



information
and privacy
commission
new south wales

Quarterly Report on IPC Regulatory Priorities Q3 2020/21: January to March 2021

April 2021



Regulatory Plan Initiatives Status

Regulatory Priority 1 – Ensure the IPC has the capacity to identify risks and effectively support agencies to uphold privacy and information access rights in contemporary models of service delivery.

Status	Project/Initiative
Finalised	<ul style="list-style-type: none"> • S112. Develop Information Commissioner guidance regarding copyright and the GIPA Act • S212. Develop a Fact Sheet on the IPC's role in NCAT • S312. Develop a Fact Sheet for the Fines Administration Act Breach Notification and Processes, including any business systems changes required • Provide recommendations to the Ministers regarding fees & charges under GIPA • S212, S311. Assess utilisation of the Information Governance Agency Self-assessment Tools to support review by I&R and LCRA* • S111. Undertake an annual intelligence assessment/research of the trends in types of information requested to inform understanding of the regulatory environment and risks • S211. Update the Fact Sheet on authorised proactive release • S111. Undertake identified proactive audits to elevate and influence compliance including within the Local Council Sector and other Announced Audits
Issues	<ul style="list-style-type: none"> • S313. Contribute to review of Agency fees and charges and lead the development of guidance • S111. Develop a Fact Sheet on privacy and open access with a particular focus on councils
On-track	<ul style="list-style-type: none"> • S314. Review the privacy governance framework • S315. Develop a Fact Sheet about privacy offences • S113. Review and develop privacy resources for citizens accessing the correct rights pathways highlighting the differences between internal review and complaints
Yet to Commence	<ul style="list-style-type: none"> • S113. Review and update resources on the voluntary data breach process arising from the impact of the introduction of any mandatory data breach scheme

Regulatory Priority 2 - Maximise strategic and operational regulatory engagement with all sectors and demonstrate value to citizens and agencies.

Finalised	<ul style="list-style-type: none"> • S112. Develop a citizen Fact Sheet on State-Owned Corporations for both Information Access and Privacy • S312. Collaborate with State Records to deliver a Fact Sheet on record keeping, including digital records • S111. Conduct 2020 Community Attitudes Survey including s16 questions on agency support for GIPA applicants
Issues	<ul style="list-style-type: none"> • S111, S112. Develop relevant statements of IPC and Commissioners' regulatory stance and public position pieces on relevant regulatory issues*
On-track	<ul style="list-style-type: none"> • S314. Develop resources for the exercise of functions of Ministers and Ministerial Offices under the IPC's legislation • S113. Create infographics and/or video clips on specific topics • 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

Regulatory Priority 3 - Citizens have confidence in the way in which the NSW Government handles their personal and health information.

Finalised	<ul style="list-style-type: none"> • S3I1. Develop a Fact Sheet about the IPC's functions and role in consultations on privacy projects and governance • S3I2. 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 • S3I3. Develop a Fact Sheet on Privacy by Design • Conduct a privacy awareness survey • Make recommendations for administrative/legislative change to promote and uphold privacy rights, including with respect to managing data breaches and open data
------------------	---

Regulatory Priority 4 - Preservation, assurance and assertion of rights under new service delivery arrangements

Finalised	<ul style="list-style-type: none"> • S3I1. Capture and report data from regulatory activities regarding digital service delivery • Engage with agencies to identify risks and provide guidance to promote and preserve information access rights • Provide advice and assistance to entities undertaking government business regarding government's obligations under the GIPA Act.
On-track	<ul style="list-style-type: none"> • 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 • S1I4. Develop a Fact Sheet on access to information about public officials under the GIPA Act • S1I3. Develop a Fact Sheet to assist people with reduced decision-making to make an application under the GIPA Act
Yet to commence	<ul style="list-style-type: none"> • Promote improved access to information at the lowest reasonable cost through digital solutions that impact processing and other charges

*Regulatory initiative has two corresponding strategic initiatives.

Reporting Priorities by Percentage

There are 33 Regulatory Initiatives listed under the four Regulatory Priorities in the IPC Regulatory Plan 2020-22. This quarter, one initiative was finalised as follows:

- **Regulatory Priority 1:**
 - S1I1. Undertake identified proactive audits to elevate and influence compliance including within the Local Council Sector and other Announced Audits.
- **Regulatory Priority 3:**
 - Make recommendations for administrative/legislative change to promote and uphold privacy rights, including with respect to managing data breaches and open data.

- **Regulatory Priority 4:**

- Engage with agencies to identify risks and provide guidance to promote and preserve information access rights.
- Provide advice and assistance to entities undertaking government business regarding government's obligations under the GIPA Act.

In this quarter (Q3 2020/21) of reporting, the IPC finalised 4 (12.1%) of the 33 Regulatory Initiatives.

The IPC's Regulatory Plan commenced in January 2020 and between January 2020 and March 2021, a total of 19 (57.6%) Regulatory Initiatives were finalised.

Priority Status Overview

Date	Finalised	On-track	Issues	Yet to commence
Past Quarter (Q2 20/21)	15 (45.5%)	6 (18.2%)	2 (6.1%)	10 (30.3%)
Net change this quarter	↑4 (12.1%)	↑3 (9.1%)	↑1 (3.0%)	↓8 (24.2%)
Year to date* (Q3 20/21)	19 (57.6%)	9 (27.3%)	3 (9.1%)	2 (6.1%)

*As at 31 March 2021.