

Desktop Review of Documented AI or ADM Use within AIGs and PMPs

November 2025



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Commissioners' Foreword

NSW agencies play a crucial role in safeguarding the personal information of members of the public and for the provision of access to government-held information. This includes when using Artificial Intelligence (AI) or Automated Decision-Making (ADM) within and to support their functions. To support the successful and effective delivery of public services, it is essential NSW agencies maintain trust with the public by handling data and their personal information transparently, in a responsible manner, and in line with the legislative obligations set out in the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act), and *Privacy and Personal Information Protection Act 1988* (NSW) (PPIP Act).

The right to access government information, which is established through the GIPA Act, provides that government agencies must describe the ways in which their functions (including decision-making) affect members of the public. This is prescribed by section 20 of the GIPA Act through the publication of an Agency Information Guide (AIG).

Similarly, section 33 of the PPIP Act provides that agencies are to have a Privacy Management Plan (PMP) that provides for how agencies' policies and practices comply with the requirements of the information protection principles.

The imperative for robust privacy management and clear information governance becomes ever more pronounced in an era marked by increasingly sophisticated technologies, such as AI and ADM. Maintaining public confidence and trust relies on agencies' ability to adapt to new challenges while upholding the core principles of privacy, transparency, fairness and accountability.

Agencies need to proactively assess how emerging technologies interact with their privacy obligations and information access responsibilities. This requires clear communication with the public about how data is used, how decisions are made, and what safeguards are in place to protect individuals' rights. It also means regularly reviewing policies and practices to adapt to evolving risks and societal expectations.

As Commissioners, we share a common interest and objective to ensure that, as agencies embrace the opportunities presented by AI and ADM technologies, the public is informed about the use of these technologies, and rights to access information and privacy are preserved. To this end, the Information and Privacy Commission engaged Deloitte Touche Tohmatsu Limited (Deloitte) to conduct a desktop review to provide a baseline understanding of the extent to which regulated entities are incorporating the use of AI and ADM into their PMPs and AIGs.

By placing informed oversight at the heart of our regulatory strategy, we aim to empower members of the public, foster public trust, and uphold the integrity of NSW's information and privacy frameworks. Through ongoing dialogue with stakeholders and commitment to best practices, we will continue to guide agencies as they navigate the complex landscape of digital governance.

We see this desktop review as an important first step in opening up further conversations and engagements with key stakeholders in reflecting the primary functions of our roles: in protecting privacy and promoting access to information.

Emeritus Professor Rosalind Croucher AM
Information Commissioner

Sonia Minutillo
Privacy Commissioner

13 November 2025

1. Executive Summary

The use of technology, in particular Artificial Intelligence (AI) and Automated Decision-Making (ADM) has the capacity to impact the information access and privacy rights of individuals. Its use has been the subject of consideration by a NSW Parliamentary Inquiry, a report by the NSW Ombudsman, and the Commonwealth Government through reforms to the *Privacy Act 1988* (Cth) but also in relation to the establishment of guardrails in the use of AI. The report of the NSW Ombudsman follows an earlier scan of the AI Regulatory landscape for Information Access and Privacy undertaken in 2022 by the then Information Commissioner and Privacy Commissioner.¹

AI and ADM do not exist in the absence of data. Government data, and personal data, drive the functions of ADM and AI. Accordingly, there is a direct nexus between the datasets that drive these technologies and the legislative remit of the Information Commissioner and the Privacy Commissioner.

All NSW agencies are required to be open and transparent by informing the public about how their data, including what types of data, is used and for what purpose/s.² Transparency and accountability of data handling practices fosters public trust (e.g., by providing awareness of AI or ADM use) and enables the ability for individuals to seek explanations and challenge decisions that may impact them directly.

NSW agencies must also ensure safe and responsible use of AI by operating in line with mandatory AI ethics principles, including community benefit, fairness, privacy and security, transparency and accountability.³ This necessitates establishing clear roles and responsibilities internally and clearly communicating how the use of AI or ADM affects members of the public.

In May 2025, the IPC engaged an external firm to perform a desktop review to understand the extent to which agencies provide information about their use of AI or ADM in Agency Information Guides (AIGs) and Privacy Management Plans (PMPs). The desktop review focused on 3 assessment questions relating to Transparency, Notification and Accountability.

This desktop review included 119 agencies comprised of:

- 12 NSW government principal departments
- 38 NSW public sector agencies
- 8 NSW State-Owned Corporations
- 10 NSW universities
- 51 NSW local councils.

For the purposes of the GIPA Act and PIPA Act, regulated entities are required to publish an AIG and PMP.⁵ A PMP identifies how the requirements of the PPIP Act applies to the personal information that an agency collects and manages in carrying out their functions and activities.⁶ An AIG provides the public with clear and accessible knowledge and access to government information about an agency's functions. AIGs promote the objective of the GIPA Act by opening government information to the public at the lowest possible cost and encourage public participation in the agency's decision-making and functions.

Given the interface with data that AI and ADM technologies rely on, and respective requirements that already exist in the PPIP and GIPA Acts for agencies, the Information Commissioner and the Privacy Commissioner sought to examine and understand the extent to which regulated entities are or are not incorporating the use of AI and ADM technologies into their AIG and PMP.

¹ IPC AI Regulatory Landscape available at <https://www.ipc.nsw.gov.au/media/3538>

² NSW Ombudsman, 'The new machinery of government: using machine technology in administrative decision-making' (2021).

³ IPC NSW, 'IPC Regulatory Priorities 2025-28' (2025) and IPC NSW Strategic Plan 2024-28.

Key Findings

In summary, the desktop review found that of the 119 sample agencies reviewed:

Transparency – does the AIG include information about the use of AI or ADM as part of the agency’s exercise of functions (specifically or generally)?

- 3% provided a direct reference
- 1% provided an indirect reference
- 83% did not provide a direct or indirect reference
- 9% accounted for agencies whose AIG was unable to be located online
- 4% followed the AIG of their parent department and did not have a separate AIG available.

Notification – does the PMP include information about the use of AI or ADM as it relates to the privacy of individuals and the information protection principles (IPPs)?

- 1% provided a direct reference
- 12% provided an indirect reference
- 74% did not provide a direct or indirect reference
- 7% accounted for agencies whose PMP was unable to be located online
- 6% followed the PMP of their parent department and did not have a separate PMP available.

Accountability – does the AIG or PMP describe how the use of AI or ADM affects the public?

- 93% did not provide a direct or indirect reference
- 0% provided a direct reference
- 0% provided an indirect reference
- 7% followed both the AIG and PMP of their parent department and did not have a separate AIG and PMP available.

This desktop review has highlighted that there is an opportunity for the IPC to support agencies to utilise the existing avenues of an AIG and PMP to engage with the public as they adopt the use of AI or ADM into their environments. By using these existing avenues, agencies can demonstrate greater transparency, visibility and accountability, which in turn builds and fosters trust and understanding in the community. The IPC will continue to work with regulated entities in building and supporting their maturity in the adoption of these technologies, including as it relates to the development of further resources and guidance.

2. Background

During 2021, the NSW Ombudsman published a report highlighting inadequate attention was being given to fundamental aspects of public law relevant to the adoption of machine technology (AI or ADM) by NSW agencies to ensure appropriate use.⁴ This review supports the IPC’s shared priority of ‘safeguarding rights through informed oversight’.⁵

AI refers to ‘the ability of a computer system to perform tasks that would normally require human intelligence, such as learning, reasoning, and making decisions’.⁶ AI encompasses various specialised domains that focus on different tasks. Examples of AI include: Machine Learning,

⁴ NSW Ombudsman, ‘[The new machinery of government: using machine technology in administrative decision-making](#)’ (2021).

⁵ IPC NSW, ‘[IPC Regulatory Priorities 2025–28](#)’ (2025) and [IPC NSW Strategic Plan 2024–2028](#)

⁶ Digital NSW, ‘[A common understanding: simplified AI definitions from leading standards](#)’.

which enables computers to learn from data; Computer Vision, allowing them to interpret visual information; and Natural Language Processing, for understanding and generating human language.⁷

ADM refers to a fully or partially automated technical system, used in decision-making, which may or may not involve the use of AI, and affects people. ADM may make a final decision or recommendation to a decision-maker, provide decision support or preliminary assessments, guide a human decision-maker through a decision-making process or automate aspects of fact finding and influence an interim or final decision.⁸

The IPC performed a scan in 2022 on the global regulatory landscape relevant to AI with a focus on information access and privacy rights to inform a best practice regulatory approach for NSW.⁹ The IPC identified that when using AI, transparency is a recognised risk to the public and NSW agencies, which must be treated (e.g., via a PMP or Collection Notice). The IPC's scan also recognised that accountability is a value-based principle recognised by the Organisation for Economic and Cultural Development (OECD) regulating AI.¹⁰

The PPIP Act requires NSW agencies to have and implement a PMP, which explains how an agency's policies and practices comply with requirements of the PPIP Act (e.g., IPPs).¹¹ The IPC published a checklist to support agencies to assess the quality of their PMP content once developed.¹²

Two years later, the NSW Ombudsman issued a report to comprehensively identify at a point-in-time how NSW agencies were using, or planning to use, ADM systems in the performance of their functions.¹³ The report identified, among other observations, that the use of ADM by the public sector was widespread and would continue to rapidly increase in coming years.¹⁴

In July 2024, Digital NSW published an updated NSW AI Assurance Framework and tool. The framework guides and mandates responsible and safe data handling practices across all NSW agencies through ethical development and deployment of AI technologies. The framework plays an important role to promote responsible AI use and ensure community fairness, privacy, security, transparency and accountability. It is designed to assist project teams and solution owners to analyse AI system risks, implement mitigative controls and establish accountabilities.

The right to access government information is established through the GIPA Act, providing that government agencies must describe the ways in which their functions, including decision-making, affect members of the public.¹⁵ This is prescribed through the publication of an AIG. The IPC published a self-assessment checklist that guides NSW agencies to develop informative and compliant AIGs under the GIPA Act.¹⁶ The checklist prescribes that it is mandatory for agencies to describe how its functions, especially of decision-making, affect members of the public. Although not explicitly outlined within the GIPA Act, the use of AI and/or ADM can have an impact on the privacy and information rights of individuals and should therefore be considered when developing or reviewing an AIG.

From a national lens, the *Privacy and Other Legislation Amendment Act 2024* (Cth) received Royal Assent in December 2024 to amend the *Privacy Act 1988* (Cth). The Amendment Act introduced significant law reform, including obligations for APP entities to provide details about automated decisions within their Privacy Policy.

⁷ Ibid.

⁸ ARC Centre of Excellence for ADM and Society, '[Automated Decision-Making in NSW: Mapping and Analysis of the use of ADM systems by state and local governments](#)' (2024), Table 1.

⁹ IPC NSW, '[Scan of the Artificial Intelligence Regulatory Landscape – Information Access & Privacy](#)' (2022).

¹⁰ OECD, 'AI principles' (2019).

¹¹ PPIP Act, section 33.

¹² IPC NSW, '[Checklist – Privacy Management Plans](#)' (2024).

¹³ NSW Ombudsman, '[A map of automated decision-making in the NSW Public Sector](#)' (2024).

¹⁴ Ibid.

¹⁵ GIPA Act, section 20.

¹⁶ IPC NSW, '[Self-assessment Checklist for agencies: Agency Information Guides](#)' (2024).

In January 2025, the Office of the Australian Information Commissioner (OAIC) released a submission to the Commonwealth Attorney-General's Department's Consultation Paper on 'the use of automated decision-making by government'.¹⁷ The Consultation Paper sought public views on what protections are needed for the safe and responsible use of ADM by government entities to ensure ADM is used fairly and transparently.¹⁸ The OAIC's submission recognised that the use of ADM in government has the potential to deliver benefits by reducing administrative burdens and increasing efficiency of government processes. Twelve recommendations were identified by the OAIC, including:

- **OAIC Recommendation 2** – Introduce an express obligation for agencies to proactively publish information about the circumstances when ADM is in use, including an adequate description of the type of system in use, its purpose and how it operates (including types of decisions for which it is used), the legislative basis for the decision and/or any policy relied upon, as well as assurance processes in place to ensure the system is being used lawfully.
- **OAIC Recommendation 6** – Ensure consistent transparency obligations apply to the use of ADM, whether or not it involves the handling of personal information.¹⁹

3. Purpose

AI and ADM technologies heavily interface with the provision and use of data. Legal requirements relating to transparency, notification and accountability also currently exist within the PPIP and GIPA Acts for agencies.

This desktop review was performed from May to June 2025 to examine and provide a baseline understanding of the extent to which regulated entities are or are not incorporating the use of AI and ADM technologies into their AIGs and PMPs based on the following questions:

1. **Transparency** – Does the Agency's AIG include information that details/outlines the use of AI or ADM as part of the exercise of functions (specifically or generally)?
2. **Notification** – Does the Agency's PMP include details about the use of AI or ADM as it relates to the privacy of individuals and the information protection principles?
3. **Accountability** – Does the Agency's AIG or PMP describe the ways in which the use of AI or ADM affect members of the public?

Outcomes from this baseline examination will continue to inform the Privacy Commissioner's and the Information Commissioner's shared common interest and objective to promote ongoing and future compliance, transparency, visibility and accountability among regulated sectors.

4. Methodology and review sample

The review was undertaken with reference to the Privacy Commissioner's functions under section 36 of the PPIP Act and the Information Commissioner's functions under Part 3 of the GIPA Act.

In selecting the agencies included for this review, a representative sample of 119 agencies were assessed. The selection of agencies was informed by reference to the NSW Ombudsman report,²⁰ and a review of agency websites and reports that was indicative that AI or ADM may be in use.

¹⁷ OAIC, ['AGD consultation paper – Use of automated decision making by government'](#) (2025).

¹⁸ Attorney General's Department, ['Automated Decision-Making Reform'](#) (2025).

¹⁹ OAIC, ['AGD consultation paper – Use of automated decision making by government'](#) (2025).

²⁰ NSW Ombudsman, 'A map of automated decision-making in the NSW Public Sector' (2024).

Table 1 outlines the number of agencies that were assessed based on agency type.

Table 1 – Breakdown of selected agencies by agency type

Agency Type	Number of agencies assessed
NSW Government principal departments	12
NSW public sector agencies (sample size*)	38
NSW State-Owned Corporations (SOCs**)	8
NSW universities	10
NSW local councils (sample size*)	51
Total	119

* A sample size of NSW public sector agencies and NSW local councils was selected for inclusion to perform this desktop review.

** In undertaking this review, it is noted that the jurisdiction of each Commissioner as it relates to the State-Owned Corporation Sector differs slightly as a result of the application of PPIP Act to only those SOC's not otherwise captured by Commonwealth legislation. This therefore reflects the variation in the numbers as assessed in relation to PMPs.

4.1 Limitations and assumptions

As the focus of this review is sector-wide, rather than on an individual agency level, it was determined that a desktop review would be the most appropriate and efficient means to understand the extent to which regulated entities are or are not incorporating the use of AI and ADM technologies into their AIG and PMP. This approach provides the IPC with an ability to establish a baseline understanding to promote compliance, transparency, visibility and accountability across regulated sectors.

The scope of this review was limited to a desktop review of the readily accessible information that was available on the websites of the selected agencies, within their published AIG and/or PMP during May to June 2025.

Given the nature of a desktop review more generally, this review was constrained by various factors, including:

- the requirement for independent remote assessment
- the non-inquisitorial nature of the review, which precludes:
 - the seeking of clarification directly from agencies about whether AI or ADM is used to inform the methodology for agency selection
 - the seeking of clarification directly from the selected agencies in relation to the data identified via agency websites, including potentially out-of-date AIGs and PMPs
 - assessment of completeness, comprehensiveness or accuracy of the information contained in an AIG or PMP that was considered as part of the review
- the limited focus of assessing whether an agency indicated their use of AI or ADM via their website and key documents (AIG and PMP), rather than a consideration of the fit for purposes, appropriateness, justification, or lawful authorisation of the use of AI/ADM technologies by the agencies.

The desktop review was performed based on the following assumptions:

- To ascertain whether an agency documented either a direct or an indirect reference to the use of AI or ADM within their AIG or PMP in response to the assessment criteria, a list of similarly recognised key terms and phrases were used in addition to AI and ADM (e.g., machine or deep learning, smart or autonomous technology etc).
- The review was conducted as a desktop assessment only, with no interviews, workshops, or direct outreach to NSW agencies; for example, this review did not involve validating directly with agencies whether they are currently using AI or ADM.

On that basis, it is distinguishable from an onsite review which can adopt a more inquisitorial approach. Accordingly, the IPC conducts desktop reviews to understand and elevate compliance by way of guidance, awareness raising, and as required make recommendations to an agency.

The IPC acknowledges this review reflects a point-in-time assessment across the five sectors, and that agency updates may have been pending during or after this review and therefore are not reflected in the findings or observations made in this desktop review.

4.2 Assessment criteria

The review examined and considered the following assessment criteria reflective of broad legislative requirements of NSW agencies.

Table 2 – Assessment criteria

Assessment Criteria	
Transparency	Does the Agency's AIG include information that details/outlines the use of AI or ADM as part of the exercise of functions (specifically or generally)?
Notification	Does the Agency's PMP include details about the use of AI or ADM as it relates to the privacy of individuals and the information protection principles?
Accountability	Does the Agency's AIG or PMP describe the ways in which the use of AI or ADM affect members of the public?

4.3 Conduct of the analysis

This desktop review was conducted in May to June 2025. In collating and analysing the data, the external firm reviewed each agency's website to ascertain objective responses to the three assessment criteria outlined in Table 2.

The findings of this review are presented in two parts:

- assessment against the criteria set out above in Table 2
- specific tables, findings, observations, and recommendations to assist agencies to align with legislated requirements, including the publishing of AI or ADM use.

In undertaking this review, Deloitte recorded and retained data for each agency. However, commentary was not provided on the performance of individual agencies as the findings and recommendations made are applicable generally.

5. Findings and observations

5.1 Does the agency's AIG include information that details/outlines the use of AI or ADM as part of the exercise of functions (specifically or generally)?

Criterion		Result
1	Transparency – Does the Agency's AIG include information that details/outlines the use of AI or ADM as part of the exercise of functions (specifically or generally)?	83% (99) of agencies did not reference the use of AI/ADM in their AIG 3% (3) of agencies directly referenced the use of AI/ADM in their AIG 1% (1) of agencies indirectly referenced their use of AI/ADM in their AIG 9% (11) of agency AIGs were not able to be located via their websites at the time of review 4% (5) followed the AIG of their parent department and did not have a separate AIG available

Comments, findings and recommendations

Comments:

An AIG helps the public to understand what information a government agency holds and how it operates. Under the GIPA Act, agencies are encouraged to share information openly to promote transparency.

Although the GIPA Act does not explicitly mandate agencies to disclose the use of AI or ADM in their AIGs, non-disclosure of this information does not align with the objective of the GIPA Act to ensure information about an agency's functions are published within an AIG. By sharing information about the current or intended use of AI/ADM, agencies better equip the public to understand how decisions are made. Clearly communicating this in an AIG reflects a considered approach to transparency and demonstrates awareness of how digital tools influence various decisions and operations undertaken by agencies.

Findings:

Figure 1 illustrates how NSW agencies document different levels of transparency about their use of AI or ADM within their AIG as part of the exercise of functions (specifically or generally).

Comments, findings and recommendations

AI/ADM use documented in AIGs

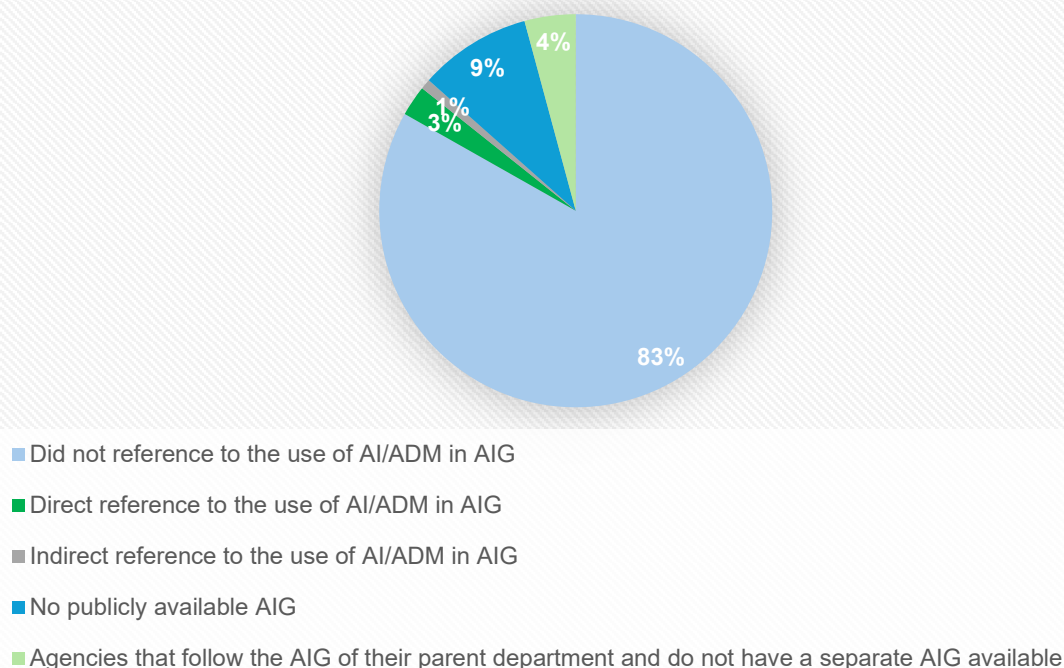


Figure 1: AI or ADM within AIGs as part of an agency's exercise of functions

83% of agencies did not document any reference to the use of AI or ADM within their AIGs.

Only 3% of agencies directly referenced the use of AI or ADM within their AIG – for example, where referencing specific agency functions adopting AI or ADM. An additional 1% of agencies reviewed included indirect (e.g., broadly phrased) references to the use of AI or ADM but did not specifically refer to AI or ADM terminology.

Of 119 agencies reviewed, 4% of agencies indicated through their website that they adhere to the AIG of their parent department. In these instances, those agencies did not publish a standalone AIG. AIGs relating to 9% of agencies reviewed were not able to be located or accessed online at the time this review was undertaken.

The majority of agencies were not yet documenting information about AI or ADM use within their AIGs. This lack of transparency represents a potential compliance risk because the GIPA Act requires agencies to proactively publish information about the way their functions are carried out.

However, it is important to acknowledge that this desktop review was performed by identifying publicly available AIGs published on agency websites and independent validation was not conducted directly with agencies to confirm the accuracy and currency of those AIGs or whether AI and/or ADM was being used.

Figure 2 provides a breakdown of AI/ADM references documented in AIGs by agency type.

Comments, findings and recommendations

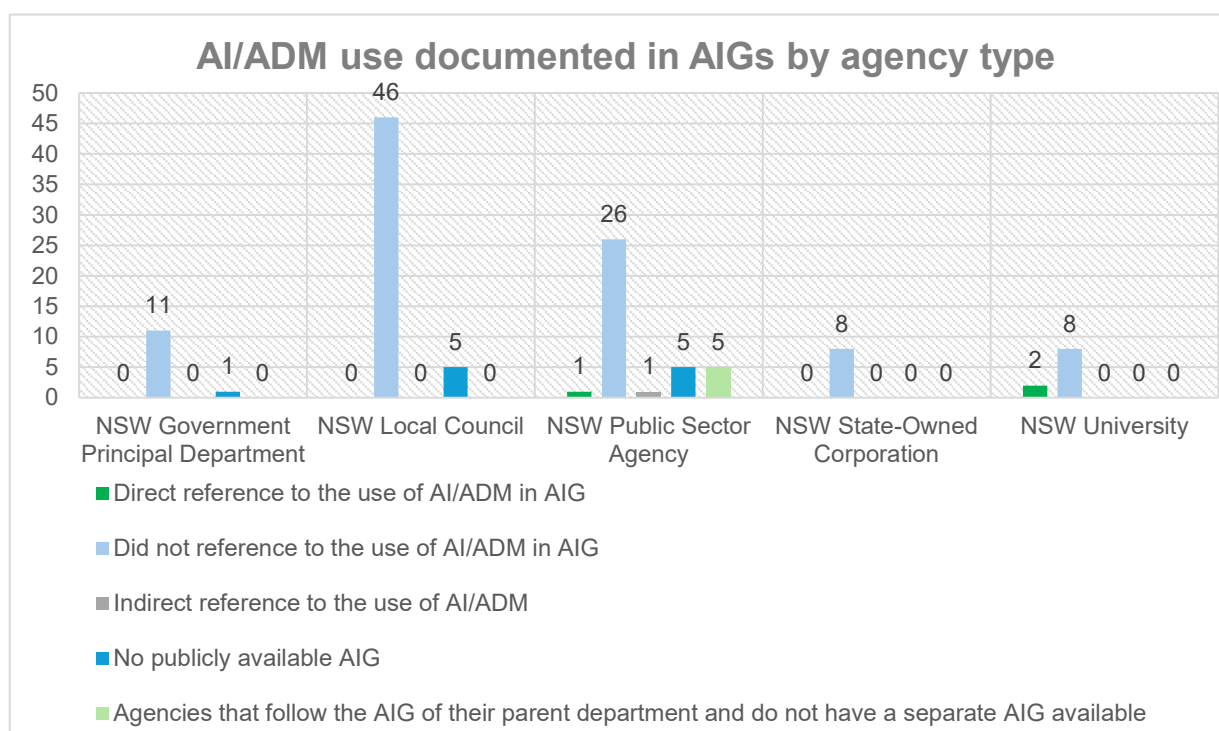


Figure 2: Rates of documented AI/ADM use within AIGs by sector

Direct references to the use of AI or ADM within AIGs were documented by 1 public sector agency and 2 NSW universities. In contrast, no references to AI or ADM use were identified in the AIGs of 11 NSW government departments, 46 local councils, 26 public sector agencies, 8 SOCs, and 8 universities. Indirect references to the use of AI or ADM were identified in one public sector agency. This includes, but is not limited to, keywords such as 'innovation', 'smart city', 'digital technologies' and 'software'. AIGs could not be located for 5 local councils, 5 public sector agencies, and 1 governance principal department.

These outcomes reflect significant disparity across all government sectors documenting different levels of transparent communications about AI or ADM use within AIGs. However, agencies who did not have a publicly available AIG to assess as part of this review are found to be concentrated in local councils and public sector agencies.

Recommendation 1: Agencies should review and update their AIGs to ensure that any current uses of AI or ADM are clearly documented.

Recommendation 2: Agencies should consider including basic information about AI or ADM in their AIGs regardless of whether their use of AI or ADM is limited or emerging. This communication should be aligned to the agency's short and longer-term strategy to enable the public to understand how the agency operates across its functions and decision-making capabilities currently and how this is likely to evolve in the future.

Recommendation 3: The IPC should collaborate with agencies to integrate IPC guidance supporting disclosure of AI and ADM use and aligned to GIPA Act objectives.²¹

²¹ IPC NSW, 'Fact Sheet – Automated decision-making, digital government and preserving information access rights – for agencies' (2024).

5.2 Does the Agency's PMP include details about the use of AI or ADM as it relates to the privacy of individuals and the information protection principles?

Criterion		Result
1	Notification – Does the Agency's PMP include details about the use of AI or ADM as it relates to the privacy of individuals and the information protection principles?	75% (88) of agencies did not reference the use of AI/ADM in their PMP 2% (2) of agencies directly referenced the use of AI/ADM in their PMP 12% (14) of agencies indirectly referenced the use of AI/ADM in their PMP 5% (6) of agency PMPs were not able to be located via their websites at the time of review 7% (8) followed the PMP of their parent department and did not have a separate PMP available

Comments, findings and recommendations

Comments:

PMPs are required to be prepared and implemented under the PPIP Act so that agencies communicate to the public how they collect, store, use, and disclose personal information, and to support staff in understanding their responsibilities under the IPPs and HPPs. While the PPIP Act does not explicitly require agencies to identify whether they use AI or ADM, the PPIP Act does require agencies to have a PMP that explains the agency's policies and practices for complying with the PPIP and/or HRIP Act. This means including how they manage personal information, and describing the types of personal information collected and how it is used.

If AI/ADM is being utilised by an agency, or there is likely to be future uptake of these technologies, a lack of reference to AI/ADM in PMPs may limit transparency to individuals around how their personal information is managed. Including clear information regarding AI/ADM use in PMPs, supports the intent of the PPIP Act by helping the public understand how their information is collected, used, or disclosed. This also supports and encourages agency staff to meet their responsibilities under the IPPs and HPPs. For example, to ensure personal information is collected for a lawful purpose and that any use of AI or ADM involving personal information is consistent with the purpose for which the personal information was collected.

Findings:

Figure 3 demonstrates how NSW agencies currently document whether they use AI or ADM within their PMP as it relates to the privacy of individuals and the information protection principles.

Comments, findings and recommendations

AI/ADM use documented within agency PMPs

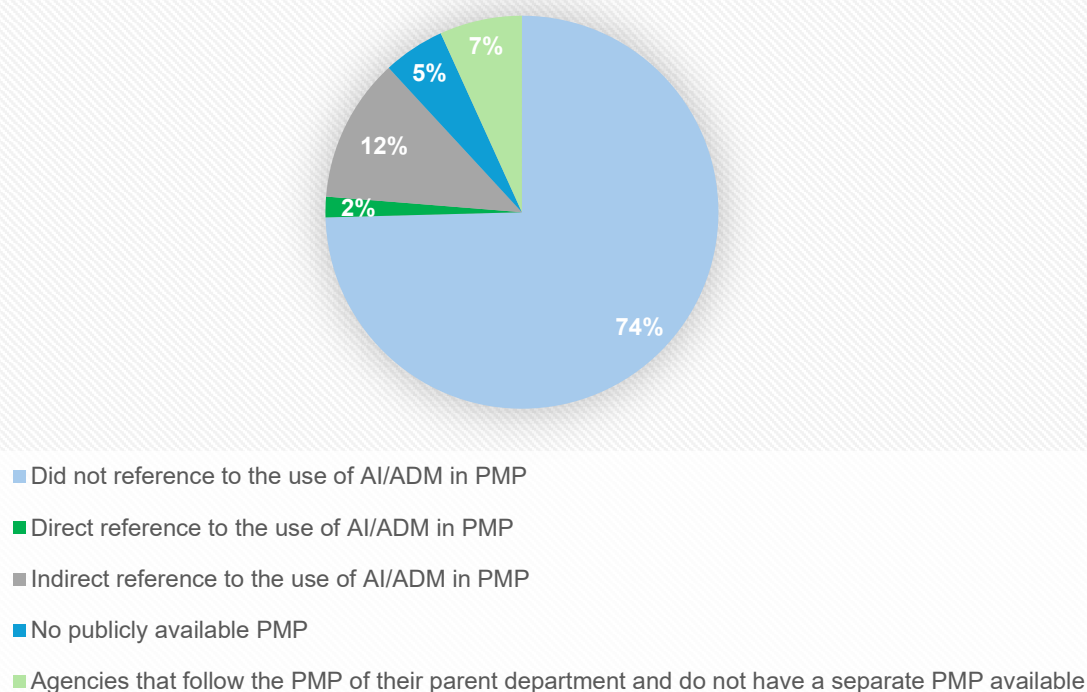


Figure 3: AI or ADM use documented within the agency's PMP as it relates to the privacy of individuals and the information protection principles

The PPIP Act permits, by way of regulation, an exemption to the requirement to publish a separate PMP. It can be declared that an agency, or part of, is to be regarded as part of another agency under the Act.²²

Of the regulated entities reviewed, one agency provided a link to their PMP, which was not accessible and authorised to view by the public at the time the review was undertaken.²³ A standalone PMP was not found to be published by 5% of agencies. However, this review did not identify whether these agencies were exempted by the PPIP Act where the agency has been captured in the PMP of its parent department.

2% of agencies included a direct reference to the use of AI or ADM in their PMPs and 12% of the agencies included indirect (e.g., broadly phrased) references to the use of AI or ADM but did not specifically refer to AI or ADM terminology. The review identified that there is a higher prevalence of agencies who are more likely to document their AI or ADM use within their PMP compared to their AIG.

Most agencies reviewed (74%) did not refer to the use of AI or ADM directly or indirectly within their PMP. It was also found that PMPs relating to 7% of the agencies reviewed adhere to the PMP of their parent department and therefore do not have a separate PMP.

²² PPIP Act, section 3.

²³ The methodology used to perform this desktop review applies to regulated entities of the PIPA Act who are required to publish a PMP, which is a policy document (open access information) under the GIPA Act.

Comments, findings and recommendations

This distribution suggests that most regulated agencies may not yet formally recognise the use of AI or ADM as part of their approach to privacy management, specifically to include information about how personal information is being used.

Figure 4 provides a breakdown of AI/ADM use references within PMPs by agency type.

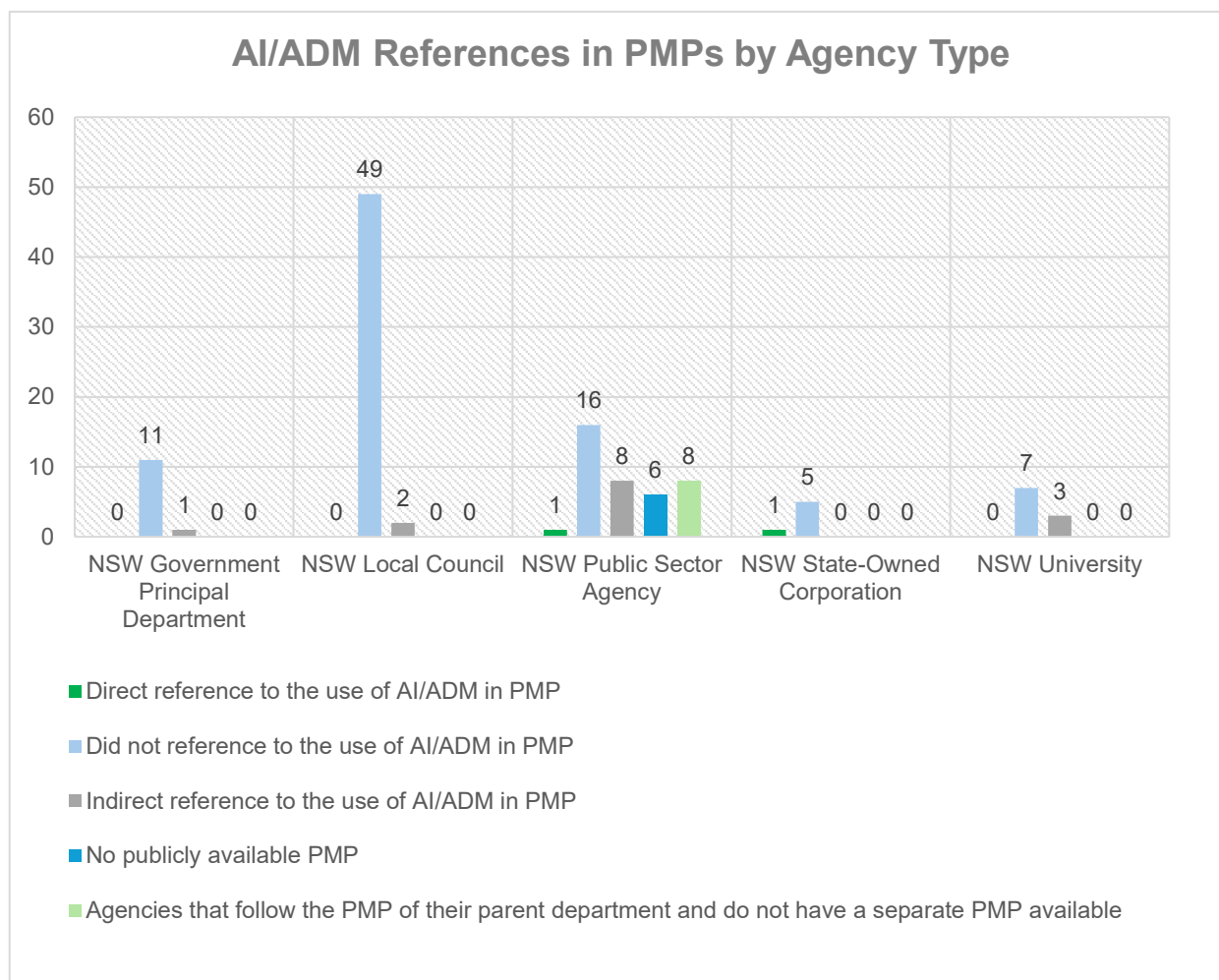


Figure 4: AI or ADM use documented within PMPs by sector

The data reveals that direct references to the documented use of AI or ADM were observed in the PMP's of NSW public sector agencies and a SOC.

Most agencies (74%) did not include a direct or indirect reference to the use of AI/ADM in their PMPs. Indirect references to the use of AI or ADM were identified across PMPs relating to one Government principal department, 2 local councils, 8 public sector agencies and 3 universities. This includes, but is not limited to, keywords such as 'innovation', 'smart city' and 'digital technologies'.

The PPIP Act requirements do not explicitly require NSW agencies to document the use of AI or ADM. However, it is implied by the IPPs and HPPs, which require agencies to collect, use and disclose personal information so that individuals are informed about these matters.

Comments, findings and recommendations

Amendments made to the *Privacy Act 1988* (Cth), that require APP entities to document ADM use in privacy policies, will take effect on 10 December 2026. In response, the OAIC recognised that the use of ADM in government can improve government processes efficiently when applied responsibly.²⁴ The NSW Privacy Commissioner shares the OAIC's view that the use of AI or ADM should be made transparent to individuals publicly, such as being reflected in agency policies, including in PMPs. By transparently including such information within PMPs, agencies can contribute to and build public trust and confidence in government decision making and processes.

Recommendation 4: Agencies should ensure individuals are informed by documenting within their PMP when a decision that may significantly affect them is made using AI or ADM.

Recommendation 5: Agencies should review their data-handling practices that involve the use of AI/ADM to determine whether personal information is involved and if applicable, update their PMP to ensure the use of AI/ADM and its impact on individuals is clearly described.

5.3 Does the Agency's AIG or PMP describe the ways in which the use of AI or ADM affects members of the public?

Criterion		Result
1	Accountability – Does the Agency's AIG or PMP describe the ways in which the use of AI or ADM affects members of the public?	93% (111) of agencies do not describe how AI or ADM affects members of the public in either their AIG or PMP 7% (8) of agencies followed the AIG and PMP of their parent department and did not have a separate AIG and PMP available - None of the agencies directly describe how AI or ADM affects members of the public in either their AIG or PMP - None of the agencies indirectly describe how AI or ADM affects members of the public in either their AIG or PMP

Comments, findings and recommendations

Comments:

NSW agencies are expected to demonstrate accountability by clearly explaining how their use of AI or ADM may affect members of the public. While the PPIP Act does not explicitly

²⁴ OAIC, ['AGD consultation paper – Use of automated decision making by government'](#) (2025).

Comments, findings and recommendations

require agencies to document these impacts with respect to AI and ADM, the IPPs imply this is what is expected of agencies to explain how and why personal information is used once collected.

The GIPA Act promotes disclosure to help the public understand agency functions documented in an AIG. While not explicitly required by legislation, proactively disclosing this type of information supports ethical governance and builds public confidence towards NSW agencies. Providing details about how the use of AI or ADM influences or affects members of the public supports an agency's ability to honour its accountability obligations and allows the public to better understand and engage with government processes.

Findings:

Of the 119 agencies, 111 agencies did not describe how the use of AI or ADM impacts members of the public in either their AIG or PMP. The remaining 8 agencies either do not have an AIG and PMP or they follow their parent department AIG and/or PMP.

Based on this outcome, the agencies who directly referenced their use of AI or ADM in their AIG, did not appear to be fulfilling accountability obligations under section 20(1) of the GIPA Act: for example, to ensure members of the public understand how an agency's use of AI or ADM can affect them.

These findings also suggest that there may be a gap in meeting the intent of the IPPs under the PPIP Act, which requires agencies to outline how and what types of personal information are handled. These findings may also indicate missed opportunities for agencies to meet expectations of the GIPA Act, which encourages agencies to proactively share information that helps the public to understand how they can be affected by government functions and processes.

Recommendation 6: Agencies should review documented AIG and PMP content to provide clarity to ensure members of the public clearly understand how the use of AI/ADM (if used) may affect them.

6. Conclusions

The nature of this review was limited to a non-inquisitorial desktop assessment, which did not directly validate (with agencies) the information identified from AIGs and PMPs currently available via agency websites. For example, the review did not identify completeness, comprehensiveness, accuracy, and currency of the information.

While AI and ADM technologies are increasingly adopted by government in the current digital age, this review identified that across sectors, the majority of reviewed agencies did not currently utilise their AIG or PMP to document their use of AI or ADM, if any, including how members of the public may be affected by such use.

However, it was identified that agencies were more likely to identify whether they currently, or plan in future, to use AI or ADM via their website externally to their published AIG or PMP. For example, within recent annual reports within the last 2 years, the review found:

- 26% of agencies provided a direct reference to currently using AI or ADM
- 10% of agencies provided an indirect reference to currently using AI or ADM
- 14% of agencies provided a direct reference to use AI or ADM in future

- 8% of agencies provided an indirect reference to use AI or ADM in future
- 42% of agencies did not provide a reference to using AI or ADM currently or in future.

The Information Commissioner and the Privacy Commissioner welcome the inclusion of such information into annual reports as one mechanism for providing visibility over the use of AI and ADM. However, this visibility should be supplemented by including information about the use and the effect on information and privacy rights by including information in AIGs and PMPs.

Inclusion in PMPs of information about the use of technologies by agencies, such as AI and ADM, demonstrates the maturity of agency privacy programs. It also demonstrates that agencies are taking a systematic approach that explains how the use of AI and ADM involves the handling of personal information.

The GIPA and PPIP Acts currently impose legal obligations on regulated NSW agencies as part of this review to:

- be open and transparent to the public about how their personal information is used and why
- promote Open Government (e.g., via a published AIG) by increasing access to information, engaging with the public and maintaining accountability for data-handling practices.

Further, the IPC has taken measures to inform agencies about how they can develop and maintain AIGs and PMPs with respect to how they handle data broadly, including personal information. For example, by publishing a fact sheet to guide agencies about their obligations under the GIPA Act with respect to releasing open access information about ADM systems.²⁵

The outcomes of this baseline examination will further inform the IPC to:

- promote ongoing compliance with the GIPA and PPIP Acts
- increase transparency about data handling practices impacting individuals
- promote the role of agency accountability towards the public in relation to the use of AI or ADM.

7. Recommendations

This report makes a number of recommendations to promote compliance with the GIPA Act and PPIP Act and to promote transparency, visibility and accountability of AI or ADM use among regulated sectors.

The recommendations have been set out in the following table:

Recommendations	
Recommendation 1	Agencies should review and update their AIGs to ensure that any current uses of AI or ADM are clearly documented.
Recommendation 2	Agencies should consider including basic information about AI or ADM in their AIGs regardless of whether their use of AI or ADM is limited or emerging. This communication should be aligned to the agency’s short and longer-term strategy to enable the public to understand how the agency operates across its functions and decision-making capabilities currently and how this is likely to evolve in the future.

²⁵ IPC NSW, [‘Fact Sheet: Automated decision-making, digital government and preserving information access rights – for agencies’](#) (2024).

Recommendations	
Recommendation 3	The IPC should collaborate with agencies to integrate IPC guidance supporting disclosure of AI and ADM use and aligned to GIPA Act objectives ²⁶
Recommendation 4	Agencies should ensure individuals are informed by documenting within their PMP when a decision that may significantly affect them is made using AI or ADM.
Recommendation 5	Agencies should review their data-handling practices that involve the use of AI/ADM to determine whether personal information is involved and if applicable, update their PMP to ensure the use of AI/ADM and its impact on individuals is clearly described.
Recommendation 6	Agencies should review documented AIG and PMP content to provide clarity to ensure members of the public clearly understand how the use of AI/ADM (if used) may affect them.

8. Appendix A: Desktop review chronology

Date	Event
20 June 2025	Desktop Audit assessment completed
20 June 2025 – 4 July 2025	Analysis and Report Drafting
17 November 2025	Final Report Published

9. Appendix B: Abbreviations

The following table lists the commonly used abbreviations within this report.

Acronym or abbreviation	Explanation
ADM	Automated Decision-Making
AI	Artificial Intelligence
AIG	Agency Information Guide
GIPA Act	<i>Government Information (Public Access) Act 2009 (NSW)</i>

²⁶ IPC NSW, ['Fact Sheet - Automated decision-making, digital government and preserving information access rights – for agencies'](#) (2024).

IPC	Information and Privacy Commission NSW
PMP	Privacy Management Plan
PPIP Act	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>

10. Appendix C: Definitions

Terms	Definition
Artificial intelligence ²⁷	AI is the ability of a computer system to perform tasks that would normally require human intelligence, such as learning, reasoning, and making decisions. AI encompasses various specialised domains that focus on different tasks. While not all AI systems demonstrate the same characteristics, it is common to see the following exhibited: • Probabilistic – AI systems make decisions with uncertainty and are data-driven, whereas traditional systems follow predetermined rules and produce the same result for identical inputs. • Learning – AI systems learn and improve over time, while traditional systems need manual updates to change behaviour. • Data-driven – AI systems rely on data to make predictions or decisions, while traditional systems execute predefined rules and workflows without adapting. • Complex pattern recognition – AI systems recognise complex patterns within data, while traditional systems perform tasks based on straightforward logic. • Dynamic decision making – AI systems adapt their decisions based on new data and changing conditions, while traditional systems follow fixed workflows that do not evolve. Examples of AI include: • Machine Learning – which enables computers to learn from data • Computer Vision – allowing them to interpret visual information • Natural Language Processing – for understanding and generating human language • Generative AI – A type of machine learning that can generate new and convincing text, images or sounds from conversational prompts.
Automated decision making (ADM) ²⁸	An ADM system describes a computerised process, which may or may not involve the use of AI, that either assists or replaces the judgement of human decision-makers either fully or partially it may: • make a final decision • make a recommendation to a decision-maker

²⁷ Digital NSW, [‘A common understanding: simplified AI definitions from leading standards’](#).

²⁸ NSW Ombudsman, [‘A map of automated decision-making in the NSW Public Sector’](#) (2024)

	• guide a human decision-maker through a decision-making process • provide decision support, e.g., commentary at relevant points in the decision-making process • provide preliminary assessments • automate aspects of the fact-finding process and influence an interim decision or the final decision.
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11. Appendix D: Legislation

Government Information (Public Access) Act 2009 (NSW) (GIPA Act)

Division 2 Agency information guides

20 Agencies must have agency information guide

- (1) An agency (other than a Minister) must have a guide (its agency information guide) that—
 - (a) describes the structure and functions of the agency, and
 - (b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
 - (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
 - (d) identifies the various kinds of government information held by the agency, and
 - (e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
 - (f) specifies the manner in which the agency makes (or will make) government information publicly available, and
 - (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.
- (2) An agency must make government information publicly available as provided by its agency information guide.
- (3) The Chief Executive of the Office of Local Government may, in consultation with the Information Commissioner, adopt mandatory provisions for inclusion in the agency information guide of local authorities. The agency information guide of a local authority must include any such mandatory provision unless the Chief Executive otherwise approves in a particular case.

Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act)

Division 2 Privacy management plans

33 Preparation and implementation of privacy management plans

- (1) Each public sector agency must have and implement a privacy management plan.
- (2) The privacy management plan of a public sector agency must include provisions relating to the following—
 - (a) the devising of policies and practices to ensure compliance by the agency with the requirements of this Act or the Health Records and Information Privacy Act 2002, if applicable,
 - (b) the dissemination of those policies and practices to persons within the agency,
 - (c) the procedures that the agency proposes to provide in relation to internal review under Part 5,
 - (c1) the procedures and practices used by the agency to ensure compliance with the obligations and responsibilities set out in Part 6A for the mandatory notification of data breach scheme,

- (d) such other matters as are considered relevant by the agency in relation to privacy and the protection of personal information held by the agency.
- (3) (Repealed)
- (4) An agency may amend its privacy management plan from time to time.
- (5) An agency must provide a copy of its privacy management plan to the Privacy Commissioner as soon as practicable after it is prepared and whenever the plan is amended.
- (6) The regulations may make provision for or with respect to privacy management plans, including exempting certain public sector agencies (or classes of agencies) from the requirements of this section.