

Annual Report 2023/24



information
and privacy
commission
new south wales

Acknowledgement of Country

The Information and Privacy Commission NSW acknowledges, respects and values Aboriginal peoples as the Traditional Custodians of the lands on which we live, walk and work. We pay our respects to Elders past, present and future. We recognise and remain committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships, and continuing connection to their lands, waters and seas. We acknowledge their history here on these lands and their rich contribution to our society.

We also acknowledge our Aboriginal colleagues within the public sector who are an integral part of our diverse workforce, and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and cultures.



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new south wales

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Letters to the President and Speaker

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Mr. Greg Piper MP
Office of the Speaker
NSW Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000

21 October 2024

Dear Mr President and Mr Speaker,

In accordance with the *Government Sector Finance Act 2018*, the *Government Information (Information Commissioner) Act 2009* (GIIIC Act), 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 and, in accordance with section 36 of the GIIIC Act, the Information Commissioner for the 12 months ended 30 June 2024.

A copy of the report will be provided to the Attorney General and the Minister for Customer Service and Digital Government as Ministers responsible for the GIIIC Act.

Yours sincerely,

Rachel McCallum
IPC CEO, Information Commissioner

Dear Mr President and Mr Speaker,

In accordance with section 61A of the *Privacy and Personal Information Protection Act 1998*, I am pleased to include my report on the work and activities of the Privacy Commissioner for the 12 months ended 30 June 2024 within this Annual Report of the Information and Privacy Commission.

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 the 12 months ended 30 June 2024.

A copy of the report will be provided to the Attorney General and the Minister for Customer Service and Digital Government as Ministers responsible for the *Privacy and Personal Information Protection Act 1998*.

Yours sincerely,

Sonia Minutillo
Acting Privacy Commissioner

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Overview



Highlights for 2023/24

Right to Know Week 25 September – 1 October 2023	Commencement of the Mandatory Notification of Data Breach Scheme	
	Farewelled former Information Commissioner and CEO Elizabeth Tydd	Farewelled former Privacy Commissioner Samantha Gavel
Welcomed new Information Commissioner and CEO Rachel McCallum		2 GIPA compliance audits finalised
Updated the IPC Privacy Governance Framework	Tabled in Parliament a <i>Report on the Operation of the Government Information (Public Access) Act 2009: 2022 – 2023</i>	
Introduced new citizen webforms on the IPC website	Released two new e-learning modules on the Mandatory Notification of Data Breach Scheme	
Privacy Awareness Week 6 – 12 May 2024		
21 strategic and regulatory initiatives finalised	Introduction of new informal release questions to the IPC GIPA Tool	

Performance report card 2023/24

Pillar 1: Service Delivery & Excellence

- ✓ GIPA – 1,596 enquiries finalised / 268 advices finalised / 297 reviews finalised / 68 complaints finalised / 2 proactive audits finalised
- ✓ Privacy – 1,525 enquiries finalised / 292 advices finalised / 193 reviews finalised / 100 complaints finalised
- ✓ 52 mandatory breach notifications were made to the Privacy Commissioner

Pillar 2: Engagement & Influence

- ✓ Commissioners provided submissions to 9 reviews and inquiries conducted by government including 3 joint submissions
- ✓ 144 posts on X (formerly Twitter) / 137 posts on LinkedIn / 104 posts on Facebook / 51 e-alerts to stakeholders / 12 media releases / 7 public statements / 34 new publications

Pillar 3: Rights Promotion & Impact

- ✓ 654,942 page views and a 32.7% increase in website visits to ipc.nsw.gov.au
- ✓ 2,110 phone enquiries and 1,013 enquiries handled in writing or in person
- ✓ 21 new information access, privacy and corporate publications were delivered
- ✓ 41 publications updated by the Publications Review Working Group
- ✓ Major campaigns conducted for Right to Know Week and Privacy Awareness Week
- ✓ 552 new e-learning registrations by agencies and members of the public

Pillar 4: Operational Excellence

- ✓ Over 1,125 hours of staff training to improve service delivery and rebalance capabilities to be an effective, contemporary regulator.

Overview

Rachel McCallum NSW Information Commissioner

Achievements and Report to NSW Parliament

Promoting and championing rights

It is a privilege to present this report on the activities of the Information and Privacy Commission (IPC) during the reporting year and its efforts to promote and champion government information access and privacy rights within NSW.

The IPC is established as a separate public service agency under the *Government Sector Employment Act 2009* (GSE Act) and supports two independent commissioners – the Information Commissioner and the Privacy Commissioner – in the exercise of their separate but complementary integrity, oversight and advisory functions. During the reporting year, the IPC’s staff and the two commissioners continued to be guided by the vision of being an independent champion of information access and privacy rights, with 2023/24 being the final year of a four-year strategic plan. As well as being a report under section 36 of the *Government Information (Information Commissioner) Act 2009* (GIIC Act), this annual report provides accountability to the Parliament of New South Wales (NSW), and the broader NSW community, about how the IPC delivered under that strategic plan, as well as how it met its governance and financial management obligations.

Digital and information access and privacy

IPC annual reports have acknowledged for many years the impact of digital transformation on the NSW public sector and the communities it serves. Recent past reports have called out the imperative to ensure rights to access information and privacy are maintained and, in some cases, strengthened. Across the sector during the reporting year, the anticipated benefits of artificial intelligence (AI) and automated decision-making (ADM) continued to impact and influence agencies oversighted by the IPC. These issues also came before two parliamentary committee inquiries, to which the IPC was pleased to contribute.

The first of those contributions was to the Legislative Council’s Portfolio Committee No 1 inquiry into [Artificial Intelligence \(AI\)](#) in NSW with the IPC’s written submission based on recommendations arising from an [Artificial Intelligence \(AI\) Regulatory Scan](#) produced by the former commissioners in 2022. In March 2024, both Commissioners appeared at public hearings for the inquiry and reiterated the need for legislation and practice to respond to the impact of AI on open government, information access and privacy in NSW.

The Commissioners also appeared in May 2024 as witnesses before the Joint Parliamentary Committee on the Ombudsman, Law Enforcement Conduct Commission and Crime Commission as part of its review of the annual reports of its oversighted bodies. The Committee noted the IPC’s view on the constraints that resourcing places on its activities, including through conferral of new functions. The Committee also found that to date there was still limited visibility and transparency around the use of AI in the NSW public sector and noted the efforts of the IPC to encourage and enable improvements. The IPC is looking forward to continuing those efforts in 2024/25.

Across the sector during the reporting year, the anticipated benefits of artificial intelligence (AI) and automated decision-making (ADM) continued to impact and influence agencies oversighted by the IPC.

Delivering more case work and additional reporting

A major change delivered by the IPC during the year was the introduction of the new Mandatory Notification of Data Breach (MNDB) Scheme, which commenced on 28 November 2023. During the 12 months leading up to the commencement date, the IPC worked effectively to implement enhancements to its case management system, develop resources, policies, procedures and provide education to agencies on preparing for the commencement of the scheme.

This annual report provides further information from the Acting Privacy Commissioner about the IPC's role in implementing an important new scheme that deploys transparency to protect privacy.

In its core external review and complaints work, the IPC continued to achieve 40-day finalisation targets in both information access and privacy reviews, notwithstanding increases in case volumes. This year, the IPC received 4% more reviews and complaints overall, and there was a 26% increase in the number of advices that were closed. Given the IPC's limited resources, the dedication and commitment of its staff in managing this increased caseload was impressive.

The increasing case and advice volumes and its new data breach functions, highlight the need for the IPC to be appropriately funded to fulfil new and ongoing statutory and corporate governance obligations, as well as its legislated role for promoting integrity through awareness about transparency and privacy. The IPC's funding is not provided in the same way as similar integrity agencies. In the next year, the IPC will explore if it could be funded in a way that recognises its independence more clearly, while still ensuring it efficiently meets parliamentary, government and community expectations about enhancing transparency and privacy in the NSW public sector.

Considering legislative refinements

During the reporting period, there were two legislative milestones that should be acknowledged. Twenty-five years ago, in 1999, the first provisions of the then new *Privacy and Personal Information Protection Act 1998* (PPIP Act) commenced. Ten years later, in 2009, the *Government Information (Public Access) Act 2009* (GIPA Act) and the *GLIC Act* received royal assent. In the lead up to the fifteenth anniversary of the commencement of the GIPA Act, and in light of reform proposals in other Australian jurisdictions, the IPC will work with the NSW Government and the NSW Parliament to ensure that this important legislation remains 'fit for purpose'.

Planning for the future

In March 2024, the IPC commenced the process of developing a new strategic plan for the next four years. The important work included reviewing global and regulatory trends in information and privacy management, and engaging with staff and key stakeholders on future directions and priorities.

The new plan focuses on four key priorities for the IPC. Together, they emphasise the IPC's role as a NSW public sector integrity agency, the need for it to be an informed contributor and guide, the intention to raise awareness about information governance across all levels of oversight agencies, and a commitment to improved engagement with its staff and community stakeholders. The four priorities are:

- Priority 1 – Safeguarding rights through informed oversight
- Priority 2 – Enhancing public sector integrity through good practice guidance
- Priority 3 – Empowering communities through knowledge about privacy and transparency
- Priority 4 – Being a place people want to work, through embracing diverse ideas and perspectives.

The new plan was finalised during the reporting year and came into effect on 1 July 2024. It is available to review on the [IPC's website](#) and will be reported on in the next annual report.

Recognition of service

I would also like to acknowledge the ten years of service of my predecessor, Elizabeth Tydd as Information Commissioner and the IPC's Chief Executive Officer. She concluded her appointment in February 2024, overseeing the majority of the work that is reported in this annual report.

During her time as Information Commissioner, there was a dramatic shift in the information access landscape in NSW and a maturing of agencies' understanding of public sector transparency. She led the IPC to advance open government, while working collaboratively with agencies to streamline and simplify the process for seeking access to government information. Her dedicated leadership of the IPC built its current reputation and is responsible, together with the efforts of her IPC team, for the high regard in which it is held today.

I also acknowledge the efforts of people working hard across NSW agencies, especially members of the [NSW Practitioners Network](#), that have continued this year to contribute to promoting and championing transparency and privacy within those agencies and to their community stakeholders.

My particular gratitude also goes to my colleague, Sonia Minutillo, Acting NSW Privacy Commissioner for most of the reporting year, the IPC's executive leaders and the IPC's dedicated and talented staff for making me feel welcome and sharing your expertise. Thank you.

Rachel McCallum
IPC CEO & Information Commissioner
BA, LLB, GAICD, GIA(Cert)

Overview

Sonia Minutillo Acting NSW Privacy Commissioner

Achievements and Report to NSW Parliament

This year, new and emerging digital technologies, in particular, Generative AI and AI technologies, have continued to feature significantly in the privacy discourse. These technologies have transformed the modes and methods of interaction and transaction between citizens and government.

In many cases, these technologies have enabled the public sector to improve the way it operates by enabling improved data analysis and insights, targeted delivery of essential programs, and effective and efficient services that centre the customer experience and improve the outcomes and experiences of individuals and communities. AI technology presents agencies with a range of opportunities for improved service delivery and relies on citizens trusting government with their personal information.

However, the use and adoption of these technological advancements also raises new and complex challenges for the protection of personal information and the exercise of privacy rights. Data is the fuel that powers the operation of AI systems and for some applications that data will often include the personal or health information of individuals to generate content. In using these technologies, we can collect, use and share personal information at a significant scale and volume, creating the need for data minimisation and privacy safeguards to be put in place.

The risks and benefits of these technologies, as well as the adequacy and suitability of the existing regulatory frameworks, have been the subject of focus by both government, regulators and privacy stakeholders. During the reporting year, we saw the establishment of the NSW Parliamentary Inquiry into Artificial Intelligence which considered these issues among others. The Committee received numerous submissions, including from the IPC. The IPC's submission underscored the technology neutral nature of the PPIP Act, its application where personal information is involved, and highlighted the importance of adopting Privacy by Design principles. It also stressed mandating the use of a Privacy Impact Assessment for high-risk projects. Privacy protection is not a barrier or burden to the advancement in technology or the improvement of service delivery and

efficiency, but rather a facilitator and enabler of them. In turn, this promotes public trust and confidence in digital services. The Committee's report and the Government's response is expected in the next reporting year.

In the past year, we also saw the release of the Australian Government's response to the Commonwealth Privacy Act review. Like the PPIP Act, the Commonwealth Privacy Act and the Australian Privacy Principles (APPs) under it were drafted to be 'technology-neutral'. The review into the Australian *Privacy Act 1988* considered if the privacy laws and its enforcement mechanisms are fit for purpose in an environment where Australians now conduct much of their lives online and where their information is collected and used for numerous purposes in the digital economy.

The Review identified a need for reform of Australia's privacy laws to ensure that they remain fit for purpose in the digital age, making a total of 116 recommendations. Of the 116 reforms proposed in the review, the government has agreed to 38 in full, 68 in-principle, and noted 10. Those recommendations focus under the themes of:

- bringing the Privacy Act into the digital age
- uplifting protections
- increase clarity and simplicity for entities and individuals
- improve control and transparency for individuals over their personal information
- strengthen enforcement.

The changes represent the most notable changes to the *Privacy Act 1988* since the government passed urgent reforms in 2022 to substantially increase penalties in response to high-profile cyber breaches and will complement other reforms being progressed such as Digital ID. Legislation is anticipated to be introduced in the forthcoming year and we will be closely monitoring the progress of any reforms and how those reforms might impact and influence privacy legislation in NSW.

Although the MNDB Scheme has been in place for less than a full year, we have already seen its importance in the privacy landscape with a steady number of notifications made to the Privacy Commissioner in the first year of the Scheme.

Commencement of the MNDB Scheme

Over the past 12 months, data breaches of large private sector organisations have continued to dominate media reports and public discourse, as they did in the previous year. It is also the case that NSW agencies have not been immune from data breach incidents in that time. The size, scale, nature, and impact of data breaches provide a stark reminder of why privacy is important in a modern society. The harm to individuals can be immense with personal and health information disclosed in data breaches exposed on the dark web or illegally accessed by cyber criminals. There are significant risks and high costs, both to reputation and financial, that can arise from a data breach. As such, the need for robust and comprehensive privacy management and governance practices across all organisations that handle personal information, government and private sector alike, is core.

As Acting Privacy Commissioner, it was very pleasing to see the commencement of the MNDB Scheme in November 2023. Until that time, a voluntary data breach scheme was in place. The MNDB Scheme is a crucial and timely reform considering the growing role of digital technology and data in facilitating service delivery for citizens, in policy development and outcomes, as well as the persistent risk of data breaches compromising the privacy of individuals. The MNDB Scheme is a welcome step in improving agencies' data handling practices and reducing the risk of breaches. Crucially, it also ensures that individuals affected by an eligible data breach that is likely to result in a serious risk of harm are promptly notified and supported.

Although the MNDB Scheme has been in place for less than a full year, we have already seen its importance in the privacy landscape with a steady number of notifications made to the Privacy Commissioner in the first year of the Scheme. The notifications made are representative across the regulated sectors and the causes include cyber incidents and human error. The number of persons affected ranged from a single individual to the thousands. The incidents notified are an important reminder that agencies need to develop and implement data minimisation practices rather than rely on data security measures alone as preventative strategies. This means collecting only the personal information that is necessary (not over collecting), retaining it only for as long as necessary, and safeguarding the personal information from unauthorised access, disclosure, loss or misuse.

The IPC received additional funding to establish the MNDB Scheme. This enabled the implementation of system and process changes, development of necessary resources to support agencies and the public in understanding the Scheme, as well as recruitment of staff to support and regulate the Scheme. Ensuring that appropriate resourcing is ongoing will continue to be important in future years as the presence of data breaches will inevitably continue to be a feature of our operating environment.

Further information about the IPC's preparation for the commencement of the Scheme is outlined in the Section 61B Report which follows this Overview.

Privacy Awareness Week

The IPC celebrated Privacy Awareness Week (PAW) 2024 from 6 to 12 May 2024. The theme for PAW NSW this year was *"Privacy and Technology: Improving Transparency, Accountability and Security"*. At a time of increasing digital presence in our lives, this year's theme focused on collaboration between stakeholders, including government and citizens, to collectively create a more responsible and secure digital landscape that balances technological advancements with the preservation of individual privacy rights.

There was a record-breaking number of PAW Champions this year, with over 129 agencies participating in the IPC PAW Champion program, which encourages agencies to join as Champions to help promote and publicise PAW.

The IPC hosted its annual PAW event for NSW public sector agency leaders, senior staff and privacy practitioners on 7 May 2024. Held as a hybrid event, people attended in person and online with over 530 participating. The Minister for Customer Service and Digital Government officially opened the event with Ms Leah Pinto, Intelligence Engagement Lead at CyberCX, as keynote speaker providing insights on the cyber landscape around us and the importance of protecting personal information against that environment.

During PAW, I also participated as a panel member with fellow Commissioners at an event hosted by the Office of the Victorian Information Commissioner. New animations for citizens and agencies on privacy, technology and keeping secure online were released together with a new [Implementing Privacy – Technology Toolkit](#) to assist agencies with relevant guidance when implementing technology in their projects.

As part of PAW, results of the IPC's latest two-yearly survey of NSW community attitudes towards privacy and data breaches were released. The results affirmed community expectations about the importance of protecting personal information and the growing impact of data breaches.

More information about the results from the Community Attitudes Survey results is available on page 51 of the report.

Looking forward

As we navigate an increasingly digital world where advances in technology continue to unfold, developing sound privacy practices and adopting privacy by design approaches, including baking in privacy at every stage of a project, are crucial. Privacy needs to be at the heart and centre of our connected and digital world. Putting privacy at the centre through good privacy practice ensures that technological solutions are safe and secure and engender community trust, confidence and participation in the digital economy.

We can expect that the advancement of technology will not slow down, but rather accelerate and create new and even more complex privacy challenges. The IPC will continue to respond to these challenges through its work to promote and protect privacy rights in NSW. It will continue its work to promote the need for agencies to focus on promoting positive privacy practice and culture, responsive data breach management and embedding privacy into the design and commission of projects and services they provide for the benefit of the NSW public.

In 2024/25, the IPC will continue to support agencies with fulfilling their responsibilities by:

- ensuring existing resources are fit for purpose in enabling agency compliance with the MNDB Scheme including identification of areas where further guidance is required
- reporting on its insights from the operation of the MNDB Scheme
- publishing its report on agency compliance with Data Breach Policy requirements
- building on the existing Privacy Impact Assessment (PIA) guidance by releasing specific guidance for PIAs involving AI.

As Acting Privacy Commissioner, I would like to express my gratitude and appreciation to the Directors, Managers and staff of the IPC for their commitment and support in delivering the important work of the IPC every day during a year of transition. Their outstanding work contributes to ensuring that privacy rights in NSW are advanced and protected. I also thank my colleague, Rachel McCallum, who joined the IPC as CEO and Information Commissioner in March this year, for her leadership and collaboration. I look forward to working together in the coming year.

Finally, I would like to acknowledge and commend the former IPC CEO and Information Commissioner, Elizabeth Tydd, and the former Privacy Commissioner, Samantha Gavel, for their commitment, service and leadership in advancing information access and privacy rights in NSW during their respective terms. They have made significant contributions to the work of the IPC and the NSW public sector.

Sonia Minutillo
Acting Privacy Commissioner
B Commerce, EMPA,
GCertPubSecMgmt, GIA(Cert), CertIV Government
Investigations

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

In NSW, the PPIP Act provides the legislative framework for protecting privacy by (inter alia) placing obligations on NSW government agencies to comply with the Information Protection Principles (IPPs) outlined in the PPIP Act and conferring privacy rights on citizens in relation to breaches of the IPPs by NSW government agencies.

Section 61B of the PPIP Act provides for the Privacy Commissioner to prepare and publish a report on the operation of the PPIP Act each year.

Commencement of the MNDB Scheme

Following a 12-month transition period, major privacy reforms strengthening existing privacy protections took effect in NSW with the new MNDB Scheme for NSW agencies commencing in November 2023.

Under the MNDB Scheme, agencies are required to inform both the Privacy Commissioner and affected individuals of an eligible data breach which is likely to result in a serious risk of harm. The introduction of the MNDB Scheme in NSW ensures that citizens are notified and supported in case of a data breach that may compromise their personal information. The NSW MNDB Scheme aligns with the Commonwealth's scheme that was established in 2018, by mirroring its criteria for notification thresholds and assessment periods.

In advance of the commencement of the MNDB Scheme, the IPC developed and published the following guidance and resources to provide information about the Scheme to the public and assist agencies to prepare to comply:

- Fact Sheet for agencies: Exemptions from notification to affected individuals
- Fact Sheet for citizens: What is the MNDB Scheme
- Fact Sheet for citizens: Notification to affected individuals of a Data Breach
- Guide to preparing a data breach policy
- Guide to managing data breaches in accordance with the PPIP Act
- Data breach – Self-assessment Tool for MNDB
- Data breach notification form to the Privacy Commissioner.

Three Guidelines were also published following consultation with the responsible Minister(s):

- [Guidelines on the assessment of data breaches under Part 6A of the PPIP Act](#)
- [Guidelines on the exemption for risk of serious harm to health or safety under section 59W](#)
- [Guidelines on the exemption for compromised cyber security under section 59X.](#)

Following operationalisation of the Scheme, the IPC's work continued in supporting agencies with the further development and publication of the following resources:

- Fact Sheet – Data breaches and contracted service providers
- Fact Sheet – MNDB Scheme estimated cost a data breach
- Fact Sheet – MNDB Scheme Frequently Asked Questions
- E-learning module: Understanding the MNDB Scheme – for privacy practitioners
- E-learning module: Understanding the MNDB Scheme – for senior leaders.

As more experience is gained under the MNDB Scheme, the IPC continues to review the opportunities and needs for further guidance to support agencies in their compliance and maturity with the handling of data breaches under the Scheme.

Since commencement, notifications of eligible data breaches have been received consistently each month. The size, complexity, nature and scope of affected persons varies from data breaches involving human error to more sophisticated cyber related incidents. These breaches highlight, and are a reminder of, the need for a robust data breach response plan in the event of when, not if, a data breach happens.

In the reporting period, 54 MNDB notifications were received. No comparison to the previous voluntary scheme is possible, recognising the mandatory nature of notification under the MNDB Scheme together with the threshold for assessment of a suspected data breach. However, most of the notifications received were from the NSW Government sector and are reflective of the proportionate size of the Government sector over all other sectors.

The IPC has continued to publish quarterly statistics on its website about the numbers of notifications received under the MNDB Scheme and the sectors represented.

More information on the MNDB Scheme can be found on page 42.

Privacy complaints under the PPIP Act

Under the PPIP Act, there are two avenues for complaints about privacy issues. Where the complaint is about an alleged privacy breach by a NSW government agency, Part 5 of the PPIP Act provides for an internal review to be undertaken by the agency. This pathway enables the agency to investigate 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 the NSW Civil and Administrative Tribunal (NCAT) if they are not satisfied with the outcome of the review.

Agencies are expected to complete internal reviews in a timely manner to enable exercise of the oversight function by the Privacy Commissioner before the review is finalised. The IPC has established procedures to follow up with agencies at regular intervals to ensure that timeframes are met. The effectiveness of these procedures is evidenced by the timeframes for closure of privacy reviews by the IPC since their implementation. In the current reporting year, the IPC continued to achieve its target of completing 100% of privacy reviews within 40 days. This was accompanied by a small improvement in the average days to finalise internal review cases at the IPC.

Internal reviews made up 50% of the privacy cases handled by the IPC this year. This is a change from last year when they accounted for about two thirds of the privacy cases.

The IPC experienced a slight increase of 3% in the privacy reviews it received in 2023/24. This contrasted with a 14% drop in the previous year, which had reversed a trend of continuous growth since 2019/20. A possible contributing factor for this variation was the introduction of the MNDB Scheme in November 2023, which required notifying affected individuals of an eligible data breach and informing them of their options to lodge a complaint or request an internal review.

Although a review or complaint may engage consideration of more than one IPP/Health Privacy Principle (HPP), during 2023/24 the top three issues raised in internal reviews in relation to the following IPPs were consistent with the previous year:

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

Where a privacy complaint is not about a NSW government agency, 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 conciliated by the Privacy Commissioner.

In general, the Privacy Commissioner deals with very few complaints under the PPIP Act, because the majority of complaints under the PPIP Act are dealt with as internal reviews.

The IPC encourages people who lodge a complaint about a government agency to seek an internal review by the agency, rather than proceeding with the complaint. This gives them review rights by the Tribunal and is also the appropriate pathway set out in the legislation for privacy complaints about government agencies.

The Privacy Commissioner also has complaint handling functions under the *Health Records and Information Privacy Act 2002* (HRIP Act).

During the reporting period, 112 privacy complaints were received, compared with 66 in the previous year. This represents a significant increase of 70% following a previous year of decline. Most of these complaints were made under the HRIP Act and related to private healthcare providers and access to health records. More information about privacy complaints under the HRIP Act is available on page 41.

Regulated Sectors

The PPIP Act establishes the privacy obligations of NSW Government agencies, which include government departments and agencies, public universities and local councils. The PPIP Act covers a wide range of entities, from large government agencies to small, regional and remote local councils.

The scope of regulated entities in the reporting period extended to include State-Owned Corporations (SOCs). On commencement of the MNDB Scheme, the scope of the PPIP Act was also expanded to include SOC's that were not otherwise covered by the *Commonwealth Privacy Act 1988*. This expansion of privacy laws to include SOC's closed a long-standing gap in the coverage of NSW privacy legislation. Like the MNDB reforms, SOC's had a year to prepare for the commencement of the legislation. The IPC engaged with the newly regulated SOC's and provided comprehensive guidance and information about the operation of the PPIP Act to facilitate their compliance. Under the PPIP Act, SOC's have the same obligations and responsibilities as other public sector agencies. Amendments to the HRIP Act followed in May 2024 to ensure the consistent treatment of SOC's as a public sector agency under the HRIP Act.

Privacy complaints relating to applications for internal review by NSW government departments and agencies continue to represent most complaints received by the Privacy Commissioner. Given that this is the largest sector regulated by the Privacy Commissioner, the higher numbers of complaints than other sectors are within expectations. NSW Government agencies continue to account for the majority of the internal review applications, due to their size and functions, which include the handling of personal information of NSW citizens. The Council sector and University sector account for lower numbers of complaints, due to the smaller size of these sectors.

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

To assist agencies to comply with the PPIP Act, the IPC provides guidance and tools on its website. This includes guidance about conducting internal reviews under the PPIP Act, e-learning modules for agency staff and self-assessment tools to assist agencies with identifying areas where compliance could be elevated and improved. During the reporting period, the IPC developed the Data Breach Self-assessment Tool for MNDB. The MNDB Self-assessment Tool was designed to be used together with individual agency policies and processes and other statutory guidance to assist agencies in undertaking their assessment under the Scheme.

The IPC also reviewed and updated its Privacy Governance Framework, a dynamic tool designed to assist NSW public sector agencies in implementing robust privacy governance throughout their organisation to better manage personal and health information. It exists to provide guidance and help agencies, local councils, universities, and SOCs to comply with the PPIP Act (including the MNDB Scheme) and the HRIP Act. The Framework helps agencies to better understand privacy risks and opportunities, ensure there are up-to-date privacy policies and procedures within the agency, and embed a proactive approach to privacy management and privacy-by-design throughout the agency. The revised Framework focuses on four key governance concepts:

- Governance and leadership
- Privacy program
- Complaints and incident management
- Evaluation, internal and external oversight.

The Framework is available and accessible via the IPC website.

Data Breach Response Policy

During the reporting period, the IPC proactively initiated a desktop review of the compliance by agencies with the legislated requirements to have a Data Breach Policy (DBP) as required by the MNDB Scheme. The MNDB Scheme requires agencies to have a DBP that outlines the procedures and practices used to comply with the obligations under the Scheme. In parallel with the preparation of the DBP, agencies were also required to amend their Privacy Management Plans (PMP) to include the procedures and practices used by the agency to ensure its compliance with the requirements and responsibilities of the MNDB Scheme. The DBP must also be made publicly available.

A DBP both supports and prepares agencies in their response management and handling of a data breach. It enables the ability to respond quickly when a breach occurs and can reduce or minimise the impact on affected individuals, reduce the costs to agencies of dealing with a breach, and reduce the potential reputational damage that can result. The absence of a documented DBP can undermine the efforts of agencies in minimising the potential consequences of a data breach.

The review was foreshadowed to agencies in early 2024 and commenced in May 2024, examining a sample of over 90 agencies across the regulated entities. The focus of the review was to establish a baseline understanding of compliance with this core MNDB Scheme requirement, recognising the 12-month transition period afforded to agencies prior to the scheme commencing.

The report of DBP compliance will be published in the next reporting period.

Sonia Minutillo
Acting Privacy Commissioner
B Commerce, EMPA,
GCertPubSecMgmt, GIA(Cert), CertIV Government
Investigations

Priorities for 2024/25



Proposals for legislative change

The IPC plays a key role in ensuring that agencies are compliant with their obligations under the GIPA Act, PPIP Act and HRIP Act. The Information Commissioner and Privacy Commissioner are explicitly recognised as integrity agencies for the purposes of the *Public Interest Disclosures Act 2022* (PID Act). The IPC is recognised generally as an integrity agency, for example, it is a member of the steering committee of the recently constituted Community of Practice for Ethical Behaviour, alongside other integrity agencies.

However, other than in the PID Act, the IPC is not explicitly identified in legislation as an integrity agency. This has a number of implications, including that the IPC continues to receive its budget allocation via the Department of Customer Service, and is not subject to the express provisions in the *Government Sector Finance Act 2018* (GSF Act) (including access to contingency funding) that apply to the integrity agencies identified in that Act (the Audit Office, the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Electoral Commission and the Ombudsman's Office). There are also benefits for the IPC's workforce in wider recognition of the IPC as an integrity agency alongside other established integrity agencies. For these reasons, the IPC has identified a key strategic goal of seeking to ensure that the IPC is characterised consistently in legislation and government policy as an integrity agency.

In the 2022/23 Report on the Operation of the GIPA Act, the Information Commissioner identified an issue arising from the conventions protecting Cabinet confidentiality. Following the State election in March 2023, information about GIPA applications being dealt with by former Ministers was not accessible to incoming Ministers. This meant that the data reported to the IPC did not contain full information for the period from 1 July 2022 until April 2023 when the new government was formed. As a consequence, there was little meaningful data to analyse from the Ministerial sector. The IPC has identified the potential for legislative change to ensure that future elections will not result in the loss of data.

GIPA Act

As the fifteenth anniversary of the commencement of the GIPA Act approaches, it is appropriate to consider whether the Act remains fit for purpose. The IPC is developing a list of reform proposals to ensure the GIPA Act keeps pace with contemporary expectations and reforms elsewhere in Australia, including around transparency and tools for compliance. Throughout the reporting year, the IPC has already identified a number of opportunities for reform relating specifically to technology.

Section 20 of the GIPA Act requires that agencies prepare and publish an Agency Information Guide (AIG) that includes a description of the way in which the functions of the agency, including its decision-making functions, affect members of the public. Agencies are increasingly using AI, and structured and ADM technologies. The IPC expects that agencies will include in their AIGs information about how AI and ADM are used in ways that impact the public and has published guidance to this effect. However, there is merit in seeking to amend the GIPA to include a specific requirement for transparency relating to agency use of AI in particular.

As set out in the IPC's submission to the NSW Parliament's Inquiry into Artificial Intelligence in NSW, the IPC recommends that the GIPA Act is amended to:

- require the proactive disclosure of the use of AI by agencies as Open Access information
- ensure that Open Access information includes a statement of use, inputs and a description of the operation of the AI system
- expand information access rights in relation to government contracted services to include provisions that require access to contract information held by suppliers about AI used by agencies to assist in their decision-making functions
- include the use of AI as a factor in favour of the disclosure of information
- address the limitation in section 121 that requires agencies entering into contracts with private sector contractors to ensure that they have an immediate right to certain information, but only in circumstances where the contractor has been engaged to provide services to the public on behalf of the agency. Section 121 does not capture situations where a third-party contractor has been engaged to assist an agency with its decision-making, including through the use of AI or other automation, but is not engaged in service delivery to the public.

PPIP Act

During the reporting year, the IPC identified that there was a legislative impediment to the appointment of academics engaged by universities that are also within the NSW public sector to the Information and Privacy Advisory Committee (IPAC). The inability to appoint those people who are likely to have the most relevant experience and expertise to an advisory committee established to provide advice to the Information Commissioner, the Privacy Commissioner and Ministers is problematic. The IPC recommends that this issue is addressed by legislative reform.

Our organisation



About the IPC



Rachel McCallum
NSW Information
Commissioner



Sonia Minutillo
Acting NSW Privacy
Commissioner



Ian Naylor
Director, Business
Improvement



Andrew Pickles
Acting Director,
Investigation
and Reporting



Carla Wilson
Director, Legal Counsel
and Regulatory Advice

Who we are

The IPC is the independent integrity agency that supports the NSW Information Commissioner and the NSW Privacy Commissioner. The IPC was established on 1 January 2011, combining the Office of the Information Commissioner and Privacy NSW, 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.

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 the 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

Privacy and access to government information are valued and protected in NSW.

Our purpose:

To champion information access and privacy rights in NSW and advance public sector integrity.

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. See page 21 for more information.

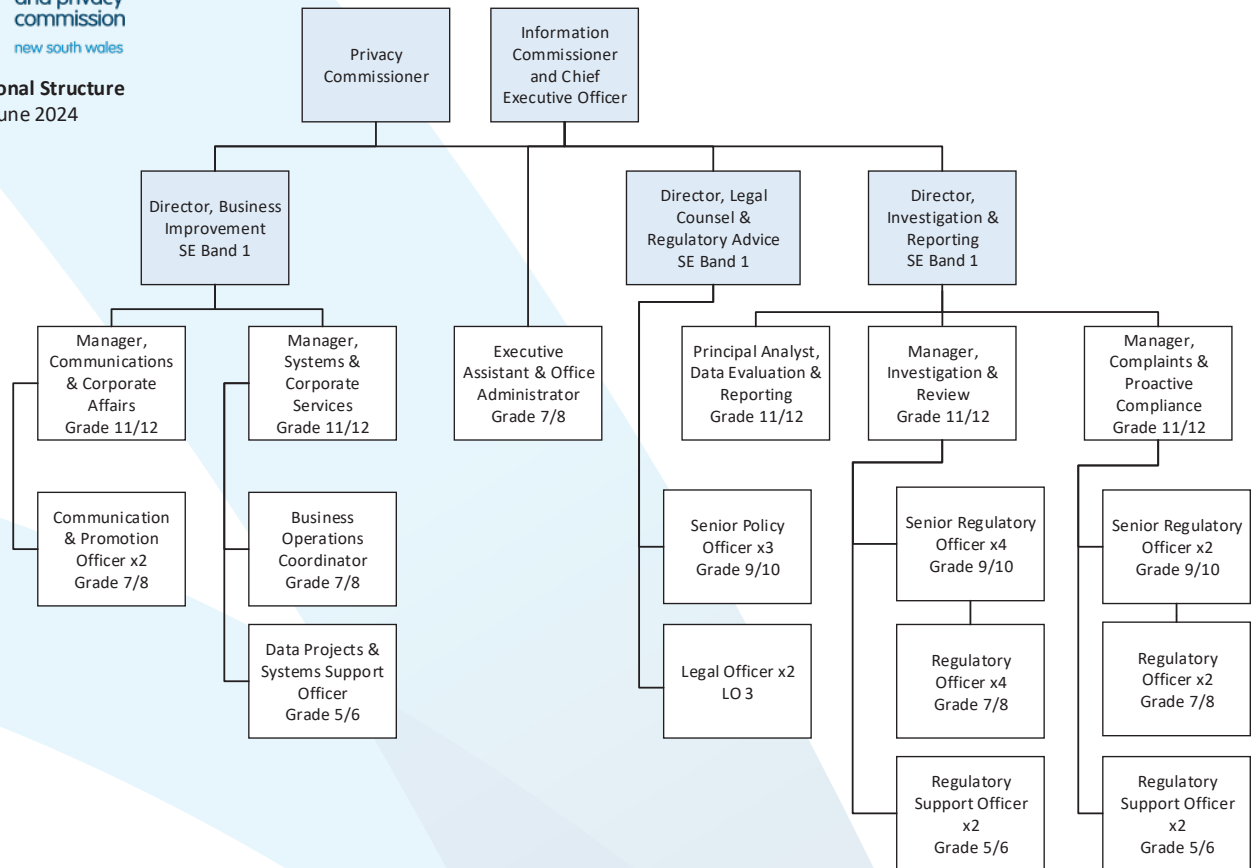
Our stakeholders

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

Organisational structure as at 30 June 2024



IPC Organisational Structure
As at 30 June 2024





information
and privacy
commission
new south wales

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.

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.

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).

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 GIIIC Act. The Information Commissioner is also the Chief Executive of the IPC by operation of the GSE Act.

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 the Minister for Customer Service and Digital Government, Minister for Emergency Service, and Minister for Youth Justice 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 and participates in some GIPA Act review matters before the NCAT.

Since September 2020, the Information Commissioner also provides advice on projects seeking funding through the Digital Restart Fund (DRF).

Participation in committees

During the reporting period, the Information Commissioner (both former and current) was a member of the following committees:

- Association of Information Access Commissioners (AIAC)
- Board of State Records Authority NSW
- Gradient Institute Advisory Board (until 2 February 2024)
- IPAC (Chair)

- International Conference of Information Commissioners (ICIC)
- Open Government Partnership Working Group (until 2 February 2024)
- Public Interest Disclosures Steering Committee.

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.

Since September 2020, the Privacy Commissioner also provides advice on projects seeking funding through the DRF. The Privacy Commissioner also oversees the MNDB Scheme which commenced on 28 November 2023.

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)
- IPAC
- Public Interest Disclosures Steering Committee.

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 the agency head under the GSE Act and is the accountable authority under the GSF Act, with responsibility for ensuring that the IPC and its staff operate in accordance with all government sector requirements.

The IPC’s governance is supported by the IPC Audit and Risk Committee (ARC).

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 Joint Parliamentary Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission also oversees the functions of the Information Commissioner and the Privacy Commissioner. 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 2019* (NSW) (PPIP Regulation)
- *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act)
- *Health Records and Information Privacy Regulation 2022* (NSW) (HRIP Regulation)
- *Public Interest Disclosures Act 2022* (NSW) (PID Act).

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 capacity of one IPC to support the distinct roles of the two commissioners is supported by legislation that provides a legal framework in which access to information and protection of privacy can be 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 GIIC 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 enquiries.

Governance and legislative responsibilities

The PPIP Act establishes the role of the Privacy Commissioner to oversight and champion the public interest in the protection of privacy in the operations of the public sector – 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 SOCs, NSW Government Ministers, local councils and universities) deal with personal information. The key to the PPIP Act are the 12 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 HPPs.

Our strategic objectives

In December 2021, the IPC finalised its Strategic Plan for 2022 – 2024. The Strategic Plan's structure is formed around the four pillars of:

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

The IPC's Regulatory Plan 2022 – 2024 commenced in 2022, following the conclusion of the 2020-22 Plan in December 2021. As with previous plans, the IPC's regulatory efforts continue to be guided by a risk-based and intelligence-informed approach to regulation and align 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 Plans, including their development, can be found on page 56.

In March 2024, the IPC commenced planning for the IPC Strategic Plan 2024 – 2028. The Plan came into effect on 1 July 2024 and will be incorporated into and reported on in the 2024/25 annual report.

Strategy



IPC Strategic Plan 2022 – 2024 Summary

IPC Strategic Plan 2022 – 2024 Framework

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.

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.

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.

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.

IPC Values

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

Reporting against our strategic objectives – Summary

IPC	Reviews & Complaints	2023/24	2022/23	2021/22
	Received	744	715	682
Closed	658	704	764	

GIPA	Reviews & Complaints	2023/24	2022/23	2021/22
	Received	433	456	362
Closed	365	444	422	

Privacy	Reviews & Complaints	2023/24	2023/23	2021/22
	Received	311	259	320
Closed	293	260	342	

Enquiries received by type		2023/24	2023/23	2021/22
	Phone and in person	2110	2069	1963
In writing ¹	1013	1027	1177	

Advices			
	2023/24	2022/23	2021/22
GIPA (closed)	268	230	168
Privacy (closed)	292	219	219
Joint ⁴ (closed)	88	129	N/A

DRF Advices ³ (Information access and privacy)			
	2023/24	2022/23	2021/22
	9	38	112

Submissions			
	2023/24	2022/23	2021/22
GIPA	4 ²	5 ²	6
Privacy	8 ²	4 ²	8

Research (includes surveys)			
	2023/24	2022/23	2021/22
GIPA	1	3	2
Privacy	1	1	1

Committees			
	2023/24	2022/23	2021/22
GIPA	7	7	7
Privacy	3	3	4

Publications			
	2023/24	2022/23	2021/22
GIPA	8	14	13
Privacy	12	15	5

¹ Includes emails, letters, faxes and website forms

² This is made up of one joint submission

³ Information access and privacy advices provided

⁴ Advices containing both information access and privacy elements

Reporting against our strategic and regulatory objectives

The reporting against our strategic and regulatory objectives relates to the IPC Strategic Plan 2022 – 2024 which commenced in January 2022.

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.

Strategic Initiatives completed



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.

Strategic Initiatives completed



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.

Strategic Initiatives completed



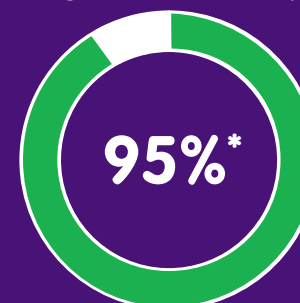
Pillar 4: Operational Excellence

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.

Strategic Initiatives completed



* Includes 40% BAU ongoing initiatives

Reporting against our strategic objectives – Outcomes

Pillar 1: Service Delivery & Excellence

No.	Strategy	Outcome measures (KPIs)	Outcomes
1.1	Provide effective advice to agencies, citizens and other entities (e.g. NSW Parliament and the NCAT)	<p>Increased agency and citizen engagement with IPC materials measured through monthly dashboard reporting</p> <p>Improved record of agency implementation of IPC advice, including implementing privacy-by-design on digital and other projects. This will be captured via audit or follow-up surveys</p>	<ul style="list-style-type: none"> 654,942 page views and 399,055 visits to the IPC website 4,283 total downloads of IPC materials for 2023/24 9 DRF advices provided to agencies 80% of agencies surveyed agreed that it was easy to find information such as fact sheets, guidance and guidelines on the IPC website 72% of agencies surveyed agreed that the IPC officer/s had the knowledge to answer their questions
1.2	Flexibly apply resources to meet increasing demand	<p>Average timeframe for closures remains stable within a margin of 10% (+/-) of 2021 levels</p>	<ul style="list-style-type: none"> Information access: <ul style="list-style-type: none"> – 79% of advices were completed within the target, a decrease from 87% in 2022/23 – 93% of complaints were completed within the target, an increase from 79% in 2022/23 – 100% of reviews were completed within the target, consistent with 100% in 2022/23 – 65% of digital enquiries were completed within the target – 77% of phone/in-person enquiries were completed within the target Privacy: <ul style="list-style-type: none"> – 75% of advices were completed within the target, a slight decrease from 76% in 2022/23 – 91% of complaints were completed within the target, a slight decrease from 92% in 2022/23 – 100% of reviews were completed within the target, consistent with 100% in 2022/23 – 70% of digital enquiries were completed within the target – 90% of phone/in-person enquiries were completed within the target
1.3	Proactively set citizen expectations of the services and advice we can offer at their point of engagement with the IPC	<p>Improved outcomes of customer surveys using previous benchmarks (+/- 10% of 2021 levels)</p> <p>Improved agency and citizen engagement with IPC materials (monthly dashboard)</p>	<ul style="list-style-type: none"> 654,942 page views and a 32.7% increase in website visits to ipc.nsw.gov.au 48% of clients surveyed indicated that they were satisfied with their outcome, an increase of 2% from 2022/23 75% of clients surveyed indicated that the outcome of their case was clearly communicated by the IPC, an increase of 7% from 2022/23

Reporting against our strategic objectives – Outcomes

Pillar 2: Engagement & Influence

No.	Strategy	Outcome measures (KPIs)	Outcomes
2.1	Anticipate, shape and respond to the digitisation of government	More government information being released by agencies to citizens through digital projects incorporating information access measured through surveys	<ul style="list-style-type: none"> 9 DRF advices provided promoting improved access to information and privacy
2.2	Improve understanding of impacts of technology on IPC legislation to build internal IPC capacity to assist agencies	Review currency of publications, including advice on new technologies	<ul style="list-style-type: none"> 41 IPC resources reviewed in 2023/24 by the Publications Review Committee Training and professional development provided to staff to increase capability on the impacts of technology
2.3	Continue to demonstrate IPC's proactive, independent leadership in the management and promotion of data and information	Improved IPC brand awareness around reach and reputation (brand awareness survey used to measure % increase in agency awareness of IPC services and responsibility)	<ul style="list-style-type: none"> 560 advices provided to agencies in 2023/24 IPC Bulletin sent to over 1,800 stakeholders each quarter 416,622 total reach on Facebook and 72,354 impressions on LinkedIn for the IPC's boosted social media posts in 2023/24 399,055 total visits to the IPC website in 2023/24
2.4	Encourage agencies to act on the guidance IPC provides	Improved record of agency implementation of IPC advice, including their implementation of privacy-by-design on digital and other projects (captured via audit or follow-up surveys)	<ul style="list-style-type: none"> 9 DRF advices provided promoting improved access to information and privacy 560 advices provided to agencies in 2023/24 72% of agencies surveyed said they were satisfied with the advice provided to them by the IPC
2.5	Ensure greater consistency of agency understanding and awareness of existing and emerging legislation / case law	Overall improvement in agency understanding and awareness (captured via audit or follow-up surveys)	<ul style="list-style-type: none"> 560 advices provided to agencies in 2023/24 73% of all feedback responses via the IPC website found IPC resources easy to understand 552 new registrations in the IPC's e-learning portal, an increase from 425 in 2022/23
2.6	Effectively prepare for and deliver Mandatory Notification of Data Breach Scheme	100% of voluntary notifications are registered and acknowledged within 5 business days of receipt	<ul style="list-style-type: none"> The IPC prepared and published guidance and resources to provide information about the MNDB Scheme to the public and assist agencies to prepare to comply Published 5 MNDB e-Newsletters in the reporting period in the lead up to the Scheme The IPC commenced and subsequently launched e-learning modules and animations to support the introduction of the Scheme in 2023/24
2.7	Strengthening engagement using new and comprehensive ways of engaging agencies, partners, experts and citizens	Improved 'understandability' score on communication activities or materials (via micro-surveys)	<ul style="list-style-type: none"> 63% of practitioners surveyed indicated that IPC guidance was easy to understand 8,103 views for IPC videos via its YouTube Channel New diverse resource types developed in 2023/24 including 2 animation videos 73% of all feedback responses via the IPC website found IPC resources easy to understand
2.8	Seek to develop further external agency maturity around their use of the Self-assessment Tool	Increase in the number of agencies responding to IPC surveys saying that they are using self-assessment tools	<ul style="list-style-type: none"> 607 downloads of Privacy Self-assessment Tools 571 downloads of Information Access Self-assessment Tools

Reporting against our strategic objectives – Outcomes

Pillar 3: Rights Promotion & Impact

No.	Strategy	Outcome measures (KPIs)	Outcomes
3.1	Elevate agency and citizen awareness of rights and pathways for accessing information including MNDB	Improved record of agency implementation of IPC advice, including establishment of pathways being used by citizens (captured via audit or follow-up surveys)	<ul style="list-style-type: none"> • 55% of the community surveyed were aware that they had the right to access information from at least one of the agencies under NSW information access laws, consistent with 55% in 2022 • Published 5 MNDB e-Newsletters in the reporting period in the lead up to the Scheme • The IPC published 2 new e-learning modules on the new MNDB Scheme for practitioners and senior leaders
3.2	Identify and manage emerging issues to inform guidance and thought leadership	Report number of IPC thought leadership pieces on a quarterly basis, noting that the dashboard also includes analysis of stakeholder engagement with materials around new trends and technologies	<ul style="list-style-type: none"> • Information Commissioner and Privacy Commissioner published 3 thought leadership pieces in 2023/24 • 17 Commissioner presentations to stakeholders on information access and privacy
3.3	Continually ensure agencies and citizens have effective access to up-to-date information	Improved agency and citizen engagement with IPC materials (monthly dashboard)	<ul style="list-style-type: none"> • 18 new IPC resources published in 2023/24 • 41 IPC resources reviewed in 2023/24 by the Publications Review Committee • 385 total social media posts, including promoting IPC resources with 4,271 total engagements on the posts • 23 e-alerts sent to practitioners and citizens promoting IPC guidance • 1,152 responses to resource feedback surveys via the IPC website

Reporting against our strategic objectives – Outcomes

Pillar 4: Operational Excellence

No.	Strategy	Outcome measures (KPIs)	Outcomes
4.1	Implement best practice systems, processes and resources	Improved internal user satisfaction with system and resources (staff survey)	<ul style="list-style-type: none"> • IPC staff score was 57% for learning and development in the 2023 People Matter Employee Survey (PMES) • 67% of staff believe the organisation is making improvements to meet future challenges • 63% of IPC staff said they were satisfied with their ability to access and use flexible working
4.2	Work in a supportive, cross functional way across the whole of IPC, including to deliver systems improvement and agency advice	Overall staff satisfaction with experience of collaborating with other teams on Strategic Plan initiatives (360-degree survey)	<ul style="list-style-type: none"> • 56% of staff believe there is good co-operation between teams across the organisation
4.3	Ensure human resources and finance management meets IPC requirements and commitments	Decrease in the number of financial issues, increase in staff training hours measured and reported on the monthly dashboard	<ul style="list-style-type: none"> • Over 1,125 hours invested in IPC staff training • Held regular meetings with DCS finance, undertook proactive action of issues and thorough analysis of any discrepancies • Number of financial issues reported to DCS decreased by 44%

Report on regulatory achievements

The IPC's Regulatory Plan 2022 – 2024 commenced in 2022 and contains a total of 23 identified regulatory initiatives. Regulatory initiatives from the Regulatory Plan 2022 – 2024 that were finalised in the reporting period are listed below:

- Develop additional guidelines and guidance to assist agencies to comply with legislation, including the MNDB.
- Develop helpful and accurate published advice to guide members of the public in understanding their rights and agencies to understand their obligations.
- Further develop relationships with integrity agencies (e.g., NSW State Records, 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.
- Disseminate resources to agencies on implementation of MNDB Scheme and drive engagement with practitioners and 'champions'.
- Develop and implement a MNDB project plan.

Following the finalisation of the five outstanding regulatory initiatives, the IPC Regulatory Plan 2022 – 2024 concluded on 31 December 2023.

The IPC's Regulatory Plan 2022 – 2024



Operations and performance



Pillar 1: Service Delivery & Excellence



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:

- undertaking a high-level review of IPC end-to-end communications and tested against the strategic pillars of the organisation
- further developing relationships with integrity bodies, 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.

The provision of regulatory assistance may be initiated by the IPC in response to:

- risks identified by Commissioners, Directors or the Compliance Committee
- a referral from, or issues identified by, the NCAT or another entity (e.g. another regulator, an integrity agency or a Parliamentary Committee)
- as a pre-cursor to a decision to exercise another regulatory function at a future time such as an investigation or an audit.

Only one case of regulatory assistance occurred in the reporting year which concerned the support of interpretation of the use of Overriding Public Interests Against Disclosure (OPIAD) during the Development Application process. This area is covered by mandatory proactive release obligations, so it can be complex to interpret when and how an OPIAD should be applied in pursuit of information access outcomes.

Types of GIPA advice to agencies

During the year, agencies sought advice on many aspects of information access under the GIPA Act, including:

- handling formal applications
- proposed amendments to the GIPA Act, GIPA Regulation and other legislation
- applying GIPA legislation to digital technology and related projects
- preparing AIGs
- managing disclosure requirements, such as contract registers
- meeting Open Access requirements including through publication of information on websites as Open Access data
- updating publicly available general advice for agencies
- understanding the operation of the four GIPA information access pathways.

Information access

Advice to agencies

The IPC provides information to agencies to assist with compliance, their decision-making and to support public access to government information. There were 268 information access advices provided in the reporting period.

Joint advices

Joint advices are advice matters that relate to both information access and privacy. There were 41 joint advices (information access advices that also related to privacy) closed for the reporting period. This compares to 54 joint advices closed in the 2022/23 reporting period.

Regulatory assistance

Proactive compliance engagements that are not audits are classified by the IPC as “regulatory assistance matters” and tend to occur over a sustained period to uplift agency capacity and achieve compliance with the GIPA Act.

Closed: GIPA advice by sector for 2023/24

Stream and sector	2023/24	2022/23	2021/22
Total GIPA	268	230	168
State Government	146	126	117
Local Council	85	74	33
University	7	5	3
Minister	1	0	0
State-Owned Corporation	5	5	1
Other*	24	20	14

* Note: Other advices include members of the public and private organisations.

Pillar 1: Service Delivery & Excellence

Information access complaints

Under the GIIIC Act, a complaint may be made to the Information Commissioner about the action or inaction of an agency in the exercise of its functions under the GIPA Act.

Matters that are the subject of a reviewable decision under section 80 of the GIPA Act cannot be the subject of a complaint under the GIIIC Act. In dealing with the complaint under the GIIIC Act, the Information Commissioner may choose to provide information to assist the complainant and respondent agency to understand how the GIPA Act is interpreted and how it was applied to the circumstances of the complaint; and to highlight and reinforce for the agency its obligations under the Act.

The IPC received 80 information access complaints in 2023/24, the same as the year before.

Trends and systemic issues identified in complaints continue to inform the Information Commissioner's risk-based proactive regulatory initiatives, such as compliance audits, which are then included in the Information Commissioner's published program of regulatory activity.

During 2023/24, 93% of complaints were finalised within 90 days, compared to 79% in the previous reporting year. The average number of days to finalise a complaint remains stable over the last three reporting periods at 55 days for 2023/24. The IPC continues to monitor, review and refine its complaints approach to ensure the timely resolution of complaints.

Of the 68 complaints finalised, the majority were focused on the Government and Council sectors, with 2 complaints received about both the University and Ministers sectors and 1 about the State-Owned Corporation sector. The Government sector represented 60% of finalised complaints under the GIIIC Act in the year.

Two-thirds of finalised complaints were comprised of the below categories in approximately equal amounts:

- decision-making processes
- decision-making timeframes
- timeframe to provide access to information
- open access information not being made available or not provided.

The IPC monitors the outcomes from its complaint handling function for the Information Commissioner. Where a complaint has multiple issues and only some of those issues are substantiated, then the complaint as a whole is considered to be Justified in Part. The outcomes represented in the table across demonstrate that the Information Commissioner declined to deal with 41% of the total complaints, with another 19% of complaints being withdrawn by the complainant. These numbers are

largely due to allegations of conduct that could not be substantiated, and conduct concerned with reviewable decisions under the GIPA Act. For complaints which were dealt with, such as by providing information to the parties, only 40% of complaints were found either fully or partly justified.

Closed: Information access complaint outcomes for 2023/24

Issue Outcome	Number
Justified in Part	10
Not Justified	6
Declined to deal	28
Justified	6
Withdrawn	13
Discontinued	2
Out of jurisdiction	3
Total	68

Reviews of agency information access decisions

Under the GIPA Act, an information access applicant may apply to the Information Commissioner to seek a review of decisions made as part of an information access request. The IPC conducts information access reviews and provides recommendations back to agencies. An IPC review outcome does not replace an agency GIPA decision and is not itself reviewable.

In the reporting period, the IPC further refined its systems and procedures in respect of the exercise of external review functions. Notably, during the reporting period the IPC delivered a project to update the standard formatting and presentation of outcome correspondence to improve the accessibility and detail of those communications to parties.

In accordance with section 92A of the GIPA Act, the Information Commissioner is required to complete their external review function within 40 working days from when the Information Commissioner has determined that they have all the information necessary to complete the review.

In 2023/24, the Information Commissioner finalised 100% of all reviews received within the statutory timeframe, consistent with the 2022/23 reporting period. The Information Commissioner received 353 applications for external review, representing a 7% decrease compared to the previous reporting period. The total number of external reviews closed was lower than the previous reporting period with 297 reviews closed.

Pillar 1: Service Delivery & Excellence

The top issues requested for review are listed in the table across. The top issues all concern information that was not provided to applicants and were:

- where an agency determined it did not hold the requested information, a review of the reasonableness of agency searches for information
- privacy related public interest claims used to prevent information from being provided to applicants
- public interest claims involving confidentiality and effective agency function that prevented information being provided to applicants.

Information Commissioner audits

Audits are a key compliance tool for the IPC and are undertaken in accordance with its [Compliance Audit Manual](#). The IPC continued its proactive audit compliance program during 2023/24 and published its proactive calendar of upcoming audit activity on the IPC website. In the reporting period, the Information Commissioner conducted two audits into agency compliance with the GIPA Act.

They were:

- [Agency compliance with Disclosure Log requirements – GIPA Compliance Report January 2024](#)
- [Agency compliance with requirements under section 6\(5\) of the GIPA Act - GIPA Compliance Report January 2024](#)

Both audits related to specific issues, compliance obligations and performance regarding mandatory proactive release and looked at all sectors within the IPC's jurisdiction. The audit reports are published on the IPC's website.

The Information Commissioner made recommendations that agencies review and improve compliance across all requirements related to obligations for mandatory proactive release of government information, and committed to monitoring agency compliance. The Information Commissioner also notified the Minister for Local Government and the Secretary for the Office of Local Government given the patterns in local government performance.

Closed: Information access complaints and reviews by sector for 2023/24

Stream	Complaints	Reviews
State Government	41	220
Local Council	22	62
University	2	4
Minister	2	5
State-Owned Corporation	1	6

GIPA external reviews for 2023/24

Top Public Interest Considerations applied by agencies	Number
GIPA Act 2009\Information Not Held/Searches	96
GIPA Act 2009\Public interest considerations against disclosure\s14T(3)(a) personal information	78
GIPA Act 2009\Public interest considerations against disclosure\s14T(3)(b) IPP/HPP	52
GIPA Act 2009\Public interest considerations against disclosure\s14T(1)(f) effective exercise agency function	50
GIPA Act 2009\Public interest considerations against disclosure\s14T(1)(d) supply of confidential information/agency function	32
GIPA Act 2009\Sch1 Conclusive presumption\Sch1(5) Legal professional privilege	26
GIPA Act 2009\Public interest considerations against disclosure\s14T(1)(e) deliberative process of government	24
GIPA Act 2009\Public interest considerations against disclosure\s14T(4)(d) business/professional interests	21
GIPA Act 2009\Agency Decision to Refuse to Deal with Application\Unreasonable and Substantial Diversion of Resources	20
GIPA Act 2009\Fees and charges\Processing Charges	15
GIPA Act 2009\Public interest considerations against disclosure\s14T(1)(g) breach of confidence	15
Total for all issues	429

Pillar 1: Service Delivery & Excellence

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 a review outcome of the Information Commissioner.

The Information Commissioner has the right to appear and be heard in NCAT proceedings; a right that has been exercised for the purpose of assisting the Tribunal with interpretation of the relevant legislation and issues of law.

During the reporting period, the Information Commissioner was represented in NCAT (and NCAT Appeal Panel) proceedings, including in matters that progressed to hearing.

The Information Commissioner made eight written submissions during the reporting period (consistent with the nine written submissions made in 2022/23), including in the following matters:

- *Fire Brigades Employees Union v Fire and Rescue NSW* [2023] NSWCATAD 253
- *Sicard v The Hills Shire Council* [2024] NSWCATAD 162.

GIPA NCAT activities for 2023/24

	No. files opened 2023/24	No. files closed 2023/24
GIPA	138	141

GIPA case activities and performance for 2023/24

Case type	Number received	Number closed	Number open at 30 June 2024	Average days to finalise 2023/24	Average days to finalise 2022/23	% Complete within target 2023/24
Advices	278	268	1	8	9	79%
Joint Advices	42	41	0	N/A	N/A	N/A
Regulatory Assistance	1	0	1	N/A	N/A	N/A
Audits (combined)	68	62	9	94	34	N/A
Audit-AIG	66	60	9	18	25	87%
Audit-other	2	2	0	169	42	N/A
Complaints	80	68	16	55	52	93%
Reviews	353	297	86	71	64	100%
Enquiries	1601	1596	0	5	2	71%
Own motion	0	0	0	N/A	N/A	N/A

Pillar 1: Service Delivery & Excellence

Privacy

Advice to agencies

The IPC provides information to agencies to assist with their compliance, decision-making, and to support them to adopt best practice when collecting, storing, using and disclosing personal information.

Joint advices

There were 47 joint advices (privacy advices that also related to information access) closed for the reporting period compared to 75 joint advices closed in the 2022/23 reporting period.

Regulatory assistance

As detailed on page 36 of this report, the IPC captures its proactive compliance engagement with agencies that are not audits as “regulatory assistance matters”.

During the reporting period, the Privacy Commissioner initiated two instances of regulatory assistance. The first concerned the use of facial recognition technology in public spaces which came up through media monitoring that raised concerns of unsolicited collection of personal information. The agency was able to outline its uses and controls, although committed to align its approach, practice and impact assessments across the public venues.

The second matter concerned the discovery of government records in disused government buildings that contained personal information. Media reporting again alerted the Privacy Commissioner of the issue and engagement with the agency ensured that relevant privacy concerns were addressed, and that the agency was able to remediate the immediate issue as well as review other similar circumstances to assure itself there were no further risks arising from changes to their accommodation.

Privacy advices to agencies

During the reporting period, topics included:

- application of privacy principles, legislation and regulation of the introduction of new digital services and technology-related projects, including cyber security projects
- the development of projects involving biometric data
- the collection, use and disclosure of personal and health information
- proposed amendments to legislation and regulations
- handling of privacy breaches
- use of data collection techniques
- privacy impact assessments
- public interest directions and privacy codes of practice.

Closed: Privacy advice by sector for 2023/24

Stream and sector	2023/24	2022/23	2021/22
Total Privacy	292	219	219
State Government	185	156	172
Local Government	46	25	9
University	11	6	2
Minister	0	0	0
State-Owned Corporation	0	2	2
Other*	50	30	34

* Note: Other advices include members of the public, health providers and financial institutions.

Privacy complaints

In the reporting period, 112 complaints were received, representing a 70% increase from 2022/23 with only 66 complaints. During 2023/24, 91% of complaints were finalised within 90 days compared to 92% the previous reporting period. The average days for completion marginally increased from 53 to 57 over the reporting period, despite the total number of complaints almost doubling.

The complaints finalised by the Privacy Commissioner overwhelmingly relate to:

- refusal of requests for health information or method/cost of access by private sector persons/health practitioners – examples include individuals seeking access to their personal health information or in seeking to transfer their health information to another health provider
- disclosure of personal/health information and retention and security of personal/health information.

Complaints about private health service providers and individual health practitioners are also subject to a dual complaint jurisdictions with the Commonwealth regulator, the Office of the Australian Information Commissioner. The IPC ensures that all complainants are informed of their rights and the outcomes that can be delivered. Complaints about public sector agencies under the PPIP Act are generally dealt with by referring the complainant to the PPIP Act's internal review function where they have access to strengthened decision review opportunities.

In the reporting period, 20% of privacy complaints were dealt with by making enquiries, providing information and seeking resolution (such as the provision of health records), while 32% of complaints were declined and 20% withdrawn.

Pillar 1: Service Delivery & Excellence

The latter groups largely concerned matters that were referred for privacy internal review with the respondent agency or matters that were outside of the legislated timeframes to be dealt with.

Commissioner submissions on internal agency privacy reviews

The Privacy Commissioner has an oversight function in respect of the way public sector agencies handle the privacy complaints they receive.

Individuals have a right to make applications to an agency for an internal review of conduct which they allege is in contravention with the privacy principles. An agency must respond to these applications with findings, recommendations, and rights of review. Prior to the finalisation of an internal review, the IPC receives a report from the agency that outlines:

- the issues
- the investigation of the complaint
- the findings and proposed recommendations.

The IPC undertakes an assessment of the report and the proposed findings, with reference to the legislation and case law. Under section 54(2) of the PPIP Act, the Privacy Commissioner is entitled to make submissions for consideration by the agency.

In the reporting period, the Privacy Commissioner received 199 privacy reviews, approximately the same number of privacy reviews received in the previous reporting period.

The Privacy Commissioner finalised 193 privacy review matters in the reporting period, demonstrating a stable closure rate. The average age of a matter at closure was reduced by 7% compared to the previous reporting period.

Although there is no statutory timeframe prescribed for completion of privacy reviews by the Privacy Commissioner under the legislation, in the reporting period, the Privacy Commissioner continued to apply a timeframe for completion within 40 days. This is consistent with the requirements for information access ensuring a consistent and single point of service delivery standard across both information access and privacy. During 2023/24, 100% of all reviews were finalised within the target date of 40 working days.

The top issues/privacy principles raised in privacy reviews are listed on the right.

Closed: Privacy complaints and reviews by sector for 2023/24

Sector	Complaints	Reviews
State Government	39	148
Local Council	9	27
University	3	18
Minister	0	0
State-Owned Corporation	0	0
Other*	49	0

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

Privacy reviews for 2023/24

Top Issues/Privacy Principle	Number
PPIP Act\IPP 11 Limits on disclosure of personal information	102
PPIP Act\IPP 10 Limits on use of personal information	64
PPIP Act\IPP 5 Retention and security of personal information	53
HRIP Act\HPP 11 Limits on disclosure of health information	35
HRIP Act\HPP 10 Limits on use of health information	31
PPIP Act\IPP 1 Collection of personal information for lawful purposes	23
PPIP Act\IPP 9 Agency must check accuracy of personal information before use	23
HRIP Act\HPP 5 Retention and Security	21
PPIP Act\IPP 3 Requirements when collecting personal information	20
PPIP Act\IPP 7 Access to personal information held by agencies	18
PPIP Act\IPP 2 Collection of personal information directly from individual	17
Grand total for all issues	407

Pillar 1: Service Delivery & Excellence

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 (PMP) and provide a copy to the Privacy Commissioner. The PMP 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 PMP sets out the agency's policies and procedures for complying with privacy and the principles contained in NSW privacy legislation. PMPs 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. Significantly, with the MNDB Scheme having commenced in November 2023, agencies now need to embed into their PMP's the procedures and practices used by the agency to ensure compliance with the obligations and responsibilities set out in Part 6A of the PPIP Act.

The number of PMPs 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 PMPs.

In the reporting period, the Privacy Commissioner received a total of 59 PMPs for consideration. This is a 74% increase from the previous reporting period. This increase may partly be in response to the PMP audit work conducted in the prior reporting year or following the IPC's work to inform the jurisdiction of the new obligations under the MNDB Scheme.

The PMPs are reviewed against a checklist and feedback is provided to agencies as required. At the end of the reporting period, 61 PMPs were reviewed with feedback provided to the relevant agency. The average days to review a plan in the reporting period was 23 days. This represents a 30% decrease in the number of days taken to review a plan and an improvement in the timeliness from the previous reporting year of 33 days.

Mandatory Notification of Data Breach Scheme

On 28 November 2023, the MNDB Scheme, established under Part 6A of the PPIP Act, commenced. Under the Scheme, agencies must notify the Privacy Commissioner and provide notifications to affected individuals in the event of an eligible data breach of their personal or health information.

An eligible data breach occurs when:

- personal information held by an agency is accessed or disclosed without authorisation or is lost in circumstances that are likely to result in unauthorised access or disclosure, and
- a reasonable person would conclude that this would be likely to result in serious harm to an individual to whom the information relates.

The MNDB Scheme also requires agencies to satisfy other data management requirements, including to have a publicly available data breach policy and maintain an internal data breach incident register.

During 2023/24, the Privacy Commissioner received 54 notifications under the MNDB Scheme. The majority of notifications received during the reporting period were made by the Government sector (65%), with the remainder split between the Council (19%) and University (17%) sectors.

In circumstances where an agency is unable, or it is impracticable to notify individuals, the agency must issue a public notification. The agency must publish the public notification on a register available on the agency's website and provide a copy to the Privacy Commissioner. During the reporting period, the Privacy Commissioner received one public notification. This notification was published on the IPC website in accordance with section 59P of the PPIP Act.

When making a data breach notification, agencies are required to provide information on the cause of the breach. In some instances, a breach may have more than one cause reported. Because of this, data presented on the cause of data breaches will not total 100%.

Human error was the most common cause cited in data breach notifications received during the reporting period (87%). Examples of a human error breach may include where an email containing personal information is sent to the wrong recipient or where a laptop or paper file containing personal information is lost.

A criminal or malicious attack was identified as a cause of the data breach in 28% of notifications received. Examples may include theft of paperwork or data storage devices, cyber incidents, such as phishing or malware, or an employee acting against the interests of their agency. A cyber incident was identified as the cause of a data breach in 19% of notifications received.

During the reporting period, approximately 71,178 individuals were affected by a data breach. The MNDB Scheme requires that agencies notify affected individuals when an eligible data breach occurs. Notification empowers affected individuals with the information they need to protect their personal information after a data breach has occurred.

Pillar 1: Service Delivery & Excellence

The notification should provide advice to the individual on steps they can take or services they can access following the breach.

Further analysis of the activity under the MNDB Scheme will be made available in periodic reports published on the IPC website.

Privacy Commissioner proactive regulatory initiatives

During the reporting period, the Privacy Commissioner commissioned a desktop audit of Data Breach Policy compliance that looked at the existence and discoverability of Data Breach Policy documents as well as whether updates have been made to PMPs in accordance with the MNDB Scheme.

The audit report will be published on the IPC website in 2024/25.

Privacy NCAT activities for 2023/24

	No. files opened 2023/24	No. files closed 2023/24
Privacy	56	61

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.

The Privacy Commissioner has the right to appear and be heard in NCAT proceedings to assist the Tribunal with interpretation of the relevant legislation and issues of law.

During the reporting period, the Privacy Commissioner was represented in NCAT (and NCAT Appeal Panel) proceedings, including in matters that progressed to hearing.

The Privacy Commissioner made seven written submissions during the reporting period, including in the following matters:

- *iCare NSW v Webb* [2023] NSWCATAP 192
- *Insurance and Care NSW v FMM* [2024] NSWCATAP 43
- *Registrar of Births, Deaths and Marriages v Kelloway* [2023] NSWCATAP 231
- *Cumberland Council v FMH* [2023] NSWCATAP 274.

The Privacy Commissioner also made submissions in *Commissioner of Police v Ritson* [2023] NSWCA 300, a matter which was heard in the NSW Court of Appeal, following an appeal from a decision of the NCAT Appeal Panel.

Privacy case activities and performance for 2023/24

Case type	Number received	Number closed	Number open at 30 June 2024	Average days to finalise 2023/24	Average days to finalise 2022/23	% Completed within target 2023/24
Advices	305	292	7	13	11	75%
Joint Advices	48	47	1	N/A	N/A	N/A
Regulatory Assistance	2	2	0	N/A	N/A	N/A
Audits (PMP and other audits combined)	60	61	3	23	134	N/A
Audit-PMP	59	61	2	23	33	70%
Audit-other	1	0	1	N/A	235	N/A
Mandatory Breaches	52	29	20	65	N/A	N/A
Complaints	112	100	18	57	53	91%
Reviews	199	193	20	51	55	100%
Enquiries	1522	1525	1	4	3	80%
Own motion	0	0	0	N/A	N/A	N/A

Pillar 1: Service Delivery & Excellence

Human Research Ethics Committees (HRECs) reporting

The Privacy Commissioner has issued statutory guidelines, under the HRIP Act, on the use or disclosure of health information for research purposes. The guidelines require that HRECs provide an annual compliance report to the Privacy

Commissioner. Compliance reports must identify where HRECs have approved research proposals seeking to use or disclose personal or health information without the consent of the individuals concerned, 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.

Human Research Ethics Committee reports received for 2023/24

No.	HREC carried out between July 2023 and June 2024	Proposals	Without consent	Outweighed public interest
1	South Western Sydney Local Health District HREC	9	Yes	9
2	The University of Newcastle HREC	0	No	0
3	NSW Population and Health Services Research Ethics Committee/ Cancer Institute	39	Yes	29
4	Hunter New England HREC	9	Yes	9
5	Greater Western Area HREC	39	Yes	39
6	St Vincent's Hospital Sydney HREC	3	Yes	3
7	Aboriginal Health and Medical Research Council HREC	0	No	0
8	Nepean Blue Mountains Local Health District HREC	69	Yes	69
9	Sydney Children's Hospitals Network HREC	106	Yes	84
10	Justice Health and Forensic Mental Health Network HREC	2	Yes	2
11	University of Wollongong Social Sciences HREC	0	No	0
12	University of Wollongong Health and Medical HREC	1	Yes	0
13	Adventist HealthCare Limited HREC	3	Yes	3
14	South Eastern Sydney Local Health District HREC	9	Yes	8
15	Northern Sydney Local Health District HREC	68	Yes	68
16	Sydney Local Health District Ethics Review Committee (RPAH Zone)	107	Yes	107
17	Sydney Local Health District (CRGH) HREC	43	Yes	43
18	Western Sydney Local Health District HREC	3	Yes	0
19	North Coast HREC	0	No	0
20	Australian Catholic University	-	N/A	-
21	Charles Sturt University	0	No	0
22	Macquarie University	-	N/A	-
23	Macquarie University	-	N/A	-
24	Southern Cross University	0	No	0
25	The University of New South Wales A [EC00397]	8	Yes	8
26	The University of New South Wales B [EC00478]	6	Yes	6
27	The University of New South Wales C [EC00142]	12	Yes	12
28	University of Sydney [HREC 1]	0	No	0
29	University of Sydney [HREC 2]	0	No	0
30	University of Sydney [HREC 3]	0	No	0
31	University of New England	0	No	0
32	Western Sydney University HREC	1	Yes	1
33	University of Technology, Sydney [EC00146]	0	No	0
34	University of Technology, Sydney [EC00467]	0	No	0
TOTAL		537		500

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:

- disseminating resources to agencies on the implementation of the MNDB Scheme and driving engagement with practitioners and agency ‘champions’
- positioning the IPC for future/ongoing funding by proactively monitoring and reporting on budgetary impacts
- providing content for the preparation of guidelines and guidance to assist agencies to comply with legislation, including the MNDB Scheme
- undertaking proactive communication strategies, using available resources across the organisation to promote education around key strategic issues for IPC
- working with national and international information access and privacy groups to maximise influence.

Privacy Awareness Week - Privacy and technology: Improving transparency, accountability and security

On 7 May 2024 as part of Privacy Awareness Week NSW 2024 (PAW), the Acting Privacy Commissioner hosted the PAW NSW 2024 event ‘Security in Technology’ at the State Library of NSW in Sydney for in-person attendees and hosted online for practitioners and public sector staff. The Minister for Customer Service and Digital Government, Minister for Emergency Services, Minister for Youth Justice, the Hon. Jihad Dib MP, opened the event via prerecorded video message. Keynote speaker Leah Pinto, CyberCX Intelligence Engagement Lead, featured in-person for a 30-minute presentation and Q&A. The event provided useful insights on the future of cyber security.

Speaking engagements

During the 2023/24 reporting period, the Information Commissioner addressed stakeholders, participated on panels and briefed agencies at 11 speaking engagements regarding the right to information.

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

Of these, the Information Commissioner and the Privacy Commissioner jointly presented at two speaking engagements. Both Commissioners also addressed the NSW Right to Information and Privacy Practitioners’ Network Forum at four quarterly meetings.

Co-regulatory engagements

During the year, both Commissioners enhanced relationships with other regulators, inter-jurisdictional groups and independent agencies to achieve legislative objectives including:

- OGP
- APPA Forum
- AIAC
- Global Privacy Enforcement Network (GPEN)
- PAA
- Council of Australasian Tribunals
- State Records NSW
- Office of Local Government (OLG)
- NSW Ombudsman
- Independent Commission Against Corruption (ICAC)
- Audit Office of NSW.

Stakeholder engagement

Right to Know Week NSW: The importance of the online space for access to information

On 28 September 2023 as part of Right to Know Week NSW 2023, the Information Commissioner featured on the Office of the Victorian Information Commissioner expert panel to discuss the role the online space plays in promoting information access rights and the benefits of, as well as barriers to, using the online space to provide access to government-held information.

During the week, the Information Commissioner also released a Training Webinar for NSW agencies to learn about effective and efficient informal release of government information.

Pillar 2: Engagement & Influence

Thought Leadership Pieces

Reporting here aligns with the IPC's regulatory initiative to engage with academics and other experts to deliver thought leadership pieces that are clearly separate from other guidance on existing legislation.

During the reporting period, there were three identified thought leadership pieces published from the Information Commissioner and the Privacy Commissioner:

- **Submission to the Inquiry into artificial intelligence (AI) in New South Wales**

In October 2023, the IPC provided a submission to the Inquiry into artificial intelligence (AI) in New South Wales. This contribution to the AI Inquiry covered some practical impacts and risks arising from recent NSW case law and provided observations about international developments in promoting and preserving information access rights in digital government.

- **Public Spectrum - The importance of sharing open data to the public**

In November 2023, Public Spectrum released an interview with the Information Commissioner on the importance of sharing open data to the public. The interview explored the importance of this topic and its implications for businesses, drawing insights from the Commissioner.

- **Submission to the Inquiry into the Freedom of Information Act 1982 (VIC)**

In November 2023, the IPC provided a submission to the Inquiry into the *Freedom of Information Act 1982* (VIC). The submission recognises the pivotal role of the right to access information as an effective pro-integrity mechanism that also facilitates public trust through government transparency and accountability.

Regulatory Compliance Committee

The IPC Regulatory Compliance Committee continued to co-ordinate delivery of the IPC's commitment to effective risk-based regulation. The purpose of the Committee is to provide a forum through which to identify, prioritise and co-ordinate proactive compliance activities. The IPC is guided by a risk-based and intelligence-informed approach to regulation. This ensures that the IPC is responsive to changes in its environment and well placed to take action that best supports its strategic objectives and policy outcomes.

The Committee operates in the context of the IPC Regulatory Framework. During 2023/24, the Committee met four times. The role of the Committee is to co-ordinate:

- reviews of intelligence and post-case analysis that can inform about emerging risks to the annual Regulatory Plan

- reviews of executive or staff proposals for new or changed proactive compliance activities to address the changed environment
- advice from executive or staff proposed amendments to the annual Regulatory Plan required as a result of a change in the risk environment or agency/sector performance
- strategic consideration and recommendations for regulatory action that may be suitable for consideration through future regulatory planning processes.

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:

- 144 posts on X
- 137 posts on LinkedIn
- 104 posts on Facebook
- 51 e-alerts to stakeholders
- 12 media releases
- 7 public statements
- 34 publications.

Social media

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

X (formerly Twitter)

The [IPC X account](#) (@IPCNSW) had 1,004 followers at the end of the reporting period, a minor decrease of 4 followers from the previous year. There was a total of 206 engagements on posts in 2023/24 with 4,968 impressions. Due to the low engagement and growth experienced on X over the past few reporting periods, the IPC ceased posting to the platform on 30 June 2024. However, the IPC's account and past posts will remain active and visible.

Pillar 2: Engagement & Influence

LinkedIn

The [IPC LinkedIn page](#) had 2,223 followers at the end of the reporting period, an increase of 319 from the previous year. There was a total of 3,837 engagements on posts in 2023/24 with 50,948 impressions. The IPC boosted posts on LinkedIn to promote Right to Know Week NSW 2023, Privacy Awareness Week NSW 2024 and other key resources. For its boosted posts, there was a total of 72,354 impressions and 673 link clicks. In 2023/24, the IPC's LinkedIn engagement rate averaged 5.91%.

Facebook

The [IPC Facebook page](#) had 106 followers at the end of the reporting period, an increase of 25 from the previous year. There was a total reach of 3,241 for posts in 2023/24 and 228 engagements. The IPC boosted posts on Facebook to promote Right to Know Week NSW 2023, Privacy Awareness Week 2024 and other key resources. For its boosted posts, there was a total reach of 416,622 and 62 link clicks.

Information and Privacy Advisory Committee

The Information and Privacy Advisory Committee (IPAC) is constituted under the PPIP Act. It is chaired by the Information Commissioner and in addition to the Privacy Commissioner, there are six part-time members who are appointed by the Governor, following nominations by the Minister for Customer Service and Digital Government, and the Attorney General.

Its purpose is to provide advice to the Information Commissioner, the Privacy Commissioner and the Minister for Customer Service and Digital Government, and the Attorney General. The IPAC met four times during 2023/24 and considered a number of contemporary issues relevant to the work of the IPC, including the privacy and information access impacts associated with the increased use of automated decision-making and artificial intelligence by public sector agencies.

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.

Consistent with this responsibility, the Information Commissioner and the Acting Privacy Commissioner both appeared before the Joint Parliamentary Committee (JPC) on the Office of the Ombudsman, Law Enforcement Conduct Commission and the Crime Commission in May 2024. The JPC was conducting its review of the 2022/23 annual and other reports of oversighted bodies.

The Information Commissioner also tabled the 2022-2023 *Report on the Operation of the Government Information (Public Access) Act 2009* in NSW Parliament in May 2024. The report has been published on the IPC's website.

The former Information Commissioner and the Acting Privacy Commissioner provided a joint written submission to the Parliamentary Inquiry into artificial intelligence (AI) in New South Wales, and the Information Commissioner and Acting Privacy Commissioner gave evidence at a hearing of the Inquiry in March 2024.

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:

- developing and implementing an MNDB Scheme project plan
- providing guidance for members of the public to understand their rights and agencies to understand their obligations
- supporting agencies to build their capacity to respond to data breach events
- reviewing the existing format of review report templates to better communicate outcomes and findings with a focus on accessibility and audience.

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. 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 significantly by 19.6% from 2022/23, while website visits also increased by 32.6%.

During the reporting period, the IPC had 259,239 new visitors to its website and 48,372 returning visitors. There continues to be year-on-year increase in visits to the IPC website since 2013/14.

Website metrics for 2023/24

	2023/24	2022/23	2021/22
Page views	654,942	547,220	460,319
Website visits	399,055	300,720	235,322
Average visit duration	1m 02s	1m 32s	2m 39s
New visitors	258,796	225,608	157,012

Public enquiries

The IPC continues to receive and respond to enquiries from members of the public, businesses and other organisations about information access and privacy rights in NSW.

In the reporting period, the IPC continued to receive enquiries about how to access government, personal and health information, and the exercise of review rights. The IPC aims to support 'self-service' more effectively, complementing the website with customer assistance by phone, email or mail.

During the reporting period, recorded enquiry numbers remained stable compared with the previous reporting period with a total of 3,123.

Enquiries received by type for 2023/24

	2023/24	2022/23	2021/22
Phone and in person	2110	2069	1963
In writing*	1013	1027	1177

* Includes emails, letters, faxes and website forms

Right to Know Week

The IPC celebrated RTK NSW 2023 from 25 September – 1 October 2023. The theme for 2023 was 'The importance of the online space for access to information'.

RTK NSW aims to raise awareness of a person's right to access government held information in NSW and public sector agencies' information access obligations under the GIPA Act.

During the week, the Information Commissioner:

- featured on the Office of the Victorian Information Commissioner expert panel to discuss the role the online space plays
- presented to Sydney Water on 28 September to discuss the importance of Right to Know Week, and the value of information access

Pillar 3: Rights Promotion & Impact

- attended a panel hosted by IPAA about public sector values and what this means to the Commissioner
- released a three-minute video about RTK 2023 and its importance
- participated in a joint statement by Australian Information Commissioners and Ombudsmen on the importance of enabling digital access
- released the results of the 2023 cross jurisdictional Community Attitudes Survey into information access and data sharing on 28 September.

There were 62 RTK Champion agencies in 2023, an increase from 54 Champions in 2022. The IPC also supplied a range of communications to promote the campaign including a Champion Communications Pack for use by Champion agencies. This contained digital images, blog posts, social media posts and internal and external messaging.

More information about the week and activities can be found on the [IPC website](#).

Privacy Awareness Week

The IPC celebrated PAW NSW 2024 from 6 – 12 May 2024 and the theme was 'Privacy and technology: Improving transparency, accountability and security'.

PAW is a global campaign that highlights the importance of privacy and raises awareness for public sector agencies about how to protect the personal information of our citizens.

During the week, the Acting Privacy Commissioner:

- launched PAW on 6 May 2024 with a media release
- released a new animation for citizens containing steps that they can take to keep secure online and to protect their own personal information from misuse
- released a new animation for NSW agencies containing simple steps to keep personal information safe when using and implementing new technologies
- hosted the IPC NSW PAW 2024 Event 'Security in Technology' on 7 May
- developed a Privacy Toolkit that brings together key IPC guidance to assist agencies when using, implementing and commencing projects involving technology
- participated in the Office of the Victorian Information Commissioner's Privacy Awareness Week Panel Discussion on 8 May 2024.

There were 105 PAW Champion agencies in 2024, a significant increase from 88 Champions in 2023. The IPC also supplied a range of communications to promote the campaign including a Champion Communications Pack for the use of Champion agencies. This contained digital images, blog posts, social media posts, and internal and external messaging.

More information about the week and activities can be found on the [IPC website](#).

Community Attitudes Survey

Community Attitudes Survey 2023

In September 2023, Information Commissioners throughout Australia led by NSW, released a cross-jurisdictional study of community attitudes towards information access to investigate awareness of and experience with information access rights.

This biannual survey provides a broad and indicative sense of the public's view on the importance of information access rights and public interest factors to consider when releasing information, and in NSW, the importance of public awareness of the use of technology by Government and their confidence in Right to Know laws.

Information Access

The results from the survey for NSW showed overall improvements across several areas. The key findings include:

- 89% of respondents felt that their right to access government information was important, consistent with 89% in 2022 and 90% in 2021.
- 67% of respondents were aware that they had the right to access information from at least one of the agencies under NSW information access laws, an increase from 55% in 2022.
- Respondents aged 55+ were significantly more likely to indicate that "ensuring the government remains accountable" was important than their 35-55 year old counterparts (99% and 82% respectively).
- Almost three quarters (78%) of respondents were successful in accessing information from at least one agency, an increase from 71% in 2022 and 74% in 2021:
 - 90% gained full access from universities
 - 73% gained full access from state-owned corporations
 - 78% gained full access from local councils
 - 82% gained full access from state government
- Significantly, the proportion of those who indicated that the agencies were very helpful doubled from 2021 to 2023 (40% in 2023; up from 19% in 2021).
- Most respondents continue to feel that ensuring that government remains accountable to the people is the most important public interest factor in releasing information.

Pillar 3: Rights Promotion & Impact

Technology

Respondents answered two questions in the survey regarding the importance of public awareness of the use of technology by Government and their confidence in Right to Know laws.

It was found that:

- Approximately nine in ten (88%) respondents indicated that knowing when the government uses technology that affects members of the public was important.
- Slightly under half of respondents (46%) were confident that the Right to Know laws ensured the ability to access government agencies about how decisions are made by the government.

The full findings of the study are available on the [IPC website](#).

Community Attitudes Survey 2024

In March 2024, the IPC commissioned its biannual survey of NSW community attitudes towards information access and privacy.

The results provide a broad and indicative sense of citizen awareness about their information access and privacy rights in NSW as well as attitudes towards data sharing by government, and experience with breaches.

In May 2024, the Acting Privacy Commissioner released the results of the IPC Community Attitudes Survey 2024 on privacy and privacy breaches.

The full findings of the study are available via the [IPC website](#) and key findings are outlined below.

Privacy

The key findings of the survey into privacy include:

- Over 95% of respondents in 2024 felt that it was quite important or very important for their personal information to be protected.
- Over three quarters (87%) of respondents showed concerns about data breaches and misuse through deliberate hacking of NSW government systems, an increase of 10% from the 2022 reporting period.
- Increasing from previous years, concern over data being shared or released inappropriately grew by 5% from 2022, with 85% of respondents showing high levels of concern.
- 30% of respondents indicated that they were unsure of who to report the misuse of their personal information.

Privacy breaches

The key findings of the survey into privacy breaches include:

- Almost one third (31%) of respondents indicated being affected by a data breach, a 14% increase from 2022.
- Only half of respondents (51%) were provided advice by agencies on what to do next, however almost one quarter of respondents (22%) affected by a data breach indicated that they were not offered advice or assistance, an increase of 14% from the previous reporting period.
- Overwhelmingly, 89% of respondents agreed that they should be provided assistance when their data is breached.

The full findings of the study are available on the [IPC website](#).

Information access

The Information Commissioner published the results of the NSW Community Attitudes Survey towards information access, data sharing and agency assistance in September 2024 as a part of RTK 2024. The findings will be included in the next annual report.

Community events

The IPC supported and celebrated 23 community events including:

2023

- NAIDOC Week, 2 – 9 July
- Local Government Week, 31 July – 6 August
- International Day of the World's Indigenous Peoples, 9 August
- Indigenous Literacy Day, 7 September
- R U OK? Day, 14 September
- International Day of Democracy, 15 September
- Right to Know Week NSW, 25 September – 1 October
- International Day for Universal Access to Information (United Nations), 28 September
- Mental Health Month, 1 – 31 October
- United Nations Day, 24 October
- International Day of Persons with Disabilities, 3 December
- Human Rights Day, 10 December

Pillar 3: Rights Promotion & Impact

2024

- Data Privacy Week, 21 - 27 January
- Safer Internet Day, 6 February
- Multicultural March, 1 - 31 March
- Zero Discrimination Day, 1 March
- Open Data Day, 2 March
- International Women's Day, 8 March
- Information Awareness Week, 18 - 22 May
- Harmony Week, 18 - 24 March
- Privacy Awareness Week NSW, 6 - 12 May
- National Law Week, 13 - 19 May
- Global Accessibility Awareness Day, 16 May
- Open Government Week, 27 - 31 May
- National Reconciliation Week, 27 May - 3 June

Resources

Since July 2023, the IPC has produced 34 new publications in addition to updating 41 publications to promote community and agency understanding of privacy and information access rights in NSW. New resources and publications have included:

- five information access resources, including guidance, fact sheets, web templates, checklists and animations
- eleven privacy resources, including guidance, fact sheets, and web templates
- one combined information access and privacy resource
- two statutory reports and two regulatory reports
- four corporate resources, including plans
- nine 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

The IPC has a program for review of all publications and resources available on its website. During the reporting period, 41 publications were updated by the IPC, an increase from the 18 updated in the previous reporting period. 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.

Information access resources

For RTK 2023, the Information Commissioner released new and updated resources relating to informal release, including:

- Templates for Informal Release Decision Letters
- Checklist on Informal Access
- Information Access Guideline 11 – Informal Release of Information
- Template for Agency Informal Release Record.

As part of its proactive audit program, the IPC published two GIPA compliance reports for agencies in the reporting year to elevate and influence compliance with GIPA legislation.

These reports included the compliance reports for disclosure logs and section 6(5) reports.

A list of these resources is located at Appendix 1.

Privacy resources

For PAW 2024, the Acting Privacy Commissioner released a new animation for NSW agencies containing simple steps to keep personal information safe when using and implementing new technologies and a Privacy Toolkit that brings together key IPC guidance to assist agencies when using, implementing and commencing projects involving technology. The Commissioner also released a citizen focused animation on keeping secure online.

In support of the MNDB Scheme, the IPC published a fact sheet containing frequently asked questions to support citizens in understanding their rights relating to the new Scheme. Additionally, several pieces of guidance were released for agencies on the scheme including guidelines to support agencies' assessment of data breaches.

A list of these resources is located at Appendix 1.

Information access and privacy resources

In December 2023, the IPC published the IPC Regulatory Tool Frequently Asked Questions. This fact sheet was developed to assist public sector agencies who are seeking more information about the IPC's Regulatory Tool and how it is used by the IPC.

Pillar 3: Rights Promotion & Impact

e-Learning

In the reporting period, the [IPC e-learning portal](#) had 552 new registrations to access the available e-learning modules compared with 425 in the previous reporting year. There are seven modules currently available as of 30 June 2024. New registrations came from government agencies (263), councils (188), the general public (33), universities (15), the private sector (39), Non-Government Organisations (NGO) sector (12), and the Ministers sector (2).

In December 2023, the IPC launched two MNDB e-learning modules for privacy practitioners and senior leaders. The module for privacy practitioners was designed for public sector agency staff to learn about the MNDB Scheme and how it relates to their agency. The senior leader's module was developed for senior leaders to be aware of what steps their agency needs to take if a data breach occurs, and how they can embed strong privacy practices within their agency.

During the reporting period, there were 651 total completions of IPC e-learning modules.

Submissions or reports to Parliament

Information access

Report on the operation of the GIPA Act

Under section 37 of the GILC Act, the Information Commissioner is required to provide Parliament with an annual report on the operation of the GIPA Act. The 2022-2023 Report on the operation of the GIPA Act was tabled in Parliament in May 2024. The Report identified a continuation of the increase in applications to access government information seen in the last few reporting periods. The Report included new data on agencies' use of the informal release pathway under the GIPA Act for the first time. The 2022-2023 Report is available via the IPC website.

Privacy

Under section 61B of the PPIP Act, the Privacy Commissioner reports to Parliament on the operation of the PPIP Act across all public sector agencies for the financial year. This report is contained within the IPC's annual report and in the reporting period, was included in the 2022/23 Annual Report tabled in Parliament on 16 October 2023.

The Information Commissioner and the Privacy Commissioner also make joint submissions to Parliament. Details of these can be found on page 27.

Codes of Practice and Public Interest Directions

During the reporting period, the Privacy Commissioner consulted with several agencies in relation to whether a Code of Practice or Public Interest Direction may be appropriate to support a particular project or policy initiative, and in some cases considered the draft terms of proposed Codes of Practice and Public Interest Directions. The Privacy Commissioner continues to engage with agencies on these matters as required.

There were no Codes of Practice made during the reporting period. The Privacy Commissioner made one Public Interest Direction during the reporting period:

- [Direction relating to Service NSW and icare](#) - This direction was made under section 41(1) of the PPIP Act. The Direction facilitates the making of proactive payments to injured workers whose entitlements have been underpaid. The Direction was made on 20 September 2023 and has effect for a period of 12 months.

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:

- working across the agency to ensure consistency in approach to legislative interpretation
- creating cross-team IPC working groups on key projects and initiatives including the provision of reports and support for compliance obligations
- building relationships with 'account managers' for the Department of Customer Service (DCS) and other key contacts for IPC systems, processes and equipment
- reviewing the IPC's Memorandum of Understanding for the provision of corporate services with DCS
- engaging with the Audit Office and the NSW Treasury on financial information and key issues impacting IPC
- updating processes, manuals, personal procedures
- implementing Work, Health and Safety (WHS) Plan initiatives
- identifying opportunities for automation in reporting and systems including dashboards
- implementing improvements to systems and website as outlined in the IPC IT Plan - including through engagement with DCS IT - to meet IPC current and future needs.

Our planning framework

IPC Strategic Plan 2022 – 2024

In December 2021, the IPC finalised its Strategic Plan for 2022-2024. The Strategic Plan's structure is formed around the four pillars of:

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

The Plan recognises the rapid changes in the information management landscape and addresses challenges to the information access and privacy regime flowing from local and global trends including the digitisation of government services, the introduction of a mandatory data breach scheme and the impact of technology on legislation.

The framework for the Strategic Plan can be found on page 26, outcomes for the reporting period can be found on page 28.

In March 2024, the IPC commenced development of its next Strategic Plan for 2024-2028. The new Plan applies from 1 July 2024 and will be reported on in the next annual report.

IPC Regulatory Plan 2022 – 2024

The IPC's Regulatory Plan 2022 – 2024 commenced in 2022.

As with previous Plans, the IPC's regulatory efforts continue to be guided by a risk-based and intelligence-informed approach to regulation.

The IPC continued to provide a responsive complaint and review service (reactive work), and continued to focus its resources on emerging issues that pose the greatest risk to upholding privacy rights and promoting and protecting public access to government information (proactive work).

Further information on the Plan including outcomes for the reporting period can be found on page 28 and the full Regulatory Plan is available on the IPC website. The IPC also reports quarterly on the progress of the plan, which is published to the [IPC website](#).

Pillar 4: Operational Excellence

Government sector employment

Schedule 1 of the GSE Act creates the IPC as a separate agency with the Information Commissioner designated as the agency head. Under the GSE Act, staff of the IPC are responsible to the agency head and assist with the exercise of the statutory responsibilities of both the Information Commissioner and the Privacy Commissioner.

The GSE Act requires agency heads to be responsible for the general conduct and management of the functions and activities of the agency in accordance with government sector core values under Part 2 of that Act.

In 2023/24, the IPC continued to develop its staff through the following activities:

- developing and implementing a system of performance development
- developing a staff training schedule
- continuing to support staff training and development in both legislative/technical areas and broader development, investing over 1,125 hours of training for staff
- 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.

Governance

Legislative Compliance Register

The Legislative Compliance Register is a standing item on the agenda for the meetings of the IPC's Audit and Risk Committee. The Register identifies responsible members of the IPC Executive and Management for compliance obligations 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.

Litigation

In the 2023/24 reporting period, the IPC was the respondent to one application for review to NCAT, made under the GIPA Act. The IPC was also the respondent to one application for review made under the PPIP Act that was initiated in the previous reporting period. This figure refers only to litigation relating to the IPC as an agency. The Commissioners may participate in other proceedings as part of their statutory functions.

Information security management

The IPC has an Information Security Incident Management Procedure that details the process for dealing with an information security event or incident. The IPC has also developed a Cyber Security Framework that outlines the policies and procedures adopted to manage cyber security noting that DCS provides the IPC's network, hardware and software services, and chief information security officer services.

Corporate systems and IT enhancements

In 2023/24, the IPC undertook a program of work to further improve the efficiency, integrity and security of its ICT systems and infrastructure. This included implementing a version upgrade of its case management system, improving functionality, reliability and stability of the application.

The IPC also implemented the following enhancements to its case management system in 2023/24:

- creation of a new MNDB case type
- implementation of web-to-case webforms, transitioning from document-based submissions
- upgrade of servers for the internal electronic document and records management system (EDRMS)
- enhancing and simplifying reporting on the IPC Website Resource Feedback that was formally a several step process which has now been automated
- optimising and correcting the MNDB reporting in the IPC's case management system, Resolve.

The IPC also undertook the following activities to improve the security of its ICT systems and infrastructure:

- conducting annual security penetration testing of our case management system and implementing recommendations
- regularly reviewing access rights to our systems.

Pillar 4: Operational Excellence

Land Disposal

The IPC did not undertake any activities relating to land disposal during the reporting period.

Research and development

Resolve webform integration with IPC website

The IPC completed a project to update its webforms and transitioned from document-based submissions to webform-only submissions. The new webforms replaced the manual forms on our website for the following:

- Application for External Review by the Information Commissioner
- Complaint to the Information Commissioner
- Privacy Complaint Internal Review.

The updated webforms provide an improved experience for applicants for privacy or information access reviews and complaints, as well as integration with the IPC's case management platform, Resolve.

The IPC also launched a new webform for agencies to immediately notify the Privacy Commissioner of an eligible data breach in accordance with section 59M of the PPIP Act. The form sets out the information that agencies must supply to the Privacy Commissioner when making a notification of an eligible data breach.

IPC Regulatory Tool

In October 2023, the IPC completed the development and testing of a new website scanning tool designed to support the regulatory activities and investigative functions of the IPC.

The tool was developed to scan select agency websites for specific terms or references and return the collated results and associated links for manual review by the IPC. The tool does not automate any IPC decision-making about compliance but reduces the burden on staff involved in manually locating documents and other artefacts on websites, such as when the IPC undertakes its proactive compliance audits and other investigations of agencies' compliance with legislative requirements.

In December 2023, the IPC distributed an e-alert to public sector agency contacts informing them of the new tool, its functions, and when the trial of the tool will take place. To support agency understanding of the tool, IPC developed a Frequently Asked Questions fact sheet to address issues or questions they may have.

In 2024, the IPC further expanded the use of the tool in its proactive audit into PMPs.

IPC GIPA Tool expansion to informal release

In October 2023, the IPC completed a project to include questions on informal release in the IPC's GIPA Tool and sent correspondence to all government agencies requesting that they voluntarily provide data on informal access applications. Data available from the voluntary reporting has shown a positive uptake, with 73 agencies providing data to the IPC on informal access applications for 2022/23, representing 27% of agencies that provided annual GIPA reporting to the IPC.

Management and accountability



Management and accountability

Our people

Senior executive

During the reporting period, the IPC continued to have three GSE Act senior executive positions in its establishment, plus two statutory officers. The number of staff in the levels of IPC executive positions and the corresponding remuneration is shown in the table below. Although the two Commissioners are not subject to the GSE Act, they are included as Band 3 equivalents in the table.

The percentage of total employee-related expenditure in the reporting year that relates to senior executives and statutory office-holders is 27%, compared with the percentage at the end of the previous reporting year of 26%.

Senior executives and remuneration by band for 2023/24

	Female	Male	Range \$	Average Range \$
Band 4	0	0	509,251 to 588,250	0
Band 3*	2	0	361,301 to 509,250	433,710
Band 2	0	0	287,201 to 361,300	0
Band 1	1	2	201,350 to 287,200	229,408
Total	3	2	-	-

* Note: IPC has no GSE Act Band 3 senior executives but the two Commissioners have been included here

People Matter Employee Survey

The 2023 People Matter Employee Survey (PMES) was conducted by the Public Service Commission and ran from 21 August to 15 September 2023. The results for the IPC were favourable for wellbeing; risk and innovation; job purpose and enrichment; role clarity and support; flexible working; and health and safety.

Survey participation in 2023 was slightly higher than the previous year's 80%, with 83% of staff taking part in the survey. The IPC has only just over 30 staff so the percentages reported need to be viewed in that context.

The 2023 results demonstrate some improvement on the previous reporting year, particularly in managing staff wellbeing. However, there are still significant areas identified for improvement.

Staff Wellbeing

- Wellbeing increased by 5% with 69% of staff responding favourably regarding their sense of wellbeing. In 2023, the IPC overall wellbeing score was 17% above the sector average.
- 76% of staff indicated that they do not feel burned out by their work, a 47% increase from 2022.
- However, only 57% of staff believed that they were paid fairly for the work they do.

Inclusion and Diversity

- The IPC overall score decreased by 4% to 65% in 2023.

Ethics and Values

- The IPC overall score was 79%, down from 84% in 2023, on par with the public sector average.
- 93% of staff know how to report adverse conduct, reflecting the additional information provided to staff in response to the 2022 PMES results.

Feedback and Performance Management

- 89% of staff indicated they have informal feedback conversations with their manager.
- 86% of staff also have regular scheduled discussions with your manager.
- However, only 64% of staff responded that they have participated in performance management discussions that have assisted them in improving their work.

Leadership

- The overall decision-making and accountability score was 54%, with 56% of staff indicating that they do not have confidence in the decisions their manager makes.
- Additionally, only 52% of staff responded that people at the IPC take responsibility for their own actions.

Customer Service

- The overall customer service score remained above the sector average with a score of 71%.
- However, there was a notable decline of 20% for responses to the processes at the IPC and their support for the best experience for customers.

Teamwork and collaboration

- The overall score for teamwork and collaboration was 59%, a 7% decrease from 2022.
- Only 69% of staff indicated that their workgroup works collaboratively to achieve its goals.

Recruitment

- Although on par with the public sector average, recruitment was the lowest score at 46%.

Management and accountability

Learning and Development

- The overall score declined by 1% from 2022. However, satisfaction with opportunities available for career development increased by 7% to 43%.

Role clarity and support

- Access to tools and technology improved by 11% to 83% in 2023, 15% above the sector average.
- 72% of staff believe that they have the time to do their job well, 20% higher than the sector average.

Recognition

- 69% of staff feel recognised for the work they undertake.

Following the results of the PMES 2023, the IPC Executive team considered actions to address key challenges and areas for attention identified in the survey and undertook engagement with staff to work through concerns in 2023 and 2024.

Governance

Consultants

The IPC commissioned seven engagements during the 2023/24 reporting period, at a total cost of \$123,018 as per note 2 in the notes to the financial statements, for the provision of legislative and management consulting services.

International travel

There was no international travel during the reporting period.

New legislation and amendments

During the reporting period, there were four legislative changes that impacted the Commissioners' function.

Public Interest Disclosures Act 2022

The *Public Interest Disclosures Act 2022* (PID Act 2022) came into effect on 1 October 2023. Under the PID Act 2022, a public official can continue to report government information contraventions to the Information Commissioner, and for the first time can report privacy contraventions to the Privacy Commissioner. A government information contravention is defined in the PID Act 2022 as any non-trivial failure to exercise functions in accordance with the GIPA Act, the GILC Act or the *State Records Act 1988*. A privacy contravention is defined as any non-trivial failure to exercise functions in accordance with the PPIP Act or HRIP Act.

Privacy and Personal Information Protection Act 1998

The amendments to the PPIP Act made by the *Privacy and Personal Information Protection Amendment Act 2022* came into effect on 28 November 2023. The amendments established an MNDB Scheme within NSW, that requires all public sector agencies bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of all data breaches involving personal or health information that are likely to result in serious harm to impacted individuals.

The MNDB Scheme requires agencies to maintain an internal data breach incident register, and to have a publicly accessible data breach policy.

From 28 November 2023, the PPIP Act applies to all NSW SOCs that are not regulated by the Commonwealth *Privacy Act 1988*.

Health Records and Information Privacy Act 2002

The *Health Legislation Amendment (Miscellaneous) Act 2024* amended the HRIP Act to include SOCs that are not regulated under the Commonwealth *Privacy Act 1988*, within the definition of public sector agencies. SOCs were previously regulated under the HRIP Act as private sector persons, except for the purposes of the MNDB Scheme, which applies to both personal and health information. SOCs are now required to comply with the HPPs set out in the HRIP Act. The amendment to the HRIP Act came into effect on 27 May 2024.

Government Information (Public Access) Act 2009 (GIPA Act) and Government Information (Public Access) Regulation 2018

The *Government Sector Finance Amendment (Grants) Act 2023* made amendments to the GIPA Act and GIPA Regulation that commenced on 1 July 2023. The amendments specify that information that agencies are required to publish on the prescribed website relating to government grants is open access information.

Risk management

Audit and Risk Committee report on activity

The primary aim of the Audit and Risk Committee (ARC) is to provide independent assurance to the Accountable Authority for the IPC under the GSF Act, being the Information Commissioner as agency head under the GSE Act, by overseeing and monitoring the IPC's governance, risk and control framework, and its external accountability requirements. The committee also monitors progress on agreed management actions arising out of recommendations made by the IPC's independent internal auditor.

Management and accountability

The IPC has engaged O’Conner Marsden and Associates (OCM) as its internal audit partner.

Internal Audit Program

Our internal auditors add value and improve our operations by monitoring and providing independent and objective assurance to the ARC, and ultimately the Chief Executive Officer.

The internal audit function brings a systematic, disciplined approach to evaluating and improving our organisational systems, processes and reporting. The Chief Audit Executive reports on the progress of the annual internal audit program at each quarterly ARC meeting.

Recommendations from internal audits are tracked, and progress is reported quarterly to the Chief Executive Officer and ARC. The status of recommendations for each internal audit provides visibility and oversight of progress including on the amount of time recommendations remain open. Most recommendations have been implemented with a strong focus on addressing higher-risk findings.

ARC meetings held

There were three meetings of the ARC held during the 2023/24 reporting year:

No. of meetings	Meeting date	Marcia Doheny	Sally Pearce	Peter Scarlett
1	22/09/2023	✓	✓	✓
2	16/11/2023	✓	✓	✓
3	28/03/2024	✓	✓	✓
Total	3	3	3	3

No committee member terms expired during the reporting period. In the next reporting period, the term of two Committee members will expire.

In-camera sessions were conducted with the internal and external audit service providers. Meetings of the Committee were conducted in person with video conferencing for remote attendance provided.

Insurances

The NSW Treasury Managed Fund (TMF) provides insurance cover for all of the IPC’s activities. This includes workers’ compensation, motor vehicle, public liability, property and miscellaneous claims. This insurance cover helps to mitigate the IPC’s major insurance risks such as the security of its staff, property and other assets, and the risk of work-related injuries.

Management and accountability

Internal Audit and Risk Management Attestation Statement



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Internal Audit and Risk Management Attestation Statement for the 2023-2024 Financial Year for the Information and Privacy Commission

I, Rachel McCallum, am of the opinion that the Information and Privacy Commission has internal audit and risk management processes in operation that are compliant with the seven (7) core requirements set out in the Internal Audit and Risk Management Policy for the NSW Public Sector, specifically:

Core Requirements	Status
Risk Management Framework	
1.1 The Accountable Authority shall accept ultimate responsibility and accountability for risk management in the agency.	Compliant
1.2 The Accountable Authority shall establish and maintain a risk management framework that is appropriate for the agency. The Accountable Authority shall ensure the framework is consistent with AS ISO 31000:2018.	Compliant
Internal Audit Function	
2.1 The Accountable Authority shall establish and maintain an internal audit function that is appropriate for the agency and fit for purpose.	Compliant
2.2 The Accountable Authority shall ensure the internal audit function operates consistent with the International Standards for Professional Practice for Internal Auditing.	Compliant
2.3 The Accountable Authority shall ensure the agency has an Internal Audit Charter that is consistent with the content of the 'model charter'.	Compliant
Audit and Risk Committee	
3.1 The Accountable Authority shall establish and maintain efficient and effective arrangements for independent Audit and Risk Committee oversight to provide advice and guidance to the Accountable Authority on the agency's governance processes, risk management and control frameworks, and its external accountability obligations.	Compliant
3.2 The Accountable Authority shall ensure the Audit and Risk Committee has a charter that is consistent with the content of the 'model charter'.	Compliant

Membership

The independent chair and members of the Audit and Risk Committee are:

- Independent Chair, Ms Marcia Doheny
Initial term – 17/06/2022 to 17/06/2025
- Independent Member 1, Sally Pearce
Initial term – 06/07/2023 to 06/06/2026
- Independent Member 2, Mr Peter Scarlett
Initial term – 17/06/2022 to 17/06/2025

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 Information and Privacy Commission.

Rachel McCallum
IPC CEO, Information Commissioner

Date: 31 August 2024

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Management and accountability

Gifts and Benefits Policy Attestation Statement



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Gifts and Benefits Policy Attestation Statement

I, Rachel McCallum, Information and Privacy Commission NSW Chief Executive Officer, am of the opinion that IPC has managed gifts and benefits in a manner consistent with the IPC's Code of Conduct and Gifts and Benefits Policy and that there is no evidence of attempts to improperly influence the decisions or actions taken by its employees.

The IPC provides transparency and accountability of gifts and benefits by publishing its Gifts and Benefits Policy and Register on its website.

Governance is in place to manage any offers of gifts and benefits through the policy framework, annual staff training and annual reporting to the Audit and Risk Committee on trends in Gifts and Benefits.

Yours sincerely

Rachel McCallum
IPC CEO, Information Commissioner

Date: 31 August 2024

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Management and accountability

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 is 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
- presentations by the Commissioners
- reports on reviews of decisions the IPC has conducted
- submissions to inquiries and discussion papers made by the Information Commissioner and the Privacy Commissioner
- infographics and animations prepared for campaigns based on statutory reports and survey outcomes
- event listings and campaigns championed by the Information Commissioner, the Privacy Commissioner or as an organisation
- media releases and public statements
- compliance audit reports
- statistical information on voluntary and mandatory 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.

For even greater transparency, the IPC CEO has determined that in the next reporting period the IPC will also publish a register of proactively released information.

Decisions made on formal access applications

Of the ten formal access applications received and dealt with by the IPC this financial year, there were two applications transferred to other agencies. The IPC received three invalid applications for the reporting period. The three applications did not comply with formal requirements in accordance with the GIPA Act. Where possible, the IPC worked with applicants to comply with formal requirements to make the application valid.

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 Customer Service and Digital Government, Minister for Emergency Services, and Minister for Youth Justice as the Ministers responsible for the GIPA Act.

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 publicly available on the [IPC website](#)
- reviewed the accuracy and completeness of the register regularly during the year.

PPIP Act compliance

The IPC's privacy-specific expertise is applied to facilitate compliance with the PPIP Act and HRIP Act. IPC staff exercising statutory review and complaints functions are to the extent reasonably practicable separate from any privacy governance functions of the IPC as an agency. The IPC has a PMP as required by section 33(3) of the PPIP Act, 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 include the legislative amendments to the PPIP Act for the MNDB Scheme. It can be found on the [IPC website](#).

Client Satisfaction Survey

In 2023/24, the IPC continued to gain valuable feedback from its Client Satisfaction Survey across the complaint and review case types. Data from the survey shows that there was movement in several areas compared with the previous reporting period.

Management and accountability

In 2023/24:

- 75% of respondents indicated that the outcome of their case was clearly communicated by the IPC, an increase of 7% from 2022/23
- 48% of respondents indicated that they were satisfied with the outcome, an increase of 1% from 2022/23
- 57% of respondents indicated that they felt the process as fair, a decrease of 1% from 2022/23
- 57% of respondents were satisfied with the service provided by the IPC, a decrease of 4% from 2022/23
- 63% of respondents agreed that information such as fact sheets and guidelines were easy to understand, a decrease of 1% from 2022/23.

When compared to the previous reporting period, there were 29 fewer responses in 2022/23, totalling 66. In response to the decrease in survey feedback, the IPC will monitor completions in the coming reporting period and develop actions to improve the completion rate.

There continues to remain work for the IPC in improving its overall timeliness and staff knowledge to further build on the results. The IPC will continue to identify opportunities to improve upon overall client satisfaction.

Agency Advice Satisfaction Survey

In 2023/24, the IPC continued to seek feedback through its Agency Advice Satisfaction Survey.

Data from the survey shows that there was movement across all areas when compared with the previous reporting year, the highlights including:

- 84% of respondents felt that information such as fact sheets, guidance and guidelines they read were easy to understand, a 1% increase from 2022/23
- 80% of respondents agreed that the IPC officer/s were polite and helpful, a 7% decrease from 2022/23
- 80% of respondents agreed that it was easy to find information such as fact sheets, guidance and guidelines on the IPC website, a 7% increase from 2022/23
- 71% of respondents agreed that advice was communicated clearly, a 16% decrease from 2022/23
- 64% of respondents agreed that they were satisfied with the IPC's service, a 23% decrease from 2022/23.

When compared to the previous reporting period, there were 2 more responses than in 2022/23, totalling 25 agency responses. As with the Client Satisfaction Survey, the IPC will monitor completions of the Agency Advice Satisfaction Survey in the coming reporting period and develop actions to improve the completion rate.

Client Satisfaction Survey results for 2023/24

	% Agree		
	2023/24	2022/23	2021/22
It was easy to find information such as Fact Sheets and Guidelines on the IPC website	62%	66%	67%
Information such as Fact Sheets and Guidelines I read were easy to understand	63%	64%	66%
IPC officers had the knowledge to answer my questions	55%	66%	57%
I was kept up-to-date with progress	58%	64%	58%
I received a timely outcome from the IPC	57%	65%	58%
The outcome was communicated to me clearly	75%	68%	70%
I was satisfied with the outcome	48%	46%	50%
The process was fair	57%	58%	57%
IPC officer/s were polite and helpful	67%	72%	70%

Management and accountability

Agency Advice Satisfaction Survey results for 2023/24

	% Agree		
	2023/24	2022/23	2021/22
It was easy to find information such as fact sheets, guidance and guidelines on the IPC website	80%	87%	80%
Information such as fact sheets, guidance and guidelines I read were easy to understand	84%	83%	70%
Overall, I was satisfied with the service provided by the IPC	64%	87%	75%
I was satisfied with the advice provided	72%	87%	70%
The IPC officer/s had the knowledge to answer my questions	72%	87%	70%
The advice was communicated to me clearly	71%	87%	80%
The IPC officer/s were polite and helpful	80%	100%	90%
I received a timely response from the IPC to my request for advice	56%	87%	75%
The information was helpful in addressing my question or enquiry	61%	87%	70%

Sustainability



Sustainability

Sustainability

During the next reporting year, the IPC will be working to ensure we have strategies in place to address economic, social, environmental and financial sustainability. These strategies will be developed through the implementation of our Strategic Plan which commenced in July 2024.

While the IPC is a small service based agency with finite resources, during the report period work on sustainability has included implementing a new Work Health and Safety Plan with a focus on wellbeing, engagement and inclusion, addressing climate change risks and continuing to implement changes to address the *Modern Slavery Act 2018* requirements to ensure goods and services we procure are not the product of modern slavery.

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:

- implemented a new WHS Action Plan for 2024 - 2026
- reviewed the WHS Policy
- participated in quarterly IPC Health and Safety Committee meetings
- held an all-staff training session focused on Building Resilience
- provided ergonomic support and equipment for staff
- promoted the use of the Department's MySafety application for hazard and incident reporting.

Workplace diversity

The IPC promotes itself as an Equal Employment Opportunity employer and the distribution of diversity groups is included in the table right.

The IPC had a Diversity and Inclusion Action Plan 2021 – 2023 covering disability, multicultural services and Aboriginal engagement. The Plan concluded in December 2023 and from 1 July 2024 diversity and inclusion initiatives have been incorporated into IPC's Strategic Plan and business and operational plans.

Details of diversity and inclusion initiatives that the IPC has implemented during the reporting year are found in Appendix 2.

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

Employee by category	2023/24	2022/23	2021/22	2020/21
Statutory	2	2	2	2
Administration	25	25	28	27
Professional	4	4	5	5
Total	31	31	35	34

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	2024	2023	2022	2021
Women	50%*	76%	71%	72%	76.90%
Aboriginal and/or Torres Strait Islander People	4%	0.00%	0.00%	0.00%	0.00%
People whose First Language Spoken as a Child was not English	22.30%	24.10%	23.00%	18.80%	11.50%
People with Disability	5.60%	3.40%	3.20%	3.20%	0.00%
People with Disability Requiring Work-Related Adjustment	N/A	N/A	0%	0%	N/A

* The NSW Premier has a target of 50% women in Senior Executive roles. The IPC exceeds this target.

Modern slavery reporting

The IPC is committed to ensuring that our operations and supply chains are free from all forms of modern slavery. The IPC is required to provide a statement of action taken by the agency in relation to any issue raised by the Anti-slavery Commissioner during the reporting period concerning the agency's operations which were identified as being a significant issue. In the reporting period, no such issues were raised by the Commissioner with the IPC.

During the reporting period, the departmental contract terms used by the IPC when engaging suppliers for professional services were updated with a modern slavery clause in accordance with the *Modern Slavery Act 2018* (NSW), that the supplier must agree with on execution of the contract.

The IPC will continue to engage with DCS, as the supplier of corporate services to the IPC, to identify improvements in the procurement and management of those services to minimise modern slavery risks.

Climate Related Financial Disclosures

NSW Treasury has announced that all government sector finance agencies will be required to disclose the impact of climate change in their financial statements in future years. While the IPC is not currently required to make disclosures, the IPC in consultation with DCS, has developed four climate risk statements and assessed the inherent and residual risk of these statements based on the mitigation controls we have in place.

Financial Performance



Our financial performance

Statement by the Information Commissioner



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STATEMENT BY INFORMATION COMMISSIONER

For the Year Ended 30 June 2024

Pursuant to section 7.6(4) of the *Government Sector Finance Act 2018* (“the Act”), I state that these financial statements:

- a) have been prepared in accordance with the Australian Accounting Standards and the applicable requirements of the Act, the *Government Sector Finance Regulation 2018* and the Treasurer’s directions, and
- b) present fairly the Information and Privacy Commission’s financial position, financial performance and cash flows.

Rachel McCallum
IPC CEO, Information Commissioner

Date: 1 October 2024

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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 by the Information Commissioner, the Statement of Comprehensive Income for the year ended 30 June 2024, the Statement of Financial Position as at 30 June 2024, the Statement of Changes in Equity and the Statement of Cash Flows for the year then ended, and notes to the financial statements, including a Statement of Material Accounting Policy Information and other explanatory information.

In my opinion, the financial statements:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2024* (GSF Regulation) and the Treasurer's Directions
- present fairly the Commission's financial position, financial performance and cash flows.

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).

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

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

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, the GSF Act, GSF Regulation and Treasurer's Directions. The Information Commissioner's responsibility also includes such internal control as the Information Commissioner determines is necessary to enable the preparation and fair presentation of 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:

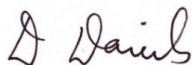
- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

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.

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.



David Daniels
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

2 October 2024
SYDNEY

Financial statements



Our financial performance

Financial statements for the year ended 30 June 2024

Start of audited financial statements

Statement of comprehensive income

For the year ended 30 June 2024

	Notes	Budget 2024 \$	Actual 2024 \$	Actual 2023 \$
Continuing operations Expenses excluding losses				
Employee-related expenses	2(a)	5,844,000	5,131,302	4,902,967
Operating expenses	2(b)	1,594,000	2,273,840	2,047,262
Amortisation	2(c)	220,000	149,292	129,259
Other Expenses		218,000	-	-
Total expenses excluding losses		7,876,000	7,554,434	7,079,488
Revenue				
Grants and other contributions	3(a)	6,822,000	6,940,993	7,348,473
Acceptance by the Crown of employee benefits and other liabilities	3(b)	145,000	20,106	47,884
Other income	3(c)	-	56,350	56,350
Total revenue		6,967,000	7,017,449	7,442,966
Operating result		(909,000)	(536,985)	(536,985)
Net result from continuing operations		(909,000)	(536,985)	(536,985)
Total other comprehensive income/(loss)		-	-	-
Total comprehensive income		(909,000)	(536,985)	363,478

The accompanying notes form part of these financial statements.

Our financial performance

Financial statements for the year ended 30 June 2024

Statement of financial position

As at 30 June 2024

	Notes	Budget 2024 \$	Actual 2024 \$	Actual 2023 \$
Assets				
Current Assets				
Cash and cash equivalents	4	1,815,000	1,182,493	1,900,467
Receivables	5	108,000	235,171	117,416
Total Current Assets		1,923,000	1,417,664	2,017,883
Non-Current Assets				
Intangible assets	6	432,000	364,525	417,173
Total Non-Current Assets		432,000	364,525	417,173
Total Assets		2,355,000	1,782,189	2,435,056
Liabilities				
Current liabilities				
Payables	7	1,075,000	139,740	292,213
Provisions	8	540,000	576,899	539,706
Total Current Liabilities		1,615,000	716,639	831,919
Non-Current Liabilities				
Provisions	8	10,000	9,891	10,493
Total Non-Current Liabilities		10,000	9,891	10,493
Total Liabilities		1,625,000	726,530	842,412
Net Assets		730,000	1,055,659	1,592,644
Equity				
Accumulated funds		730,000	1,055,659	1,592,644
Total Equity		730,000	1,055,659	1,592,644

The accompanying notes form part of these financial statements.

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

Statement of changes in equity

For the year ended 30 June 2024

	Accumulated funds \$
Balance at 1 July 2023	1,592,644
Net result for the year	(536,985)
Other comprehensive income	-
Total comprehensive income for the year	(536,985)
Balance at 30 June 2024	1,055,659
Balance at 1 July 2022	1,229,166
Net result for the year	363,478
Other comprehensive income	-
Total comprehensive income for the year	363,478
Balance at 30 June 2023	1,592,644

The accompanying notes form part of these financial statements.

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

Statement of cash flows

For the year ended 30 June 2024

	Notes	Budget 2024 \$	Actual 2024 \$	Actual 2023 \$
Cash flow from operating activities				
Payments				
Employee related		(5,699,000)	(5,109,520)	(4,891,888)
Suppliers for goods and services		-	(2,497,942)	(2,137,089)
Other		(973,000)	-	-
Total Payments		(6,672,000)	(7,607,462)	(7,028,977)
Receipts				
Grants and contributions		6,822,000	6,940,993	7,348,473
Other		-	45,139	144,767
Total receipts		6,822,000	6,986,132	7,493,240
Net cash flows from operating activities	9	150,000	(621,330)	464,263
Cash flows from investing activities				
Other Investing		(235,000)	-	-
Purchases of intangible assets		-	(96,644)	(279,116)
Net cash flows from investing activities		(235,000)	(96,644)	(279,116)
Net increase/(decrease) in cash and cash equivalents		(85,000)	(717,974)	185,147
Opening cash and cash equivalents		1,900,000	1,900,467	1,715,320
Closing cash and cash equivalents	4	1,815,000	1,182,493	1,900,467

The accompanying notes form part of these financial statements.

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

1. Statement of Material Accounting Policy Information

(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 year ended 30 June 2024 have been authorised for issue by the Information Commissioner on 27 September 2024.

(b) Basis of preparation

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

- applicable Australian Accounting Standards (AAS) (which include Australian Accounting Interpretations)
- the requirements of the *Government Sector Finance Act 2018* (GSF Act) and *Government Sector Finance Regulation 2024*
- Treasurer's Directions issued under the GSF Act.

Other financial statement items are prepared in accordance with the historical cost convention except where specified otherwise.

Judgements, key assumptions and estimations 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.

(c) Statement of compliance

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

(d) Comparative information

Except when an AAS permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements.

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

(i) Effective for the first time in financial year 2024

The accounting policies applied in financial year 2024 are consistent with those of the previous financial year. The new standards do not have an impact on the financial statements of the Commission:

- *AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates*
- *AASB 2021-6 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies: Tier 2 and Other Accounting Standards*

(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 the 30 June 2024 reporting period. The Commission has determined that they are unlikely to have a material impact on the financial statements of the Commission.

After assessment, the Commission doesn't anticipate the following issued but not yet effective AAS, when implemented, to materially impact its financial statements.

- *AASB 18 Presentation and Disclosure in Financial Statements will impact how entities communicate in their financial statements, with a particular focus on information about financial performance in the statement of profit or loss. AASB 18 will replace AASB 101 Presentation of Financial Statements and it applies to annual reporting periods beginning on or after 1 January 2028.*

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

2. Expenses excluding losses

(a) Employee related expenses

	2024 \$	2023 \$
Salaries and wages (including annual leave)	4,377,805	4,235,166
Payroll tax & fringe benefits tax	260,374	247,756
Superannuation - defined cont plans	392,429	344,821
Superannuation - defined benefit plans	38,570	69,121
Workers compensation insurance*	29,551	20,275
Long service leave	30,598	(17,935)
Payroll tax assumed by Crown	1,975	3,763
Total	5,131,302	4,902,967

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

2. Expenses excluding losses (continued)

(b) Other operating expenses

	2024 \$	2023 \$
Administration fees*	215,378	210,122
Advertising and publicity	9,181	32,607
Audit and Risk Committee fees	32,019	38,083
Auditor's remuneration		
- internal audit	5,580	43,400
- audit of the financial statements	27,285	11,770
Computer related expenses**	495,107	464,993
Consultants	123,018	57,481
Contractors	431,256	415,585
Insurance	17,477	11,945
Legal services	88,501	39,456
Miscellaneous fees**	165,530	85,238
MNDB Scheme***	37,489	-
Other	7,774	3,897
Postage	1,045	1,190
Records Management Expenses	66,122	92,835
Rental	434,966	422,297
Staff training	72,752	62,215
Stores and stationery**	7,316	6,818
Subscription and membership	22,218	17,584
Telephone	4,733	20,521
Travel	9,093	9,225
Total	2,273,840	2,047,262

* Relates to Corporate Services provided to the Commission by the Department of Customer Service.

** Total costs to the Commission for services provided by the Department of Customer Service for the year ended 30 June 2024 were \$594,673 (2023: \$586,197). This includes direct GovConnect pass-through charges for ICT and business processing shared services charges of \$379,295 (2023: \$376,075) and Corporate Service charges (including Corporate Finance, Governance, Risk & Performance, People & Culture) \$215,378 (2023: \$210,122).

*** Operational costs for administering the Mandatory Notification of Data Breach (MNDB) Scheme. The IPC may need external expertise to review significant data breaches and provide recommendations on improvements to systems and processes and these funds are for this purpose.

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

2. Expenses excluding losses (continued)

Recognition and measurement

Computer related expenses

The expenditure relates to pass-through charges for the provision of hardware, software, and licenses for network services provided by the Department of Customer Service, as well as the cost of software services for the IPC's case management system.

Contractors

Expenditure relates to the use of contractors to fill unfilled staffing positions.

Rental

Expenditure relates to the accommodation costs under the Occupancy Agreement with the Department of Customer Service.

(c) Amortisation expense

	2024 \$	2023 \$
Amortisation		
Intangible assets - software	149,292	129,259
Total amortisation expense	149,292	129,259

Recognition and measurement

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

All material separately identifiable components of assets are amortised over their useful lives.

The amortisation rates used for each class of assets are as follows:

Asset Class	Rate of Amortisation
Intangible Assets - Software	25%

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

3. Revenue

Recognition and measurement

Income is recognised in accordance with the requirements of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities*, dependent on whether there is a contract with a customer defined by AASB 15 *Revenue from Contracts with Customers*. Comments regarding the accounting policies for the recognition of income are discussed below.

Parliamentary Appropriations/the Summary of Compliance

The *Appropriation Act 2023* (Appropriations Act) (and the subsequent variations, if applicable) appropriated the sum of \$2,058,565,049 (2023: \$3,053,934,000) to the Minister for Customer Service and Digital Government (the Minister) out of the Consolidated Fund for the services of the Department of Customer Service for the 2024 financial year. The spending authority of the Minister from the Appropriations Act has been delegated or subdelegated to officers of the Department of Customer Service and entities that it is administratively responsible for, including the Commission.

The lead Minister for each entity above, being the Minister for Customer Service and Digital Government, is taken to have been given an appropriation out of the Consolidated Fund under the authority of section 4.7 of the GSF Act, at the time the entity receives or recovers any deemed appropriation money, for an amount equivalent to the money that is received or recovered by the entity. These deemed appropriations are taken to have been given for the services of the Department of Customer Service.

A summary of compliance is disclosed in the financial statements of the Annual Report of the Department of Customer Service. It has been prepared by aggregating the spending authorities of the Minister for the Commission for the services of the Department of Customer Service. It reflects the status at the point in time this disclosure statement is being made. The Commission's spending authority and expenditure is included in the summary of compliance.

The delegation/sub-delegations for the FY2024 and the FY2023, authorising officers of the Commission to spend Consolidated Fund money, impose limits on the amounts of individual transactions, but not the overall expenditure of the Commission. However, as they relate to expenditure in reliance on a sum appropriated by legislation, the delegation/sub-delegations are subject to the overall authority of the Department of Customer Service to spend monies under relevant legislation. The individual transaction limits have been properly observed. The information in relation to the aggregate expenditure limit from the Appropriations Act and other sources is disclosed in the summary of compliance table included in the financial statements of the Annual Report of the Department of Customer Service.

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

3. Revenue (continued)

(a) Grants and contributions

	2024 \$	2023 \$
<i>Grants without sufficiently specific performance obligations</i>		
Government grants - recurrent	6,610,998	7,198,473
Government grants - capital	149,995	150,000
Other grants*	180,000	-
Total	6,940,993	7,348,473

* Other grants relate to Digital Restart Fund (DRF) received from the NSW DRF in 2024 for ongoing administration costs to administer the Commission's programs for FY2025.

Recognition and measurement

Income from grants without sufficiently specific performance obligations are recognised when the Commission obtains control over the granted assets (e.g. cash).

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 Appropriations Act for that year.

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

	2024 \$	2023 \$
Superannuation - defined benefit	38,570	69,121
Long service leave	(20,439)	(25,000)
Payroll tax	1,975	3,763
Total	20,106	47,884

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

(c) Other income

	2024 \$	2023 \$
Other income*	56,350	46,609
Total	56,350	46,609

* Other income relates to reimbursements from the Commission's insurance provider related to a workers compensation claim.

4. Current assets – cash and cash equivalents

	2024 \$	2023 \$
Cash at bank	1,182,493	1,900,467
Total Closing cash	1,182,493	1,900,467

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 11 for details regarding credit risk and market risk arising from financial instruments.

5. Current assets – receivables

	2024 \$	2023 \$
GST receivable	11,211	-
Prepayments*	194,003	117,416
Other receivables*	29,957	-
Total	235,171	117,416

Details regarding credit risk of trade debtors that are neither past due nor impaired, are disclosed in Note 11.

* Prepayments as at 30 June 2024 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.

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

6. Intangible assets

	Software \$	Work in progress \$	Total \$
At 1 July 2022			
Cost (gross carrying amount)	2,072,764	-	2,072,764
Accumulated amortisation and impairment	(1,805,448)	-	(1,805,448)
Net carrying amount	267,316	-	267,316
Year ended 30 June 2023			
Net carrying amount at beginning of year	267,316	-	267,316
Additions	230,551	48,565	279,116
Disposal	-	-	-
Amortisation (recognised in 'amortisation')	(129,259)	-	(129,259)
Net carrying amount at end of year	368,608	48,565	417,173
At 1 July 2023			
Cost (gross carrying amount)	2,303,315	48,565	2,351,880
Accumulated amortisation and impairment	(1,934,707)	-	(1,934,707)
Net carrying amount	368,608	48,565	417,173
Year ended 30 June 2024			
Net carrying amount at beginning of year	368,608	48,565	417,173
Additions	-	96,643	96,643
Transfer from work in progress	145,208	(145,208)	-
Amortisation (recognised in 'depreciation and amortisation')	(149,292)	-	(149,292)
Net carrying amount at end of year	364,524	-	364,524
At 30 June 2024			
Cost (gross carrying amount)	2,448,523	-	2,448,523
Accumulated amortisation and impairment	(2,083,998)	-	(2,083,998)
Net carrying amount	364,525	-	364,525

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

6. Intangible assets (continued)

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. The amortisation period and amortisation method for an intangible asset with a finite useful life are reviewed at least at the end of each reporting period.

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.

Capitalisation threshold

Intangible assets costing \$30,000 and above individually (or forming part of an IT network costing more than \$30,000) are capitalised. As at 30 June 2024, the Commission incurred capital expenses of \$96,643 (2023: \$279,116).

7. Current liabilities – payables

Details regarding liquidity risk, including a maturity analysis of the above payables, are disclosed in Note 11.

	2024 \$	2023 \$
Accrued salaries, wages and on-costs	99,201	134,117
Sundry accruals and creditors	40,539	158,096
Total	139,740	292,213

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

8. Current/Non-Current Liabilities – Provisions

	2024 \$	2023 \$
Employee benefits and related on-costs		
Current		
Annual leave	461,883	433,607
Paid parental leave	15,010	-
Long service leave	100,006	106,099
Total current provisions	576,899	539,706
Non-current		
Long service leave	9,891	10,493
Total non-current provisions	9,891	10,493
Total provisions	586,790	550,199
Aggregate employee benefits on-costs		
Provisions - current	576,899	539,706
Provisions - non-current	9,891	10,493
Total	586,790	550,199
Provisions expected to be settled within 12 months from reporting date		
Annual leave	421,237	395,450
Paid parental leave	13,689	-
Long service leave	-	-
Total	434,926	395,450
Provisions expected to be settled in more than 12 months from reporting date		
Annual leave	40,646	38,157
Paid parental leave	1,321	-
Long service leave	109,897	116,592
Total	151,864	154,749

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

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

Recognition and measurement

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 8.4% 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.

Paid parental leave can be accumulated for up to 24 months and the provision is recognised when an employee becomes eligible. The provision is valued based on parental leave yet to be paid.

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.

Long service leave and superannuation

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'.

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. 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. Expected future payments are discounted using Commonwealth government bond rate at the reporting date.

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.

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

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

	2024 \$	2023 \$
Net cash flows from operating activities	(621,330)	464,263
Amortisation expense	(149,292)	(129,259)
(Decrease)/increase in receivables and prepayments	117,755	(32,118)
(Increase)/decrease in provisions	(36,591)	79,644
(Increase)/decrease in payables	152,473	(19,052)
Net result	(536,985)	363,478

10. 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 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 for the year ended 30 June 2024 was (\$536,985) (2023: \$363,478) above budget by \$372,015 (2023: \$60,478). This favourable variance can be primarily attributed to an underspend in Employee Related Expenses (ERE) costs.

Assets and liabilities

The actual net assets were \$1,055,659 (2023: \$1,592,644), which was \$325,659 higher than the budgeted \$730,000. This variance was primarily due to accounts payable being over-budgeted by \$935,260. The variance in accounts payable has been offset by the budgeted cash at bank being greater than actual, resulting in a \$325,659 favourable outcome in net assets.

Cash flows

The final cash position was lower than budget by \$632,507 (2023: \$16,533). This outcome can be primarily attributed to costs for suppliers for goods and services not having been budgeted.

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

11. 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

As at 30 June 2024

Class	Note	Category	Carrying amount \$
Financial assets			
Cash and cash equivalents	4	Amortised cost	1,182,493
Receivables ¹	5	Amortised cost	41,168
Financial liabilities			
Payables ²	7	Financial liabilities measured at amortised cost	116,322

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).

As at 30 June 2023

Class	Note	Category	Carrying amount \$
Financial assets			
Cash and cash equivalents	6	Amortised cost	1,900,467
Financial liabilities			
Payables ²	10	Financial liabilities measured at amortised cost	259,874

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 2024

11. Financial instruments (continued)

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).

The Commission is not materially exposed to credit risk and has not granted any financial guarantees.

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.

Cash and cash equivalents

Cash comprises cash on hand and bank balances within the NSW Treasury Banking System. 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

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 receivables.

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

The loss allowance for trade debtors as at 30 June 2024 was determined to be \$nil.

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. The objective is to maintain a balance between continuity of funding and flexibility through the use of overdrafts, loans and other advances.

During the current and prior year, there was no default of borrowings. 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. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in TC11-12. 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.

The table below 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 2024

11. Financial instruments (continued)

Market risk

	Weighted average effective interest rate	Nominal amount \$	Interest rate exposure		Maturity dates
			Fixed interest rate \$	Non-interest bearing \$	< 1 year \$
2024					
Payables		116,322	-	116,322	116,322
	0.00%	116,322	-	116,322	116,322
2023					
Payables	0.00%	259,874	-	259,874	259,874
		259,874	-	259,874	259,874

12. Contingent liabilities and contingent assets

The Commission has no contingent liabilities or contingent assets as at 30 June 2024 (2023: nil).

13. Related party disclosure

	Actual 2024 \$	Actual 2023 \$
Short-term employee benefits:		
Salaries	694,000	722,000
Post-employment benefits	52,000	37,000
Termination benefits	172,000	-
Total remuneration	918,000	759,000

Our financial performance

Notes to the financial statements for the year ended 30 June 2024

14. Events after the reporting period

Non-adjusting events

There are no any 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 2024 (2023: Nil).

End of audited financial statements.

Appendices



Appendix 1 – Publications and resources issued in 2023/24

Statutory reports

- IPC Annual Report 2022/23
- Report on the Operation of the Government Information (Public Access) Act 2009: 2022 – 2023

IPC corporate resources

- IPC Work Health and Safety Plan 2024 – 2026
- IPC Strategic Plan 2024 – 2028
- IPC People and Culture Plan 2023 – 2024
- IPC Work Health & Safety Plan 2023 to 2026

Information access resources

- Web Template – Informal Release Decision Template Letters
- Checklist – Informal Access
- Guideline – Information Access Guideline 11 - Informal Release of Information
- Web Template – Agency Informal Release Record
- Fact Sheet – GIPA Annual Reporting FAQ
- Fact Sheet – IPC Regulatory Tool Frequently Asked Questions*

Information access regulatory reports

- Agency compliance with requirements under section 6(5) of the *Government Information (Public Access) Act 2009* – GIPA Compliance Report
- Agency compliance with Disclosure Log requirements – GIPA Compliance Report

Privacy resources

- Data breach notification to the Privacy Commissioner
- Guideline –Regulatory Action under the MNDB Scheme
- Guideline – Assessment of data breaches under Part 6A of the PPIP Act
- Guideline – Exemption for risk of serious harm to health or safety under section 59W
- Guideline – Exemption for compromised cyber security under section 59X
- Fact Sheet – Mandatory Notification of Data Breach Scheme Frequently Asked Questions
- Fact Sheet – Estimated Cost of a Data Breach
- Learning Module – IPC MNDB e-Learning module for Privacy Practitioners
- Learning Module – IPC MNDB e-Learning module for Senior Leaders
- Animation – Keeping Secure Online
- Animation – Privacy in Technology
- Fact Sheet – IPC Regulatory Tool Frequently Asked Questions*

Privacy regulatory reports

- None released in the 2023/24 reporting period

IPC newsletters

- IPC Bulletin – September 2023
- IPC Bulletin – December 2023
- IPC Bulletin – March 2024
- IPC Bulletin – June 2024
- IPC MNDB e-Newsletter – August 2023
- IPC MNDB e-Newsletter – October 2023
- IPC MNDB e-Newsletter – November 2023 (citizens)
- IPC MNDB e-Newsletter – November 2023 (practitioners)
- IPC MNDB e-Newsletter – November 2023 (final)

* Resources that are classified as both information access and privacy

Appendix 2 – Diversity and inclusion

The IPC addresses diversity and inclusion by:

- Identifying the needs of people within diverse communities in NSW to promote their right to access government held information and the protection of privacy
- Enhancing information about how to access government held information and protection of privacy rights for people within diverse communities in NSW
- Promoting the needs of our diverse communities in NSW when developing and delivering resources to support the work of our regulated sectors in providing access to information and the protection of privacy rights.

During the reporting period, the IPC has undertaken the following activities in relation to diversity and inclusion:

- Reviewed IPC fact sheets for potential translation into the 10 most commonly spoken languages in NSW other than English
- Developed translated language pages on the IPC website into those 10 languages with links to the translated resources and additional contact details
- Engaged Multicultural NSW to provide translations of three fact sheets for the 10 most commonly spoken languages in NSW
- Commissioned the production of easy english versions of IPC fact sheets
- Updated the IPC's website to allow easier navigation from the home page to translated fact sheets
- Continued to promote assisted contact services on the IPC website including translation and interpreting services.

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 our office 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
10

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)

	Wholly	Partly	Total
Number of applications refused	0	0	0
% of Total	0%	0%	-

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	0	0	0%
Not for profit organisations or community groups	0	0	0	0	0	0	0	0	0	0%
Members of the public (application by legal representative)	0	0	0	0	0	0	0	0	0	0%
Members of the public (other)	1	3	0	5	0	0	0	1	10	100%
Total	1	3	0	5	0	0	0	1	10	100%
% of Total	10%	30%	0%	50%	0%	0%	0%	10%	100%	-

* 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	0	0	0	0	0	0	1	10%
Access applications (other than personal information applications)	1	2	0	5	0	0	0	0	9	90%
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0	0	0%
Total	1	3	0	5	0	0	0	1	10	100%
% of Total	10%	30%	0%	50%	0%	0%	0%	10%	100%	-

* 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)	3	100%
Application is for excluded information of the agency (section 43 of the GIPA Act)	0	0%
Application contravenes restraint order (section 110 of the GIPA Act)	0	0%
Total number of invalid applications received	3	100%
Invalid applications that subsequently became valid applications	0	0%

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	0	0%
Excluded information	0	0%
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	0	-

* 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	0	0%
Law enforcement and security	0	0%
Individual rights, judicial processes and natural justice	0	0%
Business interests of agencies and other persons	3	100%
Environment, culture, economy and general matters	0	0%
Secrecy provisions	0	0%
Exempt documents under interstate Freedom of Information legislation	0	0%
Total	3	100%

Table F: Timeliness

	Number of applications	% of Total
Decided within the statutory timeframe (20 days plus any extensions)	9	90%
Decided after 35 days (by agreement with applicant)	1	10%
Not decided within time (deemed refusal)	0	0%
Total	10	100%

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	0	1	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	0	1	1	100%

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	100%

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	2	100%
Applicant-initiated transfers	0	0%
Total	2	100%

Appendix 4 – 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 5 – Payment of accounts

For the year ended 30 June 2024.

Supplier accounts paid on time				
Quarter	Target %	Actual %	Current	Total payments
Sep-23	95%	100%	\$218,856	\$281,856
Dec-23	95%	96%	\$113,995	\$119,275
Mar-24	95%	93%	\$281,927	\$286,135
Jun-24	95%	96%	\$746,541	\$767,331

NSW Treasury Circular NSW (TC 11/12) sets out the requirements for payment of accounts by NSW agencies and states that the day of payment is the day that funds are transferred into the banking system for payment to the supplier or a cheque is sent.

The IPC accounts payable function is performed by DCS as part of shared corporate services arrangements within the Customer Service Cluster. The % figures above reflect the payment time within the IPC, the reporting entity for the reporting period. Time for payment of accounts is delayed in circumstances where DCS journals intra-agency transactions several months after the document date of the transaction and these payments are shown as not current but IPC has no control over the timing of these journals. DCS is also classified as a small business supplier so the reporting for the payment of small business suppliers is also affected by the delay in DCS journaling intra-agency transactions.

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 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 2024.

Appendix 6 – Time for payment of accounts

For the year ended 30 June 2024

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-23	\$218,856	\$-	\$-	\$-	\$-
Dec-23	\$113,995	\$5,280	\$-	\$-	\$-
Mar-24	\$281,927	\$4,208	\$-	\$-	\$-
Jun-24	\$746,541	\$20,790	\$-	\$-	\$-
Small business suppliers					
Sep-23	\$13,860	\$-	\$-	\$-	\$-
Dec-23	\$19,730	\$-	\$-	\$-	\$-
Mar-24	\$3,300	\$3,452	\$-	\$-	\$-
Jun-24	\$95,228	\$20,790	\$-	\$-	\$-

Accounts due or paid within each quarter				
Measure	September 2023	December 2023	March 2024	June 2024
All suppliers				
Number of accounts due for payment	28	27	29	49
Number of accounts paid on time	28	26	27	47
Actual percentage of accounts paid on time (based on no. of accounts)	100%	96%	93%	96%
Dollar amount of accounts due for payment	\$218,856	\$119,275	\$286,135	\$767,331
Dollar amount of accounts paid on time	\$218,856	\$113,995	\$281,927	\$746,541
Actual percentage of accounts paid on time (based on \$)	100%	96%	99%	97%
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	3	5	3	10
Number of accounts due to small businesses paid on time	3	5	2	8
Actual percentage of small business accounts paid on time (based on no. of accounts) (by the IPC see page 103)	100%	100%	67%	80%
Dollar amount of accounts due for payment to small businesses	\$13,860	\$19,730	\$6,752	\$116,018
Dollar amount of accounts due to small businesses paid on time	\$13,860	\$19,730	\$3,300	\$95,228
Actual percentage of small business accounts paid on time (based on \$)	100%	100%	49%	82%
Number of payments to small businesses for interest on overdue accounts	0	0	0	0
Interest paid to small businesses on overdue accounts	0	0	0	0

Appendix 7 – 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 Treasury Policy and Guidelines – Annual Reporting Requirements, 3 July 2023.

Requirement	Note	Page
Acknowledgement of Country		2
Letter of submission	Letters to the President and Speaker	3
Aims and objectives	About the IPC	19
Management and structure	Names, offices and qualifications of principal officers	3, 9, 12, 15
	Organisational Chart	20
Charter	About the IPC	19
Combined annual reports	N/A	-
Application for extension of time	N/A	-
Strategic objectives and outcomes	Strategy	25
Management and activities	IPC Strategic Plan 2022 – 2024	26
	Pillar 1: Service Delivery & Excellence	35
	What are we doing to improve services to the community?	
	Pillar 2: Engagement & Influence	45
	What are we doing to directly influence regulated agencies and engage with the public?	
	Pillar 3: Rights Promotion & Impact	49
	What are we doing to anticipate and address emerging regulatory issues?	
	Pillar 4: Operational Excellence	55
	What are we doing to support an effective, efficient one-IPC?	
Summary review of operations	CEO and Information Commissioner – Overview	8
	Privacy Commissioner - Overview	10
	Section 61B Report on the Operation of the Privacy and Personal Information Protection Act 1998	13
	Financial statements	75
Land disposal	Pillar 4: Governance	58
Research and development	Pillar 4: Governance	58
Implementation of Price Determination	N/A	-
Performance information	Pillar 1: Service Delivery & Excellence	36
Numbers and remuneration of senior executives	Pillar 4: Our people	60
Human resources	Pillar 4: Our people	60
Consultants	Pillar 4: Governance	61
Promotion	Pillar 4: Governance	60
Requirements arising from employment arrangements	N/A	-
Legal Change	Pillar 4: Governance	60
Economic or other factors	Pillar 4: Our planning framework	56
Events arising after the end of the annual reporting period	N/A	-
Risk management and insurance activities	Pillar 4: Risk Management	61
	Pillar 4: Governance	61
Internal audit and risk management policy attestation	Pillar 4: Risk Management	61
	Pillar 4: Internal Audit and Risk Management Attestation Statement	63

Requirement	Note	Page
Compliance with the <i>Privacy and Personal Information Protection Act 1998</i>	Pillar 4: PPIP Act Compliance	65
<i>Government Information (Public Access) Act 2009</i> reporting	Pillar 4: GIPA Act Compliance Appendix 3	65 99
Other information (external production cost of the annual report, website the report can be accessed from)	External designer cost \$4,502.30 incl GST. Report printed in-house. www.ipc.nsw.gov.au	
Exemptions	Nil	-
Disability Inclusion Actions Plans	Pillar 4: IPC Diversity and Inclusion Action Plan Appendix 2	69 98
<i>Modern Slavery Act 2018 (NSW)</i> reporting	Sustainability	69
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Unaudited financial information	N/A	-
Investment and Liability Management Performance	N/A	-
Costs and benefits associated with MoG changes	N/A	-
SDA Account financial reports	N/A	-
Access (agency's address, telephone number and the business and service hours)	Address, telephone, business hours included	2, back cover
Funds granted to non-government community organisations	N/A	-
Social program	N/A	-
Consumer response	Pillar 3: Informing the public of their rights Pillar 4: Client Satisfaction Survey	50 65
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Time for payment of accounts	Appendix 6	103
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*	-
Budgets	N/A	-
Prepare and submit annual report to the responsible Minister	21 October 2024	-
Presentation of annual report to Parliament	21 October 2024	-
Providing electronic copies of annual reports to Parliament after tabling	Report delivered as per requirement	-
Public availability of annual reports	www.ipc.nsw.gov.au and as per requirements	-
Formal deposition of print and digital publications	Submitted following tabling of the Report.	

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Glossary

Glossary

AAIA	Asian Access to Information Alliance	PID Act 1994	<i>Public Interest Disclosures Act 1994</i>
AIAC	Association of Information Access Commissioners	PMES	People Matter Employee Survey
APPA	Asia Pacific Privacy Authorities	PMP	Privacy Management Plan
ARC	Audit and Risk Committee (within the IPC)	PPIP Act or PPIPA	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
DAC	NSW Data Analytics Centre	PSC	Public Service Commission
DCJ	Department of Communities and Justice	PSEM	<i>Public Sector Employment and Management Act 2002</i>
DCS	Department of Customer Service	RTK	Right to Know
DPC	Department of Premier and Cabinet	S&CS	Systems & Corporate Services (team within IPC)
DRF	Digital Restart Fund	SARA	State Archives and Records Authority (now State Records NSW)
FOI Act	<i>Freedom of Information Act 1989</i>	TMF	NSW Treasury Managed Fund
GIIC Act	<i>Government Information (Information Commissioner) Act 2009</i>		
GIPA Act or GIPAA	<i>Government Information (Public Access) Act 2009</i>		
GIPA Regulation	Government Information (Public Access) Regulation 2009		
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>		
I&R	Investigation & Review (team within IPC)		
ICAC	Independent Commission Against Corruption		
IPAC	Information and Privacy Advisory Committee		
IPC	Information and Privacy Commission		
IPPs	Information Protection Principles		
LCRA	Legal Counsel & Regulatory Advice (team within IPC)		
MNDB	Mandatory Notification of Data Breach		
MOU	Memorandum of Understanding		
NCAT	NSW Civil and Administrative Tribunal		
NICC	NSW Independent Casino Commission		
OAIC	Office of the Australian Information Commissioner		
OGP	Open Government Partnership		
OLG	Office of Local Government		
PAA	Privacy Authorities Australia		
PAW	Privacy Awareness Week		







information
and privacy
commission
new south wales

Our business hours are 9am to 5pm Monday to Friday (excluding public holidays).
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