




Speech By
Jason Hunt

MEMBER FOR CALOUNDRA

Record of Proceedings, 24 February 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Mr HUNT** (Caloundra—ALP) (3.11 pm): I rise to speak about report No. 18 of the Legal Affairs and Safety Committee, *Oversight of the Office of the Information Commissioner*. The Legal Affairs and Safety Committee has oversight responsibilities for the Office of the Information Commissioner. The committee reviewed the Office of the Information Commissioner's annual report 2019-20, tabled on 23 September 2020, and held a public hearing with representatives from the OIC on 30 August 2021.

Like the Ombudsman, the IOC is an independent statutory body established under the Right to Information Act 2009 and the Information Privacy Act 2009, with the aim of promoting access to government-held information and protecting people's personal information held by the public sector. This is, as can be imagined, a complex and challenging task. The OIC's functions include giving information and help to agencies and members of the public on matters relevant to the RTI Act; conducting reviews into personal information handling practices of certain entities; investigating and reviewing decisions of agencies and ministers; and reviewing and reporting on agencies in relation to the operation of the RTI Act and the IP Act.

It is abundantly clear that the demand for the services of the OIC has greatly increased over the last five years. During the 2019-20 period, the OIC's inquiry service responded to a record 5,684 inquiries by way of 3,965 telephone calls, 1,572 emails and letters and 147 email inquiries. While the QPS comprised 24 per cent of all review applications in 2020, it is now at 29 per cent as at 2021. The OIC was also busily engaged in implementing the recommendations from the local government compliance audit. Further, 1,997 participants completed the OIC's online training courses, with participants providing a 98 per cent satisfaction rate with the training sessions. The OIC actively promotes awareness through Right to Information Day, the Solomon Lecture and Privacy Awareness Week. Awareness is also provided via the website and engagement with rural and regional agencies.

The OIC outlined the work that remains to be done around the Operation Impala recommendations. The OIC is taking steps to better manage voluntary data breach notifications that will assist in a transition to a mandatory scheme. This will include the provision of a new school of reporting to the OIC and amending the OIC's online training package to address specific requirements raised during Operation Impala.

The OIC stressed the ongoing importance of Operation Impala inasmuch as it complemented the work of the IOC. Audits were done before and after Impala and the recommendations largely reinforced the recommendations made from the OIC legislative review. The committee heard that human error is still internationally one of the root causes of privacy breaches, accounting for 38 per cent in one of the more recent surveys. A recent incident in New South Wales reached well over 10,000 people. If ransomware is factored in—like the attack on the Uniting Care Hospital Services—the ramifications can be huge. It was encouraging to hear that continuing work is being done in and around the COVID Safe

app, which, as it turns out, was not quite as useful as it was expected to be. This was a multimillion dollar initiative of the federal government which, much like the federal government itself, has not delivered any tangible outcomes.

With regard to the OIC's privacy work, there has been substantial growth in voluntary data breach notifications. Over the past two years the IOC has focused on cultural change to minimise harm to the community. In relation to privacy breaches, the Privacy Commissioner advised that the implementation of the OIC's voluntary notification scheme has increased the number of notifications being received as people become more aware. The Privacy Commissioner further stated that the survey work done by counterparts at the national level, the OAIC, has showed that the public expect to be told if their data is compromised to minimise harm and to allow them—if they have not identified the threat—to take steps to protect themselves. The committee expressed continued support of the OIC in promoting accountability, openness and transparency. I commend the report to the House.