

Information Commissioner's Update

Presentation to the Practitioners' Network Forum

15 February 2023

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information and
privacy commission
new south wales

Significant regulatory matters

- The Information Commissioner attended the Association of Information Access Commissioners (AIAC) meeting on 7 December 2022 in New Zealand
- IPC has finalised the research into the informal release pathway. The Report and findings to be released for Information Awareness Month in May
- IPC is finalising its audit related to acquisitions and disposals (Clause 6 GIPA Regulations)
- The development of the Report on the Operation of the GIPA Act (Section 37 Report) is underway with tabling scheduled for May
- The Information Commissioner has commenced her follow up audit of the Local Government Sector compliance with Guideline 1 – Disclosure of returns of Interests

Global Information Access Issues

Global Data Barometer

- Governance, Capability, Thematic assessments e.g. Electoral transparency and accountability
- Application of data for ‘public good’ – justification for inclusion
- Engagement with responsible agency heads
- Sub-jurisdictional assessment

Right to Know Rating

- Centre for Law and Democracy
- Global rankings – informing policy and statutory review
- Sub-jurisdictional assessment

Upgrade of IPC GIPA Tool

- The IPC is commencing a project to upgrade the IPC GIPA Tool platform over the next 3 months.
- The upgrade will improve data entry for agencies by utilising webform functionality and a more streamlined approach to submitting annual reports.
- The upgrade will have no impact on the application data that is entered into the Tool.
- No outages of the Tool will occur during the upgrade work and the IPC will provide advice on when the changes to the Platform will be implemented.
- Further updates will be provided to practitioners via an e-alert.

IPC Brand Awareness Survey 2022

- To gain insights into how the IPC is viewed as a brand, its role and function, and a baseline for future comparison
- Thank you to anyone who took part in providing their feedback

Results:

- **80%** of respondents had heard of the IPC (↑14% from 2017).
- **35%** aware the IPC administers GIPA (↑8%).
- Of those who had heard of IPC, **39%** were familiar with what they do (↑10%)
- Awareness and usage of the IPC website has improved (↑18%)
- **68%** know of the Complaint & Investigation function, but only **15%** had previously accessed it (↑7%)
- **61%** had an overall positive opinion of the IPC (↑5%)
- Notably, only **1%** had an overall negative opinion of the IPC (↓11%)
- Top words used to describe IPC: '**trustworthy**', '**independent**' & '**respected**'.

Information access case note

Webb v Port Stephens Council [2022] NSWCATAD 404

- Applicant lodged an access application with the Respondent seeking to access documents connected with GIPA Act training sessions provided to the Respondent's staff by the Crown Solicitor's Office.
- CSO was consulted by the Respondent and objected to release of information.
- It is appropriate for an agency to provide view-only access to information where providing that information would contravene the *Copyright Act 1968* (Cth).

Speaking Engagements

The Information Commissioner presented at the following engagements last quarter:

- 2022 FOI Summit – 24 November 2022
- SIRA People Leader Conference – 6 December 2022
- Independent Planning Commission – Quarterly Commissioners Meeting – 13 February 2023

Upcoming

- OVIC Webinar: Focusing on Proactive and Informal Release of Information – 15 February 2023
- 3rd Annual Driving Risk-Based Regulation 2023 – 21 February 2023
- Local Government Professionals Australia (LG) Governance Conference – 22 March 2023

Information access publications

NEW

- Fact Sheet – Fundamentals for deciding an access application under the GIPA Act

UPDATED

- IPC GIPA Tool User Guide
- Fact Sheet – How the GIPA Act applies to agencies' wholly-owned subsidiaries
- Fact Sheet – State Owned Corporations and your right to government and personal information

Information Access and Privacy Excellence Award



- Established in 2021, the Information Access and Privacy Excellence Award recognises excellence in service delivery to NSW citizens and agencies.
- It also recognises outstanding achievements that promote and protect information access and privacy rights in NSW
- The Award is presented by the IPC every two years and recipients are selected by the Information Commissioner and Privacy Commissioner based on set criteria

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