

Information Commissioner's Update

Presentation to the Practitioners' Network Forum

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information and
privacy commission
new south wales

Hello & a bit about me



- Appointed as IPC CEO and Information Commissioner, commenced on 4 March 2024.
- Worked in legal practice, regulation and policy development since the early 1990s.
- Worked for Commonwealth AGD and AGS and a few NSW agencies. Last legal policy role at AGD was on the very new private sector privacy legislation.
- Longest role so far has been Executive Director and Deputy General Counsel at Premier and Cabinet, which included information access and privacy functions. Joined IPC from the NSW Electoral Commission where I was Executive Director and General Counsel for around 6 years. This role included exercising the regulatory functions of the Commission (three members) as well as acting as Electoral Commissioner on occasion.

Information Awareness Week

- The IPC acknowledged Information Awareness Week (IAW) in March but was not involved in any specific activities. This year's IAW theme was: *'IM The Next Wave: Leading the Future'*.

Open Government Week

- Open Government Week (OGW) will be held on 27-31 May.
- The week is an awareness-raising activity by international NGO – Open Government Partnership. The Australian Government has been involved with OGP since 2015.
- The IPC will be focusing on transparency through the inclusion of AI and automated decision-making in agencies' Agency Information Guides

Significant regulatory matters

- The IPC is exploring select agencies including information on automated decision-making (ADM) and the use of other digital technology in Agency Information Guides.
- The IPC is close to finalising the *Report on the Operation of the GIPA Act 2022/23* for tabling on 21 May.

Proactive Compliance Activity:

- **Disclosure Log Compliance (s6)** – Broad compliance is observed across different regulated sectors but there is still a lot of work to ensure full compliance is achieved for a basic requirement
- **Mandatory Release Logs (s6(5))** – Audit indicates widespread compliance failure across sectors, and a lack of improvement from local councils after audits in 2021 and 2023

Significant regulatory matters

Information Access Complaints

- Complaints remain consistent in topic with timeframes, decision processes and information excluded topping the list
- Volumes and trends consistent with prior years with even spread across agencies and sectors with expected and consistently high volumes in Police, Communities and Justice

Information Access Reviews

- Review numbers very consistent with last 2 years. Request volumes are consistent between sectors with moderately higher volumes this year over last
- Agencies with higher volume continue to perform better with regards to s93 (reconsider decision) although this year is trending to have 30% higher occurrences of a s93 recommendation

Significant regulatory matters

NCAT Reviews

- Year to date the IPC has considered 121 applications for review by NCAT on information access matters
- Year to date the Information Commissioner has provided 10 written submissions, having exercised the right to appear in an NCAT matter pursuant to section 104(1) of the GIPA Act

Engagements & Appearances

The Information Commissioner presented and/or attended the following engagements recently:

- Acting Information Commissioner appeared as a virtual witness for the Victorian Inquiry into the operation of their Freedom of Information Act 1982
- NSW Parliament AI Inquiry – 11 March 2024
- Association of Information Access Commissioners' meeting in Melbourne, hosted by OVIC – 15 March 2024
- First quarterly meeting with Ministers – 26 March 2024
- Joint Parliamentary Committee – 2 May 2024

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