



information
and privacy
commission
new south wales

Annual Report 2015 – 2016

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new south wales

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Letter to the President and Speaker



information
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new south wales

28 October 2016

The Honorable Don Harwin MLA
President, Legislative Council
Parliament of NSW
Parliament House
Macquarie Street, Sydney NSW 2000

The Honorable Shelley Hancock MP
Speaker, Legislative Assembly
Parliament of NSW
Parliament House
Macquarie Street, Sydney NSW 2000

Dear Mr President and Madam Speaker,

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

This report provides an account of the work of the Information and Privacy Commission NSW during the 2015 – 2016 financial year.

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

Yours sincerely,

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

IPC GIPA Tool

launched, page 24

Right to Know Week 2015

with 'Switch on Open Government' event, page 16

Information Commissioner appointed NSW Open Data Advocate

page 20

Publication of quarterly

IPC Bulletin

regulatory newsletter,
page 16

Information Awareness Month

launched by Information
Commissioner, page 17

Information Commissioner tabled Report on operation of the GIPA Act

for 2014 – 2015, page 25

Publication of Universities' compliance with the GIPA Act

Audit Report and forum, page 21

Development of IPC Regulatory Framework

page 20

Towards a NSW charter for public participation

report published, page 21

CEO Update

launched as a quarterly
newsletter, page 16

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Chief Executive Officer and Information Commissioner – overview

Achievements and Report to NSW Parliament

It is a great pleasure to introduce this annual report and highlight the significant and substantial work of the Information and Privacy Commission (IPC).

It has been an important year for the IPC as we focused our resources on collaboration, regulatory effectiveness, integrity and service delivery, within our legislative governance arrangements. This focus has enabled us to implement a more relationship-oriented, outcome and future-focused approach across the organisation and ensure our regulatory relevance and effectiveness.

Collaboration

We have drawn on international and national developments and approaches, and respectfully collaborated with other regulators, statutory officers, agencies and the community to enhance our service delivery and ensure the effectiveness of our regulatory impact. The following highlights demonstrate that our collaborative approach has delivered positive and enduring outcomes both within NSW and nationally:

- The IPC effectively led the contribution of states and territory Information Commissioners/Ombudsmen to the development of the Commonwealth's Open Government Partnership National Action Plan
- Our collaborative regulatory approach to enhancing compliance with contract reporting requirements demonstrated commendable improvements in compliance levels by the university sector, and our work with the Audit Office of NSW has informed and supported work to elevate contract reporting compliance more broadly
- We supported significant initiatives such as the NSW Data Analytics Centre by providing guidance to agencies regarding sound information management practices
- To promote a clear understanding of the statutory framework governing information management in NSW we partnered with State Records NSW to host an international post-graduate student in a placement program.
- We initiated an innovative community consultation platform, *Your Say IPC*, to inform promotion of public engagement, and published *Towards a NSW Charter for Public Participation* to support agencies in fulfilling their obligations to provide comprehensive Agency Information Guides which specify arrangements to enable members of the public to participate in the formulation of the agency's policy and exercise of functions. This work is central to achieving Open Government.

Regulatory effectiveness

Throughout the year our endeavours delivered more timely case management, increased production of relevant and



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

authoritative guidance and facilitated implementation of targeted proactive regulatory programs. The historic backlog of information access cases has been eradicated and the average age of cases on hand has been halved. This has fortified our ability to be more strategic and contemporary in our regulatory approach. We have successfully:

- established and have published for consultation a Regulatory Framework and Regulatory Plan to provide transparency, accountability and signal our regulatory priorities to support voluntary compliance
- instituted a communications program to deliver regular and timely case notes, review reports, bulletins and regulatory guidance to enhance knowledge and increased compliance. E-learning registrations continue to increase and use of the IPC information access case management system by agencies (the IPC GIPA Tool) has significantly increased following consultation and enhancements that respond to user needs
- implemented a risk-based proactive regulatory program to identify and effectively elevate regulatory compliance in areas of highest risk and apply regulatory tools to maximise compliance outcomes. The two audits undertaken by the IPC demonstrate the efficiency and effectiveness of our new approach.

Integrity

With the intent of ensuring accountability and building trust and community confidence, we have:

- published for consultation a revised, values oriented IPC Customer Service Charter
- established and convened the inaugural meeting of the NSW Integrity Agencies Collaboration Group with membership comprising the heads of NSW integrity agencies

- consulted with the NSW Ombudsman and the Public Interest Disclosure Steering Committee to publish a suite of educational materials to support understanding and promote the operation of the *Public Interest Disclosures Act 1994*.

Service delivery

The NSW State Priorities identify a commitment to “working across government to achieve the results that will make this state better for all of our citizens”. Our focus on regulatory effectiveness, integrity and collaboration demonstrate our commitment to working across government and enhanced service delivery. We have contributed to Parliamentary and other inquiries and working groups with cogent and influential submissions.

Confidence in the IPC’s expertise and the role of the Information Commissioner has been expressed in my appointment as NSW Open Data Advocate. The IPC and the Information Commissioner are well placed to effectively champion, promote, educate and evaluate contemporary developments in Open Data that are inexorably linked to Open Government. The IPC will continue to apply its proficient understanding of the information access and privacy regimes to provide guidance to agencies regarding respectful, responsible stewardship, sound information management practices and ensure that NSW citizens realise the benefits of Open Government.

It has been another busy and productive year for the IPC. Resourcing remains a perennial issue for agencies and our investment in capacity and capability building, workplace flexibility and a commitment to purposeful and appropriate application of resources have been critical to our success. Diligence and sound IPC resource management practices have enabled us to deliver effective outcomes and respect budgetary parameters.

The IPC annual snapshot at page 7 contains performance highlights for this period and those previously reported. The snapshot provides a history of the IPC’s capacity and commitment to credibly supporting our significant statutory functions. I acknowledge and appreciate the formal communication from members of the Information and Privacy Advisory Committee (IPAC) to the staff of the IPC commending our achievements following publication of the *IPC Annual Report 2014 – 2015*. The IPC recognises the value in pursuing transparent engagement. With a continuing commitment to integrity, accountability and accuracy we will maintain a focus on reporting to the community, agencies, stakeholders and the Parliamentary Joint Committee of the Ombudsman, the Police Integrity Commission and the Crime Commission responsible for overseeing statutory functions.

Our service arrangements with the Department of Justice and engagement with the Office of the NSW Attorney General have supported the IPC’s performance. I would also like to acknowledge the support and guidance of the IPC’s Audit and Risk Committee and the ready engagement of regulated sectors. Importantly, I would like to express my gratitude to IPC Directors and staff who have demonstrated a clear commitment to the IPC as a single point of service and to the IPC values which have enabled us to better serve the community and more effectively perform our statutory functions.

I am pleased with our performance and look forward to what we can collectively achieve in information access and privacy working with the community, our key stakeholders and our regulated sectors in the coming year.

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

IPC

REVIEWS & COMPLAINTS	2015 – 2016	2014 – 2015	2013 – 2014
Received	621	625	764
Closed	748	690	745

GIPA

REVIEWS & COMPLAINTS*	2015 – 2016	2014 – 2015	2013 – 2014
Received	364	337	511
Closed	426	409	490

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

PRIVACY

REVIEWS & COMPLAINTS*	2015 – 2016	2014 – 2015	2013 – 2014
Received	257	288	253
Closed	322	281	255

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

ADVICES

	2015/16	2014/15	2013/14
GIPA	68	19	21
PRIVACY	146	101	129

SUBMISSIONS

	2015/16	2014/15	2013/14
GIPA	6	3	3
PRIVACY	1*	5	9

* Data available to the IPC from July 2015 – January 2016.

COMMUNICATIONS STRATEGIES

	2015/16	2014/15	2013/14
GIPA	8	4	2
PRIVACY	3*	8	6

* Data available to the IPC from July 2015 – January 2016.

PUBLICATIONS*

	2015/16	2014/15	2013/14
GIPA	19	8	4
PRIVACY	8	11	10

* In total the IPC released 33 new resources in 2015/16 – see Appendix 1 for details.

RESEARCH (includes surveys)

	2015/16	2014/15	2013/14
GIPA	0	1	1
PRIVACY	0*	1	1

* Data available to the IPC from July 2015 – January 2016.

COMMITTEES

	2015/16	2014/15	2013/14
GIPA	5	2	3
PRIVACY	6*	5	6

* Data available to the IPC from July 2015 – January 2016.

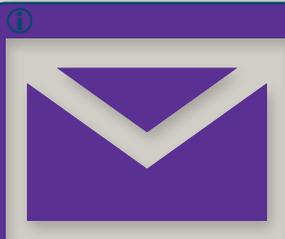
Year in snapshot



81% of all contact with the IPC was via our enquiries line
= 3,596 calls



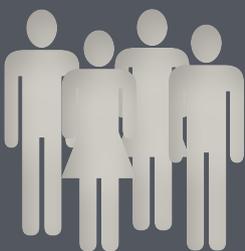
The website received
a total of 344,946 page views
an increase of 9.4% from 2014 – 2015



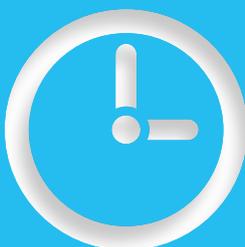
19% of all contacts were received via email,
web form, post, fax or in person
= 830 received



IPC staff completed
910 hours of training
and development during 2015 – 2016



100% of Performance Agreements
and Development Plans put in place by IPC staff as per
requirements of *Government Sector Employment Act 2013*.



Staff at the IPC operate under the Department of Justice's
Flexible Working Hours Agreement 2006

Who we are

The Information and Privacy Commission NSW (IPC) is a separate agency that administers NSW legislation dealing with privacy and access to government information. The IPC was established on 1 January 2011 to provide a single point of service in respect to information access and privacy rights, ensuring that agencies and individuals can access consistent information, guidance and coordinated training about information access and privacy matters.

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



What we do

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

Our vision

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

Our approach

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

Our values

The IPC's Values Framework was developed in line with the Government Sector Core Values. The IPC's Values are: Accountable, Service focused, Proactive, Integrity, Independent and Trust.

The IPC's Values Framework was developed by IPC staff in December 2014 using the Government Sector Core Values (Accountability, Service, Trust, Integrity) and the IPC Values (Accountable, Service focused, Proactive, Independent). See page 10 for further details.

Our stakeholders

- NSW Parliament
- Members of the public
- Government (Premier and Attorney General)
- Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission
- NSW public sector agencies including state government bodies, councils, state-owned corporations,* universities
- Non-Government Organisations delivering contracted services to NSW Government agencies
- Ministers and their staff
- Members of Parliament and their staff
- Other Information and Privacy Commissioners
- Information and Privacy Advisory Committee (IPAC)
- Other oversight accountability agencies
- Media
- Staff.

* Exempted under the PPIP Act.



Accountable

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

Service focused

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

Proactive

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

Independent

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

Integrity

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

Trust

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

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

The Information Commissioner has the power to conduct reviews of decisions made by other NSW government agencies and deal with complaints about information access. The Information Commissioner also monitors agencies' functions, reports to Parliament on the operation of the GIIC Act, and reports to the Attorney General about proposals for legislative or administrative change.

When necessary the Information Commissioner can issue guidelines to assist agencies and the public on:

- Public interest considerations in favour of disclosure
- Public interest considerations against disclosure of government information
- Agencies' functions
- The public's rights to access information
- An agency's information guide
- Reductions in processing charges.

The Information Commissioner can investigate agencies and compel them to provide information in the conduct of inquiries.

Participation in committees

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

- Association of Information Access Commissioners (AIAC)
- Public Interest Disclosures Steering Committee – under section 6A(1) of the *Public Interest Disclosures Act 1994*
- Enabling Information Sharing Working Group – Department of Finance and Services' ICT Strategy interagency forums
- Public Service Commission Separate Agency Reference Group
- Open Government Community of Practice steering committee
- NSW Integrity Agencies Collaboration Group.

Role of the Privacy Commissioner

The Privacy Commissioner is appointed by the Governor as an independent office holder under section 34 of the *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIIP Act). The Privacy Commissioner may be appointed on a full-time or part-time basis.

The role focuses on resolving complaints, protecting and enhancing the privacy rights of the NSW community and ensuring agencies uphold the privacy principles in the PPIIP Act and the *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act). Key functions are championing privacy and to educate the people of NSW.

Under the PPIIP Act, the Privacy Commissioner has the following functions:¹

- a) to promote the adoption of, and monitor compliance with, the information protection principles,
- b) to prepare and publish guidelines relating to the protection of personal information and other privacy matters, and to promote the adoption of such guidelines,
- c) to initiate and recommend the making of privacy codes of practice,
- d) to provide assistance to public sector agencies in adopting and complying with the information protection principles and privacy codes of practice,
- e) to provide assistance to public sector agencies in preparing and implementing privacy management plans in accordance with section 33 of the PPIIP Act,
- f) to conduct research, and collect and collate information, about any matter relating to the protection of personal information and the privacy of individuals,
- g) to provide advice on matters relating to the protection of personal information and the privacy of individuals,
- h) to make public statements about any matter relating to the privacy of individuals generally,
- i) to conduct education programs, and to disseminate information, for the purpose of promoting the protection of the privacy of individuals,
- j) to prepare and publish reports and recommendations about any matter (including developments in technology) that concerns the need for, or the desirability of, legislative, administrative or other action in the interest of the privacy of individuals,
- k) to receive, investigate and conciliate complaints about privacy related matters (including conduct to which Part 5 of the PPIIP Act applies),
- l) to conduct such inquiries, and make such investigations, into privacy related matters as the Privacy Commissioner thinks appropriate.

¹ *Privacy and Personal Information Protection Act 1998*, Part 4, Section 36.

Our organisation: governance structure and legislative responsibilities

Under the HRIP Act, the Privacy Commissioner has the following functions:²

- a) the Health Privacy Principles and the provisions of Part 4,
- b) to prepare and publish guidelines relating to the protection of health information and other privacy matters, and to promote the adoption of such guidelines,
- c) to provide assistance to organisations in adopting and complying with the Health Privacy Principles and the provisions of Part 4 of the HRIP Act,
- d) to conduct research, and collect and collate information, about any matter relating to the protection of health information and the privacy of individuals,
- e) to provide advice on matters relating to the protection of health information and the privacy of individuals,
- f) to receive, investigate and conciliate complaints about alleged contraventions of the Health Privacy Principles, the provisions of Part 4 or any health privacy code of practice,
- g) such other functions as are conferred by the HRIP Act.

Note: The Privacy Commissioner may also deal with privacy related complaints under Parts 4 and 5 of the PPIP Act.

Participation in committees³

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

- Asia Pacific Privacy Authorities (APPA)
- APPA Privacy Statistics Project Working Group
- International Data Protection and Privacy Commissioners' Strategic Directions Working Group
- Privacy Authorities Australia (PAA)
- Global Privacy Enforcement Network (GPEN) steering committee
- Enabling Information – Department of Finance and Services' ICT Strategy interagency forums.

Our governance

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

The object of this Bill is 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)...*

² Health Records and Information Privacy Act 2002, Part 7, Section 58.

³ Reflects the period from July 2015 – January 2016.

The IPC is recognised as a separate agency under Schedule 1 of the *Government Sector Employment Act 2013*. The Information Commissioner is appointed as agency head and is responsible to the relevant Minister, and has responsibility for ensuring that the IPC and its staff operate in accordance with all government sector requirements.

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

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

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

The Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission, oversees the functions of the Information Commissioner and Privacy Commissioner and reports to Parliament. The role of the committee does not provide for it to:

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

Our legislation

The IPC administers the following legislation:

- *Government Information (Public Access) Act 2009 (NSW)* (GIPA Act)
- *Government Information (Public Access) Regulation 2009 (NSW)* (GIPA Regulation)
- *Government Information (Information Commissioner) Act 2009 (NSW)* (GIICA)
- *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIPA)
- *Privacy and Personal Information Protection Regulation 2014 (NSW)* (PPIPA Regulation)
- *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act)
- *Health Records and Information Privacy Regulation 2006 (NSW)* (HRIPA Regulation).

Objectives of our legislation

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

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

The 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 personal information can be both a consideration in favour of disclosure, and a consideration against disclosure. *Guideline 4: Personal information as a public interest consideration under the GIPA Act* assists agencies to understand what personal information means, and how to properly apply those considerations when carrying out the public interest test under the GIPA Act.

The GIIC 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 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 establishes the role of the Privacy Commissioner and gives effect to Parliament's intention that privacy and information access are separate and discrete functions. 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 information protection principles (IPPs) – see Appendix 2.

The HRIP Act protects the privacy of people's health information. It covers information created and collected by hospitals and other health service providers. It also includes other public and private organisations that hold any type of health information. The HRIP Act contains 15 health privacy principles (HPPs) – see Appendix 3.

Legislative changes

Legislative changes which affect access to government information or privacy brought forward by the Attorney General are covered in the Department of Justice annual report. Changes which are brought forward by the Health Minister which affect health privacy are covered in the NSW Ministry of Health annual report. In addition, the following legislative changes were made during the reporting period:

- The *Government Information (Public Access) Act 2009* was amended at Schedule 1 – Information for which there is a conclusive presumption of overriding public interest against disclosure to insert:
 - In clause 1(1): 'section 194 (Security of certain information)' after '*Crimes (Administration of Sentences) Act 1999*'
 - A new clause 14: It is to be conclusively presumed that there is an overriding public interest against disclosure of information contained in any document prepared for the purposes of or in connection with an authorised transaction under the *Electricity Network Assets (Authorised Transactions) Act 2015* other than a document the public disclosure of which has been approved by the Treasurer
- The *Government Information (Information Commissioner) Act 2013* (GIIC Act) was amended to replace Director General with Secretary in section 30 reflecting changes introduced by the *Government Sector Employment Act 2013* (GSE Act)
- The GIIC Act was amended to provide that a copy of a report by the Information Commissioner under section 24 of the GIIC Act concerning the conduct of a public service employee is to be given to the Secretary, Department of Premier and Cabinet, reflecting the GSE Act changes
- The *Privacy and Personal Information Protection Act 1998* (PPIP Act) was amended to change the definition of 'law enforcement agency' and replace references to the Department of Local Government with the Office of Local Government in section 24 and Director General with Secretary in section 43 reflecting changes introduced by the GSE Act
- The PPIP Act was amended by the *Privacy and Personal Information Protection (Exemptions Consolidation) Act 2015* to:
 - allow public sector agencies to disclose personal information to interstate persons or bodies or Commonwealth agencies for certain purposes, and

Our organisation: legislative responsibilities and our strategic objectives

to collect, use and disclose personal information for certain research purposes, based on existing exemptions applicable to health information under the *Health Records and Information Privacy Act 2002*; and

- make it clear that the exemptions in the Act relating to law enforcement and related matters extend to law enforcement and related matters for the purposes of another State or a Territory or the Commonwealth; and
- extend the meaning of investigative agency to include certain additional public sector agencies with investigative functions or that conduct an

investigation on behalf of another public sector agency; and

- amend the PPIP Act, certain other Acts and the *Privacy Code of Practice (General) 2003* to consolidate and rationalise exemptions to the information protection principles under the PPIP Act based on certain long term exemptions under public interest directions made by the Privacy Commissioner.

Our strategic objectives

Please see Appendix 4 to view the IPC Strategic Plan 2013 – 2016 in detail.



Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

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

- ✓ Successful campaign for Right to Know Week 2015
- ✓ Information Commissioner launched Information Awareness Month 2016
- ✓ Thirty three new publications launched
- ✓ Launched consultation portal Your Say IPC and rolled out first community consultation
- ✓ Launch of online feedback loop on IPC website
- ✓ IPC E-learning Portal received 311 registrations

IPC Website

The IPC website is the organisation's central communication and service channel for stakeholders. It houses a suite of online resources, education tools and general information about the IPC and the right to access government information and the protection of privacy in NSW.

The IPC website address is: www.ipc.nsw.gov.au

During the reporting period, and as an outcome of a review of the IPC's service channels undertaken in the previous financial year (see page 43), work continued to improve the user's experience of the IPC website. This included the development of webforms to more efficiently capture requests for assistance and the addition of "quick links" on the home page to allow users to more efficiently direct users to the information they are seeking. Work was also progressed on better triaging online enquiries about accessing information and/or making a privacy complaint in order to effectively respond to the request via direction to information and resources. This work will be completed in the 2016 – 2017 reporting period.

From July 2015 to June 2016 the IPC website received 344,946 page views which is an increased by 9.4% compared to 2014 – 2015 (312,382).

Website visits			
	2014 – 2015	2014 – 2015	2013 – 2014
Visits	124,960	98,180	95,699
Unique visits	80,208	61,202	62,881
Page views	344,946	312,382	290,388
Average visit duration	2.49 minutes	3.17 minutes	3.17 minutes

Note: Totals based on monthly averages.

Your Say IPC launched

In September 2015, at an event to mark Right to Know Week, the Information Commissioner announced a commitment to collaborate with NSW citizens and agencies to promote public participation and assist agencies in achieving success in their engagement with citizens, through a NSW Charter for Public Participation. Part of the work towards this outcome would include trialling a platform for canvassing the views of public on approaches to public participation.

In December 2015, the IPC commenced a scan of online platforms designed for large-scale customised community engagement. A platform was selected for trial which allows consultation projects and utilises feedback tools such as Q&A, online discussion forums, surveys, formal submissions and interactive modalities. The site is named *Your Say IPC*.

An initial proactive online consultation was undertaken from 17-31 May 2016 to canvass a cross-section of the NSW community to provide feedback and ideas on how best to participate in the formulation of policy and provision of services by local councils, agencies, universities and state-owned corporations. *Your Say IPC* provides a variety of options for citizen contribution including posting shared experiences, ranking ideas and views, online surveys and posing questions. A preliminary assessment of the IPC's consultation was included in the Information Commissioner's report, *Towards a NSW Charter for Public Participation*, which confirms the challenges experienced by agencies and citizens alike in establishing a meaningful, rewarding dialogue.

The Information Commissioner made the decision to extend the consultation until 31 July to reach a broader cross-section of the community and to provide additional guidance in 'Phase Two' of the consultation. Outcomes will be reported on in the 2016 – 2017 reporting period.

IPC e-learning

In 2015 – 2016, the IPC's e-learning portal had 311 new registrations to access the available e-learning modules.

The portal offers streamlined and accessible training for NSW privacy and information access legislation to meet the growing demand for training and regulatory guidance among the IPC's stakeholder groups, while assisting the Information Commissioner and Privacy Commissioner to meet their statutory obligations.

The portal currently contains three e-learning modules:

- *Access Training for Decision Makers under the GIPA Act: Module 1*
- *Privacy Complaints Handling*
- *How to access government information in NSW*

The IPC will continue to develop new e-learning modules and educational tools which will be added to the e-learning portal to meet stakeholder demand for compliance training and regulatory guidance.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

IPC publications

Since July 2015, the IPC has produced 33 new publications – including two statutory reports, and three regulatory reports, seven guidance resources, three information access fact sheets and online forms, four privacy resources for Privacy Awareness Month 2016, eight newsletters (IPC Bulletins and CEO Updates) and four corporate resources. See the full list at Appendix 1. All resources are published in accessible formats and are available for download on our website, with some also distributed at community events including NAIDOC.

Major campaigns

Right to Know Week 2015

Right to Know Day is celebrated internationally on the 28 September each year, to raise awareness amongst citizens of their right to access government-held information, and to champion open governance.

In 2015, the IPC ran a week-long campaign from 28 September to 5 October 2015. Highlights of the campaign included:

- The Information Commissioner's announcement of her commitment to establish a citizen forum to ensure citizen input in the development of a Charter for Public Participation, as envisioned at the time of introduction of the GIPA Act
- The number of Champions increased by 60% from 24 in 2014 to 40 in 2015, and 25% more than targeted for 2015
- The IPC built on its positive working relationship with the Sydney Transit Authority bus network to reach out to more than 640,000 NSW citizens directly using the network's CCTV screens to display Right to Know messaging
- The NSW Information Commissioner led a round table discussion with leaders from GIPA regulated sectors – as well as Minister for Innovation and Better Regulation, Victor Dominello MP and Customer Service Commissioner Michael Pratt – on how to “Switch on Open Government”. It examined the barriers to information sharing, and showcased examples that demonstrate tangible benefits of Open Government
- The Information Commissioner delivered a video message specific to Right to Know Week
- An e-learning module was launched on how to access information under the GIPA Act
- The Right to Know Week web page received 836 page views (2014 comparison: 715) and the resources page was viewed 635 times (compared to 510 views in 2014)
- The IPC tweeted 14 times in the lead up to and during Right to Know Week. These tweets made 5,129 impressions and achieved 76 engagements. The IPC generated Right to Know Week related tweets received



RIGHT TO KNOW WEEK 2015 POSTER

14 re-tweets and five favourites. Champions and “Switch on Open Government” thought leadership event attendees also tweeted 27 times using #RTK2015, #SwitchOnOpenGov and #Open Gov. These tweets were seen by their followers and were re-tweeted/favourite 44 times

- Three media releases were issued, generating one blog article on *Open and Shut*, and two articles in *PSNews* and *The Mandarin*. A radio interview and podcast with the Information Commissioner was also released on 2ser.

Information Awareness Month 2016

Information Awareness Month (IAM) is a collaborative annual event between various bodies within the records, archives, library, knowledge, information and data management communities, held in May each year.

The theme for 2016 was “Investing in Information Governance” and aimed to highlight the importance of managing information assets across an entire organisation to support its business outcomes.

In 2016, the IPC's IAM promotion included web presence, social media presence, presentations by the NSW Information Commissioner and the publication of online and journal articles.

IPC communications aimed to raise awareness about the importance of managing information assets across an entire organisation to support its business outcomes and link back to the importance of Open Government.

IPC highlights for IAM 2016 included:

- The Information Commissioner and NSW Open Data Advocate launched Information Awareness Month at the presentation of the National Archives Awards for Digital Excellence 2016. In her presentation, Ms Tydd highlighted the importance of investing in information governance, this year's theme, and the role of sound information governance in advancing Open Government
- The IPC published two articles – the first was Q&A sessions with the Information Commissioner and Privacy Commissioner on State Records' *Futureproof* blog, raising awareness of information governance and providing thought leadership on the areas for future focus. The second article, "Access all areas" was published in the *NSW Law Society Journal's* April edition in which the Information Commissioner discusses the timely release of information
- The IPC webpage addressing IAM was viewed a total of 186 times
- The IPC tweeted five IAM-related tweets which made 3,608 impressions. During IAM, the IPC Twitter account received 458 visits. The tweets received a total of 31 engagements (retweets and favourites).

Privacy Awareness Month 2016

The IPC provided corporate and administrative support to the delivery of Privacy Awareness Month 2016 (previously Privacy Awareness Week), including uploading all resources, sending out media releases and managing social media.

Events calendar

The IPC events calendar is available on the IPC website and is used to drive our stakeholder engagement and major campaigns which include Right To Know Week 2015, Privacy Awareness Month 2016 and Information Awareness Month 2016. Smaller campaigns were acknowledged on the calendar to support public awareness and the good work of our stakeholders, including NAIDOC Week, Local Government Week 2015, Stay Smart Online 2015, Law Week 2016.

Communicating with our stakeholders

Enquiries feedback

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

Common enquiries included how to access government, personal and health information, and review rights. Our enquiries service responded to 3,596 phone enquiries and

830 written and face-to-face enquiries from a broad cross-section of the community including members of the public, agency staff and representatives of private sector organisations on right to information and privacy.

Enquiry Type	2015 – 2016	2014 – 2015	2013 – 2014
Telephone	3,596	3,677	4,340
In writing and in person*	830	656	861

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

Stakeholder engagement

Stakeholder engagement continues to be a priority for the IPC.

How we engage

During 2015 – 2016 we engaged with our networks and stakeholders via e-alerts, online news items, surveys and emails about our major activities, campaigns, new publications, statutory reports and delivery of major projects including the announcement to co-create a NSW Charter for Public Participation.

Stakeholder groups were invited to provide feedback during consultation periods on the development of new resources including fact sheets and guidelines on information access.

In May 2016, the IPC commenced its first community consultation via *Your Say IPC* to invite members of the NSW community to provide feedback on how best to participate in the formulation of policy and provision of services by local councils, agencies, universities and state-owned corporations. Details of the consultation are available on page 15.

Both Commissioners continued to develop and promote the work of the IPC through meetings with and presentations to stakeholder groups across all sectors that are regulated by NSW information access and privacy legislation.

Who we engage with

The IPC participated in and presented to the NSW Right to Information and Privacy Practitioners' Network Forum each quarter. This included consultation on the development of resources and workshops on third party consultation and the GIPA Tool.

The IPC continued to reach out and engage with Aboriginal organisations and units, to promote our services via events and by developing a brochure on the IPC specific for the Aboriginal community.

Engagement also continued with identified disability and multicultural organisations to establish online links, and the IPC continues to provide access to interpreter services for all IPC services and recognition of national days within the IPC events calendar.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

Counterparts meetings

In February 2016, the IPC hosted a visit from the New Zealand Chief Ombudsman and two Deputy Ombudsmen, together with the NSW Ombudsman and Deputy Ombudsman as well as a representative of the Victorian Freedom of Information Commissioner. The IPC shared strategies for continuous improvement, including in relation to:

- developing programs of proactive regulatory action;
- building relationships with adjunct regulators to increase the effectiveness of regulatory efforts;
- more timely case management practices; and
- solution focused complaint handling.

In May 2016, the IPC hosted the Victorian Parliament's Accountability and Oversight Committee, who were interested in learning about the work of the IPC and more generally, oversight and integrity arrangements in NSW. The CEO/Information Commissioner offered insight into the ways in which oversight and integrity systems can enhance accountability of, and public trust in, both the executive and Parliament.

In February 2016, the Information Commissioner established the Integrity Agencies Collaboration Group. The purpose of the group is aligned with the Organisation for Economic Co-operation and Development pillars to support public sector integrity: 1 transparency; 2 good management; 3 prevention of misconduct and compliance; and 4 accountability and control. Members include the Auditor General, the Public Service Commissioner, the Executive Director of the Independent Commission Against Corruption, the Acting Ombudsman and the Chief Executive Officer of the Office of Local Government. The inaugural meeting was convened on 25 May 2016 and resolved that the purpose of the group would be to identify jurisdictional connections and relevant activities and promote collaborative engagement between member agencies.

Throughout 2015 – 2016, the Information Commissioner participated in the Association of Information Access Commissioners (AIAC). The AIAC comprises Commonwealth, State and Territory Information Commissioners and Ombudsmen, and aims to exchange information and experience about the exercise of their respective responsibilities, and promote best practice and consistency in information access policies and laws. AIAC members met in October 2015 and again in April 2016.

Open Government Partnership and National Action Plan

In late 2015, the Information Commissioner led a contribution of state and territory Information Commissioners to the development of the background to the National Action Plan. In 2016, the Information Commissioner led the submission of a joint commitment for inclusion in the National Action Plan.

The proposed commitment is the development and collection of data to inform an assessment of the utilisation of information access rights within Australian States and Territories.

This baseline and the assessment approach more broadly may be applied to contribute to the overall assessment of Australia's National Action Plan. Additionally the measures align with extant global reporting measures.

The proposed commitments will be decided by Cabinet for submission to the Open Government Partnership in 2016.

Internships

The IPC hosted an international student for a week in June 2016 as part of University of Sydney's Graduate School of Government Internship in Public Administration.

For the first time the IPC is participating in the annual Graduate Employment and Summer Clerkship Program of the NSW Law Society with placements commencing in July 2016.

Communication strategies

During the reporting period the IPC developed and delivered external communications strategies to stakeholder groups for projects and events including:

- *Report on the operation of the Government Information (Public Access) Act 2009: 2014 – 2015*
- *Report – Towards a NSW Charter for Public Participation*
- *Universities' compliance with the GIPA Act: Audit Report 2015*
- *Advancing the objects of the Government Information (Public Access) Act 2009 (NSW): an international comparative evaluation of measures used to promote government information release*
- IPC GIPA Tool launch campaign
- Right To Know Week 2015
- Information Awareness Month 2016
- IPC events calendar
- Stay Smart Online 2015
- Law Week 2016
- Harmony Day 2016
- International Women's Day 2016
- NAIDOC 2016
- The relocation of the IPC
- The launch of materials to support agencies and complainants under the *Public Interest Disclosures Act 1994*

The communications team delivered strategies for the consultation and subsequent publication of new resources including fact sheets on *Restraint orders under the GIPA Act*, and *Offences under the GIPA Act*.

The IPC also developed and delivered a number of internal communications strategies to ensure communication and information sharing amongst staff (see page 35).

Stakeholder feedback

The IPC relies on stakeholder feedback to inform the organisation about how our products and services are operating. We collect feedback via the following channels:

- Consultation periods – Your Say IPC (see page 15)
- IPC website pop-up feedback mechanism – see details below
- Consultation periods (e.g. for draft publications)
- *Have Your Say NSW* – government consultation feedback site
- Online surveys
- Omnibus surveys
- Feedback and enquiries via web forms
- A free call telephone number for contacting the IPC
- A generic email address for contacting the IPC
- Collecting information at community forums, events and information sessions
- Feedback from external training sessions and events.

As reported at page 15, the IPC website uses Google Analytics to collect information about how often users visit the IPC website, what pages they visit when they do so, and which resources are downloaded from the website. During the reporting period the IPC website received a total of 344,946 page views.

IPC online feedback loop The IPC launched an ongoing feedback mechanism (website ‘pop-up’) on the IPC website in July 2015. The feedback mechanism is designed to capture stakeholder feedback on a range of topics and issues to direct and inform the IPC’s communications activities, regulatory approach and service.

During 2015 – 2016, the pop-up appeared on the website six times, and sought feedback on:

- Website user experience (Did you find what you were looking for on the IPC website?)
- Awareness of processes under legislation (Do you know how to access government information in NSW? and Do you know how to access your health records in NSW?)
- Promoting community engagement opportunities (promoting *Your Say IPC*)
- Corporate activities (promoting IPC’s e-learning, asking for feedback on the range of resources available from the IPC).

The feedback captured from pop-up responses is responded to in the most suitable manner. Some examples of how feedback was addressed in 2015 – 2016 include publication of carousel slides on our website promoting specific services, resources or guidance materials, and social media messaging.

Media

Twenty four media requests were made during the reporting period.

The CEO/Information Commissioner and Privacy Commissioner both communicated with the media through media releases, statements and interviews.

The CEO/Information Commissioner dealt with media requests regarding the Right to Know Week 2015, the release of the *Report on the operation of the Government Information (Public Access) Act 2009: 2014 – 2015* and was available to comment on requests about the work and services of the IPC.

During Right to Know Week 2015, *The Mandarin* published an article on citizen participation in response to the Information Commissioner’s announcement to progress a Charter for Public Participation in NSW.

The IPC manages the media requests of the Privacy Commissioner. In 2015 – 2016 this included requests for statements and/or interviews on issues such as privacy breaches, and responses on submissions to Parliament.

Social media

The IPC currently uses the social media channels Twitter, LinkedIn and YouTube to interact with stakeholders about our campaigns, products and services.

Outlook for 2016 – 2017

In 2016 – 2017 the IPC will direct its resources to achieve effective regulatory outcomes to address regulatory needs such as:

- Engage with counterpart regulatory and service agencies to promote an understanding of the IPC to a broader section of the community and leverage their stakeholder engagement – including partnering on campaigns such as Right to Know Week and NAIDOC
- Open Data initiatives focussed on the community
- Establish a brand awareness baseline
- Co-create a Charter for Public Participation
- Conduct a survey of public attitudes to Agency Information Guides (AIGs)
- Hold a summit on public participation and AIGs
- Conduct a survey of public opinion on information access rights in NSW.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

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

- ✓ Information Commissioner appointed NSW Open Data Advocate
- ✓ IPC GIPA tool launched
- ✓ Twenty six information access training and information sessions provided to stakeholders
- ✓ Development of the IPC Regulatory Framework
- ✓ Publication of report *Towards a NSW Charter for Public Participation*
- ✓ First independent compliance audit into universities' compliance with contract registers under the GIPA Act
- ✓ Twenty six GIPA Review Reports published
- ✓ Sixty eight GIPA advices closed

Activities of NSW Open Data Advocate

With the launch of the *NSW Open Data Policy* in April 2016, NSW Government appointed the Information Commissioner as NSW Open Data Advocate.

In this role the NSW Open Data Advocate will encourage the release of data by NSW government agencies in ways that are respectful of data sharing safeguards, through the provision of information, advice and assistance to agencies and the NSW public on access to government information, underpinned by compliance with the GIPA Act.

Open Data is a strategic asset for government providing the basis for powerful insights, invention and exploration that translate into better services for citizens and communities. Research shows that Open Data has a significant impact in four key areas:

- Improving government
- Empowering citizens
- Creating opportunity
- Solving problems.

The role of the Open Data Advocate, as it aligns with the statutory responsibilities of the Information Commissioner and functions of the IPC, entails four primary functions:

1. Championing
2. Education
3. Evaluation
4. Promotion

Work to date has been largely focused on promotion. However an analysis of the current operating environment demands that the Open Data Advocate role assist in elevating understanding of technological developments; identifying international legal and policy regimes that enable Open Data; and harnessing opportunities to digitalise information holdings.

Work of the NSW Open Data Advocate during 2015 – 2016 reporting period included:

- Launching Information Awareness Month 2016 at the National Archives, Canberra
- Presentation of National Archives Awards for Digital Excellence 2016, Canberra
- Speaker at the Public Sector Data and Analytics Sydney Roadshow 2016
- Contribution to the NSW Government response to the Commonwealth Productivity Commission Issue Paper – *Data Availability and Use*
- Input to assist the Commonwealth Office of the Australian Information Commissioner to provide input to the Commonwealth Productivity Commission Issue Paper – *Data Availability and Use*
- Engagement with the Commonwealth Office of the Australian Information Commissioner to provide input to the consultation on the draft *Guide to Big Data and the Australian Privacy Principles*.

Proactive regulatory initiatives

IPC Regulatory Framework

The IPC has examined and implemented contemporary approaches to regulation to enable more strategic and effective regulatory efforts as part of the IPC's commitment to open and transparent regulation, and to give the public and regulated agencies a better understanding of the work of the IPC. An *IPC Regulatory Framework* will be published in the next reporting period to support the IPC in delivering proactive, intelligence-led and risk-based regulation through 2016 – 2017 and beyond. The *IPC Regulatory Framework* will guide the IPC to prioritise and target resources to those areas which pose higher risks to the achievement of regulatory objectives, and to support the vast majority of agencies to achieve compliance through regulatory guidance. The *IPC Regulatory Framework* will provide the public and regulated agencies with a clear statement of jurisdiction and regulatory approach, underpinned by a set of regulatory principles, which will include constructiveness, consistency, targeted, proportionality, accountability and transparency.

Information Commissioner's Regulatory Plan

The IPC has examined and developed an approach to preparing and publishing an annual Regulatory Plan to communicate to the sectors regulated under the GIPA Act which regulatory risks the IPC will prioritise in 2016 – 2017, ensuring that the IPC's valuable resources are directed to the areas that pose the most serious and/or significant possibility of undermining the achievement of the IPC's regulatory objectives to protect and promote information access rights in NSW. Importantly, the release of an annual Regulatory Plan will allow regulated agencies to know and voluntarily respond to the IPC's priority areas in the context of their own operations to ensure compliance without the need for more targeted IPC regulatory action. Key areas to be included in the Regulatory Plan include:

- Deliver regulatory guidance to assist agencies to improve compliance with the GIPA Act
- Examine and elevate effective information release
- Continue to deliver effective protection and promotion of information access rights
- Improve our capacity to deliver risk-based proactive regulatory action to drive improved compliance by agencies.

Towards a NSW Charter for Public Participation report

On 27 June 2016, the Information Commissioner published a report, *Towards a NSW Charter for Public Participation*. The publication of this report progressed the Information Commissioner's commitment to promote public participation and assist agencies in achieving success in their engagement with NSW citizens through a six-step process:

1. Identify international leading practices
2. Consult with citizens and government
3. Assess existing public participation mechanisms
4. Co-design citizen charter for public participation
5. Culturally embed public participation
6. Monitor and promote public participation.

Part 3 section 20 of the GIPA Act provides that a regulated NSW public sector agency (other than a minister) must have a current Agency Information Guide (AIG) that 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. *Towards a NSW Charter for Public Participation* outlines the first stage of work completed by the IPC to progress public participation in agency (not ministerial) policy formulation and the exercise of agency functions.

The Report also sets out the next steps that the IPC will take, in collaboration with NSW agencies and the NSW community, to support greater public participation arrangements across the regulated sectors under the GIPA Act. The way forward will see the IPC work

collaboratively across the regulated sectors to create a NSW Charter for Public Participation. The Charter will provide a framework to achieve greater public participation and will assist agencies and the public to enhance the application of AIGs, strengthen compliance with the GIPA Act and promote arrangements for public participation.

University sector compliance with contracts register obligations

The Information Commissioner released a report on the compliance audit of universities' compliance with Part 3 Division 5 of the GIPA Act on contracts register obligations. This initiative resulted from a commitment articulated by the Information Commissioner to work collaboratively with the university sector to promote compliance in this area. The Report observed that universities adopted different approaches to compliance and that the sector lacked operational maturity in its management of compliance that resulted in a low level of overall compliance. The Report made five recommendations to universities crafted to promote compliance through a more robust governance framework to support the operationalisation of contract register legislative requirements under the GIPA Act. It also recommended that the IPC take regulatory actions to ensure that universities and other regulated entities are well supported in complying with this legislative scheme. The IPC engaged with individual universities following the release of the report on the outcome of the report as it applied to their University to assist them in achieving improved regulatory compliance.

The IPC proactively hosted a University Forum in March 2016, attended by each university subject to the compliance audit. The University Forum provided an opportunity for universities to discuss and showcase their various approaches to compliance while also providing important feedback to the IPC on the practical operation of these requirements. This initiative helped to galvanise a culture of compliance within the university sector.

A follow-up audit of the universities is underway and will report in 2016 – 2017. In addition, the IPC is in the process of developing further guidance material including a fact sheet on wholly owned subsidiaries to support compliance across all sectors with the contract register requirements. The IPC has also commenced work to scope a proactive regulatory initiative focusing on the Government sector's compliance with contracts register obligations as recommended in the 2015 Report. This initiative will be informed by the work of other regulators.

Practitioners' network

During the reporting period, the Information Commissioner and Privacy Commissioner presented to the NSW Right to Information and Privacy Practitioners' Network Forum each quarter on work agendas, campaigns and launches. This single forum creates a capacity to build and strengthen the collective expertise required to operate in a legislative environment which necessitates consideration of both the privacy and information access regimes.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

The IPC also conducts quarterly meetings with the Practitioners' Consultative Group ahead of each forum to ensure the Commissioners' presentations and officer run workshops contain content of use to the network.

The IPC also conducts ongoing engagement with the practitioners' network via user acceptance testing for online services, surveys and consultations on the IPC's products and services .

The IPC will continue to support the NSW Right to Information and Privacy Practitioners' Network Forum with information and targeted education programs and resources that efficiently and effectively respond to identified needs.

Education and training

E-learning

In 2015 – 2016 the IPC's e-learning portal had 311 new registrations to complete the available e-learning modules in information access for decision-makers and privacy complaints handling. See page 15 for further details on the IPC's e-learning initiatives.

Training

In 2015 – 2016 the IPC collectively delivered 26 training and information sessions on information access and 20 focused on privacy awareness.

Training on relevant legislation, rights and responsibilities, and the role and functions of the IPC was delivered to a range of stakeholders including public sector agencies at the state and local levels, board-governed organisations and government service providers. Training sessions were designed to assist stakeholders in understanding rights and responsibilities and applying relevant legislation, policies and procedures.

Speaking engagements

Information access

The Information Commissioner addressed stakeholders on the right to information and best practice in information management or participated on panels at 16 speaking engagements, as well as addressing the Practitioner's Network quarterly meetings. Sessions included:

- Public Sector Records and Information Management Conference – “Open Government and Good Governance: More than a casual relationship”
- Transport for NSW Executive – “Open Government”
- Hosted “Switch on Open Government” – round table event during Right to Know Week 2015
- The Public Sector Women in Leadership Summit 2015 – “Informing your success”
- Defining moments of a leadership journey through the public sector”

- NSW Governance Institute – “Open Government and Good Governance: More than a casual relationship”
- Executive Assistants Network Conference – panellist, “Forging a true working partnership – an executive assessment of the EA Partnership Model and relationship building”
- Australian Information Industry Association – NSW Government: Information Briefing
- Open Data Policy Challenge
- Southern Sydney Region of Councils – Briefing on the Report on the Operation of the GIPA Act 2014 – 2015
- Association of Information Access Commissioners – NSW Information Commissioner update, April 2016
- Public Sector Data and Analytics Roadshow – panellist, “Driving Value from Public Sector Data to improve Service Delivery”
- Information Awareness Month May 2016 – launch of event and presentation of 2016 National Archive Awards for Digital Excellence – “Information Governance Opening Government”
- Women Leaders in the Public Sector Network Forum – “Strategic leadership: Informing your success”
- Records Managers' Forum – “The role of Information Management in achieving Open Government”.

Privacy

The Privacy Commissioner addressed stakeholders on privacy or participated on panels at nine speaking engagements between 1 July 2015 and 25 January 2016. The Privacy Commissioner also addressing the Practitioner's Network at four quarterly meetings during the 2015 – 2016. Sessions included:

- Rotary Club of Sydney – “Privacy – it matters and why!”
- Department of Justice Community of Practice – Privacy update
- Holistic Community Safety Conference – “Privacy Matters in NSW”
- Australia India Business Council – “Leadership during crisis situations”
- Transport for NSW – Privacy update
- Australian Information Industry Association – NSW Government: Privacy Briefing
- First State Super: Tough Leadership Series – “Privacy Matters – a special address and conversation with Hugh McKay AO” – opening speech
- Open Data Policy Challenge
- Local Government Conference.

Information Access – GIPA

Advice and support

The IPC's regulatory activities are informed by our regulatory principles, including 'constructiveness' where we engage with agencies and provide advice and guidance to assist compliance and support stakeholders, including regulated agencies across the five sectors: Government, Ministers and staff, Universities, Councils and State Owned Corporations.

In 2015 – 2016, 68 GIPA advice files were closed with the majority of the advice files being in response to queries from the NSW Government sector (57 per cent).

The IPC issued three fact sheets and guidelines to promote agency best practice and assist agencies to meet their obligations under the GIPA Act. See Appendix 1.

Information Commissioner submissions included to the:

- Statutory review of the *Government Information (Public Access) Act 2009* (supplementary submission)
- Independent Pricing and Regulatory Tribunal *Review of reporting and compliance burdens on Local Government*
- NSW Parliament Legislative Council, Standing Committee on Social Issues Inquiry into service coordination in communities with high social needs
- NSW Parliament Legislative Council, Standing Committee on Law and Justice Inquiry into remedies for the serious invasion of privacy in New South Wales
- Independent Review of Police Oversight by Andrew Tink AM
- Independent review of the *National Disability Insurance Scheme (NDIS) Act 2013*.

Advice files by source

Stream and type of applicant	2015 – 2016	2014 – 2015	2013 – 2014
GIPA	68	19	21
State government	39	14	11
Local government	13	1	1
Private individual	7	1	3
Other*	3	1	4
Private organisation**	2	1	0
Parliamentary inquiry	2	1	1
Advocate/lawyer	1	0	0
Other governments	1	0	1

* 'Other' includes universities, Members of Parliament, Parliamentary Committees, review bodies and unknown clients.

** 'Private organisation' includes private business, non-government organisations and peak bodies.

NOTE: A revision to categorising advices has contributed to the increase in the reported number of advices provided to stakeholders between 2014 – 2015 and 2015 – 2016.

GIPA statutory review

The statutory review of the GIPA Act and GILC Act continues to determine whether the policy objectives of the Acts remain valid and whether the terms of the Acts remain appropriate for securing these objectives. The Department of Justice is undertaking this work on behalf of the NSW Attorney General.

The Information Commissioner may provide assistance to the statutory review in accordance with section 130 of the GIPA Act. During 2015 – 2016 the Information Commissioner actively engaged with the Department of Justice through providing, for example, feedback on technical issues raised in submissions and a supplementary submission to further contribute to the review since its commencement in 2014.

In the period since the Information Commissioner's original submission, the operating environment for government and for the Information Commissioner has changed.

The Information Commissioner's supplementary submission reiterated the importance of maturing the access to information framework so it goes beyond the important goals of providing transparency and accountability to providing better government services to NSW people and businesses – through giving prominence in NSW legislation the potential for open government to lead to better service delivery.

The Information Commissioner raised the new and pressing need to ensure that the GIPA regime keeps abreast of:

- the international open government agenda and Australia's move to join the Open Government Partnership;
- increasing emphasis on government data as a subset of government information to be open and accessible;
- increasing information sharing and use in digital environments across agencies; and
- the improvements in the delivery of Information Commissioner regulatory functions.

The Information Commissioner identified areas of reform to:

- modernise the authorising environment for proactive release of information and data;
- improve the efficiency and effectiveness of review rights; and
- simplify the avenues for government information and data access and release.

In the next reporting period, the IPC will recognise the provision of comprehensive data and case studies on service performance in respect of the IPC's case management, demonstrating considerable improvements in timeliness since the review's commencement in 2014.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

IPC GIPA Tool

The IPC GIPA Tool was launched on 1 July 2015. To date, more than 90 agencies use the GIPA Tool to manage GIPA applications and over 200 agencies use the GIPA Tool to submit their annual GIPA reports to the IPC.

During the financial year, the IPC conducted an end-to-end review of the GIPA Tool. The review identified rectifications and enhancements to maximise the integrity and value of the GIPA Tool. A series of IPC GIPA Tool updates was released to improve the IPC GIPA Tool's utility and performance. These amendments were informed by agency-user commentary and testing. The updates included:

1. Addition of a 'Proof of Identity' sub-section in the 'General Details' section
2. A re-vamped 'Application fee, Processing Charge & Discount' section
3. The ability to capture information regarding third party consultation
4. Additional fixes.

The IPC continues to work closely with agencies to achieve optimal user experience through continued review of the IPC GIPA Tool and enhancements. Further enhancements are planned for the 2016 – 2017 year.

GIPA review reports

The IPC proactively releases a selection of its review reports as one of the many resources made available to agencies, stakeholders and the public to assist in understanding and implementing the GIPA Act.

During the reporting period the IPC published 26 GIPA review reports. Not all reports prepared by the IPC are published. The review reports are most often published in circumstances where the Information Commissioner is of the view that the report provides new guidance or may provide further guidance in specific areas. The IPC obtains consent from applicants before publishing reports. Where consent is not available, but the review report provides guidance, the IPC withholds the applicant's identity from the report.

Agency feedback

In the period following the release of the Information Commissioner's *Report on the operation of the Government Information (Public Access) Act 2009: 2014 – 2015* in February 2016, the Information Commissioner briefed and took feedback from a number of stakeholders. These included the:

- Parliamentary Joint Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission
- NSW Attorney General
- Southern Sydney Region of Councils

- NSW Right to Information and Privacy Practitioners' Network, and
- Australian Association of Information Access Commissioners.

The Information Commissioner is considering this feedback in preparation for the next report on the operation of the GIPA Act for 2015 – 2016.

The Information Commissioner also briefed and took feedback from the Minister for Innovation and Better Regulation and the Department of Finance Services and Innovation on the development of a 2016 – 2017 work plan for the NSW Open Data Advocate.

Outlook for 2016 – 2017

In 2016 – 2017 the IPC will direct its resources to achieve effective regulatory outcomes to address regulatory needs such as:

- Institute guidance/training to promote good decision making and sound information management practices
- Open data initiatives focussed on agencies
- Inform and promote awareness of outcomes of the statutory review
- Develop resources on dealing with third parties in decision making on access applications and internal reviews
- Develop resources for contract register compliance
- Develop resources on dealing with fees and processing charges
- Develop guidance on releasing AV and other video and audio recordings
- Develop guidance on adopting and reviewing Agency Information Guides.

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

✓ Report on the operation of the GIPA Act for 2014 – 2015 tabled in Parliament, February 2016

✓ Three hundred and sixty four information access reviews and complaints received and 426 closed

✓ Two GIPA compliance audits completed

✓ Reduction in the average age of open cases to less than two months

✓ Average time taken to finalise cases reduced by 22 per cent

Case management and investigation processes

The IPC uses a triage model in dealing with complaints and reviews brought to the Information Commissioner for consideration. Matters are generally addressed in order of date of receipt; however a matter requiring urgent attention may be expedited if considered appropriate and necessary. During the reporting year, the IPC continued to review its case management and investigation processes to ensure a contemporary approach that is effective, timely and efficient. Improvements in information access case management practices have focused on more efficient case management under a delegated decision making model by implementing measures including:

- preliminary review upon allocation to identify documentation necessary to progress cases;
- regular follow up with parties to ensure supply of information;
- additional templates for standard correspondence;
- case allocation of related matters to ensure efficient handling;
- a targeted escalation model to ensure complex matters are dealt with efficiently;
- time standards to promote timeliness in all case management actions;
- improved case management system reporting for regular review of case progress; and
- precedents to assist delegated decision makers.

The IPC has developed a new case management policy and investigation policy to support the new measures. The new policies will be trialled in 2016 – 2017.

Information access

A range of case management processes and delegations are in place to guide and facilitate efficient and effective case management when dealing with reviews and complaints brought to the Information Commissioner. Under section 18(2) of the GIIIC Act preliminary inquiries are conducted to determine the substance and scope of a complaint to the Information Commissioner.

The degree and nature of the response to any complaint addressed by the Information Commissioner is proportionate to the magnitude of the issue, the immediacy of the response required and mindful of the alternatives available to address the complaint that operates to provide an appropriate outcome for all the parties concerned. The majority of complaints are dealt with under section 19(1)(a) of the GIIIC Act by providing information to the parties to a complaint. This provides an effective mechanism, as in addition to resolving the complaint it serves an educative function of informing more broadly, agencies and the public of the application of the GIPA Act.

Reviews are handled similarly by assessing in the first instance the jurisdictional boundaries to ensure external reviews brought to the Information Commissioner are reviewable decisions brought within the appropriate time frames.

The information gathered from the consideration of reviews and matters raised during the complaints process informs and assists the IPC in identifying issues for future educational guidance and in setting a proactive approach towards information access.

Privacy

The approach to case management and investigation processes for privacy from 1 July 2015 – 25 January 2016 accorded with the approach adopted by the IPC in 2014 – 2015 and reported on in the *IPC Annual Report 2014 – 2015*.

Information Access – GIPA

Report on the Operation of the Government Information (Public Access) Act 2009: 2014 – 2015

Under section 37 of the GIIIC Act, the Information Commissioner is required to report annually to NSW Parliament on the operation of the GIPA Act generally, across all agencies. The Information Commissioner's *Report on the operation of the Government Information (Public Access) Act 2009: 2014 – 2015* was tabled in Parliament in February 2016.

The Report provides an analysis of five years of operation of the GIPA Act across the five regulated sectors. The Report recognises that most agencies are improving their processes for dealing with applications to access information. However, after five years of operation there is still a need to improve how much information is being released to the community and how agencies engage with the communities they serve. The Report identified key trends including that:

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

- information release rates are declining;
- internal reviews of decisions are increasingly upholding the original decisions of agencies;
- applications for external review are increasing and applications to the Information Commissioner have consistently and significantly increased; and
- agencies are improving processes to achieve timeliness, and are increasingly achieving the intent of the GIPA Act in providing advice and assistance to citizens making a request to access information.

The key challenges identified in the Report are to ensure that:

- the right to access information remains affordable and that the legislative intent of accessibility and timeliness is supported through appropriate review avenues;
- accountability mechanisms and the right to access information continue to benefit citizens, businesses and agencies through maximising information release rates and responding to the increasing requirement to ensure that all public purpose service providers have access to information to better perform their service delivery functions; and
- the proactive release of information is promoted to better support public participation.

In responding to these challenges, the IPC has instituted a strategic and collaborative approach which identifies responsibilities and actions for both the IPC and the regulated sectors. The IPC has committed to addressing the challenges of each pathway through the future focus of, for example:

- creating opportunities to maximise agencies compliance with mandatory proactive release requirements, and identity strategies to enhance the use and impact of this pathway;
- reviewing contracts register compliance in other sectors of the regulated population within 18 months;
- promoting agency use and understanding of the informal release pathway; and
- promoting a rigorous, comprehensive and citizen-centric approach to information management through sound leadership.

In response the IPC has undertaken a number of actions since the Report's release including:

- conducting an IPC University Forum on Contract Registers under the GIPA Act in March 2016;
- conducting desktop monitoring of current Agency Information Guides; and
- releasing the *Towards a NSW Charter for Public Participation* report to progress public participation in agency policy formulation and the exercise of agency functions.

The IPC intends to make publicly available agency-level GIPA data on the IPC website during 2016 – 2017, to enable better measurement and performance assessment to drive improvements in compliance.

Memorandums of understanding

One memorandum of understanding between the IPC and Information Technology Services, NSW Department of Justice was entered into in the financial year 2015 – 2016. The memorandum of understanding is for the support and maintenance of the IPC's GIPA Tool.

GIPA matters

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

In 2015 – 2016 the Information Commissioner received 364 reviews and complaints and conducted two compliance audits. The Information Commissioner closed 426 reviews and complaints and concluded both compliance audits.

The two audits were undertaken in accordance with the Information Commissioner's function under section 17(g) of the GIPA Act to monitor, audit and report on the exercise by agencies of their functions under the GIPA Act. These included an audit of the university sector's compliance with obligations under the contracts register requirements of the GIPA Act along with a desktop survey of cluster agencies' agency information guides.

The IPC's finalisation time frames have substantially improved, as has its ability to deal with requests for assistance upon receipt, eliminating the delay experienced by applicant's seeking the assistance of the Information Commissioner experienced in the previous reporting period.

During the reporting year common issues raised included third party objections, adequacy of searches, unreasonable and substantial diversion of resources, forms of access and creation of new records. The identification of an increase in the number of external review applications from third party objectors and issues concerning unreasonable and substantial diversion of resources to the Information Commissioner identified a need for further guidance to be developed in this area. The IPC is currently developing guidance which will assist practitioners to apply the requirements effectively which is expected to be released in the next reporting period.

GIPA matters received and closed 01/07/15 – 30/06/16

Matter type	Received	Closed	Open
Complaints	38	39	8
Audits	2	2	0
Reviews	326	387	39
Total	366	428	47

Dealing with third party consultations and objections in GIPA applications

In the 2014 – 2015 Report on the operation of the GIPA Act, the Information Commissioner noted that there was a significant increase in applications made by third party objectors to the release of information, from four per cent in 2013 – 2014 to 11 per cent in 2014 – 2015. The trend in external review applications involving third party objectors was first identified in 2015.

The Information Commissioner also noted the emergence of complex issues relating to third party consultation, objections and review rights including the notice requirements, the burden of proof under the GIPA Act and the impact on application and review time-frames.

The IPC is developing enhanced regulatory guidance to assist agencies and applicants in relation to third party legislative obligations and rights to be published in 2016 – 2017.

In March 2016, IPC conducted a NSW Practitioners' workshop session into dealing with Third Party Objectors under the GIPA Act at the quarterly NSW Right to Information/ Privacy Practitioners' Network. This event ensured the input of practitioners to assist the IPC to develop the new guidance material using a 'co-creation' approach.

Improving case management

The IPC recognises that more timely and consistent processes deliver more effective regulatory outcomes and guidance to agencies and the community. Accordingly, the IPC has actively worked on improving case management practices to enable us to identify compliance risks and systemic issues and undertake a proactive approach to investigating and ameliorating those risks and issues.

In April 2015, the IPC cleared a longstanding backlog in GIPA cases, with full allocation achieved in May 2015. In 2015 – 2016, the IPC developed case management measures and metrics to support continuing improvements in the timely and efficient management of cases. The implementation of these measures is evidenced in the improvements in the number of cases completed and the timeframes in which those cases were completed.

The results for review and complaint cases are recorded in the following table:

Key activity and performance metric	2015/16	2014/15
Cases received	364	337
Cases finalised	426	409
Average to finalise	125 days	161 days
Clearance ratio	1.17	1.21
Number of open cases at 30/06/16	47	117
Average age of open cases at 30/06/16	58 days	110 days

The data indicates that despite a workload increase in the number of cases received in the last twelve months, the IPC has:

- delivered a reduction in the average age of open cases to less than two months;
- reduced the average time taken to finalise cases by 22 per cent;
- halved the average age of open cases at the end of the financial year; and
- maintained case efficiency as measured by the clearance ratio of cases received to cases finalised.

Looking to 2016 – 2017, the IPC expects to achieve its customer service charter target over the year of finalising 80 per cent of information access cases within 90 days.

These significant and sustained case management improvements have enhanced the IPC's ability to provide quality, low-cost and timely outcomes for agencies and applicants/complainants on individual cases, and to use individual cases to drive improvements in agency performance more broadly and over the longer term.

Complaints – GIPA

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

The Information Commissioner can decide to deal with a complaint or to decline to deal with a complaint. In assessing whether to accept or decline a complaint the Information Commissioner may make preliminary inquiries for the purpose of deciding how to deal with the complaint.

In the 2015 – 2016 period, the Information Commissioner received 38 complaints. In the same period 39 complaints were concluded.

When a complaint is accepted by the IPC the Information Commissioner deals with a complaint by:

- assisting to resolve the complaint,
- providing information, or
- facilitating resolution between the parties through formal and informal processes.

In some cases a complaint may also be dealt with as an investigation. In undertaking an investigation, the Information Commissioner has the necessary power to obtain information, enter premises and interview people. The purpose of the investigation is to gather factual information in relation to the subject matter of the investigation.

The circumstances particular to each individual complaint will determine the manner in which the Information Commissioner proceeds to deal with the complaint. Where an investigation is identified as the appropriate course of action in response to a complaint the IPC

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

conducts a thorough, expeditious and fair investigation maintaining procedural fairness and accountability for its decisions.

Once the investigation is concluded the relevant facts are documented, a conclusion based on the available evidence is prepared and an appropriate and proportionate response in accordance with the GIPA Act and GIC Act and the principles of procedural fairness is provided to the affected parties. Where an investigation occurs the Information Commissioner may provide a report on an investigation to the Minister responsible for an agency and the principal officer of an agency.

During the reporting period, no investigations were undertaken by the Information Commissioner, as in most cases the complaints were either resolved by direct resolution or by providing information and assistance to the parties to the complaint. This approach proves effective as a proportionate regulatory response to the complaints received by the Information Commissioner.

The complaints considered by the Information Commissioner have included issues involving open access, classification of open access information, actions taken by agencies with respect to review rights, time frames, and conduct relating to the release of digital information.

Privacy

Advices, reviews and complaints

The IPC dealt with advices, reviews and complaints in accordance with the Privacy Commissioner's directions for the period 1 July 2015 – 25 January 2016.

Privacy advices, reviews and complaints

01/07/15 – 25/01/16

Matter type	Received	Closed
Reviews	75	110
Complaints	50	55
Audits	23	28
Own motion investigations	0	2
Advices	54	54
Total	202	249

NSW Civil and Administrative Tribunal (NCAT)

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 for the agency's receipt of their application, they may apply to NCAT for a review of the conduct giving rise to the internal review application.

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

In NCAT proceedings, the Information Commissioner and Privacy Commissioner have the role of amicus curiae ("friend" to the Tribunal) and representatives of the Commissioners can attend NCAT upon instruction from the Commissioners to assist with interpretation of the relevant legislation and issues of law. IPC officers cannot assist the parties to the litigation.

The Commissioners continued the practice of appearing in a variety of matters in the initial stages to assess whether the matter would address issues of broad public interest or importance. In some matters, the Tribunal Members may request the Commissioners' additional or continued attendance and involvement, and also may seek submissions in a matter to assist NCAT in its task.

During the reporting period, IPC staff (on instruction from the Commissioners) attended listings of matters before NCAT and made oral and written submissions in a number of matters on a variety of important issues.

In 2015, in the first cases of their kind, NCAT made orders to restrain the making of unmeritorious access applications under the GIPA Act. These decisions in *Pittwater Council v Walker [2015] NSWCATAD 34* and *Palerang Council, Queanbeyan City Council and Goulburn Mulwaree Council v Powell [2015] NSWCATAD 44* show that in certain circumstances, public interest considerations favour orders restraining persistent and unmeritorious applications requiring an unreasonable and substantial diversion of resources by an agency. Following these decisions, the IPC developed and published a resource in consultation with NCAT and stakeholders to assist applicants and agencies when considering restraint orders under section 110 of the GIPA Act.

The following table summarises the number of cases in NCAT proceedings dealt with during the 2015 – 2016 reporting period.

Act	No. of files opened 01/07/15 – 30/06/16	No. of files closed 01/07/15 – 30/06/16
GIPA	111	139
Privacy	49	53
Total	160	192

As of 30 June 2016 there are 22 open cases.

Public Interest Disclosures and government information contraventions

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

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

Public Interest Disclosures received			
	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	1
Number of PIDs received	0	0	1
Number of PIDs received, primarily about:			
Corrupt conduct	0	0	0
Maladministration	0	0	0
Serious and substantial waste	0	0	0
Government information contravention	0	0	1
Local government pecuniary interest contravention	0	0	0
Total	0	0	1

The Information Commissioner is also an investigating authority under the PID Act and may receive complaints about contraventions of the GIPA Act. This is an important function and during the reporting period the IPC issued a new set of guidance materials to assist IPC officers, parties to public interest disclosures, and the public more generally, when considering and assessing complaints made to her under the PID Act. The IPC has developed these resources to support sound case management and provide guidance in dealing with PIDs relating to the management of government information. The suite of resources includes three public facing resources to enhance transparency and understanding around the process and procedures the Information Commissioner applies in considering complaints made under the PID Act. These resources are available on the IPC website are:

- Information for complainants – to identify what the process is for dealing with complaints
- Flow chart for PID complaint processes and procedures
- Decision Tree assessment of PIDs.

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

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

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

Information about the public interest disclosures we have dealt with as an investigating authority is included in the six monthly and annual reporting of public interest disclosures to the NSW Ombudsman.

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

Outlook for 2016 – 2017

In 2016 – 2017 the IPC will direct its resources to achieve effective regulatory outcomes to address regulatory needs such as:

- Deliver a contract register compliance programs
- Monitor and report on legislative mechanisms to promote proactive and informal release including an examination of disclosure logs
- Deliver a program to elevate use of and compliance with Part 3 Divisions 1-4 of the GIPA Act Agency Information Guidelines
- Examine the operation of provisions under the GIPA Act for the immediate right of access to prescribed information where contractors provide services to the public on behalf of an agency.

Reporting against our strategic objectives

Objective 1: To uphold and protect information and privacy rights

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

✓ Briefed Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission on the IPC's program of work

✓ Tabled statutory report on the operation of the GIPA legislation – *Report on the operation of the Government Information (Public Access) Act 2009: 2014 – 2015*

✓ Participated in and made submissions to two Parliamentary inquiries

Information and Privacy Advisory Committee (IPAC)

The IPAC is an advisory body to the Information Commissioner and the Privacy Commissioner. The IPAC was established after the Office of the Information Commissioner merged with Privacy NSW in 2011 and the IPC was created. The IPAC terms of reference are:

1. To advise on matters relevant to the functions of the Information Commissioner and the Privacy Commissioner
2. To advise the Minister (Attorney General) on such matters as may be referred to it by the Minister.

The IPAC met twice during the year and responded to issues raised by the Commissioners for advice. In December 2015, all of the specialist information access and privacy members' appointments expired. The appointment process for new members is currently under consideration.

Parliamentary Joint Committee

The functions of the Information Commissioner and Privacy Commissioner are oversighted by the Parliamentary Joint Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission. The Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission is a current joint statutory committee, re-established 2 June 2015.

On 3 March 2016 the CEO/Information Commissioner and Privacy Commissioner appeared before the Public Hearing of the 2016 Review of the Annual Reports of Oversighted Bodies for the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission. The Committee considered Annual and Statutory Reports over

the last two years (2013 – 2014 and 2014 – 2015). This was a valuable opportunity to showcase the considerable enhancements to the IPC's operations and service delivery over that period. The CEO/Information Commissioner provided the Committee with an outline of significant issues, priority areas and achievements at the IPC. Please view the [CEO/Information Commissioner's statement on the IPC's website](#).

Independent Pricing and Regulatory Tribunal (IPART) – Local Government

The IPC appeared at the Independent Pricing and Regulatory Tribunal (IPART) public hearing on 8 February 2015 to present a submission and to respond to issues and questions relevant to a review to identify burdens placed on Local Government in the form of planning, reporting and compliance obligations by the NSW Government.

In April 2015, the Premier requested that IPART examine these issues and make recommendations for how identified unnecessary or excessive burdens can be reduced. The aim of the review is to improve the efficiency of local government in NSW and enhance the ability of councils to focus on delivering services to their communities. The Information Commissioner/CEO of the IPC has been assisting IPART with considerations relating to the GIPA Act. In its Draft Report, IPART made 49 draft recommendations, including two on the GIPA Act:

- Recommendation 32: That section 125 of the GIPA Act be amended to allow councils to lodge annual reports of their obligations under the Act within five months after the end of each reporting year
- Recommendation 33: That the Office of Local Government assist the Information and Privacy Commission to circulate to councils information related to the GIPA Act.

The CEO/Information Commissioner's submission was supportive of aligning regulatory reporting timetables wherever possible but identified that extending the reporting deadline for councils would create an anomalous situation for one sector and reduce the timeliness of statutory reporting to the NSW Parliament. The submission supported recommendation 33 and noted that the IPC initiated engagement with the Office of Local Government (OLG) in 2015 to share information, align priorities and develop a program of work. For example, the IPC worked with OLG to release a circular on pecuniary interest registers relevant to councils.

The CEO/Information Commissioner continues to assist IPART as it considers responses arising from the public hearing process and in finalising its report and recommendations.

Parliamentary inquiries

The Information Commissioner and Privacy Commissioner appear before Parliamentary inquiries when invited and according to the priority of the issue.

The Information Commissioner made submissions to and appeared before the:

- NSW Parliament Legislative Council, Standing Committee on Social Issues Inquiry into service coordination in communities with high social needs
- NSW Parliament Legislative Council, Standing Committee on Law and Justice Inquiry into remedies for the serious invasion of privacy in New South Wales
- NSW Parliament Joint Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission 2016 Review of the Annual Reports of Oversighted Bodies.

Submissions are available on the IPC website.

The Privacy Commissioner made submissions to and appeared before the:

- NSW Parliament Legislative Council, Standing Committee on Social Issues Inquiry into service coordination in communities with high social needs
- NSW Parliament Legislative Council, Standing Committee on Law and Justice Inquiry into remedies for the serious invasion of privacy in New South Wales.

Outlook for 2016 – 2017

In 2016 – 2017 the IPC will direct its resources to achieve effective regulatory outcomes to address regulatory needs such as:

- Lead and contribute to servicing key stakeholder and governance fora including the Joint Parliamentary Committee
- Deliver annual statutory reports for information access and privacy legislation
- Brief the Joint Parliamentary Committee
- Make submissions to relevant Parliamentary inquiries.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Priority 1: Be recognised as an employer of choice

- The IPC met compliance requirements under the *Government Sector Employment Act 2013*
- All IPC staff have Performance Agreements and Development Plans in place
- Implementation of a rewards and recognition policy
- The IPC participated in the online 2016 NSW People Matter Employee Survey
- IPC successfully relocated to Level 17, 201 Elizabeth Street, Sydney

in the discharge of the statutory responsibilities of the Information Commissioner and Privacy Commissioner.

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

In 2015 – 2016 the IPC met its compliance requirements with the GSE Act by:

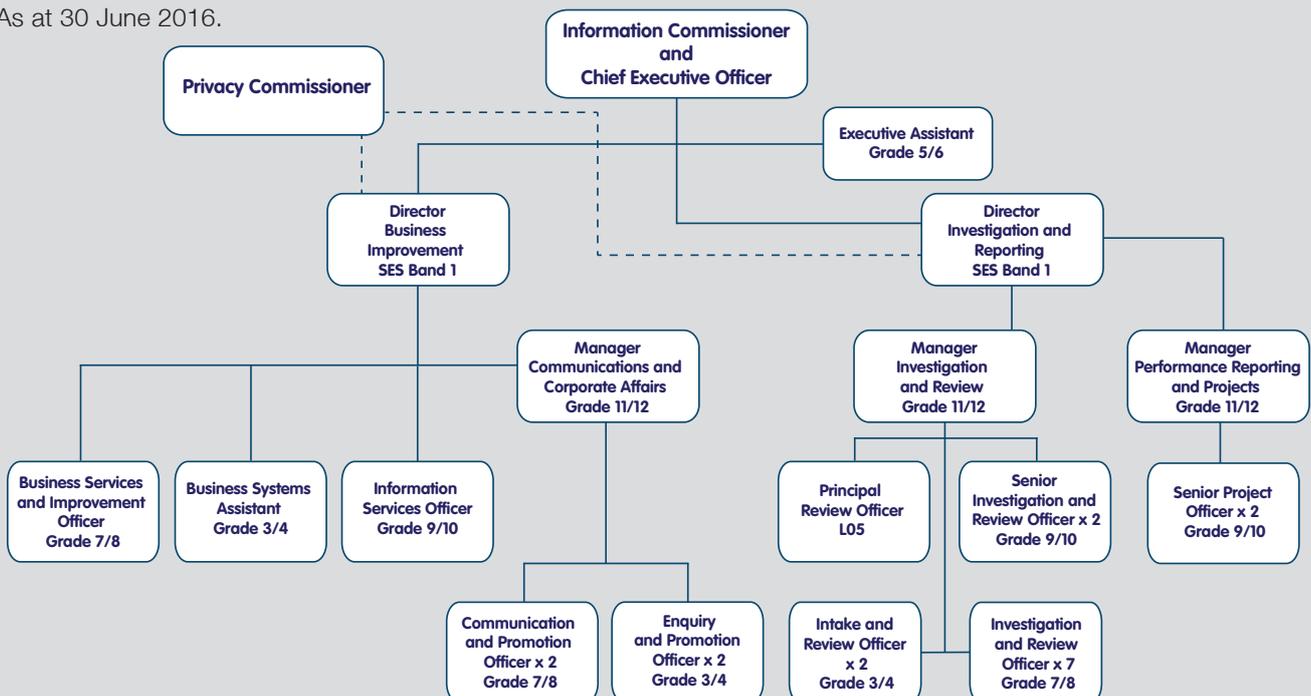
- developing staff Performance Agreements and Development Plans for all IPC employees
- continuing to support staff training and development by continuing the focus on foundational training in GIPA and privacy for all staff, implementing the Executive Development Program for Directors and Managers, sending staff to ANZSOG regulatory training, and conducting ethical decision making training
- Implementing a rewards and recognition policy.

Government Sector Employment Act 2013 – reform requirements

The *Government Sector Employment Act 2013* (GSE Act) recognises the IPC in Schedule 1 as a Separate Agency with the Information Commissioner appointed as the Agency Head. Under the GSE Act, staff are appointed to the IPC and are responsible to the Agency Head to assist

Organisational structure

As at 30 June 2016.



KEY:
 SES = Senior Executive Service
 LO = Legal Officer

Senior executive

The IPC supports two Statutory Officers, the Information Commissioner and the Privacy Commissioner. The Information Commissioner is the Chief Executive Officer of the IPC and has statutory responsibilities under the *Government Sector Employment Act 2013* and the *Public Finance and Audit Act 1983*. The Commissioner positions are statutory appointments and are listed under section 11A of the *Statutory and Other Offices Remuneration Act 1975*, and are not Public Sector senior executives to whom Division 4 of Part 4 of the *Government Sector Employment Act 2013* applies. The remuneration for the Information Commissioner and Privacy Commissioner as at 30 June 2016 is provided on page 34.



Elizabeth Tydd

LLB, LLM, Cert. Legal Practice, Grad. Cert. Corporate Governance, GAICD, Dip. Social Welfare

Chief Executive Officer/Information Commissioner

Elizabeth Tydd was appointed as NSW Information Commissioner and CEO of the IPC on 23 December 2013. Ms Tydd is the second Information Commissioner for NSW, succeeding the inaugural Information Commissioner, Deirdre O'Donnell who served within the IPC from January 2011 to July 2013. Kathrina Lo was Acting Information Commissioner from July 2013 until Ms Tydd's commencement in December 2013.



Dr Elizabeth Coombs

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

Privacy Commissioner

The Privacy Commissioner Dr Elizabeth Coombs, commenced her role in November 2011. The role of the Privacy Commissioner was established as a part-time role.



Samara Dobbins

BA (Industrial Relations), GradDip (Management)

Director, Business Improvement

Samara was appointed Director, Business Improvement of the IPC in January 2015. Samara is responsible for managing the corporate operations of the IPC, ensuring systems and processes and internal governance operating across the agency deliver maximum efficiencies, as well as driving communication strategies to deliver educational resources and engagement opportunities.



Roxane Marcelle-Shaw

B SocSc, Juris Doctor, Graduate Diploma of Legal Practice, GAICD

Director, Investigation and Reporting

Roxane was appointed as the Director, Investigation and Reporting in January 2015. Roxane is responsible for the IPC's regulatory services including the conduct of reviews, investigations, performance reporting, projects and legal services. The Director, Investigation and Reporting is also the IPC's Chief Audit Executive.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Executive remuneration

Position	CEO, Information Commissioner	Position	Privacy Commissioner
Occupant (full time)	Elizabeth Tydd	Occupant (part time 0.6)	Dr Elizabeth Coombs
Remuneration	\$320,340	Remuneration	\$185,481
Value of remuneration paid as a performance payment	Nil	Value of remuneration paid as a performance payment	Nil
Criteria used for determining total performance payment	N/A	Criteria used for determining total performance payment	N/A
Period in position	Appointed December 2013	Period in position	Appointed November 2011

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

Enterprise Industrial Relations

The Chief Executive Officer was available to meet with the Joint Consultative Committee as issues arose. The IPC is a NSW public sector agency, and, as such, has implemented the *Government Sector Employment Act 2013*.

Workplace diversity

Equal Employment Opportunity (EEO) and staff numbers^{1,2}

Employee by category	2015 – 2016	2014 – 2015	2013 – 2014	2012 – 2013	2011 – 2012
Statutory	2	2	2	2	2
Administration	26	26	23	22	26
Professional	1	1	1	1	5
Total	29	28	26	25	33

Note 1: Employee by category includes all permanent and temporary staff, and excludes casual employees. Definitions of the categories are: Administration (clerical and other officers), Professionals (SES officers, librarians, DPOs).

Note 2: In 2012 – 2013 the IPC implemented a restructure which included streamlining categories of employment to move positions to the Administration category. The IPC employs one Legal Officer.

Note 3: These figures refer to head count not positions in the organisational chart.

Statistical information on EEO target groups

The IPC has 28.6 full-time equivalent staff (position funding was transferred and additional resources allocated to core privacy functions during the period and are not included in the diversity reporting). The IPC filled a number of vacancies this year, with processes in place to recruit people from the EEO target groups where possible.

EEO group	Target	Target (no.)	2015 – 2016	2014 – 2015	2013 – 2014	2012 – 2013	2011 – 2012
Women	50%	15	63%	69%	77%	88%	79%
Aboriginal & Torres Strait Islander people	2.6%	1	0%	0%	0%	0%	0%
People whose first language is not English	19%	6	27%	28%	23%	4.2%	18.1%
People with a disability	N/A	N/A	7%	3%	0%	0%	0%
People with a disability requiring work adjustment	1.5%	1	0%	0%	0%	0%	0%

Relocation of the IPC

The IPC was advised on 18 January 2016 that Government Property NSW (GPNSW) would not negotiate a new lease at 1 Castlereagh Street and that the IPC would be required to relocate. Between Friday 8 April 2016 and Monday 11 April the IPC successfully relocated to Level 17, 201 Elizabeth Street.

With the assistance of the Department of Justice and GPNSW the relocation of the IPC Office was timely and seamless and required only a small extension to the IPC lease at Level 11, 1 Castlereagh Street.

The IPC is now temporarily occupying existing Government leased vacant space at 201 Elizabeth Street, providing whole of Government savings.

Recruitment and selection

The IPC's recruitment and selection process aligns with the *Government Sector Employment Act 2013* and *Government Sector Employment Act Rules 2014* to base the assessment of the person's capabilities, experience and knowledge against pre-established standards for the role, in order to determine the person best suited to the requirements of the role and the needs of the IPC.

Code of Conduct

The IPC's Code of Conduct is a guide to ethical workplace behaviour for all employees. It sets out the minimum standards of conduct expected and applied to all aspects of staff employment, including the workplace environment and workplace activities, and provides all staff of the IPC with an ethical framework for decisions, actions and behaviour.

Staff receive training in the Code as part of their induction. In addition IPC staff undertook Ethical Problem Solving and Decision Making training in the period. The IPC Code of Conduct is based on the Department of Justice Code of Conduct and The Code of Ethics and Conduct for NSW government sector employees, but adapted for the IPC. It is published on the IPC website.

Flexible work agreement

The IPC operates under the Department of Justice's *Flexible Working Hours Agreement 2006*. Accordingly the IPC has implemented a number of flexible arrangements to accommodate individual employee needs and maintain operational efficiency to ensure service delivery standards are maintained.

2016 NSW People Matter Employee Survey

The 2016 People Matter Employee Survey opened on Monday, 2 May 2016 and closed on Tuesday, 31 May 2016. The IPC had a response rate of 85.7 per cent compared to a response rate of 34.8 per cent across the Justice Cluster and 36.7 per cent across the NSW public sector.

The sector wide survey is a tool for capturing employee views about organisation culture and work practices. It establishes a baseline to inform workforce initiatives, allows the success of initiatives to be measured, and provides an opportunity to benchmark internally and with other agencies and sectors over time.

The IPC is continually working to implement changes that reflect the organisational responses to the survey's themes and findings.

From time to time the IPC also undertakes targeted staff surveys to gather information on staff engagement and feedback on specific issues and initiatives. For example, in May 2016 a survey was conducted to seek staff feedback on the way the organisation managed the relocation to 17/201 Elizabeth Street, and also on how they would like to participate in IPC all-staff meetings.

Internal communications

The IPC uses an internal communications framework to ensure that the IPC's internal stakeholders are advised of new events, updates, processes, practices and policies in the most effective and timely way. It incorporates a monthly calendar of activities which includes staff meetings, staff emails, CEO updates, Commissioner updates and social activities. The key messages of the framework are that:

- sharing information and collaborating between members of staff is an important activity that promotes and supports the IPC's service goals;
- senior management is committed to open and transparent decision-making;
- the IPC's internal communications strategy for 2015 is informed by the feedback of the staff of the IPC; and
- the IPC's values framework underpins all internal communications to staff.

Work health and safety

As an employer, we are required to provide a safe work environment for our staff. We are subject to the provisions and responsibilities outlined in legislation such as the *Work Health and Safety Act 2011* as well as public sector occupational health and safety policies. This legislation requires strict compliance. The Information Commissioner as IPC CEO and IPC Directors have actively upheld these responsibilities.

The IPC has appointed two new first-aid officers, maintained an injury register, organised emergency evacuation and first-aid training for staff, and included health and safety processes and procedures as part of the induction process. Work Health and Safety (WHS) is included as a standing office meeting agenda item providing a formal opportunity for staff to raise any WHS issues and/or risks. The IPC developed a WHS Safety Management System that was communicated to all staff.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

One incident was reported during the reporting period. This was logged in the incident register. The incident did not result in any injury.

Under the system and plan provided influenza vaccinations during the year.

Staff are also encouraged and supported to participate in lunchtime activities such as walking and yoga.

Waste

The IPC relocated to new tenancy in April 2016 to a building with a fully operational co-mingled recycling program in place. This contrasts to our previous location where all of our general waste went to landfill. All of the under desk garbage bins have been removed and replaced with a paper only recycling bin which facilitates the success of the co-mingled recycling program.

Our new tenancy office lighting has motion sensors installed in most office and meeting areas reducing electricity usage when they are not occupied.

All printers are set to default black and white, and toner cartridges are recycled. The IPC recycled 16.9kg of cartridges diverting them from landfill.

The IPC has recently introduced an electronic data records management system which is seeing our paper usage reduce dramatically.

All office purchases are made through NSWBuy including all of the IPC's paper purchases which are certified as carbon neutral.

Corporate services

The IPC has an arrangement with the Department of Justice for the provision of transactional services for finance, human resources, information technology and asset management. During the reporting period the IPC reviewed and enhanced these arrangements.

Information and communication technology

Resolve case management

The IPC uses Resolve for its case management software to manage the cases that are processed by IPC officers and enquiries received by the IPC. In 2015 – 2016 the IPC identified and developed a program of further enhancements to Resolve. These enhancements focus on technical and additional reporting requirements and will be fully implemented during the course of the coming year.

The IPC continues to pursue opportunities to efficiently and effectively manage its case work through continuously improving the functionality of Resolve to meet the needs of the IPC in delivering its regulatory functions.

Resolve/EDRMS integration

During the reporting period, the integration of the Department of Justice Electronic Document and Records Management System (EDRMS) project was commenced. This program of work is scheduled to conclude in the first quarter of the new financial year along with migration of Resolve case documents to the EDRMS. This initiative will enhance functionality of Resolve and also support compliance with the *State Records Act 1998*.

Phones

The IPC's single system enquiries model is effectively meeting the IPC's service standards however the organisation's service channel review (see page 43) recommended a number of operational enhancements to improve service delivery, such as improving phone messaging, technology enhancements in routing calls, and IVR and phone training. Some of these recommendations have been included in a roadmap of work to be commenced in the 2016 – 2017 reporting period, and others will be completed in late 2017 in line with changes to the Department's phone system.

Website

As an outcome of a review of the IPC's service channels (see page 43), work continued to improve the user's experience of the IPC website. This included the development of webforms to more efficiently capture requests for assistance and the addition of "quick links" on the home page to allow users to more efficiently obtain the information they are seeking. Work was also progressed on better triaging online enquiries about accessing information and/or making a privacy complaint in order to effectively respond to the request via direction to information and resources. This work will be completed in 2016 – 2017.

Outlook for 2016 – 2017

In 2016 – 2017 the IPC will direct its resources to achieve effective outcomes such as:

- Focus on intelligence gathering and dissemination to inform regulatory approach
- Enhance skills in regulatory risk profiling
- Enhance capability in relation to open data
- Develop teams 'statements of purpose' aligned to the Strategic Plan, Regulatory Framework and Business Plan
- Implement an IPC learning and development strategy that identifies capability, knowledge and skills gaps and targets development accordingly
- Undertake a staff survey around factors supporting good employee engagement
- Implement a professional placements program in other relevant agencies.

Priority 2: Implement a rigorous governance framework

✓ The IPC updated the legislative compliance register to comply with the *Government Sector Employment Act 2013*

✓ Launch of the IPC Knowledge Base

✓ Preliminary assessment of the costs of our activities to better inform resource application

✓ Updated the Audit and Risk Charter for 2015 – 2016

✓ Developed a new performance reporting framework and associated internal dashboard to be implemented in 2016 – 2017

Legislative Compliance Register

The Legislative Compliance Register is a standing item on the agenda for the Audit and Risk Committee at each meeting. During 2015 – 2016 the Register was updated to comply with the *Government Sector Employment Act 2013* and to clearly identify responsible members of the IPC Executive for key risks and to include an annual attestation by responsible officers.

Recordkeeping

In 2015 – 2016 the Department of Justice Electronic Document and Records Management System (EDRMS) was deployed across the IPC, with user training provided to all staff. Moving forward all IPC staff will use the EDRMS for the management of corporate records to meet our compliance as required under section 12(2) of the *State Records Act 1998*. This will also assist the IPC to move away from paper-based recordkeeping.

IPC Knowledge Base

The IPC recognises the value of effective and efficient management of its knowledge resources to support the delivery of credible and accurate regulatory services.

During the reporting year the IPC undertook the development of, and launched, a Knowledge Base to provide a central and searchable repository for retaining and sharing expert and current corporate and statutory precedents to support all staff in the delivery of regulatory services.

The IPC Knowledge Base is housed in the IPC's case management system. The Knowledge Base is to be governed by a Knowledge Base Steering Committee. The Knowledge Base Steering Committee will approve content for loading to the Knowledge Base, set controls for

access to content, and supervise the creation/deletion of content to protect the integrity of the Knowledge Base.

In the coming year the IPC is undertaking a six month pilot of the Knowledge Base.

Research and development

No research was undertaken by the IPC during the reporting period. However a discrete omnibus survey was commissioned to build on the 2014 omnibus survey completed on community views on information access.

Insurances

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

There were no incidents that required a claim against our general insurance coverage during the year. There were no claims lodged for workers' compensation.

Consultants

The IPC commissioned five consultants during the 2015 – 2016 reporting period. Please view the Financial Statements for further details.

Litigation

There were no current or pending litigation or regulatory proceedings to which IPC was a party in the 2015 – 2016 reporting period and the Legislative Compliance Register assists the IPC to comply with statutory requirements. The Crown Solicitors Office confirmed the legal work undertaken which did not include litigation.

International travel

No international travel was undertaken by the Information Commissioner or staff of the IPC during the 2015 – 2016 reporting period.

External legal advice sought

The following legal advice was obtained during the last financial year by the Information Commissioner:

- Confidential assessment of whether a disclosure is a public interest disclosure.

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Agreements with Multicultural NSW

The IPC continues progress actions as part of the *IPC Multicultural Services Plan 2013 – 2016*. As a small department the IPC has an agreement in place with Multicultural NSW to report on its Multicultural Policies and Services Program (MPSP) on a triennial basis. The IPC reported on activities in the 2013 – 2014 Annual Report.

IPC Action Plans

The IPC continues progress actions as part of the *IPC Aboriginal Action Plan 2013 – 2016*, the *IPC Disability Action Plan 2013 – 2016*, and the *IPC Multicultural Services Plan 2013 – 2016*. As a small department the IPC reports on its action plans on a triennial basis. The IPC last reported on activities in the 2013 – 2014 Annual Report. All Action Plans will next be reported on in the 2016 – 2017 Annual Report.

Development of Action Plans for 2017 – 2020 are to be completed during 2016 – 2017.

Information Security Management System (ISMS) attestation

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

Please see page 39 for the Digital Information Security Annual Attestation Statement for 2015 – 2016.

Risk management

Audit and Risk Committee (ARC): Report on activity 2015 – 2016

1. Meetings held and attendance by members:

There were six meetings held during the 2015 – 2016 reporting year.

No. of meetings	Meeting date	Malcolm Clinch	Paul Crombie	Lyn Baker
1.	02/09/2015	✓	✓	✓
2.	24/09/2015	✓	✓	✓
3.	02/12/2015	×	✓	✓
4.	23/03/2016	✓	✓	✓
5.	27/04/2016	✓	✓	✓
6.	15/06/2016	✓	✓	✓
Total	6	5	6	6

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

2. Key outcomes:

- Three Internal Audits conducted by O'Connor Marsden and Associates and reported to the Audit and Risk Committee to provide assurance that key internal controls operating with respect to three functions are appropriately designed and have operated effectively. The Internal Audits reported that the IPC maintained, in all material respects, effective control procedures in relation to the following functions:
 - Contracts Register under the *Government Information (Public Access) Act 2009*
 - IPC Sponsorship Policy and arrangements
 - Leave Management.
- Provision of advice to the CEO/Information Commissioner on identification and management of financial, operational and other risks associated with arrangements for the temporary relocation of the Privacy Commissioner under the auspices of the Department of Justice.

3. Key outputs:

- Endorsed 2015 – 2016 internal audit plan
- Reviewed the 2015 – 2016 Risk Register at each meeting and monitored risk treatment/mitigation actions
- Reviewed and endorsed improvements to the IPC Compliance Register to clearly identify responsible members of the IPC Executive for key risks and to include an annual attestation by responsible officers
- All audit reports reviewed and implementation of recommendations monitored
- Reviewed and endorsed the 2014 – 2015 financial statements for signature by the CEO and reviewed the 2015 – 2016 early close financial statements
- Monitoring of *Government Sector Employment Act 2013* implementation
- Proactive release of ARC minutes continued
- IPC/Department of Justice Service Level Agreements negotiations monitored
- External Audit and Client Services Plan reviewed and discussed.

Please see page 40 for the Internal Audit and Risk Management Attestation for 2015 – 2016.

Digital Information Security Annual Attestation Statement for 2015 – 2016



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Digital Information Security Annual Attestation Statement for the 2015 – 2016 Financial Year for Information and Privacy Commission

I, Elizabeth Tydd, CEO and Information Commissioner, am of the opinion that through our IT Service provider (Department of Justice – Information Technology Services) the Information and Privacy Commission had an Information Security Management System in place during the 2015-2016 financial year that is consistent with the Core Requirements set out in the *NSW Government Digital Information Security Policy*.

The controls in place to mitigate identified risks to the digital information and digital information systems of the Information and Privacy Commission are adequate. There is no agency under the control of the Information and Privacy Commission which is required to develop independent ISMS in accordance with the *NSW Government Digital Information Security Policy*.

Through our IT Service provider the Information and Privacy Commission has maintained compliance with *ISO 27001 Information technology – Security techniques – Information security management systems – Requirements* by an accredited third party during 2015 – 2016 financial year.

Elizabeth Tydd
IPC CEO and Information Commissioner

Dated 13 September 2016

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Reporting against our strategic objectives

Objective 2: To be an effective organisation

Internal Audit and Risk Management Attestation for 2015 – 2016



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Internal Audit and Risk Management Attestation Statement for the 2015-16 Financial Year for the Information and Privacy Commission

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

Core Requirement	Status
Risk Management Framework	Compliant
1.1 The agency head is ultimately responsible and accountable for risk management in the agency	
1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS ISO 31000:2009	
Internal Audit Function	Compliant
2.1 An internal audit function has been established and maintained	
2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing	
2.3 The agency has an Internal Audit Charter that is consistent with the content of the 'model charter'	
Audit and Risk Committee	Compliant
3.1 An independent Audit and Risk Committee with appropriate expertise has been established	
3.2 The Audit and Risk Committee is an advisory committee providing assistance to the agency head on the agency's governance processes, risk management and control frameworks, and its external accountability obligations	
3.3 The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	

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

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

Elizabeth Tydd
IPC CEO and Information Commissioner

Dated 13 September 2016

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GIPA compliance

Under section 125 of the GIPA Act, the IPC is required to report annually on our GIPA obligations.

Clause 7 of the GIPA Regulation lists the information against which agencies must report. Schedule 2 of the GIPA Regulation provides tables for the reporting of statistical information about access applications.

Review of proactive release program

Under section 7(1) of the GIPA Act, the IPC is authorised to proactively release any government information that it holds, so long as there is no overriding public interest against disclosure.

As part of our proactive release program, we review our information as it is produced to see whether it is in the public interest to make the information available, or whether there is an overriding public interest against disclosure. Information that can be released is made available as soon as practicable on our website and in other forms as appropriate.

Clause 7(a) of the GIPA Regulation requires details about the review under section 7(3) of the GIPA Act to be included in this annual report, along with information that has been developed and proactively released under this program. Information made available by the IPC under this program in this financial year includes:

- IPC Annual Report
- Information Commissioner and Privacy Commissioner reports to NSW Parliament
- Fact sheets and guidelines
- Reports on reviews of decisions the IPC has conducted
- Submissions to inquiries and discussion papers made by the Information Commissioner and Privacy Commissioner
- Agreements and arrangements with NSW agencies and Commonwealth agencies
- IPC internal policies
- Infographics prepared for campaigns based on statutory reports and survey outcomes
- Event listings and campaigns championed by the Information Commissioner, Privacy Commissioner or corporately
- Media releases.

Number of access applications received

The IPC received 11 applications this financial year.

Eight formal access applications were decided within 20 working days of receipt, as required by the GIPA Act. One of these was received in the 2014 – 2015 financial year.

The IPC received a further five formal access applications that were clearly intended for other government agencies.

Four of those applications were transferred and one was dealt with by directing the applicant to the relevant government agency.

A further eight informal requests were received.

Information requested by two informal requests was released in full or in part where there were no overriding public interests against disclosure.

Two informal requests were withdrawn.

One informal request was refused in full or in part as it was for excluded information under Schedule 2 the GIPA Act.

Three informal requests were related to information that was either not appropriate for the IPC to disclose or not held by the IPC.

Decisions made on the formal access applications

Of the eight formal access applications received and dealt with by the IPC this financial year, it was decided that the information for each application was not held by the IPC. This is because the information requested was for information held by other agencies.

Statistical information about access applications made

See Appendix 6 for statistical information about access applications made during the year.

Submission of GIPA report

Section 125(1) of the GIPA Act requires agencies to submit a copy of their GIPA annual report to the Minister responsible for the agency. A copy of our report will be submitted to the Attorney General, the Minister responsible for the GIPA Act.

Contracts Register compliance

The IPC's 2015 report on Universities' Compliance with the GIPA Act recommended an annual attestation by Vice Chancellors in regard to compliance with the GIPA Act's contract register provisions. Consistent with the IPC's commitment to demonstrating best practice the IPC has also adopted this recommendation and has:

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

Reporting against our strategic objectives

Objective 2: To be an effective organisation

Statement of action taken to comply with the PPIP Act

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

Statistical details of any review conducted under Part 5 of the PPIP Act

During this reporting year we received and managed two requests for internal review under Part 5 of the PPIP Act.

Outlook for 2016 – 2017

In 2016 – 2017 the IPC will direct its resources to achieve effective regulatory outcomes to address regulatory needs such as:

- Increased focus on intelligence gathering, reporting and assessment into all regulatory planning and proposals
- Trial new IPC Dashboard and KPIs based on balanced scorecard approach
- Implement publications review strategy
- Develop policies and templates for the application of regulatory tools
- Develop IPC Action Plans for 2017 – 2020.

Priority 3: Promote continuous improvement of performance

✓ Acquitted the IPC Business Plan for 2015 – 2016

✓ Implemented Phase 1 of the recommendations from the IPC Service Channel Review

✓ Staff completed 910 hours of professional development training

✓ Review of the IPC Service Charter

✓ The IPC continues to proactively release information via our Open Government Plan

IPC business plan

The IPC Strategic Plan 2013 – 2016 was supported by the development of a business planning framework and a 2015 – 2016 operational business plan to support and prioritise the work of staff. This was monitored and reviewed fortnightly by the IPC Executive.

The IPC Business Plan 2016 – 2017 was developed and approved in June 2016. Work acquitted from this plan will be reported in the IPC Annual Report 2016 – 2017.

IPC Service Charter

The IPC is committed to providing a quality and professional regulatory service. The IPC Service Charter was reviewed to ensure alignment with optimal service standards and to reflect public sector values. The revised IPC Service Charter will set out:

- how the IPC seeks to serve customers
- the standards we strive to meet
- what you can expect when customers deal with us
- how customers can help us better serve them
- how customers can provide us with feedback

The IPC will consult with stakeholders on the revised IPC Service Charter in the next reporting period.

Open Government Plan

The IPC Open Government Plan acquitted the following initiatives in the reporting period:

- The section 37 dataset listed on www.ipc.nsw.gov.au and www.opengov.nsw.gov.au
- Report on the *Operation of the Government Information (Public Access) Act 2009: 2014 – 2015*; *Universities' Compliance with the GIPA Act: Audit Report 2015*; *Towards a NSW Charter for Public Participation*; and the *IPC Annual Report 2013 – 2014* all available online

- Proactive release of information which is in the public interest made publicly available
- The IPC information disclosure log updated
- All new publications uploaded to www.ipc.nsw.gov.au and listed in the IPC Annual Report
- Access to the IPC's social media sites in line with the *IPC Social Media Policy* available at www.ipc.nsw.gov.au.

The IPC will continue to proactively release information in 2016 – 2017. This will include the publication of an updated Open Government Plan and the release of data collected for the Report on the Operation of the GIPA Act via initiatives such as GovHack.

Performance development agreements

Under the *Government Sector Employment Act 2013* all government sector agencies are to have a performance management system that meets the essential elements set by the Public Service Commissioner.

The *NSW Public Sector Performance Development Framework* produced by the NSW Public Service Commission contains these guidelines and sets the approach for managing all aspects of employee performance in the NSW government sector.

Service channel review

During the reporting period, the IPC developed an implementation strategy based on the recommendations that were identified in the review of the organisation's service channels (completed in 2014 – 2015). This ensures that priority is given to the upgrade and improvement of the IPC's service delivery channels in order to continue to meet the needs of our stakeholders and the NSW community in the most efficient way possible, utilising investments the IPC has already made into its existing channels and maximising our stakeholder engagement.

In 2015 – 2016 Phase One of the Service Channel Strategy was completed. The work program included:

- Conducting a cost/benefit/impact/risk assessment against recommendations;
- Reviewing phone scripts and templates for enquiries and developing an enquiries manual for handling enquiries;
- Updating content about the IPC's services on LinkedIn and the *White Pages*;
- Assigning clear accountabilities for digital duties;
- Development of web forms to more efficiently capture requests for assistance and the addition of "quick links" on the home page to allow users to more efficiently direct users to the information they are seeking.

Work was also progressed on triaging online enquiries in order to effectively direct enquirers to information and resources. This work will be completed in 2016 – 2017.

Professional development (staff training)

IPC staff are encouraged to keep up-to-date with developments in privacy and information access through continuous professional development. IPC capacity building progressed through the reporting period.

Staff completed 910 hours of professional development representing an average of 29 hours per staff member (based on actual staff members who completed formal courses during the period).

Our foundation training program introduced in 2014 continues which ensures all new staff joining the IPC complete introductory training in the GIPA Act and PPIP Act. Other staff continued to maintain their knowledge and understanding of the government and administrative law practices and approaches. Training sessions and workshops and also technical training was completed in the use of various new IT based tools which included:

- Crown Solicitor's Office GIPA Act and PPIP Act (Introductory and Advanced)
- IPAA National Investigation Symposium
- Crown Solicitor's Office Statutory Interpretation
- Legalwise Decision Making and Reason Writing
- Values and Ethical Behaviour workshops
- Women in Leadership
- Project Management & Procurement
- Business Writing Skills
- ANZSOG – Modern Regulator
- Australian Government Solicitor FOI and Privacy Forum 2016
- Company Directors
- Engagement Essentials
- Ethical Problem Solving
- Tableau.

Outlook for 2016 – 2017

In 2016 – 2017 the IPC will direct its resources to achieve effective outcomes such as:

- Continue to implement service channel review recommendations
- Trial a new Performance Reporting Framework
- Consult on a revised IPC Service Charter
- Implement the IPC ICT Strategy.

Statement by the Information Commissioner

**INFORMATION AND PRIVACY COMMISSION
STATEMENT BY INFORMATION COMMISSIONER**
for the year ended 30 June 2016

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

1. The accompanying financial statements exhibit a true and fair view of the financial position as at 30 June 2016 and financial performance of the Information and Privacy Commission for the year then ended.
2. The financial statements have been prepared in accordance with applicable Australian Accounting Standards (which include Australian Accounting Interpretations), the *Public Finance and Audit Act 1983*, the Public Finance Regulation 2015, the Financial Reporting Directions published in the *Financial Reporting Code* for NSW General Government Sector Entities and the Treasurer's Directions.

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



Elizabeth Tydd
Information Commissioner, CEO
Information and Privacy Commission
16 September 2016

Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

Information and Privacy Commission

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Information and Privacy Commission (the Commission), which comprise the statement of financial position as at 30 June 2016, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion the financial statements:

- give a true and fair view of the financial position of the Commission as at 30 June 2016, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 45E of the *Public Finance and Audit Act 1983* (PF&A Act) and the *Public Finance and Audit Regulation 2015*.

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

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further 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 auditor independence requirements of:

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

I have also fulfilled my other ethical responsibilities in accordance with the Code.

The PF&A Act further 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, but precluding the provision of non-audit services.

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

Independent Auditor's Report (continued)

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

Auditor's Responsibility for the Audit of the Financial Statements

My objectives are to:

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

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

A further description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: <http://www.auasb.gov.au/Home.aspx>. The description forms part of my auditor's report.

My opinion does *not* provide assurance:

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



David Daniels
Director, Financial Audit Services

19 September 2016
SYDNEY

Our financial performance

Financial statements for the year ended 30 June 2016

Statement of Comprehensive Income

For the year ended 30 June 2016

	Notes	Actual 2016 \$	Budget 2016 \$	Actual 2015 \$
Expenses				
Operating Expenses				
Employee related expenses	2(a)	3,871,770	3,987,000	3,667,724
Other operating expenses	2(b)	1,675,257	1,199,000	1,673,671
Depreciation and amortisation	2(c)	182,589	212,000	145,823
TOTAL EXPENSES EXCLUDING LOSSES		5,729,616	5,398,000	5,487,218
Revenue				
Grants and contributions	3(a)	4,512,333	4,513,000	5,663,425
Investment revenue	3(b)	–	1,000	38,184
Acceptance by the Crown Entity of employee benefits and other liabilities	3(c)	264,066	116,000	170,955
Other Revenue	3(d)	147,094	12,000	206,145
TOTAL REVENUE		4,923,493	4,642,000	6,078,709
Other gains/(losses)	4	(61,615)	–	(30,461)
Net result		(867,738)	(756,000)	561,030
Other Comprehensive Income		–	–	–
TOTAL COMPREHENSIVE INCOME FOR THE YEAR		(867,738)	(756,000)	561,030

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2016

Statement of Financial Position

As at 30 June 2016

	Notes	Actual 2016 \$	Budget 2016 \$	Actual 2015 \$
ASSETS				
Current Assets				
Cash and cash equivalents	6	239,568	260,000	1,101,128
Receivables	7	687,833	81,000	531,526
Total Current Assets		927,401	341,000	1,632,654
Non-Current Assets				
Plant and equipment	8	64,991	130,000	125,380
Intangibles	9	1,143,826	1,080,000	1,083,642
Total Non-Current Assets		1,208,817	1,210,000	1,209,022
TOTAL ASSETS		2,136,218	1,551,000	2,841,676
LIABILITIES				
Current Liabilities				
Payables	10	276,484	556,000	195,884
Provisions	11	482,473	204,000	401,937
Total Current Liabilities		758,957	760,000	597,821
Non-Current Liabilities				
Provisions	11	7,098	89,000	5,954
Total Non-Current Liabilities		7,098	89,000	5,954
TOTAL LIABILITIES		766,055	849,000	603,775
NET ASSETS		1,370,163	702,000	2,237,901
EQUITY				
Accumulated funds		1,370,163	702,000	2,237,901
TOTAL EQUITY		1,370,163	702,000	2,237,901

The accompanying notes form part of these financial statements.

Statement of Changes in Equity

For the year ended 30 June 2016

	Accumulated funds \$
Balance at 1 July 2015	2,237,901
Net result for the year	(867,738)
Other comprehensive income	–
Total comprehensive income for the year	(867,738)
Transaction with owners in their capacity as owners	–
BALANCE AT 30 JUNE 2016	1,370,163
Balance at 1 July 2014	1,676,871
Net result for the year	561,030
Other comprehensive income	–
Total comprehensive income for the year	561,030
Transaction with owners in their capacity as owners	–
BALANCE AT 30 JUNE 2015	2,237,901

Our financial performance

Financial statements for the year ended 30 June 2016

Statement of Cash Flows

For the year ended 30 June 2016

	Notes	Actual 2016 \$	Budget 2016 \$	Actual 2015 \$
CASH FLOW FROM OPERATING ACTIVITIES				
Payments				
Employee related		(3,632,461)	(3,874,000)	(3,377,562)
Other		(1,854,767)	(2,279,000)	(2,556,745)
Total Payments		(5,487,228)	(6,153,000)	(5,934,307)
Receipts				
Grants and contributions		4,512,333	4,513,000	5,663,425
Interest received		17,042	1,000	39,840
Other		294,380	984,000	177,620
Total Receipts		4,823,755	5,498,000	5,880,885
NET CASH FLOWS FROM OPERATING ACTIVITIES	12	(663,473)	(655,000)	(53,422)
CASH FLOWS FROM INVESTING ACTIVITIES				
Purchases from Plant, Equipment and Intangibles		(198,087)	(244,000)	(384,346)
NET CASH FLOWS FROM INVESTING ACTIVITIES	8, 9	(198,087)	(244,000)	(384,346)
CASH FLOWS FROM FINANCING ACTIVITIES				
NET CASH FLOWS FROM FINANCING ACTIVITIES		-	-	-
NET INCREASE/(DECREASE) IN CASH		(861,560)	(899,000)	(437,768)
Opening cash and cash equivalents		1,101,128	1,159,000	1,538,896
CLOSING CASH AND CASH EQUIVALENTS	6	239,568	260,000	1,101,128

The accompanying notes form part of these financial statements.

1. Summary of significant accounting policies

(a) Reporting entity

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

The financial statements for the year ended to 30 June 2016 have been authorised for issue by the Information Commissioner on 16 September 2016.

(b) Basis of preparation

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

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
- the requirements of the *Public Finance and Audit Act 1983* and *Public Finance and Audit Regulation 2015*; and
- the Financial Reporting Directions published in the Financial Reporting Code for NSW General Government Sector Entities or issued by the Treasurer.

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

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

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

The funding for the Commission was made via a grant payment from the Department of Justice in accordance with the 2015-16 Budget Allocation Letter.

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

(c) Statement of compliance

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

(d) Insurance

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

(e) Assets

(i) Acquisition of assets

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

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

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

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

(ii) Capitalisation threshold

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2016

1. Summary of significant accounting policies (continued)

(e) Assets (continued)

(iii) Revaluation of property, plant and equipment

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

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

Fair value of plant and equipment is based on a market perspective, using valuation techniques (market approach, cost approach, income approach) that maximise relevant observable inputs and minimise unobservable inputs.

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

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

(iv) Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 *Impairment of Assets* is unlikely to arise. As plant and equipment is carried at fair value or an amount that approximates fair value, impairment can only arise in the rare circumstances where the costs of disposal are material. Specifically, impairment is unlikely for not-for-profit entities given that AASB 136 modifies the recoverable amount test for non-cash generating assets for not-for-profit entities to the higher of the fair value less costs of disposal and depreciated replacement cost, where depreciated replacement cost is also fair value.

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

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

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

The depreciation/amortisation rates used for each class of assets are as follows:

	%
Computer Equipment	25%
Office Equipment	20%
Furniture and Fittings	10%
Intangible Assets – Software	20%
Intangible Assets – Software – Major Projects	10%
Leasehold Improvements	10%

(g) Maintenance

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

(h) Intangible assets

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

1. Summary of significant accounting policies (continued)

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.

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

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

In general, intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carry amount, the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss. However, as a not-for-profit entity with no cash generating units, the Commission is effectively exempt from impairment testing.

(i) Payables

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

(j) Accounting for the goods and services tax (GST)

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

- The amount of GST incurred by the 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.

(k) Employee benefits and other provisions

- (i) Salaries and wages (including non-monetary benefits), annual leave and paid sick leave that fall due wholly within 12 months of the reporting date, in which the employees render the service are recognised as short-term employee benefits and measured at undiscounted amounts of the benefits.
- (ii) 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 the using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The Commission has assessed the actuarial advice based on the Commission's circumstances and has determined that the effect of discounting is immaterial to annual leave.
- (iii) Unused non-vesting sick leave does not give rise to a liability, as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.
- (iv) On-costs, such as payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment, are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.
- (v) The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. The Commission accounts for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of employee benefits and other liabilities'.

Long Service is measured at present value in accordance with AASB 119 *Employee Benefits*. This is based on the application of certain factors (specified in NSWTC 15/09) to employees with five or more years of service, using current rates of pay. These factors were determined based on an actuarial review to approximate present value.

Our financial performance

Notes to the financial statements for the year ended 30 June 2016

1. Summary of significant accounting policies (continued)

(k) Employee benefits and other provisions (continued)

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

(l) Other provisions

Other Provisions exist when: the Commission has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle an obligation; and a reliable estimate can be made of the amount of the obligation. There is no discounting of other provisions as it's not material.

(m) Income recognition

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

(i) Government grants

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

(ii) Investment revenue

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

(n) Impairment of financial assets

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

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

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

(o) Receivables

Receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These financial assets are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method, less an allowance for an impairment of receivables. Any changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process. Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(p) Budgeted amounts

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget (e.g. adjustment for transfer of functions between entities as a result of Administrative Arrangements Orders) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the primary financial statements are explained in Note 13.

1. Summary of significant accounting policies (continued)

(q) Comparative information

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

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

(i) Effective for the first time in 2015-16

The accounting policies applied in 2015-16 are consistent with those of the previous financial year. There were no new or revised Australian Accounting Standards that were applied by the Commission for the first time in 2015-16.

(ii) Issued but not yet effective

At the reporting date, a number of Accounting Standards adopted by the AASB had been issued but are not effective yet and are not adopted by the Commission as directed by NSW Treasury Circular TC 16/02. An assessment was made and it was concluded that the adoption of the new standards will not affect the current nor future financial results of the Commission.

The following relevant Accounting Standards have not been applied and are not yet effective as per NSW Treasury Circular NSW TC 16/02.

- AASB 9 and AASB 2014-7 regarding financial instruments
- AASB 14 and AASB 2014-1(Part D) regarding Regulatory Deferral Accounts
- AASB 15, AASB 2014-5 and AASB 2015-8 regarding Revenue from Contracts with Customers
- AASB 16 Leases
- AASB 1056 Superannuation Entities
- AASB 1057 and AASB 2015-9 Application of Australian Accounting Standards
- AASB 2014-3 regarding accounting for acquisitions of interests in joint operations
- AASB 2014-4 regarding acceptable methods of depreciation and amortisation
- AASB 2014-6 regarding bearer plants
- AASB 2014-9 regarding equity method in separate financial statements
- AASB 2014-10 and AASB 2015-10 regarding sale or contribution of assets between and investor and its associate or joint venture
- AASB 2015-1 regarding annual improvements to Australian Accounting Standards 2012-2014 cycle
- AASB 2015-2 regarding amendments to AASB 101 (disclosure initiative)
- AASB 2015-5 Amendments to Australian Accounting Standards – Investment Entities: Applying the Consolidation Exception
- AASB 2015-6 Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Not-for-Profit Public Sector Entities
- AASB 2015-7 Amendments to Australian Accounting Standards – Fair Value Disclosures of Not-for-Profit Public Sector Entities.

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

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2016

2. Expenses excluding losses

	2016 \$	2015 \$
(a) Employee related expenses		
Salaries and wages (including annual leave)	3,169,080	3,063,842
Payroll tax and Fringe Benefit Tax	194,875	199,162
Superannuation – defined contribution plans	243,177	232,831
Superannuation – defined benefit plans	67,461	55,530
Workers' compensation insurance	572	934
Long service leave assumed by Crown	192,773	111,731
Payroll tax assumed by Crown	3,832	3,694
TOTAL	3,871,770	3,667,724
(b) Other operating expenses		
Administration fees	374,935	387,811
Advertising and publicity	37,021	29,741
Agency staff fees	214,355	188,084
Audit Review Committee fees	25,730	16,316
Auditor's remuneration		
– audit of the financial statements	20,550	6,130
– internal audit	11,250	–
Cleaning	10,084	10,093
Computer related expenses	151,008	201,805
Consultants and contractors	125,960	264,128
Fees – External Client Training	31,093	32,978
Insurance	13,208	–
Legal services	44,404	19,595
Minor equipment	10,416	8,400
Miscellaneous fees	21,324	25,898
Motor Vehicle Expense	12,186	7,452
Office relocation	108,714	–
Other	14,421	15,220
Postage	9,524	9,946
Printing	11,710	8,026
Rental	295,162	294,424
Repairs and maintenance*	697	3,022
Staff expenses	67,499	99,240
Stores and Stationery	13,111	8,344
Subscription and membership	8,868	5,734
Telephone	27,513	27,351
Travel	14,514	3,933
TOTAL	1,675,257	1,673,671

2. Expenses excluding losses (continued)

	2016 \$	2015 \$
(b) Other operating expenses (continued)		
<i>*Reconciliation – Total Maintenance</i>		
Maintenance expense – contracted labour and other (non-employee related) as above	697	3,022
Total maintenance expenses included in Note 2(b)	697	3,022
<i>There are no maintenance costs within employee related expenses.</i>		
(c) Depreciation and amortisation expense		
Depreciation		
Computer equipment	9,539	1,665
Furniture and fittings	3,091	3,091
Leasehold improvements	13,110	22,144
Other plant and equipment	899	5,328
Total depreciation expense	26,639	32,228
Amortisation		
Intangible assets – software	155,950	113,595
Total amortisation expense	155,950	113,595
TOTAL	182,589	145,823

Our financial performance

Notes to the financial statements for the year ended 30 June 2016

3. Revenue

	2016 \$	2015 \$
(a) Grants and contributions		
Government grants – recurrent	4,268,333	5,087,000
Government grants – capital	244,000	384,235
Government grants – voluntary redundancy	–	192,190
Total	4,512,333	5,663,425
(b) Investment revenue		
Interest income	–	34,138
	–	34,184

Under the new Treasury banking system arrangement, the Commission no longer receive interest

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

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

Superannuation – defined benefit	67,461	55,530
Long service leave	192,773	111,731
Payroll tax	3,832	3,694
Total	264,066	170,955

(d) Other revenue

Reversal of unused provision of make good	–	87,490
Other*	147,094	118,655
Total	147,094	206,145

* A portion of the Commission's budget was allocated to the Privacy Commissioner due to the temporary relocation for the period from 28 January to 30 June 2016. The Commission recovered \$132,536 from Department of Justice for the privacy over spend of allocated staff cost budget.

4. Other gains/(losses)

	2016 \$	2016 \$
Asset disposal	(61,615)	(30,461)
Total	(61,615)	(30,461)

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

5. Service group

Information and Privacy Commission service group covers the provision of assistance and advice to agencies and the public, the conduct of legislative and administrative reviews, and other activities to ensure compliance with the *Government Information (Public Access) Act 2009* and NSW privacy legislation.

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

6. Current assets – cash and cash equivalents

	2016 \$	2015 \$
Cash at bank	239,068	1,100,628
Cash on hand	500	500
CLOSING CASH	239,568	1,101,128

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

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

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

7. Current assets – receivables

	2016 \$	2015 \$
GST receivables	14,012	45,044
Prepayments*	658,864	469,440
Accrued income (interest)	–	17,042
Other receivables	14,957	–
	687,833	531,526

Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in note 14.

* A prepayment was made to Department of Justice to cover 2016/17 corporate services provided under Service Level Agreements (SLAs), payroll payments and IT service recharges. The Commission also prepaid 2015-16 corporate service fees (SLAs) in the previous financial year.

8. Non-current assets – plant and equipment

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Plant & Equipment \$	TOTAL \$
At 1 July 2015 – fair value					
Gross carrying amount	52,270	33,535	214,622	33,549	333,976
Accumulated depreciation and impairment	(26,911)	(8,891)	(139,897)	(32,897)	(208,596)
NET CARRYING AMOUNT	25,359	24,644	74,725	652	125,380
At 30 June 2016 – fair value					
Gross carrying amount	76,327	33,535	–	37,358	147,220
Accumulated depreciation and impairment	(36,449)	(11,983)	–	(33,797)	(82,229)
NET CARRYING AMOUNT	39,878	21,552	–	3,561	64,991

Our financial performance

Notes to the financial statements for the year ended 30 June 2016

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

Reconciliation

A reconciliation of the carrying amount of each class of plant and equipment at the beginning and end of the current reporting period is set out below:

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Plant & Equipment \$	TOTAL \$
Year ended 30 June 2016					
Net carrying amount at start of year	25,359	24,644	74,725	652	125,380
Additions	24,057	–	–	3,808	27,865
Impairment losses (recognised in 'other gains/losses')	–	–	(61,615)	–	(61,615)
Depreciation expenses	(9,538)	(3,092)	(13,110)	(899)	(26,639)
NET CARRYING AMOUNT AT END OF YEAR	39,878	21,552	–	3,561	64,991

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Plant & Equipment \$	TOTAL \$
At 1 July 2014 – fair value					
Gross carrying amount	55,756	33,535	302,110	33,549	424,950
Accumulated depreciation and impairment	(55,756)	(5,800)	(174,780)	(27,569)	(263,905)
NET CARRYING AMOUNT	–	27,735	127,330	5,980	161,045
At 30 June 2015 – fair value					
Gross carrying amount	52,270	33,535	214,622	33,549	33,976
Accumulated depreciation and impairment	(26,911)	(8,891)	(139,897)	(32,897)	(208,596)
NET CARRYING AMOUNT	25,359	24,644	74,725	652	125,380

Reconciliation

A reconciliation of the carrying amount of each class of plant and equipment at the beginning and end of the prior reporting period is set out below:

	Computer Equipment \$	Furniture & Fittings \$	Leasehold Improvements \$	Plant & Equipment \$	TOTAL \$
Year ended 30 June 2015					
Net carrying amount at start of year	–	27,735	127,330	5,980	161,045
Additions	27,024	–	–	–	27,024
Impairment losses (recognised in 'other gains/losses')	–	–	(30,461)	–	(30,461)
Depreciation expenses	(1,665)	(3,091)	(22,144)	(5,328)	(32,228)
NET CARRYING AMOUNT AT END OF YEAR	25,539	24,644	74,725	652	125,380

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

9. Non-current assets – intangible assets

	Software \$
At 1 July 2015	
Gross carrying amount	1,551,989
Accumulated amortisation	(468,347)
NET CARRYING AMOUNT	1,083,642
At 30 June 2016	
Gross carrying amount	1,768,124
Accumulated amortisation	(624,298)
NET CARRYING AMOUNT	1,143,826

Reconciliation

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

	Software \$
Year ended 30 June 2016	
Net carrying amount at start of year	1,083,642
Additions	216,134
Amortisation	(155,950)
NET CARRYING AMOUNT AT END OF YEAR	1,143,826
At 1 July 2014	
Gross carrying amount	1,194,667
Accumulated amortisation	(354,752)
NET CARRYING AMOUNT	839,915
At 30 June 2015	
Gross carrying amount	1,551,989
Accumulated amortisation	(468,347)
NET CARRYING AMOUNT	1,083,642

Reconciliation

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

	Software \$
Year ended 30 June 2015	
Net carrying amount at start of year	839,915
Additions	357,322
Amortisation	(113,595)
NET CARRYING AMOUNT AT END OF YEAR	1,083,642

Our financial performance

Notes to the financial statements for the year ended 30 June 2016

10. Current liabilities – payables

	2016 \$	2015 \$
Payables to the Department of Justice		
– Employment related	82,194	129,211
– Other	–	59,420
Sundry accruals	191,286	2,685
Corporate Credit Card	3,004	4,568
Total	276,484	195,884

The Department of Justice pays the Commission's payroll expenses and some overhead expenses initially and then seeks reimbursement for payments made from the Commission in following month.

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

11. Current/non-current liabilities – provisions

	2016 \$	2015 \$
Current		
Recreation leave*	396,856	333,473
Long service leave on-costs	85,617	68,464
Total	482,473	401,937
Non-current		
Long service leave on-costs	7,098	5,954
Total	7,098	5,954
Aggregate employee benefits and related on-costs		
Provisions – current	482,473	401,937
Provisions – non-current	7,098	5,954
Accrued salaries, wages and on-costs (Note 10)	82,194	129,211
Total	571,765	537,102

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

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

	2016 \$	2015 \$
Net cash inflow used on operating activities	(663,473)	(53,422)
Depreciation and amortisation expense	(182,589)	(145,823)
Net gain/(loss) on sale of plant and equipment	(61,615)	(30,461)
Increase/(decrease) in receivables and prepayments	156,307	446,080
(Increase)/decrease in provisions	(81,680)	354,270
(Increase)/decrease in payables	(34,688)	(9,614)
NET RESULT	(867,738)	561,030

13. Budget review note

Net result

The actual net result was \$111,738 over budget which can be attributed to \$50,123 of unfavourable operating result, and \$61,615 unbudgeted leasehold improvement asset write off due to office relocation during the year.

The total expenses were \$331,616 over budget. This was primarily due to \$200,000 over spend on budget of corporate services provided by Department of Justice (Department) under the Service Level Agreements (SLAs), \$108,714 unbudgeted office relocation cost, and unbudgeted temporary employee/contractor costs that is largely compensated by underspend on wages and salaries within the Commission generally.

The overspend on operating expenses was mitigated by the favourable result in the Commission's employee related expenses, and the \$132,536 additional unbudgeted staff cost recovery from the Department to fund the Privacy Commissioner's labour cost overspend. As a result of the temporary relocation of the Privacy Commissioner, the Department Secretary agreed to fund any overspend on the allocated labour budget.

The Commission has drawn down the budgeted 2015/16 recurrent and capital grants in full. From this financial year the Commission no longer receives interest as a result of the new Treasury Cash Management Reforms.

Assets and liabilities

The total assets are \$585,218 over budget primarily due to the under budgeted asset positions. In 2015/16 financial year, NSW Treasury introduced Cash Management Reforms where agencies were required to reduce cash reserves to an agreed cash buffer. The original budget was set in this context with an aim to reduce the cash balance within the agreed buffer amount of \$260,000 which was achieved.

Total liabilities are under budget by \$82,945 mainly due to over budget of accruals, intercompany accounts payable and trade creditors.

Cash flows

Net cash flow from operating activities is \$663,473, which is closely in line with budget \$655,000.

Net cash flow from capital investment activities is under budget by \$45,913, due to the timing of capital expense invoice payments.

Our financial performance

Notes to the financial statements for the year ended 30 June 2016

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.

(a) Financial instrument categories

	Notes	Category	Carrying amount 2016 \$	Carrying amount 2015 \$
Financial assets				
Class:				
Cash and cash equivalents	6	N/A	239,568	1,101,128
Receivables (1)	7	Receivables at amortised cost	14,957	17,042
Financial liabilities				
Class:				
Payables (2)	10	Financial liabilities measured at amortised cost	276,484	195,884

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

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

(b) Credit risk

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

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

Cash

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

Receivables – trade debtors

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

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

14. Financial instruments (continued)

(b) Credit risk (continued)

	Total	Past due but not impaired \$	Considered impaired \$
2016			
< 3 months overdue*	14,957	14,957	–
2015			
< 3 months overdue	17,042	17,042	–

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

(c) Liquidity risk

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

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

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

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

Maturity analysis and interest rate exposure of financial liabilities

	Interest Rate Exposure						
	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 \$
2016							
Financial Liabilities							
Payables	–	276,484	–	276,484	276,484	–	–
		276,484	–	276,484	276,484	–	–
2015							
Financial Liabilities							
Payables	–	195,884	–	195,884	195,884	–	–
		195,884	–	195,884	195,884	–	–

Our financial performance

Notes to the financial statements for the year ended 30 June 2016

14. Financial instruments (continued)

(d) Market risk

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

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

(e) Interest rate risk

The Commission does not have exposure to interest rate risk through interest bearing liabilities. The Commission does not account for any fixed rate financial instruments at fair value through profit or loss or as available for sale. Therefore for these financial instruments a change in interest rates would not affect profit or loss or equity. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates. The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility. Commencing in 2015-16, Treasury has 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. The Commission's exposure to interest rate risk is set out below.

	Carrying Amount \$	-1%		+1%	
		Profit \$	Equity \$	Profit \$	Equity \$
2016					
Financial assets					
Cash and cash equivalents	239,568	-	-	-	-
Receivables	14,957	-	-	-	-
Financial liabilities					
Payables	276,484	-	-	-	-
2015					
Financial assets					
Cash and cash equivalents	1,101,128	-	-	-	-
Receivables	17,042	-	-	-	-
Financial liabilities					
Payables	195,884	-	-	-	-

(f) Fair Value Measurement

Financial instruments are generally recognised at cost.

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

15. Commitments

	2016 \$	2015 \$
(a) Operating Lease Commitments		
Future non-cancellable operating lease rentals not provided for and payable:		
Not later than one year	220,081	236,009
Later than one year and not later than five years	–	–
TOTAL (INCLUDING GST)	220,081	236,009

The operating lease commitment relates to a lease currently held in relation to the occupancy of premises by the Commission in the Sydney CBD. The occupancy agreement was signed on 13 September 2016.

The total “Capital Commitments” and “Operating Lease Commitments” include input tax credits of \$20,007 (2015: \$21,455), which are expected to be fully recoverable from the ATO.

16. Contingent liabilities

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

17. Events after the reporting period

There are no after balance date events that may materially impact the financial statements for the year ended 30 June 2016.

End of Audited Financial Statements.

Appendices

Appendix 1 – Publications list

All publications listed below are available on the IPC website.

Reports

- *Annual Report 2014 – 2015*
- *Report on the operation of the Government Information (Public Access) Act 2009: 2014 – 2015*
- *Universities' Compliance with the GIPA Act: Audit Report 2015*
- *Towards a NSW Charter for Public Participation*
- *Advancing the objects of the Government Information (Public Access) Act 2009 (NSW): an international comparative evaluation of measures used to promote government information release*

IPC resources

- *IPC Sponsorship/Strategic Partnership Policy*
- *IPC Internship Policy and Procedures*
- *IPC Contracts Register Procedures*
- *IPC Rewards and Recognition Policy*
- *IPC How we can help you – for Aboriginal communities*

IPC newsletters

- *IPC Bulletin – August 2015*
- *IPC Bulletin – October 2015*
- *IPC Bulletin – March 2016*
- *IPC Bulletin – June 2016*
- *CEO Update – July 2015*
- *CEO Update – September 2015*
- *CEO Update – December 2015*
- *CEO Update – March 2016*

Information access resources

- *Fact sheet – Restraint orders under the GIPA Act*
- *Fact sheet – Offences under the GIPA Act*
- *Guideline – Agency guide on GIPA Reporting for 2014 – 2015*
- *IPC GIPA Tool Interactive User Guide*
- *IPC GIPA Tool: New Releases April 2016*
- *IPC GIPA Tool: New releases June 2016*
- *Form – Informal release refusal decision template*
- *Checklist – Checklist for reporting a public interest disclosure (PID) alleging a government information contravention*
- *Flow Chart – Public Interest Disclosures: Complaint processes and procedures*

- *Flow Chart – Public Interest Disclosures: Decision Tree*
- *Right to Know Week 2015 e-learning module – Your rights to accessing government information in NSW*
- *Right to Know Week 2015 brochure – Switch on open Government: The way forward*

Privacy resources

- *Privacy Awareness Month 2016 checklist – Privacy and You Online*
- *Privacy Awareness Month 2016 information sheet – Privacy Awareness Month*
- *Privacy Awareness Month 2016 information sheet – Privacy for the Future*
- *Privacy Awareness Month 2016 information sheet – Privacy Manners*

Submissions

Information Commissioner

- *Statutory review of the Government Information (Public Access) Act 2009 (supplementary submission)*
- *Independent Pricing and Regulatory Tribunal Review of reporting and compliance burdens on Local Government*
- *NSW Parliament Legislative Council, Standing Committee on Social Issues Inquiry into service coordination in communities with high social needs*
- *NSW Parliament Legislative Council, Standing Committee on Law and Justice Inquiry into remedies for the serious invasion of privacy in New South Wales*
- *Independent Review of Police Oversight by Andrew Tink AM*
- *Independent review of the National Disability Insurance Scheme (NDIS) Act 2013*

Privacy Commissioner

- *NSW Parliament Legislative Council, Standing Committee on Social Issues Inquiry into service coordination in communities with high social needs*

Public Interest directions renewed or made

PPIP Act

- *Direction on the pilot program for the national Countering Violent Extremism Intervention Framework*
- *Direction for the exchange of personal information to assist in the transition of funded individuals to the National Disability Insurance Scheme (NDIS)*

HRIP Act

- *Direction on the pilot program for the national Countering Violent Extremism Intervention Framework*
- *Direction for the exchange of personal information to assist in the transition of funded individuals to the National Disability Insurance Scheme (NDIS)*

Appendix 2 – Information Protection Principles (IPPs)

The 12 Information Protection Principles (IPPs) are your key to the *Privacy and Personal Information Protection Act 1998 (PPIP Act)*.

These are legal obligations which NSW public sector agencies, statutory bodies, universities and local councils must abide by when they collect, store, use or disclose personal information. As exemptions may apply in some instances, it is therefore suggested you contact the Privacy Contact Officer at the agency or the Information and Privacy Commission NSW (IPC) for further advice.

The Information Protection Principles are:

Collection

1. **Lawful** – the agency must only collect personal information for a lawful purpose. It must be directly related to the agency's function or activities and necessary for that purpose.
2. **Direct** – the agency must only collect personal information directly from you, unless you have authorised collection from someone else, or if you are under the age of 16 and the information has been provided by a parent or guardian.
3. **Open** – the agency must inform you that the information is being collected, why it is being collected, and who will be storing and using it. You must also be told how you can access and correct your personal information, if the information is required by law or is voluntary, and any consequences that may apply if you decide not to provide it.
4. **Relevant** – the agency must ensure that your personal information is relevant, accurate, complete, up-to-date and not excessive. The collection should not unreasonably intrude into your personal affairs.

Storage

5. **Secure** – the agency must store personal information securely, keep it no longer than necessary and dispose of it appropriately. It should also be protected from unauthorised access, use, modification or disclosure.

Access

6. **Transparent** – the agency must provide you with details regarding the personal information they are storing, why they are storing it and what rights you have to access it.

7. **Accessible** – the agency must allow you to access your personal information without excessive delay or expense.
8. **Correct** – the agency must allow you to update, correct or amend your personal information where necessary.

Use

9. **Accurate** – agencies must ensure that your personal information is relevant, accurate, up to date and complete before using it.
10. **Limited** – agencies can only use your personal information for the purpose for which it was collected unless you have given consent, or the use is directly related to a purpose that you would expect, or to prevent or lessen a serious or imminent threat to any person's health or safety.

Disclosure

11. **Restricted** – the agency can only disclose your information in limited circumstances if you have consented or if you were told at the time they collected it that they would do so. An agency can also disclose your information if it is for a directly related purpose and it can be reasonably assumed that you would not object, if you have been made aware that information of that kind is usually disclosed, or if disclosure is necessary to prevent a serious and imminent threat to any person's health or safety.
12. **Safeguarded** – the agency cannot disclose your sensitive personal information without your consent, for example information about your ethnic or racial for example, information about ethnic or racial origin, political opinions, religious or philosophical beliefs, sexual activities or trade union membership. It can only disclose sensitive information without consent in order to deal with a serious and imminent threat to any person's health or safety.

Appendix 3 – Health Privacy Principles (HPPs)

The 15 Health Privacy Principles (HPPs) are the key to the *Health Records and Information Privacy Act 2002* (HRIP Act).

These are legal obligations which NSW public sector agencies and private sector organisations must abide by when they collect, hold, use and disclose a person's health information. Exemptions may apply, therefore it is suggested you contact the Privacy Contact Officer or the Health Information Manager in the organisation or agency in the first instance. Or contact the Information and Privacy Commission NSW (IPC) for further advice.

The Health Privacy Principles are:

Collection

1. **Lawful** – an agency or organisation can only collect your health information for a lawful purpose. It must also be directly related to the agency or organisation's activities and necessary for that purpose.
2. **Relevant** – an agency or organisation must ensure that your health information is relevant, accurate, up-to-date and not excessive. The collection should not unreasonably intrude into your personal affairs.
3. **Direct** – an agency or organisation must collect your health information directly from you, unless it is unreasonable or impracticable to do so.
4. **Open** – an agency or organisation must inform you of why your health information is being collected, what will be done with it and who else might access it. You must also be told how you can access and correct your health information, and any consequences if you decide not to provide it.

Storage

5. **Secure** – an agency or organisation must store your personal information securely, keep it no longer than necessary and dispose of it appropriately. It should also be protected from unauthorised access, use or disclosure.

Access and accuracy

6. **Transparent** – an agency or organisation must provide you with details regarding the health information they are storing, why they are storing it and what rights you have to access it.
7. **Accessible** – an agency or organisation must allow you to access your health information without unreasonable delay or expense.

8. **Correct** – allows a person to update, correct or amend their personal information where necessary.
9. **Accurate** – ensures that the health information is relevant and accurate before being used.

Use

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

Disclosure

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

Identifiers and anonymity

12. **Not identified** – an agency or organisation can only give you an identification number if it is reasonably necessary to carry out their functions efficiently.
13. **Anonymous** – gives you the option of receiving services anonymously, where this is lawful and practicable.

Transferrals and linkage

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

Appendix 4 – IPC Strategic Plan 2013 – 2016

Our strategic objectives

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

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

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

Strategies

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

Success measures

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

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

Strategies

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

Success measures

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

Appendices

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

Strategies

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

Success measures

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

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

Strategies

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

Success measures

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

Objective 2: To be an effective organisation.

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

Strategies

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

Success measures

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

Priority: The IPC has a rigorous governance framework.

Strategies

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

Success measures

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

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

Strategies

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

Desired results

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

Appendices

Appendix 5 – Advice files by source

Stream and type of applicant	2015 – 2016	2014 – 2015
GIPA	68	19
State government	39	14
Local government	13	1
Private individual	7	1
Other*	3	1
Private organisation**	2	1
Parliamentary inquiry	2	1
Advocate/lawyer	1	0
Other governments	1	0
Privacy	146	101
State government	93	61
Private individual	14	7
Private organisation**	11	5
Other governments	10	3
Other*	9	11
Local government	7	9
Parliamentary inquiry	2	5
Advocate/lawyer	0	0

Stream and type of applicant	2015 – 2016	2014 – 2015
Neither GIPA or Privacy related	4	12
Private individual	3	3
State government	1	6
Private organisation*	0	2
Other governments	0	1
Local government	0	0
Parliamentary inquiry	0	0
Advocate/lawyer	0	0
Other***	0	0
Both GIPA/ Privacy issues	0	2
State government	0	2
Private individual	0	0
Parliamentary inquiry	0	0
Local government	0	0
Private organisation*	0	0
Other governments	0	0
Advocate/lawyer	0	0
Other***	0	0
Grand total	218	134

* These advices related to 'IPC Corporate' matters.

** 'Private organisation' includes private business, non-government organisations and peak bodies.

*** 'Other' includes universities, Members of Parliament, Parliamentary Committees, review bodies and unknown clients.

NOTE: A revision to categorising advices has contributed to the increase in the reported number of advices provided to stakeholders between 2014 – 2015 and 2015 – 2016.

Appendix 6 – Access applications under Schedule 2 of the GIPA Act

Number of access applications received

The IPC received 11 applications this financial year.

Eight formal access applications were decided within 20 working days of receipt, as required by the GIPA Act. One of these was received in the 2014 – 2015 financial year

The IPC received a further five formal access applications that were clearly intended for other government agencies. Four of those applications were transferred and one was dealt with by directing the applicant to the relevant government agency. These applications are not included in the IPC's annual GIPA report.

A further eight informal requests were received.

Information requested by two informal requests was released in full or in part where there were no overriding public interests against disclosure.

Two informal requests were withdrawn.

One informal request was refused in full or in part as it was for excluded information under Schedule 2 the GIPA Act.

Three informal requests were related to information that was either not appropriate for the IPC to disclose or not held by the IPC.

Statistical information about access applications made to IPC

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

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

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not-for-profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	0	0	1	0	0	0	0
Members of the public (other)	0	0	0	3	0	0	0	0

* More than one decision can be made in respect of a particular access application and a recording must be made in relation to each such decision (similarly applicable to Table B).

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Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	0	0	0	1	0	0	0	0
Access applications (other than personal information applications)	0	0	0	5	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	2	0	0	0	0

Table C: Invalid applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the GIPA Act)	0
Application is for excluded information of the agency (section 43 of the GIPA Act)	0
Application contravenes restraint order (section 110 of the GIPA Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

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

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

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

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

Table F: Timeliness

	Number of applications
Decided within the statutory time frame (20 days plus any extensions)	8
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	8

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

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of the GIPA Act	0	0	0
Review by NCAT	0	0	0
Total	0	0	0

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

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the GIPA Act)	0

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

	Number of applications transferred
Agency-initiated transfers	4
Applicant-initiated transfers	0

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Appendix 7 – Data statement

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

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

Appendix 8 – Credit card certification

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

Appendix 9 – Payment of accounts

For year ended 30 June 2016

Supplier accounts paid on time				
Quarter	Target %	Actual %	Current \$000	Total payments \$000
September 2015	100	97	–	245
December 2015	100	96	–	249
March 2016	100	96.1	–	226
June 2016	100	94.3	–	460

The IPC accounts payable function is performed by the Department of Justice as part of shared corporate services arrangements within the Justice Cluster. The Commission in conjunction with Department of Justice minimises processing delays and monitors and improves payment performance by the:

- Review of payment performance reports on a quarterly basis to identify any procedural issues
- Increased use of electronic funds transfer (EFT) and Purchasing Card for payment of creditors
- Payment of major suppliers such as Australia Post, Corporate Express and electricity suppliers by way of consolidated billing
- Amalgamation of processing and payment functions as part of ongoing corporate services reform.

Executive management reviews the quarterly payment performance reports to identify any issues arising and takes appropriate measures to improve compliance in accordance with NSW Treasury guidelines. There was no penalty interest for late payment during the financial year ended 30 June 2016.

Appendix 10 – Time for payment of accounts

For year ended 30 June 2016

Aged analysis at the end of each quarter					
Quarter	Current (i.e. within due date)	Less than 30 days overdue	Between 30 and 60 days overdue	Between 61 and 90 days overdue	More than 90 days overdue
All suppliers					
September 2015	188	31	19	7	0
December 2015	172	50	3	0	0
March 2016	173	49	4	0	0
June 2016	287	127	43	2	0
Small business suppliers					
September 2015	16	0	0	0	0
December 2015	3	0	0	0	0
March 2016	5	0	0	0	0
June 2016	21	0	0	0	0

Accounts due or paid within each quarter				
Measure	September 2015	December 2015	March 2016	June 2016
All suppliers				
Number of accounts due for payment	124	83	76	199
Number of accounts paid on time	120	80	73	149
Actual percentage of accounts paid on time (based on no. of accounts)	97%	96%	96%	75%
Dollar amount of accounts due for payment	245	249	221	460
Dollar amount of accounts paid on time	216	245	213	434
Actual percentage of accounts paid on time (based on \$)	88%	98%	96%	94%
Number of payments for interest on overdue accounts	0	0	0	0
Interest paid on overdue accounts	0	0	0	0
Small business suppliers				
Number of accounts due for payment to small businesses	7	5	6	9
Number of accounts due to small businesses paid on time	7	5	6	9
Actual percentage of small business accounts paid on time (based on no. of accounts)	100%	100%	100%	100%
Dollar amount of accounts due for payment to small businesses	\$16	\$4	\$5	\$21
Dollar amount of accounts due to small businesses paid on time	\$16	\$4	\$5	\$21
Actual percentage of small business accounts paid on time (based on \$)	100%	100%	100%	100%
Number of payments to small business for interest on overdue accounts	0	0	0	0
Interest paid to small businesses on overdue accounts	0	0	0	0

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Appendix 11 – Annual Report compliance requirements

Under the *Annual Reports (Departments) Act 1985*, the *Annual Reports (Departments) Regulation 2010*, *Annual Reports (Statutory Bodies) Act 1984*, *Annual Reports (Statutory Bodies) Regulation 2010*, Premier's Circular, Premier's Memoranda and various Treasury Circulars and Treasurer's Directions, the IPC is required to include the following information in this Annual Report, as per the NSW Annual Report Compliance Checklist, September 2016.

Requirement	Note	Page
Letter of submission	Letters to the President and Speaker	1
Application for extension of time	N/A	–
Charter	About the IPC	9
Aims and objectives	About the IPC	9
Access	Address, telephone, business hours	Inside front cover, outside back cover
Management and structure	Names, offices and qualifications of principal officers	33
	Organisational chart	32
Summary review of operations	CEO and Information Commissioner – an overview	5
	Financial statements	44-67
Funds granted to non-government community organisations	N/A	–
Legal change	Legislative changes	13
Economic or other factors	N/A	–
Management and activities	Strategic Plan 2013 – 2016	14, 71-73
	<i>Objective 1: to uphold and protect information and privacy rights</i>	
	Priority 1 – promote and educate the community about their rights under the legislation	15-19
	Priority 2 – assist agencies and business to understand and implement the legislation	20-24
	Priority 3 – review agency performance and decisions and investigate/conciliate complaints	25-29
	Priority 4 – provide feedback to Parliament about the legislation and the relevant developments	30-31
	<i>Objective 2: to be an effective organisation</i>	
	Priority 1 – be recognised as an employer of choice	32-36
	Priority 2 – implement a rigorous governance framework	37-42
	Priority 3 – promote continuous improvement of performance	42-43
Research and development	Objective 2: Priority 2	37
Human resources	Objective 2: Priority 1	32-35
Consultants	Objective 2: Priority 2	37, 56
Workplace diversity	Objective 2: Priority 1 – Equal Employment Opportunity	34
Disability Inclusion Action Plans	Reported on a triennial basis*	–
Land disposal	N/A	–
Promotion (overseas visits)	Objective 2: Priority 2	37
Consumer response	Objective 1: Priority 1 / Priority 2 / Priority 3	17-19, 21, 23-24, 25-29, 43
Payment of accounts	Appendix 9	78

* Small departments need only report on a triennial basis. The IPC reported on this requirement in the 2013 – 2014 Annual Report

Time for payment of accounts	Appendix 10	79
Risk management and insurance activities	Objective 2: Priority 2	37-38
Internal audit and risk management policy attestation	Objective 2: Priority 2	40
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*	–
Agreements with Multicultural NSW	Objective 2: Priority 2	38
Work health and safety (WHS)	Objective 2: Priority 1	35
Budgets	N/A	–
Financial statements	Our financial performance	44-67
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Inclusion of unaudited financial statements	N/A	–
Additional matters – statement of the action taken to comply with PPIP Act	Objective 2: Priority 2	42
Additional matters – after balance date events having significant effect in succeeding year on financial operations; other operations; clientele/community served	N/A	–
Additional matters – total external costs incurred in the production of this annual report	Nil – printed in-house	87
Additional matters – the website at which the annual report may be accessed	www.ipc.nsw.gov.au	Inside front cover, outside back cover
Investment performance	N/A	–
Liability management performance	N/A	–
Exemptions	Nil	–
Numbers and remuneration of senior executives	Objective 2: Priority 1	33-34
Implementation of Price Determination	N/A	–
Credit card certification	Appendix 8	78
<i>Government Information (Public Access) Act 2009</i>	Appendix 6	75-77
Digital information security policy attestation	Objective 2: Priority 2	39
Public Interest Disclosures (PID)	Objective 1: Priority 3	29
Requirements arising from employment arrangements	Objective 2: Priority 1	34
Form of annual reports – generally	Report has been developed as per requirement	1-88
Submission of annual report to appropriate Minister	30 October 2015	–
Submission of annual report to the Treasurer	30 October 2015	–
Presentation of annual report to Parliament	30 October 2015	–
Annual report size – presentation to Parliament	ISO A4	–
Printing and distribution requirements	No external costs and as per requirements	–
Public availability of annual reports	www.ipc.nsw.gov.au and as per requirements	–

* Small departments need only report on a triennial basis. The IPC reported on this requirement in the 2013 – 2014 Annual Report

Complaining to the IPC

Complaining to the IPC

If you are dissatisfied with the level of service you have received from the IPC there are complaint mechanisms available to you.

Step 1 – seek to resolve the issue informally

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

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

Step 2 – make a formal complaint

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

What to include in your letter of complaint

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

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

How the IPC deals with formal complaints

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

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

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

Step 3 – contact the NSW Civil and Administrative Tribunal (NCAT)

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

1300 006 228 | www.ncat.nsw.gov.au.

Step 4 – contact the NSW Ombudsman

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

1800 451 524 (toll free) | www.ombo.nsw.gov.au.

Independent Commission Against Corruption (ICAC)

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

1800 463 909 (toll free) | www.icac.nsw.gov.au

For more information

Freecall: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

Fax: (02) 8019 1600

Website: www.ipc.nsw.gov.au

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

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Glossary

DJ	Department of Justice
FOI	<i>Freedom of Information Act 1989</i>
GIIC Act	<i>Government Information (Information Commissioner) Act 2009</i>
GIPA Act or GIPA	<i>Government Information (Public Access) Act 2009</i>
GIPA Regulation	<i>Government Information (Public Access) Regulation 2009</i>
GSE Act	<i>Government Sector Employment Act 2013</i>
HPPs	Health Privacy Principles
HRIP Act or HRIPA	<i>Health Records and Information Privacy Act 2002 (NSW)</i>
ICAC	Independent Commission Against Corruption
IPAC	Information and Privacy Advisory Committee
IPPs	Information Protection Principles
IPC	Information and Privacy Commission
LGMA	Local Government Managers Australia (NSW)
NCAT	NSW Civil and Administrative Tribunal
OAIC	Office of the Australian Information Commissioner
PPIP Act or PPIPA	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
PSEM	<i>Public Sector Employment and Management Act 2002</i>

About this Annual Report

The Information and Privacy Commission NSW Annual Report 2015 – 2016 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*. The IPC has continued to support compliance with section 61A(3) of the PPIP Act and included in this report data relating to privacy between 1 July 2015 and 25 January 2016, end of year IPC case volumes and corporate functions. In accordance with established procedures monthly reports and annual data sets are provided to the Privacy Commissioner and officers assigned under temporary administrative arrangements to support the provision of privacy specific reporting and analysis.

This Annual Report sets out our activities, accomplishments and challenges in promoting our responsibilities to the community of NSW.

It provides an account of our performance against the key result areas set for us by NSW Parliament, and provides information to our stakeholders on how we manage our organisation to best deliver on our accountabilities and strategic outcomes.

This Annual Report was first published in October 2016 on the basis of all corporate GIPA and privacy specific information available and provided to the IPC by 14 October 2016. There were no external costs recorded for producing this report to comply with NSW Treasury requirements.

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