

Audit and Risk Committee Meeting – Information & Privacy Commission NSW (IPC)

Tuesday, 13 March 2018 – 2.30pm to 5.00pm

Meeting No. 34

Minutes

The Audit and Risk Committee meeting was declared open at 2.30pm by the Chairperson.

1. Attendance

Members: Ms Lyn Baker (Chairperson) (LB)

Mr Paul Crombie (PC)

Attendees: Mr Robert Hayek, Audit Office (RH)
Ms Pamela Robertson-Gregg, O'Connor Marsden (PR)
Ms Kylie McRae, O'Connor Marsden (KM)
Mr Ashley Hawkins, Department of Justice (AH)
Ms Elizabeth Tydd, Information & Privacy Commission (ET)
Ms Sonia Minutillo, Information & Privacy Commission (SM)
Mr David Marcus, Information & Privacy Commission (DM)

Minutes: Ms Fa Mann, Information & Privacy Commission (Minutes) (FM)

Apologies: Mr Malcolm Clinch, Member
Ms Samantha Gavel Privacy Commissioner, Information & Privacy Commission

Item 2

2A. Annual Declarations of Interest

The Committee noted the annual declaration received from PC. LB is to send hers out of session.

Action Item 1: LB to provide her Annual Declaration of Interest out of session

Chairperson asked for any changes or additional declarations of interest from committee members. All members confirmed there were no changes.

2B. Disclosures

LB advised she is now a member of the NSW Police Force Audit & Risk Committee. This was noted by the Committee.

Item 3

3A. Minutes of Previous Meeting

Minutes of meeting held on 29 November 2017 were approved and adopted by the committee.

3B. Rolling Action Report

The committee noted the Rolling Action Report and all completed matters.

Item 4

4A. Update from the Chairperson

The chairperson expressed her condolences to SG on behalf of the committee.

LB noted DoJ intercompany matter dealt with.

4B. Update from the Chief Executive Officer/Information Commissioner

The committee noted the written update provided by the Chief Executive Officer /Information Commissioner. A further verbal update was provided to the committee by ET.

On 12 March 2018 ET attended the Joint Parliamentary Committee Hearing with SM and DM. The Privacy Commissioner will attend at a later date.

ET advised that the Secretary of DoJ had confirmed that the shortfall in funds related to the Privacy function will be met by DoJ.

ET advised she has commissioned a review 'to provide insights into the IPC's capacity to acquit identified commitments' with particular emphasis on identifying any capability gaps. The review will be undertaken by an independent consultant.

Item 5 – Agency Planning and Reporting

The Committee noted the quarterly reports to the Attorney General and to Minister Dominello submitted on 13 and 16 February respectively.

5A. Monthly Finance Dashboard

The Finance Dashboard was noted by the Committee.

DM noted bank account balance of \$546k in February. DM reported that financial processing by DoJ is improving, with better format and improved quality of data. This still needs to be embedded in a Service Level Agreement (SLA). Further, the Committee was advised that DoJ has plans to revise its SLA framework. LB expressed concern about financial reporting in general and about whether a streamlined SLA arrangement will further erode service delivery for IPC. DM advised that DoJ has a new CFO (Libby Stratford) and there has been improvement in assistance with payment processing.

5B. IPC Quarterly Dashboard

The Committee noted the IPC Quarterly Dashboard Report. PC requested a hard copy of the audit video access guidance that IPC has developed in consultation with agencies.

Action Item 2: IPC to forward AV fact Sheet to PC

5C. Business Planning

DM provided an update to the committee on the IPC business planning and delivery of initiatives.

Item 6 – Risk Management

The Committee noted the report on Risk Management and revised Risk Register.

The Committee was advised that a risk treatment workshop had been facilitated by OCM to revise the IPC risk register with the IPC Strategic Plan and Business/Regulatory Plan. The Committee's attention was drawn to a new emerging risk related to commitments entered into by the previous Privacy Commissioner. This risk has been mitigated.

The revised Risk Register also identifies one extreme Operational Risk relating to funding which has been mitigated to some extent by DoJ's commitment to fund the shortfall created as a result of the Privacy Commissioner become fulltime.

ET also advised that priority projects would be delivered by 30 June 2018 which would ease the budgetary situation.

Item 7 – Internal Audit

The Committee noted the status registers of two completed internal audits:

- EDRMS Implementation – Four of five recommendations complete
- Legislative Feedback – Two of two recommendations complete

The Committee noted the status register for the Internal Audit Quality Assessment.

LB said she could find a useful template from another agency that would assist with clarity in reporting progress on IA recommendations.

The Committee also endorsed the Internal Audit Plan 2017-2018 and the scopes for three Internal Audits:

- Financial Management Systems and Processes
- NGO's – Stakeholder Management
- Procurement and Contract Management

Action Item 3: LB to provide IPC with IA recommendation reporting template

Item 8 – External Audit

RH outlined the Client Service Plan 2018 which included examining control certification to consider processes now in place. RH also highlighted the audit timetable and links to meetings of the ARC.

LB noted recurring Service Level Agreement issues.

DM noted recent changes to IPC procedures to ensure SAP was appropriately used. Development of processes to ensure policies were up-to-date had also commenced.

PC requested the Committee be provided with the comprehensive issues paper referred to on p17 of the Client Services Plan.

PC commented on the importance of the CEO signing the SLA.

Action Item 4: Management to provide a comprehensive issues paper on financial judgements and assumptions to be used in preparing the Financial Statements

Item 9 – ARC Self-Assessment

AM advised that the Self Assessment has now gone out and apologised that it should have been issued in time for discussion at the March meeting. It will now be discussed at the June Meeting.

LB noted that the Self Assessment had only been provided to the three independent members. In other agencies, the Self Assessment is completed by all those who attend the meeting. LB suggested this approach for next year's Self Assessment.

Action Item 5: Next year's ARC Self Assessment to be completed by all those involved in the ARC

Item 10 – Legislative Compliance Register

The committee received and noted the report and the Legislative Compliance Register.

Item 11 – Review of the ARC Charter Annual Calendar Items for Quarter 3 of 2017-18

The Committee discussed the IPC's Legislative Compliance Framework and how this had been incorporated into the ARC's annual calendar.

The Committee noted the ARC Calendar items for review in Quarter 3.

Item 12 – General Business

PC requested that the Risk Register be reviewed each quarter.

LB raised the IPC performance management framework and the need for it to be regularly updated. This will be considered for inclusion in the annual compliance calendar.

LB raised the IPC's results from the 'People Matters' Survey and it was agreed to circulate to ARC members.

LB asked if IPC has a gifts and benefits register. ET advised that all gifts are registered, accepted and utilised as part of the IPC Christmas festivities.

Action Item 6: Risk Register to be on agenda for each ARC Meeting

Action Item 7: IPC Performance Management Framework to be included in the Annual Calendar (once per year)

Action Item 8: IPC People Matters Survey Results to be provided to the Committee

12A. Proposed schedule for 2018

The committee confirmed the proposed meeting dates for 2018:

- Tuesday, 12 June 2018 – Quarter 4
- Tuesday, 18 September 2018 - Quarter 1
- Tuesday, 20 November 2018 – Quarter 2

Next meeting will be held on 12 June 2018.

The meeting was declared closed at 4.00pm.