



information
and privacy
commission
new south wales

annual report
information and privacy commission
2011 - 2012



Contact details

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

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If you are deaf or have a hearing or speech impairment, you can call us through the National Relay Service (NRS) on 133 677 or if you would like the assistance of an interpreter, call us through the Translating and Interpreting Service (TIS) on 131 450.

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The IPC's vision

To promote transparency and accountability through better access to information, balanced with a commitment to privacy rights for the people of New South Wales.

Our mission

To work to ensure the objectives of the NSW information access and privacy legislation are achieved by:

- Promoting and educating the community and agencies about people's privacy and information access rights under the legislation
- Assisting government, business and the public to understand and use the legislation
- Reviewing agency performance and decisions; investigating and conciliating complaints
- Providing feedback about the legislation and developments in law and technology relevant to it.

Our values

We will act in accordance with our values, based on our mission, to be:

- Service focused, transparent, accountable, independent and balanced
- Efficient, proactive and making things easier
- Champions of the right to information and of privacy.

Our service charter

We commit to:

- Being courteous and professional
- Listening to clients
- Treating clients fairly and with respect
- Responding promptly to enquiries
- Keeping clients informed of how their enquiry, complaint or review is progressing
- Providing clients with accurate information in a way that they can understand
- Where appropriate, investigating matters and informing the client of the outcome
- Telling clients when no further action will be taken and the reason why
- Responding to feedback to improve services
- Respecting a client's privacy.

Our stakeholders

Our stakeholders include:

- the public
- NSW public sector agencies, including state government bodies, councils and universities
- non-government organisations

- small businesses trading in NSW
- local councils, state-owned corporations
- Ministers and their staff
- the Parliamentary Joint Committee that oversees our office
- the NSW Ombudsman and
- other Information and Privacy Commissioners.

Our logo

The blue IPC branding represents our identity as an independent statutory authority comprising two public offices: the Information Commissioner and the Privacy Commissioner.

The amalgamation of our two previous entities into the single IPC brand fulfils Parliament's aim that we be a single source of advice and contact for our stakeholders.

About this report

The Information and Privacy Commission Annual Report for 2011-2012 sets out our activities, accomplishments and challenges in promoting our responsibilities to the community of New South Wales.

The report provides an account of our performance against the key result areas set for us by NSW Parliament. Section 17 of the *Government Information (Public Access) Act, 2009* sets out specific accountabilities to promote, assist, review and provide feedback. These requirements align with the roles of both Commissioners as champions of their respective legislation.

The report provides information to the public on how we manage our organisation to best deliver on our accountabilities and strategic outcomes.

Commissioners' letters to the Legislative Assembly and Legislative Council

31 October 2012

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

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

Dear Mr President and Madam Speaker

In accordance with the *Annual Reports (Statutory Bodies) Act 1984*, the *Government Information (Information Commissioner) Act 2009*, and the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the second annual report of the Information and Privacy Commission.

This report provides an account of the work of the Commission during the 2011 – 2012 financial year.

The report meets the new requirements for annual reports as advised by the NSW Premier in Ministerial Memorandum M2012-11. This report demonstrates our agency's performance and activities while incurring minimal production costs.

Yours sincerely

Deirdre O'Donnell

**Information Commissioner
Information and Privacy Commission**

31 October 2012

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

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

Dear Mr President and Madam Speaker

In accordance with section 61A of the *Privacy and Personal Information Protection Act 1998*, I present the following report on the work of the Privacy Commissioner for the 12 months ended 30 June 2012.

In addition, under section 61B of the *Privacy and Personal Information Protection Act 1998*, (the Act) I have reported on the operation of the Act across all public sector agencies for the 12 months ended 30 June 2012.

A copy of both reports has been provided to the Attorney General as Minister responsible for this legislation as specified under section 61A (2) and 61B (2) of the Act.

Yours sincerely

Dr Elizabeth Coombs

**Privacy Commissioner
Office of the Privacy Commissioner**

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chief executive officer's overview

This year's annual report describes our focus on delivering Parliament's requirements to be a single organisation offering helpful and consistent service.

The IPC has worked hard over 2011-12 towards achieving its strategic goals: promoting the legislation it administers, assisting those who use it, reviewing decisions and complaints, and giving feedback on the legislation and developments in the law and technology relevant to the legislation.

The deliverables set by the NSW Parliament in legislating the establishment of the IPC on 1 January 2011 are reflected in all our key communications and shape the way we approach our operations to ensure we deliver better services to the community and agencies. Decisions around resource allocation, organisational structure, staff development, communications, policy development and our relationships with our oversight Committee, with agencies under our jurisdiction and with the public have all been made with improved service delivery as our guiding principle.

We have specifically focused our activities on providing high quality advice and assistance on our legislation. Our aim has been to provide clear, timely, helpful and accurate advice to our stakeholders.

We have also worked to build our capacity to encourage and gain open feedback from agencies and the public to ensure we meet Parliament's objectives. The balance between providing better access to government information while ensuring that the public's privacy rights are appropriately protected is a key driver of the strategic focus the IPC has taken over the year in its interactions with agencies and the community.

Meeting with Joint Select Committee of Parliament

As Commissioners championing our legislation, the Privacy Commissioner and I had an opportunity to directly report on the operations of the IPC and our legislation to the Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission on 21 May 2012.

One organisation

Setting up the IPC as a 'one stop shop' has been behind our systems, staffing and communication strategies throughout the reporting period. A clear identity and consistent approach to providing advice

and assistance have informed our review of our publications, communication material and our web presence, with the results of these activities to be evident in 2012/13.

In March 2012, the IPC introduced a renewed business plan for the organisation, capturing its major projects and priority directions up to March 2013. All staff are involved in business planning activities, and taking a whole of office approach is key to building organisational capacity and resilience to ensure we deliver on our legislative mandates.

Legislative changes

A number of legislative changes have been introduced to improve the efficiency of the operation of the office. This included removing barriers to consultation between our GIPA and Privacy functions.

Stakeholder engagement

A core activity of the IPC's communications team during the year was preparation for the IPC's 'Creating Open Government' conference in August 2012. As a national conference, this event involved significant planning and liaison across our key stakeholder groups. NSW state and local government agencies, and the privacy and right to information practitioners within those agencies, were the target of the conference, and so their input into the structure and content of the program was of great value.

A key request from agency staff has been for more detailed information on our legislation. This resulted in our 2011/2012 focus on delivering topic-specific seminars for practitioners, whom we surveyed for the topics of most relevance to them. It also informed the workshop program devised for the August conference.

Improving systems

To improve service delivery and achieve our organisational goals, we continued working towards the implementation of key business systems – case management, phone and electronic records management. Activity around this business need has been significant and extensive, and we are hopeful that delivery of these core systems will be finalised in the 2012/13 year.

Corporate governance

The IPC has made significant progress this year to improve its business processes and overall accountability. This has included documenting our operational frameworks, introducing clear and accessible internal policies, and setting up processes

for our legislative obligations. The Audit and Risk Committee has provided excellent oversight of our financial statements and risk management approach, and I wish to thank our Committee for its wise counsel throughout the year.

One key element of compliance with the Treasury requirements for internal audit and risk management is to have a chief audit executive. Because the IPC is a small organisation, a dedicated position was not an option. The responsibilities for this activity were therefore incorporated into the position description of our new Executive Director, a position created during the reporting period, and filled in July 2012. That role was designed to provide high level strategic advice and analysis, manage the IPC's programs, communications, stakeholder engagement, monitoring, and related functions, and to ensure the roles of Information Commissioner and Privacy Commissioner would be fully supported. As well, the Executive Director, under delegation, is able to act as either Commissioner to cover periods of leave or absence as required.

Appointment of the new Privacy Commissioner

In November 2011 we welcomed Dr Elizabeth Coombs as the new Privacy Commissioner, serving New South Wales as an impartial advocate for the protection of privacy. Dr Coombs has brought to her role a great depth of expertise in the areas of governance and accountability, as well as significant experience in and knowledge of the NSW public sector. I would like to reiterate my thanks on behalf of the IPC to Deputy Privacy Commissioner John McAteer for his work as Acting Privacy Commissioner and for his leadership during the formation of the IPC.

The model adopted by the NSW Parliament for the IPC is unique in the Australian context in that the two Commissioners have equal status as champions of their specific legislation. This equality represents the reality that privacy and access to government information issues may well overlap, especially when a person seeks access to government information that includes a third party's personal information. We

are confident this model will serve New South Wales well.

The Information and Privacy Advisory Committee

Following Dr Coombs' arrival, steps were taken to commence the establishment of the Information and Privacy Advisory Committee (the IPAC). Under the *Privacy and Personal Information Protection Act* (PPIP Act), the IPAC is to be established to advise both the Information Commissioner and the Privacy Commissioner on matters relating to the performance of their functions and to advise on matters referred by the Attorney General, as Minister responsible for the NSW access and privacy legislation. The IPAC will also consider areas of overlap and interaction between privacy legislation and open government information. The Committee will consist of part-time members who will be appointed by the Governor upon nomination by the Minister.

Initial priorities for the IPAC will be to provide advice to the Commissioners on the implications of new technologies, records management and information governance practices as these relate to access to government information and the protection of privacy.

Expressions of interest were sought in April 2012 for part-time membership of the Committee from people who have a special knowledge of and extensive experience in matters affecting access to government information or privacy. Interviews were conducted in June, and membership will be confirmed in the new financial year so that the IPAC may commence operations.

In closing I would like to thank all staff for their dedicated contribution throughout a demanding year as the organisation moves towards achieving the Parliament's vision for the IPC.



Deirdre O'Donnell
Information commissioner
Information and Privacy Commission

requests for assistance

This year, the Information and Privacy Commission responded to 6,380 calls and received 275,702 website page views.

We finalised a total of 898 matters over the year.

The Office of the Privacy Commissioner (OPC) responded to a 60% increase in request for assistance, from 1,696 requests in 2010-11 to 2,712 in 2011-12..

The OPC completed 181 internal reviews, provided 109 advices, and finalised 102 complaints.

The Office of the Information Commissioner finalised 280 information access reviews, 5 investigations, and 79 complaints.

See: **Our Year: A snapshot**

our highlights

In April 2012, we launched **Privacy Awareness Week** with the NSW Attorney General to raise community awareness of rights and protections under NSW legislation. We developed four new publications to promote privacy.

Commissioners and IPC staff **promoted the legislation** at 68 events during the year, including conferences, seminars, panel discussions and training sessions. **See Promote**

The IPC developed and delivered **targeted advice and training** – and visited agencies – to help government stakeholders better understand access to information and privacy requirements. In the seven half-day training workshops delivered to agencies, 95% of participants said they were highly satisfied with the service.

Right to Information and Privacy practitioners provide the IPC with crucial feedback on the resources we provide and our processes through regular forums. **See Assist**

To improve our service, in June 2012 we contracted the development of a **new case management system** which will improve the timeliness of our reviews, investigations and complaints handling. **See Review**

The IPC continues to improve its methods of **collecting feedback**, which include toll-free telephone access, online feedback forms, seminar questionnaires and face-to-face commentary. **See Feedback**

our year – a snapshot



our key result areas in brief

The key result areas for the Information and Privacy Commission have been adapted from section 17 of the *Government Information (Public Access) Act 2009* and are specific accountabilities of both Commissioners. They are:

1. Promote and educate the community and agencies about peoples' rights to privacy and information access under the legislation.
2. Assist government, businesses and the public in their understanding and use of the legislation.
3. Review agency performance and decisions by investigating and conciliating complaints.
4. Provide Feedback about the legislation and developments in law and technology relevant to it.

Strategies 2011/12	Result	Outcomes 2012/13
PROMOTE		
Develop and implement clearly articulated strategies for communication as well as education and promotion which encompass the range of identified stakeholders and the array of communication channels	Ongoing	Stakeholders see us as professional and accessible, and seek our advice Our services are responsive to diverse community needs
Establish and maintain positive and productive relationships with agencies	Ongoing	
Engage with communities to appropriately target programs to vulnerable and disadvantaged groups	Ongoing	
Establish and maintain effective issues management and media engagement strategies and processes	Ongoing	
Develop appropriate education, promotion and training materials and mechanisms and deliver targeted training	Achieved/ Ongoing	
ASSIST		
Develop and issue guidelines to assist agencies and the public on specific matters as they arise	Achieved/ Ongoing	Guidelines in place to inform stakeholders about rights and obligations arising under legislation
Publish and keep updated resources such as knowledge updates, fact sheets, brochures and submissions that will assist in understanding and use of the legislation	Ongoing	We have a shared understanding of our common goals and purpose We have a collaborative work environment with a supportive and respectful approach
Develop and deliver targeted and cross-jurisdictional knowledge and skills training to our staff	Achieved	

Strategies 2011/12	Result	Outcomes 2012/13
REVIEW		
Develop clear, precise, plain English templates for reporting and communicating the outcome of our reviews and investigations with the parties	Achieved	Agencies trust and respect us and seek our guidance
Develop and implement efficient and effective review, conciliation, investigation and compliance monitoring systems	Ongoing	
Appear before the Parliamentary Committee on the Office of the Ombudsman and the Police Integrity Commission	Achieved May 2012	
FEEDBACK		
Provide effective mechanisms for agencies, the public and other stakeholders to tell the IPC of their experiences with the legislation and our service delivery.	Ongoing	Amendments to legislation have been settled to <ul style="list-style-type: none"> · meet IPC organisational needs · assist agencies to make decisions relating to access and privacy · address regulatory roles of the Commissioners
Support the agency practitioner forum network	Ongoing	
Establish timely and effective systems to collect and monitor stakeholder feedback and performance data and trends	Ongoing	

our organisation

Who we are and what we do

The Information and Privacy Commission (IPC) is an independent statutory authority, established on 1 January 2011, and comprises two public Offices: the Office of the Information Commissioner and the Office of the Privacy Commissioner.

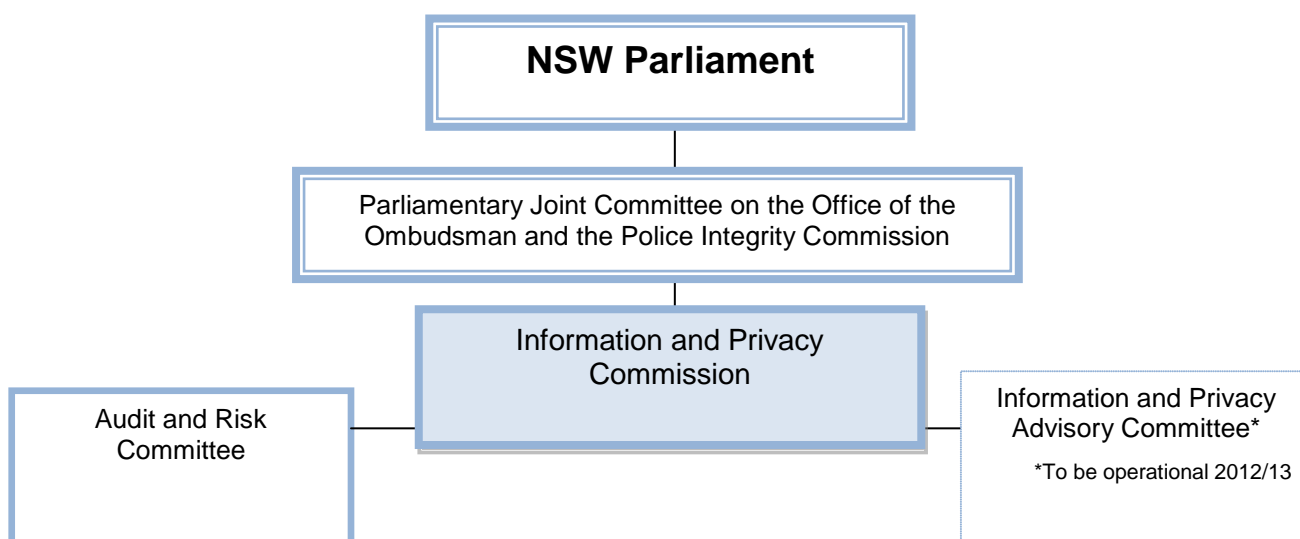
Reporting to Parliament

The IPC reports directly to the Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission, which oversees the functions of the Information Commissioner and Privacy Commissioner.

The Information Commissioner reports to the NSW Parliament on the operation of the *Government*

Information (Public Access) Act 2009 (NSW) and the *Government Information (Information Commissioner) Act 2009 (NSW)*. The Privacy Commissioner reports to the NSW Parliament on the operation of the *Privacy and Personal Information Protection Act 1998 (NSW)* and the *Health Records and Information Privacy Act 2002 (NSW)*.

Our governance



our senior executive

Our senior executive

The IPC has two Statutory Officers, held by the Information Commissioner Deirdre O'Donnell, and the Privacy Commissioner Dr Elizabeth Coombs.

The Information Commissioner is the Chief Executive Officer of the IPC.

The positions are statutory appointments and are listed under section 11A of the Statutory and Other Offices Remuneration Act 1975, not included in Schedule 2 for the *Public Sector Employment and Management Act 2002*.

Role of the Information Commissioner

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

The role of the Information Commission 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 review decisions made by other NSW government agencies and deal with complaints about information access.

The Information Commissioner also monitors agencies' functions and reports to the Attorney General about proposals for legislative or administrative change.

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

- public interest considerations in favour of disclosure
- public interest considerations against disclosure of government information
- agencies' functions
- the public's rights to access information
- an agency's information guide
- reductions in processing charges.

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

The Information Commissioner and Chief Executive Officer, IPC



Deirdre O'Donnell

BA, Dip Ed, MBA, M Comm Law

- Appointed NSW inaugural Information Commissioner 2010
- Over 10 years experience in Ombudsman and Commissioner roles at a national and state level with wide investigative powers
- Former Telecommunications Industry Ombudsman, Western Australian Ombudsman, State Records Commissioner and WA Energy Ombudsman
- Awarded public service medal, 2008 Australia Day Honours list

our senior executive

Role of the Privacy Commissioner

The Privacy Commissioner is appointed by the Governor on an independent basis under Section 34 of the *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIP Act).

The role of the Privacy Commissioner is to resolve complaints, protect and enhance the privacy rights of the NSW community and ensure agencies uphold the privacy principles in the *Privacy and Personal Information Protection Act 1998 (NSW)*. In addition, the Privacy Commissioner administers the *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act).

One of the Privacy Commissioner's key roles is to educate the people of NSW about the meaning and value of privacy in their day-to-day lives by:

- responding to enquiries and educating the community about privacy issues
- advising people of possible remedies for breaches of their privacy
- advising individuals, government agencies, businesses and other organisations on how to ensure that the right to privacy is protected
- receiving, investigating and conciliating complaints about breaches of privacy
- appearing in the Administrative Decisions Tribunal 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.

The Privacy Commissioner, IPC



Elizabeth Coombs

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

- Appointed part time NSW Privacy Commissioner 7 November 2011
- Over 20 years experience in senior positions within the public sector, including Chief Executive Officer, Department of Fair Trading, Acting Director General, Department of Women, Acting Director General, Department of Juvenile Justice and Assistant Director General NSW Premier's Department.
- Her experience also includes roles in NSW Health and the former Youth and Community Services, and state-owned corporations such as Sydney Water.
- Commissioner, NSW Local Government Grants Commission 2007 – 2012
- Independent chair, Audit and Risk Committees.

Our governing legislation

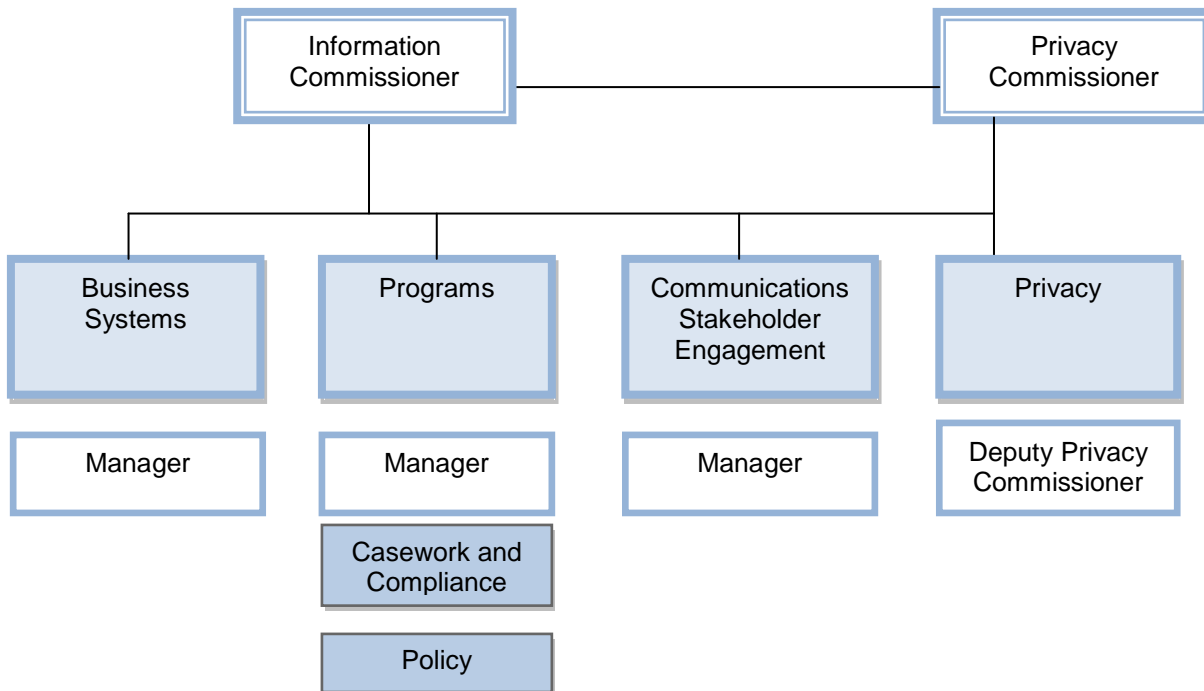
The IPC is responsible for the following legislation:

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

managing our organisation

Our structure

Our structure at 30 June 2012



IPC business units

Privacy

- Provides expert advice on legislative and privacy matters.
- Deals with investigation and conciliation of privacy complaints.

Programs

- Provides expert advice on legislative and access compliance matters.
- Reviews agency decisions under the GIPA Act.
- Develops policy and provides strategic advice.

Communications and stakeholder engagement

- Plans and delivers communication strategies, initiatives and activities to support the objectives of the IPC.
- Works with internal and external stakeholders with a strong customer focus.
- Conducts education and promotion activities for IPC.

Business systems

- Provides support across the IPC with all business focused systems, including finance and the GIPA reporting tool.

managing our organisation

Business and corporate operations

Executive remuneration

Position	Information Commissioner
Occupant	Deirdre O'Donnell
Total remuneration package	\$286,000
Value of remuneration paid as a performance payment	n/a
Criteria used for determining total performance payment	n/a
Period in position	Appointed May 2010
Position	Privacy Commissioner
Occupant	Dr Elizabeth Coombs
Total remuneration package	\$165,600 (pro-rata 3 days per week)
Value of remuneration paid as a performance payment	n/a
Criteria used for determining total performance payment	n/a
Period in position	Appointed 7 November 2011

Source of requirements: Annual Reports (Statutory Bodies) Regulation 2010, sections 11 and 14.

Statutory officers

Section 13 of the *Statutory and Other Offices Remuneration Act 1975* requires the Statutory and Other Offices Remuneration Tribunal (SOORT) each year to determine the remuneration to be paid to public office holders on and from 1 October in that year.

The SOORT made a determination to increase the remuneration paid to all public office holders by four per cent from 1 October 2010.

Employee salary movement

Crown Employees (Public Sector – Salaries 2008) Award

The award provided for a 2.5 per cent salary increase from the first pay period on or after 1 July 2012 for the following classifications within the IPC:

- clerks
- departmental professional officers
- legal officers.

Enterprise industrial relations

The Information Commissioner established a Joint Consultative Committee comprising members of the Public Service Association, IPC staff and management. The committee met three times during the year to discuss and review local issues and matters affecting staff.

Leave liabilities

At the end of the year, one officer had a leave balance slightly in excess of 40 days and two officers had leave balances just under 40 days. IPC has measures in place to manage and reduce excess recreation leave balances.

Equal Employment Opportunity (EEO) and staff numbers

Staff numbers by category 2011 – 12

Employee by category	2009-10	2010-11	2011-12
Statutory	1	2	2
Administration	9	19	26
Professional	5	8	5
TOTAL	15	29	33

Note: 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).

managing our organisation

Statistical information on EEO target groups

The IPC has a full complement of 33 full-time equivalent staff. The IPC filled a number of vacancies this year, with processes in place to recruit people from the EEO target groups where possible.

EEO group	Target	Target (No.)	2009-10*	2010-11*	2011-12
Women	50%	16	87%	85%	79%
Aboriginal and Torres Strait Islander people	2%	1	0%	0%	0%
People whose first language was not English	20%	7	0%	18.4%	18.1%
People with a disability	12%	4	0%	3.7%	0%
People with a disability requiring work adjustment	7%	2	0%	3.7%	0%

(* IPC established 1 January 2011, merging the Office of the Privacy Commissioner with the Office of the Information Commissioner.)

We successfully applied for funding under the Elsa Dixon Aboriginal Employment Program (EDAEP), a program administered by the State Training Services, Department of Education and Communities, to temporarily employ an Aboriginal worker to support the Community Liaison Officer implement our Aboriginal Action Plan.

However, due to staff movements and budget cuts after the reporting period, it was decided not to proceed with this position.

Code of conduct

The IPC has developed and published a code of conduct which sets out staff obligations and the required standards of ethical conduct. Staff have received training in the code and are also required to attend workplace ethics training as part of their induction. The code is based on the Department of Attorney General and Justice's code, but adapted for our organisation. It is published on the IPC website.

Flexible work agreement

The IPC operates under the DAGJ Flexible Working Hours Agreement 2006, complemented by the use of Department of Attorney-General and Justice (DAGJ) corporate human resources attendance and payroll management systems.

Health and safety

As an employer, we are required to provide a safe work environment for our staff. We are subject to the provisions and responsibilities outlined in legislation such as the *Work Health and Safety Act 2011* as well as public sector occupational health and safety policies.

The management team has appointed first aid officers, established an injury register, organised emergency evacuation and first aid training for staff and included health and safety processes and procedures as part of the staff induction process. In 2012–2013, a Health and Safety workplace committee will be established.

Record keeping

We are committed to the protection and privacy of client information.

With guidance from State Records NSW, the IPC is working towards full compliance with the *State Records Act 1998*.

From 1 January 2012, all new files opened have been registered in an Electronic Document Record Management System (EDRMS) and the majority of files opened prior to 1 January 2012 have been archived.

At present, the Privacy branch tracks files in a legacy case management system. Work is in progress to rationalise internal systems across the agency for tracking files.

The integration of the EDRMS with the new agency case management system is due to commence in early 2013 and is scheduled for completion by the end of the financial year.

managing our organisation

Insurances

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

Insurance cover for property, liability and miscellaneous insurance is provided by the Treasury Managed Fund (TMF).

In 2011 – 2012, all existing insurance policies in the name of the Office of the Information Commissioner were re-established in the name of the Information and Privacy Commission.

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 the services of three consultants during 2011 – 2012. None of these exceeded the \$50,000 reporting threshold.

The three consultants were engaged for the provision of management services for a total cost of \$28,426.

International travel

Privacy Commissioner Dr Elizabeth Coombs was invited to visit Hong Kong from 12 and 17 June 2012 to attend the 37th Asia Pacific Privacy Authorities forum. The cost of the trip was \$3,846.

Litigation

The IPC carried out no litigation during the reporting period.

External legal advice sought

The IPC sought legal advice from the NSW Crown Solicitor's Office on two matters:

- Memorandum of Understanding with the Department of Attorney-General and Justice – cost \$323.90
- Delegation and employment of staff – cost \$1,207.80

The Memorandum of Understanding as core legal work was met by a fund administered by the Department of Attorney-General and Justice.

The IPC also sought legal advice sourced from the P&L IT Business Advice Pty Ltd, regarding the execution of an agreement with Beethoven Computer Services about our case management system capital works project. The cost of this advice was \$4,860 excluding GST.

Agreements with Community Relations Commission

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

Annual report production cost

The total cost for the production of 10 copies of the 2011 – 2012 annual report was \$32.55 including GST. A bookmarked PDF of the report, including the text, appendices and the 2011 – 2012 audited financial statements, will be available on the IPC website: www.ipc.nsw.gov.au.

Legislative changes

In March 2012, the *Government Information (Public Access) Amendment Act 2012* (NSW) was passed by NSW Parliament. The Act took effect on 19 March 2012, and made a series of minor amendments to the GIPA Act.

The *Judicial Officers Amendment Act 1912* (NSW) also amended Schedule 1 to the GIPA.

A consequential amendment to section 36 of the GIPA Act was made by the *Public Sector Employment and Management Amendment (Procurement of Goods and Services) Act 2012* (NSW) concerning disputes about the contract disclosure provisions of the GIPA Act.

The *Government Information (Public Access) Amendment Act 2012* (NSW) also made consequential amendments to other legislation, including the *Privacy and Personal Information Protection Act 1998* (NSW).

managing our performance

Miscellaneous amendments

The *Public Interest Disclosures Amendment Act 2011* (NSW) amended the GIPA, PPIP and HRIP Acts to change references to 'protected disclosure' to 'public interest disclosure'. The *Statute Law (Miscellaneous Provisions) Act (No 2) 2011* (NSW) and the *Statute Law (Miscellaneous Provisions) Act 2012* (NSW) also made minor amendments to the HRIP Act to update certain references and terminology.

Corporate services

The IPC has an arrangement with the Department of Attorney-General and Justice (DAGJ) for the provision of transactional services for finance, human resources, information technology, asset management and communications. This arrangement is reviewed annually with the next review being undertaken in conjunction with DAGJ's shared corporate services project. The IPC will be actively working with DAGJ to identify ways to improve delivery of corporate services.

The business services team maintains the agency's business systems and services. In late 2011, a new position of Business Services Co-ordinator was created to provide a range of business support activities and to coordinate the delivery of front and back office business services.

Recruitment and selection

The IPC's recruitment and selection policy ensures a consistent, open, fair and equitable approach to recruitment and selection.

The merit selection process is used to select the person whose abilities, qualifications, standard of work performance and personal qualities best match those required to do the job.

The majority of position descriptions have been updated to comply with the NSW government capability framework. The remainder will be finalised early in the new financial year.

Professional development

Our staff are encouraged to keep up-to-date with developments in privacy and information access through continuous professional development. Staff completed 1,475 hours of professional development representing an average of 43 hours per staff member (based on staff establishment of 30).

This development includes training workshops, participation in People Development courses at

DAGJ, specialist external training, supporting post-graduate university studies, attendance at conferences and seminars, and completion of mandatory continuing legal education and relevant e-learning programs.

A comprehensive staff development calendar was implemented in 2012 detailing recommended and mandatory training on offer. Staff attended the following courses:

- Code of conduct workshop
- Dignity and respect workshop
- Telephone techniques
- Recruitment and selection
- Induction training for new staff
- Achievement planning
- Objective electronic documents and records management system
- IPC portal.

External presenters provided training on:

- Plain English writing
- Law library research and resources
- Using the IPC phone call centre system.

Information and communication technology

Throughout the reporting period, the IPC has been working on implementing three core business systems, which include a case management system (CMS), an electronic document and records management system (EDRMS) and a telephony system.

The rollout for the three new systems is expected to be completed by the end of 2012.

The IPC has an internal ICT Steering Committee which oversees the development of the systems and ensures they meet the operational objectives of the IPC strategic plan. The progress of each of the projects is closely monitored through regular internal reporting, monthly meetings with service providers and feedback from staff and stakeholders.

Case management

The IPC held a request for tender to procure a commercial off-the-shelf case management system. The Department of Finance and Services was engaged to prepare the tender on our behalf, and

managing our performance

State and Federal contract suppliers were invited to respond. The tender process did not result in a suitable product being selected. At the end of the tender process NSW Procurement assisted IPC to directly approach a suitable software vendor. A contract was signed with software company Resolve to customise and implement their off-the-shelf case management system.

Records management

The Objective EDRMS was delivered by DAGJ in July of 2011. From January 2012, the IPC began registering and tracking all physical paper files in the system. It has also developed and implemented a business classification scheme based on the State Records' Keywords AAA Thesaurus.

Telephone system

The telephony call centre system was delivered by DAGJ in February 2011 to manage the OIC enquiry line. A supplementary project is currently underway to deliver reporting and administrator functionality, staff training and additional queues to manage the IPC and Privacy enquiry lines with the view of moving to a single enquiry number for the IPC.

Risk management

The Audit and Risk Committee, with its focus on an internal audit program and risk framework for the 2011–2012 year, strengthened the IPC's governance program and provided assurance to the Information Commissioner that our financial and risk management processes comply with legislative requirements.

An Enterprise Risk Management Framework was developed in compliance with NSW Treasury policy TTP09-05. A Risk Register has been developed and is a standing item at each meeting of the Audit and Risk committee. Key strategic and operational business risks have been identified and a preliminary assessment made of each to determine residual risks.

Work of the IPC Audit and Risk Committee for 2011-12

The IPC Audit and Risk Committee (ARC) was established just prior to the start of the 2011-12

financial year, with its first meeting being held on 15 June 2011. At that meeting the key framework documents for supporting the IPC's compliance with core requirements of the Treasury policy were reviewed and agreed to by the Committee. These documents serve as the foundation for the ARC's operations in 2011-12 and beyond.

Four meetings were held in the reporting period, on 17 August 2011, 16 November 2011, 7 March 2012 and 24 May 2012.

Standing items addressed at each meeting were:

- the risk register
- the checklist against which to assess compliance with the core requirements of the Internal Audit and Risk Management Policy for the NSW Public Sector, as required by the NSW Treasury
- progress against the ARC calendar.

A draft three-year internal audit plan was developed by the IPC in consultation with its internal auditors, O'Connor Marsden (OCM). That plan was endorsed in August 2011 and kept under review and subsequently modified as the year progressed and business priorities changed. A revised plan was developed and endorsed in May 2012.

The Committee provided advice to the Information Commissioner on how to ensure that requirements for a Chief Audit Executive were captured in the position description for the new role of Executive Director for the IPC.

Progress against internal audit findings and recommendations

The first planned internal audit activity for 2011-12 was a legislative compliance review. OCM commenced work on a legislative compliance register for the IPC in October 2011. The ARC reviewed and provided feedback on the draft compliance register and supporting documentation at its March and May meetings, recognising the value of this register to the IPC. The register has now become a standing item for all ARC meetings.

The second activity undertaken by OCM was a review of the processes and controls supporting the monthly and annual financial information provided to NSW Treasury.



Internal Audit and Risk Management Attestation for the 2011-12 Financial Year for the Information and Privacy Commission NSW

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

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

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

- Carolyn Walsh, Independent Chair (term three years to 15 June 2014);
- Garry Dinnie, Independent Member (term three years to 15 June 2014); and
- Lyn Baker, Independent Member (term three years to 15 June 2014).

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

Deirdre O'Donnell
Information Commissioner

Dated: 22 October 2012

our organisational performance

Business Planning

In March 2012, the IPC embarked on a whole of IPC business planning exercise to guide our future operations. The new plan reinforces the service imperative of the IPC for both government agencies and the public. The plan identifies seven priority areas that the office will focus on. These areas are:

- IPC entity – focuses on the merger of the OIC and OPC
- Relationships and stakeholder engagement

- Legislation and policy
- Systems
- Our people
- Our clients
- Corporate governance

The planning exercise was led by the two commissioners and harnessed the skills and abilities of every member of the IPC team.

Performance against milestones in the plan are measured each month.

Information Commissioner's overview

In a year of significant change for the New South Wales public sector, the objects of the GIPA Act, particularly the proactive release of government information, have been reinforced under the State Plan, *NSW 2021*. As an office, our greatest challenge during the year has been to better respond to requests for review, and to find ways to reduce our backlog.

Championing open government

The GIPA Act has now been in place in New South Wales for two years. Its foundations appear well understood by agencies, and members of the public are exercising their enforceable right to access government information.

While we still need to determine a clear baseline against which to assess overall public sector performance under GIPA, a picture is provided by our internal data and agency data. That picture shows greater requests for Information Commissioner reviews than were predicted when the office was being set up and the function transferred from the NSW Ombudsman. It also shows a high level of awareness of the legislation and its impact on agency information management practices as well as the vital importance of a culture in agencies of openness and service to the public.

Across the country, other Information Commissioners are experiencing strong demand and dealing with the challenge of responding in a timely way to the public. One of the great benefits of the national organisation, the Association of Information Access Commissioners, is that it provides the ability for all Commissioners to share advice on how to deal with these common experiences while promoting common objectives.

The open government objectives of the GIPA Act are in harmony with the aims of the Commonwealth freedom of information legislation and the right to information regime in Queensland. Most other States and territories have similar regimes. Impacting all these regimes is the ever accelerating pace of technological development, which presents enormous opportunities as well as risks to achieving the aims of open government.

However 'open government' is a term that applies more broadly than the GIPA Act, and it is important to understand the various dimensions of this concept

and where my office can play a role. That is why the sub-themes of the IPC's August 2012 conference on 'Creating open government' were access, accountability and engagement. Each of these

dimensions forms part of the 'open government' picture. GIPA focuses primarily on access mechanisms, but accountability and engagement are also strongly linked concepts.

Developments in NSW

Under *NSW 2021*, the State Plan introduced by the Government in September 2011, one of the Plan's 32 goals deals explicitly with open government. Goal 31 aims to "improve Government transparency by increasing access to Government information". The Premier has taken accountability for this goal. The target under this goal is "full compliance with the mandatory proactive release requirements under the GIPA Act", and the Information Commissioner is to monitor compliance and report to the government on agency achievements against this target.

Further support for the aim of increasing access to government information is provided by the NSW Government ICT Strategy 2012, which was launched in May 2012. As part of this strategy, the Premier has set a requirement for Ministers to ensure each of their agencies has an Open Government Plan as part of their business development by December 2012.

The Open Government Plans will:

- § Identify priority datasets for publication at data.nsw.gov.au
- § Increase open access information available at publications.nsw.gov.au
- § Facilitate public participation in the policy development process
- § Make greater use of social media to communicate with staff, customers and industry
- § Increase online access to government services
- § Collaborate with community, industry and research partners to co-design service solutions

I welcome these initiatives. They should serve to reinforce the benefits of GIPA to the people of NSW. As the independent watchdog, I will monitor not just agency performance against these objectives but also feedback from the public to my office about how well these initiatives are achieving their desired outcomes.

Agency challenges under GIPA

For the first year of operations under the GIPA Act we identified a number of trends in the complaints we received about agencies and in our reviews of agency decisions. A high proportion of those agencies seemed to have poor information management systems, processes or policies in place. These system inadequacies contributed to poor decision-making in response to access applications.

The second year of GIPA reinforced this theme. Effective records management is vital in ensuring that agencies can respond in a timely and effective way to requests made as formal GIPA applications. Even more critical than this, however, is the fundamental importance of good information management practices to ensure that what can and should be released proactively is in fact released, and what needs to be managed in order to respect individuals' privacy is well managed so that individuals' privacy rights are properly protected.

One of my key messages to agency heads, reinforced by the Privacy Commissioner in her role as champion of her legislation, is to emphasise the fundamental importance of good information management. Whether approached as a compliance risk, as a commitment to better services for citizens, or as means of delivering more cost effective business processes, the benefits to the public sector and the community in managing government information well are significant.

Directions for 2012-13

In the year ahead, I look forward to being able to provide better data to the Parliament and to agencies on their performance measured against the GIPA Act. Now that the new administrative arrangements across the public sector have been bedded down, it is important to focus on the optimal reporting regime that will allow the Parliament and the people of New South Wales to assess the benefits of the GIPA legislation. As a core outcome of GIPA, we should

expect to see simpler and more streamlined access to government-held information. Formal applications are expected to reduce over time as agencies improve the way they communicate with the public about their operations and performance. What success looks like needs to be broader than checklist compliance with a set of requirements under the legislation; it needs to reflect an improved experience of responsive service that can then lead to greater public confidence in the processes of government. It will be seen in better communication with the public, informed by and in response to public feedback.

As part of my champion role, my office will focus on improving advice and guidance via our website and e-learning tools about the GIPA Act. As part of my mandate to receive complaints and requests for reviews under the Act, we will continue to focus on improving our timeliness and responsiveness in line with our service targets.



Deirdre O'Donnell

**Information Commissioner
Information and Privacy Commission**

Privacy Commissioner's overview

My first six months as Privacy Commissioner have focused primarily upon raising the profile of privacy amongst NSW public sector agencies. This focus has included not only NSW Government agencies but NSW councils and universities.

The emphasis has been upon the real value for organisations and their stakeholders and clients of responsive management of personal information. Too frequently, protection of privacy is regarded as an afterthought rather than included as a component of corporate governance.

The growing awareness and strength of criticism from the community for breaches of privacy mean agencies need to take the protection of personal information seriously by including their obligations under privacy legislation in their corporate risk assessments and design of business practices.

Privacy and Open Government

As agencies build their open government and interactive media service delivery, it is timely to strengthen their understanding of their privacy obligations and protection of personal information.

Good information management practice includes privacy. How agencies handle personal information impacts on the way users perceive their organisation and their services. By designing systems and processes to protect personal data from the outset, NSW public sector agencies can avert incidents which may be both expensive and potentially damaging to their reputation.

Privacy Awareness Week

The focus of Privacy Awareness Week this year was on children and young adults and their online privacy.

Today's technologies are changing the way young people are interacting with others and this exposes them to risks such as identity theft. Teenagers in particular tend to have a relaxed attitude when it comes to sharing their personal information online but the risks are very real. We used Privacy Awareness Week this year to assist them protect their personal information while enjoying social media.

The message was 'your personal information is a valuable asset in the information economy and you need to protect it'. The Information and Privacy Commission developed a range of resources that can be used by young people, their parents and teachers to help educate and promote safe online behaviour. These can be accessed on our website.

International focus on privacy

The international focus is on business and government planning for privacy upfront, that is, 'privacy by design'.

I had the opportunity to attend the Asia Pacific Privacy Association forum during June 2012, and meet Privacy Commissioners across the region. At the forum we considered actions to be put in place at the international level.

Privacy issues increasingly need a cross jurisdictional approach both within Australia and overseas. The meetings of Privacy Commissioners across Australia have been valuable in understanding what other jurisdictions have achieved and how they have done this. I am strongly committed to the protection of the privacy of NSW citizens within the Australian and global context. This spans areas from social media to research and management of public health.

Complaints and investigations

The past year has seen a steady level of activity for the IPC in investigating and responding to complaints. In addition, we have seen significant growth in enquiries seeking information and assistance from our staff. The Parliament articulated a clear need to increase resources available to (the former) NSW Privacy. In the year ahead the IPC will continue to consolidate into a single point of contact for stakeholders and I welcome this.

Directions for 2012-13

In the next year, there are two areas of particular importance to NSW public sector agencies. First, the important area of developing options for future arrangements for Public Interest Directions under the PPIP Act. The second area is data linkage and data sharing, which is increasingly part of agency service delivery options and which if designed with privacy objectives from the outset, will maximise benefits to the community.

Finally I wish to thank John McAteer for his commitment and achievements while Acting Privacy Commissioner for the period to November 2011, and the staff of the IPC for their work throughout the year

Dr Elizabeth Coombs

Privacy Commissioner
Office of the Privacy Commissioner

our performance: the key result areas

promote assist review feedback

promote

Promote and educate the community and agencies about people's rights to privacy and information access under the legislation

Performance measures

- the publication of a communication and stakeholder engagement strategy and plan with regular reports of achievements against it
- agencies readily contact the IPC to discuss issues and concerns, and work together to find solutions
- relationships and regular contact are established with various communities, particularly with vulnerable groups within those communities
- stakeholder feedback tells us that information materials are helpful and appropriate, and staff are approachable and helpful.

Overview

During the year we concentrated our promotional activities on clarifying the overlap between information access and privacy rights.

We organised formal training sessions and seminars on the topic, attended speaking engagements, developed fact sheets and other resources and provided information about the topic in our online newsletter and via email alerts.

Contacting our office

Overwhelmingly, most people contact us by phone (6,380 calls taken), followed by emails (694 emails received) and then via our online form. People do, in addition, visit us in person at our office.

Contacts with IPC 2011 - 2012	
OIC (Information)	
Calls taken	3947
Emails received	434
Online form	83
In person	23
Letter	19
Fax	5
Total	4511
OPC (Privacy)	
Calls taken	2433
Emails received	260
In person	19
Total	2712
IPCTOTAL	
Calls taken	6380
Emails received	694
In person	42
Letter/ fax/online form	107
Total contacts	7223

Website

The IPC operates three websites: an IPC site, an OIC site and a Privacy site. Our three websites received 275,702 page views during the year and are a key channel for the IPC to communicate and promote our services.

As part of the integration of Privacy and the OIC into one IPC, we plan to consolidate the three sites into a single IPC website by the end of 2012. The following table shows the number of visits, unique visits and page views for each of the websites for the financial year 2011-2012.

Website visits 2011 - 2012	
OIC (Information)	
Visits	29,948
Unique visits	14,502
Page views	134,558
Average visit duration	4:02 minutes
OPC (Privacy)	
Visits	30,251
Unique visits	19,815
Page views	107,027
Average visit duration	3:54 minutes
IPC	
Visits	8,512
Unique visits	5,319
Page views	34,117
Average visit duration	4:01 minutes

Publications

The IPC has a range of publications to communicate with our stakeholders and promote our services, including six issues of the OIC online newsletter from July 2011 to December 2011.

The newsletter was redesigned and renamed 'Information and Privacy News' to incorporate privacy updates. It was relaunched in March 2012 with three issues being published. The online newsletter is distributed by email to around 1600 subscribers.

Media

The IPC issued 10 media releases (three relating to IPC matters, five relating to privacy matters and two relating to information access matters) which have resulted in 28 stories in newspapers and magazines and a dozen radio and television interviews.

Law week

Law Week is a national annual event aimed at increasing public awareness about the law, the legal system and the legal profession as well as educating the community about the legal services available in New South Wales. The IPC participated in three expos this year for Law Week held at Martin Place, Parramatta and Blacktown.

At these events we spoke with 195 people to discuss their queries and issues concerning information access and privacy. Most of the people we spoke to raised concerns about the risk of identity theft, the increasing use of social media, how to

access personal information held by government agencies and the disclosure of personal information. We handed out 530 showbags and over 4500 promotional items.

Open Government Conference

This year we began work on hosting our first major conference, the 'Creating Open Government' conference, to be held on 20-22 August 2012. It will bring together key decision makers, senior executives, leading thinkers and public servants from across a range of government sectors to explore the conference themes of access, engagement and accountability, and what these mean for open government. One of the aims of the conference is to encourage discussion and debate around ways to improve transparency and promote confidence in government by increasing access to government information.

Senior public servants and academics who have agreed to speak at the conference include: Professor Geoff Gallop, Professor and Director, Sydney University Graduate School of Government; Dr David Goldberg, Senior Visiting Fellow, Institute of Computer and Communications Law in the Centre for Commercial Law Studies, Queen Mary, University of London; Bruce Barbour, NSW Ombudsman; Michael Coutts-Trotter, Director-General, NSW Department of Finance and Services; Dr Michele Bruniges, Director-General, Department of Education & Communities, NSW; Professor Mary O'Kane, NSW Chief Scientist and Engineer; Stephen Horne, Chief Executive, IAB; and Peter Duncan, Chief Executive, Roads and Maritime Services.

Privacy Awareness Week

Privacy Awareness Week (29 April – 5 May 2012) is an annual event and an initiative of the members of the Asia Pacific Privacy Authorities (APPA), which include the Australian states and territories.



Privacy Commissioner, Dr Elizabeth Coombs; Detective Superintendent, Col Dyson and the CEO NSW Trustee and Guardian Imelda Dodds.

This year the Office of the Privacy Commissioner organised a Privacy Awareness Week launch at the Governor Macquarie Tower in Sydney attended by some 70 heads of NSW Government agencies, child welfare agencies and other bodies.

The focus of our Privacy Awareness Week activities was on alerting children and young adults about the need to protect their privacy online. As part of the activities, the Office of the Privacy Commissioner produced a range of materials including a children's cyber safety guide, a brochure to safeguard against identity theft, a protecting your privacy poster for agencies and a privacy awareness postcard for teenagers distributed to high schools and via government agencies such as motor registries, Legal Aid offices and hospitals.

Detective Superintendent Col Dyson, Commander of the NSW Fraud and Cybercrime Squad, the CEO NSW Trustee and Guardian Imelda Dodds and the NSW Attorney General the Hon. Greg Smith were the keynote speakers at the launch which generated extensive media coverage on Channels 9 and 10 and in the press towards promoting the privacy awareness week activities which highlighted the issues of cyber safety and security.

The Privacy Commissioner conducted a number of state wide and regional media interviews in the press and on radio during the week.



Asia Pacific Privacy Authorities (APPA)

APPA is the principal forum for privacy authorities in the Asia-Pacific region. The forum aims to form partnerships and exchange ideas about privacy regulation, new technologies and the management of privacy enquiries and complaints. APPA convenes twice a year and discusses permanent agenda items, which include jurisdictional reports from each delegation, while an initiative-sharing round table is also held.

Members of the forum include Australia (the Commonwealth), Canada, British Columbia, Hong Kong, Korea, New Zealand, Mexico, the United

States, Macau, Japan, New South Wales, Victoria and the Northern Territory.

During the reporting period, APPA held two forums: its 36th Asia Pacific Privacy Authorities forum was held in Melbourne from, 1 – 2 December 2011 and its 37th Asia Pacific Privacy Authorities forum was held in Hong Kong from 14 – 15 June 2012.

Speaking engagements

During the year, the Commissioners and IPC staff spoke at 68 events. These included presentations, participation in seminars and conferences and panel discussions and formal training sessions.

Some of the stakeholders we spoke to during the year included:

- Anti-Discrimination Board
- Motor Accidents Authority
- Manly Local Council
- Illawarra Shoalhaven Local Health District
- South Eastern Sydney Local Health District
- Health Professional Councils Authority
- Administrative Decisions Tribunal
- Ministerial office staff
- Electorate office staff
- Staff of the Opposition leader's office
- Records Management NSW Local Government Chapter
- Public Interest Law Clearing House (PILCH).

The Commissioners and staff also spoke at the following conferences and seminars as featured speakers and panel participants:

Conferences

- IPAA Social Media Forum
- NSW Revenue Professionals
- Local Government Managers Association (LGMA)
- NSW Grants Expo
- LGMA NSW Governance in Local Government
- Open Government panel discussion at FutureGov Forum NSW
- GovCamp NSW 'Fire' innovation for public service forum
- Social Media on Trial at the TMF Risk Management conference
- Objective conference
- Smart Government Australia Conference.

Seminars and panels

- Records and Information Professionals NSW seminar – ‘Records Management – An Eye Opening View’
- Federation of Housing Associations professional development seminar
- LGMA NSW governance forum
- NSW Young Lawyers (The Law Society of NSW) continuing legal education seminar
- Risk Management Seminar and Workshop - Documentation and Evidence Support: Gathering the Facts
- Carer Support Program State wide Workshop “Creating a Carer Culture”
- e-Government roundtable, NSW Department of Trade and Investment, Regional Infrastructure and Services
- ‘Regulation by raised eyebrow’, panel discussion hosted by the Australian Human Rights Commission

Stakeholder and community engagement

The IPC continues to support and actively participate in the quarterly meetings of the Right to Information/Privacy Practitioners’ network. The IPC has also established a consultation forum with a small group of the practitioners to discuss issues and feedback on the development of our resources.

We also supported an initiative to establish a Northern Regional Practitioners’ network at which the Privacy Commissioner was a guest speaker.

The IPC’s community engagement activities over the past year focused on developing collaborative relationships with a diverse range of community groups, agencies, service providers and community advocates.

We have engaged with indigenous and culturally and linguistically diverse communities, people with disabilities, older people and other disadvantaged people. Education and consultation strategies have been developed for these groups to ensure the IPC’s services are promoted.

Aboriginal and Torres Strait Islander events attended included:

- Aboriginal Information and Assistance Days at Penrith, Katoomba, Wollongong, Bowral and Dubbo
- NAIDOC events at Riverstone, Nowra & Wollongong
- Koori Knockout, Bathurst
- Aboriginal Community Justice Group (Dubbo)
- Yarn up – Aboriginal Workers Network
- Illawarra Aboriginal Community Working Group
- Condell Park Aboriginal Elders
- Aboriginal State Forum
- ADHC Aboriginal/Disability Consultation.

Culturally and linguistically diverse communities events attended included:

- Sydney Chinese Services
- Auburn Multicultural Agency
- Macarthur Diversity Services
- Expo, Wyong
- The Shed, men’s outreach

Community agency events attended included:

- United Care
- Catholic Care
- St Mary’s interagency
- Federation of Housing Associations

Community events attended included:

- Kingsford legal information expo
- Law Week events in Martin Place, Parramatta and Blacktown.

To support our community education and stakeholder engagement strategies and provide our information in accessible formats the IPC has translated the brochure *A guide to protecting your privacy* into 12 of the top community languages for NSW.

our performance: the key result areas

promote assist review feedback

assist

Both the Information Commissioner and the Privacy Commissioner believe that by promoting the rights and obligations of their respective regimes to NSW government agencies, the IPC can help lay the foundation for genuine cultural change within the government sector. This will help usher in greater and simpler access to government information for the public and enhanced privacy protection for individuals.

Performance measures

- training is well-received and feedback tells us it was helpful and appropriate
- guidelines are published following appropriate and rigorous research
- resources are regularly reviewed and updated; feedback is sought on effectiveness and modifications are made to ensure resources are useful and accessible.

Assisting agencies – GIPA

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

The Information Commissioner has a responsibility to undertake reviews of agencies' decisions under legislation. In doing so, the Office can identify trends and systemic issues on which to focus its assistance in order to promote agency practice in line with community expectation.

We work to assist agencies improve their practices in the following ways:

- Preparing and delivering targeted advice and training on issues with which agencies are having particular difficulty. We have identified key overlap issues between information access and privacy which agencies find difficult, and have prepared two new Guidelines on interpreting the personal information provisions of the GIPA Act, and consulting with third parties

- obtaining feedback from agencies informally on aspects of the GIPA Act that are causing concern
- consulting practitioners and seeking their feedback at meetings such as the quarterly Privacy Practitioners' Forum, and the regular meetings of the Local Government Managers' Association
- providing guidance to agencies on a case-by-case basis in review reports, and publishing those reports online for the benefit of a wider audience
- visiting agencies to examine their processes and identify and help address problematic issues.

Assisting agencies – Privacy

The Office of the Privacy Commissioner provides privacy advice to members of the public and other organisations. During the year, the office responded to 2,712 telephone, email and face-to-face enquiries, a 60 per cent increase from the previous year.

The OPC does not provide legal advice, but gives general guidance on privacy-related matters and procedural advice. In many cases, enquiries are resolved by staff suggesting practical ways of approaching a dispute.

The OPC generally resolves most enquiries within one working day with the majority of matters finalised at the time of the call.

Enquiries received continue to focus on matters related to surveillance, criminal records and privacy concerns arising from the conduct of businesses.

Workplace surveillance covered under the *Workplace Surveillance Act 2005 (NSW)* and the *Surveillance Devices Act 2007 (NSW)* and general intrusive surveillance in public and private areas were a significant percentage of inquiries. While this surveillance legislation is privacy-related, the OPC does not administer it and cannot accept complaints about breaches of these Acts. We can only provide general information about surveillance to enquirers and refer them to the appropriate agency. Matters relating to both the use and disclosure of criminal records in both the public and private sector continue to be an area of community concern and the basis of assistance from the OPC.

In the last five years the number of privacy related inquiries dealt with by the OPC has increased on a consistent basis from 858 per annum in 2007–2008 to the current figure of 2,712.

The OPC was consulted on proposed legislation, such as the Personally Controlled Electronic Health Record (PCEHR) Bill, reviews of Acts, submissions regarding professional standards, discussion papers, guidelines and protocols. The OPC made a number of submissions to Commonwealth bodies and took an active role in the continuing national privacy law reform process. The submissions are available on the IPC website: www.ipc.nsw.gov.au.

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

In the 2011-12 year, the OPC responded to 109 requests for advice. The majority of requests (42%) for advice were from the NSW Government sector, with a significant number of requests from private individuals (27%) as the second major category.

This factor is understandable given the evolution of the digital economy and individuals' growing awareness of the impact on privacy of technological and other developments.

Written Advice by Source

Type	2010 – 11 Count	2011 – 12 Count
Private individual	94	29
State government	45	46
Other governments	9	11
Private organisation	0	12
Other	5	2
Local government	4	4
Advocate/lawyer	4	5
Parliamentary enquiry	3	0
Total	164	109

Assisting agencies – seminars

The IPC has developed a series of seminar topics to assist agencies. During the year, we delivered three seminars to right to information and privacy practitioners on applying the public interest test and the overlap between information access and privacy rights.

The seminars were attended by 120 practitioners. Survey evaluation found 85 per cent of participants were highly satisfied with the seminars and 80 per cent stated they were worth attending.

In conjunction with the seminars, the IPC also launched several new resources to support agency practitioners. These knowledge updates included:

- “Applying the public interest test”
- “The overlap between access and privacy rights”
- “Processing requests for personal information”
- “Guideline 4: personal information as a public interest consideration under GIPA”.

Training – GIPA

The IPC has developed and delivered a range of GIPA half-day day training events for specific audiences. The training sessions were customised to include agency-specific case studies and scenarios and were delivered to agencies including:

- Anti-Discrimination Board
- Manly Local Council
- IllawarraShoalhaven Local Health District
- South Eastern Sydney Local Health District
- Health Professional Councils Authority.

Surveys conducted after the training showed that 95 per cent of participants were highly satisfied with the training they received.

Interactive online training - Privacy

Twenty agencies registered for access to the PPIP Act online training program. They included:

- seven local councils
- 12 NSW government agencies
- one non-government agency.
- Feedback from participating agencies indicated:
 - half of the participants felt that the program met its stated objectives
 - all participants were highly satisfied with access to the package
 - all participants were satisfied with the materials in the online learning package.

E-learning resources – IPC

A key project underway at the IPC is to research and assess viable externally hosted e-learning platforms and products to support the education of agencies and the public in the GIPA Act, PPIP Act and HRIP Act.

We are investigating new approaches to deliver more flexible learning solutions that can be delivered easily to our broad range of stakeholders to help meet their specific training needs and expectations.

Assisting the community – IPC

To help raise awareness of right to information and privacy laws, the IPC identified a number of key projects for 2011–2012 in the area of community engagement.

IPC's regional outreach program resulted in several visits and consultations to regional communities in Central Western and Far Western NSW, and on the South Coast of NSW.

One project in development is a Disability Action Plan and Toolkit, which will be launched early in 2013 following consultation and negotiation with groups from the disability sector, to ensure our resources are appropriately targeted and accessible.

Consultation in Aboriginal communities

We have consulted with Aboriginal elders, Aboriginal workers and various Aboriginal community representatives, government stakeholders, non-government and community.

The IPC is an active member of the Good Services Mob, a collaboration of Aboriginal and non-Aboriginal staff from complaint-handling agencies, which helps Aboriginal communities to ensure they are aware of their rights as citizens and consumers, and the free services available to help them. The IPC was invited to join the Good Services Mob visits to the communities of Wilcannia and Bathurst.

The IPC also undertook a week of community outreach in partnership with Law Access to the communities of Bourke, Brewarrina, Lightning Ridge and Walgett in far western NSW. The outreach program allowed our Community Liaison Officer to meet members of the community and service providers, listen to their concerns and raise awareness of the GIPA Act and issues around Privacy and to consult on the development of an IPC Aboriginal Action Plan.

our performance: the key result areas

promote assist review feedback

review

It is the responsibility of the IPC to review agency decisions, investigate and conciliate complaints, and monitor agency performance.

Performance measures

- Systems function effectively, enhance the work of the office, and are understood by staff, agencies and the public
- the work of reviews, investigations and monitoring meets quality and timeliness standards
- communication of decisions and reports is easily understood by the target audiences.

Review reports

The Information Commissioner received 450 requests for assistance during the year, significantly more than anticipated. The unexpected volume resulted in delays in the processing of GIPA reviews and complaints.

The GIPA Casework and Compliance team opened 450 cases and closed 416. Of the cases opened, 280 were requests to review agency decisions, 79 were complaints, 86 were ADT matters and five were investigations.

Early in the year, the team received an average of 38 requests for assistance each month, and closed an average of 29 cases monthly. Management implemented several strategies to address the mounting backlog, including rostering staff to work overtime on weekends, recruiting short term contractors to assist with clearing the backlog of reviews and recruiting qualified staff to fill vacancies.

The IPC is currently in the process of acquiring a case management system and an electronic records management system, anticipated to significantly improve the ability to deal with the volume of reviews and complaints.

The Office uses a 'triage' process to deal with new requests for assistance. Initially, new cases are reviewed by the Senior Review and Investigation Officer for jurisdiction and to identify the issues and

level of complexity of the case. Where possible, straightforward cases are dealt with immediately by that officer. If a case is time-sensitive, it will be prioritised. However, most cases are dealt with in the order they are received.

Parties are regularly informed of the progress of their case. We also publish the number of open cases each month on the OIC website.

In the coming year, we will be applying more informal resolution techniques to cases we believe will benefit from this approach to assist both applicants and agencies work together to understand their rights and obligations under the GIPA Act

Challenges for agencies:

Our reviews have identified the following challenges for agencies:

Balancing privacy principles and access principles; tending to apply one principle over the other rather than balancing the interests.

Applying the public interest test under section 13 of the GIPA Act. Seventy per cent of decisions brought to the OIC for review were about an agency's decision to refuse access. A small number of agencies treated the considerations against disclosure as exemptions similar to those that used to apply under the previous FOI Act, rather than weighing the public interest considerations for and against disclosure.

Applying the public interest test to promote the objects of GIPA. A number of agencies refused access without considering ways in which to mitigate the strength of public interest considerations against disclosure. For example, where the information sought is included in a record that contains the personal information of a third party, and the agency determines that release of that personal information is a relevant consideration against disclosure, the agency has the option of redacting the personal information in order to accommodate access to the remainder of the information.

Consulting third parties, who may have been expected to have concerns about the release of the information requested (section 54 of the GIPA Act). The purpose of consultation is to ascertain whether the person has a relevant objection to release of information that concerns them, and their reasons for any objection. By failing to consult, agencies did not take sufficient measures to appropriately assess the public interest considerations.

Conducting reasonable searches for requested information, leading to an incorrect decision that the information was not held.

Charging for activities, in addition to those permitted under section 64(2) of the GIPA Act.

Addressing system issues

We have found that inadequacies with agency systems can stem from a lack of resources, ineffective processes for dealing with GIPA requests, or, in some cases, confusion about the requirements of the GIPA Act.

Some of the key system issues we have identified in reviewing agency decisions and investigating agency conduct include:

- inadequate systems and processes that enable the agency to follow the steps required under the GIPA Act in handling and processing access applications.
- some agencies have not updated their systems and procedures to accord with the GIPA Act, and are still applying the decision-making practices and procedures they used under the FOI Act.
- poor or outdated record-keeping systems which result in delays in locating requested information, putting pressure on staff who must locate information within the time-frame required under the GIPA Act, and the inability of agencies to supply accurate annual report statistics about release of information under the GIPA Act, as required under section 125 of the Act.

The OIC assessed agency decision-making trends in preparing its first report to Parliament under section 37 of the Government Information (Information Commissioner) Act 2009 (NSW). We looked at complaints received about agencies and reviews of agency decisions in the first year of operations under GIPA, and found that a high proportion of agencies had poor information management systems, processes and policies. The system inadequacies contributed to poor decision-making in respect of access applications and agency non-compliance with the GIPA Act.

In that period, of 154 reviews completed by the OIC, we made a recommendation regarding an agency's systems or processes in 16 per cent (25) of these,

due to delays in providing information, failure to appropriately locate information or failure to publish or release information. Additionally, 28 per cent of complaints received by the OIC over that time related to poor processes contributing to delays with processing, failure to locate information and failure to publish or release information.

Compliance monitoring – GIPA

During the reporting year, the OIC commenced a compliance monitoring program, which included reviewing:

- agency websites to monitor compliance with open access and proactive release of information.
- agency annual reports to ensure compliance with the reporting requirements under the GIPA Regulation
- agency information guides.

As part of this the OIC wrote to heads of departments, universities, state-owned corporations and Ministers to remind all agencies of their compliance and reporting responsibilities under the Act.

Review of agency websites

In September 2011, the IPC commenced a review of 266 agency websites to see if and how those agencies were publishing mandatory open access information required to be disclosed under section 18 of the GIPA Act. The websites reviewed were selected from: local councils; universities; state owned corporations; courts and tribunals; Ministers; principal agencies; and five agency websites from each of the nine principal departments.

We assessed agencies using four categories based on compliance with section 18 of the legislation and clause 5 of the GIPA Regulation requirements, as well as looking at how the information was presented and how accessible it was.

The categories were:

1. Exceptional - the agency website contained all of the required open access information, and was presented in a manner that was easy to access by members of the public and hyperlinked documents were accessible
2. Basic - the agency website contained all the required open access information but accessibility or presentation could be improved.
3. Did not fully comply - the agency website contained some but not all mandatory open access information, showing that the agency had made an effort.
4. Poor - little or no open access information could be located on the website.

Overall, 47 per cent of websites (125 agencies) complied with the open access requirements, with 53 per cent (142 agencies) non-compliant.

Of the 125 websites that complied with open access information requirements, 38 per cent of websites (48 agencies) demonstrated exceptional compliance, while 62 per cent of websites (77 agencies) complied with the basic legislative requirements.

Of the remaining 142 websites, 63 per cent of websites (89 agencies) contained some or most, but not all, of the required open access information. Of the rest 37 per cent of websites (53 agencies) had little or no open access information published on their websites.

The most common open access information that websites did not include were:

- the disclosure log
- the contracts register, or a link to the NSW Government's e-tenders website containing the central government contracts register; and
- a record of open access information the agency does not make publicly available because the information attracts an overriding public interest against disclosure.

The common accessibility issues identified were:

- open access information being spread throughout the website
- the use of a variety of terms to describe the open access information required under section 18 of GIPA. This could potentially inhibit locating open access information depending on the terms input into a site's search engine
- terminology used did not clearly correspond with the open access information required under section 18 of the GIPA Act. For example, policies located under 'plans' or 'publications', or documents tabled in Parliament under 'policy' 'procedure' or 'guideline'. Search engines would often be required to locate this open access information during the website review
- some websites listed agency policies but did not provide links to the document or information on how to access the hard copy documents
- some websites noted that their contract register could be accessed on the NSW Government e-tenders website but did not provide a link to the e-tenders website
- some principal departments published information about their subsidiary agencies on their websites. The website did not always specify the sub-agencies for the information.

Agency information guides

All agencies were required to have an information guide in place by 31 December 2010, and to notify the Information Commissioner prior to adopting the guide. As at 31 December 2010, we had received publication guides from 72 per cent of agencies (300 out of a possible 418).

The NSW State Election and subsequent reorganisation of principal departments impacted the publication guides of some agencies who had still not complied with 31 December 2010 deadline. As at 30 June 2011, we had received guides from 82 per cent of agencies (345 out of a possible 421).

To ensure that agencies publication guides are up-to-date and to assist agencies that had not met their obligations to publish guides, the Information Commissioner nominated 31 July as the annual date for the review of publication guides, so that all agencies could work to ensure compliance with this section of the Act.

Local councils

Some councils are having difficulties adapting their information and records systems and processes to allow them to meet their open access information obligations. This is especially relevant regarding the requirement to publish information about development applications (DAs) on their websites. DAs often contain personal information and for privacy reasons, agencies should redact some of this information prior to releasing or publishing the DA information.

Many local councils have invested in online DA tracking systems to comply with their open access obligations under the GIPA Act, which need to be changed to take into account privacy and copyright considerations. Some councils have decided to publish all DA information due to the cost and inconvenience of using redaction software. We have found that some councils are not publishing any DA information online due to the cost of uploading, updating and maintaining this information on their websites. We are working closely with local councils to assist with them with these issues.

Privacy

Privacy complaints

The Privacy Commissioner is responsible for assessing, investigating and conciliating complaints about privacy. Complaints under the PPIP Act deal primarily with alleged breaches of the Information Protection Principles (IPPs) by New South Wales government agencies. Complaints under the HRIP Act deal primarily with alleged breaches of the health privacy principles (HPP) by New South Wales government agencies or the private sector. Most private sector complaints relate to access requests of medical practitioners.

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

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

In the reporting period, the Privacy Commissioner dealt with 102 complaints, which is an increase on the 94 complaints dealt with the previous year and an increase on the 65 complaints dealt with two years ago.

The majority of complaints dealt with the conduct of members of the public or private organisations.

The NSW sector represents 48% of complaints dealt with by the OPC in the reporting period. As outlined elsewhere in the report, complaints concerning the NSW sector are usually dealt with by way of internal review rather than by investigation by the OPC.

The following table provides the figures for type of complaint finalised by the OPC during the reporting period.

Subjects of complaint	2010 – 11	2011 – 12
State government	34	41
Private organisation	33	35
Private individual	18	16
Local government	9	9
Other government	0	1
Total	94	102

Internal reviews – NSW agencies

If an individual complains about a breach of a privacy principle, the OPC will, in most cases, recommend that the individual lodge an internal review application with the relevant public sector agency, rather than seek investigation by the Privacy Commissioner. This approach provides the complainant with the option of taking their complaint to the ADT if they are unhappy with the outcome of the internal review.

The following table outlines the internal reviews handled by the OPC.

2011-12 Internal Reviews by Privacy Principles

Information Privacy Principle	Count
Access	22
Accuracy	22
All IPPs	5
Collection	17
Disclosure	124
Other	5
Physical Privacy	3
Retention storage	16
Use	47
Total	181*

*some internal reviews contain more than one privacy principle

In 2011-2012 the Office of the OPC dealt with 181 internal reviews. This is an increase of almost 10 per cent from 2010-2011. Of those dealt with, the majority concerned 'disclosure' which accounted for 67 per cent of the internal reviews conducted. This was followed by 'use' which accounted for 26 per cent of the internal reviews conducted.

2011-12 Internal Reviews by information type

Internal privacy reviews 2011 - 12	Count
All records/ practices	13
Biometric / physical information	1
Court Tribunal	1
Credit/ Banking/ Financial/ Tax records	3
Criminal Histories/ driving	11
Customer / membership records	1
Data security / storage/ archiving	2
Employment records	19
Family/ community history	5
Identity/ age records/ identify theft	4
Investigation/ law enforcement	6
Land title/ local council records	2
Medical/ Health records	49
Non	1
Other	24
Personal contact details	39
Search / seizure	1
Student records	7
Surveillance/ monitoring/ physical	4
Surveys	1
Tenancy information	2
Unknown	6

Administrative Decisions Tribunal

If an individual is not satisfied with the outcome of an internal review or if their application is not dealt with by the relevant public sector agency within 60 days from the agency's receipt of their application, they may apply to the Administrative Decisions Tribunal (ADT) for a review of the conduct giving rise to the internal review application.

In the ADT proceedings, the Privacy Commissioner has the role of "amicus curiae" (friend to the tribunal) and representatives of the Office of the Privacy Commissioner NSW can attend the ADT to assist with interpretation of privacy law, however officers cannot assist the parties to the litigation.

The OPC continued the practice of appearing in each new PPIP Act and HRIP Act appeal matter in the initial stages to assess whether the matter would address privacy issues of a broad public interest or importance. In some matters Judicial Members requested the Privacy Commissioner's additional or continued attendance and involvement, and often sought submissions in a matter to assist the tribunal in its task.

During the reporting period the Privacy Commissioner and staff attended listings of matters before the tribunal and made oral and written submissions on 151 occasions in some 56 matters. The details of the Privacy cases are available on the ADT website under the General Division and Appeal Panel indexes.

In addition to the published decisions on the ADT website the Privacy website provides case summaries or case notes of the ADT decisions made under both the PPIP Act and the HRIP Act.

The following table summarises the types of personal information considered by the ADT in its reviews in 2011-12.

Tribunal and nature of information	Count
Criminal history/driving	4
Employment records	12
Land title	2
Medical/health records	21
Other	24
Personal contact details	5
Total	56*

*Some ADT cases contain more than one type of personal information.

The OPC contributed to 56 external review appeals. This is an increase of 27 percent from the 2010-2011 year. The majority of the appeals concerned medical/health records and employment records with both of these accounting for 70 percent of the appeals. 'Other' covers cases of only a single incidence and this includes cases involving issues such as family or community history records, investigation or law enforcement practices, student records and surveillance monitoring or physical privacy.

our performance: key result areas

promote assist review **feedback**

feedback

The Commissioners as champions of their respective legislation must provide feedback about the legislation and developments in the law and technology relevant to the legislation to the Parliament and the community.

To improve our own operations, the information we collect from our stakeholders is evaluated and analysed to improve work processes and procedures so that we can better assist the public and agencies.

Performance measures

- we hear often and easily from the public and agencies about their experiences
- we provide rigorous, evidence-based reports to parliament on the effectiveness of the legislation
- we participate in cross-jurisdictional forums concerning information and privacy issues, and contribute to the public debate in these areas.

Agency feedback – Privacy

The Privacy Commissioner oversees privacy internal reviews by agencies and is involved in external appeals to the Administrative Decisions Tribunal. Agency feedback is measured by the extent that the Privacy Commissioner's recommendations on internal reviews are adopted by the relevant agency. In the reporting period the majority of the Privacy Commissioner's recommendations were adopted by agencies, with copies of submissions being provided by the agencies to complainants. This indicates a level of positive feedback of the Commissioner's role.

The ADT has regularly adopted the Privacy Commissioner's position and submissions on the relevant privacy principle when a matter has gone to hearing. This indicates significant positive feedback of the Commissioner's statutory contribution.

Agency feedback – GIPA

The two main criticisms the Information Commissioner received during the reporting period were that external reviews take too long and that our recommendations are not enforceable.

While positive feedback was received on almost half of our cases, due to the backlog during the year, 15% of applicants were unhappy with the delays they experienced. We have implemented process and staff changes in response to that feedback.

The fact that our recommendations are not enforceable is a feature of the right to information model adopted by New South Wales. It differs from its Queensland and Commonwealth counterparts in this respect. A right of review by the ADT exists, but the Information Commissioner can only make recommendations to agencies. This is an issue that will doubtless be considered when the GIIC Act is reviewed in accordance with Section 48 of that Act.

Collecting feedback

Both the Information Commissioner and the Privacy Commissioner can make recommendations to the Minister responsible for their Acts about proposals to improve the effectiveness of the information access legislation and the state's privacy legislation. The Commissioners' feedback to the Department of Attorney General and Justice is used to make amendments to the respective legislation to improve its operation.

The IPC has developed a number of mechanisms to collect feedback from our stakeholders, including a 1800 number, generic email address, the use of online and paper surveys, seminar questionnaires, online feedback forms on our website, face-to-face anecdotes collected at community forums, information and training sessions and user group networks.

For the seven half day training workshops delivered by the IPC on the GIPA Act, we received a 95% overall high satisfaction score from participants.

financial performance

In this section:

Letter of Attestation

Independent Auditor's Report

Statement by the Information Commissioner

Statement of Comprehensive Income

Statement of Financial Position

Statement of Cash Flows

Statement of Changes in Equity

Summary of Compliance with Financial Directives

Summary of significant accounting policies

Notes to and forming part of the financial report



INDEPENDENT AUDITOR'S REPORT

Information and Privacy Commission

To Members of the New South Wales Parliament

I have audited the accompanying financial statements of the Information and Privacy Commission (the Commission), which comprise the statement of financial position as at 30 June 2012, the statement of comprehensive income, statement of changes in equity, statement of cash flows and a summary of compliance with financial directives for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

Opinion

In my opinion, the financial statements:

- give a true and fair view of the financial position of the Commission as at 30 June 2012, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 45E of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2010

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

Commissioner's Responsibility for the Financial Statements

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

Auditor's Responsibility

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

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

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

My opinion does *not* provide assurance:

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

Independence

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

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



Jack Kheir
Director, Financial Audit Services

28 September 2012
SYDNEY



INFORMATION AND PRIVACY COMMISSION

FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2012

INFORMATION AND PRIVACY COMMISSION

FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

STATEMENT BY INFORMATION COMMISSIONER

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

- 1 The accompanying financial statements exhibit a true and fair view of the financial position of the Information and Privacy Commission as at 30 June 2012 and transactions for the year then ended.
- 2 The financial statements have been prepared in accordance with the provisions of the *Public Finance and Audit Act, 1983*, the *Public Finance and Audit (General) Regulation 2010* and the Treasurer's Directions.

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



Deirdre O'Donnell
Information Commissioner
Information and Privacy Commission
27 September 2012

INFORMATION AND PRIVACY COMMISSION

STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2012

	Notes	Actual 12 months ended 30 June 2012 \$	Budget 12 months ended 30 June 2012 \$	Actual 6 months ended 30 June 2011 \$
Expenses				
Operating expenses				
Employee related expenses	2(a)	3,345,078	3,930,000	1,370,550
Other operating expenses	2(b)	1,894,482	1,428,000	1,147,333
Depreciation and amortisation	2(c)	120,265	66,000	73,734
Total expenses excluding losses		5,359,825	5,424,000	2,591,617
Revenue				
Recurrent appropriation	3(a)	-	-	3,296,889
Capital appropriation	3(a)	-	-	270,000
Government grant - recurrent	3(b)	5,274,200	5,272,000	-
Government grant - capital	3(b)	248,300	366,000	-
Investment revenue	3(c)	44,552	-	74,260
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	143,521	42,000	83,253
Other revenue	3(e)	236	-	50,000
Total revenue		5,710,809	5,680,000	3,773,402
Other Gains/(losses)	1 (k)(i)	(517,766)	-	-
Net result		(166,782)	256,000	1,181,785
Other comprehensive income		-	-	-
TOTAL COMPREHENSIVE INCOME		(166,782)	256,000	1,181,785

The accompanying notes form part of these financial statements.

INFORMATION AND PRIVACY COMMISSION

STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2012

	Notes	Actual 2012 \$	Budget 2012 \$	Actual 2011 \$
ASSETS				
Current Assets				
Cash and cash equivalents	4	918,943	496,000	417,959
Receivables	5	107,476	211,000	762,476
Total Current Assets		1,026,419	707,000	1,180,435
Non-Current Assets				
Plant and equipment	6	217,139	230,000	255,978
Intangible assets	7	797,675	976,000	649,638
Total Non-Current Assets		1,014,814	1,206,000	905,616
Total Assets		2,041,233	1,913,000	2,086,050
LIABILITIES				
Current Liabilities				
Payables	8	831,934	373,000	388,862
Provisions	9	381,238	187,000	273,673
Other	10	-	-	428,674
Total Current Liabilities		1,213,172	560,000	1,091,210
Non-Current Liabilities				
Provisions		-	-	-
Total Non-Current Liabilities		-	-	-
Total Liabilities		1,213,172	560,000	1,091,210
Net Assets		828,061	1,353,000	994,843
EQUITY				
Accumulated funds		828,061	1,353,000	994,843
Total Equity		828,061	1,353,000	994,843

The accompanying notes form part of these financial statements.

INFORMATION AND PRIVACY COMMISSION

STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2012

	Notes	Actual 12 months ended 30 June 2012 \$	Budget 12 months ended 30 June 2012 \$	Actual 6 months ended 30 June 2011 \$
CASH FLOW FROM OPERATING ACTIVITIES				
Payments				
Employee related expenses		(3,064,872)	(3,688,000)	(1,873,355)
Other expenses		(1,354,050)	(1,428,000)	(1,004,081)
Repayment of Government funding		(428,674)	-	-
Total Payments		(4,847,696)	(5,316,000)	(2,877,445)
Receipts				
Recurrent Appropriation		5,274,200	5,394,000	2,073,369
Capital appropriation		248,300	366,000	(283,806)
Investment Income		55,645	-	38,230
Total Receipts		5,578,145	5,760,000	1,827,793
NET CASH FLOWS FROM OPERATING ACTIVITIES	11	730,449	444,000	(1,049,653)
CASH FLOWS FROM INVESTING ACTIVITIES				
Purchases of Plant, Equipment & Intangibles	5, 7	(229,465)	(366,000)	(134,925)
NET CASH FROM INVESTING ACTIVITIES		(229,465)	(366,000)	(134,925)
CASH FLOWS FROM FINANCING ACTIVITIES				
NET CASH FLOWS FROM FINANCING ACTIVITIES		-	-	-
NET INCREASE/(DECREASE) IN CASH		500,984	78,000	(1,184,578)
Opening Cash and Cash equivalents		417,959	418,000	1,602,537
CLOSING CASH AND CASH EQUIVALENTS	4	918,943	496,000	417,959

The accompanying notes form part of these financial statements.

INFORMATION AND PRIVACY COMMISSION

STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 JUNE 2012

	Accumulated Funds
	\$
Balance at 1 January 2011	-
Net result for the period	1,181,785
Other comprehensive income	-
Total comprehensive income for the period	<u>1,181,785</u>
Transaction with owners in their capacity as owners	
Equity transfer - Privacy NSW	(63,774)
Equity transfer - OIC	<u>(123,168)</u>
Balance at 30 June 2011	<u>994,843</u>
Balance at 1 July 2011	994,843
Net result for the year	(166,782)
Other comprehensive income	-
Total comprehensive income for the year	<u>(166,782)</u>
Transaction with owners in their capacity as owners	-
Balance at 30 June 2012	<u>828,061</u>

INFORMATION AND PRIVACY COMMISSION

SUMMARY OF COMPLIANCE WITH FINANCIAL DIRECTIVES
FOR THE YEAR ENDED 30 JUNE 2012

	2012		2011	
	Recurrent Appropriation \$	Expenditure/ Net Claim on Consol. Fund \$	Recurrent Appropriation \$	Expenditure/ Net Claim on Consol. Fund \$
ORIGINAL BUDGET				
APPROPRIATION/EXPENDITURE				
* Appropriation Act - OIC (Jul 2010 - Dec 2010)	-	-	1,951,000	-
* Appropriation Act - IPC (Jan 2011 - Jun 2011)	-	-	1,949,000	1,951,000
* Appropriation Act - IPC (Jul 2011 - Jun 2012)	-	-	-	1,533,889
* Additional Appropriations	-	-	-	-
* S21A PF & AA - special appropriation	-	-	-	-
* S24 PF & AA - transfers of functions between departments	-	-	-	-
* S26 PF & AA - Commonwealth Specific Purpose Payments	-	-	-	-
* S45 Appropriations Act - IPC (Jan 2011 - Jun 2011)	-	-	1,250,000	1,250,000
* S45 Appropriations Act - IPC (Jan 2011 - Jun 2011)	-	-	512,000	512,000
* S45 Appropriations Act - IPC (Jul 2011 - Jun 2012)	-	-	-	-
Total	-	-	5,662,000	5,246,889
OTHER APPROPRIATIONS/EXPENDITURE				
* Treasurer's Advance	-	-	-	-
* Section 22 - expenditure for certain works and services	-	-	-	-
* Transfers to/ from another Agency (section 28 of the Appropriation Act)	-	-	-	-
Total	-	-	5,662,000	500,000
Total Appropriation/Expenditure/Net Claim on Consolidated Fund				
(incl. transfer payments)	-	-	5,662,000	5,246,889
Amount drawn down against Appropriation				
Liability to Consolidated Fund	-	-	(415,111)	283,563
				(13,563)

The Summary of Compliance is based on the assumption that Consolidated Fund moneys are spent first (except where otherwise identified or prescribed).

In 2011-2012 funding arrangements changed for the Information and Privacy Commission. The Commission no longer receives Appropriations. Funding is received by way of grants from the cluster lead agency, the Department of Attorney-General and Justice. As a result, there is no requirement to produce a Summary of Compliance. The Summary is included this year only for 2011 comparative purposes.

**INFORMATION AND PRIVACY COMMISSION
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1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting entity

The Information Commissioner is appointed under section 4 of the *Government Information (Information Commissioner) Act 2009* (GIIC Act). Section 12 of the GIIC Act provides that staff of the Commission are employed under chapter 1A of the *Public Sector Employment and Management Act 2002*.

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

- 1) promoting public awareness and understanding of the GIPA Act and to promote the object of this Act
- 2) assisting agencies with their functions under the GIPA Act.

On 1 January 2011, Privacy NSW was transferred under Machinery of Government Changes to the Information and Privacy Commission from the Attorney General's Division, Department of Attorney General and Justice. The role of the Privacy Commissioner is set out in Part 4 Division 2 Section 36 of the *Privacy and Personal Information Protection Act 1998* No 133. In essence, the Privacy Commissioner is responsible for:

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

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

These financial statements for the year ended to 30 June 2012 have been authorised for issue by the Information Commissioner on 27 September 2012.

(b) Basis of preparation

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

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2012**

(b) *Basis of preparation (continued)*

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

Property, plant and equipment and NSW Treasury Corporation (TCorp) Hour Glass Investments Facilities are measured at fair value.

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

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

The financial results are for a full year of operations as the combined agencies. In this first full year combined financial statements, the comparative covers the six months of operations of the IPC from 1 January 2011 to 30 June 2011.

The funding for the Commission was made via a grant payment under the *Appropriations Act 2012, Section 7*.

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) *Property, plant and equipment*

(i) *Acquisition of assets*

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

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

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

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

(ii) *Capitalisation threshold*

Property, plant and equipment and intangible assets costing \$3,000 and above individually (or forming part of an IT network costing more than \$3,000) are capitalised. This threshold was reduced from \$10,000 which applies to the comparative, to reflect the relative size of the agency and its asset base.

(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 07-1). This policy adopts fair value in accordance with AASB 116 *Property, Plant and Equipment*.

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
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(d) *Property, plant and equipment (continued)*

(iii) Revaluation of property, plant and equipment (continued)

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

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

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

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

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

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

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

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

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

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

(iv) Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, the Commission is effectively exempted from AASB 136 *Impairment of Assets* and impairment testing. This is because AASB 136 modifies the recoverable amount test to the higher of fair value less costs to sell and depreciated replacement cost. This means that, for an asset already measured at fair value, impairment can only arise if selling costs are material. Selling costs are regarded as immaterial.

(e) *Depreciation/ amortisation of property, plant and equipment*

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

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

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

**INFORMATION AND PRIVACY COMMISSION
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(e) *Depreciation/ amortisation of property, plant and equipment (continued)*

Computer Equipment	25%
Office Equipment	20%
Furniture & Fittings	10%
Intangible Assets - Software	25%
Intangible Assets - Software - Major Projects	10%

(f) *Maintenance*

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

(g) *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.

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.

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

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

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

(h) *Payables*

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

(i) *Accounting for the goods and services tax (GST)*

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

- * The amount of GST incurred by the agency as a purchaser that is not recoverable from the Australian Taxation Office 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 Australian Taxation Office are classified as operating cash flows.

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(j) *Employee related expenses*

- (i) Salaries and wages (including non-monetary benefits), annual leave and paid sick leave that fall due wholly within 12 months of the reporting date – recognised as short-term employee benefits and measured at undiscounted amounts based on the amounts expected to be paid when the liabilities are settled.
- (ii) Long-term annual leave that is not expected to be taken within twelve months – the nominal method has been used as this is not materially different from the present value method as required by AASB 119 *Employee Benefits*.
- (iii) Unused non-vesting sick leave – not recognised, as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.
- (iv) On-costs, such as payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment – recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.
- (v) The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity.
- (vi) The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.
- (vii) Other Provisions exist when: the Commission has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle an obligation; and a reliable estimate can be made of the amount of the obligation.

(k) *Income recognition*

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

(i) *Government grants*

In 2010-2011 Parliamentary appropriations were recognised as income when the Commission obtained control over the assets comprising the appropriation / contributions.

For 2011-2012, funding arrangements changed whereby grants from the cluster lead agency, Department of Attorney General & Justice replaced former appropriations from Treasury. Control over grants and contributions is normally obtained upon the receipt of cash.

In 2010-2011 an appropriation of \$512,000 was to be provided to the IPC by Department of Attorney General & Justice to fund six months operations of the former Privacy NSW, integrated within the IPC on 1 January 2011. The Department returned those funds to Treasury, so that Treasury could provide them to the IPC. Treasury did not do that, based on its assessment of the IPC's overall funding requirements for the 2010-11 year.

(ii) *Investment revenue*

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

(l) *Impairment of financial assets*

All financial assets are subject to an annual review for impairment. An allowance for impairment is established when there is objective evidence that the entity will not be able to collect all amounts due.

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
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- (l) *Impairment of financial assets (continued)*
- Any reversals of impairment losses are reversed through the Income Statement, where there is objective evidence. Reversal of impairment losses of financial assets carried at amortised cost cannot result in a carrying amount that exceeds what the carrying amount would have been had there not been an impairment loss.
- (m) *Receivables*
- Receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These financial assets are recognised initially at fair value, usually based on the transaction cost or face value. Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.
- (n) *Administrative restructure*
- On 1 January 2011, the functions and responsibilities of Privacy NSW were transferred from the Attorney General's Division, Department of Attorney General and Justice to the Information and Privacy Commission.
- Consequently, the financial results of the Privacy Commission for the six months ended 30 June 2011 are included as comparatives in the financial results of the Information and Privacy Commission for the year ended 30 June 2012.
- (o) *Equity transfers*
- In the period ended 30 June 2011, the transfer of net assets between agencies as a result of an administrative restructure, transfer of programs/functions or parts thereof between NSW public sector agencies and "equity appropriations" were designated or required by Accounting Standards to be treated as contributions by owners and recognised as an adjustment to "Accumulated Funds". This treatment was consistent with AASB 1004 *Contributions* and Australian Interpretation 1038 *Contributions by Owners made to wholly-owned Public Sector Entities*.
- (p) *Restoration Costs*
- The estimated cost of dismantling and removing an asset and restoring the site is included in the cost of the asset, to the extent it is recognised as a liability. Management reviewed the make good provision during the year and considers that it continues to be appropriate for the current accommodation lease.
- (q) *Comparative information*
- Except when the Australian Accounting Standard permits or requires otherwise, comparative information is disclosed in respect of the previous period for all amounts reported in the financial statements. Comparative information is reclassified when necessary to align to the current year reporting format, as directed by NSW Treasury.
- (r) *New Australian Accounting Standards issued but not effective*
- At the reporting date, a number of Accounting Standards adopted by the AASB had been issued but are not effective yet and are not adopted by IPC as directed by NSW Treasury Circular TC 12/04. An assessment was made and it was concluded that the adoption of the new standards will not affect the current nor future financial results of the IPC.
- AASB 9 and AASB 2010-7 regarding financial instruments
AASB 10 Consolidated Financial Statements
AASB 11 Joint Arrangements
AASB 12 Disclosure of Interests in Other Entities
AASB 13 and AASB 2011-8 regarding fair value measurement
AASB 119, AASB 2011-10 and AASB 2011-11 regarding employee benefits

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(f) *New Australian Accounting Standards issued but not effective (continued)*

AASB 127 Separate Financial Statements
AASB 128 Investments in Associates and Joint Ventures
AASB 1053 and AASB 2010-2 regarding differential reporting
AASB 2010-8 regarding deferred tax
AASB 2010-10 regarding removal of fixed dates for first time adopters
AASB 2011-2 regarding Trans Tasman Convergence – RDR
AASB 2011-3 regarding orderly adoption of changes to the ABS GFS Manual
AASB 2011-4 removing individual KMP disclosure requirements
AASB 2011-6 regarding RDR and relief from consolidation
AASB 2011-7 regarding consolidation and joint arrangements
AASB 2011-9 regarding presentation of items of other comprehensive income
AASB 2011-12 regarding Interpretation 20
AASB 2011-13 regarding AASB 1049 and GAAP/GFS harmonisation

(s) Budgeted Amounts

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

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NOTES TO THE FINANCIAL STATEMENTS
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2 EXPENSES EXCLUDING LOSSES

	12 months ended 30 June 2012	6 months ended 30 June 2011
	\$	\$
(a) <i>Employee related expenses</i>		
Salaries and salaries related	2,513,106	1,183,591
Recreation leave	269,453	28,634
Payroll tax & FBT	198,292	47,291
Superannuation - Defined Contribution Plan	220,706	91,555
LSL, super & payroll tax assumed by Crown	143,521	19,479
	<u>3,345,078</u>	<u>1,370,550</u>
(b) <i>Other operating expenses</i>		
Administration fees	492,036	297,546
Computer related expenses	324,407	162,670
Rental	302,918	215,343
Agency staff fees **	158,847	57,687
Consultants and contractors **	203,574	115,034
Staff expenses	74,121	16,531
Printing	46,072	28,872
Advertising and publicity	39,430	45,093
Telephone	46,215	34,451
Board members fees	24,098	4,393
Miscellaneous fees	20,396	6,589
Storage	24,932	21,045
Auditor's remuneration		
- audit of financial report	20,000	15,500
- internal audit	15,860	-
Travel	23,821	7,673
Minor equipment	11,841	5,478
Postage	13,365	4,118
Cleaning	9,328	2,867
Subscription and membership	6,668	2,210
Repairs and maintenance	3,353	2,991
Public liability insurance *	2,500	(17,664)
Legal services	6,068	3,900
Miscellaneous	24,632	114,996
	<u>1,894,482</u>	<u>1,147,333</u>

* Credit balance in prior year due to over accrual of estimated insurance costs at previous year end.

** Agency staff fees and Consultants and contractors were included as Employee related expenses in prior year. Current year expenses and the comparative has been reclassified to other operating expenses, as per direction by the Treasury in the Financial Reporting Code (FRC) issued in March 2012.

	2012	2011
	\$	\$
(c) <i>Depreciation and amortisation expense</i>		
Computer equipment	13,939	6,698
Furniture and fittings	245	(24)
Voice communications	4,167	2,011
Leasehold Improvements	21,911	10,365
Other plant and equipment	2,428	1,248
Intangible assets - software	77,575	53,436
	<u>120,265</u>	<u>73,734</u>

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
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3 REVENUE

	12 months ended 30 June 2012	6 months ended 30 June 2011
	\$	\$
(a) <i>Appropriations</i>		
Recurrent appropriations		
Total recurrent drawdowns from NSW Treasury (per Summary of Compliance)	-	3,711,000
<i>Less:</i>		
Liability to Consolidated Fund (per Summary of Compliance)	-	(415,111)
	<u>-</u>	<u>3,295,889</u>
<i>Comprising:</i>		
Recurrent appropriations (per Statement of Comprehensive Income)	-	3,295,889
	<u>-</u>	<u>3,295,889</u>
Capital appropriations		
Total capital drawdowns from NSW Treasury (per Summary of Compliance)	-	283,563
<i>Less:</i>		
Liability to Consolidated Fund (per Summary of Compliance)	-	(13,563)
	<u>-</u>	<u>270,000</u>
<i>Comprising:</i>		
Capital appropriations (per Statement of Comprehensive Income)	-	270,000
	<u>-</u>	<u>270,000</u>
(b) <i>Government grants - Department of Attorney-General and Justice</i>		
Recurrent	5,274,200	-
Capital	248,300	-
Total Government grants	<u>5,522,500</u>	<u>-</u>
(c) <i>Investment revenue</i>		
Interest income	<u>44,552</u>	74,260
(d) <i>Acceptance by the Crown Entity of employee benefits and other liabilities</i>		
The following liabilities and/or expenses have been assumed by the Crown Entity :		
Superannuation - defined benefit	38,267	33,142
Long service leave	103,168	48,305
Payroll tax	2,086	1,806
	<u>143,521</u>	<u>83,253</u>
(e) <i>Other revenue</i>		
Other	<u>236</u>	50,000
In 2012, a workers compensation claim refund was received and in 2011, the amount is the current accommodation lease rental rebate.		

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2012**

4 CURRENT ASSETS - CASH AND CASH EQUIVALENTS

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

	2012	2011
	\$	\$
Cash at bank	918,443	417,459
Cash on hand	500	500
Closing Cash	918,943	417,959

5 CURRENT ASSETS - RECEIVABLES

	2012	2011
	\$	\$
Debtors	-	513,652
GST receivables	82,216	211,171
Corporate Credit Card	323	1,623
Accrued income (Interest)	24,937	36,030
	107,476	762,476

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

b) Debtors in 2010-11 included \$512,000 funding due from DAGJ for 6 months operations of the former Privacy NSW in the new IPC agency. This receivable is now impaired and the impairment loss was taken in the current year Profit and Loss. See Note (1)(k)(i) for further explanation.

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
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6 NON-CURRENT ASSETS - PLANT AND EQUIPMENT

\$

At 1 July 2011 - fair value	
Gross carrying amount	305,699
Accumulated depreciation	(49,721)
Net carrying amount	255,978

At 30 June 2012 - fair value	
Gross carrying amount	309,550
Accumulated depreciation	(92,411)
Net carrying amount	217,139

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 \$	Voice Communications \$	Leasehold Improvements \$	Other Plant & Equipment \$	Total \$
2012						
Gross carrying amount						
Balance at 1 July 2011	55,756	5,077	20,724	211,319	12,823	305,699
Additions	-	-	-	3,851	-	3,851
Balance at 30 June 2012	55,756	5,077	20,724	215,170	12,823	309,550
Accumulated depreciation						
Balance at 1 July 2011	(17,366)	(2,929)	(5,099)	(21,640)	(2,687)	(49,721)
Depreciation expense	(13,935)	(245)	(4,167)	(21,511)	(2,428)	(42,690)
Balance at 30 June 2012	(31,305)	(3,174)	(9,266)	(43,551)	(5,115)	(92,411)
Net carrying amount at 30 June 2012	24,451	1,903	11,458	171,619	7,708	217,139
2011						
Gross carrying amount						
Balance at 1 January 2011	55,756	4,894	19,740	210,799	12,823	304,012
Additions	-	183	984	520	-	1,887
Balance at 30 June 2011	55,756	5,077	20,724	211,319	12,823	305,699
Accumulated depreciation						
Balance at 1 January 2011	(3,427)	(122)	(987)	(2,541)	(258)	(7,335)
Depreciation expense	(13,935)	(2,807)	(4,112)	(19,099)	(2,428)	(42,385)
Balance at 30 June 2011	(17,366)	(2,929)	(5,099)	(21,640)	(2,687)	(49,721)
Net carrying amount at 30 June 2011	38,390	2,148	15,625	189,679	10,136	255,978

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
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7 NON-CURRENT ASSETS - INTANGIBLE ASSETS

	\$
At 1 July 2011 - fair value	
Gross carrying amount	706,926
Accumulated amortisation	<u>(57,287)</u>
Net carrying amount	<u><u>649,638</u></u>
At 30 June 2012 - fair value	
Gross carrying amount	932,537
Accumulated amortisation	<u>(134,862)</u>
Net carrying amount	<u><u>797,675</u></u>

Reconciliation

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

	Software \$
2012	
Gross carrying amount	
Balance at 1 July 2011	706,926
Additions	<u>225,611</u>
Balance at 30 June 2012	<u><u>932,537</u></u>
Accumulated amortisation	
Balance at 1 July 2011	(57,287)
Amortisation expense	<u>(77,575)</u>
Balance at 30 June 2012	<u><u>(134,862)</u></u>
Net carrying amount at 30 June 2012	<u><u>797,675</u></u>
2011	
Gross carrying amount	
Balance at 1 January 2011	438,515
Additions	<u>268,411</u>
Balance at 30 June 2011	<u><u>706,926</u></u>
Accumulated amortisation	
Balance at 1 January 2011	(81)
Amortisation expense	<u>(57,206)</u>
Balance at 30 June 2011	<u><u>(57,287)</u></u>
Net carrying amount at 30 June 2011	<u><u>649,638</u></u>

The Gross carrying amount included Work-In-Progress Intangibles of \$203,384 (2011: \$31,762).

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
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8 CURRENT LIABILITIES - PAYABLES

	2012	2011
	\$	\$
Monies paid by the Department of Attorney General and Justice on behalf of the Commission	670,102	294,581
Sundry accruals	161,832	104,281
	<u>831,934</u>	<u>398,862</u>

9 CURRENT/NON-CURRENT LIABILITIES-PROVISIONS

	2012	2011
	\$	\$
Current		
Recreation leave	265,386	180,051
Long service leave oncosts	28,911	6,680
Make good provision	86,941	86,941
	<u>381,238</u>	<u>273,672</u>
Non-current		
Long service leave oncosts	-	-

10 CURRENT LIABILITIES - OTHER

	2012	2011
	\$	\$
Liability to Consolidated Fund	-	428,674

11 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET RESULT

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

	2012	2011
	\$	\$
Net Cash Flows from Operating Activities	730,449	(1,049,653)
Depreciation and amortisation expense	(120,285)	(73,734)
Other Gains/Losses	(517,766)	-
(Decrease) / increase in receivables and prepayments	(137,235)	806,169
Decrease / (Increase) in payables	(443,072)	(9,860)
Decrease / (Increase) in provisions	(107,566)	(86,941)
Decrease / (Increase) in other liabilities	428,673	1,795,805
Net result	<u>(166,782)</u>	<u>1,181,785</u>

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2012**

12 BUDGET REVIEW NOTE

Net result

The net result was over budget by \$422,782, primarily due to the write-off of a previous year funding receivable of \$512,000. This is explained further in Note 1 (k) (i). If this had not been necessary, the IPC would have reported a surplus of \$345,218.

Employee related expenses were significantly less (\$584,922) as a result of a number of staff separations and staff on leave without pay. These savings (\$466,482) were used in part to procure essential goods and services including agency staff to undertake core work pending recruitment activities.

Government contributions of \$5,274,200 (2011: \$3,295,889) is for a full year and therefore not comparable to 2011.

Assets and liabilities

Total net assets were under budget by \$524,939 (2011: \$209,500), mainly due to higher cash assets offset by higher payables and provisions compared to budget.

Intangible assets were under budget resulting from delays experienced in relation to the procurement of a new complaint management system.

Cash flows

Cash flows from operating activities - Under the Financial Reporting Code for Budget Dependent General Government Agencies, the actual cash flows from operating activities are prepared inclusive of GST, whereas the budget is prepared in accordance with NSW Treasury guidelines and are exclusive of GST. As a consequence, budget variances are overstated by the GST amount. Net cash flows from operating activities were over budget by \$286,449 (2011: lower by \$1,510,611), due to lower employee related expenses, while being offset by a repayment of government funding, compared to budget.

Cash flows from investing activities is under budget by \$136,535 (2011: exceeded budget by \$134,925), due to impaired progress of procurement of a new case management system.

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2012**

13 FINANCIAL INSTRUMENTS

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

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

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

(a) Financial Instrument Categories

	Note	Category	Carrying Amount 2012	Carrying Amount 2011
\$				
Financial Assets				
Class:				
Cash assets	4	N/A	918,943	417,959
Receivables (1)	5	Receivables at amortised cost	25,259	551,305
Financial Liabilities				
Class:				
Payables (2)	3	Financial liabilities measured at amortised cost	831,934	388,862

Notes

- (1) Excludes statutory receivables and prepayments (i.e. not within the scope of AASB 7)
 (2) Excludes unearned revenue (i.e. not within the scope of AASB 7)

(b) Credit Risk

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

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

Cash

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

Receivables - trade debtors

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

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

	Total	Past due but not impaired	Considered impaired
\$			
2012			
<3 months overdue	25,259	25,259	-
>3 months < 6 months overdue	-	-	-
> 6 months overdue	-	-	-
2011			
<3 months overdue	37,853	37,853	-
>3 months < 6 months overdue	-	-	-
> 6 months overdue	-	-	-

Notes

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

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2012**

(c) Liquidity Risk

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

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

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

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

Maturity analysis and interest rate exposure of financial liabilities

	Weighted Average Effective Int. Rate	Nominal Amount	Interest Rate Exposure		Maturity Dates		
			Variable Interest Rate	Non-interest bearing	<1 year	1-5 years	>5 years
		\$	\$	\$	\$	\$	\$
2012							
Financial Liabilities							
Payables	-	831,934	-	831,934	831,934	-	-
		831,934	-	831,934	831,934	-	-
2011							
Financial Liabilities							
Payables	-	388,862	-	388,862	388,862	-	-
		388,862	-	388,862	388,862	-	-

(d) Market Risk

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

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

Interest rate risk

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

	Carrying Amount	-1%		+1%	
		Profit	Equity	Profit	Equity
	\$	\$	\$	\$	\$
2012					
<i>Financial Assets</i>					
Cash assets	918,943	(9,189)	(9,189)	9,189	9,189
Receivables	25,260	-	-	-	-
<i>Financial Liabilities</i>					
Payables	831,934	-	-	-	-
2011					
<i>Financial Assets</i>					
Cash assets	417,959	(4,180)	(4,180)	4,180	4,180
Receivables	551,305	-	-	-	-
<i>Financial Liabilities</i>					
Payables	388,862	-	-	-	-

(e) Fair Value

Financial instruments are generally recognised at cost.

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

**INFORMATION AND PRIVACY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2012**

14 COMMITMENTS

	2012	2011
	\$	\$
(a) Capital Commitments		
Aggregate capital expenditure contracted for at balance date and not provided for:		
Not later than one year	-	22,801
Later than one year and not later than five years	-	-
Later than five years	-	-
Total (including GST)	<u>-</u>	<u>22,801</u>
(b) Operating Lease Commitments		
Future non-cancellable operating lease rentals not provided for and payable:		
Not later than one year	210,748	332,824
Later than one year and not later than five years	-	229,321
Later than five years	-	-
Total (including GST)	<u>210,748</u>	<u>562,145</u>

A current major project is the procurement of a Case Management System. Costs to date reflected in Work In Progress. While there will be further costs, the project is evolving and there were no formal commitments as at 30 June 2012.

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

The IPC has a current lease that expires on 15 February 2013. Negotiations are proceeding with the State Property Authority in relation to accommodation options including the taking up of a 3 year option on the current lease.

The total "Capital Commitments" and "Operating Lease Commitments" include input tax credits of \$19,158 (2011: \$53,177), which are expected to be fully recoverable from the ATO.

15 CONTINGENT LIABILITIES

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

16 AFTER BALANCE DATE EVENTS

There are no after balance date events that may materially impact the financial statements for the year ended 30 June 2012.

End of Audited Financial Statements.



t: 9275 7222
ref: D1229291/1554

Ms Deirdre O'Donnell
Information Commissioner
Information and Privacy Commission
GPO Box 7011
SYDNEY NSW 2001

28 September 2012

Dear Ms O'Donnell

STATUTORY AUDIT REPORT
for the year ended 30 June 2012
Information and Privacy Commission

I have audited the financial statements of Information and Privacy Commission (the Commission) as required by the *Public Finance and Audit Act 1983* (the Act). This Statutory Audit Report outlines the results of my audit for the year ended 30 June 2012, and details the matters I found during my audit that are relevant to you in your role as one of those charged with the governance of the Commission. The Act requires that I send this report to the Commissioner, the Minister and the Treasurer.

This report is not the Independent Auditor's Report, in which I express my opinion on the Commission's financial statements. I have enclosed the Independent Auditor's Report, together with the Commission's financial statements.

My audit is designed to obtain reasonable assurance about whether the financial statements are free from material misstatement. My audit is not designed to identify all matters that may be of governance interest to you. Accordingly, there may be other matters of governance interest that did not come to my attention during my audit.

My audit is continuous and I may therefore identify further significant matters. If this occurs, I will write to you immediately.

Audit Result

I expressed an unmodified opinion on the Commission's financial statements.

Significant Matters

Misstatements in the Financial Statements

The financial statements contained misstatements which are listed in the attached appendix.

Compliance with Legislative Requirements

My audit procedures are targeted specifically towards forming an opinion on the Commission's financial statements. This includes testing whether the Commission has complied with legislative requirements that may materially impact on the financial statements. The results of the audit are reported in this context. My testing did not identify any instances of non-compliance.

Quality and Timeliness of Financial Reporting

Treasury Circular TC 12/03 'Mandatory early close procedures commencing in 2012' required the Commission to prepare certain aspects of financial statements before year end. The Commission was also required to submit its year-end information to Treasury and its financial statements for audit on 31 July 2012.

The Commission completed the relevant early close procedures set out in the Circular. The Commission also submitted financial information to Treasury and financial statements to the Audit Office before the due dates. We endorse this activity and recommend the agency continue to identify ways to meet an earlier reporting timetable.

Auditor-General's Report to Parliament

As I have not identified any significant matters, commentary on the Commission's financial operations will not appear in the Auditor-General's Report to Parliament. Appendix 1 to that Report will advise the audit result for the Commission.

Acknowledgment

I thank the Commission's staff for their courtesy and assistance.

Yours sincerely



Jack Kheir
Director, Financial Audit Services

Appendix

Misstatements in the Financial Statements

The following tables detail the effect of the misstatements in the financial statements originally submitted to me. Significant misstatements are reported individually, while trivial misstatements are reported in aggregate only.

Corrected Monetary Misstatements

Description of Error/ Account Balance	Assets	Liabilities	Retained Earnings	Other Equity	Statement of Comprehensive Income
	DR/(CR) \$	DR/(CR) \$	DR/(CR) \$	DR/(CR) \$	DR/(CR) \$
Misstatements identified and corrected in this period					
Reclassification of employee related expense and liabilities assumed by the Crown in prior year comparatives	--	--	--	63,774 (63,774)	--
Understatement of payroll tax account and recreation leave provision	--	(33,773)	--	--	33,773
Total impact	--	(33,773)	--	--	33,773

Corrected Disclosure Deficiencies

AASB Reference	Disclosure Title	Description of Disclosure Deficiency
AASB 116 (73d)	Property, plant and equipment	The disclosure has been changed to conform with the requirements of the standard.
Financial Reporting Code	Budget review	The variance explanations have been enhanced to reflect the movements.
AASB7	Financial Instruments: Disclosures	Financial assets exclude statutory receivables. The note has been amended to reflect this.

Uncorrected Monetary Misstatements

I reported the following uncorrected misstatements to management and I have received written representations from management on 27 September 2012 confirming management's belief that the effects of these misstatements are immaterial, individually and in aggregate, to the financial statements taken as a whole. I agree with management's determination and do not consider the uncorrected misstatements were significant enough to modify the opinion in the Independent Auditor's Report.

Description of Error/ Account Balance	Assets	Liabilities	Retained Earnings	Other Equity	Statement of Comprehensive Income
	DR/(CR) \$	DR/(CR) \$	DR/(CR) \$	DR/(CR) \$	DR/(CR) \$
Uncorrected misstatements identified in this period					
Under-accrual of current year external audit fees	—	(12,000)	—	—	12,000
Incorrect reversal of prior year external audit fees, accrual from general expenses rather than audit costs	—	—	—	—	15,200 (15,200)
Difference between GST receivable at year end and BAS return for June 2012	8,708	—	—	—	(6,708)
Rent and cleaning expenses for June 2011 expensed in 2012 – cut-off issue	—	—	—	8,490	(8,490)
Aggregate of other trivial errors	(1,025)	4,632	—	—	(3,607)
Total impact	5,681	(7,368)	—	8,490	(6,803)

Uncorrected Disclosure Deficiencies

Management determined the following disclosure deficiencies in the financial statements to be immaterial. From an audit perspective, I agree with management's determination and do not believe these were significant enough to modify the opinion in the Independent Auditor's Report.

AASB Reference	Disclosure Title	Description of Disclosure Deficiency
AASB 107	Cash Flow Statement	Amount of \$129,000 included in payment of employee related expense, but should be other expenses.

Appendices

Appendix 1 – access applications under Schedule 2 of the GIPA Act

GIPA Act compliance

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

Clause 7 of the *Government Information (Public Access) Regulation 2009 (NSW)* (GIPA Regulation) lists the information that agencies must report against. 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 that it holds, so long as there is no overriding public interest against its 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 also plans to proactively release more of its review and investigation reports. This has not happened to date as some of the reports contain information for which there is an overriding public interest against disclosure and that information must be removed before the reports are made publicly available. Once the reports are in a form that can be published, they will be made available on the IPC's website.

Number of access applications received

The Information Commissioner has received seven formal access applications this financial year.

The Information Commissioner decided six of the applications within 20 working days of receipt, as

required by the GIPA Act. The remaining application was decided within 27 working days, and was therefore a deemed refusal.

In response to four of the applications, the Information Commissioner decided that her office did not hold the information, and the applications were transferred to agencies that did hold the information, with their consent.

In another two applications, the Information Commissioner decided that her office did not hold the information. However, the applications were not transferred because it was unlikely that any other agency would hold the information requested.

The Information Commissioner made a late decision about the deemed refusal and found that the information requested was not held by her office. However, the application was not transferred to another agency as the time frame for doing so had passed. We advised the applicant of the need to directly approach the agency about which the request was made.

Number of refused access applications for Schedule 1 information

The IPC did not receive any formal access applications for the disclosure of information referred to in Schedule 1 to the GIPA Act (information for which there is a conclusive presumption of an overriding public interest against disclosure).

However, the Information Commissioner did receive one informal request for information referred to in Schedule 1 to the GIPA Act. The Information Commissioner decided not to provide access to the information.

Submission of GIPA report

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

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.

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	-	-	-	-	-	-	-	-
Members of Parliament	-	-	-	-	-	-	-	-
Private sector business	-	-	-	-	-	-	-	-
Not for profit organisations or community groups	-	-	-	-	-	-	-	-
Members of the public (application by legal representative)	-	-	-	-	-	-	-	-
Members of the public (other)	-	-	-	7	-	1	-	-

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

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	-	-	-	4	-	-	-	-
Access applications (other than personal information applications)	-	-	-	1	-	-	-	-
Access applications that are partly personal information applications and partly other	-	-	-	2	-	-	-	-

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

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

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

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

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

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	6
Decided after 35 days (by agreement with applicant)	-
Not decided within time (deemed refusal)	1
Total	7

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)			
	Decision varied	Decision upheld	Total
Internal review	-	-	-
Review by Information Commissioner*	-	-	-
Internal review following recommendation under section 93 of Act	-	-	-
Review by ADT	-	-	-
Total	0	0	0

Table H: Applications for review under Part 5 of the Act (by type of applicant)	
	Number of applications for review
Applications by access applicants	-
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	-

Appendix 2 - Statement of action taken to comply with PPIPA

The IPC's Privacy Management Plan outlines how we comply with the principles of the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIP Act) and the *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act).

Statistical details of any review conducted under Part 5 of PPIPA

One review was conducted under Part 5 of the PPIPA Act during the reporting period.

Appendix 3 – Information Protection Principles (IPPs)

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

The Information Protection Principles are:

Collection

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

Storage

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

Access

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

8. **Correct** – the agency must allow you to update, correct or amend your personal information where necessary.

Use

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

Disclosure

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

Appendix 4 – Health Privacy Principles (HPPs)

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

The Health Privacy Principles are:

Collection

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

Storage

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

Access and accuracy

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

Use

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

Disclosure

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

Identifiers and anonymity

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

Transferrals and linkage

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

Appendix 5 – Payment of accounts

For year ended 30 June 2012

Quarter	Target %	Actual %	Current \$000	Total payments \$000
September 2011	100	97.3	0	221,567
December 2011	100	96.5	0	271,936
March 2012	100	93.3	0	319,498
June 2012	100	87.5	0	694,882

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

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

The Executive 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 one instance of \$26 penalty interest for late payment during the year ended 30 June 2012.

Appendix 6 – Public Interest Disclosures

For year ended 30 June 2012

One public official made a Public Interest Disclosure (PID) to the Information Commissioner and one PID was finalised in the year.

The number of PIDs received by the Information Commissioner by category	
Corrupt conduct	0
Maladministration	0
Serious and/or substantial waste of public money	0
Government information contraventions	1

The IPC has a public interest disclosures internal reporting policy, developed in July 2011 and published on our website. IPC staff are made aware of responsibilities under s.6E(1)(b) of the Act as part of annual refresher presentations to all staff. Relevant e-learning materials developed by the NSW Ombudsman will be made available to all members of staff.

Appendix 7– Our Interim Strategic Plan Performance

Our interim strategic plan, put in place in September 2011, prior to the arrival of the Privacy Commissioner, set in place interim strategies and targets. These are acquitted in the tables below. For next year and future years, the IPC will follow the integrated approach in its new business plan.

Corporate Governance:

To demonstrate good practice administrative conduct and meet our regulatory obligations

Strategies 2011/12	Result	Outcomes 2012/13
Adopt a balanced scorecard approach to our strategic planning	Achieved	We are aware of and comply with all internal processes and procedures
Align our budget and resources for our strategic priorities	Achieved	
Ensure we have an effective organisational structure in place that is in tune with our strategic objectives and supports our business operations	Achieved	We have a consolidated set of internal and external targets and we measure and report on them regularly
Establish a standard project management framework with defined checkpoints	Ongoing	
Regularly seek feedback from our stakeholders on the effectiveness of our corporate governance arrangements and ensure we communicate the results	Ongoing	
Periodically review and evaluate the integrity of our data and the effectiveness of our data capture systems, to ensure we accurately capture data in a timely manner and the data can be used for a wide range of audiences and multiple reporting requirements	Ongoing	
Work collaboratively with NSW Treasury, Department of Premier and Cabinet and the NSW Audit Office to ensure we comply fully with NSW public sector statutory and governance arrangements	Achieved	
Evaluate our governance arrangements against good governance practice benchmarks on an annual basis	Ongoing	

Our systems and operational efficiency:

To ensure we provide effective and efficient service delivery to our clients and stakeholders

Strategies 2011/12	Result	Outcomes 2012/13
Build and strengthen our electronic records and Document management systems	Ongoing	Our key systems are operational and efficient, and respond to the needs of staff. We have a transparent and efficient financial process. We have effective record-keeping practices and our data and information are easily accessible and appropriately managed in accordance with our legislation.
Develop a user-friendly electronic policy, procedures and protocols manual for our staff	Ongoing	
Ensure our case management practices are responsive to the needs and capacity of the parties (eg decision-makers, applicants, complainants, third parties etc)	Ongoing	
Work collaboratively with the Department of Attorney General and Justice and other service providers to ensure our information management systems and service delivery interfaces meet the accessibility and useability needs of our stakeholders and staff	Ongoing	
Develop and maintain productive relationships with information and privacy bodies in other jurisdictions and information management and complaint handling agencies in New South Wales to monitor and report on developments in law, policy, technology and practice	Achieved	
Develop and implement a Memorandum of Understanding (MOU) with the Office of the Australian Information Commissioner regarding privacy	Ongoing	
Assess the need/risks/benefits of developing more proactive engagement with peak bodies and specialist media coalitions	Ongoing	
Ensure our decision-making is independent, accountable, transparent and balanced and based on sound evidence	Achieved	

Employee and organisational capacity:

To achieve a values-based organisational culture and a safe, supportive and healthy work environment

Strategies 2011/12	Result	Outcomes 2012/13
Implement the NSW Public Sector Capability Framework to provide a basis for defining the capability requirements of our business and the benchmark for our future staff development and performance management activities and processes	Ongoing	We attract, develop and retain a diverse, professional, cross-skilled workforce, who experiences a high rate of job satisfaction
Regularly monitor, manage and review work allocation, workload and workflow to ensure our operational business units are operating effectively and meeting their commitments, deadlines and service delivery standards	Achieved	Our roles and organizational structure are clearly understood by all so that we operate effectively, producing the best outcomes for our stakeholders
Continue to develop and refine our induction manual and processes	Achieved	We have effective, engaging forums for information sharing, feedback, consultation and cross skilling across IPC.
Place all our position descriptions in a central location that is readily accessible so as to help increase staff awareness and understanding of position expectations and capability requirements	Achieved	
Identify a range of development opportunities to enhance staff skills	Ongoing	
Implement a range of initiatives to promote and support the health and wellness of our staff	Ongoing	
Expand our internal information-sharing meetings, forums and processes	Ongoing	
Ensure all staff participate in the development of our 2012-2015 strategic plan	Achieved	

our complaints process

Complaining to the IPC

If you are dissatisfied with the level of service you have received from the IPC you can make a complaint about privacy and information access services.

Resolving the issue informally

To enable the IPC 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.

Making a formal complaint

To make a formal complaint, please write, email or fax your complaint to the IPC. You will need to advise whether your complaint concerns services you have received from our information access or our privacy areas. Matters can be addressed directly to either the Information Commissioner or the Privacy Commissioner. See contact details, inside back cover.

post: Information and Privacy Commission
GPO Box 7011
Sydney NSW 2000

email: ipcinfo@ipc.nsw.gov.au
fax: (02) 8019 1600

What to include in your letter of complaint

Briefly explain your concerns, describe what happened, when it happened, who was involved and any other information that you believe is relevant for the IPC to assess and resolve your complaint.

In your complaint please 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 be dealt with by someone more senior than the person you have complained about.

The investigator 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.

Write to the Joint Committee

If your complaint is about either the Information Commissioner or the Privacy Commissioner, or if you are dissatisfied with the handling of your complaint by a Commissioner, you can write to the Joint Parliamentary Committee that oversees the IPC.

post: Committee on the Office of the Ombudsman
and the Police Integrity Commission
Parliament of New South Wales
Macquarie Street
Sydney NSW 2000

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.

The NSW Ombudsman 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.

If you think there may have been such misconduct and you are dissatisfied with how your complaint has been handled by the IPC, you can contact ICAC or the NSW Ombudsman.

Agency

Independent Commission Against Corruption
freecall: 1800 463 909
website: www.icac.nsw.gov.au

NSW Ombudsman
freecall: 1800 451 524
website: www.ombo.nsw.gov.au

Glossary

ADT	Administrative Decisions Tribunal
DAGJ	Department of Attorney General and Justice (formerly known as the Department of Justice and Attorney General)
FOI	<i>Freedom of Information Act 1989</i>
GIIC	<i>Government Information (Information Commissioner) Act 2009</i>
GIPA	<i>Government Information (Public Access) Act 2009</i>
GIPAR	<i>Government Information (Public Access) Regulation 2009</i>
HPP	Health Privacy Principles
HRIPA	<i>Health Records and Information Privacy Act 2002 (NSW) (HRIP Act)</i>
ICAC	Independent Commission Against Corruption
IPP	Information Privacy Principles
IPC	Information and Privacy Commission
LGMA	Local Government Managers Australia (NSW)
OIC	Office of the Information Commissioner New South Wales
OPC	Office of the Privacy Commissioner
PPIPA	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
PSEM	Public Sector Employment and Management Act 2002
RMS	Roads and Maritime Services

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