



JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr MA Hunt MP—Chair

Mr MC Berkman MP

Mr RD Field MP

Ms ND Marr MP

Ms MA Scanlon MP (substituting for Mrs McMahon MP)

Mr PS Russo MP

Staff present:

Ms K O'Sullivan—Committee Secretary

Ms E Lewis—Assistant Committee Secretary

PUBLIC HEARING—OVERSIGHT OF THE OFFICE OF THE INFORMATION COMMISSIONER

TRANSCRIPT OF PROCEEDINGS

Wednesday, 19 February 2025

Brisbane

WEDNESDAY, 19 FEBRUARY 2025

The committee met at 10.45 am.

CHAIR: Good morning. I declare open this public hearing for the committee's oversight responsibilities for the Office of the Information Commissioner Queensland. My name is Marty Hunt. I am the member for Nicklin and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today. Other committee members with me today are Peter Russo MP, member for Toohey and deputy chair; Russell Field MP, member for Capalaba; Natalie Marr MP, member for Thuringowa; Michael Berkman MP, member for Maiwar; and Meaghan Scanlon MP, member for Gaven, who is substituting for Melissa McMahon, member for Macalister.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please remember to press your microphone button to turn it on before you start speaking and off when you are finished speaking. Please also turn your mobile phones off or to silent mode.

KUMMROW, Ms Joanne, Information Commissioner, Office of the Information Commissioner Queensland

SHANLEY, Ms Susan, Acting Privacy Commissioner, Office of the Information Commissioner Queensland

WINSON, Ms Stephanie, Right to Information Commissioner, Office of the Information Commissioner Queensland

CHAIR: I now welcome representatives from the Office of the Information Commissioner Queensland. I invite you to make an opening statement before we start our questions.

Ms Kummrow: Good morning, Chair and committee members. Thank you for the opportunity to make an opening statement. We are pleased to appear before the committee and to have the opportunity to discuss the Office of the Information Commissioner's performance for the financial year 2023-24. The Information Commissioner has broad functions focused on protecting and promoting the public's right to access government-held information and the protection of their personal information by government agencies. These functions and powers are set out in the Information Privacy Act 2009 and the Right to Information Act 2009.

The Office of the Information Commissioner has three commissioners: the Information Commissioner, the Privacy Commissioner and the Right to Information Commissioner. The Information Commissioner is an officer of the Queensland parliament and each commissioner is appointed by the Governor in Council. The Office of the Information Commissioner employs the equivalent of approximately 51 full-time employees. The Information Commissioner is accountable to the Queensland people through the parliament and this committee. The office is an independent statutory authority and is part of Queensland's integrity framework along with the Auditor-General, the Ombudsman, the Integrity Commissioner and the Crime and Corruption Commission.

The office's independence is enhanced by amendments to the RTI Act under the Integrity and Other Legislation Amendment Act 2024, or as is commonly known the IOLA Act, which provides for this committee to receive funding proposals from the Information Commissioner and for the committee to review a funding proposal and provide a report to the Attorney-General on the proposal. I look forward to working with the committee in relation to this new approval process and welcome the role the committee and its members now play in supporting the Office of the Information Commissioner's budgetary independence and sustainable funding.

In 2022-23, 16,845 RTI requests were made to government agencies in Queensland or approximately 3.1 based on per capita. In comparison, over 21,000 requests were made in Western Australia, or 77.4 per capita, and over 48,000 requests were made in Victoria, representing 7.1 per capita. The lower number of RTI requests in Queensland reflects our modern RTI legislation and sets out parliament's intention that government information is a public resource and agencies must make as much information as is available to the public, with formal RTI requests as a last resort.

While strong laws are critical, the role of culture is fundamental to ensure that agencies embody a genuine commitment to transparency and privacy. Our right-to-information work is focused on initiatives to encourage agencies to increase public access to information through proactive and administrative release and for decision-making on release to reflect the RTI's bias towards pro-disclosure. We also ensure fair access to information where an agency determines access is to be refused through conducting external reviews.

Privacy and the value of personal information is a topic of growing awareness and concern in the Australian community through high-profile data breaches that have affected so many of us. Public trust in government's protection of the personal information it collects, uses and holds is critical, ensuring the successful uptake of new government digital services. Our privacy work is focused on mediating privacy complaints made by members of the public against agencies; encouraging agencies to take a privacy-by-design approach, including undertaking privacy impact assessments when adopting new technologies and programs; and building the capability of agencies to meet their obligations under the privacy principles.

Across both our RTI and privacy functions, the office also provides agencies and the public with information and guidance and education and training, monitors the performance of agencies under the RTI and IP acts and tables regulatory reports in parliament. We make submissions on new laws and participate in public inquiries and consultation processes in relation to RTI transparency and privacy issues. We provide advice to agencies on new projects and initiatives to ensure they are designed with privacy and transparency in mind.

The Office of the Information Commissioner's 2023-24 annual report shows year-on-year increased demand for our inquiry service, privacy and RTI training models and events and external review and privacy complaint mediation services. During 2023-24 our Enquiry service responded to nearly 6,000 enquiries—an increase of 13.6 per cent from the last financial year. This is a valuable service for the public, helping them to navigate access to information and privacy issues with agencies. It also provides a source of free assistance to RTI and privacy officers who can pick up the telephone and speak to an inquiries officer directly, email us or visit our website for information, and those inquires can come from anywhere in the state. In 2023-24 we had over 286,000 visits to our website. Our online and in-person training options engaged more than 4,000 participants in 2023-24 which demonstrates high interest and demand from agency officers for our free privacy and RTI education offerings.

In November 2023 the Queensland parliament amended the RTI and IP acts with the passage of the Information Privacy and Other Legislation Amendment Act or, as we refer to it, the IPOLA Act. Changes to the IP Act include a new single set of privacy principles for Queensland called the Queensland Privacy Principles which will govern how agencies collect, use and store individuals' personal information and also a mandatory notification of data breach scheme for serious data breaches. With the impending IPOLA changes, the office has been funded to design and deliver education and outreach to stakeholders across the state to support them in preparing for the changes. Our IPOLA implementation project, which has involved the establishment of a dedicated project team, commenced in February 2024. A date for the commencement of the IPOLA changes has not yet been announced. The office looks forward to the commencement of these reforms and has been working steadfastly over the past 12 months to assist agencies prepare for the changes. Consistently positive feedback from agency participants has demonstrated the need to us and appetite from agencies for more regular and a wider variety of RTI training and also stakeholder engagement across the state.

In 2023-24 the office received 696 external review applications, and that was up from 628 in the previous financial year. This is the second highest number of applications received and reflects a consistently high demand for our external review services over the past six years. Of the 696 review applications, 558, or just over 80 per cent, were resolved informally, with 68, or 9.8 per cent, subject to a formal written decision, which demonstrates we are fulfilling the requirement for our office to deal with reviews with as little formality and as promptly as possible through early and informal resolution.

In relation to privacy complaints, we received 97 and finalised 110 complaints during 2023-24. While this number is lower than the 134 complaints received in the previous year, our 2023-24 figures are still at the upper end of privacy complaints received and finalised over the last five years. Where a privacy complaint cannot be mediated, the complainant can request we refer their complaint to the Brisbane

Queensland Civil and Administrative Tribunal, QCAT. In 2023-24 the office referred 12 complaints to QCAT. Through our work in informally resolving external review applications or making a formal determination and facilitating mediated outcomes in privacy complaints, my office plays an important role in diverting matters and disputes from ending up in the civil justice system at a more significant financial cost to the public.

Separate to the new mandatory notification of data breach scheme, my office also maintains a notification scheme through which agencies are encouraged to voluntarily report data breaches. In 2023-24 we received 41 voluntary data breach notifications, with the same number received in the year prior. I consider these numbers to be relatively low given the size of the Queensland public sector and I would like to take this opportunity to encourage agencies to be open and transparent in reporting data breaches. Notifying my office about a data breach allows my staff to provide agencies with assistance in managing an incident to mitigate the risk of harm to members of the public. Notification also provides valuable insights to my office that inform our education and guidance activities to proactively support agencies in protecting personal information.

In 2023-24 the office conducted and tabled audits and four reports were tabled in parliament, and that is part of our regulatory functions to ensure agencies meet their obligations under the RTI and IP acts. Our reports to parliament include findings and any recommendations that are made specifically to the agencies that are being audited and also to inform the practices of all agencies more broadly.

We are also committed to increasing our engagement with a broader number of stakeholders, whether they be a small agency, a public health service, a local government or a regional or remote community, to promote a strong culture of transparency, accountability and integrity in agencies across Queensland. We have commenced greater outreach and undertaken significant stakeholder engagement in the financial year 2023-24 with 362 awareness activities. Two key public events for the office which were particularly well attended were Privacy Awareness Week and International Access to Information Day. These events are celebrated worldwide and provide an important forum for us to raise awareness of and celebrate citizens' information and privacy rights.

At my last appearance before the oversight committee in April 2024, I spoke about ensuring that the Office of the Information Commissioner is an effective and resilient, independent integrity body that can continue to fulfil its statutory functions in the next five to 10 years and beyond. Our work to prepare our office for the future has commenced. Throughout this financial year, and into next, we will continue to focus our efforts on: improving our services to the Queensland public; strengthening and targeting our information education and stakeholder engagement activities to support agencies, including public authorities; ensuring we have the capability and resources to fulfil our statutory functions; and meeting our corporate governance obligations as an independent statutory body.

In 2023-24, we also commenced a project to update our end-of-life case management system. This new system will give the office the capability to provide agencies with a digital portal to report data breaches. We will also be able to record, analyse and monitor reported data breaches and more efficiently track and monitor the delivery of our information and guidance, external review and privacy services through a whole-of-enterprise platform. As an office, we are currently refreshing our strategic plan, including our vision, purpose and how we can embrace opportunities to improve the delivery of our statutory functions and achieve our statutory objectives whilst also meeting challenges posed by increased demands on our services.

The year 2023-24 was one of substantial change for the office as an organisation, for our staff and leadership and for the legislative environment within which we work. As we move into the second half of this financial year, we remain committed to improving and refining our strategy operations and services to better serve the public, support agencies and maximise our impact in protecting and promoting the information access and privacy rights of Queenslanders.

We are also committed to working with agencies to assist them as they look to adopt new technologies, including artificial intelligence, to drive efficiencies and improvements to their frontline services with appropriate privacy and data security safeguards in place that align with changing community expectations. Ensuring the community has trust and confidence in new technologies employed by government is critical to the successful implementation of new digital customer services.

Before I close, I would like to take a moment to acknowledge the work of the Office of the Information Commissioner staff, many of whom will be watching this public hearing today. The committee will see from the scope and output of the Office of the Information Commissioner's work, as detailed in our annual report, that, despite being a relatively small office, the office's staff are steadfast in their commitment to delivering independent and impartial services to the Queensland community and playing a fundamental role in building agencies' awareness of information access and privacy

obligations. We also have a small, committed corporate services team that is the backbone of our organisation, including through the provision of IT, HR, finance, project management, facilities, procurement and strategic services. I thank all of our staff for their dedication and commitment to serving the public and for the achievements delivered during the 2023-24 financial year. Chair, thank you so much, again, for the opportunity to provide an opening statement. Along with Commissioners Shanley and Winson, we welcome questions from members of the committee. Thank you.

CHAIR: Thank you. On behalf of the committee, I thank you and your staff, who may be watching this broadcast, for the important work that you do. Obviously, the Queensland government holds very sensitive information on people in comparison to, say, a company—health, criminal histories et cetera. One of the most concerning breaches of privacy last year revealed in estimates was the police QPRIME system autopopulating victim information onto forms provided to offenders. Did your office play a role in investigating that? Has there been oversight by you into improvements in that area? Can the community have confidence now that that important matter has been resolved?

Ms Kummrow: My office became aware of the matters concerning QPRIME and the populating of court documents with victims' addresses through discussions in parliament last August and also through media reports. Since August 2024, my office has conducted preliminary inquiries with the Queensland Police Service to identify material facts in relation to that matter. In December last year, we commenced a review under our regulatory powers under section 135 of the Information Privacy Act where we are empowered to look into systemic issues in relation to an agency's privacy practices and handling. That review, which is effectively an investigation, is underway. My preference would be to not discuss it in public while my team is making those inquiries with the kind assistance of the Queensland Police Service. We are involved. We are aware of it. We are involved and we are acting in relation to that matter.

CHAIR: I appreciate the confidentiality around that. There will be confidence that that is being done. At this stage, do you know if there will be a report on the outcome to the parliament or to the public?

Ms Kummrow: Section 135 of the Information Privacy Act provides that I am at liberty to provide a report to the parliament. It is important for there to be transparency in relation to the work of my office, particularly in relation to audits and reviews. There is also the opportunity to issue a compliance notice directing the QPS—the Queensland Police Service—to undertake certain remedial action, should that be required. They are the two heads of power that I have in relation to section 135. We will make a determination in relation to tabling a report. As I said, I think it is important, given my role in upholding transparency and reporting to the parliament, that the work we do is before the parliament and before the people.

CHAIR: Thank you, I appreciate that. I will not go any further into that particular matter. You did mention the use of AI. When things are automated, things can go wrong. What are the risks and how are we looking at managing those as we move forward into the new AI age?

Ms Kummrow: That is another really important question and one that my office is grappling with at the moment. Over the last five years, governments have wisely taken a sort of watch-and-see approach to new technologies and artificial intelligence. As we embark on 2025, there is an appropriate need for government to engage and better understand the power, the opportunities and the challenges of new technologies, and that includes the Queensland government.

I would not want to sit here and say that the Queensland government should not engage, but I would like to remind them to consider engaging with new technologies, AI included, ensuring that there are proper privacy and safety mechanisms, they do so ethically and they do so with transparency as well. I can hand over to Commissioner Shanley, but our mantra in relation to new technologies in agencies is to undertake a privacy impact assessment.

There is no end of surprises when new technology is used and an agency has got really excited and jumped ahead. It is that proper process of undertaking a privacy impact assessment where an agency can sit down and understand the risks of that technology and how they can mitigate those risks. Privacy and data breaches are really just a risk assessment exercise.

There is a lot of excitement in relation to technology. As I said, I am not suggesting the government should not embark on new digital services—there is a lot of excitement particularly in a state like Queensland with its size and the remoteness of some of its communities—but it is important to do things the right way rather than the quick way, or the easy way, and take the time to invest. Susan, would you like to add anything?

Ms Shanley: While it is not mandatory to undertake a privacy impact assessment, our office strongly encourages all agencies to undertake a privacy impact assessment to identify privacy risks and mitigation strategies when adopting new technologies such as AI or when there is a change in personal information handling practices. Our office also encourages agencies to publish those privacy impact assessments to the greatest extent practicable to aid transparency so the community has an understanding of how their personal information is being handled, any privacy risks and how those privacy risks have been appropriately addressed and mitigated.

In terms of privacy by design, that really is just thinking about privacy at the beginning and embedding it throughout the entire process—through business systems and practices—so that privacy is being considered up-front not as a bolt-on. Sometimes the risk is when agencies adopt a new program and privacy is an afterthought but it should be considered at the very beginning so that the privacy risk can be identified and mitigated. That is probably all I would say.

Ms SCANLON: Commissioner, my question is in relation to right-to-information requests. I am mindful that there are grounds for refusal, particularly as it interferes substantially with or unreasonably on a minister's function. Can you just outline for the committee if there is a standard test to determine what is reasonable or not? I note every RTI is different but is there a general test?

Ms Winson: Like many things in law, the answer is that it depends, unfortunately. Our decisions do set out the requirements that we put agencies or ministers through to show how they have come to the conclusion that an application for information substantially and unreasonably diverts their resources. Most of our published decisions have a very clear set of criteria that we tend to work through. It will be fact dependent because what is unreasonable for a small, regional council will not be the same for a large department, obviously. Those are the sorts of characteristics.

When we normally deal with applications like that, where the agency has held that it substantially and unreasonably diverts its resources, we normally ask a very clear set of questions—what is the nature of the information, what is the nature of your information asset holdings, how many resources do you have and the like? That steps agencies through a procedure that they would normally need to apply themselves before they come to their conclusion.

Ms SCANLON: As it relates, for example, to the Premier's office or a minister's office, is there a set of guidelines that is publicly available, or could be provided, that outlines what that standard is?

Ms Winson: Yes, we have very detailed guidance on the tests in the legislation, and that includes for ministerial offices.

Ms MARR: I would like to say that I love that you acknowledged your staff and how well your team work together. Thank you for mentioning them today, and I would like to acknowledge and thank them as well, including all those who are watching.

In the privacy mediation, there was a significant increase in consultations and submissions over the previous year. What types of matters would they have been focused on? The report said you had an increase in consultations and submissions. Is there something that prompted that or is it that you are seeing more of those in general?

Ms Kummrow: I might start answering that and then hand over to Ms Shanley. During that period with the IPOLA Act and the changes, there was quite a bit of discussion and consultation in relation to those. There was also quite a bit of legislative reform going on and new legislation coming through the parliament. That is where we make assessments of that legislation to determine if there are any issues or an intersection with RTI transparency and privacy. We also, pleasingly I think, through our engagement with agencies, encourage them to come to us, as I mentioned, where they are thinking about a new technology, to have a discussion.

I think there is a lot of expertise in the office. Whilst we have to balance being a regulator as well, my mantra is that we want agencies to succeed in the first instance. I think there had been a few agencies coming forward with issues that they were facing and they were wanting to have a discussion. There were also a couple of public inquiries. I think the office contributed to a public inquiry in Victoria. The parliamentary committee down there was reviewing its 1982 legislation, so I know there were appearances by the office. There are a variety of areas. I will hand over to Susan.

Ms Shanley: I would add that consultation submissions can increase depending on what is happening at the time. There were a number of significant pieces of legislative reform during 2023-24—for example, as the Information Commissioner mentioned, the IPOLA reforms, the Public Records Act, the Integrity and Other Legislation Amendment Act, as well as in other jurisdictions such as Commonwealth, which passed the Digital ID Bill, and then Victoria's inquiry into the Freedom of

Information Act. It was a fairly full legislative agenda, with lots of reforms happening. That often can drive an increase in the number of submissions and consultations coming to our office. Then there are further inquiries coming to our office arising out of some of those reforms that are happening.

Ms MARR: Now I know why you thank your staff, because they were obviously very busy over the last three months. How do you think the implementation of IPOLA is going? Is it quite positive?

Ms Kummrow: I think we are getting tremendous feedback in relation to a major project for the office. As I mentioned, we have stood up a project team. It is over and above our business-as-usual work, if I can put it that way. They have been developing and designing training sessions, taking those out around Queensland. We were most recently in Beenleigh, Longreach and Winton for engagements and the like. We have also updated and developed numerous new guidelines. There is a lot of information. There is a lot of activity within of the office and then there is a lot of activity going on outside.

As I said, agencies have responded very positively to the additional engagement, education and guidance that we have been rolling out. I think, as with all legislative change, there is often a sense of uncertainty, and in the area of privacy and right to information it can sometimes feel like there is another layer of compliance that has been placed upon agencies where they are already doing a lot of that work as well. Unfortunately, that is our business and these are important issues for agencies to keep up to speed. We are just about to go into stage 3 of the IPOLA project and that will involve more training again for agencies. I think the important thing, though, is that we are increasing our engagement with agencies, to understand what they need and what their concerns are so we can respond to them. Importantly for me, our message is that we will continue to work with agencies once those reforms commence over the next year, to allow them time to adapt, for example, to a new data breach scheme.

Ms MARR: That is very encouraging. Thank you for that answer.

Mr BERKMAN: I am interested in one particular aspect of the RTI Act. Both from my engagement with stakeholders and my professional experience, breach of confidence or commercial confidentiality has appeared to be an increasing barrier to disclosure of information under the RTI Act. As I am sure you are aware, the OIC has itself been engaged in litigation, trying to promote disclosure, particularly of the Toondah Harbour development agreement in recent years. Do you collect data and can you advise the committee of any trends in the use or the prevalence of breach of confidence or commercial confidentiality in inhibiting disclosure of documents either in the first instance or when matters come to OIC through external review processes?

Ms Kummrow: I might provide an initial response, if I may, member, and then hand over to my colleague. Part of the IPOLA reforms will involve the transfer of the responsibilities for reporting on right-to-information requests coming across from the Department of Justice to our office, and I think that will really empower us to set questions and receive data and then, importantly, be able to analyse that, which will be a lovely complement to the work that we do.

We receive external reviews. Only a small minority of the number of requests that are made end up at external review. We do not necessarily always see decisions being made by agencies; it is only when they are appealed. Then even fewer, as you will appreciate it, obviously go into the justice system. I think that will provide us with an opportunity to provide greater insight and analysis, and we certainly welcome that.

Ms Winson: It will be fair to say that we do currently gather data on the grounds for refusal by an agency, but, as the Commissioner said, our numbers are a fraction of the overall total of formal applications made to agencies. It is not my sense that the grounds for refusal for commercial-in-confidence is significant or growing. We do not have that data right here, but if you wanted that we can have a look at that—I am sure we can pull that out. My sense is that it has not been increasing over the last five years in any way.

Mr BERKMAN: If you are able to take that on notice and provide any consolidated data, that would be very interesting from my perspective.

Mr FIELD: Good morning. I must thank you and your staff for all the things that you do. You were saying that fewer people completed the online training—I think about 4,000. That appears to be half the number of people who did it the year before, in 2023-23; is that right? I think there were 7,900 and something or other, compared with, I think you said, 4,080 or 4,008 or something or other the previous year. I think there were nearly 8,000 the year previous, just as a rough idea. Is there any reason?

Ms MARR: Are you talking about the online training course?

Mr FIELD: Yes, the online training.

Ms Kummrow: Keen attention to detail there, thank you, member. As I mentioned, in 2023-24 the number of training participants was 4,080, and in the previous financial year, 2022-23, our records show we had 7,972. You are absolutely right: that is a 50 per cent reduction. It is interesting: if one looks at the participants in the previous years, there were 8,900, 8,700 and 12,000. Our target was 4,000 so, on a positive note, we achieved our target, but you are absolutely right: it is down. I cannot explain exactly why that is. We can certainly look into more reasons. That should be training that is available on our website. What I am able to tell you is that I have a very strong commitment in developing and expanding the training resources that we provide to agencies, and also to members of the public, on our website. It may be that those training modules have hit their time to be renewed and refreshed. It is probably a good case in point and exactly why we need to expand our work. That is, as I said, in order to assist agencies succeed and achieve.

Mr FIELD: Is there any correlation between having the fewer people there included or the reason your expenditure was less on that year as well compared with previous years? Was that because there were less—

Ms Kummrow: Less training activities?

Mr FIELD: Yes.

Ms Kummrow: Most of those training activities will be online. It is with the IPOLA funding that we have been able to really expand our training and engagement offerings. In terms of our spending being under, we partly attribute that to receiving funding for the IPOLA project but the timing of it meant that we were unable to spend all of that money in time, so that effectively has had to roll over. You will see in our new annual report for this financial year an uptick in that spending over the course of the year.

Ms SCANLON: I can see that the commission has provided a significant number of consultations and submissions this year compared to last year. I note that you provided some of that feedback in your report, but can you update the committee about that increased work that you are providing? Can you outline some of those areas that you have submitted to?

Ms Kummrow: I think, as previously outlined, the financial year 2023-24 was particularly busy in relation to legislative reforms and amendments—the IOLA Act, the IPOLA Act, also public inquiries, as Commissioner Shanley mentioned, and the digital ID at the federal level. We have seen quite a deal of activity, particularly in relation to privacy, arising out of major privacy breaches at the federal level and with our federal counterparts, the Office of the Australian Information Commissioner; likewise the appearance before the Victorian parliamentary committee in relation to a significant review of that state's FOI legislation, and drawing upon the experience and knowledge of Queensland with its second-generation legislation. I will invite Commissioner Winson and Commissioner Shanley to answer further in case there are privacy and RTI consultations or submissions that were undertaken during that year that I may have overlooked. No. I hope that answers your question.

Ms SCANLON: As a follow-up question, can you advise if you have been working with any particular agency, or have any concerns going forward, around any potential data breaches? I am mindful that some of the software that organisations and agencies use can be very expensive but in some cases be dated. Are you aware of any particular agencies that you have been in consultation with that will need system reforms going forward and will need additional funding going forward?

Ms Kummrow: Our focus is often on agencies that hold a lot of personal data, personal information, so I think critical agencies, if I can respond to your question in this way, would be public health and hospital services—patient information, patient data, personal information and sensitive information, particularly under the new IPOLA reforms. We have mentioned Queensland Police, the Department of Education and local government is another one. I would say 'sectors' rather than specific agencies.

Through the IPOLA project, we have just engaged an external provider to partner with to prepare template data breach policies, response plans and registers that can be customised by four sectors: large departments, smaller agencies, public health and hospital services, and local government. I think one of the issues is that not all agencies are the same. A local government up in Far North Queensland, Mornington Shire Council, for example, is going to be very different in terms of its level of funding, resources and maturity in these areas to, say, Brisbane City Council. We are very keen to ensure we are tailoring our messages and supporting them. All agencies need technology. It is a significant investment. As Commissioner Shanley said, encouraging them to take a privacy-by-design approach from the get-go and undertake privacy impact assessments keeps everybody on the right path.

CHAIR: The annual report states the Queensland Police Service continues to represent the largest—26 per cent—number of external review applications received by the IOC for any single agency. What trends are you seeing in relation to the types of matters being referred for external review in relation to the Queensland police?

Ms Winson: I think the important thing to remember about certain agencies like the QPS and Queensland Health is that the nature of the information they hold is not always easily able to be made available under administrative access schemes. It is deeply personal and is often very sensitive and, therefore, is more likely to need to be subjected to the formal application process. The vast majority—our annual report certainly reflects this, and it is replicated in the reports of the Attorney-General in the stats for agency applications that do not necessarily come to us—of requests made to agencies like QPS are information requests made by individuals wanting to understand matters that affect them personally. It is not stuff about other people, although sometimes you will think about a police investigation and the records in QPRIME will intermingle with other people's information. Those sorts of matters require careful consideration and assessment under the act. Is there a different trend that we are seeing? No. A consistent trend over many years on external review is that it is a mixture of those sorts of things.

Mr BERKMAN: In terms of the process under the RTI Act, you can obviously opt for an internal review of a decision before going to external review. I am wondering to what extent IOC has a role in monitoring or overseeing those internal review decisions to ensure the decision is being remade rather than simply protecting the earlier decision-maker within that body.

Ms Kummrow: I might pass to Commissioner Winson, who, through her role as Right to Information Commissioner, has perhaps some more detailed knowledge of this area than I do.

Ms Winson: I suppose the short answer is that we can only see the things that come to us as a practical reality. What I can say is that the numbers of formal requests that government agencies and departments in particular have been receiving over the last five years has not seen an appreciable increase. They are hovering at around 16,000 or 17,000 formal applications every year. What has been interesting is that the increase we have seen on external review seems to mirror a similar trend in internal reviews of agency decisions. For those that come to us, we will obviously be the ones reviewing those decisions. I can say that the stats in our reports show that the majority of agency decisions are affirmed by us, which gives us confidence that agencies are doing the right thing and they are making the right decisions. There will be times when we might vary those decisions and change them, and our report shows the percentages on those too. The majority we certainly are affirming, which gives us confidence that agencies are doing the job well. That to us, as Commissioner Kummrow has already said, is really important. If agencies are doing the job well then the community is getting the information they should be, as the law allows. That gives us some confidence that the system is working.

Mr FIELD: You said that there had been 41 mandatory notifications each year for the last couple of years. Do you have a rough idea of how many there are so far this year?

Ms Kummrow: Forty-one voluntary notifications, because the mandatory notification scheme has not commenced as yet. In terms of this year to date?

Mr FIELD: Just a rough idea. I am just curious.

Ms Winson: I do not have that number in front of me.

Ms Kummrow: If we could take it on notice?

Mr FIELD: That is fine.

Ms Kummrow: Interestingly, in the year prior to 2024 there were also 41.

Mr FIELD: The last two years have been 41. I am curious as to how it is trending for this year.

Ms Kummrow: That is a voluntary scheme. As I mentioned, agencies do not need to, but I take this opportunity to encourage agencies to engage in dialogue with us because then we can do our best work in assisting them and also get an idea of trends. I think probably one of the challenges for us is building a stronger culture within agencies to be more transparent in relation to data breaches. The new mandatory notification scheme only applies where it is a serious data breach. Like minds may differ in relation to what is serious and what is not. I will be watching with intense interest to see whether we receive fewer notifications overall with a mandatory data breach scheme than we have done under a voluntary scheme.

CHAIR: The term 'serious' is not defined in legislation?

Ms Kummrow: It is defined, Chair, yes.

Ms SCANLON: I appreciate if you cannot answer this given the sensitivity of the work: is there a date that you are working towards having that piece of work completed with the Queensland Police Service around data and privacy?

Ms Kummrow: I can assure the committee that my understanding is that nobody is in danger. If there were an imminent risk to someone's welfare and safety, we would need to move more quickly, but my understanding is that things are in order at the moment. It is a matter of us undertaking fact finding. I would like to be able to tell you that our investigation will be completed this year—the earlier the better. In my mind—please do not hold me to this—it will probably not be this financial year; it will be earlier into the next financial year. That is because, with all investigations, it is important to undertake a thorough examination. Technology makes these matters a little bit more complicated. We can sometimes struggle. We have to get on top of the technology as well without necessarily having that technical expertise. Of course we will, or we will bring in resources if we require them. It will be this year but hopefully not too far into the new financial year.

CHAIR: Thank you. I will wrap up there. A final question would be: could you outline your risks and challenges in the year ahead and anything else you would like to bring to the attention of the committee while you are here?

Ms Kummrow: Well, on the flip side of risks and challenges are opportunities. Our office is on a journey to strengthen its capability and to expand the areas and the ways in which it supports agencies and protects the information and public access rights of the community. That involves, as I mentioned, further training, further engagement, information and assistance, and then also building our regulatory capability. Where we have a situation that arises, we need to be ready to be able to conduct an investigation and do that properly and in accordance with our legislation. The office is certainly on a new journey and it is bringing everybody with it on that journey. As I said, it is a very dedicated and committed group of people at the office, and I admire their resilience and their appetite to look at things in a different way. Continuous improvement is a big part of the work that we do.

Maintaining our independence is always really critical as an integrity body. We do not necessarily have the profile, potentially, of other integrity agencies, but I think we do quite a bit of heavy lifting and are fundamental to the public's trust in government through protection of their privacy rights and also getting access to information, most often personal information.

Then there is the ability of the office to probably grow a little bit in order to meet some of these challenges of additional engagement and regulatory oversight. There is the issue of sustainable funding around that—that we can do that not just on a year-by-year basis or every couple of years but as part of our BAU ongoing.

Earlier I mentioned building a culture in the Queensland public sector. That is a journey as well. I am not saying that culture is bad, but I think often people do not often want to bring a problem and put on it the table. I am very much about encouraging agencies to do that. That is something we will continue to work on.

I think it is also about encouraging agencies to make as much information available as possible. Queensland has incredibly progressive right-to-information legislation that this parliament should be commended on—since 2009, so for some time. Other states have first generation. Where they are arguing over the most minute pieces of information, that is information that would be out there—without question—in this state. That is a really positive outcome for everybody—for government and also every person in the community.

Finally, another challenge is grappling with new technologies—government's appetite and the need to adopt new technologies, including AI, and do that, as I mentioned earlier, using privacy by design and transparency by design, making sure those systems are secure, using those systems ethically and also being able to be transparent about it. There are a couple of the challenges but, as I said, I also see them as opportunities.

CHAIR: As technology increases to break into our systems, that is a risk I see going forward. Would you agree with that?

Ms Kummrow: I think any new update you get on your computer has some new fangled capability which is really exciting, but I guess what we are about is asking people to take a step back and have a think about whether privacy is being protected, whether it is secure and whether it is ethical and people are able to talk about what they are doing with this technology and how they are using it.

CHAIR: Thank you very much. That concludes this hearing. Thank you to everyone who has participated today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. There are two questions on notice. Your responses would be appreciated by close of business on Wednesday, 26 February 2025. Those questions will be available in the transcript

Ms Kummrow: In relation to the question from the member for Capalaba, I can report that there have been 28 voluntary notifications made to our office to date.

CHAIR: Thank you. That will leave one question on notice. I declare this public hearing closed.

The committee adjourned at 11.43 am.