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Media Statement

21 January 2021

Information Commissioner Statement relating to Complaint regarding conduct of the Office of the NSW Premier

The NSW Information Commissioner confirms previous reports that a complaint regarding the conduct of the Office of the NSW Premier was lodged with the Information and Privacy Commission (IPC) in October 2020. As reported that complaint has been assessed and is now finalised.

Specific reporting requirements under the *Government Information (Information Commissioner) Act 2009* (GIIC Act) are enlivened when a matter is investigated in accordance with the Information Commissioner's powers under the GIIC Act and when an adverse finding is made in relation to the conduct of an agency. These requirements were not enlivened in this matter and consistent with both the legislation and the IPC's case management practices the Information Commissioner's report has been provided to parties.

As an independent regulatory agency, the IPC also engages with other oversight agencies to promote accountability, transparency and government integrity. Consistent with the mechanisms provided under the GIIC Act the report has been furnished to the State Archives and Records Authority and the Independent Commission Against Corruption.

The Information Commissioner confirms her commitment to elevating understanding of and compliance with the requirements of the *Government Information (Public Access) Act 2009* (GIPA Act) and to the promotion of the principles of Open Government. The IPC will work with agencies and citizens to achieve these important outcomes that promote an open democratic system of government.

The 2020/22 IPC Regulatory Plan identified the need to develop resources to support the exercise of functions of Ministers and Ministerial Offices under the IPC's legislation. The insights gained from this and other regulatory action will inform the development of guidance to the Ministerial sector to meet this regulatory objective.

In these circumstances and consistent with the legislation and the IPC's case management practices the Information Commissioner does not propose to comment further in relation to the outcome of this complaint. Parties to the complaint may decide to comment further.

ENDS

For further information, please contact:

IPC media team on 0435 961 691 or email ccadigital@ipc.nsw.gov.au

About the Information and Privacy Commission:

The Information and Privacy Commission NSW (IPC) is an independent statutory authority that administers New South Wales' legislation dealing with access to government information and privacy. The IPC supports the Information Commissioner and the Privacy



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Commissioner in fulfilling their legislative responsibilities and functions and to ensure individuals and agencies can access consistent information, guidance and coordinated training about information access and privacy matters.

About the NSW Information Commissioner

The NSW Information Commissioner's statutory role includes promoting public awareness and understanding of the *Government Information (Public Access) Act 2009* (GIPA Act); providing information, advice, assistance and training to agencies and the public; dealing with complaints about agencies; investigating agencies' systems, policies and practices; and reporting on compliance with the GIPA Act.

The *Government Information (Information Commissioner) Act 2009* (GIIC Act) establishes the procedures for appointing the Information Commissioner and sets out the Commissioner's powers and functions. It outlines the method for people to complain about the conduct of agencies when undertaking their duties under the GIPA Act, and the way in which the Information Commissioner may deal with the complaint. The GIIC Act also enables the Information Commissioner to investigate and report on how agencies carry out their functions under the GIPA Act.