



information
and privacy
commission
new south wales

Quarterly Report on IPC Regulatory Priorities Q1 2021/22: July to September 2021

October 2021



Regulatory Plan Initiatives Status

Regulatory Priority 1 – Ensure the IPC has the capacity to identify risks and effectively support agencies to uphold privacy and information access rights in contemporary models of service delivery.

| Status | Project/Initiative |
|------------------------------------|---|
| Finalised | <ul style="list-style-type: none"> • S1I2. Develop Information Commissioner guidance regarding copyright and the GIPA Act • S2I2. Develop a Fact Sheet on the IPC's role in NCAT • S3I2. Develop a Fact Sheet for the Fines Administration Act Breach Notification and Processes, including any business systems changes required • Provide recommendations to the Ministers regarding fees & charges under GIPA • S2I2, S3I1. Assess utilisation of the Information Governance Agency Self-assessment Tools to support review by I&R and LCRA* • S1I1. Undertake an annual intelligence assessment/research of the trends in types of information requested to inform understanding of the regulatory environment and risks • S2I1. Update the Fact Sheet on authorised proactive release • S1I1. Undertake identified proactive audits to elevate and influence compliance including within the Local Council Sector and other Announced Audits • S1I3. Review and develop privacy resources for citizens accessing the correct rights pathways highlighting the differences between internal review and complaints • S3I3. Contribute to review of Agency fees and charges and lead the development of guidance • S1I1. Develop a Fact Sheet on privacy and open access with a particular focus on councils |
| On-track | <ul style="list-style-type: none"> • S3I4. Review the privacy governance framework • S3I5. Develop a Fact Sheet about privacy offences |
| Yet to Commence/ Reassessed | <ul style="list-style-type: none"> • S1I3. Review and update resources on the voluntary data breach process arising from the impact of the introduction of any mandatory data breach scheme |

Regulatory Priority 2 – Maximise strategic and operational regulatory engagement with all sectors and demonstrate value to citizens and agencies.

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| Finalised | <ul style="list-style-type: none"> • S1I2. Develop a citizen Fact Sheet on State-Owned Corporations for both Information Access and Privacy • S3I2. Collaborate with State Records to deliver a Fact Sheet on record keeping, including digital records • S1I1. Conduct 2020 Community Attitudes Survey including s16 questions on agency support for GIPA applicants • S1I1, S1I2. Develop relevant statements of IPC and Commissioners' regulatory stance and public position pieces on relevant regulatory issues* • S3I4. Develop resources for the exercise of functions of Ministers and Ministerial Offices under the IPC's legislation |
| On-track | <ul style="list-style-type: none"> • S1I3. Create infographics and/or video clips on specific topics |

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| Yet to Commence/ Reassessed | <ul style="list-style-type: none"> • S2I1. Develop a Fact Sheet on the application of Information Access and Privacy legislation on the use of new forms of digital communications such as WhatsApp, Facebook, Google Messenger |
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Regulatory Priority 3 – Citizens have confidence in the way in which the NSW Government handles their personal and health information.

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| Finalised | <ul style="list-style-type: none"> • S3I1. Develop a Fact Sheet about the IPC's functions and role in consultations on privacy projects and governance • S3I2. Develop guidance to assist agencies in assessing the impact of digital projects and service delivery on rights incorporating a review of the IPC's Privacy Impact Assessment guidance and collaborate with I&R • S3I3. Develop a Fact Sheet on Privacy by Design • Conduct a privacy awareness survey • Make recommendations for administrative/legislative change to promote and uphold privacy rights, including with respect to managing data breaches and open data |
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Regulatory Priority 4 – Preservation, assurance and assertion of rights under new service delivery arrangements.

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| Finalised | <ul style="list-style-type: none"> • S3I1. Capture and report data from regulatory activities regarding digital service delivery • Engage with agencies to identify risks and provide guidance to promote and preserve information access rights • Provide advice and assistance to entities undertaking government business regarding government's obligations under the GIPA Act. • Examine the operation of the GIPA Act in the context of digital government; increased outsourcing and partnership arrangements and new administrative models for service delivery • S1I4. Develop a Fact Sheet on access to information about public officials under the GIPA Act • Promote improved access to information at the lowest reasonable cost through digital solutions that impact processing and other charges |
| On-track | <ul style="list-style-type: none"> • S1I3. Develop a Fact Sheet to assist people with reduced decision-making to make an application under the GIPA Act |

*Regulatory initiative has two corresponding strategic initiatives.

Reporting Priorities by Percentage

There are 33 Regulatory Initiatives listed under the four Regulatory Priorities in the IPC Regulatory Plan 2020-22. This quarter, six initiatives were finalised as follows:

- **Regulatory Priority 1:**
 - S3I3. Contribute to review of Agency fees and charges and lead the development of guidance.
 - S1I1. Develop a Fact Sheet on privacy and open access with a particular focus on councils.

- **Regulatory Priority 2:**
 - S314. Develop resources for the exercise of functions of Ministers and Ministerial Offices under the IPC's legislation.
- **Regulatory Priority 3:**
 - There were no regulatory initiatives finalised for the quarter.
- **Regulatory Priority 4:**
 - Examine the operation of the GIPA Act in the context of digital government; increased outsourcing and partnership arrangements and new administrative models for service delivery.
 - S114. Develop a Fact Sheet on access to information about public officials under the GIPA Act.
 - Promote improved access to information at the lowest reasonable cost through digital solutions that impact processing and other charges.

In this quarter (Q1 2021/22) of reporting, the IPC finalised 6 (18.2%) of the 33 Regulatory Initiatives.

The IPC's Regulatory Plan commenced in January 2020 and between January 2020 and September 2021, a total of 27 (81.8%) Regulatory Initiatives were finalised.

Priority Status Overview

| Date | Finalised | On-track | Issues | Yet to commence/Reassessed |
|--------------------------|------------|------------|-----------|----------------------------|
| Past Quarter (Q4 20/21) | 21 (63.6%) | 9 (27.3%) | 1 (3.0%) | 2 (6.1%) |
| Net change this quarter | ↑6 (18.2%) | ↓5 (15.2%) | ↓1 (3.1%) | 0 (0/0%) |
| Year to date* (Q1 21/22) | 27 (81.8%) | 4 (12.1%) | 0 (0.0%) | 2 (6.1%) |

*As at 30 September 2021.