopted Department of Justice guidelines and training for IPC staff in communicating respectfully and clearly using culturally appropriate language
- All recruitment processes are of equal opportunity for Aboriginal and Torres Strait Island people.

Outlook for 2014 – 2015:

- Reach out to Aboriginal organisations to better understand the needs of communities for information access and privacy rights
- Update, rebrand and distribute IPC core brochures to Aboriginal communities in NSW, and Connected Communities Schools
- Promote IPC core brochures and services to Aboriginal governance bodies
- Establish a relationship with Aboriginal Coordinator General and Independent Aboriginal Council to achieve a mutual understanding of how the IPC can support empowerment of Aboriginal people
- Reconnect with the Good Services Mob and participate in its program of metropolitan and regional visits
- Provide articles of interest on privacy and information access for publication to the Koori Mail
- Connect with Aboriginal Liaison Officers in councils to educate on information access and privacy rights

Disability Action Plan 2013 – 2016

Current outcomes:

- Promoted and protected the information access and privacy rights of people with disability via enquiries mechanisms
- Ensured IPC office facilities meet the Australian Standard AS1428 and the *Commonwealth Disability (Access to Premises – Buildings) Standards 2012* for access and mobility
- Researched external policy event policies that include accessibility criteria and identify special needs participants
- Redevelopment of IPC website to ensure WCAG2.0 and Level AA compliant and accessibility
- Provided assistance with accessibility where requested with enquiries, complaints, reviews, investigations and consultation procedures
- Included disability awareness in induction training for new staff and targeted training for IPC managers and staff
- Launched the IPC Disability Action Plan in accessible formats on the IPC website
- Provided reports as required under legislation and included a statement in the IPC's annual report.

Outlook for 2014 – 2015:

- Continue to promote and protect the information access and privacy rights of people with disability via enquiries mechanisms
- Meet with the Australian Federation of Disability Organisations to discuss privacy and information access issues affecting people with disabilities
- Establish a link between the website of the Australian Federation of Disability Organisations, its stakeholders and the IPC
- Develop and deliver a policy and procedures for external events and activities that include accessibility criteria and identify special needs participants
- Review accessibility compliance of all resources
- Ensure IPC website is WCAG2.0 and Level AA compliant
- Provide reports as required under legislation and include a statement in the IPC's annual report
- Identify, review and improve strategies to provide a respectful, inclusive workplace for staff with disabilities
- Provide independent policy advice and guidance to agencies and organisations in relation to the information access and privacy rights of people with disabilities, their families and carers as required.

Multicultural Services Plan 2013 – 2016

Current outcomes:

- Released IPC Multicultural Services Plan externally/internally
- Researched and funded 10 x translations into major ethnic languages for the IPC's two core brochures on information access and privacy rights for the citizens of NSW
- Provided access to interpreter services for enquiries to the IPC as required
- Introduced recognition of national days at the IPC
- Appointed Executive Director as the IPC's Multicultural Coordinator
- Provided opportunities for all IPC managers and staff to participate in multicultural awareness training activities to demonstrate commitment and support
- Provided support and encouragement to identified staff who speak languages other than English.

Outlook for 2014 – 2015:

- Meet with the Federation of Ethnic Communities Councils to seek feedback on key issues and how the IPC can best serve ethnic communities in NSW
- Connect with the editors of the ethnic press
- Provide access to interpreter services on the IPC website and all IPC publications
- Fund further translations of IPC core brochures
- Incorporates translations to assist culturally and linguistically diverse (CALD) communities seeking IPC resources and information into the IPC website
- Build partnerships with other government complaints agencies to promote and protect the information access and privacy rights of people from culturally and linguistically diverse (CALD) backgrounds
- Introduce recognition of national days within the organisation.

Outlook for 2014 – 2015

In the coming year, the IPC will:

- Implement reforms arising from the *Government Sector Employment Act 2013*
- Implement a more robust staff training and development program
- Consider and implement results from the *People Matter Employee Survey 2014*
- Continue to implement internal and external communications strategies as required
- Endeavour to meet the targets in our Diversity Action Plans
- Meet work health and safety standards according to the organisation's plan.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Priority 2: Implement a rigorous governance framework

IPC Governance Lighthouse

The Information Commissioner and CEO reviewed the IPC governance framework documents on her commencement. A draft IPC Governance Framework was presented to the IPC Audit and Risk Committee building upon the *IPC Strategic Plan 2013 – 2016*, *Operational Business Plan 2013 – 2014* and *IPC Governance Lighthouse*.

Legislative compliance register

The legislative compliance register is a standing item on the agenda for the Audit and Risk Committee at each meeting. During the year, the IPC's first risk register was closed out and a new draft risk register was prepared that aligns with the new 2014 – 2015 business plan. This followed a management workshop on risk that set the framework for the development of the business plan.

Recordkeeping

To improve our recordkeeping processes and meet our compliance obligations, we established a records management program as required under section 12(2) of the *State Records Act 1998*. The program provides a framework to manage complete and accurate records over time, and covers all aspects of recordkeeping, including people and systems, in a public office.

In response to the roll out of the NSW Government Information Classification and Labelling Guidelines, the IPC has adopted a consistent approach to classifying and labelling of sensitive information. To ensure we are meeting requirements, application of this approach has commenced on both our physical files and electronic databases.

Research and development

The IPC carried out no research and development projects during the reporting period.

Internet address

During 2013 – 2014 the IPC progressed a major redevelopment of the IPC website (see page 34). The internet address remains www.ipc.nsw.gov.au.

Insurances

The IPC's major insurance risks are the security of its staff, property and other assets, and the risk of work-related injuries, which may result in workers' compensation insurance claims. The IPC has its workers' compensation insurance with QBE Insurance (Australia) Limited, while GIO General Ltd provides cover for all other insurance policies. Insurance cover for property, liability and miscellaneous insurance is provided by the Treasury Managed Fund (TMF).

There were no incidents that required a claim against our general insurance coverage during the year. There were no claims lodged for workers' compensation.

Consultants

The IPC commissioned three consultants during the reporting period 1 July 2013 – 30 June 2014. Please view the Financial Statements for further details.

Litigation

There was one potential litigation matter in which the Applicant applied to NCAT arising from a breach of privacy by the IPC. This matter was subsequently withdrawn and the breach was the subject of internal review by the IPC.

International travel

The Privacy Commissioner attended the 39th Asia Pacific Privacy Authorities (APPA) Forum in New Zealand in July 2013.

External legal advice sought

The following legal advice was obtained during the last financial year by the IPC:

1. Advice regarding an external review of an IPC decision by IPC
2. Advice regarding functions generally of the IPC
3. Advice pertaining to an NCAT potential litigation matter
4. Advice pertaining to the signing of privacy protocol by the Privacy Commissioner.

Agreements with Community Relations Commission

The IPC has an agreement in place with the Community Relations Commission to report on its Multicultural Policies and Services Program (MPSP) in 2014 (the IPC is considered a small agency and is only required to report on its MPSP every three years).

Please see page 36 for a report on the *IPC Multicultural Services Plan 2013 – 2016*.

Information Security Management System (ISMS) attestation

The IPC has adopted the Information Security Policy of the Department of Justice, as the major ICT provider of ICT services to the IPC. The policy is owned and managed by the Department of Justice's GIO and approved by the Director General and details of the organisational responsibilities for information security.

Please see page 37 for the Digital Information Security Annual Attestation Statement for the 2013 – 2014 Financial Year for the IPC.

Digital Information Security Annual Attestation Statement for 2013 – 2014



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Digital Information Security Attestation for the 2013-2014 Financial Year for the Information and Privacy Commission

I, Elizabeth Tydd am of the opinion that the Information and Privacy Commission NSW had an Information Security Management System in place during the financial year being reported on consistent with the Core Requirements set out in the *Digital Information Security Policy for the NSW Public Sector*.

I, Elizabeth Tydd am of the opinion that the security controls in place to mitigate identified risks to the digital information and digital information systems of the Information and Privacy Commission are adequate for the foreseeable future.

I, Elizabeth Tydd am of the opinion that all public sector agencies, or part thereof, under the control of the Information and Privacy Commission with a risk profile sufficient to warrant an independent Information Security Management System have developed an Information Security Management System in accordance with the Core Requirements of the *Digital Information Security Policy for the NSW Public Sector*.

I, Elizabeth Tydd, am of the opinion that, where necessary in accordance with the *Digital Information Security Policy for the NSW Public Sector*, certified compliance with the *AS/NZS ISO/IEC 27001 Information technology - Security techniques - Information security management systems - Requirements* had been maintained by all or part of the Information and Privacy Commission and all or part of any Public Sector Agencies under its control.


Elizabeth Tydd
CEO and Information Commissioner

Dated 2 October 2014

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Risk management

Audit and Risk Committee (ARC): Report on activity 2013 – 2014

1. Meetings held and attendance by members:

Four members attended five meetings and one member attended four meetings during 2013 – 2014.

2. Key outcomes:

- Internal Audit – OCM: Corporate policies review
- Internal Audit – OCM: Case Management System post implementation review
- 2010 – 2014 Risk Register closed out
- Risk Management Framework reviewed against Strategic Plan, Operational Business Plan, and Business Planning Framework.

3. Key outputs:

- Endorsed 2013 – 2014 internal plan
- Risk Management Policy reviewed and finalised
- All audit reports reviewed and implementation of recommendations monitored
- 2012 – 2013 financial statements reviewed
- Compliance with Treasury Policy reviewed at each meeting, and Treasury communications regarding ARC role and responsibilities reviewed and discussed
- CEO review of IPC Corporate Governance and monitoring of *Government Sector Employment Act 2013* presentations and discussion held
- Fraud and corruption process presentation and discussion held
- Proactive release of ARC minutes continued
- IPC/Department of Justice shared corporate services arrangements monitored
- Digital Information Security Policy – IPC compliance arrangements – discussion held
- External audit and Client Services Plan reviewed and discussed.

4. ARC acquittal of Treasury requirements:

The ARC discussed and confirmed the following Treasury requirements are understood and in effect for the IPC:

- Systems of internal controls are effective
- Inaccuracies are promptly identified and addressed progressively through the year
- Within the year financial reporting is used to identify and address issues that have full year impact
- There are regular due diligence checks
- Appropriate action has been taken to address audit recommendations.

5. Priorities for next year:

- Finalisation of Audit Plan for 2014 – 2015
- Review of Legislative Compliance Register
- Risk Register updated for 2014/15.

Internal audits:

The IPC completed two internal audits in 2013 – 2014:

A. Records Information Management (RIM)

B. Case Management System (CMS)

The IPC partially implemented internal audit recommendations for the above two reports, including a *Business Continuity Plan and Disaster Recovery Plan* which was prepared in the past year. To further progress recommendations in these audits, the IPC reviewed broader systems needs and issues to identify business requirements to meet stakeholder needs.

GIPA compliance

Under section 125 of the GIPA Act, the IPC is required to report annually on our GIPA obligations.

Clause 7 of the GIPA Regulation lists the information against which agencies must report. Schedule 2 of the GIPA Regulations provides tables for the reporting of statistical information about access applications.

Review of proactive release program

Under section 7(1) of the GIPA Act, the IPC is authorised to proactively release any government information that it holds, so long as there is no overriding public interest against disclosure.

As part of our proactive release program, we review our information as it is produced to see whether it is in the public interest to make the information available, or whether there is an overriding public interest against disclosure. Information that can be released is made available as soon as practicable on our website and in other forms as appropriate.

The IPC is proactively releasing more of its review and investigation reports. As some of the reports contain information for which there is an overriding public interest against disclosure, that information must be removed before the reports are made publicly available. Once the reports are in a form that can be published, they are made available on the IPC's website.

Clause 7(a) of the GIPA Regulation requires details about the review under section 7(3) of the GIPA Act to be included in this annual report, along with information that has been developed and proactively released under this program. Information made available by the IPC under this program includes:

- *IPC Strategic Plan 2013 – 2016*
- Fact sheets and knowledge updates

Internal Audit and Risk Management Attestation for 2013 – 2014



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Internal Audit and Risk Management Attestation for the 2013-2014 Financial Year for the Information and Privacy Commission

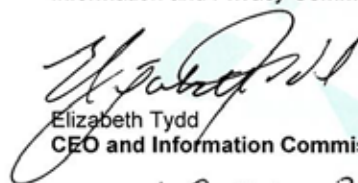
I, Elizabeth Tydd am of the opinion that the Information and Privacy Commission NSW has internal audit and risk management processes in place that are, in all material respects, compliant with the core requirements set out in Treasury Circular NSW TC 09/08 *Internal Audit and Risk Management Policy*. These processes provide a level of assurance that enables the senior management of the Information and Privacy Commission NSW to understand, manage and satisfactorily control risk exposures.

I, Elizabeth Tydd am of the opinion that the Audit and Risk Committee for the Information and Privacy Commission NSW is constituted and operates in accordance with the independence and governance requirements of Treasury Circular NSW TC 09/08.

The Chair and Members of the Audit and Risk Committee are:

- Independent Chair, Carolyn Walsh
Initial term - 15/6/11 to 14/6/14, reappointed for 1 further year until 13/06/15
- Independent Member 1, Lyn Baker
Initial term - 15/6/11 to 14/6/14, reappointed for a further 3 years until 13/06/17
- Independent Member 2, Garry Dinnie, single term from 15/6/11 to 15/6/14

I declare that this Internal Audit and Risk Attestation is made on behalf of the Information and Privacy Commission NSW.


Elizabeth Tydd
CEO and Information Commissioner
Dated 1 October 2014

Reporting against our strategic objectives

Objective 2: To be an effective organisation

- Requesting assistance from the IPC form
- Reports on investigations conducted by the IPC
- Some reports on reviews of decisions the IPC has conducted
- Information we have provided on GIPA compliance
- Reports and information on the GIPA Case Management and Reporting Tool
- Reports to the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission
- Speaking presentations made by the Commissioners
- Information Commissioner and Privacy Commissioner submissions.

Number of access applications received

The Information Commissioner received five formal access applications this financial year. The Information Commissioner decided all applications within 20 working days of receipt, as required by the GIPA Act.

The Information Commissioner received two formal access applications that were not intended for her, but for other government agencies. One application was returned to the applicant. The other application was transferred to the relevant government agency under section 45 of the GIPA Act. As these two applications were incorrectly sent to the Information Commissioner, they were not included in the total number of applications received by the Information Commissioner.

The Information Commissioner received a further five informal requests in the last reporting year. Of the requests received, information requested by two informal requests were released in full where there was no overriding public interest against disclosure.

For the three other informal requests, information was withheld and refused on the basis that the information was excluded information under Schedule 2 of the GIPA Act as the information requested related to the review, complaint handling, investigative and reporting functions of the Information Commissioner.

Number of refused access applications for Schedule 1 information

The IPC received four formal access applications for the disclosure of information referred to in Schedule 1 to the GIPA Act (information for which there is a conclusive presumption of an overriding public interest against disclosure).

Of the four formal access applications, two formal access applications requested multiple pieces of information. Of those two formal access applications, the invalidity of the applications under section 43(2) of the GIPA Act, did not apply to the applications in their entirety. This is because those applications requested multiple pieces of information and more than one decision was made in respect to each application. For the first formal access application, access

to some information was refused; found not held by the IPC or; that it was provided to the applicant. For the second formal access application, information was also found not to be held by the IPC.

Statistical information about access applications made

See Appendix 4 for statistical information about access applications made during the year.

Submission of GIPA report

Section 125(1) of the GIPA Act requires agencies to submit a copy of their GIPA annual report to the Minister responsible for the agency. A copy of our report will be submitted to the Attorney General, the Minister responsible for the GIPA Act.

Statement of action taken to comply with the PPIP Act

The IPC has a privacy management plan (PMP) as is required by s33(3) of the PPIP Act and includes our obligations under the HRIP Act. The IPC's PMP outlines how we comply with the principles of the PPIP Act and HRIP Act.

Statistical details of any review conducted under Part 5 of the PPIP Act

During this reporting year we received one request for internal review under Part 5 of the PPIP Act. This was received in May 2014 and finalised in June 2014.

Outlook for 2014 – 2015

In the coming year, the IPC will:

- Implement reforms arising from the *Government Sector Employment Act 2013*
- Develop and implement a more robust reporting framework including key performance indicators
- Deliver enhanced business services functions to ensure the IPC operates as an effective organisation
- Implement an evidence led program of activity
- Continue to produce monthly dashboard reports on the IPC's performance.

Priority 3: Promote continuous improvement of performance

IPC business plan

The *IPC Strategic Plan 2013 – 2016* was supported by the development of a business planning framework and an annual operational business plan to support and prioritise the work for staff and to address key risks identified by the management team. This is monitored and reviewed at six monthly intervals. A process for reporting business priorities and progress was implemented by IPC managers.

Performance development and achievement planning framework

The IPC commenced implementation of achievement planning in the year, however, with the changes to the *Government Sector Employment Act 2013* coming into force, a new framework for Performance Development and Review was drafted for implementation in the coming financial reporting year. This follows the guidelines recently issued by the NSW Public Service Commission.

Open Government Plan

The IPC compiled its *Open Government Plan* for 2014 which was incorporated into the Department of Justice's plan and delivered on time. The IPC's commitment within this document will be monitored and updated in the 2014 – 2015 reporting period. The IPC's commitments are available to view on the IPC website.

Under section 25 of the GIPA Act the IPC is required to keep a disclosure log, which documents the information that we release in response to access applications, and that may be of interest to other members of the public.

To date, we have not received any access applications for information held by the IPC that is of interest to the general public. Our disclosure log is updated as we receive access applications.

Professional development

IPC staff are encouraged to keep up-to-date with developments in privacy and information access through continuous professional development. Staff completed 697 hours of professional development representing an average of 27 hours per staff member (based on actual staff numbers of 26).

Staff training was implemented to maintain a knowledge and understanding of the government and administrative law practices and approaches. Sessions included:

- NSW Ombudsman's Managing Unreasonable Complainant Conduct
- NSW Ombudsman's Administrative Decision Making
- Monthly GPEN teleconference participation – to tap into different approaches and practices in other jurisdictions
- NCAT seminars – Tribunal Practice and Challenging Decisions

Outlook for 2014 – 2015

In the coming year, the IPC will:

- Assist agencies in managing access applications through improvements in reporting arrangements, including the GIPA Tool
- Complete the review of the GIPA Tool
- Continue to produce monthly dashboard reports on the IPC's financial performance
- Implement an evidence led program of activities
- Monitor and update the IPC's commitments in our *Open Government Plan*
- Further develop team level business plans.

Statement by the Information Commissioner

INFORMATION AND PRIVACY COMMISSION

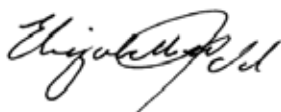
FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

STATEMENT BY INFORMATION COMMISSIONER

Pursuant to Section 45F of the *Public Finance and Audit Act 1983*, I state that:

1. The accompanying financial statements exhibit a true and fair view of the financial position of the Information and Privacy Commission as at 30 June 2014 and transactions for the year then ended.
2. The financial statements have been prepared in accordance with the provisions of the *Public Finance and Audit Act, 1983*, the *Financial Reporting Code for Budget Depend General Government Sector Agencies*, the *Public Finance and Audit (General) Regulation 2010* and the Treasurer's Directions.

Further I am not aware of any circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



Elizabeth Tydd
Information Commissioner
Information and Privacy Commission
22 September 2014

Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

Information and Privacy Commission

To Members of the New South Wales Parliament

I have audited the accompanying financial statements of the Information and Privacy Commission (the Commission), which comprise the statement of financial position as at 30 June 2014, the statement of comprehensive income, statement of changes in equity, statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

Opinion

In my opinion the financial statements:

- give a true and fair view of the financial position of the Commission as at 30 June 2014, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 45E of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2010

My opinion should be read in conjunction with the rest of this report.

Commissioner's Responsibility for the Financial Statements

The Commissioner is responsible for the preparation of the financial statements that give a true and fair view in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the Commissioner determines is necessary to enable the preparation of the financial statements that give a true and fair view and that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I conducted my audit in accordance with Australian Auditing Standards. Those standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Commission's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Commission's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Commissioner, as well as evaluating the overall presentation of the financial statements.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independent Auditor's Report (continued)

My opinion does *not* provide assurance:

- about the future viability of the Commission
- that it has carried out its activities effectively, efficiently and economically
- about the effectiveness of its internal control
- about the assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about other information that may have been hyperlinked to/from the financial statements.

Independence

In conducting my audit, I have complied with the independence requirements of the Australian Auditing Standards and relevant ethical pronouncements. The PF&A Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by the possibility of losing clients or income.



David Daniels
Director, Financial Audit Services

22 September 2014
SYDNEY

Statement of Comprehensive Income

For the year ended 30 June 2014

	Notes	Actual 2014 \$	Budget 2014 \$	Actual 2013 \$
Expenses				
Operating Expenses				
Employee related expenses	2(a)	3,025,432	3,605,000	4,028,783
Other operating expenses	2(b)	1,871,345	1,585,000	1,289,418
Depreciation and amortisation	2(c)	169,450	172,000	134,991
Total Expenses excluding losses		5,066,227	5,362,000	5,453,192
Revenue				
Government grant – recurrent	3(a)	5,076,000	5,076,000	5,152,000
Government grant – capital	3(a)	82,905	150,000	167,300
Government grant – voluntary redundancy	3(a)	–	–	496,370
Investment Revenue	3(b)	34,138	36,000	29,313
Acceptance by the Crown Entity of employee benefits and other liabilities	3(c)	161,395	111,000	93,119
Other Revenue	3(d)	5,668	–	70,021
Total Revenue		5,360,106	5,373,000	6,008,123
Other Gains/(losses)		–	–	–
Net result		293,879	11,000	554,931
Other Comprehensive Income		–	–	–
TOTAL COMPREHENSIVE INCOME FOR THE YEAR		293,879	11,000	554,931

The accompanying notes form part of these financial statements.

Our financial performance

Statement of Financial Position

As at 30 June 2014

	Notes	Actual 2014 \$	Budget 2014 \$	Actual 2013 \$
ASSETS				
Current Assets				
Cash and cash equivalents	4	1,538,896	664,000	989,550
Receivables	5	85,446	30,000	45,720
Total Current Assets		1,624,342	694,000	1,035,270
Non-Current Assets				
Plant and Equipment	6	161,045	138,000	174,216
Intangible Assets	7	839,915	999,000	872,905
Total Non-Current Assets		1,000,960	1,137,000	1,047,121
Total Assets		2,625,302	1,831,000	2,082,391
LIABILITIES				
Current Liabilities				
Payables	8	550,154	426,000	369,128
Provisions	9	307,820	285,000	242,783
Other		-	-	-
Total Current Liabilities		857,974	711,000	611,911
Non-Current Liabilities				
Provisions	9	90,457	90,000	87,488
Total Non-Current Liabilities		90,457	90,000	87,488
Total Liabilities		948,431	801,000	699,399
Net Assets		1,676,871	1,030,000	1,382,992
EQUITY				
Accumulated funds		1,676,871	1,030,000	1,382,992
Total Equity		1,676,871	1,030,000	1,382,992

The accompanying notes form part of these financial statements.

Statement of Cash Flows

For the year ended 30 June 2014

	Notes	Actual 2014 \$	Budget 2014 \$	Actual 2013 \$
CASH FLOW FROM OPERATING ACTIVITIES				
Payments				
Employee related expenses		(2,839,258)	(3,513,000)	(3,946,879)
Other expenses		(1,674,254)	(2,557,000)	(1,673,332)
Repayment of Government funding		-	-	-
Total Payments		(4,513,512)	(6,070,000)	(5,620,211)
Receipts				
Sale of goods and services		-	-	-
Government grant – recurrent		5,076,000	5,076,000	5,152,000
Government grant – capital		82,905	150,000	167,300
Government grant – voluntary redundancy		-	-	496,370
Cash transfer to consolidated fund		-	-	-
Investment income		27,242	36,000	42,448
Other		-	972,000	-
Total Receipts		5,186,147	6,234,000	5,858,118
NET CASH FLOWS FROM OPERATING ACTIVITIES	10	672,635	164,000	237,906
CASH FLOWS FROM INVESTING ACTIVITIES				
Purchases from Plant, Equipment and Intangibles	6, 7	(123,289)	(150,000)	(167,300)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(123,289)	(150,000)	(167,300)
CASH FLOWS FROM FINANCING ACTIVITIES				
NET CASH FLOWS FROM FINANCING ACTIVITIES		-	-	-
NET INCREASE/(DECREASE) IN CASH		549,346	14,000	70,607
Opening Cash and Cash equivalents		989,550	650,000	918,943
CLOSING CASH AND CASH EQUIVALENTS	4	1,538,896	664,000	989,550

The accompanying notes form part of these financial statements.

Our financial performance

Statement of Changes in Equity

For the year ended 30 June 2014

	Accumulated funds \$
Balance at 1 July 2013	1,382,992
Net result for the year	293,879
Other comprehensive income	–
Total comprehensive income for the year	293,879
Transaction with owners in their capacity as owners	–
Balance at 30 June 2014	1,676,871
Balance at July 2012	828,061
Net result for the year	554,931
Other comprehensive income	–
Total comprehensive income for the year	554,931
Transaction with owners in their capacity as owners	–
Balance at 30 June 2013	1,382,992

1. Summary of significant accounting policies

(a) Reporting entity

The Information Commissioner is appointed under section 4 of the *Government Information (Information Commissioner) Act 2009* (GIIIC Act). Section 12 of the GIIIC Act provides that staff of the Commission are employed under chapter 1A of the *Government Sector Employment Act 2013*.

Under the GSE Act, the IPC is recognised in Schedule 1 as a Separate Agency with the Information Commissioner appointed as the Agency Head. The IPC is recognised as an agency (*Government Sector Employment Act 2013*, s4) and IPC staff collectively performed the jurisdiction specific responsibilities of the Information Commissioner and the Privacy Commissioner.

The role of the Information Commissioner is set out in section 17 of the *Government Information (Public Access) Act 2009* (GIPA Act). In essence, the Commissioner is responsible for:

- (1) promoting public awareness and understanding of the GIPA Act and to promote the object of this Act;
- (2) providing information, advice, assistance and training to agencies and the public on any matters relevant to this Act;
- (3) assisting agencies in connection with the exercise of their functions under this Act, including by providing services to assist with the lodgement handling and processing of access applications, with their functions under the GIPA Act;
- (4) issuing guidelines and other publications for the assistance of agencies in connection with their functions under this Act;
- (5) issuing guidelines and other publications for the assistance of the public in connection with their rights under this Act (including rights of review);
- (6) reviewing decisions of agencies pursuant to Part 5;
- (7) monitoring, auditing and reporting on the exercise by agencies of their functions under, and compliance with, this Act;
- (8) making reports and providing recommendations to the Minister about proposals for legislative and administrative changes to further the object of this Act.

The role of the Privacy Commissioner is set out in Part 4 Division 2 Section 36 of the *Privacy and Personal Information Protection Act 1998* No 133. In essence, the Privacy Commissioner is responsible for:

- (1) promoting the adoption of, and monitoring compliance with, the information protection principles;
- (2) preparing and publishing guidelines relating to the protection of personal information and other privacy matters, and to promote the adoption of such guidelines;
- (3) initiating and recommending the making of privacy codes of practice;
- (4) providing assistance to public sector agencies in adopting and complying with the information protection principles and privacy codes of practice;
- (5) providing assistance to public sector agencies in preparing and implementing privacy management plans in accordance with section 33;
- (6) conducting research, and collecting and collating information, about any matter relating to the protection of personal information and the privacy of individuals;
- (7) providing advice on matters relating to the protection of personal information and the privacy of individuals;
- (8) making public statements about any matter relating to the privacy of individuals generally;
- (9) conducting education programs, and to disseminate information, for the purpose of promoting the protection of the privacy of individuals;
- (10) preparing and publishing reports and recommendations about any matter (including developments in technology) that concerns the need for, or the desirability of, legislative, administrative or other action in the interest of the privacy of individuals;
- (11) receiving, investigating and conciliating complaints about privacy related matters; and
- (12) conducting such inquiries, and make such investigations, into privacy related matters as the Privacy Commissioner thinks appropriate.

Our financial performance

Notes to and forming part of the financial statements
for the period ended 30 June 2014

1. Summary of significant accounting policies (continued)

(a) Reporting entity (continued)

The Information and Privacy Commission (IPC) is a NSW government department. The Commission is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units. The reporting entity is consolidated as part of the NSW Total State Sector Accounts. It is required to comply with the Financial Reporting Code.

These financial statements for the year ended to 30 June 2014 have been authorised for issue by the Information Commissioner on 22 September 2014.

(b) Basis of preparation

The Commission's financial statements are a general purpose financial statements which has been prepared in accordance with:

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
- the requirements of the *Public Finance and Audit Act 1983* and Regulation; and
- the Financial Reporting Directions published in the Financial Reporting Code for NSW General Government Sector Entities or issued by the Treasurer.

Property, plant and equipment are measured at fair value.

Judgements, key assumptions and estimations that management has made, are disclosed in the relevant notes to the financial statements.

All amounts are rounded to the nearest dollar and are expressed in Australian currency.

The funding for the Commission was made via a grant payment in accordance with the 2013-14 Budget Allocation Letter.

The financial statements have been prepared on a going concern basis.

(c) Statement of compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(d) Insurance

The Commission's insurance activities are conducted through NSW Treasury Managed Fund Scheme of self-insurance for Government entities. The expense (premium) is determined by the Fund Manager based on past claims experience.

(e) Assets

(i) Acquisition of assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by the Commission. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to the asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Fair value is the amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction.

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent, the deferred payment amount is effectively discounted at an asset-specific rate.

(ii) Capitalisation thresholds

Property, plant and equipment and intangible assets costing \$3,000 and above individually (or forming part of an IT network costing more than \$3,000) are capitalised.

1. Summary of significant accounting policies (continued)

(e) Assets (continued)

(iii) Revaluation of property, plant and equipment

Physical non-current assets are valued in accordance with the “Valuation of Physical Non-Current Assets at Fair Value” Policy and Guidelines Paper (TPP 14-01). This policy adopts fair value in accordance with AASB 13 *Fair Value Measurement*, AASB 116 *Property, Plant and Equipment* and AASB 140 *Investment Property*.

Plant and equipment are measured on an existing use basis, where there are no feasible alternative uses in the existing natural, legal, financial and socio-political environment. However, in the limited circumstances where there are feasible alternative uses, assets are valued at their highest and best use.

Fair value of plant and equipment is determined based on the best available market evidence, including current market selling prices for the same or similar assets. Where there is no available market evidence, the asset's fair value is measured at its market buying price, the best indicator of which is depreciated replacement cost.

The Commission will revalue each class of plant and equipment at least every five years or with sufficient regularity to ensure that the carrying amount of each asset in the class does not differ materially from its fair value at reporting date.

Non-specialised assets with short useful lives are measured at depreciated historical cost, as a surrogate for fair value.

When revaluing non-current assets by reference to current prices for assets newer than those being revalued (adjusted to reflect the present condition of the assets), the gross amount and the related accumulated depreciation are separately restated.

For other assets, any balance of accumulated depreciation at the revaluation date in respect of those assets are credited to the asset accounts to which they relate. The net asset accounts are then increased or decreased by the revaluation increments or decrements.

Revaluation increments are credited directly to the asset revaluation surplus, except that, to the extent that an increment reverses a revaluation decrement in respect of that class of asset previously recognised as an expense in the net result, the increment is recognised immediately as revenue in the net result.

Revaluation decrements are recognised immediately as expenses in the net result, except that, to the extent that a credit balance exists in the asset revaluation reserve in respect of the same class of assets, they are debited directly to the revaluation surplus.

As a not-for-profit entity, revaluation increments and decrements are offset against one another within a class of non-current assets, but not otherwise.

Where an asset that has previously been revalued is disposed of, any balance remaining in the asset revaluation reserve in respect of that asset is transferred to accumulated funds.

(iv) Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 *Impairment of Assets* is unlikely to arise. As plant and equipment is carried at fair value, impairment can only arise in the rare circumstances where the costs of disposal are material. Specifically, impairment is unlikely for not-for-profit entities given that AASB 136 modifies the recoverable amount test for non-cash generating assets for not-for-profit entities to the higher of the fair value less costs of disposal and depreciated replacement cost, where depreciated replacement cost is also fair value.

(f) Depreciation/amortisation of property, plant and equipment

Depreciation is provided for on a straight-line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life.

All material separately identifiable components of assets are depreciated over their shorter useful lives.

The depreciation/amortisation rates used for each class of assets are as follows:

Our financial performance

Notes to and forming part of the financial statements
for the period ended 30 June 2014

1. Summary of significant accounting policies (continued)

(f) Depreciation/amortisation of property, plant and equipment (continued)

	%
Computer Equipment	25
Office Equipment	20
Furniture and Fittings	10
Intangible Assets – Software	25
Intangible Assets – Software – Major Projects	10

(g) Maintenance

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated.

(h) Intangible assets

The Commission recognises intangible assets only if it is probable that future economic benefits will flow to the Commission and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition.

The useful lives of intangible assets are assessed to be finite.

Intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the Commission's intangible assets, the assets are carried at cost less any accumulated amortisation.

The Commission's intangible assets are amortised using the straight-line method.

In general, intangible assets are tested for impairment where an indicator of impairment exists. However, as a not-for-profit entity with no cash generating units, the Commission is effectively exempt from impairment testing.

(i) Payables

These amounts represent liabilities for goods and services provided to the Commission and other amounts, including interest. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method. Short term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(j) Accounting for the Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where:

- The amount of GST incurred by the agency as a purchaser that is not recoverable from the Australian Taxation Office (ATO) is recognised as part of the cost of acquisition of an asset or part of an item of expenses; and
- Receivables and payables are stated with the amount of GST included.

Cash flows are included in the statement of cash flows on a gross basis. However, the GST component of the cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

(k) Employee related expenses

- (i) Salaries and wages (including non-monetary benefits), annual leave and paid sick leave that fall due wholly within 12 months of the reporting date – recognised as short-term employee benefits and measured at undiscounted amounts based on the amounts expected to be paid when the liabilities are settled.
- (ii) Long-term annual leave that is not expected to be taken within twelve months – the nominal method has been used as this is not materially different from the present value method as required by AASB 119 *Employee Benefits*.
- (iii) Unused non-vesting sick leave – not recognised, as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

1. Summary of significant accounting policies (continued)

(k) Employee related expenses (continued)

- (iv) On-costs, such as payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment – recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.
- (v) The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. The entity accounts for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of employee benefits and other liabilities'. Long Service is measured at present value in accordance with AASB 119 *Employee Benefits*. This is based on the application of certain factors (specified in NSWTC 14/04) to employees with five or more years of service, using current rates of pay. These factors were determined based on an actuarial review to approximate present value.
- (vi) The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.
- (vii) Other Provisions exist when: the Commission has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle an obligation; and a reliable estimate can be made of the amount of the obligation. There is no discounting of other provisions as its not material.

(l) Income recognition

Income is measured at the fair value of the consideration or contribution received or receivable. Additional comments regarding the accounting policies for the recognition of income are discussed below.

(i) Government grants

Funding provided by the government grants from Department of Police and Justice is recognised in the year in which it is received or when entitlement for the revenue is established. Control over grants and contributions are normally obtained upon the receipt of cash.

(ii) Investment revenue

Investment revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

(m) Impairment of financial assets

All financial assets, except for those measured at fair value through the profit and loss, are subject to an annual review for impairment. An allowance for impairment is established when there is objective evidence that the entity will not be able to collect all amounts due.

Any reversals of impairment losses are reversed through the Net Result for the Year, where there is objective evidence. Reversal of impairment losses of financial assets carried at amortised cost cannot result in a carrying amount that exceeds what the carrying amount would have been had there not been an impairment loss.

(n) Receivables

Receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These financial assets are recognised initially at fair value, usually based on the transaction cost or face value. Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(o) Restoration costs

The estimated cost of dismantling and removing an asset and restoring the site is included in the cost of an asset, to the extent it is recognised as a liability. A new quote was provided by the Asset Management Branch of Department of Police and Justice to reflect the cost increase of the restoration costs due to CPI.

Our financial performance

Notes to and forming part of the financial statements
for the period ended 30 June 2014

1. Summary of significant accounting policies (continued)

(p) Comparative information

Except when the Australian Accounting Standard permits or requires otherwise, comparative information is disclosed in respect of the previous period for all amounts reported in the financial statements. Comparative information is reclassified when necessary to align to the current year reporting format, as directed by NSW Treasury.

(q) New Australian Accounting Standards issued but not effective

At the reporting date, a number of Accounting Standards adopted by the AASB had been issued but are not effective yet and are not adopted by IPC as directed by NSW Treasury Circular TC 14/03. An assessment was made and it was concluded that the adoption of the new standards will not affect the current nor future financial results of the IPC.

- AASB 9, AASB 2010-7 and AASB 2012-6 regarding financial instruments
- AASB 10 Consolidated Financial Statements
- AASB 11 Joint Arrangements
- AASB 12 Disclosure of Interests in Other Entities
- AASB 127 Separate Financial Statements
- AASB 128 Investments in Associates and Joint Ventures
- AASB 1031 Materiality
- AASB 1055 and AASB 2013-1 regarding budgetary reporting
- AASB 2011-7 regarding consolidation and joint arrangements
- AASB 2012-3 regarding offsetting financial assets and financial liabilities
- AASB 2013-3 Amendments to AASB 136 – Recoverable Amount Disclosures for Non-Financial Assets
- AASB 2013-4 regarding financial instruments – Novation of Derivatives and Continuation of Hedge Accounting
- AASB 2013-5 regarding accounting for Investment Entities
- AASB 2013-6 regarding Reduced Disclosure Requirements
- AASB 2013-7 regarding accounting for life insurance contracts
- AASB 2013-8 regarding Australian Implementation Guidance for Not-for-Profit Entities – Control and Structured Entities
- AASB 2013-9 regarding the Conceptual Framework, Materiality and Financial Instruments (Parts B and C).

(r) Budgeted amounts

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period, as adjusted for section 24 of the PFAA where there has been a transfer of functions between departments. Other amendments made to the budget are not reflected in the budgeted statements.

2. Expenses excluding losses

	2014 \$	2013 \$
(a) Employee related expenses		
Salaries and wages (including annual leave)	2,492,771	3,498,688
Payroll tax and FBT	146,734	183,651
Superannuation – defined contribution plans	200,222	239,289
Superannuation – defined benefit plans	31,390	42,784
Workers' compensation insurance	24,310	14,036
Long service leave assumed by Crown	128,361	48,173
Payroll tax assumed by Crown	1,644	2,161
	3,025,432	4,028,783

2. Expenses excluding losses (continued)

	2014 \$	2013 \$
(b) Other operating expenses		
Administration fees	253,800	251,013
Computer related expenses	169,422	165,085
Rental	326,254	300,278
Agency staff fees	332,859	139,843
Consultants and contractors	293,397	145,702
Staff expenses	59,263	22,107
Printing	4,168	3,411
Advertising and publicity	44,131	18,880
Telephone	22,307	25,410
Board members fees	21,350	23,492
Miscellaneous fees	6,786	3,933
Stores and Stationery	7,788	6,953
Auditor's remuneration		
– audit of the financial statements	17,955	29,100
– internal audit	50,255	40,100
Travel	9,884	10,480
Minor equipment	1,820	2,004
Postage	9,444	10,242
Cleaning	11,446	13,593
Subscription and membership	4,144	5,835
Repairs and maintenance*	853	9,534
Public liability insurance	7,050	2,960
Legal services	18,855	6,648
MV Expense	2,390	–
Fees – External Client Training	144,906	36,720
Miscellaneous	50,818	16,093
	1,871,345	1,289,418
<i>*Reconciliation – Total Maintenance</i>		
Maintenance expense – contracted labour and other (non-employee related) as above	853	9,534
Total maintenance expenses included in Note 2(b)	853	9,534

Our financial performance

Notes to and forming part of the financial statements
for the period ended 30 June 2014

2. Expenses excluding losses (continued)

	2014 \$	2013 \$
(c) Depreciation and amortisation expense		
Depreciation		
Computer equipment	10,512	13,938
Furniture and fittings	2,380	245
Voice communications	–	4,167
Leasehold improvements	22,144	22,144
Other plant and equipment	6,594	2,428
Total depreciation expense	41,630	42,923
Amortisation		
Intangible assets – software	127,820	92,068
Total amortisation expense	127,820	92,068
Total	169,450	134,991

3. Revenue

	2014 \$	2013 \$
(a) Government grants – Department of Police and Justice/Treasury		
Recurrent	5,076,000	5,152,000
Capital	82,905	167,300
Voluntary Redundancy	–	496,370
Total Government grants	5,158,905	5,815,670
(b) Investment revenue		
Interest income	34,138	29,313
(c) Acceptance by the Crown Entity of employee benefits and other liabilities		
The following liabilities and/or expenses have been assumed by the Crown Entity:		
Superannuation – defined benefit	31,390	42,784
Long service leave	128,361	48,173
Payroll tax	1,644	2,161
	161,395	93,119
(d) Other revenue		
Other*	5,668	70,021

* Other revenue of \$70,021 in 2013, was generated due to the “Creating Open Government Conference” along with a small level of sponsorship donations.

4. Current assets – cash and cash equivalents

For the purposes of the Statement of Cash Flows, cash includes cash at bank and cash on hand. Cash at the end of the reporting period as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

	2014 \$	2013 \$
Cash at bank	1,538,396	989,050
Cash on hand	500	500
Closing cash	1,538,896	989,550

5. Current assets – receivables

	2014 \$	2013 \$
Debtors	–	–
GST receivables	52,358	18,479
Prepayments	14,390	15,440
Accrued income (interest)	18,698	11,801
	85,446	45,720

All related expenditure and revenue is initially paid/received by the Department of Police and Justice, which then seeks reimbursement/repayment from the Commission.

Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in note 12.

Our financial performance

Notes to and forming part of the financial statements
for the period ended 30 June 2014

6. Non-current assets – plant and equipment

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Other Plant & Equipment \$	TOTAL \$
At 1 July 2013 – fair value					
Gross carrying amount	55,756	5,076	302,110	33,549	396,491
Accumulated depreciation	(45,244)	(3,420)	(152,636)	(20,975)	(222,275)
Net carrying amount	10,512	1,656	149,474	12,574	174,216
At 30 June 2014 – fair value					
Gross carrying amount	55,756	33,535	302,110	33,549	424,950
Accumulated depreciation	(55,756)	(5,800)	(174,780)	(27,569)	(263,905)
Net carrying amount	0	27,735	127,330	5,980	161,045

Reconciliation

A reconciliation of the carrying amount of each class of plant and equipment at the beginning and end of the current reporting period is set out below:

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Other Plant & Equipment \$	TOTAL \$
2014					
Gross carrying amount					
Balance at 1 July 2013	55,756	5,076	302,110	33,549	396,491
Additions	–	28,459	–	–	28,459
Balance at 30 June 2014	55,756	33,535	302,110	33,549	424,950
Accumulated depreciation					
Balance at 1 July 2013	(45,244)	(3,420)	(152,636)	(20,975)	(222,275)
Depreciation expense	(10,512)	(2,380)	(22,144)	(6,594)	(41,630)
Balance at 30 June 2014	(55,756)	(5,800)	(174,780)	(27,569)	(263,905)
Net carrying amount at 30 June 2014	0	27,735	127,330	5,980	161,045
2013					
Gross carrying amount					
Balance at 1 July 2012	55,756	5,076	215,170	33,549	309,551
Additions	–	–	86,940	–	86,940
Balance at 30 June 2013	55,756	5,076	302,110	33,549	396,491
Accumulated depreciation					
Balance at 1 July 2012	(31,306)	(3,175)	(130,491)	(14,381)	(179,352)
Depreciation expense	(13,938)	(245)	(22,145)	(6,594)	(42,923)
Balance at 30 June 2013	(45,244)	(3,420)	(152,636)	(20,975)	(222,275)
Net carrying amount at 30 June 2013	10,512	1,656	149,474	12,574	174,216

IPC's assets are non-specialised assets and therefore, the depreciated cost is a surrogate for fair value.

7. Non-current assets – intangible assets

	Software \$
At July 1 2013 – fair value	
Gross carrying amount	1,099,837
Accumulated amortisation	(226,932)
Net carrying amount	872,905
At 30 June 2014 – fair value	
Gross carrying amount	1,194,668
Accumulated amortisation	(354,753)
Net carrying amount	839,915

Reconciliation

A reconciliation of the carrying amount of intangible assets during the current financial period is set out below:

	Software \$
2014	
Gross carrying amount	
Balance at 1 July 2013	1,099,837
Additions	94,830
Balance at 30 June 2014	1,194,667
Accumulated amortisation	
Balance at 1 July 2013	(226,932)
Amortisation expense	(127,820)
Balance at 30 June 2014	(354,752)
Net carrying amount at 30 June 2014	839,915
	\$
2013	
Gross carrying amount	
Balance at 1 July 2012	932,537
Additions	167,300
Balance at 30 June 2013	1,099,837
Accumulated amortisation	
Balance at 1 July 2012	(134,862)
Amortisation expense	(92,070)
Balance at 30 June 2013	(226,932)
Net carrying amount at 30 June 2013	872,905

The gross carrying amount included Work-In-Progress Intangibles of nil amount (2013: Nil)

Our financial performance

Notes to and forming part of the financial statements
for the period ended 30 June 2014

8. Current liabilities – payables

	2014 \$	2013 \$
Monies paid by the Department of Police and Justice on behalf of the Commission	107,109	244,320
Sundry accruals	441,187	124,808
Corporate Credit Card	1,858	–
	550,154	369,128

Details regarding credit risk, liquidity risk and market risk, including a maturity analysis of the above payables, are disclosed in note 12.

9. Current/non-current liabilities – provisions

	2014 \$	2013 \$
Current		
Recreation leave**	251,447	201,131
Long service leave on-costs	56,373	41,652
Make good provision*	–	–
	307,820	242,783
Non-current		
Long service leave on-costs	2,967	–
Make good provision	87,490	87,488
	90,457	87,488
Aggregate employee benefits and related on-costs		
Provisions – current	307,820	242,783
Provisions – non-current	2,967	–
Accrued salaries, wages and on-costs (Note 8)	107,109	244,320
	417,896	487,103

*Make good provision was reclassified as non-current liability from current due to the renewal of the rental lease to 14/2/2016.

**Recreation leave is expected to be taken within 12 months.

10. Reconciliation of cash flows from operating activities to net result

Reconciliation of cash flows from operating activities to net result as reported in the statement of comprehensive income.

	2014 \$	2013 \$
Net cash flows from Operating Activities	672,635	237,906
Depreciation and amortisation expense	(169,450)	(134,991)
Other Gains/(Losses)	–	–
(Decrease)/increase in receivables and prepayments	39,726	(61,755)
Decrease/(increase) in payables	(181,026)	462,806
Decrease/(increase) in provisions	(68,006)	50,964
Decrease/(increase) in other liabilities	–	–
Net result	293,879	554,931

11. Budget review note

Net result

Total expenses were \$295,773 below budget. The underspend was due to there being a number of employee vacancies. A saving in employee related underspend of expenses of \$579,568 was offset by an overspend on other operating expenses of \$286,345.

Investment revenue was the interest earned on Westpac Bank Operating Account which was lower than budget by \$1,862. Other revenue of \$5,668 was not budgeted for and it was related to workers compensation receipt. Capital grant budget shows \$67,096 underspend on capital projects however \$33,000 was rolled over to FY14/15.

Government grants of \$5,076,000 (2013: \$5,152,000) was for a full year.

Assets and liabilities

Total assets were over budget by \$794,302 (2013 under budget by \$485,608). The variance in budget is due to cash at bank balance being higher than budget by \$874,896 and increase in receivables by \$55,446.

Total liabilities were over budget by \$147,431 (compared to 2013 under budget of \$647,600). The variance was due to accrual of invoices related to contractors, audit plan and hosting & support modules for eLearning.

Total net assets were over budget by \$646,871. (2013 over budget by \$161,992).

Cash flows

Net cash flows from operating activities was \$672,634, favourable to budget by \$508,634. Total Payments was under budget by \$1,556,488 which was due to:

- Underspends of \$673,744 on ERE and \$882,743 of other expenses underspend.

Total Receipts was under budget by \$1,047,854 mainly due to:

- Other income budget of \$972,000 not being met, related to GST receipts. The budget error of GST has been corrected in future years.

Our financial performance

Notes to and forming part of the financial statements
for the period ended 30 June 2014

12. Financial instruments

The Commission's principal financial instruments are outlined below. These financial instruments arise directly from the Commission's operations or are required to finance the Commission's operations. The Commission does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The Commission's main risks arising from financial instruments are outlined below, together with the Commission's objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout this financial statements.

The Information Commissioner has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are being established to identify and analyse the risks faced by the Commission, to set risk limits and controls and to monitor risks. Compliance with policies will be reviewed by the Commission on a continuous basis.

(a) Financial instrument categories

	Notes	Category	Carrying amount 2014 \$	Carrying amount 2013 €
Financial assets				
Class:				
Cash assets	4	N/A	1,538,896	989,550
Receivables (1)	5	Receivables at amortised cost	18,698	11,801
Financial liabilities				
Class:				
Payables (2)	8	Financial liabilities measured at amortised cost	550,154	369,128

Notes: (1) Excludes statutory receivables and prepayments (i.e. not within the scope of AASB 7)

(2) Excludes unearned revenue (i.e. not within the scope of AASB 7).

(b) Credit risk

Credit risk arises when there is the possibility of the Commission's debtors defaulting on their contractual obligations, resulting in a financial loss to the Commission. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for impairment).

Credit risk arises from the financial assets of the Commission, including cash and receivables. No collateral is held by the Commission. The Commission has not granted any financial guarantees.

Cash

Cash comprises cash on hand and bank balances. Interest is earned on daily bank balances.

Receivables – trade debtors

All trade debtors are recognised as amounts receivable at balance date. Collectibility of trade debtors is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letter of demand. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the entity will not be able to collect all amounts due. This evidence includes past experience, and current and expected changes in economic conditions and debtor credit ratings. No interest is earned on trade debtors. Sales are made on 30 day terms.

The Commission is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors. There are no debtors which are currently not past due or impaired whose terms have been renegotiated.

12. Financial instruments (continued)

(b) Credit risk (continued)

	Total	Past due but not impaired \$	Considered impaired \$
2014			
< 3 months overdue	18,698	18,698	–
> 3 months < 6 months overdue	–	–	–
> 6 months overdue	–	–	–
2013			
< 3 months overdue	11,801	11,801	–
> 3 months < 6 months overdue	–	–	–
> 6 months overdue	–	–	–

Notes: The ageing analysis excludes statutory receivables, as these are not within the scope of AASB 7.

(c) Liquidity risk

Liquidity risk is the risk that the Commission will be unable to meet its payment obligations when they fall due. The Commission continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets.

During the current year, there was no default or breach on any loans payable. No assets have been pledged as collateral. The Commission's exposure to liquidity risk is deemed insignificant based on current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. If trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received.

The table below summarises the maturity profile of the Commission's financial liabilities, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities

	Interest Rate Exposure						
	Weighted Average Effective Interest Rate	Nominal Amount \$	Interest Rate Exposure		Maturity Dates		
			Variable Interest Rate \$	Non-interest bearing \$	<1 year	1-5 years	>5 years
2014							
Financial Liabilities							
Payables	–	550,154	–	550,154	550,154	–	–
		550,154	–	550,154	550,154	–	–
2013							
Financial Liabilities							
Payables	–	369,128	–	369,128	369,128	–	–
		369,128	–	369,128	369,128	–	–

Our financial performance

Notes to and forming part of the financial statements
for the period ended 30 June 2014

12. Financial instruments (continued)

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Commission's exposures to market risk are primarily through interest rate risk on the Commission's borrowings and other price risks associated with the movement in the unit price of the Hour Glass Investment facilities. The Commission has no exposure to foreign currency risk and does not enter into commodity contracts.

The effect on operating performance and equity due to a reasonably possible change in risk variable is outlined in the information below, for interest rate risk and other price risk. A reasonably possible change in risk variable has been determined after taking into account the economic environment in which the Commission operates and the time frame for the assessment (i.e. until the end of the next annual reporting period). The sensitivity analysis is based on risk exposures in existence at the statement of financial position date. The analysis assumes that all other variables remain constant.

Interest rate risk

Exposure to interest rate risk arises primarily through the Commission's interest bearing liabilities. This risk is minimised by undertaking mainly fixed rate borrowings, primarily with NSW TCorp. The Commission does not account for any fixed rate financial instruments at fair value through profit or loss or as available for sale. Therefore for these financial instruments a change in interest rates would not affect profit or loss or equity. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates. The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility. The Commission's exposure to interest rate risk is set out below.

	Carrying Amount \$	-1%		+1%	
		Profit \$	Equity \$	Profit \$	Equity \$
2014					
Financial assets					
Cash assets	1,538,896	(15,389)	(15,389)	15,389	15,389
Receivables	18,698	–	–	–	–
Financial liabilities					
Payables	550,154	–	–	–	–
2013					
Financial assets					
Cash assets	989,550	(9,895)	(9,895)	9,895	9,895
Receivables	11,801	–	–	–	–
Financial liabilities					
Payables	369,128	–	–	–	–

(e) Fair value

Financial instruments are generally recognised at cost.

The amortised cost of financial instruments recognised in the balance sheet approximates the fair value, because of the short term nature of many of the financial instruments.

13. Commitments

	2014 \$	2013 \$
(a) Capital Commitments		
Not later than one year	16,851	–
Later than one year and not later than five years	–	–
Later than five years	–	–
Total (including GST)	16,851	–
(b) Operating Lease Commitments		
Future non-cancellable operating lease rentals not provided for and payable:		
Not later than one year	358,515	331,591
Later than one year and not later than five years	227,441	563,378
Later than five years	–	–
Total (including GST)	585,956	894,968

The operating lease commitment relates to a lease currently held in relation to the occupancy of premises by the Office in the Sydney CBD.

The total “Capital Commitments” and “Operating Lease Commitments” include input tax credits of \$53,269 (2013: \$81,360), which are expected to be fully recoverable from the ATO.

14. Contingent liabilities

The Commission is unaware of any matters that may lead to any significant contingent liability.

15. After balance date events

There are no after balance date events that may materially impact the financial statements for the year ended 30 June 2014.

End of Audited Financial Statements.

Appendix 1 – Information Protection Principles (IPPs)

The PPIP Act states its purpose is to provide for the protection of personal information and the protection of the privacy of individuals generally. The Privacy Commissioner aims to promote and uphold the Information Protection Principles (IPPs) in the PPIP Act by fulfilling the Privacy Commissioner's statutory functions, which include educating and advising NSW public sector agencies about their obligations under the IPPs.

The Information Protection Principles are:

Collection

1. **Lawful** – when an agency collects your personal information, the information must be collected for a lawful purpose. It must also be directly related to the agency's activities and necessary for that purpose.
2. **Direct** – your information must be collected directly from you, unless you have given your consent otherwise. Parents and guardians can give consent for minors.
3. **Open** – you must be informed that the information is being collected, why it is being collected and who will be storing and using it. The agency should also tell you how you can see and correct this information.
4. **Relevant** – the agency must ensure that the information is relevant, accurate, up-to-date and not excessive. The collection should not unreasonably intrude into your personal affairs.

Storage

5. **Secure** – your information must be stored securely, not kept any longer than necessary, and disposed of appropriately. It should be protected from unauthorised access, use or disclosure.

Access

6. **Transparent** – the agency must provide you with enough details about what personal information they are storing, why they are storing it and what rights you have to access it.
7. **Accessible** – the agency must allow you to access your personal information without unreasonable delay and expense.
8. **Correct** – the agency must allow you to update, correct or amend your personal information where necessary.

Use

9. **Accurate** – agencies must make sure that your information is accurate before using it.
10. **Limited** – agencies can only use your information for the purpose for which it was collected, for a directly related purpose, or for a purpose to which you have given your consent. It can also be used without your consent in order to deal with a serious and imminent threat to any person's health or safety.

Disclosure

11. **Restricted** – the agency can only disclose your information with your consent or if you were told at the time they collected it from you that they would do so. The agency can also disclose your information if it is for a related purpose and they don't think that you would object. Your information can also be used without your consent in order to deal with a serious and imminent threat to any person's health or safety.
12. **Safeguarded** – the agency cannot disclose your sensitive personal information without your consent, for example information about your ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership. It can only disclose sensitive information without your consent in order to deal with a serious and imminent threat to any person's health or safety.

Appendix 2 – Health Privacy Principles (HPPs)

The Privacy Commissioner aims to promote the Health Privacy Principles (HPPs) to health service providers in the public and private sectors, as well as to members of the public. The 15 HPPs are the key to the HRIP Act and can be found in Schedule 1 of the HRIP Act. They are legal obligations describing what agencies and private sector persons must do when they collect, hold, use and disclose health information.

The Health Privacy Principles are:

Collection

1. **Lawful** – when an organisation collects your health information, the information must be collected for a lawful purpose. It must also be directly related to the organisation's activities and necessary for that purpose.
2. **Relevant** – the organisation must ensure that your health information is relevant, accurate, up to date and not excessive. The collection should not unreasonably intrude into your personal affairs.
3. **Direct** – your health information must be collected directly from you, unless it is unreasonable or impracticable for the organisation to do so.
4. **Open** – you must be told why your health information is being collected, what will be done with it, and who else might see it. You must also be told how you can see and correct your health information and any consequences if you decide not to provide it. Even if an organisation collects health information about you from someone else, they must still take reasonable steps to ensure that you are aware of the above points.

Storage

5. **Secure** – your health information must be stored securely, not kept any longer than necessary, and disposed of appropriately. It should be protected from unauthorised access, use or disclosure.

Access and accuracy

6. **Transparent** – the organisation must provide you with details about what health information they are storing about you, why they are storing it and what rights you have to access it.
7. **Accessible** – the organisation must allow you to access your health information without unreasonable delay or expense.
8. **Correct** – the organisation must allow you to update, correct or amend your health information where necessary.
9. **Accurate** – the organisation must make sure that your health information is relevant and accurate before using it.

Use

10. **Limited** – the organisation can only use your health information for the purpose for which it was collected, or a directly related purpose that you would expect. Otherwise they can only use it with your consent (unless one of the exemptions in HPP 10 applies).

Disclosure

11. **Limited** – the organisation can only disclose your health information for the purpose for which it was collected, or a directly related purpose that you would expect. Otherwise they can only disclose it with your consent (unless one of the exemptions in HPP 11 applies).

Identifiers and anonymity

12. **Not identified** – an organisation can only give you an identification number if it is reasonably necessary to carry out their functions efficiently.
13. **Anonymous** – you are entitled to receive health services anonymously, where this is lawful and practicable.

Transferrals and linkage

14. **Controlled** – your health information can only be transferred outside New South Wales in accordance with HPP 14.
15. **Authorised** – your health information can only be included in a system to link health records across more than one organisation if you expressly consent to this.

Appendix 3 – IPC Strategic Plan 2013 – 2016

Our strategic objectives

1. To uphold and protect information and privacy rights.
2. To be an effective organisation.

Objective 1: To uphold and protect information and privacy rights.

Priority: The IPC promotes and educates the community about peoples' privacy and information access rights under the legislation.

Strategies

- Champion information access and privacy rights
- Publish accurate and clear information about the GIPA, PPIPA and HRIPA legislation, and provide access to online education courses and materials on the IPC website, using a wide range of media, technologies and approaches
- Provide an effective and responsive enquiry service for the community
- Provide easily accessible mechanisms for the community to provide feedback and suggestions on the IPC's products and services.

Success measures

- The IPC and the Information Commissioner and Privacy Commissioner are recognised in the community as champions for information access and privacy rights
- The community has access to current, clear and helpful information, and online education courses and materials on information access and privacy legislation through a variety of media
- Our services are accessible and responsive to diverse community needs
- We receive positive and constructive feedback from the community about our information, advice and education resources.

Priority: The IPC assists the NSW public sector and business to understand and implement the GIPA, PPIP and HRIP legislation.

Strategies

- Support agencies and business to understand and implement privacy positive practices in core and corporate support activities
- Support agencies to implement a proactive and informal information release program and develop their culture around it
- Support agencies in complying with PPIPA, HRIPA and GIPA internal review requirements
- Provide an effective and responsive enquiry service for agencies and business
- Publish accurate, clear and tailored information, guidelines and resources for agencies and business on the IPC website and a range of other media channels
- Provide targeted online education courses and resources, webinars and other educational services and products using innovative technologies, media channels and partnerships with agencies and organisations
- Provide easily accessible mechanisms for agencies and business to provide feedback and suggestions on the IPC's products and services
- Support the NSW Right to Information and Privacy Practitioners' Network Forum through the provision of information and targeted education programs and resources.

Success measures

- Agencies and business see us as professional and accessible, seek our guidance and trust our advice
- Agencies and business have access through a variety of media to information and educational programs and activities tailored to their needs
- Agencies and businesses use our educational resources and seek our input to assist in their compliance with our legislation
- Agencies contribute constructive suggestions for improvement in our service delivery, information resources and educational programs
- The agency practitioner forum network is well supported and effective in promoting good practice in agencies.

Priority: The IPC reviews agency performance and decisions by investigating and conciliating complaints.

Strategies

- Develop, implement and continuously improve efficient and effective review, conciliation, investigation and compliance monitoring systems and processes
- Provide clear and concise reports to the Joint Parliamentary Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission on agency performance in meeting their legislative obligations under GIPA Act, PPIP Act and HRIP Act
- Provide updates to agencies on issues identified through the IPC's review of agency performance and decisions to inform the continuous improvement of agency practice.

Success measures

- Our systems, processes and protocols for reviewing agency performance and decisions, conciliating and investigating complaints and monitoring compliance are clear, easy to use and support a fair, transparent and consistent approach to the review of privacy and information access matters and decision making across the IPC
- Information systems and templates support our review of agency performance and our reporting to the Joint Parliamentary Committee on agency performance in meeting their legislative obligations under GIPA Act, PPIP Act and HRIP Act and our own performance in administering the legislation
- Our guidelines and information updates are viewed as useful by agencies and we observe improvement in agency performance and practice.

Priority: The IPC provides feedback about the legislation and relevant developments in law and technology.

Strategies

- Provide easily accessible mechanisms for members of the public, agencies and other stakeholders to provide feedback on their experiences with the legislation
- Establish effective systems to monitor feedback and trends and identify emerging issues to inform the Commissioners' feedback to Parliament on the effectiveness of the legislation, policy development and legislative review
- Develop and maintain productive relationships with information and privacy bodies in other jurisdictions to monitor and report on developments in law, policy and technology.

Success measures

- We hear from our stakeholders often, and with ease, through a variety of media about their experiences
- We participate in cross-jurisdictional forums concerning information and privacy issues and contribute to the public debate in these areas
- We provide rigorous, evidence based reports to Parliament on the effectiveness of the legislation
- Policy development and legislative amendment at state and national levels are informed by our monitoring and reporting, and reflect our recommendations for change.

Appendices

Objective 2: To be an effective organisation.	
Priority: The IPC is recognised as an employer of choice.	
<p>Strategies</p> <ul style="list-style-type: none"> • Build a culture that reflects our values • Develop and implement a supportive people management program • Maintain effective internal and external communications with staff and stakeholders • Implement the Disability Action Plan, Aboriginal Action Plan and Multicultural Action Plan • Implement a work health and safety plan for the IPC. 	<p>Success measures</p> <ul style="list-style-type: none"> • We attract, develop and retain a diverse professional, cross skilled workforce who experience a high rate of job satisfaction • Our people are equipped and supported in their work • Our values are reflected in all our activities • We have effective and engaging communication, including forums with staff and stakeholders for information sharing, feedback and consultation • We use a variety of innovative and cost effective approaches to develop individual, team and organisational capability • We have a positive, inclusive and safe working environment.
Priority: The IPC has a rigorous governance framework.	
<p>Strategies</p> <ul style="list-style-type: none"> • Align structures, policies, systems and processes, stakeholder engagement and monitoring and reporting regimes to our legislative functions, strategic directions and priorities • Align the risk management and financial management frameworks to our legislative functions and strategic directions and priorities • Build an information platform to support compliance with legislation and government policies and facilitate effective monitoring and reporting on our performance. 	<p>Success measures</p> <ul style="list-style-type: none"> • All elements of our governance framework are in place and operating well • Our information platform and technology solutions support our business • We have a transparent financial management and reporting process which is easily understood • We have great recordkeeping practices and our data and information are easily accessible and appropriately managed in accordance with our legislative obligations • We are aware of, and comply with, all legislative, corporate and public sector responsibilities • We have developed and adhere to clear and accessible internal processes and procedures.
Priority: The IPC promotes and supports continuous improvement of performance.	
<p>Strategies</p> <ul style="list-style-type: none"> • Develop and implement a strategic management calendar • Develop and implement annual IPC business plans which include organisation, team and cross-team projects and initiatives • Upgrade our technology platform and capability to support our work • Periodically review the organisation structure to align with strategic priorities • Develop and implement achievement plans for all staff that are linked to our strategic plan and annual business plans • Promote and encourage innovative approaches to our work and service delivery • Monitor, measure and report on our performance against agreed standards. 	<p>Desired results</p> <ul style="list-style-type: none"> • Staff and stakeholders are clear about the IPC's priorities and work plan • Staff are clear about their role in meeting the IPC's legislative functions as well as strategic and operational priorities • The IPC endeavours to adopt innovative technologies and solutions to improve service delivery • Staff contribute innovative solutions to improve performance • We have a consolidated set of internal and external targets which we measure and report on to the Parliament and the community.

Appendix 4 – Publications list

Reports

- *Annual Report 2012 – 2013*
- *Report on the operation of the Government Information (Public Access) Act 2009: 2010 – 2013*

Information access resources

- *Datasets from the appendices of the Section 37 Report*
- *Policy on managing report requests from the Section 37 report Database*
- *GIPA Act: three years at a glance (infographic)*
- *Fact sheet – Your rights to accessing government information in NSW (English plus translated into 10 languages)*

Privacy resources

- *Fact sheet – A guide to privacy in NSW (English plus translated into 10 languages)*
- *Fact sheet – Accessing health information from the private sector*
- *Fact sheet – Mobile apps: the ABCs of privacy protection*
- *Fact sheet – What do your privacy settings say about you?*
- *Fact sheet – Mobile apps: know the risks – for organisations*
- *Fact sheet – Privacy checklist for NSW public sector agency staff*
- *Fact sheet – Your say: accessing personal and health information under NSW privacy laws*
- *Privacy and you: what you said (infographic)*
- *A guide for parents: Are your kids safe on the internet (poster)*
- *Mobilise your privacy (poster)*

Parliamentary questions on notice to the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission

a) Privacy Commissioner:

<http://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/06EC0584AD8D51CACA257CA900029E74>

b) Information Commissioner:

<http://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/CA22455730DC1CB5CA257CA90002731B>

Submissions

1. Submission by the Privacy Commissioner on complaint handling and information sharing – Personally Controlled Electronic Health Records
2. Submission by the Privacy Commissioner to the Senate on the revision of the *Commonwealth Telecommunications (Interceptions and Access) Act 1979*
3. Submission by the Privacy Commissioner of the review of the Population Health Research Network
4. Submission on State Owned Corporations Review Issues Paper by the Privacy Commissioner and Information Commissioner
5. Submission by the Privacy Commissioner on the draft *Disability Inclusion Bill 2014*
6. Submission to the Inquiry into Debt Recovery in NSW by the Privacy Commissioner and Information Commissioner
7. Submission by the Privacy Commissioner on the *Assisted Reproductive Technology Act 2007* review
8. Submissions by the Privacy Commissioner to the OAIC on the Australian Privacy Principles (APPs) Guidelines for consultation (for 2 stages of consultation)
9. Submission by the Information Commissioner on the *Aboriginal Land Rights Act* consultation paper
10. Submission by the Privacy Commissioner on the Children's E-Safety Commissioner

Appendices

11. Submission by the Information Commissioner and Privacy Commissioner on the NSW LAW Reform Commission Submission on Dispute Resolution in NSW
12. Submission by the Privacy Commissioner to the Department of Justice on the *Crimes (Domestic and Personal Violence) Amendment (information Sharing) Bill 2014*
13. Submission by the Privacy Commissioner to the Department of Justice on *NSW Law Reform Commission Report 123: Privacy Principles*
14. Submission by the Privacy Commissioner to the Joint inquiry into recommendations of the ICAC regarding aspects of the Code of Conduct for Members, the interest disclosure regime and parliamentary investigator.

Public Interest Disclosures

- Youth on Track section 41 PPIP Act direction
- Youth on Track section 62 HRIP Act direction

Plus renewal of the following section 41 directions:

- Direction on Processing of Personal Information by Public Sector Agencies in relation to their Investigative Functions
- Direction on the Disclosure of Information to Victims of Crime
- Direction on the Collection of Personal Information about Third Parties by New South Wales Public Sector (Human Services) Agencies from their Clients
- Direction relating to the Redfern Waterloo Case Coordination Project
- Direction for the Department of Family and Community Services and Associated Agencies
- Direction on Disclosures of Information by the New South Wales Public Sector to the National Coronial Information System
- Direction on Disclosures of Information by Public Sector Agencies for Research Purposes
- Direction relating to the Disclosure of Information to Credit Reporting Agencies
- Direction on Information Transfers between Public Sector Agencies.

Plus renewal of the following section 62 direction:

- Direction relating to the Redfern Waterloo Case Coordination Project.

Renewal of Roads and Maritime Services Privacy Protocols

- *Police Access to photos: Major Crime & Missing Persons Investigations.*
- *NSW Crime Commission Access to RMS Photographs for non counter-terrorism*

Appendix 5 – Access applications under Schedule 2 of the GIPA Act

Statistical information about access applications made to IPC

Statistical information about access applications made to our office during the reporting year is set out in the following tables – the form required by Schedule 2 to the GIPA Regulation.

Table A: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	–	–	–	–	–	–	–	–
Members of Parliament	–	–	–	–	–	–	–	–
Private sector business	–	–	–	–	–	–	–	–
Not-for-profit organisations or community groups	–	–	–	–	–	–	–	–
Members of the public (application by legal representative)	–	–	–	–	–	–	–	–
Members of the public (other)	1	–	1	2	–	1	–	–

* More than one decision can be made in respect of a particular access application and a recording must be made in relation to each such decision (similarly applicable to Table B).

Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	–	–	–	–	–	2	–	–
Access applications (other than personal information applications)	–	–	–	1	–	–	–	–
Access applications that are partly personal information applications and partly other	1	–	–	2	–	1	–	–

Appendices

Table C: Invalid applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the GIPA Act)	–
Application is for excluded information of the agency (section 43 of the GIPA Act)	4
Application contravenes restraint order (section 110 of the GIPA Act)	–
Total number of invalid applications received	–
Invalid applications that subsequently became valid applications	–

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

Matter	Number of times consideration used*
Overriding secrecy laws	–
Cabinet information	–
Executive Council information	–
Contempt	–
Legal professional privilege	–
Excluded information	4
Documents affecting law enforcement and public safety	–
Transport safety	–
Adoption	–
Care and protection of children	–
Ministerial code of conduct	–
Aboriginal and environmental heritage	–

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful
Responsible and effective government	–
Law enforcement and security	–
Individual rights, judicial processes and natural justice	–
Business interests of agencies and other persons	–
Environment, culture, economy and general matters	–
Secrecy provisions	–
Exempt documents under interstate <i>Freedom of Information</i> legislation	–

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	5
Decided after 35 days (by agreement with applicant)	–
Not decided within time (deemed refusal)	–
Total	5

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	–	1	1
Review by Information Commissioner*	–	–	–
Internal review following recommendation under section 93 of the GIPA Act	–	–	–
Review by NCAT	–	–	–
Total	0	1	1

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	1
Applications by persons to whom information the subject of access application relates (see section 54 of the GIPA Act)	–

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Appendix 6 – Credit card certification

In accordance with the Treasurer's Direction 205.01 and 205.7, it is hereby certified that the use of corporate credit cards, which has been restricted to senior officers, has been in accordance with Premier's Memoranda and Treasurer's Directions.

Appendix 7 – Payment of accounts

For year ended 30 June 2014

Supplier accounts paid on time				
Quarter	Target %	Actual %	Current \$000	Total payments \$000
September 2013	100	82	–	274,094
December 2013	100	97	–	196,980
March 2014	100	79	–	211,121
June 2014	100	86	–	721,806

The IPC accounts payable function is performed by the Department of Justice as part of shared corporate services arrangements within the Justice Cluster. The Commission in conjunction with Department of Justice minimises processing delays and monitors and improves payment performance by the:

- Review of payment performance reports on a quarterly basis to identify any procedural issues
- Increased use of electronic funds transfer (EFT) for payment of creditors
- Payment of major suppliers such as Australia Post, Corporate Express and electricity suppliers by way of consolidated billing
- Amalgamation of processing and payment functions as part of ongoing corporate services reform.

Executive management reviews the quarterly payment performance reports to identify any issues arising and takes appropriate measures to improve compliance in accordance with NSW Treasury guidelines. There was no penalty interest for late payment during the financial year ended 30 June 2014.

Appendix 8 – Time for payment of accounts

For year ended 30 June 2014

Aged analysis at the end of each quarter					
Quarter	Current (i.e. within due date)	Less than 30 days overdue	Between 30 and 60 days overdue	Between 61 and 90 days overdue	More than 90 days overdue
All suppliers					
September 2013	208,011	–	57,363	660	14,795
December 2013	190,482	–	6,497	–	–
March 2014	166,793	–	44,329	–	–
June 2014	622,358	–	99,449	–	–
Small business suppliers					
September 2013	5,340	–	1,726	–	–
December 2013	3,752	–	–	–	–
March 2014	1,870	–	–	–	–
June 2014	25,185	–	7,502	–	–
Accounts due or paid within each quarter					
Measure	September 2013	December 2013	March 2014	June 2014	
All suppliers					
Number of accounts due for payment	100	86	106	175	
Number of accounts paid on time	90	81	95	155	
Actual percentage of accounts paid on time (based on no. of accounts)	90	94	90	89	
Dollar amount of accounts due for payment	274,094	196,980	211,121	721,807	
Dollar amount of accounts paid on time	223,499	190,151	166,797	622,357	
Actual percentage of accounts paid on time (based on \$)	82	97	79	86	
Number of payments for interest on overdue accounts	0	0	0	0	
Interest paid on overdue accounts	0	0	0	0	
Small business suppliers					
Number of accounts due for payment to small businesses	6	5	4	5	
Number of accounts due to small businesses paid on time	6	5	4	4	
Actual percentage of small business accounts paid on time (based on no. of accounts)	100	100	100	80	
Dollar amount of accounts due for payment to small businesses	7,066	3,751	1,870	32,687	
Dollar amount of accounts due to small businesses paid on time	7,066	3,751	1,870	25,184	
Actual percentage of small business accounts paid on time (based on \$)	100	100	100	77	
Number of payments to small business for interest on overdue accounts	0	0	0	0	
Interest paid to small businesses on overdue accounts	0	0	0	0	

Appendices

Appendix 9 – Annual Report compliance requirements

Under the *Annual Reports (Departments) Act 1985*, the *Annual Reports (Departments) Regulation 2010*, *Annual Reports (Statutory Bodies) Act 1984*, *Annual Reports (Statutory Bodies) Regulation 2010*, Premier's Circular, Premier's Memoranda and various Treasury Circulars and Treasurer's Directions, the IPC is required to include the following information in this Annual Report.

Requirement	Note	Page
Letter of submission	Letters to the President and Speaker	1
Application for extension of time	Not applicable	–
Charter	About the IPC	10
Aims and objectives	About the IPC	10
Access	Address, telephone, business hours	Inside front cover
Management and structure	Names, offices and qualifications of principal officers	31
	Organisational chart	31
Summary review of operations	CEO – an overview	5
	Privacy Commissioner – an overview	6
	Information Commissioner – an overview	8
	Financial statements	42-65
Funds granted to non-government community organisations	Not applicable	–
Legal change	Legislative changes	13
Economic or other factors	Not applicable	–
Management and activities	Strategic Plan 2013 – 2016	13, 68-70
	<i>Objective 1: to uphold and protect information and privacy rights</i>	
	Priority 1 – promote and educate the community about their rights under the legislation	15-17
	Priority 2 – assist agencies and business to understand and implement the legislation	17-21
	Priority 3 – review agency performance	21-25
	Priority 4 – review agency decisions and investigate/ conciliate complaints	25-27
	Priority 5 – provide mechanisms for stakeholder feedback	28-30
	Priority 6 – provide feedback to Parliament about the legislation and the relevant developments	30
	<i>Objective 2: to be an effective organisation</i>	
	Priority 1 – be recognised as an employer of choice	31-35
	Priority 2 – implement a rigorous governance framework	36-40
	Priority 3 – promote continuous improvement of performance	41
Research and development	Objective 2: Priority 2	36
Human resources	Objective 2: Priority 1	32
Consultants	Objective 2: Priority 2	36
Disability Plans	Objective 2: Priority 1	33-35
Promotion (overseas visits)	Objective 2: Priority 2	37
Consumer response	Objective 1: Priority 5	28-30

Workplace diversity	Objective 2: Priority 1 – Equal Employment Opportunity	32
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Time for payment of accounts	Appendix 8	77
Land disposal	Not applicable	–
Risk management and insurance activities	Objective 2: Priority 2	38-40
Internal audit and risk management policy attestation	Objective 2: Priority 2	39
Disclosure of controlled entities	The IPC has no controlled entities	–
Disclosure of subsidiaries	The IPC has no subsidiaries	–
Multicultural policies and services program	Objective 2: Priority 1	35
Agreements with the Community Relations Commission	Objective 2: Priority 2	36
Occupational health and safety	Objective 2: Priority 1	33
Waste	Objective 2: Priority 1	33
Budgets	Not applicable	–
Financial statements	Our financial performance	42-65
Identification of audited financial statements	Our financial performance	42, 65
Inclusion of unaudited financial statements	Not applicable	–
Additional matters – statement of the action taken to comply with PPIP Act	Objective 2: Priority 2	40
Additional matters – after balance date events having significant effect in succeeding year on financial operations; other operations; clientele/community served	Not applicable	–
Additional matters – total external costs in the production of this annual report	Nil – printed in-house	84
Additional matters – whether this annual report is available in non-printed formats	This annual report is available for download at www.ipc.nsw.gov.au	–
Additional matters – the internet address at which the annual report may be accessed	www.ipc.nsw.gov.au	36
Investment performance	Not applicable	–
Liability management performance	Not applicable	–
Exemptions	Nil	–
Performance and numbers of senior executives	Objective 2: Priority 1	31-32
Implementation of Price Determination	Not applicable	–
Credit card certification	Appendix 6	76
<i>Government Information (Public Access) Act 2009</i>	Appendix 5	73-75
Digital information security policy attestation	Objective 2: Priority 2	37
Public Interest Disclosures (PID)	Objective 1: Priority 4	27
Requirements arising from employment arrangements	Objective 2: Priority 1	32
Form of annual reports – generally	Report has been developed as per requirement	1-84
Submission of annual report to appropriate Minister	22 October 2014	–
Submission of annual report to the Treasurer	22 October 2014	–
Presentation of annual report to Parliament	22 October 2014	–
Annual report size – presentation to Parliament	ISO A4	–
Printing and distribution requirements	No external costs and as per requirements	–
Public availability of annual report	www.ipc.nsw.gov.au	–

Complaining to the IPC

Complaining to the IPC

If you are dissatisfied with the level of service you have received from the IPC there are complaint mechanisms available to you.

Step 1 – seek to resolve the issue informally

To enable us to deal with your complaint promptly, please raise the issue with the relevant staff member when it occurs. If you are unhappy with their response, ask to speak to their supervisor. The supervisor will listen to your concerns and try to resolve them. If appropriate, the supervisor will escalate the matter internally. If the supervisor is not immediately available, they will contact you by phone or in writing as soon as possible with a view to promptly resolving your issue.

If you remain dissatisfied, you can make a formal complaint.

Step 2 – make a formal complaint

To make a formal complaint, please write or email us (see details below), or you can ask us to help you write it down. Include, if appropriate, whether your complaint is to do with services you have received from our information access or our privacy areas.

What to include in your letter of complaint

Briefly explain your concerns, include enough information for us to assess your complaint and decide what we will do. For example, describe what happened and when, who was involved and anything else that is relevant.

Remember to tell us what action you have already taken (such as making an informal complaint) and what you would like to happen. Include copies of all relevant correspondence.

How the IPC deals with formal complaints

Your complaint will always be dealt with by someone more senior than the person you have complained about. The person who looks into the matter will:

- acknowledge your complaint within three business days
- discuss the complaint with the relevant staff member
- if required, escalate the complaint to a manager
- respond to you in writing within 15 working days.

If after receiving a response to your formal complaint you are still dissatisfied, you can ask the relevant Commissioner to review the matter.

Step 3 – contact the NSW Civil and Administrative Tribunal (NCAT)

If you are still dissatisfied with the outcome of an external review, you can ask NCAT to assist you in resolving your complaint. The Administrative and Equal Opportunity Division within NCAT includes the review of administrative decisions made by NSW Government agencies and resolution of discrimination matters. This will incur a cost.

1300 006 228 | www.ncat.nsw.gov.au.

Step 4 – contact the NSW Ombudsman

If you are dissatisfied with the handling of your complaint by the IPC, you can contact the NSW Ombudsman, which has responsibility for dealing with complaints about conduct that is illegal, unreasonable, unjust, oppressive, discriminatory, based on improper or irrelevant grounds, based on a mistake of law or fact, or otherwise wrong.

1800 451 524 (toll free) | www.ombo.nsw.gov.au.

Independent Commission Against Corruption (ICAC)

If you believe there has been corruption or serious misconduct the Independent Commission against Corruption (ICAC) has primary responsibility for dealing with complaints about corrupt conduct. Corrupt conduct is intentional or deliberate misdoing, such as a staff member improperly using their knowledge, power or resources for personal gain or the advantage of others.

1800 463 909 (toll free) | www.icac.nsw.gov.au

For more information

Freecall: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

Fax: (02) 8019 1600

Website: www.ipc.nsw.gov.au

Post: Information and Privacy Commission NSW
GPO Box 7011
Sydney NSW 2001

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Glossary

DJ	Department of Justice
FOI	<i>Freedom of Information Act 1989</i>
GIIC Act	<i>Government Information (Information Commissioner) Act 2009</i>
GIPA Act or GIPA	<i>Government Information (Public Access) Act 2009</i>
GIPA Regulation	<i>Government Information (Public Access) Regulation 2009</i>
GSE Act	<i>Government Sector Employment Act 2013</i>
HPPs	Health Privacy Principles
HRIP Act or HRIPA	<i>Health Records and Information Privacy Act 2002 (NSW)</i>
ICAC	Independent Commission Against Corruption
IPAC	Information and Privacy Committee
IPPs	Information Protection Principles
IPC	Information and Privacy Commission
LGMA	Local Government Managers Australia (NSW)
NCAT	NSW Civil and Administrative Tribunal
OAIC	Office of the Australian Information Commissioner
PPIP Act or PPIPA	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
PSEM	<i>Public Sector Employment and Management Act 2002</i>



information and
privacy commission

new south wales

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Our business hours are 9am to 5pm
Monday to Friday (excluding public holidays)

About this Annual Report

The Information and Privacy Commission NSW Annual Report 2013 – 2014 has been prepared in accordance with the provisions of the *Annual Reports (Departments) Act 1985*, the *Government Information (Information Commissioner) Act 2009*, and the *Privacy and Personal Information Protection Act 1998*.

This Annual Report sets out our activities, accomplishments and challenges in promoting our responsibilities to the community of NSW.

It provides an account of our performance against the key result areas set for us by NSW Parliament, and provides information to our stakeholders on how we manage our organisation to best deliver on our accountabilities and strategic outcomes.

This Annual Report was first published in October 2014. There were no external costs recorded for producing this report to comply with NSW Treasury requirements.