



information  
and privacy  
commission  
new south wales

# Quarterly Report on IPC Regulatory Priorities Q2 2021/22: October to December 2021

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

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

<b>Finalised</b>	<ul style="list-style-type: none"> <li>• S1I2. Develop a citizen Fact Sheet on State-Owned Corporations for both Information Access and Privacy</li> <li>• S3I2. Collaborate with State Records to deliver a Fact Sheet on record keeping, including digital records</li> <li>• S1I1. Conduct 2020 Community Attitudes Survey including s16 questions on agency support for GIPA applicants</li> <li>• S1I1, S1I2. Develop relevant statements of IPC and Commissioners' regulatory stance and public position pieces on relevant regulatory issues*</li> <li>• S3I4. Develop resources for the exercise of functions of Ministers and Ministerial Offices under the IPC's legislation</li> <li>• S1I3. Create infographics and/or video clips on specific topics</li> </ul>
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<b>Reassessed</b>	<ul style="list-style-type: none"> <li>• 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</li> </ul>
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**Regulatory Priority 3** – Citizens have confidence in the way in which the NSW Government handles their personal and health information.

<b>Finalised</b>	<ul style="list-style-type: none"> <li>• S3I1. Develop a Fact Sheet about the IPC's functions and role in consultations on privacy projects and governance</li> <li>• 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&amp;R</li> <li>• S3I3. Develop a Fact Sheet on Privacy by Design</li> <li>• Conduct a privacy awareness survey</li> <li>• Make recommendations for administrative/legislative change to promote and uphold privacy rights, including with respect to managing data breaches and open data</li> </ul>
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**Regulatory Priority 4** – Preservation, assurance and assertion of rights under new service delivery arrangements.

<b>Finalised</b>	<ul style="list-style-type: none"> <li>• S3I1. Capture and report data from regulatory activities regarding digital service delivery</li> <li>• Engage with agencies to identify risks and provide guidance to promote and preserve information access rights</li> <li>• Provide advice and assistance to entities undertaking government business regarding government's obligations under the GIPA Act.</li> <li>• 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</li> <li>• S1I4. Develop a Fact Sheet on access to information about public officials under the GIPA Act</li> <li>• Promote improved access to information at the lowest reasonable cost through digital solutions that impact processing and other charges</li> <li>• S1I3. Develop a Fact Sheet to assist people with reduced decision-making to make an application under the GIPA Act</li> </ul>
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\*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, four initiatives were finalised as follows:

- **Regulatory Priority 1:**
  - S3I4. Review the privacy governance framework
  - S3I5. Develop a Fact Sheet about privacy offences
- **Regulatory Priority 2:**
  - S1I3. Create infographics and/or video clips on specific topics
- **Regulatory Priority 3:**
  - There were no regulatory initiatives finalised for the quarter.

- **Regulatory Priority 4:**
  - S1I3. Develop a Fact Sheet to assist people with reduced decision-making to make an application under the GIPA Act

In Quarter 1 2021-22, two initiatives were reassessed and are therefore not included in the finalised Regulatory Initiatives.

In this quarter (Q2 2021/22) of reporting, the IPC finalised 4 (12.1%) of the 33 Regulatory Initiatives.

The IPC's Regulatory Plan commenced in January 2020 and between January 2020 and December 2021, 31 (93.9%) Regulatory Initiatives were finalised and 2 (6.1%) were reassessed. There are no outstanding Regulatory Initiatives, thus concluding the Regulatory Plan 2020-22.

## Priority Status Overview

Date	Finalised	On-track	Issues	Reassessed
<b>Past Quarter (Q1 21/22)</b>	<b>27 (81.8%)</b>	<b>4 (12.1%)</b>	<b>0 (0.0%)</b>	<b>2 (6.1%)</b>
<b>Net change this quarter</b>	↑4 (12.1%)	↓4 (15.2%)	0 (0/0%)	0 (0.0%)
<b>Year to date* (Q2 21/22)</b>	<b>31 (93.9%)</b>	<b>0 (0%)</b>	<b>0 (0.0%)</b>	<b>2 (6.1%)</b>

\*As at 1 December 2021.