



information  
and privacy  
commission  
new south wales

# NSW Information and Privacy Commission Regulatory Plan 2022 – 2024



## Regulatory overview

This is the Information and Privacy Commission’s (IPC) third Regulatory Plan, covering the period 2022-2024.

As with previous Plans, the IPC’s regulatory efforts will continue to be guided by a risk-based and intelligence-informed approach to regulation. Risk-based regulation using intelligence to inform our regulatory activities will enable us to prioritise and target resources to those areas which pose higher risks to the achievement of our regulatory objectives. New approaches to service delivery by government agencies present challenges and opportunities in promoting safe and effective information sharing.

The IPC will continue to provide a responsive complaint and review service (reactive work), as we continue to focus our attention and resources upon emerging issues that pose the greatest risk to upholding privacy rights and promoting and protecting public access to government information (proactive work).

This Regulatory Plan should be read alongside the IPC Strategic Plan 2022-2024 which provides further context of strategies and outcomes of strategic initiatives.

### REGULATORY OBJECTIVES

**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**

## 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.**

### STRATEGY MEASUREMENT TOOLS AND REPORTING

1. Citizen Engagement measured through monthly social media website engagement, and biannual website surveys and reported in the Annual Report.
2. Agency engagement and implementation of advice to be measured through website engagement incl. bulletin hits and practitioner surveys.
3. Biannual surveys (I and R and LCRA), feedback on Commissioner presentations (ad hoc) and reported in the Annual Report.
5. Customer Satisfaction Survey and agreed the measure for outcomes should be that satisfaction is maintained.
7. Research reported in Annual Report.
8. Submissions to government policy proposals and NCAT hearings (LCRA) and publication of knowledge base articles (I and R) dealing with the impacts of technology.
9. Initial Brand Awareness to be undertaken in 2022 to establish baseline data. Brand Awareness survey to be conducted from 2023 reported in the Annual Report.
10. MNDB scheme yet to commence, to be measured on Monthly Dashboard and reported in the Annual Report.
11. Establish baseline understandability score and measure biannually and report on annually in Annual Report.
12. Survey of agencies on the Self-assessment Tools to establish base data for 2022, to be reported in the Annual Report.

Digital service delivery and machine enhanced decision-making present opportunities and challenges to the right to access information and privacy. The IPC has directed its regulatory priorities to ensuring that information access and privacy rights are promoted and preserved in digital government.

Reference to Strategic Plan Strategies	Initiative	Regulatory Output Measures
1.1, 1.3, 2.3, 2.5, 3.2	<ul style="list-style-type: none"> <li><b>P214</b> – Provide content for the preparation of guidelines and guidance to assist agencies to comply with legislation, including the MNDB</li> </ul>	<ul style="list-style-type: none"> <li>Increased agency utilisation and satisfaction with guidelines and guidance developed in response to legislative changes (Measured by website analysis, practitioners’ surveys etc. Agency Advice Survey)</li> </ul>
2.3, 2.7	<ul style="list-style-type: none"> <li><b>P216</b> – Work with national and international information access and privacy groups to maximise influence</li> </ul>	<ul style="list-style-type: none"> <li>Meeting agendas reflect IPC strategic/regulatory plan, state, national and international presentations align with IPC Strategic and Regulatory Plans</li> <li>Practitioners’ survey eg cut and paste KPIs for 2 and 3</li> </ul>
3.1, 3.2, 3.3	<ul style="list-style-type: none"> <li><b>P312</b> – Support agencies to build their capacity to respond to data breach events</li> </ul>	<ul style="list-style-type: none"> <li>Performance of agencies notification within 5 days increasing (see other KPI’s)</li> <li>Feedback from Agencies on the resources provided to respond to data breaches</li> </ul>
2.7, 2.8	<ul style="list-style-type: none"> <li><b>P219</b> – Build upon the agency self-evaluation model by enhancing use of self-assessment tools and governance models to embed requirements</li> </ul>	<ul style="list-style-type: none"> <li>Increase in number of agencies using self-assessment tools</li> </ul>
3.2, 3.3	<ul style="list-style-type: none"> <li><b>P317</b> – Review regulatory framework with focus on changing/ emerging issues and systemic issues response</li> </ul>	<ul style="list-style-type: none"> <li>Regulatory Plan and Framework revised to ensure it reflects intelligence led risk-based approach.</li> <li>Audits undertaken and guidance published</li> <li>resources produced for top three recurring issues/ considerations</li> </ul>
	<ul style="list-style-type: none"> <li><b>P319</b> – Deliver proactive audits informed by key risks and new and emerging issues</li> </ul>	
3.1	<ul style="list-style-type: none"> <li><b>P3110</b> – Review existing format of review report templates to better communicate outcomes and findings with a focus on accessibility and audience</li> </ul>	<ul style="list-style-type: none"> <li>Updated review report templates</li> <li>Customer satisfaction surveys</li> </ul>

## Regulatory Priority 2

**Maximise strategic and operational regulatory engagement with all sectors and demonstrate value to citizens and agencies.**

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3. Biannual surveys (I and R and LCRA), feedback on Commissioner presentations (ad hoc) and reported in the Annual Report.
5. Customer Satisfaction Survey and agreed the measure for outcomes should be that satisfaction is maintained.
6. Section 37 release rates and proactive disclosure rates.
7. Research reported in Annual Report.
8. Submissions to government policy proposals and NCAT hearings (LCRA) and publication of knowledge base articles (I and R) dealing with the impacts of technology.
9. Initial Brand Awareness to be undertaken in 2022 to establish baseline data. Brand Awareness survey to be conducted from 2023 reported in the Annual Report.
10. MNDB scheme yet to commence, to be measured on Monthly Dashboard and reported in the Annual Report.
11. Establish baseline understandability score and measure biannually and report on annually in annual report.
12. Survey of agencies on the Self-assessment Tools to establish base data for 2022, to be reported in the Annual Report.
13. Undertake staff survey to obtain baseline data in 2022, to be reported biannually and in the Annual Report.

In 2022-2024, the IPC will implement measures to ensure maximum reach and impact of our regulatory engagement efforts.

Reference to Strategic Plan Strategies	Initiative	Regulatory Output Measures
1.1, 1.3, 2.3, 2.5, 3.2	<ul style="list-style-type: none"> <li>• <b>P112</b> – Further develop relationships with integrity agencies (e.g. SARA, Ombudsman), other NSW Government agencies and practitioner networks to produce information on emerging statutory and regulatory developments and challenges, and provide specific advice tailored for individual agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Overall improvement in agency satisfaction over a 12-month period, noting this is a shared goal with I&amp;R</li> <li>• Number of specific advices on emerging issues provided to agencies</li> </ul>
3.1, 3.2, 3.3	<ul style="list-style-type: none"> <li>• <b>P311</b> – Provide content to assist CCA develop helpful and accurate published advice to guide citizens to understand their rights and agencies to understand their obligations</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in stakeholder engagement on social media posts promoting IPC guidance and resources</li> </ul>
1.1, 1.3	<ul style="list-style-type: none"> <li>• <b>P114</b> – Proactively prepare materials for setting expectations for what IPC can and cannot do</li> </ul>	<ul style="list-style-type: none"> <li>• Achieve overall improvement in agency satisfaction over a 12-month period, noting this is a shared goal with LCRA</li> </ul>
2.1, 2.2, 2.5, 2.7, 2.8	<ul style="list-style-type: none"> <li>• <b>P217</b> – Deliver collaborative pieces of guidance with relevant agencies on how technologies link to compliance obligations (e.g. archive/searching, what is a record, cc v bcc for email)</li> <li>• <b>P218</b> – Contribute to the new IPC IT strategy by investigating potential technological tools to support proactive compliance audit program to maximise reporting</li> </ul>	<ul style="list-style-type: none"> <li>• Delivery of new guidance materials through collaborative process with relevant agencies resulting in increased utilisation and adoption by agencies</li> <li>• I and R business requirements articulated.</li> <li>• IT Strategic Plan developed and published</li> <li>• Submission of potential tools to BI Team for consideration</li> </ul>
3.2, 3.3	<ul style="list-style-type: none"> <li>• <b>P318</b> – Target new regulatory guidance informed by the top three recurring issues/considerations within agencies for improved decisions making (for example amendment to health, information not held, section 61)</li> </ul>	<ul style="list-style-type: none"> <li>• Resources produced for top three recurring issues/considerations</li> </ul>

## Regulatory Priority 3

**Citizens have confidence in the way in which the NSW Government handles their personal and health information.**

### STRATEGY MEASUREMENT TOOLS AND REPORTING

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5. Customer Satisfaction Survey and agreed the measure for outcomes should be that satisfaction is maintained.
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10. MNDB scheme yet to commence, to be measured on Monthly Dashboard and reported in the Annual Report.
12. Survey of agencies on the Self-assessment Tools to establish base data for 2022, to be reported in the Annual Report.
13. Undertake staff survey to obtain baseline data in 2022, to be reported biannually and in the Annual Report.

It is essential that citizens have confidence in the way in which the NSW Government handles their personal and health information, and that they are aware of and able to exercise their rights under NSW privacy legislation.

In 2022-2024, the IPC will work in collaboration with regulated entities to maximise capability and commitment to incorporating privacy respectful design features into projects and service delivery.

Reference to Strategic Plan Strategies	Regulatory priority	Initiative	Regulatory Output Measures
1.1, 1.3, 2.3, 2.5, 3.2	RP3	<ul style="list-style-type: none"> <li><b>P111</b> – Identify cases (including test cases), conduct research and prepare briefings for responsible Ministers to assist in maintaining currency of legislation</li> </ul>	<ul style="list-style-type: none"> <li>Contribute to the currency of the law. Currency of published material is maintained if law changes or there is new case law – tested through agency surveys</li> </ul>
2.2, 2.3, 2.6	RP3	<ul style="list-style-type: none"> <li><b>P215</b> – Review and update advice on digital government from a privacy and information access perspective</li> </ul>	<ul style="list-style-type: none"> <li>Advice on Digital Government reviewed and published</li> </ul>
3.3	RP3	<ul style="list-style-type: none"> <li><b>P314</b> – Develop and implement MNDB project plan</li> </ul>	<ul style="list-style-type: none"> <li>Project plan developed and all items completed in consultation with I&amp;R</li> </ul>
3.1, 3.2, 3.3, 4.1	RP3	<ul style="list-style-type: none"> <li><b>P315</b> – Develop new policies, templates and procedures for the MNDB, including by liaising with OAIC where appropriate</li> </ul>	<ul style="list-style-type: none"> <li>New policies, templates and procedures developed</li> <li>Voluntary data breach resources and tools have been updated</li> </ul>
	RP3	<ul style="list-style-type: none"> <li><b>P316</b> – Review the existing published voluntary data breach resources and tools for currency and continued application</li> </ul>	
2.6	RP3	<ul style="list-style-type: none"> <li><b>P2114</b> – Disseminate resources to agencies on implementation of MNDB Scheme and drive engagement with practitioners and ‘champions’</li> </ul>	<ul style="list-style-type: none"> <li>Survey of agencies to ensure understanding of their role in the implementation of the MNDB scheme</li> <li>Measure outcomes of MNDB Scheme</li> </ul>



## Regulatory Priority 4

### Preservation, assurance and assertion of rights under new service delivery arrangements

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6. Section 37 release rates and proactive disclosure rates.
7. Research reported in Annual Report.
8. Submissions to government policy proposals and NCAT hearings (LCRA) and publication of knowledge base articles (I and R) dealing with the impacts of technology.
9. Initial Brand Awareness to be undertaken in 2022 to establish baseline data. Brand Awareness survey to be conducted from 2023 reported in the Annual Report.

Digital government requires contemporary expert advice to promote information access rights. As a credible and authoritative regulator, the IPC will deliver expert information access advice to citizens, agencies and government.

Reference to Strategic Plan Strategies	Regulatory priority	Initiative	Regulatory Output Measures
2.1, 2.3, 2.4	RP4	<ul style="list-style-type: none"> <li>• <b>P211</b> – Further develop relationship with IPAC to support delivery of strategic IPC priorities</li> </ul>	<ul style="list-style-type: none"> <li>• Publication of IPAC priorities</li> <li>• Guidance on retrieving records and conducting searches published</li> </ul>
	RP4	<ul style="list-style-type: none"> <li>• <b>P212</b> – Provide enhanced guidance on retrieving records and conducting searches</li> </ul>	

Reference to Strategic Plan Strategies	Regulatory priority	Initiative	Regulatory Output Measures
	RP4	<ul style="list-style-type: none"> <li>• <b>P213</b> – Advise on agency projects in accordance with IPC’s functions (e.g. Digital Restart Fund) and obtain feedback on advice</li> </ul>	<ul style="list-style-type: none"> <li>• Survey agencies for feedback on DRF advice</li> </ul>
3.2	RP4	<ul style="list-style-type: none"> <li>• <b>P313</b> – Engage with academics and other experts to deliver thought leadership pieces that are clearly separate from other guidance on existing legislation (e.g. on asymmetry between government sharing and citizen access and/or access to digital records)</li> </ul>	<ul style="list-style-type: none"> <li>• Number of new thought leadership pieces delivered and measured against previous years</li> </ul>

## Document information

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