

# Information Commissioner's Update

**Presentation to the Practitioners' Network Forum**  
23 February 2022

**Elizabeth Tydd**

IPC CEO, Information Commissioner  
NSW Open Data Advocate



information and  
privacy commission  
new south wales

# IPC Strategic Plan 2022-2024

- The Strategic Plan is structured around the four pillars of:
  - Service Delivery & Excellence
  - Engagement & Influence
  - Rights Promotion & Impact
  - Operational Excellence
- It recognises the rapid changes in the information management landscape globally and in NSW.
- The Plan addresses challenges to the information access and privacy regime flowing from local and global trends including:
  - the digitisation of government services
  - the introduction of a mandatory data breach scheme
  - the impact of technology on legislation.

# The IPC Strategic Plan 2022-24

## Practitioner Impact

### Identification of Practitioners Network as a priority Strategic Engagement

1. How do we identify and meet your needs?
2. How do we work to empower your message of expert practice and your community?
3. How do we close the loop?
4. How do we maintain effectiveness in meeting your needs?

# IPC Proactive Audit Program and Significant Regulatory Matters

## Current major regulatory action

- 2022 proactive program in development
- MOG new agency engagement planned
- Section 37 Report underway – preliminary messages
- S110 – jurisdictional fact sheet
- Hosting AIAC April 2022 – Digital Government – access, contracts, archives etc.
- Information Awareness Month May 2022

# IPC joint submission

## Inquiry into the Public Interest Disclosures Bill 2021

- As a member of the Public Interest Disclosure Steering Committee, the Information Commissioner noted the Steering Committee's Annual Report for 2020-21 tabled in Parliament on 4 November 2021.
- The Information Commissioner welcomes the Bill, which will represent an **enhancement to whistleblower protections in NSW**, helping to ensure that reports of wrongdoing are acted upon, and that **reporters are encouraged to come forward and are protected** when they do.
- The Privacy Commissioner is to become a member of the Steering Committee and both Commissioners look forward to working to support the implementation of the new legislation, including:
  - supporting the Ombudsman's Office as it develops new public and agency guidelines, reporting tools, templates and training, and
  - providing advice to Government on the draft regulations under the Bill.

# IPC case notes

## *Hickey v Secretary, Department of Education* [2021] NSWCATAD 306

- Considers the discretion in 60(1)(a) (dealing with the application would require an unreasonable and substantial diversion of resources)
- The Tribunal applied the ss. 60(3A) and 60(3B) weighing test by designating a weight of 'little', 'moderate', or 'considerable' to each factor/evidence, similar to the s. 13 test
- The '*agency's size and resources*' in s 60(3A) makes it clear that whether the agency in question is large and well-resourced will generally be relevant to the Tribunal's determination
- The '*general public interest*' in favour of disclosure of government information in s. 60(3B)(a) is relevant in every case.

# IPC on Facebook

- The IPC launched its Facebook page in February 2022
- The IPC's Facebook page will be used to provide information to citizens on information access and privacy matters and raise public awareness about their rights under NSW information access and privacy legislation
- Follow the IPC here:  
[www.facebook.com/InformationandPrivacyCommissionNSW](https://www.facebook.com/InformationandPrivacyCommissionNSW)

# Speaking Engagements

**The Information Commissioner presented at the following engagements since the last Forum:**

- UNSW Law and Justice Conference  
– 29 November 2022
- NSW Public Sector Women in Leadership 2021 Digital Summit – 8 December 2021
- UNESCO Global Disability Summit – 16 February 2022
- Vital Information Series, NSW Parliament House  
– 17 March 2022



# Information Access Resources

**The following information access resources have been published since the last Forum:**

## **NEW**

- Fact Sheet – Simplified guide to information access

## **UPDATED**

- Guide to reporting on agency GIPA operations
- Fact Sheet – Accessing information held by a contractor providing government services
- Fact Sheet – Processing requests for personal information
- Fact Sheet – The GIPA Act: Agency systems, policies and practices – guidance for principal officers

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[ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)



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