

Annual Report

2022/23



information
and privacy
commission
new south wales

Acknowledgement of Country

The Information and Privacy Commission NSW acknowledges, respects and values Aboriginal peoples as the Traditional Custodians of the lands on which we live, walk and work. We pay our respects to Elders past, present and future. We recognise and remain committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships, and continuing connection to their lands, waters and seas. We acknowledge their history here on these lands and their rich contribution to our society.

We acknowledge our Aboriginal colleagues within the public sector who are an integral part of our diverse workforce, and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and cultures.



information
and privacy
commission
new south wales

Contact Details

Our business hours are 9am to 5pm Monday to Friday (excluding public holidays).
Public attendance at the IPC office is available via pre-arranged appointment.

The Information and Privacy Commission NSW is located at:

Street address:

Level 15, 2-24 Rawson Place
Haymarket NSW 2000

Postal address:

GPO Box 7011
Sydney NSW 2001

Free call: 1800 IPC NSW (1800 472 679)

If you are deaf or have a hearing or speech impairment, you can call us through the National Relay Service (NRS) on 133 677.

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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Letters to the President and Speaker

The Hon. Ben Franklin MLC
President of the Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

Mr Greg Piper MP
Speaker of the Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000

16 October 2023

Dear Mr President and Mr Speaker,

In accordance with the *Annual Reports (Departments) Act 1985*, the *Government Information (Information Commissioner) Act 2009*, and the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the Annual Report of the Information and Privacy Commission NSW.

This report provides an account of the work of the Information and Privacy Commission NSW during the 2022/23 financial year.

The report meets the requirements for annual reports as required by the NSW Premier in the *Ministerial Memorandum M2013-09*. This report demonstrates our agency's performance and activities while incurring minimal production costs.

Yours sincerely,

Elizabeth Tydd
IPC CEO, Information Commissioner
NSW Open Data Advocate

Dear Mr President and Mr Speaker,

In accordance with section 61A of the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the following report on the work and activities of the Privacy Commissioner for the 12 months ended 30 June 2023.

In addition, under section 61B of the *Privacy and Personal Information Protection Act 1998*, this Annual Report includes a report on the operation of the *Privacy and Personal Information Protection Act 1998* across all public sector agencies for 12 months ended 30 June 2023.

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

Yours sincerely,

Samantha Gavel
Privacy Commissioner

Sonia Minutillo
Acting Privacy Commissioner

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Overview



Highlights for 2022/23



Performance report card 2022/23

Pillar 1: Service Delivery & Excellence

- ✓ GIPA – 1,557 enquiries finalised / 230 advices finalised / 362 reviews finalised / 82 complaints finalised / 5 proactive audits finalised
- ✓ Privacy – 1,540 enquiries finalised / 219 advices finalised / 197 reviews finalised / 63 complaints finalised / 1 proactive audit finalised
- ✓ 351 voluntary breach notifications were made to the Privacy Commissioner

Pillar 2: Engagement & Influence

- ✓ Commissioners provided submissions to 6 reviews and inquiries conducted by government including 3 joint submissions by the Information Commissioner and the Privacy Commissioner
- ✓ 135 tweets on Twitter / 137 posts on LinkedIn / 109 posts on Facebook / 67 e-alerts to stakeholders / 19 media releases / 1 public statement / 34 new publications

Pillar 3: Rights Promotion & Impact

- ✓ 547,220 page views and an 18.9% increase in website visits to ipc.nsw.gov.au
- ✓ 2,069 phone enquiries and 1027 enquiries handled in writing or in person
- ✓ 34 new information access, privacy and corporate publications were delivered
- ✓ 66 publications updated by the Publications Review Working Group
- ✓ Major campaigns conducted for Right to Know Week and Privacy Awareness Week
- ✓ 425 new e-learning registrations by agencies and members of the public

Pillar 4: Operational Excellence

- ✓ 100% of staff have a Performance and Development Plan (PDP) in place
- ✓ Over 1,215 hours of staff training to improve service delivery and rebalance capabilities to be an effective, contemporary regulator

Overview



Elizabeth Tydd Chief Executive Officer, Information Commissioner and NSW Open Data Advocate

Achievements and Report to NSW Parliament

Advances and impact: today and tomorrow

My final annual report as Information and Privacy Commission (IPC), Chief Executive Officer (CEO) and Information Commissioner, evidences impactful progress within the IPC, the entities we regulate and importantly, in culture and rights awareness. The people of NSW and government agencies can now rely upon the IPC to provide a timely, expert and impactful service that deals with the issues of today and informs the preservation of information access and privacy rights as government advances tomorrow and thereafter.

The people of NSW and government agencies can now rely upon the IPC to provide a timely, expert and impactful service that deals with the issues of today and informs the preservation of information access and privacy rights as government advances tomorrow and thereafter.

Achieving great information governance by addressing new risks

It will soon be 15 years since the *Government Information (Public Access) Act 2009* (GIPA Act) was introduced into the New South Wales Parliament by the then Premier and much has changed. Fifteen years ago, Apple announced the release of the very first iPhone, Facebook and Twitter went global, YouTube was released and 'Watson' IBM's artificial intelligence system was created. 2007 was the year that defined the global presence of technology into the lives of citizens. Yet, in NSW government services were delivered largely in person and although we were using emails, websites were largely static, and Service NSW did not exist. For this reason, the technological neutrality afforded to government information under the GIPA Act was prescient and as a result, citizens in NSW have benefited with greater access to information, particularly through the proactive release of information mandated under the GIPA Act.

As government progressively implements digital services and machine enhanced decision-making, there is an increasing need to promote the right to access information. There is also a need to modernise and enliven the extant features of the legislation that promote access to information both at a foundational level and in response to identified risks. This includes [reporting government assets and disposals](#) and the [declaration of interests by elected officials in the Local Council Sector](#). In short, legislative review is required and I have provided recommendations to Ministers in accordance with my statutory functions.¹

Governments are increasingly contracting with citizens and the services delivered to them. Social housing rental contracts are a mature manifestation of a government contract for services but increasingly they involve the provision of direct funding. Toll subsidies, disaster recovery grants, and beekeeper grants are among the many examples of government payments that appear to replace examination and adjustment of base line costs in a dynamic market.

¹ GIPA Act s.17(h)

These financial subsidies or grants are provided to citizens and businesses alike and they may involve the calculation of an entitlement derived from a range of data including financial, industry, climatic and geographical. Amendments to the [Government Information \(Public Access\) Regulations 2018](#) in 2023, recognised the corrosive impact of government opacity in relation to government grants and the power of information access in combatting corruption. I am most proud of my significant contribution to this amendment that empowers people, through access to information about government grants. However, this public reporting reflects the known risks. In the context of a contemporary government, we must identify and deal with both latent and unknown risks.

Our most significant challenge is the preservation of information access and privacy rights in digital government. The [Artificial Intelligence \(AI\) Regulatory Scan](#) produced by both Commissioners in 2022, provides an overview of global approaches to identified risks associated with AI. The scan then considers the regulatory environment in NSW and the treatments applied to risks arising from AI within this jurisdiction. Ultimately, the Regulatory Scan makes recommendations to preserve information access and privacy rights.

In summary, my recommendations to government relevant to extant information access laws as they relate to AI, are to:

- ensure mandatory proactive disclosure of the use of AI by agencies by inclusion as open access under the GIPA Act
- ensure that open access includes a statement of use, inputs and a description of the operation of the AI system
- expand information access rights under government contracted services to AI used for decision-making
- include the use of AI as a factor in favour of disclosure of information under the GIPA Act to address the existing asymmetry that protects the business interests of agencies and third-party providers.

It is this proactive approach to the preservation of rights in the new frontier of governments' application of AI that well demonstrates the maturity and forward focus of the IPC. That forward focus has been augmented by the expertise of our [Information Access and Privacy Advisory Committee](#) (IPAC) and I express my sincere gratitude for the expertise and generosity of the members of IPAC.

Going forward, the [NSW Parliamentary Inquiry into AI](#) provides us with a rare opportunity to harness the knowledge of the many contributors to the application of AI by government. I look forward to engaging with this Committee.

The IPC is proactive and facilitates a proactive approach by agencies

I am most proud of the transformation of the IPC over my ten years from a reactive organisation hampered by a backlog and division of statutory functions to a 'one-stop-shop', proactive, data driven contemporary regulator, and recognised pro-integrity agency. This achievement is a great credit to the IPC staff who have willingly embraced new skills and opportunities and committed to excellence in information governance to preserve and promote both information access and privacy rights. Their expertise is well established and our ground-breaking work in diagnostics, remediation and cultural change is recognised [nationally](#) and internationally.

The IPC continues to achieve 40-day finalisation targets in both information access and privacy notwithstanding increases in volumes. This year, we received 5% more reviews and complaints overall. Information access reviews and complaints increased by 26% and our information access advices increased by 37%. As a result of our leadership, skilled workforce and sound case management, we operate without a backlog. In this regard we are exceptional.

Since my first year as Information Commissioner in 2014, I have published 24 proactive [compliance reports](#). These reports have been calibrated to risk identified largely through our sophisticated application of data under the auspices of the IPC Regulatory Compliance Committee. Information about the actions of the Committee can be found on page 52. The guidance and recommendations contained in this body of work remain relevant and has in part, inspired overall performance improvement by NSW agencies.

Likewise, we have harnessed the benefits of technology to assist agencies in achieving compliance more efficiently and effectively. [Self-audit tools](#) for agencies to measure and remediate compliance shortfalls empower not only agencies but citizens. Publicly facing [performance dashboards](#) demonstrate an enlivenment of the purpose of the GIPA Act and our commitment to an open and accountable government.

The IPC has benefited from the collective contribution of successive [Audit and Risk Committees](#) (ARC). The [Chairs and members](#) have unfailingly given expert advice and importantly support to the IPC as a small independent agency navigating the budgetary and administrative constraints of the extant cluster hosting arrangements. Regrettably, governance and budgetary arrangements are not always aligned to respond to the statutory functions of independent entities, and I have engaged administratively regarding opportunities to remediate this issue.

Likewise, we have harnessed the benefits of technology to assist agencies in achieving compliance more efficiently and effectively.

My insights have been formed by unique and valuable experiences. As a current [Member of Australia's Open Government Partnership](#) (OGP) and through the first and second OGP National Action Plan, I have contributed and been recognised as a leader in information access rights. It is a privilege to work and engage at a national level and impactfully deliver outcomes on behalf of my exceptional colleagues in the [Association of Information Access Commissioners](#) (AIAC). Likewise, I have been afforded opportunities by UNESCO to offer learnings from NSW to the [global information access stage](#). It has been an honour to highlight the NSW context and describe the progress we have made in ensuring information access rights.

Securing our future

The potency of the GIPA Act is achieved through four pathways to access information: two proactive and two reactive pathways that combine to form a virtuous cycle. Having guided agencies to demonstrable improvements in the exercise of their functions under the reactive pathways, in this my final year of office I have focused on enlivening the proactive pathways through [research](#), training, guidance and cultural change to maximise their use. Digital government enables the promotion of proactive release of information between agencies and it must reciprocate through proactive release of information to citizens.

I leave the IPC and NSW government agencies with this forward agenda and the capacity to succeed in buttressing this final link in the virtuous circle of continuous release of government information to empower citizens and enrich our participative system of democracy.

In summary, our success over the past ten years has been achieved through purposeful examination, concerted capability development, productive engagement, ensuring the effective operation of legislation, and advancing technology to both report upon and improve performance. We have operated as experts united in the cause of promoting the best information governance in NSW to serve and empower its people. The privilege of this agenda and the joy it has delivered to me professionally and personally is unsurpassed.

My sincere gratitude to my colleague, Samantha Gavel, NSW Privacy Commissioner, the IPC executives and staff. Without their constancy and contribution, the transformation of the IPC and information access and privacy rights in NSW would not have been achieved. Agencies themselves, from leaders to front line staff, have engaged sincerely in the cultural transformation required to serve citizens' legislated information access and privacy rights. Importantly, the [NSW Practitioners Network](#) has worked as committed and tireless volunteers to expertly promote these rights and they are commended. Like agencies, they can be very proud of their contribution to democracy. Integrity agencies have been concerted in their collaboration with the IPC and our collective efforts to promote integrity in government have prevailed. I am most grateful to have worked with and learned from leaders of independent integrity agencies.

Serving our democracy and working with those committed to public service, its values and aspirations in the role of IPC CEO and Information Commissioner has been my consummate privilege.

Elizabeth Tydd

IPC CEO, Information Commissioner
NSW Open Data Advocate

Dip Social Welfare, B Laws, Grad Dip Legal Practice,
M Laws

Cert of Governance, Governance Institute
GAICD

Executive Certificate in Public Policy,
Harvard Kennedy School

Overview



Samantha Gavel Privacy Commissioner

Achievements and Report to NSW Parliament

Introduction

Since my appointment as NSW Privacy Commissioner almost six years ago, the privacy landscape has evolved at a rapid pace, due to developments in digital technology and the use of data, as well as heightened cyber security threats. These developments were accelerated by the COVID-19 pandemic, as digital technology and data provided important insights to government to inform its pandemic response and enabled many people to work and learn remotely.

Advances in digital technology and the use of data have provided significant benefits for government and citizens in NSW, by providing more seamless government services, workplace efficiencies and greater ability to harness and use data to gain insights and improve outcomes for NSW residents. Examples include the digital drivers' licence and the Service NSW contact tracing tool used during the pandemic.

However, these benefits have also posed significant challenges to privacy, through the ability for agencies to collect and retain significant quantities of personal information. This creates immense challenges for agencies to ensure that they are able to secure personal information held in digital systems and keep it safe from unauthorised access and misuse.

Advances in digital technology and the use of data have provided significant benefits for government and citizens in NSW, by providing more seamless government services, workplace efficiencies and greater ability to harness and use data to gain insights and improve outcomes for NSW residents.

Privacy, rather than being a blocker or barrier to the development of innovative digital solutions and services by government, has promoted public trust in digital services and enabled the public to feel confident about using these services.

During the past six years, the IPC has promoted and protected privacy rights, including by:

- developing its capability to assist and advise agencies about the privacy risks posed by digital technology and ways to mitigate these risks
- providing advice on over 200 digital projects funded by the Digital Restart Fund (DRF), ensuring that privacy risks are identified and mitigated through a privacy-by-design approach to every stage of these projects
- improving the timeliness of its privacy casework, with 100% of internal privacy reviews closed within the IPC's 40-day timeframe in the past three years
- supporting agency compliance with privacy legislation through self-assessment tools and guidance
- enhancing awareness of privacy and its role and services with agency stakeholders and the public.

These achievements mean that the IPC is well placed to continue to promote and protect privacy rights in future years, which are likely to bring new and even more complex privacy challenges.

Passage of legislation to strengthen the PPIP Act

As Privacy Commissioner, it was very pleasing to see the passage of legislative amendments by the NSW Parliament in November 2022 to strengthen privacy protection in NSW that I had been a strong advocate for.

The amendments provide for the establishment of a Mandatory Notification of Data Breach (MNDB) Scheme and extend coverage of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) to State-Owned Corporations (SOCs) that are not regulated by the Commonwealth Privacy Act.

The amendments aim to strengthen the NSW privacy framework by:

- improving agencies' data handling practices and reducing the incidence of data breaches likely to result in serious risk of harm
- facilitating prompt notifications to individuals to enable them to protect themselves in the event of data breaches relating to their personal or health information that are likely to result in serious harm
- providing the IPC and Government with a holistic understanding of data breach management across agencies, and to enable Government to identify and address systemic issues where appropriate
- extending the PPIP Act to apply to SOCs not regulated by the Commonwealth *Privacy Act 1988*.

The introduction of the MNDB Scheme is a critical reform in the context of the increasing use of digital technology and data by government to provide services to citizens and inform policy development and outcomes.

Preparations by the IPC ahead of the commencement of the MNDB Scheme in November 2023 are well progressed. These preparations include staff recruitment, changes to systems and processes, drafting of guidance and communications to agencies and the public about the Scheme.

The IPC has received additional funding to establish and regulate the MNDB Scheme. The funding covers the cost of additional staff, as well as the development of tools and system changes to support the Scheme. Ensuring that appropriate resourcing is provided to enable the IPC to regulate the Scheme will continue to be important in future years.

Further information about the IPC's preparation for the introduction of the Scheme is outlined in the Section 61B Report which follows this Overview.

Privacy Awareness Week

The IPC celebrated Privacy Awareness Week (PAW) 2023 from 1 to 7 May. The theme for PAW NSW this year was "Back to Basics – Privacy Foundations in NSW". This theme enabled the IPC to focus on reminding agencies and citizens of the fundamentals of privacy and highlight the basic requirements for protecting privacy and keeping personal information safe.

There was a record number of PAW Champions this year, with over 80 agencies participating in the IPC PAW Champion program, which encourages agencies to join as Champions to help promote and publicise PAW.

The IPC's major PAW event was an online webinar for senior leaders and privacy practitioners. Former Human Rights Commissioner, Ed Santow, spoke on the topic of "*Artificial intelligence, digital identity and facial recognition: Protecting privacy and human rights as the technology leaps forward*". This keynote presentation was followed by a panel discussion, moderated by the Privacy Commissioner, between Ed Santow, Dr Ian Oppermann (NSW Chief Data Scientist) and Lenka Bradovkova (Executive Director, Identity, NSW). The webinar is available to view on the [IPC website](#).

I participated in a number of other PAW events, including as a panel member at an event hosted by IDCARE and an event hosted by the Office of the Victorian Information Commissioner. I also participated in an online webinar for SOCs, aimed at providing information about the compliance requirements of the PPIP Act and the MNDB Scheme, ahead of the requirements for SOCs not regulated by Commonwealth privacy legislation to comply with the PPIP Act and the MNDB Scheme from November 2023.

Data breaches

The cyber breaches that have affected a number of large private sector organisations, including Optus and Medibank in 2022, have provided a stark reminder about why privacy is so important. These breaches have resulted in the personal and health information of millions of people being illegally accessed by cyber criminals and exposed on the dark web. This information includes identity documents issued by NSW Government agencies.

These breaches have put privacy front and centre in the media and ensuing public debate and raised key privacy topics, including the importance of only collecting the personal information you need; keeping it secure and retaining it only as long as necessary; and disposing of it securely once it's no longer needed.

In 2022/23, the IPC received 351 voluntary data breach notifications, compared with 189 during the previous year. This represents a significant increase in the voluntary reporting of data breaches. The higher number of voluntary notifications reported during the year may relate to the significant public commentary on the Optus, Medibank and Latitude breaches, as well as the IPC's communications to agencies about the commencement of the MNDB Scheme in November this year.

As noted above, the introduction of the MNDB Scheme in late 2023 will assist in improving agencies' data handling practices and reduce the risk of breaches, as well as ensuring that individuals affected by a breach are notified and supported.

However, data breaches continue to pose a threat to privacy and agencies will need to continue to focus on ensuring that personal information collected from the public is held securely and protected against unauthorised access, loss and misuse.

Reflecting and looking forward

Consideration of privacy issues is critical to the development of innovative solutions to improve government services, use resources more efficiently and improve outcomes for citizens.

It is important that agencies recognise that incorporating good privacy practice and design into their processes, projects and services is an enabler of trust by the public, rather than a barrier. This ensures that the public can have confidence that the personal and health information collected and held by government is managed in a way that is respectful of their privacy rights.

Privacy has become increasingly important for the public and for government agencies in providing the services and tools to enable the public to interact with government. As we live our lives in an increasingly digital world, the importance of protecting privacy will continue into the future.

It has been pleasing to see during my time in the role of Privacy Commissioner a noted improvement in understanding and capability across NSW agencies in relation to privacy. In particular, I commend the work by the Department of Customer Service (DCS) to uplift privacy capability and processes across the cluster. This has been particularly important because of the Department's key role in developing digital services for the public.

It has been a privilege to serve for two terms as Privacy Commissioner, during a time when privacy has never been more important. Some of my personal highlights during my six years in the role include:

- The successful re-integration of the Privacy Commissioner's office into the IPC by ensuring a positive and collaborative approach with internal and external stakeholders, to enable the IPC to successfully carry out its functions on behalf of both Commissioners in an efficient and effective way.
- Uplift in IPC capability and ability to manage new and increased privacy challenges through more efficient and effective processes and procedures, leading to improved timeliness in IPC casework, uplift in agency understanding of privacy issues, privacy capability and compliance.
- Positive collaboration with agencies to assist in delivering key aspects of the NSW Government's data and digital agenda in a privacy respectful way to promote public trust in these initiatives. Examples include the *Their Futures Matter* data sharing project, the Digital Drivers' Licence and the Mobile Phone Detection camera road safety initiative.
- The passage of privacy reform legislation to provide for the introduction of the MNDB Scheme for NSW agencies and extending the PPIP Act's jurisdiction to SOCs not covered by Commonwealth privacy law. These reforms will take effect later this year.
- Providing advice and assistance to the Government and agencies regarding privacy issues in relation to response to the COVID-19 pandemic.

As I conclude my term as Privacy Commissioner, I reflect on the many achievements of the IPC over the past six years, as well as the future challenges. These include ensuring that privacy is effectively protected in an increasing number of digital projects and services being developed by Government as well as in projects that involve the use of AI technology, which is advancing at a rapid pace. A key challenge will be managing the introduction of the MNDB Scheme from November this year.

Success in a statutory role is only possible with the support and assistance of a broad range of internal and external stakeholders. I very much appreciate the support I've received from my colleagues across NSW government and particularly those in DCS and the Department of Communities and Justice (DCJ).

I would like to thank the Directors and staff of the IPC for their hard work, dedication and support during my time in the role. The work of our three exceptional teams ensures the agency is able to meet its statutory functions and achieve its goals across its broad regulatory remit, which extends well beyond the IPC's size and scale.

During my time in the role, I have greatly valued the collaborative approach and support of the IPC CEO and Information Commissioner, Elizabeth Tydd. Her leadership of the IPC has been inspirational and exemplary, and the positive relationship we have built together has provided a foundation for success across all aspects of the IPC's work.

Samantha Gavel
Privacy Commissioner
B Arts, GAICD

Section 61B Report on the Operation of the Privacy and Personal Information Protection Act 1998

The PPIP Act provides the legislative framework for protecting privacy in NSW by (inter alia) placing obligations on NSW government agencies to comply with the Information Protection Principles (IPPs) outlined in the PPIP Act and conferring privacy rights on citizens in relation to breaches of the IPPs by NSW government agencies.

Section 61B of the PPIP Act provides for the Privacy Commissioner to prepare and publish a report on the operation of the PPIP Act each year.

Passage of legislation to strengthen the PPIP Act

In November 2022, the NSW Parliament passed important reforms to the PPIP Act to strengthen privacy in NSW by:

- Establishing a MNDB Scheme for NSW Government agencies, which requires agencies to notify the Privacy Commissioner and affected individuals of a data breach which is likely to result in a serious risk of harm;
- Extending the PPIP Act to apply to SOCs that are not covered by the Commonwealth *Privacy Act 1988*; and
- Removing requirements under the *Fines Act 1996* for Revenue NSW to report data breaches to the Privacy Commissioner, so that all NSW agencies are regulated under a single MNDB Scheme.

These are the most significant NSW privacy reforms for a number of years.

The amendments will take effect on 28 November 2023, providing the IPC and NSW agencies with twelve months to prepare for their introduction. The application of the PPIP Act to SOCs will close a long-standing gap in the coverage of NSW privacy legislation. The introduction of the MNDB Scheme is a critical reform in the context of the increasing use of digital technology by government to store personal information, provide services to citizens, and inform policy development and outcomes.

The Commonwealth Government introduced its Notifiable Data Breach Scheme in 2018 and the NSW MNDB Scheme is designed to harmonise with the Commonwealth Scheme, by using the same notification threshold and assessment times.

In preparing for commencement of the NSW MNDB Scheme, the IPC has prepared and published the following guidance and resources to provide information about the Scheme to the public and assist agencies to prepare to comply:

- Fact Sheet for agencies: Exemptions from notification to affected individuals
- Guide to preparing a data breach policy
- Fact Sheet for citizens: What is the MNDB Scheme
- Fact Sheet for citizens: Notification to affected individuals of a Data Breach
- Guide to managing data breaches in accordance with the PPIP Act
- Data breach notification form to the Privacy Commissioner

In addition, there are three Guidelines which require the Privacy Commissioner to consult with the responsible Minister(s) before they are published:

- Assessing an eligible data breach
- Guideline: Exemption under s 59W (Health and Safety)
- Guideline: Exemption under s 59X (Cybersecurity)

Consultation drafts of these Guidelines will be provided to Ministers in coming months and will be published once the consultation process is finalised.

Ahead of the commencement of the MNDB Scheme, NSW agencies will need to take a number of steps to comply, including to:

- establish and clarify roles and responsibilities
- review and update the Privacy Management Plan
- prepare and publish a Data Breach Policy
- review and update relevant policies and procedures
- establish an incident register
- establish a public notification register

The IPC is also developing e-learning modules and animations to support the introduction of the Scheme, as well as a range of communications to raise awareness. These will be in addition to the Bi-monthly e-Newsletter the IPC has distributed to agencies to assist them to prepare for the introduction of the Scheme.

Privacy complaints under the PPIP Act

The PPIP Act provides two avenues for complaints about privacy issues. Where the complaint is about an alleged privacy breach by a NSW government agency, the PPIP Act provides for an internal review under Part 5 of the PPIP Act to be undertaken by the agency. This pathway enables the agency to investigate the breach and provide an explanation or resolution of the complaint. The Privacy Commissioner has an oversight role in relation to internal reviews and the complainant has the right to seek a review by the NSW Civil and Administrative Tribunal (NCAT) if they are not satisfied with the outcome of the review.

Internal reviews are required to be completed in a timely manner by agencies, to enable the Privacy Commissioner's oversight role to be exercised, prior to the review being finalised. The IPC has procedures to follow up with agencies at regular intervals to enable timeframes to be met. These procedures have proven to be effective, as demonstrated by the timeframes for closure of privacy reviews by the IPC since the procedures were introduced. In the current reporting year, 100% of privacy reviews were completed within the IPC's target of 60 days.

Internal reviews constitute about two thirds of the IPC's privacy casework.

In 2022/23, there was a 14% decline in the number of privacy reviews received by the IPC. This followed increases in the number of reviews received in recent years, including an 11.8% increase in 2020/21 and a 36% increase in 2019/20. There were fewer significant data breaches affecting NSW agencies during the reporting period, which may account for some of the decline in the number of reviews received.

The top three issues raised in internal reviews during 2022/23 were in relation to the following IPPs:

- Principle 11 (limits on disclosure of personal information)
- Principle 5 (retention and security of personal information)
- Principle 10 (limits on use of personal information).

Where a privacy complaint is not about a NSW government agency, the PPIP Act also provides a pathway for a complaint to be considered by the Privacy Commissioner. If the Privacy Commissioner decides to deal with a complaint, the PPIP Act requires that the Privacy Commissioner must try to conciliate the complaint. The complainant does not have a right of review to the Tribunal where a complaint is conciliated by the Privacy Commissioner.

In general, the Privacy Commissioner deals with very few complaints under the PPIP Act, because the majority of complaints under the PPIP Act are dealt with as internal reviews.

The Privacy Commissioner also has complaint handling functions under the *Health Records and Information Privacy Act 2002* (HRIP Act).

During the reporting period, 66 privacy complaints were received, compared with 96 the previous year. Most of these complaints were made under the HRIP Act and related to private healthcare providers. More information about privacy complaints under the HRIP Act is available on page 43.

The IPC encourages people who lodge a complaint about a government agency to seek an internal review by the agency, rather than proceeding with the complaint. This gives them review rights by the Tribunal and is also the appropriate pathway set out in the legislation for privacy complaints about government agencies. The IPC's process to encourage complainants to use the internal review pathway under the legislation where appropriate, may be a factor in reduced number of complaints being received during the year.

Regulated sectors

The PPIP Act regulates NSW State Government agencies, including government departments and agencies, public universities and local councils. The PPIP Act's remit is broad, and regulated entities range in size from large government cluster agencies, through to small, regional and remote local councils.

Most privacy complaints received by the Privacy Commissioner relate to applications for internal review by NSW government departments and agencies. This is the largest sector regulated by the Privacy Commissioner and therefore higher numbers of complaints than other sectors are within expectations. Cluster agencies account for the majority of the internal review applications, due to their size and functions, which include the handling of personal information of NSW citizens. The Council sector and University sector account for lower numbers of complaints, due to the smaller size of these sectors.

In order to assist agencies to comply with the PPIP Act, the IPC provides guidance and tools on its website, including guidance about conducting internal reviews under the PPIP Act, learning modules for agency staff and self-assessment tools to assist agencies with identifying areas where compliance could be improved and elevating their compliance. During the reporting period, the Privacy Self-assessment Tools underwent a review informed by feedback received from regulated entities. The Self-assessment Tools have been redesigned so that agencies can perform an assessment of their privacy governance maturity while also tracking their progress in improving their privacy practices. More information on this review can be found on page 59.

The IPC has a Compliance Committee that meets quarterly, to consider a range of factors in order to identify areas of focus for regulatory activity by the IPC.

Privacy Management Plans

During the reporting period, the IPC conducted a follow up Desktop Audit of Privacy Management Plans (PMP) of universities, select councils and government departments' compliance with the PMP requirements under the PPIP Act. NSW public sector agencies are required under section 33 of the PPIP Act to have a PMP. An agency's PMP should also be made publicly available on the agency's website and made available in other ways on request. Section 33 of the PPIP Act further provides that agencies must provide a copy of their PMP to the Privacy Commissioner as soon as practicable after preparation or amendment.

A PMP is a strategic planning document in which each public sector agency describes the measures it proposes to take to ensure that it complies with the PPIP Act and the HRIP Act.

The results demonstrate that while there was progress made by agencies that were the subject of the 2021 PMP Audit Report, the results in relation to the additional agencies included in this audit continue to demonstrate gaps in the currency of the PMPs within agencies.

The audit report has made a number of recommendations, which agency leaders are strongly encouraged to consider and implement, in order to elevate compliance in relation to the handling of personal information, assist in preparing for the introduction of the MNDB Scheme and support the delivery of digital services to the public.

Agency leaders are strongly encouraged to take the steps needed to achieve and maintain PMPs which have currency and provide value.

Samantha Gavel
Privacy Commissioner
B Arts, GAICD

Priorities for 2023/24

Farewell current Information Commissioner and Privacy Commissioner and welcome the appointment of the incoming Commissioners

Complete the development and implementation of the MNDB project plan

High level review of IPC end-to-end communications and test against the strategic pillars of the organisation

Further develop relationships with integrity agencies, other NSW Government agencies and practitioner networks to produce information on emerging statutory and regulatory developments and challenges, and provide specific advice tailored for individual agencies

Provide content for the preparation of guidelines and guidance to assist agencies to comply with legislation, including the MNDB Scheme

Undertake proactive communication strategies, using available resources across the organisation to promote education around key strategic issues for the IPC

Disseminate resources to agencies on the implementation of the MNDB Scheme and drive engagement with practitioners and 'champions'

Deliver proactive audits informed by key risks and new and emerging issues

Our organisation



About the IPC



Ian Naylor
Director, Business Improvement



Sonia Minutillo
Director, Investigation and Reporting



Jessica Kavanagh
Director, Legal Counsel and Regulatory Advice*

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

*Concluded in the role April 2023

Who we are

The IPC is an independent statutory authority that administers NSW legislation dealing with privacy and access to government information. The IPC was established on 1 January 2011 to provide a single point of service with respect to information access and privacy rights, ensuring that agencies and individuals can access consistent information, guidance and coordinated training about information access and privacy matters.

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

What we do

The IPC promotes and protects privacy and information access rights in NSW by providing information, advice, assistance and training for agencies and individuals on privacy and information access matters. The IPC reviews the performance and decisions of agencies and investigates and conciliates complaints relating to government agencies, health service providers (both public and private) and some large organisations that deal with health information. The IPC also provides feedback to government about the legislation and relevant developments in the law and technology.

Our service charter

We are committed to providing you with the best service we can and to ensuring that you are able to provide feedback by:

1. delivering the best standard of service that reflects our values
2. ensuring that you can provide us with feedback on the service you received, how we treated you and how we dealt with your information.

Our vision

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

Our values

The IPC's Values Framework was developed in line with the Government Sector Core Values. The IPC's Values are: Accountable, Service Focused, Proactive, Independent, Integrity and Trust. See page 21 for more information.

Our stakeholders

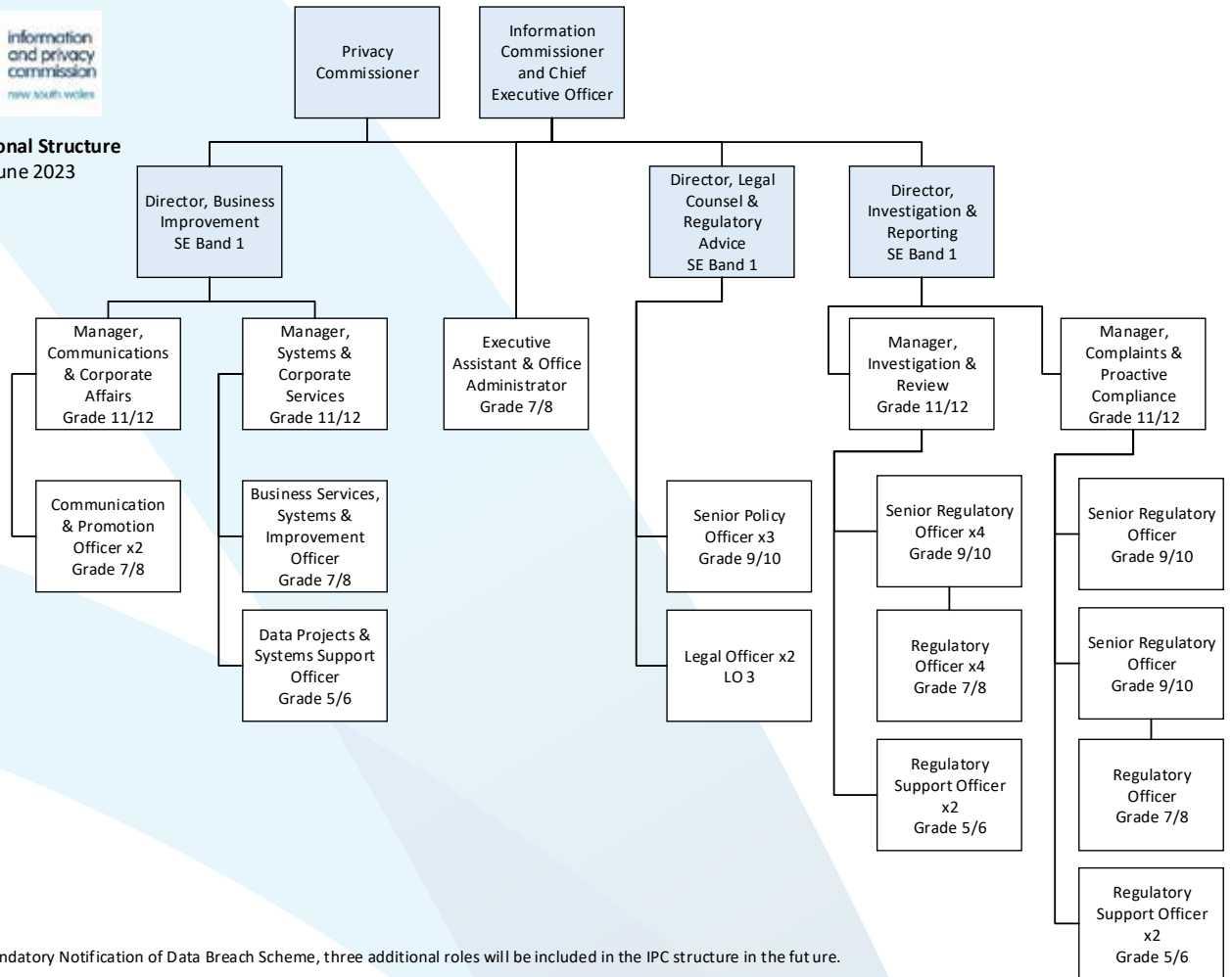
- NSW Parliament
- Members of the public
- NSW Government (Premier, Attorney General, and Minister for Customer Service and Digital Government, Minister for Emergency Services, and Minister for Youth Justice)
- NSW Parliamentary Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission
- NSW public sector agencies including state government bodies, councils, SOCs* and universities
- Non-Government Organisations delivering contracted services to the public on behalf of NSW Government agencies
- Ministers and their staff
- Members of Parliament and their staff
- Other Information and Privacy Commissioners and Ombudsmen
- IPAC
- Other oversight accountability agencies
- Media
- Staff.

* PPIP Act to be extended to cover SOCs from 28 November 2023.

Organisational structure as at 30 June 2023



IPC Organisational Structure
As at 30 June 2023



Note: For the Mandatory Notification of Data Breach Scheme, three additional roles will be included in the IPC structure in the future.



information
and privacy
commission
new south wales

Our Values Framework

Accountable

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

Service focussed

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

Proactive

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

Independent

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

Integrity

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

Trust

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

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

Our organisation

Accountability

Role of the Information Commissioner

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

The role of the Information Commissioner is to promote public awareness and understanding of the right to access government information in NSW, and provide information, support, advice, assistance and training to agencies and the general public. The Information Commissioner has the power to conduct reviews of decisions made by other NSW government agencies and deal with complaints about information access. The Information Commissioner also monitors agencies' functions, reports to Parliament on the operation of the GIPA Act, and reports to the Attorney General, and Minister for Customer Service and Digital Government 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 of government information
- public interest considerations against disclosure of government information
- agency functions
- the public's rights to access information
- an agency's information guide
- reductions in processing charges.

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

Since September 2020, the Information Commissioner also provides advice on projects seeking funding through the DRF.

Participation in committees

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

- The International Conference of Information Commissioners
- Association of Information Access Commissioners (AIAC)
- Public Interest Disclosures Steering Committee – under section 6A(1) of the *Public Interest Disclosures Act 1994* (PID Act 1994)

- Open Government Partnership Working Group
- Information and Privacy Advisory Committee (IPAC) (Chair)
- State Records and Archives Board (Deputy Chair)
- The Gradient Institute Advisory Board Member.

Role of the Privacy Commissioner

The Privacy Commissioner is appointed by the Governor as an independent office holder under section 34 of the PPIP Act.

The role of the Privacy Commissioner is to promote, protect and enhance the privacy rights of the NSW community, resolve complaints and ensure agencies uphold the privacy principles in the PPIP Act and the HRIP Act.

A key function is to educate the people of NSW about the meaning and value of privacy by:

- responding to enquiries and educating the community about privacy issues and possible remedies for breaches of their privacy
- advising government agencies, businesses and other organisations on how to ensure that the right to privacy is protected
- receiving, investigating and conciliating complaints about breaches of privacy
- appearing in NCAT and advising on privacy law in privacy cases
- overseeing NSW government agency reviews of reported privacy breaches
- researching developments in policy, law and technology that may impact on privacy, and making reports and recommendations to relevant authorities
- issuing guidelines on privacy principles.

Since September 2020, the Privacy Commissioner also provides advice on projects seeking funding through the DRF. From 28 November 2023, the Privacy Commissioner will also oversee the MNDB Scheme.

Participation in committees

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

- Asia Pacific Privacy Authorities (APPA)
- Privacy Authorities Australia (PAA)
- IPAC.

Governance and legislative responsibilities

Our governance

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

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

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

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

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

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

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

The Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission oversees the functions of the Information Commissioner and the Privacy Commissioner and reports to Parliament. The role of the Committee does not provide for it to:

- investigate a matter relating to particular conduct
- reconsider a decision to investigate, not to investigate or to discontinue investigation of a particular complaint or matter of conduct
- reconsider the findings, recommendations, determinations or other decisions the Information Commissioner or the Privacy Commissioner has made in relation to a particular investigation, matter or complaint.

Our legislation

The IPC administers the following legislation:

- *Government Information (Public Access) Act 2009* (NSW) (GIPA Act)
- *Government Information (Public Access) Regulation 2018* (NSW) (GIPA Regulation)

- *Government Information (Information Commissioner) Act 2009* (NSW) (GIIC Act)
- *Privacy and Personal Information Protection Act 1998* (NSW) (PPIP Act)
- *Privacy and Personal Information Protection Regulation 2014* (NSW) (PPIP Regulation)
- *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act)
- *Health Records and Information Privacy Regulation 2022* (NSW) (HRIP Regulation).

Objectives of our legislation

The GIPA Act establishes an open approach to gaining access to government information. NSW government agencies, including SOCs, NSW Government Ministers, local councils and universities are covered by the GIPA Act. The object of the GIPA Act is to maintain and advance a system of responsible and representative democratic government that is open, accountable, fair and effective, by:

- authorising and encouraging the proactive release of government information by agencies
- giving members of the public an enforceable right to access government information
- providing that access to government information is restricted only where there is an overriding public interest against disclosure.

The intent of Parliament to create a 'one-stop-shop' is supported by the legislation which provides a legal framework in which access to information and protection of privacy can be appropriately balanced. The GIPA Act confirms that information sharing must commence from the position of granting access to information. However, this commitment to sharing information must also balance factors including the protection of personal information.

Practical mechanisms to promote information sharing and protect personal information are also provided under the GIPA Act. The PPIP Act contains provisions to confirm that the PPIP Act does not lessen the operation of the GIPA Act, which provides the vehicle for release of government held information of a personal and non-personal nature.

Under the GIPA Act, the Information Commissioner must complete the review of agency decisions within 40 days of receipt of all information. To ensure equity of service delivery this timeframe is also applied, by convention, to the conduct of privacy reviews by the Privacy Commissioner.

The GIIC Act establishes the role of the Information Commissioner and provides the legislative framework through which the Information Commissioner and IPC staff as delegates, exercise functions in relation to the investigation of complaints and the conduct of enquiries.

Governance and legislative responsibilities

The PPIP Act establishes the role of the Privacy Commissioner and gives effect to Parliament's intention that privacy and information access are separate and discrete functions. It also gives legal recognition to the public interest in the protection of privacy – the right of individuals to exercise control over the availability and use of personal information about them. The PPIP Act protects privacy by regulating the way NSW public sector agencies (including local councils and universities) deal with personal information. The key to the PPIP Act is the 12 IPPs.

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

Our strategic objectives

In December 2021, the IPC finalised its Strategic Plan for 2022-2024. The Strategic Plan's structure follows the previous 2020-2022 plan, which is formed around the four pillars of:

- Service Delivery & Excellence
- Engagement & Influence
- Rights Promotion & Impact
- Operational Excellence.

The IPC's Regulatory Plan 2022 – 2024 commenced in 2022, following the conclusion of the 2020-2022 plan in December 2021. As with previous Plans, the IPC's regulatory efforts continue to be guided by a risk-based and intelligence-informed approach to regulation and align to its regulatory objectives to:

- guide safe and effective information sharing by agencies and build public awareness and understanding
- protect information access and privacy rights of the citizens of NSW
- report on and foster agency compliance with information access and privacy obligations.

Further information about the Plans, including their development, can be found on page 62.

Strategy



IPC Strategic Plan 2022 – 2024 Summary

IPC Strategic Plan 2022 – 2024 Framework

<p>Pillar 1: Service Delivery & Excellence</p> <p><i>What are we doing to improve services to the community</i></p>	<p>Pillar 2: Engagement & Influence</p> <p><i>What are we doing to directly influence regulated agencies and engage with the public</i></p>	<p>Pillar 3: Rights Promotion & Impact</p> <p><i>What are we doing to anticipate and address emerging regulatory issues</i></p>	<p>Pillar 4: Operational Excellence</p> <p><i>What are we doing to support an effective, efficient one-IPC</i></p>
<p>Objective</p> <p>Deliver quality, timely and effective services to promote regulatory objectives and compliance, enabled by effective and accessible resources supported by well managed and efficient systems and processes.</p>	<p>Objective</p> <p>Influence agencies and citizens through strategic engagement to promote information access and privacy rights, identify risks and authoritatively promote compliance to achieve regulatory goals.</p>	<p>Objective</p> <p>Continually improve citizen and agency understanding of their information access and privacy rights and obligations now and into the future through provision of timely, accurate, informative and innovative guidance, advice, intelligence and tools.</p>	<p>Objective</p> <p>Deliver respected, quality and comprehensive services with professionalism, supported by expert operational capability and sound good governance.</p>

IPC Values

Accountable • Service Focused • Proactive • Independent • Integrity • Trust

Reporting against our strategic objectives – Summary

IPC	Reviews & Complaints	2022/23	2021/22	2020/21
	Received	715	682	897
	Closed	704	764	850

GIPA	Reviews & Complaints	2022/23	2021/22	2020/21
	Received	456	362	538
	Closed	444	422	497

Privacy	Reviews & Complaints	2022/23	2021/22	2020/21
	Received	259	320	359
	Closed	260	342	353

Enquiries received by type		2022/23	2021/22	2020/21
	Phone	2069	1963	2242
	In writing and in person ¹	1027	1177	1165

Advices			
	2022/23	2021/22	2020/21
GIPA (closed)	230	168	285
Privacy (closed)	219	219	284
Joint ⁴	129	N/A	N/A

DRF Advices ³ (Information access and privacy)			
	2022/23	2020/21	2020/21
	38	112	121

Submissions			
	2022/23	2021/22	2020/21
GIPA	5 ²	6	6
Privacy	4 ²	8	9

Research (includes surveys)			
	2022/23	2020/21	2020/21
GIPA	3	2	1
Privacy	1	1	0

Committees			
	2021/22	2020/21	2019/20
GIPA	7	7	5
Privacy	3	4	4

Publications			
	2021/22	2020/21	2019/20
GIPA	10	13	13
Privacy	11	5	11

¹ Includes in person, emails, letters, faxes and website forms

² This is made up of 3 joint submissions

³ Both information access and privacy advices provided

⁴ Advices containing both information access and privacy elements

Reporting against our strategic and regulatory objectives

The reporting against our strategic and regulatory objectives relates to the IPC Strategic Plan 2022 – 2024 which commenced in January 2022. For more information on the plan and initiatives see page 24.

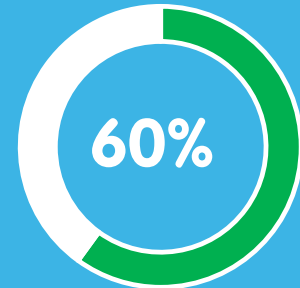
Pillar 1: Service Delivery & Excellence

What are we doing to improve services to the community

Objective:

Deliver quality, timely and effective services to promote regulatory objectives and compliance, enabled by effective and accessible resources supported by well managed and efficient systems and processes.

Strategic Initiatives completed



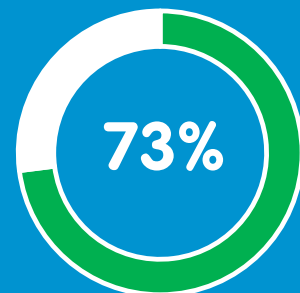
Pillar 2: Engagement & Influence

What are we doing to directly influence regulated agencies and engage with the public

Objective:

Influence agencies and citizens through strategic engagement to promote information access and privacy rights, identify risks and authoritatively promote compliance to achieve regulatory goals.

Strategic Initiatives completed



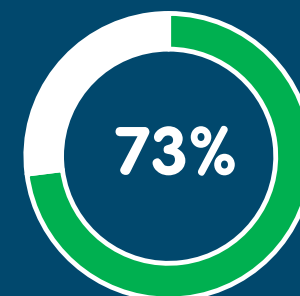
Pillar 3: Rights Promotion & Impact

What are we doing to anticipate and address emerging regulatory issues

Objective:

Continually improve citizen and agency understanding of their information access and privacy rights and obligations now and into the future through provision of timely, accurate, informative and innovative guidance, advice, intelligence and tools.

Strategic Initiatives completed



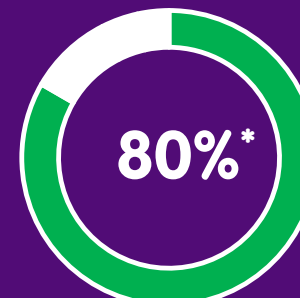
Pillar 4: Operational Excellence

What are we doing to support an effective, efficient one-IPC

Objective:

Deliver respected, quality and comprehensive services with professionalism, supported by expert operational capability and sound good governance.

Strategic Initiatives completed



* Includes 40% BAU ongoing initiatives

Reporting against our strategic objectives – Outcomes

Pillar 1: Service Delivery & Excellence

No.	Strategy	Outcome measures (KPIs)	Outcomes for 2022/23
1.1	Provide effective advice to agencies, citizens and other entities (e.g. NSW Parliament and the NCAT)	<p>Increased agency and citizen engagement with IPC materials measured through monthly dashboard reporting</p> <p>Improved record of agency implementation of IPC advice, including implementing privacy by design on digital and other projects. This will be captured via audit or follow-up surveys</p>	<ul style="list-style-type: none"> • 547,220 page views and 300,720 visits to the IPC website • 5,105 total downloads of IPC materials • 38 DRF advices provided to agencies promoting improved access to information and privacy • 93% of practitioners surveyed indicated that they had used IPC online resources within the past 6 months to assist them in their work • 87% of agencies surveyed agreed that it was easy to find information such as fact sheets, guidance and guidelines on the IPC website, an increase of 7% from 2021/22 • 87% of agencies surveyed agreed that IPC officers had the knowledge to answer their questions, an increase of 17% from 2021/22
1.2	Flexibly apply resources to meet increasing demand	Average timeframe for closures remains stable within a margin of 10% (+/-) of 2021/22 levels	<ul style="list-style-type: none"> • Information access: <ul style="list-style-type: none"> – 87% of advices were completed within the target, an increase from 62% in 2021/22 – 79% of complaints were completed within the target, consistent with 73% in 2021/22 – 100% of reviews were completed within the target, consistent with 100% in 2021/22 – 81% of enquiries were completed within the target, a decrease from 84% in 2021/22 • Privacy: <ul style="list-style-type: none"> – 76% of advices were completed within the target, an increase from 65% in 2021/22 – 92% of complaints were completed within the target, an increase from 67% in 2021/22 – 100% of reviews were completed within the target, consistent with 100% in 2021/22 – 70% of enquiries were completed within the target, consistent with 69% in 2021/22
1.3	Proactively set citizen expectations of the services and advice we can offer at their point of engagement with the IPC	<p>Improved outcomes of customer surveys using previous benchmarks (+/- 10% of 2021/22 levels)</p> <p>Improved agency and citizen engagement with IPC materials (monthly dashboard)</p>	<ul style="list-style-type: none"> • 46% of clients surveyed were satisfied with the service provided by the IPC, an increase of 4% from 2021/22 • 66% of clients surveyed indicated that IPC officers had the knowledge to answer their questions, an increase of 9% from 2021/22 • 68% of clients surveyed indicated that the outcome of their case was clearly communicated by the IPC, a decrease of 2% from 2021/22 • 65% of clients surveyed indicated that they received a timely outcome from the IPC, an increase of 7% from 2021/22 • 5,105 total downloads of IPC materials from the IPC website

Reporting against our strategic objectives – Outcomes

Pillar 2: Engagement & Influence

No.	Strategy	Outcome measures (KPIs)	Outcomes for 2022/23
2.1	Anticipate, shape and respond to the digitisation of government	More government information being released by agencies to citizens through digital projects incorporating information access measured through surveys	<ul style="list-style-type: none"> Overall information release rate of 70% across the NSW government 86% of agencies reported a review of their proactive release program 38 DRF advices provided promoting improved access to information and privacy
2.2	Improve understanding of impacts of technology on IPC legislation to build internal IPC capacity to assist agencies	Review currency of publications, including advice on new technologies	<ul style="list-style-type: none"> 66 IPC resources reviewed by the Publications Review Committee 916 instances of IPC cases or enquiries involving a digital component Publication of high-level scan of the national and international landscape relevant to AI with a focus on the preservation of information access and privacy rights
2.3	Continue to demonstrate IPC's proactive, independent leadership in the management and promotion of data and information	Improved IPC brand awareness around reach and reputation (brand awareness survey used to measure % increase in agency awareness of IPC services and responsibility)	<ul style="list-style-type: none"> Review of the IPC Brand Awareness Survey results 80% of the community surveyed were aware of the IPC, an increase of 14% from 2017 35% of the community surveyed indicated that they were aware that the IPC administers the GIPA Act in NSW, an increase of 8% from 2017 449 advices provided to agencies IPC Bulletin sent to over 1,500 stakeholders each quarter 480,815 total reach on Facebook and 111,560 impressions on LinkedIn for the IPC's boosted social media posts 300,720 total visits to the IPC website An increase of 24.3% since the previous reporting period
2.4	Encourage agencies to act on the guidance IPC provides	Improved record of agency implementation of IPC advice, including their implementation of privacy by design on digital and other projects (captured via audit or follow-up surveys)	<ul style="list-style-type: none"> 38 DRF advices provided promoting improved access to information and privacy 449 advices provided to agencies in 2022/23 87% of agencies surveyed said they were satisfied with the advice provided to them by the IPC, an increase of 17% from 2021/22 23 e-alerts sent to practitioners promoting IPC guidance

Reporting against our strategic objectives – Outcomes

Pillar 2: Engagement & Influence

No.	Strategy	Outcome measures (KPIs)	Outcomes for 2022/23
2.5	Ensure greater consistency of agency understanding and awareness of existing and emerging legislation / case law	Overall improvement in agency understanding and awareness (captured via audit or follow-up surveys)	<ul style="list-style-type: none"> • 449 advices provided to agencies in 2022/23 • 7 information access and privacy NCAT case notes published on the IPC website • 5,105 total downloads of IPC materials for 2022/23 • Over 280 agencies using the IPC GIPA Tool • 425 new registrations in the IPC's e-learning portal, a decrease from 538 in 2021/22
2.6	Effectively prepare for and deliver Mandatory Notification of Data Breach Scheme	100% of voluntary notifications are registered and acknowledged within 5 business days of receipt	<ul style="list-style-type: none"> • Prepared and published guidance and resources to provide information about the MNDB Scheme to the public and assist agencies to prepare to comply • Launched a dedicated MNDB webpage on the website and distributed 2 MNDB Bi-monthly e-Newsletters to stakeholders • Commenced developing e-learning modules and animations to support the introduction of the Scheme
2.7	Strengthening engagement using new and comprehensive ways of engaging agencies, partners, experts and citizens	Improved 'understandability' score on communication activities or materials (via micro-surveys)	<ul style="list-style-type: none"> • 75% of practitioners surveyed indicated that IPC guidance was 'easy' or 'very easy' to understand • 66% of clients surveyed agreed that information such as fact sheets and guidelines were easy to find on the IPC website, a decrease of 1% from 2021/22 • New diverse resource types developed, including 6 web templates and 2 animations
2.8	Seek to develop further external agency maturity around their use of the self-assessment tool	Increase in the number of agencies responding to IPC surveys saying that they are using self-assessment tools	<ul style="list-style-type: none"> • Published the updated Information Governance Agency Self-assessment Tools • 1,184 views and 652 downloads of Privacy Self-assessment Tools • 1,152 views and 546 downloads of Information Access Self-assessment Tools

Reporting against our strategic and regulatory objectives

Pillar 3: Rights Promotion & Impact

No.	Strategy	Outcome measures (KPIs)	Outcomes for 2022/23
3.1	Elevate agency and citizen awareness of rights and pathways for accessing information including MNDB	Improved record of agency implementation of IPC advice, including establishment of pathways being used by citizens (captured via audit or follow-up surveys)	<ul style="list-style-type: none"> • 55% of the community surveyed were aware that they had the right to access information from at least one of the agencies under NSW information access laws, a decrease from 59% in 2020 • Developed an animation on e-Governance and Digital Government • Published a new simplified fact sheet on what the IPC can and cannot do • 87% of citizen formal GIPA applications were valid; 58% invalid applications subsequently became valid • 6% increase in GIPA applications to NSW public sector agencies
3.2	Identify and manage emerging issues to inform guidance and thought leadership	Report number of IPC thought leadership pieces on a quarterly basis, noting that the dashboard also includes analysis of stakeholder engagement with materials around new trends and technologies	<ul style="list-style-type: none"> • Information Commissioner and Privacy Commissioner published 5 thought leadership pieces • 916 instances of IPC cases or enquiries involving a digital component. • Statement released by the Information Commissioner supporting the International Conference of Information Commissioners (ICIC) • 43 Commissioner presentations to stakeholders on information access and privacy • Information Commissioner participated in a panel at the UNESCO Global Conference of Universal Access to Information for Right to Know Week 2022 • Privacy Commissioner hosted the IPC webinar on Privacy, Data and Digital Technology for Privacy Awareness Week 2023
3.3	Continually ensure agencies and citizens have effective access to up-to-date information	Improved agency and citizen engagement with IPC materials (monthly dashboard)	<ul style="list-style-type: none"> • 34 new IPC resources published • 66 IPC resources reviewed by the Publications Review Committee • 28 IPC resources reviewed by the Legal Counsel and Regulatory Advice team • 5,105 total downloads of IPC materials • 381 total social media posts which included promotion of IPC resources 2,566 total engagements on the posts • 23 e-alerts sent to practitioners and citizens promoting IPC guidance

Reporting against our strategic and regulatory objectives

Pillar 4: Operational Excellence

No.	Strategy	Outcome measures (KPIs)	Outcomes for 2022/23
4.1	Implement best practice systems, processes and resources	Improved internal user satisfaction with system and resources (staff survey)	<ul style="list-style-type: none"> • IPC upgraded its case management platform Resolve for improved service • 62% of staff were satisfied with current systems, policies and procedures • Overall IPC staff score was 58% for learning and development in the 2022 People Matter Employee Survey (PMES) • 78% of IPC staff said they were satisfied with their ability to access and use flexible working • 100% of IPC staff surveyed agreed they have all the equipment they need to work from home
4.2	Work in a supportive, cross functional way across the whole of IPC, including to deliver systems improvement and agency advice	Overall staff satisfaction with experience of collaborating with other teams on Strategic Plan initiatives (360-degree survey)	<ul style="list-style-type: none"> • 90% of IPC staff surveyed rated their team's collaboration success as 'good' or 'very good' • 70% of IPC staff surveyed rated their experience in collaborating with other teams as 'good' or 'very good'
4.3	Ensure human resources and finance management meets IPC requirements and commitments	Decrease in the number of financial issues, increase in staff training hours measured and reported on the monthly dashboard	<ul style="list-style-type: none"> • Over 1,215 hours invested in IPC staff training • Holding regular meetings with DCS finance, proactive action of issues, and thoroughly analysing any discrepancies • Continued holistic training calendar for all staff with identified training through staff Professional Development Plans (PDP) • Continued to capture number of financial issues and compared against 2021/22. Increased engagement with Treasury and Audit Office to improve financial management

Report on regulatory achievements

The IPC's Regulatory Plan 2022 – 2024 commenced in 2022 and contains a total of 23 identified regulatory initiatives. At the end of the reporting period, 18 (78.3%) regulatory initiatives were finalised.

Regulatory initiatives from the Regulatory Plan 2022 – 2024 that were finalised in the reporting period are listed below:

- Contribute to the new IPC IT Strategy by investigating potential technological tools to support proactive compliance audit program to maximise reporting
- Advise on agency projects in accordance with the IPC's functions (e.g. DRF) and obtain feedback on advice
- Provide enhanced guidance on retrieving records and conducting searches
- Review existing format of review report templates to better communicate outcomes and findings with a focus on accessibility and audience
- Review regulatory framework with focus on changing/emerging issues and systemic issues response
- Proactively prepare materials for setting expectations for what the IPC can and cannot do
- Deliver collaborative pieces of guidance with relevant agencies on how technologies link to compliance obligations (e.g. archive/searching, what is a record, cc v bcc for email)
- Review and update advice on digital government from a privacy and information access perspective
- Engage with academics and other experts to deliver thought leadership pieces that are clearly separate from other guidance on existing legislation (e.g. on asymmetry between government sharing and citizen access and/or access to digital records)
- Support agencies to build their capacity to respond to data breach events
- Work with national and international information access and privacy groups to maximise influence
- Deliver proactive audits informed by key risks and new and emerging issues
- Target new regulatory guidance informed by the top three recurring issues/considerations within agencies for improved decision-making e.g. amendment to health, information not held, section 61
- Develop new policies, templates and procedures for the MNDB Scheme, liaising with OAIC where appropriate
- Provide enhanced guidance on retrieving records and conducting searches.

The IPC has five initiatives outstanding which are expected to be finalised by the end of 2023.

The IPC's Regulatory Plan 2022 – 2024



Operations and performance



Pillar 1: Service Delivery & Excellence



Pillar 1: Service Delivery & Excellence

What are we doing to improve services to the community?

Objective

Deliver quality, timely and effective services to promote regulatory objectives and compliance, enabled by effective and accessible resources supported by well managed and efficient systems and processes.

The IPC met the objectives of this pillar by:

- proactively preparing materials for setting expectations for what the IPC can and cannot do.

The use of the Regulatory Assistance cases is an addition to the IPC's risk-based approach to regulation and may be initiated by the IPC in response to:

- risks identified by Commissioners, Directors or the Compliance Committee
- a referral from, or issues identified by, the NCAT or another entity (e.g. another regulator, an integrity agency or a Parliamentary Committee)
- as a pre-cursor to a decision to exercise another regulatory function at a future time such as an investigation or an audit.

The changes came into effect from the start of 2023. There were no additional instances of regulatory assistance which were initiated during the period that were not otherwise captured as part of the Information Commissioner's proactive regulatory work program or complaints functions.

Digital taxonomy

This reporting period saw the introduction of enhancements to the IPC's case management system to better understand the nature and type of matters with a digital or technology focus that the IPC received. As agencies increasingly embrace the use of technology in the delivery of services and to undertake functions, the extent of its use provides the IPC with a better understanding and ability to direct resources and guidance to support agencies.

The IPC introduced three taxonomy categories made up of:

- Data/Digital Information – meaning metadata and information sources/held in an electronic format, e.g. records management system, email, SMS, CCTV, audio visual content, webpages
- Technology Platforms/Systems – meaning use of technology, e.g. AI, Machine Learning, WhatsApp, Facebook, drones, portals, smart technology and apps more generally
- Third-Party Vendor Applications/Outsourcing – this relates to third party vendors/contractors and/or outsourcing, e.g. software used/or provided by third parties.

During the reporting period, there were a total of 300 digital taxonomy case types across all information access case types. The majority of which were in relation to Data/Digital Information and external reviews. This is unsurprising given that the form and access of records in agency systems generally associated with searches is often the subject of external review to the Information Commissioner.

Information access

Advice to agencies

The IPC provides information to agencies to assist with compliance, their decision-making and to support public access to information. With the increasing application of digital technologies across government, agencies sought advice about the application of information access and privacy legislation regarding the implementation of those new technologies both within government and in the provision of services to the citizens of NSW.

Joint advices

There were 54 joint advices for the reporting period. For the reporting period, the IPC commenced tracking joint advices for the first time. Joint advices being those which related to both information access and privacy matters.

Of the total 223 information access advices provided in the reporting period, 43 were classified as Cabinet submissions.

Regulatory assistance

During the reporting period, the IPC revised and implemented enhancements to its case management system to more effectively capture its proactive regulatory engagement with agencies. This engagement may arise over a sustained period of time to uplift agency capacity and achieve compliance with the GIPA Act. A new case type of Regulatory Assistance has been added to the IPC's case management system and is distinguishable from the existing case types which reflect the Information Commissioner's statutory functions.

Pillar 1: Service Delivery & Excellence

Although agencies are embracing the use of technology platforms to enable service delivery, the overall proportion of Technology Platforms/Systems taxonomy label represents only 8% of the total labels. The IPC will continue to use the insights from the application of this taxonomy as an input to inform its regulatory and strategic plans.

Digital taxonomy for IPC information access cases 2022/23

All taxonomy categories	Total
Total cases	300
Use by case type	
Advices	39
Joint Advices	39
Regulatory Assistance	0
Audits (combined)	17
Complaints	9
Reviews	138
Enquiries	58
Use by category type	0
Data/Digital Information	267
Technology Platforms/Systems	24
Third Party Vendor Applications/Outsourcing	9

GIPA advices to agencies

During the year, agencies sought advice on many aspects of information access under the GIPA Act, including:

- handling formal applications
- proposed amendments to legislation and regulations
- applying GIPA legislation to digital technology and related projects, including cyber projects
- preparing Agency Information Guides (AIGs)
- managing disclosure requirements, such as contract registers
- meeting open access requirements including through publication of information on websites as open access data
- updating publicly available general advice for agencies
- understanding the operation of the four GIPA information access pathways.

Closed: GIPA advice by sector for 2022/23

Stream and sector	2022/23	2021/22	2020/21
Total GIPA	230	168	285
State Government	126	117	156
Local Government	74	33	97
University	5	3	9
Minister	0	0	1
State-Owned Corporation	5	1	3
Other	20	14	19

Information access complaints

Under the GIIC Act, a complaint may be made to the Information Commissioner about the action or inaction of an agency in the exercise of their functions under the GIPA Act.

Matters which may be the subject of an external review under section 80 of the GIPA Act cannot be the subject of a complaint under the GIIC Act, even if the person may be out of time to apply for a review of a decision. The Information Commissioner may or may not decide to deal with the complaint. In dealing with the complaint, the Information Commissioner may provide information to assist the complainant in understanding the application of the legislation where this occurs.

The IPC received 80 information access complaints in 2022/23. This represents a significant increase of 56% in the number of complaints received as compared to the previous year. In the last reporting period, the IPC experienced a decrease in complaints received when compared to the preceding two consecutive years, which demonstrated year-on-year increases.

Trends and systemic issues identified in complaints continue to inform the Information Commissioner's risk-based proactive regulatory initiatives, such as compliance audits, which are then included in the Information Commissioner's published program of regulatory activity.

During 2022/23, 79% of complaints were finalised within 90 days, compared to 73% in the previous reporting year. The average number of days to finalise a complaint has further decreased from 55 days in 2021/22 to 52 days in 2022/23. At the conclusion of the reporting period, only five complaints received remained open. Continued efforts by the IPC to monitor, review and refine its complaints approach have contributed to the improvement in timeliness.

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Of the 82 complaints finalised, the majority were focused on the Government and Council sectors, with no complaints received by the University sector. The Government sector represented the significant majority of all complaints finalised at 56%.

For the previous reporting year, most complaints lodged related to:

- decision-making processes
- open access information not being made available or not provided.

Although decision-making processes remained one of the key areas of complaints, the number of complaints recorded relating to decision-making processes has increased by 47% in comparison to the previous year. Complaints associated with decision-making timeframes, including not making a decision within the statutory timeframes, also increased as a cause of complaint by 125% in comparison to the previous year.

In this reporting period, the IPC implemented additional data measures for reporting on the outcomes from its complaint handling function by the Information Commissioner. The outcomes are represented in the table below demonstrate that 25% of the complaints were finalised as Justified in Part. When considering both Justified in Part and Justified in Full, 40% of the complaints identified action or inaction that required attention by regulated entities. The complaint outcomes reflect the totality of the outcomes as opposed to individual elements of the complaint. Where a complaint has multiple issues and only some of those issues are substantiated, then the complaint as a whole is considered to be Justified in Part.

Closed: Information access complaint outcomes for 2022/23

Issue Outcome	Number
Justified in Part	25
Not Justified	24
Declined to deal	16
Justified	8
Withdrawn	4
Discontinued	3
Out of jurisdiction	2
Total	82

Reviews of agency information access decisions

In the reporting period, the IPC refined its systems and procedures in respect of the exercise of external review functions. Notably, during the reporting period the IPC delivered a project to update the standard formatting and presentation of outcome correspondence to improve the accessibility and detail of those communications to parties.

In accordance with section 92A of the GIPA Act, the Information Commissioner is required to complete their external review function within 40 working days from when the Information Commissioner has determined that they have all the information necessary to complete the review.

In 2022/23, the Information Commissioner finalised 100% of all reviews received within the statutory timeframe, which is consistent with the 2021/22 reporting period. The Information Commissioner received 376 applications for external review, representing an 18% increase compared to the previous reporting period. The total number of external reviews closed did not differ materially to the previous reporting period with 362 reviews closed.

The top issues and public interest considerations in reviews that were finalised are listed in the table on page 40. For the reporting period, the top three issues are the same reported in the previous reporting period. The requirement to provide adequate reasons in deciding access applications is identified in the top issues for the reporting period. The provision of adequate reasons in decision-making is important for understanding the decision and how and why the decision was reached. In response to this issue, during the reporting period the IPC published an additional resource on the [Fundamentals for deciding an access application under the GIPA Act](#).

Closed: Information access complaints and reviews by sector for 2022/23

Stream	Complaints	Reviews
Government	46	248
Council	32	90
University	0	9
Minister	3	6
State-Owned Corporation	1	7
Other*	0	2

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

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GIPA external reviews for 2022/23

Top Public Interest Considerations applied by agencies	Number
Information Not Held/Searches	98
s14T(3)(a) personal information	89
s14T(1)(f) effective exercise agency function	67
s14T(3)(b) IPP/HPP	65
s14T(1)(d) supply of confidential information/ agency function	50
s14T(1)(e) deliberative process of government	34
Requirement to give reasons in a Notice of Decision	31
s14T(4)(d) business/professional interests	30
s14T(1)(g) breach of confidence	27
s14T(1)(h) audit/test/investigation/review	25
Grand total for all issues	516

Information Commissioner audits

The IPC continued its proactive audit compliance program during 2022/23 and published its proactive calendar of upcoming audit activity on the IPC website. The audit process aims to maximise the effectiveness of a proactive approach to elevating compliance across the regulated sectors.

The identification of audits is informed by risk/impact and intelligence data and assessments. The process uses a mix of quantitative and qualitative data metrics from reviews and complaints, risk/impact assessments, and consideration of environmental/contextual factors for the selection of targeted audits and informing the scope of the audit.

In the reporting period, the Information Commissioner finalised five audits into agency compliance with the GIPA Act.

They were:

- [Local Government Sector – Follow-up GIPA Compliance Report – June 2023](#)
- [Agency reporting on expenditure of public funds by disclosing the acquisition, disposal and value of major assets as required by the GIPA Act – GIPA Compliance Report – May 2023](#)
- [Informal Release of Information under Section 8 of the Government Information \(Public Access\) Act 2009 \(NSW\) – May 2023](#)
- [State Archives and Records Authority of New South Wales GIPA Compliance Report – August 2022](#)
- [Department of Enterprise, Investment and Trade GIPA Compliance Report – August 2022.](#)

Of these audits, three audits related to a broader sector review whilst two audits were agency specific. A broader sector or issue audit has the benefit of providing insights more generally based on a sampling of the sector, which can inform opportunities for improvement in practice across regulated entities, or to identify drivers that might inform the provision of advice and assistance to members of the public.

The largest audit completed in the reporting period was the *Local Government Sector – Follow-up GIPA Compliance Report*. This followed the 2021 compliance audit and again reviewed 52 councils. While the audit observed that the vast majority of councils had elevated their compliance with these mandatory reporting requirements, it did observe particular non-compliance by some councils.

Compliance with the requirements for additional open access requirements was the subject of the second sector audit – [Agency reporting on expenditure of public funds by disclosing the acquisition, disposal and value of major assets as required by the GIPA Act – GIPA Compliance Report – May 2023](#)

The findings of this audit confirmed continuing low levels of compliance by departments with the requirement to publish each year, major asset acquisition and property disposal together with their financial value.

The two agency specific audits were responsive to assisting the agencies in achieving their compliance following the impact of Machinery of Government changes. Of the five audits completed, one was undertaken as part of a joint research initiative with the University of New South Wales on informal release, focusing on better understanding the utilisation of the informal pathway by agencies and identifying opportunities for the IPC to support agencies through guidance and resources.

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Most of the audits have been conducted as desktop audits. A desktop audit may also form the basis of a preliminary assessment for future compliance activity.

A desktop audit is distinguishable from an onsite audit which can adopt a more direct inquisitorial approach. In general, the IPC conducts desktop audits to elevate compliance by way of guidance, raising awareness and in some cases making recommendations to an agency. However, poor results or lack of cooperation by an agency may result in further and escalated compliance action.

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

- assessment of overall GIPA compliance using available annual reports and other publicly available data
- IPC Compliance Data
- agency GIPA Dashboard
- onsite audit of a random sample selection of GIPA files against legislation
- review of policies, procedures and processes.

During these audits, the IPC utilised the benefits of digital platforms as a tool to collate and analyse data from agencies using targeted surveys.

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

The audit reports are publicly available on the IPC website.

NCAT activities

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

The Information Commissioner has the right to appear and be heard in NCAT proceedings in the role of amicus curiae (“friend” of the Tribunal). The Commissioner’s representatives can appear in proceedings to assist the Tribunal with interpretation of the relevant legislation and issues of law.

IPC officers cannot assist the parties to the litigation.

During the reporting period, the Information Commissioner was represented in NCAT (and NCAT Appeal Panel) proceedings, including in matters that progressed to hearing.

The Information Commissioner made nine written submissions during the reporting period (a significant decrease from 19 written submissions made in 2021/22), including in the following matters:

- *Wojciechowska v Commissioner of Police, NSW Police Force (No 2) [2023]* NSWCATAP 104
- *Robertson v Deputy Secretary, Local Government, Planning and Policy [2023]* NSWCATAP 88
- *Webb v Port Stephens Council [2022]* NSWCATAD 404
- *Ireland v Central Coast Council [2022]* NSWCATAD 366
- *Berryman v Murray River Council [2023]* NSWCATAD 70
- *Eric Anthony Foster v Department of Planning and Environment [2022]* NSWCATAD 235.

Case summaries of significant decisions of interest have been published on the [IPC website](#).

GIPA NCAT activities for 2022/23

	No. files opened 2022/23	No. files closed 2022/23
GIPA	119	115

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GIPA case activities and performance for 2022/23

Case type	Number received	Number closed	Number open at 30 June 2023	Average days to finalise 2022/23	Average days to finalise 2021/22	% Complete within target 2022/23
Advices	228	230	1	6	18	87%
Joint Advices	52	54	0	N/A	N/A	N/A
Regulatory Assistance	0	0	0	N/A	N/A	N/A
Audits (combined)	66	68	2	34	93	N/A
Audit-AIG	61	63	2	25	46	71%
Audit-other*	5	5	0	42	140	N/A
Complaints	80	82	5	52	55	79%
Reviews	376	362	39	64	75	100%
Enquiries	1551	1557	0	2	1	81%
Own motion	0	0	0	N/A	N/A	N/A

Privacy

Advice to agencies

The IPC provides information to agencies to assist with their compliance, decision-making, and to support them to adopt best practice when collecting, storing, using and disclosing personal information.

Joint advices

There were 75 joint advices for the reporting period. For the reporting period, the IPC commenced tracking joint advices for the first time. Joint advices being those which related to both information access and privacy matters.

Of the total 214 privacy advices provided in the reporting period, 42 were classified as Cabinet Submissions.

Regulatory assistance

As detailed on page 64 of this report, the IPC revised and implemented enhancements to its case management system to capture its proactive regulatory engagement more effectively with agencies.

During the reporting period, the Privacy Commissioner initiated one instance of regulatory assistance in which assistance was provided about the application of the MNDB Scheme to SOCs. SOCs were not previously captured under the PPIP Act and following the passage of legislation to implement the MNDB Scheme they will now be captured. As newly regulated entities, the provision of assistance

that communicated the legislative amendments, together with the impact of those amendments, positions SOCs to transition and fulfill their new compliance responsibilities.

Digital taxonomy

Similar to the introduction of the new Regulatory Assistance case type, the digital taxonomy enhancements and categorisation were also implemented to privacy case types. In the reporting period, there were a total of 616 cases in which a digital taxonomy label was applied. The overwhelming majority of instances were captured under the Data/Digital Information category and in the case types of Audits. This case type includes notifications that have been made as part of the Voluntary Data Breach Scheme by agencies and includes notifications of a breach as a result of human error.

There was also a high number of instances in review cases that were oversights by the Privacy Commissioner and complaints involving the collection, use or disclosure of personal or health information. Technology Platforms/ Systems represented 8.6% of privacy cases and was concentrated in the area of advice. This is not unexpected given the intersection with personal information, as agencies navigate these new technologies in a privacy by design manner.

Similar to information access, the data will provide a valuable input into future regulatory and strategic plans.

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Digital taxonomy for IPC privacy cases 2022/23

All taxonomy categories	Total
Total cases	616
Use by case type	
Advices	42
Joint Advices	58
Regulatory Assistance	0
Audits (combined)	291
Complaints	4
Reviews	76
Enquiries	145
Use by category type	
Data/Digital Information	546
Technology Platforms/Systems	53
Third Party Vendor Applications/Outsourcing	17

Closed: Privacy advice by sector for 2022/23

Stream and sector	2022/23	2021/22	2020/21
Total Privacy	219	219	284
State Government	156	172	213
Local Government	25	9	31
University	6	2	5
Minister	0	0	2
State-Owned Corporation	2	2	1
Other*	30	34	32

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

Privacy advices to agencies

During the reporting period, topics included:

- application of privacy principles, legislation and regulation of the introduction of new digital services and technology-related projects, including cyber security projects
- the development of digital identity and verifiable credentials projects
- the collection, use and disclosure of information including personal and health information
- proposed amendments to legislation and regulations
- handling of privacy breaches
- use of data collection techniques
- conduct of privacy impact assessments
- public interest directions and privacy codes of practice.

Privacy complaints

In the reporting period, 66 complaints were received compared to 96 complaints in the previous reporting period. This represents a decrease of 31% from the previous period.

During 2022/23, 92% of complaints were finalised within 90 days compared to 67% the previous reporting period. The average days for completion decreased to 53 from 80 in the previous period, with eight complaints open at the end of the reporting period. This represents a 27% improvement in closure rates. A total of 63 complaints were finalised compared to 111 in the previous period, which is reflected in the decrease of complaints received overall.

The decrease in the number of complaints received was accompanied by an overall improved processing time. These cases may result in the issuance of a report under section 47 of the HRIP Act that requires the IPC to ensure procedural fairness to all parties.

The complaints finalised by the Privacy Commissioner overwhelmingly relate to:

- access or refusal of access to health information – examples include individuals seeking access to their personal health information or in seeking to transfer their health information to another health provider
- disclosure of personal/health information

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- retention and security of personal/health information.

Most complaints received were about private health service providers and individual health practitioners where there is dual jurisdiction with the Commonwealth regulator. Complaints relating to public sector agencies about personal information under the PPIP Act are generally dealt with as an internal review.

Submissions on internal agency privacy reviews

The Privacy Commissioner exercises their oversight function under section 54 of the PPIP Act, following an application for an internal review by an individual made to an agency. In practice, the IPC receives a report from the agency that outlines:

- the issues;
- the investigation of the complaint; and
- the findings and proposed recommendations.

The IPC is notified of the application outcomes from the agency and undertakes an assessment of the report and the findings, with reference to the legislation and case law. Under section 54(2) of the PPIP Act, the Privacy Commissioner may make submissions for consideration by the agency if warranted.

In the reporting period, the Privacy Commissioner received 193 privacy reviews, representing a small decrease of 2% in the number of privacy reviews received compared to the previous reporting period. This slight decline follows a more significant decline in the previous reporting period of 16%. The cause of this further decline in matters requiring oversight is likely to be multifactorial and may include improved agency compliance with their privacy obligations and/or improved agency handling of data breaches resulting in fewer numbers of subsequent complaints.

The Privacy Commissioner finalised 197 privacy review matters in the reporting period, demonstrating a high closure rate and improved efficiency compared to the previous reporting period. The average age of a matter at closure reduced by 3.5% compared to the previous reporting period.

Although there is no statutory timeframe prescribed for completion of privacy reviews by the Privacy Commissioner under the legislation, in the reporting period, the Privacy Commissioner continued to apply a timeframe for completion within 40 days. This is consistent with the requirements for information access ensuring a consistent and single point of service delivery standard across both information access and privacy. During 2022/23, 100% of all reviews were finalised within the target date of 40 working days.

The top issues/privacy principles raised in privacy reviews are listed in the table below.

Closed: Privacy complaints and reviews by sector for 2022/23

Sector	Complaints	Reviews
Government	12	150
Council	2	27
University	0	15
Minister	0	1
State-Owned Corporation	0	0
Other*	49	4

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

Privacy reviews for 2022/23

Top Issues/Privacy Principle	Number
IPP 11 Limits on disclosure of personal information	115
IPP 5 Retention and security of personal information	66
IPP 10 Limits on use of personal information	65
IPP 1 Collection of personal information for lawful purposes	49
HPP 11 Limits on disclosure of health information	41
HPP 5 Retention and Security	30
HPP 1 Purposes of Collection of health information	29
HPP 10 Limits on use of health information	27
IPP 9 Agency must check accuracy of personal information before use	24
IPP 3 Requirements when collecting personal information	19
Grand total for all issues	465

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Privacy Management Plans

Under Part 3 Division 2 of the PPIP Act, public sector agencies are required to prepare and implement a PMP and provide a copy to the Privacy Commissioner. The PMP is an integral part of public sector agencies' governance frameworks as it documents how privacy obligations are integrated into the functions and activities of the agency.

A PMP sets out the agency's policies and procedures for complying with privacy and the principles contained in NSW privacy legislation. PMPs are publicly available and assist staff in their day-to-day handling of personal and health information and are to be available to clients who wish to understand how their privacy is protected and managed by public sector organisations. Significantly, as the MNDB Scheme commences in November 2023, agencies will need to embed into their PMP's the procedures and practices used by the agency to ensure compliance with the obligations and responsibilities set out in Part 6A of the PPIP Act.

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

In the reporting period, the Privacy Commissioner received a total of 34 PMPs for consideration. This is a 1% increase from the previous reporting period. The slight increase in the number follows the Privacy Commissioner's [Desktop Audit of Privacy Management Plans \(PMP\) Report](#) published in the previous reporting period. A [follow up audit](#) was completed in the reporting period and is addressed further in the regulatory initiative section of this report.

The PMPs are reviewed against a checklist and feedback is provided to agencies as required. As of 30 June 2023, 35 PMPs were reviewed with feedback provided to the relevant agency. The average days to review a plan in the reporting period was 33 days. This represents a slight decrease in the number of days taken to review a plan and an improvement in the timeliness from the previous reporting year of 36 days.

Privacy voluntary breach notifications

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

While not required by law, the Privacy Commissioner encourages agencies to make voluntary notifications of data breaches to them. During 2022/23, the Privacy Commissioner received a total of 351 breach notifications, which represents a significant increase of 54% from the previous reporting period.

By virtue of its voluntary nature, the scheme relies on the regulated entities to self-report. Of the data breach notifications received, the majority came from the Government sector. Notifications made in accordance with section 117 of the *Fines Amendment Act* continue to represent a large number of the notifications made. In the reporting period, notifications made arising from section 117 of the *Fines Amendment Act* represented 75% of all notifications received by the Privacy Commissioner.

The data breach notifications for the reporting period are detailed in the graph over the page.

During the reporting period, some of the notable matters that the Privacy Commissioner also engaged directly with included:

- agencies impacted by the third-party data breach of HWL Ebsworth
- icare concerning the distribution of cost of claims data.

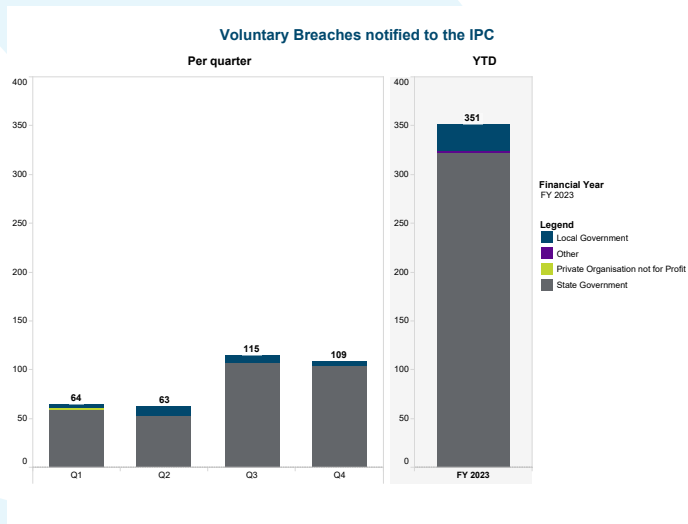
Included in the notifications to the Privacy Commissioner were breaches attributed to human error which continue to include the use of carbon copy instead of blind copy in bulk email communications.

Amendments to the PPIP Act introducing the MNDB Scheme will come into effect on 28 November 2023, from which time the Privacy Commissioner will move to reporting data breaches consistent with the Scheme. The amendments impact the responsibilities of agencies under the PPIP Act, and require agencies to provide notifications to affected individuals in the event of an eligible data breach of their personal or health information by a NSW public sector agency or SOC subject to the PPIP Act.

The MNDB Scheme will require agencies to satisfy other data management requirements, including maintaining an internal data breach incident register, and to have a publicly accessible data breach policy.

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Voluntary breaches notified to the IPC - FY2022/23



Privacy Commissioner proactive regulatory initiatives

During the reporting period, the Privacy Commissioner finalised their [Follow-up Desktop Audit of Privacy Management Plans \(PMP\) Report](#) of compliance with the existence and currency of PMPs.

This initiative followed the 2021 review that observed instances of out-of-date PMPs, indicative of an absence of consideration of the purposes and role of PMPs as part of broader governance arrangements, noting clear opportunities for improvement.

For the purposes of the follow-up review, the agencies that were captured as part of the 2021 Report were again reviewed, together with a further additional sample selection of agencies from the local government sector. Additionally, the review also considered the number of PMPs submitted to the IPC subsequent to the 2021 Report as compared to prior years.

The findings in the follow-up review identified that progress has occurred in relation to those agencies that were captured within the initial audit scope and a significant number reviewed their PMPs as a result. This was further reflected in the notable increase in the number of PMPs that were submitted to the IPC in 2022, compared to previous years. The follow-up audit observed that as a result of the additional agencies included, that there continued to remain gaps in the currency of the PMP's within agencies. This is despite the recommendations made in the previous report. The audit is the second consecutive report highlighting concerns around the currency of PMPs which may ultimately require a legislative mechanism to address.

The audit report is published on the [IPC website](#).

NCAT activities

Under the PPIP Act, if an individual is not satisfied with the outcome of a privacy internal review, or if their application is not dealt with by the relevant agency within 60 days of the agency's receipt of their application, they may apply to NCAT for a review of the conduct giving rise to the internal review application.

The Privacy Commissioner has the right to appear and be heard in NCAT proceedings in the role of amicus curiae ("friend" of the Tribunal). The Commissioner's representatives can appear in proceedings to assist the Tribunal with interpretation of the relevant legislation and issues of law.

IPC officers cannot assist the parties to the litigation.

During the reporting period, the Privacy Commissioner was represented in NCAT proceedings with some matters settling prior to hearing. The Privacy Commissioner made two written submissions during the reporting period, including in Appeal Panel proceedings for *Commissioner of Police (NSW Police Force) v DMT* [2022] NSWCATAP 231.

Case summaries of significant decisions of interest have been published on the IPC website, including:

- [Nepean Blue Mountains Local Health District v ENY](#) [2022] NSWCATAP 356
- [Commissioner of Police \(NSW Police Force\) v DVT](#) [2022] NSWCATAP 231

Privacy NCAT activities for 2022/23

	No. files opened 2022/23	No. files closed 2022/23
Privacy	53	48

Pillar 1: Service Delivery & Excellence

Privacy case activities and performance for 2022/23

Case type	Number received	Number closed	Number open at 30 June 2023	Average days to finalise 2022/23	Average days to finalise 2021/22	% Completed within target 2022/23
Advices	214	219	1	11	16	76%
Joint Advices	73	75	0	N/A	N/A	N/A
Regulatory Assistance	1	1	0	N/A	N/A	100%
Audits (PMP and other audits combined)	35	36	1	134	54	N/A
Audit-PMP	34	35	1	33	36	54%
Audit-other*	1	1	0	235	71	N/A
Voluntary Breaches	351	351	2	7	24	97%
Complaints	66	63	8	53	79	92%
Reviews	193	197	13	55	57	100%
Enquiries	1545	1540	1	3	5	70%
Own motion	0	0	0	N/A	N/A	N/A

Human Research Ethics Committees (HRECs) reporting

Under the HRIP Act, the Privacy Commissioner has issued legally binding statutory guidelines on the use or disclosure of health information for research purposes that require HRECs to provide a compliance report to the Privacy Commissioner after 30 June each year. The compliance report identifies where HRECs have approved research proposals seeking to use or disclose personal or health information without consent, on the basis that the public interest in the research substantially outweighs the public interest in maintaining the level of privacy protection provided by the HRIP Act.

Of the 19 HRECs currently operating, all submitted compliance reports for 2022/23, covering a total of 483 research proposals. Of these research proposals, 411 (85%) used personal or health information without consent, based on the public interest value of the proposed research substantially outweighing the public interest in the protection of privacy.

Pillar 1: Service Delivery & Excellence

Human Research Ethics Committee reports received for 2022/23

No.	HREC carried out between July 2022 and June 2023	Proposals	Without consent	Outweighed public interest
1	South Western Sydney Local Health District HREC	12	12	12
2	The University of Newcastle HREC	0	0	0
3	NSW Population and Health Services Research Ethics Committee/ Cancer institute	32	32	32
4	Hunter New England HREC	22	22	22
5	Greater Western Area HREC	17	17	17
6	St Vincent's Hospital Sydney HREC	2	2	2
7	Aboriginal Health and Medical Research Council HREC	0	0	0
8	Nepean Blue Mountains Local Health District HREC	66	66	8
9	Sydney Children's Hospitals Network HREC	85	85	75
10	Justice Health and Forensic Mental Health Network HREC	3	3	3
11	University of Wollongong and Illawarra Shoalhaven Local Health District Social Sciences HREC	0	0	0
12	University of Wollongong and Illawarra Shoalhaven Local Health District Health and Medical HREC	4	4	3
13	Adventist HealthCare Limited HREC	5	5	5
14	South Eastern Sydney Local Health District HREC	14	14	14
15	Northern Sydney Local Health District HREC	58	58	55
16	Sydney Local Health District Ethics Review Committee (RPAH Zone)	122	122	122
17	Sydney Local Health District (CRGH) HREC	37	37	37
18	Western Sydney Local Health District HREC	4	4	4
19	North Coast HREC	0	0	0
TOTAL		483	483	411

Pillar 2: Engagement & Influence



Pillar 2: Engagement & Influence

What are we doing to directly influence regulated agencies and engage with the public?

Objective

Influence agencies and citizens through strategic engagement to promote information access and privacy rights, identify risks and authoritatively promote compliance to achieve regulatory goals.

The IPC met the objectives of this pillar by:

- working with national and international information access and privacy groups to maximise influence
- delivering collaborative pieces of guidance with relevant agencies on how technologies link to compliance obligations (e.g. archive/searching, what is a record, cc v bcc for email)
- contributing to the new IPC IT strategy by investigating potential technological tools to support proactive compliance audit program to maximise reporting
- developing resources for other IPC teams to encourage agencies to implement IPC guidance (e.g. reminders, checklists, animations)
- completing a brand awareness test
- consolidating feedback mechanisms on agency use and understanding of publications
- positioning the IPC for future/ongoing funding by proactively monitoring and reporting on budgetary impacts
- reviewing and updating advice on digital government from a privacy and information access perspective
- providing enhanced guidance on retrieving records and conducting searches
- providing enhanced regulatory advice on agencies' digital projects to complement the IPC's functions (e.g. DRF)

Stakeholder engagement

UNESCO Right to Know Week 2022 event: The role of e-Governance & Artificial Intelligence in promoting inclusive approaches for Access to Information

On 28 September 2022 as part of Right to Know Week NSW 2022, the Information Commissioner participated in a panel at the UNESCO Global Conference on Universal Access to Information 2022 in Uzbekistan, on the role of e-Governance and AI in promoting inclusive approaches for access to information.

To conclude the week, the Commissioner presented a video message of support for the ceremonial establishment (on 28 September) of the Asian Access to Information Alliance (AAIA), a multilateral partnership of Asian member-states devoted to promoting access to information in Asia.

Privacy Awareness Week NSW 2023 webinar: Privacy, Data and Digital Technology

On 2 May 2023 as part of Privacy Awareness Week NSW 2023, the NSW Privacy Commissioner launched a pre-recorded webinar joined by Edward Santow, Director – Policy & Governance at the Human Technology Institute, and Industry Professor – Responsible Technology, UTS; Ian Oppermann, Chief Data Scientist, NSW Department of Customer Service Data Analytics Centre; and Lenka Bradovkova, Executive Director, Identity.NSW. The webinar provided useful insights on the privacy impacts of technology such as AI, digital identity, and facial recognition.

IPC Brand Awareness Survey

In April 2022, the IPC commenced work on a brand awareness survey of NSW public sector agencies to gauge their perception of the IPC as a brand across the sector including the IPC's role and function, and agency engagement with the IPC. The results from the survey were provided to the IPC in November 2022.

The findings of the survey revealed:

- 80% of respondents had heard of the IPC, an increase of 14% from 2017
- 35% of respondents indicated that they were aware that the IPC administers the GIPA Act in NSW, an 8% increase from 2017
- for awareness of IPC services, respondents indicated that they were most aware of the IPC website (77%), IPC complaints (68%) and investigative (67%) functions, and IPC publications (61%)

Pillar 2: Engagement & Influence

- of the respondents who reported using IPC publications, 60% were from NSW state government agencies
- the top words used to describe the IPC were trustworthy (77%), independent (77%) and respected (74%)
- overall, the rating of a positive opinion of the IPC as a regulatory body increased to 61%, a 5% increase from 2017
- overall negative opinion of the IPC decreased to only 1% in 2022.

Surveys on the use of IPC resources

In December 2022, the IPC implemented resource feedback forms on the website as part of its strategic initiative to consolidate feedback mechanisms on agency use and understanding of publications. The forms assess the understandability and usability of resources and feedback is used by the IPC in its Publications Review Committee to improve publications. The feedback is also provided to the IPC Executive quarterly.

Speaking engagements

During the reporting period, the NSW Information Commissioner and Open Data Advocate addressed stakeholders, participated on panels and briefed agencies at 23 speaking engagements regarding the right to information and best practice in information and data management.

The Information Commissioner featured at the 14th Edition of the International Conference of Information Commissioners (ICIC) - Bridging Information Across Nations: Concretizing the Global Role of Access to Information for Democratic Preservation, Inclusivity, and Development.

The Privacy Commissioner addressed stakeholders on privacy, participated on panels and briefed agencies at 20 speaking engagements.

Of these, the Information Commissioner and Privacy Commissioner jointly presented at two speaking engagements. Both Commissioners also addressed the NSW Right to Information and Privacy Practitioners' Network Forum at four quarterly meetings.

Co-regulatory engagements

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

- OGP
- APPA Forum
- AIAC
- GPEN
- PAA

- Public Interest Disclosures Steering Committee
- Board of the State Archives and Records Authority
- Office of Local Government (OLG)
- NSW Ombudsman
- Independent Commission Against Corruption (ICAC)
- Audit Office of NSW.

Thought Leadership Pieces

During 2022/23, the IPC commenced monitoring and identifying relevant IPC content to highlight as Thought Leadership Pieces. Reporting on this aligns with the IPC's regulatory initiative to engage with academics and other experts to deliver thought leadership pieces that are clearly separate from other guidance on existing legislation.

During the reporting period, there were five identified Thought Leadership Pieces published from the Information Commissioner and the Privacy Commissioner, including:

- **AI, e-Governance and access to information: Why digital government must remain accountable to citizens**
On 27 September 2022, The Mandarin published a thought leadership piece by the Information Commissioner which was released as part of Right to Know Week NSW 2022 and addressed the NSW theme "Artificial Intelligence, e-Governance & Access to Information: Next steps in NSW digital government".
- **Regulatory Scan of the artificial intelligence regulatory landscape**
In November 2022, the IPC published a high-level scan of the national and international regulatory landscape relevant to artificial intelligence (AI) with a focus on the preservation of information access and privacy rights to see a future best practice regulatory approach for NSW. This work was requested by the former Minister for Customer Service and Digital Government, Minister for Small Business, Minister for Fair Trading, the Hon. Victor Dominello.
- **What have we learned from recent major data breaches? Insights from the NSW Privacy Commissioner**
In February 2023, the Privacy Commissioner took part in an interview with Informa to share insights into data breaches ahead of the Australian Privacy Forum 2023.
- **NSW Privacy Commissioner Sheds Light on Data Privacy Risk**
In April 2023, the Privacy Commissioner took part in an interview with Corinium's Business of Data content hub to discuss data privacy risks ahead of the CDAO Sydney Conference in May 2023.

Pillar 2: Engagement & Influence

- **Informal Release of Information under Section 8 of the Government Information (Public Access) Act 2009**

In May 2023, in celebration of Open Government Week and Information Awareness Month, the Information Commissioner released a report containing the findings from research into the informal release pathway and a compliance audit examining the informal release practices of NSW public sector agencies.

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

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

The Committee operates in the context of the IPC Regulatory Framework. The Committee comprises of the Information Commissioner (Chair); Privacy Commissioner; Director, Investigation and Reporting; Director, Business Improvement; and the Director, Legal Counsel and Regulatory Advice. During 2022/23, the Committee met four times.

The role of the Committee is to:

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

The Committee considered:

- complaint and review trends in issues in information access and privacy
- nexus between data breaches notified and number of complaints received
- PMP compliance
- open access compliance
- relevant NCAT decisions
- disclosure of interests for local government as required by the Information Commissioner in Guideline 1

- legislative compliance broadly
- opportunities for the development of systems/resources to support intelligence
- proposed proactive audits in information access and a program of delivery of those audits.

Additionally, during the reporting period, the Committee considered reports on the number of reviews and complaints closed by the IPC for each of its legislated sectors in both information access and privacy. The consideration informed the approach to identified audits and follow-up audits.

Communication and consultation

The IPC is committed to maintaining ongoing communication with all its stakeholders. Communication is managed via the IPC website, through social media and other channels. During the reporting period the IPC published:

- 135 tweets on Twitter
- 137 posts on LinkedIn
- 109 posts on Facebook
- 67 e-alerts to stakeholders
- 19 media releases
- 1 public statement
- 34 publications.

Social media

Through the use of social media channels, Twitter, LinkedIn and Facebook, the IPC is able to communicate with stakeholders directly. The IPC social channels provide opportunities to raise awareness of information access and privacy rights to citizens across NSW and remind public sector agency staff of their obligations to citizens. The use of social media also helps publicise key IPC resources and drives stakeholders to the IPC website for more detailed news and resources.

The IPC launched its Facebook page in February 2022 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.

Twitter

The [IPC Twitter page](#) had 1,008 followers at the end of the reporting period, a minor decrease of 14 followers from the previous year. There was a total of 721 engagements on posts in 2022/23 with 13,129 impressions. In 2022/23, the Twitter engagement rate averaged 5.19%, an increase from 3.97% in 2021/22, and exceeding the industry benchmark of 0.33-1%.

Pillar 2: Engagement & Influence

LinkedIn

The [IPC LinkedIn page](#) had 1,904 followers at the end of the reporting period, an increase of 364 from the previous year. There was a total of 1,641 engagements on posts in 2022/23 with 35,636 impressions. The IPC boosted posts on LinkedIn to promote Right to Know Week NSW 2022, Privacy Awareness Week NSW 2023 and other key resources. For its boosted posts, there was a total of 111,560 impressions and 235 link clicks. In 2022/23, the IPC's LinkedIn engagement rate averaged 3.80%, exceeding the industry benchmark of 2%.

Facebook

The [IPC Facebook page](#) had 81 followers at the end of the reporting period, an increase of 26 from the previous year. There was a total reach of 4,570 for posts in 2022/23 and 204 engagements. The IPC boosted posts on Facebook to promote Right to Know Week NSW 2022, Privacy Awareness Week 2023 and other key resources. For its boosted posts, there was a total reach of 480,815 and 232 link clicks.

Parliamentary engagement

Parliamentary inquiries and reports

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

Consistent with this responsibility, the Information Commissioner and the Privacy Commissioner both appeared before the Joint Parliamentary Committee on the Office of the Ombudsman, Law Enforcement Conduct Commission and the Crime Commission in October 2022.

The Information Commissioner and the Privacy Commissioner were also called to appear with DCS before Parliament for Budget Estimates in August 2022.

In addition, the Commissioners made joint written submissions to the following public consultations:

- Submission to NSW Department of Communities and Justice Staged Repeal of the *Children and Young Persons (Care and Protection) Regulation 2012*
- Submission into QLD Department of Justice and Attorney General review of Information Privacy and Right to Information Framework
- Submission to the Select Committee Enquiry into the conduct of elections in NSW.

Pillar 3: Rights Promotion & Impact



Pillar 3: Rights Promotion & Impact

What are we doing to anticipate and address emerging regulatory issues?

Objective

Continually improve citizen and agency understanding of their information access and privacy rights and obligations now and into the future through provision of timely, accurate, informative and innovative guidance, advice, intelligence and tools.

The IPC met the objectives of this pillar by:

- reviewing regulatory framework with a focus on changing/emerging issues and systemic issues response
- reviewing existing format of review report templates to better communicate outcomes and findings with a focus on accessibility and audience
- targeting new regulatory guidance informed by the top three recurring issues/considerations within agencies for improved decision-making
- developing new policies, templates and procedures for the MNDB Scheme, including liaising with OAIC where appropriate
- engaging with academics and other experts to deliver thought leadership pieces that are clearly separate from other guidance on existing legislation
- analysing previous recommendations on new communication methods for agencies against the strategies of the IPC Strategic Plan.

Informing the public of their rights

IPC website

The IPC website at www.ipc.nsw.gov.au is the central communication and service channel for IPC stakeholders. It houses a suite of online resources, access to the IPC e-learning portal and general information about the organisation. The website is also used to promote new publications and significant campaigns and events that champion the right to access government information and the protection of privacy in NSW. During the reporting period, page views increased by 18.8% from 2021/22, while website visits increased by 27.8%.

During the reporting period, the highest demographic of users of the IPC website were aged 25-34, with 28.3% in this age range. Users aged between 25-34 and 35-44 represented just under half (48%) of website users, while 9% of users were aged 55-64 and 6% of users were aged 65+. During the reporting period, the IPC had 225,608 new visitors to its website and 41,022 returning visitors. There continues to be year-on-year increase in visits to the IPC website since 2013/14.

Website metrics for 2022/23

	2022/23	2021/22	2020/21
Page views	547,220	460,319	485,989
Website visits	300,720	235,322	224,578
Unique visits	224,586	157,561	144,298
Average visit duration	1m 32s	2m 39s	1m 57s
New visitors	225,608	157,012	143,936

Public enquiries

The IPC continues to receive and respond to enquiries from members of the public, businesses and other organisations about information access and privacy rights in NSW.

In the reporting period, the IPC continued to receive enquiries about how to access government, personal and health information, and the exercise of review rights. The IPC aims to support 'self-service' more effectively, complementing the website with customer assistance by phone, email or mail.

During the reporting period, recorded enquiry numbers decreased by 1.5% compared with the previous reporting period. The decrease in enquiries came from written and in person enquiries which recorded a stand-alone decrease of 12% from the previous year. However, the number of phone enquiries increased by 5%.

Pillar 3: Rights Promotion & Impact

Enquiries received by type for 2022/23

	2022/23	2021/22	2020/21
Phone	2069	1963	2242
In writing and in person*	1027	1177	1165

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

Right to Know Week

Right to Know Week (RTK) NSW 2022 took place from 26 September – 2 October 2022. The theme for 2022 was Artificial Intelligence, e-Governance & Access to Information: The next steps in NSW digital government.

The week aims to raise awareness of a person's right to access government held information in NSW and public sector agencies' information access obligations under the GIPA Act.

During the week, the Information Commissioner:

- announced IPC's commencement of research into the informal release pathway under the GIPA Act on 27 September
- participated in a panel on 28 September at the UNESCO Global Conference on Universal Access to Information 2022 in Uzbekistan, on the role of e-Governance and AI in promoting inclusive approaches for access to information
- published a thought piece in The Mandarin on AI, e-Governance and access to information: Why digital government must remain accountable to citizens
- participated in a joint statement by Australian Information Commissioners and Ombudsmen on the importance of enabling digital access
- developed a video message of support for the ceremonial establishment (on 28 September) of the Asian Access to Information Alliance (AAIA), a multilateral partnership of Asian member-states devoted to promoting access to information in Asia
- released the results of the 2022 Community Attitudes Survey into information access and data sharing on 29 September
- released a new animation for citizens on the role of e-Governance and Digital Government, and on Artificial Intelligence, e-Governance and Access to Information for the ICIC Conference.

There were 54 RTK Champion agencies in 2022, similar to 53 champions in 2021. The IPC also supplied a range of communications to promote the campaign including a Champion Communications Pack for use by Champion agencies. This contained digital images, blog posts, social media posts and internal and external messaging.

A summary of the week and activities can be found on the [IPC website](#).

Privacy Awareness Week

The IPC celebrated PAW NSW 2023 from 1 – 7 May 2023 and the theme was 'Back to Basics: Privacy foundations in NSW'.

The theme focused on reminding agencies and citizens of the fundamentals of privacy, and highlighting the basic steps we can all take to keep personal information secure.

During the week the Privacy Commissioner:

- published the Privacy Authorities Australia (PAA) joint media release celebrating PAW on 1 May 2023
- released a promotional video for members of the public on 1 May 2023, welcoming them to PAW 2023 and informing them about the 2023 theme and focus
- released a webinar on Privacy, Data and Digital Technology on 2 May that focused on the impact of digital technology, privacy and explored Artificial Intelligence, digital identity, and facial recognition
- published a media release celebrating the launch of PAW 2023 on 2 May 2023
- released two new resources for citizens including a Fact Sheet on the Mandatory Notification of Data Breach Scheme and another on the Notification to affected individuals of a Data Breach
- released several new resources for agencies including a Guide to preparing a data breach policy, a Fact Sheet on Exemptions from notification to individuals, and Guidance on Seeking a Public Interest Direction or Code of Practice for a linked data asset
- participated in The Law Society of NSW's Privacy Awareness Week Panel Discussion on 3 May 2023
- participated in the Office of the Victorian Information Commissioner's Privacy Awareness Week Panel Discussion – 3 May 2023
- participated in the Privacy Enhancing Technologies Seminar (PETS), speaking on PAW 2023, The PPIP Amendment Bill, the MNDB Scheme and technology developments and data breaches.
- held a dedicated session for SOCs on the upcoming MNDB Scheme, the role and functions of the IPC and Privacy Commissioner, NSW privacy legislation, data breaches and common mistakes.

Pillar 3: Rights Promotion & Impact

During PAW, the Privacy Commissioner released the updated Privacy Self-assessment Tool. More information about the Information Governance Agency Self-assessment Tools can be found on page 59.

There were 88 PAW Champion agencies in 2023, a significant increase from 67 champions in 2022. The IPC also supplied a range of communications to promote the campaign including a Champion Communications Pack for the use of Champion agencies. This contained digital images, blog posts, social media posts, and internal and external messaging.

A summary of the week and activities can be found on the [IPC website](#).

Information Awareness Month and Open Government Week

Information Awareness Month (IAM) was held in May 2023. IAM is a collaborative event between various bodies within the records, archives, library, knowledge, information, and data management communities. This year's theme for IAM was 'The Next Wave: empowering information professionals for the future' which encouraged information professionals to embrace the dynamic and evolving nature of information governance and the introduction of new technologies.

Open Government Week (OGW) was also held in May and took place between 8 – 12 May 2023.

For IAM and OGW, the IPC highlighted various resources for agencies to assist them to build trust in their information access management.

During OGW, the Information Commissioner published the results from research into the informal release pathway and a compliance audit into the informal release practices of NSW public sector agencies.

More information on the Informal Release research can be found on page 67.

During IAM, the Information Commissioner released the updated Information Access Self-assessment Tool. More information about the Information Governance Agency Self-assessment Tools can be found on page 59.

Community Attitudes Survey

Community Attitudes Survey 2022

In March 2022, the IPC commissioned its biannual survey of NSW community attitudes towards information access and privacy. Since 2020, additional questions were included on data sharing and agency assistance, and in 2022, additional questions were included on data breaches. Citizens were surveyed in February and March 2022.

The results provide a broad and indicative sense of citizen awareness about their information access and privacy rights in NSW as well as attitudes towards data sharing by government, and experience with breaches.

In September 2022, as part of RTK 2022, the Information Commissioner released the results of the NSW Community Attitudes Survey 2022 toward information access, data sharing and agency assistance.

The results for privacy were released in the previous reporting period and reported on in the IPC Annual Report 2021/22.

Key findings for the Information Access sections are outlined below.

Information Access

Overall, 89% of respondents agreed that having a right to access government information as important, the highest level reported since 2016.

Consistent with the findings from 2020, 38% of respondents attempted, or considered making an attempt, to gain access to government information.

The survey found that 71% of respondents were successful in their attempt to access information, a decrease from 74% reported in 2020.

Respondents were most successful at accessing information held by state government departments (78%) and universities (69%), and least successful at accessing information held by Ministers and their staff (61%).

Pillar 3: Rights Promotion & Impact

Agency Assistance

The decline in successful attempts to access information was accompanied by a decline in agency assistance across a number of key areas, including:

- 25% of agencies advised the respondent to seek the information from another agency or entity, a 6% decrease from 2020
- 23% of agencies followed up with the applicant in writing, a 5% decrease
- 15% of agencies explained the process of making a formal application, a 13% decrease
- only 3% of agencies told respondents about the IPC and their rights of review, a 5% decrease.

Data Sharing

Consistent with the findings from 2020, the majority of respondents continued to agree that government agencies should use de-identified data to inform planning and delivery of services, to develop government agency policies and consult with the public.

Overall, 71% of respondents agreed that agencies should publicly report on the use of artificial intelligence, a decrease from 78% reported in 2020.

It was also reported that 75% of respondents agreed that agencies should publicly report on the information they maintain. This result is consistent with the findings from 2020.

The full findings of the study are available on the IPC website.

Community Attitudes Survey 2023

In May 2023, Information Commissioners throughout Australia led by NSW, undertook a cross-jurisdictional study of community attitudes towards information access to investigate awareness of and experience with information access rights.

This biannual survey aims to provide a broad and indicative sense of the public's view on the importance of information access rights, public interest factors to consider when releasing information, and in NSW, the helpfulness of public sector agencies.

The cross-jurisdictional and NSW specific results of this study will be released by the NSW Information Commissioner as part of the Right to Know Week NSW 2023 campaign.

The full findings of the study will be reported in the next annual report.

Community events

The IPC supported and celebrated 23 community events including:

2022

- NAIDOC Week, 3-10 July
- Local Government Week, 1-7 August
- International Day of the World Indigenous People, 9 August
- Indigenous Literacy Day, 7 September
- R U OK Day, 8 September
- International Day of Democracy, 15 September
- Right to Know Week NSW, 26 September – 2 October
- International Day for Universal Access to Information (United Nations), 28 September
- United Nations Day, 24 October
- International Day of Persons with Disabilities, 3 December
- Human Rights Day, 10 December

2023

- Data Privacy Week, 22-28 January
- Safer Internet Day, 7 February
- Multicultural March, 1-31 March
- Open Data Week, 4-10 March
- International Women's Day, 8 March
- Harmony Week, 20-26 March
- Information Awareness Month, 1-31 May
- Privacy Awareness Week NSW, 1-7 May
- Open Government Week, 8-12 May
- National Law Week, 15-21 May
- Global Accessibility Awareness Day, 18 May
- National Reconciliation Week, 27 May – 3 June

Resources

Since July 2022, the IPC has produced 34 new publications in addition to 66 updated publications to promote community and agency understanding of privacy and information access rights in NSW. New resources and publications have included:

- seven information access resources, including guidance, fact sheets, web templates, checklists and animations
- twelve privacy resources, including guidance, fact sheets, and web templates
- two combined information access and privacy resources
- two statutory reports and five regulatory reports
- two corporate resources, including plans
- six newsletters.

Pillar 3: Rights Promotion & Impact

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

Publications review

The IPC has continued its review of all publications and resources available on its website since commencement of the work in July 2019. During the reporting period, 66 publications were updated by the IPC, an increase from the 34 updated in the previous reporting period. The publications review is ongoing to ensure that the information provided on the IPC website is accurate, up to date and in line with legislative changes.

Publications are prioritised for review based on several factors. These include, but are not limited to, changes to legislation, alignment with the IPC Strategic Plan and Regulatory Plan or other policies/procedures that have been developed or amended. Other considerations include the date that the publication was last reviewed and identification of regulatory risk.

Information access resources

For RTK 2022, the Information Commissioner released an animation on e-Governance and Digital Government for citizens and a new animation on Artificial Intelligence, e-Governance and Access to Information for the International Conference of Information Commissioners.

During the week, the IPC also highlighted key information access resources for agencies and citizens, many of which were updated and published ahead of RTK Week. This included a Fact Sheet on Automated decision-making, digital government and preserving information access rights for agencies and for citizens, a Fact Sheet on Digital records and the GIPA Act and another on Open access information under the GIPA Act – agency requirements.

As part of its proactive audit program, the IPC published five GIPA compliance reports for agencies in the reporting year to elevate and influence compliance with GIPA legislation. These reports included the Local Government Sector Follow up Compliance Report, Compliance Report on agency reporting on expenditure of public funds by disclosing the acquisition, disposal and value of major assets required by the GIPA Act, State Archives and Records Authority of New South Wales Compliance Report, the Department of Enterprise, Investment and Trade Compliance Report, and the Report on the Informal Release of Information under Section 8 of the GIPA Act.

A list of these resources is located at Appendix 1.

Privacy resources

For PAW 2023, the IPC released new resources for citizens on the upcoming MNDB Scheme including a Fact Sheet on Notification to affected individuals of a Data Breach. For agencies, the IPC released resources to assist in preparation for the Scheme including a Guide to preparing a Data Breach Policy, a Fact Sheet on Exemptions from notification to individuals, and Guidance on Seeking a Public Interest Direction or Code of Practice for a linked data asset.

As part of its proactive regulatory initiatives program, the IPC published its follow-up Desktop Audit of Privacy Management Plans (PMP) Report of universities, select councils and government departments' compliance with the PMP requirements under the PPIP Act.

A list of these resources is located at Appendix 1.

Information access and privacy resources

In October 2022, the IPC published its Fact Sheet on Frequently asked questions: What the IPC can and cannot do. This fact sheet was developed to assist the public with understanding the scope of the IPC's role and to address some of the common issues and requests made to the IPC.

The IPC also published its Fact Sheet on Microsoft 365 platforms and agencies' compliance obligations. With a shift towards digitisation due to the COVID-19 pandemic, workplaces have turned towards digital services such as Microsoft 365. This fact sheet was designed to provide guidance on the increasing use of the platform by public sector agencies, and the impact on agencies' compliance obligations under the GIPA Act, the PPIP Act and the HRIP Act.

A list of these resources is located at Appendix 1.

Information Governance Agency Self-assessment Tools

In the last reporting period, the IPC commenced work to review its Information Governance Agency Self-assessment Tools including consultation with agencies on their engagement with the tools to identify opportunities to enhance and embed their use.

The revised Tools build upon the previous version and now feature three components that work together to assess, track and plan for governance maturity. The three components include a Maturity Matrix framework that describes the different areas of practice to be assessed and what maturity looks like at each level, a Survey used to collect data on the nature and effectiveness of an agency's governance practices, and a Management Document providing a space for agencies to record their level of maturity and plan and track activities to improve.

Pillar 3: Rights Promotion & Impact

In May 2023, the Information Commissioner released the updated IPC Information Access Self-assessment Tool during IAM and OGW, and the Privacy Commissioner released the revised IPC Privacy Self-assessment Tool during PAW. The updated Tools were released following a review and consultation with NSW agencies.

To assist agencies in navigating the new Tools, the IPC released a demonstration video outlining each of the components and how to use them effectively.

The Tools and demonstration video are available for download on the IPC website.

e-Learning

In the reporting period, the [IPC e-learning portal](#) had 425 new registrations to access the available e-learning modules compared to 538 in the previous reporting year. There are five modules currently available as of 30 June 2023. The new registrations came from government agencies (162), councils (196), the general public (24), universities (13), the private sector (25), NGO sector (4), and the Ministerial sector (1).

During the reporting period there were 511 total completions of IPC e-learning modules.

Submissions or reports to Parliament

Information access

Under section 37 of the GILC Act, the Information Commissioner is required to provide Parliament with an annual report on the operation of the GIPA Act. The 2021/22 Report on the operation of the GIPA Act was tabled in Parliament in May 2023 and reported a continuing increase in applications to access government information and a maintenance of timeliness by agencies. The 2021/22 Report is available via the [IPC website](#).

In addition to joint submissions, the Information Commissioner also made a written submission to the [Commonwealth Government review of the Privacy Act 1988](#).

Privacy

In addition to joint submissions, the Privacy Commissioner also made a written submission to the Commonwealth Government [Discussion Paper on the Review of the Privacy Act 1998](#).

Codes of Practice and Public Interest Directions

During the reporting period, the Privacy Commissioner consulted with several agencies in relation to whether a Code of Practice or Public Interest Direction may be necessary to support a particular project or policy initiative. In some cases, the projects could be implemented in compliance with the IPPs or HPPs, such that a code or direction was not needed. The Privacy Commissioner continues to engage with agencies on these matters as required.

One Code of Practice was made during the reporting period:

- Privacy Code of Practice for IDSupport NSW made under section 31 of the PPIP Act on 1 July 2022. This Code applies to the identity remediation activities that IDSupport provides to affected individuals and affected agencies.

Two Public Interest Directions were made during the reporting period:

- [Direction relating to the Process and Technology Harmonisation \("PaTH"\) Program](#) – This direction was made under section 41(1) of the PPIP Act. The PaTH Program is a whole-of-government initiative for Enterprise Resource Planning and Shared Services to address the complexities and challenges of machinery of government changes, and to promote more effective and efficient service delivery across NSW government agencies. The direction was made on 31 January 2023 and has effect for a period of three years.
- [Direction relating to Service NSW and icare](#) – This direction was made under section 41(1) of the PPIP Act. The Direction facilitates the making of proactive payments to injured workers whose entitlements have been underpaid. The direction was made on 15 September 2022 and has effect for a period of 12 months.

Pillar 4: Operational Excellence



Pillar 4: Operational Excellence

What are we doing to support an effective, efficient one-IPC?

Objective

Deliver respected, quality and comprehensive services with professionalism, supported by expert operational capability and sound good governance.

The IPC met the objectives of this pillar by:

- implementing an External Audit Checklist and Timetable
- implementing the IPC Governance Framework and Action Plan
- organising training to assist staff with developing skills for Service Delivery including best practice record keeping
- reviewing new starter experience and implementing priority, feasible improvements to IPC components while also advocating for improvements to DCS components
- undertaking comprehensive exit surveys of staff.

The framework for the Strategic Plan can be found on page 26, outcomes for the reporting period can be found on page 29, and the full Strategic Plan is available on the [IPC website](#).

IPC Regulatory Plan 2022 – 2024

The IPC's Regulatory Plan 2022 – 2024 commenced in 2022, following the conclusion of the 2020 – 2022 plan in December 2021.

As with previous Plans, the IPC's regulatory efforts continue to be guided by a risk-based and intelligence-informed approach to regulation. Risk-based regulation using intelligence to inform regulatory activities enables the IPC to prioritise and target resources to those areas which pose higher risks to the achievement of our regulatory objectives. New approaches to service delivery by government agencies present challenges and opportunities in promoting safe and effective information sharing.

The IPC will continue to provide a responsive complaint and review service (reactive work), and a continued focus of its attention and resources upon emerging issues that pose the greatest risk to upholding privacy rights, and promoting and protecting public access to government information (proactive work).

Further information on the current Plan including outcomes for the reporting period can be found on page 34 and the full Regulatory Plan is available on the [IPC website](#). The IPC also reports quarterly on the progress of the plan, which are published to the [IPC website](#).

IPC Strategic Challenges 2022 – 2024

The IPC will need to address a number of strategic challenges as the information and privacy landscape continues to evolve over the coming years. These challenges will impact the way the IPC needs to operate in order to achieve its legislated remit and respond to community expectations.

The IPC's strategic challenges are below and can also be found in the IPC Strategic Plan 2022 – 2024.

Our planning framework

IPC Strategic Plan 2022 – 2024

In December 2021, the IPC finalised its Strategic Plan for 2022-2024. The Strategic Plan's structure follows the previous 2020-2022 plan, which is formed around the four pillars of:

- Service Delivery & Excellence
- Engagement & Influence
- Rights Promotion & Impact
- Operational Excellence.

The Plan recognises the rapid changes in the information management landscape and 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 and the impact of technology on legislation.

Pillar 4: Operational Excellence

IPC strategic challenges by pillar for the IPC Strategic Plan 2022 – 2024

Pillar 1: Service Delivery & Excellence	Pillar 2: Engagement & Influence	Pillar 3: Rights Promotion & Impact	Pillar 4: Operational Excellence
<ul style="list-style-type: none"> • Being independent, accountable but flexible in a changing service delivery environment • Meeting citizen expectations around trusted sources of information • Remaining effective in a dynamic environment full of new developments and consequent increased volume of work • Being ahead of the landscape by identifying and delivering through new research opportunities • Applying new processes, especially around the MNDB Scheme 	<ul style="list-style-type: none"> • Responding to the changing scope of regulatory powers • Independently responding to laws which require guidance and further definition to promote accountability and integrity in government • Delivering on government expectations for heightened engagement and ensuring all partners and experts are identified • Collaborating with these experts, agencies and clusters by being trusted influencers and ensuring they have their own effective feedback loops • Identifying and responding to the effect and pace of digitisation • Harnessing the influence of IPAC 	<ul style="list-style-type: none"> • Preserving and better understanding citizen rights amidst changing service delivery options, PPPs, privatisation, and COVID rules • Strengthening our engagement and effectively measuring our impact • Drawing upon external expertise including promoting self-assessment by agencies • Promoting proactive disclosure of government information • Responding to the resourcing and education requirements of the MNDB • Being part of the definition of an 'archive' or 'backup system' 	<ul style="list-style-type: none"> • Effectively identifying and supporting new collaboration tools and future ways of working • Meeting greater expectations made possible by the additional 2-year funding package • Improving IPC's KPI reporting including identification of – and response to – staff needs • Understanding the requirements of an IT Strategy which will serve the present and the future of the IPC • Delivering on the need for cross functional collaboration • Attracting and retaining staff in a competitive environment

GSE Act 2013

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

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

In 2022/23, the IPC met its compliance requirements with the GSE Act by:

- developing and implementing staff PDPs
- developing a staff training schedule
- continuing to support staff training and development in both legislative/technical areas and broader development. The IPC invested over 1,215 hours of training for staff (excluding the Commissioners who are statutory appointees)
- supporting capability development through secondment arrangements
- reinforcing commitment to ethical conduct, public sector and IPC values, including through a Code of Conduct
- supporting formal and informal mentoring arrangements.

Pillar 4: Operational Excellence

Governance

Legislative Compliance Register

The Legislative Compliance Register is a standing item on the agenda for the ARC meetings. The Register clearly identifies responsible members of the IPC Executive and Management for key risks and to include an annual attestation by responsible officers. It also outlines how the IPC addresses its obligations to ensure legislative compliance is achieved and maintained.

Litigation

In the reporting period, the IPC was the respondent to two applications for review to NCAT, both made under the PPIP Act.

Information security management

The IPC has adopted the Information Security Policy of DCS as the major provider of ICT services to the IPC. The policy is owned and managed by the DCS Chief Information Officer and approved by the Secretary and details the organisational responsibilities for information security. The IPC has also developed a Cyber Security Framework that outlines the policies and procedures adopted to manage cyber security noting that DCS provides the IPC's network, hardware and software services.

Please see page 65 for the Cyber Security Policy Attestation Statement for 2022/23.

Corporate systems and IT enhancements

The IPC has a robust case management system that enables the management of enquiries and cases.

In 2022/23, the IPC undertook a program of work to further improve the efficiency, integrity and security of its ICT systems and infrastructure. This included implementing a version upgrade of its case management system, improving functionality, reliability and stability of the application.

The IPC also implemented the following enhancements to its case management system in 2022/23:

- creation of a new Regulatory Assistance case type
- adding DRF Advice as a new Advice Sub-Type so these types of advices can be reported on separately
- inclusion of a joint advice count in reporting so advices which consider both streams can be reported on
- enhancements to improve reporting.

The IPC also made the following changes to improve the security of its ICT systems and infrastructure:

- upgrade of the GIPA Tool to the latest version of Salesforce and improved the look and feel of the application (more information available on page 67)
- conducting annual security penetration testing of our case management system
- implementation of multi-factor authentication for access to Tableau
- implementation of a 90-day password policy for the IPC's case management system in line with best practice.

The IPC will continue to invest in its ICT systems to ensure security and stability.

Pillar 4: Operational Excellence

Cyber Security Policy Attestation Statement



Cyber Security Annual Attestation Statement for the 2022-2023 Financial Year for the Department of Customer Service (DCS), Information and Privacy Commission NSW (IPC)

I, Elizabeth Tydd, Information and Privacy Commission NSW Chief Executive Officer, am of the opinion that IPC has managed the cyber security risks in a manner consistent with the Mandatory Requirements set out in the NSW Government Cyber Security Policy.

Risks to the information and systems of IPC have been assessed, appropriately managed and recorded in the IPC Risk Register.

Governance is in place to manage the cyber security risks of IPC's information and systems and IPC has established a Cyber Security Framework and provides quarterly reports on Cyber Security to its Audit and Risk Committee.

IPC adopts the DCS ICT security incident management response plan in place to effectively manage any incidents related to ICT and cyber security incidents.

IPC's Business Continuity Plan includes scenario planning for impacts on IT systems and this is tested each 12 months (involving the Executive Team).

IPC consumes managed services from DCS corporate services, GovConnect and its maturity is in line with the DCS cluster including regular meetings with DCS IT staff to review Information Security. As part of the annual Cyber Security Attestation process IPC reviews the Cyber Security arrangements and policies of third-party IT providers and conducts annual penetration testing of third party systems.

IPC is working with its service provider DCS GovConnect and is aware enhancements are in progress to appropriately manage the cyber security maturity and initiatives of the GovConnect platform to meet the requirements of this policy and further strengthen the cyber security platform.

Yours sincerely

Elizabeth Tydd
**IPC CEO, Information Commissioner
NSW Open Data Advocate**

Date: 5 September 2023

Pillar 4: Operational Excellence



Gifts and Benefits Policy Attestation Statement

I, Elizabeth Tydd, Information and Privacy Commission NSW Chief Executive Officer, am of the opinion that IPC has managed gifts and benefits in a manner consistent with the IPC's Code of Conduct and Gifts and Benefits Policy and that there is no evidence of attempts to improperly influence the decisions or actions taken by its employees.

The IPC provides transparency and accountability of gifts and benefits by publishing its Gifts and Benefits Policy and Register on its website.

Governance is in place to manage any offers of gifts and benefits through the policy framework, annual staff training and annual reporting to the Audit and Risk Committee on trends in Gifts and Benefits.

Yours sincerely

Elizabeth Tydd
**IPC CEO, Information Commissioner
NSW Open Data Advocate**

Date: 5 September 2023

Pillar 4: Operational Excellence

Land Disposal

The IPC did not undertake any activities relating to land disposal during the reporting period.

Research and development

Research into informal release of information

In May 2023, the Information Commissioner released a report containing the findings from research into the Informal Release pathway under the GIPA Act, supported by the University of New South Wales.

The research commenced in September 2022 and involved direct engagement with public sector agencies and a literature review aimed at identifying opportunities to harness the use of the informal access pathway. To inform the research, engagement with select agencies was conducted via a written survey to give them an opportunity to share and reflect on their informal release reporting practices, and their agency-wide application management practices.

The audit detailed several key findings:

- Overwhelmingly, 83% of informal requests recorded by agencies resulted in information being released.
- 53% of agencies did not have a documented policy/procedure for dealing with informal access requests that was available to staff making decisions on informal applications.
- 58% of agencies did not provide a written outcome to the applicant who requested information.
- 58% of agencies do not have a fixed timeframe for responding to informal access requests.
- 47% of the agencies indicated that they monitor trends in informal access requests to identify what could be released proactively.

In response to these findings, the Information Commissioner will be developing accompanying tools responsive to the identified needs of agencies. The new tools are planned to be released in September 2023 during RTK Week.

The full findings of the research are available on the [IPC website](#).

Scan of the Artificial Intelligence Regulatory Landscape

In November 2022, the IPC published a high-level scan of the national and international regulatory landscape relevant to AI with a focus on the preservation of information access and privacy rights.

The regulatory scan was requested by the former Minister for Customer Service and Digital Government, Minister for Small Business, Minister for Fair Trading, the Hon. Victor Dominello, and reviewed a select number of global authorities with a focus on frameworks applied in regulating AI including values-based principles, rights preservation and classification frameworks for developing AI models.

In undertaking the scan, the IPC considered governance models used internationally in regulating AI, an assessment of the risks to the fundamental information access and privacy rights in the use of AI and various treatment options available to address these risks.

The regulatory scan is available on the [IPC website](#).

Upgrade of the IPC GIPA Tool

In April 2023, the IPC completed a project to upgrade the [IPC GIPA Tool Platform](#) which assists all agencies and organisations regulated by the GIPA Act to comply with the legislation when processing and reporting on government information applications.

The enhancements to the GIPA Tool include a series of webforms for data entry of application information allowing agencies to save and go back to previous screens, an overall improved webform design, the implementation of a new menu at the completion of data entry to progress to Consultations, Amendments, Outcomes and Reviews, and a new feature where applicants can be sent an automated email acknowledgement.

The upgrade took into consideration previous feedback provided to the IPC and was undertaken to improve data entry for agencies by utilising webform functionality. These enhancements also provide a more streamlined approach to submitting annual reports.

The IPC also updated the IPC GIPA Tool User Guide which is available on the [IPC website](#).



Management and accountability

Management and accountability

Our people

Senior executive

During the reporting period, the IPC had five senior executive positions – four of which were held by women. Two of these senior executives were statutory officers. The number of staff in the levels of IPC executive positions and the corresponding remuneration is shown in the table below. Although the Commissioners are not subject to the GSE Act, they are included to complete the table.

The percentage of total employee-related expenditure in the reporting year that relates to senior executives is 26%, compared with the percentage at the end of the previous reporting year of 30%.

Senior executives and salaries by band for 2022/23

	Female	Male	Range \$	Average Range \$
Band 4	0	0	509,251 to 588,250	0
Band 3	2	0	361,301 to 509,250	379,500
Band 2	0	0	287,201 to 361,300	0
Band 1	2	1	201,350 to 287,200	229,408
Total	4	1	-	-

People Matter Employee Survey

The 2022 People Matter Employee Survey (PMES) was conducted by the Public Service Commission (PSC) and ran from 22 August to 16 September 2022. The results for the IPC were particularly favourable for ethics and values; customer service; risk and innovation; job purpose and enrichment; role clarity and support; flexible working; and health and safety.

Survey participation in 2022 was much higher than the previous year's 57%, with 80% of staff taking part in the survey.

The 2022 results demonstrate a decrease in the overall favourable score for most questions when compared with the IPC's responses in 2021. However, the IPC scored much higher than the public sector average for many questions.

Overall positive results

- **Ethics and values:** Ethics and values was the top scoring area with 84%. This is 15% higher than the public sector score of 69%. Notably, 100% of staff said that they support the IPC's values, compared to the public sector score of 54%.
- **Customer Service:** The overall score for customer service was 81%. This is 11% higher than the public sector score of 70%.
- **Risk and innovation:** The total score for risk and innovation was 81% compared to 73% in the public sector. It was reported that 81% of staff said that the IPC is making improvements to meet future challenges, compared to the public sector score of 56%.
- **Job purpose and enrichment:** Overall, the IPC scored job purpose and enrichment 79% compared to the public sector score of 71%. 82% of staff said that they have received feedback to improve their work, compared to 62% in the public sector.
- **Role clarity and support:** The overall score for role clarity and support was 75% compared to the public sector score of 64%. 82% of staff indicated that they had the time to do their job well, compared to 52% in the public sector. 79% of staff also indicated that they received the support needed to do their job well, compared to the public sector score of 63%.
- **Flexible working:** The overall score for flexible working was 78%, which is 15% higher than the public sector score of 63%. 78% of staff said they were satisfied with their ability to access and use flexible working, which is 17% higher than the public sector score of 61%. Similarly, 78% of staff said their manager supported flexible working within their team, compared to 65% in the public sector.
- **Health and safety:** The overall score for health and safety was 80%, compared to 70% in the public sector. 81% of staff said they were confident that WHS issues raised will be addressed promptly, compared to 74% in the public sector. 78% of staff also said that the IPC has effective resources to support employee wellbeing, compared to 64% in the public sector.

Questions for improvement

Overall, the results in 2022 showed a general decrease in favourable responses compared to the 2021 results. These questions were a particular focus for the IPC Executive team in 2022 and 2023.

- **Wellbeing:** The score for staff wellbeing was 64%. This is a 30% decrease from 2021 where the overall score was 94%.

Management and accountability

- **Inclusion and diversity:** 59% of staff said they do not feel that they belong within the IPC, a 28% decrease from 87% in 2021. It was also reported that 74% of staff said that personal background is not a barrier to participation at the IPC, a 26% decrease from 100% in 2021.
- **Communication and change management:** Regarding change management at the IPC, 48% of staff said it was managed well, a 27% decrease from 75% in 2021.
- **Senior managers/Teamwork and collaboration:** 61% of staff said that senior managers promote collaboration between the IPC and other organisations that the IPC works with, a 27% decrease from 88% in 2021.

Areas for improvement

The results demonstrated the following areas for improvement:

- **Burnout:** For the first time, staff burnout was included in the PMES. 29% of staff said that they do not feel burnt out, compared to 34% in the public sector. However, 32% of staff said that they do feel burnt out at work.
- **Learning and development:** The overall score was 58%, compared to 55% in the public sector. This is a decrease of 12% from 70% in 2021.
- **Action on the survey results:** Overall, 59% of staff said that they were confident that the IPC will act on the results of this survey, compared to 43% in the public sector. This is a decrease of 22% from 81% in 2021.

The Executive team considered the results of the PMES and undertook engagement with staff to develop an Action Plan for 2022/23 to address the areas for improvement. The plan contained 61 identified actions and all actions were completed by June 2023.

Governance

Consultants

The IPC commissioned seven engagements during the 2022/23 reporting period, at a total cost of \$57,481 as per note 2 in the notes to the financial statements, for the provision of legislative and management consulting services.

International travel

The Information Commissioner travelled to Uzbekistan in September 2022 to attend the UNESCO International Day for Universal Access to Information 2022 (at no cost to the IPC).

The Information Commissioner travelled to the Philippines in June 2023 to attend the 14th edition of the ICIC Annual Conference.

New legislation and amendments

During the reporting period, there were five enacted legislative changes that impacted the Commissioners' functions.

Privacy and Personal Information Protection Amendment Bill 2021

The Privacy and Personal Information Protection Amendment Bill 2021 was passed by Parliament on 16 November 2022. The amendments to the PPIP Act will come into effect 12 months following assent, from 28 November 2023. They aim to strengthen privacy legislation in NSW by:

- creating a MNDB Scheme which will require public sector agencies bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm
- applying the PPIP Act to all NSW SOCs that are not regulated by the Commonwealth *Privacy Act 1988*
- repealing s117C of the *Fines Act 1996* to ensure that all NSW public sector agencies are regulated by the same mandatory notification scheme.

The MNDB Scheme will require agencies to satisfy other data management requirements, including to maintain an internal data breach incident register, and have a publicly accessible data breach policy.

Museums of History NSW Bill 2022

As a member of the Steering Committee considering the approach to the proposed merger to the State Records and Archives Authority (SARA) and the Historic Houses Trust, the Information Commissioner contributed to the development of the Museums of History NSW Bill 2022 (the Bill) which was introduced into the Legislative Assembly on 22 June 2022 and passed on 10 August 2022.

The Bill creates and confers functions on the Museums of History NSW, including functions currently previously exercised by the Historic Houses Trust, incorporating Sydney Living Museums, and SARA. The Bill renames SARA as the State Records Authority with responsibility to administer Parts 2 and 3 of the *State Records Act 1998*.

Management and accountability

A key reform introduced by the Bill is an amendment to the access provisions for State Records to reduce the open access period from 30 years to 20 years. This reform promotes the principle of open government and brings the access period into line with other commensurate jurisdictions in Australia and internationally.

Casino Legislation Amendment Bill 2022

The Casino Legislation Amendment Bill 2022 passed Parliament on 11 August 2022. The Bill ensures that the State's two casinos comply with stringent controls, under the supervision of an independent regulator. The centrepiece of the Bill is the creation of the NSW Independent Casino Commission (NICC) that receives unprecedented powers to monitor casino activities and take strong disciplinary action against operators and individuals who engage in misconduct. The Bill includes amendments to the following provisions:

- (a) Sch. 2 to the *Government Information (Public Access) Act 2009* to specify 'excluded information' of the NSW Independent Casino Commission (NICC) relating to its 'audit, investigative, reporting and prosecuting functions',
- (b) Section 17 of the *Gaming and Liquor Administration Act 2007* to specify that the secrecy law also applies to the NICC, and
- (c) Section 27 of the *Privacy and Personal Information Protection Act 1998* to specify the NICC as a law enforcement agency that is not required to comply with the information protection principles.

Government Sector Employment Amendment Bill 2022

The Government Sector Employment Amendment Bill 2022 passed Parliament on 8 November 2022. The Bill amends the GSE Act to give effect to recommendations arising out of the following reports:

- the report entitled "DPC Inquiry: Appointment of Senior Trade and Investment Commissioner to the Americas" prepared by Graeme Head AO dated 12 August 2022
- the report entitled "Independent Review of the NSW Government Sector Employment Act 2013" prepared by the Hon. Greg Pearce, Gabrielle Trainor AO and Jane Halton AO PSM dated 30 November 2020.

Government Sector Finance Amendment (Grants) Bill 2023

The Government Sector Finance Amendment (Grants) Bill 2023 passed Parliament on 25 May 2023. The Bill amends the GIPA Act and GIPA Regulation to include certain information regarding government grants to be considered under *Open Access* information for the purposes of the Government Information (Public Access) Regulation 2018 and to be made publicly available.

Risk management

Audit and Risk Committee (ARC) report on activity

This annual report of the IPC's Audit and Risk Committee (ARC) covers the activities of the ARC for the period 1 July 2022 to 30 June 2023. This is in line with the requirements of the ARC Charter and Treasury Policy *Internal Audit and Risk Management Policy for the General Government Sector* (TPP 20-08).

Meetings held and attendance by members:

There were five meetings of the ARC held during the 2022/23 reporting year:

No. of meetings	Meeting date	Marcia Doheny	Malcolm Clinch	Peter Scarlett
1	21/09/2022	✓	✓	✓
2	25/11/2022	✓	✓	✓
3	23/03/2023	✓	✓	✓
4	21/04/2023*	✓	✓	✓
5	22/06/2023	✓	✓	✓
Total	5	5	5	5

* The meeting on 21 April 2023 was a special meeting for review of Financial Statements.

No committee member terms expired during the reporting period. In the next reporting period, the term of one Committee member will expire.

In-camera sessions were conducted with the internal and external audit service providers. Additionally, the Chair met with the CEO throughout the year as required. Meetings of the Committee were conducted online and in person.

All members have completed written conflict of interest declarations.

Management and accountability

Key outcomes

- O'Connor Marsden and Associates (OCM) provide independent internal audit assurance and advice. The Chief Audit Executive (CAE) reports to the ARC quarterly on the risk-based internal audit plan and progress towards completion, as well as implementation of audit issues and recommendations.
- One internal audit carried over from the previous reporting period:
 - IPC Records Management.
- Two new internal audits are underway by OCM to provide assurance that key internal controls operating with respect to the IPC functions are appropriately designed and have operated effectively. The audits are in relation to IPC Leave Records, Business Continuity and Cyber Security.
- In accordance with core requirements of *TPP 20-08 Internal Audit and Risk Management Policy for the NSW Public Sector*, the IPC developed and maintained an Internal Audit Manual and Internal Audit Charter. The Internal Audit Manual and Internal Audit Charter were reviewed and updated during the reporting period.
- The ARC provided advice to the CEO/Information Commissioner on identification and management of financial, operational and other key risks.

Key outputs

- Reviewed and endorsed the 2022/23 internal audit plan.
- Reviewed the Risk Register at each meeting and monitored risk treatment/mitigation actions.
- Reviewed all audit reports and monitored the implementation of recommendations.
- Reviewed the Audit Office Client Services Plan.
- Endorsed the report from the 5-year Independent Quality Assessment of Internal Audit Functions.
- Reviewed the draft 2021/22 Financial Statements for submission to the NSW Audit Office and the audited Statements together with supported Attestations and Certifications and recommended the Statements for signature by the CEO.
- Reviewed the draft Early Close Financial Statements for the period ending 31 March 2023 at pre and post audit stages.
- Reviewed and discussed the Performance Management Dashboard at each meeting.
- Reviewed and endorsed the IPC Audit and Risk Committee Charter.
- Endorsed the review of the IPC Enterprise Risk Management Framework and the inclusion of an emerging risk register.
- Endorsed an IPC Risk Appetite Statement.
- Reviewed the Business Continuity Plan.
- Reviewed the Legislative Compliance Register.

Internal and External audit progress reports

Our internal auditors add value and improve our operations by monitoring and providing independent and objective assurance to the Audit and Risk Committee, and ultimately the Chief Executive Officer.

The internal audit function brings a systematic, disciplined approach to evaluating and improving our organisational systems, processes and reporting. The Chief Audit Executive reports on the progress of the annual internal audit program at each quarterly Audit and Risk Committee meeting.

Recommendations from internal audits are tracked, and progress is reported quarterly to the Chief Executive Officer and Audit and Risk Committee. The status of recommendations for each internal audit provides visibility and oversight of progress including on the amount of time recommendations remain open. Most recommendations have been implemented with a strong focus on addressing higher-risk findings. The open recommendations at the end of the year were underway and progressing towards implementation. Where necessary, some adjustment on timeframes for implementation were made and reported to the Audit and Risk Committee.

Through a procurement process, O'Connor Marsden was reappointed as the internal auditor for the internal audit program.

The NSW Audit Office provides independent audit of the IPC's financial statements. The external auditor provides an independent opinion on whether the IPC's financial statements are true and fair and comply with applicable Australian Accounting Standards. The external auditor also attends all Audit and Risk Committee meetings

ARC acquittal of Treasury requirements

The ARC confirmed the following Treasury requirements are understood and in effect for the IPC:

- internal control systems are in place and effective
- inaccuracies are promptly identified and addressed progressively through the year
- within year financial reporting is used to identify and address issues that have full year impact
- appropriate action has been taken to address audit recommendations.

ARC overall assessment

During 2022/23, the ARC performed its functions and responsibilities, as outlined in the ARC Charter, regarding risk management and control frameworks, compliance, internal audit, external audit and its external accountability requirements. The ARC's overall assessment is that the arrangements in these areas were operating soundly.

Management and accountability

Internal Audit and Risk Management Attestation Statement



Internal Audit and Risk Management Attestation Statement for the 2022-2023 Financial Year for the Information and Privacy Commission

I, Elizabeth Tydd, am of the opinion that the Information and Privacy Commission has internal audit and risk management processes in operation that are, excluding the exemptions or transitional arrangements described below, compliant with the seven (7) core requirements set out in the Internal Audit and Risk Management Policy for the NSW Public Sector, specifically:

Core Requirements	Status
Risk Management Framework	
1.1 The Accountable Authority shall accept ultimate responsibility and accountability for risk management in the agency.	Compliant
1.2 The Accountable Authority shall establish and maintain a risk management framework that is appropriate for the agency. The Accountable Authority shall ensure the framework is consistent with AS ISO 31000:2018.	Compliant
Internal Audit Function	
2.1 The Accountable Authority shall establish and maintain an internal audit function that is appropriate for the agency and fit for purpose.	Compliant
2.2 The Accountable Authority shall ensure the internal audit function operates consistent with the International Standards for Professional Practice for Internal Auditing.	Compliant
2.3 The Accountable Authority shall ensure the agency has an Internal Audit Charter that is consistent with the content of the 'model charter'.	Compliant
Audit and Risk Committee	
3.1 The Accountable Authority shall establish and maintain efficient and effective arrangements for independent Audit and Risk Committee oversight to provide advice and guidance to the Accountable Authority on the agency's governance processes, risk management and control frameworks, and its external accountability obligations.	Compliant
3.2 The Accountable Authority shall ensure the Audit and Risk Committee has a charter that is consistent with the content of the 'model charter'.	Compliant

Membership

The independent chair and members of the Audit and Risk Committee are:

- Independent Chair, Ms Marcia Doheny
Initial term – 17/06/2022 to 17/06/2025
- Independent Member 1, Mr Malcolm Clinch
Initial term - 06/07/2015 to 05/07/2018 – Reappointed to 5/07/2023
- Independent Member 2, Mr Peter Scarlett
Initial term – 17/06/2022 to 17/06/2025

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

Elizabeth Tydd
IPC CEO, Information Commissioner
NSW Open Data Advocate

Date: 22 September 2023

Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000 • GPO Box 7011, Sydney NSW 2001
T 1800 IPC NSW (1800 472 679) • E ipcinfo@ipc.nsw.gov.au • W www.ipc.nsw.gov.au

Management and accountability

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Management and accountability

The ARC believes that the IPC has continued to enhance its management of strategic and operational risks, financial and other internal controls and compliance obligations as well as adapt to changes in the IPC's operations. The ARC also believes that the IPC is adequately supporting its internal and external audit functions and meet its external accountability requirements.

ARC effectiveness

A self-assessment was completed in October 2022 to evaluate the ARC's performance. It covered questions about the ARC's charter, roles and responsibilities, skills and experience, communications and reporting, and meeting and administrative arrangements. The assessment was completed by all ARC members. Out of the 34 questions, answers were rated as 'agree' or 'strongly agree', confirming the ARC continues to perform well overall against the core responsibilities contained in its charter, and in the categories outlined above.

The IPC ARC has been established from a skilled and experienced membership that is suitably qualified and works in a collegiate fashion. The ARC is well supported by senior management including the IPC Executive team, CAE, Secretariat and the professionally skilled internal and external audit service.

Priorities for year ending 30 June 2024

- Monitor Cyber Security maturity.
- Monitor financial management and financial reporting arrangements for the IPC.
- Review of the IPC Enterprise Risk Register following strategic planning in 2024.
- Monitor performance against budget and impact of efficiency reforms and increasing work volumes upon performance.
- Review of the forward Internal Audit Plan for 2024 onwards.
- Monitor compliance with Treasury TPP 20-08 Internal Audit and Risk Management Policy.
- Monitor impact of implementation of MNDB Scheme.

Insurances

The NSW Treasury Managed Fund (TMF) provides insurance cover for all of the IPC's activities. This includes workers' compensation, motor vehicle, public liability, property and miscellaneous claims. This insurance cover helps to mitigate the IPC's major insurance risks such as the security of its staff, property and other assets, and the risk of work-related injuries.

GIPA Act compliance

Decisions made on formal access applications

Under section 125 of the GIPA Act, the IPC is required to report annually on its GIPA obligations. Clause 8 of the GIPA Regulation lists the information against which agencies must report. Schedule 2 of the GIPA Regulation provides tables for the reporting of statistical information about access applications.

Review of proactive release program

Under section 7(1) of the GIPA Act, the IPC is authorised to proactively release any government information it holds, as long as there is no overriding public interest against disclosure. As part of the IPC's proactive release program, the IPC reviews its 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 the IPC website and in other forms as appropriate. The IPC's disclosure log is updated consistent with release decisions. Clause 8(a) of the GIPA Regulation requires details about the review under section 7(3) of the GIPA Act to be included in this annual report, along with information that has been developed and proactively released under this program.

Information made available by the IPC under this program in this financial year included:

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

Management and accountability

Decisions made on formal access applications

Of the nine formal access applications received and dealt with by the IPC this financial year, there was one application transferred to other agencies. The IPC received six invalid applications for the reporting period. The six applications did not comply with formal requirements in accordance with the GIPA Act. Where possible, the IPC worked with applicants to comply with formal requirements to make the application valid.

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 the IPC's report will be submitted to the Attorney General, and the Minister for Customer Service and Digital Government, Minister for Emergency Services, and Minister for Youth Justice as the Ministers responsible for the GIPA Act.

Contracts register compliance

The IPC has also:

- maintained a contract register in accordance with Division 5 of the GIPA Act
- ensured that any relevant contracts were entered appropriately and accurately
- made this register publicly available on the [IPC website](#)
- reviewed the accuracy and completeness of the register regularly during the year.

PIIP Act compliance

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

Client Satisfaction Survey

In 2022/23, the IPC continued to gain valuable feedback from its Client Satisfaction Survey across the complaint and review case types. Data from the survey shows that there was improvement in several areas compared with the previous reporting period. In 2022/23:

- 61% of respondents were satisfied with the service provided by the IPC, an increase of 6% from 2021/22

- 66% of respondents indicated that IPC officers had the knowledge to answer their questions, an increase of 9% from 2021/22
- 65% of respondents indicated that they received a timely outcome from the IPC, an increase of 7% from 2021/22
- 68% of respondents indicated that the outcome of their case was clearly communicated by the IPC, a decrease of 2% from 2021/22
- 64% of respondents agreed that information such as fact sheets and guidelines were easy to find on the IPC website, a decrease of 3% from 2021/22.

When compared to the previous reporting period, there were 23 fewer responses in 2022/23, totalling 95. In response to the decrease in survey feedback, the IPC will monitor completions in the coming reporting period and develop actions to improve the completion rate.

In almost all cases, the results observe a positive improvement in client satisfaction as compared to the previous reporting period but there continues to remain work for the IPC in improving its overall timeliness and to further build on this year's positive improvements. The IPC will continue to identify opportunities to improve upon overall client satisfaction.

Agency Advice Satisfaction Survey

In 2022/23, the IPC continued to gain valuable feedback from its Agency Advice Satisfaction Survey across its advices.

Data from the survey shows that there was improvement across all areas when compared with the previous reporting year. In 2022/23:

- 100% of respondents agreed that the IPC officer/s were polite and helpful
- 83% of respondents agreed that it was easy to find information such as Fact Sheets, Guidance and Guidelines on the IPC website
- 87% of respondents agreed that advice was communicated clearly
- 87% of respondents agreed that they were satisfied with the IPC's service
- 87% of respondents agreed that they received a timely response from the IPC.

When compared to the previous reporting period, there were three more responses than in 2021/22, totalling 23 agency responses. As with the Client Satisfaction Survey, the IPC will monitor completions of the Agency Advice Satisfaction Survey in the coming reporting period and develop actions to improve the completion rate.

Management and accountability

Client Satisfaction Survey results for 2022/23

	% Agree		
	2022/23	2021/22	2020/21
It was easy to find information such as Fact Sheets and Guidelines on the IPC website	66%	67%	63%
Information such as Fact Sheets and Guidelines I read were easy to understand	64%	66%	63%
IPC officers had the knowledge to answer my questions	66%	57%	55%
I was kept up-to-date with progress	64%	58%	57%
I received a timely outcome from the IPC	65%	58%	62%
The outcome was communicated to me clearly	68%	70%	65%
I was satisfied with the outcome	46%	50%	44%
The process was fair	58%	57%	57%
IPC officer/s were polite and helpful	72%	70%	62%
Overall, I was satisfied with the service provided by the IPC	61%	55%	53%

Agency Advice Satisfaction Survey results for 2022/23

	% Agree		
	2022/23	2021/22	2020/21
It was easy to find information such as fact sheets, guidance and guidelines on the IPC website	87%	80%	63%
Information such as fact sheets, guidance and guidelines I read were easy to understand	83%	70%	77%
Overall, I was satisfied with the service provided by the IPC	87%	75%	67%
I was satisfied with the advice provided	87%	70%	67%
The IPC officer/s had the knowledge to answer my questions	87%	70%	57%
The advice was communicated to me clearly	87%	80%	83%
The IPC officer/s were polite and helpful	100%	90%	83%
I received a timely response from the IPC to my request for advice	87%	75%	73%
The information was helpful in addressing my question or enquiry	87%	70%	63%

Management and accountability

Public Interest Disclosures and government information contraventions

Under the *Public Interest Disclosures Act 1994* (PID Act 1994), the IPC is required to collect and report on information about PIDs.

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

Under the PID Act, a public sector official can report a government information contravention, which is defined as a failure to exercise functions in accordance with any provision of the GIPA Act, to the Information Commissioner.

The IPC includes information about the PIDs that it has dealt with as an investigating authority in the six monthly and annual reporting of PIDs to the NSW Ombudsman. During the reporting period, no matters were included in the Information Commissioner's report to the NSW Ombudsman.

The Information Commissioner is a member of the Public Interest Disclosures Steering Committee, which has a number of roles in overseeing the PID Act 1994, including advising the Premier on the operation of the Act. When the PID Act 2022 commences in October 2023, the Privacy Commissioner will also become a member of the Public Interest Disclosures Steering Committee. The Steering Committee is chaired by the NSW Ombudsman and issues its own annual report regarding the PID Act and PIDs received by various investigating agencies. The PID Annual Report can be found on the [NSW Ombudsman's website](#).

Other information

About this annual report

The Information and Privacy Commission NSW Annual Report 2022/23 has been prepared in accordance with the provisions of the *Annual Reports (Departments) Act 1985*, the *Government Information (Information Commissioner) Act 2009*, and the *Privacy and Personal Information Protection Act 1998*.

This annual report sets out the IPC's activities, accomplishments and challenges in promoting our responsibilities to the community of NSW.

It provides an account of our performance against the key result areas set for it by NSW Parliament, and provides information to our stakeholders on how we manage our organisation to best deliver on our accountabilities and strategic outcomes.

This annual report was first published in October 2023 on the basis of all corporate GIPA and privacy specific information available and provided to the IPC by 25 September 2023. This report complies with NSW Treasury requirements Policy and Guidelines – Annual Reporting Requirements.

Number of PIDs received by category during 2022/23

Category	Made by public officials performing day to day functions	Under a statutory or other legal obligation	All other PIDs
Corrupt conduct	0	0	0
Maladministration	0	0	0
Serious and substantial waste	0	0	0
Government information contravention	0	0	0
Local government pecuniary interest contravention	0	0	0
Total	0	0	0

PIDs received during 2022/23

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

Sustainability



Sustainability

Work health and safety (WHS)

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

During the reporting year, the IPC undertook the following actions to strengthen its WHS arrangements:

- participating in quarterly IPC Health and Safety Committee meetings
- holding an all-staff training session focused on Building Mental Fitness & Self-Care
- implementing an action plan to address psychosocial risks in the workplace
- including psychosocial risk as a standing agenda item for Health and Safety Committee meetings
- providing ergonomic support and equipment for staff
- promoting the use of the Department's MySafety application for hazard and incident reporting.

IPC Diversity and Inclusion Action Plan

The IPC Diversity and Inclusion Action Plan 2021 – 2023 adopts a consolidated approach to cover disability, multicultural services and Aboriginal engagement. The Plan meets its legislative requirements under the *Anti-Discrimination Act 1977* (NSW), the *Disability Discrimination Act 1992* (Cth), the *Disability Services Act 1993* (NSW), the *Carers (Recognition) Act 2010* (NSW), the *GSE Act, Government Employment (General) Rules 2014*, and Annual Reports (Departments) Regulation 2015.

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

Workplace diversity

The IPC has processes in place to recruit people from the Equal Employment Opportunity target groups where possible, and the distribution of diversity groups is on the right.

Modern slavery reporting

NSW Government agencies are required in accordance with the *Modern Slavery Act 2018* (NSW) to include in their Annual Report information on how modern slavery risks in procurement are being addressed.

During the reporting period, no issues were raised by the Anti-slavery Commissioner concerning the operations of the IPC. The IPC has assessed the risks of modern slavery in its procurement process as low, given the nature of goods and services procured.

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

Employee by category	2022/23	2021/22	2020/21	2019/20
Statutory	2	2	2	2
Administration	25	28	27	26
Professional	4	5	5	5
Total	31	35	34	33

Note 1: Employee by category includes all permanent and temporary staff and excludes casual employees. Definitions of the categories are: Administration (clerical and other officers), Professionals (SES officers, librarians, DPOs, Legal Officer).

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

Workforce Diversity Group

	Benchmark	2023	2022	2021	2020
Women	50%*	71%	72%	76.90%	75.00%
Aboriginal and/or Torres Strait Islander People	4%	0.00%	0.00%	0.00%	0.00%
People whose First Language Spoken as a Child was not English	22.30%	23.00%	18.80%	11.50%	0.00%
People with Disability	5.60%	3.20%	3.20%	0.00%	0.00%
People with Disability Requiring Work-Related Adjustment	N/A	0%	0%	N/A	0.00%

* The NSW Premier has a target of 50% women in Senior Executive roles. The IPC exceeds this target.

Financial Performance



Our financial performance

Statement by the Information Commissioner



information
and privacy
commission
new south wales

STATEMENT BY INFORMATION COMMISSIONER

For the Year Ended 30 June 2023

Pursuant to section 7.6(4) of the *Government Sector Finance Act 2018* ("the Act"), I state that these financial statements:

- a) have been prepared in accordance with the Australian Accounting Standards and the applicable requirements of the Act, the *Government Sector Finance Regulation 2018* and the Treasurer's directions, and
- b) present fairly the Information and Privacy Commission's financial position, financial performance and cash flows.

Elizabeth Tydd
IPC CEO, Information Commissioner
NSW Open Data Advocate

Date: 25 September 2023

Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000 • GPO Box 7011, Sydney NSW 2001
T 1800 IPC NSW (1800 472 679) • E ipcinfo@ipc.nsw.gov.au • W www.ipc.nsw.gov.au

Our financial performance

Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

Information and Privacy Commission

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of Information and Privacy Commission (the Commission), which comprise the Statement by the Accountable Authority, the Statement of Comprehensive Income for the year ended 30 June 2023, the Statement of Financial Position as at 30 June 2023, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, notes comprising a Statement of Significant Accounting Policies, and other explanatory information.

In my opinion, the financial statements:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2018* (GSF Regulation) and the Treasurer's Directions
- presents fairly the Commission's financial position, financial performance and cash flows.

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

Basis for Opinion

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

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

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

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies
- precluding the Auditor-General from providing non-audit services.

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

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

Our financial performance

Independent Auditor's Report

Information Commissioner's Responsibilities for the Financial Statements

The Information Commissioner is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the GSF Act, GSF Regulation and Treasurer's Directions. The Information Commissioner's responsibility also includes such internal control as the Information Commissioner determines is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Information Commissioner is responsible for assessing the Commission's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

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

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

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar6.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

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



Weini Liao
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

26 September 2023
SYDNEY

Financial statements



Our financial performance

Financial statements for the year ended 30 June 2023

Start of audited financial statements

Statement of comprehensive income

For the year ended 30 June 2023

	Notes	Budget 2023 \$	Actual 2023 \$	Actual 2022 \$
Continuing operations Expenses excluding losses				
Employee related expenses	2(a)	6,069,000	4,902,967	4,807,886
Operating expenses	2(b)	1,270,000	2,047,262	2,303,710
Depreciation and amortisation	2(c)	66,000	129,259	138,075
Total expenses excluding losses		7,405,000	7,079,488	7,249,671
Revenue				
Grants and other contributions	3(a)	7,542,000	7,348,473	8,199,988
Acceptance by the Crown of employee benefits and other liabilities	3(b)	139,000	47,884	(12,689)
Other income	3(c)	27,000	46,609	-
Total revenue		7,708,000	7,442,966	8,187,299
Operating result		303,000	363,478	937,628
Net result from continuing operations		303,000	363,478	937,628
Total comprehensive income		303,000	363,478	937,628

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2023

Statement of financial position

As at 30 June 2023

	Notes	Budget 2023 \$	Actual 2023 \$	Actual 2022 \$
Assets				
Current Assets				
Cash and cash equivalents	5	1,917,000	1,900,467	1,715,320
Receivables	6	114,000	117,416	149,534
Total Current Assets		2,031,000	2,017,883	1,864,854
Non-Current Assets				
Intangible assets	8	623,000	417,173	267,316
Total Non-Current Assets		623,000	417,173	267,316
Total Assets		2,654,000	2,435,056	2,132,170
Liabilities				
Current liabilities				
Payables	9	457,000	292,213	273,161
Contract liabilities		860,000	-	-
Provisions	10	669,000	539,706	619,986
Total Current Liabilities		1,986,000	831,919	893,147
Non-Current Liabilities				
Provisions	10	-	10,493	9,857
Total Non-Current Liabilities		-	10,493	9,857
Total Liabilities		1,986,000	842,412	903,004
Net Assets		668,000	1,592,644	1,229,166
Equity				
Accumulated funds		668,000	1,592,644	1,229,166
Total Equity		668,000	1,592,644	1,229,166

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2023

Statement of changes in equity

For the year ended 30 June 2023

	Accumulated funds \$
Balance at 1 July 2022	1,229,166
Net result for the year	363,478
Other comprehensive income	-
Total comprehensive income for the year	363,478
Transaction with owners in their capacity as owners	-
Balance at 30 June 2023	1,592,644
Balance at 1 July 2021	291,538
Net result for the year	937,628
Other comprehensive income	-
Total comprehensive income for the year	937,628
Transaction with owners in their capacity as owners	-
Balance at 30 June 2022	1,229,166

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2023

Statement of cash flows

For the year ended 30 June 2023

	Notes	Budget 2023 \$	Actual 2023 \$	Actual 2022 \$
Cash flow from operating activities				
Payments				
Employee related		(5,930,000)	(4,891,888)	(4,698,565)
Suppliers for goods and services		-	(2,137,089)	(2,425,052)
Other		(1,501,000)	-	-
Total Payments		(7,431,000)	(7,028,977)	(7,123,617)
Receipts				
Grants and contributions		7,542,000	7,348,473	8,231,518
Other		27,000	144,767	-
Total receipts		7,569,000	7,493,240	8,231,518
Net cash flows from operating activities	11	138,000	464,263	1,107,901
Cash flows from investing activities				
Other Investing		(315,000)	-	-
Purchases of intangible assets		-	(279,116)	(44,836)
Net cash flows from investing activities		(315,000)	(279,116)	(44,836)
Net increase/(decrease) in cash and cash equivalents		(177,000)	185,147	1,063,065
Opening cash and cash equivalents		2,093,000	1,715,320	652,255
Closing cash and cash equivalents	5	1,916,000	1,900,467	1,715,320

The accompanying notes form part of these financial statements.

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

1. Statement of significant accounting policies

(a) Reporting entity

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

The financial statements for the year ended 30 June 2023 have been authorised for issue by the Information Commissioner on 25 September 2023.

(b) Basis of preparation

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

- applicable Australian Accounting Standards (AAS) (which include Australian Accounting Interpretations)
- the requirements of the *Government Sector Finance Act 2018* (GSF Act) and *Government Sector Finance Regulation 2018*
- Treasurer's Directions issued under the GSF Act.

Other financial statement items are prepared in accordance with the historical cost convention except where specified otherwise.

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

All amounts are rounded to the nearest dollar and are expressed in Australian currency, which is the Commission's presentation and functional currency.

(c) Statement of compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(d) Accounting for Goods and Services Tax

Income, expenses, and assets are recognised net of the amount of goods and services tax (GST), except that the:

- amount of GST incurred by the Commission as a purchaser that is not recoverable from the Australian Taxation Office (ATO) is recognised as part of an asset's cost of acquisition or as part of an item of expense and
- receivables and payables are stated with the amount of GST included.

Cash flows are included in the statement of cash flows on a gross basis. However, the GST components of the cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

(e) Comparative information

Except when an AAS permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements.

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

(i) Effective for the first time in financial year 2023

The accounting policies applied in financial year 2023 are consistent with those of the previous financial year. The new standards do not have an impact on the financial statements of the Commission:

- *AASB 2020-3 Amendments to Australian Accounting Standards - Annual Improvements 2018 - 2020 and other Amendments*
- *AASB 2020-6 Amendments to Australian Accounting Standards - Classification of Liabilities as Current or Non-current - Deferral of Effective Date*
- *AASB 2021-7a Amendments to Australian Accounting Standards - Effective Date of Amendments to AASB 10 and AASB128 and Editorial Corrections [general editorials]*
- *AASB 2022-3 Amendments to Australian Accounting Standards - Illustrative Examples for Not-for-Profit Entities accompanying AASB 15*

(ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards unless Treasury determines otherwise. Certain new accounting standards and interpretations have been published that are not mandatory for the 30 June 2023 reporting period. The Commission has determined that they are unlikely to have a material impact on the financial statements of the Commission.

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

2. Expenses excluding losses

(a) Employee related expenses

	2023 \$	2022 \$
Salaries and wages (including Rec Leave)	4,235,166	4,257,225
Payroll Tax & Fringe Benefits Tax	247,756	220,496
Superannuation - Defined Cont Plans	344,821	293,208
Superannuation - Defined Benefit Plans	69,121	69,255
Workers Compensation Insurance*	20,275	50,935
Long Service Leave	(17,935)	(86,592)
Payroll Tax assumed by Crown	3,763	3,359
Total	4,902,967	4,807,886

* The expenditure for Workers Compensation Insurance in 2023 is significantly lower than that of 2022. This variance arises from the fact that the 2023 expenditure only represents the workers' compensation portion, whereas in previous years, it encompassed the total amount for all insurances. The workers compensation insurance expenditure for 2022 was \$21,963. For 2023, other insurance premiums are shown in note 2(b).

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

2. Expenses excluding losses (continued)

(b) Other operating expenses

	2023 \$	2022 \$
Administration fees*	210,122	205,000
Advertising and publicity	32,607	145,907
Auditor's remuneration		
- audit of the financial statements**	11,770	47,100
- internal audit	43,400	38,200
Audit and Risk Committee fees	38,083	37,822
Computer related expenses***	464,993	488,236
Consultants	57,481	168,224
Contractors	415,585	395,138
Insurance	11,945	-
Legal services	39,456	43,251
Miscellaneous fees***	85,238	79,223
Other	3,897	8,375
Postage	1,190	1,223
Records Management Expenses	92,835	-
Rental	422,297	421,579
Repair and maintenance	-	6,640
Staff training	62,215	141,438
Stores and stationery***	6,818	13,481
Subscription and membership	17,584	45,393
Telephone	20,521	15,290
Travel	9,225	2,190
Total***	2,047,262	2,303,710

* Relates to Corporate Services provided to the Commission by the Department of Customer Service.

** The external audit expenses for FY2022 were over-accrued by an amount of \$18,100.

*** Total costs to the Commission for services provided by the Department of Customer Service for the year ended 30 June 2023 were \$586,197 (2022: \$570,790). This includes direct GovConnect pass-through charges for ICT and business processing shared services charges of \$376,075 (2022: \$365,790) and Corporate Service charges (including Corporate Finance, Governance, Risk & Performance, People & Culture) \$210,122 (2022: \$205,000).

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

2. Expenses excluding losses (continued)

Recognition and measurement

Computer related expenses

Expenditure relates to pass through charges for the provision of hardware, software and licences for network, hardware and software services provided by the Department of Customer Service as well as the cost of software services for the IPC's case management system.

Consultants

Expenditure related to the engagement of consultants for the provision of recommendations and professional advice to assist management decision making.

Contractors

Expenditure relates to the use of contractors to fill unfilled staffing positions.

Insurance

The Entity's insurance activities are conducted through NSW Treasury Managed Fund Scheme of self-insurance for government entities. The expense (premium) is determined by the Fund Manager based on past claims experience.

Records Management Expenses

Expenditure relating to the storage, sentencing and disposal of IPC's records holdings.

Rental

Expenditure relates to the accommodation costs under the Occupancy Agreement with the Department of Customer Service.

(c) Depreciation and amortisation expense

	2023 \$	2022 \$
Depreciation		
Furniture and fittings	-	934
Total depreciation expense	-	934
Amortisation		
Intangible assets - software	129,259	137,141
Total amortisation expense	129,259	137,141
Total	129,259	138,075

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

Recognition and measurement

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

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

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

Asset Class	Rate of Depreciation
Computer Equipment - Portable	33%
Office Equipment	20%
Furniture & Fittings	10%
Intangible Assets - Software	25%

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

3. Revenue

Recognition and measurement

Income is recognised in accordance with the requirements of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities*, dependent on whether there is a contract with a customer defined by AASB 15 *Revenue from Contracts with Customers*. Comments regarding the accounting policies for the recognition of income are discussed below.

Parliamentary Appropriations/the Summary of Compliance

The *Appropriation Act 2022 (Appropriations Act)* (and the subsequent variations, if applicable) appropriates the sum of \$3,053,934,000 to the Minister for Customer Service and Digital Government (the Minister) out of the Consolidated Fund for the services of the Department of Customer Service for the year 2022–23. The spending authority of the Minister from the Appropriations Act has been delegated or subdelegated to officers of the Department of Customer Service and entities that it is administratively responsible for, including the Commission.

The *Treasury and Energy Legislation Amendment Act 2022* made some amendments to sections 4.7 and 4.9 of the *Government Sector Finance Act 2018 (the GSF Act)*. These amendments commenced on 14 November 2022 and are applied retrospectively. As a result, the lead minister for the Commission, is taken to have been given an appropriation out of the Consolidated Fund under the authority section 4.7 of the *GSF Act*, at the time the Commission receives or recovers any deemed appropriation money, for an amount equivalent to the money that is received or recovered by the Commission. These deemed appropriations are taken to have been given for the services of the Department of Customer Service.

In addition, government money that the Commission receives or recovers, from another GSF agency, of a kind prescribed by the GSF regulations that forms part of the Consolidated Fund, is now capable of giving rise to deemed appropriations where the receiving agency has a different lead Minister to the agency making the payment, or one or both of the agencies is a special office (as defined in section 4.7(8)).

On 16 June 2023, the GSF Amendment (Deemed Appropriations) Regulation 2023 was approved to bring the GSF regulations in line with the above deemed appropriation amendments to the GSF Act.

A summary of compliance is disclosed in the financial statements of the Annual Report of the Department of Customer Service. It has been prepared by aggregating the spending authorities of the Minister for the Commission for the services of the Department of Customer Service. It reflects the status at the point in time this disclosure statement is being made. The Commission's spending authority and expenditure is included in the summary of compliance.

The delegation/sub-delegations for FY22/23 and FY21/22, authorising officers of the Commission to spend Consolidated Fund money, impose limits on the amounts of individual transactions, but not the overall expenditure of the Commission. However, as they relate to expenditure in reliance on a sum appropriated by legislation, the delegation/sub-delegations are subject to the overall authority of the Department of Customer Service to spend monies under relevant legislation. The individual transaction limits have been properly observed. The information in relation to the aggregate expenditure limit from the Appropriations Act and other sources is disclosed in the summary of compliance table included in the financial statements of the Annual Report of the Department of Customer Service.

The Commission receives its funding under appropriations from the Consolidated Fund / grant funding received from Department of Customer Service which receives appropriations from the Consolidated Fund. Appropriations for each financial year are set out in the Appropriation Bill that is prepared and tabled for that year. The State Budget and related 2023-24 Appropriation Bill has been delayed until September 2023. However, pursuant to section 4.10 of the GSF Act, the Treasurer has authorised Ministers to spend specified amounts from Consolidated Fund. This authorisation is current from 1 July 2023 until the earlier of 30 September 2023 or release of the *2023-24 Appropriation Act*.

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

3. Revenue (continued)

(a) Grants and contributions

	2023 \$	2022 \$
<i>Grants without sufficiently specific performance obligations</i>		
Government grants - recurrent	7,198,473	7,344,988
Government grants - capital	150,000	315,000
Other grants*	-	540,000
Total	7,348,473	8,199,988

* Other grants relate to Digital Restart Fund (DRF) received from the NSW DRF in FY22 for ongoing administration costs to administer the Commission's programs over a three-year period, commencing from FY22 ending on FY24.

Recognition and measurement

Revenue from grants with sufficiently specific performance obligations are recognised as and when the Commission satisfies a performance obligation by transferring the promised goods. Revenue from these grants is recognised based on the grant amount specified in the funding agreement/funding approval, and revenue is only recognised to the extent that it is highly probable that a significant reversal will not occur.

Income from grants without sufficiently specific performance obligations are recognised when the Commission obtains control over the granted assets (e.g. cash).

The Commission receives its funding under appropriations from the grant funding received from the Department of Customer Service which receives appropriations from the Consolidated Fund. Appropriations for each financial year are set out in the Appropriation Act for that year.

Government grants – capital for FY2022 included funding for the Mandatory Notification Data Breach Scheme (MNDB Scheme) which was paid monthly to the Commission during FY2022. The MNDB Scheme was passed by Parliament in November 2022 and becomes effective from November 2023. The Commission carried forward capital grants of \$270,000 from FY2022.

(b) Acceptance by the Crown of employee benefits and other liabilities

	2023 \$	2022 \$
Superannuation - defined benefit	69,121	69,255
Long service leave	(25,000)	(85,303)
Payroll tax	3,763	3,359
Total	47,884	(12,689)

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

(c) Other income

	2023 \$	2022 \$
Other income	46,609	-
Total	46,609	-

Other income relates to reimbursements from the Commission's insurance provider related to a workers compensation claim.

4. State outcomes group

The NSW Government utilises State Outcome Budgeting to report how resources are used across Clusters to achieve State Outcomes. As the Commission is included under the Department of Customer Service, all of its resources and expenditure are allocated to the Customer Service Outcome *Digital Leadership and Innovation in Government Services*. As the expenses, revenues, assets and liabilities of the Commission are allocated to the one State Outcome they are presented in the primary financial statements.

5. Current assets – cash and cash equivalents

	2023 \$	2022 \$
Cash at bank	1,900,467	1,715,320
Closing cash	1,900,467	1,715,320

For the purposes of the Statement of Cash Flows, cash and cash equivalents include cash at bank and cash on hand. Cash and cash equivalent assets recognised in the statement of financial position are the same as cash and cash equivalents assets recognised in the statement of cash flows.

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

6. Current assets – receivables

	2023 \$	2022 \$
GST receivable	-	91,400
Prepayments*	117,416	51,376
Other receivables*	-	6,758
Total	117,416	149,534

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

* Prepayments as at 30 June 2023 relate to the purchase of annual subscriptions in advance. The subscriptions are amortised to the statement of comprehensive income over the period of the subscription.

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

6. Current assets – receivables (continued)

Recognition and measurement

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

Subsequent measurement

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

Impairment of financial assets

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

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

There are no trade receivables recognised in FY2023.

7. Property, Plant and Equipment

	Computer equipment \$	Furniture & fittings \$	Plant and equipment \$	Total \$
At 1 July 2021 - fair value				
Gross carrying amount	4,482	5,076	34,749	44,307
Accumulated depreciation and impairment	(3,548)	(5,076)	(34,749)	(43,373)
Net carrying amount	934	-	-	934
Year ended 30 June 2022				
Net carrying amount at beginning of year	934	-	-	934
Additions	-	-	-	-
Disposals	-	-	-	-
Depreciation expense	(934)	-	-	(934)
Net carrying amount at end of year	-	-	-	-

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

7. Property, Plant and Equipment (continued)

	Computer equipment \$	Furniture & fittings \$	Plant and equipment \$	Total \$
At 30 June 2022 - fair value				
Gross carrying amount	4,482	5,076	34,749	44,307
Accumulated depreciation and impairment	(4,482)	(5,076)	(34,749)	(44,307)
Net carrying amount	-	-	-	-

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

Recognition and measurement

Acquisition of plant and equipment

Property, plant and equipment are initially measured at cost and subsequently revalued at fair value less accumulated depreciation and impairment. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to the asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent, the deferred payment amount is effectively discounted over the period of credit.

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

Capitalisation threshold

Property, plant and equipment costing \$5,000 and above individually (or forming part of an IT network costing more than \$5,000) are capitalised.

Revaluation of 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 (TPP21-09) and Treasurer's Direction Valuation of Physical Non-Current Assets at Fair Value' (TD21-05). TD21-05 and TPP21-09 adopt fair value in accordance with AASB 13, AASB 116 and AASB 140 Investment Property.

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

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

Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 Impairment of Assets is unlikely to arise. As plant and equipment is carried at fair value or an amount that approximates fair value, impairment can only arise in the rare circumstances where the costs of disposal are material.

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

8. Intangible assets

	Software \$	Work in progress \$	Total \$
At 1 July 2021			
Cost (gross carrying amount)	2,027,929	-	2,027,929
Accumulated amortisation and impairment	(1,668,308)	-	(1,668,308)
Net carrying amount	359,621	-	359,621
Year ended 30 June 2022			
Net carrying amount at beginning of year	359,621	-	359,621
Additions	44,836	-	44,836
Disposal	-	-	-
Amortisation (recognised in 'depreciation and amortisation')	(137,141)	-	(137,141)
Net carrying amount at end of year	267,316	-	267,316
At 1 July 2022			
Cost (gross carrying amount)	2,072,764	-	2,072,764
Accumulated amortisation and impairment	(1,805,448)	-	(1,805,448)
Net carrying amount	267,316	-	267,316
Year ended 30 June 2023			
Net carrying amount at beginning of year	267,316	-	267,316
Additions	230,551	48,565	279,116
Disposal	-	-	-
Amortisation (recognised in 'depreciation and amortisation')	(129,259)	-	(129,259)
Net carrying amount at end of year	368,608	48,565	417,173
At 30 June 2023			
Cost (gross carrying amount)	2,303,315	48,565	2,351,880
Accumulated amortisation and impairment	(1,934,707)	-	(1,934,707)
Net carrying amount	368,608	48,565	417,173

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

8. Intangible assets (continued)

Recognition and measurement

The Commission recognises intangible assets only if it is probable that future economic benefits will flow to the Commission and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition. Following the initial recognition, intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the Commission's intangible assets, the assets are carried at cost less any accumulated amortisation and impairment losses.

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

The Commission's intangible assets are amortised using the straight-line method over a period of four years. The amortisation period and amortisation method for an intangible asset with a finite useful life are reviewed at least at the end of each reporting period.

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

Capitalisation threshold

Intangible assets costing \$30,000 and above individually (or forming part of an IT network costing more than \$30,000) are capitalised. As at 30 June 2023 the Commission incurred capital expenses of \$279,116 (2022 \$44,836).

9. Current liabilities – payables

	2023 \$	2022 \$
Accrued salaries, wages and on-costs	134,117	91,278
Sundry accruals and creditors	158,096	181,883
Total	292,213	273,161

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

Recognition and measurement

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

10. Current/Non-Current Liabilities – Provisions

	2023 \$	2022 \$
Employee benefits and related on-costs		
Current		
Annual leave	433,607	520,316
Long service leave	106,099	99,670
Total current provisions	539,706	619,986
Non-current		
Long service leave	10,493	9,857
Total non-current provisions	10,493	9,857
Total provisions	550,199	629,843
Aggregate employee benefits on-costs		
Provisions - current	539,706	520,316
Provisions - non-current	10,493	109,527
Total	550,199	629,843
Provisions expected to be settled within 12 months from reporting date		
Annual leave	395,450	474,528
Long service leave	-	-
Total	395,450	474,528
Provisions expected to be settled in more than 12 months from reporting date		
Annual leave	38,157	45,788
Long service leave	116,592	109,527
Total	154,749	155,315

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

10. Current/non-current liabilities – provisions (continued)

Recognition and measurement

Employee Benefits and related on-costs

Salaries and wages, annual leave and sick leave

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period, in which the employees render the service, are recognised and measured at undiscounted amounts of the benefits. Annual leave is not expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 *Employee Benefits* (although short-cut methods are permitted).

Actuarial advice obtained by Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 8.4% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The Commission has assessed the actuarial advice based on the Commission's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the Commission does not expect to settle the liability within 12 months as the Commission does not have an unconditional right to defer settlement.

Unused non-vesting sick leave does not give rise to a liability, as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

Long service leave and superannuation

The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. The Commission accounts for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of employee benefits and other liabilities'.

Long service leave is measured at present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures, and periods of services. Expected future payments are discounted using Commonwealth government bond rate at the reporting date.

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.

Consequential costs

Consequential costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax.

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

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

	2023 \$	2022 \$
Net cash flows from operating activities	464,263	1,107,901
Depreciation and amortisation expense	(129,259)	(138,075)
Loss on sale of plant and equipment and intangibles	-	-
(Decrease)/increase in receivables and prepayments	(32,118)	(15,241)
(Decrease)/increase in contract liabilities	-	-
(Increase)/decrease in provisions	79,644	(109,321)
(Increase)/decrease in payables	(19,052)	92,364
Net result	363,478	937,628

12. Budget review

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget (e.g. adjustment for transfer of functions between entities as a result of Administrative Arrangements Orders reflected in the budgeted amounts). Major variances between the original budgeted amounts and the actual amounts disclosed in the financial statements are explained below.

Net result

The actual net result for the year ended 30 June 2023 was \$363,478 (2022 \$937,628) above budget by \$60,478 (2022 \$853,628). This favourable variance can be primarily attributed to ERE (Employee Related Expenses) costs that were lower than the budgeted amount.

Assets and liabilities

The actual net asset was \$1,592,644 (2022 \$1,229,166) higher than budget by \$ 924,644. This significant variance can be attributed primarily to the recognition of revenue from DRF and MNDB grants in the prior year. Initially they were budgeted as contract liabilities, these grants have now been recognised as revenue, contributing to the overall increase in net assets.

Cash flows

The final cash position was lower than budget by \$16,533 (2022 \$802,320). This outcome can be attributed to grants receipts that were slightly lower than the budgeted amount due to DRF grants being recognised in full in 2022 Financial Year.

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

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 the financial statements.

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

Financial instrument categories

As at 30 June 2023

Class	Note	Category	Carrying amount \$
Financial assets			
Cash and cash equivalents	6	Amortised cost	1,900,467
Financial liabilities			
Payables ²	10	Financial liabilities measured at amortised cost	259,874

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

As at 30 June 2022

Class	Note	Category	Carrying amount \$
Financial assets			
Cash and cash equivalents	6	Amortised cost	1,715,320
Receivables ¹	7	Amortised cost	6,759
Financial liabilities			
Payables ²	10	Financial liabilities measured at amortised cost	255,125

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

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

13. Financial instruments (continued)

Credit risk

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

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

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

Based on management's assessment on natural disasters (including COVID-19), there was no impact on the receivables and other assets in the balance sheet. The Commission has assessed the recoverability of its debtors and there was no additional impact on the ECL calculation that has been performed at 30 June 2023.

Cash and cash equivalents

Cash comprises cash on hand and bank balances within the NSW Treasury Banking System. The Commission does not earn interest on its daily bank balances.

Receivables - trade debtors

Accounting policy for impairment of trade debtors and other financial assets

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

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

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

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

Trade receivables are written off when there is no reasonable expectation of recovery. Indicators that there is no reasonable expectation of recovery for non-government trade receivables amongst others a failure to make contractual payments for a period of greater than 120 days past due.

The loss allowance for trade debtors as at 30 June 2023 and 1 July 2022 was determined to be \$nil.

The Commission is not materially exposed to concentrations of credit risk to a single trade receivables or group of debtors as at 30 June 2023. Most of the Commission's trade receivables have a AAA credit rating.

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

13. Financial instruments (continued)

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. The objective is to maintain a balance between continuity of funding and flexibility through the use of overdrafts, loans and other advances.

During the current and prior year, there was no default of borrowings. No assets have been pledged as collateral. The Commission's exposure to liquidity risk is deemed insignificant based on prior period data and current assessment of risk.

Liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in TC11-12. For small business suppliers, where terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise.

For payments to other suppliers, the Head of an authority (or a person appointed by the Head of an authority) may automatically pay the supplier simple interest which is based on benchmark bank rate.

For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers, the payment of simple interest is at the discretion of the Information Commissioner. The rate of interest applied during the year was 2.5% (FY22: 2.5%).

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

Market risk

	Weighted average effective interest rate	Nominal amount \$	Interest rate exposure		Maturity dates
			Fixed interest rate \$	Non-interest bearing \$	< 1 year \$
2023					
Payables		259,874	-	259,874	259,874
		259,874	-	259,874	259,874
2022					
Payables		255,125	-	255,125	255,125
		255,125	-	255,125	255,125

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 cash balances.

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

13. Financial instruments (continued)

Interest rate risk

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

The Commission's exposure to interest rate risk through cash at bank is immaterial. The Commission does not account for any fixed rate financial instruments at fair value through profit or loss or as at fair value through other comprehensive income. Therefore, for these financial instruments, a change in interest rates would not affect the carrying value or interest paid/earned.

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

Financial assets

Derecognition of financial assets and financial liabilities

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

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

When the Commission has transferred its rights to receive cash flows from an asset or has entered a pass-through arrangement, it evaluates if, and to what extent, it has retained the risks and rewards of ownership. Where the Commission has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the Commission's continuing involvement in the asset. In that case, the Commission also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the Commission has retained.

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

Offsetting financial instruments

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

14. Contingent liabilities and contingent assets

The Commission has no contingent liabilities or contingent assets as at 30 June 2023 (2022: \$nil).

Our financial performance

Notes to the financial statements for the year ended 30 June 2023

15. Related party disclosure

Other related party transactions

Key management personnel

	Actual 2023 \$	Actual 2022 \$
Short-term employee benefits:		
Salaries	722,000	709,005
Non-monetary benefits	-	-
Post-employment benefits	37,000	34,893
Total remuneration	759,000	743,898

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

These transactions include:

- grants and contributions received from the Department of Customer Service \$7,348,473 (FY2022 \$7,659,988)
- Long Service Leave and Defined Benefit Superannuation assumed by Crown \$44,121 (FY2022 -\$16,048)
- total costs to the Commission for services provided by the Department of Customer Service for the year ended 30 June 2023 was \$586,197 (2022 \$570,790). This includes corporate service charge of \$210,122 (2022: \$205,000) and direct consumption pass-through charges of \$376,075 (2022 \$365,790) from the Department of Customer Service for costs such as IT licenses, user support, IT services, taxation services and telecommunication services are material disclosures.
- the Commission's accommodation charges paid to the Department of Customer Service totalled \$422,297 for the year ended 30 June 2023 (2022 \$421,579).
- Payments \$32,220 (FY2022 \$50,935) into the Treasury Managed Fund for workers' compensation insurance and other insurances.

17. Events after the reporting period

Non-adjusting events

There are no known events after the reporting period which would give rise to a material impact on the reported results or financial position of the Commission as at 30 June 2023 (2022: Nil).

End of audited financial statements.

Appendices



Appendix 1 – Publications and resources issued in 2022/23

Statutory reports

- IPC Annual Report 2021/22
- Report on the Operation of the Government Information (Public Access) Act 2009: 2021 – 2022

IPC corporate resources

- IPC IT Strategic Plan 2022 – 2027
- IPC Governance Framework and Action Plan 2023 – 2024
- High-level scan of Artificial Intelligence Regulatory Landscape in NSW

Information access resources

- Animation – e-Governance and Digital Government
- Animation – Artificial Intelligence, e-Governance and Access to Information
- Fact Sheet – Frequently asked questions for citizens: What the IPC can and cannot do*
- Fact Sheet – Fundamentals for deciding an access application under the GIPA Act
- Fact Sheet – Open access obligations on parent agencies under the GIPA Act
- Fact Sheet – Microsoft 365 platforms and agencies' compliance obligations*
- Web template – Information Access Self-assessment Tool – Survey
- Web template – Information Access Self-assessment Tool – Management Document
- Web template – Information Access Self-assessment Tool – Maturity Matrix

Information access regulatory reports

- Local Government Sector – Follow up GIPA Compliance Report
- Agency reporting on expenditure of public funds by disclosing the acquisition, disposal and value of major assets as required by the GIPA Act – GIPA Compliance Report
- Informal Release of Information under Section 8 of the Government Information (Public Access) Act 2009 (NSW) May 2023
- State Archives and Records Authority of New South Wales – GIPA Compliance Report
- Department of Enterprise, Investment and Trade – GIPA Compliance Report

Privacy resources

- Fact Sheet – Frequently asked questions for citizens: What the IPC can and cannot do*
- Fact Sheet – Tips for reducing data breaches when sending emails
- Fact Sheet – Microsoft 365 platforms and agencies' compliance obligations*
- Fact Sheet – Privacy-related complaints under the HRIP Act
- Fact Sheet – A guide to retention and storage of health information in NSW for health service providers
- Fact Sheet – Mandatory Notification of Data Breach Scheme: Exemptions from notification requirements
- Guideline – Mandatory Notification of Data Breach Scheme: Guide to Preparing a Data Breach Policy
- Guidance – Seeking a Public Interest Direction or Code of Practice for a linked data asset
- Fact Sheet – Mandatory Notification of Data Breach Scheme
- Fact Sheet – Notification to affected individuals of a Data Breach
- Web template – Privacy Self-assessment Tool – Survey
- Web template – Privacy Self-assessment Tool – Management Document
- Web template – Privacy Self-assessment Tool – Maturity Matrix
- Guideline – Mandatory Notification of Data Breach Scheme: Guide to managing data breaches in accordance with the PPIP Act

Privacy regulatory reports

- Follow up Desktop Audit of Privacy Management Plans (PMP) Report

IPC newsletters

- IPC Bulletin – September 2022
- IPC Bulletin – December 2022
- IPC Bulletin – March 2023
- IPC Bulletin – June 2023
- IPC MNDB Bi-monthly e-Newslettter - April 2023
- IPC MNDB Bi-monthly e-Newsletter - June 2023

* Resources that are classified as both information access and privacy

Appendix 2 – Diversity and inclusion

The [IPC's Diversity and Inclusion Action Plan 2021 – 2023](#) outlines how the organisation will work with its diverse stakeholders to better deliver on its strategic goals to champion the right to access government information and protect privacy as enshrined in the legislation it administers. The Plan also seeks to support and instil a workplace culture that values diversity in skills and perspectives and offers fair and inclusive work practices for all staff.

There are four priorities listed in the Plan:

1. Identify the needs of people within diverse communities in NSW to promote their right to accessing government held information and the protection of privacy.
2. Enhance information about how to access government held information and protection of privacy rights for people within diverse communities in NSW.
3. Promote the needs of our diverse communities in NSW when developing and delivering resources to support the work of our regulated sectors in providing access to information and the protection of privacy rights.
4. Enhance the organisation's capacity and individual competency to understand and respond to population diversity.

Priority 1 activities

In May 2023, Information Commissioners throughout Australia led by NSW, undertook a cross-jurisdictional study of community attitudes towards information access to investigate awareness of information access rights.

This biannual survey aims to provide a broad and indicative sense of the public's view on the importance of information access rights, public interest factors to consider when releasing information and in NSW, the helpfulness of public sector agencies. By undertaking the survey, the IPC can better identify the needs of people within diverse communities in NSW to promote their right to accessing government held information and the protection of privacy.

The cross-jurisdictional and NSW specific results of this study will be released by the Information Commissioner as part of the Right to Know Week NSW 2023 campaign. The full findings of the study will be reported in the next annual report.

The IPC measures and reports on the feedback it receives from its clients and agency contacts. This is completed through the Client Satisfaction Survey and Agency Advice Satisfaction Survey.

The results from the surveys can be found on page 77.

Priority 2 activities

In March 2023, the IPC provided a contact list on its website for all government agencies to assist the public in who to contact to make requests for access to information. This fulfills the responsibility of the Information Commissioner under section 4 of the GIPA Act.

In May 2023, the IPC updated its [Fact Sheet on Open Access Information for Citizens](#). This Fact Sheet provides a guide to open access information that agencies must make available and assists citizens to understand their rights in accessing this information.

In May 2023, the IPC updated its [Fact Sheet on Offences under the GIPA Act](#). This Fact Sheet raises awareness of rights and responsibilities under the GIPA Act, highlights the offence provisions and the circumstances and evidence that may enliven consideration of these offence provisions.

The development and update of these resources were initiatives of the IPC Strategic Plan 2022 – 2024. In the reporting period, the IPC developed two animations including an animation on e-Governance and Digital Government for citizens and an animation on Artificial Intelligence, e-Governance and Access to Information for the International Conference of Information Commissioners.

Through the IPC Publications Review, the IPC has reviewed and updated 66 publications in the reporting period. This has ensured that information released by the IPC is current, accessible and understandable to a diverse audience.

Priority 3 activities

In the reporting period, the IPC implemented surveys on its website so that agencies and citizens can provide feedback on the understandability and usefulness of resources. Feedback from these surveys is used to improve future resources.

In the reporting period, the IPC continued its work to improve access and increase participation by regional and rural practitioners and improve upon the accessibility of presentations made by the IPC.

The IPC has been collecting feedback from Commissioner speaking engagements since 2021 and makes quarterly recommendations to enhance the quality of the presentations. The IPC also released a pre-recorded panel session for its PAW 2023 event to support increased participation, and publishes recordings of events participated by the Commissioners, where possible, on the [IPC's YouTube channel](#) and shares external links on the IPC's social media channels.

Appendix 2 – Diversity and inclusion

Priority 4 activities

The IPC continues to promote itself as a diverse employer of choice. More information about IPC's workforce diversity can be found on page 80.

The IPC's Diversity and Inclusion Action Plan 2021 – 2023 is available on the [IPC website](#).

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

Statistical information about access applications made to IPC

Statistical information about access applications made to our office during the reporting year is set out in the following tables – the form required by Schedule 2 to the GIPA Regulation.

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

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

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

Total number of applications received
9

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

	Wholly	Partly	Total
Number of applications refused	0	2	2
% of Total	0%	100%	-

Table A: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn	Total	% of Total
Media	0	0	0	0	0	0	0	0	0	0%
Members of Parliament	0	0	0	0	0	0	0	0	0	0%
Private sector business	0	0	0	0	0	0	0	0	0	0%
Not for profit organisations or community groups	0	0	0	0	0	0	0	0	0	0%
Members of the public (application by legal representative)	0	0	0	0	0	0	0	0	0	0%
Members of the public (other)	7	2	0	0	0	0	0	0	9	100%
Total	7	2	0	0	0	0	0	0	9	100%
% of Total	78%	22%	0%	0%	0%	0%	0%	0%	-	100%

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications*	0	0	0	0	0	0	0	0	0	0%
Access applications (other than personal information applications)	7	2	0	0	0	0	0	0	9	100%
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0	0	0%
Total	7	2	0	0	0	0	0	0	9	100%
% of Total	78%	22%	0%	0%	0%	0%	0%	0%	-	100%

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

Table C: Invalid applications

Reason for invalidity	No. of applications	% of Total
Application does not comply with formal requirements (section 41 of the GIPA Act)	5	83%
Application is for excluded information of the agency (section 43 of the GIPA Act)	1	17%
Application contravenes restraint order (section 110 of the GIPA Act)	0	0%
Total number of invalid applications received	6	100%
Invalid applications that subsequently became valid applications	0	0%

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

	Number of times consideration used*	% of Total
Overriding secrecy laws	0	0%
Cabinet information	0	0%
Executive Council information	0	0%
Contempt	0	0%
Legal professional privilege	1	50%
Excluded information	1	50%
Documents affecting law enforcement and public safety	0	0%
Transport safety	0	0%
Adoption	0	0%
Care and protection of children	0	0%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
Total	2	100%

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

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

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

Table F: Timeliness

	Number of applications	% of Total
Decided within the statutory timeframe (20 days plus any extensions)	9	100%
Decided after 35 days (by agreement with applicant)	0	0%
Not decided within time (deemed refusal)	0	0%
Total	9	100%

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

	Decision varied	Decision upheld	Total	% of Total
Internal review	0	2	2	100%
Review by Information Commissioner	0	0	0	0%
Internal review following recommendation under section 93 of Act	0	0	0	0%
Review by NCAT	0	0	0	0%
Total	0	2	2	100%

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

	Number of applications for review	% of Total
Applications by access applicants	2	100%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0	0%
Total	2	100%

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

	Number of applications transferred	% of Total
Agency-initiated transfers	1	100%
Applicant-initiated transfers	0	0%
Total	1	100%

Appendix 4 – Data statement

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

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

Appendix 5 – Credit card certification

In accordance with the Treasurer's Direction 205.01 - 205.08, it is hereby certified that the use of Corporate Purchasing Cards has been in accordance with the Premier's Memoranda and Treasurer's Directions.

Appendix 6 – Payment of accounts

For the year ended 30 June 2023.

Supplier accounts paid on time				
Quarter	Target %	Actual %	Current	Total payments
Sep-22	95%	96%	\$132,003	\$140,253
Dec-22	95%	96%	\$152,565	\$152,785
Mar-23	95%	97%	\$389,753	\$391,865
Jun-23	95%	94%	\$478,678	\$485,606

NSW Treasury Circular NSW (TC 11/12) sets out the requirements for payment of accounts by NSW agencies and states that the day of payment is the day that funds are transferred into the banking system for payment to the supplier or a cheque is sent.

The IPC accounts payable function is performed by DCS as part of shared corporate services arrangements within the Customer Service Cluster. The % figures above reflect the payment time within the IPC, the reporting entity for the reporting period. Time for payment of accounts is delayed in circumstances where DCS journals intra-agency transactions several months after the document date of the transaction and these payments are shown as not current but IPC has no control over the timing of these journals. DCS is also classified as a small business supplier so the reporting for the payment of small business suppliers is also affected by the delay in DCS journaling intra-agency transactions.

The IPC in conjunction with DCS minimises processing delays and monitors and improves payment performance by the:

- review of payment performance reports on a quarterly basis to identify any procedural issues
- increased use of electronic funds transfer (EFT) and Purchasing Card for payment of creditors
- payment of major suppliers by way of consolidated billing
- amalgamation of processing and payment functions into the DCS Cluster.

Executive management reviews the quarterly payment performance reports to identify any issues arising and takes appropriate measures to improve compliance in accordance with NSW Treasury guidelines. Delays have been identified and systems reviewed and enhanced to ensure the timely payment of accounts. There was no penalty interest for late payment during the financial year ended 30 June 2023.

Appendix 7 – Time for payment of accounts

For the year ended 30 June 2023.

Aged analysis at the end of each quarter					
Quarter	Current (i.e. within due date)	Less than 30 days overdue	Between 30 and 60 days overdue	Between 61 and 90 days overdue	More than 90 days overdue
All suppliers					
Sep-22	\$132,003	\$8,250	\$-	\$-	\$-
Dec-22	\$152,565	\$220	\$-	\$-	\$-
Mar-23	\$389,753	\$2,112	\$-	\$-	\$-
Jun-23	\$478,678	\$6,928	\$-	\$-	\$-
Small business suppliers					
Sep-22	\$13,136.00	\$8,250.00	\$-	\$-	\$-
Dec-22	\$71,714.00	\$220.00	\$-	\$-	\$-
Mar-23	\$42,955.00	\$-	\$-	\$-	\$-
Jun-23	\$94,733.00	\$4,180.00	\$-	\$-	\$-

Accounts due or paid within each quarter				
Measure	September 2022	December 2022	March 2023	June 2023
All suppliers				
Number of accounts due for payment	28	26	38	53
Number of accounts paid on time	27	25	37	50
Actual percentage of accounts paid on time (based on no. of accounts)	96%	96%	97%	94%
Dollar amount of accounts due for payment	\$140,253	\$152,785	\$391,865	\$485,606
Dollar amount of accounts paid on time	\$132,003	\$152,565	\$389,753	\$478,678
Actual percentage of accounts paid on time (based on \$)	94%	100%	99%	99%
Number of payments for interest on overdue accounts	0	0	0	0
Interest paid on overdue accounts	0	0	0	0
Small business suppliers				
Number of accounts due for payment to small businesses	5	8	5	15
Number of accounts due to small businesses paid on time	4	7	5	14
Actual percentage of small business accounts paid on time (based on no. of accounts) (by the IPC see page 117)	80%	88%	100%	93%
Dollar amount of accounts due for payment to small businesses	\$21,386	\$71,934	\$42,955	\$98,913
Dollar amount of accounts due to small businesses paid on time	\$13,136	\$71,714	\$42,955	\$94,733
Actual percentage of small business accounts paid on time (based on \$)	61%	100%	100%	96%
Number of payments to small businesses for interest on overdue accounts	0	0	0	0
Interest paid to small businesses on overdue accounts	0	0	0	0

Appendix 8 – Annual report compliance requirements

Under the *Annual Reports (Departments) Act 1985*, the *Annual Reports (Departments) Regulation 2010*, *Annual Reports (Statutory Bodies) Act 1984*, *Annual Reports (Statutory Bodies) Regulation 2010*, *Premier's Circular*, *Premier's Memoranda* and various *Treasury Circulars* and *Treasurer's Directions*, the IPC is required to include the following information in this Annual Report, as per the *NSW Treasury Policy and Guidelines – Annual Reporting Requirements*, 3 July 2023.

Requirement	Note	Page
Acknowledgement of Country		2
Letter of submission	Letters to the President and Speaker	3
Aims and objectives	About the IPC	19
Management and structure	Names, offices and qualifications of principal officers	2, 10, 13, 19
	Organisational Chart	20
Charter	About the IPC	19
Combined annual reports	N/A	-
Application for extension of time	N/A	-
Strategic objectives and outcomes	Strategy	25
Management and activities	IPC Strategic Plan 2022 – 2024	26
	Pillar 1: Service Delivery & Excellence	36
	What are we doing to improve services to the community?	
	Pillar 2: Engagement & Influence	49
	What are we doing to directly influence regulated agencies and engage with the public?	
	Pillar 3: Rights Promotion & Impact	54
	What are we doing to anticipate and address emerging regulatory issues?	
	Pillar 4: Operational Excellence	61
	What are we doing to support an effective, efficient one-IPC?	
Summary review of operations	CEO and Information Commissioner – Overview	8
	Privacy Commissioner - Overview	11
	Section 61B Report on the Operation of the Privacy and Personal Information Protection Act 1998	14
	Financial statements	85
Land disposal	Pillar 4: Governance	67
Research and development	Pillar 4: Governance	67
Implementation of Price Determination	N/A	-
Performance information	Pillar 1: Service Delivery & Excellence	37
Numbers and remuneration of senior executives	Pillar 4: Our people	69
Human resources	Pillar 4: Our people	69
Consultants	Pillar 4: Governance	70
Promotion	Pillar 4: Governance	70
Requirements arising from employment arrangements	N/A	-
Legal Change	Pillar 4: Governance	70
Economic or other factors	Pillar 4: Our planning framework	62
Events arising after the end of the annual reporting period	N/A	-
Risk management and insurance activities	Pillar 4: Risk Management	71
	Pillar 4: Governance	70
Internal audit and risk management policy attestation	Pillar 4: Risk Management	71
	Pillar 4: Internal Audit and Risk Management Attestation Statement	73
Cyber Security Policy attestation	Pillar 4: Cyber Security Policy Attestation Statement	65

Requirement	Note	Page
Compliance with the <i>Privacy and Personal Information Protection Act 1998</i>	Pillar 4: PPIP Act Compliance	76
<i>Government Information (Public Access) Act 2009</i> reporting	Pillar 4: GIPA Act Compliance Appendix 3	75 114
Public Interest Disclosures	Pillar 4: Public Interest Disclosures and government information contraventions	78
Other information (external production cost of the annual report, website the report can be accessed from)	External designer cost \$4,502.30 incl GST. Report printed in-house. www.ipc.nsw.gov.au	
Exemptions	Nil	-
Disability Inclusion Actions Plans	Pillar 4: IPC Diversity and Inclusion Action Plan Appendix 2	80 112
<i>Modern Slavery Act 2018 (NSW)</i> reporting	Sustainability	80
Work Health and Safety	Pillar 4: Our people	80
Workforce Diversity	Pillar 4: Our people	80
Financial Statements	Financial Statements	85
Identification of audited financial statements	Our financial performance	81
Unaudited financial information	N/A	-
Investment and Liability Management Performance	N/A	-
Costs and benefits associated with MoG changes	N/A	-
SDA Account financial reports	N/A	-
Access (agency's address, telephone number and the business and service hours)	Address, telephone, business hours included	2, back cover
Funds granted to non-government community organisations	N/A	-
Social program	N/A	-
Consumer response	Pillar 3: Informing the public of their rights Pillar 4: Client Satisfaction Survey	55 76
Payment of accounts	Appendix 6	117
Time for payment of accounts	Appendix 7	118
Controlled Entities	The IPC has no controlled entities	-
Disclosure of Subsidiaries	The IPC has no subsidiaries	-
Multicultural Policies and Services Program	Reported on a triennial basis*	-
Agreements with Multicultural NSW	The IPC has an agreement with Multicultural NSW to include its reporting in the Diversity and Inclusion Action Plan	-
Budgets	N/A	-
Prepare and submit annual report to the responsible Minister	16 October 2023	-
Presentation of annual report to Parliament	16 October 2023	-
Providing electronic copies of annual reports to Parliament after tabling	Report delivered as per requirement	-
Public availability of annual reports	www.ipc.nsw.gov.au and as per requirements	-
Formal deposition of print and digital publications	Submitted following tabling of the Report.	

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

Complaining to the IPC

The IPC aims to provide a high level of service. If you are dissatisfied with the level of service, you have received from the IPC there are complaint mechanisms available to you.

Step 1 - seek to resolve the issue informally

To enable us to deal with your complaint promptly, please raise the issue with the relevant staff member when it occurs. If you are unhappy with their response, ask to speak to their supervisor. The supervisor will listen to your concerns and try to resolve them. If appropriate, the supervisor will escalate the matter internally. If the supervisor is not immediately available, they will contact you by phone or in writing as soon as possible with a view to promptly resolving your issue.

If you still remain dissatisfied, you can make a formal complaint.

Step 2 - make a formal complaint

To make a formal complaint, please write or email us, or you can ask us to help you write it down. Include, if appropriate, whether your complaint is to do with services you have received from our information access or our privacy areas.

What to include in your letter of complaint

Briefly explain your concerns and include enough information for us to assess your complaint and decide what we will do. For example, describe what happened and when, who was involved and anything else that is relevant. Remember to tell us what action you have already taken (such as making an informal complaint) and what you would like to happen. Include copies of all relevant correspondence.

How the IPC deals with formal complaints

Your complaint will always be dealt with by someone more senior than the person you have complained about. The person who looks into the matter will:

- acknowledge your complaint within three business days
- discuss the complaint with the relevant staff member
- if required, escalate the complaint to a manager
- respond to you in writing within 15 working days.

If after receiving a response to your formal complaint you are still dissatisfied, you can ask the relevant Commissioner to review the matter.

Step 3 - contact the NSW Ombudsman

If you are dissatisfied with the handling of your complaint by the IPC, you can contact the NSW Ombudsman, which has responsibility for dealing with complaints about conduct that is illegal, unreasonable, unjust, oppressive, discriminatory, based on improper or irrelevant grounds, based on a mistake of law or fact, or otherwise wrong.

1800 451 524 (Toll free) or visit www.ombo.nsw.gov.au

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

If you are still dissatisfied with the handling of your complaint, you can ask NCAT to assist you in resolving your complaint. The Administrative and Equal Opportunity Division within NCAT includes the review of administrative decisions made by NSW Government agencies and resolution of discrimination matters. This will incur a cost.

1300 006 228 or visit www.ncat.nsw.gov.au

Independent Commission Against Corruption (ICAC)

If you believe there has been corruption or serious misconduct the ICAC has primary responsibility for dealing with complaints about corrupt conduct. Corrupt conduct is intentional or deliberate misdoing, such as a staff member improperly using their knowledge, power or resources for personal gain or the advantage of others.

1800 463 909 (Toll free) or visit - www.icac.nsw.gov.au

For more information

Freecall: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

Website: www.ipc.nsw.gov.au

Post: Information and Privacy Commission NSW
GPO Box 7011
Sydney NSW 2001

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AAIA	Asian Access to Information Alliance	PID Act 1994	<i>Public Interest Disclosures Act 1994</i>
AIAC	Association of Information Access Commissioners	PMES	People Matter Employee Survey
APPA	Asia Pacific Privacy Authorities	PMP	Privacy Management Plan
ARC	Audit and Risk Committee (within the IPC)	PPIP Act or PPIPA	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
DAC	NSW Data Analytics Centre	PSC	Public Service Commission
DCJ	Department of Communities and Justice	PSEM	<i>Public Sector Employment and Management Act 2002</i>
DCS	Department of Customer Service	RTK	Right to Know
DPC	Department of Premier and Cabinet	S&CS	Systems & Corporate Services (team within IPC)
DRF	Digital Restart Fund	SARA	State Archives and Records Authority (now State Records NSW)
FOI Act	<i>Freedom of Information Act 1989</i>	TMF	NSW Treasury Managed Fund
GIIC Act	<i>Government Information (Information Commissioner) Act 2009</i>		
GIPA Act or GIPAA	<i>Government Information (Public Access) Act 2009</i>		
GIPA Regulation	Government Information (Public Access) Regulation 2009		
GSE Act	<i>Government Sector Employment Act 2013</i>		
HPPs	Health Privacy Principles		
HREC	Human Research Ethics Committee		
HRIP Act or HRIPA	<i>Health Records and Information Privacy Act 2002</i>		
I&R	Investigation & Review (team within IPC)		
ICAC	Independent Commission Against Corruption		
IPAC	Information and Privacy Advisory Committee		
IPC	Information and Privacy Commission		
IPPs	Information Protection Principles		
LCRA	Legal Counsel & Regulatory Advice (team within IPC)		
MNDB	Mandatory Notification of Data Breach		
MOU	Memorandum of Understanding		
NCAT	NSW Civil and Administrative Tribunal		
NICC	NSW Independent Casino Commission		
OAIC	Office of the Australian Information Commissioner		
OGP	Open Government Partnership		
OLG	Office of Local Government		
PAA	Privacy Authorities Australia		
PAW	Privacy Awareness Week		







Our business hours are 9am to 5pm Monday to Friday (excluding public holidays).
Public attendance at the IPC office is available via pre-arranged appointment.

Street address:

Level 15, 2-24 Rawson Place
Haymarket NSW 2000

Postal address:

GPO Box 7011
Sydney NSW 2001

Free call: 1800 IPC NSW (1800 472 679)

Email: ipcinfo@ipc.nsw.gov.au

Website: www.ipc.nsw.gov.au