

# Annual Report 2020/21

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new south wales



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## Contact Details

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

The Information and Privacy Commission NSW is located at:

**Street address:**

Level 15, 2-24 Rawson Place  
Haymarket NSW 2000

**Postal address:**

GPO Box 7011  
Sydney NSW 2001

Free call: 1800 IPC NSW (1800 472 679)

Fax: (02) 6446 9518

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

If you have a hearing or speech impairment, you can call us through the National Relay Service (NRS) on 133 677.

If you would like the assistance of an interpreter, call us through the Translating and Interpreting Service (TIS) on 131 450.

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# Letters to the President and Speaker

The Hon. Matthew Ryan Mason-Cox MLC  
President of the Legislative Council  
Parliament House  
Macquarie Street  
Sydney NSW 2000

The Hon. Jonathan O’Dea MP  
Speaker of the Legislative Assembly  
Parliament House  
Macquarie Street  
Sydney NSW 2000

26 October 2021

Dear Mr President and Mr Speaker,

In accordance with the *Annual Reports (Departments) Act 1985*, the *Government Information (Information Commissioner) Act 2009*, and the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the Annual Report of the Information and Privacy Commission NSW.

This report provides an account of the work of the Information and Privacy Commission NSW during the 2020/21 financial year.

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

Yours sincerely,



**Elizabeth Tydd**  
IPC CEO, Information Commissioner  
NSW Open Data Advocate

Dear Mr President and Mr Speaker,

In accordance with section 61A of the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the following report on the work and activities of the Privacy Commissioner for the 12 months ended 30 June 2021.

In addition, under section 61B of the *Privacy and Personal Information Protection Act 1998*, this Annual Report includes a report on the operation of the *Privacy and Personal Information Protection Act 1998* across all public sector agencies for 12 months ended 30 June 2021.

A copy of the report will be provided to the Attorney General, and Minister for the Prevention of Domestic and Sexual Violence and to the Minister for Digital, Minister for Customer Service as Ministers responsible for this legislation, as specified under sections 61A (2) and 61B (2) of the *Privacy and Personal Information Protection Act 1998*.

Yours sincerely,



**Samantha Gavel**  
Privacy Commissioner

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# Highlights for 2020/21

<b>Celebrated IPC's 10-year anniversary</b>	<b>Privacy Awareness Week 3-9 May 2021</b>	
<b>Right to Know Week 28 September – 4 October 2020</b>	<b>6 proactive information access audits finalised</b>	<b>121 advices on projects seeking funding under the Digital Restart Fund</b>
	<b>Published Essential Guidance Toolkit on information access and privacy fundamentals</b>	
<b>Released advice on Digital Restart Fund: Assessing Information Access and Privacy Impacts</b>	<b>Release of the IPC Diversity and Inclusion Action Plan 2021-2023</b>	<b>Guidance on collection of COVID-19 vaccination information</b>
	<b>Release of Top 10 Privacy Tips for citizens</b>	
<b>Establishment of an Information Access and Privacy Excellence Award</b>	<b>Establishment of the Agency Advice Satisfaction Survey</b>	<b>IPC Governance Framework and Action Plan developed</b>

# Performance report card 2020/21

## Pillar 1: Service Delivery & Excellence

- ✓ GIPA – 1568 enquiries finalised / 285 advices finalised / 388 reviews finalised / 109 complaints finalised / 6 proactive audits finalised
- ✓ Privacy – 1809 enquiries finalised / 284 advices finalised / 269 reviews finalised / 84 complaints finalised
- ✓ 221 voluntary breach notifications were made to the Privacy Commissioner

## Pillar 2: Engagement & Influence

- ✓ Commissioners provided submissions to 15 reviews and inquiries conducted by government including 6 joint submissions by the Information Commissioner and the Privacy Commissioner
- ✓ 134 tweets on Twitter / 145 posts on LinkedIn / 37 e-alerts to stakeholders / 8 media releases / 7 public statements / 36 new publications

## Pillar 3: Rights Promotion & Impact

- ✓ 485,989 page views and a 6.1% increase in unique visitors to [ipc.nsw.gov.au](http://ipc.nsw.gov.au)
- ✓ 2242 phone enquiries and 1165 enquiries handled in writing or in person
- ✓ 36 new information access, privacy and corporate publications were delivered
- ✓ 64 publications updated by the Publications Review Working Group
- ✓ Major campaigns conducted for Right to Know Week and Privacy Awareness Week
- ✓ 450 new e-learning registrations by agencies and members of the public

## Pillar 4: Operational Excellence

- ✓ 100% of staff have a Performance and Development Plan (PDP) in place
- ✓ Over 1132 hours of staff training to improve service delivery and rebalance capabilities to be an effective, contemporary regulator.
- ✓

## Overview



### **Elizabeth Tydd** **Chief Executive Officer, Information Commissioner** **and NSW Open Data Advocate**

Achievements and Report to NSW Parliament

**Our values of transparency, accountability and integrity have been unequivocally confirmed as our lives and our ways of working have changed immeasurably in response to the pandemic. The Information and Privacy Commission NSW (IPC) has been at the centre of much of this change, championing rights and preserving the values that underpin those rights.**

Government at all levels and its institutions have made decisions and acted in unprecedented ways to preserve our health, essential services, education and our economy. Citizens' responses to these measures and policies have demonstrated that authority is not absolute in our representative system of democracy notwithstanding a pandemic. Citizens' trust must be built and maintained by government through transparency and accountability. These outcomes can now be readily achieved through increasingly digital government and our increasingly digital lives.

Digital solutions may also provide opportunities for government to provide citizens with information relevant to their personal affairs in a more comprehensive and accessible manner. Applications for personal information under the *Government Information (Public Access) Act 2009* (GIPA Act) have grown from approximately 3,000 in 2010 to over 10,000 in 2020. Consumer dashboards are now a common feature in some industries and the equivalent may represent a reciprocal exchange between citizens providing details to government and a return of personal information from government.

As Information Commissioner I have the honour of again leading an initiative under Australia's Third Open Government Plan - *Open by Design*. This initiative will provide the impetus for proactive public release of information throughout all Australian jurisdictions supported by the authority of all Information Commissioners and Ombudsmen responsible for upholding information access rights.

In 2020, the *Digital Restart Fund Act 2020* (DRF Act) was introduced. Under the Digital Restart Fund (DRF) the responsible Minister is required to consider the advice of both the Information Commissioner and the Privacy

Commissioner prior to approving any project receiving financial support from this \$2.1B fund. The IPC has responded with the provision of advice on 121 discrete projects. This advice requires consideration of technical capabilities, information governance, risks to rights overseen by the IPC and recommendations to mitigate those risks and promote rights. Our expertise has matured, and we have shared our insights with agencies and citizens by publishing effective regulatory advice to ensure in-built rights preserving approaches.

The trajectory of growth in the IPC's work continues to increase. This is expected in an environment where information access and privacy rights are at the forefront of the government's response to the pandemic together with its increasing reliance upon digital service delivery and decision-making informed by real-time data.

Our resources have been stretched beyond capacity as we have exercised new statutory functions and continued our year-on-year increase in case volumes. Our efficiency was objectively and independently measured with the outcome reflecting our primacy in efficiency and effectiveness in case management and rights preservation. Our submissions regarding funding were accepted and our funding increased for 2021/22. It is a great pleasure to lead the IPC into a new environment of rights promotion knowing that our expertise has been recognised with the confidence of government and citizens alike.

As Information Commissioner it is also rewarding to see the maturation of our proactive compliance program. In 2020/21, we published the results of six compliance audits. These audits are undertaken on the basis of risk identified through our data collection and analysis and are now an important feature of our regulatory interventions. This is the highest number of audits that have ever been conducted by the IPC. It was achieved notwithstanding an increase of 10% in our case work – applications for review or complaints. Against this increase the IPC closed 4.4% more reviews and complaints than in our last reporting period. This is a phenomenal achievement, attributable to the significant skill and consistent commitment demonstrated by the Directors and staff of the IPC to whom I am especially grateful.

**The trajectory of growth in the IPC's work continues to increase. This is expected in an environment where information access and privacy rights are at the forefront of the government's response to the pandemic together with its increasing reliance upon digital service delivery and decision-making informed by real-time data.**

These audits are undertaken to provide an objective assessment and practical recommendations to achieve compliance.

After 10 years of operating under the GIPA Act a level of maturity is rightly expected in agencies systems, policies and practices for exercising information act functions.<sup>1</sup> However our regulatory insights and ten years of data have caused me to consider both the offence provisions and the regulatory tools available under the GIPA Act. Citizens have a right to expect high levels of compliance with mandatory open access requirements that serve a pro-integrity purpose under the GIPA Act. However, in a number of areas compliance is low and in a minority of cases behaviours have proven to be intractable. In these circumstances new regulatory tools including a notice to comply may serve a more potent and efficient regulatory response.

**After 10 years of operating under the GIPA Act a level of maturity is rightly expected in agencies systems, policies and practices for exercising information act functions.**

As Information Commissioner I have been ambitious to equip agencies with self-assessment tools and to embed that approach to achieve a compliance focused culture within agencies. Leaders now have many tools available to them to ensure compliance and I encourage them to be active and visible champions of open government and sound information governance practices. Information access rights should not diminish under outsourcing or contractual arrangements. Government procurement and other contracts should recognise the right to access information for the dual purpose of rights preservation and pro-integrity measures.

The experience of the last 12 months has fostered an environment in which the IPC has seen rights challenged and been at the forefront of developing solutions to preserve those same rights. In this overview I offer a number of solutions to ensure that the right to access information is preserved notwithstanding the immutable changes I identified in my previous report. Analysis of 10 years of GIPA Act reporting data has provided invaluable insights and I offer the benefit of this experience in a number of recommendations to government.<sup>2</sup>

**The experience of the last 12 months has fostered an environment in which the IPC has seen rights challenged and been at the forefront of developing solutions to preserve those same rights.**

Again, this year I have benefited from the unwavering collegiate approach and expertise of my colleague Ms Samantha Gavel, the NSW Privacy Commissioner, to whom I am most grateful. My gratitude and admiration also extend to IPC Directors and staff who are committed professionals. Our results testify to their resilience and skill. I share their pride in their work. Their focus on fair and just outcomes makes an indelible and positive contribution to our system of democracy.



**Elizabeth Tydd**  
IPC CEO, Information Commissioner  
NSW Open Data Advocate

Dip Social Welfare; B Laws, M Laws,  
Cert of Governance, GAICD

<sup>1</sup> GIIIC Act section 21

<sup>2</sup> Commissioner's Overview, *Report on the Operation of the Government Information (Public Access) Act 2009: 2019-2020*

# Overview



## Samantha Gavel Privacy Commissioner

Achievements and Report to NSW Parliament

The increasing pace of developments in digital technology means that privacy risks are much greater than they were in the past and the need for Government agencies to implement appropriate and robust privacy protections is now more important than ever.

The government is looking to provide more seamless, joined up digital services to citizens, to make it easier for them to interact with government. Privacy focused design and practice are key to building trust with citizens, so that they feel confident to use and engage with these services.

Citizens must engage with government and provide their personal information to access services and programs that are essential to their lives. The community expects, in turn, that NSW government agencies will protect and safeguard their personal information appropriately.

The NSW government has made a strong commitment to digital service delivery, including through a \$2.1B<sup>3</sup> commitment to its DRF. The DRF will enable the development of digital products and services, replacement of legacy IT systems, and assist with elevating digital capability in agencies. The DRF will also support cross agency projects including projects to assist people when they are navigating significant life events, such as the birth of a child. Multi-dimensional privacy protections will be important to the success of these projects. There is also provision of funding under the DRF to uplift cyber security maturity across government and ensure that Cyber Security NSW has the necessary resourcing to undertake its important tasks.

Privacy focused design and practice are key to building trust with citizens, so that they feel confident to use and engage with these services.

Privacy issues will continue to be a key consideration in the implementation of digital solutions, including those funded under the DRF, by NSW government agencies over the coming year. The IPC is increasingly focusing its guidance on digital service delivery by agencies. A recent example is the release of guidance for agencies on Transition to the cloud: Managing your agency's privacy risks.

The Information Commissioner and the Privacy Commissioner are also required to provide advice to the Minister for Digital, Minister for Customer Service under the DRF Act, regarding the information access and privacy aspects of digital projects, prior to funding being provided under the DRF.

During the reporting period, Commissioners provided advice in relation to 121 projects seeking funding under the DRF.

### COVID-19 pandemic

During 2020/21, work by government agencies to manage the pandemic response continued to highlight the significant value of digital technology and data – as well as the need for robust privacy protections to mitigate the privacy risks associated with the use of digital solutions.

This work included the development of the digital QR code and check-in tool, which was implemented to enable the collection of personal information from citizens visiting hospitality and other venues, to facilitate and expedite the work of the contact tracing team at NSW Health, in the event of a positive COVID-19 case being identified at a venue.

<sup>3</sup> Additional funding for the DRF was announced in the 2021 Budget, bringing the total allocation to \$2.1B

The community expects, in turn, that NSW Government agencies will protect and safeguard their personal information appropriately.

Privacy issues will continue to be a key consideration in the implementation of digital solutions.

The privacy features of the tool include that the information collected by the tool is encrypted and held securely. It is transferred securely to Health if required for contact tracing. Information not required for contact tracing is deleted after 28 days.

The NSW Public Health Orders provide that information collected by the tool is to be used or disclosed only for the purposes of contact tracing during the COVID-19 pandemic. It is important from a privacy and health perspective that people are able to trust that the collection of their information by the tool will only be used for contact tracing and not for other purposes.

## Cyber security

There is an important link between strong and robust cyber security measures and the protection of personal information under NSW privacy law. A strong cyber security posture is essential in ensuring personal information held by government agencies is kept secure.

Since the start of the COVID-19 pandemic in March 2020, cyber security risks have been elevated through the development of rapidly evolving technology and techniques by malicious actors, often based overseas. A number of NSW government agencies have been impacted by these types of cyber incidents.

This is a significant challenge not just to agencies and organisations in NSW and Australia, but globally as well. It is a challenge that requires a whole-of-government approach by NSW government agencies, led by the Department of Customer Service (DCS) and Cyber Security NSW.

The IPC contributes to this approach in a number of ways, including through the provision of guidance and tools for agencies, consulting with agencies on digital projects that involve personal information and overseeing internal privacy reviews about privacy breaches by agencies. The IPC also encourages agencies to voluntarily report data breaches that involve personal or health information and provides guidance and tools to support this voluntary reporting.

In this context, I welcomed the announcement by the Attorney General, and Minister for the Prevention of Domestic and Sexual Violence and Minister for Digital, Minister for Customer Service of the release of a consultation draft bill to establish a Mandatory Notification Data Breach (MNDB) Scheme for NSW agencies. The consultation period for the draft bill concluded on 18 June 2021. Information provided in submissions will inform any necessary changes to the bill prior to it being introduced into Parliament.

The introduction of the scheme will provide a significant contribution to privacy protection in NSW.

## Privacy Awareness Week

Privacy Awareness Week (PAW), which is celebrated by privacy regulators across the Asia Pacific region and here in Australia, provides an important opportunity for the IPC to engage with NSW government agencies and citizens to encourage them to focus on the importance of privacy. The IPC celebrated PAW from 3-7 May 2021. The theme for PAW this year was 'Make Privacy a Priority'.

PAW was launched by the Minister for Digital, Minister for Customer Service at the IPC's Public Sector Leaders' Event on 3 May 2021. The keynote speaker at the event was Secretary of DCS, Emma Hogan, who outlined the work of DCS in relation to its "Project Trust" initiative, aimed at uplifting privacy and cyber security technology, capability, processes and culture across the Department and the DCS cluster.

Due to the ongoing COVID-19 pandemic, the event was again held as an online livestream event, rather than an in-person event. This meant that more than 220 NSW government staff from across NSW could attend the event remotely.

During PAW, the IPC released a number of important resources for agencies and citizens, including guidance for agencies on Transition to the cloud: Managing your agency's privacy risks and Top Ten Privacy Tips for citizens. Over 50 agencies signed up as PAW Champions, to assist in spreading the PAW message within their agencies. A number of agencies held PAW events, as well as the NSW Right to Information and Privacy Practitioners' Network.

## Looking forward

In recent years, the IPC has dealt effectively with year-on-year increases in its caseload and requests for advice by government agencies, particularly in relation to the government's digital agenda.

The IPC has been successful in obtaining additional funding for 2021/22, which will greatly assist the IPC to manage the increasing challenges and workload in relation to both privacy and information access.

There will be significant work for the IPC in managing the implementation of the MNDB Scheme, once the legislation to support the Scheme has been passed by the Parliament. It will be important to ensure that the IPC has the staff, systems and processes to manage the Scheme and that NSW government agencies have the necessary guidance to assist them to comply with the Scheme when it takes effect. Accordingly, the IPC has commenced planning for the introduction of the Scheme.

Looking to the year ahead, it seems clear that privacy will continue to be a key consideration for government agencies, particularly in relation to implementing the government's digital agenda and initiatives to manage the ongoing pandemic response. I look forward to continuing to work with agencies to promote and protect privacy and privacy rights in the year ahead.

In closing, I would like to thank my colleague, Elizabeth Tydd, IPC CEO and NSW Information Commissioner, for her support and leadership of the agency during a busy year, when we continued to be challenged by developments relating to the current pandemic. I would also like to thank the IPC's Directors for their hard work and dedication, as well as staff, whose commitment has been fully demonstrated in the findings of the Operational Review of the IPC.



**Samantha Gavel**  
Privacy Commissioner  
B Arts, GAICD

# Section 61B Report on the Operation of the Privacy and Personal Information Protection Act 1998

The *Privacy and Personal Information Protection Act 1998* (PPIP Act) provides the legislative framework for protecting privacy in NSW by (inter alia) placing obligations on NSW government agencies to comply with the Information Protection Principles (IPPs) outlined in the Act and conferring privacy rights on citizens in relation to breaches of the IPPs by NSW government agencies.

Section 61B of the PPIP Act provides for the Privacy Commissioner to prepare and publish a report on the operation of the PPIP Act each year.

## Proposed legislation to strengthen the PPIP Act

During the previous (2019/20) reporting period, the Privacy Commissioner provided advice to the Parliamentary Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission about potential enhancements to the PPIP Act, to address a number of contemporary issues arising from the greater use of digital technology and data by government.

The areas for consideration recommended by the Privacy Commissioner were:

- inclusion of a MNDB Scheme
- inclusion of State-Owned Corporations (SOCs)
- amend the Privacy Commissioner's functions to include an explicit audit function
- amend the PPIP Act to grant a power to the Privacy Commissioner to enter premises and inspect anything
- introduce a provision that neither the Privacy Commissioner nor a member of staff is compellable as a witness
- create a function and power to enable the Privacy Commissioner to exchange information with Cyber Security NSW
- make provision for when an applicant applies to the NSW Civil and Administrative Tribunal (NCAT) for internal review so that the Privacy Commissioner ceases to exercise an oversight function.

The Committee referred to these recommendations in its 2020 Review of the Annual Reports of Oversighted Bodies<sup>4</sup> and recommended that in light of the recommendations, the Attorney General, and Minister for the Prevention of Domestic and Sexual Violence and Minister for Digital, Minister for Customer Service consider a departmental review of the PPIP Act.

During the current reporting year, the Department of Communities and Justice (DCJ) led work to give effect to the recommendations outlined above, in consultation with a working group, which included the IPC, NSW Health and DCS.

In May 2021, the Attorney General, and Minister for the Prevention of Domestic and Sexual Violence and Minister for Digital, Minister for Customer Service released an exposure bill, the *Privacy and Personal Information Protection Amendment Bill 2021* (the Bill), for public consultation. The Bill includes a number of provisions to strengthen privacy protection in NSW, including the creation of a MNDB Scheme.

If passed through Parliament, the MNDB Scheme will commence 12 months after assent. This will enable the IPC to prepare guidance and put processes and tools in place to support the Scheme and also enable agencies to prepare for complying with the requirements of the Scheme once it takes effect. The public consultation period for the draft bill closed on 18 June 2021 and the submissions received are currently being considered.

Following consideration of the submissions the Bill is expected to be introduced into the NSW Parliament.

The Privacy Commissioner expects that benefits of the MNDB Scheme will include:

- increased citizen trust in government agency handling of personal information and data breach incidents
- increased agency awareness of and responses to data breach incidents
- improved transparency and accountability of agencies in the way agencies respond to serious data breaches
- elevation of agency capability to mitigate and manage the risk of data breaches
- provision of information to citizens to assist them to reduce their risk of harm following a serious data breach.

The introduction of the scheme is a positive development that will promote and protect the privacy of citizens in NSW.

The IPC currently has a voluntary data breach scheme in place and the Privacy Commissioner encourages NSW government agencies to report significant breaches to the IPC, develop robust processes to identify potential and actual breaches and take steps to mitigate against data breaches. Agencies are also encouraged to voluntarily notify people affected by a data breach and provide information about their right to seek an internal review under the PPIP Act in relation to the breach.

<sup>4</sup> <https://www.parliament.nsw.gov.au/ladocs/inquiries/2569/Report%20-%202020%20review%20of%20the%20annual%20reports%20of%20oversight%20bodies.PDF>

The Privacy Commissioner experienced a significant increase in the number of voluntary breach notifications made in the reporting period (221 notifications, compared with 79 in the previous reporting period), reflecting a heightened awareness and recognition by agencies of the potential impact of a data breach on personal information.

The IPC has developed guidance and other resources to assist agencies, including a notification template, in order to support the voluntary scheme.

## Application of the PPIP Act to State-Owned Corporations

The draft Bill also includes provisions to require SOCs that are not subject to Commonwealth privacy law to comply with the PPIP Act. Again, the Bill will provide for a 12 month introductory period for SOCs to ensure they are ready to comply with these obligations once they take effect.

SOCs are commercial businesses that are owned by the NSW government and established under the *State Owned Corporations Act 1989*. There are currently seven SOCs that are not currently included in the jurisdiction of the PPIP Act. Three of the seven SOCs consider themselves to be bound by the Commonwealth *Privacy Act 1988* and the remaining four currently comply voluntarily with the PPIP Act.

Extension of the PPIP Act to cover SOCs will create consistency with the GIPA Act and provide a clear legislative right to members of the public.<sup>5</sup>

## Privacy complaints under the PPIP Act

The PPIP Act provides two avenues for complaints about privacy issues. Where the complaint is about an alleged privacy breach by a NSW government agency, the PPIP Act provides for an internal review under Part 5 of the PPIP Act to be undertaken by the agency. This pathway enables the agency to investigate the breach and provide an explanation or resolution of the complaint. The Privacy Commissioner has an oversight role in relation to internal reviews and the complainant has the right to seek a review by the NCAT if they are not satisfied with the outcome of the review. Internal reviews constitute about two thirds of the IPC's privacy casework.

The top three issues raised in internal reviews during 2020/21 were in relation to the following IPPs:

- Principle 11 (limits on disclosure of personal information)
- Principle 5 (retention and security of personal information)
- Principle 10 (limits on use of personal information).

In 2020/21, there was an 11.8% increase in privacy reviews received by the IPC. This follows a 36% increase in privacy reviews in the last reporting period, which continues the

trend towards higher numbers of review applications over the past five years.

Media reporting and focus on privacy issues and data breaches in recent years is likely to be a contributing factor to this increase, by increasing awareness of privacy issues and privacy rights in the community. In addition, a number of high-profile cyber breaches which impacted NSW government agencies during 2020 and 2021 required notification to be made to a significant number of people whose personal information had been breached.<sup>6</sup> Some of those affected have chosen to exercise their privacy rights by seeking an internal review by the agency.

In late 2018, the IPC implemented a new staffing structure and streamlined procedures across casework for both GIPA and privacy. This has enabled the IPC to manage the increasing caseload across both streams, while improving timeliness and closure rates.

Under the PPIP Act, the Privacy Commissioner has an oversight role in relation to privacy reviews conducted by agencies. This requires the agency to complete the review in a timely manner to enable the Privacy Commissioner's oversight role to be exercised, prior to the review being finalised. The new IPC procedures include follow up with agencies at regular intervals to assist with enabling matters to be finalised in a timely manner. These procedures have proven to be effective, as demonstrated by the timeframes for closure of privacy reviews by the IPC since the procedures were introduced.

Where a privacy complaint is not about a NSW government agency, the PPIP Act also provides a pathway for a complaint to be considered by the Privacy Commissioner. If the Privacy Commissioner decides to deal with a complaint, the PPIP Act requires that the Privacy Commissioner must try to conciliate the complaint. The complainant does not have a right of review to the Tribunal where a complaint is dealt with by the Privacy Commissioner.

The Privacy Commissioner only deals with a relatively small number of complaints under the complaint pathway each year, because the majority of complaints under the PPIP Act are dealt with via the internal review pathway. In 2020/21, 93 privacy complaints were received, compared with 112 the previous year. This small decrease in the number of complaints is likely to be related to the introduction by the IPC of processes to ensure that complainants are aware of the internal review pathway for complaints that relate to NSW government agencies.

The Privacy Commissioner also has complaint handling functions under the *Health Records and Information Privacy Act* (HRIP Act). More information about privacy complaints under the HRIP Act is available elsewhere in this annual report.

<sup>5</sup> For more information about SOCs and the PPIP Act see the IPC Fact Sheet at <https://www.ipc.nsw.gov.au/fact-sheet-state-owned-corporations-socs-and-your-right-government-and-personal-information>

<sup>6</sup> Service NSW suffered a cyber incident in early 2020. The Ministry of Health and Transport for NSW were impacted by the global breach of Accellion software in early 2021.

## Regulated sectors

The PPIP Act regulates NSW state government agencies, including government departments and agencies, public universities and local councils. The Act's remit is broad, and its regulated entities range from large government cluster agencies, through to small, regional and remote local councils.

Most privacy complaints received by the Privacy Commissioner relate to applications for internal review by NSW government departments and agencies. This is the largest sector regulated by the Privacy Commissioner and therefore higher numbers of complaints than other sectors is within expectations. Cluster agencies account for most of the internal review applications, due to their size and functions, which include the handling of personal information of NSW citizens. The Local Council sector and University sector account for lower numbers of complaints, due to the smaller size of these sectors.

In order to assist agencies to comply with the PPIP Act, the IPC provides guidance and tools on its website, including guidance about conducting internal reviews under the PPIP Act, learning modules for agency staff and self-assessment tools to assist agencies with identifying areas where compliance could be improved and elevating their compliance.

The IPC has a Compliance Committee that meets quarterly, to consider a range of factors in order to identify areas of focus for regulatory activity by the IPC.

## Conclusion

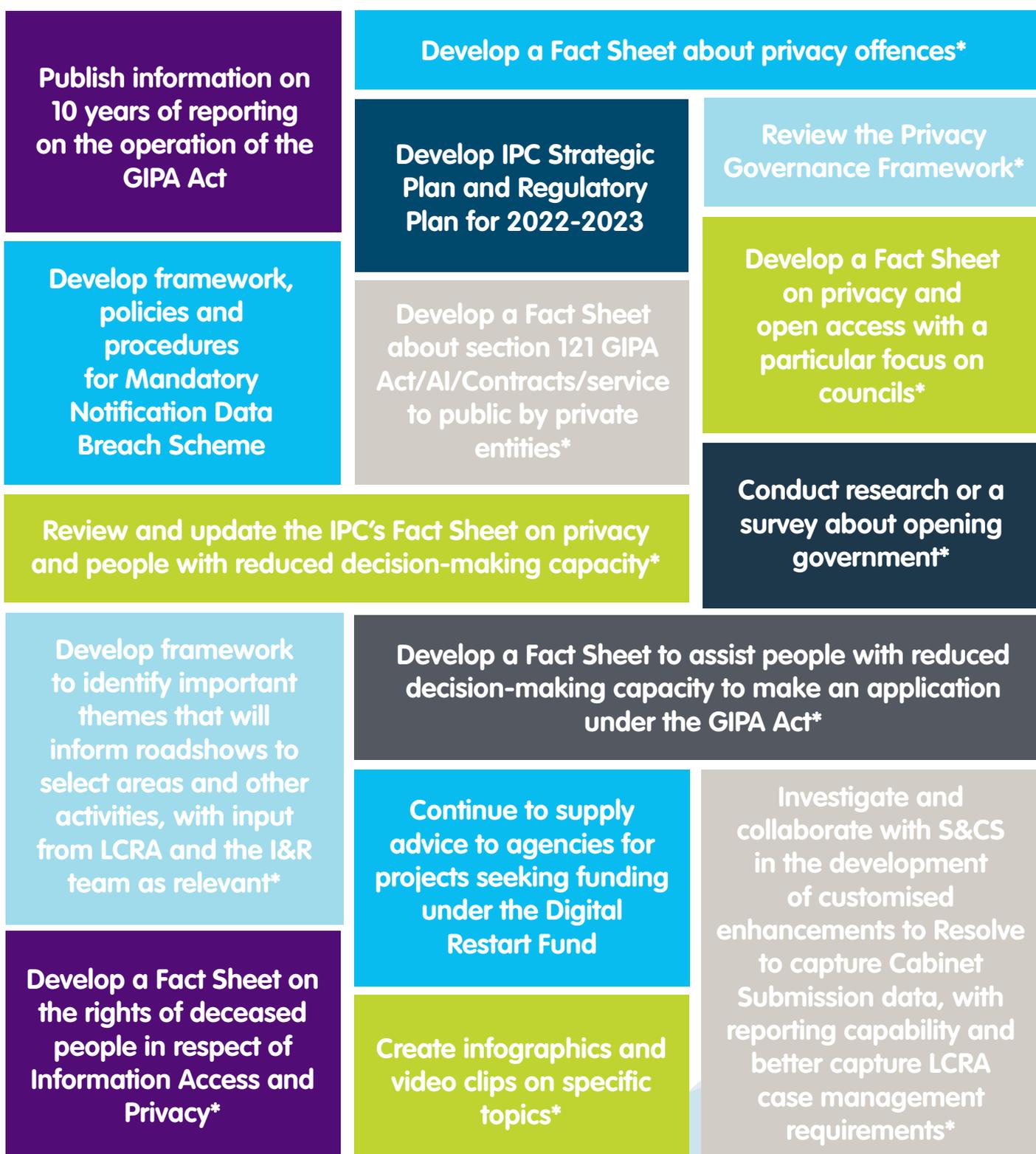
The PPIP Act provides the framework for the promotion and protection of privacy in NSW. While the Act continues to operate effectively to promote and protect privacy in NSW, the Privacy Commissioner welcomes the development of the draft Bill which will provide for the introduction of a MNDB Scheme for NSW agencies and other legislative amendments to strengthen the PPIP Act and enhance privacy protection in NSW.



**Samantha Gavel**  
Privacy Commissioner

B Arts, GAICD

## Priorities for 2021/22



\* This priority reflects a Strategic Initiative which commenced in 2020/21 and is due to be completed by 31 December 2021.

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## Our organisation



# About the IPC



**Ian Naylor**  
Director, Business Improvement\*

\* Commenced as Director in October 2020. David Marcus concluded in the role in January 2021.



**Sonia Minutillo**  
Director, Investigation and Reporting



**Jessica Kavanagh**  
Director, Legal Counsel and Regulatory Advice

**Our purpose**  
To champion information access and privacy rights for the people of NSW.

## Who we are

The IPC is an independent statutory authority that administers NSW legislation dealing with privacy and access to government information. The IPC was established on 1 January 2011 to provide a single point of service with respect to information access and privacy rights, ensuring that agencies and individuals can access consistent information, guidance and coordinated training about information access and privacy matters.

The IPC is recognised as a separate agency under Schedule 1 of the *Government Sector Employment Act 2013* (GSE Act).

## What we do

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

## Our service charter

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

1. delivering the best standard of service that reflects our values
2. ensuring that you can provide us with feedback on the service you received, how we treated you and how we dealt with your information.

## Our vision

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

## Our values

The IPC's Values Framework was developed in line with the Government Sector Core Values. The IPC's Values are: Accountable, Service Focused, Proactive, Independent, Integrity and Trust. Please see page 18 for more information.

## Our stakeholders

- NSW Parliament
- Members of the public
- NSW Government (Premier; Attorney General, and Minister for the Prevention of Domestic and Sexual Violence; and Minister for Digital, Minister for Customer Service)
- NSW Parliamentary Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission
- NSW public sector agencies including state government bodies, councils, SOCs\* and universities
- Non-Government Organisations delivering contracted services to the public on behalf of NSW Government agencies
- Ministers and their staff
- Members of Parliament and their staff
- Other Information and Privacy Commissioners and Ombudsmen
- Information and Privacy Advisory Committee (IPAC)
- Other oversight accountability agencies
- Media
- Staff.

\* Exempted under the PPIP Act



information  
and privacy  
commission  
new south wales

# Our Values Framework

## Accountable

- Taking responsibility for our decisions and actions individually and as a group, using transparent process and making defensible decisions.
- When displayed, we feel confident, secure, respected and respectful. On an organisational level, we feel obligations are being fulfilled.
- We demonstrate it when we take ownership of actions and decisions to deliver our business objectives.

## Service focussed

- Recognising what clients/colleagues want and need, being transparent, communicative and articulate when delivering outcomes, and putting others first.
- When displayed, we feel able to provide direction and focus. Providing truthful and honest advice can be confronting. We feel a sense of accomplishment and satisfaction, that we have made a difference to a person's life.
- We demonstrate it when we are aware, and make ourselves aware of customer needs, setting and managing expectations and boundaries, and upholding our responsibilities to others.

## Proactive

- Identifying opportunities and taking the initiative to plan constructively and implement practices, demonstrating leadership.
- When displayed, we feel personally and professionally prepared, confident and respected, leading to a sense of achievement and empowerment.
- We demonstrate it when we think about the big picture, initiate ideas and act on opportunities, flexibly and thoughtfully.

## Independent

- Being impartial and objective.
- When displayed, we feel confident in our decisions, and that our actions can be relied on and trusted.
- We demonstrate it when we have open and transparent decision-making which involves listening to both sides, making a decision on available evidence, keeping accurate records, being open-minded in our approach.

## Integrity

- Demonstrating our values through consistent and appropriate actions and holding ourselves to a recognised high standard.
- When displayed, we feel confident and reassured.
- We demonstrate it when we behave consistently in line with our commitments and values.

Developed by IPC staff, December 2014 using the Government Sector Core Values (Accountability, Service, Trust, Integrity) and the IPC Values (Accountable, Service focussed, Proactive, Independent).

## Trust

- A relationship built on honesty. It means being reliable and being able to rely on others.
- When displayed, we feel confident, secure and supported.
- We demonstrate it when we take responsibility for our actions, act with honesty and integrity, and show confidence in others and in our colleagues.

# Our organisation

## Accountability

### Role of the Information Commissioner

The Information Commissioner is appointed by the Governor as an independent office holder under section 4 of the *Government Information (Information Commissioner) Act 2009* (NSW) (GIIC Act). The Information Commissioner is also the CEO of the IPC.

The role of the Information Commissioner is to promote public awareness and understanding of the right to access government information in NSW, and provide information, support, advice, assistance and training to agencies and the general public.

The Information Commissioner has the power to conduct reviews of decisions made by other NSW government agencies and deal with complaints about information access. The Information Commissioner also monitors agencies' functions, reports to Parliament on the operation of the GIIPA Act, and reports to the Attorney General, and Minister for the Prevention of Domestic and Sexual Violence and Minister for Digital, Minister for Customer Service 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 of government information
- 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.

Since September 2020, the Information Commissioner also provides advice on projects seeking funding through the DRF.

### Participation in committees

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

- Association of Information Access Commissioners (AIAC)
- Public Interest Disclosures Steering Committee – under section 6A(1) of the *Public Interest Disclosures Act 1994* (PID Act)
- Open Government Partnership Working Group
- NSW Integrity Agencies Collaboration Group
- IPAC.

### Role of the Privacy Commissioner

The Privacy Commissioner is appointed by the Governor as an independent office holder under section 34 of the PPIP Act.

The role of the Privacy Commissioner is to promote, protect and enhance the privacy rights of the NSW community, resolve complaints and ensure agencies uphold the privacy principles in the PPIP Act and the HRIP Act.

A key function is to educate the people of NSW about the meaning and value of privacy by:

- responding to enquiries and educating the community about privacy issues and possible remedies for breaches of their privacy
- advising government agencies, businesses and other organisations on how to ensure that the right to privacy is protected
- receiving, investigating and conciliating complaints about breaches of privacy
- appearing in NCAT 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
- issuing guidelines on privacy principles.

Since September 2020, the Privacy Commissioner also provides advice on projects seeking funding through the DRF.

### Participation in committees

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

- Asia Pacific Privacy Authorities (APPA)
- Privacy Authorities Australia (PAA)
- NSW Integrity Agencies Collaboration Group
- IPAC.

# Governance and legislative responsibilities

## Our governance

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

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

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

The IPC is recognised as a separate agency under Schedule 1 of the GSE Act. The Information Commissioner is appointed as agency head and is responsible to the relevant Ministers and has responsibility for ensuring that the IPC and its staff operate in accordance with all government sector requirements.

The IPC's activities are supported by the IPC Audit and Risk Committee (ARC).

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

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

The Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, oversees the functions of the Information Commissioner and Privacy Commissioner and reports to Parliament.

The role of the Committee does not provide for it to:

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

## Our legislation

The IPC administers the following legislation:

- *Government Information (Public Access) Act 2009* (NSW) (GIPA Act)
- *Government Information (Public Access) Regulation 2018* (NSW) (GIPA Regulation)
- *Government Information (Information Commissioner) Act 2009* (NSW) (GIIC Act)
- *Privacy and Personal Information Protection Act 1998* (NSW) (PPIP Act)
- *Privacy and Personal Information Protection Regulation 2014* (NSW) (PPIP Regulation)
- *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act)
- *Health Records and Information Privacy Regulation 2017* (NSW) (HRIP Regulation).

## New legislative amendments

During the reporting period, there was one proposed and one enacted legislative change which impacted the Commissioners' functions.

### Privacy and Personal Information Protection Amendment Bill

The Privacy and Personal Information Protection Amendment Bill 2021 was released for public consultation on 7 May 2021. The draft exposure bill proposes to:

- establish a MNDB Scheme to require public sector agencies bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of data breaches of personal or health information, which are likely to result in serious harm, and
- applies the PPIP Act to all SOCs that are not regulated by the *Commonwealth Privacy Act 1988*.

The Commissioners made a joint submission to the public consultation on the draft exposure bill on 25 June 2021.

### Digital Restart Fund Act section 10

Before approving the payment of money under section 9(a) of the DRF Act, the Minister must obtain and have regard to advice from the Information Commissioner and the Privacy Commissioner as to the effect, if any, that the project may have on -

- a) access to government information under the *Government Information (Public Access) Act 2009*, and
- b) the protection of personal information under the *Privacy and Personal Information Protection Act 1998* or health information under the *Health Records and Information Privacy Act 2002*.

# Governance and legislative responsibilities

## Objectives of our legislation

The GIPA Act establishes an open approach to gaining access to government information. NSW government agencies, including SOCs, NSW Government Ministers, local councils and universities are covered by the GIPA Act. The object of the GIPA Act is to maintain and advance a system of responsible and representative democratic government that is open, accountable, fair and effective, by:

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

The intent of Parliament to create a 'one-stop-shop' is supported by the legislation which provides a legal framework in which access to information and protection of privacy can be appropriately balanced.

The GIPA Act confirms that information sharing must commence from the position of granting access to information. However, this commitment to sharing information must also balance factors including the protection of personal information. Practical mechanisms to promote information sharing and protect personal information are also provided under the GIPA Act. The PPIP Act contains provisions to confirm that the PPIP Act does not lessen the operation of the GIPA Act, which provides the vehicle for release of government held information of a personal and non-personal nature.

Under the GIPA Act, the Information Commissioner must complete her review of agency decisions within 40 days of receipt of all information. To ensure equity of service delivery this timeframe is also applied, by convention, to the conduct of privacy reviews by the Privacy Commissioner.

The GILC Act establishes the role of the Information Commissioner and provides the legislative framework through which the Information Commissioner and IPC staff as delegates, exercise functions in relation to the investigation of complaints and the conduct of enquiries.

The PPIP Act establishes the role of the Privacy Commissioner and gives effect to Parliament's intention that privacy and information access are separate and discrete functions. It also gives legal recognition to the public interest in the protection of privacy – the right of individuals to exercise control over the availability and use of personal information about them. The PPIP Act protects privacy by regulating the way NSW public sector agencies (including local councils and universities) deal with personal information. The key to the PPIP Act is the 12 IPPs.

The HRIP Act protects the privacy of people's health information in NSW. It covers information created and collected by hospitals and other health service providers. It also covers other public and private organisations that hold health information. The HRIP Act contains 15 Health Privacy Principles (HPPs).

## Our strategic objectives

In December 2019, the IPC finalised its 2020-2022 Strategic and Regulatory Plans. The Strategic Plan is structured around four pillars of:

- Service Delivery & Excellence
- Engagement & Influence
- Rights Promotion & Impact
- Operational Excellence.

All of the IPC's strategic initiatives are aligned to one of the four identified pillars.

The IPC's Regulatory Plan 2020-2022 is guided by a risk-based and intelligence-informed approach to regulation and aligned to its regulatory objectives to:

- guide safe and effective information sharing by agencies and build public awareness and understanding
- protect information access and privacy rights of the citizens of NSW
- report on and foster agency compliance with information access and privacy obligations.

Further information about the Plan, including its development can be found on page 23 and 54.

## Ten year anniversary of the IPC

In 2021, the IPC celebrates its 10 year anniversary since commencing operations on 1 January 2011. The IPC was established by the NSW Parliament as a single oversight body, incorporating the Office of the Information Commissioner (OIC) and the Office of the Privacy Commissioner (formerly Privacy NSW).

As a part of its regulatory function, the IPC has contributed to upholding and promoting information access and privacy rights in NSW over the last decade. This is demonstrated by its achievements, including:

1. Promoting public awareness and understanding of information access and privacy rights by:
  - conducting 8 Right to Know Week NSW campaigns and 10 Privacy Awareness Week NSW campaigns
  - commissioning and publishing seminal research on information access, privacy, data sharing and open data
  - releasing 17 privacy resources for NSW citizens
  - releasing 30 information access resources for NSW citizens

## Governance and legislative responsibilities

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2. Providing information, advice and assistance to the public and agencies by:
  - receiving and assessing 10,309 reviews and complaints
  - launching the IPC's e-learning portal in 2015 to provide training for NSW public sector agency staff for information access legislation
  - enhancing the application and case management process to achieve benchmark standards of timeliness and quality
  - implementing a Customer Service Charter
  - publishing a *Charter for Public Participation* to ensure agencies engage effectively with citizens
  - launching the IPC's Client Satisfaction Survey in 2017
  - expanding the Agency Advice Satisfaction Survey in 2020
  - developing the Information Governance Agency Self-assessment Tools in 2019
  - delivering the Privacy Governance Framework, a dynamic online privacy tool designed for "whole of organisation" engagement with the management of personal and health information
  - providing advice to agencies for a range of projects in accordance with the DRF Act
3. Issuing guidelines and other publications about the exercise of functions under access to information and privacy legislation through the publication of:
  - 2 Privacy Commissioner guidelines
  - 5 Privacy Commissioner health guidelines
  - 9 Information Commissioner guidelines
4. Monitoring, auditing and reporting on the exercise of functions under legislation by:
  - reporting on the operation of the PPIP Act under section 61B from 2010 to date
  - reporting on the operation of the GIPA Act across all sectors from 2010 to date
  - delivering an online IPC GIPA Tool in 2015 for agencies to manage applications and submit their annual GIPA reports to the IPC (as of January 2021, 288 agencies have been using the GIPA Tool)
  - embedding a targeted risk-based program to proactively elevate compliance and publishing 18 public reports
  - implementing assessment systems and capabilities to ensure that submissions from the Privacy Commissioner on a range of cases before the NCAT are instructive and authoritative.

In 2021, the IPC also completed 10 years of reporting annually on the operation of the GIPA Act. In 2009, the introduction of the GIPA Act was intended to ensure that members of the public have access to the widest possible range of information to give them confidence in government decision-making. More information on the *Report on the operation of the Government Information (Public Access) Act 2009: 2019/20* can be found on page 52.

# IPC Strategic Plan 2020-2022 – Summary<sup>7</sup>

 <b>IPC Strategic Plan 2020 – 2022</b> <i>The IPC contributes to social and economic wellbeing in NSW by leading and advancing effective information access and privacy rights.</i>			
 <b>Pillar 1: Service Delivery &amp; Excellence</b> <i>What are we doing to improve services to the community</i>	 <b>Pillar 2: Engagement &amp; Influence</b> <i>What are we doing to directly influence regulated agencies and engage with the public</i>	 <b>Pillar 3: Rights Promotion &amp; Impact</b> <i>What are we doing to anticipate and address emerging regulatory issues</i>	 <b>Pillar 4: Operational Excellence</b> <i>what are we doing to support an effective, efficient one-IPC</i>
<u><b>Objective</b></u>  Deliver quality, timely and effective services to promote regulatory objectives and compliance, enabled by effective and accessible resources supported by well managed and efficient systems and processes.	<u><b>Objective</b></u>  Influence agencies and citizens through strategic engagement to promote information access and privacy rights, identify risks and authoritatively promote compliance to achieve regulatory goals.	<u><b>Objective</b></u>  Continually improve citizen and agency understanding of their information access and privacy rights and obligations now and into the future through provision of timely, accurate, informative and innovative guidance, advice, intelligence and tools.	<u><b>Objective</b></u>  Deliver respected, quality and comprehensive services with professionalism, supported by expert operational capability and sound good governance.
<b>Our Values</b> Accountable • Service Focused • Proactive • Independent • Integrity • Trust			

<sup>7</sup> This plan details the overall objective of each pillar which has been taken from the extended Strategic Plan. It is complemented by organisational and team initiatives to fulfill the strategic objectives of the plan. For further details see page 25. To view these initiatives under the plan, visit the IPC website: <https://www.ipc.nsw.gov.au/media/2620>

## Reporting against our strategic objectives – Summary

IPC	Reviews & Complaints	2020/21	2019/20	2018/19
	Received	897	815	710
	Closed	850	814	750

GIPA	Reviews & Complaints	2020/21	2019/20	2018/19
	Received	538	465	414
	Closed	497	464	438

Privacy	Reviews & Complaints	2020/21	2019/20	2018/19
	Received	359	350	296
	Closed	353	350	312

Enquiries received by type		2020/21	2019/20	2018/19
	Phone	2242	1927	1924
	In writing and in person*	1165	855	709

Advices	2020/21	2019/20	2018/19	
	GIPA (closed)	285	340	237
	Privacy (closed)	284	235	200

DRF Advices***	2020/21
	Information access and privacy advices

Submissions	2020/21	2019/20	2018/19	
	GIPA	6**	9	8
	Privacy	9**	9	6

Research (includes surveys)	2020/21	2019/20	2018/19	
	GIPA	1	1	1
	Privacy	0	1	0

Committees	2020/21	2019/20	2017/18	
	GIPA	5	4	5
	Privacy	4	3	4

Publications	2020/21	2019/20	2018/19	
	GIPA	13	11	16
	Privacy	11	7	10

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

\*\*This is made up of seven joint submissions.

\*\*\*Information access and privacy advices provided

# Reporting against our strategic and regulatory objectives

## Pillar 1: Service Delivery & Excellence

Year 1	Finalised	On-track	Issues	Yet to commence
S111. Conduct a survey to inform development of principles to guide the exercise of advice and assistance under section 16 of the GIPA Act (LCRA).	●			
S111. Conduct post-implementation review of the IPC website.	●			
S111. In consultation with other teams finalise and publish IPC Regulatory Plan, consistent with the Strategic Plan.	●			
S111. Review & update in accordance with recommendations all case management policies, procedures, & templates to support timely delivery of service standards.	●			
S112. Collaborate with the Investigation and Review (I&R) Team in developing guidance regarding fees and charges (LCRA).			●	
S112. Examine opportunities to improve the accessibility & reach of the website including: a readability checker, search engine optimization, and URL aliases		●		
S112. Informed by report review quality assurance processes in the I&R Team.	●			
S112. Introduce a self-assessment skills and training needs survey with new starters and arrange appropriate training as needed, in consultation with other teams.	●			
S211. Conduct a review of feedback and survey results to improve communication, processes and decision-making.	●			
S211. Develop new script for phone and call waiting to highlight IPC jurisdiction and encourage direct contact with agencies.	●			
S211. Review induction process re contents of Kit, timetable for first week and paced training schedule.	●			
S311. Develop a Fact Sheet about the IPC's functions and role in consultations on privacy projects and governance.	●			
S311. Finalise IPC GIPA corporate manual.	●			
S311. Include examination and recommendations in each campaign budget to 'boost' social content.	●			
S312. Develop an IPC privacy manual.	●			
S312. Develop guidance to assist agencies in assessing the impact of digital projects and service delivery on rights incorporating a review of the IPC's Privacy Impact Assessment guidance and collaborate with I&R (LCRA).	●			
S313. Develop a Fact Sheet on Privacy by Design.	●			
S313. Establish IPC cyber security incident response plan relevant to impacted agencies.			●	
S411. Update Business Continuity Plan to reflect transition to Customer Service cluster.			●	
Year 2	Finalised	On-track	Issues	Yet to commence
S113. Investigate using automated email responses to generic IPC email boxes to support better communication with clients and better regulatory outcomes.			●	
S113. Review and Update the Voluntary Data Breach process, procedures and guidance and impact for any business systems changes.				●
S113. Improve digital and social media capability of Communications team.		●		
S211. Collaborate with the I&R Team to review the Information Governance Self-assessment Tools (LCRA).	●			
S212. Collaborate with Legal Counsel and Regulatory Advice (LCRA) Team on the survey of advice/ assistance (CCA).	●			
S312. Roll-out use of 'boost' for social content.		●		
S313. Prepare options paper on creating a Facebook page for the IPC linking to the IPC website to drive visitation.	●			
S314. Review the privacy governance framework.		●		
S315. Develop a Fact Sheet about privacy offences.		●		

# Reporting against our strategic and regulatory objectives

## Pillar 2: Engagement & Influence

Year 1	Finalised	On-track	Issues	Yet to commence
S111. Develop a Fact Sheet on privacy and open access with a particular focus on councils.		●		
S111. Establish and maintain a register of key contacts and functional units under the Service Level Agreement.	●			
S111. Undertake identified proactive audits to elevate and influence compliance including within the Local Council Sector and other Announced Audits.	●			
S111. Investigate and, if feasible implement, new learning channels: webinars, podcasts, targeted training e.g. OLG.	●			
S112. Develop a Proactive Audit Manual.	●			
S112. Develop and regularise relationships with recognised external experts in finance, IT and HR.	●			
S112. Develop Information Commissioner guidance regarding copyright and the GIPA Act.	●			
S112. Develop with LCRA two content pieces to communicate to agencies re. major digital projects (CCA).	●			
S113. Develop a legislative proposal for a processing charge discount for Out-of-Home Care applicants.	●			
S211. Develop criteria to identify novel and evolving issues for reports to be published.	●			
S211. Incorporate and implement key service relationships, roles and responsibilities under the MOU with DCS and maintain currency of external contacts and functional units.			●	
S211. Update the Fact Sheet on authorised proactive release.	●			
S211. Develop 4 relevant case studies to include in Commissioner presentations and/or community-oriented engagement.	●			
S212. Develop a Fact Sheet on the IPC's role in NCAT.	●			
S311. Collaborate with LCRA to review the Information Governance Self-assessment Tools and work with Systems and Corporate Services (S&CS) in respect of utilisation and agency performance monitoring (I&R).	●			
S311. Update Strategic Engagement Plan to support Strategic Initiatives delivered by the Commissioners and identify and target sub-groups within agencies.	●			
S312. Develop a Fact Sheet for the Fines Administration Act Breach Notification and Processes, including any business systems changes required.	●			
S313. Contribute to review of Agency fees and charges and lead the development of guidance in collaboration with LCRA (I&R).			●	
Year 2	Finalised	On-track	Issues	Yet to commence
S113. Review and develop privacy resource for citizens on accessing the correct rights pathways highlighting the differences between internal review and complaints.	●			
S113. Create infographics and video clips on specific topics.		●		
S114. Develop a Fact Sheet on access to information about public officials under the GIPA Act.			●	
S211. Review MOU with DCS.				●
S212. Review feedback and content of Executive attendance of agency-specific fora in conjunction and make recommendations to enhance.		●		
S213. Develop a Fact Sheet about section 121 GIPA Act/AI/Contracts/service to public by private entities.		●		
S214. Conduct research or a survey about opening government.		●		
S312. Develop framework to identify important themes that will inform roadshows to select areas and other activities, with input from LCRA and the I&R Team as relevant (CCA).		●		
S314. Develop resources for the exercise of functions of Ministers and Ministerial Offices under the IPC's legislation.			●	

# Reporting against our strategic and regulatory objectives

## Pillar 3: Rights Promotion & Impact

Year 1	Finalised	On-track	Issues	Yet to commence
S111. Develop a checklist for care leavers.	●			
S111. Develop and maintain a register to capture administrative solutions.	●			
S111. Undertake an annual intelligence assessment/research of the trends in types of information requested to inform understanding of the regulatory environment and risks.	●			
S111. Develop brief key messages on the IPC and Commissioners' regulatory stance.	●			
S112. Develop a citizen Fact Sheet on State-Owned Corporations for both Information Access and Privacy.	●			
S112. Develop a Fact Sheet on the rights of deceased people in respect of Information Access and Privacy.		●		
S112. Develop two public position pieces on relevant regulatory issues.	●			
S113. Develop a private sector person jurisdiction questionnaire for HRIP.	●			
S211. Conduct a privacy awareness survey.	●			
S211. Review operations and support for the Resolve Steering Committee to support timely delivery of key change projects.			●	
S211. Co-ordinate and lead publications review.	●			
S212. Assess utilisation of the Information Governance Agency Self-assessment Tools to support review by I&R and LCRA (S&CS).	●			
S311. Capture and report data from regulatory activities regarding digital service delivery.	●			
S312. Collaborate with State Records to deliver a Fact Sheet on record keeping, including digital records.	●			
Year 2	Finalised	On-track	Issues	Yet to commence
S113. Develop a Fact Sheet to assist people with reduced decision-making capacity to make an application under the GIPA Act.		●		
S211. Develop a Fact Sheet on the application of Information Access and Privacy legislation on the use of new forms of digital communications such as WhatsApp, Facebook, Google Messenger.			●	
S212. Collaborate with LCRA in the development of guidance for agencies on new technologies like AI, machine learning in the IA & privacy context (I&R).				●
S213. Review GIPA Tool.			●	
S213. Review and update the IPC's Fact Sheet on privacy and people with reduced decision-making capacity.		●		
S214. Undertake identified enhancements of the GIPA tool to support rights promotion.			●	

# Reporting against our strategic and regulatory objectives

## Pillar 4: Operational Excellence

Year 1	Finalised	On-track	Issues	Yet to commence
S111. S&CS regularly engages with other teams by meeting attendance, administrative communication and feedback to understand needs & issues.	●			
S111. Contribute to the work led by the Communications and Corporate Affairs (CCA) Team to maintain the currency of the IPC's external guidance and resources and corporate documents and in-house guidance (LCRA).		●		
S111. Develop a framework/mechanism to better enable visibility and information sharing across the team for case management including timeliness and quality.	●			
S111. Review PMES results and other sources to inform advice and support to increase staff engagement within IPC.	●			
S112. Develop financial delegations and deliver an internal workshop about the delegations.	●			
S112. Provide timely & relevant advice regarding significant issues affecting IPC operations (e.g. weekly corp. update).	●			
S112. Deliver a 'staff owned' staff engagement plan which links to the People and Culture plan.	●			
S113. Develop a framework & conduct post implementation review of the new I&R structure (S&CS).	●			
S114. Implement MOG changes & provide training, support & resource new or changed functionality (2019-20 priority).	●			
S211. Develop a law and policy update program to be delivered by LCRA at IPC Staff Meetings and deliver workshops about key issues or projects, as required.	●			
S211. Implement an IPC People and Culture Strategy including team specific and whole of IPC training program, induction, staff engagement and WHS.	●			
S211. Review staff capabilities relating to digital literacy and identify development opportunities for ongoing learning.	●			
S211. Provide an IPC framework content guide addressing different format requirements and content.	●			
S212. Define the publication input and approval process.	●			
S213. Develop a framework to review impact of publications e.g. audience, reach.	●			
S311. Implement improved record keeping through development of naming conventions to be applied across file documents in Resolve.	●			
S311. Review Dashboard/KPIs to include all key IPC functions & enhance Resolve.	●			
S312. Assess IPC internal governance framework against Audit Office guidance and make recommendations to enhance.	●			
S312. Review and update procedures manual for Intake and Enquiries Staff (currently located within broader team policy and procedures).	●			
S313. Review and update I&R Team and Complaints Handling Policy and procedures.	●			

# Reporting against our strategic and regulatory objectives

## Pillar 4: Operational Excellence

Year 2	Finalised	On-track	Issues	Yet to commence
S1I2. Collaborate with S&CS in the identification of continuous improvement to Resolve which reflects the required improvements to case management including optimising the use of Resolve to assist us with core activities and record keeping (I&R).	●			
S1I3. Contribute to the post implementation review of the I&R Team Structure led by S&CS (I&R).	●			
S1I3. Investigate and collaborate with S&CS in the development of customised enhancements to Resolve to capture Cabinet Submission data, with reporting capability and better capture LCRA case management requirements (LCRA).		●		
S1I3. Review options and provide recommendations to keep staff informed of IPC news (e.g. IPC intranet page).	●			
S1I4. Develop a program including target dates to deliver regular comms addressing lower-ranked results in the PMES, e.g. staff bulletin, presentation to staff meeting.	●			
S1I5. Work with CCA to investigate need for a central repository of IPC's corporate documents (e.g. intranet) (S&CS).	●			
S2I2. Review and update the recognition and reward process.		●		
S2I4. Conduct review of impact of identified publications e.g. new statutory guidance or fact sheets and establish base lines for evaluations.			●	
S3I3. Review records retention/disposal authority to minimise hard copy use.		●		
S3I4. Transition to paperless case management.	●			

## Additional Regulatory Priorities

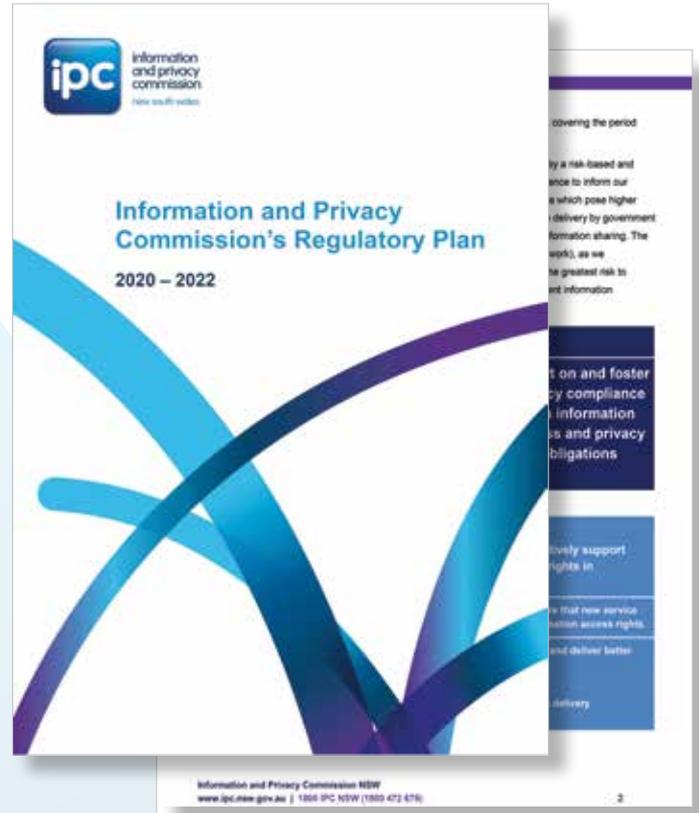
	Finalised	On-track	Issues	Yet to commence
RP1. Provide recommendations to the Ministers regarding fees & charges under GIPA.	●			
RP3. Make recommendations for administrative/legislative change to promote and uphold privacy rights, including with respect to managing data breaches and open data.	●			
RP4. Promote improved access to information at the lowest reasonable cost through digital solutions that impact processing and other charges.				●
RP4. Examine the operation of the GIPA Act in the context of digital government; increased outsourcing and partnership arrangements and new administrative models for service delivery.	●			
RP4. Provide advice and assistance to entities undertaking government business regarding government's obligations under the GIPA Act.	●			
RP4. Engage with agencies to identify risks and provide guidance to promote and preserve information access rights.	●			

# Report on regulatory achievements

The IPC's Regulatory Plan 2020-2022 contains a total of 33 identified regulatory priorities. The plan commenced in January 2020. At the end of the reporting period, 63.6% of all regulatory initiatives were finalised. Ten initiatives were finalised during 2020/21. This is a significant achievement for the IPC despite the continued disruption in the usual operating environment as a result of the ongoing impact of COVID-19. Regulatory initiatives that were finalised in the reporting period are listed below:

- Review utilisation of the Information Governance Agency Self-assessment Tools
- Capture and report data from regulatory activities regarding digital service delivery
- Develop relevant statements of IPC and Commissioners' regulatory stance and public position pieces on relevant regulatory issues
- Engage with agencies to identify risks and provide guidance to promote and preserve information access rights
- Make recommendations for administrative/legislative change to promote and uphold privacy rights, including with respect to managing data breaches and open data
- Provide advice and assistance to entities undertaking government business regarding government's obligations under the GIPA Act
- Review and develop privacy resources for citizens accessing the correct rights pathways highlighting the differences between internal review and complaints
- Undertake an annual intelligence assessment/research of the trends in types of information requested to inform understanding of the regulatory environment and risks
- Undertake identified proactive audits to elevate and influence compliance including within the Local Council sector and other Announced Audits
- Update the Fact Sheet on authorised proactive release of government information.

## The IPC's Regulatory Plan 2020-2022





## **Pillar 1: Service Delivery & Excellence**



# Pillar 1: Service Delivery & Excellence

## What are we doing to improve services to the community?

### Objective

Deliver quality, timely and effective services to promote regulatory objectives and compliance, enabled by effective and accessible resources supported by well managed and efficient systems and processes.

### The IPC met the objectives of this pillar by:

- including examination and recommendations in each campaign budget to 'boost' social content
- undertaking a survey to inform development of principles to guide the exercise of advice and assistance under section 16 of the GIPA Act
- reviewing the induction process re contents of kit, timetable for first week and paced training schedule
- introducing a self-assessment skills and training needs survey with new starters and arrange appropriate training as needed, in consultation with other teams
- developing an IPC privacy manual
- reviewing the Information Governance Self-assessment Tools.

## Information access

### Advice to agencies

The IPC provides information to agencies to assist with compliance, their decision-making and to support public access to information. With the increasing application of digital technologies across government, agencies sought advice about the application of information access and privacy legislation to the implementation of those new technologies both within government and in the provision of services to the citizens of NSW.

### GIPA advices to agencies

During the year agencies sought advice on many aspects of information access under the GIPA Act including:

- handling formal applications
- proposed amendments to legislation and regulations
- applying GIPA legislation to digital technology
- preparing Agency Information Guides (AIGs)
- reporting data on agency operations to the IPC
- managing disclosure requirements such as contract registers
- meeting open access requirements including through publication of information on websites as open access data.

### GIPA advice by sector for 2020/21

Stream and sector	2020/21	2019/20	2018/19
Total GIPA	285	340	237
State Government	156	111	95
Local Government	97	192	109
University	9	7	4
Minister	1	0	1
State-Owned Corporation	3	3	4
Other	19	27	24

\* Note: the above advices are exclusive of IPC corporate advice.

### Information access complaints

A complaint may be made to the Information Commissioner under the GIIC Act about the action or inaction of an agency in the exercise of their functions under the GIPA Act. Matters which may be the subject of a review under section 80 of the GIPA Act cannot be the subject of a complaint under the GIIC Act, even if the person may be out of time to apply for a review of a decision. Where this occurs, the Information Commissioner may decline to deal with the complaint or may provide information to assist the complainant in understanding of the application of the legislation.

# Pillar 1: Service Delivery & Excellence

In 2020/21, the IPC received 115 information access complaints. This represents a significant increase of 62% in the number received compared to the previous year. This represents the highest number of complaints received by the IPC in a reporting period. Trends and systemic issues identified in complaints are used to inform the Information Commissioner's risk-based proactive regulatory initiatives such as compliance audits. The systematic compliance with the open access requirements for disclosure of interests in the Local Government sector identified in complaints informed the Information Commissioner's compliance audit that was nearing completion at the time of reporting.

During 2020/21, 76% of complaints were finalised within 90 days compared to 59% in the previous reporting year. This represents an improvement in the overall timeliness and accompanied by a decrease in the average number of days to finalise a complaint. The average number of days to finalise a complaint has decreased from 81 days in 2019/20 to 62 average days in 2020/21. At the conclusion of the reporting period only six complaints received remained open. The improvement reflects efforts by the IPC in continuing to review and refine its complaints approach to improve the timeliness for finalisation and completion of a complaint.

Similar to previous years, of the 109 complaints finalised, the majority were focused in the State and Local Government sectors.

The majority of complaints lodged related to:

- decision-making processes
- decision-making timeframes – either, not making a decision within the statutory timeframe, or information not provided
- open access information not being made available.

## Reviews of agency information access decisions

During the reporting period, the IPC continued to build upon the systems and processes in place for the exercise of the external review functions. Since November 2018, the Information Commissioner has been required to complete her external review within 40 working days of when the Information Commissioner has determined that she has all the information necessary to complete the review.

In 2020/21, the Information Commissioner finalised 100% of all reviews received within the statutory requirements. The Information Commissioner received 423 applications for external review, representing a 7% increase compared with the previous reporting period. Despite the increase the number of external reviews closed was comparable to last year.

The top 10 considerations in reviews that were finalised are listed in the table below.

## Closed: Information access complaints and reviews by sector for 2020/21

Sector	Complaints	Reviews
Government	51	246
Council	40	90
University	4	22
Minister	7	21
State-Owned Corporation	2	5
Other*	5	4

\* Includes sectors which by particular operation of legislation are designated to comply with the GIPA Act e.g. independent schools for the purpose of working with children investigations.

## GIPA external reviews for 2020/21

Top 10 Public Interest Considerations applied by agencies	Number
s14T(3)(a) personal information	117
Information Not Held/Searches	102
s14T(1)(f) effective exercise agency function	81
s14T(3)(b) IPP/HPP	80
s14T(1)(d) supply of confidential information/ agency function	59
s14T(4)(d) business/professional interests	45
s14T(1)(e) deliberative process of government	42
s14T(1)(g) breach of confidence	38
s14T(1)(h) audit/test/investigation/review	24
Sch1(5) Legal professional privilege	22
<b>Grand total for all issues</b>	<b>610</b>

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

# Pillar 1: Service Delivery & Excellence

## Information Commissioner audits

During 2020/21, the IPC has continued its proactive audit compliance program and proactively published its proactive calendar of upcoming audit activity. The audit process is intended to maximise the effectiveness of a proactive approach to elevating compliance across the regulated sectors. The identification of audits is informed by risk/impact and intelligence assessments. The process uses a mix of quantitative and qualitative data metrics, risk/impact assessments, and consideration of environmental/contextual factors for selection of targeted audits and informing the scope of the audit.

In the 2020/21 reporting period, the Information Commissioner finalised six audits into agency compliance with the GIPA Act. Six compliance reports were issued:

- NSW Police Force GIPA Compliance Audit – August 2020
- Clarence Valley Council Compliance Report – September 2020
- Greyhound Racing NSW Compliance Report – September 2020
- icare Phase 1 Compliance Report – October 2020
- Transport for NSW Compliance Audit Report – January 2021
- icare Phase 2 Compliance Report – May 2021.

The external environment and unique circumstances presented by COVID-19 necessitated some changes to the timing and approach for the conduct of the audits identified. This affected the NSW Police Follow Up Audit, which was required to be undertaken in two phases in consideration of the public health orders in place at the relevant time.

In the main, the audits have been conducted as desktop audits. A desktop audit may also form the basis of a preliminary assessment for future compliance activity. A desktop audit is distinguishable from an onsite audit which can adopt a more direct inquisitorial approach. In general, the IPC conducts desktop audits to elevate compliance by way of guidance, awareness raising and in some cases recommendations to an agency. However, poor results or lack of cooperation by an agency may result in further and escalated compliance action.

While the scope of the audits may vary, depending on the risk/impact and intelligence assessments that have informed the audit, the methodology applied is generally consistent and includes:

- assessment of overall GIPA compliance using publicly available annual reports and other publicly available data
- IPC Compliance Data
- agency GIPA Dashboard
- onsite audit of random sample selection of GIPA files against legislation
- review of policies, procedures and processes.

Following the completion of an audit the IPC continues to engage with the agency to monitor implementation of any recommendations made arising from the audit.

The audit reports are publicly available on the IPC website.

## GIPA case activities and performance for 2020/21

Case type	Number received	Number closed	Number open at 30 June 2021	Average days to finalise 2020/21	Average days to finalise 2019/20	% Complete within target 2020/21
Advices	288	285	3	16	10	69%
Audits (combined)	23	19	4	157	103	75%
<b>Audit-AIG</b>	<b>18</b>	<b>12</b>	<b>2</b>	<b>N/A</b>	<b>0</b>	<b>75%</b>
<b>Audit-other*</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>157</b>	<b>103</b>	<b>N/A</b>
Complaints	115	109	6	62	81	76%
Reviews	423	388	60	67	73	100%
Enquiries	1562	1568	0	2	2	75%
Own motion	0	0	0	N/A	0	N/A

\* Includes general compliance audits in accordance with section 17(g) of the GIPA Act. These audits are not subject to a target time frame.

# Pillar 1: Service Delivery & Excellence

## NCAT Activities

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

The Information Commissioner has the right to appear and be heard in NCAT proceedings in the role of *amicus curiae* (“friend” of the Tribunal). The Commissioner’s representatives can appear in proceedings to assist the Tribunal with interpretation of the relevant legislation and issues of law. IPC officers cannot assist the parties to the litigation.

During the reporting period, the Information Commissioner was represented in NCAT (and NCAT Appeal Panel) proceedings, including in matters that progressed to hearing. The Information Commissioner made 18 written submissions during the reporting period, including in the following matters:

- *Marist Brothers St Joseph’s College v Transport for NSW* [2020] NSWCATAD 288
- *Fraser v SafeWork NSW (No 2)* [2021] NSWCATAD 79
- *McEwan v Port Stephens Council* [2021] NSWCATAD 110
- *Shanton v Department of Planning, Industry and Environment* [2021] NSWCATAD 89
- *Ugur v Commissioner of Police* [2020] NSWCATAD 293
- *Zonneville v Department of Customer Service; Zonneville v Secretary, Department of Education* [2021] NSWCATAD 35
- *Norkin v University of New England* [2021] NSWCATAD 90
- *Miriani v Secretary Department of Communities and Justice* [2021] NSWCATAD 40
- *Flaherty v Upper Hunter Shire Council* [2021] NSWCATAD 178
- *Tallawoladah Pty Ltd v Department of Planning, Industry and Environment* [2021] NSWCATAD 248.

Case summaries of significant decisions of interest have been published on the IPC website.

## GIPA NCAT activities for 2020/21

	No. files opened 2020/21	No. files closed 2020/21
GIPA	164	162

## COVID-19 information access matters

Matters concerning COVID-19 continued during 2020/21. There was a significant increase in information access matters concerning COVID-19 compared with last year with 28 received in total, inclusive of nine information access reviews, 17 enquiries, one audit and one complaint.

# Pillar 1: Service Delivery & Excellence

## Privacy

### Advice to agencies

The IPC provides information to agencies to assist with their compliance, their decision-making, and to support agencies in the protection of personal information.

### Privacy advices to agencies

During the year topics included:

- application of privacy to the introduction of new digital services
- the introduction of the Service NSW check-in app and QR codes
- the collection, use and disclosure of information including personal and health information
- proposed amendments to legislation and regulations
- handling of privacy breaches
- use of data collection techniques
- conduct of privacy impact assessments
- public interest directions.

### Privacy advice by sector for 2020/21

Stream and sector	2020/21	2019/20	2018/19
<b>Total Privacy</b>	284	235	200
<b>State Government</b>	213	156	129
<b>Local Government</b>	31	43	26
<b>University</b>	5	4	6
<b>Minister</b>	2	1	1
<b>State-Owned Corporation</b>	1	2	1
<b>Other*</b>	32	29	37

\* Note: the above advices are exclusive of IPC corporate advice.

### Privacy complaints

In the 2020/21 reporting period, 93 complaints were received compared to the previous year of 112.

During 2020/21, 82% of complaints were finalised within 90 days compared to 79% the previous reporting year. The average days to completion increased slightly to 66 from 63 the previous year, with 12 complaints open at the end of the reporting period.

Although there was a decrease in the number of complaints received, the overall increased processing time has occurred as a result of increased case complexity specifically relating to private health providers. These cases will often result in the issuance of a report under the HRIP Act that requires the IPC to ensure procedural fairness to all parties.

The complaints finalised by the Privacy Commissioner overwhelmingly relate to:

- access or refusal of access to health information – examples include individuals seeking access to their personal health information or in seeking to transfer their health information to another health provider
- excessive collection of personal/health information
- disclosure of personal/health information.

The majority of complaints received were about private health service providers and individual health practitioners where there is dual jurisdiction with the Commonwealth regulator. Some of the complaints being lodged are by legal representatives who are seeking information in potential litigation matters. Complaints relating to public sector agencies about personal information under the PPIP Act are generally dealt with as an internal review.

### Submissions on internal agency privacy reviews

The Privacy Commissioner exercises her oversight function under section 54 of the PPIP Act, following application for an internal review by an individual to an agency. In practice, the IPC receives a report from the agency that outlines the issues, its investigation of the complaint and the findings and proposed recommendations. The IPC is notified of the application outcomes from the agency and undertakes an assessment. Under section 54(2) of the PPIP Act, the Privacy Commissioner may make submissions for consideration by the agency if warranted.

There was a 12% increase in the 2020/21 reporting period in the number of privacy reviews received. This is in addition to the 2019/20 increase of 36% of the number of privacy reviews received and represents a third year of consistent increase in the number of applications received. Averaged over the last three years, this reflects an average of 22% per annum since the 2018/19 reporting period.

The top 10 issues/privacy principles raised in privacy reviews are listed in the table on the next page.

# Pillar 1: Service Delivery & Excellence

During 2020/21, 100% of all reviews were finalised within the target date of 40 working days. Although there is no statutory timeframe for completion of privacy reviews by the Privacy Commissioner, in the reporting period the Privacy Commissioner continued to apply a timeframe for completion of within 40 days. This is consistent with the requirements for information access ensuring a consistent and single point of service delivery standard across both information access and privacy. The number of average days for completing a privacy review reduced by 3 days, compared with the previous reporting period. This meant the average number of days for a privacy review to be open fell from 57 days to 54 days from the time of notification from the agency to the time of closure. The exercise of the oversight function is dependent on the receipt from the agency of its findings. The IPC has in place measures to monitor and follow up receipt of finalised reports from agencies.

## Closed: Privacy complaints and reviews by sector for 2020/21

Sector	Complaints	Reviews
Government	31	219
Council	7	32
University	1	18
Minister	0	0
State-Owned Corporation	0	0
Other*	45	0

\* Includes complaints about access to health information by private providers under section 26 of the HRIP Act.

## Privacy Management Plans

Under Part 3 Division 2 of the PPIP Act, public sector agencies are required to prepare and implement a Privacy Management Plan (PMP) and provide a copy to the Privacy Commissioner. The Plan is an integral part of public sector agencies' governance frameworks as it documents how privacy obligations are integrated into the functions and activities of the agency. A PMP sets out the agency's policies and procedures for complying with privacy and the principles contained in NSW privacy legislation. Plans are publicly available and assist staff in their day-to-day handling of personal and health information and are to be available to clients who wish to understand how their privacy is protected and managed by public sector organisations.

## Privacy reviews for 2020/21

Top 10 Issues/Privacy Principle	Number
IPP 11 Limits on disclosure of personal information	112
IPP 5 Retention and security of personal information	92
IPP 10 Limits on use of personal information	71
IPP 1 Collection of personal information for lawful purposes	30
HPP 5 Retention and Security	28
HPP 10 Limits on use of health information	26
HPP 11 Limits on disclosure of health information	25
IPP 9 Agency must check accuracy of personal information before use	17
IPP 7 Access to personal information held by agencies	16
IPP 4 Other requirements relating to collection of personal information	14
<b>Grand total of all issues</b>	<b>431</b>

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

In the reporting year, the Privacy Commissioner received a total of 17 PMPs for consideration. These are reviewed against the checklists and feedback provided to agencies as required. As at 30 June 2021, 15 had been reviewed and feedback provided to the relevant agency. The average days to review a plan in the reporting period was 22 days. This represents a decrease in the number of days taken to review a plan from the previous year's 31 days. The Privacy Commissioner intends to undertake a proactive regulatory initiative in 2021/22 of a preliminary desktop review of a selection of regulated entities to measure the existence and currency of PMPs.

# Pillar 1: Service Delivery & Excellence

## Privacy voluntary breach notifications

Under the PPIP and HRIP Acts, agencies have obligations to take reasonable steps to protect the personal and health information they hold. A data breach occurs when a failure has caused, or has the potential to cause, a loss of the protection of personal or health information. Although malware, hacking and data theft are examples of data breaches, simple human or technical errors rather than malicious intent, are often the cause of breaches. In the last reporting year there was an increase in the number and complexity of data breaches reported that were cyber related. A number of these incidences were also widely reported in the media.

While not required by law, the Privacy Commissioner encourages agencies to make voluntary notifications of data breaches to her. During the reporting year 2020/21, the Privacy Commissioner received a total of 221 breach notifications, which represents an increase of 179% over the previous year. This represents the second consecutive year of increases in the number of voluntary notifications made to the Privacy Commissioner. Of the data breach notifications received the majority came from the government sector. The increase reflects the reporting requirements under section 117 of the *Fines Amendment Act* for notifications to the Privacy Commissioner.

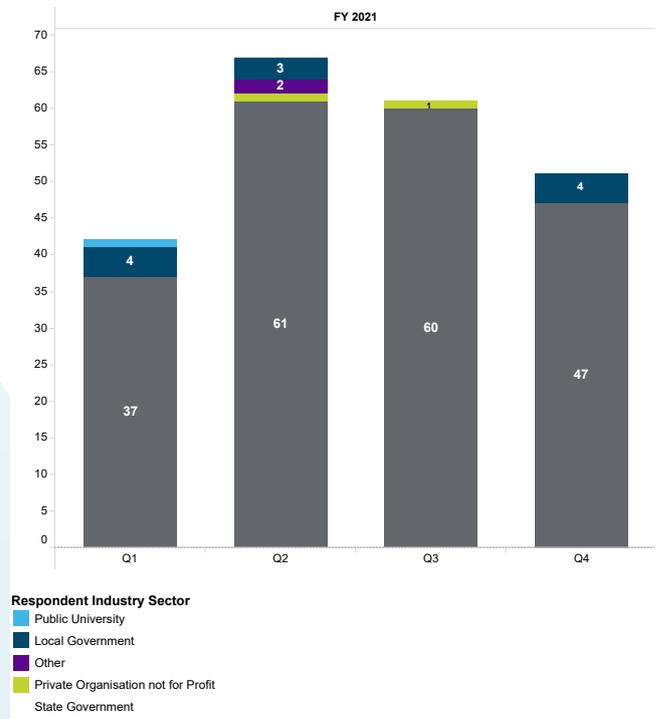
The data breach notifications for the reporting period are detailed in the graph.

During the reporting period the Privacy Commissioner also engaged directly with:

- Service NSW concerning a phishing email compromise
- Transport for NSW concerning the Accellion File Transfer Application
- NSW Health concerning the Accellion File Transfer Application.

During the reporting year, the Privacy Commissioner engaged with DCJ and DCS over the introduction of a MNDB Scheme for NSW.

## Voluntary breaches notified to the IPC - FY2020/21



## NCAT activities

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

In NCAT proceedings, the Privacy Commissioner has the right to appear and be heard in NCAT proceedings in the role of *amicus curiae* ("friend" of the Tribunal). The Commissioner's representatives can appear in proceedings to assist the Tribunal with interpretation of the relevant legislation and issues of law. IPC officers cannot assist the parties to the litigation.

During the reporting period, the Privacy Commissioner was represented in NCAT proceedings, including in matters that progressed to hearing. The Privacy Commissioner made two written submissions during the reporting period, including in the following matter:

- *DSC v United Protestant Association* [2020] NSWCATAD 315.

Another matter is subject to a non-publication order.

Case summaries of significant decisions of interest have been published on the IPC website.

# Pillar 1: Service Delivery & Excellence

## Privacy case activities and performance for 2020/21

Case type	Number received	Number closed	Number open at 30 June 2021	Average days to finalise 2020/21	Average days to finalise 2019/20	% Completed within target 2020/21
Advices	287	284	3	16	12	60%
Audits (PMP and other audits combined)	17	15	2	22	28	73%
<b>Audit-PMP</b>	<b>17</b>	<b>15</b>	<b>2</b>	<b>22</b>	<b>31</b>	<b>73%</b>
<b>Audit-other*</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>7</b>	<b>N/A</b>
Voluntary breaches	221	212	4	12	12	94%
Complaints	93	84	12	66	63	82%
Reviews	266	269	18	54	57	100%
Enquiries	1819	1809	5	5	3	66%
Own motion	1	0	1	N/A	59	N/A

\* refers to an agency specific audit that is neither a PMP nor voluntary breach. These audits are not subject to a target time frame.

## Privacy NCAT activities for 2020/21

	No. files opened 2020/21	No. files closed 2020/21
Privacy	90	87

## COVID-19 privacy matters

Matters concerning COVID-19 continued during 2020/21. There was a significant increase in privacy matters concerning COVID-19 compared with last year with 60 received in total, inclusive of six privacy reviews, 50 enquiries, two audits and two complaints.

## Digital Restart Fund

The NSW government has allocated \$2.1B over a three-year term to invest in digital transformation projects through the DRF. It funds iterative, multi-disciplinary approaches to planning, designing and developing digital products and services in NSW.

The IPC reviews all digital projects to assess the privacy and information access impacts and provides advice to the Minister for Digital, Minister for Customer Service. Under section 10 of the DRF Act, before approving funding under the DRF for a project, the Minister must obtain and have regard to advice from the Information Commissioner and the Privacy Commissioner. This advice is required at each stage of a project, prior to funding being released.

With the widespread increase in digital service delivery by government, the IPC has reviewed diverse digital projects from a range of agencies involving both government and non-government providers. These projects can contribute to more effective outcomes through digital service delivery. They can also impact information access and privacy rights.

In the reporting period, advice was provided to the Minister for Digital, Minister for Customer Service on 121 DRF applications.

In addition to the advice provided on specific projects, the Information Commissioner and the Privacy Commissioner have jointly issued general advice regarding the Digital Restart Fund: assessing information access and privacy impacts, which is published on the IPC website. This advice sets out some of the commonly identified risks to information access and privacy rights in projects seeking funding from the DRF and suggests mitigation strategies.

# Pillar 1: Service Delivery & Excellence

## Human Research Ethics Committees (HRECs) reporting

Under the HRIP Act, the Privacy Commissioner has issued legally binding statutory guidelines on the use or disclosure of health information for research purposes that require HRECs to provide a compliance report to the Privacy Commissioner after 30 June each year. The compliance report identifies where HRECs have approved research proposals seeking to use or disclose personal or health information without consent, on the basis that the public interest in the research substantially outweighs the public interest in maintaining the level of privacy protection provided by the HRIP Act.

Of the 19 HRECs currently operating, all submitted compliance reports for 2020/21 by the due date, covering a total of 778 research proposals. Of these research proposals, 551 (71%) used personal or health information without consent, based on the public interest value of the proposed research substantially outweighing the public interest in the protection of privacy.

### Human Research Ethics Committee reports received for 2020/21

No.	HREC carried out between July 2020 and June 2021	Proposals	Without consent	Outweighed public interest
1	South Western Sydney Local Health District HREC	190	Yes	0
2	The University of Newcastle HREC	0	N/A	0
3	NSW Population and Health Services Research Ethics Committee	61	Yes	45
4	Hunter New England HREC	26	Yes	26
5	Greater Western Area HREC	25	Yes	25
6	St Vincent's Hospital Sydney HREC	56	Yes	56
7	Aboriginal Health and Medical Research Council HREC	29	Yes	28
8	Nepean Blue Mountains Local Health District HREC	60	Yes	60
9	Sydney Children's Hospitals Network HREC	130	Yes	114
10	Justice Health and Forensic Mental Health Network HREC	2	Yes	2
11	University of Wollongong and Illawarra Shoalhaven Local Health District Social Sciences HREC	5	Yes	2
12	University of Wollongong and Illawarra Shoalhaven Local Health District Health and Medical HREC	5	Yes	2
13	Adventist HealthCare Limited HREC	2	Yes	2
14	South Eastern Sydney Local Health District HREC	9	Yes	9
15	Northern Sydney Local Health District HREC	42	Yes	42
16	Sydney Local Health District Ethics Review Committee (RPAH Zone)	113	Yes	113
17	Sydney Local Health District (CRGH) HREC	24	Yes	24
18	Western Sydney Local Health District HREC	0	N/A	0
19	University of Wollongong and Illawarra Shoalhaven Local Health District Social Sciences HREC	4	Yes	3
<b>TOTAL</b>		<b>778</b>		<b>551</b>

# Pillar 1: Service Delivery & Excellence

## Public interest disclosures and government information contraventions

Under the PID Act, the IPC is required to collect and report on information about Public Interest Disclosures (PIDs).

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

Under the PID Act, a public sector official can report a government information contravention, which is defined as a failure to exercise functions in accordance with any provision of the GIPA Act, to the Information Commissioner.

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

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

As an investigating authority, the Information Commissioner received no complaints in the 2020/21 reporting period that satisfied the assessment requirements of a PID.

The IPC includes information about the PIDs that it has dealt with as an investigating authority in the six monthly and annual reporting of PIDs to the NSW Ombudsman. During the reporting period no matters were included in the Information Commissioner's report to the NSW Ombudsman.

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

Number of PIDs received by category during 2020/21

Category	Made by public officials performing day to day functions	Under a statutory or other legal obligation	All other PIDs
Corrupt conduct	0	0	0
Maladministration	0	0	0
Serious and substantial waste	0	0	0
Government information contravention	0	0	0
Local government pecuniary interest contravention	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

Public Interest Disclosures received during 2020/21

Category	Made by public officials performing day to day functions	Under a statutory or other legal obligation	All other PIDs
Number of public officials who made PIDs directly	0	0	0
Number of PIDs received	0	0	0



## Pillar 2: Engagement & Influence



# Pillar 2: Engagement & Influence

What are we doing to directly influence regulated agencies and engage with the public?

## Objective

Influence agencies and citizens through strategic engagement to promote information access and privacy rights, identify risks and authoritatively promote compliance to achieve regulatory goals.

## The IPC met the objectives of this pillar by:

- reviewing the Information Governance Self-assessment Tools and utilisation and agency performance monitoring
- updating the Strategic (stakeholder) Engagement Plan to support Strategic Initiatives delivered by Commissioners and identify and target sub-groups within agencies
- developing 4 relevant case studies to include in Commissioner presentations and/or community-oriented engagement
- investigating and, if feasible implementing, new learning channels: webinars, podcasts, work with relevant agencies to deliver targeted training e.g. OLG
- updating the Fact Sheet on authorised proactive release
- developing two content pieces to communicate to agencies about major digital projects
- developing a Proactive Audit Manual
- reviewing and developing a privacy resource for citizens on accessing the correct rights pathways highlighting the differences between internal review and complaints.

## Stakeholder engagement

### NSW Public Sector Leaders' Online Event

On 3 May 2021 during Privacy Awareness Week NSW 2021, the Privacy Commissioner hosted a livestream event for public sector leaders and practitioners where the theme 'Make Privacy a Priority' was discussed. The Minister for Digital, Minister for Customer Service formally launched Privacy Awareness Week at the event. The Privacy Commissioner and the Secretary for the Department of Customer Service, Emma Hogan spoke at the event and the Privacy Commissioner hosted a Q&A session with Chief Cyber Security Officer, Tony Chapman.

### Survey on the use of IPC resources

In 2021, the IPC commenced a review of recent publications to better understand their impact in terms of audience, reach and readability. The review is an initiative under the IPC Strategic Plan 2020-2022 and will enable the IPC to prioritise development and update of resources in a particular form that incorporates the feedback of stakeholders and best meets their current needs. The initial framework for the review was developed in 2020, which guided the review process in 2021.

As a part of the review, the IPC conducted two surveys requesting feedback on the identified IPC publications: one for NSW citizens and another for public sector agency staff. The IPC promoted the survey to public sector staff through an e-alert and via social media and to citizens via social media and the IPC website.

This initiative is due for completion in the next reporting period.

### Speaking engagements

During the 2020/21 reporting period, the NSW Information Commissioner and Open Data Advocate addressed stakeholders, participated on panels and briefed agencies at 18 speaking engagements regarding the right to information and best practice in information and data management.

The Privacy Commissioner addressed stakeholders on privacy, participated on panels and briefed agencies at 24 speaking engagements.

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

# Pillar 2: Engagement & Influence

## Co-regulatory engagements

During the year both Commissioners enhanced relationships with other regulators and independent agencies to achieve legislative objectives including:

- Open Government Partnership (OGP)
- Public Interest Disclosures Steering Committee
- Integrity Agencies Collaboration Group
- AIAC
- PAA
- Board of the State Archives and Records Authority
- Office of Local Government (OLG)
- Independent Commission Against Corruption (ICAC)
- Audit Office.

The Privacy Commissioner was represented at regular meetings of the National COVID-19 Privacy Team. These meetings provided an opportunity to share insights and intelligence on privacy matters arising during the pandemic and to ensure privacy rights were maintained in projects and initiatives responding to the pandemic.

## A risk-based and intelligence-informed approach to tailored regulatory initiatives

The IPC Regulatory Compliance Committee oversees delivery of the IPC's commitment to effective risk-based regulation. The purpose of the Committee is to oversee and advise upon proactive compliance activities set out in the annual IPC Regulatory Plan to ensure that they remain guided by a risk-based and intelligence-informed approach to regulation, focusing our attention and activity upon emerging issues, entities and sectors that pose the greatest risk to achieving IPC regulatory objectives.

The Committee operates in the context of the IPC Regulatory Framework. The Committee comprises the Information Commissioner (Chair); Privacy Commissioner; Director, Investigation and Reporting; Director, Business Improvement; and the Director, Legal Counsel and Regulatory Advice. During 2020/21, the Committee met three times.

The role of the Committee is to:

1. review intelligence and post-case analysis to advise on emerging risks to the annual Regulatory Plan
2. review proposals for new or changed proactive compliance activities to address the changed environment
3. advise on any proposed amendments to the annual Regulatory Plan required as a result of a change in the risk environment or agency/sector performance
4. consider and recommend strategies for regulatory action that may be suitable for consideration through future regulatory planning processes.

The Committee considered:

- information access complaints and reviews trends in issues and referrals
- privacy reviews and complaints trends
- health complaints trends
- data breaches
- privacy management plan compliance
- relevant NCAT decisions, including NCAT referral under section 112 of the GIPA Act
- open access requirements of the GIPA Act, including the requirement to keep a record under section 6(5) of the GIPA Act
- disclosure of interests for local government as required by the Information Commissioner in Guideline 1
- legislative compliance broadly
- the development of systems/resources to support intelligence
- identified proactive audits in information access and program of delivery of those audits.

Additionally, during the reporting period the Committee considered reports on the number of reviews and complaints closed by the IPC for each of its legislated sectors in both information access and privacy. The consideration informed the approach to identified audits and follow up audits.

## Communication and consultation

The IPC is committed to maintaining ongoing communication with all its stakeholders. Communication is managed via the IPC website, through social media and other channels. During the reporting period the IPC published:

- 134 tweets on Twitter
- 145 posts on LinkedIn
- 37 e-alerts to stakeholders
- 8 media releases
- 7 public statements
- 36 publications.

## Social media

Through the use of social media channels Twitter and LinkedIn, the IPC is able to communicate with stakeholders directly. The IPC social channels provide opportunities to raise awareness of information access and privacy rights to citizens across NSW and remind public sector agency staff of their obligations to citizens. The use of social media also helps publicise key IPC resources and drives stakeholders to the IPC website for more detailed news and resources.

## Pillar 2: Engagement & Influence

### Twitter

The IPC Twitter page (@IPCNSW) had 959 followers at the end of the reporting period, an increase of 63 followers from the previous year. There was a total of 951 engagements on posts in 2020/21 with 42,293 impressions. The IPC began recording engagement rates in 2019/20 and in 2020/21, averaged 2.34% compared with the industry benchmark of 0.33-1%.

### LinkedIn

The IPC LinkedIn page had 1,314 followers at the end of the reporting period, an increase of 241 from the previous year. There was a total of 1,346 engagements on posts in 2020/21 with 37,416 impressions. For the first time, the IPC also boosted posts on LinkedIn to promote Privacy Awareness Week NSW 2021. For these posts there were a total of 57,651 impressions and 147 link clicks. The IPC began recording engagement rates in 2019/20 and in 2020/21, averaged 4.11% compared with the industry benchmark of 2%.

## Parliamentary engagement

### Parliamentary inquiries and reports

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

The Information Commissioner and the Privacy Commissioner made a joint submission and appearance before the Legislative Council's Portfolio Committee No. 1 – Premier and Finance in relation to its Inquiry into Cybersecurity. The Commissioners' submission recognised that the development and implementation of new technologies and modes of service delivery have the capacity to enhance citizens' experience of government. At the same time, these developments introduce potential new risks of harm. Maintaining the trust and confidence of citizens that their rights will be protected will contribute to the success of digital government. The Commissioners welcomed the Committee's recommendations including:

- Recommendation 3: That the NSW government review the responsibility and resourcing of the Privacy Commissioner so that the office can be more proactive in ensuring government services and systems are designed and delivered with stringent privacy protections.
- Recommendation 9: That the NSW government urgently establish a MNDB Scheme applicable to all NSW government agencies and its contracted service providers.

In August 2020, the Information Commissioner appeared before the Parliamentary Standing Committee on Social Issues in relation to its inquiry into the *State Records Act 1998*.

In addition to their appearances before Parliament, the Commissioners made joint written submissions to the following public consultations:

- Privacy and Personal Information Protection Amendment Bill 2021 MNDB Scheme
- the review of the *Data Sharing (Government Sector) Act 2015*
- NSW Law Reform Commission Open Justice Inquiry
- the proposed Children's Guardian Regulation 2021
- the Commonwealth's Data Availability and Transparency Exposure Draft Bill 2020
- Parliamentary Inquiry into Cybersecurity.



## Pillar 3: Rights Promotion & Impact

# Pillar 3: Rights Promotion & Impact

## What are we doing to anticipate and address emerging regulatory issues?

### Objective

Continually improve citizen and agency understanding of their information access and privacy rights and obligations now and into the future through provision of timely, accurate, informative and innovative guidance, advice, intelligence and tools.

### The IPC met the objectives of this pillar by:

- developing brief key messages on the IPC and Commissioners' regulatory stance
- developing two public position pieces on relevant regulatory issues
- developing a private sector person jurisdiction questionnaire for HRIP
- assessing the utilisation of the Information Governance Agency Self-assessment Tools to support the Tools' review
- undertaking an annual intelligence assessment/research of the trends in types of information requested to inform understanding of the regulatory environment and risks
- capturing and reporting data from regulatory activities regarding digital service delivery
- developing and maintaining a register to capture administrative solutions.

On 1 July 2020, the IPC commenced measuring additional website metrics to provide a more comprehensive view of its web traffic. These additional metrics will be used internally to improve website functionality and usage for visitors.

During the reporting period, the highest demographic of users of the IPC website were aged 25-34, with 29% in this age range. Users aged between 25-34 and 35-44, represent just under half (48%) of website users, while only 9% of users were aged 65+. During the reporting period, the IPC had 144,011 new visitors to its website and 36,599 returning visitors.

The IPC will continue to monitor these metrics and report on them again in the next report.

### Website metrics for [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au) for 2020/21

	2020/21	2019/20	2018/19
Page views	485,989	513,794	495,545
Website visits	224,578	211,569	186,042
Unique visits	144,298	135,963	121,128
Average visit duration	1m 57s	2m 16s	2m 28s

### Public enquiries

The IPC receives enquiries from members of the public, businesses and other organisations about information access and privacy rights in NSW. The enquiries include how to access government, personal and health information and the application of review rights. The IPC aims to support 'self-service' more effectively, complementing the website with personal assistance where needed.

During the reporting period, the IPC continued to provide services to agencies and the public remotely and without disruption. In the reporting period, recorded enquiry numbers increased by 22% in comparison to the previous year. The increase in enquiries came from enquiries made in writing which was 38% higher than the previous year. This increase is reflective of the changed way in which contact has been made with the IPC as a result of COVID-19. While the increase was concentrated in written enquiries, there was also a notable increase in telephone enquiries where there was an increase of 17% compared with the previous reporting year.

## Informing the public of their rights

### IPC website

The IPC website at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au) is the central communication and service channel for IPC stakeholders. It houses a suite of online resources, access to the e-learning portal and general information about the organisation. The website is also used to promote new publications and significant campaigns and events that champion the right to access government information and the protection of privacy in NSW. During the reporting period, page views decreased by 5.4%, however website visits increased by 6.1% compared to the same period last year.

## Pillar 3: Rights Promotion & Impact

### Enquiries received by type for 2020/21

	2020/21	2019/20	2018/19
Phone	2242	1927	1924
In writing and in person*	1165	855	709

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

### Right to Know Week

The IPC celebrated Right to Know Week NSW 2020 (RTK) from 28 September – 4 October 2020. The theme was ‘Right to Know: Future-proofing information access rights’.

The theme explored how Digital Government brings a new dimension to accessing government information and how this has implications for how governments can improve outcomes for citizens seeking access to government information. Realising the benefits of these new technologies and data means preserving citizens’ rights and ensuring that the public sector harnesses this opportunity to develop and grow capabilities.

During RTK:

- the IPC released the results of the 2020 Community Attitudes Survey on information access, data sharing and agency assistance
- the IPC published new resources in the form of Fact Sheets for citizens and agencies on automated decision-making, digital government and preserving information access rights
- the Information Commissioner and other Information Commissioners and Ombudsmen from around Australia took part in a webinar by the Open Government Partnership on the ‘Open by Design’ concept on 28 September 2020
- the Information Commissioner participated in a panel discussion hosted by InfoGovANZ with the Victorian Information Commissioner, Sven Bluemmel and Dr Jat Singh, Senior Research Fellow at the University of Cambridge. The panel discussed AI transparency in digital government
- the IPC developed a video message featuring the Information Commissioner, the Minister for Digital, Minister for Customer Service and the Public Service Commissioner, Kathrina Lo on the value of digital services, meeting citizen needs and building capacity to uphold rights in a digital environment.

There were 50 RTK Champion agencies in 2020, which exceeded the number of champions in 2019. This was a positive result considering the uncertainty of agency engagement during COVID-19.

The IPC supplied a range of communications to promote the campaign including a Champion Communications Pack for the use of Champion agencies. This contained blog posts, social media posts, a staff PowerPoint presentation and internal and external messaging. The IPC also supplied the Institute of Public Administration Australia (IPAA), the Institute of Information Management (IIM), the Australia and New Zealand School of Government (ANZSOG), the Law Society of NSW and the media, such as The Mandarin, with articles and media releases to further promote the campaign. The Information Commissioner was interviewed on ABC Radio and 2SM and this was broadcast via their respective networks across NSW.

### Privacy Awareness Week

The IPC celebrated Privacy Awareness Week NSW 2021 (PAW) from 3-10 May 2021 and the theme was ‘Make Privacy a Priority’.

On 3 May 2021, the Privacy Commissioner hosted a livestream event for public sector leaders and practitioners where the theme was discussed.

During PAW, the Privacy Commissioner also published and highlighted a number of resources for agencies including the IPC’s updated Data Breach Prevention Checklist, new Guide on Transition to the cloud: Managing your agency’s privacy risks, Fact Sheet on Collection of COVID-19 vaccination information and its Fact Sheet on Privacy by Design and Privacy Impact Assessments. The Commissioner also released an infographic for citizens featuring Top Ten Privacy Tips.

The IPC published two boosted posts on LinkedIn to improve citizen awareness of their rights under NSW privacy legislation and the role of the Privacy Commissioner, which was included in response to outcomes from the 2020 Community Attitudes Survey towards privacy.

Agency engagement in the campaign was high, with 53 NSW public sector agencies becoming PAW Champions and 220 public sector staff attending the livestream event.

Further information on the event can be found on page 43.

## Pillar 3: Rights Promotion & Impact

### Information Awareness Month and Open Government Week

Information Awareness Month (IAM) was held in May 2021. IAM is a collaborative event between various bodies within the records, archives, library, knowledge, information, and data management communities. As part of IAM, the Information Commissioner and the Privacy Commissioner jointly issued advice regarding the impact of technology on information access and privacy rights, titled Digital Restart Fund: assessing information access and privacy impacts.

Open Government Week (OGW) was also held in May and took place between 17-21 May. The theme for OGW was 'Respond. Recover. Renew.' As part of OGW, the Information Commissioner spoke at a webinar hosted by Information Governance ANZ, on the role of governance in data initiatives, privacy and information sharing: COVID and beyond with the Minister for Digital, Minister for Customer Service and Dr Ian Oppermann, Chief Data Scientist, NSW Government.

### Open Government Partnership National Action Plan

The OGP is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.

As a part of the OGP, the Information Commissioner and NSW Open Data Advocate worked with other representatives of governments and civil society organisations to develop the next Open Government Partnership National Action Plan (2020-2022). Between 12 October and 6 November 2020, the Open Government Forum sought final views from the public on the draft Commitments proposed to be included in Australia's Third National Action Plan (NAP3).

As a part of NAP3, an Open by Design Commitment was included and is led by the Information Commissioner and the Australian Association of Information Commissioners. The Open by Design Commitment aims to improve the accessibility of information held by government, or under government contractual or outsourcing arrangements, through the development of the key features for a nationally consistent approach to the proactive release of information commonly sought by members of the Australian community or which they identify as valuable and/or necessary for open and accountable government.

The Third National Action Plan 2020-2022 is now complete and has been submitted to federal Government for final consideration.

### Community Attitudes Survey - 2020

In March 2020, the IPC commissioned a survey of NSW community attitudes towards information access and privacy. This is a biannual survey and in 2020 additional questions were included on data sharing and on agency assistance. Citizens were surveyed in March and April 2020. The results provide a broad and indicative sense of citizen awareness about their information access and privacy rights in NSW as well as attitudes towards data sharing by government. In September 2020 as part of RTK 2020, the Information Commissioner released the results of the IPC Community Attitudes Survey 2020 on data sharing, information access and agency assistance.

The results are detailed below.

#### Data sharing

The results of the survey on data sharing provide a strong endorsement for data driven services with 72% of respondents agreeing that de-identified information should be used to inform planning and delivery of services provided by government agencies and 81% of respondents agreeing that agencies should publicly report on the information they maintain.

The results also confirm that government's use of technology to provide efficient services and to inform decision-making must be accompanied by transparency and accountability with 78% of respondents agreeing that agencies should publicly report on the use of machine learning/artificial intelligence during decision-making.

#### Information access

The results of the survey regarding information access questions demonstrated that overall, 88% of respondents felt that their right to access government information was important. The great majority felt that it was important for the public to have access to data that was held by government agencies to support 'transparent decision making' (91%) and 'accountable decision-making' (92%).

Awareness of information access rights has risen slightly since 2018, with over half (59%) of respondents knowing of their right to access information and most respondents intended to contact the agency involved in order to access information. In total, 37% would use technology, either via a search or going to the agency's website. However, 19% were unsure of what they would do if they wanted to access information.

# Pillar 3: Rights Promotion & Impact

## Agency assistance

Through the survey, the IPC was able to examine how agencies were providing assistance and identify the elements of that assistance to better understand what agencies were doing in servicing citizens well and identifying where there are areas for improvement.

The survey found that agencies were most effective in providing advice and assistance to citizens when they:

- outlined the different ways information could be accessed (36%)
- helped clarify the information sought (32%)
- explained the process to obtain information by formal access application (28%)
- followed up the engagement in writing (28%)
- provided advice about who or what other agency to contact, including how to transfer the application when the information was not held by the agency (25%).

These results were confirmed in the survey in response to the question: How could agencies have improved the assistance?

- 41% said that the agency could have explained the processes available to obtain information
- 40% said the agency could have provided advice about how to access or seek access to information
- 29% said that the agency could have referred them to the agency's website to obtain information
- 27% said the agency could have told them what agency to go to obtain the information or helped with the transfer of the application
- 25% said the agency could have talked to them about their request to access information
- 22% said the agency could have told them how to get information about their information access rights
- 18% said the agency could have provided them with an application form to seek access to information.

## Privacy

The Privacy Commissioner published the results of the NSW Community Attitudes Survey towards privacy in May 2020 as a part of PAW 2020. The results of the study were reported in the IPC 2019/20 annual report.

## Community events

The IPC supported and celebrated 24 community events including:

### 2020

- Local Government Week, 3-9 August
- International Day of the World Indigenous People, 9 August
- Indigenous Literacy Day, 2 September
- R U OK Day, 10 September
- International Day of Democracy, 15 September
- Right to Know Week NSW, 28 September - 4 October
- International Day for Universal Access to Information (United Nations), 28 September
- United Nations Day, 24 October
- NAIDOC Week, 8-15 November
- International Day of Persons with Disabilities, 3 December
- Human Rights Day, 10 December

### 2021

- Data Privacy Day, 28 January
- Safer Internet Day, 9 February
- Multicultural March, 1-31 March
- Zero Discrimination Day, 1 March
- Open Data Day, 6 March
- International Women's Day, 8 March
- Harmony Week, 15-21 March
- Information Awareness Month, 1-31 May
- Privacy Awareness Week NSW, 3-9 May
- Open Government Week, 17-21 May
- National Law Week, 17-23 May
- Global Accessibility Awareness Day, 20 May
- National Reconciliation Week, 27 May - 3 June

## Resources

Since July 2020, the IPC has produced 36 new publications in addition to 64 updated publications to promote community and agency understanding of privacy and information access rights in NSW. New resources and publications have included:

- 3 information access resources, including guidance and fact sheets
- 7 privacy resources, including fact sheets and infographics
- 4 information access and privacy combined resources
- 1 statutory report and 6 regulatory reports
- 11 corporate resources, including policies
- 4 newsletters.

## Pillar 3: Rights Promotion & Impact

See the full list at Appendix 1. All resources are published in accessible formats and are available for download on the IPC website.

### Publications review

The IPC has continued its review of all publications and resources available on its website since commencement of the work in July 2019. During the reporting period, 64 publications were updated by the IPC, a decrease from the 75 updated in the previous reporting period. The publications review is ongoing to ensure that the information provided on the IPC website is accurate, up to date and in line with legislative changes.

Publications are prioritised for review based on several factors. These include, but are not limited to, changes to legislation, alignment with the IPC Strategic Plan and Regulatory Plan or other policies/procedures that have been developed or amended. Other considerations include the date that the publication was last reviewed and identification of regulatory risk.

### Information access resources

For RTK 2020, the IPC released a Fact Sheet on Automated decision-making, digital government and preserving information access rights. This was developed into two versions – one for members of the public, and one for agencies. The citizen resource was published to ensure that citizens are aware of and can more effectively access information held in digital form while the agency resource focused on how agencies can future-proof citizens' right to know.

As part of its proactive audit program, the IPC regularly published GIPA compliance reports for a number of agencies in the reporting year to elevate and influence compliance with GIPA legislation. These reports included the NSW Police Force Follow-up Compliance Report, Clarence Valley Council Compliance Report, Greyhound Racing Compliance Report, Transport for NSW Compliance Report and icare Phase 1 and Phase 2 Compliance Reports.

A list of these resources is located at Appendix 1.

### Privacy resources

In December 2020, the IPC released a Fact Sheet on Access to a deceased person's health information, which clarifies who can access a deceased person's health information in NSW.

The IPC published a new resource on the Collection of COVID-19 vaccination information, in time with the NSW COVID-19 vaccination rollout in early 2021. The resource notes that a NSW public sector agency that collects, uses, stores, or discloses employee health information related to the COVID-19 vaccine must comply with the HPPs under the HRIP Act and that information about an individual's vaccination status is health information under the HRIP Act.

As part of PAW 2021, the IPC published its Top Ten Privacy Tips infographic for citizens and Guide – Transition to the cloud: Managing your agency's privacy risks, for agencies. The guide was designed to explain the key privacy risks that come with the use of cloud-based technologies by government, along with the potential impacts and maps out a framework for addressing these privacy risks across the entire cloud adoption lifecycle.

### Information access and privacy resources

The IPC released an Essential Guidance Toolkit on information access and privacy fundamentals for agencies including a version for Local Government in late 2020. It includes fundamental regulatory guidance to ensure that NSW public sector agencies are able to meet their requirements under NSW information access and privacy legislation. It was arranged on a functional basis that reflects organisational, senior executive and decision-maker responsibilities.

Additionally, the IPC updated its Agency Information Governance Self-assessment Tools following consultation with agencies. The tools assist agencies in measuring the maturity of their information governance systems and implementing plans to further develop those systems and confidently meet their information access and privacy requirements.

In October 2020, the IPC published a Fact Sheet to assist agencies during the development of digital projects for those agencies intending to seek funding under the NSW government's DRF. In May 2021, the Information Commissioner and the Privacy Commissioner also jointly issued advice regarding the impact of technology on information access and privacy rights, titled Digital Restart Fund: assessing information access and privacy impacts. The advice sets out some of the commonly identified risks to information access and privacy rights across projects seeking funding from the DRF and suggests mitigation strategies to preserve those rights.

# Pillar 3: Rights Promotion & Impact

## e-Learning

In the reporting period, the e-learning portal had 450 new registrations to access the available e-learning modules compared with 287 in the previous financial year. There are five modules currently available as of 30 June 2021. During the reporting period, the Towards Open Government Information module and the Privacy Complaints Handling module were both updated.

The new registrations came from government agencies (243), councils (145), the general public (15), universities (15), the private sector (25), NGO sector (6) and Ministerial sector (1).

## Submissions or reports to Parliament

### Information access

#### Report on the operation of the GIPA Act

Under section 37 of the GILC Act, the Information Commissioner is required to provide Parliament with an annual report on the operation of the GIPA Act. The 2019/20 Report was tabled in Parliament in July 2021 and provides a comprehensive assessment of the operation of the legislation in NSW, including a comparison of the last 10 years of data collected.

### Privacy

In addition to joint submissions, the Privacy Commissioner also made written submissions to the following public consultations:

- the review of the *Privacy Act 1988* (Cth)
- the Commonwealth Digital Transformation Agency on the Digital Identity Legislation Consultation Paper
- the UN Special Rapporteur on Children's Right to Privacy.

## Codes of Practice and Public Interest Directions

During the reporting period, the Privacy Commissioner consulted with several agencies in relation to whether a Code of Practice or Public Interest Direction may be necessary to support a particular project or policy initiative. In some cases, the projects could be implemented in compliance with the IPPs or HPPs such that a code or direction was not needed. The Privacy Commissioner continues to engage with agencies on these matters as required.

One public interest direction was made during the reporting period and two public interest directions were updated shortly after the reporting period:

- **Direction relating to Service NSW** - This direction made under section 41(1) of the PPIP Act was prepared to enable the collection, use and disclosure of personal information for a time limited data exchange process between Service NSW, Transport for NSW and the NSW Registrar of Births, Deaths and Marriages. The purpose of the data exchange was to provide Service NSW with up-to-date contact details of customers impacted by a Service NSW cyber incident. This direction was made on 5 August 2020 and expired on 31 January 2021.
- **Direction relating to the Human Services Dataset** - This direction was made under section 41(1) of the PPIP Act to facilitate study, analysis, research and government service design and delivery to help ensure that effort and funding across government is focused on interventions that will improve the long-term outcomes for Vulnerable Children or Young Persons and their families at the earliest opportunity. This direction was made on 9 July 2021 and will expire on 13 July 2023.
- **Direction relating to the Human Services Dataset** - This direction was made under section 62(1) of the HRIP Act to facilitate study, analysis, research and government service design and delivery to help ensure that effort and funding across government is focused on interventions that will improve the long-term outcomes for Vulnerable Children or Young Persons and their families at the earliest opportunity. This direction was made on 9 July 2021 and will expire on 13 July 2023.



## **Pillar 4: Operational Excellence**

# Pillar 4: Operational Excellence

What are we doing to support an effective, efficient one-IPC?

## Objective

Deliver respected, quality and comprehensive services with professionalism, supported by expert operational capability and sound good governance.

## The IPC met the objectives of this pillar by:

- reviewing the PMES results and other sources to inform advice and support to increase staff engagement within the IPC
- defining the publication input and approval process
- providing an IPC framework content guide addressing different format requirements and content
- delivering a 'staff owned' staff engagement plan which links to the People and Culture Plan
- developing financial delegations and delivering an internal workshop about the delegations
- reviewing IPC Dashboards/KPIs to include all key IPC functions and enhance the case management platform Resolve
- implementing an IPC People and Culture Strategy including a team specific and whole of IPC training program, induction, staff engagement and WHS
- reviewing and updating the Investigation and Review Team's Complaints Handling Policy and procedures
- developing a framework/mechanism to better enable visibility and information sharing across the team for case management including timeliness and quality
- developing a framework and conducting a post implementation review of the new IPC team structure

- assessing the IPC internal governance framework against Audit Office guidance and making recommendations to enhance
- developing a framework to review the impact of publications e.g. audience, reach
- identifying continuous improvements to the IPC case management platform Resolve which reflects the required improvements to case management including optimising the use of Resolve to assist the IPC with core activities and record keeping
- developing a program including target dates to deliver regular communications addressing lower-ranked results in the PMES, e.g. staff bulletin and/or presentation to staff meeting
- investigating need for a central repository of IPC's corporate documents (e.g. Intranet)
- regularly engaging with IPC teams by meeting attendance, administrative communication and feedback to understand needs and issues
- providing timely and relevant advice regarding significant issues affecting IPC operations (e.g. weekly corporate update).

## Our planning framework

### IPC Strategic Plan 2020-2022

In December 2019, the IPC finalised its 2020-2022 Strategic and Regulatory Plans. The Strategic Plan is structured around four pillars of:

- Service Delivery & Excellence
- Engagement & Influence
- Rights Promotion & Impact
- Operational Excellence.

All of the IPC's Strategic Initiatives are aligned to one of the four identified pillars.

The IPC will commence developing the IPC Strategic Plan 2022-2024 in late 2021. The current Plan for 2020-2022 can be found on page 23.

## Pillar 4: Operational Excellence

### IPC Regulatory Plan 2020-2022

The IPC Regulatory Plan 2020-2022 is guided by a risk-based and intelligence-informed approach to regulation and aligned to its regulatory objectives to:

- guide safe and effective information sharing by agencies and build public awareness and understanding
- protect information access and privacy rights of the citizens of NSW
- report on and foster agency compliance with information access and privacy obligations.

Collectively these plans have taken account of the rapid changes in the information management landscape globally and in NSW. The plans address challenges to the information access and privacy regime flowing from local and global trends including digital service delivery.

Highlights include:

- an ongoing program of proactive audits of agency compliance with legislation
- new or updated guidance to respond to identified regulatory risks and failures
- identifying priorities for administrative/legislative change to promote and uphold information access and privacy rights
- responding to the increased use of digital service delivery, artificial intelligence and algorithmic-informed decision-making through provision of advice and guidance to agencies and citizens.

The IPC will commence development of the next IPC Regulatory Plan in late 2021. Further information on the current Plan can be found on page 30.

### IPC team plans and objectives 2020-2022

#### IPC team objectives by pillar for the IPC Strategic Plan 2020-2022

Team	Pillar 1: Service Delivery & Excellence What are we doing to improve services to the community? <b>Objectives:</b>	Pillar 2: Engagement & Influence What are we doing to directly influence regulated agencies and engage with the public? <b>Objectives:</b>	Pillar 3: Rights Promotion & Impact What are we doing to anticipate and address emerging regulatory issues? <b>Objectives:</b>	Pillar 4: Operational Excellence What are we doing to support an effective, efficient one-IPC? <b>Objectives:</b>
<b>Legal Counsel and Regulatory Advice</b>	Building agency capacity to promote and support regulatory compliance	Influencing agencies to understand and comply with regulatory environment	Contributing to emerging regulatory priorities through provision of high quality, accurate and timely information and advice	Supporting good governance and compliance at the IPC
<b>Investigation and Review</b>	Deliver timely, quality and efficient services to agencies and the public	Influence agencies to understand and promote access to government information and good privacy practice	Promote awareness of how emerging contemporary issues impact on regulatory compliance	Build operational capacity and good governance at the IPC
<b>Systems and Corporate Services</b>	Providing on-time and efficient corporate services to support all regulatory initiatives	Support the Executive and other parts of the IPC to improve relationships and reputation of the IPC with the cluster and regulated agencies through professional administrative support	Provide operational support to increase community awareness of and agency compliance with GIPA, PPIP and HRIP legislation	Provide professional, prompt and effective strategic advice and operational services to ensure all IPC staff are well-informed and supported by corporate functions and services
<b>Communications and Corporate Affairs</b>	Ensure all IPC communications and resources are effective, support the IPC's regulatory objectives and are easily accessible	Support Executive to improve relationships and reputation of the IPC with regulated agencies through strategic engagement advice	Increase community awareness of GIPA, PPIP and HRIP rights and emerging issues	Provide ongoing communications support across all teams to ensure consistent, professional communications, both internally and externally

# Pillar 4: Operational Excellence

## GSE Act 2013

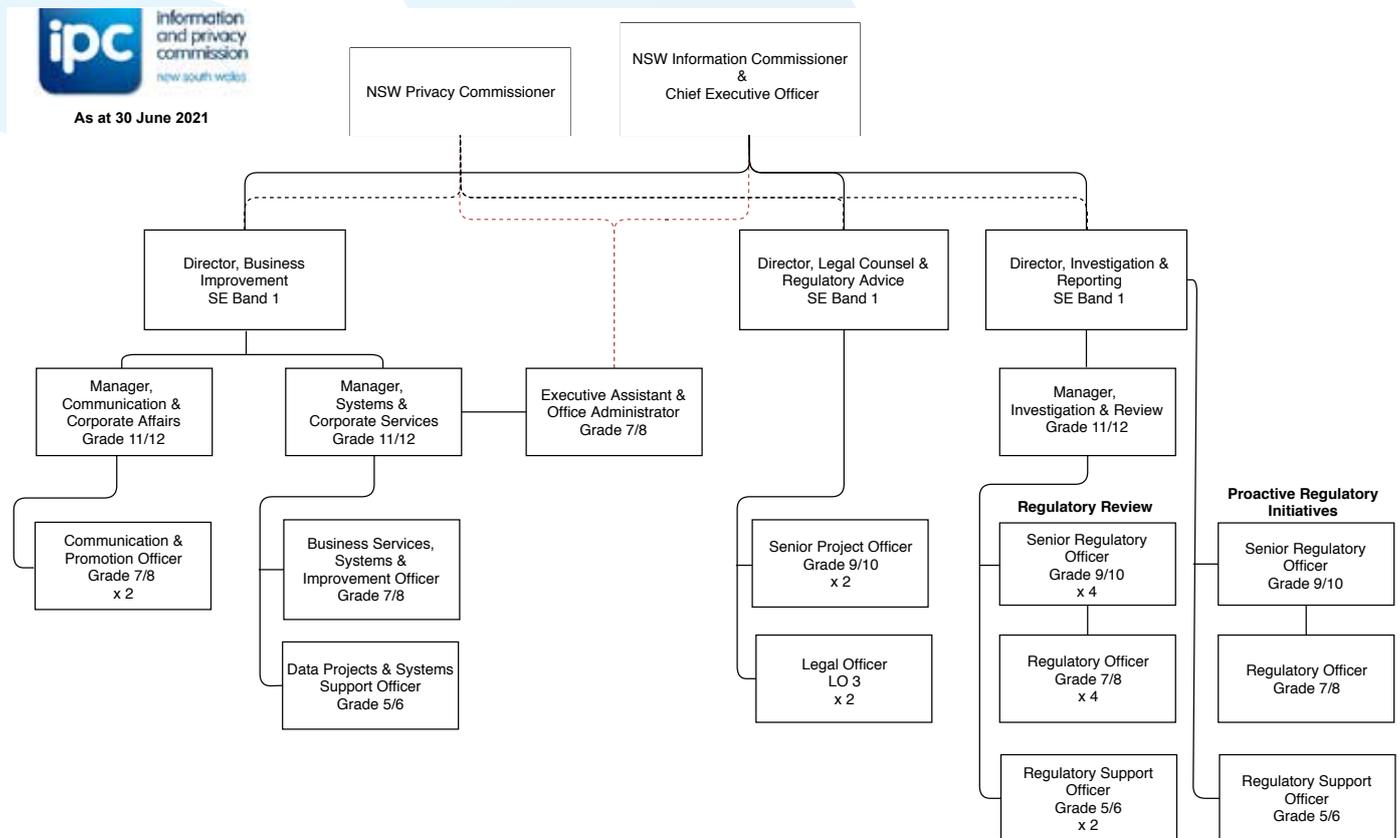
The GSE Act recognises the IPC in Schedule 1, as a separate agency with the Information Commissioner appointed as the Agency Head. Under the GSE Act, staff members are appointed to the IPC and are responsible to the Agency Head to assist with the discharge of the statutory responsibilities of the Information Commissioner and the Privacy Commissioner.

The GSE Act confers additional statutory responsibilities to the Information Commissioner as Agency Head, including the power of delegation and the requirement to be fiscally responsible, effective and efficient.

In 2020/21, the IPC met its compliance requirements with the GSE Act by:

- developing and implementing staff PDPs
- developing a staff training schedule
- continuing to support staff training and development in both legislative/technical areas and broader development. The IPC invested over 1132 hours of training for staff (excluding the Commissioners who are statutory appointees)
- supporting capability development through secondment arrangements
- reinforcing commitment to ethical conduct, public sector and IPC values, including through a code of conduct
- supporting formal and informal mentoring arrangements.

## Organisational structure as at 30 June 2021



# Pillar 4: Operational Excellence

## Our people

### Senior executive

During the reporting period, the IPC had five senior executive positions – four of which were held by women. Two of these senior executives were statutory officers. The number of staff in the levels of IPC executive positions and the corresponding remuneration is shown below. Although the Commissioners are not subject to the GSE Act, they are included to complete the table.

#### Senior executives and salaries by band for 2020/21

	Female	Male	Range \$	Average Range \$
Band 4	0	0	487,051 to 562,650	0
Band 3	1	0	345,551 to 487,050	353,600
Band 2	1	0	274,701 to 345,550	341,230
Band 1	2	1	192,600 to 274,700	201,294
<b>Total</b>	<b>4</b>	<b>1</b>	<b>-</b>	<b>-</b>

The percentage of total employee-related expenditure in the reporting year that relates to senior executives is 31%, compared with the percentage at the end of the previous reporting year of 33%.

### Workplace diversity

The IPC has processes in place to recruit people from the Equal Employment Opportunity target groups where possible, and the distribution of diversity groups is below.

#### Equal Employment Opportunity (EEO) and staff numbers<sup>1,2</sup>

Employee by category	2020/21	2019/20	2018/19	2017/18
Statutory	2	2	2	2
Administration	27	26	20	20
Professional	5	5	1	1
<b>Total</b>	<b>34</b>	<b>33</b>	<b>26</b>	<b>23</b>

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, Legal Officer).

Note 2: These figures refer to head count not positions in the organisational chart.

### Workforce Diversity Group

	Benchmark	2021	2020	2019	2018
Women	50%*	76.90%	75.00%	62.00%	65.20%
Aboriginal and/or Torres Strait Islander People	4%	0.00%**	0.00%	0.00%	0.00%
People whose First Language Spoken as a Child was not English	22.30%	11.50%**	0.00%	12.00%	17.40%
People with Disability	5.60%	0.00%**	0.00%	0.00%	0.00%
People with Disability Requiring Work-Related Adjustment	N/A	N/A**	0.00%	0.00%	0.00%

\* The NSW Premier has a target of 50% women in Senior Executive roles.

\*\* This figure is self-reported.

### People Matter Employee Survey

The 2020 People Matter Employee Survey (PMES) was conducted by the Public Service Commission and ran from 19 October to 13 November 2020. The results for the IPC were particularly favourable for employee engagement, job satisfaction; wellbeing, health and safety; senior managers; communication and change management, inclusion and diversity and autonomy and employee voice sections. Survey participation rate was high at 72%, with the results reflecting the views of the vast majority of staff in the IPC.

The IPC scored much higher than the public sector average over the entire survey.

Notable highlights:

- **Job satisfaction:** 95% of staff are satisfied with their job, compared to 71% in the Public Service.
- **Engagement with work:** 89% are motivated to contribute more than what is normally required at work, compared to 71% in the Public Service.

# Pillar 4: Operational Excellence

- **Employee engagement:** Overall employee engagement score is 75% up 1%, compared to 67% in the Public Service. This measure is built on positive results in specific areas, notably that 94% reported that they are proud to tell others they work at the IPC, compared to 74% in the Public Service.
  - **Wellbeing, health and safety:** The overall score is 90%, compared to 76% in the Public Service and the communication and change management score is 90% - up 9% from 2019.
  - **Autonomy and employee voice:** The overall score is 94% - up 7% from 2019 and 23% higher than the Public Service.
  - **Customer service:** The overall score is 98% - up 12% from last year and much higher than the Public Service score of 74%. This includes the communication of the importance and delivery of the best customer experience.
  - **Values, diversity and inclusion:** The score for values, diversity and inclusion is one of the top three classifications with a remarkable 95% score, compared to 74% in the Public Service. 84% believe that people in the IPC take responsibility for their own actions, compared to 48% in the Public Service and 100% agree that people in their team treat each other with respect, compared to 80% in the Public Service.
  - **Teamwork:** The IPC focuses on a 'one-IPC' approach to work, and 84% of staff agree there is good cooperation between teams across the organisation, compared to 54% in the Public Service. 100% strongly agree that people in their workgroup work collaboratively to achieve goals and treat each other with respect, compared to 78% in the Public Service. 90% agree senior managers promote collaboration, compared to 56% in the Public Service and 86% agree they receive help and support from other members of the team, compared to 65% in the Public Service.
  - **Senior management:** There was an overall favourable senior management score of 91%, up from 87% in 2019 and 33% higher than the Public Service score of 58%. 100% agree that their manager involves their workgroup in decisions about work, compared to 71% in the Public Service and 100% feel their manager listens to them, compared to 79% in the Public Service and 86% feel that senior managers listen to employees, compared to 49% in the Public Service.
  - **Feedback and performance:** The overall score is 87% - up 22% from 2019 and 24% higher than the Public Service score. 86% reported having a current PDP in place – up 25% from last year, this score was 72% in the Public Service. 86% said they have scheduled feedback conversations with their manager – an increase of 8% from 2019 and 23% more than the overall Public Service.
  - **Flexible working:** The overall score is 85%, compared to 67% in the Public Service and 80% are satisfied or very satisfied with their ability to access and use flexible working arrangements – up 9% from 2019, and 90% report that their manager supports flexible working – an increase of 19% compared to 2019 and 22% higher than the Public Service.
- Although the IPC achieved extremely positive results, it will focus upon the areas that it can improve going forward.
- **Dealing with poor performance:** The score for dealing with poor performance has improved significantly compared to 2019: 76% believe that managers appropriately deal with employees who perform poorly – an increase of 32% from 2019, this score was 49% in the Public Service. The IPC is committed to acting on the results of the survey and going forward will ensure more training and provide opportunities to improve dealings with poor performance.
  - **Learning and development:** The overall score was 72% which was a 7% decrease compared to 2019, this score was 54% in the Public Service. However, 86% report that they have received the training and development needed to do their job well, compared to 62% in the Public Service. There was also a drop in the score for satisfaction with the opportunities available for career development at the IPC, which was 57%, a decline of 15% but 9% higher than the Public Service. 74% feel the organisation is committed to developing its employees, compared to 54% in the Public Service. Again, the IPC is committed to improving development opportunities and with the implementation of performance and development plans it can now move to its training program to ensure that it meets the needs of staff and ensures they have confidence to perform their roles.
- The IPC Executive Team identified opportunities and developed and delivered initiatives to improve engagement and act on the results. These were included in the Staff Engagement Plan and the IPC People and Culture Plan 2021-2022.

## Work health and safety (WHS)

The IPC is committed to providing a safe, equitable and productive working environment that supports the requirements of the *Work Health and Safety Act 2011*, as well as providing a supportive environment for employees injured at work, ensuring effective treatment and management of the return-to-work process.

# Pillar 4: Operational Excellence

During the reporting year, the IPC undertook the following actions to strengthen its WHS arrangements:

- participating in weekly/fortnightly and ad hoc DCS Pandemic Response Team (COVID-19) meetings
- participating in quarterly IPC Health and Safety Committee meetings
- developed and implemented a WHS Framework and Action Plan for 2020-2022
- developed the following IPC policies and procedures:
  - IPC Employee Welfare Policy
  - IPC Incident Reporting Procedure
- in consultation with staff, established a comprehensive framework of WHS policies and procedures drawing on existing DCS arrangements where appropriate
- carrying out regular workplace inspections.

No workers' compensation claims were reported in 2020/21.

The IPC will continue to actively monitor WHS and staff wellbeing.

## Governance

### Legislative Compliance Register

The Legislative Compliance Register is a standing item on the agenda for the ARC meetings. The Register clearly identifies responsible members of the IPC Executive and Management for key risks and to include an annual attestation by responsible officers. It also outlines how the IPC addresses its obligations to ensure legislative compliance is achieved and maintained.

### Insurances

The NSW Treasury Managed Fund (TMF) provides insurance cover for all of the IPC's activities. This includes workers compensation, motor vehicle, public liability, property and miscellaneous claims. This insurance cover helps to mitigate IPC's major insurance risks such as the security of its staff, property and other assets, and the risk of work-related injuries.

### Consultants

The IPC commissioned 10 engagements during the 2020/21 reporting period, at a total cost of \$155,350 as per note 2 in the notes to the financial statements, for the provision of legislative and management consulting services.

### Litigation

In the 2019/20 and 2020/21 reporting periods, the IPC was the respondent to an application for review to NCAT made under the PPIP Act.

The IPC engaged the Crown Solicitor's Office to represent the IPC in the NCAT proceedings. The NCAT determined the matter during the 2020/21 reporting period and decided that no action be taken in relation to the conduct of the IPC.

### International travel

There was no international travel undertaken during the reporting period.

### IPC Diversity and Inclusion Action Plan

In December 2020, the IPC released its Diversity and Inclusion Action Plan for 2021-2023 which outlines how the organisation will work with its diverse stakeholders to better deliver on its strategic goals to champion the right to access government information and protect privacy as enshrined in the legislation it administers. The Plan also seeks to support and instil a workplace culture that values diversity in skills and perspectives and offers fair and inclusive work practices for all staff.

The IPC Diversity and Inclusion Action Plan 2021-2023 adopts a consolidated approach to cover disability, multicultural services and Aboriginal engagement. The Plan meets its legislative requirements under the *Anti-Discrimination Act 1977* (NSW), the *Disability Discrimination Act 1992* (Cth), the *Disability Services Act 1993* (NSW), the *Carers (Recognition) Act 2010* (NSW), the GSE Act, *Government Employment (General) Rules 2014*, and Annual Reports (Departments) Regulation 2015.

Details of the Plan, and a summary of our achievements against the Plan, can be found at Appendix 2.

### Information security management

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

Please see page 60 for the Cyber Security Policy Attestation Statement for 2020/21.

# Pillar 4: Operational Excellence

## Cyber Security Policy Attestation Statement



### Cyber Security Annual Attestation Statement for the 2020-2021 Financial Year for the Department of Customer Service (DCS), Information and Privacy Commission NSW (IPC)

I, Elizabeth Tydd, Information and Privacy Commission NSW Chief Executive Officer, am of the opinion that IPC has managed the cyber security risks in a manner consistent with the Mandatory Requirements set out in the NSW Government Cyber Security Policy.

Risks to the information and systems of IPC have been assessed, appropriately managed and recorded in the IPC Risk Register.

Governance is in place to manage the cyber security risks of IPC's information and systems and IPC has established a Cyber Security Framework.

IPC adopts the DCS ICT security incident management response plan in place to effectively managed any incidents related to ICT and cyber security incidents.

IPC consumes managed services from DCS corporate services, GovConnect and its maturity is in line with the DCS cluster.

IPC is working with its service provider DCS GovConnect and is aware enhancements are in progress to appropriately manage the cyber security maturity and initiatives of the GovConnect platform to meet the requirements of this policy and further strengthen to cyber security platform.

Yours sincerely

Elizabeth Tydd  
IPC CEO, Information Commissioner  
NSW Open Data Advocate

Date: 31 August 2021

# Pillar 4: Operational Excellence

## Gifts and Benefits Attestation Statement



### Gifts and Benefits Policy Attestation Statement

I, Elizabeth Tydd, Information and Privacy Commission NSW Chief Executive Officer, am of the opinion that IPC has managed gifts and benefits in a manner consistent with the IPC's Code of Conduct and Gifts and Benefits Policy and that there is no evidence of attempts to improperly influence the decisions or actions taken by its employees.

The IPC provides transparency and accountability of gifts and benefits by publishing its Gifts and Benefits Policy and Register on its website.

Governance is in place to manage any offers of gifts and benefits through the policy framework, annual staff training and annual reporting to the Audit and Risk Committee on trends in Gifts and Benefits.

Yours sincerely

Elizabeth Tydd  
**IPC CEO, Information Commissioner  
NSW Open Data Advocate**

Date: 7 September 2021

# Pillar 4: Operational Excellence

## Internal Audit and Risk Management Attestation Statement



### Internal Audit and Risk Management Attestation Statement for the 2020-2021 Financial Year for the Information and Privacy Commission

I, Elizabeth Tydd, am of the opinion that the Information and Privacy Commission has internal audit and risk management processes in operation that are, excluding the exemptions or transitional arrangements described below, compliant with the seven (7) core requirements set out in the Internal Audit and Risk Management Policy for the NSW Public Sector, specifically:

Core Requirements	Status
<b>Risk Management Framework</b>	
1.1 The Accountable Authority shall accept ultimate responsibility and accountability for risk management in the agency.	<b>Compliant</b>
1.2 The Accountable Authority shall establish and maintain a risk management framework that is appropriate for the agency. The Accountable Authority shall ensure the framework is consistent with AS ISO 31000:2018.	<b>Compliant</b>
<b>Internal Audit Function</b>	
2.1 The Accountable Authority shall establish and maintain an internal audit function that is appropriate for the agency and fit for purpose.	<b>Compliant</b>
2.2 The Accountable Authority shall ensure the internal audit function operates consistent with the International Standards for Professional Practice for Internal Auditing.	<b>Compliant</b>
2.3 The Accountable Authority shall ensure the agency has an Internal Audit Charter that is consistent with the content of the 'model charter'.	<b>In Transition</b>
<b>Audit and Risk Committee</b>	
3.1 The Accountable Authority shall establish and maintain efficient and effective arrangements for independent Audit and Risk Committee oversight to provide advice and guidance to the Accountable Authority on the agency's governance processes, risk management and control frameworks, and its external accountability obligations.	<b>Compliant</b>
3.2 The Accountable Authority shall ensure the Audit and Risk Committee has a charter that is consistent with the content of the 'model charter'.	<b>In Transition</b>

#### Membership

The independent chair and members of the Audit and Risk Committee are:

- Independent Chair, Mr Paul Crombie  
Initial term – 16/09/2019 to 16/6/2022
- Independent Member 1, Mr Malcolm Clinch  
Initial term - 06/07/2015 to 05/07/2018 – Reappointed to 5/07/2023
- Independent Member 2, Ms Marcia Doherty  
Initial term – 28/6/2019 to 28/6/2022

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

Elizabeth Tydd  
IPC CEO, Information Commissioner  
NSW Open Data Advocate

Date: 30 August 2021

## Pillar 4: Operational Excellence

### Internal Audit and Risk Management Attestation Statement

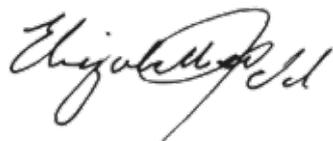
#### Departures from Core Requirements

I, Elizabeth Tydd advise that the internal audit and risk management processes for the Information and Privacy Commission depart from the following Core Requirements set out in the Internal Audit and Risk Management Policy for the General Government Sector:

1. The departure from the Core Requirements is due to the agency implementing measures to achieve compliance with new policy requirements consistent with the permitted transitional arrangements.

Departure	Reason for departure and description of practicable alternative measures implemented/being implemented
<b>In transition</b>	
Core Requirement 2.3	Necessary amendments to the Charter have been identified are in progress for endorsement at September 2021 Audit and Risk Committee Meeting
Core Requirement 3.2	As above

These processes, including the practicable alternative measures [being] implemented, demonstrate that the Information and Privacy Commission has established and maintained frameworks, including systems, processes and procedures for appropriately managing audit and risk functions within the Information and Privacy Commission.



Elizabeth Tydd  
IPC CEO, Information Commissioner  
NSW Open Data Advocate

Date: 30 August 2021

# Pillar 4: Operational Excellence

## Risk management

### Audit and Risk Committee (ARC) report on activity

#### 1. Meetings held and attendance by members:

There were five meetings of the ARC held during the 2020/21 reporting year.

No. of meetings	Meeting date	Malcolm Clinch	Paul Crombie	Marcia Doheny
1	4/8/20	✓	✓	✓
2	25/9/20	✓	✓	✓
3	14/12/20	✓	✓	✓
4	19/3/21	✓	✓	✓
5	22/4/21*	✓	✓	✓
<b>Total</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>

\*The meeting on 22 April 2021 was a special meeting for review of Financial Statements.

The following terms for members of the ARC will expire in the forward financial year:

- Mr Paul Crombie – Chair – June 2022
- Ms Marcia Doheny – Member – June 2022.

In-camera sessions were conducted with the internal and external audit service providers. Additionally, the Chair met with the CEO throughout the year as required. Meetings of the Committee were conducted online in response to the challenges around COVID-19.

#### 2. Key outcomes

- O'Connor Marsden and Associates (OCM) provide independent internal audit assurance and advice. The Chief Audit Executive reports to the ARC quarterly on the risk-based internal audit plan and progress towards completion, as well as implementation of audit issues and recommendations.
- Two internal audits were conducted by OCM to provide assurance that key internal controls operating with respect to the IPC functions are appropriately designed and have operated effectively. These audits were not finalised by 30 June 2021 and will be completed in the first half of 2021/22. They are:
  - Governance Health Check
  - Development of Engagement Strategies.

- OCM also undertook an analysis for the IPC of the requirements of Treasury Document: *TPP 20-08 Internal Audit and Risk Management Policy for the General Government Sector* introduced in December 2020. The analysis compared the new policy requirements against the former policy and identified action and changes required by the IPC.
- In accordance with core requirements of *TPP 15-03 Internal Audit and Risk Management Policy for the NSW Public Sector*, as applicable at the time the IPC developed and maintained an Internal Audit Manual and Internal Audit Charter. The Internal Audit Manual and Internal Audit Charter were reviewed and updated during the reporting period and will be the subject of further review in the forward reporting period following the commencement of TPP 20-08.
- The ARC provided advice to the CEO/Information Commissioner on identification and management of financial, operational and other key risks.

#### 3. Key outputs

- Reviewed and endorsed the 2019/20 internal audit plan.
- Reviewed the 2019/20 Risk Register at each meeting and monitored risk treatment/mitigation actions.
- Endorsed the updated whole-of-IPC Enterprise Risk Management Policy and Framework 2020/21 following business/strategic planning.
- Reviewed all audit reports and monitored the implementation of recommendations.
- Monitored the impact of COVID-19 upon IPC operations.
- Reviewed the revised IPC Strategic Plan and priority projects reporting.
- Reviewed the Audit Office Client Services Plan.
- Reviewed the draft Early Close Financial Statements for the period ending 31 March 2021.
- Reviewed the draft 2019/20 Financial Statements for submission to the NSW Audit Office and the audited Statements together with supported Attestations and Certifications and recommended the Statements for signature by the CEO.
- Reviewed the draft Early Close Financial Statements for the period ending 31 March 2021 at pre and post audit stages.
- Reviewed and discussed the Performance Management Framework Dashboard at each meeting.
- Reviewed the IPC Fraud Control Framework and Policy.
- Reviewed and endorsed the IPC Audit and Risk Committee Charter 2020/21.
- Reviewed the IPC Regulatory Plan 2020-2022.
- Monitored the IPC Policy Framework Processes.
- Reviewed the IPC Governance Framework and Action Plan 2021/22.

# Pillar 4: Operational Excellence

## 4. ARC acquittal of Treasury requirements

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

- internal control systems are in place and 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
- appropriate action has been taken to address audit recommendations.

## 5. Priorities for year ending 30 June 2022

- Monitor financial management and financial reporting arrangements for the IPC.
- Monitor performance against budget and impact of efficiency reforms and increasing work volumes upon performance.
- Continued oversight of performance against the IPC Strategic Plan 2020-2022.
- Monitor Cyber Security maturity.
- Review of the Internal Audit Plan including audit findings and recommendations.
- Review the Risk Management Plan including risk appetite and risk tolerance.
- Monitor compliance with Treasury *TPP 20-08 Internal Audit and Risk Management Policy*.
- Review the Business Continuity Plan.
- Review the Legislative Compliance Register.

See page 62 for the Internal Audit and Risk Management Attestation for 2020/21.

## GIPA Act compliance

### Decisions made on formal access applications

Under section 125 of the GIPA Act, the IPC is required to report annually on its GIPA obligations. Clause 8 of the GIPA Regulation lists the information against which agencies must report. Schedule 2 of the GIPA Regulation provides tables for the reporting of statistical information about access applications.

### Review of proactive release program

Under section 7(1) of the GIPA Act, the IPC is authorised to proactively release any government information it holds, as long as there is no overriding public interest against disclosure. As part of the IPC's proactive release program, the IPC reviews its 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 the IPC website and in other forms as appropriate. The IPC's disclosure log was updated consistent with release decisions.

Clause 8(a) of the GIPA Regulation requires details about the review under section 7(3) of the GIPA Act to be included in this annual report, along with information that has been developed and proactively released under this program.

Information made available by the IPC under this program in this financial year included:

- fact sheets and guidelines
- reports on reviews of decisions the IPC has conducted
- submissions to inquiries and discussion papers made by the Information Commissioner and the Privacy Commissioner
- infographics prepared for campaigns based on statutory reports and survey outcomes
- event listings and campaigns championed by the Information Commissioner, Privacy Commissioner or as an organisation
- regulatory reports
- notifications of approvals under legislation
- media releases and public statements
- compliance audit reports
- statistical information on voluntary data breaches
- delegations of the Information Commissioner and the Privacy Commissioner
- notifications by agencies to the Privacy Commissioner
- release of open data, including via the GIPA Agency Dashboard.

### Decisions made on formal access applications

Of the nine formal access applications received and dealt with by the IPC this financial year, there were two applications transferred to other agencies which the IPC reasonably believed held the information. The IPC received three invalid applications for the reporting period. Three applications did not comply with formal requirements in accordance with the GIPA Act, while one application was for excluded information. Where possible, the IPC worked with applicants to comply with formal requirements to make the application valid, with one of the applications subsequently becoming valid.

### Statistical information about access applications made

See Appendix 3 for statistical information about access applications made during the year.

# Pillar 4: Operational Excellence

## 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 the IPC's report will be submitted to the Attorney General, and the Minister for the Prevention of Domestic and Sexual Violence and the Minister for Digital, Minister for Customer Service as the Ministers responsible for the GIPA Act.

## Contracts register compliance

The IPC has also:

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

## PPIP Act compliance

The IPC privacy-specific expertise is applied to facilitate compliance with the PPIP Act and HRIP Act. The IPC has a PMP as required by section 33(3) of the PPIP Act and which includes the IPC's obligations under the HRIP Act. The IPC's PMP outlines how the IPC complies with the principles of the PPIP Act and the HRIP Act. The PMP was reviewed during the reporting period to recognise changes in the IPC's operation and to be a model of best practice for agencies. It can be found on the IPC website.

During the reporting period, the IPC also engaged a privacy consultancy to undertake a Privacy Impact Assessment of the IPC Website to ensure the collection, storage and use of personal information is in accordance with both privacy legislation and best practice. Minor changes were made as a result of this assessment.

## Client Satisfaction Survey

In 2020/21, the IPC continued to gain valuable feedback from its Client Satisfaction Survey across the complaint and review case types. Data from the survey shows that there was a moderate decrease in results, particularly when compared to the previous reporting period. In 2020/21:

- 65% of respondents agreed the outcome of the case was communicated clearly
- 63% agreed information such as fact sheets and guidelines were easy to understand
- 63% agreed that the fact sheets and guidelines were easy to find on the IPC website.

Overall, 53% of respondents were satisfied with the service provided by the IPC, down from 67% in 2019/20. The IPC will continue to monitor satisfaction and identify drivers and actions to improve upon this outcome and the client/applicant experience with its regulatory services.

The impact of COVID-19 in 2020/21 has created a unique and challenging operating environment for all NSW public sector agencies, including the IPC. Combined with an overall increase in the number of applications made to the IPC, this impact has affected end-to-end case age and overall timeliness.

The IPC will continue to identify additional opportunities to improve upon overall client satisfaction with particular emphasis on increasing overall satisfaction with the outcome, increasing the knowledge base of staff to assist clients and keeping clients updated with the progress of their engagement with the IPC.

When compared to the previous reporting period, there were 16 additional responses in 2020/21, totalling 162. This increase in response rate is very encouraging and the IPC will aim to continue to receive this high level of feedback in the next reporting year.

## Agency Advice Satisfaction Survey

In 2020, the IPC focused on extending the Client Satisfaction Survey to other parts of its regulatory functions. Commencing on 1 July 2020, the IPC implemented a quarterly Agency Advice Satisfaction Survey, which was developed as part of the IPC Strategic Plan 2020-2022.

The survey seeks feedback on the quality of services provided to NSW public sector agencies who request advice from the IPC. During the reporting period a total of 30 agencies provided responses. This is an encouraging response rate for the first year of implementing the survey and the IPC will aim to increase the response rate over the next year.

In 2020/21:

- 83% agreed that the advice was communicated to them clearly
- 83% agreed that the IPC officer/s were polite and helpful
- 77% agreed that the information such as fact sheets, guidance and guidelines were easy to understand.

The survey has identified areas where the IPC can improve agency satisfaction. The focus of the IPC for the next reporting period will be increasing the knowledge base of staff to assist agencies, improving the ease of locating and availability of IPC resources and ensuring information provided helps to address questions and enquiries.

Overall, the results from the first year of the survey are encouraging and the IPC will continue to build upon this over the next 12 months.

## Pillar 4: Operational Excellence

### Client Satisfaction Survey results for 2020/21

	% Agree		
	2020/21	2019/20*	2018/19
It was easy to find information such as Fact Sheets and Guidelines on the IPC website	71%	71%	67%
Information such as Fact Sheets and Guidelines I read were easy to understand	73%	73%	74%
IPC officers had the knowledge to answer my questions	69%	69%	54%
I was kept up-to-date with progress	65%	65%	53%
I received a timely outcome from the IPC	67%	67%	53%
The outcome was communicated to me clearly	77%	77%	66%
I was satisfied with the outcome	58%	58%	46%
The process was fair	67%	67%	50%
IPC officer/s were polite and helpful	76%	76%	69%
Overall, I was satisfied with the service provided by the IPC	67%	67%	55%

\* Minor amendments to the survey were undertaken and completed on 1 July 2019, including additional questions of demographics and changes to the layout and functionality of the survey.

### Agency Advice Satisfaction Survey results for 2020/21

	% Agree
	2020/21
It was easy to find information such as fact sheets, guidance and guidelines on the IPC website	63%
Information such as fact sheets, guidance and guidelines I read were easy to understand	77%
Overall, I was satisfied with the service provided by the IPC	67%
I was satisfied with the advice provided	67%
The IPC officer/s had the knowledge to answer my questions	57%
The advice was communicated to me clearly	83%
The IPC officer/s were polite and helpful	83%
I received a timely response from the IPC to my request for advice	73%
The information was helpful in addressing my question or enquiry	63%

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# Our financial performance



# Our financial performance

## Statement by the Information Commissioner



information  
and privacy  
commission  
new south wales

### STATEMENT BY INFORMATION COMMISSIONER

For the Year Ended 30 June 2021

Pursuant to section 7.6(4) of the *Government Sector Finance Act 2018* ("the Act"), I state that these financial statements:

- a) have been prepared in accordance with the Australian Accounting Standards and the applicable requirements of the Act, the *Government Sector Finance Regulation 2018* and the Treasurer's directions, and
- b) present fairly the Information and Privacy Commission's financial position, financial performance and cash flows.

Elizabeth Tydd  
**IPC CEO, Information Commissioner**  
**NSW Open Data Advocate**

Date: 13 October 2021

# Our financial performance

## Independent Auditor's Report



### INDEPENDENT AUDITOR'S REPORT

#### Information and Privacy Commission

To Members of the New South Wales Parliament

#### Opinion

I have audited the accompanying financial statements of the Information and Privacy Commission (the Commission), which comprise the Statement by the Information Commissioner, the Statement of Comprehensive Income for the year ended 30 June 2021, the Statement of Financial Position as at 30 June 2021, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, notes comprising a Statement of Significant Accounting Policies, and other explanatory information.

In my opinion, the financial statements:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2018* (GSF Regulation) and the Treasurer's Directions
- presents fairly the Commission's financial position, financial performance and cash flows of the Commission.

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

#### Basis for Opinion

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

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

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

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

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

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

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

# Our financial performance

## Independent Auditor's Report

### **The Information Commissioner's Responsibilities for the Financial Statements**

The Information Commissioner is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the GSF Act, GSF Regulations and Treasurer's Directions. The Information Commissioner's responsibility also includes such internal control as the Information Commissioner determines is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Information Commissioner is responsible for assessing the Commission's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting.

### **Auditor's Responsibilities for the Audit of the Financial Statements**

My objectives are to:

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

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

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar6.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar6.pdf). The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

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



Somaiya Ahmed  
Director, Financial Audit

14 October 2021  
SYDNEY

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# Financial statements



# Our financial performance

## Financial statements for the year ended 30 June 2021

### Start of audited financial statements

### Statement of comprehensive income

For the year ended 30 June 2021

	Notes	Actual 2021 \$	Budget 2021 \$	Actual 2020 \$
<b>Expenses excluding losses</b>				
Employee related expenses	2(a)	4,326,205	4,366,000	4,633,892
Operating expenses	2(b)	1,797,018	1,255,000	1,773,405
Depreciation and Amortisation	2(c)	218,138	629,000	324,045
Finance Cost		-	22,000	-
<b>Total expenses excluding losses</b>		<b>6,341,361</b>	<b>6,272,000</b>	<b>6,731,342</b>
<b>Revenue</b>				
Grants and contributions	3(a)	6,000,000	6,021,000	5,908,000
Acceptance by the Crown Entity of employee benefits and other liabilities	3(b)	30,645	184,000	317,963
Other revenue		-	13,000	-
Investment revenue		-	1,000	-
<b>Total revenue</b>		<b>6,030,645</b>	<b>6,219,000</b>	<b>6,225,963</b>
<b>Operating result</b>		<b>(310,716)</b>	<b>(53,000)</b>	<b>(505,379)</b>
Loss on disposal	4	55,591	-	-
<b>Net result</b>		<b>(366,307)</b>	<b>(53,000)</b>	<b>(505,379)</b>
<b>Total other comprehensive income</b>		<b>-</b>	<b>-</b>	<b>-</b>
<b>Total comprehensive income/(loss)</b>		<b>(366,307)</b>	<b>(53,000)</b>	<b>(505,379)</b>

The accompanying notes form part of these financial statements.

# Our financial performance

Financial statements for the year ended 30 June 2021

## Statement of financial position

As at 30 June 2021

	Notes	Actual 2021 \$	Budget 2021 \$	Actual 2020 \$
<b>Assets</b>				
<b>Current assets</b>				
Cash and cash equivalents	6	652,255	931,000	930,889
Receivables	7	164,775	225,000	172,085
<b>Total current assets</b>		<b>817,030</b>	<b>1,156,000</b>	<b>1,102,974</b>
<b>Non-current assets</b>				
Plant and equipment	8	934	115,000	68,579
Right of Use Assets		-	(388,000)	-
Intangible assets	9	359,621	496,000	565,706
<b>Total non-current assets</b>		<b>360,555</b>	<b>223,000</b>	<b>634,285</b>
<b>Total assets</b>		<b>1,177,585</b>	<b>1,379,000</b>	<b>1,737,259</b>
<b>Liabilities</b>				
<b>Current liabilities</b>				
Payables	10	365,525	577,000	510,308
Provisions	11	510,670	594,000	551,958
<b>Total current liabilities</b>		<b>876,195</b>	<b>1,171,000</b>	<b>1,062,266</b>
<b>Non-current liabilities</b>				
Provisions	11	9,852	(398,000)	17,148
<b>Total non-current liabilities</b>		<b>9,852</b>	<b>(398,000)</b>	<b>17,148</b>
<b>Total liabilities</b>		<b>886,047</b>	<b>773,000</b>	<b>1,079,414</b>
<b>Net assets</b>		<b>291,538</b>	<b>606,000</b>	<b>657,845</b>
<b>Equity</b>				
Accumulated funds		291,538	606,000	657,845
<b>Total equity</b>		<b>291,538</b>	<b>606,000</b>	<b>657,845</b>

The accompanying notes form part of these financial statements.

# Our financial performance

Financial statements for the year ended 30 June 2021

## Statement of changes in equity

For the year ended 30 June 2021

	Accumulated funds \$
<b>Balance at 1 July 2020</b>	657,845
<b>Net result for the year</b>	(366,307)
Other comprehensive income	0
<b>Total comprehensive income for the year</b>	<b>291,538</b>
Transaction with owners in their capacity as owners	-
<b>Balance at 30 June 2021</b>	<b>291,538</b>
<b>Balance at 1 July 2019</b>	1,163,224
<b>Net result for the year</b>	(505,379)
Other comprehensive income	-
<b>Total comprehensive income for the year</b>	<b>657,845</b>
Transaction with owners in their capacity as owners	-
<b>Balance at 30 June 2020</b>	<b>657,845</b>

The accompanying notes form part of these financial statements.

# Our financial performance

Financial statements for the year ended 30 June 2021

## Statement of cash flows

For the year ended 30 June 2021

	Notes	Actual 2021 \$	Budget 2021 \$	Actual 2020 \$
<b>Cash flow from operating activities</b>				
<b>Payments</b>				
Employee related		(4,383,672)	(4,182,000)	(4,105,195)
Suppliers for goods and services		(2,135,240)	(1,308,000)	(1,284,508)
Finance Costs		-	(22,000)	-
<b>Total payments</b>		<b>(6,518,912)</b>	<b>(5,512,000)</b>	<b>(5,389,703)</b>
<b>Receipts</b>				
Grants and contributions		6,000,000	6,021,000	5,908,000
Interest received		-	1,000	-
Other cash receipts		240,278	13,000	149,928
<b>Total receipts</b>		<b>6,240,278</b>	<b>6,035,000</b>	<b>6,057,928</b>
<b>Net cash flows from operating activities</b>	12	<b>(278,634)</b>	<b>523,000</b>	<b>668,225</b>
<b>Cash flows from investing activities</b>				
Purchases of plant, equipment and intangible assets		-	(150,000)	(87,909)
<b>Net cash flows from investing activities</b>		<b>-</b>	<b>(150,000)</b>	<b>(87,909)</b>
<b>Cash flows from financing activities</b>				
<b>Net cash flows from financing activities</b>		<b>-</b>	<b>(373,000)</b>	<b>-</b>
<b>Net (decrease)/increase in cash and cash equivalents</b>		<b>(278,634)</b>	<b>-</b>	<b>580,316</b>
Opening cash and cash equivalents		930,889	931,000	350,573
<b>Closing cash and cash equivalents</b>	6	<b>652,255</b>	<b>931,000</b>	<b>930,889</b>

The accompanying notes form part of these financial statements.

# Our financial performance

## Notes to the financial statements for the year ended 30 June 2021

### 1. Statement of significant accounting policies

#### (a) Reporting entity

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

The financial statements for the period ended 30 June 2021 have been authorised for issue by the Information Commissioner on 13 October 2021.

The Administrative Arrangements (Administrative of Acts – General) Order 2019 made on 1 May 2019 allocated the administration of the *Government Information (Information Commissioner) Act 2009*, *Privacy and Personal Information Protection Act 1998* and the *Government Information (Public Access) Act 2009* jointly to the Attorney General, and Minister for the Prevention of Domestic and Sexual Violence and Minister for Digital, Minister for Customer Service. Consistent with these arrangements, the Commission transferred from the Justice cluster into the new Customer Service Cluster, effective 1 July 2019. As the transfer does not involve the transfer of programs or functions to other NSW public sector agencies, there is no financial impact on the Commission's financial statements.

#### (b) Basis of preparation

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

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
- the requirements of the *Government Sector Finance Act 2018* (GSF Act) and Government Sector Finance Regulation 2018;
- Treasurer's Directions issued under the GSF Act.

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

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

All amounts are rounded to the nearest dollar and are expressed in Australian currency, which is the Commission's presentation and functional currency.

The Crown Entity has approved the Commission's future budgeted expenditure for the period 2021-2024. The Commission's financial statements for the period ending 30 June 2021 have been prepared on a going concern basis, which contemplates the continuity of normal operating activity and the realisation of assets and the settlement of liabilities in the normal course of operations. The Commission held cash on hand and at bank as at 30 June 2021 of \$652,254 and will receive grants from the Department of Customer Service in the 2021/22 financial year to fund its approved budgeted operations.

#### (c) Statement of compliance

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

#### (d) Accounting for goods and services tax

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except where:

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

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

#### (e) Equity

##### Accumulated Funds

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

#### (f) Comparative information

Except when an Australian Accounting Standard permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements.

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 1. Statement of significant accounting policies (continued)

### (g) Changes in accounting policies, including new or revised Australian Accounting Standards

#### (i) Effective for the first time in 2021

The Commission applied AASB 1059 Service Concession Arrangements: Grantors (AASB 1059) for the first time. The nature and effect of the changes as a result of adoption of this new accounting standard are described below.

Several other amendments and interpretations apply for the first time in FY2020-21, but do not have an impact on the financial statements.

#### AASB 1059 Service Concession Assets: Grantors

AASB 1059 is effective from 1 July 2020. At the same time NSW Treasury Policy and Guideline Paper TPP 06-8: Accounting for Privately Financed Projects (TPP 06-8) was withdrawn effective from 1 July 2020.

Service Concession Arrangements are contracts between an operator and a grantor, where the operator provides public services related to a service concession asset on behalf of the grantor for a specified period of time and manages at least some of those services.

Where AASB 1059 applies, the grantor recognises the service concession asset when the grantor obtains control of the asset and measures the service concession asset at current replacement cost. At the same time the grantor recognises a corresponding financial liability or unearned revenue liability or a combination of both.

The Commission has assessed the impact and concluded that the adoption of the new standard does not have an impact on statement of comprehensive income, statement of financial position, other comprehensive income and the statement of cash flows for the financial year.

#### (ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise. Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2021 reporting periods.

The following new Accounting Standards have not been applied and are not yet effective:

- AASB 17 Insurance Contracts
- AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities
- AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current
- AASB 2020-3 Amendments to Australian Accounting Standards – Annual Improvements 2018–2020 and Other Amendments
- AASB 2020-5 Amendments to Australian Accounting Standards – Insurance Contracts
- AASB 2020-6 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current – Deferral of Effective Date
- AASB 2020-7 Amendments to Australian Accounting Standards – COVID-19-Related Rent Concessions: Tier 2 Disclosures
- AASB 2020-8 Amendments to Australian Accounting Standards – Interest Rate Benchmark Reform – Phase 2.

The standards above did not have an impact on statement of comprehensive income, statement of financial position, other comprehensive income and the statement of cash flows for the financial year.

### h) Financial impact of COVID-19 on the Commission

The primary area of heightened risk from COVID-19 is to the Commission's workforce, in both public-facing and office-based roles. As a result, significant focus has been placed on managing work health and safety (WHS) risks, physical, mental and social. Most office-based staff have moved to working from home arrangements, and the Commission has acted to reduce any adverse impact on staff arising from these work arrangements. Frontline staff have also been provided with guidance in relation to hygiene, travel, illness prevention, and flexible working. The Commission continues to support the health and safety of its staff.

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 2. Expenses excluding losses

### (a) Employee related expenses

	2021 \$	2020 \$
Salaries and wages (including annual leave)	3,835,970	3,689,806
Payroll tax & Fringe Benefit Tax	195,946	225,531
Superannuation - defined contribution plans	296,846	260,433
Superannuation - defined benefit plans	65,824	52,888
Workers' compensation insurance	17,201	12,980
Long service leave*	(88,862)	357,658
Voluntary Redundancy	-	32,186
Payroll tax assumed by Crown	3,280	2,410
<b>Total</b>	<b>4,326,205</b>	<b>4,633,892</b>

\* The negative balance in the current financial year is a release into the expense, resulting from a higher than required Present Value LSL top-up in the prior financial year compared to 30 June 2021 per the payroll leave provision report (\$710,362 vs \$483,583).

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 2. Expenses excluding losses (continued)

### (b) Other operating expenses

	2021 \$	2020 \$
Administration fees*	200,000	259,598
Advertising and publicity	34,393	58,333
Agency staff fees	270,615	289,499
Audit and Risk Committee fees	38,900	19,452
Auditor's remuneration		
- audit of the financial statements	28,280	35,000
- internal audit	18,810	29,875
Computer related expenses	391,865	145,701
Consultants and contractors	155,350	33,340
Insurance	-	3,540
Legal services	11,743	39,179
Miscellaneous fees	24,060	5,151
Motor vehicle expense	(11,243)	-
Other	23,172	-
Postage	(153)	10,637
Printing	-	6,257
Rental	457,160	532,078
Repair and maintenance	285	4,178
Staff expenses	112,285	183,707
Stores and stationary	3,048	19,403
Subscription and membership	48,826	38,090
Telephone	(10,772)	56,186
Travel	394	4,201
<b>Total**</b>	<b>1,797,018</b>	<b>1,773,405</b>

\*Relates to Corporate Services provided to the Commission by the Department of Customer Service.

\*\*Total costs to the Commission for services during 2020/21 was \$433,358. This includes direct consumption passthrough charges of \$233,358.

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 2. Expenses excluding losses (continued)

### Recognition and measurement

#### Insurance

The Commission's insurance activities are conducted through NSW Treasury Managed Fund Scheme of self-insurance for Government entities. The expense (premium) is determined by the Fund Manager based on past claims experience.

#### Maintenance expense

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

### (c) Depreciation and amortisation expense

	2021 \$	2020 \$
<b>Depreciation</b>		
Computer equipment	3,491	75,968
Furniture and fittings	8,563	9,526
Plant and equipment	-	865
<b>Total depreciation expense</b>	<b>12,054</b>	<b>86,359</b>
<b>Amortisation</b>		
Intangible assets - software	206,084	237,686
<b>Total amortisation expense</b>	<b>206,084</b>	<b>237,686</b>
<b>Total</b>	<b>218,138</b>	<b>324,045</b>

### Recognition and measurement

Depreciation is provided for on a straight-line basis 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:

Asset Class	Rate of Depreciation
Computer Equipment - Portable	33%
Office Equipment	20%
Furniture & Fittings	10%
Intangible Assets - Software	25%

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 3. Revenue

### (a) Grants and contributions

	2021 \$	2020 \$
Government grants - recurrent	5,850,000	5,758,000
Government grants - capital	150,000	150,000
<b>Total</b>	<b>6,000,000</b>	<b>5,908,000</b>

The Commission receives its funding under appropriations from the grant funding received from the Department of Customer Service which receives appropriations from the Consolidated Fund. Appropriations for each financial year are set out in the Appropriation Act for that year. Due to COVID-19, the State Budget and related 2020-21 Appropriation Bill was delayed and was not tabled in Parliament in November/December 2020 as anticipated. However, pursuant to section 4.10 of the GSF Act, the Treasurer has authorised Ministers to spend specified amounts from the Consolidated Fund. This authorisation is current from 1 July 2020 until the earlier of 31 December 2020 (or another day prescribed by the regulations) or enactment of the 2020-21 annual Appropriations Act.

### Summary of Compliance

	2021 \$	2020 \$
Cluster grants	6,000,000	5,908,000
<b>Total spending authority from parliamentary appropriations, other than deemed appropriations</b>	<b>6,000,000</b>	<b>5,908,000</b>
<b>Add:</b>		-
Deemed appropriations earned during the year	240,278	149,928
Deemed appropriations balance brought forward from prior years	500,501	350,573
<b>Total spending authority from parliamentary appropriations</b>	<b>6,740,779</b>	<b>6,408,501</b>
<b>Less: total expenditure from parliamentary appropriations</b>	<b>(6,518,913)</b>	<b>(5,477,612)</b>
<b>Variance</b>	<b>221,866</b>	<b>930,889</b>
<b>Less:</b>		
The spending authority from appropriations lapsed at 30 June	-	(430,388)
Deemed appropriations balance carried forward to following years	<b>221,866</b>	<b>500,501</b>

### Recognition and measurement

Revenue from these grants is recognised based on the grant amount specified in the funding agreement/funding approval, and revenue is only recognised to the extent that it is highly probable that a significant reversal will not occur.

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 3. Revenue (continued)

### (b) Acceptance by the Crown Entity of employee benefits and other liabilities

The following liabilities and/or expenses have been assumed by the Crown Entity:

	2021 \$	2020 \$
Superannuation - defined benefit	65,286	50,477
Long service leave*	(38,461)	265,076
Payroll tax	3,280	2,410
<b>Total</b>	<b>30,645</b>	<b>317,963</b>

\* The negative balance in the current financial year is a release into the expense, resulting from a higher than required Present Value LSL top-up in the prior financial year compared to 30 June 2021 per the payroll leave provision report (\$710,362 vs \$483,583).

## 4. Gain/(loss) on disposal

	2021 \$	2020 \$
<b>Gain/(loss) on disposal of assets</b>		
Written down value of Computer equipment and Furniture & Fittings disposed	55,591	-
<b>Net gain/(loss) on disposal of assets</b>	<b>55,591</b>	<b>-</b>

## 5. Program group

Information and Privacy Commission program group covers the provision of assistance and advice to agencies and the public, the conduct of legislative and administrative reviews, and other activities to ensure compliance with the *Government Information (Public Access) Act 2009* and NSW privacy legislation. The expenses, revenues, assets and liabilities of the program group are presented in the primary financial statements.

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 6. Current assets – cash and cash equivalents

	2021 \$	2020 \$
Cash at bank	652,255	930,889
<b>Closing cash</b>	<b>652,255</b>	<b>930,889</b>

For the purposes of the Statement of Cash Flows, cash and cash equivalents include cash at bank and cash on hand. Cash and cash equivalent assets recognised in the statement of financial position are the same as cash and cash equivalents assets recognised in the statement of cash flows.

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

## 7. Current assets – receivables

	2021 \$	2020 \$
GST receivable	53,708	3,709
Prepayments*	86,128	47,273
Accrued income (Redundancy expense recoup)	-	104,138
Other receivables	24,939	16,965
<b>Total</b>	<b>164,775</b>	<b>172,085</b>

Details regarding credit risk of trade debtors that are neither past due nor impaired, are disclosed in Note 14.

\* Prepayments as at 30 June 2021 relate to the purchase of annual subscriptions in advance. The subscriptions are amortised to the statement of comprehensive income over the period of the subscription.

### Recognition and measurement

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

### Subsequent measurement

The Commission holds receivables with the objective to collect the contractual cash flows and therefore measures them at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

### Impairment of financial assets

#### Impairment under AASB 9

The Commission recognises an allowance for expected credit losses (ECLs) for all debt financial assets not held at fair value through profit or loss. ECLs are based on the difference between the contractual cash flows and the cash flows that the Commission expects to receive, discounted at the original effective interest rate.

For trade receivables, the Commission applies a simplified approach in calculating ECLs. The Commission recognises a loss allowance based on lifetime ECLs at each reporting date. The Commission has established a provision matrix based on its historical credit loss experience for trade receivables, adjusted for forward looking factors specific to the receivable. At 30 June 2021, the Commission held no provision for expected credit losses.

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 8. Non-current assets – plant and equipment

	Computer equipment \$	Furniture & fittings \$	Plant and equipment \$	Total \$
<b>At 1 July 2020 - fair value</b>				
Gross carrying amount	122,255	98,499	34,749	255,503
Accumulated depreciation and impairment	(115,458)	(36,717)	(34,749)	(186,924)
<b>Net carrying amount</b>	<b>6,797</b>	<b>61,782</b>	<b>-</b>	<b>68,579</b>
<b>At 30 June 2021 - fair value</b>				
Gross carrying amount	4,482	5,076	34,749	44,307
Accumulated depreciation and impairment	(3,548)	(5,076)	(34,749)	(43,373)
<b>Net carrying amount</b>	<b>934</b>	<b>-</b>	<b>-</b>	<b>934</b>

### 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 \$	Plant and equipment \$	Total \$
<b>Year ended 30 June 2021</b>				
Net carrying amount at start of year	6,797	61,782	-	68,579
Additions	-	-	-	-
Disposals	(2,372)	(53,219)	-	(55,591)
Depreciation expenses	(3,491)	(8,563)	-	(12,054)
<b>Net carrying amount at end of year</b>	<b>934</b>	<b>-</b>	<b>-</b>	<b>934</b>

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

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

	Computer equipment \$	Furniture & fittings \$	Plant and equipment \$	Total \$
<b>At 1 July 2019 - fair value</b>				
Gross carrying amount	56,805	98,499	37,358	192,662
Accumulated depreciation and impairment	(41,054)	(27,190)	(36,494)	(104,738)
<b>Net carrying amount</b>	<b>15,751</b>	<b>71,309</b>	<b>864</b>	<b>87,924</b>
<b>At 30 June 2020 - fair value</b>				
Gross carrying amount	122,255	98,499	34,749	255,503
Accumulated depreciation and impairment	(115,458)	(36,717)	(34,749)	(186,924)
<b>Net carrying amount</b>	<b>6,797</b>	<b>61,782</b>	<b>-</b>	<b>68,579</b>

### 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 \$	Plant and equipment \$	Total \$
<b>Year ended 30 June 2020</b>				
Net carrying amount at start of year	15,751	71,309	864	87,924
Additions	67,014	-	-	67,014
Disposals	-	-	-	-
Depreciation expenses	(75,968)	(9,527)	(864)	(86,359)
<b>Net carrying amount at end of year</b>	<b>6,797</b>	<b>61,782</b>	<b>-</b>	<b>68,579</b>

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

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

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

### Recognition and measurement

#### Acquisition of assets

Property, plant and equipment are initially measured at cost and subsequently revalued at fair value less accumulated depreciation and impairment. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to the asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

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

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

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

#### Capitalisation threshold

Plant and equipment costing \$5,000 and above individually (or forming part of an IT network costing more than \$5,000) are capitalised.

#### Revaluation of property, plant and equipment

Physical non-current assets are valued in accordance with the “Valuation of Physical Non-Current Assets at Fair Value” Policy and Guidelines Paper (TPP 14-01). This policy adopts fair value in accordance with AASB 13 *Fair Value Measurement*, AASB 116 *Property, Plant and Equipment* and AASB 140 *Investment Property*.

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

As the Commission does not own land, buildings and infrastructure assets, revaluations of plant and equipment are not warranted. The residual values, useful lives and methods of depreciation of plant and equipment are reviewed at each financial year end.

#### Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 *Impairment of Assets* is unlikely to arise. As plant and equipment is carried at fair value or an amount that approximates fair value, impairment can only arise in the rare circumstances where the costs of disposal are material.

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

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

After an impairment loss has been recognised, it is reversed only if there has been a change in the assumptions used to determine the asset's recoverable amount. The reversal is limited so that the carrying amount of the asset does not exceed its recoverable amount, nor exceed the carrying amount that would have been determined, net of depreciation, had no impairment loss been recognised for the asset in prior years. Such reversal is recognised in net result and is treated as a revaluation increase. However, to the extent that an impairment loss on the same class of asset was previously recognised in net result, a reversal of that impairment loss is also recognised in net result.

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 9. Intangible assets

	Software \$
<b>At 1 July 2020</b>	
Cost (gross carrying amount)	2,027,929
Accumulated amortisation	(1,462,223)
<b>Net carrying amount</b>	<b>565,706</b>
<b>At 30 June 2021</b>	
Cost (gross carrying amount)	2,027,929
Accumulated amortisation	(1,668,308)
<b>Net carrying amount</b>	<b>359,621</b>

### Reconciliation

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

	Software \$
<b>Year ended 30 June 2021</b>	
Net carrying amount at beginning of year	565,706
Additions	-
Disposals	-
Amortisation (recognised in 'depreciation and amortisation')	(206,084)
<b>Net carrying amount at end of year</b>	<b>359,621</b>
<b>At 1 July 2019</b>	
Cost (gross carrying amount)	2,008,326
Accumulated amortisation	(1,225,829)
<b>Net carrying amount</b>	<b>782,497</b>
<b>At 30 June 2020</b>	
Cost (gross carrying amount)	2,027,929
Accumulated amortisation	(1,462,223)
<b>Net carrying amount</b>	<b>565,706</b>

# Our financial performance

## Notes to the financial statements for the year ended 30 June 2021

### 9. Intangible assets (continued)

#### Reconciliation

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

	Software \$
<b>Year ended 30 June 2020</b>	
Net carrying amount at beginning of year	782,497
Additions	20,895
Disposals	-
Amortisation (recognised in 'depreciation and amortisation')	(237,686)
<b>Net carrying amount at end of year</b>	<b>565,706</b>

#### Recognition and measurement

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. Following the initial recognition, 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 and impairment losses.

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

The Commission's intangible assets are amortised using the straight-line method over a period of four years. Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount, the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.

#### Capitalisation Threshold

Intangible assets costing \$50,000 and above individually (or forming part of an IT network costing more than \$50,000) are capitalised. The Commission incurred operational expenses of \$44,017 for software enhancements that could not be capitalised due to the Department of Customer Service's intangible asset thresholds.

### 10. Current liabilities – payables

	2021 \$	2020 \$
Accrued salaries, wages and on-costs	23,912	63,440
Sundry accruals and creditors	341,613	446,868
<b>Total</b>	<b>365,525</b>	<b>510,308</b>

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

# Our financial performance

## Notes to the financial statements for the year ended 30 June 2021

### Recognition and measurement

Payables represent liabilities for goods and services provided to the Commission and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

Payables are financial liabilities at amortised cost, initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in net result when the liabilities are derecognised as well as through the amortisation process.

## 11. Current/non-current liabilities – provisions

	2021 \$	2020 \$
<b>Current</b>		
Recreation leave	411,060	407,887
Long service leave on costs	99,610	144,071
<b>Total</b>	<b>510,670</b>	<b>551,958</b>
<b>Non-current</b>		
Long service leave on costs	9,852	17,148
<b>Total</b>	<b>9,852</b>	<b>17,148</b>
<b>Aggregate employee benefits on-costs</b>		
Provisions - current	510,670	551,958
Provisions - non-current	9,852	17,148
Accrued salaries, wages and on-costs (Note 10)	-	63,440
<b>Total</b>	<b>520,522</b>	<b>632,546</b>
<b>Provisions expected to be settled within 12 months from reporting date</b>		
Recreation leave	374,882	407,887
Long service leave on costs	-	441
<b>Total</b>	<b>374,882</b>	<b>408,328</b>
<b>Provisions expected to be settled in more than 12 months from reporting date</b>		
Recreation leave	36,179	-
Long service leave on costs	109,461	160,778
<b>Total</b>	<b>145,640</b>	<b>160,778</b>

# Our financial performance

## Notes to the financial statements for the year ended 30 June 2021

### 11. Current/non-current liabilities – provisions (continued)

#### Recognition and measurement

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.

#### Employee Benefits and related on-costs

##### Salaries and wages, annual leave and sick leave

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period, in which the employees render the service are recognised and measured at undiscounted amounts of the benefits.

Annual leave is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 *Employee Benefits* (although short-cut methods are permitted).

Actuarial advice obtained by Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 8.4% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The Commission has assessed the actuarial advice based on the Commission's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the Commission does not expect to settle the liability within 12 months as the Commission does not have an unconditional right to defer settlement.

Unused non-vesting sick leave does not give rise to a liability, as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. The Commission accounts for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of employee benefits and other liabilities'.

##### Long service leave and superannuation

Long service leave is measured at present value of expected future payments to be made in respect of services provided up to the reporting date, in accordance with AASB 119 *Employee Benefits*. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures, and periods of services to employees with five or more years of service, using current rates of pay. Expected future payments are discounted using Commonwealth government bond rate at the reporting date. These factors were determined based on an actuarial review to approximate present value.

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.

##### Long Service Leave and Superannuation Liabilities Assumed by the Crown Entity

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

The Commission accounts for the liability as having been extinguished resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of employee benefits and other liabilities'.

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 11. Current/non-current liabilities – provisions (continued)

### Consequential costs

Consequential costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax.

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

	2021 \$	2020 \$
<b>Net cash flows from operating activities</b>	(278,634)	668,225
Depreciation and amortisation expense	(218,138)	(324,045)
Loss on sale of plant and equipment and intangibles	(55,591)	-
(Decrease)/increase in receivables and prepayments	(7,310)	(244,043)
(Increase)/decrease in provisions	48,583	(259,357)
(Increase)/decrease in payables	144,783	(346,159)
<b>Net result</b>	<b>(366,307)</b>	<b>(505,379)</b>

## 13. Budget review

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent approved amendments to the original budget (e.g. adjustment for transfer of functions between entities as a result of Administrative Arrangements Orders and Treasury adjustments) have also been reflected in the budgeted amounts. Major variances between the budgeted amounts and the actual amounts disclosed in the financial statements are explained below.

### Net result

The actual net result was lower than budget by \$313,307 primarily due to higher than expected Staffing and Consultancy Expenses, and lower than anticipated Crown Accepted Benefits and Liabilities.

### Assets and liabilities

The actual net asset result was \$314,462 lower than budget primarily due to Cash being lower than budget at year end.

### Cash flows

The final cash position was lower than budget by \$278,745. This result was driven by zero actual cash flow on financing activities.

# Our financial performance

## Notes to the financial statements for the year ended 30 June 2021

### 14. Financial instruments

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

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

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

#### Financial instrument categories

##### (i) As at 30 June 2021

Class	Note	Category	Carrying amount \$
<b>Financial assets</b>			
Cash and cash equivalents	6	Amortised cost	652,255
Receivables <sup>1</sup>	7	Amortised cost	24,939
<b>Financial liabilities</b>			
Payables <sup>2</sup>	10	Financial liabilities measured at amortised cost	403,367

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

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

##### (ii) As at 30 June 2020

Class	Note	Category	Carrying amount \$
<b>Financial assets</b>			
Cash and cash equivalents	6	Amortised cost	930,889
Receivables <sup>1</sup>	7	Amortised cost	121,103
<b>Financial liabilities</b>			
Payables <sup>2</sup>	10	Financial liabilities measured at amortised cost	510,308

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

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

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

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

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## 14. Financial instruments (continued)

### Credit risk

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

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

The Commission considers a financial asset in default when contractual payments are 90 days past due. However, in certain cases, the entity may also consider a financial asset to be in default when internal or external information indicates that the Commission is unlikely to receive the outstanding contractual amounts in full before taking into account any credit enhancements held by the Commission.

Based on management's assessment on natural disasters (including COVID-19), there was no impact on the receivables and other assets in the balance sheet. The Commission has assessed the recoverability of its debtors and there was no additional impact on the ECL calculation that has been performed at 30 June 2021.

### Cash and cash equivalents

Cash comprises cash on hand and bank balances. The Commission does not earn interest on its daily bank balances.

### Receivables – trade debtors

#### **Accounting policy for impairment of trade debtors and other financial assets under AASB 9**

Collectability of trade debtors is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand.

The Commission applies the AASB 9 simplified approach to measuring expected credit losses which uses a lifetime expected loss allowance for all trade debtors.

To measure the expected credit losses, trade receivables have been grouped based on shared credit risk characteristics and the days past due.

The expected loss rates are based on historical observed loss rates. The historical loss rates are adjusted to reflect current and forward-looking information on macroeconomic factors affecting the ability of the customers to settle the receivables. The Commission has identified the unemployment rate, wages growth rate and CPI inflation to be the most relevant factors, and accordingly adjusts the historical loss rates based on expected changes in these factors.

Trade debtors are written off when there is no reasonable expectation of recovery. Indicators that there is no reasonable expectation of recovery include, amongst others a failure to make contractual payments.

There are no debtors which are currently past due and impaired. The loss allowance for trade debtors as at 30 June 2021 and 1 July 2020 was determined to be \$nil.

The Commission is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors as at 30 June 2021.

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

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## 14. Financial instruments (continued)

### Liquidity risk

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

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

Liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. For small business suppliers, where terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, 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.

For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers, the payment of simple interest is at the discretion of the Information Commissioner.

Based on management's assessment on natural disasters (including COVID-19), there was no change to the underlying terms and conditions of our financial liabilities. However, the Commission has chosen to reduce the payment period on all our creditors and other payables to assist with struggling businesses during the COVID-19 period. This has not affected our ability to settle and pay for all debts as and when they arise.

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

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 14. Financial instruments (continued)

### Maturity analysis and interest rate exposure of financial liabilities

	Weighted average effective interest rate	Nominal amount \$	Interest rate exposure		Maturity dates		
			Fixed interest rate \$	Non-interest bearing \$	< 1 year \$	1-5 years \$	> 5 years \$
<b>2021</b>							
<b>Financial liabilities</b>							
Payables		403,365	-	403,365	403,365	-	-
		<b>403,365</b>	<b>-</b>	<b>403,365</b>	<b>403,365</b>	<b>-</b>	<b>-</b>
<b>2020</b>							
<b>Financial liabilities</b>							
Payables		510,308	-	510,308	510,308	-	-
		<b>510,308</b>	<b>-</b>	<b>510,308</b>	<b>510,308</b>	<b>-</b>	<b>-</b>

### Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices and comprises interest rate risk and other price risk. The Commission's only exposure to market risk is interest rate risk on cash balances.

### Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates.

The Commission's exposure to interest rate risk through interest bearing liabilities or cash at bank is immaterial. The Commission does not account for any fixed rate financial instruments at fair value through profit or loss or as at fair value through other comprehensive. Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity.

In 2015-16, Treasury introduced cash management reforms that apply to the Commission. Under the reforms, and in comparison, to previous years, the Commission no longer earns interest from Treasury on its financial assets.

### Fair value measurement

#### i. Fair value compare to carrying amount

The Commission does not hold financial assets and financial liabilities where the fair value differs from the carrying amount.

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The fair value measurement is based on the presumption that the transaction to sell the asset or transfer the liability takes place either in the principal market for the asset or liability or in the absence of a principal market, in the most advantageous market for the asset or liability.

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

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## 14. Financial instruments (continued)

### ii. Fair value recognised in the statement of financial position

Management assessed that cash, trade receivables and trade payables approximate their fair values, largely due to the short-term maturities of these instruments.

The Commission does not hold financial assets and liabilities that are valued at fair value using valuation techniques.

### Financial assets

#### Derecognition of financial assets and financial liabilities

A financial asset (or, where applicable, a part of a financial asset or part of a group of similar financial assets) is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the Commission transfers its rights to receive cash flows from the asset or has assumed an obligation to pay the received cash flows in full without material delay to a third party under a 'pass-through' arrangement; and either:

- the Commission has transferred substantially all the risks and rewards of the asset; or
- the Commission has neither transferred nor retained substantially all the risks and rewards of the asset but has transferred control.

When the Commission has transferred its rights to receive cash flows from an asset or has entered into a pass-through arrangement, it evaluates if, and to what extent, it has retained the risks and rewards of ownership. Where the Commission has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the Commission's continuing involvement in the asset. In that case, the Commission also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the Commission has retained.

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

#### Offsetting financial instruments

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

# Our financial performance

Notes to the financial statements for the year ended 30 June 2021

## 15. Contingent liabilities and contingent assets

The Commission has no contingent liabilities or contingent assets as at 30 June 2021 (2020: \$nil).

## Related party disclosure

### Key management personnel

	2021 \$	2020 \$
Short-term employee benefits:		
Salaries	699,260	775,711
Other monetary allowances	-	-
Non-monetary allowances	-	-
Other long-term employee benefits	-	-
Post-employment benefits	32,685	32,249
Termination benefits	-	-
<b>Total remuneration</b>	<b>731,945</b>	<b>807,960</b>

The Commission did not enter into any transactions with key management personnel, their close family members, and controlled or jointly controlled entities of key management personnel.

### Other related party transactions

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

These transactions include:

- grants and contributions received from the Department of Customer Service
- Long Service Leave and Defined Benefit Superannuation assumed by Crown
- transactions relating to the Treasury Banking System
- employer contributions paid to Defined Benefit Superannuation funds
- payment of a corporate service charge of \$200,000 and direct consumption pass-through charges from the Department of Customer Service for costs such as IT licenses, user support, IT services, taxation services and telecommunication services are material disclosures. The Commission's direct consumption pass-through charges were \$233,358 for the year ended 30 June 2021
- the Commission's accommodation charges paid to the Department of Customer Service totalled \$457,160 for the year ended 30 June 2021
- payments into the Treasury Managed Fund for workers' compensation insurance and other insurances.

## 16. Events after the reporting period

### Non-adjusting events

There are no any known events after the reporting period which would give rise to a material impact on the reported results or financial position of the Commission as at 30 June 2021.

### End of audited financial statements.

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# Appendices



# Appendix 1 – Publications and resources issued in 2020/21

## Statutory reports

- IPC Annual Report 2019/20

## Information access regulatory reports

- Clarence Valley Council Compliance Report
- Greyhound Racing Compliance Report
- icare Phase 1 Compliance Report
- icare Phase 2 Compliance Report
- NSW Police Follow-up Compliance Report
- Transport for NSW Compliance Report

## IPC corporate resources

- IPC Audit and Risk Committee (ARC) Charter 2020-21
- IPC Dignity and Respect Policy
- IPC Diversity and Inclusion Action Plan 2021-23
- IPC Executive Team Charter
- IPC Governance Framework and Action Plan 2021-22
- IPC Information Access and Privacy Excellence Award Policy
- IPC Internal Compliance Audit Manual
- IPC People and Culture Plan 2021-22
- IPC Privacy Internal Review Guidelines
- IPC Social Media Procedures
- IPC 2 Year Strategic Audit Plan

## Information access resources

- Digital Restart Fund: assessing information access and privacy impacts\*
- Essential Guidance Toolkit on information access and privacy fundamentals\*
- Essential Guidance Toolkit on information access and privacy fundamentals – for Local Government\*
- Fact Sheet – Automated decision-making, digital government and preserving information access rights – for agencies
- Fact Sheet – Automated decision-making, digital government and preserving information access rights – for citizens
- Fact Sheet – Digital Projects\*
- OGP metrics for all jurisdictions

## Privacy resources

- Digital Restart Fund: assessing information access and privacy impacts\*
- Guide – Data Sharing and Privacy
- Direction under s.41(1) of the PPIP Act in relation to Service NSW
- Essential Guidance Toolkit on information access and privacy fundamentals\*
- Essential Guidance Toolkit on information access and privacy fundamentals – for Local Government\*
- Fact Sheet – Access to a deceased person’s health information
- Fact Sheet – Collection of COVID-19 vaccination information
- Fact Sheet – Digital Projects\*
- Fact Sheet – Making a privacy complaint about a NSW public sector agency
- Guide – Transition to the cloud: Managing your agency’s privacy risks
- Infographic – Top Ten Privacy Tips for citizens

## IPC newsletters

- IPC Bulletin – September 2020
- IPC Bulletin – December 2020
- IPC Bulletin – March 2021
- IPC Bulletin – June 2021

\* Resources that are classified as both information access and privacy.

## Appendix 2 – Diversity and inclusion

In December 2020, the IPC released its Diversity and Inclusion Action Plan for 2021-2023 which outlines how the organisation will work with its diverse stakeholders to better deliver on its strategic goals to champion the right to access government information and protect privacy as enshrined in the legislation it administers. The Plan also seeks to support and instil a workplace culture that values diversity in skills and perspectives and offers fair and inclusive work practices for all staff.

There are four priorities listed in the Plan:

1. Identify the needs of people within diverse communities in NSW to promote their right to accessing government held information and the protection of privacy.
2. Enhance information about how to access government held information and protection of privacy rights for people within diverse communities in NSW.
3. Promote the needs of our diverse communities in NSW when developing and delivering resources to support the work of our regulated sectors in providing access to information and the protection of privacy rights.
4. Enhance the organisation's capacity and individual competency to understand and respond to population diversity.

In 2021 as part of the IPC Strategic Plan, the IPC commenced work on its initiative to examine opportunities to improve the accessibility and reach of the IPC website including a readability checker; search engine optimisation; and simplified webpage URLs. Through the work of this initiative, the IPC can better understand its online presence and enhance visibility of information available to the public as outlined in Priority 2 of the Plan. This initiative is due for completion by the end of 2021.

In June 2021, the IPC commissioned the NSW Community Attitudes Survey on information access. The survey is biannual and undertaken concurrently with participating Information Commissioners and Ombudsmen from around Australia. It investigates the NSW community's awareness of their information access rights under NSW legislation. By undertaking the survey, the IPC has been able to better identify the needs of people within diverse communities in NSW to promote their right to accessing government held information and the protection of privacy, as outlined in Priority 1 of the IPC Diversity and Inclusion Action Plan. The results of the survey are due to the IPC in July 2021 and will be reported on in next year's annual report.

The IPC measures and reports on the feedback it receives from its clients and agency contacts as a metric in Priority 1 of the Plan. This is completed through the Client Satisfaction Survey and in 2020/21 the Agency Advice Satisfaction Survey. The results from the surveys can be found on page 66.

In 2021, the IPC also undertook work to improve access and increase participation by regional and rural practitioners and improve upon the accessibility of presentations made by the IPC as outlined in Priority 3 of the Plan. The IPC has commenced a Strategic Initiative to develop roadshows to better connect and engage with practitioners across NSW. Additional work has commenced on incorporating feedback from speaking engagements to enhance IPC presentations.

During the reporting period, the IPC held an online event during PAW NSW 2021 and the Privacy Commissioner engaged in several other online events held by other organisations. This allowed for greater rural and regional participation in events and for the IPC to engage with a wider and more geographically dispersed audience compared to hosting a physical event.

Through the IPC Publications Review, the IPC has reviewed and updated 64 publications in the reporting period. This has ensured that information released by the IPC is current and is accessible and understandable to a diverse audience as outlined in Priority 2 of the Plan.

The IPC Dignity and Respect Policy was implemented in 2021 and outlines the responsibilities of IPC employees and managers to achieve and maintain a workplace where everyone is treated with dignity and respect. The IPC values diversity and inclusion and the policy has been developed to promote a workplace free from bullying, harassment, discrimination and work-related violence.

As an action listed under Priority 4 of the Plan, all IPC staff undertook disability awareness training supplied by the Public Service Commission in August 2020. The IPC will continue to identify training which will assist staff in their understanding of diversity and inclusion.

The IPC continues to promote itself as a diverse employer of choice.

# Appendix 3 – Access applications under Schedule 2 of the GIPA Regulation

## Statistical information about access applications made to IPC

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

### Clause 8A: Details of the review carried out by the agency under section 7(3) of the Act during reporting year and details of any information made publicly available by the agency as a result of the review

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

### Clause 8B: The total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

Total number of applications received
9

### Clause 8C: Total number of access applications received by agency during reporting year that agency refused either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Number of applications refused	Wholly	Partly	Total
	2	1	3
% of Total	67%	33%	

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	Total	% of Total
Media	0	0	0	0	0	0	0	0	0	0%
Members of Parliament	0	0	0	0	0	0	0	0	0	0%
Private sector business	0	0	0	0	0	0	0	0	0	0%
Not for profit organisations or community groups	0	0	0	0	0	0	0	0	0	0%
Members of the public (application by legal representative)	0	0	0	0	0	0	0	0	0	0%
Members of the public (other)	2	1	2	0	0	0	0	0	5	100%
<b>Total</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	
<b>% of Total</b>	<b>40%</b>	<b>20%</b>	<b>40%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>		

\* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies 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	Total	% of Total
Personal information applications*	0	0	1	0	0	0	0	0	1	20%
Access applications (other than personal information applications)	2	1	1	0	0	0	0	0	4	80%
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0	0	0%
<b>Total</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	
<b>% of Total</b>	<b>40%</b>	<b>20%</b>	<b>40%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>		

\* A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

**Table C: Invalid applications**

Reason for invalidity	No. of applications	% of Total
Application does not comply with formal requirements (section 41 of the GIPA Act)	3	100%
Application is for excluded information of the agency (section 43 of the GIPA Act)	0	0%
Application contravenes restraint order (section 110 of the GIPA Act)	0	0%
Total number of invalid applications received	3	100%
Invalid applications that subsequently became valid applications	1	33%

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

	Number of times consideration used*	% of Total
Overriding secrecy laws	0	0%
Cabinet information	0	0%
Executive Council information	0	0%
Contempt	0	0%
Legal professional privilege	0	0%
Excluded information	3	100%
Documents affecting law enforcement and public safety	0	0%
Transport safety	0	0%
Adoption	0	0%
Care and protection of children	0	0%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
<b>Total</b>	<b>3</b>	

\* More than one public interest consideration may apply in relation to a particular access application and if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

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

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

**Table F: Timeliness**

	Number of applications	% of Total
Decided within the statutory timeframe (20 days plus any extensions)	6	67%
Decided after 35 days (by agreement with applicant)	0	0%
Not decided within time (deemed refusal)	3	33%
<b>Total</b>	<b>9</b>	

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

	Decision varied	Decision upheld	Total	% of Total
Internal review	0	0	0	0%
Review by Information Commissioner*	0	0	0	0%
Internal review following recommendation under section 93 of Act	0	0	0	0%
Review by NCAT	0	0	0	0%
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	

\* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

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

	Number of applications for review	% of Total
Applications by access applicants	0	0%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0	0%
<b>Total</b>	<b>0</b>	

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

	Number of applications transferred	% of Total
Agency-initiated transfers	2	100%
Applicant-initiated transfers	0	0%
<b>Total</b>	<b>2</b>	

## Appendix 4 – Data statement

The IPC undertakes continual review and quality assurance of its data holdings. This includes:

- monitoring case activity and outcome data to identify possible errors
- improving guidance to staff on the correct recording of case information
- regular dashboard reporting to managers and Executive.

## Appendix 5 – Credit card certification

In accordance with the Treasurer's Direction 205.01 - 205.08, it is hereby certified that the use of Corporate Purchasing Cards has been in accordance with the Premier's Memoranda and Treasurer's Directions.

## Appendix 6 – Payment of accounts

For the year ended 30 June 2021.

Supplier accounts paid on time				
Quarter	Target %	Actual %	Current	Total payments
Sep-20	95%	85%	\$502,576	\$592,694
Dec-20	95%	66%	\$580,568	\$881,158
Mar-21	95%	96%	\$795,093	\$824,876
Jun-21	95%	98%	\$659,963	\$672,473

NSW Treasury Circular NSW TC 11/12 sets out the requirements for payment of accounts by NSW agencies and states that the day of payment is the day that funds are transferred into the banking system for payment to the supplier or a cheque is sent.

The IPC accounts payable function is performed by DCS as part of shared corporate services arrangements within the Customer Service Cluster. The % figures above reflect the payment **time within the IPC, the reporting entity** for the Reporting Period. Time for payment of accounts is delayed in circumstances where DCS journals intra-agency transactions several months after the document date of the transaction and these payments are shown as not current but IPC has no control over the timing of these journals. DCS is also classified as a small business supplier so the reporting for the payment of small business suppliers is also affected by the delay in DCS journaling intra-agency transactions.

The IPC in conjunction with DCS minimises processing delays and monitors and improves payment performance by the:

- review of payment performance reports on a quarterly basis to identify any procedural issues
- increased use of electronic funds transfer (EFT) and Purchasing Card for payment of creditors
- payment of major suppliers by way of consolidated billing
- amalgamation of processing and payment functions into the DCS cluster.

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. Delays have been identified and systems reviewed and enhanced to ensure the timely payment of accounts. There was no penalty interest for late payment during the financial year ended 30 June 2021.

## Appendix 7 – Time for payment of accounts

For the year ended 30 June 2021.

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
<b>All suppliers</b>					
Sep-20	\$580,568	\$23,552	\$629	\$6,207	\$270,203
Dec-20	\$795,093	\$23,960	\$1,381	\$0	\$4,442
Mar-21	\$659,963	\$10,158	\$1,923	\$0	\$429
Jun-21	\$502,576	\$57,602	\$31,375	\$114	\$1,028
<b>Small business suppliers</b>					
Sep-20	\$121,805	\$23,552	\$629	\$6,207	\$268,105
Dec-20	\$142,919	\$23,960	\$1,381	\$0	\$365
Mar-21	\$414,097	\$10,158	\$1,923	\$0	\$6,604
Jun-21	\$183,134	\$57,602	\$31,375	\$114	\$1,028
Accounts due or paid within each quarter					
Measure	September 2020	December 2020	March 2021	June 2021	
<b>All suppliers</b>					
Number of accounts due for payment	79	102	93	93	
Number of accounts paid on time	58	64	84	82	
Actual percentage of accounts paid on time (based on no. of accounts)	73%	63%	90%	88%	
Dollar amount of accounts due for payment	\$592,694	\$881,158	\$824,876	\$672,473	
Dollar amount of accounts paid on time	\$503,789	\$581,564	\$791,880	\$659,023	
Actual percentage of accounts paid on time (based on \$)	85%	66%	96%	98%	
Number of payments for interest on overdue accounts	0	0	0	0	
Interest paid on overdue accounts	0	0	0	0	
<b>Small business suppliers</b>					
Number of accounts due for payment to small businesses	50	67	26	67	
Number of accounts due to small businesses paid on time	29	30	18	54	
Actual percentage of small business accounts paid on time (based on no. of accounts)	58%	45%	69%	81%	
Dollar amount of accounts due for payment to small businesses	\$273,252	\$420,298	\$168,625	\$432,782	
Dollar amount of accounts due to small businesses paid on time	\$183,078	\$121,886	\$143,331	\$415,471	
Actual percentage of small business accounts paid on time (based on \$)	67%	29%	85%	96%	
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 8 – Annual report compliance requirements

Under the *Annual Reports (Departments) Act 1985*, the Annual Reports (Departments) Regulation 2010, *Annual Reports (Statutory Bodies) Act 1984*, Annual Reports (Statutory Bodies) Regulation 2010, Premier's Circular, Premier's Memoranda and various Treasury Circulars and Treasurer's Directions, the IPC is required to include the following information in this Annual Report, as per the NSW Annual Report Compliance Checklist, October 2020.

Requirement	Note	Page
Letter of submission	Letters to the President and Speaker	3
Application for extension of time	N/A	-
Charter	About the IPC	17
Aims and objectives	About the IPC	17
Access	Address, telephone, business hours	2, back cover
Management and structure	Names, offices and qualifications of principal officers Organisational Chart	8, 11 56
Summary review of operations	CEO and Information Commissioner – Overview Financial statements	7 72
Funds granted to non-government community organisations	N/A	-
Legal change	Legislative changes	20
Economic or other factors	Pillar 4: Governance	59
Management and activities	Strategic Plan 2020-2022	23
	<b>Pillar 1: Service Delivery &amp; Excellence</b> What are we doing to improve services to the community?	31
	<b>Pillar 2: Engagement &amp; Influence</b> What are we doing to directly influence regulated agencies and engage with the public?	42
	<b>Pillar 3: Rights Promotion &amp; Impact</b> What are we doing to anticipate and address emerging regulatory issues in NSW and nationally?	46
	<b>Pillar 4: Operational Excellence</b> What are we doing to support an effective, efficient one-IPC?	53
Research and development	Pillar 3: Community Attitudes Survey	49
Human resources	Pillar 4: Our people	57
Consultants	Pillar 4: Governance	59
Workforce Diversity	Pillar 4: Our people	57
Disability Inclusion Action Plans	Reported on a triennial basis*	59, 101
Land Disposal	N/A	-
Promotion (overseas visits)	Pillar 4: Governance	59
Consumer response	Pillar 3: Informing the public of their rights Pillar 4: Client Satisfaction Survey	47 66
Payment of accounts	Appendix 6	105
Time for payment of accounts	Appendix 7	106
Risk management and insurance activities	Pillar 4: Risk Management Pillar 4: Governance	64 59
Internal audit and risk management policy attestation	Pillar 4: Risk Management Pillar 4: Internal Audit and Risk Management Attestation statement	64 62
Disclosure of controlled entities	The IPC has no controlled entities	-
Disclosure of subsidiaries	The IPC has no subsidiaries	-
Multicultural policies and services program	Reported on a triennial basis*	-

Requirement	Note	Page
Agreements with Multicultural NSW	The IPC has an agreement with Multicultural NSW to include its reporting in the Diversity and Inclusion Action Plan	101
Work health and safety (WHS)	Pillar 4: Our people	58
Budgets	N/A	-
Financial statements	Financial statements	72
Identification of audited financial statements	Our financial performance	68
Inclusion of unaudited financial statements	N/A	-
Additional matters – statement of the action taken to comply with PPIP Act	Pillar 4: Risk management	66
Additional matters – after balance date events having significant effect in succeeding year on financial operations; other operations; clientele/community served	N/A	-
Additional matters – total external costs incurred in the production of this annual report	External designer costs \$4081.00 inc GST.	-
Additional matters – the website at which the annual report may be accessed	<a href="http://www.ipc.nsw.gov.au">www.ipc.nsw.gov.au</a>	-
Investment performance	N/A	-
Liability management performance	N/A	-
Exemptions	Nil	-
Numbers and remuneration of senior executives	Pillar 4: Our people	57
Implementation of Price Determination	N/A	-
<i>Government Information (Public Access) Act 2009</i>	Appendix 3	102
Digital information security policy attestation	Pillar 4: Cyber Security Policy Attestation Statement	60
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Requirements arising from employment arrangements	N/A	-
Form of annual reports – generally	Report delivered as per requirement	1-116
Submission of annual report to appropriate Minister	26 October 2021	-
Submission of annual report to the Treasurer	26 October 2021	-
Presentation of annual report to Parliament	26 October 2021	-
Annual report size – presentation to Parliament	ISO A4	-
Printing and distribution requirements	External printing costs \$257.42 incl. GST	-
Public availability of annual reports	<a href="http://www.ipc.nsw.gov.au">www.ipc.nsw.gov.au</a> and as per requirements	-

\*Small departments need only report on triennial basis. See Appendix 2 for the Diversity and Inclusion.

# Complaining to the IPC

The IPC aims to provide a high level of service. If you are dissatisfied with the level of service, you have received from the IPC there are complaint mechanisms available to you.

## Step 1 – seek to resolve the issue informally

To enable us to deal with your complaint promptly, please raise the issue with the relevant staff member when it occurs. If you are unhappy with their response, ask to speak to their supervisor. The supervisor will listen to your concerns and try to resolve them. If appropriate, the supervisor will escalate the matter internally. If the supervisor is not immediately available, they will contact you by phone or in writing as soon as possible with a view to promptly resolving your issue.

If you still remain dissatisfied, you can make a formal complaint.

## Step 2 – make a formal complaint

To make a formal complaint, please write or email us, or you can ask us to help you write it down. Include, if appropriate, whether your complaint is to do with services you have received from our information access or our privacy areas.

## What to include in your letter of complaint

Briefly explain your concerns, include enough information for us to assess your complaint and decide what we will do. For example, describe what happened and when, who was involved and anything else that is relevant.

Remember to tell us what action you have already taken (such as making an informal complaint) and what you would like to happen. Include copies of all relevant correspondence.

## How the IPC deals with formal complaints

Your complaint will always be dealt with by someone more senior than the person you have complained about. The person who looks into the matter will:

- acknowledge your complaint within three business days
- discuss the complaint with the relevant staff member
- if required, escalate the complaint to a manager
- respond to you in writing within 15 working days.

If after receiving a response to your formal complaint you are still dissatisfied, you can ask the relevant Commissioner to review the matter.

## Step 3 – contact the NSW Ombudsman

If you are dissatisfied with the handling of your complaint by the IPC, you can contact the NSW Ombudsman, which has responsibility for dealing with complaints about conduct that is illegal, unreasonable, unjust, oppressive, discriminatory, based on improper or irrelevant grounds, based on a mistake of law or fact, or otherwise wrong.

1800 451 524 (Toll free) or visit [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

## Step 4 – contact the NSW Civil and Administrative Tribunal (NCAT)

If you are still dissatisfied with the handling of your complaint, you can ask NCAT to assist you in resolving your complaint. The Administrative and Equal Opportunity Division within NCAT includes the review of administrative decisions made by NSW Government agencies and resolution of discrimination matters. This will incur a cost.

1300 006 228 or visit [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

## Independent Commission Against Corruption (ICAC)

If you believe there has been corruption or serious misconduct the Independent Commission Against Corruption (ICAC) has primary responsibility for dealing with complaints about corrupt conduct. Corrupt conduct is intentional or deliberate misdoing, such as a staff member improperly using their knowledge, power or resources for personal gain or the advantage of others.

1800 463 909 (Toll free) or visit - [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

### For more information

Freecall: 1800 472 679

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

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

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# Glossary

## Glossary

<b>DAC</b>	NSW Data Analytics Centre
<b>DCS</b>	Department of Customer Service
<b>DCJ</b>	Department of Communities and Justice
<b>DRF</b>	Digital Restart Fund
<b>FOI Act</b>	<i>Freedom of Information Act 1989</i>
<b>GIIC Act</b>	<i>Government Information (Information Commissioner) Act 2009</i>
<b>GIPA Act or GIPA</b>	<i>Government Information (Public Access) Act 2009</i>
<b>GIPA Regulation</b>	Government Information (Public Access) Regulation 2009
<b>GSE Act</b>	<i>Government Sector Employment Act 2013</i>
<b>HPPs</b>	Health Privacy Principles
<b>HREC</b>	Human Research Ethics Committee
<b>HRIP Act or HRIPA</b>	<i>Health Records and Information Privacy Act 2002</i>
<b>ICAC</b>	Independent Commission Against Corruption
<b>IPAC</b>	Information and Privacy Advisory Committee
<b>IPPs</b>	Information Protection Principles
<b>IPC</b>	Information and Privacy Commission
<b>I&amp;R</b>	Investigation & Review (team within IPC)
<b>LCRA</b>	Legal Counsel & Regulatory Advice (team within IPC)
<b>LGMA</b>	Local Government Managers Australia (NSW)
<b>NCAT</b>	NSW Civil and Administrative Tribunal
<b>OAIC</b>	Office of the Australian Information Commissioner
<b>OLG</b>	Office of Local Government
<b>PPIP Act or PPIPA</b>	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
<b>PSEM</b>	<i>Public Sector Employment and Management Act 2002</i>
<b>S&amp;CS</b>	Systems & Corporate Services (team within IPC)

## About this annual report

The Information and Privacy Commission NSW Annual Report 2020/21 has been prepared in accordance with the provisions of the *Annual Reports (Departments) Act 1985*, the *Government Information (Information Commissioner) Act 2009*, and the *Privacy and Personal Information Protection Act 1998*.

This annual report sets out the IPC's 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 it 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 2021 on the basis of all corporate GIPA and privacy specific information available and provided to the IPC by 11 October 2021. This report complies with NSW Treasury requirements.







information  
and privacy  
commission  
new south wales

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

**Street address:**

Level 15, 2-24 Rawson Place  
Haymarket NSW 2000

**Postal address:**

GPO Box 7011  
Sydney NSW 2001

Free call: 1800 IPC NSW (1800 472 679)

Fax: (02) 6446 9518

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)