

Annual Report 2019/20



information
and privacy
commission
new south wales



information
and privacy
commission
new south wales

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Letters to the President and Speaker

The Hon. John Ajaka MLC
President of the Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

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

30 November 2020

Dear Mr President and Mr Speaker,

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

This report provides an account of the work of the Information and Privacy Commission NSW during the 2019/20 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
IPC CEO, Information Commissioner
NSW Open Data Advocate

Dear Mr President and Mr Speaker,

In accordance with section 61A of the *Privacy and Personal Information Protection Act 1998*, I am pleased to present the following report on the work and activities of the Privacy Commissioner for the 12 months ended 30 June 2020.

In addition, under section 61B of the *Privacy and Personal Information Protection Act 1998*, this Annual Report includes a report on the operation of the *Privacy and Personal Information Protection Act 1998* across all public sector agencies for 12 months ended 30 June 2020.

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

Yours sincerely,



Samantha Gavel
Privacy Commissioner

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Highlights

<p>Right to Know Week 30 September 2019 – 6 October 2019</p>	<p>Privacy Awareness Week 4-10 May 2020</p>	
<p>Report on the Operation of the GIPA Act 2018/19</p>	<p>Regulatory and corporate response to COVID-19</p>	<p>Machinery of Government change to the Department of Customer Service</p>
<p>Release of the IPC Regulatory Plan 2020-2022</p>	<p>Development of an IPC framework for the Proactive Risk and Intelligence-based Compliance Program</p>	<p>Release of the IPC Strategic Plan 2020-2022</p>
<p>Guidance on the role of the Privacy Commissioner when consulting the IPC on initiatives and projects</p>		<p>Updated guidance for local councils on the disclosure of information</p>
<p>Guidance on privacy by design</p>	<p>Checklist for care leavers on accessing their out-of-home records</p>	<p>Guidance on digital records and the GIPA Act</p>
<p>3 proactive information access audits and 1 proactive privacy audit</p>		

Performance report card 2019/20

Pillar 1: Service Delivery & Excellence

- ✓ GIPA – 1537 enquiries finalised / 340 advices finalised / 386 reviews finalised / 78 complaints finalised / 3 proactive audits finalised
- ✓ Privacy – 1211 enquiries finalised / 235 advices finalised / 229 reviews finalised / 121 complaints finalised / 1 proactive audit finalised
- ✓ 79 voluntary breach notifications were made to the Privacy Commissioner

Pillar 2: Engagement & Influence

- ✓ Commissioners provided submissions to 11 reviews and inquiries conducted by government including 7 joint submissions by the Information Commissioner and the Privacy Commissioner
- ✓ 99 tweets on Twitter / 135 posts on LinkedIn / 28 e-alerts to stakeholders / 8 media releases / 12 public statements / 28 new publications

Pillar 3: Rights Promotion & Impact

- ✓ 513,794 page views and a 12% increase in unique visitors to ipc.nsw.gov.au
- ✓ 1927 phone enquiries and 855 enquiries handled in writing or in person
- ✓ 28 new information access, privacy and corporate publications were delivered
- ✓ 75 publications updated by the Publications Review Working Group
- ✓ Major campaigns conducted for Right to Know Week and Privacy Awareness Week
- ✓ 287 new e-learning registrations by agencies and members of the public
- ✓ Community Attitudes Study undertaken into information access, privacy and data sharing

Pillar 4: Operational Excellence

- ✓ 70% of staff have a Performance and Development Plan (PDP) in place
- ✓ IPC transitioned to paperless case management
- ✓ Over 1600 hours of staff training to improve service delivery and rebalance capabilities to be an effective, contemporary regulator, a 33% increase from 2018/19.

Overview



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

Achievements and Report to NSW Parliament

The demand for our services has never been greater – using all measures our work has increased significantly and our outputs are unfailingly commendable. Our metrics are important as they demonstrate the impact of the Information and Privacy Commission NSW (IPC) in improving the capability of agencies. Our specialist guidance elevates the performance of government as it transforms traditional service delivery and decision-making.

The IPC has secured a well-deserved reputation for the provision of expert advice, cogent decision-making and trenchant regulatory action. Those functions are essential to the preservation of information access and privacy rights during a time of dramatic change. Importantly, our independent authoritative role promotes government accountability, transparency and integrity. These aspirations have never been more imperative.

During the pandemic, Commissioners joined with their international, state and territory counterparts to preserve and promote rights. Information Commissioners recognised that the impact of coronavirus (COVID-19) brings unprecedented challenges for our society, both nationally and globally, and in that context public authorities must make significant decisions that affect public health, civil liberties and people's prosperity. The public's right to access information about such decisions is vital. Information Commissioners called for three mandatory actions:

- Decisions must be documented
- Records and data should be secured and preserved in all sectors
- The security, preservation and access to digital content should be facilitated during the shutdown.

The social change required to support ameliorative responses is underpinned by trust. To trust governments, citizens require information.

The IPC has provided practical guidance to agencies and citizens encouraging new approaches to ensure that information access and privacy rights are not only preserved but integrated into government actions to ensure an open response, open recovery and open reform.

The results of our 2020 Community Attitudes Survey confirm that the great majority of respondents believed that it was important for the public to have access to data that was held by government agencies to support 'transparent decision-making' (91%) and 'accountable decision-making' (92%).

I am encouraging each agency to monitor, manage and where mandated, or where the public interest favours release of information related to the pandemic, ensure that this information is publicly available. Data and other resources including public procurement, budgets and funds can be collated and proactively released under the GIPA Act. Access to information and public engagement will build public trust as we move forward.

This year the mandate provided to Commissioners broadened in recognition of the authoritative advice provided by the IPC. The *Digital Restart Fund Act 2020* provides that before providing funding the relevant Minister must obtain, and have regard to, advice from the Information Commissioner and the Privacy Commissioner as to the effect of the project on the legislation oversight by the Commissioners. The fund has been established to improve the delivery of services, operational and cost efficiencies by government and facilitate whole of government digital transformation.

This agenda reconstitutes citizens' engagement with government and citizens have responded by seeking advice from the IPC. This year we received 1544 information access enquiries, an increase of 22% and for 82% of these enquiries we provided our response within seven days.

Our performance

There has been an astounding 88% increase in our complaints, reviews and advices over the last five years. The fact that the IPC has continued to provide a high-quality service and maintain service delivery timeframes is remarkable. It is also testimony to the innovation, diligence and commitment of my colleagues who have implemented new ways of working enabling us to fulfill our essential, statutory functions.

The IPC has not received any budgetary enhancement in response to requests notwithstanding an increase in our jurisdiction and this sustained increase in work volumes. This year achieving our statutory functions in an environment of continuing increase in demand has resulted in a budget overrun and this situation will likely remain unresponsive to any further process improvements.

This year, the IPC received 815 casework files and closed 814. This is an improvement of 8.5% in closure rates notwithstanding an increase in applications of 15%.

The IPC makes a significant contribution to the government's digital transformation agenda and the increase in provision of advices to agencies of 32% clearly reflects the reputation of the IPC in providing credible and efficacious advice.

Our proactive work in conducting investigations, including audits, increased with four major regulatory initiatives undertaken and a reduction of 44% in days to finalisation. This is impactful regulatory work that when objectively measured produces sustained elevation of compliance and enhanced cultural commitment. Publishing these reports and guidance, together with our informative and influential promotional activities, ensure that information access and privacy rights are visible and accessible.

The IPC's role in upholding rights extends to the Commissioners' right of appearance before the NSW Civil and Administrative Tribunal (NCAT) – over 200 cases were reviewed, and submissions filed in complex and novel cases warranting Commissioners' expertise.

The NSW Government's digital agenda has also increased our work in assessing and effectively responding to privacy breaches and I commend the constructive work of the IPC led by my valued colleague Ms Samantha Gavel.

Digital transformation and decision-making during a time of crisis requires insightful leadership and independent oversight of government functions. On any measure the IPC has capably acquitted its mandate and contributed constructively and effectively to improved government services and the preservation of rights acutely threatened by momentous change.

Governments' demonstrated commitment to the preservation of these rights will be the determinative factor in achieving success in digital transformation and post pandemic open recovery and reform. The IPC is unwavering in its continuing commitment to protecting and promoting these rights to ensure that digital transformation delivers benefits equally to government and citizens.

I thank IPC staff for their exemplary response to remote working. Their commitment and dedication have ensured this year's remarkable achievements. I also commend the leadership team. Their mastery has enabled us to remotely and comprehensively undertake our functions in the face of novel and complex issues and unprecedented volumes. This collective contribution has ensured that the citizens' rights we champion are appreciated and preserved.



Elizabeth Tydd
IPC CEO, Information Commissioner
NSW Open Data Advocate

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

Overview



Samantha Gavel Privacy Commissioner

Achievements and Report to NSW Parliament

The 2019/20 reporting year can be divided into two very distinct phases – a business as usual phase for the first eight months of the year, followed by a unique phase from March 2020 onwards as the global COVID-19 pandemic reached Australia and lockdowns were introduced across all states and territories.

Although the effects of the pandemic did not commence until almost the final quarter of the reporting year, it is not possible to reflect on the year without considering the significant impact that the pandemic had on the work of NSW Government agencies and citizens.

The pandemic accelerated the use of digital technology and data. Many segments of the workforce made a rapid transition to remote working, while schools and universities transitioned to remote learning and people made greater use of digital technology in their personal lives. In NSW, the use of digital technology and data greatly assisted the Government and its agencies to respond to, and manage, the pandemic.

These developments focused attention on both the benefits and the privacy risks of greater use of digital technology and data. These were highlighted in the public debate about the introduction of the COVIDSafe app, which was developed by the Commonwealth Government to assist with contact tracing where a user tests positive for COVID-19.

While the app was developed by the Commonwealth Government, the data collected by the app is used by State and Territory health departments for contact tracing. This means that the app and its features are of significant interest to Privacy Commissioners around Australia, who were provided with the opportunity to participate in briefings about the app, organised by the Commonwealth Government.

The introduction of the app was subject to considerable comment and debate in the media and other public forums. This debate enabled the public to consider the benefits and risks of a digital solution for contact tracing. Ultimately, this provided greater transparency about the app and elevated a range of concerns that informed improvements to its features.

COVID-19 issues

Since the lockdown associated with the pandemic response occurred in late March 2020, privacy issues relating to the pandemic have been a key feature of the IPC's work. Pandemic related work has included the following initiatives:

- Provision of general advice on the IPC website to assist agencies to understand their privacy obligations during the pandemic.
- COVID-19 Privacy Team – Privacy Commissioners around Australia formed a COVID-19 Privacy Team to share information and assist with the national response to the pandemic. This forum has been very useful, particularly in relation to briefings about the COVID-19 app, which raised significant privacy issues.
- COVID-19 Data Program – this involved engaging with the NSW Data Analytics Centre in relation to the privacy aspects of its COVID-19 Data Program, which provides data and insights to inform the NSW Government's COVID-19 response.

These data projects have involved the use of de-identified and disaggregated data, which has been used to provide information to the public about COVID-19 cases, as well as insights and modelling to the government to assist with determining its response to the pandemic. While the data has been de-identified, it has been essential to consider and mitigate the risk of re-identification, as well as other privacy risks relating to the use of this data.

Concerns about cyber security have been highlighted during the pandemic. The IPC provided advice and assistance to Service NSW in relation to a cyber security incident that involved the illegal accessing of customer information held in staff members' email accounts.

Privacy Awareness Week

In May 2020, the IPC held its first virtual Privacy Awareness Week event for NSW Government agencies. The move to an online event was necessitated by the pandemic, but it enabled the IPC to host a much larger number of attendees remotely than would have been possible at a live event. It also meant that agency staff from regional and rural NSW who would not usually be able to attend a live event could view the event remotely.

The keynote speaker was Professor David Lacey, Managing Director of IDCARE. In addition, Tony Chapman, Chief Cyber Security Officer, Cyber Security NSW, participated in a Question and Answer session on cyber security issues. The insights of both speakers were particularly valuable, given the heightened risks to cyber security during the pandemic.

A number of important IPC resources for agencies were released during Privacy Awareness Week:

- Updated guidance on Privacy Impact Assessments, to include information about projects using new digital technologies such as Artificial Intelligence.
- A Fact Sheet about Privacy by Design, to provide government agencies with information and guidance on this important privacy concept and how to build privacy into a project throughout its development.

Guidance for agencies on Data Sharing and Privacy was released following Privacy Awareness Week. Publication of this resource was delayed to enable a more detailed consultation process with agencies, who provided valuable feedback that informed the final version of the resource.

These updated and new resources are designed to assist agencies with meeting the challenges posed by rapid advancements in digital technology and use of data, as well as the need to deliver the Government's digital agenda, which is aimed at using digital technology to provide better policy outcomes and services to citizens.

Digital projects

In recent years, new projects that use digital technology have been developed including the Digital Driver Licence (DDL) and mobile phone detection cameras that use Artificial Intelligence to detect motorists using mobile phones while driving.

These projects demonstrate the benefits to be gained from the use of digital technology. The DDL provides a digital option that has proved to be popular with the public, while the mobile phone detection cameras will contribute to reducing the state's road toll and saving lives.

At the same time, the use of digital technology creates greater privacy risks, which need to be identified and mitigated in order to reduce the risk of privacy harm and promote citizen trust in the projects.

Agencies need to take a privacy by design approach to digital projects and carry out a Privacy Impact Assessment in order to mitigate privacy risks. This was the approach taken with both the DDL and the mobile phone detection cameras. The new IPC guidance noted above will assist agencies to do this.

Good privacy practice promotes community trust in government projects and service delivery and enables agencies to manage new technology and service delivery for the benefit of citizens, while minimising the potential for harm and non-compliance with privacy legislation.

Maintaining the trust and confidence of citizens that their privacy rights will be upheld will contribute to the success of digital projects and their overall acceptance and use by the community.

Looking forward

Advances in technology mean that the protection of people's personal, sensitive and health information is more important than ever. The community expects that NSW Government agencies will protect their personal information appropriately and good privacy practice by agencies ensures that citizens can have trust in Government services.

The advent of the COVID-19 pandemic in March 2020 focused the attention of decision makers and the public on the significant privacy issues that came to the fore in government responses to manage the pandemic.

The significant value of digital technology and data was highlighted during the pandemic, as private and public sector organisations moved to remote working and governments sought data driven insights and modelling to inform their response to the pandemic. Along with the significant benefits gained from the use of data and digital technology, were significant privacy risks that needed to be identified and managed. These included cyber security risks, as well as risks associated with the collection, storage and retention of data and the risk of re-identification of de-identified data.

Issues relating to the use of data and digital technology will continue to be key issues for the NSW Government, as it works to provide better, more streamlined services to citizens and analyse data to better measure outcomes and provide insights to improve outcomes for citizens.

The IPC has dealt effectively with year-on-year increases in its caseload as well as in the requests for advice by government agencies, particularly in relation to the Government's digital agenda. It is expected that this workload will continue to increase over the coming year, in line with the trend over the past five years and the likely continuation of the COVID-19 pandemic into 2021.

The Attorney General has announced the Government's intention to introduce a mandatory data breach scheme for NSW agencies and this is a welcome initiative which will promote trust in the Government's digital agenda and lift culture and capability across the sector. More information about this and other amendments to NSW privacy law are discussed in the section 61B report on the operation of the legislation which is included within this Annual Report.

Privacy issues will continue to be a key consideration in the implementation of digital solutions by NSW Government agencies over the coming year. I look forward to continuing to work with agencies and other stakeholders to ensure that agencies meet their privacy obligations under NSW privacy legislation and citizens' privacy rights are effectively protected.

In closing, I would like to thank the IPC CEO and Information Commissioner, Elizabeth Tydd, for her invaluable support during the year. I would also like to thank IPC staff for their commitment and dedication during the year to promoting and protecting the privacy rights of NSW citizens.

Samantha Gavel

Samantha Gavel
Privacy Commissioner
B Arts, GAICD

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

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

The PPIP Act has now been in operation for over 20 years. It was legislated by the NSW Parliament in 1998, when digital technology was in its infancy and before the introduction of digital platforms, social media and the smartphone.

In common with most privacy statutes, the PPIP Act is principles-based legislation. This means it is technology neutral and its principles remain relevant as technology changes. While the PPIP Act continues to achieve its objectives, it is timely to consider the need for further enhancements to the Act to address contemporary issues around greater use of digital technology and data.

Recommendation for review of PPIP Act

During the reporting period, the Privacy Commissioner provided advice to the Committee on the Office of the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission about potential enhancements to the PPIP Act to address these contemporary issues.

The areas for consideration recommended by the Privacy Commissioner were:

- inclusion of a mandatory data breach notification scheme
- inclusion of State-Owned Corporations (SOCs) – this would create consistency with the *Government Information (Public Access) Act 2009* (the GIPA Act) and provide a clear legislative right to members of the public
- amendment of the Privacy Commissioner's functions to include an explicit audit function – this would enable the Privacy Commissioner to exercise the audit function as a proactive measure to assess systemic issues and assist agencies with compliance
- amendment of the PPIP Act to grant a power to the Privacy Commissioner to enter premises and inspect anything
- introduction of a provision that neither the Privacy Commissioner nor a member of staff is compellable as a witness
- creation of a function and power to enable the Privacy Commissioner to exchange information with Cyber Security NSW

- provision for when an applicant applies to NCAT for internal review so that the Privacy Commissioner ceases to exercise an oversight function.

The Committee referred to these recommendations in its 2020 Review of the Annual Reports of Oversighted Bodies¹ and recommended that in light of the recommendations, the Attorney General, and Minister for the Prevention of Domestic Violence and the Minister for Customer Service consider a departmental review of the PPIP Act.

The Privacy Commissioner welcomes this recommendation by the Joint Committee and would be pleased to provide assistance and advice with regard to any departmental review of the PPIP Act.

More information about the recommendations for a mandatory data breach scheme for NSW agencies and applying the PPIP Act to SOCs is provided below.

Mandatory Data Breach Notification Scheme

A key enhancement to the PPIP Act would be the introduction of a Mandatory Data Breach Notification Scheme for NSW agencies. Australia's first Mandatory Data Breach Scheme was introduced in February 2018, for entities regulated under the *Privacy Act 1998* (Cth) then oversighted by the Commonwealth Office of the Australian Information Commissioner (OAIC) and has now been in operation for over two years. The adoption of a similar scheme in NSW would be valuable and would promote and support responsible privacy practices by NSW agencies. It would also assist in supporting public confidence and trust in the Government's use of digital technology and data to improve outcomes and services for the public.

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

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

¹ <https://www.parliament.nsw.gov.au/ladocs/inquiries/2569/Report%20-%202020%20review%20of%20the%20annual%20reports%20of%20oversight%20bodies.PDF>

In July 2019, the Department of Communities and Justice released a discussion paper titled *Mandatory notification of data breaches by NSW public sector agencies* for comment. Stakeholder feedback on the discussion paper, including from government agencies, revealed strong support for the introduction of such a scheme.

The Attorney General, and Minister for the Prevention of Domestic Violence indicated the Government's support for introduction of a mandatory data breach scheme for NSW agencies during debate in Parliament earlier this year.² The IPC has been consulting with the Departments of Communities and Justice and Customer Service on the form and scope of the scheme, as well as the resourcing required for the IPC to successfully manage the scheme.

Application of the PPIP Act to State-Owned Corporations

State-Owned Corporations (SOCs) are commercial businesses that are owned by the NSW Government and established under the *State-Owned Corporations Act 1989*. There are currently seven SOCs and they are not currently included in the jurisdiction of the PPIP Act. Three of the seven SOCs consider themselves to be bound by the *Commonwealth Privacy Act 1988* and the remaining four currently comply voluntarily with the PPIP Act. Extension of the PPIP Act to cover SOCs would create consistency with the GIPA Act and provide a clear legislative right to members of the public.³

The Attorney General, and Minister for the Prevention of Domestic Violence indicated the Government's support for applying the PPIP Act to SOCs during debate in Parliament earlier this year. The Department of Communities and Justice has commenced consultation to identify the most appropriate approach to bringing SOCs under the PPIP Act.

Extension of the PPIP Act's jurisdiction to include SOCs is one of the enhancements to the Act recommended by the Privacy Commissioner to the Joint Parliamentary Committee.

Privacy complaints under the PPIP Act

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

The top three issues in privacy reviews during 2019/20 were in relation to the following Information Privacy Principles:

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

In 2019/20, there was a 36% increase in privacy reviews, which continues the trend towards higher numbers of review applications over the past five years.

This increase in internal review applications suggests that people are increasingly aware of, and willing to exercise, their privacy rights. This is supported by the results of the IPC's Community Attitudes to Privacy Survey which was undertaken in May 2020. Key findings of the Survey included that:

- 95% of respondents agreed that it is important that NSW government agencies protect their personal/health information
- 63% of respondents were aware of their right to lodge a complaint or seek a review with an agency if they feel their privacy has been breached
- 86% of respondents who had lodged a privacy complaint in the past year were happy with the outcome.

In recent years, there has been increased reporting in the media about privacy issues, particularly data breaches, which is likely to have contributed to greater awareness by the public about privacy issues.

In response to the introduction of statutory timeframes for GIPA reviews in 2018, the IPC initiated a new staffing structure and streamlined procedures across casework for both GIPA and Privacy. This has greatly assisted the IPC to manage a higher caseload and ensure that both privacy and information access streams are similarly resourced. It has also assisted the IPC to finalise privacy reviews in a timely manner, noting that the onus is on agencies to complete reviews and provide them to the IPC to enable the Privacy Commissioner's oversight role to be exercised, prior to the review being finalised.⁴

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

The Privacy Commissioner only deals with a relatively small number of complaints under the complaint pathway each year, because the majority of complaints under the PPIP Act are dealt with via the internal review pathway.

² <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#docid/HANSARD-1323879322-109862/link/63>

³ For more information about SOCs and the PPIP Act see the IPC Fact Sheet at <https://www.ipc.nsw.gov.au/fact-sheet-state-owned-corporations-socs-and-your-right-government-and-personal-information>

⁴ S53(6) of the PPIP Act provides that a review must be completed as soon as reasonably practicable.

The Privacy Commissioner also has complaint handling functions under the *Health Records and Information Privacy Act 2002* (HRIP Act). More information about privacy complaints under the HRIP Act is available in the Pillar 1: Service Delivery & Excellence section of this Annual Report.

Regulated sectors

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

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

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

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

Conclusion

The PPIP Act continues to provide an appropriate framework for the promotion and protection of privacy in NSW. It would benefit from enhancements to address contemporary issues relating to the use of digital technology and data, such as a mandatory data breach scheme. The Privacy Commissioner welcomes the opportunity to provide assistance and advice regarding current and future proposals that will enhance the provisions of the PPIP Act in order to promote and protect privacy in NSW.

Priorities for 2020/21

<p>Develop a Fact Sheet on access to information about public officials under the GIPA Act**</p>	<p>Develop a Fact Sheet about privacy offences**</p>	
<p>Review and Update the Voluntary Data Breach process, procedures and guidance and impact for any business systems changes**</p>	<p>Collaborate with LCRA in the development of guidance for agencies on new technologies like AI, machine learning in the IA & privacy context**</p>	<p>Update the Fact Sheet on authorised proactive release*</p>
<p>Review and develop privacy resource for citizens on accessing the correct rights pathways highlighting the differences between internal review and complaints**</p>	<p>Develop 4 relevant case studies to include in Commissioner presentations and/or community-oriented engagement**</p>	<p>Review and update the IPC's Fact Sheet on privacy and people with reduced decision-making capacity**</p>
<p>Develop with LCRA two content pieces to communicate to agencies about major digital projects*</p>	<p>Develop a Proactive Audit Manual*</p>	<p>Develop brief key messages on the IPC and Commissioners' regulatory stance*</p>
<p>Update Business Continuity Plan to reflect transition to Customer Service cluster*</p>	<p>Review and update Investigation and Review Team Complaints Handling Policy and procedures*</p>	<p>Review the privacy governance framework**</p> <p>Investigate and, if feasible implement, new learning channels, e.g. webinars, podcasts, work with relevant agencies to deliver targeted training*</p>

* This priority reflects a strategic initiative which commenced in 2020 and is due to be completed by 31 December 2020.

** This priority reflects a strategic initiative which is yet to commence at the date of publication.

Our organisation



About the IPC



David Marcus
Director, Business Improvement



Sonia Minutillo
Director, Investigation and Reporting



Sarah Wyatt*
Director, Legal Counsel and Regulatory Advice

* concluded in her role as Director 1 May 2020.

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

Who we are

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

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

What we do

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

Our service charter

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

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

Our vision

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

Our values

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

Our stakeholders

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

* Exempted under the PPIP Act



Our Values Framework

Accountable

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

Service focussed

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

Proactive

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

Independent

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

Integrity

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

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

Trust

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

Our organisation

Accountability

Role of the Information Commissioner

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

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

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

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

- public interest considerations in favour of disclosure of government information
- public interest considerations against disclosure of government information
- agencies' functions
- the public's rights to access information
- an agency's information guide
- reductions in processing charges.

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

Participation in committees

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

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

Role of the Privacy Commissioner

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

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

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

- responding to enquiries and educating the community about privacy issues and possible remedies for breaches of their privacy
- advising government agencies, businesses and other organisations on how to ensure that the right to privacy is protected
- receiving, investigating and conciliating complaints about breaches of privacy
- appearing in NCAT and advising on privacy law in privacy cases
- overseeing NSW government agency reviews of reported privacy breaches
- researching developments in policy, law and technology that may impact on privacy, and making reports and recommendations to relevant authorities
- issuing guidelines on privacy principles.

Participation in committees

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

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

Governance and legislative responsibilities

Our governance

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

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

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

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

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

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

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

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

Our legislation

The IPC administers the following legislation:

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

Objectives of our legislation

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

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

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

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

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

The GII 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 inquiries.

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

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

Machinery of Government

Following the re-election of the NSW State Government in March 2019, number of Machinery of Government (MOG) changes were made in the allocation of functions between government departments/agencies and Ministers. These changes supported the implementation of the new Government's priorities.

One significant priority for the Government is a better experience for NSW citizens. This priority will be delivered through the newly created Customer Service cluster. The IPC's administrative transition into this cluster was finalised in the 2019/20 financial year.

The change of cluster resulted in a change to the ministers responsible for the carriage of the information and privacy legislation. The Hon. Victor Dominello MP, Minister for Customer Service and the Hon. Mark Speakman SC MP, NSW Attorney General, and Minister for the Prevention of Domestic Violence continue to share responsibility.

The IPC has continued to work according to its strategic, business and regulatory plans to deliver a consistent work program and environment.

Our strategic objectives

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

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

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

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

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

Further information about the Plan, including its development can be found on page 22 and 54.

IPC Strategic Plan 2020-2022 – Summary⁵



The IPC contributes to social and economic wellbeing in NSW by leading and advancing effective information access and privacy rights.

IPC Strategic Plan 2020 – 2022

<p>Pillar 1: Service Delivery & Excellence </p> <p><i>What are we doing to improve services to the community</i></p> <p>Objective</p> <p>Deliver quality, timely and effective services to promote regulatory objectives and compliance, enabled by effective and accessible resources supported by well managed and efficient systems and processes.</p>	<p>Pillar 2: Engagement & Influence </p> <p><i>What are we doing to directly influence regulated agencies and engage with the public</i></p> <p>Objective</p> <p>Influence agencies and citizens through strategic engagement to promote information access and privacy rights, identify risks and authoritatively promote compliance to achieve regulatory goals.</p>	<p>Pillar 3: Rights Promotion & Impact </p> <p><i>What are we doing to anticipate and address emerging regulatory issues</i></p> <p>Objective</p> <p>Continually improve citizen and agency understanding of their information access and privacy rights and obligations now and into the future through provision of timely, accurate, informative and innovative guidance, advice, intelligence and tools.</p>	<p>Pillar 4: Operational Excellence </p> <p><i>What are we doing to support an effective, efficient one-IPC</i></p> <p>Objective</p> <p>Deliver respected, quality and comprehensive services with professional, supported by expert operational capability and sound good governance.</p>
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Our Values

Accountable • Service-Focused • Proactive • Independent • Integrity • Trust

⁵ This plan details the overall objective of each pillar which has been taken from the extended Strategic Plan. It is complemented by organisational and team initiatives to fulfill the strategic objectives of the plan. For further details see page 54. To view these initiatives under the plan, visit the IPC website: <https://www.ipc.nsw.gov.au/media/2620>

Reporting against our strategic objectives – Summary

IPC	Reviews & Complaints	2019/20	2018/19	2017/18
	Received	815	710	620
Closed	814	750	586	

GIPA	Reviews & Complaints	2019/20	2018/19	2017/18
	Received	465	414	372
Closed	464	438	350	

Privacy	Reviews & Complaints	2019/20	2018/19	2017/18
	Received	350	296	248
Closed	350	312	236	

Enquiries received by type		2019/20	2018/19	2017/18
	Phone	1927	1924	2806
In writing and in person*	855	709	609	

Advices	2019/20	2018/19	2017/18
	GIPA (closed)	340	237
Privacy (closed)	235	200	284

Publications	2019/20	2018/19	2017/18
	GIPA	11	16
Privacy	7	10	5

Submissions	2019/20	2018/19	2017/18
	GIPA	9**	8
Privacy	9**	6	13

Research (includes surveys)	2019/20	2018/19	2017/18
	GIPA	1	1
Privacy	1	0	1

Committees	2019/20	2018/19	2017/18
	GIPA	4	5
Privacy	3	4	4

COVID-19 Case Management	2019/20
	GIPA
Privacy	33

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

**This is made up of seven joint submissions.

Reporting against our strategic and regulatory objectives

Pillar 1: Service Delivery & Excellence

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

Pillar 2: Engagement & Influence

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

Pillar 3: Rights Promotion & Impact

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

Pillar 4: Operational Excellence

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

Pillar 4: Operational Excellence

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

Additional Regulatory Priorities

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

Report on regulatory achievements

The IPC's Regulatory Plan 2020-2022 contains a total of 33 identified regulatory priorities. The plan commenced in January 2020. At the end of the reporting period, 33% of all regulatory initiatives were finalised. This is a significant achievement for the IPC over a six-month period despite a period of significant change and disruption in the usual operating environment as a result of the unique events of COVID-19. Concurrent with the delivery of the regulatory priorities the IPC proactively responded to provide advice and assistance to agencies and citizens with targeted information around COVID-19. Regulatory initiatives that were finalised in the reporting period are listed below:

- Collaborate with State Records to deliver a Fact Sheet on record keeping, including digital records
- Conduct 2020 Community Attitudes Survey including 16 questions on agency support for GIPA applicants
- Conduct a privacy awareness survey
- Develop a citizen Fact Sheet on State-Owned Corporations for both Information Access and Privacy
- Develop a Fact Sheet about the IPC's functions and role in consultations on privacy projects and governance
- Develop a Fact Sheet for the Fines Administration Act Breach Notification and Processes, including any business systems changes required
- Develop a Fact Sheet on Privacy by Design
- Develop a Fact Sheet on the IPC's role in NCAT
- Develop guidance to assist agencies in assessing the impact of digital projects and service delivery on rights incorporating a review of the IPC's Privacy Impact Assessment guidance and collaborate with I&R
- Updated Information Commissioner guidance regarding copyright and the GIPA Act
- Provide recommendations to the Ministers regarding fees & charges under GIPA.

The IPC's Regulatory Plan 2020-2022





**Pillar 1:
Service Delivery
& Excellence**

A decorative graphic at the bottom of the page consisting of several thick, overlapping, curved lines in various shades of blue, creating a dynamic, abstract pattern.

Pillar 1: Service Delivery & Excellence

What are we doing to improve services to the community?

Objective

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

The IPC met the objectives of this pillar by:

- conducting post-implementation review of the IPC website
- developing new script for phone and call waiting to highlight IPC jurisdiction and encourage direct contact with agencies
- finalising IPC GIPA corporate manual
- establishing and maintaining a register of key contacts and functional units under the Service Level Agreement
- reviewing and updating in accordance with recommendations all case management policies, procedures, and templates to support timely delivery of service standards
- informed by reporting, reviewing quality assurance processes in the Investigation and Review Team
- conducting a review of feedback and survey results to improve communication, processes and decision-making
- developing a Fact Sheet on Privacy by Design
- developing a Fact Sheet about the IPC's functions and role in consultations on privacy projects and governance
- preparing options paper on creating a Facebook page for the IPC linking to the IPC website to drive visitation

- developing guidance to assist agencies in assessing the impact of digital projects and service delivery on rights incorporating a review of the IPC's Privacy Impact Assessment guidance and collaborate with I&R Team
- conduct a survey to inform development of principles to guide the exercise of advice and assistance under section 16 of the GIPA Act
- in consultation with other teams finalising and publishing an IPC Regulatory Plan, consistent with the Strategic Plan.

Information access

Advice to agencies

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

GIPA advices to agencies

During the year agencies sought advice on many aspects of GIPA including:

- processing GIPA applications during COVID-19 pandemic
- handling formal applications
- proposed amendments to legislation and regulations
- applying GIPA legislation to digital technology
- preparing Agency Information Guides (AIGs)
- reporting data on agency operations to the IPC
- managing disclosure requirements such as contract registers
- meeting open access requirements.

Pillar 1: Service Delivery & Excellence

GIPA advice by sector for 2019/20

Stream and sector	2019/20	2018/19	2017/18
Total GIPA	340	237	409
State Government	111	95	187
Local Government	192	109	175
University	7	4	15
Minister	0	1	1
State-Owned Corporation	3	4	9
Other	27	24	22

Complaints – Information access

Under the GIPA Act, matters which may be the subject of a review under section 80 of the GIPA Act cannot be the subject of a complaint, even if the person may be out of time to apply for a review of a decision. Where this occurs, the Information Commissioner may decline to deal with the complaint or may provide information to assist the complainant in understanding of the application of the legislation.

In 2019/20, the IPC received 71 Information Access complaints. This represents a modest reduction of 10% in the number received compared to the previous year. However, it remains a significant increase on the numbers received by the IPC compared to previous years.

During 2019/20, 59% of complaints were finalised within 90 days compared to 65% in the previous reporting year. This represents a decline in the overall timeliness and accompanied by an increase in the average number of days to finalise a complaint. While a decline has occurred at the conclusion of the reporting period only five complaints received remained open. The reduction can be attributed to the increased complexity associated with some complaints and the need to distil the conduct complained of relevant to the Information Commissioner's jurisdiction. The IPC is continuing to review and refine its complaints approach to improve the timeliness for finalisation and completion of a complaint.

Of the 78 complaints finalised, the majority were focused in the state and local government sectors.

The majority of complaints lodged related to:

- decision-making processes
- decision-making timeframes – either, not making a decision within the statutory timeframe, or information not provided
- open access information not being made available
- processing charges
- timeframes for dealing with an informal access application.

Reviews of agency information access decisions

The 2019/20 reporting period represents the first full year of reporting against the new statutory timeframes that were introduced in November 2018. In the reporting period, the IPC continued to build upon the systems and processes for compliance with the new statutory requirement that the Information Commissioner is to complete her external review within 40 working days of when the Information Commissioner has determined that she has all the information necessary to complete the review.

Specifically, the Information Commissioner finalised 99.60% of all reviews received within the statutory requirements. This figure reflects a change in the reporting methodology applied by the IPC and resulted in two reviews being counted as outside of the statutory timeframe.

The number of reviews received increased from the number received in the previous reporting period by 17.5%. The top 10 considerations that were finalised are listed in the table.

Additionally, there were 19 matters which concerned the COVID-19 pandemic, inclusive of information access reviews.

Closed: Information access complaints & reviews by sector for 2019/20

Sector	Complaints	Reviews
Government	46	275
Council	28	90
University	1	13
Minister	2	1
State-Owned Corporation	1	0
Other*	0	7

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

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GIPA external reviews for 2019/20

Top 10 Public Interest Considerations applied by agencies	Number
Information not held/searches	99
Reveal personal information (section 14 T (3) (a))	95
Prejudice effective exercise of agency function (section 14 T (1)(f))	63
Prejudice supply of confidential information (section 14 T (1)(d))	54
Contravene an information protection principle or health privacy principle (section 14 T (3)(b))	49
Prejudice business/professional interests (section 14 T (4)(d))	42
Prejudice deliberative process of government (section 14 T (1)(e))	33
Breach of confidence (section 14 T (1)(g))	33
IPC legislation/GIPA Act 2009	21
Prejudice conduct, effectiveness or integrity of audit, test, investigation or review (section 14 T (1)(h))	21
Grand total for all issues	

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

Information Commissioner audits

During 2019/20, the IPC has continued its proactive audit compliance program. The audit process is intended to maximise the effectiveness of a proactive approach to elevating compliance across the regulated sectors. The identification of audits is informed by risk/impact and intelligence assessments. The process uses a mix of quantitative and qualitative data metrics, risk/impact assessments, and consideration of environmental/contextual factors for selection of targeted audits and informs the scope of the audit.

During the 2019/20 reporting period, the Information Commissioner finalised three audits into agency compliance with the GIPA Act. Three compliance reports were issued:

- NSW Treasury Compliance Report – August 2019
- Sydney Cricket and Sports Ground Trust GIPA Act Follow Up Compliance Review Report – May 2020
- Greyhound Welfare and Integrity Commission NSW Compliance Report – May 2020.

The unique circumstances presented by COVID-19 has necessitated some changes to the timing and approach for the conduct of the audits identified. In the current environment the audits have been conducted by way of a desktop audit in areas of small to moderate risk of non-compliance. The desktop audit may also form the basis of a preliminary assessment for future compliance activity. A desktop audit is distinguishable from an onsite audit which can adopt a more direct inquisitorial approach. In general, the IPC conducts desktop audits to elevate compliance by way of guidance, awareness raising and in some cases recommendations to an agency. However, poor results or lack of cooperation by an agency may result in further and escalated compliance action.

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

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

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

The audit reports are publicly available on the IPC website.

NCAT Activities

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

In NCAT proceedings, the Information Commissioner has the role of *amicus curiae* (“friend” of the Tribunal) and representatives of the Commissioner can attend NCAT upon instruction from the Commissioner to assist with interpretation of the relevant legislation and issues of law. IPC officers cannot assist the parties to the litigation. The Information Commissioner exercised the right to appear and be heard in a number of matters before NCAT.

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GIPA case activities and performance for 2019/20

Case type	Number received	Number closed	Number open at 30 June 2020	Average days to finalise 2019/20	Average days to finalise 2018/19	% Complete in less than target 2019/20
Advices	346	340	3	10	9	89%
Audits (combined)	54	56	5	103	185	51%
Audit-AIG	48	53	1	0	0	51%
Audit-other*	6	3	4	103	185	N/A
Complaints	71	78	5	81	75	59%
Reviews	394	386	31	73	63	67%
Enquiries	1544	1537	1	2	1	82%
Own motion	0	0	0	0	0	N/A

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

During the reporting period, the Information Commissioner was represented in NCAT (including the Appeal Panel) proceedings. The Information Commissioner made 17 written submissions during the reporting period, including:

- *Taylor v Destination NSW [2020]* NSWCATAD 137
- *Forbidden Foods Pty Ltd v Rice Marketing Board for the State of NSW [2020]* NSWCATAD 18 and *Forbidden Foods Pty Ltd v Rice Marketing Board for the State of NSW (No 2) [2020]* NSWCATAD 73
- *AIG Australia Ltd and NM Insurance Pty Ltd v Commissioner of Police [2020]* NSWCATAD 84
- *Department of Communities and Justice v Zonneville [2020]* NSWCATAP 126
- *Calderwood v Department of Planning, Industry and Environment; Calderwood v Campbelltown City Council; Department of Planning, Industry & Environment v City of Ryde [2020]* NSWCATAD 200
- *Brazel v Sydney Water [2020]* NSWCATAD 188.

A summary of most of these cases has been published on the IPC website.

GIPA NCAT activities for 2019/20

	No. files opened 2019/20	No. files closed 2019/20
GIPA	158	158

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Privacy

Advice to agencies

The IPC provides information to agencies to assist with compliance, their decision-making, and to support public access to information.

Privacy advices to agencies

During the year topics included:

- application of privacy to the introduction of new digital services
- the collection, use and disclosure of information including personal and health information
- privacy-respectful sharing of data between public sector agencies
- proposed amendments to legislation and regulations
- handling of privacy breaches
- use of data collection techniques
- conduct of privacy impact assessments
- data sharing and the introduction of the COVIDSafe App
- advice on data sharing and application of privacy principles across NSW agencies in responding to the COVID-19 pandemic
- Public Interest Directions.

Privacy advice by sector for 2019/20

Stream and sector	2019/20	2018/19	
Total Privacy	235	200	
State Government	156	129	184
Local Government	43	26	50
University	4	6	10
Minister	1	1	1
State-Owned Corporation	2	1	3
Other*	29	37	36

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

Privacy complaints

In 2019/20 reporting period, 112 complaints were received compared to the previous year of 121. This represents a small overall reduction in the number received of 7% compared to the previous year.

During 2019/20, 79% of complaints were finalised within 90 days compared to 78% the previous reporting year. The average days to completion reduced slightly to 63 from 64 the previous year, with only 8 complaints open at the end of the reporting period.

The complaints finalised by the Privacy Commissioner continued to relate to:

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

The majority of complaints received were about private health service providers and individual health practitioners. Complaints relating to public sector agencies about personal information under the PPIP Act are generally dealt with as an internal review.

Submissions on internal agency privacy reviews

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

There was a 36% increase in the 2019/20 reporting period in the number of privacy reviews received. This is in addition to the 2018/19 increase of 19% of the number of privacy reviews received.

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

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During 2019/20, 99.5% of all reviews were finalised within the target date of 40 working days. Although there is no statutory timeframe for completion of privacy reviews by the Privacy Commissioner, in the reporting period the Privacy Commissioner continued to apply a timeframe for completion of within 40 days consistent with the requirements for information access ensuring a consistent and single point of service delivery standard across both information access and privacy. The number of average days for completing a privacy review reduced by 13 days, compared to the previous reporting period. This meant the average number of days for a privacy review to be open fell from 70 days to 57 days.

Closed: Privacy complaints and reviews by sector for 2019/20

Sector	Complaints	Reviews
Government	27	177
Council	3	27
University	2	21
Minister	1	2
State-Owned Corporation	0	1
Other*	88	1

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

Privacy reviews for 2019/20

Top 10 Issues/Privacy Principle	Number
IPP 11 Limits on disclosure of personal information	134
IPP 10 Limits on use of personal information	60
IPP 5 Retention and security of personal information	48
IPP 9 Agency must check accuracy of personal information before use	25
HPP 11 Limits on disclosure of health information	23
HPP 10 Limits on use of health information	19
IPP 1 Collection of personal information for lawful purposes	17
HPP 5 Retention and Security	17
IPP 3 Requirements when collecting personal information	13
IPP 7 Access to personal information held by agencies	11
Grand total of all issues	367

Privacy Management Plans

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

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

In the reporting year, the Privacy Commissioner received a total of 14 Privacy Management Plans for consideration. These are reviewed against the checklists and feedback provided to agencies as required. As at 30 June 2020, 13 had been reviewed and feedback provided to the relevant agency. The average days to review a plan in the reporting period was 31 days. This represents an increase in the number of days taken to review a plan in the previous year of 22 days, but it compares favourably to the 2017/18 figure of 37 days.

Privacy voluntary breach notifications

Under the PPIP and HRIP Acts, agencies have obligations to take reasonable steps to protect the personal and health information they hold. A data breach occurs when a failure has caused, or has the potential to cause, a loss of the protection of personal or health information. Although malware, hacking and data theft are examples of data breaches, simple human or technical errors rather than malicious intent are often the cause of breaches.

While not required by law, the Privacy Commissioner encourages agencies to make voluntary notifications of data breaches to her.

In 2018, the Privacy Commissioner commenced the quarterly reporting of data breaches voluntarily notified to her by agencies. During the reporting year 2019/20, the Privacy Commissioner received a total of 79 breach notifications, which represents an increase of 23% over the previous year. Of the data breach notifications received the majority came from the government sector.

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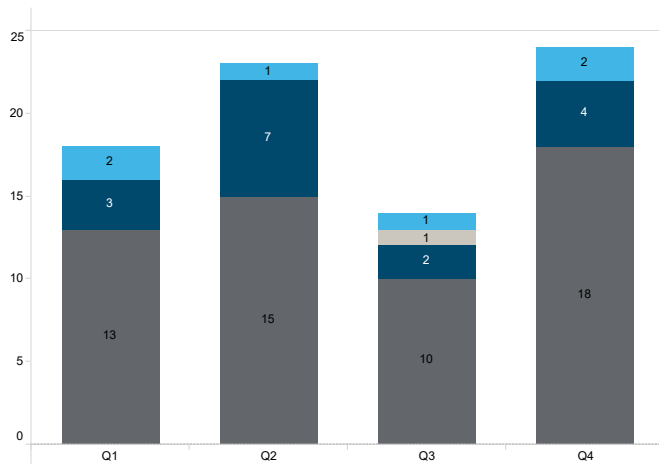
The data breach notifications for the reporting period are detailed below.

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

- Revenue NSW in relation to its systems and practices following a data breach
- NSW Health in relation to a cyber related data breach in the oversight and review of arrangements for the proper management and disposal of health patient records at a closed facility
- Revenue NSW on the implementation of the mandatory notification requirements required by the *Fines Amendment Act 2019*.

During the reporting year, the Privacy Commissioner engaged with the Department of Communities and Justice and the Department of Customer Service (DCS) over the introduction of a mandatory data breach notification scheme for NSW.

Voluntary breaches notified to the IPC for 2019/20



Respondent Industry Sector
 Public University
 Private University
 Local Government
 State Government

Privacy Commissioner audits

The exercise of the Privacy Commissioner's functions includes promoting the adoption of, and monitoring compliance with the IPPs. A proactive audit can elevate compliance across the regulated sectors. The identification of a privacy audit is also informed a risk/impact and intelligence assessments. The process uses a mix of quantitative and qualitative data metrics, risk/impact assessments, and consideration of environmental/contextual factors for selection of targeted audits and informs the scope of the audit.

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

- review of policies, practices and processes to manage the collection, use and disclosure of personal information
- practices in place for the management of privacy breaches
- overall compliance with the IPPs.

During the 2019/20 reporting period, the Privacy Commissioner finalised one audit into agency compliance with the PPIP Act:

- Revenue NSW PPIP Act Compliance Report – March 2020.

Pillar 1: Service Delivery & Excellence

Privacy case activities and performance for 2019/20

Case type	Number received	Number closed	Number open at 30 June 2020	Average days to finalise 2019/20	Average days to finalise 2018/19	% Complete in less than target 2019/20
Advices	231	235	3	12	14	75%
Audits (PMP and other audits combined)	16	15	0	28	22	67%
Audit-PMP	14	13	0	31	22	62%
Audit-other*	2	2	0	7	0	N/A
Voluntary breaches	79	78	3	12	9	88%
Complaints	112	121	8	63	64	79%
Reviews	238	229	22	57	70	89%
Enquiries	1225	1211	9	3	1	76%
Own motion	1	1	0	59	N/A	N/A

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

NCAT Activities

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

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

The Privacy Commissioner exercised the right to appear and be heard in a number of matters before NCAT.

During the reporting period, the Privacy Commissioner was represented at NCAT proceedings. The Privacy Commissioner made three written submissions during the reporting period, including:

- *BWY v Secretary, Department of Education [2020] NSWCATAD 208*
- *DRP v Orange City Council [2020] NSWCATAD 220.*

The remaining matters are currently awaiting a decision by the NCAT.

Privacy NCAT activities for 2019/20

	No. files opened 2019/20	No. files closed 2019/20
Privacy	57	68

Human Research Ethics Committees (HRECs) reporting

Under the HRIP Act, the Privacy Commissioner has issued legally binding statutory guidelines on the use or disclosure of health information for research purposes that require HRECs to provide a compliance report to the Privacy Commissioner after 30 June each year. The compliance report identifies where HRECs have approved research proposals seeking to use or disclose personal or health information without consent, on the basis that the public interest in the research substantially outweighs the public interest in maintaining the level of privacy protection provided by the HRIP Act. Of the 19 HRECs currently operating, 18 submitted compliance reports for 2019/20 by the due date, covering a total of 504 research proposals. Of these research proposals, 454 (90%) used personal or health information without consent, based on the public interest value of the proposed research substantially outweighing the public interest in the protection of privacy.

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Human Research Ethics Committee reports received for 2019/20

No.	HREC carried out between July 2019 and June 2020	Proposals	Without consent	Outweighed public interest
1	South Western Sydney Local Health District HREC	2	Yes	2
2	Sydney Local Health District HREC (CRGH Zone)	38	Yes	38
3	St Vincent's Hospital Sydney HREC	0	No	0
4	The University of Newcastle HREC	0	No	0
5	Nepean Blue Mountains Local Health District HREC	67	Yes	67
6	Greater Western Area HREC	21	Yes	21
7	NSW Population and Health Service Research Ethics Committee	52	Yes	41
8	Hunter New England HREC	34	Yes	34
9	Aboriginal Health and Medical Research Council HREC	20	Yes	19
10	Northern Sydney Local Health District HREC	49	Yes	49
11	Adventist Health Care Limited HREC	5	Yes	5
12	Justice Health and Forensic Mental Health Network HREC	0	No	0
13	University of Wollongong and Illawarra Shoalhaven Local Health District Social Sciences HREC	0	No	0
14	University of Wollongong and Illawarra Shoalhaven Local Health District Health and Medical HREC	12	Yes	4
15	North Coast NSW HREC	0	No	0
16	Sydney Local Health District HREC (RPAH Zone)	87	Yes	87
17	Sydney Children's Hospitals Network HREC	117	Yes	87
18	Western Sydney Local Health District HREC	0	No	0
19	South Eastern Sydney Local Health District HREC	12	Yes	6
TOTAL		516		460

Pillar 1: Service Delivery & Excellence

Public interest disclosures and government information contraventions

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

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

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

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

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

As an investigating authority, the Information Commissioner received no complaints that satisfied the assessment requirements of a PID.

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

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

Number of PIDs received by category during 2019/20

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

PIDs received during 2019/20

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

Pillar 1: Service Delivery & Excellence

COVID-19 and the IPC's regulatory response

The IPC has continued to maintain its service delivery and undertake its regulatory function during the pandemic.

On 26 March 2020, the IPC closed its office to in-person enquiries due to the global outbreak of COVID-19. Following the issuance of the Public Health Order on 30 March, the IPC moved to implement remote working arrangements for all staff.

In March 2020, the IPC launched dedicated COVID-19 pages for both information access and privacy with sections relevant to agencies and citizens. During the pandemic, the IPC has continued to update its webpages to include updated information, new guidance and references to public statements and releases by the Commissioners.

The IPC will continue to follow the direction of any Public Health Orders, the direction of the NSW Government and continue to provide services and support staff through the pandemic.

The IPC has also been participating in the National COVID-19 Privacy Team, chaired by the OAIC and including states and territories with privacy laws. The team has been meeting regularly during the COVID-19 pandemic to respond to proposals with national privacy implications.

The Information Commissioner released the following public statements regarding COVID-19:

- **COVID-19: The duty to document does not cease in a crisis, it becomes more essential**
This joint public statement by the Australian and New Zealand Information Access Commissioners detailed a clear call for documentation, preservation and access to information as governments, businesses and citizens deal with the COVID-19 pandemic.
- **Public Statement - Transparency and access to information in the context of a global pandemic**
The Information Commissioner's public statement included a clear call for transparency and the right to access information as governments, businesses and citizens deal with the COVID-19 pandemic by the Australian Information Access Commissioners with their international counterparts.
- **COVID-19 Public Statement by the Information Commissioner**
The Information Commissioner released a public statement about information access, data sharing and the COVID-19 pandemic.

The Privacy Commissioner released the following public statements regarding COVID-19:

- **NSW Privacy Commissioner Public Statement on use of Commonwealth mobile tracing app data for managing the COVID-19 pandemic**
The Privacy Commissioner made a public statement about the Commonwealth Government's COVID-19 tracing app which was developed to help identify people exposed to coronavirus and assist with contact tracing.
- **NSW Privacy Commissioner Public Statement on use of mobile phone data for managing the COVID-19 pandemic**
The Privacy Commissioner made a public statement about the use of aggregated mobile phone data to assist the NSW Government with tracking mass movement and with their COVID-19 response.
- **COVID-19 response from Australian privacy regulators**
The Privacy Commissioner made a public statement about how the regulators have convened a National COVID-19 Privacy Team to respond to proposals with national implications.



Pillar 2: Engagement & Influence



Pillar 2: Engagement & Influence

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

Objective

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

The IPC met the objectives of this pillar by:

- developing and regularising relationships with recognised external experts in finance, IT and HR e.g. NSW Ombudsman relevant to Resolve case management system
- undertaking identified proactive audits to elevate and influence compliance including within the Local Council Sector and other Announced Audits
- developing criteria to identify novel and evolving issues for reports to be published
- developing a Fact Sheet for the Fines Administration Act Breach Notification and Processes, including any business systems changes required
- developing Information Commissioner guidance regarding copyright and the GIPA Act
- developing a legislative proposal for a processing charge discount for Out-of-Home Care applicants
- developing a Fact Sheet on the IPC's role in NCAT.

The event was opened by the Attorney General, and the Minister for the Prevention of Domestic Violence and featured a select panel of experts who discussed the Public Interest and focused on 'What's in the Public Interest – accountability and access to information in the digital age'. Facilitated by the Information Commissioner, the speakers included leading authorities in law and automation of government decisions, public interest, ethical considerations and artificial intelligence including Prof Lyria Bennett Moses, Assoc Prof Jane Johnston and Dr Finn Lattimore. William Murphy, Deputy Secretary, Customer, Delivery and Transformation from DCS brought a contemporary public sector perspective.

The event was attended by 42 senior leaders from the NSW public sector as well as NSW local councils, universities and ministerial offices.

Information Access Practitioners' Workshop

This event was also a part of Right to Know Week NSW 2019 and followed the Symposium on 2 October 2019. The workshop was titled 'Substantial and unreasonable diversion of resources – what are the requirements to search, to assist and to decide' and provided practical advice to assist practitioners to meet significant changes in the law, technology and citizen expectations in the digital environment. In November 2018, section 60 of the GIPA Act was amended to provide greater clarity for agencies and applicants in applying section 60(1)(a).

This workshop helped inform GIPA officers of how to effectively undertake searches, advise and assist applicants, meet the new requirements under sections 60(3A) and (3B) of GIPA Act and assist them in the decision-making process. The workshop was hosted by the Information Commissioner and presented by James Horton, Datanomics and IPC Directors Sonia Minutillo and Sarah Wyatt. It was attended by 90 public sector employees.

Public Sector Forum

The NSW Privacy Commissioner launched Privacy Awareness Week NSW 2020 at the online Public Sector Forum in Sydney on 5 May 2020. The Forum was opened by the Attorney General, and Minister for the Prevention of Domestic Violence. Professor David Lacey from IDCare was keynote speaker and presented on misuse of personal information in NSW, and Tony Chapman, Chief Cyber Security Officer at Cyber Security NSW answered questions from the Privacy Commissioner on NSW cyber security and NSW government initiatives.

Stakeholder engagement

Public Sector Leaders' Symposium

On 2 October 2019, during Right to Know Week NSW, the Information Commissioner hosted an event for Public Sector Leaders.

Pillar 2: Engagement & Influence

The event was held virtually due to COVID-19 and attracted an audience of over 300 with participants from metropolitan, regional and rural areas.

Survey on the use of the Information Access and Privacy Agency Self-assessment Tools

In May 2019, the IPC released its self-assessment tools for agencies to review their systems and policies for compliance under the GIPA Act, the PPIP Act and the HRIP Act.

The tools were designed to enable agencies to measure the maturity of their information governance systems and implement plans to further develop those systems and confidently meet their information access and privacy requirements.

In May 2020, the IPC commenced a review of the use of the self-assessment tools by agencies as a part of its 2020 strategic initiatives. The review assessed how agencies have engaged with the tools and looked for opportunities to enhance the tools. This was facilitated via a survey issued to practitioners for both information access and privacy.

Speaking engagements

During the 2019/20 reporting period, the NSW Information Commissioner and Open Data Advocate addressed stakeholders, participated on panels and briefed agencies at 20 speaking engagements regarding the right to information and best practice in information and data management.

The Privacy Commissioner addressed stakeholders on privacy, participated on panels and briefed agencies at 17 speaking engagements.

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

Due to COVID-19, there has been a decrease in total speaking engagements for the IPC of 33% for the reporting period.

Co-regulatory engagements

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

- Open Government Partnership
- Public Interest Disclosures Steering Committee
- Integrity Agencies Collaboration Group
- Privacy Authorities Australia
- Board of the State Archives and Records Authority
- Office of Local Government
- Independent Commission Against Corruption.

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

A risked-based and intelligence informed approach to tailored regulatory initiatives

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

The Committee operates in the context of the IPC Regulatory Framework. The Committee comprises the Information Commissioner (Chair); Privacy Commissioner; Director, Investigation and Reporting; Director, Business Improvement; and the Director, Legal Counsel and Regulatory Advice. During 2019/20, the Committee met five times.

The role of the Committee is to:

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

The Committee considered:

- information access complaints and reviews trends in issues
- health complaints
- deemed refusals for non-provision of access
- referrals of health care complaints by practitioners no longer operating or retired
- data breaches
- open access requirements of the GIPA Act
- disclosure of interests for local government as required by the Information Commissioner in Guideline 1
- legislative compliance broadly
- contract register compliance

Pillar 2: Engagement & Influence

- the development of systems/resources to support intelligence
- targeted review of privacy compliance
- identified proactive audits in information access and program of delivery of those audits.

The Committee completed a review of intelligence data inputs to the Committee with new inputs included.

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

Communication and consultation

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

- 99 tweets on Twitter
- 135 posts on LinkedIn
- 28 e-alerts to stakeholders
- 8 media releases
- 12 public statements
- 28 publications.

Social media

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

Twitter

The IPC Twitter page (@IPCNSW) had 896 followers at the end of the reporting period, an increase of 88 followers from the previous year. There was a total of 861 engagements on posts in 2019/20 with 62,411 impressions. The IPC began recording engagement rates in the last quarter of 2019/20 and averaged 2.25% compared with the industry benchmark of 0.33-1%.

LinkedIn

The IPC LinkedIn page had 1,073 followers at the end of the reporting period, an increase of 314 from the previous year. There was a total of 1,557 engagements on posts in 2019/20 with 30,876 impressions. The IPC began recording engagement rates in the last quarter of 2019/20 and averaged 5.16% compared with the industry benchmark of 2%.

Parliamentary engagement

Parliamentary inquiries and reports

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

The Information Commissioner and Privacy Commissioner provided a number of reports and submissions to Parliament including tabling:

- the *Report on the Operation of the Government Information (Public Access) Act 2009: 2018/19*. Under section 37 of the GIIA Act, the Information Commissioner is required to provide Parliament with an annual report on the operation of the GIPA Act. The 2018/19 Report was tabled in Parliament in March 2020 and provides a comprehensive assessment of the operation of the legislation in New South Wales. The Report examines the performance of over 240 government agencies, provides important guidance to policy makers and agency heads, and promotes greater transparency for the NSW community
- a joint submission and appearance before the Portfolio Committee No. 6 concerning the Inquiry into the Provisions of the *Digital Restart Fund Bill 2019*
- a submission by the Information Commissioner to the Standing Committee on Social Issues on the Review of the *State Records Act 1998*.

The Information Commissioner and Privacy Commissioner also made submissions to the following public consultations:

- the Office of the Australian Information Commissioner on Disclosure of Public Servant's Names and Contact Details
- the Department of Communities and Justice on Mandatory Notifiable Data Breaches by NSW Public Sector Agencies
- the Australian Human Rights Commission on the Human Rights and Technology Discussion Paper.



Pillar 3: Rights Promotion & Impact

Pillar 3: Rights Promotion & Impact

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

Objective

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

The IPC met the objectives of this pillar by:

- co-ordinating and leading publications review
- developing a citizen Fact Sheet on State-Owned Corporations for both Information Access and Privacy
- collaborating with State Records to deliver a Fact Sheet on record keeping, including digital records
- developing a checklist for care leavers.

In line with a strategic initiative in the IPC Strategic Plan 2020-2022, a follow up review of the IPC website was undertaken in May 2020 to assess the website one year on from implementation. The review also assessed the current functionality and layout, and recommendations were made for minor improvements. In total, six minor recommendations were made to improve navigation and layout, website metrics and reporting, and support the IPC in any future alignment of the website with the DCS cluster.

The IPC has commenced recording an additional nine metrics to provide a more comprehensive view of website use. The IPC will report on these updated metrics in the 2020/21 annual report.

Website metrics for www.ipc.nsw.gov.au for 2019/20

	2019/20	2018/19	2017/18
Page views	513,794	495,545	388,424
Website visits	211,569	186,042	165,994
Unique visits	135,963	121,128	108,066
Average visit duration	2m 16s	2m 28s	2m 27s

Informing the public of their rights

IPC website

The IPC website at www.ipc.nsw.gov.au is the central communication and service channel for IPC stakeholders. It houses a suite of online resources, access to the e-learning portal and general information about the organisation. The website is also used to promote new publications and significant campaigns and events that champion the right to access government information and the protection of privacy in NSW. During the reporting period, page views increased by 3.6% and website visits by 13.7% compared to the same period last year.

Public enquiries

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

During the reporting period, the unique environment arising from COVID-19 saw the IPC continue to provide services remotely from April 2020. The IPC continued to provide services to agencies and the public without disruption. In the reporting period, recorded enquiry numbers increased by 5.7%, in comparison to the previous year. All of the increase in enquiries came from enquiries made in writing or in person, rather than by telephone, where the percentage increase was negligible.

Pillar 3: Rights Promotion & Impact

Enquiries received by type for 2019/20

	2019/20	2018/19	2017/18
Phone	1927	1924	2806
In writing and in person*	855	709	609

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

Right to Know Week

The IPC celebrated Right to Know Week by hosting NSW Right to Know Week 2019 from 30 September to 6 October 2019 with key events for public sector agencies and information access practitioners on Wednesday 2 October 2019. The 2019 campaign theme was 'Access to Information: Leaving no one behind in the digital age'. Forty-five agencies took part in the Champion Program.

Further information about these events can be found on page 43.

Privacy Awareness Week

The IPC celebrated Privacy Awareness Week by hosting NSW Privacy Awareness Week 2020 from 4-10 May 2020. The NSW campaign theme was 'Prevent, Protect, Protect'. The campaign engaged both public sector agencies and citizens and assists to improve understanding and awareness of NSW privacy legislation and raise awareness of NSW privacy rights and agency obligations. The IPC secured 53 Champion agencies to support the Privacy Awareness Week campaign.

Some highlights for this year's campaign included:

- Public Sector Forum livestream event
- DCS Secretary Emma Hogan's video message to all DCS staff
- the Department of Communities and Justice launch of privacy training for managers and staff in light of Privacy Awareness Week
- positive Champion feedback regarding the comprehensive Champions Communications Pack with digital posters, banners, social media images and PowerPoint presentations for virtual events, as well as messaging for senior leaders, intranets, blog posts, news stories and social media posts for agencies to promote the campaign
- the compilation of a large repository of resources for citizens on the Privacy Awareness Week NSW 2020 webpage, including a range of information about the misuse of identity and how to protect one's privacy.

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

Information Awareness Month and Open Government Week

The IPC celebrated Information Awareness Month (IAM) from 1-31 May 2020 and Open Government Week from 3-10 May 2020. The Information Commissioner and Open Data Advocate spoke at the launch webinar of Information Awareness Month on Friday 1 May 2020. The discussion theme was 'Informed about your Changing Environment'. The Panel included the NSW Information Commissioner, Mr David Fricker, Director-General, National Archives of Australia, Ms Kathryn Dan, Committee Member, Blue Shield Australia and Dr Timothy Graham, Senior Lecturer (Digital Media), QUT. The webinar was attended by approximately 300 remote attendees.

Additionally, both the Law Society Journal (on 1 May 2020) and The Mandarin (on 7 May 2020) published an article written by the Information Commissioner to raise awareness of the importance of preserving and promoting the right to information in the context of automated decision-making and outsourcing arrangements. The article recognises that the increasing adoption of technology demands the preservation, assurance and assertion of information access rights and to achieve these outcomes, government licensing and contractual arrangements should ensure accessibility and 'explainability' in the provision of government services and decision-making.

Open Government Partnership National Action Plan

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

As a part of the OGP, the Information Commissioner and NSW Open Data Advocate worked alongside other representatives of governments and civil society organisations to develop the next Open Government Partnership National Action Plan (2020-2022).

The Third National Action Plan 2020-2022 is currently in development and involvement of the Information Commissioner will be reported in the next annual report.

Pillar 3: Rights Promotion & Impact

Community Attitudes Survey

Community Attitudes Survey 2019

In November 2019, Information Commissioners throughout Australia and led by NSW, undertook a cross-jurisdictional study of community attitudes to access to government information, as part of Australia's Open Government National Action Plan 2018–2020. Through the study it was found that in NSW, 89% of citizens believed the right to access information as important, 77% of citizens were aware of the right to access information and 77% had success in accessing information.

Importantly, in NSW 60% of citizens advised that agencies had been helpful in assisting them to access information. This insight confirmed that the majority of agencies are fulfilling their responsibility to provide advice and assistance to citizens attempting to gain access to information.

The results of this study were released by the NSW Information Commissioner as part of the Right to Know Week NSW 2019 campaign.

Community Attitudes Survey 2020

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

The IPC will report on the information access, data sharing and agency assistance results in the 2020/21 annual report.

Privacy

The NSW Privacy Commissioner published the results of the NSW Community Attitudes Study towards privacy in May 2020 as a part of Privacy Awareness Week. The results provide a sense of the public's view of how privacy is regarded in areas such as data breaches by NSW government agencies, citizens' awareness of their right to access their personal information, where to go to report the misuse of personal information or how to make a privacy complaint.

The results indicated that 95% of respondents felt that NSW government agencies protecting their information was important.

Similar to previous years, over one in three respondents were aware of their right to access personal information from at least one of the NSW agencies that were listed, with many saying that they would contact the agency directly for help.

Awareness was shown to vary by age and many stated they were not sure where to go to gain access to their personal information held by NSW agencies.

The vast majority of respondents considered that NSW government agencies protecting their information was important and most were concerned about breaches or misuse of data currently held by NSW government agencies.

Key findings of the study on privacy included:

- 95% of respondents agreed that it is important that NSW government agencies protect their personal/health information
- 63% of respondents were aware of their right to lodge a complaint or seek a review with an agency if they feel their privacy has been breached
- knowledge of privacy rights among younger people was lower, with only 37% of under 25 year olds aware of their right to lodge a complaint or seek a review with state government departments
- regarding breaches or misuse, respondents were most concerned about deliberate hacking of NSW government systems, and least concerned about accidental release of personal information
- nearly a quarter of respondents were unsure how to access their personal information under privacy laws, or how to report misuse
- 86% of respondents who had lodged a privacy complaint in the past year were happy with the outcome
- awareness of the role of the Privacy Commissioner varied across age groups, with those over 55 having the greatest awareness and those under 25 the least.

The full results of the privacy component of the study can be found on the privacy section of the IPC website under 'Research on Privacy'.

Pillar 3: Rights Promotion & Impact

Community events

The IPC supported and celebrated 24 community events including:

2019

- National Aborigines and Islanders Day Observance Committee (NAIDOC) Week, 7-14 July
- Local Government Week, 29 July - 4 August
- International Day of the World's Indigenous Peoples, 9 August
- Indigenous Literacy Day, 5 September
- R U OK Day, 12 September
- International Day of Democracy, 15 September
- International Day for Universal Access to Information (United Nations), 28 September
- Right to Know Week NSW, 30 September - 6 October
- United Nations Day, 24 October
- International Day of Persons with Disabilities, 3 December
- Human Rights Day, 10 December

2020

- Data Privacy Day, 28 January
- Safer Internet Day, 11 February
- Zero Discrimination Day, 1 March
- Multicultural March, 1-31 March
- Open Data Day, 7 March
- International Women's Day, 8 March
- Harmony Day, 21 March
- Information Awareness Month, 1-31 May
- Open Government Week, 3-10 May
- Privacy Awareness Week, 4-10 May
- National Law Week, 18-24 May
- Global Accessibility Awareness Day, 21 May
- National Reconciliation Week, 27 May - 3 June

Resources

Since July 2019, the IPC has produced 28 new publications in addition to 75 updated publications to promote community and agency understanding of privacy and information access rights in NSW. New resources and publications have included:

- 11 information access resources, including guidance, fact sheets and tools
- 7 privacy resources, including fact sheets and tools
- 2 statutory reports and 4 regulatory reports
- 4 corporate resources, including policies
- 4 newsletters.

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

Publications review

In July 2019, the IPC commenced a major review of all publications and resources available on its website, including those for NSW citizens and public sector agencies. From 1 July 2019 to 30 June 2020, 75 publications were updated by the IPC. The publications review is ongoing to ensure that the information provided on the IPC website is accurate, up to date and in line with legislative changes.

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

Each year, the IPC reviews and updates, where appropriate, all publications identified as having a top priority for review.

Information access resources

In September 2019, the Information Commissioner issued the revised Information Access Guideline 1 - For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons) in response to changes to the *Local Government Act 1993* (NSW) and the subsequent revision of the *Model Code of Conduct for Local Councils in NSW* (2018), after consultation with the local government sector. The Guideline assists councils in meeting their obligations under the mandatory proactive release provisions of the GIPA Act.

In June 2019, the Information Commissioner also released Information Access Guideline 8: Care Leavers' access to their Out-of-Home Care Records which highlights the public interest considerations in favour of government agencies releasing information to those who have experienced out of home care arrangements. In 2020, the Information Commissioner released a follow-up checklist for citizens to complement Guideline 8, which was directed at removing barriers to access information and promoted successful outcomes in accessing care leaver information.

As part of its strategic initiatives, the IPC has undertaken identified proactive audits to elevate and influence compliance with GIPA legislation. In 2020, the IPC released the Greyhound Welfare and Integrity Commission NSW GIPA Compliance Report, the NSW Treasury GIPA Compliance Report and the Sydney Cricket and Sports Ground Trust Follow-up GIPA Compliance Report.

Pillar 3: Rights Promotion & Impact

On 29 August 2019, the IPC released guidance on safeguards to address the misuse of the GIPA Act, which was developed in response to a regulatory engagement with an applicant. The IPC also released an IPC brochure for citizens on information access frequently asked questions and a checklist including tips for framing a citizen's access application as part of Right to Know Week NSW 2019.

A list of new information access agency and citizen resources is located at Appendix 1.

Privacy resources

As part of its proactive audit program, the IPC released a Revenue NSW PPIP Act Compliance Report in early 2020. From this audit, the IPC developed guidance on mandatory notification of unlawful disclosure of personal information by Revenue NSW under the *Fines Act 1996* as a resource for citizens.

As part of the IPC's strategic priorities to support regulatory compliance, the Privacy Commissioner released a number of resources for agencies relating to best privacy practice when initiating new projects. These included guidance on privacy by design, the role of the Privacy Commissioner when consulting the IPC on initiatives and projects and the updated Privacy Impact Assessment Guide. The resources highlight the privacy elements that agencies need to consider when initiating digital projects, including those using innovative technology such as artificial intelligence.

For Privacy Awareness Week NSW 2020, the IPC's guidance on reasonably ascertainable identity was updated and republished. In addition, guidance on de-identification of personal information was released.

A list of new privacy resources for agencies and citizens is located at Appendix 1.

Information access and privacy resources

The IPC published two resources which traversed both the information access and privacy jurisdictions. The first was guidance on SOCs and your right to government and personal information, which explains how SOCs interact with information access and privacy legislation and citizens rights to government and personal information. The second was guidance on the Information Commissioner's right of appearance in NCAT and privacy counterpart, the Privacy Commissioner's right of appearance in NCAT.

e-Learning

In the reporting period, the e-learning portal had 287 new registrations to access the available e-learning modules compared with 393 new registrations in the previous financial year. There were five modules available at 30 June 2020.

The new registrations came from Government agencies (104), councils (97), the general public (25), universities (15), the private sector (25), NGO sector (18) and Ministerial Sector (3).

Submissions or reports to Parliament

Information access

Review of the State Records Act

The Information Commissioner is a member of the *State Records Act* Review Steering Committee. The review is led by Create NSW, together with DCS. As a member of the committee, the Information Commissioner informed the review with analysis of records and data management as well as access pathways in respect of information and data. This work is ongoing.

Privacy

The Privacy Commissioner also made submissions to the following public consultations:

- Submission to the Department of Communications and the Arts on the Online Safety Legislative Reform Discussion Paper
- Submission to the Department of Home Affairs on Australia's 2020 Cyber Security Strategy.

Codes of Practice

During the reporting period, the Privacy Commissioner engaged with a number of agencies concerning proposed codes of practice or public interest directions. Some of these agencies determined that the relevant projects could be implemented in compliance with the IPPs or HPPs and that a code or direction would not be required. The Privacy Commissioner continues to engage with agencies on these matters as required.

One Code of Practice was updated during the reporting period: Privacy Code of Practice for Local Government.



Pillar 4: Operational Excellence

Pillar 4: Operational Excellence

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

Objective

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

The IPC met the objectives of this pillar by:

- implementing MOG changes & providing training, support & resource, new or changed functionality (2019-20 priority)
- reviewing staff capabilities relating to digital literacy and identifying development opportunities for ongoing learning
- transitioning to paperless case management
- reviewing and updating the procedures manual for Intake and Enquiries staff
- developing a law and policy update program to be delivered by Legal Counsel and Regulatory Advice team at IPC staff meetings and deliver workshops about key issues or projects, as required
- reviewing options and providing recommendations to keep staff informed of IPC news (e.g. IPC intranet page)
- implementing improved record keeping through development of naming conventions to be applied across file documents in Resolve.

Our planning framework

IPC Strategic Plan 2020-2022

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

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

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

The IPC Strategic Plan 2020-2022 can be found on page 22.

IPC Regulatory Plan 2020-2022

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

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

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

Highlights include:

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

Further information on the Plan can be found on page 29.

Pillar 4: Operational Excellence

Planning, creation and staff consultation

In the development of the IPC Strategic Plan 2020-2022, the IPC adopted an approach to build on the structure and achievements of the previous plan. The Strategic Plan reflects four IPC-wide 'Pillars' that can be applied in the context of both the individual team's work and broader, collaborative working.

The development of the plan included extensive consultation with staff throughout October 2019, at both a team level and organisational level. All teams contributed through individual planning meetings to identify team-specific objectives, strategies to support the objective, initiatives to implement the strategies and KPIs to measure achievement.

On 5 November 2019, the whole of the IPC met to collectively bring together the work undertaken by individual teams. The meeting assessed and reviewed:

- new initiatives for the plan
- benefits in standardising terminology and approach across teams
- 'bundling' initiatives in broader strategies
- opportunities for cross-IPC work
- the importance of being clear on responsibilities and phasing across the period of the Strategic Plan.

The Strategic Plan was then developed, finalised and circulated to staff and published on the IPC website on 15 January 2020.

IPC team plans and objectives 2020-2022

IPC team objectives by Pillar for the IPC Strategic Plan 2020-2022

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

Pillar 4: Operational Excellence

GSE Act 2013

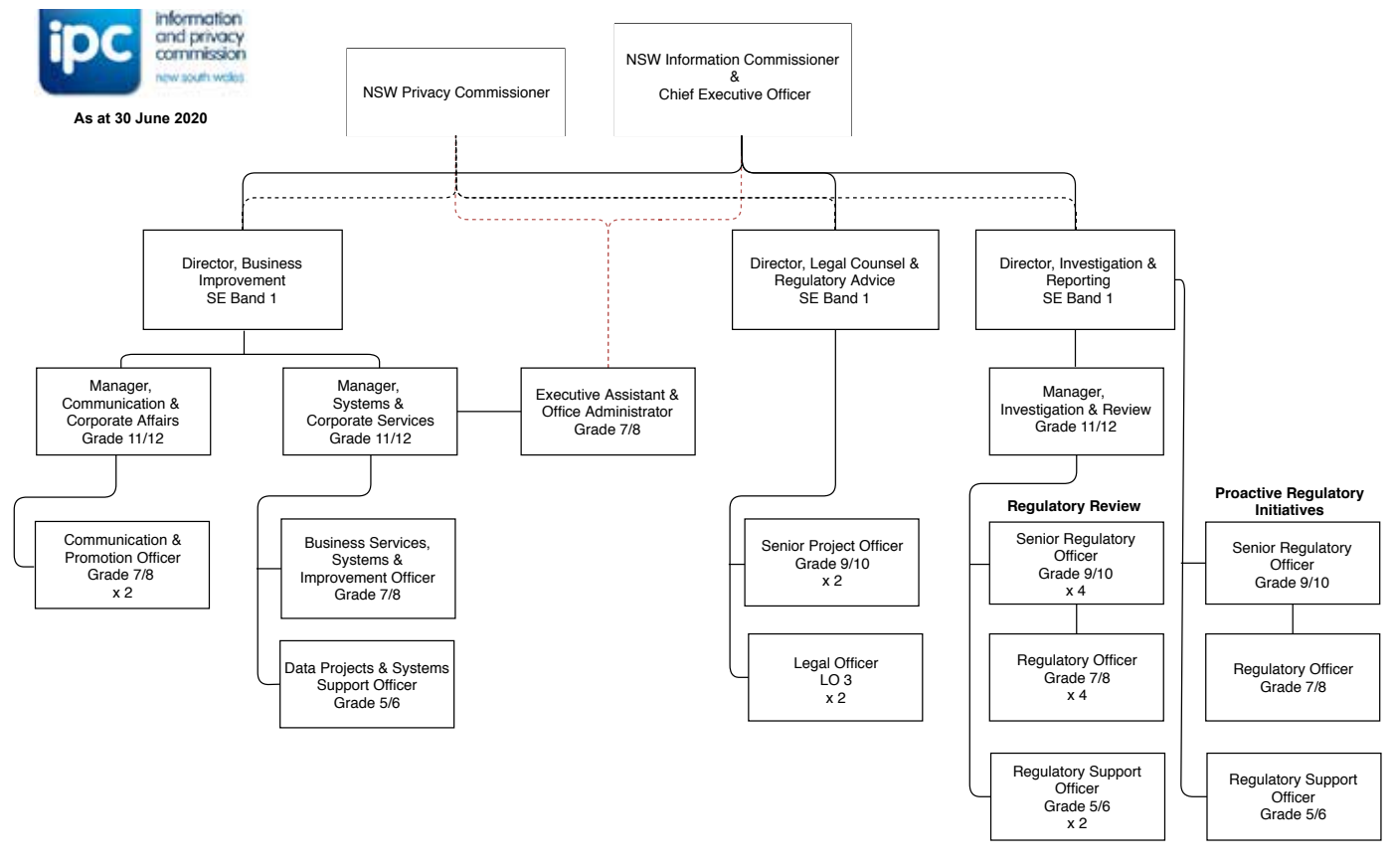
The GSE Act recognises the IPC in Schedule 1, as a separate agency with the Information Commissioner appointed as the Agency Head. Under the GSE Act, staff members are appointed to the IPC and are responsible to the Agency Head to assist with the discharge of the statutory responsibilities of the Information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

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

In 2019/20, the IPC met its compliance requirements with the GSE Act by:

- developing and implementing staff PDPs
- developing a staff training schedule
- continuing to support staff training and development in both legislative/technical areas and broader development. The IPC invested over 1,619 hours of training for staff (excluding the Commissioners who are statutory appointees)
- supporting capability development through secondment arrangements
- reinforcing commitment to ethical conduct, public sector and IPC values, including through a code of conduct
- supporting formal and informal mentoring arrangements.

Organisational structure as of 30 June 2020



Pillar 4: Operational Excellence

Our people

Senior executive

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

Senior executives and salaries by band for 2019/20

	Female	Male	Range \$	Average Range \$
Band 4	0	0	487,051 to 562,650	0
Band 3	1	0	345,551 to 487,050	353,600
Band 2	1	0	274,701 to 345,550	341,230
Band 1	2	1	192,600 to 274,700	202,230
Total	4	1	-	-

The percentage of total employee-related expenditure in the reporting year that relates to senior executives is 33%, compared with the percentage at the end of the previous reporting year of 30%.

Workplace diversity

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

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

Employee by category	2019/20	2018/19	2017/18	2016/17
Statutory	2	2	2	2
Administration	26	22	20	26
Professional	5	2	1	1
Total	33	26	23	29

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

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

Workforce Diversity Group

	Benchmark	2020	2019	2018	2017
Women	50%	75%	62%	65.2%	68%
Aboriginal and/or Torres Strait Islander People	3.3%	0%	0%	0%	0%
People whose First Language Spoken as a Child was not English	23.2%	0%*	12%	17.4%	23.2%
People with Disability	5.6%	0%	0%	0%	4%
People with Disability Requiring Work-Related Adjustment	N/A	0%	0%	0%	0%

* This figure is self reported.

IPC pulse survey

In June 2020, the IPC undertook a pulse survey to measure staff engagement during the COVID-19 pandemic. The purpose of the survey was to understand individual staff experiences and identify opportunities for how the IPC could support staff during the pandemic.

The survey contained questions about respondents' rate of agreement across multiple areas including staff experience during the pandemic of receiving IPC communications, support by IPC including assistance with working from home, productivity and teamwork.

The results of the survey were positive with 100% of staff agreeing that they were confident that the IPC could support its clients throughout COVID-19, 82% of staff agreed that communication about COVID-19 was sufficient once working from home and 100% of staff also indicated that they felt productive working from home with 95% agreeing that their team was also productive.

Pillar 4: Operational Excellence

There were some areas for improvement identified in the survey such as improving the specificity of information communicated to staff, additional hardware support required and software stability issues. The actions by the IPC in response to the results included setting up follow up team discussions about staff preferences, technical issues and what resources to further improve their current working situation.

The IPC will report on the outcomes in the next annual report.

Staff engagement survey

Each year, the IPC participates in the Public Service Commission's People Matter Employee Survey. Due to the circumstances surrounding COVID-19, instead of occurring in June, the 2020 survey will be conducted from 19 October to 13 November 2020. Results from this survey will be reported on in the next annual report.

Work health and safety (WHS)

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

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

- participating in weekly/fortnightly DCS Pandemic Response Team (COVID-19) meetings
- participating in quarterly IPC Health and Safety Committee meetings
- developing and implementing a WHS Framework and Action Plan for 2020-2022
- updating, or developing, the following new IPC policies and procedures:
 - IPC Employee Welfare Policy
 - IPC Incident reporting procedure
- in consultation with staff, establishing a comprehensive framework of WHS policies and procedures drawing on existing DCS arrangements where appropriate
- carrying out regular workplace inspections
- conducting a Pulse Survey in response to the COVID-19 pandemic to ensure staff have appropriate support in their working from home arrangements.

No workers' compensation claims were reported in 2019/20.

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

Governance

Legislative Compliance Register

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

A comprehensive review of the IPC's Legislative Compliance Register was undertaken in this reporting period. The review had regard to:

- the implementation of the *Government Sector Finance Act 2018* (GSF Act), provisions of which commenced 1 December 2018 and 1 July 2019
- the recent MOG changes following the 2019 NSW General Election, with the IPC moving to the Customer Service cluster and new ministerial arrangements
- a recommendation from the 2019 internal audit of WHS management to establish a register of relevant legislation
- the IPC's organisational changes in 2018/19 arising from amendments to the GIPA Act
- additional IPC policies and procedures implemented to address corporate obligations.

Data Breach Policy

The IPC Data Breach Policy provides guidance when responding to a breach of IPC data. The policy sets out the procedures for managing a data breach, including considerations for notification and prevention of future breaches. The policy was updated in June 2020 and is available on the IPC website.

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 and insurance cover for property, liability and miscellaneous insurance with Treasury Managed Fund (TMF).

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

Pillar 4: Operational Excellence

Consultants

The IPC commissioned three consultants during 2019/20 reporting period, at a total cost of \$33,340 for the provision of legislative and management consulting services.

Litigation

The IPC responded to an application for review to NCAT made under the PPIP Act. The application followed an internal review application to the IPC about the accuracy of the personal information held by the IPC. The applicant exercised their right to the NCAT for further review following the IPC's consideration of the matters raised. The complaint had been dealt with as a complaint under Part 5 of the PPIP Act.

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

There were no other current or pending litigation or regulatory proceedings to which the IPC was a party in the 2019/20 reporting period.

International travel

International travel for the Information Commissioner consisted of one trip to Cambridge, Massachusetts, United States of America for the purpose of attending the Digital Government residential course offered by Harvard University from 10 November 2019 to 15 November 2019. The Information Commissioner paid her travel costs in full.

There was no international travel undertaken by the Privacy Commissioner during the reporting period.

COVID-19 and IPC's corporate response

On 26 March 2020, the IPC closed its office to in-person enquiries due to the global outbreak of COVID-19. Following the issuance of the NSW Public Health Order on 30 March, the IPC moved to implement remote working arrangements for all staff.

As at 30 June, the IPC continues to follow the NSW Public Health Orders and is working closely with DCS and its Pandemic Response Team to stay abreast of any new recommendations and updates relevant to the IPC, its staff and its stakeholders.

Regular updates on COVID-19 are published on a dedicated IPC webpage which provides the latest information regarding the operation and service delivery of the IPC and relevant impacts under NSW information access and privacy legislation.

As part of this update, the NSW Information Commissioner and Open Data Advocate issued a public statement on Information Access, Data Sharing and the COVID-19 Pandemic for NSW public sector agencies and information for NSW citizens on Agency Processing of GIPA Applications.

Similarly, the NSW Privacy Commissioner issued information regarding COVID-19 and NSW Privacy Legislation for agencies and citizens.

As the COVID-19 situation continues to evolve, the IPC is committed to supporting the health and wellbeing of its employees, its stakeholders and the wider community. The IPC also continues to be committed to making informed, balanced and respectful decisions based on the expert medical advice of the Australian Federal and State authorities in regard to operating its business during the COVID-19 crisis.

The IPC is providing service as normal, with the exception of taking in-person enquiries, stakeholders are encouraged to contact the IPC via email or telephone. All employees moved to remote working arrangements on 30 March 2020. Effective physical distancing, remote working and good hygiene practices remain the IPC's best strategies for preventing community transmission of COVID-19.

The IPC is determined to manage all WHS risks, including mental health, for all employees. It implemented additional WHS measures to keep all employees safe and help stop the spread of COVID-19. It also undertook consultations with employees on a regular basis to ensure successful management of any COVID-19 related risks.

At the start of the pandemic, the IPC updated and implemented its business continuity plans which included assessments for each business units' requirements with regard to COVID-19.

The IPC was kept well-informed of any specific actions undertaken by the building management in the common areas of the building and also with respect to the future planning around COVID-19 to ensure alignment of measures with the IPC and DCS.

All corporate communications and actions for IPC staff continue to be in line with the DCS ongoing COVID-19 advice.

Pillar 4: Operational Excellence

IPC Diversity and Inclusion Action Plan

In 2017, the IPC developed a four-year strategic roadmap to improve the way it communicates with and delivers services to the diverse communities of NSW. It also identifies the way the IPC can create an inclusive workplace. The organisation is committed to achieving these strategic goals to ensure the IPC remains an innovative and respected regulator, and an employer of choice within the NSW public sector.

The IPC Diversity and Inclusion Action Plan 2017-2020 adopts a consolidated approach to cover disability, multicultural services and Aboriginal engagement. The Plan meets its legislative requirements under the *Anti-Discrimination Act 1977* (NSW), the *Disability Discrimination Act 1992* (Cth), the *Disability Services Act 1993* (NSW), the *Carers (Recognition) Act 2010* (NSW), the GSE Act, *Government Employment (General) Rules 2014*, and *Annual Reports (Departments) Regulation 2015*.

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

The Plan is due for review in 2021.

Information security management

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

Please see page 60 for the Cyber Security Policy Attestation Statement for 2019/20.

Pillar 4: Operational Excellence

Cyber Security Policy Attestation Statement



Cyber Security Annual Attestation Statement for the 2019-2020 Financial Year for the Department of Customer Service (DCS), Information and Privacy Commission NSW (IPC)

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

Risks to the information and systems of IPC have been assessed and appropriately managed.

Governance is in place to manage the cyber security risks of IPC's information and systems.

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

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

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

Yours sincerely

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

Date: 2 September 2020

Pillar 4: Operational Excellence

Internal Audit and Risk Management Attestation Statement



Internal Audit and Risk Management Attestation Statement for the 2019/20 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 Requirements	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	
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, Mr Paul Crombie
Initial term – 17/09/2014 to 17/09/2017. Term extended to 17/09/2020
Terms as Chair – 16/06/2019 to 16/06/2022
- Independent Member 1, Ms Marcia Doheny
Initial term – 28/06/2019 to 28/06/2022
- Independent Member 2, Mr Malcolm Clinch
Initial term - 05/07/2015 to 05/07/2018 - Extended to 5/07/2021

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, Information Commissioner
NSW Open Data Advocate

Date: 18.09.2020

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www.ipc.nsw.gov.au

Pillar 4: Operational Excellence

Risk management

Audit and Risk Committee (ARC) report on activity

1. Meetings held and attendance by members:

There were five meetings of the ARC held during the 2019/20 reporting year.

No. of meetings	Meeting date	Malcolm Clinch	Paul Crombie	Marcia Doheny
1	24/9/19	✓	✓	✓
2	11/10/19	✓	✓	✓
3	26/11/19	✓	✓	✓
4	27/03/20	✓	✓	✓
5	25/06/20	✓	✓	✓
Total	5	5	5	5

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

2. Key outcomes

Two internal audits were 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 the three functions are appropriately designed and have operated effectively. The Internal Audits reported that no matters of significance were identified in relation to the following functions:

- Service Delivery
- IPC Staff Retention and Performance.

The IPC continues to progress the recommendations in these audits:

- In accordance with core requirements of *TPP 15-03 Internal Audit and Risk Management Policy for the NSW Public Sector*, developed and maintains an Internal Audit Manual and Charter. The Internal Audit Manual and Charter were reviewed and updated during the reporting period.
- Provision of advice to the CEO/Information Commissioner on identification and management of financial, operational and other risks.

3. Key outputs

- Developed a targeted presentation on the Cyber Security Platform.
- Endorsed the 2019/20 internal audit plan.
- Reviewed the 2019/20 Risk Register at each meeting and monitored risk treatment/mitigation actions.
- Endorsed the updated whole of IPC Enterprise Risk Framework Review following business/strategic planning.
- Reviewed the delivery of IPC Strategic Plan and priority projects reporting.
- Monitored the IPC transition to DCS following the MOG changes in 2019.
- Monitored updates on IPC Accommodation Relocation.
- Reviewed the IPC WHS Risk Register and monitored risk treatment/mitigation actions.
- Reviewed all audit reports and monitored the implementation of recommendations.
- Reviewed and endorsed the 2018/19 financial statements for signature by the CEO and reviewed the 2019/20 early close financial statements.
- Proactive released the ARC minutes.
- Reviewed and discussed the performance management framework (dashboard) at each meeting.
- Reviewed and discussed the External Audit and Client Services Plan.
- Reviewed and endorsed the IPC Internal Audit Manual and Charter.
- Reviewed the IPC Internal Fraud Control Policy.
- Reviewed and endorsed the IPC Audit and Risk Committee Charter 2019/20.

4. ARC acquittal of Treasury requirements

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

- systems of internal controls are effective
- inaccuracies are promptly identified and addressed progressively through the year
- within year financial reporting is used to identify and address issues that have full year impact
- appropriate action has been taken to address audit recommendations.

Pillar 4: Operational Excellence

5. Priorities for next year

- Review and monitor implementation of recommendations following internal audit.
- Monitor the impact of COVID-19 to IPC operations.
- Review of the Audit Plan for 2020/21.
- Monitor the budget situation and impact of efficiency reforms.
- Review and revise the IPC Risk Plan for 2020/21.
- Continue to advise the IPC on identifying its risk appetite and risk tolerance.
- Oversight of performance against the Strategic Plan 2020-2022.
- Monitor the review of financial management and financial reporting arrangements for the IPC.
- Review the IPC Business Continuity Plan with particular regard for COVID-19.
- Review the Legislative Compliance Register.
- Conduct an ongoing review of cyber risk to the IPC.

See page 61 for the Internal Audit and Risk Management Attestation for 2019/20.

GIPA Act compliance

Decisions made on formal access applications

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

Review of proactive release program

Under section 7(1) of the GIPA Act, the IPC is authorised to proactively release any government information it holds, as long as there is no overriding public interest against disclosure. As part of the IPC's proactive release program, the IPC reviews its information as it is produced to see whether it is in the public interest to make the information available, or whether there is an overriding public interest against disclosure.

Information that can be released is made available as soon as practicable on the IPC website and in other forms as appropriate. The IPC's disclosure log was updated consistent with release decisions.

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

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

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

Decisions made on formal access applications

Of the 40 formal access applications received and dealt with by the IPC this financial year, it was decided that for four of the applications the information was not held by the IPC.

There were 24 applications transferred to other agencies which the IPC reasonably believed held the information. The IPC received 13 invalid applications for the reporting period. 12 applications did not comply with formal requirements in accordance with the GIPA Act, while one application was for excluded information. Where possible, the IPC worked with applicants to comply with formal requirements to make the application valid, with 11 of the applications subsequently becoming valid.

Statistical information about access applications made

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

Submission of GIPA report

Section 125(1) of the GIPA Act requires agencies to submit a copy of their GIPA annual report to the Minister responsible for the agency. A copy of the IPC's report will be submitted to the Attorney General, and the Minister for the Prevention of Domestic Violence and the Minister for Customer Service, the Ministers responsible for the GIPA Act.

Pillar 4: Operational Excellence

Contracts register compliance

The IPC has also:

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

PPIP Act compliance

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

Client Satisfaction Survey

In 2019/20, the IPC continued to gain valuable feedback from its Client Satisfaction Survey across the complaint and review case types. Data from the survey shows positive results, particularly when compared to the previous reporting period. In 2019/20:

- 76% of respondents agreed IPC officers were polite and helpful
- 73% agreed information such as fact sheets were easy to understand
- 77% agreed the outcome of the case was communicated clearly.

The IPC will continue its efforts to further build upon the improvements it has achieved over last year's results in increasing overall satisfaction with the outcome, keeping applicants updated and improving timeliness.

Overall, 67% of respondents were satisfied with the service provided by the IPC, up from 55% in 2018/19. The IPC will continue to monitor satisfaction and identify drivers and actions to improve the client/applicant experience with its regulatory services.

On 1 June 2018, the Department of Premier and Cabinet's Behavioural Insights Unit provided the IPC with a report on improving customer uptake of the Client Satisfaction Survey. The report made recommendations for improvements to the IPC's communication with applicants and agencies, the survey instrument and survey administration. The recommendations drew on behavioural insights literature, the experience of the NSW Customer Service Commission (CSC), and example survey instruments provided by the CSC and the NSW Ombudsman. The vast majority of the recommendations were implemented. From these recommendations, the IPC implemented changes and the updated survey was rolled out on 1 July 2019.

When compared to the previous reporting period, there were only 6 additional responses in 2019/20 totalling 146. The difference from the past survey was reflected in the increase in agreement for each of the questions posed, with an average increase of 10% per question. This is a very encouraging response and the IPC will continue to seek improvements in client satisfaction in the next reporting year.

During the reporting period, the IPC focused on extending the survey to other parts of its regulatory functions. An Agency Advice Satisfaction Survey was developed as part of the IPC Strategic Plan 2020-2022. The IPC will seek to gain similar feedback as the Client Satisfaction Survey to assist in improving the IPC's services to agencies. The survey is scheduled to be launched in the first quarter of 2020/21. Results of this survey will be reported in the 2020/21 annual report.

Pillar 4: Operational Excellence

Client Satisfaction Survey results for 2019/20

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

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

Our financial performance



Our financial performance

Statement by the Information Commissioner



STATEMENT BY INFORMATION COMMISSIONER

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

1. The accompanying financial statements exhibit a true and fair view of the financial position as at 30 June 2020 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 Act), the *Public Finance Regulation 2015*, and the Treasurer's Directions issued under the Act.

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

A handwritten signature in black ink, appearing to read 'Elizabeth Tydd', written over a horizontal line.

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

6 October 2020

Our financial performance

Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

Information and Privacy Commission

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Information and Privacy Commission (the Commission), which comprise the Statement of Comprehensive Income for the year ended 30 June 2020, the Statement of Financial Position as at 30 June 2020, the Statement of Changes in Equity and the 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 2020, 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 the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

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

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

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

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

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

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

Our financial performance

Independent Auditor's Report

Other Information

The Commission's annual report for the year ended 30 June 2020 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Information Commissioner of the Commission is responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the Statement by the Information Commissioner.

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Information Commissioner's Responsibilities for the Financial Statements

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

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

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

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

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

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

Our financial performance

Independent Auditor's Report

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

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



Weini Liao
Director, Financial Audit Services
Delegate of the Auditor-General for New South Wales
6 October 2020
SYDNEY

Our financial performance

Financial statements for the year ended 30 June 2020

Statement of comprehensive income

For the year ended 30 June 2020

	Notes	Actual 2020 \$	Budget 2020 \$	Actual 2019 \$
Expenses excluding losses				
Employee related expenses	2(a)	4,633,892	4,568,000	3,613,799
Operating expenses	2(b)	1,773,405	652,000	2,005,884
Depreciation and amortisation	2(c)	324,045	598,000	263,134
Total expenses excluding losses		6,731,342	5,818,000	5,882,817
Revenue				
Grants and contributions	3(a)	5,908,000	5,589,000	5,573,000
Acceptance by the Crown Entity of employee benefits and other liabilities	3(b)	317,963	177,000	139,332
Other revenue		-	14,000	-
Total revenue		6,225,963	5,780,000	5,712,332
Operating result		(505,379)	(38,000)	(170,485)
Loss on disposal	4	-	-	(18,045)
Net result		(505,379)	(38,000)	(188,530)
Total other comprehensive income		-	-	-
Total comprehensive income/(loss)		(505,379)	(38,000)	(188,530)

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2020

Statement of financial position

As at 30 June 2020

	Notes	Actual 2020 \$	Budget 2020 \$	Actual 2019 \$
Assets				
Current assets				
Cash and cash equivalents	6	930,889	348,000	350,573
Receivables	7	172,085	414,000	424,710
Total current assets		1,102,974	762,000	775,283
Non-current assets				
Plant and equipment	8	68,579	1,157,000	87,924
Intangible assets	9	565,706	785,000	782,497
Total non-current assets		634,285	1,942,000	870,421
Total assets		1,737,259	2,704,000	1,645,704
Liabilities				
Current Liabilities				
Payables	10	510,308	604,000	172,732
Provisions	11	551,958	377,000	304,871
Total current liabilities		1,062,266	981,000	477,603
Non-current liabilities				
Provisions	11	17,148	721,000	4,877
Total non-current liabilities		17,148	721,000	4,877
Total liabilities		1,079,414	1,702,000	482,480
Net assets		657,845	1,002,000	1,163,224
Equity				
Accumulated funds		657,845	1,002,000	1,163,224
Total equity		657,845	1,002,000	1,163,224

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2020

Statement of changes in equity

For the year ended 30 June 2020

	Accumulated funds \$
Balance at 1 July 2019	1,163,224
Net result for the year	(505,379)
Other comprehensive income	-
Total comprehensive income for the year	(505,379)
Transaction with owners in their capacity as owners	-
Balance at 30 June 2020	657,845
Balance at 1 July 2018	1,351,754
Net result for the year	(188,530)
Other comprehensive income	-
Total comprehensive income for the year	(188,530)
Transaction with owners in their capacity as owners	-
Balance at 30 June 2019	1,163,224

The accompanying notes form part of these financial statements.

Our financial performance

Statement of cash flows

For the year ended 30 June 2020

	Notes	Actual 2020 \$	Budget 2020 \$	Actual 2019 \$
Cash flow from operating activities				
Payments				
Employee related		(4,105,195)	(4,391,000)	(3,646,855)
Suppliers for goods and services		(1,284,508)	(834,000)	(2,306,445)
Total payments		(5,389,703)	(5,225,000)	(5,953,300)
Receipts				
Grants and contributions		5,908,000	5,589,000	5,573,000
Other		149,928	146,000	186,119
Total receipts		6,057,928	5,735,000	5,759,119
Net cash flows from operating activities	12	668,225	510,000	(194,181)
Cash flows from investing activities				
Purchases from plant, equipment and intangible assets		(87,909)	(150,000)	(125,324)
Net cash flows from investing activities	8,9	(87,909)	(150,000)	(125,324)
Cash flows from financing activities				
Net cash flows from financing activities		-	(361,000)	-
Net (decrease)/increase in cash and cash equivalents				
Opening cash and cash equivalents		350,573	-	670,078
Closing cash and cash equivalents	6	930,889	(1,000)	350,573

The accompanying notes form part of these financial statements.

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

1. Statement of significant accounting policies

(a) Reporting entity

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

The financial statements for the period ended 30 June 2020 have been authorised for issue by the Information Commissioner on 6 October 2020.

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

(b) Basis of preparation

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

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
- the requirements of the *Public Finance and Audit Act 1983* (The Act) and *Public Finance and Audit Regulation 2015*; and
- Treasurer's Directions issued under the Act.

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

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

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

The Crown Entity has approved the Commissions' future budgeted expenditure for the period 2021-2024. The Commissions' financial statements for the year ending 30 June 2020 have been prepared on a going concern basis, which contemplates the continuity of normal operating activity and the realisation of assets and the settlement of liabilities in the normal course of operations. The Commission held cash on hand and at bank as at 30 June 2020 of \$930,889 and will receive grants from the Department of Customer Service in the 2021 financial year to fund its approved budgeted operations.

(c) Statement of compliance

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

(d) Accounting for Goods and Services Tax

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

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

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

(e) Equity

Accumulated Funds

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

(f) Comparative information

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

1. Statement of significant accounting policies (continued)

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

(i) Effective for the first time in 2019-20

The accounting policies applied in 2019-2020 are consistent with those of the previous financial year except as a result of new or revised accounting standards that have been applied for the first time in 2019-20.

The Commission applied AASB 15 *Revenue from Contracts with Customers*, AASB 1058 *Income of Not-for-Profit Entities*, and AASB 16 *Leases* for the first time. The nature and effect of the changes as a result of adoption of these new accounting standards are described below.

Several other amendments and interpretations apply for the first time in FY2019-20, but do not have an impact on the financial statements of the Commission.

AASB 15 Revenue from Contracts with Customers

AASB 15 supersedes AASB 111 *Construction Contracts*, AASB 118 *Revenue* and related Interpretations and it applies, with limited exceptions, to all revenue arising from contracts with customers. AASB 15 establishes a five-step model to account for revenue arising from contracts with customers and requires that revenue be recognised at an amount that reflects the consideration to which an entity expects to be entitled in exchange for transferring goods or services to a customer.

AASB 15 requires entities to exercise judgement, taking into consideration all of the relevant facts and circumstances when applying each step of the model to contracts with their customers. The standard also specifies the accounting for the incremental costs of obtaining a contract and the costs directly related to fulfilling a contract. In addition, the standard requires relevant disclosures.

In accordance with the transition provisions in AASB 15, the Commission has adopted AASB 15 retrospectively with the cumulative effect of initially applying the standard recognised at the date of initial application, i.e. 1 July 2019. The Commission has used the transitional practical expedient permitted by the standard to reflect the aggregate effect of all of the modifications that occur before 1 July 2018 when:

- identifying the satisfied and unsatisfied performance obligations
- determining the transaction price
- allocating the transaction price to the satisfied and unsatisfied performance obligations.

The adoption of AASB15 did not have an impact on the statement of comprehensive income, statement of financial position, other comprehensive income and the statement of cash flows for the financial year.

AASB 1058 Income of Not-for-Profit Entities

AASB 1058 replaces most of the existing requirements in AASB 1004 *Contributions*. The scope of AASB 1004 is now limited mainly to contributions by owners (including parliamentary appropriations that satisfy the definition of a contribution by owners), administrative arrangements and liabilities of government departments assumed by other entities.

AASB 1058 applies to income with a donation component, i.e. transactions where the consideration to acquire an asset is significantly less than fair value principally to enable a not-for-profit entity to further its objectives; and volunteer services.

AASB 1058 adopts a residual approach, meaning that entities first apply other applicable Australian Accounting Standards (e.g. AASB 1004, AASB 15, AASB 16, AASB 9, AASB 137) to a transaction before recognising income.

Not-for-profit entities need to determine whether a transaction is/contains a donation (accounted for under AASB 1058) or a contract with a customer (accounted for under AASB 15).

AASB 1058 requires recognition of receipt of an asset, after the recognition of any related amounts in accordance with other Australian Accounting Standards, as income:

- when the obligations under the transfer is satisfied, for transfers to enable an entity to acquire or construct a recognisable non-financial asset that will be controlled by the entity.
- immediately, for all other income within the scope of AASB 1058.

In accordance with the transition provisions in AASB 1058, the Commission has adopted AASB 1058 retrospectively with the cumulative effect of initially applying the standard at the date of initial application, i.e. 1 July 2019. The Commission has adopted the practical expedient in AASB 1058 whereby existing assets acquired for consideration significantly less than fair value principally to enable the entity to further its objectives, are not restated to their fair value.

The adoption of AASB 1058 did not have an impact on statement of comprehensive income, statement of financial position, other comprehensive income and the statement of cash flows for the financial year.

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

1. Statement of significant accounting policies (continued)

AASB 16 Leases

AASB 16 supersedes AASB 117 *Leases*, Interpretation 4 *Determining whether an Arrangement contains a Lease*, Interpretation 115 *Operating Leases – Incentives and Interpretation 127 Evaluating the Substance of Transactions Involving the Legal Form of a Lease*. The standard sets out the principles for the recognition, measurement, presentation and disclosure of leases and requires lessees to recognise most leases on the balance sheet.

Lessee accounting

AASB 16 requires the Commission to account for all leases under a single on-balance sheet model similar to the accounting for finance leases under AASB 117. As the lessee, the Commission recognises a lease liability and right-of-use asset at the inception of the lease. The lease liability is measured at the present value of the future lease payments, discounted using the interest rate implicit in the lease, or the lessee's incremental borrowing rate if the interest rate implicit in the lease cannot be readily determined. The corresponding right-of-use asset is measured at the value of the lease liability adjusted for lease payments before inception, lease incentives, initial direct costs and estimates of costs for dismantling and removing the asset or restoring the site on which it is located.

The Commission has adopted the partial retrospective option in AASB 16, where the cumulative effect of initially applying AASB 16 is recognised on 1 July 2019 and the comparatives for the year ended 30 June 2019 are not restated.

The Commission does not have any leases which meet the criteria of AASB 16 leases for the purposes of 30 June 2020 reporting.

The adoption of AASB 16 did not have an impact on statement of comprehensive income, statement of financial position, other comprehensive income and the statement of cash flows for the financial year.

(ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise. Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2020 reporting periods.

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

- AASB 2018-5 *Amendments to Australian Accounting Standards – Deferral of AASB 1059*.
- AASB 2018-8 *Amendments to Australian Accounting Standards – Right-of Use Assets of Not-for-Profit Entities*.

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

(h) Natural disasters and financial impact on the Commission

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

2. Expenses excluding losses

(a) Employee related expenses

	2020 \$	2019 \$
Salaries and wages (including annual leave)	3,689,806	2,887,179
Payroll tax & fringe benefit tax	225,531	168,845
Superannuation - defined contribution plans	260,433	180,949
Superannuation - defined benefit plans	52,888	66,372
Workers' compensation insurance	12,980	9,317
Long service leave	357,658	69,318
Voluntary redundancy	32,186	228,072
Payroll tax assumed by Crown	2,410	3,747
Total	4,633,892	3,613,799

(b) Other operating expenses

Administration fees	259,598	200,000
Advertising and publicity	58,333	18,402
Agency staff fees	289,499	767,064
Audit and risk committee fees	19,452	26,355
Auditor's remuneration		
- audit of the financial statements	35,000	27,350
- internal audit	29,875	22,275
Computer related expenses	145,701	72,959
Consultants and contractors	33,340	68,282
Fees - external client training	-	3,302
Insurance	3,540	3,640
Legal services	39,179	44,391
Miscellaneous fees	5,151	4,910
Motor vehicle expense	-	13,136
Other	-	14,055
Postage	10,637	8,333
Printing	6,257	14,998
Rental	532,078	499,099
Repair and maintenance*	4,178	6,020
Staff expenses	183,707	79,067
Stores and stationary	19,403	5,814
Subscription and membership	38,090	25,542
Telephone	56,186	59,016
Travel	4,201	21,874
Total	1,773,405	2,005,884

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

2. Expenses excluding losses (continued)

Recognition and measurement

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.

Maintenance expense

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

Operating leases (up to 30 June 2019)

Up to 30 June 2019, operating lease payments are recognised as an operating expense in the Statement of Comprehensive Income on a straight-line basis over the lease term. An operating lease is a lease other than a finance lease.

Lease expense (from 1 July 2019)

From 1 July 2019, the Commission recognises the lease payments as an operating expense in the Statement of Comprehensive Income associated with the following types of leases:

- Leases that meet the definition of short-term. i.e. where the lease term at commencement of the lease is 12 months or less. This excludes leases with a purchase option.
- Leases of assets that are valued at \$10,000 or under when new.

(c) Depreciation and amortisation expense

	2020 \$	2019 \$
Depreciation		
Computer equipment	75,968	14,866
Furniture and fittings	9,526	8,641
Plant and equipment	865	899
Total depreciation expense	86,359	24,406
Amortisation		
Intangible assets - software	237,686	238,728
Total amortisation expense	237,686	238,728
Total	324,045	263,134

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

2. Expenses excluding losses (continued)

Recognition and measurement

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

All material separately identifiable components of assets are depreciated over their shorter useful lives. The depreciation/amortisation rates used for each class of assets are as follows:

Asset class	Rate of depreciation
Computer equipment - portable	33%
Office equipment	20%
Furniture & fittings	10%
Intangible assets - software	25%

3. Revenue

(a) Grants and contributions

	2020 \$	2019 \$
Government grants - recurrent	5,758,000	5,423,000
Government grants - capital	150,000	150,000
Total	5,908,000	5,573,000

The Commission receives its funding under appropriations from the grant funding received from the Department of Customer Service which receives appropriations from the Consolidated Fund. Appropriations for each financial year are set out in the Appropriation Act for that year. Due to COVID-19, the State Budget and related 2020-21 Appropriation Bill has been delayed and is anticipated to be tabled in Parliament in November/December 2020. However, pursuant to section 4.10 of the GSF Act, the Treasurer has authorised Ministers to spend specified amounts from the Consolidated Fund. This authorisation is current from 1 July 2020 until the earlier of 31 December 2020 (or another day prescribed by the regulations) or enactment of the 2020-21 annual Appropriations Act.

Movement of section 4.7 GSF Act – deemed appropriations:

	2020 \$	2019 \$
Opening balance	-	-
Adjustment for appropriations deemed on commencement of section 4.7	350,573	-
Adjusted opening balance	350,573	-
Add: additions of deemed appropriations	6,057,928	6,078,624
Less: expenditure charged against deemed appropriations	(5,477,612)	(6,078,624)
Closing balance	930,889	-

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

3. Revenue (continued)

Recognition and measurement

Until 30 June 2019

Income from grants (other than contribution by owners) is recognised when the entity obtains control over the contribution. The entity is deemed to have assumed control when the grant is received or receivable. Contributions are recognised at their fair value.

From 1 July 2019

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

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

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

	2020 \$	2019 \$
Superannuation - defined benefit	50,477	66,372
Long service leave	265,076	69,213
Payroll tax	2,410	3,747
Total	317,963	139,332

4. Gain/(loss) on disposal

	2020 \$	2019 \$
Gain/(loss) on disposal of plant and equipment and intangibles		
Written down value of plant and equipment and intangibles disposed	-	(18,045)
Net gain/(loss) on disposal of plant and equipment and intangibles	-	(18,045)

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

5. Program group

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

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

6. Current assets – cash and cash equivalents

	2020 \$	2019 \$
Cash at bank	930,889	350,573
Cash on hand	-	-
Closing cash	930,889	350,573

For the purposes of the statement of cash flows, cash and cash equivalents include cash at bank and cash on hand.

Cash and cash equivalent assets recognised in the statement of financial position are the same as cash and cash equivalents assets recognised in the statement of cash flows.

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

7. Current assets – receivables

	2020 \$	2019 \$
GST receivable	3,709	28,872
Prepayments*	47,273	375,149
Accrued income (redundancy expense recoup)	104,138	12,987
Other receivables	16,965	7,702
	172,085	424,710

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

* Prepayments as at 30 June 2020 relate to the purchase of annual subscriptions in advance. The subscriptions are amortised to the statement of comprehensive income over the period of the subscription. Prior year prepayments relate to the prepayment of corporate services to the Department of Justice (\$200,000) and annual subscriptions.

Recognition and measurement

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

Subsequent measurement

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

7. Current assets – receivables (continued)

Impairment of financial assets

Impairment under AASB 9

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

For trade receivables, the Commission applies a simplified approach in calculating ECLs. The Commission recognises a loss allowance based on lifetime ECLs at each reporting date. The Commission has established a provision matrix based on its historical credit loss experience for trade receivables, adjusted for forward looking factors specific to the receivable. At 30 June 2020, the Commission has no provision for expected credit losses.

8. Non-current assets – plant and equipment

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

Reconciliation

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

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

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

	Computer equipment \$	Furniture & fittings \$	Plant and equipment \$	Total \$
At 1 July 2018 - fair value				
Gross carrying amount	91,137	79,570	37,358	208,065
Accumulated depreciation and impairment	(59,394)	(18,549)	(35,595)	(113,538)
Net carrying amount	31,743	61,021	1,763	94,527
At 30 June 2019 - fair value				
Gross carrying amount	56,805	98,499	37,358	192,662
Accumulated depreciation and impairment	(41,054)	(27,190)	(36,494)	(104,738)
Net carrying amount	15,751	71,309	864	87,924

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 \$	Plant and equipment \$	Total \$
Year ended 30 June 2019				
Net carrying amount at start of year	31,743	61,021	1,763	94,527
Additions	11	18,929	-	18,940
Disposals	(1,137)	-	-	(1,137)
Depreciation expenses	(14,866)	(8,641)	(899)	(24,406)
Net carrying amount at end of year	15,751	71,309	864	87,924

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

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

Recognition and measurement

Acquisition of assets

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

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

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

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

Capitalisation threshold

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

Revaluation of property, plant and equipment

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

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

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

Impairment of plant and equipment

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

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

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

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

9. Intangible assets

	Software \$
At 1 July 2019	
Cost (gross carrying amount)	2,008,326
Accumulated amortisation	(1,225,829)
Net carrying amount	782,497
At 30 June 2020	
Cost (gross carrying amount)	2,027,929
Accumulated amortisation	(1,462,223)
Net carrying amount	565,706

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 2020	
Net carrying amount at beginning of year	782,497
Additions	20,895
Disposals	(-)
Amortisation (recognised in 'depreciation and amortisation')	(237,686)
Net carrying amount at end of year	565,706
At 1 July 2018	
Cost (gross carrying amount)	1,980,176
Accumulated amortisation	(1,048,427)
Net carrying amount	931,749
At 30 June 2019	
Cost (gross carrying amount)	2,008,326
Accumulated amortisation	(1,225,829)
Net carrying amount	782,497

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

9. Intangible assets (continued)

Reconciliation

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

	Software \$
Year ended 30 June 2019	
Net carrying amount at beginning of year	931,749
Additions	106,384
Disposals	(16,908)
Amortisation (recognised in 'depreciation and amortisation')	(238,728)
Net carrying amount at end of year	782,497

Intangible assets comprise of computer software assets.

Recognition and measurement

The Commission recognises intangible assets only if it is probable that future economic benefits will flow to the Commission and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition. Following the initial recognition, intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the Commission's intangible assets, the assets are carried at cost less any accumulated amortisation and impairment losses.

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

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

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount, the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

10. Current liabilities – payables

	2020 \$	2019 \$
Accrued salaries, wages and on-costs	63,440	11,650
Sundry accruals and creditors	446,868	149,625
Corporate credit card	-	11,457
Total	510,308	172,732

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

Recognition and measurement

Payables represent liabilities for goods and services provided to the Commission and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial. Payables are financial liabilities at amortised cost, initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in net result when the liabilities are derecognised as well as through the amortisation process.

11. Current/non-current liabilities – provisions

	2020 \$	2019 \$
Current		
Recreation leave	407,887	248,783
Long service leave on costs	144,071	56,088
Total	551,958	304,871
Non-current		
Long service leave on costs	17,148	4,877
Total	17,148	4,877
Aggregate employee benefits and related on-costs		
Provisions - current	551,958	304,871
Provisions - non-current	17,148	4,877
Accrued salaries, wages and on-costs (note 10)	63,440	11,650
Total	632,546	321,398

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

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

	2020 \$	2019 \$
Provisions expected to be settled within 12 months from reporting date		
Recreation leave	407,887	248,783
Long service leave on costs	441	7,507
Total	408,328	256,290
Provisions expected to be settled in more than 12 months from reporting date		
Recreation leave	-	-
Long service leave on costs	160,778	53,548
Total	160,778	53,548

Recognition and measurement

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

Employee benefits and related on-costs

Salaries and wages, annual leave and sick leave

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

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

Actuarial advice obtained by Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 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. All annual leave is classified as a current liability even where the Commission does not expect to settle the liability within 12 months as the Commission does not have an unconditional right to defer settlement.

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

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

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

Long service leave and superannuation

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

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

Consequential costs

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

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

	2020 \$	2019 \$
Net cash flows from operating activities	668,225	(194,181)
Depreciation and amortisation expense	(324,045)	(263,134)
Loss on sale of plant and equipment and intangibles	-	(18,045)
(Decrease)/increase in receivables and prepayments	(244,043)	23,543
(Increase)/decrease in provisions	(259,357)	155,703
(Increase)/decrease in payables	(346,159)	107,584
Net result	(505,379)	(188,530)

13. Budget review

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 financial statements are explained below.

Net result

The actual net result was higher than budget by \$467,379, primarily due to higher operating expenses relating to staff training & computer related expenses.

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

13. Budget review (continued)

Assets and liabilities

The actual net asset result was lower than budget by \$344,155, primarily due to lower plant & equipment purchases.

Cash flows

The actual net asset result was higher than budget by \$931,889, primarily due to zero actual cash flow on financing activities.

14. Financial instruments

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

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

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

Financial instrument categories

(i) As at 30 June 2020

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

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).

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

14. Financial instruments (continued)

(ii) As at 30 June 2019

Class	Note	Category	Carrying amount
Financial assets			
Cash and cash equivalents	6	Amortised cost	350,573
Receivables ¹	7	Amortised cost	20,689
Financial liabilities			
Payables ²	10	Financial liabilities measured at amortised cost	172,732

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).

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

Credit risk

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

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

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

Based on management's assessment on natural disasters (including COVID-19), there was no impact on the receivables and other assets in the balance sheet. The Commission has assessed the recoverability of its debtors and there was no additional impact on the ECL calculation that has been performed at 30 June 2020.

Cash and cash equivalents

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

Receivables – trade debtors

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

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

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

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

14. Financial instruments (continued)

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

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

There are no debtors which are currently past due and impaired. The loss allowance for trade debtors as at 30 June 2020 and 1 July 2019 was determined to be \$nil.

The Commission is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors as at 30 June 2020.

Liquidity risk

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

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

Liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. For small business suppliers, where terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received.

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

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

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

14. Financial instruments (continued)

Maturity analysis and interest rate exposure of financial liabilities

	Weighted average effective interest rate	Interest rate exposure			Maturity dates		
		Nominal amount \$	Fixed interest rate \$	Non-interest bearing \$	< 1 year \$	1-5 years \$	> 5 years \$
2020							
Financial liabilities							
Payables		510,308	-	510,308	510,308	-	-
		510,308	-	510,308	510,308	-	-
2019							
Financial liabilities							
Payables		172,732	-	172,732	172,732	-	-
		172,732	-	172,732	172,732	-	-

Market risk

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

Interest rate risk

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

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

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

Fair value measurement

i. Fair value compare to carrying amount

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

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

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

14. Financial instruments (continued)

ii. Fair value recognised in the statement of financial position

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

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

Financial assets

Derecognition of financial assets and financial liabilities

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

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

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

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

Offsetting financial instruments

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

15. Contingent liabilities and contingent assets

The Commission has no contingent liabilities or contingent asset as at 30 June 2020 (2019: \$nil).

Our financial performance

Notes to the financial statements for the year ended 30 June 2020

16. Related party disclosure

Key management personnel

	2020 \$	2019 \$
Short-term employee benefits:		
Salaries	775,711	715,396
Other monetary allowances	-	-
Non-monetary allowances	-	-
Other long-term employee benefits	-	-
Post-employment benefits	32,249	31,444
Termination benefits	-	-
Total remuneration	807,960	746,840

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

Other related party transactions

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

These transactions include:

- Grants and contributions received from the Department of Customer Services (Department of Justice pre Machinery of Government change).
- Long Service Leave and Defined Benefit Superannuation assumed by Crown.
- Transactions relating to the Treasury Banking System.
- Employer contributions paid to Defined Benefit Superannuation funds.
- Payments for the provision of personnel and corporate service to the Department of Justice.
- Payments for the provision of personnel and corporate service to the Department of Customer Services (following Machinery of Government change). The Commission's Corporate Service charge was \$200,000 for the year ended 30 June 2020.
- Payments into the Treasury Managed Fund for workers' compensation insurance and other insurances.

17. Events after the reporting period

Non-adjusting events

There are no known events after the reporting period which would give rise to a material impact on the reported results or financial position of the Commission as at 30 June 2020.

End of audited financial statements.

Appendices



Appendix 1 – Publications and resources issued in 2019/20

Reports

- IPC Annual Report 2018/19
- *Report on the Operation of the Government Information (Public Access) Act 2009, 2018-2019*
- PPIP Act Compliance Report – Revenue NSW
- GIPA Act Compliance Report – Greyhound Welfare Integrity Commission
- GIPA Act Compliance Report – NSW Treasury
- GIPA Act follow up Compliance Report – Sydney Cricket and Sports Ground Trust

IPC corporate resources

- IPC Unreasonable Client Conduct Policy
- IPC Legislative Compliance Register
- IPC Speaking Engagement Policy
- IPC Social Media Policy

IPC newsletters

- IPC Bulletin – September 2019
- IPC Bulletin – December 2019
- IPC Bulletin – March 2020
- IPC Bulletin – June 2020

Information access resources

- Fact Sheet - Safeguards against the misuse of the GIPA Act
- Fact Sheet - The GIPA Act and Copyright
- Fact Sheet - Digital records and the GIPA Act
- Fact Sheet - State-Owned Corporations (SOCs) and your right to government and personal information
- Fact Sheet - Information Commissioner's right of appearance in the NSW Civil and Administrative Tribunal
- Checklist - Care Leavers: Making an application for out-of-home care records under the GIPA Act
- Checklist - Tips for framing your information access application
- Brochure - Your right to access government information
- Guide to reporting on agency GIPA operations 2018-2019
- Guideline - Revised Information Access Guideline 1: For local councils on the disclosure of information
- Report - Key Features of Right to Information Legislation

Privacy resources

- Fact Sheet - The Role of the Privacy Commissioner: Consulting the IPC on Initiatives and Projects
- Fact Sheet - The PPIP Act: Agency delegations, systems and practices
- Fact Sheet - Privacy by Design
- Fact Sheet - State-Owned Corporations (SOCs) and your right to government and personal information
- Fact Sheet - De-identification of personal information
- Fact Sheet - Privacy Commissioner's right of appearance in the NSW Civil and Administrative Tribunal
- Fact Sheet - Mandatory notification of unlawful disclosure of personal information by Revenue NSW under the Fines Act 1996

Appendix 2 – Diversity and inclusion

In June 2019, the Information Commissioner released Information Access Guideline 8: Care Leavers' access to their Out-of-Home Care Records which highlights the public interest considerations in favour of government agencies releasing information to those who have experienced out-of-home care arrangements. In 2020, the Information Commissioner released a follow-up checklist for citizens to complement Guideline 8, which was directed at removing barriers to access information and promoted successful outcomes in accessing care leaver information. This Checklist was promoted to IPC stakeholders and supplied to the Right to Information and Privacy Practitioners' Consultative Group to share with its wider network.

Care leavers are often disadvantaged and come from diverse backgrounds, including members of the Stolen Generation. The IPC has continued to promote the Guideline and Checklist and will monitor their impact in improving access to information for vulnerable groups.

In March 2020, the IPC commissioned a NSW Community Attitudes Survey on information access and privacy. This is a biannual survey and in 2020 additional questions were included on data sharing and on agency assistance. Citizens were surveyed in March and April 2020 and the report on findings was received by the IPC on 14 April 2020. The results provided a broad and indicative sense of citizen awareness about their information access and privacy rights in NSW as well as attitudes to data sharing by government. More information including the results of the survey can be found on page 49.

By undertaking the survey, the IPC has been able to better identify the needs of people within diverse communities in NSW to promote their right to accessing government-held information and the protection of privacy, as outlined in Priority 1 of the IPC Diversity and Inclusion Action Plan.

Through the IPC Publications Review, the IPC has reviewed and updated over 75 publications in the reporting period. This has ensured that information released by the IPC is current and is accessible and understandable to a diverse audience as outlined in Priority 2 of the Plan.

During the reporting period, the IPC held an online event during Privacy Awareness Week NSW 2020 and engaged in several other online events held by other organisations. This allowed for greater rural and regional participation in events and for the IPC to engage with a wider and more geographically dispersed audience compared to having a physical event.

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

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

Statistical information about access applications made to IPC

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

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

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

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

Total number of applications received
40

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

Number of applications refused	Wholly	Partly	Total
	3	1	4
% of Total	75%	25%	

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

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn	Total	% of Total
Media	0	0	0	0	0	0	0	0	0	0%
Members of Parliament	0	0	0	0	0	0	0	0	0	0%
Private sector business	0	0	0	0	0	0	0	1	1	5%
Not for profit organisations or community groups	0	1	0	0	0	0	0	0	1	5%
Members of the public (application by legal representative)	0	0	0	0	0	0	0	2	2	9%
Members of the public (other)	3	2	4	4	2	0	0	3	18	82%
Total	3	3	4	4	2	0	0	6	22	
% of Total	13%	13%	18%	18%	9%	0%	0%	27%		

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

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

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications*	0	1	1	0	0	0	0	4	6	27%
Access applications (other than personal information applications)	3	2	3	4	2	0	0	2	16	73%
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0	0	0%
Total	3	3	4	4	2	0	0	6	22	
% of Total	14%	14%	18%	18%	9%	0%	0%	27%		

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

Table C: Invalid applications

Reason for invalidity	No. of applications	% of Total
Application does not comply with formal requirements (section 41 of the GIPA Act)	12	32%
Application is for excluded information of the agency (section 43 of the GIPA Act)	1	3%
Application contravenes restraint order (section 110 of the GIPA Act)	0	0%
Total number of invalid applications received	13	35%
Invalid applications that subsequently became valid applications	11	30%

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

	Number of times consideration used*	% of Total
Overriding secrecy laws	0	0%
Cabinet information	0	0%
Executive Council information	0	0%
Contempt	0	0%
Legal professional privilege	2	50%
Excluded information	2	50%
Documents affecting law enforcement and public safety	0	0%
Transport safety	0	0%
Adoption	0	0%
Care and protection of children	0	0%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
Total	4	

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

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

	Number of occasions when application not successful	% of Total
Responsible and effective government	1	20%
Law enforcement and security	1	20%
Individual rights, judicial processes and natural justice	2	40%
Business interests of agencies and other persons	0	0%
Environment, culture, economy and general matters	0	0%
Secrecy provisions	1	20%
Exempt documents under interstate Freedom of Information legislation	0	0%
Total	5	

Table F: Timeliness

	Number of applications	% of Total
Decided within the statutory timeframe (20 days plus any extensions)	37	97%
Decided after 35 days (by agreement with applicant)	1	3%
Not decided within time (deemed refusal)	0	0%
Total	38	

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

	Decision varied	Decision upheld	Total	% of Total
Internal review	1	0	1	100%
Review by Information Commissioner*	0	0	0	0%
Internal review following recommendation under section 93 of Act	0	0	0	0%
Review by NCAT	0	0	0	0%
Total	1	0	0	

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

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

	Number of applications for review	% of Total
Applications by access applicants	1	100%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0	0%
Total	1	

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

	Number of applications transferred	% of Total
Agency-initiated transfers	22	92%
Applicant-initiated transfers	2	8%
Total	24	

Appendix 4 – Data statement

Due to the MOG, the IPC migrated the records database from the Department of Justice to DCS. As at 30 June 2020, the database was serviced by the new cluster.

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

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

Appendix 5 – Credit card certification

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

Appendix 6 – Payment of accounts

For the year ended 30 June 2020

Supplier accounts paid on time					
Quarter	Target %	Actual %	Current	Total payments	
Sep-19	95%	70%	\$1,030,520	\$1,691,725	
Dec-19	95%	83%	\$2,143,541	\$2,281,116	
Mar-20	95%	89%	\$130,730	\$136,563	
Jun-20	95%	58%	\$112,866	\$422,052	

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

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

Executive management reviews the quarterly payment performance reports to identify any issues arising and takes appropriate measures to improve compliance in accordance with NSW Treasury guidelines. Delays have been identified and systems reviewed and enhanced to ensure the timely payment of accounts. There was no penalty interest for late payment during the financial year ended 30 June 2020.

Appendix 7 – Time for payment of accounts

For the year ended 30 June 2020

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					
Sep-19	\$1,030,520	\$411,813	\$36,754	\$115,206	\$97,431
Dec-19	\$2,143,541	\$135,009	\$2,566	\$0	\$0
Mar-20	\$130,730	\$5,833	\$0	\$0	\$0
Jun-20	\$112,866	\$62,728	\$47,900	\$141,169	\$57,388
Small business suppliers					
Sep-19	\$82,669	\$2,200	\$0	\$0	\$0
Dec-19	\$27,123	\$10,560	\$0	\$0	\$0
Mar-20	\$0	\$990	\$0	\$0	\$0
Jun-20	\$0	\$583	\$0	\$0	\$7,757
Accounts due or paid within each quarter					
Measure	September 2019	December 2019	March 2020	June 2020	
All suppliers					
Number of accounts due for payment	145	186	37	64	
Number of accounts paid on time	102	155	33	37	
Actual percentage of accounts paid on time (based on no. of accounts)	70%	83%	89%	58%	
Dollar amount of accounts due for payment	\$1,691,725	\$2,281,116	\$136,563	\$422,052	
Dollar amount of accounts paid on time	\$1,030,520	\$2,143,541	\$130,730	\$112,866	
Actual percentage of accounts paid on time (based on \$)	61%	94%	96%	27%	
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	18	13	1	3	
Number of accounts due to small businesses paid on time	17	10	0	0	
Actual percentage of small business accounts paid on time (based on no. of accounts)	94%	77%	0%	0%	
Dollar amount of accounts due for payment to small businesses	\$84,869	\$37,683	\$990	\$8,340	
Dollar amount of accounts due to small businesses paid on time	\$82,669	\$27,123	\$0	\$0	
Actual percentage of small business accounts paid on time (based on \$)	97%	72%	0%	0%	
Number of payments to small business for interest on overdue accounts	0	0	0	0	
Interest paid to small businesses on overdue accounts	0	0	0	0	

Appendix 8 – Annual report compliance requirements

Under the *Annual Reports (Departments) Act 1985*, the *Annual Reports (Departments) Regulation 2010*, *Annual Reports (Statutory Bodies) Act 1984*, *Annual Reports (Statutory Bodies) Regulation 2010*, Premier's Circular, Premier's Memoranda and various Treasury Circulars and Treasurer's Directions, the IPC is required to include the following information in this Annual Report, as per the NSW Annual Report Compliance Checklist, September 2019.

Requirement	Note	Page
Letter of submission	Letters to the President and Speaker	3
Application for extension of time	N/A	-
Charter	About the IPC	17
Aims and objectives	About the IPC	17
Access	Address, telephone, business hours	2, back cover
Management and structure	Names, offices and qualifications of principal officers Organisational Chart	8, 11 55
Summary review of operations	CEO and Information Commissioner – an overview Financial statements	7 68-96
Funds granted to non-government community organisations	N/A	-
Legal change	N/A	-
Economic or other factors	Pillar 4: Governance	58
Management and activities	IPC Strategic Plan 2020-2022	22
	Pillar 1: Service Delivery & Excellence What are we doing to improve services to the community?	30
	Pillar 2: Engagement & Influence What are we doing to directly influence regulated agencies and engage with the public?	42
	Pillar 3: Rights Promotion & Impact What are we doing to anticipate and address emerging regulatory issues in NSW and nationally?	46
	Pillar 4: Operational Excellence What are we doing to support an effective, efficient one-IPC?	52
Research and development	Pillar 3: Community Attitudes Survey	49
Human resources	Pillar 4: Our people	56
Consultants	Pillar 4: Governance	58
Workforce Diversity	Pillar 4: Our people	56
Disability Inclusion Action Plans	Reported on a triennial basis*	59, Appendix 2
Land Disposal	N/A	-
Promotion (overseas visits)	Pillar 4: Governance	58
Consumer response	Pillar 3: Rights Promotion & Impact	47-51
Payment of accounts	Appendix 6	103
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Disclosure of controlled entities	The IPC has no controlled entities	-
Disclosure of subsidiaries	The IPC has no subsidiaries	-
Multicultural policies and services program	Reported on a triennial basis*	-

Requirement	Note	Page
Agreements with Multicultural NSW	The IPC has an agreement with Multicultural NSW to include its reporting in the Diversity and Inclusion Action Plan	99
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Additional matters – after balance date events having significant effect in succeeding year on financial operations; other operations; clientele/community served	N/A	-
Additional matters – total external costs incurred in the production of this annual report	External designer costs \$3806.00 inc GST.	-
Additional matters – the website at which the annual report may be accessed	www.ipc.nsw.gov.au	-
Investment performance	N/A	-
Liability management performance	N/A	-
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Submission of annual report to the Treasurer	30 November 2020	-
Presentation of annual report to Parliament	30 November 2020	-
Annual report size – presentation to Parliament	ISO A4	-
Printing and distribution requirements	External Printing costs \$296.01	-
Public availability of annual reports	www.ipc.nsw.gov.au and as per requirements	-

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

Complaining to the IPC

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

Step 1 – seek to resolve the issue informally

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

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

Step 2 – make a formal complaint

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

What to include in your letter of complaint

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

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

How the IPC deals with formal complaints

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

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

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

Step 3 – contact the NSW Ombudsman

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

1800 451 524 (Toll free) or visit www.ombo.nsw.gov.au

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

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

1300 006 228 or visit www.ncat.nsw.gov.au

Independent Commission Against Corruption (ICAC)

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

1800 463 909 (Toll free) or visit - www.icac.nsw.gov.au

For more information

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au
Post: Information and Privacy Commission NSW
GPO Box 7011
Sydney NSW 2001

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Glossary

Glossary

DCS	Department of Customer Service
DCJ or DoJ	NSW Department of Communities and Justice (formerly Department of Justice)
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
HREC	Human Research Ethics Committee
HRIP Act or HRIPA	<i>Health Records and Information Privacy Act 2002</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	Public Sector Employment and Management Act 2002

About this annual report

The Information and Privacy Commission NSW Annual Report 2019/20 has been prepared in accordance with the provisions of the *Annual Reports (Departments) Act 1985*, the *Government Information (Information Commissioner) Act 2009*, and the *Privacy and Personal Information Protection Act 1998*.

This annual report sets out the IPC's activities, accomplishments and challenges in promoting its responsibilities to the community of NSW.

It provides an account of the IPC's performance against the key result areas set for it by NSW Parliament, and provides information to its stakeholders on how it manages its organisation to best deliver on its accountabilities and strategic outcomes.

This annual report was first published in November 2020 on the basis of all corporate GIPA and privacy specific information available and provided to the IPC by 6 October 2020. This report complies with NSW Treasury requirements.



information
and privacy
commission
new south wales

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