

Annual Report 2018/19



information
and privacy
commission
new south wales



information
and privacy
commission
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. John Ajaka MLC
President Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

The Hon. Jonathan O’Dea MP
Speaker Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000

28 October 2019

Dear Mr President and Mr 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 2018/19 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
IPC CEO, Information Commissioner
NSW Open Data Advocate

Dear Mr President and Mr Speaker,

In accordance with section 61A of the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the following report on the work of the Privacy Commissioner for the 12 months ended 30 June 2019.

In addition, under section 61B of the *Privacy and Personal Information Protection Act 1998*, this Annual Report includes a report on the operation of the *Privacy and Personal Information Protection Act 1998* across all public sector agencies for 12 months ended 30 June 2019.

A copy of the report will be provided to the Attorney General, and Minister for the Prevention of Domestic Violence and Minister for Customer Service, as Ministers responsible for this legislation as specified under sections 61A (2) and 61B (2) of the *Privacy and Personal Information Protection Act 1998*.

Yours sincerely,

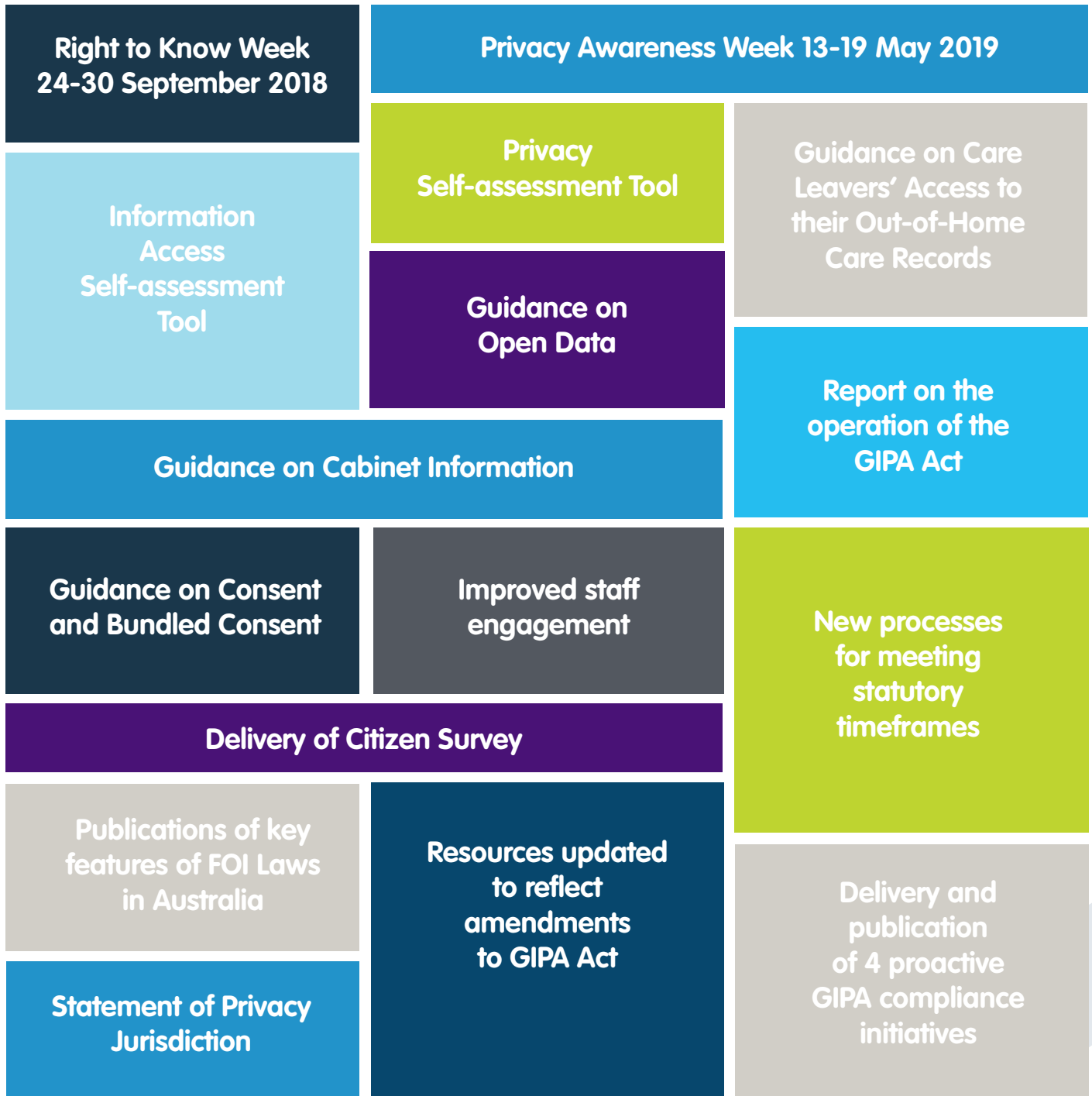


Samantha Gavel
Privacy Commissioner

Contents

Letters to the President and Speaker	3	Objective 3: Impact	30
Contents	4	Building a culture of commitment: Reviewing agency performance	31
Highlights for 2018/19	5	Objective 4: Operational excellence	40
Performance Report Card 2018/19	6	Our planning framework	41
Chief Executive Officer and Information Commissioner - Overview	7	Our people	42
Privacy Commissioner - Overview	9	Governance	45
Priorities for 2019/20	11	Cyber Security Policy Attestation	47
Our organisation	12	Internal Audit and Risk Management Attestation Statement	48
About the IPC	13	Our financial performance	52
IPC Values Framework	14	Statement by the Information Commissioner	53
Accountability	15	Independent Auditor's Report	54
Governance & Legislative Responsibilities	16	Financial statements for the year ended 30 June 2019	57
IPC Strategic Plan	18	Notes to the financial statements for the year ended 30 June 2019	59
Reporting against our strategic objectives	19	Appendices	83
Objective 1: Engagement	20	Complaining to the IPC	94
Stakeholder engagement and guidance	21	Index	97
Parliamentary engagement	23	Glossary	98
Objective 2: Rights promotion	24	About this Annual Report	98
Informing the public of their rights	25		
Community events	27		
Resources	27		
Submissions or Reports to Parliament	28		
Open Data Advocate	29		
New Public Interest Directions & Privacy Codes of Practice	29		

Highlights



Performance report card 2018/19

Objective 1 – Engagement

- ✓ 495,545 page views and a 14 per cent increase in unique visitors to ipc.nsw.gov.au
- ✓ 393 new e-learning registrations by agencies and members of the public
- ✓ Commissioners provided input on more than 100 matters/projects coming before government with 35 of these being joint inputs by the Information Commissioner and the Privacy Commissioner
- ✓ Developed the Framework for Proactive Risk and Intelligence-Based Compliance Program

Objective 2 – Rights promotion

- ✓ 1924 phone enquiries and 709 enquiries in writing or in person
- ✓ 26 new information access, privacy and corporate publications were delivered
- ✓ Major campaigns conducted for Right to Know Week and Privacy Awareness Week
- ✓ 23 resources including Guidelines and Fact Sheets updated to reflect November 2018 GIPA Amendments

Objective 3 – Impact

- ✓ GIPA – 1268 enquiries finalised / 237 advices finalised / 364 reviews finalised / 74 complaints finalised / four proactive audits finalised
- ✓ Privacy – 1355 enquiries finalised / 200 advices finalised / 188 reviews finalised / 124 complaints finalised
- ✓ 74 voluntary breach notifications were made to the Privacy Commissioner
- ✓ Delivery of GIPA and privacy self-assessment tools
- ✓ Delivery of key features of FOI Laws in Australia
- ✓ Delivery of Open Government Partnership National Action Plan 2 Citizen Survey initiative

Objective 4 – Operational excellence

- ✓ Integrated systems of case management across both information access and privacy under a delegated model
- ✓ Developed effective systems and processes to meet legislated timeframes and enable flexibility in delivery of services to stakeholders and citizens
- ✓ Implementation of a new organisational structure to ensure quality and timeliness for information access and privacy
- ✓ Over 1200 hours of training for staff to improve service delivery and rebalance capabilities to be an effective, contemporary regulator - a 50 per cent increase on 2017/18
- ✓ All IPC staff have a Performance and Development Agreement in place.

Overview



Chief Executive Officer, Information Commissioner and NSW Open Data Advocate

Achievements and Report to NSW Parliament

The preparation of this report provides a welcome opportunity to reflect on our achievements and foreshadow future priorities. This year change has been the impetus for significant achievements.

Change has occurred through global, national and local forces in the way we provide information and deliver services. Significantly, the law and administrative arrangements have also changed. We have responded positively to these changes largely because we have remained steadfast in our commitment to promoting citizens' rights, effective engagement and demonstrating operational excellence.

Digital transformation and governance

Digital transformation does not alter the expectation of citizens to fully participate in our democratic system, safe in the knowledge that transparency and accountability are enshrined in legislation and importantly independently oversighted. However digital transformation does present new challenges in securing these rights to enable the delivery of the many benefits derived through technology.

The IPC has optimised the role of Commissioners in providing advice and assistance to Ministers and agencies broadly to influence decision making about these important issues. Our approach has been to provide holistic advice regarding the promotion of information access and privacy rights in digital environments. Access to information must be built into technical solutions to ensure that rights can be asserted and that automation preserves standards of accountability, transparency and importantly fairness.

We have emphasised the nexus between trust and acceptance of digital services by customers and transparency and accountability by government.

Legislative change and benefits

The GIPA Act safeguards the right of all people in NSW to participate in a fair and effective democratic system through the presumption in favour of disclosure of information, the right to obtain information and to hold government to account. Amendments to the GIPA Act in November 2018 introduced a timeframe for finalisation of external reviews by the Information Commissioner. This requirement is not present in any other information access law operating in Australia. Within the IPC we have embraced this requirement and as Chief Executive Officer I made the decision, in consultation with the Privacy Commissioner, to extend its operation administratively to privacy reviews to ensure that service standards are equitable.

This change necessitated a review of our processes and structure to achieve the 40 days statutory timeframe imposed on our external reviews. Staff within the IPC developed the new processes, systems and guides to ensure both timeliness and quality and their efforts have been rewarded with success.

Importantly, these achievements have delivered better outcomes to the public and agencies. Our responsiveness, communication and timeframes have improved without compromise to the quality of our case work. We have introduced a robust system of proactive auditing of agencies and regularly publish our reports. In this first year, we published four compliance reports.

Through this proactive program we will strive to make it easier for agencies to do the right thing, and target those who do not meet their obligations.

We have also responded by harnessing technology to deliver a new on-line audit tool. In this way agencies can self-assess their compliance with information access and privacy requirements, generate reports to their executives and develop an improvement plan that can be monitored for implementation.

Administrative arrangements

Machinery of Government changes saw the IPC move from the Justice Cluster to the Customer Service Cluster. The legislation we oversee and operate under is now administered by both the Attorney General, and Minister for the Prevention of Domestic Violence and the Minister for Customer Service. These changes also bring opportunities. In this environment we are well positioned to inform developments in the regulation of data and digital platforms. That environment has reflected in part, consumer protection principles. However there are other rights that are enlivened in any review of the impacts and indeed benefits of technology. These rights include information access and privacy and their intended protections and benefits must also be acknowledged, preserved and promoted in any regulatory or legislative response.

The public interest test provides a transparent and instructive framework to enable government decisions to be informed by sometimes competing interests and requirements. Ultimately, a balancing of these interests and rights to arrive at a defensible decision that demonstrates a comprehensive consideration of many interests and rights is enabled by consideration of the public interest in its broadest manifestation.

Our performance

The IPC deals with any application for review or complaint fairly, robustly and to achieve an overall compliance impact. This year, the IPC received 710 casework files and closed 750. This is an improvement of 29 per cent in closure rates.

We are committed to effective engagement with all our stakeholder groups. During the reporting period the IPC upgraded its website to improve engagement. This initiative delivered demonstrable improvements in website visits, page views and unique visits.

Our role in upholding the object and intent of the legislation we promote is well demonstrated in the guidance we have produced in response to issues identified through intelligence and in response to practitioner requests.

Importantly we have promoted our legislation in the NSW Civil and Administrative Tribunal particularly in complex or novel matters that benefit from the submissions of Commissioners. Over 250 applications have been assessed by Commissioners and their delegates to ensure that the Tribunal and the parties have the benefit of the perspective of independent champions of these important rights.

We made a number of submissions and reports to the NSW Parliament to ensure our accountability and support effective oversight of our functions.

Going forward

Our dynamic digital environment presents many legal, regulatory and ethical questions for citizens, government, business and activists. Robust information governance practices will enable us to deal with continual change and changing community expectations to deliver the benefits that can be derived through technology.

Within the IPC we have a responsibility to promote an open, fair and effective system of democracy in which the fundamental human rights of information access and privacy are secured notwithstanding the challenges of this dynamic environment.

I am pleased and proud of the work we have achieved this year. Our efforts have positioned us to make a credible contribution to a more comprehensive approach to information governance – one which strives to secure and promote the public interest.

Directors and staff of the IPC have effectively guided the implementation of many changes which have provided benefits to citizens, agencies, government and stakeholders. The Privacy Commissioner's collaborative and collegiate approach has also facilitated these achievements. It is a pleasure working with such committed and talented people, and I am immensely grateful for their efforts.



Elizabeth Tydd
IPC CEO, Information Commissioner
NSW Open Data Advocate

Dip Social Welfare; B Laws, M Laws,
Cert of Governance, AICDG

Overview



Privacy Commissioner

Achievements and Report to NSW Parliament

Digital technology and data now play a considerable role as enablers for improving the development, planning and delivery of NSW government services. The development of new digital solutions and services has the potential to deliver important benefits to the community.

Along with the positive benefits of these developments come privacy risks, which need to be managed and mitigated, to ensure that citizens' privacy rights are effectively protected.

Good privacy practice is an essential component of work by government agencies to use digital technology to provide better outcomes and services to the NSW public. Good privacy practice promotes community trust in government projects and service delivery, and enables agencies to manage new technology and service delivery for the benefit of citizens, while minimising the potential for harm.

An important part of the Privacy Commissioner's role is to provide assistance to public sector agencies in adopting and complying with privacy protection principles and privacy codes of practice.

In this context, the IPC provides advice to agencies to assist them to identify and mitigate privacy risks in order to ensure that services and projects are delivered in a privacy respectful way. During 2018/19, the IPC provided advice to agencies on a range of issues and projects, including the digital drivers' licence and information sharing in relation to forensic mental health patients.

Privacy casework

Due to changes in the GIPA Act in late 2018, which introduced a 40 day statutory timeframe for Information Access Reviews, the IPC re-structured its Investigation and Review team and its case management processes to ensure the agency could meet the new timeframes. Timeframes for privacy casework were aligned with those of information access casework, to ensure that both casework streams received similar resourcing and priority.

The necessary staffing and process changes were completed before the end of the reporting period. The results have been very pleasing, with reduced time frames across Privacy casework in recent months, in spite of increases in the number of complaints and internal reviews received during 2018/19, compared with the previous year.¹ These results are a credit to the hard work and dedication of IPC staff.

Data breaches

During the year, global and local privacy breaches continued to focus attention on the risks posed to privacy and security by data breaches. The IPC currently has a voluntary data breach reporting scheme for NSW agencies. Under the voluntary data breach notification scheme, agencies are encouraged and supported to report significant data breaches to the IPC. This enables the IPC to have visibility of the number and type of breaches occurring across our regulated sectors and to work with agencies to assist in addressing the issues arising out of any data breaches.

The IPC produced a number of resources last year to assist agencies to improve their processes for responding to data breaches. This year, modifications were made to the IPC's reporting system to enable the capture of more specific information about data breaches reported to the IPC by NSW agencies. This will assist the IPC to better understand the sources of data breaches and type of information being breached, in order to better support agencies to prevent and manage breaches.

¹ See page 35 of this report

During the reporting period, the Department of Justice² commenced a review of the voluntary data breach scheme, in order to consider whether it remains satisfactory in light of recent developments, or whether a more robust scheme may be needed for NSW in future. It is expected that the discussion paper will be ready for release in the second half of 2019.³

Privacy Awareness Week

The IPC celebrated Privacy Awareness Week (PAW) in May 2019. The IPC's theme for Privacy Awareness Week this year was *Privacy in NSW – the Next Twenty Years: Protection, Consent and Digital Government*.

This theme encompassed the privacy challenges we face as an increasingly digital society and the need for government to maintain and promote good privacy practices to create trust in digital service delivery.

The theme also enabled the IPC to reflect on over twenty years since the introduction of the *NSW Privacy and Personal Information Protection (PPIP) Act* in 1998 and look forward to a proactive focus on privacy over the next twenty years.

The IPC hosted two events during PAW. One event was focused on engaging with the public at Wynyard station to promote awareness of privacy and their privacy rights.

The second event was a thought leadership event for public sector agencies. Global privacy expert, Sheila M. FitzPatrick gave a keynote address, which was followed by a panel discussion by subject matter experts.⁴

Privacy Awareness Week provided an important opportunity for the IPC to highlight the importance of good privacy practice to agencies.

In the lead up to and during Privacy Awareness Week, the IPC released the following guidance and tools for agencies:

- the Information and Privacy Commission's Privacy Statement of Jurisdiction. This guidance assists NSW citizens to better understand their privacy rights under NSW privacy legislation and also assists agencies and healthcare providers to better understand their obligations under the legislation.
- new guidance on obtaining consent and bundled consent was released for consultation with agencies. The guidance was finalised following the consultation process. This guidance assists agencies to better understand their obligations under NSW privacy law when seeking consent from citizens to collect and use their personal information.
- the IPC's innovative, online self-assessment tools for both Privacy and Information Access. These tools enable agencies to assess their systems and policies to ensure compliance with NSW Privacy and Information Access laws and identify areas where improvement is

needed.

Pleasingly, we had a record number of NSW agencies that signed up as Privacy Awareness Week Champions this year. Agency staff who signed up as Privacy Awareness Week Champions helped to spread the word about the importance of privacy to staff within their agencies.

Artificial Intelligence

Artificial Intelligence (AI) has been a topical issue in recent years, but it is now becoming a reality for NSW agencies, with a number of agencies starting to make use of this technology.

Governments globally and in Australia are keen to harness AI technology to improve policy outcomes, create efficiencies and provide better services to citizens. AI has the potential to deliver significant benefits to the community. At the same time, it poses a number of risks to the rights of individuals in society, including privacy rights.

The term Artificial Intelligence covers a broad range of digital technologies, including predictive analytics, machine learning, automated decision making and smart networks of sensors, connected via the Internet of Things. AI includes the use by local government of "smart cities" technology, such as multiple sensors connected by the Internet of Things to manage lighting, energy costs and waste management collection.

The same underlying privacy principles that impact on any project or program are equally relevant for a project using AI technology. Good data governance and privacy practice are critical to the safe and ethical use of this technology.

Advances in technology and the rapid pace of technological change mean that privacy considerations will continue to be at the forefront of work being done by NSW government agencies to deliver new digital services to citizens and share and analyse data in order to inform policy development, improve outcomes and evaluate government programs.

I look forward to continuing to work with agencies over the coming year to ensure that privacy considerations are front of mind for projects that involve the use of personal information so that privacy rights can be effectively protected.

In closing, I would like to acknowledge the hard work and dedication of IPC staff and thank my colleague, Elizabeth Tydd, IPC CEO and Information Commissioner, for her support during the year.



Samantha Gavel
Privacy Commissioner

B Arts, GAICD

² Now the Department of Communities and Justice, following machinery-of-government changes in March 2019

³ The Discussion paper was released in July 2019

⁴ More information about the event can be found on page 21 of this report

Priorities for 2018/19



Our organisation



About the IPC



David Marcus
Director, Business Improvement



Sonia Minutillo
Director, Investigation and Reporting



Sarah Wyatt
Director, Legal Counsel and Regulatory Advice

Our purpose
To champion
information access
and privacy rights
for the people
of NSW.

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 provide a single point of service in respect to information access and privacy rights, ensuring that agencies and individuals can access consistent information, guidance and coordinated training about information access and privacy matters.

The IPC is recognised as a separate agency under Schedule 1 of the *Government Sector Employment Act 2013* (GSE Act).

What we do

The IPC promotes and protects privacy and information access rights in NSW by providing 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 to government about the legislation and relevant developments in the law and technology.

Our service charter

We are committed to:

1. Delivering the best standard of service that reflects our values.
2. Seeking feedback on the service we provided.

Our vision

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

Our values

The IPC's Values Framework was developed in line with the Government Sector Core Values. The IPC's values are: Accountable, Service focussed, Proactive, Independent, Integrity and Trust. Please see page 14 for more information.

Our stakeholders

- NSW Parliament
- Members of the public
- NSW Government (Premier, Attorney General, and Minister for the Prevention of Domestic Violence and the Minister for Customer Service)
- NSW Parliamentary Committee on the Ombudsman, the Law Enforcement Conduct 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 the public on behalf of 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

* Exempted under the PPIP Act



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Our Values Framework

Accountable

- Taking responsibility for our decisions and actions individually and as a group, using transparent process and making defensible decisions.
- When displayed, we feel confident, secure, respected and respectful. On an organisational level, we feel obligations are being fulfilled.
- We demonstrate it when we take ownership of actions and decisions to deliver our business objectives.

Service focussed

- Recognising what clients/colleagues want and need, being transparent, communicative and articulate when delivering outcomes, and putting others first.
- When displayed, we feel able to provide direction and focus. Providing truthful and honest advice can be confronting. We feel a sense of accomplishment and satisfaction, that we have made a difference to a person's life.
- We demonstrate it when we are aware, and make ourselves aware of customer needs, setting and managing expectations and boundaries, and upholding our responsibilities to others.

Proactive

- Identifying opportunities and taking the initiative to plan constructively and implement practices, demonstrating leadership.
- When displayed, we feel personally and professionally prepared, confident and respected, leading to a sense of achievement and empowerment.
- We demonstrate it when we think about the big picture, initiate ideas and act on opportunities, flexibly and thoughtfully.

Independent

- Being impartial and objective.
- When displayed, we feel confident in our decisions, and that our actions can be relied on and trusted.
- We demonstrate it when we have open and transparent decision-making which involves listening to both sides, making a decision on available evidence, keeping accurate records, being open-minded in our approach.

Integrity

- Demonstrating our values through consistent and appropriate actions and holding ourselves to a recognised high standard.
- When displayed, we feel confident and reassured.
- We demonstrate it when we behave consistently in line with our commitments and values.

Developed by IPC staff, December 2014 using the Government Sector Core Values (Accountability, Service, Trust, Integrity) and the IPC Values (Accountable, Service focussed, Proactive, Independent).

Trust

- A relationship built on honesty. It means being reliable and being able to rely on others.
- When displayed, we feel confident, secure and supported.
- We demonstrate it when we take responsibility for our actions, act with honesty and integrity, and show confidence in others and in our colleagues.

Our organisation

Accountability

Role of the Information Commissioner

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 Information Commissioner is also the CEO of the IPC.

The role of the Commissioner 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 GIIC Act, and reports to the Attorney General, and Minister for the Prevention of Domestic Violence and Minister for Customer Service 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)
- Public Interest Disclosures Steering Committee – under section 6A(1) of the *Public Interest Disclosures Act 1994* (PID Act)
- Open Government Partnership Working Group
- Public Service Commission Separate Agency Reference Group
- NSW Integrity Agencies Collaboration Group.

Role of the Privacy Commissioner

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) (PPIP 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 PPIP 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 and possible remedies for breaches of their privacy
- advising 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
- appearing in the NSW Civil and Administrative 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.

Participation in committees

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

- Asia Pacific Privacy Authorities (APPA)
- Privacy Authorities Australia (PAA)
- NSW Integrity Agencies Collaboration Group.

Our organisation

Governance and legislative responsibilities

Our governance

In 2010, the NSW Parliament passed the Privacy and Government Information Legislation Amendment Bill 2010. The Explanatory Note to the Bill provides:

The object of this Bill was to amend the *Privacy and Personal Information Protection Act 1998* (PPIP), the *Government Information (Information Commissioner) Act 2009* (GIIC), the *Government Information (Public Access) Act 2009* (GIPA) and other Acts to provide for the following:

- a) an Information and Privacy Commission (the Commission) will be established by merging the Office of the Information Commissioner and Privacy NSW (with the Information Commissioner to be head of the Commission and responsible for the management of the staff of the Commission)...

The IPC is recognised as a separate agency under Schedule 1 of the GSE Act. The Information Commissioner is appointed as agency head and is responsible to the relevant Ministers, and has responsibility for ensuring that the IPC and its staff operate in accordance with all government sector requirements.

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

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

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

The NSW Parliamentary Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, oversee the functions of the Information Commissioner and Privacy Commissioner and reports to Parliament. 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; or
- 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.

Our legislation

The IPC administers the following legislation:

- *Government Information (Public Access) Act 2009* (NSW) (GIPA Act)
- *Government Information (Public Access) Regulation 2018* (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 2014* (NSW) (PPIP Regulation)
- *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act)
- *Health Records and Information Privacy Regulation 2017* (NSW) (HRIP Regulation).

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 object of the GIPA Act is 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 intent of Parliament to create a 'one-stop-shop' is supported by the legislation which provides a legal framework in which access to information and protection of privacy can be appropriately balanced.

The GIPA Act confirms that information sharing must commence from the position of granting access to information. However, this commitment to sharing information must also balance factors including the protection of personal information. Practical mechanisms to promote information sharing and protect personal information are also provided under the GIPA Act. The PPIP Act contains provisions to confirm that the PPIP Act does not lessen the operation of the GIPA Act, which provides the vehicle for release of government held information of a personal and non-personal nature.

The GILC 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 inquiries.

The PPIP Act establishes the role of the Privacy Commissioner and gives effect to Parliament's intention that privacy and information access are separate and discrete functions. It also 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. The key to the PPIP Act are the 12 information protection principles (IPPs).

The HRIP Act protects the privacy of people's health information in NSW. It covers information created and collected by hospitals and other health service providers. It also includes other public and private organisations that hold health information. The HRIP Act contains 15 health privacy principles (HPPs).

Changes to legislation

The GIPA Act

On 21 November 2018, NSW Parliament passed a series of amendments to the GIPA Act which came into effect on 28 November 2018. The amendments impact upon the responsibilities agencies have in fulfilling their obligations under the GIPA Act, and how citizens can expect their applications to be processed and progressed.

The amendments arose from a statutory review by the then Department of Justice of the GIPA Act and GILC Act that commenced in 2014. The purpose of the review was to consider whether the objects of the Acts remain valid and whether their terms remained appropriate for securing their objectives.

In July 2017, the Department of Justice released its report on the statutory review which concluded that the GIPA Act and GILC Act are generally well-supported, the pathways the GIPA Act provides for accessing government information are useful and effective, and the Acts are operating efficiently.

The recommendations in the Department's report informed the amendments to the GIPA Act.

The IPC reviewed and updated its key publications for agencies and citizens to reflect the amendments. This included development and publication of a purpose-specific resource for agencies and also for citizens to inform them of the changes to the GIPA Act. These fact sheets are available on the IPC's website, along with a number of other key resources.

Key amendments to the GIPA Act were:

- contracts register requirements
- making an access application
- transfer of applications between agencies
- deemed refusals and refund of fees
- decisions to refuse to deal with an application
- timeframes to complete an internal review
- administrative reviews of decisions by NCAT
- annual reports
- the definition of "working day"
- 40-days for external review by the Information Commissioner.

No changes were made to the PPIP Act or the HRIP Act.

2019 Machinery of Government changes

Following the re-election of the NSW State Government in March 2018, a number of machinery of government changes were made in the allocation of functions between government departments/agencies and Ministers. These changes support the implementation of the new Government's priorities.

One significant priority for the Government is a better experience for NSW citizens. This priority will be delivered through the newly created Customer Service Cluster. The IPC's administrative transition into this cluster will be finalised in the 2019/20 financial year.

The change of cluster has also seen a change to the ministers responsible for the carriage of the information and privacy legislation. The Hon. Victor Dominello MP, Minister for Customer Service and the Hon. Mark Speakman SC MP, NSW Attorney General, and Minister for the Prevention of Domestic Violence will both share responsibility.

The IPC has continued to work according to our strategic, business and regulatory plans to deliver a consistent work program and environment.

Our strategic objectives

In May 2017, the IPC released the Strategic Plan for 2017/20. Embodying the IPC's commitment to a strategic and contemporary approach to regulation, the Strategic Plan demonstrates the IPC's ambitious, future-based and proactive approach to identifying external risks and emerging opportunities to promote information access and privacy. The next Strategic Plan for 2020/22 will be developed at the end of 2019. Please see page 18 to view the Strategic Plan 2017/20 in full.

Information and Privacy Commission Strategic Plan 2017 - 2020

The IPC contributes to social and economic wellbeing in NSW by leading and advancing effective information access and privacy rights.



ENGAGEMENT

We demonstrate contemporary, effective engagement with citizens, agencies and stakeholders to lead delivery of balanced information access and privacy rights.



OPERATIONAL EXCELLENCE

Our operations are innovative, solution focused and adaptable, and our people have the commitment and capabilities to ensure optimal regulatory impact and citizen-centric services.



RIGHTS PROMOTION

Our independent and accessible expertise is recognised, trusted and exemplary in promoting rights and lawfully balancing information access and privacy.



IMPACT

We contribute to social and economic wellbeing by leading and advancing effective information access and privacy rights.

Financial Management, Risk Management and Governance

STRATEGIC IMPERATIVES

Establish IPC as a recognised authority in fostering engagement within its legislative responsibilities.
Leverage opportunities to partner in regulatory programs. Establish IPC as a lead integrity oversight agency.

MEASURED BY:

- Provision of guidance regarding consultation, engagement and public participation.
- % increase in national/global activities and relationships.
- % increase in number/diversity of co-regulatory initiatives.
- % increase in consultations and tailored regulatory initiatives.

STRATEGIC IMPERATIVES

Create the right mix of capabilities to be an effective contemporary regulator.
Develop effective systems and processes to enable flexibility in delivery of services to stakeholders and citizens. Implement systems and capabilities to guide an integrated approach to information access and privacy legislation.

MEASURED BY:

- IPC staff have capabilities and demonstrate expertise in regulatory craft and information management.
- % improvement in IPC compliance with customer service standards.
- % increase in compliance levels following IPC regulatory interventions.

STRATEGIC IMPERATIVES

Adopt and promote an integrated approach to information management that minimises regulatory burden and guides practical solutions.
Shape the legislation and policies to ensure they are contemporary and effective. Build a clear, contemporary and secure information sharing culture.

MEASURED BY:

- Incorporation of IPC submissions into new or revised instruments and reports.
- Community attitudes survey demonstrates increasing awareness of IPC and rights promotion.
- % increase in advice/briefings that holistically guide information management within the IPC legislative environment.

STRATEGIC IMPERATIVES

Improve community awareness of the IPC and information access and privacy rights.
Create a culture of open and participative democracy. Create a culture of commitment to and compliance with information access and privacy rights within agencies and service providers.

MEASURED BY:

- % increase in community awareness of IPC legislation.
- % increase in agency awareness of IPC services and responsibility.
- % increase in identified opportunities for citizens to engage with agencies through IPC legislative mechanisms.
- Client satisfaction trending upwards year on year.

Strategic Leadership and Customer-Centric Culture

Enabled by our values:

Accountable Service-Focused Proactive Independent Integrity Trust

Reporting against our strategic objectives – Summary

IPC	Reviews & Complaints	2018/19	2017/18	2016/17
	Received	710	620	691
	Closed	750	586	683

GIPA	Reviews & Complaints	2018/19	2017/18	2016/17
	Received	414	372	383
	Closed	438	350	376

Privacy	Reviews & Complaints	2018/19	2017/18	2016/17
	Received	296	248	308
	Closed	312	236	305

Enquiries received by type		2018/19	2017/18	2016/17
	Phone	1924	2806	3351
	In writing and in person*	709	609	992

Advices	2018/19	2017/18	2016/17
	GIPA	237	409
Privacy	200	284	285

Publications	2018/19	2017/18	2016/17
	GIPA	16	24
Privacy	10	5	21

Submissions	2018/19	2017/18	2016/17
	GIPA	8	9
Privacy	6	13	6

Research (includes surveys)	2018/19	2017/18	2016/17
	GIPA	1	1
Privacy	0	1	2

Committees		2018/19	2017/18	2016/17
	GIPA	5	5	5
	Privacy	4	4	4

* Includes in person, emails, letters, faxes and website forms

Objective 1: Engagement



Objective 1: Engagement

We demonstrate contemporary, effective engagement with citizens, agencies and stakeholders to lead delivery of balanced information access and privacy rights.

Imperatives

- Establish the IPC as a recognised authority in fostering engagement within its legislative responsibilities.
- Leverage opportunities to partner in regulatory programs.
- Establish the IPC as a lead integrity oversight agency.

Success measures

- Provision of guidance regarding consultation, engagement and public participation.
- Increase in number/diversity of co-regulatory initiatives.
- Increase in consultations and tailored regulatory initiatives.
- Increase in national/global activities and relationships.

Stakeholder engagement and guidance

Towards Open Government Information NSW (TOGI) e-learning course

As part of Right to Know Week 2018, on the 18 September 2018 the IPC launched its new Towards Open Government Information NSW (TOGI) e-learning course with a virtual event. The e-learning module is a comprehensive guidance to NSW Public Sector employees, bringing together information management responsibilities in a single training package. Agencies were invited to sit the 90-minute online course at any time during Right to Know Week.

Highlights from the TOGI virtual event include:

- 17 NSW public sector agency registrations to participate
- 117 individually registered participants
- 102 TOGI event packs distributed to agencies across NSW, including t-shirts, fact sheets and IPC branded collateral.

Event for senior executives and privacy practitioners

During Privacy Awareness Week 2019, on 15 May 2019, the NSW Privacy Commissioner hosted an event for senior government executives and privacy practitioners.

Opened by the Hon. Victor Dominello MP, Minister for Customer Service, the event included keynote speaker Sheila FitzPatrick, an expert in global data privacy, who compared privacy legislation across the world and stressed that privacy is an essential consideration for government organisations.

A panel discussion was also chaired by the NSW Privacy Commissioner, and featured international privacy expert Sheila FitzPatrick, head of the NSW Data Analytics Centre Dr Ian Oppermann, privacy lawyer Peter Leonard, and senior executive from Transport for NSW Kate Watts. Discussion centred on current and emerging privacy challenges, how to protect privacy in digital service delivery, and the next twenty years of privacy in NSW. Ninety-nine public sector representatives attended the event.

Speaking engagements

During the 2018/19 reporting period, the NSW Information Commissioner and Open Data Advocate addressed stakeholders and participated on panels across 37 speaking engagements regarding the right to information and best practice in information and data management.

The Privacy Commissioner addressed stakeholders on privacy or participated on panels at 19 speaking engagements.

Both Commissioners also addressed the NSW Right to Information and Privacy Practitioners' Network Forum at four quarterly meetings.

Objective 1: Engagement

Co-regulatory engagements

During the year both Commissioners enhanced relations with other regulators and agencies to achieve legislative objectives including:

- Open Government Partnership
- Public Interest Disclosures Steering Committee
- Integrity Agencies Collaboration group
- Privacy Authorities Australia
- Board of the State Archives and Records Authority.

The IPC also consulted and sought the views of the Office of the Australian Information Commissioner in the development of its guidance on jurisdiction of the NSW Privacy Commissioner under the HRIP Act, in particular because of the overlapping jurisdiction for private health service providers.

A risk-based and intelligence informed approach to tailored regulatory initiatives

The IPC Regulatory Compliance Committee oversees delivery of the IPC's commitment to effective risk based regulation. The purpose of the Committee is to oversee and advise upon proactive compliance activities set out in the IPC Annual Regulatory Plan to ensure that they remain guided by a risk-based and intelligence-informed approach to regulation, focusing our attention and activity upon emerging issues, entities and sectors that pose the greatest risk to achieving our regulatory objectives.

The Committee operates in the context of the IPC Regulatory Framework. The Committee comprises the Information Commissioner (Chair), Privacy Commissioner, Director, Investigation and Reporting, Director, Business Improvement and the Director, Legal Counsel and Regulatory Advice. During 2018/19 the Committee met three times.

The role of the Committee is to:

1. review intelligence and post-case analysis to advise on emerging risks to the Annual Regulatory Plan
2. review proposals for new or changed proactive compliance activities to address the changed environment
3. advise on any proposed amendments to the Annual Regulatory Plan required as a result of a change in the risk environment or agency/sector performance
4. consider and recommend strategies for regulatory action that may be suitable for consideration through future Regulatory Planning processes.

The committee considered:

- the need to assist agencies with understanding and applying the legislative requirements for internal review
- health complaints; managing deemed refusals
- data breaches
- webcasting
- copyright
- open access
- disclosure of interests
- legislative compliance and continued review
- development of systems to support intelligence.

This was acquitted through:

- tailored regulatory engagement with the Local Council Sector and the Office of Local Government
- identified regulatory engagement with identified NSW public sector agencies
- development of self-assessment tools for agency compliance with Information Access and Privacy
- tailored engagement with the Local Government Sector on the tools to assist with agency self-assessment
- development of guidance to support improved understanding of the Privacy Commissioner's jurisdiction under the HRIP legislation
- targeted review of privacy compliance by a public sector agency
- identified proactive audits in Information Access
- commencing a review of intelligence data inputs to the Compliance Committee
- application of a proactive audit and compliance approach.

Additionally, during the reporting period the Committee considered reports on the number of reviews and complaints closed by the IPC for each of its legislated sectors in both information access and privacy.

Communication and consultation

The IPC is committed to maintaining ongoing communication with all our stakeholder groups. Communications are managed via the IPC website, through social media and other channels. During the reporting period the IPC published:

- 143 tweets
- 124 posts on LinkedIn
- 40 e-alerts to our stakeholder groups
- 10 media releases
- 39 publications

Objective 1: Engagement

Privacy Commissioner agency monitoring

Section 36(2)(l) of the PPIP Act provides that the Privacy Commissioner can conduct such inquiries, and make such investigations into privacy related matters as the Privacy Commissioner thinks appropriate. During the reporting period the Privacy Commissioner initiated a review of a government agency as to its practices and governance for ensuring compliance with the information protection principles. The review was informed by a voluntary breach notification made to the Privacy Commissioner. That review was underway at the time of this report.

Parliamentary engagement

Parliamentary enquiries and reports

Both Commissioners have an important responsibility to keep the NSW Parliament informed of their activities and of broader trends in their respective jurisdictions.

The Information Commissioner and Privacy Commissioner provided a number of reports and submissions to Parliament including:

- *Report on the Operation of the Government Information (Public Access) Act 2009: 2017/18*. Under section 37 of the GIIA Act, the Information Commissioner is required to provide Parliament with an annual report on the operation of the GIPA Act. The 2017/18 Report was tabled in Parliament in February 2019, and provides a comprehensive assessment of the operation of the legislation in New South Wales. The Report examines the performance of over 220 government agencies, provides important guidance to policy makers and agency heads, and promotes greater transparency for the NSW community
- Joint submission and appearance before the Legislative Council Standing Committee on Law and Justice concerning the *Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018*
- Submission to the Australian Senate Committee Inquiry into the My Health Records System
- Submission to a Select Committee Inquiry on Landowner Protections from Unauthorised Filming or Surveillance.

Review of the State Records Act

The Information Commissioner is a member of the State Records Act Review Steering Committee. The review is led by Create NSW, together with the Department of Customer Service. As a member of the committee, the Information Commissioner has informed the review with analysis of records and data management as well as access pathways in respect of information and data. This work is ongoing.

Objective 2: Rights promotion



Objective 2: Rights promotion

Our independent and accessible expertise is recognised, trusted and exemplary in promoting rights and lawfully balancing information access and privacy.

Imperatives

- Adopt and promote an integrated approach to information management that minimises regulatory burden and guides practical solutions.
- Shape the legislation and policies to ensure they are contemporary and effective.
- Build a clear, contemporary and secure information sharing culture.

Success measures

- Incorporation of IPC submissions into new or revised instruments and reports.
- Community attitudes survey demonstrates increasing awareness of IPC and rights promotion.
- Increase in advices/briefings that holistically guide information management within the IPC legislative environment.

Informing the public of their rights

IPC website

The IPC website at www.ipc.nsw.gov.au is the central communication and service channel for IPC stakeholders. It houses a suite of online resources, access to the e-learning portal and general information about the organisation. The website is also used to promote new publications and significant campaigns and events that champion the right to access government information and the protection of privacy in NSW. During the reporting period, page views increased by 28 per cent and website visits by 12 per cent compared to the same period last year, meeting or exceeding the target of 10 per cent growth in both visits and views.

In the second half of 2018, the IPC commenced work to redevelop and transition our website to a new webhost. The new website meets all WCAG 2.0 accessibility requirements. After the planning, development and testing, the site went live on 12 February 2019. Feedback on the new site has been positive with particular reference to the ease of access to resources and the simplified layout. The IPC will continue to review and implement improvements on an ongoing basis.

	2018/19	2017/18	2016/17
Page views	495 545	388 424	353 255
Website visits	186 042	165 994	143 434
Unique visits	121 128	108 066	92 709
Average visit duration	2.28 minutes	2.27 minutes	2.49 minutes

Public enquiries

The IPC receives enquiries from members of the public, businesses and other organisations about privacy rights in NSW, how to access government, personal and health information and review rights. The IPC aims to support 'self-service' more effectively, complementing the website with personal assistance where needed.

During the reporting period recorded enquiry numbers have reduced somewhat, in comparison to the previous year. The reduction may be partly attributable to improved access and comprehensiveness of materials on the IPC website. In the same reporting period visits to the IPC website increased by 12 per cent.

Enquiries received by type

	2018/19	2017/18	2016/17
Phone	1 924	2 806	3 351
In writing and in person*	709	609	992

* Includes in person, emails, letters, faxes and website forms.

Right to Know Week

International Right to Know Day is celebrated on 28 September each year. In NSW, the IPC acknowledged Right to Know Week from 24 to 30 September 2018. During this week, the IPC launched its new Towards Open Government Information NSW (TOGI) e-learning course with a virtual event (pg. 21).

For the first time the IPC conducted a direct citizen engagement event. As part of Right to Know Week 2018, the Information Commissioner and IPC Directors actively engaged with commuters at Sydney's Central Station to discuss information access.

Information access promotional materials were available and over 500 direct citizen engagements were conducted.

Objective 2: Rights promotion

The IPC also live-streamed the Office of the Information Commissioner Queensland's Solomon Lecture by Professor Ken Smith of the Australian and New Zealand School of Government. Entitled 'Trust and Transparency', Professor Smith explored how open, transparent government is threatened from a range of ideological extremes.

Other highlights from the week include:

- release of 2 media articles
- more than 500 citizens targeted and engaged at our public event at Central station
- recruitment of a record 77 agency champions (up from 52 champions in 2018)
- 450 downloads of our Right to Know resources for champions
- 910 page views of the IPC e-learning page
- the IPC's dedicated webpage received 610 page views compared with 465 in 2018, 925 in 2017 and 836 in 2016
- Right to Know tweets made 19 337 impressions, compared to 21 179 impressions in 2018, and achieved 280 Twitter engagements compared with 54 engagements in 2018.

Privacy Awareness Week

The IPC celebrated Privacy Awareness Week NSW from 13 to 19 May 2019. The theme for this year was *Privacy in NSW – the next 20 years: Protection, Consent & Digital Government*. During Privacy Awareness Week, the IPC launched its online Information Governance Agency Self-assessment Tools, and the Privacy Commissioner hosted a Keynote Speaker and Panel Event (p.21).

Other highlights from the week include:

- recruitment of a record 53 agency champions (up from 24 champions in 2018)
- the IPC's designated web pages received 2 617 page views compared with 421 in 2018, 564 in 2017 and 634 in 2016
- Privacy Awareness tweets rose to 22 211 impressions
- Privacy Commissioner spoke at two Privacy Awareness agency events to an audience of over 130 public sector employees.

Information Awareness Month

Information Awareness Month (IAM) is an annual collaborative event between various bodies within the records, archives, library, knowledge, information and data management communities. Its aim is to increase public awareness of information and its place in all aspects of our day-to-day lives.

The theme for IAM 2019 was 'Innovation with Information'. This theme is reflected in Australia's second Open Government National Action Plan 2018/20 (OGNAP 2). Under the OGNAP 2, eight focused commitments have been secured to help enhance transparency, accountability and public engagement.

One of these commitments is 'Engage States and Territories to better understand information access', which has been under the guidance of the NSW Information Commissioner, Information and Privacy Commission (IPC) CEO and Open Data advocate, Ms Elizabeth Tydd.

Open Government Partnership (OGP) National Action Plan (NAP) – Community Attitudes Survey

The Information Commissioner, on behalf of the Association of Information Access Commissioners (AIAC), engaged with the Department of Prime Minister and Cabinet in the development of new commitments for inclusion in the second Australian National Action Plan 2018/20 which was released on 21 September 2018.

The Information Commissioner is leading a further commitment in the second NAP to engage States and Territories to better understand information access through data. This commitment will enable subnational participation in the Open Government Partnership process to build understanding of information access frameworks by:

- facilitating administrative arrangements between state and territory governments and Australian Government officials responsible for Australia's Open Government commitments to support collaboration and learning on open government matters (including highlighting the opportunity for formal subnational cooperation and membership in the Open Government Partnership)
- engaging with Information Commissioners and Ombudsmen to conduct surveys to measure citizens' awareness of the right to access government information, and their experiences and outcomes in exercising that right. These surveys will inform activities to promote and support the right to access government information.

Objective 2: Rights promotion

Community events

In addition to its key annual events Privacy Awareness Week and Right to Know Week NSW (see notable projects) the IPC supported and celebrated 21 community events including:

2018

- National Aborigines and Islanders Day Observance Committee (NAIDOC) Week, 8-15 July
- International Day of the World's Indigenous Peoples, 9 August
- Indigenous Literacy Day, 5 September
- International Day of Democracy, 15 September
- United Nations Day, 24 October
- International Day of Persons with Disabilities, 3 December
- Human Rights Day, 10 December

2019

- Data Privacy Day, 28 January
- Safer Internet Day, 5 February
- NSW Seniors Festival, 13-24 February
- Zero Discrimination Day, 1 March
- Multicultural March, 1-31 March
- International Women's Day, 8 March
- Open Government Week, 11-17 March
- Harmony Day, 21 March
- National Youth Week, 10-18 April
- Information Awareness Month, May
- Privacy Awareness Week, 13-19 May
- National Law Week, 13-19 May
- Global Accessibility Awareness Day, 16 May
- National Reconciliation Week, 27 May - 3 June

Resources

Since July 2018, the IPC has developed 39 resources to promote community and agency understanding of privacy and information access rights in NSW. New resources have included:

- 2 statutory and 7 regulatory reports
- 16 information access resources, including guidances, fact sheets and tools
- 10 new privacy resources, including fact sheets and tools
- 4 newsletters

In addition, the IPC developed 5 corporate documents including Instruments of Delegation/Authorisation, policies and plans.

See the full list at Appendix 1. All resources are published in accessible formats and are available for download on our website.

Information Governance Self-assessment Tools to promote information management

On 22 May 2019, the IPC launched innovative on-line Information Governance Agency Self-assessment Tools for use by all agencies within New South Wales. Two self-assessment tools were launched: one for information access and one for privacy.

The self-assessment tools enable agencies to conduct an assessment of their systems and policies that ensure their compliance with privacy and information access requirements.

The on-line self-assessment tools enable agencies to:

- assess compliance against key privacy and information access requirements
- link to IPC guidance that promote better practices and enhance compliance
- generate dashboard reports detailing agency compliance levels
- more precisely identify areas where improvements are required
- develop comprehensive plans to improve compliance with privacy and information access requirements.

The Tools will enable agencies to measure the maturity of their information governance systems and implement plans to further develop those systems and confidently meet their information access and privacy requirements.

The Tools provide dashboard reports to ensure that leaders are able to assess information governance maturity within their organisations and support a commitment to action that will ensure compliance with privacy and information access requirements. The Information Governance Agency Self-assessment Tools are available free of charge and are downloadable from the IPC website.

GIPA resources

The Information Commissioner issued three key Guidelines for agencies in 2019:

- Open Data
- Care Leavers' access to their Out-of-Home Care Records
- Cabinet Information.

Objective 2: Rights promotion

Information Access Guideline 7: Open Data provides information and assistance to public sector agencies and citizens regarding open data including the definition of open data, and opening data or release of government data using the access to information pathways under the GIPA Act.

Information Access Guideline 8: Care Leavers' access to their Out-of-Home Care Records highlights the public interest considerations in favour of government agencies releasing information to those who have experienced out-of-home care arrangements. It will aid public interest decision making by agencies. Additionally it will highlight factors that support a decision to release information and therefore enable applicants to identify and include relevant factors in support of their application to access these important records.

Information Access Guideline 9: Cabinet Information was written to assist agencies to understand how the GIPA Act operates with respect to 'Cabinet information', including how to identify which information may be captured by clause 2 of Schedule 1.

The IPC also developed a series of new fact sheets dedicated to section 121 of the GIPA Act and changes to the GIPA Act to explain how they will impact agency obligations and to inform citizens of the key changes that will affect them.

The GIPA tool, which was launched in April 2018, continued to be used by a large number of agencies.

Privacy resources

In addition to the Privacy Self-assessment Tool, mentioned on the previous page, the IPC issued a Privacy Statement of Jurisdiction to assist citizens to understand the IPC's privacy jurisdiction in NSW, how their privacy is protected, and what to do if they think their privacy has been breached.

The IPC developed a range of resources for agencies relating to consent. The Fact Sheet on Consent was designed to provide guidance to NSW public sector agencies and Health Care Providers in understanding the issue of consent in relation to Privacy laws in NSW.

e-Learning

In the reporting period, the e-learning portal had 393 new registrations to access the available e-learning modules compared with 409 in the previous financial year. There are 5 modules currently available at 30 June 2019. The Contracts and Contracts Register Module and the Access Training for Decision Makers Under the GIPA Act were both updated to reflect the amendments to the GIPA Act in November 2018.

The new registrations came from Government agencies (191), councils (112), the general public (27), universities (13), the private sector (27) and NGO sector (23).

Submissions or reports to Parliament

Information Access

The Information Commissioner made submissions in regard to:

- The Commonwealth review of the *Copyright Act 1968*
- The Australian Government Data Sharing and Release Legislation Issues paper (joint submission with Privacy Commissioner)
- The Department of Home Affairs on Review of National Arrangements for the Protection and Management of Identity Information (joint submission with Privacy Commissioner)
- The Open Government Partnership – APS wide Framework for engagement and participation
- An ICAC discussion paper on lobbying, access and undue influence
- The NSW Law Reform Commission on the Open Justice review.

Privacy

The Privacy Commissioner made the following submissions in regard to:

- Consultation paper prepared by the then Department of Family and Community Services on redesign on the Domestic Violence Disclosure Scheme
- Consultation paper prepared by the NSW Law reform Commission on access to digital assets after death
- National Transport Commission Discussion Paper: Regulating government access to C-ITS and AV data
- National Transport Commission Discussion Paper: Motor accident injury insurance and automated vehicles
- A Review of civil surveillance and privacy laws in QLD
- Forensic mental health reform - information sharing.

Objective 2: Rights promotion

Report on the Operation of the Government Information (Public Access) Act 2009: 2017/18

The *Report on the Operation of the Government Information (Public Access) Act 2009: 2017/18* provides a comprehensive assessment of the operation of the right to information legislation in New South Wales. The Report examines the performance of over 220 government agencies, provides important guidance to policy makers and agency heads, and promotes greater transparency for the NSW community.

The Report was tabled in February 2018. Key findings included:

- The number of applications received by agencies has continued to increase with a steady upward trend since 2014/15, reflecting the increasing value the community is placing on their right to access government information.
- The number of applications received this year demonstrates a return to the number of applications received in the first year of operation of the GIPA Act when applications were at an all-time high.
- Reviews by the Information Commissioner represent 37 per cent of all reviews conducted, demonstrating the dominance of this independent review avenue.

On 7 March 2019 a public sector agency confirmed a data entry error in the report. This data error impacted on the reporting of timeliness under the GIPA Act which has necessitated corrections to the report. Accordingly, the IPC published an erratum of the annual report.

Codes Of Practice

Throughout the reporting period the Privacy Commissioner engaged with the former Department of Family and Community Services on the Public Interest Direction for Domestic Violence Disclosure Scheme Pilot. The Direction was made under section 41 of the PPIP and section 62 of the HRIP Act to permit the collection, withholding, use and disclosure of personal information by NSW public sector agencies and contracted service providers that have an identified role in and for the purpose of the Domestic Violence Disclosure Scheme Pilot. The Direction expired on 11 July 2019, having not been remade.

As noted in the IPC's Annual Report 2017/18, the Privacy Commissioner during that reporting period provided the Department of Family and Community Services with advice on the development of Public Interest Directions for the Their Futures Matter project. The Direction relating to the 'Their Futures Matter' project was made on 13 July 2018 and will expire on 13 July 2021.

The following Codes of Practice were made during the reporting period:

- Privacy Code of Practice for the Automatic Referral Pathway
- Privacy Code of Practice for the Public Service Commission
- Health Records and Information Privacy Code of Practice for the Automatic Referral Pathway
- Health Privacy Code of Practice for the Public Service Commission.

The Privacy Commissioner has commenced review of the Privacy Code of Practice for Local Government. The Code of Practice modifies the information protection principles as they apply to the council sector in particular areas.

**Objective 3:
Impact**



Objective 3: Impact

We contribute to social and economic wellbeing by leading and advancing effective information access and privacy rights.

Imperatives

- Improve community awareness of the IPC and information access and privacy rights.
- Create a culture of open and participative democracy.
- Create a culture of commitment to and compliance with information access and privacy rights within agencies and service providers.

Success measures

- Increase in community awareness of IPC legislation.
- Increase in agency awareness of IPC services and responsibilities.
- Client satisfaction trending upwards year on year.
- Increase for citizens to engage with agencies through IPC legislative mechanisms.

Building a culture of commitment: Reviewing agency performance

IPC Regulatory Plan 2017/19

During the financial year 2017/18, the IPC developed a Regulatory Plan for 2017/19 to signal the organisation's priorities to its regulated agencies and stakeholders. This Regulatory Plan has continued to inform the IPC's priorities throughout 2019. A new Regulatory Plan for 2020/22 will be developed parallel with the new business plan that will inform the IPC's priorities in its forward work program.

Key priorities across the IPC Regulatory Plan that were the focus in 2018/19 included:

- development of identified guidance for information access for Open Data, Out-of-Home care, Cabinet Information, unreasonable diversion of resources and extensions of time under the GIPA Act
- development of identified guidance for Privacy, including data sharing, privacy codes, public interest directions, Privacy Commissioner jurisdiction under the HRIP Act and PPIP Act

- implementation of a comprehensive risk-based sampling and compliance monitoring processes
- development and implementation of a stakeholder engagement framework underpinned by engagement plans that span key stakeholder groups including citizens, regulated entities and other stakeholders, including practitioners
- identification and development of key customer experiences, including the implementation of post audit client survey experience
- delivery of Information Governance Self-assessment Audit Tools for information access and privacy
- delivery of community attitudes surveys in privacy, information access and Open Data to further inform the regulatory work of the IPC.

Advice to agencies

The IPC provides information to agencies to assist with compliance, their decision-making, and to support public access to information.

GIPA advices to agencies

During the year agencies sought advice on many aspects of GIPA including:

- handling of formal applications
- preparation of Agency Information Guides (AIGs)
- reporting of data on agency operations to the IPC
- management of disclosure requirements such as contract registers.

Privacy advices to agencies

During the year topics included:

- the collection, use and disclosure of information including personal and health information
- privacy-respectful sharing of data between public sector agencies
- proposed amendments to legislation and regulations
- handling of privacy breaches
- use of data collection techniques
- conduct of privacy impact assessments.

Objective 3: Impact

Advice by sector

The tables below summarise the number of advices provided to agencies by their regulated sector.

Advice by sector: GIPA

Stream and sector	2018/19	2017/18	2016/17
Total GIPA	237	409	425
State Government	95	187	186
Local Government	109	175	193
University	4	15	10
Minister	1	1	0
State Owned Corporation	4	9	12
Other	24	22	24

Advice by sector: Privacy

Stream and sector	2018/19	2017/18	2016/17
Total Privacy	200	284	285
State Government	129	184	121
Local Government	26	50	14
University	6	10	6
Minister	1	1	3
State Owned Corporation	1	3	0
Other*	37	36	141

Note: the above advices are exclusive of IPC corporate advice.

Complaints and reviews

Complaints – Information Access

Under the GIPA Act, matters which may be the subject of a review under section 80 of the GIPA Act cannot be the subject of a complaint, even if the person may be out of time to apply for a review of a decision. Where this occurs, the Information Commissioner may decline to deal with the complaint or may provide information to assist the complainant in understanding of the application of the legislation.

In 2018/19 Information Access complaints to the IPC rose by 105 percent compared with the previous reporting year. In part this increase is attributable to complaints about outcomes on access application decisions. During 2018/19, 66 per cent of complaints were finalised within 90 days compared to 76 per cent in the previous reporting year. The significant increase in the number of complaints has contributed to the overall decline in timeliness and accompanied increase in the average number of days to finalise a complaint.

Of the 74 complaints finalised, the majority were focused in the state and local government sectors.

The majority of complaints lodged related to:

- decision-making processes
- decision-making time frames – either, not making a decision within the statutory time frame, or information not provided
- open access information not available.

This information informs the IPC's proactive regulatory activities and priorities.

Complaints – Privacy

2018/19 saw a 38 per cent increase in complaints received compared to the previous year.

During 2018/19, 78 per cent of complaints were finalised within 90 days compared to 79 per cent the previous reporting year. Of the complaints finalised, the majority lodged with the Privacy Commissioner continued to relate to:

- access or refusal of access to health or personal information – examples include individuals seeking access
- disclosure of personal information.

The majority of complaints received were about private health service providers and individual health practitioners. Complaints relating to public sector agencies about personal information under the PPIIP Act are generally dealt with as an internal review.

Reviews of agency information access decisions

In the 2018/19 reporting period legislative amendments to the GIPA Act introduced a statutory timeframe for the completion of the external review function by the Information Commissioner.

Objective 3: Impact

The statutory requirement provides that the Information Commissioner is to complete her external review within 40 working days of when the Information Commissioner has determined that she has all the information necessary to complete the review. The legislative amendments came into effect from 28 November 2018.

Since the commencement of the new statutory requirements the Information Commissioner has finalised 100 per cent of all reviews received within the statutory requirements.

The number of reviews received was consistent with the number received in the previous reporting period following a small increase in that year. The top 10 considerations that were finalised are listed in the table right.

Submission on internal agency reviews - privacy

Under section 54 of the PPIP Act, the Privacy Commissioner exercises her oversight function following application for an internal review by an individual to an agency. In practice, the IPC receives a report from the agency that outlines the issues, its investigation of the complaint and the findings and proposed recommendations. The IPC is notified of the application outcomes and undertakes an assessment. The Privacy Commissioner may make submissions for consideration by the agency if warranted.

Following a decrease in the number of privacy reviews in the 2017/18 reporting period, 2018/19 saw a 19 per cent increase in the number of privacy reviews.

The top 10 issues/privacy principles raised in policy reviews are listed in the table right.

During 2018/19, 77 per cent of all reviews were finalised within 90 days compared with 70 per cent in the previous reporting period. This improvement in the proportion of reviews finalised within 90 days was accompanied by an improvement in the average number of days to finalise a review, from 92 days down to 70 days. Although there is no statutory timeframe for completion of privacy reviews by the Privacy Commissioner, the Privacy Commissioner in the reporting period has moved to adopt a timeframe of completion within 40 days consistent with the requirements for information access ensuring a consistent and single point of service delivery standard across both information access and privacy.

GIPA external review for 2018/19

Top 10 Public Interest Considerations applied by agencies	Number
Reveal personal information (section 14 T (3)(a))	97
Information not held/searches	86
Prejudice effective exercise of agency function (section 14 T (1)(f))	69
Prejudice supply of confidential information (section 14 T (1)(d))	55
Contravene an information protection principle or health privacy principle (section 14 T(3)(b))	48
Prejudice business/professional interests (section 14 T (4)(d))	48
IPC Legislation/GIPA Act 2009	42
Prejudice deliberative process of government (section 14 T (1)(e))	38
Breach of confidence (section 14 T (1)(g))	33
Prejudice conduct, effectiveness or integrity of audit, test, investigation or review (section 14 T (1)(h))	29
Grand Total for all issues	545

Privacy reviews for 2018/19

Top 10 Issues/Privacy Principle	Number
IPP 11 Limits on disclosure of personal information	97
IPP 10 Limits on use of personal information	52
IPP 5 Retention and security of personal information	42
HPP 11 Limits on disclosure of health information	24
IPP 3 Requirements when collecting personal information	21
IPP 4 Other requirements relating to collection of personal information	20
IPP 1 Collection of personal information for lawful purposes	19
HPP 10 Limits on use of health information	19
HPP 5 Retention and Security	16
Other IPC Legislation/PPIP Act 1998	16
Grand total of all issues	326

Objective 3: Impact

Casework performance statistics for 2018/19

The tables below and right identify the major sectors subject to review or complaint. As is consistent with previous years the government sector accounts for the greatest share of these cases for both information access and privacy, followed by the Local Government sector.

Closed: Information Access complaints and reviews by sector for 2018/19

Sector	Complaints	Reviews
Government	38	242
Council	26	81
University	5	26
Minister	5	6
State Owned Corporation	0	9
Other*	0	0

* Includes sectors which by particular operation of legislation are designated to comply with GIPA eg. independent schools for the purpose of working with children investigations.

GIPA case activities and performance

Case type	Number received	Number closed	Number open at 30 June 2019	Average days to finalise 2017/18	Average days to finalise 2018/19	% Complete in less than target 2018/19
Advices	237	237	0	8	9	85%
Audits (combined)	63	61	8	28	185	82%
Audit-AIG	61	60	7	28	18	82%
Audit-other*	2	1	1	0	185	0%
Complaints	79	74	11	68	75	66%
Reviews	335	364	40	59	63	78%
Enquiries	1268	1268	1	1	1	91%
Own motion	0	0	0	493**	0	NA

* Includes general compliance audits in accordance with section 17(g) of the GIPA Act.

** Relates to cases closed in 2017/18.

Objective 3: Impact

Closed: Privacy complaints and reviews by sector for 2018/19

Sector	Complaints	Reviews
Government	37	149
Council	12	26
University	1	13
Minister	1	0
State Owned Corporation	0	0
Other*	73	0

* Includes complaints about access to health information by private providers under section 26 of the HRIP Act.

Privacy case activities and performance

Case type	Number received	Number closed	Number open at 30 June 2019	Average days to finalise 2017/2018	Average days to finalise 2018/2019	% Complete in less than target 2018/2019
Advices	201	200	2	24	14	74%
Audits (PMP and other audits combined)	13	13	0	67	22	77%
Audit-PMP	13	13	0	37	22	77%
Audit-other*	0	0	0	30	0	NA
Voluntary breaches	75	74	0	10	9	93%
Complaints	121	124	16	66	64	77%
Reviews	175	188	18	92	70	77%
Enquiries	1353	1355	2	1	1	88%
Own motion	0	0	0	NA	NA	NA

* refers to an agency specific audit that is neither a PMP or voluntary breach.

Objective 3: Impact

Privacy Management Plans

Under Part 3 Division 2 of the PPIP Act, public sector agencies are required to prepare and implement a Privacy Management Plan and provide a copy to the Privacy Commissioner. The Plan is an integral part of public sector agencies' governance frameworks as it documents how privacy obligations are integrated into the functions and activities of the agency. A Privacy Management Plan sets out the agency's policies and procedures for complying with privacy and the principles contained in NSW privacy legislation. Plans are publicly available and assist staff in their day-to-day handling of personal and health information, and are to be available to clients who wish to understand how their privacy is protected and managed by public sector organisations.

The number of Privacy Management Plans received for review each year varies from year to year, depending on whether agencies have new or changed responsibilities that affect their obligations under privacy legislation requiring an update to their privacy management plan.

In the reporting year the Privacy Commissioner received a total of 13 Privacy Management Plans for consideration. These are reviewed against the checklists and feedback provided to agencies as required. As at 30 June 2019, all 13 had been reviewed and feedback provided to the relevant agency. The average days to review a plan in the reporting period was 22 days and compares favourably to the previous year of 37 days.

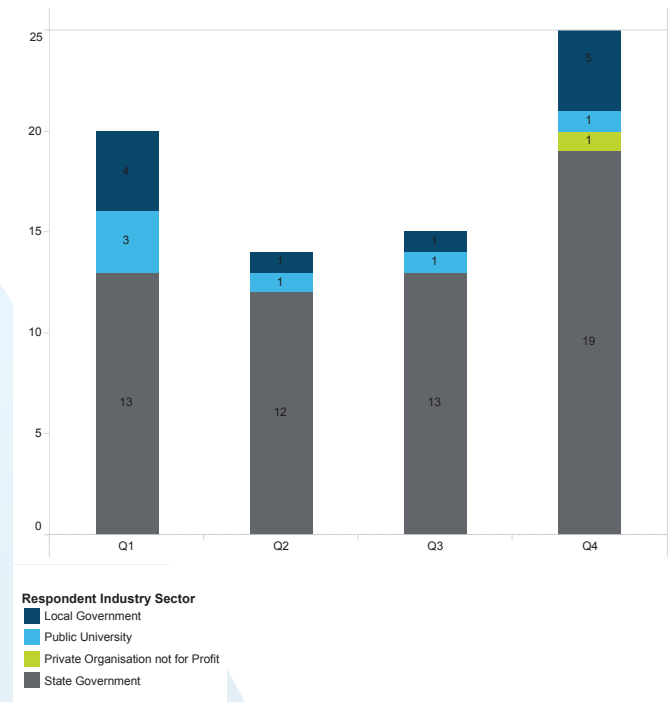
Privacy voluntary breach notifications

Under the PPIP and HRIP Acts, agencies have obligations to take reasonable steps to protect the personal and health information they hold. A data breach occurs when a failure has caused, or has the potential to cause, a loss of the protection of personal or health information. Although malware, hacking and data theft are examples of data breaches, simple human or technical errors rather than malicious intent are often the cause of breaches.

While not required by law, the Privacy Commissioner encourages agencies to make voluntary notifications of data breaches to her.

In 2018, the Privacy Commissioner commenced the quarterly reporting of data breaches voluntarily notified to her by agencies. During the reporting year the Privacy Commissioner received a total of 74 breach notifications, which represents an increase of 64 per cent over the previous year. The majority of notifications were in the State Government Sector. The data breach notifications for the reporting period are detailed top right.

Voluntary breaches notified to the IPC - FY2018/19



During the reporting period the Privacy Commissioner also engaged directly with NSW Health in the oversight and review of arrangements for the proper management and disposal of health patient records at a closed aged care facility in southern Sydney. The breach was the subject of media reports.

Information Commissioner audits

Under section 21 of the GILC Act the Information Commissioner may investigate and report on the exercise of any function by an agency under an Information Act including the systems, policies and practices of that agency. The Information Commissioner's reporting requirements are provided for in section 21(2) of the GILC Act.

Additionally, section 17(g) of the GIPA Act recognises the Information Commissioner's role in monitoring, auditing and reporting on the exercise by agencies of their functions under, and in compliance with, the GIPA Act.

Objective 3: Impact

The audit process is intended to maximise the effectiveness of a proactive approach to elevating compliance across the regulated sectors. The identification of audits is informed by risk/impact and intelligence assessments. The process uses a mix of quantitative and qualitative data metrics, risk/impact assessments, and consideration of environmental/contextual factors for selection of targeted audits and informs the scope of the audit.

During the 2018/19 reporting period the Information Commissioner finalised four audits into agency compliance with the GIPA Act. Four compliance reports were issued:

- NSW Police Force GIPA Act Compliance Report – April 2019
- WaterNSW Review – October 2018
- Sydney Cricket and Sports Ground Trust GIPA Act Compliance Review Report – October 2018
- Office of Sport GIPA Act Compliance Review Report – October 2018.

While the scope of the audits may vary, depending on the risk/impact and intelligence assessments that have informed the audit, the methodology applied is generally consistent and includes:

- assessment of overall GIPA applications using publicly available annual reports
- IPC Compliance Data
- Agency GIPA Dashboard
- on site audit of random sample selection of GIPA files against legislation
- review of policies, procedures and processes.

Following the completion of the audit the IPC continues to engage with the Agency to monitor implementation of any recommendations made arising from the audit.

The audit reports are publicly available on the IPC website.

NSW Civil and Administrative Tribunal (NCAT) activities

If an individual is not satisfied with a decision on a formal access application, under the GIPA Act they may apply for a review by NCAT. Applications must be made within 40 working days from being notified of the decision by an agency, or within 20 working days from being notified of the decision by the Information Commissioner.

Under the PPIP Act, 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 of 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.

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

The Commissioners exercised their right to appear and be heard in a number of matters before NCAT.

During the reporting period, IPC legal officers (on instruction from the Commissioners) attended matters in NCAT (including the Appeal Panel) and made submissions. The Commissioners made 18 written submissions in NCAT matters during the reporting period, including:

- *Destination NSW v Taylor* [2019] NSWCATAP 123
- *Sandy v Kiama Municipal Council* [2019] NSWCATAD 49
- *DNM v NSW Ombudsman* [2019] NSWCATAP 77
- *Transport for New South Wales v Waters* [2019] NSWCATAP 96
- *Office of Environment and Heritage v Scenic NSW Pty Ltd* [2019] NSWCATAP 176

These cases are all summarised on the IPC's website.

Human Research Ethics Committees (HRECs) reporting

Under the HRIP Act, the Privacy Commissioner has issued legally binding statutory guidelines on the use or disclosure of health information for research purposes that require HRECs to provide a compliance report to the Privacy Commissioner after 30 June each year. The compliance report identifies where HRECs have approved research proposals seeking to use or disclose personal or health information without consent, on the basis that the public interest in the research substantially outweighs the public interest in maintaining the level of privacy protection provided by the HRIP Act. All 19 RECs submitted compliance reports for 2018/19, covering a total of 744 research proposals. Of these research proposals 484 (65 per cent) used personal or health information without consent, based on the public interest value of the proposed research substantially outweighing the public interest in the protection of privacy.

Objective 3: Impact

Human Research Ethics Committee reports received for 2018/19

No.	Date Received	HREC carried out between July 2018 and June 2019	Proposals	without consent	Outweighed public interest
1	1/07/2019	St Vincent's Hospital Sydney Human Research Ethics Committee	0	No	0
2	4/07/2019	Greater Western Human Research Ethics Committee	19	Yes	19
3	12/07/2019	Nepean Blue Mountains Local Health District HREC	56	Yes	56
4	16/07/2019	University of Wollongong and Illawarra Shoalhaven Local Health District Social Sciences HREC	0	No	0
5	16/07/2019	University of Wollongong and Illawarra Shoalhaven Local Health District and Medical HREC	7	Yes	3
6	22/07/2019	Sydney Children's Hospitals Network HREC	105	Yes	87
7	26/07/2019	Sydney Local Health District HREC (CRGH Zone)	47	Yes	47
8	29/07/2019	NSW Population and Health Services HREC	44	Yes	44
9	31/07/2019	Adventist HealthCare Limited HREC	3	Yes	3
10	1/08/2019	Northern Sydney Local Health District HREC	46	Yes	46
11	2/08/2019	Justice Health and Forensic Mental Health Network HREC	2	Yes	2
12	2/08/2019	South Western Sydney Local Health District	243	Yes	7
13	2/08/2019	Sydney Local Health District HREC (RPAH Zone)	142	Yes	142
14	5/08/2019	Hunter New England HREC	13	Yes	13
15	6/08/2019	Aboriginal Health and Medical Research NSW HREC	17	Yes	15
16	26/08/2019	The University of Newcastle HREC	0	No	0
17	27/08/2019	North Coast HREC	0	No	0
18	29/08/2019	Western Sydney Local Health District HREC	0	No	0
19	10/09/2019	South Eastern Sydney Local Health District	0	No	0
TOTAL			744		484

Objective 3: Impact

Public interest disclosures and government information contraventions

Under the PID Act, the IPC is required to collect and report on information about Public Interest Disclosures (PIDs).

The IPC website includes a fact sheet of frequently asked questions about PIDs, and the IPC's internal policy for PIDs.

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 GILC Act, the Information Commissioner is empowered to investigate such PIDs, unless the disclosure is about a reviewable decision under the GIPA Act, as section 89(4) of the GIPA Act prevents the Commissioner from considering complaints about reviewable decisions.

The Information Commissioner is also an investigating authority under the PID Act and may receive complaints about contraventions of the GIPA Act.

As investigating authority the Information Commissioner closed two complaints during the reporting year. During the assessment process not all of the complaints satisfied the requirements of the PID Act.

Information about the PIDs we have dealt with as an investigating authority is included in the six monthly and annual reporting of PIDs to the NSW Ombudsman. During the reporting period two matters were included in the Information Commissioner's report to the NSW Ombudsman.

The Information Commissioner is a member of 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 NSW Ombudsman's website.

Public Interest Disclosures received during 2018/19

	Made by public officials performing day to day functions	Under a statutory or other legal obligation	All other PIDs
Number of public officials who made PIDs directly	0	0	0
Number of PIDs received	0	0	0

Number of PIDs received by category during 2018/19

Category			
Corrupt conduct	0	0	0
Maladministration	0	0	0
Serious and substantial waste	0	0	0
Government information contravention	0	0	0
Local government pecuniary interest contravention	0	0	0
Total	0	0	0



Objective 4: Operational excellence

Objective 4: Operational excellence

Our operations are innovative, solution focused and adaptable, and our people have the commitment and capabilities to ensure optimal regulatory impact and citizen-centric services.

Imperatives

- Create the right mix of capabilities to be an effective contemporary regulator.
- Develop effective systems and processes to enable flexibility in delivery of services to stakeholders and citizens.
- Implement systems and capabilities to guide an integrated approach to information access and privacy legislation.

Success measures

- IPC staff have capabilities and demonstrate expertise in regulatory craft and information management.
- Improvement in IPC compliance with customer service standards.
- Increase in compliance levels following IPC regulatory interventions.

Our planning framework

IPC Strategic Plan 2017/20

This Annual Report provides a report against the IPC's Strategic Plan 2017/20. Embodying the IPC's commitment to a strategic and contemporary approach to regulation, the Strategic Plan demonstrates the IPC's ambitious, future based and proactive approach to identifying external risks and emerging opportunities to promote information access and privacy. The next Strategic Plan for 2020/22 will begin to be developed at the end of 2019. Please see page 18 to view the IPC Strategic Plan 2017/20 in full.

IPC Business Plan 2017/19

The IPC Strategic Plan 2017/19 was supported by the development of a business planning framework and an operational business plan to support and prioritise the work of staff. This annual report provides an acquittal of work from the IPC Business Plan for 2018/19.

The IPC Business Plan outlines priorities for 2017/19 with a focus on:

- implementing comprehensive risk-based compliance monitoring processes

- supporting agencies to uphold privacy and information access rights in contemporary models of service delivery
- providing credible advice to government, agencies and citizens that promotes open government and privacy rights, and builds community confidence
- strategic engagement with our stakeholder groups
- equipping our regulated sectors with resources and services to deliver good information access and privacy outcomes
- instilling a culture of regulatory expertise in our people.

In November 2018, the IPC conducted a mid-cycle review of the delivery of its Strategic Plan and Business Plan to take account of the changes to the GIPA Act, review achievements to date and identify priorities. A number of projects were refined and a number of new projects approved, with a particular focus on supporting corporate functions, management of WHS and responding to proposed amendments to the GIPA Act that affect IPC operations. The Plan also adopted a set of 'programs' to guide planning and delivery.

Government Sector Employment Act 2013

The GSE Act recognises the IPC in Schedule 1, as a separate agency with the Information Commissioner appointed as the Agency Head. Under the GSE Act, staff members are appointed to the IPC and are responsible to the Agency Head to assist with the discharge of the statutory responsibilities of the Information Commissioner and Privacy Commissioner.

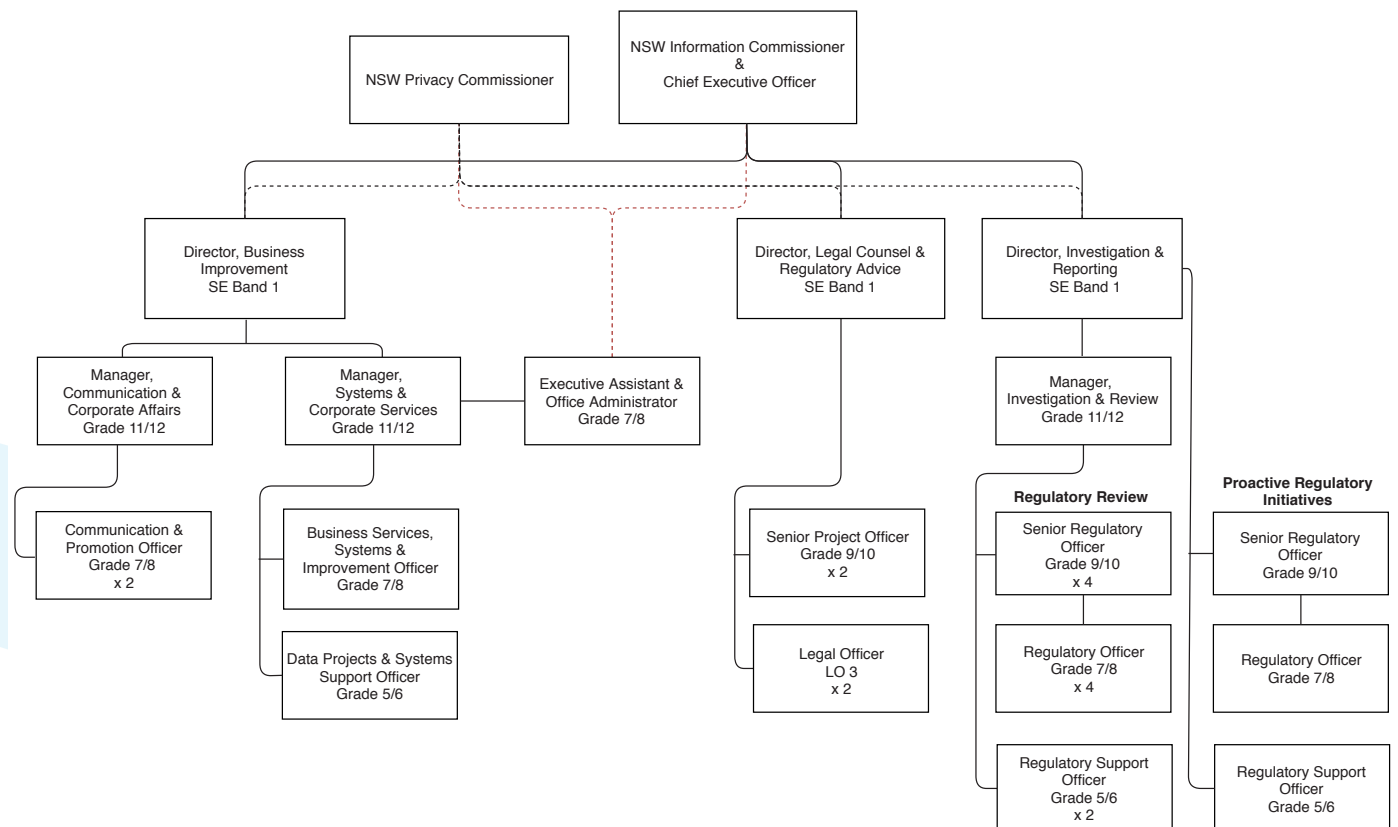
The GSE Act confers additional statutory responsibilities to the Information Commissioner as Agency Head, including the power of delegation and the requirement to be fiscally responsible, effective and efficient.

In 2018/19 the IPC met its compliance requirements with the GSE Act by:

- developing staff Performance and Development Plans (PDP) and implementing PDPs
- developing a staff training schedule
- continuing to support staff training and development in both legislative/technical areas and broader development. During the year the IPC invested over 1179 hours or an average of 50 hours per employee (excluding the Commissioners who are statutory appointees)
- supporting capability development through secondment arrangements
- reinforcing commitment to ethical conduct, including through a code of conduct
- supporting formal and informal mentoring arrangements
- fraud and corruption presentation to staff from Independent Commission Against Corruption (ICAC) held on 2 February 2019.

Objective 4: Operational excellence

Organisational structure as of 30 June 2019



Our people

Improved legal advising arrangements

As part of a review of internal structures and reporting lines a number of changes were implemented beginning 1 July 2018. A notable change was the creation of a new role of Director, Legal Counsel and Regulatory Advice, to ensure adequate support to Commissioners and the organisation in areas of legal expertise and customer service focus.

Organisational re-design to improve case work operations

Amendments to the GIPA Act in November 2018 introduced a 40 day statutory timeframe for the completion of reviews by the Information Commissioner. The amendments required significant operational process and organisational structural change to ensure the timely and effective completion of external reviews.

The IPC reviewed the case management process workflow to support the timely management and completion of access reviews within the statutory timeframe, including placing greater emphasis on the preliminary assessment phase. The introduction of new process flows and timeframes focus on ensuring equitable customer service requirements for information access and privacy and maintenance of a regulatory focus and compliance activities across information access and privacy.

The Investigation and Review Team was restructured with the creation of two sub-teams: one focusing on Regulatory Reviews for both Information Access and Privacy and the other Proactive Regulatory Initiatives focusing on complaints, investigations and other regulatory initiatives such as audits.

This new structure will ensure that the IPC can meet the new legislative requirements and continue to fulfill its customer service requirements for information access and privacy while maintaining a strategic regulatory focus. The new structure is shown above.

Objective 4: Operational excellence

Senior executive

As at 30 June 2019, the IPC had five senior executives – four of whom were women. Two of these senior executives were statutory officers. The details of the levels of our senior positions and their remuneration is shown below. Although the commissioners are not subject to the GSE Act, they are included to make the table complete.

Band	2018/2019		2017/18	
	Female	Male	Female	Male
Band 4			0	0
Band 3	1		1	0
Band 2	1		1	0
Band 1	2	1	1	1
Total	4	1	3	1

Band	Range \$	Average range \$	
		2018/19	2017/18
Band 4	475 151 to 548 950	0	0
Band 3	337 100 to 475 150	344 975	336 560
Band 2	268 001 to 337 100	332 905	324 785
Band 1	187 900 to 268 000	194 783	186 546

The percentage of total employee-related expenditure in the reporting year that relates to senior executives is 30%, compared with the percentage at the end of the previous reporting year of 29%.

Workplace diversity

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

Employee by category	2018/19	2017/18	2016/17	2015/16
Statutory	2	2	2	2
Administration	22	20	26	26
Professional	2	1	1	1
Total	26	23	29	29

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, Legal Officer).

Note 2: These figures refer to head count not positions in the organisational chart.

The IPC has processes in place to recruit people from the EEO target groups where possible, and the distribution of diversity groups is below.

Workforce diversity group	Benchmark	2019	2018	2017	2016
Women	50%	62.00%	65.20%	68.00%	63.30%
Aboriginal and/or Torres Strait Islander People	3.30%	0.00%	0.00%	0.00%	0.00%
People whose First Language Spoken as a Child was not English	23.20%	12.00%	17.40%	23.20%	26.70%
People with Disability	5.60%	0.00%	0.00%	4.00%	6.70%
People with Disability Requiring Work-Related Adjustment	N/A	0.00%	0.00%	0.00%	0.00%

Staff engagement survey

The IPC participated in the Public Service Commission's People Matter Survey. Feedback during the reporting period included:

- **Employee engagement:** Overall employee engagement is 74 per cent, up 46 per cent. 88 per cent of IPC staff reported that they were proud to tell others they work at the IPC.
- **Engagement with work:** 89 per cent of IPC staff felt motivated to contribute more than what is normally required at work, and 83 per cent of staff are satisfied with their job.
- **High performance and team work:** 82 per cent of IPC staff agreed there is good cooperation between teams across the IPC. 94 per cent of staff agreed senior managers promote collaboration and had confidence in decisions managers made.

Objective 4: Operational excellence

- **Management and workplace support:** 61 per cent of IPC staff reported that they have a current PDP in place. 89 per cent of IPC staff have informal feedback conversations with their manager – an increase of up to 5 per cent from 2018 and 13 per cent more than the overall public sector score. Additionally 76 per cent of staff felt that senior managers listen to employees and 88 per cent felt that senior managers keep employees informed about what is going on – up by 40 per cent from 2018 and 40 per cent higher than the overall public service. 89 per cent of IPC staff agreed that they receive help and support from other members of their team. 67 per cent of staff reported that they received useful feedback on their work – up 7 per cent from 2018, and similar with the overall sector score.
- **Training and career:** 72 per cent of IPC staff were satisfied with the opportunities available for career development within the IPC; and 78 per cent of staff agreed that they had received appropriate training and development – up from 2018 and 12 per cent higher compared with the overall sector.
- **Flexible working:** 71 per cent of IPC staff were satisfied or very satisfied with their ability to access and use flexible working arrangements; and 71 per cent were satisfied or very satisfied that their manager supports flexible working in their team.
- **Values, diversity and inclusion:** 88 per cent of IPC staff agreed that personal background is not a barrier to success within the IPC including cultural background, age, disability, gender, sexual orientation etc. – up 12 per cent compared with 2018 and above overall public service; and 89 per cent of staff believe that their workgroup strives to achieve customer/client satisfaction – up from 76 per cent from last year. 82 per cent of IPC staff believed that people in the IPC take responsibility for their own actions. 89 per cent of staff agreed that people in their team treat each other with respect.

These results are a substantial improvement on 2017/18 results and reflect major investments in training as well as other organisational changes to improve effectiveness and capability.

The IPC will work to maintain these improvements including through a number of strategies including:

- Development Plans which will continue to focus on the delivery of customised training to ensure that each staff member is confident of IPC contribution
- continuing to promote awareness of IPC performance measures and the tools the IPC has to support success
- conducting training on giving and receiving feedback and manager as coach.

Work, health and safety

The IPC is committed to providing a safe, equitable and productive working environment that supports the requirements of the *Work Health and Safety Act 2011*, as well as providing a supportive environment for employees injured at work, ensuring effective treatment and management of the return to work process.

During the reporting year, in response to issues raised by staff and Safework, the IPC undertook a thorough review and strengthening of its WHS arrangements. The actions included:

- a psychological risk assessment to identify any risks to mental health
- establishing new consultative arrangements, in particular an IPC Health and Safety Committee
- developing and implementing a WHS training plan to equip staff at all levels to effectively discharge their responsibilities under the WHS Act
- developing and implementing a WHS Action Plan
- updating or developing the following new IPC policies and procedures:
 - IPC Dignity and Respect Policy
 - IPC Mental Health Policy
 - IPC WHS Issue Resolution Policy
- in consultation with staff, establishing a comprehensive framework of WHS policies and procedures drawing on existing Department of Communities and Justice (formerly Department of Justice) arrangements where appropriate
- developing a new WHS risk register, with regular reporting and review by the IPC's Audit and Risk Committee
- establishing regular workplace inspections
- conducting a mid-cycle 'Pulse Survey' to monitor improvements.

The IPC also participated in the pilot of Safework NSW's benchmarking project and used the findings, to further strengthen WHS arrangements. No workers compensation claims were reported in 2018/19.

The IPC will continue to actively monitor WHS and staff wellbeing. A summary of the results of the recent NSW Public Service Commission's People Matter Survey begins on page 43.

Objective 4: Operational excellence

Governance

Legislative Compliance Register

The Legislative Compliance Register is a standing item on the agenda for the Audit and Risk Committee at each meeting. During 2018/19 the Register was updated to ensure continued compliance with the GSE Act. The Legislative Compliance Register clearly identifies responsible members of the IPC Executive for key risks and to include an annual attestation by responsible officers.

In 2018/19, the IPC developed and adopted a Legislative Compliance Framework that was endorsed by the Audit and Risk Committee. The Legislative Compliance Framework outlines how the IPC addresses its obligations to ensure legislative compliance is achieved and maintained.

A comprehensive review of the IPC's Legislative Compliance Register will be undertaken following 1 July 2019 because of:

- the implementation of the *Government Sector Finance Act 2018* (GSF Act)
- the recent Machinery of Government changes following the 2019 NSW General Election.

Data Breach Policy

The IPC Data Breach Policy provides guidance when responding to a breach of IPC-held data. The policy sets out the procedures for managing a data breach, including considerations for notification and prevention of future breaches. The policy is available on the IPC website.

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 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 2018/19 reporting period at a total cost of \$68 282 for the provision of Legislative and Management Services.

Litigation

The IPC responded to the Anti-Discrimination Board following a complaint from a member of the public who sought the regulatory assistance of the IPC. The complainant exercised her right to commence proceedings in NCAT. In May 2019, the external law firm acting for the IPC on instructions from the insurer for TMF advised the IPC that the proceedings were dismissed pursuant to section 55(1)(a) of the Civil and Administrative Tribunal Act. This section permits the Tribunal to dismiss the proceedings where the applicant withdraws the application to which the proceedings relate. The matter is now closed.

There were no other current or pending litigation or regulatory proceedings to which IPC was a party in the 2018/19 reporting period.

International travel

International travel for the Information Commissioner consisted of one trip to New Zealand to attend the annual Association of Australian Information Access Commissioners (AIAC) Meeting. No international travel was undertaken by the Privacy Commissioner or staff of the IPC during the reporting period.

Objective 4: Operational excellence

IPC Diversity and Inclusion Action Plan

In 2017, the IPC developed a four-year strategic roadmap to improve the way we communicate with, and deliver services to the diverse communities of NSW. It also identifies the way the IPC can create an inclusive workplace. The organisation is committed to achieving these strategic goals to ensure we remain an innovative and respected regulator, and an employer of choice within the NSW public sector.

The IPC Diversity and Inclusion Action Plan adopts a consolidated approach to cover disability, multicultural services and Aboriginal engagement. The Plan meets our legislative requirements under the *Anti-Discrimination Act 1977* (NSW), the *Disability Discrimination Act 1992* (Commonwealth), the *Disability Services Act 1993* (NSW), the *Carers (Recognition) Act 2010* (NSW), the GSE Act, Government Employment (General) Rules 2014, and Annual Reports (Departments) Regulation 2015.

Details of the Plan, and a summary of our achievements against the Plan, can be found in Appendix 2.

Information security management

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 Chief Information Officer and approved by the Secretary, and details the organisational responsibilities for information security.

Please see page 47 for the Cyber Security Policy Attestation Statement for 2018/19.

Objective 4: Operational excellence

Cyber Security Policy Attestation

Cyber Security Policy Attestation

I, Michael Coutts-Trotter am of the opinion that the Department of Justice has to the best of its ability identified its cyber security risks and is tracking the associated risk level as these are being managed.

The department is enhancing governance to appropriately manage its cyber-security maturity initiatives.

There exists a current security incident response plan for the Department of Justice.

An independent audit of the Department's ISMS against the ISO27001 Standard was undertaken in July 2019 by SAI Global.



Michael Coutts-Trotter

Secretary

Objective 4: Operational excellence

Internal Audit and Risk Management Attestation Statement



Internal Audit and Risk Management Attestation Statement for the 2018-2019 Financial Year for the Information and Privacy Commission

I, Elizabeth Tydd, am of the opinion that the Information and Privacy Commission has internal audit and risk management processes in operation that are compliant with the eight (8) core requirements set out in the Internal Audit and Risk Management Policy for the NSW Public Sector, specifically:

Core Requirements	Status
Risk Management Framework 1.1 The agency head is ultimately responsible and accountable for risk management in the agency 1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS ISO 31000:2009	Compliant
Internal Audit Function 2.1 Risk Management Framework 2.2 The agency head is ultimately responsible and accountable for risk management in the agency 2.3 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS ISO 31000:2009	Compliant
Audit and Risk Committee 3.1 An independent Audit and Risk Committee with appropriate expertise has been established 3.2 The Audit and Risk Committee is an advisory committee providing assistance to the agency head on the agency's governance processes, risk management and control frameworks, and its external accountability obligations 3.3 The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	Compliant

- Independent Chair, Ms Lyn Baker
Initial term – 15/06/2015 to 14/06/2018, Term extended to 15/06/2019
- Independent Chair, Mr Paul Crombie
Initial term – 16/06/2019 to 16/06/2022
- Independent Member 1, Mr Paul Crombie
Initial term – 23/09/2014 to 17/09/2017, Term extended to 20/9/2020
- Independent Member 2, Mr Malcolm Clinch
Initial term – 06/07/2015 to 05/07/2018, Term extended to 05/07/2021
- Independent Member 3, Ms Marcia Doheny
Initial term – 28/06/2019 to 28/06/2022

These processes demonstrate that the Information and Privacy Commission has established and maintained frameworks, including systems, processes and procedures for appropriately managing audit and risk within the agency.

Elizabeth Tydd
CEO, Information and Privacy Commission NSW
Information Commissioner
NSW Open Data Advocate

Date: 18 September 2019

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Objective 4: Operational excellence

Risk management

Audit and Risk Committee (ARC) report on activity

1. Meetings held and attendance by members:

There were six meetings of the ARC held during the 2018/19 reporting year.

No. of meetings	Meeting date	Malcolm Clinch	Paul Crombie	Lyn Baker**	Marcia Doherty*
1	20/7/18	✓	✓	✓	N/A
2	18/9/18	✓	✓	✓	N/A
3	20/11/18	✓	✓	✓	N/A
4	19/11/19	✓	✓	✓	N/A
5	19/03/19	✓	✓	✓	N/A
6	28/06/19	✓	✓	N/A	✓
Total	6	3	4	4	1

* Commenced ARC Term in June 2019

** Term concluded in June 2019

During the course of the year, the term of the ARC Chair concluded. A new chair was appointed commencing June 2019. A new member of the ARC was also appointed following the end of the Chair's term.

In-camera sessions were conducted with internal and external audit service providers.

The Chair met regularly with the CEO throughout the year.

2. Key outcomes

Two internal audits were conducted by O'Connor Marsden and Associates and reported to the Audit and Risk Committee to provide assurance that key internal controls operating with respect to the three functions are appropriately designed and have operated effectively. The Internal Audits reported that no matters of significance were identified in relation to the following functions:

- Financial Systems and Fraud
- Work, Health and Safety.

The IPC continues to progress the recommendations in these audits.

- In accordance with core requirements of *TPP 15-03 Internal Audit and Risk Management Policy for the NSW Public Sector*, developed and maintains an Internal Audit Manual and Charter. The Internal Audit Manual and Charter were reviewed and updated during the reporting period.
- Provision of advice to the CEO/Information Commissioner on identification and management of financial, operational and other risks.

3. Key outputs:

- Endorsed 2018/19 internal audit plan
- Reviewed the 2018/19 Risk Register at each meeting and monitored risk treatment/mitigation actions
- Reviewed the IPC WHS Risk Register and monitored risk treatment/mitigation actions
- All audit reports reviewed and implementation of recommendations monitored
- Reviewed and endorsed the 2017/18 financial statements for signature by the CEO and reviewed the 2018/19 early close financial statements
- Proactive release of ARC minutes continued
- Performance management framework (dashboard) reviewed and discussed each meeting
- External Audit and Client Services Plan reviewed and discussed
- Reviewed and endorsed the IPC Internal Audit Charter Manual and Charter
- Reviewed the IPC Internal Fraud Control Policy
- Reviewed and endorsed the IPC Audit and Risk Committee Charter 2018/19.

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 year financial reporting is used to identify and address issues that have full year impact
- appropriate action has been taken to address audit recommendations.

Objective 4: Operational excellence

5. Priorities for next year

- finalisation of Audit Plan for 2019/20
- review and revision of the IPC Risk Plan for 2019/20
- advising the IPC on identifying its risk appetite and risk tolerance
- oversight of performance against the Strategic Plan 2017/20
- monitoring the review of financial management and financial reporting arrangements for the IPC
- monitoring the budget situation and impact of efficiency reforms
- monitoring the transition of the IPC cluster change
- review of the Legislative Compliance Register
- review of cyber risk to the IPC.

See page 48 for the Internal Audit and Risk Management Attestation for 2018/19.

GIPA Act compliance

Decisions made on formal access applications

Under section 125 of the GIPA Act, the IPC is required to report annually on its GIPA obligations. Clause 8 of the GIPA Regulation lists the information against which agencies must report. Schedule 2 of the GIPA Regulation 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 it holds, as 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's disclosure log was updated consistent with release decisions.

Clause 8(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 in this financial year includes:

- fact sheets and guidelines
- reports on reviews of decisions the IPC has conducted
- submissions to inquiries and discussion papers made by the Information Commissioner and Privacy Commissioner
- infographics prepared for campaigns based on statutory reports and survey outcomes
- event listings and campaigns championed by the Information Commissioner, Privacy Commissioner or corporately
- regulatory reports
- notifications of approvals under legislation
- open data, including the GIPA Agency Dashboard
- media releases
- statistical information on voluntary data breaches
- delegations of the Information Commissioner and the Privacy Commissioner
- notifications by agencies to the Privacy Commissioner
- release of open data, including via the GIPA Agency Dashboard.

Decisions made on formal access applications

Of the 56 formal access applications received and dealt with by the IPC this financial year, it was decided that for four of the applications the information was not held by the IPC.

There were 30 applications transferred to other agencies which the IPC reasonably believed held the information. The IPC received a relatively high number of invalid applications reflecting that much of the information held is excluded information under the GIPA Act. Where possible the IPC worked with applicants to amend the scope of information sought to make the application valid.

Statistical information about access applications made

See Appendix 3 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, and the Minister for the Prevention of Domestic Violence and the Minister for Customer Service, the Ministers responsible for the GIPA Act.

Objective 4: Operational excellence

Contracts register compliance

The IPC has also:

- maintained a contract register in accordance with Division 5 of the GIPA Act
- ensured that any relevant contracts were entered appropriately and accurately
- made this register public on its website at www.ipc.nsw.gov.au/register-government-contracts
- reviewed the accuracy and completeness of the register regularly during the year.

PPIIP Act compliance

The IPC privacy specific expertise is applied to facilitate compliance with the PPIIP Act and HRIP Act. The IPC has a Privacy Management Plan (PMP) as required by section 33(3) of the PPIIP Act and which includes our obligations under the HRIP Act. The IPC's PMP outlines how we comply with the principles of the PPIIP Act and the HRIP Act. The PMP was reviewed during the reporting period to recognise changes in the IPC's operation and to be a model of best practice for agencies. It can be found on the IPC website.

Client satisfaction survey

The IPC continued to gain valuable feedback from our client satisfaction survey across the complaint and review case types. The survey shows some positive results:

- 69 per cent of respondents agreed IPC officers were polite and helpful
- 74 per cent agreed information such as fact sheets were easy to understand
- 66 per cent agreed the outcome of the case was communicated clearly.

Areas the IPC will target for improvement are keeping applicants updated and improving or clarifying timeliness benchmarks particularly for complaints to the Information Commissioner or Privacy Commissioner.

Overall, 55 per cent of respondents were satisfied with the service provided by the IPC. The IPC will continue to monitor satisfaction and identify drivers and actions to improve client/applicant experience with its regulatory services.

On 1 June 2018, the Department of Premier and Cabinet's Behavioural Insights Unit (BIU) provided the IPC with a report on improving customer uptake of the Client Satisfaction Survey. The report makes recommendations for improvements to the IPC's communications with applicants and agencies, the survey instrument and survey administration.

The recommendations draw on behavioural insights literature, the experience of the NSW Customer Service Commission (CSC), and example survey instruments provided by the CSC and the NSW Ombudsman. The BIU report made recommendations for improvements to IPC communications with clients, the survey instrument and the survey process. The vast majority of the recommendations have been implemented.

From these recommendations, the IPC implemented changes and the updated survey was rolled out on 1 July 2019. Results on the increased uptake of the survey will be compared in the 2019/20 Annual Report.

Our Financial Performance



Our financial performance

Statement by the Information Commissioner



information
and privacy
commission
new south wales

STATEMENT BY INFORMATION COMMISSIONER

For the Year Ended 30 June 2019

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 as at 30 June 2019 and financial performance of the Information and Privacy Commission for the year then ended.
2. The financial statements have been prepared in accordance with applicable Australian Accounting Standards (which include Australian Accounting Interpretations), the *Public Finance and Audit Act 1983* (the Act), the Public Finance Regulation 2015, and the Treasurer's Directions issued under the Act.

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
CEO, Information and Privacy Commission NSW
Information Commissioner
NSW Open Data Advocate

Date: 18 September 2019

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Our financial performance

Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

Information and Privacy Commission

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Information and Privacy Commission (the Commission), which comprises the Statement of Comprehensive Income for the year ended 30 June 2019, the Statement of Financial Position as at 30 June 2019, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, notes comprising a Statement of Significant Accounting Policies and other explanatory information.

In my opinion, the financial statements:

- give a true and fair view of the financial position of the Commission as at 30 June 2019, 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* (PF&A Act) and the Public Finance and Audit Regulation 2015.

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

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Commission in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles 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
- precluding the Auditor-General from providing non-audit services.

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

Our financial performance

Independent Auditor's Report

Other Information

The Commission's annual report for the year ended 30 June 2019 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Information Commissioner (the Commissioner) is responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the Statement by Information Commissioner.

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Commissioner's Responsibilities for the Financial Statements

The Commissioner is responsible for the preparation and fair presentation of the financial statements 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 and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Commissioner is responsible for assessing the Commission's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting, unless it is not appropriate to do so.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

Our financial performance

Independent Auditor's Report

My opinion does not provide assurance:

- that the Commission carried out its activities effectively, efficiently and economically
- 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 any other information which may have been hyperlinked to/from the financial statements.



Chris Harper
Director, Financial Audit Services
Delegate of the Auditor-General for New South Wales

27 September 2019
SYDNEY

Our financial performance

Financial statements for the year ended 30 June 2019

Statement of Comprehensive Income

For the year ended 30 June 2019

	Notes	Actual 2019 \$	Budget 2019 \$	Actual 2018 \$
Expenses excluding losses				
Employee related expenses	2(a)	3,613,799	4,555,000	3,517,808
Operating expenses	2(b)	2,005,884	1,052,000	1,963,925
Depreciation and amortisation	2(c)	263,134	241,000	232,862
Total expenses excluding losses		5,882,817	5,848,000	5,714,595
Revenue				
Grants and contributions	3(a)	5,573,000	5,618,000	5,422,000
Acceptance by the Crown Entity of employee benefits and other liabilities	3(b)	139,332	170,000	93,642
Other revenue	3(c)	-	13,000	142,824
Total revenue		5,712,332	5,801,000	5,658,466
Operating result		(170,485)	(47,000)	(56,129)
Gain / (Loss) on disposal	4	(18,045)	-	-
Net Result		(188,530)	(47,000)	(56,129)
Total other comprehensive income		-	-	-
Total comprehensive income		(188,530)	(47,000)	(56,129)

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2019

Statement of Financial Position

As at 30 June 2019

	Notes	Actual 2019 \$	Budget 2019 \$	Actual 2018 \$
Assets				
Current assets				
Cash and cash equivalents	6	350,573	424,000	670,078
Receivables	7	424,710	685,000	401,167
Total current assets		775,283	1,109,000	1,071,245
Non-current assets				
Plant and equipment	8	87,924	88,000	94,527
Intangible assets	9	782,497	876,000	931,749
Total non-current assets		870,421	964,000	1,026,276
Total assets		1,645,704	2,073,000	2,097,521
Liabilities				
Current Liabilities				
Payables	10	172,732	235,000	280,316
Provisions	11	304,871	497,000	458,230
Total current liabilities		477,603	732,000	738,546
Non-current liabilities				
Provisions	11	4,877	7,000	7,221
Total non-current liabilities		4,877	7,000	7,221
Total liabilities		482,480	739,000	745,767
Net Assets		1,163,224	1,334,000	1,351,754
Equity				
Accumulated funds		1,163,224	1,334,000	1,351,754
Total equity		1,163,224	1,334,000	1,351,754

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2019

Statement of Changes in Equity

For the year ended 30 June 2019

	Accumulated funds \$
Balance at 1 July 2018	1,351,754
Net result for the year	(188,530)
Other comprehensive income	-
Total comprehensive income for the year	(188,530)
Transaction with owners in their capacity as owners	-
Balance at 30 June 2019	1,163,224
Balance at 1 July 2017	1,407,883
Net result for the year	(56,129)
Other comprehensive income	-
Total comprehensive income for the year	(56,129)
Transaction with owners in their capacity as owners	-
Balance at 30 June 2018	1,351,754

The accompanying notes form part of these financial statements.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

Statement of Cash Flows

For the year ended 30 June 2019

	Notes	Actual 2019 \$	Budget 2019 \$	Actual 2018 \$
Cash Flow from Operating Activities				
Payments				
Employee related		(3,646,855)	(4,385,000)	(3,373,351)
Suppliers for goods and services		(2,306,445)	(1,229,000)	(2,430,351)
Total payments		(5,953,300)	(5,614,000)	(5,803,702)
Receipts				
Grants and contributions		5,573,000	5,618,000	5,422,000
Other		186,119	145,000	353,640
Total receipts		5,759,119	5,763,000	5,775,640
Net Cash Flows from Operating Activities	12	(194,181)	149,000	(28,062)
Cash Flows from Investing Activities				
Purchases from plant, equipment and intangible assets		(125,324)	(149,000)	(142,290)
Net Cash Flows from Investing Activities	8,9	(125,324)	(149,000)	(142,290)
Cash Flows from Financing Activities				
Net Cash Flows from Financing Activities		-	-	-
Net (Decrease)/Increase In Cash And Cash Equivalents		(319,505)	-	(170,352)
Opening cash and cash equivalents		670,078	424,000	840,430
Closing Cash And Cash Equivalents	6	350,573	424,000	670,078

The accompanying notes form part of these financial statements.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

1. Statement of significant accounting policies

(a) Reporting entity

The Information and Privacy Commission (the Commission) is a NSW government agency and is controlled by the State of New South Wales which is the ultimate parent entity. The Commission is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units.

The financial statements for the year ended 30 June 2019 have been authorised for issue by the Information Commissioner on 24 September 2019.

(b) Basis of preparation

The Commission's financial statements are general purpose financial statements which have been prepared on an accruals basis and in accordance with:

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
- the requirements of the *Public Finance and Audit Act 1983* (The Act) and *Public Finance and Audit Regulation 2015*; and
- Treasurer's Directions issued under the Act.

Plant and equipment are measured at fair value. Other financial statement items are prepared in accordance with the historical cost convention except where specified otherwise.

Judgements, key assumptions and estimations that management have 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, which is the Commission's presentation and functional currency.

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 Commissions' 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

Property, plant and equipment are initially measured at cost and subsequently revalued at fair value less accumulated depreciation and impairment. 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 price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

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 over the period of credit.

(ii) Capitalisation threshold

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.

(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 non-specialised assets with short useful lives. They are measured at depreciated historical cost, as an approximation of the fair value. The Commission has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.

As the Commission does not own land, buildings and infrastructure assets, revaluations of plant and equipment are not warranted. The residual values, useful lives and methods of depreciation of plant and equipment are reviewed at each financial year end.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

1. Statement of significant accounting policies (continued)

(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 or an amount that approximates fair value, impairment can only arise in the rare circumstances where the costs of disposal are material.

The Commission assesses, at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment testing for an asset is required, the Commission estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount.

As a not for-profit entity, an impairment loss is recognised in the net result to the extent the impairment loss exceeds the amount in the revaluation surplus for the class of asset.

After an impairment loss has been recognised, it is reversed only if there has been a change in the assumptions used to determine the asset's recoverable amount. The reversal is limited so that the carrying amount of the asset does not exceed its recoverable amount, nor exceed the carrying amount that would have been determined, net of depreciation, had no impairment loss been recognised for the asset in prior years. Such reversal is recognised in net result and is treated as a revaluation increase. However, to the extent that an impairment loss on the same class of asset was previously recognised in net result, a reversal of that impairment loss is also recognised in net result.

(f) Leases

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of the leased assets, and operating leases under which the lessor does not transfer substantially all the risks and rewards.

The Commission does not have any financial leases. Operating lease payments are recognised as an operating expense in the Statement of Comprehensive Income on a straight-line basis over the lease term.

(g) Depreciation and amortisation

Depreciation is provided for on a straight-line basis 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:

Asset Class	%
Computer Equipment (excl Desktop PCs)	25%
Desktop PCs	20%
Office Equipment	20%
Furniture & Fittings	10%
Intangible Assets - Software	20%-25%
Intangible Assets - Software - Major Projects	10%
Leasehold Improvements	Term of Lease

(h) Maintenance

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

(i) 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. Following the initial recognition, 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 and impairment losses.

All research costs are expensed. Development costs are only capitalised when certain criteria are met. The useful lives of intangible assets are assessed to be finite.

The Commission's intangible assets are amortised using the straight-line method over a period of five to ten years.

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount, the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

1. Statement of significant accounting policies (continued)

(j) Financial Instruments

i. Financial assets

• Receivables

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

Subsequent measurement under AASB 9 (from 1 July 2018)

The Commission holds receivables with the objective to collect the contractual cash flows and therefore measures them at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Subsequent measurement under AASB 139 (for comparative period ended 30 June 2018)

Subsequent measurement is at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

• Impairment of financial assets

Impairment under AASB 9 (from 1 July 2018)

The Commission recognises an allowance for expected credit losses (ECLs) for all debt financial assets not held at fair value through profit or loss. ECLs are based on the difference between the contractual cash flows and the cash flows that the Commission expects to receive, discounted at the original effective interest rate.

For trade receivables, the Commission applies a simplified approach in calculating ECLs. The Commission recognises a loss allowance based on lifetime ECLs at each reporting date. The Commission has established a provision matrix based on its historical credit loss experience for trade receivables, adjusted for forward looking factors specific to the receivable.

Impairment under AASB 139 (for comparative period ended 30 June 2018)

Receivables are subject to an annual review for impairment. These are considered to be impaired when there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows have been affected.

The Commission first assesses whether impairment exists individually for receivables that are individually significant, or collectively for those that are not individually significant. Further, receivables are assessed for impairment on a collective basis if they were assessed not to be impaired individually.

The amount of the allowance is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the original effective interest rate. The amount of the impairment loss is recognised in the net result for the year.

Any reversals of impairment losses are reversed through the net result for the year, if objectively related to an event occurring after the impairment was recognised. Reversals of impairment losses cannot result in a carrying amount that exceeds what the carrying amount would have been had there not been an impairment loss.

ii. Payables

Payables represent liabilities for goods and services provided to the Commission and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial. Payables are financial liabilities at amortised cost, initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in net result when the liabilities are derecognised as well as through the amortisation process.

iii. Derecognition of financial assets and financial liabilities

A financial asset (or, where applicable, a part of a financial asset or part of a group of similar financial assets) is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the Commission transfers its rights to receive cash flows from the asset or has assumed an obligation to pay the received cash flows in full without material delay to a third party under a 'pass-through' arrangement; and either:

- the Commission has transferred substantially all the risks and rewards of the asset; or
- the Commission has neither transferred nor retained substantially all the risks and rewards of the asset, but has transferred control.

When the Commission has transferred its rights to receive cash flows from an asset or has entered into a passthrough arrangement, it evaluates if, and to what extent, it has

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

1. Statement of significant accounting policies (continued)

retained the risks and rewards of ownership. Where the Commission has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the Commission's continuing involvement in the asset. In that case, the Commission also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the Commission has retained.

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires. When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as the derecognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised in the net result.

iv. Offsetting financial instruments

Financial assets and financial liabilities are offset and the net amount is reported in the Statement of Financial Position if there is a currently enforceable legal right to offset the recognised amounts and there is an intention to settle on a net basis, or to realise the assets and settle the liabilities simultaneously.

(k) Accounting for 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 Commission 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 components 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.

(l) Other Provisions

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 it's not material.

(m) Employee Benefits and related on-costs

- i. Salaries and wages (including non-monetary benefits), and paid sick leave that are expected to be settled wholly within 12 months after the end of the period, in which the employees render the service are recognised and measured at undiscounted amounts of the benefits.
- ii. Annual leave is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 *Employee Benefits* (although short-cut methods are permitted). Actuarial advice obtained by Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The Commission has assessed the actuarial advice based on the Commission's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the Commission does not expect to settle the liability within 12 months as the Commission does not have an unconditional right to defer settlement.
- iii. Unused non-vesting sick leave does not give rise to a liability, as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.
- iv. On-costs, such as payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment, are 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 Commission 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 Leave is measured at present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

1. Statement of significant accounting policies (continued)

actuarial review, including expected future wage and salary levels, experience of employee departures, and period of service. Expected future payments are discounted using Commonwealth government bond rate at reporting date.

- 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.

(n) 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) Grants and contributions

The Commission is funded by way of grants from the Department of Justice in accordance with the Budget Allocation Letter. Grants and contributions are recognised when the Commission obtains control over the assets. The Commission is deemed to control grants and contributions when they are received or receivable.

(o) Equity

(i) Accumulated Funds

The category 'Accumulated Funds' includes all current and prior year retained funds.

(p) Budgeted amounts

The budgeted amounts included in the statement of financial performance and statement of financial position are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget (e.g. adjustment for transfer of functions between entities as a result of Administrative Arrangements Orders) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the primary financial statements are explained in Note 13.

(q) Comparative information

Except when an Australian Accounting Standard permits or requires otherwise, comparative information is presented 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.

(r) Changes in accounting policies, including new or revised Australian Accounting Standards

(i) Effective for the first time in 2018/19

The accounting policies applied in 2018/19 are consistent with those of the previous financial year except as a result of new or revised accounting standards that have been applied for the first time in 2018/19.

The Commission has adopted AASB 9 *Financial Instruments* (AASB 9), which resulted in changes in accounting policies in respect of recognition, classification and measurement of financial assets and financial liabilities; derecognition of financial instruments and impairment of financial assets. AASB 9 also significantly amends other standards dealing with financial instruments such as the revised AASB 7 *Financial Instruments: Disclosures* (AASB 7R).

The Commission applied AASB 9 retrospectively but has not restated the comparative information, which is reported under AASB 139 *Financial Instruments: Recognition and Measurement* (AASB 139). Had any adjustments arisen from the adoption of AASB 9 these would have been recognised directly in accumulated funds and other components of equity. There was no effect of adopting AASB 9 on the Commission's statement of financial position as at 1 July 2018.

a) Classification and measurement of financial instruments

Under AASB 9, classification and subsequent measurement of financial assets is based on assessing whether the contractual cash flows are of solely principle and interest and the Commission's business model for collecting those cash flows.

The assessment of the Commission's business model was made as of the date of initial application of AASB 9, 1 July 2018. The assessment of whether contractual cash flows on financial assets are solely comprised of principal and interest was made based on the facts and circumstances as at the initial recognition of the assets.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

1. Statement of significant accounting policies (continued)

On 1 July 2018, the Commission assessed the terms of the contractual cash flows and business models that apply to its financial assets resulting in the classification of some financial assets changing to conform with the new categories specified in the standard. Practically the basis for subsequent measurement has remained the same as under AASB 139 and therefore there has been no material impact to the carrying values of financial assets upon transition.

The following are the changes in the classification of the Commission's financial assets:

- Other receivables classified as 'Loans and receivables' (L&R) under AASB 139 as at 30 June 2018 are held to collect contractual cash flows representing solely payments of principal and interest. At 1 July 2018, these are classified and measured as debt instruments at amortised cost

The table below summarises the changes in classification and measurement upon adoption of AASB 9.

The Commission has not designated any financial liabilities at fair value through profit or loss.

There are no changes in the classification and measurement for the Commission's financial liabilities.

b) Impairment

The adoption of AASB 9 has changed the Commission's accounting for impairment losses for financial assets by replacing AASB 139's incurred loss approach with a forward-looking expected credit loss (ECL) approach. AASB 9 requires the Commission to recognise an allowance for ECLs for all financial assets not held at fair value through profit or loss. The Commission re-performed its impairment of financial asset calculations using the new expected credit loss model and determined that a nil provision was appropriate upon transition at 1 July 2018. Thus the impact of transition to AASB 9 as a result of the new impairment model on financial assets, reserves and accumulated funds is nil.

(ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise.

The following new Accounting Standards have not been applied and are not yet effective as per NSW Treasury Circular NSW TC 19/04:

- AASB 15, AASB 2014-5, AASB 2015-8 and AASB 2016-3 regarding *Revenue from Contracts with Customers* (not-for-profits only)
- AASB 16 *Leases*
- AASB 1058 *Income of Not-for-profit Entities*
- AASB 2016-8 *Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities*;

Measurement category		Carrying amount		
		Original	New	Difference
AASB 139	AASB 9	\$	\$	\$
Other receivables	L&R Amortised cost	142,582	142,582	-

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

1. Statement of significant accounting policies (continued)

- AASB 2018-1 *Amendments to Australian Accounting Standards – Annual Improvements 2015-2017 Cycle*
- AASB 2018-3 *Amendments to Australian Accounting Standards – Reduced Disclosure Requirements*
- AASB 2018-7 *Amendments to Australian Accounting Standards – Definition of Material*
- AASB 2018-8 *Amendments to Australian Accounting Standards – Right-of-Use Assets of Not-for-Profit Entities*

Assessment of the impact on adoption of AASB 15 Revenue from Contracts with Customers (not-for-profits only), AASB 2014-5 Amendments to Australian Accounting Standards arising from AASB 15 and AASB 1058 Income of Not-for-Profits on the Commission:

AASB 15 *Revenue from Contracts with Customers* (AASB 15) is effective for reporting periods commencing on or after 1 January 2019. AASB 15 establishes a five-step model to account for revenue arising from contracts with customers. Revenue is recognised when control of goods or services is transferred to the customer at amounts that reflect the consideration to which the Commission expects to be entitled in exchange for transferring the goods or services to the customer. Under AASB 118 *Revenue* (AASB 118), revenue recognition is currently based on when risks and rewards are transferred.

AASB 1058 *Income of Not-for-Profits* (AASB 1058) is effective for reporting periods commencing on or after 1 January 2019 and will replace most of the existing requirements in AASB 1004 *Contributions* (AASB 1004). The scope of AASB 1004 is now limited mainly to parliamentary appropriations, administrative arrangements and contributions by owners.

Under AASB 1058, the Commission will need to determine whether a transaction is consideration received below fair value principally to enable the Commission to further its objectives (accounted for under AASB 1058) or a revenue contract with a customer (accounted for under AASB 15).

The standards will result in the identification of separate performance obligations that will not change the timing of recognition for some revenues, including revenues relating to specific purpose grants.

Under AASB 1058, the Commission will not recognise as liabilities, obligations for funding received where there is an obligation to construct recognisable non-financial assets controlled by the Commission. This is because all funding is spent in the year they are received or there are no sufficiently specific performance obligations attached.

The Commission will adopt AASB 15 and AASB 1058 on 1 July 2019 through application of the full retrospective transition approach. Recognition and measurement principles of the new standards will be applied for the current year and comparative year as though AASB 15 and AASB 1058 had always applied.

Based on the impact assessments the Commission has undertaken on currently available information, the impacts to balances resulting from the adoption of AASB 15 and AASB 1058 have been assessed by the Commission as not being significant.

Assessment of the impact on adoption of AASB 16 Leases on the Commission:

The new accounting standard AASB 16 *Leases* (AASB 16) applies to annual periods beginning on or after 1 January 2019.

For lessees, AASB 16 will result in most leases being recognised on the Statement of Financial Position, as the distinction between operating and finance leases is largely removed. Under the new standard, an asset (the right to use the leased item) and a financial liability to pay rentals are recognised at the commencement of the lease. The only exceptions are short-term and low-value leases. AASB 16 will therefore increase assets and liabilities reported on the Statement of Financial Position. It will also increase depreciation and interest expenses and reduce operating lease rental expenses on the Statement of Comprehensive Income. Expenses recognised in the earlier years of the lease term will be higher as the interest charges will be calculated on a larger lease liability balance.

The Commission will adopt AASB 16 on 1 July 2019 through application of the partial retrospective approach, where the cumulative effect of initially applying AASB 16 is recognised on the initial application date. Comparative information will not be restated. The Commission will also adopt the practical expedient whereby the fair value of the right-of-use asset will be the same as the lease liability at 1 July 2019.

Based on the impact assessments the Commission has undertaken on currently available information, the Commission estimates additional lease liabilities of \$13,831 and right-of-use assets of \$13,831 will be recognised as at 1 July 2019 for leases in which the Commission is a lessee. Most operating lease expenses will be replaced by depreciation of the right-of-use asset and interest on the lease liability. The impact on the statement of comprehensive income is expected to be \$1,172 in 2019/20 financial year.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

2. Expenses excluding losses

(a) Employee related expenses

	2019 \$	2018 \$
Salaries and wages (including annual leave)	2,887,179	2,857,141
Payroll tax & Fringe Benefit Tax	168,845	179,819
Superannuation - defined contribution plans	180,949	210,155
Superannuation - defined benefit plans	66,372	69,174
Workers' compensation insurance	9,317	115
Long service leave assumed by Crown	69,318	21,779
Voluntary Redundancy	228,072	175,867
Payroll tax assumed by Crown	3,747	3,758
Total	3,613,799	3,517,808

(b) Other operating expenses

Administration fees	200,000	200,000
Advertising and publicity	18,402	53,796
Agency staff fees	767,064	554,348
Audit and Risk Committee fees	26,355	26,985
Auditor's remuneration		
- audit of the financial statements	27,350	43,950
- internal audit	22,275	41,925
Computer related expenses	72,959	126,233
Consultants and contractors	68,282	201,495
Fees - External Client Training	3,302	22,596
Insurance	3,640	12,865
Legal services	44,391	36,131
Miscellaneous fees	4,910	2,669
Motor vehicle expense	13,136	6,613
Other	14,055	25,452
Postage	8,333	(9,807)
Printing	14,998	2,097
Rental	499,099	417,055
Repair and maintenance*	6,020	10,304
Staff expenses	79,067	108,009
Stores and Stationary	5,814	29,879
Subscription and membership	25,542	3,676
Telephone	59,016	26,046
Travel	21,874	21,608
Total	2,005,884	1,963,925

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

2. Expenses excluding losses (continued)

(b) Other operating expenses (continued)

* Reconciliation - Total Maintenance

Maintenance expense - contracted labour and other
(non-employee related)

as above	6,020	10,304
Total maintenance expenses included in Note 2(b)	6,020	10,304

There are no maintenance costs within employee related expenses.

(c) Depreciation and amortisation expense

	2019 \$	2018 \$
Depreciation		
Computer equipment	14,866	11,782
Furniture and fittings	8,641	3,474
Plant and equipment	899	899
Total depreciation expense	24,406	16,155
Amortisation		
Intangible assets - software	238,728	216,707
Total amortisation expense	238,728	216,707
Total	263,134	232,862

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

3. Revenue

(a) Grants and contributions

	2019 \$	2018 \$
Government grants - recurrent	5,423,000	5,272,000
Government grants - capital	150,000	150,000
Total	5,573,000	5,422,000

(b) 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	66,372	69,174
Long service leave	69,213	20,710
Payroll tax	3,747	3,758
Total	139,332	93,642

(c) Other revenue

Other	-	12,824
Recovery from Department of Justice *	-	130,000
Total	-	142,824

* In 2017/18, the Commission recovered \$130,000 from the Department of Justice to recognise the additional costs of the Privacy Commissioner becoming a full-time position.

4. Gain/(Loss) on disposal

Gain/(loss) on disposal of plant and equipment and intangibles

Written down value of plant and equipment and intangibles disposed	(18,045)	-
Net gain/(loss) on disposal of plant and equipment and intangibles	(18,045)	-

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

5. Program Group

Information and Privacy Commission program group covers the provision of assistance and advice to agencies and the public, the conduct of legislative and administrative reviews, and other activities to ensure compliance with the *Government Information (Public Access) Act 2009* and NSW privacy legislation.

The expenses, revenues, assets and liabilities of the program group are presented in the primary financial statements.

6. Current assets – cash and cash equivalents

	2019 \$	2018 \$
Cash at bank	350,573	669,578
Cash on hand	-	500
Closing Cash	350,573	670,078

For the purposes of the Statement of Cash Flows, cash and cash equivalents include cash at bank and cash on hand.

Cash and cash equivalent assets recognised in the statement of financial position are the same as cash and cash equivalents assets recognised in the statement of cash flows.

Refer Note 14 for details regarding credit risk and market risk arising from financial instruments

7. Current assets – receivables

	2019 \$	2018 \$
GST receivable	28,872	32,220
Prepayments *	375,149	226,365
Intercompany receivable at amortised cost	12,987	129,132
Other receivables at amortised cost	7,702	13,450
	424,710	401,167

Details regarding credit risk of trade debtors that are neither past due nor impaired, are disclosed in note 14.

* Payments were made in advance to Department of Justice in 2018/19 and 2017/18 for \$207,000 and \$200,000 respectively to cover corporate services to be provided in 2019/20 and 2018/19 respectively under Service Partnership Agreements (SPAs).

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

8. Non-current assets – plant and equipment

	Computer Equipment \$	Furniture & Fittings \$	Plant and Equipment \$	Total \$
At 1 July 2018 - fair value				
Gross carrying amount	91,137	79,570	37,358	208,065
Accumulated depreciation and impairment	(59,394)	(18,549)	(35,595)	(113,538)
Net carrying amount	31,743	61,021	1,763	94,527
At 30 June 2019 - fair value				
Gross carrying amount	56,805	98,499	37,358	192,662
Accumulated depreciation and impairment	(41,054)	(27,190)	(36,494)	(104,738)
Net carrying amount	15,751	71,309	864	87,924

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 \$	Plant and Equipment \$	Total \$
Year ended 30 June 2019				
Net carrying amount at start of year	31,743	61,021	1,763	94,527
Additions	11	18,929	-	18,940
Disposals	(1,137)	-	-	(1,137)
Depreciation expenses	(14,866)	(8,641)	(899)	(24,406)
Net carrying amount at end of year	15,751	71,309	864	87,924

	Computer Equipment \$	Furniture & Fittings \$	Plant and Equipment \$	Total \$
At 1 July 2017 - fair value				
Gross carrying amount	76,327	33,534	37,358	147,219
Accumulated depreciation and impairment	(47,613)	(15,074)	(34,696)	(97,383)
Net carrying amount	28,714	18,460	2,662	49,836
At 30 June 2018 - fair value				
Gross carrying amount	91,137	79,570	37,358	208,065
Accumulated depreciation and impairment	(59,394)	(18,549)	(35,595)	(113,538)
Net carrying amount	31,743	61,021	1,763	94,527

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

8. Non-current assets – plant and equipment (continued)

Reconciliation

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

	Computer Equipment \$	Furniture & Fittings \$	Plant and Equipment \$	Total \$
Year ended 30 June 2018				
Net carrying amount at start of year	28,714	18,460	2,662	49,836
Additions	14,811	46,035	-	60,846
Depreciation expenses	(11,782)	(3,474)	(899)	(16,155)
Net carrying amount at end of year	31,743	61,021	1,763	94,527

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

9. Intangible assets

	Software \$
At 1 July 2018	
Cost (gross carrying amount)	1,980,176
Accumulated amortisation	(1,048,427)
Net carrying amount	931,749
At 30 June 2019	
Cost (gross carrying amount)	2,008,326
Accumulated amortisation	(1,225,829)
Net carrying amount	782,497

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

9. Intangible assets (continued)

Reconciliation

A reconciliation of the carrying amount of intangible assets at the beginning and end of the current reporting period is set out below:

	Software \$
Year ended 30 June 2019	
Net carrying amount at beginning of year	931,749
Additions	106,384
Disposals	(16,908)
Amortisation (recognised in 'depreciation and amortisation')	(238,728)
Net carrying amount at end of year	782,497
At 1 July 2017	
Cost (gross carrying amount)	1,898,732
Accumulated amortisation	(831,720)
Net carrying amount	1,067,012
At 30 June 2018	
Cost (gross carrying amount)	1,980,176
Accumulated amortisation	(1,048,427)
Net carrying amount	931,749

Reconciliation

A reconciliation of the carrying amount of intangible assets at the beginning and end of the prior reporting period is set out below:

	Software \$
Year ended 30 June 2018	
Net carrying amount at beginning of year	1,067,012
Additions	81,444
Amortisation (recognised in 'depreciation and amortisation')	(216,707)
Net carrying amount at end of year	931,749

Intangible assets comprise of computer software assets.

The amortisation of software costs is in accordance with the schedule at note 1 (g).

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

10. Current liabilities – payables

	2019 \$	2018 \$
Accrued salaries, wages and on-costs	11,650	33,577
Sundry accruals and creditors	149,625	240,686
Corporate credit card	11,457	6,053
Total	172,732	280,316

Details regarding liquidity risk, including a maturity analysis of the above payables, are disclosed in note 14.

11. Current / non-current liabilities – provisions

	2019 \$	2018 \$
Current		
Recreation leave*	248,783	262,191
Long service leave on costs	56,088	83,039
Voluntary Redundancy	-	113,000
Total	304,871	458,230
Non-current		
Long service leave on costs	4,877	7,221
Total	4,877	7,221
Aggregate employee benefits and related on-costs		
Provisions - current	304,871	458,230
Provisions - non-current	4,877	7,221
Accrued salaries, wages and on-costs (Note 10)	11,650	33,577
Total	321,398	499,028

* Recreation leave is expected to be taken within 12 months

Movements in provisions (other than employee benefits)

Year ended 30 June 2019	Redundancy \$
Carrying amount at the beginning of financial year	113,000
Additional provisions recognised	290,408
Amounts used	(341,784)
Unused amounts reversed	(61,624)
Carrying amount at end of financial year	-

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

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

	2019 \$	2018 \$
Net cash flows from operating activities	(194,181)	(28,062)
Depreciation and amortisation expense	(263,134)	(232,862)
Loss on sale of plant and equipment and intangibles	(18,045)	-
Increase/(decrease) in receivables and prepayments	23,543	(60,935)
Decrease/(increase) in provisions	155,703	(41,088)
Decrease in payables	107,584	306,818
Net result	(188,530)	(56,129)

13. Budget review

Net result

The net deficit result of \$189k was adverse to budget by \$142k.

Total expense is \$35k over budget due to an overspend on operating expenses and depreciation/amortisation expenses. This is partly offset by savings on employee related expenses. Overall operating expenditure was impacted during the year as a result of the legislative changes to the GIPA Act and resultant organisation restructure. The under spend on employee related expense is mainly due to unfilled vacant positions, and delays in recruitment throughout the year offset by voluntary redundancies in relation to the restructure. Operating expense overspend on contractor/short term staff, consultancy, staff training, legal fees and translation services.

The employee and operating expense budget variance is mainly due to the classification on contractors/short term staff – the contractors are budgeted under employee related expense, but are categorised under other operating expenses in actual.

Total revenue is \$89k under budget largely attributable to the additional efficiency dividend of \$45k in addition to the 2% efficiency dividend that was applied to the budget and lower than budget Crown acceptance revenue.

Loss on disposal of \$18k resulting from the annual fixed asset stocktake process.

Assets and liabilities

Total assets are \$427k lower than budget predominantly as a result of cash and receivables. This is driven mainly by prepayments being lower than budget and the settlement of intercompany balances for year-end resulting in lower than budgeted cash and receivables.

Total liabilities are \$256k lower than budget mainly driven by lower than budgeted creditors, accruals and leave entitlement provisions.

Cash flows

The unfavourable net cash flow from operating activities is mainly due to the additional costs associated with the legislative changes to the GIPA Act and resultant organisation restructure. This includes \$341k payments for voluntary redundancies. The net cash flows from investing activities are largely in line with budget.

The year-end cash balance is \$73k lower than budget mainly as a result of the above.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

14. 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 the 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 established to identify and analyse the risks faced by the Commission, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the Commission on a continuous basis.

(a) Financial instrument categories

(i) As at 30 June 2019 under AASB 9

Class	Note	Category	Carrying Amount
Financial Assets			
Cash and cash equivalents	6	N/A	350,573
Receivables ¹	7	Receivables at cost	20,689
Financial Liabilities			
Payables ²	10	Financial liabilities measured at amortised cost	172,732

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

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7).

(ii) As at 30 June 2018 under AASB 139 (comparative period)

Class	Note	Category	Carrying Amount
Financial Assets			
Cash and cash equivalents	6	N/A	670,078
Receivables ¹	7	Amortised cost	142,582
Financial Liabilities			
Payables ²	10	Financial liabilities measured at amortised cost	280,316

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

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7).

The Commission determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates this at each financial year end.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

14. Financial instruments (continued)

(b) Credit risk

Credit risk arises when there is the possibility that the counterparty will default 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.

The Commission considers a financial asset in default when contractual payments are 90 days past due. However, in certain cases, the entity may also consider a financial asset to be in default when internal or external information indicates that the Commission is unlikely to receive the outstanding contractual amounts in full before taking into account any credit enhancements held by the Commission.

Cash and cash equivalents

Cash comprises cash on hand and bank balances. The Commission does not earn interest on its daily bank balances.

Receivables – trade debtors

Accounting policy for impairment of trade debtors and other financial assets under AASB 9

Collectability of trade debtors is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand.

The Commission applies the AASB 9 simplified approach to measuring expected credit losses which uses a lifetime expected loss allowance for all trade debtors.

To measure the expected credit losses, trade receivables have been grouped based on shared credit risk characteristics and the days past due.

The expected loss rates are based on historical observed loss rates. The historical loss rates are adjusted to reflect current and forward-looking information on macroeconomic factors affecting the ability of the customers to settle the receivables. The Commission has identified the unemployment rate, wages growth rate and CPI inflation to be the most relevant factors, and accordingly adjusts the historical loss rates based on expected changes in these factors.

Trade debtors are written off when there is no reasonable expectation of recovery. Indicators that there is no reasonable expectation of recovery include, amongst others a failure to make contractual payments.

There are no debtors which are currently past due and impaired. The loss allowance for trade debtors as at 30 June 2019 and 1 July 2018 (on adoption of AASB 9) was determined to be \$nil.

The Commission is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors as at 30 June 2019.

Accounting policy for impairment of trade debtors and other financial assets under AASB 139 (comparative period only).

Collectability of trade debtors is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand. Debtors which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the Commission 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.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

14. Financial instruments (continued)

(b) Credit risk (continued)

For the comparative period 30 June 2018, the ageing analysis of trade debtors is as follows:

	2018 \$
Neither past due nor impaired	
Past due but not impaired	
< 3 months overdue	-
	-
Impaired	
< 3 months overdue	-
	-

The ageing analysis excludes statutory receivables, as these are not within the scope of AASB 7. Therefore, the 'total' will not reconcile to the receivables total recognised in the statement of financial position.

The Commission is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors as at 30 June 2018.

(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 and prior 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 prior period data and current assessment of risk.

Liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. For small business suppliers, where terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, 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.

For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers, the payment of simple interest is at the discretion of the Information Commissioner.

For the comparative period 30 June 2018, no debtors were past due or impaired.

The Commission is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors as at 30 June 2018.

The table on the next page summarises the maturity profile of the Commission's financial liabilities based on contracted undiscounted payments, together with the interest rate exposure.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

14. Financial instruments (continued)

(c) Liquidity risk (continued)

Maturity Analysis and interest rate exposure of financial liabilities

	Weighted average effective interest rate	Interest Rate Exposure			Maturity Dates		
		Nominal Amount \$	Fixed Interest Rate \$	Non-interest bearing \$	< 1 year \$	1-5 years \$	> 5 years \$
2019							
Financial liabilities							
Payables		172,732	-	172,732	172,732	-	-
		172,732	-	172,732	172,732	-	-
2018							
Financial liabilities							
Payables		280,316	-	280,316	280,316	-	-
		280,316	-	280,316	280,316	-	-

(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 and comprises interest rate risk and other price risk. The Commission's only exposure to market risk is interest rate risk on cash balances.

(e) Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates.

The Commission's exposure to interest rate risk through interest bearing liabilities or cash at bank is immaterial. The Commission does not account for any fixed rate financial instruments at fair value through profit or loss or as at fair value through other comprehensive income or available-for-sale (until 30 June 2018). Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity.

In 2015-16, Treasury introduced cash management reforms that apply to the Commission. Under the reforms, and in comparison to previous years, the Commission no longer earns interest from Treasury on its financial assets.

(f) Fair Value Measurement

i. Fair value compare to carrying amount

The Commission does not hold financial assets and financial liabilities where the fair value differs from the carrying amount.

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The fair value measurement is based on the presumption that the transaction to sell the asset or transfer the liability takes place either in the principal market for the asset or liability or in the absence of a principle market, in the most advantageous market for the asset or liability.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

14. Financial instruments (continued)

ii. Fair value recognised in the Statement of Financial Position

Management assessed that cash, trade receivables and trade payables approximate their fair values, largely due to the short-term maturities of these instruments.

The Commission does not hold financial assets and liabilities that are valued at fair value using valuation techniques.

15. Commitments

	2019 \$	2018 \$
(a) Operating lease commitments		
<i>Entity as lessee</i>		
Future minimum rentals payable under non-cancellable operating leases as at 30 June, as follows		
Within one year	485,934	546,838
Later than one year and not later than five years	-	579,076
Total (including GST)	485,934	1,125,914

The operating lease commitment relates to a lease currently held in relation to the occupancy of premises by the Commission in the Sydney CBD. The lease will be terminated in May 2020. The total "Operating Lease Commitments" include input tax credits of \$44,176 (2018: \$102,356), which are expected to be fully recoverable from the ATO.

Our financial performance

Notes to the financial statements for the year ended 30 June 2019

16. Contingent liabilities and contingent assets

The Commission has no contingent liabilities or contingent asset as at 30 June 2019 (2018: \$nil).

17. Related party disclosure

	2019 \$	2018 \$
Short-term employee benefits:		
Salaries	344,975	661,345
Other monetary allowances	-	-
Non-monetary allowances	-	-
Other long-term employee benefits	-	-
Post-employment benefits	-	-
Termination benefits	-	-
Total remuneration	344,975	661,345

The Commission did not enter into any transactions with key management personnel, their close family members, and controlled or jointly controlled entities of key management personnel.

The Commission entered into transactions with other entities that are controlled/jointly controlled/significantly influenced by the NSW Government. These transactions in aggregate are a significant portion of the Commission's activities.

These transactions include:

- Grants and contributions received from the Department of Justice
- Long Service Leave and Defined Benefit Superannuation assumed by Crown
- Transactions relating to the Treasury Banking System
- Employer contributions paid to Defined Benefit Superannuation funds
- Payments for the provision of personnel and corporate service to the Department of Justice
- Payments into the Treasury Managed Fund for workers' compensation insurance and other insurances.

18. Events after the reporting period

The *Administrative Arrangements (Administrative of Acts – General) Order 2019* made on 1 May 2019 allocated the administration of the *Government Information (Information Commissioner) Act 2009*, *Privacy and Personal Information Protection Act 1998* and the *Government Information (Public Access) Act 2009* jointly to the Attorney General and Minister for Customer Service. Consistent with these arrangements, the Commission transferred from the Justice Cluster into the new Customer Service Cluster, effective 1 July 2019. As the transfer does not involve the transfer of programs or functions to other NSW public sector agencies, there is no financial impact on the Commission's financial statements.

End of audited financial statements.

Appendices



Appendix 1 – Publications and Resources issued in 2018/19

Reports

- IPC Annual Report 2017/18
- *Report on the Operation of the Government Information (Public Access) Act 2009, 2017-2018*
- GIPA Review Report - IPC18/R000218
- GIPA Review Report - IPC17/R000303
- GIPA Review Report - IPC17/R000555
- GIPA Act Compliance Review Report - Office of Sport
- GIPA Act Compliance Review Report - Sydney Cricket and Sports Ground Trust
- GIPA Act Compliance Review Report - WaterNSW
- GIPA Act Compliance Review Report - NSW Police Force

IPC Corporate Resources

- IPC Public Interest Disclosures (PID) Internal reporting policy
- IPC First Aid Procedure & Plan
- Information Commissioner Instrument of Delegation
- IPC CEO Instrument of Authorisation
- Privacy Commissioner Instrument of Delegation

IPC Newsletters

- IPC Bulletin – September 2018
- IPC Bulletin – December 2018
- IPC Bulletin – March 2019
- IPC Bulletin – June 2019

Information Access Resources

- Fact Sheet - Applicant's guide to section 121 of the GIPA Act
- Fact Sheet - Applying for government recruitment information
- Fact Sheet - Changes to the GIPA Act for Agencies
- Fact Sheet - Changes to the GIPA Act for Citizens
- Fact Sheet - Complaints about the actions of agencies
- Fact Sheet - Non-government organisations' guide to section 121 of the GIPA Act
- Fact Sheet - Timeframes and extensions for deciding access applications under the GIPA Act
- Fact Sheet - Your rights to accessing government information in NSW
- Guide - Guide to reporting on agency GIPA operations 2017/18
- Information Access Agency Self-assessment Tool
- Information Access Guideline 7 - Open Data
- Information Access Guideline 8 - Care Leavers' access to their Out-of-Home Care Records

- Information Access Guideline 9 - Cabinet Information
- Knowledge Update - Reasonable searches under the GIPA Act
- Knowledge Update - What is an agency?
- Right to Know Week NSW 2018 - Champion Resources

Privacy Resources

- Checklist - Consent
- Checklist - IPC Data breach prevention checklist
- Checklist - Preparing a PID or code of practice
- Data breach notification form
- Data breach notification prevention checklist
- Fact Sheet - Access to Health Information for Health Care Consumers
- Fact Sheet - Consent and Bundled Consent
- Privacy Agency Self-assessment Tool
- Fact Sheet - IPC Privacy Statement of Jurisdiction
- Privacy Awareness Week NSW 2019 - Champion Resources

Appendix 2 – Diversity & Inclusion

Reports and studies have drawn attention to legal and practical obstacles that care leavers frequently face when seeking access to out-of-home care records. In response, in June 2019 the Information Commissioner released *Information Access Guideline 8: Care Leavers' access to their Out-of-Home Care Records*.

The statutory guideline highlights the public interest considerations in favour of government agencies releasing information to those who have experienced out-of-home care arrangements. It will aid public interest decision-making by agencies. Additionally it will highlight factors that support a decision to release information and therefore enable applicants to identify and include relevant factors in support of their application to access these important records.

Care leavers are often disadvantaged and come from diverse backgrounds, including members of the Stolen Generation. The IPC has continued to promote the Guideline, and will monitor its impact in improving access to information for vulnerable groups.

During the year the IPC also moved its website to a new platform, with one major benefit being improved accessibility for those with visual impairments.

Appendix 3 – Access applications under Schedule 2 of the GIPA Regulation

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.

Clause 8A: Details of the review carried out by the agency under section 7(3) of the Act during reporting year and details of any information made publicly available by the agency as a result of the review

Reviews carried out by the agency	Information made publicly available by the agency
Yes	Yes

Clause 8B: The total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

Total number of applications received
56

Clause 8C: Total number of access applications received by agency during reporting year that agency refused either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Number of applications refused	Wholly	Partly	Total
	2	1	3
% of Total	67%	33%	

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	Total	% of Total
Media	0	0	0	0	0	0	0	0	0	0%
Members of Parliament	0	0	0	0	0	0	0	0	0	0%
Private sector business	0	1	0	0	0	0	0	2	3	11%
Not for profit organisations or community groups	0	0	0	0	0	0	0	0	0	0%
Members of the public (application by legal representative)	0	0	0	0	0	0	0	4	4	14%
Members of the public (other)	0	3	2	2	1	0	0	13	21	75%
Total	0	4	2	2	1	0	0	19	28	
% of Total	0%	14%	7%	7%	4%	0%	0%	68%		

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies 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	Total	% of Total
Personal information applications*	0	0	0	0	0	0	0	3	3	11%
Access applications (other than personal information applications)	0	4	2	2	1	0	0	13	22	79%
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	3	3	11%
Total	0	4	2	2	1	0	0	19	28	
% of Total	0%	14%	7%	7%	4%	0%	0%	68%		

* A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid applications

Reason for invalidity	No of applications	% of Total
Application does not comply with formal requirements (section 41 of the GIPA Act)	19	84%
Application is for excluded information of the agency (section 43 of the GIPA Act)	3	16%
Application contravenes restraint order (section 110 of the GIPA Act)	0	0%
Total number of invalid applications received	19	100%
Invalid applications that subsequently became valid applications	16	84%

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

	Number of times consideration used*	Number of times consideration used*
Overriding secrecy laws	0	0%
Cabinet information	0	0%
Executive Council information	0	0%
Contempt	0	0%
Legal professional privilege	0	0%
Excluded information	0	0%
Documents affecting law enforcement and public safety	0	0%
Transport safety	0	0%
Adoption	0	0%
Care and protection of children	0	0%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
Privilege generally - Sch 1(5A)	0	0%
Information provided to High Risk Offenders Assessment Committee	0	0%
Total	0	

* More than one public interest consideration may apply in relation to a particular access application and if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

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

	Number of occasions when application not successful	% of Total
Responsible and effective government	1	33%
Law enforcement and security	0	0%
Individual rights, judicial processes and natural justice	2	67%
Business interests of agencies and other persons	0	0%
Environment, culture, economy and general matters	0	0%
Secrecy provisions	0	0%
Exempt documents under interstate Freedom of Information legislation	0	0%
Total	3	

Table F: Timeliness

	Number of applications	% of Total
Decided within the statutory timeframe (20 days plus any extensions)	55	100%
Decided after 35 days (by agreement with applicant)	0	0%
Not decided within time (deemed refusal)	0	0%
Total	55	

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

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

* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

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

	Number of applications for review	% of Total
Applications by access applicants	0	0%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0	0%
Total	0	

Table I: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer)

	Number of applications transferred	% of Total
Agency-initiated transfers	20	67%
Applicant-initiated transfers	10	33%
Total	30	

Appendix 4 – Data statement

The IPC undertakes continual review and quality assurance of its data holdings. This includes:

- monitoring case activity and outcome data to identify possible errors
- improving guidance to staff on the correct recording of case information
- regular dashboard reporting to managers and Executive.

Appendix 5 – Credit card certification

In accordance with the Treasurer's Direction 205.01 and 205.7, it is hereby certified that the use of corporate Purchasing Cards has been in accordance with Premier's Memoranda and Treasurer's Directions.

Appendix 6 – Payment of accounts

For the year ended 30 June 2019

Supplier accounts paid on time				
Quarter	Target %	Actual %	Current	Total payments
Sep-18	95	70	\$188,638	\$297,727
Dec-18	95	75	\$412,147	\$469,615
Mar-19	95	84	\$331,517	\$347,651
Jun-19	95	88	\$1,032,487	\$1,054,883

The IPC accounts payable function is performed by the Department of Communities and Justice (formerly Department of Justice) as part of shared corporate services arrangements within the Justice Cluster. The Commission in conjunction with Department of Communities and 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) and Purchasing Card 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 2018. During 2017/18 the IPC identified a number of process and procedural issues associated with the move to a new Enterprise Resource Planning system affecting the timeliness of invoice payments and is working to improve timeliness and meet the public sector benchmark of paying 95 per cent of invoices within 30 days.

Further process improvements are expected as a result of the implementation of Procure-to-Pay.

Appendix 7 – Time for payment of accounts

For the year ended 30 June 2019

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 2018	\$18,339	\$2,217	\$110	\$81	\$164
December 2018	\$21,938	\$41,794	\$1,952		\$2,057
March 2019	\$25,511	\$1,920	\$141	\$34	
June 2019	\$78,310	\$13,587	\$492	\$182	\$136
Small business suppliers					
September 2018	\$1,122	\$129	\$9	\$6	\$16
December 2018	\$687	\$324	\$2		\$1
March 2019	\$1,095	\$84	\$1		
June 2019	\$2,122	\$31	\$44	\$3	\$1
Accounts due or paid within each quarter					
Measure	September 2018	December 2018	March 2019	June 2019	
All suppliers					
Number of accounts due for payment	63	65	86	99	
Number of accounts paid on time	44	49	72	87	
Actual percentage of accounts paid on time (based on no. of accounts)	70%	75%	84%	88%	
Dollar amount of accounts due for payment	\$297,727	\$469,615	\$347,651	\$1,054,883	
Dollar amount of accounts paid on time	\$188,638	\$412,147	\$331,517	\$1,032,487	
Actual percentage of accounts paid on time (based on \$)	63%	88%	95%	98	
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	4	4	1	4	
Number of accounts due to small businesses paid on time	2	4	1	4	
Actual percentage of small business accounts paid on time (based on no. of accounts)	50%	100%	100%	100%	
Dollar amount of accounts due for payment to small businesses	\$34,117	\$5,662	\$990	\$12,921	
Dollar amount of accounts due to small businesses paid on time	\$10,736	\$5,662	\$990	\$12,921	
Actual percentage of small business accounts paid on time (based on \$)	31%	100%	100%	100%	
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	

Appendix 8 – 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, as per the NSW Annual Report Compliance Checklist, September 2019.

Requirement	Note	Page
Letter of submission	Letters to the President and Speaker	3
Application for extension of time	N/A	-
Charter	About the IPC	13
Aims and objectives	About the IPC	13
Access	Address, telephone, business hours	2, back cover
Management and structure	Names, offices and qualifications of principal officers Organisational Chart	8, 10 42
Summary review of operations	CEO and Information Commissioner – Overview Financial statements	7 53-82
Funds granted to non-government community organisations	N/A	-
Legal change	Legislative amendments	17
Economic or other factors	N/A	-
Management and activities	Strategic Plan 2017-20	18
	Objective 1: Engagement – We demonstrate contemporary, effective engagement with citizens, agencies and stakeholders to lead delivery of balanced information access and privacy rights. Imperatives <ul style="list-style-type: none"> Establish IPC as a recognised authority in fostering engagement within its legislative responsibilities. Leverage opportunities to partner in regulatory programs. Establish IPC as a lead integrity oversight agency. 	21
	Objective 2: Rights Promotion – Our independent and accessible expertise is recognised, trusted and exemplary in promoting rights and lawfully balancing information access and privacy. Imperatives <ul style="list-style-type: none"> Adopt and promote an integrated approach to information management that minimises regulatory burden and guides practical solutions. Shape the legislation and policies to ensure they are contemporary and effective. Build a clear, contemporary and secure information sharing culture. 	25
	Objective 3: Impact – We contribute to social and economic wellbeing by leading and advancing effective information access and privacy rights. Imperatives <ul style="list-style-type: none"> Improve community awareness of the IPC and information access and privacy rights. Create a culture of open and participative democracy. Create a culture of commitment to and compliance with information access and privacy rights within agencies and service providers. 	31
	Objective 4: Operational Excellence – Our operations are innovative, solution focused and adaptable, and our people have the commitment and capabilities to ensure optimal regulatory impact and citizen-centric services. Imperatives <ul style="list-style-type: none"> Create the right mix of capabilities to be an effective contemporary regulator. Develop effective systems and processes to enable flexibility in delivery of services to stakeholders and citizens. Implement systems and capabilities to guide an integrated approach to information access and privacy legislation. 	41

Requirement	Note	Page
Research and development	N/A	-
Human resources	Objective 4: Our people	42
Consultants	Objective 4: Governance	45
Workforce Diversity	Objective 4: Our people	43
Disability Inclusion Action Plans	Reported on a triennial basis*	46
Land Disposal	N/A	-
Promotion (overseas visits)	Objective 4: Governance	45
Consumer Response	Objective 2: Rights Promotion	25-28
Payment of Accounts	Appendix 6	89
Time for Payment of Accounts	Appendix 7	90
Risk management and insurance activities	Objective 4: Risk Management	49-50
	Objective 4: Insurances	45
Internal audit and risk management policy attestation	Objective 4: Risk Management	49
	Objective 4: Internal Audit and Risk Management Attestation Statement	48
Disclosure of Controlled Entities	The IPC has no controlled entities.	-
Disclosure of Subsidiaries	The IPC has no subsidiaries.	-
Multicultural Policies and Services Program	Reported on a triennial basis*	-
Agreements with Multicultural NSW	The IPC has an agreement with Multicultural NSW to include its reporting in the Diversity Inclusion Action Plan.	85
Work Health and Safety (WHS)	Objective 4: Our people	44
Budgets	N/A	-
Financial Statements	Our financial performance	57-82
Identification of audited financial statements	Our financial performance	53
Inclusion of unaudited financial statements	N/A	-
Additional matters – statement of the action taken to comply with the PPIP Act	Our organisation: Our governance	16
Additional matters – after balance date events having significant effect in succeeding year on financial preparations; other operations; clientele/ community served	N/A	-
Additional matters – total external costs incurred in the production of this annual report	External designer costs \$3,520.00	-
Additional matters – the website at which the report may be accessed	www.ipc.nsw.gov.au	-
Investment performance	N/A	-
Liability management performance	N/A	-
Exemptions	Nil	-
Numbers and remuneration of senior executives	Objective 4: Our people	43
Implementation of Price Determination	N/A	-
Government Information (Public Access) Act 2009	Appendix 3	86
Cyber Security Policy (CSP) Attestation	Objective 4: Cyber Security Policy Attestation Statement	47

Requirement	Note	Page
Public Interest Disclosures (PID)	Objective 3: Public Interest Disclosures and government information contraventions	39
Requirements arising from employment arrangements	Objective 4: Governance	45
Form of annual reports – generally	Report has been delivered as per requirement	1-100
Submission of annual report to appropriate Ministers	28 October 2019	-
Submission of annual report to the Treasurer	28 October 2019	-
Presentation of annual report to Parliament	28 October 2019	-
Annual reports size-presentation to Parliament	ISO A4	-
Printing and distribution requirements	External printing costs \$488.00	-
Public availability of annual reports	www.ipc.nsw.gov.au and as per requirements	-

* Small departments need only report on a triennial basis. See Appendix 2 for Diversity and Inclusion.

Complaining to the IPC

The IPC aims to provide a high level of service. 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 still remain dissatisfied, you can make a formal complaint.

Step 2 – make a formal complaint

To make a formal complaint, please write or email us, 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 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) or visit - www.ombo.nsw.gov.au

Step 4 – contact the NSW Civil and Administrative Tribunal (NCAT)

If you are still dissatisfied with the handling of your complaint, 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 or visit – www.ncat.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) or visit - www.icac.nsw.gov.au

For more information

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au
Post: Information and Privacy Commission NSW
GPO Box 7011
Sydney NSW 2011

Index

About the IPC	13	Communications	22
About this Annual Report	98	Community attitudes survey	18, 25, 26, 31
Access applications under Schedule 2 of the GIPA Act; decisions made	86	Complaints; complaining to the IPC; complaints about information access; complaints about privacy	6, 9, 13, 15, 17, 19, 22, 32, 34, 35, 39, 42, 51, 84, 94
Accessibility	25, 85	Compliance Committee	22
Accountability	7, 8, 14, 15	Consultants	45, 68
Advice to agencies – GIPA	31	Contracts registers; contracts register compliance; contracts registers under the GIPA Act;	17, 28, 51
Advice to agencies – privacy	31	Credit card certification	89
Agency Information Guides (AIGs)	31	Crombie, Paul	49
Agreements with Multicultural NSW (multicultural services)	92	Cyber Security Policy Annual Attestation Statement	47
Ajaka MLC, Hon. John	3	Data Analytics Centre	21
Annual Report 2017/18	29	Data Breach Policy	45
Annual Report compliance requirements	91	Data Sharing	28, 31
Annual Report costs	92, 93	Data statement	89
Appendices	83	Decisions made on formal access applications	50
Asia Pacific Privacy Authorities (APPA)	15	Department of Customer Service; Customer Service Cluster	3, 8, 13, 15, 17, 18, 21, 23, 41, 42, 50, 51, 82
Association of Information Access Commissioners (AIAC)	15, 26, 45	Department of Justice	10, 17, 44, 65, 70, 71, 82, 89
Attorney General, and the Minister for the Prevention of Domestic Violence	3, 8, 13, 15, 17, 50, 82	Director, Business Improvement	13, 22, 42
Audit and Risk Committee	16, 44, 45, 49, 68	Director, Financial Audit Services	56
Audit and Risk Committee (ARC): Report on activity 2018/19	49	Director, Investigation and Reporting	13, 22, 42
Audit Office of NSW	54	Director, Legal Counsel and Regulatory Advice	13, 22, 42
Auditor-General	54, 56	Diversity	18, 43, 44, 46, 85
Australian Accounting Standards	54, 55, 61, 65, 66, 67	Doheny, Marcia	49
Baker, Lyn	49	E-learning	6, 21, 25, 26, 28
Business hours inside front cover outside back cover	2, back page	Enquiries (Parliamentary)	23
Case activities; case management; GIPA case activities and performance; Privacy case activities and performance	6, 9, 34, 35, 42, 89	Enquiries and requests for information from the community – GIPA	6, 19, 25, 34
CEO Update (IPC Bulletin)	84	Enquiries and requests for information from the community – Privacy	6, 15, 19, 25, 35
Chief Executive Officer (CEO)	3, 8, 10, 15, 26, 49, 84, 91	Equal Employment Opportunity (EEO) and staff numbers	43
Client satisfaction survey	51	Events; key events	10, 25, 26, 27
Clinch, Malcolm	49	External Audit and Client Services Plan	49
Committees	15, 19, 37	Fact sheets	6, 17, 21, 27, 28, 39, 50, 51, 84

Feedback to IPC	13, 25, 43, 51	IPC Regulatory Framework	11, 22
Financial performance; financial statements	53-82	IPC Strategic Plan 2017/20	17, 18, 41, 50, 91
Gavel, Samantha	3, 10	Legislative Compliance Register	45, 50
GIIC Act; <i>Government Information (Information Commissioner) Act 2009</i>	15, 16, 17, 23, 36, 39	Legislative responsibilities	16, 18, 21, 91
GIPA Act; <i>Government Information (Public Access) Act 2009</i>	5, 6, 7, 9, 15, 16, 17, 19, 23, 27, 28, 29, 31, 32, 33, 34, 36, 37, 39, 41, 42, 50, 51, 76, 84, 87	Litigation	37, 45
GIPA Amendments	5, 6, 7, 17, 28, 32, 33, 41, 42	Machinery of Government	8, 10, 17, 45
GIPA case activities and performance	34	Major submissions	8, 18, 19, 23, 25, 28, 33, 37, 50
GIPA compliance; GIPA Act compliance; Agency-level GIPA Dashboard	5, 27, 37, 48, 50	Media	13, 22, 26, 36, 50, 86
GIPA Tool; IPC GIPA tool	28	Minister for Customer Service; Hon. Victor Dominello MP	3, 8, 13, 15, 17, 21, 50, 82
Glossary	98	NCAT; NSW Civil and Administrative Tribunal	15, 17, 37, 45, 88, 94
Governance, our governance	16, 18, 45	Notes to the financial statements for the year ended 30 June 2019	60-82
<i>Government Information (Public Access) Act 2009</i>	16, 17, 36, 71, 82	NSW Annual Report Compliance Checklist	91
Government Information (Public Access) Regulation (GIPA Regulation)	16, 50, 86	NSW Integrity Agencies Collaboration Group	15, 22
<i>Government Sector Employment Act (GSE Act) 2013</i>	41, 43, 46	NSW Law Reform Commission	28
Health Privacy Principles (HPPs)	17, 33	NSW Ombudsman	13, 16, 37, 39, 51, 94
<i>Health Records and Information Privacy Act 2002</i>	15, 16	NSW Parliament	7, 8, 9, 13, 16, 17, 23
Health Records and Information Privacy Regulation 2012 (HRIP Regulation)	16	NSW Premier	3, 13, 39
Highlights	5, 21, 26	NSW Public Service Commission	15, 29, 43, 44
HRIP Act	15, 16, 17, 22, 29, 31, 35, 36, 37, 51	NSW Right to Information/Privacy Practitioners' Network	21
Human Research and Ethics Committees	37, 38, 98	O'Dea MP, Hon. Jonathan	3
ICAC; Independent Commission Against Corruption	28, 41, 94	Office of Local Government	22
Independent Auditor's Report	54, 55, 56	Office of the Australian Information Commissioner (Oaic)	22, 98
Information access resources	27, 84	Open Data	5, 27, 28, 31, 50, 84
Information and Privacy Advisory Committee (IPAC)	13	Open Data Advocate	3, 7, 8, 21, 26
Information Awareness Month	26, 27	Open Government Partnership (OGP); Open Government Partnership National Action Plan (OGPNAP)	26
Information Commissioner – overview	7	Our Organisation	13
Information Commissioner's investigation	7	Parliament engagement	23
Information Protection Principles (IPPs)	17, 33	Parliamentary Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission	13, 16
Insurances	45, 82	Parliamentary enquiries and reports	23
Internal Audit and Risk Management Attestation	48, 50	Payment of accounts	89, 90
Internal Audit and Risk Management Policy	49	People Matter Survey 2019	43
International travel	45	Performance agreements and development plans	41, 44
IPC Business Plan	31, 41	PPIP Act; PPIPA; <i>Privacy and Personal Information Protection Act 1998</i>	10, 13, 15, 16, 17, 23, 29, 31, 32, 33, 36, 37, 51

PPIP Regulation; Privacy and Personal Information Protection Regulation 2014	16	Transport for NSW	21
<i>Privacy and Personal Information Protection Act 1998</i>	3, 15, 16, 82	Treasurer; Treasurer' Directions	61, 65, 78, 89, 91
Privacy Awareness Week 2019	5, 6, 10, 21, 26, 27, 34	Tydd, Elizabeth	3, 8, 10, 26
Privacy case activities and performance;		Website	2, 8, 17, 19, 22, 25, 27, 37, 39, 45, 50, 51, 85, 94
Privacy case management	3, 9, 13, 15, 16, 19, 25, 31, 32, 33, 35, 36	What we do; Our Organisation	13
Privacy codes of practice	9, 29	Work health and safety	41, 44, 49
Privacy Commissioner	3, 6, 8, 9, 10, 13, 15, 16, 17, 21, 22, 23, 26, 28, 29, 31, 32, 33, 36, 37, 41, 42, 45, 50, 51, 70, 84	<i>Work Health and Safety Act 2011</i>	44
Privacy Complaints Handling	6, 9, 15, 19, 32, 35	Workplace diversity	43, 44
Privacy management plan	36, 51		
Privacy NSW	16		
Public interest considerations	15, 28, 33, 85, 88		
Public interest directions	29, 31		
Public Interest Disclosures (PIDs)	15, 22, 39, 84		
<i>Public Interest Disclosures Act 1994</i>	15, 39		
Public Interest Disclosures Steering Committee	15, 22, 39		
<i>Public Sector Employment and Management Act 2002 (PSEM Act)</i>	98		
Publications	5, 6, 17, 19, 22, 25, 84		
Remuneration	43, 68, 82		
<i>Report on the Operation of the Government Information Public Access Act 2009: 2017/18</i>	29, 84		
Reporting against our strategic objectives	19		
Reports	7, 8, 15, 18, 23, 25, 27, 28, 37, 38, 49, 50, 84, 89		
Research; Research and development	15, 19, 37, 38, 62		
Resources	5, 6, 9, 11, 17, 25, 26, 27, 28, 41, 84		
Review of proactive release program	50		
Reviews of agency information access decisions	32		
Right to Access Government NSW	15, 16, 25, 26, 29		
Right to Know Week	5, 6, 21, 25, 27, 84		
Risk management	18, 48, 49, 50, 77		
Service charter	13		
Social media	22		
Speaking engagements	21		
Staff training	6, 41, 44, 76		
Stakeholders	6, 8, 13, 18, 21, 22, 25, 31, 41, 91		
Statement of Financial Position	58, 64, 65, 67, 71, 79, 81		

Glossary

Glossary

DoJ	NSW Department of Justice
GIIC Act	<i>Government Information (Information Commissioner) Act 2009</i>
GIPA Act or GIPA	<i>Government Information (Public Access) Act 2009</i>
GIPA Regulation	Government Information (Public Access) Regulation 2009
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</i>
HRIPA Regulation	Health Records and Information Privacy Regulation
ICAC	Independent Commission Against Corruption
IPAC	Information and Privacy Advisory Commission
IPC	Information and Privacy Commission
IPPs	Information Protection Principles
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>

About this Annual Report

The Information and Privacy Commission NSW Annual Report 2018/19 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 2019 on the basis of all corporate GIPA and privacy specific information available and provided to the IPC by 5 October 2019. There were no external costs recorded for producing this report to comply with NSW Treasury requirements.





information
and privacy
commission
new south wales

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