

How to let more sunshine in

**Strategic review of the Office of the
Information Commissioner, 2022**

Final Report

12 December 2022

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The Honourable Shannon Fentimann
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Dear Attorney

How to let more sunshine in - Strategic Review of the Office of the Information Commissioner, 2022

As contemplated by Section 188 of the *Right to Information Act 2009*, it is my pleasure to provide you with the Final Report of the Strategic Review of the Office of the Information Commissioner, 2022.

Yours sincerely



Dominic McGann
Reviewer

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The Reviewer

The reviewer is Dominic McGann, who is currently a partner with McCullough Robertson Lawyers and serves on a range of public company and not for profit boards. Mr McGann has had a long association with access to information and information privacy (including previous roles with the Electoral and Administrative Review Commission, the Office of the Cabinet, the Australian Law Reform Commission, the Department of Justice and Attorney-General and the FOI Independent Review Panel).

Abbreviations

Abbreviation	Term
ATSIWLSNQ	Aboriginal & Torres Strait Islander Women’s Legal Services NQ Inc
Coaldrake Report	<i>Final Report of the review of culture and accountability in the Queensland public sector, Let the sunshine in</i>
CQU	Central Queensland University
DAF	Department of Agriculture and Fisheries
DCHDE	Department of Communities, Housing and Digital Economy
DES	Department of Environment and Science
DOR	Department of Resources
DRDMW	Department of Regional Development, Manufacturing and Water
EARC	Electoral and Administrative Review Commission
EPW	Department of Energy and Public Works
FOI	Freedom of Information
FOI Act	<i>Freedom of Information Act 1992</i> (Qld)
FTE	Full-time equivalent
HRA	<i>Human Rights Act 2019</i> (Qld)
ICT	Information Communications Technology
IP Act	<i>Information Privacy Act 2009</i> (Qld)
IPPs	Information Privacy Principles
LAQ	Legal Aid Queensland
LASC	Legal Affairs and Safety Committee
MDBN	Mandatory Data Breach Notification
OIC	Office of the Information Commissioner
PWC Consulting	PriceWaterhouseCoopers Consulting (Australia Pty Limited)
PWC Consulting Report	Strategic Review of the Office of the Information Commissioner Report, 2017
QFES	Queensland Fire and Emergency Services
QIFVLS	Queensland Indigenous Family Violence Legal Service
QLRC	Queensland Law Reform Commission
QLS	Queensland Law Society Inc
QPS	Queensland Police Service
QUT	Queensland University of Technology
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009</i> (Qld)
UniSC	University of the Sunshine Coast
WDRC	Western Downs Regional Council

1. Executive Summary

On 28 June 2022, Professor Peter Coaldrake AO presented his *Final Report of the review of culture and accountability in the Queensland public sector*. That report was entitled *Let the sunshine in* and was a response “to widespread disaffection with the performance of governments and rising expectation that our politicians and their officials be more accountable and transparent in their dealings, and behave with integrity.

As well as its close association with the State of Queensland, the reference to sunshine is inspired by other attempts at opening government processes to public gaze” (see page 1 of the Coaldrake Report).

The reference to sunshine finds its genesis in the *Government in the Sunshine Act 1976* (US) and, FOI legislation, which is what it is more commonly known as, has enjoyed a particular history in Queensland.

Importantly, the ability of sunshine to make government more accountable and transparent, and to behave with integrity, needs to be considered within context. To that end, it is important for access to information and information privacy to be considered as foundational elements of government (that is, in the broad) as well as in the execution (that is, in the narrow).

In terms of this strategic review, it concerns itself with the broad (notably, whether in the performance of its overall functions, the OIC contributes to ensuring openness and accountability within the Queensland Government) and the particular (notably, whether in the performance of its day to day operations, the OIC is discharging them economically, effectively and efficiently).

Taken as a whole, this strategic report concludes that more sunlight will be let in by continuing to emphasise the broad and also the particular.

In terms of the broad, it requires:

- (a) continuing attention to the legislative framework taken as a whole even if from time to time more focused amendments to it are progressed;
- (b) ongoing leadership across all levels of the Queensland Government to ensure that a culture of openness and accountability prevails; and
- (c) adequate resourcing of Queensland government agencies to ensure that a culture of openness is actually delivered on a day to day basis, year in and year out.

In terms of the particular, it requires the OIC:

- (a) to continue to exhibit a high degree of professionalism in the performance of its functions;
- (b) within the limits of its legislative remit, to continue to form an element of the leadership which ensures a culture of openness; and
- (c) to be resourced to a measure that ensures that it is able to continue to exhibit its existing high degree of professionalism in the performance of its functions.

2. Summary of Findings and Recommendations

Operational practices

Process efficiency and effectiveness – External Review Function

Key findings

- 1 The OIC's External Review function remains highly structured, clearly documented and seeks to promote and balance prioritisation, resolution and determination;
- 2 The External Review function continues to deliver positive outcomes for the Queensland Community and Queensland government agencies within a constrained and changing environment in terms of legislation, technology and resources; and
- 3 A further resource shortfall presents a continuing challenge to the sustainable management of RTI applications.

Recommendation

Pending the finalisation of a revised budget for the OIC which transparently, fairly and conclusively addresses the significant changes that ultimately result from the Consultation Paper on the *Proposed changes to Queensland's Information Privacy and Right to Information Framework*, the OIC should receive additional funding to allow for the creation of three new External review positions, to effectively meet the existing demand through the increased number of applications (together with the additional complexity of those applications and the character of particular applicants).

Process efficiency and effectiveness – Privacy Function

Key findings

- 1 The OIC's Privacy Function continues to effectively support the OIC to discharge its legislative functions; and
- 2 The Privacy Function now faces the compounding challenges from proposed changes to the legislative functions of the OIC and within the context of rapidly emerging technological changes and increasing concerns by citizens about the management, storage and protection of personal information.

Recommendation

Pending the finalisation of a revised budget for the OIC which transparently, fairly and conclusively addresses the significant changes that ultimately result from the Coaldrake Report and the Consultation Paper on the *Proposed changes to Queensland's Information Privacy and Right to Information Framework*, the OIC should continue to receive additional funding to allow for a junior resource.

Process efficiency and effectiveness – Assistance and Monitoring Function

Key findings

The OIC is to be particularly commended for its Assistance and Monitoring Function and it is to be encouraged to continue to exhibit both innovation and reflection as key elements to that function.

Recommendation

The finalisation of a revised budget for the OIC (which transparently, fairly and conclusively addresses the significant changes that ultimately result from the Consultation Paper on the *Proposed changes to Queensland's Information Privacy and Right to Information Framework*) should be of a measure which ensures that the OIC is in a position to continue to achieve the standards of performance of the assistance and monitoring function that meet and exceed the objectives of the RTI Act, IP Act and the HRA.

Process efficiency and effectiveness – Corporate Services Function

Key findings

The outsourcing of the Corporate Support Function of the OIC is entirely appropriate and should continue while it is justified in terms of scale, effectiveness and efficiency. In that regard, an appropriate time to reflect upon that arrangement would be once the changes that have been forecast in the Consultation Paper on the *Proposed changes to Queensland's Information Privacy and Right to Information Framework* are identified and their implications for the OIC understood (including the resources made available to the OIC to give effect to those changes).

Legislative alignment

RTI and IP Act appropriateness and effectiveness

Key findings

Subject to the final form of the changes, it is universally anticipated that the existing policy and legislative review of the RTI Act and the IP Act will be profound and with corresponding consequences for the OIC.

Recommendation

The finalisation of a revised budget for the OIC (which transparently, fairly and conclusively addresses the profound changes that ultimately result from the Consultation Paper on the *Proposed changes to Queensland's Information Privacy and Right to Information Framework*) should be of a measure which ensures that the OIC is in a position to continue to achieve the standards of performance of the OIC that meet and exceed the objectives of the RTI Act, IP Act and HRA.

OIC role clarity and independence

Key findings

- 1 The inherent conflict in the OIC's roles that involve advocacy and determination is managed appropriately, within both internal operations and external engagement.
- 2 OIC should remain mindful of the intersection between the RTI Act, IP Act and the HRA and should continue to ensure that there is a clear understanding on the differentiation between the various legislation.

Strategy and culture

Strategic direction

Key findings

- 1 The OIC's strategic contribution to promoting accountability and transparency continues to be understood and valued across local and national jurisdictions.
- 2 The OIC continues to have a clear strategic direction, and to maintain a regular, effective and collaborative planning process.
- 3 Subject to the final form of the changes, the existing policy and legislative review of the RTI Act and the IP Act will be profound and with corresponding consequences for the OIC and its strategic direction.

Organisational structure

Key findings

- 1 The existing functions of the OIC remain clearly delineated and the OIC is structured effectively.
- 2 Subject to the final form of the changes, the existing policy and legislative review of the RTI Act and the IP Act will be profound and with corresponding consequences for the OIC and, potentially, its existing structure.

The culture of the OIC

Key findings

- 1 OIC continues to have an engaged and collegiate workforce, with a strong sense of purpose in their work, and a focus on achieving outcomes for their clients.
- 2 Constrained resources (whether human or financial) present challenges to workforce stability.
- 3 OIC should continue to monitor and manage unreasonable conduct in its various functions and, accordingly, monitor and manage staff wellbeing generally (and that associated with unreasonable conduct in particular).

Quality of service

Content and knowledge dissemination

Key findings

- 1 Queensland government agencies continue to value the usefulness of the various material made available by the OIC and the various platforms by which that material is made available.
- 2 The OIC's training and stakeholder engagement promotes compliance with the RTI Act and IP Act and the effectiveness of agencies.

- 3 Importantly, at times, the OIC is a victim of its own effectiveness and efficiency; for example, successful resolution of external review matters inevitably limits the availability of published decisions (albeit this particular issue continues to be addressed through the provision of case summaries by the OIC).

Recommendation

The OIC should continue to complete regular analyses of its training and engagement with Queensland government agencies, and refinements should continue to be made to relevant strategies (if and as necessary and as the resources available to the OIC allow).

Service and communication proficiency

Key findings

- 1 Overwhelmingly, the enquiry and advice services of the OIC continue to meet and exceed the expectations of Queensland government agencies.
- 2 The OIC is to be commended for maintaining its high standards during the COVID-19 pandemic and, like all Queensland government agencies, continue to consider the right mix of face-to-face and virtual engagement.

Recommendations

- 1 The OIC should continue to explore and develop a fit for purpose reporting system for external review applications that is reflective of the variation in the number of external review applications and the experience of Queensland government agencies, as well as the matters in issue.
- 2 The OIC should continue to reflect upon its engagement strategies to ensure all citizens fully enjoy their rights of access to information and information privacy.

3. Purpose, Context and Methodology

3.1. Purpose

Section 186 of the RTI Act requires that a strategic review of the Office of the Information Commissioner be conducted by a reviewer who is an “appropriately qualified person, appointed by the Governor in Council” and the Terms of Reference are to be decided by the Governor in Council (see section 186(5) and (7) of the RTI Act).

Section 186(10) of the RTI Act provides that the strategic review of the OIC includes:

- (a) a review of the Information Commissioner’s functions; and
- (b) a review of the Information Commissioner’s performance of the functions to assess whether they are being performed economically, effectively and efficiently.

For present purposes, the Information Commissioner’s functions are set out in Chapter 4 of the RTI Act and Chapter 4 of the IP Act.

On 30 June 2022, I was appointed by the Governor in Council to be the reviewer for the purposes of section 186 of the RTI Act and the Terms of Reference for the strategic review of the OIC are set out at Appendix A.

This review constitutes the second strategic review of the OIC under the RTI Act. The first strategic review of the OIC under the RTI Act was completed by PWC Consulting in 2017 and, for reasons which will become apparent, this strategic review builds upon the strategic review conducted by PWC Consulting.

3.2. Context

Access to information and information privacy each have particular histories in Australia and overseas and each of those histories reflects the structural tension between the rights of an individual in a democratic society to hold government to account and the interests of the relevant society to organise itself in a manner that reflects the public interest of the society (and by which the rights of an individual are constrained).

While the history of access to information and information privacy has a longer history than the current legislation, for present purposes, in 2009, the Queensland Parliament passed the RTI Act and IP Act and, in doing so, repealed the FOI Act.

In broad terms:

- (a) the RTI Act is intended to provide access to information held by Queensland government agencies unless, on balance, it is contrary to the public interest to provide that information; and
- (b) the IP Act is intended to protect the personal information of individuals and contains a set of privacy principles that regulate how Queensland government agencies collect, store, use and disclose personal information.

Under the RTI Act and the IP Act, the Information Commissioner is a statutory office holder appointed by the Governor in Council and is not subject to ministerial direction in the exercise of the functions under those Acts. Nevertheless, while the Information Commissioner is not subject to ministerial direction, the budget of the OIC is subject to approval by the Attorney-General (see section 133 of the RTI Act).

The Information Commissioner is supported by two other statutory office holders appointed by the Governor in Council: the Right to Information Commissioner (for the purposes of the RTI Act) and the Privacy Commissioner (for the purposes of the IP Act).

For completeness, the Information Commissioner is accountable to the LASC of the Queensland Parliament.

3.3. Methodology

The Terms of Reference for the strategic review of the OIC contemplate that the reviewer will have regard to a wealth of plans, policies, models and reports, whether local, national or international.

Against that backdrop, there has essentially been eight elements to this strategic review of the OIC.

First, consideration of the wealth of material referred to in the Terms of Reference.

Second, interviews with various Queensland government agencies.

Third, numerous interviews with the Information Commissioner, the Acting Right to Information Commissioner, the Privacy Commissioner and various colleagues within the OIC.

Fourth, consideration of the submissions received in response to a request for submissions that was sent to in excess of 145 Queensland government agencies and other interested stakeholders (including the OIC). A list of the submissions received in response to that request is set out at Appendix B. Taken as a whole, the submissions fall into three areas. First, some note the strategic review but indicate that it is not proposed to make a submission. Second, some welcome the review and acknowledge the existing role performed by the OIC. Third, some have made substantive submissions although they vary in length and the issues addressed. Importantly, as those submissions often reflect detailed operational issues, they should be made available to the OIC in the expectation that they will allow the OIC to have a direct conversation around the particular issues that are raised in those submissions.

Fifth, interviews with specific individuals with experience in either access to information or information privacy (or both).

Sixth, attendance at various events (either general in nature or specific to access to information or information privacy (or both)).

Seventh, provision of a proposed report on the strategic review to the Attorney-General and the Information Commissioner on 4 November 2022 (see section 188(1) of the RTI Act).

Eighth, having regard to comments received from the Information Commissioner on the proposed report on the strategic review, provision of this strategic review report to the Attorney-General and the Information Commissioner on 12 December 2022 (see section 188(2), (3), (4) and 5 of the RTI Act).

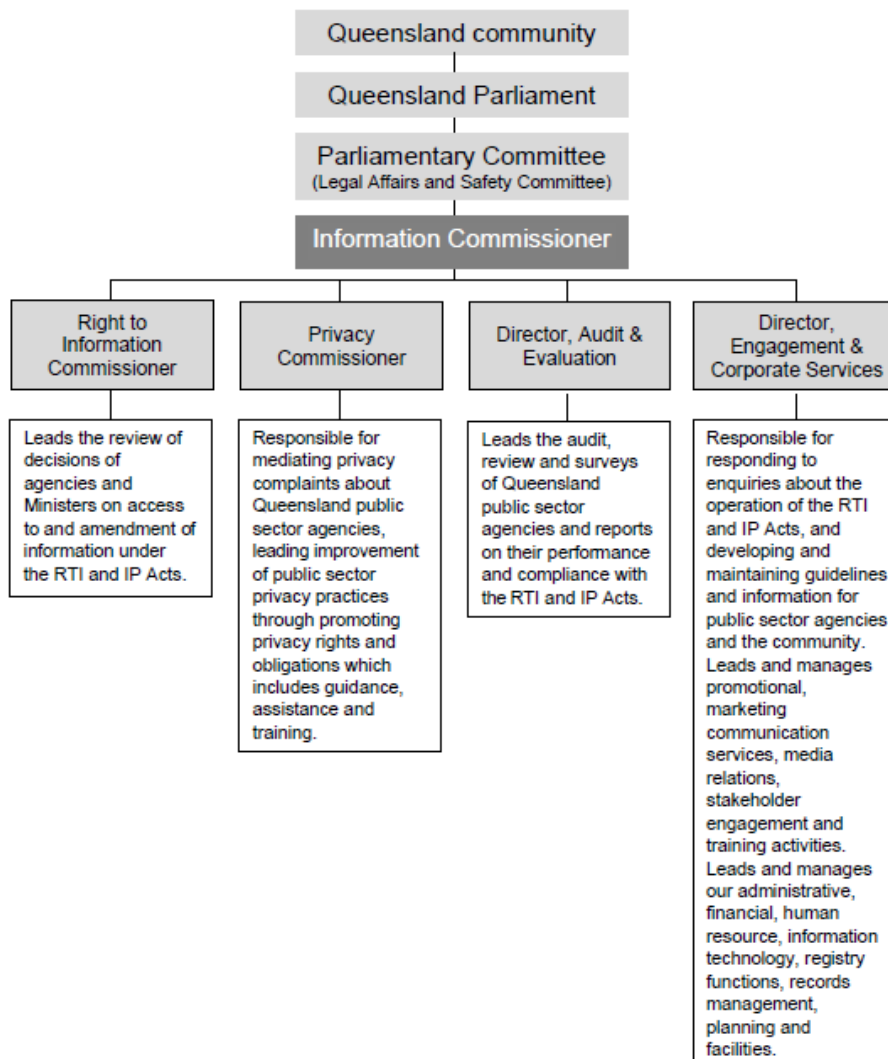
Finally, throughout this report, references are made to the Queensland Government and Queensland government agencies. In terms of the RTI Act and IP Act, the latter is a subset of the former and refers to the jurisdiction of the OIC (which includes a range of bodies that perform public functions (such as public universities, local governments and public authorities and which intuitively people might not ordinarily associate with the Queensland Government but certainly are part of the broader system of government within Queensland)). Conversely, the need for openness and accountability is not limited to Queensland government agencies (and, indeed, any gap between the broader notion of the Queensland Government and Queensland government agencies highlights the shadow by which bodies which form part of the Queensland Government are not subject to the sunshine of the RTI Act and IP Act). In that sense, the use of the Queensland Government is analogous to the Queensland public sector (within the particular context of the Coaldrake Report).

4. The Office of the Information Commissioner

As noted above, in broad terms:

- (a) the RTI Act is intended to provide access to information held by Queensland government agencies unless, on balance, it is contrary to the public interest to provide that information; and
- (b) the IP Act is intended to protect the personal information of individuals and contains a set of privacy principles that regulate how Queensland government agencies collect, store, use and disclose personal information.

Under the RTI Act and the IP Act, the Information Commissioner is a statutory office holder appointed by the Governor in Council and is not subject to ministerial direction in the exercise of the functions under those Acts. Nevertheless, while the Information Commissioner is not subject to ministerial direction, the budget of the OIC is subject to approval by the Attorney-General (see section 133 of the RTI Act). The Information Commissioner is supported by two other statutory office holders appointed by the Governor in Council; the Right to Information Commissioner (for the purposes of the RTI Act) and the Privacy Commissioner (for the purposes of the IP Act). For completeness, the Information Commissioner is accountable to the LASC of the Queensland Parliament. The RTI Act and the IP Act each set out a range of functions for the OIC (see sections 128-132 of the RTI Act and sections 135-138 of the IP Act) and the current structure utilised by the OIC to discharge those functions is set out below.



More particularly, there are four primary functions performed by the OIC although each function has a variety of sub-functions.

The four primary functions of the OIC are:

- 1 External review function – the objective of the external review function is to provide independent, timely and fair reviews of decisions made under the RTI Act and IP Act (see section 130 of the RTI Act and section 137 of the IP Act). Primarily, this takes the form of resolving external review applications using flexible approaches and, failing that, through formal written decisions. To assist that process, the OIC maintains comprehensive case and knowledge management systems and identifies and implements strategies to ensure equitable and timely access to its external review function. In addition, the OIC also considers applications from Queensland government agencies to declare an applicant vexatious (although the Information Commissioner may make a declaration on their own initiative) and applications to decide that a non-profit organisation has financial hardship status (thereby enabling an applicant to obtain a waiver from processing or access charges);
- 2 Privacy function – the objective of the privacy function is to assist Queensland government agencies to adopt Privacy by Design and achieve compliance with privacy principles, and to provide an independent, timely and fair privacy complaint mediation service;
- 3 Assistance and monitoring function – the objective of the assistance and monitoring function is to promote greater awareness of access to information and information privacy both within the Queensland Community and across Queensland government agencies, as well as improving the practices across Queensland government agencies (individually and collectively) in access to information and information privacy; and
- 4 Engagement and Corporate service function – as the title suggests, this function relates to the framework for engagement with the Queensland Community and Queensland government agencies, on the one hand, and the provision of finance, human resources and ICT support to the OIC (and this is currently facilitated through a service level agreement with an external service provider).

Importantly, and to the credit of the OIC, many staff operate flexibly within the OIC and undertake a variety of roles when necessary. Importantly, however, the OIC maintains separate and distinct functions in the management of applications for External Review, complaints to the Privacy Unit, Audit and Evaluation functions and other oversight functions.

Taken as whole and looked at from a macro level, the various functions within the OIC provide an iterative dynamic of education, investigation and audit (which are performed on an ongoing basis) and which is designed “to keep it functional for purpose, understandable to the citizen who might use it and the managers who guide it” (see the Coaldrake Report at page 1).

Finally, save a select range of matters, which are discussed later in this report, the submissions received from Queensland government agencies are overwhelmingly supportive of the performance by the OIC of all of its functions. On that note, amongst others, the QPS indicated that “The QPS is one of the largest agencies by RTI demand, and as a result is also one of the highest interactors with the OIC and its services. ... The QPS overall experience with the OIC is positive and finds the staff and services to be knowledgeable, useful and constructive” (see the submission of the QPS). In addition, the LASC recently took the “opportunity to express our continued support of the OIC in promoting accountability, openness and transparency” (see page 10 of Report No. 34 of August 2022, *Oversight of the Office of the Information Commissioner*).

5. The broad – the existing legislation, culture and resources

“For the *Right to Information Act 2009* ... and the *Information Privacy Act 2009* ... to be most effective, strong leadership is required across all government sectors to implement obligations and meet increasing community expectations. As an oversight body OIC is required to make independent, impartial and fair decisions and actions that may be contrary to strong views of parties. However, it is equally essential for all agency leaders to act with courage to model open, accountable and transparent practices to build trust. Culture driven by leaders across all agency sectors is essential to information access and privacy rights for the community, in an environment of high expectations no longer about mere compliance” (see the submission from the Information Commissioner).

In order to put the view expressed above into a longer and broader context, it is useful to recount a little history (although greater detail exists in numerous sources and a readily available source is the Coaldrake Report (see pages 10-16)).

For present purposes, the starting point for FOI legislation in Queensland are comments made in the Fitzgerald Report. Commissioner Fitzgerald noted that the importance of the legislation “is its ability to provide information to the public and to Parliament. ... Its potential to make administrators accountable and keep the voters and Parliament informed are well understood by its supporters and enemies” (see page 129 of the Fitzgerald Report).

In due course, EARC recommended the passage of FOI legislation and, ultimately, that resulted in the passage of the FOI Act by the Goss Government. In 2007, the then Premier, Anna Bligh, commissioned an independent panel chaired by Dr David Solomon AM to review the FOI Act and, ultimately, that resulted in the repeal of that legislation and the passage of the RTI Act and IP Act in 2009.

Since the passage of the RTI Act and the IP Act, however, there has been a panoply of material in relation to the legislation and the performance of the OIC.

In terms of the legislation, there is a range of material including the *Report on the review of the Right to Information Act 2009 and Information Privacy Act 2009* from October 2017, the Coaldrake Report (including its observations about the reliance on RTI exemptions (and, notably, the use of confidentiality clauses) and that a MDBN be established in Queensland forthwith (see pages 66-67)), the Consultation Paper on *Proposed changes to Queensland’s Information Privacy and Right to Information Framework* from June 2022, and the Agency Consultation Paper on *Proposed changes to Queensland’s Information Privacy Framework* on June 2022. Relatedly, there are also reviews of the Commonwealth *Privacy Act* and the Queensland *Public Records Act*. All of this is to say that, in a number of critical respects, the RTI Act and the IP Act are in a state of flux.

Importantly, there are the ongoing Annual Reports by the OIC, the Reports on the Oversight of the OIC by the LASC (or its predecessor the Legal Affairs and Community Safety Committee) and the PWC Consulting Report. As a result of particular submissions received during his review, there are also observations in the Coaldrake Report. Finally, this strategic review will itself also form part of the panoply of material in relation to the performance of the OIC.

Critically, however, Professor Coaldrake observed that “of all the integrity functions, it is the Information Commissioner’s role which can be especially influenced by the culture of government. That same culture is assuredly influenced by the spectre of exposure through the Right to Information mechanism” (see page 27 of the Coaldrake Report). Without reciting the findings of the Coaldrake Report chapter and verse, it is enough to observe that acceptance of the recommendations of the Coaldrake Report “particularly the more ready release of Cabinet documents, and its comments on the need for greater scrutiny over what is deemed commercial-in-confidence, will provide the impetus for a cultural shift towards more openness in government” (see page 29 of the Coaldrake Report).

For completeness and to square the circle, “culture is shaped by leaders at all levels – the Premier of the day, ministers, MPs, Directors-General and senior executives. Their tone will be a precondition for success, whether that ‘tone’ be in the form of modelling behaviour, policy ambition and encouraging a contest of ideas, supporting the community in times of crisis, or the manner in which authority is exercised and the voice of the public is heard” (see pages 1-2 of the Coaldrake Report).

Separately, beyond the existing legislation which, as noted above, is in a state of flux and the observed culture by Professor Coaldrake, there is the unresolved question of the resources needed by the OIC and Queensland government agencies to effectively discharge their respective responsibilities under the RTI Act and IP Act (in whatever form that legislation takes). It is not the purpose of this strategic review to identify the quality or quantum of those resources other than to conclude that the failure to properly resource the OIC or Queensland government agencies in a timely fashion would be an illustration of Parkinson’s Law that “delay is the deadliest form of denial”, and that denial would be of the rights afforded by the RTI Act, IP Act and HRA.

To that should be added the recommendation of the Coaldrake Report that the “independence of integrity bodies in Queensland be enhanced by aligning responsibility for financial and management practices with the Speaker of Parliament and the appropriate parliamentary committee, rather than the executive government” (see pages 3 and 71 of the Coaldrake Report) and the observation that at “its most fundamental level, creating a performance culture requires both clarity of purpose (what are we here for?) and clarity about specific public good outcomes sought (what would good look like?). Also required are: the design or roles and management of people and resources to achieve those goals” (see page 79 of the Coaldrake Report).

The purpose of emphasising the broader context to this strategic review is, quite simply, that the performance of the OIC should not be seen in isolation. Rather, the performance of the OIC should be seen within the context of the legislation, culture and resources that exists within the Queensland Government around openness and accountability, and which underpinned the observations and recommendations of the Coaldrake Report. More broadly, recent events, such as the tabling of the *Annual report 2021-22* by the Queensland Audit Office and the introduction of the *Integrity and Other Legislation Amendment Bill 2022* suggests that there is a need for a continuing dialogue about openness and accountability within the Queensland Government. Importantly, however, while the OIC has a leadership role to contribute to openness and accountability within Queensland, it cannot draw back curtains that have been closed through other mechanisms which the OIC does not control.

6. The particular – the findings and recommendations

6.1. Introduction - A longitudinal approach

When PWC Consulting completed its strategic review in 2017, it noted that the Terms of Reference for its review outlined “a broad range of matters which were to be considered”. As a consequence, PWC Consulting grouped the Terms of Reference “into four focus areas: Operational Practices, Legislative Alignment, Strategy and Culture and Quality of Service” (see pages 1 and 6 of the PWC Consulting Report).

Critically, rather than reinvent the wheel but in the hope of providing a longitudinal frame of reference for this and future strategic reviews, this strategic review adopts the same four focus areas.

Importantly, the Terms of Reference for this strategic review contain an additional term of reference; namely, “the extent to which review participants with high conflict behaviour impact on the workload, health and wellbeing of OIC officers and the OIC’s ability to deliver services” (see Term of Reference (m)).

For the purposes of this strategic review, Term of Reference (m) has been grouped under the focus area Strategy and Culture.

For completeness, and following the approach adopted by PWC Consulting (and with the additional Term of Reference (m) and consequential changes to the balance of the Terms of Reference), the various items within the Terms of Reference have been grouped as follows:

Item	Terms of Reference	Area
(a)	Current and alternative External Review methodologies and processes, including alternate dispute resolution; and case and knowledge management	Operational Practices
(b)	Whether there is a conflict, or perceived conflict, between OIC roles in: (i) providing advice about how to interpret, administer and comply with the legislation; and (ii) making determinations on applications under the legislation and reporting to the Parliamentary Committee on agency compliance	Legislative Alignment
(c)	Current and alternative methodologies and processes for promoting access to public sector information and protecting personal information held by public sector agencies	Operational Practices
(d)	Current and alternative strategies used to improve the quality of practice in right to information and information privacy in public sector agencies, including the provision of resources and training to agencies, and monitoring and reporting on agencies compliance with the legislation	Operational Practices
(e)	The quality and clarity of decisions by the Commissioner and delegates and their effectiveness in providing guidance on the interpretation and administration of the RTI Act and IP Act	Quality of Service
(f)	Community and agency access to OIC, including awareness of, and access to, OIC by Indigenous Queenslanders and members of the community and agencies in remote locations	Quality of Service
(g)	The quality of and clarity of OIC guidelines and educational material on the RTI Act and IP Act, including in relation to the public interest test set out in section 49 of the RTI Act	Quality of Service

(h)	Appropriate protocols for communication by and with OIC, including with other agencies and the public	Quality of Service
(i)	The strategic direction and the operation of OIC, including the organisational structure, skill profile and/or culture of OIC and whether it is adequate for OIC to effectively discharge its functions	Strategy and Culture
(j)	The impact upon the operations of OIC of the RTI Act and the IP Act and whether any amendments to either Act are necessary or desirable to enhance operational effectiveness	Legislative Alignment
(k)	The effectiveness of existing processes and methodologies in fulfilling the legislative mandate of OIC, having regard to the contemporary accountability requirements of Queensland's Government agencies	Operational Practices
(l)	Examination of trends in the workload of OIC, including an examination of current and past methodologies relating to practices and procedures employed	Operational Practices
(m)	The extent to which review participants with high conflict behaviour impact on the workload, health and wellbeing of OIC officers and OIC's ability to deliver services	Strategy and Culture
(n)	The standard and quality of service provided by the OIC to agencies, Ministers, complainants and other participants	Quality of Service
(o)	The level of resourcing available to OIC and whether this resourcing is adequate and appropriately used to discharge the functions and objectives	Operational Practices
(p)	Differentiation of the function of OIC under the IP Act from other complaints agencies, and how this difference can be used to minimise duplication, if any, of investigative resources and promote the role of OIC in the community	Legislative Alignment
(q)	Any other matters which impact on the strategic direction, economy, efficiency and effectiveness of OIC	Strategy and Culture

6.2. Methodology

Having regard to the methodology outlined at 3.3 above, like PWC Consulting, this strategic review has examined the structural and operational aspects of the OIC and its ongoing relationships with the Queensland Community and Queensland government agencies.

For each of the four focus areas, this strategic review has reflected upon the various findings and recommendations of the strategic review in 2017, the views provided by Queensland government agencies and other stakeholders (whether oral or written (and whether formal or informal)) and then made findings and, if and as necessary, relevant recommendations.

Importantly, when written submissions are referred to, it will become apparent that some are general in nature (and capable of multiple interpretations), some are particular in nature (and capable of a more general interpretation) and some are specific in nature (and their interpretation is limited to the relevant circumstances that gave rise to them).

6.3. Operational practices

This section addresses matters in relation to the following Terms of Reference:

Item	Terms of Reference
(a)	Current and alternative External Review methodologies and processes
(c)	Current and alternative methodologies and processes for promoting access to public sector information and protecting personal information held by public sector agencies
(d)	Strategies used to improve the quality of practice in right to information and information privacy in public sector agencies, including the provision of resources and training to agencies, and monitoring and reporting on agencies compliance with the legislation
(k)	Existing processes and methodologies in fulfilling the legislative mandate
(l)	Examination of trends in the workload of OIC and methodologies to manage workload
(o)	The level of resourcing available to OIC and whether this resourcing is adequate and appropriately used to discharge the functions and objectives

6.3.1 Process efficiency and effectiveness – External Review Function

This element of the strategic review evaluated the External Review function. This evaluation was a combination of consultation with the OIC and the consideration of submissions from Queensland government agencies (including the OIC) and external stakeholders.

Importantly, the OIC makes available detailed guidelines, educational material, policies and procedures for all of its functions (including the External Review function of the OIC). Consistent with its practice for some time, external review involves three distinct phases – early resolution, informal resolution and formal decision. The teamwork within and as between these phases is palpable and the focus on continuous improvement remains clearly evident. Despite the continuing efficiency and effectiveness of the external review function of the OIC, over the past five years, the External Review unit of the OIC has experienced ongoing high demand for its services, with over 600 applications received each year (at an average of around 680). Taken as a whole, the OIC has experienced a 59% increase in applications relative to the period leading up to the strategic review in 2017. Naturally, across a five year period, there are peaks and troughs although, overall, such demand has resulted in high workloads and had an impact upon timelines.

Against that backdrop, the OIC has focused on:

- strategically distributing resources across small teams;
- frontloading the Intake and Resolution Team to provide parties with early high-level merit assessments;
- promoting informal resolution at all stages of a review;
- making workflow improvements to its case management system;
- reducing administrative processes;
- using legislative tools to manage delays and difficult participant behaviour; and
- regularly collaborating with the External Review Leadership team to review file strategy and monitor the status of aging matters.

Notwithstanding those efforts, the OIC has submitted that to “manage the ongoing high workload for external review and reduce the negative impacts on staff, OIC needs additional permanent resourcing. At minimum, continuation of the 2.6 FTE which is currently derived from temporary funding approval is essential for us to maintain our current performance levels in External Review” (see the submission of the OIC). Importantly,

resources allocated to the External Review function in 2018 (to implement recommendation (a) of the strategic review in 2017 by PWC Consulting) addressed the earlier additional demand resulting from policy changes introduced in 2009 (although there has now been a further 59% increase in applications since the strategic review in 2017).

In short, while additional resources were allocated to implement recommendation (a) from the strategic review in 2017, the ground has since shifted materially. To that should be added, the potential for further demands upon the OIC having regard to the various policy initiatives currently under review by the Queensland Government.

In addition, beyond the impact of increased workloads generally, the impact of unreasonable conduct by applicants, on the one hand, and sufficiency of search issues, on the other, have a compounding effect upon the allocation of the available resources of the OIC.

It would be remiss not to make particular mention of the impact of the electronic management of files (since decommissioning hard copy files in early 2020). From the perspective of the OIC, it has made continual improvements to its case management system to manage workflow and promote efficiency. Importantly, the move to electronic management of files is not without its own limitations and is dependent upon the continuing need to improve the functionality of the OIC's system, compatibility with the systems of Queensland government agencies and digital access issues that may apply to particular applicants.

Having regard to all of the above, the OIC considers that the optimal staffing establishment of the External Review function would be an increase to at or around 23 FTE (up from 19.9 FTE). That bid should be considered in the context of the various policy issues related to access to information and information privacy currently under consideration and the need for supplementation to the budget of the OIC (to address any changes to the IPPs (which will require a thorough roll out by the OIC) and the implementation of an MDBN Scheme (which will require both a roll out program and the establishment of the scheme)). I mention that as there is always the prospect for there to be a degree of overlap in the various supplementations to the budget of the OIC.

In terms of submissions received, the following comments are noted:

"Alternative Dispute Resolution (ADR) is a worthwhile tool for resolving matters at external review, but it does not necessarily give agencies clarity or direction for future reference. While the Office of the Information Commissioner (OIC) shares a small number of case summaries with practitioners, agencies most often receive ADR outcomes without an indication of their broader applicability. It would therefore be welcome if the OIC shared more case summaries containing the ADR reasoning, so the agency can apply similar principles in future.

...

The lack of timeframes at external review can result in months passing without an agency receiving a status update. In the meantime, RTI Services often receives requests, both internal and external, for updates and can only respond that the matter remains before the OIC. Given this, a monthly agency report from the OIC (similar to the fortnightly reports DES maintains) would be beneficial.

...

OIC decisions are an essential resource for agency decision-makers. Their clarity and relative brevity provide a valuable repository of precedent that agencies use daily.

...

Government agencies would benefit from the Review Team nominating the direct contact details for the case managers allocated to specific external reviews. At present, all agency inquiries must go through the general

inquiries line, which slows the ability to obtain updates. This is particularly an issue because external reviews can go months without progress that is apparent to the agency that made the initial RTI or IP decision.

...

It is understood the OIC has experienced a large increase in external review numbers without a comparable increase in review team resources. This increased workload potentially contributes to external review delays. As noted previously, it is not uncommon for matters at external review to take months (sometimes twelve or more) to resolve.

...

Many of the comments above reflect the different environments with which the OIC and government agencies operate. While agencies are more process oriented by statutory timeframes, the lack of a time frame for external reviews allows the OIC to pay greater attention to the specific of a particular case" (see the submission of DES (and the comparable submissions of DRDMW, DAF and DoR)).

"The engagement of OIC staff during an external review is heavily reliant on emails. We have no issues relating to this, as the emails contain a substantive amount of information and indicate actions required of us. However, during external reviews we have noticed some reviews where we have not received a response from OIC for more than five weeks. We have a current external review open in which we had not received a response from OIC in near four months, prompting us to send an email seeking an update.

We understand the volume of external reviews that would be made to OIC; however, we wonder if OIC would look to explore an automated email, or similar, that would be generated every four weeks, or as determined by OIC, that indicates the matter is still under investigation. This would provide comfort that OIC has not closed the matter without informing us" (see the submission of CQU).

"External review methodologies and processes – in cases where an applicant has made an external review application under the RTI Act, and the OIC undertakes an informal resolution process, in our observations from our dealings with the OIC, they are notably pro-applicant in their handling of the matter where in fact the role of the Office is to be the independent arbitrator" (see the submission of WDRC).

"We note the 2017 strategic review of the OIC (2017 Review) recommended additional permanent funding for the OIC, to ensure that it has access to sufficient resources to effectively performs its statutory functions. We understand the recommendations from the 2017 Review as they relate to legislative amendments or further have not been fully implemented.

Given the important and necessary role of the OIC, we strongly support additional permanent funding for the OIC, consistent with the 2017 Review, to ensure that it has adequate resources to effectively and efficiently discharge its statutory functions" (see the submission of QLS).

"In relation to external review matters involving QFES, QFES is satisfied with the current external review methodologies and processes employed by the OIC. QFES considers the informal resolution process employed by OIC to finalise external reviews is an effective approach to use as it allows all parties to work together to negotiate a mutually agreeable outcome" (see the submission of QFES).

"At times the OIC's focus (and legislative mandate) on resolving a matter informally gives rise to a statutory tension with the rules and process agencies apply under the RTI Act. We provide the following examples to illustrate circumstances which may result in prejudice to agencies, and adversely impact the applicant's reasonable expectations of the process. These effects may not have been fully appreciated by the OIC" (see the submission of QPS).

Key findings

- 1 The OIC's External Review function remains highly structured, clearly documented and seeks to promote and balance prioritisation, resolution and determination;
- 2 The External Review function continues to deliver positive outcomes for the Queensland Community and Queensland government agencies within a constrained and changing environment in terms of legislation, technology and resources; and
- 3 A further resource shortfall presents a continuing challenge to the sustainable management of RTI applications.

Recommendation

Pending the finalisation of a revised budget for the OIC which transparently, fairly and conclusively addresses the significant changes that ultimately result from the Consultation Paper on the *Proposed changes to Queensland's Information Privacy and Right to Information Framework*, the OIC should receive additional funding to allow for the creation of three new External review positions, to effectively meet the existing demand through the increased number of applications (together with the additional complexity of those applications and the character of particular applicants).

6.3.2 Process efficiency and effectiveness – Privacy Function

This element of the strategic review evaluated the Privacy Function. This evaluation was a combination of consultation with the OIC and the consideration of submissions from Queensland government agencies and external stakeholders.

As noted above, the objective of the Privacy Function is to assist agencies to adopt Privacy by Design, achieve compliance with the privacy principles and provide an independent, timely and fair mediation service for privacy complaints. The Privacy unit currently comprises four FTEs (including the Privacy Commissioner and a Principal Policy Officer which performs the role of reviewing and drafting submissions for all of the OIC) and a temporary part-time employee, and performs the following key functions:

- providing advice and information to Queensland government agencies about the privacy principles;
- educating and training Queensland government agencies and the Queensland Community;
- promoting a Privacy by Design culture within Queensland government agencies;
- managing/mediating privacy complaints; and
- managing a voluntary data breach notification scheme.

In large measure, the Privacy Function within the OIC continues to be held in high esteem by Queensland government agencies. Nevertheless, looking backwards, it is important to reflect upon the key findings of the strategic review in 2017 and the recommendation that the OIC should receive additional permanent funding to allow for the creation of a new permanent privacy position for a junior resource (to provide research, project and administrative support for the Privacy unit).

Conversely, looking forward, it is readily evident that the Privacy function within the OIC is on the verge of profound change and it is more a question of when and not if change will occur, in order to ensure that "our legislation remains contemporary and relevant" (see the commitment of the Palaszczuk Government to a MDBN scheme (when adopting all the recommendations of the Coaldrake Report) and, more particularly, the Message from the Honourable Shannon Fentimann, Attorney-General, Minister for Justice, Minister for Women and

Minister for the Prevention of Domestic and Family Violence in the Consultation Paper on *Proposed changes to Queensland's Information Privacy and Right to Information Framework* from June 2022).

Importantly, the ongoing permanent funding for the junior resource has not yet been approved although temporary funding for two years was approved for 2021-2023 (and will end on 30 June 2023).

Quite frankly, however, this funding is very much the tail and will not wag the dog that is the significant resources that will ultimately be required by the OIC to give effect to the changes that have been forecast (in terms of the establishment, training and implementation of what will effectively be a new privacy regime in Queensland).

In terms of the submissions received, the following comments are noted:

"Our current interactions with the OIC are professional and effective, and we regard the OIC's stakeholder engagement and operations under the current Information Privacy/Right to Information (IP/RTI) framework to be satisfactory.

However, the proposed reforms to Queensland's IP/RTI framework currently being considered would, if implemented, have implications for the scope and issues considered in the current strategic review. These would impact both the operations of the OIC and agencies subject to IP/RTI legislation.

If mandatory privacy breach notifications were implemented, and changes made to the Information Privacy Principles, the OIC would need to be sufficiently resourced to support implementing these changes across affected agencies" (see the submission of LAQ).

"The 2017 Review recommended that the OIC be given legislative ability to accept privacy complaints at its discretion, without reference to a time period (Recommendation c).

QLS is of the view that any legislative reforms impacting privacy-related matters should be suspended until the review of the *Privacy Act 1988* (Cth) (Privacy Act) has been finalised and its contents can be considered. The Privacy Act review is broad in scope and our members are concerned that implementing any legislative reforms before the review of the Privacy Act has been finalised may perpetuate inconsistencies between the Queensland and Commonwealth privacy frameworks.

Further, given recent proposals to enhance powers for the OIC to respond to privacy breaches, for the purposes of the Review, we submit that any expansion to the functions of the OIC must be met with a corresponding increase in funding to the OIC to ensure the agency has the appropriate resources to adequately and efficiently administer any additional functions" (see the submission of QLS).

Key findings

- 1 The OIC's Privacy Function continues to effectively support the OIC to discharge its legislative functions; and
- 2 The Privacy Function now faces the compounding challenges from proposed changes to the legislative functions of the OIC and within the context of rapidly emerging technological changes and increasing concerns by citizens about the management, storage and protection of personal information.

Recommendation

Pending the finalisation of a revised budget for the OIC which transparently, fairly and conclusively addresses the significant changes that ultimately result from the Coaldrake Report and the Consultation Paper on the *Proposed changes to Queensland's Information Privacy and Right to Information Framework*, the OIC should continue to receive additional funding to allow for a junior resource.

6.3.3 Process efficiency and effectiveness – Assistance and Monitoring Function

This element of the strategic review evaluated the assistance and monitoring function. This evaluation was a combination of consultation with the OIC and the consideration of submissions from Queensland government agencies and external stakeholders.

As noted above, the objective of the Assistance and Monitoring unit is twofold.

First, to promote greater awareness of access to information and information privacy within the Queensland Community and Queensland government agencies. When reviewing the wealth of assistance provided by the OIC, there are no discernible gaps in its approach. Nevertheless, there will always be concerns from particular sectors of the community and they are set out below.

Second, on a systemic basis, to improve the practices of Queensland government agencies in the areas of access to information and information privacy. In this latter respect, the assistance and monitoring unit provides a critical feedback loop between its assistance role and the roles performed by the external review unit and privacy unit, and allows the OIC to complete both specific and systemic audits of an agency (or agencies) and to make recommendations accordingly.

In terms of the submissions received, the following comments are noted:

“UniSC responsible officers and delegates, however, make regular use of the resources, training and advisory services provided by the Office of the Information Commissioner (OIC) and have found them to be professional, timely and critical to matters related to RTI and privacy management. Advice sought through the OIC’s advisory functions is consistently provided in a prompt and professional manner, and delegated officers have maintained an open and transparent relationship with the OIC.

...

As a public agency, UniSC complies with the annual reporting requirement outlined in section 186 of the RTI Act and section 194 of the IP Act, the output of which is a report tabled in Parliament. While this is a legislated requirement, there is an opportunity for this data to be more broadly utilised by the OIC and relevant agencies. Understanding sector and/or agency trends regarding access and amendment applications. There is potential for the OIC to collate requirements relating to this data to enable a broader application and use for Queensland agencies” (see the submission of UniSC).

“We regularly engage with OIC on guidance on the interpretation and administration of both the ... RTI Act and ... IP Act. The information provided by OIC is beneficial and able to be provided for a specific stage of an application. Additionally, we are grateful when OIC staff advise of any flow on implications or matters of concern when discussing a specific section of legislation” (see the submission of CQU).

“Council’s experience over the past 12 months with receiving guidance from the OIC enquiry service has been very positive. Responses are almost immediate and the information provided is accurate and useful.

...

In 2017-2018, Council was subject to an OIC audit regarding compliance with the RTIA and IPA... A follow up audit was conducted in 2019-2022 about Council’s implementation of the OIC’s recommendations...

One of the recommendations involved reviewing template notes, manual and work instructions to ensure they supported legislatively compliant application handling...

Council requested that the OIC provide feedback on its revised documents to ensure the OIC was satisfied that its requirements had been adequately incorporated. However, the OIC did not wish to review the revised documents as it was of the view that its role had ended after the second audit. While this may be the case, Council feels it would have benefitted from ongoing interaction with the OIC in relation to the fulfilling of audit recommendations" (see the submission of the ICC).

In its response to this matter, the OIC stated that "... a submission from the Ipswich City Council raises concerns about a request for advice and assurance about documentation following a Compliance audit. As a point of clarification, this direct request to our Director, Audit & Evaluation occurred sometime after the conclusion of both the initial Compliance audit and follow up audit reports being tabled in Parliament. In accordance with the management of separation of functions, the Director of Audit & Evaluation spoke and emailed with the Council officer involved to explain why it would not be appropriate for the Audit & Evaluation function to meet the request, and referred them to our Information and Assistance team for support".

Importantly, it is readily apparent that the OIC has a strong and readily articulated commitment to ensuring it serves all Queenslanders (including Aboriginal and Torres Strait Islander People and those living in regional and remote communities).

Nevertheless, in terms of particular submissions received that address that commitment, the following comments are noted:

"QFES is satisfied that the OIC have established appropriate avenues to ensure that community and agency access to the OIC, including awareness of, and access to the OIC is available to all members of the community and agencies, including Indigenous Queenslanders, members of the community and agencies situation in remote locations" (see the submission of QFES).

"In terms of the performance and functions of the OIC, I note that the OIC's remit is to the Queensland public generally and I am not currently aware of any issues that particularly affect people with impaired decision-making capacity concerning the OIC" (see the submission of The Public Advocate).

"We raise the following matters for your consideration:

- 1 There is a need for the OIC to have a presence in First Nations communities, particularly rural and remote communities, due to the abundance of agencies delivering services in communities;
- 2 The OIC's website would benefit from updated information on its site regarding information for First Nations community members; and
- 3 We would be pleased to see greater information regarding the OIC's strategy for increasing awareness among First Nations communities" (see the submission of QIFVLS).

"The 2017 Strategic Review also identified a lack of awareness of the OIC's functions and a lower literacy about right-to-information and information privacy generally amongst rural, remote, regional and First Nations communities. To address both of these issues, ATSIWLSNQ recommends the establishment of one or more regional satellite offices, appropriately staffed and resourced, to handle RTI and privacy complaints from regional clients that would benefit from face-to-face attention. A regional office or offices could also take an active role in delivering education and training to both communities and agencies around right-to-information and information privacy.

...

ATSIWLSNQ supports the recommendation that the OIC increase its efforts to support rural, regional and remote communities by increasing awareness of information rights and responsibilities. However, any such community legal education would be most effectively and efficiently delivered in partnership with local

organisations that already have relationships with communities and relevant stakeholders” (see the submission of ATSIWLSNQ).

Key findings

The OIC is to be particularly commended for its Assistance and Monitoring Function and it is to be encouraged to continue to exhibit both innovation and reflection as key elements to that function.

Recommendation

The finalisation of a revised budget for the OIC (which transparently, fairly and conclusively addresses the significant changes that ultimately result from the Consultation Paper on the *Proposed changes to Queensland’s Information Privacy and Right to Information Framework*) should be of a measure which ensures that the OIC is in a position to continue to achieve the standards of performance of the assistance and monitoring function that meet and exceed the objectives of the RTI Act, IP Act and the HRA.

6.3.4 Process efficiency and effectiveness – Corporate Services Function

This element of the strategic review evaluated the corporate services function. This evaluation was a combination of consultation with the OIC and the consideration of its submission to this strategic review.

Save for the oversight of them, the finance, human resources, internal audit and ICT support and hosting services are provided to the OIC under service level agreements.

Key findings

The outsourcing of the Corporate Support Function of the OIC is entirely appropriate and should continue while it is justified in terms of scale, effectiveness and efficiency. In that regard, an appropriate time to reflect upon that arrangement would be once the changes that have been forecast in the Consultation Paper on the *Proposed changes to Queensland’s Information Privacy and Right to Information Framework* are identified and their implications for the OIC understood (including the resources made available to the OIC to give effect to those changes).

6.4. Legislative alignment

This section addresses matters in relation to the following Terms of Reference:

Item	Terms of Reference
(b)	Whether there is a conflict, or perceived conflict, between OIC roles in: (i) providing advice about how to interpret, administer and comply with the legislation; and (ii) making determinations on applications under the legislation and reporting to the Parliamentary Committee on agency compliance
(j)	The impact upon the operations of OIC of the RTI Act and IP Act
(p)	Differentiation of the function of the OIC under the IP Act from other complaints agencies, and how this difference can be used to minimise duplication, if any, of investigative resources and promote the role of the OIC in the community

6.4.1 RTI and IP Act appropriateness and effectiveness

At the time of this strategic review, the appropriateness and effectiveness of the RTI Act and IP Act are being considered in detail in reviews being undertaken by the Queensland Government (and a related review of the *Privacy Act* by the Commonwealth Government).

More particularly, as noted above, there is a range of material including the *Report on the review of the Right to Information Act 2009 and Information Privacy Act 2009* from October 2017, the Coaldrake Report, the Consultation Paper on *Proposed changes to Queensland's Information Privacy and Right to Information Framework* from June 2022, and the Agency Consultation Paper on *Proposed changes to Queensland's Information Privacy Framework* on June 2022, also a review of the Queensland *Public Records Act*.

For completeness, it should be noted that recommendations (c) and (d) from the strategic review in 2017 are yet to be implemented but form a part of the Consultation Paper on *Proposed changes to Queensland's Information Privacy and Right to Information Framework*.

Importantly, this strategic review does not seek to second guess what is an existing and undoubtedly exhaustive process of policy and legislative review. While it may already feature in the existing policy and legislative review, this strategic review has been alerted to an anomaly that is considered to exist between the capacity of the Queensland Ombudsman to investigate administrative actions of the Information Commissioner in relation to the IP Act but not administrative actions of the Information Commissioner in relation to the RTI Act. For completeness, the view of the OIC is that "it would be beneficial for section 16(2)(h) of the *Ombudsman Act 2001* to also refer to sections 135 to 137 of the IP Act". On its face, such an approach would ensure consistency, reduce confusion and serve the broader public interest in the efficient allocation of public resources.

For present purposes, in terms of particular submissions received that address that process of policy and legislative review, the following comments are noted:

"However, the proposed reforms to Queensland's IP/RTI framework currently being considered would, if implemented, have implications for the scope and issues considered in the current strategic review. These would impact both the operations of the OIC and agencies subject to IP/RTI legislation.

If mandatory privacy breach notifications were implemented, and changes made to the Information Privacy Principles, the OIC would need to be sufficiently resourced to support implementing these changes across affected agencies.

In particular, small agencies such as LAQ would face significant potential impacts, and would require support and assistance for implementation, including in relation to training, precedents and systems. Access to ongoing support would also be essential, including relevant guidance and reference materials made available on the OIC website, and the ability for agencies to discuss IP/RTI issues directly with OIC staff" (see the submission of LAQ).

"QLS is of the view that any legislative reforms impacting privacy-related matters should be suspended until the review of the *Privacy Act 1988* (Cth) (Privacy Act) has been finalised and its contents can be considered. The Privacy Act review is broad in scope and our members are concerned that implementing any legislative reforms before the review of the Privacy Act has been finalised may perpetuate inconsistencies between the Queensland and Commonwealth privacy frameworks.

Further, given recent proposals to enhance powers for the OIC to respond to privacy breaches, for the purposes of the Review, we submit that any expansion to the functions of the OIC must be met with a corresponding increase in funding to the OIC to ensure the agency has the appropriate resources to adequately and efficiently administer any additional functions" (see the submission of QLS)

Key findings

Subject to the final form of the changes, it is universally anticipated that the existing policy and legislative review of the RTI Act and the IP Act will be profound and with corresponding consequences for the OIC.

Recommendation

The finalisation of a revised budget for the OIC (which transparently, fairly and conclusively addresses the profound changes that ultimately result from the Consultation Paper on the *Proposed changes to Queensland's Information Privacy and Right to Information Framework*) should be of a measure which ensures that the OIC is in a position to continue to achieve the standards of performance of the OIC that meet and exceed the objectives of the RTI Act, IP Act and the HRA.

6.4.2 OIC role clarity and independence

The strategic review in 2017 considered the extent to which there is a conflict, or perception of a conflict, between the OIC's role as a source of advice and guidance on legislative compliance and its power to make subsequent determinations on applications.

Importantly, the OIC is not the only agency that performs roles that involve advocacy and determination. Indeed, it is not unreasonable to consider those functions as siblings and what is more important is that they are each seen to have a separate and distinct identity.

That said, the strategic review in 2017 found that the inherent conflict in the two functions was managed appropriately and effectively, within both internal operations and external engagement.

Ultimately, the strategic review in 2017 by recommendation (e) said that, to address the perception of a conflict of interest from performing the dual roles of advocacy and determination, the OIC should formalise a conflict of interest policy to provide direction on how it would manage the potential conflict. For its part, the OIC settled a relevant policy and it is published on its website (see <http://www.oic.qld.gov.au/publications/policies/management-and-separation-of-oic-functions>).

In terms of the submissions received, the following comments are noted:

"The dual roles of the OIC in relation to providing advice on how to interpret, administer and comply with the RTI and IP legislation, and making determinations on applications under the legislation has not presented a conflict of interest to the University to date. It is acknowledged, however, that individuals seeking external review of a privacy matter may perceive there to be a conflict if advice has been provided to an agency specific to their request or concern, and this could lead to a perception that the OIC would resolve matters in favour of an agency to enact a favourable report to the Parliamentary Committee. This could present a risk to the OIC's reputation, and the openness and transparency sought by the Acts" (see the submission of UniSC).

"While a conflict could be perceived between the OIC's agency advisory role and its responsibility for deciding RTI applications at external review, the clear delineation that exists in practice is well understood within RTI Services (on behalf of the department). RTI Services is a regular user of the OIC advisory service, and the advice is always accompanied by the caveat that it is not binding on either the agency decision maker or the OIC if the matter proceeds to external review" (see the submission of DES (and the comparable submissions of DRDMW, DAF and DoR)).

The strategic review of 2017, made a key finding that:

"OIC's role under the IP Act is clearly differentiated from other complaints agencies" (see page ii of the PWC Consulting Report).

To this can be added the observation that:

"This Review has applied the simple language of 'integrity bodies' to describe the Queensland Audit Office, Ombudsman, Crime and Corruption Commission, Office of the Information Commissioner and the Integrity Commissioner. ...

The Electoral Commission, Office of the Independent Assessor, Racing Integrity Commission, Health Ombudsman, Human Rights Commission, Legal Services Commission, Office of the Energy and Water Ombudsman, State Archivist, Clerk of the Parliament and Queensland Civil and Administrative Tribunal (QCAT) each have integrity functions but are not considered 'core' integrity bodies" (see page 6 of the Coaldrake Report).

Nevertheless, a separate consideration that the OIC is mindful of is the intersection between the RTI Act, the IP Act and the HRA (whether in relation to access to information or information privacy). Importantly, the OIC has a flowchart that determines whether a person is in one regime rather than another.

In terms of the submissions received, the following should be noted:

"Also, our members have reported that some of the OIC processes (including application fees and charges applying to right to information requests) may be having the consequence of steering individuals towards making privacy complaints whereas the substance of any issue may be more in the RTI application domain" (see the submission of QLS).

Key findings

- 1 The inherent conflict in the OIC's roles that involve advocacy and determination is managed appropriately, within both internal operations and external engagement.
- 2 OIC should remain mindful of the intersection between the RTI Act, IP Act and the HRA and should continue to ensure that there is a clear understanding on the differentiation between the various legislation.

6.5. Strategy and culture

This section addresses matters in relation to the following Terms of Reference:

Item	Terms of Reference
(i)	The strategic direction and the operation of OIC, including the organisational structure, skill profile and/or culture of OIC and whether it is adequate for OIC to effectively discharge its functions
(m)	The extent to which review participants with high conflict behaviour impact on the workload, health and wellbeing of OIC officers and OIC's ability to deliver services
(q)	Any other matters which impact on the strategic direction, economy, efficiency and effectiveness of OIC

6.5.1 Strategic direction

The OIC has enjoyed something of a mixed blessing. On the one hand, it has had the advantage of a continuing cohort of senior officers which has enabled the OIC to develop, pursue and review its strategic direction for some time. On the other hand, it has undoubtedly been challenged by strained resources (both human and financial) which have constrained its ability to fully realise its ambitions.

To that should now be added the potential for a profound change to the functions of the OIC; primarily as a consequence of the changes that ultimately result from the Consultation Paper on the *Proposed changes to*

Queensland's Information Privacy and Right to Information Framework but also potentially separate initiatives (like QLRC Report No. 77 on *Report of Queensland's laws relating to civil surveillance and the protection of privacy in the context of current and emerging technologies*).

Nevertheless, as matters stand, there is overwhelming acceptance, within Queensland and beyond, that the OIC has shown untiring leadership in promoting accountability and transparency within government generally but, more importantly, within the Queensland public sector specifically. This leadership takes many forms and is exhibited across all the functions within the OIC. Without reciting it chapter and verse, the submission of the OIC to this strategic review makes compelling reading in terms of that leadership.

Key findings

- 1 The OIC's strategic contribution to promoting accountability and transparency continues to be understood and valued across local and national jurisdictions.
- 2 The OIC continues to have a clear strategic direction, and to maintain a regular, effective and collaborative planning process.
- 3 Subject to the final form of the changes, the existing policy and legislative review of the RTI Act and the IP Act will be profound and with corresponding consequences for the OIC and its strategic direction.

6.5.2 Organisational structure

As noted above, the RTI Act and the IP Act each set out a range of functions for the OIC (see sections 128-132 of the RTI Act and sections 135-138 of the IP Act) and the current structure utilised by the OIC to discharge those functions is set out at page eight of this strategic review.

In terms of that organisational structure, it is in part informed by the strategic review in 2017 which recommended that "OIC restructure its corporate services to consolidate all corporate services ... into the existing corporate services functions, and provisions for an enhanced corporate services leadership role, finance officer role and executive support role be established" (see recommendation (f) of the PWC Consulting Report).

From the point of view of the OIC, this recommendation has been partially implemented as there is a single corporate services function headed by a Director, Engagement and Corporate services. Otherwise, the balance of the roles anticipated have been constrained by the absence of permanent roles and the temporary (rather than permanent) funding.

In terms of the submissions received, the following should be noted:

"QFES understands and recognises the importance of the differing roles that the OIC performs in the exercise of its functions under the RTI Act and IP Act. It is evident that the OIC have structured their organisation to ensure that there is a well-defined distinction between the roles that they perform for the community and government. This distinction is exemplified through the OIC's interaction with QFES" (see the submission of QFES).

Key findings

- 1 The existing functions of the OIC remain clearly delineated and the OIC is structured effectively.
- 2 Subject to the final form of the changes, the existing policy and legislative review of the RTI Act and the IP Act will be profound and with corresponding consequences for the OIC and, potentially, its existing structure.

6.5.3 The culture of the OIC

Consistent with the observations made above about its strategic direction, the OIC has enjoyed something of a mixed blessing. On the one hand, it has had the advantage of a continuing cohort of senior officers which has enabled the OIC to develop a strong culture of teamwork and a clear commitment to the objectives of openness and accountability. On the other hand, that culture has faced the continuing impact of constrained resources (whether that be temporary, as opposed to permanent, funding or positions).

Separately, the impact of limited career progression has remained a hurdle. In relation to this specific issue, the strategic review in 2017 recommended that the "OIC develop and implement an appropriately funded career progression strategy, in coordination with broader resource uplift needs identified in this Review" (see Recommendation (g) of the PWC Consulting Report).

While a career strategy was developed by the OIC in consultation with staff through workshops during 2018 and key outcomes incorporated on the OIC intranet, as is apparent from other observations made during this review, that strategy has been hampered by the continuing impact of constrained resources (notably including elements of the "broader resource uplift" recommended by PWC Consulting).

Importantly, beyond the general conditions that apply to the OIC, it is critical that reference is made to the impact that unreasonable conduct which is, at times, an inevitable element of the OIC's functions, has upon the OIC. These matters can be time consuming, resource intensive and emotionally draining on staff wellbeing. To its credit, the OIC has developed a *Managing Complex and Unreasonable Behaviour* policy. In addition, the OIC has a range of broader strategies to address the wellbeing of staff.

Key findings

- 1 OIC continues to have an engaged and collegiate workforce, with a strong sense of purpose in their work, and a focus on achieving outcomes for their clients.
- 2 Constrained resources (whether human or financial) present challenges to workforce stability.
- 3 OIC should continue to monitor and manage unreasonable conduct in its various functions and, accordingly, monitor and manage staff wellbeing generally (and that associated with unreasonable conduct in particular).

6.6. Quality of service

This section addresses matters in relation to the following Terms of Reference:

Item	Terms of Reference
(e)	The quality and clarity of decisions by the Commissioner and delegates and their effectiveness in providing guidance on the interpretation and administration of the RTI and IP Acts
(f)	Community and agency access to OIC, including awareness of, and access to, OIC by Indigenous Queenslanders and members of the community and agencies in remote locations
(g)	The quality of and clarity of OIC guidelines and educational material on the RTI Act and IP Act, including in relation to the public interest test set out in section 49 of the RTI Act
(h)	Appropriate protocols for communication by and with OIC, including with other agencies and the public
(n)	The standard and quality of service provided by the OIC to agencies, Ministers, complainants and other participants

6.6.1 Content and knowledge dissemination

Beyond its enquiry service, it would be an understatement to say the OIC makes available detailed guidelines, educational material, policies and procedures for all of its functions and, to its credit, it has adopted an Access by Design model in relation to those policies and procedures. To that extent, it is modelling the behaviour that it encourages and expects of Queensland government agencies. Inevitably, however, users may form different opinions as to the navigability of that material although there is never a single audience and the OIC otherwise stands ready to assist users who may require additional navigation (whether through issues of literacy or language).

It would be unfair to the OIC not to conclude that there is universal admiration for the efforts made by the OIC to promote awareness and understanding of the RTI Act and IP Act. Inevitably, there are observations at the margin and, as noted above, all the submissions made to this strategic review should be made available to the OIC to enable it to take on board those observations. The observed approach of the OIC suggests that it will readily reflect upon those observations, engage with the relevant stakeholders to address the issues that have been raised and make amendments (if and as necessary and as the resources available to the OIC allow).

Importantly, the need for a focused training strategy was a particular recommendation of the strategic review in 2017 which recommended that: "A formal training and engagement needs analysis be conducted across agencies, and an appropriate training and stakeholder engagement strategy be developed and suitably funded" (see Recommendation (h) of the PWC Consulting Report).

For its part, the OIC completed a training and needs analysis in 2018, a training strategy in 2018-2019 (and has since revisited those initiatives).

In terms of the submissions received, the following should be noted:

"Relevant officers at UniSC have leveraged the templates, tools, checklists and other resources available via the OIC website to ensure compliance processes and professional expertise are developed and maintained. It is noted, however, that there are currently limited resources or training available specific to sectors outside of local government and health agencies. The general online training resources available through the OIC provide valuable information to individuals and decision-makers, however it is currently beholden upon institutions to develop internal training materials specific to areas such as teaching, research and other areas of risk specific to the higher education sector. While training resources of such specificity may not be achievable with the resources available within the OIC, it may be possible to host a forum for public universities to identify key areas of concern that could be jointly addressed across the sector. The broader legislative environment regarding privacy has become more complex for larger organisations such as public universities, so any further support that could be provided by the OIC would be beneficial" (see the submission of UniSC).

"While existing informal resolution processes may be effective in resolving external reviews, in the absence of a published decision, other agencies may not be in a position to appreciate the decision or issues involved which may have relevance for their future decision-making" (see the submission of EPW (and the DCHDE which is in comparable terms)).

Key findings

- 1 Queensland government agencies continue to value the usefulness of the various material made available by the OIC and the various platforms by which that material is made available.
- 2 The OIC's training and stakeholder engagement promotes compliance with the RTI Act and IP Act and the effectiveness of agencies.
- 3 Importantly, at times, the OIC is a victim of its own effectiveness and efficiency; for example, successful resolution of external review matters inevitably limits the availability of published decisions (albeit this particular issue continues to be addressed through the provision of case summaries by the OIC).

Recommendation

The OIC should continue to complete regular analyses of its training and engagement with Queensland government agencies, and refinements should continue to be made to relevant strategies (if and as necessary and as the resources available to the OIC allow).

6.6.2 Service and communication proficiency

Save for the matters addressed below, overwhelmingly, the enquiry and advice services of the OIC continue to meet and exceed the expectations of Queensland government agencies.

Having regard to the comments in relation to the external review function above, despite the efforts by the OIC to address the issue, there is a continuing need for the OIC to work closely with Queensland government agencies to monitor and update the status of applications. Importantly, having regard to the variation in the number of external review applications and the experience of Queensland government agencies, as well as the matters in issue, it is unlikely that there will be a one size fits all solution.

To that end and for the sake of completeness, it is noted that the strategic review in 2017 recommended that: "The potential for automated application status reports to be produced and distributed to agencies should be explored" (see Recommendation (i) of the PWC Consulting Report).

For its part, the OIC explored the potential for automated application status reports to be produced and distributed to agencies and concluded that the existing database does not allow the automatic production of meaningful reports. Ultimately, this strategic review considers that the solution lies in a combination of innovation and resources while also reflecting the wide variety of character of Queensland government agencies and their individual expectations of and experiences with the RTI Act and IP Act.

Sadly, on so many levels, COVID-19 (as well as severe weather events) has had, and continues to have, a devastating impact upon communities across the world. Nevertheless, consistent with ephemeral elements of our consciousness, as time has marched on, we have often forgotten that impact.

In terms of the submissions received, the following should be noted:

"During the COVID-19 pandemic and the severe weather events experienced in Queensland at the beginning of 2022, the OIC provided timely advice and online training material to advise on privacy requirements and exceptions. This formed a critical component of the University's response to the pandemic, and while it is noted that maintaining privacy requirements in the midst of rapidly changing COVID-19 requirements was challenging, this was due to a variety of factors not exclusive to the OIC" (see the submission of UniSC).

"Throughout the impact of COVID, OIC continued to provide professional and consistent advice within one to two business days. This was a significant achievement and one which we greatly appreciated" (see the submission of CQU).

"The value of face-to-face training should not be lost – particularly for officers new to RTI decision-making. a one- or two-day session drilling into issues such as the technicalities of the Act; preparing decision notices; and managing applicant expectations has proven particularly beneficial for new starters in the past. The face-to-face element also provides an opportunity for new starters and officers from small agencies to develop a network of practitioners. Staff turnover rates within agencies would justify delivering sessions quarterly" (see the submission of DES (and the comparable submissions of DRDMW, DAF and DoR)).

The final recommendation of the strategic review in 2017 was that "A formalised remote communications and engagement strategy should be created to help OIC further engage remote communities and agencies" (see Recommendation (j) of the PWC Consulting Report).

For its part, the OIC has developed a range of strategies which are designed to achieve that objective. Nevertheless, despite the best of intentions, as noted above, individual impacts may still be felt in rural and

remote communities and by Aboriginal and Torres Strait Islander People and other minorities irrespective of their location. In short, engagement of this type is always a journey and rarely a destination and the OIC is encouraged to continue to reflect upon its engagement strategies in order to ensure that all citizens fully enjoy the rights of access to information and information privacy.

Key findings

- 1 Overwhelmingly, the enquiry and advice services of the OIC continue to meet and exceed the expectations of Queensland government agencies.
- 2 The OIC is to be commended for maintaining its high standards during the COVID-19 pandemic and, like all Queensland government agencies, continue to consider the right mix of face-to-face and virtual engagement.

Recommendations

- 1 The OIC should continue to explore and develop a fit for purpose reporting system for external review applications that is reflective of the variation in the number of external review applications and the experience of Queensland government agencies, as well as the matters in issue.
- 2 The OIC should continue to reflect upon its engagement strategies to ensure all citizens fully enjoy their rights of access to information and information privacy.

7. Conclusions and next steps

7.1. Conclusions

Taken as a whole, this strategic review has not identified any issues of a kind which would suggest that either the RTI Act, IP Act or the performance of OIC is fundamentally flawed.

Rather, in terms of this strategic review, the primary issues relate to the need for additional resources to be provided to ensure that the OIC and Queensland government agencies properly perform their existing respective functions under the RTI Act and IP Act.

Critically, however, each of the RTI Act and the IP Act is currently under active review and it is more a question of the extent of change as opposed to whether change will occur.

Accordingly, if the Queensland Community is to be able to fully exercise the rights related to access to information and information privacy, it will be essential that the OIC and Queensland government agencies receive additional and adequate resources to enable each to properly perform those increased functions under the RTI Act and IP Act.

In terms of the timing of the receipt of additional and adequate resources, delay remains the deadliest form of denial.

7.2. Next steps

In terms of the existing performance of the OIC, the written submissions provided by Queensland government agencies and other stakeholders to this strategic review should be made available to the OIC. To that end, the reviewer will work with the OIC and the Department of Justice and Attorney-General to ensure that this occurs in a timely and efficient manner. Importantly, this will enable the OIC to engage in a direct dialogue with the relevant Queensland government agencies and other stakeholders, in the hope that this may result in an individual and collective benefit for all.

Finally, it is not unreasonable to assume that significant changes will be made to the RTI Act and IP Act, and the corresponding role of the OIC, as a result of the current policy and legislative review. In those circumstances, whereas the next strategic review would ordinarily be in five years, there would be advantage if that period of time was reduced to ensure any implementation issues are addressed sooner rather than later.

Appendix A: Terms of Reference

REQUIREMENT FOR STRATEGIC REVIEW

Section 186 of the *Right to Information Act 2009* (the RTI Act) requires a strategic review of the Office of the Information Commissioner (the OIC) to be conducted by a reviewer who is an 'appropriately qualified person'. Section 186(9) of the RTI Act requires the strategic review to include:

- (a) a review of the Information Commissioner's functions; and
- (b) a review of the Information Commissioner's performance of the functions to assess whether they are being performed economically, effectively and efficiently.

The Information Commissioner's functions are contained in chapter 4 of the RTI Act and chapter 4 of the *Information Privacy Act 2009* (the IP Act). Under the IP Act the Information Commissioner's functions include the function of a complaints body.

Section 189 of the RTI Act and section 195 of the IP Act set out the functions of the Parliamentary Committee in relation to the Information Commissioner. These functions include monitoring and reviewing the performance by the Information Commissioner of the Commissioner's functions under the RTI and IP Acts and reporting to the Assembly on any matter concerning the Commissioner, the Commissioner's functions or the performance of the Commissioner's functions. The Parliamentary Committee also reviews the reports of the strategic reviews and the annual report of the OIC.

SCOPE

The reviewer will be required to assess, and provide advice and recommendations about, the functions and the performance of the functions of the Information Commissioner and the OIC under the RTI Act and the IP Act in order to assess whether those functions are being performed economically, effectively and efficiently. The review will examine all structural and operational aspects of the OIC, as well as its relationship with public sector entities, relevant Ministers, the Parliamentary Committee, and the Legislative Assembly.

POWERS OF REVIEWER

In accordance with section 187 of the RTI Act the reviewer will have the powers of an authorised auditor under the *Auditor-General Act 2009* for an audit of an entity; and the *Auditor-General Act 2009* and other Acts apply to the reviewer as if the reviewer were an authorised auditor conducting an audit.

QUALIFICATIONS OF REVIEWER

The strategic review is to be conducted by a person of high professional standing with a sound understanding of:

- (a) models of independent review functions within an administrative law context;
- (b) modern decision-making frameworks;
- (c) public sector administration; and
- (d) management of a public sector agency.

The reviewer will need to demonstrate they have no pecuniary interest in the outcome of the review and have no established relationship with the OIC. The reviewer will also be required to demonstrate independence from

the OIC. In addition, knowledge of contemporary managerial and organisational standards and techniques would be beneficial.

METHODOLOGY

In conducting the strategic review, the reviewer is to have regard to existing strategic plans, annual reports, the organisational structure, goals, operational conduct, internal/external policies, operational management, corporate management and service provision of the OIC, and operational models in other Australian and international jurisdictions. Interstate and international travel will not be required.

The reviewer will also be required to take into account any other report or review which may impact on the Information Commissioner or the Office of the Information Commissioner.

The reviewer should consider any existing relevant reports in relation to the OIC, including for example the report for the previous strategic review dated 26 April 2017, the *Report of the Review of the Right to Information Act 2009 and Information Privacy Act 2009* tabled on 12 October 2017, and oversight reports by the Legal Affairs and Community Safety Committee.

The reviewer should also consider national and international reports about emerging developments and challenges in providing a contemporary privacy regime.

ISSUES TO BE CONSIDERED

In assessing the matters in section 186(9) of the RTI Act, the reviewer is to refer to the following matters:

- (a) current and alternative external review methodologies and processes, including alternative dispute resolution; and case and knowledge management;
- (b) whether there is a conflict, or perceived conflict, between OIC roles in:
 - (i) providing advice about how to interpret, administer and comply with the legislation; and
 - (ii) making determinations on applications under the legislation and reporting to the Parliamentary Committee on agency compliance;
- (c) current and alternative methodologies and processes for promoting access to public sector information and protecting personal information held by public sector agencies;
- (d) current and alternative strategies used to improve the quality of practice in right to information and information privacy in public sector agencies, including the provision of resources and training to agencies, and monitoring and reporting on agencies compliance with the legislation;
- (e) the quality and clarity of decisions by the Commissioner and delegates and their effectiveness in providing guidance on the interpretation and administration of the RTI and IP Acts;
- (f) community and agency access to the OIC, including awareness of, and access to, the OIC by Indigenous Queenslanders and members of the community and agencies in remote locations;
- (g) the quality of and clarity of OIC guidelines and educational material on the RTI and IP Acts, including in relation to the public interest test set out in section 49 of the RTI Act;
- (h) appropriate protocols for communication by and with the OIC, including with other agencies and the public;

- (i) the strategic direction and the operation of the OIC, including the organisational structure, skill profile and/or culture of the OIC and whether it is adequate for the OIC to effectively discharge its functions;
- (j) the impact upon the operations of the OIC of the RTI Act and the IP Act and whether any amendments to either Act are necessary or desirable to enhance operational effectiveness;
- (k) the effectiveness of existing processes and methodologies in fulfilling the legislative mandate of the OIC, having regard to the contemporary accountability requirements of Queensland's government agencies;
- (l) examination of trends in the workload of the OIC, including an examination of current and past methodologies relating to practices and procedures employed;
- (m) the extent to which review participants with high conflict behaviour impact on the workload, health and wellbeing of OIC officers and OIC's ability to deliver services;
- (n) the standard and quality of service provided by the OIC to agencies, Ministers, complainants and other participants;
- (o) the level of resourcing available to the OIC and whether this resourcing is adequate and appropriately used to discharge the functions and objectives;
- (p) differentiation of the function of the OIC under the IP Act from other complaints agencies, and how this difference can be used to minimise duplication, if any, of investigative resources and promote the role of the OIC in the community;
- (q) any other matters which impact on the strategic direction, economy, efficiency and effectiveness of the OIC.

DURATION

The proposed report on the review is expected to be provided to the Minister in accordance with section 188(1) of the RTI Act within four months of the commencement of the review.

In accordance with section 188(4) of the RTI Act the report on the review is then expected to be given to the Minister and the Information Commissioner after the reviewer has complied with sections 188(1) and 188(3) of the RTI Act.

REPORTING

Section 188(1) of the RTI Act requires the reviewer to provide a copy of the proposed report to the Attorney-General as the responsible Minister and the Information Commissioner before the report is finalised. Under section 188(2) of the RTI Act, the Information Commissioner may, within 15 days of receiving a copy of the proposed report, give comments to the reviewer on the proposed report, in which case the reviewer must comply with section 188 (3) of the RTI Act.

In accordance with section 188(4) of the RTI Act, the final report of the review is to be presented to the Attorney-General and the Information Commissioner, in a suitable format for tabling in the Legislative Assembly. The report should be presented to the Attorney-General no later than 10 business days after complying with section 188(1) and 188(3) of the RTI Act.

Appendix B: Submissions

No.	Organisation name	Date of response
1.	University of the Sunshine Coast	07.08.2022
2.	Office of the Public Guardian	09.08.2022
3.	Department of Environment and Science	12.08.2022
4.	Department of Regional Development, Manufacturing and Water	18.08.2022
5.	Central Queensland University	18.08.2022
6.	Barcoo Shire Council	18.08.2022
7.	Brisbane City Council	19.08.2022
8.	Office of the Public Advocate	22.08.2022
9.	Ipswich City Council	23.08.2022
10.	Department of Transport and Main Roads	24.08.2022
11.	Electoral Commission of Queensland	24.08.2022
12.	Western Downs Regional Council	26.08.2022
13.	Legal Aid Queensland	26.08.2022i
14.	Queensland Treasury	29.08.2022
15.	Department of Energy and Public Works	29.08.2022
16.	Department of Communities, Housing and Digital Economy	31.08.2022
17.	Department of Education	01.09.2022
18.	Office of the Queensland Ombudsman	01.09.2022
19.	Queensland University of Technology	01.09.2022
20.	Department of Employment, Small Business and Training	02.09.2022
21.	Department of Agriculture and Fisheries	05.09.2022
22.	Local Government Managers Association Queensland Inc	05.09.2022
23.	Public Trust Office	05.09.2022
24.	Queensland Indigenous Family Violence Legal Service	05.09.2022
25.	Australian Broadcasting Corporation	05.09.2022
26.	Aboriginal & Torres Strait Islander Women's Legal Service NQ Inc.	06.09.2022
27.	Queensland Law Society	09.09.2022
28.	Queensland Fire and Emergency Services	12.09.2022
29.	Department of Resources	14.09.2022
30.	Queensland Corrective Services	23.09.2022
31.	Office of Strategic Review	26.09.2022
32.	Queensland Police Service	26.10.2022