



information
and privacy
commission
new south wales

Annual Report 2016 – 2017

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information
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new south wales

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ISSN 1839-4523 (print)

ISSN 1839-9541 (online)

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Letters to the President and Speaker

The Hon. John Ajaka MLC
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Sydney NSW 2000

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

20 October 2017

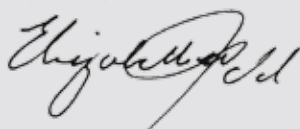
Dear Mr President and Madam Speaker,

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 2016 – 2017 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. John Ajaka 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

20 October 2017

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 the work of the Privacy Commissioner for the 12 months ended 30 June 2017.

In addition, under section 61B of the *Privacy and Personal Information Protection Act 1998*, this Annual Report includes a report on the operation of the *Privacy and Personal Information Protection Act 1998* across all public sector agencies for 12 months ended 30 June 2017.

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

Yours sincerely,



Samantha Gavel
Privacy Commissioner

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for 2015/16 tabled in February 2017, page 31

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IPC Data Breach Policy

published in November 2016, page 39

Summit on Public Participation and Agency Information Guides

delivered in May 2017, page 19

Right to Know Week 2016

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Privacy Awareness Month 2017

with Privacy Matters Forum in May 2017, page 18

Open Data: Opening our World

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Privacy Statutory Guideline on Research

tabled in October 2016, page 22

Open Government Partnership

Commitment 3.2, page 19

Public Interest Directions Guidance

published in December 2016, page 22

Performance report card for 2016 – 2017

OBJECTIVE 1: TO UPHOLD AND PROTECT INFORMATION AND PRIVACY RIGHTS

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

- ✓ The IPC website received **352,223** page views and a **15% increase** in unique visitors
- ✓ We received **3,317** phone enquiries and **939** enquiries in writing or in person
- ✓ **66** new information access, privacy and corporate publications were delivered
- ✓ **336** new e-learning registrations by agencies and members of the public

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

- ✓ We have **341** agency IPC GIPA Tool users and over **500** active users
- ✓ The Information Commissioner published **30** new/revised resources offering regulatory guidance
- ✓ The Privacy Commissioner published **21** new/revised resources offering regulatory guidance

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

- ✓ **GIPA – 2,273** enquiries finalised / **443** advices finalised / **319** reviews finalised / **59** complaints finalised
- ✓ **GIPA – 53%** increase in complaints received about information access
- ✓ **Privacy – 1,952** enquiries finalised / **285** advices finalised / **182** reviews finalised / **123** complaints finalised
- ✓ **Privacy – 43%** increase in complaints received about privacy

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

- ✓ The Information Commissioner/CEO made **nine** submissions to Parliament
- ✓ The Acting Privacy Commissioner made **six** submissions to Parliament
- ✓ The IPC published **six** information access and privacy statutory and special reports

OBJECTIVE 2: TO BE AN EFFECTIVE ORGANISATION

Priority 1: Be recognised as an employer of choice

- ✓ The IPC experienced a **12%** increase in staff engagement
- ✓ No reported **work health and safety** incidents during 2016/17
- ✓ **100%** of IPC staff have a Performance and Development Agreement in place

Priority 2: Implement a rigorous governance framework

- ✓ Establishment of a **Compliance Committee** during 2016/17
- ✓ Progressed development of the **IPC Diversity and Inclusion Action Plan** for 2017/20

Priority 3: Promote continuous improvement of performance

- ✓ Release of the **IPC Strategic Plan** for 2017/20
- ✓ Publication of the **IPC Regulatory Framework**



Chief Executive Officer and Information Commissioner – overview

Achievements and Report to NSW Parliament

Government at all levels is harnessing contemporary approaches to address new and emerging challenges. Maximising the opportunities presented by digital service delivery; data analytics, significant infrastructure projects and new administrative arrangements all demand community engagement informed by information access and privacy rights. The success of these new approaches is dependent upon community trust.

Transparency builds trust.

Throughout the year the IPC has continued to promote transparency and integrity in the service of citizens by agencies. Recognition of the IPC as a trusted authority for information access and privacy rights is well demonstrated by our continuing increase in engagement measures with agencies and the community. This year the IPC saw:

- website visits and page views increase by 15 per cent;
- publication of guidance increase by over 100 per cent;
- advices received increase by over 200 per cent¹; and
- reviews and complaints received increase by 12 per cent.

Operational excellence

Our 2017/20 Strategic Plan confirms our focus on operational excellence. This approach will enable us to meet increasing service demand and significantly improve our performance standards. We invested in process improvements and building capability. We successfully targeted and improved staff engagement. I acknowledge the commitment of IPC Directors and staff in achieving these convincingly positive outcomes.

Strategic engagement

We have successfully translated enhanced internal capability and engagement to enrich engagement with agencies and the community. We have introduced client feedback surveys and community attitude surveys to ensure continuous improvement. Importantly we have implemented a program to promote agency engagement with citizens and gain their insights to better inform agency service delivery and policy development. A highlight has been hosting a Summit on Public Participation designed to assist agencies in achieving success in their engagement with NSW citizens.

Holistic service

Our Strategic Plan also confirms our commitment to a program of strategic engagement to deliver credible holistic guidance in both information access and privacy. We recognise that an integrated approach will better position

¹ Increase in privacy advices received from 137 to 273 and adopting the same reporting methodology in this reporting period an increase in GIPA advices received from 69 to 449.



ELIZABETH TYDD, CEO, INFORMATION COMMISSIONER AND NSW OPEN DATA ADVOCATE

agencies to successfully balance information access and privacy rights as they implement new service delivery and governance models. The IPC will assist and oversight agencies to ensure they are responsible custodians of information and, in this way, build community trust.

Contemporary regulation

As agencies implement new operating systems new risks to information access and privacy may emerge. The IPC is well-placed to identify and respond to these risks through the application of data to inform our regulatory priorities. Our Regulatory Framework and Compliance Committee provide secure platforms to advance our proactive regulatory approach and ensure that we deliver credible and contemporary regulatory services. This model will be progressed to ensure that we share our strategic intelligence with agencies enabling them to anticipate and address new regulatory risks.

The IPC was created to provide a single trusted source of authority in information access and privacy. Our capacity to achieve this objective and provide contemporary credible independent oversight of agencies has been fortified with the appointment of Ms Samantha Gavel as NSW Privacy Commissioner. In 2017, the IPC will enliven our objective of unity with the development of our first combined Regulatory Plan.

I am inspired by our complementary responsibilities, collective expertise and operational performance. Most importantly with the reintegration of privacy I have great confidence in the IPC's capacity to excel.

Elizabeth Tydd
CEO, Information and Privacy Commission
NSW Information Commissioner
NSW Open Data Advocate

Privacy Commissioner – overview

Achievements and Report to NSW Parliament

As Privacy Commissioner, I work with NSW Government departments and agencies to ensure the privacy rights of NSW citizens are effectively protected.

The NSW Government collects personal and health information from its citizens in order to deliver important services in health, education and other areas. Citizens need to be able to trust that as the custodian of their most sensitive information, government departments and agencies will collect, disclose, manage and secure it in a way that is respectful of their privacy.

Governments across Australia and overseas are looking to achieve the best outcomes for their citizens through the delivery of new online and digital services, as well as services and initiatives which are informed by information sharing and data analysis of the information held by Government. Privacy work in NSW is informed by these developments and the work we do here also informs the work done in other jurisdictions.

Key priorities for the NSW Government include the provision of better government digital services and using insights gained from data analysis to provide better services for citizens. It is important to ensure that this is done in a privacy respectful way that does not compromise the trust that NSW citizens have in the way that Government manages their information.

By promoting trust in the way Government handles sensitive information, good privacy policy and practice is an important enabler of the provision of quality services by Government. This is particularly important at a time when the pace of technological change is so great, making privacy considerations increasingly important at every stage in the service design and delivery process.

Future priorities

Some of the more challenging privacy issues in the coming year will involve those that relate to new technology. The key will be ensuring that the benefits of new technology, data sharing and analysis can be achieved while, at the same time, safeguarding the privacy rights of individuals.



SAMANTHA GAVEL, PRIVACY COMMISSIONER

I was appointed as Privacy Commissioner in September 2017, after the reporting period for this Annual Report. I would like to acknowledge the work of my predecessor in the role, Dr Elizabeth Coombs and her staff, who undertook the Privacy Commissioner responsibilities and work program outlined in this Report.

In closing, I would like to thank the Information Commissioner, Elizabeth Tydd and staff of the IPC for welcoming me so warmly into the office and I look forward to progressing the important work of the Information and Privacy Commission over the coming year.

Samantha Gavel
NSW Privacy Commissioner

Future focus for 2017/18

At the end of the 2016/17 reporting period, the IPC commenced reintegration of privacy work into usual procedures. In 2017/18, the IPC will continue to integrate new privacy initiatives into the work program to ensure privacy remains relevant for our regulated entities and the NSW community.



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 recognised as a separate agency under Schedule 1 of the *Government Sector Employment Act 2013*.



What we do

The IPC promotes and protects privacy and information access rights in NSW by providing information, advice, assistance 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 service charter

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

1. Delivering the best standard of service that reflects our values of being:
 - ✓ Service focused
 - ✓ Fair
 - ✓ Accountable
 - ✓ Transparent
 - ✓ Acting with Integrity, and
 - ✓ Innovating to ensure we provide the best service we can.
2. Ensuring that our stakeholders can provide us with feedback on the service they received, how we treated them and how we dealt with their information.

Our vision

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

Our values

The IPC's Values Framework was developed in line with the Government Sector Core Values. The IPC's Values are: Accountable, Service focused, Proactive, Integrity, Independent and Trust. Please see page 9 for more information.

Our stakeholders

- NSW Parliament
- Members of the public
- NSW Government (Premier and Attorney General)
- NSW 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 corporations* and universities
- Non-Government Organisations delivering contracted services to the public on behalf of NSW Government agencies
- Ministers and their staff
- Members of Parliament and their staff
- Other Information and Privacy Commissioners
- Information and Privacy Advisory Committee (IPAC)
- Other oversight accountability agencies
- Media
- Staff.

* Exempted under the PPIP Act.



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* (GIIC 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 GIIC 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*
- Open Government Partnership Interim Working Group
- Public Service Commission Separate Agency Reference Group
- NSW Integrity Agencies Collaboration Group.

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* (PPIP Act).

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* (HRIP Act). A key function is to educate the people of NSW about the meaning and value of privacy by:

- Responding to enquiries and educating the community about privacy issues and possible remedies for breaches of their privacy
- Advising government agencies, businesses and other organisations on how to ensure that the right to privacy is protected
- Receiving, investigating and conciliating complaints about breaches of privacy
- Appearing in the NSW Civil and Administrative Decisions Tribunal (NCAT) and advising on privacy law in privacy cases
- Researching developments in policy, law and technology that may impact on privacy, and making reports and recommendations to relevant authorities
- Issuing guidelines on privacy principles.

Participation in committees

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

- Asia Pacific Privacy Authorities (APPA)
- UN Rapporteur on Privacy's 'Privacy and Personality' Taskforce
- Privacy Authorities Australia (PAA)
- Global Privacy Enforcement Network (GPEN) Steering Committee

Our organisation: governance structure and legislative responsibilities

Our governance

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

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

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

The IPC is recognised as a separate agency under Schedule 1 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 Information Commissioner reports to the NSW Parliament on the operation of the GIPA Act.

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

The 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; or
- 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)* (PPIP Regulation)
- *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act)
- *Health Records and Information Privacy Regulation 2006 (NSW)* (HRIP Regulation).

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 and their staff, local councils and universities are covered by the GIPA Act. The object of the GIPA Act is to maintain and advance a system of responsible and representative democratic government that is open, accountable, fair and effective, by:

- authorising and encouraging the proactive release of government information by agencies;
- giving members of the public an enforceable right to access government information; and
- 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.

Our organisation: legislative responsibilities

The GIIIC 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 establishes the role of the Privacy Commissioner and gives effect to Parliament's intention that privacy and information access are separate and discrete functions. It also gives legal recognition to the public interest in the protection of privacy – the right of individuals to exercise control over the availability and use of personal information about them. The 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).

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).

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 GIPA Act was amended at Schedule 1 clause 1(1) – Information for which there is a conclusive presumption of overriding public interest against disclosure to replace *Police Integrity Commission Act 1996* with *Law Enforcement Conduct Commission Act 2016*.
- The GIPA Act was amended at Schedule 2 clause 2 excluded information of particular agencies to replace the Police Integrity Commission with the Law Enforcement Conduct Commission – corruption prevention, handling of misconduct matters (within the meaning of the *Law Enforcement Conduct Commission Act 2016*), investigative and reporting functions.
- The GIPA Act was amended at Schedule 2 clause 2 excluded information of particular agencies to replace the office of Inspector of the Police Integrity Commission with the office of Inspector of the Law Enforcement Conduct Commission – operational auditing, handling of misconduct matters (within the meaning of the *Law Enforcement Conduct Commission Act 2016*), investigative and reporting functions.
- The GIIIC Act was amended at section 3(1) to update the reference to the Joint Committee to mean the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission

constituted under the *Ombudsman Act 1974* or such other joint committee of members of Parliament as may be appointed to exercise the functions of the Joint Committee under this Act.

- The GIIIC Act was amended to provide that the Information Commissioner may furnish information under section 32(1) of the GIIIC Act to the Law Enforcement Conduct Commission, and the reference to the Police Integrity Commission was omitted.
- The GIIIC Act was amended to include a new section 32(2) (c) of the GIIIC Act which states: in the case of the Law Enforcement Conduct Commission – be obtained by the Commission under the *Law Enforcement Conduct Commission Act 2016* or any other Act.
- The PPIP Act was amended to change the definition of 'investigative agency' to replace any references to the Police Integrity Commission with the Law Enforcement Conduct Commission and the Inspector of the Law Enforcement Conduct Commission.
- The HRIP Act was amended to change the definition of 'investigative agency' to replace any references to the Police Integrity Commission with the Law Enforcement Conduct Commission and the Inspector of the Law Enforcement Conduct Commission.

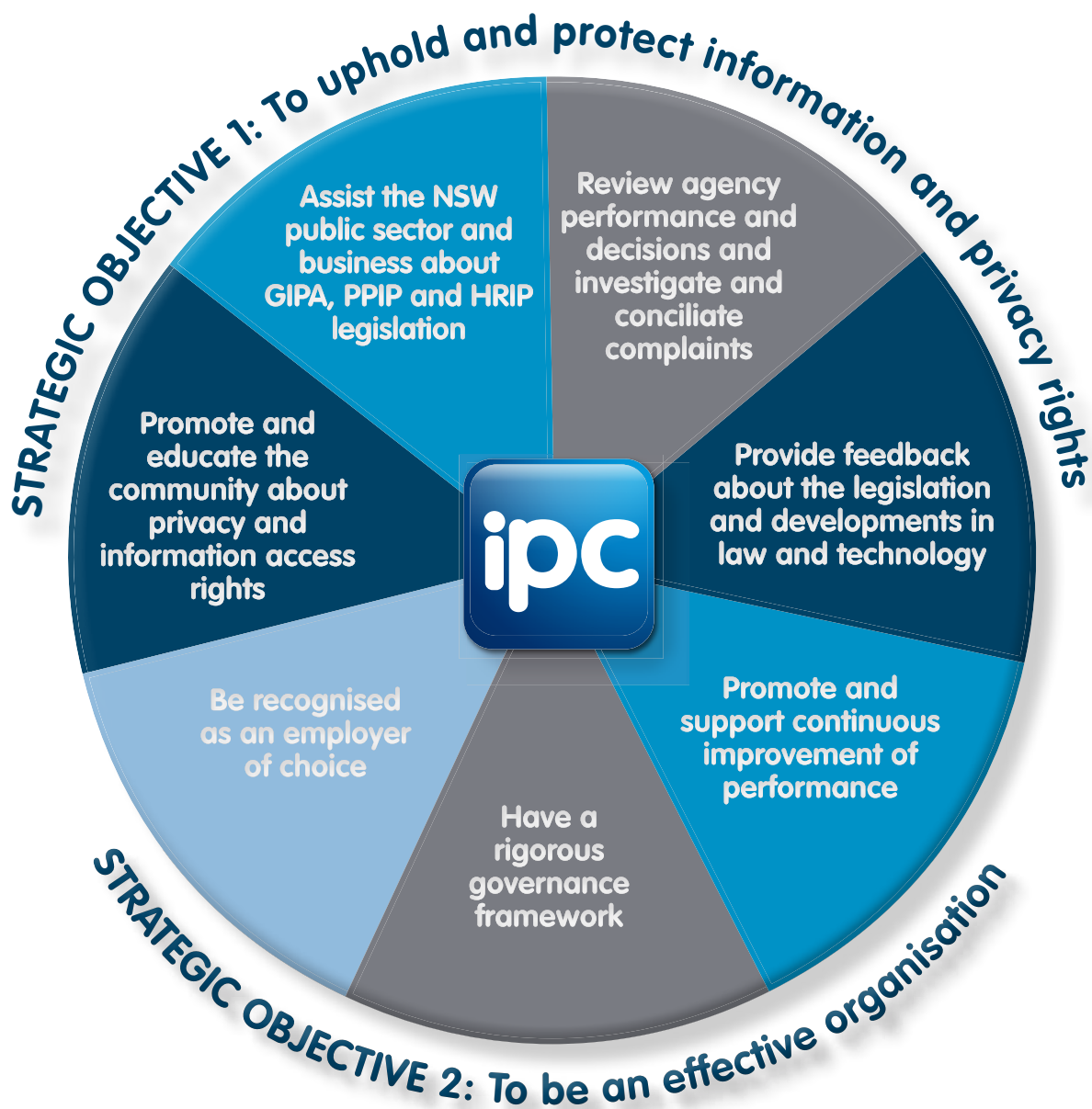
Our organisation: strategic objectives

Our strategic objectives

The *IPC Annual Report 2016 – 2017* provides a report against the IPC Strategic Plan for 2013 – 2016. Please see below for details of the plan's objectives and priorities.

In May 2017, the IPC released the Strategic Plan for 2017 – 2020. Embodying the IPC's commitment to a strategic and contemporary approach to regulation, the Strategic Plan demonstrates the IPC's ambitious, future-based and proactive approach to identifying external risks and emerging opportunities to promote information access and privacy. Please see page 14 to view the IPC Strategic Plan 2017 – 2020 in full.

Information and Privacy Commission Strategic Plan 2013 – 2016



Information and Privacy Commission Strategic Plan 2017 – 2020

The IPC contributes to social and economic wellbeing in NSW by leading and advancing effective information access and privacy rights



ENGAGEMENT

We demonstrate contemporary, effective engagement with citizens, agencies and stakeholders to lead delivery of balanced information access and privacy rights.

STRATEGIC IMPERATIVES

Establish the IPC as a recognised authority in fostering engagement within its legislative responsibilities. Leverage opportunities to partner in regulatory programs. Establish IPC as a lead integrity oversight agency.

MEASURED BY:

- Provision of guidance regarding consultation, engagement and public participation.
- % increase in national/global activities and relationships.
- % increase in number/diversity of co-regulatory initiatives.
- % increase in consultations and tailored regulatory initiatives.



OPERATIONAL EXCELLENCE

Our operations are innovative, solution focused and adaptable, and our people have the commitment and capabilities to ensure optimal regulatory impact and citizen-centric services.

STRATEGIC IMPERATIVES

Create the right mix of capabilities to be an effective contemporary regulator. Develop effective systems and processes to enable flexibility in delivery of services to stakeholders and citizens. Implement systems and capabilities to guide an integrated approach to information access and privacy legislation.

MEASURED BY:

- IPC staff have capabilities and demonstrate expertise in regulatory craft and information management.
- % improvement in IPC compliance with customer service standards.
- % increase in compliance levels following IPC regulatory interventions.



RIGHTS PROMOTION

Our independent and accessible expertise is recognised, trusted and exemplary in promoting rights and lawfully balancing information access and privacy.

STRATEGIC IMPERATIVES

Adopt and promote an integrated approach to information management that minimises regulatory burden and guides practical solutions. Shape the legislation and policies to ensure they are contemporary and effective. Build a clear, contemporary and secure information sharing culture.

MEASURED BY:

- Incorporation of IPC submissions into new or revised instruments and reports.
- Community attitudes survey demonstrates increasing awareness of IPC and rights promotion.
- % increase in advices/briefings that holistically guide information management within the IPC legislative environment.



IMPACT

We contribute to social and economic wellbeing by leading and advancing effective information access and privacy rights.

STRATEGIC IMPERATIVES

Improve community awareness of the IPC and information access and privacy rights. Create a culture of open and participative democracy. Create a culture of commitment to and compliance with information access and privacy rights within agencies and service providers.

MEASURED BY:

- % increase in community awareness of IPC legislation.
- % increase in agency awareness of IPC services and responsibility.
- % increase in identified opportunities for citizens to engage with agencies through IPC legislative mechanisms.
- Client satisfaction trending upwards year on year.

Financial Management, Risk Management and Governance

Strategic Leadership and Customer-Centric Culture

Accountable Service focussed Proactive Independent Integrity Trust

OBJECTIVE 1

**To uphold and
protect information
and privacy rights**

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

IPC	REVIEWS & COMPLAINTS	2016 – 2017	2015 – 2016	2014 – 2015
	Received	691	621	625
	Closed	683	748	690

GIPA	REVIEWS & COMPLAINTS*	2016 – 2017	2015 – 2016	2014 – 2015
	Received	383	364	337
	Closed	378	426	409

* This measure accords with Budget Paper No. 3 Budget Estimates key performance indicators and is dependent upon the number of applications received relating to the GIPA Act.

PRIVACY	REVIEWS & COMPLAINTS*	2016 – 2017	2015 – 2016	2014 – 2015
	Received	308	257	288
	Closed	305	322	281

* This measure accords with Budget Paper No. 3 Budget Estimates and is dependent upon the number of privacy reviews and complaints handled by the IPC.

ADVICES			
	2016/17	2015/16	2014/15
GIPA	443	68	19
PRIVACY	285	146	101

SUBMISSIONS			
	2016/17	2015/16	2014/15
GIPA	9	6	3
PRIVACY	6	1	5

COMMUNICATIONS STRATEGIES			
	2016/17	2015/16	2014/15
GIPA	24	8	4
PRIVACY	3	3	8

PUBLICATIONS*			
	2016/17	2015/16	2014/15
GIPA	30	19	8
PRIVACY	21	8	11

* In total the IPC released 66 new resources in 2016/17 – see Appendix 1 for details.

RESEARCH (includes surveys)			
	2016/17	2015/16	2014/15
GIPA	2	0	1
PRIVACY	2	0	1

COMMITTEES			
	2016/17	2015/16	2014/15
GIPA	5	5	2
PRIVACY	4	6	5

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

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

ENQUIRIES

The IPC receives enquiries from NSW public sector agencies, businesses and members of the public. Common enquiries included how to access government, personal and health information, and review rights.

Enquiry Type	2016 – 2017	2015 – 2016	2014 – 2015
Telephone	3,317	3,596	3,677
In writing and in person*	939	830	656

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

RESOURCES

IPC website

The IPC website – www.ipc.nsw.gov.au – is the central communication and service channel for IPC stakeholders. It houses a suite of online resources, access to the e-learning portal and general information about the organisation. The website is also used to promote new publications, and significant campaigns and events that champion the right to access government information and the protection of privacy in NSW.

During the reporting period, website page views increased by two per cent and page visits by 15 per cent compared to the same period last year compared to a target of 10 per cent growth in both visits and views.

Website visits			
	2016 – 2017	2015 – 2016	2014 – 2015
Page views	352,223	344,946	312,382
Visits	143,036	124,960	98,180
Unique visits	92,709	80,208	61,202
Average visit duration	2.38 minutes	2.49 minutes	3.17 minutes

Note: Totals based on monthly averages.

E-learning

In 2016/17, the e-learning portal had 336 new registrations to access the available e-learning modules, which include two new courses launched during the reporting period:

- *Contract registers under the GIPA Act*
- *How to access government information in NSW – revised for Right to Know Week 2016.*

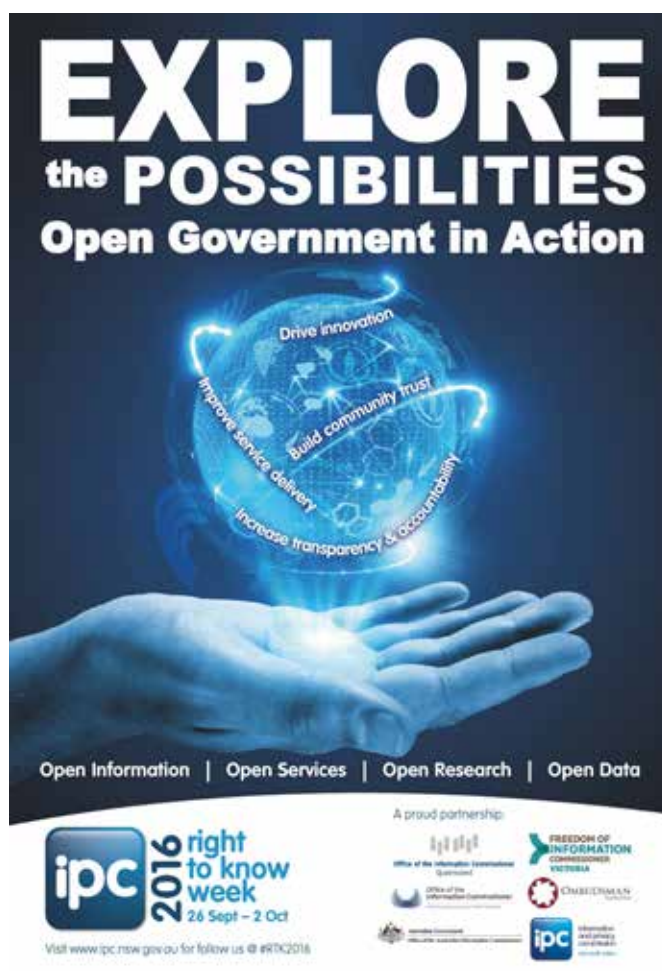
Publications

Since July 2016, the IPC has produced 66 new publications, reflecting more than double the outputs from the last reporting period. New publications have included seven statutory and regulatory reports, 24 information access resources, 19 privacy resources, seven newsletters (IPC Bulletins and CEO Updates) and nine corporate resources. See the full list at Appendix 1. All resources are published in accessible formats and are available for download on our website.

KEY EVENTS

Right to Know Week 2016

International Right to Know Day is celebrated on 28 September each year. In NSW, the IPC acknowledged the event with Right to Know Week (RTK) from 26 September to 2 October 2016. A highly successful campaign, for the first time the IPC partnered with other jurisdictions in Queensland, Victoria, Western Australia, Tasmania and the Commonwealth, and this inaugural collaboration was acknowledged via a joint media statement of the Information Commissioners.



RIGHT TO KNOW WEEK 2016 POSTER

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

The IPC was also pleased to join our counterparts in live-streaming Queensland's Solomon Lecture by Professor Anne Tiernan, Director of the Policy Innovation Hub at Griffith University. The lecture focused on the central role of information and data in securing Queensland future prosperity.

Other highlights included:

- showcasing of case studies on good practice information release;
- promotion of the publication of agencies' Open Government Plans, including our own;
- advertising RTK on State Transit Authority buses across Sydney and Newcastle for two weeks – our poster appeared on 1,700 buses, with approximately 16,000 services operating each working day, carrying more than 640,000 passengers;
- the launch of the *Open Data: Opening our World* infographic (please see below for more details);
- recruitment of 29 RTK Champions;
- the IPC's RTK web page received 925 page views (2015: 836 and 2014: 715); and
- RTK tweets made 14,240 impressions (compared to 5,129 impressions in 2015) and achieved 156 engagements (compared to 76 in 2015).

Privacy Awareness Month 2017

Privacy Awareness Week is held annually in May and this year the former Acting Privacy Commissioner chose to run a month-long campaign.

During the campaign month, the former Acting Privacy Commissioner and First State Super hosted a 'Privacy Matters Forum' event entitled 'Health Privacy – now and into the future' which facilitated an open panel discussion on the big issues facing health privacy, moderated by Dr Norman Swan. Panelists included the former Acting Privacy Commissioner, Ms Karen Carey (Consumer Advocate), Mr Chris Puplick AM (UN Health Privacy TASKforce), Ms Elizabeth Koff (Secretary, NSW Ministry of Health), and Associate Professor Meredith Makeham (Chief Medical Adviser

for the Australian Digital Health Agency). Over 100 guests were in attendance.

Other highlights included:

- publication of new fact sheets on the IPPs and HPPs, and how to stay safe online;
- new animations were launched online during each week of May;
- the IPC's designated web page received 564 page views (2016: 634 and 2015: 643); and
- Privacy Awareness tweets made 4,791 impressions (compared to 6,727 impressions in 2016) and achieved 48 engagements (compared to 110 in 2016).

Information Awareness Month 2017

Information Awareness Month (IAM) is an annual collaborative event that promotes the important role that information plays in all aspects of our day-to-day lives. Celebrated around Australia during the month of May, IAM is an initiative of the Institute of Information Management and the National Archives of Australia. Highlights included:

- a Summit on Public Participation and Agency Information Guides for senior NSW public sector leaders on 26 May 2017 (see page 19 for more information on this event);
- releasing a research report on Open Data enablers – *Conditions Enabling Open Data and Promoting a Data Sharing Culture 2017*;
- the Information Commissioner and Open Data Advocate gave several presentations at events during the month, including the Chief Data and Analytics Officer Public Sector Forum and Public Sector Fraud and Corruption Summit 2017 in Canberra, and the Public Sector Data and Analytics Roadshow in Sydney; and
- IAM tweets made 1,442 impressions (compared to 1,212 impressions in 2016) and achieved 16 engagements (compared to 34 in 2016).

The image shows a fact sheet from the Information and Privacy Commission (IPC) titled "What do your privacy settings say about you?". It includes the IPC logo, a "Fact Sheet" header with the number "F2017/005", and a main heading "What do your privacy settings say about you?". The content is divided into sections: "Social media and you" (discussing Facebook, Twitter, and LinkedIn), "So what does this mean?" (explaining the implications of sharing data), and "Tips for effective Privacy online" (providing advice on managing privacy settings). It also includes contact information for the IPC and a footer with the text "Information and Privacy Commission NSW".

PRIVACY AWARENESS MONTH 2017 RESOURCE

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

OPEN DATA ADVOCATE

As Open Data Advocate for NSW, the Information Commissioner's role is to encourage the release of data by NSW government agencies in ways that are respectful of data sharing safeguards, through the provision of information, advice and assistance to agencies and the NSW public on access to government information, underpinned by compliance with the GIPA Act.

During 2016/17 key initiatives included launching the *Open Data: Opening our World* infographic on International Right to Know Day (28 September 2016); and the production of a videographic encapsulating the content in the Open Data section of the *Report of the Operation of the Government Information (Public Access) Act 2009: 2015 – 2016*. Other activities included:

- 20 presentations on the benefits of Open Data;
- development of new guidance for agencies to use AIGs to highlight their approaches to Open Data and public participation;
- release of the research report on Open Data enablers – *Conditions Enabling Open Data and Promoting a Data Sharing Culture 2017*;
- contribution to a whole of NSW government submission to the Productivity Commission regarding its draft report on Data Availability and Use;
- ongoing collaboration with the Data Analytics Centre;
- ongoing collaboration with the Department of Finance, Services and Innovation's (DFSI) Open Data Agenda; and
- commencing a monitoring exercise of ten principal departments' compliance with disclosure log requirements under the GIPA Act, and use of the disclosure log as a proactive release pathway.

As part of its commitment to Open Data, the IPC is currently developing a publicly available online interactive dashboard of the GIPA data currently reported annually by agencies. The dashboard will draw from the same data set that is used to produce the annual *Report on the Operation of the Government Information Public Access Act 2009*.

Additionally, the IPC has commenced development of an e-learning module on Open Data in collaboration with DFSI which will be launched during 2017/18.

STAKEHOLDER ENGAGEMENTS

Summit on Public Participation and Agency Information Guides

The IPC hosted a Summit on Public Participation and Agency Information Guides for senior NSW public sector leaders on 26 May 2017. This event was an outcome of the IPC's June 2016 report, *Towards a NSW Charter for Public Participation*, and progressed the Open Data Advocate's commitment to promote public participation and assist

Open Data Enablers

There are a number of different anonymisation techniques and approaches governments use to remove unique identifiers from data sets to create secure Open Data.

Some data will never contain personal or sensitive information, such as traffic light timing.

The most common and formal ways to anonymise or de-identify data are one of or any combination of the following processes:

Government Data
Simply put it is information, numbers, facts, statistics that can be analysed or used for purposes like research, decision-making and planning.

Non-sensitive Data
Non-sensitive data does not require processing to be released

Sensitive Data
Where government data contains sensitive information it is subject to a cleaning process. Some options include:

- SCRUB**
To remove identifiers such as names, exact dates, ages or other unique characteristics.
- AGGREGATE**
To group any information such as postcodes, location data and times to preclude individual identification.
- ALTER**
To anonymise potential links between data sets and preclude re-identification.

Open Data
Open data is data that anyone can access, use, re-use or share.

Proactively released by government

Free or of the lowest cost

Well managed and trusted data sources

Up to date data sets

Available and easy to find use, re-use and share

Better, faster, safer, more open data

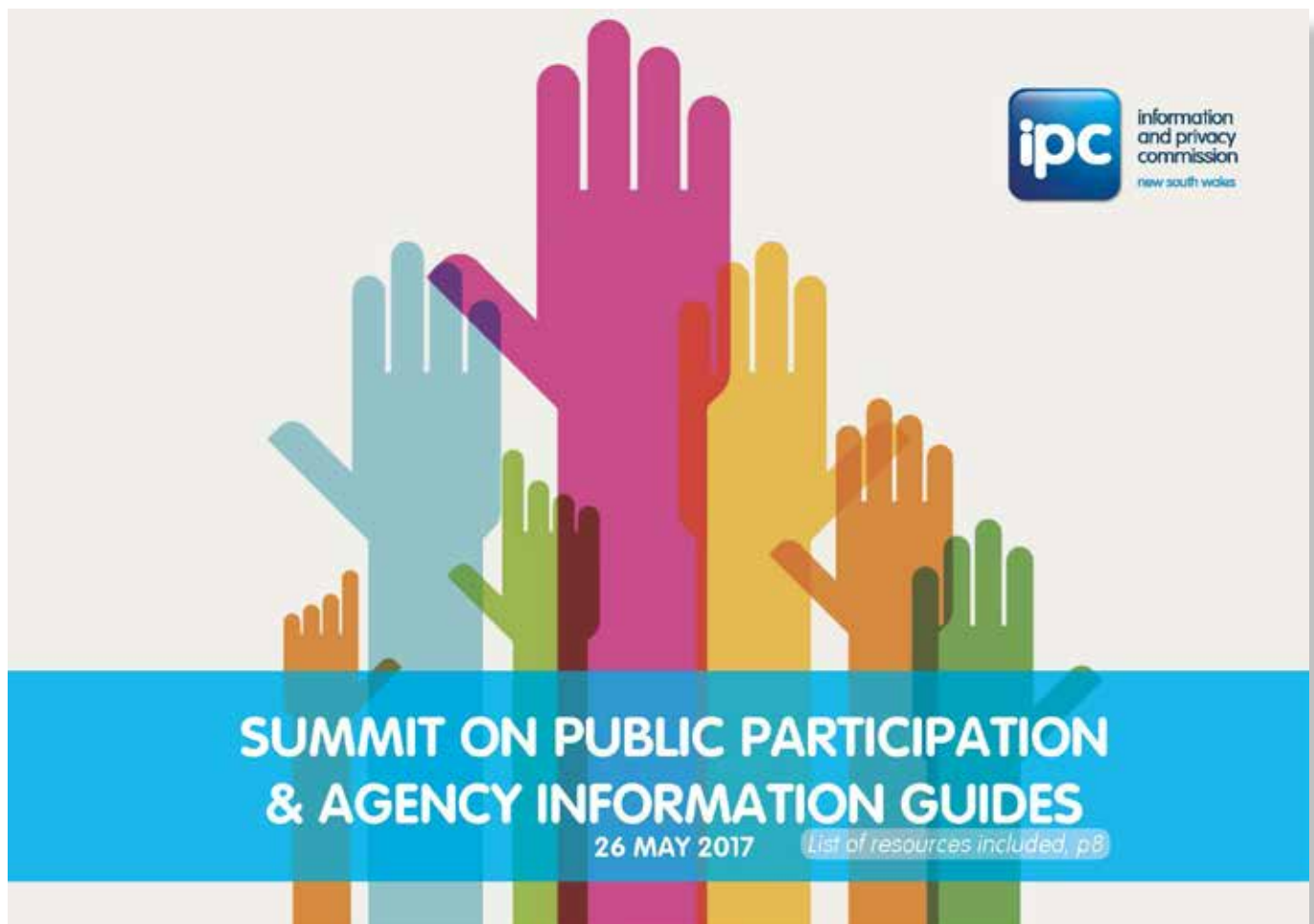
These are some of the many different ways data can be transformed and released as Open Data.

[Click here to view the NSW Open Data Policy](#)

OPEN DATA INFOGRAPHIC

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights



REPORT ON THE SUMMIT ON PUBLIC PARTICIPATION AND AGENCY INFORMATION GUIDES

agencies in achieving success in their engagement with NSW citizens. Opened by the Attorney General, keynote addresses were delivered by NSW Public Service Commissioner Graeme Head, and social researcher and author Dr Rebecca Huntley.

A panel discussion was facilitated by strategic thinker Martin Stewart-Weeks, with panellists including Tom Burton of *The Mandarin*, Iain Walker of the newDemocracy Foundation, and NSW Open Data Advocate Elizabeth Tydd.

A report on the Summit was published following the event and was disseminated to Summit attendees and agency heads. The report is available on the IPC website.

Open Government Partnership National Action Plan

The Information Commissioner contributed to the implementation of Australia's first Open Government Partnership National Action Plan. The Information Commissioner led the work of the Association of Information Access Commissioners (AIAC) to deliver Commitment 3.2 of the National Action Plan to develop consistent metrics across Australian jurisdictions to compare and analyse how freedom of information rights are used across the country.

Commitment 3.2 of Australia's first National Action Plan promotes the importance of better measuring and improving our understanding of the public's use of rights under freedom of information (FOI) laws. Australian Information Commissioners and Ombudsmen, within the remit of each of their jurisdictions and led by NSW, have agreed on six proposed 'Metrics on Public Use of Freedom of Information Access Rights' that are published on the IPC's website. The metrics promote transparency and enable the community to compare the performance of their local FOI laws with those in other states/territories, as well as improving community understanding of how FOI laws work and how to access them. The AIAC considered a paper at the September 2017 meeting to approve the publication of the first national dataset dashboard by December 2017.

NSW also led work of the AIAC to develop a Jurisdictional Compendium which identifies the similarities and differences of Australian information access legislative arrangements at a high level. The Compendium was prepared to assist in the development of the National Action Plan, particularly the Plan's commitment to review information access laws and to be available as a resource for each jurisdiction. The compendium has been published on the IPC website.

The first meeting of Australia's Open Government Forum (replacing the Interim Working Group) took place on 28 July 2017. The NSW Information Commissioner is a non-voting jurisdictional member, reflecting the Commonwealth's desire to build stronger relationships with the states on open government matters.

Community attitudes to information access and privacy

During the year both the Information Commissioner and former Acting Privacy Commissioner reported on surveys of community attitudes to information access and privacy.

The results of the Information Commissioner's survey were reported in the *Report on the Operation of the Government Information Public Access Act 2009: 2015 – 2016*.

Highlights were that:

- 89 per cent of respondents believe having the right to access government information is important with an increase of 5 per cent from the 2014 community attitudes survey; and
- more than 83 per cent of respondents agreed that de-identified information should be used to inform the planning and delivery of government services, and enhance collaboration with the public in the development of government agencies policies.

The results of the former Acting Privacy Commissioner's survey were reported on the IPC website. Findings included that:

- while 38 per cent of respondents indicated that those in authority are taking privacy very or quite seriously, a similar proportion (36 per cent) felt that they were not taking it seriously at all;
- however, fewer respondents (between 49 per cent and 24 per cent) would agree to the disclosure of their personal information (where the information was identifiable) for the same purposes;
- 40 per cent of respondents believe that their data can be fully de-identified, 35 per cent do not believe that their data can be fully de-identified and the remaining 25 per cent were unsure if this was the case; and
- when discussing possible privacy breaches, respondents indicated their greatest concern was information about their family or social life being made public without their permission (38 per cent), followed by the provision of government health records to other people (36 per cent).

The results from these surveys clearly illustrate that the NSW community is very aware of the importance of the right to access information and also concerned to ensure that their privacy is protected. Of particular interest is that while 83 per cent of those surveyed in the Right to Information Community Attitudes Survey agreed that de-identified information should be used to inform policy

and services, only 40 per cent of respondents to the Privacy Survey believe that their data can be fully de-identified. This may reflect community concerns arising from media reports about government and private sector data breaches and issues of re-identification of data.

SPEAKING ENGAGEMENTS

The Information Commissioner and Open Data Advocate addressed stakeholders on the right to information and best practice in information and data management or participated on panels at 20 speaking engagements.

The former Acting Privacy Commissioner addressed stakeholders on privacy or participated on panels at 11 speaking engagements during the 2016/17 reporting period.

Both Commissioners also addressed the NSW Right to Information and Privacy Practitioners' Network Forum at four quarterly meetings.

COMMUNICATIONS

The IPC is committed to maintaining ongoing communication with all our stakeholder groups. Communications are managed via the IPC website, through social media and other channels. During the reporting period, communications included:

- 30 media responses
- 156 tweets
- 32 e-alerts to our stakeholder groups
- 14 media releases were published.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

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

RESOURCES FOR AGENCIES

Regulatory guidance

Information Access

During the reporting period the Information Commissioner published 30 new or revised resources offering regulatory guidance on a range of issues. Resources included the development of an e-learning module on contract registers; fact sheets focusing on issues such as fees and charges, the substantial and unreasonable diversion of agency resources, understanding section 121 of the GIPA Act, and third party consultation; and revised guidelines on discounting charges, public interest considerations under section 54 of the GIPA Act, and developing agency information guides.

Privacy

During the reporting period the former Acting Privacy Commissioner published 21 new or revised resources to provide guidance to public sector stakeholders. These resources included guides on transborder changes to legislation, consent, public interest directions, and the Privacy Commissioner's oversight role for internal reviews of privacy complaints; and fact sheets on privacy impact assessments, reasonably ascertainable identity, and the IPPs and HPPs.

IPC GIPA Tool

The IPC GIPA Tool was launched on 1 July 2015 and is currently used by 341 agencies and over 500 active users to manage GIPA applications and/or to submit agency annual GIPA reports to the IPC.

During the financial year, further enhancements of the GIPA Tool were undertaken reflecting changes in legislation and to improve the ease of use and value of the Tool.

NOTABLE PROJECTS

Research project on open data enablers

In May 2017 the Information Commissioner released a ground-breaking independent research report, *Conditions Enabling Open Data and Promoting a Data Sharing Culture 2017* produced by a team from the University of NSW.

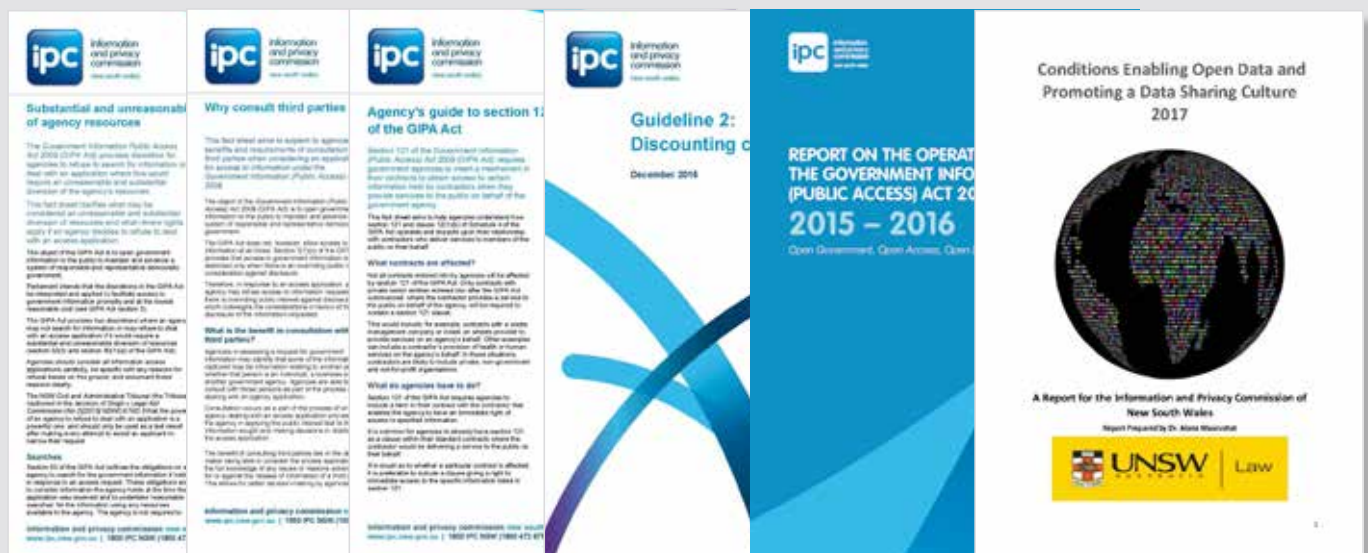
The report identifies six enablers that are used in leading Open Data countries to promote and support Open Data and a culture of data sharing. The research report provides contemporary practical international examples of these enablers and their influence on Open Data from five jurisdictions – the UK, US, France, Canada and New Zealand.

The report is available on the IPC website.

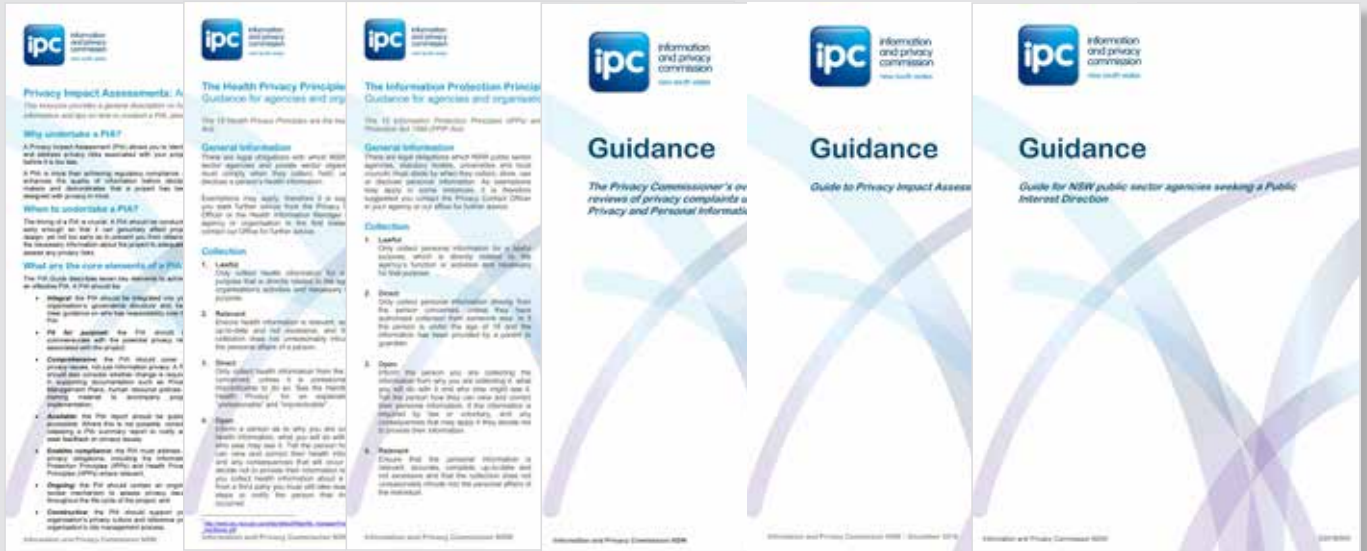
New guidelines on research

In October 2016 the former Acting Privacy Commissioner issued *Statutory Guidelines on Research – section 27B Privacy and Personal Information Protection Act 1998 (NSW)*. The Guidelines are intended to assist agencies in using the exemption provided by section 27B of the PPII Act and adopt a 'privacy by design' approach.

The guidelines will be subject to regular review.



A SELECTION OF REGULATORY GUIDANCE PUBLISHED BY THE INFORMATION COMMISSIONER DURING THE REPORTING PERIOD



A SELECTION OF REGULATORY GUIDANCE PUBLISHED BY THE FORMER ACTING PRIVACY COMMISSIONER DURING THE REPORTING PERIOD

Special Report to Parliament

In February 2017 the former Acting Privacy Commissioner presented to the NSW Parliament *NSW Informational Privacy Rights: Legislative Scope and Interpretation – Employer, Employee and Agency Responsibilities – a Special Report under Section 61C Privacy and Personal Information Protection Act 1998*.

The report focused on gaps in the NSW privacy regime regarding the action that can be taken by individuals when public and private organisations' employees intentionally breach privacy requirements, and when public sector contractors do not handle personal information according to the legislation.

The proposed improvements entail amendments to the PPIP Act and the HRIP Act to increase the accountability of employees and contractors.

Public interest directions

In December 2016, the former Acting Privacy Commissioner published guidance on public interest directions. Under the NSW privacy legislation the NSW Privacy Commissioner may make, with the approval of the relevant Minister, a Public Interest Direction to exempt or modify the requirements for a NSW public sector agency (or agencies) to comply with:

- Information Protection Principles (IPPs) under the PPIP Act;
- Health Privacy Principles (HPPs) under the HRIP Act; and/or
- Privacy or health privacy codes of practice under the PPIP Act or HRIP Act.

A public interest direction is a short-term mechanism that provides flexibility for agency program trials, transitional arrangements or an urgent agency need to collect, use, disclose and/or access personal information. A direction:

- allows agencies to temporarily depart from the IPPs, HPPs or provisions of an existing code of practice for a specific period of time if it is in the public interest;
- may be required if an agency has developed or wishes to test a specific temporary program or project or wishes to engage in a particular activity that requires the collection, use, disclosure and/or access to personal information and where the agency considers that this would be in breach of the IPPs, HPPs or existing code of practice;
- cannot permit conduct that would be unlawful under other laws; and
- does not override other laws, contracts or agreements, which already affect an agency.

Agency information guides

The IPC committed to agency engagement on Agency Information Guides (AIGs) in the June 2016 report *Towards a NSW Charter for Public Participation*. This engagement work has included:

- a survey on *Your Say IPC* – the IPC's community engagement platform;
- a workshop with GIPA agency practitioners; and
- meeting with all principal NSW Government departments to discuss their AIG and the role of AIGs under the GIPA Act.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

The IPC released a range of materials to assist agencies in satisfying their obligations to create and update their AIGs.

Agencies have been asked to consult with the Information Commissioner before they further amend their AIG.

Contracts register compliance

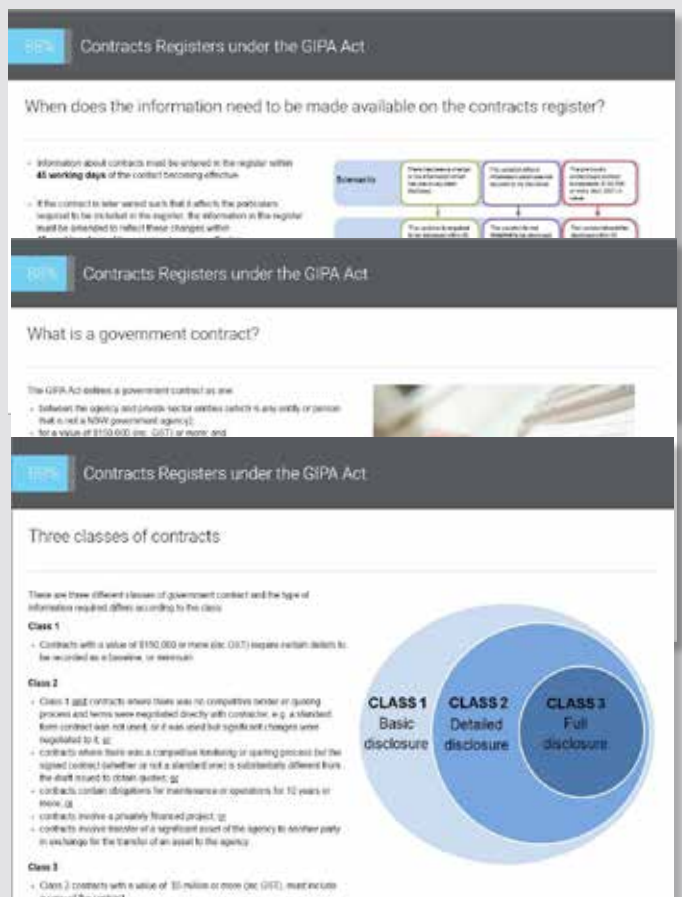
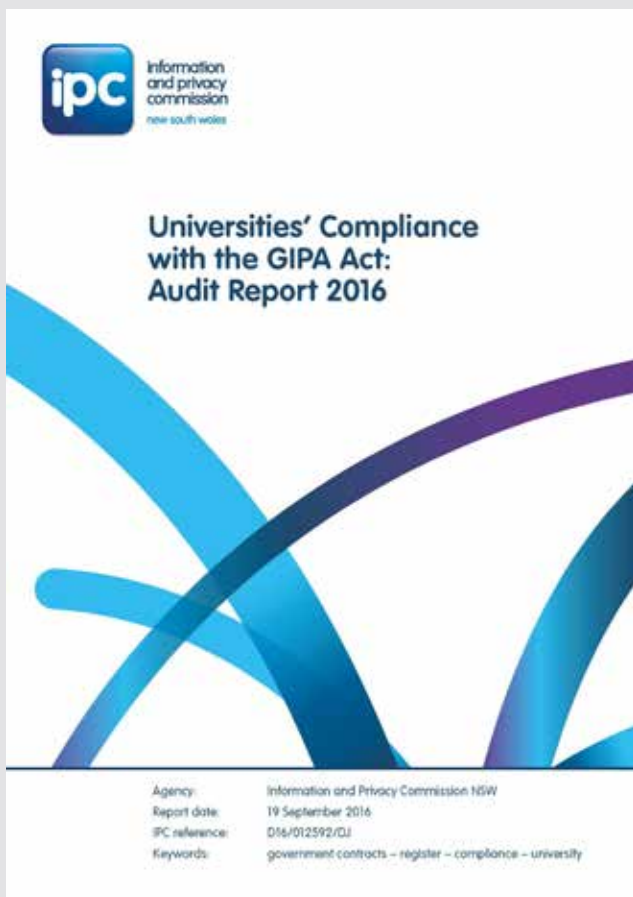
In the reporting period, the Information Commissioner released her follow-up audit report into University compliance with the contract register requirements of the GIPA Act in Part 3 Division 5.

The audit report found that universities' compliance with the contract register provisions had matured significantly since the 2015 compliance audit. The 2016 audit found:

- contract registers captured 21 per cent more of their obligations than in 2015; and
- the information included in contract registers was on average 17 per cent more complete than in 2015.

The improvements demonstrated the effectiveness of the regulatory engagement undertaken by the IPC with the sector following the first audit, which included individual university engagement and a sector forum. An e-learning

module on contract registers was also launched during the 2016/17 reporting period to assist agencies to comply with the requirements under the GIPA Act.



THE CONTRACTS REGISTERS UNDER THE GIPA ACT AUDIT REPORT AND PAGES FROM THE E-LEARNING MODULE

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

REVIEW AGENCY PERFORMANCE

A major role of the IPC is to support the Commissioners by providing case work services consistent with their legislative remit. Because the type and scale of case work varies between the two statutory streams, performance is reported on separately.

The IPC has reviewed its approach to providing agencies and applicants with reports on external reviews conducted by the Information Commissioner under the GIPA Act. The result is a new, shorter review report that has been designed to deliver clearer decisions with reasons by delegated IPC decision-makers at the conclusion of reviews. The new format has been in use from April 2017 and agencies have been invited to provide feedback to the IPC for continuous improvement of the approach.

The application for GIPA Act external review and complaint form on the IPC website was revised to operate as two separate forms – one for external reviews, the other for complaints – to make it easier for applicants and complainants to exercise their rights and to provide supporting information. Where consent is given, the IPC will provide a copy of the application for external review or complaint to the agency. This will allow the agency to understand the applicant's or complainant's concerns and to address the issues as directly as possible.

The IPC's performance targets are to finalise 80 per cent of advices within 14 days, 80 per cent of reviews and

complaints within 90 days, and 80 per cent of enquiries within one day.

It should be noted that during 2016/17, usual IPC procedures and data quality assurance were not applied with regard to privacy case work. With the approval of the Acting Privacy Commissioner, data remediation was directed to anomalous results. In 2017/18, the IPC will continue to review and revise its data entry and reporting to improve consistency and comparability across both statutory streams and all case types.

Complaints about information access

During 2016/17, there was a 53 per cent increase in the number of complaints received compared with the previous reporting year.

Improvements in case management are reflected in the improvement in the number of complaints finalised under the IPC service standard target. This year 85 per cent of complaints were finalised within 90 days compared to 64 per cent in the previous reporting year.

Of the 59 complaints finalised, the majority were focused in the State and Local Government sectors. Complaints concerning open access, fees and charges for open access information were concentrated in the local government sector.

The majority of complaints lodged with the Information Commissioner in 2016/17 related to:

- open access information and in particular in the area of local government was concerned with open access information associated with the development application process, including copyright;
- fees and charges associated with access to open access information;
- information not provided in response to a formal access application;

GIPA case activities and performance

CASE TYPE	NUMBER RECEIVED	NUMBER CLOSED	NUMBER OPEN AT 30 JUNE 2017	AVERAGE DAYS TO FINALISE 2015/16	AVERAGE DAYS TO FINALISE 2016/17	% COMPLETED WITHIN TARGET 2016/17
Advices	449	443	10	29	9	86%
Audit	0	1	0	96	97	N/A
Complaints	58	59	6	92	66	85%
Reviews	325	319	37	129	50	94%
Enquiries	2,270	2,273	0	4	1	94%
Own motion	1	0	1	N/A	N/A	N/A

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

- the decision making timeframes in both not making a decision with the statutory timeframe or in not responding to an informal request within a reasonable timeframe;
- decision to impose processing charges in order to provide access to information; or
- a decision that an access application amounted to an unreasonable and substantial diversion of resources.

Under the GIPA Act, matters which may be the subject of a review under section 80 of the GIPA cannot be the subject of a complaint, even if the person is out of time to apply for a review of a decision. Where this occurs, the Information Commissioner declines to deal with the complaint.

The IPC revised and released guidance on the requirements for fees and charges, and unreasonable and substantial diversion of resources during the reporting year. Further guidance was released in August 2017 to address the requirements of open access under the GIPA Act. The IPC also continues to work with individual agencies on meeting their specific requirements for open access.

Reviews of agency information access decisions

The Information Commissioner finalised 319 external reviews in the 2016/17 reporting period. The number received of 325 in the reporting period is consistent with the number received in the previous reporting period.

The 508 considerations identified in reviews that were finalised are listed below:

Public interest consideration	Number
Reveal personal information (section 14 T (3)(a))	108
Contravene an information protection principle or health privacy principle (section 14 T(3)(b))	63
Prejudice effective exercise of agency function (Section 14 T(1) (f))	61
Information not held/searches	53
Prejudice supply of confidential information (section 14 T (1) (d))	50
Prejudice business/professional interests section 14 T (4)(D))	49
Prejudice deliberative process of government (Section 14 T (1) (e))	35
Breach of confidence (section 14 T (1)(g))	29
IPC Legislation/GIPA Act 2009	28
Legal Professional Privilege (Sch 1(5))	27
All considerations	503

Note: One review may address more than one public interest consideration.

Recognising the growing use of technology to capture information, the IPC commenced a proactive regulatory initiative to work with agencies to identify the issues associated with CCTV/Audio Visual from the perspective of enabling release of information. This involved hosting a round table of key agencies that particularly capture CCTV/Audio Visual information, to understand the approaches and challenges. Following the round table the IPC has been developing guidance, and consulting with the Acting Privacy Commissioner and new Privacy Commissioner to assist agencies to meet the requirements of the GIPA Act and promote the object of the Act.

Advice to agencies – GIPA

The IPC provides information to agencies to assist compliance, their decision-making and support public access to information. During the year agencies sought advice on many aspects of GIPA including:

- handling of formal applications;
- preparation of Agency Information Guides;
- reporting of data on agency operations to the IPC; and
- management of disclosure requirements such as contract registers.

Enquiries and requests for information from the community

A major focus of enquiries from the community was how to make formal applications for information. Common topics included how to:

- to lodge an application;
- access their own information held by agencies;
- challenge or seek review of an agency decision; and
- access public material.

Members of the public also sought information on fees and charges and timeframes for decisions under GIPA.

Commissioner investigation

In October 2016, the Independent Commission against Corruption (ICAC) made a referral under section 53 of the *Independent Commission Against Corruption Act 1988*, to the Information Commissioner concerning an alleged deletion of records to avoid release pursuant to the GIPA Act.

In November 2016, the Information Commissioner determined to initiate an investigation into the matter referred to her from ICAC, pursuant to section 21 of the *Government Information (Information Commissioner) Act 2009* (GIIC Act). Section 21 of the GIIC Act enables the Information Commissioner to:

... investigate and report on the exercise of any functions of one or more agencies under an Information Act, including the systems, policies and practices of agencies (or of agencies generally) that relate to functions of agencies under an Information Act.

The investigation has required:

- notices pursuant to section 25 of the GIIIC Act, for the production of information;
- notices pursuant to section 26 of the GIIIC Act, for IPC officers to enter and inspect records;
- interviews of a number of persons to assist the investigation; and
- site visits to review information.

An investigation under the GIIIC Act is to be made in the absence of the public. The Information Commissioner is also required to ensure an opportunity for procedural fairness where the Commissioner considers that there are grounds for adverse comment in accordance with the requirements of section 23 of the GIIIC Act.

At the time of writing, a preliminary report was finalised. It will be subject to the procedural requirements of section 23 of the GIIIC Act. It is anticipated that a final report will be issued to the relevant agency in late 2017.

Advice to agencies – privacy

The Privacy Commissioner provides advice to NSW public sector agencies (and some private sector organisations) on the operation of the privacy regime. The focus is on providing information and guidance to support robust management by agencies of their privacy obligations. During the year topics included:

- the collection, use and sharing of data including personal and health information. For example a medical practice sought advice on its obligations in relation to retention and security of medical records when transitioning to a paperless records system;
- proposed amendments to legislation and regulations;
- handling of privacy breaches;

- use of data collection techniques; and
- conduct of privacy impact assessments.

A major focus for the year was assisting agencies to implement the government's open data agenda in a privacy-respectful manner. Advice was provided to the NSW Data Analytics Centre and the Department of Finance, Services and Innovation on the appropriate guidance for agencies when considering sharing (within government) or releasing to the public personal information. Assistance was also provided to individual agencies seeking to use personal information to create insight into challenging problems and improve service coordination, delivery and evaluation.

Complaints about privacy

2016/17 saw a 43 per cent increase in complaints received. The majority of complaints lodged with the former Acting Privacy Commissioner in 2016/17 related to:



- access or refusal of access to health or personal information, examples include individuals seeking access to dental records, individuals seeking to have medical records transferred to a new provider and individuals who were refused access to medical records;
- disclosure of health or personal information, examples include alleged disclosure of personal details to a third party; and
- collection, confidentiality or security of health or personal information – examples include confidentiality of information arising from blood tests, a breach of privacy in relation to medical assessments, storage and use of health information and accuracy of personal information held on file.

In 2014, the former Acting Privacy Commissioner commenced an investigation into Transport for NSW's Opal Electronic Ticketing Scheme. The investigation is currently under consideration, and the Privacy

Privacy case activities and performance

CASE TYPE	NUMBER RECEIVED	NUMBER CLOSED	NUMBER OPEN AT 30 JUNE 2017	AVERAGE DAYS TO FINALISE 2015/16	AVERAGE DAYS TO FINALISE 2016/17	% COMPLETED WITHIN TARGET 2016/17
Advices	273	285	5	72	96	36%
Audit	12	14	0	186	34	N/A
Complaints	120	123	15	136	59	82%
Reviews	188	182	30	137	87	68%
Enquiries	1,946	1,952	0	59	7	74%
Own motion	3	3	0	663	147	N/A

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Commissioner anticipates communicating with relevant parties in the coming reporting period.

Submissions on internal agency reviews – privacy

The Privacy Commissioner exercises her oversight function following application for an internal review by an individual to an agency.

The IPC receives a report from the agency that outlines the issues, its investigation of the complaint and the findings and any recommendations it may propose as a result. The IPC is notified of the outcomes and undertakes an assessment. The Privacy Commissioner may make submissions for consideration by the agency if warranted.

During the year, 182 privacy reviews were concluded. The issues addressed in the reviews are listed below:

Issue/Privacy Principle	Number
IPP 11 Limits on disclosure of personal information	97
PPIP Act 1998	58
HRIP Act 2002	29
HPP 11 Limits on disclosure of health information	22
IPP 5 Retention and security of personal information	20
IPP 10 Limits on use of personal information	20
IPP 9 Agency must check accuracy of personal information before use	12
IPP 1 Collection of personal information for lawful purposes	11
IPP 7 Access to personal information held by agencies	11
Other	43
All issues	323

Note: One review may address more than one issue.

Privacy management plans

Under the Part 3 Division 2 of 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. The plan is an integral part of public sector agencies' governance frameworks as it documents how privacy obligations are integrated into the functions and activities of the agency. The plan sets out the agency's policies and procedures for complying with privacy and the principles contained in NSW privacy legislation. Plans are publicly available and assist staff in their day-to-day handling of personal and health information. They are available to clients who wish to understand how their privacy is protected and managed by the public sector organisations. PMP reviews are recorded as an audit case type.

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

In the reporting year the former Acting Privacy Commissioner received a total of 11 PMPs for consideration. These are reviewed against the checklists and feedback provided to agencies as required. PMP reviews are recorded as an audit case type.

Voluntary breach notifications

Agencies have obligations under the PPIP Act and HRIP Act to take reasonable steps to protect the personal and health information that they hold. A data breach occurs when there is a failure that has caused or has the potential to cause loss of protection of personal or health information. While not required by law, the former Acting Privacy Commissioner encouraged agencies to make voluntary notification of data breaches. In the reporting period, 103 voluntary notifications were dealt with.

Enquiries and requests for information from the community – privacy

The IPC continued to receive a high number of enquiries from the public about their privacy concerns.

Typical topics of enquiries were:

- how to lodge a complaint to an agency about a possible privacy breach;
- how to gain access to the individual's own personal information held by an agency; and
- understanding their rights under the privacy legislation.

During the year staff received a number of enquiries regarding reported privacy breaches by private cosmetic health providers and enquirers were advised to contact the private cosmetic health providers to confirm if their privacy had been breached. The Office of the Australian Information Commissioner (OAIC) has confirmed that the Australian Privacy Commissioner has commenced an investigation into these breaches.

A significant number of enquiries were found to be the responsibility of other agencies, for example those that related to workplace surveillance or to agencies regulated by the Australian Government. As well as referring enquirers to the relevant agency, the IPC will consider how to improve community understanding of the respective responsibilities of various privacy bodies.

Human Research and Ethics Committees

Under the 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 and 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.

All 21 HRECs submitted compliance reports for 2016/17, covering a total of 434 research proposals. Of these research proposals 393 (91 per cent), 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.

Please see HREC table below:

No.	Date	HREC carried out between July 2016 and June 2017	Proposal	Without consent	Outweighed public interest
1	05/07/17	St Vincent's Hospital HREC	0	No	0
2	03/07/17	NSW Population and Health Research Ethics Committee, Cancer Institute (EC00410)	50	Yes	26
3	11/07/17	Nepean Blue Mountains Health District	0	No	0
4	18/07/17	Royal Rehabilitation Sydney	0	No	0
5	19/07/17	Cancer Council NSW Ethics Committee	0	No	0
6	30/06/17	Aboriginal Health and Medical Research Council HREC	12	Yes	12
7	26/07/17	Western Sydney Local Health District HREC	0	No	0
8	28/07/17	Sydney Children's Hospitals Network HREC (EC00130)	80	Yes	71
9	27/07/17	Greater Western Human Research Ethics Committee	16	Yes	16
10	26/07/17	Sydney Local Health District CRGH (EC00118)	52	Yes	52
11	03/08/17	Justice Health and Forensic Mental Health Network HREC	2	Yes	2
12	28/07/17	University of Wollongong and Illawarra Shoalhaven Local Health District Social Sciences HREC	0	No	0
13	28/07/17	University of Wollongong and Illawarra Shoalhaven Local Health District Health and Medical HREC	8	Yes	6
14	31/07/17	North Coast New South Wales Human Research Ethics Committee	4	Yes	2
15	03/08/17	South Western Sydney Local Health District Human Research Ethics Committee	74	Yes	74
16	04/08/17	Northern Sydney Local Health District Human Research Ethics Committee	46	Yes	44
17	04/08/17	South Eastern Sydney Local Health District HREC (EC00135)	0	No	0
18	08/08/17	Sydney Local Health District (RPAH Zone) HREC	73	Yes	73
19	16/08/17	Adventist Health Care Limited	4	Yes	2
20	31/08/17	Hunter New England Human Research Ethics Committee	13	Yes	13
21	13/09/17	Albury Wodonga Human Research Ethics Committee	0	No	0
All issues			434		393

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Privacy codes of practice and public interest directions

The following Privacy Code of Practice was approved and gazetted between 1 July 2016 to 30 June 2017:

- Privacy Code of Practice for the Extra Offender Management Service May 2017

The following Privacy Codes of Practice have been developed and are awaiting Ministerial approval:

- Youth on Track

During 2016/17 no new Public Interest Directions were made and the following Public Interest Directions expired:

- Direction relating to Youth on Track made under s 41 of the PPIP Act expired on 30 June 2017
- Direction relating to Youth on Track made under s 62 of the HRIP Act expired on 30 June 2017
- Direction on the program for the national Countering Violent Extremism Intervention Framework expired on 16 June 2017.

NSW Civil and Administrative Tribunal (NCAT)

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

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

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 may request a Commissioner's 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.

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

Act	No. of files opened 01/07/16 – 30/06/17	No. of files closed 01/07/16 – 30/06/17
GIPA	151	115
Privacy	36	48
Total	187	163

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 table, right, 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.

The Information Commissioner is also an investigating authority under the PID Act and may receive complaints about contraventions of the GIPA Act.

The Information Commissioner closed two complaints during the reporting year. During the assessment process not all of the complaints satisfied the requirements of the PID Act.

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 GIPC 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 is a member of 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.

Public Interest Disclosures received			
	Made by public officials performing day to day functions	Under a statutory or other legal obligation	All other PIDs
	0	0	0
Number of public officials who made PIDs directly	0	0	2
Number of PIDs received	0	0	2
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	2
Local government pecuniary interest contravention	0	0	0
Total	0	0	2

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

PROVIDE FEEDBACK TO PARLIAMENT

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

The Information Commissioner provided a number of reports and submissions to Parliament including:

- *Report of the Operation of the Government Information (Public Access) Act 2009: 2015 – 2016* – under section 37 of the GIIA Act, the Information Commissioner is required to provide Parliament with an annual report on the operation of the GIPA Act. The 2015/16 Report was tabled in Parliament in February 2017, and provides a comprehensive assessment of the operation of the legislation in New South Wales. The Report examines the performance of over 200 government agencies, provides important guidance to policy makers and agency heads and promotes greater transparency for the NSW community; and
- the Information Commissioner is also the CEO of the IPC, and appeared before the 2017 Review of the Annual Reports of Oversighted Bodies for the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission on 12 May 2017. In her opening statement at the Review, Ms Tydd emphasised the operational effectiveness of the IPC, particularly through the creation of internally robust procedures, systems, governance, prioritisation and investment in capability. The IPC focus areas highlighted included data integrity and transparent reporting; research initiatives; an ongoing targeted regulatory program; and a contribution to international understanding of the operation of information access legislation.

Reports to Parliament by the former Acting Privacy Commissioner included:

- a report on work by the Privacy Commissioner for year 2015/16 (s61a Report) which addressed a range of activities to improve community protections and agency understanding of privacy rights;
- a report on *NSW Informational Privacy Rights: Legislative scope and Interpretation – Employer, Employee and Agent Responsibilities* which focused on gaps concerning the action that can be taken by individuals when public and private organisations' employees intentionally breach privacy requirements, and when public sector contractors do not handle personal information according to the legislation; and

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

- a report to the 2017 Review of the Annual Reports of Oversighted Bodies for the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission on 12 May 2017, which focused on a review of the exercise by oversight agencies of their legislative functions and to discuss issues of public interest that are relevant to the Committee's functions.

During the year the IPC's management of this feedback function was subject to an internal audit and found to be working well.

Major submissions

Information Access

The Information Commissioner contributed to the major inquiry by the Productivity Commission into Data Availability and Use. Issues raised included:

- the role of the NSW Open Data Advocate;
- the GIPA Act and 'push models' for information release;
- the benefits of data sharing to the community; and
- the role of agency information guides and public participation.

Other submissions included:

- comments on the Children's Guardian's discussion paper on the statutory review of the *Child Protection (Working with Children) Act 2012*;
- comments on the Independent Review of the NSW Regulatory Policy Framework draft report;
- in response to a request from the Acting NSW Privacy Commissioner, the Information Commissioner provided feedback on draft guidance material on data sharing on 29 June 2017;
- a NSW Law Reform Commission round table discussion regarding a Consultation Paper proposal on 18 July 2017;
- on the State Archives and Records Authority NSW (SARA) proposed policy on General retention and disposal authority: video/visual surveillance records (GDA8);
- the Department of Justice's review of changes to the *Electronic Transactions Act 2000* and *Electronic Transactions Regulation 2012*;
- the Office of Local Government (OLG) proposed note for inclusion in the 2016/17 Code of Accounting Practice and Financial Reporting regarding information held by councils about related party disclosures; and
- to the NSW Law Reform Commission on Consultation Paper 18 – Dispute Resolution: Model Provisions. The submission addressed the proposed model provisions and benefits of extending the model provisions to the GILC Act, and of extending ADR to the GIPA Act.

Privacy

The former Acting Privacy Commissioner made the following submissions to:

- the Productivity Commission into Data Availability and Use. Issues raised included that:
 - responsible data access and use starts with a human rights perspective, as privacy protection is essential to the development of a person's personality and their ability to enjoy their private and family life
 - privacy regulators play a critical role in ensuring that the community is informed of their privacy rights and the corresponding obligations of organisations
 - the proposed Comprehensive Right which would allow third parties access to an individual's customer data, appears to depart from existing privacy standards
 - preventing individuals from opting out of data collection signifies a departure from community standards.
- the NSW Parliamentary Inquiry into the Management of Health Care Delivery in NSW
- the NSW Parliamentary Inquiry on human trafficking in NSW
- the NSW Parliamentary Inquiry into driver education, training and road safety
- the NSW Parliamentary Inquiry into Students with a disability or special needs in New South Wales schools
- the NSW Parliamentary review of the *Public Interest Disclosures Act 1994*.

GIPA statutory review

The IPC continued to engage with the Department of Justice and to provide responses to the Statutory Review throughout the reporting period.

In July 2017, the Attorney General tabled a report of the statutory review of the GIPA Act, and the associated GILC Act. These statutes were enacted to foster change in the way New South Wales agencies make government information available to members of the public, and to contribute to a cultural shift in the way agencies and members of the public think about 'open government'.

The report concludes that the GIPA Act and GILC Act are generally well-supported, the new pathways the GIPA Act created to access government information are useful and effective, and the Acts are operating efficiently. The objectives of both Acts remain valid, and their terms remain appropriate for securing those objectives.

The Information Commissioner will continue to assist the Department of Justice in advancing improvements to the information access regime. The report is available on the IPC website.

OBJECTIVE 2

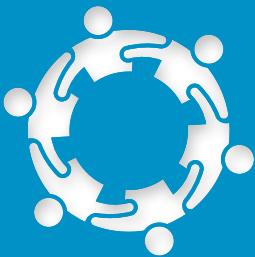
**To be an effective
organisation**

Reporting against our strategic objectives

Objective 2: To be an effective organisation



Staff engagement increased by 12%
driven by processes to improve the work we do
and make changes to meet the challenges ahead



71% of staff agree we have good team work
and co-operation across the organisation and 88%
agree that the IPC focuses on improving the work we do



72% of staff are proud to say they work at the IPC
and that the IPC inspires them to do their best in their job,
while 67% recommend the IPC as a great place to work



**83% of staff believe they receive enough help
and support** and 72% agree they get the training and
development they need to do their job well



**Customer satisfaction is important to 100% of
staff** and co-operation across the organisation and 88%
agree that the IPC focuses on improving the work we do



**94% of staff said they can speak up and share
a different point of view** and had not witnessed
unacceptable conduct in the workplace

Statistics on this page reflect feedback obtained from IPC staff from the 2017 Public Service Commission People Matter Survey.

Priority 1: Be recognised as an employer of choice

GOVERNMENT SECTOR EMPLOYMENT ACT 2013

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 statutory responsibilities of the Information Commissioner and Privacy Commissioner.

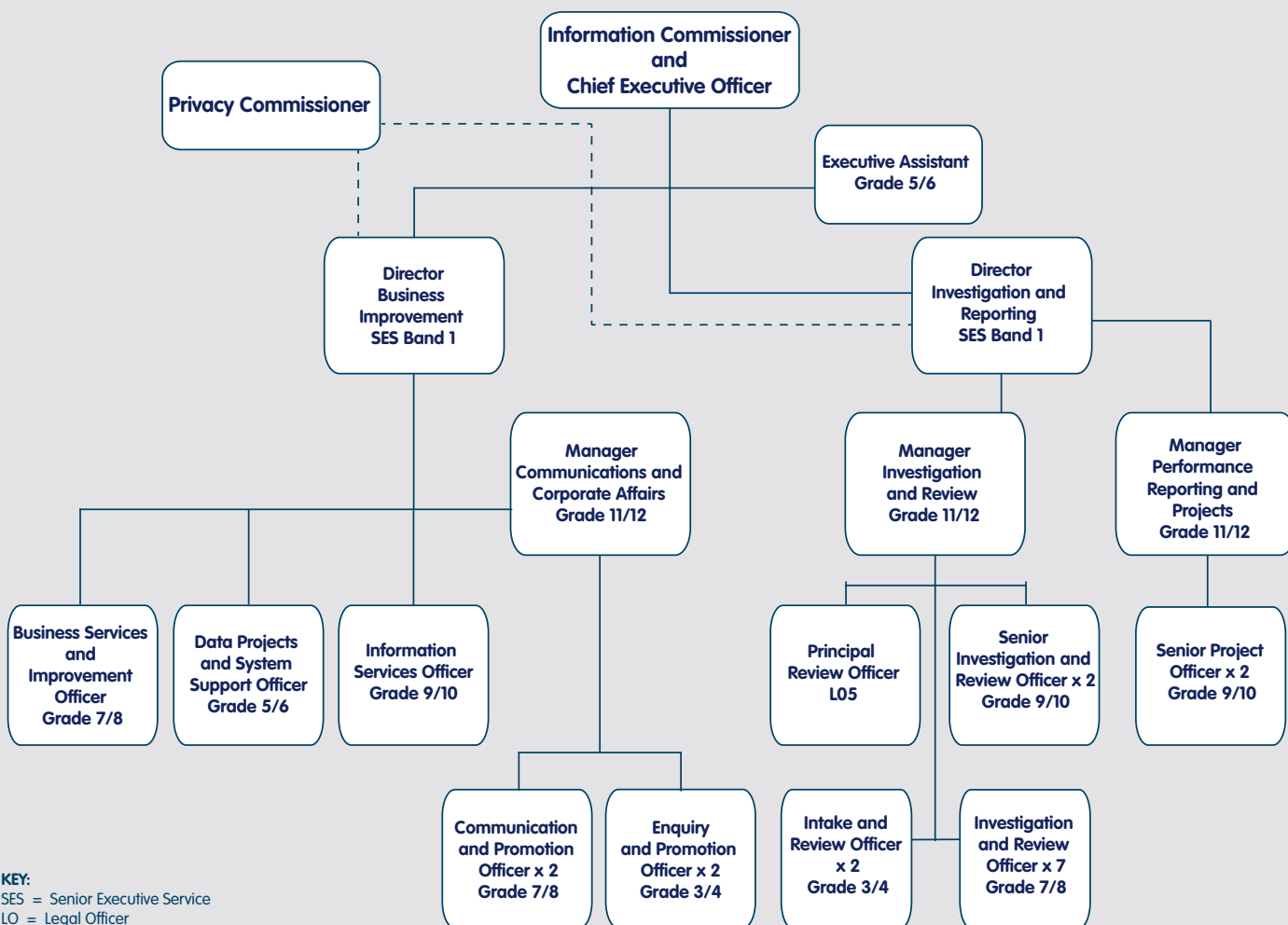
The GSE Act confers additional statutory responsibilities to the Information Commissioner as Agency Head including the power of delegation and the requirement to be fiscally responsible, effective and efficient. These additional responsibilities are not placed on the Privacy Commissioner.

In 2016/17 the IPC met its compliance requirements with the GSE Act by:

- developing staff Performance Agreements and Development Plans for all IPC employees;
- continuing to support staff training and development by continuing the focus on foundational training in GIPA and privacy for all staff; and
- implementing a Learning and Development Strategy.

Organisational structure

As at 30 June 2017.



Reporting against our strategic objectives

Objective 2: To be an effective organisation

SENIOR EXECUTIVE

The IPC supports two Statutory Officers, the Information Commissioner and the Privacy Commissioner. The Information Commissioner is the Chief Executive Officer of the IPC and has statutory responsibilities under the *Government Sector Employment Act 2013* and the *Public Finance and Audit Act 1983*. The Commissioner positions are statutory appointments and are listed under section 11A of the *Statutory and Other Offices Remuneration Act 1975*, and are not Public Sector senior executives to whom Division 4 of Part 4 of the *Government Sector Employment Act 2013* applies. The remuneration for the Information Commissioner and Privacy Commissioner as at 30 June 2017 is provided on page 37.



Elizabeth Tydd

LLB, LLM, Cert. Legal Practice, Grad. Cert. Corporate Governance, GAICD, 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.



Samantha Gavel

BA, GAICD

Privacy Commissioner

Samantha Gavel was appointed as NSW Privacy Commissioner on 4 September 2017. Prior to Ms Gavel commencing duties, Mr Paul McKnight served as Acting Privacy Commissioner. Ms Gavel succeeds Elizabeth Coombs who was Privacy Commissioner from November 2011 to November 2016 and continued to act in the role until 30 June 2017.



Chantal Snell

BSc (Hons)

Director, Business Improvement

Samara Dobbins held the role for 2016/17 with Chantal Snell engaged on 28 August 2017 while Ms Dobbins is on secondment to the Department of Premier and Cabinet. Ms Snell 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, GAICD

Director, Investigation and Reporting

Roxane Marcelle-Shaw is responsible for the IPC's regulatory services including the conduct of reviews, complaints, investigations, performance reporting, projects and legal services. The Director, Investigation and Reporting is also the IPC's Chief Audit Executive.

Executive remuneration

Position	CEO, Information Commissioner	Position	Privacy Commissioner
Occupant (full time)	Elizabeth Tydd	Occupant (part time 0.6)	Elizabeth Coombs
Remuneration	\$328,349	Remuneration	\$190,118
Value of remuneration paid as a performance payment	Nil	Value of remuneration paid as a performance payment	Nil
Criteria used for determining total performance payment	N/A	Criteria used for determining total performance payment	N/A
Period in position	Appointed December 2013	Period in position	Appointed November 2011, completed November 2016, acting to June 2017.

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

ENTERPRISE INDUSTRIAL RELATIONS

The Chief Executive Officer was available to meet 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	2016 – 2017	2015 – 2016	2014 – 2015	2013 – 2014	2012 – 2013
Statutory	2	2	2	2	2
Administration	26	26	26	23	22
Professional	1	1	1	1	1
Total	29	29	28	26	25

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: In 2012 – 2013 the IPC implemented a restructure which included streamlining categories of employment to move positions to the Administration category. 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 (position funding was transferred and additional resources allocated to core privacy functions during the period and are not included in the diversity reporting). 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.)	2016 – 2017	2015 – 2016	2014 – 2015	2013 – 2014	2012 – 2013
Women	50%	15	68%	63%	69%	77%	88%
Aboriginal & Torres Strait Islander people	3.3%	1	0%	0%	0%	0%	0%
People whose first language is not English	23.2%	7	23.2%	27%	28%	23%	4.2%
People with a disability	N/A	N/A	4%	7%	3%	0%	0%
People with a disability requiring work adjustment	N/A	N/A	0%	0%	0%	0%	0%

Reporting against our strategic objectives

Objective 2: To be an effective organisation

STAFF ENGAGEMENT SURVEY

The IPC participated in the Public Service Commission People Matter Survey. The following summary offers a snapshot of results applying to staff at the IPC:

- Engagement – increased by 12 per cent. This has been driven by processes to improve the work we do; making changes to ensure we can meet future challenges; and opportunities for career development;
- High performance and team work – 71 per cent of staff agreed that there is good co-operation between teams across our organisation; 83 per cent agreed that senior managers promote collaboration between the IPC and other organisations we work with; 88 per cent of staff agreed that the IPC focuses on improving the work we do;
- Pride – 72 per cent of staff agreed that they are proud to tell others they work for the IPC and 72 per cent also responded that the IPC inspires them to do the best in their job; 67 per cent of staff would recommend the IPC as a great place to work;
- Training – 72 per cent of staff agreed they received appropriate training and development to do their job well; 72 per cent agreed that senior managers encourage innovation by employees; and 83 per cent agreed that they receive help and support to do their job;
- Values, diversity and inclusion – 100 per cent agreed that their work group strives to achieve customer/client satisfaction; 89 per cent agreed that they treat each other with respect; 72 per cent agreed that senior managers model the values of the IPC and communicate the importance of customer/clients in improving our business objectives; and 71 per cent agreed that people take responsibility for their own actions. 94 per cent said that they were able to speak up and share a different view; and 78 per cent are satisfied with their ability to access and use flexible working arrangements; and
- 94 per cent have not witnessed unacceptable conduct, which is 20-30 per cent better than the public sector response regarding unacceptable conduct including bullying.

As an outcome action of the 2015/16 staff engagement survey the CEO/Information Commissioner initiated sending a quarterly update to staff that highlights our initiatives to support wellbeing and engagement over the past three months, organisational information and upcoming events.

PERFORMANCE AND DEVELOPMENT AGREEMENTS

Under the GSE Act all government sector agencies are to have a performance management system that meets the essential elements set by the Public Service Commissioner.

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.

All ongoing IPC staff have Performance and Development Agreements in place that align to the GSE Act.

WORK HEALTH AND SAFETY

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. This legislation requires strict compliance. The Information Commissioner as IPC CEO and IPC Directors have actively upheld these responsibilities.

The IPC has two first-aid officers, has 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. There were no reported WHS incidents reported in the financial year. The IPC developed a WHS Safety Management System that was communicated to all staff.

Six members of staff participated in the Get Healthy at Work program during the reporting period, a NSW Government initiative that aims to improve the health of working adults.

INTERNSHIPS

During the reporting period the IPC participated in the Law Society Graduate and Summer Clerkship Program for the first time. The IPC engaged one Graduate under the IPC Internship policy for a period of five weeks and engaged two Summer Clerks for a period of two months. A review of the IPC's participation conducted in March 2017 confirmed the value of the initiative and committed to participation in 2017/18.

Priority 2: Implement a rigorous governance framework

LEGISLATIVE COMPLIANCE REGISTER

The Legislative Compliance Register is a standing item on the agenda for the Audit and Risk Committee at each meeting. During 2016/17 the Register was updated to comply with the GSE Act and to clearly identify responsible members of the IPC Executive for key risks and to include an annual attestation by responsible officers.

COMPLIANCE COMMITTEE

During the year the IPC established a Compliance Committee to oversee and advise upon proactive compliance activities to ensure that they are guided by a risk-based and intelligence-informed approach to regulation, focusing on emerging issues, entities and sectors that pose the greatest risk to achieving our regulatory objectives. The Compliance Committee operates in the context of the IPC Regulatory Framework. The Committee comprises the Information Commissioner (Chair), Directors and Principal Review Officer. The Committee meets bi-monthly, or more frequently if required. In 2016/17, the Committee met three times.

DATA BREACH POLICY

During the reporting period the IPC Data Breach Policy was developed to provide guidance when responding to a breach of IPC-held data. The policy sets out the procedures for managing a data breach, including considerations for notification and prevention of future breaches. The policy is available on the IPC website.

RESEARCH AND DEVELOPMENT

During the year both Commissioners conducted surveys of community attitudes. The results of the Information Commissioner's survey were reported in her Report on the Operation of the GIPA Act for 2015/16. Highlights and outcomes of both surveys have been included on page 20 of the Annual Report. Highlights of research into Open Data enablers by the Information Commissioner have been included on page 21 of the Annual Report.

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 four consultants during the 2016/17 reporting period. Please view the Financial Statements for further details.

LITIGATION

There were no current or pending litigation or regulatory proceedings to which IPC was a party in the 2016/17 reporting period and the Legislative Compliance Register assists the IPC to comply with statutory requirements. The Crown Solicitors Office confirmed the legal work undertaken which did not include litigation.

INTERNATIONAL TRAVEL

No international travel was undertaken by the Information Commissioner, the former Acting Privacy Commissioner or staff of the IPC during the reporting period.

IPC ACTION PLANS

The IPC's *Aboriginal Action Plan 2013 – 2016*, *Disability Action Plan 2013 – 2016*, and *Multicultural Services Plan 2013 – 2016* were retired during the reporting period and an overarching Diversity and Inclusion Action Plan is in development for 2017/20.

As a small agency the IPC reports on its action plans on a triennial basis. Outcomes of the 2013/16 plans can be viewed at Appendix 2.

AGREEMENTS WITH MULTICULTURAL NSW

The IPC continued to progress actions in line with its *Multicultural Services Plan 2013 – 2016* which was retired at the end of 2016. A Diversity and Inclusion Action Plan is in development for 2017/20. As a small agency, the IPC has an agreement in place with Multicultural NSW to report on its Multicultural Policies and Services Program (MPSP) in a triennial basis. See Appendix 2 for outcomes from the *Multicultural Services Plan 2013 – 2016*.

INFORMATION SECURITY MANAGEMENT SYSTEM (ISMS) ATTESTATION

The IPC has adopted the Information Security Policy of the Department of Justice, as the major ICT 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 40 for the Digital Information Security Annual Attestation Statement for 2016/17.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Digital Information Security Annual Attestation Statement for 2016 – 2017



information
and privacy
commission
new south wales

Digital Information Security Annual Attestation Statement for the 2016-2017 Financial Year for Information and Privacy Commission NSW

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 2016-2017 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 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 2016 -2017 financial year.

Elizabeth Tydd
IPC CEO and Information Commissioner

Dated 5 October 2017

RISK MANAGEMENT

Audit and Risk Committee (ARC): Report on activity 2016/17

1. Meetings held and attendance by members:

There were five meetings held during the 2016/17 reporting year.

No. of meetings	Meeting date	Malcolm Clinch	Paul Crombie	Lyn Baker
1.	11/08/2016	✓	✓	✓
2.	16/09/2016	✓	✓	×
3.	07/12/2016	✓	✓	✓
4.	22/03/2017	✓	✓	✓
5.	14/06/2017	✓	✓	✓
Total	5	5	5	4

- In-camera sessions were conducted with internal and external audit service providers
- The Chair met regularly with the CEO throughout the year.

2. Key outcomes:

- Three Internal Audits conducted by O'Connor Marsden and Associates and reported to the Audit and Risk Committee to provide assurance that key internal controls operating with respect to three functions are appropriately designed and have operated effectively. The Internal Audits reported that the IPC maintained, in all material respects, effective control procedures in relation to the following functions:
 - PCard and delegations
 - EDRMS implementation
 - Legislative feedback.
- In accordance with *TPP15-03 Internal Audit and Risk Management Policy for the NSW Public Sector*, the IPC must conduct an assessment of the internal audit function at least every five years, which fell due for the first time in 2016/17. The IPC undertook a self-assessment, and the Department of Justice conducted the independent validation of the self-assessment. The independent validation assessment found that, at the time it was performed, there was general conformance at the IPC with the Definition of Internal Auditing, the Code of Ethics, and the Standards. A number of recommendations were made to better align with TPP 15-03 and these will be actioned by the Chief Audit Executive and reported to future meetings of the Committee through 2017/18.
- The Committee reviewed and advised on the revision of the IPC Enterprise Risk Management Policy and Framework, aligned with TPP 15-03 requirements.

- Provision of advice to the CEO/Information Commissioner on identification and management of financial, operational and other risks associated with arrangements for the temporary relocation of the Privacy Commissioner under the auspices of the Department of Justice.

3. Key outputs:

- Endorsed 2016/17 internal audit plan
- Reviewed the 2016/17 Risk Register at each meeting and monitored risk treatment/mitigation actions
- Reviewed and endorsed improvements to the IPC Enterprise Risk Management Policy and Framework
- All audit reports reviewed and implementation of recommendations monitored
- Reviewed and endorsed the 2015/16 financial statements for signature by the CEO and reviewed the 2016/17 early close financial statements
- Proactive release of ARC minutes continued
- IPC/Department of Justice Service Level Agreements arrangements monitored
- External Audit and Client Services Plan reviewed and discussed.

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

4. Priorities for next year:

- Finalisation of Audit Plan for 2017/18
- Review and revision of the IPC Risk Plan for 2017/18
- Oversight of performance against the Strategic Plan for 2017/20
- Monitoring and review of financial management and financial reporting arrangements for the IPC
- Monitoring the reintegration of the privacy function into the IPC
- Advising the IPC on identifying its risk appetite and risk tolerance.

Please see page 42 for the Internal Audit and Risk Management Attestation for 2016/17.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Internal Audit and Risk Management Attestation for 2016 – 2017



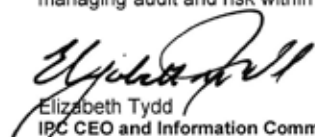
Internal Audit and Risk Management Attestation Statement for the 2016-17 Financial Year for the Information and Privacy Commission

I, Elizabeth Tydd, am of the opinion that the Information and Privacy Commission has internal audit and risk management processes in operation that are compliant with the eight (8) core requirements set out in the Internal Audit and Risk Management Policy for the NSW Public Sector, specifically:

Core Requirement	Status
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
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'	Compliant
Audit and Risk Committee 3.1 An independent 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

- Independent Chair, Ms Lyn Baker
Initial term - 15/6/15 to 14/6/18
- Independent Member 1, Mr Paul Crombie
Initial term – 23/09/2014 to 17/09/2017
- Independent Member 2, Mr Malcolm Clinch
Initial term - 06/07/15 to 05/07/2018

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


Elizabeth Tydd
IPC CEO and Information Commissioner

26 September 2017

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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
- 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
- Infographics prepared for campaigns based on statutory reports and survey outcomes
- Event listings and campaigns championed by the Information Commissioner, Privacy Commissioner or corporately
- Media releases.

Decisions made on the formal access applications

Of the 19 formal access applications received and dealt with by the IPC this financial year, it was decided that for four of the applications that the information was not held by the IPC. An additional 10 applications were transferred to other agencies which the IPC reasonably believed those agencies held the information.

Statistical information about access applications made

See Appendix 3 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.

Contracts Register compliance

The IPC has also:

- maintained a contract register in accordance with Division 5 of the GIPA Act;
- ensured that any relevant contracts were entered appropriately and accurately;
- made this register public on its website at www.ipc.nsw.gov.au/register-government-contracts; and
- reviewed the accuracy and completeness of the register regularly during the year.

STATEMENT OF ACTION TAKEN TO COMPLY WITH THE PPIIP ACT

The IPC privacy specific expertise is applied to facilitate compliance with the PPIIP Act and the HRIP Act. The IPC has a privacy management plan (PMP) as is required by section 33(3) of the PPIIP Act and includes our obligations under the HRIP Act. The IPC's PMP outlines how we comply with the principles of the PPIIP Act and the HRIP Act. The PMP can be found on the IPC website.

STATISTICAL DETAILS OF ANY REVIEW CONDUCTED UNDER PART 5 OF THE PPIIP ACT

During this reporting year we received no requests for internal review under Part 5 of the PPIIP Act.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Priority 3: Promote continuous improvement of performance

IPC STRATEGIC PLAN

In May 2017, the IPC released its Strategic Plan for 2017 – 2020. Embodying the IPC's commitment to a strategic and contemporary approach to regulation, the Strategic Plan demonstrates the IPC's ambitious, future-based and proactive approach to identifying external opportunities.

IPC REGULATORY FRAMEWORK

In May 2017, the IPC released the final version of its Regulatory Framework, upholding the IPC's commitment to transparency to agencies and citizens.

The Regulatory Framework reflects the statutory instruments that govern information access and privacy protection in NSW, together with the IPC's plans and activities that support compliance with those laws. It also explains the IPC's regulatory approach, priorities, activities, and performance reporting.

IPC BUSINESS PLAN

The IPC Strategic Plan for 2013/16 was supported by the development of a business planning framework and a 2016/17 operational business plan to support and prioritise the work of staff. This was monitored and reviewed fortnightly by the IPC Executive. This Annual Report provides an acquittal of work from the IPC Business Plan for 2016/17 – please see information provided in sections from page 16 and forward.

PUBLICATIONS REVIEW COMMITTEE

The IPC produces a range of publications for external stakeholders including the general public, public sector agencies and private sector organisations. These publications support the IPC's business plan and assist the organisation to achieve its regulatory objectives. These publications need to be periodically reviewed to ensure they remain relevant and accurate.

An inaugural Publications Review Working Group 2016/17 (PRWG) was set up, and includes representatives from across the organisation and commenced a review in September 2016.

OPEN GOVERNMENT PLAN

The Digital+ 2016 update to the *NSW Government ICT Strategy* commits NSW government agencies to developing and publishing an Open Government Plan to report progress on implementing the open government principles and showcase current initiatives. This is supported by the Premier's Memorandum on Open Government. The IPC submitted an Open Government Plan for 2016/17, which is available on the IPC website.

CLIENT SATISFACTION SURVEY

During the reporting period work progressed on the development of an ongoing client satisfaction survey to capture data that can be used to measure against the standards set out in the IPC Service Charter. The survey will assess the views of individual complainants/applicants, in addition to agencies the IPC has dealt with in relation to complaints and reviews. The ongoing client satisfaction survey will be commenced in the 2017/18 reporting period, and results will be published in the IPC's Annual Report.

OUR FINANCIAL PERFORMANCE

Statement by the Information Commissioner

STATEMENT BY INFORMATION COMMISSIONER

for the Year Ended 30 June 2017

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 as at 30 June 2017 and financial performance of the Information and Privacy Commission for the year then ended.
2. The financial statements have been prepared in accordance with applicable Australian Accounting Standards (which include Australian Accounting Interpretations), the *Public Finance and Audit Act 1983*, the Public Finance Regulation 2015, and the Financial Reporting Directions mandated by the Treasurer.

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, CEO
Information and Privacy Commission
18 September 2017

Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

Information and Privacy Commission

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Information and Privacy Commission (the Commission), which comprise the statement of financial position as at 30 June 2017, the statement of comprehensive income, statement of changes in equity, statement of cash flows, for the year ended, notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion the financial statements:

- give a true and fair view of the financial position of the Commission as at 30 June 2017, 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.

Basis for Opinion

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

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

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

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

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

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

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

Independent Auditor's Report (continued)

Information Commissioner's Responsibility for the Financial Statements

The Information Commissioner (the Commissioner) is responsible for the preparation and fair presentation of the financial statements 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 and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Commissioner must assess the Commission's ability to continue as a going concern except where the Commission's operations will cease as a result of an administrative restructure. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of using the going concern basis of accounting.

Auditor's Responsibility for the Audit of the Financial Statements

My objectives are to:

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

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

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

My opinion does not provide assurance:

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



David Daniels
Director, Financial Audit Services

20 September 2017
SYDNEY

Statement of Comprehensive Income

For the year ended 30 June 2017

	Notes	Actual 2017 \$	Budget 2017 \$	Actual 2016 \$
Expenses				
Employee related expenses	2(a)	3,293,251	4,190,000	3,871,770
Other operating expenses	2(b)	2,125,903	1,056,000	1,675,257
Depreciation and amortisation	2(c)	222,576	221,000	182,589
TOTAL EXPENSES EXCLUDING LOSSES		5,641,730	5,467,000	5,729,616
Revenue				
Grants and contributions	3(a)	5,342,000	5,342,000	4,512,333
Acceptance by the Crown Entity of employee benefits and other liabilities	3(b)	121,326	172,000	264,066
Other revenue	3(c)	216,124	13,000	147,094
TOTAL REVENUE		5,679,450	5,527,000	4,923,493
Operating result		37,720	60,000	(806,123)
Other gains/(losses)	4	-	-	(61,615)
Net result		37,720	60,000	(867,738)
Other comprehensive income		-	-	-
TOTAL COMPREHENSIVE INCOME FOR THE YEAR		37,720	60,000	(867,738)

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2017

Statement of Financial Position

As at 30 June 2017

	Notes	Actual 2017 \$	Budget 2017 \$	Actual 2016 \$
ASSETS				
Current Assets				
Cash and cash equivalents	6	840,430	252,000	239,568
Receivables	7	462,102	587,000	687,833
Total Current Assets		1,302,532	839,000	927,401
Non-Current Assets				
Plant and equipment	8	49,836	65,000	64,991
Intangibles	9	1,067,012	1,066,000	1,143,826
Total Non-Current Assets		1,116,848	1,131,000	1,208,817
TOTAL ASSETS		2,419,380	1,970,000	2,136,218
LIABILITIES				
Current Liabilities				
Payables	10	587,134	171,000	276,484
Provisions	11	417,073	455,000	482,473
Total Current Liabilities		1,004,207	626,000	758,957
Non-Current Liabilities				
Provisions	11	7,290	3,000	7,098
Total Non-Current Liabilities		7,290	3,000	7,098
TOTAL LIABILITIES		1,011,497	629,000	766,055
NET ASSETS		1,407,883	1,341,000	1,370,163
EQUITY				
Accumulated funds		1,407,883	1,341,000	1,370,163
TOTAL EQUITY		1,407,883	1,341,000	1,370,163

The accompanying notes form part of these financial statements.

Statement of Changes in Equity

For the year ended 30 June 2017

	Accumulated funds \$
Balance at 1 July 2016	1,370,163
Net result for the year	37,720
Other comprehensive income	–
Total comprehensive income for the year	37,720
Transaction with owners in their capacity as owners	–
BALANCE AT 30 JUNE 2017	1,407,883
Balance at 1 July 2015	2,237,901
Net result for the year	(867,738)
Other comprehensive income	–
Total comprehensive income for the year	(867,738)
Transaction with owners in their capacity as owners	–
BALANCE AT 30 JUNE 2016	1,370,163

Our financial performance

Financial statements for the year ended 30 June 2017

Statement of Cash Flows

For the year ended 30 June 2017

	Notes	Actual 2017 \$	Budget 2017 \$	Actual 2016 \$
CASH FLOW FROM OPERATING ACTIVITIES				
Payments				
Employee related		(3,314,478)	(4,017,000)	(3,632,461)
Other		(1,578,488)	(1,344,000)	(1,854,767)
Total Payments		(4,892,966)	(5,361,000)	(5,487,228)
Receipts				
Grants and contributions		5,342,000	5,342,000	4,512,333
Interest received		–	–	17,042
Other		328,347	162,000	294,380
Total Receipts		5,670,347	5,504,000	4,823,755
NET CASH FLOWS FROM OPERATING ACTIVITIES	12	777,381	143,000	(663,473)
CASH FLOWS FROM INVESTING ACTIVITIES				
Purchases from Plant, Equipment and Intangibles		(176,519)	(150,000)	(198,087)
NET CASH FLOWS FROM INVESTING ACTIVITIES	8, 9	(176,519)	(150,000)	(198,087)
CASH FLOWS FROM FINANCING ACTIVITIES				
NET CASH FLOWS FROM FINANCING ACTIVITIES		–	–	–
NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENTS				
Opening cash and cash equivalents		239,568	259,000	1,101,128
CLOSING CASH AND CASH EQUIVALENTS	6	840,430	252,000	239,568

The accompanying notes form part of these financial statements.

1. Summary of significant accounting policies

(a) Reporting entity

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

The financial statements for the year ended to 30 June 2017 have been authorised for issue by the Information Commissioner on 18 September 2017.

(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 mandated by the Treasurer.

Plant and equipment are measured at fair value. Other financial statement items are prepared in accordance with the historical cost convention except where specified otherwise.

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

All amounts are rounded to the nearest dollar and are expressed in Australian currency.

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 Commissions' 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 price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

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

(ii) Capitalisation threshold

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.

Our financial performance

Notes to the financial statements for the year ended 30 June 2017

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 is measured at the highest and best use by market participants that is physically possible, legally permissible and financially feasible. The highest and best use must be available at a period that is not remote and take into account the characteristics of the asset being measured, including any socio-political restrictions imposed by government. In most cases, after taking into account these considerations, the highest and best use is the existing use. In limited circumstances, the highest and best use may be feasible alternative use, where there are no restrictions on use or where there is a feasible higher restricted alternative use.

As the Commission does not own land, buildings and infrastructure assets, revaluations of plant and equipment are not warranted.

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

(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 or an amount that approximates 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.

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

As a not for-profit entity, an impairment loss is recognised in the net result to the extent the impairment loss exceeds the amount in the revaluation surplus for the class of asset.

(f) Leases

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of the leased assets, and operating leases under which the lessor does not transfer substantially all the risks and rewards.

The Commission does not have any financial leases. Operating lease payments are recognised as an operating expense in the Statement of Comprehensive Income on a straight-line basis over the lease term.

(g) Depreciation and amortisation

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. 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%

1. Summary of significant accounting policies (continued)

(h) 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.

(i) 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. 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.

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

The Commission's intangible assets are amortised using the straight-line method over a period of five to ten years.

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

(j) Financial instrument

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity.

Financial assets and financial liabilities are initially measured at fair value. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities (other than financial assets and financial liabilities at fair value through profit and loss) are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition. Transaction costs directly attributable to the acquisition of financial assets or financial liabilities at fair value through profit or loss are recognised immediately in net result.

The Commission determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates this at each financial year end.

(i) Financial assets

Financial assets are classified, at initial recognition, as loans and receivables.

- Loans and receivables

Trade receivables, loans, and other receivables that have fixed or detenninable payments that are not quoted in an active market are classified as loans and receivables. Loans and receivables are measured at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or though the amortisation process.

Short-term receivables with no stated interest rate are measured at the original invoice amount unless the effect of discounting is material.

- Impairment of financial assets

All financial assets, except those measured at fair value through profit and loss, are subject to an annual review for impairment. Financial assets are considered to be impaired when there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows have been affected.

For certain categories of financial assets, such as trade receivables, the Commission first assesses whether impairment exists individually for financial assets that are individually significant, or collectively for financial assets that are not individually significant. Assets are assessed for impairment on a collective basis if they were assessed not to be impaired individually.

Our financial performance

Notes to the financial statements for the year ended 30 June 2017

1. Summary of significant accounting policies (continued)

(j) Financial instrument (continued)

For financial assets carried at amortised cost, the amount of the allowance is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the original effective interest rate. The amount of the impairment loss is recognised in the net result for the year.

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.

(ii) Financial liabilities at amortised cost

Payables represent liabilities for goods and services provided to the Commission. Payables are initially measured at fair value, net of transaction costs. 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.

(iii) Derecognition of financial assets and financial liabilities

A financial asset is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the Commission transfers the financial asset:

- Where substantially all the risks and rewards have been transferred; or
- Where the Commission has not transferred substantially all the risks and rewards, if the Commission has not retained control.

Where the Commission has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the Commission's continuing involvement in the asset. In that case, the Commission also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the Commission has retained.

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

(iv) Offsetting financial instruments

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

(k) Accounting for 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 Commission 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 components of the cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

(l) Other Provisions

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 it's not material.

1. Summary of significant accounting policies (continued)

(m) Employee benefits

- (i) Salaries and wages (including non-monetary benefits), and paid sick leave that are expected to be settled wholly within 12 months after the end of the period, in which the employees render the service are recognised and measured at undiscounted amounts of the benefits.
- (ii) Annual leave is not expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with *AASB 119 Employee Benefits* (although short-cut methods are permitted). Actuarial advice obtained by Treasury has confirmed that the using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The Commission has assessed the actuarial advice based on the Commission's circumstances and has determined that the effect of discounting is immaterial to annual leave.
- (iii) Unused non-vesting sick leave does not give rise to a liability, as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.
- (iv) On-costs, such as payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment, are 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 Commission accounts for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of employee benefits and other liabilities'.
Long Service Leave is measured at present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures, and period of service. Expected future payments are discounted using Commonwealth government bond rate at reporting date.
- (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.

(n) 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) Grants and contributions

The Commission is funded by way of grants from the Department of Justice in accordance with the Budget Allocation Letter. Grants and contributions are recognised when the Commission obtains control over the assets. The Commission is deemed to control grants and contributions when they are received or receivable.

(o) Equity

(i) Accumulated Funds

The category 'Accumulated Funds' includes all current and prior year retained funds.

(p) 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 are explained in Note 13.

Our financial performance

Notes to the financial statements for the year ended 30 June 2017

1. Summary of significant accounting policies (continued)

(q) 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.

(r) Changes in accounting policy, including new or revised Australian Accounting Standards

(i) Effective for the first time in 2016-17

The accounting policies applied in 2016-17 are consistent with those of the previous financial year, except as a result of *AASB 2015-16 Amendments to Australia Accounting Standards - Extending Related Party Disclosures to Not for-Profit Public Sector Entities* which has been applied for the first time in 2016-17. The required disclosures are made at Note 17.

(ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise.

The following relevant Accounting Standards have not been applied and are not yet effective as per NSW Treasury Circular NSW TC 17/04.

- AASB 9 *Financial Instruments*
- AASB 15, AASB 2014-5 and AASB 2015-8 and 2016-3 regarding *Revenue from Contracts with Customers*
- AASB 16 *Leases*
- AASB 1058 *Income of Not-for-profit Entities*
- AASB 2016-2 *Amendments to Australian Accounting Standards - Disclosure Initiative: Amendments to MSB 107*
- MSB 2016-7 *Amendments to Australian Accounting Standards - Deferred of AASB 15 for Not-for-Profit Entities*
- AASB 2016-8 *Amendments to Australian Accounting Standards - Australian Implementation Guidance for Not-for-Profit Entities*
- AASB 2017-2 *Amendments to Australian Accounting Standards - Further Annual Improvements 2014-16 Cycle*

Other than AASB 16 *Leases*, the Commission does not expect the adoption of these standards in the future periods to materially impact the financial statements.

AASB 16 is applicable to annual reporting periods beginning on or after 1 January 2019. For leases where the Commission is the lessee, AASB 16 will require the Commission to recognise assets and liabilities on the statement of financial position where the lease term is for more than 12 months unless the underlying asset is low value. There will be no impact on the total amount of cash flows reported.

2. Expenses excluding losses

	2017 \$	2016 \$
(a) Employee related expenses		
Salaries and wages (including annual leave)	2,820,654	3,169,080
Payroll tax and Fringe Benefit Tax	170,265	194,875
Superannuation – defined contribution plans	184,899	243,177
Superannuation – defined benefit plans	79,642	67,461
Workers' compensation insurance	(707)	572
Long service leave assumed by Crown	34,158	192,773
Payroll tax assumed by Crown	4,340	3,832
TOTAL	3,293,251	3,871,770
(b) Other operating expenses		
Administration fees	200,046	374,935
Advertising and publicity	82,091	37,021
Agency staff fees	995,654	214,355
Audit Review Committee fees	18,824	25,730
Auditor's remuneration		
– audit of the financial statements	25,850	20,550
– internal audit	5,750	11,250
Cleaning	10,336	10,084
Computer related expenses	82,283	151,008
Consultants and contractors	131,061	125,960
Fees – External Client Training	23,545	31,093
Insurance	12,961	13,208
Legal services	83,748	44,404
Minor equipment	7,740	10,416
Miscellaneous fees	905	21,324
Motor Vehicle Expense	8,699	12,186
Office relocation	–	108,714
Other	21,133	14,421
Postage	30,000	9,524
Printing	8,060	11,710
Rental	296,072	295,162
Repairs and maintenance*	3,375	697
Staff expenses	27,248	67,499
Stores and Stationery	13,716	13,111
Subscription and membership	323	8,868
Telephone	12,949	27,513
Travel	23,534	14,514
TOTAL	2,125,903	1,675,257

Our financial performance

Notes to the financial statements for the year ended 30 June 2017

2. Expenses excluding losses (continued)

	2017 \$	2016 \$
(b) Other operating expenses (continued)		
<i>*Reconciliation – Total Maintenance</i>		
Maintenance expense – contracted labour and other (non-employee related) as above	3,375	697
Total maintenance expenses included in Note 2(b)	3,375	697
<i>There are no maintenance costs within employee related expenses.</i>		
(c) Depreciation and amortisation expense		
Depreciation		
Computer equipment	11,164	9,539
Furniture and fittings	3,091	3,091
Leasehold improvements	–	13,110
Other plant and equipment	899	899
Total depreciation expense	15,154	26,639
Amortisation		
Intangible assets – software	207,422	155,950
Total amortisation expense	207,422	155,950
TOTAL	222,576	182,589

3. Revenue

	2017 \$	2016 \$
(a) Grants and contributions		
Government grants – recurrent	5,192,000	4,268,333
Government grants – capital	150,000	244,000
Total	5,342,000	4,512,333

(b) 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	79,641	67,461
Long service leave	37,345	192,773
Payroll tax	4,340	3,832
Total	121,326	264,066

(c) Other revenue

Other	66,124	14,558
Recovery from Department of Justice*	150,000	132,536
Total	216,124	147,094

* A portion of the Commission's budget was allocated to the Privacy Commissioner due to the temporary relocation of the Privacy Commissioner from 28 January 2016 to 30 June 2017. The Commission recovered \$150,000 from Department of Justice for the over spend of allocated privacy staff cost budget in 2016-2017 financial year.

4. Other gains/(losses)

	2017 \$	2016 \$
Asset disposal – leasehold improvement	–	(61,615)
Total	–	(61,615)

A leasehold improvement asset was written off due to the Commission's office relocation in April 2016.

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.

The expenses, revenue, assets and liabilities of the service group are presented in the primary financial statements.

Our financial performance

Notes to the financial statements for the year ended 30 June 2017

6. Current assets – cash and cash equivalents

	2017 \$	2016 \$
Cash at bank	839,930	239,068
Cash on hand	500	500
CLOSING CASH	840 430	239,568

For the purposes of the Statement of Cash Flows, cash and cash equivalents include cash at bank and cash on hand.

Cash and cash equivalent assets recognised in the statement of financial position are also cash and cash equivalents in the statement of cash flow.

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

7. Current assets – receivables

	2017 \$	2016 \$
GST receivables	80,871	14,012
Prepayments*	241,500	658,864
Intercompany receivable	129,252	–
Other receivables	10 479	14,957
	462,102	687,833

Details regarding credit risk of trade debtors that are either past due or impaired, are disclosed in note 14.

* A prepayment was made to Department of Justice to cover 2017-18 corporate services provided under Service Level Agreements (SLAs). The Commission also prepaid 2016-17 corporate service fees (SLAs) in the previous financial year.

The receivable from the Department of Justice includes the \$150,000 staff cost recovery, offset by the Commission's payroll expenses and some overhead expenses paid by the Department that is reimbursable in following month.

8. Non-current assets – plant and equipment

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Plant & Equipment \$	TOTAL \$
At 1 July 2016 – fair value					
Gross carrying amount	76,327	33,535	–	37,358	147,220
Accumulated depreciation and impairment	(36,449)	(11,983)	–	(33,797)	(82,229)
NET CARRYING AMOUNT	39,878	21,552	–	3,561	64,991
At 30 June 2017 – fair value					
Gross carrying amount	76,327	33,534	–	37,358	147,219
Accumulated depreciation and impairment	(47,613)	(15,074)	–	(34,696)	(97,383)
NET CARRYING AMOUNT	28,714	18,460	–	2,662	49,836

8. Property, 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 2017					
Net carrying amount at start of year	39,878	21,552	–	3,561	64,991
Additions	–	(1)	–	–	(1)
Depreciation expenses	(11,164)	(3,091)	–	(899)	(15,154)
NET CARRYING AMOUNT AT END OF YEAR	28,714	18,460	–	2,662	49,836

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Plant & Equipment \$	TOTAL \$
At 1 July 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
At 30 June 2016 – fair value					
Gross carrying amount	76,327	33,535	–	37,358	147,220
Accumulated depreciation and impairment	(36,449)	(11,983)	–	(33,797)	(82,229)
NET CARRYING AMOUNT	39,878	21,552	–	3,561	64,991

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 2016					
Net carrying amount at start of year	25,359	24,644	74,725	652	125,380
Additions	24,057	–	–	3,808	27,865
Impairment losses (recognised in 'other gains/losses')	–	–	(61,615)	–	(61,615)
Depreciation expenses	(9,538)	(3,092)	(13,110)	(899)	(26,639)
NET CARRYING AMOUNT AT END OF YEAR	39,878	21,552	–	3,561	64,991

The Commission'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 2017

9. Intangible assets

	Software \$
At 1 July 2016	
Gross carrying amount	1,768,124
Accumulated amortisation	(624,298)
NET CARRYING AMOUNT	1,143,826
At 30 June 2017	
Gross carrying amount	1,898,732
Accumulated amortisation	(831,720)
NET CARRYING AMOUNT	1,067,012

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 2017	
Net carrying amount at start of year	1,143,826
Additions	130,608
Amortisation	(207,422)
NET CARRYING AMOUNT AT END OF YEAR	1,067,012
At 1 July 2015	
Gross carrying amount	1,551,989
Accumulated amortisation	(468,347)
NET CARRYING AMOUNT	1,083,642
At 30 June 2016	
Gross carrying amount	1,768,124
Accumulated amortisation	(624,298)
NET CARRYING AMOUNT	1,143,826

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 2016	
Net carrying amount at start of year	1,083,642
Additions	216,134
Amortisation	(155,950)
NET CARRYING AMOUNT AT END OF YEAR	1,143,826

10. Current liabilities – payables

	2017 \$	2016 \$
Employment related	14,828	82,194
Sundry accruals and creditors	565,498	191,286
Corporate Credit Card	6,808	3,004
Total	587,134	276,484

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

11. Current/non-current liabilities – provisions

	2017 \$	2016 \$
Current		
Recreation leave*	333,234	396,856
Long service leave on-costs	83,839	85,617
Total	417,073	482,473
Non-current		
Long service leave on-costs	7,290	7,098
Total	7,290	7,098
Aggregate employee benefits and related on-costs		
Provisions – current	417,073	482,473
Provisions – non-current	7,290	7,098
Accrued salaries, wages and on-costs (Note 10)	14,828	82,194
Total	439,191	571,765

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

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

	2017 \$	2016 \$
Net cash inflow used on operating activities	777,381	(663,473)
Depreciation and amortisation expense	(222,576)	(182,589)
Net gain/(loss) on sale of plant and equipment	–	(61,615)
Increase/(decrease) in receivables and prepayments	(225,731)	156,307
(Increase)/decrease in provisions	65,208	(81,680)
(Increase)/decrease in payables	(356,562)	(34,688)
NET RESULT	37,720	(867,738)

Our financial performance

Notes to the financial statements for the year ended 30 June 2017

13. Budget review note

Net result

The actual net result was lower than budget by \$22k, primarily due to the following factors that are offset by the increased other operating costs:

Rental holiday from July to October 2016 received from the relocation of Commission's office to the new premises in April 2016.

Reduced corporate service costs charge that is subject to review by the Department of Justice under the Service Level Agreement.

The total expense is \$175k over the budget primarily due to the high agency staff/contractor costs. The employee related expense is favourable to budget due to low long service leave (LSL) expenses arising from actuarial valuation and vacant positions not filled. This is offset by the unfavourable result on other operating expenses, which is mainly attributed to the higher agency staff costs due to the additional contractors engaged for the Privacy team. The large overspend on contractor costs were partially offset by the lower corporate service charge and rent free benefit received in the financial year.

The total revenue is \$152k over the budget due to the \$150k recovery of Privacy staff budget over run from the Department of Justice. The Department agreed to fund the Privacy staff budget overspend for the arrangement of temporary relocation of the Privacy Commissioner from 28 January 2016.

Assets and liabilities

The total assets are \$449k higher than the budget primarily due to the high cash balance at financial year-end.

The total liabilities are \$382k higher than the budget due to large year-end accrual.

Cash flows

The year-end cash balance is substantially higher than the previous year. This is mainly due to the delayed payments processed by the Department, which provides shared corporate service for the Commission including financial operation. The Commission has therefore accrued \$550k of unpaid rents, contractors, and other various operating expenses. The accruals are expected to be cleared by cash payment in the following period.

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 the financial statements.

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

14. Financial instruments (continued)

(a) Financial instrument categories

	Notes	Category	2017 \$	2016 \$
Financial assets				
Class:				
Cash and cash equivalents	6	N/A	840,430	239,568
Receivables (1)	7	Receivables at amortised cost	139,731	14,957
Financial liabilities				
Class:				
Payables (2)	10	Financial liabilities measured at amortised cost	587,134	276,884

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

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

(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 and cash equivalents

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

Receivables – trade debtors

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the Commission 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.

	Total	Past due but not impaired \$	Considered impaired \$
2017			
< 3 months overdue*	139,731	139,731	–
2016			
< 3 months overdue	14,957	14,957	–

The ageing analysis excludes statutory receivables, as these are not within the scope of AASB 7. Therefore, the 'total' will not reconcile to the receivables total recognised in the statement of financial position.

Our financial performance

Notes to the financial statements for the year ended 30 June 2017

14. Financial instruments (continued)

(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 and prior 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 prior period data and 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		
			Fixed Interest Rate \$	Non-interest bearing \$	<1 year \$	1-5 years \$	>5 years \$
2017							
Financial Liabilities							
Payables	–	587,134	–	587,134	587,134	–	–
		587,134	–	587,134	587,134	–	–
2016							
Financial Liabilities							
Payables	–	276,484	–	276,484	276,484	–	–
		276,484	–	276,484	276,484	–	–

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 and comprises current risk, interest risk and other price risk. The Commission's only exposure to market risk is interest rate risk on cash balances.

(e) Interest rate risk

The Commission's exposure to interest rate risk through interest bearing liabilities or cash at bank is immaterial. The Commission does not account for any fixed rate financial instruments at fair value through profit or loss or as available for sale. In 2015-16, Treasury introduced cash management reforms that apply to the Commission. Under the reforms, and in comparison to previous years, the Commission no longer earns interest from Treasury on its financial assets.

(f) Fair Value Measurement

Financial instruments are generally recognised at cost.

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

15. Commitments

	2017 \$	2016 \$
(a) Operating Lease Commitments		
Future minimum rentals payable under non-cancellable operating lease as at 30 June are, as follows:		
Not later than one year	525,828	220,081
Later than one year and not later than five years	1,125,914	–
TOTAL (INCLUDING GST)	1,651,742	220,081

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 "Operating Lease Commitments" include input tax credits of \$150,158 (2016: \$20,007), which are expected to be fully recoverable from the ATO.

16. Contingent liabilities

The Commission is unaware of any matters that may lead to a significant contingent liability (2016: \$nil).

Our financial performance

Notes to the financial statements for the year ended 30 June 2017

17. Related Party Disclosure

The Commission's key management personnel compensation are as follows:

	2017 \$
Short-term employee benefits:	
Salaries	328,350
Other monetary allowances	—
Non-monetary allowances	—
Other long-term employee benefits	—
Post-employment benefits	—
Termination benefits	—
TOTAL REMUNERATION	328,350

There were no transactions entered into during the year with key management personnel, their close family members, and controlled or jointly controlled entities of key management personnel.

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

These transactions include:

- Grants and contributions received from the Department of Justice
- Long Service Leave and Defined Benefit Superannuation assumed by Crown
- Transactions relating to the Treasury Banking System
- Employer contributions paid to Defined Benefit Superannuation funds
- Payments for the provision of personnel and corporate service to the Department of Justice
- Payments into the Treasury Managed Fund for workers' compensation insurance and other insurances.

18. 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 2017.

End of Audited Financial Statements.

APPENDICES

Appendix 1 – Publications list

All publications listed below are available on the IPC website.

Reports

- *IPC Annual Report 2015 – 2016*
- *Privacy Commissioner's Report on Work and Activities 2015 – 2016*
- *Universities' compliance with the GIPA Act: Audit Report 2016*
- *Report on the operation of the Government Information (Public Access) Act 2009: 2015 – 2016*
- *NSW Informational Privacy Rights: Legislative Scope and Interpretation – Employer, Employee and Agency Responsibilities – a Special Report under Section 61C Privacy and Personal Information Protection Act 1998*
- *Conditions Enabling Open Data and Promoting a Data Sharing Culture 2017*
- *Attitudes of the NSW Community to Privacy 2017*

IPC resources

- *IPC Strategic Plan 2017 – 2020*
- *IPC Regulatory Framework*
- *Information Commissioner's Regulatory Plan 2016/17*
- *IPC Service Charter*
- *Open Government Plan 2016/17*
- *IPC audit and risk committee charter*
- *IPC Data Breach Policy*
- *IPC Agency Information Guide*
- *Open Data Advocate Work Program 2016 – 2017*
- *IPC Enterprise Risk Management Policy 2016*
- *Opening statement to the Review of the Annual Reports of Oversighted Bodies*
- *Audit and Risk Committee minutes – March, April, June, August, September and December 2016*

IPC newsletters

- *CEO Update – July 2016*
- *CEO Update – October 2016*
- *CEO Update – January 2017*
- *CEO Update – May 2017*
- *IPC Bulletin – September 2016*
- *IPC Bulletin – December 2016*
- *IPC Bulletin – April 2017*

Information access resources

- *Jurisdictional compendium*
- *Metrics on public use of FOI access rights*
- *Open Data: Opening our World infographic*
- *Contract Registers E-Learning Module*
- *Fact sheet: How the GIPA Act applies to agencies' wholly owned subsidiaries*
- *Fact Sheet – Substantial and unreasonable diversion of agency resources*
- *Fact Sheet – GIPA Act fees and charges*
- *Fact Sheet – Agency Information Guides and the public*
- *Fact sheet – s121 of the GIPA Act – agency*
- *Fact sheet – s121 of the GIPA Act – contractor*
- *Fact sheet – Delegation or authorisation under the GIPA Act*
- *Fact sheet – Quick Guide to my responsibilities under the GIPA Act*
- *Fact sheet – Why consult third parties*
- *Guide – Agency guide to annual GIPA reporting for 2015/16*
- *Guideline 2 – Discounting charges*
- *Guideline 5 – Consultation public interest considerations under s54*
- *Guideline 6 – Agency Information Guides*
- *Agency Information Guides – Self-assessment checklist for agencies*
- *Template – Third party consultation letter*
- *Template – Third party advice of agency decision to release information and proposal to include information in the disclosure log*
- *Template – Consultation letter with another government agency*

Privacy resources

- Guide – *Privacy Guidance on transborder changes to legislation*
- Guide – *Privacy Guidance: consent*
- Guide – *Privacy Commissioner's oversight role in internal reviews of privacy complaints*
- Guide – *Privacy Impact Assessment Guide*
- Guide – *Public Interest Directions Guide*
- Fact Sheet – *Privacy Impact Assessments: An Overview*
- Fact Sheet – *Reasonable Ascertainable Identity*
- Fact sheet – *Health Privacy Principles for agencies*
- Fact sheet – *Information Protection Principles for agencies*
- Fact sheet – *Privacy Settings*
- Fact sheet – *Keep your kids safe online*
- *Own motion inquiry – the difference between a Privacy Notice and Consent Request*
- Poster – *About Privacy Awareness Month*
- Poster – *Privacy Awareness Month event*
- Poster – *Privacy Awareness Month – “Be aware... connect with care”*
- Poster – *Privacy Awareness Month – “Online privacy check-up”*
- Poster – *Privacy Awareness Month – “A healthy future for privacy”*

Public Interest directions renewed or made

PPIP Act

- Direction on the program for the national Countering Violent Extremism Intervention Framework

HRIP Act

- Direction on the program for the national Countering Violent Extremism Intervention Framework

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Appendix 2 – Diversity action plans for 2013/16 – outcomes

The following table provides a snapshot of work completed by the IPC to acquit the three action plans in place during 2013/16.

Aboriginal Action Plan 2013/16	Disability Action Plan 2013/16	Multicultural Services Plan 2013/16
<ul style="list-style-type: none"> • Released IPC Aboriginal Action Plan externally/internally • Incorporated engagement with Aboriginal people about information access and privacy rights into the IPC's stakeholder engagement strategy • Consulted with Aboriginal Child, Family & Community Care State Secretariat (AbSec) for feedback on IPC core brochures • Adopted Department of Justice protocols for IPC staff to follow when working with Aboriginal people and communities • Incorporated Aboriginal cultural practices and ceremonies into IPC events • Adopted Department of Justice guidelines and training for IPC staff in communicating respectfully and clearly using culturally appropriate language • All recruitment processes are of equal opportunity for Aboriginal and Torres Strait Island people. 	<ul style="list-style-type: none"> • Promoted and protected the information access and privacy rights of people with disability via enquiries mechanisms • Ensured IPC office facilities meet the Australian Standard AS1428 and the Commonwealth Disability (Access to Premises – Buildings) Standards 2012 for access and mobility • Researched external policy event policies that include accessibility criteria and identify special needs participants • Redevelopment of IPC website to ensure WCAG2.0 and Level AA compliant and accessibility • Provided assistance with accessibility where requested with enquiries, complaints, reviews, investigations and consultation procedures • Included disability awareness in induction training for new staff and targeted training for IPC managers and staff • Launched the IPC Disability Action Plan in accessible formats on the IPC website • Provided reports as required under legislation and included a statement in the IPC's Annual Report. 	<ul style="list-style-type: none"> • Released IPC Multicultural Services Plan externally/internally • Researched and funded ten translations into major ethnic languages for the IPC's two core brochures on information access and privacy rights for the citizens of NSW • Provided access to interpreter services for enquiries to the IPC as required • Introduced recognition of national days at the IPC • Appointed Executive Director as the IPC's Multicultural Coordinator • Provided opportunities for all IPC managers and staff to participate in multicultural awareness training activities to demonstrate commitment and support • Provided support and encouragement to identified staff who speak languages other than English.

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

Statistical information about access applications made to IPC

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

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

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

CLAUSE 7B: The total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

Total number of applications received
19

CLAUSE 7C: Total number of access applications received by agency during reporting year that agency refused either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Number of Applications Refused	Wholly	Partly	Total
	1	2	2
% of Total	33%	67%	0

Table A: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
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)	1	2	1	3	0	0	0	1
Total	1	2	1	4	0	0	0	1

* 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).

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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	1	0	0	0	1
Access applications (other than personal information applications)	1	0	0	1	0	0	0	0
Access applications that are partly personal information applications and partly other	0	2	1	2	0	0	0	0
Total	1	2	1	4	0	0	0	1

Table C: Invalid applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the GIPA Act)	5
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	5
Invalid applications that subsequently became valid applications	5

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	1
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	1
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)	18
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	18

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	10
Applicant-initiated transfers	0

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Appendix 4 – Data statement

Case closure data describes the number of cases recorded as closed in the IPC's case management system.

Case outcomes may include formal findings or provision of advice, or that the matter was settled/resolved, withdrawn or discontinued.

Appendix 5 – Credit card certification

In accordance with the Treasurer's Direction 205.01 and 205.7, it is hereby certified that the use of corporate Purchasing Cards, has been in accordance with Premier's Memoranda and Treasurer's Directions.

Appendix 6 – Payment of accounts

For year ended 30 June 2017

Supplier accounts paid on time				
Quarter	Target %	Actual %	Current \$000	Total payments \$000
September 2016	100	42	77.7	321.6
December 2016	100	57	184.5	384.4
March 2017	100	59	175.9	393.4
June 2017	100	32	124.6	549.8

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 2017.

Appendix 7 – Time for payment of accounts

For year ended 30 June 2017

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 2016	0	0	0	0	0
December 2016	0	0	0	0	0
March 2017	0	0	0	0	0
June 2017	36.2	0	0	0	0
Small business suppliers					
September 2016	0	0	0	0	0
December 2016	0	0	0	0	0
March 2017	0	0	0	0	0
June 2017	0	0	0	0	0

Accounts due or paid within each quarter				
Measure	September 2016	December 2016	March 2017	June 2017
All suppliers				
Number of accounts due for payment	112	122	44	44
Number of accounts paid on time	47	69	26	14
Actual percentage of accounts paid on time (based on no. of accounts)	42%	57%	59%	32%
Dollar amount of accounts due for payment	\$321,600	\$384,400	\$393,400	\$549,800
Dollar amount of accounts paid on time	\$77,700	\$184,500	\$175,900	\$124,600
Actual percentage of accounts paid on time (based on \$)	24%	48%	45%	23%
Number of payments for interest on overdue accounts	0	0	1	0
Interest paid on overdue accounts	\$0.0	\$0.0	\$0.1	\$0.0
Small business suppliers				
Number of accounts due for payment to small businesses	1	1	1	1
Number of accounts due to small businesses paid on time	1	1	0	0
Actual percentage of small business accounts paid on time (based on no. of accounts)	100%	100%	0%	0%
Dollar amount of accounts due for payment to small businesses	\$4,100	\$3,900	\$16,500	\$1,000
Dollar amount of accounts due to small businesses paid on time	\$4,100	\$3,900	\$0.0	\$0.0
Actual percentage of small business accounts paid on time (based on \$)	100%	100%	0%	0%
Number of payments to small business for interest on overdue accounts	0	0	1	0
Interest paid to small businesses on overdue accounts	\$0.0	\$0.0	\$0.1	\$0.0

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Appendix 8 – Annual Report compliance requirements

Under the *Annual Reports (Departments) Act 1985*, the *Annual Reports (Departments) Regulation 2010*, *Annual Reports (Statutory Bodies) Act 1984*, *Annual Reports (Statutory Bodies) Regulation 2010*, Premier's Circular, Premier's Memoranda and various Treasury Circulars and Treasurer's Directions, the IPC is required to include the following information in this Annual Report, as per the NSW Annual Report Compliance Checklist, September 2017.

Requirement	Note	Page
Letter of submission	Letters to the President and Speaker	1
Application for extension of time	N/A	–
Charter	About the IPC	8
Aims and objectives	About the IPC	8
Access	Address, telephone, business hours	Inside front cover, outside back cover
Management and structure	Names, offices and qualifications of principal officers	36
	Organisational chart	35
Summary review of operations	CEO and Information Commissioner – an overview	5
	Financial statements	45-70
Funds granted to non-government community organisations	N/A	–
Legal change	Legislative changes	12
Economic or other factors	N/A	–
Management and activities	Strategic Plans	13, 14
	<i>Objective 1: to uphold and protect information and privacy rights</i>	15-32
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	Priority 2 – assist agencies and business to understand and implement the legislation	22-24
	Priority 3 – review agency performance and decisions and investigate/conciliate complaints	25-31
	Priority 4 – provide feedback to Parliament about the legislation and the relevant developments	31-32
	<i>Objective 2: to be an effective organisation</i>	33-44
	Priority 1 – be recognised as an employer of choice	35-38
	Priority 2 – implement a rigorous governance framework	39-43
	Priority 3 – promote continuous improvement of performance	44
Research and development	Objective 2: Priority 2	39
Human resources	Objective 2: Priority 1	35-37
Consultants	Objective 2: Priority 2	39
Workplace diversity	Objective 2: Priority 1 – Equal Employment Opportunity	37
Disability Inclusion Action Plans	Reported on a triennial basis*	39, 74
Land disposal	N/A	–
Promotion (overseas visits)	Objective 2: Priority 2	39
Consumer response	Objective 1: Priority 1 / Priority 3	17, 26, 28
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* Small departments need only report on a triennial basis. See Appendix 2 for outcomes of the IPC's 2013/16 action plans.

Risk management and insurance activities	Objective 2: Priority 2	41
Internal audit and risk management policy attestation	Objective 2: Priority 2	42
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*	39, 74
Agreements with Multicultural NSW	Objective 2: Priority 2	39
Work health and safety (WHS)	Objective 2: Priority 1	38
Budgets	N/A	–
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Inclusion of unaudited financial statements	N/A	–
Additional matters – statement of the action taken to comply with PPIP Act	Objective 2: Priority 2	43
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	86
Additional matters – the website at which the annual report may be accessed	www.ipc.nsw.gov.au	Inside front cover, outside back cover
Investment performance	N/A	–
Liability management performance	N/A	–
Exemptions	Nil	–
Numbers and remuneration of senior executives	Objective 2: Priority 1	36-37
Implementation of Price Determination	N/A	–
Credit card certification	Appendix 5	78
<i>Government Information (Public Access) Act 2009</i>	Appendix 3	75-77
Digital information security policy attestation	Objective 2: Priority 2	40
Public Interest Disclosures (PID)	Objective 1: Priority 3	30-31
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Submission of annual report to appropriate Minister	20 October 2017	–
Submission of annual report to the Treasurer	20 October 2017	–
Presentation of annual report to Parliament	20 October 2017	–
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. See Appendix 2 for outcomes of the IPC's 2013/16 action plans.

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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Glossary

DJ	Department of Justice
FOI	<i>Freedom of Information Act 1989</i>
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 2016 – 2017 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 2017. There were no external costs recorded for producing this report to comply with NSW Treasury requirements.

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