information and privacy commission
new south wales

Annual Report 2012 – 2013

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Letters to the President and Speaker

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

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

30 October 2013

Dear Mr President and Madam Speaker,

In accordance with the *Annual Reports (Statutory Bodies) Act 1984*, 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.

This report provides an account of the work of the Information and Privacy Commission during the 2012 – 2013 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,

Kathrina Lo
Acting Information Commissioner

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

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

30 October 2013

Dear Mr President and Madam Speaker,

In accordance with section 61A of the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the following report on my work as Privacy Commissioner for the 12 months ended 30 June 2013.

In addition, under section 61B of the *Privacy and Personal Information Protection Act 1998*, (PPIP Act) I have reported on the operation of the PPIP Act across all public sector agencies for the 12 months ended 30 June 2013.

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

Yours sincerely,

Dr Elizabeth Coombs
Privacy Commissioner

Contents

Letter to the President and Speaker 1
Information Commissioner – an overview 3
Privacy Commissioner – an overview 4
CEO – an overview 7
Highlights 8
Year in snapshot 9

About the IPC

Who we are 10
What we do 10
Our vision 10
Our purpose 10
Our approach 10
Our values 10
Our stakeholders 11
The Privacy Commissioner: role and powers 11
The Information Commissioner: role and powers 11
Committees we participate in 11
Our legislation 12
Our governance 12
Objectives of our legislation 13
Legislative changes 13
Our strategic objectives 13
Our organisation 14
Our executive 14
Senior executive 15
Enterprise Industrial Relations 15
Equal Employment Opportunity (EEO) and staff numbers 15
Recruitment and selection 15
Performance agreements and achievement planning 15
Professional development 16
Code of conduct 16
Flexible work agreement 16
Surveys 16
Health and safety 16
Waste 16
Corporate services 16
Information and communication technology 16
Recordkeeping 16
Research and development 17
Internet address 17
Insurances 17
Consultants 17
Litigation 17
International travel 17
External legal advice sought 17
Agreements with Community Relations Commission 17
Risk management 17
GIPA compliance 19
Statement of action taken to comply with PPIPA 19
Statistical details of any review conducted under Part 5 of PPIPA 19

Our performance

Promote 20
Performance measures 20
Communications activities 20
Speaking engagements 22
Stakeholder and community engagement 22
Assist 23
Performance measures 23
Assisting agencies – GIPA 23
Assisting agencies – Privacy 24
Assisting agencies – seminars 25
Consumer response (enquiries) 25
Training 25
E-learning resources 25
Sector-specific activities 26
Assisting the community 26
Website 26
Physical privacy 26
Codes of practice (under PPIP Act and HRIP Act) 27
Public interest directions (or exemptions) 27
Privacy management plans 27
Review 28
Performance measures 28
Review report 28
Review process 28
Reviews (GIPA) 29
Internal reviews (PPIP Act and HRIP Act) 29
Administrative Decisions Tribunal (ADT) 29
Public Interest Disclosures 30
Feedback 31
Performance measures 31
Agency feedback – Privacy 31
Agency feedback – GIPA 31
Collecting feedback 31
Complaints (GIPA) 32
Complaints (Privacy) 32

Our financial performance

Statement by the Information Commissioner 33
Independent Auditor's Report 34
Financial Statements for the year ended 30 June 2013 36
Notes to and forming part of the Financial Statements 40

Appendices

Appendix 1 – Information protection principles (IPPs) 57
Appendix 2 – Health privacy principles (HPPs) 58
Appendix 3 – Strategic plan 2013 – 2016 59
Appendix 4 – Access applications under Schedule 2 of GIPA Act 62
Appendix 5 – Publications list 65
Appendix 6 – Aboriginal Action Plan 2013 – 2016 66
Appendix 7 – Disability Action Plan 2013 – 2016 69
Appendix 8 – Multicultural Action Plan 2013 – 2016 74
Appendix 9 – Payment of accounts 79
Appendix 10 – Time for payment of accounts 80
Appendix 11 – Credit card certification 81
Appendix 12 – Annual Report compliance requirements 81
Complaining to the IPC 83
Index 84
Glossary 85
About this Annual Report 86

Information Commissioner – an overview

Achievements and Report to NSW Parliament

It is now three years since the *Government Information (Public Access) Act 2009* (GIPA Act) was passed in New South Wales. This report outlines the achievements, challenges and outcomes of the office of the Information Commissioner, held by Deirdre O'Donnell, a role that champions open access to government information under the encompassing banner of the NSW Information and Privacy Commission.



The year in review

Creating Open Government Conference

A key event during the reporting period was the Creating Open Government Conference 2012. Held in Sydney in August 2012, it involved key decision-makers, senior executives, leading thinkers and public servants exploring the themes of access, engagement and accountability. Speakers included Premier Barry O'Farrell and Attorney General Greg Smith, with a keynote address by Professor David Goldberg and the Solomon Lecture delivered by Dr Geoff Gallop. The conference highlighted agencies' commitment to promoting and protecting rights to information and privacy.

Reporting to Parliament

The IPC provided an update to the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission on the establishment of the Information and Privacy Advisory Committee (IPAC), and the operation of the joint functions of the IPC.

The IPAC advises on matters relevant to the functions of the Information Commissioner and the Privacy Commissioner. Members have been appointed for the period 1 January 2013 to 31 December 2015.

The IPC reported on progress of addressing the casework backlog, which arose due to a greater than expected volume of requests for reviews of agency decisions and challenges in implementing a new case management system (CMS). The new CMS will enable more efficient processing of complaints and the provision of better data on agencies' performance under the GIPA Act.

A staffing restructure has also addressed workload issues.

Championing accessibility

Ms O'Donnell delivered a number of presentations during the period. During a panel session on "Connected Government" at the CeBIT Gov 2.0 Conference, she discussed open government as one of the 32 key deliverables of the NSW State Plan. Her participation in a panel discussion on "New ways of thinking about customer service delivery" at the Institute of Public Administration Australia State Conference emphasised the benefits of good information management for business processes and better services for citizens. The Information and Privacy Commissioners also met with the Right to Information and Privacy Practitioners' Network each quarter to maintain communication with this significant frontline network.

GIPA compliance

The IPC has delivered GIPA and privacy training to assist agencies to meet legislative requirements, and resources such as the GIPA Annual Reporting Template and revised GIPA Annual Reports Knowledge Update, which facilitate accurate reporting.

Directions for 2013 – 2014

The inaugural Information Commissioner, Deirdre O'Donnell, stood down on 5 July, passing on the baton of championing the right to access government information in NSW. With the IPC's new case management system in place and the finalisation of a staff restructure, the IPC is well-placed to provide improved data on the performance of agencies against the GIPA Act. This will help to improve public confidence in the process of accessing government information.

Kathrina Lo
Acting Information Commissioner (8 July 2013 – current)

Privacy Commissioner – an overview

Achievements and Report to NSW Parliament

Privacy issues have been making headlines around the world and will undoubtedly continue to do so. Public debate about privacy is both healthy and necessary. Most people have an opinion about privacy and expect their personal information to be treated with respect and in compliance with the law.



The year in review

This overview includes my report on the general operation of the legislation across all public sector agencies as required under Section 61B of the *Privacy and Personal Information Protection Act 1998* (PPIP Act).

Independence of the Privacy Commissioner and reporting to NSW Parliament

My role as Privacy Commissioner is to be the voice of commitment to privacy rights for the people of NSW – to ensure that agencies know their obligations, and people their rights, in relation to our privacy legislation. The independence of the position of Privacy Commissioner is an acknowledgement that Parliament and citizens need an independent voice or champion to promote privacy rights, investigate privacy matters, and provide expert advice on privacy issues.

I have met with the Parliamentary Joint Standing Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission which as per Section 44A of the PPIP Act oversights the exercise of the Privacy Commissioner's functions. These meetings have been productive with the Committee indicating an interest in further advice on the impact of technological advances upon the privacy of NSW citizens.

The Committee's scrutiny has included the approach taken to responding to privacy matters raised by the public and agencies covered by the legislation. In summary, my response has been to emphasise that when individuals or agencies bring matters to the Privacy Commissioner, the response needs to impartial, timely, without favour and according to the law. It continues to be important to increase the understanding of the role of the Privacy Commissioner and the relationship to the NSW Parliament.

"Privacy is not dead" – continuing increase in privacy matters

Privacy matters are raised increasingly in a variety of forms, ranging from complaints and enquiries from individual members of the public through to agency requests for assistance in developing strong privacy governance arrangements.

Over the last four years the number of privacy-related enquiries from individuals has increased by 300 per cent. This growth has been consistent and seemingly not in response to specific well publicised breaches. The growth appears to be due to a growing awareness that as technology advances, the greater the privacy implications. In early 2013 we introduced an 'Ask the Privacy Commissioner' facility on our website. This is providing not just a welcome direct line of enquiry for members of the public, but also very useful feedback on topical privacy issues.

The increase in requests for assistance is coming not just from members of the public. A growing number of agencies have sought assistance also. This has included issues associated with policy initiatives, the development of appropriate privacy frameworks and sometimes with breaches of privacy.

The message is "privacy is not dead". On the contrary, people's concern for their and their family's privacy is strong and growing.

Our focus is upon preventing breaches in privacy, however, a major portion of our work includes addressing complaints raised by individuals about alleged breaches of privacy across the NSW public sector agencies (that is, NSW Government, councils and universities). Last year we closed 439 formal privacy matters demonstrating that allegations of breaches of privacy continue to drive a steady level of review activity. Many of the formal matters arise from complaints under the *Health Records and Information Privacy Act 2002* (HRIP Act) with available data suggesting that over 40 per cent of these matters concern complaints arising from the health sector. Typically these complaints concern access to health records. This is an area for future analysis and focus.

Working with the NSW public sector

Under the privacy legislation, the NSW public sector entails not just NSW Government agencies but NSW councils and universities as well. This breadth and quantum of agencies

is challenging and it is important that I and the IPC manage our resources to maximise the promotion of the right to privacy, the provision of timely and expert advice, the effective addressing of privacy complaints as well as the provision of assistance to agencies.

My first full year as Privacy Commissioner has been directed at establishing consideration of privacy in strategic initiatives, legislative proposals and operational practices within the sector. Agencies' privacy responsibilities are a part of corporate governance. 'Privacy by Design', whereby the privacy impacts of changes to policies, services and operations are addressed proactively rather than reactively, has been shown internationally to be effective in reducing policy failures and the incidence of privacy complaints.

Privacy protection needs to be considered at the corporate level as well as at the customer interaction level. In the same way that workplace safety is responsibility of all staff, so too is privacy.

Developing effective privacy governance is also important when service provision requires data to be shared between government agencies, a need that is becoming more apparent. In the past year I have been working with agencies, examining how this aim can be achieved while maintaining or improving privacy practices. Productive discussions have occurred with the Department of Premier and Cabinet which, as a central agency, also possesses a whole of government perspective.

Agencies are proactively and appropriately addressing privacy protection in their strategic or service provision functions. I particularly acknowledge in this regard the Department of Attorney General and Justice, Service NSW, NSW Health, the Electronic Ticketing System Transport Services within Transport for NSW, the Public Service Commission, Roads and Maritime Services, the Department of Premier and Cabinet, the Department of Finance and Services, University of Sydney and Sydney Water among others. This is pleasing to see.

A significant boost to privacy governance within local government was achieved with the release by the Division of Local Government, Department of Premier and Cabinet of the Model Privacy Management Plan guide in early 2013. Within a short period almost 50 councils had forwarded their new privacy management plans. The progress councils have made in relation to developing and implementing their privacy management plans will assist in protecting privacy at the local level.

Greater contact and liaison has been established with NSW universities. This has taken a variety of forms as would be expected given the size and scope of these tertiary education institutions. The nature of their activities poses unique privacy challenges.

Engaging with the non-government sector

The government's policy orientation has been to strengthen the involvement of non-government agencies in the provision of services. This is occurring across a number of programs. We have seen more requests for information and assistance from this sector than previously.

My staff and I have been working closely with National Disability Services, the peak body for non-government disability services, to provide information on appropriate privacy governance and standards for care professionals. Privacy is a critical element in maintaining dignity and control over one's life and this makes privacy particularly important to people with disabilities. I have been delighted to be able to assist National Disability Services prepare its member organisations for changes happening at the state and federal levels.

Working collaboratively with Office of the Australian Privacy Commissioner

The IPC works well with our federal counterparts, the Office of the Australian Information Commissioner (OAIC). This is due not only to our shared commitment to protecting privacy and fulfilling our roles as Primary Commissioners but also to understanding that it's critical for the community that we focus on providing the best options for addressing their privacy complaints.

To this end, we formalised five collaboration principles to enable us to work together collegially and effectively. The principles cover the need to recognise each agency's role and mandate with the focus on the best outcome for any complainant. Often, people are not aware of the difference between state and federal privacy legislation. A close working relationship between the IPC and the OAIC will be effective in enabling people to direct their enquiry or privacy-related complaint to the office that has coverage of the matters they raise.

Working with other stakeholders

Working with Commissioners from other jurisdictions across Australia, we were able to participate in an analysis of privacy impacts of national initiatives, for example, the Personally Controlled Electronic Health Record. We also provided comment on the proposed amendments to the *Federal Privacy Act 1988*, which will come into force in March 2014. Similarly, participation in the Asia Pacific Privacy Authorities network has provided tangible benefits.

Regular meetings with the NSW Practitioners' Reference group as well as the broader circle of NSW Privacy and Information Practitioners officers has provided feedback on how privacy legislation works in practice, and the challenges faced across the public sector. The quarterly network meetings have been very helpful for facilitating discussions with practitioners and providing updates on the IPC's work.

In order to raise the profile of privacy issues and the role of the IPC in NSW, I spoke at key events including the Privacy Reform and Compliance Forum and the Media, Privacy and Entertainment Conference. Copies of these and other speeches are available on the IPC website.

Privacy Commissioner – an overview

Achievements and Report to NSW Parliament

What is privacy? – Privacy Awareness Week 2013

Debating the various meanings of 'privacy' in the community was the main theme for this year's Privacy Awareness Week held during the first week of May. We launched a video highlighting people's ideas of what privacy means to them, and developed a number of resources for the community. Our emphasis has been on encouraging agencies to see Privacy Awareness Week as an opportunity to communicate privacy aims and educate both staff and service users.

A number of agencies supported the week with privacy awareness-raising activities, the most broad-ranging of which was the campaign run by the Department of Education and Communities that used online and social media channels to spread the privacy message to corporate staff, teachers, parents and students across the state.

This annual campaign is run as part of the Asia Pacific Privacy Authorities forum, of which the IPC is a member. Privacy Awareness Week provides an opportunity to promote greater privacy awareness and the importance of protecting personal information within the Asia Pacific region.

Directions and challenges for 2013 – 2014

Championing the privacy rights of NSW citizens will continue to be our primary focus as will assisting agencies and reviewing formal complaints brought under either of the two pieces of NSW privacy legislation.

It is critical to address the need for a number of privacy governance instruments including a Code of Practice for the Transborder Movement of Personal Information, genetic health guidelines, protocols for data linkage between NSW public sector agencies, and a strategy for reducing complaints under the HRIP Act. We remain committed to reviewing Public Interest Directions made under the PPIP Act with the aim of improving their effectiveness.

I will be discussing privacy developments with the Information and Privacy Advisory Committee (IPAC) established this year. The Attorney General has expressed an interest in updates on these discussions.

At a national level, the coming year will see amendments enacted to the federal privacy legislation, including changes to credit reporting laws. We will continue to work closely with the Office of the Australian Information Commissioner, privacy authorities across Australia and the Asia Pacific Privacy Authorities.

Recognition of the inaugural Information Commissioner

Lastly, I want to acknowledge the contribution made by the inaugural Information Commissioner, Deirdre O'Donnell. Her integrity and commitment to being an independent and impartial voice for the right to access government information have left an invaluable legacy.

Dr Elizabeth Coombs
Privacy Commissioner

CEO – an overview

This year's Annual Report reflects our continuing focus on championing the information access and privacy rights of the NSW community. During 2012 – 2013, we have worked on integrating our systems, establishing a uniform approach to our functions and a central point of contact for agencies and the public.

Our new integrated website provides information for agencies and members of the public about their privacy and information access rights and responsibilities. This is complemented by our integrated telephone and email system that ensures we handle enquiries effectively.

Another milestone has been the introduction of a common case management system across the agency. This enables consistent reporting across the organisation and assists with the streamlined handling of privacy and information access matters by the investigation and review team.



Organisational review

At the end of 2012, we conducted an extensive review of our organisational structure and its effectiveness in achieving our objectives. Many of our service areas were already working across both privacy and information access, however, our casework teams were still separate. Our new structure features integrated teams handling investigation and review, performance reporting and projects, communications and corporate affairs, and business services and business systems.

The appointment of an Executive Director in July 2012 has provided the Commissioners with strategic advice, analysis and support throughout the review of our organisational structure, and fills the role of Chief Audit Executive.

Integrated systems

We implemented the first phase of the Resolve software case management system in November 2012. Resolve provides a comprehensive management system for all aspects of information access and privacy matters, including enquiries, complaints, investigations, information access reviews, privacy internal reviews and matters before the Administrative Decisions Tribunal (ADT). It also allows us to record public interest disclosures made to the Information Commissioner.

Resolve enables us to accurately record and report on a comprehensive range of data, and will provide an effective means for gathering quantitative and qualitative information on all aspects of our work, giving us the capacity to analyse trends in stakeholder contact.

Information and Privacy Advisory Committee

In a first for NSW, the Information and Privacy Advisory Committee (IPAC) was established in November 2012, with the first meeting held in March 2013.

The IPAC consists of the Information Commissioner, the Privacy Commissioner and a range of government and non-government members, with specialised knowledge and interest in matters relating to access to government information and privacy.

Community engagement

Community engagement continues to be an integral part of our work, reflected in our commitment to better serve vulnerable and disadvantaged groups throughout NSW. In June 2013, we released three key documents that underpin this commitment – our Aboriginal Action Plan, Disability Action Plan and Multicultural Services Plan.

Future role of the Information Commissioner

In March this year, Deirdre O'Donnell announced her decision to step down from the Information Commissioner role. Ms O'Donnell made a significant contribution to NSW in establishing open government in her three years as inaugural Comissioner. While the appointment of the next Information Commissioner is being finalised, I have taken the role of Acting Information Commissioner after Ms O'Donnell left on 5 July.

I thank the staff of the IPC for their hard work over the past year.

Kathrina Lo
Acting Chief Executive Officer
Information and Privacy Commission NSW

Highlights

Creating Open Government Conference

Held from 20 – 22 August 2012, the conference promoted the importance of right to information by enabling senior executives, leading thinkers and public servants from across a range of government sectors to explore the themes of access, engagement and accountability, and what these mean for open government. Around 150 delegates attended the conference. They indicated a 90 per cent satisfaction rate with the conference program in a post-event survey. More information is available on page 20.

Engagement with organisations providing services to people with disabilities

Throughout 2013, the Privacy Commissioner participated in regional training and educational workshops for non-government agencies providing support and care services to people with disabilities. Workshops were held in Goulburn and Newcastle with more to come in Dubbo and Campbelltown.

Privacy Awareness Week 2013

Held from 29 April to 4 May 2013, this annual initiative of the Asia Pacific Privacy Authorities (APPA) aims to promote privacy awareness throughout the community. The IPC launched a number of privacy resources for the community and specific material to support privacy initiatives run by agencies. IPC website traffic recorded the highest activity of the year during Privacy Awareness Week 2013, with a 40 per cent increase in site visits. More than 10 NSW government agencies, universities and local councils ran privacy campaigns reaching thousands of staff and stakeholders. Seven newspaper, radio and online media outlets ran Privacy Awareness Week stories throughout NSW. More information is provided on page 21.

Expert advice: engagement with privacy and information access communities

The Information and Privacy Advisory Committee (IPAC) was established in November 2012 to provide advice on privacy and information access issues to the Commissioners and the Attorney General, as the Minister responsible for right to information and privacy legislation. More information about IPAC is available on page 31.

IPC website

The new IPC website was launched in December 2012 and integrates the previous websites for the Office of the Information Commissioner and Office of the Privacy Commissioner. Located at www.ipc.nsw.gov.au, the website provides information and resources to assist members of the public, government agencies and the private sector to understand their rights and responsibilities under right to information and privacy legislation in NSW. Since its establishment, the IPC website has attracted 121,640 page views. More information about the IPC website is available on pages 20 and 26.

Requests for assistance under GIPA

The Information Commissioner received 388 requests for assistance during 2012 – 2013, which continues to be higher than expected. The investigation and review team opened 388 cases during the year and closed 346. On average the team received 32 requests for assistance and closed an average of 29 per month.

Council Privacy Management Plans

During the reporting period, the IPC completed an audit of all privacy management plans to ensure all state agencies complied with their statutory obligation to provide a copy of their plan to the Privacy Commissioner and that all privacy management plans were up-to-date. This had a positive outcome with 58 privacy management plans being lodged by NSW Government agencies, councils and universities, with the IPC. See page 27 for more information about privacy management plans.

> **The new IPC website was launched in December 2012... it provides information and resources to assist members of the public, government agencies and the private sector.**

Year in snapshot



Phone
This year 87.6% of all contacts were via telephone
4,529 calls



Email
Just under 10% of all contacts were received via email
518 emails



Website
The website received a total of
257,218 page views



346 formal GIPA matters finalised
237 information access reviews
1 investigation
50 ADT matters
58 complaints

388 requests for assistance

439 formal privacy matters finalised
161 internal reviews
108 advices
78 ADT matters
92 complaints

603 requests for assistance

PLEASE NOTE: Due to the implementation of the new case management system, we were able to capture requests for assistance broken into specific categories during the reporting period. These included reviews, advice, ADT matters, complaints and audits.

About the IPC

Who we are

The Information and Privacy Commission (IPC) is an independent statutory authority that administers New South Wales legislation dealing with privacy and access to government information. The IPC was established on 1 January 2011 to support the Information Commissioner and the Privacy Commissioner in fulfilling their legislative responsibilities and functions.

What we do

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

The Information Commissioner and Privacy Commissioner report to the Parliamentary Joint Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission, which oversees their functions.

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

Our vision

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

Our approach

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

Our values

Independent – we make decisions and give advice that is impartial and objective.

Service focused – we are flexible, innovative, reliable and fair in delivering quality services to meet the needs of agencies, the community and business.

Accountable – we take responsibility for our decisions and actions and provide transparency to enable public scrutiny. We use resources efficiently and effectively and foster a positive, inclusive and safe working environment.

Proactive – we monitor trends and developments in the law and technology, identify emerging issues and recommend changes, and tailor our work to the changing environment in information access and privacy law, policy and practice.



Our stakeholders

- Members of the public
- NSW public sector agencies including state government bodies, councils, state-owned corporations, universities
- Non-Government Organisations delivering contracted services to NSW Government agencies
- Small businesses trading in NSW
- Parliament and the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission
- The Premier and Attorney General
- 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.

The Privacy Commissioner: role and powers

The Privacy Commissioner is appointed by the Governor as an independent office holder under Section 34 of the *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIP Act).

The role is to resolve complaints, protect and enhance the privacy rights of the NSW community and ensure agencies uphold the privacy principles in the PPIP Act and the *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act). A key role 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
- Advising people of possible remedies for breaches of their privacy
- Advising individuals, 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 Administrative Decisions Tribunal (ADT) and advising on privacy law in privacy cases
- Overseeing NSW government agency reviews of reported privacy breaches
- Researching developments in policy, law and technology that may impact on privacy, and making reports and recommendations to relevant authorities.

The Information Commissioner: role and powers

The Information Commissioner is appointed as an independent office holder under section 4 of the *Government Information (Information Commissioner) Act 2009 (NSW)* (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 review decisions made by other NSW government agencies and deal with complaints about information access. The Information Commissioner also monitors agencies' functions 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.

Committees we participate in

During the reporting period, the IPC was represented on the following committees:

- Association of Information Access Commissioners (AIAC)
- Enabling Information – Department of Finance and Services' ICT Strategy interagency forums
- Asia Pacific Privacy Authorities (APPA)
- Privacy Authorities Australia (PAA).

About the IPC

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 2005 (NSW)* (PPIPA Regulation)
- *Privacy Code of Practice (General) 2003 (NSW)*
- *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act)
- *Health Records and Information Privacy Regulation 2006 (NSW)* (HRIPA Regulation)
- *Health Records and Information Privacy Code of Practice 2005 (NSW)*

Our governance

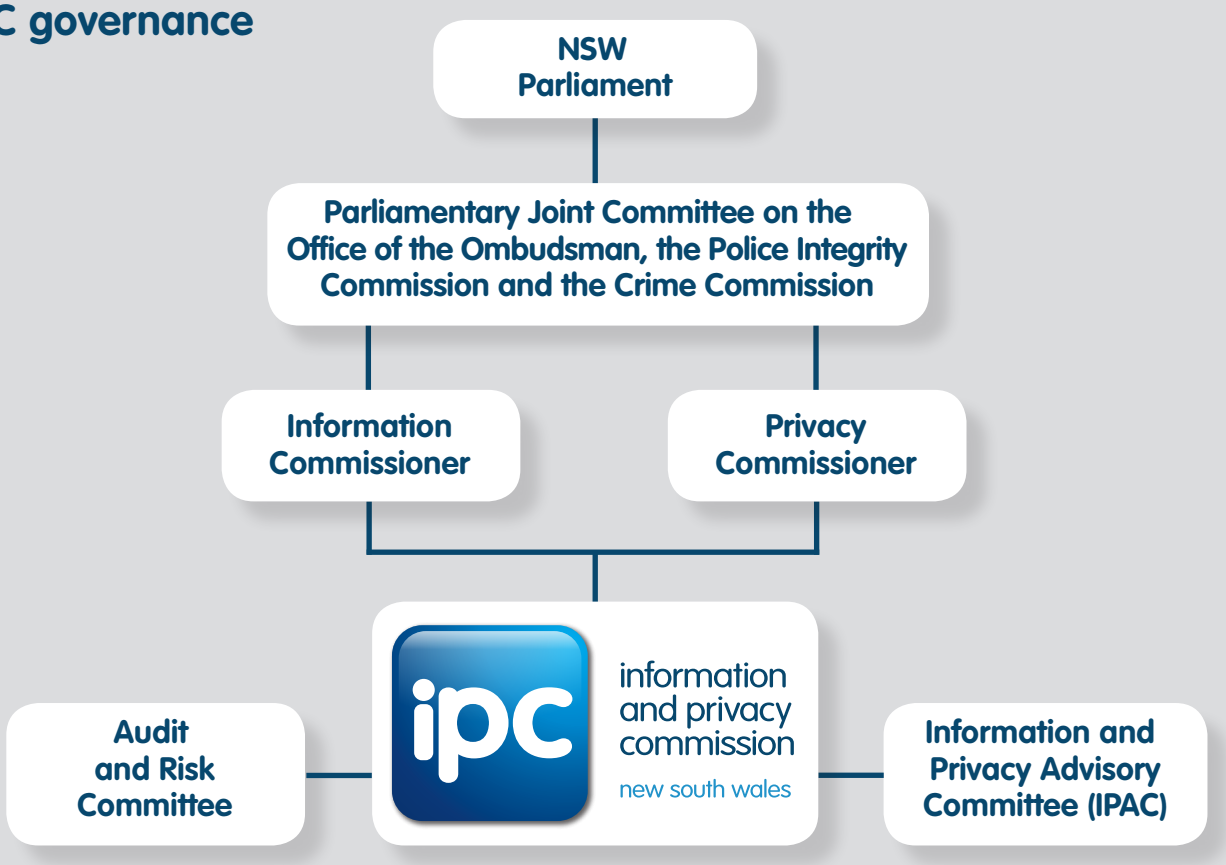
The Privacy Commissioner reports to the NSW Parliament on the operation of the PPIP Act and the HRIP Act.

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

The IPC is an independent statutory authority that reports directly to the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission, which oversees the functions of the Information Commissioner and Privacy Commissioner. The role of the committee does not provide for it to:

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

IPC governance



Objectives of our legislation

The GIPA Act establishes an open approach to gaining access to government information. The objectives of the GIPA Act are to maintain and advance a system of responsible and representative democratic government that is open, accountable, fair and effective, by:

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

The PPIP Act gives legal recognition to the public interest in the protection of privacy – the right of individuals to exercise control over the availability and use of personal information about them. The PPIP Act protects privacy by regulating the way NSW public sector agencies (including local councils and universities) deal with personal information. Personal information does not include information about someone who has been deceased for more than 30 years. The key to the PPIP Act is the 12 information protection principles (IPPs) – see Appendix 1.

The HRIP Act protects the privacy of people's health information. It covers information created and collected by hospitals and other health service providers. It also includes other public and private organisations that hold any type of health information. Health information includes information about people who have been dead for less than 30 years. The HRIP Act contains 15 health privacy principles (HPPs) – see Appendix 2.

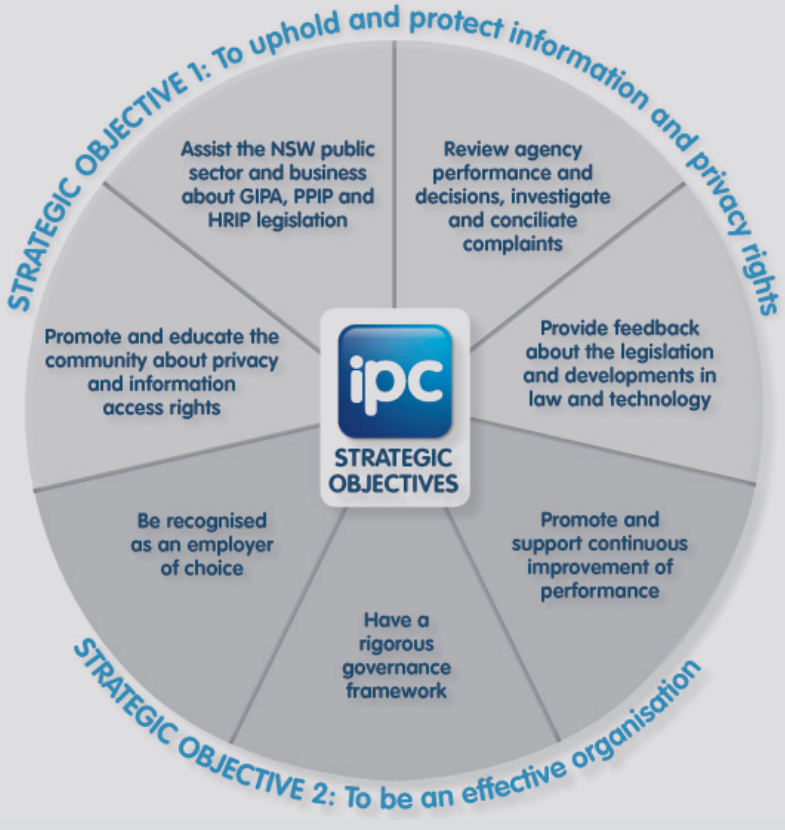
Legislative changes

Changes which are brought forward by the Attorney General are covered in the Department of the Attorney General and Justice annual report. Changes which are brought forward by the Health Minister are covered in the NSW Ministry of Health annual report. In addition, the following legislative changes were made during the reporting period:

- The *Rail Safety (Adoption of National Law) Act 2012* provides that the GIPA and GIIC Acts do not apply to the *Rail Safety National Law (NSW)* or to the instruments made under that law
- The *Service NSW (One-stop Access to Government Services) Act 2013 (NSW)* declared that the Service NSW Division of the Government Service is an agency under the GIPA Regulation, and is a public sector agency under the PPIP Act and HRIP Act.

Our strategic objectives

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



Our organisation

Organisational structure

IPC organisational structure as at 30 June 2013.



Our executive

The IPC has two Statutory Officers, the Information Commissioner and the Privacy Commissioner. The Information Commissioner is the Chief Executive Officer of the IPC. The positions are statutory appointments and are listed under section 11A of the *Statutory and Other Offices Remuneration Act 1975*.



Deirdre O'Donnell

BA, Dip Ed, MBA, M Comm Law

Information Commissioner/Chief Executive Officer

Deirdre O'Donnell was appointed NSW Information Commissioner in May 2010 and stepped down from the role on 5 July 2013. Kathrina Lo was appointed to the role of Acting Information Commissioner/Chief Executive Officer in July 2013. She will fill this role until the Government makes a longer term appointment to the position.



Dr Elizabeth Coombs

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

Privacy Commissioner

Dr Elizabeth Coombs was appointed NSW Privacy Commissioner on 7 November 2011.



Meredith Claremont

Bachelor of Social Science and Policy (Hons) UNSW

Executive Director

Meredith Claremont was appointed Executive Director of the IPC in July 2012.

Meredith is the Chief Audit Executive for the IPC, responsible for the organisation's governance, risk and compliance to provide organisational effectiveness and integrity.

Senior executive

The IPC has two senior executive positions, filled from 1 July 2012 – 30 June 2013 by the Information Commissioner Deirdre O'Donnell, who took up her role in May 2010 (Kathrina Lo took over as Acting Information Commissioner 8 July 2013 – current); and the Privacy Commissioner Dr Elizabeth Coombs, who took up her role in November 2011. The role of the Privacy Commissioner was established as a part-time role.

The positions are statutory appointments and are listed under section 11A of the *Statutory and Other Offices Remuneration Act 1975*, and are not included in Schedule 2 for the *Public Sector Employment and Management Act 2002*. The remuneration for the Information Commissioner and Privacy Commissioner as at 30 June 2013 is provided below.

Executive remuneration

Position	Information Commissioner
Occupant	Deirdre O'Donnell
Total remuneration package	$300,480
Value of remuneration paid as a performance payment	nil
Criteria used for determining total performance payment	n/a
Period in position	Appointed May 2010 – July 2013
Position	**Privacy Commissioner**
Occupant (part time 0.6)	Dr Elizabeth Coombs
Total remuneration package	$173,985
Value of remuneration paid as a performance payment	nil
Criteria used for determining total performance payment	n/a
Period in position	Appointed November 2011

Source of requirements: Annual Reports (Statutory Bodies) Regulation 2010, sections 11 and 14.

Enterprise Industrial relations

The Information Commissioner has established a Joint Consultative Committee comprising members of the Public Service Association, IPC staff and management. The committee met three times during the year to discuss and review local issues and matters affecting staff.

Equal Employment Opportunity (EEO) and staff numbers[1,2]

Employee by category	2010-11	2011-12	2012-13[3]
Statutory	2	2	2
Administration	19	26	22
Professional	8	5	1
Total	**29**	**33**	**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 organisatonal chart.

Statistical information on EEO target groups

The IPC has 23.9 full-time equivalent staff. The IPC filled a number of vacancies this year, with processes in place to recruit people from the EEO target groups where possible.

EEO group	Target	Target (no.)	2010-11	2011-12	2012-13
Women	50%	16	85%	79%	88%
Aboriginal & Torres Strait Islander people	2%	1	0%	0%	0%
People whose first language is not English	20%	7	18.4%	18.1%	4.2%
People with a disability	12%	4	3.7%	0%	0%
People with a disability requiring work adjustment	7%	2	3.7%	0%	0%

Recruitment and selection

The IPC's recruitment and selection policy ensures a consistent, open, fair and equitable approach to recruitment and selection. The merit selection process is used to select the person whose abilities, qualifications, standard of work performance and personal qualities best match those required to do the job.

Performance agreements and achievement planning

The IPC has built performance measures into the organisation's Strategic Plan for 2013 – 2016: Objective 2 – to be an effective organisation.

The IPC will be implementing a new performance development framework in 2013 – 2014 which follows the guidelines recently issued by the NSW Public Service Commission.

Our organisation

Professional development

Our staff are encouraged to keep up-to-date with developments in privacy and information access through continuous professional development. Staff completed 583.1 hours of professional development representing an average of 20.1 hours per staff member (based on actual staff numbers of 25).

Code of Conduct

The IPC's Code of Conduct sets out staff obligations and the required standards of ethical conduct. Staff receive training in the code as part of their induction. The code is based on the Department of Attorney General and Justice (DAGJ) code, but adapted for our organisation. It is published on the IPC website.

Flexible work agreement

The IPC operates under the *DAGJ Flexible Working Hours Agreement 2006*.

Surveys

Along with more than 130 agencies, the IPC participated in the *People Matter Employee Survey 2012* run by the Public Service Commission (PSC). The survey captures employees' perceptions of how the public sector values are applied across the sector as well as their views and experiences in their workplaces. Sector-wide results can be found at www.psc.nsw.gov.au. The IPC is incorporating this feedback into its strategic planning process and will publish its results on its website.

Health and safety

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

The IPC has appointed first-aid officers, established 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. In 2012 – 2013, a Health and Safety workplace representative was appointed, and an ergonomic assessment of all staff work areas was completed and recommended changes implemented.

Waste

The IPC has implemented and recently relaunched comprehensive recycling programs where all staff have been encouraged to only print if necessary, and to recycle all waste paper and cardboard. We have also reset all colour printers to default print in black and white, and 100 per cent of all used toner cartridges are recycled.

All office purchases are made through NSWBuy including all of our paper purchases which are certified as carbon neutral.

We have commenced an energy reduction initiative to replace all T8 fluorescent tubes with T5 fluorescent tubes, and installed zoned motion sensor lighting to reduce energy consumption.

Corporate services

The IPC has an arrangement with DAGJ for the provision of transactional services for finance, human resources, information technology, asset management and communications. This arrangement is reviewed annually.

Information and communication technology

Case management system

The IPC engaged a software supplier, Resolve, to deliver a case management system in 2012 – 2013. Resolve is used by several independent watchdog bodies across Australia, including the NSW Ombudsman and the Office of the Australian Information Commissioner (OAIC). The IPC would like to acknowledge the invaluable assistance provided by the OAIC throughout the project.

Phase 1 of the Resolve implementation delivered a data entry system in November 2012 and Phase 2 delivered workflows, templates and reports in May 2013. The new system will significantly transform the way we do business and improve our internal case management processes.

An internal audit was conducted as a post-implementation review to ensure the project was delivered on time and within budget, well managed as measured against the Prince2 methodology, and met the expected objectives and outcomes.

Telephones

We completed the implementation of a single system to manage the former Office of the Information Commissioner, Office of the Privacy Commissioner and IPC enquiry lines.

Recordkeeping

To improve our recordkeeping processes and meet our compliance obligations, we established a records management program as required under section 12(2) of the *State Records Act 1998*. The program provides a framework to manage complete and accurate records over time, and covers all aspects of recordkeeping, including people and systems, in a public office.

An internal audit was conducted as a comprehensive review of our records and information management controls and processes in March 2013 to ensure we have established and are maintaining a records management program as required under section 12(2) of the *State Records Act 1998*. Progress is regularly reported to the internal Audit and Risk Committee.

Research and development

The IPC carried out no research and development projects during the reporting period.

Internet address

During 2012 – 2013, the IPC amalgamated its three separate websites for the Office of the Information Commissioner, Office of the Privacy Commissioner and the IPC into one website, located at www.ipc.nsw.gov.au.

Insurances

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

Insurance cover for property, liability and miscellaneous insurance is provided by the Treasury Managed Fund (TMF).

In 2012 – 2013, all existing insurance policies were established in the name of the Information and Privacy Commission.

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 did not commission the services of any consultants during the reporting period 1 July 2012 – 30 June 2013.

Litigation

The IPC carried out no litigation during the reporting period 1 July 2012 – 30 June 2013.

International travel

There was no international travel by IPC staff during the reporting period 1 July 2012 – 30 June 2013.

External legal advice sought

The IPC sought no external legal advice during the reporting period 1 July 2012 – 30 June 2013.

Agreements with Community Relations Commission

The IPC has an agreement in place with the Community Relations Commission to report on its Multicultural Policies and Services Program (MPSP) in 2014 as the IPC is considered a small agency and is only required to report on its MPSP every three years.

Risk management

Audit and Risk Committee (ARC) Report on Activity 2012 – 2013

1. Meetings held and attendance by members:

All members attended all five meetings held during 2012 – 2013.

Key outcomes:

- Two internal audits
- Legislative compliance register developed
- Risk register, enterprise risk management framework and risk policy in place.

2. Key outputs:

- Approved 2012 – 2013 audit plan
- Reviewed all audit reports and monitored implementation of recommendations
- Reviewed compliance with Treasury policy at each meeting
- ICT project governance – case management system
- Reviewed 2011 – 2012 financial statements
- Monitored IPC/DAGJ shared corporate services arrangements
- WHS presentation and discussion held
- Proactive release of ARC minutes commenced
- Management review leading to IPC restructure.

ARC acquittal of Treasury requirements:

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

- Systems of internal controls are effective
- Inaccuracies are promptly identified and addressed progressively through the year
- Within year financial reporting is used to identify and address issues that have full year impact
- There are regular due diligence checks
- Appropriate action has been taken to address audit recommendations.

3. Priorities for next year:

- Ensure new risk register aligns with new Strategic Plan
- Finalise Audit Plan for 2013 – 2014.

Internal Audit and Risk Management Attestation for the 2012 – 2013 Financial Year

information and privacy commission
new south wales

Internal Audit and Risk Management Attestation for the 2012-2013 Financial Year for the Information and Privacy Commission

I, Kathrina Lo am of the opinion that the Information and Privacy Commission NSW has internal audit and risk management processes in place that are, in all material respects, compliant with the core requirements set out in Treasury Circular NSW TC 09/08 *Internal Audit and Risk Management Policy*. These processes provide a level of assurance that enables the senior management of the Information and Privacy Commission NSW to understand, manage and satisfactorily control risk exposures.

I, Kathrina Lo am of the opinion that the Audit and Risk Committee for the Information and Privacy Commission NSW is constituted and operates in accordance with the independence and governance requirements of Treasury Circular NSW TC 09/08.

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

- Independent Chair, Carolyn Walsh, Start term date 15/6/11, finish term date 14/6/14
- Independent Member 1, Lyn Baker, Start term date 15/6/11, finish term date 14/6/14
- Independent Member 2, Garry Dinnie, Start term date 15/6/11, finish term date 14/6/14

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

Kathrina Lo
Acting Information Commissioner

Dated 6.9.13

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t 1800 ipc nsw (1800 472 679) • f 02 8114 3756 • e ipcinfo@ipc.nsw.gov.au

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 Regulations 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.

The IPC is proactively releasing more of its review and investigation reports. As some of the reports contain information for which there is an overriding public interest against disclosure, that information must be removed before the reports are made publicly available. Once the reports are in a form that can be published, they are made available on the IPC's website.

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 includes:

- IPC Strategic Plan 2013 – 2016
- Fact sheets and knowledge updates
- Requesting assistance from the IPC form
- Reports on investigations conducted by the IPC
- Some reports on reviews of decisions the IPC has conducted
- Information we have provided on GIPA compliance
- Reports and information on the GIPA Case Management and Reporting Tool
- Reports to the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission.

Number of access applications received

The Information Commissioner received one formal access application this financial year.

The Information Commissioner decided the application within 20 working days of receipt, as required by the GIPA Act.

In response to the application, the Information Commissioner decided that her office did not hold the information. By consent, the application was transferred to the agency that held the information.

The Information Commissioner received a further four informal requests in the last reporting year. Of the requests received one was returned as it was incorrectly mailed to the IPC rather than the agency for which the application was intended. Of the remaining three requests, information requested was either released in full or in part where there was no overriding public interest against disclosure. Information was withheld and refused on the basis that the information was excluded information under Schedule 2 of the GIPA Act as the information requested related to the review, complaint handling, investigative and reporting functions of the Information Commissioner.

Number of refused access applications for Schedule 1 information

The IPC did not receive any formal access applications for the disclosure of information referred to in Schedule 1 to the GIPA Act (information for which there is a conclusive presumption of an overriding public interest against disclosure).

Statistical information about access applications made

See Appendix 4 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.

Statement of action taken to comply with PPIPA

The IPC's privacy management plan outlines how we comply with the principles of the PPIP Act and the HRIP Act. During the Creating Open Government Conference, an IPC Investigations Officer ran workshops that provided advice and guidance to agencies to help them develop efficient privacy management plans.

Statistical details of any review conducted under Part 5 of PPIPA

No reviews were conducted under Part 5 of the PPIP Act during the reporting period 1 July 2012 – 30 June 2013.

Our performance – promote

Promote

One of the IPC's key objectives is to uphold and protect information and privacy rights. A priority in achieving this objective is to promote and educate the community about privacy and information access rights under the legislation.

We have identified a range of strategies to achieve this objective, including:

- Championing information access and privacy rights
- Publishing accurate and clear information about the PPIP Act, HRIP Act and GIPA Act and provide access to online education courses and materials on the IPC website, using a range of media, technologies and approaches
- Providing an effective and responsive enquiry service for the community
- Providing easily accessible mechanisms for the community to provide feedback and suggestions on the IPC's products and services.

The IPC's communications and corporate affairs team is responsible for implementing these strategies, which are evaluated using the following performance measures.

Performance measures

Our strategy for communications and corporate affairs details a range of activities to achieve effective engagement with our stakeholders and to promote the IPC as a source of information and guidance on information access and privacy rights and legislation in NSW.

Performance indicators include the following:

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

Communications activities

We implemented a number of promotional initiatives in 2012 – 2013, including the Creating Open Government Conference, National Law Week, Privacy Awareness Week (PAW), and a variety of speaking engagements for the Information Commissioner and the Privacy Commissioner. In addition, we have developed a new IPC website, maintained our enquiries service and liaised with media outlets to provide the latest information on IPC activities and issues relevant to right to information and privacy legislation.

Creating Open Government Conference

The Creating Open Government Conference was held from 20-22 August 2012. It brought together key decision-makers, senior executives, leading thinkers and public servants from across a range of government sectors to explore the conference themes of access, engagement and accountability, and what these mean for open government.

Hosted by the IPC, the conference was an opportunity to encourage discussion and debate around ways to improve transparency and promote confidence in government by increasing access to government information.

Dr David Goldberg gave the opening keynote address, which honoured the influence of Peter Forsskal on contemporary right to information regimes. This presentation was a clear favourite on the program for all respondents to the questionnaire.

In particular, the aims of the conference were to:

- Provide a forum to present national and international perspectives on the significance of right to information laws in achieving open government
- Provide attendees with a memorable experience, new connections and inspiring ideas to help create open government
- Enhance existing or build new partnerships across government agencies to achieve shared objectives.

The feedback we received gave positive ratings of:

- 90 per cent for the conference overall as good, very good or excellent
- 80 per cent for the opportunities to network that the conference provided
- 73 per cent for the high quality of the presentations
- 85 per cent for the keynote speakers.

Website

In late December 2012, we launched the IPC website, located at www.ipc.nsw.gov.au. It amalgamates the former websites for the Office of the Information Commissioner and the Office of the Privacy Commissioner, in addition to an interim IPC website. The new website is the IPC's primary communication channel and provides resources and guidance for the public, government agencies and the private sector on their rights and responsibilities under privacy and information access legislation in NSW.

Since its establishment in December 2012, the new IPC website has attracted 141,326 page views.

Prior to the launch of the new amalgamated IPC website, we maintained separate websites for the IPC, the Office of the Information Commissioner and the Office of the Privacy Commissioner. The total page views for all websites maintained for the IPC during 2012 – 2013 was 257,218.

Website visits 2012 – 2013	
OIC (Information)	
Visits	11,930
Unique visits	7,485
Page views	45,550
Average visit duration	3.24 minutes
OPC (Privacy)	
Visits	18,165
Unique visits	12,670
Page views	52,460
Average visit duration	2.23 minutes
IPC TOTAL	
Visits	36,457
Unique visits	21,127
Page views	141,326
Average visit duration	3.57 minutes

Note: Totals based on monthly averages.

Publications

We produced a range of reports, submissions, policy documents, fact sheets and other resources to promote understanding of privacy and right to information legislation. The full list of resources produced during 2012 – 2013 is listed at Appendix 5.

Media

Both Commissioners communicated with the media through media releases, statements and interviews during 2012 – 2013.

The Privacy Commissioner conducted interviews and provided commentary for a number of NSW newspapers, radio stations, online blogs and media outlets on a range of issues, including the privacy implications of new technologies such as Google Glass, privacy issues around free web-based emails for public school students, CCTV use by local councils and Privacy Awareness Week.

We also gained media coverage on the Creating Open Government conference, review reports released by the Information Commissioner and the Information Commissioner's decision to step down.

Social media also provided a variety of promotional opportunities for the IPC. We used our Twitter feed to promote initiatives such as the Creating Open Government conference, National Law Week and Privacy Awareness Week (PAW). Our messages were also retweeted by our Twitter followers and information and privacy authorities in other jurisdictions.

Our plans for 2013 – 2014 include the development of a social media strategy. This will enable us to enhance two-way communication with our stakeholders by allowing the community, agency staff and the private sector to provide direct feedback on our programs and performance, and stay up to date with developments in privacy and access issues in NSW.

Law Week 2013

National Law Week is an important annual activity for the IPC to engage with the community. We attended two community information days in Parramatta and Campbelltown. These events enabled us to inform members of the public of their information access and privacy rights. IPC staff distributed resources in English and other languages, and answered enquiries.

Privacy Awareness Week 2013 (PAW)

An annual initiative of the Asia Pacific Privacy Authorities (APPA), PAW is one of the IPC's key promotional activities. In 2013, we launched a number of resources to raise privacy awareness among members of the public and NSW public sector staff. Our community resources included an online privacy guide for parents, teens, children and teachers, a guide to the privacy implications of mobile apps, and a video capturing the privacy concerns of members of the public. We also created resources for agencies, including a guide to privacy responsibilities for agency staff and a guide for agencies developing mobile apps to ensure they comply with their obligations under privacy legislation.

Asia Pacific Privacy Authorities (APPA)

The IPC is a member of APPA, alongside other privacy regulators throughout Australia and the world. APPA is the principal forum for privacy authorities in the Asia Pacific region to form partnerships and to exchange ideas about privacy regulation, new technologies and the management of privacy enquiries and complaints.

We collaborate on a variety of APPA projects, with PAW the key initiative. In 2013, we participated in the production of an infographic that shows how technology impacts on personal privacy. It is available for download from the APPA website in a range of different languages.

Our performance – promote

Speaking engagements

Privacy engagements

The Privacy Commissioner shared her expertise on privacy issues with delegates from the public, private and non-government sectors through the following forums:

- State conference, National Disability Service, Sydney – "Mythbusters: The Truth About Privacy"
- Regional support workers' conferences, National Disability Service, Goulburn and Newcastle – "Understanding Boundaries and Privacy"
- Privacy Reform and Compliance Forum, Sydney – "Roles and Responsibilities of a Privacy Commissioner"
- Rise of the Machines: Media, Privacy and Entertainment Conference, Thomson Reuters, Sydney – "Privacy and Technology 2013"
- Members seminar, Australian Society of Archivists NSW Branch, Sydney – "The IPC: Our Legislation and You"
- NSW Right to Information and Privacy Practitioners' Network forum, quarterly 2012 – 2013
- Complaint Handlers Information Sharing and Liaison seminar – "What I might have done differently, an opportunity to learn from experience"
- School of Government Graduate Program, University of Sydney.

Information access engagements

The Information Commissioner delivered a number of presentations during the reporting period on the role of the IPC and the operation of the GIPA Act in NSW. She addressed delegates on right to information and best practice in information management through the following forums:

- CeBIT Gov 2.0 conference 2012, Canberra
- Sharing Government Data Forum, NSW State Government, Sydney
- "New ways of thinking about customer service delivery" panel discussion, Institute of Public Administration Australia 2012 State Conference
- The *Government Information (Public Access) Act 2009*, Continuing Legal Education seminar, Sparkes Helmore Lawyers
- The *Government Information (Public Access) Act 2009*, Continuing Professional Development seminar for government solicitors, Law Society of NSW
- NSW Right to Information and Privacy Practitioners' Network forum, quarterly 2012 – 2013.
- University of Technology Sydney Graduate Program.

Stakeholder and community engagement

One of our key priorities is ensuring our services are accessible and responsive to diverse community needs. In June 2013, we released three new action plans that represent our commitment to promoting and safeguarding the information access and privacy rights of the NSW community.

The IPC Aboriginal Action Plan underlines our commitment to working with Aboriginal people to promote and safeguard their privacy and information access rights.

The IPC Disability Action Plan represents our commitment to promoting inclusion for people with disability and promoting and safeguarding their information access and privacy rights.

The IPC Multicultural Services Plan signifies our recognition of the culturally rich and diverse nature of the NSW community and outlines the priorities and strategies we will undertake to safeguard the privacy and information access rights of people from all cultural and linguistic backgrounds.

Work is underway to ensure we meet the objectives identified in each of these plans, enabling us to promote and protect information access and privacy rights for the people of NSW. The action plans can be viewed in full in the Appendices (Appendix 6, Appendix 7, Appendix 8), and on the IPC website – www.ipc.nsw.gov.au

Our two major stakeholder engagement events – Privacy Awareness Week and National Law Week – give us an opportunity to provide resources directly to members of the community and agency staff to help them understand their rights and responsibilities under NSW privacy and information access legislation.

We participated in a number of community events, including the St George Migrant Information Day in October 2012, where we distributed IPC resources and provided information to visitors and other agency staff. We also marked the International Day of People with Disabilities in December 2012 by holding a stall at Parramatta alongside the Diversity Services unit of the Department of Attorney General and Justice.

The Right to Information and Privacy Practitioners' Network holds quarterly forums which are attended by the Information Commissioner and the Privacy Commissioner. The forums are an opportunity for the IPC to share information and advice with agencies on current matters and issues under privacy and right to information legislation in NSW.

Assist

A key priority for the IPC is assisting the NSW public sector and businesses to understand and implement the GIPA, PPIP and HRIP legislation.

We have a range of strategies to achieve this objective, including:

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

Performance measures

We evaluate our achievement of these strategies according to the following measures:

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

Assisting agencies – GIPA

In order to assist NSW government agencies to meet their obligations under right to information and privacy legislation, we produced a range of resources during 2012 – 2013.

Materials produced to help agencies meet requirements under the GIPA Act included:

- Amendment to *Guideline 5: consultation on public interest considerations under section 54 of the GIPA Act*
- New *Notice of Decision* template
- Fact sheet: *The IPC's approach to monitoring compliance with the GIPA Act*
- Reports and decisions by the Information Commissioner following reviews of information access complaints.

One of the key principles of the GIPA Act is to encourage agencies to move towards a culture of proactively releasing government information. The Information Commissioner's role is to promote and support access to and disclosure of government information.

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

The IPC works to assist agencies to improve their practices in the following ways:

- Preparing and delivering targeted advice and training on issues where agencies are having particular difficulty. We identified inconsistency among agencies on the practice of how and when to consult with third parties in a review and have published a guideline to promote greater understanding in the practice of agencies when consulting with third parties
- Obtaining feedback from agencies informally on aspects of the GIPA Act that are causing concern
- Developing best practice guidelines and resources to assist agencies in providing greater access to government information
- Regularly consulting with practitioners and seeking their feedback at meetings such as the Information and Privacy Practitioners' Network forum and Local Government Managers Association (LGMA)
- Providing guidance to agencies on a case-by-case basis in review reports, and publishing those reports online for the benefit of a wider audience
- Visiting agencies to examine their processes, and identify and help address problematic issues.

Our performance – assist

Assisting agencies – Privacy

The IPC provides privacy advice to members of the public, government agencies and other organisations.

We do not provide legal advice, but give general guidance on privacy-related matters and procedural advice. In many cases, enquiries are resolved by staff suggesting practical ways of approaching a dispute. Generally we resolve most enquiries within one working day with the majority of matters finalised at the time of the call.

In the last five years the number of privacy-related enquiries we have dealt with has increased from 858 per annum in 2007 – 2008 to the current figure of 1,928.

Enquiries received continue to focus on matters related to surveillance, criminal records and privacy concerns arising from the conduct of businesses.

We continue to receive a high number of enquiries in relation to workplace surveillance, covered under the *Workplace Surveillance Act 2005 (NSW)* and *Surveillance Devices Act 2007 (NSW)*, and general intrusive surveillance in public and private areas. While this surveillance legislation is privacy-related, the Privacy Commissioner does not administer it and cannot accept complaints about breaches of these Acts. We can only provide general information and refer enquirers to the appropriate agency.

Matters relating to both the use and disclosure of criminal records in both the public and private sector continue to be an area of community concern and the basis of assistance from the Privacy Commissioner.

We provided advice to the Division of Local Government on the preparation of a new model privacy management plan (PMP) for local councils. The model PMP guides councils in developing and updating their existing PMP. Each council is required to make available a copy of their updated PMP to the IPC. The Privacy Commissioner has received 46 plans from local councils to date.

The IPC is consulted on proposed legislation, reviews of Acts, submissions regarding professional standards, discussion papers, guidelines and protocols. We made a number of submissions to Commonwealth bodies, including the "Submissions on the *Privacy Amendment (Enhancing Privacy Protection) Bill 2012*" in July 2012, and took an active role in the continuing national privacy law reform process. Our submissions are available on the IPC website: www.ipc.nsw.gov.au

We provide formal advice on privacy matters to a number of stakeholders. Often this relates to legislative or program proposals, and agencies understanding of the applicability of the legislation.

In 2012 – 2013, we responded to 108 requests for advice. The majority of requests for formal advice were from the NSW government sector (72%), followed by local government (7%).

Written advice by source

Type	2011/12 Count	2012/13 Count
Private individual	29	5
State government	46	78
Other governments	11	6
Private organisation	12	6
Other	2	1
Local government	4	8
Advocate/lawyer	5	2
Parliamentary enquiry	0	2
TOTAL	**109**	**108**

We also produced a range of materials for agencies to meet their obligations under the PPIP Act and the HRIP Act:

- *Mobile apps checklist for agencies*
- Fact sheet: *CCTV – use by local councils*
- Fact sheet: *Understanding your privacy obligations for public sector staff*
- Reports and advice by the Privacy Commissioner following reviews of privacy complaints.

Privacy Awareness Week 2013 (PAW) provided an opportunity for us to strengthen our support for NSW government agencies in the area of privacy protection. We produced a range of privacy resources that were available for agencies to download and use during PAW events and in communications with staff. State government departments, universities and local councils throughout NSW used IPC resources to disseminate privacy protection messages to their staff and stakeholders.

Examples of activities included NSW Treasury, which implemented an agency-wide privacy training program for staff and highlighted the agency's commitment to protecting the privacy of the personal information it collects and stores.

The Department of Education and Communities promoted privacy awareness among staff, parents and school communities throughout NSW. The agency published privacy protection messages and promoted our online privacy guide for parents, teens, children and teachers through a variety of online channels.

The Sydney Catchment Authority (SCA) supported PAW by:

- Displaying specially designed posters promoting PAW, and posters from the IPC website to promote privacy
- Placing posters on display for the general public at the Visitor Information Centre at Warragamba, and providing information on accessing the current SCA's PMP

- Displaying IPC privacy posters in the foyer of its Penrith Office, reaching both SCA stakeholders and those of the Department of Family Community Services and NSW Fair Trading
- Revising the PMP and Action Plan 2013 – 2015.

The University of Newcastle launched a visual campaign using privacy posters displayed in student hubs, lecture theatres and on staff screensavers. The university also posted the Safe Banking video, promoted by the IPC, on its Facebook site, distributed a privacy awareness message to all staff, and updated the privacy page on its website.

Shellharbour City Council promoted PAW by featuring the event through the General Manager's weekly blog. They also distributed a daily email to all staff focusing on the IPPs, and posted on the council staff's notice board, attaching brochures from the IPC's PAW resources page aimed at parents and focusing on privacy on the internet.

Assisting agencies – seminars

The IPC developed a series of seminar topics to assist agencies. During the year, we delivered three seminars to right to information and privacy practitioners on applying the public interest test and the overlap between information access and privacy rights, as well as privacy management plan workshops.

One hundred and twenty practitioners attended the seminars. Survey evaluation found 85 per cent of participants were highly satisfied with the seminars and 80 per cent stated they were worth attending.

In conjunction with the seminars, the IPC also launched new resources to support agency practitioners including:

- *Applying the public interest test*
- *The overlap between access and privacy rights*
- *Processing requests for personal information*
- *Guideline 4: personal information as a public interest consideration under GIPA*
- *A Guide to Making Privacy Management Plans.*

Consumer response (enquiries)

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

We introduced a single telephone information line and email address in late 2012 for dealing with enquiries about information access and privacy. As a result, we have been able to take a more consistent approach to providing information and assistance to our stakeholders.

While we received enquiries from both government agencies and the private sector, the majority of enquiries were from the public. Hot topics included how to access government, personal and health information, and review rights. We also received enquiries about surveillance and privacy in relation to the private sector, and referred these to the relevant agency. Our enquiries service responded to 5,343 phone and face-to-face enquiries and 1,023 written enquiries from members of the public, agency staff and representatives of private sector organisations on right to information and privacy.

In December 2012, the IPC also introduced the 'Ask the Information Commissioner' and 'Ask the Privacy Commissioner' buttons on our website homepage to give stakeholders a direct point of access to the Information Commissioner and Privacy Commissioner. We received 48 enquiries sent directly to the Commissioners – this included 32 queries through the 'Ask the Information Commissioner' button, and 16 through the 'Ask the Privacy Commissioner' button.

Enquiry Type	2011/12	2012/13
Telephone and in person	6,430	5,343
In writing*	801	1,023

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

'Ask the Commissioner' enquiries	2012/13
Information Commissioner	32
Privacy Commissioner	16

Training

We conducted a range of training and information sessions for agency staff during 2012 – 2013, including for:

- NSW Crime Commission
- Department of Education and Communities
- NSW Businesslink
- NSW government agency staff attending a seminar held by law firm Norton Rose Fulbright.

E-learning resources

During 2012 – 2013, a total of 19 agency staff registered to use our online privacy training module for the PPIP Act – training for government employees in NSW.

We also maintained our e-learning resources to provide practical information and support for agencies implementing the GIPA Act.

Our current e-learning modules include:

- *Module 1: GIPA introduction for agency staff*
- *Module 2a: Managing the public's right to government information*

Our performance – assist

- *Module 2b: The contract register and contract disclosures*
- *Module 2c: Managing the public's right to government information – local councils.*

We are currently developing a new approach to providing e-learning resources for stakeholders and expect to begin creating new e-learning products during 2013 – 2014.

Sector-specific activities

In addition to the specific resources we produced during 2012 – 2013 for the public sector and the community and our response to enquiries from agencies, businesses and the public, we provided a range of targeted assistance to state government departments, local government and universities to help them meet their obligations under information access and privacy legislation in NSW.

We provided advice to the Division of Local Government on developing their Model Privacy Management Plan for local councils.

The Commissioners addressed quarterly meetings of the NSW Right to Information and Privacy Practitioners' Network forum to inform members of the IPC's achievements against its strategic objectives.

The Information Commissioner met with the NSW Vice-Chancellors Committee to discuss issues around universities' obligations under information access legislation and best practice in information management.

The Privacy Commissioner also provided specific assistance to the non-government sector by working with National Disability Services, the Australian peak body for non-government disability services, in preparation for the introduction of the new National Disability Insurance Scheme.

Assisting the community

During 2012 – 2013, we helped members of the NSW community to understand their information access and privacy rights by providing guidance through our enquiries service and website.

We also created a variety of information products, such as an online privacy guide for parents, children and teachers, tips on accessing government information in NSW, fact sheets on CCTV, identity (ID) scanning and the privacy implications of mobile apps, as well as a video on community privacy issues.

All resources were made available for download on our website, with some also distributed to community contact points such as hospitals and health clinics, and at community events. These events also gave our staff the opportunity to meet with members of the public and answer their right to information and privacy queries directly.

Website

Our new IPC website is designed to make it easy for members of the public to find information they need on privacy and right to information laws in NSW.

Launched in December 2012, the site features a direct navigation tab for the public on the home page that leads visitors through a series of sub-pages, explaining everything from how to access information from NSW government agencies to making a privacy complaint, with links to resources and frequently asked questions.

A feedback form on the IPC website enables members of the public to submit queries or comments to us. The new 'Ask the Commissioner' buttons on the home page give visitors an opportunity to pose questions directly to the Information Commissioner and the Privacy Commissioner.

We are currently working to ensure that the website meets government web accessibility standards, a project that is identified as a priority in our Disability Action Plan.

During the year, we produced a number of downloadable resources for the public, including:

- *Mobile Apps Checklist for Consumers*
- Online privacy guide for parents, teens, children and teachers
- Video – *What does privacy mean to you?*
- Fact sheet – *CCTV – use by local councils*
- Fact sheet – *CCTV*
- Fact sheet – *ID scanning*
- Fact sheet – *Tips on how to access information from government*
- Fact sheet – *Guide to protecting your privacy.*

Physical privacy

The Privacy Commissioner has a residual discretion and limited jurisdiction to investigate physical privacy matters and other privacy matters that do not only relate to personal or health information or data protection under section 36 (2) of the PPIP Act, which states that the Privacy Commissioner is able to 'receive, investigate and conciliate complaints about privacy related matters' and 'to conduct such enquiries and make such investigations into privacy-related matters as the Privacy Commissioner thinks appropriate'. The discretion to investigate privacy matters, which go beyond the IPPs or HPPs and data protection, is exercised sparingly and in accordance with Part 4 of the PPIP Act. It is generally not exercised if there is another more appropriate remedy for the complaint in question.

Codes of practice (under PPIP Act and HRIP Act)

Agencies may request a Privacy Code of Practice to regulate the collection, use and disclosure of personal or health information held by public sector agencies and the procedures for dealing with that information. Codes may also modify the application to any public sector agency of one or more of the IPPs or the HPPs.

There are presently 12 privacy codes operating under NSW privacy legislation and they are published on the IPC's website: www.ipc.nsw.gov.au

No new codes were gazetted during the reporting period.

Public interest directions (or exemptions)

Under section 41 of the PPIP Act, the Privacy Commissioner may make a public interest direction to waive or modify the requirement for a public sector agency to comply with an information protection principle (IPP).

Most of the directions which have been made to date are intended to apply temporarily. A number of directions have been renewed. In 2011, the Privacy Commissioner commenced action to ensure directions are only temporary and to avoid the remaking of current directions.

Agencies may approach the Privacy Commissioner to request a public interest direction, or the Privacy Commissioner may recognise a need for a public interest direction without a request.

The Privacy Commissioner must weigh the public interest in considering whether to make a public interest direction. This process may involve consultation with affected parties, and the Privacy Commissioner may need to ask the agency or agencies concerned for more detailed information about their request and their reasons for seeking the exemption.

If the Privacy Commissioner is satisfied that the public interest in allowing an exemption outweighs the public interest in the application of the IPPs to the conduct at issue, the Privacy Commissioner will then prepare a draft direction, which may then be the subject of further consultation.

Finally, the Privacy Commissioner must submit the draft direction to the Attorney General, and seek their approval to make the direction. Once the Privacy Commissioner has made a direction, it is published on the IPC website.

The Privacy Commissioner can make public interest directions in relation to both the IPPs and the HPPs.

There were 10 PPIP Act public interest directions and one HRIP Act public interest direction in force as at 30 June 2013. These directions can be found on the IPC website.

Privacy management plans

In early 2013 the Division of Local Government, Department of Premier and Cabinet released the Model Privacy Management Plan guide.

Under the PPIP Act, public sector agencies are required to prepare and implement a privacy management plan and provide a copy to the Privacy Commissioner. A privacy management plan sets out the agency's policies and procedures for complying with relevant IPPs and HPPs in their management and dealing with information. It assists staff within the agency in their day-to-day handling of personal and health information, and clients who wish to understand the privacy protections and how they are managed. The IPC does not prepare these management plans but can provide general assistance with drafting and has material to assist agencies on its website.

The IPC has completed an audit of all privacy management plans to ensure all state agencies complied with their statutory obligation to provide a copy of their plan to the Privacy Commissioner and that all plans are up-to-date. This has had a positive outcome with 58 privacy management plans being lodged by agencies with the IPC.

Following the audit, the IPC is currently conducting a review project of privacy management plans to refine any ongoing issues. The IPC has developed resources to help public sector agencies write and review their privacy management plans:

- *A Guide to Making Privacy Management Plans* contains details on the requirements of a plan and helpful things public sector agencies can consider when writing one.
- The *Privacy Management Plan Assessment Checklist* is a helpful tool public sector agencies can use to assess existing or draft privacy management plans.

Our office has a privacy management plan in line with this requirement that is available on our website.

Our performance – review

Review

The IPC is responsible for reviewing agency decisions, investigating and conciliating complaints, and monitoring agency performance.

Performance measures

- Systems function effectively, enhance the work of the office, and are understood by staff, agencies and the public
- Reviews, investigations and monitoring meet quality and timeliness standards
- Communication of decisions and reports is easily understood by the target audiences.

Review report

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

In 2012 – 2013 the Information Commissioner received 388 requests for assistance (not including ADT), which continues to be higher than expected. The Investigation and Review Team opened 388 cases during the year and closed 346. On average the team received 32 requests for assistance and closed an average of 29 per month. The higher than expected request for assistance has caused some delays in the processing of GIPA reviews and complaints. The Information Commissioner continues to monitor the level of delay and work is being undertaken to address the delay.

A new case management system was implemented in the reporting year, improving the ability to deal with the volume of the reviews and complaints being received.

Each request for assistance is assessed for jurisdiction, to identify the issues and level of complexity. Wherever possible, straightforward cases are addressed immediately. Cases are dealt with in the order they are received, however, where a case is time sensitive, it may be prioritised.

Review process

When we receive a review application we:

- Contact the applicant to confirm that we have received the application and to give a reference number for the review
- Notify the agency that made the decision that we have received an application for review
- Allocate the review request to an IPC review and investigation officer
- Notify the applicant and the agency when the review is allocated and ready to be progressed.

The officer conducting the review may need to gather additional information about the agency's decision from both the applicant and the agency that made the decision.

The officer will consider whether the issues in the review can be resolved informally. They will work with the parties to see if there is a mutually acceptable way to resolve the review.

If the officer decides that the review cannot be resolved informally, they will conduct a formal review of the agency's decision. They will look at the information that was requested, the process that the agency followed and the agency's decision in order to form a view about whether the agency correctly followed and applied the provisions of the GIPA Act. The officer may choose to ask either or both of the parties for submissions as part of this process.

Both the applicant and the agency can provide information or submissions that are relevant to the review even if the officer has not asked for them.

The officer will write a report outlining the Commissioner's view and any recommendations for the applicant and/or agency. In some cases, the officer may contact the applicant and the agency, and provide them with a provisional view.

A provisional view is only provided if the IPC needs to check facts or seek submissions. A provisional view is not the Information Commissioner's final view and report. It is used to provide an opportunity for us to ask additional information or to check facts. We will usually ask that any additional information be provided within ten (10) working days.

Once the officer is satisfied that all relevant information has been properly considered, a final review report will be sent to both parties.

Some final review reports are published on the IPC's website. However, consent will be obtained from the applicant and any third party before we publish any personal information online.

If an applicant or an agency disagrees with the final review report or recommendations made by the Information Commissioner, they may seek a review with the ADT.

Reviews (GIPA)

GIPA matters opened and closed 1/7/12 – 30/6/13

Matter type	Received	Closed	Open
Complaints	50	58	2
Investigations	0	1	2
Reviews	280	237	156
ADT	58	50	48
Total	**388**	**346**	**208**
Total requests for assistance (not including ADT)	330	296	160

Internal reviews (PPIP Act and HRIP Act)

If an individual complains about a breach of an Information Protection Principle (IPP), the IPC will, in most cases, recommend that the individual lodge an internal review application with the relevant agency, rather than seek investigation by the Privacy Commissioner. This approach provides the complainant with the option of taking their complaint to the ADT if they are unhappy with the outcome of the internal review.

The following table outlines the internal reviews handled by the IPC.

2012 – 2013 Internal reviews by Privacy Principles

Information Protection Principle	Count
Access	17
Accuracy	22
Collection	24
Disclosure	102
Other	13
Physical privacy	3
Retention storage	21
Use	33
TOTAL	**235**

Note: Some internal reviews contain more than one Privacy Principle.

In 2012 – 2013 the IPC dealt with 161 internal reviews. Of those dealt with, the majority concerned 'disclosure' which accounted for 43 per cent of the privacy principles reviewed. This was followed by 'use' which accounted for 14 per cent.

In 2013 the office implemented a new case management database. Through the transition to the new data base and early implementation issues, the office was unable to capture complete data on the type of information in which a privacy principle was reviewed in the 2012- 2013 reporting year. The trends we did observe continue to be as they have been in previous years. Our reviews continue to predominantly relate to medical information and/or health information. The IPC is working on addressing these implementation issues that have occurred with the new case management system.

Administrative Decisions Tribunal (ADT)

If an individual is not satisfied with the outcome of an internal review, or if their application is not dealt with by the relevant agency within 60 days for the agency's receipt of their application, they may apply to the Administrative Decisions Tribunal (ADT) for a review of the conduct giving rise to the internal review application.

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

In ADT proceedings, the Information Commissioner and Privacy Commissioner have the role of *amicus curiae*, which means friend to the Tribunal, and representatives of the IPC can attend the ADT to assist with interpretation of the relevant legislation and issues of law. IPC officers cannot assist the parties to the litigation.

The IPC 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 Judicial Members requested the Commissioners' additional or continued attendance and involvement, and often sought submissions in a matter to assist the ADT in its task.

During the reporting period, IPC staff (on behalf of the Commissioners) attended listings of matters before the ADT and made oral and written submissions in a number of matters on a variety of important issues. The details of the information access and privacy cases are available on the ADT website under the General Division and Appeal Panel indexes.

Our performance – review

The following table summarises the number of cases received and closed during the reporting period, with respect to our three Acts.

Act	Number of files opened between 1 July 2012 – 30 June 2013	Number of files closed between 1 July 2012 – 30 June 2013	Number of files open as at 30 June 2013
GIPA Act	58	50	48
PPIP Act	31	65	32
HRIP Act	18	13	12
Total	**107**	**128**	**92**

Note: These statistics are affected by a change in case management system during the reporting period as well as the IPC adopting a different approach to ADT matters.

Public Interest Disclosures

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

Public Interest Disclosures received	Count
Number of public interest officials who made PIDs	0
Number of PIDs received	0
Number of PIDs finalised*	0
Disclosures received primarily about:	
Corrupt Conduct	0
Maladministration	0
Serious and substantial waste	0
Government Information contravention	0
Local government pecuniary interest contravention	0

** The number of PIDs finalised only refers to PIDs that have been received since 1 January 2012.*

During the reporting period, the IPC took a number of steps to alert its staff about PIDs. In particular, we prepared a fact sheet of frequently asked questions about PIDs which has been published on our website. We also reviewed our internal policy for PIDs (which was also published on the IPC website).

Government information contraventions

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 GIPA Act, the Information Commissioner is empowered to investigate such PID disclosures.

The Information Commissioner received five complaints with respect to Government Information contravention, which were identified as potential PIDs. Of those complaints, two were deemed not to have met the PID threshold.

During the reporting period, the Information Commissioner finalised three complaints, which were deemed not to have met the threshold under the PID Act.

The Information Commissioner sits on the Public Interest Disclosures Steering Committee, which has a number of roles in overseeing the PID Act, including advising the Premier on the operation of the PID Act. The Steering Committee is chaired by the NSW Ombudsman and issues its own annual report regarding the PID Act and PIDs received by the various investigating agencies. The PID Annual Report can be found on the Ombudsman's website.

Feedback

The Commissioners provide feedback about the legislation and developments in the law and technology relevant to the legislation to the Parliament and the community.

To improve our own operations, the information we collect from our stakeholders is evaluated and analysed to improve work processes and procedures so that we can better assist the public and agencies.

Performance measures

- We hear frequently from the public and agencies about their experiences
- We have undertaken several initiatives to make it easier for the public and agencies to communicate with us about their experiences
- We provide rigorous, evidence-based reports to parliament on the effectiveness of the legislation
- We participate in cross-jurisdictional forums concerning information and privacy issues, and contribute to the public debate in these areas.

Agency feedback – Privacy

The Privacy Commissioner oversees privacy internal reviews by agencies and is involved in external appeals to the ADT where warranted. Agency feedback is measured by the extent that the Privacy Commissioner's recommendations on internal reviews are adopted by the relevant agency. In the reporting period the majority of the Privacy Commissioner's recommendations were adopted by agencies, with copies of submissions made by the Privacy Commissioner about the internal review conducted by the agency being provided by the agencies to the complainant. We consider this to be positive feedback about the role of the Commissioner in the review, and an important part of the principle of being open and transparent about the internal review process.

The ADT regularly adopts the Privacy Commissioner's position and submissions on relevant privacy principles when a matter has gone to hearing. This indicates significant positive feedback on the Commissioner's statutory function.

Agency feedback – GIPA

The Information Commissioner received two main criticisms during the reporting year. These were that reviews by the IPC were taking too long and that our communication about our reporting process was inaccurate.

While we generally receive positive feedback on almost all of our reviews, due to the backlog that has arisen both agencies and applicants are unhappy with the delays they experience during the review process of the Information Commissioner. We continue to implement process and staff changes in response to this feedback, and the introduction of a new case management system, Resolve, is expected to yield substantial benefits in reducing the delays associated with reviews by the Information Commissioner.

Our communications with agencies and applicants has been improved to more accurately inform both agencies and applicants about the review process. We have identified this as an issue and we are implementing more frequent and accurate communications with applicants and agencies about what is happening with the review they have asked the Information Commissioner for, while we work on reducing the backlog.

In addition, our Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission, is currently considering how to measure the effectiveness of the agencies that it oversees, including the IPC. We are awaiting the outcome of that process.

Collecting feedback

Ongoing improvement of the IPC's resources to collect feedback from our stakeholders has included:

- 'Ask the Information Commissioner' and 'Ask the Privacy Commissioner' functions on our website
- A free call telephone number for contacting the IPC
- A generic email address for contacting the IPC
- Online and paper surveys
- Seminar questionnaires
- Online feedback forms on our web site
- Collecting information at community forums we attend
- Providing training and receiving feedback
- Participation in various user group networks.

Both the Privacy Commissioner and the Information Commissioner can recommend to the Minister responsible for their respective Acts any proposals they have for improving the effectiveness of the information access legislation and the state's privacy legislation. The Commissioners' feedback to DAGJ is used in considering amendments to the respective legislation to improve its operation.

With the establishment of the IPC in January 2011, the NSW Law Reform Commission also recommended the establishment of an Information and Privacy Advisory Committee (IPAC). The PPIP Act was accordingly amended by the NSW Parliament to specify the composition of the Committee, its functions and procedures. The IPAC replaces the former Privacy Advisory Committee, broadening its focus to include access matters and changing the nature of the membership.

Our performance – feedback

The IPAC was established in early 2013. Non-government members include Teresa Corbin, Angela Green, Doug Peiffer and Peter Timmins, and deputy members Bruce Mansfield, Julie Ann Priest and Samantha Yorke. Other members include the Information Commissioner and Privacy Commissioner, two nominated government members – William Murphy, Executive Director of Strategic Policy at the Department of Finance and Services (DFS) and Sonja Stewart, Deputy Commissioner of the Public Service Commission – and one nominated deputy member, Dawn Routledge, Director of Information, Strategic Policy, at DFS.

With its private sector and public sector members, IPAC is a significant source of feedback for IPC in developing programs to meet our strategic objectives. As an advisory body to the Information Commissioner and the Privacy Commissioner, the IPAC advises on matters relevant to the functions of the Commissioners and advises the Minister (Attorney General) on such matters as may be referred to it by the Attorney General.

Complaints (GIPA)

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

The Information Commissioner can decide to deal with a complaint or to decline to deal with a complaint. In assessing whether to accept or decline a complaint the Information Commissioner may make preliminary enquiries for the purpose of deciding how to deal with the complaint. In the 2012 – 2013 period the Information Commissioner received 58 complaints. In the same period 50 were concluded.

When a complaint is accepted the Information Commissioner deals with a complaint by assisting to resolve the complaint, providing information, or facilitating resolution between the parties through formal and informal processes. In some cases a complaint may also be dealt with as an investigation.

In undertaking an investigation, we have the necessary power to obtain information, enter premises and interview people. The purpose of the investigation is to gather facts. We take an informal approach. Depending on the circumstances of each individual case, we will decide how best to proceed. Our aim is to conduct a thorough, expeditious and fair investigation.

Once we have concluded our investigation we document the relevant facts, reach a conclusion based on available evidence, and determine a suitable response that is in accordance with our legislation and the principles of procedural fairness.

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

Complaints (Privacy)

The Privacy Commissioner is responsible for assessing, investigating and conciliating complaints about privacy. Complaints under the PPIP Act deal primarily with alleged breaches of the IPPs by the NSW public sector. Complaints under the HRIP Act deal primarily with alleged breaches of the HPPs by NSW government agencies or the private sector. Most private sector complaints relate to access requests of medical practitioners.

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

Generally the PPIP Act does not provide the option of a matter being reviewed by the ADT after it has been investigated by the Privacy Commissioner. If, however, the Privacy Commissioner has made a report under section 47 of the HRIP Act in relation to a private agency or individual, the complainant may apply to the ADT for an inquiry into the original complaint. During the reporting period, a complainant exercised this right and used the Privacy Commissioner's Report to bring an ADT case against a private sector health provider.

This year the IPC concluded 439 formal privacy matters overall (includes internal reviews, investigations and complaints). Page 9 shows a breakdown of these matters. In the reporting period, the Privacy Commissioner dealt with 92 complaints, with the majority dealing with the conduct of members of the public or private organisations.

Private organisations represent the highest number of complaints received by the IPC at 40 per cent. The NSW public sector represents 37 per cent of complaints dealt with by the IPC in the reporting period, which is a reduction in complaints compared to the previous year. As outlined elsewhere in the report, complaints concerning the NSW public sector are usually dealt with by way of internal review by the agency concerned under the PPIP Act and HRIP Act rather than by investigation by the IPC.

The following table provides the figures for type of complaint finalised by the IPC during the reporting period:

Type	2011 – 2012	2011 – 2012
State government	41	34
Private organisation	35	37
Private individual	16	15
Local government	9	4
Other government	1	2
Total	**102**	**92**

Statement by the Information Commissioner

INFORMATION AND PRIVACY COMMISSION

FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

STATEMENT BY INFORMATION COMMISSIONER

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

1. The accompanying financial statements exhibit a true and fair view of the financial position of the Information and Privacy Commission as at 30 June 2013 and transactions for the year then ended.

2. The financial statements have been prepared in accordance with the provisions of the *Public Finance and Audit Act, 1983, the Financial Reporting Code for Budget Depend General Government Sector Agencies,* the *Public Finance and Audit (General) Regulation 2010* and the Treasurer's Directions.

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

Kathrina Lo

Kathrina Lo
Acting Information Commissioner
Information and Privacy Commission
19 September 2013

Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

Information and Privacy Commission

To Members of the New South Wales Parliament

I have audited the accompanying financial statements of the Information and Privacy Commission (the Commission), which comprise the statement of financial position as at 30 June 2013, the statement of comprehensive income, statement of changes in equity, statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

Opinion

In my opinion the financial statements:

- give a true and fair view of the financial position of the Commission as at 30 June 2013, 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* (the PF&A Act) and the Public Finance and Audit Regulation 2010

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

Commissioner's Responsibility for the Financial Statements

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

Auditor's Responsibility

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

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

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

My opinion does *not* provide assurance:

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

Independence

In conducting my audit, I have complied with the independence requirements of the Australian Auditing Standards and relevant ethical pronouncements. The PF&A Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by the possibility of losing clients or income.



Jack Kheir
Director, Financial Audit Services

20 September 2013
SYDNEY

Our financial performance

Statement of Comprehensive Income

For the year ended 30 June 2013

	Notes	Actual 2013 $	Budget 2013 $	Actual 2012 $
Expenses				
Operating Expenses				
Employee related expenses	2(a)	**4,028,783**	**3,788,000**	3,345,078
Other operating expenses	2(b)	**1,289,418**	**1,493,000**	1,894,482
Depreciation and amortisation	2(c)	**134,991**	**125,000**	120,265
Total Expenses excluding losses		**5,453,192**	**5,406,000**	5,359,825
Revenue				
Government grant – recurrent	3(a)	**5,152,000**	**5,152,000**	5,274,200
Government grant – capital	3(a)	**167,300**	**150,000**	248,300
Government grant – voluntary redundancy	3(a)	**496,370**	**–**	–
Investment Revenue	3(b)	**29,313**	**–**	44,552
Acceptance by the Crown Entity of employee benefits and other liabilities	3(c)	**93,119**	**42,000**	143,521
Other Revenue	3(d)	**70,021**	**–**	236
Total Revenue		**6,008,123**	**5,344,000**	5,710,809
Other Gains/(losses)	4	**–**	**–**	(517,766)
Net result		**554,931**	**(62,000)**	(166,782)
Other Comprehensive Income		**–**	**–**	–
TOTAL COMPREHENSIVE INCOME FOR THE YEAR		**554,931**	**(62,000)**	(166,782)

The accompanying notes form part of these financial statements.

Statement of Financial Position

As at 30 June 2013

	Notes	Actual 2013 $	Budget 2013 $	Actual 2012 $
ASSETS				
Current Assets				
Cash and cash equivalents	5	**989,550**	**788,000**	918,943
Receivables	6	**45,720**	**627,000**	107,476
Total Current Assets		**1,035,270**	**1,415,000**	1,026,419
Non-Current Assets				
Plant and Equipment	7	**174,216**	**156,000**	217,139
Intangible Assets	8	**872,905**	**997,000**	797,675
Total Non-Current Assets		**1,047,121**	**1,153,000**	1,014,814
Total Assets		**2,082,391**	**2,568,000**	2,041,233
LIABILITIES				
Current Liabilities				
Payables	9	**369,128**	**646,000**	831,934
Provisions	10	**242,783**	**199,000**	381,238
Other		**–**	**415,000**	–
Total Current Liabilities		**611,911**	**1,260,000**	1,213,172
Non-Current Liabilities				
Provisions	10	**87,488**	**87,000**	–
Total Non-Current Liabilities		**87,488**	**87,000**	–
Total Liabilities		**699,399**	**1,347,000**	1,213,172
Net Assets		**1,382,992**	**1,221,000**	828,061
EQUITY				
Accumulated funds		**1,382,992**	**1,221,000**	828,061
Total Equity		**1,382,992**	**1,221,000**	828,061

The accompanying notes form part of these financial statements.

Statement of Cash Flows

For the year ended 30 June 2013

	Notes	Actual 2013 $	Budget 2013 $	Actual 2012 $
CASH FLOW FROM OPERATING ACTIVITIES				
Payments				
Employee related expenses		**(3,946,879)**	**(3,734,000)**	(3,064,972)
Other expenses		**(1,673,332)**	**(2,159,000)**	(1,354,050)
Repayment of Government funding		**–**	**–**	(428,674)
Total Payments		**(5,620, 211)**	**(5,893,000)**	(4,847,696)
Receipts				
Sale of goods and services		**–**	**(524,000)**	–
Government grant – recurrent		**5,152,000**	**5,152,000**	5,274,200
Government grant – capital		**167,300**	**150,000**	248,300
Government grant – voluntary redundancy		**496,370**	**–**	–
Cash transfer to consolidated fund		**–**	**415,000**	–
Investment income		**42,448**	**–**	55,645
Other		**–**	**1,134,000**	–
Total Receipts		**5,858,118**	**6,327,000**	5,578,145
NET CASH FLOWS FROM OPERATING ACTIVITIES	11	**237,906**	**434,000**	730,449
CASH FLOWS FROM INVESTING ACTIVITIES				
Purchases from Plant, Equipment and Intangibles	7, 8	**(167,300)**	**(150,000)**	(229,465)
NET CASH FLOWS FROM INVESTING ACTIVITIES		**(167,300)**	**(150,000)**	(229,465)
CASH FLOWS FROM FINANCING ACTIVITIES		**–**	**–**	–
NET CASH FLOWS FROM FINANCING ACTIVITIES		**–**	**–**	–
NET INCREASE/(DECREASE) IN CASH		**70,607**	**284,000**	500,984
Opening Cash and Cash equivalents		**918,943**	**504,000**	417,959
CLOSING CASH AND CASH EQUIVALENTS	5	**989,550**	**788,000**	918,943

The accompanying notes form part of these financial statements.

Statement of Changes in Equity

For the year ended 30 June 2013

	Accumulated funds $
Balance at 1 July 2012	828,061
Net result for the year	554,931
Other comprehensive income	–
Total comprehensive income for the year	554,931
Transaction with owners in their capacity as owners	–
Balance at 30 June 2013	**1,382,992**
Balance at July 2011	994,843
Net result for the year	(166,782)
Other comprehensive income	–
Total comprehensive income for the year	(166,782)
Transaction with owners in their capacity as owners	–
Balance at 30 June 2012	**828,061**

Our financial performance

Notes to and forming part of the financial statements
for the period ended 30 June 2013

1. Summary of significant accounting policies

(a) Reporting entity

The Information Commissioner is appointed under section 4 of the *Government Information (Information Commissioner) Act 2009* (GIIC Act). Section 12 of the GIIC Act provides that staff of the Commission are employed under chapter 1A of the *Public Sector Employment and Management Act 2002*.

The role of the Information Commissioner is set out in section 17 of the *Government Information (Public Access) Act 2009* (GIPA Act). In essence, the Commissioner is responsible for:

(1) promoting public awareness and understanding of the GIPA Act and to promote the object of this Act;

(2) providing information, advice, assistance and training to agencies and the public on any matters relevant to this Act;

(3) assisting agencies in connection with the exercise of their functions under this Act, including by providing services to assist with the lodgement handling and processing of access applications, with their functions under the GIPA Act;

(4) issuing guidelines and other publications for the assistance of agencies in connection with their functions under this Act;

(5) issuing guidelines and other publications for the assistance of the public in connection with their rights under this Act (including rights of review);

(6) reviewing decisions of agenices pursuant to Part 5;

(7) monitoring, auditing and reporting on the exercise by agencies of their functions under, and compliance with, this Act;

(8) making reports and providing recommendations to the Minister about proposals for legislative and administrative changes to further the object of this Act.

The role of the Privacy Commisioner is set out in Part 4 Division 2 Section 36 of the *Privacy and Personal Information Protection Act 1998* No 133. In essence, the Privacy Commissioner is responsible for:

(1) promoting the adoption of, and monitoring compliance with, the information protection principles;

(2) preparing and publishing guidelines relating to the protection of personal information and other privacy matters, and to promote the adoption of such guidelines;

(3) initiating and recommending the making of privacy codes of practice;

(4) providing assistance to public sector agencies in adopting and complying with the information protection principles and privacy codes of practice;

(5) providing assistance to public sector agencies in preparing and implementing privacy management plans in accordance with section 33;

(6) conducting research, and collecting and collating information, about any matter relating to the protection of personal information and the privacy of individuals;

(7) providing advice on matters relating to the protection of personal information and the privacy of individuals;

(8) making public statements about any matter relating to the privacy of individuals generally;

(9) conducting education programs, and to disseminate information, for the purpose of promoting the protection of the privacy of individuals;

(10) preparing and publishing reports and recommendations about any matter (including developments in technology) that concerns the need for, or the desirability of, legislative, administrative or other action in the interest of the privacy of individuals;

(11) receiving, investigating and conciliating complaints about privacy related matters; and

(12) conducting such inquiries, and make such investigations, into privacy related matters as the Privacy Commissioner thinks appropriate.

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

1. Summary of significant accounting policies (continued)

(a) Reporting entity (continued)

These financial statements for the year ended to 30 June 2013 have been authorised for issue by the Information Commissioner on 19 September 2013.

(b) Basis of preparation

The Commission's financial statements are a general purpose financial statements which has been prepared in accordance with:

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

Property, plant and equipment and NSW Treasury Corporation (TCorp) Hour Glass Investments Facilities are measured at fair value.

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

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

The funding for the Commission was made via a grant payment in accordance with the 2012-13 Budget Allocation Letter.

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

(c) Statement of compliance

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

(d) Property, plant and equipment

(i) Acquisition of assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by the Commission. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to the asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

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

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

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent, the deferred payment amount is effectively discounted at an asset-specific rate.

(ii) Capitalisation threshold

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

(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 07-1) as amended by NSW TC 12/05 and NSW TC 10/07. This policy adopts fair value in accordance with AASB 116 *Property, Plant and Equipment*.

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

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

1. Summary of significant accounting policies (continued)

(d) Property, plant and equipment (continued)

(iii) Revaluation of property, plant and equipment (continued)

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

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

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

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

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

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

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

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

(iv) Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, the Commission is effectively exempted from AASB 136 *Impairment of Assets* and impairment testing. This is because AASB 136 modifies the recoverable amount test to the higher of fair value less costs to sell and depreciated replacement cost. This means that, for an asset already measured at fair value, impairment can only arise if selling costs are material. Selling costs are regarded as immaterial.

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

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

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

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	25
Intangible Assets – Software – Major Projects	10

(f) 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.

1. Summary of significant accounting policies (continued)

(g) Intangible assets

The Commission recognises intangible assets only if it is probable that future economic benefits will flow to the Commission and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition.

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

Intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the Commission's intangible assets, the assets are carried at cost less any accumulated amortisation.

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

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

(h) Payables

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

(i) Accounting for the Goods and Services Tax (GST)

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

- The amount of GST incurred by the agency as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or part of an item of expenses; and
- Receivables and payables are stated with the amount of GST included.

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

(j) Employee related expenses

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

(ii) Long-term annual leave that is not expected to be taken within twelve months – the nominal method has been used as this is not materially different from the present value method as required by AASB 119 *Employee Benefits*.

(iii) Unused non-vesting sick leave – not recognised, as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

(iv) On-costs, such as payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment – recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.

(v) The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity.

(vi) The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

(vii) Other Provisions exist when: the Commission has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle an obligation; and a reliable estimate can be made of the amount of the obligation.

1. Summary of significant accounting policies (continued)

(k) Income recognition

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

(i) Government grants

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

(ii) Investment revenue

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

(l) Impairment of financial assets

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

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

(m) Receivables

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

(n) Restoration costs

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

(o) Comparative information

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

(p) New Australian Accounting Standards issued but not effective

At the reporting date, a number of Accounting Standards adopted by the AASB had been issued but are not effective yet and are not adopted by IPC as directed by NSW Treasury Circular TC 13/02. An assessment was made and it was concluded that the adoption of the new standards will not affect the current nor future financial results of the IPC.

- AASB 9, AASB 2010-7 and AASB 2012-6 regarding financial instruments
- AASB 10 Consolidated Financial Statements
- AASB 11 Joint Arrangements
- AASB 12 Disclosure of Interests in Other Entities
- AASB 13, AASB 2011-8 and AASB 2012-1 regarding fair value measurement
- AASB 119, AASB 2011-10 and AASB 2011-11 regarding employee benefits
- AASB 127 Separate Financial Statements
- AASB 128 Investments in Associates and Joint Ventures

1. Summary of significant accounting policies (continued)

(p) New Australian Accounting Standards issued but not effective (continued)

- AASB 1053 and AASB 2010-2 regarding differential reporting
- AASB 2010-10 regarding removal of fixed dates for first time adopters
- AASB 2011-2 regarding Trans Tasman Convergence – RDR
- AASB 2011-4 removing individual KMP disclosure requirements
- AASB 2011-6 regarding RDR and relief from consolidation
- AASB 2011-7 regarding consolidation and joint arrangements
- AASB 2011-12 regarding Interpretation 20
- AASB 2012-1 regarding fair value measurement – RDR requirements
- AASB 2012-2 regarding disclosures – offsetting financial assets and financial liabilities
- AASB 2012-3 regarding offsetting financial assets and financial liabilities
- AASB 2012-4 regarding government loans – first time adoption
- AASB 2012-5 regarding annual improvements 2009-2-11 cycle
- AASB 2012-7 regarding RDR
- AASB 2012-9 regarding withdrawal of Interpretation 1039
- AASB 2012-10 regarding transition guidance and other amendments
- AASB 2012-11 regarding RDR requirements and other amendments

(q) Budgeted amounts

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period, as adjusted for section 24 of the PFAA where there has been a transfer of functions between departments. Other amendments made to the budget are not reflected in the budgeted statements.

2. Expenses excluding losses

	2013 $	2012 $
(a) Employee related expenses		
Salaries and salary related	**3,498,688**	2,770,431
Payroll tax and FBT	**183,651**	198,292
Superannuation – defined contribution plans	**239,289**	220,706
Superannuation – defined benefit plans	**42,784**	38,267
Workers' compensation insurance	**14,036**	12,128
Long service leave assumed by Crown	**48,173**	103,168
Payroll tax assumed by Crown	**2,161**	2,086
	4,028,783	3,345,078

2. Expenses excluding losses (continued)

	2013 $	2012 $
(b) Other operating expenses		
Administration fees	**251,013**	492,036
Computer related expenses	**165,085**	324,407
Rental	**300,278**	302,918
Agency staff fees	**139,843**	158,847
Consultants and contractors	**145,702**	203,574
Staff expenses	**22,107**	74,121
Printing	**3,411**	46,072
Advertising and publicity	**18,880**	39,430
Telephone	**25,410**	46,215
Board members fees	**23,492**	24,098
Miscellaneous fees	**3,933**	20,396
Stores and Stationery	**6,953**	24,932
Auditor's remuneration		
– audit of the financial statements	**29,100**	20,000
– internal audit	**40,100**	15,860
Travel	**10,480**	23,821
Minor equipment	**2,004**	11,841
Postage	**10,242**	13,365
Cleaning	**13,593**	9,328
Subscription and membership	**5,835**	6,668
Repairs and maintenance	**9,534**	3,353
Public liability insurance	**2,960**	2,500
Legal services	**6,648**	6,068
Fees – External Client Training	**36,720**	11,536
Miscellaneous	**16,093**	13,097
	1,289,418	1,894,482
(c) Depreciation and amortisation expense		
Depreciation		
Computer equipment	**13,938**	13,939
Furniture and fittings	**245**	245
Voice communications	**4,167**	4,167
Leasehold improvements	**22,144**	21,911
Other plant and equipment	**2,428**	2,428
Total depreciation expense	**42,923**	42,690
Amortisation		
Intangible assets – software	**92,068**	77,574
Total amortisation expense	**92,068**	77,574
Total	**134,991**	120,264

3. Revenue

	2013 $	2012 $
(a) Government grants – Department of Attorney General and Justice/Treasury		
Recurrent	**5,152,000**	5,274,200
Capital	**167,300**	248,300
Voluntary Redundancy	**496,370**	–
Total Government grants	**5,815,670**	5,522,500
(b) Investment revenue		
Interest income	**29,313**	44,552
(c) Acceptance by the Crown Entity of employee benefits and other liabilities		
The following liabilities and/or expenses have been assumed by the Crown Entity:		
Superannuation – defined benefit	**42,784**	38,267
Long service leave	**48,173**	103,168
Payroll tax	**2,161**	2,086
	93,119	143,521
(d) Other revenue		
Other*	**70,021**	236

** Other revenue of $70,021 was generated due to the "Creating Open Government Conference" along with a small level of sponsorship donations.*

4. Other Gains/(losses)

	2013 $	2012 $
Write off of the appropriation provided to the IPC*	**–**	(512,000)
Write off of the unrecoverable GST paid	**–**	(5,766)
	–	(517,766)

** In 2010-11, an appropriation of $512,000 was to be provided to the IPC by Department of Attorney General and Justice to fund six months operations of the former Privacy NSW, integrated within the IPC on 1 January 2011. The Department returned those funds to Treasury, so the Treasury could provide them to the IPC. Treasury did not do that, based on its assessment of the IPC's overall funding requirements for the 2010-11 year.*

5. Current assets – cash and cash equivalents

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

	2013 $	2012 $
Cash at bank	**989,050**	918,443
Cash on hand	**500**	500
Closing cash	**989,550**	918,943

6. Current assets – receivables

	2013 $	2012 $
Debtors	**–**	–
GST receivables	**18,479**	82,216
Corporate credit card	**–**	323
Prepayments	**15,440**	–
Accrued income (interest)	**11,801**	24,937
	45,720	107,476

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

7. Non-current assets – plant and equipment

	Computer Equipment $	Furniture & Fittings $	Voice Communications $	Leasehold Improvements $	Other Plant & Equipment $	TOTAL $
At 1 July 2012 – fair value						
Gross carrying amount	55,756	5,077	20,724	215,170	12,823	309,550
Accumulated depreciation	(31,306)	(3,175)	(9,266)	(43,551)	(5,115)	(92,412)
Net carrying amount	**24,450**	**1,902**	**11,459**	**171,620**	**7,708**	**217,139**
At 30 June 2013 – fair value						
Gross carrying amount	55,756	5,077	20,724	302,111	12,823	396,491
Accumulated depreciation	(45,243)	(3,419)	(13,433)	(152,636)	(7,543)	(222,276)
Net carrying amount	**10,513**	**1,658**	**7,292**	**149,475**	**5,280**	**174,216**

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 $	Voice Communications $	Leasehold Improvements $	Other Plant & Equipment $	TOTAL $
2013						
Gross carrying amount						
Balance at 1 July 2012	55,756	5,077	20,724	215,170	12,823	309,550
Additions	–	–	–	86,941	–	86,941
Balance at 30 June 2013	**55,756**	**5,077**	**20,724**	**302,111**	**12,823**	**396,491**
Accumulated depreciation						
Balance at 1 July 2012	(31,306)	(3,175)	(9,266)	(43,551)	(5,115)	(92,412)
Depreciation expense	(13,938)	(245)	(4,167)	(109,086)	(2,428)	(129,864)
Balance at 30 June 2013	**(45,243)**	**(3,419)**	**(13,433)**	**(152,636)**	**(7,543)**	**(222,276)**
Net carrying amount at 30 June 2013	**10,513**	**1,658**	**7,292**	**149,475**	**5,280**	**174,216**
2012						
Gross carrying amount						
Balance at 1 July 2011	55,756	5,077	20,724	211,319	12,823	305,699
Additions	–	–	–	3,851	–	3,851
Balance at 30 June 2012	**55,756**	**5,077**	**20,724**	**215,170**	**12,823**	**309,550**
Accumulated depreciation						
Balance at 1 July 2011	(17,366)	(2,929)	(5,099)	(21,640)	(2,687)	(49,721)
Depreciation expense	(13,939)	(245)	(4,167)	(21,911)	(2,428)	(42,690)
Balance at 30 June 2012	**(31,306)**	**(3,175)**	**(9,266)**	**(43,551)**	**(5,115)**	**(92,412)**
Net carrying amount at 30 June 2012	**24,450**	**1,903**	**11,459**	**171,619**	**7,708**	**217,139**

8. Non-current assets – intangible assets

	Software $
At July 1 2012 – fair value	
Gross carrying amount	932,537
Accumulated amortisation	(134,862)
Net carrying amount	**797,675**
At 30 June 2013 – fair value	
Gross carrying amount	1,099,837
Accumulated amortisation	(226,932)
Net carrying amount	**872,905**

Reconciliation

A reconcilation of the carrying amount of intangible assets during the current financial period is set out below:

	Software $
2013	
Gross carrying amount	
Balance at 1 July 2012	932,537
Additions	167,300
Balance at 30 June 2013	**1,099,837**
Accumulated amortisation	
Balance at 1 July 2012	(134,862)
Amortisation expense	(92,070)
Balance at 30 June 2013	**(226,932)**
Net carrying amount at 30 June 2013	**872,905**

	$
2012	
Gross carrying amount	
Balance at 1 July 2011	706,926
Additions	225,611
Balance at 30 June 2012	**932,537**
Accumulated amortisation	
Balance at 1 July 2011	(57,287)
Amortisation expense	(77,575)
Balance at 30 June 2012	**(134,862)**
Net carrying amount at 30 June 2012	**797,675**

The gross carrying amount included Work-In-Progress Intangibles of nil amount (2012: $203,384)

9. Current liabilities – payables

	2013 $	2012 $
Monies paid by the Department of Attorney General and Justice on behalf of the Commission	**244,320**	670,102
Sundry accruals	**124,809**	161,832
	369,128	831,934

10. Current/non-current liabilities – provisions

	2013 $	2012 $
Current		
Recreation leave	**201,131**	265,386
Long service leave on-costs	**41,652**	28,911
Make good provision	**–**	86,941
	242,783	381,238
Non-current		
Long service leave on-costs	**–**	–
Make good provision*	**87,488**	–
	87,488	–

** Make good provision was reclassed as non-current liability from current due to the renewal of the rental lease to 14/2/2016.*

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

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

	2013 $	2012 $
Net cash flows from operating activities	**237,906**	730,449
Depreciation and amortisation expense	(134,991)	(120,265)
Other Gains/(Losses)	–	(517,766)
(Decrease)/increase in receivables and prepayments	(61,755)	(137,235)
Decrease/(increase) in payables	462,806	(443,072)
Decrease/(increase) in provisions	50,964	(107,566)
Decrease/(increase) in other liabilities	–	428,673
Net result	**554,931**	(166,782)

12. Budget review note

Net result

Total expenses were $47,192 more than budget due to the voluntary redundancy payments; as a result, employee related expenses exceeded by $240,783, offset by other operating expenses below budget by $203,582 mainly due to the cancellation of the GIPA Tool maintenance of $199K.

Investment revenue of $29,313 was the interest earned on Westpac Bank Operating Account which was not budgeted for. Other revenue of $70,021 was also not budgeted for and it was generated due to the event ticket sales for the "Creating Open Government Conference" along with a small level of sponsorship donations.

Government grants of $5,152,000 (2012: $5,274,200) was for a full year.

Assets and liabilities

Total assets were under budget by $485,608 (2012 over budget by $128,233) and the primary reason was the budgeted receivables of $524K due from sales of goods and services.

Total liabilities were under budget by $647,600 (2012 over budget by $653,172) most notably due to a lapsed appropriation payable which was budgeted for $415K.

Total net assets were over budget by $161,992 (2012 under budget by $524,939).

Cash flows

Net cash flows from operating activities was $196,094 under budget with total payments was less than budget by $769,159 and total receipts lower than budget by $965,252. This was mainly due to the budget GST refund.

13. Financial instruments

The Commission's principal financial instruments are outlined below. These financial instruments arise directly from the Commission's operations or are required to finance the Commission's operations. The Commission does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The Commission's main risks arising from financial instruments are outlined below, together with the Commission's objectives, policies and processes for measuring and managing risk. Further quantitive and qualitive disclosures are included throughout this financial statements.

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

(a) Financial instrument categories

	Notes	Category	Carrying amount 2013 $	Carrying amount 2012 $
Financial assets				
Class:				
Cash assets	5	N/A	989,550	918,943
Receivables (1)	6	Receivables at amortised cost	11,801	25,259
Financial liabilities				
Class:				
Payables (2)	9	Financial liabilities measured at amortised cost	369,128	831,934

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

(b) Credit risk

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

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

Cash

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

Receivables – trade debtors

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

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

13. Financial instruments (continued)

(b) Credit risk (continued)

	Total	Past due but not impaired $	Considered impaired $
2013			
< 3 months overdue	11,801	11,801	–
> 3 months < 6 months overdue	–	–	–
> 6 months overdue	–	–	–
2012			
< 3 months overdue	25,259	25,259	–
> 3 months < 6 months overdue	–	–	–
> 6 months overdue	–	–	–

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

(c) Liquidity risk

Liquidity risk is the risk that the Commission will be unable to meet its payment obligations when they fall due. The Commission continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets.

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

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. If trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received.

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

Maturity analysis and interest rate exposure of financial liabilities

	Interest Rate Exposure						
					Maturity Dates		
	Weighted Average Effective Interest Rate	Nominal Amount $	Variable Interest Rate $	Non-interest bearing $	<1 year	1–5 years	>5 years
2013							
Financial Liabilities							
Payables	–	369,128	–	369,128	369,128	–	–
		369,128	**–**	**369,128**	**369,128**	**–**	**–**
2012							
Financial Liabilities							
Payables	–	831,934	–	831,934	831,934	–	–
		831,934	**–**	**831,934**	**831,934**	**–**	**–**

13. Financial instruments (continued)

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Commission's exposures to market risk are primarily through interest rate risk on the Commission's borrowings and other price risks associated with the movement in the unit price of the Hour Glass Investment facilities. The Commission has no exposure to foreign currency risk and does not enter into commodity contracts.

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

Interest rate risk

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

		–1%		+1%	
	Carrying Amount $	Profit $	Equity $	Profit $	Equity $
2013					
Financial assets					
Cash assets	989,550	(9,895)	(9,895)	9,895	9,895
Receivables	11,801	–	–	–	–
Financial liabilities					
Payables	369,128	–	–	–	–
2012					
Financial assets					
Cash assets	918,943	(9,189)	(9,189)	9,189	9,189
Receivables	25,259	–	–	–	–
Financial liabilities					
Payables	831,934	–	–	–	–

(e) Fair value

Financial instruments are generally recognised at cost.

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

14. Commitments

(a) Capital Commitments

Capital Commitments in FY2013 and FY2012 are nil.

	2013 $	2012 $
(b) Operating Lease Commitments		
Future non-cancellable operating lease rentals not provided for and payable:		
Not later than one year	331,591	210,748
Later than one year and not later than five years	563,378	–
Later than five years	–	–
Total (including GST)	894,968	210,748

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

The IPC has renewed its current lease for another 3 years which expires on 14 February 2016.

The total "Capital Commitments" and "Operating Lease Commitments" include input tax credits of $81,360 (2012: $19,158), which are expected to be fully recoverable from the ATO.

15. Contingent liabilities

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

16. After balance date events

There are no after balance date events that may materially impact the financial statements for the year ended 30 June 2013.

End of Audited Financial Statements.

Appendix 1 – Information Protection Principles (IPPs)

The PPIP Act states its purpose is to provide for the protection of personal information and the protection of the privacy of individuals generally. The Office of the Privacy Commissioner aims to promote and uphold the Information Protection Principles (IPPs) in the PPIP Act by fulfilling the Office of the Privacy Commissioner's statutory functions, which include educating and advising NSW public sector agencies about their obligations under the IPPs.

The Information Protection Principles are:

Collection

1. **Lawful –** when an agency collects your personal information, the information must be collected for a lawful purpose. It must also be directly related to the agency's activities and necessary for that purpose.
2. **Direct –** your information must be collected directly from you, unless you have given your consent otherwise. Parents and guardians can give consent for minors.
3. **Open –** you must be informed that the information is being collected, why it is being collected and who will be storing and using it. The agency should also tell you how you can see and correct this information.
4. **Relevant –** the agency must ensure that the information is relevant, accurate, up-to-date and not excessive. The collection should not unreasonably intrude into your personal affairs.

Storage

5. **Secure –** your information must be stored securely, not kept any longer than necessary, and disposed of appropriately. It should be protected from unauthorised access, use or disclosure.

Access

6. **Transparent –** the agency must provide you with enough details about what personal information they are storing, why they are storing it and what rights you have to access it.
7. **Accessible –** the agency must allow you to access your personal information without unreasonable delay and expense.
8. **Correct –** the agency must allow you to update, correct or amend your personal information where necessary.

Use

9. **Accurate –** agencies must make sure that your information is accurate before using it.
10. **Limited –** agencies can only use your information for the purpose for which it was collected, for a directly related purpose, or for a purpose to which you have given your consent. It can also be used without your consent in order to deal with a serious and imminent threat to any person's health or safety.

Disclosure

11. **Restricted –** the agency can only disclose your information with your consent or if you were told at the time they collected it from you that they would do so. The agency can also disclose your information if it is for a related purpose and they don't think that you would object. Your information can also be used without your consent in order to deal with a serious and imminent threat to any person's health or safety.
12. **Safeguarded –** the agency cannot disclose your sensitive personal information without your consent, for example information about your ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership. It can only disclose sensitive information without your consent in order to deal with a serious and imminent threat to any person's health or safety.

Appendices

Appendix 2 – Health Privacy Principles (HPPs)

The Office of the Privacy Commissioner aims to promote the Health Privacy Principles (HPPs) to health service providers in the public and private sectors, as well as to members of the public. The 15 HPPs are the key to the HRIP Act and can be found in Schedule 1 of the HRIP Act. They are legal obligations describing what agencies and private sector persons must do when they collect, hold, use and disclose health information.

The Health Privacy Principles are:

Collection

1. **Lawful –** when an organisation collects your health information, the information must be collected for a lawful purpose. It must also be directly related to the organisation's activities and necessary for that purpose.
2. **Relevant –** the organisation must ensure that your health information is relevant, accurate, up to date and not excessive. The collection should not unreasonably intrude into your personal affairs.
3. **Direct –** your health information must be collected directly from you, unless it is unreasonable or impracticable for the organisation to do so.
4. **Open –** you must be told why your health information is being collected, what will be done with it, and who else might see it. You must also be told how you can see and correct your health information and any consequences if you decide not to provide it. Even if an organisation collects health information about you from someone else, they must still take reasonable steps to ensure that you are aware of the above points.

Storage

5. **Secure –** your health information must be stored securely, not kept any longer than necessary, and disposed of appropriately. It should be protected from unauthorised access, use or disclosure.

Access and accuracy

6. **Transparent –** the organisation must provide you with details about what health information they are storing about you, why they are storing it and what rights you have to access it.
7. **Accessible –** the organisation must allow you to access your health information without unreasonable delay or expense.
8. **Correct –** the organisation must allow you to update, correct or amend your health information where necessary.
9. **Accurate –** the organisation must make sure that your health information is relevant and accurate before using it.

Use

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

Disclosure

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

Identifiers and anonymity

12. **Not identified –** an organisation can only give you an identification number if it is reasonably necessary to carry out their functions efficiently.
13. **Anonymous –** you are entitled to receive health services anonymously, where this is lawful and practicable.

Transferrals and linkage

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

Appendix 3 – IPC Strategic Plan 2013 – 2016

Our strategic objectives

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

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

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

Strategies

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

Success measures

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

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

Strategies

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

Success measures

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

Appendices

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

Strategies

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

Success measures

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

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

Strategies

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

Success measures

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

Objective 2: To be an effective organisation.

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

Strategies

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

Success measures

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

Priority: The IPC has a rigorous governance framework.

Strategies

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

Success measures

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

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

Strategies

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

Desired results

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

Appendix 4 – 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.

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

** 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).*

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*	–	–	–	–	–	–	–	–
Access applications (other than personal information applications)	–	–	–	–	–	–	–	–
Access applications that are partly personal information applications and partly other	–	–	–	1	–	–	–	–

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

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	–
Cabinet information	–
Executive Council information	–
Contempt	–
Legal professional privilege	–
Excluded information	–
Documents affecting law enforcement and public safety	–
Transport safety	–
Adoption	–
Care and protection of children	–
Ministerial code of conduct	–
Aboriginal and environmental heritage	–

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	–
Law enforcement and security	–
Individual rights, judicial processes and natural justice	–
Business interests of agencies and other persons	–
Environment, culture, economy and general matters	–
Secrecy provisions	–
Exempt documents under interstate *Freedom of Information* legislation	–

Appendices

Table F: Timeliness	
	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	1
Decided after 35 days (by agreement with applicant)	–
Not decided within time (deemed refusal)	–
Total	**1**

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	–	–	–
Review by Information Commissioner*	–	–	–
Internal review following recommendation under section 93 of the GIPA Act	–	–	–
Review by ADT	–	–	–
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	–
Applications by persons to whom information the subject of access application relates (see section 54 of the GIPA Act)	–

Appendix 5 – Publications list

- *Annual Report 2011 – 2012*
- *Strategic Plan 2013 – 2016*
- *Information and Privacy Advisory Committee Charter*
- *IPC Audit and Risk Committee Charter*
- *Aboriginal Action Plan 2013 – 2016*
- *Disability Action Plan 2013 – 2016*
- *Multicultural Services Plan 2013 – 2016*
- *Public interest disclosures internal reporting policy*
- *IPC information management – guiding principles*
- *Mobile apps checklist for agencies*
- *Mobile apps checklist for consumers*
- *Online privacy guide for parents, teens, children and teachers*
- Video – *What does privacy mean to you?*
- Fact sheet – *CCTV* – use by local councils
- Fact sheet – *CCTV*
- Fact sheet – *ID scanning*
- Fact sheet – *Tips on how to access information from government*
- Fact sheet – *Guide to protecting your privacy*
- Fact sheet – *Understanding your privacy obligations for public sector staff*
- Fact sheet – *The IPC's approaching to monitoring compliance with the GIPA Act*
- Amended Guideline 5: *Consultation on public interest considerations under section 54 of the GIPA Act*
- New *Notice of Decision* template
- *Guide to making Privacy Management Plans*
- *Privacy Management Plan checklist for agencies*
- Reports and decisions by the Privacy Commissioner and Information Commissioner following reviews of privacy and information access complaints.

We published a number of responses to questions on notice from the Parliamentary Joint Committee, including:

- Responses to questions on notice for the second general meeting of the Parliamentary Joint Committee with the Information Commissioner
- Responses to questions on notice for the second general meeting of the Parliamentary Joint Committee with the Privacy Commissioner.

We also made submissions to Parliamentary Joint Committee inquiry into Performance Measures and Accountability of Oversight Agencies:

- Submission #3 – Information and Privacy Commission NSW.

Appendices

Appendix 6 – Aboriginal Action Plan 2013 – 2016

The IPC recognises and respects the deep cultural history of Aboriginal people and the important role they have in shaping our nation and state. The IPC is committed to working with Aboriginal people in promoting and safeguarding their information access and privacy rights. The IPC Aboriginal Action Plan outlines the priorities and strategies of the IPC in meeting this commitment and in fulfilling its obligations under the *Anti-Discrimination Act 1977 (NSW)* to eliminate discriminatory practices that prevent Aboriginal people from exercising their rights as equal and valued members of the community.

The IPC Aboriginal Action Plan supports the implementation of the NSW Aboriginal Affairs Plan, OCHRE, which focuses on revitalising and promoting Aboriginal language and culture, creating opportunities, increasing people's capacity, providing choice and empowering people to exercise that choice, as well as giving them the tools to take responsibility for their own future.

The IPC aims to ensure that its services to Aboriginal people are accessible, relevant and useful. The objectives of the Aboriginal Action Plan are to:

- Promote and enforce the information access and privacy rights of Aboriginal people
- Demonstrate recognition and respect for Aboriginal culture and people
- Support the implementation of the NSW Aboriginal Affairs Plan, OCHRE and the empowerment of Aboriginal people.

About the development of the Aboriginal Action Plan

The Aboriginal Action Plan has been informed by conversations with people in government agencies, non-government organisations and the community including Aboriginal elders, Aboriginal workers and Aboriginal community representatives.

The Aboriginal Action Plan has also been informed by the NSW Aboriginal Affairs Plan, OCHRE, that was launched in April 2013 and which focuses on four key initiatives:

- Opportunity Hubs to provide school students pathways to employment
- Aboriginal Language and Culture Nests to provide a continuous pathway of learning from preschool to tertiary education for Aboriginal language learners and teachers
- A Local Decision Making model to develop the decision making skills of local Aboriginal governance bodies to make decisions about local service delivery
- Connected Communities, a new way of delivering educational services in 15 regional schools by working in partnership with Aboriginal communities.

About implementation of the Aboriginal Action Plan

The Aboriginal Action Plan sets out clear actions, timeframes and responsibilities. IPC managers will be assigned responsibility for the implementation of specific actions within the plan. The Information Commissioner, the Privacy Commissioner and the Executive Director will oversee and coordinate implementation of the plan and provide leadership and guidance to managers and staff. The plan will be communicated to staff and supported by Aboriginal cultural awareness training.

About monitoring and reporting on our implementation of the plan

The plan and our progress in implementing the plan is available in our Annual Report and on our website.

IPC Aboriginal Action Plan – Strategies, actions, measures, timeframes, responsibilities

Outcome 1 – Promotion and protection of the information and privacy rights of Aboriginal people

The information access and privacy rights of Aboriginal people are promoted and protected

Strategies	Actions	Measures	Timeframe	Key responsibility
Engage and communicate with Aboriginal people about their information access and privacy rights	Develop strategy to engage and communicate with Aboriginal people and communities	Strategy developed	October 2013 and ongoing	Manager, Communications and Corporate Affairs
	Confer with the Aboriginal Coordinator General and Independent Aboriginal Council in implementing the Aboriginal Action Plan	Working relationships established	Ongoing	Commissioners and Executive Director
Ensure IPC resources are culturally appropriate and relevant and useful to the needs of Aboriginal people and communities	Identify where Aboriginal specific materials are required; and, develop Aboriginal specific resources in consultation with Aboriginal community representatives	Aboriginal specific resources developed, where appropriate	Ongoing	Manager, Communications and Corporate Affairs
	Provide assistance to agencies to assist them in managing information and privacy rights of Aboriginal people	Assistance provided	Ongoing	Manager, Communications and Corporate Affairs
Develop and strengthen partnerships with Aboriginal governing bodies, organisations, groups and individuals	Establish a relationship with the Aboriginal Coordinator General and Independent Aboriginal Council to achieve a mutual understanding of roles and responsibilities and how the IPC can support the empowerment of Aboriginal people	Working relationships established	Ongoing	Commissioners, Executive Director, and Manager, Communications and Corporate Affairs
Develop and strengthen partnerships with other agencies and organisations providing support and assistance to Aboriginal people and communities	Actively participate in planning and service delivery programs of the Good Services Mob to maximise reach to Aboriginal communities throughout the state	IPC priorities and initiatives are made available in the planning and service delivery program of the Good Services Mob	July 2013	Manager, Communications and Corporate Affairs

Outcome 2 – Recognition and Respect

IPC staff demonstrate and promote recognition and respect for Aboriginal culture and people

Strategies	Actions	Measures	Timeframe	Key responsibility
Promote recognition and respect for Aboriginal culture and people	Commissioners and senior management promote recognition and respect	Adoption of DAGJ protocols for IPC staff to follow when working with Aboriginal people and their communities	October 2013	Manager, Communications and Corporate Affairs
	Use Aboriginal cultural practices and ceremonies in all IPC official events	IPC events incorporate Aboriginal cultural practices and ceremonies	June 2013	Manager, Communications and Corporate Affairs
	Adopt DAGJ guidelines and training for IPC staff in communicating respectfully and clearly, using culturally appropriate language	DAGJ resources are adopted	August 2013	Manager, Communications and Corporate Affairs
	Access to Aboriginal Cultural Awareness training	Staff are able to access appropriate training	Ongoing	Executive Officer

Appendices

Outcome 3 – Empowerment of Aboriginal people

The IPC supports the implementation of the NSW Aboriginal Affairs Plan, OCHRE, and the empowerment of Aboriginal people in shaping their future

Strategies	Actions	Measures	Timeframe	Key responsibility
Provide independent policy and operational advice on information access and privacy rights relating to key initiatives of the NSW Aboriginal Affairs Plan, OCHRE	Provide policy and operational advice on privacy and information access rights relating to, for example: • Opportunity Hubs to provide school students pathways to jobs • Connected Communities	Policy advice provided on Opportunity Hubs and Connected Communities, as requested or agreed	December 2013	Manager, Communications and Corporate Affairs
Develop resources on privacy and information access rights for principals, teachers, students and parents in Connected Communities Schools	Develop resources on privacy and information access rights for principals, teachers, students and parents in Connected Communities Schools, if need identified	Resources developed, if need identified	February 2014	Manager, Communications and Corporate Affairs
Develop resources to support local decision making of Aboriginal governance bodies	Confer with the Aboriginal Coordinator General and Independent Aboriginal Council in the development of culturally appropriate resources about the protection and management of information access and privacy rights for Aboriginal governance bodies	Consultation occurs	Ongoing	Commissioners, Executive Director, and Manager, Communications and Corporate Affairs
Provide opportunities for Aboriginal people in employment and skills development in the IPC	Identify opportunities to increase the employment of Aboriginal people in the IPC	Opportunities identified Recruitment material available	December 2014	Executive Director
Promote the IPC as an employer of choice for Aboriginal people	Promote employment opportunities in the IPC to Aboriginal organisations	Employment opportunities promoted	December 2014	Chief Executive Officer
	Review position descriptions, recruitment, selection materials and processes to ensure they reflect the IPC's commitment to an inclusive and supportive workplace for Aboriginal people	Position descriptions, selection materials and processes reflect the IPC's commitment to an inclusive and supportive workplace for Aboriginal people	December 2014	Executive Officer
Provide a respectful, inclusive workplace for Aboriginal staff	Identify, review and improve strategies, to provide a respectful, inclusive workplace for Aboriginal staff	Strategies identified, promoted, reviewed and improved	January 2014	Chief Executive Director

Appendix 7 – Disability Action Plan 2013 – 2016

The IPC is committed to promoting inclusion for people with disability and advocating and enforcing their information access and privacy rights. The IPC Disability Action Plan outlines the priorities and strategies of the IPC in meeting this commitment and in fulfilling its obligations under state and Commonwealth laws and initiatives to eliminate discriminatory practices that prevent people with disabilities from exercising their rights as equal and valued members of the community.

The IPC's Disability Action Plan is informed by Commonwealth and state legislation including:

- The *Anti-Discrimination Act 1977 (NSW)* and the *Disability Discrimination Act 1992 (Commonwealth)* which recognise the rights of people with disability to be treated equally before the law and make it unlawful to discriminate on the grounds of a person's disability
- The *Disability Services Act 1993 (NSW)* which requires all NSW government departments to develop a Disability Action Plan (DAP)
- The *Carers Recognition Act 2010 (NSW)* which includes a Carers Charter to recognise the role and contribution of carers to our community and to the people they care for.

The IPC's Disability Action Plan is also informed by the principles and commitments of the United Nations' *Convention on the Rights of Persons with Disabilities* which are reflected in the six outcome areas of the National Disability Strategy 2010 – 2020 (NDS), endorsed by the Council of Australian Governments (COAG) in February 2011 and incorporated in the National Disability Scheme NSW Implementation Plan 2012 – 2014.

The IPC Disability Action Plan reflects the outcome areas, priorities and actions in the National Disability Scheme NSW Implementation Plan 2012 – 2014 (the NSW Plan), launched by the NSW Government in December 2012. The NSW Plan outlines how the Government will implement the United Nations' C*onvention on the Rights of Persons with Disabilities* and the NDS commitments.

The IPC's Disability Action Plan identifies the strategies and actions we will implement over the next two years to ensure that our services, facilities and workplace are inclusive and accessible for people with disability. The plan also identifies the IPC's contribution to policy development that supports the implementation of the six outcome areas of the NDS and the NSW Plan:

1. Inclusive and accessible communities – the physical environment including public transport, parks, building and housing, digital information and communications technologies, civic life – including social, sporting, recreational and cultural life.
2. Rights protection, justice and legislation – statutory protections such as anti-discrimination measures, complaints mechanisms, advocacy, the electoral and justice systems.
3. Economic security – jobs, business opportunities, financial independence, adequate income support for those not able to work, and housing.
4. Personal and community support – inclusion and participation in the community, person centred care and support provided by specialist disability services and mainstream services, informal care and support.
5. Learning and skills – early childhood education and care, schools, further education, vocational education; transition from education to employment; life-long learning.
6. Health and wellbeing – health services, health promotions and the interactions between health and disability systems; wellbeing and enjoyment of life.

The IPC's Disability Action Plan relates to all of our stakeholders, including: people with disability, their family and carers; other members of the public who use our services, or who may do so in the future; visitors to our office; government agencies; non-government organisations providing services and support to people with disability, their family and carers; all who come under our jurisdiction; and our staff.

The IPC will build on the relationship already established with the National Disability Services peak body and our Disability Action Plan will provide a strong foundation for the development and implementation of future initiatives to enhance services and support for people with disabilities, their families and carers.

Appendices

About the development of the Disability Action Plan

The plan has been developed taking into account national and state legislation and initiatives, our legislative functions and size, our commitment to implement actions that will improve access for people with disability, their families and carers to our facilities and services, and assist and support the implementation of the NSW Plan.

Disability action plans of the Department of Attorney General and Justice (DAGJ) and plans of other government agencies of similar size to us that provide similar services, such as handling complaints and promoting citizen's rights, informed the development of the plan.

Consultation with our staff and organisations which represent consumer groups, such as Disability Advocacy NSW, the NSW Council of Social Services (NCOSS) and the NSW Disability Network Forum, also informed the development of the plan.

About implementation of the Disability Action Plan

The IPC Disability Action Plan sets out clear actions, timeframes and responsibilities. IPC managers will be assigned responsibility for the implementation of specific actions within the plan. The Information Commissioner, the Privacy Commissioner and the Executive Director will oversee and coordinate implementation of the plan and provide leadership and guidance to managers and staff.

The plan will be communicated to all IPC staff and supported by disability awareness training.

About monitoring and reporting on our implementation of the plan

We will include a consolidated report on the implementation of the Disability Action Plan in our *Annual Report* in accordance with section 9 of the *Disability Services Act 1993 (NSW)* and the *Annual Report (Statutory Bodies) Regulation 1995*. We will provide our annual progress report to Ageing, Disability and Home Care, Department of Human Services NSW, in accordance with section 9 of the *Disability Services Act 1993 (NSW)* and to the Australian Human Rights Commission under section 61 of the *Disability Discrimination Act 1992 (Commonwealth)*.

IPC Disability Action Plan – Strategies, actions, timeframes, responsibilities

NDS Outcome 1 – Inclusive and accessible communities

People with disability live in accessible and well-designed communities with opportunities for full inclusion in social, economic, sporting and cultural life. This is consistent with Articles 9, 19, 20, 23 and 30 of the United Nations' *Convention on the Rights of Persons with Disabilities*.

IPC Disability Action Plan outcome:

All IPC workplace facilities, services and events and activities are accessible for people with disability, their families and carers.

Strategies	Actions	Measures	Timeframe	Key responsibility
Ensure the IPC office is accessible to people with disability (staff and the public)	Audit the current IPC office facilities against Australian Standard AS1428 and the *Commonwealth Disability (Access to Premises – Buildings) Standards 2012* for access and mobility and develop an improvement plan, if required	Physical barriers to access the building and office, and mobility in the office are identified, and an improvement plan developed, if required	March 2014	Executive Officer
	Provide clear and accessible information about the locations of accessible toilets at the IPC's premises	Information about the availability and location of accessible toilets at the IPC workplace is available on the website and at the premises	March 2014	Executive Officer
Ensure IPC events and activities are accessible to people with disability	Develop policy and procedures for external events and activities that include accessibility criteria and identify special needs of participants	External venues are accessible and match the needs of participants, wherever possible	Ongoing	Manager, Communications and Corporate Affairs

Strategies	Actions	Measures	Timeframe	Key responsibility
Make the IPC website accessible for people with disability – consistent with industry standards	Continue to work with the Department of Attorney General and Justice (DAGJ) to ensure website meets Web Content Accessibility Guidelines 2.0 and Level AA	The IPC website is WCAG2.0 & Level AA compliant	31 December 2014	Manager, Communications and Corporate Affairs
	Annually review website usability with key stakeholders and respond to user comments concerning accessibility as they arise	Website reviewed and updated yearly Website modified in response to user comments	Annually	Manager, Communications and Corporate Affairs
Ensure IPC information is accessible and relevant to people with disabilities, their families and carers	Provide the capacity for people with disability, their families and carers to identify information access and privacy issues and provide feedback on the IPC's services and resources via the IPC's website and front door service	Identified issues recorded and actioned, as appropriate IPC resources are accessible and relevant to people with disability, their families and carers	Commencing July 2013 and ongoing	Manager, Communications and Corporate Affairs
	Provide IPC information in accessible formats whenever possible	Record of information requested and provided in accessible formats	Ongoing	Manager, Communications and Corporate Affairs
Eliminate barriers to IPC's services for people with disability, their families and carers	Review IPC enquiry, complaint, review, investigation and consultation procedures to identify any issues in service provision for people with disabilities at any step of the process, including areas for improvement	Identified issues documented and actioned as appropriate	November 2013	All managers

Strategies	Actions	Measures	Timeframe	Key responsibility
Increase awareness of IPC managers and staff to the information access and privacy needs and rights of people with disability	Include disability awareness in induction training for new staff and targeted training for IPC managers and staff	Induction program includes disability awareness. All IPC can access relevant training	Ongoing	Executive Director
	Provide access for IPC staff to online training videos on service delivery to people with disability	Access available and utilised	June 2014	Executive Director
Monitor and review the implementation of the IPC Disability Action Plan	Integrate processes for monitoring and reviewing the IPC Disability Action in the IPC's business planning and annual reporting framework	Monitoring and reporting on the IPC's Disability Action Plan is part of our business planning and annual reporting framework	October 2013	Executive Director
Report on the implementation of the IPC Disability Action Plan	Provide reports on the implementation of the IPC Disability Action Plan in accessible formats on the IPC website	The IPC Disability Action Plan and progress reports are included in accessible formats on the IPC website	November 2014	Manager, Communications and Corporate Affairs
	Provide reports as required under legislation and include a statement in the IPC's *Annual Report*	Reports are provided	October 2013	Manager, Communications and Corporate Affairs

Appendices

NDS Outcome 2 – Rights, protection, justice and legislation

People with disability have their rights promoted, upheld and protected. This is consistent with Articles 5, 11–17, 22 and 29 of the United Nations' *Convention on the Rights of Persons with Disabilities*, as well as Article 23 of the United Nations' *Convention on the Rights of the Child*.

IPC Disability Action Plan outcome:

The privacy and information access rights of people with disability, their families and carers are promoted and protected.

Strategies	Actions	Measures	Timeframe	Key responsibility
Provide information access and privacy rights to people with disability, their families and carers	Provide information about the public's information access and privacy rights to channels / organisations that support people with disability, their families and carers	Channels and organisations identified, best form of assistance from IPC established, and information provided	Ongoing	Manager, Communications and Corporate Affairs
Provide access to disability awareness training for IPC staff	Arrange for IPC staff to attend/ receive disability awareness training provided by DAGJ for the justice sector	Satisfaction with training	Ongoing	Executive Director

NDS Outcome 3 – Economic security

People with disability, their families and carers have economic security, enabling them to plan for the future and exercise choice and control over their lives. This is consistent with Articles 19, 27, 28, 29 and 30 of the United Nations' *Convention on the Rights of Persons with Disabilities*.

IPC Disability Action Plan outcome:

The IPC provides a respectful and inclusive workplace for staff with disabilities and opportunities for people with disabilities to develop skills to assist them in gaining employment.

Strategies	Actions	Measures	Timeframe	Key responsibility
Implement the NSW Public Sector EmployABILITY strategy aimed at enhancing the employment, development and retention of employees with disability	Identify opportunities to increase the employment of people with disability at the IPC Use the expertise of disability employment providers in sourcing and recruiting people with a disability as appropriate	Review effectiveness of strategy	Ongoing	Chief Executive Officer
Provide a respectful, inclusive workplace for staff with disabilities	Identify, review and improve strategies, to provide a respectful, inclusive workplace for staff with disabilities; seek the assistance of our shared service provider regarding appropriate training, as required	Strategies identified, promoted, reviewed and improved	Ongoing	Chief Executive Officer and senior managers

NDS Outcome 4 – Personal and community support

People with disability, their families and carers have access to a range of supports to assist them to live independently and actively engage in their communities. This is consistent with Articles 9, 19, 20, 23, 26, 28 and 30 of the United Nations' *Convention on the Rights of Persons with Disabilities*.

IPC Disability Action Plan outcome:

The information access and privacy rights of people with disability, their families and carers, in relation to self-directed supports and individualised funding arrangements, are promoted and protected.

Strategies	Actions	Measures	Timeframe	Key responsibility
Promote and protect the information access and privacy rights of people with disability, their families and carers in relation to self-directed supports and individualised funding arrangements	Provide policy and operational advice on the information access and privacy rights of people with disability, their families and carers in relation to self-directed support and individualised funding arrangements	Advice is targeted correctly and appropriately	Ongoing	Manager, Communications and Corporate Affairs

NDS Outcome 5 – Learning and skills development

People with disability achieve their full potential through participation in an inclusive high quality education and training system that is responsive to their circumstances. They also have opportunities to continue learning throughout their lives. This is consistent with Articles 21 and 24 of the United Nations' *Convention on the Rights of Persons with Disabilities*.

IPC Disability Action Plan outcome:

In relation to participation in education and training, the information access and privacy rights of people with disability need to be promoted and protected. This can be achieved by providing helpful information to the relevant people/groups/organisations in a timely manner.

Strategies	Actions	Measures	Timeframe	Key responsibility
Provide independent policy advice and guidance to agencies and organisations in relation to the information access and privacy rights of children and adults with disability, their families and carers regarding their participation in education and training programs, and other related activities	Establish working relationships with agencies to identify and respond to need, as required	Working relationships established and advice provided, as requested	Ongoing	Manager, Communications and Corporate Affairs

Appendices

Appendix 8 – Multicultural Services Plan 2013 – 2016

The IPC is committed to implementing the Principles of Multiculturalism set out in the *Community Relations Commission and Principles of Multiculturalism Act 2000* and to develop and implement a Multicultural Policies and Services Plan (Multicultural Plan). The Multicultural Plan sets out the priorities and actions of the IPC in meeting this commitment and in fulfilling our obligations under the *Community Relations Commission and Principles of Multiculturalism Act 2000* and *Anti-Discrimination Act 1977 (NSW)* to eliminate discriminatory practices that prevent people from culturally and linguistically diverse backgrounds from exercising their rights as equal and valued members of the community.

About the development of the Disability Action Plan

The IPC's Multicultural Plan has been developed in consultation with managers and stakeholders. It builds on the work already undertaken to promote and protect the information access and privacy rights of people from culturally and linguistically diverse backgrounds including engaging with culturally and linguistically diverse communities and translating and publishing a number of our resources into languages other than English.

The IPC's Multicultural Plan is aligned to the Community Relations Commission (CRC)'s Multicultural Planning Framework which identifies seven broad outcomes grouped under three activity areas. For each outcome, there are a number of criteria streams (CS).

ACTIVITY AREA – PLANNING AND EVALUATION

Outcome 1 – Planning: Multicultural policy goals are integrated into the overall corporate and business planning, as well as the review mechanisms of the agency.

- Planning and performance measurement (CS1)
- Integration with corporate planning (CS2)
- Use of data and analysis (CS3)

Outcome 2 – Consultation and feedback: Policy development and service delivery is informed by agency expertise and by client feedback and complaints, and participation on advisory boards, significant committees and consultations.

- Staff expertise and research (CS4)
- Client and community feedback (CS5)
- Participation on advisory bodies (CS6)

ACTIVITY AREA – CAPACITY BUILDING AND RESOURCING

Outcome 3 – Leadership: CEOs and senior managers actively promote and are accountable for the implementation of the Principles of Multiculturalism within the agency and wider community.

- Active involvement of senior management (CS7)
- Accountability of senior management (CS8)

Outcome 4 – Human resources: The capacity of the agency is enhanced by the employment and training of people with linguistic and cultural expertise.

- Staffing reflects business needs (CS9)
- Cultural and linguistic competence (CS10)
- Staff development and support (CS11)

ACTIVITY AREA – PROGRAMS AND SERVICES

Outcome 5 – Access and equity: Barriers to the accessibility of services for people from culturally, linguistically and religiously diverse backgrounds are identified, and programs and services are developed to address them.

- Responsive mainstream and targeted programming (CS12)
- Interpreter services use (CS13)
- Accountability of funded services (CS14)

Outcome 6 – Communication: A range of communication formats and channels are used to inform people from culturally and linguistically diverse backgrounds about agency programs, services and activities.

- Planned communication (CS15)
- Emerging technology use (CS16)

Outcome 7 – Social and economic developments: Programs and services are in place to develop and use the skills of a culturally diverse population for the social and economic benefit of the state.

- Building potential through partnerships (CS17)

The IPC's Multicultural Plan includes key actions, measures, responsibilities and timeframes for each of the three activity areas and seven outcomes of the CRC's Multicultural Planning Framework. The actions are aimed at achieving high ranges of compliance against the framework, consistent with the size and functions of the IPC, as an organisation of fewer than 30 staff.

The implementation of the Multicultural Plan demonstrates the IPC's commitment to promote and protect the information access and privacy rights of people of culturally and linguistically diverse backgrounds. It will ensure that the principles of multiculturalism are reflected and incorporated in the IPC's planning and budgetary processes, policy development and service delivery.

About implementation of the IPC Multicultural Plan

The Multicultural Plan sets out clear actions, timeframes and responsibilities. IPC managers will be assigned responsibility for the implementation of specific actions within the plan. The Information Commissioner, the Privacy Commissioner and the Executive Director will oversee and coordinate implementation of the plan and provide leadership and guidance to managers and staff.

The plan will be communicated to all IPC staff and supported by cultural awareness training.

About monitoring and reporting on our implementation of the plan

The IPC will monitor performance against the Multicultural Plan and include progress in our Annual Report, which will be available our website, as per requirements.

Actions, measures, responsibilities and timeframes by activiy area, outcomes and criteria streams in the Community Relations Commission's multicultural planning framework

Activity Area 'A': Planning and evaluation

Outcome 1 – Planning

Multicultural policy goals are integrated into the overall corporate and business planning, as well as the review mechanisms, of the agency

Criteria streams	Actions	Key responsibility	Measures	Timeframe
Planning and performance measurement	Incorporate multicultural goals in planning and performance measurement	Executive Director	Goals incorporated and monitored	June 2013
Integration with corporate planning	Incorporate commitments in the Multicultural plan in the IPC's strategic planning, business planning and budgetary processes and cycles	Executive Director	Strategic plan, business unit plans and annual budgets incorporate strategies and initiatives identified in the IPC's Multicultural Plan	August 2013
Use of data and analysis	Use data where appropriate and available to plan and evaluate service requirements	Manager, Communications and Corporate Affairs	Data used in planning and service evaluation	Ongoing

Appendices

Outcome 2 – Consultation and feedback

Policy development and service delivery is informed by agency expertise and by client feedback and complaints, and participation on advisory boards, significant committees and consultations

Criteria streams	Actions	Key responsibility	Measures	Timeframe
Staff expertise and research	Include consultation with IPC staff in the evaluation of the IPC's multicultural plan	Executive Director	Staff provide input	October 2014
Client and community feedback	Provide opportunities for people from culturally and linguistically diverse communities to provide feedback on our services	Manager, Communications and Corporate Affairs	Ensure website has appropriate and accessible feedback mechanism	August 2013
	Seek feedback from community organisations representing culturally and linguistically diverse communities about our services and how they meet the needs of those communities	Manager, Communications and Corporate Affairs	Provide mechanism(s)	October 2013
Participation on advisory bodies	Include consideration of experience in cultural and linguistic diversity matters in selection process for the Information and Privacy Advisory Committee membership	Chief Executive Officer	The Information and Privacy Advisory Committee includes members with awareness and understanding of the information access and privacy rights of people from culturally and linguistically diverse backgrounds	As membership changes

Activity Area 'B': Capability building and resourcing

Outcome 3 – Leadership

CEOs and senior managers actively promote and are accountable for the implementation of the Principles of Multiculturalism within the agency and in the wider community

Criteria streams	Actions	Key responsibility	Measures	Timeframe
Active involvement of senior management	Include actions highlighting cultural diversity matters in IPC communications to staff and stakeholders on the IPC website and in IPC events and activities	Chief Executive Officer	Communications incorporate principles of multiculturalism	Commence July 2013 and ongoing
	Lead the IPC Multicultural Plan	Chief Executive Officer	The IPC Multicultural Plan is released and available both internally and externally	June 2013
Accountability of senior management	Appoint the Executive Director as the IPC's Multicultural Coordinator	Chief Executive Officer	The IPC has a Multicultural Coordinator	June 2013

Outcome 4 – Human resources

The capacity of the agency is enhanced by the employment and training of people with linguistic and cultural expertise

Criteria streams	Actions	Key responsibility	Measures	Timeframe
Staffing reflects business needs	Include multicultural expertise/ experience or language skills in recruitment of IPC staff as appropriate	Chief Executive Officer and Commissioners	Position descriptions and selection criteria reflect the desirability of having understanding of the information access and privacy rights of people from culturally and linguistically diverse backgrounds	February 2014
Cultural and linguistic competence	Provide support and encouragement to identified staff who speak languages other than English	Executive Officer	Access provided to training opportunities	December 2013
Staff development and support	Provide opportunities for all IPC managers and staff to participate in multicultural awareness training activities to demonstrate commitment and support	Executive Officer	Access provided	October 2013 and ongoing
Staff development and support	Adopt resources provided by DAGJ cluster	Executive Officer	Resources adopted	Ongoing

Activity Area 'C': Programs and services

Outcome 5 – Access and equity

Barriers to the accessibility of services for people from culturally, linguistically and religiously diverse backgrounds are identified, and programs and services are developed to address them

Criteria streams	Actions	Key responsibility	Measures	Timeframe
Responsive mainstream and targeted programming	Continue translation and publication of IPC resources on information access and privacy in languages other than English, as indicated	Manager, Communications and Corporate Affairs	Translations undertaken for most used publications in most widely spoken languages upon identification of need	October 2013
Interpreter service use	Provide language pins to all multilingual staff identifying their ability to assist people from diverse cultural and linguistic backgrounds at IPC events	Manager, Communications and Corporate Affairs	Action undertaken where possible	December 2013
	Include advice on access to interpreter services on the IPC website and in all IPC publications	Manager, Communications and Corporate Affairs	The IPC website and IPC publications include reference to how to access interpreter services	June 2013
Accountability of funded services	Consider including requirement for any contracted IPC event organisers to demonstrate awareness and understanding of the needs of culturally and linguistically diverse communities	Manager, Communications and Corporate Affairs	Criteria incorporated into event planning	July 2013

Appendices

Outcome 6 – Communication

A range of communication formats and channels are used to inform people from culturally and linguistically diverse backgrounds about agency programs, services and activities

Criteria streams	Actions	Key responsibility	Measures	Timeframe
Existing channels	Assess how best to use existing IPC communications channels to inform people from CALD communities	Manager, Communications and Corporate Affairs	Feedback sought from users	July 2013 and ongoing
New channels	Assess need for new channels and how to best fit these for people of CALD backgrounds	Manager, Communications and Corporate Affairs	Assessment undertaken when new channels considered	March 2014

Outcome 7 – Social and economic development

Programs and services are in place to develop and use the skills of a culturally diverse population for the social and economic benefit of the state

Criteria streams	Actions	Key responsibility	Measures	Timeframe
Building potential through partnerships	Build partnerships with other government complaints agencies in promoting and protecting the information access and privacy rights of people from culturally and linguistically diverse backgrounds	Commissioners and senior managers	Partnerships developed to enhance information to CALD communities	June 2014
	Build partnerships with community organisations representing culturally and linguistically diverse communities in promoting and protecting information and privacy rights	Commissioners and senior managers	Partnerships established	December 2013 and ongoing
	Consider introducing recognition of national days on the IPC website and front counter (for example through placement of national flags and welcoming message) as appropriate	Manager, Communications and Corporate Affairs	IPC works with DAGJ to implement, as possible	September 2013 and ongoing

Appendix 9 – Payment of accounts

For year ended 30 June 2013

Supplier accounts paid on time

Quarter	Target %	Actual %	Current $000	Total payments $000
September 2012	100	100	0	283,832
December 2012	100	97	0	298,756
March 2013	100	100	0	97,398
June 2013	100	100	0	283,970

The IPC accounts payable function is performed by DAGJ as part of shared corporate services arrangements within the Justice Cluster. The Commission in conjunction with DAGJ 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) 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 2013.

Appendix 10 – Time for payment of accounts

For year ended 30 June 2013

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 2012	18,892	0	0	0	0
December 2012	13,672	0	0	0	0
March 2013	12,821	0	0	0	0
June 2013	16,820	0	0	0	0
Small business suppliers					
September 2012	0	0	0	0	0
December 2012	0	0	0	0	0
March 2013	0	0	0	0	0
June 2013	0	0	0	0	0

Accounts due or paid within each quarter

Measure	September 2012	December 2012	March 2013	June 2013
All suppliers				
Number of accounts due for payment	128	84	49	113
Number of accounts paid on time	128	71	49	113
Actual percentage of accounts paid on time (based on no. of accounts)	100	85	100	100
Dollar amount of accounts due for payment	283,832	298,756	97,398	283,970
Dollar amount of accounts paid on time	283,832	290,003	97,398	283,970
Actual percentage of accounts paid on time (based on $)	100	97	100	100
Number of payments for interest on overdue accounts	0	0	0	0
Interest paid on overdue accounts	0	0	0	0
Small business suppliers				
Number of accounts due for payment to small businesses	6	10	5	9
Number of accounts due to small businesses paid on time	6	10	5	9
Actual percentage of small business accounts paid on time (based on no. of accounts)	100	100	100	100
Dollar amount of accounts due for payment to small businesses	11,066	10,813	2,867	15,223
Dollar amount of accounts due to small businesses paid on time	11,066	10,813	2,867	15,223
Actual percentage of small business accounts paid on time (based on $)	100	100	100	100
Number of payments to small business for interest on overdue accounts	0	0	0	0
Interest paid to small businesses on overdue accounts	0	0	0	0

Appendix 11 – Credit card certification

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

Appendix 12 – 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.

Requirement	Note	Page
Letter of submission	Letters to the President and Speaker	1
Application for extension of time	Not applicable	–
Charter	About the IPC	10
Aims and objectives	About the IPC	10
Access	Address, telephone, business hours	Inside front cover
Management and structure	Names, offices and qualifications of principal officers	14
	Organisational chart	14
	Method and term of appointment	15
Summary review of operations	Information Commissioner – an overview	3
	Privacy Commissioner – an overview	4
	CEO – an overview	7
Funds granted to non-government community organisations	Not applicable	–
Legal change	Legislative changes	13
Economic or other factors	Not applicable	–
Management and activities	Strategic Plan 2013 – 2016	13, 59-61
	Our performance	20-32
Research and development	Our organisation	17
Human resources	Our organisation	15
Consultants	Our organisation	17
Equal Employment Opportunity	Our organisation	15
Disability Plan	Appendix 7	69-73
Land disposal	Not applicable	–
Promotion (overseas visits)	Our organisation	17
Consumer response	Our performance – assist	25
Payment of accounts	Appendix 9	79
Time for payment of accounts	Appendix 10	80
Risk management and insurance activities	Our organisation	17
Internal audit and risk management policy attestation	Our organisation	18
Disclosure of controlled entities	The IPC has no controlled entities	–
Disclosure of subsidiaries	The IPC has no subsidiaries	–
Multicultural policies and services program	Appendix 8	74-78

Appendices

Agreements with the Community Relations Commission	Our organisation	17
Occupational health and safety	Our organisation	16
Waste	Our organisation	16
Budgets	Not applicable	–
Financial statements	Our financial performance	33-56
Identification of audited financial statements	Our financial performance	33, 56
Inclusion of unaudited financial statements	Not applicable	–
Additional matters – statement of the action taken to comply with PPIPA	Our organisation	19
Additional matters – after balance date events having significant effect in succeeding year on financial operations; other operations; clientele/community served	Not applicable	–
Additional matters – total external costs in the production of this annual report	Nil – printed in-house	outside back cover
Additional matters – whether this annual report is available in non-printed formats	This annual report is available for download at www.ipc.nsw.gov.au	–
Additional matters – the internet address at which the annual report may be accessed	www.ipc.nsw.gov.au	–
Investment performance	Not applicable	–
Liability management performance	Not applicable	–
Exemptions	Nil	–
Performance and numbers of executive officers	Our organisation	14-15
Government Information (Public Access) Act 2009	Appendix 4	62-64
Public Interest Disclosures	Our performance – review	30
Implementation of Price Determination	Not applicable	–
Credit card certification	Appendix 11	81
Requirements arising from employment arrangements	Our organisation – corporate services	16

Complaining to the IPC

If you are dissatisfied with the level of service you have received from the IPC you can make a complaint about privacy and information access services.

Resolving the issue informally

To enable the IPC to deal with your complaint promptly, please raise the issue with the relevant staff member when it occurs. If you are unhappy with their response, ask to speak to their supervisor. The supervisor will listen to your concerns and try to resolve them. If appropriate, the supervisor will escalate the matter internally.

If the supervisor is not immediately available, they will contact you by phone or in writing as soon as possible with a view to promptly resolving your issue. If you still remain dissatisfied, you can make a formal complaint.

Making a formal complaint

To make a formal complaint, please write, email or fax your complaint to the IPC. You will need to advise whether your complaint concerns services you have received from our information access or our privacy areas. Matters can be addressed directly to either the Information Commissioner or the Privacy Commissioner. See contact details on the inside front cover of this Annual Report.

post: **Information and Privacy Commission**
GPO Box 7011
Sydney NSW 2000

email: **ipcinfo@ipc.nsw.gov.au**

fax: **(02) 8019 1600**

What to include in your letter of complaint

Briefly explain your concerns, describe what happened, when it happened, who was involved and any other information that you believe is relevant for the IPC to assess and resolve your complaint.

In your complaint please 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 be dealt with by someone more senior than the person you have complained about.

The investigator 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.

Write to the Joint Parliamentary Committee

If your complaint is about either the Information Commissioner or the Privacy Commissioner, or if you are dissatisfied with the handling of your complaint by a Commissioner, you can write to the Joint Parliamentary Committee that oversees the IPC.

post: **Committee on the Office of the Ombudsman and the Police Integrity Commission**
Parliament of New South Wales
Macquarie Street
Sydney NSW 2000

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.

The NSW Ombudsman 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.

If you think there may have been such misconduct and you are dissatisfied with how your complaint has been handled by the IPC, you can contact ICAC or the NSW Ombudsman.

Agency

Independent Commission Against Corruption

freecall: **1800 463 909**

website: **www.icac.nsw.gov.au**

NSW Ombudsman

freecall: **1800 451 524**

website: **www.ombo.nsw.gov.au**

Index

Aboriginal Action Plan 7, 22, 61, 65, 66-68
About the IPC 10
Access applications under Schedule 2 of the GIPA Act 62-64
Administration Decisions Tribunal (ADT) 7, 9, 11, 28, 29, 30, 31, 32
Agency feedback – GIPA 31
Agency feedback – Privacy 31
Agreements with Community Relations Commission 17
Annual report compliance requirements 81-82
Annual report cost 86
Appendices 57-80
Assist 23-27
Assistance activities 9
Assistance agencies – GIPA 23
Assistance agencies – Privacy 24
Assistance agencies – seminars 25
Assisting the community 26
Association of Information Access Commissioners (AIAC) 11
Attorney General 1, 3, 6, 8, 11, 13, 19, 27, 31, 32
Audit and Risk Committee 12, 16, 17, 65
Asia Pacific Privacy Authorities (APPA) 5, 6, 8, 11, 21
Business services and business systems 14
Case management system (CMS) 3, 7, 9, 16, 17, 28, 29, 31
CCTV (surveillance) 21, 24, 25, 26, 65
Chief Audit Executive 7, 14
Chief Executive Officer 7, 14, 68, 72, 76, 77
Code of conduct 10, 16
Collecting feedback 31
Complaining to the IPC 83
Complaints (GIPA) 32
Complaints (Privacy) 32
Committees 11
Communications and corporate affairs 14, 16, 20, 67, 68, 70, 71, 72, 73, 75, 76, 77, 78
Consultants 17
Consumer response (enquiries) 25
Contacting the IPC inside front cover, 83, 86
Corporate services 16
Creating Open Government Conference 3, 8, 19, 20, 21
Credit card certification 81
Department of Attorney General and Justice (DAGJ) 5, 11, 13, 16, 17, 22, 31, 44, 47, 48, 51, 67, 70, 71, 72, 77, 79
Department of Finance and Services 5, 11, 32
Department of Premier and Cabinet 5
Disability Action Plan 7, 22, 26, 61, 65, 69-73
E-learning resources 23, 25, 26
Enterprise industrial relations 15
Equal employment opportunity 15
Executive Director 7, 14, 66, 67, 68, 38, 71, 72, 75, 76
Executive remuneration 15
Executive team 14
External legal advice sought 17
Feedback 31-32
Flexible work agreement 16
Financial performance 33-56
GIPA case management and reporting tool 19
GIPA Compliance 19
Government Information (Information Commissioner) Act 2009 (GIIC Act) 1, 11, 12, 13, 40, 86
Government Information (Public Access) Act 2009 (GIPA Act) 1, 3, 11, 12, 13, 19, 20, 22, 23, 25, 26, 28, 29, 30, 31, 32, 40, 59, 60, 62, 63, 64, 65, 81
Government Information (Public Access) Regulations 2009 (GIPA Regulations) 12, 19, 62
Glossary 85
Governance 12, 13
Health and safety 16
Health Privacy Principles (HPPs) 13, 27, 32, 58
Health Records and Information Privacy Act 2002 (HRIP Act) 4, 6, 11, 12, 13, 20, 23, 24, 27, 30, 32, 58, 59, 60
Health Records and Information Privacy Regulation 2006 (NSW) (HRIPA Regulation) 12
Health Records and Information Privacy Code of Practice 2005 (NSW) 12
Highlights 8
ICT Strategy 11
ID scanning 26, 65
Independent Audit Report 34-35
Independent Commission against Corruption (ICAC) 83
Information and communication technology 16
Information Commissioner 1, 3, 6, 7, 8, 10, 11, 12, 14, 15, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 31, 32, 33, 40, 53, 59, 60, 64, 65, 66, 67, 68, 70, 75, 77, 78, 83
Information and Privacy Committee (IPAC) 3, 6, 7, 8, 11, 12, 31, 65, 76
Information Protection Principles (IPPs) 13, 25, 27, 29, 32, 57
Insurances 17
Internal Audit and Risk Management Attestation 18
Internal reviews (privacy) 29
International travel 17
Internet address 17
Investigation and review 7, 8, 14, 19, 28
Law Week 20, 21, 22
Legislation 12, 13
Letters to the President and Speaker 1
Local Government Managers Association 23
Litigation 17
Media 21
Mobile apps 26, 65
Multicultural Policies and Services Program (MPSP) 17
Multicultural Services Plan 7, 17, 22, 61, 65, 74-78
National Disability Services (NDS) 5, 8, 22, 26, 69-73
NSW Ombudsman 16, 30, 83
NSW Parliament 4, 12, 31, 86
NSW Public Sector Values 10
NSW Public Service Commission 5, 15, 16, 32
NSW State Plan 3
NSW Treasury 24, 44, 47
Office of the Australian Information Commissioner 5, 6, 16

Glossary

Office of the Information Commissioner 8, 16, 17, 20, 21
Office of the Privacy Commissioner 8, 16, 17, 20, 21, 57, 58
Organisational structure 14
Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission 3, 4, 10, 11, 12, 19, 31, 60, 65, 83
Payment of accounts 79
Performance agreement planning 15
Performance measures 20, 23, 28, 31
Performance reporting and projects 14
Physical privacy 26
Privacy Authorities Australia (PAA) 11
Privacy Awareness Week 5, 8, 20, 21, 22, 24, 25
Privacy Commissioner 1, 3, 4-6, 7, 8, 10, 11, 12, 14, 15, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31, 32, 40, 57, 59, 60, 65, 66, 67, 68, 70, 75, 77, 78, 83
Privacy management plans 5, 8, 19, 24, 25, 26, 27, 65
Promote 20-22
Privacy and Personal Information Protection Act 1998 (PPIP Act) 1, 3, 11, 12, 13, 19, 20, 22, 23, 25, 26, 28, 29, 30, 31, 32, 40, 59, 60, 62, 63, 64, 65, 86
Privacy and Personal Information Protection Regulation 2005 (PPIPA Regulation) 12
Privacy Code of Practice (General) 2003 (NSW) 12
Privacy codes of practice 27
Professional development 16
Publications 21, 65
Public interest directions (or exemptions) 6, 27
Public interest disclosures (PIDs) 30, 65
Recordkeeping 16
Recruitment and selection 15
Requests for assistance 8, 9
Research and development 17
Review 28-30
Reviews (GIPA) 29
Review process 28
Review report 28
Right to Information and Privacy Practitioners' Network 3, 5, 22, 23, 25, 26, 59, 65
Risk management 17
Sector-specific activities 26
Senior executive 15
Service NSW 13
Social media 21
Speaking engagements 22
Stakeholder and community engagement 22
Stakeholders 11, 31, 61
Statement of action taken to comply with PPIPA 19
Statistical details of any review conducted under Part 5 of PPIPA 19
Statutory officers 14, 15
Strategic plan 13, 15, 19, 26, 59-61, 65
Submissions 24, 65
Surveys 16
Telephones 7, 9, 16, 25, 31
Time for payment of accounts 80
Training 25
Twitter 21
Waste 16
Website 4, 7, 8, 9, 17, 20, 21, 26, 31
Year in snapshot 9

Glossary

ADT	Administrative Decisions Tribunal
DAGJ	Department of Attorney General and Justice
FOI	*Freedom of Information Act 1989*
GIIC Act	*Government Information (Information Commissioner) Act 2009*
GIPA Act or GIPA	*Government Information (Public Access) Act 2009*
GIPA Regulation	*Government Information (Public Access) Regulation 2009*
HPPs	Health Privacy Principles
HRIP Act or HRIPA	*Health Records and Information Privacy Act 2002 (NSW)*
ICAC	Independent Commission Against Corruption
IPPs	Information Protection Principles
IPC	Information and Privacy Commission
LGMA	Local Government Managers Australia (NSW)
OAIC	Office of the Australian Information Commissioner
PPIP Act or PPIPA	*Privacy and Personal Information Protection Act 1998 (NSW)*
PSEM	*Public Sector Employment and Management Act 2002*



information and privacy commission

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Our business hours are 9am to 5pm
Monday to Friday (excluding public holidays)

About this Annual Report

The Information and Privacy Commission NSW Annual Report 2012 – 2013 has been prepared in accordance with the provisions of the *Annual Reports (Statutory Bodies) Act 1984*, 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 2013. There were no external costs recorded for producing this report to comply with NSW Treasury requirements.

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