



information
and privacy
commission
new south wales

Annual Report 2014 – 2015

Contact details



information
and privacy
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new south wales

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Letters to the President and Speaker

The Hon. Don Harwin MLC
President Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

The Hon. Shelley Hancock MP
Speaker Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000

30 October 2015

Dear Mr President and Madam 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 2014 – 2015 financial year.

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

Yours sincerely,

Elizabeth Tydd
CEO, Information Commissioner

The Hon. Don Harwin MLC
President Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

The Hon. Shelley Hancock MP
Speaker Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000

30 October 2015

Dear Mr President and Madam Speaker,

In accordance with section 61A of the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the following report on my work as Privacy Commissioner for the 12 months ended 30 June 2015.

In addition, under section 61B of the *Privacy and Personal Information Protection Act 1998*, I have reported on the operation of the *Privacy and Personal Information Protection Act 1998* across all public sector agencies for 12 months ended 30 June 2015.

A copy of the report has been provided to the Attorney General as Minister responsible for this legislation as specified under section 61A (2) and 61B (2) of the *Privacy and Personal Information Protection Act 1998*.

Yours sincerely,

Dr Elizabeth Coombs
Privacy Commissioner

IPC website

relaunched, page 15

Launch of Privacy Governance Framework

by Privacy Commissioner, page 25

Launch of inaugural Right to Know Week 2014

by Information Commissioner, page 17

IPC service channels

reviewed, page 46

IPC e-learning

portal and training
modules launched,
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Privacy Commissioner tabled Report on operation of PPIP Act

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Information Commissioner tabled Report on operation of GIPA Act

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Publication of Genetic Health Guidelines

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IPC GIPA Tool

developed, page 23

Privacy Awareness Week 2015

included the "Privacy Matters Forum", page 18

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Chief Executive Officer and Information Commissioner – overview

Achievements and Report to NSW Parliament

The IPC has developed an advanced appreciation of the balance between information access and privacy, and through this integrated approach authoritatively regulates citizens' fundamental rights.

Our first five years

As we move towards our five year anniversary it is important to review the first years of operation at the Information and Privacy Commission (IPC). The IPC Annual Reports since 2010 – 2011 to date have provided authoritative inputs for analysis.

The inaugural Information Commissioner described the establishment of the IPC as a merger and heralded the 'single door' model through which service to the public and government agencies is central to the IPC's operations. To deliver 'One Organisation' the IPC established a 'single brand', website and case management system; a new integrated organisational structure; targeted training programs; and improved corporate governance systems. These achievements have well positioned us to better deliver services to NSW citizens and regulated entities.

Importantly I acknowledge the integrity and commitment to service displayed by all IPC staff who have proactively sought opportunities to promote our statutory functions and effectively elevate compliance by agencies. I also acknowledge the Privacy Commissioner's focus on championing privacy as we work together to ensure that we uphold our statutory responsibilities through an efficient and effective single service point.

IPC structure and systems

IPC staff numbers have remained consistent since 2013. However our integrated structure has been updated to ensure compliance with the *Government Sector Employment Act 2013* (GSE Act). Two new and talented Directors – Director Investigation and Reporting Roxane Marcelle-Shaw and Director Business Improvement Samara Dobbins – now facilitate our integrated service delivery. We have also realised the intent of the GSE Act through the adoption of IPC values, invested in capacity building and better aligned our corporate governance. Our Audit and Risk Committee and the Information and Privacy Advisory Committee provide sound advice to guide our operations.

IPC case work

The *Government Information (Public Access) Act 2009* (GIPA Act) provides a robust decision-making framework to achieve balanced outcomes in promoting the release of information. Through this legislative framework agency decision-makers are achieving meaningful outcomes that successfully balance considerations in favour of disclose such as accountability with those against disclosure including security and privacy.

This mature and integrated approach is reflected in the IPC operational model in which IPC staff review agency decisions and authoritatively apply the public interest test to achieve a constructive balance between information access and privacy



CEO AND NSW INFORMATION COMMISSIONER ELIZABETH TYDD

rights. In the reporting period the IPC considered 95 reviews necessitating evaluation of information release considerations against withholding or redacting information to promote personal privacy. In the reporting period the IPC considered 56 reviews of agency decisions that concerned privacy-related public interest considerations against disclosure. There were no cases in which the Information Commissioner's delegates recommended consultation with the Privacy Commissioner to facilitate a recommendation against a decision of an agency not to release personal information.

There have been annual variations in the lodgement of complaints and reviews. The five year average for *GIPA Act* and *Government Information (Information Commissioner) Act 2009* (GIIC Act) complaints and reviews at 380 per annum; and for *Privacy and Personal Information Protection Act 1998* (PPIP Act) and *Health Records Information Privacy Act 2002* (HRIP Act) complaints and reviews at 268 per annum. The resultant ratio of case work is 2:3 (PPIP Act/HRIP Act:GIPA Act/GIIC Act).

Since the establishment of the IPC overall information access applications have significantly increased, and privacy review applications have remained relatively constant. However privacy complaints have increased and complaints concerning information access have decreased.

Under the GIPA Act and the PPIP Act the respective Commissioners appear before the New South Wales Civil and Administrative Tribunal (NCAT). In the five years since 2010 there has been a significant increase in NCAT notifications for information access applications which commenced from a low base of 36 in 2010 – 2011 to 115 in the current year. Decisions regarding our role in NCAT proceedings require a credible and transparent decision-making framework to properly identify significant issues and allocate resources. In the reporting year I refined this process in information access notifications to ensure that we are better placed to effectively manage the increasing demands.

In terms of proactive regulatory initiatives (investigations), throughout the five years the IPC has conducted six in privacy and five in information access.

The highlights of these statistics tell us that we need to proportionately apply resources, and that we are largely a complaints driven organisation. Accordingly our capacity to meaningfully apply a strategic risk-based approach to compliance has been limited.

However after the first five years of operation we have cause to be optimistic for this integrated service. For the first time since establishment the IPC has addressed the backlog of information access case work. This achievement, together with the recent identification of operational efficiencies informed by independent reviews, has positioned us to commence a program of strategic risk-based regulatory initiatives to better target and promote compliance.

IPC regulatory advice

As an independent regulatory authority we need to promote consistent and effective compliance advice. The IPC has developed systems to provide unified expert advice and improve service delivery through technological enhancements including e-learning capability and modules and unified training opportunities such as the IPC Information Management Scholarship. The Scholarship reflects the approaches adopted by other mature integrated models. These models recognise that a single entity is best positioned to provide authoritative advice to achieve outcomes that balance individual rights with positive community outcomes. Tools to assist this approach also include agency self-audit tools to ensure agencies confidently fulfil their privacy and information access responsibilities.

Achievements and reporting to Parliament

After five years of operation of the GIPA Act we have commenced the transition from transactional activities to achievement of the strategic intent of the GIPA Act.

In the reporting period the second *Report on the Operation of the Government Information (Public Access) Act 2009: 2013 – 2014* (s37 Report) was submitted to the NSW Parliament.

This Report applied the data presented in the first Report and, for the first time provided an examination of the operation and intent of each of the four access pathways. The report identified three new priority areas for the IPC's focus. They are effectively:

- responding to the digital age;
- partnering for solutions; and
- championing the future of Open Government.

The three precepts of Open Government legislated in the GIPA Act are: the right of citizens to obtain government held information; the right to hold government to account; and the right to meaningfully engage with government in the development of policy and service delivery. Working collectively with agencies to ensure delivery of Open Government demands a strategic approach. The IPC has demonstrated its resolute focus on delivering a more strategic approach through improvement in a range of services including:

Promotion of proactive release mechanisms

We developed guidance including a self-audit questionnaire to be applied by public sector agencies to promote activation of the proactive release pathway.

Proactive regulatory initiative

We conducted an audit of compliance by the University Sector with the legislative requirement to report on contracts. Our recommendations will promote compliance in this important area of expenditure of public funds.

Effective compliance reporting and enhanced management of access applications by agencies

We launched a new IPC GIPA tool to support improved case management by agencies and more efficient and precise data collection.

Advice/guidance to deal with GIPA Act offence provisions

As Information Commissioner I am also an investigating authority under the *Public Interest Disclosures Act 1994*. In this reporting period, we obtained authoritative advice and improved our case management of these significant complaints.

Promotion of Open Government

We conducted the IPC's first Right to Know awareness campaign and have commenced work to achieve greater citizen engagement in policy development and service delivery by government. We are committed to activating this legislative right that has not been fully activated since the introduction of the GIPA Act and to ensuring that NSW citizens achieve the benefits realised by our jurisdictional counterparts.

Importantly we have identified opportunities to promote Open Government through the statutory review of the GIPA Act and GILC Act currently underway. Our submissions promote the realisation of Open Government for citizens and enable NSW agencies to responsibly and effectively manage information and data across government agencies and deliver better services.

IPC – Directions for 2015 – 2016

The NSW State Priorities identifies a commitment to “working across government to achieve the results that will make this state better for all of our citizens”. Significant whole of government initiatives such as the NSW Data Analytics Centre, the NSW Digital Licence, the National Disability Insurance Scheme, and the independent development of a NSW Charter of Public Participation must be informed by a proficient understanding and application of the information access and privacy regimes. The IPC was established to provide this authoritative advice and “the unified perspective of the IPC will lead to us developing more targeted assistance that give prominence to the areas of tension and overlap between privacy and access” (*IPC Annual Report 2010 – 2011*).

Identifying and targeting needs, effectively engaging with citizens and applying public resources requires a commitment to transparently and accurately defining our jurisdiction and regulatory approach. In 2015 – 2016 the IPC will develop and implement a rigorous reporting framework to underpin authoritative jurisdictional guidance and deliver an effective contemporary regulatory approach. Through these initiatives we will collaborate with citizens and agencies to promote and deliver the benefits of the information access and privacy legislative regimes in NSW.

Elizabeth Tydd
CEO, Information Commissioner

Annual Report 2014 – 2015 of the Privacy Commissioner

When I reported to Parliament on the operation of NSW privacy legislation earlier in 2015, I said: ‘privacy is a dynamic area and one upon which everyone has a view. The debate around information communication technologies and their effect upon citizens’ right to privacy, the economics of personal information and changes in community expectations intensifies with each new technological device and well publicised data breach.’

Based on feedback from the community and organisations, I believe the *Privacy and Personal Information Protection Act 1998* (PPIP Act) continues to serve a valuable public policy purpose. However, I also wholeheartedly endorse the view of the Independent Commission Against Corruption that public trust in the protections for privacy and personal information is extremely important, and the effective protection of individual privacy remains a key strategic issue for the NSW Government, public sector agencies and the public.¹

Over the course of the 2014 – 2015 year, breaches of privacy both in Australia and overseas have sharpened the public’s concern about the protection of their information and their expectations that their privacy will be protected. The evidence is clear that the advent of ‘big data’, cloud computing, and the increasing use of surveillance devices are of great concern to the public. The evidence is also clear that concerns for privacy as a human value and a human right are far from dead and that the ‘digital generation’ cares about its privacy. Accordingly, the protection of privacy remains a good public policy outcome and is fundamental to the trust between citizens and their government.

As Privacy Commissioner I welcome steps by the Government to improve policy development, service planning and service delivery which will increase access to government services by ordinary citizens provided privacy protection is maintained. But the world is very different from 1998 when the PPIP Act was enacted and my report identifies issues for legislative action as well as action by the Privacy Commissioner, organisations and members of the public to address privacy concerns.

In an increasingly global world individuals, public sector agencies and businesses operate across State, Territory and national boundaries. Amending the principles of the PPIP Act and including a proactive object will assist to align NSW and Commonwealth regulatory regimes and facilitate the move from the old style of reactive compliance to the effective incorporation of privacy in organisational culture and management.

Data sharing and data mining also concern the public. Yet data analytics can deliver significant advances in policy



NSW PRIVACY COMMISSIONER DR ELIZABETH COOMBS

development and service delivery that benefit citizens. Trust engendered through appropriate privacy guidelines for data sharing and methodologies for de-identification of personal data is fundamental to the Government’s initiatives in this area.

Throughout the year, the commitment to good privacy frameworks and practices has been apparent across public sector agencies and I particularly acknowledge the work of Roads and Maritime Services. There have been some strong performers, while unfortunately, some others still need to understand and accept the importance of privacy in establishing a strong customer service ethos and organisational accountability. There is a need for greater organisational capability in privacy governance. Frequently privacy legislation is (mis-)used as a reason to maintain ‘information bunkers’ when there are no privacy barriers to appropriate sharing of information. In my report, I raise issues about achieving simpler privacy regulation and improving the management of privacy in service delivery, stressing the need for more privacy guidance to non-government service providers, which are increasingly offering services to citizens. I raised also the lack of formal privacy protection for clients of some State Owned Corporations (SOCs) and recommend that all NSW SOC’s comply with either NSW or Commonwealth privacy provisions.

In my overview for last year’s Annual Report, I noted delays in the privacy work program due to lack of adequate resourcing. I’m pleased to say that some of the backlog was addressed with the completion of the Genetic Health Guidelines, distribution of fact sheets on accessing health information, completion of privacy e-learning for complaint handling and the launch by the Hon. Michael Kirby AC CMG of our *Privacy Governance Framework*. While these provide some assistance to the community and the sector, there are larger privacy issues, for example ‘big data’ and data analytics, the use of digital identities in service delivery and the growing use of surveillance. These are pressing issues that need robust examination and recommendations put to the Parliament and Government.

In consultations for my report to Parliament, the community and both public and private organisations said that they

¹ NSW Independent Commission Against Corruption, feedback on the operation of the PPIP Act in 2013 – 2014.

needed more privacy support. They wanted practice notes on the legislation, more training, statutory guidelines and case studies in particular. The point was strongly stated that this support will improve the protection of privacy and personal information, and build trust with the Government.

I agree that more assistance is required and that support to date has been insufficient despite the commitment of the Commission's staff. There are a number of matters that unfortunately have been delayed such as my report on the Opal Electronic Ticketing Scheme. Resourcing and appropriate organisational arrangements for the delivery of privacy statutory functions have become critical issues.

Parliament saw the inclusion of Privacy NSW in the Information and Privacy Commission as providing significant increases in resources to privacy.²

While wanting a 'one stop shop' for the public, the Parliament also wanted two discrete areas of responsibility for privacy and access to government information and established two independent and equal Commissioners. Legislation ensures neither Commissioner undertakes the other's functions nor acts in the other's area of responsibility.³ Parliament's concern was for the independence of the right to privacy from the right to government information and vice versa, so there are unbiased advocates for privacy and access to information. Parliament recognised the right of the public to access as much information as possible, and the right of individuals to maintain a maximum degree of protection of their rights to privacy as two separate, distinct and potentially incompatible objectives. Unless each has its separate and equal advocate there is an ever-present risk that one of these objectives will become improperly dominant.

Achievement of Parliament's intent has to be assessed. It is imperative the Commission serve both the Privacy Commissioner and the Information Commissioner as envisaged by the Parliament and the priorities of the Commission reflect the equal needs and priorities of both Commissioners.

It is also imperative that the commitment of Parliament to provide extra resources to privacy through the establishment of the Commission be recognised. Current resourcing does not facilitate the Privacy Commissioner addressing emerging issues associated with championing the privacy of individuals through the statutory functions of education, research and reporting on technology developments concerning the need for legislative, administrative or other action. This capacity is crucial.

In the context of contemporary privacy challenges and Parliament's intent, the important statutory function of protecting privacy is not well served by current structural and organisational arrangements.

As I said in my report to Parliament, "in a situation where the Information Commissioner is the Chief Executive Officer of

the IPC... the Privacy Commissioner is reliant on the cooperation and goodwill of the Information Commissioner as CEO to ensure that sufficient resources are deployed to enable the Privacy Commissioner to meet statutory obligations as envisaged by Parliament. It is inconsistent with the intent of Parliament and the responsibility for privacy statutory functions, for the Privacy Commissioner to be supplicant to the Information Commissioner".⁴

Parliament saw the reporting obligations of the Commissioners as a means to ensure transparency and accountability on the distribution of resources in the Information and Privacy Commission.⁵ In my report to the Parliament, I recommended a discrete budgetary allocation and I also recommend greater consultation with the Privacy Commissioner around the preparation of the Commission's budget and its allocation, the recruitment of staff with the skills and capability to support the statutory obligations and functions of both Commissioners, in the day-to-day deployment of resources, in the capability development of the IPC and in assessment of staff performance in meeting the statutory needs of both Commissioners.

The effective delivery of privacy statutory functions is compromised and undermined by current structural arrangements and requires urgent review to provide the Privacy Commissioner with staffing specifically to undertake statutory privacy functions attuned to community needs. The roles of Information Commissioner and Privacy Commissioner need to be separate because their intrinsic responsibilities are not complementary but essentially competitive. It is the responsibility of the Information Commissioner to find all possible lawful methods of ensuring the access of the maximum number of people to the maximum amount of government information. It is the responsibility of the Privacy Commissioner to ensure that in the releasing of information, the effect upon the privacy of individuals is considered and where there is conflict and all things equal, to rule in favour of privacy.

A model that includes both privacy and access functions as it currently operates has difficulties providing good service delivery to the community. I look forward to addressing these issues over the coming year.

Lastly, I thank the members of the public who gave their time to indicate their expectations and concerns around privacy, to Secretaries and privacy contact officers within agencies, to the non-government organisations who provided information on their understanding of their privacy responsibilities, and to the integrity agencies who gave their feedback and insights as part of the preparation of my report on the operation of the privacy legislation.

Most importantly, I thank the staff of the IPC for their ongoing commitment and valuable contribution to the protection of privacy and the delivery of good public policy outcomes.

Dr Elizabeth Coombs
Privacy Commissioner

² NSW Parliament, Legislative Council, Right of Reply following Debate after Second Reading Speech, *Privacy and Information Legislative Amendment Bill 2010*, Hansard, 2010, p25, 694.

³ NSW Parliament, Legislative Council, Second Reading Speech, *Privacy and Information Legislative Amendment Bill*, 2010, Hansard, 2010, p25, 689.

⁴ *Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act 1998*, p49-50, NSW Privacy Commissioner, 2015.

⁵ Op cit, p25, 689.



85% of all contact with the IPC was via our enquiries line
= 3,677 calls



The website received
a total of 312,382 page views
 an increase of 7.6% from 2013 – 2014



15% of all contacts were received via email,
 web form, post, fax or in person
= 656 received

GIPA

REVIEWS & COMPLAINTS	2014 – 2015	2013 – 2014
Received	337	511
Closed	409	490

PRIVACY

REVIEWS & COMPLAINTS*	2014 – 2015	2013 – 2014
Received	288	253
Closed	281	255

IPC

REVIEWS & COMPLAINTS	2014 – 2015	2013 – 2014
Received	625	764
Closed	690	745

* Excludes complaints managed under agencies' general complaint handling mechanisms.

About the IPC

Who we are

The Information and Privacy Commission NSW (IPC) is a separate agency 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 in 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 now recognised as a separate agency under Schedule 1 of the *Government Sector Employment Act 2013*.



Our purpose – to champion privacy and information rights for the people of NSW.

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 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 vision

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

Our approach

- We are focused on the resolution of issues, applying a proportionate approach appropriate to the issue
- We make it easier for the community to exercise their rights, and for organisations covered by our legislation to meet their responsibilities
- We give priority to significant or systemic public policy issues
- We work constructively with stakeholders
- We operate in accordance with the NSW Public Sector Values and Code of Conduct
- We identify trends and patterns, and share good practice.

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, Integrity, Independent and Trust.

The IPC's Values Framework was developed by IPC staff in December 2014 using the Government Sector Core Values (Accountability, Service, Trust, Integrity) and the IPC Values (Accountable, Service focused, Proactive, Independent). See page 11 for further details.

Our stakeholders

- NSW Parliament
- Members of the public
- Government (Premier and Attorney General)
- Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission
- NSW public sector agencies including state government bodies, councils, state-owned corporations⁶, universities
- Non-Government Organisations delivering contracted services to NSW Government agencies
- Ministers and their staff
- Members of Parliament and their staff
- Other Information and Privacy Commissioners
- Information and Privacy Advisory Committee (IPAC)
- Other oversight accountability agencies
- Media
- Staff.

⁶ Exempted under the *Privacy and Personal Information Protection Act 1998*.



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 focused

- 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.

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)* (GIIIC Act).

The role 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 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
- Public interest considerations against disclosure of government information
- Agencies' 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.

Participation in committees

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

- Association of Information Access Commissioners (AIAC)
- Public Interest Disclosures Steering Committee – under section 6A(1) of the *Public Interest Disclosures Act 1994*
- Enabling Information – Department of Finance and Services' ICT Strategy interagency forums
- Public Service Commission Separate Agency Reform Reference Group
- Open Government Community of Practice steering committee.

Role of the Privacy Commissioner

The Privacy Commissioner is appointed by the Governor as an independent office holder under section 34 of the *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIP Act). The Privacy Commissioner may be appointed on a full-time or part-time basis.

The role focuses on resolving complaints, protecting and enhancing the privacy rights of the NSW community and ensuring agencies uphold the privacy principles in the PPIP Act and the *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act). Key functions are championing privacy and to educate the people of NSW.

Under the PPIP Act, the Privacy Commissioner has the following functions:⁷

- a) to promote the adoption of, and monitor compliance with, the information protection principles,
- b) to prepare and publish guidelines relating to the protection of personal information and other privacy matters, and to promote the adoption of such guidelines,
- c) to initiate and recommend the making of privacy codes of practice,
- d) to provide assistance to public sector agencies in adopting and complying with the information protection principles and privacy codes of practice,
- e) to provide assistance to public sector agencies in preparing and implementing privacy management plans in accordance with section 33 of the PPIP Act,
- f) to conduct research, and collect and collate information, about any matter relating to the protection of personal information and the privacy of individuals,
- g) to provide advice on matters relating to the protection of personal information and the privacy of individuals,
- h) to make public statements about any matter relating to the privacy of individuals generally,
- i) to conduct education programs, and to disseminate information, for the purpose of promoting the protection of the privacy of individuals,
- j) to prepare and publish reports and recommendations about any matter (including developments in technology) that concerns the need for, or the desirability of, legislative, administrative or other action in the interest of the privacy of individuals,
- k) to receive, investigate and conciliate complaints about privacy related matters (including conduct to which Part 5 of the PPIP Act applies),
- l) to conduct such inquiries, and make such investigations, into privacy related matters as the Privacy Commissioner thinks appropriate.

⁷ *Privacy and Personal Information Protection Act 1998*, Part 4, Section 36.

Our organisation: governance structure and legislative responsibilities

Under the HRIP Act, the Privacy Commissioner has the following functions:⁸

- a) to promote the adoption of, and monitor compliance with, the Health Privacy Principles and the provisions of Part 4,
- b) to prepare and publish guidelines relating to the protection of health information and other privacy matters, and to promote the adoption of such guidelines,
- c) to provide assistance to organisations in adopting and complying with the Health Privacy Principles and the provisions of Part 4 of the HRIP Act,
- d) to conduct research, and collect and collate information, about any matter relating to the protection of health information and the privacy of individuals,
- e) to provide advice on matters relating to the protection of health information and the privacy of individuals,
- f) to receive, investigate and conciliate complaints about alleged contraventions of the Health Privacy Principles, the provisions of Part 4 or any health privacy code of practice,
- g) such other functions as are conferred by the HRIP Act.

Note: The Privacy Commissioner may also deal with privacy related complaints under Parts 4 and 5 of the PPIP Act.

Participation in committees

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

- Asia Pacific Privacy Authorities (APPA)
- APPA Privacy Statistics Project Working Group
- International Data Protection and Privacy Commissioners' Strategic Directions Working Group
- Privacy Authorities Australia (PAA)
- Global Privacy Enforcement Network (GPEN) steering committee
- Enabling Information – Department of Finance and Services' ICT Strategy interagency forums.

Our governance

The IPC is recognised as a separate agency under Schedule 1 of the *Government Sector Employment Act 2013*. The Information Commissioner is appointed as agency head and is responsible to the relevant Minister, 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.

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

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

The Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission, oversees the functions of the Information Commissioner and 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 2009 (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)* (PPIPA Regulation)
- *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act)
- *Health Records and Information Privacy Regulation 2006 (NSW)* (HRIPA Regulation).

⁸ *Health Records and Information Privacy Act 2002*, Part 7, Section 58.

Our organisation: legislative responsibilities

Objectives of our legislation

The GIPA Act establishes an open approach to gaining access to government information. NSW government agencies, including state-owned corporations, NSW Government Ministers, local councils and universities are covered by the GIPA Act. The objectives of the GIPA Act are 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 personal information can be both a consideration in favour of disclosure, and a consideration against disclosure. Information Commissioner *Guideline 4: Personal information as a public interest consideration under the GIPA Act* assists agencies to understand what personal information means, and how to properly apply those considerations when carrying out the public interest test under the GIPA Act.

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.

The PPIP Act 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 establishes the role of the Privacy Commissioner and gives effect to Parliament's intention that privacy and information access are separate and discrete functions. 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 information protection principles (IPPs) – see Appendix 1.

The HRIP Act protects the privacy of people's health information. It covers information created and collected by hospitals and other health service providers. It also includes other public and private organisations that hold any type of health information. The HRIP Act contains 15 health privacy principles (HPPs) – see Appendix 2.

Legislative changes

Legislative changes which affect access to government information or privacy brought forward by the Attorney General are covered in the Department of Justice annual report. Changes which are brought forward by the Health Minister which affect health privacy are covered in the NSW Ministry of Health annual report. In addition, the following legislative changes were made during the reporting period:

- The *Government Information (Public Access) Act 2009* was amended to replace the term 'Government Department' with 'Public Service agency' to reflect the changes introduced by the *Government Sector Employment Act 2013* (GSE Act)
- The *Government Information (Information Commissioner) Act 2013* (GIIC Act) was amended to note that the Information Commissioner is not a public service employee as defined by the GSE Act
- A copy of a report by the Information Commissioner under section 24 of the GIIC Act concerning the conduct of a public service employee is to be given to the Secretary, Department of Premier and Cabinet, reflecting the GSE Act changes.
- The *Privacy and Personal Information Protection Act 1998* (PPIP Act) was amended to change the definition of 'public sector agency' reflecting the GSE Act changes
- The PPIP Act was amended to note that the Privacy Commissioner is a statutory officer and not a public service employee as defined by the GSE Act
- The *Privacy and Personal Information Protection Regulation 2014* was made and the previous regulation repealed.

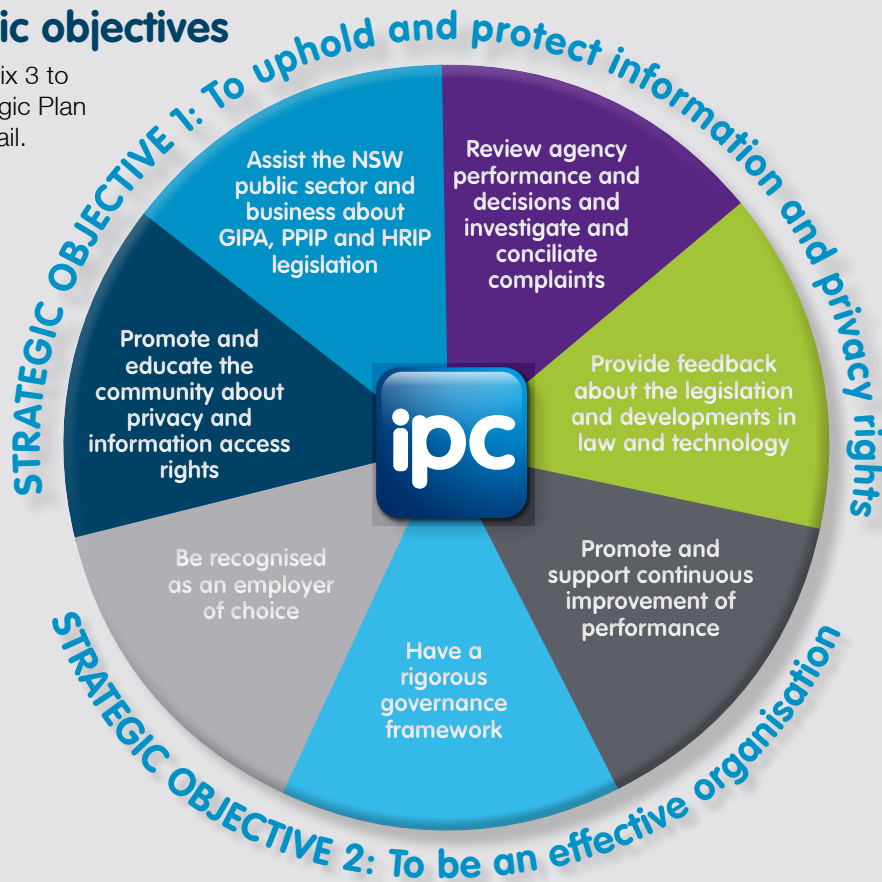
Other changes that resulted in amendments being made to the name of agencies but not to the substantive legislation administered by the IPC have not been captured in this report. An example is the *Multicultural NSW Legislation Amendment Act 2014*.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Our strategic objectives

Please see Appendix 3 to view the IPC Strategic Plan 2013 – 2016 in detail.



Priority 1: Promote and educate the community about their rights under the legislation

- ✓ Re-launch of IPC website.
- ✓ Launch of IPC e-learning portal and two new e-learning training modules.
- ✓ 27 new publications launched.
- ✓ Successful communications campaigns for Right to Know Week 2014 and Privacy Awareness Week 2015.
- ✓ Achieved compliance with WCAG 2.0 Level AA for all online resources by December 2014.
- ✓ Launch of IPC events calendar.
- ✓ 18 communications strategies delivered across information access and privacy streams as well as international events of interest to our stakeholders.

Website re-launch

On 11 August 2014, the IPC launched a new website that incorporates both the information access and privacy streams, along with our corporate resources. As the IPC's central communication channel, considerable work was done to improve the user experience with a cleaner format and simpler navigation for both agency users and the general public. This included the addition of web forms to improve efficiency of receiving enquiries, applications and information from our stakeholders.

An important driver for developing the new website was accessibility, which was built into the new site to comply with W3C's Web Content Accessibility Guidelines (WCAG). We achieved compliance with WCAG 2.0 Level AA for all online channels and IPC resources by the NSW Government's deadline of December 2014.

The website was presented to internal stakeholders during the launch week, an e-alert was sent to agencies and practitioners and other stakeholder groups, then presented to the NSW Right to Information and Privacy Practitioners' Network at the quarterly forum later in August 2014.

To provide the organisation with feedback on the new website, the IPC developed an online survey which was located on the IPC home page and open from 11 August

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

to 19 September 2014. Feedback reflected a generally positive response to the new website and streamlined its capabilities.

From July 2014 to June 2015 the IPC website has increased in page views by 7.5%.

Website visits		
	2014 – 2015	2013 – 2014
Visits	98,180	95,699
Unique visits	61,202	62,881
Page views	312,382	290,388
Average visit duration	3.17 minutes	3.17 minutes

Note: Totals based on monthly figures.

E-learning portal and training modules launched

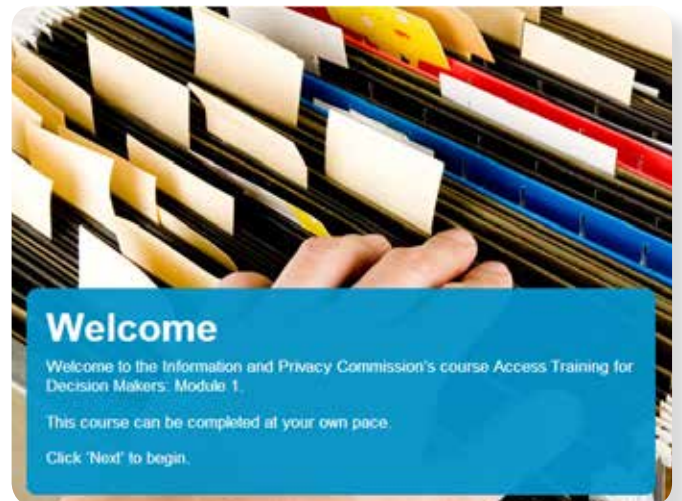
The IPC e-learning portal was launched in March 2015. The portal offers a streamlined approach to training for NSW privacy and information access legislation to meet the growing demand for training and education among the IPC's stakeholder groups, while assisting the Information Commissioner and Privacy Commissioner to meet their statutory obligations.

At launch the portal included two e-learning modules, *Access Training for Decision Makers under the GIPA Act: Module 1* and *Privacy Complaints Handling*. At 30 June 2015 the portal had received 268 registrations to complete the available IPC e-learning modules.

The IPC's e-learning portal has been an important initiative for the IPC and these two e-learning modules commence an important education and training strategy which we will continue to progress in 2015 – 2016. We are committed to continuing to develop new e-learning modules and educational tools which will be added to the e-learning portal to meet stakeholder demand for training in the areas of information access and privacy legislation in NSW.



IPC E-LEARNING PORTAL



ACCESS TRAINING FOR DECISION MAKERS: MODULE 1



PRIVACY COMPLAINTS HANDLING

Publications

During 2014 – 2015, the IPC helped members of the NSW community to understand their information access and privacy rights by providing guidance through our enquiries service and website. Importantly new guidelines and resources were developed to assist agencies to comply with NSW information access and privacy legislation.

Since July 2014, the IPC has produced 27 publications – including three statutory reports, eight information access resources, 11 privacy resources, three general fact sheets about interacting with the IPC, and the *IPC Social Media Policy* and *Social Media Procedures*. See the full list at Appendix 4. All resources come in accessible formats and are available for download on our website, with some also distributed at community events where IPC staff were on hand to meet with members of the public and answer their right to information and privacy enquiries directly.

Major campaigns

Right to Know Week 2014

Right to Know Day is celebrated globally on 28 September every year. To grow the profile of Right to Know (RTK) in NSW, and consequently raise the awareness of right to access government information amongst the citizens of NSW, the IPC developed a week-long campaign harnessing the support and reach of organisations which operate under the GIPA Act.

An interactive partner pack was developed to promote the campaign and facilitate partnership with key stakeholders. This is the first year this approach was used and performance against objectives was excellent with a total of 24 partners signing up to the cause. The IPC leveraged government communication channels (including Sydney Buses digital screens) to reach more than 60,000 NSW citizens with the Right to Know message, and also promoted the messages at two Sydney CBD Service NSW centres, thereby gaining high exposure for the message at minimal cost. The then Office of



RIGHT TO KNOW WEEK 2014 POSTER

Finance and Services held an Open Government event during the week-long campaign, at which the Information Commissioner addressed the Community of Practice. The Information Commissioner also promoted the RTK 2014 campaign via metropolitan and regional speaking engagements leading up to RTK Week including the Southern Councils Group General Managers Committee (Shoalhaven region), Canterbury Council, Hunter Council, Tamworth Council, Armidale Council and the University of New England.

A RTK 2014 logo was specifically developed to capture the IPC's role in administering the GIPA Act and promoting NSW citizens' right to access government information. Other resources developed included a RTK 2014 web page, an infographic and "You have a right to know" poster. These resources conveyed the message that NSW citizens have a legally enforceable right to access most government information held by NSW government and agencies and what they needed to do to access it. We asked partner agencies to display the poster in their offices and at customer counters. Both resources were downloadable and partners were encouraged to share them electronically. The website and resources received 715 page views, 510 unique views and the social media campaign saw 24 re-tweets – a promising outcome for this inaugural campaign.



RIGHT TO KNOW WEEK 2014 INFOGRAPHIC

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Privacy Awareness Week 2015

Privacy Awareness Week 2015 (PAW 2015) is an initiative of the Asia Pacific Privacy Authorities (APPA) held in the first week of May (3-9 May 2015). It offers an opportunity for NSW public sector agencies, including local councils and universities to highlight and share their commitment to good privacy practices with the NSW community.

This year NSW celebrated PAW 2015 under the theme of Privacy Matters @ Any Age, which encouraged the community of NSW to be privacy minded. The campaign focused on the state's older population, reflecting the outcomes of a public survey completed in early 2014, which identified seniors as the focus group for the 2015 campaign. Significant stakeholder consultation and engagement was conducted with organisations that target the older population.

The IPC leveraged Sydney Buses digital screens to reach NSW citizens with the PAW message. There are approximately 1,700 buses fitted with this system across 14 depots. Transport for NSW operates more than 16,000 bus services and carries 640,000 passengers to their destinations on each working day.

The NSW Privacy Commissioner hosted a Privacy Matters Forum, partnering with the then Office of Finance and Services and First State Super. The event included a key note address by the Customer Service Commissioner Michael Pratt and a robust privacy discussion led by a panel including past Commonwealth Privacy Commissioner Malcolm Crompton, international privacy and data expert Stephen Wilson, Customer Service Commissioner Michael Pratt and the NSW Privacy Commissioner Elizabeth Coombs. The discussion assisted delegates to share their learnings in the field of privacy protection, data management and implementing a "privacy by design" approach to organisational processes. Over 100 people attended the forum.

The Privacy Commissioner also presented at the NSW Environment Protection Authority morning tea and joined a panel at an iappANZ hosted privacy event with international privacy expert Professor Fred Cate.

The PAW 2015 messages and resources were disseminated to key stakeholder groups through organisations including Council of the Ageing NSW, the Aged Rights Service and Seniors Card, Retirement Villages Association. The Privacy Online Checklist was distributed to approximately 5,000 residents in Retirement Villages and the NSW Ombudsman distributed 600 privacy online checklists during Seniors Week.

In order to reach the broader community, links to our campaign were carried by WorkCover, Transport for NSW, NSW Department of Education and Communities, Department of Family and Community Services, NSW Council of Social Service, Youth Advisory Board, and the Advocate for Children and Young People.

To support the campaign a designated PAW 2015 web page was developed and included a range of free



PRIVACY AWARENESS WEEK 2015 POSTER

downloadable resources such as fact sheets, brochures, checklists, a short video animation, privacy quiz and posters for agencies, organisations and the NSW community. The website received 1,130 page views (an increase of 11% from 2014). There were 1,050 new users to the website during PAW 2015 and the download/view rate of PAW resources was 321. We tweeted about PAW 2015 six times during the week, which were seen by 2,868 users, and we had 189 profile visits during PAW. Five online articles were also published including information about the NSW PAW 2015 campaign.

Events calendar

The IPC events calendar is available on the IPC website and is used to drive our stakeholder engagement and major campaigns which includes the IPC's website re-launch and e-learning launches, Right To Know Week 2014, Privacy Awareness Week 2015 and the launch of the *Privacy Governance Framework* (see page 25). Smaller campaigns were acknowledged on the calendar to support the good work of our stakeholders in privacy and information access, and included Data Privacy Day 2015, Safer Internet Day 2015, Stay Smart Online 2015, Information Awareness Month 2015 and Law Week 2015.

Communicating with our stakeholders

Enquiries feedback

The IPC receives enquiries from NSW public sector agencies, businesses and members of the public via phone, in person and in writing.

While we received enquiries from both public sector agencies and the private sector, the majority of enquiries were from the public. Common enquiries included how to access government, personal and health information, and review rights. We also received enquiries about surveillance and privacy in relation to the private sector, and referred these to the relevant agency. Our enquiries service responded to 3,718 phone and face-to-face enquiries and 615 written enquiries from a broad cross-section of the community including members of the public, agency staff and representatives of private sector organisations on right to information and privacy.

Enquiry Type	2014 – 2015	2013 – 2014
Telephone and in person	3,718	4,390
In writing*	615	692

*Includes emails, letters, faxes and website forms

Stakeholder engagement

The IPC developed a stakeholder engagement strategy in early 2014 to further improve our engagement and commitment to our diverse stakeholder groups. New approaches to engaging with our stakeholders were implemented during the reporting period.

During 2014 – 2015 our networks were sent e-alerts, surveys and emails about our major activities, campaigns, delivery of the Privacy Governance Framework, new publications, statutory reports and delivery of major projects including the new website and e-learning portal. Stakeholder groups were invited to provide feedback during consultation periods on the development of new resources including fact sheets and a new guideline on GIPA annual reporting requirements.

The IPC participated in and presented to the NSW Right to Information and Privacy Practitioners' Network Forum each quarter and provided support for an internal practitioners' network survey to gather feedback on the network's future activities.

Further work was commenced to meet the actions of the IPC's Diversity Action Plans – Aboriginal, Disability and Multicultural – which included ensuring all online resources comply with W3C's Web Content Accessibility Guidelines (WCAG 2.0 Level AA), reaching out to and communicating with Aboriginal organisations and units, promoting our core brochures and services via events, establishing online links with disability and multicultural organisations, providing access to interpreter services for all IPC services and recognition of national days within the IPC events calendar.

To build our capacity to provide services to Aboriginal and Torres Strait Islander stakeholders, the IPC also completed cultural awareness training during the reporting period.

Both Commissioners continued to develop and promote the work of the IPC through meetings with and presentations to stakeholder groups across all sectors that are regulated by NSW information access and privacy legislation. These meetings and engagements were supported where required with presentations and speaking notes. A selection of presentations are available on the IPC website.

Communication strategies

During the reporting period the IPC developed and delivered external communications strategies to stakeholder groups for projects and events including:

- *Report on the operation of the Government Information (Public Access) Act 2009: 2013 – 2014*
- *Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act 1998: February 2015, tabled May 2015*
- IPC new website launch
- IPC e-learning portal launch
- IPC GIPA Tool pre-launch campaign
- Right To Know Week 2014
- Privacy Awareness Week 2015
- IPC events calendar
- Publication of the *Privacy Governance Framework*
- Publication of Genetic Health Guidelines
- Publication of Access to Health Records resources
- Publication of IPC Social Media Policy
- Data Privacy Day 2015
- Safer Internet Day 2015
- Stay Smart Online 2015
- Information Awareness Month 2015
- Law Week 2015
- Harmony Day 2015
- International Women's Day 2015
- NAIDOC 2015
- The communications team delivered strategies for the publication of new resources including fact sheets on *Legal Professional Privilege, Creating New Records, Reasonable Searches, Internal Reviews and Authorised Proactive Release*.

The IPC developed and delivered an internal communications framework and calendar for 2015 to encourage better communication and information sharing amongst staff (see page 39).

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Stakeholder feedback

The IPC relies on stakeholder feedback to inform the organisation about how our products and services are operating. We collect feedback via the following channels:

- Consultation periods
- Online and paper surveys
- Feedback and enquiries via web forms on the new IPC website
- A free call telephone number for contacting the IPC
- A generic email address for contacting the IPC
- Collecting information at community forums, events and information sessions
- Feedback from external training sessions and events
- The development on an ongoing feedback mechanism (pop-up launched in July 2015)

The IPC regularly uses online surveys to gather feedback from our stakeholders. This mechanism was used to receive feedback at the launch of the IPC website and e-learning portal, and to gain feedback from practitioners on the IPC's resources. See Appendix 4 for resources developed.

In late 2014 the Privacy Commissioner surveyed the public, privacy practitioners, NSW government agencies and non-government organisations on privacy issues. This survey was disseminated via stakeholder groups to increase reach, and used to inform the *Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act 1998: February 2015*. The Privacy Commissioner also consulted with CEOs of public sector agencies regarding privacy issues.

The IPC website uses Google Analytics to collect information about how often users visit the IPC website, what pages they visit when they do so, and which resources are downloaded from the website. During the reporting period the IPC website received a total of 312,382 page views.

Media

The CEO/Information Commissioner and Privacy Commissioner both communicated with the media through media releases, statements and interviews.

The Privacy Commissioner conducted interviews and provided commentary to a number of NSW newspapers, radio stations and media outlets on a range of issues including Opal card privacy concerns, progress on privacy work, the launch of the *Privacy Governance Framework*, ID scanning in clubs, surveillance in women's refuges, privacy breaches of electronic health records and the release of the *Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act 1998: February 2015*. News articles to which the Privacy Commissioner provided statements, including comments

about the feedback from practitioners' survey, were published on the international privacy practitioners' iappANZ website.

The CEO/Information Commissioner has welcomed discussion on the release of the *Report on the operation of the Government Information (Public Access) Act 2009: 2013 – 2014* and was available to comment on requests about the work and services of the IPC.

During Information Awareness Month in May, the Information Commissioner was published in the April-June 2015 issue of *Today*, the national magazine for members of the Institute of Public Administration Australia (IPAA). The article, "Around the world with open government", examined the current state of information access in NSW and around the world, and international approaches to effective information management. The article highlighted the importance of transparency and accountability mechanisms and citizen engagement in laying the foundations for Open Government.

Social media

The IPC currently uses the social media channels Twitter, LinkedIn and YouTube to interact with stakeholders about our campaigns, products and services.

In March 2015, the *IPC Social Media Policy* and *IPC Social Media Procedures* were published. The *IPC Social Media Policy* aims to make provision for the regular review of standards in relation to social media. The *Social Media Procedures* sets out the process for creating, administering and monitoring any IPC's presence on social media channels.

Outlook for 2015 – 2016

In 2015 – 2016 the IPC will direct its resources to achieve effective outcomes such as:

- Developing and implementing targeted external communications strategies for statutory functions with particular focus on Right to Know Week and Privacy Awareness Week
- Delivering resources to better target audiences through effective channels
- Promoting information access and privacy by delivering speeches, workshops and seminars
- Continuing to implement actions to acquit the work in the IPC Diversity Action Plans – Aboriginal, Disability, Multicultural
- Developing privacy guidance – Privacy Impact Assessments, ascertainable identity, consent, and voluntary data breach notification
- Publishing a quarterly IPC Bulletin on the regulatory work of the IPC including case notes.

Priority 2: Assist agencies and business to understand and implement the legislation

- ✓ Delivery of two e-learning modules – *Access Training for Decision Makers under the GIPA Act: Module 1 and Privacy Complaints Handling*.
- ✓ CEO/Information Commissioner commenced first proactive compliance audit.
- ✓ Privacy Commissioner progressed three own motion investigations.
- ✓ Launch of the *Privacy Governance Framework*.
- ✓ Guidelines issued on *Use and disclosure of genetic information to a patient's genetic relatives: Guidelines for organisations in NSW*.
- ✓ Transborder Code of Practice submitted to the Attorney General.
- ✓ Three new resources released on access to health records.
- ✓ Publication of authorised proactive release fact sheet.

Practitioners' network

During the reporting period, the Information Commissioner and Privacy Commissioner presented to the NSW Right to Information and Privacy Practitioners' Network Forum each quarter on work agendas, campaigns and launches including the IPC website and e-learning portal, Privacy Awareness Week and Right to Know Week. This single forum creates a capacity to build and strengthen the collective expertise required to operate in a legislative environment which necessitates consideration of both the privacy and information access regimes.

Two key items of the IPC's stakeholder engagement strategy were to assist practitioners to clarify governance arrangements of the network and seek the views of practitioners through surveys/working groups. Both these items were actioned during 2014 – 2015 via ongoing meetings with the Practitioners' Consultative Group and the IPC assisting the network with the development of an internal survey to gather feedback on the operation of the forum; and ongoing engagement with the practitioners' network via user acceptance testing, surveys and consultations on the IPC's products and services.

The IPC will continue to support the NSW Right to Information and Privacy Practitioners' Network Forum with information and targeted education programs and resources that efficiently and effectively respond to identified needs.

Education and training

During the reporting period the IPC continued to work on delivering education and training to its stakeholders.

E-learning

The IPC e-learning portal, launched in March 2015, was delivered to ensure that the IPC has a streamlined and accessible approach to training for NSW privacy and information access legislation. The portal currently has two e-learning modules, *Access Training for Decision Makers under the GIPA Act: Module 1 and Privacy Complaints Handling* and has received 268 registrations to complete the available modules.

Other available educational tools include:

- online training in the *Privacy and Personal Information Protection Act 1998 (PPIP Act)*
- *Module 1: GIPA introduction for agency staff*
- *Module 2a: Managing the public's right to government information*
- *Module 2b: The contract register and contract disclosures*
- *Module 2c: Managing the public's right to government information – local councils.*

Work will continue in 2015 – 2016 to develop new accessible training options for our stakeholders.

Training

In 2014 – 2015 IPC staff delivered 26 training and information sessions during the year. While some were combined, 13 sessions were focused on information access and 13 focused on privacy awareness.

Training on relevant legislation, rights and responsibilities, and the role and functions of the IPC was delivered to a range of stakeholders including public sector agencies at the state and local levels, board-governed organisations and government service providers. Training sessions were designed to assist stakeholders in understanding rights and responsibilities and applying relevant legislation, policies and procedures.

Speaking engagements

Information access

Following the tabling of the inaugural *Report on the operation of the Government Information (Public Access) Act 2009 (GIPA Act)* for 2010 – 2013, and then for 2013 – 2014, the Information Commissioner delivered 14 information sessions focussing on the findings of the reports and GIPA compliance in the reporting year.

In addition, the Information Commissioner addressed stakeholders on the right to information and best practice in information management at seven speaking engagements, including addressing the Practitioner's Network quarterly meetings. These sessions included:

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

- National Investigation Symposium 2014: “Open Government: Implications for Investigators”
- Justice Cluster – “Open government” (note: this was an ‘informal ‘ group but a presentation was given)
- NSW Public Sector Open Government Community of Practice Forum (RTK) – “Open Government”
- Legal Wise Seminar – “Good Decision Making and Reason Writing”
- Local Government Managers Australia NSW Governance Network
- University Vice Chancellors of NSW

Privacy

During 2014 – 2015, the Privacy Commissioner received a number of invitations to share her knowledge and expertise on privacy related issues.

In addition to delivering updates and presentations to the Practitioners Network at three of the quarterly forums, the Privacy Commissioner addressed delegates from the public, private and non-government sectors at:

- Holding Redlich Forum – “Perspectives on Privacy”
- PricewaterhouseCoopers Privacy Forum – “A public perspective on privacy”
- iappANZ Privacy @ Play Summit – “Privacy Governance Framework”
- iappANZ – “A Risk Based Approach to Privacy”
- Society of University Lawyers – “Insights on Privacy for Universities”
- Office of Environment and Heritage Privacy (EPA PAW Event) – “Privacy Explained”
- Privacy Awareness Week “Privacy Matters” Forum
- iappANZ Privacy Awareness Week Q&A
- Information Security Community of Practice, Department Finance, Services and Innovation – “Privacy Explained”.

Information Access – GIPA

Advice and support

One of the key principles of the GIPA Act is to encourage agencies to move towards a culture of proactively releasing government information.

In 2014 – 2015, the IPC responded to 19 requests for advice on GIPA. The majority of requests for formal advice were from the NSW government sector (76%).

The Information Commissioner has a responsibility to undertake reviews of agency decisions under the legislation. Through the reviews, the IPC can identify trends and systemic issues on which to focus its assistance, and in turn develop resources to promote agency best practice in line with community expectation.

In 2014 – 2015, the Information Commissioner issued three

fact sheets to assist agencies to meet their obligations under the GIPA Act:

- A fact sheet on the authorised proactive release of government information
- A fact sheet on creating new records under the GIPA Act
- A fact sheet on Legal Professional Privilege as a public interest consideration under the GIPA Act.

An agency guide on GIPA reporting for 2013 – 2014 was also issued in the reporting year to assist agencies to comply with their GIPA annual reporting requirements under section 125 of the GIPA Act. These documents are available on the IPC’s website.

The Information Commissioner made a number of submissions in 2014 – 2015, including submissions to the:

- Senate Inquiry into the *Freedom of Information Amendment (New Arrangements) Bill 2014*
- Statutory review of the *Government Information (Public Access) Act 2009*
- NSW Domestic Violence Disclosure Scheme discussion paper.

Advice files by source

Stream and type of applicant	2014 – 2015	2013 – 2014
GIPA	19	21
State government	14	11
Private individual	1	3
Private organisation*	1	0
Local government	1	1
Parliamentary inquiry	1	1
Other**	1	4
Advocate/lawyer	0	0
Other governments	0	1

* Private organisation includes private business, non-government organisations and peak bodies.

** Other* includes universities, Members of Parliament, Parliamentary Committees, and unknown.

To view the full table that includes details on advice for GIPA, neither Privacy or GIPA related, or both Privacy/GIPA issues, please see Appendix 5.

GIPA statutory review

The Attorney General is currently undertaking a statutory review of the GIPA Act and GLIC Act to determine whether the policy objectives of the Acts remain valid and whether the terms of the Acts remain appropriate for securing these objectives. The review is considering the relationship between the GIPA Act and the PPIP Act. The Information Commissioner

made a submission to the review during the reporting period. The Department of Justice is taking forward this work on behalf of the Attorney General.

The Information Commissioner's submission to the review emphasised that while the access rights and application process under the GIPA Act has provided tangible benefits to the public, there is a need to focus on how to advance the objects of the GIPA Act through other access pathways, such as open access and proactive release, in order to promote the capacity of the Act to inform policy development and service delivery. The Information Commissioner also emphasised that a comprehensive whole-of-government strategic information policy would facilitate the best possible outcomes for an open, accountable and participatory government. Implementation of such a strategy would build on the work being done under the NSW Government ICT strategy and facilitate better policy development and service delivery which reflects citizen input and the management of data whilst also maintaining access and privacy rights in a more coordinated and contemporary way.

The Information Commissioner's submission addressed the potential for the inclusion of a fifth pathway under the GIPA Act for information exchange between agencies. A fifth pathway could provide a clear legal framework for agencies in responding to the growing need to share information to provide holistic solutions for service delivery to NSW citizens.

These submissions will form part of the overall consideration of the Acts through the review process and any subsequent proposals for legislative amendment.

IPC GIPA Tool

Under the GIPA Act, the IPC has a responsibility to provide a resource to assist agencies in processing GIPA applications. In the past this has been done via a tool that was administered by Roads and Maritime Services (RMS).

The IPC has undertaken both internal and external reviews and identified several deficiencies which significantly diminished its uptake and general utility. These included:

- Service interruptions and degraded functionality
- Lack of control of the GIPA Tool product development and maintenance lifecycle within the IPC
- Unreliable operation of internal reporting processes.

The IPC subsequently decided to develop a new GIPA Tool to be managed and administered by the IPC. This will improve governance and management of data collection and provide a more intuitive, efficient way to manage GIPA applications and generate reports.

More efficient data collection and analysis will in turn improve the IPC's timeliness and reduce the cost and effort needed to report on the operation of the GIPA Act as required under the GILC Act.

The new IPC GIPA Tool is a cloud-based and fully supported internet-based service. It was launched on 1 July 2015.

University compliance audit

One of the objectives of the GIPA Act is to open government information to the public by authorising and encouraging proactive release of government information by agencies. Specifically, the GIPA Act sets out disclosure requirements for three classes of government contract with the private sector, in the form of a contracts register for those contracts valued at \$150,000 or over. Three classes of contracts are established, each with different mandated requirements for disclosure.

The Information Commissioner's *Report on the Operation of the Government Information (Public Access) Act 2009: 2013 – 2014* identified the need to collaboratively work with the university sector to promote compliance with the contract reporting requirements of the GIPA Act. During the reporting year, the Information Commissioner commissioned an audit of the universities' exercise of their functions under, and compliance with, the GIPA Act requirements for mandatory disclosure of government contracts with the private sector. The audit was conducted under section 17(g) of the GIPA Act.

The audit was progressed through 2014 – 2015 and will be finalised in early 2015 – 2016. It assessed the effectiveness of the design infrastructure of each contract register and the effectiveness of its operation for compliance with the legislative requirements by universities.

Primary findings of the audit were that universities:

- Have low levels of compliance with the mandatory requirements for contract registers
- Lack operational maturity in managing compliance with the contract register obligations
- Adopt different approaches towards compliance.

The report made recommendations that promote the development of a robust governance framework to support the effective operation of contract registers. Additionally, the report proposed three regulatory actions which reinforce the Information Commissioner's commitment to providing universities and the regulated population with support and guidance to assist them to comply with this legislative scheme. The Information Commissioner will continue to work with universities to implement the audit recommendations and improve compliance in the sector.

GIPA review reports

The IPC is proactively releasing review reports as one of the many resources made available to agencies, business and the public to assist in understanding and implementing the GIPA Act.

During the reporting period the IPC published 23 GIPA review reports. Not all reports prepared by the IPC are published. The review reports are most often published in circumstances where the Information Commissioner is of the view that the report provides new guidance or may provide further guidance in specific areas.

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Agency feedback

The Information Commissioner conducted interviews with a sample of stakeholders in preparing the report on the operation of the GIPA Act for 2013 – 2014. Interviewed stakeholders provided positive feedback on the value and benefits of the report as a whole. In particular, feedback was received on:

- How stakeholders used the report – e.g. agencies used the report to compare performance, focus on improving access to information and to understand the priorities of the Information Commissioner
- The aspects of the report that were the most valuable – e.g. stakeholders identified the inclusion of case studies as a helpful and engaging way to provide guidance on the effective use of the four pathways in the GIPA Act
- The impact of the report on agency decision-making – e.g. the report provided agencies with the ability to understand how the application of the public interest test contributed to more effective decision-making
- How the report content could be enhanced – e.g. stakeholders suggested that future reports could test the experience of users of the GIPA Act.

The Information Commissioner is considering this feedback in preparation for the next report on the operation of the GIPA Act for 2014 – 2015.

Privacy

Advice and support to agencies

Section 36 of the PPIP Act confers a number of functions on the Privacy Commissioner to, for example, promote privacy, publish guidelines, conduct research or inquiries, receive, investigate and conciliate complaints, provide advice on any privacy matters generally, and prepare reports recommending legislative, administrative or other action in the interests of privacy. Discharging these functions requires providing strategic advice to address systemic issues confronting the government and agencies as well as conducting specific activities such as investigation of individual complaints.

The Privacy Commissioner is consulted on proposed legislation, reviews of Acts, program development, discussion papers, guidelines and protocols. The advice often relates to legislative or program proposals and agencies' understanding of the legislation administered by the IPC. The Privacy Commissioner's advice includes leadership on policy issues to the sector.

Over the reporting period, a number of agencies sought advice from the Privacy Commissioner about privacy issues for specific programs or activities. These matters focused in particular on technological hub platforms, data sharing policies and programs across NSW government agencies and crime prevention.

In 2014 – 2015, the Privacy Commissioner responded to 101 requests for advice on privacy. The majority of requests for advice were from the NSW government sector (61%), followed

by other entities (such as universities, Members of Parliament and Parliamentary Committees) (11%) and local government (9%).

The Privacy Commissioner made a number of submissions in 2014 – 2015 including to the:

- Parliamentary inquiry into measures to reduce alcohol and drug-related violence
- Parliamentary inquiry into the conduct and progress of the Ombudsman's inquiry, Operation Prospect
- Inquiry into the *Enhancing Online Safety for Children Bill 2014* and *Enhancing Online Safety for Children (Consequential Amendments) Bill 2014*.
- Statutory review of the GIPA Act
- NSW Domestic Violence Disclosure Scheme discussion paper.

The submissions are available on the IPC website.

The Privacy Commissioner also appeared before the NSW Parliament Legal Affairs Committee on the Inquiry into Debt Recovery in NSW to discuss privacy implications around debt recovery. This followed her written submission made in the 2013 – 2014 financial year.

During the reporting year, the Privacy Commissioner produced three resources to help agencies to meet their obligations under the HRIP Act:

- Genetic Health Guidelines
- Checklist for responding to a request to access health information
- Fact sheet on *Accessing your health information in NSW*.

The Privacy Commissioner launched the *Privacy Governance Framework* to help NSW public sector agencies to manage and comply with NSW privacy law. Further information on the Framework is at page 25 of this annual report.

Advice files by source

Stream and type of applicant	2014 – 2015	2013 – 2014
Privacy	101	129
State government	61	79
Other**	11	9
Local government	9	4
Private individual	7	13
Private organisation*	5	8
Parliamentary inquiry	5	3
Other governments	3	12
Advocate/lawyer	0	1

* Private organisation includes private business, non-government organisations and peak bodies.

** Other* includes universities, Members of Parliament, Parliamentary Committees, and unknown.

To view the full table, please see Appendix 5.

Genetic Health Guidelines

In conjunction with NSW Health, the Privacy Commissioner developed guidelines on *Use and disclosure of genetic information to a patient's genetic relatives: Guidelines for organisations in NSW*. The guidelines were developed to accompany the amendments to the HRIP Act made in early 2012. The amendments took effect from 1 November 2014 and harmonise the NSW and Commonwealth privacy legislation regarding use and disclosure of genetic information and enable an organisation's use and disclosure of genetic information without patient consent to biological relatives, in certain circumstances. The guidelines are intended to assist medical practitioners and set out the requirements that must be met if use or disclosure of genetic information without patient consent to biological relatives is undertaken.

The guidelines were developed in accordance with the HRIP Act and draw upon the National Health and Medical Research Council's Guidelines, *Use and disclosure of genetic information to a patient's genetic relatives under s95AA of the Privacy Act 1988 (Cth)* approved by the Australian Privacy Commissioner.

Privacy Governance Framework

The Privacy Commissioner launched the *Privacy Governance Framework* with the Hon. Michael Kirby AC CMG at the iappANZ Privacy Summit in Sydney in November 2014.

The Framework is an online tool developed to support NSW public sector agencies to meet their responsibilities under NSW privacy law, manage personal information and embed good privacy practices in their business processes. It is aimed at CEOs and senior executives while emphasising

the need to be privacy aware at all organisational levels and at all points of service provision or project planning.

The *Privacy Governance Framework* provides a 'privacy by design' approach to assist NSW public sector agencies respond to the challenges of privacy in:

- setting leadership and governance
- planning and strategy
- program and service delivery
- complaint incident management
- evaluation and reporting.

The Framework was developed in consultation with key departmental Secretaries, practitioners and other jurisdictions in 2013 – 2014. It was the first of its kind in Australia and was followed by the development of similar frameworks in other jurisdictions including Victoria and the Commonwealth. Work continues to develop resources to support the NSW *Privacy Governance Framework* and to include guidance on health privacy. It is available on the IPC's website.

Transborder Privacy Code

Under section 19 of the PPIP Act the Privacy Commissioner is to "prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside of NSW and to Commonwealth agencies". In 1998 it was envisaged that the Privacy Commissioner would introduce a code within 12 months of the enactment of the legislation. For a variety of reasons that did not occur.

As outlined in the IPC's 2013 – 2014 Annual Report, the Privacy Commissioner prepared and submitted a draft



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Transborder Code of Practice for the Attorney General's approval. Following receipt of the Privacy Commissioner's Code, the then Attorney General indicated that the regulation of the disclosure of personal information to other jurisdictions outside NSW is best addressed by a legislative amendment rather than a Code of Practice. During the 2014 – 2015 financial year the Privacy Commissioner has proposed legislative changes to address long-standing public interest directions as per the view of the NSW Law Reform Commission and the need for protection of personal information moved outside NSW by NSW public sector agencies.

Access to health records

In a response to an increase in privacy issues around accessing health information under NSW privacy legislation and following the findings of a public survey commissioned by the Privacy Commissioner, work commenced on the development of three new resources to assist both private and public sector staff dealing with requests for access to health information. The resources are designed to also assist members of the public to understand their rights when accessing health information from NSW public sector agencies, public and private health service providers and organisations that hold health information.

The resources were developed in consultation with our stakeholders and include a *Checklist for public sector staff: Responding to a request to access health information*, a *Checklist for private sector staff: Responding to a request to access health information* and a fact sheet on *Accessing your health information in NSW*. They were launched in January 2015 and are available on the IPC website.

Agency feedback

The Privacy Commissioner has an oversight function in relation to internal reviews conducted by an agency or where an applicant elects to have a complaint handled by the Privacy Commissioner. Data on adoption of recommendations made by the Privacy Commissioner in submissions to agencies on internal reviews is not available. However feedback from complainants is positive where provided.

Not all privacy complaints come to the Privacy Commissioner. Those handled under agencies' general complaint handling mechanisms are not recorded here or available to the Privacy Commissioner.

In relation to NCAT, the role of the Privacy Commissioner is to provide advice and assistance to the Tribunal.

The Privacy Commissioner also has a role to provide assistance to agencies in adopting and complying with the privacy principles under the PPIP Act. During the reporting period the Privacy Commissioner released the *Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act 1998*. The report incorporated feedback from NSW public sector

agencies, non-government organisations and the community on the privacy issues faced by individuals, provided through surveys and requests for comments. Agencies provided feedback that further guidance was required on a range of matters, including:

- The concept of "reasonably ascertainable" identity
- Requirements of consent
- The use of surveillance technologies
- Assistance to non-government organisations in meeting their privacy obligations
- Examples of leading practice, interactive tools and training resources and summaries of NCAT decisions and their implications for agencies
- Matters to be included in agencies' annual reports on the implementation of privacy legislation
- More training on privacy.

The Privacy Commissioner committed in the report's recommendations to developing further guidance on these issues.

Outlook for 2015 – 2016

In 2015 – 2016 the IPC will direct its resources to achieve effective outcomes such as:

- Developing the IPC External Training and Education Strategy for statutory functions
- Implementing the Information Management Scholarship (see CEO overview, page 6 for more information on this initiative)
- Providing implementation advice to regulated entities
- Continuing to represent the Commissioners at the NSW Civil and Administrative Tribunal (NCAT)
- Further developing relationships and liaising with stakeholders and cross-jurisdictional counterparts to inform trends/identify emerging issues
- Focusing on proactive regulatory activities and strategically focused systemic issues to deliver better compliance outcomes
- Developing a Regulatory Framework for the IPC: considering contemporary approaches to regulation to enable a strategic approach to support regulatory activity under the principles-based statutes. This work will support the IPC to deliver outcome-focused and risk-based regulation, with internal and external performance measures calibrated to regulatory goals. This work will also reflect the government's intent of the IPC as an integrated regulatory authority, and enable regulatory activities to be guided by a risk-based approach to regulation, focusing our activity upon emerging issues, entities and sectors that pose a risk to achieving our regulatory objectives.

Priority 3: Review agency performance and decisions and investigate and conciliate complaints

✓ The IPC achieved a 14% reduction in cases on hand at 30 June 2015, compared to 30 June 2014.

✓ Report on the operation of the GIPA Act: 2013 – 2014 tabled January 2015.

✓ Information Commissioner received 337 reviews and complaints, and closed 409 reviews and complaints.

✓ Reduced the number of GIPA on-hand matters over four months old from 63% of open cases at 30 June 2014, to 38% of open cases at 30 June 2015.

✓ Report of the Privacy Commissioner under section 61B of the PPIP Act tabled May 2015.

✓ The Privacy Commissioner received 288 privacy matters and closed 281 privacy matters including 120 privacy complaints and 161 reviews.

Case management and investigation processes

The IPC uses a triage model in dealing with complaints and reviews brought to the Information Commissioner and the Privacy Commissioner for consideration. Matters are generally addressed in order of date of receipt; however a matter requiring urgent attention may be expedited if considered appropriate and necessary.

Information access

In dealing with reviews and complaints brought to the Information Commissioner a range of case management process and delegations are in place to facilitate efficient and effective case management. Under section 18(2) of the GIC Act preliminary enquiries are conducted to determine the substance and scope of a complaint to the Information Commissioner. The degree and nature of the response to any complaint addressed by the Information Commissioner is proportionate to the magnitude of the issue, the immediacy of the response required and mindful of the alternatives available to address the complaint that operates to provide an appropriate outcome for all the parties concerned. The majority of complaints are dealt with under section 19(1)(a) of the GIC Act by providing information to the parties to a complaint. This is effective as in addition to resolving the complaint it serves an educative function of informing more broadly, agencies and the public of the application of the GIPA Act. Reviews are handled similarly by assessing in the first instance the jurisdictional boundaries to ensure external reviews brought

to the Information Commissioner are reviewable decisions brought within the appropriate time frames.

Privacy

The Privacy Commissioner considers a number of factors in addressing complaints brought to her for consideration under the PPIP Act and HRIP Act. In addition to the scope of the complaint and consideration of jurisdictional boundaries the Privacy Commissioner is mindful of advising applicants of the review rights and outcomes available following her handling of the complaint. Where appropriate the Privacy Commissioner advises applicants of the alternatives available for consideration of the privacy issues brought to her attention. Investigations into a complaint culminate in a report which sets out the allegations, the evidence gathered and the Privacy Commissioner's view on the application of the PPIP Act or the HRIP Act to the circumstances. The Privacy Commissioner will make findings in relation to the complaint. In 2014 – 2015 288 privacy matters were received and 281 were closed.

The Privacy Commissioner however does not receive all complaints; an unknown number are managed by agencies under general complaint mechanisms rather than the PPIP Act or HRIP Act.

The Privacy Commissioner where appropriate and necessary makes submissions to agencies in relation to draft internal review reports submitted for her consideration. The Privacy Commissioner uses the opportunity to provide agencies with guidance on the application of the PPIP Act and HRIP Act and to encourage agencies to consider more broadly the necessity of incorporating privacy in agency practice and procedure through consideration of governance documents, revised and widely disseminated privacy management plans, agency wide privacy training and external reporting in agency annual reports of privacy matters considered by the agency.

Resolve system

Resolve is the IPC's case management software and it is utilised to manage the cases that are processed by IPC officers. This platform is the core case management system for the IPC. In 2014 – 2015 the IPC implemented the second phase of the Resolve Enhancement Project. The second phase facilitated settlement of privacy work flows and resulted in enhancements to the Resolve functionality for privacy case management. The enhancements also upgraded issues lists and manual processes, created better visual reporting and enabled the creation of a knowledge management repository to better manage documentation.

The IPC will continue to pursue opportunities to efficiently and effectively manage its case load and promote a strategic risk-based approach to its regulatory functions.

Timely service delivery

The IPC aims to complete 80% of its cases within 60 days and the remainder within 120 days. Delays have been

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experienced in the completion of casework against the IPC published service standards due to the complexity of matters and timeliness of responses received from applicants and agencies party to reviews. However, significant improvements were achieved in 2014 – 2015.

Information Access – GIPA

Report on the Operation of the Government Information (Public Access) Act 2009: 2013 – 2014

Under section 37 of the GILC Act, the Information Commissioner is required to report annually to NSW Parliament on the operation of the GIPA Act generally, across all agencies. The Commissioner's Report on the operation of the GIPA Act for 2013 – 2014 was tabled in Parliament in January 2015.

This report was the first to report on the operation of all four information release pathways. The report's key findings include:

- High levels of compliance with mandatory proactive release by local councils (89%) and the government sector (84%)
- Information release rates have been maintained (74%), refusal rates remain constant (8%) and decisions varied by the internal review process increased to 72% in 2013 – 2014
- There are reduced levels of agency timeliness in deciding access applications (80%) and application numbers continue to fluctuate decreasing by 27% since 2010
- Conduct of annual reviews as part of authorised proactive release is lower compared to past years (64%).

The report identified three new priority areas for the IPC's focus:

- reporting in a digital age
- partnering for solutions
- championing our future.

It also foreshadowed a number of actions that have subsequently been implemented in 2014 – 2015:

- Enhancement of the GIPA case management tool provided by the IPC to enable agencies to better manage applications
- Issuing guidance regarding proactive release
- Increased training including e-learning modules for citizens and agency staff
- Establishing an information management scholarship
- Promoting a holistic approach to information management to deliver greater efficiencies in streamlining service delivery, improve timeliness and promote compliance.

Memorandums of understanding

No new memorandums of understanding were entered into during 2014 – 2015.

GIPA matters

The Information Commissioner is responsible for reviewing agency decisions, investigating and conciliating complaints and monitoring the performance of agencies under the GIPA Act.

In 2014 – 2015 the Information Commissioner received 337 reviews and complaints, and closed 409 reviews and complaints.

This financial year saw the benefits of a number of measures employed by the IPC to improve dealing with reviews and complaints received in a timely manner. Measures employed included the development and execution of standardised work processes and templates to support the delegated model, execution of enhancements made to the case management system and the implementation of practices and procedures enabling proportionate responses to varying types of requests for assistance.

The IPC's finalisation time frames have improved as has its ability to deal with requests for assistance upon receipt, eliminating the delay experienced by applicant's seeking the assistance of the Information Commissioner as was experienced in the previous reporting period.

GIPA matters opened and closed 01/07/14 – 30/06/15

Matter type	Received	Closed	Open
Complaints	51	50	7
Investigations	0	0	0
Reviews	286	359	87
Total	337	409	94

Improving case management

The IPC recognises that more timely and consistent processes deliver more effective regulatory outcomes and guidance to agencies and the community. Accordingly, the IPC has taken the following approach to managing cases:

- Improving case management practices to enable us to identify compliance risks and systemic issues and undertake a proactive approach to investigating and ameliorating those risks and issues
- Further work in 2015 – 2016 to develop a knowledge bank and operations manuals to support good practices in differentiated case management
- In 2015 – 2016, the IPC will develop case management measures and metrics to support continuing improvements in the timely and efficient management of cases.

Complaints – GIPA

The Information Commissioner has responsibility for receiving, assessing and investigating complaints made about the conduct of an agency in the exercise of their functions under the GIPA Act.

The Information Commissioner can decide to deal with a complaint or to decline to deal with a complaint. In assessing whether to accept or decline a complaint the Information Commissioner may make preliminary enquiries for the purpose of deciding how to deal with the complaint.

In the 2014 – 2015 period the Information Commissioner received 51 complaints. In the same period 50 complaints were concluded.

When a complaint is accepted by the IPC the Information Commissioner deals with a complaint by:

- (a) assisting to resolve the complaint,
- (b) providing information, or
- (c) facilitating resolution between the parties through formal and informal processes.

In some cases a complaint may also be dealt with as an investigation. In undertaking an investigation, the Information Commissioner has the necessary power to obtain information, enter premises and interview people. The purpose of the investigation is to gather factual information in relation to the subject matter of the investigation.

The circumstances particular to each individual complaint will determine the manner in which the Information Commissioner proceeds to deal with the complaint. Where an investigation is identified as the appropriate course of action in response to a complaint the IPC conducts a thorough, expeditious and fair investigation maintaining procedural fairness and accountability for its decisions.

Once the investigation is concluded the relevant facts are documented, a conclusion based on the available evidence is drafted and an appropriate and proportionate response in accordance with the GIPA Act and GIIC Act and the principles of procedural fairness is provided to the affected parties.

The Information Commissioner may provide a report on an investigation to the Minister responsible for an agency and the principal officer of an agency.

Privacy

Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act 1998

Under section 61B of the PPIP Act, the Privacy Commissioner is to annually prepare and publish a report on the operation of the PPIP Act for submission to the NSW Parliament. The Privacy Commissioner submitted a statutory report on the operation of the PPIP Act to Parliament on 23 February 2015, which was then tabled on 5 May 2015. This was the first stand alone section 61B report by the Privacy Commissioner.

The report identifies emerging privacy issues and actions and recommendations that the Privacy Commissioner will take to assist agencies to meet their obligations under the PPIP Act. It recommends actions that agencies should take to improve their compliance.

These actions and recommendations addressed themes of:

- privacy and government service delivery
- data security and privacy
- stronger leadership for privacy and personal data
- simpler, more effective privacy regulation.

The report incorporated feedback from NSW public sector agencies, privacy practitioners, non-government organisations and the community on the privacy issues faced by individuals, provided through surveys and requests for comments that were conducted during 2014 – 2015.

Investigations and breach notifications

During the reporting period certain privacy issues were brought to the attention of the Privacy Commissioner.

Transport for NSW – Opal Electronic Ticketing Scheme

The Privacy Commissioner commenced an examination into the Opal Electronic Ticketing Scheme for which Transport for NSW has responsibility. The examination by the Privacy Commissioner considered three main issues in relation to the Opal Electronic Ticketing Scheme – the right to anonymous travel, the disclosure of personal information for law enforcement purposes and the issue of bundled consent. The examination by the Privacy Commissioner is in progress.

The Privacy Commissioner is interested in working with Transport for NSW to ensure the ongoing implementation of the electronic ticketing scheme embeds privacy considerations at the core of its design.

Investigation into the NSW Roads and Maritime Service use of an expired protocol for release of photographic images to the NSW Police Force

In the 2013 – 2014 Annual Report, the Privacy Commissioner reported on an example of poor governance that had come to attention concerning the expiration of a protocol between

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Roads and Maritime Services (RMS) and the NSW Police Force for the provision of personal information from the DRIVES system to NSW Police. This arose due to a failure to address the expiration of an instrument required under the *Road Transport Act 2013* to support the release of photographic images from the DRIVES system.

The Privacy Commissioner initiated an investigation into the privacy matters related to the release of photographic images in the absence of an approved protocol under the *Road Transport Act 2013*. RMS has cooperated fully and positively with this investigation. The final report will be published on the IPC website.

Voluntary Breach Notifications

The Privacy Commissioner received and responded to 11 voluntary breach notifications in the 2014 – 2015 financial year. The Privacy Commissioner in her responses reinforced the importance of privacy security measures in relation to ensuring the security of personal information, the necessity of advising individuals of a breach of privacy and their rights to lodge a complaint with the Privacy Commissioner and the agency.

Privacy management plans

Under the PPIP Act, public sector agencies are required to prepare and implement a privacy management plan (PMP) and provide a copy to the Privacy Commissioner. A PMP is an integral part of public sector agencies' governance frameworks. A PMP documents how privacy obligations are integrated into the functions and activities of the agency and not actioned as a last resort. The PMP sets out the agency's policies and procedures for complying with relevant IPPs and HPPs in their management and dealing with personal information.

PMPs assist and guide staff in their day-to-day handling of personal and health information, and clients who wish to understand the privacy protections and how they are managed.

In the 2014 – 2015 financial period the IPC received 19 PMPs for consideration and responded by providing guidance on 20 PMPs submitted to the Privacy Commissioner for review.

The IPC has developed resources to help NSW public sector agencies write and review their PMPs:

- *A Guide to Making Privacy Management Plans*
- *The Privacy Management Plan Assessment Checklist.*

The IPC assesses PMPs submitted to the Privacy Commissioner for consideration against the above checklist and provides guidance to agencies as required.

The IPC has a PMP in line with the requirements for a PMP under the PPIP Act, that is available on the IPC website. The IPC PMP is reviewed regularly to ensure it is clear, accurate and up to date.

Privacy codes of practice

The Privacy Commissioner or any agency may prepare a Code of Practice under the PPIP Act to modify the application of a privacy or health privacy principle.

Agencies must consult the Privacy Commissioner when preparing Privacy Codes of Practice. Draft Codes are submitted to the Attorney General or Minister for Health who may decide to make the Code.

As at 30 June 2015, there were 14 Privacy Codes operating under NSW privacy legislation. These are available on the IPC's website. One new Code was gazetted in March 2015, the *Privacy Code of Practice and Management Arrangements on the Government Employee Number*.

Public interest directions

Public Interest Directions are made by the Privacy Commissioner with the approval of the Attorney General and, for directions that are related to health information, the Minister for Health, to modify the application of privacy principles in NSW legislation for a specific program or public sector activity. Generally, directions are intended to apply temporarily for transitional or short-term purposes. This has been the position of the Privacy Commissioner since 2011 and remains in place.

As at 30 June 2015, 11 directions were in force which had been made under section 41 of the PPIP Act. One direction had been made under section 62 of the HRIP Act. The directions are available on the IPC website.

Eight of the directions made during 2014 – 2015 under section 41 of the PPIP Act were renewals of existing long-term directions. These directions commenced on 1 July 2015 and expire on 31 December 2015.

An additional two directions under section 41 of the PPIP Act were remade in the 2014 – 2015 financial year for specific programs that have been extended. One of these programs has a corresponding health direction made under section 62 of the HRIP Act, which was also renewed. The directions expire on 31 December 2015. The final section 41 direction was made by the Privacy Commissioner to enable local councils to disclose information for the purposes of the rollout of the National Broadband Network. This direction will expire on 6 May 2016.

Privacy protocols

In accordance with an agency's enabling legislation the Privacy Commissioner may be required to approve a privacy protocol required under legislation specific to another portfolio or agency.

For example, under section (57)(2) of the *Road Transport Act 2013*, the Privacy Commissioner is required to approve privacy protocols that allow Roads and Maritime Services (RMS) to release photographs (driver licence information) to third parties. There are currently six operating RMS protocols.

In June 2015, the Privacy Commissioner received an internal audit report from the NSW Crime Commission on two existing RMS protocols relating to access to photographs by the NSW Crime Commission for matters of non-counter terrorism and for counter-terrorism. The protocol requires that an audit report is provided each year.

During the 2014 – 2015 financial year, the Privacy Commissioner did not approve any new privacy protocols, after approving two in the previous financial year.

Human Research and Ethics Committees

Under the *Health Records and Information Privacy Act 2002* (HRIP Act), the Privacy Commissioner has issued legally binding statutory guidelines on the use or disclosure of health information for research purposes, which require

Human Research Ethics Committees (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 22 HRECs, 20 submitted compliance reports for 2014 – 2015, covering a total of 389 research proposals. In 259 (or 66.6%) of the 389 research proposals, HRECs 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.

No.	Date	HREC carried out between July 2014 – June 2015	Proposals	Without consent	Outweighed public interest
1	3/08/15	Adventist HealthCare Limited	0	No	0
2	11/08/15	Cancer Council NSW Ethics Committee	0	No	0
3	11/08/15	St Vincent's Hospital Human Research Ethics Committee	1	Yes	1
4	13/08/15	Hunter New England Human Research Ethics Committee	21	Yes	21
5	19/08/15	Northern Sydney Local Health District HREC	190	Yes	64
6	20/08/15	North Coast NSW Human Research Ethics Committee (NCNsw HREC)	1	Yes	0
7	21/08/15	Justice Health HREC	2	Yes	2
8	25/08/15	SWSLHD Human Research Ethics Committee South Western Sydney Local Health District	0	No	0
9	26/08/15	Sydney Local Health District – CRGH (EC00118)	21	Yes	21
10	09/09/15	University of Wollongong and Illawarra Shoalhaven LHD Health and Medical HREC (Hospital)	1	Yes	1
11	09/09/15	University of Wollongong and Illawarra Shoalhaven LHD Health and Medical HREC (University)	1	Yes	1
12	09/09/15	University of Wollongong and Illawarra Shoalhaven LHD Social Sciences HREC (Hospital)	0	No	0
13	09/09/15	University of Wollongong and Illawarra Shoalhaven LHD Social Sciences HREC (University)	0	No	0
14	10/09/15	Nepean Blue Mountains Local Health District	0	No	0
15	14/09/15	Royal Rehabilitation Centre, Sydney HREC	0	No	0
16	15/09/15	Great Western Area Health Service	17	Yes	17
17	16/09/15	Sydney Local Health District Ethics Review Committee (RPAH Zone)	42	Yes	42
18	16/09/15	Sydney Childrens Hospital Network	0	No	0
19	17/09/15	South Eastern Sydney Local Health District	54	Yes	54
20	22/09/15	NSE Populations and Health Services Research Ethics Committee	38	Yes	35
TOTAL			389		259

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Privacy matters

Complaints concerning privacy generally or an alleged breach of an Information Protection Principle (IPP) or Health Privacy Principle (HPP) may be made to the Privacy Commissioner.

In 2014 – 2015 the Privacy Commissioner received 184 internal reviews and concluded 161 internal reviews and investigations. Of these internal reviews, the majority concerned 'disclosure' which accounted for 34% of the privacy principles reviewed. This was followed by 'use' which accounted for 18% and 'retention and security of personal information' which accounted for 17%. The number of issues considered exceeds the number of internal reviews brought to the attention of the Privacy Commissioner as a single internal review may raise multiple principles for consideration.

Enhancements made to the case management system addressed the Privacy Commissioner's requirements to capture complete data on the privacy principles raised in internal reviews. Further work is planned to deliver full capability.

Please find below a table that shows the reviews and complaints received by Act and principle.

2014 – 2015 reviews and complaints by Information Protection Principles (IPPs) – PPIP Act

Information Protection Principle*	Reviews	Complaints
Access	11	6
Accuracy	13	5
Collection	31	15
Disclosure	76	30
Other	3	7
Physical privacy	0	2
Retention storage	54	10
Use	55	13
TOTAL	243	88

* Some internal reviews contain more than one IPP.

2014 – 2015 reviews and complaints by Health Privacy Principles (HPPs) – HRIP Act

Health Privacy Principle*	Reviews	Complaints
Access	9	19
Accuracy	9	4
Collection	17	3
Disclosure	37	20
Other	1	6
Physical privacy	0	1
Retention storage	20	1
Use	30	6
TOTAL	123	60

* Some internal reviews contain more than one HPP.

NOTE: Data has been manually collated. There may be a variation for the 2014 – 2015 reporting period once automatic reporting is implemented in the next financial year.

Complaints – Privacy

The Privacy Commissioner is responsible for assessing, investigating and at times conciliating complaints about privacy. Complaints under the PPIP Act deal primarily with alleged breaches of the Information Protection Principles (IPPs) by the NSW public sector. Complaints under the HRIP Act deal primarily with alleged breaches of the Health Privacy Principles (HPPs) by NSW public sector agencies or the private sector. Most private sector complaints relate to requests to obtain health records.

Complaints concerning an alleged breach of an IPP or an HPP may be made to the Privacy Commissioner. In most cases, where the respondent is a public sector agency the Privacy Commissioner recommends that the individual lodge an internal review application under Part 5 of the PPIP Act with the relevant agency, rather than seek investigation or conciliation by the Privacy Commissioner. The rationale for this approach is that the internal review mechanism available under Part 5 of the PPIP Act provides the complainant with the option of taking their complaint to the NSW Civil and Administrative Tribunal (NCAT) if dissatisfied with the outcome of the internal review.

The Privacy Commissioner may decline to investigate a complaint if it is considered frivolous, vexatious, trivial, lacking in substance or not made in good faith. In addition, the Privacy Commissioner can decline a complaint if it can be resolved by referral to a more appropriate agency or if it would be more appropriately dealt with under the internal review provision contained in Part 5 of the PPIP Act.

Generally the PPIP Act does not provide the option of a matter being reviewed by NCAT after it has been investigated by the Privacy Commissioner. If, however, the Privacy Commissioner has made a report under section 47 of the HRIP Act in relation to a private agency or individual, the complainant may apply to NCAT for an inquiry into the original complaint.

The Privacy Commissioner dealt with 120 complaints made under the PPIP Act and HRIP Act. Note that the full quantum of privacy complaints is unknown as many, if not most, are handled through agency general complaints mechanisms with no statutory requirement for reporting to the Privacy Commissioner.

Private organisations represent the highest number of health complaints finalised at 41%. These private organisations are generally health service providers. The NSW public sector represents 35% of complaints dealt with in the reporting period, which is a reduction in complaints compared to the previous year.

The increase in the number of finalised privacy complaints this reporting period reflects the effort directed by the IPC to improving case clearance ratios over this reporting period in order to bolster capacity to direct resources to proactive regulatory activities.

The following table categorises privacy complaints finalised by the industry sector which was the subject of the complaint.

Privacy complaints finalised – PPIP Act and HRIP Act

Type	2014 – 2015	2013 – 2014
Private organisation	48	33
State government	47	28
Private individual	13	15
Local government	9	3
Other government (e.g. Commonwealth)	2	1
Universities*	1	0
Total	120	80

* Not previously reported as a separate category in previous annual reports.

NSW Civil and Administrative Tribunal (NCAT)

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 for 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.

Under the GIPA Act, the individual can seek review by the Information Commissioner before going to NCAT, although such a review is not required before applying to NCAT.

In NCAT proceedings, the Information Commissioner and Privacy Commissioner have the role of *amicus curiae* ("friend" to the Tribunal) and representatives of the Commissioners can attend NCAT upon instruction from the Commissioners to assist with interpretation of the relevant legislation and issues of law. IPC officers cannot assist the parties to the litigation.

The Commissioners continued the practice of appearing in a variety of matters in the initial stages to assess whether the matter would address issues of broad public interest or importance. In some matters, the Tribunal Members may request the Commissioners' additional or continued attendance and involvement, and also may seek submissions in a matter to assist NCAT in its task.

During the reporting period, IPC staff (on instruction from the Commissioners) attended listings of matters before NCAT and made oral and written submissions in a number of matters on a variety of important issues, including the first two matters where restraint orders were made by the Tribunal against access applicants. These matters were *Pittwater Council v Walker* and *Palerang Council and Ors v Powell*. The Tribunal made the restraint orders in both matters in March 2015. Restraint orders limit the number of access applications a person may make and requires the person to seek the approval of the Tribunal prior to making an access application.

The details of the information access and privacy cases are available on the NCAT website under the General Division and Appeal Panel indexes.

The following table summarises the number of cases in NCAT proceedings dealt with during the 2014 – 2015 reporting period.

Act	No. of files opened 01/07/14 – 30/06/15	No. of files closed 01/07/14 – 30/06/15
GIPA	123	115
Privacy	50	29
Total	173	144

As of 30 June 2015 there are 46 open cases.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Public Interest Disclosures and government information contraventions

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

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

Public Interest Disclosures received			
	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
Number of PIDs received, primarily about:			
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

The Information Commissioner is also an investigating authority under the PID Act and may receive complaints about contraventions of the GIPA Act. This is an important function and during the reporting period the IPC obtained advice to inform an enhanced case management approach to these matters. In the reporting year the Information Commissioner received two such complaints. The Information Commissioner also closed five complaints during the reporting year. During the assessment process not all of the complaints satisfied the requirements of the PID Act. The IPC focused on enhancing case management practices to more effectively deal with PID matters. This work will continue to be a focus in the future.

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.

Under section 17 of the GILC Act, the Information Commissioner is empowered to investigate such public interest disclosures, unless the disclosure is about a reviewable decision under the GIPA Act, as section 89(4) of the GIPA Act prevents the Commissioner from considering complaints about reviewable decisions.

Information about the public interest disclosures we have dealt with as an investigating authority is included in the six monthly and annual reporting of public interest disclosures to the NSW Ombudsman.

The Information Commissioner sits on the Public Interest Disclosures Steering Committee, which has a number of roles in overseeing the PID Act, including advising the Premier on the operation of the Act. 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 Ombudsman's website.

NSW 2021 State Plan – Goal 31

The Information Commissioner had lead responsibility under Goal 31 of the NSW 2021 State Plan to improve government transparency by increasing access to government information. The IPC has conducted audits annually on the government sector's compliance with the mandatory proactive release requirements under the GIPA Act. This is publicly reported under Goal 31 of the NSW 2021 State Plan. The IPC submitted data in April 2015.

Outlook for 2015 – 2016

In 2015 – 2016 the IPC will direct its resources to achieve effective outcomes such as:

- Produce the Report on the operation of GIPA Act for 2015 – 2016
- Conduct proactive regulatory initiatives
- Continue to enhance case management practices
- Develop a robust regulatory reporting framework to improve the IPC's performance as a regulator and regulated entities' performance. This will include outcomes based key performance indicators and gathering of other performance information. The IPC will also use complaints and review data to drive compliance. Evidence-based lessons from individual cases will be used to identify systemic issues for proactive regulatory intervention, including through targeted guidance and assistance to regulated entities
- Use a Regulatory Framework for the IPC to support re-balancing resources from reactive to proactive regulatory activities
- Refresh the IPC Service Charter to align with our values, support continued excellence in delivering regulatory services, ensure accountability for our timeliness/quality, transparency about what we can and cannot deal with, and how we deal with complaints and reviews.

Priority 4: Provide feedback to Parliament about the legislation and the relevant developments

✓ Finalised strategic agenda of the Information and Privacy Advisory Committee.

✓ Briefed the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission on the IPC's programs of work.

✓ Tabled statutory reports providing feedback on the operation of the legislation – *Report on the Operation of the Government Information (Public Access) Act 2009: 2013 – 2014* and *Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act 1998*.

✓ Participated in and made submissions to six Parliamentary inquiries.

Information and Privacy Advisory Committee (IPAC)

The IPAC is an advisory body to the Information Commissioner and the Privacy Commissioner. The IPAC was established after the Office of the Information Commissioner merged with Privacy NSW in 2011 and the IPC was created. The IPAC terms of reference are:

1. To advise on matters relevant to the functions of the Information Commissioner and the Privacy Commissioner
2. To advise the Minister (Attorney General) on such matters as may be referred to it by the Minister.

The IPAC met formally three times during the year and responded to issues raised by the Commissioners for advice. In accordance with its Charter, the IPAC convened a special meeting in July 2014 to develop its strategic agenda for 2014 – 2016. The areas of focus agreed by the IPAC were: educating and informing stakeholders to comply; IPC website improvement; use of information in the private health sector; making use of IPAC members' sectoral awareness; input to the GIPA Act statutory review; and identifying and promulgating best practice.

Parliamentary Joint Committee

The functions of the Information Commissioner and Privacy Commissioner are oversighted by the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission. The Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission is a current joint statutory committee, re-established 2 June 2015.

While no inquiries or visits occurred in the 2014 – 2015 reporting year, in February 2014 the Committee held General Meetings and a report was published in August 2014. The report of the meeting is available on the Committee's website: www.parliament.nsw.gov.au/ombudsmanpic.

During the reporting period the Commissioners briefed the Committee on their programs of work and priorities for the year ahead.

Parliamentary inquiries

The Information Commissioner and Privacy Commissioner participate in Parliamentary inquiries when invited and according to the priority of the issue.

The Information Commissioner made a number of submissions in 2014 – 2015, including submissions to the:

- Senate Inquiry into the *Freedom of Information Amendment (New Arrangements) Bill 2014*
- Statutory Review of the GIPA Act (yet to be published)
- NSW Domestic Violence Disclosure Scheme discussion paper.

The Privacy Commissioner made a number of submissions in 2014 – 2015 including to the:

- Inquiry into measures to reduce alcohol and drug-related violence
- Inquiry into the conduct and progress of the Ombudsman's inquiry, Operation Prospect
- Inquiry into the *Enhancing Online Safety for Children Bill 2014* and *Enhancing Online Safety for Children (Consequential Amendments) Bill 2014*
- NSW Domestic Violence Disclosure Scheme discussion paper.

Submissions are available on the IPC website.

The Privacy Commissioner also appeared before the NSW Parliament Legal Affairs Committee on the Inquiry into Debt Recovery in NSW to discuss privacy implications around debt recovery. This followed on from her written submission made in the 2013 – 2014 reporting year.

Outlook for 2015 – 2016

In 2015 – 2016 the IPC will direct its resources to achieve effective outcomes such as:

- Lead and contribute to servicing key stakeholder and governance fora including the Joint Parliamentary Committee
- Deliver annual statutory reports for information access and privacy legislation
- Brief the Joint Parliamentary Committee
- Make submissions to relevant Parliamentary inquiries.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Priority 1: Be recognised as an employer of choice

- The IPC met compliance requirements under the *Government Sector Employment Act 2013*.
- Training in Values and Ethical Behaviour completed by IPC staff.
- Training in statutory interpretation and specific legislative training to support enhanced service delivery completed by IPC staff.
- Delivery of the IPC Values Framework.
- Development of Staff Performance Agreements and Development Plans for all IPC employees.
- The IPC participated in the online 2014 NSW People Matter Employee Survey.
- Delivery of an Internal Communications Framework and forward calendar.
- Enhancements and upgrade of the Resolve case management system completed.

Government Sector Employment Act 2013 – reform requirements

The *Government Sector Employment Act 2013* (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 are appointed to the IPC and are responsible to the Agency Head to assist in the discharge of the dual statutory responsibilities of the Information Commissioner and Privacy Commissioner.

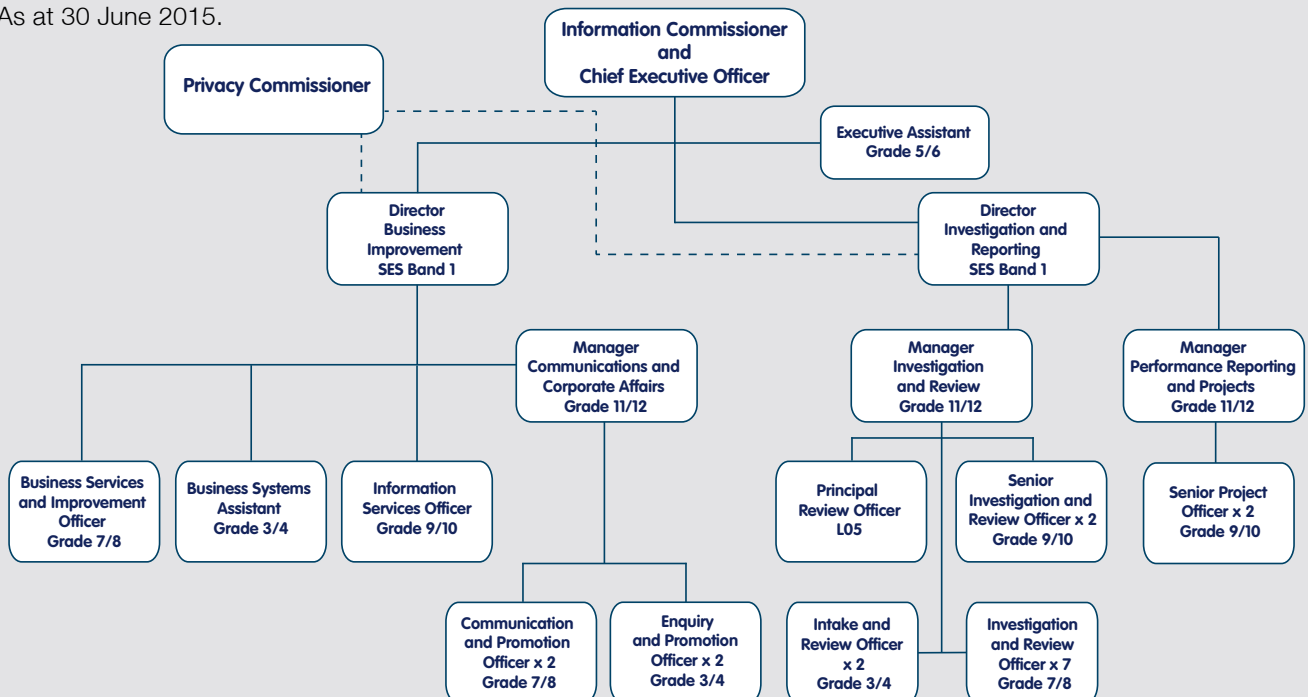
The GSE Act confers additional statutory responsibilities to the Information Commissioner as Agency Head including the power of delegation and the requirement to be fiscally responsible, effective and efficient. These additional responsibilities are not placed on the Privacy Commissioner.

In 2014 – 2015 the IPC met its compliance requirements with the GSE Act by:

- Conducting effective teams training
- Implementing an IPC Values Framework that complements the Public Sector Values
- Conducting Ethical Behaviour training
- Developing Staff Performance Agreements and Development Plans for all IPC employees
- Reviewing all role descriptions to incorporate the capability framework
- Implementing Senior Executive Implementation (SEI) Plan.

Organisational structure

As at 30 June 2015.



KEY:
 SES = Senior Executive Service
 LO = Legal Officer

Senior executive

The IPC has two Statutory Officers, the Information Commissioner and the Privacy Commissioner. The Information Commissioner is the Chief Executive Officer of the IPC. The positions are statutory appointments and are listed under section 11A of the *Statutory and Other Offices Remuneration Act 1975*, and are not included in Schedule 2 for the *Public Sector Employment and Management Act 2002*. The remuneration for the Information Commissioner and Privacy Commissioner as at 30 June 2015 is provided on page 38.



Elizabeth Tydd

LLB, LLM, Cert. Legal Practice, Grad. Cert. Corporate Governance, Dip. Social Welfare

Chief Executive Officer/Information Commissioner

Elizabeth Tydd was appointed as NSW Information Commissioner and CEO of the IPC on 23 December 2013. Ms Tydd is the second Information Commissioner for NSW, succeeding the inaugural Information Commissioner, Deirdre O'Donnell who served until July 2013. Kathrina Lo was Acting Information Commissioner from July 2013 until Ms Tydd's commencement in December 2013..



Dr Elizabeth Coombs

BA (Hons), PhD, Grad Dip MktMgt, Grad Dip Company Directors

Privacy Commissioner

The Privacy Commissioner Dr Elizabeth Coombs, commenced her role in November 2011. The role of the Privacy Commissioner was established as a part-time role.



Samara Dobbins

BA (Industrial Relations), GradDip (Management)

Director, Business Improvement

Samara was appointed Director, Business Improvement of the IPC in January 2015. Samara is responsible for managing the corporate operations of the IPC, ensuring systems and processes and internal governance operating across the agency deliver maximum efficiencies, as well as driving communication strategies to deliver educational resources and engagement opportunities.



Roxane Marcelle-Shaw

B SocSc, Juris Doctor, Graduate Diploma of Legal Practice

Director, Investigation and Reporting

Roxane was appointed as the Director Investigation and Reporting in January 2015. Roxane is responsible for the IPC's regulatory services including the conduct of reviews, investigations, performance reporting, projects and legal services. The Director Investigation and Reporting is also the IPC's Chief Audit Executive.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Executive remuneration

Position	CEO, Information Commissioner
Occupant (full time)	Elizabeth Tydd
Remuneration	\$312,525
Value of remuneration paid as a performance payment	Nil
Criteria used for determining total performance payment	N/A
Period in position	Appointed December 2013
Position	Privacy Commissioner
Occupant (part time 0.6)	Dr Elizabeth Coombs
Remuneration	\$180,957
Value of remuneration paid as a performance payment	Nil
Criteria used for determining total performance payment	N/A
Period in position	Appointed November 2011

Source of requirements: Annual Reports (Departments) Regulation 2010, section 8.

Enterprise Industrial Relations

The Chief Executive Officer met with the Joint Consultative Committee as issues arose. The IPC is a NSW public sector agency, and, as such, has implemented the *Government Sector Employment Act 2013*.

Workplace diversity

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

Employee by category	2014-15 ³	2013-14 ³	2012-13	2011-12
Statutory	2	2	2	2
Administration	26	23	22	26
Professional	1	1	1	5
Total	28	26	25	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).

Note 2: The IPC employs one Legal Officer.

Note 3: These figures refer to head count not positions in the organisational chart.

Statistical information on EEO target groups

The IPC has 28.6 full-time equivalent staff. The IPC filled a number of vacancies this year, with processes in place to recruit people from the EEO target groups where possible.

EEO group	Target	Target (no.)	2014 / 2015	2013 / 2014	2012 / 2013	2011 / 2012
Women	50%	16	69%	77%	88%	79%
Aboriginal & Torres Strait Islander people	2%	1	0%	0%	0%	0%
People whose first language is not English	20%	7	28%	23%	4.2%	18.1%
People with a disability	12%	4	3%	0%	0%	0%
People with a disability requiring work adjustment	7%	2	0%	0%	0%	0%

Recruitment and selection

The IPC's recruitment and selection process aligns with the *Government Sector Employment Act 2013* and *Government Sector Employment Act Rules 2014* to base the assessment of the person's capabilities, experience and knowledge against pre-established standards for the role, in order to determine the person best suited to the requirements of the role and the needs of the IPC.

Code of Conduct

The IPC's Code of Conduct is a guide to ethical workplace behaviour for all employees. The Code was updated during the reporting period. It sets out the minimum standards of conduct expected and applied to all aspects of staff employment, including the workplace environment and workplace activities, and provides all staff of the IPC with an ethical framework for decisions, actions and behaviour.

Staff receive training in the Code as part of their induction. It is based on the Department of Justice Code of Conduct, but adapted for the IPC. It is published on the IPC website.

Flexible work agreement

The IPC operates under the Department of Justice's *Flexible Working Hours Agreement 2006*.

2014 NSW People Matter Employee Survey

The IPC participated in the online *2014 NSW People Matter Employee Survey* which was an opportunity for all NSW public sector employees to have their say about their workplace and to help make the public sector a better place to work. The survey sought views on how well the public sector values and employment principles are applied within the IPC and gathered information on the way in which the IPC, managers and workgroups operate. The survey is run on a biennial basis and the next survey will be conducted in 2016.

During the last reporting period the IPC worked to implement changes that reflect the organisational responses to the survey's themes and findings.

Internal communications framework

During the reporting period the IPC developed an internal communications framework to ensure that the IPC's internal stakeholders are advised of new events, updates, processes, practices and policies in the most effective and timely way. It incorporates a monthly calendar of activities which includes staff meetings, staff emails, CEO updates, Commissioner updates and social activities. The key messages of the framework are that:

- sharing information and collaborating between members of staff is an important activity that promotes and supports the IPC's service goals;
- senior management is committed to open and transparent decision-making;
- the IPC's internal communications strategy for 2015 is informed by the feedback of the staff of the IPC; and
- the IPC's values framework underpins all internal communications to staff.

Work health and safety

No injuries were reported during the reporting period. As an employer, we are required to provide a safe work environment for our staff. We are subject to the provisions and responsibilities outlined in legislation such as the *Work Health and Safety Act 2011* as well as public sector occupational health and safety policies.

The IPC has appointed two new first-aid officers, maintained an injury register, organised emergency evacuation and first-aid training for staff, and included health and safety processes and procedures as part of the induction process. Work Health and Safety (WHS) is included as a standing office meeting agenda item providing a formal opportunity for staff to raise any WHS issues and/or risks. The IPC developed a WHS Safety Management System that was communicated to all staff.

The IPC had no reported work health and safety incidents, however under the system and plan initiated a number of activities to support staff health and wellbeing. This included influenza vaccinations and workstation assessments.

The IPC is also considering the introduction of a standing desk to be available for staff following formal assessment. Staff are also encouraged and supported to participate in lunchtime activities such as walking and yoga.

Waste

The IPC is working with the building management at 1 Castlereagh Street, Sydney and support their efforts to introduce co-mingled recycling. All printers are set to default black and white, and toner cartridges are recycled. The IPC recycled 29.82kg of toners diverting them from landfill. All office purchases are made through NSWBuy including all of the IPC's paper purchases which are certified as carbon neutral.

Corporate services

The IPC has an arrangement with the Department of Justice for the provision of transactional services for finance, human resources, information technology and asset management. During the reporting period the IPC reviewed and enhanced these arrangements.

Information and communication technology

Resolve case management

In 2013 – 2014 a new case management system was implemented, improving the ability to deal with the volume of the reviews and complaints being received at the IPC. In 2014 – 2015 enhancements were developed and implemented to provide improved workflows, document management, standardised templates, a knowledge base and other capabilities. The platform was also upgraded to Resolve 10. The case management system will also be integrated with HP Records Manager (a leading Electronic Document and Records Management System) in the second half of calendar year 2015. These initiatives are targeted to support the efficient and productive handling of the IPC's cases.

Phones

The IPC's single system enquiries line was reviewed during the financial period as part of the organisation's service channel review (see page 46 for more information). The current model is effectively meeting the IPC's service standards however the review recommended a number of operational enhancements to improve service delivery, such as improving phone messaging, technology enhancements in routing calls, and IVR and phone training. These recommendations have been included in a roadmap of work to be commenced in 2015 – 2016.

Website

On 11 August 2015, the IPC launched the new website. As the IPC's central communication channel, considerable work was done to improve the user experience with a cleaner format and simpler navigation, including the addition of web forms to improve efficiency of receiving

Reporting against our strategic objectives

Objective 2: To be an effective organisation

enquiries, applications and information from our stakeholders. An important driver for developing the new website was accessibility, which was built into the new site to comply with W3C's Web Content Accessibility Guidelines (WCAG). We achieved compliance with WCAG 2.0 Level AA for all online channels and IPC resources by December 2014. The website was reviewed as part of the organisation's service channel review and a recommendation is to seek to focus on the mobile site to ensure we are meeting the demand of our stakeholders and the way that information is viewed in today's digital environment. Improvements to the mobile site have been included as a long-term goal in the roadmap of work.

Outlook for 2015 – 2016

In 2015 – 2016 the IPC will direct its resources to achieve effective outcomes such as:

- Functional/service realignment – as the Regulatory Framework develops and to support efficient and effective delivery of regulatory services, review and refresh the alignment of IPC teams to maximise application of expertise and proportionate allocation of resources
- Implementing an Executive Development Program for Directors and Managers
- Implementing an IPC Staff Training and Development Plan
- Maintaining effective internal communication with staff
- Continuing IPC and public sector values training and promulgation
- Providing enabling services that support the IPC business.

Priority 2: Implement a rigorous governance framework

- ✓ The IPC established a records management program as required under section 12(2) of the *State Records Act 1998*.
- ✓ The IPC commissioned report on 'Advancing the Objects of the *Government Information (Public Access) Act 2009* (NSW): An international comparative evaluation of measures used to promote government information release'.
- ✓ The IPC updated the legislative compliance register to comply with the *Government Sector Employment Act 2013*.
- ✓ The IPC formalised arrangements for the provision of corporate services by the Department of Justice.
- ✓ The IPC has adopted the *Information Security Policy* of the Department of Justice, as the major provider of ICT services to the IPC.

Legislative Compliance Register

The Legislative Compliance Register is a standing item on the agenda for the Audit and Risk Committee at each meeting. During 2014 – 2015 the Register was updated to include compliance with the *Government Sector Employment Act 2013* requirements and the creation of two new Director positions.

Recordkeeping

Electronic Document and Records Management System (EDRMS)

In 2014 – 2015 to improve our recordkeeping processes and meet our compliance obligations, we established a records management program as required under section 12(2) of the *State Records Act 1998*.

In 2015 the Justice Cluster commenced a project to establish HP Records Manager as its Electronic Document and Records Management System (EDRMS). This EDRMS was deployed to the IPC with user training provided to the officers who will manage the system.

In 2015 – 2016 the EDRMS will be rolled out to all staff, to improve records management compliance. This will assist the IPC to move away from paper-based recordkeeping.

Research and development

In 2014 – 2015 the IPC commissioned the University of Technology to draft an independent research report on 'Advancing the Objects of the *Government Information*

(Public Access) Act 2009 (NSW): An international comparative evaluation of measures used to promote government information release’.

The independent research report was undertaken within a four-month time frame from March 2015 to June 2015 and is not intended to provide a detailed examination of legislative or policy framework(s). The task of the report was to consider the challenges and opportunities which arise for proactive information release by government and to provide a helpful reference for stakeholders in the context of explaining mechanisms which may usefully and effectively be applied to promote information sharing.

Internet address

During 2014 – 2015 the IPC website was re-launched (see page 15). The URL remains www.ipc.nsw.gov.au.

Insurances

The IPC’s major insurance risks are the security of its staff, property and other assets, and the risk of work-related injuries, which may result in workers’ compensation insurance claims. The IPC has its workers’ compensation insurance with QBE Insurance (Australia) Limited, while GIO General Ltd provides cover for all other insurance policies. Insurance cover for property, liability and miscellaneous insurance is provided by the Treasury Managed Fund (TMF).

There were no incidents that required a claim against our general insurance coverage during the year. There were no claims lodged for workers’ compensation.

Consultants

The IPC commissioned five consultants during the 2014 – 2015 reporting period. Please view the Financial Statements for further details.

Litigation

There were no litigation matters arising for the IPC in the 2014 – 2015 reporting period.

International travel

No international travel was taken during the 2014 – 2015 reporting period.

Agreements with Multicultural NSW

The IPC continues progress actions as part of the *IPC Multicultural Services Plan 2013 – 2016*. As a small department the IPC has an agreement in place with Multicultural NSW to report on its Multicultural Policies and Services Program (MPSP) on a triennial basis. The IPC reported on activities in the 2013 – 2014 Annual Report.

Information Security Management System (ISMS) attestation

The IPC has adopted the *Information Security Policy* of the Department of Justice, as the major provider of ICT services to the IPC. The policy is owned and managed by the Department of Justice’s Chief Information Officer and approved by the Secretary, and details the organisational responsibilities for information security.

Please see page 42 for the Digital Information Security Annual Attestation Statement for 2014 – 2015.

Risk management

Audit and Risk Committee (ARC): Report on activity 2014 – 2015

1. Meetings held and attendance by members:

The Audit and Risk Committee met five times. There was full attendance by each member with the exception of one meeting, as a new member’s term had yet to commence.

2. Key outcomes:

- Internal Audit – O’Connor Marsden & Associates (OCM): commenced Performance Management and Business Reporting
- Internal Audit – OCM: completed Website Post Implementation Review – Phase 2
- Risk Management Framework reviewed against Strategic Plan, Operational Business Plan, and Business Planning Framework.

3. Key outputs:

- Endorsed 2014/15 internal audit plan
- *Risk Management Policy* reviewed and finalised
- All audit reports reviewed and implementation of recommendations monitored
- 2013 – 2014 Financial Statements reviewed and endorsed
- Provided feedback on *Treasury Internal Audit and Risk Management Policy TPP15-03* and advised on its implementation
- Monitoring of *Government Sector Employment Act 2013* implementation
- Fraud and corruption presentation to staff from Independent Commission against Corruption (ICAC) held on 6 May 2015
- Proactive release of ARC minutes continued
- Oversight of IPC/Department of Justice Service Level Agreements negotiations, including correspondence by the Chair to the Department of Justice
- *Digital Information Security Policy* – IPC compliance arrangements reviewed
- External audit and Client Services Plan reviewed and discussed.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Digital Information Security Annual Attestation Statement for 2014 – 2015



information
and privacy
commission
new south wales

Digital Information Security Annual Attestation Statement for the 2014-2015 Financial Year for Information and Privacy Commission

I, Elizabeth Tydd, CEO and Information Commissioner, am of the opinion that through our IT Service provider (Department of Justice – Information Technology Services) the Information and Privacy Commission had an Information Security Management System in place during the 2014-2015 financial year that is consistent with the Core Requirements set out in the *NSW Government Digital Information Security Policy*.

The controls in place to mitigate identified risks to the digital information and digital information systems of the Information and Privacy Commission are adequate. There is no agency under the control of the Information and Privacy Commission which is required to develop independent ISMS in accordance with the *NSW Government Digital Information Security Policy*.

Through our IT Service provider (Department of Justice – Information Technology Services) the Information and Privacy Commission has maintained compliance with *ISO 27001 Information technology - Security techniques - Information security management systems - Requirements* by an accredited third party during 2014 -2015 financial year.

Elizabeth Tydd
IPC CEO and Information Commissioner

Dated 26 August 2015

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www.ipc.nsw.gov.au

4. ARC acquittal of Treasury requirements:

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

- Systems of internal controls are 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
- There are regular due diligence checks
- Appropriate action has been taken to address audit recommendations.

5. Priorities for next year:

- Audit Plan for 2015 – 2016
- Risk Plan for 2015 – 2016
- Review of Legislative Compliance Register
- Review of Financial Statements for 2014 – 2015
- Monitor budget situation and impact of cash management reforms
- Oversight of implementation of IPC Efficiency Review outcomes.

6. Internal audits:

As part of the IPC's 2014 – 2015 internal audit plan, OCM was engaged to review the IPC's implementation of its website redevelopment, and the IPC's proposed Performance Management Framework and the Business Management Framework planned to be implemented and operational for the 2015 – 2016 financial year.

Recommendations from the 2013 – 2014 internal audit of the case management system were progressed. Recommendations from the 2013 – 2014 internal audit of the Records Information Management were closed out.

7. Attestation

Please see page 44 for the Internal Audit and Risk Management Attestation for 2014 – 2015.

GIPA compliance

Under section 125 of the GIPA Act, the IPC is required to report annually on our GIPA obligations.

Clause 7 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 that it holds, so long as there is no overriding public interest against disclosure.

As part of our proactive release program, we review our 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 our website and in other forms as appropriate.

Clause 7(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 includes:

- IPC Annual Report
- Information Commissioner and Privacy Commissioner reports to NSW Parliament
- *Privacy Governance Framework*
- 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 Privacy Commissioner
- Agreements and arrangements with NSW agencies and Commonwealth agencies
- IPC internal policies (i.e. *IPC Records Management Policy, IPC Social Media Policy*)
- Infographics prepared for campaigns based on statutory reports and survey outcomes
- E-learning portal on privacy and information access
- Event listings and campaigns championed by the Information Commissioner, Privacy Commissioner or corporately
- Media releases.

Decisions made on formal access applications

Of the four formal access applications received by the IPC this financial year, it was decided that the information for each application was not held by the IPC. This is because the information for which was requested was for information of other agencies. Due to the commonality of these formal access applications to the IPC, the IPC will be updating the IPC website to emphasise that requests for government information should be directed to the government agency that holds that information.

Statistical information about access applications made

See Appendix 6 for statistical information about access applications made during the year.

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 our report will be submitted to the Attorney General, the Minister responsible for the GIPA Act.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Internal Audit and Risk Management Attestation for 2014 – 2015



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Internal Audit and Risk Management Attestation for the 2014-2015 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 exceptions or transitional arrangements described below, compliant with the eight (8) core requirements set out in the *Internal Audit and Risk Management Policy for the NSW Public Sector*, specifically:

Core Requirements

For each requirement, please specify whether compliant, non-compliant, or in transition¹

Risk Management Framework

- 1.1 The agency head is ultimately responsible and accountable for risk management in the agency
1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS ISO 31000:2009

Compliant

Compliant

Internal Audit Function

- 2.1 An internal audit function has been established and maintained
2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing
2.3 The agency has an Internal Audit Charter that is consistent with the content of the 'model charter'

Compliance

Compliant

Compliant

Audit and Risk Committee

- 3.1 An independent and Audit and Risk Committee with appropriate expertise has been established
3.2 The Audit and Risk Committee is an advisory committee providing assistance to the agency head on the agency's governance processes, risk management and control frameworks, and its external accountability obligations
3.3 The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'

Compliant

Compliant

Compliant

The Chair and Members of the Audit and Risk Committee are:

- Independent Chair, Carolyn Walsh
Initial term - 15/6/11 to 14/6/14, reappointed for 1 further year until 13/06/15
- Independent Member 1, Lyn Baker
Initial term - 15/6/11 to 14/6/14, reappointed for a further 3 years until 13/06/17
- Independent Member 2, Paul Crombie
Initial term - 23/09/2014 to 17/09/2017

I declare that this Internal Audit and Risk Attestation is made on behalf of the Information and Privacy Commission NSW.

Elizabeth Tydd
Information Commissioner, CEO

Dated 14 September 2015

Level 11, 1 Castlereagh Street, Sydney NSW 2000 • GPO Box 7011, Sydney NSW 2001
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Statement of action taken to comply with the PPIP Act

The IPC has a privacy management plan (PMP) as is required by section 33(3) of the PPIP Act and includes our obligations under the HRIP Act. The IPC's PMP outlines how we comply with the principles of the PPIP Act and the HRIP Act.

Statistical details of any review conducted under Part 5 of the PPIP Act

During this reporting year we received four requests for internal review under Part 5 of the PPIP Act. Three of these requests were finalised by June 2015. Enhanced processes including IT solutions were implemented to minimise the risk of breaches within the IPC.

Outlook for 2015 – 2016

In 2015 – 2016 the IPC will direct its resources to achieve effective outcomes such as:

- Develop business practice manuals for each team articulating processes, decision points, time frames, touch points, delegations, templates and work flows
- Adhere to best practice knowledge management and recordkeeping practices and policies
- Review and improve business reporting by considering/adopting contemporary approaches and metrics/KPIs.

Priority 3: Promote continuous improvement of performance

✓ Acquired the IPC Business Plan for 2014 – 2015.

✓ The IPC implemented the NSW Public Sector Performance Development Framework.

✓ Completed a review of the IPC's service channels and developed a roadmap for 2015 – 2016 and forward.

✓ Updated the IPC Open Government Plan for 2015.

✓ Staff completed 1,013 hours of professional development training.

IPC business plan

The IPC Strategic Plan 2013 – 2016 was supported by the development of a business planning framework and a 2014 – 2015 operational business plan to support and prioritise the work of staff. This was monitored and reviewed quarterly by the Leadership Team.

Open Government Plan

The *IPC Open Government Plan* for 2015 was published and updated in January 2015. Initiatives acquitted include the section 37 dataset to be listed on www.ipc.nsw.gov.au; *Report on the Operation of the Government Information (Public Access) Act 2009: 2013 – 2014*, *Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act 1998* and the *IPC Annual Report 2013 – 2014* all available online; proactive release of information which is in the public interest made publicly available; the IPC information disclosure log updated; all new publications uploaded to www.ipc.nsw.gov.au and listed in the Annual Report; proactive investigations into privacy matters – section 36(2)(l) available to view online; the Genetic Health Guidelines available online; and the access to the IPC's social media sites in line with the organisation's *Social Media Policy* available at www.ipc.nsw.gov.au.

Performance development agreements

Under the *Government Sector Employment Act 2013* all government sector agencies were to have a performance management system that met the essential elements set by the Public Service Commissioner by 1 July 2015.

The NSW Public Sector Performance Development Framework produced by the NSW Public Service Commission contains these guidelines and sets the approach for managing all aspects of employee performance in the NSW government sector.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

In 2014 – 2015 the IPC implemented this framework to support staff and organisational development plans, to ensure the implementation of effective performance measures and to support managers in encouraging and facilitating performance.

All staff of the IPC had interim agreements in place before the end of 2014 – 2015 and will have permanent agreements in place that reflect the Business Plan in 2015 – 2016.

Professional development (staff training)

IPC staff are encouraged to keep up-to-date with developments in privacy and information access through continuous professional development.

Staff completed 1,013 hours of professional development representing an average of 39 hours per staff member (based on actual staff numbers of 29).

A foundation training program was introduced to ensure all staff of the IPC completed introductory training in the GIPA and PPIP Acts. Other staff continued to maintain their knowledge and understanding of the government and administrative law practices and approaches. Training sessions and workshops included:

- Crown Solicitor's Office GIPA Act and PPIP Act (Introductory and Advanced)
- IPAA National Investigation Symposium
- Crown Solicitor's Office Statutory Interpretation
- Legalwise Decision Making and Reason Writing
- Aboriginal Cultural Appreciation
- Values and Ethical Behaviour workshops.

Service channel review

As an outcome of the launch of the new IPC website, the organisation identified the need to review the current service delivery channels to better allocate and manage work coming into the IPC relating to enquiries and advice. This review was undertaken with the assistance of an independent consultant. The aim was to understand how the IPC could best drive customers to the existing channels, directing customers efficiently through the system depending on their needs/requests, and improving the inter-connectedness of channels and the IPC. The IPC also wanted to determine how best to maximise and provide a consistent response across all available channels.

The final comprehensive report, delivered in 2014 – 2015, identified opportunities for improved efficiencies and effectiveness of the IPC's enquiries channels. This includes leveraging our current technology and brand to align with the organisation's channel strategy and reporting needs; investing in an omni channel strategy including a mobile site and social media strategy to meet the current demand for accessing the IPC's services faster and on the move;

enhancing our self-service capability to empower our stakeholders; simplifying our services through templates and web forms to streamline processes; and providing a consistent message to stakeholders about who we are and what we offer.

The final report includes a "roadmap for improvement" which will be delivered in 2015 – 2016 and beyond.

Outlook for 2015 – 2016

In 2015 – 2016 the IPC will direct its resources to achieve effective outcomes such as:

- Implementing identified service channel review recommendations
- Drafting and implementing a Performance Reporting Framework
- Implementing an Employee Performance Management and Development Framework for 2015 – 2016
- Revising the IPC Service Charter
- Drafting and implementing an IPC Strategic IT Strategy to assist customers and stakeholders to connect to the services they need, guide IT planning and investment, ensure that technology solutions are aligned to the needs of the IPC and deliver systems that support the IPC's objectives and strategies
- Developing performance measures for case management to achieve the IPC's strategic objectives, with performance metrics that can be used to track and assess the status of our case management process and report against the IPC Service Charter.

Statement by the Information Commissioner

INFORMATION AND PRIVACY COMMISSION

FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

STATEMENT BY INFORMATION COMMISSIONER

Pursuant to Section 45F of the *Public Finance and Audit Act 1983*, I state that:

1. The accompanying financial statements exhibit a true and fair view of the financial position of the Information and Privacy Commission as at 30 June 2015 and transactions for the year then ended.
2. The financial statements have been prepared in accordance with the provisions of the *Public Finance and Audit Act, 1983*, the *Financial Reporting Code for NSW General Government Sector Entities*, the *Public Finance and Audit Regulation 2015* and the Treasurer's Directions.

Further I am not aware of any circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



Elizabeth Tydd
Information Commissioner
Information and Privacy Commission
2 October 2015

Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

Information and Privacy Commission

To Members of the New South Wales Parliament

I have audited the accompanying financial statements of the Information and Privacy Commission (the Commission), which comprise the statement of financial position as at 30 June 2015, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

Opinion

In my opinion the financial statements:

- give a true and fair view of the financial position of the Commission as at 30 June 2015, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 45E of the *Public Finance and Audit Act 1983* (PF&A Act) and the Public Finance and Audit Regulation 2015.

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

Commissioner's Responsibility for the Financial Statements

The Information Commissioner (the Commissioner) is responsible for preparing financial statements that give a true and fair view in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the Commissioner determines is necessary to enable the preparation of financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I conducted my audit in accordance with Australian Auditing Standards. Those standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including an assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

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

My opinion does *not* provide assurance:

- about the future viability of the Commission
- that it carried out its activities effectively, efficiently and economically
- about the effectiveness of the internal control
- 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 other information that may have been hyperlinked to/from the financial statements.

Independence

In conducting my audit, I have complied with the independence requirements of the Australian Auditing Standards and relevant ethical pronouncements. The PF&A Act further promotes independence 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, but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by the possibility of losing clients or income.



David Daniels
Director, Financial Audit Services

2 October 2015
SYDNEY

Our financial performance

Financial statements for the year ended 30 June 2015

Statement of Comprehensive Income

For the year ended 30 June 2015

	Notes	Actual 2015 \$	Budget 2015 \$	Actual 2014 \$
Expenses				
Operating Expenses				
Employee related expenses	2(a)	3,667,724	3,782,000	3,025,432
Other operating expenses	2(b)	1,673,671	1,429,000	1,871,345
Depreciation and amortisation	2(c)	145,823	200,000	169,450
TOTAL EXPENSES EXCLUDING LOSSES		5,487,218	5,411,000	5,066,227
Revenue				
Government grant – recurrent	3(a)	5,087,000	5,093,000	5,076,000
Government grant – capital	3(a)	384,235	483,000	82,905
Government grant – voluntary redundancy	3(a)	192,190	–	–
Investment Revenue	3(b)	38,184	35,000	34,138
Acceptance by the Crown Entity of employee benefits and other liabilities	3(c)	170,955	113,000	161,395
Other Revenue	3(d)	206,145	–	5,668
TOTAL REVENUE		6,078,709	5,724,000	5,360,106
Other gains/(losses)	4	(30,461)	–	–
Net result		561,030	313,000	293,879
Other Comprehensive Income		–	–	–
TOTAL COMPREHENSIVE INCOME FOR THE YEAR		561,030	313,000	293,879

The accompanying notes form part of these financial statements.

Statement of Financial Position

As at 30 June 2015

	Notes	Actual 2015 \$	Budget 2015 \$	Actual 2014 \$
ASSETS				
Current Assets				
Cash and cash equivalents	6	1,101,128	1,407,000	1,538,896
Receivables	7	531,526	44,000	85,446
Total Current Assets		1,632,654	1,451,000	1,624,342
Non-Current Assets				
Plant and Equipment	8	125,380	116,000	161,045
Intangible Assets	9	1,083,642	1,137,000	839,915
Total Non-Current Assets		1,209,022	1,253,000	1,000,960
TOTAL ASSETS		2,841,676	2,704,000	2,625,302
LIABILITIES				
Current Liabilities				
Payables	10	195,884	369,000	550,154
Provisions	11	401,937	204,000	307,820
Total Current Liabilities		597,821	573,000	857,974
Non-Current Liabilities				
Provisions	11	5,954	89,000	90,457
Total Non-Current Liabilities		5,954	89,000	90,457
TOTAL LIABILITIES		603,775	662,000	948,431
NET ASSETS		2,237,901	2,042,000	1,676,871
EQUITY				
Accumulated funds		2,237,901	2,042,000	1,676,871
TOTAL EQUITY		2,237,901	2,042,000	1,676,871

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2015

Statement of Cash Flows

For the year ended 30 June 2015

	Notes	Actual 2015 \$	Budget 2015 \$	Actual 2014 \$
CASH FLOW FROM OPERATING ACTIVITIES				
Payments				
Employee related		(3,377,562)	(3,687,000)	(2,839,258)
Other		(2,556,745)	(2,108,000)	(1,674,254)
Total Payments		(5,934,307)	(5,795,000)	(4,513,512)
Receipts				
Sale of goods and services				
Government grant – recurrent		5,087,000	5,093,000	5,076,000
Government grant – capital		384,235	483,000	82,905
Government grant – voluntary redundancy		192,190	–	–
Interest received		39,840	35,000	27,242
Other		177,620	679,000	–
Total Receipts		5,880,885	6,290,000	5,186,147
NET CASH FLOWS FROM OPERATING ACTIVITIES	12	(53,422)	495,000	672,635
CASH FLOWS FROM INVESTING ACTIVITIES				
Purchases from Plant, Equipment and Intangibles	8, 9	(384,346)	(483,000)	(123,289)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(384,346)	(483,000)	(123,289)
CASH FLOWS FROM FINANCING ACTIVITIES				
NET CASH FLOWS FROM FINANCING ACTIVITIES		–	–	–
NET INCREASE/(DECREASE) IN CASH				
Opening Cash and Cash equivalents		1,538,896	1,395,000	989,550
CLOSING CASH AND CASH EQUIVALENTS	6	1,101,128	1,407,000	1,538,896

The accompanying notes form part of these financial statements.

Statement of Changes in Equity

For the year ended 30 June 2015

	Accumulated funds \$
Balance at 1 July 2014	1,676,871
Net result for the year	561,030
Other comprehensive income	–
Total comprehensive income for the year	561,030
Transaction with owners in their capacity as owners	–
BALANCE AT 30 JUNE 2015	2,237,901
Balance at 1 July 2013	1,382,992
Net result for the year	293,879
Other comprehensive income	–
Total comprehensive income for the year	293,879
Transaction with owners in their capacity as owners	–
BALANCE AT 30 JUNE 2014	1,676,871

Our financial performance

Notes to the financial statements for the year ended 30 June 2015

1. Summary of significant accounting policies

(a) Reporting entity

The Information and Privacy Commission (IPC) is a NSW government department. The Commission is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units. The reporting entity is consolidated as part of the NSW Total State Sector Accounts. It is required to comply with the Financial Reporting Code.

These financial statements for the year ended to 30 June 2015 have been authorised for issue by the Information Commissioner on 2 October 2015.

(b) Basis of preparation

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

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
- the requirements of the *Public Finance and Audit Act 1983* and *Public Finance and Audit Regulation 2015*; and
- the Financial Reporting Directions published in the Financial Reporting Code for NSW General Government Sector Entities or issued by the Treasurer.

Property, plant and equipment are measured at fair value.

Judgements, key assumptions and estimations that management has 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.

The funding for the Commission was made via a grant payment in accordance with the 2014-15 Budget Allocation Letter.

The financial statements have been prepared on a going concern basis.

(c) Statement of compliance

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

(d) Insurance

The Commission'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.

(e) Assets

(i) Acquisition of assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by the Commission. 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.

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

Fair value is the amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction.

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 at an asset-specific rate.

(ii) Capitalisation thresholds

Property, plant and equipment and intangible assets costing \$3,000 and above individually (or forming part of an IT network costing more than \$3,000) are capitalised.

1. Summary of significant accounting policies (continued)

(e) Assets (continued)

(iii) Revaluation of property, 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 (TPP 14-01). This policy adopts fair value in accordance with AASB 13 *Fair Value Measurement*, AASB 116 *Property, Plant and Equipment* and AASB 140 *Investment Property*.

Plant and equipment are measured on an existing use basis, where there are no feasible alternative uses in the existing natural, legal, financial and socio-political environment. However, in the limited circumstances where there are feasible alternative uses, assets are valued at their highest and best use.

Fair value of plant and equipment is determined based on the best available market evidence, including current market selling prices for the same or similar assets. Where there is no available market evidence, the asset's fair value is measured at its market buying price, the best indicator of which is depreciated replacement cost.

The Commission will revalue each class of plant and equipment at least every five years or with sufficient regularity to ensure that the carrying amount of each asset in the class does not differ materially from its fair value at reporting date.

Non-specialised assets with short useful lives are measured at depreciated historical cost, as a surrogate for fair value.

When revaluing non-current assets by reference to current prices for assets newer than those being revalued (adjusted to reflect the present condition of the assets), the gross amount and the related accumulated depreciation are separately restated.

For other assets, any balance of accumulated depreciation at the revaluation date in respect of those assets are credited to the asset accounts to which they relate. The net asset accounts are then increased or decreased by the revaluation increments or decrements.

Revaluation increments are credited directly to the revaluation surplus, except that, to the extent that an increment reverses a revaluation decrement in respect of that class of asset previously recognised as an expense in the net result, the increment is recognised immediately as revenue in the net result.

Revaluation decrements are recognised immediately as expenses in the net result, except that, to the extent that a credit balance exists in the asset revaluation reserve in respect of the same class of assets, they are debited directly to the revaluation surplus.

As a not-for-profit entity, revaluation increments and decrements are offset against one another within a class of non-current assets, but not otherwise.

Where an asset that has previously been revalued is disposed of, any balance remaining in the asset revaluation reserve in respect of that asset is transferred to accumulated funds.

(iv) 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, impairment can only arise in the rare circumstances where the costs of disposal are material. Specifically, impairment is unlikely for not-for-profit entities given that AASB 136 modifies the recoverable amount test for non-cash generating assets for not-for-profit entities to the higher of the fair value less costs of disposal and depreciated replacement cost, where depreciated replacement cost is also fair value.

(f) Depreciation/amortisation of property, plant and equipment

Depreciation is provided for on a straight-line basis for all depreciable assets 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.

Our financial performance

Notes to the financial statements for the year ended 30 June 2015

1. Summary of significant accounting policies (continued)

(f) Depreciation/amortisation of property, plant and equipment (continued)

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

	%
Computer Equipment	25%
Office Equipment	20%
Furniture and Fittings	10%
Intangible Assets – Software	20%
Intangible Assets – Software – Major Projects	10%
Leasehold Improvements	10%

(g) Maintenance

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated.

(h) Intangible assets

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.

The useful lives of intangible assets are assessed to be finite.

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.

The Commission's intangible assets are amortised using the straight-line method.

In general, intangible assets are tested for impairment where an indicator of impairment exists. However, as a not-for-profit entity with no cash generating units, the Commission is effectively exempt from impairment testing.

(i) Payables

These amounts represent liabilities for goods and services provided to the Commission and other amounts, including interest. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method. Short term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(j) Accounting for the goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where:

- The amount of GST incurred by the agency as a purchaser that is not recoverable from the Australian Taxation Office (ATO) is recognised as part of the cost of acquisition of an asset or part of an item of expenses; 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 component 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.

(k) Employee related expenses

- (i) Salaries and wages (including non-monetary benefits), annual leave and paid sick leave that fall due wholly within 12 months of the reporting date – recognised as short-term employee benefits and measured at undiscounted amounts based on the amounts expected to be paid when the liabilities are settled.

1. Summary of significant accounting policies (continued)

(k) Employee related expenses (continued)

- (ii) Annual leave is not expected to be settled wholly before twelve 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 the use of the nominal liability (using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The entity has assessed the actuarial advice based on the entity's circumstances and has determined that the effect of discounting is immaterial to annual leave.
- (iii) Unused non-vesting sick leave – not recognised, as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.
- (iv) On-costs, such as payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment – recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.
- (v) The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. The entity 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 is measured at present value in accordance with AASB 119 *Employee Benefits*. This is based on the application of certain factors (specified in NSWTC 15/09) to employees with five or more years of service, using current rates of pay. These factors were determined based on an actuarial review to approximate present value.
- (vi) 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.
- (vii) Other Provisions exist when: the Commission has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle an obligation; and a reliable estimate can be made of the amount of the obligation. There is no discounting of other provisions as its not material.

(l) Income recognition

Income is measured at the fair value of the consideration or contribution received or receivable. Additional comments regarding the accounting policies for the recognition of income are discussed below.

(i) Government grants

Funding provided by the government grants from Department of Justice is recognised in the year in which it is received or when entitlement for the revenue is established. Control over grants and contributions are normally obtained upon the receipt of cash.

(ii) Investment revenue

Investment revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

(m) Impairment of financial assets

All financial assets, except for those measured at fair value through the profit and loss, are subject to an annual review for impairment. An allowance for impairment is established when there is objective evidence that the entity will not be able to collect all amounts due.

Any reversals of impairment losses are reversed through the Net Result for the Year, where there is objective evidence. Reversal of impairment losses of financial assets carried at amortised cost cannot result in a carrying amount that exceeds what the carrying amount would have been had there not been an impairment loss.

Our financial performance

Notes to the financial statements for the year ended 30 June 2015

1. Summary of significant accounting policies (continued)

(n) Receivables

Receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These financial assets are recognised initially at fair value, usually based on the transaction cost or face value. Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(o) Restoration costs

The estimated cost of dismantling and removing an asset and restoring the site is included in the cost of an asset, to the extent it is recognised as a liability. A new quote was provided by the Asset Management Branch of Department of Justice to reflect the cost increase of the restoration costs due to CPI.

(p) Comparative information

Except when the Australian Accounting Standard permits or requires otherwise, comparative information is disclosed in respect of the previous period for all amounts reported in the financial statements. Comparative information is reclassified when necessary to align to the current year reporting format, as directed by NSW Treasury.

(q) New Australian Accounting Standards issued but not yet effective

At the reporting date, a number of Accounting Standards adopted by the AASB had been issued but are not effective yet and are not adopted by IPC as directed by NSW Treasury Circular TC 15/03. An assessment was made and it was concluded that the adoption of the new standards will not affect the current nor future financial results of the IPC.

- AASB 9, AASB 2010-7, AASB 2013-9 (Part C), AASB 2014-1 (Part E), AASB 2014-7 and AASB 2014-8 regarding financial instruments
- AASB 14 and AASB 2014-1 (Part D) regarding Regulatory Deferral Accounts
- AASB 15 and AASB 2014-5 regarding Revenue from Contracts with Customers
- AASB 1056 Superannuation Entities
- AASB 2014-3 regarding accounting for acquisitions of interests in joint operations
- AASB 2014-4 regarding acceptable methods of depreciation and amortisation
- AASB 2014-6 regarding bearer plants
- AASB 2014-9 regarding equity method in separate financial statements
- AASB 2014-10 regarding sale or contribution of assets between and investor and its associate or joint venture
- AASB 2015-1 regarding annual improvements to Australian Accounting Standards 2012-2014 cycle
- AASB 2015-2 regarding amendments to AASB 101 disclosure initiatives
- AASB 2015-3 regarding materiality.

(r) Budgeted amounts

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) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the primary financial statements is explained in Note 13.

2. Expenses excluding losses

	2015 \$	2014 \$
(a) Employee related expenses		
Salaries and wages (including annual leave)	3,063,842	2,492,771
Payroll tax and FBT	199,162	146,734
Superannuation – defined contribution plans	232,831	200,222
Superannuation – defined benefit plans	55,530	31,390
Workers' compensation insurance	934	24,310
Long service leave assumed by Crown	111,731	128,361
Payroll tax assumed by Crown	3,694	1,644
TOTAL	3,667,724	3,025,432
(b) Other operating expenses		
Administration fees	387,811	253,800
Advertising and publicity	20,700	44,131
Agency staff fees	188,084	332,859
Audit Review Committee fees	16,316	21,350
Auditor's remuneration		
– audit of the financial statements	6,130	17,955
– internal audit	–	50,255
Cleaning	10,093	11,446
Computer related expenses	201,805	169,422
Consultants and contractors	264,128	293,397
Fees – External Client Training	32,978	144,906
Legal services	6,026	18,855
Minor equipment	8,400	1,820
Miscellaneous	39,904	50,818
Miscellaneous fees	24,961	6,786
MV Expense	7,452	2,390
Postage	9,946	9,444
Printing	8,026	4,168
Public liability insurance	–	7,050
Rental	294,423	326,254
Repairs and maintenance*	3,022	853
Staff expenses	98,104	59,263
Stores and Stationery	8,344	7,788
Subscription and membership	5,734	4,144
Telephone	27,351	22,307
Travel	3,933	9,884
TOTAL	1,673,671	1,871,345

Our financial performance

Notes to the financial statements for the year ended 30 June 2015

2. Expenses excluding losses (continued)

	2015 \$	2014 \$
(b) Other operating expenses (continued)		
<i>*Reconciliation – Total Maintenance</i>		
Maintenance expense – contracted labour and other (non-employee related) as above	3,022	853
Total maintenance expenses included in Note 2(b)	3,022	853
<i>There are no maintenance costs within employee related expenses.</i>		
(c) Depreciation and amortisation expense		
Depreciation		
Computer equipment	1,665	10,512
Furniture and fittings	3,091	2,380
Leasehold improvements	22,144	22,144
Other plant and equipment	5,328	6,594
Total depreciation expense	32,228	41,630
Amortisation		
Intangible assets – software	113,595	127,820
Total amortisation expense	113,595	127,820
TOTAL	145,823	169,450

3. Revenue

	2015 \$	2014 \$
(a) Government grants – Department of Justice/Treasury		
Recurrent	5,087,000	5,076,000
Capital	384,235	82,905
Voluntary Redundancy	192,190	–
Total	5,663,425	5,158,905
(b) Investment revenue		
Interest income	38,184	34,138
(c) Acceptance by the Crown Entity of employee benefits and other liabilities		
The following liabilities and/or expenses have been assumed by the Crown Entity:		
Superannuation – defined benefit	55,530	31,390
Long service leave	111,731	128,361
Payroll tax	3,694	1,644
	170,955	161,395
(d) Other revenue		
Reversal of unused provision of make good	87,490	–
Other	118,655	5,668
Total	206,145	5,668

4. Other gains/(losses)

	2015 \$	2014 \$
Impairment loss	(30,461)	–

5. Service group

Information and Privacy Commission service group covers the provision of assistance and advice to agencies and the public, the conduct of legislative and administrative reviews, and other activities to ensure compliance with the *Government Information (Public Access) Act 2009* and NSW privacy legislation.

Our financial performance

Notes to the financial statements for the year ended 30 June 2015

6. Current assets – cash and cash equivalents

For the purposes of the Statement of Cash Flows, cash includes cash at bank and cash on hand. Cash at the end of the reporting period as shown in the Statement of Cash Flows and Statement of Financial Position as follows:

	2015 \$	2014 \$
Cash at bank	1,100,628	1,538,396
Cash on hand	500	500
CLOSING CASH	1,101,128	1,538,896

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

7. Current assets – receivables

	2015 \$	2014 \$
GST receivables	45,044	52,358
Prepayments*	469,440	14,390
Accrued income (interest)	17,042	18,868
	531,526	85,446

All related expenditure and revenue is initially paid/received by the Department of Justice, which then seeks reimbursement/repayment from the Commission.

Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in note 14.

* Prepayment of \$469,440 was mainly due to the establishment of a Service Level Agreement with the Department of Justice for back office support. The Information and Privacy Commission prepaid 2015-16 fees in the current year.

8. Non-current assets – plant and equipment

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Plant & Equipment \$	TOTAL \$
At 1 July 2014 – fair value					
Gross carrying amount	55,756	33,535	302,110	33,549	424,950
Accumulated depreciation	(55,756)	(5,800)	(174,780)	(27,569)	(263,905)
NET CARRYING AMOUNT	–	27,735	127,330	5,980	161,045
At 30 June 2015 – fair value					
Gross carrying amount	52,270	33,535	214,622	33,549	333,976
Accumulated depreciation and impairment	(26,911)	(8,891)	(139,897)	(32,897)	(208,596)
NET CARRYING AMOUNT	25,359	24,644	74,725	652	125,380

8. Non-current assets – plant and equipment (continued)

Reconciliation

A reconciliation of the carrying amount of each class of plant and equipment at the beginning and end of the current reporting period is set out below:

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Plant & Equipment \$	TOTAL \$
Year ended 30 June 2015					
Net carrying amount at start of year	–	27,735	127,330	5,980	161,045
Additions	27,024	–	–	–	27,024
Impairment losses (recognised in 'other gains/losses')	–	–	(30,461)	–	(30,461)
Depreciation expenses	(1,665)	(3,091)	(22,144)	(5,328)	(32,228)
NET CARRYING AMOUNT AT END OF YEAR	25,359	24,644	74,725	652	125,380

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Plant & Equipment \$	TOTAL \$
At 1 July 2013 – fair value					
Gross carrying amount	55,756	5,076	302,110	33,549	396,491
Accumulated depreciation	(45,244)	(3,420)	(152,636)	(20,975)	(222,275)
NET CARRYING AMOUNT	10,512	1,656	149,474	12,574	174,216
At 30 June 2014 – fair value					
Gross carrying amount	55,756	33,535	302,110	33,549	424,950
Accumulated depreciation	(55,756)	(5,800)	(174,780)	(27,569)	(263,905)
NET CARRYING AMOUNT	–	27,735	127,330	5,980	161,045

Reconciliation

A reconciliation of the carrying amount of each class of plant and equipment at the beginning and end of the prior reporting period is set out below:

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Plant & Equipment \$	TOTAL \$
Year ended 30 June 2014					
Net carrying amount at start of year	10,512	1,656	149,474	12,574	174,216
Additions	–	28,459	–	–	28,459
Depreciation expenses	(10,512)	(2,380)	(22,144)	(6,594)	(41,630)
NET CARRYING AMOUNT AT END OF YEAR	–	27,735	127,330	5,980	161,045

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2015

9. Non-current assets – intangible assets

	Software \$
At 1 July 2014	
Gross carrying amount	1,194,667
Accumulated amortisation	(354,752)
NET CARRYING AMOUNT	839,915
At 30 June 2015	
Gross carrying amount	1,551,989
Accumulated amortisation	(468,347)
NET CARRYING AMOUNT	1,083,642

Reconciliation

A reconciliation of the carrying amount of intangible assets at the beginning and end of the current reporting period is set out below:

	Software \$
Year ended 30 June 2015	
Net carrying amount at start of year	839,915
Additions	357,322
Amortisation	(113,595)
NET CARRYING AMOUNT AT END OF YEAR	1,083,642
At 1 July 2013	
Gross carrying amount	1,099,837
Accumulated amortisation	(226,932)
NET CARRYING AMOUNT	872,905
At 30 June 2014	
Gross carrying amount	1,194,667
Accumulated amortisation	(354,752)
NET CARRYING AMOUNT	839,915

Reconciliation

A reconciliation of the carrying amount of intangible assets at the beginning and end of the prior reporting period is set out below:

	Software \$
Year ended 30 June 2014	
Net carrying amount at start of year	872,905
Additions	94,830
Amortisation	(127,820)
NET CARRYING AMOUNT AT END OF YEAR	839,915

10. Current liabilities – payables

	2015 \$	2014 \$
Monies paid by the Department of Justice on behalf of the Commission		
– Employment related	129,211	107,109
– Other	59,420	–
Sundry accruals	2,685	441,187
Corporate Credit Card	4,568	1,858
	195,884	550,154

Details regarding credit risk, liquidity risk and market risk, including a maturity analysis of the above payables, are disclosed in note 14.

11. Current/non-current liabilities – provisions

	2015 \$	2014 \$
Current		
Recreation leave*	333,473	251,447
Long service leave on-costs	68,464	56,373
	401,937	307,820
Non-current		
Long service leave on-costs	5,954	2,967
Make good provision	–	87,490
	5,954	90,457
Aggregate employee benefits and related on-costs		
Provisions – current	401,937	307,820
Provisions – non-current	5,954	2,967
Accrued salaries, wages and on-costs (Note 10)	129,211	107,109
	537,102	417,896

*Recreation leave is expected to be taken within 12 months.

	Make Good Provision \$
Movements in Provisions (other than employee benefits)	
2015	
Carrying amount at the beginning of the financial year	87,490
Unused amounts reserved	(87,490)
CARRYING AMOUNT AT THE END OF THE FINANCIAL YEAR	–

Our financial performance

Notes to the financial statements for the year ended 30 June 2015

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

Reconciliation of cash flows from operating activities to net result as reported in the statement of comprehensive income.

	2015 \$	2014 \$
Net cash flows from Operating Activities	(53,422)	672,635
Depreciation and amortisation expense	(145,823)	(169,450)
Net Loss(Profit) on disposal of non-current assets	(30,461)	–
(Decrease)/increase in receivables and prepayments	446,080	39,726
Decrease/(increase) in payables	354,270	(181,026)
Decrease/(increase) in other provisions	(9,614)	(68,006)
NET RESULT	561,030	293,879

13. Budget review note

Net result

Total expenses were \$76,218 above budget. The overspend in other operating expenses of \$244,671 compared to budget was mainly due to the establishment of a Service Level Agreement with the Department of Justice for the provision of back office administration support during the year. This overspend was partially offset by savings in employee related expenses of \$114,276.

Investment revenue was the interest earned on Westpac Bank Operating Account which was greater than budget by \$3,184. Other revenue of \$206,145 was not budgeted for and it relates to favourable make good adjustments and motor vehicle salary sacrifice arrangements. Capital grant budget shows \$98,765 underspend on capital projects, however \$94,000 was carried forward to FY15/16.

Government grants of \$5,087,000 (2014: \$5,076,000) was for a full year.

The IPC operated within its budgetary parameters. Total comprehensive income was \$248,030 favourable to budget. The saving was mainly due to under budget depreciation and favourable make good lease adjustments.

Assets and liabilities

Total assets were over budget by \$137,676 (2014 over budget by \$794,302) mainly due to prepaid Service Level Agreement fees.

Total liabilities were under budget by \$58,225 (compared to 2014 over budget of \$147,431) mainly due to the reversal of an unused provision for make good.

Total net assets were over budget by \$195,901 (2014 over budget by \$646,871).

Cash flows

Net cash flows outflows from operating activities was \$53,422, unfavourable to budget by \$548,422 mainly due to the prepayment of 2015-16 Service Level Agreement fees in the current year.

Total Payments was over budget by \$139,907 which was due to:

- Underspends of \$309,438 on employment related expenses and \$448,745 of other expenses overspent.

Total Receipts was under budget by \$409,115. The was mainly due to other receipts including GST under budget by \$501,380, Capital grants recouped from Treasury under budget by \$98,765 partially offset by the recoup of Voluntary Redundancy costs of \$192,190.

14. 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 this 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 being established to identify and analyse the risks faced by the Commission, to set risk limits and controls and to monitor risks. Compliance with policies will be reviewed by the Commission on a continuous basis.

(a) Financial instrument categories

	Notes	Category	Carrying amount 2015 \$	Carrying amount 2014 \$
Financial assets				
Class:				
Cash assets	6	N/A	1,101,128	1,538,896
Receivables (1)	7	Receivables at amortised cost	17,042	18,698
Financial liabilities				
Class:				
Payables (2)	10	Financial liabilities measured at amortised cost	195,884	550,154

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

(2) Excludes unearned revenue (i.e. not within the scope of AASB 7).

(b) Credit risk

Credit risk arises when there is the possibility of the Commission's debtors defaulting 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.

Cash

Cash comprises cash on hand and bank balances. Interest is earned on daily bank balances.

Receivables – trade debtors

All trade debtors are recognised as amounts receivable at balance date. Collectibility of trade debtors is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letter of demand. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the entity will not be able to collect all amounts due. This evidence includes past experience, and current and expected changes in economic conditions and debtor credit ratings. No interest is earned on trade debtors. Sales are made on 30 day terms.

The Commission is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors. There are no debtors which are currently not past due or impaired whose terms have been renegotiated.

Our financial performance

Notes to the financial statements for the year ended 30 June 2015

14. Financial instruments (continued)

(b) Credit risk (continued)

	Total	Past due but not impaired \$	Considered impaired \$
2015			
< 3 months overdue*	17,042	17,042	–
2014			
< 3 months overdue	18,698	18,698	–

Notes: The ageing analysis excludes statutory receivables, as these are not within the scope of AASB 7.

* Interest on deposits paid half yearly by Treasury. Next interest instalment due September 2015.

(c) 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.

During the current year, there was no default or breach on any loans payable. No assets have been pledged as collateral. The Commission's exposure to liquidity risk is deemed insignificant based on current assessment of risk.

The 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 NSW TC 11/12. 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.

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

Maturity analysis and interest rate exposure of financial liabilities

	Interest Rate Exposure						
	Weighted Average Effective Interest Rate	Nominal Amount \$	Interest Rate Exposure		Maturity Dates		
			Variable Interest Rate \$	Non-interest bearing \$	<1 year	1-5 years	>5 years
2015							
Financial Liabilities							
Payables	–	195,884	–	195,884	195,884	–	–
		195,884	–	195,884	195,884	–	–
2014							
Financial Liabilities							
Payables	–	550,154	–	550,154	550,154	–	–
		550,154	–	550,154	550,154	–	–

14. Financial instruments (continued)

(d) Market risk

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 the Commission's borrowings and other price risks associated with the movement in the unit price of the Hour Glass Investment facilities. The Commission has no exposure to foreign currency risk and does not enter into commodity contracts.

The effect on operating performance and equity due to a reasonably possible change in risk variable is outlined in the information below, for interest rate risk and other price risk. A reasonably possible change in risk variable has been determined after taking into account the economic environment in which the Commission operates and the time frame for the assessment (i.e. until the end of the next annual reporting period). The sensitivity analysis is based on risk exposures in existence at the statement of financial position date. The analysis assumes that all other variables remain constant.

Interest rate risk

Exposure to interest rate risk arises primarily through the Commission's interest bearing liabilities. This risk is minimised by undertaking mainly fixed rate borrowings, primarily with NSW TCorp. The Commission does not account for any fixed rate financial instruments at fair value through profit or loss or as available for sale. Therefore for these financial instruments a change in interest rates would not affect profit or loss or equity. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates. The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility. Commencing in 2015-16, Treasury has 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. The Commission's exposure to interest rate risk is set out below.

	Carrying Amount \$	-1%		+1%	
		Profit \$	Equity \$	Profit \$	Equity \$
2015					
Financial assets					
Cash assets	1,101,128	-	-	-	-
Receivables	17,042	-	-	-	-
Financial liabilities					
Payables	195,884	-	-	-	-
2014					
Financial assets					
Cash assets	1,538,896	(15,389)	(15,389)	15,389	15,389
Receivables	18,698	-	-	-	-
Financial liabilities					
Payables	550,154	-	-	-	-

(e) Fair value

Financial instruments are generally recognised at cost.

The amortised cost of financial instruments recognised in the balance sheet approximates the fair value, because of the short term nature of many of the financial instruments.

Our financial performance

Notes to the financial statements for the year ended 30 June 2015

15. Commitments

	2015 \$	2014 \$
(a) Capital Commitments		
Aggregate capital expenditure contracted for at balance date and not provided for:		
Not later than one year	–	16,851
TOTAL (INCLUDING GST)	–	16,851
(b) Operating Lease Commitments		
Future non-cancellable operating lease rentals not provided for and payable:		
Not later than one year	236,009	358,515
Later than one year and not later than five years	–	227,441
TOTAL (INCLUDING GST)	236,009	585,956

The operating lease commitment relates to a lease currently held in relation to the occupancy of premises by the Commission in the Sydney CBD.

The total “Capital Commitments” and “Operating Lease Commitments” include input tax credits of \$21,455 (2014: \$53,269), which are expected to be fully recoverable from the ATO.

16. Contingent liabilities

The Commission is unaware of any matters that may lead to any significant contingent liability.

17. Events after the reporting period

There are no after balance date events that may materially impact the financial statements for the year ended 30 June 2015.

End of Audited Financial Statements.

Appendix 1 – Information Protection Principles (IPPs)

The 12 Information Protection Principles (IPPs) are your key to the *Privacy and Personal Information Protection Act 1998* (PPIP Act).

These are legal obligations which NSW public sector agencies, statutory bodies, universities and local councils must abide by when they collect, store, use or disclose personal information. As exemptions may apply in some instances, it is therefore suggested you contact the Privacy Contact Officer at the agency or the Information and Privacy Commission NSW (IPC) for further advice.

The Information Protection Principles are:

Collection

1. **Lawful** – the agency must only collect personal information for a lawful purpose. It must be directly related to the agency's function or activities and necessary for that purpose.
2. **Direct** – the agency must only collect personal information directly from you, unless you have authorised collection from someone else, or if you are under the age of 16 and the information has been provided by a parent or guardian.
3. **Open** – the agency must inform you that the information is being collected, why it is being collected, and who will be storing and using it. You must also be told how you can access and correct your personal information, if the information is required by law or is voluntary, and any consequences that may apply if you decide not to provide it.
4. **Relevant** – the agency must ensure that your personal information is relevant, accurate, complete, up-to-date and not excessive. The collection should not unreasonably intrude into your personal affairs.

Storage

5. **Secure** – the agency must store personal information securely, keep it no longer than necessary and dispose of it appropriately. It should also be protected from unauthorised access, use, modification or disclosure.

Access

6. **Transparent** – the agency must provide you with details regarding the personal information they are storing, why they are storing it and what rights you have to access it.

7. **Accessible** – the agency must allow you to access your personal information without excessive delay or expense.
8. **Correct** – the agency must allow you to update, correct or amend your personal information where necessary.

Use

9. **Accurate** – agencies must ensure that your personal information is relevant, accurate, up to date and complete before using it.
10. **Limited** – agencies can only use your personal information for the purpose for which it was collected unless you have given consent, or the use is directly related to a purpose that you would expect, or to prevent or lessen a serious or imminent threat to any person's health or safety.

Disclosure

11. **Restricted** – the agency can only disclose your information in limited circumstances if you have consented or if you were told at the time they collected it that they would do so. An agency can also disclose your information if it is for a directly related purpose and it can be reasonably assumed that you would not object, if you have been made aware that information of that kind is usually disclosed, or if disclosure is necessary to prevent a serious and imminent threat to any person's health or safety.
12. **Safeguarded** – the agency cannot disclose your sensitive personal information without your consent, for example information about your ethnic or racial for example, information about ethnic or racial origin, political opinions, religious or philosophical beliefs, sexual activities or trade union membership. It can only disclose sensitive information without consent in order to deal with a serious and imminent threat to any person's health or safety.

Appendix 2 – Health Privacy Principles (HPPs)

The 15 Health Privacy Principles (HPPs) are the key to the *Health Records and Information Privacy Act 2002* (HRIP Act).

These are legal obligations which NSW public sector agencies and private sector organisations must abide by when they collect, hold, use and disclose a person's health information. Exemptions may apply, therefore it is suggested you contact the Privacy Contact Officer or the Health Information Manager in the organisation or agency in the first instance. Or contact the Information and Privacy Commission NSW (IPC) for further advice.

The Health Privacy Principles are:

Collection

1. **Lawful** – an agency or organisation can only collect your health information for a lawful purpose. It must also be directly related to the agency or organisation's activities and necessary for that purpose.
2. **Relevant** – an agency or organisation must ensure that your health information is relevant, accurate, up-to-date and not excessive. The collection should not unreasonably intrude into your personal affairs.
3. **Direct** – an agency or organisation must collect your health information directly from you, unless it is unreasonable or impracticable to do so.
4. **Open** – an agency or organisation must inform you of why your health information is being collected, what will be done with it and who else might access it. You must also be told how you can access and correct your health information, and any consequences if you decide not to provide it.

Storage

5. **Secure** – an agency or organisation must store your personal information securely, keep it no longer than necessary and dispose of it appropriately. It should also be protected from unauthorised access, use or disclosure.

Access and accuracy

6. **Transparent** – an agency or organisation must provide you with details regarding the health information they are storing, why they are storing it and what rights you have to access it.
7. **Accessible** – an agency or organisation must allow you to access your health information without unreasonable delay or expense.

8. **Correct** – allows a person to update, correct or amend their personal information where necessary.
9. **Accurate** – ensures that the health information is relevant and accurate before being used.

Use

10. **Limited** – an agency or organisation can only use your health information for the purpose for which it was collected or a directly related purpose that you would expect (unless one of the exemptions in HPP 10 applies). Otherwise separate consent is required.

Disclosure

11. **Limited** – an agency or organisation can only disclose your health information for the purpose for which it was collected or a directly related purpose that you would expect (unless one of the exemptions in HPP 11 applies). Otherwise separate consent is required.

Identifiers and anonymity

12. **Not identified** – an agency or organisation can only give you an identification number if it is reasonably necessary to carry out their functions efficiently.
13. **Anonymous** – gives you the option of receiving services anonymously, where this is lawful and practicable.

Transferrals and linkage

14. **Controlled** – your health information can only be transferred outside New South Wales in accordance with HPP 14.
15. **Authorised** – your health information can only be included in a system to link health records across more than one organisation if you expressly consent to this.

Appendix 3 – IPC Strategic Plan 2013 – 2016

Our strategic objectives

1. To uphold and protect information and privacy rights.
2. To be an effective organisation.

Objective 1: To uphold and protect information and privacy rights.

Priority: The IPC promotes and educates the community about peoples' privacy and information access rights under the legislation.

Strategies

- Champion information access and privacy rights
- Publish accurate and clear information about the GIPA, PPIPA and HRIPA legislation, and provide access to online education courses and materials on the IPC website, using a wide range of media, technologies and approaches
- Provide an effective and responsive enquiry service for the community
- Provide easily accessible mechanisms for the community to provide feedback and suggestions on the IPC's products and services.

Success measures

- The IPC and the Information Commissioner and Privacy Commissioner are recognised in the community as champions for information access and privacy rights
- The community has access to current, clear and helpful information, and online education courses and materials on information access and privacy legislation through a variety of media
- Our services are accessible and responsive to diverse community needs
- We receive positive and constructive feedback from the community about our information, advice and education resources.

Priority: The IPC assists the NSW public sector and business to understand and implement the GIPA, PPIP and HRIP legislation.

Strategies

- Support agencies and business to understand and implement privacy positive practices in core and corporate support activities
- Support agencies to implement a proactive and informal information release program and develop their culture around it
- Support agencies in complying with PPIPA, HRIPA and GIPA internal review requirements
- Provide an effective and responsive enquiry service for agencies and business
- Publish accurate, clear and tailored information, guidelines and resources for agencies and business on the IPC website and a range of other media channels
- Provide targeted online education courses and resources, webinars and other educational services and products using innovative technologies, media channels and partnerships with agencies and organisations
- Provide easily accessible mechanisms for agencies and business to provide feedback and suggestions on the IPC's products and services
- Support the NSW Right to Information and Privacy Practitioners' Network Forum through the provision of information and targeted education programs and resources.

Success measures

- Agencies and business see us as professional and accessible, seek our guidance and trust our advice
- Agencies and business have access through a variety of media to information and educational programs and activities tailored to their needs
- Agencies and businesses use our educational resources and seek our input to assist in their compliance with our legislation
- Agencies contribute constructive suggestions for improvement in our service delivery, information resources and educational programs
- The agency practitioner forum network is well supported and effective in promoting good practice in agencies.

Appendices

Priority: The IPC reviews agency performance and decisions by investigating and conciliating complaints.

Strategies

- Develop, implement and continuously improve efficient and effective review, conciliation, investigation and compliance monitoring systems and processes
- Provide clear and concise reports to the Joint Parliamentary Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission on agency performance in meeting their legislative obligations under GIPA Act, PPIP Act and HRIP Act
- Provide updates to agencies on issues identified through the IPC's review of agency performance and decisions to inform the continuous improvement of agency practice.

Success measures

- Our systems, processes and protocols for reviewing agency performance and decisions, conciliating and investigating complaints and monitoring compliance are clear, easy to use and support a fair, transparent and consistent approach to the review of privacy and information access matters and decision making across the IPC
- Information systems and templates support our review of agency performance and our reporting to the Joint Parliamentary Committee on agency performance in meeting their legislative obligations under GIPA Act, PPIP Act and HRIP Act and our own performance in administering the legislation
- Our guidelines and information updates are viewed as useful by agencies and we observe improvement in agency performance and practice.

Priority: The IPC provides feedback about the legislation and relevant developments in law and technology.

Strategies

- Provide easily accessible mechanisms for members of the public, agencies and other stakeholders to provide feedback on their experiences with the legislation
- Establish effective systems to monitor feedback and trends and identify emerging issues to inform the Commissioners' feedback to Parliament on the effectiveness of the legislation, policy development and legislative review
- Develop and maintain productive relationships with information and privacy bodies in other jurisdictions to monitor and report on developments in law, policy and technology.

Success measures

- We hear from our stakeholders often, and with ease, through a variety of media about their experiences
- We participate in cross-jurisdictional forums concerning information and privacy issues and contribute to the public debate in these areas
- We provide rigorous, evidence based reports to Parliament on the effectiveness of the legislation
- Policy development and legislative amendment at state and national levels are informed by our monitoring and reporting, and reflect our recommendations for change.

Objective 2: To be an effective organisation.

Priority: The IPC is recognised as an employer of choice.

Strategies

- Build a culture that reflects our values
- Develop and implement a supportive people management program
- Maintain effective internal and external communications with staff and stakeholders
- Implement the Disability Action Plan, Aboriginal Action Plan and Multicultural Action Plan
- Implement a work health and safety plan for the IPC.

Success measures

- We attract, develop and retain a diverse professional, cross skilled workforce who experience a high rate of job satisfaction
- Our people are equipped and supported in their work
- Our values are reflected in all our activities
- We have effective and engaging communication, including forums with staff and stakeholders for information sharing, feedback and consultation
- We use a variety of innovative and cost effective approaches to develop individual, team and organisational capability
- We have a positive, inclusive and safe working environment.

Priority: The IPC has a rigorous governance framework.

Strategies

- Align structures, policies, systems and processes, stakeholder engagement and monitoring and reporting regimes to our legislative functions, strategic directions and priorities
- Align the risk management and financial management frameworks to our legislative functions and strategic directions and priorities
- Build an information platform to support compliance with legislation and government policies and facilitate effective monitoring and reporting on our performance.

Success measures

- All elements of our governance framework are in place and operating well
- Our information platform and technology solutions support our business
- We have a transparent financial management and reporting process which is easily understood
- We have great recordkeeping practices and our data and information are easily accessible and appropriately managed in accordance with our legislative obligations
- We are aware of, and comply with, all legislative, corporate and public sector responsibilities
- We have developed and adhere to clear and accessible internal processes and procedures.

Priority: The IPC promotes and supports continuous improvement of performance.

Strategies

- Develop and implement a strategic management calendar
- Develop and implement annual IPC business plans which include organisation, team and cross-team projects and initiatives
- Upgrade our technology platform and capability to support our work
- Periodically review the organisation structure to align with strategic priorities
- Develop and implement achievement plans for all staff that are linked to our strategic plan and annual business plans
- Promote and encourage innovative approaches to our work and service delivery
- Monitor, measure and report on our performance against agreed standards.

Desired results

- Staff and stakeholders are clear about the IPC's priorities and work plan
- Staff are clear about their role in meeting the IPC's legislative functions as well as strategic and operational priorities
- The IPC endeavours to adopt innovative technologies and solutions to improve service delivery
- Staff contribute innovative solutions to improve performance
- We have a consolidated set of internal and external targets which we measure and report on to the Parliament and the community.

Appendices

Appendix 4 – Publications list

All publications listed below are available on the IPC website.

Reports

- *Annual Report 2013 – 2014*
- *Report on the operation of the Government Information (Public Access) Act 2009: 2013 – 2014*
- *Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act 1998: February 2015*

IPC resources

- *IPC dealing with unacceptable behaviour enquiries protocol*
- *IPC staff physical security guidelines*
- *How to make a complaint about us*
- *IPC Social Media Policy*
- *IPC Social Media Procedures*

Information access resources

- *Fact sheet – Legal professional privilege*
- *Fact sheet – Internal reviews under the GIPA Act*
- *Fact sheet – Creating new records under the GIPA Act*
- *Fact sheet – Authorised proactive release of government information*
- *Fact sheet – Your rights to accessing government information in NSW (English plus translated into 10 languages)*
- *Knowledge update – Reasonable searches under the GIPA Act*
- *Guideline – Agency guide on GIPA reporting*
- *IPC GIPA Tool User Guide*

Privacy resources

- *Fact sheet – Accessing your health information in NSW*
- *Fact sheet – Information Protection Principles (IPPs) for the public*
- *Fact sheet – Information Protection Principles (IPPs) for agencies*
- *Fact sheet – A guide to privacy in NSW (English plus translated into 10 languages)*

- *Form – HREC Report to the NSW Privacy Commissioner*
- *Guideline – NSW Genetic Health Guidelines: Use and disclosure of genetic information to a patient's genetic relatives: Guidelines for organisations in NSW*
- *Privacy Governance Framework*
- *Checklist for public sector staff: responding to a request to access health information*
- *Checklist for private sector staff: responding to a request to access health information*
- *Checklist – Privacy Awareness Week 2015: Privacy Matters @ Any Age*
- *Poster – Privacy Awareness Week 2015: Privacy Matters @ Any Age*

Submissions

Information Commissioner

- *Senate Inquiry into the Freedom of Information Amendment (New Arrangements) Bill 2014*
- *Statutory review of the Government Information (Public Access) Act 2009*
- *NSW Domestic Violence Disclosure Scheme discussion paper*

Privacy Commissioner

- *Inquiry into measures to reduce alcohol and drug-related violence*
- *Inquiry into the conduct and progress of the Ombudsman's inquiry, Operation Prospect*
- *Inquiry into the Enhancing Online Safety for Children Bill 2014 and Enhancing Online Safety for Children (Consequential Amendments) Bill 2014*
- *NSW Domestic Violence Disclosure Scheme discussion paper*
- *Statutory review of the Government Information (Public Access) Act 2009*

Public Interest directions renewed or made

PPIP Act

- *Direction relating to the Disclosure of Information to Credit Reporting Agencies*
- *Direction on the Collection of Personal Information about Third Parties by New South Wales Public Sector (Human Services) Agencies from their Clients*

- Direction on Disclosures of Information by the New South Wales Public Sector to the National Coronial Information System (NCIS)
- Direction on Disclosures of Information by Public Sector Agencies for Research Purposes
- Direction on Information Transfers between Public Sector Agencies Direction on Processing of Personal Information by Public Sector Agencies in relation to their Investigative Functions
- Direction for the Department of Family and Community Services and Associated Agencies
- Direction on the Disclosure of Information to Victims of Crime
- Direction under section 41(1) of the *Privacy and Personal Information Protection Act 1998* in relation to Life on Track
- Direction under s. 41(1) of the *Privacy and Personal Information Protection Act 1998* in relation to Youth on Track
- Direction on the Disclosure of Personal Information by Councils to NBN Co Limited for the delivery of the National Broadband Network

HRIP Act

- Direction under s. 62 of the *Health Records and Information Privacy Act 2002* in relation to Youth on Track

Privacy Protocols

- Police Access to Photos – Major Crimes and Missing Persons Investigations
- Access to driver licence photos via mobile data terminals in Police vehicles
- NSW Crime Commission – Access to RMS Photographs Non Counter Terrorism
- Access by Identity Security Strike Team to information held by RMS
- Access, retrieval and release of photographic images held on the Roads and Traffic Authority's DRIVES Computer System for counter terrorism purposes (please note that this Protocol is not on the IPC website)
- Protocol for the Australian Security Intelligence Organisation's access to photographic images and associated data held on the NSW Roads and Traffic Authority's DRIVES Computer System for the purpose of investigating terrorism offences as defined in Section 4 of the *Australian Security Intelligence Organisation Act 1979* (please note that this Protocol is not on the IPC website).

Appendix 5 – Advice files by source

Stream and type of applicant	2014 – 2015	2013 – 2014
GIPA	19	21
State government	14	11
Private individual	1	3
Private organisation*	1	0
Local government	1	1
Parliamentary inquiry	1	1
Other**	1	4
Advocate/lawyer	0	0
Other governments	0	1
Privacy	101	129
State government	61	79
Other**	11	9
Local government	9	4
Private individual	7	13
Private organisation*	5	8
Parliamentary inquiry	5	3
Other governments	3	12
Advocate/lawyer	0	1

Stream and type of applicant	2014 – 2015	2013 – 2014
Neither GIPA or Privacy related	12	1
State government	6	0
Private individual	3	1
Private organisation*	2	0
Other governments	1	0
Local government	0	0
Parliamentary inquiry	0	0
Advocate/lawyer	0	0
Other**	0	0
Both GIPA/ Privacy issues	2	7
State government	2	6
Private individual	0	1
Parliamentary inquiry	0	0
Local government	0	0
Private organisation*	0	0
Other governments	0	0
Advocate/lawyer	0	0
Other**	0	0
Grand total	134	158

* Private organisation includes private business, non-government organisations and peak bodies.

** Other' includes universities, Members of Parliament, Parliamentary Committees, and unknown.

Appendix 6 – Access applications under Schedule 2 of the GIPA Act

Number of access applications received

The IPC received four formal access applications this financial year, which were all decided within 20 working days of receipt, as required by the GIPA Act.

The Information Commissioner received a further nine informal requests in the last reporting year.

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.

	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
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not-for-profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	0	0	1	0	0	0	0
Members of the public (other)	0	0	0	3	0	0	0	0

* More than one decision can be made in respect of a particular access application and a recording must be made in relation to each such decision (similarly applicable to Table B).

Appendices

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
Personal information applications*	0	0	0	2	0	0	0	0
Access applications (other than personal information applications)	0	0	0	1	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	1	0	0	0	0

Table C: Invalid applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the GIPA Act)	0
Application is for excluded information of the agency (section 43 of the GIPA Act)	0
Application contravenes restraint order (section 110 of the GIPA Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

Matter	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate <i>Freedom of Information</i> legislation	0

Table F: Timeliness

	Number of applications
Decided within the statutory time frame (20 days plus any extensions)	4
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	4

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of the GIPA Act	0	0	0
Review by NCAT	0	0	0
Total	0	0	0

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the GIPA Act)	0

Table I: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer)

	Number of applications transferred
Agency-initiated transfers	0
Applicant-initiated transfers	0

Appendices

Appendix 7 – Credit card certification

In accordance with the Treasurer's Direction 205.01 and 205.7, it is hereby certified that the use of corporate credit cards, which has been restricted to senior officers, has been in accordance with Premier's Memoranda and Treasurer's Directions.

Appendix 8 – Payment of accounts

For year ended 30 June 2015

Supplier accounts paid on time				
Quarter	Target %	Actual %	Current \$000	Total payments \$000
September 2014	100	94	–	310,273
December 2014	100	98	–	395,537
March 2015	100	92	–	331,304
June 2015	100	98	–	748,319

The IPC accounts payable function is performed by the Department of Justice as part of shared corporate services arrangements within the Justice Cluster. The Commission in conjunction with Department of Justice 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 such as Australia Post, Corporate Express and electricity suppliers by way of consolidated billing
- Amalgamation of processing and payment functions as part of ongoing corporate services reform.

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. There was no penalty interest for late payment during the financial year ended 30 June 2015.

Appendix 9 – Time for payment of accounts

For year ended 30 June 2015

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					
September 2014	261,322	48,950	50,984	–	–
December 2014	390,133	55,026	62,517	–	–
March 2015	319,898	82,035	11,406	–	–
June 2015	701,981	150,398	51,524	–	–
Small business suppliers					
September 2014	7,417	–	–	–	–
December 2014	5,862	–	–	–	–
March 2015	12,173	–	–	–	–
June 2015	9,855	–	–	–	–

Accounts due or paid within each quarter				
Measure	September 2014	December 2014	March 2015	June 2015
All suppliers				
Number of accounts due for payment	144	151	157	134
Number of accounts paid on time	135	147	14	131
Actual percentage of accounts paid on time (based on no. of accounts)	94	98	92	98
Dollar amount of accounts due for payment	310,273	395,537	331,304	748,319
Dollar amount of accounts paid on time	261,322	390,133	319,898	701,981
Actual percentage of accounts paid on time (based on \$)	84	99	96	93
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	5	7	7
Number of accounts due to small businesses paid on time	5	5	7	7
Actual percentage of small business accounts paid on time (based on no. of accounts)	100	100	100	100
Dollar amount of accounts due for payment to small businesses	7,417	5,862	12,173	9,855
Dollar amount of accounts due to small businesses paid on time	7,417	5,862	12,173	9,855
Actual percentage of small business accounts paid on time (based on \$)	100	100	100	100
Number of payments to small business for interest on overdue accounts	0	0	0	0
Interest paid to small businesses on overdue accounts	0	0	0	0

Appendices

Appendix 10 – 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 Annual Report Compliance Checklist, September 2015.

Requirement	Note	Page
Letter of submission	Letters to the President and Speaker	1
Application for extension of time	N/A	–
Charter	About the IPC	10
Aims and objectives	About the IPC	10
Access	Address, telephone, business hours	Inside front cover, outside back cover
Management and structure	Names, offices and qualifications of principal officers	37
	Organisational chart	36
Summary review of operations	CEO and Information Commissioner – an overview	5
	Privacy Commissioner – an overview	7
	Financial statements	47-70
Funds granted to non-government community organisations	N/A	–
Legal change	Legislative changes	14
Economic or other factors	N/A	–
Management and activities	Strategic Plan 2013 – 2016	15, 73-75
	<i>Objective 1: to uphold and protect information and privacy rights</i>	
	Priority 1 – promote and educate the community about their rights under the legislation	15-20
	Priority 2 – assist agencies and business to understand and implement the legislation	21-26
	Priority 3 – review agency performance and decisions and investigate/conciliate complaints	27-34
	Priority 4 – provide feedback to Parliament about the legislation and the relevant developments	35
	<i>Objective 2: to be an effective organisation</i>	
	Priority 1 – be recognised as an employer of choice	36-40
	Priority 2 – implement a rigorous governance framework	40-45
	Priority 3 – promote continuous improvement of performance	45-46
Research and development	Objective 2: Priority 2	40
Human resources	Objective 2: Priority 1	36-38
Consultants	Objective 2: Priority 2	41
Workplace diversity	Objective 2: Priority 1 – Equal Employment Opportunity	38
Disability Inclusion Action Plans	Reported on a triennial basis*	–
Land disposal	N/A	–
Promotion (overseas visits)	Objective 2: Priority 2	41
Consumer response	Objective 1: Priority 1 / Priority 2 / Priority 3	19-20, 21, 22, 24, 25, 28-30, 32-33

* Small departments need only report on a triennial basis. The IPC reported on this requirement in the 2013 – 2014 Annual Report

Payment of accounts	Appendix 8	82
Time for payment of accounts	Appendix 9	83
Risk management and insurance activities	Objective 2: Priority 2	41, 43, 44
Internal audit and risk management policy attestation	Objective 2: Priority 2	44
Disclosure of 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	Objective 2: Priority 2	41
Work health and safety (WHS)	Objective 2: Priority 1	39
Budgets	N/A	–
Financial statements	Our financial performance	47-70
Identification of audited financial statements	Our financial performance	47, 48-49, 70
Inclusion of unaudited financial statements	N/A	–
Additional matters – statement of the action taken to comply with PPIP Act	Objective 2: Priority 2	45
Additional matters – after balance date events having significant effect in succeeding year on financial operations; other operations; clientele/community served	N/A	–
Additional matters – total external costs incurred in the production of this annual report	Nil – printed in-house	91
Additional matters – the website at which the annual report may be accessed	www.ipc.nsw.gov.au	41
Investment performance	N/A	–
Liability management performance	N/A	–
Exemptions	Nil	–
Numbers and remuneration of senior executives	Objective 2: Priority 1	37-38
Implementation of Price Determination	N/A	–
Credit card certification	Appendix 7	82
<i>Government Information (Public Access) Act 2009</i>	Appendix 6	79-81
Digital information security policy attestation	Objective 2: Priority 2	42
Public Interest Disclosures (PID)	Objective 1: Priority 3	34
Requirements arising from employment arrangements	Objective 2: Priority 1	38
Form of annual reports – generally	Report has been developed as per requirement	1-91
Submission of annual report to appropriate Minister	30 October 2015	–
Submission of annual report to the Treasurer	30 October 2015	–
Presentation of annual report to Parliament	30 October 2015	–
Annual report size – presentation to Parliament	ISO A4	–
Printing and distribution requirements	No external costs and as per requirements	–
Public availability of annual reports	www.ipc.nsw.gov.au and as per requirements	–

* Small departments need only report on a triennial basis. The IPC reported on this requirement in the 2013 – 2014 Annual Report

Complaining to the IPC

Complaining to the IPC

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 remain dissatisfied, you can make a formal complaint.

Step 2 – make a formal complaint

To make a formal complaint, please write or email us (see details below), 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, 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 Civil and Administrative Tribunal (NCAT)

If you are still dissatisfied with the outcome of an external review, 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 | www.ncat.nsw.gov.au.

Step 4 – 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) | www.ombo.nsw.gov.au.

Independent Commission Against Corruption (ICAC)

If you believe there has been corruption or serious misconduct the Independent Commission against Corruption (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) | www.icac.nsw.gov.au

For more information

Freecall: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

Fax: (02) 8019 1600

Website: www.ipc.nsw.gov.au

Post: Information and Privacy Commission NSW
GPO Box 7011
Sydney NSW 2001

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DJ	Department of Justice
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GIIC Act	<i>Government Information (Information Commissioner) Act 2009</i>
GIPA Act or GIPA	<i>Government Information (Public Access) Act 2009</i>
GIPA Regulation	<i>Government Information (Public Access) Regulation 2009</i>
GSE Act	<i>Government Sector Employment Act 2013</i>
HPPs	Health Privacy Principles
HRIP Act or HRIPA	<i>Health Records and Information Privacy Act 2002 (NSW)</i>
ICAC	Independent Commission Against Corruption
IPAC	Information and Privacy Advisory Committee
IPPs	Information Protection Principles
IPC	Information and Privacy Commission
LGMA	Local Government Managers Australia (NSW)
NCAT	NSW Civil and Administrative Tribunal
OAIC	Office of the Australian Information Commissioner
PPIP Act or PPIPA	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
PSEM	<i>Public Sector Employment and Management Act 2002</i>

About this Annual Report

The Information and Privacy Commission NSW Annual Report 2014 – 2015 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 our 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 us 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 2015. There were no external costs recorded for producing this report to comply with NSW Treasury requirements.



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Monday to Friday (excluding public holidays)